

Member Status Workgroup – Meeting Minutes

April 1, 2024, 5:00PM– 6:00PM

Members Present

- Kari Petrasek, Chair
- Francis Adewale, WSBA Treasurer
- Steve Crossland, Active Member from the Senior Lawyers Section
- Kathleen Pierce (inactive), Inactive/Judicial or Honorary Member
- Althea Paulson, Pro Bono Member
- P.J. Grabicki, At-Large Member

WSBA Liaisons and Staff Present

- Renata de Carvalho Garcia, RSD Director
- Bobby Henry, RSD Associate Director
- Anne Trent, RSD Paralegal

Call to Order

The Chair confirmed all members present. Meeting called to order at 5:01 p.m.

Approve March 13, 2024 Meeting Minutes

The March 13, 2024 Meeting Minutes were approved.

Emeritus Pro Bono Status

The group briefly discussed the Memo re History of Emeritus Pro Bono Status, PBPSA Emeritus Proposal Memo 5.5.20 Final and Updated PBPSA Emeritus Pro Bono Recommendations for BOG Meeting 6.12.2020.

Survey/Data Collection Update

Renata shared that a survey was sent to all members and provided a summary of the responses received thus far. About 50% of those responding to the survey support the creation of a retired status. Out of those, 26% advocate for a “retired plus” status which would allow the member to practice law in a limited capacity, engage with the WSBA as a volunteer, or provide pro bono services. Some of the respondents indicated that they would like to continue to give legal advice to friends and family, which raises serious concerns regarding public protection and requires further discussion and analysis. In addition, approximately 5% of respondents request a reduction of the number of years of experience required for honorary status, which is currently 50 years. A few respondents request that the pro bono status fee be eliminated completely.

Other States License Statutes

The group reviewed and discussed data collected from other mandatory Bar Associations. Louisiana appears to be the only jurisdiction that allows representation of family members that mirrors the “retired plus” status that some responses supported. The group achieved consensus that any type of “retired plus” would require complying with MCLE requirements in order to protect the public.

The group also discussed license fee waivers. For example, in Texas, attorneys who are 70 years old, and

in Missouri, attorneys who are 75 years old, do not pay license fees. This approach could encourage members to volunteer or engage in pro bono work.

The group also discussed potentially changing the MCLE requirements for inactive members. Some group members proposed making CLEs mandatory for members who are inactive so they will still be competent if/when they return to the profession. There was also a brief discussion about allowing someone who is inactive to provide legal services in a limited capacity.

Considering some of the potential changes discussed could have public protection implications, such as ensuring practitioners maintain competence to practice law and the public has clarity about who can and cannot practice in the state and to what extent, as well as availability of professional liability insurance for those practitioners and potential recourses for harmed clients, a legal risk analysis is needed.

Closing and next meeting

Kari asked the group to be prepared to identify the different categories or situations that should be addressed and what should be required from a regulatory standpoint to ensure protection of the public.

Renata will provide a summary of the survey responses as well as legal risk analysis regarding allowing members on inactive or retired status to practice law in a limited capacity.

Meeting Adjourned

Meeting adjourned at 6:07 p.m.