

**SENIOR LAWYERS SECTION  
MINUTES OF THE EXECUTIVE COMMITTEE MEETING**

**July 13, 2022**

This meeting was conducted via Zoom. The following Executive Committee members were present at this meeting: Chair Eleanor Doermann, Jeanine Lutzenhiser, Al Armstrong, Carole Grayson, Joe Gordon, David Sprinkle, Steve DeForest, Brian Comstock, and BOG Liaison Jordan Couch and Carolyn MacGregor, WSBA Sections Program Specialist. Not able to be present were Jim Riehl and Morrie Shore.

**CHAIR'S REPORT AND REPORT BY KEVIN PLACHY**

Eleanor welcomed the Committee attendees.

Eleanor indicated that Kevin Plachy, currently WSBA's Director of Advancement, was currently present on audio Zoom with a summary of the Bar's current approach to the issues raised by the on-going national controversy over the constitutional propriety of integrated state Bar Associations.

Kevin reported that, as our State Supreme Court had asked the BOG to consider what stance our Bar should assume with respect to our (currently) integrated Bar, the BOG has formulated a process by which our various WSBA sections can be heard on the matter: ETHOS-Examining The Historical Organization and Structure of the Bar. Pursuant to this process, the BOG has hosted five meetings and will host two more, the last one on August 13. Three questions are considered at these meetings: does the current state of federal litigation require us to make a structural change; if no change is currently required, what contingency plan should exist should the U.S. Supreme Court eventually require such a change; and, irrespective of any federal court holdings, what structure is best for our Bar. Kevin noted that the U.S. Supreme Court, at this point, will not be directly involved, having denied certiorari in three cases dealing with challenges to integrated bar associations.

Kevin reported that several Bar sections are on record as favoring staying with our current integrated bar structure. No section has recommended a bifurcated structure. It was mentioned that it could cost more to join a section under a bifurcated system. It was recommended that any input from our Section should be submitted at or prior to the second-to-last BOG meeting, scheduled for July 23.

The BOG will notify our Washington Supreme Court of its findings and recommendation at the end of September.

Kevin set forth several means of expressing one's views on this issue:

- Work through the WSBA Member Engagement Counsel to make your views known.
- Write a letter and send it to Kevin, who will forward it to ETHOS.
- Attend an ETHOS meeting and express your views.

Jordan indicated that he will also be available to forward our views to ETHOS.

Jeanine asked Kevin if he is aware of anyone who was in favor of bifurcation. Kevin replied that the people he has discussed the matter with seem to favor remaining an integrated organization.

It was mentioned that in the event our Bar remains officially integrated, we may want to consider creating a new political action committee, funding it independently, but with the sections remaining part of the WSBA.

It was mentioned that we are awaiting the impact of a decision by the Ninth Circuit in the *Crowe* case. The Ninth Circuit held that the plaintiffs' freedom of association claim was viable, reversing the holding of the Federal District Court. The plaintiffs filed a writ of certiorari, but this was denied by the U.S. Supreme Court in October, 2021.

In response to a question, Kevin briefly addressed the Keller Deduction, by which a bar member is allowed a small deduction from his/her WSBA dues, ostensibly freeing the Bar member from having to support Bar political initiatives he/she may not support. Kevin indicated that in the past the Bar did an extensive study to determine the cost to the Bar of its political activities and in so doing established the amount of the Keller Deduction.

It was mentioned that if the Ninth Circuit mandates a change in our Bar structure, that ruling would be binding immediately.

Eleanor stated she would send an email to the Committee members indicating what manner of input we will undertake.

## **NEWSLETTER**

It was noted that our latest Newsletter was sent out yesterday. The content of the latest edition of *Life Begins* was praised by our publisher Brett Sutherland.

## **SECRETARY'S REPORT**

The Minutes of our June 21, 2022 meeting were approved by Motion.

## **TREASURER'S REPORT**

Our Interim Treasurer, Steve, reported that our fund balance as of May 31, 2022 stood at \$16,330.27.

## **OUR BUDGET PROPOSAL FOR NEXT FISCAL YEAR**

Joe, our fiscal year 2022-2023 Treasurer, has been working on our proposed Budget Request for the next fiscal year. Joe had prepared a first draft which was shared with the Committee. Carolyn thought we should use the current Section membership figure of 222 members rather than use the 270 figure used elsewhere. We will keep our yearly dues at \$25. The yearly Newsletter costs were estimated at \$1,800. Anticipating a future need to have an in-person meeting venue, it was decided to budget \$500 as our annual cost for this convenience.

### **OUR RECENT WEBINAR**

Our Section presented a live webinar on May 26, with the theme *The Future is Nigh: Scenarios for Succession Planning*. The Committee discussed attendee feedback. Carole indicated that our presentation was rated (a weighted average, between 1 and 5) between 3 and 4. Speaker Pete Roberts received much praise for his presentation.

### **ELECTIONS**

All presently-serving Executive Committee members were re-elected, as were our soon-to-be newcomers Jennifer Rydberg and William Cameron.

### **YOUNG LAWYER LIAISON**

Sabiha Ahmad has submitted her application to be appointed out Young Lawyer Liaison. SOME SORT OF MOTION PASSED.

### **OTHER MATTERS**

Carolyn mentioned that Open Sections Night, originally aimed at young attorneys, has not been attracting these attendees in sufficient numbers of late. Carolyn suggested that we discuss the matter relative to other alternative Open Sections Night formats.

### **ADJOURNMENT**

Eleanor adjourned the meeting.

### **NEXT MEETING**

Our next meeting will take place on a remote-attendance basis on August 10, 2022 at 10:30 am.