

Meeting Minutes

January 18, 2022

Members Present: Chair Michael Cherry, Lesli Ashley, Sarah Bove, Jeremy Burke, Dr. June Darling, Pearl Gipson-Collier, Dr. David Sattler, and Prof. Drew Simshaw.

Members Excused: Brooks Goode, Mir Tariq, and Michael Terasaki.

Also Attending: Kristina Larry (Nominated), Governor Jordan Couch (BOG Liaison), Thea Jennings (WSBA Assistant General Counsel), and Kyla Jones (WSBA Paralegal).

PUBLIC SESSION

Chair Michael Cherry called the meeting to order once a quorum was established at 9:00 a.m. Chair Cherry and the Practice of Law Board acknowledged the passing of Chief Justice Mary Fairhurst.

1. Minutes

A motion was made and seconded to approve the minutes from the December 10, 2021, meeting. The motion passed by consensus.

2. Updates

a. Operations

i. Recruitment and Onboarding

Chair Cherry presented the Board's annual report to the Board of Governors on January 14, 2022. Governor Stephens requested a follow-up report on diversity. The provided data of categories with checkmarks does not provide the full picture of diversity efforts. It would be helpful to have historical diversity data to compare current data to. Assistant General Counsel Jennings may want to provide this feedback to WSBA internally to improve the reporting process in the future.

ii. Subcommittee Assignments

No reports. Chair Cherry assigned two subcommittees with review projects with deadlines of February 1st.

1. Innovation Subcommittee: Review and provide feedback on the latest version of the Blueprint for Legal Regulatory Laboratory.
2. Education Subcommittee: Review for appropriate tone and language and provide feedback on the 5 draft FAQ documents.

iii. TAXICAB Update

TAXICAB is a committee that is tasked with reviewing what it means to administer a Supreme Court Board. Chairs of the LLLT Board, ATJ Board, and POLB are working on this document together and will present a final draft to the TAXICAB Committee. The Chairs will run the draft by WSBA for preliminary feedback, then will distribute to their respective



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Boards for further review. This draft will likely be presented to the POLB at the February 15, 2022, meeting.

iv. Meeting with Supreme Court

The Board is scheduled to meet with the Supreme Court on March 2nd for one hour. Materials for this meeting are due by February 23, 2022. The Board will finalize meeting materials at the February 15, 2022 Board meeting. Chair Cherry indicated that much of the March 2nd meeting will be focused on the Laboratory proposal.

Per GR 25(b)(2), the Board must forward recommendations to the WSBA Board of Governors for consideration and comment at least 90 days before transmission to the Supreme Court. Chair Cherry confirmed with Chief Justice Gonzalez and WSBA President Hon. Brian Tollefson, that the Board will transmit the Blueprint to the BOG concurrently with sending to the Court, which will start the 90-day comment period for the BOG. The Board will compile any comments from the Board of Governors and transmit to the Court in late-May.

b. Public Education

i. Legal Check Up

The Board reviewed the 5 PDF FAQ documents. All the documents have gotten to a middle school reading level. These documents have been given to the WSBA Communications Department as “mock ups.” The Communications department will help the Board to get these FAQ’s visually appealing and fit on one-page. It is important for the text to become finalized to ensure one-page formatting. Dr. Sattler offered to share these with his class at WWU for feedback. Assistant General Counsel Jennings is working on a disclaimer for these. Chair Cherry requested that the members of the Education Subcommittee review the 5 FAQ documents for appropriate tone and language and send any feedback by February 1st.

ii. Legal Regulatory Laboratory

Chair Cherry stated that he spoke about the Laboratory proposal for most of the presentation to the BOG on January 14, 2022. Some opposing points discussed consisted of conflicts of interest, harm to lawyers, and costs. Chair Cherry also discussed the upcoming materials deadline for the annual meeting with the Supreme Court. The Board reviewed the latest version of the blueprint.

The newest version includes explicit recommendations for the Court to take action on. Recommendations include creating the Lab, creating a Supreme Court Board to support the Lab, authorizing the new Board to raise money, and authorize successful participants to offer legal services at the end of the Lab. The blueprint explains each recommendation individually. The differences between this proposal and Utah’s procedures are highlighted.

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Other additions include the introduction of the charge-back mechanism, which would require the new Laboratory Board to pay WSBA back for the cost of the opinion. The proposal includes a risk-analysis model that will ask the applicant what level of harm their proposal may create. This is very different from Utah's risk analysis model, which organizes the risk of harm by category of service provided.

Chair Cherry requested that the Innovation Subcommittee review the draft blueprint for general edits, flows of logic, and answers to anticipated questions. Feedback was requested by February 1st.

OTHER BUSINESS

3. Law Review Article by Professor Drew Simshaw.

Professor Simshaw is preparing a law journal article on access to AI justice, has been working on a law review article, synthesize/reframe discussion on emerging legal services. Kyla Jones will upload the draft to Box and notify POLB members for an opportunity to discuss and review.

4. Updates on Other Jurisdictions

The California legislature has become involved. The California State Bar has paused their Committee work. At the Board's meeting with the Supreme Court last year, the Court inquired if there were any states with legislative involvement. Arizona has started their laboratory and the first participant has started.

5. Unauthorized Practice of Law

Chair Cherry noted that he is thinking of a long-term plan for the Board's role in complaints that allege the unauthorized practice of law. Possibly, a representative from the Attorney General's Office, POLB, each county prosecutor's office, could hold a half-day meeting to discuss further. The Board is interested in learning more about UPL cases, what the threshold for prosecution is, and the harm it causes.

There was no executive session.

There being no further business, the meeting adjourned at 10:15 a.m.