

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS EMERGENCY MEETING

Public Session Minutes

Conference Call

March 15, 2019

The Emergency Public Session Meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Bill Pickett on Friday, March 15, 2019, at 12:40 p.m. by telephone conference call. Governors in attendance were:

Dan W. Bridges
Daniel D. Clark
Peter J. Grabicki
Carla Higginson
Jean Y. Kang
Russell Knight
Athan P. Papailiou
Kyle D. Sciuchetti
Alec Stephens
Paul Swegle
Judge Brian Tollefson (ret.)

Also in attendance were President-elect Rajeev Majumdar, Executive Director Paula Littlewood, General Counsel Julie Shankland, Chief Regulatory Counsel Jean McElroy, Chief Operations Officer Ann Holmes, Director of Advancement/Chief Development Officer Terra Nevitt, Outreach and Legislative Affairs Manager Sanjay Walvekar, and Executive Assistant Margaret Shane. Governors Hunter and Meserve were not present for the meeting.

President Pickett announced that this emergency meeting was requested by Governor Sciuchetti in order to discuss House Bill 1788 (bill) pending before the Washington state Senate. Governor Sciuchetti stated that the purpose of the meeting was to decide who to send to Olympia to speak to the bill and encouraged other Governors, and perhaps Officers, to join him. Governor Higginson moved to appoint Governors Sciuchetti, Swegle, and Stephens, and President-elect

Majumdar to be the official representatives of the WSBA before the Senate Law and Justice Committee and to other legislators with regard to presentation of the resolution adopted March 12, 2019, opposing ESHB 1788, and with regard to the talking points for the WSBA's position; and that Governor Sciuchetti shall be the chair of this BOG committee, which shall develop talking points. She clarified her motion by stating that the Governors named in the motion represent a good cross-section of the Governors and would be able to decide on talking points.

Governor Papailiou requested that it be noted in the record that he had questions whether the WSBA Bylaws permit the Board to appoint a committee since the Bylaws state that the President appoints people to committees and that the President and the Executive Director are the spokespersons of the WSBA. Discussion followed about interpretation of the Bylaws.

Concern was expressed regarding the use of the word "committee" in Governor Higginson's motion and she agreed to a scrivener's change resulting in the following: Appoint Governors Sciuchetti, Stephens, and Swegle, and President-elect Majumdar to be the official representatives of the WSBA before the Senate Law and Justice Committee and to other legislators with regard to presentation of the resolution adopted March 12, 2019, opposing ESHB 1788 and with regard to the talking points for the WSBA's position. The group shall develop the talking points for their presentation to the Senate Law and Justice Committee and to other legislators.

Comments included: a request for a more in-depth presentation on why the Board members opposed the bill rather than just supporting a "no" stance; concern that the Board was being asked to vote on the motion without knowing what the message to the Senate Law and Justice Committee was going to be; concern that the WSBA has 40,000 plus legal professionals and that the official communique on this issue may be construed as forced political speech; requesting that the legislation be stopped at this point until the Washington Supreme Court (Court) Structure Workgroup (Workgroup) completes its work, giving the WSBA members time to weigh in before the Board goes to the Legislature; the opinion that legislation removes roadblocks for the Workgroup and acknowledges the plenary authority of the Court to make decisions related

to the WSBA; and concern that the Board's approach did not address the striking amendment, which made substantive amendments that addressed the concerns with the original legislation. Governor Stephens moved to call the question. Motion passed 9-1. Governor Higginson's revised motion passed 9-1. Governor Knight was not present for the vote on these two motions.

ADJOURNMENT

There being no further business before the Board in Emergency Public Session, the Emergency Public Session was adjourned at 1:20 p.m. on Friday, March 15, 2019.

Respectfully submitted,

Terra Nevitt

Terra Nevitt
WSBA Interim Executive Director & Secretary