

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING MINUTES

Seattle, WA

November 2-3, 2023

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

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Hunter Abell on Thursday, November 2, at 9:08 AM. Governors in attendance were:

Francis Adewale
Tom Ahearne
Sunitha Anjilvel
Todd Bloom
Jordan Couch
Matthew Dresden
Kevin Fay
Kristina Larry
Kari Petrasek
Mary Rathbone
Alison
Widney
Brent Williams-Ruth

Also in attendance were Deputy Executive Director Dua Abudiab, Lesli Ashley, Access To Justice Board Planning Committee Co-Chair Jenae Ball, Immediate Past-President Dan Clark, Executive Administrator Shelly Bynum, Michael Cherry, Professional Responsibility Program Manager & Counsel Jeanne Marie Clavere, Steve Crossland, IT Director Jon Dawson, Business Law Section CARC Co-Chair Eric DeJong, Chief Disciplinary Counsel Doug Ende, Volunteer Engagement Advisor Paris Eriksen, Family Law Section Liaison Nancy Hawkins, Keaton Hille, Mike Hutchings, CPE Chair Monte Jewell, University of Washington School of Law Dean Tamara Lawson, Legislative Review Committee Chair Matt LeMaster, Director of Finance Tiffany Lynch, Sections Programs Specialist Carolyn MacGregor, Devin McComb, Betsylew Mail-Gix, Executive Director Terra Nevitt, Chief Communications Officer Sara Niegowski, Eric Nobis, Broadcast Services Manager Rex Nolte, Communication Strategies Manager Jennifer Olegario, Director of Advancement Kevin Plachy, Foundation Development Officer Laura Sanford, General Counsel Julie Shankland, Professor Drew Shimshaw, Chief Equity and Justice Officer Diana Singleton, Professor Hugh Spitzer, Human Resources Director and Chief Culture Officer Glynnis Klinefelter Sio, Nathan Smith, Brian Tollefson, Member Services and Engagement Manager Julianne Unite, Legislative Affairs Manager Sanjay Walvekar, and Martha Wehling.

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

Nancy Hawkins shared concerns and feedback about the registered-agent requirement. She requested time on the January meeting agenda to share comments and input from members.

Consent Calendar ([link](#))

Pres. Abell asked if anyone wished to remove an item from the consent calendar. Gov. Dresden moved for approval. There was no discussion. Motion passed unanimously. Govs Bloom, Adewale and Ahearne were not present for the vote.

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

Pres. Abell spoke about the purpose behind meeting at the University of Washington and the theme for the meeting, which is honoring criminal law practitioners and law enforcement officers. He provided several other updates on his recent activities.

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

Executive Director Nevitt referenced the written report in the materials. Nancy Hawkins made comments about the budget reallocation for APEX award expenditures. Executive Director Nevitt provided additional information in response.

Cyber Security Training ([link](#))

IT Director Jon Dawson provided cybersecurity training to the Board.

FY24 Strategic Priorities ([link](#))

Executive Director Nevitt provided background information about the process for developing strategic priorities and gave her recommendation for the Board to adopt three for this year. Discussion followed, including how many to adopt for the coming year, the importance of keeping rural practice as a priority, the appropriate length for strategic goals, how to measure progress and completion, and how to advance the goal of engaging the public. Gov. Brent Williams-Ruth moved to approve the three goals presented, adding rural practice as a fourth. Motion passed unanimously.

Personnel Committee Proposed Process for Discussion of the Executive Director's Evaluation ([link](#))

Gov. Williams Ruth commented about the upcoming topic of the Executive Director Evaluation, encouraging the Board to review the materials before the afternoon discussion.

Governor Roundtable ([link](#))

Immediate Past President Clark shared that Pres. Abell had recently been appointed as Ferry County District Court Judge.

Gov. Bloom commented on events that occurred in Israel on October 7.

Treasurer Adewale acknowledged and thanked governors and staff who participated in the community service project at the University of Washington's Horticulture Center the day before the meeting and expressed support for such events.

Pres. Abell read a comment in response to Gov. Bloom's remarks that addressing events occurring in Palestine.

President-Elect Anjilvel encouraged the Board to connect with the U.W. Law students at the upcoming reception.

Gov. Tom Ahearne expressed support for the prior comment that when commenting on events in Israel it is also appropriate to acknowledge what is happening to Palestinians.

Gov. Couch announced an upcoming talk about A.I. and cybersecurity and said he would follow-up with an informational link to the group when it is available.

Executive Session for Legal Advice ([link](#))

The Board moved into executive session at 11:25AM to discuss legislative strategy. Following executive session the Board adjourned for lunch.

Update from the Practice of Law Board Regarding Recommendation to the Washington Supreme Court Regarding Licensing Entities Offering Legal Service in Washington ([link](#))

Chair Lesli Ashley and Practice of Law Board Member Michael Cherry gave an overview of legal-market conditions and the entry into the legal services market of unlicensed services providers, and then spoke about the Practice of Law Board's work to create a proposal to license entities—not just individuals—to provide legal services in Washington. The framework for the regulation of legal services is based on the scientific method, with a hypothesis, data-collection, data-analysis, and improvement. The model is analogous to approaches being used or considered in other jurisdictions looking to solve this problem. The Practice of Law Board sought the Board of Governor's approval to recommend a "beta test" initiative to the Supreme Court, specifically, a controlled pilot project in which two entities would be authorized to provide legal services, with a robust data-gathering and analysis occurring for several years, after which a decision would be made about viability of the concept. Board members asked questions about timing, cost, urgency, enforcement mechanism, potential impact on bar staff, and partnership with agencies like the Attorney General and Secretary of State. Gov. Adewale moved to support the proposal as presented. Motion passed 10 to 2.

Regulation of Technology-Driven Legal Services ([link](#))

Prof. Drew Simshaw spoke about what is happening at the national level with regulation of technology-driven legal services, as seen through an access-to-justice lens. He gave statistics about the access to justice gap and reiterated a theme mentioned earlier in the meeting—that we are going to need more than just an increase in the number of lawyers to start to close the gap. He expressed his view that, if done correctly, regulating legal technology could decrease the gap but if done poorly could increase the gap.

Executive Session Regarding Personnel Matters ([link](#))

The Board entered into executive session at 3 PM, and returned to public session at 3:59 PM.

Committee on Professional Ethics Suggested Changes to the Rules of Professional Conduct to Address Conflicts Between RPC 1.7(a)(3) and Washington Court Decisions on Government Law Offices Representing Separate Agencies in Adjudicated Disputes ([link](#))

Professor Hugh Spitzer spoke about the recommended changes to the RPCs. The proposal would address conflicts when a lawyer from a single government office represents a different adverse department. Board members inquired why a government lawyer should be treated differently in these cases than a private

lawyer. Gov. Couch moved to approve the proposal as presented. Motion passed unanimously. Govs Adewale and Rathbone were not present for the vote.

Legislative Review Committee Items

Legislative Priorities ([link](#))

Legislative Affairs Manager Sanjay Walvekar introduced the annual legislative priorities, which are unchanged from prior years. Gov. Williams-Ruth moved to support the legislative priorities as presented. Motion passed unanimously. Govs Adewale and Rathbone were not present for the vote.

Legislative Review Committee Recommendations ([link](#))

Business Law Section CARC Co-Chair Mike Hutchings presented information about the CARC bar-request bill, which is consistent with the corporation model act.

RPPT Immediate Past Chair Devin McComb spoke about the RPPT bar-request bill eliminating the requirement for lease notary acknowledgments. Legislative Review Committee Chair Matt LeMaster spoke to the committee's process and GR12 analysis. Gov. Fay moved to adopt the LRC recommendations as presented. Motion passed 10 to 2.

Report on the 2023 Access to Justice Conference and Opportunity for Conference Attendees to Share Key Takeaways ([link](#))

Conference Planning Committee Co-Chair Jenae Ball and Chief Equity and Justice Officer Diana Singleton spoke about the 2023 Access to Justice Conference. Board members thanked the Access to Justice Board leaders for all the hard work that went into the event. Others remarked that the conference was a "transformational" opportunity. Discussion followed about ideas generated from the conference.

Criminal Law Panel Discussion ([link](#))

Nancy Hawkins and Allison Widney spoke about issues facing criminal-law practitioners and the state of the criminal-law system. Board members talked about the need to take criminal-law constitutional mandates—of a fair and expedited trial—seriously; to combat racism in the criminal justice system; the problem with the jury pool not reflecting the defendant; and to get more representation from all aspects of criminal-law practitioners (including prosecutors) included in this discussion. A suggestion was made to form a task force or forum to bring all parties together to solve problems.

Pres. Abell spoke about his intention to highlight the Criminal Law Section during this meeting and the regrettable overlap with the Criminal Justice Institute.

Council of Public Defense Proposed Letter to the Court Regarding the National Public Defense Workload Study ([link](#))

Chair Jason Schwarz presented a letter from the Supreme Court asking the Council on Public Defense to advise the Court on any recommendations the Court should adopt in light of a new national study about public defense caseloads. Schwarz explained that the Council could not meet that deadline and requested approval to send a letter to the Court requesting additional time. Gov. Couch made a motion to approve the Council on Public Defense's letter in response to the Court's letter. Discussion followed about the aspirational timeline set forth in the letter. Gov. Couch amended his motion to approve the Council on

Public Defense sending the letter in its current form or with an adjustment on the timeline. Motion passed 10 to 1. Gov. Williams Ruth was not present for the vote.

Annual Report of the Washington State Bar Foundation ([link](#))

Hon. Tracy Flood presented the Bar Foundation's annual report. She focused on gifting and fundraising highlights.

Meeting Feedback ([link](#))

Governors, officers and staff provided feedback on the meeting and ancillary events, including a desire to increase engagement with law students and appreciation for the lunchtime law enforcement.

ADJOURNMENT

There being no further business, Pres. Abell adjourned the meeting at 2:11 PM on Friday, November 3, 2023.

Respectfully submitted,

Terra Nevitt

Terra Nevitt

WSBA Executive Director & Secretary