

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

Board of Governors Meeting
Meeting Materials

June 26-27, 2020
Webcast & Teleconference



**Board of Governors Meeting
Teleconference and Webcast
June 26-27, 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 1-888-788-0099 or 1-877-853-5247

Friday June 26 Meeting ID: 956 2364 5735

Saturday June 27 Meeting ID: 948 2755 6056

FRIDAY, JUNE 26, 2020

8:30 AM – CALL TO ORDER

- WELCOME

CONSENT CALENDAR & STANDING REPORTS

CONSENT CALENDAR

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

- Review & Approval of May 19, 2020 BOG Special Meeting Minutes 7
- Review & Approval of April 15, 2020 BOG Special Meeting Minutes 9
- Review & Approval of April 17, 2020 BOG Meeting Minutes..... 11
- Review & Approval of Revised March 30, 2020 BOG Meeting Minutes 17
- Review & Approval of Revised January 16-17, 2020 BOG Meeting Minutes 19
- Approve Client Protection Board Recommendations 27

PRESIDENT’S REPORT

PRESIDENT-ELECT REPORT ON JULY BOARD RETREAT

- Whatcom and Skagit County Local Heroes

INTERIM EXECUTIVE DIRECTOR’S REPORT 28

INTERVIEWS AND SELECTION OF 2020-2021 WSBA PRESIDENT-ELECT

The candidate will have 3 minutes for an opening statement, followed by 10 minutes for questions and answers. The order is determined by random drawing. The Board will have a discussion, followed immediately by the election, conducted by roll-call vote 323

FIRST READ: RATIFICATION OF EMERGENCY BYLAW AMENDMENT ART. VI.G RE GOVERNOR ELECTIONS..... 55

MEMBER AND PUBLIC COMMENTS (30 minutes reserved)

Overall public comment is limited to 30 minutes and each speaker is limited to 3 minutes. The President will provide an opportunity for public comment for those in the room and participating

remotely. Public comment will also be permitted at the beginning of each agenda item at the President’s discretion.

REPORTS OF STANDING OR ONGOING BOG COMMITTEES

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

- Executive Committee, Pres. 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
- Budget & Audit Committee, Treas. Dan Clark, Chair 58

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THE WSBA RESPONSE TO OUR NATIONAL DIALOGUE, President Rajeev Majumdar

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- Ad Hoc Committee to Investigate Alternatives to Mandatory Malpractice Insurance for Consideration by the WSBA and the Washington Supreme Court, Gov. Kyle Sciuchetti, Chair 130
- Council on Public Defense, Vice-Chair Travis Stearns..... 185

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- APEX AWARDS COMMITTEE RECOMMENDATIONS FOR 2020 AWARDS, Gov. Russell Knight ... 249**
- BUDGET & AUDIT COMMITTEE ITEMS, Treas. Dan Clark, Chair and Chief Financial Officer Jorge Perez**
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- DIPLOMA PRIVILEGE ISSUES**
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 - Letter of LLMs and other correspondence 294
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SATURDAY, JUNE 27, 2020

8:30 AM – RESUME PUBLIC SESSION

- EVALUATION OF THE INTERIM EXECUTIVE DIRECTOR & CONSIDERATION OF REMOVAL OF INTERIM TITLE 296**
- ANNOUNCE BASIS FOR EXECUTIVE SESSION PURSUANT TO RCW 42.30.110(1)(i) (if needed)**

EXECUTIVE SESSION (if needed)

PUBLIC SESSION

AGENDA ITEMS & UNFINISHED BUSINESS CONTINUED

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INTERVIEWS AND SELECTION OF 2020-2023 WSBA AT-LARGE GOVERNOR

Each candidate will have 3 minutes for an opening statement, followed by 10 minutes for questions and answers. The order is determined by random drawing. Discussion election will follow immediately after and will be conducted by roll-call vote..... 328

NEW BUSINESS

GOVERNOR ROUNDTABLE

This is an opportunity for Governors to raise issues of interest.

5:00 PM – ADJOURN

INFORMATION

- General Information 437
- Monthly Financial Statements 452

2019-2020 Board of Governors Meeting Issues

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

Held Virtually

May 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 Tuesday, May 19, at 12:00 PM. Governors in attendance were:

Hunter M. Abell

Sunitha Anjilvel

Daniel 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, and Executive Administrator Shelly Bynum.

Pres. Majumdar announced that the Board would meet in Executive Session as permitted by RCW 42.30.110(i)-to discuss with legal counsel representing WSBA litigation or potential litigation to which WSBA is likely to become a party and that no final action would be taken in Executive Session. He noted that executive session was anticipated to end at 12:12 PM and that he would make a public announcement if executive session was going to be extended. The President made a public announcement that executive session would be extended and that the public session would resume at 12:45 PM.

Public session resumed at 12:45 PM.

Proposed Emergency Bylaw Re: Timing of 2020 Elections

Pres. Majumdar presented the emergency bylaw to extend the time for Board elections. Gov. Swegle moved for approval. Motion passed unanimously. Gov. Grabicki was not present for the vote.

Amended Meeting Resolution

Pres. Majumdar presented the amended meeting schedule to be submitted to the Washington State Office of Code Reviser. Gov. Swegle moved for approval. Motion passed unanimously. Gov. Grabicki was not present for the vote.

ADJOURNMENT

There being no further business, Pres. Majumdar adjourned the meeting at 1:10 PM.

Respectfully submitted,

Terra Nevitt
WSBA Interim Executive Director & Secretary

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING

Minutes

Held Virtually

April 15, 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 Wednesday, April 15, at 1:05 PM. Governors in attendance were:

Hunter M. Abell

Sunitha Anjilvel

Peter J. Grabicki

Carla Higginson

Kim Hunter

Jean Kang

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 Disciplinary Counsel Doug Ende, Chief Financial Officer Jorge Perez, Executive Administrator Shelly Bynum, and Dale Kingman.

Pres. Majumdar announced that the Board would meet in Executive Session as permitted by RCW 42.30.110(i)-to discuss with legal counsel representing WSBA litigation or potential litigation to which WSBA is likely to become a party and that no final action would be taken in Executive Session. He noted that executive session was anticipated to end at 1:40 PM and that he would make a public announcement if executive session was going to be extended. The President made a public announcement that executive session would be extended and that the public session would resume at 2:25.

Public session resumed at 2:25PM.

Gov. Grabicki moved to adopt the proposed resolution and release before the board. Gov. Higginson clarified that the version includes a release of the officers. Motion passed 10-2.

Gov. Grabicki moved that coverage counsel send an appropriate letter to our insurance carrier with regard to their recent communications that explains why their actions are inappropriate. Motion passed unanimously. Gov. Stephens abstained. Gov. Swegle was not present for the vote.

ADJOURNMENT

There being no further business, Pres. Majumdar adjourned the meeting at 2:40PM.

Respectfully submitted,

Terra Nevitt
WSBA Interim Executive Director & Secretary

DRAFT

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING

Minutes

Held Virtually

April 17, 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 Friday, April 17, 2020 at 9:07 AM. Governors in attendance were:

Hunter M. Abell
Sunitha Anjilvel
Daniel D. Clark
Peter J. Grabicki
Carla Higginson
Kim Hunter
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.

Consent Calendar

Treas. Clark moved for approval of the consent calendar. Motion passed unanimously. Gov. Abell was not present for the vote.

President's Report on Necessary & Routine Matters and WSBA's Response to COVID-19

Pres. Majumdar provided his report.

Interim Executive Director's Report on Necessary & Routine Matters and WSBA's Response to COVID-19

Interim Executive Director Nevitt provided her update on WSBA's response to COVID-19. Gov. Stephens noted that the "Contact Us" page at wsba.org provides information on visiting the WSBA offices and should be updated during the closure of the physical office. Gov. Abell asked for an update on questions previously raised related to employee leave, which was provided.

Member & Public Comments

Addie Smith provided public comment.

Reports of Standing or Ongoing BOG Committees

Executive Committee. Pres. Majumdar reported that Monday's Executive Committee meeting is rescheduled to May 4 and the May board meeting is rescheduled to June 11-12.

APEX Awards Committee. Gov. Knight reported that the Committee met last week to select nominations for APEX Awards. He noted that the Committee is still collecting nominations for the Outstanding Judge award until April 24. Nominations will be presented at the June meeting for approval by the Board.

Personnel Committee. Gov. Stephens reported that the Committee is working on the performance assessment of the Interim Executive Director and will present the Board with a recommendation at the June meeting. Human Resources Director Neals provided an update on the process the Committee is using.

Legislative Committee. Gov. Sciuchetti noted that a full report of the Committee's activities will be provided later in the meeting.

Nominations Review Committee. Gov. Sciuchetti reported that there are no updates for this Committee.

Diversity Committee. Pres. Majumdar reported that the Committee is working on developing a process for the election of the at-large governor position pursuant to the amended bylaws. Gov. Stephens reported that the Committee put on a Legal Lunchbox on March 31, *Hate Crimes in the Pacific Northwest* that reached our maximum capacity of 2,500 people and has been made available for free, on-demand.

Long-Range Planning Committee. Gov. Swegle asked for feedback on the purpose of the Committee. Discussion followed.

Member Engagement Workgroup. Pres. Majumdar and Gov. Hunter provided updates, noting that the March meeting was cancelled due to COVID-19 and some activities were also impacted.

Budget & Audit Committee. Pres. Majumdar read comments from Treas. Clark and referenced the written report. He noted the Committee will meet on Monday, April 20.

Corona Task Force Report

Co-Chair and Interim Director of Advancement Kevin Plachy presented on the goals of the Task Force, which was established on March 25 to advise WSBA on broader issues impacting the membership and the public and work collaboratively with WSBA's internal task force. As a result of this collaboration, the internal task force has produced a library of seven on-demand CLEs on COVID-19 related topics; developed a free, live webinar series, *Practicing During a Pandemic*; written blog posts on COVID-19 related topics; and posted resources on the CARE Act. Co-Chair Cherry reported on the Task Force's other work including, discussing whether and how to provide guidance to the membership on which legal services are considered essential; the inconsistency of courts in interpreting the Supreme Court's order related to court operations; and the orderly reopening of courts. Co-Chair Plachy reported on the most recent meeting focused on concerns related to witnessing of wills. Based on the advice of a group of experts they convened, the Task Force is recommending that the WSBA offer education to members about best practices for witnessing wills during this time, but that the larger issue is best left to the Legislature. This will be addressed in an upcoming webinar. Chief Niegowski referred to WSBA's COVID-19 News, Resources and Response page, which has been informed by both task forces based on questions and needs of members and the public.

Interim Executive Director Nevitt read a public comment from Jean Cotton.

Gov. Hunter reported on the evolving feedback she has been receiving from the Solo and Small Practice Section seeking guidance from WSBA.

Governor Liaison Reports

Gov. Anjilvel reported on her work with the Practice of Law Board, the International Practice Section, and the Editorial Advisory Committee. Treas. Clark reported on the Yakima County Bench-Bar Meeting and his work with the Superior Court Judges Association. Gov. Hunter reported on her work with the Solo and Small Practice Section and the District and Municipal Court Judges Association. Gov. McBride reported on feedback he has received on inconsistency in court openings. Gov. Peterson reported on his work trying to get information out to members about COVID-19. Pres-Elect. Sciuchetti reported that the Legislative Review Committee has not met and on his work with the World Peace Through Law Section and the Committee on Professional Ethics. Gov. Stephens reported on his work providing information to potential candidates for the at-large seat and his blog post about that position. Gov. Swegle reported on his communications with members about BOG elections. Gov. Tollefson reported on his communications with members, which has already been shared with the COVID-19 Task Force and his work with the Superior Court Judges Association.

First Read: Ratification of Emergency Amendment to WSBA Bylaws Article XVII Re: Presidential Authority During COVID-19 Emergency

Pres. Majumdar presented the topic as provided in the materials noting that the emergency bylaws passed by a two-thirds majority at the March 30 meeting. He reported that no powers had yet been executed under this order.

Legislative Committee Matters

Gov. Sciuchetti and Outreach & Legislative Affairs Manager Sanjay Walvekar provided a report on the work of the Committee including a proposal for WSBA sections to develop white papers to make available as resources and a request that the WSBA co-sponsor an ABA resolution to prohibit the sale of shark fins. The Committee will continue to explore both topics.

Update on Recommendation Re: Proposed Policy Re: Legislative Activity of Sections. Gov. Sciuchetti provided an update on the development and review of this proposed policy. He noted that Gov. Higginson is working to align the policy with our existing Legislative Comment Policy and the policy will come back to the Board in June. Nancy Hawkins, Annie Fitzsimmons, and Jean Cotton provided public comment. Interim Executive Director Nevitt read a comment from the Real Property Probate and Trust Section. Discussion followed.

Law Student Petition Re: July Bar Exam and Impact of COVID-19

Former SBA President Efrain Hudnell, Seattle University School of Law; SBA President Emina Dacic, University of Washington School of Law; and Daniel Keum, representing students outside of the state wishing to practice in Washington, presented their petition for diploma privilege in lieu of the Uniform Bar Exam requirement if it cannot be administered safely in July. The Washington Supreme Court Chief Justice and other Justices were also participants in the discussion. Chief Regulatory Counsel Jean McElroy presented an overview of WSBA's exam planning and the rules governing admissions, including the Rule 9 limited license. Chief McElroy reported that the National Council of Bar Examiners clarified yesterday that states can offer both a July examination and one fall examination as an option to students. She also clarified that the Utah diploma privilege rule is not yet adopted, but has been open for comment. Discussion followed among the presenters, governors and members of the Supreme Court of Washington. Several public comments were taken.

Gov. Higginson moved to respectfully reject the law-student proposal and forward a recommendation to the Court with a suggestion that they contact the Governor to clarify whether the bar exam could proceed if appropriate precautions were taken. Pres. Majumdar requested that the motions be bifurcated. Gov. Higginson and her second consented to the bifurcation. On the first part of the motion, Gov. Higginson clarified that her motion would not require that the exam be held at the Tacoma Convention Center if that's not possible. Motion passed unanimously. Gov. Swegle was not present for the vote.

The Board then took up the second part of the motion, restated as: that WSBA, through our President, contact the Governor to request that he clarify that the exam can be held in July without violating his social distancing orders. Discussion followed. Gov. Higginson withdrew her motion and moved that bar staff work to hold the bar exam in July in the safest manner reasonably possible, to include holding it in smaller groups across the state, including possibly at the law schools. Gov. Higginson accepted a friendly amendment that her motion would not exclude moving the exam date if necessary. Motion passed unanimously. Gov. Swegle was not present for the vote.

Pres. Majumdar noted that he would report to the Court the results of the board's discussion as well as all the public comments received.

Washington State Bar Association Trustee Appointment

WSBF President Kristina Larry presented an overview of the make-up of the WSBF Board of Trustees and requested approval of the appointment of Peter Finch, who was recommended unanimously by the WSBF Board of Trustees. Gov. Grabicki moved for approval. Motion passed unanimously. Gov. Swegle was not present for the vote.

Committee on Professional Ethics Matters

Update on Proposed Comment 8 to RPC 6.5 Re: Nonprofit and Court-Annexed Limited Legal Service Programs. CPE Subcommittee Chair Brooks Holland reported the Committee's position that the proposal is moot because the proponent has requested that the Court withdraw the proposal and intends to submit a revised proposal in the fall. Chair Holland reported that the CPE recommends the Board support the request of the Pro Bono Council in their request to withdraw their proposed comment. Gov. Clark moved to accept the proposal. Motion to adopt the Council's recommendation passed unanimously.

Recommendation on Revised Proposed Amendment to RPC 7.3 Re: Solicitation of Clients. CPE subcommittee members Asel Neutze and Pam Anderson presented the Committee's recommendation that the revised proposed amendment not be adopted as provided in the materials. Gov. Knight moved that to recommend to the Supreme Court that the rule not be adopted in line with the CPE's recommendation. Gov. Knight accepted an amendment to his motion to embrace the points made by the Committee in the materials. Motion passed unanimously.

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 presented the recommendation of the Council on Public Defense and requested that the Board approve sending comments on its behalf. Gov. Grabicki moved to approve the request, to adopt the recommendation of the Committee, and to allow them to go forward with their comment to the Court on behalf of the WSBA. Discussion followed. General Counsel Shankland confirmed that the comment deadline had been extended. Gov. Clark moved to table to the next meeting and send the proposal to the Criminal Law Section. Motion was approved 11-1. Gov. Anjilvel was not present for the vote.

Pres. Majumdar requested that Chair Rodrigues reach out to the Criminal Law Section and to copy Gov. Hunter and himself on the request. He requested that Interim Executive Director Nevitt provide Gov. Hunter with all of the materials.

Establish Task Force to Investigate Courts Systems' Ability to Respond to COVID-19

Gov. Grabicki presented his proposal. Pres. Majumdar read a public comment from Laura Bradley. Discussion followed. Gov. Grabicki moved for adoption of the proposal. Gov. Higginson moved to table the proposal pending a financial forecast. Motion failed 7-5. Gov. Anjilvel was not present

for the vote. Gov. Grabicki's original motion passed 8-4. Gov. Anjilvel was not present for the vote.

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

President-Elect. Sciuchetti presented the proposed charter and roster for the Task Force. Gov. Peterson moved to approve. Discussion followed. Gov. Sciuchetti indicated he would welcome a seventh member from the incoming class of governor-elects. Motion passed 9-1. Gov. Hunter abstained. Gov. Anjilvel was not present for the vote.

FY20 Budget Reforecast

Treas. Clark provided an overview of the Budget Reforecast process and Chief Financial Officer Perez presented the results and requested the Board's approval of the reforecast budget for use in the second half of the year. Gov. Stephens moved for approval. Chief Regulatory Counsel McElroy noted that changes to the July Bar exam might impact the admissions budget. Motion passed unanimously. Chief Perez agreed to distribute the PowerPoint and the reforecast budget.

Governor Roundtable

There were no Governor Roundtable items.

ADJOURNMENT

There being no further business, Pres. Majumdar adjourned the meeting at 4:39 PM on Friday, April 17, 2020.

Respectfully submitted,

Terra Nevitt
WSBA Interim Executive Director & Secretary

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, [Nancy Hawkins](#) 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

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING

Minutes
Seattle, WA
January 16-17, 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, January 16 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 J. Higginson
Kim Hunter
Jean Y. Kang
Russell Knight
Bryn Peterson
Kyle D. Sciuchetti
Alec Stephens
Paul Swegle
Judge Brian Tollefson (ret.)

Also in attendance were Interim Executive Director Terra Nevitt, General Counsel Julie Shankland, Chief Financial Officer Jorge Perez, Director of Human Resources Felix Neals, Chief Communications and Outreach Officer Sara Niegowski, Chief Disciplinary Counsel Doug Ende, Chief Regulatory Counsel Jean McElroy, Interim Director of Advancement Kevin Plachy, and Executive Administrator Shelly Bynum. Also present and signed in as attending were Nancy Hawkins (WSBA Family Law Executive Committee Liaison), Jennifer Ortega (LLLT Board), James E. Macpherson (Washington Defense Trial Lawyers), Maureen Mitchell and Jean Cotton.

Deleted: and

Consent Calendar

Gov. Abell moved approval of the consent calendar. Motion passed unanimously. Gov. Higginson was not present for the vote.

Executive Director's Report

Interim Executive Director Nevitt referred to her written report and took questions from the Board about utilization of the Keller deduction and the legal research tools WSBA offers as a free member benefit.

President's Report

Pres. Majumdar reported on Board engagement with the members around the state, including dinner with QLaw the evening before.

Member and Public Comments

The Board received public comment from James MacPherson, Kevin Whatley, and Jennifer Ortega.

Reports of Standing or Ongoing BOG Committees

Executive Committee

Pres. Majumdar reported on the most recent Executive Committee meeting.

APEX Awards Committee

Gov. Knight reported that WSBA is seeking APEX Award nominations and the Committee is exploring a proposal to change the manner in which the awards are presented.

Personnel Committee

Gov. Stephens reported that the Personnel Committee is discussing the compensation system and the design of the evaluation for the Executive Director.

Legislative Committee

Gov. Sciuchetti reported on the joint meeting of the BOG Legislative Committee and the Legislative Review Committee. Discussion followed.

Nominations Review Committee

Gov. Sciuchetti reported on the Nominating Committee meeting held earlier in the day.

Diversity Committee

Gov. Kang reported that the Committee met yesterday and is discussing recruitment for the Committee, the Board of Governors, and sections. She also reported on the IL mentorship event the Committee recently completed as well as upcoming projects, including a Legal Lunchbox CLE and Beyond the Dialogue forum.

Long-Range Planning Committee

Gov. Swegle reported that the Committee has met and shared his vision for the Committee's work this year.

Member Engagement Work Group

Gov. Hunter reported that the Workgroup is examining its charter and the committee's vision for engaging with the members this year.

Gov. Stephens requested that we examine our most recent strategic plan with an eye toward developing a new strategic plan in the future. Pres. Majumdar asked that Gov. Swegle and the Long-Range Planning Committee consider that suggestion.

Budget & Audit Committee

Treas. Clark referred to his written report. Chief Financial Officer Perez presented on the financial audits and the budget reforecast processes. Discussion followed. CFO Perez also presented a budget request to purchase budgeting software. Pres. Majumdar set a special meeting for Friday, January 17, 2020, at 4PM to take up the budget request.

Reports of Task Forces, Work Groups and Liaisons

ABA Mid-Year Meeting Preview

WSBA ABA Delegate Maureen Mitchell reported on some of the issues the ABA House of Delegates has taken up in the past and provided a preview of issues that will be addressed at the upcoming meeting, including resolutions related to gun safety, voting rights, federal election security, regulation of unmanned vehicles, and the Violence Against Women's Act. Discussion followed.

Client Protection Fund (CPF) Annual Report

Acting Chair Carrie Umland presented the Client Protection Fund's annual report as provided in the materials. Umland and Assistant General Counsel Nicole Gustine took questions. Discussion followed.

Governor Liaison Reports

Gov. Abell reported that he has been in close contact with the Indian Law Section and passed on concerns about potential changes in the University of Washington Native American Law Center. Gov. Stephens reported that he participated in the Civil Rights Section's annual retreat.

Personnel Committee Matters

Second Read: Partial Proposed Amendment to WSBA Bylaws

Gov. Stephens presented the Bylaw proposal for second read as provided in the materials. The Board heard public comment from Jim MacPherson. Interim Executive Director Nevitt provided comment and then excused herself for the discussion. Discussion followed. Gov. Grabicki moved to table to proposal for the Personnel Committee to start over. Motion failed 8-5. Gov. Swegle moved to amend the proposal to add to Article IV, B.6 at end of the sentence: "No individual shall serve as Executive Director for more than ten years, except that the Board may extend the

contracts for the Executive Director past that period in its discretion by a 66% supermajority vote for increments of two-year periods.” Motion to amend passed 10-3. Gov. Swegle moved the proposal as amended. Motion passed 8-5.

Proposed Technical Amendments to APR 8(b)

Chief Regulatory Officer McElroy presented the proposed amendments to Admission to Practice Rule 8(b) as provided in the materials. Discussion followed. Gov. Abell moved for adoption. Motion passed unanimously.

Legislative Committee Matters

Legislative Session Report

Outreach and Legislative Affairs Manager Sanjay Walvekar provided a report on the current legislative session as provided in the materials. Walvekar took questions and discussion followed.

Legislative Review Committee Policies & Procedures

Gov. Sciuchetti presented the proposed changes to the Legislative Review Committee's policies and procedures as provided in the materials. Discussion followed. Gov. Sciuchetti moved for passage of the proposal as set forth in the materials. Motion passed unanimously.

Appointment to the Client Protection Board

Pres. Majumdar introduced the topic, noting that appointments are made by the President-Elect and approved by the Board. President-Elect Sciuchetti requested a motion. Gov. Swegle moved the appointment. Motion passed unanimously with Gov. Kang abstaining.

Proposed Amendments to WSBA Bylaws

Second Read: Article II RE: Definition of Quorum

Pres. Majumdar introduced the proposal as provided in the materials. Gov. Stephens moved for adoption. Motion passed unanimously.

Second Read: Article IV & VI RE: Board Terms, Composition, and Elections

Gov. Knight introduced the revised amendment as provided in the materials. The Board heard public comment from Jordon Couch, Jim MacPherson, Crystal Lambert (LLLT Board), Kevin Whatley, and Jean Cotton. Discussion followed. Gov. Knight moved to amend and adopt the proposal to change all references to "new and young lawyer" to "Young Lawyer," which is a defined term in the Bylaws and to add language to clarify that if the BOG adds names, the vote is still by only those members who are Young Lawyers and not the entire membership.

b. Young Lawyer At Large Governor: The Washington Young Lawyers Committee shall forward at least three candidates to the BOG who qualify as Young Lawyers as defined by Article XII(B) of these Bylaws as of December 31 in the year of the election. The BOG shall then place all candidates forwarded by the Washington Young Lawyers Committee on the ballot to be elected by a vote of all Young Lawyer Members as defined in section XII(B) of these bylaws. If the Washington Young Lawyers Committee forwards less than three candidates the BOG may, at its option, select additional qualifying candidates on its own or place only those candidates forwarded by the Washington Young Lawyers Committee on the ballot to be elected by a vote of all Young Lawyer Members as defined in section XII(B) of these bylaws.

Discussion followed. Gov. Abell moved to sever the question into three parts (1) term limits, (2) number and composition of board members, and (3) how at-large positions are filled. Motion passed 11-2.

The Board took up discussion of term limits and voted on the severed motion, which passed unanimously. Gov. Swegle was not present for the vote.

The Board took up the discussion of the number and composition of board members. Gov. Higginson called the question. Motion passed unanimously. The severed motion on this topic passed unanimously.

The Board took up the discussion of the at-large positions. The Board heard public comment from Jordan Couch, Jim MacPherson, and Kevin Whatley. Discussion followed. Gov. Higginson called the question. Motion passed 12-1. The severed motion on this topic passed 12-1.

Second Read: Article VII RE: Executive Committee Composition

Gov. Swegle moved the proposal as provided in the materials. Motion passed unanimously.

Second Read: Article XI RE: Sections

Gov. Higginson presented the recommendation of the Ad-Hoc Advisory Committee on the Form of the Proposal for a Bylaw Re: Sections and Public Positions that a Bylaw proposal is not required. Gov. Higginson presented her alternate proposed policy as provided in the materials. The Board took public comment from Nancy Hawkins and Jean Cotton. Discussion followed. Gov. Higginson moved that the policy be adopted as an initial draft to be submitted to the Legislative Committee, which will reach out to the Sections for input and report back to the Board. Motion was not seconded. Gov. Swegle moved to amend the policy where it details the basis for the GR 12 reasoning to merely state that the Section provide a good faith reason under GR 12. Motion was not seconded. Gov. Swegle moved to approve the policy. Motion was not seconded. Gov.

Stephens moved to refer the policy to the Legislative Committee for further work. Gov. Higginson offered a friendly amendment to approve the policy in the materials as a draft. Gov. Stephens did not accept. Gov. Peterson offered a friendly amendment that after the Legislative Committee reworks the draft, the policy be circulated to sections for feedback. This amendment was accepted. Motion passed unanimously. Gov. Swegle was not present for the vote. Pres. Majumdar directed that this item be put on the agenda for the March BOG Meeting.

First Read: Article III Re: Judicial Status

Gov. Hunter introduced the proposal as provided in the materials. Chief Regulatory Counsel McElroy provided further detail on the proposed amendments. Discussion followed. Pres. Majumdar noted that the matter was not on for action and would be taken up at the March meeting.

Update on Mandatory Malpractice Insurance

Pres. Majumdar presented his request for the Board's endorsement on his proposed approach as provided in the materials to addressing the proposed court rule related to mandatory malpractice insurance. The Board heard public comment from Kevin Whatley (Equal Justice Washington) and Jim MacPherson. Gov. Higginson moved the proposal. Motion passed unanimously.

Presentation on Office of General Counsel's Role in Disciplinary Proceedings

General Counsel Shankland presented on the Office of General Counsel's role in the Washington State legal discipline system.

Proposed Amendments to WSBA Bylaws (continued)

Second Read: Article XI RE: Sections (continued)

Pres. Majumdar introduced the bylaw change as provided in the materials. Gov. Swegle provided background on the reason for the moved the proposal. Motion passed unanimously.

Proposed Rulemaking Re: Civil Arrests in Connection with Judicial Proceedings

Vanessa Torres Hernandez, Director of Advocacy at the Northwest Justice Project, Annie Benson, Senior Directing Attorney at the Washington Defender Association, and Enoka Herat, Police Practices and Immigration Counsel of the ACLU of Washington provided the background and rationale for the proposed rulemaking.

Committee on Professional Ethics Chair Don Curran deferred to Committee Members Asel Neutze and Pamela Anderson to present the committee's position on the proposed rulemaking.

The Board heard public comment from Kevin Whatley. Discussion followed. It was pointed out that because both proposed rules are on an expedited 60-day comment period, the deadline for submission of comments is February 3. Gov. Swegle moved to recommend to the Court adoption of GR 38 as appearing on page 304 of the materials. Gov. Abell proposed that we request an extension for time to comment on the proposed amendment to Comment 4 to RPC 4.4. Pres. Majumdar indicated that there was already a motion on the table relating to GR 38, which the Board would resolve first. There was no second to Gov. Abell's proposal. The underlying motion passed 11-1. Gov. Peterson was not present for the vote.

Discussion followed regarding the proposed amendment to Comment 4 to RPC 4.4. Gov. Abell moved that WSBA request additional time from the Supreme Court to comment sufficient to encompass the next meeting of the Committee on Professional Ethics. Motion passed 9-4. Pres. Majumdar requested that the Committee consider meeting sooner to resolve the matter quickly so that the Board can comment before expiration of the February 3 deadline.

Proposed Policy Re: Process for Bringing Matters to the BOG

Interim Executive Director Nevitt presented the proposed policy as presented in the materials. Discussion followed. Gov. Abell moved for adoption. Gov. Knight moved to amend to add language that it doesn't limit President *or* any Governors authority under the bylaws to put things on the agenda. Motion passed unanimously. Underlying motion passed unanimously.

Governor Roundtable

Gov. Abell reported on efforts to move forward on the Rural Practice Initiative.

Announce Basis for Executive Session Pursuant to RCW 42.30.110(1)(i)

Pres. Majumdar announced that the Board will meet in Executive Session as permitted by RCW 42.30.110(i)-to discuss with legal counsel representing WSBA potential litigation to which WSBA is likely to become a party.

The Board recessed to executive session at 1:50 PM for advice from legal counsel about potential litigation and resumed the meeting at 2:30 PM.

LLLT Candidate Education

Interim Executive Director Nevitt introduced the proposal as provided in her Interim Executive Directors Report. The Board took public comment from Nancy Hawkins. Discussion followed. Gov. Higginson moved that the WSBA take no action to provide LLLT education at this time. Motion passed 11-1 with Gov. Stephens abstaining.

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:51 PM on Friday, January 17, 2020.

Respectfully submitted,

Terra Nevitt
WSBA Interim Executive Director & Secretary

REVISED DRAFT

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Interim Executive Director Terra Nevitt
DATE: June 15, 2020
RE: **Client Protection Board Recommendations**

ACTION: Approve the recommendations of the Client Protection Board.

The materials for this topic have been provided confidentially through Box. The links to those materials are below.

- [Memo from Assistant General Counsel Nicole Gustine, Confidentiality of Client Protection Board Recommendations, May 14, 2020](#)
- [Memo from Assistant General Counsel Nicole Gustine, Client Protection Board Recommendations, May 14, 2020](#)

TO: WSBA Board of Governors
FROM: Interim Executive Director Terra Nevitt
DATE: June 18, 2020
RE: Executive Director's Report

COVID19 Response

The WSBA Coronavirus Internal Task Force has continued working to deliver resources and programs to support WSBA members and the public during these unprecedented times. In addition to the activities outlined below, check our WSBA's COVID19 Resource Page at <https://www.wsba.org/for-legal-professionals/member-support/covid-19>.

- Developed and delivered 14 free, on-demand CLEs on COVID19 related topics. As of June 15 those CLEs have been downloaded 15,628 times through the WSBA Store.
- Developed six live webinars as part of the *Practicing During a Pandemic* series. The live programs attracted 8,552 attendees.
- Michael Cherry, Deputy Chair of the External Coronavirus Task Force recruited the Regional Director of the Small Business Administration in Washington to provide a free webinar to WSBA members about the second round of funds that were made available through the CARE Act for PPP loans. WSBA staff coordinated with the speaker and had the webinar ready for the members to view in less than a week!
- Published approximately six pages of COVID19 related content in the June 2020 issue of Bar News.
- Published five COVID19 related articles on NWSidebar, the WSBA Blog since April 27, including:
 - *Can You Practice in a New Area of Law During COVID-19? (May 22)*
 - *Addressing Data Security and Privacy – Especially While Working Remotely (May 11)*
 - *Unemployment, Civil Legal Aid, and the COVID-19 Crisis (May 8)*
 - *Online Dispute Resolution in the Time of Coronavirus (May 6)*
 - *Coronavirus and Cannabis: How the Essentialness of Marijuana Varies State By State (May 4)*
- Disseminated a weekly update of resources, updates, and educational opportunities to approximately 10,000 members through the WSBA's numerous administered list serves.

Update on July Bar Exam

The Admissions staff is hard at work responding to the changing landscape for the "summer" bar exam. Here is what has occurred since the Board on April 17 voted to recommend against offering diploma privilege and for WSBA employees to work to hold to bar exam in the safest manner reasonably possible:

- May 13, 2020, the Court issued a [letter](#) directing WSBA to administer the bar exam in both July and September in the Seattle/Tacoma/Everett area and the Spokane area in multiple separate test sites. Applicants for the July exam were given the choice of taking the exam in July or September, taking it in the Seattle/Tacoma/Everett area or the Spokane area, transferring to the February 2021 exam at no cost, or withdrawing for a full refund. The Court also directed WSBA to administer the exams in strict compliance with State and local public health guidelines.
- May 15, 2020, the Court issued an [order](#) temporarily reducing the Uniform Bar Exam (UBE) minimum passing score from 270 to 266 for the July and September 2020 exams only. The order also temporarily expanded

the terms of the Rule 9 license, which permits eligible law school and law clerk students and graduates to engage in limited and supervised legal practice.

- June 12, 2020, the Court issued an [order](#) granting current applicants registered for the July or September 2020 exams in Washington that have received a JD from an ABA accredited law school the option of receiving diploma privilege to practice in Washington instead of taking the UBE. Diploma privilege is also an option for applicants currently registered to take the LLLT examination in July 2020. Applicants must meet all other requirements for admission and licensing but have the option to be admitted without taking the UBE.

Our admissions team has rapidly adapted to provide our full support in implementing the Court's orders. The bar exam will be held in July and September in Eastern and Western Washington. We are monitoring the ever changing COVID19 conditions and requirements, and designing operational and administrative plans to permit us to administer contact-free, physically distanced, reduced seating capacity exams in multiple testing rooms. We have received approval from the state Department of Health for our overall approach for treating each exam room of no more than 50 people (including staff and proctors), in exam rooms with capacity far exceeding the number of examinees, with pre-registration and contactless check-in, staggered entrance locations and/or times, greater than six feet of physical distance between all applicants, use of masks, sanitizing spaces, and observance of all other COVID19 health protocols in place at the time. We are finalizing specific testing room assignments, exact numbers, and our operational protocols (developed after review of state and national protocols for events and bar examinations) for each location, and when those are completed (we expect during the week of June 15th or 22nd) we will send them to the relevant state and local health departments.

As of today approximately 548 registrants for the July and September 2020 Washington UBE have opted for diploma privilege.

Update on Licensing Suspension Recommendation Date Extension & MCLE Deadline Modification

As you know, the Board of Governors voted to extend the date by which members need to complete their 2019 licensing requirements until June 30. As of the date of this report, over 300 members still are non-compliant with the requirements. It is generally the case that several hundred members are out of compliance as the licensing deadline approaches and WSBA licensing staff are making a new round of courtesy calls to members to remind them of the new due date.

Additionally, in recognition of the disruption caused by COVID19, on June 5, 2020, the Supreme Court entered an [order](#) extending the 2018-2020 compliance and reporting period for one year, and will allow members to carry over an additional 15 carryover credits. This change is expected to defer MCLE revenue from this and next fiscal year into FY22, as well as to defer some CLE revenue from this fiscal year to the next fiscal year.

Update on LLLT Program

As you know, on June 5, 2020 the Washington Supreme Court notified WSBA that by majority vote it was sunseting the Limited License Legal Technicians Program (attached). Writing on behalf of the Court, Chief Justice Stephens noted that current legal technicians in good standing will continue to be licensed and that individuals in the pipeline as of June 4, 2020 that can complete the licensure requirements by July 31, 2021 may do so. I understand the Court will be adopting new rules to effectuate its decision. In the meantime, we will continue to administer the LLLT Board under the current rules.

Issues Impacting WSBA Employees

It is difficult to overstate what extraordinary times we find ourselves in. This is an organization that has and continues to undergo tremendous and often difficult change—in leadership, policy, and culture. As the Interim Executive Director, one of my chief responsibilities is for the well-being of our employees. And during these difficult times I have heard many expressions of grief, frustration, disappointment, anger, and fatigue. Look in any direction, both in the recent history of this organization and in the world around us, and you will find broken trust and broken relationships. Add to that the voiced concerns of the staff in regards to a global pandemic and a country facing the racism and inequity that stubbornly and violently persists in our hearts, our communities, and our institutions, and it is easy for folks to feel hopeless and fearful. With your support, and the partnership of President Majumdar, and the Executive Management Team, we are taking steps to be both proactive and responsive to the many concerns and needs of the employees at this time. This includes taking active steps within WSBA to systemically eliminate racism and bias.

I do want to emphasize an important point however: Even in the midst of these challenges, WSBA employees are mission-focused and forward-looking, rising to the challenge each day. In close partnership with dedicated volunteers, including members of the Board, WSBA has adapted almost seamlessly to new ways of doing work and an ever-changing landscape. They are not only delivering existing services, they are increasing services, resources, and information in response to the COVID-19 pandemic. I am sure you join me in feeling incredibly proud of the work of this team.

Draft Rules for Discipline and Incapacity

In July 2017, the Supreme Court approved in concept a proposed model for a substantially modified discipline system. Core objectives of the initiative were development of extensive improvements to the functionality of all discipline and incapacity procedures, merger of the existing systems for the three separate license types, and the creation of a partly professionalized adjudicative system. A graphic representation of the remodeled system is attached. The Board has been briefed on the progress several times over the last several years. Since that time, an internal workgroup of WSBA employees from the Office of Disciplinary Counsel, Office of General Counsel, and Regulatory Services Department have focused on creating a comprehensive draft of a new set of disciplinary procedural rules. Drafting was completed in January 2020, at which time representatives of a variety of external stakeholders (including Governor Hunter Abell and Clerk of the Supreme Court Susan Carlson) were convened to review the rules and provide substantive feedback and commentary. After four meetings commencing in March, the stakeholder review process was completed on June 1, and the drafting team will be working in June to incorporate suggested revisions. We anticipate these will be sent directly to the Court, and the WSBA as a whole will have its opportunity to comment during the comment period if accepted by the Court.

Update on Council on Public Defense Item from March 2020 BOG Meeting

At the March meeting the Board of Governors approved the Council on Public Defense's comment regarding removal of standards relating to the death penalty from the court rules. The Council submitted the proposed comment to the Court on April 28, 2020. The Court has extended the comment deadline to September 30, 2020.

Update on Committee on Professional Ethics Items from April 2020 BOG Meeting

At the April meeting the Board of Governors adopted the Committee on Professional Ethics recommendation to support the Pro Bono Council's request to withdraw their proposed comment 8 to RPC 6.5 regarding nonprofit and court-annexed limited legal service programs. This recommendation was sent to the Court on April 24, 2020. The proposed comment was not adopted by the Court.

Also adopted at the April meeting was a proposed recommendation to the Court not to adopt a proposed amendment to RPC 7.3 regarding solicitation of clients. This recommendation was sent to the Court on April 28, 2020. The Court has extended the comment deadline to September 20, 2020.

Free Legal Research Tools for Members

At the March meeting the Board of Governors approved a recommendation from Interim Director of Advancement Kevin Plachy and Practice Management Advisor Destinee Evers that we renew contracts with Fastcase and Casemaker for three years. We have since successfully extended our contract with Fastcase and are in the process of extending our contract with Casemaker.

Legal Directory Update & Expanded Data Fields

As reported in my March ED Report, we are making progress on designing a more user-friendly format for the online WSBA Legal Directory. We are attempting to provide a cleaner and more modern presentation of the search fields grouped to help our two main user groups: those who want a quick search based on the name or license number of a legal professional and those who are looking for a legal professional based on practice area and location. Please note: the basic functionality and search options for the legal directory will not change. We have completed user testing of the new design with high-frequency users of the directory to ensure any new design meets their needs. Apart from the design, we also want to expand the search fields in two areas: past judicial experience and past WSBA volunteer service. Review by the Executive Management Team and Board of Governors will be the final step before updating the design of the WSBA Legal Directory. In the coming days, we will email more information and screen shots of the new look for your feedback.

Litigation Update (attached)

Media Contacts Report (attached)

WSBA Demographics Report (attached)

FY20 First Quarter Discipline Report (attached)

Graphic Representation of Remodeled Discipline & Incapacity System (attached)

Letter from Chief Justice Stephens RE Supreme Court Vote to Sunset the LLLT Program (attached)

Update on an Alternative to the APEX Awards (attached)

Update on Rural Outreach Project (attached)

Correspondence and Other Informational Items (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: June 9, 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. WSBA filed a report of proceedings with the Supreme Court on 11/25/19. WSBA filed its opening brief on 02/10/20. Respondent filed his response on 02/28/20; WSBA filed its reply brief on 04/01/20. On 05/15/20, the Supreme Court appointed Judges Korsmo and Bjorgen as Justices Pro Tem in this matter. On 05/28/20, the Supreme Court denied Respondent’s motion to supplement the record. Oral argument set 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. On 04/09/20, Scannell filed a “Motion for Injunction” and supporting declaration with the 9 th Circuit seeking a court order permitting him to run for open positions on the Supreme Court.



			On 04/20/20, WSBA filed a response to the Motion for Injunction. On 04/30/20, the State Defendants/Appellees filed a request for a 60-day extension to respond to the Motion for Injunction; Scannell has opposed the request.
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 Block 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. Transferred to Division I. Schedule issued, clerk’s papers and statement of arrangements due 06/17/20.
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.	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. On 12/09/19, the United States Supreme Court denied plaintiff’s Petition of Writ of Certiorari. 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 was due 05/15/20.
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. Matter transferred to Division I; 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. Response filed; awaiting decision.
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.

MEMO

To: Board of Governors

From: Jennifer Olegario, Communication Strategies Manager

CC: Sara Niegowski, Chief Communications and Outreach Officer

Date: June 2, 2020

RE: **Summary of Media Contacts**, March 4–May 29, 2020

Date	Journalist and Media Outlet	Inquiry
March 25	Aebra Coe, Law360	Sought comment about CARES stimulus package. Referred to Hugh Spitzer.
April 22	Chris Ingalls, KING5 News	Asked to confirm whether there’s been a rise in legal aid cases; also inquired about hot topic legal issues related to COVID-19.
April 29	Lyle Moran, <i>ABA Journal</i>	Inquired about Van Moppes report. Interviewed Rajeev Majumdar and Terra Nevitt on May 7. Story published on May 21.
April 29	Jeannie O’Sullivan, Law360	Interviewed Jean McElroy on April 30 amid uncertainty about summer bar exams, and bar exam reform in general. Discussed law clerk program. Story published on May 22.
May 13	Miles Cohen, Good Morning America	Inquired about legal issues in Washington state.
May 18	Natasha Korecki, Politico	Requested bar application materials for Alexandra McCabe/Tara Reade. Referred to WA Supreme Court.
May 21	Kevin Penton, Law360	Sought comment regarding hostile work environment, as reported in <i>ABA Journal</i> article. Story published May 21.

Media Outreach

- Local Heroes from the Government Lawyers Bar Association, Thurston County Bar Association
 - *The Olympian*

- COVID-19-related
 - Call for more funding for civil legal aid as part of the economic recovery;
 - Subject matter experts available to discuss legal issues currently with the most pressing need such as unemployment law, landlord-tenant, wills and estates, healthcare, insurance.
 - Targeted media outlets: local TV, radio, newspapers, and blogs/news sites
 - KOMO
 - KING5
 - KIRO
 - KHQ
 - KNKX
 - KUOW
 - *Seattle Times*
 - *Bellingham Business Journal*
 - *The Columbian*
 - *Everett Herald*
 - *Kitsap Sun*
 - *The Olympian*
 - *Tacoma News Tribune*
 - *Spokesman-Review*
 - *Inlander*
 - *Tri-City Herald*
 - *Wenatchee World*
 - *Yakima Herald-Republic*

WSBA Member* Licensing Counts 6/1/20 8:49:54 AM GMT-07:00

Member Type	In WA State	All
Attorney - Active	26,194	32,879
Attorney - Emeritus	109	115
Attorney - Honorary	313	360
Attorney - Inactive	2,551	5,720
Judicial	612	644
LLLT - Active	39	39
LLLT - Inactive	4	4
LPO - Active	814	827
LPO - Inactive	145	164
	30,781	40,752

By District		
	All	Active
0	4,290	3,347
1	2,868	2,369
2	2,097	1,687
3	2,077	1,743
4	1,368	1,160
5	3,161	2,561
6	3,326	2,777
7N	5,046	4,296
7S	6,540	5,407
8	2,226	1,877
9	4,839	4,086
10	2,914	2,435
	40,752	33,745

By State and Province	
Alabama	29
Alaska	202
Alberta	8
Arizona	354
Arkansas	18
Armed Forces Americas	3
Armed Forces Europe, Middle East	29
Armed Forces Pacific	15
British Columbia	99
California	1,833
Colorado	249
Connecticut	48
Delaware	7
District of Columbia	336
Florida	263
Georgia	85
Guam	14
Hawaii	137
Idaho	451
Illinois	157
Indiana	36
Iowa	31
Kansas	28
Kentucky	26
Louisiana	51
Maine	18
Maryland	117
Massachusetts	85
Michigan	72
Minnesota	98
Mississippi	6
Missouri	66
Montana	163
Nebraska	18
Nevada	150
New Hampshire	13
New Jersey	66
New Mexico	72
New York	258
North Carolina	75
North Dakota	10
Northern Mariana Islands	5
Nova Scotia	1
Ohio	76
Oklahoma	26
Ontario	16
Oregon	2,711
Pennsylvania	82
Puerto Rico	6
Quebec	1
Rhode Island	11
South Carolina	26
South Dakota	8
Tennessee	56
Texas	373
Utah	175
Vermont	17
Virginia	262
Virgin Islands	2
Washington	30,781
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	396	1948	2
Chelan	246	1949	2
Clallam	159	1950	7
Clark	889	1951	15
Columbia	6	1952	19
Cowlitz	148	1953	17
Douglas	38	1954	22
Ferry	11	1955	12
Franklin	56	1956	34
Garfield	3	1957	23
Grant	121	1958	30
Grays Harbor	109	1959	29
Island	154	1960	28
Jefferson	115	1961	26
King	16,675	1962	32
Kitsap	801	1963	31
Kittitas	89	1964	36
Klickitat	24	1965	52
Lewis	114	1966	59
Lincoln	13	1967	59
Mason	103	1968	86
Okanogan	89	1969	93
Pacific	28	1970	100
Pend Oreille	15	1971	101
Pierce	2,314	1972	163
San Juan	82	1973	251
Skagit	286	1974	240
Skamania	19	1975	306
Snohomish	1,592	1976	371
Spokane	1,953	1977	372
Stevens	55	1978	415
Thurston	1,579	1979	444
Wahkiakum	11	1980	468
Walla Walla	113	1981	494
Whatcom	586	1982	485
Whitman	76	1983	519
Yakima	456	1984	1,120
		1985	575
		1986	783
		1987	750
		1988	652
		1989	705
		1990	887
		1991	856
		1992	830
		1993	930
		1994	883
		1995	838
		1996	816
		1997	923
		1998	902
		1999	910
		2000	915
		2001	922
		2002	1,020
		2003	1,072
		2004	1,100
		2005	1,126
		2006	1,200
		2007	1,278
		2008	1,111
		2009	986
		2010	1,088
		2011	1,071
		2012	1,097
		2013	1,245
		2014	1,373
		2015	1,623
		2016	1,336
		2017	1,413
		2018	1,334
		2019	1,393
		2020	549

Misc Counts	
All License Types **	41,090
All WSBA Members	40,752
Members in Washington	30,781
Members in western Washington	25,764
Members in King County	16,675
Members in eastern Washington	3,798
Active Attorneys in western Washington	21,920
Active Attorneys in King County	14,594
Active Attorneys in eastern Washington	3,170
New/Young Lawyers	6,706
MCLE Reporting Group 1	11,205
MCLE Reporting Group 2	10,977
MCLE Reporting Group 3	11,139
Foreign Law Consultant	19
House Counsel	309
Indigent Representative	10

By Section ***	All	Previous Year
Administrative Law Section	220	236
Alternative Dispute Resolution Section	310	314
Animal Law Section	84	94
Antitrust, Consumer Protection and Unfair Business Practice	194	208
Business Law Section	1,217	1,258
Cannabis Law Section	95	103
Civil Rights Law Section	144	175
Construction Law Section	505	499
Corporate Counsel Section	1,070	1,116
Creditor Debtor Rights Section	446	466
Criminal Law Section	362	407
Elder Law Section	622	623
Environmental and Land Use Law Section	754	793
Family Law Section	948	1,033
Health Law Section	383	381
Indian Law Section	310	326
Intellectual Property Section	865	875
International Practice Section	239	225
Juvenile Law Section	134	165
Labor and Employment Law Section	973	996
Legal Assistance to Military Personnel Section	64	75
Lesbian, Gay, Bisexual, Transgender (LGBT) Law Section	111	102
Litigation Section	996	1,018
Low Bono Section	57	70
Real Property Probate and Trust Section	2,240	2,290
Senior Lawyers Section	224	239
Solo and Small Practice Section	862	907
Taxation Section	598	625
World Peace Through Law Section	125	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	8,534
6 to 10	5,685
11 to 15	5,666
16 to 20	4,677
21 to 25	4,123
26 to 30	3,662
31 to 35	2,828
36 to 40	2,362
41 and Over	3,215
Total:	40,752

By Age	All	Active
21 to 30	1,750	1,676
31 to 40	9,295	8,301
41 to 50	9,934	8,242
51 to 60	8,791	6,930
61 to 70	7,657	5,762
71 to 80	2,804	1,831
Over 80	521	137
Total:	40,752	32,879

By Gender	
Female	12,320
Male	16,752
Non-Binary	14
Not Listed	20
Selected Mult Gender	17
Transgender	1
Two-spirit	3
Respondents	29,127
No Response	11,625
All Member Types	40,752

By Disability	
Yes	1,155
No	19,985
Respondents	21,140
No Response	19,612
All Member Types	40,752

By Sexual Orientation	
Asexual	20
Gay, Lesbian, Bisexual, Pansexual, or Queer	410
Heterosexual	4,020
Not Listed	79
Selected multiple orientations	17
Two-spirit	3
Respondents	4,549
No Response	36,203
All Member Types	40,752

By Ethnicity	
American Indian / Native American / Alaskan Native	241
Asian-Central Asian	23
Asian-East Asian	199
Asian-South Asian	48
Asian-Southeast Asian	58
Asian—unspecified	1,144
Black / African American / African Descent	641
Hispanic / Latinx	694
Middle Eastern Descent	14
Multi Racial / Bi Racial	969
Not Listed	203
Pacific Islander / Native Hawaiian	63
White / European Descent	23,550
Respondents	27,847
No Response	12,905
All Member Types	40,752

Members in Firm Type	
Bank	26
Escrow Company	57
Government/ Public Sector	5,058
House Counsel	3,022
Non-profit	316
Title Company	117
Solo	5,055
Solo In Shared Office Or	1,344
2-5 Members in Firm	4,178
6-10 Members in Firm	1,657
11-20 Members in Firm	1,266
21-35 Members in Firm	769
36-50 Members In Firm	547
51-100 Members in Firm	600
100+ Members in Firm	1,851
Not Actively Practicing	1,430
Respondents	27,293
No Response	13,459
All Member Types	40,752

By Practice Area	
Administrative-regulator	2,192
Agricultural	223
Animal Law	107
Antitrust	306
Appellate	1,611
Aviation	181
Banking	422
Bankruptcy	876
Business-commercial	5,151
Cannabis	95
Civil Litigation	706
Civil Rights	1,039
Collections	514
Communications	208
Constitutional	635
Construction	1,312
Consumer	742
Contracts	4,192
Corporate	3,518
Criminal	3,694
Debtor-creditor	905
Disability	599
Dispute Resolution	1,232
Education	476
Elder	851
Employment	2,778
Entertainment	300
Environmental	1,245
Estate Planning-probate	3,331
Family	2,604
Foreclosure	459
Forfeiture	99
General	2,579
Government	2,778
Guardianships	802
Health	928
Housing	297
Human Rights	298
Immigration-naturaliza	1,001
Indian	565
Insurance	1,633
Intellectual Property	2,253
International	890
Judicial Officer	409
Juvenile	789
Labor	1,114
Landlord-tenant	1,235
Land Use	839
Legal Ethics	273
Legal Research-writing	776
Legislation	425
Lgbtq	64
Litigation	4,578
Lobbying	165
Malpractice	720
Maritime	314
Military	381
Municipal	894
Non-profit-tax Exempt	609
Not Actively Practicing	2,017
Oil-gas-energy	226
Patent-trademark-copyr	1,288
Personal Injury	3,188
Privacy And Data Securit	253
Real Property	2,591
Real Property-land Use	2,101
Securities	763
Sports	164
Subrogation	116
Tax	1,277
Torts	2,018
Traffic Offenses	598
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	7
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	688
French Creole	1
Fukienese	3
Ga/kwa	2
German	410
Greek	31
Gujarati	14
Haitian Creole	3
Hebrew	37
Hindi	96
Hmong	1
Hungarian	16
Ibo	4
Icelandic	2
Ilocano	8
Indonesian	12
Italian	161
Japanese	210
Javanese	1
Kannada/canares	4
Kapampangan	1
Khmer	2
Korean	232
Lao	5
Latvian	6
Lithuanian	3
Malay	4
Malayalam	8
Mandarin	371
Marathi	6
Mien	1
Mongolian	2
Navajo	1
Nepali	4
Norwegian	35
Not_listed	41
Oromo	4
Persian	19
Polish	32
Portuguese	119
Portuguese Creole	1
Punjabi	60
Romanian	21
Russian	225
Samoan	7
Serbian	18
Serbo-croatian	13
Sign Language	20
Singhalese	2
Slovak	2
Spanish	1,814
Spanish Creole	3
Swahili	5
Swedish	52
Tagalog	69
Taishanese	4
Taiwanese	19
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).

MEMO

To: Terra Nevitt, WSBA Interim Executive Director

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

Date: June 1, 2020

Re: Quarterly Discipline Report, 1st Quarter (January – March 2020)

A. Introduction

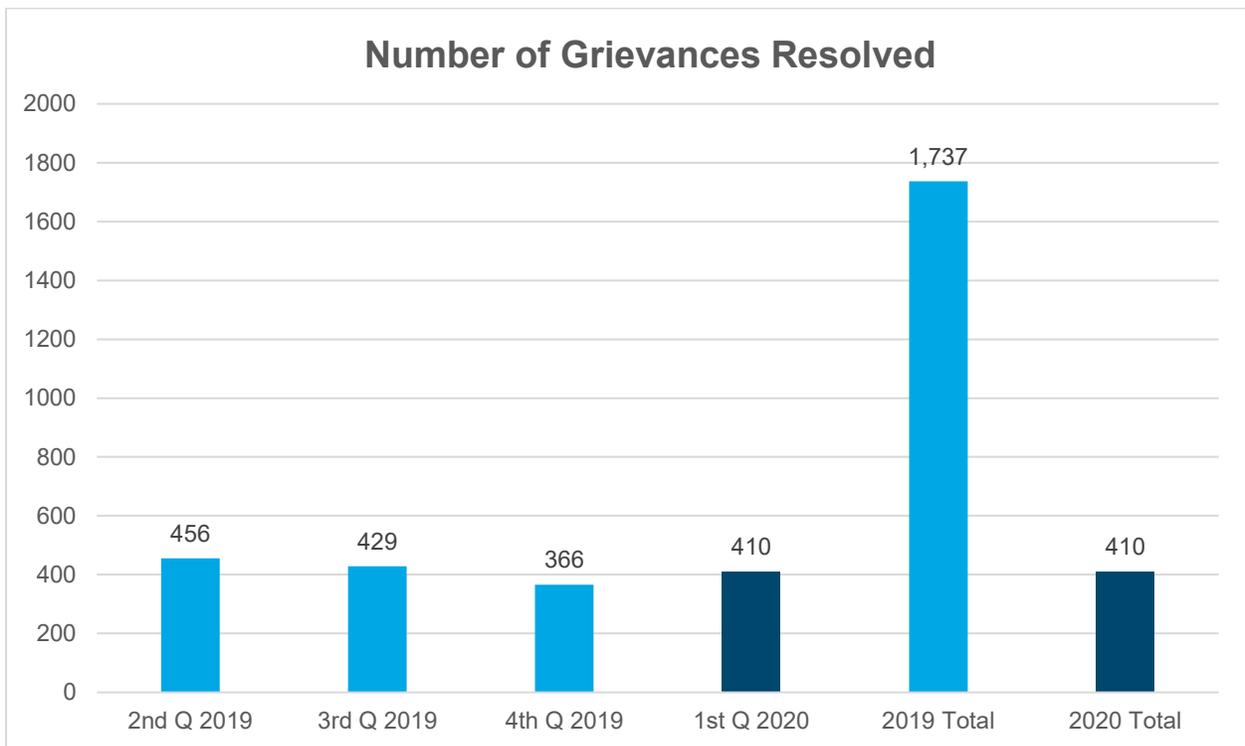
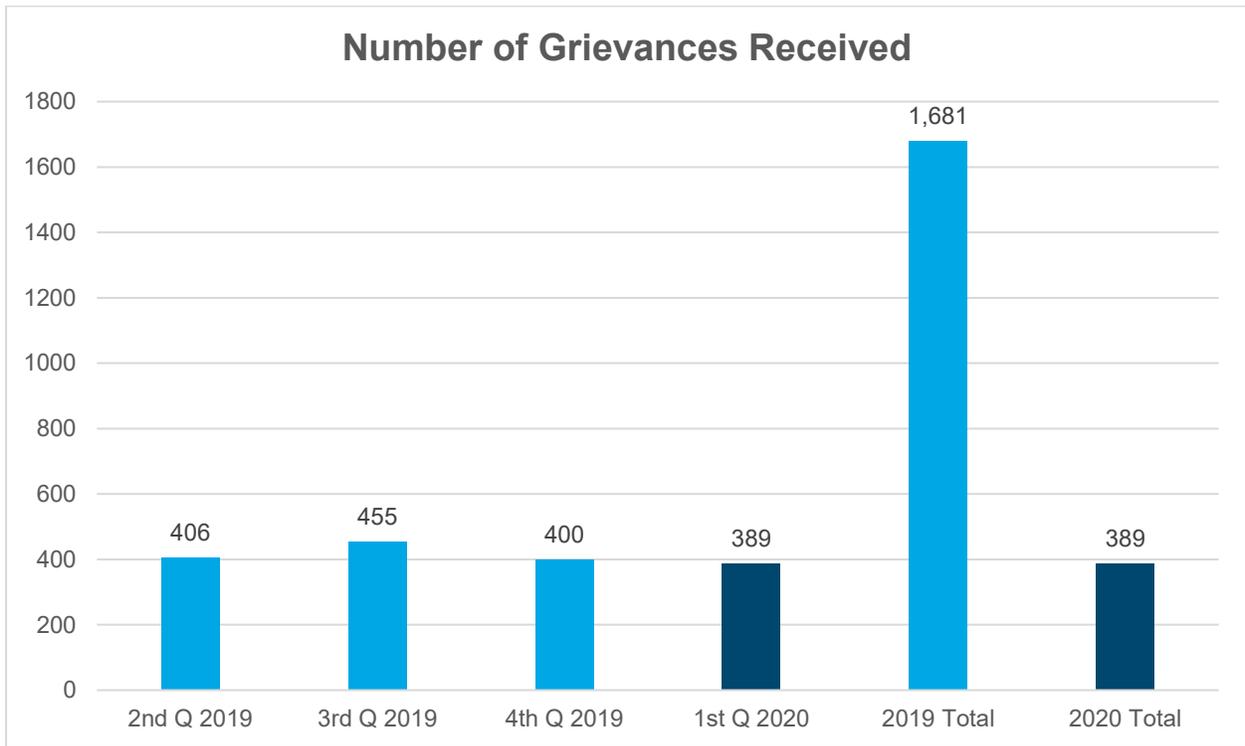
The Washington Supreme Court’s exclusive responsibility to administer the systems for discipline of licensed legal professionals (including disability systems) is delegated by court rule to WSBA. See GR 12.2(b)(6). The investigative and prosecutorial function is discharged by the employees in the Office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

The Quarterly Discipline Report provides a periodic overview of the functioning of the Office of Disciplinary Counsel. The report graphically depicts key discipline-system indicators for 1st Quarter 2020. Note that all numbers and statistics herein are considered tentative/approximate. Final figures will be issued in the 2020 Discipline System Annual Report.

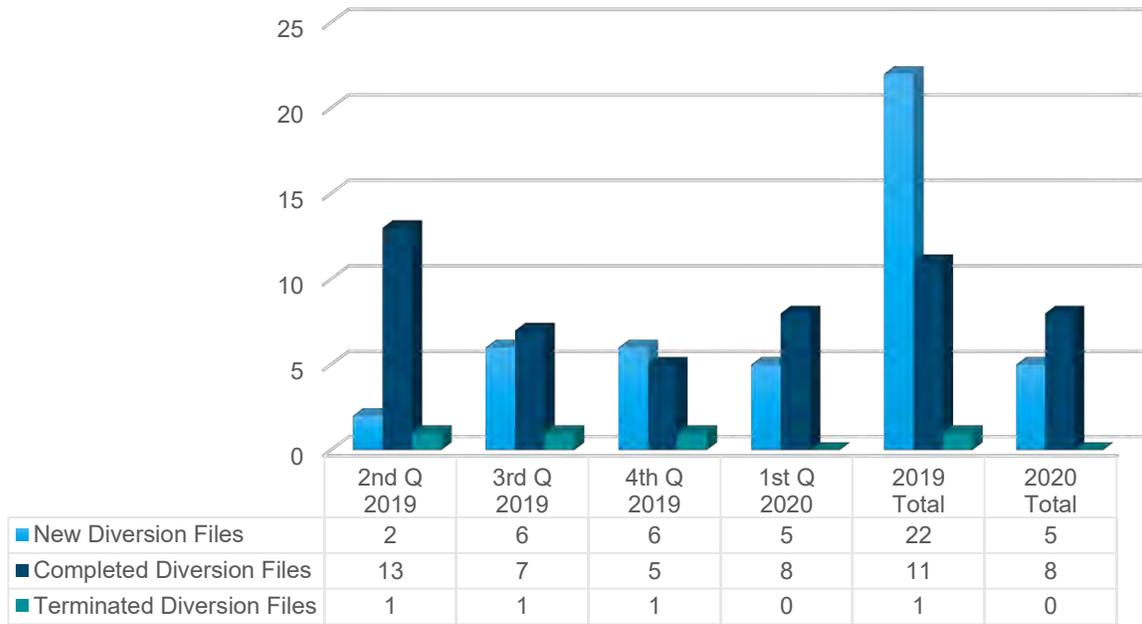
B. Recent Supreme Court Opinions & Other Information

- **Discipline System Annual Report Published.** In April 2020, the WSBA issued the 2019 Discipline System Annual Report. The Report is now available and can be accessed on the WSBA website at <https://bit.ly/3aaKCcd>. The report, which is published and distributed in electronic form only, provides public information about Washington State’s discipline and disability system and summarizes information about its work and achievements during the 2019 calendar year. The Annual Report also includes discipline statistics and information about limited licenses. A “snapshot” of the Report is scheduled to be published in the June 2020 issue of NWLawyer.
- **COVID-19-Related Changes to Operations.** Beginning in March 2020, the COVID-19 crisis affected ODC operations in three significant ways, which effects are ongoing: (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. Additional detail regarding these operational changes was set forth in the April 9, 2020 Interim Executive Director’s Report - *COVID-19 Response & Impact*, previously provided to the Board.

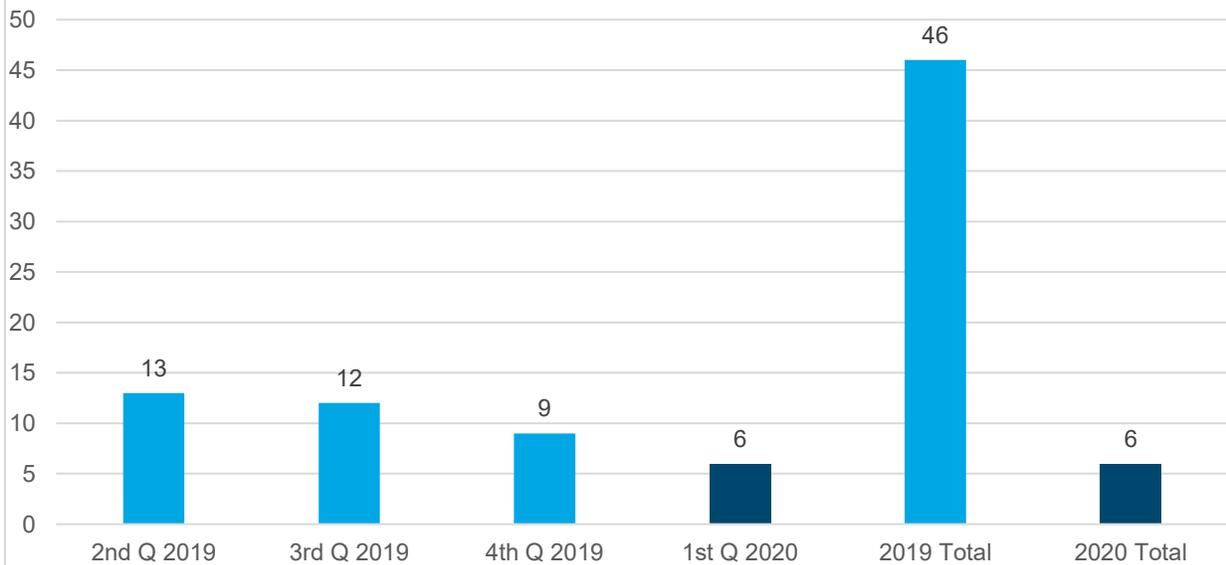
C. Grievances and Dispositions

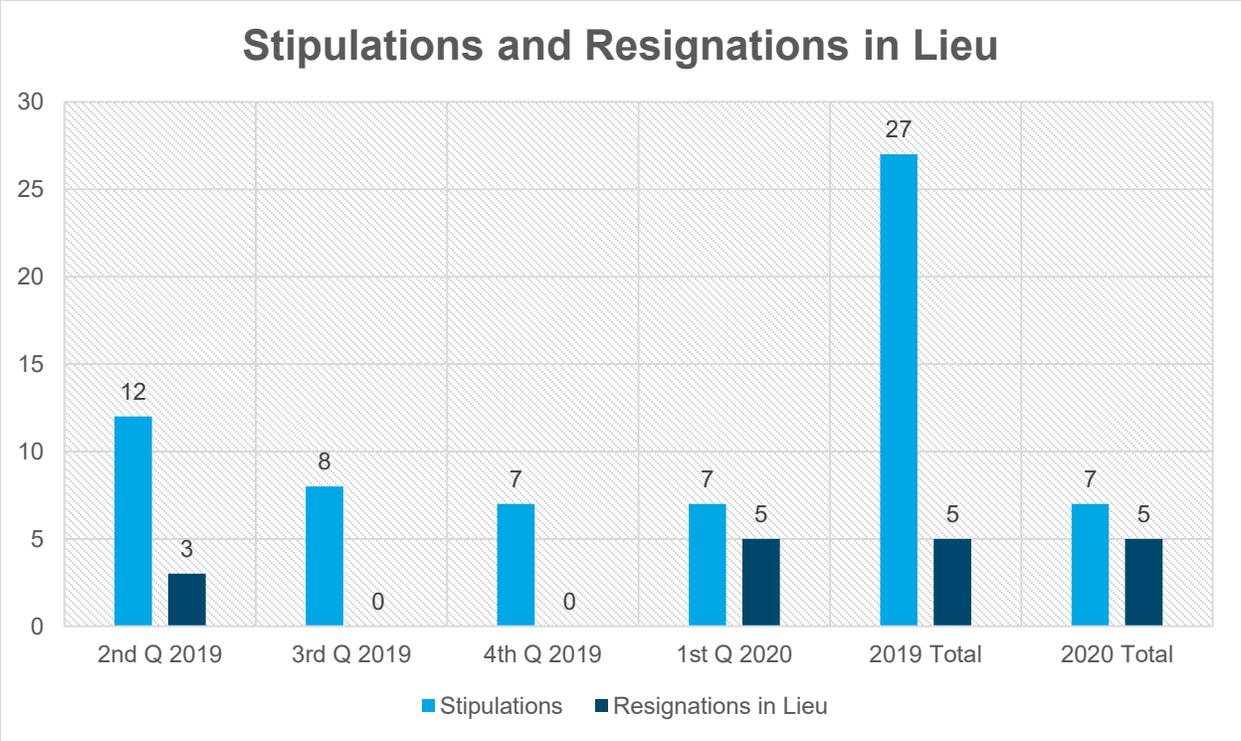
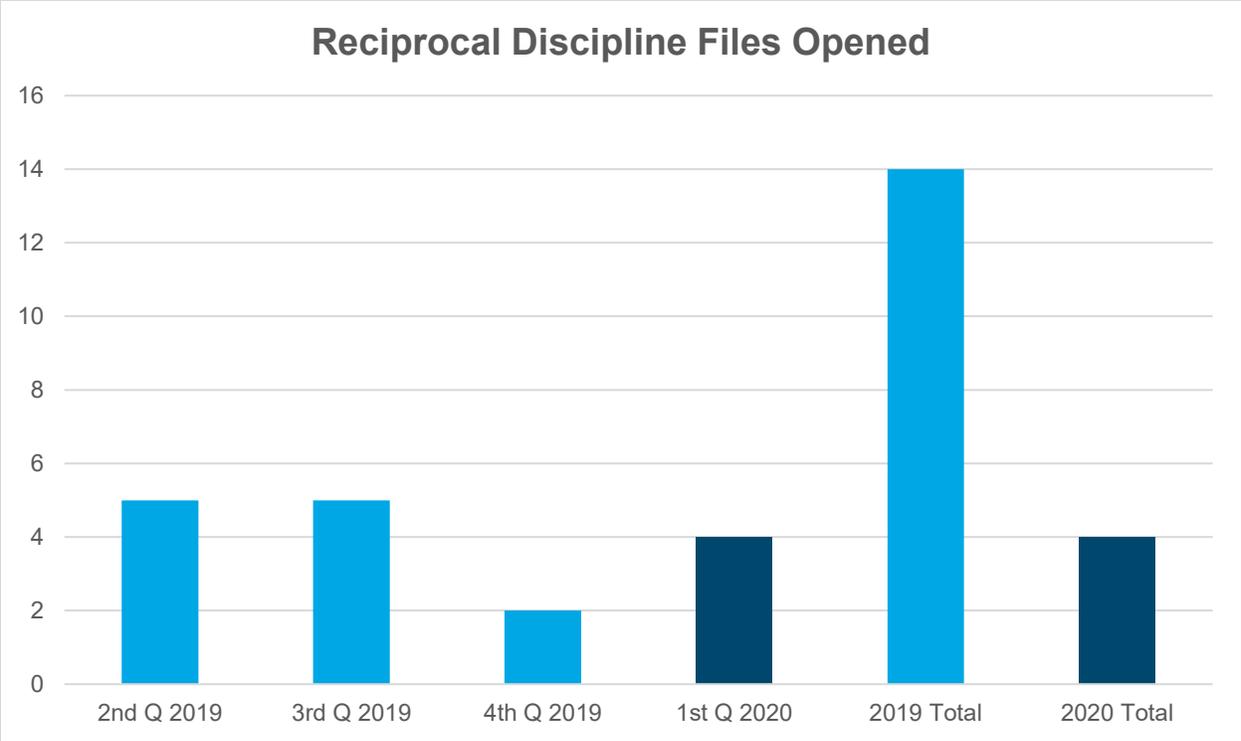


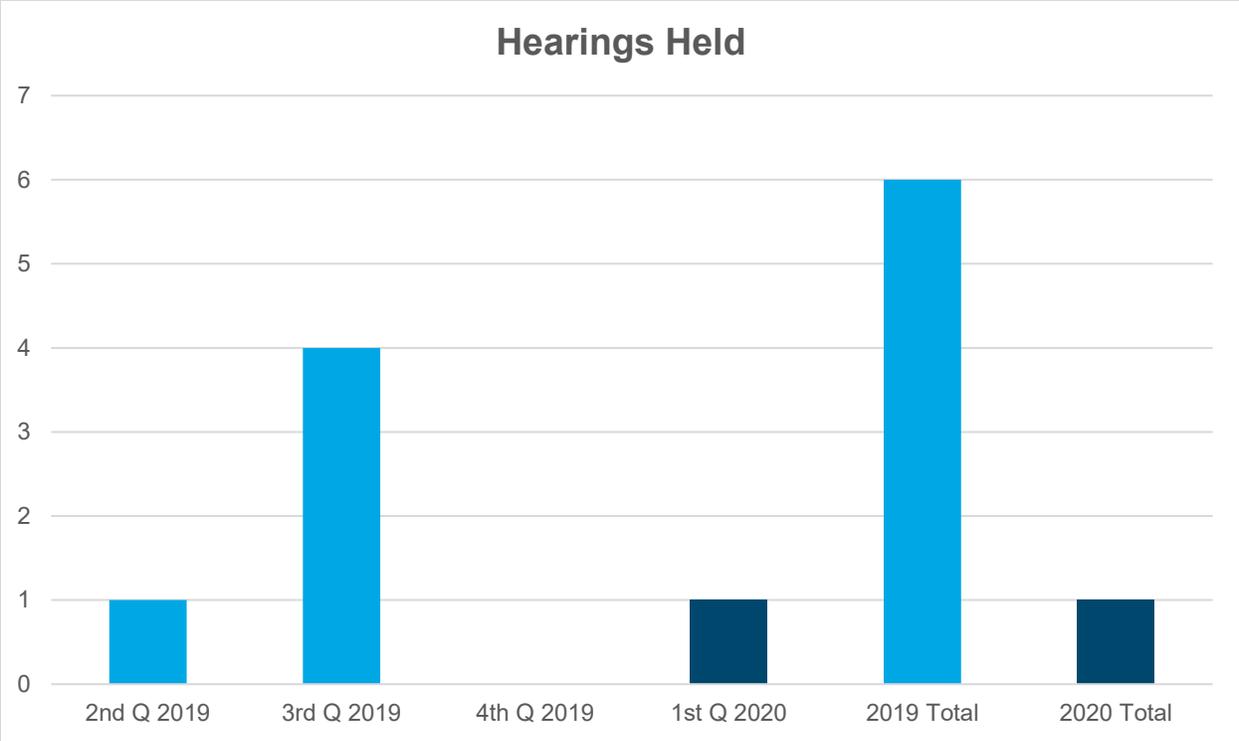
Diversion Statistics



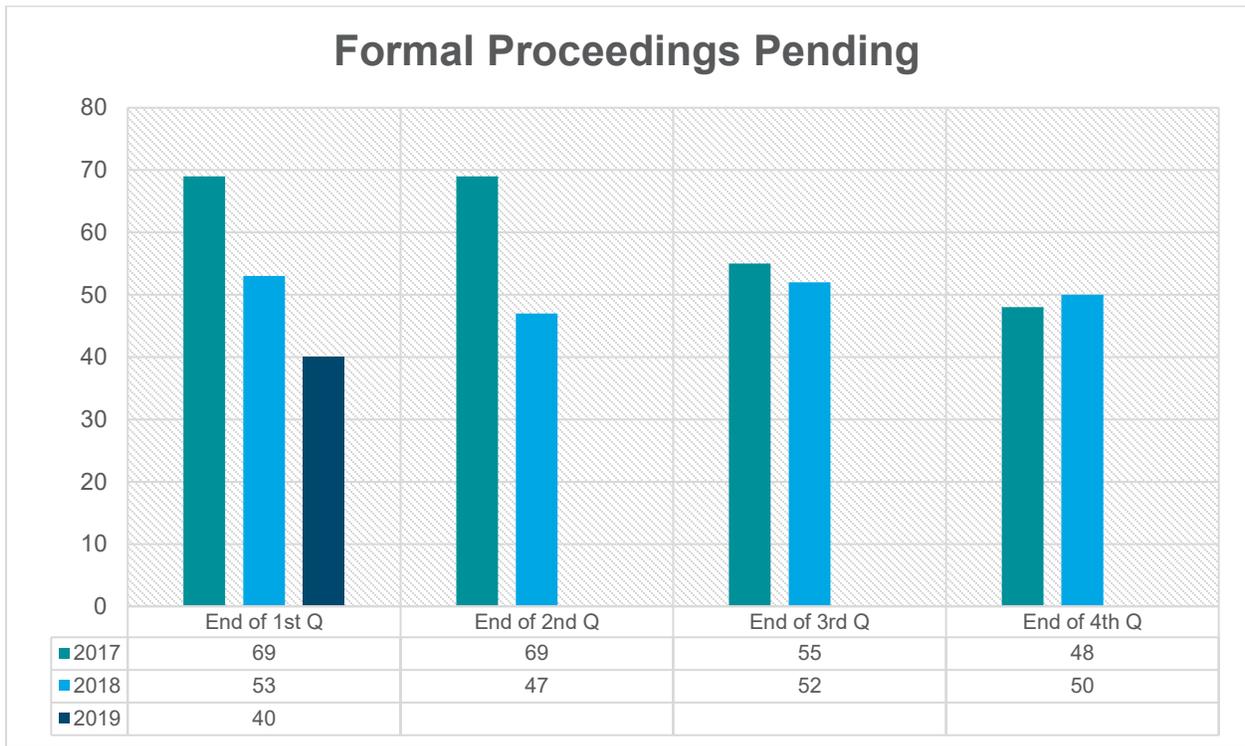
Formal Complaints Filed





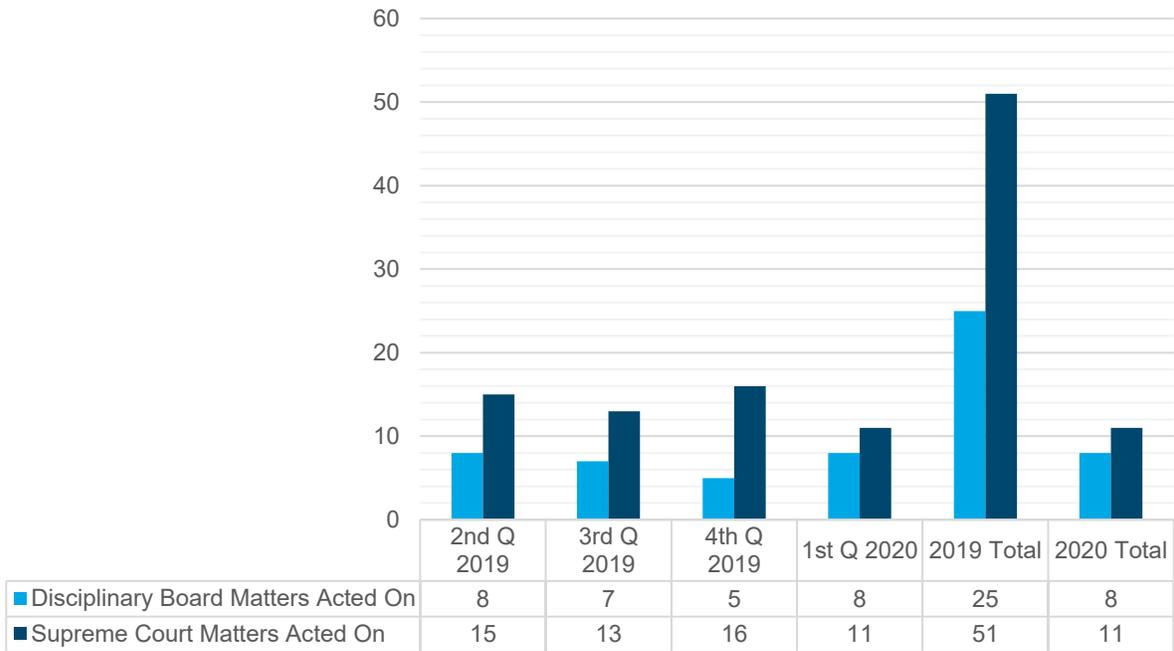


D. Pending Proceedings¹

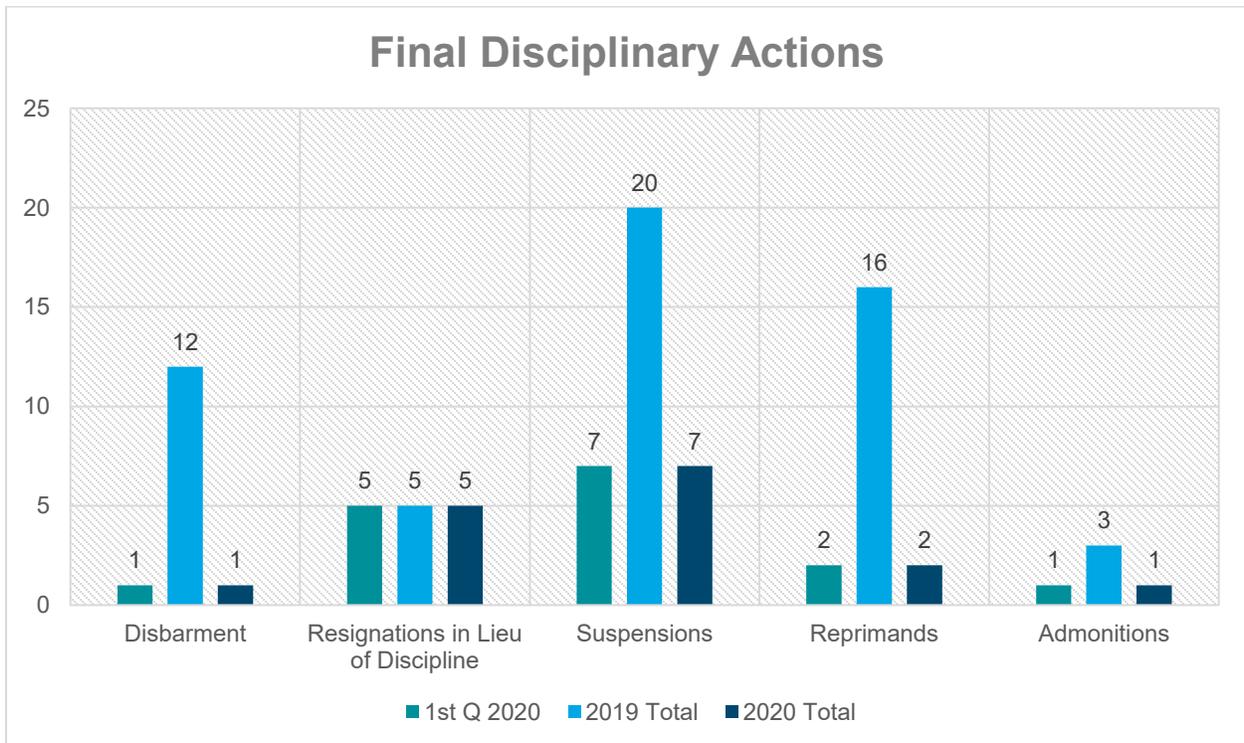


¹ In the second table in this section, the Disciplinary Board numbers reflect Board orders on stipulations and following review after an appeal of a hearing officer’s findings.

Matters Acted on by Reviewing Bodies



E. Final Disciplinary Actions



F. Disability Inactive Transfers

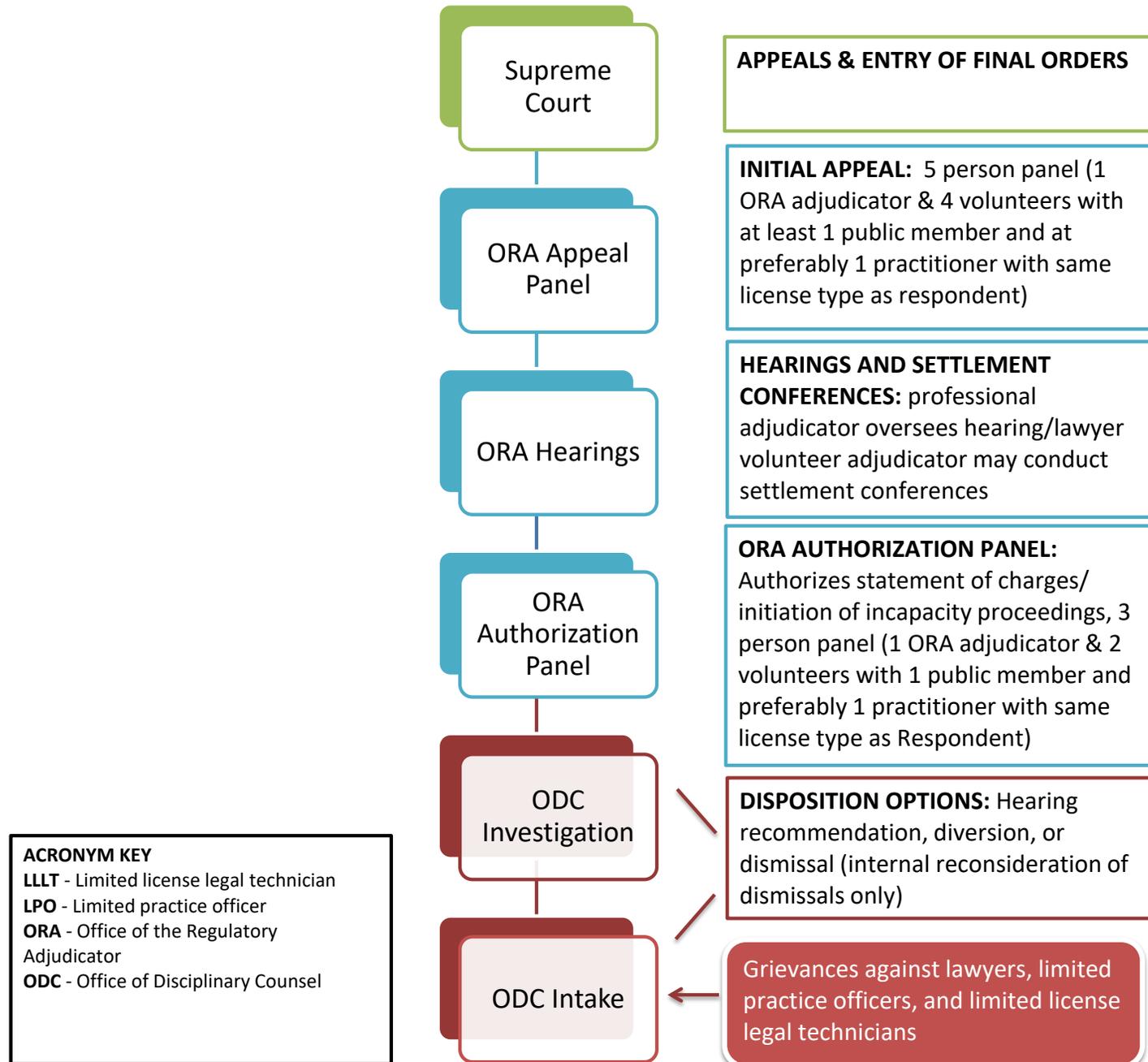
Disability Inactive Transfers	Quarter Total
2nd Quarter 2019	0
3rd Quarter 2019	5
4th Quarter 2019	0
1st Quarter 2020	4
2019 Total	5
2020 Total	4

G. Discipline Costs²

Quarterly Discipline Costs Collected	Total
2nd Q 2019	\$22,401.04
3rd Q 2019	\$18,364.76
4th Q 2019	\$35,338.92
1st Q 2020	\$23,989.09
2019 Total	\$93,491.21
2020 Total	\$23,989.09

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

STRUCTURE OF DISCIPLINE AND INCAPACITY SYSTEM



The Supreme Court
State of Washington

DEBRA L. STEPHENS
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2050
E-MAIL Debra.Stephens@COURTS.WA.GOV

June 5, 2020

Stephen R. Crossland, Chair
Limited License Legal Technician Board
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

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

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

Re: Washington Supreme Court Votes to Sunset the Limited License Legal Technicians Program

Dear Mr. Crossland, Mr. Majumdar, and Ms. Nevitt:

I am writing to you on behalf of the Supreme Court to advise you that the court voted by majority Thursday, June 4, 2020, to sunset the Limited License Legal Technicians (LLLT) Program. The majority also rejected the LLLT Board's requested expansion of practice areas and proposed rule revisions.

The LLLT program was created in 2012 as an effort to respond to unmet legal needs of Washington residents who could not afford to hire a lawyer. Through this program, licensed legal technicians were able to provide narrow legal services to clients in certain family law matters. The program was an innovative attempt to increase access to legal services. However, after careful consideration of the overall costs of sustaining the program and the small number of interested individuals, a majority of the court determined that the LLLT program is not an effective way to meet these needs, and voted to sunset the program.

Current legal technicians in good standing may continue to be licensed and may continue to provide services. Individuals already in the pipeline as of June 4, 2020, who can complete all the requirements to be licensed as a LLLT by July 31, 2021, may do so. No new LLLTs will be admitted after that date.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra L. Stephens", with a long horizontal flourish extending to the right.

Debra L. Stephens, Chief Justice
Washington State Supreme Court

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: President Rajeev Majumdar, President-Elect Kyle Sciuchetti, and Interim Executive Director Terra Nevitt

From: Sara Niegowski, Chief Communication and Outreach Officer

Date: May 11, 2020

Re: New format for APEX award presentations and event schedule for September board meeting

Two annual fall WSBA traditions—the APEX Awards dinner and governor/officer transition ceremonies—are in flux, and WSBA organizers need guidance as soon as possible to plan the 2020 events. After receiving input from the board’s Awards Committee and board as a whole at its March 2020 meeting, President Rajeev Majumdar, Interim Executive Director Terra Nevitt, and I met in April to formalize a plan for this coming fall and beyond.

BACKGROUND

Governor/officer transition ceremonies

September’s Board of Governors meeting marks an important transition: The Chief Justice administers the oath of office to incoming governors and officers and we thank outgoing governors and officers for their service. In recent years, several informal traditions—such as the “slide out” celebration for outgoing governors/officers and the President’s Reception—have waned or changed because of lack of interest and/or formalization by WSBA and the board. Last year also marked an important change because, due to OPMA requirements, incoming governors/officers were sworn in during the board meeting, as opposed to the longstanding tradition of administering the oath during the evening APEX ceremony. Other factors complicating these transition ceremonies: Confusion about when governor/officer terms begin due to the timing of the formal swearing-in midpoint in the board meeting; questions about ownership and financial responsibility for events like the President’s reception and slide-out ceremony; and lack of dedicated time during the meeting for remarks by outgoing governors (at the conclusion of Friday’s meeting, many are often eager to rush out the door to make it home).

APEX Awards event

WSBA proudly recognizes legal luminaries from across the state through its annual APEX (Acknowledging Professional Excellence) Awards. Traditionally, the awards have been presented at a gala event at the Sheridan Hotel on the Thursday evening of the September Board of Governors meeting. After an analysis of direct and indirect costs of the ceremony, the board approved the Awards Committee’s recommendation to sunset the evening event beginning in fall 2020. The board as a whole stated its desire to meaningfully recognize APEX winners and present the awards with some level of pomp and fanfare. It is also important to promote the winners—as examples of the best of the legal community serving others—to a much wider audience than that which generally attends the dinner event. Some board members had a strong preference for gathering winners for a September dinner event with the Supreme Court included. Others felt a

strong preference for decentralizing the ceremony entirely. Barriers we want to eliminate with a new awards-presentation format: high costs (ticket, hotel, etc.) for people to attend awards presentations; a Seattle-based event that is inconvenient for many; and a limited audience (due to the previous two barriers).

PLAN

Taking into consideration these past traditions and challenges and new organizational goals, we outlined a new plan for the 2020 (and beyond) governor/officer transition ceremonies and APEX Awards:

- As usual, the WSBA President will notify the APEX winners over the weekend immediately following the board meeting (usually May, this year moved to June) when the winners are selected. (Please note: OPMA restrictions require the entire board to vote for APEX winners in public session.) We will announce the winners the following week.
- We will get to work producing the winners' videos immediately thereafter. Challenges for the 2020 videos will include filming while complying with any public-health directives (our filmmakers are equipped to interview via Zoom) and a compressed timeline with winners selected more than a month later than usual.
- We will present crystals to the winners at *local* ceremonies, during which we will show the videos and incorporate a Listening Tour element into the day (since we will be working closely with local bars and the winners' legal community to gather as large of an audience as possible). When the winners are announced, WSBA's Outreach team will work with the recipients, local county bars, and other affiliated groups to schedule the events and send invitations (including to all Board of Governor members). The goal is to award all the crystals by the end of calendar year 2020.
- WSBA's Communication Strategies Team will develop a media outreach plan for each winner in conjunction with the ceremonies; this will include press releases and (hopefully) media partners such as TVW.
- The flow for the Board of Governor's September 2020 meeting will be:
 - Wednesday's board dinner will capture the spirit of prior years' "slide out" parties; this will be a more intimate gathering for the board and exec leadership to reminisce and celebrate. (Main organizer: Shelly Bynum; BOG budget, per typical meeting-meal expectations.)
 - Thursday night's dinner will be a new tradition combining the President's Reception with recognition of outstanding volunteers and luminaries. We will work on the exact name/brand, but the main idea is "thank you for supporting and embodying the best of WSBA—we couldn't do it without you" and the spirit will be festive with plenty of time to mingle and eat heavy hors d'oeuvres, much like last year's President's Reception. Invitees will include APEX winners and a guest, President's Award winners, Supreme Court Justices, entity chairs, special task-force members (e.g., the Coronavirus Response Task Force), past WSBA Presidents, and more. (Main organizer: Shelly Bynum with support from COMM support; BOG budget, per typical BOG/liaison event expectations.)
 - New governors will be sworn in by the Chief Justice Friday after lunch during the business meeting, and this will also be a time for exiting governors to make statements. This will be a more appropriate time—at the end of the meeting on Friday, as opposed to Thursday—to make the incoming/outgoing transitions, and we can organize the room set up to reflect a more ceremonial feel.
 - Possibility: We can make Friday's lunch a cinematic event, turning the Service Center into a theater and showing the APEX videos. Munchies could include popcorn, big pretzels, etc.

ED Report: Rural Communities Outreach Project Update

The Rural Communities Outreach Project is currently in the research phase to explore the legal practice in Washington's rural communities. With guidance from a small group of Governors, the staff team launched a survey to rural practitioners and local bar associations in Washington's rural counties* on April 2. The survey closed on May 1.

Preliminary Summary of Survey:

- 73% of respondents indicated that they are from the community where they practice. Additionally, most respondents lived in a rural community because that is where they wanted to raise a family or there was little desire to work in a larger city.
- Overwhelmingly, respondents enjoyed working in their communities.
- Of the 43 respondents who answered the question of what barriers the rural practitioners see for those seeking to practice in their communities, 23 answered lack of client base or a client base with limited financial resources and problems around running your own practice (making the business end work). Another 9 said rural life itself was an issue. The remaining responses varied from no barriers to just need to be willing to work hard.
- When asked if rural clients sought limited legal assistance due to financial constraints, 36 of the 45 respondents said yes (seems to coincide with information regarding barriers to entry and possible need to unbundle services).
- When asked about plans for their practice after retirement, 13 of the 43 respondents said they would like to sell it or pass it on to another attorney. The other answers varied from "end it" to "I am never retiring."
- A large majority of the respondents indicated that they do pro bono but not through a qualified legal service provider.
- Regarding conflicts of interest, the responses varied. Upon initial review, it appears that while this issue may be prevalent – it is manageable. It should be noted that there was a wide range of responses from 'no problem at all' to 'this is the single biggest issue.'
- When asked what can the WSBA do or what advice should WSBA consider when addressing these issues, respondents provided the following suggestions: 1) a need to better understand and reach out to rural communities; 2) promote WSBA resources more directly to rural practitioners, particularly in running a small firm; 3) provide financial incentives to encourage members to practice in rural communities and develop a plan to promote legal jobs in rural areas; 4) improve support or financial assistance to legal service providers; 5) or create a mechanism by which members from around the state

Survey Recipients: 141

Survey Respondents: 48

(34% return)

21% practice in San Juan County

17% practice in Asotin County

14% practice in Lincoln County

Practice Areas:

Estate Planning – probate (52%)

Real Property (48%)

Criminal (35%)

Landlord Tenant (27%)

Real Property – land use (27%)

can serve clients in the rural communities, perhaps through remote technology.

A majority of survey respondents indicated that they would be willing to continue conversations with the WSBA on this topic. Currently, WSBA staff is in the process of scheduling calls with these practitioners for further discussion.

Additionally, WSBA staff and the Washington Young Lawyers Committee (WYLC) will be reaching out to law schools and young lawyer organizations in Washington and around the country that may have developed programming on this topic.

Research efforts will continue through the summer 2020 and it is anticipated that we will be working with the WYLC and other WSBA entities to contact legal service providers, minority bar associations, and other stakeholders.

Following this research phase, we will begin the ideation and prototyping phases to explore all possible ideas to address the legal practice in Washington's rural communities.

*The survey was sent to practitioners in counties with a population of less than 30,000. The survey was also sent to presidents of local bar associations in counties with a population of 30,001 – 50,000.¹

¹ Working Definition of "rural" (as of February 2020):

- According to the U.S. Department of Agriculture, counties (as opposed to other ways to define areas of population), are the 'standing building block for assessing economic data, and for conducting research to track and explain regional population and economic trends.'¹
- Based on the definitions produced by the U.S. Department of Agriculture Economic Research Service (ERS) and an overview of Washington county population, we focused on counties with a populations of less than 50,000 and more than 2,500. These areas are considered 'urban nonmetro areas not part of larger labor markets' by ERS. As part of the working definition, and for ease, we have termed these counties as 'rural.' Based upon WA county population data, we've pursued a hypothesis that rural counties with 30,000 or more are more likely to have access to adjacent labor market than rural counties with less than 30,000.

WASHINGTON STATE
BAR ASSOCIATION

Rajeev D. Majumdar, President

June 5, 2020

Paris Erickson, Kevin Plachy, Julie Shankland & Eleen Trang
Washington State Bar Association
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Your outstanding service.

Dear Eleen, Kevin, Paris, and Julie,

On behalf of the Washington State Bar Association, I wish to commend and thank you for your recent work with the Cannabis Law Section on resolving the dispute around their executive committee election.

The WSBA's success depends on the ability of employees and volunteers to work together to solve the challenges we face, and I know that collaboration is not always easy. Thank you for modeling the behavior and facilitative service to the membership we all aspire to.

Each of you have my gratitude for superbly navigating this sensitive and potentially volatile issue.

In service,



Rajeev D. Majumdar
President, Washington State Bar Association

TO: WSBA Board of Governors
FROM: Interim Executive Director Terra Nevitt
DATE: June 15, 2020
RE: **Ratification of Emergency Bylaw Amendment Article VI.G – Governor Elections**

ACTION: Ratify the emergency amendment to the WSBA Bylaws, Art. VI.G to extend the time period for governor elections approved by the Board of Governors at its May 19, 2020 Special Meeting.

Pursuant to WSBA Bylaws XVI (C), emergency amendments can occur for good cause, and then to be scheduled in regular course to be ratified in regular course. The Board of Governors unanimously approved an amendment to Article VI.G to extend the time period for governor elections at a special meeting on May 19, 2020. The Bylaw is now presented for ratification. This the first reading for this ratification.

Attached, please find:

- May 13, 2020 Memo from Pres. Mujumdar, as presented at the May 19 Special Meeting
- Redline of WSBA Bylaws, Article VI, Section G, as presented at the May 19 Special Meeting

TO: WSBA Board of Governors
FROM: Rajeev D. Majumdar, President
DATE: May 13, 2020
RE: Brief One-Time Extension on Conducting Elections – violation of current Bylaws

ACTION/DISCUSSION : Proposed Bylaw Amendments –Elections

These amendments are intended to achieve three goals:

1. Policy/Governance Transparency.
2. Enhance Member Influence/Engagement in WSBA Governance.
3. Ensure Public Health Safety.

This change would allow the BoG to conduct its 2020 elections in as close to normal a fashion as possible- while not violating any laws or proclamations issued by Gov. Inslee and his Stay Home Stay Healthy initiatives which were issued in response to the Corona Virus Pandemic of 2020. Elections are required to be held by the 38th week of the fiscal year, and any public gathering is likely to be prohibited at that time.

This will be the last election of an At-Large Governor by the BoG before the new procedure takes effect, and both the At-Large Governor and President-Elect elections would normally have to occur before what looks like the probable lifting of gathering restrictions. In order to give the membership, the candidates, and the Board the most thorough and conducive process, and in keeping with the Governors’ preferences for when a meeting should occur, the following Emergency Bylaw is offered. It grants a slight time buffer in case of unexpected disaster- but it is the President’s plan to achieve the election in week 39.

Pursuant to WSBA Bylaws XVI (C), such an amendment can occur for good cause, and then to be scheduled in regular course to be ratified in regular course.

**Proposed Bylaw Amendments –Elections
(Art. VI)**

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2. Enhance Member Influence/Engagement in WSBA Governance.
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Pursuant to WSBA Bylaws XVI (C), such an amendment can occur for good cause, and then to be scheduled in regular course to be ratified in regular course.

REDLINE PROPOSED BYLAW AMENDMENTS re: Governor Elections

VI. ELECTIONS

...

G. 2020 Elections - In response to the Corona virus and public safety concerns, the 2020 elections conducted by the Board of Governors pursuant to these Bylaws may be scheduled anytime prior to 44th week of the fiscal year.

... [ALL OTHER PARTS OF SECTION VI UNCHANGED]

TO: WSBA Board of Governors
FROM: Daniel D. Clark, WSBA Treasurer & 4th District Governor
DATE: June 15, 2020
RE: WSBA Treasurer Report: June BOG meeting Treasurer Update

ACTION/DISCUSSION : Update of current activities of WSBA Treasurer Dan Clark to WSBA Board of Governors including WSBA Financial Update through end of April 2020 (7/12 of year).

The following is an update from Treasurer Dan Clark.

LLLT Program: On April 23, I submitted written materials to the Supreme Court regarding major concerns of the LLLT Board’s proposed expansion of the LLLT program and LLLT Financial Business plan that called for the program to continue to operate at massive annual losses through at least FY 2029 to the tune of approximately another one (1) million additional dollars. The total figure would be at least 2.4 million dollars in expenses over revenue and sixteen years of operation of the program before it potentially may be revenue cost neutral. My analysis of their plan based on current historical performance of the plan caused me as Treasurer to have the good faith opinion that their proposed business plan likely would not meet the aggressive targets that the LLLT Board had set forth.

I was invited to attend the Supreme Court’s meeting with the LLLT Board held via zoom on May 12, 2020. Governor Tollefson presented a power point presentation that I had prepared and reviewed my written arguments to the Court. I was present and fielded individual questions from the Justices. I would very much like to thank Governor Higginson, and her husband for their assistance in ideas for the power point presentation, and their technical assistance in making the presentation with the finished product, and for Governor Tollefson for presenting the power point presentation on my behalf because of my stuttering disability.

The B & A Committee reviewed the Power Point and the LLLT Business plan on May 13, 2020 and unanimously voted to reject the business plan, accept my recommendations and forward them to the full BOG for consideration at the June BOG meeting.

In the interim, on Thursday, June 4, 2020, the Supreme Court by a 7 to 2 vote, decided to sunset the program as to new applicants after the July 2021 Bar Exam. All current members will be continued to

practice in the practice area of Family Law. The Court rejected all four (4) proposals from the LLLT Board that they had requested the Court to approve.

June 12, 2020 Order from Supreme Court:

The WSBA financials will likely take a massive hit based on the unilateral action of the Washington State Supreme Court in granting the diploma privilege to all applicants of the July and/or September 2020 Bar Exams, with the express exception of the APR Rule 6 Program graduates and excluding them from the privilege.

At the time of preparing this report, I do not currently have accurate figures as to how this unilateral decision of the Court will impact our FY 2020 Budget and/or FY 2021 Budget Forecast, but I will be working with Jorge Perez and his financial team to try to get the BOG and the Budget and Audit Committee this information as soon as possible.

Client Protection Fund 2021 Modification:

The B & A Committee is unanimously recommending the BOG to adopt a recommendation to the Supreme Court of a one time reduction to the Client Protection Fund of \$15 dollars at the revised rate of \$25 dollars, which would lower the 2021 rate for members to pay to \$10 dollars v. \$25. If you will remember, we successfully lowered the rate from \$30 dollars to \$25 starting next year. So ultimately if this passes and the Court approves, we will be able to offer a \$20 dollar reduction in what out of pocket license fees for the client protection fund that all Attorney and LLLT members currently pay. I strongly urge the BOG to approve this agenda item as a means to give a modest financial relief to members, but at the same time providing for a continued robust client protection fund balance.

FY 2021 Budget:

The Budget and Audit Committee will start the examination of a draft FY 2021 Budget on July 10, 2020, and the plan is to have first read of the FY 2021 Budget at the July BOG meeting. Ultimately the Budget and Audit Committee will work on the FY 2021 Budget with the plan for adoption by the BOG at the September 17 & 18 BOG meeting.

FY 2022 & 2023 License fees:

The Budget and Audit Committee will start discussing setting proposed recommendations to the BOG for the FY 22 and 23 license fees. We will start this process and discuss this at the June 22, 2020 B & A Meeting.

COVID-19 Impact:

Jorge Perez and I, along with the B & A Committee are actively monitoring the impacts on revenue and expenditures and the WSBA financial budget that COVID-19 may have. As mentioned above, Covid-19, along with the Supreme Court orders regarding multiple locations for the Summer Bar exam, 2 exams administered in 3 different sites for a total of six sites v. 1 traditionally and the collateral extra costs will likely have adverse impacts on revenue and expenditures that will eat into the current approximately 1 million dollar budget reserve of the WSBA that we had worked very hard to accumulate from October 1 through April. We will keep you informed as more information comes in.

WSBA Salary Transparency:

An Agenda item that I believe is planned to be on the June Agenda is a request to make WSBA employee salary and benefit information transparent and to post such information on the WSBA website for the membership and the public. I fully support doing so, because as Treasurer, one of my primary goals this year has been to improve the WSBA transparency and communication of financial matters. The request from some Governors including myself is to post at a minimum the salary range of different employee classifications, as well as a job title classification and actual current annual salary. I believe doing so, which is similar to what some other State Bar Associations do, would help to increase transparency and communicate to membership what salary and benefit information that their license fees are paying for. I therefore, will be supporting such a measure at the June, and/or future BOG meetings.

April 2020 WSBA Financials:

Through 7/12 Months of FY 2020 with the latest financial data completed at the time of preparation of this report, WSBA was as follows:

Description	% Of Year	Current Year % YTD	Current Year \$ Difference	Prior Year YTD	Comments
Salaries	58%	59.58%	(\$145,196) Over Budget	60.20%	Salaries slightly over due to temp employee salaries.
Benefits	58%	55.49%	\$120,747 Over Budget	56.31%	Under budget due to eliminated positions
Other Indirect Expenses	58%	58.90%	(\$111,574) Over Budget	59.63%	Over budget due to legal fees and

					timing of annual payments that aren't prorated
Total Indirect Expenses	58%	58.90%	(\$111,574) Over Budget	59.63%	Over Budget due to the temp salaries and other indirect costs & legal fees.

General Fund Revenues	58%	62.34%	\$843,478 Over Budget	63.79 %	Over Budget due to license revenue and bar exam fee payments
General Fund Direct Expenses	58%	45.93%	\$333,587 Under Budget	47.99	Under Budget due to timing of payments and cancelled conferences

CLE Revenue	58%	49.91%	(\$165,845) Under Budget	53.47%	Under budget due to low attendances and cancelled seminars
CLE Direct Expenses	58%	21.29%	(\$224,279) Under Budget	45.17%	Under the budget due to timing of the payments and cancelled live seminars.
CLE Indirect Expenses	58%	59.27%	\$12,479 Over Budget	59.01%	Over Budget due to salaries and other indirect costs

Through April, WSBA has \$51,069.06 in 3 unanticipated temporary employees, and the temporary salary line item is over budget by 27.15 percent for a grand total of \$209,456.51 over a total of \$191,740.00 budgeted amount.

Summary of WSBA Financials General Fund:

Actual Revenues	Budgeted Revenues	Actual Indirect expenses	Budgeted Indirect Expenses	Actual Direct Expenses	Budgeted Direct Expenses	Actual Total Expenses	Budgeted Total Exp	Actual Net Result	Budgeted Net Result
13,137,079	21,074,744	10,759,207	18,277,435	1,234,787	2,688,641	11,993,994	20,966,076	1,143,086	108,667

Overall, seven (7) months out of 12 in the Fiscal Year, WSBA had turned a profit of \$1,143,086.00 from a close to \$600k anticipated budgeted loss at the start of FY 2020!

Respectfully,

Dan Clark

WSBA Treasurer/4th District Governor

DanClarkBoG@yahoo.com

(509) 574-1207 (office)

(509) 969-4731 (cell)

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

George Floyd Memoria
Statements by Groups
of Our Members



Civil Rights Law Section

June 5, 2020

Dear Civil Rights Law Section Members,

This letter is written solely on behalf of the Civil Rights Law Section of the Washington State Bar Association. This does not express the views of the Washington State Bar Association, nor its Board of Governors.

On behalf of your Executive Committee, I want to acknowledge the outrageous injustice we are witnessing and living – disrupting the administration of justice.

The killing of George Floyd, Ahmaud Arbery, Tony McDade, Dion Johnson, and Breonna Taylor have rightfully outraged our nation and the cities within Washington State. Breonna Taylor's 27th birthday is today, June 5th, 2020. She was an emergency medical technician, an essential worker during the current COVID global pandemic. She died from the bullets of three plainclothes officers who arrived in her apartment at 12:30 am. The officers have yet to be arrested or charged.

Here at home, we add the name Manual Ellis, a father of two and talented musician from Tacoma, WA whose last words were also, "I can't breathe." His cause of death: asphyxiation due to physical restraint.

On Monday, we saw images of a 9-year-old girl who was pepper sprayed by police officers in Seattle while she peacefully protested with her parents, signaling a message to Mayor Durken to withdraw her application to winddown federal oversight – reminding us of the unjust killing of indigenous (Ditidaht and Cowichan) gifted carver, John T. Williams – reminding us of Charleena Lyles, a pregnant mother who had called 911 in 2017 to report a burglary and was unjustly killed in front of her own children.

On Tuesday, we saw the resignation of James Miller, former Under Secretary of Defense of Policy, in protest – a rare action – whose letter to Secretary of Defense, Mark T. Esper stated, "You may be asked to take, or to direct the men and women serving in the U.S. military to take, actions that further undermine the Constitution and harm Americans."

On Wednesday, Former Secretary of Defense, James Mattis, who resigned in 2018, wrote, "We do not need to militarize our response to protests. We need to unite around a common purpose." The same day, we saw Mark Esper oppose invoking the Insurrection Act, against the direction of the Executive Branch.

On Thursday, protesters - who were attacked by federal troops as they demonstrated nonviolently against police brutality - sued President Donald Trump, Attorney General William Barr, and Secretary Mark Esper for violating their constitutional rights, namely the 1st Amendment right to peacefully assemble. <https://lawyerscommittee.org/civil-rights-groups-sue-trump-barr-for-tear-gassing-peaceful-protesters-outside-white-house/>

All this against the backdrop of a global pandemic. The framing of COVID first ignited racism against Asian Americans and now the virus itself spotlights racial disparity in healthcare, racial disparity in the criminal justice system, and racial disparity in access to fundamental political rights. Inmates are 85% more likely to contract the virus given prison conditions. Here at home, Yakima County, WA has the highest rate of the virus on the West Coast due the unsafe farmworker conditions. Yakima County also has one of the greatest racial disparities in our state in voting: persons with Spanish surnames are seven times more likely to have their ballots rejected.

As we move toward the November election, it is clear that all voters in the nation much have access to mail-in or absentee ballots in order to uphold the federal Voting Rights Act and our fundamental right to vote, which is preservative of all other rights and directly relates to the administration of justice. Voting and civic engagement promote the development of freedom and liberty, the heart of American democracy codified in the 14th and 15th Amendments. The places where BIPOC (Black, Indigenous, People of Color) communities are hit the hardest by COVID are also the places where there are no mechanisms in place for people to vote by mail. Lawsuits have been filed in states where it is practically impossible to receive absentee ballots (e.g., *O'Neil v. Hosemann*, a Mississippi case involving undue burden regarding the state's requirement to have both the request for an absentee ballot and the actual ballot itself notarized). Due to COVID, voter registration has plummeted and voting itself has become a life or death decision as we saw in the primary in Wisconsin, where in the peak of the pandemic, people were unable to vote by mail and risked their own health going to the polls.

Our human rights crisis at the border during COVID has become a national shame: EIOR (Executive Office for Immigration Review) has no uniform policy on sanitation, cleaning, social distancing or testing for the virus as we imprison 55,000 refugees on any given day. We are not only endangering those detained and working within detention centers but exporting the virus to countries who are far less resourced to manage it (75% of all deportees in a recent flight to Guatemala tested positive). Although 90% of all people seeking asylum in this country have friends or relatives to be released to, our government is continuing to detain people in hazardous conditions which the United Nations and constitutional scholars nationwide are defining as unlawful detention. The Civil Rights Law Section supported legislation this year to prohibit the contracting of private detention centers within WA because of the incentive of profit over human health and safety. On March 20, 2020, the US closed its borders to all people seeking asylum and deported 20,000 people, in violation of international law, Declaration of Universal Human Rights, Declaration of the Rights of the Child, Declaration of the Convention relating to the Status of Refugees and in violation of domestic human rights for children, the Flores Agreement.

We are inundated with images, news, town hall meetings, social media, texts, emails, webinars, and videocalls on what's unfolding before our eyes.

We are here. We will continue to work in defense of our constitutional rights and the administration of justice. We will continue to uphold human dignity in times of crisis.

Black Lives Matter.

Your Civil Rights Law Section Executive Committee will undertake the following action steps and asks for your support:

- Publish this statement to the WSBA Board of Governors, WSBA Section Leaders, statewide and national organizations
- Update you on important litigation regarding voting rights, 1st amendment right to peacefully assemble, and police brutality
- Organize volunteer opportunities to assist protesters and advocates working for the release of detainees and inmates within our state institutions during COVID pandemic
- Share information regarding National civil rights organizing calls
- Share resources to assist firms and organizations in responding to our civil rights crisis
- Demand a recommitment of Equity, Diversity and Inclusion at all levels of the WSBA
- Share resources on how to sustain our physical and mental health

Stay safe, stay well,
In solidarity,

Molly P. Matter,
Chair, Civil Rights Law Section, WSBA



MEMBERS

Francis Adewale
Esperanza Borboa
Judge Laura T. Bradley
Hon. Frederick P. Corbit
Hon. David S. Keenan
Lindy Laurence
Michelle Lucas
Salvador A. Mungia
Mirya Muñoz-Roach
Terry Price

STAFF

Diana Singleton
Access to Justice Manager
(206) 727-8205
dianas@wsba.org



THE ALLIANCE
for Equal Justice
MEMBER

June 16, 2020

Rajeev Majumdar, WSBA President
Whatcom Law Group, PS
289 H St Ste A
Blaine, WA 98230
rajeev@whatcomlaw.com

Re: ATJ Board's Call and Commitment to Action

Dear Rajeev:

I want to share with you the Call and Commitment to Action that the Access to Justice Board adopted last Friday, June 12, 2020. As you noted in your recent message, our State Supreme Court has charged our bar association with promoting an effective legal system, accessible to all. As long as our legal system is infected with systemic and institutional racism, it will not be accessible to all and it will not be effective. We, the ATJ Board, hope the Washington State Bar Association takes concrete action to combat racism. We, the ATJ Board, have committed to take concrete steps as a Board to do more to combat racism within the legal system. We, the ATJ Board, have committed to taking individual action to demonstrate our commitment to fighting the pandemic of racism. We urge the WSBA Board of Governors to do the same.

Sincerely,

Salvador A. Mungia
Chair, Access to Justice Board

cc: Terra Nevitt, Interim WSBA Executive Director, terran@wsba.org
Diana Singleton, Equity and Justice Manager, dianas@wsba.org

A CALL & COMMITMENT TO ACTION

The Washington State Access to Justice Board has not done enough in the battle against racism against Black communities and other communities of color. Racism, discrimination, and intolerance of any kind is unacceptable. The “twin pandemics” of COVID-19 and violent racism have laid bare deadly, toxic racial disparities that exist across all of our systems, including the justice systems. As the Washington State Supreme Court recently acknowledged, “[o]ur systems remain affected by the vestiges of slavery: Jim Crow laws that were never dismantled and racist court decisions that were never disavowed.”¹

In order to meet our charge to expand access to our civil legal justice system, the Access to Justice Board must actively resist racism against Black, Indigenous, and People of Color (BIPOC). This includes dismantling structures that advantage white people at the cost of dehumanizing BIPOC and resisting habits and practices that uphold white privilege. We must squarely address barriers that continue to prevent communities of color from accessing meaningful relief within the civil justice system. We must also examine ways that our legal systems often overlap and reverberate in ways that amplify harm for communities of color. As long as institutional racism exists, our legal system will be just that – a legal system and not a justice system.

We join the chorus of voices being heard not only across our state, not only across our country, but indeed throughout the world to take active steps to confront racism. To ensure we do more than simply say words, we, the members of the Access to Justice Board, commit to taking the following collective steps:

1. As a convener for the Alliance for Equal Justice, within 60 days from the adoption of this Statement we will convene Alliance for Equal Justice members, alongside racial justice movement leaders and representatives of communities who are most harmed by racism within the civil justice system and intersecting legal systems, to create and adopt an Alliance-wide Action Plan for combatting racism.
2. As a catalyst for change within the civil justice system, we will take our lead from Black, Indigenous and People of Color as we deepen our understanding about the ways the law and justice systems lead to harm and as we generate and recommend strategies for changes to policies and practices.
3. As leaders within our communities, we will educate ourselves, policy makers, and our stakeholders about the role that civil legal aid can play in ending systemic racism.

¹ Open letter from the Washington Supreme Court to Members of the Judiciary and the Legal Community, dated June 4, 2020.

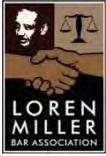
4. As a Board that seeks to live our stated values, we will continue to engage in our own learning and examine our own practices to ensure that we are not perpetuating anti-Blackness or racism within our operations and decision-making.

Access to Justice Board members will also be taking a series of individual steps, unless prohibited from doing so because of professional ethical considerations, e.g., the canons of judicial conduct. Examples of our individual commitments, which we encourage our partners to consider as well, include:

1. Additional donations, over and above what we would normally give, to the Campaign for Equal Justice or the Endowment for Equal Justice;
2. Donations to local or national organizations that are fighting racism such as the Equal Justice Initiative, the American Civil Liberties Union, the Southern Poverty Law Center, the Lawyers Committee for Civil Rights under the Law, Movement for Black Lives, or similar organizations;
3. Personally contacting one or more local county or city representatives urging them to take action to address policies that further systemic racism, e.g., the use of chokeholds; and
4. Personally contacting one or more of our congressional representatives, urging them to take action to address policies that further systemic racism, e.g., allowing surplus military equipment to be used by civilian police departments, the need for civilian review boards, a national database of law enforcement officers who have been found to have engaged in discriminatory practices.

Through our [State Plan for the Coordinated Delivery of Civil Legal Aid](#), our adoption of the Washington Race Equity & Justice Initiative's [Acknowledgments & Commitments](#), and our guiding principles, the ATJ Board has made, and will continue to make, race equity a central tenet for all the work that it does.

We, the members of the ATJ Board conclude this call to action by making this statement: Black Lives Matter.



2020-2021 LMBA
EXECUTIVE BOARD

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Sarah Elerson
Member at Large

Shantrice Anderson
Member at Large

LMBA
PO Box 1873
Seattle, WA 98111

www.LMBA.net

June 5, 2020

Dear LMBA Members, Friends and Allies:

The Loren Miller Bar Association sends its condolences to the families of George Floyd, Breonna Taylor, Ahmaud Arbery, Manuel Ellis, and all others affected by racism or police brutality. These senseless deaths, rising to the local and national consciousness in just the past few weeks, demonstrate in a brief spate of time what the Black community has long experienced in America.

To move past our current state of inequality there must be a concerted, unified and continuous effort. The *war* for equality has been a long one and it will not be won without constant vigilance and energy. As attorneys, we are charged with the responsibility to protect rights and dispel injustice. This charge has always been paramount — but it is critical in times like these.

This is a time for change and it is long overdue. We must seize this moment as the hearts and minds of our society have never been more open or receptive. In the march towards equality we encourage you to continue demanding meaningful change. As such, we support the Black Lives Matter movement and peaceful protests which fight for our civil rights. We encourage you to monitor our e-newsletters and the [LMBA website](#) for opportunities to stand with protestors and utilize our legal expertise through training, clinics, and pro bono representation.

Our organization was founded to confront institutionalized racism and we maintain our civil rights agenda. We continue to do this because the black community lives with a reality that everyone is not treated equally. Until racial equality is realized, we will fight.

In Solidarity,

President James F. Johnson and the LMBA Board

James F. Johnson
President
Loren Miller Bar Association
president@lmba.net



**FLOW Stands in Solidarity with the Black Community Against Police
Brutality and Racial Inequity**

The Filipino Lawyers of Washington (“FLOW”) recognizes and strongly condemns the historical and current pain inflicted on our Black families, friends, and colleagues by police brutality, and unauthorized and unwarranted use of deadly force. As people of color, we know that any progress made towards racial equity would not have been possible without the sacrifices and activism of the Black community.

As Filipinos, we are proud of the long history in our state of standing side by side with the Black community in the fight for civil and human rights. In step with that history, FLOW and its membership stand in solidarity with the Black community. In doing so, we advocate educating ourselves on the effects of systemic use of unauthorized and unwarranted use of deadly force and other instances of police brutality, its effects on the black community, and other minority communities, and challenging our fellow community members to find meaningful ways to hold space for our Black sisters and brothers in bringing light to the human and civil indignities that continue to be perpetuated.

FLOW is committed to advocating and working for the lasting systemic and societal changes that are necessary to end the suffering that the Black community has endured.

Learn More and Show Your Support

We encourage you to support organizations dedicated to fighting injustice, systemic racism, and police brutality, including the ones listed below:

- [Black Lives Matter Seattle-King County](#)
- [Northwest Community Bail Fund](#)
- [NAACP Legal Defense and Educational Fund](#)
- [American Civil Liberties Union \(ACLU\)](#)

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If you no longer wish to receive these emails, you can [unsubscribe](#) at any time.



STATEMENT OF SUPPORT

In Response to the Murders of George Floyd, Breonna Taylor, & Countless More, Nationwide Protests for Justice & Systemic Change, and Black Lives Matter

On May 25, 2020, George Floyd was killed by a Minnesota police officer, despite urgent and repeated pleas for aid from Mr. Floyd and bystanders.

Days after Mr. Floyd's death, nationwide protests have taken place and continue as protesters mourn and demand justice and systemic change. With profound grief, we acknowledge and recognize George Floyd, Breonna Taylor, Ahmaud Arbery, Charleena Lyles, Tony McDade, and the countless more killed by police brutality against the Black community. With shared outrage, we acknowledge and recognize the millions of people in our Black communities who have and continue to experience systemic violence and racialized oppression in our country.

We further recognize the ways that our legal system continues to play a disproportionate and systemic role in the continued violence against Black people, including via racial profiling and bias, false arrests and reports, excessive and deadly use of force, disproportionate sentencing, and mass incarceration.

In the past three months, we have heard the horrific stories of Black people killed in violent acts of racism. Outside a market. Home asleep. Jogging in a nearby neighborhood. This is a terrifying time, and worse, little has changed. We must demand accountability, justice, and genuine and meaningful change.

As an organization formed of individual community members, **we remember and mourn George Floyd, Breonna Taylor, Ahmaud Arbery, Charleena Lyles, Tony McDade, and the countless more killed before them.** As an organization dedicated to social justice and equity for all, **we denounce the systemic police brutality against the Black community.**

We stand in support of and solidarity with the Black community.

Black lives matter.

We can effect change together.

In solidarity,

Korean American Bar Association of Washington



June 2, 2020

**2020-2021 LBAW
BOARD MEMBERS**

**Vanessa Arno
Martinez**
President

Andrés Muñoz
President-Elect

**Diego Rondón
Ichikawa**
Treasurer

**María Luisa
Hernandez Juarez**
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**Yessenia Medrano
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Susana Ruiz
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Angélica González
V.P. Development

**Lisa Herrera
Lola Velazquez**
Co V.P.s Eastern
Washington

**Sergio Garcidueñas-
Sease**

Katherine Brennan
Co V.P.s Judicial
Evaluations

**Latina/o Bar
Association of
Washington**
P.O. Box 21134
Seattle, WA 98111
www.lbaw.org

Dearest LBAW Community,

I hope this message finds you and your loved ones in safety and in health. I write this letter to send our love and support to those facing innumerable challenges throughout this tumultuous period.

We stand in solidarity with black communities throughout Washington and the United States as they demand justice for the systemic ills that buttress police brutality. We see you and honor you. We ask our membership to self-reflect on their own biases and ensure that white supremacy is checked, no matter the source. *Su lucha es nuestra lucha.*

Importantly, we recognize the Afrolatinx community as part of our own. Colorism has no place here.

We recognize that brown and black communities have been disproportionately affected by COVID-19. Essential employment, inequitable health care, and systemic racism have compounded the global pandemic for communities of color.

We stand in solidarity with people of color throughout Washington, including the farmworkers in Eastern Washington demanding safety equipment and adequate protections from their employers. Farmworkers are *essential* in every sense of the word; we would all suffer without their work. LBAW honors their labor and pleads for their safety.

We stand in solidarity with those who are confined in the state and federal detention systems throughout Washington. Systems that have historically failed to acknowledge and protect the confined, their rights and their dignity. This crisis highlights the reform of compassion that is much needed and overdue in our prison systems.

For our LGBTQ communities, happy Pride Month. We honor and thank Sylvia Rivera and Marsha P. Johnson, our Latinx and black foremothers.

There are many ways to take action to address systemic racism, including financial support and self-education. We encourage you to donate to the LBAW scholarship fund, the Loren Miller Bar Association scholarship fund, and other minority bar associations, as well as other people-of-colored organizations focused on equity and justice for communities of color. We encourage you to use your unique positions of power, privilege, and education to enact meaningful changes in the judiciary and legislature.

Although COVID-19 poses a new challenge for our organization, LBAW has adapted. LBAW continues to hold our legal clinics remotely, in an effort to address the unmet legal needs of our community members. We continue to conduct judicial evaluations virtually for those interested in ratings by LBAW. Volunteering for these programs is a great way to take action. We are working to find alternatives to our traditional “dessert dash” fundraiser to raise essential resources for our scholarship fund. When news regarding our annual gala is available, we will provide it to our members and supporters.

In love and solidarity,

Vanessa Arno Martinez and the LBAW Board



Please find a joint letter from the QLaw Bar Association and QLaw Foundation to the political and law enforcement leaders of Seattle, King County, and Washington State.

June 4, 2020

To the Elected Leaders of the City of Seattle, King County, and the State of Washington:

QLaw Foundation of Washington promotes the dignity and respect of LGBTQ+ Washingtonians within the legal system through advocacy, education, and legal assistance. The QLaw Association serves as a voice of LGBTQ+ lawyers and other legal professionals in the state of Washington on issues relating to diversity and equality in the legal profession, in the courts, and under the law. Our work as direct legal services providers to Washington's LGBTQ+ communities brings us into intimate contact with the interpersonal and state-imposed violence that our communities experience every day as a function of white supremacist, straight supremacist, and cisgender supremacist systems.

We write today, on the fourth day of Pride month, to join our Black loved ones, family, friends, and neighbors in demanding that you use your positions of power, immediately, to make necessary change. We write today to honor our Black, Brown, and Indigenous elders who fought for our beloved LGBTQ+ communities to live free of police violence against our bodies

and gathering spaces. We write to honor our Black, Brown, and Indigenous elders lost to the racism, homophobia, and transphobia that fueled the AIDS epidemic and which now fuels the spread of COVID-19. We write to honor our Black, Brown, and Indigenous loved ones, our queer and trans communities, who have risen up in protest in the last several days.

As our elected leaders, as the people charged by our democracy with the responsibility to protect the safety of our communities and equal application of the laws of the United States, the State of Washington, and the City of Seattle, you have failed all of us. You have allowed Seattle Police Department, Washington State Patrol, and other law enforcement agencies to commit acts of aggression and abject, abhorrent violence against protesters, journalists, youth, elders, with little to no provocation. We could not reiterate every incident we have seen in the last several days if we tried because there are simply too many. We have seen police kneeling on the neck of a person being arrested. We have seen police officers spray gas into a packed-tight crowd at 12th and Pine. We have seen police officers wearing black tape over their badges, obscuring their identities. We have seen police arrest a person, standing alone, playing a trumpet. We have seen police officers instigate violence by grabbing a pink umbrella. We have seen a journalist hit with a projectile. We have seen our LGBTQ+ communities living on Capitol Hill reporting tear gas seeping into their homes, sickening loved ones and our children. We have seen our queer and trans siblings arrested, booked into our jail facilities which inherently disrespect their lived identities and kept there while the courts tasked with protecting their constitutional rights closed.

These injustices must stop immediately. You are the people empowered to stop them.

We stand in solidarity with Black-led movements in making the following demands:

- 1) Defund the Seattle Police Department by 50%. In a time of economic crisis, we must be diverting every available resource to feeding, housing, and caring for our communities.
- 2) Immediately direct Seattle Police Department funding to Black, Brown, Indigenous, and LGBTQ-led community health, safety, and economic

initiatives. Mental health support, housing, youth support, and community-driven restorative justice must be allowed to flourish and grow as our communities recover from the trauma of pandemic and police violence.

3) Immediately cease arrest, prosecution, and incarceration of protesters. The First Amendment is an affirmative right, not a defense against prosecution.

4) Immediately prohibit the use of tear gas, flash-bangs, rubber bullets, and other tools of violence by law enforcement against protesters. These incendiary devices have been shown to escalate violence and harm unarmed individuals.

5) Immediately prohibit any obstruction of badge numbers by police officers, for any reason.

We appreciate that you may feel bound by competing forces, including the Seattle Police Officers Guild. However, as lawyers and legal services providers, we are also negotiators and mediators, and we know that in every negotiation, there comes a time when one must hold the line for justice. We demand that you hold that line, at every opportunity, in support of our Black loved ones, our queer and trans families, our Brown and Indigenous neighbors.

Respectfully,

J. Denise Diskin

Executive Director

QLaw Foundation of Washington

101 Yesler Way #300

Seattle, WA 98104

[www.qlawfoundation.org](http://www qlawfoundation.org)

And members of the Board of Directors

Joshua Treybig

President, Board of Directors

QLaw Association of Washington

P.O. Box 1991

Seattle, WA 98111-1991

www.q-law.org

And members of the Board of Directors



To the SABAW Community:

This past week we have all watched protests across our nation in response to the murder of George Floyd by law enforcement. While we applaud the arrest of the four officers involved in his murder, his death was the direct result of the white supremacy, anti-black racism, and police violence that has affected our country for hundreds of years. The South Asian Bar Association of Washington grieves with the families of our black brothers and sisters whose lives have been taken by police violence and racism. We strongly support all efforts to tackle the deep-rooted institutionalized racism and white supremacy in the United States.

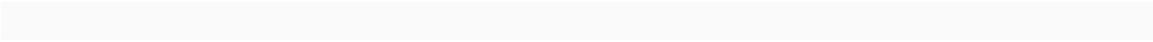
As legal professionals, we often work within and interact with institutions and systems that actively uphold white supremacy. We have a unique duty to not only speak up when we encounter racism but also hold ourselves accountable and use our privilege to protect Black lives.

As South Asians, we also have a responsibility to challenge the biases many of us grew up with. We must unlearn the anti-blackness and colorism that has plagued our communities for so long.

This moment requires more than just words of solidarity. This is why SABAW pledges to award at least one of our [2020 scholarships](#) to a law student or recent graduate that has demonstrated service or engagement with the Black Community.

Justice for George Floyd, Ahmaud Arbery, and Breonna Taylor must be served. At the same time we must also work to deliver justice for all victims of white supremacy and police violence, the ones we know and the ones we do not know. We cannot and will not let this moment pass without justice and without real change.

- The SABAW Board



The Vietnamese-American Bar Association of Washington (VABAW) stands in solidarity with our Black brothers and sisters.

VABAW has deep sadness, anger, and grief over the deaths of George Floyd, Breonna Taylor, Ahmaud Arbery, and countless others in the Black community. As painful as this moment may be for all of us, we must address the inequities this incident and the COVID-19 pandemic have laid bare and the ugliness they have revealed. For some, the simple act of walking down the street, jogging, or bird watching can be dangerous or even deadly.

VABAW denounces the systemic racial and legal injustices that have led to the reality of police brutality against the Black community. We are committed as allies in addressing racism against the Black community and to have open and honest conversations with our coworkers, friends, families, and community, no matter how uncomfortable. These conversations are long overdue, and must continue for as long as needed to achieve meaningful action. VABAW will not remain silent on these issues; to remain silent is to reject the dignity of those who have died and will continue to die at the hands of racism and injustice. VABAW commits to ensure that Black lives matter, and to advocate for legal reform in memory of those who can no longer speak. May we never forget and be inspired into action to affect change.

In Support and Solidarity,

The Vietnamese-American Bar Association of Washington



June 5, 2019

We watched in horror as George Floyd was killed, begging for help and his mother. But the racism that enables this gross abuse of power is not new. For too long, silence has enabled repeated killings and assaults in Black communities. The list of Black names in the social lexicon is heartbreakingly long, and there are countless more that never trended on social media.

The Washington Women Lawyers stand with and for our communities of color, especially the Black community today, to unequivocally denounce the systemic legal injustices that allowed George Floyd to be killed by police officers who many believe will likely escape justice; for Ahmaud Arbery to be hunted and his killers to walk free for weeks; for Breonna Taylor to be senselessly killed while sleeping in her own home; for Christian Cooper to be threatened with the police by a white woman weaponizing her privilege; for Manuel Ellis to become yet another Black man crying out, “I can’t breathe” before he died in police custody. Because Black lives do matter, because Black names shouldn’t be the next trending hashtag, because Black parents shouldn’t worry about their children leaving their homes, and because the Black community shouldn’t stand alone.

As lawyers, we are uniquely placed to recognize and fight against the systemic injustices that have taken the lives of so many people of color. Through communication, advocacy, and action, the WWL recognizes that it can and must call out and fight the shameful legacy of oppression that slavery and racism continues to have on the legal system. The WWL exists to advocate for the full integration of women into the legal profession, and to promote equal rights and opportunities for all women. So long as our Black members are made to confront racism in the communities, organizations, and institutions in which they live and work, and to feel unsafe and unheard while pursuing their lives and vocations, our goal is not met.

Now is the time to truly listen, to be vulnerable, to sit uncomfortably in painful truths, and to be an ally for change.

Black lives matter.

George Floyd.

Breonna Taylor.

Ahmaud Arbery.

Manuel Ellis.

Say their names.

The WWL is committed to doing more than issue a statement. We encourage members of the legal community to consider taking the following steps:

- Donate to or volunteer with an organization that helps fight systemic racism and making a difference in our communities, including:



Washington Women Lawyers

- [The NAACP Legal Defense and Educational Fund](#): Through litigation, advocacy, and public education, the LDF seeks structural changes to expand democracy, eliminate disparities, and achieve racial justice in a society that fulfills the promise of equality for all Americans.
- [Campaign Zero](#): A data-informed platform that presents comprehensive solutions to end police violence in America. Campaign Zero's 8 Can't Wait initiative has identified eight policies to curtail police violence.
- [The ACLU of Washington](#): The Racial Justice Program, in particular, "brings impact lawsuits in state and federal courts throughout the country, taking on cases designed to have a significant and wide-reaching effect on communities of color."
- [Community Passageways](#): A Seattle-based nonprofit with a felony diversion and prevention program. They aim to prevent the youth from going down the wrong path, keep them out of prison, support those who are already in prison, and ensure a smooth and successful integration from prison to the community.
- [Register to vote](#): As part of the 100 year celebration of the 19th Amendment, the WWL recognizes that equal access and the right to vote has been denied to communities of color, and the struggle has continued for many decades following 1920 to ensure all women have the legal right to vote. Register to vote and ensure that your vote counts.
- [Make your voices heard](#) by contacting your federal, state, and local representatives.
- Join Community Passageways' "We Want to Live" march on Sunday, June 7, at 2:00 p.m. at Othello Park in Seattle.
- Educate yourself about the privileges and systemic barriers that pervade our society, such as through one of the following books, while supporting bookstores owned by people of color, such as L.E.M.S Bookstore in Seattle or those found [here](#):
 - *White Fragility* by Robin DiAngelo
 - *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* by Michelle Alexander
 - *Stamped from the Beginning: The Definitive History of Racist Ideas in America* by Ibram X. Kendi
 - *On the Other Side of Freedom: The Case for Hope* by DeRay Mckesson
 - *So You Want to Talk About Race* by Ijeoma Oluo
- Keep the conversation going and join us in developing additional action items so this moment does not stop with a statement.

Chrystina Solum

State Board President

Washington Women Lawyers

wwl.org | president@wwl.org

WASHINGTON STATE BAR ASSOCIATION

Office of the President

TO: WSBA Board of Governors
FROM: Rajeev D. Majumdar, President
DATE: June 14, 2020
RE: Washington State Bar Association's Council on Public Defense to the Supreme Court's Call to Action

ACTION/DISCUSSION: Approve Publication of Comment from Council of Public Defense

Dear Board,

Chair Travis Stearns of the WSBA's Council on Public Defense submitted to me the results of the CPD's conversation over the last week culminating with a final draft on a public comment the Council on Public Defense would like to make.

I wholeheartedly recommend authorizing the Council on Public Defense to make a public comment. It is attached below.

In Service,



Rajeev D. Majumdar

Response by the Washington State Bar Association's Council on Public Defense to the Supreme Court's Call to Action after the Death of George Floyd

On June 4, 2020, Washington's Supreme Court called on the legal community to recognize that we all bear responsibility for the continuing injustices faced by Black Americans. The Council on Public Defense stands with the Supreme Court and acknowledges the unique role public defenders play in eradicating injustice. We agree with the Supreme Court that it is our moral imperative to join in the efforts to eliminate systemic racism from our courts. We also recognize all the public defenders who took collective action on June 8, 2020, who stated that "Black Lives Matter to Public Defenders."

Public defenders have the honor and the obligation to provide representation to those accused of crimes, at risk of losing their families, or otherwise held against their will. Like the Supreme Court, we believe unambiguously "the systemic oppression of Black Americans is

not merely incorrect and harmful; it is shameful and deadly.” We recognize that our clients are disproportionately persons of color. And while injustice may happen on the street when our clients are wrongfully or unnecessarily arrested or when children are unjustly taken from their parents, it is amplified in the courtroom when judges, public defenders, and prosecutors fail to recognize the role race plays in the prosecution of Black and Brown people.

Public defenders must work to change these wrongs. Our offices must be committed to diversity, equity, and inclusion. Persons of color must be recruited, retained, and elevated to leadership positions. Justice cannot happen until our offices reflect our communities and those we represent.

As the Supreme Court stated, all those involved in the courts must recognize their role in devaluing Black lives. All members of the legal community, including public defenders, have been complicit in where the legal system is today. Defenders have led efforts to challenge racial bias but must continue to commit to embracing anti-racism, eliminating explicit and implicit biases, and advocating to dismantle white supremacy in the legal system. We must examine our own biases and blind spots and create opportunities for others to do the same. As the Supreme Court held in *State v. Berhe*, “racial bias is a common and pervasive evil that causes systemic harm to the administration of justice.” As defenders, we must face those biases and declare that enough is enough. Change is long past due.

This call is collective and individual. Public defense must recognize the role it plays in perpetuating a system of injustice but also embrace its ability to provide the leadership necessary to make change, not only in this moment but also in establishing sustained and meaningful progress toward equality and humanity.

WASHINGTON STATE
BAR ASSOCIATION

WSBA Mission Statement

WASHINGTON STATE BAR ASSOCIATION

Carla J. Higginson, Governor District # 2

Dr.

TO: WSBA Board of Governors

FROM: Carla J. Higginson, Governor District #2

DATE: June 11, 2020

RE: Mission Statement of the WSBA

ACTION/DISCUSSION: Adopt a Mission Statement Emphasizing the WSBA's Role in Promoting a Legal System Accessible to All People

On June 3, 2020, in light of the events resulting from the death of George Floyd, the President of the WSBA asked the Board in his message to the membership, to consider changing our mission statement to "re-focus it to bring forward our charge of promoting of an effective legal system, accessible to all."

I find myself moved by that call.

All people need to be assured that the legal system is an effective means of ensuring the permanent peace that can only occur when all persons in the United States believe that courts exist to protect the less powerful. An effective legal system, accessible to all, is the epitome of nonviolence.

As Dr. Martin Luther King, Jr. so eloquently stated, "**Nonviolence is a powerful and just weapon - which cuts without wounding and ennobles the man who wields it. It is a sword that heals.**"

The prospect that each of our clients can access the court system and allow us to engage in the application of legal principles to seek redress of their grievances is a fundamental assumption in each lawyer's representation of a client. A lawyer's training is without use, if there are barriers in clients reaching us, or if institutional barriers, prevent our clients from having their grievances heard. The WSBA should redouble its efforts to support its members, so that we as a profession can better support the needs of the people of our country. In every aspect of every person's life, the law bears down upon them –and access to the courts should be made clear for all people.

Again, in the words of Dr. Martin Luther King, Jr., "**Injustice anywhere is a threat to justice everywhere.**" Therefore, this seems an appropriate time to revise the WSBA Mission Statement to reflect the WSBA's strong commitment to fostering an effective legal system, accessible to all as we have been charged by the Supreme Court through GR 12.2.

Following is the proposed new mission statement:

WITH A STRONG COMMITMENT TO SERVING ITS MEMBERS, WSBA ENSURES THE INTEGRITY OF THE LEGAL PROFESSION AND PROMOTES AN EFFECTIVE LEGAL SYSTEM, ACCESSIBLE TO ALL.

The revised mission statement is meant to better reflect the core values of the WSBA as an organization and the strong commitment every WSBA member has, as officers of the court, to ensure that all people in the State of Washington should be able to have faith in and can resort to the rule of law for their protection and advancement.

WASHINGTON STATE
BAR ASSOCIATION

**WSBA Equity and Disparity
Workgroup**

WASHINGTON STATE BAR ASSOCIATION

Office of the President

TO: WSBA Board of Governors
FROM: Rajeev D. Majumdar, President
DATE: June 8, 2020
RE: WSBA's Equity and Disparity Work Group

ACTION/DISCUSSION : A 2 year charter for WSBA's Equity and Disparity Work Group – a group empowered to look at concrete solutions through changes in court rules and laws.
GR 12.2 (2, 6)

Dear Board,

You have all read my [message to the membership](#). The response from the members has been overwhelming positive, with people asking what the next step our WSBA is going to take and how they can help.

The killing of George Floyd at the hands of Minneapolis police officers—who have now been charged with murder or aiding and abetting the same—has stirred all too familiar unresolved tensions and conflict in our society over racism and the use of violence. Faced with weeks of isolation at home due to the coronavirus, a potential economic downturn, rapidly rising unemployment rates, and mistrust and misinformation about legal rights, many people in our country are left feeling hopeless, powerless, and fearful of speaking up. The result is a continued cycle of violence and defensiveness, ever more fraying the fabric of our society.

There is no equity without access to the justice our legal system can provide, and there is no access to justice without our profession doing its part to solve problems. It is up to each one of us to stand up and speak for others who cannot so that we may substitute true dialogue and good policy for violence in our society. That is the very point of an effective legal system, and as officers of that system we bear a large share of the burden in its failures if each of us do not work to ever reform it.

For years, attorneys and other members of the legal community have complained about injustice in our profession and the unequal application of laws to minority members of our community. Although dialogue itself has value, they have not moved the needle from injustice to justice. Therefore, it is time to act. Act in a way that lawyers are best suited to do- with review and analysis.

The action I am recommending is that a special task force to be formed with the specific task to review the rules, regulations, and laws related to the practice of law and the administration of justice, and identify the ones that facilitate injustice and propose remedies that the WSBA can advance pursuant to our mandate in GR 12.2. The goal is to list laws with recommended changes to reduce injustice. The reason for reviewing the laws and recommending changes is that we do not, as a legal community, fall into the trap of recommending that the courts simply ignore or not enforce laws which most people may no longer support. Rather, to move towards real reform it is necessary to identify rules, regulations, and laws creating injustice, and either ensure such laws are repealed by the correct body or rewritten to remove the injustice as it relates to the practice of law or the administration of justice.

The task force could begin with the rules of our own profession, such as the Rules of Professional Conduct, Admission and Practice Rules, and the Court Rules which the Bar Association can recommend that the Supreme Court change.

If this proves successful in advancing equitable reform, then the task force could expand to the examination of the Revised Code of Washington, expressly to make suggestions to the Legislature, of changes needed to ensure justice.

This approach would be substantially similar to the recent Covid-19 task force, which came together quickly to address issues created by the pandemic, but due to the nature of rule and law change is not expected to be rushed work product. Tragedy in George Floyd's death, and our trauma as a people from the resulting debate, does not need to result in inaction.

My intention, with your authority to proceed, would be to create a roster with a chairperson, our At-Large Governors, and then delegates skilled in technical review: five at-large delegates, a delegate from the Civil Rights Section, a delegate from the Committee on Professional Ethics, a delegate from the Court Rules and Procedures Committee, a delegate from the Access to Justice Board, a delegate from the Practice of Law Board, and invite our listed partners in the private minority bar associations to send Delegates:

1. Asian Bar Association of Washington
2. Northwest Indian Bar Association
3. The Cardozo Society
4. Filipino Lawyers of Washington
5. Slavic Bar Association of Washington
6. QLaw – The LGBT Bar Association
7. South Asian Bar Association of Washington
8. Korean American Bar Association
9. Latina/Latino Bar Association of Washington
10. Vietnamese American Bar Association of Washington
11. Loren Miller Bar Association
12. Washington Attorneys with Disabilities Association
13. Middle Eastern Legal Association of Washington
14. Washington Women Lawyers

If this seems like a large body for a committee, it is. I intend for this to be in fact be a convention of underrepresented perspectives. I believe at this juncture in history it will be incredibly important to have many voices and perspectives from underrepresented communities represented, and for those voices to guide us in making our rules and laws more equitable.

The Committee would operate on Robert's Rules of Order and will issue reports with both majority and dissent opinions being moved forward together to advise the BoG. I would expect the Committee to Report to the BoG *at least* once every six months for two years, which I believe is sufficient time for thoughtful and continued work over a range of our wide bodies of laws.

I would like to thank former Governors Michael Cherry and James Doane for continuing to engage on these issues and help form this idea in my mind of a concrete response appropriate for our WSBA to take so that we are better educated and informed on what actions we should take. Special thanks also to our Diversity Committee Co-Chairs Laura Wulf and Governor Jean Kang for their review.

In Service,



Rajeev D. Majumdar

WASHINGTON STATE
BAR ASSOCIATION

**Resolution in Affirming Rule 6's
Program Value**

WASHINGTON STATE BAR ASSOCIATION

Office of the President

TO: WSBA Board of Governors
FROM: Governor Abell, Governor Clark, and Law Clerk Board Chair Phillabaum
DATE: June 14, 2020
RE: Resolution of the WSBA in Affirming the Rule 6's Program Value and Role in Providing an Additional Path to Justice for Underrepresented Communities

ACTION/DISCUSSION: Approve Resolution Affirming the Rule 6's Program Value and Role in Providing an Additional Path to Justice for Underrepresented Communities

WHEREAS, the Washington Supreme Court's Admission and Practice Rule (APR), 6 commonly known as the "Law Clerk" Program ("Program"), is an alternative to traditional law school education that might otherwise be unattainable due to economic and institutional barriers, and,

WHEREAS, the Program is a four-year course of study designed to provide educational and practical experience through a combination of work and study with an experienced lawyer or judge with at least ten (10) years of experience and in good standing with the Washington State Bar Association ("WSBA") during their Tutoring, and

WHEREAS, the Program is operated under court supervision by the Law Clerk Board which is comprised of volunteer WSBA members, and is comprised of WSBA volunteer Law Clerk Tutors who volunteer their time teaching the law to APR Rule 6 students for no financial compensation, and

WHEREAS, the Program offers an increased opportunity for non-traditional law school students, working parents, and other members of the public that are interested in becoming an attorney to serve the public, and

WHEREAS, without the Program, the WSBA and the members of the public would be deprived of many talented, hardworking attorneys that have provided valuable legal services to clients, and

WHEREAS, the Program has consistently provided a steady stream of competent, skilled, and proficient lawyers that have practical experience from having worked directly with a licensed attorney when they pass the Washington State Bar Exam, and,

WHEREAS, given the ever-increasing costs of traditional law school debt that face the overwhelming majority of most traditional law school graduates, the Program's graduates are frequently in an advantageous position to offer pro bono and/or moderate means legal services to their clients, and

WHEREAS, the Program offers increased access to justice, increasing the public good and benefiting the citizens of the State of Washington; Now therefore,

Be it resolved by the Board of Governors of the WSBA that we memorialize our full and continued support for the court approved and supervised Program and urge every qualified Member of the WSBA to consider serving as a Tutor for a prospective Law Clerk student.

Be it further resolved that the Board of Governors hereby thanks all of the volunteers of the APR Rule 6 Law Clerk Board, and all of the APR Rule 6 Law Clerk Tutors who have spent countless hours to make this Program an ongoing success for the benefit of the citizens of the State of Washington.

WASHINGTON STATE
BAR ASSOCIATION

**Resolution in Response
to National Dialogue**

WASHINGTON STATE BAR ASSOCIATION

Office of the President

TO: WSBA Board of Governors
FROM: Rajeev D. Majumdar, President
DATE: June 8, 2020
RE: Proposed Resolution of the WSBA in Response to the National Dialogue on Racism and Unlawful Use of Force

ACTION/DISCUSSION: Pass a Resolution.
GR 12.2 (a)(1, 2, 4, 6, 9, and 10)

Dear Board,

I have heard from so many of you and understand how important it is to this BoG that we support the rule of law, support our Supreme Court, stand against unequal application of the law to racist ends, support our employees, and support society as our nation goes through this tumultuous discourse. To that end, please find below for your approval a resolution.

In Service,



Rajeev D. Majumdar

WSBA RESPONSE TO THE NATIONAL DIALOGUE ON RACISM AND UNLAWFUL USE OF FORCE

The ongoing tragedy in our country concerning racism and the resultant unequal application of the laws to different members of our society is an issue that the WSBA is dedicated to confronting and engaging on. The Supreme Court has specifically charged the WSBA with: promoting an effective legal system, accessible to all;¹ and promoting diversity and equality in the courts and the legal profession.²

We have received the messages of many groups of our members that have been sent to us including statements by:

1. WSBA Civil Rights Section
2. WSBA Council on Public Defense

¹ GR 12.2(a)(2)

² GR 12.2(a)(6)

3. The Access to Justice Board
4. [Loren Miller Bar Association](#)
5. [Filipino Lawyers of Washington](#)
6. [Korean American Bar Association](#)
7. [Latina/o Bar Association of Washington](#)
8. [QLAW Association and QLAW Foundation](#)
9. [South Asian Bar Association of Washington](#)
10. [Vietnamese American Bar Association of Washington](#)
11. [Washington Women Lawyers](#)

And, on June 4, 2020, Washington’s Supreme Court called on us to recognize that *“the legal community must recognize that we all bear responsibility for this on-going injustice, and that we are capable of taking steps to address it, if only we have the courage and the will. The injustice still plaguing our country has its roots in the individual and collective actions of many, and it cannot be addressed without the individual and collective actions of us all.”* The Washington State Bar Association deeply appreciates the leadership of our Supreme Court and their signaling of the priorities our profession should dedicate itself to tackling.

On June 3, 2020, our President sent a message to the membership regarding the challenges facing our nation and our profession. An excerpt from that reads:

The killing of George Floyd at the hands of Minneapolis police officers—who have now been charged with murder—has stirred all too familiar unresolved tensions and conflict in our society over racism and the use of violence. Faced with weeks of isolation at home due to the coronavirus, a potential economic downturn, rapidly rising unemployment rates, and mistrust and misinformation about legal rights, many people in our country are left feeling hopeless, powerless, and fearful of speaking up. The result is a continued cycle of violence and defensiveness, ever more fraying the fabric of our society.

There is no equity without access to the justice our legal system can provide, and there is no access to justice without our profession doing its part to solve problems. It is up to each one of us to stand up and speak for others who cannot so that we may substitute true dialogue and good policy for violence in our society. That is the very point of an effective legal system, and as officers of that system we bear a large share of the burden in its failures if each of us do not work to ever reform it.

The Governing Body of the WSBA affirms and joins the President’s message to the membership and dedicates that the organization will redouble its efforts to support our members in their practices and the judiciary’s independence such that both members and judges can have the freedom to stand up and speak.³ The WSBA supports our members in striving to be paragons of ethics and professionalism in crafting lawful solutions to the problems our society is wrestling with.⁴ We as an organization will recommit our efforts to provide educational and wellness services to all

³ GR 12.2(a)(1, 3)

⁴ GR 12.2 (a)(4, 9)

of our members, including the judiciary, to support them through this time, recognizing that many of them are directly impacted by the injustice that persists in our nation.

Since 2004, WSBA has followed an interpretation of General Rule 12.2(c)(2) that was adopted by the Board of that time. Throughout the years, this rule has been a challenging part of the debate on the WSBA's ability to weigh-in broadly on significant issues that may in fact relate to the practice of law and administration of justice, such as institutional racism. Much has changed since 2004 and it seems appropriate in light of the Court's statement to ask whether WSBA's engagement on these issues is done in the best way to serve its members and the public. Therefore, we direct the Task Force charged with beginning a collaborative discussion with Court regarding delegated administrated entities to also discuss the interpretation of GR 12.2(c)(2) with the Court.

Further, the WSBA stands with its employees in these difficult times. As the people who support our members, and the work of our volunteer policy making bodies, we recognize that our employees are steadfastly doing their work in the face of the great strains of first the global pandemic, and now the international acknowledgment of the racial inequity and violence that persists in our society. We recognize that some of our employees have experienced racism and violence directly. In response to these extraordinary times we support and direct our interim Executive Director and President in providing support for our employees.⁵

On this day, the WSBA has also passed the following items as part of our agenda to confront the issues facing our members and society at large:

1. Approval of Public Statement by WSBA Civil Rights Section
2. Approval of Mission Statement of the WSBA Focused on Inclusivity
3. Approval of WSBA Equity & Injustice Workgroup
4. Approval of Resolution Affirming the Rule 6's Program Value and Role in Providing an Additional Path to Justice for Underrepresented Communities
5. Approval of Resolution of the WSBA in Response to National Dialogue

We hope that our actions today are but the first wave of contributions to moving towards healing the fabric of our society, that the WSBA will engage in over the next several years.

Approved by the WSBA Board of Governors on _____, 2020.

Rajeev D. Majumdar
WSBA President, 2019-2020

⁵ GR 12.2(a)(10)

WASHINGTON STATE
BAR ASSOCIATION

WSBA Diversity Committee Proposal

MEMO

To:	President Rajeev Majumdar and the WSBA Board of Governors
From:	WSBA Diversity Committee
Date:	June 18, 2020
Re:	Proposal for the Board of Governors

In the wake of the recent events around racial injustice and in an effort to respond to the WA Supreme Court’s recent call to action, the Diversity Committee respectfully submits this proposal to the Board of Governors (BOG).

The Diversity Committee’s primary purpose is to implement the [WSBA Diversity and Inclusion Plan](#), which outlines the WSBA’s inside-out approach to equity in the profession. The inside-out philosophy holds that a significant inward focus is the best foundation for impacting diversity, inclusion, and equity in the legal profession. Investing in the BOG’s development of cultural competency and awareness of disparities in the communities we serve, directly impacts how decision making, member engagement, and bar services are approached and implemented.

The inside-out approach is consistent with the Supreme Court’s call to action in its [recent letter](#):

Finally, as individuals, we must recognize that systemic racial injustice against black Americans is not an omnipresent specter that will inevitably persist. It is the collective product of each of our individual actions—every action, every day. It is only by carefully reflecting on our actions, taking individual responsibility for them, and constantly striving for better that we can address the shameful legacy we inherit. We call on every member of our legal community to reflect on this moment and ask ourselves how we may work together to eradicate racism.

It is with this hope that the Diversity Committee respectfully requests that the BOG publicly recommit to the inside-out approach to diversity, equity and inclusion to create a more diverse and equitable legal profession to fight against continued racial injustices in our society. Specifically, we request that the BOG take the following actions which are consistent with the WSBA Diversity and Inclusion Plan, the Board of Governors WSBA Values, and the commitments made by the [WA Race Equity and Justice Initiative](#), of which WSBA is a member:

- Commit to ensuring that race equity is reflected in policies and practices for BOG recruitment, selection, priority-setting, governance, organizational culture, and communications; understanding that diversity builds strength and prevents blind spots created by homogenous leadership organizations

- Learn techniques and tools for reducing and eliminating implicit and explicit bias, and invest in meaningful training to understand the importance of recognizing our own biases and moving forward to fight against systemic injustice.
- Ensure that the BOG is inclusive to the entire legal profession, including voices from marginalized communities;
- Approve and fully support President Majumdar’s proposal to create WSBA’s George Floyd Equity and Disparity Work Group; and
- Fully support efforts to require licensed legal professionals to complete at least one ethics credit in the topic of equity, inclusion and the mitigation of bias per each three year MCLE reporting period.

Further, as this memo has been developed, the Board of Governors is in the process of electing a person to be At-Large Governor for a 3-year term beginning in late September 2020. It is important that the person elected is from a historically underrepresented group who has faced legal and social exclusion in our State and Nation’s history. That person should also be best suited to not only represent, but report back to Diversity Stakeholders, most of whom are representatives of Minority Bar Associations. We encourage the members of the BOG to give serious consideration and elect someone who can best work with their colleagues on the BOG and with the stakeholders from diverse and historically underrepresented people and groups.

As President Majumdar stated in his proposal: *“There is no equity without access to the justice our legal system can provide, and there is no access to justice without our profession doing its part to solve problems. It is up to each one of us to stand up and speak for others who cannot...”*

We hope that the BOG will take this opportunity to recommit to its stated diversity, inclusion and equity values and take the next steps needed to demonstrate the WSBA’s inside-out approach and ultimately make our rules, courts, laws and profession more equitable.

TO: WSBA Board of Governors
FROM: Interim Executive Director Terra Nevitt
DATE: June 15, 2020
RE: **Report of the WSBA Editorial Advisory Committee**

At the October 28, 2019 meeting of the Board of Governors Executive Committee meeting, the Committee adopted a new charter to incorporate the responsibilities of the former Committee on Mission and Performance Review:

To (1) ensure WSBA's committees continue to do the work of the BOG, as directed by the BOG, consistent with our mission, guiding principles and strategic goals; (2) to make sure WSBA's regulatory boards are fulfilling their Supreme Court mandates and any other issues the BOG may have asked them to explore; and (3) to monitor the ongoing activities of the Supreme Court-created boards administered by WSBA, consistent with their charges from the Court. To accomplish these goals, the Executive Committee will review annual reports submitted by these entities with their BOG Liaison and forward recommendations to the BOG for review and action as appropriate.

In fulfilling this responsibility, the Executive Committee contemplates meeting with each WSBA and WSBA-administered entity annually, and for each entity to present to the full Board of Governors every three years to ensure each class of governors has the opportunity to engage with each entity during their term of service.

Attached, please find the materials provided by the Editorial Advisory Committee:

- Editorial Advisory Committee 2019-2020 Roster
- Washington State Bar News Article & Content Stats for April 2019-June 2020
- Editorial Advisory Committee FY19 Annual Report Update
- Editorial Advisory Committee FY19 Annual Report



THE MAGAZINE'S MISSION STATEMENT IS: *Washington State Bar News will inform, educate, engage, and inspire by offering a forum for members of the legal community to connect and to enrich their careers.*

2019-2020 ROSTER

Members of the Editorial Advisory Committee (EAC) work with the editor and WSBA staff overseeing publication of WSBA's official magazine, *Washington State Bar News*. This may include establishing guidelines and editorial policy, maintaining an editorial calendar, writing articles, securing content, identifying topics and issues relevant to members, identifying authors for content, reviewing articles, and advising on issues related to content.



Ralph Flick | CHAIR

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Ralph Flick is an Assistant Professor of Management with a focus on Business Law and Ethics at Pacific Lutheran University. His practice focused primarily on corporate transactional law as in-house counsel for several public companies as well as for private clients in his solo practice which he still maintains on a part-time basis. He holds a Bachelor's of Arts in Economics from California State University, Long Beach ('91), a Juris Doctor from Loyola Law School, Los Angeles ('94), and a Master's in Business Administration from the University of Southern California ('04).



Zachary C. Ashby

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Zachary C. Ashby practices family law at Ashby Law in Kennewick and manages marketing for the three Ashby Law offices in Kennewick, Walla Walla, and Spokane. He is a father of five children ages 13 to newborn (2019) and lives in the Tri-Cities. He also manages marketing for the sister firm Pacific Northwest Business Law, launching October 2019 in Walla Walla. He is a graduate of BYU Law School (JD, 2015), Stanford University (PhD, Iberian and Latin American Studies, 2013), and BYU (BA, 2007). He is fluent in Spanish, Portuguese, Catalan, French and reads Ancient Greek.



Brittany Dowd

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Brittany Dowd graduated from the University of Oklahoma College of Law (go OU Sooners!) where she served as editor-in-chief of the internationally-recognized American Indian Law Review. Shortly after graduating, she joined the competitive ranks of judicial law clerks at Division III of the Washington State Court of Appeals. She served for both the Honorable Robert Lawrence-Berrey and the Honorable Rebecca Pennell. In 2016, Brittany co-founded Adhoc. Associates, a Washington-based legal startup offering legal research and writing services to other attorneys. After operating the startup for the past three years, she recently left to serve as Of Counsel to a civil litigation firm. Currently, she resides in Enid, Oklahoma, where she is stationed with her active duty service member husband, Tim; her three-year-old daughter, Clare; and her dog, Jackson.



Benjamin Gould

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Benjamin Gould is an attorney at Keller Rohrback L.L.P. in Seattle, working in the firm's "complex litigation" division—a catch-all term encompassing plaintiff-side class-action litigation and litigation brought on behalf of state or local governments or quasi-governmental entities. He spends much of his time on civil appeals, most of them in federal court, although he also maintains an active practice outside of the appellate arena. He has represented clients in individual and class actions involving pensions, professional negligence, civil rights, and consumer protection law, among other subjects. Benjamin has worked at Keller Rohrback since 2010. Before that, he clerked for two federal appellate judges, and worked for the ACLU. A Seattle native, he spends his spare time trying to keep up with his young daughter.



Maris Jager Grigalunas

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Maris Jager Grigalunas is a regulatory attorney who serves as counsel in natural gas, water, and electric regulatory proceedings in front of the Illinois Commerce Commission. Maris' experience includes natural gas, water, and electric utility rate litigation, proceedings related to Advanced Metering Infrastructure and Smart Grid deployment and applications, cost and revenue reconciliations, energy efficiency, and utility tariff design. Maris is an active member of several bar associations, including the Washington State Bar Association; the American Bar Association's Section of Environment, Energy and Resources; and the Chicago Bar Association's Energy and Communications Law Committee. She earned her Juris Doctorate from the University of Chicago Law School (2010) and a Bachelor of the Arts from Emory University (2007). Maris is licensed to practice law in Illinois and Washington. She currently resides in Seattle, and recently formed her own firm, Maris Jager Grigalunas Law, PLLC.



Marc Lampson

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Marc Lampson is a Review Judge at the Board of Appeals at DSHS. He practiced law doing mostly civil and criminal appeals. He was a professor of legal writing and research at SU Law School for 11 years, and taught at UW's Law School, Paralegal Programs, and Information School, where he earned his law librarianship degree. For over a decade, he taught prisoners in Washington's prisons how to do legal research. He edited KCBA's monthly *Bar Bulletin*, edited or wrote chapters for early editions of several WSBA Deskbooks, wrote a book on local legal history, *From Profanity Hill* (1993), and co-authored a book on legal research, *Finding the Answers to Legal Questions* (2d ed. 2018).



Debra Lefing

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Debra Lefing is an Assistant Attorney General for the Washington State Attorney General representing the Washington State Department of Retirement Systems, which administers over 100 public pension plans. Debra is a recent Washington transplant moving from the island of Guam where she worked as an Assistant Attorney General for the territory government and tried her hand at outrigger canoeing. Debra graduated with an LL.M from Washington College of Law, American University and a J.D. from the University of Pittsburgh School of Law. Prior to law school, Debra grew up on Long Island, New York and attended the State University of New York at Binghamton. Debra loves being running on Washington trails and being in or near the water.



Shanna Lisberg

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Shanna Lisberg is the Internal Discovery Manager at Perkins Coie. A member of the Professional Standards Department, Shanna provides support to the Legal Hold Counsel on preservation and internal discovery efforts. Out of all of her hobbies, Shanna enjoys reading and writing the most and has written for various blogs, including NWSidebar, as well as contributed to *NWLawyer*. Born and raised in Southern California, Shanna attended law school in Boston and lived in Washington, D.C. before moving to Seattle in 2011.



Karrin Klotz

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In addition to teaching in the Interdisciplinary Arts & Sciences and the Center for University Studies and Programs at UW-Bothell, Karrin Klotz has taught graduate and undergraduate courses at UW Seattle, and law classes at Seattle University School of Law, on a broad range of topics. She has also presented CLE seminars to local attorneys, most recently on the "International Legal Issues of Cloud Computing" to the WSBA International Law Section. Karrin has been a practicing attorney for many years, both in private law firms and in-house, including at the Associate General Counsel level (in-house work has been for Amdahl Corporation, Microsoft Corporation, and Wall Data Inc.), and has been both a trial attorney and a corporate attorney. In addition, she has been a law clerk to a federal judge, the Hon. Gabrielle K. McDonald, U.S. District Court for the Southern District of Texas. Karrin is a Phi Beta Kappa graduate of UC Berkeley and is on the Board of Trustees of the Puget Sound Association of Phi Beta Kappa. She was President of the Undergraduates of Political Science at UC Berkeley and a U.S. Congressional Intern, has held an internship at the National Labor Relations Board while in law school, and was President of the Labor Law Society there. She represented her law school at the national Robert P. Wagner Moot Court Competition, and was a Legal Writing Instructor in law school. Currently, she is the Vice President/Legacy Project for Washington Women Lawyers, and has been the adviser to and founder of the UW Bothell Pre-Law Society. Her areas of research/teaching are: Introduction to Law, Business Law, Business Ethics, Negotiations, Intellectual Property Law, Environmental Law, Employment Law (including diversity issues), and International Law.



Drew Pollom

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Currently a prosecutor for the Lummi Nation, it's Drew Pollom's professional passion to work with and serve indigenous communities. Having lived in Washington all of his life, he is a product of Gonzaga University (B.A. In Criminal Justice and Political Science), Seattle University (J.D.), and the University of Washington (L.L.M.). When not found in his office, he can be found at CenturyLink field rooting for the Sounders or in his garden rooting out weeds and harvesting rhubarb. Drew is excited to join the Editorial Advisory Committee and producing an outstanding and interesting magazine for all members of the legal community.



Heidi Urness

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Born and raised in Chicago, Heidi Urness later attended Wake Forest University where she obtained degrees in psychology and journalism, and the University of San Francisco, where she was recognized for both her outstanding writing and oral argument skills. Upon graduation, Heidi cut her teeth in the Superior and Appellate Courts of San Francisco and Contra Costa County, and later served the Presiding Justice of the First District Court of Appeal. After gaining sub rosa insights into the highest levels of judicial decision-making, Heidi relocated to Seattle and joined 7 Point Law as an Associate Attorney, and later Cultiva Law as Senior Strategic Counsel, where she leveraged her skills and insights to cultivate effective legal solutions across all stages of corporate development, operation, and litigation in the cannabis industry. Heidi now serves as the managing attorney of Heidi Urness Law, PLLC, where she provides existing and emerging businesses with hands-on legal solutions and strategies across a wide range of industries. She was appointed to the Editorial Advisory Committee of the WSBA in 2018, is a member of the WSBA Cannabis Law Section, is a leading author on CBD, hemp, and marijuana law, among other things, and a regular contributor to many of the nation's premier cannabis publications including *Marijuana Venture*, *CannaBiz Journal*, and the *Cannabis Law Journal*, among others. She was also recently named one of the Top 30 Cannabis Litigators You Should Know, and has been asked to speak throughout the nation on the topic of CBD laws, including most recently the CBD Expo in Denver and the Women Grow Leadership Summit in Washington, D.C.



Michelle Young

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Michelle Young graduated from the J. Reuben Clark Law School at Brigham Young University in 2005. Michelle was an Assistant Attorney General at the Utah Attorney General's Office for twelve years (from 2005 until 2017). Last year, she moved from Salt Lake City to Olympia to join the Washington Attorney General's Office, and currently defends the Washington Department of Corrections in civil rights law suits. Michelle also advises community correctional officers in parole revocation proceedings, provides client advice to the DOC, and responds to inmate PRA litigation. In her previous life in Utah, she prosecuted criminal appeals, responded to petitions for habeas corpus, and litigated eminent domain cases. In addition to her work as an Assistant Attorney General, Michelle is an adjunct professor at American Military University, where she has taught graduate-level online courses in Constitutional Law, Criminal Procedure, Property Law, and Legal Writing.

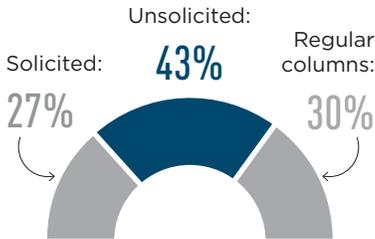


WASHINGTON STATE BarNews

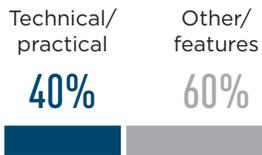
ARTICLE & CONTENT STATS FOR APRIL 2019 - JUNE 2020

AVERAGE CONTENT

April 2019-June 2020



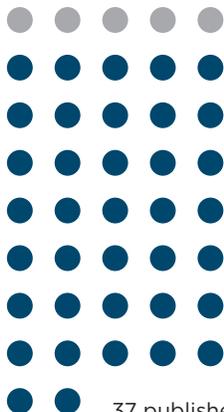
AVERAGE CONTENT MATTER



LETTERS TO THE EDITOR

5 not published*

12%



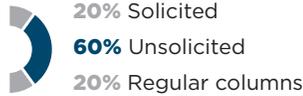
37 published or to be published

88%

*The letters were not published because, per letters to the editor policy, they did not respond to content in the magazine.



APRIL 2019



15% Technical/practical content



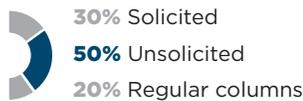
MAY 2019



43% Technical/practical content



JUNE 2019



60% Technical/practical content



JULY/AUG. 2019



40% Technical/practical content



SEPT. 2019



70% Technical/practical content



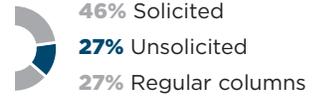
OCT. 2019



25% Technical/practical content



NOV. 2019



36% Technical/practical content



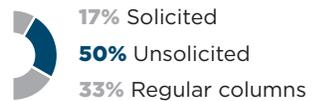
DEC. 2019/JAN. 2020



36% Technical/practical content



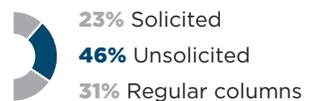
FEB. 2020



33% Technical/practical content



MARCH 2020



23% Technical/practical content



APRIL/MAY 2020



30% Technical/practical content



JUNE 2020



60% Technical/practical content

Note: Percentages have been rounded to the nearest whole number

Editorial Advisory Committee – FY19 Annual Report Update

2019-2020 Goals:

1. Continue to increase reader interest and engagement/response with timely, relevant, and provocative articles.
 - **Progress:** We have published a number of timely, relevant, and provocative articles in our 2019-2020 issues so far. Those include an article profiling the first WSBA member to win a MacArthur Genius Grant—Seattle lawyer Lisa Daugaard, in 2019 (Nov. 2019); an article about what employers, employees, and lawyers need to know about Paid Family Medical Leave that went into effect in Washington on Jan. 1, 2020 (Feb. 2020); a Q&A with the Washington Supreme Court’s new Chief Justice Debra Stephens, sworn in on Jan. 6, 2020 (Feb. 2020); and more.
2. Continue to work to include voices from divergent backgrounds and areas of practice, with a variety of views and perspectives.
 - **Progress:** One way in which we are fulfilling this goal is through the President’s Guest Column, a new feature implemented in the magazine at President Majumdar’s suggestion. This column allows us to publish a wide variety of voices including those of leadership from the Loren Miller Bar Association, Washington Women Lawyers, the Indian Law Section, Northwest Indian Bar Association, the South Asian Bar Association; and LAW Advocates.
3. Work to establish relationships with new authors.
 - **Progress:** The first three issues of *NWLawyer* in 2020 have featured several first-time authors. In addition, we recently created an “Author Recruitment” Google form (located [here](#)) that we share with the WSBA membership via social media, Take Note emails, the magazine, and the WSBA website. The form allows people to provide their name, contact information, practice area, and other information to help us build up a database of potential authors from all over the state. More than a dozen members have responded via the Google form so far.
4. Work to include member-authors from all parts of the state, as well as topics important to areas other than the Seattle metropolitan corridor.
 - **Progress:** In the last several issues, we have featured articles like “Around the World” (Nov. 2019), which includes nine WSBA members who live and practice law overseas, “Words of Wisdom From 3 Law School Deans” (March 2020), which includes short interviews with the deans from all three of Washington’s law schools; as well as other content from authors outside of the Seattle area. In addition, our new “Author Recruitment” Google form is helping us to find new authors in other parts of the state.
5. Continue to increase ad sales revenue and bring the magazine closer to revenue-neutral status.
 - **Progress:** We are working with our ad sales partner, SagaCity Media, to continue to develop relationships with additional advertisers and increase revenue. Ad revenues are trending upward since the September 2019 issue, in comparison to the previous year, with revenue from two issues so far covering the direct costs of printing and mailing the issue.

6. Smoothly transition the magazine name from *NWLawyer* to *Washington State Bar News*.
 - **Progress:** We have a plan in place for the name change, including communicating it to members and advertisers, and we are executing that plan on schedule. The *Washington State Bar News* name will launch with the April/May issue of the magazine.

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

<p>Editorial Advisory Committee</p> <p>Chair: Ralph Flick</p> <p>Staff Liaison: Kirsten Abel</p> <p>BOG Liaison: Sunitha Anjilvel</p>	<p>Size of Committee: 10</p> <p>Direct expenses: FY18: \$800 FY19: \$800</p> <p>Indirect expenses: FY18: \$9,758 FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 8</p>
<p>Background & Purpose: The Editorial Advisory Committee (EAC) derives its authority from the WSBA Bylaws.</p> <p>Members of the Editorial Advisory Committee work with the editor and WSBA staff overseeing publication of WSBA’s official magazine, <i>NWLawyer</i>. This may include establishing guidelines and editorial policy, maintaining an editorial calendar, writing articles, securing content, identifying topics and issues relevant to members, identifying authors for content, reviewing articles, and advising on issues related to content. <i>NWLawyer’s</i> mission statement is: <i>NWLawyer will inform, educate, engage, and inspire by offering a forum for members of the legal community to connect and to enrich their careers.</i></p>	
<p>Strategy to Fulfill Purpose: EAC members consult with WSBA staff regarding content selection, recruiting of authors or writing articles themselves, and providing suggestions for feature stories and columns that will provide readers with information about other bar members and their practices, current events and trends of interest to the legal community, programs and services provided to members by WSBA, and the work of the Board of Governors.</p>	
<p>2018-2019 Accomplishments and Work in Progress:</p> <ul style="list-style-type: none"> • Continue to increase reader interest and engagement/response with timely, relevant, and provocative articles: e.g., cover story on Washington Supreme Court case invalidating the state’s death penalty, with first-person accounts from the counsel who argued it (May 2019); interviews with Seattle Mayor Jenny Durkan and other elected officials on why they chose politics over practicing law (March 2019); Perspectives column by public defenders calling for prosecutorial reform (June 2019), with responsive letter to the editor from former executive director of Washington Association of Prosecuting Attorneys to follow in Jul/Aug issue. • Work to include voices from divergent backgrounds and areas of practice, with a variety of views and perspectives: many letters to the editor on mandatory malpractice insurance for lawyers, as well as two “Perspectives” columns on the topic by members; 	

“True Confessions of a Reservations Attorney,” coverage of first Tulalip Tribes member to pass the bar, and Native American art by WSBA member in Dec. issue; celebrating women in the law in April issue.

- Work to include member-authors from all parts of the state, as well as topics important to areas other than the Seattle metropolitan corridor: The cover story for our July/Aug issue will feature responses from a diverse group of WSBA members from approximately 30 counties across the state. The main responses featured include those from lawyers in Spokane, Port Angeles, Walla Walla, Republic, Moses Lake, and Kennewick.
- Get the word out to members about the work the WSBA and its Board of Governors is doing and solicit member feedback: Utilized regular “OnBoard” column to cover Board’s work as well as highlighting current issues such as (1) potential restructuring of the WSBA via, e.g., analysis of *Janus* decision written by an EAC member (and flagged on the cover); and coverage in columns by WSBA President and Executive Director in the Dec. 2018 issue; (2) coverage of the work of the Mandatory Malpractice Task Force and Board’s ultimate decision *not* to recommend mandatory malpractice insurance for members.
- Increase ad sales revenue by diversifying types of advertisements run: With Board of Governor input, we have provided *NWLawyer’s* ad sales agency with an expanded list of diversified categories of advertisers to contact.
- Upgrade online version of the magazine to a more modern platform that increases accessibility to readers who are vision-impaired: Upgraded platform launched with June 2019 issue; vision-impaired members experience it as a huge improvement in accessibility.

2019-2020 Goals:

- Continue to increase reader interest and engagement/response with timely, relevant, and provocative articles.
- Continue to work to include voices from divergent backgrounds and areas of practice, with a variety of views and perspectives.
- Work to establish relationships with new authors.
- Work to include member-authors from all parts of the state, as well as topics important to areas other than the Seattle metropolitan corridor.
- Continue to increase ad sales revenue and bring the magazine closer to revenue-neutral status.

Please report how this committee/board is addressing diversity:

- 1) *Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*

- 1) N/A

- 2) Robin Nussbaum, WSBA Senior Inclusion and Equity Specialist, attended our annual planning meeting on May 7, 2019, and gave committee members and *NWLawyer* staff a 75-minute diversity training.
- 3) There is diversity in background, years in practice, areas of practice, and perspectives among the EAC members who weigh in on story ideas and unsolicited submissions. We are in regular dialogue with the WSBA Senior Inclusion and Equity Specialist regarding language and images used in the magazine.
- 4) We encourage EAC members to help us, by reaching out through their networks and soliciting authors, to include within the magazine voices that are not as frequently heard from, so that many different points of view are expressed.
- 5) We have worked to ensure that these members are well represented in the magazine, via solicitation of “Beyond the Bar Number” members to feature as well as in themed issues such as our December 2018 issue, which featured a series of articles on the tribal court system, including one story about Michelle Sheldon, the first Tulalip Tribes member to pass the bar. Our April 2019 “Celebrating Women in Law” issue highlighted women from a variety of backgrounds and practice areas, and included stories on Pierce County’s Director of Justice Services Carol Mitchell, the work of the Alliance for International Women’s Rights in Afghanistan, and more. The July/August issue will include a cover story entitled “The Grass is Always Greener,” which will feature responses from a diverse group of WSBA members from counties all across the state. In addition, we are planning an issue that focuses on WSBA members living outside the U.S., about their experiences teaching and practicing law abroad.

Please report how this committee/board is addressing professionalism:

1) Does the committee/board’s work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

The following are relevant to all the questions above:

- Mark Fucile, former chair of the Committee on Professional Ethics, writes a column called “Ethics and the Law” for every issue that addresses not just avoiding violations of the RPCs but issues of professionalism and civility.
- Additional articles promoting civility and professionalism: “Taking Stock: Navigating Risk When Investing in Clients,” June 2019 (professionalism and avoiding conflicts of interest); “Systemic Advocacy: Principles and examples from Columbia Legal Services,” and “The Power of Pro Bono,” Oct. 2018 (promoting pro bono volunteering); and “2018 WSBA Apex Awards,” January 2019 (highlighting the 2018 winners and acknowledging professional excellence).
- Beginning with the June 2018 issue, we began running a feature documenting our new “Professionalism in Practice” (PIP) awards, which WSBA will be presenting continually throughout the year to practitioners who have been nominated for acts of outstanding professionalism and are being recognized for advancing the rule of law through day-to-day acts of integrity, respect, cooperation, and customer service.

- Every issue includes current disciplinary notices. We are exploring the possibility of including an expanded version of these notices, with more detail, as members continue to request this.

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision-making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) Three members of the EAC are new/young lawyers (admitted fewer than five years ago).
- 2) The committee is intentional about developing article ideas for the magazine that will be of interest and useful to new and young lawyers. E.g., “Keep it Casual: A glimpse of mentor relationships and mentoring resources for the real world,” December 2018; “Mindfulness Meditation: A tool for a profession in need,” and “Start-up Tech Your Law Firm Really Needs: Hardware,” February 2019. WSBA member Jordan Couch (also a new lawyer, admitted in 2015) will begin writing a semi-regular column on technology and innovation in the legal field, with his inaugural column to appear in the September 2019 issue.

Please report how this committee/board is addressing the needs of the public:

1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

- We occasionally include articles by non-members, such as Mar Brettman, Ph.D., executive director of Businesses Ending Slavery and Trafficking, who wrote on how lawyers can help businesses develop policies and practices to eliminate the risk of sex trafficking occurring on business premises (May 2019); Gonzaga University School of Law student Sara Wilmot, who wrote about the Myra Bradwell Award (April 2019).
- Several articles from our agriculture-themed June 2019 issue will be reprinted in the King County Department of Natural Resources and Parks monthly newsletter. The newsletter goes out to food system stakeholders as part of the county’s Local Food Initiative. The reprint was requested by Michael Lufkin, a WSBA member and King County DNR’s Local Food Economy Manager.

FY19 Demographics:

- Gender (Female: Male: Not Listed): 5:4:1 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 1 (1 did not answer)
- Number of members self-identified as having a disability: 1 (1 did not answer)
- Number of members self-identified as LGBT: 0 (1 did not answer)

TO: WSBA Board of Governors

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

DATE: June 15, 2020

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

From the time of our update at the last Board of Governors meeting in April, the External Task Force has met six times and taken these actions:

- After getting feedback from a group of practicing professionals in estate planning and probate, as well as notary professionals issued a memo to the Office of the President regarding remote witnessing of wills and remote notarizations;
- During two meetings, convened a group of practicing professionals in the areas of Landlord/Tenant, Criminal Law, Family Law and Estate, Probate/Guardianship to obtain feedback
- issued a memo to the Office of the President regarding the restart of the courts. The memo discussed feedback received from eighteen practicing attorneys and three judges and their perspectives on what has been working throughout the COVID-19 crisis, what has been challenging, and what they perceive as helpful things to continue beyond the COVID-19 pandemic. Issues that must be addressed as the courts reopen were also identified.
- Reviewed WSBA Video Deposition Guidance developed by the Civil Rules Revision Workgroup in collaboration with the President of the Washington Association of Court Reporters. The task force voted that the guidance would usefully inform the membership and recommended that President Majumdar have WSBA take the steps to publish the guidance to WSBA members.
- The task force developed an outline for a “Reopening Your Law Office” brochure designed to assist WSBA members as they transition back to their law offices from working remotely. The outline has been sent to the internal task force to work to complete development of the brochure through the appropriate internal channels at WSBA.

The External Task Force has also been working collaboratively with the Internal Task Force to deliver these resources and programs:

- Have developed and provided, for free, 14 on-demand CLEs on COVID-19 related topics to WSBA members. As of June 15 15,628 downloads of the free CLE content have been made on the WSBA Store.

- The Internal Task Force has developed and delivered six live webinars as part of the Practicing During a Pandemic Series. The programs were very popular, attracting a total of 6,871 attendees.
- Michael Cherry, Deputy Chair of the External Task Force utilized a connection within the SBA in WA D.C. and worked with the Internal Task Force to recruit the Regional Director of the SBA in WA to provide a free webinar to WSBA members about the second round of funds made available through the CARE Act for PPP loans.
- Published and regularly update pages on **WSBA.org** regarding COVID-19 Information & Resources, topics include Member Support and Resources for the Public.
- Published in **Bar News** – June 2020, featuring appx. 6 pages of COVID-19 related content.
- Published on blog, **NWSidebar** – 5 articles since April 27, including:
 - *Can You Practice in a New Area of Law During COVID-19? (May 22)*
 - *Addressing Data Security and Privacy – Especially While Working Remotely (May 11)*
 - *Unemployment, Civil Legal Aid, and the COVID-19 Crisis (May 8)*
 - *Online Dispute Resolution in the Time of Coronavirus (May 6)*
 - *Coronavirus and Cannabis: How the Essentialness of Marijuana Varies State By State (May 4)*
- **List Serves:** Disseminated a collection of resources, updates and educational opportunities to appx. 10,000 members through the WSBA’s numerous administered list serves weekly, totaling 6 emails since April 27.
- The task force plans to continue to **promote ongoing efforts to partner and collaborate** with internal and external stakeholders to develop programming to **meet client needs, address issues of access to justice, and coordinate pro bono opportunities**. Examples of (completed and ongoing) projects and upcoming events include:
 - Collaborated on COVID impact on civil legal virtual town hall event with Legal Foundation of Washington (June 18, 2020)
 - Promoted the work being done by the Communities Rise in partnership with Orrick Law Firm as they prepare to host a remote legal clinic on advising small businesses and nonprofits
 - Set up Pro Bono Portal via the ABA – ongoing work to collaborate with legal services providers to populate the portal with pro bono opportunities
 - Moderate Means Program – Facilitated expansion to allow for MMP to include unemployment benefits cases, depending on the success may expand to all areas of employment law
 - ATJ Board COVID 19 Response Workgroup – Addressing court access issues, plain language communications and legal health check updates, given COVID 19
 - Alliance for Equal Justice website managed by WSBA staff now includes a COVID resource page for Alliance members
- **Career Center and Job Seeker Group:** Revisited current career services resources and amplified existing opportunities for the members.
 - Career Center: discounts were provided to non-profit organizations posting on the Career Center as employers for a limited period.

- [Virtual Job Group](#) : Virtual Job Group will meet via Zoom 9:30-11 a.m. on Thursdays for six weeks starting July 23.
- [Member Wellness webpage](#)
[Job Seeking webpage](#)

The External and Internal task forces continue to work collaboratively to provide timely and relevant support to WSBA members and the public during the COVID-19 pandemic crisis.

As background, 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 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.

We would like to recognize the work of these individuals, who have volunteered to assist the bar and their fellow members of the bar and the public during this pandemic.

Respectfully Submitted,

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

Attachments:

1. Memo to Office of the President on Witnessing of Wills
2. Memo to Office of the President on Remote Notarizations
3. Memo to Office of the President on Video Deposition Guidance
4. Memo to the Office of the President on Restart of the Courts
5. Outline of Reopening Your Law Office brochure

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Office of the President

FROM: WSBA Corona Virus Response Task Force
Kevin Plachy, Chair
Michael Cherry, Deputy Chair

DATE: April 19, 2020

RE: Advice to WSBA Office of the President on Remote Witnessing of Last Wills and Testaments

We wish to bring to your attention problems attorneys are having during the Covid-19 emergency rules put in place by Governor Inslee's Proclamation [Extending Stay Home – Stay Safe](#), to May 4, 2020. As you are no doubt aware, for a will to be valid in Washington, it must be witnessed by two individuals in the testator's presence. Given the social distancing requirements under Governor Inslee's orders attorneys and members of the public have suggested that remote or electronic assisted signing of wills should be allowed. Please note, the moving forward of the electronic notary statutes, while helpful for other matters, does not address the witnessing of wills.

The Washington State Bar Association (WSBA) Corona Virus Response Task Force, (External Committee), sought the advice of several practitioners in this area who have provided us with significant background and counsel on this issue, including a written memo of advice included as an attachment to this memo. Those attorneys include Megan Farr WSBA Elder Law Section Legislative Co-Chair and Immediate Past Chair; Stephanie Taylor, WSBA Real Property, Probate, and Trust (RRPT) Section Chair; Tiffany Gorden, WSBA RPPT Probate and Trust Council Director, and Kari Petrasek, WSBA Solo and Small Practice Section (SSPS) Chair and member of the External Committee.

For some attorneys, it is possible to witness a will in their office while following the statutory "line-of-vision" and Governor Inslee's social distancing requirements. Generally this requires an office lobby or conference room which can accommodate all the people while respecting social distancing, and using individual pens or wiping pens between signings. Although technology such as FaceTime, Skype, and Zoom, and e-signatures would appear to support remote signing of a will, the issue becomes whether someone, off-screen or out of sight is influencing the testator. The advice from the practitioners advising the external committee was there may be too much opportunity for coercion with such technology-assisted signings.

The situation is exacerbated by the Covid-19 crises because of the increased numbers of people requesting a new or updated will. However, this requires a legislative solution. It is beyond the authority of WSBA to affect a change, and any change requires appropriate legislation..

This does not mean that the WSBA will do nothing. The aforementioned attorneys with expertise have worked with the WSBA Corona Virus Response Task Force Internal Committee (Internal Committee) to create a CLE Webinar entitled “[Executing Estate Planning Documents During COVID-19: Best Practices](#)” on this matter. The webinar will provide background on the law, and guidance and best practices for witnessing a will during the Governor’s social distancing orders. This CLE, which will be offered for free will be available live on Apr. 22, 2020 and on demand via the WSBA CLE Store through May 31st.

The External Committee and the advising attorneys discussed whether WSBA should approach the legislature, as a special session will likely be held in June or July. The External Committee and the advising attorneys understand this special session must address revenue and other emergency matters, and any changes to RCW 11.12 related to remote execution of a will require considerable preparation and debate and should not be rushed through a special session.

Therefore, our recommendation to the Office of the President is that no immediate action should be taken on legislative changes, and the WSBA should continue to guide attorneys on this matter through the CLE Webinar and other materials such as blog postings. In the longer term, the appropriate sections and the WSBA Board of Governor’s Legislative Committee should examine this issue, and determine the best way to address this complex issue with the appropriate legislation.

Finally, as Chairs to this committee, we would like to recognize the work of the attorneys who advised us on this matter, and in a short time frame, worked with the Internal Committee to produce a webinar and supporting materials. Their contribution to the practice of law and the public reflects positively on WSBA and our profession.

Respectfully Submitted

WSBA Coronavirus Response Task Force
Kevin Plachy, Chair

Michael Cherry, Deputy Chair

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Office of the President

FROM: WSBA Corona Virus Response External Task Force
Kevin Plachy, Chair
Michael Cherry, Deputy Chair

DATE: April 28, 2020

RE: Advice to WSBA Office of the President on the Electronic Notarial Act

We wish to bring to your attention problems attorneys, limited license technicians (LLTs), and limited practice officers (LPOs) are having during the Covid-19 emergency due to proclamation termination dates and discrepancies surrounding the Washington Administration Code (WAC) implementation of Senate Bill (SB) 5641, "[Electronic Notarial Acts](#)."

The first problem relates to the duration of the emergency order temporarily enacting the Electronic Notarial Act before its legislated implementation date. The second problem relates to discrepancies between the Revised Code of Washington [Revised Uniform Law on Notarial Acts](#) (RCW 42.45 et. seq.) regarding notary public journals and the Washington Administration Code, [Notaries Public](#) (WAC 308-30 et. seq.) regarding the maintenance of a notary journal.

Duration of Governor Inslee's Electronic Notarization Act Effective Date Proclamation

Although the attorneys, LLTs and LPOs involved in the notarization of documents greatly appreciate the "[Proclamation by the Governor Amending Proclamation 20-05 20-27 Electronic Notary Effective Date](#)", which allowed the Electronic Notarial Act to take effect early, the tentative expiration date of Governor Inslee's proclamation is creating unforeseen issues. The latest proclamation expires upon the termination of the COVID-19 Emergency or May 4, 2020, whichever occurs first. Because the effective date of the original legislation is October 1, 2020, and the Department of Licensing (DOL) has already promulgated emergency rules to implement the legislation ahead of the October 1, 2020 date, the Washington State Bar Association (WSBA) Covid-19 External Task Force (External Task Force) is requesting that the WSBA Office of the President ask Governor Inslee to extend the termination date of this emergency proclamation to 11:59 PM on Sept. 30, 2020.

The reason the External Task Force is respectfully requesting this extension is to ensure organizations, including banks, title companies, law firms, and insurance companies, have certainty and continuity around their ability to engage in remote notarizations to complete business transactions through September 30, 2020. This will prevent halts or delays of transactions in progress but not yet completed.

Such delays have occurred with the approach of previous proclamation termination dates which have delayed transactions in progress, but unlikely to complete before a proclamation's deadline.

To reduce confusion and the potential for unnecessarily delayed transactions if Governor Inslee's office would make a proclamation to set the end date for the emergency order to terminate at 11:59 PM on Sept. 30, 2020, the Act would still become effective on Oct. 1, 2020 as intended, with no gap in the provision of notary services.

Discrepancies in Notary Recording Requirements

There appears to be discrepancies surrounding journal record keeping of remote notarizations within the Washington Administrative Code (WAC 308-30 et. seq.) and the journal requirements as stated in the Revised Code of Washington (RCW 42.45.180). As a result, notaries across all industries are reluctant to use electronic or remote notarization for fear of violating the Washington Administrative Code.

RCW 42.45.180, the statute that lays out journaling requirements, does not require physical signatures as part of the notarial record, whether they be physical or electronic. However, WAC 308-30-200 which lays out the *format and requirements* of the notarial journal, requires a physical signature for a tangible record and the same requirement for the format of an electronic notarial journal. In detail, WAC § 308-30-200(2)(b) requires an electronic notary journal record the same information as WAC § 308-30-200(1) tangible notary journal. The standards are the same but clearly the execution process of an electronic notarization is fundamentally different.

The External Task Force consulted with professionals in the notary field including, Dee McComb, Former Member of the WSBA Limited Practice Board and current Board of Director for Escrow Association of WA, Shelley Miner, Member of the WSBA Limited Practice Board (former Chair), and Rebecca Jacob, President, Attorney & Notary Supply Company, Inc. Some of the problems articulated include the following:

- For notaries with a remote notarization endorsement, the maintenance of both a tangible and electronic notary journal is required. As per the WAC, the same information must be contained within the electronic notary journal as is maintained in the physical notary journal.
- Under the WAC, a physical signature of the principal or representative of the individual whose signature is being notarized is required in both journals.
- Notaries are unable to obtain contemporaneously a physical signature in the electronic notary journal utilizing the electronic equipment for remote notarizations.

- It is unclear to notaries whether they will be in violation of the WAC if they cannot obtain a physical signature in the electronic notary journal, making them hesitant to engage in remote notarizations.

Therefore, our recommendation to the WSBA Office of the President is that the WSBA Covid-19 Internal Task Force contact the DOL and work with the DOL to clarify the correct requirements for correct requirements for journal record keeping of notarizations both in person with the traditional tangible record book, and electronically, using only the prescribed applications.

Respectfully Submitted

WSBA Coronavirus Response Task Force

Kevin Plachy, Chair

Michael Cherry, Deputy Chair

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Office of the President

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

DATE: June 10, 2020

RE: Advice on Video Deposition Guidance

The WSBA Coronavirus Response Task Force met on June 4, 2020 and during that meeting we reviewed the Video Deposition Guidance developed by the Civil Litigation Rules Revision Workgroup in collaboration with Phyllis Craver Lykken, President of the Washington Court Reporters Association. We also heard feedback regarding the document from Dan Bridges, Chair of the Civil Litigation Rules Revision Workgroup.

After incorporating some of the feedback from the task force, Dan Bridges sent around the document referenced as an attachment to this memo below. After reviewing the revised document a majority of the WSBA Coronavirus Response Task Force approved the following statement:

“The WSBA Coronavirus Response Task Force has reviewed the Video Deposition Guidance and in our view the content would provide useful guidance to WSBA members and would recommend to President Majumdar that WSBA take the necessary steps to approve the document for publication to the members.”

Respectfully Submitted

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

Attachment: Video Deposition Guidance Document

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Office of the President

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

DATE: June 15, 2020

RE: Advice to WSBA Office of the President on Resuming Court Operations Post Covid-19 Pandemic

At the May 5, 2020 meeting of the WSBA Coronavirus Response Task Force (Task Force), the Task Force discussed pivoting from looking at the effect of the pandemic and Governor Inslee's and the WA Supreme Court's orders on the public and attorneys, to matters likely to affect the resumption of court operations when the orders expire or are rescinded. It was so moved, and the Task Force contacted members of the Washington State Bar Association (WSBA) sections for input on the status of the courts during the pandemic, and their thoughts about resuming court operations.

At subsequent meetings, the Task Force met with representative attorneys from the Family Law, Real Property, Probate and Trust, and the Solo and Small Practice Sections of the WSBA, and attorneys who practice Landlord and Tenant Law. Governor Kim Hunter provided names of criminal law attorneys and municipal and county court judges who also spoke to the Task Force. Governor Tollefson, who is the Board of Governor's liaison to a judicial committee, relayed commentary from judges in various courts across the state. Jennifer Garber, the WSBA Representative to the Board of Judicial Administration Public Trust and Confidence Committee also contributed. Including the practicing attorneys from the task force and the aforementioned contributors, we received feedback from a total of eighteen attorneys and three judges (one retired). This valued group of professionals practice across ten counties in WA State.

Admittedly, many of the comments represent anecdotal and observational feedback, however, the information which can be derived from this shared discourse provides insights and actionable items for WSBA. Some of these testimonials will not come as a surprise, and may be well known, but are documented here so that they can serve as a resource as court operations resume.

To keep this memo focused, the summarized information has been organized into these categories: What Is the Current Practice Experience, Temporary Workarounds That Seem To Be Working, Temporary Workarounds That Are Not Working, Questions and Unknown Matters, Additional Ideas, and finally, Recommendations.

What Is the Current Practice Experience?

The Task Force reports the following feedback on the status of the courts:

Before the pandemic, court dockets and calendars were full. Post pandemic, there will be a significant backlog in both criminal and civil cases that need to be addressed, with the same or fewer resources.

The backlog in criminal matters before the courts will push out court dates for civil matters.

Washington does not have a hierarchical court management system, and the courts and clerks have significant autonomy regarding court operations. Therefore, there is little or no uniformity among the courts and court operations.

Not all courts have access to or the budget for technology. For example, some counties allow for e-filing of documents or telephonic hearings while others do not.

Not all courts implement technology in the same way. How quickly technology is adopted varies significantly across jurisdictions. For example some courts are far ahead of others in the use of Zoom and other technology to conduct hearings or trials.

Moratoriums implemented by the Governor, county governments, or city councils, such as the moratorium on unlawful detainer actions, which were mandated outside of the courts, impact the courts significantly—in particular the Ex Parte courts throughout the state. The moratorium on unlawful detainer actions, for example, has added significantly to the backlog of cases.

Attorneys struggle to keep up with court orders and changes, particularly when they practice in multiple, often adjacent counties. Pro Se litigants have no idea that the orders even exist.

There is a lack of consistency among the courts in implementing orders from the WA Supreme Court. It is unclear which matters being brought before a court during emergency or reduced operations are accepted and handled and outcomes vary among jurisdictions. For example, in the estate and probate area it was reported that Spokane County is not in step with King and Snohomish Counties and therefore cases are not being handled as expeditiously.

With tax revenues already reduced by the pandemic, courts will likely have to do more with considerably less funding (recognizing that courts were likely already underfunded).

Temporary Workarounds That Seem to Be Working

The Task Force heard that temporary workarounds implemented by some courts to move legal matters forward include:

In most courts where available, telephonic hearings are working.

In most courts where available, e-filing is working.

In some courts, particularly where there are good computers and cameras in the court rooms, video-conferencing (Zoom) hearings are working.

Some courts have started to use video-conferencing technology (Zoom) to conduct trials.

Preliminary feedback is positive but it seems better suited for low conflict cases with fewer exhibits.

In some courts, where available, court facilitators are helping. They are particularly helpful with Pro Se litigants still showing up at court houses unaware of the court orders affecting court activities.

Temporary Workarounds That Are Not Working

The Task Force heard that the following temporary workarounds, implemented by courts to move legal matters forward are not working:

In some courts, telephonic hearings, although available in theory, are negatively affected by antiquated systems.

Because not everyone has access to the technology needed for remote access to courts (video-conference or telephonic) some remote hearings were not helpful or may have created procedural due process concerns.

Working with interpreters by telephone is always challenging, and is a larger issue when all parties are on a phone or video-conferencing application (and remote or separated).

Entering orders is difficult and getting accurate orders entered is a challenge.

Questions and Unknown Matters

The Task Force listened to many questions and concerns about unknown matters, including:

Currently in some courts pro se litigants have almost disappeared which possibly reflects a misunderstanding of the current changes or generally an access to justice issue.

In the future there will be more pro se litigants, as unemployment reduces the likelihood that individuals can afford counsel, and although the courts make great effort to accommodate such individuals, such accommodations slow court operations.

The backlog of cases in multiple practice areas is of huge concern. There will be increased activity or volume of cases in areas such as unlawful detainers, divorce, domestic violence, and bankruptcy. Such increased activity may not be offset by less volume in other areas.

Will lengthening dockets and calendars force more people to accept plea bargains or offers to settle? Does this serve justice?

With social distancing, how will juries be selected?

Does the wearing of masks in court rooms or during hearings and trials negatively affect people's ability to hear and communicate, so due process issues are raised?

In a video-conferencing based hearing or trial, how does the judicial officer know that a witness is not being coached or reading from a script?

In a video-conferencing based hearing or trial, how are complex exhibits consistently referenced and displayed?

What is the best way to communicate with the public that the courts are safe, and that it is safe to report for jury duty?

Does removal of individuals who may be more vulnerable to COVID-19 create a situation where a jury pool does not represent the community, and therefore raises due process concerns?

If mass transit is not back to full working order, can a representative jury pool be created if potential jurors cannot afford or find transportation to report to the court for jury duty?

Given lengthening court dockets and calendars, what should be done to handle domestic and family law civil matters where there is a pending criminal matter which must be resolved before the domestic matter can be resolved?

Are there public trial concerns related to telephonic or video-conferencing hearings and trials? Is Internet-based streaming (a court YouTube channel) a means to make a trial public?

Are there privacy concerns with telephonic or video-conferencing hearings and trials publicly streamed on the Internet? Will testimony be used to deny a person a job or housing?

This list is not comprehensive and does not account for many issues that may occur as the courts resume operations. It does represent some of the more pressing questions presented to us by practitioners navigating the court systems during this pandemic.

Additional Ideas

The Task Force heard the following ideas which are worthy of consideration:

The best role for video-conferencing may be for pretrial hearings, mediations, or low conflict trials with few exhibits.

The courts should look to centralize purchasing of technology needed to facilitate video-conferencing so volume purchasing agreements can reduce costs (versus each court or county purchasing separately). This would include making recommendations on the best microphones and cameras (for example, the Meeting OWL Pro conference room camera will detect who is speaking and move to show that person).

The courts should investigate using confidential teleconferencing technology to create virtual court “hallways” where attorneys may conduct pretrial conferences with their clients and opposing counsel. This would be particularly helpful in resolving unlawful detainer matters.

Maximizing Ex Parte parts of the court would continue to be helpful.

Is there a way to use “pleas in absentia” in certain misdemeanor cases where the defendant is allowed to enter a plea without actually appearing in court? This is used in some states such as Florida and Texas and may reduce court volume.

We are concerned about access to justice issues particularly with respect to unrepresented litigants and their awareness of remote hearing/appearance options such as Zoom. Many of these systems require litigants to make arrangements in advance of the hearing. Attorneys have publicly available phone numbers and e-mail addresses that pro se parties generally do not. The court should consider adding language to notices of hearings (notes for motion, orders to show cause, et cetera) alerting litigants to the option/requirement of making a remote court appearance and any requirement to arrange that appearance in advance of the scheduled hearing date and time.

Recommendations

Making recommendations based on this information is difficult because the WSBA does not have a mandate to implement broad changes. However, the Task Force is forwarding the following matters to

the WSBA Internal Coronavirus Work Group for consideration because the items may fall within WSBA's mission to develop resources and coordinate stake holders:

Provide Better Access to Court Information for the Public. There is a need to provide legal information to the public. This can be accomplished by launching informational websites aimed at the public, including pro se litigants.

The initial scope can be limited to the top five areas of public interest such as:

- Impact to court schedules, services, and procedures
- Access to pro- and low-bono attorneys
- Filing and responding to protection orders
- Unlawful Detainers (and other Landlord-Tenant matters)
- Debt Collection and Bankruptcies.

WSBA could take the lead and set up an overview website for each of these areas and then offer common county-level website templates for counties to either adopt or provide a link to WSBA with their website information. The WSBA Information Technology (IT) team could be the point of contact.

The benefit of this approach to the counties is that they don't have to individually reinvent the wheel or find the legal information, but instead will have an example or template to implement. Members of the public would benefit by having both a uniform starting point for legal information consistent with statewide laws and precise information for the rules and court processes established by their county. Hosting these websites at multiple locations, such as the WSBA and the Supreme Court internet domains, would not be wasteful if it made consistent information easier for the public to find.

Standardizing Technology for Cost Effectiveness. There is a need to modernize the technology employed by the state courts at the county level. Currently, the technology is lagging behind the norms held at even other parts of the state government. Furthermore, there is immense benefit in establishing common technology practices across the 39 counties of Washington State for:

- Basic court operations (for example, use of common video conferencing software)
- How the public works with the courts (for example, online or e-filings)

The immediate benefits are savings (lower licensing cost per unit via high volume pricing), and standardization of processes. Cost-cutting may even allow the smaller counties in Washington to afford technology for the first time as historically these counties may have lacked the case volumes and budgets. The standardization will also simplify user education and how county courts exchange case data.

WSBA can establish a technology forum that publishes regular recommendations, such as quarterly or annually, even if the final purchasing decisions remain at the Office of the Clerk of the Superior, District, and Municipal Court levels. The scope can be limited to the top five common,

least controversial, hardware, software, and hosted (cloud) services where at least the more populous counties agree to employ the technology (for example, for video calls).

Video Hearings post-COVID-19: During the COVID-19 pandemic, many courts adopted this technology and should continue video hearings to tackle case backlogs.

Some municipal-level judges unequivocally support the practice of video hearings post-COVID-19 for certain case types including:

- Unlawful detainer
- Cases suited for mediation
- Family law where both parties are pro se
- “Pleas in absentia.”

WSBA can take the lead by helping to establish a forum to define the processes and court rules by driving consensus among its member lawyers and the court staff (at the various court levels).

While any recommendations taken up by WSBA would ideally be started by the end of Governor Inslee’s *Safe Start* plan, WSBA would define appropriate project goals and measurable schedules.

Respectfully Submitted,

WSBA Coronavirus Response Task Force

Kevin Plachy, Chair

Michael Cherry, Deputy Chair

WSBA Guidance for the Safe Reopening of Law Firm Offices

Sample Firm Policies:

- Signs are posted at all entrances displaying capacity limits and requirements for entry.
- Employees and clients will be screened for signs of COVID-19 upon entry, as called for by state regulations.
- Please stay home or go home immediately if you feel sick or show signs of illness.
- Remote work and video/phone meetings will remain the default practice.
- Please wear your personal protective equipment.
- Keep doing social distancing, staying at least 6 feet away from other people whenever possible.
- Limit close interactions with co-workers and customers.
- Wear a face mask (either a manufactured mask or a cloth face covering) at work.
- Stay home if you're sick.
- Avoid others who are sick.
- Wash your hands frequently with soap and water (or use hand sanitizer).
- Wear disposable gloves when it's safe and applicable.
- Use your elbow to cover coughs and sneezes.
- Disinfect shared surfaces and objects regularly.
- Avoid touching your eyes, nose and mouth.
- Maximum office capacity is 10 people.
- Go to the [Governor's website](#) for guidance on developing a required reopening plan (see COVID-19 Reopening Guidance for Businesses page and then go to [Professional Services](#) under Phase 2 [and Template for Phase 3 Businesses](#)).

Create a Team and Plan to:

- Monitor oversight of the re-opening plan and implementation;
- Develop and update, as needed, internal policies and procedures for the transition from remote work to the workplace;
- Communicate with legal and support staff with one voice regarding the transition process, set forth clear expectations and offer firm-wide training, as needed;
- Field questions or concerns;
- Become familiar with federal and state statutes and programs governing office safety and human resource issues ([put CDC and WA Health Department Links here](#));
- Develop an employee testing plan for testing employees for the virus;
- Develop client and visitor policies.

Prepare the Workplace:

- Focus on employee safety;
- Recognize geographic differences, with earlier openings for less-infected areas in accordance with the [Governor's guidelines](#);

- Assess workplace mechanical components – including HVAC, fire/life safety systems, entry systems, and water temperature at hand washing locations – and assure they meet recommended guidelines;
- Coordinate with landlords and other tenants on opening and safety procedures in common areas and elevators;
- Stagger workstations and occupied offices to increase the distance between employees in attendance;
- Install barriers for receptionists or other employees at high foot traffic locations;
- Inventory cleaning and other supplies to maintain a disinfected environment. Continue to develop supply sources and re-order well in advance;
- Develop a cleaning and sanitizing protocol in accordance with recommended CDC and OSHA guidelines [\(add Links\)](#);
- Install signage on social distancing and hygiene guidelines;
- Develop one-way foot traffic patterns if the workplace facility allows for it.

Prepare Your Employees:

- Decide which employees will return to the workplace.
- Encourage those who can continue to work effectively remotely to do so until further notice – irrespective of the points below;
- Recognize the safety guidelines may have to be implemented differently for individual practices or with less than a specified number of employees (e.g. 10);
- Stagger workday hours and monitor returns;
- Take into consideration lawyers and support staff in more critical areas of practices less attuned to remote employment and phase in other practice areas over designated periods;
- Anyone who can effectively work remotely should continue to do so until further notice;
- Discourage visits by lawyers from other branch offices;
- Maintain attendance sheets to provide responsible contact tracing information, if needed, and to limit and track hours in the office.

TO: WSBA Board of Governors
FROM: Kyle Sciuchetti, President Elect, Chair of the *Ad Hoc* Committee to Investigate Alternatives to Mandatory Malpractice Insurance
DATE: June 17, 2020
RE: Update from the *Ad Hoc* Committee to Investigate Alternatives to Mandatory Malpractice Insurance

DISCUSSION : Update from the *Ad Hoc* Committee to Investigate Alternatives to Mandatory Malpractice Insurance.

On January 21, 2019, WSBA President Rajeev Majumdar convened the *Ad Hoc* Committee to Investigate Alternatives to Mandatory Malpractice Insurance to gather information and advise the Board on potential viable alternatives to mandatory malpractice insurance.

Since then, the Committee has met twice on March 10 and May 13, 2020. During its two meetings, the Committee has explored two possible alternatives to mandatory insurance in more detail, including requiring disclosure directly to clients when a lawyer in private practice is uninsured or minimally insured—a method employed by seven other jurisdictions¹—and proactive management based regulation—a method employed by one jurisdiction.² Enhanced disclosure would require notice to the client and informed consent at the outset of the representation and/or notice on all written communications when a lawyer in private practice does not carry a minimum level of professional liability insurance. Such a method would be effectuated through an amendment to Rule 1.4 of the Rules of Professional Conduct and would be enforced through disciplinary procedures. See Appendix A for March 2, 2020 Memo re Legal Malpractice Insurance Disclosure by State which details the jurisdictions that employ this method and their governing rules. The Committee has further heard from representatives of the Illinois Attorney Registration and Discipline Committee (ARDC), the Illinois Supreme Court agency that regulates Illinois lawyers, regarding the concept of proactive management based regulation (PMBR). See Appendix B for May 13, 2020 Presentation on PMBR by Jerry Larkin, Administrator, ARDC, and Britney Bowater, Sr. Counsel, Education and Proactive Initiatives, ARDC. PMBR is an approach to lawyer regulation that focuses on programs intended to promote the ethical practice of law and hopefully reduce the incidence of grievances and malpractice claims. Specifically, in Illinois, beginning in 2018, every two years, Illinois lawyers in private practice who do not have malpractice insurance must complete a four-hour self-assessment online, evaluating their law firm management and business practices. Uninsured lawyers who fail to complete the self-assessment cannot register in the following year to renew their license and may be administratively suspended. The self-assessment is confidential and also provides free CLE credit.

The Committee will convene its next meeting on June 24, 2020 to continue to explore both of these options. The Committee expects to present its final report and recommendations to the Board at the Board's August meeting.

¹ Alaska, California, New Hampshire, South Dakota, Pennsylvania, Ohio, New Mexico.

² Illinois.

APPENDIX A

MEMO

To: Committee to Investigate Alternatives to Mandatory Malpractice Insurance

Date: March 2, 2020

Re: Legal Malpractice Disclosure by State

This document reviews legal malpractice insurance coverage requirements throughout the United States. The following chart reviews the requirements of each state that requires disclosure of under/uninsured status directly to clients. The chart covers the seven jurisdictions that require disclosure of malpractice insurance coverage below certain values. Included in the chart is the rule number, key aspects of the rules, discipline associated with the rule, common themes, and a link to the text of the rules mandating disclosure. To ensure the accuracy of this chart, a survey of all 51 jurisdictions was completed, asking state bar associations whether they required disclosure of malpractice coverage either to the state bar, or directly to clients.

The results from the survey were:

- Two jurisdictions require lawyers to carry malpractice coverage of at least 100/300;¹
- Seven jurisdictions require disclosure of insurance coverage directly to clients;²
- Twenty jurisdictions require lawyers to disclose whether they carry insurance on their licensing renewal;³ of these jurisdictions, thirteen make this information available to the public in some form;⁴
- Twenty-two states do not require that lawyers disclose their insurance coverage in any fashion.⁵

In addition, two states have special requirements for lawyers who do not have insurance: In Alabama, lawyers who do not carry malpractice insurance coverage may not participate in the Alabama Bar Association lawyer referral programs; in Illinois, lawyers who do not carry

¹Oregon and Idaho.

²Alaska, California, New Hampshire, South Dakota, Pennsylvania, Ohio, New Mexico.

³North Dakota, Nebraska, Arizona, Washington, Hawaii, West Virginia, Virginia, Nevada, Colorado, Maine, Massachusetts, Minnesota, Michigan, Illinois, New Jersey, Wisconsin, Kansas, Rhode Island, Kentucky, Delaware.

⁴Arizona, Washington, West Virginia, Virginia, Nevada, Colorado, North Dakota, Massachusetts, Minnesota, Nebraska, Illinois, Kansas, Kentucky.

⁵Maryland, Louisiana, North Carolina, D.C., Oklahoma, South Carolina, New York, Alabama, Wyoming, Vermont, Utah, Florida, Tennessee, Connecticut, Georgia, Iowa, Texas, Missouri, Indiana, Mississippi, Arkansas, Montana.

Legal Malpractice Insurance Disclosure by State

insurance coverage must complete a four-hour long training course. Georgia is presently the only state that disclosed that they are actively considering a proposal that would mandate coverage for lawyers. In general, many states require LLCs to maintain some form of professional liability insurance, by statute or otherwise.

REQUIRED LEGAL MALPRACTICE DISCLOSURE CHART

STATE	RULE	KEY FEATURES	DISCIPLINE
Alaska	<u>RPC 1.4(c)</u> Effective 1999 (Rescinded/ readopted in 2009)	<ul style="list-style-type: none"> • Must be in writing; • Notice required for coverage below 100/300; • Notice required upon termination of insurance coverage; • 6-year record retention required; • No application to government lawyers. 	Violations have not been independently prosecuted; has been alleged in matters with more serious violations.
California	<u>RPC 1.4.2</u> Effective January 10, 2010; amended November 1, 2018	<ul style="list-style-type: none"> • Lawyers must inform clients in writing at time of retention; • Notice only required if representation will require more than 4 hours; • 30-day requirement to notify upon termination of insurance coverage; • No application to government lawyers or emergency services. 	No discipline yet. A malpractice working group was established. More information listed below rule text.
New Hampshire	<u>RPC 1.19</u> Effective January 1, 2008 ⁶	<ul style="list-style-type: none"> • Notice required if insurance coverage is less than 100/300; • No application to government or in-house counsel; • Lawyers must notify clients on separate document signed by client; • 5-year retention of disclosure record. 	No discipline.

⁶ The State Bar Association of New Hampshire gave an effective date of January 1, 2008. RPC 1.19 was adopted in 2008; however, the language requiring lawyers to disclose insurance coverage may have previously been included in another RPC.

Legal Malpractice Insurance Disclosure by State

STATE	RULE	KEY FEATURES	DISCIPLINE
New Mexico	<u>RPC 16-104</u> Effective November 2, 2009	<ul style="list-style-type: none"> • Notice required if insurance coverage is less than 100/300; • Lawyer must notify client in writing at time of retention using provided forms; • Lawyer must notify clients if insurance coverage terminates; • Rule does not apply to judges, in-house, or government lawyers; • Lawyer must retain disclosure record for 6 years. 	No discipline, only corrective action/client notification.
Ohio	<u>RPC 1.4(c)</u> Effective July 1, 2001	<ul style="list-style-type: none"> • Lawyers must notify client using provided form if they lack coverage; • Must retain disclosure letter for 5 years; • No application to in-house or government lawyers. 	Violations have been prosecuted. See sample cases under rule text.
Pennsylvania	<u>RPC 1.4(c)</u> Effective November 21, 2013	<ul style="list-style-type: none"> • Private practice must disclose if insurance coverage is less than 100/300; • Lawyer must retain disclosure record for 6 years. 	No discipline.
South Dakota	<u>RPC 1.4(c)</u> Effective July 1, 2004 ⁷	<ul style="list-style-type: none"> • Disclaimer must be included in letterhead if insurance coverage is less than \$100,000; • Disclaimer must be included in every written communication with client; • Rule does not apply to in-house or government lawyers. 	No discipline.

Common themes:

- Insurance coverage is not mandatory;
- Disclosure is required for lawyers who are uninsured or carrying less than 100/300 insurance coverage;

⁷ Per Susan Saab Fortney, the rule may have been adopted in 1999. *Law as a Profession: Examining the Role of Accountability*, 40 Fordham Urb. L.J. 177, 194 (2012), <https://ir.lawnet.fordham.edu/ulj/vol40/iss1/4>. The rule was reaffirmed as part of RPC 1.4 in 2004.

Legal Malpractice Insurance Disclosure by State

- Does not apply to lawyers who work full time as in-house or government counsel;
- Signed record of disclosure required;
- 5+ year required retention of signed disclosure.

Helpful Links:

ABA Standing Committee on Client Protection Proposed Amendments for Malpractice Coverage Disclosure – Center for Professional Responsibility (Proposed amendment to Rule 1.4 Communication)

https://www.americanbar.org/groups/professional_responsibility/committees_commissions/commission-on-multijurisdictional-practice/mjp_comm_sccp2/

Alaska

Alaska Rules of Professional Conduct - Rule 1.4

(c) A lawyer shall inform an existing client in writing if the lawyer does not have malpractice insurance of at least \$100,000 per claim and \$300,000 annual aggregate and shall inform the client in writing at any time the lawyer's malpractice insurance drops below these amounts or the lawyer's malpractice insurance is terminated. A lawyer shall maintain a record of these disclosures for six years from the termination of the client's representation. This paragraph does not apply to lawyers employed by the government as salaried employees or to lawyers employed as in-house counsel.

California

California Rules of Professional Conduct - Rule 1.4.2

(a) A lawyer who knows* or reasonably should know* that the lawyer does not have professional liability insurance shall inform a client in writing,* at the time of the client's engagement of the lawyer, that the lawyer does not have professional liability insurance.

(b) If notice under paragraph (a) has not been provided at the time of a client's engagement of the lawyer, the lawyer shall inform the client in writing* within thirty days of the date the lawyer knows* or reasonably should know* that the lawyer no longer has professional liability insurance during the representation of the client.

(c) This rule does not apply to:

- (1) a lawyer who knows* or reasonably should know* at the time of the client's engagement of the lawyer that the lawyer's legal representation of the client in the matter will not exceed four hours; provided that if the representation subsequently exceeds four hours, the lawyer must comply with paragraphs (a) and (b);
- (2) a lawyer who is employed as a government lawyer or in-house counsel when that lawyer is representing or providing legal advice to a client in that capacity;
- (3) a lawyer who is rendering legal services in an emergency to avoid foreseeable prejudice to the rights or interests of the client;
- (4) a lawyer who has previously advised the client in writing* under paragraph (a) or (b) that the lawyer does not have professional liability insurance.

Comment

[1] The disclosure obligation imposed by paragraph (a) applies with respect to new clients and new engagements with returning clients.

[2] A lawyer may use the following language in making the disclosure required by paragraph (a), and may include that language in a written* fee agreement with the client or in a separate writing:

"Pursuant to rule 1.4.2 of the California Rules of Professional Conduct, I am informing you in writing that I do not have professional liability insurance."

[3] A lawyer may use the following language in making the disclosure required by paragraph (b):

"Pursuant to rule 1.4.2 of the California Rules of Professional Conduct, I am informing you in writing that I no longer have professional liability insurance."

Legal Malpractice Insurance Disclosure by State

[4] The exception in paragraph (c)(2) for government lawyers and in-house counsels is limited to situations involving direct employment and representation, and does not, for example, apply to outside counsel for a private or governmental entity, or to counsel retained by an insurer to represent an insured. If a lawyer is employed by and provides legal services directly for a private entity or a federal, state or local governmental entity, that entity is presumed to know* whether the lawyer is or is not covered by professional liability insurance

Additional Information from the CA Malpractice Insurance Working Group:

March 27, 2019 Malpractice Insurance Working Group Report to the California Bar Board of Trustees http://www.calbar.ca.gov/Portals/0/documents/reports/Malpractice-Insurance-Report_Summary_and_Supreme-Court-Cover-Letter.pdf

New Hampshire

New Hampshire Rules of Professional Conduct - Rule 1.19

(a) A lawyer shall inform a client at the time of the client's engagement of the lawyer or at any time subsequent to the engagement of the lawyer if the lawyer does not maintain professional liability insurance in the amounts of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate or if the lawyer's professional liability insurance ceases to be in effect. The notice shall be provided to the client on a separate form set forth following this rule and shall be signed by the client.

(b) A lawyer shall maintain a copy of the notice signed by the client for five years after termination of representation of the client.

(c) The notice required by paragraph (a) of this rule shall not apply to a lawyer who is engaged in either of the following:

- (1) Rendering legal services to a governmental entity that employs the lawyer; or
- (2) Rendering legal services to an entity that employs the lawyer as in-house counsel.

NOTICE TO CLIENT

Pursuant to Rule 1.19 of the New Hampshire Rules of Professional Conduct, I am required to notify you that I do not maintain professional liability (malpractice) insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate.

(Attorney's signature)

CLIENT ACKNOWLEDGEMENT

I acknowledge receipt of the notice required by Rule 1.19 of the New Hampshire Rules of Professional Conduct that [insert attorney's name] does not maintain professional liability (malpractice) insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate.

(Client's signature)

Date: _____

New Mexico

New Mexico Rules of Professional Conduct - Rule 16-104

C. Disclosure of professional liability insurance.

(1) If, at the time of the client's formal engagement of a lawyer, the lawyer does not have a professional liability insurance policy with limits of at least one-hundred thousand dollars (\$100,000) per claim and three-hundred thousand dollars (\$300,000) in the aggregate, the lawyer shall inform the client in writing using the form of notice prescribed by this rule. If during the course of representation, an insurance policy in effect at the time of the client's engagement of the lawyer lapses, or is terminated, the lawyer shall provide notice to the client using the form prescribed by this rule.

(2) The form of notice and acknowledgment required under this Paragraph shall be:

NOTICE TO CLIENT

Pursuant to Rule 16-104(C) NMRA of the New Mexico Rules of Professional Conduct, I am required to notify you that ["I" or "this Firm"] [do not] [does not] [no longer] maintain[s] professional liability malpractice insurance of at least one-hundred thousand dollars (\$100,000) per occurrence and three-hundred thousand dollars (\$300,000) in the aggregate.

Attorney's signature

CLIENT ACKNOWLEDGMENT

I acknowledge receipt of the notice required by Rule 16-104(C) NMRA of the New Mexico Rules of Professional Conduct that [insert attorney or firm's name] does not maintain professional liability malpractice insurance of at least one-hundred thousand dollars (\$100,000) per occurrence and three-hundred thousand dollars (\$300,000) in the aggregate.

Client's signature

(3) As used in this Paragraph, "lawyer" includes a lawyer provisionally admitted under Rule 24-106 NMRA and Rules 26-101 through 26-106 NMRA; however, it does not include a lawyer who is a full-time judge, in-house corporate counsel for a single corporate entity, or a lawyer who practices exclusively as an employee of a governmental agency.

(4) A lawyer shall maintain a record of the disclosures made pursuant to this rule for six (6) years after termination of the representation of the client by the lawyer.

Legal Malpractice Insurance Disclosure by State

(5) The minimum limits of insurance specified by this rule include any deductible or self-insured retention, which must be paid as a precondition to the payment of the coverage available under the professional liability insurance policy.

(6) A lawyer is in violation of this rule if the lawyer or the firm employing the lawyer maintain a professional liability policy with a deductible or self-insured retention that the lawyer knows or has reason to know cannot be paid by the lawyer or the lawyer's firm in the event of a loss.

...

Committee Commentary

Disclosure of Professional Liability Insurance

[8] Paragraph C of this rule requires a lawyer to disclose to the clients whether the lawyer has professional liability insurance satisfying the minimum limits of coverage set forth in the rule. Subparagraph (3) of Paragraph C defines "lawyer" to include lawyers provisionally admitted under Rule 24-106 NMRA and Rules 26-101 to 26-106 NMRA. Rule 24-106 NMRA applies to out-of-state lawyers who petition to be allowed to appear before the New Mexico courts. Rules 26-101 to 26-106 NMRA apply to foreign legal consultants. Subparagraph (4) of Paragraph C requires a lawyer to maintain a record of disclosures made under this rule for six (6) years after termination of the representation of the client by the lawyer. In this regard, the lawyer should note that trust account records must be kept for five (5) years but the statute of limitations for a breach of contract claim is six (6) years. Subparagraph (5) of Paragraph C provides that the minimum limits of insurance specified by the rule includes any deductible or self-insured retention. In this regard, the use of the term "deductible" includes a claims expense deductible. The professional liability insurance carrier must agree to pay, subject to exclusions set forth in the policy, all amounts that an insured becomes legally obligated to pay in excess of the deductible or self-insured retention shown on the declarations page of the policy.

DISCIPLINE UNDER THE RULE

New Mexico's Office of Disciplinary Counsel (ODC) approach to enforcement has been a "soft" rollout. Phase III was expected to begin October 1, 2019.

- Phase I: New Mexico ODC notified/reminded lawyers of the rule and asked lawyers to confirm that they were in compliance when a lawyer received a complaint.
- Phase II: New Mexico ODC Counsel required lawyers to provide either a copy of their Dec sheet or a sample retainer agreement showing the lawyer used the required language if the lawyer did not meet coverage minimums when responding to a complaint.
- Phase III: New Mexico ODC require lawyers to show either their Dec sheet or the actual notice given to the client filing the complaint, with the client's signature.

Legal Malpractice Insurance Disclosure by State

If lawyers are non-compliant, so far New Mexico ODC has simply required lawyers to fix it by notifying clients and getting signatures and, as of June 2019, New Mexico ODC had not had a lawyer go beyond that stage to actual discipline.

Ohio

Ohio Rules of Professional Conduct - Rule 1.4(c)

(c) A lawyer shall inform a client at the time of the client's engagement of the lawyer or at any time subsequent to the engagement if the lawyer does not maintain professional liability insurance in the amounts of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate or if the lawyer's professional liability insurance is terminated. The notice shall be provided to the client on a separate form set forth following this rule and shall be signed by the client.

- (1) A lawyer shall maintain a copy of the notice signed by the client for five years after termination of representation of the client.
- (2) A lawyer who is involved in the division of fees pursuant to Rule 1.5(e) shall inform the client as required by division (c) of this rule before the client is asked to agree to the division of fees.
- (3) The notice required by division (c) of this rule shall not apply to either of the following:
 - (i) A lawyer who is employed by a governmental entity and renders services pursuant to that employment;
 - (ii) A lawyer who renders legal services to an entity that employs the lawyer as in-house counsel.

NOTICE TO CLIENT

Pursuant to Rule 1.4 of the Ohio Rules of Professional Conduct, I am required to notify you that I do not maintain professional liability (malpractice) insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate.

Attorney's Signature

CLIENT ACKNOWLEDGEMENT

I acknowledge receipt of the notice required by Rule 1.4 of the Ohio Rules of Professional Conduct that [insert attorney's name] does not maintain professional liability (malpractice) insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate.

Client's Signature

Date

...

Comment

Professional Liability Insurance

[8] Although it is in the best interest of the lawyer and the client that the lawyer maintain professional liability insurance or another form of adequate financial responsibility, it is not required in any circumstance other than when the lawyer practices as part of a legal professional association, corporation, legal clinic, limited liability company, or limited liability partnership.

[9] The client may not be aware that maintaining professional liability insurance is not mandatory and may well assume that the practice of law requires that some minimum financial responsibility be carried in the event of malpractice. Therefore, a lawyer who does not maintain certain minimum professional liability insurance shall promptly inform a prospective client or client.

Discipline under the rule:

Akron Bar Assn. v. Binger, 139 Ohio St. 3d 186, 10 N.E.3d 710 (2014) (Two RPC violations, including notarizing documents the lawyer did not witness and failure to advise a client that lawyer did not carry malpractice insurance warranted 18-month suspension in light of aggravating factors).

Columbus Bar Assn. v. McCord, 150 Ohio St. 3d 81, 79 N.E.3d 503 (2016) (One-year suspension appropriate for lawyer who, among other violations, failed to notify clients that he did not maintain professional malpractice insurance).

Akron Bar Assn. v. McNerney, 122 Ohio St. 3d 40, 907 N.E.2d 1167 (2009) (Two-year suspension appropriate where lawyer failed to keep accurate trust account records and failed to inform clients that he did not maintain professional liability insurance).

Lorain Cty. Bar Assn. v. Stuart, 135 Ohio St. 3d 117, 984 N.E.2d 1041 (2012) (Public reprimand appropriate where lawyer failed to provide competent representation and notify client that lawyer did not maintain professional liability insurance).

Akron Bar Assn. v. DeLoach, 133 Ohio St. 3d 329, 978 N.E.2d 181(2012) (Public reprimand appropriate where lawyer failed to give clients written notice that she did not maintain professional liability insurance; substantial mitigating factors considered)

Pennsylvania

Pennsylvania Rules of Professional Conduct - Rule 1.4(c)

(c) A lawyer in private practice shall inform a new client in writing if the lawyer does not have professional liability insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate per year, subject to commercially reasonable deductibles, retention or co-insurance, and shall inform existing clients in writing at any time the lawyer's professional liability insurance drops below either of those amounts or the lawyer's professional liability insurance is terminated. A lawyer shall maintain a record of these disclosures for six years after the termination of the representation of a client.

Comment

...

Disclosures Regarding Insurance

[8] Paragraph (c) does not apply to lawyers in full-time government practice or full-time lawyers employed as in-house counsel and who do not have any private clients.

[9] Lawyers may use the following language in making the disclosures required by this rule:

(i) No insurance or insurance below required amounts when retained: "Pennsylvania Rule of Professional Conduct 1.4(c) requires that you, as the client, be informed in writing if a lawyer does not have professional liability insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate per year and if, at any time, a lawyer's professional liability insurance drops below either of those amounts or a lawyer's professional liability insurance coverage is terminated. You are therefore advised that (name of attorney or firm) does not have professional liability insurance coverage of at least \$100,000 per occurrence and \$300,000 in the aggregate per year."

(ii) Insurance drops below required amounts: "Pennsylvania Rule of Professional Conduct 1.4(c) requires that you, as the client, be informed in writing if a lawyer does not have professional liability insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate per year and if, at any time, a lawyer's professional liability insurance drops below either of those amounts or a lawyer's professional liability insurance coverage is terminated. You are therefore advised that (name of attorney or firm)'s professional liability insurance dropped below at least \$100,000 per occurrence and \$300,000 in the aggregate per year as of (date)."

(iii) Insurance terminated: "Pennsylvania Rule of Professional Conduct 1.4(c) requires that you, as the client, be informed in writing if a lawyer does not have professional liability insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate per year and if, at any time, a lawyer's professional liability insurance drops below either of those amounts or a lawyer's professional liability insurance coverage is terminated. You are

Legal Malpractice Insurance Disclosure by State

therefore advised that (name of attorney or firm)'s professional liability insurance has been terminated as of (date)."

[10] A lawyer or firm maintaining professional liability insurance coverage in at least the minimum amounts provided in paragraph (c) is not subject to the disclosure obligations mandated by the rule if such coverage is subject to commercially reasonable deductibles, retention or co-insurance. Deductibles, retentions or co-insurance offered, from time to time, in the marketplace for professional liability insurance for the size of firm and coverage limits purchased will be deemed to be commercially reasonable.

South Dakota

South Dakota Rules of Professional Conduct - Rule 1.4(c)

(c) If a lawyer does not have professional liability insurance with limits of at least \$100,000, or if during the course of representation, the insurance policy lapses or is terminated, a lawyer shall promptly disclose to a client by including as a component of the lawyer's letterhead, using the following specific language, either that:

(1) "This lawyer is not covered by professional liability insurance;" or

(2) "This firm is not covered by professional liability insurance."

(d) The required disclosure in 1.4(c) shall be included in every written communication with a client.

(e) This disclosure requirement does not apply to lawyers who are members of the following classes: § 16-18-20.2(1),(3),(4)⁸ and full-time, in-house counsel or government lawyers, who do not represent clients outside their official capacity or in-house employment.

⁸ Attorney licensing --Trust accounting records and procedures. The provisions of this rule apply to all members of the State Bar of South Dakota concerning trust funds received or disbursed by them in the course of their professional practice of law within the State of South Dakota. However, these provisions shall not apply to (1) full-time members of the Judiciary, i.e., Supreme Court Justices, Circuit Court Judges and Magistrate Judges, (2) nonresident attorneys licensed to practice in South Dakota who comply with comparable trust accounting requirements in the state wherein they maintain their office, and (3) non-profit legal services organizations that file a copy of their annual independent audit with the State Bar, (4) non-resident attorneys licensed to practice in South Dakota who have not represented a South Dakota client during the reporting period, or (5) members who have been in an inactive status for the full reporting period. In addition, all lawyers required to disclose the absence of professional liability insurance as required pursuant to Rule 1.4(c) must sign the additional verification and certification of disclosure as reflected at the end of the Certificate of Compliance and Insurance Disclosure form.

APPENDIX B

PMBR - The Illinois Experience



JEROME E. LARKIN & BRITNEY M. BOWATER, ARDC
WASHINGTON STATE BAR ASSOCIATION – CIAMMI
MAY 13, 2020



Amended Rule 756(e)(2)

Amendments of January 25, 2017

(2) Every other year, beginning with registration for 2018, each lawyer who discloses pursuant to paragraph (e)(1) that he or she does not have malpractice insurance and who is engaged in the private practice of law shall complete a self-assessment of the operation of his or her law practice or shall obtain malpractice insurance and report that fact, as a requirement of registering in the year following. The lawyer shall conduct the self-assessment in an interactive online educational program provided by the Administrator regarding professional responsibility requirements for the operation of a law firm. The self-assessment shall require that the lawyer demonstrate an engagement in learning about those requirements and that the lawyer assess his or her law firm operations based upon those requirements. The self-assessment shall be designed to allow the lawyer to earn four hours of MCLE professional responsibility credit and to provide the lawyer with results of the self-assessment and resources for the lawyer to use to address any issues raised by the self-assessment. All information related to the self-assessment shall be confidential, except for the fact of completion of the self-assessment, whether the information is in the possession of the Administrator or the lawyer. Neither the Administrator nor the lawyer may offer this information into evidence in a disciplinary proceeding. The Administrator may report self-assessment data publicly in the aggregate.

PMBR - Regulatory

- Beginning in 2018, every two years private practitioners who do not have malpractice insurance must complete a 4-hour interactive, online self-assessment regarding the operation of their law firm in order to register for the designated year.
 - 2018 => 2019 Registration
 - 2020 => 2021 Registration

PMBR - Voluntary

All Illinois lawyers are encouraged to take the course and will receive free MCLE credit for doing so.

PMBR - Purpose

- To help lawyers avoid problems in their law practice before they occur.
- The program was aimed at minimizing malpractice liability and lawyer disciplinary risks.

PMBR - Basics

- Free
- Illinois MCLE accredited (up to 4 hours)
- Can be taken at various times and various increments
- Accessible from most devices
- Confidential and not discoverable

PMBR (2018-2019) - Topics

- The Intersection of Technology & Ethics (45 minutes)
- Conflicts of Interest: Ensuring Undivided Loyalty (45 minutes)
- Fees, Costs & Billing: Getting Paid Ethically (45 minutes)
- Attorney-Client Relationships: Effectively Connect and Communicate with Clients (30 minutes)
- Trust Account Management (30 minutes)
- Attorney Wellness (15 minutes)
- Professionalism & Civility (15 minutes)
- Diversity & Inclusion (15 minutes)

PMBR (2018-2019) – Regulatory Fulfillment

PMBR Fulfillment Summary	
# of Attorneys	Fulfillment Status
5,303	Completed PMBR Course
785	Obtained Malpractice Insurance
226	Status Change
203	No Longer in Private Practice
198	No Longer Practice Law
114	No Longer Have Outside Private Practice
7	Administrative
350	Not Complied
7,186	Total in PMBR Group

PMBR (2018-2019) – Voluntary Participation

An additional 3,387 lawyers who were not required to take PMBR completed at least one of the modules for CLE credit in 2018; 1,053 completed all eight modules.

PMBR (2018-2019) – What We Learned

- Illinois lawyers thought very highly of the course and would recommend the course.
- The eLearning format was a success (interactive & convenient).
- Illinois lawyers appreciated the course content.
- Hypotheticals and best practices taught were most appreciated.

PMBR (2018-2019) – What We Learned

Overall the program was:	Excellent	Very Good	Good	Needs Improvement	Poor	# of Registrants
PMBR Module #1 Technology	51.69%	36.33%	10.30%	0.75%	0.94%	534
PMBR Module #2 Conflicts	46.71%	36.31%	14.44%	1.79%	0.85%	471
PMBR Module #3 Fees & Billing	62.14%	28.64%	7.52%	0.97%	0.73%	412
PMBR Module #4 Client Relationships	54.15%	34.56%	9.91%	0.92%	0.46%	434
PMBR Module #5 Trust Accounts	53.56%	31.93%	11.61%	1.58%	1.32%	379
PMBR Module #6 Attorney Wellness	51.65%	28.79%	16.26%	2.86%	0.44%	455
PMBR Module #7 Civility & Professionalism	39.22%	34.17%	22.48%	3.21%	0.92%	436
PMBR Module #8 Diversity & Inclusion	44.60%	29.98%	19.66%	3.84%	1.92%	417 160

PMBR (2018-2019) – What We Learned

Overall the program was:	Excellent	Very Good	Good	Needs Improvement	Poor	# of Registrants
PMBR Module #1 Technology	35%	37%	24%	3%	1%	2,298
PMBR Module #2 Conflicts	35%	37%	25%	2%	1%	2,112
PMBR Module #3 Fees & Billing	41%	35%	21%	2%	1%	2,004
PMBR Module #4 Client Relationships	42%	36%	20%	2%	1%	1,946
PMBR Module #5 Trust Accounts	35%	33%	28%	3%	1%	1,873
PMBR Module #6 Attorney Wellness	32%	31%	31%	3%	2%	1,971
PMBR Module #7 Civility & Professionalism	28%	30%	32%	7%	2%	1,955
PMBR Module #8 Diversity & Inclusion	28%	28%	29%	9%	5%	1,872 161

PMBR (2018-2019) –

What We Learned

To what extent did the program provide information that was useful	Excellent	Very Good	Good	Needs Improvement	Poor
PMBR Module #1 Technology	32%	40%	24%	2%	1%
PMBR Module #2 Conflicts	35%	38%	23%	3%	1%
PMBR Module #3 Fees & Billing	39%	37%	22%	2%	1%
PMBR Module #4 Client Relationships	41%	36%	20%	1%	1%
PMBR Module #5 Trust Accounts	36%	33%	28%	2%	1%
PMBR Module #6 Attorney Wellness	31%	32%	32%	3%	2%
PMBR Module #7 Civility & Professionalism	27%	31%	32%	7%	3%
PMBR Module #8 Diversity & Inclusion	27%	28%	31%	8%	6%

Would you recommend this program to other lawyers?	Yes	No
PMBR Module #1 Technology	93%	7%
PMBR Module #2 Conflicts	93%	7%
PMBR Module #3 Fees & Billing	95%	5%
PMBR Module #4 Client Relationships	95%	5%
PMBR Module #5 Trust Accounts	93%	7%
PMBR Module #6 Attorney Wellness	89%	11%
PMBR Module #7 Civility & Professionalism	85%	15%
PMBR Module #8 Diversity & Inclusion	81%	19%

PMBR (2018-2019) – What We Learned

How would you rate the quality of this program?	Excellent	Very Good	Good	Needs Improvement	Poor
PMBR Module #1 Technology	36%	37%	23%	3%	1%
PMBR Module #2 Conflicts	35%	38%	23%	3%	1%
PMBR Module #3 Fees & Billing	39%	37%	20%	2%	1%
PMBR Module #4 Client Relationships	42%	35%	20%	2%	1%
PMBR Module #5 Trust Accounts	35%	34%	27%	3%	1%
PMBR Module #6 Attorney Wellness	32%	31%	31%	5%	2%
PMBR Module #7 Civility & Professionalism	28%	30%	32%	8%	3%
PMBR Module #8 Diversity & Inclusion	28%	28%	28%	9%	5%

PMBR (2018-2019) –

What We Learned

Which aspect of this module was most helpful?	Hypos	Info Slides	Knowledge Checks	Quiz	Resources	Speakers	Writing Exercise
PMBR Module #1 Technology	42.06%	15.08%	14.09%	10.71%	1.98%	16.07%	n/a
PMBR Module #2 Conflicts	49.48%	13.47%	119.43%	n/a	2.59%	15.03%	n/a
PMBR Module #3 Fees & Billing	37.23%	17.29%	16.76%	10.90%	2.93%	14.89%	n/a
PMBR Module #4 Client Relationships	45.25%	15.75%	19%	n/a	3%	17%	n/a
PMBR Module #5 Trust Accounts	n/a	32.65%	27.60%	14.12%	4.12%	22.06%	n/a
PMBR Module #6 Attorney Wellness	30.73%	30.10%	11.81%	n/a	10.55%	16.80%	n/a
PMBR Module #7 Civility & Professionalism	n/a	48.45%	29.02%	n/a	5.96%	n/a	16.58%
PMBR Module #8 Diversity & Inclusion	33.88%	63.90%	n/a	n/a	2.73%	n/a	164 n/a

PMBR (2018-2019) – How To Improve?

- ADA accessibility
 - Accessible format for blind learners
- Learning Management System (LMS)
 - Navigation
 - Reporting
 - Course submission
 - Attorney validation

New LMS – Blue Sky Path

- Single sign-on through our attorney registration site
- Seamless user experience
 - Course registration is simple (no purchase process)
 - Prompts learner as they go through the course activities
 - Improved certificate and completion process
- Groups – courses can be developed and targeted towards certain individuals requesting certain topics
- Reporting
 - Aggregate reporting on self-assessments and evaluation/survey data
 - We will have access to reporting for questions asked within the course

Single Sign-On with Registration



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[ARDC REGISTRATION DEPARTMENT](#)

[ONLINE LEARNING PORTAL](#)

[CLE](#)

[PMBR](#)

[SUPPORT](#)

Sign In

Attorney Registration Number**:

[Forgot My Registration Number](#) 

Password ***:

[Reset My Password](#) 

Sign In

[Forgot username?](#) |

[Forgot password?](#)

** Illinois Attorneys: You can find your Attorney Registration Number on your ID card.

LMS – How To Video

Promoting & Protecting
the integrity of the legal profession



Welcome to the ARDC Online Learning Portal

This portal provides licensed Illinois attorneys access to on-demand legal education.
All programs found on this platform are free and accredited for Illinois Minimum Continuing Legal Education (MCLE) credit.



New LMS - Ease of Use



Proactive Management Based Regulation (PMBR)...

The PMBR four-hour self-assessment course is divided into eight interactive modules aimed at helping lawyers improve how they practice law. Each module is between...

3



Learning the Art of Mindfulness: A Wellness...

Learn valuable suggestions and self-care techniques that legal practitioners can employ every day in order to evaluate and enhance their personal levels of happiness...

1

1

1



Current Developments and Trends in Lawyer...

Want to stay current on recent changes? This Program will cover Illinois facts and figures, recent regulatory changes, and other updates that affect your profession.

1

1

1



Attorney Client Relationships



Attorney Well Being: The Intersection



Attorney Wellness

LMS - PMBR Page

Proactive Management Based Regulation (PMBR) Self-Assessment Program



To learn more about PMBR in Illinois, watch the introductory video.

Program Requirement

In accordance with [Illinois Supreme Court Rule 756\(e\)](#) (Disclosure of Malpractice Insurance), every two years, Illinois lawyers who represent at least one private client and do not report that they maintain malpractice insurance are required to complete the Proactive Management Based Regulation (PMBR) Self-Assessment Program or obtain malpractice insurance and report that fact, as a requirement of registering in the year following.

Steps to PMBR Completion

REQUIRED TO TAKE PMBR?

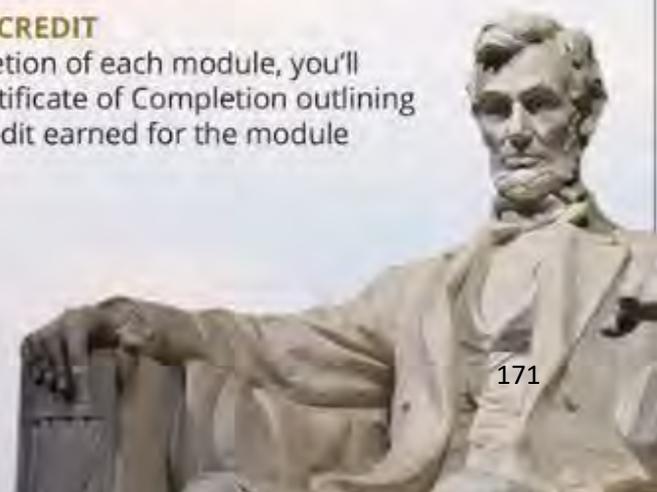
Follow these 6 simple steps:

- 1 COMPLETE PMBR MODULE**
PMBR (2020-2021) is made up of 7 e-learning modules. Complete all 7 modules and earn a total of four-hours of free MCLE credit.
- 2 TAKE ASSESSMENT**
Our assessments are short, no more than 5 questions, and help reinforce what you just learned.
- 3 FILL OUT MODULE SURVEY**
We value your feedback! Complete a short survey so we can improve our PMBR offerings.
- 4 EARN MCLE CREDIT**
Upon completion of each module, you'll receive a Certificate of Completion outlining the MCLE credit earned for the module completed.
- 5 FILL OUT PMBR SURVEY**
Share your thoughts about the PMBR Program, so we can learn how the Program can better assist you in practicing law.
- 6 PMBR PROGRAM CERTIFICATE**
Upon completion of all 7 modules, you'll receive a PMBR Program Certificate representing fulfillment of your PMBR (2020-2021) requirement.

NOT REQUIRED TO TAKE PMBR, BUT WANT FREE CLE?

Follow these 4 simple steps:

- 1 COMPLETE PMBR MODULE**
PMBR (2020-2021) is made up of 7 e-learning modules. All Illinois lawyers can complete each module for free MCLE credit.
- 2 TAKE ASSESSMENT**
Our assessments are short, no more than 5 questions, and help reinforce what you just learned.
- 3 FILL OUT SURVEY**
We value your feedback! Complete a short survey so we can improve our online CLE offerings.
- 4 EARN MCLE CREDIT**
Upon completion of each module, you'll receive a Certificate of Completion outlining the MCLE credit earned for the module completed.



Social Media & the Practice of Law

MCLE CREDIT

Total General: .50 Total Professional Responsibility: .50

Why should a lawyer care about social media?

Let's face it, both professional and personal use of social media is pervasive. More and more, lawyers in private practice are utilizing social media as a marketing tool. Many lawyers have websites, blog and post reviews and comments on social media platforms. Moreover, social media is used as a source for providing information to and acquiring information about clients, adversaries and others. Yet, lawyers must be aware of confidentiality and other relevant ethics guidelines while using social media so as to avoid malpractice liability or professional discipline.

In this module, you will

- **Learn** about the benefits of social media and the ethics rules that govern a lawyer's use of social media;
- **Apply** those ethics rules to several different scenarios; and
- **Reflect** on your professional and personal social media use and the ethics limitations faced when using social media platforms.

Resources:

Surveys/Articles

- [ABA Tech Report 2019](#)
- [Ten Tips to Leverage LinkedIn](#) (Catherine Sanders Reach, NCBA Center for Practice Management, Feb. 11, 2020)
- [Making the Most of Online Client Reviews](#) (Illinois Bar Journal, Feb. 2017)
- [ETHICS CORNER: 12 Rules for Ethically Dealing With Social Media](#) (Business Law Today, Feb. 2017)
- [How to Avoid the Surprise Attorney-Client Relationship](#) (ABA GPSolo, July/Aug. 2010)

Ethics Opinions

- [Ethical obligations regarding content and features of lawyer websites](#) (ABA Formal Op. 10-457)
- [Ethical considerations in reviewing a juror's or potential juror's Internet presence](#) (ABA Formal Op. 466)



Chapter 1: Ethical Pitfalls in Using Social Media

SCORM: 0.17 Other Professional Responsibility MCLE Credit 0.17 Total General MCLE Hours 0.17 Total MCLE Credit Earned,

Including Professional Responsibility Credit 0.17 Total Professional Responsibility MCLE Credit Social Media: Ethical Pitfalls in Using

Social Media

PMBR (2020-2021) – Current Course

- PMBR 2020-2021 will be released May 18, 2020 in conjunction with the launch of our new LMS – Blue Sky Path
 - Regulatory - For those required to take the course, must do so in order to register for 2021
 - Voluntary – All other lawyers are able and encouraged to take the course

PMBR (2020-2021) – Video Summary



PMBR (2020-2021) – Current Course

- Four hour self-assessment program
- Four hour MCLE accreditation
- Seven Modules – Topics chosen from first PMBR evaluation data.
 - Social Media & the Practice of Law (30 mins)
 - Civility (30 mins)
 - Record Retention (30 mins)
 - Conflicts of Interest: Informed Consent (45 mins)
 - Practice Management Software Alternatives (30 mins)
 - Time & Billing (45 mins)
 - Securing Communications (30 mins)

PMBR (2020-2021) – What's Changed?

- Increased emphasis on self-assessment
- Short (5 questions) important take away quizzes
- Better Reporting
 - Aggregate reporting on self-assessments
 - Better completion reporting
 - Better reporting on demographics

PMBR (2020-2021) – Module Introduction

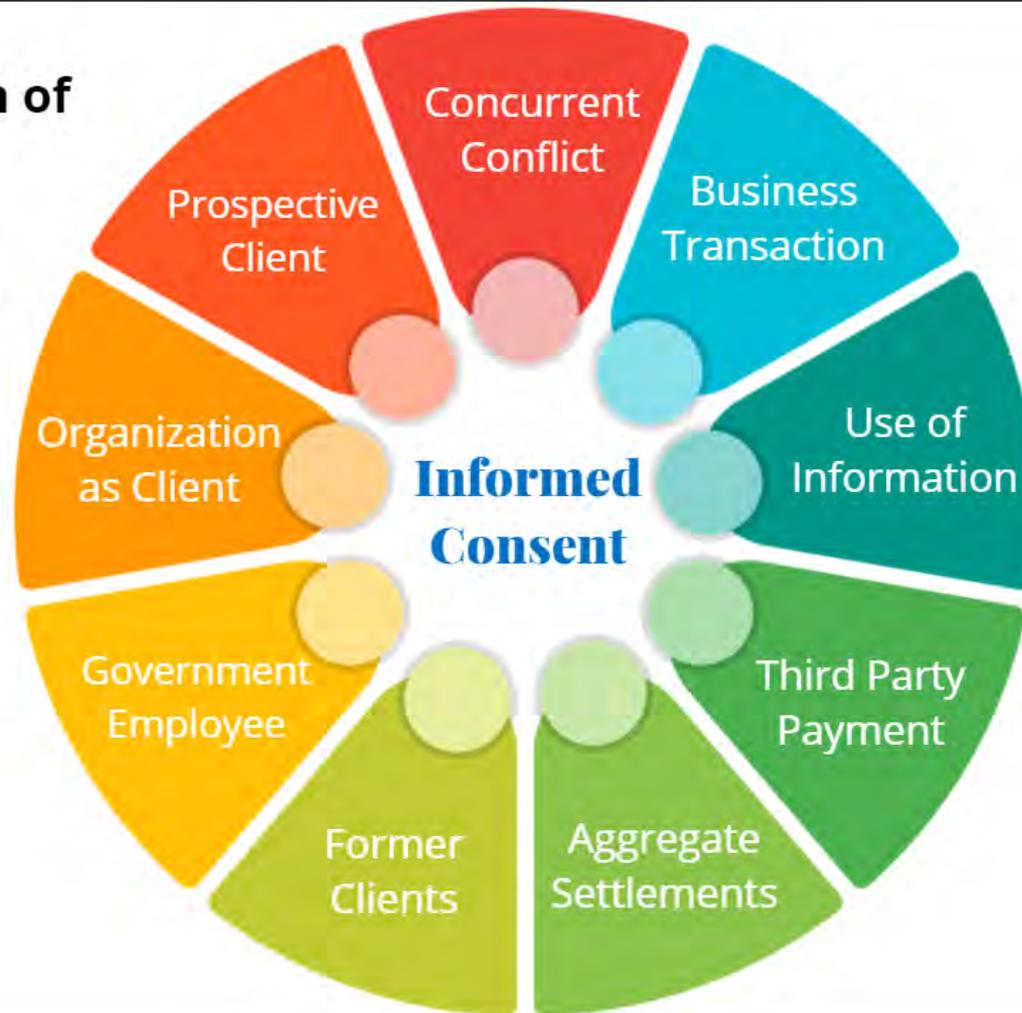


Practice Management Software Alternatives

START

PMBR (2020-2021) – Interactive Slide

Select a section of the Informed Consent color wheel to learn more.



PMBR (2020-2021) – Hypothetical

Rise-Up Angry Plebes! True Confessions of a P.D. with a Rock and Roll Heart



Gotta tell ya 'bout #125569 (that's the client's jail identification number). This stupid kid is taking the rap for his drug-dealing dirtbag older brother because "he's no snitch." I pleaded him guilty. I managed to talk the prosecutor into treatment and deferred prosecution, since we both know the older brother from prior dealings involving drugs and guns. My client is in college. It just goes to show that higher education does not imply that you have any sense.



PMBR (2020-2021) – Knowledge Check

Has Smith violated any rules of professional conduct?

- Yes. However, if Smith had password protected her blog there would have been no rule violation.
- No. The First Amendment protects a lawyer's right to disseminate truthful, public information.
- No. She has not identified her client by his name and thus his identity remains unpublished.
- Yes. Not only did she disregard confidentiality guidelines, but she also may have violated a duty of candor owed to a tribunal.



PMBR (2020-2021) – Interactive Rule Slide



IRPC 1.3
Comment [1]

IRPC 1.4(a)(5)

IRPC 3.1

IRPC 3.5(d)



Rule 1.3-Diligence, Comment [1]

The lawyer's duty to act with reasonable diligence does not require the use of offensive tactics or preclude the treating of all persons involved in the legal process with courtesy and respect.



Additional Rules

PMBR (2020-2021) – Speaker Segment



Lela D. Johnson

Assistant United States Attorney, Regional Director
Organized Crime Drug Enforcement Task Forces

PMBR (2020-2021) — Self-Assessment



How does your firm's record retention and destruction system stack up?

- A good record retention system saves you time, money and peace of mind. Do you have one? YES NO
- Is your record retention policy in writing? YES NO
- Is it included in your office manual? YES NO
- Would you like to improve your record retention system? YES NO

SUBMIT

Questions & Contact Information

Britney M. Bowater, Esq.

Sr. Counsel, Education and Proactive Initiatives

ARDC / Chicago

Email: bbowater@iardc.org

Telephone: (312) 540-5332

TO: WSBA Board of Governors
FROM: Interim Executive Director Terra Nevitt
DATE: June 15, 2020
RE: **Report of the WSBA Council on Public Defense**

At the October 28, 2019 meeting of the Board of Governors Executive Committee meeting, the Committee adopted a new charter to incorporate the responsibilities of the former Committee on Mission and Performance Review:

To (1) ensure WSBA's committees continue to do the work of the BOG, as directed by the BOG, consistent with our mission, guiding principles and strategic goals; (2) to make sure WSBA's regulatory boards are fulfilling their Supreme Court mandates and any other issues the BOG may have asked them to explore; and (3) to monitor the ongoing activities of the Supreme Court-created boards administered by WSBA, consistent with their charges from the Court. To accomplish these goals, the Executive Committee will review annual reports submitted by these entities with their BOG Liaison and forward recommendations to the BOG for review and action as appropriate.

In fulfilling this responsibility, the Executive Committee contemplates meeting with each WSBA and WSBA-administered entity annually, and for each entity to present to the full Board of Governors every three years to ensure each class of governors has the opportunity to engage with each entity during their term of service.

Attached, please find the materials provided by the Council on Public Defense:

- Introducing the Council on Public Defense
- Memo to the Board of Governors Executive Committee, *Update to FY 19 Annual Report*, June 10, 2020
- WSBA Committee/Board Annual Report FY 19: Council on Public Defense

Introducing the Council on Public Defense

The Washington State Bar Association Council on Public Defense (CPD) grew out of a Blue-Ribbon Taskforce created by the Bar Association to examine public defense in Washington State. The Task Force, chaired by Washington Supreme Court Justice Robert Utter and Marc Boman, found widespread failure to provide effective counsel for poor people charged with crimes and in 2004 recommended the WSBA create a standing committee on public defense.¹

WSBA accepted the recommendation and created the twenty-three-member council, which today is composed of:

- The Director of the Washington State Office of Public Defense;
- The Director of the Washington Defender Association;
- A Washington Supreme Court justice or Court of Appeals judge, recommended by the Chief Justice;
- A Superior Court judge, recommended by the Superior Court Judges Association;
- A District or Municipal Court judge, recommended by the District and Municipal Court Judges Association;
- A representative from each of the three Washington law schools, recommended by the Dean of each school;
- Three public defenders, recommended by the Washington Defender Association;
- One representative from civil legal services, recommended by the Access to Justice Board;
- Three current or former prosecutors/city attorneys;²
- Six at-large members, at least one of which provides public defense services and at least one of which is a public member; and
- Two representatives from local government or public defense administrator.
- Also, there are five non-voting emeritus members, which include former CPD Chairpersons, and until recently, Marc Boman, who co-chaired the original blue-ribbon committee.

¹ *Strickland v. Washington* states that the Constitution guarantees the poor not just the appointment of counsel, but also effective assistance. *State v. A.N.J.*, 168 Wn.2d 91, 225 P.3d 956 (2010) (citing *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984)).

² The original CPD included three prosecutors nominated by the Washington Association of Prosecuting Attorneys (WAPA). After the CPD voted to recommend the Supreme Court adopt caseload limits, the Court adopted caseload limits and several other Standards in 2011. WAPA subsequently withdrew from a formal role in the CPD in 2014.

In the Charter establishing the CPD, the WSBA directed it to, among other things:

- Recommend mechanisms to assure compliance with “Standards for Public Defense Services” endorsed by the WSBA.
- Develop “Best Practices” guidelines for public defense services contracting.
- Address current issues relating to the provision of constitutional public defense services in Washington, including supporting efforts to ensure adequate funding is available.
- Seek, review, and recommend possible improvements in the criminal justice system, which might impact public defense or the ability to provide public defense services.
- Develop recommendations concerning the most effective and appropriate statewide structure for the delivery and accountability for defense services.
- Continue to study and develop system improvement recommendations for the civil commitment process.
- Develop performance standards for attorneys providing public defense services in criminal, juvenile offender, dependency, civil commitment, Becca, and other cases to which counsel may be appointed.

Examples of the CPD’s recent work includes:

- [*Performance Guidelines for Juvenile Offense Representation*](#), approved by the Board of Governors in 2017.
- [*Performance Guidelines for Counsel Representing Clients in Involuntary Commitment Proceedings*](#), approved by the Board of Governors in 2019 and published for comment by the Supreme Court in 2020.
- [*Public Defenders Resource Guide*](#), approved by the Board of Governors in 2019.
- [*Guidelines for Appointed Counsel in Indigent Appeals*](#), approved by the Board of Governors in 2019.

Current CPD work includes developing standards for representation of persistent offenders and guidelines to assure political independence of the public defense function. Future work identified by the CPD includes exploring post-conviction representation for defendants found Not Guilty by Reason of Insanity, reevaluation of the misdemeanor caseload standards given the explosion of video evidence now provided in almost all criminal cases, and conflict issues related to public defender offices representing more than one co-defendant in a case.

System Failures Leading to Formation of the Council on Public Defense

WSBA's Blue Ribbon Task Force was one of several 2004 investigations that identified significant failures in Washington's public defense systems. That same year, ACLU-Washington released *The Unfulfilled Promise of Gideon*, the Seattle Times published a three-part investigation, *Unequal Defense*, and a class-action lawsuit, *Best v Grant County*, sought injunctive relief protect the constitutional rights of persons charged with crimes in Grant County. *Best* later settled with the appointment of a Public Defense Monitor to oversee improvements to the county's public defense.

Following these investigations, the Legislature amended RCW 10.101.010, which required jurisdictions to adopt standards for public defense, to provide that standards developed by the Washington Defender Association and endorsed by the WSBA serve as guidelines for the development of local public defense standards.

In 2010, the Washington Supreme Court adopted court rules requiring appointed counsel meet standards—and asked the CPD to comment on what standards the Court should adopt.

In 2011, the CPD sent the Board of Governors its proposed Standards for Indigent Defense, which included limits on the size of public defender caseloads. The Governors approved the Standards and recommended them to the Supreme Court. (That same year another class action, *Wilbur v City of Mount Vernon and Burlington*, alleged widespread failure of the two Cities' public defense system. After trial, Federal Judge Robert Lasnik found the Cities' public defense systems failed, that the Cities' were responsible for their defects, and appointed a Public Defense Supervisor to work with the Cities to correct deficiencies.)

In 2012, the Supreme Court adopted most of the Standards developed by the CPD and recommended to the Court by the Board of Governors. Court rules now limit the number of clients an appointed counsel can provide represent, requires public defenders to meet minimum qualifications before accepting an appointment, and an office or place appropriate for meeting clients, a postal address and phone system adequate for responding promptly to clients, and access to investigative assistance.

Public defense still struggles in Washington. And, as recent events have shown, vast inequality exists in our country. Washington's courts and Bar Association lead the nation in having created standards for the delivery of public defense and with the CPD continue to take steps toward a more just and equitable justice system.

MEMO

To: Board of Governors Executive Committee

From: Daryl Rodrigues, Chair, Council on Public Defense
Travis Stearns, Vice-Chair, Council on Public Defense

Date: June 10, 2020

Re: Update to FY 19 Annual Report

You asked us to provide an update to our FY 19 Annual Report, which is attached. Below is a summary of the progress we have made since we submitted the FY 19 Annual Report last summer.

Background & Purpose:

The Council on Public Defense (CPD) was established in 2004 to implement recommendations of the Washington State Bar Association (WSBA) Blue Ribbon Panel on Criminal Defense for maintaining and improving constitutionally effective public defense services in Washington. The WSBA Board of Governors (BOG), finding that the CPD provided a unique and valuable forum for bringing together representatives across the criminal justice system, subsequently established the CPD. Attached is our current roster, which shows the breadth and depth of perspectives our members bring.

The CPD currently has five committees, which include the Pre-Trial Reform Committee, Legal Financial Obligations (LFO) Committee, Indigent Defense Standards Committee, Public Defense Independence Committee, and Public Defense Structure Committee.

FY 19 Accomplishments and Updates:

- The Pre-Trial Reform Committee finalized the Defense Resource Guide and presented it to the BOG last fall. The BOG approved the guide, which is now shared with public defenders across the state. It is available on the CPD webpage [here](#).
- The CPD proposed Guidelines for Criminal Appellate Performance Standards, which were approved by the BOG in November. The WSBA is in the process of submitting the GR 9 Cover Sheet and supporting materials to the Supreme Court.
- The Public Defense Independence Committee is working to address how Washington should respond to the ABA's first principle of an effective public defense system - that

the public defense function should be politically independent. The Public Defense Independence Committee drafted a new General Rule, amendments to Standard 18, and a new Standard 19 in the WSBA Standards for Indigent Defense Services. The Committee sought input from the Washington Defender Association and its members, the Office of Public Defense, and all levels of the judiciary. The Committee is currently reviewing the feedback and will present its draft proposal to the CPD in July 2020.

- The Public Defense Structure Committee is working to create a workload model that clearly defines the appropriate infrastructure necessary for a lawyer to be “fully supported” for purposes of caseload limits. A specific goal in creating a workload model is to assist public defense managers and funders by defining the qualifications of and necessary ratios of adjunct professionals such as social workers and investigators. Also, the Committee seeks to outline those services which must necessarily be available to defenders, such as medical, behavioral, and other forensic experts, so that a defender may meet performance standards.
- The Standards Committee presented proposed persistent offender standards to the CPD at the May meeting. The CPD will vote on the proposal at its July meeting. Once the proposed persistent offender standards are submitted, this Committee is scheduled to begin reevaluating the misdemeanor caseload standard. They are doing this in light of the availability of body-worn camera video from law enforcement as well as other electronically recorded data, which is significantly consuming far more defender and investigator resources than when the misdemeanor standards were adopted.
- In late 2019 the Washington Supreme Court asked the Office of Public Defense (OPD) the status of trial-level compliance with the Court’s adopted Standards for Indigent Defense. In response, OPD designed and conducted a study. OPD published a final report along with conclusions and recommendations in June 2019. The Court asked CPD to give input to OPD’s recommendations. Under the Court’s request, CPD and OPD are working together to refine recommendations.
- The CPD is participating with members of the ATJ Board and the Minority and Justice Commission to identify ways that the three entities can collaborate to address issues with a civil/criminal overlap. Opportunities for such collaboration continue to bloom with the passage of the New Hope Act in 2019 and other reentry/restoration laws that are before the legislature in 2020.
- The CPD regularly responds to requests and questions from practitioners and also seeks to explore new perspectives at their meetings. For example, at the February 2020 meeting, CPD will hear from the Whatcom County Public Defenders about conflict checks and caseload standards, and from the DSHS Ombudsman about access to justice for people who are determined to be not guilty by reason of insanity. At the March 2020 meeting, CPD heard from a public defender and a criminal defense attorney about

criminal defense practice in rural areas, focusing on difficulties rural jurisdictions have in recruiting, training, and qualifying new lawyers under the standards.

We look forward to meeting with you and happy to answer any questions. Thank you.

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

<p>Council on Public Defense (CPD)</p> <p>Chair: Daryl Rodrigues</p> <p>Staff Liaison: Diana Singleton, Bonnie Sterken</p> <p>BOG Liaison: Dan Bridges</p>	<p>Size of Committee: 23</p> <p>Direct expenses: FY18: \$8,400 FY19: \$7,000</p> <p>Indirect expenses: FY18: \$24,046 FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 9</p>
<p>Background & Purpose:</p> <p>The Council on Public Defense (CPD) was established in 2004 to implement recommendations of the Washington State Bar Association (WSBA) Blue Ribbon Panel on Criminal Defense for maintaining and improving constitutionally effective public defense services in Washington. The WSBA Board of Governors (BOG), finding that the CPD provided a unique and valuable forum for bringing together representatives across the criminal justice system, subsequently established the CPD.</p>	
<p>Strategy to Fulfill Purpose:</p> <p>The CPD unites members of the public and private defense bar, the bench, elected officials, prosecutors, and the public to address new and recurring issues impacting public defenders, the public defense system and the public that depends upon it. The CPD, after review of its Charter obligations, has recently been working on six issues in which it has the expertise to provide assistance to public defenders and formed the Pre-Trial Reform Committee, Legal Financial Obligations (LFO) Committee, Standards Committee, Mental Health/Involuntary Treatment Act Committee, Public Defense and Independence Committee, and Public Defense Structure Committee.</p>	
<p>2018-2019 Accomplishments and Work in Progress:</p> <ol style="list-style-type: none"> 1) The CPD completed work on the Mental Health Performance Guidelines, which have been submitted to the Court for adoption. 2) The CPD will complete work of the Pre-Trial Reform Committee this summer. They will be distributing a Defender Resource Packet intended to help defenders in first appearance hearings. 3) The CPD continues the work of the LFO Committee. Recently the committee contributed content to an LFO bench card that reflects recent changes to LFO laws and was distributed by the Minority and Justice Commission. 4) The CPD recently submitted proposed changes to CrR 3.3. 	

- 5) The CPD continues to evaluate how to specifically incorporate the American Bar Association's First Principle of Public Defense-Independence into the WSBA Standards for Indigent Defense.
- 6) Significantly, the CPD formed two new committees, Public Defense Independence and Public Defense Structure. The independence committee intends to address how Washington should respond to the ABA's first principal of an effective public defense system, that it should be politically independent. The Public Defense Structure committee intends to create a workload model which clearly defines the appropriate infrastructure necessary for a lawyer to be "fully supported" for purposes of caseload limits, specifically defining the qualifications and availability of support staff, investigators, and facilities to better guide jurisdictions attempting to appropriately fund public defense services.
- 7) The CPD is participating with members of the ATJ Board and Minority and Justice Commission to identify ways that the three entities can collaborate to address issues with a civil/criminal overlap.

2019-2020 Goals:

- 1) The Pre-Trial Reform Committee will distribute and promote the Defender Resource Packet.
- 2) Guidelines for Criminal Appellate Performance will be advanced to the WSBA BOG for approval for submission to the WA Supreme Court.
- 3) The Council will continue the current work of its standing committees, including LFO Reform, Public Defense Independence, and Public Defense Structure.
- 4) The Council will continue to identify opportunities to collaborate with the ATJ Board and Minority and Justice Commission on bridging civil/criminal issues work which commenced at the last ATJ Conference in Spokane where CPD Chair and Committee members facilitated a crowdsourcing session with stakeholders to identify points of collaboration.
- 5) Finally, if work on persistent offender standards completes, the same committee will commence reevaluation of the misdemeanor caseload standard in light of the advent of body worn video.

Please report how this committee/board is addressing diversity:

- 1) *Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*
- 1) The CPD Chairs will distribute the race equity planning tool developed by the WSBA for committee chairs to use in their project planning. The CPD is interested in learning what other tools are available for future use.

- 2) Robin Nussbaum, Inclusion and Equity Specialist, conducted a Diversity in Decision Making training in February.
- 3) As a product of this training the Chair and Vice Chair resolved as follows:
 - a. To Seek input from all CPD members not just those who volunteer input.
 - b. To be mindful of geographic, age, race and other factors in making recommendations for appointments to the CPD
 - c. To begin meetings with short centering exercises to enable participants to be more fully present for meetings
 - d. To continue to stream meetings to provide broader access to those who cannot attend in person
- 4) The Chair and Vice Chair have emphasized that during discussions all CPD members will be asked for their input, not only those who volunteer input.
- 5) The CPD pays attention to issues of diversity and inclusion as it relates to recruiting and filling positions. The CPD takes diversity, including geographic diversity, into account when making its recommendations about appointments. The CPD has continued to focus on bringing together a broad group of criminal justice system stakeholders.
- 6) The Chair and VC have discussed the lack of generational diversity in the Council, in part it is logical that experienced policy makers/practitioners are older, however on numerous occasions we experience a differing perspective when we seek and take input from more diverse participants. We will continue to seek participation from younger members.

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The CPD unites diverse members of the legal community and public in a shared project of the WSBA to support work of public defenders to provide their clients with strong and accessible public defense services. The CPD has worked to include prosecutors and city attorneys as members in order to assure all voices and perspectives are at the table and engaged in the Council's discussions.
- 2) The CPD actively promotes professionalism so all members can express, debate, and consider competing views respectfully and productively to fulfill this shared WSBA mission.
- 3) The CPD makes an effort to have discussions about ethical practices, which includes professionalism.

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and

prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) The CPD reaches out to younger members of the bar and law school students to participate in its work, both as active members and as interested parties. Some members, particularly those who teach at the Washington law schools, invite students and new and young lawyers to attend meetings. To the extent possible we encourage these individuals to attend meetings and always invite them to contribute to the conversation.
- 2) New and young lawyers are invited to attend meetings and find ways to get involved. New and Young Lawyers are encouraged to voice their opinions in meetings and actively participate in the work of the committees. Staff has presented to the New and Young Lawyers Committee about the work of the Council.
- 3) A major factor in non-participation from younger people is the fact that most younger lawyers are caseload carrying – and most Chief Defenders have little ability to provide caseload credit for participation and attendance. We are working with the larger PD offices to find ways to provide caseload relief so younger lawyers can participate actively.

Please report how this committee/board is addressing the needs of the public:

1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

- 1) Members of the public are all subject to being criminally charged. Our efforts raise the standards for public defense Statewide.
- 2) We have one membership position for the general public.
- 3) We release our work through public comment (court rules) proposed guidelines (standards) and materials (e.g., pretrial checklists)

FY19 Demographics:

- Gender (Female: Male: Not Listed): 8:8:0 (7 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 4 (7 did not answer)
- Number of members self-identified as having a disability: 1 (10 did not answer)
- Number of members self-identified as LGBT: 2 (10 did not answer)

Council on Public Defense FY20 Roster and Terms

	First Name	Last Name	Organization	Representative Type	Current Term Begin Date	Current Term End Date
1	Deborah	Ahrens	Seattle University School of Law	Seattle U School of Law Representative	10/1/2019	9/30/2021
2	Nicholas	Allen	Columbia Legal Services	Civil Legal Aid/ATJ Board Representative	10/1/2019	9/30/2021
3	Kimberly	Ambrose	University of Washington School of Law	UW School of Law Representative	10/1/2018	9/30/2020
4	Matt	Anderson	King County District Court	Former Prosecutor	10/15/2019	9/30/2020
5	Justin	Bingham	Spokane City Pros Ofc	Prosecutor	10/1/2019	9/30/2021
6	Jason	Bragg	Various	At-Large -Public Member	10/1/2019	9/30/2021
7	Rachel	Cortez	Law Office of Rachel Cortez	WDA Representative	5/25/2018	9/30/2020
8	Judge Patricia	Fassett	Cowlitz County Superior Court	SCJA Representative	10/1/2019	9/30/2021
9	Colin	Fieman	Federal Public Defender, West Dist of Washington	At-Large Public Defender	10/1/2018	9/30/2020
10	Louis	Frantz	Retired	At-Large	10/1/2019	9/30/2021
11	Jaime	Hawk	ACLU of Washington	At-Large Public Defender	10/1/2019	9/30/2021
12	Christie	Hedman	WA Defender Assoc.	Core - WDA Director	No term limit	
13	Judge Drew	Henke	Tacoma Municipal Court	DMCJA Representative	10/1/2019	9/30/2021
14	Eric	Hsu	Benton County Office of Public Defense	Local Gov/Public Defense Agency	10/1/2019	9/30/2021
15	Randy	Johnson	Clallam County Board of Commissioners	Local Gov/Public Defense Agency	10/1/2018	9/30/2020
16	Kathy	Kyle	Snohomish County Public Defender	Public Defender Rec'd by WDA	4/1/2018	9/30/2020
17	Justice Sheryl	Gordon McCloud	Washington Supreme Court	Supreme Court Representative	10/1/2018	9/30/2020
18	Joanne	Moore	Office Of Public Defense	Core - OPD Director	No term limit	
19	Abraham	Ritter	Gonzaga University School of Law	Gonzaga U School of Law Representative	10/1/2019	9/30/2021
20	Daryl	Rodrigues (chair)	Snohomish County Public Defender Association	WDA Representative	10/1/2018	9/30/2020
21	Travis	Stearns (vice chair)	Washington Appellate Project	At-Large Public Defender	10/1/2019	9/30/2021
22	Rebecca	Stith	Attorney at Law	At-Large	10/1/2018	9/30/2020
23	Natalie	Walton-Anderson	King County Prosecuting Attorney	Prosecutor	8/1/2019	9/30/2021
1	Robert	Boruchowitz	Seattle University School of Law	Emeritus	Emeritus members serve 1 year terms with no limit	
2	Ann	Christian	Clark County	Emeritus		
3	Eileen	Farley	Northwest Defenders Association	Emeritus		

MEMO

To: Board of Governors
From: Daryl Rodrigues, Chair, Council on Public Defense
Date: June 10, 2020
Re: Proposed revision to the Council on Public Defense Charter

ACTION: Approve the Council on Public Defense to revise its Charter to establish a WA Supreme Court Justice as a Core Member with not term limits.

The Council on Public Defense (CPD) Charter guides its work and outlines its membership. The CPD's membership consists of representatives of the bar, private and public criminal defense attorneys, current and former prosecutors, attorneys, the bench, elected officials and the public. The BOG appoints the membership through the following channels:

- Two members, the Director of the State Office of Public Defense and the Director of the Washington Defender Association, are Core Members. These positions do not have terms limits.
- Ten members are nominated by a partner entity, including the Court, SCJA, DMCJA, WDA, all three law schools, and the Access to Justice Board.
- Eleven members apply to join and includes public defenders, a member of the public, representatives from local government or public defense administrators, current and former prosecutors, and other at-large positions.

All of the members, with the exception of Core Members, are eligible to serve three two-year terms for a total of six years. Currently, the Chief Justice nominates one seat that is held by a WA Supreme Court Justice or Court of Appeals judge. Justice Sheryl Gordan McCloud has been in this seat and is completing her 6th and final eligible year on the CPD.

The CPD has found having the perspective and leadership of a Supreme Court Justice to be an invaluable voice in its membership. The CPD voted unanimously on May 22, 2020, to elevate the membership of a Supreme Court Justice to that of a Core Member with no term limits. Justice Sheryl Gordon McCloud voted in favor of this change and expressed that she agrees it is a positive step. The Chief Justice has also been consulted and is in favor of the change. If the BOG passes this Charter amendment, Justice Sheryl Gordan McCloud will continue in her seat on the CPD. The revised Charter is attached with a redlined version of this change.

Travis Stearns, CPD Vice-Chair, will attend the June BOG meeting to address questions. Thank you for taking the time to review this request.

Charter: WSBA Council on Public Defense

(Revised September 27, 2018)

Purpose and Mission

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

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

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

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

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

MEMBERSHIP:

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

The Chair and Vice-Chair shall be appointed by the WSBA President-elect. Each shall serve a two-year term, with the Vice-Chair becoming Chair at the end of the second year and a new Vice-Chair appointed. Except as noted, the members of the Council shall be appointed for two-year terms and be eligible for reappointment for two additional two-year terms, totaling six years of service. The Chair may nominate up to five former Council members whose eligibility for voting membership has expired, to serve as non-voting emeritus members for one year terms¹. The voting membership is as follows:

Core Members (Core Members have no term limits)

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

Nominated by Outside Parties

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

Considered Through WSBA Application Process

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

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

VOTING PROCEDURES

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

ATTENDANCE REQUIREMENTS

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

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

MEMO

To: Board of Governors

From: Daryl Rodrigues, Chair, Council on Public Defense

Date: June 10, 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*

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 September 30, 2020.

The Board of Governors reviewed the proposed comment at its April meeting. The CPD was asked to share the proposed comment with the Criminal Law Section for feedback. On June 6th the CPD was notified that the Criminal Law Section unanimously supports the amendments.

Travis Stearns, CPD Vice-Chair, will attend the June Board of Governors meeting to address questions. We look forward to presenting the comment for action.



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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25
26

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.

16
17 **(b)** [*unchanged*]
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19

Washington Supreme Court Rules Committee
P.O. Box 40929
Olympia, WA 98504-0929, or
VIA EMAIL: supreme@courts.wa.gov

Re: WSBA Council on Public Defense 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,



WSBA

Pro Bono and Public Service Committee

TO: WSBA Board of Governors

FROM: Pro Bono and Public Service Committee

DATE: June 10, 2020

RE: Proposal to Reduce Barriers to Access for Emeritus Pro Bono License Status

ACTION/DISCUSSION: Adopt the recommendations of the Pro Bono and Public Service Committee; direct WSBA to take all required or appropriate action to change APR 1(e), APR 3(g), GR 24(b)(1); and amend Section III B (4) of the WSBA Bylaws consistent with the recommendations; and submit these proposed changes and amendment to the Washington Supreme Court in accordance with GR 9.

The Board of Governors created the Pro Bono and Public Service Committee to enhance a culture of legal service by promoting opportunities and best practices that encourage WSBA members to engage in pro bono and public service with a particular focus on services to people with low or moderate income.

In October of 2019, the Pro Bono and Public Service Committee (PBPSC) passed a resolution supporting the elimination of various structural barriers facing members of the bar seeking Emeritus Pro Bono status (recommendations 1, 3-5). The PBPSC intends to discuss and vote on the final recommendation (2) at the May 2020 meeting. The PBPSC recommends:

1. Removing the years of practice requirement for eligibility
2. Providing the option for a waiver of annual license fees for Emeritus Pro Bono members who provided 30 hours of pro bono service in the previous calendar year
3. Clarifying the rules regarding Emeritus Pro Bono members seeking to move back to active membership
4. Clarifying that the rules to permit Emeritus Pro Bono members to volunteer for multiple Qualified Legal Service Providers (QLSPs)
5. Simplifying the name of the program to “Pro Bono Status” and clarifying that members do not need to be “otherwise retired” and that inactive members are eligible to apply for Emeritus Pro Bono status

The PBPSC sees these unclear and/or unnecessary rules and restrictions as barriers to engaging members to volunteer; barriers which could be removed at negligible cost to the WSBA, while furthering the organization's mission to serve the public and members of the Bar.

Emeritus Pro Bono Membership Status

Emeritus Pro Bono members have a limited license to practice law. They may only practice through a QLSP without compensation. Currently, Emeritus Pro Bono members pay annual license fees equal to those of inactive members (currently \$200 for attorneys). The average pro bono hour contribution of Emeritus Pro Bono members consistently exceeds the aspirational 30 hours set by RPC 6.1.

Since 2014, 5,131 members have switched from active to inactive or voluntarily resigned and only 67 have opted for Emeritus Pro Bono. There are currently 114 Emeritus Pro Bono members. Although Emeritus Pro Bono status is not age restricted, the majority of Emeritus Pro Bono members are over the age of 60 and 90% of Emeritus Pro Bono members are over the age of 50.

This effort to eliminate barriers and retain legal knowledge in the profession works to accomplish one of the strategic goals set out by the Bar; to support member transitions across the life of their practice. We also know that Emeritus Pro Bono attorneys are drawn back into active status because they have continued to be involved in the practice of law, without the pressure of making a living from law. Several of these members are parents who are taking time to raise their family but do not want to completely leave the legal profession. A flexible Emeritus Pro Bono rule would encourage WSBA members to stay involved, retain their skills, and provides a viable path to return to active membership, while providing much needed legal services to low- and moderate-income Washingtonians.

Recent History of PBPSC and BOG actions

In 2008, the BOG Bylaw Review Committee recommended changing the name of Emeritus membership status to Emeritus Pro Bono and waiving the license fee while requiring 80 hours of pro bono work per year. At that time there were 124 emeritus members. The Pro Bono and Legal Aid Committee (now the Pro Bono and Public Service Committee) supported eliminating the fee but not requiring a set number of volunteer hours. Committee members at the time feared that requiring a certain number of hours might actually decrease participation. The Board of Governors came to a consensus that the fee amounts should not be set out in the bylaws but did rename the status.

In 2016 the PBPSC approved a recommendation to eliminate the license fee for Emeritus Pro Bono members.¹ The BOG declined to take action due to the potential fiscal impacts. As a result, the PBPSC refocused to look at other barriers to participation.

This proposal is targeted to correct significant barriers that stand between qualified WSBA members who are deciding between resignation, inactive status, or providing pro bono services, including the current licensing fee.

¹ See 2017 Brendan Vador memo Re: Emeritus Research, attached

Similar Programs in Other States

While Washington was a relatively early adopter of the Emeritus Pro Bono status in 1998 its membership remains less than 0.3% (109/40360) of the bar and in that intervening 20 years many States have made significant changes to their rules.² There are 44 jurisdictions that have adopted some form of Emeritus Pro Bono rules. The majority³ of these states do not place any restrictions on the years of practice for eligibility. The vast majority⁴ of states place no restriction on age.

Our southern neighbor, Oregon, places no age restriction on eligibility and places no restriction on years of practice for Oregon attorneys. Oregon allows out of state attorneys to become Active Pro Bono members of the Oregon bar, but does place a years of practice restriction on out of state attorneys.

Our northern neighbor, Alaska, like Oregon, places no restriction on age nor does it have a years of practice requirement. Additionally, Alaska waives license fees for Emeritus attorneys.

The modest rule changes recommended by the PBPSC would place the WSBA marginally closer to a State like Texas, which has significantly more liberal requirements. For example, the NOVA program (Texas' version of Emeritus Pro Bono) does not place any restrictions on age/years of practice or current status, allows out of state attorneys to participate, and waives license fees.

Recommendations of the Pro Bono Public Service Committee

1. *The rules should be amended to eliminate the requirement of active practice for five of the last ten years (the 5/10 rule)*

Qualification for Emeritus Pro Bono Status requires that an attorney must have actively practiced in Washington for five of the previous ten years. This requirement is an unnecessary barrier to the provision of pro bono services in Washington. Although the rule may have been initially intended as a way to ensure that Emeritus Pro Bono attorneys provide competent legal services, there are adequate safeguards already in place. In order to provide pro bono services under an Emeritus Pro Bono status a QLSP must screen and accept the volunteer and the WSBA requires that an Emeritus Pro Bono member receive training before certifying the status. Notably, the WSBA has the flexibility to prescribe training for those on Emeritus Pro Bono status, pursuant to APR 3(g)(1)(D). This training is in addition to any training required by the QLSP.

The experience of other states is illustrative. For example, as the ABA reports, the Texas Lawyers Care project (TLC), which contributed to substantial revisions to the Texas emeritus rules, effective as of 2018, came to the following conclusions, "The Texas Lawyers Care project shows an

² In May 2019, the American Bar Association published a comparative chart of the 44 jurisdictions with Emeritus-type rules. The chart compared data points such as years of practice requirements, fee waivers and reductions, MCLE requirements, and requirements for working with a certified legal services program. The chart is accessible [here](#).

³ 29/44 (66%)

⁴ 39/44 (89%)

instance in which a restrictive rule served as an impediment in recruiting interested emeritus attorneys. The Texas rule required that an attorney have been active for five of the past ten years. Of the attorneys who responded to the TLC recruitment, five were ineligible even though they were accomplished lawyers. For instance, one practiced law and then turned to legal teaching for seven years before seeking to volunteer; while another left her practice at childbirth and would have liked to contribute her legal expertise. TLC found that the ‘five of ten’ rule ‘is a poor proxy for competent representation,’ and that active supervision and tracking is a better approach.”⁵ Additionally, the ABA report contains a survey of states that allow for an Emeritus Pro Bono status. That survey found that of the 44 states that have an Emeritus Pro Bono status, two-thirds of them have no “years of practice” rule at all.

Furthermore, active members are presumptively qualified to practice law in a pro-bono or for-profit environment. If an active member wishes to change status, requiring five years of recent experience to provide pro bono service is unnecessarily punitive. Additionally, attorneys with active status are not required by current rules to actually engage in the practice of law. For example, a newly licensed attorney straight out of law school, who may or may not have any active practice experience, or someone who has remained on active status despite not actively practicing for many years, may freely volunteer with a QLSP without facing a similar barrier. The rules merely require that such attorneys pay their active status license fees and satisfy the MCLE requirements. This creates two different sets of standards for those who wish to volunteer through a QLSP and unnecessarily burdens those who wish to do so through the Emeritus Pro Bono Status.

Further, there are no requirements that lawyers complete MCLE credits in specified practice areas. Thus, an attorney on active status could take a pro bono case outside of his or her area of specialty and, in fact, without any current or previous experience whatsoever. The WSBA rules regarding active status assume lawyer competence but do not ensure it by requiring that a lawyer be engaged in the active practice of law or requiring MCLE’s in the practice area of the intended pro bono service. The PBPSA believes this creates an unnecessarily punitive discrepancy among active and inactive lawyers who wish to provide pro bono service.

WSBA requires that lawyers with Emeritus Pro Bono status may practice only through a QLSP. In order to become a QLSP, a legal service provider must either “provide malpractice insurance for volunteers or have a policy in place to require that all volunteers carry their own malpractice insurance.”⁶ This requirement provides an additional safeguard to assure lawyer competence when engaging in pro bono service. Both the QLSP and the lawyer must be mindful of insurance reporting and procedure requirements.

The 5/10 rule unnecessarily restricts new members from service. For example, the 5/10 rule can be especially burdensome for parents who opt out of the practice of law to raise a family. If a newly licensed attorney, after only practicing law for three years before going inactive to focus on personal or family obligations, attempts to return to the practice when their children are older (even if limited to pro bono practice) they may find they are prohibited from doing so unless they re-take the bar exam, an onerous and impractical requirement for those who wish to limit practice to unpaid work. Reducing

⁵ See David Godfrey & Erica Wood, *Emeritus Attorney Programs: Best Practices and Lessons Learned*, American Bar Association Commission on Law and Aging (Sept. 2010). Available [here](#).

⁶ <https://www.wsba.org/connect-serve/volunteer-opportunities/psp/qlsp>

barriers to allow members to provide pro bono services not only helps the community but it helps the bar. Members in active practice, through for-profit activities or community enhancing pro bono services, maintains a skilled bar and any restriction on practice leads to atrophy of skill. The best alternative to active practice is Emeritus Pro Bono. It is the recommendation of the PBPSC that the eligibility requirement for Emeritus Pro Bono status of active practice within five of the previous ten years be eliminated.

- 2. The rules should be amended to allow for a fee waiver if 30 hours of pro bono service were provided through a QLSP in the previous calendar year*

It is the view of the PBPSC that the requirement that Emeritus Pro Bono Status members pay license fees equal to inactive members constitutes a significant barrier to participation.⁷ Emeritus Pro Bono attorneys pay license fees of \$200/year for the privilege of providing free legal services to Washington's low-income residents. Members whose practice is limited to only pro bono service through a QLSP should not be required to pay for opportunity to provide their services for free.

The 2015 Civil Legal Needs Study showed that only 24% of Washington's low-income residents who faced a civil legal issue were able to obtain assistance from an attorney.⁸ With such great need, the WSBA should do everything it can to encourage members to provide pro bono services yet charging substantial license fees to those who's practice is limited to only pro bono service does the opposite.

While in the past, the view of this committee was that a specific number of hours of pro bono service should not be required, the PBPSC acknowledges that in the absence of some type of accountability measure, inactive members may be incentivized to switch to Emeritus Pro Bono status to avoid the expense of license fees, but without actually providing any pro bono service. Since the goal is to actually increase the hours of pro bono service provided, the PBPSC recommends the license fee waiver be available to Emeritus Pro Bono status members who provided at least 30 hours of pro bono service within the previous calendar year, which is consistent with the number of hours of pro bono service recommended for all attorneys in RPC 6.1. The PBPSC believes 30 hours of pro bono service in a given year is a reasonable expectation and could be achievable for a volunteer no matter what other responsibilities they may have, for example, working full-time or being a primary caregiver to children or other family members. However, the PBPSC recognizes that in more rural areas of the state there may not be opportunities to provide 30 hours of service through a QLSP in one year. For example, if a QLSP offers a monthly legal clinic, but only 2 hours of service are available at each clinic, someone who volunteers at every opportunity would only obtain 24 hours of service per year. The PBPSC looks forward to receiving input from stakeholders including QLSPs and volunteer attorneys regarding the appropriate number of hours of service that should be required for fee waiver eligibility.

- 3. The rules should be amended to clarify that Emeritus/Pro Bono members are eligible to return to active status*

⁸ https://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf

Section III. D. 1. c. of the WSBA bylaws provide that “An Emeritus Pro Bono member may transfer to Active by complying with the requirements for members returning from Inactive to Active. There is no limit on how long a member may be Emeritus Pro Bono before returning to Active status.” In contrast, Section III. D. 1. a 3) of the bylaws states that “Any member seeking to change to Active who was Inactive or any combination of Suspended and Inactive in Washington and *does not have active legal experience as defined in APR 1(e) in any jurisdiction for more than ten consecutive years* is required to complete the requirements in Art. III. Sec.D.1. a. 1)(a), (c) and (d), above, and is also required to take and pass the examinations required for admission to the Bar for the member’s license type. “(emphasis added).

The definition of “Active legal experience” found in APR 1(e) currently does not explicitly include practice under the Emeritus Pro Bono status, though our understanding is that internal WSBA policy allows for consideration of experience under Emeritus Pro Bono status. It is easy to imagine a scenario where an attorney decided to take advantage of the Emeritus Pro Bono status for a period of time but wanted to return to active status at some point down the road. The rule should be amended to make clear to members that their time practicing under the Emeritus Pro Bono program could count as “active practice.” The PBPSC recommends that practice under Emeritus Pro Bono status should be included in the definition of “active legal experience” under APR 1(e).

4. *Clarify that an Emeritus Pro Bono volunteer may volunteer with multiple QLSPs*

Similarly, the rules are not clear regarding whether an Emeritus Pro Bono member may volunteer with more than one QLSP. WSBA policy does allow for registration with more than one QLSP concurrently, as indicated by the Emeritus FAQ Sheet.⁹ A minor change to APR 3(g) would make the language of the rule consistent with current WSBA policy and eliminate any confusion.

5. *The rules should be amended to clarify that members currently on ‘inactive’ status are eligible to apply and remove “Emeritus” from the name*

The PBPSC recommends that the requirement that a WSBA member be “otherwise retired from the practice of law” should be removed and that the name of the Emeritus Pro Bono status be changed to simply “Pro Bono Status”. While the PBPSC is unaware of any instances where the WSBA has barred someone from practicing for violation of the “otherwise retired” requirement it is also unaware of any standards of in place to determine what level of activity qualifies as “otherwise retired from the practice of law” and this language in the rule unnecessarily causes confusion about who is eligible. Similar to the 5/10 requirement, the language of the rule serves to exclude a large pool of potential volunteers, who may be “inactive” rather than “retired.” Additionally, this language might imply that return to active status is unavailable, which is not true.

⁹ Emeritus FAQ Sheet (available [here](#)):

“Q: Can I volunteer with more than one QLSP?

A: Yes. If you volunteer with more than one QLSP, complete page 4 of the application with the information about the additional QLSP and deliver it to the WSBA. We will provide you with an additional emeritus pro bono card with the name of the QLSP.”

The PBPSC recommends changing the name of the status from “Emeritus Pro Bono status” to “Pro Bono Status”, which would be the most inclusive approach to clarifying the qualifications for this status. The current name “Emeritus” implies that an attorney is contemplating between this status or retirement, or that the service will be limited or advisory in nature. However, this is a narrow view of the Emeritus Pro Bono status. Other individuals that could qualify for this status might have just joined the bar and taken a job where being an active member is no longer necessary (for example the thousands of in-house members), or they might have started a family and found the demands of active membership limiting, or they might have changed careers but still want to give back to the public. The Bar has an interest in all of these trained lawyers. Emeritus Pro Bono status is a fantastic opportunity to keep members engaged with the bar and provide an opening for them to return to active status. When someone faces the choice between going inactive, resigning, or Emeritus Pro Bono it is in the best interest of the WSBA, the community, and the attorney to choose Emeritus Pro Bono status. Changing the name of the status to simply, “Pro Bono Status” would more accurately reflect the nature of the status and eliminate inaccurate connotations associated with the term “Emeritus.”

Outstanding issues/questions

The following questions still need to be addressed, but the PBPSC believes that WSBA staff and/or the Board of Governors are best positioned to provide the research and information necessary to adequately address these questions.

- Would Active members seeking to change to Pro Bono Status be eligible for a fee waiver if they provided at least 30 hours of pro bono service during the previous year while they were still in active status?
- Could an inactive attorney who changes to Pro Bono Status receive a refund of their license fees for their first year of practice under Pro Bono Status if they provide at least 60 hours of service in that year?
- Would someone who provides at least 30 hours of service in their last year of practice under Pro Bono Status be eligible for a reduced fee for their first year after switching back to active or inactive status, or a refund after choosing to retire?

Conclusion

The PBPSC views the current Emeritus Pro Bono status rules as unclear and/or unnecessarily restrictive in ways that cause significant barriers to access for WSBA members considering leaving the active practice of law or seeking to provide necessary pro bono service to the public. The recommendations described above would provide additional clarity and reduce barriers to access in ways that will hopefully lead to increased participation in the program and a subsequent increase in the provision of pro bono legal services.

The Emeritus Pro Bono 5/10 eligibility rule is restrictive for the wrong reasons. The practical alternatives to Emeritus Pro Bono are inactive status or retirement. Neither of these latter statuses allows for the practice of law. Neither of these statuses increases the skillset of the bar. Neither of these statuses provides much needed legal services to the community. Emeritus Pro Bono status increases the

skillset of the bar and benefits the community. Hundreds of people retire each year. Hundreds of people go inactive each year. Tens of people elect for Emeritus Pro Bono status. Additionally, providing an option to waive annual license fees for Emeritus Pro Bono status members who provide pro bono services would create a greater incentive for members to participate and to put their skills to good use serving the community. Finally, the name “Emeritus Pro Bono” implies retirement and leaving the active practice of law for good. Changing the name would reduce a barrier in language faced by those hoping to encourage people who have otherwise left the practice of law to contribute their legal knowledge back to the community.

The WSBA is in a unique position to champion justice in a time where we know the civil legal needs of low and moderate-income clients are not being met. Based on the 2015 Civil Legal Needs Study Update, we know there is a large gap of legal aid attorneys needed and thus we must turn to the larger WSBA membership to help meet the legal needs of the public. Making these changes to the Emeritus Pro Bono status is one simple way to address this very real and harsh reality many members of the public struggle with.

MEMORANDUM

TO: WSBA Pro Bono & Public Service Committee; Barriers Subcommittee
FROM: Brendan Vandor
DATE: September 8, 2017
RE: Emeritus Research

A. Introduction

In only the last five to ten years, dozens of states have enacted new rules permitting retired or elderly attorneys (the so-called “emeritus” class) to provide pro bono legal services. The purpose of such programs is to facilitate pro bono representation by retired/retiring lawyers (or those who are simply taking a break from the practice of law) who otherwise may choose inactive status or even to resign from membership in the state bar. To encourage emeritus participation, many states waive or reduce the annual registration fee necessary for an active license to practice law for these emeritus attorneys.

This memorandum will provide a brief overview of emeritus programs nationwide, detail Washington’s emeritus pro bono policy, analyze several interesting nationwide trends and features of emeritus programs, and provide recommendations for how this committee can succeed with a proposal to the WSBA Board of Governors to expand emeritus participation in Washington.

B. Emeritus Programs in Washington and Other States

As of 2016, 38 states had emeritus programs, including every state in the Ninth Circuit. The following twelve states still lack emeritus programs: Arkansas, Indiana, Kentucky, Louisiana, Missouri, Nebraska, Ohio,¹ Oklahoma, Pennsylvania, Rhode Island, Vermont, and Wisconsin (see map below).²

¹ Ohio recently enacted an emeritus program that began in 2017.

² David Godfrey & April Faith-Slaker, “Emeritus Attorney: Pro Bono Practice Rules: Participation, Recruitment and Case Placement.” American Bar Association, 2016.

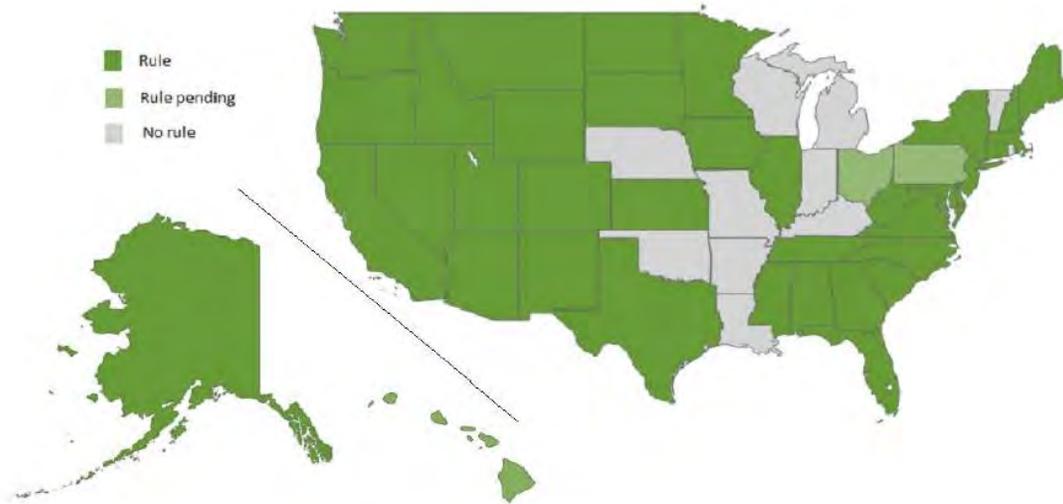


Figure 3. Graphic Distribution of States With and Without Emeritus Pro Bono Rules. Dark green represents states that have a rule, light green represents states with pending rules, and grey represents states that do not have a rule.

Three categories of attorneys are generally considered by emeritus programs: retired, inactive, and out-of-state. Of the 38 states with emeritus programs, 25 allow participation of retired attorneys. “Inactive” attorneys are permitted to practice in 27 of the 38 emeritus programs. Confusingly, some states allow only retired attorneys to participate, while others allow only inactive attorneys to participate. However, there is some confusion as to whether retired attorneys might actually be included in the “inactive” classification for certain states, and vice versa.

Out-of-state attorneys are the least included class, permitted to join emeritus programs in just 18 of the 38 states (though most out-of-state attorneys also face several additional requirements in order to participate in emeritus programs, which will be discussed later). Interestingly, New Jersey allows *only* out-of-state attorneys to participate in its emeritus program, demonstrating the wide variety in emeritus rules and requirements around the country.

Four states have age requirements and restrictions as well. For example, Utah permits retired attorneys to join its emeritus program only if they are 75 years or older (or have 50 years of more of practice). Georgia’s requirement is 70 years. In New York, emeritus participants must be at least 55 years of age. In Delaware, attorneys must be 65 years of age (though the rule allows the Delaware Supreme Court to waive the age requirement on a case-to-case basis).

Below is specific information concerning the emeritus programs in Washington, as well as three states of note: Oregon, California and New York:

1. Washington

Washington places no age restriction on attorneys wishing to take part in its emeritus program. The program is open to retired attorneys (note: not inactive) and to out-of-state attorneys who have practiced for 10 of the past 15 years. New in-state applicants must have practiced for five

of the last 10 years (this would seemingly prevent retired attorneys who have been out of practice for more than five years from participating in the program, an obvious barrier). Dues are reduced and CLE requirements are waived, save for a one-time orientation training. Finally, no direct supervision of the emeritus attorneys is required, and malpractice insurance is not mentioned in the court rule.

2. Oregon

The emeritus program in Oregon is remarkably wide open, permitting *any* attorney to join. Notably, this means that even lawyers with zero years of practice can join. However, participation comes with one large caveat: the attorney must *only* do pro bono work and must cease active lawyering altogether. Additionally, out-of-state attorneys must have at least 15 years of experience and must be admitted to the emeritus program upon motion. Annual bar membership dues are reduced: the fee is equivalent to the inactive membership fee plus an assessment for a “Client Security Fund.” Emeritus attorneys in Oregon are also exempt from compliance with MCLE requirements. Oregon emeritus attorneys must obtain malpractice insurance through Oregon’s Professional Liability Fund or the program referring the pro bono cases. Finally, there is no requirement that Oregon’s emeritus attorneys are supervised when offering pro bono services.

3. California

Similar to Oregon, California requires that its emeritus attorneys (including out-of-state attorneys) practice law on a pro bono basis only. It also requires the emeritus participants to submit an application annually, an odd and seemingly cumbersome requirement. Unlike Oregon, California has a “years of practice” requirement that emeritus attorneys must have practiced law for at least three years, and with three of five of those years coming in-state. It also requires that the applying attorney have no record of public discipline during the three years preceding his/her application. Significantly, California waives the annual state bar membership fee for its members, but still requires that they meet MCLE requirements, which may or may not represent a barrier. California also requires emeritus attorneys to have malpractice insurance, but notes that such insurance is “generally available” from the qualified legal service provider that organizes the pro bono opportunity. Finally, California’s rule states that “adequate supervision” of its emeritus attorneys is required, but does not define “adequate.”

4. New York

New York’s emeritus rules are the most inflexible of the three sampled in this memorandum. As stated above, it restricts its program to attorneys 55 or older and requires at least 10 years of practice. Additionally, all attorneys must commit to providing at least 30 hours of pro bono service annually. Out-of-state participation is not permitted and malpractice insurance and “direct supervision” of the emeritus attorneys are required. However, dues and CLE requirements are waived (though the legal services host organization must arrange free training appropriate for the pro bono assignment).

C. Analysis of Emeritus Program Features in Other States

1. Variation Among States

Of the 38 states that have adopted emeritus rules, there is quite a bit of variation. In a recent publication, the ABA cleverly captured this wide variation with a graphic of the fifty states, which is explained and shown below:

To capture an overall sense of the variation an index was created, consolidating all of these factors into a single composite number for each state. Here, a score of 0 indicates that the state does not have an emeritus rule and a score of 9 would indicate no restrictions along each of the factors considered. A state with a score of 9 would have no age restrictions, no practice year requirements, eligibility extending to all three of the above categories of attorneys, a full waiver of licensure fees for all categories, and no program or supervision requirements.

The average score for all of the states is 3.7, and the average score among only the states that have adopted an emeritus rule is 5.0. The states with the lowest scores, meaning they have adopted the most restrictive emeritus rules, include New York, Utah, Florida, New Jersey, and Virginia. The states with the highest scores, meaning they have adopted the least restrictive emeritus rules, include Illinois, North Carolina, Nevada, Kansas, and Iowa. No state at this time reaches a score of 9.³

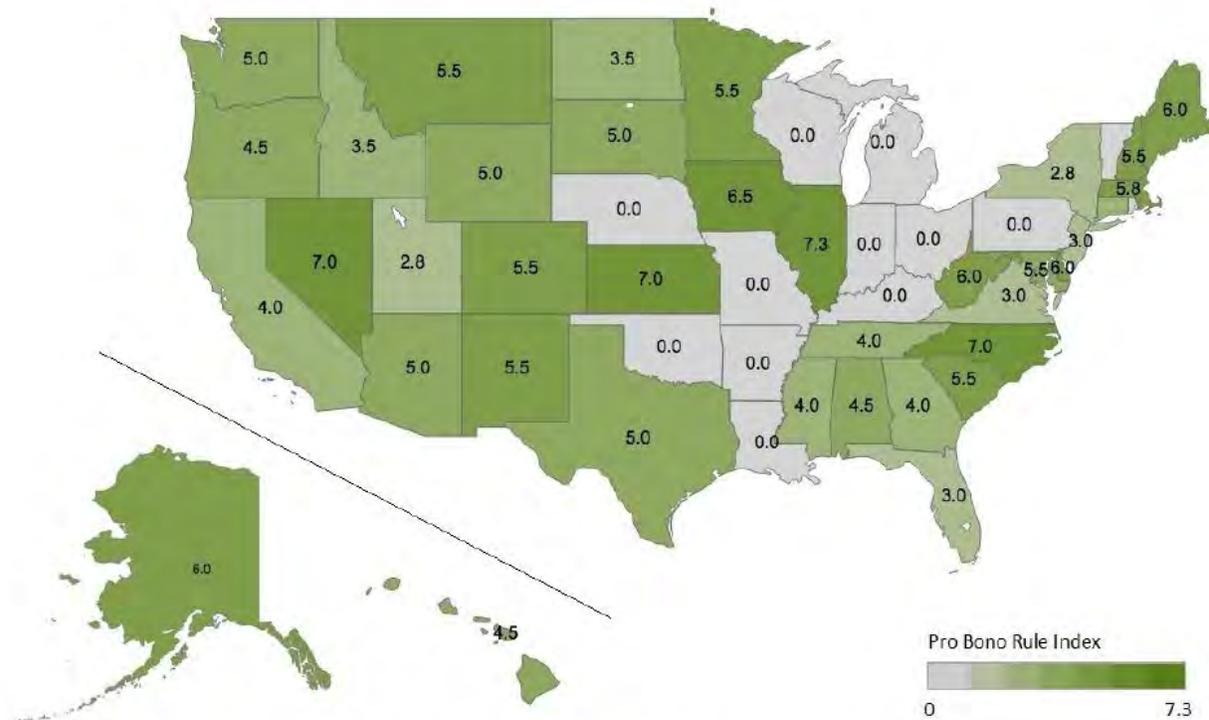


Figure 6. Index of Emeritus Pro Bono Rules, on a scale from 0-9. Zero indicates no rule in the state and a 9 indicates the least restrictive rule. The following factors were included in the index: age restriction, years of practice requirements, eligibility (retired, inactive, out of state), licensure cost, CLE requirements, and program and supervision requirements.

³ David Godfrey & April Faith-Slaker, “Emeritus Attorney: Pro Bono Practice Rules: Participation, Recruitment and Case Placement.” American Bar Association, 2016.

In the graphic above, Washington scored a 5.0, which was the average of states with emeritus programs. California scored a 4.0, Oregon a 4.5, and New York a 2.8. This chart may or may not be useful when presenting our proposal to the WSBA, considering that our main competition (Oregon and California) scored lower on this scale than Washington. Overall, however, it is probably useful for demonstrating that Washington is by no means the vanguard on the emeritus front and has several opportunities to broaden and expand its emeritus participation.

2. Data Analysis of Increase or Decrease in Emeritus Participation

Unfortunately, I was not able to track down any data online regarding whether other states have seen increases in emeritus participation after liberalizing its emeritus rules. Additionally, the ABA has compiled a database of emeritus contacts within each state's bar organization, and I have contacted several of these individuals, including representatives for Oregon, California and New York. No representative with whom I spoke could give me any information about how emeritus participation has changed in response to certain rule changes. Some do not even keep information from year-to-year on that state's total numbers of emeritus attorneys. More diligence on this front (i.e. contacting state bar representatives) is needed, as more data is probably out there.

3. Poll Results and Trends

Attorneys across the country hold several interesting beliefs about their state's emeritus programs. For example, in a poll conducted in 2015-2016, the American Bar Association found that only an insignificant percentage of attorneys believe that requiring pro bono cases to be placed within a specific approved legal services provider creates an impediment to success:⁴



This data suggests that a potential barrier on paper (requiring emeritus attorneys to volunteer with an approved legal services provider) is not really a barrier at all in the minds of most attorneys. Washington's current rule (requiring emeritus attorneys to work with a certified legal services program) should therefore not be seen as a barrier.

⁴ David Godfrey & April Faith-Slaker, "Emeritus Attorney: Pro Bono Practice Rules: Participation, Recruitment and Case Placement." American Bar Association, 2016.

The ABA poll also found that attorneys believe that allowing out-of-state participation in the emeritus program increases overall recruitment:



While out-of-state attorneys are permitted to practice law in Washington, we may want to use the data represented in the poll, above, to encourage the WSBA to liberalize its rules regarding its years of practice requirement for out-of-state attorneys (15 years).

The ABA poll also found that attorneys strongly believe that including inactive attorneys in the emeritus pool increases recruitment:

The respondents for the present study were asked questions about the perceived effectiveness of including inactive attorneys in these rules. Sixty percent²⁶ of those who responded indicated that their rule included inactive attorneys. Of these respondents, the vast majority (88%) believed that this inclusion increases participation. In states where inactive attorneys are not included in the pro bono practice rule, the majority (71%) believe that it would increase participation if it were allowed.



It is unclear just exactly what kind of participation inactive attorneys can have in Washington. Either way, we should use this data to encourage the WSBA to allow inactive attorneys to participate to a level commensurate with retired attorneys, and perhaps should consider waiving

or changing the years of practice requirement (5 of the last 10 years for in-state applicants to the emeritus program).

The graph below can also be used to show the WSBA that, while we are outpacing New York and Oregon with respect to self-reported emeritus hours (note: a *highly* volatile measurement device), we are at about the same level of hours as Iowa, a state with less than half of our population. Clearly, there is room for improvement:



Figure 10. Hours reported under emeritus pro bono rules, 2014 and 2015, by state.

Finally, it is worth including in our presentation to the WSBA that the aging lawyer population (i.e. the incoming emeritus class) will look much different than it traditionally has. The reason? Women are composing a greater and greater portion of the attorney workforce, as seen in the graphic below:

U.S. Lawyer Population Pyramid by Age and Gender

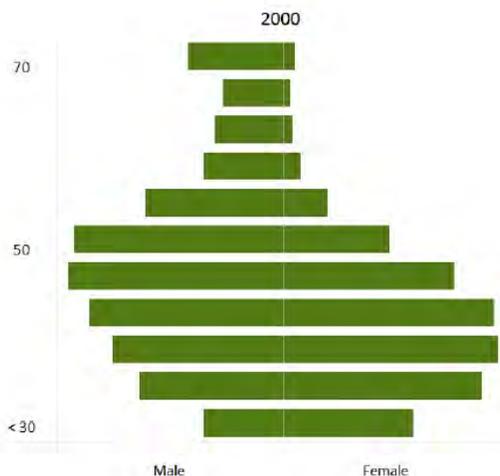


Figure 2. Lawyer population pyramids for lawyers in the U.S. in 2000. The x-axis represents gender, with male attorneys on the left and female attorneys on the right. The y-axis represents age groups, with attorneys under age 30 at the bottom and senior attorneys at the top.

This changing emeritus demographic may necessitate changes in the current emeritus program, such as offering inclusion to new parents who stepped away from the practice of law for more than 5 years to raise children.

4. Interesting Features

Several states have various features that could be useful for Washington to consider adding as a strategy to increase emeritus participation. Those features are as follows:

- Over half of emeritus programs allow inactive, in-state licensed attorneys;
- The duration of emeritus status varies from state-to-state: some states (California) require each participant to re-apply each year; in some states, emeritus status expires after a set amount of years (for example, two in New York and three in Minnesota); and in other states, there does not seem to be a set duration;
- In Minnesota, the names of attorneys granted emeritus status will be posted publically on the CLE Board's website;
- Requirements as to years of licensure range from 5-25 years;
- Maine reduces fees for all emeritus participants, but waives them completely for attorneys over 65 who have practiced for over 40 years;
- Texas waives fees for any emeritus participant over 70; and
- Some states have an hours requirement (New York); others recommend a number of hours (California recommends 100); and other states have no requirement whatsoever;

D. Recommendations

This committee recently brought an emeritus proposal before the WSBA Budget and Audit Committee that was turned down. There is reason to believe that this occurred because of a lack of statistical and/or empirical data backing up the proposal. Therefore, our proposal, which we should endeavor to bring to the Board of Governors in 2018, should focus more on persuasion of the statistical variety rather than the anecdotal variety. This memorandum includes some useful nuggets of data, but more research and empirical analysis is needed before a proposal can be developed.

Additionally, creativity should be encouraged. In the context of our proposal, creativity can and should mean "cherry-picking" the best and/or most interesting or eye-catching features of other state's emeritus programs. Below are my recommendations:

- Abolish the years of practice requirement in terms of requiring the attorney to have practiced for five of the past 10 years; this allows experienced, but currently inactive, attorneys who may have taken time off to raise a family, or to pursue a new career, to participate in the provision of pro bono legal services to individuals who could benefit from the experience of these attorneys;
- Abolish the out-of-state years of practice requirement;
- Waive bar membership fees for emeritus members (though we may need data showing that this rule change resulted in an increase in emeritus participation in other states);
- Advertise and celebrate the current members of the emeritus program (in a way equivalent or similar to what Minnesota does in terms of publically posting the names of the emeritus attorneys on its website);

- Allow lifetime emeritus membership, subject to a requirement that the attorney volunteers a certain number of hours per year; and
- If waiving fees for all participants is not feasible, waive them for all participants over 60, or with 35+ years of experience.

In the coming weeks and months, I will continue to attempt to gather any statistical data from other state bars regarding an increase (or decrease) in emeritus participation upon the enactment of new rules. As a subcommittee (and overall committee), we should begin discussing the most important elements we want to include in our 2018 proposal to the WSBA, and hopefully this memorandum can be used as a launching pad for such a discussion.

Proposed Changes to APR 1(e)

(e) Definitions. The following definitions apply throughout these Admission and Practice Rules except where otherwise stated:

(1) "Active legal experience."

(A) When used to describe a requirement for admission or licensure as, or otherwise regarding, a lawyer means experience in the active practice of law as a lawyer, including practice as a Pro Bono Status Lawyer licensed under APR 3(g), or as a teacher at an approved law school, or as a judge of a court of general or appellate jurisdiction or any combination thereof, in a state or territory of the United States or in the District of Columbia or in any jurisdiction where the common law of England is the basis of its jurisprudence;

(B) when used to describe a requirement for licensing as, or otherwise regarding, an LLLT, means active experience practicing law as an LLLT, including practice as a Pro Bono Status LLLT Licensed under APR 3(g);

(C) when used to describe a requirement for licensing as, or otherwise regarding, an LPO means active experience practicing law as an LPO, including as a Pro Bono Status LPO licensed under APR 3(g).

(2) "Bar" means the Washington State Bar, including Bar staff.

(3) "Bar counsel" means a staff lawyer employed by the Bar.

(4) "Board of Governors" means the Board of Governors of the Washington State Bar.

(5) "LLLT" means limited license legal technician.

(6) "LPO" means limited practice officer.

(7) "Member" means a person who is identified as belonging to a group identified as members by the Bar's Bylaws.

(8) "Qualified legal services provider" means a not for profit legal services organization in Washington State whose primary purpose is to provide legal services to low income clients

(9) "Supreme Court" means the Supreme Court of Washington.

Proposed Changes to APR 3(g)

(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 inactive or otherwise fully retired from the practice of law. An ~~emeritus~~ pro bono status 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)~~(B) file a certification from a one or more qualified legal services provider(s) that the applicant's practice of law will comply with the terms of this rule;

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

~~(E)~~(D) 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. This fee shall be waived if the pro bono status lawyer, LLLT, or LPO provided at least 30 hours of pro bono service through a qualified legal service provider in the previous calendar year. ~~Emeritus p~~Pro bono status 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 status lawyers, LLLTs, or LPOs shall not prevent a qualified legal services provider from reimbursing ~~an emeritus~~ pro bono status 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 status lawyer, LLLT, or LPO.

(1) ~~Emeritus p~~Pro bono status 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. This fee shall be waived if the pro bono status lawyer, LLLT, or LPO provided at least 30 hours of pro

bono service through a qualified legal service provider in the previous calendar year.

(2) 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.

(3) ~~Emeritus p~~Pro bono status lawyers, LLLTs, or LPOs shall be exempt from compliance with APR 11 concerning mandatory continuing legal education.

(4) ~~Emeritus p~~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.

Proposed Changes to GR24

(a) General Definition: The practice of law is the application of legal principles and judgment with regard to the circumstances or objectives of another entity or person(s) which require the knowledge and skill of a person trained in the law. This includes but is not limited to:

(1) Giving advice or counsel to others as to their legal rights or the legal rights or responsibilities of others for fees or other consideration.

(2) Selection, drafting, or completion of legal documents or agreements which affect the legal rights of an entity or person(s).

(3) Representation of another entity or person(s) in a court, or in a formal administrative adjudicative proceeding or other formal dispute resolution process or in an administrative adjudicative proceeding in which legal pleadings are filed or a record is established as the basis for judicial review.

(4) Negotiation of legal rights or responsibilities on behalf of another entity or person(s).

(b) Exceptions and Exclusions: Whether or not they constitute the practice of law, the following are permitted:

(1) Practicing law authorized by a limited license to practice pursuant to Admission to Practice Rules 8 (special admission for: a particular purpose or action; indigent representation; educational purposes; [emeritus pro bono status](#) membership; house counsel), 9 (legal interns), 12 (limited practice for closing officers), or 14 (limited practice for foreign law consultants).

(2) Serving as a courthouse facilitator pursuant to court rule.

(3) Acting as a lay representative authorized by administrative agencies or tribunals.

(4) Serving in a neutral capacity as a mediator, arbitrator, conciliator, or facilitator.

(5) Participation in labor negotiations, arbitrations or conciliations arising under collective bargaining rights or agreements.

(6) Providing assistance to another to complete a form provided by a court for protection under RCW chapters 10.14 (harassment) or 26.50 (domestic violence prevention) when no fee is charged to do so.

(7) Acting as a legislative lobbyist.

(8) Sale of legal forms in any format.

(9) Activities which are preempted by Federal law.

(10) Serving in a neutral capacity as a clerk or court employee providing information to the public pursuant to Supreme Court Order.

(11) Such other activities that the Supreme Court has determined by published opinion do not constitute the unlicensed or unauthorized practice of law or that have been permitted under a regulatory system established by the Supreme Court.

(c) Non-lawyer Assistants: Nothing in this rule shall affect the ability of non-lawyer assistants to act under the supervision of a lawyer in compliance with Rule 5.3 of the Rules of Professional Conduct.

(d) General Information: Nothing in this rule shall affect the ability of a person or entity to provide information of a general nature about the law and legal procedures to members of the public.

(e) Governmental agencies: Nothing in this rule shall affect the ability of a governmental agency to carry out responsibilities provided by law.

(f) Professional Standards: Nothing in this rule shall be taken to define or affect standards for civil liability or professional responsibility.

Proposed Changes to WSBA Bylaw III(B)(4)

education credits or lawyer continuing legal education credits may be applied to the credit requirement for judicial members; if judicial continuing education credits are applied, the standards for determining accreditation for judicial continuing education courses will be accepted as establishing compliance.

9. Legal, legislative, and policy positions and resolutions taken by the BOG are not taken on behalf of Judicial members, are not considered to be those of Judicial members, and are not binding on Judicial members.
10. The Bar's disciplinary authority over Judicial members is governed exclusively by ELC 1.2 and RPC 8.5.

4. ~~Emeritus~~-Pro Bono

A member may become a ~~n~~-~~Emeritus~~-Pro Bono member by complying with the requirements of APR 3(g), including payment of any required license fee and passing a character and fitness review.

~~Emeritus~~-Pro Bono members must not engage in the practice of law except as permitted under APR 3(g), but may:

1. Be appointed to serve on any task force, council, or Institute of the Bar. In addition, up to two ~~Emeritus~~-Pro Bono members are permitted to serve on the Pro Bono and Public Service Committee~~Legal Aid Committee~~ (PBPSC~~LAC~~) and may be appointed to serve as Chair, Co-Chair, or Vice-Chair of that committee;
2. Join Bar sections;
3. Request a free subscription to the Bar's official publication; and
4. Receive member benefits available to ~~Emeritus~~-Pro Bono members.

5. Suspended

Members of any type and status can have their membership suspended by order of the Washington Supreme Court. Although suspended members remain members of the Bar, they lose all rights and privileges associated with that membership, including their authorization and license to practice law in Washington.

May 19, 2020, ed.

C.

1.

REGISTER OF MEMBERS

All Bar members, including Judicial members who wish to preserve eligibility to transfer to another membership status upon leaving service as a judicial officer, must furnish the information below to the Bar:

- a. physical residence address; 9

Feedback Received from Volunteer Lawyer Programs (VLPs)

Paige Hardy

From: Lori Bashor-Sarancik <cwlap@live.com>
Sent: Friday, May 29, 2020 11:55 PM
To: Paige Hardy
Subject: Fwd: Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Follow Up Flag: Follow up
Flag Status: Completed

Hello Paige,

I hope you are doing well. I wanted to thank you for your work on this! I remember our initial conversations about the Emeritus status and the things we all found out about it that created some barriers for retired attorneys to fully embrace it. It seems like your work on this has made a difference and I hope it translates into more retired attorneys providing pro bono work for low income people across the State.

In our small community, the legal community has dwindled due to many retirements over the past 5 to 8 years, and the number of new attorneys practicing in our area has not offset this. Many of these retired attorneys still live in the community and may be a resource to volunteer if they have the interest.

A retired attorney may be operating on a limited income because they are no longer practicing. So, the waiver of fee to retain a license for the benefit of others just makes sense. I think this one change is significant and may, by itself, cause more retired attorneys to volunteer at QLSPs across the State. I don't think the 30 hours of pro bono service requirement is too burdensome, at least for ongoing Emeritus Pro Bono licensees who are renewing over and over.

The other situation we found is that there are many attorneys who have retired in the past 5 to 8 years, and they either did not know about the Emeritus status, or found the fee to be too much at \$200. So, they retired and/or went Inactive. If they find they later want to move back into Emeritus Pro Bono status and utilize their knowledge and skill to help low income people through a QLSP, they should be able to do that without overly burdensome fees and requirements. Assuming they could catch up on MCLE credits utilizing free training provided for volunteer attorneys, it makes sense they should be able to jump in and help if they so have the interest.

Let's not forget that the need to provide legal help to low income people who cannot afford an attorney is tremendous. In many rural areas of the state there simply are not enough practicing attorneys who can run their small offices with all of the associated expenses and effort, and still volunteer hours and hours of time for pro bono work. Retired attorneys in a community represent a possible group of volunteers who may now have some time and interest on their hands because they are no longer under the burden of running a law practice. If the Emeritus Pro Bono license is something we can suggest, and the requirements are not overly expensive or difficult, we may be able to grow our volunteer roster. Retired attorneys may want to reconnect at some level with the local legal community and with the local court. Many of them came to the practice because they like to help people and they still do. It is my hope that these suggested rule changes will facilitate those ideals.

I also like the change in the name of the license to include 'Pro Bono.' The change adds clarity and affiliates this special license with providing help to others through a local Legal Aid agency.

Again, thank you for your persistence and having a very good understanding on the challenges we face at a QLSP, especially in rural areas, trying to get more volunteer lawyers.

Very Best,

Lori Bashor-Sarancik
Cowlitz Wahkiakum Legal Aid

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From: Lori Bashor-Sarancik <cwlap@live.com>
Sent: Wednesday, May 27, 2020 8:52:10 AM
To: 'Elizabeth Fitzgearld' <elizabethf@ccvlp.org>; Eloise Barshes - Chelan-Douglas County Volunteer Attorney Services (director@cdcvas.org) <director@cdcvas.org>; Michael Terasaki <michael@probonocouncil.org>
Subject: Fwd: Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Could this be something the PBC supports as a group?

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From: Paige Hardy <paigeh@wsba.org>
Sent: Wednesday, May 27, 2020 8:43:56 AM
To: Qualified Legal Service Providers <qlsp@list.wsba.org>
Subject: RE:[qlsp] Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Dear QLSPs,

Good morning! I am emailing to request any feedback for the WSBA's Pro Bono and Public Service Committee's proposed changes to the Emeritus Pro Bono status. Please see my original email below.

We have only received one comment to date and would greatly appreciate any additional feedback that we can share with the Board of Governors.

Please let me know if you have any questions or concerns. Email is best at this time!

Best Regards,



Paige Hardy | Equity and Justice Lead – DEI & Public Service

Pronouns: She/Her

Washington State Bar Association | paigeh@wsba.org

1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | www.wsba.org

The WSBA is committed to full access and participation by persons with disabilities. If you have questions about accessibility or require accommodation please contact paigeh@wsba.org.

Paige Hardy

From: Quinn Dalan <yakimavas@yakimavas.org>
Sent: Thursday, May 28, 2020 11:06 AM
To: Paige Hardy
Subject: RE: [qlsp] Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

No feedback. It all sounded good. Thank you!

From: Paige Hardy <paigeh@wsba.orgqlsp@list.wsba.org>
Sent: Wednesday, May 27, 2020 8:44 AM
To: Qualified Legal Service Providers <qlsp@list.wsba.org>
Subject: RE:[qlsp] Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Dear QLSPs,

Good morning! I am emailing to request any feedback for the WSBA's Pro Bono and Public Service Committee's proposed changes to the Emeritus Pro Bono status. Please see my original email below.

We have only received one comment to date and would greatly appreciate any additional feedback that we can share with the Board of Governors.

Please let me know if you have any questions or concerns. Email is best at this time!

Best Regards,



Paige Hardy | Equity and Justice Lead – DEI & Public Service

Pronouns: She/Her

Washington State Bar Association | paigeh@wsba.org

1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | www.wsba.org

The WSBA is committed to full access and participation by persons with disabilities. If you have questions about accessibility or require accommodation please contact paigeh@wsba.org.



*Most WSBA employees are working remotely.
Thank you for your patience and understanding.*

From: Paige Hardy
Sent: Wednesday, May 6, 2020 1:56 PM
To: 'qlsp@list.wsba.org' <qlsp@list.wsba.org>
Subject: Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Thurston County Volunteer Legal Services

PO Box 405 Olympia, WA 98507 • 360-515-5381

www.tcvlvs.org



May 28, 2020

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

Re: Proposed Changes to Emeritus Pro Bono Status Rules

Hello Ms. Hardy, *Paige*

Thank you for the opportunity to provide feedback on this proposal to amend the Emeritus Pro Bono Status rules. On behalf of Thurston County Volunteer Legal Services (TCVLS) I wish to express our support for this proposal. As a Qualified Legal Service Provider (QLSP), TCVLS has had the privilege of supporting the pro bono work of many Emeritus Status volunteers over the years. We could not serve our clients without our dedicated volunteers, and we appreciate the work and thoughtfulness that the WSBA Pro Bono Public Service Committee put into developing these proposals to reduce barriers to access to the Emeritus licensing status.

TCLVS supports this proposal overall, and the option for obtaining a waiver of the licensing fee is especially great to see. We are in support of Emeritus Status volunteers not being required to pay for the privilege of donating their time to those in need of legal services. Further, we are hopeful that this option, combined with the other proposals intended to reduce barriers to access, may provide incentive for more otherwise inactive attorneys to opt for Emeritus Status and subsequently volunteer their time with a QLSP. We would note, however, that for some QLSPs, the minimum number of hours proposed to obtain the fee waiver, may be difficult to achieve.

Our program, for example, serves clients in Thurston, Mason, Grays Harbor, Pacific, and Lewis Counties. In the four counties besides Thurston, we only offer one legal advice clinic per month (at the most). An Emeritus volunteer in one of those counties who volunteered at every clinic we offered, for two hours per clinic, would only be able to obtain 24 hours of volunteer service per year and would be ineligible for the fee waiver, as proposed. While there may be additional opportunities for pro bono service available at our Thurston County clinics, or by providing direct representation, we believe that a requirement of 20 hours of pro bono service per year would be an appropriate level. This would allow those volunteers with fewer pro bono opportunities available to them, to still be eligible for this benefit, without requiring that they travel or provide a level of service greater than what they may have capacity for.

Sincerely,

Rachael Langen Lundmark
Executive Director



Paige Hardy

From: Michael Terasaki <michael@probonocouncil.org>
Sent: Friday, May 29, 2020 3:48 PM
To: Paige Hardy
Subject: Input from some PBC members on proposed Emeritus Pro Bono changes

Hi Paige,

I had a call and discussion with some Pro Bono Council members and have some feedback and comments on the proposed changes to the Emeritus Pro Bono designation to share with you.

Please also note that several programs submitted their comments independently, so what I have here to show you are some general comments and then some specific things VLPs expressed opinions on.

Simplifying the Process

VLPs are generally in favor of simplifying and streamlining the process of becoming Pro Bono licensed.

Tacoma Pro Bono finds the current system unnecessarily burdensome -- enough so that good people that would otherwise volunteer did not do so because of the administrative hurdles.

No VLPs expressed concern to me about removing the recent active legal experience requirement and they do not foresee unqualified or incapable people attempting to volunteer under Pro Bono status.

Fee Waivers

Generally, programs are very supportive of the fee waiver for Pro Bono attorneys. Many VLPs would prefer the volunteer hours be more like 15 or 20 instead of 30. Other than the obvious reason that less hours may encourage more people to volunteer, many retired attorneys are "snow birds" who spend any months out of Washington State. Particularly at smaller programs outside of the Seattle or Tacoma areas, where there simply aren't proportionally very many attorneys, even one or two attorneys who are willing to volunteer only 15 hours would make a huge difference.

Additionally, instead of basing a fee waiver on the prior year's volunteer hours, the first year could be based on a promise to volunteer during that first year. One common situation VLPs have identified is a solo or small firm attorney who regularly volunteers a large number of hours for most of their career, but then is unable to volunteer in the final year of practice due to the large amount of time involved in wrapping up and closing their practice. These attorneys certainly deserve a fee waiver, but would be excluded under the proposed change. Even something like a way to apply for an alternative waiver the first year would be an improvement.

One comment several VLPs made was that Pro Bono status should not require any fee at all. Pro Bono service furthers the public good and professional goals of WSBA and attorneys should not be charged to volunteer. At a minimum, APR3 should be clarified so that license fees for volunteers is a cost/expense that is properly paid for by QLSPs.

Removal of the "Emeritus" Language

Clark County VLP in particular has expressed a concern that while many of the changes appear to be things that would make pro bono status logistically easier to obtain, the loss of the word "Emeritus" is something their older attorneys will dislike. Being able to offer an attorney a special new title that ensures the work they do going forward is pro bono work is important. When trying to convince some older, well established attorneys to make the move to "retire", they will be less inclined to take the title of pro bono attorney when that does not speak to their life's work. The title of Emeritus has much more meaning to offer than just "Pro Bono".

Other Issues VLPs would like to mention

While this is likely beyond the scope of the proposed revisions, one large barrier for many attorneys is that switching their license from active to Emeritus/Pro Bono status causes problems with their tail insurance coverage. Attorneys have had to either prepay fully or simply keep active status when they are already effectively retired and volunteering at QLSPs. VLPs and attorneys often have to fight with insurance companies over this. WSBA should take some formal position on this or make some substantive changes to rules so this is no longer an issue.

Thanks,
Michael

Michael Terasaki, Attorney

Washington Pro Bono Council Manager

michael@probonocouncil.org [PLEASE NOTE NEW EMAIL ADDRESS](#)

(425) 495-0132

[Pro Bono Council Doc Hub](#)

Paige Hardy

From: Joanne Sprague <executivedirector@kitsaplegalservices.org>
Sent: Friday, May 29, 2020 4:36 PM
To: Paige Hardy
Subject: RE: Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Follow Up Flag: Follow up
Flag Status: Completed

Hi Paige:

I hope I am not too late to provide feedback on these rule changes.

Overall, I am in favor of the changes. Even for myself, currently with an inactive license, I can foresee in the future when I am no longer employed at Kitsap Legal Services, may want to convert to Pro Bono Status and volunteer.

The only change I would make to the current recommendations, is to lower the number of annual volunteer hours needed for a WSBA fee waiver to 20 hours. In my limited time at KLS, I have noticed that our two Emeritus Pro Bono attorneys spend a lot of time travelling and being involved with other activities.

I shared the proposed rule changes with our Emeritus Pro Bono attorneys. They liked the changes, but one of the attorneys thought the process of changing to Emeritus Pro Bono was particularly onerous. I believe he was changing from Voluntarily Resigned (Retired) to Emeritus Pro Bono, and he may not have practiced 5 of the last 10 years. The proposed changes seem to take care of this problem.

Enjoy your weekend!
Be Well!

Joanne Sprague

Executive Director
Kitsap Legal Services-A Volunteer Lawyer Program
PO Box 1446/920 Park Ave.
Bremerton, WA 98337
360-479-6125

From: Paige Hardy [mailto:paigeh@wsba.org]
Sent: Wednesday, May 27, 2020 8:44 AM
To: Qualified Legal Service Providers <qlsp@list.wsba.org>
Subject: RE:[qlsp] Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Dear QLSPs,

Good morning! I am emailing to request any feedback for the WSBA's Pro Bono and Public Service Committee's proposed changes to the Emeritus Pro Bono status. Please see my original email below.

Paige Hardy

From: Eloise Barshes <director@cdcvas.org>
Sent: Thursday, May 7, 2020 5:43 PM
To: Paige Hardy
Subject: Re: Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

I think this is great! The changes are really progressive!

Eloise

From: Paige Hardy <paigeh@wsba.org>
Sent: Wednesday, May 6, 2020 1:56 PM
To: Qualified Legal Service Providers <qlsp@list.wsba.org>
Subject: [qlsp] Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Dear QLSPs,

I hope you are all well.

I am reaching out as the staff liaison to the WSBA Pro Bono and Public Service Committee. The Committee's Policy and Rules Workgroup is proposing rule changes to the Emeritus Pro Bono status. The goal for these proposed changes is to reduce many of the barriers for attorneys to switch to this status. This issue will go before the WSBA Board of Governors (BOG) for first reading at their June meeting.

Attached to this email is a draft memo from the Committee along with proposed rule changes.

The WSBA President, Rajeev Mujumdar, and the Committee are requesting feedback to these proposed changes from QLSPs as they are most impacted by these proposed changes. Any feedback provided to me will be shared with President Majumdar and the BOG. If possible, please submit any feedback by **Friday, May 29**.

If you have any questions or concerns, please do not hesitate to reach out to me. Email is the best way to get in contact with me at this time.

Best Regards,



Paige Hardy | Equity and Justice Lead – DEI & Public Service

Pronouns: She/Her

Washington State Bar Association | 206-239-2109 | paigeh@wsba.org
1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | www.wsba.org

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Paige Hardy

From: Cynthia Klein <cynthia@elap.org>
Sent: Friday, May 29, 2020 3:53 PM
To: Paige Hardy
Cc: Jerry Kroon; Esperanza Borboa
Subject: RE: Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Follow Up Flag: Follow up
Flag Status: Completed

Eastside Legal Assistance Program (ELAP) supports the Proposal to Reduce Barrier to Access for Emeritus Pro Bono License Status of the Pro Bono and Public Service Committee (PBPS) dated May 5, 2020, with only one exception. We believe that the dues requirement for pro bono status members should be waived for those who have provided 10 hours of pro bono service in the prior year.

One of the primary ways in which attorneys provide services to our clients is in our two-hour legal clinics. Attorneys volunteering in those clinics typically serve once every 30-60 days. If the attorney served in a clinic with a 60 day rotation, (s)he would have served 12 hours in a year. Assuming the attorney were not available for one of those clinics because of vacation or illness or some other reason, (s)he would have served for 10 hours in a year. We do not feel that the attorneys who provide this invaluable service should be required to pay in order to do so, and in fact, ELAP has lost volunteers who did not want to pay the \$200 licensing fee in order to be able to continue to volunteer in our clinics. We have other volunteers who pay the fee, but find it burdensome.

We believe the availability of a fee waiver would remove a significant barrier to continuing to provide pro bono services, and we believe that a 10 hour eligibility threshold is reasonable.

Cynthia Klein

Eastside Legal Assistance Program
Legal Clinics Manager
She/Her

(425) 620-2787—Direct
cynthia@elap.org
www.elap.org



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Paige Hardy

From: Cynthia Klein <cynthia@elap.org>
Sent: Monday, June 1, 2020 9:07 AM
To: Paige Hardy
Cc: Jerry Kroon; Esperanza Borboa
Subject: RE: Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

You are welcome.

I might add that for volunteers who serve 10 hours a year in our pro bono clinics, the current \$200 licensing fee amounts to a \$20 an hour tax on volunteering.

Cynthia Klein

Eastside Legal Assistance Program
Legal Clinics Manager
She/Her

(425) 620-2787—Direct
cynthia@elap.org
www.elap.org



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From: Paige Hardy <Paigeh@wsba.org>
Sent: Sunday, May 31, 2020 12:24 PM
To: Cynthia Klein <cynthia@elap.org>
Cc: Jerry Kroon <jerry@elap.org>; Esperanza Borboa <Esperanza@elap.org>
Subject: RE: Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Thank you, Cynthia. We will share your comments to the Board of Governors. This is incredibly helpful!

Best Regards,
Paige

MEMO

To: Board of Governors

From: Pro Bono and Public Service Committee

Date: June 10, 2020

Re: *WSBA Comment on Northwest Justice Project's 2020 Private Attorney Involvement Plan*

ACTION: The Pro Bono and Public Service Committee submits to the Board of Governors (BOG) for approval a comment drafted by the Committee in support of the Northwest Justice Project's ("NJP") 2020 Private Attorney Involvement ("PAI") Plan. The Committee requests approval of the Comment in Support of the NJP's 2020 PAI Plan, and requests that the BOG submit the Comment to the NJP by the end of this month.

Background

The Northwest Justice Project, as a recipient of funding under the Legal Services Corporation Act, is required by federal law to devote at least 12 percent of its annualized basic field award to the involvement of private attorneys, law students, law graduates, or other professionals in the delivery of legal information and legal assistance to eligible clients. Recipients, such as NJP, are required to formulate an annual Private Attorney Involvement Plan, consulting with significant segments of the area bar and client communities in its formulation.

Over the past 24 years, NJP has circulated its PAI Plan¹ throughout the Alliance for Equal Justice community. The PAI Plan guides NJP's private attorney involvement efforts throughout the state. These efforts have been driven primarily through the local bar Volunteer Lawyer Programs (VLPs), as well as NJP's own "low-bono" contract attorney program.

As previously indicated, NJP receives both federal Legal Services Corporation (LSC) and state funding. The LSC funding is highly restricted. Since 1996, the restrictions have applied broadly to any entity that receives LSC funding. In 1996, Congress significantly reduced LSC funding by one-third and among other restrictions, imposed an "entity restriction" that prohibits an organization receiving **any** LSC funding from engaging in any LSC restricted activities, regardless of the funding source used.²

The restrictions prevent an LSC-funded entity from providing legal assistance to a wide-range of low-income persons in need of legal assistance, including incarcerated persons, immigrants without certain status, tenants in certain types of eviction proceedings, and others. They also require burdensome documentation and record-keeping and prevent the use of certain advocacy tools such as undertaking class action law suits and engaging in lobbying. Through the coordinated efforts of civil legal aid programs across the state, all of the highly restricted LSC funds are retained by one statewide entity, the Northwest Justice Project. This ensures that other civil legal

¹ The entire current proposed plan can be found at:

https://d8.nwjustice.org/system/files/PAI%20Plan%202020%20_draft%20for%20comment%20watermarked.pdf

² More details about the history and current restrictions imposed on recipients can be found at:

<https://blogs.commonsgorgetown.edu/righton/2015/03/19/restrictions-on-lsc-funded-legal-aid-programs/>

aid organizations can access less restrictive resources such as IOLTA and private funding and serve a broader category of low-income people.

Consistent with LSC funding requirements, NJP's work supports the ability of other legal aid entities to serve the needs of low-income persons, including those who are not able to be served by NJP. A significant part of that effort involves providing a centralized intake and program support effort to the many VLPs throughout the state

NJP has a long history of commitment and service to the statewide pro bono community. Many private attorneys contact NJP each year looking for pro bono opportunities. NJP typically directs these inquiries to the local bar volunteer program coordinators. NJP also supports volunteers by providing substantive legal information and training to volunteer attorney programs and their volunteers. NJP attorneys also frequently serve on volunteer program boards.

As part of NJP's own Strategic Plan, NJP identified areas of work not generally served by volunteer lawyer programs, including ongoing systemic advocacy efforts, and determined to leverage and expand its capacity by reaching out to private attorneys to assist NJP with advocacy in these areas. NJP also increased its in-house pro bono coordination capacity to leverage available volunteer attorney resources, and to work collaboratively with the Pro Bono Council and the local VLPs to focus the generosity of Washington's attorneys to where those efforts will provide the greatest benefit to low-income client communities statewide. NJP is very intentionally, collaboratively, and carefully crafting its pro bono efforts to support systemic advocacy efforts and to complement the work of existing pro bono programs.

In past years, NJP disseminated its draft PAI Plan broadly to the Pro Bono Council, the VLPs, regional and minority bar associations, and many others with a request for comment, in accordance with 45 CFR § 1614.6. This year, NJP once again reached out to numerous organizations across the state, including WSBA, for comment on the proposed plan.

In conclusion, the Committee recognizes and appreciates the work done by NJP and the important role that NJP plays in our state as a critical stakeholder in the pro bono community. NJP has worked hard for many years to coordinate the use of key LSC funding to impact the lives of those in need in our communities, while also ensuring that the restrictions placed on LSC-funded entities do not interfere with the work of other groups across the state that can and do impact the lives of many more in need. Therefore, the Committee supports the proposed 2020 PAI Plan and asks that the BOG submit the Committee's comment in support of the plan back to NJP.

To: Board of Governors

From: Pro Bono and Public Service Committee

Date: June 10, 2020

Re: *WSBA Comment on Northwest Justice Project's 2020 Private Attorney Involvement Plan*

The WSBA Pro Bono and Public Service Committee (PBPSC) works to enhance a culture of legal service by promoting opportunities and best practices that encourage WSBA members to engage in pro bono and public service, with a particular focus on services to people with low or moderate income. Pursuant to this mission, and with approval from the WSBA Board of Governors, the PBPSC submits this Comment in support of the Northwest Justice Project's ("NJP") 2020 Private Attorney Involvement ("PAI") Plan.

The purpose of NJP PAI Plan is to outline the anticipated involvement of private attorneys, law students, law graduates, or other professionals in the delivery of legal information and legal assistance to eligible clients across the state, as required by federal law.

Over the past 24 years, as required by federal regulations, NJP has circulated its PAI Plan throughout the Alliance for Equal Justice community in order to help guide NJP's private attorney involvement efforts throughout the state. These efforts have been driven primarily through the local bar Volunteer Lawyer Programs, as well as NJP's own "low-bono" contract attorney program. Each year, NJP goes to great lengths to ensure that comments are received and incorporated when possible, to continue to grow and improve these efforts. NJP also coordinates with entities across the state to ensure that the funding it receives from LSC is put to use to address important needs while also avoiding the creation of duplicate efforts or restrictions.

The PBPSC recognizes and appreciates the outreach to stakeholders done by the NJP in circulating this PAI Plan. The proposed 2020 PAI Plan builds upon the prior plans created and implemented by NJP for the past two decades to address the needs across the state for pro bono work in our communities. The PBPSC supports these ongoing efforts and the proposed 2020 PAI Plan. For the reasons outlined above, the PBPSC supports the adoption of this suggested Comment in support of the NJP 2020 PAI Plan.

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Interim Executive Director Terra Nevitt
DATE: June 15, 2020
RE: **APEX Award Nominations**

ACTION: Approve the 2020 APEX nominations as presented by the WSBA Awards Committee, the WSB Foundation, and the ATJ Board.

The materials for this topic have been provided confidentially through Box. The links to those materials are below.

- [Memo Gov. Knight, Chair of the WSBA Awards Committee, Approval of 2020 APEX Award Nominations, June 3, 2020](#)
- [APEX Awards Nominations List](#)

TO: WSBA Board of Governors

FROM: Dan Clark, Treasurer
Jean McElroy, Chief Regulatory Counsel

DATE: June 15, 2020

RE: Hardship Fee Exemption Bylaw, Art III.I.5 - Proposed Amendment To Permit Exemption to Be Granted Up To Two Times For Qualifying Active Members – **Second Reading/Action**

FOR SECOND READING/ACTION: Discussion and action on proposed amendments to WSBA Bylaws (Art.III.I.5) designed to increase to two the number of times Active members can receive a hardship exemption from paying annual license fees.

BACKGROUND

This item is on the agenda for Second Reading and Action, as required by the WSBA Bylaws for proposed Bylaw amendments. This proposed amendment was reviewed and approved by the Budget and Audit Committee at its January 15, 2020, special meeting, for presentation to the full Board of Governors for consideration. It was on for First Reading at the March 19, 2020, Board of Governors meeting. No input has been received since that date.

The WSBA Bylaws, at Art.III.I.5, contain a provision that permits the Executive Director to grant Active members an exemption from paying the annual license fee if the members file a request certifying that they meet the qualifying requirements (“current annual household income equal to or less than 200% of the federal poverty level as determined based on the member’s household income for the calendar year immediately preceding the calendar year for which the member is seeking to be exempted from license fees”). The Bylaws currently provide that this exemption may be granted only one time while the member is a licensed member of the WSBA. The exemption is granted based solely on the members’ certification of qualifying household income, without requiring verification of the stated income.

The proposed amendment would increase the number of times such an exemption may be granted to two times while the member is a licensed member of the WSBA.

This proposed amendment is being suggested as a way to 1) assist Active WSBA members with a lower income to remain on Active status despite facing a current financial hardship, and 2) allow WSBA to conduct a preliminary assessment of the effect on WSBA’s budget, regulatory requirements, and other members’ license fees, among other considerations, if the number of Active members receiving exemptions goes up significantly. In light of the current coronavirus social distancing requirements and business restrictions, and in consideration of how these requirements and restrictions are affecting the current economic conditions for WSBA members and members of the public, expanding this exemption seems appropriate.

It is possible that WSBA could eventually decide to permit the hardship exemption to be granted more times, or even an indefinite number of times, to qualifying members. It is difficult to assess the effects of that possibility without gathering more data. An initial increase to two grants of hardship exemption (from the current one

exemption) would allow WSBA to gather some data about the number of Active members who would make such a request and how that affects WSBA license fee revenue and programming. Additional consideration may be warranted regarding the question of whether any additional regulatory safeguards should be in place in the future for determining member eligibility for the exemption, if the exemption were to be permitted more than twice.

ATTACHMENTS:

1. WSBA Bylaws Art.III.I.5 redlined version to show proposed amendments.
2. WSBA Bylaws Art.III.I.5, clean version containing proposed amendments.
3. 2020 Hardship Exemption request form.

III. MEMBERSHIP

...

I. ANNUAL LICENSE FEES AND ASSESSMENTS

...

5. License Fee and Assessment Exemptions Due to Hardship

In case of proven extreme financial hardship, which must entail a current annual household income equal to or less than 200% of the federal poverty level as determined based on the member's household income for the calendar year immediately preceding the calendar year for which the member is seeking to be exempted from license fees, the Executive Director may grant an ~~one-time~~ exemption from payment of annual license fees and assessments by any Active member. Hardship exemptions are for one licensing period only, and a request must be submitted on or before February 1st of the year for which the exemption is requested. Denial of an exemption request is not appealable. A member may be granted a hardship exemption a maximum of two times, on the basis of separate exemption requests, and the exemptions may be granted for consecutive or non-consecutive calendar years.

III. MEMBERSHIP

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WASHINGTON STATE BAR ASSOCIATION

Regulatory Services Department

2020 License Fee Exemption Request Form

This form must be postmarked or received on or before Feb. 3, 2020. If your request is denied and payment is not made online or postmarked or received by Feb. 3, 2020, a 30% late fee will be assessed. You will be denied only if you do not meet the eligibility criteria outlined below.

ELIGIBILITY CRITERIA

Article III, section I of the bylaws provides:

5. License Fee and Assessment Exemptions Due to Hardship.

In case of proven extreme financial hardship, which must entail a current annual household income equal to or less than 200% of the federal poverty level as determined based on the member's household income for the calendar year immediately preceding the calendar year for which the member is seeking to be exempted from license fees, the Executive Director may grant a one-time exemption from payment of annual license fees and assessments by any Active member. Hardship exemptions are for one licensing period only, and a request must be submitted on or before February 1st of the year for which the exemption is requested. Denial of an exemption request is not appealable.

Supporting documentation may be requested.

The 2019 Federal Poverty Guidelines for the 48 Contiguous States and the District of Columbia*

Persons in family	Annual <u>Gross Household</u> Income – Poverty Guideline	200%
1	\$12,490	\$24,980
2	16,910	33,820
3	21,330	42,660
4	25,750	51,500
5	30,170	60,340
6	34,590	69,180
7	39,010	78,020
8	43,430	86,860

For families with more than 8 persons, add \$4,420 for each additional person.

*For Alaska and Hawaii see aspe.hhs.gov/poverty-guidelines

CERTIFICATION

I, _____, License # _____, hereby submit a request for a **one-time** exemption from payment of the annual license fee and assessment for the 2020 license year, based on the following:

- 2019 Annual gross household income: _____
- Number of persons in family: _____

I certify that my 2019 annual gross household income is equal to or less than 200% of the federal poverty level.

Signature

Date

Place signed (city, state)



TO: WSBA Board of Governors

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

DATE: June 26th, 2020

RE: Potential FY 2021 one time \$15 dollar reduction to the Client Protection Fund re: Covid 19 economic relief to WSBA members.

ACTION/DISCUSSION: The WSBA Budget and Audit Committee has unanimously approved recommendation to the Board of Governors of a potential action to request to the Washington State Supreme Court to potentially make a one (1) time reduction for the 2021 License fee calendar to the Client Protection Fund in the amount of \$15.00. Such a discussion will take place at the June 2020 Board of Governors Meeting.

In the following, I will detail the rationale for the potential action, to detail that I believe it can be accomplished and still maintain a robust fund balance to serve the important mission of the Client Protection Fund.

Historical Background and Proposal:

In November 2019, the Board of Governors voted in favor of lowering the Client Protection Fund assessment from \$30.00 to \$25.00. The vote was subject to ratification by the Washington State Supreme Court and the Court did do so shortly thereafter, and the annual assessment has been reduced starting in FY 2021 from \$30.00 to \$25.00. The Board also voted to maintain the license fees for Attorneys and LPO members at their current FY 2020 license fee rates, and to raise the LLLT license from \$200 annually to \$229.00 annually starting in FY 2021.

Given, the devastating financial impact on the State of Washington and United States of COVID- 19, and the very real impact there will be, we are requesting for the BOG to consider adopting a recommendation to the Supreme Court to lower the FY 2021 annual client protection assessment for an additional one (1) time relief which would be meant to provide WSBA membership that is subject to paying into the fund (Attorneys and LLLT members), some economic relief. The amount that the B & A Committee were to recommend to the BOG is open to debate, but this appears to be the most reasonable method of providing relief for FY 2021 in my opinion and the fund that seems to have the most financial “cushion” to be able to absorb a one (1) time reduction in annual assessment fees.

Below, I detail that we could immediately request a \$15.00 reduction for FY 2021 in addition to the \$5.00 already approved reduction, and provide membership with a one (1) time \$20.00 dollar reduction for annual licensing, while at the same time still maintaining a robust fund balance for this important fund.

Client Protect Fund Assessment Information:

The following is true and correct fund balances for the client protection fund over the last few years:

FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	Aug 2019
\$791,399	\$1,213,602	\$1,746,010	\$2,144,289	\$2,646,222	\$3,242,299	\$3,582,278	\$4,039,921

That was information from November 2019. Currently the fund as of the end of April 2020 had the following fund balance after six months of revenue and payouts.

FY 2020 (through April 2020)	\$4,772,635
-------------------------------------	--------------------

This large growth since August 2019 is further illustrated by the following data from the April 2020 WSBA Financial Summary:

Summary of Fund Balance	Fund Balance Sept. 30 2019 (A)	Fund Balance Sept. 30 2020 (B)	Fund Balance through April 2020
Client Protection Fund	3,816,143	4,190,457	4,772,635

As we can see, the fund balance for the Client Protection Fund has grown six months into FY 2020's budget almost \$956,492 in seven (7) months. This is under the \$30 dollar per member assessment rate that was applicable for FY 2020 and previous.

As the previous chart illustrates the Client Protection fund has continued to grow annually about \$450k per year annually. The current fund has went from a balance of \$184,640 in FY 2009 to over 4 million as of August 2019, which is the last available information on the fund. Over a period of 11 years, the fund has grown approximately \$3.8 million dollars in size.

For FY 2019, through August, the Client protection fund had generated the following statistics:

Actual Revenue	Budgeted Revenue	Actual Indirect Expenses	Budgeted Indirect Expenses	Actual Direct Expenses	Budgeted Direct Expenses	Actual Total Expenses	Budgeted Total Expenses	Actual Net Result	Budgeted Net Result
\$1,105,364	\$992,500	\$136,792	\$164,210	\$157,639	\$504,000	\$293,431	\$668,210	\$811,933	\$324,290

Taking the actual revenue of the client assessment fund above, and dividing the current client assessment fund annual rate of \$30 dollars by \$1,105,364 results in approximately 36,846 members that are currently paying the \$30 dollar client assessment fund. Taking that number and multiplying it by the proposed reduced fee (\$25.00) would result in the following reduction in revenue to WSBA for the Client Protect Fund:

Members	Approved Fee Rate	Est. Revenue Reduction
36,846	\$25.00	\$912,150

It should be noted that such an estimated figure is only taking information received from 11 out of 12 months for
 1325 4th Avenue | Suite 600 | Seattle, WA 98101-2539 800-945-WSBA | 206-443-WSBA | questions@wsba.org | www.wsba.org

FY 2019, which was the last available financial information available from WSBA. It should be noted though that even with the 11 month revenue, and the proposed reduced rate of \$25 dollars, the client protection fund would still have made a net result for FY 2019 of \$618,719 which can be illustrated below:

Revenue If \$25.000 assessment fee had been implemented for FY 2019	FY 2019 Total Actual Expenses	Actual Net Result
\$912,150	\$293,431	\$618,719

It was these figures that the BOG and Supreme Court approved the recommendation to lower the annual fee from \$30.00 to \$25.00.

Proposal:

If we looked to reduce a one-time reduction from \$25.00 to 10.00 annually for FY 21, we would be looking at the following approximate revenue:

Revenue at \$10.00 (one time for FY2021)	FY 2019 Total Actual Expenses	Actual Net Result
\$368,460	\$293,431	\$75,029

***assumes 38,846 members**

So as we can see, if we were to propose a one (1) time \$15 dollar additional reduction, the net result for FY 2021 would be that members would be paying \$20 dollars less in FY 2021 than FY 20. With these assumptions the Client Protection Fund could still break even, or even produce a slight net increase based on FY 2019 actual expenses. Given that this fund has a very high robust fund balance, I would believe that this proposal is one that the Court hopefully would find reasonable and pass, and seems like a good thing to do to try to provide some economic relief to our members who are going to be impacted from COVID 19, with decreased clients that have the ability to pay legal bills. I think given the circumstances, this makes sense for the B & A Committee to look to explore.

Taking all of the above information into consideration, it is the unanimous opinion of the Budget and Audit Committee to make the following recommendation to the Board of Governors that a majority vote approve and recommend to the Supreme Court potential adoption of the following:

- **That the FY 2021 Client Protection Fund Annual Assessment be reduced from \$25.00 per member to \$10.00 per member. (Reflecting a one-time \$15.00 to attempt to provide some financial relief to COVID-19 impacted membership).**

Conclusion:

I have vetted this proposal with Jorge Perez, WSBA Chief Financial Officer, and we both believe that even if for the remainder of 2020 and/or 2021, we had historical highs of claims against the fund, that we would still be left with a more than adequate robust fund balance. Given that the WSBA members have paid in \$30 dollars historically to build up such a fund balance, and the unprecedented times that we are all dealing with during this Pandemic, the Budget and Audit Committee unanimously felt this was the right decision to forward to the full Board of Governors for consideration.

Respectfully,

Daniel D. Clark

WSBA Treasurer/4th District Governor DanClarkBoG@yahoo.com

(509) 574-1207 (office)

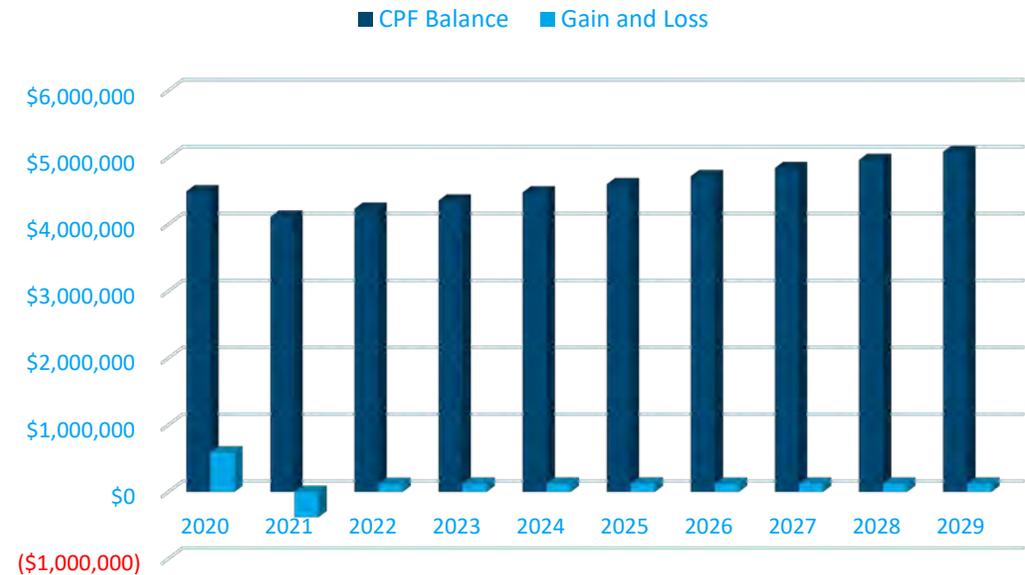
(509) 969-4731 (cell)

CPF ANALYSIS PROJECTED BALANCES

Fiscal Year	Fee	Active Professionals	Gifts	Contribution to Fund	CPF Balance	Gain and Loss
2020	30	32,801	\$675,000	\$1,030,782	\$4,493,196	\$588,155
2021	10	32,116	\$700,000	\$321,160	\$4,114,356	(\$378,840)
2022	25	32,272	\$687,500	\$806,800	\$4,233,656	\$119,300
2023	25	32,373	\$687,500	\$809,325	\$4,355,481	\$121,825
2024	25	32,410	\$687,500	\$810,250	\$4,478,231	\$122,750
2025	25	32,395	\$687,500	\$809,875	\$4,600,606	\$122,375
2026	25	32,313	\$687,500	\$807,825	\$4,720,931	\$120,325
2027	25	32,353	\$687,500	\$808,825	\$4,842,256	\$121,325
2028	25	32,369	\$687,500	\$809,225	\$4,963,981	\$121,725
2029	25	32,368	\$687,500	\$809,200	\$5,085,681	\$121,700

Per Member Contribution
 FY20 \$30.00
 FY21 \$10.00
 FY22-29 \$25.00

CPF Projected Fund Balance



Terra Nevitt

To: Julie Shankland
Subject: RE: BOG memo

From: Nicole Gustine <nicoleg@wsba.org>
Sent: Thursday, June 11, 2020 9:19 AM
To: Julie Shankland <julies@wsba.org>
Subject: RE: BOG memo

Hi Julie,

Carrie Umland did not have any comments and the only concern was regarding any potentially large pay-outs in the upcoming year. Since this won't go in to effect until 2021, it will actually be two years out that would be of concern, and there is little way to gauge what applicants may be coming that far out. Regardless, she does not have any problems with the proposal to cut the assessment.

I made a few typographical error corrections on the attached red-line.

Thanks,



Nicole Gustine | Assistant General Counsel | Office of General Counsel

Washington State Bar Association | T: 206.727.8237 | F: 206.727.8314 | nicoleg@wsba.org
1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | www.wsba.org

The WSBA is committed to full access and participation by persons with disabilities. If you have questions about accessibility or require accommodation please contact julies@wsba.org.

From: Julie Shankland <julies@wsba.org>
Sent: Tuesday, June 9, 2020 10:53 AM
To: Nicole Gustine <nicoleg@wsba.org>
Subject: RE: BOG memo

Yes please.



Julie Shankland | General Counsel | Office of General Counsel

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*Most WSBA employees are working remotely.
Thank you for your patience and understanding.*

From: Nicole Gustine <nicoleg@wsba.org>
Sent: Tuesday, June 9, 2020 10:52 AM
To: Julie Shankland <julies@wsba.org>
Subject: RE: BOG memo

If Carrie or I have changes, should we make them in red-line? I can see an error right at the top, lists memo to the Practice of Law Board Chair, rather than Client Protection Fund.



Nicole Gustine | Assistant General Counsel | Office of General Counsel

Washington State Bar Association | T: 206.727.8237 | F: 206.727.8314 | nicoleg@wsba.org

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From: Julie Shankland <julies@wsba.org>
Sent: Tuesday, June 9, 2020 10:43 AM
To: Nicole Gustine <nicoleg@wsba.org>
Subject: BOG memo



Julie Shankland | General Counsel | Office of General Counsel

Washington State Bar Association | 206.727-8280 | julies@wsba.org

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*Most WSBA employees are working remotely.
Thank you for your patience and understanding.*

Presentation to the Board of Governors of



June 26, 2020

Mitch Hansen, CPA, CFE, CMA, CIA
Shareholder
mhansen@clarknuber.com
425.709.6697

Joe Purvis, CPA
Senior Manager
jpurvis@clarknuber.com
425.709.4804

Fiscal Activity Assessment

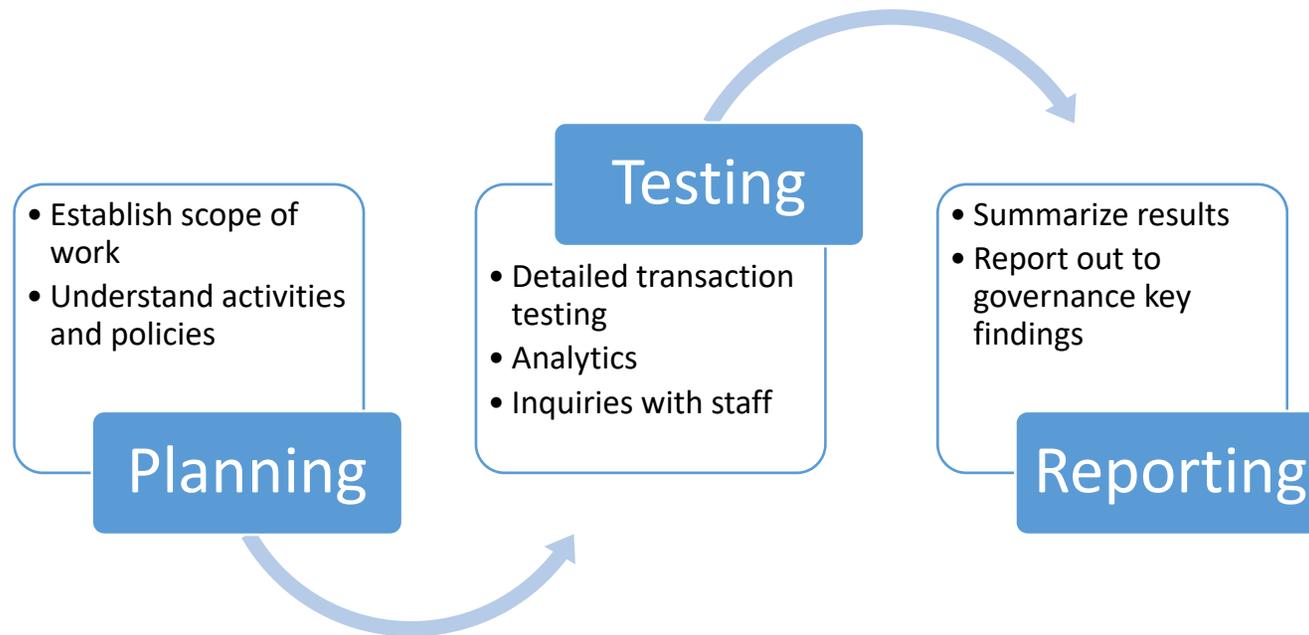
Purpose

- Provide an independent assessment over the fiscal activity of WSBA with goal of improving fiscal administration.

Scope

- Transactions during year-ended September 30, 2018

Process



Planning

- Fiscal Activity Assessment Team:
 - CFO, General and WSBA Treasurer
- Scope of testing
 - Relevant databases and systems
 - How many and what type of transactions to test
- Obtain and analyze relevant policies
 - Fiscal policies and procedures
 - Employee handbook

Testing

- Data Analytics
 - Payroll database
 - Credit card disbursements
 - Accounts payable sub-module
 - Vendor master file
- Transactional analysis
 - Supported and compliance with policies
 - Expense reimbursements
 - Credit card charges
 - Cell phone reimbursements
 - Board committee expenditures
 - Disbursements per bank statement
 - Payroll charges
 - Compliance with approved compensation authorizations
- Inquiries

Reporting

Expense Policies and Procedures:

Observation: Systems and policies are not in place to document acceptable deviation from standard policy or who is subject to certain policies.

Recommendation: Consider policy modifications and/or implement processes and systems to support current expense policies.

Reporting

Expense Policies and Procedures, Continued:

Observation: Instances of meals, accommodations and cell phone expenditures not being processed in accordance with existing policy.

Recommendation: Strengthen controls to ensure that expenses are only processed within limits of existing fiscal policies and provide for a process for exceptions, if needed.

Reporting

Compensation Policies and Procedures:

Observation: The fiscal policies and procedures do not clearly identify what limits are established through the approval of the “compensation plan”.

Recommendation: We recommend clarification within the fiscal authority matrix on the delegation of authority between the board of directors and executive director under the “compensation plan”.

Reporting

Fiscal Operations Best Practices:

Observation: There were instances of duplicate vendors and a high volume of vendors identified in the vendor master file.

Recommendation: We recommend WSBA strengthen controls surrounding the vendor master file to reduce the number of vendors to the current active vendors, control vendor additions and periodically review the vendor master file.

Thank you!

Questions?

WASHINGTON STATE BAR ASSOCIATION

Board of Governors

Carla J. Higginson, Governor District 2

TO: WSBA Board of Governors
FROM: Carla J. Higginson, Chair, ad hoc committee on sections legislation bylaw & Member, Legislative Committee
DATE: June 14, 2020
RE: Proposed policy on Sections and the legislative process – June 3, 2020 draft

ACTION/DISCUSSION : Approval of attached WSBA Sections Legislative Policy

BACKGROUND:

The president created an ad hoc committee to consider a proposed bylaw change on Sections and the legislative process. The committee, as reported by myself at our special Board meeting in December 2019, determined that no bylaw change was needed as the bylaw is written generally. However, the consensus of the committee was that a policy should be developed to clarify how Sections proceed with regard to developing legislation to be introduced, and responding to requests for information from the legislature or taking a position on a bill that is before the legislature. The president directed me to develop a policy in that regard for consideration by the Board at our January meeting, which was done and which was discussed at the January Board meeting. The Board approved it in concept and referred the policy to the WSBA Legislative Committee for further consideration and to circulate to the Sections for their review and comment. The draft policy was sent to the Sections on February 19, 2020 with a request for feedback by March 11th so that comments could be considered by the Legislative Committee and the policy modified as necessary to submit to the Board for further consideration and approval. At its February 21, 2020 meeting (at which point no Section comment had yet been received), the Legislative Committee discussed some clarifications to the draft policy.

The revised draft was sent to the Sections for comment on March 10th with a request that comment be provided to the Legislative Committee by March 12th if possible, otherwise to the Board by March 19th. Comment was received from the Administrative Law Section (Richard E. Potter, Legislative Committee Chair of that section), the Alternative Dispute Resolution Section (Paul W. McVicker, Legislative Committee Chair of that section), the Legal Assistance to Military Personnel Section (Eric McDonald, Section Chair), and the WSBA Sections team (I am not clear on who is on this team). Changes were made pursuant to these comments and were approved at the March 13, 2020 Legislative Committee meeting.

The policy was discussed at the March Board meeting and returned to the Legislative Committee to obtain additional comment from sections and to incorporate the 2015 legislative policy with the pending draft. The draft was sent to the Member Engagement Committee, and its co-chair Kim Hunter, who is also a member of the Legislative Committee, submitted oral comments at the June

3, 2020 Legislative Committee meeting. Written comment was received from the Family Law Section and from the RPPT Section. Nancy Hawkins on behalf of the Family Law Executive Committee, and Stephanie Taylor, Devin McComb, and Mike Barrett on behalf of the RPPT Executive Committee, participated in the June 3rd meeting. Jean Cotton also submitted written comments and participated in the June 3rd meeting. The revised draft was approved by the Legislative Committee and incorporate many of the suggestions made. While the Legislative Committee did not see the exact draft attached, it approved the changes from the prior draft and agreed that this draft could be submitted to the Board for consideration without another Legislative Committee meeting.

RECOMMENDATION:

I recommend approval of the attached policy.

SECTIONS LEGISLATIVE COMMENT POLICY

June 3, 2020 draft

Approved by Legislative Committee

Note: This is a revision to the May 21, 2020 draft of the Sections Legislation Comment Policy, with thanks to the RPPT and Family Law Sections for their comments, the Member Engagement Committee, and Greys Harbor Bar Association President Jean Cotton. It prohibits municipal and federal comment unless authorized by the Board of Governors. If adopted, this Legislative Policy would supersede and replace the WSBA Legislation and Court Rule Comment Policy amended November 13, 2015 by the Board of Governors.

Purpose: This Policy governs the authority of Sections of the Washington State Bar Association to comment publicly on state legislation, executive orders, and administrative rulemaking (hereinafter “Matter”). For purposes of this Policy, to “comment” means to take a position (for example, expressing support, concerns, or opposition) with or without accompanying statements explaining the position; it also means to provide input (for example, suggested amendments, recommendations, analysis, or comments to the media) without taking a position. The reason for this Policy is to provide a mechanism for divergent positions on legislation to be reconciled with the assistance of the Legislative Affairs Manager in order to provide the Legislature with the best possible information in developing new laws.

The work of the Sections in the legislative process is valuable and important to WSBA members and requires a contribution of significant time and energy by Section Executive Committee members. Sections are the experts in their fields, and attorneys and other members of the WSBA expect that their sections will monitor legislation, take

positions when appropriate, educate the legislators with regard to proposed legislation, recommend changes to previously passed legislation or technical corrections to existing legislation. The WSBA also needs to know about Section legislative activity so that the WSBA Outreach & Legislative Affairs Manager (“Legislative Affairs Manager”) can help avoid divergent positions and unnecessary expenditure of political capital by the WSBA and the Sections. Sections also benefit from learning of the positions of other Sections on the same bills or on companion bills.

Policy:

1. Sections are encouraged to identify legislative issues within their area of expertise. The Legislative Affairs Manager will also identify bills to a Section that are within a particular Section’s expertise and will keep the Sections updated on a bill’s progress and pivotal points in the legislative process.

2. Training should be provided annually by the WSBA staff and Section members with significant experience in the legislative setting to at least one designee of each Section’s Executive Committee, with other committee members welcome and encouraged to attend, on how to implement this Policy. Such training should include how to accomplish Section goals and how to act responsibly in the legislative setting.

3. The Legislative Affairs Manager shall be made available to Section Executive Committees as a resource for any questions as a Section works on a legislative matter in accordance with this Policy. Each Section and the Legislative Affairs Manager will work cooperatively to establish a process to assist each Section’s Executive Committee in the development of and consideration of any comment. Similarly, Sections should be a resource

to the WSBA on legislative matters within a Section's subject area.

4. Sections are authorized to appear before or otherwise comment on legislation to the Legislature, or a committee of the Legislature, only under the following conditions:

a. The Section may not comment unless: (a) at least 75% of the total membership of the Section's Executive Committee has first determined that the matter under consideration meets GR 12; and (b) after determining that the Matter meets GR 12, that the comments are the opinion of at least 75% of the total membership of the Executive Committee of the Section. A subcommittee or other subset of a Section may not communicate its comments on a Matter to the Legislature or a committee thereof.

b. The Section shall not communicate comments on a Matter if such comments are in conflict with or in opposition to decisions or policies of the Board of Governors or Board Legislative Committee, including GR12 analyses.

c. The Section shall seek authorization from the Legislative Affairs Manager or the Board Legislative Committee Chair prior to communicating its comments on a Matter. In order to officially comment on behalf of the WSBA, the Section must have the prior written approval of the Board Legislative Committee or the Board of Governors, and any comments will be subject to limitations established by the Board of Governors. If authorization is granted, Sections may represent that the comments are the official comments of the WSBA.

d. Each Section will apprise the Legislative Affairs Manager and the chair of Board's Legislative Committee, as soon as possible after a decision is made by the Section on pending or proposed legislation, that the Section intends to support it, oppose it (including the reasons for the opposition and whether an amendment might be appropriate), or is taking no position. Each Section will also notify the Legislative Affairs Manager at least 24 hours in advance of a hearing before a legislative committee on a given bill, if the Section wishes to testify regarding that bill. The Section may do nothing more until the Legislative Affairs Manager gives permission to testify or to move forward with the position being taken by the Section, which permission may be given either verbally or in writing. The Legislative Affairs Manager will bring it to the Board's Legislative Committee for direction on how to proceed if there is time. However, if there is not time to obtain such approval, the Legislative Affairs Manager will make the decision, erring on the side of approving the request to testify or to move forward with the Section's position, unless there is a good and articulable reason to deny the request, which shall be explained to the Section. The Legislative Affairs Manager will notify the Board's Legislative Committee of the decision as soon as possible thereafter.

e. Each Section is responsible for advising the Legislative Affairs Manager, on an ongoing basis, regarding decisions, comments, and actions of the Section regarding Matters. The Section shall advise the Legislative Affairs Manager of any proposed action intended to communicate its comments on legislation in advance of taking such action. Unless otherwise authorized by the Board of Governors or the Board of Governors Legislative Committee, the Section shall follow the advice, guidance, and recommendations of the Legislative Affairs Manager in taking any action. However, a Section representative may answer questions posed by legislators in a manner consistent with the Section position that has been authorized in accordance with this Policy.

f. Each Section may provide technical drafting comments such as pointing out issues (typographical errors, mis-citations of RCW sections, ambiguities, possible conflicts with other RCWs not covered in a bill, and suggested amendatory language) without a GR 12 analysis. The Legislative Affairs Manager shall be advised of and copied on such comments in a timely manner.

g. Sections may not comment on municipal (defined as a city or county) Matters or on Federal Matters, which are defined as federal court rules and legislation, executive orders, administrative rulemaking, and international treaties. If a Section believes that comment on a municipal or Federal Matter should be undertaken, the Section may bring the Matter to the Board of Governors to seek the Board's authorization. Such authorization is subject to such limitations as may be established by the Board of Governors.

h. This Policy supersedes and replaces any and all prior policies on the same subject, including but not limited to the WSBA Legislation and Court Rule Comment Policy amended November 13, 2015 by the Board of Governors.

To: The WSBA Board of Governors

From: The WSBA Family Law Section Executive Committee

Date: May 26, 2020

Re: Policy for Sections' legislative actions

The WSBA Family Law Executive Committee (FLEC) met on May 23, 2020 to discuss the proposed policy on section legislative action. After considering the proposals of the past several months, FLEC voted to recommend that the WSBA Board of Governors (BOG) adopt a policy more in keeping with the March 2020 proposal but with additional edits. FLEC subsequently unanimously approved this submission for BOG consideration.

Our position is as follows:

1. FLEC believes the approach of the May 21, 2020 draft reflects multiple steps backward from the March 2020 proposal. It does not take into account the well-reasoned comments of the RPPT Section, as set forth in their April 17, 2020 letter and their May 5, 2020 comments.
2. FLEC supports the theme of the RPPT Section. We want to see a proposed policy which fosters a collaborative relationship that empowers the WSBA sections to meaningfully and timely contribute subject matter expertise to lawmakers who want and need to hear from subject matter experts as they craft public policy. The Family Law Section also reviews a large number of bills each year, many of which have no hope of passage but require FLEC review nonetheless. FLEC has a long history of substantive comments on multiple family law proposals and a desire to continue an active role in legislation affecting family law issues. FLEC has concerns that a policy that makes it too onerous to contribute will result in sections being unable to fulfill one of their most important functions, with the result being the passage of bills with significant undesirable consequences. Furthermore, the Family Law Section has lost valued members out of frustration with the unnecessary hurdles placed before it in order to fulfill this valuable function. FLEC does not want to lose more valued members and FLEC does not want other sections to experience such losses of expertise into unaffiliated organizations beyond the WSBA's sphere of influence.
3. FLEC recognizes the challenges to the Board of Governors (BOG) in trying to develop a policy/procedure that allows sections to exercise discretion in areas in which they have the expertise while following the guidelines of GR 12. FLEC has been frustrated by the varying approaches to this policy discussion. The purpose of this policy effort was to protect sections' role in the legislative process. Despite this purpose, proposals have come forward that appear to be distrustful of the motivations of sections as well as minimize their expertise. The most recent proposed policy constitutes a shift back to centralized control of legislative affairs through WSBA without consideration of the

sections. FLEC recognizes the challenges that this policy must address but sections should be considered part of the solution, not part of the problem.

4. Any policy adopted by the WSBA should reflect these realities:
 - a. Hundreds of bills are “dropped” each year.
 - b. Certain themes reoccur; sections should not have to “reinvent the wheel” on a subject long known to the section.
 - c. Sections are in the best position to identify potential consequences of legislation, whether intended or unintended.
 - d. Legislators want help from sections/section members with expertise on certain subjects.
 - e. The State of Washington benefits from well-written legislation.
 - f. Improving the legislative process by allowing for more effective interaction between sections and the legislature will result in reduced appellate intercession which all should agree is costly and significantly less efficient.

The attached proposal is FLEC’s suggested policy on sections’ legislative activities.

Preamble

1. Section members are experts in their fields. Attorneys and other members of the WSBA expect that their sections will monitor legislation, take positions when appropriate, educate the legislators with regard to proposed legislation, and recommend changes to previously passed legislation or technical corrections to existing legislation.
2. The WSBA also needs to know about section legislative activity so that the WSBA Outreach & Legislative Affairs Manager can help avoid divergent positions and unnecessary expenditure of political capital by the WSBA and the sections. Sections would also benefit by learning of the positions of other sections on the same bills, if time allows.
3. Training should be provided to at least one designee of each section's Executive Committee with other committee members welcome and encouraged to attend. Training should include how to implement these policies with such training to be given annually. Such training should include how to accomplish section goals as well as cautions about how to act responsibly in the legislative setting. Training should be provided by both WSBA staff and section members
4. The Legislative Affairs Manager shall be made available to section Executive Committees as a resource for any questions from a section as that section works on a legislative matter in accordance with this policy. Similarly, sections should be a resource to the WSBA on legislative matters within its subject area.
5. The sections' work in the legislative process is to be trusted and valued by the Legislative Affairs Manager, the Legislative Committee and the Board of Governors. The sections' work on legislative matters requires a contribution of significant time, energy and expertise by section Executive Committee members. To be successful in this work, the sections may rely upon the Legislative Affairs Manager to assist in identifying bills within its subject area and identify pivotal times in the progress of a bill. Sections, while not required to do so, are encouraged to assist in this regard. Sections may also identify legislative issues within their subject area for action; they are not limited to bills selected by the Legislative Affairs Manager.
6. Section action on legislative matters shall be determined by its Executive Committee and shall require consent by 75% of the voting members of the section Executive Committee as to the issue meeting GR 12 and the comment/position being taken.
7. Section comments shall state that the position taken is that of the section.
8. Section representatives may answer questions by legislators in a manner consistent with the section position.

9. Sections are not required to submit a “script” to the Legislative Affairs Manager prior to testifying. During training, however, sections will be trained in making effective comment/testimony consistent with traditional legislative protocol.
10. The section may not comment on a legislative matter if such comments are known by the section to be in opposition to then-current positions of the Board of Governors.
11. The sections may not comment on federal matters. Federal matters are defined as federal court rules, and legislation, executive orders, federal administrative rule-making and international treaties. If a section believes that comment on such federal matters should be undertaken, the section may bring the matter before the Board of Governors for approval.
12. Sections are prohibited from joining or affiliating with groups or associations whose legislative advocacy reaches beyond the areas allowable under GR 12.
13. This policy supersedes and replaces any and all prior policies on the same subject, including but not limited to the WSBA Legislation and Court Rule Comment Policy amended November 13, 2015 by the Board of Governors.

There are four separate tracks addressed by this policy.

1. If a section wants to originate legislation:
 - (a). The section will conduct a GR 12 analysis.
 - (b). The section will work through the WSBA Legislative Review Committee and the Legislative Affairs Manager to ready the proposal to submit to the BOG;
 - (c). The BOG will decide if the proposed bill will go to the legislature as a WSBA-sponsored bill, or does not go forward;
 - (d). If the bill is going forward, the section will work with the Legislative Affairs Manager to find a bill sponsor to introduce the legislation as necessary;
 - (e). The section and the Legislative Affairs Manager will continue to work together to promote the bill. The Legislative Affairs Manager will report to the BOG’s Legislative Committee on the progress of the bill and any testimony that has been presented by the section.
2. If a section is taking a substantive policy position on a bill (support or oppose):
 - (a). The section will conduct a GR 12 analysis. The section will formulate its suggestions or comments taking into account the needs of various stakeholders, the best interest of the

public, the best interest of vulnerable persons and the expertise of the section itself. The support of 75% of a section's Executive Committee will be deemed to have met that criteria. The section will keep the Legislative Affairs Manager informed of its activities throughout the legislative session, however, some information will be provided on short notice or after the comments or testimony is submitted due to the time constraints of the legislative process.

- (b). The section will notify the Legislative Affairs Manager as soon as possible after the decision is made by the section on pending or proposed legislation. A section can vote to support it, oppose it (including the reasons for the opposition and whether an amendment might be appropriate to allow the legislation to be supported), or take no position. The section will notify the Legislative Affairs Manager at least 24 hours, if possible, in advance of a hearing before a legislative committee on a given bill, if the section is going to testify regarding that bill. It is recognized that 24 hours may not be possible given late changes to hearing schedules, late changes in matters to be considered at a hearing or ongoing changes in proposed legislation. It is recognized that changes to proposed legislation may result in changes in a section's position regarding such proposed legislation. The section and the Legislative Affairs Manager will act in good faith to notify the other of such changes of language and/or changes in position during a legislative session.

The section is not required to obtain the permission of the Legislative Affairs Manager or the Legislative Committee before proceeding with comment and/or testimony. However, the Legislative Affairs Manager shall notify the section if there is opposition to a section's position on proposed legislation and, if so, what the basis is for that opposition. In the event of such opposition to the position being taken by the section, and a basis for such opposition to the section's position, the Legislative Affairs Manager will bring it to the BOG Legislative Committee for discussion. The section will have the right to be involved in such discussion with the Legislative Committee. Any opposition by the Legislative Affairs Manager and/or the Legislative Committee shall be explained in detail to the section. A section may choose to reconsider its position based on such opposition but is not required to do so.

Opposition to a section's position on a bill cannot be based upon a disagreement with a different section. However, in such instances, both sections will be informed of the divergent positions. Sections may still submit input or testify as to those divergent positions, including any perceived consequences to the legislation (whether intended or unintended). The Legislative Affairs Manager will offer suggestions, if time allows, to ensure that the legislature receives the benefit of the points of view of both sections, by allowing each section to testify or to move forward with that section's position.

- (c). If a bill being addressed by a section one year is carried forward to another legislative session, or a substantially similar bill is introduced in a subsequent legislative session, the section may continue its work on that topic without opposition from the Legislative Affairs Manager or Legislative Committee. If a bill is not substantially similar, the

section will need to follow the required process (GR 12 analysis, 75% Executive Committee vote, etc.)

- (d). The sections, Legislative Affairs Manager and the BOG's Legislative Committee will develop processes for a quick turnaround on discussions about section legislative actions and this process will be disseminated to sections, the Legislative Affairs Manager and the Legislative Committee. Any delay in the process, however, may not be used to prevent sections from proceeding with its desired comment or testimony.
3. If a section is taking no position on proposed or pending legislation but would like to work with legislator(s) in some manner, it may do so by providing background information, suggestions for changes, pointing out potential consequences (whether intentional or unintentional or providing other assistance to the legislator(s)/legislature.
- (a). The section will conduct a GR 12 analysis. The section will formulate its suggestions or comments taking into account the needs of various stakeholders, the best interest of the public, the best interest of vulnerable persons and the expertise of the section itself. The support of 75% of its Executive Committee will be deemed to have met that criteria. The section will keep the Legislative Affairs Manager informed of its activities throughout the legislative session, however, some information will be provided on short notice or after the comments or testimony is submitted due to the time constraints of the legislative process.
 - (b). The section will notify the Legislative Affairs Manager, as soon as possible after the decision is made by the section on pending or proposed legislation, that the section would like to provide background information, suggestions for changes, identification of potential consequences (whether intentional or unintentional) or other assistance to the legislator(s)/legislature. The section will notify the Legislative Affairs Manager at least 24 hours, if possible, in advance of a hearing before a legislative committee on a given bill, if the section wishes to testify regarding that bill. It is recognized that 24 hours may not be possible given late changes to hearing schedules, late changes in matters to be considered at a hearing or ongoing changes in proposed legislation. It is recognized that changes to proposed legislation may result in changes in a section's position regarding such proposed legislation. The section and the Legislative Affairs Manager will act in good faith to notify the other of such changes of language and/or changes in position during a legislative session.

The section is not required to obtain the permission of the Legislative Affairs Manager or the BOG Legislative Committee before proceeding with comment and/or testimony. However, the Legislative Affairs Manager shall notify the section if there is opposition to a section's position on proposed legislation and, if so, what the basis is for that opposition. In the event of such opposition to the position being taken by the section, and a basis for such opposition to the section's position, the Legislative Affairs Manager will bring it to the BOG Legislative Committee for direction on how to proceed. The section will have the right to be involved in such discussion with the BOG Legislative

Committee. Any opposition by the Legislative Affairs Manager and/or the BOG Legislative Committee shall be explained in detail to the section. A section may choose to reconsider its position based on such opposition but is not required to do so.

Opposition to a section's position on a bill cannot be based upon a disagreement with a different section. However, in such instances, both sections will be informed of the divergent positions. Sections may still submit input or testify as to those divergent positions, including any perceived consequences to the legislation (whether intended or unintended). The Legislative Affairs Manager will offer suggestions, if time allows, to ensure that the legislature receives the benefit of the points of view of both sections, by allowing each section to testify or to move forward with the section's position.

- (c). If a bill being addressed by a section one year is carried forward to another legislative session, or a substantially similar bill is introduced in a subsequent legislative session, the section may continue its work on that topic without opposition from the Legislative Affairs Manager or BOG Legislative Committee. If a bill is not substantially similar, the section will need to follow the required process (GR 12 analysis, 75% Executive Committee vote, etc.)
 - (d). The sections, Legislative Affairs Manager and the BOG's Legislative Committee will develop processes for a quick turnaround on discussions about section Legislative actions and this process will be disseminated to sections, the Legislative Affairs Manager and the BOG Legislative Committee. Any delay in the process, however, may not be used to prevent sections from proceeding with its desired comment or testimony.
4. If a section votes to provide technical drafting comments.
- (a). If a section wishes to provide technical comments such as pointing out typographical errors, inaccurate citations of RCW sections, ambiguities, possible conflicts with other RCWs not covered in the bill, and suggested amendatory language, they may do but shall not be required to go through a GR 12 analysis.
 - (b). The section will formulate its suggestions or comments taking into account the needs of various stakeholders, the best interest of the public, the best interest of vulnerable persons and the expertise of the section itself. The support of 75% of its Executive Committee will be deemed to have met that criteria. The section will keep the Legislative Affairs Manager informed of its activities throughout the legislative session, however, some information will be provided on short notice or after the comments or testimony is submitted due to the time constraints of the legislative process.

SECTIONS LEGISLATION COMMENT POLICY

May 21, 2020 discussion draft

Notes: This is a blend of the March 13, 2020 Sections Legislative Policy draft and the existing November 13, 2015 WSBA Legislation & Court Rule Comment Policy, with thanks to the RPPT Section for their significant participation. It is broader than the prior draft insofar as it covers not only state legislation but federal legislation as well as court rules, executive orders, administrative rulemaking, and international treaties, all of which were the subject of the adopted 2015 policy. If adopted, this Legislation Policy would supersede and replace the 2015 policy.

An issue remains with this draft as to whether a Section may comment on its own and state that its position is not that of the WSBA. This was a request of the RPPT section but was not a part of the prior draft. Whether there is a way to address this so that the legislature does not receive potentially conflicting positions should be addressed by the Board Legislative Committee when considering this draft.

Purpose: This Policy governs the authority of Sections of the Washington State Bar Association to comment publicly on state legislation, executive orders, and administrative rulemaking (hereinafter “Matter”). For purposes of this policy, to “comment” means to take a position (for example, expressing support, concerns, or opposition) with or without accompanying statements explaining the position; it also means to provide input (for example, suggested amendments, recommendations, analysis, or comments to the media) without taking a position. The reason for this Policy is to insure that Sections do not take positions that publicly oppose each other in front of the legislature, and to provide a mechanism for divergent positions on legislation to be reconciled with the assistance of the Legislative Affairs Manager if there is time to do so.

Additionally, Sections are the experts in their fields, and attorneys and other members

of the WSBA expect that their sections will monitor legislation, take positions when appropriate, educate the legislators with regard to proposed legislation, recommend changes to previously passed legislation or technical corrections to existing legislation. The WSBA also needs to know about Section legislative activity so that the WSBA Outreach & Legislative Affairs Manager (“Legislative Affairs Manager”) can help avoid divergent positions and unnecessary expenditure of political capital by the WSBA and the Sections. Training should be provided by the WSBA to at least one designee of each Section’s Executive Committee, with other committee members welcome and encouraged to attend, on how to implement and handle these policies, to be given annually. The Legislative Affairs Manager shall be made available to Section Executive Committees as a resource for any questions as a Section works on a legislative matter in accordance with this policy.

Policy: Sections are authorized to appear before or otherwise publicly comment on legislation to the Legislature, or a committee of the Legislature, only under the following conditions:

1. The Section may not publicly comment unless: (a) at least 75% of the total membership of the Section’s governing body has first determined that the matter under consideration meets GR 12; and (b) after determining that the Matter meets GR 12, that the comments are the opinion of at least 75% of the total membership of the governing body of the Section. A subcommittee or other subset of a Section may not publicly communicate its comments on a Matter.
2. The Section shall not publicly communicate comments on a Matter if such comments are in conflict with or in opposition to decisions or policies of the Board of Governors or Board Legislative Committee, including GR12 analyses.
3. The Section shall seek authorization from the Legislative Affairs Manager or the Board Legislative Committee Chair prior to publicly communicating its comments on a Matter. If authorization is granted, Entities must clearly state that their comments are solely those of the Entity, and not the official comments of the WSBA. In order to officially comment on behalf of the WSBA, the Section must have the prior written approval of the Board Legislative Committee or the Board of Governors, and any comments will be subject to limitations established by the Board of Governors. If

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authorization is granted, Entities may represent that the comments are the official comments of the WSBA. Entities are not permitted to comment on local or municipal policies or legislation.

4. The Section and the Legislative Affairs Manager will work cooperatively and in good faith to establish a process acceptable to both by which (a) the Section will apprise the Legislative Affairs Manager, to the extent reasonably requested by the Legislative Affairs Manager and in a manner appropriate to the legislative schedule, the deliberative processes of the Section and the schedule of the Legislative Affairs Manager, of the Section's deliberations on pending or proposed legislation, and whether the Section intends to support it, oppose it (including the reasons for the opposition and whether an amendment might be appropriate), or is taking no position and (b) the Legislative Affairs Manager will promptly provide the Section with advice and suggestions. The Section may testify or otherwise move forward with a position being taken by the Section to the extent such position is consistent with prior communications between the Section and Legislative Affairs Manager, provided the Legislative Affairs Manager has not expressly stated disapproval of such position. The Legislative Affairs Manager will bring any such disapproval to the Board's Legislative Committee for direction on how to proceed if there is time. However, if there is not time to obtain such approval, the Legislative Affairs Manager will make the decision, erring on the side of approving the request to testify or to move forward with the Section's position, unless there is a good and articulable reason to deny the request, which shall be explained to the Section. The Legislative Affairs Manager will notify the Board's Legislative Committee as soon as possible thereafter. If the Section is providing testimony or otherwise commenting on legislation at the express request of a Legislator, the Section may proceed notwithstanding disapproval from the Legislative Affairs Manager unless the Board's Legislative Committee affirms the disapproval prior to the hearing or submission of comments.

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5. A Section is responsible for advising the Legislative Affairs Manager, on an ongoing basis, regarding decisions, comments, and actions of the Section regarding Matters. The Section shall advise the Legislative Affairs Manager of any proposed action intended to publicly communicate its comments on legislation in advance of taking such action. Unless otherwise authorized by the Board of Governors or the Board of Governors Legislative Committee, the Section shall follow the advice, guidance, and recommendations of the Legislative Affairs Manager in taking any action.

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6. Federal Matters are defined as federal court rules and legislation, executive orders, administrative rulemaking, and international treaties. The Section may not comment publicly on a Federal Matter except with prior written authorization of the Board of Governors, and such authorization may be subject to limitations established by the Board of Governors.

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7. Sections are prohibited from joining or affiliating with groups or associations whose legislative advocacy reaches beyond the areas allowable under GR 12.

8 This Policy supersedes and replaces any and all prior policies on the same subject, including but not limited to the WSBA Legislation and Court Rule Comment Policy amended November 13, 2015 by the Board of Governors.

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Office 360-482-6100
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Date: June 3, 2020

To: Board of Governors Legislative Committee

From: Jean A. Cotton

Re: Comments/Questions re June 2, 2020 draft of Sections Legislative Comment Policy

If you recall, I was one of the work group members initially tasked with redrafting this policy by President Majumdar. I have continued to maintain communication with Chairwoman Higginson regarding this effort and only received today the latest draft of the proposed policy.

After reviewing the draft policy – both the redline and the clean copies – I found some minor drafting errors that I believe require correction. Most of these are just to clean up the document and make it better. I also found a couple of items where either a question or comment are required. Each item I found has been numbered on the pdf version of the policy and each number is explained below. In addition, I have made a redline file of these proposed changes that is in Word form for your use/information.

1. This is now entitled a “Legislative” policy and the highlighted word “Legislation” should be changed to “Legislative” to be consistent.
2. “that publicly oppose each other” misses the point. Example: Two sections (the Dog and the Cat Sections) are sent a bill to review by the Legislative Affairs Manager. Each Section may have comments on that particular bill but in different parts of the bill – one part may affect only the Dog Section and the other part may affect only the Cat Section. As a result, the Dog Section (based only on its expertise as to the part it agrees with) votes unanimously to support the bill but the Cat Section (based on its expertise as to the part it has concerns with) votes unanimously to oppose unless certain changes are made to address their concerns. This doesn’t mean that the Sections are necessarily opposing each other – they have different interests and expertise. Each should be able to state their respective positions and even testify but in so doing be quite clear as to which part of the bill they support and which part they do not. I think what you are trying to do is avoid two Sections opposing one another’s position hostilely but I’m not sure how to fix the language other than to say something like this instead to replace that sentence. “The reason for this Policy is to provide a mechanism for divergent positions on legislation to be reconciled with the assistance of the Legislative Affairs Manager in order to provide the Legislature with the best possible information in developing new laws.”
3. “Sections’ work” seems clumsy. I suggest replacing it with “The work of the Sections”.
4. Change “A” to “Each”
5. Replace “the” with “each” and add “Section’s” before “Executive Committee.”
6. Replace both uses of “governing body” with “Executive Committee”

7. Question only: Some sections meet annually with the judiciary and pending legislation is often among the topics discussed. Would this provision prohibit the Section Executive Committee from having that dialog with their counterparts on the judiciary because there may be concern or conflict with a decision or policy of the BOG or the Board Legislative Committee?
8. Replace "Entities" with "Sections".
9. Change both occurrences of "A" to "Each".
10. Change "An" to "Each"
11. Change "A" to "Each".
12. Eliminate or significantly modify paragraph h. As written, this appears to have less to do with legislative policy and more to do with being a restraint on First Amendment right to associate/free speech, etc. Example: Certain non-WSBA organizations are great advocates for civil rights, rights of women, DV victims' rights, etc. and have long worked with various sections in promoting the advancement of quality legislation or important issues. However, that same organization may advocate for a piece of legislation that WSBA finds not to be allowed by a Section under GR 12. This one time act would, under provision h., prohibit the Section from joining with that group in valuable advocacy activity in the future. If the intent is to prevent alliances on specific issues rather than entire organizations, then I suggest the language be changed to better reflect that intent. See the draft with my edits.

Thank you for your on-going efforts to improve the legislative process for the Sections and the community at large.

attachments

SECTIONS LEGISLATIVE COMMENT POLICY

June 2, 2020 draft

(1) Note: This is a revision to the May 21, 2020 draft of the Sections Legislation Comment Policy, with thanks to the RPPT and Family Law Sections for their comments. It prohibits municipal and federal comment unless authorized by the Board of Governors. If adopted, this **Legislation** Policy would supersede and replace the WSBA Legislation and Court Rule Comment Policy amended November 13, 2015 by the Board of Governors.

(2) **Purpose:** This Policy governs the authority of Sections of the Washington State Bar Association to comment publicly on state legislation, executive orders, and administrative rulemaking (hereinafter “Matter”). For purposes of this Policy, to “comment” means to take a position (for example, expressing support, concerns, or opposition) with or without accompanying statements explaining the position; it also means to provide input (for example, suggested amendments, recommendations, analysis, or comments to the media) without taking a position. The reason for this Policy is to insure that Sections do not take positions **that publicly oppose each other** in front of the legislature, and to provide a mechanism for divergent positions on legislation to be reconciled with the assistance of the Legislative Affairs Manager if there is time to do so.

(3) **Sections’ work** in the legislative process is valuable and important to WSBA members and requires a contribution of significant time and energy by Section Executive Committee members. Sections are the experts in their fields, and attorneys and other members of the WSBA expect that their sections will monitor legislation, take positions

when appropriate, educate the legislators with regard to proposed legislation, recommend changes to previously passed legislation or technical corrections to existing legislation. The WSBA also needs to know about Section legislative activity so that the WSBA Outreach & Legislative Affairs Manager (“Legislative Affairs Manager”) can help avoid divergent positions and unnecessary expenditure of political capital by the WSBA and the Sections. Sections also benefit from learning of the positions of other Sections on the same bills or on companion bills.

Policy:

1. Sections are encouraged to identify legislative issues within their area of expertise. The Legislative Affairs Manager will also identify bills to a Section that are within a particular Section’s expertise and will keep the Sections updated on a bill’s progress and pivotal points in the legislative process.

2. Training should be provided annually by the WSBA staff and Section members with significant experience in the legislative setting to at least one designee of each Section’s Executive Committee, with other committee members welcome and encouraged to attend, on how to implement this Policy. Such training should include how to accomplish Section goals and how to act responsibly in the legislative setting.

3. The Legislative Affairs Manager shall be made available to Section Executive Committees as a resource for any questions as a Section works on a legislative matter in accordance with this Policy. A Section and the Legislative Affairs Manager will work cooperatively to establish a process to assist the Executive Committee in the development of and consideration of any comment. Similarly, Sections should be a resource to the WSBA

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on legislative matters within a Section's subject area.

4. Sections are authorized to appear before or otherwise comment on legislation to the Legislature, or a committee of the Legislature, only under the following conditions:

6 a. The Section may not comment unless: (a) at least 75% of the total membership of the Section's governing body has first determined that the matter under consideration meets GR 12; and (b) after determining that the Matter meets GR 12, that the comments are the opinion of at least 75% of the total membership of the governing body of the Section. A subcommittee or other subset of a Section may not communicate its comments on a Matter to the Legislature or a committee thereof.

7 Question only
b. The Section shall not communicate comments on a Matter if such comments are in conflict with or in opposition to decisions or policies of the Board of Governors or Board Legislative Committee, including GR12 analyses.

8 c. The Section shall seek authorization from the Legislative Affairs Manager or the Board Legislative Committee Chair prior to communicating its comments on a Matter. In order to officially comment on behalf of the WSBA, the Section must have the prior written approval of the Board Legislative Committee or the Board of Governors, and any comments will be subject to limitations established by the Board of Governors. If authorization is granted, Entities may represent that the comments are the official comments of the WSBA.

9 d. A Section will apprise the Legislative Affairs Manager and the chair of Board's Legislative Committee, as soon as possible after a decision is made by the Section on pending or proposed legislation, that the Section intends to support it, oppose it (including the reasons for the opposition and whether an amendment might be appropriate), or is taking no position. A Section will also notify the Legislative Affairs Manager at least 24 hours in advance of a hearing before a legislative committee on a given bill, if the Section wishes to testify regarding that bill. The Section may do nothing more until the Legislative Affairs Manager gives permission to testify or to move forward with the position being taken by the Section, which permission may be given either verbally or in writing. The Legislative Affairs Manager will bring it to the Board's Legislative Committee for direction on how to proceed if there is time. However, if there is not time to obtain such approval, the Legislative Affairs Manager will make the decision, erring on the side of approving the request to testify or to move forward with the Section's position, unless there is a good and articulable reason to deny the request, which shall be explained to the Section. The Legislative Affairs Manager will notify the Board's Legislative Committee of the decision as soon as possible thereafter.

10 e. An Section is responsible for advising the Legislative Affairs Manager, on an

ongoing basis, regarding decisions, comments, and actions of the Section regarding Matters. The Section shall advise the Legislative Affairs Manager of any proposed action intended to communicate its comments on legislation in advance of taking such action. Unless otherwise authorized by the Board of Governors or the Board of Governors Legislative Committee, the Section shall follow the advice, guidance, and recommendations of the Legislative Affairs Manager in taking any action. However, a Section representative may answer questions posed by legislators in a manner consistent with the Section position that has been authorized in accordance with this Policy.

11

f. A Section may provide technical drafting comments such as pointing out issues (typographical errors, mis-citations of RCW sections, ambiguities, possible conflicts with other RCWs not covered in a bill, and suggested amendatory language) without a GR 12 analysis or obtaining approval of the comments. The Legislative Affairs Manager shall be advised of and copied on such comments in a timely manner.

g. Sections may not comment on municipal (defined as a city or county) Matters or on Federal Matters, which are defined as federal court rules and legislation, executive orders, administrative rulemaking, and international treaties. If a Section believes that comment on a municipal or Federal Matter should be undertaken, the Section may bring the Matter to the Board of Governors to seek the Board's authorization. Such authorization may be subject to such limitations as may be established by the Board of Governors.

12

h. Sections are prohibited from joining or affiliating with groups or associations whose legislative advocacy reaches beyond the areas allowable under GR 12.

i. This Policy supersedes and replaces any and all prior policies on the same subject, including but not limited to the WSBA Legislation and Court Rule Comment Policy amended November 13, 2015 by the Board of Governors.

Tim Brooks

3914 N. 24th St. Tacoma, WA 98406 | brooks91@uw.edu | (425) 281-2569

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

President Majumdar,

You won't remember me, but I was one of the students in Riddhi Mukhopadhyay's Professional Responsibility class at the University of Washington when you visited last winter – it seems like ages ago now. I was the older LL.M student who spoke to you in the hallway after class. (That was an interesting class!)

I know this is a hectic time with the pandemic and, now, the Supreme Court Order concerning diploma privilege.

My classmate, Marcia Cho, and I wanted to convey to you, first, appreciation for the Court's, and the WSBA's, recognition of these unprecedented times in granting the privilege to our J.D. colleagues. But we must also express our profound disappointment at what we and many of our LL.M colleagues, including many not taking the bar, consider an expression of prejudice against us.

In granting the privilege while intentionally omitting otherwise qualified and registered LL.M examinees, the Court has evidenced, in our respectful opinion, prejudice. We have followed the rules; we've met all requirements to qualify and sit the bar. And yet we are deemed inferior by the Court through this Order.

We can appreciate the Court's desire for a bright line rule, yet how is a rule offering the privilege to all those qualified and registered to sit the July or September bar any less distinct than one that specifically approves of ABA J.D. applicants while ignoring LL.M candidates and others? These are candidates who have met all requirements to sit the exam as prescribed under APR 3 or elsewhere.

If the Court had concerns about the qualifications or preparedness of candidates, it could have limited the privilege to graduates of a Washington State ABA approved program – programs which are specifically tailored to conform to the requirements and would be in line with, for example, Wisconsin's exercise of diploma privilege. The Order could have added a minimum GPA requirement or required a fixed period of supervision. It could have taken many other actions each equally clear-cut. A factor in the Court's decision seems to have been, impliedly, ease of administration, yet the Order ignores the fact that the overwhelming majority of test takers are J.D.s – not LL.Ms. In point of fact, for the July/September Bar, there are few LL.M examinees from Washington schools.

Tim Brooks

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We will take the bar. But we will probably never forget the experience of discovering, after having complied in good faith with everything the State has asked of us, how it felt to be treated so dismissively after earning our second or third law degrees. Not only that, but this unjust decision has hindered our performance on the bar already. Rather than being neutral as to our situation, this Order now presents yet another barrier to our success because, rather than studying for the bar, we are now also having to take time out to argue against a clear injustice—there is also the added distraction of having to put this discrimination out of mind while trying to focus on bar preparation and the bar exam itself. This Order did not just deny us an opportunity, it actively put its thumb on what was already going to be a difficult task.

This decision fosters the perception that the Washington Bar is only interested in protecting ABA J.D. programs and that the only value in LL.M candidates is in keeping ABA J.D. programs afloat during a time of diminished J.D. enrollment.

I, myself, earned my law degree from Oxford University; something I rarely mention as it is almost never relevant. But I am proud of my accomplishment in obtaining a law degree from that particular institution and consider it second-to-none. Marcia earned her J.D. degree from the University of Calgary and was admitted to the Law Society of Ontario (Ontario Bar). In our LL.M class, there are judges, magistrates, lawyers who have argued before their respective High Courts, and many more accomplished individuals. Yet as LL.Ms, we find ourselves being looked down upon by the legal establishment because many of us, to quote from a recent Reddit Law thread, "are pretty much a joke . . . and barely speak English." That bigoted statement reflects our understanding of how many in the legal community view us. According to the Court, the very best of us is less capable than the least capable J.D.

We felt, on behalf of ourselves and of our classmates, that we should at least convey how this Order has impacted us. We would like to note that we are also in the process of taking action, thanks to the support of our professors and J.D. colleagues, and will not be passive bystanders with respect to this matter.

The Court could have affirmed our merit in this Order but, instead, the decision gives oxygen to the sort of bigotry conveyed in that Reddit quote. One final, bitter irony is, of course, that though there are few of us even sitting the July/September bar, that almost all of us feel the sting of this decision.

Signed,

Tim Brooks, B.S., B.A., LL.M. (UW School of Law)

Marcia Cho, B.A., J.D., LL.M. (UW School of Law)

Cristina Siserman Gray, B.A., M.Sc., LL.M. (UW School of Law)

Marília Dippe, J.D., M.B.A., LL.M. (UW School of Law)

Mubashar Ahmed Othi, LL.B., LL.M. (Punjab University), LL.M. (UW School of Law)

Viktoriya Saditdinova, LL.B., LL.M. (Sorbonne University), LL.M. (UW School of Law)

TO: WSBA Board of Governors

FROM: Alec Stephens, Chair
Personnel Committee

DATE: June 17, 2020

RE: Performance Assessment of Interim Executive Director— Results of the Assessment for Consideration by the Board of Governors

For Discussion and Action: Results from the Performance Assessment of Interim Executive Director— For discussion with Terra Nevitt and final assessment.

Having extended the tenure of Terra Nevitt as Interim Executive Director to November 2020, the Personnel Committee recommended that we assess her performance as an organizational best practice. Interim Executive Director Nevitt requested this assessment. The Personnel Committee developed a performance assessment questionnaire and a self-assessment tool that would be used to make that assessment which was approved with revisions by the BOG at its March 19, 2020 Virtual Meeting via Zoom Teleconference.

The assessment period was set to be as close to the mid-way point in which Ms. Nevitt has served in the position, which was from April 2019 through February 2020. The Board of Governors and the Executive Management Team would be the persons who would complete the assessment. The purpose of the assessment is to provide feedback on how she has performed and may be one of the elements that will be used to determine what process will be used to hire a “permanent” Executive Director. The Performance Assessment was also to benefit Ms. Nevitt in identifying how well she is performing her job and identifying areas in which she may need to improve.

Following the BOG approval at its March meeting, the Assessment Questionnaire was distributed to the Members of the Board of Governors including the President and the Immediate Past President, and the members of the Executive Management Team. Terra Nevitt was also provided the Performance Assessment questions and was requested that she provide her self-assessment.

The assessments, and Ms. Nevitt’s self-assessment, were concluded in early May, and at its May 11 meeting, the Personnel Committee reviewed the results. As a part of finalizing the performance assessment process, the Personnel Committee could have held a meeting with Ms. Nevitt to review the results, consider her self-assessment, and recommend a final recommendation regarding an overall score and determine a final qualitative statement of her performance. The Personnel Committee decided to send the Performance Assessment materials and Ms. Nevitt’s self-assessment to the BOG without a committee recommendation, for the BOG’s review and conversation with Ms. Nevitt, and for the BOG to determine if any adjustment need be made to the score and to determine a final qualitative statement of her performance.

Because of the “Interim” nature of her employment contract, it was not appropriate for the Personnel Committee to take up issues such as compensation or ‘bonus’ since she had a firm fixed contract, nor was it before the Committee to take up changing her status as “Interim Executive Director”, since there was no public notice of that matter.

Included in this report are the following items for the Board of Governors, which has also been provided to Terra Nevitt prior to the Board’s discussion of the Performance Assessment:

1. The Performance Assessment Instrument
2. Summary of the Performance Assessment Results
3. Excel Sheets of Individual Scoring (Names Redacted)
4. Performance Assessment Comments (Aggregated)
5. Self-Assessment from Terra Nevitt

NOTE: Subsequent to its meeting in May, a request was made to take up the matter of changing Ms. Nevitt’s job title, which was included in its public notice for the Personnel Committee at its June meeting. Under a separate cover memo, that item is placed on the Agenda for possible Board of Governors action as a recommendation from the Personnel Committee at its meeting on June 15, 2020.

Washington State Bar Association Interim Executive Director Performance Assessment Questionnaire

Evaluation Period: April 2019 – February 2020

This questionnaire is designed to help you assess the performance of the Interim Executive Director during the evaluation period and to facilitate discussion with the Board of Governors. Consider the Interim Executive Director’s competencies for each of the goals identified. Select the most accurate rating for each using the scale below based upon your observation, considering the elements identified for that competency area. If you have not observed performance for a particular competency, please mark “Not Observed.” A “Comments” field appears below each section if there is a desire to include additional information.

1 = Did not achieve minimum expectations	2 = Demonstrated progress towards expectations	3 = Achieved Expectations	4 = Exceeded Expectations	5= Demonstrated Exceptional Performance
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INTERIM EXECUTIVE DIRECTOR ASSESSMENT

How satisfied are you that the Interim Executive Director:

1. **Worked effectively with the Board, including implementing board policies, maintaining good communications and creating a professional environment.**
(Providing vision and leadership to the Board through discernment of issues and presenting creative solutions for the Board’s consideration; Demonstrates knowledge and respect for the roles, responsibilities, authority, and relationships of the BOG; assists, and interacts with BOG to achieve goals and objectives and to help define and solve problems; promotes harmony in BOG relations and is open and willing to take on new duties and responsibilities).

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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Comments:

2. **Demonstrated Leadership in engagement with the Communities served by the WSBA.**
(Serves as an effective spokesperson. Represents the organization well to its key Stakeholder Groups (public, members, Sections, Councils, Committees & Commissions; public officials, other nonprofits, government agencies and other relevant organizations); effectively establishes, maintains and cultivates effective working relationships with organizations and individuals in the legal community; has a robust outreach strategy to ensure conduits for member feedback; ensures that communication vehicles are developed and utilized well)

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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Comments:

3. Demonstrated Effective Leadership of the Executive Management team and staff.

(Led staff in maintaining a climate of excellence, accountability and respect; seeks, evaluates and acts upon opportunities for innovation to change, grow and improve; creates an environment that accepts and respects individual and cultural differences; values, develops, and encourages the unique contributions and addresses the concerns of diverse groups and individuals).

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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Comments:

4. Successfully managed the transition from the previous WSBA leadership and Executive Team with the following key stakeholder groups:

a. WSBA Employees;

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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b. BOG;

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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c. Executive team;

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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d. Supreme Court;

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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e. Other stakeholder groups

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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Comments:

WASHINGTON STATE BAR ASSOCIATION

2020 Interim ED Evaluation Survey Question Results

	Interim Performance Assessment Questions	Range	Mean	Median
1	Worked effectively with the Board, including implementing board policies, maintaining good communications and creating a professional environment.	2.5 – 5	4.11	2.25
2	Demonstrated Leadership in engagement with the Communities served by the WSBA.	4 – 5	4.64	4.5
3	Demonstrated Effective Leadership of the Executive Management team and staff.	1 – 5	3.73	4
4	Successfully managed the transition from the previous WSBA leadership and Executive Team with the following key stakeholder groups:			
a)	WSBA Employees;	1 – 5	4.04	4.5
b)	BOG;	2 – 5	4.04	4
c)	Executive team;	1 – 5	3.79	4.25
d)	Supreme Court;	4 – 5	4.4	4
e)	Other stakeholder groups	4 – 5	4.5	4.5
TOTALS			3.97	4.6

Performance Assessment Questionnaire Scale

1 = Did not achieve minimum expectations	2 = Demonstrated progress towards expectations	3 = Achieved Expectations	4 = Exceeded Expectations	5= Demonstrated Exceptional Performance
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Notes: To account for responses of "Not Observed", the MEAN and MEDIAN TOTALS represent averages from the total score for the questions that were answered by each participant.

The MEAN and MEDIAN for the Executive Management team and the Board of Governors' were as follows:

Stakeholder Group	Mean	Median
Board Of Governors	3.71	4.315
Executive Management Team	4.6	4.7

Performance Assessment Scoring - Interim Executive Director Terra Nevit										
Name of participant	Question 1	Question 2	Question 3	Question 4 - Part A	Question 4 - Part B	Question 4 - Part C	Question 4 - Part D	Question 4 - Part E	Total raw score	Mean
Executive Team										
	5	5	5	4	4	4	5	5	37	4.63
	5	3	5	4	4	4	5	3	29	4.14
	5	5	5	4	5	5	5	5	39	4.88
	5	5		5	4		4		23	4.60
	5	4	4	4	4	4	4	4	33	4.13
Board of Governors										
	5	5	5	5	5	5	5		35	5.00
	5	5	4	5	5	5			29	4.83
	2.5		1	3	4	1			11.5	2.30
	4	4	4	4	4	4	4	4	32	4.00
	5	4	5	5	5	5	4	4	37	4.63
	2		1	1	2	1			7	1.40
	2		2	2	2	2			10	2.00
	5	5	5	5	5	5	5		35	5.00
	4	5	5	5	5	5	5	5	39	4.88
	5	5		5	4		4		23	4.60
	3	4			3	4			14	3.50
	4	5	5	5	5	5	5	5	39	4.88
Raw score	71.5	64	56	66	70	60	50	35		
Mean	4.17	4.50	3.83	4.00	4.00	3.85	4.44	4.29	33.08	69.38
									Total Score:	69.37619
									Range:	1.4 - 5
									Mean	4.03
									Median	4.63

Score Disribution	
1	1.4
2	2
3	2.3
4	3.5
5	4
6	4.13
7	4.14
8	4.6
9	4.63
10	4.63
11	4.81
12	4.83
13	4.88
14	4.88
15	4.88
16	5
17	5

MEDIAN

**Interim Executive Director Performance Assessment
Survey Questions**

1	Worked effectively with the Board, including implementing board policies, maintaining good communications and creating a professional environment.
2	Demonstrated Leadership in engagement with the Communities served by the WSBA.
3	Demonstrated Effective Leadership of the Executive Management team and staff.
4	Successfully managed the transition from the previous WSBA leadership and Executive Team with the following key stakeholder groups:
a)	WSBA Employees;
b)	BOG;
c)	Executive team;
d)	Supreme Court;
e)	Other stakeholder groups

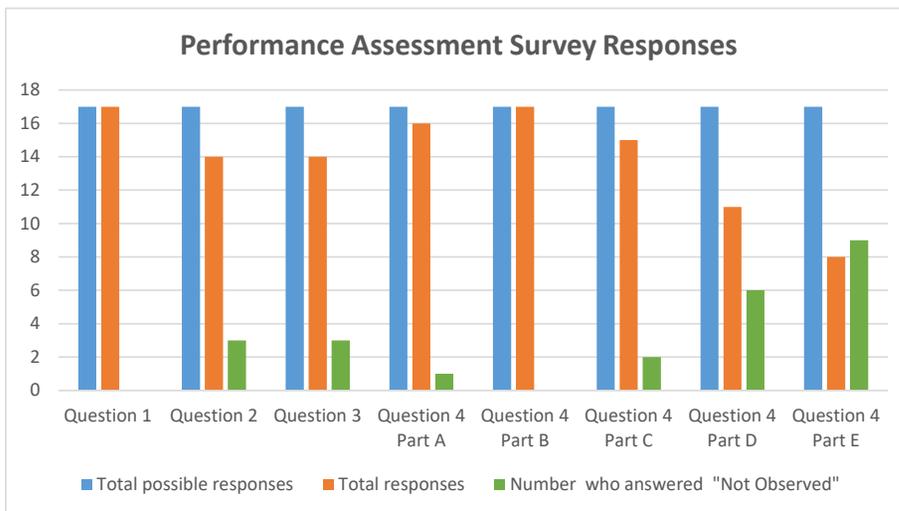
Executive Management Team	Question 1	Question 2	Question 3	Question 4 - Part A	Question 4 - Part B	Question 4 - Part C	Question 4 - Part D	Question 4 - Part E	Total raw score	Average
	5	5	5	4	4	4	5	5	37	4.63
	5	3	5	4	4	5		3	29	4.14
	5	5	5	4	5	5	5	5	39	4.88
	5	5	5	5	4				23	4.60
	5	4	4	4	4	4	4	4	33	4.13
Totals									161	22.37
									Mean	4.47
									Median	4.6

BOG	Question 1	Question 2	Question 3	Question 4 - Part A	Question 4 - Part B	Question 4 - Part C	Question 4 - Part D	Question 4 - Part E	Total raw score	Average
	5	5	5	5	5	5	5		35	5.00
	5	5	4	5	5	5			29	4.83
	2.5		1	3	4	1			11.5	2.30
	4	4	4	4	4	4	4	4	32	4.00
	5	4	5	5	5	5	4	4	37	4.63
	2		1	1	2	1			7	1.40
	2		2	2	2	2			10	2.00
	5	5	5	5	5	5	5		35	5.00
	5	5		5	4		4		23	4.60
	3	4			3	4			14	3.50
	4	5	5	5	5	5	5	5	39	4.88
	4	5	5	5	5	5	5	5	39	4.88
Totals									311.5	47.01
									Mean	3.92
									Median	4.62

Executive Team	
4.13	
4.14	
4.6	MEDIAN
4.63	
4.88	

Board of Governors	
1.4	
2	
2.3	
3.5	
4	
4.6	4.62 MEDIAN
4.63	
4.83	
4.88	
4.88	
5	
5	

Index	Question 1	Question 2	Question 3	Question 4 Part A	Question 4 Part B	Question 4 Part C	Question 4 Part D	Question 4 Part E
Total possible responses	17	17	17	17	17	17	17	17
Total responses	17	14	14	16	17	15	11	8
Number who answered "Not Observed"	0	3	3	1	0	2	6	9



TO: WSBA Board of Governors
FROM: Shelly Bynum, Executive Administrator
DATE: June 19, 2020
RE: Confidential Interim Executive Director Performance Evaluation
Materials - Performance Assessment Comments

The confidential materials for this topic are available to the Board of Governors at the link below.

<https://wsba.box.com/s/ioj10vbcx7df43uk0qdint9jg9fc1bc6>

**Attachment to Interim Executive Director Performance Self-Assessment
Evaluation Period April 2019-February 2020**

What have been your major accomplishments during this evaluation period? Do you feel you met the goals over the last year?

My key accomplishments from the last year align closely with the goals identified in the Interim Executive Director Assessment. (1) Rebuilding the Executive Management Team with the addition of Kevin Plachy, Felix Neals, and Jorge Perez and restructuring the Office of the Executive Director. (2) Contributing to improving relationships between members of the Board of Governors and WSBA employees by fostering increased communication, transparency, collaboration, and role clarity. (3) Creating opportunities for open and transparent dialogue with employees and channels to address employee concerns and receive input on policy development. (4) Driving and supporting increased engagement with WSBA members across the state with outreach visits in 25 counties. (5) Promoting consistency and equity through the development, identification, and utilization of processes for many aspects of WSBA's work. (6) Setting expectations and supporting employees to deliver over \$800,000 in savings through the budget reforecast, including the reduction of three fulltime positions through attrition and reorganization.

What strengths have you utilized that you would like to highlight?

The primary strength I have utilized in this role is a desire and ability to build relationships. My emphasis on relationships is rooted in a sincere belief that when a group with diverse views works optimally, they will reach better decisions than any individual. Working with those that are like us or aligned to our goals is relatively easy, but diverse groups often don't see eye to eye, which can give rise to the kind of conflict and tension we have often experienced over the last year. To address this, I practice introspection and lean into difficult conversations with authenticity and earnestness. I am also a problem solver and optimist by nature, which allows me to see the path forward and remain calm and focused even in the face of enormous challenges.

What difficulties did you have achieving your job expectations and objectives during this evaluation period? What prevented you from achieving these goals?

People are at the heart of every challenge and every solution. Everywhere I have looked in the past year, I am faced with broken relationships; with members, employees, board members, and volunteers. As a result, every action is viewed with heightened scrutiny and skepticism. These circumstances can be exhausting, but ultimately the higher expectations are a gift, requiring rigorous decision-making and careful execution, including the manner in which a decision is communicated. Another challenge has been the lack of existing processes and centralized information which means we frequently must recreating the wheel and take additional time to document decisions and processes as we go. Early on during the period having the two top positions in our finance department was also a challenge, requiring additional work to oversee that work and onboard the new Chief Financial Officer.

What would you like to accomplish in the next year? What are your long-term goals for the WSBA?

My top priority in the next year would be to collaborate with the Board to develop strategic goals that can help drive all of WSBA's work. WSBA has a broad mission and over the years the Board has developed a wide range of programs and activities in support of that mission. Today, most of these programs lack clear and articulated goals and key performance indicators or measures of success. Setting a vision for these programs that the employees and I can execute will increase their efficacy and reduce conflict between the policy makers and the implementers. I also plan to continue working to centralize information, document decisions, and develop policies and procedures to ensure consistency in their application. My long-term goal for WSBA is to become a widely beloved institution.

In what ways could the Board better support you in your work?

The strength of a decision-making body often lies in its diversity, however that is also where the challenge lies for an Executive Director. Although the Board supervises the Executive Director as a body, each member of that body has a unique set of expectations and vision for the role of the Executive Director, the appropriate direction for the

work of the organization, and often the intent and scope of Board action and policy. There is a temptation, and sometimes pressure, to follow the direction, guidance and coaching of an individual or small group of governors, which can undermine the will of the board as a whole. Setting clear expectations as a Board would empower the Executive Director to act within the bounds of the Board's vision and reduce conflict. Ideally, expectations would be set with regard to the work of the organization (strategic plan) as well as the role and authority of the Executive Director.

What are your short-term personal development goals for the next year and longer-term personal development goals? How do you plan on achieving them?

My short-term personal development goal is continue to centralizing institutional knowledge and develop procedures to minimize mistakes, increase efficiency, and promote equity and transparency. I have two long term goals. (1) Improving my ability to communicate with authenticity to a broad audience. In my work I have relied heavily on interpersonal communications as a way to solve problems, develop buy-in, and drive change. Communicating to larger groups (137 employees, 1,200 volunteers, 40,000 members) via written communications or prepared remarks is a different skill set that I am eager to strengthen by working closely with our communications team. (2) Practicing and improving my tools for leading through an equity lens by working with our internal equity team, where appropriate, as well as with external colleagues.

During this evaluation period, what difficult issues have faced the WSBA and how did you bring them to resolution?

The word "difficult" has a variety of connotations; some negative. I am taking "difficult" here to mean "needing much effort or skill to accomplish, deal with, or understand." Many of the difficulties WSBA has faced have already been addressed above, including a turnover of key leadership positions, broken relationships, and lack of an articulated strategic direction. Other difficulties such as questions about the very structure of the bar have been resolved primarily by the Board of Governors and the Court. Using the definition above, perhaps the most difficult issue I have faced is helping to actualize the Board's goal of reducing spending significantly enough to be able to consider lowering the license fee. Ultimately, through reorganization and a reforecasted budget, we have delivered savings of over \$800,000 and we're not done looking for opportunities to gain efficiency and savings. This was the result of a great deal of effort and skill that may not have been entirely visible to the Board. The Executive Management Team and I worked over the course of months to help employees understand the value of this work, to allay concerns about layoffs. In fact some public conversations about the "deep dive" did give rise to these concerns. In order to allay these concerns, and to seek collaboration in delivering results. The result is not just in the reforecasted budget, but a shift in the culture.

TO: WSBA Board of Governors
FROM: Alec Stephens, Chair
Personnel Committee
DATE: June 17, 2020
RE: Personnel Committee Recommendation to hire Terra Nevitt as the WSBA Executive Director.

For Discussion and Action: The Personnel Committee recommends the Board of Governors hire Terra Nevitt as the WSBA Executive Director, subject to negotiating and executing a new employment contract.

Having extended the tenure of Terra Nevitt as Interim Executive Director to November 2020, the Personnel Committee recommended that we assess her performance as an organizational best practice.

Following the BOG approval at its March meeting, the Assessment Questionnaire was distributed to the Members of the Board of Governors including the President and the Immediate Past President, and the members of the Executive Management Team. Terra Nevitt was also provided the Performance Assessment questions and was requested that she provide her self-assessment.

The assessments, and Ms. Nevitt's self-assessment, were concluded in early May, and at its May 11 meeting, the Personnel Committee reviewed the results. The Personnel Committee decided to send the Performance Assessment materials and Ms. Nevitt's self-assessment to the BOG without a committee recommendation, for the BOG's review and conversation with Ms. Nevitt, and for the BOG to determine if any adjustment need be made to the score and to determine a final qualitative statement of her performance.

Because of the "Interim" nature of her employment contract, it was not appropriate for the Personnel Committee to take up issues such as compensation or 'bonus' since she had a firm fixed contract, nor was it before the Committee to take up changing her status as "Interim Executive Director", since there was no public notice of that matter.

Subsequent to its meeting in May, a request was made to take up the matter of changing Ms. Nevitt's job title, which was included in its public notice for the Personnel Committee at its June 15, 2020 meeting. At that meeting, the Personnel Committee passed the following motion which is sent to the Board of Governors to take up following its discussion and final action on the Performance Assessment of the Interim Executive Director:

The Personnel Committee recommends that the Board of Governors hire Terra Nevitt as the WSBA Executive Director, subject to negotiating and executing a new employment contract.¹

¹ Passed: 6 Yes, 0 No, 1 Abstain (Stephens) at the Personnel Committee meeting on 6-15-2020.

MEMORANDUM

TO: The President, President-elect, and Board of Governors

FROM: The Committee on Professional Ethics (CPE)

RE: RPC 1.16, Comment [4], RPC 1.13, New Additional Washington Comment [16]

DATE: April 17, 2020

FIRST READING: Proposed amendments to Comment [4] to RPC 1.16, and new Additional Washington Comment [16] to RPC 1.13.

DISCUSSION: When the Supreme Court issued *Karstetter v. King County Corrections Guild*, 193 Wn.2d 672 (2019), it caught the attention of the Committee on Professional Ethics because of the Court’s analysis of RPC 1.16 (Declining or Terminating Representation). The case involved an in-house legal counsel who brought wrongful termination and breach of contract claims against his employer client. The Court held that the Rules of Professional Conduct do not foreclose on an in-house attorney employee from bringing such claims.

The Court also expressed concern and about the potential damage to the integrity of the lawyer client relationship that may be caused by these actions. The CPE analyzed the RPC and determined that it would be beneficial to include a cite in the comments to alert the reader to the Court’s opinion. The CPE therefore recommends amending comment [4] to RPC 1.16, and adding new Washington Comment [16] to RPC 1.13 (Organization as Client).

Attachments:

- RPC 1.16, Comment [4] Redline
- RPC 1.13, Additional Washington Comment [16]

SUGGESTED AMENDMENT TO RPC 1.16

Comment

Discharge

[4] A client has a right to discharge a lawyer at any time, with or without cause, subject to liability for payment for the lawyer's services. Where future dispute about the withdrawal may be anticipated, it may be advisable to prepare a written statement reciting the circumstances. However, the rule may apply differently with respect to in-house lawyers and lawyers with comparable employment situations. See, Rule 1.13 Comment [16] and *Karstetter v. King County Corrections Guild*, 193 Wn.2d. 672, 444 P.3d 1185 (2019).

SUGGESTED AMENDMENT TO RPC 1.13

Additional Washington Comments [15-16]

[16] In-house lawyers and lawyers with comparable employment situations may face unique employment expectations that impact their rights if discharged by the client. See Rule 1.16 Comment [4] and *Karstetter v. King County Corrections Guild*, 193 Wn.2d 672, 444 P.3d 1185 (2019).

WASHINGTON STATE BAR ASSOCIATION

MEMORANDUM

TO: The President, President-elect, and Board of Governors

FROM: The Committee of Professional Ethics (CPE)

RE: Proposed Amendments to RPC 7.2 and 5.4

DATE: April 23, 2020

FIRST READING: Proposed amendments to RPC 7.2 and 5.4 regarding fee sharing with nonprofit lawyer referral services

DISCUSSION: In June 2018, the CPE received an inquiry from the then WSBA Executive Director, seeking clarification on fee-sharing under the RPC in response to an inquiry from a national non-profit lawyer referral service for crime victims. In August 2018, the CPE assigned the inquiry to a subcommittee for research and analysis.

Issue

RPC 7.2(b)(2) authorizes a lawyer to pay “the usual charges of a not-for-profit lawyer referral service.” However, WSBA Advisory Opinion 2227 (2012), concluded that the phrase “usual charges” in RPC 7.2(b)(2) does not override the general prohibition in RPC 5.4(a) on fee-sharing with non-lawyers. Thus, under RPC 7.2(b)(2), a lawyer may pay only “usual” referral charges, such as membership fees, and not a referral fee based on the fee collected from the client. Additionally, the CPE noted that RPC 1.5(e)(2) contains a provision unique to Washington state. It provides:

“A division of a fee between lawyers who are not in the same firm may be made only if ... the division is between the lawyer and a duly authorized lawyer referral service of either the Washington State Bar Association or of one of the county bar associations of this state.”

The CPE observed that RPC 1.5(e)(2) may not authorize lawyers to share fees with referral services at all, except for referral services exclusively of the WSBA and county bar associations. Advisory Opinion 2227 seemingly confirms this interpretation, but concluded that this question “address[es] procedures and authorizations of the WSBA not governed directly by the [RPC], which are outside the purview of the RPC Committee.”

The CPE confirmed that neither the WSBA nor any county bar association has a mechanism for approving lawyer referral services to share fees and there appears to be little interest in creating such a mechanism in the future.

The CPE notes a fee-sharing provision between lawyers and non-lawyers also is misplaced in RPC 1.5(e), which governs solely fee-sharing between “lawyers who are not in the same firm,” not between a lawyer and a non-lawyer referral service.

The CPE’s research found that no other state had a provision analogous to RPC 1.5(e)(2). Several states, however, do permit lawyers to share fees with non-profit referral services under their RPCs under certain conditions. The CPE recognizes that one or more county bar associations in Washington already may be collecting referral fees from lawyers under current RPC 1.5(e)(2).

In November 2019, the CPE circulated a draft of the proposed change to RPC 7.2(b)(2), including questions regarding the proposal’s potential impact to the presidents of 32 county bars to solicit their opinion and comment from the membership. Of those who responded, they indicated no problems with the proposed language.

Proposed Amendments

The CPE therefore proposes the following amendments to the RPC:

1. Delete RPC 1.5(e)(2). The current provision raises antitrust concerns.
2. Add a provision to RPC 7.2(b)(2) and amend Comment [6] authorizing non-profit lawyer referral services, including bar association services, to collect a portion of the lawyer’s fee, but only under specified conditions. This placement in Washington’s RPC would keep the practice in line with the structure of the Model Rules “usual charges” exception for lawyer referral services and other states’ RPC. The language of the comment draws on [comment 15 to proposed RPC 7.3\(b\)\(2\)](#), as part of the proposed revisions to Title 7 of the RPC published for comment by the Court in November 2018.
3. Add a new additional Washington comment to RPC 5.4 to cross reference the proposed amendment to RPC 7.2(b)(2).

Recommendation

In the CPE’s view, a limited authorization for non-profit referral services, including bar association referral services, supports the ability of these organizations to connect clients who have identified legal needs to appropriate legal services, advancing an access to justice interest.

Attachments:

- RPC 7.2, 5.4, and 1.5 – Redline

RPC 7.2

(a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services through written, recorded or electronic communication, including public media.

(b) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may

(1) pay the reasonable cost of advertisements or communications permitted by this Rule;

(2) pay the usual charges of a legal service plan or a not-for-profit lawyer referral service, and share a fee with a not-for-profit lawyer referral service that qualifies under Section 501 of the Internal Revenue Code or Washington's Nonprofit Corporation Act, or is a program sponsored by a non-profit organization or a court as authorized under Rule of Professional Conduct 6.5(a);

(3) pay for a law practice in accordance with Rule 1.17; and

(4) refer clients to another lawyer or LLLT pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the lawyer, if

(i) the reciprocal referral agreement is not exclusive, and

(ii) the client is informed of the existence and nature of the agreement.

(c) Any communication made pursuant to this Rule shall include the name and office address of at least one lawyer or law firm responsible for its content.

Comment

[1] – [5] Unchanged.

[6] [Washington revision] A lawyer may pay the usual charges of a legal service plan or a not-for-profit lawyer referral service. A “legal service plan” is a prepaid or group legal service plan or a similar delivery system that assists people who seek to secure legal representation. A “lawyer referral service,” on the other hand, is any individual or entity that operates for the direct or indirect purpose of referring potential clients to lawyers, regardless of whether the term “referral service” is used. ~~organization that holds itself out to the public as a lawyer referral service.~~ Such referral services Not-for-profit lawyer referral services are understood by the public to be consumer-oriented organizations that provide unbiased referrals to lawyers with appropriate experience in the subject matter of the representation and afford other client protections, such as complaint procedures or malpractice insurance requirements. ~~Consequently, this Rule only permits a lawyer to pay the usual charges of a not-for-profit lawyer referral service.~~ The “usual charges” of a legal services plan or not-for-profit lawyer referral service are fees that are openly promulgated and uniformly applied. A lawyer also may share a percentage of a fee in exchange for a referral from not-for-profit lawyer referral services, because these services help to facilitate access to justice and, if they operate under Section 501 of the Internal Revenue Code or the Washington Nonprofit Corporation Act, will use the fee only to defray reasonable operating costs. The fee paid by a client who is referred by the service, however, should not exceed the total charges that the client would have paid if the lawyer referral services was not involved.

RPC 5.4

(a) – (d) Unchanged.

Comment

[1] – [2] Unchanged.

Additional Washington Comments (3-45)

[3] Paragraph (a)(5) was taken from former Washington RPC 5.4(a)(2).

[4] Notwithstanding Rule 5.4, lawyers and LLLTs may share fees and form business structures to the extent permitted by Rule 5.9.

[5] For circumstances when a lawyer can share a fee with a not-for-profit lawyer referral service, see RPC 7.2(b)(2).

RPC 1.5

(e) A division of a fee between lawyers who are not in the same firm may be made only if:

(1) (i) the division is in proportion to the services provided by each lawyer or each lawyer assumes joint responsibility for the representation;

(ii) the client agrees to the arrangement, including the share each lawyer will receive, and the agreement is confirmed in writing; and

(iii) the total fee is reasonable; ~~or~~

~~(2) the division is between the lawyer and a duly authorized lawyer referral service of either the Washington State Bar Association or of one of the county bar associations of this state.~~

TO: WSBA Board of Governors
FROM: Pam Inglesby, Volunteer Operations Specialist
DATE: June 10, 2020
RE: Election of 2020-2021 President-elect

ACTION: Elect Brian Tollefson to serve as the 2020-2021 President-elect of the Board of Governors, with a term starting at the conclusion of the Board meeting on September 18, 2020.

Attached please find Brian Tollefson's application for the position of 2020-2021 President-elect¹.

Enclosures

¹ "If at the time of election, no President-elect in the preceding three years was an individual whose primary place of business was located in Eastern Washington, the President-elect must be an individual whose primary place of business is located in Eastern Washington. For purposes of these Bylaws, "Eastern Washington" is defined as that area east of the Cascade mountain range generally known as Eastern Washington." WSBA Bylaws Sec. VI.0(2) (May 18, 2018).

WASHINGTON STATE BAR ASSOCIATION

President-elect Application Form

INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach the following:
 - A brief (100-word maximum) biographical statement including current occupation, relevant experience, and education.
 - A letter of interest.
 - A resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. **Applications must be received by 5 p.m. PST on Monday, April 20, 2020.**
- 4) Letters of support must be emailed to barleaders@wsba.org by April 29.
- 5) Applications will be included in the May Board of Governors meeting materials and posted on the WSBA website.
- 6) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for President-elect position of the Washington State Bar Association

I, the undersigned active member of the Washington State Bar Association, am running for the President-elect position.

Brian M. Tollefson

7197

Name of candidate (please print)

WSBA Bar #

Brian M. Tollefson

Signature of Candidate

Signature of Nominator (if relevant)

WSBA Bar #

Note: By signing this form, the candidate understands and agrees that as part of the election process for this position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PDT on April 20, 2020. Filing may be accomplished by emailing the form and attachment to barleaders@wsba.org.

Brian M. Tollefson is a principal at Black Robe Dispute Resolution Services, PLLC, and a WSBA Governor (2017-2020). Previously, he served as a judge for Pierce County Superior Court (1989-2016). During his judicial career, he was active in the Superior Court Judges Association as a member of the Board of Trustees, and several SCJA committees. Before his judicial career, he was a partner at a Tacoma, Washington law firm. He graduated from Willamette University College of Law (1976), served on the *Willamette Law Journal*, and has a Master's degree (Judicial Studies, 2009) from the University of Nevada, Reno.

Brian M. Tollefson
P.O. Box 7031
Tacoma, WA 98417-0031
253-389-0071
BHMTollefson@outlook.com

April 14, 2020

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

Dear Governors,

I submit this letter of interest with accompanying resume and brief biographical statement and apply for the position of President-elect.

It has been an honor and privilege to be a part of an outstanding Board of Governors that is working well together to make thoughtful decisions for the members and the public. I would be humbled to continue serving and expanding the cohesiveness of this Board if you allow me to serve as President-elect and eventually President.

It's safe to say that any candidate seeking the President-elect position for the WSBA Board of Governors is likely to have an impressive resume. But it's not just the candidate's knowledge and experience that matters - it's also what the candidate can accomplish with all that knowledge and experience.

We must look to the future and plan for it. One of my goals is to assist the Board and continue to prioritize its scarce time and resources to focus on those strategies that best meet the needs of the many WSBA members and the public.

Our WSBA still faces many challenges. My objective is to use my two and one-half years of tenure on the Board, my 27 years as a Superior Court Judge and my decade as a practicing attorney to carry out the policies adopted by our Board of Governors.

For instance, I believe WSBA needs to help our members navigate the practice of law given the new procedural and economic realities of our State's present legal system state of affairs. That is why maintaining the present Board continuity now is more important than ever. These new realities are likely to continue long after the Governor lifts the social distancing orders. This suggests improving transparency and accountability to our members by exploring a possible reduction of inefficient discretionary WSBA spending with a view to reducing WSBA's membership fees or at least not increasing those fees for the foreseeable future. Access to justice will be impaired if WSBA members go inactive or

voluntarily resign from WSBA because they cannot justify what appears to be a historic trend toward ever-increasing bar fees and lawyer regulations.

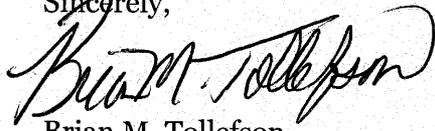
Another goal is to enhance our WSBA work with our Supreme Court in an on-going collaborative partnership. My years of experience as a judge and a professional mediator provide me with the unique skills and experience that will enhance interfacing with the Justices. I will address with the Court the important issues and policies of the Board, and continue to work with the Court to find common ground and meaningful solutions.

The Board of Governors deserves a hard-working President-elect. I have the time, experience and desire. I am eager to continue the pursuit of the Board' work with a focus on enhancing our profession. This is close to my heart. After over 40 years in the legal profession, my love and respect for the law have not abated.

This Board can rest assured that I will carry out the policies of the Board and my advocacy for them will be my paramount goal. I respectfully ask for your important vote.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian M. Tollefson". The signature is fluid and cursive, with a large loop at the end.

Brian M. Tollefson

Enclosures

Brian M. Tollefson
P.O. Box 7031
Tacoma, Washington, 98417-0031
253-389-0071
BHMTollefson@outlook.com

EDUCATION:

- Master's Degree in Judicial Studies, University of Nevada, Reno (2009)
- Fellow of the Advanced Science & Technology Adjudication Resource Center 2009 (now known as the National Courts and Sciences Institute (NCSI))
- J.D., cum laude, Willamette University College of Law in May 1976. Member of the Willamette Law Journal 1974 to 1976 and Articles Editor of the Journal 1975 to 1976
- Bachelor of Arts in Business Administration (Accounting major), University of Washington, June 1973

ADMITTED TO PRACTICE:

- Washington State Courts, November, 1976
- Also admitted to the following Federal Courts: U.S. District Court for the Western and Eastern Districts of Washington; U. S. Court of Appeals for the Ninth and Federal Circuits; and the United States Claims Court.

EMPLOYMENT:

- Black Robe Dispute Resolution Services, PLLC, (2017 to Present)
- Judge of the Superior Court for Pierce County, January, 1989 - May, 2016.
- Partner at Kane, Vandenberg, Hartinger & Walker, Attorneys, (Currently: Vandenberg, Johnson and Gandara) from January, 1985 to December, 1988. Associate lawyer in that at same firm March 1979, to December 1984.
- Law Clerk for the Honorable Charles T. Wright, (former Chief Justice of the Washington State Supreme Court) August, 1976 to January, 1979.

ACTIVITIES RELATED TO THE LAW AND LEGAL SYSTEM:

- Presiding Judge, Pierce County Superior Court Criminal Division (July - December, 2012)
- Presiding Judge Pierce County Superior (1997)
- Pierce County Superior Court Executive Committee (1995-97)

- Chair of Pierce County Juvenile Court Executive Committee (1991 - 1993)
- Family Court Judge (certain kinds of contested parenting plan cases) (January 2013 – December 2014)
- Emeritus Member of Robert J. Bryan American Inns of Court, Tacoma Washington
- Trustee for the Washington State Superior Court Judges Association (“SCJA”) (October 1994 - April 1999)
- Chair of the Washington State Superior Court Judges Association (“SCJA”) Technology Committee (2000 - 2005)
- Chair of the Washington State Superior Court Judges Association (“SCJA”) SCJA Improvement of Judicial Administration Committee (1992 to 1994)
- Member of Pierce County Superior Court Family Law Committee (2013 – 2015)
- Member of Pierce County Juvenile Court Executive Committee (1989 - 1994 and 2009 - 2010)
- Member of the former Pierce County Superior Court Budget and Finance Committee (1997 - 1999)
- Washington State Superior Court Judges Association (“SCJA”) committee service: Family and Juvenile Court Committee; Judicial Education Committee and Technology Committee
- Pierce County Superior committees including Civil Plus, Criminal Procedures, Local Court Rules, Civil Case Management, and Guardian ad Litem committees
- Trustee of the Pierce County Law Library (1990 - 1996)
- Member of the Board of Directors for Washington State CASA (Court Appointed Special Advocates) October, 2004 to October, 2006
- Chair and member of Tacoma Hate Crimes Task Force, Fall of 1990 to early 1991
- Youth and Law Forum participant (sponsored by the Pierce County Minority Bar Association)

TO: WSBA Board of Governors
FROM: President Rajeev D. Majumdar
DATE: June 15, 2020
RE: **Proposal for Process of At-Large Governor Interviews**

ACTION: Adopt the process for the at-large governor interviews recommended by the Board of Governors Executive Committee.

In order to make sure all 14 candidates can be interviewed during the time allotted (currently 4.5 hours), the Executive Committee proposes that the election be conducted similar to the district candidate forum.

Each candidate will be invited to make a 3-minute opening statement then asked the following questions only:

1. In your opinion, what do you think is the biggest issue facing the bar over the next couple of years and what ideas do you have to help the bar overcome this issue?
2. As a board member what would you do to promote diversity, equity, and inclusion on the BOG itself and in the profession as a whole?
3. What are your thoughts about the digitalization of legal practice in Washington?
4. What about the WSBA's actions this year have you found the most helpful to members?
 - a. Follow-up: What initiative would you like to see happen to help members in serving the public?
5. Since there is more than one candidate running for the open position, tell us what sets you apart, and why you would be the best choice?
 - a. Follow-up: What has been your involvement in your local or specialty bar, WSBA, other non-profit, or civic boards?

TO: WSBA Board of Governors
FROM: Pam Inglesby, Volunteer Operations Specialist
DATE: June 10, 2020
RE: Election of 2020-2023 At-Large (B) Governor

ACTION: Elect one of the 14 candidates listed below to the 2020-2023 At-Large (B) Governor seat on the Board of Governors, for a three-year term starting at the conclusion of the Board meeting on September 18, 2020.

Attached please find applications and letters of support for the 2020-2023 At-Large (B) Governor¹ candidates , listed in order of appearance, which was determined by random drawing:

- | | |
|---------------------|---------------------|
| 1. Kim Sandher | 8. C. Olivia Irwin |
| 2. Selina Kang | 9. Luis Beltran |
| 3. Kristine Kuenzli | 10. Laura Sierra |
| 4. Jean Cotton | 11. Stacy Tucker |
| 5. Michael Hall | 12. Allison Foreman |
| 6. Connie Wan | 13. Ailene Limric |
| 7. Lisa Mansfield | 14. Robert Morgan |

Enclosures

¹ "The BOG will elect two At Large Governors who are persons who, in the ROG's sole discretion, have the experience and knowledge of the needs of those lawyers whose membership is or may be historically under-represented in governance, or who represent some of the diverse elements of the public of the State of Washington, to the end that the BOG will be a more diverse and representative body than the results of the election of Governors based solely on Congressional Districts may allow. Under-representation and diversity may be based upon the discretionary determination of the BOG at the time of the election of any At Large Governor to include, but not be limited to age, race, gender, sexual orientation, disability, geography, areas and types of practice, and years of membership , provided that no single factor will be determinative." WSBA Bylaws Sec. VI.D(1)(a) (May 18, 2018).

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form At-Large Position

This position represents licensed legal professionals whose membership has historically been underrepresented in governance. All active WSBA members are eligible to apply.

INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach the following:
 - A brief (100-word maximum) biographical statement including current occupation, relevant experience, and education.
 - A letter of interest.
 - A resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. **Applications must be received by 5 p.m. PST on Monday, April 20, 2020.**
- 4) Letters of support must be emailed to barleaders@wsba.org by April 29.
- 5) Applications will be included in the May Board of Governors meeting materials and posted on the WSBA website.
- 6) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned active member of the Washington State Bar Association, am running for the At-Large position.

Kim Sandher

42630

Name of candidate (please print)

WSBA Bar #



Signature of Candidate

Signature of Nominator (if relevant)

WSBA Bar #

Note: By signing this form, the candidate understands and agrees that as part of the election process for this position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PDT on April 20, 2020. Filing may be accomplished by emailing the form and attachment to barleaders@wsba.org.

April 20, 2020

Board of Governors
Washington State Bar Association
600 University Street, Suite 2200
Seattle, WA 98101

Re: At-Large Board of Governors Position

Dear Board of Governors,

It is with great enthusiasm, I submit this application for the At-Large Governor position. I am confident my leadership experience with various bar associations, along with my diverse background is a great asset for this role.

As Immediate Past Chair of the Washington Young Lawyers Committee, I have the pleasure of working closely with Washington State Bar Association members and staff. Over the past several years I have become very familiar with the Washington State Bar Association bylaws, mission, and guiding principles. I am passionate about advancing its goals for the lawyer community, as well as the public.

One of my goals as Chair of the WA Young Lawyers Committee last year was having more input and connection with local and minority bar associations. For this reason we had diversity speakers and discussions on this from our very first meeting. During my Chair-Elect year, I worked with the South Asian Bar Association to plan a Welcome Reception for the American Bar Association Midyear Meeting in Vancouver. The WA Young Lawyers Committee helped promote this. I also believe in rigorously volunteering legal services to the underserved, even more importantly now with everything happening in the world. Our committee has had countless discussions to come up with solutions to better serve the public.

I first became involved with the Washington State Bar Association in 2010 by helping put together the Spring CLE for the Real Property Probate and Trust section. I was quickly promoted to co-chair it because of my efforts. I was later appointed young lawyer liaison to the section and an editor for the section newsletter. As my attached resume shows, I have continued to be involved with the WSBA in various capacities

since then and have been an active leader in both the American Bar Association and King County Bar Association.

Being an under-forty, no longer “young” South Asian woman, born and raised on a farm across the border in Canada, I bring a diverse perspective to the Board, with a focus on helping advance the future of our profession with utmost integrity.

Females make up half the population of Washington¹ even though the current Board is mainly male. While there are currently Asians on the Board and Asians make up 11.6% of the electorate in Washington², all minority groups need to have a voice on the Board, whether they are from a large county or small and whether wealthy or underprivileged. The Board needs to be a reflection of our state. Promoting diversity and equality is extremely important to me and is one of the Washington State Bar Association’s Guiding principles. I want to help the historically underrepresented have a voice at the table.

I look forward to hearing back from you to discuss more about how I can help advance the Washington State Bar Association’s mission and guiding principles.

Sincerely,

Kim Sandher

¹ <https://www.census.gov/quickfacts/WA>

² https://capaa.wa.gov/wp-content/uploads/2020/03/Washington-2020.API_.FactSheet.pdf

Kim Sandher is the Immediate Past Chair of the Washington Young Lawyers Committee and an attorney with Pivotal Law Group, in Seattle, Washington. With a background in litigation, her primary practice is transactional commercial real estate and business law. She has a Bachelor's degree in Political Science and Economics from the University of British Columbia and a Juris Doctor from Seattle University. She volunteers consistently with various organizations, is a scholar with the American College of Real Estate Lawyers, and has held numerous leadership positions with the Washington State Bar Association, King County Bar Association, and American Bar Association.

PROFESSIONAL AFFILIATIONS

WSBA Young Lawyer Committee – <i>Immediate Past Chair</i>	October 2019 to Present
ABA RPTE Single Family Residential Committee – <i>Chair</i>	August 2018 to Present
WSBA Young Lawyer Committee – <i>Chair</i>	October 2018 to 2019
WSBA Young Lawyer Committee – <i>Chair Elect</i>	October 2017 to 2018
ABA Real Property, Trust and Estate Law Section – <i>Council</i>	September 2014 to 2018
ABA Real Property, Trust and Estate Law Section – <i>YLD Liaison</i>	September 2014 to 2018
KCBA Bankruptcy Section – <i>Chair</i>	July 2016 to July 2017
WSBA Young Lawyer Committee – <i>King County Representative</i>	October 2015 to 2017
WSBA Young Lawyer Committee – <i>Debt Subcommittee Chair</i>	October 2015 to 2016
KCBA Bankruptcy Section – <i>Vice Chair</i>	July 2015 to June 2016
KCBA Bankruptcy Section – <i>Treasurer</i>	July 2014 to June 2015
ABA YLD Bankruptcy Committee – <i>Vice Chair</i>	September 2014 to 2015
ABA YLD Real Property, Trust and Estate Committee – <i>Chair</i>	September 2012 to 2014
WSBA Real Property, Probate, and Trust Newsletter – <i>Editorial Board</i>	September 2011 to 2013
WSBA Real Property, Probate, and Trust Section – <i>WYLD Liaison</i>	September 2011 to 2012

CIVIC INVOLVEMENT

King County Bar Association Neighborhood Legal Clinic – *Volunteer Attorney*
 East Side Legal Assistance Program – *Volunteer Attorney*
 The Leukemia & Lymphoma Society – *Volunteer*

SPEAKING AND AWARDS

2020 Panel Speaker for “*Late Cycle Construction Deals: Financing Considerations*”
 2020 Superlawyers Rising Star Real Estate
 2019 Superlawyers Rising Star Real Estate
 2018 Chaired ABA RPTE’s “*First Time Attendee Orientation*”
 2017 Chaired ABA RPTE’s “*First Time Attendee Orientation*”
 2016 Awarded American College of Real Estate Lawyers Scholarship
 2016 Co-chaired WSBA’s NLE “*Student Loan Debt and Financial Management*”
 2015 Panel Speaker for “*Bankruptcy & Marijuana: Don’t get Lost in the Fog*”
 2014 Awarded American Bar Association’s Real Property Fellowship
 2012 Co-chaired WSBA’s “*Insurance Essentials for Real Property and Land Use*”
 2011 Awarded American Bar Association’s Young Lawyer Scholarship
 2011 Co-chaired WSBA’s “*Building a Framework – Important Checklists in Real Estate Practices*”

EMPLOYMENT EXPERIENCE

Pivotal Law Group, PLLC – *Associate Attorney* **October 2017 to Present**
 Litigation and transactional work related to business and real estate, including setting up businesses, negotiating complex real estate and business documents, structuring business transactions, reorganizations, succession planning, purchase, sale, and financing of businesses, acquisition, leasing, and sale of commercial and residential real estate developments and properties, subdivisions, development of condominium projects, sale and leasing of condominium units, as well as advising with respect to ongoing business operations.

Rao & Pierce, PLLC – *Associate Attorney* **March 2013 to September 2017**
 Senior associate attorney managing staff and junior associates; conduct real estate transactional work, including drafting agreements and overseeing closings. Handle all phases of real estate, bankruptcy and family law litigation, including case strategy, discovery, motion practice, settlement negotiation, mediation, arbitration, trial, and appeal.

Jacoby & Meyers, Bankruptcy – *Associate Attorney* **October 2011 to March 2013**
Worked at largest national, high volume bankruptcy firm. Ranked as top performer for new client retention. Drafted motions and petitions; filed complex consumer bankruptcy cases for individuals and business owners; negotiated lien removal and settlements with opposing counsel and creditors; represented clients at hearings throughout Washington State.

Mercado & Hartung, PLLC – *Associate Attorney* **February 2011 to October 2011**
Drafted purchase and sale agreements and lease agreements; worked with clients to prevent foreclosure through loan modifications, short sales, and bankruptcy; negotiated with lenders; estate planning; drafted demand letters; drafted acquisition, leasing, financing, and development documents for real estate clients; represented clients in court for traffic matters.

Northwest Justice Project – *Legal Intern* **August 2010 to April 2011**
Restrained/postponed foreclosures, pursued predatory lending/breach of contracts; drafted letters and verbally negotiated with lenders, servicers and trustees; analyzed loan and real estate documents; researched tax, insurance, property value and mortgage charges; researched and drafted position papers on foreclosure issues; drafted briefs and legal memoranda for State court cases

Northwest Immigration Rights Project – *Pro Bono Attorney* **August 2010 to April 2012**
Researched country conditions, drafted legal briefs, and attended hearings for asylum seekers.

Millar & Smith, PLLC – *Legal Intern* **January 2010 to June 2010**
Cross border law firm; worked in both Canada and the United States; researched country conditions; drafted briefs and opinion memorandum; interviewed clients to determine immigration eligibility, drafted letters, and prepared clients for interviews.

Seattle Mayor's Office – *Legal Extern* **January 2009 to May 2009**
Researched, proposed, promoted and drafted legal memoranda on local issues including a potential plastic bag tax, replacement of Alaskan Way Viaduct, public gun control laws, salt/snow removal policies and public disclosure laws; researched local ordinances, zoning codes, municipal, state and foreign laws, and cases regarding above topics for Counsel to the Mayor

BAR ADMISSION

State: Washington State Bar Association **2010**
Federal: U.S. District Court for the Western District of Washington **2011**

EDUCATION

Seattle University School of Law, Juris Doctor **May 2009**
University of British Columbia, Bachelor of Arts in Political Science and Economics **May 2004**

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form

At-Large Position

This position represents licensed legal professionals whose membership has historically been underrepresented in governance. All active WSBA members are eligible to apply.

INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach the following:
 - A brief (100-word maximum) biographical statement including current occupation, relevant experience, and education.
 - A letter of interest.
 - A resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. **Applications must be received by 5 p.m. PST on Monday, April 20, 2020.**
- 4) Letters of support must be emailed to barleaders@wsba.org by April 29.
- 5) Applications will be included in the May Board of Governors meeting materials and posted on the WSBA website.
- 6) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for position on the Washington State Bar Association Board of Governors

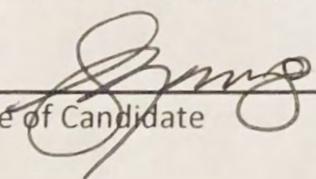
I, the undersigned active member of the Washington State Bar Association, am running for the At-Large position.

SELINA KANG

Name of candidate (please print)

39569

WSBA Bar #


Signature of Candidate

Signature of Nominator (if relevant)

WSBA Bar #

Note: By signing this form, the candidate understands and agrees that as part of the election process for this position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PDT on April 20, 2020. Filing may be accomplished by emailing the form and attachment to barleaders@wsba.org.

SELINA P. KANG

April 20, 2020

Washington State Bar Association
1325 4th Ave suite 600
Seattle, WA 98101

Dear Sir or Madam:

Re: Letter of Interest

Please accept this letter, along with my CV, a short bio, and the Board of Governors Application Form as my application for the At-Large Position with the WSBA Board of Governors.

I became a member of the Washington State Bar in 2007. I specialize in information privacy and data protection law. I am also a certified member of the International Association of Privacy Professionals and the BC Privacy Professionals. I am fully trilingual (English, Punjabi, and Hindi).

Over the last 13 years, I have been actively involved in the legal community. I am a past executive member of the Women Lawyers Forum (2010-2017), the legislative review committee of the Privacy Law section (2010-2014), a past executive member of the International Practice Section (2011-2013), and a past executive member of the ABA Young Lawyers Division (2006-2009). I am also a member of the WEB Alliance of Women's Business Network and serve on the committee for the Economic Forum: Women as a Catalyst for Growth.

My credentials offer a unique combination of professional experience and academic training are well suited for the At-Large Position. I feel that my diverse experience will help me bring a fresh perspective to the WSBA Board of Governors.

Given my personal attributes and work experiences, I strongly believe that I can effectively contribute to the WSBA Board Governors.

Thank you in advance for your consideration.

Sincerely,



Selina Kang

BIOGRAPHY FOR THE WSBA BOARD OF GOVERNORS, AT-LARGE POSITION

Selina Kang became a member of the WSBA in 2007. She specializes in information privacy and data protection law. She is a certified member of the International Association of Privacy Professionals.

Over the last 13 years, she has been actively involved in the legal community. She is a past executive member of the Women Lawyers Forum (2010-2017), the International Practice Section (2011-2013), the ABA Young Lawyers Division (2006-2009), and the legislative review committee of the Privacy Law section (2010-2014). She is also a member of the WEB Alliance of Women's Business Network.

(96 words)

SELINA P. KANG

SUMMARY

Experienced privacy lawyer, with over a decade of experience, in providing practical and coordinated advice across the business enterprise in both the private and public sectors. Expertise in data protection and privacy including an in-depth knowledge of global privacy legislation, practices, and processes. A motivated individual with a strong work ethic, professional etiquette, and a proven track record of developing a rapport with clients and stakeholders in a fast paced, dynamic environment. Fully trilingual (English, Punjabi, and Hindi).

PROFESSIONAL EXPERIENCE

- February 2020 - Present
Newport Law Group, PLLC, Seattle, WA
Attorney (Contract)
- General law practice in the areas of civil litigation, employment law, business law, immigration law, privacy law, and general business matters
- May 2016 - January 2020
Provincial Health Services Authority (PHSA), Vancouver, B.C.
Privacy Law Advisor
- Specialized in privacy reviews, privacy breaches, audits, and access to information
 - Identified and assessed privacy issues and risks and recommended strategic, tactical alternatives to address those issues and risks
 - Advised on privacy compliance across the business enterprise, consistent with the organization's goals, objectives, plans and priorities
 - Advised on the development of policies and procedures to ensure consistency with requirements and best practices
 - Designed and delivered privacy compliance education and training across the organization
 - Led privacy team for the provincial e-Health initiative for provincial rollout
 - Led the breach management and privacy audit review portfolios
 - Managed staff (including recruitment and on-boarding) for assignment of work and portfolio development
- November 2014 - April 2016
SPK Consulting (in association with Alliance Lex Law), Vancouver, B.C. & Seattle, WA
Lawyer
- Specialized in the areas of privacy, data protection, and access to information, administrative law, and cross border law
 - Researched and drafted submissions, opinions, and memoranda
 - Negotiated and drafted a variety of agreements
 - Analyzed legal issues to provide practical advice to clients and senior counsel
 - Advocated for clients before administrative bodies and other proceedings
- June 2014 - February 2016
Privacy Section, CBABC, Vancouver B.C.
Co-Chair - Working Group, Legislative Review Committee
- Researched privacy implications on legislation changes of the FIPPA & PIPA
 - Key drafter of subsection's submissions to the Special Committee to Review FIPPA
- September 2012 - November 2014
Davis LLP, Vancouver, B.C.
Associate Lawyer
- National law firm associate with a cross-border law practice in the areas of business immigration, data protection privacy and access to information, employment, and administrative and regulatory law
 - Analyzed legal issues to provide practical advice to clients and senior counsel
 - Researched and drafted legal opinions, submissions, and memoranda of law
 - Reviewed, negotiated, and drafted a variety of agreements and contracts
 - Created and developed precedents in cross-border law
 - Advocated for clients before administrative bodies
 - Oversaw files independently as well as on behalf of senior counsel

SELINA P. KANG

- Supervised staff including assignment of work, coaching and mentoring, career development, as well as administrative issues
- Provided strategic, tactical advice directly to senior level executives for multinational organizations and commercial enterprises (including a global engineering firm with revenues of \$7.2 billion on a large project involving over 2000 employees; an international imaging company with over 32,000 employees; a local alcohol beverage company with over 800 employees and revenues surpassing \$100 million etc.).

February 2010 -
September 2012

Alliance Lex Law Corporation, Vancouver, B.C.

Lawyer

- General law practice at a boutique law firm in the areas of privacy, data protection and access to information law, health law, employment law, cross-border law, administrative and regulatory law, and general business matters
- Analyzed legal issues to provide practical advice to clients and senior counsel
- Researched and drafted submissions, legal opinions, affidavits, and memoranda
- Advocated for clients before administrative bodies (such as the Information Privacy Regulator, Employment Standards Branch, etc.), Federal Court, and Supreme Court with senior counsel and independently
- Oversaw files independently as well as on behalf of senior counsel

PROFESSIONAL DESIGNATIONS

December 2017

International Association of Privacy Professionals

Certified Information Privacy Professional (CIPP)

Certified Information Management Professional (CIPM) (expected summer 2020)

November 2007

Washington State Bar Association, Seattle, WA

EDUCATION

May 2007

Florida Coastal School of Law, Jacksonville, FL

Juris Doctorate (Certificates in Advanced Legal Writing and International Law)

Honors: Moot Court Honour Board, Executive Member
Bradley Memorial Scholarship for Moot Championship
Governor's Scholar Scholarship
Phyllis Stansell Award - Convocation
Recognized Honour in Pro Bono Commitment - Convocation

May 2002

University of British Columbia, Vancouver, B.C.

Bachelors of Arts (Political Sciences and International Relations)

Honors: Passport to Education Scholarship

HIGHLIGHTS OF PROFESSIONAL ACTIVITIES

2014 - Present

The WEB Alliance of Women's Business Network

BC Economic Forum Committee (2015 - 2018)

2012 - Present

BC Privacy Professionals Forum

Speaker on Privacy Case Law Updates

2009 - Present

Canadian Bar Association

Executive Member, Women Lawyers Forum, B.C. branch (2012 - 2017)

Committee Member, Privacy Law Section (2012 - 2016)

Co-Chair, Privacy Law Legislative Review Committee (2014 - 2016)

2007 - Present

Washington State Bar Association

Executive Member, International Practice Section (2011 - 2013)

SELINA P. KANG

- 2007 - Present **American Bar Association**
Sections: International Law, Administrative Law and Regulatory Practice, Employment Law, Corporate Counsel
- 2018 - 2019 **Canadian Institute for Information and Privacy Studies**
Board of Directors, Communications

HIGHLIGHTS OF COMMUNITY INVOLVEMENT

- February 2020 - Present **University Women's Club**, Seattle, WA
Member
- February 2020 - Present **Raise the Bar Triathlon Club**, Seattle, WA
Member
- September 2013 - Present **BC Cancer Foundation**, Vancouver, B.C.
Volunteer & Fundraiser
- October 2003 - Present **United Way of the Lower Mainland**, Vancouver, B.C.
Community Fundraising Volunteer
- Recognized for Community Service Excellence Award twice

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form At-Large Position

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INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach the following:
 - A brief (100-word maximum) biographical statement including current occupation, relevant experience, and education.
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- 5) Applications will be included in the May Board of Governors meeting materials and posted on the WSBA website.
- 6) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned active member of the Washington State Bar Association, am running for the At-Large position.

Kristine D. Kuenzli

26314

Name of candidate (please print)

WSBA Bar #

Kristine D. Kuenzli

Signature of Candidate

Signature of Nominator (if relevant)

WSBA Bar #

Note: By signing this form, the candidate understands and agrees that as part of the election process for this position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PDT on April 20, 2020. Filing may be accomplished by emailing the form and attachment to barleaders@wsba.org.

COLONEL KRISTINE D. KUENZLI

RE: Washington State Bar Association Board of Governors At-Large Position Application

Dear Selection Committee,

I hereby submit my application for one of the At-Large Board of Governor's positions. I seek to represent a specific underrepresented group in WSBA governance: active duty, reserve and guard military members of the Washington State Bar.

I have a diverse background of professional and life experiences. I have served as an Air Force Reserve Judge Advocate General member to different organizations, ranging from wing, Numbered Air Force and AF Headquarters level positions, while maintaining my active bar license with Washington State. I am currently serving as the Head, Department of Law at the United States Air Force Academy, Colorado Springs, Colorado, where I have also taught as an Assistant Professor for the last five years. In my position as the Head of the Department of Law, I lead 26 faculty who deliver curriculum to over 4000 cadets. I also serve on various Dean of Faculty level committees to develop strategic plans and programs for the institution. Furthermore, my 23 years of military service demonstrates my record of integrity, service before self and excellence both for the Air Force and the Air Force Reserves.

In addition, I also have a proven record of oral advocacy and scholarship that started at Gonzaga Law School and has continued throughout my career. At Gonzaga I was the Best Oralist and a member of the second place team at the Northwest Region, 46th Annual National Moot Court Competition. I served on the Gonzaga Law School Editorial Board and published my first article shortly after graduation. I continued my focus on scholarship with an article in the Air Force Law Review, serving twice as a member of the Air Force Law Review Editorial Board. Further, I was selected to serve as an editor and then a contributor to the Military Commander and the Law, the handbook for Air Force commanders on a variety of topics. Most recently, I have been selected for publication by a diverse body of institutions, including the ABA Judges Journal, the University of Pittsburgh Journal of Law and Commerce and the National Security Law Journal. Finally, I continue to publish Air Force materials, including Air Force Instructions and educational materials for both the Judge Advocate General Corps and the Reserve Corps. This record of oral advocacy and scholarship demonstrates my ability to engage in discussions and debate in a professional and well-reasoned manner.

In addition, I have a strong service record, both within the Air Force and in my civilian role as an Air Force active duty spouse. I have vast experience interacting with a diverse group of individuals, including senior officers, commanders, community members, military members and spouses. I have developed programs to benefit military dependents and led efforts to support military members. Some of my more unconventional life experiences, like being the President of

the Fishhawk Soccer Club, highlight my knack of excelling outside of my comfort zone as well as my ability to work with a varied group of individuals.

In short, I think I am a well-rounded candidate for an At-Large position and believe that I will represent active duty, reserve and guard military members of the Washington State Bar. Further, I believe I have the background necessary to perform in a shared governance situation and look forward to working on strategic level planning for WSBA. Thank you for your consideration of my application.

Sincerely,

Kristine D. Kuenzli

Kristine D. Kuenzli

COLONEL KRISTINE D. KUENZLI

Colonel Kristine D. Kuenzli is the Head, Department of Law, United States Air Force Academy and an Air Force Reserve member assigned to 9th Air Force at Shaw AFB, South Carolina. She received her bachelor's degree in Economics and Political Science in 1992 from the University of California at Davis and her law degree, *cum laude*, from Gonzaga University School of Law in 1996. She is licensed in the state of Washington. In addition to a demonstrated ability to work in shared governance organizations, she has a strong background of oral advocacy, scholarship and service.

TEACHING/ACADEMIC EXPERIENCE:

Current Position: October 2019 – present, Head, Department of Law, United States Air Force Academy, Colorado Springs, Colorado

- Leads a team of twenty five faculty and staff in the design and teaching of nineteen core and elective law courses, in scholarship across a variety of disciplines, in the legal support to the administration of the Cadet Honor System, and in the development of officers of character for the U.S. Air Force. Serves on several Dean of Faculty level committees, including Faculty Council, Curriculum Committee, the Leaders of Character Line of Effort and the COVID-19 specific Curriculum Line of Effort.

Assistant Professor of Law, United States Air Force Academy, Colorado Springs, CO

Courses taught:

- Law 220, Law for Air Force Officers (Spring 2015 – present) Instructed 400+ USAFA cadets in Law for Air Force Officers, a core course introducing cadets to the legal knowledge and skills they will need as Air Force officers and educated citizens. Delivered over 890 platform hours, developed course syllabus, exercises and assessments, including extensive legal research and writing. The course examines the nature of law and its role in American society and the military; provides an overview of the American and military justice legal systems; examines selected foundational constitutional rights, particularly as they apply in the armed forces; and introduces substantive areas of the law that military officers likely will encounter in their personal and official capacities, including criminal law, civil law, military administrative law, and the law of armed conflict.
- Soc Sci 420, Law and Economics (Spring 2016, 2017, 2020) Instructed 55 USAFA cadets in Law & Economics, an interdepartmental upper class course covering a variety of legal concepts, including property, contracts, torts and criminal law in light of economic principals. The course employs basic economic principles in an effort to understand the nature of legal rules, their effect on society and to suggest how these rules might be reformed. Delivered over 120 platform hours, developed course syllabus, exercises and assessments, all with a focus on legal research, writing and advocacy.
- Law 421, Law for Commanders (Fall 2018) Instructed 26 USAFA cadets in Law for Commanders, a upper class course for Legal Studies' majors in their final year at USAFA. Course focus is on real-world scenarios to help students think like a commander who has respect for the rule of law, knows how to evaluate basic legal advice about a problem, and appropriately uses it to make good decisions for the Air Force. Examines command authority over AF personnel, the extent of that authority to accomplish the mission and instill good order and discipline, the effective use of disciplinary tools, and common command/legal concerns facing leaders.

Chair, Curriculum Assessment Committee, USAFA/DFL (Fall 2017 – Spring 2019) Led the DFL curriculum assessment committee, integrating all core and upper level DFL courses into USAFA core curriculum program goals and the Critical Thinking and Clear Communication institutional outcomes. Required regular meetings, evaluation of all DFL course syllabi, and providing feedback to entire department on course goals and assessments.

Instructor, JAG IMA Senior Leadership Course, March 20 – 21, 2018, April 25 – 26, 2019
Instructed 50+ senior reserve JAGs in Reserve OPRs, PRFs, and Award Writing. Performed 5 platform hours of instruction; created instructional materials and provided feedback on group led exercises.

Instructor, Individual Reserve Orientation Course, May 13 – 14, 2016, June 22 – 23, 2017, August 10 – 12, 2018, November 1 – 3, 2019
Instructed 94 new reservists in Pay, Benefits & Retirement; Career Development/Management. Performed 8 platform hours of instruction. Continued to mentor reservists after course completion to facilitate a smooth transition into the Reserve Corps.

Instructor, Annual Survey of the Law, April 15 – 17, 2016; April 17 – 19, 2015
Instructed 130+ attendees on the Uniformed Services Former Spouses Protection Act. Performed 4 platform hours of instruction on evolving issues in speciality area of law.

Instructor, Reserve Orientation Course, April 28 – 29, 2014, September 19 – 21, 2014, May 30 – 31, 2015; September 11 – 14, 2015
Instructed 88 new reservists in Career Management; Additional Opportunities. Performed 8 platform hours of instruction.

Civil Law Instructor, Air Force Judge Advocate General School, January 2009 – April 2009
Selected for guest instructor tour. Performed 2 platform hours of instruction & 14 hours of seminar instruction. Seamless integration as lecturer, seminar leader and evaluator for Judge Advocate Staff Officer Course. Developed and instructed brand new HIPAA module, including briefing, outline, seminar problems and instructor notes. Overhauled FOIA/PA module and instructed Critical Command Issues module. Served as Admin Discharge Exercise evaluator and Moot Court Judge. Excelled as SNCO Academy & SOS Seminar mentor. Chosen as AFJAGS Reserve Field Grade Officer of the Quarter.

Course Director & Instructor, Reserve Orientation Course, July 2006 – October 2009
Restarted and rejuvenated three day semi-annual course after four year absence. Convinced senior reserve leadership to provide expanded mentoring and guidance to new reserve members, including direct accession applicants. Developed course materials for four different courses and instructed over 85 new reservists in reserve requirements, officership and career progression. Performed 8 platform hours of instruction. Interacted with students, both in and out of the classroom, as instructor and mentor. Continued to mentor reservists after course completion to facilitate a smooth transition into the Reserve Corps.

Course Co-director, Medical Law Short Course, June 2001 – October 2004
Administrative and logistical support for annual course ensured more than 125 joint-service members trained on contemporary medical legal issues.

TRADITIONAL PUBLICATIONS:

“Something to Believe In: Aligning the Principle of Honor with the Modern Battlefield,” co-wrote with Major Aaron Jackson, *George Mason University National Security Law Journal*, Issue 6:35, Fall 2018

“Is your Kidney for Sale? An Economic and Policy Perspective on the Legalization of a Living Kidney Vendor Program in the United States,” *University of Pittsburgh Journal of Law and Commerce*, Issue 36:2, Spring 2018

“Reserve Retirement and the Uniformed Services Former Spouses Protection Act: The Hypothetical Kuenzli v. Kuenzli Divorce,” *The Judges' Journal*, Spring 2017

“Uniformed Services Former Spouses’ Protection Act: Is There Too Much Protection for the Former Spouse?” *Air Force Law Review*, Issue 47:1, Fall 1999.

“Opportunity Wasted: The Supreme Court’s Failure to Clarify Religious Liberty Issues in *Rosenberger v. Rector and Visitors of the University of Virginia*,” *Gonzaga Law Review*, Issue 32:85, Fall 1996

ADDITIONAL PUBLICATIONS:

Editor, *Law 220 Law for Air Force Officers Textbook*, Summer 2018 edition

Lead Author, Training of Air Reserve Component Judge Advocates and Paralegals, *Air Force Instruction 51-801*, April 2018

Lead Author, Management of the Judge Advocate General’s Corps Reserve, *Air Force Instruction 51-802*, April 2018

Contributor, Mobilization Authority; Total Force Resource and Guard; Uniformed Services Former Spouses Protection Act, *The Military Commander and the Law*, 2016 edition

Uniformed Services Former Spouses Protection Act, *Annual Survey of Law Materials*, Apr 16

Editor, *The Military Commander and the Law*, 2014 edition

Lead Author, Training of Air Reserve Component Judge Advocates and Paralegals, *Air Force Instruction 51-801*, Interim Change 3 June 2014

Lead Author, Management of the Judge Advocate General’s Corps Reserve, *Air Force Instruction 51-802*, Interim Change 3 June 2014

PROFESSIONAL/SERVICE ACCOMPLISHMENTS:

Air Force Law Review Editorial Board, Member, July 2009 – October 2013, November 2019 - present
Quarterly publication on law and legal practice areas of interest to judge advocates and military lawyers. Reviews manuscripts to determine suitability for publication. Edits articles for content, organization, style, and logic as well as grammar, spelling, punctuation, and citation.

Senior Mentor, Reserve Coordinator Training Program, June 2018 – present
RCTP provides quarterly and baseline training to reserve coordinators on a variety of professional development issues in order to positively support the reserve members in their area of expertise.

CY2019 Judge Advocate Development Team, Board President, August 2019

Board convened to score and vector officers for career opportunities and to identify the best qualified for placement into select key assignments.

Harmon Award for Reserve Judge Advocate of the Year, Headquarters Air Force Nominee, 2016

USAFA Senior Military Faculty Selection Committee, October 2016

Information Technology Readiness Committee, Secretary, July 2011- August 2016

Committee provides organized, multidimensional information technology expertise and capabilities in support of TJAGCR missions.

Donald C. Rasher Award for Reserve Legal Educator of the Year, USAFA Nominee, 2015

USAFA Moot Court Falcon Classic Tournament, Judge/Mentor, November 2014

USAFA Mock Trial Falcon Tournament, Judge, November 2013

CY2013 Judge Advocate Development Team, Recorder, August 2013

Board convened to score and vector officers for career opportunities and to identify the best qualified for placement into select key assignments.

McGuire Officer Spouses Club, Grant Coordinator, September 2011 – August 2012

Developed new grant program and awarded \$6,000 in grants to local schools with a minimum of 10% enrollment of military dependents. Provided funding to facilitate and enrich the learning environment of the entire student population of military impacted schools.

Junior Officer Council, AETC Representative & Secretary, July 2005 – October 2011

Hand-selected by AETC Senior IMA to serve in advisory position to Senior Reserve Executive Council and TJAG. Fielded ARC recruitment and retention issues, serving as the focal point and mentoring AETC's AD and Reserve JAGs. Developed ARC wide survey to strengthen communication between ARC and JAG leadership.

Fishhawk Soccer Club, Lithia, Florida, President, January 2010 – June 2011

Led Director of Soccer and 82 competitive & recreational soccer coaches in the development of over 1000 adult and youth soccer members. Managed \$300K budget, facilities, and coaching staff. Developed cooperative arrangement with University of South Florida Athletic Department and managed team of 13 NCAA Division I intercollegiate student-athletes & graduate students to provide professional training for youth members. Organized & led campaign to secure additional \$2.8M facility funding from city council; new facilities completed in Spring 2014.

61st Airlift Squadron Command Spouse, August 2006 – May 2008

Mentored spouses for over 300 member squadron. Developed deployed spouse program to address unique deployment related issues. Secured over \$13,000 in donations including food, drink, door prizes & use of Arkansas Capital Building Congressional Reception area.

Gonzaga Law Review, Executive Editor, August 1995 – May 1996

Supervised over 20 student editors in production of publication. Reviewed submissions for acceptance and edited articles for content, format and citation. Competitively selected for scholarship position to augment faculty support.

EDUCATION:

Gonzaga University School of Law, Spokane, WA

J.D. awarded May 1996, *cum laude*

Advocacy Activities:

- Best Oralist, Northwest Region, 46th Annual National Moot Court Competition, 1995-96
- Second Place Team, Northwest Region, 46th Annual National Moot Court Competition, 1995-96
- Semi-Finalist, Linden Cup Appellate Advocacy Competition, 1995

University of California at Davis, Davis, CA

B.A. in Economics and Political Science awarded June 1992.

Military Education

Squadron Officer School, by correspondence, 1999

Air Command and Staff College, by correspondence, 2010

Air War College, by correspondence, 2014

MILITARY EXPERIENCE:

Current Assignment: Individual Mobilization Augmentee to the Staff Judge Advocate for Headquarters 9th Air Force at Shaw Air Force Base, South Carolina. The command comprises eight wings in the eastern United States and three direct reporting units with more than 350 aircraft, and 24,000 active-duty and civilian personnel. The command is also responsible for the operational readiness of fourteen 9th Air Force-gained National Guard and Air Force Reserve units.

Most Recent Assignment: July 2016 – July 2018

Individual Mobilization Augmentee to the Vice Commander, Air Force Legal Operations Agency (AFLOA), Joint Base Andrews. Integral part of the leadership team supporting the JAG Corps' only active duty commander. Provided oversight and mentorship for AFLOA's 143 reserve members and related programs. AFLOA assists The Judge Advocate General in the administration of military justice throughout the Air Force, and defending the Air Force in civil litigation before federal and state courts and administrative boards. AFLOA also supports the Department of Justice in all phases of litigation, civil and criminal, pertaining to the AF, and shares training responsibilities for AF and other DoD attorneys and paralegals.

Additional Assignments:

- April 1997 – October 1999, Assistant Staff Judge Advocate, Chief of Military Justice, Labor and Employment Litigation Attorney, Special Assistant United States Attorney, Kelly AFB, TX
- October 1999 – June 2001, Assistant Staff Judge Advocate, Chief of Claims, Scott AFB, IL
- June 2001 – October 2004, Medical Law Consultant (IMA), Travis AFB, CA
- October 2004 – April 2005, Assistant Staff Judge Advocate (IMA), Wright-Patterson AFB, OH
- April 2005 – August 2009, Reserve Coordinator (IMA), Little Rock AFB, AR
- August 2009 – September 2011, Assistant Staff Judge Advocate (IMA), MacDill AFB, FL
- September 2011 – May 2013, Assistant Staff Judge Advocate (IMA), United States Air Force Expeditionary Center, Joint Base McGuire-Dix-Lakehurst, NJ
- May 2013 – July 2016, Home Station Support Coordinator, Office of the Air Reserve Component Advisor to TJAG, Pentagon

BAR ASSOCIATIONS: Washington State Bar (#26314), Court of Appeals for the Armed Forces



Office of Inspector General
U. S. CONSUMER PRODUCT SAFETY COMMISSION

May 5, 2020

Christopher W. Dentel, Inspector General
U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Washington State Bar Association Board of Governors
Selection Committee, **At-Large Board of Governor's positions**

Dear Selection Committee,

This letter of support is to serve as my formal recommendation for Colonel Kristine D. Kuenzli to serve as an At-Large Governor. Col Keunzli and I have served together on a number of occasions in our respective Air Force and civilian legal careers. I have had the opportunity to observe her performance as an advocate, leader, and educator. Based on both her experience as a member of the military legal community and the professional knowledge she has demonstrated, I feel that she would be an outstanding representative for the Reserve, National Guard and Active Duty military lawyers who are currently underrepresented on the WSBA Board of Governors.

Col Kuenzli and I met when we were selected to serve on The Judge Advocate **General's Junior Officer's Counsel**. Our mission was to promote changes that would benefit young reserve military attorneys. Kristine played a key role in advocating for the creation of a Reserve Orientation Course to address problems we found in the transition of Active Duty and non-prior service attorneys into the Reserves. She not only obtained the necessary funding and other resources for the course but also served as the course director and an instructor. Even as a junior officer, she was seeing to the needs of under-represented military attorneys. More recently, we have served together in a number of senior management positions. She has always demonstrated an admirable ability to hold herself and others to high standards while at the same time taking care of her people. By selecting her to serve as an At-Large Governor you will be both increasing diversity on the WSBA and giving the military members of your legal community the opportunity to benefit from **Kristine's** representation.

Inspector General

Colonel Sloan M. Pye

Washington State Bar Association
Attn: Board of Governors
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

RE: Colonel Kristine Kuenzli – At Large Letter of Support

Dear Sir or Ma'am,

I fully support Colonel Kristine "Kris" Kuenzli's application to serve the Washington State Bar Association At Large position. Kris has the experience and knowledge to be able to support, not only active duty military members, but also reservist, guard members, and attorney spouses of active duty military personnel stationed in the State of Washington.

I am currently a reserve judge advocate general (JAG) and a former active duty JAG in the United States Air Force. I served on active duty for almost eight years and as a reservist for over 14 years. In total, I have served in the Air Force for 22 years. My husband is also on active duty in the United States Air Force. We have been married for 24 years, we have moved 10 times, and my oldest child is in 7th grade in her 7th school. The Air Force JAG Corps is a small corps with about 1600 active duty JAGs and 700 reservists. Because of our close knit community, we have the opportunity to get to know and work with many different members. For the last three years, I have worked very closely with Col Kris Kuenzli but I have known her for over 20 years. Kris and I have a very similar background. She was an Active Duty Air Force Judge Advocate for four years. Kris's husband was also active duty Air Force and because of the increased difficulty to serve as a dual-spouse couple with small children, Kris elected to separate from active duty and join the Air Force Reserve where she has continued serving her country for over 20 years. In addition to serving as a reservist, she is also a military attorney spouse that has dealt with the unique challenges of moving often, attempting to find legal employment, and raising her three children.

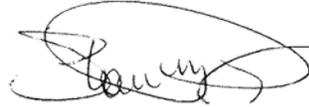
Kris is a well-rounded, hard-working, and dedicated Air Force member. She has committed herself to benefitting all who she serves, whether that is the Air Force, or the Air Force spouses and families she represents. When she sees a gap or an issue, she is the first to volunteer to help assist or fix the problem. For example, when the United States Air Force Academy Law Department Permanent Professor was selected as dean, she volunteered to serve for one academy year as the acting Law Department Head. In the history of the Air Force Academy, the law department has never been led by a reservist. The Judge Advocate General, Lieutenant General Jeffrey Rockwell, selected Kris to head a department, mentor and interact with up to 4000 cadets, and provide leadership and training to the next generation of Air Force and Space Force Leaders. Prior to this position, Kris volunteered to serve as the 9th Air Force Staff Judge Advocate at Shaw AFB, SC for four months. Kris quickly recognized the need to reorganize the staff and resuscitate a languishing military justice section. The Air Combat Command Staff Judge

Advocate praised her quick and decisive actions to save many failing military justice actions. These are just two examples to show that Kris's dedication and commitment to all that she does will only benefit The Washington State Bar Association.

According to the website, the At-Large position is to increase diversity and representation on the board, and the position is to be filled by a WSBA member who has "the experience and knowledge of the needs of those lawyers whose membership is or maybe historically underrepresented in governance, or who represents some of the diverse elements of the public of the State of Washington. Underrepresentation includes "areas and types of practice." Recently, The Supreme Court of Washington amended Admission and Practice Rule 3 to create a pathway for attorney spouses of active duty military stationed in Washington. The Supreme Court recognized the need to lift a significant burden to attorney military spouses that want to continue to practice law even with the demands of being a military family. Kris has the unique background, experience and knowledge to be able to serve the Board in the At Large position.

I am available at your convenience at 660-909-4361 or jamms77@gmail.com if you would like to discuss my letter of support to Col Kris Kuenzli.

Sincerely,

A handwritten signature in black ink, appearing to read "Sloan M. Pye", enclosed within a large, loopy circular flourish.

SLOAN M. PYE

Colonel(ret) Kimberly A. Ludwig

May 26, 2020

Dear Selection Committee,

I am enthusiastically writing in support of Colonel Kristine Kuenzli's application for an At-Large position ("underrepresented group" category) on the Washington State Bar Association Board of Governors. Over the past several years, I have worked very closely with Kris on a number of Air Force Air Reserve Command strategic level projects and have been repeatedly impressed with her dedication and leadership ability which are all welded together with a keen intelligence and an excellent sense of humor. I will not reiterate her numerous accomplishments, positions and publications in this letter – you can read about her many successes in other application documentation. Instead, I hope to convey some essence of who Kris is as a person and how valuable she can be to the WSBA.

I do not know of any other leader who is as generous with her time or as dedicated to those she serves and leads as is Kris Kuenzli. Her availability is incredibly impressive - there is no issue too small nor project too large for Kris to attack as long as the end result produces a positive force for an individual. Because of her boundless efforts, Kris has permanently earned the respect and admiration of her coworkers and superior leaders. More importantly (and more telling), her generosity and fairness have earned the esteem, trust and admiration from her subordinates. I know of no other person actively mentoring more junior personnel, both active duty and reserve, than Kris Kuenzli.

Service as a military reserve leader demands a vast amount of professional versatility. Senior officers balance civilian careers along with their military requirements (which far exceed the month of required duty per annum). Because of her intelligence and record of accomplishment, Kris has been repeatedly tapped by superior officers to lead various high-level initiatives or step into senior-level positions, often with little notice (these requests were made while she had a full-time job and family which included three active teenagers). As prime examples, in the last 18 months, Kris spent 5 months at Shaw Air Force Base leading the largest of the numbered Air Force legal offices when the active duty Staff Judge Advocate suddenly retired. Instead of directing that active duty personnel, who were available, fill that gap, the three-star Air Force Staff Judge Advocate requested that Kris Kuenzli provide that leadership – a professional vote of confidence! Likewise, when the active duty head of the Air Force Academy Department of Law was promoted to the position of Dean, Kris was asked to serve in the Department Head position for a year until the new active duty head was appointed. The later appointment was another remarkable statement of respect and trust as a reserve officer has never served as a Department Head.

Not only is Kris the best kind of coworker - hardworking, wicked smart and fun - she is adept with successfully working with people of disparate personalities and geographical locations. Those traits, along with her record of leadership, scholarship and mentorship would make her excellent choice to the WBSA Board of Governors.

Sincerely,

Kimberly A. Ludwig

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form At-Large Position

This position represents licensed legal professionals whose membership has historically been underrepresented in governance. All active WSBA members are eligible to apply.

INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach the following:
 - A brief (100-word maximum) biographical statement including current occupation, relevant experience, and education.
 - A letter of interest.
 - A resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. **Applications must be received by 5 p.m. PST on Monday, April 20, 2020.**
- 4) Letters of support must be emailed to barleaders@wsba.org by April 29.
- 5) Applications will be included in the May Board of Governors meeting materials and posted on the WSBA website.
- 6) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for position on the Washington State Bar Association Board of Governors

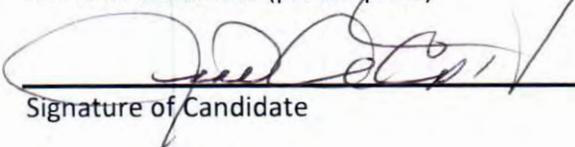
I, the undersigned active member of the Washington State Bar Association, am running for the At-Large position.

JEAN L. COLYON

23776

Name of candidate (please print)

WSBA Bar #



Signature of Candidate

Signature of Nominator (if relevant)

WSBA Bar #

Note: By signing this form, the candidate understands and agrees that as part of the election process for this position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PDT on April 20, 2020. Filing may be accomplished by emailing the form and attachment to barleaders@wsba.org.

Cotton Law Offices



Jean A. Cotton
Attorney & Counselor At Law

507 W. Waldrip St.
P. O. Box 1311
Elma, Washington 98541

Office 360-482-6100
Fax 360-482-6002

Date: April 9, 2020

To: Mr. Rajeev Majumdar, President
Washington State Bar Association

From: Jean A. Cotton

Re: **Candidacy for At Large Governor Position**

President Majumdar:

After careful consideration, I am hereby submitting my name as a candidate for the upcoming selection of the next At Large Governor of the WSBA.

I understand that this At Large position is intended to bring “the experience and knowledge of the needs of those lawyers whose membership is or may be historically under-represented in governance.” Underrepresentation, however, is not necessarily the same thing to all people. It must include consideration of a number of factors including but not limited to race, ethnicity, gender, sexual orientation, age, geography, practice area, and so forth. It is important to have underrepresented voices and the diversity of perspective we bring, because it brings more voices and ideas to the table.

The diversity I bring with my candidacy is that of an experienced rural practitioner. I am also female, over the age of 65, a solo practitioner, and a widow. I write this letter to explain why I am running for this position, and why I am hoping the Governors who make this decision will join me in giving the rural attorneys and women more of a voice at the WSBA.

For the last fifteen years (five consecutive terms), the Governor from my Congressional District has been occupied exclusively by men and exclusively from only one of the six counties in the District. In essence, it is nearly impossible for anyone from one of the other counties (which are all primarily rural) to succeed in an election if a candidate appears from that one major county and its urban zone. While the Governors from my District have done a fine job, none of them has had the ability to truly appreciate and represent the interests of the rural practitioners within the District.

Most of the WSBA staff and Governors know me and the fact that I have regularly been attending the WSBA Board of Governors meetings for roughly the last fifteen years either as the liaison for the WSBA Family Law Section’s Executive Committee, the Grays Harbor County Bar Association, or the Domestic Relations Attorneys of Washington. This has given me the opportunity to personally get to know Bar leaders and staff and to develop an understanding of the Board’s workings. As such, I have been able to present the perspective of not only the family law organizations I have represented but also that of my local Bar and other rural practitioners on a variety of important issues that come before the Board. This is not the same, however, as having a vote at the table.

About five years ago I was part of the group of motivated Sections leaders and stakeholders who started the movement to get our Bar Association back to a time when the focus was on serving its

members. Part of the result of that effort was the election three years ago of a group of likeminded individuals as Governors whose terms are now ending. So much progress has been made in restoring the WSBA to its original purpose, but the job is not yet finished and much remains to be done. If this "reform" movement is to continue, then this next round of newly elected Governors must also share that same commitment.

It would be my honor to serve as the At-Large Governor to champion the interests of the members and enhance WSBA services available to them, especially those underrepresented members who have rural practices. I have found it to be important to bring the often-overlooked issues facing rural lawyers to the attention of our leadership, and I feel that I have been a source of problem solving and perspective for the WSBA. I can be more effective in doing that as a Governor and I am not one who rushes into politically expedient decisions.

To assist you in knowing more about me, I established my solo practice in Grays Harbor County 26 years ago. My office is located in Elma. Initially my practice included criminal defense and general civil litigation. For the past two decades, however, my focus has shifted primarily to family, juvenile, and elder law as an attorney, a mediator, and a guardian ad litem. My resume is attached to provide you with greater detail on my public service.

If elected as the next At Large Governor, I promise to continue to work hard on the issues that come before the Board and bring forward the voice of underrepresented lawyers of all backgrounds. I ask for each Governor's vote in order to allow me to bring the perspective of my peers to the WSBA in a meaningful way.

If any of you have any questions or would like to discuss this opportunity, please feel free to contact me either via email at walawj99@yahoo.com or by calling me at 360-482-6100.

cc: Board of Governors

attachment

I have regularly attended the Board of Governors meetings for fifteen years as a liaison for statewide family law organizations and my local bar. This has given me the opportunity to get to know and understand the Board's workings and express the perspective of my constituents on a variety of important issues. Rural attorneys, however, continue to be underrepresented on the Board creating a stark vacuum of diversity.

While much progress has been made to member-reorient the WSBA, much remains to be done. My goal is to represent attorneys' interests, particularly underrepresented rural practitioners, rather than making politically expedient decisions.

JEAN A. COTTON

Attorney at Law

P. O. Box 1311 – 507 West Waldrip Street
Elma, WA 98541
360-482-6100 office; 360-482-6002 fax
email: walawj99@yahoo.com

EDUCATION

Seattle University School of Law (formerly University of Puget Sound), Seattle, WA; Juris Doctorate, 1993

Saint Martin's College, Lacey, WA; BA, cum laude, Information Systems Management, 1987

Elma High School, Elma, WA; Graduate, magna cum laude, 1972

RELEVANT LAW RELATED EMPLOYMENT/EXPERIENCE

Cotton Law Offices, Elma, Washington – June 1994 to present; Over the years, the firm has represented clients in contracts, corporate formation, criminal defense, civil litigation, family law (including adoptions, child custody proceedings, dependency actions, dissolutions of marriage, and paternity matters), probate and estates, and general litigation. Awarded contracts for indigent defense for Grays Harbor County District Court in 2003 and 2004. In the past, the firm has employed various associate attorneys to assist in case load, but since 2004 it has been a solo practice with a focus on juvenile, family, and elder law matters. Practice has included representing clients as an attorney in addition to serving as a guardian ad litem for Title 11, 13, and 26 RCW matters. Attorney appearances have included Thurston, Mason, Pacific, and Grays Harbor Counties' Superior, District, and Municipal court actions.

Grays Harbor County Superior Court, Court Commissioner Pro Tem – 1996 to present; Appointed superior court judicial officer serving at the pleasure of the superior court to hear a full variety of superior court matters including but not limited to dependency, truancy, at risk youth, and juvenile criminal matters, and superior court civil and domestic calendars and actions.

Grays Harbor County Superior Court, Judge Pro Tem – 1996 to present; Appointed position serving at the pleasure of the superior court to hear and handle superior court criminal preliminary appearances, arraignments, pleas, and related matters as needed.

Grays Harbor County Superior Court, Guardian Ad Litem – 1995 to present; Court appointed guardian ad litem for Title 4 RCW, Title 11 RCW, Title 13 RCW, and Title 26 RCW matters representing the interests of minors and incapacitated persons.

Grays Harbor County District Court, Judge Pro Tem – 1997 to 2013; Appointed part-time district court judicial officer serving at the pleasure of the elected judicial officers to hear misdemeanor criminal matters, civil litigation matters, jury and bench trials, and small claims matters during absence or unavailability of district court judicial officers.

Thurston County District Court, Judge Pro Tem – 1997 to 2004; Appointed part-time district court judicial officer serving at the pleasure of the elected judicial officers to hear misdemeanor criminal matters, civil litigation matters, jury and bench trials, and small claims matters during absence or unavailability of district court judicial officers.

City of Elma, Elma, Washington - Municipal Court Judge and Judge Pro Tem – 1995 to 1997; Part-time municipal court judicial officer appointed by the mayor to hear criminal misdemeanor matters, jury and bench trials, supervise court clerk, prepare and defend department budgets to City Counsel and related judicial functions.

City of Westport, Westport, Washington – Municipal Court Judge Pro Tem – 1997 to 1998; Appointed part-time position for municipal court to fill in during absence or unavailability of municipal court judge. Function of position included hearing criminal misdemeanor matters, jury and bench trials, and traffic infraction matters.

RELATED PROFESSIONAL ACTIVITIES/MEMBERSHIPS/HONORS

- Washington State Bar Association (WSBA), 1994 to present
- WSBA Local Court Rules Task Force, 2007 to present
- WSBA Referendum Process Work Group, appointed 2017
- WSBA Family Law Section Executive Committee (FLEC), 2001 to 2017
- Chair, WSBA Family Law Executive Committee (FLEC), 2007-2008 term
- Secretary, WSBA Family Law Executive Committee (FLEC) 2010-11 term
- Treasurer, WSBA Family Law Executive Committee (FLEC) 2011-13 terms
- FLEC Liaison to WSBA Board of Governors, 2006 to present
- FLEC Liaison to Practice of Law Board, 2006 to 2014
- FLEC Liaison to Access to Justice Board, 2003-2004
- FLEC Mid-Year Conference Chair or Co-Chair, 2003, 2005, 2012, 2015, and 2016
- Domestic Relations Attorneys of Washington (DRAW) 2018 to present
- DRAW Liaison to WSBA Board of Governors, 2018 to present
- Unified Family Court Task Force Small & Rural Courts Subcommittee – 2007-2008
- Washington Supreme Court Dissolution Task Force – 2007-2008
- Professional Coordination and Communication Work Group – appointed 2007
- Judges in the Classroom – Elma Middle School – 1995-2005
- District and Municipal Court Judges Association (DMCJA), 1995 to 2004
- DMCJA Salaries and Budgets Committee, 1997-98
- Southern Poverty Law Center, 2000 to present (on/off)
- Grays Harbor County Bar Association, 1994 to present
- President, Grays Harbor County Bar Association, 2017-18
- United States District Court for the Western District of Washington, 1999 to present
- Judicial College Certificate of Completion 1996
- Community Service Award by S.T.O.P. of Aberdeen – 2004
- Pro Bono Publico Service Commendations from the WSBA Board of Governors- since 2006
- WSBA Family Law Attorney of the Year 2008
- WSAJ William O. Douglas Judicial Service Award 2015
- Exceptionally Well Qualified judicial ratings by Loren Miller Bar Association, Joint Asian Bar Association, and Latino/a Bar Association in 2007 and 2013; and Well-Qualified judicial rating by Q-Law/GLBT Bar Association 2013

CLE PRESENTATIONS/ARTICLES

- April 2002, WSBA Family Law Section Skills Training Institute, (3 segments) *Fee Agreements and New Client Interview; Finishing the Case and Collecting Your Fees; and Practice Group A: Client Interviews, Counseling & Intake*

- June 2002, WSBA Family Law Section Midyear, *Ethics and the Difficult Client: Difficult Client, Difficult Cases, Child Witnesses & Other Sticky Ethical Situations*
- June 2003, WSBA Family Law Section Midyear, *Gremlins to Watch Out for In Multi-Discipline Actions*
- June 2004, WSBA Family Law Section Midyear, *Juvenile Practice: CHINS, At Risk Youth and More from a Practitioner's Viewpoint*
- June 2005, WSBA Family Law Section Midyear, *Juvenile Law and Title 13 Cases – Part II*
- March 2006, WSBA CLE and WSBA Family Law Section CLE, *How to Chair a Successful CLE Seminar*
- October 2006, Gender & Justice Commission and WSBA Family Law Section Domestic Violence Seminar, *Ethical Representation of the (Alleged) Batterer*
- February 2007, AOC Court Facilitator Training, *Child Support Issues & Recent Legislation*
- July 2007, WSBA Solo and Small Firm Conference, *20 Critical Pieces of Advice I Wish I'd Heard During My First 5 Years of Solo/Small Firm Practice: Tech Tips & Practice Management Tips from the Trenches You Can Put To Use Immediately For a More Efficient & Successful Law Firm*
- July 2007, WSBA Solo and Small Firm Conference, *Family Law Pitfalls to Avoid; Selected Practice Tips for the Solo/Small Firm Practitioner*
- April 2008, WSBA Family Law Section Skills Training Institute, (2 segments) *Opening The File Including New Client Interviews, Fee Agreements, and Finishing the Case & Collecting Your Fees*
- June 2008, WSBA Bar News Article, *Legal Technicians Aren't The Answer: The Family Law Section Executive Committee Weighs In*
- April 2009, WSBA Family Law Section Skills Training Institute, *Ethics & Professionalism*
- April 2009, WSBA Family Law Section Skills Training Institute, *Do's and Don'ts of Motion Practice*
- May 2010, King County Bar Association Title 11 Guardian Ad Litem Training, *The GAL Report*
- June 2010, WSBA Family Law Section Midyear, *What You Should Know About Title 26.09 (How Get the Most from a 26.09 GAL)*
- April 2011, WSBA Family Law Section Skills Training Institute, *Ethics & Professionalism and Do's and Don'ts of Motion Practice*
- May 2011, King County Bar Association Title 11 Guardian Ad Litem Training, *The GAL Report*
- June 2011, WSBA Family Law Section Midyear, *Motion Practice: Effective Drafting and Use of Declarations and Related Topics (e.g. Exhibits)*
- December 2011, WSBA CLE Parenting Plans and Evaluations, (2 segments) *A View from the Bench and Direct and Cross Examination of a Parenting Plan Evaluator Based on a Hypothetical Case and Commentary*
- June 2012, WSBA Family Law Section Midyear, *Court Rules, RPCs & Family Law*
- July 2012, WSBA Solo and Small Firm Conference, *Cocktail Law or "How to Answer... You're a Lawyer Aren't You?"*
- June 2013, WSBA Family Law Section Midyear, *Ethics and Court Rules*
- September 2015, Grays Harbor County Bar Association, *Grays Harbor County Title 26 RCW Guardian Ad Litem Local Court Training Program*
- October 2018, Domestic Relations Attorneys of Washington, *Guardianship vs. Nonparental Custody and other Non-Parent Custodial Choices*

REFERENCES

Professional and/or personal references available upon request.

Board of Directors

Amir John Showrai, **President**
Rhea J. Rolfe, **Treasurer**
Lisa Brewer, **Secretary**
Richard L. Bartholomew, **Legislative Liaison**
Douglas P. Becker, **Webmaster**
Sunitha Anjilvel
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Cameron Fleury
Monique Gilson-Moreau
David Gross
Sandra Johnston
Roy Martin
Melissa J. Rogers

April 24, 2020

President Rajeev D. Majumdar
Washington State Bar Association
1325 6th Avenue, Suite 600
Seattle, Washington 98101

Re: Endorsement of Jean A. Cotton, WSBA No. 23776, for At-Large Seat on the Board of Governors

Dear President Majumdar,

I write on behalf of the DRAW Board of Directors to convey the Board's unanimous and enthusiastic vote to endorse Jean's candidacy for the at-large seat on the WSBA Board of Governors.

I know Jean is well known to the Board of Governors ("BOG") given that she has a near perfect 15+ year record of attendance at the BOG's meetings. If I were to list her achievements and past actions that describe why she is so qualified to serve on the BOG, the list would be exceedingly and embarrassingly—for someone as modest as Jean—long. So here are some highlights that you and the BOG should consider.

- Jean is the only candidate to regularly attended BOG meetings for more than 15 years. Jean not only attends BOG meetings, but she speaks and advocates for the folks that matter: WSBA Members and by extension, our clients.
- DRAW is proud that she has served as our liaison to the BOG since 2018. Previous to that, from 2005 to 2017, Jean served as the Family Law Section's liaison to the BOG.
- For over 15 years, Jean has also served as the liaison to the BOG and the Family Law Section's Executive Committee on behalf of the Gray's Harbor County Bar Association, which is a rural bar association, giving voice to the lawyers whose views are often overlooked by those in more populous counties.
- Jean has appeared before the BOG and at committee hearings of both the Washington House of Representatives and the Senate, to testify in her capacity as a seasoned and eminently well respected family law lawyer, on bills that affect family lawyers and the public.
- Finally, Jean regularly sits as a commissioner and judge pro tem in Gray's Harbor County. This experience has developed a neutral mindset that benefits anyone who sits on the BOG. Jean can divorce emotion and hyperbole from facts and relevant information to develop on a wise course of action.

Beyond the brief sample above, Jean acted as a fearless and tireless part of the group of WSBA Section leaders and stakeholders who started the fight to get our Bar back for its members, in particular after the disastrous sequence of events that began in December 2015, which has taken over four years to reign in, thanks in large part to most of the current members of the BOG. Anyone who knows Jean, knows that

Page 2 of 2

April 24, 2020

Re: Endorsement of Jean A. Cotton, WSBA No. 23776

Letter to President Rajeev D. Majumdar

she speaks frankly, yet eloquently. Her brave and wise approach to difficult problems makes her a natural leader and an asset to the legal community, who is best suited to help us on the BOG. Jean's experience, dedication, and leadership earned our unanimous endorsement.

Jean's experience combined with her familiarity with the BOG members will allow her to immediately hit the ground running. Jean's familiarity with the intricate details of all business before the BOG arises in many instances from the fact she helped to shape the rules, policies, and issues before the BOG today through her numerous appearances to provide input at the BOG's meetings.

Thus, I urge you to support Jean's candidacy for the at-large seat on the BOG.

Very truly yours,

DOMESTIC RELATIONS ATTORNEYS OF WASHINGTON

A handwritten signature in black ink, appearing to read "Amir John Showrai". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Amir John Showrai

AJS/ajs

KOPTA & MACPHERSON

Attorneys at Law

Joseph R. Kopta
5801 Soundview Drive, Suite 258
Gig Harbor, WA 98335
(253) 858-0785 / (253) 851-6225 Fax
Joe@KoptaMacpherson.com

James E. Macpherson
265 Brien Dr SE, #103
Bainbridge Island, WA 98110
(206) 841-1518
Jim@KoptaMacpherson.com

May 18, 2020

SENT BY EMAIL ATTACHMENT ONLY

Pres. Rajeev Majumdar and
WSBA Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Jean Cotton, Candidate for WSBA At-Large Governor

Dear Rajeev and Governors:

I am recommending that you select Jean Cotton to fill the at-large position on the WSBA Board of Governors at the upcoming meeting in Bellingham (we hope.) Clearly this will come as no surprise, since you are well aware that Jean and I are friends, and many of you were present when the two of us provided a history of the BOG at the Tri-Cities meeting last July.

As mentioned at that presentation, I have been attending BOG meetings regularly since 1998. I was present when the concept of at-large governors, and diversity on the BOG, was discussed and finally implemented. The definition of those seats is expansive, and the overarching reason was to provide representation, and voting input, for WSBA members and practice areas that are not reflected in the election results. Each Board is different, and changes annually, so the decisions on the right candidates for the at-large seats will vary each time the BOG votes to fill those seats.

Jean clearly fits the criteria for an at-large governor. The rural members of District Six have been left off the Board through many, many election cycles due to the power of Tacoma and the Pierce County Bar Association. As a solo practitioner from Elma, Jean can provide representation for Olympic Peninsula WSBA members that has been sorely lacking. There is president for using the at-large positions to provide geographic diversity: The very first at-large BOG member was Dave Savage (obviously a good choice since he became WSBA President.)

But – another criteria for an at-large governor is to select someone who can add knowledge and wisdom and tenacity to the BOG, especially when the Bar is confronted by challenging issues like we face today. Most of you have seen Jean in action - have heard her well-reasoned statements, read her expertly crafted submissions – and are aware of her ability to get to the core of a problem without losing sight of “the Big Picture.” Her obvious skills are supplemented by a vast amount of institutional knowledge gained through her many years as a

BOG liaison – she knows where the bodies are buried. Jean will require virtually no training, and can actually assist other incoming elected governors become more effective, more quickly.

Jean tried to join you through this past election, and as a member of the Sixth District myself, I tried to spread the word on her candidacy. Once again a Tacoma area member was selected. If someone with the background and qualifications of Jean Cotton cannot win a BOG election, the chances of representation by a solo, rural practitioner from the Olympic Peninsula are microscopic.

You have a unique opportunity to add a talented, seasoned colleague to the BOG. Please select Jean Cotton as an at-large governor.

Sincerely,

A handwritten signature in blue ink, appearing to read "James E. Macpherson". The signature is fluid and cursive, with a large initial "J" and "M".

James E. Macpherson

JEM/bm



VIA ELECTRONIC MAIL

April 20, 2020

Managing Attorney:

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971.703.4108 (f)

www.elizabethchristy.com

◦ Admitted in Oregon

* Admitted in Washington

Washington State Bar Association
Board of Governors
barleaders@wsba.org

Re. Board of Governors - At-Large Governor Position – Letter of Recommendation for Jean Cotton

Dear Board of Governors:

I have been practicing family law for 13 years in Vancouver, WA (Clark County). During my time practicing family law, I served on the Family Law Executive Committee (FLEC) and now serve on the Domestic Relations Association of Washington (DRAW) board.

While serving on FLEC and DRAW, I worked alongside Jean Cotton. We worked not only on the board together but also on various projects, like CLEs.

Ms. Cotton is one of the most hard-working, generous attorneys I have ever had the pleasure of working with. She tirelessly volunteers her time, efforts, and vast knowledge to aid family law attorneys and the WSBA. I do not know where we would be without the involvement and historical knowledge of Ms. Cotton. She has been involved in countless legal groups and boards over the last 25 years and has knowledge and experience that is unparalleled.

The Board of Governors (BOG) not only needs her knowledge and experience, but the BOG *needs* representation of women attorneys, family law attorneys, solo practitioners, and attorneys from rural counties. With Ms. Cotton, you will have the diverse perspective that is necessary to be effective in public service.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Elizabeth Christy Taylor', with a stylized flourish at the end.

Elizabeth Christy Taylor, WSBA 39038

April 13, 2020

Mr. Rajeev Majumdar, President
Washington State Bar Association

And

Members of Washington State Board of Governors

Re: Jean A. Cotton

Position: At Large Governor position

Dear President Majumdar and members of the Washington State Board of Governors,

I would like to extend this my support and recommendation of Jean A. Cotton to the Washington State Board of Governors At Large position. I submit this recommendation based on my having served with Jean A. Cotton while a member of the Washington State Family Law Executive Committee over eight (8) years/two terms.

Jean practices in Elma, Washington. She has and represents rural Washington west of Olympia but would travel and give up much of her time and energies to attend not only the FLEC meetings, which were either at Sea-Tac or in Olympia, but also, as part of her duties with FLEC leadership and later as Board liaison for FLEC, she regularly attended the Board of Governors meetings where ever they were being held, often on her own dime. This desire to have full understanding of the impact on the Sections and organizations she represented allowed her to get to know many of the Bar leaders and staff as well as have a tremendous insight as to the BOG workings and operation. She has been able to provide insight and perspective from the family law practice and organizations she is a part, the local Bar association of her rural county and give insight of small-town practitioners.

As an at large Governor, she will be also able to provide different perspectives not only as a woman attorney, small office attorney, Pro Tem Judge and Pro Tem Court Commissioner. As Jean has mentioned in her application and resume, she also worked with Section leaders and stakeholders to regain the Board with a group focused on serving the Bar Association Members. Jean brings a wealth of historical knowledge to each organization she has been a member and has significant insight as to the history of the Board of Governors.

I urge your consideration and acceptance of Jean A. Cotton as our next At Large Board of Governor. I do so without hesitancy and assure you and the Board of Governors that Jean will work diligently and support her constituents with utmost professionalism.

Sincerely,

LEE LAW OFFICE, P.S.



Jonathan Lee

John David Wickham
Attorney at Law

Patricia Wickham
Legal Assistant

P.O. Box 893
Friday Harbor, WA 98250
Phone: (360) 378-7178
FAX: (360) 378-0849
Email: jdwickham@rockisland.com

April 21, 2020

To the Members of the WSBA,

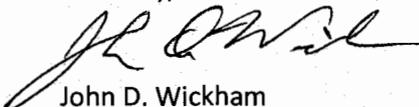
I support the candidacy of Jean Cotton for the position of "At Large Governor of the WSBA" in the upcoming election. Under WSBA's Bylaws, the purpose of the At-Large board position is to increase diversity and representation on the board, and the position is to be filled by a WSBA member who has "the experience and knowledge of the needs of those lawyers whose membership is or may be historically under-represented in governance, or who represents some of the diverse elements of the public of the State of Washington."

Jean Cotton is a small-town, solo practitioner in a rural community that has limited access to legal resources, and has been so for over 25 years. The attorneys and public that have the least access to legal resources and the support of the WSBA are those in rural areas off the beaten path. I moved my law practice from suburban Olympia to San Juan County in 2003 and have seen the effects of the isolation that my neighbors, my clients, and my family live with, and that isolated attorneys here grapple with in day to day living, hours away from medium and large law firms, multi-judge courts, suburban and urban centers. Along with that, Jean is a mother, grandmother, widow. She has the perspective of a life experience that is under-represented in the current male dominated Board of Governors lineup.

When one looks at the "stated purpose", the major unstated element to consider for the At Large position is an attorney who has the experience in governance, particularly governance of the WSBA, to be able to apply the "experience and knowledge" in a way that is effective for the under-represented members and the diverse elements of the public. In other words, the ability to deliver results.

I served with Jean Cotton on the WSBA Family Law Executive Committee for five years, and for a short time with her on the Board of the Domestic Relations Attorneys of Washington. She was the liaison to the Board of Governors for both bodies, and has attended most WSBA Board of Governors meetings for the last fifteen years, as an advocate. She probably understands the culture and inner workings of the WSBA as well as any attorney in Washington State. She is a passionate, resolute, and pragmatic representative for her constituents. Despite best intentions, when some rural attorneys volunteer to serve on committees and boards, the travel required can lead to poor attendance. Jean has shown up, for many years, at the meetings where her attendance is required, including hundreds of committee meetings. Past performance is the best predictor of future performance. Jean Cotton will continue to show up for us, and has the commitment to get the job done. She has my vote.

Sincerely,



John D. Wickham

cc: Rajeev Majumdar

PHILLIPS, KRAUSE & BROWN

ATTORNEYS AT LAW

1017 S. BOONE STREET, SUITE 336

P.O. BOX 2110

ABERDEEN, WASHINGTON 98520

JAMES M. BROWN

TAYLOR A. WALLACE

GLADYS PHILLIPS (1912-2000)

STANLEY J. KRAUSE (1910-2006)

Phone: (360) 532-8380

Fax: (360) 533-2760

E-mail: info@pkblaw.com

Website: www.pkblaw.com

April 28, 2020

President Rajeev D. Majumdar and the Board of Governors
For the Washington State Bar Association

RE: Support for Appointment of Jean Cotton as “At Large” Governor

Dear President Majumdar, and Governors:

It is with pleasure that I write this letter of support for Jean Cotton to be appointed as “at large” member of the WSBA Board of Governors. I have had the privilege of working directly with Jean in a number of professional activities and litigated cases. I can assure you of Jean’s superb qualifications for this position. There are few who can match Jean’s sustained and significant contributions to the legal profession.

Jean Cotton has been an exceptional and active leader in the bar. She has exhibited leadership in many areas. I can provide only a very abbreviated snapshot of Jean’s background and abilities. Her leadership skills were recognized when she was chosen as an officer, and later chairperson of the Family Law section. She has represented our local Grays Harbor Bar at numerous meetings of the Board of Governors. And she served as a court commissioner for the Grays Harbor superior court, for many years.

As a leader, lawyer and judicial officer, Jean Cotton courageously puts forth well-considered possibilities that are always worthy of consideration. While Jean exhibits a fairly direct demeanor, she does not force issues. Her sense of humor can lighten the moment, especially in awkward and weighty situations.

April 28, 2020

Page - 2 of Letter Supporting Jean Cotton

Although Jean requires sufficient data for informed decision-making, she is ready to move when that need has been satisfied. The outcome is confidence that a decision is well-grounded, bold when the need arises, and attainable. All these skills are requisite for effective leadership in the law, and on the Board of Governors.

Jean's active leadership and involvement across a broad spectrum of activities is representative of her commitment to the legal profession in Washington State. She remains dedicated to improvement of opportunities for minorities in the practice of law. She is, at her core, a good person, a fine lawyer, and a true leader.

For all the above reasons I strongly support Jean Cotton to be appointed as member "at large" of the Board of Governors. It is a privilege and an honor to recommend Jean to you. We could have no better person to serve the lawyers of our state in that position.

Respectfully,

PHILLIPS, KRAUSE & BROWN by:


JAMES M. BROWN
WSBA #11634



THE BREWER FIRM
LISA BREWER

Tuesday, April 21, 2020

President Rejeev Majumdar
Board of Governors,
Washington State Bar Association
1325 4th Ave, Suite 600
Seattle, WA 98101-2539

Re: At-Large BOG Position – Ms. Jean Cotton

Dear Mr. Majumdar:

As an active member of the WSBA from Eastern Washington, I want to share my **enthusiastic** support of Ms. Jean Cotton for the open At-Large position on the WSBA Board of Governors. I have known Jean for nearly 10 years as members of first the Family Law Executive Committee Board (FLEC) and again on the Board of the Domestic Relations Attorneys of Washington (DRAW).

Jean has a rare intellect. As her resume illustrates, I have observed her superior grasp of complex legal issues pertaining to family law legislation, bar governance, corporate accounting (a rare find amongst attorneys), and organizational governance over hundreds of hours of FLEC and DRAW and BOG meetings. Her grasp of WSBA history, legislative history, and administrative law is literally "encyclopedic."

Jean works hard and follows through on her commitments. In my experience, she is a decisive leader, encouraging committee members to see broader and unexpected issues. At a recent meeting, she identified several issues that allowed our Board to avert disaster with her foresight. She has never "flaked" or "phoned it in."

Jean is also easy to work with. We have worked collaboratively on numerous legislative matters, organizational matters, and as presenters at a number of CLE's. Jean will call in the evening to chat and share ideas. When I had major surgery recently, she called just to check in and update me. She is kind, witty, and generous. I consider it a particular virtue that she is discreet and loyal. I have never experienced her to "bad-mouth" a colleague or undermine them. If she disagrees with a colleague, she will say so. But she will never denigrate or go behind a person's back.

As a member from Spokane, I believe Jean Cotton understands the interests of practice in rural and smaller counties and would represent our interests, in addition to the broader interests of the Bar in general.

Jean would be a tremendous asset to the WSBA Board of Governors.

Sincerely,

Lisa Brewer

FAMILY LAW • MILITARY DIVORCES • CUSTODY • NON-PARENTAL CUSTODY • CHILD SUPPORT

104 S. FREYA ST., SUITE 226B • TURQUOISE FLAG BUILDING • SPOKANE, WA 99202
PHONE: (509) 325-3720 • FAX: (509) 534-0464 • LBREWERLAW@MSN.COM

Board of Governors Application Form

At-Large Position

This position represents licensed legal professionals whose membership has historically been underrepresented in governance. All active WSBA members are eligible to apply.

INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach the following:

- A brief (100-word maximum) biographical statement including current occupation, relevant experience, and education.



MICHAEL W. HALL, J.D., is a former Superior Court Judge Pro Tem, Certified Mediator, and the founding partner of The Hall Law Firm, P.S. Michael received his Bachelor's degree (B.A.) in 1976 from the Edward R. Murrow College of Communications at Washington State University (in Broadcast-Journalism) and his Doctor of Jurisprudence (in just two years) from Southwestern Law School (in Los Angeles in 1987). He has taught legal seminars and conflict management courses for the Washington State Bar Association and The Boeing Management Association, and currently maintains a general legal and estate-planning practice in Seattle, Washington, where he also finds time to serve as pro bono legal counsel for various local and national non-profit organizations.

- A letter of interest.

THE HALL LAW FIRM, P.S.

Michael W. Hall, J.D.

(425) 245-4671 m/text/encryption via “Signal” app.

michaelhall3200@gmail.com (Encryption via “Edison Mail”)

(Note: If emailing, please notify us via text, @ (425) 245-4671, of your email.)

Date: March 26, 2020; 5:44pm-

BarLeaders@WSBA.Org

Re: BOARD OF GOVERNORS ‘AT LARGE POSITION’

Dear WSBA,

I believe at this stage in my legal career, as a member of the Bar since 1988, that I would bring a wide-range of experience (as a General, Private-Practice Lawyer) to the WSBA Board of Directors ‘At-Large Position,’

At this stage of my legal career, I am semi-retired, and find myself with sufficient time on my hands to concentrate on the emerging issues and subject matters that are a concern to us all. I believe I can adequately represent those under-represented factions of our State-Wide Bar, who definitely need a voice in our profession’s mutual decision-making process.

Thank you for this opportunity to apply for this honored position of service.

Yours truly,

Michael W. Hall, J.D.

(Please accept the immediate/above as my electronic signature)

THE HALL LAW FIRM, P.S.

Michael W. Hall, J.D.

Attorney at Law

Superior Court Judge Pro Tem (Ret.)

Cert. Mediator

1140 Edmonds Street

Edmonds, WA 98020

(425) 245-4671 m/text/encryption via “Signal” app.

michaelhall3200@gmail.com (Encryption via “Edison Mail”)

- A resume.

MICHAEL W. HALL, J.D., “The Paranormal Lawyer,” is an attorney, Doctor of Jurisprudence, and former Superior Court Judge Pro Tem. As an experienced UFO Field Investigator for the Aerial Phenomena Research Organization (APRO, 1974), Hall is a long-time consultant to the Mutual UFO Network (MUFON, 1995) and the attorney of record for the National UFO Reporting Center (NUFORC, 1995) and The National Aviation Reporting Center on Anomalous Phenomena (NARCAP, 1999).

An ‘Experienter’ himself, Michael has also represented such noted Ufologists and Researchers as Grant Cameron, James Rigney, Chief Petty Officer Kevin Day (Ret.), Peter Davenport, Dr. Richard Haines and Dr. James Harder.

Michael is well-informed and can speak on a variety of paranormal and conspiracy-related subjects, including the following timely issues and topics:

“The ADMIRAL WILSON ‘CORE SECRETS’ UFO LEAK OF THE CENTURY,” the 1947/1995 RAY SANTILLI **“ALIEN AUTOPSY” FILM FOOTAGE**, and the **“SECRET CABAL; IT’S HIDDEN UFO ‘DISCLOSURE’ AGENDA, THE USS NIMITZ UFO ENCOUNTER & its UPCOMING “UAPx EXPEDITION,”** as well as:

THE DISCLOSURE TRUST:

(How highly-placed Government Whistle-Blowers, Corporate Insiders and Everyday Citizens protect themselves and disseminate their secrets with a discrete and effective “Disclosure Trust.”);

EXO-JURISPRUDENCE (“Space Law”):

The study and application of potential Extraterrestrial Legal Systems, Cannons, Treaties and Conflicts of Law, as they apply to past, present and future Terrestrial, Solar-Systematic, Galactic and Interdimensional legal issues and theory. With an emphasis on “The Theory of Everything” (TTOW) or “The Theory of WOW”) as it applies to Connectedness, Consciousness and Phenomenology; and many other topics.

Candidate for position on the Washington State Bar Association Board of Governors
I, the undersigned active member of the Washington State Bar Association, am running for the At- Large position.

Name of candidate (please print) WSBA Bar #

Signature of Candidate

Signature of Nominator (if relevant) WSBA Bar #

Note: By signing this form, the candidate understands and agrees that as part of the election process for this position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PDT on April 20, 2020. Filing may be accomplished by emailing the form and attachment to barleaders@wsba.org.

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form At-Large Position

This position represents licensed legal professionals whose membership has historically been underrepresented in governance. All active WSBA members are eligible to apply.

INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach the following:
 - A brief (100-word maximum) biographical statement including current occupation, relevant experience, and education.
 - A letter of interest.
 - A resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. **Applications must be received by 5 p.m. PST on Monday, April 20, 2020.**
- 4) Letters of support must be emailed to barleaders@wsba.org by April 29.
- 5) Applications will be included in the May Board of Governors meeting materials and posted on the WSBA website.
- 6) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for position on the Washington State Bar Association Board of Governors

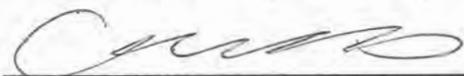
I, the undersigned active member of the Washington State Bar Association, am running for the At-Large position.

Connie WAN

38425

Name of candidate (please print)

WSBA Bar #



Signature of Candidate

Signature of Nominator (if relevant)

WSBA Bar #

Note: By signing this form, the candidate understands and agrees that as part of the election process for this position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

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Connie Wan Ph.D. J.D.

WSBA

Board of Governors

At-Large Position

Letter of Interest

I am interested in serving on WSBA Board of Governors as an at-large representative so I could contribute to important issues that directly impact the daily life of Washingtonians and my fellow bar members, to help ensure the integrity of a profession that is near and dear to my heart and to champion justice that is the very essence of a culture of freedom and the democratic system that I've fell in love with over 25 years ago.

25 years ago, I moved to United States alone from China carrying two suitcases with a plane ticket bought with borrowed money. With a broken English, I started my study pursuing a graduate degree and eventually a Ph.D. from Clark University. What struck me the most about my new American life was the freedom – the freedom of not having to live in a box that was designed by the government. While continuing with my Ph.D. study in organic chemistry, I took classes in English, history, philosophy, writing, and psychology from different schools. And image my awe of realizing no one tried to stop me while I was clearly “stepping out of the box!” I was in love with the country, the people who went out of their way helping me and the culture of respect for the free will.

Today I am a patent attorney practicing IP law in Washington State for over 15 years. With the working experience expanding across both legal and business worlds, I have a deep understanding of legal issues facing both the attorneys, the businesses and the ordinary people. My legal experience spanned from the private practice in law firms to in-house experiences in investment firm and companies. I am currently serving as the CEO and Chief Legal Counsel at Seattle Gummy Company. Before that, I served as the Chief Technology and Intellectual Property Officer at Benemilk Ltd., a joint venture company by the Finnish Raisio Group and Intellectual Ventures (IV). Before joining Benemilk, I was a patent attorney and director at IV managing the invention capital investment activities in Asia and North America. Before my legal career, I researched novel therapeutics as a researcher in both academic and industrial labs. I also served as a Legislative Fellow for Senator Maria Cantwell at Washington D.C. I have published in numerous scientific journals, am a prolific inventor and a frequent speaker on topics of law, science, business and cross-cultural issues.

I am a proud UW Law alumnus. Having traveled and lived in drastically different cultures from China to US to Europe, I have a sharpened sense of culture sensitivity, the legal integrity, and the general fairness of life. Washington is becoming one of the biggest sciences and technology center in the world. The booming economy brought with it the issues of injustice and inequality with increasing complexities. We, the legal professionals, are at the forefront of championing justice and serving the public in our increasingly diversified home.

I am a strong believer in volunteerism and servicing the community. Currently, I am serving as the immediate past President for the Washington State Patent Law Association as well as a board member for American Cancer Society Advisory Board. Before that, I served on the WSBA

Legislative Committee, as a board member for the Licensing Executive Society Seattle Chapter, as an advisory board member for the Washington State Life Sciences Discovery Fund, and as a board member and treasurer for one of the biggest eastside residential communities. To give back to the community, I am a member of Call-of-Duty community providing pro bono service to veterans. I am also a volunteer attorney providing pro bono service to immigrant communities. I would be honored to have an opportunity to use my experience serving on the WSBA Board of Governors.

Connie Wan Ph.D. J.D.

Board of Governors

At-Large Position

Biographical Statement

I am humbly asking for your vote to serve as your at-large Board of Governor representative. I am an attorney practicing IP law in Washington State for over 15 years. As an attorney, I've advised clients from start-ups to blue-chip companies; as a businesswoman, I've worked for and served on various boards of for-profit and non-profit entities; as a serial entrepreneur, I've founded companies creating jobs in Washington state; as a scientist, I researched novel therapeutics in both academic and industrial labs; and as a volunteer attorney, I've provided services to veterans and immigrant communities and mentorships to young attorneys and law students.

Having lived and traveled in drastically different cultures from China to US to Europe, I have a sharpened sense of culture sensitivity, the legal integrity, and the general fairness of life. With the working experience expanding across both legal and business worlds, I have a deep understanding of legal issues facing both the attorneys, the businesses and the ordinary people. Washington is becoming one of the biggest sciences and technology center in the world. The booming economy brought with it the issues of injustice and inequality with increasing complexities. We, the legal professionals, are at the forefront of championing justice and serving the public in our increasingly diversified home.

I am ready and eager to serve and I sincerely ask for your vote.

Connie F. Wan, Ph.D., J.D.
cwan@seattlegummy.com
425-449-1123

PROFESSIONAL EXPERIENCES

Seattle Gummy Company, Seattle, Washington (2016-present)

Chief Executive Officer/Chief Legal Counsel

- A nutraceutical and pharmaceutical company focusing on gummy delivery formulation
- Leading R&D strategy, projects and budgets;
- Leading drug product development, FDA regulatory affair, clinical trial and go to market strategies;
- Leading technology acquisition and development; and
- Developing and managing intellectual property strategies and portfolios.

Waterstone Capital Ltd., Beijing, China and Seattle, Washington (2015-2017)

Partner, General Counsel

- Leading investment in US and EU;
- Leading technology and investment due diligence;
- Leading post-investment management of portfolio companies; and
- Managing existing of portfolio companies.

Centriq Corporation (Benemilk Ltd.), Seattle, Washington (2014-present)

Chief Technology Officer/Chief Intellectual Property Officer

- Leading products licensing and marketing;
- Leading R&D strategy, projects and budgets;
- Leading product pipeline and go to market strategies;
- Leading and managing technology and product licensing strategies, negotiation and pipelines;
- Leading technology acquisition and development; and
- Developing and managing intellectual property strategies and portfolios including both the patent and trademark portfolios.

Intellectual Ventures, Bellevue, Washington (2009-2014)

Patent Attorney, Director for Chemistry and Materials

- Leading and managing Small Company Big Technology investments
- Establishing and managing physical science inventor network in North America;
- Leading and managing assets evaluation, due diligence, and acquisition in North America;
- Leading and managing the licensing and monetization activities in North America in physical sciences
- Developing and managing patent portfolios including managing invention disclosure generation, patent preparation and prosecution;
- Managing the R&D projects and research collaborations;
- Leading IP strategies for joint ventures, corporate partnerships, portfolio companies and startups;
- Developing trademark strategies and managing trademark application, registration and prosecution for the startups and joint ventures; and
- Managing export control compliances for physical and life sciences assets.

Christensen, O'Connor, Johnson, Kindness PLLC, Seattle, Washington (2005-2009)

Patent Attorney

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form At-Large Position

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 - A resume.
- 3) Scan and email the signed form and attachments to _____ . **Applications must be received by 5 p.m. PST on Monday, April 20, 2020.**
- 4) Letters of support must be emailed to _____ by April 29.
- 5) Applications will be included in the May Board of Governors meeting materials and posted on the WSBA website.
- 6) Questions? Contact Pam Inglesby at _____ or 206-727-8226.

Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned active member of the Washington State Bar Association, am running for the At-Large position.

Lisa Mansfield

28601

Name of candidate (please print)

WSBA Bar #

Lisa Mansfield

Signature of Candidate

Signature of Nominator (if relevant)

WSBA Bar #

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This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PDT on April 20, 2020. Filing may be accomplished by emailing the form and attachment to

April 15, 2020

Dear WSBA BOG Selection Committee,

My name is Lisa Mansfield and I am pleased to express my interest in applying for the Washington State Bar Association Board of Governors At-Large position. I believe my qualifications, education and experience are extremely well suited to meet your high expectations of a member of the BOG.

I am an innovative and inclusive candidate who is skilled at communication and collaboration. I am focused on both access to justice issues and forming community partnerships. In my current role as President of Pierce County Minority Bar Association (PCMBA) and as a member of the WSBA Diversity Committee, I am a local leader in the area of diversity and inclusion. This year, PCMBA will explore local pro-bono partnerships with the aid of the Powerful Communities Grant that I secured. In addition, I frequently publish articles related to equity in *NWLawyer* and *Pierce County Lawyer Magazine*. My most recent article highlights the University of Washington Tacoma's Legal Pathways Program which helps underrepresented students find a pathway to become lawyers or legal professionals.

I have passion for connecting and building community relationships, and I bring these skills to bear in my role as Vice President of Community Outreach for Washington Women Lawyers' Board of Directors. In my role as a parent's attorney, I am particularly proud of my work in helping to establish Washington's first Safe Babies Court which brings best practices to dependent families and their vulnerable infants aged zero to three years old. I have testified several times in front of Washington State House and Senate Committees on behalf of "Baby Court" bills and I received Pierce County's Standing Ovation Award for my support of this therapeutic court.

In all I do as an attorney and a community supporter, I hold dear the twin values of dedicated stewardship and gracious professionalism. I believe these values to be directly in line with the high aims of the WSBA Board of Governors. And, as an African American woman originally from the South, my lived experience would bring a unique perspective to the BOG.

Thank you kindly for your consideration. I am very grateful for the opportunity to apply for the At-Large BOG position.

Warmest regards,

Lisa Mansfield

BRIEF BIO STATEMENT-LISA MANSFIELD

My name is Lisa Mansfield and I am a Public Defender. I graduated from Columbia University in the second class to admit women and I attended the University of Washington School of Law. My commitment to underrepresented communities makes me an excellent choice to serve on the WSBA Board of Governors.

Currently, I am president of Pierce County Minority Bar, I am Community Outreach Vice President for Washington Women Lawyers, and I serve on the WSBA Diversity Committee. It would be my honor to work alongside esteemed members of the BOG and serve our state at the highest level.

Articles from NWLawyer/Bar News by Lisa Mansfield:

An article about Senior Counsel for Justice, Carol Mitchell, which was a highlight and the cover story of the Women in Law issue of NWLawyer:

https://wabarnews.wsba.org/wabarnews/april_2019/MobilePagedReplica.action?pm=1&folio=24#pg26

An article about Legal Pathways, a program in Tacoma that helps non-traditional students find a pathway to the law and law related careers:

https://wabarnews.wsba.org/wabarnews/mar_2020/MobilePagedReplica.action?pm=1&folio=34#pg36

An interview with Constitutional Law professor David Skover about his book “Robotica” that discusses the interface between artificial intelligence and free speech analysis:

https://wabarnews.wsba.org/wabarnews/dec_2019_jan_2020/MobilePagedReplica.action?pm=1&folio=22#pg24

An article about the history and work of Washington’s only Safe Babies Court Team “Baby Court”, which was the cover story:

https://wabarnews.wsba.org/wabarnews/august_2018/MobilePagedReplica.action?pm=1&folio=Cover#pg1

Lisa H. Mansfield



SKILLS

Outstanding interpersonal skills
Exceptional communicator
Creates working alliances

Insightful decision making and judgment
Inventive problem-solver
Dedicated consensus builder

EDUCATION

UNIVERSITY OF WASHINGTON SCHOOL OF LAW

Seattle, Washington J.D. awarded 1995
Mediation Clinic University of Washington School of Law 1994
Better Business Bureau Arbitration Training 2006

COLUMBIA UNIVERSITY

New York, New York B.A. in English Literature awarded 1988

PROFESSIONAL EXPERIENCE

Judge Pro Tempore Thurston County District Court, 2018-Present

Adjudicate pretrial and post conviction misdemeanor criminal matters. Preside over mitigated civil traffic hearings. Maintain a courtroom that is culturally responsive and socially just.

Attorney Department of Assigned Counsel Dependency Unit Tacoma, WA 2008-Present

Advise, counsel and motivate underrepresented parents of Pierce County by advocating for their best interest in Superior Court civil divisions. Conduct thousands of negotiations on behalf of indigent clients with prosecutors and Assistant Attorneys General. Maintain a large case load of trauma-affected clients by co-ordinating legal expertise and motivational interviewing skills. Present arguments in complex litigation including termination of parental rights. Exercise organizational and presentation expertise in bench trials. Manage communications between the bench and mentally disabled clients keeping client dignity and respect at all stages of litigation. Advocate on behalf of incarcerated parents by researching relevant statutes and presenting legal arguments to trial judges ensuring client best outcomes. Co-ordinate with psychologists, treatment providers, and social workers to provide services to trauma affected clients in accordance with best practices.

Attorney Department of Assigned Counsel Felony Unit Tacoma, WA 2006-2008

Managed high volume felony case load for Pierce County DAC. Exercised organizational and presentation expertise in bench and jury trials. Executed tough negotiations with City Attorneys attaining best outcomes for clients.

Attorney Department of Assigned Counsel Misdemeanor Division Tacoma, WA 2003-2006

Represented indigent clients in DUI, driving while license suspended, and 4th degree assault cases. Presented cogent and persuasive legal arguments to the Court based on a synthesis of statute, case law and fact.

Attorney Amini Law Firm Bellevue, WA 2000-2003

Responsible for the firm's criminal defense contract in Bellevue District Court. Navigated three separate court departments single handedly. Managed contentious family law matters including child support and maintenance. Negotiated with insurance companies on behalf of injured clients in personal injury cases.

Attorney Associated Counsel for the Accused (ACA) Kent, WA 1999-2000

Trial attorney for ACA misdemeanor division. Emphasized DUI representation in South King County. First Responder to DUI field calls. Managed firm's misdemeanor assault cases.

Law Clerk Hoffer & Associate, P.C. Norfolk, VA 1997-1998

Research and writing regarding personal injury, wills, and not for profit 501(c) 3 corporate matters. Enlarged client base of small firm through written promotional materials and presentations with emphasis on African American Community issues. Built key relationships with community leaders to promote the firm's social justice agenda. Research and writing regarding corporate, estate and personal injury matters.

INTERNSHIPS

Sierra Club Legal Defense Fund (SCLDF now called Earth Justice) Seattle, WA 1996

Worked with a team of environmental lawyers on Northwest Salmon advocacy. Provided research to managing partners on superfund sites.

Seattle City Attorney, Criminal Division Intern in the Trial Unit Seattle, WA 1995

Handled criminal investigations and assisted in trial preparation for City Attorney prosecutors.

American Arbitration Association (AAA) Seattle, WA 1993

Intern for AAA. Raised awareness about alternative dispute resolution. Engaged client base by direct solicitation.

New York City Parks Department New York, NY 1990-1991

Managed competitive bid process and park revenue for all food concessions and ice skating rinks on city park lands in Brooklyn and Staten Island.

COMMUNITY INVOLVEMENT

President of Pierce County Minority Bar Association Tacoma, WA 2020

Vice President of Community Outreach Washington Women Lawyers Board of Directors, 2020

University of Washington Tacoma Legal Pathways Advisory Board, 2020

Pierce County Bar Association Trustee, Tacoma, WA March 2020

Pierce County Bar Association Magazine Committee, Tacoma, WA 2018-Present

Washington State Bar Diversity Committee Seattle, WA 2018-Present

Partner with community stakeholders to implement WSBA's Diversity and Inclusion Plan which promotes the vital importance of a diverse Bar. Engage and educate wider legal community about issues of social justice and inclusion within the Washington State Bar. Support and promote young lawyers of color through mentorship programming.

Chair of Juvenile Court Committee Tacoma, WA 2018-Present

Created a team to promote a more equitable juvenile court. Designed a program tailored to meet the urgent need of diversity in Pierce County's Juvenile Court System. Serve as a liaison between Pierce County Juvenile Court and Pierce County Bar.

Oasis Queer Youth Center Ally Tacoma, WA 2017-Present

Work to support and promote alliances between queer youth and wider community. Featured in video promoting understanding of issues facing queer youth and families. Member of Oasis Bridge Builders.

Member of the Community Advisory Team (CAT) to Tacoma Public School's Gifted and Talented Education Program (GATE) Tacoma, WA 2014-2017

Responsible for advising the GATE team to comply with equity initiatives regarding equitable access to accelerated education testing ensuring students of color are fairly represented in accelerated learning environments.

Reunification Day Emcee Tacoma, WA 2014, 2016-2019

Host of Reunification Day which recognizes and celebrates families who successfully navigate the dependency process and are re-united. Enable reunified families to tell their stories of struggle and triumph.

Muckleshoot Tribal Court Tribal Court Bar Admission Auburn, WA 2013-Present

Pro Bono representation through the University of Washington Law School Tribal Court Public Defense Clinic.

Catherine Place Board Member Tacoma, WA 2009-2012

Member of the board of directors for Catherine Place, a women's center for hope and healing in Tacoma. Guided the organization's board to tailor their programs to provide access to social services for a greater number of materially poor women of color in Tacoma. Responsible for hosting Boombaballa, Catherine Place's annual major fundraising event. 2011-2015 and 2018-2019.

Pierce County Minority Bar Association Vice President Tacoma, WA 2009-2011

Responsible for organizing the Youth and Law Day event which focuses on presenting a positive experience of the judicial system to Tacoma's youth of color. Present mock trials and role playing to inform youth about media and technical laws that could affect them.

Rotary 8- Tacoma WA 2018-Present

Member of World Community Services Committee which helps to fund clean water, sanitation, and education projects world wide.

Awards

Lee Ann Miller Group Award recipient 2018

Pierce County Standing Ovation Award for Leadership 2018

CLE Presentations

"Myth Busters" Baby Court Presentation Juvenile Court Dec. 5, 2019, Tacoma, WA

"Collaboration Between Foster and Bio Parents" Permanency Summit Sep.18, 2019 Tacoma, WA

Publications

NWLawyer Magazine March, 2020

“University of Washington Tacoma’s Legal Pathways: Filling a Need In the South Sound”

Pierce County Lawyer Magazine March, 2020

“Interview with Judge Frank Cuthbertson”

NWLawyer Magazine January, 2020

“Do Robots Dream of First Amendment Speech?”

Pierce County Lawyer Magazine January, 2020

“Legal Pathways”

Pierce County Lawyer Magazine December, 2019”

“Profile: Introducing Judge Sabrina Ahrens”

Pierce County Lawyer Magazine September, 2019

“Robotica, Part II”

Pierce County Lawyer Magazine August, 2019

“Robotica, Part I”

Pierce County Lawyer Magazine July, 2019

“Pierce County Superior Court Judge Susan Serko”

NWLawyer August, 2019

“How She Does It All: A Conversation with Carol Mitchell” (Cover Story)*

NWLawyer August, 2018

“Hope and Healing: The state’s first Baby Court Team uses early intervention and support to help infants and young children in dependency cases (Cover Story)*

Pierce County Lawyer Magazine December, 2018

“Judge Dwayne Christopher”

Pierce County Lawyer Magazine June, 2017

“Baby Court”

FRANK E. CUTHBERTSON

April 19, 2020

Washington State Bar Association
1325 Fourth Ave. Suite 600
Seattle, WA. 98101-2539
Attn. Terra Nevitt

Re: Attorney Lisa Mansfield

I am writing in support of Lisa Mansfield for an At-Large position on the WSBA Board of Governors. Lisa is currently the Chairperson of the Pierce County Minority Bar Association. As chair she has strengthened the organization and expanded ties with other minority bar groups. Lisa is also active in the Pierce County Bar Association. She is a frequent contributor to local and state bar publications. She has also been a liaison between the University of Washington Tacoma's Legal Pathways Program and local attorneys and firms.

Lisa Mansfield has strong administrative and organizational skills that would be beneficial to the BOG and our membership. She has a strong commitment to equal access to justice. Lisa Mansfield is also an innovator. She was instrumental in creating Pierce County's "Best for Babies Court" for dependent and neglected children.

Finally, Lisa Mansfield has appeared in front of me in Pierce County Juvenile Court and has proven herself to be an effective advocate who maintains the highest standards of ethics and civility. Lisa Mansfield would be a great asset to the Board and our membership across the state.

Very truly yours,

Judge Frank E. Cuthbertson (Ret.)
WSBA # 23418

May 20, 2020

To the WSBA BOG Selection Committee,

I write today in recommendation of Lisa Mansfield for an at-large position on the WSBA Board of Governors. I met Ms. Mansfield in the course of my work as the director of the Legal Pathways program at the University of Washington Tacoma. The Legal Pathways program is dedicated to supporting UWT students explore careers in the law and law-related fields, particularly those students who have been historically underrepresented in the law. Ms. Mansfield not only serves on the Legal Pathways Community Advisory Board but also takes an active role in seeking out opportunities to mentor and support students. She is truly passionate about diversity, equity, and inclusion in the legal field and that passion is consistently manifested in her commitment to her work with UWT students.

Lisa is a true natural when it comes to forging and sustaining community connections. I have rarely met someone for whom networking comes so naturally. It would be easy for someone so gifted at relationship building to use that skill to only their own advantage. However, Lisa has uses her ability build relationships to advance access to justice and diversity in the legal field. In my time working with her, I have seen her repeatedly use her deep connection to the legal community for the benefit of others, always seeking to connect people who may be able to collaborate.

Additionally, Lisa uses her writing skills to highlight programming supportive of access to justice. For example, early on in the launch of the Legal Pathways program, Lisa wrote about the program for the NWLawyer magazine.

Sincerely,

Patricia Sully

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form At-Large Position

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INSTRUCTIONS

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- 6) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for position on the Washington State Bar Association Board of Governors

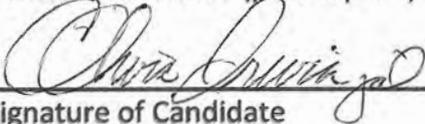
I, the undersigned active member of the Washington State Bar Association, am running for the At-Large position.

C. Olivia Irwin

43924

Name of candidate (please print)

WSBA Bar #



Signature of Candidate

Signature of Nominator (if relevant)

WSBA Bar #

Note: By signing this form, the candidate understands and agrees that as part of the election process for this position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

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BIO STATEMENT:

Christal Olivia Irwin, J.D. is principle attorney for Irwin Law Firm, Inc. in Colville Washington. A UW Law Graduate and long-time social justice advocate, she worked in human service non-profits prior to joining the WSBA in August 2011, she has represented clients in King, Snohomish, Skagit, Spokane and Grant Counties, in addition to her home jurisdiction of Ferry/Stevens/Pend Oreille. Her volunteerism includes membership on the Board of Directors, Speakers Bureau, and civic engagement and legislative review committees of the League of Women Voters of Metropolitan King County; Access to Justice/WebLawyer advisory committees and the Stevens County Law Library Committee.

CHRISTAL OLIVIA IRWIN, J.D.

358 E. Birch Ave., Ste. 202, Colville, WA 99114 ♦ (509) 684-9250

EDUCATION

Juris Doctor, 2007

University of Washington School of Law
V. P., Black Law Students Association, 2006-07;
Internships with Jeffrey Steinborn, P.S., and the Oakland
City Attorney's Office, advisory division

Bachelor of Arts, 2000

Communications, Society & Justice,
University of Washington, Seattle

Associate of Arts, 1998

Green River Community College,
Auburn, Washington,
Member, Phi Theta Kappa; President, Black Student
Union; Office Assistant, Green River Foundation;
News & Public Affairs Director/ On-Air Personality,
KGRG 89.9 FM Radio;
Reporter, The Current newspaper

CIVIC AND OTHER PROJECTS

Stevens County Bar Association (6/2015-
1/2018); **Law Library Board**(9/2015- 10/2017)

Candidate/Treasurer, Ferry/Stevens/Pend
Orielle Superior Court Judge(2016)

Access to Justice Systems Delivery/
Washington WebLawyer Advisory
Committee (2015-16)

Candidate/Treasurer, Ferry County
Prosecuting Attorney (2014) 17%

Executive Director, Gotham City
Communications,
a civic media think tank. (2002-2009)

Member, Seattle League of Women Voters
(2005-Present) Board of Directors (2008-2009), Ballot
Issues Committee (2008), Speakers Bureau 2008-2011

Appointed Opposition, Seattle Parks and
Green Spaces Levy. (2008 Election)

Appointed Opposition, Seattle City Charter
Amendments 17 & 18. (2007)

Candidate for City of Seattle Mayor (2001,
2005); **Seattle City Council, Position 7** (2003):

King County Elections Inspector
(2002 Elections, May 2003 Special Election)

CAREER HISTORY

January 2015 – Present

Principle Attorney, **Irwin Law Firm, Inc.**

358 E. Birch Ave., Ste. 202, Colville, WA 99114
Criminal Defense and General Practice Civil Litigation; Full and limited
representation, unbundled services.

August 2011 – 1/2015

C. Olivia Wood, J.D., Attorney & Counselor-at-Law

70 W Delaware, #4, Republic, Washington 99166
Private solo general practice attorney handling all aspects of civil and criminal
defense litigation including media support. Full and limited representation, "low
bono" civil legal assistance. Civic, public interest, and social justice authorship
and advocacy.

August 2009 – December 2010

Intern/Legal Assistant, Integrity Law Group, PLLC,

1032 Jackson St., Ste. 205, Seattle, Washington.
Legal research, writing, client relations and documentation assistance.

April 2004 to October 2005

Program Assistant II, Lutheran Community Services,

433 Minor Avenue, Seattle, Washington.
Administrative support and adoption archives/relations for Permanency
Planning (foster-to-adopt) and Refugee Children's Foster Care Programs.

October 2002 to December 2003

Executive Administrative Assistant, W. Seattle Psychiatric **Hospital/ Highline-West Seattle Mental Health Center,** 2600

S.W. Holden Street, Seattle, Washington. *Administrative Support of*
Chief Executive Officer, Chief Operations Officer, Quality Officer, and Training
Coordinator of dual mental health entities.

March - July 2001, January - August 2002:

Museum Educator,

February - August 2002

Aviation Learning Center Design Team Lead,

Museum of Flight, 9404 E. Marginal Way S., Seattle,
Washington. *Conducted aviation and aerospace education programs for*
children and youth. Led team of 4-5 aerospace volunteers in development of a 45-
minute, computer-based educational workstation on flight dynamics.

March 1993 – September 1997:

Division Assistant II, Planning and Distribution, United

Way of King County, 107 Cherry Street, Seattle, Washington.
Administrative support to Director of Community Initiatives, and Human
Service Managers to facilitate strategic planning and funding allocation to over
123 human service agencies.

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form At-Large Position

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Candidate for position on the Washington State Bar Association Board of Governors

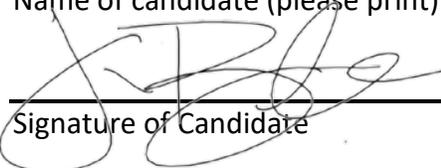
I, the undersigned active member of the Washington State Bar Association, am running for the At-Large position.

Luís Beltrán

53935

Name of candidate (please print)

WSBA Bar #


Signature of Candidate

Signature of Nominator (if relevant)

WSBA Bar #

Note: By signing this form, the candidate understands and agrees that as part of the election process for this position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

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LUÍS BELTRÁN

Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

April 14, 2020

Governors,

I would like to formally apply for the at-large board of governors position with the Washington State Bar Association (WSBA). I have extensive experience serving the public interest over the past ten years in a variety of different capacities and this interest stems from own individual childhood journey. A journey that began with a custody removal at ten years of age and an opportunity not afforded to my six siblings. I have been fortunate enough to envision an avenue towards success, through the power of adversity and the support of my community. Despite the educational instability of twenty-two grade schools and seven high schools, I paved the way for academic and educational success.

I have a broad set of interests in the law and in community, experience as an effective leader in my community and state, and am a person with a well-demonstrated interest in serving the public good. I have been a dedicated contributor to the many individual governmental and non-profits organizations that I have had the privilege of working with over the last ten years. I bring to the table a special perspective as a first-generation immigrant, college graduate, and former foster child who has had the opportunity to overcome many obstacles on my way to success. This diversity of experience has meaningfully contributed to what I see my service mission is; to broaden access to legal services. It has allowed me to be forceful and completely authentic as I worked with others to shape the community in ways to be more receptive to the goal of a more diversified and inclusive environment.

It would be a rewarding process working with all of you to advance the policies that would move the Bar forward in representing the rich viewpoints of all the lawyers whom we are called upon to serve. I believe my efforts would be full of passion and a certain degree of impatience; as I wish to get busy on putting my ideas into action, which is consistent with my drive to accomplish measurable and meaningful change in the legal community.

I have a record of accomplishment and of generating ideas, wherein I work tirelessly to articulate a plan for implementation of a goal and work to conduct analysis of any impediments to success. I pride myself in keeping the essence of my ideas alive; always seeking to see the forest through the trees. I have a steely persistence that I intend on putting to good use to the benefit of the legal community which I seek to serve. Importantly, I am a hard worker and a good listener.

Please do not hesitate to contact me if you have any questions or would like additional information to augment my application. I would welcome the opportunity to discuss how my interests and experiences may be beneficial in serving the broader legal community.

Sincerely,



Luís Beltrán

Bio - Luis is an Assistant Attorney General, serving the people of Washington at the Attorney General's Office. He earned his Juris Doctor at the University of Washington School of Law (Gates Hall), where he primarily focused on public interest law. He is a recipient the Bergstrom Child Welfare Law Fellowship, which is intended to encourage law students to pursue a career in child welfare. While in law school, Luis worked in a variety of different public interest settings; California Court of Appeal, Clark County District Attorney's Office, and Washington State Bar Association.

LUÍS BELTRÁN

EDUCATION

University of Washington School of Law, Seattle, WA

Juris Doctor, 2018

McKinley Irvin Family Law Scholarship Recipient, 2017

Latina/o Bar Association of Washington Scholarship Recipient, 2017

University of California, Hastings College of the Law, San Francisco, CA

First-year studies, August 2015-May 2016

University of Michigan Law School, Bergstrom Child Welfare Law Fellow, 2016

Court of Federal Claims Bar Association, Carole Bailey Scholarship Recipient, 2015

American Association for Justice, Richard D. Hailey Scholarship Recipient, 2015

University of Nevada, Las Vegas, Las Vegas, NV

Bachelor of Arts in Political Science, May 2012

Princeton University, Public Policy and International Affairs Fellow, 2011

Congressional Hispanic Caucus Institute Internship Program, Office of Senator Harry Reid, 2010

EXPERIENCE

Washington State Attorney General's Office, Tacoma, WA

August 2018–Present

Assistant Attorney General, Selected as part of the 2018 Honors Program

Represent client agency at all stages of dependency proceedings including settlement conferences and fact-finding trials; conduct legal research and analysis in preparation for trial and/or oral argument before the Court of Appeals.

Washington State Bar Association, Seattle, WA

June–July 2018

Summer Legal Intern, Office of General Counsel

Conducted research and drafted memoranda and correspondence; assisted and supported Boards and Committees including the Disciplinary Board, Hearing Officers, and Lawyers Fund for Client Protection; assist in various office-wide projects.

Clark County District Attorney's Office, Las Vegas, NV

March–May 2017

Extern, Juvenile Division

Researched and drafted motions, pre-trial of witnesses and victims, and screening of cases relating to dependency and delinquency matters; reviewed proposed legislation, determining its impact on the delinquency and child dependency systems; assisted in preparing testimony to be presented before the State Legislature, in support of or in opposition to a bill; briefed chief DDA in preparation for testimony.

California Court of Appeal, First Appellate District, San Francisco, CA

June–July 2016

Judicial Extern for Justice Therese M. Stewart

Conducted research and drafted memoranda for assigned cases, briefed staff on the relevant case law, and provided an analysis of the strength of the parties' argument; conducted legal research and writing on the efficacy of a variety of issues ranging from criminal, dependency, and tort claims.

VOLUNTEER

Human Services Commission, Commissioner, Tacoma, WA

2019-Present

Washington State Bar Association, Fund for Client Protection, Seattle, WA

2019-Present

AGO Volunteer Legal Service, Family Law Clinic, Tacoma, WA

2019-Present

LAURA L. WULF

April 24, 2020

Board of Governors
Fourth Ave., Suite 600
Seattle, WA 98101-2539

RE: Application of LUIS BELTRAN for At-large Position

Governors:

I write in support of the appointment of Luis Beltran to the at-large Board of Governors position. I work with Mr. Beltran in the Tacoma division of the Washington Office of the Attorney General. Mr. Beltran came to our office through the Honors Program- a highly competitive process, which places just a hand full of applicants each year. As a colleague, I have had the opportunity to observe him in a professional, legal environment.

Mr. Beltran is an enthusiastic individual who takes every opportunity to participate in office and community activities. He has a clear commitment to diversity, equity and inclusion values. He is an active participant in the Diversity Committee in our office. As one example, he takes great pride in developing and displaying materials each month on the diversity bulletin board in our office. He is excited about sharing information and dedicated to helping others learn. He is willing to put in time and effort to achieve these goals.

As an Assistant Attorney General, Mr. Beltran is responsible for one of the most challenging case assignments in the AGO. He litigates child dependency cases and advocates for the interests of vulnerable children. He is passionate about this work and excels in carrying out his duties.

Mr. Beltran has demonstrated a commitment to working with others to advance the interests of WSBA and its members. He has volunteered to work on more than one of the WSBA Committees. I personally encouraged him to volunteer for the WSBA Diversity Committee. As one of the co-chairs this year, I was excited about him working as part of the committee. I trust he would be committed and engaged in the committee's work. His energy and dedication would have an even greater impact as a member of the BOG.

Thank you for your consideration.

/s/ Laura L. Wulf
WSBA Diversity Committee Co-Chair 2019-20

WASHINGTON STATE BAR ASSOCIATION

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- 6) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned active member of the Washington State Bar Association, am running for the At Large position.

Laura Elena Sierra

53401

Name of candidate (please print)

WSBA Bar #



Signature of Candidate

Signature of Nominator (if relevant)

WSBA Bar #

Note: By signing this form, the candidate understands and agrees that as part of the election process for this position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

Laura E. Sierra

438 24th Avenue E • Seattle, WA 98112 • (202) 341-9339 • lasierra@microsoft.com

Office of the Executive Director
Washington State Bar Association
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Dear Bar Leadership,

By way of this letter, I would like state my interest in running for the open At-Large position with the Washington State Bar Association. I have been an attorney for nearly twelve years and have held bar memberships in the District of Columbia, Maryland and the State of Washington as well as multiple federal courts. As a Latina and an attorney, I have always been committed to pursuing opportunities and work that promote and highlight minorities in the law and that provide access to legal services to traditionally underrepresented and underserved populations. I am confident that I can bring my unique experience and perspective to the Washington State Bar Association that I can reach out to other historically underrepresented groups in the law to ensure that we all rise and grow together.

I look forward to the opportunity to serving the diverse and proud legal community of the State of Washington.

Sincerely,

/s/

Laura Sierra

Laura E. Sierra

438 24th Avenue E • Seattle, WA 98112 • (202) 341-9339 • lasierra@microsoft.com

Biographical Statement

I am currently an attorney in Microsoft's Office of Legal Compliance where I conduct internal investigations. I have been a practicing attorney for almost 12 years having started my career as a litigator at a law firm in Washington, D.C. I am originally from Texas, though I have degrees from Texas, South Korea and, most recently Washington, D.C. Throughout my career, I have held leadership positions and served as a mentor to students and young attorneys. I believe in giving back to the community and being a living example of the opportunities and privileges a legal career provides.

Laura E. Sierra

438 24th Avenue E • Seattle, WA 98112 • (202) 341-9339 • lasierra@microsoft.com

PROFESSIONAL EXPERIENCE

Microsoft Corporation, Office of Legal Compliance – Investigations

Redmond, WA

Attorney – February 2017 - Present

- Independently lead and manage internal investigations of Microsoft employees and vendors with internal compliance and external legal implications.
- Collaborate closely with relevant Microsoft investigative groups including the workplace investigations team and Global Security to drive appropriate resolution and remediation as well as with the Employment Law Group (ELG), Human Resources (HR), and Benefits to ensure that both the reporting party and subject receive the support and care required for their particular circumstances.
- Act as the primary legal compliance advisor for business units at corporate leading, or participating in, quarterly compliance meetings with senior leadership identifying current metrics, addressing new significant open matters, significant closed matters, and themes in investigations for those business units.
- Provide in-culture and in-language (Spanish) support for LATAM cases, as needed as part of my LATAM alignment, including interviewing witnesses and subjects, reviewing relevant evidence and suggesting strategy or investigation outcomes.
- Manage outside counsel engaged as outsourced staff for corporate and field Global Security cases, while continuing to manage cases with unique sensitivities or PR implications.

Alston & Bird LLP

Washington, D.C.

Senior Associate - Litigation & Trial Practice Group, January 2013 – January 2017

Associate - Litigation & Trial Practice Group, September 2008 - December 2012

Summer Associate, May 2007 - August 2007

- Assisted clients in all phases of internal investigations and suits initiated by federal agencies.
- Represented clients in all phases of litigation ranging from commercial disputes to complex litigation before federal and state courts.
- Advised clients on diverse regulatory compliance matters including: anticorruption regulations; federal and state disability rights statutes; healthcare manufacturing statutes; federal, state, and local public disclosure obligations; trade compliance statutes; and federal and state consumer protection statutes.
- Reviewed corporate standard operating procedures, policies, and training programs to ensure compliance with federal regulatory requirements.
- Provided Spanish language counsel to clients in Latin America and U.S. clients doing business there.
- Monitored regional developments that impact international business operations in Latin America.
- Negotiated settlements with the federal government and private litigants on behalf of clients.
- Represented clients in mediations at the federal and state level.
- Managed e-discovery in federal suits, including handling Spanish language discovery in Latin America.

Public Defender Services for the District of Columbia

Law Clerk - Appellate Division, May 2006 - August 2006

Washington, D.C.

- Drafted and presented legal memoranda regarding evidentiary and constitutional issues.
- Aided in case investigations and case support.
- Informed community residents about the expungement process for prior arrests.

Interlex Advertising

San Antonio, TX

Director of Business and Strategic Development, December 2002 - July 2005

- Spearheaded all new business efforts, increasing revenues by over 60 percent.
- Developed strategic alliances with international organizations in the UK, Germany, Japan, and Mexico.
- Key accounts secured: United States Department of Homeland Security's US-VISIT Program and Texas Department of State Health Services' Bioterrorism Preparedness and Response Campaign.

City of San Antonio, Office of Budget and Performance Assessment

San Antonio, TX

Budget Analyst - Intern, August 2002 - December 2002

Organizational Review Analyst - Intern, August 1999 - May 2000

- Planned and analyzed budget records for municipal agencies using Hotel/Motel Tax Fund.
- Monitored expenditures to ensure compliance with approved appropriations and pertinent regulations.
- Compiled and analyzed data for an economic impact analysis study of the city's tourism industry.

EDUCATION

American University Washington College of Law

Washington, D.C.

Juris Doctor, May 2008

ABA National Appellate Advocacy Team - Moot Court Honor Society, March 2006 - 2007

Executive Board Member, International Law Review, April 2006 - May 2008

Executive Board Member, Hispanic Law Students Association, August 2005 - May 2006

Yonsei University

Seoul, South Korea

Master of Arts in International Studies, Minor in International Business Management, August 2002

Thesis: "Regulation of the Domain Name System: Implications to Global Governance"

Vice-President, Yonsei University - Graduate Student Association, July 2001 - December 2001

St. Mary's University

San Antonio, TX

Bachelor of Arts in Economics, May 2000

Senior Project: "Economic Impact of the San Antonio Convention Center"

Member, Omicron Delta Epsilon - The International Economics Honor Society, April 2000

PUBLICATIONS & SPEAKING ENGAGEMENTS

- Presenter, Microsoft Americas FastStart 2019, "Compliance Scenarios", San Diego, CA – July 24, 2019.
- Presenter, Microsoft Americas FastStart 2018, "What Happens When the Advisor Needs Advice?", Toronto, Canada – July 12, 2018, highest rated presentation.
- Panelist, White Collar & Internal Investigations Practice Area Committee, National Association of Minority and Women Owned Law Firms, "Navigating Internal Investigations in 2018", March 27, 2018.
- Panelist, American Bar Association, Section of International Law, "The Impact of TPP on NAFTA," September 14, 2016.
- Panelist, National Hispanic Bar Association Corporate Counsel Conference "Can You Afford It? Health and Life Science Product Development and Prescription Drug Pricing," March 18, 2016.
- Co-author, *Are Deferred Prosecution Agreements in Jeopardy?*, published March 31, 2015 by Alston & Bird LLP's White Collar & Government Investigations Blog.
- Co-author, *How to Comply with cGMPs*, a primer on standards for Current Good Manufacturing Practices (cGMP) compliance, published May 1, 2013 in coordination with the Food and Drug Law Institute (FDLI).
- Co-author, *Misdemeanor Prosecutions under Park: The Stakes Just Got Higher*, published December 2012 by Alston & Bird LLP's FDA Monitor.
- Moderator, "Plotting your Career Trajectory: Tips for Early Success," a D.C. Bar Corporation, Finance and Securities Law Section - Young Lawyers Committee-sponsored panel, March 13, 2013.
- Co-instructor, "Introduction to Drug Law and Regulation," a program hosted by the FDLI and FDA Center for Drug Evaluation and Research (CDER), December 15, 2011.
- Panelist, No Child Left Behind Hearing, sponsored by the Public Education Network, September 28, 2004.

CIVIC INVOLVEMENT

- Microsoft, Dilley Pro Bono Team Member – Pro Bono Award
- Member, Bar of Washington
- Member, Bar of Maryland
- Member, National Hispanic Bar Association
- Secretary, The Floridian Condominium Association Board of Directors, April 2012 - June 2015
- Member, Alston & Bird LLP Diversity Committee and Good Health Committee
- Pro-bono representation of clients referred by D.C. Legal Aid and the Federal Public Defenders

AWARDS

- Microsoft, Dilley Pro Bono Team Member – Pro Bono Award
- Super Lawyers Rising Star 2016 - White Collar Criminal Defense
- Super Lawyers Rising Star 2015 - White Collar Criminal Defense
- Super Lawyers Rising Star 2014 - White Collar Criminal Defense
- Pro Bono Representation Award 2014 - Alston & Bird LLP

LANGUAGES

- Fluent in written and spoken Spanish

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form At-Large Position

This position represents licensed legal professionals whose membership has historically been underrepresented in governance. All active WSBA members are eligible to apply.

INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach the following:
 - A brief (100-word maximum) biographical statement including current occupation, relevant experience, and education.
 - A letter of interest.
 - A resume.
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- 6) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned active member of the Washington State Bar Association, am running for the At-Large position.

Stacy Monahan Tucker 43449
Name of candidate (please print) WSBA Bar #

[Signature]
Signature of Candidate

Signature of Nominator (if relevant) WSBA Bar #

Note: By signing this form, the candidate understands and agrees that as part of the election process for this position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

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Washington State Bar Association
Board of Governors
Letter of Interest

To the Board of Governors:

As an attorney who represents the disabled, I am interested in the at-large governor position to bring that perspective to the WSBA and to ensure that all of our members have an equal voice.

I have spent most of my life championing the underdog, perhaps because I grew up as one myself. I grew up in a small Massachusetts mill town, the oldest of four children with a single mother, and put myself through college and later law school, both at the University of Chicago. I have always been intensely interested in our health and welfare system. In college I majored in the interdisciplinary program History, Philosophy and Social Studies of Science, with a double major in sociology, and wrote my college thesis on the cyclical push for universal healthcare in the 20th century United States. I worked in college as the office manager of Physicians for National Health Program. I then spent four years working for management consulting firms, specializing in healthcare and insurance. In law school I helped urban small business owners open their own businesses and taught civics in urban high schools.

Upon law school graduation I joined Jones Day. After two years in healthcare mergers and acquisitions, I switched to litigation, where I worked on large healthcare litigation matters, intellectual property disputes, and ERISA and employee benefit litigation. I founded their Palo Alto office's ongoing relationship with San Mateo Legal Aid. I also represented immigrants seeking asylum. After 9/11, I worked with local Muslim groups to represent Muslims facing discrimination and having difficulty with their green cards and citizenship.

After a two year stint at Quinn Emanuel, I moved to a mid-size firm, Ropers Majeski, and established their Seattle office. Ten years later, I have left Ropers and established a partnership with Kantor & Kantor, one of the preeminent plaintiff firms in the country representing insureds who have been denied their benefits under their life, health, and disability insurance policies. I will be working with them to represent disabled insureds throughout the Ninth Circuit.

I continue to advocate for more comprehensive healthcare options for all, and I counsel and assist the Whole Washington universal healthcare initiative. Like so many attorneys in the Seattle area, I also lent my expertise to the immigrants and green card holders being held at Sea-Tac in 2016. Over the past decade I have begun my family in the Seattle area, and also become a champion for children with special needs and twice exceptional children in the district. I current serve on the board of the Northshore Family Partnership, an Alternative Learning Experience offered by the Northshore school district.

Sincerely,

Stacy Monahan Tucker

Washington State Bar Association
Governor at Large Position
Biographical Statement

My name is Stacy Monahan Tucker. After putting myself through college and law school at the University of Chicago, I began my legal career at large national firms, representing corporations in a wide range of corporate issues and litigation matters. In that time I worked to found the pro bono programs in my offices, where I represented immigrants, asylum seekers, and representatives of alternative religions. Twenty years later I am Senior Counsel at Kantor & Kantor LLP, a boutique plaintiff side litigation firm. In my practice I fight for people who have been denied coverage for needed healthcare, and people with disabilities.

Business Experience

Health Care Microsystems, Inc. (Now MedAssets) 1996-1998

Manager of West Coast Consulting Division. El Segundo, CA

- Led consulting engagements to reengineer hospital and health system budgets and financial plans and reorganize departments.
- Worked directly with CEOs and CFOs to create long-term strategic plans and detailed annual financial plans.
- Handled all employment decisions related to the division, including performance reviews, salary decisions, disciplinary actions, promotions and terminations.
- Onsite at health systems and hospitals 4-5 days each week, installing financial analysis software and training executives and healthcare workers in its use.
- Drafted internal business plan, which was successfully implemented to initiate new business line. • Sold over 5,000 hours of consulting services to existing customers.
- Presented new services before large audiences at national conferences.

Medimatrix Consulting 1994-1996

Analyst - Management Consulting. Cleveland, OH

- Analyzed potential merger and acquisition opportunities between primary care physician groups, hospitals and health maintenance organizations and structured recommended mergers. Opined on potential regulatory issues, including Stark, HIPAA, Medicare and ERISA, and their effects on any possible merger.
- Drafted business plans and financial statements to analyze existing health system needs and project future revenues, expenses and cash flow. Chaired focus groups of the customers of various clients to determine how a new healthcare product would be received in the market.
- Interviewed representatives of area businesses to determine how potential merger opportunities would be received in the market, interviewed CEOs nationwide to determine projected new trends in the industry.
- Drafted employee handbooks for new employees, employment contracts and confidentiality agreements, and policies and procedures for new healthcare entities.

State Bars and Federal Court Admissions

- Washington -state courts and all federal courts
- California-state courts and all federal courts
- Arizona-state courts and all federal courts
- Oregon-state courts and all federal courts
- Nevada-state courts and all federal courts
- Ninth Circuit Court of Appeals
- United States Supreme Court

Volunteer work

- Board member, Northshore Family Partnership
- Whole Washington (state initiative for universal healthcare)
- Northwest Immigrant Rights Project volunteer (past)
- Northern District California asylum project pro bono volunteer (past)
- San Mateo Legal Aid Clinic volunteer (past)
- Institute for Justice Clinic (past)
- Streetlaw educational program (past)

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form At-Large Position

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Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned active member of the Washington State Bar Association, am running for the At-Large position.

Allison R. Foreman

41967

Name of candidate (please print)

WSBA Bar #

Allison R. Foreman

Signature of Candidate

Signature of Nominator (if relevant)

WSBA Bar #

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FOREMAN, HOTCHKISS, BAUSCHER & ZIMMERMAN, PLLC
ATTORNEYS-AT-LAW

DALE M. FOREMAN
ALLISON R. FOREMAN, LL.M. (TAX)
TYLER D. HOTCHKISS
LONNY D. BAUSCHER, LL.M. (TAX)
STEVEN A. ZIMMERMAN
MARI E. FOREMAN GROFF

A PROFESSIONAL LIMITED LIABILITY COMPANY
124 NORTH WENATCHEE AVENUE, SUITE A
WENATCHEE, WASHINGTON 98801
TEL: (509) 662-9602 FAX: (509) 662-9606
EMAIL: ALLISON@FHBZLAW.COM

VIA EMAIL

20 April 2020

Washington State Bar Association
Office of Executive Director
barleaders@wsba.org

Re: Board of Governors Application for At-Large Position

To the Office of the Executive Director:

My name is Allison R. Foreman and I write today to apply for the at-large position on the WSBA Board of Governors. I understand that this position represents those legal professionals whose membership has historically been underrepresented in governance and I put forward my candidacy in the hope of representing such persons.

To provide a degree of background, I was born in Tacoma, Washington and educated at Harvard College and Harvard Law School. After law school, I clerked for the Hon. James M. Johnson at the Washington Supreme Court before moving to Wenatchee to work alongside my father-in-law, Dale M. Foreman. Over the next few years, I earned an L.L.M. in Taxation from the University of Washington School of Law while building my practice. I currently am a partner at a six-attorney firm, Foreman, Hotchkiss, Bauscher & Zimmerman, PLLC, where I practice in the areas of probate, trusts, estate planning, estate litigation and business advising, with a focus on tax and agricultural issues. I belong to my local bar association, the WSBA RPPT and Taxation Sections, and the NCW Estate Planning Council. I have served as a board member of the latter organization and I currently serve on the Board of Governors of the Sons of Norway Foundation, an international organization that supports education and philanthropy in and about Norway and Norwegian-American heritage.

I would like to serve on the WSBA Board of Governors for several reasons. First, I wish to give a voice to attorneys living and working in eastern Washington. Although I was born and raised in the Puget Sound area, I have now lived in Wenatchee for almost ten years and I have gained an appreciation for the unique legal needs of rural America and the special challenges facing practitioners here. For example, how can we as legal professionals ensure meaningful access to justice in areas where few attorneys practice

and legal resources are scarce? What can we do to attract more attorneys to rural areas and small towns? How can we educate new attorneys on the legal issues with which our rural clients need assistance — agriculture, water rights, immigration, environmental law, development? How can we ensure that our communities have a voice in statewide laws and policies that are promulgated hundreds of miles away in Olympia? Having lived and practiced in Chelan, Douglas and Okanogan Counties for nearly a decade, I am familiar with the legal needs and challenges that commonly arise east of the Cascades and I am well-positioned to advocate for the interests of eastern Washington's attorneys.

I also wish to give a voice to women in the WSBA. Until just a few months ago, I was the only female attorney at my firm. I am also a mother who has taken five maternity leaves over the past ten years. As such, I have been the instigator for policies historically important to women attorneys such as maternity leave, remote work and flexible schedules. I am fortunate that my partners have enthusiastically embraced my proposals and supported gender equality in our workplace. If elected to the WSBA Board of Governors, I would continue advocating policies that enable all genders to pursue their legal careers on equal footing. For example, how can we further integrate technology into the legal profession to enable attorneys to practice effectively? Remote client contact? Practice-sharing? Virtual court time? I see this advocacy as benefitting not only women but all attorneys in our diverse membership: mothers, fathers, those caring for the sick or the elderly, part-time attorneys and others whose circumstances prevent their practices from thriving in a traditional office-based framework. My own experiences as a woman and as a parent have informed my advocacy for nontraditional practice arrangements and make me an effective spokeswoman for these groups.

Please do not hesitate to contact me should you have any questions regarding my candidacy. I am very proud to be a member of the WSBA and I appreciate your time and consideration of my application.

Very truly yours,

Allison R. Foreman

ALLISON R. FOREMAN
WSBA No. 41967

Biographical Statement

Allison R. Foreman

A Washington native, I graduated from Harvard College in 2006 and Harvard Law School in 2009. I spent the next year clerking for the Hon. James M. Johnson of the Washington Supreme Court. Following my clerkship, I moved to Wenatchee and started practicing. I am currently a partner at Foreman, Hotchkiss, Bauscher & Zimmerman, PLLC. I belong to the Chelan-Douglas County Bar Association, the WSBA RPPT and Tax Sections, and the NCW Estate Planning Council, of which I am a past board member. I also have served on the national Sons of Norway Foundation Board of Governors for four years.

Allison R. Foreman

Professional Experience

- 2010 - present FOREMAN, HOTCHKISS, BAUSCHER & ZIMMERMAN, PLLC, Wenatchee, WA
Partner (2015); Associate (2010 - 2014). Private law firm. Practice areas include taxation, business law, estate planning and litigation, probate, trusts, and agriculture.
- 2009 - 2010 WASHINGTON STATE SUPREME COURT, Olympia, WA
Law Clerk to the Hon. James M. Johnson. Responsibilities included conducting legal research, writing legal memoranda, attending oral argument and drafting and revising opinions.

Education

- 2014 UNIVERSITY OF WASHINGTON SCHOOL OF LAW, Seattle, WA
L.L.M. in Taxation, June 2014. Focus on tax planning for businesses and estates.
- 2009 HARVARD LAW SCHOOL, Cambridge, MA
J.D., June 2009. Executive Editor, *Harvard Journal of Law & Public Policy*. Federalist Society.
- 2006 HARVARD COLLEGE, Cambridge, MA
A.B. in Economics, *magna cum laude*, June 2006. George Caspar Homans Price. National Merit Finalist. Robert C. Byrd Scholarship. Kappa Kappa Gamma. Harvard College Scandinavian Society.

Organizations and Fellowships

- 2016 - present Sons of Norway Foundation, *Vice Chair & Board Member*. Raise funds for scholarships, grants, humanitarian aid and cultural programming. Oversee financial and operational management of organization. Attend board meetings in Minneapolis, MN twice annually.
- 2015 - present Washington State Bar Association Real Property, Probate and Trusts Section, *Member*.
- 2015 - present North Central Washington Estate Planning Council, *Vice President & Board Member (2015 - 2017); Member*. Planned and developed educational programming for membership, including speaker selection, scheduling and logistics. Attended board meetings, recruited new members and contributed to budgeting and organizational growth plans.
- 2015 - present Washington State Bar Association Taxation Section, *Scholarship Chair (2015 - 2017); Member*. Raised funds for annual scholarship award. Coordinated application submission and candidate selection. Presented award at annual luncheon.
- 2014 - present Sons of Norway Epleдалen Lodge No. 91, *Cultural Director (2014 - 2016); Member*. Organized cultural and educational activities for lodge meetings and social events. Educated membership about and generated enthusiasm for Norwegian language, history, culture and current events.
- 2009 - present Harvard Club of Seattle, *Alumni Interviewer*. Interview candidates for admission to Harvard College.
- 2007 - 2008 Miss Washington and Miss Seattle Scholarship Organizations, *Scholarship Award Recipient*.
- 2007 Heyman Fellowship, Bernard Koteen Office of Public Interest Advising, Harvard Law School.
- 2006 American Scandinavian Foundation Fellowship (declined).

Personal

- Languages Proficient in French (Diplôme de Français des Affaires 1er Degré); conversant in Norwegian.
- Interests Sailing, Seahawks football, reading biographies and historical non-fiction, all things Norwegian.

WASHINGTON STATE BAR ASSOCIATION

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Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned active member of the Washington State Bar Association, am running for the At-Large position.

AILENE LIMRIC

42687

Name of candidate (please print)

WSBA Bar #

Ailene Limric

Signature of Candidate

Signature of Nominator (if relevant)

WSBA Bar #

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April 18, 2020

Mr. Rajeev Majumdar
President, Washington State Bar Association
Seattle, WA

Dear Mr. Majumdar,

Please accept my Letter of Interest for the open Washington State Bar Association At-Large Governor position. I am committed to supporting WSBA's mission, to serve the public and the members of the Bar, ensure the integrity of the legal profession, and to champion justice. I am also passionately dedicated to supporting and carrying out WSBA's Diversity and Inclusion Plan, and building collaborative relationships, with and among the numerous Minority Bar Associations across Washington State, with the goal of achieving the numerous societal benefits of a diverse law profession. My personal and professional experience uniquely positions me to successfully carry out the responsibilities of the Diversity At-Large Governor.

I graduated from Seattle University School of Law in 2009, during a time when finding a job as a newly minted attorney was daunting. I was fortunate to find professional and emotional support through a Minority Bar Association, the Filipino Lawyers of Washington (FLOW). It was through my involvement with this MBA that I gained confidence, leadership skills, and developed invaluable professional connections and life-long friendships. I personally know the importance of having strong professional associations like FLOW.

In addition to being a past president of FLOW, I also served on the WSBA Diversity Committee as a co-chair, along with Governor Alec Stephens. I have remained an active representative and participant in Joint MBA activities, and I have genuinely enjoyed working with and getting to know leaders of the multiple MBAs in Washington State. I also actively advocate for issues important to minority communities at the national level. I attend the annual Lobby Day Events with National Asian Bar Association (NAPABA) in Washington DC to advocate for legislation to support communities of color. I also serve as the Regional Governor for the National Filipino American Lawyers Association (NFALA). My participation with these organizations has shown me the importance of being present at the table, in the room where it happens. I want to be a voice for our many members that have historically been omitted or overlooked in the governance of our profession.

I also understand the importance of having WSBA programs that directly support diverse attorneys. I was fortunate to participate in the Washington Leadership Institute (WLI). The program's mission is to recruit, train and develop traditionally underrepresented attorneys for future leadership positions in the Washington State Bar Association and legal community. The skills I gained by participation in this program are what have led me to my current responsibilities as In-House Senior Counsel at McKinstry, a commercial construction, engineering, and consulting firm, where I advise business leaders on risk and legal issues, oversee litigation, and manage insurance claims for twenty-six offices across the country. These experiences as co-chair of the WSBA Diversity Committee, working as Senior Counsel at

AILENE LIMRIC

McKinstry, status as a WLI alumna, and serving as past President of FLOW have prepared me to serve on WSBA's Board of Governors. Having an advocate on the Board can help ensure continued funding for WLI and similar leadership programming for diverse attorneys.

The existence of the Diversity At-Large Governor position has resulted in successful advocacy for our members from under-represented communities. It is vitally important that our next At-Large Governor can capably represent the interests of our MBAs and under-represented communities and continue the excellent work and progress that has been achieved so far.

As an individual from these under-represented groups, I have personal experience with the needs of such members. I hope to use my experience to contribute to balanced discussions and deliberations of our professional governing board. Thank you for considering my application.

Respectfully,

Ailene Limric

AILENE LIMRIC
BIOGRAPHICAL STATEMENT (100-word maximum)

I am In-House Senior Counsel at McKinstry in Seattle, and I live in Puyallup, Washington. I served as Co-Chair of WSBA's Diversity Committee, I am Past President of the Filipino Lawyers of Washington (FLOW), I am a Washington Leadership Institute (WLI) Fellow, and I am active at the national level with the National Asian Bar Association (NAPABA) and the National Filipino American Lawyers Association (NFALA). I understand the importance of being present at the table, in the room where it happens. I want to be a voice for our many members that have historically been omitted or overlooked.

Ailene M. Limric, JD, MBA

KEY SKILLS & QUALIFICATIONS

- **Admitted to Washington State Bar June 30, 2010**
- **Juris Doctor, Seattle University School of Law**
- **MBA, Seattle University Albers School of Business**
- **Litigate before administrative agencies & state courts**
- **Conduct discovery, depositions, witness interviews**
- **Prevailed in 5 of 5 superior court jury trials**
- **Proficient legal research & concise legal writing**
- **Mediations, prehearing motions & conferences**
- **Timely & effective client communication**
- **Effective case management skills**
- **ERISA & Pension Administration experience**
- **Familiar with Administrative Procedures Act and Rules of Appellate Procedure**

EMPLOYMENT HISTORY

In-House Senior Claims Counsel | McKinstry, Co., LLC Seattle, WA: 05/14 – current

Hired to take over and manage all workers comp and general liability insurance issues for mid-sized construction and engineering company with nearly 2,000 employees nationally. Responsible for managing claims with goals of avoiding risk, minimizing liability, and controlling claim costs while remaining compliant with applicable law.

- Subject matter expert for all issues involving workers comp and general liability insurance.
- Responsible for managing claim process in all states, primarily Washington and Oregon.
- Handle suits on litigated claims, including collaborating with and overseeing outside counsel.
- Counsel management on employment issues that impact claims and insurance costs.
- Manage claims process from initial incident report to claim closure.
- Participate in negotiations, mediations, arbitrations, settlements and litigation.
- Oversee workers comp claim administration of Third Party Administrator, Eberle Vivian.
- Maintain professional working relations with insurance broker, HUB International, LLC.
- Work with outside counsel and provide settlement authority when defending McKinstry in litigation involving workers comp, general liability, and motor vehicle accidents.
- Confer with management, Human Resources and Labor Relations to resolve claim issues.
- Develop standard processes for managing workers comp and property damage/loss claims.
- Work closely with Safety Department to investigate/document reported incidents.
- Develop insurance trainings and deliver to management and employees.
- Maintain knowledge of coverage, legislative and industry-related initiatives and judicial trends.

Assistant Attorney General | WA State Attorney General's Office Tumwater, WA: 09/11 – 05/14

Assigned to serve the Department of Labor and Industries (Department) and the citizens of the state by providing quality legal advice and strategic representation. Represented the Department in litigation of industrial insurance involving workers compensation and building trades cases.

- Litigated industrial insurance appeals before the Board of Industrial Insurance Appeals (BIIA).
- Represented the Department in appeals of BIIA decisions to superior court.
- Evaluated for possible settlement opportunities and negotiated agreeable settlement terms.
- Performed all aspects of discovery, including depositions, preparation of interrogatories, requests for production, requests for admissions, and answering discovery requests.
- Prepared pre-hearing and post-hearing briefs, pre-trial and post-trial briefs and motions.
- Conducted perpetuation depositions of medical experts, vocational experts, and lay witnesses.
- Represented the Department before the Office of Administrative Hearings (OAH).
- Litigated appeals involving Contractors Registration Act, and compliance with state electrical laws, elevator laws, plumber certification law, and Factory Assembled Structures laws.
- Effectively managed case load of 35 – 45 cases at differing stages of litigation.

Business Operations Specialist | The Boeing Company Renton, WA: 05/05 – 09/11
Lead cross-functional teams to complete planning studies and program directives for the introduction of new products and services. Managed team activities by defining metrics and managing project schedules. Assessed project costs and summarized results and recommendations by making presentations before executive management.

Senior Pension Administrator | Spectrum Pension Consultants Tacoma, WA: 08/03 – 04/05
Senior Pension Consultant | Kibble & Prentice, Inc. Seattle, WA: 10/00 – 06/03
Pension Consultant | Moss Adams LLP Tacoma, WA: 12/98 – 10/00
Pension Consultant | Moss Adams LLP Yakima, WA: 11/95 – 12/98
Provided plan consultation regarding relevant tax laws, regulations, and corrective action. Prepared discrimination testing and Form 5500 tax returns. Performed trust accounting, earnings and forfeiture allocations, annual employer contribution calculations, processed distributions and loans.

Industrial Engineering Methods Analyst | The Boeing Company Renton, WA: 08/91 – 10/95
Prepared schedules to manage the daily work load for mechanics building the 757 wing stub (fuel cell). Performed time and motion studies to improve the build process and minimize risk of job injuries. Drafted factory layouts and led cross functional teams / Lean projects to improve flow of product and minimize waste.

Financial Planner | AMEV Financial Group Bellevue, WA: 04/91 – 07/91
Held series 6 and series 63 licenses to sell mutual funds and variable universal life insurance. Made group presentations and assisted clients to develop savings plans to achieve their goals.

COMMUNITY INVOLVEMENT & RECOGNITION

- Washington Leadership Institute Fellow (2016)
- Board of Directors Filipino Lawyers of Washington (FLOW), Past President (current member)
- Washington State Bar Association Diversity Committee (2015 – 2019)
- Active Member of National Asian Pacific American Bar Association (2017 – current)
- NW Regional Governor, National Filipino American Lawyers Association (2019 – current)
- Previously served on Board of Seattle University's Filipino Alumni Chapter
- Volunteer law clerk for King County Bar Assoc. First Responders Wills Clinic (2009 - current)
- National Citizenship Day volunteer for American Immigration Lawyers Assoc. (2013 - current)
- Previously served on Washington Attorney General's Office Diversity Advisory Committee
- Former Member of the Honorable Robert J. Bryan American Inn of Court
- Named to Lawyers of Color's 2013 Hot List (Western Region)

EDUCATION

Juris Doctor, Seattle University, School of Law, December 2009

MBA, Seattle University, Albers School of Business, June 1995

* Academic Honors: Dean's List Fall Qtr. 1994 and Summer Qtr. 1995

B.A. in Business Administration, University of Washington, March 1991

* Focus: Human Resources / Organizational Environment



King County

Department of Public Defense

The Defender Association Division

710 2nd Ave, Suite 700
Seattle, WA 98104

(206) 477-8701 | Fax (207) 744-7775

April 19, 2020

To Whom It May Concern:

It is with great pleasure that I recommend Ms. Ailene Limric for the WSBA At-Large Governor position as she is uniquely qualified to represent WSBA members on diversity issues. Ms. Limric is one of the most outstanding individuals I have had the pleasure of working with on both a professional and personal level.

I met Ms. Limric at the Washington Leadership Institute (WLI) in 2016 where I got to see firsthand her intelligence, patience, and passion for justice within our community. Ms. Limric's reputation within our community is one of great admiration and respect. The 2016 WLI fellows saw in Ms. Limric what the rest of the community has seen every single day – Ms. Limric's innate sense of leadership, the ability to listen and hear each member of a group, to understand their concerns, to bring everyone together with a sense of fulfillment and unity, and to recognize that our differences are truly what make for a cohesive group. I have never met another individual who has demonstrated such an incredible grasp of what it means to be a leader, a beacon of hope, and a source of never-ending support and faith.

Her humility and selflessness add to Ms. Limric's extraordinary personality – she will never make anyone feel less than but rather understands that treating others with respect and fairness will yield far greater results than the alternative. I had the pleasure of attending the Filipino Barrio Fiesta last year where Ms. Limric was awarded the President's Award in recognition of her service and dedication to the organization and to the community. During the award ceremony, the presenter began by describing this incredible individual and I knew from the first two sentences that Ms. Limric was the awardee. The presenter announced what we have all experienced in knowing Ms. Limric and what we all need in our community leader: a woman whose caliber, leadership experience, authenticity, dedication to community, and diversity to help shape our future generations is unsurpassed.

I have the highest professional and personal regard for Ms. Limric. She is a distinguished advocate and one letter cannot accurately convey what type of quality individual Ms. Limric is and what an asset she will be to the Board of Governors. Her intellect, patience, and compassion will prove invaluable as she serves our community as an At-Large Governor and in turn, will continue to be a role model and inspiration for all.

Sincerely,

Dua Abudiab

Pam Inglesby

From: Marsha Chien
Sent: Friday, May 22, 2020 10:10 AM
To: Bar Leaders
Subject: Support for Ailene Limric

Dear Board of Governors,

I am writing to urge you to support Ailene Limric's appointment for the Diversity At-Large Governor slot. I met Ailene through the Washington Leadership Institute and we have remained friends ever since. In working on our final WLI project, a video to encourage people of color to vote in the 2016 election, Ailene demonstrated a calm voice and a deep commitment to our mission. All of twelve of us often looked to Ailene for her quiet but respected and thoughtful opinions. I expect she would provide the same steady hand on the BOG. In short, Ailene is an impressive and enlightened choice to serve on the BOG. And, I wholeheartedly support her candidacy.

Kind Regards,
Marsha Chien, WSBA #47020

John Fetters
(206) 812-7467
john.fetters@stokeslaw.com

April 28, 2020

Washington State Bar Association
1325 4th Ave. Ste. 600
Seattle, WA 98101
barleaders@wsba.org

Re: 2020 WSBA At-Large Governor Election
Letter of Recommendation for Candidate Ailene Limric

Dear WSBA Board of Governors:

I write to provide my highest recommendation for Ailene Limric for the position of WSBA At-Large Governor. I am a civil litigator with Stokes Lawrence, P.S., Board Member of the Filipino Lawyers of Washington (“FLOW”), and Board Member and President-Elect of the Asian Bar Association of Washington (“ABAW”). I have known Ailene for many years and have witnessed first-hand her exceptional work ethic, dedication, and leadership.

I first got to know Ailene while serving on the Board of Directors for FLOW. In 2017, I served as FLOW President, and that year Ailene served as FLOW President-Elect. In these roles, we worked together closely. Ailene is an incredible and valued team member. While serving together on FLOW’s Executive Committee, I observed that Ailene was always willing to volunteer to do the most difficult and most important assignments.

For example, Ailene decided she wanted to improve FLOW’s membership, both in terms of the number of dues paying members, but more importantly, in increasing value to members through various programs and other benefits. Ailene worked tirelessly and increased FLOW’s membership roster and helped to implement many programs to improve member benefits. When Ailene took over as FLOW President in 2018, she continued this progress, in addition to building out and improving numerous other aspects of FLOW’s organization. Even at present, as a FLOW Board Member, Ailene continues to work to improve FLOW’s membership program, serving as Membership Committee Chair.

I have worked on several volunteer board positions over the course of many years. This includes FLOW, ABAW, the National Filipino American Bar Association (“NFALA”), the Joint Asian Judicial Evaluation Committee (past Chair), among others. When it comes to a volunteer

WSBA At-Large Governor Election
Letter of Recommendation for Candidate Ailene Limric
April 28, 2020
Page 2

bar position, there is no one I would rather work with than Ailene. With Ailene, you will have someone who is dependable, timely, passionate, intelligent, hardworking, and an incredible leader.

Under WSBA's Bylaws, the purpose of the At-Large board position is to increase diversity and representation on the board, and the position is to be filled by a WSBA member who has "the experience and knowledge of the needs of those lawyers whose membership is or may be historically under-represented in governance, or who represents some of the diverse elements of the public of the State of Washington." I cannot think of a candidate who more aptly embodies the criteria set forth for this position. For that reason, I am proud to provide my highest recommendation to Ailene for the position of WSBA At-Large Governor.

Very truly yours,

STOKES LAWRENCE, P.S.

A handwritten signature in black ink, appearing to read "John Fetters", written in a cursive style.

John Fetters

Pam Inglesby

From: Lee, Lorraine (OAH) <lorraine.lee@oah.wa.gov>
Sent: Tuesday, April 28, 2020 2:40 PM
To: Bar Leaders; Rajeev Majumdar
Subject: WSBA Diversity-At-Large Governor Position Candidate Ailene Limric

Dear President Majumdar and Bar Leaders,

I write in support of Ailene Limric's candidacy for the WSBA Board of Governors Diversity-at-Large position.

I became acquainted with Ms. Limric when she was a Fellow with the Washington Leadership Institute (WLI) in the Class of 2016. As a WLI Advisory Board member, I had the opportunity to observe Ms. Limric's growth during her participation in WLI. Ms. Limric's passion and commitment to advancing diversity in our legal profession is long-standing and extensive. She has been an active WSBA member and served as Co-Chair of the WSBA Diversity Committee. She was the President of the Filipino Lawyers of Washington the year she was a WLI Fellow. WLI helped Ms. Limric to refine her leadership skills and be more effective navigating through difficult challenges.

In our current times, we need leaders who will be a voice for the voiceless, who will be inclusive in their collaborations and be champions of justice. I believe Ms. Limric is such a leader and would be a strong addition to the WSBA Board of Governors.

Thank you for your time and consideration.

Sincerely,

Lorraine

Lorraine Lee
Chief Administrative Law Judge
Office of Administrative Hearings
2420 Bristol Court SW
Olympia, WA 98502
(360) 407-2710

OAH Mission: We independently resolve administrative disputes through accessible, fair, prompt processes and issue sound decisions.

From: Gail Manuguid (CELA)

Sent: Wednesday, May 27, 2020 12:42 PM

To: Sciuchetti, Kyle

Subject: FW: Letter in support of Ailene Limric - At-Large Governor Position

Hi Kyle,

Not sure if you remember me, but we were at Bullivant Houser Bailey at the same time (I was in the Seattle office). I just submitted a letter of recommendation to the WSBA BOG supporting Ailene Limric's candidacy for the open At-Large Governor position, but also wanted to send a personal note in support. Ailene is deeply committed to supporting under-represented communities and I believe she would be a valuable asset to the BOG. She is also an incredible person overall and a pleasure to work with. Please feel free to reach out if you have any questions on my letter and best of luck as you take on your role as WSBA President.

Best,

Gail Manuguid



May 27, 2020

Dear Board of Governors:

On behalf of the Filipino Lawyers of Washington (FLOW), I am writing to support Ailene Limric's candidacy for the Washington State Bar Association's Diversity At-Large Governor position. I have known Ailene for almost ten years through our mutual service on FLOW's board of directors, including the year in which Ailene served as FLOW's president. Based on this history, I can say, unequivocally, that Ailene's leadership skills, coupled with her passion for diversity and inclusion make her uniquely qualified for this position.

As a FLOW board member, Ailene is known for her initiative and follow-through. She consistently takes on big issues that impact our entire organization. For example, she currently chairs our Membership Committee, which is responsible for programs and benefits that support our members. As a minority bar association, the greatest value FLOW brings to its members is a support system for Filipino-Americans – a group that is, and has historically been, under-represented in the legal profession. Ailene's empathy and determination enable her to understand the needs of our members and the best ways to support them.

As a past president of FLOW, Ailene was a servant-leader, motivated by her desire to empower our members and uplift our community. Under her leadership, FLOW enhanced its membership engagement efforts, including better targeted outreach to potential members. Ailene also encouraged collaboration with other minority bar associations, extending her spirit of giving back and empowering others well beyond the Filipino community.

In addition, Ailene participates in national efforts to increase diversity and inclusion in the legal profession. Ailene is active in the National Asian Pacific American Bar Association (NAPABA), including as a participant in numerous NAPABA lobby days. She also currently serves as the Northwest Regional Governor for the National Filipino American Lawyers Association. These experiences provide valuable insight to how other organizations increase diversity and representation of diverse communities.

I am confident that Ailene possesses the qualities and experience necessary for this position. If you have any questions, please do not hesitate to reach out.

Sincerely,

Gail R. Manuguid
FLOW President



S o u n d
F a m i l y
S o l u t i o n s
P L L C

Serin Ngai
600 First Avenue
Seattle, WA 98104
206-708-2456
serin@soundfamilysolutions.com

April 29, 2020

SENT VIA EMAIL

Washington State Bar Association
Email: barleaders@wsba.org

Re: Ailene Limric for the At-Large Governor position

Dear WSBA Bar Leaders:

My name is Serin Ngai and I am writing in support of Ailene Limric for the At-Large Governor position. I am a family law attorney practicing in Seattle, and the 2020 President of the Asian Bar Association of Washington, where I have been serving as a board member for the past thirteen consecutive years.

Ms. Limric has a demonstrated history of promoting diversity, inclusion, and advocacy in the practice of law, and her dedication to these areas have made her a well-known leading figure amongst the Minority Bar Associations. It is important to have an At-Large Governor who already has these relationships in place and understands the unique issues that arise for minorities in the legal profession.

Ms. Limric is an effective and engaged leader. She is a past president of FLOW (Filipino Lawyers of Washington), and a frequent participant and contributor of the joint MBA quarterly meetings. She served as Co-Chair of the WSBA Diversity Committee and attends the annual Lobby Day events with the National Asian Bar Association (NAPABA) in Washington, D.C. where she advocates for legislation to support communities of color. She is also the Regional Governor for the National Filipino American Lawyers Association and a graduating Fellow of the Washington Leadership Institute. Ms. Limric would be an important addition to the WSBA leadership and I thank you for your consideration of her application.

Best regards,

Serin Ngai
Attorney at Law

Ailene Limric

Subject: FW: at-large position recommendation/ Ailene Limric

From: Pedersen, Sen. Jamie

Sent: Friday, April 17, 2020 8:56 AM

To: 'barleaders@wsba.org'

Subject: at-large position [recommendation](#)/ Ailene Limric

CAUTION: External Sender.

Dear WSBA leaders –

I write to recommend your appointment of Ailene Limric to an open at-large position on the WSBA Board of Governors. She would be a tremendous addition to the Board.

I have known and worked with Ailene for over five years at McKinstry, where I serve as general counsel. McKinstry is a construction and engineering firm with over 2,000 employees in over 20 states. Ailene leads our claims work, managing the team that processes our workers compensation claims (we are self-insured) and all of our property and casualty insurance claims. She is calm, thorough, thoughtful, and strategic and has been an outstanding colleague. She has also helped lead efforts for diversity and inclusion at McKinstry, including serving on our Diversity Advisory Committee.

Outside of McKinstry, Ailene has been involved in a wide range of activities that prepare her for Bar leadership. She was a 2016 fellow in the Washington Leadership Institute; served as president of the Filipino Lawyers of Washington; and is an active member of the National Asian Pacific American Bar Association and the National Filipino American Lawyers Association.

Ailene and I also share a Puyallup connection: I grew up there and she and her family live there.

I believe she would contribute strongly to the work of the Board. Please feel free to contact me with any other questions that you may have about her application.

Best wishes, Jamie

Senator Jamie Pedersen
43rd Legislative District
pronouns: he, him, his

Olympia Office
JAC 235
P.O. Box 40443
Olympia, WA 98504-0443
(360) 786-7628

District Office
1200 12th Ave. S., Ste. 801
Seattle, WA 98144
(206) 729-3206

Pam Inglesby

From: Josh Treybig
Sent: Thursday, April 16, 2020 4:49 PM
To: Bar Leaders
Subject: Support for Ailene Limric

Hello,

I am the President-Elect of the QLaw Bar Association, assuming the Presidency at the beginning of May, and I wanted to write in support of Ailene Limric for the At-Large Governor position with the WSBA.

I first met Ailene at a Latino Bar Association event, I've since seen her with the South Asian Bar, in strong support of QLaw, and in action with the Filipino Lawyers Organization of Washington. She is actively involved in our legal community and has strong connections with all the minority bars. Her voice will bring communities of color and other underrepresented groups to the table and will be invaluable in service to these attorneys and the communities we serve.

I look forward to seeing Ailene further representing our communities at the WSBA. Please let me know if you have any questions.

Sincerely,
Joshua Treybig

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form

At-Large Position

This position represents licensed legal professionals whose membership has historically been underrepresented in governance. All active WSBA members are eligible to apply.

INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach the following:
 - A brief (100-word maximum) biographical statement including current occupation, relevant experience, and education.
 - A letter of interest.
 - A resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. Applications must be received by 5 p.m. PST on Monday, April 20, 2020.
- 4) Letters of support must be emailed to barleaders@wsba.org by April 29.
- 5) Applications will be included in the May Board of Governors meeting materials and posted on the WSBA website.
- 6) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned active member of the Washington State Bar Association, am running for the At-Large position.

Robert Mark Morgan
Name of candidate (please print)

41996
WSBA Bar #

[Signature]
Signature of Candidate

Signature of Nominator (if relevant)

WSBA Bar #

Note: By signing this form, the candidate understands and agrees that as part of the election process for this position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PDT on April 20, 2020. Filing may be accomplished by emailing the form and attachment to barleaders@wsba.org.

To Whom It May Concern,

I am applying for the open at large position on the Board of Governors as advertised by the Washington State Bar Association. I include with this letter a short Biography and Resume.

Our family recently located to the Pacific Northwest for both family and health related issues. Before moving, I actively practice law in Florida for thirty-five (35) years. I look forward to becoming active in the Bar; I was very active in the Florida Bar and found it enlightening.

Please do not hesitate to contact me should you require any further information. Thank you for your consideration of my application.

Robert M.Morgan, Esq.
5590 NE Sandycrest Terrace
Portland, Oregon 97213
904-610-8435
rmmorgan925@yahoo.com

ROBERT M. MORGAN - BIOGRAPHY

Robert M. Morgan - born Richmond, Virginia, 1959. Undergraduate degree from Arizona State University and Juris Doctor from Mississippi college, with distinction. Author of numerous articles and seminars on real property, probate, estate planning and elder law issues. Adjunct professor of law at Florida Coastal School of Law. Served as chairperson of the Probate and Trust Law Section and the Real Property, Trust & Probate Section of the Jacksonville Bar. He is a member of the National Academy of Elder Law Attorneys, former member of the Executive Committee of the Elder Law Section of the Florida Bar, and of the Academy of Florida Elder Law Attorneys. Currently, semi-retired due to disability.

ROBERT MARK MORGAN
5590 NE Sandycrest Terrace
Portland, Oregon 97213

Birth Date: September 25, 1959

Married: (Three children)

Education:

1982-1985 Mississippi College School of Law: JD, with distinction; Dean's List, Moot Court, Am Jur Award Federal Courts

1978-1982 Arizona State University: BS Business (Real Estate)

Professional:

2014-Present Bowers, Morgan and Associates, P.A. (Jacksonville, Florida)

Responsibilities: Partner

2008-2014 Robert M. Morgan & Associates, P.A. (Jacksonville, Florida)

Responsibilities: Managing Partner

1994-2008 Ford, Bowlus, Duss, Morgan, Kenney, Safer & Hampton, P.A. (Jacksonville, Florida)

Responsibilities: Partner in charge of Estates, Trusts and Elder Law Department; General Commercial Practice; Former Firm President and Treasurer; Former Vice President and Board Member. Practice areas include Estate Planning, Elder Law, Commercial and Residential Real Estate and Commercial law.

1987-1994 Peper, Martin, Jensen, Maichel and Hetlage (Dissolved), St. Louis, Missouri based law firm; worked in Punta Gorda and Fort Myers, Florida offices.

1985-1987 Ulmer, Murchison, Ashby, Taylor and Corrigan (Dissolved) (Jacksonville, Florida)

Professional Affiliations:

Florida Bar (1985); Tennessee Bar (1994); Washington Bar (2009); admitted to practice in Federal Court Middle and Southern Districts of Florida; Jacksonville Bar Association (former chair Trust and Probate Section); National Academy of Elder Law Attorneys, Academy of Florida Elder Law Attorneys; Member Florida Bar Real Property, Probate & Trust Law and Elder Law Sections (former officer and director); North Florida Estate Planning Council; Florida Supreme Court Certified Circuit Court Mediator.

Publications:

Good Ethics = Good Business, National Academy of Elder Law Attorneys, Hawaii, 2008 Symposium

Guiding Your Client To Get the Best Tax Break in Caregiving, National Academy of Elder Law Attorneys,

Washington, D.C. Conference, April, 2006.

How to Certify Unrecorded Documents, Elder Law Advocate, Florida Bar (3/05)

The Medicaid Institutionalized Care Program, The Simple Estate Plan and the Elective Share: Why the Qualified Special Needs Trust Was Born, Florida Bar Journal (12/04)

The Revised Notary Law, Elder Law Advocate, Florida Bar (1999)

The Expansion of the Common Law Duty of Disclosure in Real Estate Transactions: It's Not Just for Sellers Anymore, Florida Bar Journal (Lead Article) (2/94)

The Implied Real Estate Common Law Warranties in Residential Transactions, Action Line Publication, Real Property, Trust and Probate Section, Florida Bar (12/90)

Seminars and Teaching:

Adjunct Professor of Law, Florida Coastal School of Law (Elder Law, Real Estate, Trusts and Estate Skills Class)

Presentation of numerous seminars for public and legal community on Estate Planning, Elder Law, Real Estate, Tax, Business and Commercial issues (1994 to present), including:

Allanta Bar Association, Estate Planning & Probate Section, Speaker on Florida Law update, Atlanta, GA (January 2012)

The New & Improved Florida Power of Attorney Law - What Out-of-State Practitioners Should Know, Allegheny County Bar Association, Pittsburg, PA, Continuing Legal Education Program (October 2011)

Ten Things Out of State Lawyers Must Know About Florida's New Power of Attorney Law, Jacksonville Bar Elder Law Section, Jacksonville, FL Continuing Legal Education Program (October 2011)

Speaker at The Florida Bar, CLE, Basic Guardianship (February 2010, 2014)

Representing Your Snowbird Clients, Erie County, New York Bar Association Continuing Legal Education Program, Buffalo, New York, October 2008.

Good Ethics = Good Business, National Academy of Elder Law Attorneys, Hawaii, 2008 Symposium

Speaker at Tax Section of The Atlanta Bar Association on Homestead and Trust Issues in Florida (2004 and 2007)

Speaker at Academy of Florida Elder Law Attorneys UnPrograms on Deficit Reduction Act Implementation (2006 and 2007)

Elder Law Concert, Academy of Florida Elder Law Attorneys, Fort Lauderdale, Florida, March 23, 2007

American College of Trust and Estates Counsel (ACTEC) Winter 2006 Meeting in Amelia Island, Florida, Medicare Part D Implementation and Issues for the Practitioner and Client

Guiding Your Client To Get the Best Tax Break in Caregiving, National Academy of Elder Law Attorneys, Washington, D.C. Conference, April, 2006 (Panel Member)

Elder Law Section Member to Real Property, Probate and Trust Law Section Drafting Committee for Florida Revisions to Durable Power of Attorney Act

**AMY MASON COLLINS, ESQUIRE
JANA E. MCCONNAUGHAY, ESQUIRE
KANDACE E. RUDD, ESQUIRE
LAUCLIN TENCH WALDOCH, ESQUIRE**

May 14, 2020

Re: Robert Morgan, Candidate for At-Large Position

To Whom It May Concern:

I am very pleased to recommend Robert Morgan to you for the Washington State Bar Association's At-Large Position.

I had the great pleasure of meeting Robert through our mutual work for the Elder Law Section of the Florida Bar many years ago. He is a kind and warm person; he was an immediate friend and someone I sought out at meetings through the years. He held various leadership positions within the Elder Law Section, and could always be counted on to work hard and to do so in a collaborative way. He is the kind of person you want working with you, especially when the issues are tough and calm and cool heads are especially important.

After we both completed our tenure in the leadership structure of the Elder Law Section, Robert and I joined other colleagues throughout the state in bi-weekly calls to talk through thorny issues and to collaborate on best practices in our offices. Even as a seasoned and well-respected expert in his field, Robert continued to work hard to be the best attorney he could be for his clients and the greater community.

I recommend Robert to you without hesitation, and hope that you, too, will have the pleasure of working with him in the coming year.

Sincerely,



Jana McConnaughay

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



Rajeev Majumdar
President



Kyle Sciuchetti
President-Elect



Bill Pickett
Immediate Past
President



Terra Nevitt
Interim Exec. Dir.
& Secretary

2019-2020



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 ¹	Yes	Majority
2. Adjourn	Closes the meeting	No	Yes	No	No	Majority
3. Recess	Establishes a brief break	No	Yes	No ²	Yes	Majority
4. Raise a Question of Privilege	Asks urgent question regarding to rights	Yes	No	No	No	Rules by Chair
5. Call for orders of the day	Requires that the meeting follow the agenda	Yes	No	No	No	One member
6. Lay on the table	Puts the motion aside for later consideration	No	Yes	No	No	Majority
7. Previous question	Ends debate and moves directly to the vote	No	Yes	No	No	Two-thirds
8. Limit or extend limits of debate	Changes the debate limits	No	Yes	No	Yes	Two-thirds
9. Postpone to a certain time	Puts off the motion to a specific time	No	Yes	Yes	Yes	Majority ³
10. Commit or refer	Refers the motion to a committee	No	Yes	Yes	Yes	Majority
11. Amend an amendment (secondary amendment)	Proposes a change to an amendments	No	Yes	Yes ⁴	No	Majority
12. Amend a motion or resolution (primary amendment)	Proposes a change to a main motion	No	Yes	Yes ⁴	Yes	Majority
13. Postpone indefinitely	Kills the motion	No	Yes	Yes	No	Majority
14. Main motion	Brings business before the assembly	No	Yes	Yes	Yes	Majority

1 Is debatable when another meeting is scheduled for the same or next day, or if the motion is made while no question is pending

2 Unless no question is pending

3 Majority, unless it makes question a special order

4 If the motion it is being applied to is debatable



Discussion Protocols Board of Governors Meetings

Philosophical Statement:

“We take serious our representational responsibilities and will try to inform ourselves on the subject matter before us by contact with constituents, stakeholders, WSBA staff and committees when possible and appropriate. In all deliberations and actions we will be courageous and keep in mind the need to represent and lead our membership and safeguard the public. In our actions, we will be mindful of both the call to action and the constraints placed upon the WSBA by GR 12 and other standards.”

Governor’s Commitments:

1. Tackle the problems presented; don’t make up new ones.
2. Keep perspective on long-term goals.
3. Actively listen to understand the issues and perspective of others before making the final decision or lobbying for an absolute.
4. Respect the speaker, the input and the Board’s decision.
5. Collect your thoughts and speak to the point – sparingly!
6. Foster interpersonal relationships between Board members outside Board events.
7. Listen and be courteous to speakers.
8. Speak only if you can shed light on the subject, don’t be repetitive.
9. Consider, respect and trust committee work but exercise the Board’s obligation to establish policy and insure that the committee work is consistent with that policy and the Board’s responsibility to the WSBA’s mission.
10. Seek the best decision through quality discussion and ample time (listen, don’t make assumptions, avoid sidebars, speak frankly, allow time before and during meetings to discuss important matters).
11. Don’t repeat points already made.
12. Everyone should have a chance to weigh in on discussion topics before persons are given a second opportunity.
13. No governor should commit the board to actions, opinions, or projects without consultation with the whole Board.
14. Use caution with e-mail: it can be a useful tool for debating, but e-mail is not confidential and does not easily involve all interests.
15. Maintain the strict confidentiality of executive session discussions and matters.



BOARD OF GOVERNORS

WSBA VALUES

Through a collaborative process, the WSBA Board of Governors and Staff have identified these core values that shall be considered by the Board, Staff, and WSBA volunteers (collectively, the “WSBA Community”) in all that we do.

To serve the public and our members and to promote justice, the WSBA Community values the following:

- Trust and respect between and among Board, Staff, Volunteers, Members, and the public
- Open and effective communication
- Individual responsibility, initiative, and creativity
- Teamwork and cooperation
- Ethical and moral principles
- Quality customer-service, with member and public focus
- Confidentiality, where required
- Diversity and inclusion
- Organizational history, knowledge, and context
- Open exchanges of information



BOARD OF GOVERNORS

Anthony David Gipe
President

phone: 206.386.4721
e-mail: adgipeWSBA@gmail.com

November 2014

BEST PRACTICES AND EXPECTATIONS

❖ Attributes of the Board

- Competence
- Respect
- Trust
- Commitment
- Humor

❖ Accountability by Individual Governors

- Assume Good Intent
- Participation/Preparation
- Communication
- Relevancy and Reporting

❖ Team of Professionals

- Foster an atmosphere of teamwork
 - Between Board Members
 - The Board with the Officers
 - The Board and Officers with the Staff
 - The Board, Officers, and Staff with the Volunteers

- We all have common loyalty to the success of WSBA

❖ Work Hard and Have Fun Doing It



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 May 31, 2020

Prepared by Maggie Yu, Controller
Submitted by
Jorge Perez, Chief Financial Officer
June 18, 2020

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSE FEES					
REVENUE:	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
LICENSE FEES	16,317,618.00	1,363,054.34	11,016,875.19	5,300,742.81	67.52%
TOTAL REVENUE:	<u>16,317,618.00</u>	<u>1,363,054.34</u>	<u>11,016,875.19</u>	<u>5,300,742.81</u>	<u>67.52%</u>

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ACCESS TO JUSTICE					
REVENUE:					
	_____	_____	_____	_____	_____
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
DIRECT EXPENSES:					
	_____	_____	_____	_____	_____
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	23.86	4,670.44	19,329.56	19.46%
STAFF TRAVEL/PARKING	2,700.00	-	242.88	2,457.12	9.00%
STAFF MEMBERSHIP DUES	120.00	-	-	120.00	0.00%
PUBLIC DEFENSE	7,000.00	164.18	2,075.12	4,924.88	29.64%
RECEPTION/FORUM EXPENSE	2,000.00	-	1,885.80	114.20	94.29%
TOTAL DIRECT EXPENSES:	<u>39,820.00</u>	<u>188.04</u>	<u>8,874.24</u>	<u>30,945.76</u>	<u>22.29%</u>
INDIRECT EXPENSES:					
	_____	_____	_____	_____	_____
SALARY EXPENSE (1.92 FTE)	185,736.00	13,965.16	104,921.40	80,814.60	56.49%
BENEFITS EXPENSE	80,467.00	3,973.18	33,249.09	47,217.91	41.32%
OTHER INDIRECT EXPENSE	52,781.00	3,788.42	35,692.08	17,088.92	67.62%
TOTAL INDIRECT EXPENSES:	<u>318,984.00</u>	<u>21,726.76</u>	<u>173,862.57</u>	<u>145,121.43</u>	<u>54.51%</u>
TOTAL ALL EXPENSES:	<u>358,804.00</u>	<u>21,914.80</u>	<u>182,736.81</u>	<u>176,067.19</u>	<u>50.93%</u>
NET INCOME (LOSS):	<u><u>(358,804.00)</u></u>	<u><u>(21,914.80)</u></u>	<u><u>(182,736.81)</u></u>		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMINISTRATION					
REVENUE:					
INTEREST INCOME	100,000.00	12,518.87	124,814.88	(24,814.88)	124.81%
TOTAL REVENUE:	100,000.00	12,518.87	124,814.88	(24,814.88)	124.81%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,200.00	-	2,498.00	1,702.00	59.48%
STAFF MEMBERSHIP DUES	950.00	-	-	950.00	0.00%
MISCELLANEOUS	-	(250.00)	(250.00)	250.00	
LAW LIBRARY	279.00	10.48	52.40	226.60	18.78%
TOTAL DIRECT EXPENSES:	5,429.00	(239.52)	2,300.40	3,128.60	42.37%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.98 FTE)	702,386.00	54,867.23	464,316.77	238,069.23	66.11%
BENEFITS EXPENSE	230,920.00	19,048.06	148,305.65	82,614.35	64.22%
OTHER INDIRECT EXPENSE	219,369.00	15,794.48	148,804.56	70,564.44	67.83%
TOTAL INDIRECT EXPENSES:	1,152,675.00	89,709.77	761,426.98	391,248.02	66.06%
TOTAL ALL EXPENSES:	1,158,104.00	89,470.25	763,727.38	394,376.62	65.95%
NET INCOME (LOSS):	(1,058,104.00)	(76,951.38)	(638,912.50)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMISSIONS					
REVENUE:					
EXAM SOFT REVENUE	33,000.00	-	10,395.00	22,605.00	31.50%
BAR EXAM FEES	1,300,000.00	56,580.00	1,026,725.00	273,275.00	78.98%
RULE 9/LEGAL INTERN FEES	13,350.00	3,200.00	8,050.00	5,300.00	60.30%
SPECIAL ADMISSIONS	37,200.00	1,205.00	32,225.00	4,975.00	86.63%
TOTAL REVENUE:	1,383,550.00	60,985.00	1,077,395.00	306,155.00	77.87%
DIRECT EXPENSES:					
POSTAGE	3,570.00	-	1,598.23	1,971.77	44.77%
STAFF TRAVEL/PARKING	14,900.00	-	4,082.82	10,817.18	27.40%
STAFF MEMBERSHIP DUES	650.00	-	200.00	450.00	30.77%
SUPPLIES	2,000.00	-	829.56	1,170.44	41.48%
FACILITY, PARKING, FOOD	85,000.00	-	38,867.92	46,132.08	45.73%
EXAMINER FEES	26,000.00	-	750.00	25,250.00	2.88%
UBE EXMINATIONS	120,000.00	34,520.00	34,520.00	85,480.00	28.77%
BOARD OF BAR EXAMINERS	28,500.00	-	10,576.89	17,923.11	37.11%
BAR EXAM PROCTORS	30,000.00	-	13,077.25	16,922.75	43.59%
CHARACTER & FITNESS BOARD	15,000.00	-	3,930.80	11,069.20	26.21%
DISABILITY ACCOMMODATIONS	17,250.00	1,400.00	9,391.57	7,858.43	54.44%
CHARACTER & FITNESS INVESTIGATIONS	500.00	-	-	500.00	0.00%
LAW SCHOOL VISITS	1,600.00	-	612.14	987.86	38.26%
COURT REPORTERS	15,000.00	-	2,221.10	12,778.90	14.81%
CONFERENCE CALLS	3.79	-	16.00	(12.21)	422.16%
ONLINE LEGAL RESEARCH	3,675.00	297.95	1,489.75	2,185.25	40.54%
LAW LIBRARY	1,116.00	42.39	211.95	904.05	18.99%
TOTAL DIRECT EXPENSES:	364,764.79	36,260.34	122,375.98	242,388.81	33.55%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.80 FTE)	534,949.00	37,325.20	353,323.42	181,625.58	66.05%
BENEFITS EXPENSE	204,543.00	14,662.93	127,683.25	76,859.75	62.42%
OTHER INDIRECT EXPENSE	186,931.00	13,454.58	126,759.43	60,171.57	67.81%
TOTAL INDIRECT EXPENSES:	926,423.00	65,442.71	607,766.10	318,656.90	65.60%
TOTAL ALL EXPENSES:	1,291,187.79	101,703.05	730,142.08	561,045.71	56.55%
NET INCOME (LOSS):	92,362.21	(40,718.05)	347,252.92		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
BOARD OF GOVERNOR					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
WASHINGTON LEADERSHIP INSTITUTE	100,000.00	-	80,000.00	20,000.00	80.00%
BOG MEETINGS	210,500.00	32.35	47,219.33	163,280.67	22.43%
BOG COMMITTEES' EXPENSES	30,000.00	275.56	6,896.97	23,103.03	22.99%
BOG RETREAT	15,000.00	-	-	15,000.00	0.00%
BOG CONFERENCE ATTENDANCE	44,000.00	(3,860.37)	4,537.28	39,462.72	10.31%
BOG TRAVEL & OUTREACH	30,000.00	770.41	6,737.24	23,262.76	22.46%
CONSULTING SERVICES	5,000.00	-	-	5,000.00	0.00%
TOTAL DIRECT EXPENSES:	434,500.00	(2,782.05)	145,390.82	289,109.18	33.46%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.00 FTE)	66,113.00	5,509.40	46,479.37	19,633.63	70.30%
BENEFITS EXPENSE	20,407.00	1,874.35	17,161.09	3,245.91	84.09%
OTHER INDIRECT EXPENSE	27,490.00	1,977.80	18,633.43	8,856.57	67.78%
TOTAL INDIRECT EXPENSES:	114,010.00	9,361.55	82,273.89	31,736.11	72.16%
TOTAL ALL EXPENSES:	548,510.00	6,579.50	227,664.71	320,845.29	41.51%
NET INCOME (LOSS):	(548,510.00)	(6,579.50)	(227,664.71)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
COMMUNICATION STRATEGIES					
REVENUE:					
APEX LUNCH/DINNER	2,250.00	-	2,250.00	-	100.00%
50 YEAR MEMBER TRIBUTE LUNCH	300.00	-	50.00	250.00	16.67%
WSBA LOGO MERCHANDISE SALES	342.59	-	342.59	-	100.00%
TOTAL REVENUE:	2,892.59	-	2,642.59	250.00	91.36%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,700.00	-	2,523.53	2,176.47	53.69%
STAFF MEMBERSHIP DUES	1,515.00	-	630.00	885.00	41.58%
SUBSCRIPTIONS	3,000.00	-	1,949.13	1,050.87	64.97%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	-	32.87	1,417.13	2.27%
APEX DINNER	23,000.00	-	3,515.63	19,484.37	15.29%
50 YEAR MEMBER TRIBUTE LUNCH	10,707.57	-	10,707.57	-	100.00%
COMMUNICATIONS OUTREACH	34,000.00	-	19,200.20	14,799.80	56.47%
TELEPHONE	325.00	-	192.45	132.55	59.22%
CONFERENCE CALLS	30.00	139.67	297.21	(267.21)	990.70%
MISCELLANEOUS	-	(594.83)	-	-	
TOTAL DIRECT EXPENSES:	78,727.57	(455.16)	39,048.59	39,678.98	49.60%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.44 FTE)	297,765.00	23,711.16	191,919.65	105,845.35	64.45%
BENEFITS EXPENSE	117,948.00	8,305.36	71,789.05	46,158.95	60.86%
OTHER INDIRECT EXPENSE	122,055.00	8,774.74	82,669.11	39,385.89	67.73%
TOTAL INDIRECT EXPENSES:	537,768.00	40,791.26	346,377.81	191,390.19	64.41%
TOTAL ALL EXPENSES:	616,495.57	40,336.10	385,426.40	231,069.17	62.52%
NET INCOME (LOSS):	(613,602.98)	(40,336.10)	(382,783.81)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONFERENCE & BROADCAST SERVICES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
TRANSLATION SERVICES	9,000.00	-	4,333.15	4,666.85	48.15%
TOTAL DIRECT EXPENSES:	9,000.00	-	4,333.15	4,666.85	48.15%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.11 FTE)	407,873.00	32,433.31	279,119.38	128,753.62	68.43%
BENEFITS EXPENSE	159,798.00	11,673.80	108,258.22	51,539.78	67.75%
OTHER INDIRECT EXPENSE	195,453.00	14,067.41	132,533.09	62,919.91	67.81%
TOTAL INDIRECT EXPENSES:	763,124.00	58,174.52	519,910.69	243,213.31	68.13%
TOTAL ALL EXPENSES:	772,124.00	58,174.52	524,243.84	247,880.16	67.90%
NET INCOME (LOSS):	(772,124.00)	(58,174.52)	(524,243.84)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DISCIPLINE					
REVENUE:					
DIVERSIONS	-	-	375.00	(375.00)	
AUDIT REVENUE	2,500.00	-	1,546.00	954.00	61.84%
RECOVERY OF DISCIPLINE COSTS	90,000.00	1,874.17	63,979.03	26,020.97	71.09%
DISCIPLINE HISTORY SUMMARY	14,000.00	1,382.50	11,339.83	2,660.17	81.00%
TOTAL REVENUE:	106,500.00	3,256.67	77,239.86	29,260.14	72.53%
DIRECT EXPENSES:					
DEPRECIATION-SOFTWARE	2,300.00	-	2,292.20	7.80	99.66%
PUBLICATIONS PRODUCTION	250.00	-	48.53	201.47	19.41%
STAFF TRAVEL/PARKING	35,000.00	376.13	19,455.07	15,544.93	55.59%
STAFF MEMBERSHIP DUES	4,877.00	-	3,437.25	1,439.75	70.48%
TELEPHONE	2,849.40	-	1,574.72	1,274.68	55.26%
COURT REPORTERS	30,000.00	1,872.30	12,599.80	17,400.20	42.00%
OUTSIDE COUNSEL/AIC	1,000.00	-	566.50	433.50	56.65%
LITIGATION EXPENSES	35,000.00	555.05	19,193.72	15,806.28	54.84%
DISABILITY EXPENSES	7,500.00	2,656.28	6,737.28	762.72	89.83%
ONLINE LEGAL RESEARCH	43,188.20	4,569.72	26,185.35	17,002.85	60.63%
LAW LIBRARY	5,800.00	255.24	4,641.14	1,158.86	80.02%
TRANSLATION SERVICES	1,000.00	-	240.00	760.00	24.00%
TOTAL DIRECT EXPENSES:	168,764.60	10,284.72	96,971.56	71,793.04	57.46%
INDIRECT EXPENSES:					
SALARY EXPENSE (36.93 FTE)	3,599,769.00	303,987.31	2,389,851.17	1,209,917.83	66.39%
BENEFITS EXPENSE	1,196,980.00	96,212.25	771,053.02	425,926.98	64.42%
OTHER INDIRECT EXPENSE	1,015,202.00	73,094.74	688,647.59	326,554.41	67.83%
TOTAL INDIRECT EXPENSES:	5,811,951.00	473,294.30	3,849,551.78	1,962,399.22	66.24%
TOTAL ALL EXPENSES:	5,980,715.60	483,579.02	3,946,523.34	2,034,192.26	65.99%
NET INCOME (LOSS):	(5,874,215.60)	(480,322.35)	(3,869,283.48)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DIVERSITY					
REVENUE:					
DONATIONS	130,000.00	-	125,000.00	5,000.00	96.15%
WORK STUDY GRANTS	5,187.00	-	-	5,187.00	0.00%
TOTAL REVENUE:	135,187.00	-	125,000.00	10,187.00	92.46%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,000.00	-	1,066.09	2,933.91	26.65%
STAFF MEMBERSHIP DUES	640.00	-	-	640.00	0.00%
COMMITTEE FOR DIVERSITY	6,000.00	12.66	2,470.47	3,529.53	41.17%
DIVERSITY EVENTS & PROJECTS	15,250.00	-	4,438.95	10,811.05	29.11%
INTERNAL DIVERSITY OUTREACH	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSE:	26,090.00	12.66	7,975.51	18,114.49	30.57%
INDIRECT EXPENSES:					
SALARY EXPENSE (3.87 FTE)	187,061.00	17,250.14	135,228.67	51,832.33	72.29%
BENEFITS EXPENSE	81,042.00	8,654.45	65,601.74	15,440.26	80.95%
OTHER INDIRECT EXPENSE	106,386.00	7,660.45	72,171.44	34,214.56	67.84%
TOTAL INDIRECT EXPENSES:	374,489.00	33,565.04	273,001.85	101,487.15	72.90%
TOTAL ALL EXPENSES:	400,579.00	33,577.70	280,977.36	119,601.64	70.14%
NET INCOME (LOSS):	(265,392.00)	(33,577.70)	(155,977.36)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
FOUNDATION					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	3,000.00	-	2,000.00	1,000.00	66.67%
PRINTING & COPYING	900.00	-	-	900.00	0.00%
STAFF TRAVEL/PARKING	500.00	-	37.76	462.24	7.55%
SUPPLIES	250.00	-	-	250.00	0.00%
SPECIAL EVENTS	5,000.00	-	-	5,000.00	0.00%
BOARD OF TRUSTEES	2,000.00	8.57	355.98	1,644.02	17.80%
POSTAGE	500.00	-	62.28	437.72	12.46%
TOTAL DIRECT EXPENSES:	12,150.00	8.57	2,456.02	9,693.98	20.21%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.05 FTE)	70,951.00	6,420.56	52,132.24	18,818.76	73.48%
BENEFITS EXPENSE	30,738.00	2,389.54	19,737.42	11,000.58	64.21%
OTHER INDIRECT EXPENSE	28,864.00	2,089.25	19,683.20	9,180.80	68.19%
TOTAL INDIRECT EXPENSES:	130,553.00	10,899.35	91,552.86	39,000.14	70.13%
TOTAL ALL EXPENSES:	142,703.00	10,907.92	94,008.88	48,694.12	65.88%
NET INCOME (LOSS):	(142,703.00)	(10,907.92)	(94,008.88)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
HUMAN RESOURCES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	250.00	-	638.00	(388.00)	255.20%
STAFF MEMBERSHIP DUES	385.00	-	-	385.00	0.00%
SUBSCRIPTIONS	2,239.10	-	2,524.50	(285.40)	112.75%
STAFF TRAINING- GENERAL	25,000.00	-	1,987.39	23,012.61	7.95%
RECRUITING AND ADVERTISING	7,000.00	568.49	2,341.97	4,658.03	33.46%
PAYROLL PROCESSING	49,000.00	4,015.82	25,680.77	23,319.23	52.41%
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	(161,774.10)	(4,584.31)	(33,937.83)	(127,836.27)	20.98%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	267,155.00	20,035.10	163,605.06	103,549.94	61.24%
ALLOWANCE FOR OPEN POSITIONS	(212,871.50)	-	-	(212,871.50)	0.00%
BENEFITS EXPENSE	85,476.00	7,130.35	58,527.24	26,948.76	68.47%
OTHER INDIRECT EXPENSE	67,350.00	4,846.98	45,664.90	21,685.10	67.80%
TOTAL INDIRECT EXPENSES:	207,109.50	32,012.43	267,797.20	(60,687.70)	129.30%
TOTAL ALL EXPENSES:	207,109.50	32,012.43	267,797.20	(60,687.70)	129.30%
NET INCOME (LOSS):	(207,109.50)	(32,012.43)	(267,797.20)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAW CLERK PROGRAM					
REVENUE:					
LAW CLERK FEES	191,362.00	-	180,548.67	10,813.33	94.35%
LAW CLERK APPLICATION FEES	3,200.00	100.00	2,200.00	1,000.00	68.75%
TOTAL REVENUE:	194,562.00	100.00	182,748.67	11,813.33	93.93%
DIRECT EXPENSES:					
SUBSCRIPTIONS	250.00	-	-	250.00	0.00%
CHARACTER & FITNESS INVESTIGATIONS	100.00	-	-	100.00	0.00%
LAW CLERK BOARD EXPENSE	6,000.00	-	3,164.55	2,835.45	52.74%
STAFF TRAVEL/PARKING	400.00	-	37.95	362.05	9.49%
LAW CLERK OUTREACH	6,000.00	-	4,846.37	1,153.63	80.77%
TOTAL DIRECT EXPENSES:	12,750.00	-	8,048.87	4,701.13	63.13%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.25 FTE)	98,336.00	7,768.76	63,212.04	35,123.96	64.28%
BENEFITS EXPENSE	37,600.00	2,455.58	21,738.57	15,861.43	57.82%
OTHER INDIRECT EXPENSE	34,362.00	2,479.19	23,357.36	11,004.64	67.97%
TOTAL INDIRECT EXPENSES:	170,298.00	12,703.53	108,307.97	61,990.03	63.60%
TOTAL ALL EXPENSES:	183,048.00	12,703.53	116,356.84	66,691.16	63.57%
NET INCOME (LOSS):	11,514.00	(12,603.53)	66,391.83		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LEGISLATIVE					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	2,500.00	-	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	1,500.00	207.03	1,293.76	206.24	86.25%
CONTRACT LOBBYIST	20,000.00	-	9,999.96	10,000.04	50.00%
LEGISLATIVE COMMITTEE	3,000.00	80.20	997.04	2,002.96	33.23%
BOG LEGISLATIVE COMMITTEE	250.00	-	-	250.00	0.00%
TOTAL DIRECT EXPENSES:	29,700.00	287.23	16,015.28	13,684.72	53.92%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.10 FTE)	87,076.00	6,933.90	56,120.47	30,955.53	64.45%
BENEFITS EXPENSE	34,491.00	2,229.06	19,506.56	14,984.44	56.56%
OTHER INDIRECT EXPENSE	30,239.00	2,172.78	20,470.58	9,768.42	67.70%
TOTAL INDIRECT EXPENSES:	151,806.00	11,335.74	96,097.61	55,708.39	63.30%
TOTAL ALL EXPENSES:	181,506.00	11,622.97	112,112.89	69,393.11	61.77%
NET INCOME (LOSS):	(181,506.00)	(11,622.97)	(112,112.89)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSING & MEMBERSHIP RECORDS					
REVENUE:					
STATUS CERTIFICATE FEES	25,000.00	2,075.02	19,916.71	5,083.29	79.67%
INVESTIGATION FEES	24,000.00	1,000.00	14,900.00	9,100.00	62.08%
PRO HAC VICE	290,000.00	24,732.00	199,851.00	90,149.00	68.91%
MEMBER CONTACT INFORMATION	11,000.00	-	7,515.55	3,484.45	68.32%
PHOTO BAR CARD SALES	350.00	24.00	180.00	170.00	51.43%
TOTAL REVENUE:	350,350.00	27,831.02	242,363.26	107,986.74	69.18%
DIRECT EXPENSES:					
DEPRECIATION	13,850.00	1,150.00	9,204.00	4,646.00	66.45%
POSTAGE	19,500.00	-	17,549.35	1,950.65	90.00%
LICENSING FORMS	2,253.10	-	2,253.10	-	100.00%
TOTAL DIRECT EXPENSES:	35,603.10	1,150.00	29,006.45	6,596.65	81.47%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.20 FTE)	341,930.00	31,224.26	266,723.98	75,206.02	78.01%
BENEFITS EXPENSE	126,335.00	10,040.49	83,256.62	43,078.38	65.90%
OTHER INDIRECT EXPENSE	115,458.00	8,301.15	78,207.61	37,250.39	67.74%
TOTAL INDIRECT EXPENSES:	583,723.00	49,565.90	428,188.21	155,534.79	73.35%
TOTAL ALL EXPENSES:	619,326.10	50,715.90	457,194.66	162,131.44	73.82%
NET INCOME (LOSS):	(268,976.10)	(22,884.88)	(214,831.40)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED LICENSE LEGAL TECHNICIAN PROGRAM					
REVENUE:					
SEMINAR REGISTRATIONS	4,344.00	199.00	796.00	3,548.00	18.32%
LLLT LICENSE FEES	5,735.66	599.95	4,299.11	1,436.55	74.95%
LLLT LATE LICENSE FEES	300.00	-	300.00	-	100.00%
INVESTIGATION FEES	300.00	-	100.00	200.00	33.33%
LLLT EXAM FEES	6,280.00	750.00	5,150.00	1,130.00	82.01%
LLLT WAIVER FEES	150.00	-	-	150.00	0.00%
MEMBER LATE FEES	150.00	-	150.00	-	100.00%
TOTAL REVENUE:	17,259.66	1,548.95	10,795.11	6,464.55	62.55%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	600.00	-	101.80	498.20	16.97%
LLLT BOARD	14,000.00	306.37	5,308.00	8,692.00	37.91%
LLLT OUTREACH	4,000.00	43.68	1,507.27	2,492.73	37.68%
LLLT EDUCATION	2,500.00	-	-	2,500.00	0.00%
POSTAGE	20.00	-	-	20.00	0.00%
LLLT EXAM WRITING	10,750.00	-	5,375.00	5,375.00	50.00%
LICENSING FORMS	2.50	-	-	2.50	0.00%
TOTAL DIRECT EXPENSES:	31,872.50	350.05	12,292.07	19,580.43	38.57%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.34 FTE)	103,650.00	8,459.91	69,012.58	34,637.42	66.58%
BENEFITS EXPENSE	39,631.00	2,745.93	23,810.90	15,820.10	60.08%
OTHER INDIRECT EXPENSE	36,836.00	2,674.19	25,194.39	11,641.61	68.40%
TOTAL INDIRECT EXPENSES:	180,117.00	13,880.03	118,017.87	62,099.13	65.52%
TOTAL ALL EXPENSES:	211,989.50	14,230.08	130,309.94	81,679.56	61.47%
NET INCOME (LOSS):	(194,729.84)	(12,681.13)	(119,514.83)		

Washington State Bar Association

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For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED PRACTICE OFFICERS					
REVENUE:					
INVESTIGATION FEES	1,000.00	100.00	200.00	800.00	20.00%
MEMBER LATE FEES	1,800.00	-	2,250.00	(450.00)	125.00%
LPO EXAMINATION FEES	26,800.00	2,900.00	22,900.00	3,900.00	85.45%
LPO LICENSE FEES	172,516.60	14,545.21	116,696.39	55,820.21	67.64%
LPO LATE LICENSE FEES	3,088.00	-	400.00	2,688.00	12.95%
TOTAL REVENUE:	205,204.60	17,545.21	142,446.39	62,758.21	69.42%
DIRECT EXPENSES:					
FACILITY, PARKING, FOOD	24.00	-	-	24.00	0.00%
EXAM WRITING	9,750.00	-	4,875.00	4,875.00	50.00%
ONLINE LEGAL RESEARCH	1,837.50	148.97	744.85	1,092.65	40.54%
LAW LIBRARY	279.00	10.48	52.40	226.60	18.78%
LPO BOARD	3,000.00	-	866.02	2,133.98	28.87%
LPO OUTREACH	5,000.00	-	26.64	4,973.36	0.53%
PRINTING & COPYING	-	-	70.50	(70.50)	
STAFF TRAVEL/PARKING	500.00	-	44.51	455.49	8.90%
TOTAL DIRECT EXPENSES:	20,390.50	159.45	6,679.92	13,710.58	32.76%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.09 FTE)	83,983.00	7,103.84	58,041.65	25,941.35	69.11%
BENEFITS EXPENSE	32,112.00	2,325.55	19,835.05	12,276.95	61.77%
OTHER INDIRECT EXPENSE	29,964.00	2,172.80	20,470.55	9,493.45	68.32%
TOTAL INDIRECT EXPENSES:	146,059.00	11,602.19	98,347.25	47,711.75	67.33%
TOTAL ALL EXPENSES:	166,449.50	11,761.64	105,027.17	61,422.33	63.10%
NET INCOME (LOSS):	38,755.10	5,783.57	37,419.22		

Washington State Bar Association

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For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANDATORY CONTINUING LEGAL EDUCATION					
REVENUE:					
ACCREDITED PROGRAM FEES	516,700.00	39,900.00	329,100.00	187,600.00	63.69%
FORM 1 LATE FEES	170,000.00	19,650.00	139,250.00	30,750.00	81.91%
MEMBER LATE FEES	191,000.00	6,750.00	161,075.00	29,925.00	84.33%
ANNUAL ACCREDITED SPONSOR FEES	41,750.00	-	41,750.00	-	100.00%
ATTENDANCE LATE FEES	90,000.00	6,800.00	59,850.00	30,150.00	66.50%
COMITY CERTIFICATES	29,000.00	100.00	29,075.17	(75.17)	100.26%
TOTAL REVENUE:	1,038,450.00	73,200.00	760,100.17	278,349.83	73.20%
DIRECT EXPENSES:					
DEPRECIATION	250,000.00	20,867.00	166,927.00	83,073.00	66.77%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
ONLINE LEGAL RESEARCH	1,837.50	148.97	744.85	1,092.65	40.54%
LAW LIBRARY	279.00	10.48	52.40	226.60	18.78%
MCLE BOARD	2,500.00	120.60	1,037.49	1,462.51	41.50%
STAFF TRAVEL/PARKING	50.00	-	9.26	40.74	18.52%
TOTAL DIRECT EXPENSES:	255,166.50	21,147.05	168,771.00	86,395.50	66.14%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.65 FTE)	509,354.00	26,457.44	320,127.04	189,226.96	62.85%
BENEFITS EXPENSE	139,871.00	8,628.88	75,352.43	64,518.57	53.87%
OTHER INDIRECT EXPENSE	127,828.00	9,192.54	86,605.77	41,222.23	67.75%
TOTAL INDIRECT EXPENSES:	777,053.00	44,278.86	482,085.24	294,967.76	62.04%
TOTAL ALL EXPENSES:	1,032,219.50	65,425.91	650,856.24	381,363.26	63.05%
NET INCOME (LOSS):	6,230.50	7,774.09	109,243.93		

Washington State Bar Association
Statement of Activities
For the Period from May 1, 2020 to May 31, 2020
66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER ASSISTANCE PROGRAM					
REVENUE:					
DIVERSIONS	6,750.00	750.00	6,000.00	750.00	88.89%
LAP GROUPS REVENUE	-	-	360.00	(360.00)	
TOTAL REVENUE:	6,750.00	750.00	6,360.00	390.00	94.22%
DIRECT EXPENSES:					
PUBLICATIONS PRODUCTION	200.00	-	-	200.00	0.00%
STAFF MEMBERSHIP DUES	225.00	226.00	226.00	(1.00)	100.44%
PROF LIAB INSURANCE	850.00	-	775.50	74.50	91.24%
TOTAL DIRECT EXPENSES:	1,275.00	226.00	1,001.50	273.50	78.55%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.90 FTE)	82,545.00	6,526.58	53,183.11	29,361.89	64.43%
BENEFITS EXPENSE	26,410.00	2,356.04	21,505.33	4,904.67	81.43%
OTHER INDIRECT EXPENSE	24,741.00	1,782.77	16,796.11	7,944.89	67.89%
TOTAL INDIRECT EXPENSES:	133,696.00	10,665.39	91,484.55	42,211.45	68.43%
TOTAL ALL EXPENSES:	134,971.00	10,891.39	92,486.05	42,484.95	68.52%
NET INCOME (LOSS):	(128,221.00)	(10,141.39)	(86,126.05)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER SERVICES & ENGAGEMENT					
REVENUE:					
ROYALTIES	49,250.00	14,153.48	42,432.48	6,817.52	86.16%
NMP PRODUCT SALES	80,000.00	2,873.00	65,663.00	14,337.00	82.08%
SEMINAR REGISTRATIONS	15,000.00	-	6,973.00	8,027.00	46.49%
TRIAL ADVOCACY PROGRAM	10,000.00	-	-	10,000.00	0.00%
TOTAL REVENUE:	154,250.00	17,026.48	115,068.48	39,181.52	74.60%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	2,500.00	-	98.88	2,401.12	3.96%
SUBSCRIPTIONS	500.00	-	125.00	375.00	25.00%
CONFERENCE CALLS	300.00	-	60.85	239.15	20.28%
YLL SECTION PROGRAM	1,100.00	-	520.00	580.00	47.27%
WYLC CLE COMPS	1,000.00	-	-	1,000.00	0.00%
WYLC OUTREACH EVENTS	2,500.00	-	101.03	2,398.97	4.04%
WYL COMMITTEE	1,500.00	-	1,063.80	436.20	70.92%
TRIAL ADVOCACY EXPENSES	2,500.00	-	0.05	2,499.95	0.00%
RECEPTION/FORUM EXPENSE	3,000.00	-	947.12	2,052.88	31.57%
WYLC SCHOLARSHIPS/DONATIONS/GRANT	2,500.00	-	500.00	2,000.00	20.00%
STAFF MEMBERSHIP DUES	445.00	-	100.00	345.00	22.47%
LENDING LIBRARY	6,200.00	-	3,318.25	2,881.75	53.52%
NMP SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	0.91	446.91	1,053.09	29.79%
TOTAL DIRECT EXPENSES:	25,545.00	0.91	7,281.89	18,263.11	28.51%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.24 FTE)	330,563.00	29,389.06	240,435.78	90,127.22	72.74%
BENEFITS EXPENSE	143,212.00	8,754.07	78,143.76	65,068.24	54.57%
OTHER INDIRECT EXPENSE	116,557.00	8,384.73	78,994.99	37,562.01	67.77%
TOTAL INDIRECT EXPENSES:	590,332.00	46,527.86	397,574.53	192,757.47	67.35%
TOTAL ALL EXPENSES:	615,877.00	46,528.77	404,856.42	211,020.58	65.74%
NET INCOME (LOSS):	(461,627.00)	(29,502.29)	(289,787.94)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBERSHIP BENEFITS					
REVENUE:					
SPONSORSHIPS	9,000.00	-	1,000.00	8,000.00	11.11%
INTERNET SALES	19,000.00	294.00	19,257.00	(257.00)	101.35%
TOTAL REVENUE:	28,000.00	294.00	20,257.00	7,743.00	72.35%
DIRECT EXPENSES:					
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	-	42,680.00	3,880.00	91.67%
CASEMAKER & FASTCASE	136,436.00	10,832.00	119,947.69	16,488.31	87.91%
CONFERENCE CALLS	-	-	5.30	(5.30)	
TOTAL DIRECT EXPENSES:	186,496.00	10,832.00	162,632.99	23,863.01	87.20%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.69 FTE)	74,151.00	6,509.70	53,937.87	20,213.13	72.74%
BENEFITS EXPENSE	32,124.00	1,421.34	15,335.97	16,788.03	47.74%
OTHER INDIRECT EXPENSE	18,968.00	1,364.95	12,859.75	6,108.25	67.80%
TOTAL INDIRECT EXPENSES:	125,243.00	9,295.99	82,133.59	43,109.41	65.58%
TOTAL ALL EXPENSES:	311,739.00	20,127.99	244,766.58	66,972.42	78.52%
NET INCOME (LOSS):	(283,739.00)	(19,833.99)	(224,509.58)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NORTHWEST LAWYER					
REVENUE:					
ROYALTIES	1,215.86	140.28	1,581.14	(365.28)	130.04%
DISPLAY ADVERTISING	423,500.00	-	261,386.00	162,114.00	61.72%
SUBSCRIPT/SINGLE ISSUES	350.00	-	72.00	278.00	20.57%
CLASSIFIED ADVERTISING	12,500.00	234.00	6,160.65	6,339.35	49.29%
GEN ANNOUNCEMENTS	20,000.00	-	7,615.00	12,385.00	38.08%
PROF ANNOUNCEMENTS	25,000.00	-	15,687.00	9,313.00	62.75%
JOB TARGET ADVERTISING	120,000.00	3,285.46	104,406.91	15,593.09	87.01%
TOTAL REVENUE:	602,565.86	3,659.74	396,908.70	205,657.16	65.87%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	2,000.00	-	-	2,000.00	0.00%
POSTAGE	95,000.00	-	61,766.16	33,233.84	65.02%
PRINTING, COPYING & MAILING	250,000.00	-	146,256.44	103,743.56	58.50%
DIGITAL/ONLINE DEVELOPMENT	13,200.00	850.00	7,750.00	5,450.00	58.71%
GRAPHICS/ARTWORK	2,000.00	-	-	2,000.00	0.00%
OUTSIDE SALES EXPENSE	118,500.00	-	85,406.40	33,093.60	72.07%
EDITORIAL ADVISORY COMMITTEE	800.00	-	532.31	267.69	66.54%
STAFF MEMBERSHIP DUES	615.00	-	-	615.00	0.00%
TOTAL DIRECT EXPENSES:	482,115.00	850.00	301,711.31	180,403.69	62.58%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.55 FTE)	216,483.00	17,238.64	140,037.24	76,445.76	64.69%
BENEFITS EXPENSE	85,752.00	5,522.71	50,447.44	35,304.56	58.83%
OTHER INDIRECT EXPENSE	70,099.00	5,041.96	47,501.91	22,597.09	67.76%
TOTAL INDIRECT EXPENSES:	372,334.00	27,803.31	237,986.59	134,347.41	63.92%
TOTAL ALL EXPENSES:	854,449.00	28,653.31	539,697.90	314,751.10	63.16%
NET INCOME (LOSS):	(251,883.14)	(24,993.57)	(142,789.20)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF THE EXECUTIVE DIRECTOR					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
ED TRAVEL & OUTREACH	5,000.00	348.89	1,603.83	3,396.17	32.08%
LAW LIBRARY	279.00	10.48	102.37	176.63	36.69%
STAFF TRAVEL/PARKING	5,400.00	-	186.00	5,214.00	3.44%
STAFF MEMBERSHIP DUES	1,700.00	-	-	1,700.00	0.00%
TOTAL DIRECT EXPENSES:	12,379.00	359.37	1,892.20	10,486.80	15.29%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.45 FTE)	382,572.00	31,881.08	237,302.43	145,269.57	62.03%
BENEFITS EXPENSE	118,089.00	6,607.12	54,244.72	63,844.28	45.94%
OTHER INDIRECT EXPENSE	39,860.00	2,869.19	27,031.49	12,828.51	67.82%
TOTAL INDIRECT EXPENSES:	540,521.00	41,357.39	318,578.64	221,942.36	58.94%
TOTAL ALL EXPENSES:	552,900.00	41,716.76	320,470.84	232,429.16	57.96%
NET INCOME (LOSS):	(552,900.00)	(41,716.76)	(320,470.84)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL					
REVENUE:					
COPY FEES	3.96	-	3.96	-	100.00%
TOTAL REVENUE:	3.96	-	3.96	-	100.00%
DIRECT EXPENSES:					
DEPRECIATION	3,336.00	-	-	3,336.00	0.00%
STAFF TRAVEL/PARKING	300.00	-	-	300.00	0.00%
STAFF MEMBERSHIP DUES	2,725.00	-	300.00	2,425.00	11.01%
ONLINE LEGAL RESEARCH	11,205.00	893.85	4,810.53	6,394.47	42.93%
LAW LIBRARY	2,921.42	63.36	1,565.52	1,355.90	53.59%
COURT RULES COMMITTEE	3,000.00	0.05	934.71	2,065.29	31.16%
DISCIPLINE ADVISORY ROUNDTABLE	500.00	-	-	500.00	0.00%
CUSTODIANSHIPS	1,500.00	1,184.70	2,200.95	(700.95)	146.73%
LITIGATION EXPENSES	500.00	-	40.18	459.82	8.04%
TOTAL DIRECT EXPENSES:	25,987.42	2,141.96	9,851.89	16,135.53	37.91%
INDIRECT EXPENSES:					
SALARY EXPENSE (5.82 FTE)	460,618.00	41,455.72	312,702.46	147,915.54	67.89%
BENEFITS EXPENSE	159,114.00	15,909.13	121,205.34	37,908.66	76.18%
OTHER INDIRECT EXPENSE	159,991.00	11,504.62	108,388.46	51,602.54	67.75%
TOTAL INDIRECT EXPENSES:	779,723.00	68,869.47	542,296.26	237,426.74	69.55%
TOTAL ALL EXPENSES:	805,710.42	71,011.43	552,148.15	253,562.27	68.53%
NET INCOME (LOSS):	(805,706.46)	(71,011.43)	(552,144.19)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF MEMBERSHIP DUES	100.00	-	-	100.00	0.00%
LAW LIBRARY	1,116.00	42.39	211.95	904.05	18.99%
DISCIPLINARY BOARD EXPENSES	4,000.00	68.40	785.86	3,214.14	19.65%
CHIEF HEARING OFFICER	33,000.00	2,500.00	20,000.00	13,000.00	60.61%
HEARING OFFICER EXPENSES	2,000.00	-	(1,858.63)	3,858.63	-92.93%
HEARING OFFICER TRAINING	2,000.00	-	526.93	1,473.07	26.35%
OUTSIDE COUNSEL	55,000.00	4,000.00	32,234.36	22,765.64	58.61%
TOTAL DIRECT EXPENSES:	97,216.00	6,610.79	51,900.47	45,315.53	53.39%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.55 FTE)	231,661.00	8,717.62	70,559.61	161,101.39	30.46%
BENEFITS EXPENSE	80,024.00	2,811.95	25,653.67	54,370.33	32.06%
OTHER INDIRECT EXPENSE	42,609.00	3,064.18	28,868.63	13,740.37	67.75%
TOTAL INDIRECT EXPENSES:	354,294.00	14,593.75	125,081.91	229,212.09	35.30%
TOTAL ALL EXPENSES:	451,510.00	21,204.54	176,982.38	274,527.62	39.20%
NET INCOME (LOSS):	(451,510.00)	(21,204.54)	(176,982.38)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OUTREACH & ENGAGEMENT					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF MEMBERSHIP DUES	825.00	-	-	825.00	0.00%
ABA DELEGATES	5,000.00	165.78	1,765.78	3,234.22	35.32%
ANNUAL CHAIR MEETINGS	600.00	-	510.31	89.69	85.05%
JUDICIAL RECOMMENDATIONS COMMITTEE	2,000.00	12.76	192.17	1,807.83	9.61%
BOG ELECTIONS	6,500.00	-	4,918.63	1,581.37	75.67%
BAR OUTREACH	16,600.00	-	226.83	16,373.17	1.37%
TOTAL DIRECT EXPENSES:	31,525.00	178.54	7,613.72	23,911.28	24.15%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.73 FTE)	198,420.00	15,800.24	135,086.41	63,333.59	68.08%
BENEFITS EXPENSE	78,596.00	6,199.82	50,331.67	28,264.33	64.04%
OTHER INDIRECT EXPENSE	75,047.00	5,404.13	50,913.85	24,133.15	67.84%
TOTAL INDIRECT EXPENSES:	352,063.00	27,404.19	236,331.93	115,731.07	67.13%
TOTAL ALL EXPENSES:	383,588.00	27,582.73	243,945.65	139,642.35	63.60%
NET INCOME (LOSS):	(383,588.00)	(27,582.73)	(243,945.65)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE OF LAW BOARD					
REVENUE:	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL REVENUE:	<hr/> <u>-</u> <hr/>	<hr/> <u>-</u> <hr/>	<hr/> <u>-</u> <hr/>	<hr/> <u>-</u> <hr/>	<hr/> <u>-</u> <hr/>
DIRECT EXPENSES:	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
PRACTICE OF LAW BOARD	12,000.00	94.98	2,535.09	9,464.91	21.13%
TOTAL DIRECT EXPENSES:	<hr/> <u>12,000.00</u> <hr/>	<hr/> <u>94.98</u> <hr/>	<hr/> <u>2,535.09</u> <hr/>	<hr/> <u>9,464.91</u> <hr/>	<hr/> <u>21.13%</u> <hr/>
INDIRECT EXPENSES:					
SALARY EXPENSE (0.40 FTE)	39,116.00	3,259.68	26,378.54	12,737.46	67.44%
BENEFITS EXPENSE	13,512.00	1,032.79	8,361.13	5,150.87	61.88%
OTHER INDIRECT EXPENSE	10,996.00	779.96	7,348.31	3,647.69	66.83%
TOTAL INDIRECT EXPENSES:	<hr/> <u>63,624.00</u> <hr/>	<hr/> <u>5,072.43</u> <hr/>	<hr/> <u>42,087.98</u> <hr/>	<hr/> <u>21,536.02</u> <hr/>	<hr/> <u>66.15%</u> <hr/>
TOTAL ALL EXPENSES:	<hr/> <u>75,624.00</u> <hr/>	<hr/> <u>5,167.41</u> <hr/>	<hr/> <u>44,623.07</u> <hr/>	<hr/> <u>31,000.93</u> <hr/>	<hr/> <u>59.01%</u> <hr/>
NET INCOME (LOSS):	<hr/> <u>(75,624.00)</u> <hr/>	<hr/> <u>(5,167.41)</u> <hr/>	<hr/> <u>(44,623.07)</u> <hr/>		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PROFESSIONAL RESPONSIBILITY PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,000.00	-	1,351.78	2,648.22	33.79%
LAW LIBRARY	279.00	10.48	52.40	226.60	18.78%
CPE COMMITTEE	5,000.00	55.53	2,272.52	2,727.48	45.45%
TOTAL DIRECT EXPENSES:	9,279.00	66.01	3,676.70	5,602.30	39.62%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.55 FTE)	160,115.00	13,342.90	107,994.68	52,120.32	67.45%
BENEFITS EXPENSE	55,310.00	4,291.74	36,435.18	18,874.82	65.87%
OTHER INDIRECT EXPENSE	42,609.00	3,064.19	28,868.59	13,740.41	67.75%
TOTAL INDIRECT EXPENSES:	258,034.00	20,698.83	173,298.45	84,735.55	67.16%
TOTAL ALL EXPENSES:	267,313.00	20,764.84	176,975.15	90,337.85	66.21%
NET INCOME (LOSS):	(267,313.00)	(20,764.84)	(176,975.15)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLIC SERVICE PROGRAMS					
REVENUE:					
DONATIONS & GRANTS	135,000.00	-	135,000.00	-	100.00%
PSP PRODUCT SALES	200.00	-	99.00	101.00	49.50%
TOTAL REVENUE:	135,200.00	-	135,099.00	101.00	99.93%
DIRECT EXPENSES:					
DONATIONS/SPONSORSHIPS/GRANTS	205,687.98	-	85,575.88	120,112.10	41.60%
STAFF TRAVEL/PARKING	2,000.00	-	69.00	1,931.00	3.45%
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	112.08	1,230.81	769.19	61.54%
PUBLIC SERVICE EVENTS AND PROJECTS	30,500.00	-	-	30,500.00	0.00%
TOTAL DIRECT EXPENSES:	240,187.98	112.08	86,875.69	153,312.29	36.17%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.54 FTE)	95,912.00	8,595.98	72,919.50	22,992.50	76.03%
BENEFITS EXPENSE	41,552.00	3,069.17	26,418.37	15,133.63	63.58%
OTHER INDIRECT EXPENSE	42,334.00	3,036.37	28,606.30	13,727.70	67.57%
TOTAL INDIRECT EXPENSES:	179,798.00	14,701.52	127,944.17	51,853.83	71.16%
TOTAL ALL EXPENSES:	419,985.98	14,813.60	214,819.86	205,166.12	51.15%
NET INCOME (LOSS):	(284,785.98)	(14,813.60)	(79,720.86)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLICATION & DESIGN SERVICES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
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%
TOTAL DIRECT EXPENSES:	5,572.00	-	4,279.98	1,292.02	76.81%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.09 FTE)	74,534.00	5,935.18	48,367.58	26,166.42	64.89%
BENEFITS EXPENSE	29,523.00	2,003.75	17,547.29	11,975.71	59.44%
OTHER INDIRECT EXPENSE	29,964.00	2,144.91	20,207.91	9,756.09	67.44%
TOTAL INDIRECT EXPENSES:	134,021.00	10,083.84	86,122.78	47,898.22	64.26%
TOTAL ALL EXPENSES:	139,593.00	10,083.84	90,402.76	49,190.24	64.76%
NET INCOME (LOSS):	(139,593.00)	(10,083.84)	(90,402.76)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	300,000.00	1,275.00	284,006.25	15,993.75	94.67%
TOTAL REVENUE:	300,000.00	1,275.00	284,006.25	15,993.75	94.67%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,200.00	-	285.03	914.97	23.75%
SUBSCRIPTIONS	410.00	-	409.57	0.43	99.90%
CONFERENCE CALLS	300.00	0.05	471.02	(171.02)	157.01%
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%
TOTAL DIRECT EXPENSES:	9,335.00	0.05	7,298.01	2,036.99	78.18%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.24 FTE)	161,026.00	17,622.54	131,123.16	29,902.84	81.43%
BENEFITS EXPENSE	69,763.00	8,142.85	62,737.67	7,025.33	89.93%
OTHER INDIRECT EXPENSE	116,557.00	8,384.72	78,995.06	37,561.94	67.77%
TOTAL INDIRECT EXPENSES:	347,346.00	34,150.11	272,855.89	74,490.11	78.55%
TOTAL ALL EXPENSES:	356,681.00	34,150.16	280,153.90	76,527.10	78.54%
NET INCOME (LOSS):	(56,681.00)	(32,875.16)	3,852.35		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
TECHNOLOGY					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	110,000.00	435.00	61,810.92	48,189.08	56.19%
STAFF TRAVEL/PARKING	2,500.00	-	726.39	1,773.61	29.06%
STAFF MEMBERSHIP DUES	180.00	-	90.00	90.00	50.00%
TELEPHONE	24,000.00	1,274.18	12,963.15	11,036.85	54.01%
COMPUTER HARDWARE	38,000.00	11,522.18	24,883.51	13,116.49	65.48%
COMPUTER SOFTWARE	29,000.00	11,617.69	18,701.65	10,298.35	64.49%
HARDWARE SERVICE & WARRANTIES	55,000.00	-	32,669.19	22,330.81	59.40%
SOFTWARE MAINTENANCE & LICENSING	320,000.00	3,004.26	230,940.03	89,059.97	72.17%
TELEPHONE HARDWARE & MAINTENANCE	7,000.00	-	275.10	6,724.90	3.93%
COMPUTER SUPPLIES	10,000.00	-	4,026.99	5,973.01	40.27%
THIRD PARTY SERVICES	177,000.00	1,280.62	173,077.06	3,922.94	97.78%
CONFERENCE CALLS	-	93.82	93.82	(93.82)	
TRANSFER TO INDIRECT EXPENSES	(772,680.00)	(29,227.75)	(560,257.81)	(212,422.19)	72.51%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (12.10 FTE)	1,063,911.00	86,233.66	736,576.69	327,334.31	69.23%
BENEFITS EXPENSE	380,432.00	29,152.30	239,277.44	141,154.56	62.90%
CAPITAL LABOR & OVERHEAD	(51,000.00)	-	(31,780.00)	(19,220.00)	62.31%
OTHER INDIRECT EXPENSE	332,628.00	23,956.35	225,699.91	106,928.09	67.85%
TOTAL INDIRECT EXPENSES:	1,725,971.00	139,342.31	1,169,774.04	556,196.96	67.77%
TOTAL ALL EXPENSES:	1,725,971.00	139,342.31	1,169,774.04	556,196.96	67.77%
NET INCOME (LOSS):	(1,725,971.00)	(139,342.31)	(1,169,774.04)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONTINUING LEGAL EDUCATION (CLE)					
REVENUE:					
SEMINAR REGISTRATIONS	875,328.50	1,642.20	356,292.97	519,035.53	40.70%
SEMINAR-EXHIB/SPNSR/ETC	29,000.00	500.00	2,500.00	26,500.00	8.62%
SHIPPING & HANDLING	1,000.00	32.40	282.15	717.85	28.22%
COURSEBOOK SALES	9,000.00	470.00	4,168.00	4,832.00	46.31%
MP3 AND VIDEO SALES	878,750.00	12,552.77	579,965.55	298,784.45	66.00%
TOTAL REVENUE:	1,793,078.50	15,197.37	943,208.67	849,869.83	52.60%
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	3,000.00	-	169.31	2,830.69	5.64%
POSTAGE - FLIERS/CATALOGS	15,500.00	-	4,358.44	11,141.56	28.12%
POSTAGE - MISC./DELIVERY	1,000.00	-	332.64	667.36	33.26%
DEPRECIATION	5,820.00	485.00	3,880.00	1,940.00	66.67%
ONLINE EXPENSES	48,000.00	4,814.00	33,432.10	14,567.90	69.65%
ACCREDITATION FEES	3,000.00	(36.00)	2,792.00	208.00	93.07%
SEMINAR BROCHURES	21,000.00	-	6,336.70	14,663.30	30.17%
FACILITIES	232,357.35	500.00	53,250.96	179,106.39	22.92%
SPEAKERS & PROGRAM DEVELOP	62,000.00	142.02	6,691.01	55,308.99	10.79%
SPLITS TO SECTIONS	100,100.00	-	(806.60)	100,906.60	-0.81%
CLE SEMINAR COMMITTEE	250.00	-	30.19	219.81	12.08%
BAD DEBT EXPENSE	600.00	-	-	600.00	0.00%
STAFF TRAVEL/PARKING	6,000.00	-	529.31	5,470.69	8.82%
STAFF MEMBERSHIP DUES	1,470.00	-	1,175.00	295.00	79.93%
SUPPLIES	2,000.00	-	378.39	1,621.61	18.92%
CONFERENCE CALLS	25.00	-	8.99	16.01	35.96%
COST OF SALES - COURSEBOOKS	250.00	43.47	363.83	(113.83)	145.53%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	-	1,500.00	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	500.00	43.78	363.45	136.55	72.69%
STAFF TRAVEL/PARKING	2,000.00	-	96.91	1,903.09	4.85%
TOTAL DIRECT EXPENSES:	506,372.35	5,992.27	113,382.63	392,989.72	22.39%
INDIRECT EXPENSES:					
SALARY EXPENSE (9.31 FTE)	587,641.00	52,598.77	417,305.94	170,335.06	71.01%
BENEFITS EXPENSE	250,427.00	17,161.44	159,104.44	91,322.56	63.53%
OTHER INDIRECT EXPENSE	255,931.00	18,440.82	173,736.38	82,194.62	67.88%
TOTAL INDIRECT EXPENSES:	1,093,999.00	88,201.03	750,146.76	343,852.24	68.57%
TOTAL ALL EXPENSES:	1,600,371.35	94,193.30	863,529.39	736,841.96	53.96%
NET INCOME (LOSS):	192,707.15	(78,995.93)	79,679.28		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DESKBOOKS					
REVENUE:					
SHIPPING & HANDLING	3,000.00	390.60	2,561.85	438.15	85.40%
DESKBOOK SALES	110,000.00	780.00	27,785.60	82,214.40	25.26%
SECTION PUBLICATION SALES	3,000.00	4,900.00	12,476.87	(9,476.87)	415.90%
CASEMAKER ROYALTIES	60,000.00	2,228.19	20,246.79	39,753.21	33.74%
TOTAL REVENUE:	176,000.00	8,298.79	63,071.11	112,928.89	35.84%
DIRECT EXPENSES:					
COST OF SALES - DESKBOOKS	75,000.00	172.68	9,631.45	65,368.55	12.84%
COST OF SALES - SECTION PUBLICATION	750.00	1,682.31	3,987.15	(3,237.15)	531.62%
SPLITS TO SECTIONS	1,000.00	-	456.02	543.98	45.60%
DESKBOOK ROYALTIES	1,000.00	-	758.49	241.51	75.85%
POSTAGE & DELIVER-DESKBOOKS	3,000.00	274.90	3,022.81	(22.81)	100.76%
FLIERS/CATALOGS	3,000.00	-	-	3,000.00	0.00%
ONLINE LEGAL RESEARCH	1,837.50	148.97	744.85	1,092.65	40.54%
POSTAGE - FLIERS/CATALOGS	1,500.00	-	-	1,500.00	0.00%
COMPLIMENTARY BOOK PROGRAM	2,500.00	-	-	2,500.00	0.00%
OBSOLETE INVENTORY	850.00	70.30	512.78	337.22	60.33%
BAD DEBT EXPENSE	100.00	-	-	100.00	0.00%
RECORDS STORAGE - OFF SITE	8,100.00	1,350.00	6,075.00	2,025.00	75.00%
STAFF MEMBERSHIP DUES	220.00	-	-	220.00	0.00%
SUBSCRIPTIONS	185.00	-	-	185.00	0.00%
TOTAL DIRECT EXPENSES:	99,042.50	3,699.16	25,188.55	73,853.95	25.43%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.25 FTE)	110,788.00	8,916.96	73,414.64	37,373.36	66.27%
BENEFITS EXPENSE	43,885.00	3,976.05	31,027.87	12,857.13	70.70%
OTHER INDIRECT EXPENSE	61,852.00	4,456.98	41,990.59	19,861.41	67.89%
TOTAL INDIRECT EXPENSES:	216,525.00	17,349.99	146,433.10	70,091.90	67.63%
TOTAL ALL EXPENSES:	315,567.50	21,049.15	171,621.65	143,945.85	54.39%
NET INCOME (LOSS):	(139,567.50)	(12,750.36)	(108,550.54)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLIENT PROTECTION FUND					
REVENUE:					
CPF RESTITUTION	4,000.00	865.74	10,127.97	(6,127.97)	253.20%
CPF MEMBER ASSESSMENTS	1,000,000.00	6,180.00	1,017,390.00	(17,390.00)	101.74%
INTEREST INCOME	20,000.00	3,227.41	44,274.42	(24,274.42)	221.37%
TOTAL REVENUE:	<u>1,024,000.00</u>	<u>10,273.15</u>	<u>1,071,792.39</u>	<u>(47,792.39)</u>	<u>104.67%</u>
DIRECT EXPENSES:					
BANK FEES - WELLS FARGO	1,000.00	230.51	1,575.15	(575.15)	157.52%
GIFTS TO INJURED CLIENTS	500,000.00	35,100.00	53,342.53	446,657.47	10.67%
CPF BOARD EXPENSES	1,200.00	34.05	1,212.04	(12.04)	101.00%
STAFF MEMBERSHIP DUES	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSES:	<u>502,400.00</u>	<u>35,364.56</u>	<u>56,129.72</u>	<u>446,270.28</u>	<u>11.17%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.18 FTE)	79,880.00	6,656.66	53,874.31	26,005.69	67.44%
BENEFITS EXPENSE	27,593.00	2,133.27	19,472.38	8,120.62	70.57%
OTHER INDIRECT EXPENSE	32,438.00	2,339.95	22,045.18	10,392.82	67.96%
TOTAL INDIRECT EXPENSES:	<u>139,911.00</u>	<u>11,129.88</u>	<u>95,391.87</u>	<u>44,519.13</u>	<u>68.18%</u>
TOTAL ALL EXPENSES:	<u>642,311.00</u>	<u>46,494.44</u>	<u>151,521.59</u>	<u>490,789.41</u>	<u>23.59%</u>
NET INCOME (LOSS):	<u>381,689.00</u>	<u>(36,221.29)</u>	<u>920,270.80</u>		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
COVID 19					
REVENUE:	_____	_____	_____	_____	_____
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:	_____	_____	_____	_____	_____
COVID 19	25,000.00	2,707.19	6,246.77	18,753.23	24.99%
TOTAL DIRECT EXPENSES:	<u>25,000.00</u>	<u>2,707.19</u>	<u>6,246.77</u>	<u>18,753.23</u>	<u>24.99%</u>
INDIRECT EXPENSES:	_____	_____	_____	_____	_____
TOTAL INDIRECT EXPENSES:	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	
TOTAL ALL EXPENSES:	<u>25,000.00</u>	<u>2,707.19</u>	<u>6,246.77</u>	<u>18,753.23</u>	<u>24.99%</u>
NET INCOME (LOSS):	<u><u>(25,000.00)</u></u>	<u><u>(2,707.19)</u></u>	<u><u>(6,246.77)</u></u>		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	454,005.00	1,995.00	431,217.59	22,787.41	94.98%
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	-	2,603.82	7,396.18	26.04%
OTHER	46,100.00	1,020.00	17,693.31	28,406.69	38.38%
TOTAL REVENUE:	606,543.73	3,015.00	523,208.12	83,335.61	86.26%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	562,340.00	17,627.13	123,549.89	438,790.11	21.97%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	298,443.75	1,275.00	284,006.25	14,437.50	95.16%
TOTAL DIRECT EXPENSES:	860,783.75	18,902.13	407,556.14	453,227.61	47.35%
NET INCOME (LOSS):	(254,240.02)	(15,887.13)	115,651.98		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
INDIRECT EXPENSES:					
SALARIES	11,648,994.00	957,970.35	7,709,715.03	3,939,278.97	66.18%
ALLOWANCE FOR OPEN POSITIONS	(212,871.50)	-	-	(212,871.50)	0.00%
TEMPORARY SALARIES	245,029.00	6,163.30	215,619.81	29,409.19	88.00%
CAPITAL LABOR & OVERHEAD	(51,000.00)	-	(31,780.00)	(19,220.00)	62.31%
EMPLOYEE ASSISTANCE PLAN	5,289.60	1,200.00	3,600.00	1,689.60	68.06%
EMPLOYEE SERVICE AWARDS	2,800.00	-	1,834.95	965.05	65.53%
FICA (EMPLOYER PORTION)	892,585.09	71,115.06	558,248.86	334,336.23	62.54%
L&I INSURANCE	49,500.00	-	19,917.48	29,582.52	40.24%
WA STATE FAMILY MEDICAL LEAVE (EMPLOYER)	17,500.00	1,389.81	10,823.75	6,676.25	61.85%
MEDICAL (EMPLOYER PORTION)	1,580,000.00	121,777.34	972,447.54	607,552.46	61.55%
RETIREMENT (EMPLOYER PORTION)	1,499,603.60	119,841.26	959,687.12	539,916.48	64.00%
TRANSPORTATION ALLOWANCE	115,000.00	-	105,635.00	9,365.00	91.86%
UNEMPLOYMENT INSURANCE	84,500.00	7,571.83	49,920.87	34,579.13	59.08%
STAFF DEVELOPMENT-GENERAL	6,900.00	-	1,375.19	5,524.81	19.93%
TOTAL SALARY & BENEFITS EXPENSE:	15,883,829.79	1,287,028.95	10,577,045.60	5,306,784.19	66.59%
WORKPLACE BENEFITS	39,000.00	304.69	14,283.21	24,716.79	36.62%
HUMAN RESOURCES POOLED EXP	161,774.10	4,584.31	33,937.83	127,836.27	20.98%
MEETING SUPPORT EXPENSES	15,000.00	480.90	7,059.26	7,940.74	47.06%
RENT	1,925,000.00	154,094.76	1,325,470.96	599,529.04	68.86%
PERSONAL PROP TAXES-WSBA	7,983.96	586.83	5,636.67	2,347.29	70.60%
FURNITURE, MAINT, LH IMP	29,798.47	-	14,145.06	15,653.41	47.47%
OFFICE SUPPLIES & EQUIPMENT	45,000.00	703.40	22,996.55	22,003.45	51.10%
FURN & OFFICE EQUIP DEPRECIATION	53,000.00	4,284.00	34,264.00	18,736.00	64.65%
COMPUTER HARDWARE DEPRECIATION	46,436.20	3,601.00	29,314.54	17,121.66	63.13%
COMPUTER SOFTWARE DEPRECIATION	153,866.67	10,649.00	84,909.00	68,957.67	55.18%
INSURANCE	194,743.42	17,406.94	140,649.02	54,094.40	72.22%
PROFESSIONAL FEES-AUDIT	81,000.00	4,184.20	82,116.30	(1,116.30)	101.38%
PROFESSIONAL FEES-LEGAL	100,000.00	36,789.92	147,713.31	(47,713.31)	147.71%
TELEPHONE & INTERNET	47,000.00	6,950.35	29,198.56	17,801.44	62.12%
POSTAGE - GENERAL	28,070.69	735.06	13,490.26	14,580.43	48.06%
RECORDS STORAGE	42,000.00	1,858.08	23,180.16	18,819.84	55.19%
STAFF TRAINING	81,400.16	134.95	21,899.27	59,500.89	26.90%
BANK FEES	34,000.00	2,029.61	27,485.01	6,514.99	80.84%
PRODUCTION MAINTENANCE & SUPPLIES	12,000.00	(43.47)	5,036.54	6,963.46	41.97%
COMPUTER POOLED EXPENSES	772,680.00	29,227.75	560,257.81	212,422.19	72.51%
TOTAL OTHER INDIRECT EXPENSES:	3,869,753.67	278,562.28	2,623,043.32	1,246,710.35	67.78%
TOTAL INDIRECT EXPENSES:	19,753,583.46	1,565,591.23	13,200,088.92		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2020 to May 31, 2020

66.67% OF YEAR COMPLETE

	FISCAL 2020 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
SUMMARY PAGE				
LICENSE FEES	16,317,618.00	1,363,054.34	11,016,875.19	5,300,742.81
ACCESS TO JUSTICE	(358,804.00)	(21,914.80)	(182,736.81)	(176,067.19)
ADMINISTRATION	(1,058,104.00)	(76,951.38)	(638,912.50)	(419,191.50)
ADMISSIONS/BAR EXAM	92,362.21	(40,718.05)	347,252.92	(254,890.71)
BOARD OF GOVERNORS	(548,510.00)	(6,579.50)	(227,664.71)	(320,845.29)
COMMUNICATIONS	(613,602.98)	(40,336.10)	(382,783.81)	(230,819.17)
CONFERENCE & BROADCAST SERVICES	(772,124.00)	(58,174.52)	(524,243.84)	(247,880.16)
DISCIPLINE	(5,874,215.60)	(480,322.35)	(3,869,283.48)	(2,004,932.12)
DIVERSITY	(265,392.00)	(33,577.70)	(155,977.36)	(109,414.64)
FOUNDATION	(142,703.00)	(10,907.92)	(94,008.88)	(48,694.12)
HUMAN RESOURCES	(207,109.50)	(32,012.43)	(267,797.20)	60,687.70
LAP	(128,221.00)	(10,141.39)	(86,126.05)	(42,094.95)
LEGISLATIVE	(181,506.00)	(11,622.97)	(112,112.89)	(69,393.11)
LICENSING AND MEMBERSHIP	(268,976.10)	(22,884.88)	(214,831.40)	(54,144.70)
LIMITED LICENSE LEGAL TECHNICIAN	(194,729.84)	(12,681.13)	(119,514.83)	(75,215.01)
LIMITED PRACTICE OFFICERS	38,755.10	5,783.57	37,419.22	1,335.88
MANDATORY CLE ADMINISTRATION	6,230.50	7,774.09	109,243.93	(103,013.43)
MEMBER BENEFITS	(283,739.00)	(19,833.99)	(224,509.58)	(59,229.42)
MEMBER SERVICES & ENGAGEMENT	(461,627.00)	(29,502.29)	(289,787.94)	(171,839.06)
NW LAWYER	(251,883.14)	(24,993.57)	(142,789.20)	(109,093.94)
OFFICE OF THE EXECUTIVE DIRECTOR	(552,900.00)	(41,716.76)	(320,470.84)	(232,429.16)
OFFICE OF GENERAL COUNSEL	(805,706.46)	(71,011.43)	(552,144.19)	(253,562.27)
OGC-DISCIPLINARY BOARD	(451,510.00)	(21,204.54)	(176,982.38)	(274,527.62)
OUTREACH & ENGAGEMENT	(383,588.00)	(27,582.73)	(243,945.65)	(139,642.35)
PRACTICE OF LAW BOARD	(75,624.00)	(5,167.41)	(44,623.07)	(31,000.93)
PROFESSIONAL RESPONSIBILITY PROGRAM	(267,313.00)	(20,764.84)	(176,975.15)	(90,337.85)
PUBLICATION & DESIGN SERVICES	(139,593.00)	(10,083.84)	(90,402.76)	(49,190.24)
PUBLIC SERVICE PROGRAMS	(284,785.98)	(14,813.60)	(79,720.86)	(205,065.12)
LAW CLERK PROGRAM	11,514.00	(12,603.53)	66,391.83	(54,877.83)
SECTIONS ADMINISTRATION	(56,681.00)	(32,875.16)	3,852.35	(60,533.35)
TECHNOLOGY	(1,725,971.00)	(139,342.31)	(1,169,774.04)	(556,196.96)
CLE - PRODUCTS	638,439.00	(6,572.99)	427,363.02	211,075.98
CLE - SEMINARS	(445,731.85)	(72,422.94)	(347,683.74)	(98,048.11)
COVID 19	(25,000.00)	(2,707.19)	(6,246.77)	(18,753.23)
SECTIONS OPERATIONS	(254,240.02)	(15,887.13)	115,651.98	(369,892.00)
DESKBOOKS	(139,567.50)	(12,750.36)	(108,550.54)	(31,016.96)
CLIENT PROTECTION FUND	381,689.00	(36,221.29)	920,270.80	(538,581.80)
INDIRECT EXPENSES	(19,753,583.46)	(1,565,591.23)	(13,200,088.92)	(6,553,494.54)
TOTAL OF ALL	<u>19,486,434.62</u>	<u>1,665,862.25</u>	<u>11,006,368.15</u>	<u>8,480,066.47</u>
NET INCOME (LOSS)	<u>267,148.84</u>	<u>(100,271.02)</u>	<u>2,193,720.77</u>	

Washington State Bar Association Financial Summary
 Compared to Fiscal Year 2020 Budget
 For the Period from May 1, 2020 to May 31, 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	-	0	173,863	318,984	8,874	39,820	182,737	358,804	(182,737)	(358,804)
Administration	124,815	100,000	761,427	1,152,675	2,300	5,429	763,727	1,158,104	(638,913)	(1,058,104)
Admissions/Bar Exam	1,077,395	1,383,550	607,766	926,423	122,376	364,765	730,142	1,291,188	347,253	92,362
Board of Governors	-	0	82,274	114,010	145,391	434,500	227,665	548,510	(227,665)	(548,510)
Communications Strategies	2,643	2,893	346,378	537,768	39,049	78,728	385,426	616,496	(382,784)	(613,603)
Conference & Broadcast Services	-	0	519,911	763,124	4,333	9,000	524,244	772,124	(524,244)	(772,124)
COVID 19	-	0	0	0	6,247	25,000	6,247	25,000	(6,247)	(25,000)
Discipline	77,240	106,500	3,849,552	5,811,951	96,972	168,765	3,946,523	5,980,716	(3,869,283)	(5,874,216)
Diversity	125,000	135,187	273,002	374,489	7,976	26,090	280,977	400,579	(155,977)	(265,392)
Foundation	-	0	91,553	130,553	2,456	12,150	94,009	142,703	(94,009)	(142,703)
Human Resources	-	0	267,797	207,110	-	0	267,797	207,110	(267,797)	(207,110)
Law Clerk Program	182,749	194,562	108,308	170,298	8,049	12,750	116,357	183,048	66,392	11,514
Legislative	-	0	96,098	151,806	16,015	29,700	112,113	181,506	(112,113)	(181,506)
Licensing and Membership Records	242,363	350,350	428,188	583,723	29,006	35,603	457,195	619,326	(214,831)	(268,976)
Licensing Fees	11,016,875	16,317,618	-	0	-	0	-	-	11,016,875	16,317,618
Limited License Legal Technician	10,795	17,260	118,018	180,117	12,292	31,873	130,310	211,990	(119,515)	(194,730)
Limited Practice Officers	142,446	205,205	98,347	146,059	6,680	20,391	105,027	166,450	37,419	38,755
Mandatory CLE	760,100	1,038,450	482,085	777,053	168,771	255,167	650,856	1,032,220	109,244	6,231
Member Assistance Program	6,360	6,750	91,485	133,696	1,002	1,275	92,486	134,971	(86,126)	(128,221)
Member Benefits	20,257	28,000	82,134	125,243	162,633	186,496	244,767	311,739	(224,510)	(283,739)
Member Services & Engagement	115,068	154,250	397,575	590,332	7,282	25,545	404,856	615,877	(289,788)	(461,627)
NW Lawyer	396,909	602,566	237,987	372,334	301,711	482,115	539,698	854,449	(142,789)	(251,883)
Office of the Executive Director	-	0	318,579	540,521	1,892	12,379	0	0	(320,471)	(552,900)
Office of General Counsel	4	4	542,296.26	779,723	9,851.89	25,987.42	552,148.15	805,710	(552,144)	(805,706)
OGC-Disciplinary Board	-	0	125,082	354,294	51,900	97,216	176,982	451,510	(176,982)	(451,510)
Outreach and Engagement	-	0	236,332	352,063	7,614	31,525	243,946	383,588	(243,946)	(383,588)
Practice of Law Board	-	0	42,088	63,624	2,535	12,000	44,623	75,624	(44,623)	(75,624)
Professional Responsibility Program	-	0	173,298	258,034	3,677	9,279	176,975	267,313	(176,975)	(267,313)
Public Service Programs	135,099	135,200	127,944	179,798	86,876	240,188	214,820	419,986	(79,721)	(284,786)
Publication and Design Services	-	0	86,123	134,021	4,280	5,572	90,403	139,593	(90,403)	(139,593)
Sections Administration	284,006	300,000	272,856	347,346	7,298	9,335	280,154	356,681	3,852	(56,681)
Technology	-	0	1,169,774	1,725,971	-	0	1,169,774	1,753,552	(1,169,774)	(1,725,971)
Subtotal General Fund	14,720,125	21,078,344	12,208,117	18,303,143	1,325,338	2,688,641	13,533,455	20,991,783	1,186,669	86,560
Expenses using reserve funds							13,533,455			
Total General Fund - Net Result from Operations									1,186,669	86,560
Percentage of Budget	69.84%		66.70%		49.29%		64.47%			
CLE-Seminars and Products	943,209	1,793,079	750,147	1,093,999	113,383	506,372	863,529	1,600,371	79,679	192,707
CLE - Deskbooks	63,071	176,000	146,433	216,525	25,189	99,043	171,622	315,568	(108,551)	(139,568)
Total CLE	1,006,280	1,969,079	896,580	1,310,524	138,571	605,415	1,035,151	1,915,939	(28,871)	53,140
Percentage of Budget	51.10%		68.41%		22.89%		54.03%			
Total All Sections	523,208	606,544	-	-	407,556	860,784	407,556	860,784	115,652	(254,240)
Client Protection Fund-Restricted	1,071,792	1,024,000	95,392	139,911	56,130	502,400	151,522	642,311	920,271	381,689
Totals	17,321,405	24,677,966	13,200,088.92	19,753,578	1,927,595.11	4,657,239.56	15,127,684	24,410,817	2,193,721	267,149
Percentage of Budget	70.19%		66.82%		41.39%		61.97%			

Summary of Fund Balances:	Fund Balances Sept. 30, 2019	2020 Budgeted Fund Balances	Fund Balances Year to date
Restricted Funds:			
Client Protection Fund	3,816,143	4,197,832	4,736,414
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	526,285	579,425	497,414
Section Funds	1,121,224	866,984	1,236,876
Board-Designated Funds (General Fund):			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	550,000	550,000	550,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	2,686,537	2,773,097	3,873,206
Total General Fund Balance	4,736,537	4,823,097	5,923,205.99
Net Change in general Fund Balance		86,560	1,186,669
Total Fund Balance	10,200,189	10,467,338	12,393,910
Net Change In Fund Balance		267,149	2,193,721

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 1,162,859

Total

Investments

	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	0.47%	\$ 9,769,009
UBS Financial Money Market	0.42%	\$ 1,081,099
Morgan Stanley Money Market	0.27%	\$ 3,352,442
Merrill Lynch Money Market	0.60%	\$ 1,981,579

General Fund Total \$ **17,346,988**

Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 652,742

Investments

	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	0.47%	\$ 4,104,095
Morgan Stanley Money Market	0.27%	\$ 106,921

Client Protection Fund Total \$ **4,863,758**

Grand Total Cash & Investments \$ **22,210,746**