

WASHINGTON STATE
B A R A S S O C I A T I O N

Board of Governors Meeting
Meeting Materials

January 14-15, 2021
Webcast and Teleconference



**Board of Governors Meeting
Held Virtually due to Public Health Crisis
January 14-15, 2021**

WSBA Mission: To serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

ALL ITEMS ON THIS AGENDA ARE POTENTIAL ACTION ITEMS

To participate remotely:

To participate remotely: Call 1.888.788.0099

Thursday Jan. 14th – Meeting ID: 929 4521 5512

Friday Jan. 15th – Meeting ID: 954 0128 4983

THURSDAY, JANUARY 14, 2021

9:00 AM – CALL TO ORDER & WELCOME

BOARD TRAINING

- BUILDING A DIVERSITY TRAINING PLAN & FOLLOW-UP ON COMMUNITY AGREEMENTS,**
ChrisTiana ObeySumner..... 8

CONSENT CALENDAR & STANDING REPORTS

- CONSENT CALENDAR**
A governor may request that an item be removed from the consent calendar without providing a reason and it will be discussed immediately after the consent calendar. The remaining items will be voted on *en bloc*.
 - Review & Approval of November 13-14, 2020 BOG Meeting Minutes..... 11
 - Client Project Board Gift Recommendations..... 19
- PRESIDENT’S REPORT** 20
- EXECUTIVE DIRECTOR’S REPORT** 34
- MEMBER AND PUBLIC COMMENTS (30 minutes reserved)**
Overall public comment is limited to 30 minutes and each speaker is limited to 3 minutes. The President will provide an opportunity for public comment for those in the room and participating remotely. Public comment will also be permitted at the beginning of each agenda item at the President’s discretion
- PROPOSED RESOLUTION REGARDING RULE OF LAW AND PEACEFUL TRANSITIONS OF POWER,**
Gov. Hunter M. Abell 176

- REPORTS OF STANDING OR ONGOING BOG COMMITTEES**

Committees may “pass” if they have nothing to report. Related agenda items will be taken up later on the agenda. Each committee is allocated, on average, 3-4 minutes.

- Executive Committee, Pres. Kyle Sciuchetti, Chair
- APEX Awards Committee, Gov. Russell Knight, Chair
- Personnel Committee, Gov. Jean Kang, Chair
- Legislative Committee, Gov. PJ Grabicki, Chair
- Nominations Review Committee, Gov. Jean Kang & Pres-elect Brian Tollefson, Co-Chairs
- Diversity Committee, Gov. Sunitha Anjilvel, Co-Chair
- Long-Range Planning Committee, Pres. Kyle Sciuchetti, Chair
- Member Engagement Workgroup, Gov. Bryn Peterson, Co-Chair
- Budget & Audit Committee, Chief Financial Officer Jorge Perez

12:00PM – RECESS FOR LUNCH

AGENDA ITEMS & UNFINISHED BUSINESS

- APPROVE EXECUTIVE DIRECTOR CONTRACT**, Personnel Committee Chair Jean Kang
- FIRST READ: PROPOSED AMENDMENTS TO WSBA BYLAWS ARTICLE III RE INACTIVE TO ACTIVE APPLICATION FEES AS RECOMMENDED BY THE LPO AND LLLT BOARDS**, Chief Regulatory Counsel Renata Garcia 179
- SECOND READ: CONFORMING AMENDMENTS TO WSBA BYLAWS, ARTICLES III, IX, AND XI RE PRO BONO LICENSURE STATUS**, Chief Regulatory Counsel Renata Garcia 183
- SECOND READ: WSBA BYLAW AMENDMENT, ARTICLE V.A.1, B&A COMMITTEE CLASS REPRESENTATION CLARIFICATION**, Chief Financial Officer Jorge Perez 190
- APPROVE LETTER IN SUPPORT OF THE OFFICE OF PUBLIC DEFENSE BUDGET REQUEST AS PROPOSED BY THE WSBA COUNCIL ON PUBLIC DEFENSE**, Chair Travis Stearns 195

SPECIAL REPORTS

- GOVERNOR LIAISON REPORTS**

5:00 PM – RECESS

FRIDAY, JANUARY 15, 2021

9:00 AM – RESUME MEETING

SWEARING-IN OF AT-LARGE GOVERNOR

- SWEAR-IN AT-LARGE GOVERNOR**, Chief Justice Steven C. González 197

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12:00 PM – LUNCH

SPECIAL REPORTS

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- UPDATE FROM THE COVID-19 EXTERNAL TASK FORCE**, Director of Advancement Kevin Plachy

NEW BUSINESS

- GOVERNOR ROUNDTABLE** (Governors’ issues of interest)

5:00 PM - Adjourn

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2020-2021 Board of Governors Meeting Issues

MARCH (Olympia)

Standing Agenda Items:

- ABA Mid-Year Meeting Report
- Client Protection Fund Board Annual Report
- Legislative Report
- FY20 Audited Financial Statements
- Financials (Information)
- Supreme Court Meeting

APRIL (Spokane)

Standing Agenda Items:

- Financials (Information)
- Office of Disciplinary Counsel Report (ED Report)

MAY (Seattle)

Standing Agenda Items:

- Legislative Report/Wrap-up
- Interview/Selection of WSBA At-Large Governor
- Interview/Selection of the WSBA President-elect
- WSBA APEX Awards Committee Recommendations
- Financials (Information)
- Office of Disciplinary Counsel Report (ED Report)

JULY (Portland, OR)

Standing Agenda Items:

- Draft WSBA FY2022 Budget
- Court Rules and Procedures Committee Report and Recommendations
- WSBA Committee and Board Chair Appointments
- BOG Retreat
- Financials (Information)
- Office of Disciplinary Counsel Report (ED Report)

AUGUST (Bosie, ID)

Standing Agenda Items:

- WSBA Treasurer Election
- Financials (Information)
- Office of Disciplinary Counsel Report (ED Report)

SEPTEMBER (Seattle)

Standing Agenda Items:

- Final FY2022 Budget
- 2021 Keller Deduction Schedule
- WSBF Annual Meeting and Trustee Election
- ABA Annual Meeting Report
- Legal Foundation of Washington Annual Report
- Washington Law School Deans
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation

- Financials (Information)
- WSBA Annual Awards Dinner

WSBA BOG Community Agreements

Community Agreements (or Learning Agreements) are an aspiration, or collective vision, for how groups want to be in a relationship with one another. They are explicitly developed and enforced by the group and represent a consensus.

Why do community agreements matter?

- Critical conversations – like equity issues – are often emotional, painful, and uncomfortable, and team members won't engage or make themselves vulnerable without emotional safety and trust.
- BOG members model productive relationships for staff, WSBA members, and the public.
- BOG culture shapes the WSBA's organizational culture.

BOG Ideas for Community Agreements

The BOG members brainstormed a list of concepts they want reflected in their Community Agreements. Their ideas fell into the following six categories:

1. Practice respectful, honest, transparent, and straightforward communication.

- Transparency, honesty, respectful communication is needed for this process to work
- Engage in civil discourse
- Transparency with what you are saying and why you are saying it
- Practice candor, without candor, can never have feedback
- Don't play devil's advocate just to play devil's advocate
- Honest and direct feedback when someone makes a mistake
- Provide information to advance the discussion

2. Listen with a sense of empathy.

- Listen to try to understand
- Listen from the point of view of where the person is coming from
- Listen to understand truly, ask follow-up questions
- Ask questions with a sense of empathy because all have a set of pre-judgments
- Engagement – willingness to intensely listen, listen to others' perspectives, listen to learn

3. Build trust by fostering and demonstrating vulnerability.

- Supported to be vulnerable
- Acknowledge and recognize others' experiences
- Share experiences with topics

4. Act with positive intent.

- Allow for good intent
- Avoid personal attacks, using you
- Believe in good intentions
- Intent v. impact – understand despite good intent, the impact may be negative
- Comments and questions asked and posed are made with good intentions

5. Be willing to change your mind or perspective.

- Learning to change positions and compromise
- Willingness to change preconceptions
- Capacity to be intellectually dynamic and flexible, in order to understand, have to have some flexibility in thinking
- Be open-minded
- Patience and commitment – all are coming from different perspectives, be committed to make change

6. Be deliberate, thoughtful, and proactive when making decisions.

- Take thoughtful and considered actions
- Problem-solving
- Allow time for change

The Six Community Agreements

The six themes above that emerged from the brainstorming session feed directly into the following simple, actionable Community Agreements. These agreements are written to embody the intent and language of the BOG members, so that members are inspired to abide by them because they see their ideas and expectations reflected clearly.

1. Practice respectful, honest, transparent and straightforward communication.

Whether communicating verbally, in writing, or through body language, commit to bring your best self to the ways you interact with others. Treat people respectfully, even when you disagree with them. Provide clear reasons to support your positions and decisions. Be direct; don't triangulate or talk behind other's backs or make passive-aggressive comments. Always avoid sarcasm and cynicism and instead communicate with openness and clarity.

2. Listen with a sense of empathy.

Make a conscious effort to hear not only the words people are saying but, more importantly, to understand where they are coming from and why they hold a particular point of view. Ask follow-up questions after they complete a thought, and tune in to their verbal and nonverbal cues, including tone, facial expressions, and other body language. Seek to understand how they

are feeling and acknowledge those feelings, even if they differ from your own. Approach conversations with a willingness to learn.

3. Build trust by fostering and demonstrating vulnerability.

Be willing to demonstrate vulnerability yourself and create an environment where your colleagues feel comfortable being vulnerable. Share your experiences, ask for help when you need it, solicit feedback frequently, admit to mistakes, try new things and take risks. Encourage these actions in your colleagues as well to create an open and comfortable group dynamic.

4. Practice positive intent.

A lot can be lost in translation, especially when communication isn't done face-to-face. Give people the benefit of the doubt that they have your best interests — and the best interests of the organization — at heart. If you are confused about something they have said or done, ask follow-up questions to clarify what they mean. Approach problems, challenges, and conflict from a place of curiosity and creative thinking. When conflict arises, don't go on the offensive by engaging in personal attacks but rather explain what you perceived and try to resolve the conflict civilly and by addressing facts.

5. Be willing to change your mind or perspective.

Don't take a hardened stance on issues and make it a practice to challenge your way of thinking. Be open-minded and willing to change your perspective when presented with new facts, ideas, or points of view by those around you.

6. Be deliberate, thoughtful and proactive when making decisions.

Make smart, informed decisions by identifying the pros and cons of moving in a certain direction, along with your priorities and goals. Don't take action on a whim, but rather take time to think through its impacts on you, your colleagues, members, the public, and the organization as a whole. Consider those individuals not at the table, whose perspectives should be included. Be patient and recognize that long-lasting changes take time to implement well.

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS SPECIAL MEETING

Minutes

Held Virtually

November 13-14, 2020

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Kyle Sciuchetti on Friday, November 13, 2020 at 9:16 AM. Governors in attendance were:

Hunter Abell
Sunitha Anjilvel
Lauren Boyd
Treas. Daniel D. Clark
Matthew Dresden
Peter J. Grabicki
Carla Higginson
Russell Knight
Tom McBride
Bryn Peterson
Brett Purtzer
Brent Williams-Ruth

Also in attendance were President-Elect Brian Tollefson, Immediate Past President Rajeev Majumdar, Parliamentarian Alec Stephens, Interim Executive Director Terra Nevitt, General Counsel Julie Shankland, Chief Disciplinary Counsel Doug Ende, Director of Advancement Kevin Plachy, Equity & Justice Manager Diana Singleton, Chief Financial Officer Jorge Perez, Chief Regulatory Counsel Renata Garcia, IT Director Jon Dawson, Executive Administrator Shelly Bynum, Chief Communications and Outreach Officer Sara Niegowski, James E. MacPherson (WDTL), Betsylew Miale-Gix (WSAJ), Nancy Hawkins (Family Law Section), Hon. Lisa Mansfield, and Ken Henrikson.

Pres. Sciuchetti introduced former Gov. Alec Stephens who accepted his invitation to serve as parliamentarian this year. Pres. Sciuchetti conducted a roll call to confirm a quorum.

Anti-Harassment Training ([link](#))

Julie Lucht, Perkins Coie, presented an anti-harassment training to the Board of Governors.

Open Public Meetings Act Training ([link](#))

Morgan Damerow and Heather Carter from the Washington State Office of the Attorney General presented OPMA training. Discussion followed about recordings of meetings, notification requirements for committee meetings, and the information that needs to be shared when an action is taken in public session following discussion in executive session.

Setting the Table: Preparing to Learn and Engage in Equity Work ([link](#))

Pres. Majumdar presented on his role and the goals for the working session: (1) How can we create a productive space where governors are able to collectively learn, grow, and transform with empathy? Empathy being a high degree of understanding of other people's positions; (2) How can we be accountable to one another, the organization, the WSBA members, and the public?; (3) How can we lead with vulnerability and an openness to learn? Vulnerability being an act of courage, an act of courage because you present your authentic self, instead of hiding behind a facade to appease others; and (4) How can we develop an organizational culture that allows for intentional listening on the experiences of underrepresented voices and disrupt any structures in place that prevents those ideas from being heard and acted upon, or disrupt structures that allows harm to occur to those groups. He introduced Jeff Turner to facilitate the discussion. Discussion followed about the development of community agreements, the difference and similarities between agreements and rules, the importance of having agreements, and what each member of the group needs to feel safe, supported, open, productive, and trusting to learn and do their best work. Jeff noted that he would synthesize the information and send it back to the Board.

Commitment to Learning and Action in Response to Letters and Comments from Washington Minority Bar Associations ([link](#))

Pres. Sciuchetti provided an overview on (1) the communication that Immediate Past Pres. Majumdar, Treas. Dan Clark, and he sent to minority bar associations; (2) the listening session with representatives of minority bar associations on October 20; and (3) the request for a response from the Board. Gov. Grabicki moved for adoption of the response as provided in the meeting materials. Discussion followed about the delay in replying to member concerns, and the importance of going beyond this initial response. Gov. Higginson reported on the steps she had taken in response to her comments in June and expressed her regrets and apologies, as well as her support of the motion. Motion passed unanimously. Govs. Abell and Purtzer were not present for the vote.

Equity & Disparity Workgroup Report ([link](#))

Chair Stephens reported that the workgroup held its first meeting on October 29 and noted that the roster of participants was provided in the materials. He reported on some of the issues the workgroup has identified it wishes to explore, including barriers to entering law school and the legal profession through WSBA processes. He also shared his intended approach to gathering

public comment and periodically updating the Board. Discussion followed about the bar exam and access to WSBA Diversity Committee materials and meetings.

Governor Liaison Reports ([link](#))

Pres. Sciuchetti noted his intended purpose for this agenda item and invited governors to give updates. Gov. Anjilvel read a letter from Practice of Law Board Chair Michael Cherry noting the Board is focusing on recruitment, educating the public about legal services, new and alternative legal services, unlawful practice of law complaints, and measurement of its activities. Gov. Higginson reported that she participated in the Client Protection Board and Limited Practice Officer Board meetings and provided an update on those discussions.

Washington State Bar Foundation Annual and Financial Report ([link](#))

Pres. Larry provided an overview of the purpose and structure of the Foundation and presented its annual report.

Approve Rule Changes Proposed by the Court Rules & Procedures Committee ([link](#))

Chair Claire Carden presented the proposed changes to CRLJ 17, CRLJ 56, and CRLJ 60, noting that they were not substantive and intended to update and make consistent the language. Chair Reavis presented the proposed changes to ER 413, which he noted were technical fixes. Discussion followed. Gov. Grabicki moved that we move the proposed rule amendments on to the Supreme Court with the Board's recommendation. Motion passed unanimously. Govs. Abell and Knight were not present for the vote.

Approve Proposed Amendments to Administrative Law Section Bylaws ([link](#))

Chair Eileen Keiffer presented the proposed changes to the Administrative Law Section Bylaws, which she noted are technical in nature and are intended to clarify confusing and superfluous language. Gov. Peterson moved to approve the amendments. Motion passed unanimously. Govs. Abell and Knight were not present for the vote.

2021 Legislative Priorities ([link](#))

Gov. Grabicki referred to the legislative priorities in the meeting materials. The Board heard public comment from Nancy Hawkins, who noted that the Family Law Executive Committee would like the opportunity to comment on them. Gov. Grabicki moved to approve the priorities. Motion passed unanimously with Gov. Higginson abstaining. Govs. Abell and Knight were not present for the vote.

Approve Proposed Amendments to Charter of the Task Force Team Administering Xenial Involvement with Court Appointed Boards to Change the Make-up ([link](#))

Pres. Sciuchetti presented on the purpose of the Task Force and noted that some preliminary discussions about this group had taken place with Chief Justice Stephens and Justice Yu, noting that Justice Yu is chairing a related Supreme Court task force. Pres. Sciuchetti presented the

proposed changes to the charter. Gov. Peterson moved for approval. Discussion followed. Motion passed unanimously. Gov. Abell was not present for the vote.

[Approve Amendment to RPC 1.11 Proposed by the Committee on Professional Ethics \(link\)](#)

Chair Anderson and Prof. Holland presented the proposed amendment to update the Rules of Professional Conduct to reflect recent case law. Discussion followed about the use of the *cf.* introductory signal. Chair Anderson noted they would accept an amendment to change the introductory signal to “*but see.*” Gov. Dresden moved for approval of the proposed changes as amended. Motion passed unanimously. Govs. Abell and Higginson were not present for the vote.

[2021 Legislative Review Committee Recommendations \(link\)](#)

Chair Considine presented the recommendations of the Legislative Review Committee. Eric DeJong provided additional information on the proposal to amend sections of the Washington Business Corporations Act. David Lawson presented on the proposed changes to the Non Profit Corporations Act. Discussion followed about the model rules, including the purpose of breaking out director compensation into a new section, provisions relating to the fiduciary duties of non-director officers, and provisions relating to one-director organizations. Gov. Grabicki moved to approve and recommend both proposals. Motion passed unanimously. Gov. Abell was not present for the vote.

[Public Comment](#)

Noting that the Board was ahead of schedule, Pres. Sciuchetti invited public comment. The Board heard public comment from Jim MacPherson and former Gov. Andrea Jarmon.

[Consent Calendar \(link\)](#)

Pres. Sciuchetti asked if anyone wished to remove an item from the consent calendar. No requests being voiced, Gov. Grabicki moved for approval. Motion passed unanimously. Govs. Abell and Williams-Ruth were not present for the vote.

[President's Report; President's Message of Gratitude \(link\)](#)

Pres. Sciuchetti reported on his participation in the King County Council's recognition of pro bono week and shared his message of gratitude for WSBA's volunteers.

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

Interim Executive Director Nevitt welcomed Kevin Plachy to the permanent role of Director of Advancement, provided an update on the cyber-security incident and the steps WSBA is taking to restore services and determine its impact, and provided an update on the winter bar exam. Chief Communications Officer Sara Niegowski presented the quarterly member outreach survey.

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

The Board heard public comment from former Gov. Michael Cherry.

Reports of Standing or Ongoing BOG Committees ([link](#))

Executive Committee. Pres. Sciuchetti reported that the committee is exploring whether entities should report to the committee or the full board, annually.

APEX Awards Committee. Gov. Knight reported that December 4, will be a virtual APEX award celebration.

Personnel Committee. Pres. Sciuchetti noted that there was a meeting earlier this week to consider the Executive Director's contract.

Legislative Committee. No report.

Nominations Review Committee. Pres-Elect Tollefson noted that the first meeting will occur on November 17.

Diversity Committee. Gov. Anjilvel reported on the committee's work to vet and present the candidates for the at-large governor position. She noted that the candidate forum will be held on November 17. The election will occur from December 1-15, 2020. Discussion followed regarding the election processes.

Long-Range Planning Committee. Pres. Sciuchetti noted that the committee has not yet met.

Member Engagement Workgroup. Gov. Peterson noted that the committee has not yet met. A written report was provided in the meeting materials.

Budget & Audit Committee. Pres. Sciuchetti referred to the written report in the materials.

Presidential Appointments ([link](#))

Pres. Sciuchetti presented his appointments. Discussion followed regarding presidential appointing authority and whether former governors should take up liaison roles that could go to new members. Pres. Grabicki moved that we enact a policy to allow the president to make discretionary appointments and report them to the Board of Governors. Discussion continued on the proposed policy, its impact on volunteerism, and whether the Bylaws must explicitly authorize activities for them to be permissible. Gov. Peterson moved to amend the motion to be a motion to approve the presidential appointments that Pres. Sciuchetti put forth today. It was accepted as a friendly amendment. Motion passed 9-1. Gov. Abell was not present for the vote. Discussion followed regarding the effect when the Bylaws are silent. Pres. Sciuchetti requested

that Parl. Stephens work with General Counsel and the Executive Director on a proposed policy or interpretation.

Announce Basis for Executive Session Pursuant to RCW 42.30.110(1)(c) and (i) ([link](#))

Pres. Sciuchetti announced the basis for the Board to meet in executive session under the Open Public Meetings Act and noted that they would resume public session at 11:30 AM. Pres. Sciuchetti extended the return to public session to 11:45 AM. Pres. Sciuchetti extended the return to public session to 1:00 PM.

Pres. Sciuchetti resumed the meeting at 1:00 PM and conducted a roll call to confirm quorum. Gov. Ruth-Williams provided a recognition of the celebration Diwali.

Budget & Audit Committee Items ([link](#))

WSBA Lease Discussion. Chief Financial Officer Perez and Interim Executive Director Nevitt sought guidance from the Board on how to proceed in terms of evaluating WSBA's use of space and the future of work at WSBA. Discussion followed about getting input from employees about remote work and potential office locations. Gov. Petersen moved that the Board direct Executive Director Nevitt to move forward to assess what's best for the staff and best for WSBA in terms of people working remotely. Motion failed for lack of a second. Discussion continued about potential proposals, how to determine what is best for the association, what information the Board will want to know in making a decision about the space and future of work, whether a motion was required for the Executive Director to get input from staff, what is appropriately decided now and what is a long-range planning activity, and the cost of facilitating remote work. The Board took public comment from Nicholas Pleasant of the Solo and Small Practice Section, former Gov. Alec Stephens, and former Gov. Michael Cherry.

FY 2020 Year-End. Govs. Peterson and Higginson presented the FY 2020 Budget & Audit Committee report. Discussion followed about the level of member benefits currently provided compared to historical levels and the impact on the budget. The Board took public comment from Nicholas Pleasant of the Solo and Small Practice Section.

Recommendation for Reduction to Client Protection Fee. CFO Perez presented the proposal to recommend a permanent \$5 reduction to the Client Protection Assessment, noting that he understood that the Client Protection Fund Board is aware of the proposal and has not taken a position. Gov. Dresden moved for approval of the proposal. It was clarified that the motion and proposal contemplates a permanent reduction. Motion passed unanimously. Gov. Abell was not present for the vote.

2022 & 2023 License Fee Discussion Continued. CFO Perez presented the proposal to make no change to the lawyer license fee for 2022 and to defer a decision on the 2023 lawyer license fee. Treas. Clark clarified that the Board also needs to set the LPO and LLLT license fees. Gov. Williams-Ruth moved that the Board accept the recommendation to set the 2022 lawyer license fee at \$458, as well as the other license fees as set forth in the proposal provided in the meeting materials. Discussion followed regarding the ability to explore additional member benefits, the symbolic nature of a minor reduction in the license fee, the licensing rate in other states, salary increases recently approved, the impact of the pandemic on members, and WSBA's ability to afford a reduction. Motion passed 9-2. Gov. Abell was not present for the vote.

First Read: WSBA Bylaw Amendment, Art. V.A.1, Budget and Audit Committee Class Representation Clarification ([link](#), [link](#))

Pres. Sciuchetti presented the amendment, the purpose of which is to return the make-up of the committee to eight members. Discussion followed about the impact of the OPMA on the Budget & Audit Committee and alternative proposals to amending the Bylaws. Gov. Grabicki moved to approve the first reading. Gov. Grabicki withdrew his motion. A question was raised as to whether the Board should go into executive session.

Pres. Sciuchetti announced the basis for the Board to meet in executive session under the Open Public Meetings Act and noted that they would resume public session at 3:45 PM. Pres. Sciuchetti extended the return to public session to 4:15 PM.

Pres. Sciuchetti resumed the meeting at 4:15 PM. Discussion followed regarding the number of members on BOG committees, specifically the Legislative Committee.

First Read: WSBA Bylaw Amendments, Art. VI RE Governor Elections ([link](#))

Volunteer Engagement Advisor Paris Eriksen presented proposed changes. Discussion followed regarding the timing of the at-large and district elections, the ability for someone to run for both a district seat and an at-large seat, the reason for proposing that the Executive Director – rather than the Board – move the nominees to the ballot, whether the timing for regular elections should change, timing of any run-off elections, the at-large process currently ongoing, and inconsistencies in some of the changes. Gov. Grabicki moved to table and to have a group of governors work with Volunteer Engagement Advisor Erikson and Executive Director Nevitt to come back to the Board with a revised proposal. Gov. Grabicki proposed an amendment to broaden membership on the group to include former Board members. The amendment was accepted by Gov. Grabicki but not by the second. The underlying motion passed unanimously. Govs. Abell and McBride were not present for the vote. Pres. Sciuchetti directed governors to contact Executive Director Nevitt if they are interested in serving on this group.

Regulatory Matters ([link](#))

First Read: Conforming Amendments to WSBA Bylaws, Arts. III, IX, and XI Re Pro Bono Licensure Status. Chief Regulatory Counsel Renata Garcia presented the proposed amendments, which are intended to conform to recent changes to the pro bono licensure status.

Approve Proposed Amendments to WSBA Admissions Policy. Chief Garcia presented the proposed materials as presented in the late materials. She noted that the admissions policies serve to supplement the APRs. She noted the primary purpose of the amendments is to align them to our transition to online admissions for all license types and walked through some of the specific changes. Gov. Williams-Ruth moved to adopt the proposed changes to the admissions policies with an effective date of Dec. 1 as proposed in the late materials. Gov. Higginson seconded. Motion passed unanimously. Govs. Abell and McBride were not present for the vote.

Approve Executive Director Employment Contract ([link](#))

Pres. Sciuchetti presented the proposed contract as provided to the Governors. Discussion followed regarding the manner in which the contract was distributed, the term and value of the contract, and whether severance would be contingent on waiving any legal claims.

Gov. Higginson moved to table the contract to the January meeting and extend the interim contract to the end of January 2021. Discussion followed. Gov. Higginson moved to call the question. Motion to call the question failed 4-6. Govs. Abell and McBride were not present for the vote. Gov. Williams-Ruth moved to amend the motion to extend the interim contract to February 1, 2021 and to refer the contract back to the Personnel Committee to have a public session with instructions that it meet before December 15. Motion was accepted as a friendly amendment. Motion passed 8-2. Govs. Abell and McBride were not present for the vote. Discussion followed regarding scheduling the Personnel Committee meeting. Pres. Sciuchetti directed that a Personnel Committee meeting be scheduled on November 21 at 9:00 AM.

ADJOURNMENT

There being no further business, Pres. Sciuchetti adjourned the meeting at 6:57 PM on Saturday, November 14, 2020.

Respectfully submitted,

Terra Nevitt
WSBA Interim Executive Director & Secretary

WASHINGTON STATE BAR ASSOCIATION

Office of General Counsel

Nicole Gustine, Assistant General Counsel

TO: WSBA Board of Governors
FROM: Nicole Gustine, Assistant General Counsel
DATE: December 23, 2020
RE: Confidentiality of Client Protection Board Recommendations

Previously, Client Protection Board (CPB) recommendations have been provided to the Board of Governors (BOG) for consideration and action during executive session. Since the requirements of the Open Public Meetings Act will not allow for CPB recommendations to be considered in executive session going forward, the BOG will consider and act on the recommendations in public session. However, per Court Rule, all of the materials, reports, and deliberations shall not be public. (APR 15 Procedural Regulations, Regulation 13(b)).

**APR 15
CLIENT PROTECTION FUND PROCEDURAL REGULATIONS
REGULATION 13. CONFIDENTIALITY**

(a) Matters Which Are Public. On approved applications, the facts and circumstances which generated the loss, the Client Protection Board's recommendations to the Trustees with respect to payment of a claim, the amount of claim, the amount of loss as determined by the Client Protection Board, the name of the lawyer, LLLT, or LPO causing the loss, and the amount of payment authorized and made, shall be public.

(b) Matters Which Are Not Public. The Client Protection Board's file, including the application and response, supporting documentation, and staff investigative report, and deliberations of any application; the name of the applicant, unless the applicant consents; and the name of the lawyer, LLLT, or LPO unless the lawyer, LLLT, or LPO consents or unless the lawyer's, LLLT's, or LPO's name is made public pursuant to these rules and regulations, shall not be public.

The following report of CPB recommendations contains only pre-approved applications, and is therefore provided to you as a Trustee, confidentially. The report will not appear in the BOG meeting's public session materials. Please take the time to review the materials thoroughly prior to the BOG public session meeting. **Please do not discuss any details regarding the matters, including the names or amounts related to the matter, at the public session meeting.** If you have questions about the recommendations that you wish to bring up during public session, please use anonymous identifiers (i.e., use "Client A," etc., or refer to the matter by number). If you have in depth questions that cannot be addressed without referring to a specific client or gift amount, or you wish to act other than as recommended by the Client Protection Board, you may individually contact the Secretary of the CPB (Nicole Gustine) prior to the meeting, and, if necessary, the matter will be brought back for action at a subsequent BOG meeting.



WASHINGTON STATE
BAR ASSOCIATION

Board of Governors

Kyle D. Sciuchetti, President

December 23, 2020

The Honorable Debra L. Stephens
Chief Justice
Washington Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Re: Matter of the Proposed Amendment to APR 26—Insurance, Publication Order No. 25700-A-1281; Matter of the Proposed Amendment to RPC 1.4—Communication, Publication Order No. 25700-A-1322

Dear Chief Justice Stephens:

As President of the Washington State Bar Association (WSBA), on behalf of the WSBA Board of Governors (BOG), I respectfully request that the Supreme Court defer consideration on the pending proposed amendment to Admission and Practice Rule (APR) 26. At the December 3, 2020 joint meeting of the Supreme Court and the WSBA Officers, you pointed out that the Court would be taking up the proposed amendment to APR 26 at the January 6, 2020 en banc.

As you know, the proposed amendment to APR 26 would require all lawyers in private practice, with defined exceptions, to obtain and submit proof of malpractice insurance coverage as a condition of licensure. The WSBA Board of Governors has submitted both a public comment urging the Court to reject the proposed amendment to APR 26,¹ as well as an alternative proposal designed to serve the public-protection purpose of ensuring consumers are not harmed by uninsured or underinsured lawyers. The BOG's suggestion to amend RPC 1.4 to require affirmative disclosure to clients and prospective clients and to obtain their informed consent has been published as a proposed amendment, with public comment deadline of April 30, 2020. A copy of the proposed amendment to RPC 1.4 (which has not yet been posted to the Washington Courts website), is attached to this letter.

Both pending proposals should be considered in tandem. For that reason, I respectfully request that the Court defer consideration of the proposed amendment to APR 26 until at least the expiration of the public comment deadline on the proposed amendment to RPC 1.4.

¹ Available on the Washington Courts website at

https://www.courts.wa.gov/court_Rules/proposed/2019Dec/APR26/Rajeev%20Majumdar%20-%20APR%2026.pdf

500 Broadway Street, Suite 400 | Vancouver, WA 98908 | 360.619.7033 (office) | 360.694.6413 (fax) | kyle.s@millernash.com | www.wsba.org 20

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'K' followed by a horizontal line.

Kyle D. Sciuchetti
President, Washington State Bar Association

cc:

The Honorable Charles W. Johnson
The Honorable Barbara A. Madsen
The Honorable Susan Owens
The Honorable Steven C. González
The Honorable Sheryl Gordon McCloud
The Honorable Mary I. Yu
The Honorable Raquel Montoya-Lewis
The Honorable G. Helen Whitener
Shannon Hinchcliffe, AOC Office of Legal Services and Appellate Court Support
Terra K. Nevitt, WSBA Executive Director



THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE SUGGESTED)
AMENDMENT TO RPC 1.4—COMMUNICATION)
)
)
_____)

ORDER

NO. 25700-A-1322

The Washington State Bar Association Board of Governors, having recommended the suggested amendment to RPC 1.4—Communication, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as attached hereto is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2021.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2021. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov.

Comments submitted by e-mail message must be limited to 1500 words.

Page 2

ORDER

IN THE MATTER OF THE SUGGESTED AMENDMENT TO RPC 1.4—
COMMUNICATION

DATED at Olympia, Washington this 6th day of November, 2020.

For the Court

A handwritten signature in black ink, appearing to read "Stephen, C.J.", written in a cursive style.

CHIEF JUSTICE

GR 9 COVER SHEET
Suggested Amendments to
RULES OF PROFESSIONAL CONDUCT

Rule 1.4

A. Proponent

Washington State Bar Association
1325 4th Ave, Suite 600
Seattle, WA 98101-2539

B. Spokespersons

Kyle Sciuchetti, President
Washington State Bar Association
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539

Staff Contact: Douglas J. Ende, Chief Disciplinary Counsel
Washington State Bar Association
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539

C. Purpose

The proponent recommends adoption of suggested amendments to Rule 1.4 of the Rules of Professional Conduct (RPC) that would require disclosure of a lawyer's malpractice insurance status to clients and prospective clients if the lawyer's insurance does not meet minimum levels. It would also provide guidance on the application of the rule through the addition of six new comments.

I. OVERVIEW AND HISTORY

Washington lawyers are not required to have professional liability insurance coverage. They are, however, required to report to the Washington State Bar Association (WSBA), on a yearly basis, whether they have such coverage. Adopted by the Court in 2007, Rule 26 of the Admission and Practice Rules (APR) requires this information to be reported annually, which occurs as part of the WSBA's licensing process. All Washington lawyers are required to certify whether they are engaged in the private practice of law and, if so, whether or not they are covered by, and intend to maintain, professional liability insurance. Recent WSBA reporting

GR 9 COVER SHEET

data shows that 14% of Washington lawyers in private practice consistently report being uninsured.

In September 2017, the WSBA Board of Governors (BOG) approved formation of the WSBA Mandatory Malpractice Insurance Task Force to evaluate the characteristics of uninsured lawyers and the consequences for clients when lawyers are uninsured, to examine regulatory systems that require professional liability insurance, and to gather information and comments from WSBA members and others. The Task Force was also charged with determining whether to recommend mandatory malpractice insurance for lawyers in Washington, and, if so, developing a model and a draft rule for consideration by the BOG.

In February 2019, the Task Force issued its final report, recommending mandatory professional liability insurance for lawyers engaged in the private practice of law and proposing an amendment to APR 26 that would establish a “free market” regulatory model.¹ The Task Force cited the regulatory objectives of assuring accessible civil remedies for clients harmed by lawyer mistakes and protection of the public as chief among the reasons for its recommendation.

At its May 17, 2019, meeting, after deliberation about the Task Force report and public discussion, the BOG voted against adoption of the “free market” mandatory malpractice model. The BOG reached its decision after consideration of more than 580 comments from members and others that expressed very real and compelling concerns regarding mandating insurance. Members overwhelmingly opposed mandatory malpractice insurance, expressing concerns regarding cost, the likely adverse impact on pro bono services provided by retiring, retired, and semi-retired members, un-insurability for some high-risk practitioners and practices, the inappropriate delegation of licensing prerogatives to the insurance industry, the risk of increasing insurance premiums for all lawyers through the creation of a captive market, and the financial burden such a mandate would impose upon individual lawyers and the viability of their practices, especially solo and small firm lawyers.²

In the wake of the vote, however, several governors suggested that the BOG consider some other models evaluated by the Task Force that might serve to protect the public against the risk of errors committed by uninsured lawyers. Consequently, on January 21, 2020, WSBA Past-President Rajeev Majumdar convened the Ad Hoc Committee to Investigate Alternatives to Mandatory Malpractice Insurance to gather information and advise the BOG on potential viable

¹ The full report and related Task Force materials are available at <https://www.wsba.org/insurance-task-force>.

² The full set of comments received by the Task Force and the BOG is available at <https://www.wsba.org/insurancetask-force>.

GR 9 COVER SHEET

alternatives to mandatory malpractice insurance.³ This Committee is chaired by WSBA President Kyle Sciuchetti and composed primarily of select members of the WSBA Committee on Professional Ethics and the former WSBA Mandatory Malpractice Insurance Task Force, as well as members of the BOG and a public member.

From March to September 2020, the Committee explored approaches to public protection other than mandating malpractice insurance, including enhanced malpractice insurance disclosure requirements and proactive management based regulation. Ultimately, the Committee focused on a rule requiring disclosure of a lawyer's insurance status to clients when the lawyer is uninsured or underinsured. The WSBA proposes this suggested rule as a less burdensome and more practicable regulatory requirement that will responsibly protect the public without having an unreasonable impact on private practitioners.

II. SUGGESTED RULE

The proposed rule amendment includes both a new RPC 1.4(c) and proposed new Comments [8]-[13] to RPC 1.4. The language is drawn from enhanced disclosure rules in several other states, including California, Pennsylvania, New Hampshire, New Mexico, and South Dakota, with New Mexico's RPC 16-104(c) having the most influence.

Substance of the Proposal. Specifically, the suggested new RPC 1.4(c) would require a lawyer, before or at the time of commencing representation of a client, to provide notice to the client in writing if the lawyer is not covered by professional liability insurance at specified minimum levels. The lawyer would have to promptly obtain written informed consent from that client. In addition, a lawyer whose malpractice insurance policy lapses or is terminated must within 30 days either obtain a new policy or obtain written consent from existing clients.

The proposal was structured to address the major concerns underlying the BOG's decision not to require mandatory insurance. The cost to a lawyer of compliance with the proposed notice requirement, as compared to requiring acquisition of insurance, is insubstantial.

As reflected in proposed new Comment [8], a lawyer without a basic level of professional liability insurance might not pay for damages or losses a client incurs due to the lawyer's mistakes or negligence. Consequently, clients should have sufficient information about whether

³ Just prior to the launch of this Committee, by order dated December 4, 2019, the Supreme Court published for public comment a proposed amendment to APR 26. (The extended deadline for public comment on the proposed amendment is September 30, 2020). The proponent of the proposed amendment is Equal Justice Washington, which is unaffiliated with the WSBA. The proposed amendment is identical to the "free market" model originally proposed by the Task Force. By letter dated January 26, 2020, WSBA expressed its opposition to proposed APR 26, https://www.courts.wa.gov/court_Rules/proposed/2019Dec/APR26/Rajeev%20Majumdar%20-%20APR%2026.pdf.

GR 9 COVER SHEET

the lawyer maintains a minimum level of lawyer professional liability insurance so the client can intelligently determine whether they wish to engage, or continue to engage, that lawyer.

The new RPC 1.4(c) would require a lawyer to provide disclosure if the lawyer is without a specified level of lawyer professional liability insurance. The lawyer would have to promptly obtain every client's acknowledgement and informed consent to uninsured or underinsured representation. The proposed amendment includes disclosure and consent language which, if used, would serve as a "safe harbor" for compliance with the rule. A lawyer would have to maintain a record of disclosures and consents for at least six years.

Certain lawyers would be excluded from the insurance disclosure requirements, including judges, arbitrators and mediators, in-house lawyers for a single entity, and employees of governmental agencies.

A proposed comment clarifies that the notice to a client may be delayed in certain emergency situations.

Minimum levels of professional liability insurance. The proposal recommends that for the disclosure requirements under RPC 1.4(c), the minimum level of insurance should be at least \$100,000 per occurrence and \$300,000 in the aggregate ("\$100K/\$300K"), which are the mandatory malpractice insurance levels in Idaho and the lowest levels of insurance offered by ALPS, the WSBA-endorsed professional liability insurance provider. The Mandatory Malpractice Insurance Task Force found (at p. 17 of its report) that nationally 89.1% of malpractice claims are resolved for less than \$100,000 (including claims payments and expenses). According to ALPS, for all Washington claims where payments were made by ALPS, its average loss payment was \$119,856 and average loss expenses were about \$40,454.82. Given these statistics, the proposed minimum level of insurance of \$100K/\$300K is reasonable and sufficient.

Lawyers covered by the rule. The proposal would apply to each "lawyer," defined as:

- lawyers with an active status with the WSBA;
- emeritus pro bono status lawyers; and
- lawyers permitted to engage in limited practice under APR 3(g), i.e., visiting lawyers.

The disclosure requirement would not apply to:

- judges, arbitrators, and mediators not otherwise engaged in the practice of law;
- in-house counsel for a single entity;
- government lawyers practicing in that capacity; and
- employee lawyers of nonprofit legal services organizations, or volunteer lawyers, where the nonprofit entity provides malpractice insurance coverage at the minimum levels.

GR 9 COVER SHEET

D. Hearing:

A hearing is not requested.

E. Expedited Consideration:

Expedited consideration is not requested.

SUGGESTED AMENDMENTS TO THE RULES OF PROFESSIONAL CONDUCT

1.4 – COMMUNICATION - Redline Version

RPC 1.4 COMMUNICATION

(a) – (b) [Unchanged.]

(c) A lawyer shall communicate to a client or prospective client a lack of minimum levels of lawyer professional liability insurance as required by the provisions of this Rule.

(1) A lawyer not covered by lawyer professional liability insurance in the amounts specified in paragraph (c)(4) shall, before or at the time of commencing representation of a client, notify the client in writing of the absence of such insurance coverage and promptly obtain the client’s informed consent in writing. A lawyer who knows or reasonably should know that the lawyer’s professional liability insurance policy has either lapsed or been terminated during the representation shall within 30 days either (i) obtain a new policy in the required amounts or (ii) provide notice in writing to the client and promptly obtain the client’s informed consent in writing. If a lawyer does not obtain a new policy in the required amounts or provide notice to the client and obtain the client’s informed consent in writing within 30 days of a lapse or termination, the lawyer shall withdraw from representation of the client

(2)(i) A notice to the client in substantially the following form satisfies the notice requirements of paragraph (c)(1):

Under Rule 1.4(c) of the Washington Rules of Professional Conduct, I must obtain your informed consent to provide legal representation, and ensure that you understand and acknowledge that [I][this Firm] [do not][does not][no longer] maintain[s] [any lawyer professional liability insurance (sometimes called malpractice insurance)] [lawyer professional liability insurance (sometimes called malpractice insurance)] of at least one hundred thousand dollars (\$100,000) per occurrence, and three hundred thousand dollars (\$300,000) for all claims submitted during the policy period (typically 12 months). Because [I][we] do not carry this insurance coverage, it could be more difficult for you to recover an amount sufficient to compensate you for your loss or damages if [I am][we are] negligent.

SUGGESTED AMENDMENTS TO THE RULES OF PROFESSIONAL CONDUCT

1.4 – COMMUNICATION - Redline Version

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Lawyer's Signature

(ii) A client consent and acknowledgment in substantially the following form satisfies the informed consent requirements of paragraph (c)(1):

I acknowledge and supply this written consent, required by Rule 1.4(c) of the Washington Rules of Professional Conduct, that [insert attorney or firm's name] [does not][no longer] maintain[s] [any lawyer professional liability insurance (sometimes called malpractice insurance)][lawyer professional liability insurance (sometimes called malpractice insurance)] with at least maximum coverage of \$100,000 for each claim, and at least \$300,000 for all claims submitted during the policy period (typically 12 months), and I consent to representation by [the lawyer][the firm].

Client's Signature

(3) A lawyer shall maintain a record of notices of disclosure to clients, and the signed consents and acknowledgments received from clients, for at least six (6) years after the representation is terminated.

(4) As used in this paragraph (c), "lawyer" means an active member of the Washington State Bar Association, and any other person authorized by the Washington State Supreme Court to engage in the practice of law, including emeritus pro bono status lawyers and lawyers permitted to engage in the limited practice of law in this state as provided in Admission and Practice Rule (APR) 3(g); however, as used in this paragraph (c), "lawyer" does not include, (i) a judge, arbitrator, or mediator not otherwise engaged in the practice of law; (ii) in-house counsel for a single entity; (iii) an employee of a governmental agency practicing law in that capacity; (iv) an employee of a nonprofit legal service organization, or a lawyer volunteering with such an organization, where the nonprofit legal service organization provides lawyer

SUGGESTED AMENDMENTS TO THE RULES OF PROFESSIONAL CONDUCT

1.4 – COMMUNICATION - Redline Version

1 professional liability insurance coverage at the minimum levels required by this paragraph
2 to that employee or volunteer pro bono lawyer. “Lawyer professional liability insurance”
3 means a professional liability insurance policy that provides coverage for claims made
4 against the lawyer that arise from an act, error, or omission in the lawyer’s performance of
5 legal services to a client, with limits of liability of at least one hundred thousand dollars
6 (\$100,000) per occurrence, and three hundred thousand dollars (\$300,000) for all claims
7 submitted during the policy period.

8 **Comment**

9 [1] – [7] [Unchanged.]

10 **Additional Washington Comments (8-13)**

11 *Insurance Disclosure*

12 [8] A lawyer without a basic level of professional liability insurance might not pay for
13 damages or losses a client incurs that result from the lawyer’s mistakes or negligence.
14 Consequently, prospective clients and clients should have sufficient information about
15 whether the lawyer maintains a minimum level of lawyer professional liability insurance so
16 they can intelligently determine whether they wish to engage, or continue to engage, that
17 lawyer. Paragraph (c) requires a lawyer to provide disclosure if the lawyer is without a level
18 of lawyer professional liability insurance specified in paragraph (c), and to obtain each
19 client’s acknowledgement and informed consent. Client consent should be obtained
20 promptly—ordinarily within 10 days of the lawyer’s providing disclosure. Certain lawyers
21 are excluded from the disclosure requirements of Rule 1.4(c), including full-time judges,
22 arbitrators and mediators, in-house lawyers for a single entity, and employees of
23 governmental agencies. If a lawyer serving as a judge represents clients outside judicial
24 duties, or an in-house lawyer or government employee represents other clients, such a judge
25 or lawyer is subject to the requirements of Rule 1.4(c) regarding those representations.
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SUGGESTED AMENDMENTS TO THE RULES OF PROFESSIONAL CONDUCT

1.4 – COMMUNICATION - Redline Version

1 [9] As used in paragraph (c), a lawyer who “maintains” or “is covered by” lawyer
2 professional liability insurance is an insured lawyer under a lawyer professional liability
3 insurance policy providing coverage regarding claims relating to legal services provided by
4 that lawyer. The minimum limits of lawyer professional liability insurance specified by
5 paragraph (c)(4) include any deductible or self-insured retention that must be paid by the
6 lawyer or the lawyer’s law firm for claim expenses and damages. Lawyer professional
7 liability insurance, as defined in paragraph (c)(4), does not include an insurance policy with
8 a deductible or self-insured retention that the lawyer knows or has reason to know cannot be
9 paid by the lawyer or the firm if a loss occurs.

10 [10] Whether the disclosure and notice obligations of paragraph (c) apply to a Washington-
11 licensed lawyer practicing in another jurisdiction is determined by the choice of law
12 provisions of Rule 8.5(b).

13 [11] In addition to complying with paragraph (c), every active member of the bar must
14 comply with the reporting requirements of Admission and Practice Rule (APR) 26, under
15 which lawyers in the private practice of law are required to annually report their insurance
16 coverage to the Washington State Bar Association.

17 [12] Withdrawal from a representation under paragraph (c)(1) is a circumstance where
18 withdrawal is obligatory under Rule 1.16(a)(1) because the representation would violate the
19 Rules of Professional Conduct. The withdrawal shall be accomplished in conformity with
20 the requirements of Rule 1.16(c) and (d).

21 [13] In an emergency where the health, safety, or a financial interest of a person is threatened
22 with imminent and irreparable harm, a lawyer not covered by lawyer professional liability
23 insurance in the amounts specified in paragraph (c)(4) may take legal action on behalf of
24 such a person even though the person cannot receive or evaluate the notice required by
25 paragraph (c)(1) or there is insufficient time to provide it. A lawyer who represents a person
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SUGGESTED AMENDMENTS TO THE RULES OF PROFESSIONAL CONDUCT

1.4 – COMMUNICATION - Redline Version

1 in such an exigent situation shall provide the notice required by paragraph (c)(1) as soon as
2 reasonably practicable.
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TO: WSBA Board of Governors
FROM: Interim Executive Director Terra Nevitt
DATE: January 6, 2021
RE: Executive Director's Report

COVID19 Response

The WSBA Coronavirus Internal Task Force (“Internal Task Force”) has continued working to deliver resources and programs to support WSBA members and the public during these unprecedented times. Please review WSBA’s COVID19 Resource Page at <https://www.wsba.org/for-legal-professionals/member-support/covid-19> for complete information.

The External Task Force, with support from the Internal Task Force, distributed a survey to all WSBA members and is currently analyzing the survey results. The purpose of the survey is to better inform WSBA on the impact of the pandemic on the legal profession. We plan to publish the results of the survey to the membership and public on the WSBA COVID Resource Page. The Task Force will be providing an update to the BOG at the January BOG meeting.

February Bar Exam Update

As I reported to you via email early last month, on December 3, 2020, the Supreme Court of Washington issued the attached order authorizing WSBA to conduct the February bar exam remotely. They also lowered the cut score from 270 to 266 as they did for the summer exams. Like so much of what we’ve done this year, this is a significant and novel undertaking that gives rise to many questions and uncertainty. Our admissions team has put together a set of FAQs to help answer some of those questions. These are posted in the [website](#) and are being updated as needed. As of now, 325 candidates are registered for the lawyer bar exam, 54 for the LPO exam, and 17 for the LLLT exam.

2021 Licensing Update

Online licensing opened on November 2. We mailed 19,281 license renewal packets and 21,940 licensed legal professionals are signed up for paperless renewal—totaling 41,221. Members experiencing financial challenges can opt for a payment plan over several months, and the [Hardship Exemption](#) may now be used up to two times. Thus far, 49 members have requested a hardship exemption, which is 69% higher than this time last year. In addition, 23 of those requesting the exemption are doing so for the second time. The [Armed Forces Exemption](#) is also available to those who qualify. Fifteen members have received that exemption, which is about the same as last year. Additionally, pro bono status members who completed at least 30 hours of pro bono service with a qualified legal services provider in the prior year will have their license fee waived. As of now, 4 pro bono members have had their license fee waived. As a reminder, the licensing deadline is February 1, 2021. The next reminder email will be sent on January 19.

Suggested Amendments to the Civil Rules (CR) Submitted to the Court

At its September 2020 meeting, the Board approved suggested amendments to the CR that were the culmination of a years-long effort on the part of the Board to develop recommendations regarding ways to improve access to and reduce the costs of civil litigation in Washington state courts. The suggested amendments arose out of the 2015

policy recommendations of the [Escalating Cost of Civil Litigation Task Force](#), followed by the 2018 rules drafting recommendations of the [Civil Litigation Rules Drafting Task Force](#). Subsequently, the [Civil Litigation Rules Revision Work Group](#) refined the rule recommendations after solicitation and incorporation of additional input from civil-litigation-focused stakeholders. On December 31, 2020, those suggested amendments to the CR were submitted to the Supreme Court under General Rule (GR) 9. The next step is for the Court to consider the suggested rules and possibly publish them as proposed rules for comment.

Legal Research Tools

We were notified this month by LawWriter, which owns the Fastcase legal research tool, that LawWriter and Casemaker are merging. We have requested that as they move along with the merger and begin to make decisions about whether they intend to keep both tools as separate brands or merge them into one to let us know. We will continue to work closely with them as they move through the merger process. WSBA currently offers free access to both Casemaker and Fastcase as member benefits.

Staff Climate Survey

The full results of the staff climate survey conducted by Praxis HR have now been shared with the Board and employees and will be shared with the Court following this January meeting. The survey looked at a number of dimensions of culture including job satisfaction, commitment to WSBA, belongingness, communication, culture, work processes, staff relations, performance and expectations, teamwork and collaboration, conflict, role clarity, planning and decision-making, and feedback and development. The survey also collected employee perceptions of their supervisors, the Executive Leadership Team, the Executive Director, and the Board of Governors.

The results revealed many areas for improvement, including the way conflicts and decisions are managed, staff and Board leadership, and career development processes. These deficits are deeply impacting morale at the organization. The survey also revealed some of the areas of strength that we can leverage as we seek to address these deficits. Many employees report a strong sense of belonging to the organization, they feel that their work is valued and aligns to their expertise, and that their roles are clear. Many employees also report strong relationships with their teammates and positive perceptions of their supervisors. Praxis has made recommendations for next steps, which the Executive Leadership Team and I are committed to carrying out. Next week we will begin listening sessions with employees to gather feedback on the findings and recommendations and we will be forming an employee Climate and Culture Team to develop specific actions to implement the recommendations.

Receiving critical feedback is never easy, but obtaining this information is an essential first step if we are to improve. In the Board's September brainstorming session, the Board identified improved workplace culture as a potential goal, and this survey should provide useful information about how to achieve that goal.

Update on Executive Leadership Team Positions

As I reported in November, having worked with Jeff Turner and Praxis HR to evaluate our human resources function, we are now working to recruit and hire a Director of Human Resources/Chief Culture Officer. The addition of "Chief Culture Officer" to the title is meant to attract a candidate that will be adept at managing the nuts and bolts of benefits administration, recruitment, and talent management as well as using all these levers to help us build and maintain a positive workplace culture. First round interviews are in progress now and candidates have been identified for second round interviews to occur in the next two weeks.

APEX Awards Ceremony

Last month's APEX Awards ceremony was unlike any other as COVID made us change our plans for in-person, local celebrations to an online event. Hosts President Kyle Sciuchetti and Immediate Past President Rajeev Majumdar broadcasted live from WSBA the evening of Dec. 4, and we have since received many compliments on the substance and flow of the show. The overall sentiment: This year's APEX honorees are truly amazing! You can watch the [entire APEX show](#) as well as [individual APEX winner videos](#) via WSBA's YouTube channel. All told, these videos have been viewed more than 1,100 times so far. We are working with local media outlets to continue to promote the winners and their videos (here's an example from the [Yakima Herald](#)).

Washington Supreme Court Order Re Remote Bar Exam (attached)

Section Annual Reports (attached)

Litigation Update (attached)

Media Contacts Report (attached)

WSBA Demographics Report (attached)

THE SUPREME COURT OF WASHINGTON

ORDER AUTHORIZING REMOTE)
LICENSING EXAMINATIONS AND)
AMENDING APR 4 TO REDUCE PASSING)
SCORE FOR UNIFORM BAR)
EXAMINATION IN FEBRUARY 2021)
_____)
)

ORDER

NO. 25700-B-651

WHEREAS, the Court recognizes the extraordinary barriers applicants for the February 2021 legal licensing examinations are facing due to the continued COVID-19 pandemic; and

WHEREAS, the Court recognizes the challenges of administering an in-person examination to a large group of examinees while complying with health and safety protocols to alleviate risks to the applicants and WSBA staff associated during a pandemic; and

WHEREAS, the Court recognizes that APR 4(a) authorizes the WSBA to conduct examinations and that those examinations have traditionally been administered in-person;

Now, therefore, it is hereby

ORDERED:

1. The WSBA is authorized to conduct the February 2021 administration of legal licensing examinations for admission using remote testing software.
2. The WSBA has the discretion to require an applicant to take an in-person examination in the unusual and rare circumstances that remote testing would be impractical or unreasonable.

3. Any applicant for a February 2021 examination may request to transfer the application to the Summer 2021 administration of that examination without the need to pay additional application fees. The WSBA has the discretion to determine the timeline for applicants to request the transfer of their application to the Summer 2021 administration.
4. The WSBA will provide reasonable and necessary accommodations for applicants taking the examinations in February 2021 in accordance with the Admissions Policies of the Washington State Bar Association, and will provide applicants in Washington who do not have a reliable internet connection or a suitable place for taking an exam with location assistance as needed to take an examination using remote testing software. The WSBA has the discretion to determine the timeline for applicants to request location assistance.
5. APR 4(d)(1) is temporarily modified for the lawyer bar examination to be administered in Washington State in February 2021, to allow for a UBE minimum passing score of 266; the UBE minimum passing score of 266 also applies to applicants transferring a February 2021 UBE score from another jurisdiction.

This order applies to all lawyer, LLLT and LPO applicants who have already timely submitted an application for Washington admission by examination for the February 2021 administration.

DATED at Olympia, Washington this 3rd day of December, 2020.


CHIEF JUSTICE

TO: Terra Nevitt, Interim Executive Director

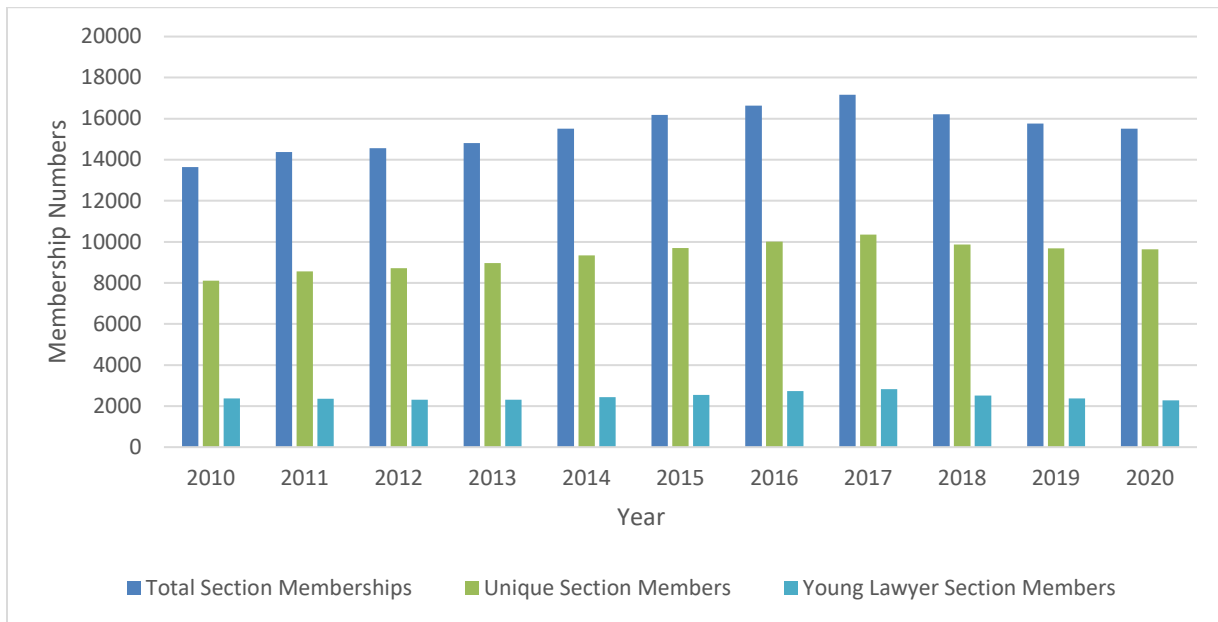
FROM: Kevin Plachy, Director of Advancement
Julianne Unite, Member Services and Engagement Manager
Eleen Trang, Sections Program Specialist
Carolyn MacGregor, Sections Program Coordinator

RE: WSBA Sections 2020 Annual Summary Memo & Section Annual Reports

DATE: December 29, 2020

Washington State Bar Association (“WSBA” or “Bar”) Sections are entities of the Bar created and tasked to carry on the work of the WSBA and further their purposes as defined in individual section bylaws. Approximately one-quarter of all WSBA members belong to one or more of the WSBA’s 29 sections¹. Each year, section executive committees (also referred to as “section leaders” collectively) and WSBA staff work together to increase and improve the benefits and support available to section members. Sections generally rely on membership dues, CLE registration revenue, and publication royalties to fund their activities. Per the WSBA Bylaws XI.K, each WSBA section is required to submit an annual report to the WSBA Executive Director.

Section Membership Numbers Over The Years²



¹ Based on [December 1, 2020 WSBA Member Demographic Reports](#) and December 3, 2020 data from WSBA Regulatory Services Department.

² Based on December 3, 2020 data from WSBA Regulatory Services Department.

Summary of WSBA Sections for 2020 (January 1, 2020 – December 31, 2020):

- **15,607** section memberships.³
- **Over 430** section leader volunteers across all 29 sections.⁴
- **\$30** average dues amount to join a section in 2020 (range \$20-\$40). Current law student rate is \$18.18⁵ (as of October 1, 2020). Law student rate was \$18.75 (January 1-September 30, 2020).

In 2020, WSBA sections provided the following member benefits⁶:

- **71** section-sponsored educational programs with WSBA: CLE seminars (20) and mini-CLEs (51)⁷.
- **\$63,048.99** awarded in scholarships donations and/or grants⁸.
- **17-19** law school/student outreach events/benefits.
- **At least 176** legislative bills reviewed/drafted, with several sections reporting reviewing “many” bills.
- **28** newsletters produced.
- **27-29** receptions or forums (non-CLE).
- **21** awards given.
- **6-7** new lawyer outreach events/benefits.

Sections Team: Internal Goals & Highlights in 2020

The “Sections Team” is comprised of 2.68 WSBA FTEs dedicated to the support and success of the 29 WSBA Sections through close partnership with section executive committees. In addition, several other staff members/departments throughout WSBA provide section-related support at different times, including staff from finance/accounting, CLE, legislative, and communications.

The Sections Team focused its activities on achieving the following goals:

- Provided guidance on WSBA policies and procedures pertaining to sections.
- Supported activities to foster sustainable sections.
- Provided valuable benefits to members.
- Supported a pipeline of future leaders.
- Facilitated collaboration between sections and other WSBA programs/efforts.

³ Based on [December 1, 2020 WSBA Member Demographic Reports](#). Section memberships range between 68 – 2,277 members.

⁴ Based on December 2020 hand count, includes nonvoting members. Does not include BOG liaisons or young lawyer liaisons.

⁵ The law student rate mirrors the per-member charge for a given fiscal year.

⁶ Unless otherwise cited, all information was gathered from the completed 2020 annual reports received from section executive committees.

⁷ Based on data obtained from WSBA CLE on December 14, 2020.

⁸ Based on year-to-date actual scholarships/donations/grant expense budget line in the September 2020 Monthly Financial Reports.

The Sections Team highlights during 2020 include:

- Transitioned annual Spring Section Leaders Meeting to a 3-session virtual discussion series, including one session dedicated to “Technology” in response to the COVID-19 pandemic. Other sessions focused on executive committee best practices and member recruitment and engagement.
- Assisted sections and provided staff support for sections that held virtual events, e.g., receptions and roundtables.
- Continued monthly publication of the *Sections Bulletin*. The *Bulletin* is intended to provide section leaders with up-to-date information regarding WSBA matters; best practice tips; supplemental resources regarding leadership, diversity, and educational development; and to connect sections with existing and relevant WSBA programs.
- Provided individualized support to executive committees, including but not limited to, design and implementation of member surveys; preparation of materials for leadership retreats; event planning; financial and data analysis; facilitation of section newsletter review and production.
- Completed a successful budgeting process, including review of budget histories and follow-up with sections before budgets were submitted to the Budget & Audit Committee.
- Engaged in ongoing collaboration with CLE, Legislative, Communications, and Finance staff to update materials and processes related to sections.
- Maintained and updated the online “Volunteer Toolbox,” including new tools and resources to help section leaders implement their activities (e.g., templates, meeting tools, and policies).
- Hosted the first ever virtual-only Fall Section Leaders Orientation in November 2020, which included various speakers including WSBA President Kyle Sciuchetti, Interim Executive Director Terra Nevitt, and other WSBA staff leadership. The orientation also included breakout sessions facilitated by section leaders and staff on a variety of topics in which section leaders indicated interest like CLEs, Mini-CLEs, event planning, and member recruitment.

Sections Team: Internal Goals for 2021

The primary focus for the Sections Team in 2021 will be supporting section member recruitment; implementing improved communications and tools for virtual meetings and events; continuing to refine the section elections process; exploring innovative member benefit ideas; promote collaboration among sections; fostering relationships between sections and the Board of Governors; and continuing engagement with section leaders through discussion series forums and orientation programming.

WSBA 2020 Section Annual Reports

Included with this memo are the 2020 sections annual reports submitted by all 29 section executive committees.

WASHINGTON STATE B A R A S S O C I A T I O N

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>Administrative Law Section</i>	
Chair:	<i>Robert Krabill (2019-2020); Eileen Keiffer (2020-2021)</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	239
	Staff Lead:	Eleen Trang
	FY21 BOG Liaison:	Brett Purtzer
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$17,712.14
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$4,293.28
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	<p>The purpose of the Administrative Law Section is to seek participation of all interested members of the Bar to benefit section members, their clients, and the general public by:</p> <ul style="list-style-type: none"> • Exchanging ideas and sharing knowledge in administrative law, including the Washington Administrative Procedure Act, Public Records Act, and Open Public Meetings Act, through CLEs, publications, meetings, and other means of communication; • Initiating and implementing common projects; • Improving and facilitating the administration of justice in administrative law through the review of pending legislation and regulations, the development of proposed statutes, and the promotion of uniformity in legislation and administration; and • Providing other services that may benefit section members, the legal profession, and the public. 	

<p>2020 Accomplishments and Work in Progress:</p>	<p>WSBA Administrative Activities (Officers):</p> <ul style="list-style-type: none"> • Spring 2020 – Officer and At-Large Executive Committee Elections • June 6, 2020 – Budget Meeting/Board Retreat (Zoom) • June 29, 2020 – FY 2020 Budget submitted • Chair Eileen Keiffer has participated in the Court Recovery Task Force, Appellate Appeals Subcommittee since August of 2020. The Subcommittee has drafted two proposed bills aimed at reducing judicial backlog in Superior Court by revising the direct appeal provision of the APA and creating a new direct appeal provision within LUPA. • Legislative committee chair Richard Potter attending WSBA Legislative training on date in December 2020. • Section Chairs have been meeting quarterly for the last year (most recently, over video conference) <p>Diversity and Outreach (Alexis Hartwell-Gobeske and Robert Rhodes, Co-Chairs):</p> <ul style="list-style-type: none"> • WSBA has reported that diversity in law schools is increasing throughout the state. The Diversity and Outreach Committee decided that the section could utilize the diversity in law schools to increase diversity within the section by providing information to law school students about the practice of administrative law, and we hope to see some of those students joining our section in the next few years. We also wanted to increase our geographical and age diversity within the section. In October 2020, the Committee held a Section Outreach event at Gonzaga University via Remo. 11 sections participated in the event, and we were able to discuss the practice of administrative law and the section with a sizeable group of students. We intend to branch out to other universities early in 2021 to host similar events and to repeat this event at Gonzaga next year. • Mentorship Program Plan designed to pair lawyers with experience in administrative law practice with attorneys who have recently started practicing in admin law (or are interested in admin law). This program is designed primarily to focus on age diversity but our goal is that it will act as outreach to a wider group of underrepresented attorneys who could really benefit from the program and the one-on-one experience. We are basing our model almost entirely on the WSBA curriculum for the first year. The launch of the
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program has been extensively delayed due to the COVID-19 pandemic and is currently on hold until 2021.

Legislative Committee (Richard Potter, Chair):

- Ongoing input on bills and legislation related to Public Records Act, Administrative Procedure Act, Open Public Meetings Act, the Office of Administrative Hearings, and other codes affecting administrative agency procedures, hearings, rulemakings, appeals, and judicial review. Fifty five (55) bills (not including companion bills) reviewed during the 2020 legislative session.
- Articles published in the Winter 2019-2020 and Spring 2020 Newsletters recapping the 2019 Legislative Session and the 2020 Legislative Session, respectively.
- Article published in the Spring 2020 Newsletter providing an update on State Agencies' Indices of Orders and Statements under the Public Records Act (RCW 42.56.070(5)).
- Provided input on draft bills from the Courts Recovery Task Force: Appellate Appeals Subcommittee revising the direct appeal provision of the APA and creating a new direct appeal provision within LUPA

Newsletters (Bill Pardee, Prior Chair and Ed Pesik, Current Chair):

- Winter 2019- 2020
- Spring 2020
- Fall 2020 (currently in process with WSBA)

Publications and Practice Manuals (Gabe Verdugo, Past Chair and Selina Kang/Richelle Little, Current Co-Chairs):

- APA Practice Manual:
 - Limited update of Chapter 8, Administrative Investigations, completed in 2020
 - Plans for 2021 include:
 - Comprehensive update of Chapter 8 and Chapter 10 (Judicial Review of Administrative Procedure Act Decisions), pending identification of new authors
 - Comprehensive update of two additional chapters (exact chapters TBD)
- PRA Deskbook – Full update/supplement published in April 2020

Seminars and Events (Eileen Keiffer, Prior Chair, and Bill Pardee, Current Chair):

	<ul style="list-style-type: none"> • Full day in-person PRA CLE planned for April but cancelled just weeks prior due to COVID-19 pandemic—PRA CLE broken into smaller modules for 2020 and 2021. • June 30, 2020 – “Strategies for Difficult PRA Issues” mini-CLE webinar • July 25, 2020- “The Intersection of Administrative Law and Treaty Law: A Retrospective on the Cougar Den Case” Mini-CLE webinar • August 25, 2020- “Administrative Hearings Process for DFI” Mini-CLE webinar • December 14, 2020 – “Retaining, Disclosing, Redacting, and Requesting HIPAA Protected Healthcare Information under the PRA” Mini CLE webinar <p>Homan Award:</p> <ul style="list-style-type: none"> • Awarded in 2020 to Richard Potter <p>Meetings:</p> <ul style="list-style-type: none"> • January 13, 2020 – Executive Committee telephonic meeting • February 10, 2020 – Executive Committee Telephonic meeting • March 16, 2020 – Executive Committee telephonic meeting • April 20, 2020 – Executive Committee telephonic meeting • May 18, 2020 – Executive Committee telephonic meeting • June 6, 2020 – Zoom Budget Meeting/Retreat • June 16, 2020-- Executive Committee Zoom meeting • July 20, 2019 – Executive Committee Zoom meeting • September 21, 2019 – Executive Committee Zoom meeting • October 19, 2019 – Executive Committee Zoom meeting • November 16, 2020 – Executive Committee Zoom meeting • December 14, 2020 – Executive Committee Zoom meeting
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<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$0	Scholarships, donations, grants awarded (\$ amount)
	1	Law school outreach events/benefits hosted
	57	Legislative bills reviewed/drafted
	3	Newsletters/publications produced
	4	Mini-CLEs produced
	0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA

	0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity
	1	Receptions/forums hosted or co-hosted
	1	Recognitions/Awards given
	1	New Lawyer Outreach events/benefits
	1	Members only Mentorship Program – mentees benefit from one-on-one mentoring while mentors benefit from free CLE credits earned while mentoring
Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	Produce mini-CLEs monthly or every other month (while in COVID Restrictions, shifting back to in-person CLEs once we can gather again)
	2	Update 2-4 Chapters of the APA Practice Manual
	3	Launch the mentoring program
	4	Select Homan Award Recipient
	5	Publish 3 newsletters

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The Administrative Law Section is involved in all areas of administrative law of interest to Washington lawyers, including Washington State administrative law, federal administrative law, tribal administrative law, and interstate compact administrative law. We recognize that most attorneys in Washington practice some type of administrative law, even if they never directly apply the Washington Administrative Procedure Act. The section welcomes anyone as a member who has an interest in administrative law. Our members include:

- Assistant attorneys general
- Public agency in-house attorneys
- City attorneys (on private contract as well as municipal employees)
- County prosecutors
- Private practitioners who represent clients subject to government regulation
- Judicial officials
- Administrative Law Judges

The Administrative Law Section board strives to recruit members and board members from historically underrepresented backgrounds, LGBT attorneys, young/new attorneys, and attorneys from all over the state. The section's diversity and outreach co-chairs are Alexis Hartwell-Gobeske and Robert Rhodes who have focused primarily on both creating awareness within the section leadership about bias, equality and equity while developing a mentorship program that is designed to provide guidance and support to new and underrepresented attorneys as they begin their practice in administrative law. Instead of working directly with minority bar associations, we are focused on developing a section that is inclusive and supportive of minorities in the practice area which we hope will foster a diverse population for the practice in the future.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The section is conscientious about ensuring that the board is composed to members who represent state agencies and members who typically practice against state agencies, to ensure a diversity of opinions and balance in programming/publications. The section also has a practice of hosting social receptions in coordination with mini-CLEs, so that members have the opportunity to network and meet socially while learning about the section. In December 2015, the section produced a mini-CLE on professionalism presented by a representative of Robert's Fund, an organization devoted to professionalism in the practice of law. The section remains committed to professionalism. The section leaders have noticed that some of the most engaging and useful conversations about the section and the profession happen during these informal gatherings, likely improving civil and professional relationships among practitioners.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

We try to recruit attorneys for the section board and committees who have been practicing for a broad range of years, including attorneys who are planning for retirement and attorneys who have just begun their careers. We encourage all board and committee members—including new attorneys—to serve in all leadership positions, including as section officers and committee chairs. Our Young Lawyer Liaison is a voting member of the executive committee, and past Young Lawyer Liaisons have gone on to other leadership roles, including President.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- Quality of WSBA staff support/services provided to Section Executive Committee

- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We regularly communicate with our section liaison, Eleen Trang, who responds quickly and either has the information we need or can direct us to the person who can help. The quality of service has been great. We also interacted with WSBA staff regarding legislation that pertains to administrative law. Tim Richards was of tremendous help in planning the full day PRA CLE (before it was cancelled due to COVID). Due to the pandemic, we've switched mostly to mini-CLEs and Devorah Signer-Hill is an extremely valued partner in planning and putting on the mini-CLEs. Additionally, we enjoyed working with Bryn Peterson, our previous BOG liaison and we're excited to work more with our current BOG liaison Brett Purtzer in the rest of 2020 and into 2021.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>Alternative Dispute Resolution</i>	
Chair:	<i>Joanna Roth, outgoing chair/Mel Simburg, incoming chair</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	328
	Staff Lead:	Eleen Trang
	BOG Liaison:	Brett Purtzer
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$11,483.94
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$ (411.55) Negative expenses due to the section receiving a credit for a deposit that was accounted for in FY2019.
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	<p>The Alternative Dispute Resolution Section of the Washington State Bar Association promotes the informed use and best practices of alternative dispute resolution processes by:</p> <ul style="list-style-type: none"> • providing resources; • educating members of the bar and the public; and • addressing issues relating to the growth and development of alternative dispute resolution services in the State of Washington. 	
2020 Accomplishments and Work in Progress:	<p>The ADR Section leadership is at the forefront of developments in Online Dispute Resolution (ODR) generally, and specifically in its application to family, workplace, and real estate conflict. With the advent of Covid-19, we were called upon to help WSBA membership adapt to the realities of virtual practice.</p> <p>Through a series of well-attended workshops, we helped attendees get comfortable using Zoom and related</p>	

videoconferencing tools, with a focus on navigating confidentiality and ethics issues that arise in online practice. As more trainings became available through third parties, we shifted to providing regular, free online best practices forums in which attendees share experiences and improvised solutions to unexpected calamities, both technological and technically in terms of procedures and documents tailored for online practice. Drawing on relationships with legal and dispute resolution organizations in British Columbia and California, WSBA members now can access free online best practices forums every month.

We also collaborated with the Real Property and Probate Section in making presentations on the residential and commercial eviction moratoria. These events were well attended and received. They were done on short notice and connected members our respective sections in new ways. The lively knowledge share has been rewarding and of significant value to practitioners and their clients during the pandemic crisis.

These events came to the attention of the WSBA CLE team, who (again on very short notice) asked us to develop a Legal Lunchbox program tying the themes of ODR, the pandemic, and the future of the legal profession. On June 30, an extraordinary panel of thought leaders and program managers spoke to those issues. The CLE team reported that this event may have set a record for attendance, with advance registration exceeding 2,000 WSBA members. The program is now available as a webinar through WSBA.

We also continued efforts that began in 2017 to promote interdisciplinary, ODR-driven innovation in eviction and homelessness prevention. Our committee’s experience in this area is well known, yet our efforts to foster dialogue with the courts and other key stakeholders have been blocked, to the detriment of the community and our membership. We need help from WSBA leadership to make our experience available in these critical times.

This fall we sent a survey to our Section membership and we are prioritizing 2021 actions based on the survey results.

Please quantify your section’s current member benefits: <i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, 	Quantity	Member Benefit
		Scholarships, donations, grants awarded (\$ amount)
		Law school outreach events/benefits hosted
	2	Legislative bills reviewed/drafted
		Newsletters/publications produced

<i>donations, grants awarded;</i> <ul style="list-style-type: none"> • 4 mini-CLEs produced 	3	Mini-CLEs produced
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity
	2	Receptions/forums hosted or co-hosted
		Recognitions/Awards given
		New Lawyer Outreach events/benefits
		Other (please describe):
Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	Communicate with and address the interests of our Section members, including focused outreach beyond King-Pierce-Snohomish Counties.
	2	Improve the usefulness and use of our website and list-serve.
	3	Continue outreach to law schools and young lawyers. Consider mentoring programs, including peer mentoring. Look into collaborations with other Sections and Minority Bar Associations.
	4	Monitor and actively contribute to legislation and potential legislation regarding ADR and early dispute resolution.
	5	Plan CLE programs that fit our members preferences. Collaborate regionally on ADR programs. Restart the Northwest Dispute Resolution Conference in a way that works with current online and remote practices.
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p>Our executive committee has increased membership outside King county, aided by our practice of conducting all business virtually. We are interested in coordinating with the Diversity Specialist as we consider how to increase other measures of diversity in member engagement.</p>		
<p>Please report how this section is addressing professionalism: (Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)</p>		

Professionalism is a foundational notion in all our activities.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

Our intentions to coordinate with law schools were disrupted by the pandemic, and we anticipate resuming those efforts in the coming section year. We are engaged in a long-term effort to provide mediation training and curriculum with Gonzaga Law School. We have consistently participated in open sections night, and intend to participate if that event resumes.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We felt compelled to provide rapid programming and content to members in the pandemic, and were often unable to qualify for CLE credits, in part due to the quick turnaround times. We wonder if the complete transition to a virtual learning environment can result in reduced prices per credit. Alternatively, a greater array of options for CLE credits would be helpful, as we are likely to continue to respond to rapid changes with programming.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>Animal Law Section</i>	
Chair:	<i>Gemma Zanowski</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	94
	Staff Lead:	Eleen Trang
	BOG Liaison:	Lauren Boyd
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$2,603.22
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$750.70
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	The purpose of the Section shall be to seek the participation of all interested members of the Bar and other interested non-Bar members, to increase connection to issues relevant to animals and the human-animal interrelationship.	
2020 Accomplishments and Work in Progress:	<p>We were relatively inactive in 2020, given the pandemic.</p> <p>We are looking forward to a 2021 where we can network with peers nationally, coordinate the Animal Law Summit, and continue our work on a joint CLE with bordering states' animal law sections.</p>	
	Quantity	Member Benefit

<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 		Scholarships, donations, grants awarded (\$ amount)
		Law school outreach events/benefits hosted
	5-10	Legislative bills reviewed/drafted
		Newsletters/publications produced
		Mini-CLEs produced
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity
		Receptions/forums hosted or co-hosted
		Recognitions/Awards given
		New Lawyer Outreach events/benefits
		Other (please describe):
<p>Looking Ahead: Goals & Priorities for 2021 (Top 5)</p>	1	Plan and hold 2 mini CLEs on timely animal law topics
	2	Plan, coordinate and participate in the next Animal Law Summit
	3	Recruit new members and leadership with diversity a priority
	4	Increase interaction and involvement on listserv
	5	Investigate prospect of law school events/partnerships
<p>Please report how this section is addressing diversity:</p> <p>(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p>We have not used any tools provided by the WSBA and are still unaware of what those tools are. We would be interested in learning about these tools and what the Diversity Specialist can help us with. We do not know how to contact these people. We are always interested in increasing diversity of our section and board leadership. We are a small section and historically do not generate a large pool of candidates for board membership. We are interested in working with the law schools to explore and encourage diversity, particularly as law school demographics shift. Animal law is an emerging area of legal practice that typically attracts younger lawyers/law students.</p>		

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

Our section is small, many of the members close, and professionalism has never been an issue within the section. Any inappropriate or disrespectful listserv or email content would be promptly deleted, and any serious lack of professionalism reported to the WSBA.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

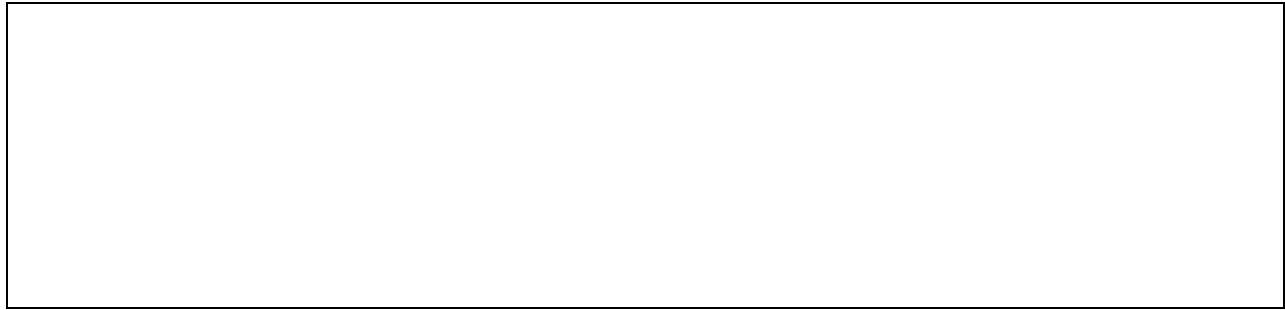
Animal law is an emerging practice area that attracts young lawyers, both for pro bono and other opportunities. We often work with law and undergraduate students on animal-law related projects. We are interested in law school outreach. We also historically have offered scholarship to attend out mini CLEs or animal law summit.

Please describe your Executive Committee’s relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We have minimal relationship. See our 2018/2019 report. Same issues as always and no real response from WSBA. We mostly hear from you when our annual report is due.



Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	Antitrust, Consumer Protection, & Unfair Business Practices	
Chair:	Eric Weiss and Danica Noble	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	202
	Staff Lead:	Eleen Trang
	FY21 BOG Liaison:	Tom McBride
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$5,634.07
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$2,191.21
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	To encourage interest, quality, and comradery in the practice of antitrust, consumer protection, and unfair business practices law in the State of Washington.	
2020 Accomplishments and Work in Progress:	<p>Our Section has had three major accomplishments in 2020.</p> <p>First, we continue to produce mini-CLEs on varied topics with guest speakers and member-produced content. This year's mini-CLEs included: Hear from the Enforcers (FTC and WA AG's Office); Modern Mentoring: Unlocking Value for Everyone; and Meet the Directors of the Federal Trade Commission's Bureau of Competition. We are planning a mini-CLE for February on Telling the Future: Antitrust and the New Administration.</p> <p>Second, the section hosted its annual Antitrust Law Day in coordination with Seattle University and University of Washington</p>	

law schools. Like past years, the event was well-attended, even as a virtual event.

Third, one of our executive members published a [post](#) in the WSBA’s blog The Side Bar introducing a new consumer fraud reporting tool used to identify enforcement and education opportunities by many law enforcement agencies.

Finally, the Section awarded five \$500 grants. The grants were awarded to students from Washington’s three law schools. To apply, students submitted a brief essay describing why the practice of antitrust or, alternatively, the practice of consumer protection law is important. A trio of law professors selected the winners for each essay topic for each school. The Section intends to publish the winning essays in a newsletter to the Section.

We hope to make this an annual Section activity and are in the progress of designing the process for year 2 of the grant program.

<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$2500	Scholarships, donations, grants awarded (\$ amount)
	1-2	Law school outreach events/benefits hosted
		Legislative bills reviewed/drafted
	1	Newsletters/publications produced
	3	Mini-CLEs produced
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity
	1	Receptions/forums hosted or co-hosted
	5	Recognitions/Awards given
	1	New Lawyer Outreach events/benefits
		Other (please describe):

Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	To standardize our grant program offered to students at law schools in Washington interested in antitrust and consumer protection law.
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	2	Continue to produce and deliver quality continuing legal education.
	3	Improve our Section communication and offerings in a more virtual environment.
	4	Increase the diversity of representatives on the executive committee and in leadership.
	5	Recruit new members.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

In February, we hosted a mini-CLE on working with and mentoring (both formally and informally) law students and young lawyers in the antitrust and consumer protection world. The CLE was followed by a networking event. Prior to putting this together, two section executive committee members attended a diversity and inclusion program for legal intern supervisors at the University of Washington. We incorporated best practices learned at that program into the CLE. We consulted EEOC representatives for input and suggestions on the program.

In addition, the executive committee regularly welcomes visitors to its meetings, and the executive committee is given opportunities to add to the agenda before the meetings, during the meetings, and after the meetings. Contributions are widely solicited.

Finally, to promote interest in our section and in antitrust and consumer protection generally, we have long-standing events at law schools that expose students to these practice areas and make practitioners available for questions. Our executive committee members also meet with interested students and legal professionals who want to learn more about antitrust and consumer protection.

We would be happy to learn how the Diversity Specialist could assist in our efforts.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The Section offers networking opportunities. We also encourage our members to propose ideas for CLEs or events that are meaningful to them and always aim to host one ethics-themed CLE each year. We co-sponsor events with other sections and invite a range of speakers. Finally, our executive committee members serve as volunteer judges on the moot court/mock trials at local law schools.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

We always try to recruit a young lawyer liaison and engage them in our process with meaningful work and opportunities to develop programs in which they are interested. Our new young lawyer liaison, Paula, is very engaged and has many ideas for how to increase engagement of other young lawyers. In addition, our newest executive committee members include young lawyers. Our Section has also been a part of Antitrust Day for more than a decade. This event brings practitioners of competition law in front of law students at Seattle University and University of Washington. Finally, in the past we have hosted a pizza reception and networking event following our Consumer Protection Law Half –Day at Perkins Coie with participation with many law students as well and we hope to reintroduce that practice when health and safety permit.

Please describe your Executive Committee’s relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

Our WSBA staff liaison Eleen Trang and other WSBA representatives have been responsive and helpful. Our interactions with the BOG have been minimal.

The Section continues to believe that WSBA staff could improve attendance at mini-CLEs or other programming by providing reminders (automated or otherwise) to those who have registered 24-48 hours before the event. Another idea is sending registration confirmations as calendar invites.



Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	Business Law Section	
Chair:	Jason J. Cruz	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	1,256
	Staff Lead:	Eleen Trang
	BOG Liaison:	Bryn Peterson
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$32,327.72
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$6,739.28
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	<p>The purpose of the Section is to benefit the members of the Section and their clients: (a) by encouraging research and study, and the development of best practices, in the area of business law in the State of Washington, and sharing these efforts through continuing legal education where possible and appropriate; (b) by participating in the development of state legislation and regulations in order to improve and facilitate the administration of justice in the area of business law; and (c) by undertaking such other services relating to the area of business law as may be of benefit to members of the Section, members of the Bar, and the greater public.</p>	
2020 Accomplishments and Work in Progress:	<p><u>Legislation.</u> This year, the Business Law Section continued its tradition of strong legislative involvement, with the active review of dozens of proposed bills through the legislative session. Significant projects included assisting with the drafting and development of Senate Bill 6037, which was signed into law by Governor Jay Inslee. The law amended the Washington Business Corporation Act ("WBCA") with respect to corporate board gender diversity and made certain other</p>	

updates and conforming changes. Additionally, the Section has proposed legislation that would update various provisions of the LLC Act, the Uniform Limited Partnership Act, and the WBCA. Finally, in response to ongoing legislative efforts in Washington to establish statutory wage liens, the Section has formed a working group to help the bill sponsors address concerns raised by the Uniform Commercial Code Committee.

Publications. One of our most significant projects, the *Amended and Restated Report on Third Party Legal Opinion Practice in the State of Washington*, was approved by the Board of Governors of the WSBA at its November 2019 meeting. The report has been made available on the Section’s website, as well as in national legal opinions databases and compilations.

Programming. Although the pandemic has made programming difficult, the Section nonetheless sponsored the Northwest Securities Institute—one of the Section’s two perennial programs for the securities-focused legal community.

Bylaws and Structure. There were no major changes to the Bylaws and Structure of the Section this year.

<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
		Scholarships, donations, grants awarded (\$ amount)
		Law school outreach events/benefits hosted
	Approx. 25 this year	Legislative bills reviewed/drafted
	2 per year	Newsletters/publications produced
		Mini-CLEs produced
	1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity
		Receptions/forums hosted or co-hosted

		Recognitions/Awards given
		New Lawyer Outreach events/benefits
		Other (please describe):
Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	Continue the Section’s strong tradition of legislative participation.
	2	Survey our members to determine whether, how, and to what extent we should proceed with virtual programming initiatives during the pandemic.
	3	When public health orders and public safety allow for large gatherings, continue to improve upon the programming initiatives from recent years, including the new format of the mid-year meeting and collaborative programming with the Corporate Counsel Section ²
	4	Continue the publication of our semi-annual newsletter and improve the content and member benefits on our WSBA-hosted website.
	5	Actively recruit more members to participate in the Section.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

Even as compared to other segments of the legal profession, the business law bar is historically lacking in diversity. The Section has tried to be cognizant of this in the constitution of our executive committee. This year, we are thrilled to report that women and racial and ethnic minorities currently represent almost 50% of our executive committee. We continue to actively solicit minority bar associations for their involvement within the Business Law Section. We have also sought out opportunities to participate in business law-tailored events in the community that focus on the inclusion and participation of underrepresented segments of the business law bar. For example, the Section has sponsored events in the past through the McMahon Fund that serve the dual purpose of addressing business issues and targeting underrepresented groups. As a Section, we continue to look for opportunities of this sort.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The Section seeks to promote professionalism among our members by helping to build and foster personal relationships among business attorneys across the state and by providing a forum for

the discussion and exchange of ideas leading to the improvement of the laws relating to these areas of law.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The Section has a policy drafted into its bylaws of including a Young Lawyer Liaison in our executive committee as a full voting member. Historically, we have attended and participated in Open Sections nights to try to promote business law among new/young lawyers. Further, we have co-sponsored and participated in specific CLEs coordinated by the young lawyers' group that focus on business law issues in the practices of more junior lawyers. Finally, we are in the process of forming a new Young Business Lawyers Committee, which will work with the Executive Committee to recruit young lawyers to the Section. We firmly understand that the long-term health of our Section is dependent on succession planning and outreach to new and young lawyers.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We believe the Section's relationship with the WSBA staff and governors has been fruitful. The WSBA staff has always been willing to help. We appreciate the lengths to which the WSBA staff always goes to acknowledge the contributions of the section leaders, we appreciate the WSBA leadership's willingness to consider questions of section support and autonomy, and we appreciate the WSBA's willingness to revisit the financial terms of CLE programming.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>Cannabis Law Section</i>	
Chair:	<i>Sativa Rasmussen</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	112
	Staff Lead:	Eleen Trang
	BOG Liaison:	Brett Purtzer
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$2,653.43
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$12
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	<p><i>The purposes of the Section shall be to:</i></p> <ul style="list-style-type: none"> <i>A. provide continuing legal and other education for its members in areas of common interest to legal professionals interested in cannabis law;</i> <i>B. provide opportunities for Section members to become better acquainted with other legal professionals with similar interests;</i> <i>C. provide services including education and networking for students interested in one of the fastest growing new practices of law;</i> <i>D. provide a forum for the exchange of ideas and discussion about issues of common interest to Section members;</i> <i>E. provide advice to the Bar, as requested , on proposed legislation, court rules, and other matters;</i> <i>F. provide resources and education to legislators and regulators;</i> <i>and</i> <i>G. undertake such other services that may be of benefit to the public and the Bar.</i> 	
2020 Accomplishments and Work in Progress:	<i>In 2020, the Section has focused on growing our membership as well as being resource for our current members. We held a well-attended virtual mini-CLE on topics and trends in Cannabis Law throughout the US, and</i>	

	<i>published two newsletters for our members. We are also building out our repository of resources on our Section page to better serve our members.</i>	
Please quantify your section's current member benefits: <i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
		Scholarships, donations, grants awarded (\$ amount)
		Law school outreach events/benefits hosted
		Legislative bills reviewed/drafted
	2	Newsletters/publications produced
	1	Mini-CLEs produced
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity
		Receptions/forums hosted or co-hosted
		Recognitions/Awards given
		New Lawyer Outreach events/benefits
		Other (please describe):
Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	<i>Increase Membership and Awareness</i>
	2	<i>Education (Mini-CLEs, half and full day CLEs, publications, etc.)</i>
	3	<i>Enhancing Collegiality with Other Sections</i>
	4	<i>Recruit New, Diverse Members to the Executive Committee and the Section</i>
	5	<i>Increase Engagement of Current Members</i>
Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?) <i>The Section has and continues to engage lawyers from diverse backgrounds. We are proud to have several members of the Executive Committee who are women, people of color and under the age of thirty/over the age of 60. This diversity of opinions and viewpoints helps contribute to better decision-</i>		

making and a culture of inclusion. Additionally, one of our goals for the coming year is to continue to increase diversity on the Committee and within the Section in an effort to make both as representative of the legal professions as possible.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The Section is conscientious about developing an understanding among its members that the practice of Cannabis Law, being largely agency regulated, requires it members to work in conjunction with these agencies for the benefit of its clients, and that the legal profession as a whole will benefit from increased positive relations with the staff of these agencies. We will also seek to engage more thoroughly with ALJ and administrative attorneys who represent these agencies, through networking events that promote engaging and useful conversations about both the Section and the profession.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The Section's annual meeting and networking event provides new and young lawyers an opportunity to meet and network with experienced attorneys in the field. Additionally, two of the members of the Section's Executive Committee are under the age of thirty, which helps to ensure that new and young lawyers have a voice in the overall decision-making process of the Section.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

So far, we have had tremendous support from the WSBA and specifically our Section Liaison, Eleen Trang, as we attempt to bring this fledgling section to a fully functioning section that is representative of the WSBA.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	Civil Rights Law Section	
Chair:	Tobin S. Klusty, Chair (2020/2021); Molly Matter, Past Chair (2019/2020)	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	170
	Staff Lead:	Eleen Trang
	BOG Liaison:	TBD, At-Large Governor
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$6,701.72
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$3,904.83
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	The mission of the Civil Rights Law Section (CRLS) is to educate and advocate for civil liberties and equal rights in the context of the legal issues of Washington State residents. The Section focuses on civil rights issues including forms of racial, ethnic, religious, gender, national origin and sexual-orientation discrimination, and persons with mental or physical disabilities, the socio-economically marginalized, and those experiencing homelessness. The section also focuses on issues involving civil liberties including freedom of speech, freedom from state-promulgated religion, and privacy rights.	
2020 Accomplishments and Work in Progress:	<ul style="list-style-type: none"> • Mini CLE: Evaluating and Proving Damages in Discrimination Cases 6-18-2020 (2 credits) • The Section monitored 36 bills related to civil rights and publicly supported four of those bills, which included: <ul style="list-style-type: none"> ○ <u>HB 2793</u> – a bill to establish new procedures to vacate conviction records, which more fully restores the rights of formerly convicted persons. The bill 	

	<p>passed, but was vetoed by the governor due to revenue and cost concerns related to the COVID-19 pandemic.</p> <ul style="list-style-type: none"> ○ <u>HB 2567</u> – a bill to provide for courthouse security, which has the effect of protecting the rights of individuals to access the courts and to come to court as witnesses or parties, with less fear of being arrested by federal immigration officers. The bill passed and was signed by the governor. ○ <u>HB 2576</u> – a bill to prohibit the contracting of private detention centers. The bill passed and was signed by the governor. ○ <u>SB 5165</u> – a bill to amend RCW 49.60 to add immigration status as a protected class. The bill passed and was enacted in 2020. <ul style="list-style-type: none"> • The Section drafted and published a letter supporting Black Lives Matter and condemning systemic racism against BIPOC (Black, Indigenous, People of Color) residents. Additionally, the Section’s Executive Committee undertook several actions to work against systemic racism in the legal community. • The Section published a Newsletter, which highlighted the Section’s legislative efforts and provided an in-depth analysis of qualified immunity. • Recognizing the need for leaders to reflect upon internal biases to better understand and dismantle systemic racism, members of the Executive Committee engaged in implicit bias and racial equity training with JustLead at the Section’s annual retreat. • The Section met with students of color in Seattle high schools and law schools and recruited interested students to attend the Annual Dr. Martin Luther King Jr. KCBA Luncheon celebration. At the luncheon, the Section connected students with Supreme Court Justices and other legal professionals. • In response to the WSBA Board of Governors’ proposed change to WSBA mission statement, the Section drafted a statement in opposition because it prioritized the legal profession over the community in the wake of several national crises, including police brutality against Black and Brown residents. The proposed change was indefinitely tabled. • The Section hosted a 2019/2020 awards ceremony honoring activists and legal professionals who championed the cause
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	<p>of equality for impoverished, under-served, minority or disabled populations in Washington state.</p> <ul style="list-style-type: none"> • After a WSBA Board of Governors meeting where many problematic statements were made highlighting systemic racism within the WSBA, the Section issued several statements condemning systemic racism within the WSBA and supporting many Minority Bar Associations’ efforts to eradicate this entrenched racism. • The Section offered career advice and discussed civil rights issues with law students at the Gonzaga’s Virtual Section Outreach Event. • At the conclusion of the 2020 presidential election, the Section offered an informal virtual forum to members to discuss how the election may affect civil rights and liberties for generations to come. • Many members of the Section’s Executive Committee offered information to Section members via the listserve for various topics, including, but not limited to: <ul style="list-style-type: none"> ○ volunteer opportunities to protect the right to vote during the presidential election; ○ ways to support the Black Lives Matter movement; ○ current events within the WSBA Board of Governors; ○ civil rights legislative updates; and ○ tools to address mental health. • The Section worked diligently to offer services to members during the COVID-19 pandemic, which included holding virtual Executive Committee meetings and providing information about pandemic relief. • The Section developed a Legislative Research Committee within the Section to effectively monitor civil rights related legislation and provide updates to members.
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<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; 	Quantity	Member Benefit
	4 (\$200)	Scholarships, donations, grants awarded (\$ amount)
	1	Law school outreach events/benefits hosted
	36	Legislative bills reviewed/drafted
	1	Newsletters/publications produced
	1	Mini-CLEs produced

<ul style="list-style-type: none"> 4 mini-CLEs produced 		Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity
	2	Receptions/forums hosted or co-hosted
	5	Recognitions/Awards given
		New Lawyer Outreach events/benefits
		Other (please describe):
Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	Continue holding the WSBA accountable for systemic racism and push for civil rights, equity, diversity and inclusion to the BOG and within WSBA.
	2	Offer and promote more CLEs addressing policies and practices that enforce civil rights protections, including systemic changes that recognize <u>Black Lives Matter</u>.
	3	Grow our membership and increase networking opportunities so that we can connect with other advocates in the community dedicated to the same mission. Pursuing these goals, the Section will be cognizant of the current public health crisis and use methods that will allow us to learn and connect in a healthy and safe manner.
	4	Follow and support legislation that leads to the end of mass incarceration.
	5	Educate our membership on local and national civil rights matters via newsletters, listserv, and volunteer opportunities.
<p>Please report how this section is addressing diversity: <small>(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</small></p> <p>Our Section is dedicated to enhancing diversity amongst ourselves and the WSBA as a whole. Like last year, our Section arranged for JustLead trainers to instruct Executive Committee members at our upcoming annual retreat on mindfulness techniques necessary to build racial equity awareness and promote selfcare. We included this training at our annual retreat, an event where the Executive Committee discusses goals and plans events for the Section during upcoming year, to start the year with better tools to achieve our primary goal - hold the WSBA accountable for systemic racism and push for civil rights, equity, diversity and inclusion to the BOG and within</p>		

WSBA.

Our Section is also committed to the Washington Race Equity & Justice Initiative, which is an effort to “coordinate and grow a sustainable statewide community of legal and justice system partners in Washington State who can more effectively and collaboratively work toward eradicating racially biased policies, practices, and systems.” We are currently working together with other sections and advocates in line with this commitment.

Recently, we issued several statements supporting Minority Bar Associations’ (MBAs) efforts to eradicate systemic racism after a WSBA Board of Governors meeting where many problematic statements were made highlighting systemic racism within the WSBA. Our Executive Committee promised our members that we will work together with the MBAs towards this goal. Similarly, we strongly encouraged Section members to apply to the WSBA’s At-Large BOG position with the aim to enhance diversity within the BOG. The final candidates for the position include multiple Section members.

Notably, our Executive Committee contains many leaders who are women, people of color, and lawyers with diverse economic and cultural backgrounds. Before taking action, we utilize the diversity of our Executive Committee to carefully consider whether the action is culturally competent and promotes our goals.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

Our Section is addressing professionalism as we push for civil rights, equity, diversity, and inclusion to the BOG and within WSBA. Civil rights, equity, and diversity all share a core element with professionalism: empathy. Empathy drives understanding and willingness to listen. If we listen or seek to understand before we make rash assumptions about someone different than us, we will be become more civil and professional as we practice law.

During our training at the annual retreat, the Executive Committee will be learning methods that will help us enhance our empathy and address the root causes of unprofessionalism.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The current and immediate past chairs are both young lawyers. Several other members of our Executive Committee are also young lawyers, including the Secretary and the Young Lawyer Liaison. The Young Lawyer Liaison is position created last year. All of these young lawyers are voting members on the Executive Committee. We also provide career assistance and network with young lawyers and law students, including recently at Gonzaga’s Virtual Section Outreach Event.

Please describe your Executive Committee’s relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*

- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We continue to be highly appreciative of the support we have received from the WSBA, especially from our previous liaison Eleen Trang. She has helped guide us through a year plagued with multiple pandemics. She also reminds us about key deadlines and is always available for questions about WSBA procedure.

We are also very grateful to have had Alec Stephens as our BOG liaison. Alec is a pioneer for civil rights that we all look up to. He has a wealth of knowledge about the WSBA and civil rights that enhanced the services we were able to provide to our members. He is also selfless – he uses his experience to better the community he serves and empower the members of CRLS to be zealous advocates for justice and equity. We cannot thank him enough.

With our mission above, our Section will continue holding conversations with WSBA General Counsel regarding GR-12. It has been difficult for the Section to advocate for civil rights when the WSBA BOG has deemed many civil rights issues as “political.” We will continue to advocate that civil rights are not "political" issues, but are fundamental constitutional legal rights that affect access to the administration of justice. We hope to further this conversation during the upcoming year.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section’s webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>Construction Law Section</i>	
Chair:	<i>Brett M. Hill</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	519
	Staff Lead:	Eleen Trang
	BOG Liaison:	Bryn Peterson
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$24,463.38
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$18,418.04
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	See Bylaws.	
2020 Accomplishments and Work in Progress:	<p>Though the Pandemic caused much unforeseen circumstances, we came together and made the best of it, virtually.</p> <p>WINTER FORUM The Construction Law Section continued the annual dinner at Cutters Crabhouse which never disappoints. Presenting the ethics of negotiation and offering 1.0 Ethics Credit – Professor John Strait, Professor of Law at Seattle University. Providing an overview of the Rules of Professional Conduct, he touched base with hypothetical scenarios, real life situations, and interesting questions including solutions in combatting these events.</p> <p>MID-YEAR CLE WSBA Construction Law Section partnered up with Stoel Rives LLP for this all day program with 80+ participants, our presenters covered a plethora of topics from Aspects of Design-Build,</p>	

comparisons with GC/CM Contracting, Partnerships, Construction Law Updates, and additionally Corona Virus impacts on the Construction Industry, litigation, and legislation. This Webinar offered 6 CLE credits in Law & Legal Procedure and 1.0 Ethics Credit. After the presentation there was a virtual happy hour that was attended by participants.

WRITING COMPETITION

Question: *Does the Sub have a supportable claim of lien on the project? Why or why not? In your answer, discuss the enforceability of “pay if paid” clauses in Washington. Also, when discussing potential defenses to the Sub's lien claim, be clear to differentiate between the Owner's and the Prime's potential defenses.*

Exciting competition, as our members came together once again to promote yet another writing competition. Students were given not only the opportunity to compete for 1st and 2nd place prizes, but the opportunity to practice their argumentative skills, explore, research, and analyze – skills notably displayed in their written submittals. Winning submission were featured in the Section’s Newsletter.

ROADTRIP CLE

Our Section and Clark County Bar Association joined together to present a CLE via Zoom on August 28, 2020 – Practicing on the Border: Construction Law in Washington and Oregon. Attorneys from both sides, the Honorable Greg Gonzales of Clark County Superior Court, and the Honorable Stephen Bushong of Multnomah County Circuit Court joined together to provide knowledge on the many differences that come into practicing construction law along the border. The CLE provided 6.5 credits.

<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	2	Scholarships, donations, grants awarded (\$ amount)
	1	Law school outreach events/benefits hosted
		Legislative bills reviewed/drafted
	2	Newsletters/publications produced
	1	Mini-CLEs produced
	1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity

	1	Receptions/forums hosted or co-hosted
	4	Recognitions/Awards given
		New Lawyer Outreach events/benefits
	5	Other (please describe): Model contracts offered on the Members page
Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	Fostering Emerging Leaders. This year brings a number of new faces on the Executive Council and that is exciting. One of the section’s goals is to embrace new leaders from among the Construction Law Section members by inviting new speakers at CLEs and delegating many of the administrative responsibilities to new members of the executive council.
	2	Better Outreach. The Section’s newsletter is an important means of keeping Section Members informed of developments in our practice area. Reaching out in new ways to the diverse attorneys and areas of practice around the state remains an important goal.
	3	Enhancing Collegiality Among Construction Lawyers. One of the Section’s goals is to offer Washington’s construction lawyers an opportunity to engage in non-adversarial ways with other construction lawyers with the goal of elevating the entire practice.
	4	New Members and Young Lawyer Engagement. One of the Section’s goals embraces new and young lawyers. We have a WSBA Young Lawyer Liaison and an award we offer to law students to encourage participation in the Section. We also (during non-pandemic times) have a happy hour after our CLE where we invite law students to mingle with Section Members – an event that has resulted in jobs and mentors for prospective lawyers.
	5	Embracing Technology. One of the Section’s goals is to embrace new technologies and ways of communicating with our Section Members to enhance engagement. We continue to update our Section website to provide benefits to Section Members and examples include our model jury instructions, residential contract forms and Deskbook.
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p>		

The Construction Law Section has and continues to engage lawyers from a diverse background. WE are proud to have several members of the executive council who are women, people of color and under the age of forty/over the age of 60. This continues to the better decision-making and a culture of inclusion. We continue our outreach efforts to law students by offering scholarships to writing competition candidates and inviting law students to participate in our Mid-Year CLE and attend the post CLE happy where the can attend and find mentors or possible employment. This year we discounted our Mid-Year CLE price for new lawyers, government lawyers, and small firms to \$95 for Section Members and \$110 for Non-section Members.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

Our young lawyer liaison is William Young, who is a regular participant in Council meetings, is very involved in Section events. As stated above, the Section reaches out to law student through the scholarship program for writing competition winners and our Mid-Year CLE where we invite law students to attend and participate in the post CLE happy hour.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

Eleen Trang is very involved, supportive, attends the Section council meetings and is a great member of our team. We had limited involvement from the assigned BOG liaison.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>Corporate Counsel Section</i>	
Chair	<i>Scott Schrum</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	1,107
	Staff Lead:	Eleen Trang
	BOG Liaison:	Matthew Dresden
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$30,757.03
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$10,669.85
Purpose: <i>(Usually stated in the Section's Bylaws)</i>		
2020 Accomplishments and Work in Progress:	Provided CLE zoom events in the wake of the pandemic shelter in place mandates.	
Please quantify your section's current member benefits:	Quantity	Member Benefit
	\$5,000	Scholarships, donations, grants awarded (\$ amount)
	2	Law school outreach events/benefits hosted

<p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 		Legislative bills reviewed/drafted
		Newsletters/publications produced
	3	Mini-CLEs produced
	1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity
	1	Receptions/forums hosted or co-hosted
		Recognitions/Awards given
	1	New Lawyer Outreach events/benefits
		Other (please describe):
<p>Looking Ahead: Goals & Priorities for 2021 (Top 5)</p>	1	Racial equity and inclusion
	2	Broaden our member base.
	3	Collaboration and co-hosting with new organizations to provide interesting content to our members
	4	Continue to provide CLE content
	5	
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p>Talking about it, first and foremost. Actively seeking diverse members and providing them leadership roles and opportunities to make changes to the type of content we provide and how we message our content to our members.</p>		
<p>Please report how this section is addressing professionalism: (Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)</p>		

Providing CLEs on networking and how to find a dream job.

Host ethics institute on a lawyer's professional obligations and responsibilities.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

We have a wonderfully active young lawyer liaison who works with our executive committee to get law schools involved with our Section, and gets the word out about our events and opportunities to young lawyers and law students.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2020

Deadline: Friday, December 4, 2020

Email Annual Report to: sections@wsba.org

Name of the Section:	CREDITOR DEBTOR RIGHTS	
Chair:	William F. Malaier, Jr.	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 31, 2019)</i>	462
	Staff Lead:	Eleen Trang
	BOG Liaison:	Matthew Dresden
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$13,986.77
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$5,781.37
Purpose:	<p>Provide continuing legal education programs on topics of interest to the section membership with the purpose of devoting revenue generated from said programs to debt related legal clinics or debt related education organizations;</p> <p>Provide communication amongst members of the section;</p> <p>Review and comment on proposed creditor-debtor legislation.</p>	
2019 Accomplishments and Work in Progress:	<ol style="list-style-type: none"> 1) Provide grant funding of \$5,000.00 to various low income legal clinics across Washington; 2) Provide quality CLE programs, including co-sponsorship of the annual Northwest Bankruptcy Institute (NWBI); 3) Review and comment on proposed creditor-debtor related legislation referred to section executive committee by the WSBA lobbyist; 4) Publication of the section’s semi-annual newsletter; and 5) Maintain active discussions amongst section members via the section’s list serve. Expansion Proposal 	

<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$5,000	Scholarships, donations, grants awarded
	0	Law school outreach events/benefits hosted
	numerous	Legislative bills reviewed/drafted
	1	Newsletters produced
	0	Mini-CLEs produced
	2	Co-sponsored half/day to multi-day CLEs with WSBA
	0	Receptions/forums hosted
	0	Awards given
	1	New Lawyer Outreach events/benefits
0	Other (please describe):	
<p>2020 Goals & Priorities (Top 5)</p>	1	Continue high quality legal education seminar presentations, including co-sponsorship of Northwest Bankruptcy Institute (with Oregon State Bar).
	2	Continue grant programs that provide low income persons access to creditor debtor related legal assistance.
	3	Review and comment when appropriate on proposed creditor-debtor related legislation.
	4	Publication of semi-annual section newsletter.
	5	Improve and continue list serve discussions amongst section membership.
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p>		

The Creditor Debtor Section's Executive Committee is aware of the need to be inclusive in all our activities. We are inherently diverse in that some of us represent creditors, some of us represent debtors, and others represent both. As lawyers, our primary objective is to address the substantive areas of the law and substantive legal problems facing our clients. As lawyers, it is our nature to judge others on the basis of their behavior and not on their race, color, creed or other inappropriate criteria. What is more difficult to discern and avoid are the more subtle forms of discriminatory habits we have developed over our lives which can result in implicit bias. We strive to take positive steps to deal with those issues and the Section welcomes any member of the Bar that is interested in a substantive area of practice that we are involved with. We also strive to embrace the cultural differences that make interaction amongst us more interesting. The Section has not utilized the services of the WSBA Diversity Specialist and have not had any contact with or from that person. The Executive Committee continues to keep its focus on the issues of diversity and inclusion, together with the issue of avoiding inappropriate discrimination in our activities.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

Professionalism is an issue that is addressed regularly in the Continuing Legal Education seminars we sponsor and co-sponsor. Our efforts in this area are ongoing and will continue. It is apparent to most lawyers practicing in the creditor-debtor area that a high degree of professionalism is in their economic best interest as those practicing in this area will encounter other section members on a regular basis throughout the course of their practice.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The Executive Committee of the Section has historically included a liaison from YLD, and our EC nominating committee has made intentional efforts to recruit young lawyers (as well as those who are new to the practice of law) to run for executive office. These efforts have been successful to date, as evidenced by the fact that 2 members of the Executive Committee for FY 2021 qualify as young/new practitioners based on the criteria for membership in YLD. The Section's efforts in this respect are ongoing.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

- 1) The Section receives excellent support from the Bar staff.
- 2) Board of Governors: The Section has not been directly involved with the Board of Governors, but welcomes its relationship with our assigned BOG liaison.
- 3) Ideas: In light of the issues raised in connection with Sections workgroup during the past year, it is our hope that the BOG will include Section executive committee members in their efforts to address issues that arise and which affect the Sections. The Section members and their respective executive committees are some of the best supporters of the WSBA and should be viewed by the BOG and the WSBA staff as resources that benefit the WSBA as a whole.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE B A R A S S O C I A T I O N

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>Criminal Law</i>	
CHAIR	<i>JOSEPHINE C. TOWNSEND</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	382
	Staff Lead:	Eleen Trang
	BOG Liaison:	Lauren Boyd
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$11,500.22
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$9,550.44
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	<p>The purpose of the Section shall be to seek the participation of interested members of the Bar including prosecutors, defense counsel, law professors, and law enforcement professionals in order to benefit such members, their clients and the general public: a. By providing the opportunity and forum for the interchange of ideas in the areas of criminal law and procedure, including corrections, penology, juvenile offenses, and the criminal justice system generally. b. By initiating and implementing common projects. c. By review of pending legislation and development of proposed statutory enactments to improve and to facilitate the administration of justice within the Section's area of interest. d. By undertaking such other service as may be of benefit to the members, the legal profession and the public. In order to facilitate the purpose of this Section, participation in the Section by members of the Bar who are engaged in prosecution and defense shall be encouraged.</p>	
2020 Accomplishments and Work in Progress:	Free caselaw update provided to members	

	Criminal Justice Institute which is a two day CLE for members of the criminal law practitioners	
Please quantify your section's current member benefits: <i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	3000	Scholarships, donations, grants awarded (\$ amount)
	2	Law school outreach events/benefits hosted
	0	Legislative bills reviewed/drafted
	0	Newsletters/publications produced
	1	Mini-CLEs produced
	1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
	0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity
	0	Receptions/forums hosted or co-hosted
	1	Recognitions/Awards given
	0	New Lawyer Outreach events/benefits
	Other (please describe):	
Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	Outreach to law schools
	2	Web based training/CLE's
	3	2021 Criminal Justice Institute
	4	Criminal Caselaw Notebook updated and disseminated widely
	5	
Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)		

We maintain liaison with minority sections and groups within the WSBA and our membership is open to all practitioners interested in criminal law.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

Our section is the only section that is evenly represented by defense and prosecution. We have open dialogue on legislative issues, application of the law and procedure, provided even based training to all groups without any exclusion of any kind. We host retreats to discuss new ways to develop programs that will enhance confidence in the public and the judiciary

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

We have hosted luncheons and trainings at law schools to make our presence known. We interact with the young lawyers liaison and look forward to expanding our membership with young lawyers

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We have an excellent rapport with our liaisons.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>Elder Law Section</i>	
Chair:	<i>Miriam J. Ayoub</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	653
	Staff Lead:	Eleen Trang
	BOG Liaison:	Sunitha Anjilvel
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$23,201.16
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$16,401.43
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	<p><i>The purpose of the Section is to:</i></p> <p><i>Improve understanding by members of the Bar of the legal needs that are faced by older adults in the State of Washington, which are often different from and in addition to those faced by the population at large;</i></p> <p><i>Provide a cooperative structure through which members of the Bar who are interested in Elder Law issues can work together to better understand the issues in the field and effective problem-solving approaches;</i></p> <p><i>Assist the older adults of Washington State, and those who represent the elderly, to better understand how their legal needs can be met;</i></p> <p><i>Strengthen the ability by members of the Bar to more effectively identify the legal needs of the elderly. Provide information to and facilitate coordination with those agencies of government that provide services to the elderly in the State of Washington;</i></p>	

	<p><i>Act as a liaison between the Bar, its Board of Governors, and other organizations dedicated to serving the needs of the elderly;</i></p> <p><i>Provide a cooperative structure through which research and publications in the field of Elder Law can serve the needs of all members of the Section and Bar.</i></p> <p><i>Elder Law Section Bylaws 2.0</i></p>	
<p>2020 Accomplishments and Work in Progress:</p>	<p><i>The Elder Law Section continues to support a summer internship in Elder Law. The intern is selected each year on a rotating schedule from each of Washington State’s three law schools. The scholar is hosted at Northwest Justice Project, where the intern spends the summer serving low-income older adults on a pro bono bases. The internship is in honor of Peter Greenfield, who devoted his life to the service of seniors and critical legal and policy issues in the elder law field.</i></p> <p><i>The Elder Law Section raises funds for the summer internship in Elder Law by hosting an annual fundraiser. Due to the COVID-19 pandemic, the Section did not hold a fundraiser in 2020. Fortunately, the fundraiser has been so successful in the past that the Section has raised enough money for internships for the next two years. The Section hopes to host a fundraiser in 2021; however, this will be dependent on the state of the pandemic.</i></p> <p><i>In addition, the Section provides an annual donation (\$15,000) to the WSBA Legal Foundation of Washington to be used solely for the benefit of Northwest Justice Project (formerly this donation was made to Columbia Legal Services) for the production of Medicaid Bulletins.</i></p> <p><i>The Elder Law Section collaborates and shares legal information through its listserv. The listserv participants are very active and engaged and have created a community of practitioners across the state.</i></p> <p><i>The Executive Committee of the Elder Law Section continues to be highly engaged in the legislative process concerning elder law issues. The Executive Committee meets on a monthly basis with an annual all-day retreat. Meetings have continued virtually during the pandemic.</i></p>	
	<p>Quantity</p>	<p>Member Benefit</p>
	<p>\$15,000+</p>	<p>Scholarships, donations, grants awarded (\$ amount)</p>

<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Unknown at this time *dependent on covid*	Law school outreach events/benefits hosted
	Many	Legislative bills reviewed/drafted
	0	Newsletters/publications produced
	0	Mini-CLEs produced
	2	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
	0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity
	Unknown at this time *dependent on covid*	Receptions/forums hosted or co-hosted
	0	Recognitions/Awards given
	Unknown at this time *dependent on covid*	New Lawyer Outreach events/benefits
		Other (please describe):
<p>Looking Ahead: Goals & Priorities for 2021 (Top 5)</p>	1	<i>Continue to monitor legislation affecting elder law.</i>
	2	<i>Co-sponsor two one-day CLE programs with the WSBA.</i>
	3	<i>Continue to promote and support the Peter Greenfield Internship program with Columbia Legal Services and the state's three law schools.</i>
	4	<i>Continue to support members through list serve and website updates.</i>

	5	<i>Provide social, mentoring and networking opportunities for members.</i>
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Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The Section is working with the WSBA and internally to increase diversity on the Executive Committee, within the Elder Law Section, and at the CLEs we co-sponsor.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The Elder Law Section prides itself on its collegiality among members. Our section continues to encourage civility, collegiality, and professionalism. Our section has an active listserv where participants treat each other with respect and civility and generally cultivate a culture of collaboration. In addition, the Section’s legislative engagement and CLE programs promote and improve relationships between and among lawyers, legislators, judges, professors and others in the community.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

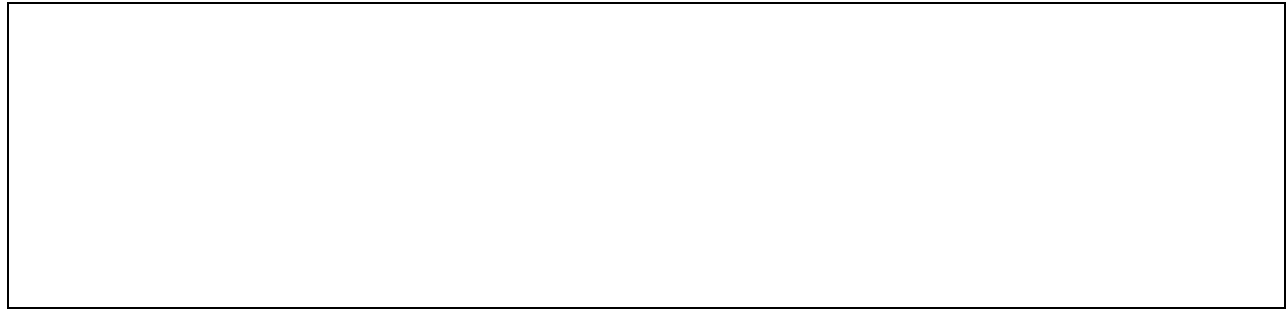
The Elder Law Section has a Mentorship and Outreach committee that is tasked with reaching out to new and young lawyers. In the past, our Section hosted numerous events that included mentorship opportunities for new and young lawyers. The Section plans to continue to host events that benefit new and young attorneys once it is safe to do so. Further, the Elder Law Section has a Young Lawyer Liaison who is involved in all of the Executive Committees communications and meetings. Finally, the Section sponsors a summer intern in Elder Law every year with the goal of encouraging new lawyers interested in the field to make connections and gain experience.

Please describe your Executive Committee’s relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

The Elder Law Section has a fantastic working relationship with the WSBA and its staff. We are very fortunate to work with Eleen Trang, who is an incredibly helpful and responsive resource to our Section. Through our annual fundraiser, we have also worked with Laura Sanford at the Law Foundation who goes above and beyond to ensure that our event runs smoothly.



Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE B A R A S S O C I A T I O N

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>Environmental and Land Use Law</i>	
Chair:	<i>Pat Spurgin</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	776
	Staff Lead:	Eleen Trang
	BOG Liaison:	Dan Clark
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$33,785.87
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$5,710.36
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	<p>The ELUL Section is a formal association of attorneys, other professionals, and law students who share a common focus and interest in the practice of environmental and land use law. Our Section represents a diverse membership with individuals who are often on different sides of an issue, but who are all committed to civil and professional cooperation for the protection and enhancement of our communities. Accordingly, our Section endeavors to continually and regularly provide opportunities and forums for the interchange of ideas surrounding environmental and land use law.</p>	
2020 Accomplishments and Work in Progress:	<p>Typically, ELUL's main event is a three-day Midyear Conference and Membership Meeting held each spring. The ELUL Section also typically holds an in-person mini-CLE that includes ethics credit.</p> <p>Due to COVID-19 concerns, the 2020, Midyear Conference and December mini-CLE were converted to a one-day webcast and two webinars. Topics included case law and legislative updates by</p>	

individuals working in those fields, environmental hot topics, and insights into practical aspects of land use law in Washington.

This year the Section implemented a website and a user-friendly on-line newsletter rather than a print version as had been issued in previous years. Articles are now disseminated through social media and accessed through the website.

We have also continued to provide legislative updates this past legislative session with targeted environmental and land use bill information sent to members by the list-serve so members can keep up with the ever-changing legislative sessions. Given the diversity of membership, the Section does not take positions on any particular bill.

For our soon-to-be and young lawyers, we have typically held annual networking receptions in both Seattle and Spokane. This year—again because of COVID-19 concerns—we experimented a networking session using an online meeting platform. We once again were deeply appreciative of the number of practicing attorneys who took time out of their busy schedules to network and encourage those new to the field for the online event. In addition to the online networking event, we collected advice from seasoned attorneys to share with law students and new attorneys.

Finally, we continued with our highly successful grant program that awards funds to students who participate in activities that further their interest and commitment to the practice of environmental or land use law.

<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	1 @ \$1,500	Scholarships, donations, grants awarded (\$ amount)
	1	Law school/ New lawyer outreach events/benefits hosted
	Many reviewed	Legislative bills reviewed/drafted
	7	Newsletters/publications produced
	2	Mini-CLEs produced
	1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA

		Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity
		Receptions/forums hosted or co-hosted
	2	Recognitions/Awards given
		New Lawyer Outreach events/benefits
		Other (please describe):
Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	Adapt CLE delivery platforms to optimize availability of information and credits to membership in light of COVID-19
	2	Identify and improve networking opportunities in light of public health protocol issues
	3	Endeavor to increase diversity in the section in terms of individual attributes, practice areas, and geographic location, among others.
	4	Continue efforts to provide pertinent and timely legal issues analyses through online platforms.
	5	Maintain fiscal and financial responsibility, which will allow continued development of programming as well as additional outreach and grants.
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p>The ELUL Section Executive Committee has received training from the WSBA Diversity Specialist and reviewed and discussed the common misperceptions and barriers regarding achieving diversity and how to overcome them. The committee plans to refresh this training based on the turnover in membership since the last session. We acknowledge there is always more that could be done. We will continue to actively solicit multiple minority groups to participate in the slate of candidates for election to the Committee and for mid-year co-chairs and speakers. This is a key consideration in the operation of the nominating committee that identifies candidates each year. We have also contacted minority student law associations to garner interest in joining our yearly student-professional social events. We also evaluate venues for barrier free accessibility, and have selected the location of our law student-professional social in the past in an effort to increase accessibility. In the near term, we will continue to pursue similar efforts despite current public health constraints.</p>		
<p>Please report how this section is addressing professionalism: (Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)</p>		

The ELUL Section has historically been an association of members with diverse backgrounds and opposing interests on any particular topic. Accordingly, civility and professionalism have long been part of our core moral compass. The executive committee nominating process seeks to achieve diversity on this basis in identifying candidates. Our networking events strive to engage members in a fun and casual manner so that the person behind the client is known. Our educational events also frequently include a “view from the bench” to provide practitioners with insight of what our court and administrative judges need and wish to see to effect justice.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The ELUL Section actively involves our young lawyer liaison and so has received valuable insight as to how to better engage law students and new lawyers into the fields of environmental and land use law. The Section provides grants to each law school and co-sponsoring networking events with students and practitioners. Not only does this expose students to the field, but it promotes involvement by attorneys and furthers civility and professionalism by creating an environment of inclusion and open communication.

In addition, the executive committee put together and posted a collection of advice for law students. We hope and believe that this compilation of reflections and advice will be helpful as students navigate through the unique challenges of this unprecedented moment in history.

Please describe your Executive Committee’s relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We have established good working relationships and appreciated the role served by each sections liaison and BOG liaison assigned to our section. WSBA staff have been very helpful in addressing financial issues and requirements and in innovating our CLE approaches in the face of the current public health issues in Washington.

Overall, we are interested in upgrading the level of communications between the Board of Governors and the committee. Attention to communication regarding what is going on at the larger policy level would be useful.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section’s webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>Family Law</i>	
Chair:	<i>Patrick Rawnsley</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	981
	Staff Lead:	Eleen Trang
	BOG Liaison:	Brent Williams-Ruth
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$49,251.55
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$6,437.27
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	<p>The purpose of the Family Law Section is to improve the practice of family law in Washington and to involve all interested members of the WSBA in cooperation with state and local bar associations in order to benefit its members, their clients, and the general public by:</p> <ul style="list-style-type: none"> • Providing the opportunity and forum for the interchange of ideas in all areas of law affecting families and juveniles; • Initiating and implementing common projects, including but not limited to an annual meeting; • Reviewing pending legislation, providing input and timely responses to pending and proposed legislation and development of proposed statutory enactments to improve and to facilitate the administration of justice within the Section's area of interest and expertise; • Hosting CLE's to improve the quality of family law practice; and • Undertaking such other service as may be of benefit to the members, the legal profession, and the public. 	

<p>2020 Accomplishments and Work in Progress:</p>	<p>Legislation: FLEC continues to rebuild its relationship with legislators notwithstanding current WSBA/BOG legislative policy which limits the ability of the section to perform its legislative duties outlined above. With the recent departure of Mr. Walvekar, FLEC remains optimistic in fostering a close relationship with his successor, Mr. Johnson.</p> <p>Board of Governors: FLEC’s BOG liaison continues to attend most, if not all, BOG meetings and has developed what FLEC considers to be effective and meaningful relationships with the current BOG members.</p> <p>Workgroups: Jacqueline Jeske served on the DV Risk Assessment Work Group in exemplary fashion. Shelley Brandt served and continues to serve on the Pattern Forms Committee/Workgroup</p> <p>Midyear CLE: Despite a global pandemic, FLEC pulled off the 2020 Family Law Midyear with the assistance of WSBA technical staff. Being able to conduct the Midyear in and of itself was a success but more importantly it was a success both educationally as well as financially.</p>	
<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	<p>Quantity</p>	<p>Member Benefit</p>
	<p>0</p>	<p>Scholarships, donations, grants awarded (\$ amount)</p>
	<p>0</p>	<p>Law school outreach events/benefits hosted</p>
	<p>*</p>	<p>Legislative bills reviewed/drafted – Many bills were reviewed and several were discussed with legislators directly. The section did not draft any proposed legislation.</p>
	<p>0</p>	<p>Newsletters/publications produced</p>
	<p>0</p>	<p>Mini-CLEs produced</p>
	<p>1</p>	<p>Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA</p>
	<p>0</p>	<p>Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity</p>
	<p>0</p>	<p>Receptions/forums hosted or co-hosted</p>
	<p>0</p>	<p>Recognitions/Awards given</p>
	<p>0</p>	<p>New Lawyer Outreach events/benefits</p>

	n/a	Other (please describe):
Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	Improve efficiency of communication with the WSBA Legislative Affairs Manager during legislative session
	2	Continue to provide high quality CLE's
	3	Continue to review, comment and testify regarding family-law related legislation
	4	Continue to emphasize equity, diversity and inclusion not only as to FLEC itself but also with respect to all FLEC activities
	5	Improve FLEC's relationship with BOG. FLEC's liaison to BOG has worked hard to improve the existing relationship and those efforts will continue.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

FLEC recruits members of diverse background, including age or length of time in the profession. We encourage lawyers of all ages to participate in section leadership. This past year a particular effort was made to contact individual minority bar sections and individual members in geographically distant locales from the Puget Sound to enhance participation.

As discussed above, the Section maintains two listservs, which provides a safe forum for practitioners to seek advice or information from other lawyers – this has been a wonderful way of building community. Our general listserv is for Section members to discuss legal issues and procedures; our second listserv is for Section members to discuss issues involved in the business side of a law practice.

The section provides an annual Skills Training aimed at new lawyers, or lawyers new to family law.

FLEC is happy to have a Young Lawyer Liaison every year. We believe it is important to have a wide range of viewpoints, including the view from new, midrange and “seasoned” practitioners.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

Each November, FLEC attends a joint meeting with the Family and Juvenile Law Subcommittee of the Superior Court Judges' Association. This meeting provides an opportunity for Family and Juvenile Court judicial officers and family law practitioners to share ideas and concerns in an informal setting. This year the meeting was held by zoom and focused in particular on the implementation of the UGA and how to assist practitioners with the varying Superior Court responses throughout the states. We believe this effort contributed to professionalism, collegiality and improving relations between the bar and the judiciary. We regularly include professionalism

and ethics in our CLE presentations and our Basic Skills seminar for new attorneys which keeps members current on evolving ethical and professional issues.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

FLEC recruits members of diverse background, including age or length of time in the profession. We encourage lawyers of all ages to participate in section leadership. This effort was successful in 2019 and resulted in a number of newer younger members being elected to the Committee.

As discussed above, the Section maintains two listservs, which provides a safe forum for practitioners to seek advice or information from other lawyers – this has been a wonderful way of building community. Our general listserv is for Section members to discuss legal issues and procedures; our second listserv is for Section members to discuss issues involved in the business side of a law practice. The section provides an annual Skills Training aimed at new lawyers, or lawyers new to family law.

FLEC is happy to have a Young Lawyer Liaison every year. We believe it is important to have a wide range of viewpoints, including the view from new, midrange and “seasoned” practitioners.

Please describe your Executive Committee’s relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

For the most part since the inception of the Family Law Section, FLEC has maintained a regular presence at the Board of Governors meetings. Our current Liaison – Nancy Hawkins – has continued a strong Family Law Section presence at the meetings.

We are pleased with the improvements we have seen in our relationship with the BOG; we are definitely moving in a positive direction.

FLEC works extremely well with WSBA staff. They are extremely helpful in identifying CLE locations, obtaining BEOs, and handling administrative issues we otherwise would struggle with. They are friendly and timely in responding to any questions we may come up with (and we do ask a lot of questions). WSBA staff played a critical role in the success of the Midyear CLE which was handled remotely. They have also been responsive to feedback from our Section regarding WSBA policies and how they impact the Section, membership recruitment and participation. This past year we held a joint meeting with FLEC and BOG representatives to share perspectives about the interplay between leadership and section impacts.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section’s webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE B A R A S S O C I A T I O N

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	Health Law Section	
Chair:	Michael Farrell	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	399
	Staff Lead:	Eleen Trang
	BOG Liaison:	Jean Kang
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$8,882.13
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$3,132.77
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	<p>As set forth in the Health Law Section Bylaws approved by the WSBA Board of Governors on July 27, 2017, the purposes of the HLS are:</p> <ol style="list-style-type: none"> 1. To further the knowledge of section members and the WSBA in the areas of law involving both federal and local health care; 2. To form an available working unit to assist in the activities of the WSBA; and 3. To otherwise further the interests of the WSBA and the legal professional as a whole. 	
2020 Accomplishments and Work in Progress:	<ul style="list-style-type: none"> • One two-hour mini CLE via webinar co-sponsored with the WSBA • Six one-hour mini CLE webinars completed • Social networking event in Bellevue • Research and planning to start law student grants in the upcoming fiscal year 	

<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	0	Scholarships, donations, grants awarded (\$ amount)
	0	Law school outreach events/benefits hosted
	0	Legislative bills reviewed/drafted
	0	Newsletters/publications produced
	7	Mini-CLEs produced
	0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
	0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity
	1	Receptions/forums hosted or co-hosted
	0	Recognitions/Awards given
	0	New Lawyer Outreach events/benefits
	15	Other (please describe): Legislative Digests sent to membership list serve weekly during Legislative Session
<p>Looking Ahead: Goals & Priorities for 2021 (Top 5)</p>	1	Create law student grants, one for each WA law school
	2	Produce at least 11 mini-CLEs
	3	Strengthen membership engagement
	4	
	5	
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p>		

The Health Law Section addresses geographic diversity through the members of our executive committee, and our concerted efforts to host events throughout the state. HLS membership has broad practice diversity, with members representing physicians, medical examiners, hospitals, patients, medical device companies, and telemedicine. Through our Collaborations Committee, the Health Law Section actively seeks out meaningful intersections with other areas of law and develops relationships with other WSBA and MBA section leaders to create programming and other opportunities designed to advance the evolution of the practice of law and maximize our collective contribution to the greater good.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The Health Law Section put on a six-part series of mini-CLEs on parenting. The goal was to ameliorate the pain points many attorneys who are parents are experiencing during the pandemic. This will help attorneys increase well-being among the chaos and increase professionalism among these attorneys.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The section hosts a YLD liaison and participates in the Open Sections night each year. Our YLD liaison actively participates in the Executive Committee and section activities, including serving as a co-chair for our Education Committee. Additionally, the YLD liaison and Executive Committee spent the year researching and planning for a law student grant program to be hosted by the section. Through this grant, the section hopes to foster and develop future health law attorneys.

The section participated in the virtual open sections night at Gonzaga University Law School in October.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

Our section continued to receive support from WSBA staff, including our staff liaison, Eleen Trang. We also continued to receive very helpful support from WSBA's CLE planning team. They were always willing to answer our questions and assist with our needs, and their support of our educational goals brought excellent value to our section membership.

We appreciated the extra time to complete the annual report.

We had no engagement by our BOG liaison. It would be nice to have the BOG liaison attend a meeting now and then to provide updates on BOG business.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	Indian Law Section	
Chair:	Maryanne Mohan	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	324
	Staff Lead:	Eleen Trang
	BOG Liaison:	Hunter Abell
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$10,063.58
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$11,012.41
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	As described in our Bylaws, the Indian Law Section's purpose is to seek the participation of all interested members of the Bar, and of county and local bar associations, in order to benefit such members, their clients and the general public: (a) By providing the opportunity for exchange of ideas in the area of Indian law; to further the development of this area of the law; to communicate useful information pertaining to Indian law to members of the Bar; and to improve the application of justice in this field, all in conformity with the Bylaws of the Bar; (b) By initiating and implementing common projects; (c) By review of pending legislation and development of proposed statutory enactments to improve and to facilitate the administration of justice within the Section's area of interest; (d) By undertaking such other service as may be of benefit to the members, the legal profession and the public.	
2020 Accomplishments and Work in Progress:	In 2020, we were able to hold our annual CLE virtually which went very well despite some minor technical difficulties. The CLE had 105	

	registrants. The ILS also provided \$9,250 to the Northwest Indian Bar Association to help fund law school student scholarships including bar study scholarships.	
Please quantify your section's current member benefits: <i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$9,250	Scholarships, donations, grants awarded (\$ amount)
		Law school outreach events/benefits hosted
		Legislative bills reviewed/drafted
	1	Newsletters/publications produced
		Mini-CLEs produced
	1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity
	0	Receptions/forums hosted or co-hosted
		Recognitions/Awards given
	New Lawyer Outreach events/benefits	
	Other (please describe):	
Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	Hosting another CLE, either virtually or in-person depending on the public health situation in the state
	2	Law school outreach and mentoring activities
	3	Donation to NIBA to fund scholarships
	4	Hosting holiday party and other receptions
	5	
Please report how this section is addressing diversity:		

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The Indian Law Section is fortunate that diversity is part and parcel of our mission. Native attorneys are often drawn to Indian law and frequently take leadership roles in the Section. For instance, the Chair-Elect and Secretary Treasurer are both tribal members and at least two at-large members are tribal members. We welcome members of other under-represented groups as well but do not have records of how many are in leadership roles. However, there are at least two LGBT members in leadership positions. We have taken steps to pursue various types of mentorship programs but due to various hurdles, including the COVID-19 pandemic, this has not gotten off the ground.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The Indian Law Section provides a forum for Indian law practitioners to communicate on issues and topics in the profession. The Indian Law Section also works hard to ensure that the ethics credit provided during the annual CLE addresses unique situations in Indian Country.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

Yes, we have young lawyers in leadership positions.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We ask questions of WSBA staff and receive information from them. The BOG liaison requested to attend our monthly meetings and has begun to do so.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	Intellectual Property Section	
Chair:	Karin Swope	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	885
	Staff Lead:	Eleen Trang
	BOG Liaison:	Bryn Peterson
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$22,428.21
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$191.50
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	<p>Pursuant to Section 1.01 of the IP Section's bylaws:</p> <p>In general, the Section strives to promote the practice of intellectual property law, including by promoting the participation of, and furthering the knowledge of, all interested members of the Bar and of other state and local bar associations, as to intellectual property law, in order to benefit the Section members, their clients and the general public. To that end, the Section may:</p> <p style="margin-left: 40px;">(A) Provide the opportunity and forum for the interchange of ideas and education in areas of law relating to intellectual property rights, including patents, trademarks, copyrights, trade secrets and unfair competition, including without limitation:</p> <p style="margin-left: 40px;">(1) Sponsoring and providing continuing legal education events; preparing and publishing a Section newsletter and website; and providing assistance and financial support as to the activities of other</p>	

	<p>organizations that promote the purposes, goals, or activities of the Section;</p> <p>(2) Promoting the understanding of intellectual property laws through outreach activities to new Section members and law students, including by providing financial support to law students attending law schools in Washington State;</p> <p>(3) Promoting Section members through intellectual property-related networking, referrals, speakers' panels and press contacts;</p> <p>(B) Promote cooperation between sections within the Bar and between the Bar and other groups having common interests in the proper development and administration of the law relating to intellectual property rights;</p> <p>(C) Review, comment on, and make recommendations related to pending legislation and propose statutory enactments to improve and to facilitate the administration of justice within the Section's area of interest;</p> <p>(D) Promote the development of industry and the useful arts by encouraging the establishment, maintenance, respect for and utilization of intellectual property rights that fairly balance the limited monopoly enjoyed by the owner of intellectual property rights with the benefit to society derived from the creation of useful subject matter protectable by those rights;</p> <p>(E) Assist in familiarizing other members of the Bar with intellectual property law; and</p> <p>(F) Undertake such other service as may be of benefit to the Section members, the profession and the general public.</p>
<p>2020 Accomplishments and Work in Progress:</p>	<p>1) Put on the WSBA IP Section's 25th Annual IP Institute CLE (included nationally recognized IP practitioners);</p> <p>2) Put on an IP Start Up CLE (involving regionally prominent practitioners);</p> <p>3) Put on an IP Licensing CLE (involving regionally prominent practitioners);</p> <p>4) Put on a Mini-CLE in Eastern Washington on IP issues;</p> <p>5) Participated in open section night to provide insights about the IP section and careers in IP law to new and young lawyers;</p> <p>6) Provided grant to WLA for expansion of intellectual property in the arts;</p> <p>7) Provided scholarships to law students at the University of</p>

	Washington, Seattle University, and Gonzaga University, based on demonstrated interest in Intellectual Property law, as assessed by their respective law schools;	
Please quantify your section's current member benefits: <i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$8,500	Scholarships, donations, grants awarded (\$ amount)
	N/A	Law school outreach events/benefits hosted
	0	Legislative bills reviewed/drafted
	N/A	Newsletters/publications produced
	2	Mini-CLEs produced
	3	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
	0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity
	0	Receptions/forums hosted or co-hosted
	0	Recognitions/Awards given
	0	New Lawyer Outreach events/benefits
	Other (please describe):	
Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	Provide high quality but affordable CLEs to attorneys interested in IP-focused issues.
	2	Continue to grow Section membership.
	3	Provide outreach to law students and new lawyers with respect to education and IP Section activities/benefits.
	4	Provide scholarships to law students who show a demonstrated interest in IP law.
	5	Provide networking opportunities for Section members, including new annual dinner and networking event
Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)		

The WSBA IP Section does not discriminate in its membership. People of all backgrounds, geographic locations, and business structures (e.g., in-house, solo, general practice, boutique law firms, non IP law-practicing attorneys, and law students) are treated equitably and afforded the same opportunities to participate in all section activities. The Section also strives to host CLEs with speakers from all backgrounds and business structures, and seeks the nomination of members for its board to promote diversity and inclusion.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The WSBA IP Section encourages ethics, civility, professionalism and competence in its membership and provides CLEs with ethics presentations to promote the same.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

1. The IP Section has the 2020 goal of a law school outreach to provide information regarding the employment prospects & operations of the business of IP law;
2. Once Covid is over, the IP Section plans to send Executive Committee members to attend Open Sections night to encourage new and young lawyers to become IP Section members and address their questions regarding a career in IP law;
3. Once Covid is over, the IP Section plans to host a new annual section dinner and networking event that will provide new and young lawyers an opportunity to meet and network with experienced attorneys in the field.
4. The IP Section has a Young Lawyers Liaison.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

The IP Section Executive Committee has a cordial and productive working relationship with WSBA staff and Board of Governors. In particular, Eleen Trang, the Section Program Specialist, has been open and accessible to the IP Section Executive Committee, and Ms. Miriam Gordon has provided excellent CLE support.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>International Practice Section</i>	
Chair:	<i>Leonid Kisselev (through September 30, 2020) Carly Chan (beginning October 1, 2020)</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	250
	Staff Lead:	Eleen Trang
	BOG Liaison:	Matthew Dresden
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$13,071.95
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$3,176.32
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	The International Practice Section has a broad focus that includes not only the study of current developments in the field of international law but also immigration law, international transactional work, and international dispute resolution. Members represent a wide variety of backgrounds and practices, including full-time and part-time practitioners, government, business, non-profit, foreign lawyers, academia, internationally-focused law students, retired professionals, and those simply intellectually interested.	
2020 Accomplishments and Work in Progress:	1. The IPS held two happy hours (one virtual and one in-person), and a combined event that included the Annual General Meeting, a presentation by a local non-profit, and an interactive, social activity for participating members and non-members in attendance (foreign lawyers, law students, and practitioners).	

	<p>2. The IPS provided 10 credits worth of mini CLEs at no additional cost to Section members.</p> <p>3. The IPS is administering a foreign lawyer/law student mentoring program.</p>	
<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	<p>Quantity</p>	<p>Member Benefit</p>
	<p>1,798.99</p>	<p>Scholarships, donations, grants awarded (\$ amount)</p>
	<p>1</p>	<p>Law school outreach events/benefits hosted</p>
		<p>Legislative bills reviewed/drafted</p>
		<p>Newsletters/publications produced</p>
	<p>7</p>	<p>Mini-CLEs produced (for a total of 10 credits)</p>
		<p>Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA</p>
		<p>Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity</p>
	<p>3</p>	<p>Receptions/forums hosted or co-hosted (two happy hours and an Annual General Meeting that included a social component)</p>
		<p>Recognitions/Awards given</p>
		<p>New Lawyer Outreach events/benefits</p>
	<p>1</p>	<p>Other (please describe): Establish a discount for members impacted by Covid-19 to obtain a membership discount.</p>
<p>Looking Ahead: Goals & Priorities for 2021 (Top 5)</p>	<p>1</p>	<p>Maintain the excellence of the existing programming.</p>
	<p>2</p>	<p>Increase both the number of Section members and the number of active Section members.</p>

	3	Strengthen the section’s relationship with law schools to enhance the effectiveness of the mentorship program, CLEs, and young lawyer development.
	4	Partner with other sections for programming, pro bono projects, and/or other initiatives.
	5	Emphasize diversity, equity, and inclusion in section activities.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

- Membership Demographics – the IPS, by its nature, attracts a diverse array of foreign-born practitioners, as well as foreign lawyers, international law students and members whose clients operate in countries and cultures around the world.
- Board Demographics – the IPS has placed a priority on having gender equity and ethnic diversity on the Executive Committee, as well as having EC members with diverse employment: small firms, midsize firms, big firms, nonprofits, in-house counsel, and academia.
- Education and Training – the IPS’s annual programming includes a Foreign Lawyers and International Law Students Reception, which celebrates and promotes the diversity of our legal community, both locally and globally. Our CLE programming often includes a cultural education component, i.e., understanding the technical area of law as well as the cultural context as it applies to a particular country or region, which often includes a discussion of the prevailing values in that country or region and how they may differ from those in the U.S. on subjects of fairness, due process, equality, diversity and custom.

Collaboration and Partnership – the IPS partners with law schools, other sections, international bar organizations, and business groups in leveraging its programming to increase participation and interaction among practitioners from diverse backgrounds and cultures.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The International Practice Section draws members from many backgrounds, jurisdiction origins, and has a multi-disciplinary scope to its activities. Because of the wide diversity of membership, we continually strive to bring professionalism to all aspects of our activities, and to have service at the core of the activities we undertake over the course of the year. We administer an extensive foreign lawyer/foreign law student mentorship program. And we strive to add ethics into our ongoing CLE series.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The Section’s Young Lawyer Liaison attends and actively participates in Section leadership. The Section also awards the Huneke Fellowship to a law student, who is actively integrated into Section leadership and law student outreach efforts. The Section also has a thriving mentor-mentee program, and actively encourages new and young lawyers to become involved in the Section.

Please describe your Executive Committee’s relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

WSBA staff support this year has been excellent.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section’s webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE B A R A S S O C I A T I O N

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>JUVENILE LAW SECTION OF THE BAR</i>	
Chair:	<i>ANGELLE GERL AND JILL MALAT CO-CHAIRS</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	140
	Staff Lead:	Eleen Trang
	BOG Liaison:	Brett Purtzer
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$5,005.66
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$3,878.85
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	The Juvenile Law Section provides an opportunity for legal professionals who work with juveniles and their families in child welfare, juvenile justice, and civil legal needs to meet together and work collaboratively on issues facing their clients.	
2020 Accomplishments and Work in Progress:	The section held its 2019 annual meeting on October 11, 2019, during fiscal year 2020. The annual meeting and CLE was held in Pasco, Washington, the section's first annual meeting and CLE in Eastern Washington.	
	Quantity	Member Benefit

<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	1	Scholarships, donations, grants awarded (\$2000 donated to a youth shelter program in Yakima county)
	0	Law school outreach events/benefits hosted
	0	Legislative bills reviewed/drafted
	0	Newsletters/publications produced
	1	Mini-CLEs produced
	0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
	1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity
	0	Receptions/forums hosted or co-hosted
	0	Recognitions/Awards given
	0	New Lawyer Outreach events/benefits
	0	Other (please describe):
<p>Looking Ahead: Goals & Priorities for 2021 (Top 5)</p>	1	Consolidate materials into a shared Google drive to maximize efficiency and record keeping among officers and committees.
	2	Resume in person mini CLEs and section events when health conditions allow.
	3	Sponsor a mini CLE in January, 2021, along with the annual meeting.
	4	Consider changing meeting dates to a less confusing schedule (not the 12th of the month)
	5	The section will vote on changing the name of the juvenile (offender) committee to the juvenile committee.
<p>Please report how this section is addressing diversity:</p> <p>(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p>The executive committee is aware that the section needs to improve its emphasis on outreach and inclusivity to our members and potential members from diverse communities. At a past annual meeting a member raised a concern about our lack of persons of color on our diversity</p>		

panel. The executive committee continues to strive to address those concerns. The section continues to monitor the WSBA's Diversity and Inclusion statistics as related to the juvenile law section.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The Executive Committee strives to incorporate members on the committee from a variety of professional backgrounds - from defense to prosecution, attorney general, civil legal aid and youth attorneys. The executive committee works together to promote good working relationships between the members, that in turn assists our work together in the broader justice system.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The section has a young lawyer representative on the executive committee. There is more work needed to integrate our young lawyer representative into the activities of the section and to make the section's work relevant and meaningful to our YL Representative.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*

- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

The WSBA's section liaison, Eelen Trang is invited to the monthly executive committee meetings, the annual meeting, and executive committee events, when they occur. Ms. Trang regularly attends section meetings. Ms. Trang has assisted the section with a wide variety of projects and has been very supportive to and helpful with section issues.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>Labor and Employment Law Section</i>	
Chair:	<i>Tina Aiken</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	997
	Staff Lead:	Eleen Trang
	BOG Liaison:	Bryn Peterson
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$43,561.04
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$19,221.34
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	<p>The purpose of the Section shall be to seek the participation of all interested members of the Bar including plaintiff's and defense counsel from both the public and private sectors and state and local bar associations to benefit such members, their clients and the general public.</p> <ol style="list-style-type: none"> a. By providing a forum for members to exchange ideas in all areas of labor and employment law. b. By establishing an annual CLE and business meeting c. By undertaking such other service as may be of benefit to the members, the legal profession and the public. <p>The Section coordinates events that keep practitioners informed on the latest developments in employment law, which promotes competency and ethical practice in the Bar.</p>	
2020 Accomplishments and Work in Progress:	<p>In past years, the Section has hosted an annual CLE and three or four mini-CLEs. This year has been challenging due to COVID-related restrictions, and our Section's Spring mini-CLE was canceled as a result. In July, our Section hosted a webinar mini-CLE that focused</p>	

on issues relating to the release of public employee information. The Section discussed hosting a mini-CLE in the Fall; however, the uncertainty surrounding COVID-related restrictions and led to the decision to forego the seminar. Our annual CLE in November was entirely virtual and well attended despite not having the in-person draw. As in the past, we strove for interactive panel discussions and speakers from around the state, to feature the breadth and depth of all the various perspectives in our Section.

The WSBA’s Open Section Night in February was canceled due to COVID. However, our Section participated in a Section Outreach event hosted by Gonzaga University in October, where students and recent graduates had the opportunity to meet and discuss the Section with its representatives. The event was held via Zoom and was similar to the Open Section Night the WSBA has hosted in the past.

The Section has also strived, and will continue to strive, to increase access to member benefits and programs for lawyers of moderate means and in the central and eastern parts of the State. In 2021, our Section intends to plan three or four mini-CLEs, in addition to its annual CLE.

Please quantify your section’s current member benefits:	Quantity	Member Benefit
<i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	\$15,000	Law Student Summer Grants awarded: 1 summer grant award winner per law school in the 3 law schools in the state. This was \$5,000 per student/summer grantee in 2020.
		Law school outreach events/benefits hosted
		Legislative bills reviewed/drafted – We do not take positions on bills because our Section is so diverse and represents so many attorneys that we are unlikely ever to form a consensus.
		Newsletters/publications produced – None. We educate/share through Seminars, Mini-CLEs, the list-serve, and the WSBA website.
	1	Mini-CLEs produced – See above.
	1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA – See above.
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity

		Receptions/forums hosted or co-hosted – See above.
		Recognitions/Awards given – See above.
		New Lawyer Outreach events/benefits – See above.
		Other (please describe):
Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	Increase diversity of membership and CLE speakers. We strive to provide speaking and other leadership and development opportunities to those from historically underrepresented backgrounds. This is an emphasis in all our planning and outreach activities.
	2	Increase membership and offerings to members throughout the state; particular emphasis to increase membership outside Puget Sound, in smaller legal markets, and among small firm and solo practitioners.
	3	Maintain outreach to law students and younger lawyers.
	4	Continue to focus on ways to foster community and the sense of professionalism with and among members from and among all areas of labor and employment practice, as well as the judiciary, neutrals, and the community in general.
	5	
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p>See above.</p>		
<p>Please report how this section is addressing professionalism: (Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)</p> <p>See above.</p>		
<p>Please report how this section is integrating new and young lawyers into its work: (How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)</p> <p>We strive in other ways to make our outreach events accessible to new and young lawyers. Also, see above.</p>		

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Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>Legal Assistance to Military Personnel</i>	
Chair:	<i>Stephen Carpenter, Jr.</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	70
	Staff Lead:	Eleen Trang
	BOG Liaison:	Hunter Abell
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$2,478.85
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$62.00
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	<p>To benefit members of the Washington State Bar Association (WSBA) and the general public by:</p> <ul style="list-style-type: none"> • Establishing liaisons between the WSBA, the Armed Forces of the United States, and federal, state and local government agencies involved in military and veteran affairs. • Encouraging continuing legal education to assist legal representation of and advocacy for military personnel, veterans and their dependents within Washington State. • Providing information on matters affecting military licensed legal professionals, both active duty and reserve. • Promoting WSBA objectives with respect to military affairs by serving the needs of the members and veterans of the Armed Forces of the United States and their dependents. 	

<p>2020 Accomplishments and Work in Progress:</p>	<ul style="list-style-type: none"> As advisory member of the AGO’s Military & Veteran Legal Assistance Committee, participated in providing guidance on training opportunities for volunteer attorneys representing veteran and active duty personnel in civilian courts. And assist the AG’s OMLVA help attorneys reach-out to veteran’s and active duty members. Organized, hosted, and participated in a mini-CLE training events for military and civilian attorneys (Pre-COVID-19 Lockdown). 	
<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> \$3000 Scholarships, donations, grants awarded; 4 mini-CLEs produced 	<p>Quantity</p>	<p>Member Benefit</p> <p>Scholarships, donations, grants awarded (\$ amount)</p> <p>Law school outreach events/benefits hosted</p> <p>0 Legislative bills reviewed/drafted</p> <p>1 Newsletters/publications produced</p> <p>1 Mini-CLEs produced / Examining ZOOM Options</p> <p>Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA</p> <p>Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity</p> <p>Receptions/forums hosted or co-hosted</p> <p>Recognitions/Awards given</p> <p>New Lawyer Outreach events/benefits</p> <p>Other (please describe):</p>
<p>Looking Ahead: Goals & Priorities for 2021 (Top 5)</p>	<p>1</p> <p>2</p>	<p>Assist the Washington State Attorney General’s Office Legal Assistance to Veteran’s and Military Personnel Division</p> <p>Host quarterly mini-CLEs that have value to our members and, in general, help military and civilian attorneys provide legal services to military personnel, veterans, and their families.</p>

	3	Evaluate and implement training methods to improve accessibility for LAMP members/military attorneys throughout Washington state.
	4	Develop LAMP priorities of mission
	5	Coordinate with Other Bar Sections, ABA and Law Schools

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

As stated in our 2019 Annual report, LAMP strives to increase women and minority participation in our section and particularly in leadership positions. The veteran and military population we advocate for is very diverse and includes people from all walks of life and sexual orientations coming from all parts of the 54 states and territories. Current and past executive board comprises members of historically disadvantaged groups, such as veterans, women, non-Christian religious denominations, and non-white ethnicities.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

LAMP promotes respect and civility within the legal community by offering to its members continuous training on the changes in the ethical and substantive law issues that can affect the servicemembers and veterans. As stated in our 2019 Annual Report, LAMP members know that attorneys who represent military personnel in military or civilian courts are held to a high-ethical standard and we (at LAMP) strive to give them the information and tools to maintain that high-standard. Likewise, civilian attorneys representing military personnel, veterans, and their families receive educational opportunities to learn about the military culture and high standards expected.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision-making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

LAMP participates in the Young Lawyer liaison program and has a young lawyer assigned to our section for the next two years. Law students may join the LAMP section as non-voting members (at a reduced cost). New lawyers and law students have numerous opportunities to network with military and civilian lawyers at LAMP events.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

- The WSBA leadership and administrative staff has actively supported LAMP efforts to provide legal assistance to our returning military personnel, veterans, and families impacted by the long war overseas.
- Despite the COVID-19 Lockdown, LAMP has actively participated in WSBA hosted leadership events, whenever possible this past year, and provided comments to help WSBA understand our section membership goals and needs moving forward.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 9, 2020 to eleent@wsba.org

WASHINGTON STATE B A R A S S O C I A T I O N

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>LGBT Law Section</i>	
Chair:	<i>FY 2020 Chair: Dennis Cronin; FY 2021 Chair: Kelsey Kittleson</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	122
	Staff Lead:	Eleen Trang
	BOG Liaison:	Brent Williams-Ruth
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$3,588.21
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$190.89
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	<p>The LGBT Law Section strives to:</p> <ul style="list-style-type: none"> • Support understanding among WSBA members of the legal needs of lesbian, gay, bisexual, and transgender residents of Washington • Assist LGBT residents and those who represent them • Better understand how their legal needs can be met • Support research, education, and collaboration by section members on issues of sexual orientation and gender identification • Promote the study of LGBT law and report on changing law and regulations as they affect LGBT people and communities • Assist in legislative work undertaken within the scope of GR 12 • Act as a liaison between the WSBA, its Board of Governors, LGBT organizations, and the public. 	

2020 Accomplishments and Work in Progress:

As with all sections, in the Fiscal Year 2020, the LGBT Law Section's plans became a little derailed due to the Covid-19 Pandemic. With the State's stay-at-home order lasting most of the Spring and ongoing restrictions in place geared at stopping the spread of Covid-19, it greatly changed what we could normally do as a section.

Prior to the Pandemic, the Section successfully put on CLE on Hot Topics in LGBT+ Law, specifically exploring law regarding situations LGBT+ persons confront in asylum laws, updates regarding the Uniform Parentage Act, and updates from the Arlene's Flowers case. This CLE occurred in Seattle, and was our last in person CLE that we were able to put on. This CLE was also in combination with our Annual Meeting.

One of the sections largest accomplishments for the 2019-2020 year was putting on a CLE during the pandemic despite the restraints the pandemic placed upon us all. As discussed further below, in September of 2020, we were able to put forth a CLE on the topic of Sex Discrimination in the Age of Bostock: Changing the Landscape of LGBT+ Rights in Employment. This recently decided Supreme Court case is particularly important to LGBT+ individuals as it extended federal protection under Title VII of the Civil Rights Act of 1964 from discrimination on the basis of sexual orientation or gender identity. This case is likely as important to LGBT+ rights as Lawrence v. Texas or Obergefell v. Hodges. It is likewise a very important case for anyone who works with LGBT+ clients to be aware of, regardless of whether they practice in the area of Employment Law. Lastly, the ruling being issued during the pandemic (on June 15, 2020) put it at risk of being overlooked due to the public's focus on other matters, such as their jobs, their family, the upcoming election and overall concerns regarding Covid-19, so it was very important to shed light on this landmark legal ruling.

In looking ahead to the 2020-2021 year, the LGBT Law Section wants to:

- 1) Work towards having executive meetings accessible by way of zoom (or another video conferencing service),
- 2) Collaborate with another section to host a CLE,
- 3) Strengthen the ties between our membership and our executive committee members,
- 4) Establish a quarterly newsletter to keep members better informed,
- 5) Work on educational outreach to our community, and
- 6) Strengthen the connections between the LGBT+ law student organizations and the section.

	<p>We see one of the biggest needs for our section moving forward into the second year of this pandemic being a lack of connection with our community and fellow legal professionals. We want to make our section as accessible as possible, to help fill the gap that the lack of in person events has created. As such, we want to explore more avenues to allow our members to connect with the section in a manner that allows for meaningful communication.</p>	
<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	<p>Quantity</p>	<p>Member Benefit</p>
	<p>1 (\$130)</p>	<p>Scholarships, donations, grants awarded (\$ amount)</p>
	<p>0</p>	<p>Law school outreach events/benefits hosted</p>
	<p>0</p>	<p>Legislative bills reviewed/drafted</p>
	<p>0</p>	<p>Newsletters/publications produced</p>
	<p>0</p>	<p>Mini-CLEs produced</p>
	<p>2</p>	<p>Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA</p>
	<p>0</p>	<p>Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity</p>
	<p>0</p>	<p>Receptions/forums hosted or co-hosted</p>
	<p>0</p>	<p>Recognitions/Awards given</p>
	<p>0</p>	<p>New Lawyer Outreach events/benefits</p>
	<p>0</p>	<p>Other (please describe):</p>
<p>Looking Ahead: Goals & Priorities for 2021 (Top 5)</p>	<p>1</p>	<p>Delivering continuing legal education addressing timely legal issues facing the LGBTQA+ community.</p>
	<p>2</p>	<p>Continuing to improve our geographic reach around the state by having more events available through Webcast and video conference and by hosting Section Events and CLEs outside of the Seattle area; as permitted considering the restraints of Covid-19.</p>
	<p>3</p>	<p>Improving dialogue among Executive Committee Members and the Section Membership by using video conferencing to improve communications and strengthen collaboration and community; as well as work on a quarterly newsletter to keep members better informed.</p>

	4	Host at least one seminar or mini-CLE in conjunction with another WSBA Section.
	5	Continuing law student and new lawyer outreach, including discovering new avenues to provide outreach while the Covid-19 pandemic continues to restrict social gathering type-outreach.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The section is focused on serving lawyers and legal professionals who serve the LGBT Community, which in itself is a very diverse community comprising individuals and families from various racial, ethnic, religious, national origin, gender, and socioeconomic backgrounds.

Our efforts over the past year focused on better serving section members outside the Seattle area, as well as those in Seattle, and recognizing that the issues facing the LGBT+ community in different geographical areas of the state are not uniform. In the Fiscal Year 2020, we also faced the difficulty of how to we provide outreach when in a pandemic. This issue was particularly present when deciding how to hold a CLE during the Covid-19 pandemic. The LGBT Law Section worked closely with our contacts in the WSBA in order to be able to provide a CLE that was accessible via webcast/video conference to our section members and interested parties around the state. This CLE was only offered remotely and addressed the status of sexual discrimination under Title VII of the Civil Rights Act of 1964, taking into consideration the recent Supreme Court case of Bostock v. Clayton County, particularly how that case changed the rights of LGBT+ individuals in their employment. This is an example of how the LGBT Law Section strives to focus on educational topics that reflect and support the many dimensions of diversity within our own section membership, including, but not limited to, elder law, immigration law, parentage and families, employment law, and the intersections between the Washington Law Against Discrimination and religious rights. As always, we encourage members of the WSBA of all backgrounds to consider joining our section, as well as our section’s Executive Committee!

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The section seeks to promote respect and civility within the legal community and between judges, lawyers, staff, and clients. All of our Section educational programming includes discussions of best practices to ensure we are meeting the needs of all LGBT+ Washingtonians. This includes discussions of addressing implicit and explicit bias and homophobic and transphobic behavior and language in the courtroom. In addition, at our annual meeting each year we strive to discuss issues of professionalism that members may have come in contact with over the past year; such as work/life balance, working with difficult opposing counsel, etc. We also devote a significant portion of our educational programming to address respectful and inclusive language that further promotes professionalism and civility.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

This Section has an active New and Young Lawyer Liaison and actively seeks out new Liaisons after each two year term has been completed. Our current Chair started as our New and Young Lawyer Liaison and we have strived to continue to involve new and young lawyers not only in our section but also in our Executive Committee. Traditionally, we have attended the Open Sections Night in Seattle and around the State; however, in the current pandemic is it unlikely that these Open Section Nights will occur in their normal format. We will look forward to see how the Open Section Night will occur during the pandemic but also will make it a focus to reach out to the local law schools, the WSBA’s Young Lawyer Committee and various county bar Young Lawyer sections to help promote membership within the New and Young Lawyers. We have also, in the past, provided discounted section membership to Law Students and offered scholarships to aid those who may need financial assistance (including New and Young Lawyers) in attending section-sponsored events. This is something we intend to continue to the extent that there is a need for said assistance (taking into consideration that the Covid-19 Pandemic limits the type of events we can put on). We actively seek feedback and information from New and Young Lawyer section members to help drive our section programming and encourage New and Young Lawyers to join our Executive Committee. We hope with more widespread use of videoconferencing in the upcoming year, considering that attendance at all events will likely be remote, we will also be able to better engage with New and Young Lawyers in our section membership as a whole.

Please describe your Executive Committee’s relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

The LGBT Law Section is thankful for the support we received from our wonderful Sections Liaison Eleen Trang. We also want to thank the WSBA CLE Staff for all of their support and assistance in planning our CLEs we have put on over the years, particularly our CLE that occurred on September 22, 2020: Sex Discrimination in the Age of Bostock: Changing the Landscape of LGBTA+ Rights in Employment. With this CLE occurring during the Covid-19 Pandemic restrictions, their assistance was immensely helpful. Keep up the amazing work!

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section’s webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>Litigation Section</i>	
Chair:	<i>Michelle Pham</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	1,019
	Staff Lead:	Eleen Trang
	BOG Liaison:	Jean Kang
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$30,655.25
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$7,183.04
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	<p>The Litigation Section strives to be the voice of civil litigators practicing in Washington state. The Section is involved in a wide range of activities that interest those who handle civil matters in superior or federal courts. Activities include review and formal input concerning legislation and rule making, annual midyear trial skills seminar and support for litigation skills training.</p>	
2020 Accomplishments and Work in Progress:	<ul style="list-style-type: none"> • <i>Support of WSBA's Trial Advocacy Program</i> • <i>Review and comment on legislative bills relevant to the section and its members</i> • <i>Scholarship and/or grant programs at all three WA Law Schools</i> • <i>Launch of mentorship program, including recruitment and pairing of experienced litigators as mentors and law students/young attorneys as mentees.</i> • <i>Educational events – annual Trial Skill CLE seminar (this did not occur due to COVID-19)</i> 	
	Quantity	Member Benefit

<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	\$6,000	Scholarships, donations, grants awarded (\$ amount)
	3	Law school outreach events/benefits hosted
	50+	Legislative bills reviewed/drafted
	0	Newsletters/publications produced
	0	Mini-CLEs produced
	2	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
	0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity
	0	Receptions/forums hosted or co-hosted
	0	Recognitions/Awards given
	0	New Lawyer Outreach events/benefits
	2	Other (please describe): Mentor Program; Listserve. Unable to host Annual Reception/Dinner for Supreme Court.
<p>Looking Ahead: Goals & Priorities for 2021 (Top 5)</p>	1	Continue Annual CLE program
	2	Continue scholarship program for public interest, litigation-focused students
	3	Law Student Outreach at all three Washington law schools
	4	Provide timely input on bills during active legislation session
	5	Maintain electronic listserv for topics of interest to litigators throughout the state; and continue development of mentorship program
<p>Please report how this section is addressing diversity:</p> <p>(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p>We actively ensure that our CLE programs include diverse speakers/presenters. We try to ensure both practice, geographic, and ethnic diversity on our Executive Committee. We have not used the WSBA Diversity Specialist. The point of contact on our Committee for this should be Michelle Pham (Chair).</p>		

We will continue to promote diversity within our section leadership and in the presenters and speakers at section programs and identify outreach opportunities to increase diversity in our membership and leadership.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

We have engaged with our YLD Liaison to get input on issues of importance to younger lawyers, and continue in our participation at Law School outreach events at all three law schools. In addition, we have implemented and will continue to improve upon a mentorship program pairing experienced litigators with newer members of the Bar. Finally, our annual CLE focuses on both more basic and higher level skills in a demonstration and discussion format that allows both new and more experienced lawyers to share and learn.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

Several members of the committee are less than 7 years out of law school. In addition, we have developed a mentorship program, coordinated by the young lawyer liaison. We are also actively in contact with the law schools to host annual social events with law students.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

WSBA Staff has been wonderful to work with and responsive when we have questions. Staff has also been helpful in assisting our section in complying with WSBA requirements.

In the past, BOG Liaison was engaged, participated and was most helpful in providing insight and outreach for the BOG to our section. We have not heard from the BOG Liaison this past year.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>Low Bono</i>	
Chair:	<i>Jennifer Ortega</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	122
	Staff Lead:	Eleen Trang
	BOG Liaison:	Brett Purtzer
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$3,337.55
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$787.08
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	<p>The underlying purpose of “low bono” is to increase the availability of legal representation and legal services to clients of moderate means.</p> <p>Clients of moderate means are individuals who have a need or a want for legal representation or legal services, but who cannot qualify for pro bono legal assistance and who typically cannot afford the cost of traditional law firm representation or legal services. These individuals comprise the majority of those seeking resolution of, or planning for, legal issues and legal matters.</p> <p>The Low Bono Section is a community of lawyers, other legal professionals, and law students committed to identifying solutions, creating systems, and developing projects to increase the overall availability and affordability of legal representation and legal services.</p>	
2020 Accomplishments and Work in Progress:	<ol style="list-style-type: none"> 1. Increased membership by double, going from 54 voting members to over 100. 	

	<ol style="list-style-type: none"> 2. Presented mini-CLE via Skagit County Bar Association “Low Bono 101: Unbundled Services and Limited Scope Representation”. 3. Created an online resource for Executive Committee members to access documents and a shared section calendar. 4. Presented mini-CLE in conjunction with the Solo and Small Practice Section “Putting the Gears in Order: Structuring Your Firm to Serve the Moderate Means Client”. 5. Hosted multiple virtual Low Bono Online Roundtables, an open forum for discussions on serving low-to-moderate-means clients and low bono practice in general, over several summer months. 6. Participated in virtual Open Sections Night at Gonzaga Law School. 7. Presented mini-CLE “Guardianship of a Minor: The New Law Replacing Nonparent Custody January 1, 2021. 8. Co-hosted panel on Member Recruitment for WSBA’s 2020 Fall Section Leaders Orientation. 9. Established and published a quarterly newsletter “Access to Justice Champions”. 10. Established an Outreach Committee which actively promotes the section, including on social media. 11. Continued to cultivate relationships with Seattle University School of Law, the University of Washington School of Law, Gonzaga University School of Law, the Moderate Means Program, and the Access to Justice Institute. 12. Maintained a vibrant low bono section community during COVID-19! Held virtual monthly meetings with social hours afterwards, and presented outgoing ExCom member awards after October new leadership was installed.
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<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
		Scholarships, donations, grants awarded (\$ amount)
	1	Law school outreach events/benefits hosted
		Legislative bills reviewed/drafted
	2	Newsletters/publications produced
	3	Mini-CLEs produced
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity

		Receptions/forums hosted or co-hosted
	3	Recognitions/Awards given
		New Lawyer Outreach events/benefits
		Other (please describe):
Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	Continue to increase membership, with a focus on diversity and inclusion.
	2	Present quarterly mini-CLEs and one or more special events centered around low bono practice, and work to increase collaboration with other sections.
	3	Publish a quarterly newsletter with articles written by a wide variety of authors, primarily focused on low bono principles and practices.
	4	Increase law student and young lawyer/LLLT membership and participation.
	5	Increase visibility and awareness of Low Bono Section through outreach efforts.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

A number of the Executive Committee members have been trained by WSBA’s Diversity Specialist within the past two years. The Executive Committee has discussed the importance of diversity and inclusion within the Low Bono Section, and in the upcoming fiscal year, the Executive Committee will include diversity on its standing agenda to form a plan around increasing diversity.

Our Executive Committee continues to encourage participation by a diverse group of people. While meetings have also included a telephone call-in number for those who live too distant to attend the meetings in person, all meetings are now held remotely. The meeting link is published with the agenda, and shared on the section’s listserv and our WSBA webpage. It is now vastly easier for anyone interested in attending our meetings to do so, and we have had increased participation by members located outside of Seattle. We hold our Executive Committee meetings at a later hour of the day, typically on the third Tuesday of the month, to encourage more people to participate, including members with small children who may have trouble meeting during workday hours. We continue to host socials after these meetings and invite all Section Members to the meetings and to the post-meeting socials.

We are fortunate to be a section whose organizing principles appeal to a diverse group of legal professionals. Our mission is promotion of access to justice, which appeals to a diverse population. This has resulted in a relatively diverse membership. Notably, the Executive Committee and Section membership is majority female. Since its inception in 2014, Section membership has historically been

more diverse than the WSBA membership when measured purely by conventional demographics. We focus heavily on alternatives to traditional law firm practice and work/life balance, something that historically has appealed to women in the legal profession.

In the past year, our Executive Committee's primary focus was on growing membership, and it has had tremendous success in recruiting LLLTs and attorneys. The Executive Committee focused on providing high quality programs and other valuable benefits for all of our members, as well as promoting opportunities for our members to communicate with each other and build meaningful professional relationships.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

By its very nature, low bono practice seeks to foster a respectful and civil practice environment. Clients typically have limited resources. Therefore, low bono practitioners must make the most of those resources to obtain the best possible outcome for a client. An effective method to achieve this end is to practice with respect and civility throughout the life of a matter in order to keep the focus of all involved on the legal and client-centered issues at hand.

In addition, low bono practitioners approach matters with their clients from the perspective of what outcomes will be both achievable and satisfactory to the client within the client's means. This approach typically improves the overall experience the client has with the legal system when compared to a more traditional approach of advancing a client's matter to a point where there is no resolution or satisfactory outcome, and then withdrawing when the client can no longer pay.

The Executive Committee and section members have presented CLEs regarding low bono practice which include information on professionalism when practicing law, and in particular in low bono practice models.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

COVID-19 has impacted our ability to reach out to new and young lawyers and LLLTs, as historically the Executive Committee has done so via in-person events. The Executive Committee has created an Outreach committee and is using social media and other means to reach out to new/young lawyers/LLLTs and those transitioning from big firms to solo/small firms. Our bylaws allow us to have three law students hold non-lawyer board positions. As part of our drive to increase membership, the Executive Committee plans to reach out to lawyers reaching retirement, especially those seeking to semi-retire, and to lawyers practicing in big firms, which we imagine will lead to creating connections for new and young lawyers to find mentorship and professional opportunities.

A significant number of our Executive Committee Members are within their first five years of practice. For FY2021, we will seek out a Young Lawyers Division liaison to participate in the Section Executive Committee meetings. Further involvement with the Seattle University School of Law Low Bono Incubator Program and the UW and Gonzaga Law Schools is planned.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We are thankful for the significant support and involvement in FY2020 of our WSBA Section Liaisons (Julianne Unite and Eleen Trang). The same can be said for other WSBA staff with whom the Section has interacted. All are approachable, thorough, and helpful with regard to Section business.

Our BOG liaison in 2020 was able to attend several meetings and provide updates on the BOG and its priorities. We have contacted our new BOG liaison for 2021 and are looking forward to developing a strong relationship with him.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	Real Property, Probate and Trust	
Chair:	Brian Lewis (2020-2021)	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	2,305
	Staff Lead:	Eleen Trang
	BOG Liaison:	P. J. Grabicki
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$93,493.26
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$26,996.70
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	<p>The purpose of the Section is to:</p> <ol style="list-style-type: none"> a. Assist our members in achieving the highest standards of competence, professionalism, and ethics in their practices, b. Assist the Legislature in the enactment and improvement of the laws affecting real property, probate, trusts, and estates and to assist the Judiciary in the just administration of those laws, c. Support the WSBA with regard to those matters which concern the practice of law in the areas of real property, probate, trusts and estates, and d. Otherwise serve our members by helping them realize their professional goals. 	
2020 Accomplishments and Work in Progress:	For 2019-2020, the RPPT Section set goals of delivering high quality CLEs in an environment where attendance at all WSBA CLEs is declining and increasing its presence with young lawyers. The RPPT	

continues to be thrilled with the high quality content and with the amazing young leaders in our Section.

Over the past four years, RPPT has fully integrated its Fellows Program which was originally introduced in June 2016. The Fellows who have participated in our Section have been an amazing resource for our Section Members. RPPT has enjoyed the benefits of welcoming Fellows back as elected executive committee members. RPPT continues to receive applications from young, energetic lawyers eager to join the section.

RPPT co-sponsored four (4) full day CLEs (in addition to our webinars and mini-CLEs offerings) and attracted great attendance at our recent Midyear Conference which was held virtually in June 2020.

RPPT published four (4) high-quality newsletters by our dedicated group of lawyers who sit on our Newsletter Committee.

RPPT continues to make an effort to have a representative attend each of the BOG meetings each year. RPPT continues to participate in a sub-committee to investigate reinstating a State-wide, all Sections Convention with the goal of increasing collegiality between the sections and WSBA membership.

<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	~4 (~\$2,500; RPPT Scholarship grants typically include tuition and expenses at our mid-year conference, which was held virtually this year; we typically budget \$4,000 for this)	Scholarships, donations, grants awarded (\$ amount)
	1-2 (attended, not hosted)	Law school outreach events/benefits hosted
	Multiple (RRPT review dozens of proposed bills annually)	Legislative bills reviewed/drafted
	4	Newsletters/publications produced
	1	Mini-CLEs produced
	4	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA

	0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity
	4-6 (all CLE include networking receptions or lunches, or both)	Receptions/forums hosted or co-hosted
	0-1 (RPPT is working to develop a lifetime contribution award, but has not yet been able to give it because no in person meetings are allowed)	Recognitions/Awards given
	1-2	New Lawyer Outreach events/benefits
		Other (please describe):
Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	Continue to re-establish effective communication with the Legislature through a WSBA Legislative Liaison. RPPT and WSBA's Legislative Liaison must create communication channels that allow a timely and impactful flow of information so that the expertise of RPPT members can be utilized to educate and inform Legislative members as they create law impacting the practice areas of real property, probate and trust.
	2	Continue outreach to new lawyers, including but not limited to offering of scholarships to the RPPT Midyear Conference, open section nights, mentor lunches at CLEs and other similar programs.
	3	Continue enrichment of the Fellows program to promote section membership to new lawyers and to inform existing RPPT members of ways to positively impact practice

		development and section membership for new lawyers.
	4	Strategic planning regarding most effective way to deliver CLEs to our members, including forms based/hands on training.
	5	Contribute constructively to all meetings where Sections participation is invited and work collaboratively with other Section Leaders to benefit all Members of the WSBA.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

Diversity continues to be an important issue to RPPT. When recruiting individuals to serve on the RPPT executive committee and/or join the Section, RPPT makes significant efforts to be inclusive. As a result of these efforts RPPT is doing very well in maintaining diversity in areas it can control: gender, age, small firm/large firm, geography. As to gender equity, RPPT has done a great job. For 2020-2021, 3 of 5 officers (and 14 of a total of 22 Executive Committee Members) of RPPT were women and the executive committee has had good gender balance for more than a decade. RPPT is expanding ethnic diversity with its Fellows and Young Lawyer Liaison. RPPT is continuing to examine areas where it can create inclusive education in its CLE programming.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

RPPT makes a conscious effort to include numerous ethics credit opportunities in our CLE programming. We also started, last year, providing lunch to all CLE attendees to increase relationship building among practice area professionals and offer mentoring lunches at the CLEs to young lawyers in attendance.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

RPPT has 4 fellows (2 on the probate and trust council and 2 on the real property council) and a Young Lawyer Liaison (on the real property council). The involvement of our young lawyers benefits RPPT by allowing the Section to learn first-hand about issues important to young lawyers. We believe the fellows and liaison benefit by obtaining experience necessary to lead RPPT and WSBA in the future. Historically, we provided up to four scholarships for tuition to the Midyear Conference to young lawyers at the Young Lawyer’s Open Section Nights. We have also provided full “all expenses paid” scholarships for young lawyers who applied to attend our Midyear Conference. RPPT has invested heavily in young lawyers in the last several years, and we are beginning to feel the benefits of that investment.

Please describe your Executive Committee’s relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We work closely with and receive excellent service from WSBA staff. Our relationship over the past year with Section staff has been as strong as we have experienced in a number of years. We work extremely well with Kevin Plachy and Miriam Gordon on CLE planning. Each of them is responsive and helpful and the information each communicates is always reliable. Each is positive and supportive of our CLE efforts.

We have appointed a small subcommittee whose responsibility is to attend BOG meetings. Previously, we had a different person attend meetings periodically. We found that it was a challenge keeping abreast of BOG issues. Having a smaller group of people attend allows for continuity without placing too much burden on any one individual.

RPPT eagerly awaits knowledge of our new BOG liaison, particularly at this time when our Section will benefit from staying abreast of important decisions made by the BOG and when the BOG will benefit from information uniquely within the province of sections.

A RPPT representative typically attends the sections leaders’ meetings that are held throughout the year. Section Leaders from WPTL, IPS, RPPT, Small and Solo Practice, Low Bono, Land Use/Environmental Law, Corporate Counsel, Family Law, Administrative Law, and ADR attended. RPPT looks forward to working with these Section Leaders to continue great work to benefit all members of the WSBA.

We look forward to ongoing communication with WSBA staff to ensure that we can be effective in legislative issues.

We are committed to a relationship of mutual respect with WSBA. We will strive to assist WSBA in meeting its objectives and appreciate that WSBA offers support and the flexibility we need to continue to provide the high-quality member services our members have come to expect.

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Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	Senior Lawyers Section	
Chair:	Eleanor Doermann	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	247
	Staff Lead:	Eleen Trang
	BOG Liaison:	Tom McBride
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$5,733.84
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$649.33
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	<p>Article II of the Bylaws of the Senior Lawyers Section states that “the purpose of this Section shall be to benefit members of the Washington State Bar Association (WSBA) and the general public, by:” The following subsections spell out specifically how this purpose is to be accomplished. Subsection 2.1 provides for programs that will promote the interests of members 55 years of age and older. Subsection 2.2 seeks to advance the opportunity and forum for members to exchange ideas and engage in educational, social and related activities geared to promoting the same common interests. Subsection 2.3 states the broadest goal of undertaking other services consistent with the Bylaws and other applicable rules that will benefit members of the legal profession and the public.</p> <p>Article III of the Bylaws spells out eligibility for membership. This is pertinent to defining who are the members of the Section referred to above. Under Section 3.1, to enroll as a voting member of the Section, the attorney must be an “Active member of the Washington State Bar Association 55 years of age and older or who has been in practice in any jurisdiction for 25 years.” Such an enrollee may be granted voting membership upon request and payment of annual Section dues. Section 3.1 also provides for inactive members who</p>	

	<p>may be members of the WSBA, law students and subscribers. Annual dues of members are established by the Section’s Executive Committee, subject to approval of the WSBA Board of Governors, and the dues of subscribers are determined and approved by the WSBA Board of Governors.</p>
<p>2020 Accomplishments and Work in Progress:</p>	<p>ANNUAL CLE EVENT</p> <p>A major event sponsored and carried out by the Senior Lawyer Section is its annual CLE seminar, an all-day program usually held in the last week of April or the first week of May. It is well-attended usually by 100 or more attorneys from around the state. The all-day program usually offers 7.0 CLE credits (including a 1.0 ethics credit).</p> <p>The 2020 event could not be held due to the pandemic. It has been tentatively rescheduled for May 2021. This will be reviewed at the next meeting of the Executive Committee.</p> <p><i>MINI-CLEs</i></p> <p>Eleanor Doermann has led us in initiating these new programs that have been well attended. At our most recent presentation, on October 30, 2020, Kurt Balmer addressed “Impact on Legal Ethics of Emerging Expectations Regarding Gender, Sex, and Race” and there were 105 attendees. The next webinar is scheduled for January 22, 2021, featuring Sarah Wixson, a Yakima attorney, as the key speaker.</p> <p><i>COMMUNICATIONS SUBCOMMITTEE</i></p> <p>Over the years, our section has sent all of its newsletters to members by first-class mail. The massive influx of mail has made this means of communication no longer effective or practical. The primary mission of our new Communications Subcommittee has been to effectuate the transmission of all publications and other communications by electronic means and, at the same time, to extend these communications beyond our section members to include all senior lawyers and other members of the bar who may have an interest in our programs. Toward the end of 2020, we initiated this new process, transmitting our section newsletter to all section members and others, reporting where we stand as a section and inviting their comment and ideas. Our next publication will be sent soon, implementing this new process of communication.</p> <p>OTHER</p> <p>This past year, the Senior Lawyers Section has assisted and contributed to other events and causes pertinent to its basic mission.</p>

	<p>This has included support of the growing WSBA Young Lawyer Liaisons Section Program. Also, our Task Force continues to investigate the dramatic changes in senior lawyer programs taking place in several major states designed to meet the expanding interests of those reaching retirement age – changes designed to avoid total extinction of these programs for senior lawyers. Our section faces some of the same challenges that suggest broadening our programs and membership.</p>	
<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	<p>Quantity</p>	<p>Member Benefit</p>
	<p>0</p>	<p>Scholarships, donations, grants awarded (\$ amount)</p>
	<p>0</p>	<p>Law school outreach events/benefits hosted</p>
	<p>0</p>	<p>Legislative bills reviewed/drafted</p>
	<p>1</p>	<p>Newsletters/publications produced</p>
	<p>2</p>	<p>Mini-CLEs produced</p>
	<p>0</p>	<p>Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA</p>
	<p>0</p>	<p>Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity</p>
	<p>1</p>	<p>Receptions/forums hosted or co-hosted</p>
	<p>0</p>	<p>Recognitions/Awards given</p>
	<p>1</p>	<p>New Lawyer Outreach events/benefits</p>
	<p>0</p>	<p>Other (please describe):</p>
<p>Looking Ahead: Goals & Priorities for 2021 (Top 5)</p>	<p>1</p>	<p>TASK FORCE: The Task Force was instituted by our executive committee a few years ago to look into what other major bar associations might be doing to salvage and expand their senior lawyer programs. It has not been easy obtaining reliable information given that access to these programs is limited to designated members of whatever state bar is being reviewed. Along with the delay in getting comprehensive information, unfortunately, our section membership has continued to dwindle – suggesting the need for renovation. The coronavirus threat poses new challenges that our section also needs to evaluate and address.</p>
	<p>2</p>	<p>EXPANDED PUBLICATIONS: Our publications of <i>Life Begins</i> became increasingly out-of-touch when sent with the deluge of mails now going out. Thus, we have embarked on transmitting our publications by other means, electronically.</p>

		These publications are not only better transmitted, but also sent to a great number of lawyers who potentially have interest in what our section has to offer – and maybe even joining our section.
	3	BROADENED CLE PROGRAMS: Our annual CLEs have always been outstanding in the programs and speakers offered. However, participation has steadily dwindled in recent years. This suggests addressing a broader audience of attorneys and structure the programs accordingly. At the same time, we have expanded to mini-CLEs and they are proving most successful – our October 30 presentation by Kurt Balmer on the “Impact on Legal Ethics of Emerging Expectations Regarding Gender, Sex, and Race” attracting 105 attendees. The pandemic presents new challenges for all of these programs.
	4	OUTREACH TO OTHERS: The focus of our section has always been senior lawyers. However, we are broadening our mission to include support and dealings with young lawyers. We assign member of our Executive Committee to serve as liaison to the WSBA Young Lawyers Section.
	5	INVOLVEMENT IN BAR POLICY AND DECISIONS: As a section, we have interest and seek participation in the overall administration of the bar and its sections. We strive to have members of our executive committee attend BOG meetings to extend ideas and positions and also participate in special programs and activities involving the various sections. 1.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

Senior Lawyer Section members are now mostly lawyers who have retired or are about to reach that point in their practice. They are mostly white males, since that was the makeup of the bar when they commenced practice. The legal profession has of course gone through dramatic change over the years and now, looking at all the lawyers who have reached seniors status, the make-up is much broader and diverse than the present makeup of our section. A primary goal of our section is to expand its membership to all lawyers now in the senior category – to include the huge generation of Baby Boomers and diversity of lawyers of every race, sexual orientation, religion and culture. Our goal is to address the ongoing changes that formulate the make-up of all senior lawyer members of our state bar.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

Senior members of the bar were mostly indoctrinated with basic principles of professional practice, when the focus was primarily on devotion to the client and outstanding service. Today, the focus has turned more to competing for client business and maximizing earnings however possible. These are concerns our section will be addressing. Our CLEs will continue addressing

these mounting issues. Our publications will also focus on how we maintain respect and civility within our legal community.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

While our membership is made up of senior lawyers, serious effort is being made to reach out to the needs and interests of the expanding generation of young lawyers. We have appointed one of our executive committee members as liaison to the Young Lawyers Section to participate in and support their programs and events.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

Eleen Trang provides us excellent service as our staff lead. Tom McBride participates in our executive committee meetings and as BOG liaison keeps us well informed of bar matters affecting our section.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>Solo & Small Practice Section</i>	
Chair:	<i>Shashi Vijay</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 31, 2020)</i>	913
	Staff Lead:	Eleen Trang
	BOG Liaison:	Sunitha Anjilvel
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$34,589.61
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$10,008.59
Purpose:	<i>To help solo and small practice attorneys ethically conduct a profitable, satisfying business by acting as a clearing house for qualified law practice management and technology information.</i>	
2020 Accomplishments and Work in Progress:	<p>Major accomplishments include:</p> <ul style="list-style-type: none"> • Maintained our membership close to 1000 members, which in turn enhances the value of our list serve. • Produced 6 mini CLEs which are free to our members. Each of them have been excellently received and had great feedback from our members. • We exceeded our budget projections with our mini-CLE's. We have found mini-CLE's to be more successful in reaching Section members, with attendance far exceeding the attendance we might get from a full-day CLE. • Produced the Solo & Small Firm Conference in partnership with WSBA and sponsored a reception. • Continually enhanced content on our WSBA web pages. • Hosted a couple member events. 	

Please quantify your section's current member benefits: <i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$4,690	Scholarships, donations, grants awarded
	\$50	Law school outreach events/benefits hosted
		Legislative bills reviewed/drafted
		Newsletters produced
	6	Mini-CLEs produced
	1	Co-sponsored half/day to multi-day CLEs with WSBA
	2	Receptions/forums hosted
		Awards given
	1	New Lawyer Outreach events/benefits
	Other (please describe):	
Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	Continue to increase diversity on the EC
	2	Co-sponsor a networking event with another section and/or minority bar association
	3	Continue to help restore the annual WSBA Solo & Small Firm Conference into the premier solo and small firm networking event it was before
	4	Co-sponsor CLE's or other events at law schools or with other legal groups (i.e. WSAJ)
	5	Continue to work on creating a mentorship program to help recruit and train young/new lawyers.
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p><i>Our membership is as diverse as WSBA membership. We recruit minorities to serve on the EC. We also plan to invite some minority bar associations to provide liaisons to our EC. Note: At least three of our existing EC members are also members of minority bar associations. Diversity is always one of our goals when selecting speakers for our CLE and webinars.</i></p>		

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

Our CLE's help lawyers run the business end of their practices ethically and efficiently which in turn fosters better relations with other counsel and the courts. In particular, effective use of technology helps lawyers meet their obligations, manage trust accounts and manage communications with clients and opposing counsel.

On our list-serve, members frequently solicit advice and share experiences regarding legal issues and how to deal with opposing counsel, courts and staff.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision-making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

We have a liaison from the Young Lawyers Committee on our EC.

We try to attend one or two law school events each year, encouraging students to join the Section.

We send letters to new admittees encouraging them to join the Section.

We participate in Open Sections Night in Seattle (and Spokane if it's presented there).

We participate in mentor projects.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

WSBA staff are responsive to our requests for help. Our goal is to foster a productive, collaborative relationship with WSBA staff focusing on what we can do within the existing administrative structure. We will continue to push where we believe bureaucracy is unnecessarily hampering the work of the sections. We also have a decent working relationship with our BOG liaison.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>Taxation Section</i>	
Chair:	<i>Brett Durbin</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	630
	Staff Lead:	
	BOG Liaison:	
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$13,213.17
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$4,313.58
Purpose: <i>(Usually stated in the Section's Bylaws)</i>		
2020 Accomplishments and Work in Progress:	<p>Despite the restrictions imposed by COVID-19 the Taxation Section successfully operated its twelve subcommittees. Those subcommittees held meetings in their respectful sub-specialty area of tax law or otherwise accomplished their annual objectives. The subcommittees hosted a variety of virtual events throughout the year including mini CLEs and panel discussions</p>	
Please quantify your section's current member benefits:	Quantity	Member Benefit
		Scholarships, donations, grants awarded (\$ amount)
		Law school outreach events/benefits hosted

<p>For example:</p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 		Legislative bills reviewed/drafted
		Newsletters/publications produced
	3	Mini-CLEs produced
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity
	1	Receptions/forums hosted or co-hosted
		Recognitions/Awards given
		New Lawyer Outreach events/benefits
		Other (please describe):
Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	Increase engagement with Section members by holding more virtual events
	2	Establish workgroup to focus on increasing diversity of tax attorneys in Washington
	3	Provide Section members with wide variety of mini-CLEs regarding emerging issues and practical topics
	4	Explore options for more interactive communication among Section members
	5	Increase coordination with other stakeholder groups in reviewing and providing technical feedback on proposed tax legislation.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The Taxation Section is establishing a workgroup to focus on ways to increase diversity of the tax bar in Washington. As part of the workgroup, the Taxation Section will be reaching out to minority bar associations to explore opportunities to increase diversity and promote equitable conditions that will encourage members from historically underrepresented backgrounds to enter, stay, thrive, and become leaders in the tax bar.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The Taxation Section works to promote respect and civility by fostering professional relationships among private sector attorneys and government attorneys. Tax law most often requires these two groups to work on opposite sides. The Taxation Section provides the landscape where attorneys can come together and build professional relationships outside a confrontational situation. One example is our Tax Court judge receptions, where government attorneys and private practice attorneys have the opportunity to get acquainted and discuss topics other than their current caseload. In addition, the Tax Section hosts brown bag lunches in which Washington state Department of Revenue attorneys can meet and network with private attorneys. Furthermore, the Tax Section implements a co-chair model for multiple subcommittees such that those sub-committees are chaired by both a government attorney and a private attorney. This co-chair model fosters a more cohesive Section in which multiple viewpoints are considered, especially at Executive Committee meetings.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The Taxation Section is committed to integrating new and young lawyers into the broader Taxation Section framework. In addition to hosting a Young Lawyer Liaison, the Taxation Section has a stand-alone Young Lawyer Committee. The Young Lawyer Committee regularly meets with JD students, tax LLM students, and young lawyers to discuss employment, networking, and leadership opportunities. In addition, the Young Lawyer Committee continues to build and foster relationships with the University of Washington School of Law and Seattle University School of Law. These schools co-host events and otherwise work with the committee to help connect students and young attorneys with more experienced practitioners. The Young Lawyer Committee puts on events throughout the year. Events have included networking breakfast events and panel discussions at the law schools. The Taxation Section is actively exploring ways to hold similar events virtually in the upcoming year.

The Taxation Section actively provides leadership opportunities for young lawyers. The Taxation Section places the same value on input from its Young Lawyer Committee as all other committees. In fact, the past-Chair of the Tax Section was the Young Lawyer Committee Chair when he was elected to the executive Tax Section Secretary position. Also, we have expanded committee positions to accommodate young lawyers interested in participating.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

WSBA staff assigned to the Taxation Section is always available and willing to answer questions and provide additional information on matters related to the WSBA. In addition, WSBA staff regularly attend and provide helpful input at Executive Committee meetings



Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section’s webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE B A R A S S O C I A T I O N

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	World Peace through Law Section	
Chair:	Regina Paulose (2019 – 2020)	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	134
	Staff Lead:	Eleen Trang
	BOG Liaison:	Brent Williams-Ruth
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$6,393.23
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$2,200.79
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	The WPTL promotes human rights and peace discourse and advocacy.	
2020 Accomplishments and Work in Progress:	Creation of working group on policy issue Creation of "Listen in" program dedicated to racial issues Community outreach through Book Club/performance (rescheduled due to pandemic)	
Please quantify your section's current member benefits: <i>For example:</i> <ul style="list-style-type: none"> ● \$3000 Scholarships, donations, grants awarded; 	Quantity	Member Benefit
	0	Scholarships, donations, grants awarded (\$ amount) for 2019- 2020
	1	Law school outreach events/benefits hosted
	TBD	Legislative bills reviewed/drafted (based on working group for the Book Ban)

<ul style="list-style-type: none"> 4 mini-CLEs produced 	1	Newsletters/publications produced – in partnership with the Seattle U Law Journal the WPTL had a call for submissions in the environmental law journal
	12	Mini-CLEs produced
	1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA (cultural heritage and the law CLE)
	1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity (The Common Good Foundation, 2020 Mass Atrocity Seminar)
	7	Receptions/forums hosted or co-hosted (3 Listen In conversations to date and 4 telephone conferences from non-lawyers to discuss various peace topics).
	0	Recognitions/Awards given
	0	New Lawyer Outreach events/benefits
		Other (please describe):
Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	ABA/WSBA co-hosted 1 day CLE on Climate displacement and migration (January 28, 2021)
	2	Continue monthly Mini-CLE program
	3	Partner with other sections on CLEs and events of interest to WSBA members and the general public
	4	Continue to highlight speakers/topics related to diversity and inclusion
	5	

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The 2019-2020 Chair and the incoming 2020-2021 Chair represent diversity within the WSBA. The WPTL this year tackled diversity through two lenses – the first is through our programming where there was a concerted effort to ensure that minority communities and speakers from those communities were represented that was different from the majority population in Washington State or from the majority of those who are within the Washington State Bar Association.

The second lens was to raise awareness regarding challenges of race through different conversations that were titled “Listen in” and these conversations were just that. It was not

meant for interaction but for meaningful conversations on issues that are relevant to particular communities. There are more scheduled to take place throughout the year.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

This section does not have as an agenda item professionalism however it is a section that has been usually characterized as pleasant to work with. Therefore, the usual way of addressing this issue is through CLE's.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

For 2020 – 2021 the section will have a Young Lawyer Liaison.

Pease describe your Executive Committee’s relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

In 2019 – 2020 the WPTL had an interactive and engaging relationship with the WSBA. This was in part because the 2020 President Majumdar had an openness to be able to interact with members of the WSBA and it was easy to communicate directly with him. He also was very supportive of the work generally of the WPTL. For 2021 the new President, Kyle S, has already worked with the WPTL and understands how we work and what we are focused on as a section.

The WSBA staff has been amazing working with the WPTL. In short we have brought quality programs to our members and in large part that is because the staff has been very easy to work with and to assist us with our programming. It should be noted that the WPTL has encouraged other sections to do the same and now there should be an increase in usage of the WSBA staff as a result.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section’s webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org

WASHINGTON STATE BAR ASSOCIATION

Office of General Counsel

To: The President, President-elect, Immediate Past-President, and Board of Governors
 From: Julie Shankland, General Counsel
 Lisa Amatangel, Associate Director, OGC
 Date: December 23, 2020
 Re: Litigation Update

PENDING LITIGATION:

No.	Name	Brief Description	Status
1.	<i>Kaiser v. WSBA, et al</i> , No. 2:20-cv-01544-TLF (W.D. Wash.)	Plaintiff, a 2007 law school graduate, seeks an order from the Washington Supreme Court admitting him to the bar without taking the bar exam.	Complaint filed 10/22/20; WSBA's motion to dismiss fully briefed as of 12/18/20.
2.	<i>Block v. Scott et al</i> , No. 20-2-07931-1 (Pierce Sup. Ct.)	Alleges civil rights and public records violations.	Complaint filed 10/07/20.
3.	<i>Small v. WSBA</i> , No. 19-2-15762-3 (King Sup. Ct.)	Former employee alleges discrimination and failure to accommodate disability.	On 07/17/19, WSBA filed an answer. Discovery is complete. On 10/02/20 WSBA filed a motion for summary judgment; on 10/20/20 this motion was denied in part and granted in part. On 11/09/20 WSBA filed a motion for reconsideration of the court's order on summary judgment.
4.	<i>Beauregard v. WSBA</i> , No. 19-2-08028-1 (King Sup. Ct.)	Alleges violations of WSBA Bylaws (Section VII, B "Open Meetings Policy") and Open Public Meetings Act; challenges termination of former ED.	On 08/27/19, the Washington Supreme Court granted direct discretionary review. On 09/26/19, WSBA filed a Designation of Clerk's Papers with the Superior Court, and a Statement of Arrangements with the Supreme Court. WSBA filed a report of proceedings with the Supreme Court on 11/25/19. WSBA filed its opening brief on 02/10/20. Respondent filed his response on 02/28/20; WSBA filed its reply brief on 04/01/20. On 05/15/20, the Supreme Court appointed Judges Korsmo and Bjorgen as Justices Pro Tem in this matter. On 05/28/20, the Supreme Court denied Respondent's motion to



			supplement the record. Oral argument held 06/23/20.
5.	<i>Block v. WSBA et al.</i> , No. 18-cv-00907 (W.D. Wash.) (“ <i>Block II</i> ”)	See <i>Block I</i> (below).	On 03/21/19, the Ninth Circuit stayed <i>Block II</i> pending further action by the district court in <i>Block I</i> . On 12/17/19, Block filed a status report with the Ninth Circuit informing the Court of the Block I Court’s reimposition of the vexatious litigant pre-filing order against Block. On 06/18/20, the Ninth Circuit lifted the stay order and ordered the appellees who have not yet filed their answering briefs to do so by 08/17/20 (WSBA filed its answer brief before the stay order was entered). Block’s reply was due 10/09/20; on 10/09/20 Block requested a 30-day extension.
6.	<i>Eugster v. WSBA, et al.</i> , No. 18201561-2, (Spokane Sup. Ct.)	Challenges dismissal of <i>Spokane County 1</i> (case no. 15-2-04614-9).	Dismissal order signed 01/06/20. On 01/16/20, WSBA filed a supplemental brief on fees under CR 11 and RCW 4.84.185. Fee award of \$28,586 granted on 02/14/20; Eugster filed a notice of appeal on 03/02/20. WSBA filed its response brief on 12/14/20.
7.	<i>Block v. WSBA, et al.</i> , No. 15-cv-02018-RSM (W.D. Wash.) (“ <i>Block I</i> ”)	Alleges conspiracy among WSBA and others to deprive plaintiff of law license and retaliate for exercising 1st Amendment rights.	On 02/11/19, 9th Cir. affirmed dismissal of claims against WSBA and individual WSBA defendants; the Court also vacated the pre-filing order and remanded this issue to the District Court. On 12/09/19, the United States Supreme Court denied plaintiff’s Petition of Writ of Certiorari. On 12/13/19, the District Court reimposed the vexatious litigant pre-filing order against Block; Block filed a notice of appeal regarding this order on 01/14/20. Block filed an opening brief on 11/06/20; WSBA’s answering brief is due 12/07/20.

			<p>On 09/10/20, Block moved to vacate the vexatious litigant order; WSBA opposed the motion and it was denied.</p> <p>In response to the district court's denial of Block's motion to vacate, on 10/01/20, Block filed a motion for an indicative ruling on whether the district court would vacate the vexatious litigant order if the appellate court remanded the case for that purpose. WSBA opposed the motion. Block filed a reply on 10/16/20. This motion is pending.</p>
8.	<i>Eugster v. Littlewood, et al.</i> , No. 17204631-5 (Spokane Sup. Ct.)	Demand for member information in customized format.	Dismissed (GR 12.4 is exclusive remedy) and fees awarded; Eugster appealed. Merits and fee appeal briefing completed. Matter transferred to Division I and set for panel consideration on 09/25/20 without oral argument. Dismissal and fee award affirmed on 10/05/20. Eugster moved for reconsideration; this motion is pending.
9.	<i>Eugster v. WSBA, et al.</i> , No. 18200542-1 (Spokane Sup. Ct.)	Alleges defamation and related claims based on briefing in <i>Caruso v. Washington State Bar Association, et al.</i> , No. 2:17-cv-00003-RSM (W.D. Wash.)	Dismissed based on absolute immunity, collateral estoppel, failure to state a claim. Briefing complete on appeal and cross-appeal on fees. Case transferred to Division II. Oral argument heard on 10/22/19. On 01/07/20, the Court affirmed dismissal and reversed fee denial. Eugster filed a petition for review with the Washington Supreme Court; petition denied on 07/08/20. Case remanded to determine fee award. On 11/20/20 the superior court granted defendants' fee request in full (\$27,380.50).

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: WSBA Board of Governors

From: Jennifer Olegario, Communication Strategies Manager

CC: Sara Niegowski, Chief Communications and Outreach Officer

Date: Jan. 7, 2021

RE: **Summary of Media Contacts**, Nov. 2, 2020-Jan.7, 2021

Date	Journalist and Media Outlet	Inquiry
Nov. 2	Zachariah Bryan, <i>The Daily Herald</i> (Everett),	Inquired about attorney discipline regarding relationship between former Marysville prosecutor Al Treacy and defense attorney Marne Whitney.
Dec. 2	Lyle Moran, <i>ABA Journal</i>	Sought diploma privilege statistics for an upcoming story to be co-written with a colleague. Also shared 12/3/2020 WA Supreme Court Order re: Feb. 2021 remote bar exam. See article below.
Dec. 8	Xiumei Dong, Law360	Inquired about cybersecurity incident. Sent media statement; see article below.
Dec. 15	Sam Skolnik, Bloomberg Law	Join inquiry with the WA Supreme Court regarding diploma privilege and its impact; see article below.
Dec. 15	Peter O’Cain, Wenatchee World	Sought comment about resignation of Okanogan County Prosecutor Arian Noma, and average caseload for a county prosecutor. Referred reporter to Washington Association of Prosecuting Attorneys and provided ABA’s Criminal Justice Standards for the Prosecution Function, which includes a standard on Appropriate Workload.

News Releases, Media Outreach, and Media Coverage

Whidbey News-Times, "[Ghosts of Courts Past: The Story Behind Washington's Oldest Courthouse](#)" (pickup from NWSidebar blog), Dec. 1

Law360, "[Lawyers' Data Targeted in String of Bar Association Hacks](#)," Dec. 11

ABA Journal (pickup from Law360 article), "[Texas judicial conduct system and Washington bar association grapple with cyberattacks](#)," Dec. 15

ABA Journal, "[Former Washington state bar leader remembered as a champion for legal innovation](#)," Dec. 17

Bloomberg Law, "[Over 1,000 New Lawyers Get Licenses without Taking Bar Exam](#)," Jan. 4.

News releases:

[Excellence Celebrated at Annual APEX Awards](#)

- *Yakima Herald-Republic, Yakima Times*; Outstanding Judge – Hon. Michael McCarthy; "[Yakima County Judge Michael McCarthy honored posthumously with Washington State Bar's Outstanding Judge Award](#)," Dec. 24.

[Clark County Bar Executive Director Lisa Darco Receives Professionalism in Practice Award](#)

WSBA Member* Licensing Counts 1/4/21 10:17:28 AM GMT-08:00

Member Type	In WA State	All
Attorney - Active	26,766	33,665
Attorney - Emeritus	107	113
Attorney - Honorary	314	362
Attorney - Inactive	2,490	5,609
Judicial	609	640
LLLT - Active	47	47
LLLT - Inactive	4	4
LPO - Active	810	823
LPO - Inactive	139	158
	31,286	41,421

By District		
	All	Active
0	5,033	4,092
1	2,853	2,366
2	2,102	1,705
3	2,078	1,751
4	1,373	1,171
5	3,194	2,592
6	3,338	2,796
7N	5,007	4,287
7S	6,484	5,367
8	2,220	1,883
9	4,850	4,108
10	2,889	2,417
	41,421	34,535

By State and Province	
Alabama	28
Alaska	201
Alberta	11
Arizona	360
Arkansas	18
Armed Forces Americas	2
Armed Forces Europe, Middle East	29
Armed Forces Pacific	12
British Columbia	97
California	1,862
Colorado	261
Connecticut	49
Delaware	7
District of Columbia	337
Florida	272
Georgia	88
Guam	13
Hawaii	142
Idaho	475
Illinois	163
Indiana	39
Iowa	30
Kansas	29
Kentucky	26
Louisiana	48
Maine	16
Maryland	117
Massachusetts	86
Michigan	74
Minnesota	101
Mississippi	7
Missouri	64
Montana	162
Nebraska	18
Nevada	148
New Hampshire	13
New Jersey	65
New Mexico	73
New York	256
North Carolina	85
North Dakota	10
Northern Mariana Islands	5
Nova Scotia	1
Ohio	76
Oklahoma	27
Ontario	16
Oregon	2,741
Pennsylvania	81
Puerto Rico	6
Quebec	1
Rhode Island	12
South Carolina	29
South Dakota	11
Tennessee	59
Texas	386
Utah	182
Vermont	16
Virginia	270
Virgin Islands	2
Washington	31,286
Washington Limited License	1
West Virginia	6
Wisconsin	44
Wyoming	22

By WA County	
Adams	15
Asotin	27
Benton	415
Chelan	260
Clallam	163
Clark	956
Columbia	7
Cowlitz	156
Douglas	44
Ferry	11
Franklin	58
Garfield	3
Grant	136
Grays Harbor	117
Island	168
Jefferson	120
King	17,597
KING	1
Kitsap	843
Kititas	91
Klickitat	26
Lewis	121
Lincoln	12
Mason	103
Okanogan	93
Pacific	29
Pend Oreille	16
Pierce	2,457
San Juan	91
Skagit	290
Skamania	19
Snohomish	1,700
Spokane	2,054
Stevens	60
Thurston	1,709
Wahkiakum	12
Walla Walla	119
Whatcom	606
Whitman	78
Yakima	459

By Admit Yr	
1946	1
1947	2
1948	2
1949	2
1950	5
1951	15
1952	19
1953	16
1954	21
1955	10
1956	33
1957	23
1958	27
1959	28
1960	28
1961	24
1962	32
1963	31
1964	33
1965	48
1966	59
1967	58
1968	82
1969	89
1970	99
1971	98
1972	160
1973	242
1974	235
1975	298
1976	361
1977	364
1978	406
1979	432
1980	455
1981	486
1982	477
1983	509
1984	1,115
1985	567
1986	774
1987	742
1988	646
1989	702
1990	881
1991	852
1992	827
1993	930
1994	881
1995	832
1996	812
1997	916
1998	901
1999	910
2000	908
2001	918
2002	1,006
2003	1,065
2004	1,092
2005	1,123
2006	1,192
2007	1,274
2008	1,106
2009	984
2010	1,078
2011	1,070
2012	1,094
2013	1,240
2014	1,368
2015	1,614
2016	1,331
2017	1,409
2018	1,330
2019	1,381
2020	1,569

Misc Counts	
All License Types **	41,775
All WSBA Members	41,421
Members in Washington	31,286
Members in western Washington	27,258
Members in King County	17,598
Members in eastern Washington	3,984
Active Attorneys in western Washington	23,387
Active Attorneys in King County	15,503
Active Attorneys in eastern Washington	3,346
New/Young Lawyers	6,489
MCLE Reporting Group 1	11,116
MCLE Reporting Group 2	11,924
MCLE Reporting Group 3	11,082
Foreign Law Consultant	19
House Counsel	325
Indigent Representative	10

By Section ***	All	Previous Year
Administrative Law Section	65	232
Alternative Dispute Resolution Section	98	320
Animal Law Section	30	90
Antitrust, Consumer Protection and Unfair Business Practice	56	199
Business Law Section	361	1,238
Cannabis Law Section	17	109
Civil Rights Law Section	46	165
Construction Law Section	179	514
Corporate Counsel Section	361	1,097
Creditor Debtor Rights Section	143	454
Criminal Law Section	108	372
Elder Law Section	224	646
Environmental and Land Use Law Section	220	772
Family Law Section	328	968
Health Law Section	147	393
Indian Law Section	107	322
Intellectual Property Section	222	874
International Practice Section	68	245
Juvenile Law Section	26	138
Labor and Employment Law Section	329	985
Legal Assistance to Military Personnel Section	21	68
Lesbian, Gay, Bisexual, Transgender (LGBT) Law Section	31	116
Litigation Section	306	1,008
Low Bono Section	20	120
Real Property Probate and Trust Section	751	2,281
Senior Lawyers Section	86	241
Solo and Small Practice Section	283	900
Taxation Section	198	619
World Peace Through Law Section	30	131

* Per WSBA Bylaws 'Members' include active attorney, emeritus pro-bono, honorary, inactive attorney, judicial, limited license legal technician (LLLT), and limited practice officer (LPO) license types.

** All license types include active attorney, emeritus pro-bono, foreign law consultant, honorary, house counsel, inactive attorney, indigent representative, judicial, LPO, and LLLT.

*** The values in the All column are reset to zero at the beginning of the year (Jan 1). The Previous Year column is the total from the last day of the prior year (Dec 31). WSBA staff with complimentary membership are not included in the counts.

WSBA Member* Demographics Report 1/4/21 10:19:06 AM GMT-08:00

By Years Licensed	
Under 6	8,620
6 to 10	5,825
11 to 15	5,482
16 to 20	4,822
21 to 25	4,082
26 to 30	3,807
31 to 35	2,851
36 to 40	2,547
41 and Over	3,385
Total:	41,421

By Age	All	Active
21 to 30	1,934	1,871
31 to 40	9,248	8,355
41 to 50	10,047	8,392
51 to 60	8,910	7,072
61 to 70	7,707	5,813
71 to 80	3,012	2,007
Over 80	563	155
Total:	41,421	33,665

By Gender	
Female	12,340
Male	16,638
Non-Binary	17
Not Listed	21
Selected Mult Gender	22
Transgender	1
Two-spirit	4
Respondents	29,043
No Response	12,378
All Member Types	41,421

By Disability	
Yes	1,189
No	20,010
Respondents	21,199
No Response	20,222
All Member Types	41,421

By Sexual Orientation	
Asexual	21
Gay, Lesbian, Bisexual, Pansexual, or Queer	465
Heterosexual	4,401
Not Listed	95
Selected multiple orientations	17
Two-spirit	4
Respondents	5,003
No Response	36,418
All Member Types	41,421

By Ethnicity	
American Indian / Native American / Alaskan Native	237
Asian-Central Asian	23
Asian-East Asian	229
Asian-South Asian	54
Asian-Southeast Asian	64
Asian—unspecified	1,106
Black / African American / African Descent	654
Hispanic / Latinx	695
Middle Eastern Descent	19
Multi Racial / Bi Racial	1,005
Not Listed	209
Pacific Islander / Native Hawaiian	62
White / European Descent	23,410
Respondents	27,767
No Response	13,654
All Member Types	41,421

Members in Firm Type	
Bank	32
Escrow Company	57
Government/ Public Sector	5,121
House Counsel	3,088
Non-profit	369
Title Company	116
Solo	5,068
Solo In Shared Office Or	1,324
2-5 Members in Firm	4,196
6-10 Members in Firm	1,668
11-20 Members in Firm	1,274
21-35 Members in Firm	760
36-50 Members In Firm	546
51-100 Members in Firm	597
100+ Members in Firm	1,876
Not Actively Practicing	1,552
Respondents	27,644
No Response	13,777
All Member Types	41,421

By Practice Area	
Administrative-regulator	2,219
Agricultural	228
Animal Law	106
Antitrust	310
Appellate	1,626
Aviation	181
Banking	422
Bankruptcy	871
Business-commercial	5,181
Cannabis	103
Civil Litigation	622
Civil Rights	1,050
Collections	507
Communications	214
Constitutional	637
Construction	1,328
Consumer	736
Contracts	4,212
Corporate	3,539
Criminal	3,720
Debtor-creditor	900
Disability	594
Dispute Resolution	1,239
Education	475
Elder	856
Employment	2,788
Entertainment	306
Environmental	1,251
Estate Planning-probate	3,345
Family	2,609
Foreclosure	460
Forfeiture	102
General	2,562
Government	2,806
Guardianships	804
Health	929
Housing	312
Human Rights	300
Immigration-naturaliza	996
Indian	574
Insurance	1,635
Intellectual Property	2,260
International	885
Judicial Officer	415
Juvenile	795
Labor	1,120
Landlord-tenant	1,231
Land Use	852
Legal Ethics	277
Legal Research-writing	797
Legislation	426
Lgbtq	74
Litigation	4,638
Lobbying	165
Malpractice	732
Maritime	316
Military	387
Municipal	891
Non-profit-tax Exempt	606
Not Actively Practicing	2,028
Oil-gas-energy	233
Patent-trademark-copyr	1,302
Personal Injury	3,208
Privacy And Data Securit	303
Real Property	2,623
Real Property-land Use	2,099
Securities	775
Sports	171
Subrogation	120
Tax	1,285
Torts	2,045
Traffic Offenses	595
Workers Compensation	704

By Languages Spoken	
Afrikaans	5
Akan /twi	5
Albanian	2
American Sign Language	17
Amharic	20
Arabic	49
Armenian	7
Bengali	11
Bosnian	14
Bulgarian	11
Burmese	2
Cambodian	6
Cantonese	104
Cebuano	7
Chamorro	5
Chaozhou/chiu Chow	1
Chin	1
Croatian	20
Czech	7
Danish	18
Dari	3
Dutch	23
Egyptian	2
Farsi/persian	64
Finnish	7
French	688
French Creole	1
Fukienese	3
Ga/kwa	2
German	414
Gikuyu/kikuyu	1
Greek	31
Gujarati	14
Haitian Creole	3
Hebrew	38
Hindi	99
Hmong	1
Hungarian	16
Ibo	4
Icelandic	2
Ilocano	8
Indonesian	12
Italian	164
Japanese	210
Javanese	1
Kannada/canases	4
Kapampangan	1
Khmer	2
Korean	235
Lao	5
Latvian	6
Lithuanian	3
Malay	4
Malayalam	8
Mandarin	377
Marathi	6
Mien	1
Mongolian	2
Navajo	1
Nepali	5
Norwegian	35
Not_listed	45
Oromo	4
Persian	19
Polish	33
Portuguese	123
Punjabi	62
Romanian	22
Russian	229
Samoan	7
Serbian	17
Serbo-croatian	13
Sign Language	20
Singhalese	2
Slovak	3
Spanish	1,816
Spanish Creole	5
Swahili	7
Swedish	52
Tagalog	67
Taihanese	4
Taiwanese	22
Tamil	12
Telugu	4
Thai	10
Tigrinya	4
Tongan	1
Turkish	14
Ukrainian	44
Urdu	42
Vietnamese	89
Yoruba	10
Yugoslavian	4

* Includes active attorneys, emeritus pro-bono, honorary, inactive attorneys, judicial, limited license legal technician (LLLT), and limited practice officer (LPO).

TO: WSBA Board of Governors
FROM: Hunter M. Abell
DATE: January 7, 2021
RE: Proposed Resolution Regarding Rule of Law and Peaceful Transitions of Power

ACTION/DISCUSSION : Approve attached Resolution regarding rule of law and peaceful transitions of power.

Background: On January 6, 2021, the Joint Session of the U.S. Congress convened to open, certify, and count the Electoral College votes was disrupted by political violence. The violence resulted in four persons killed, an unknown number of people injured, a discontinuation of the process of counting the Electoral College votes, and a delay in certifying the victor of the 2020 election.

Current Status: The President and Executive Director of the Washington State Bar Association (“WSBA”) issued a statement on the WSBA’s website on January 6, 2021 strongly condemning the use of violence to disrupt the constitutionally required Congressional certification of the Electoral College vote. See <https://www.wsba.org/news-events/latest-news/news-detail/2021/01/07/wsba-statement-about-siege-of-the-u.s.-capitol-building>

Action: Approve attached Resolution by the Board of Governors taking the following actions: 1) unequivocally condemn the political violence of January 6, 2021; 2) memorialize that the political violence of January 6, 2021 strikes at the heart of our representative institutions and constitutional government; 3) call upon WSBA members and members of the public to recommit to the principles of rule of law and the peaceful transition of power; 4) call upon members of the Washington congressional delegation to do their duty, as they see fit, without fear or influence from political violence; and 5) thank the U.S. Capitol Police and all law enforcement involved in protecting lawmakers and U.S. property, and direct that the WSBA Executive Director convey this resolution to the Chief of Police of U.S. Capitol Police.

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS

RESOLUTION REGARDING RULE OF LAW AND PEACEFUL TRANSITIONS OF POWER

WHEREAS, the Washington State Bar Association (“WSBA”) strives to promote the independence of the judiciary and the legal profession, and promote an effective legal system, accessible to all; and

WHEREAS, the WSBA comprises over 40,000 members, comprising a wide variety of different political beliefs, backgrounds, and viewpoints; and

WHEREAS, the WSBA members, in conjunction with members of the bench and law enforcement, stand at the forefront of the ensuring an effective legal system in Washington; and

WHEREAS, the WSBA members, as licensed legal professionals, have special responsibilities to uphold rule of law and the peaceful transfer of power; and

WHEREAS, the WSBA is prohibited from taking positions on political or social issues that do not relate to or affect the practice of law or the administration of justice; and

WHEREAS, on January 6, 2021, the U.S. House of Representatives and the Senate were scheduled to convene in Joint Session for the purpose of opening the 2020 presidential election Electoral College votes, certifying their validity, counting them, and declaring the official result of the election for President and Vice President of the United States of America; and

WHEREAS, the U.S. House of Representatives and the Senate were acting pursuant to Article II, Section 1 and Amendment XII to the U.S. Constitution, and the Electoral Count Act of 1887; and

WHEREAS, on January 6, 2021, members of the WSBA, along with the American public nationwide, observed the Joint Session of the House of Representatives and the Senate disrupted by protestors and disfigured by violence; and

WHEREAS, members of the WSBA, along with the American public nationwide, observed protestors invade the chambers of the House of Representatives and the Senate; and

WHEREAS, these protests resulted in lawmakers being evacuated; and

WHEREAS, these protests delayed the peaceful democratic processes that characterize our form of government; and

WHEREAS, these protests resulted in four people killed and an unknown number of injuries; and

WHEREAS, the disruption of representative government directly impacts the legislative process, practice of law, administration of justice, and rule of law; and

WHEREAS, on January 6, 2021, the WSBA President and Executive Director issued a joint statement on the WSBA website strongly condemning the use of violence to disrupt the constitutionally required Congressional certification of the Electoral College vote; and

Now therefore,

BE IT RESOLVED by the Board of Governors of the WSBA that we unequivocally condemn the political violence that disrupted the Joint Session of the U.S. Congress on January 6, 2021; and

BE IT FURTHER RESOLVED by the Board of Governors of the WSBA our sense that the political violence that disrupted the Joint Session of the U.S. Congress on January 6, 2021 strikes at the heart of our representative institutions and constitutional government; and

BE IT FURTHER RESOLVED by the Board of Governors of the WSBA that we call upon all WSBA members and members of the public to recommit to the principles of rule of law and the peaceful transition of power that have characterized presidential transitions in the United States for over 230 years; and

BE IT FURTHER RESOLVED by the Board of Governors of the WSBA that we call upon the members of the Washington congressional delegation of both parties to do their duty, as they see fit, without fear or influence from the political violence that took place on January 6, 2021; and

BE IT FURTHER RESOLVED that the Board of Governors hereby thanks the members of the U.S. Capitol Police and all law enforcement involved in protecting lawmakers and U.S. federal property, and directs that the Executive Director of the WSBA convey this resolution to the Chief of Police of the United States Capitol Police.

TO: WSBA Board of Governors

FROM: Bobby Henry, Associate Director for Regulatory Services
David Bastian, Chair, Limited Practice Board
Steven Crossland, Chair, Limited License Legal Technician Board

DATE: December 23, 2020

RE: Proposed Amendment to WSBA Bylaws Regarding Waiver for To-Active Application Fee

DISCUSSION/FIRST READ: The Limited Practice Board and Limited License Legal Technician Board present for a first reading a proposed amendment to the WSBA Bylaws Art. III Sec. D.1.a.

Purpose:

The purpose of this proposed amendment to the WSBA Bylaws is to provide an application/investigation fee waiver for LPOs and LLLTs who return to active status from inactive status after 90 Days or less.

Unlike lawyers, LPOs and LLLTs are required under the Admission and Practice Rules (APR) to demonstrate financial responsibility or have professional liability insurance in order to maintain an active license. See APR 12(f)(2) and APR 28I(2). Because of this, LPOs and LLLTs, in most cases, must place their licenses on inactive status when between jobs. As members of the WSBA, LPOs and LLLTs must follow the procedures in the WSBA Bylaws to return to active from inactive status. One of the requirements is to pay an application fee of \$100. Because LPOs, unlike lawyers, cannot remain on active status in between jobs (except in rare instances), they end up having to pay a \$100 fee even when on inactive status for a brief period of time while securing new employment. The proposed amendment would waive the \$100 fee for LPOs and LLLTs who are on inactive status for 90 days or less before returning to active status.

History:

Before LPOs and LLLTs were members of the WSBA, there were different rules and procedures in place for returning to active from inactive status. Instead of adhering to the WSBA Bylaws, LPOs and LLLTs followed the procedures for returning to active status set forth in the APR. There was not a fee to apply to return to active status because they were required to go to inactive status when they did not have the ability to demonstrate proof of financial responsibility. The \$100 application fee required under the WSBA Bylaws is an unintended consequence of LPOs and LLLTs having to adhere to the Bylaws to return to active status when the APR require that they be on inactive status without financial responsibility.

Attachment:

Proposed Amendments to WSBA Bylaws Art. III Sec. D.1.a (redline)

III. MEMBERSHIP

- h. date and period of disciplinary actions or sanctions, if any, including suspension, disbarment, and revocation;
 - i. such other data as the BOG or Washington Supreme Court may from time to time require of each member.
 3. Any Active member residing out-of-state must file with the Bar, in such form and manner as the Bar may prescribe, the name and physical street address of a designated resident agent within Washington State. The member must notify the Bar of any change in resident agent within 10 days of any such change.
 4. Any member who fails to provide the Bar with the information required to be provided pursuant to these Bylaws, or to notify the Bar of any changes in such information within 10 days, will be subject to administrative suspension pursuant to these Bylaws and/or the Admission and Practice Rules. Judicial members are exempt from suspension pursuant to this provision while eligible for Judicial membership and serving as a judicial officer.

D. CHANGE OF MEMBERSHIP STATUS TO ACTIVE

1. Members may change membership status as provided below.
 - a. **Transfer from Inactive to Active.**
 - 1) An Inactive member or Honorary member may transfer to Active by:
 - (a) paying an application and/or investigation fee and completing and submitting an application form, all required licensing forms, and any other required information. The fee in this paragraph is not required from an LPO or LLLT who has been inactive for 90 days or less;
 - (b) earning, within the six years preceding the return to Active status, and reporting the total number of approved MCLE credits required for one reporting period for an Active member with the same license type, and paying any outstanding MCLE late fees that are owed. If the member has been Inactive or a combination of Suspended and Inactive for less than one year, and the member would have been required to report during the time the member was Inactive and/or Suspended, the member must establish that the member is compliant with the MCLE reporting requirements for that reporting period before the member can change to Active. This paragraph does not apply to members transferring back to Active during their first MCLE reporting period;
 - (c) passing a character and fitness review essentially equivalent to that required of all applicants for admission to the Bar, pursuant to APR 20-24.3; and
 - (d) paying the current Active license fee, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as an Inactive member for the same year.
 - 2) If a member was Inactive or any combination of Suspended and Inactive in Washington for more than six consecutive years, the member must earn MCLE credits in a manner consistent with the requirement for one reporting period for an Active member of the same license type, and these credits must be earned and reported within the three

III. MEMBERSHIP

years preceding the return to Active status. In addition, the member must complete a reinstatement/readmission course sponsored by the Bar, which must consist of education on law office management and professional responsibility (including the applicable RPC for the member's license type, proper handling of client funds and trust accounts, and client communications), legal research and writing, and changes in the law that apply to the member's license type, as follows:

- (a) For lawyer members, a minimum of 15 live CLE credits, consisting of at least four credit hours on law office management and professional responsibility, at least three credit hours on legal research and writing, and the remaining credit hours on recent significant changes in the law;
- (b) For LLLT members, a minimum of seven live CLE credits, consisting of at least two credit hours on law office management and professional responsibility, at least one credit hour on legal research and writing, and the remaining credit hours on recent significant changes in the law in approved LLLT practice or core education areas;
- (c) For LPO members, a minimum of seven live CLE credits, consisting of at least two credit hours on professional responsibility, and the remaining credit hours on recent significant changes in the law covered by the approved LPO Study Topics.

The member is required to pay the cost of the course. Any member completing such course will be entitled to credit towards mandatory continuing legal education requirements for all CLE credits for which such reinstatement/readmission course is accredited. The member must comply with all registration, payment, attendance, and other requirements for such course, and will be responsible for obtaining proof of attendance at the entire course and submitting or having such proof submitted to the Bar.

Periods of administrative and/or disciplinary suspension occurring immediately before or after a change to Inactive will be included when determining whether a member is required to take the readmission course. For purposes of determining whether a member has been Inactive and/or Suspended for more than six consecutive years, the period continues to run until the change to Active membership is completed, regardless of when the application is submitted to the Bar.

- 3) Any member seeking to change to Active who was Inactive or any combination of Suspended and Inactive in Washington and does not have active legal experience as defined in APR 1(e) in any jurisdiction for more than ten consecutive years, is required to complete the requirements in Art. III. Sec.D.1.a.1)(a), (c) and (d), above, and is also required to take and pass the examinations required for admission to the Bar for the member's license type.
- 4) A Disability Inactive status member may be reinstated to Active pursuant to the disciplinary rules applicable to their license type. Before being transferred to Active, after establishing compliance with the disciplinary rules, the member also must comply with the requirements in these Bylaws for Inactive members transferring to Active status.

III. MEMBERSHIP

- 5) A member of any type who has transferred to Inactive status during the pendency of a grievance or disciplinary proceedings may not be transferred to Active except as provided herein and may be subject to such discipline by reason of any grievance or complaint as may be imposed under the ELC, ELPOC, or ELLTC.

b. Transfer from Judicial to Active.

A Judicial member may request to transfer to any other status, including Active. Upon a Judicial member's resignation, retirement, or completion of such member's term of judicial office, such member must notify the Bar within 10 days, and any Judicial member desiring to continue his or her affiliation with the Bar must change to another membership status within the Bar.

- 1) A Judicial member who has complied with all requirements for maintaining eligibility to return to another membership status may transfer to Active by submitting an application for change to Active membership status and
 - (a) paying the then current Active license fee for the member's license type, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as a Judicial member for the same licensing year; and
 - (b) complying with the MCLE requirements for members returning from Inactive to Active. Either judicial continuing education credits or lawyer continuing education credits may be applied to the credit requirement for Judicial members transferring to Active. If judicial continuing education credits are applied, the standards for determining accreditation for judicial continuing education courses will be accepted as establishing compliance.
- 2) A Judicial member wishing to transfer to Active upon leaving service as a judicial officer who has failed in any year to provide the annual member registry information or pay the annual license fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Active, be required to pay the Active license fee for the member's license type any years the registry information was not provided or the Judicial fee was not paid, in addition to complying with the requirements of (a) above.

c. Transfer from Emeritus Pro Bono to Active

An Emeritus Pro Bono member may transfer to Active by complying with the requirements for members returning from Inactive to Active. There is no limit on how long a member may be Emeritus Pro Bono before returning to Active status.

d. Referral to Character and Fitness Board

All applications for readmission, reinstatement or transfer to Active status will be reviewed by Bar staff and handled consistent with the provisions of APR 20-24.3. In all cases reviewed by it, the Character and Fitness Board has broad authority to recommend withholding a transfer to Active status or imposing

TO: WSBA Board of Governors
FROM: Renata de Carvalho Garcia, Chief Regulatory Counsel
DATE: January 5, 2021
RE: Proposed Amendments to WSBA Bylaws re: Pro Bono Status – Action

ACTION: Consideration of and action on proposed technical amendments to the WSBA Bylaws related to the recently adopted amendments to APR 3(g), Pro Bono Admission.

This item was previously on the agenda for First Reading at the November 2020 Board of Governors meeting, and is now on for Action, as required by the WSBA Bylaws for all proposed Bylaw amendments.

By orders dated October 7, 2020, the Washington Supreme Court adopted amendments to APR 3(g), Pro Bono Admission, and approved related amendments to the WSBA Bylaws. Those amendments related to changing the name of emeritus pro bono status to simply pro bono status. Those amendments also modified some of the requirements for pro bono status. The amendments submitted to and approved by the Court did not capture all references to emeritus pro bono status in the WSBA Bylaws. Thus, these proposed amendments align all references to pro bono status with the newly amended APR 3(g). In addition, there is one proposed amendment correcting the name of the Pro Bono and Public Service Committee. There are no new substantive changes to the Bylaws due to these proposed amendments.

Attachment:

- Proposed Amendments to WSBA Bylaws – Redline

III. MEMBERSHIP

2. Inactive

Inactive members must not practice law in Washington, nor engage in employment or duties that constitute the practice of law. Inactive members are not eligible to vote in Bar matters or hold office therein, or serve on any committee or board.

- a. Inactive members may:
 - 1) Join Bar sections as non-voting members,
 - 2) Continue their affiliation with the Bar;
 - 3) Change their membership status to Active pursuant to these Bylaws and any applicable court rule;
 - 4) Request a free subscription to the Bar's official publication; and
 - 5) Receive member benefits available to Inactive members.
- b. Types of Inactive membership:
 - 1) Inactive Member: Inactive members must pay an annual license fee in an amount established by the BOG and approved by the Supreme Court. They are not required to earn or report MCLE credits while Inactive, but may choose to do so, and may be required to do so to return to Active membership.
 - 2) Disability: Disability inactive members are not required to pay a license fee, or earn or report MCLE credits while in this status, but they may choose to do so, and they may be required to earn and report MCLE credits to return to Active membership.
 - 3) Honorary: All members who have been Active or Judicial, or a combination of Active and Judicial, members for 50 years may elect to become Honorary members of the Bar. Honorary members are not required to pay a license fee. A member who otherwise qualifies for Honorary membership but wants to continue to practice law in any manner must be an Active member or, if applicable, ~~an Emeritus~~ Pro Bono member.

3. Judicial

- a. A member may qualify to become a Judicial member if the member is one of the following:
 - 1) A current judge, commissioner, or magistrate judge of the courts of record in the State of Washington, or the courts of the United States, including Bankruptcy courts;
 - 2) A current judge, commissioner, or magistrate in the district or municipal courts in the State of Washington, provided that such position requires the person to be a lawyer;
 - 3) A current senior status or recall judge in the courts of the United States;
 - 4) An administrative law judge, which is defined as either:
 - (a) Current federal judges created under Article I and Article II of the United States Constitution, excluding Bankruptcy court judges, or created by the Code of Federal Regulations, who by virtue of their position are prohibited by the United States Code and/or the Code of Federal Regulations from practicing law; or
 - (b) Full-time Washington State administrative law judges in positions created by either the Revised Code of Washington or the Washington Administrative Code; or
 - 5) A current Tribal Court judge in the State of Washington.

- 5) A member of any type who has transferred to Inactive status during the pendency of a grievance or disciplinary proceedings may not be transferred to Active except as provided herein and may be subject to such discipline by reason of any grievance or complaint as may be imposed under the ELC, ELPOC, or ELLTC.

b. Transfer from Judicial to Active.

A Judicial member may request to transfer to any other status, including Active. Upon a Judicial member's resignation, retirement, or completion of such member's term of judicial office, such member must notify the Bar within 10 days, and any Judicial member desiring to continue his or her affiliation with the Bar must change to another membership status within the Bar.

- 1) A Judicial member who has complied with all requirements for maintaining eligibility to return to another membership status may transfer to Active by submitting an application for change to Active membership status and
 - (a) paying the then current Active license fee for the member's license type, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as a Judicial member for the same licensing year; and
 - (b) complying with the MCLE requirements for members returning from Inactive to Active. Either judicial continuing education credits or lawyer continuing education credits may be applied to the credit requirement for Judicial members transferring to Active. If judicial continuing education credits are applied, the standards for determining accreditation for judicial continuing education courses will be accepted as establishing compliance.
- 2) A Judicial member wishing to transfer to Active upon leaving service as a judicial officer who has failed in any year to provide the annual member registry information or pay the annual license fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Active, be required to pay the Active license fee for the member's license type any years the registry information was not provided or the Judicial fee was not paid, in addition to complying with the requirements of (a) above.

c. Transfer from ~~Emeritus~~ Pro Bono to Active

~~An Emeritus~~ Pro Bono member may transfer to Active by complying with the requirements for members returning from Inactive to Active. There is no limit on how long a member may be ~~Emeritus~~ Pro Bono before returning to Active status.

d. Referral to Character and Fitness Board

All applications for readmission, reinstatement or transfer to Active status will be reviewed by Bar staff and handled consistent with the provisions of APR 20-24.3. In all cases reviewed by it, the Character and Fitness Board has broad authority to recommend withholding a transfer to Active status or imposing

conditions on readmission to Active status, which may include retaking and passing the licensing examination applicable to the member's license type. The member will be responsible for the costs of any investigation, examination, or proceeding before the Character and Fitness Board and the Washington Supreme Court.

E. CHANGE OF MEMBERSHIP STATUS TO INACTIVE

1. Any member who is an Active, Judicial, or ~~Emeritus~~-Pro Bono member and who is not Suspended will become an Inactive member when the member files a request for Inactive membership with the Bar, in such form and manner as the Bar may require, and that request is approved.

Effective January 1, 2012, a Judicial member wishing to transfer to Inactive member status upon leaving service as a judicial officer, who has failed in any year to provide the annual member registry information or to pay the annual licensing fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Inactive, be required to pay the Active license fee for lawyer members for any years the registry information was not provided or the Judicial fee was not paid.

2. Members are transferred to Disability Inactive pursuant to Title 8 of the ELC, ELPOC, or ELLLTC. Any member seeking to transfer from Disability Inactive to Inactive member status must first establish that the member has complied with the requirements of Title 8 of the ELC, ELPOC, or ELLLTC, and then must submit a written request to make the change and comply with all applicable licensing requirements for Inactive members.
3. All members who have been Active or Judicial, or a combination of Active and Judicial, members for 50 years may qualify for Honorary status. A qualified member may request to change to Honorary status by submitting a written request and any required application.
4. An Active member may apply to change from Active to Inactive status while grievances or disciplinary proceedings are pending against such member. Such transfer, however, shall not terminate, stay or suspend any pending grievance or proceeding against the member.

F. CHANGE OF MEMBERSHIP STATUS TO JUDICIAL

An Active member may request to become a Judicial member of the Bar by submitting a written request on judicial letterhead and any required application, and complying with the provisions of these Bylaws.

G. CHANGE OF MEMBERSHIP STATUS TO ~~EMERITUS~~-PRO BONO

A member ~~who is otherwise retired from the practice of law~~ may become ~~an Emeritus~~-a Pro Bono member by complying with the requirements of APR 3(g), including payment of any required license fee, and passing a character and fitness review.

Effective January 1, 2012, a Judicial member wishing to transfer to ~~Emeritus~~-Pro Bono status upon leaving service as a judicial officer who has failed in any year to provide the annual member registry information or to pay the annual licensing fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to ~~Emeritus~~-Pro Bono, be required to pay

months of that calendar year and 25% of the full active license fee if admitted in Washington in the last six months of that calendar year.

- 6) All members in their first two full licensing years after admission or licensure to practice law in any jurisdiction will pay 50% of the applicable full Active license fee.
- 7) An Active member of the Bar who is activated from reserve duty status to full-time active duty in the Armed Forces of the United States for more than 60 days in any calendar year, or who is deployed or stationed outside the United States for any period of time for full-time active military duty in the Armed Forces of the United States will be exempt from the payment of license fees and assessments for the Client Protection Fund upon submitting to the Executive Director satisfactory proof that he or she is so activated, deployed or stationed. All requests for exemption must be postmarked or delivered to the Bar's offices on or before February 1st of the year for which the exemption is requested. Eligible members must apply every year they wish to claim the exemption. Each exemption applies for only the calendar year in which it is granted, and exemptions may be granted for a maximum total of five years for any member. Granting or denying an exemption under this provision is within the sole discretion of the Executive Director and is not appealable.

b. Inactive Members

- 1) The annual license fee for Inactive members will be as established by resolution of the BOG and as approved by the Washington Supreme Court. Except for the amount of the license fee itself, the annual license fee payment requirements, including deadlines and late payment fees, for Active members will apply to Inactive members.
- 2) Honorary and Disability Inactive status members will be exempt from license fees and assessments, unless otherwise provided by Supreme Court order.

c. Judicial Members [Effective January 1, 2012]

Judicial members who wish to preserve eligibility to transfer to another membership status upon leaving service as a judicial officer must pay the annual license fee established by the Bar and as approved by the Supreme Court. Except for the amount of the license fee itself, the annual license fee payment requirements, including deadlines and late payment fees, for Active members apply to Judicial members; however, Judicial members are not subject to administrative suspension for nonpayment of license or late payment fees.

d. Emeritus Pro Bono Members

~~Emeritus~~ Pro Bono members must pay the annual license fee required of Inactive members with the same type of license unless the member qualifies for the license fee waiver as provided for in APR 3(g). Except for the amount of the license fee itself, the annual license fee payment requirements, including deadlines and late payment fees, for Active members apply to ~~Emeritus~~ Pro Bono members.

IX. COMMITTEES, COUNCILS, AND OTHER BAR ENTITIES

A. GENERALLY

1. The work of the Bar shall be accomplished by the BOG, the officers, and the Bar staff. To facilitate the work of the Bar in accordance with its purposes as provided in Article I, the BOG may delegate such work to an appropriate Bar entity, such as sections, committees, councils, task forces, or other Bar entity, however that may be designated by the BOG.
2. The work of any Bar entity established by the BOG must:
 - a. have a defined scope that requires the active and continuing attention of the BOG;
 - b. further the Bar's Guiding Principles and/or the purposes of the Bar outlined in General Rules promulgated by the Supreme Court; and
 - c. enhance consideration of a topic that is beyond the time and expertise of the BOG and staff by incorporating expertise and additional viewpoints from the broader community.
3. A list of the current committees, councils, and task forces, and their functions, will be maintained by the Executive Director. The BOG may terminate any recurring committee whenever in its opinion such committee is no longer necessary. Any nonrecurring Bar entity shall automatically terminate pursuant to the terms of its charter or originating document.
4. Governors appointed to serve as BOG liaisons to any Bar entity are not voting members. However, if a Governor is appointed as a member of any Bar entity, then he or she may vote in accordance with the terms of the charter or originating document for that entity.

B. COMMITTEES AND OTHER BAR ENTITIES

1. Committees

Committees are created and authorized by the BOG to study matters relating to the general purposes and business of the Bar which are of a continuous and recurring character. The number, size, and functions of each committee will be determined from time to time by the BOG.

- a. Committee members, Chairs, and Vice Chairs must be Active members of the Bar. Exceptions: (a) up to two **Emeritus**-Pro Bono members are permitted to serve on the Pro Bono **Legal Aid and Public Service** Committee (**PBLACPBPSC**) and may be appointed to serve as the Chair, Co-Chair, or Vice-Chair of that committee; and (b) faculty of Washington state law schools who are not Active members of the Bar are permitted to serve on the Committee on Professional Ethics (CPE).
- b. Committee members are appointed by the BOG. Appointments to committees are for a two-year term unless the BOG determines otherwise. A committee member's service on any committee is limited to two consecutive terms, after which the member cannot be reappointed to that committee for three years, subject to individual exceptions for cause as approved by the BOG. Appointments to the Legislative Committee will be made pursuant to the written BOG policy for that committee.

B. ESTABLISHING SECTIONS

1. The BOG will consider the establishment of a new section on a petition and report endorsed by at least 150 Active members of the Bar. Any such petition must be filed with the Executive Director at least one BOG meeting prior to the meeting at which action on the proposal is contemplated and must substantially set forth:
 - a. The contemplated purpose of the section, which will be within the purposes of the Bar and not in substantial conflict with the purpose of any existing section or committee, the continuance of which is contemplated after the section is established;
 - b. Proposed bylaws of the section, which must contain a definition of its purpose;
 - c. The names of any proposed committees of the section;
 - d. A proposed budget of the section for the first two years of its operation;
 - e. A list of members of the Bar who have signed statements that they intend to apply for membership in the section;
 - f. A statement of the need for the proposed section.
2. The BOG may create a new section by combining sections as set forth in these Bylaws.

C. MEMBERSHIP

1. Any Active member of the Bar may be a voting member of a section and eligible for election to office in the section upon paying the annual dues established by the section. Inactive members may not be voting members of sections.
2. If provided for in the section bylaws, any ~~Emeritus~~ Pro Bono member pursuant to APR 8(e)3(g), Judicial member, House Counsel under APR 8(f), professor at a Washington law school (whether licensed in Washington or not), or any lawyer who is a full time lawyer in a branch of the military who is stationed in Washington but not licensed in Washington, may be a voting member of the section and eligible for election to office in the section.
3. Law students will be allowed to be nonvoting members of any section at a standard annual dues amount set by the BOG.
4. Sections may adopt bylaw provisions authorizing inactive members, and others not eligible for section membership as voting members, to be nonvoting members or “subscribers” of the section.

D. DUES

Dues will be paid annually in the amount determined by the section executive committee and approved by the BOG. Any person who fails to pay the annual dues will cease to be a member of the section.

E. BYLAWS AND POLICIES

Sections are subject to all Bar Bylaws, policies, and procedures. Each section must have bylaws consistent with the Bar Bylaws. Amendments to section bylaws may be made by a majority vote of the voting executive committee members or by a majority vote of section members present at a section meeting. Section bylaws or amendments thereof will become effective when approved by the BOG.

TO: WSBA Board of Governors

FROM: Terra Nevitt, Interim Executive Director

DATE: January 6, 2021

RE: Proposed changes to the makeup of the Board's Budget and Audit Committee

ACTION: Approve Recommended Changes to WSBA Bylaws, Art. V.A.1 Re Budget and Audit Committee

This proposal was presented for first reading, as required by the WSBA Bylaws, at the Board's November meeting. Those materials are attached. There are no changes to the proposal. If approved, the changes are subject to approval by the Supreme Court of Washington.

TO: WSBA Board of Governors

FROM: Daniel D. Clark, WSBA Treasurer and District 4 Governor

DATE: November 6, 2020

RE: **Recommended Clarifications and Changes to membership of Budget and Audit Committee**

ACTION/DISCUSSION: First Read--Recommended Bylaw Change to Budget and Audit Committee (Art. V.A.1).

The WSBA Treasurer recommends three changes to the WSBA Bylaw Article V.A.1: clarifying the required Governor class representation on the Committee, increasing the voting membership of the Budget and Audit Committee by one Governor, and correcting the legacy reference to Chief Operations Officer. Redline and clean versions of the changes are attached.

WSBA Bylaws Article XVI.B requires bylaw amendments to be presented for a “first read” at least one Board meeting prior to the meeting at which the Board votes on the proposed amendment.

Clarifying Class Representation and Increasing the Voting Membership of the Budget and Audit Committee

The current Bylaw language is potentially confusing and can be interpreted as internally inconsistent. The current language requires that the Budget and Audit Committee consists of two Governors from each class, not exceed seven Governors, and must include the Treasurer. This language could be interpreted to require two from each class plus the treasurer, or two from each class, including the treasurer, and one additional Governor. The first interpretation results in the Treasurer’s class always having three representatives on the Committee. The second interpretation allows the President the discretion to include an additional Governor based on the President’s policy priorities or other factors.

To clarify the intent, the Treasurer recommends making clear that the Committee consists of a minimum of two Governors from each class. This clarification maintains the current structure of Governor class representation on the Budget and Audit Committee, while providing discretion to the President to determine which class receives the additional representative.

In addition to this clarification, the Treasurer recommends increasing the size of the Committee by one. This provides an additional discretionary appointment for the President. The Treasurer recognizes that increasing the size of the Committee to an equal number of voting members increases the opportunity for tie votes. However, the Treasurer believes that because the work of this Committee can involve technical considerations such as an investment strategy and long term issues such as real estate considerations, the Committee can benefit from an additional Governor. Nothing in the change alters the Board’s decision-making authority.

Enclosures

REDLINE

V. APPROPRIATIONS AND EXPENSES

A. APPROPRIATIONS

Appropriations of Bar funds and authorization for payment of expenses will be made by the BOG through the adoption of an annual budget or by special appropriation as required.

1. The President appoints a BOG Budget and Audit Committee, which consists of a minimum of two Governors from each class, not to exceed seven-eight Governors, one of whom must be the Treasurer. The President, President-Elect, Executive Director and Chief Operations-Financial Officer serve as ex officio, non voting members, and the Treasurer serves as Chair of the Committee and has a vote on the committee.
2. The Treasurer, together with the Budget and Audit Committee, will present a proposed Annual Budget to the BOG for approval prior to each fiscal year.
3. Decisions regarding non-budgeted appropriations must be made in accordance with the BOG-approved fiscal policies and procedures.

CLEAN

V. APPROPRIATIONS AND EXPENSES

A. APPROPRIATIONS

Appropriations of Bar funds and authorization for payment of expenses will be made by the BOG through the adoption of an annual budget or by special appropriation as required.

1. The President appoints a BOG Budget and Audit Committee, which consists of a minimum of two Governors from each class, not to exceed eight Governors, one of whom must be the Treasurer. The President, President-Elect, Executive Director and Chief Financial Officer serve as ex officio, non-voting members, and the Treasurer serves as Chair of the Committee and has a vote on the committee.
2. The Treasurer, together with the Budget and Audit Committee, will present a proposed Annual Budget to the BOG for approval prior to each fiscal year.
3. Decisions regarding non-budgeted appropriations must be made in accordance with the BOG-approved fiscal policies and procedures.

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MEMO

To: Board of Governors

From: Travis Stearns, Chair, Council on Public Defense

Date: December 16, 2020

Re: Council on Public Defense Support of the Washington State Office of Public Defense FY21 Budget Request

ACTION: Approve the Council on Public Defense’s position to support the Washington State Office of Public Defense budget request.

The Council on Public Defense (Council) regularly receives updates from the Washington State Office of Public Defense (OPD), including updates on the OPD’s budget requests. When the Washington State Bar Association created the Council on Public Defense it made the Washington State Office of Public Defense a Core Member of the Council. The Bar Association also directed the Council to, among other tasks, “...Address current issues relating to the provision of constitutional public defense services in Washington, including efforts to ensure adequate support.”

The Council followed the WSBA Legislative and Court Rule Comment Policy guidelines prior to requesting this approval. On December 4, 2020, the Council voted, with a supermajority, to affirm that the matter under consideration meets the GR12 guidelines and voted, with a supermajority, to support the Washington State Office of Public Defense budget request for FY21. The Council submitted a similar letter of support during the 2017 and 2019 sessions. A draft letter for the 2021 session is attached for your consideration.

The Council greatly appreciates your consideration of the request.

WASHINGTON STATE BAR ASSOCIATION

December 18, 2020

Senator Christine Rolfes, Chair
Senate Ways and Means Committee
311 J.A. Cherberg Bldg.
P.O. Box 40466
Olympia, WA 98504-0466

Representative Timm Ormsby, Chair
House Appropriations Committee
222A John L. O'Brien Bldg.
P.O. Box 40600
Olympia, WA 98504-0600

Dear Chair Rolfes and Chair Ormsby:

The Washington State Bar Association's Council on Public Defense urges you to support the Office of Public Defense (OPD) 2021-2023 biennial budget as presented. OPD's no-frills proposal is critical to continuing constitutional and statutory rights to counsel throughout the state.

Mindful of projected state revenue shortfalls, OPD is not asking for policy-level increases above its current appropriation level. Within its current appropriation, OPD can sustain mandatory client services statewide for the Parents Representation Program, Indigent Appellate Program, and RCW 71.09 Civil Commitment Program. Current appropriations will also maintain public defense grants to counties and cities struggling to respond to COVID-19 impacts in criminal legal cases.

OPD is also asking the Legislature to categorize as ongoing a current one-time appropriation for public defense support services provided through the nonprofit Washington Defender Association. These funds are necessary to continue the highly successful Incarcerated Parents Project, which supports incarcerated parents and their families and public defenders representing incarcerated parents with cases in the child welfare, juvenile, and criminal legal systems.

The WSBA Council on Public Defense unites members of the bar, the bench, and the public to address new and recurring issues that impact the public defense system. The Council believes quality public defense is essential to a fair legal system and is critical in the fight to reduce racial disparity. This position has been approved through the WSBA's legislative and court rule comment policy and the position is solely that of the Council on Public Defense.

Please fully fund the Office of Public Defense in the Legislature's upcoming biennial operating budget.

Sincerely

Terra Nevitt
Interim Executive Director

Cc: Kyle Sciuchetti, President, Washington State Bar Association
Senator June Robinson, Vice Chair, Senate Ways and Means Committee
Senator Lynda Wilson, Ranking Minority Member, Senate Ways and Means Committee
Representative Steve Bergquist, Vice Chair, House Appropriations Committee
Representative Drew Stokesbary, Ranking Member, House Appropriations Committee
Sophia Byrd McSherry, Deputy Director, Washington State Office of Public Defense



1325 4th Avenue | Suite 600 | Seattle, WA 98101-2539
800-945-9722 | 206-443-9722 | questions@wsba.org | www.wsba.org

OATH OF THE WSBA GOVERNORS

I, (*state your name*), solemnly accept the election of my fellow members of the Bar to the Board of Governors of the Washington State Bar Association. I promise to serve the public, and represent the legal profession and the law, with unbiased opinion, mature judgment and enlightened conscience. During my term, I will strive to fulfill the mission of the Washington State Bar Association and to improve the standards and conditions of practice of Washington licensed legal professionals, promote justice for all, and promote the openness and diversity of the Bar.



WSBA

Pro Bono and Public Service Committee

TO: WSBA Board of Governors

FROM: Pro Bono and Public Service Committee

DATE: December 29, 2020

RE: Proposal to Submit Comment to Supreme Court in Support of the Pro Bono Council's Suggested Amendments to Rule of Professional Conduct 6.5

ACTION/DISCUSSION: Direct WSBA to take all required or appropriate action to submit to the Washington State Supreme Court the attached comment in support of the Pro Bono Council's suggested amendments to Rule of Professional Conduct 6.5 before the public comment period closes on April 30, 2021.

The Board of Governors created the Pro Bono and Public Service Committee (PBPSC) to enhance a culture of legal service by promoting opportunities and best practices that encourage WSBA members to engage in pro bono and public service with a particular focus on services to people with low or moderate income. Pursuant to this mission, in September 2020, the PBPSC passed a resolution supporting the Pro Bono Council's (PBC)¹ revised proposal to amend Rule of Professional Conduct (RPC) 6.5. The revised proposal, submitted to the Washington State Supreme Court on October 14, 2020, has been published for public comment from January through April 30, 2021 in accordance with General Rule (GR) 9. We now ask that the Board of Governors submit to the Washington State Supreme Court the attached comment in support of the PBC's proposal.

The purpose of RPC 6.5 is to maximize the ability of limited legal service providers and participating lawyers (pro bono and staff) to assist eligible individuals by exempting *short-term free* legal services from the normal rules regarding conflicts of interest,² unless a participating lawyer has personal knowledge of a conflict and the conflict cannot be mitigated by specific screening measures. This rule is essential to the functioning of short-term legal advice clinics throughout Washington. It eases the burdens on volunteer attorneys because it means that they are not required to run a comprehensive check for conflicts before every client they advise, a burden that would very likely keep attorneys from volunteering at an advice clinic at all. Further, it also allows the program itself to serve clients who may be in conflict, as long as the screening measures are utilized to ensure client information remains

¹ As a subcommittee of the Washington State Access to Justice Board, the Pro Bono Council is a convening body that supports and advocates for the sixteen volunteer lawyer programs across the State.

² Found in RPCs 1.7, 1.9(a), and 1.18(c).

confidential. This aspect of the rule is essential for increasing access to justice for low-income Washingtonians. In most geographic areas of the state there are only one or possibly two organizations providing civil legal aid. This rule protects eligible clients from being denied services and left with no other option for legal aid service simply because the other party sought assistance first.

RPC 6.5(a)(3) states that:

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter and without expectation that the lawyer will receive a fee from the client for the services provided...

(3) notwithstanding paragraphs (1) and (2), is not subject to Rules 1.7, 1.9(a), 1.10, or 1.18(c) in providing limited legal services to a client if:

(i) the program lawyers or LLLTs representing the opposing clients are screened by effective means from information relating to the representation of the opposing client;

(ii) **each client is notified of the conflict** and the screening mechanism used to prohibit dissemination of information relating to the representation; and

(iii) the program is able to demonstrate by convincing evidence that no material information relating to the representation of the opposing client was transmitted by the personally disqualified lawyers or LLLTs to the lawyer representing the conflicting client before implementation of the screening mechanism and notice to the opposing client.

As outlined by the PBC in their GR9 coversheet, the requirement found in RPC 6.5(a)(3)(ii) that the parties be “notified of the conflict” creates the potential for disclosure of confidential information and a resulting risk to client safety. Specifically, by receiving an individualized notice of a conflict in their case, a party may be able to deduce the identity of the other party, particularly if they have a close relationship, such as being current or former intimate partners. This creates the risk that one party will retaliate against the other, especially if the legal issue relates to their personal relationship, such as in a domestic violence situation. The PBC’s suggested amendments would enable these programs to better protect their clients’ confidential information, and importantly, the safety of clients who may be seeking legal advice for legal issues related to domestic violence. Additionally, since the rule does not require the parties to consent to receiving assistance despite the conflict, providing notice only after a conflict has been identified provides no opportunity for the party to raise any objection regarding the conflict or opt out of obtaining assistance from the pro bono attorney before the conflict becomes an issue. In contrast, receiving prospective notice of the potential for a conflict and information about screening mechanisms—as the suggested amendments would allow—would permit the parties the opportunity to opt out of receiving service if they believe it would be in their best interest.

The 2015 Civil Legal Needs Study³ found that 71.1% of low-income households in Washington State faced at least one civil legal issue per year, and the average was 9.3 civil legal issues per household

³ https://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf

per year. For people who identified as victims of domestic violence and/or sexual assault, the average was **19.7** legal issues. Additionally, the study found that only 24% all survey respondents were able to get some level of legal help with at least one of their civil legal issues. The flexibility provided by RPC 6.5 is an important component of insuring increased access to justice and the suggested amendments would allow limited legal service programs to utilize the rule while increasing their ability to protect client safety.

The PBPSC recognizes and appreciates the outreach to stakeholders done by the PBC throughout this process, as outlined in the letter to the court submitted along with the GR9 Coversheet. Further, the revisions made by the PBC to the original proposal (which was submitted to this Court in 2019 and withdrawn in March 2020) make the proposal that is currently under consideration by the Court stronger as a result of incorporating feedback from the WSBA Committee on Professional Ethics (CPE). The CPE reviewed the revised proposal on December 11, 2020 at the request of the PBPSC, and their feedback is included in these materials.

The suggested amendments would provide needed clarity to non-profit and court-annexed programs providing limited legal assistance, allowing them to effectively utilize the benefits of RPC 6.5 and, consistent with the purpose of the rule, allow them to be more accessible to low-income individuals, while better protecting client confidentiality and safety. For the reasons outlined above, the PBPSC supports the adoption of the revised suggested amendments to RPC 6.5 and requests that the attached comment in support be submitted to the Washington State Supreme Court by the WSBA Board of Governors.

To: Washington State Bar Association - Board of Governors

From: Nicholas Larson and Bonnie Aslagson, Co-Chairs, Pro Bono and Public Service Committee
Paige Hardy, WSBA Staff Liaison to the Pro Bono and Public Service Committee

Date: December 29, 2020

Re: *Proposed Comment to Submit to the Washington Supreme Court in Support of the Pro Bono Council's Suggested Amendments to Rule of Professional Conduct 6.5, submitted to the Court October 14, 2020*

The purpose of RPC 6.5 is to maximize the ability of limited legal service providers and participating lawyers (pro bono and staff) to assist eligible individuals by exempting *short-term free* legal services from the normal rules regarding conflicts of interest,¹ unless a participating lawyer has personal knowledge of a conflict and the conflict cannot be mitigated by specific screening measures. This rule is essential to the functioning of short-term legal advice clinics throughout Washington. It eases the burdens on volunteer attorneys because it means that they are not required to run a comprehensive check for conflicts before every client they advise, a burden that would very likely keep attorneys from volunteering at an advice clinic at all. Further, it also allows the program itself to serve clients who may be in conflict, as long as the screening measures are utilized to ensure client information remains confidential. This aspect of the rule is essential for increasing access to justice for low-income Washingtonians. In most geographic areas of the state there are only one or possibly two organizations providing civil legal aid. This rule protects eligible clients from being denied services and left with no other option for legal aid service simply because the other party sought assistance first.

As outlined by the PBC in their GR9 coversheet, the requirement found in RPC 6.5(a)(3)(ii) that the parties be “notified of the conflict” creates the potential for disclosure of confidential information and a resulting risk to client safety. Specifically, by receiving an individualized notice of a conflict in their case, a party may be able to deduce the identity of the other party, particularly if they have a close relationship, such as being current or former intimate partners. This creates the risk that one party will retaliate against the other, especially if the legal issue one or both parties are seeking assistance with relates to their personal relationship, such as occurs in a domestic violence situation. The PBC’s suggested amendments would enable these programs to better protect their clients’ confidential information, and importantly, the safety of clients who may be seeking legal advice for legal issues related to domestic violence. Additionally, since the rule does not require the parties to consent to receiving assistance despite the conflict, providing notice only after a conflict has been identified provides no opportunity for the party to raise any objection regarding the conflict or opt out of obtaining assistance from the pro bono attorney before the conflict becomes an issue. In contrast, receiving prospective notice of the potential for a conflict and information about screening mechanisms—as the suggested amendments would allow—would permit the parties the opportunity to opt out of receiving service if they believe it would be in their best interest.

¹ Found in RPCs 1.7, 1.9(a), and 1.18(c).

The 2015 Civil Legal Needs Study² found that 71.1% of low-income households in Washington State faced at least one civil legal issue per year, and the average was 9.3 civil legal issues per household per year. For people who identified as victims of domestic violence and/or sexual assault, the average was 19.7 legal issues. Additionally, the study found that only 24% all survey respondents were able to get some level of legal help with at least one of their civil legal issues. The flexibility provided by RPC 6.5 is an important component of insuring increased access to justice and the suggested amendments would allow limited legal service programs to utilize the rule while increasing their ability to protect client safety.

The PBPSC recognizes and appreciates the outreach to stakeholders done by the PBC throughout this process. Further, the revisions made by the PBC to the original proposal (which was submitted to this Court in 2019 and withdrawn in March 2020) make this proposal stronger as a result of incorporating feedback from the WSBA Committee on Professional Ethics.

The suggested amendments would provide needed clarity to non-profit and court-annexed programs providing limited legal assistance, allowing them to effectively utilize the benefits of RPC 6.5 and, consistent with the purpose of the rule, allow them to be more accessible to low-income individuals. For the reasons outlined above, the WSBA supports the adoption of the suggested amendments to RPC 6.5.

² https://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf

1 **SUGGESTED RULE CHANGES**

2 **RULES OF PROFESSIONAL CONDUCT**

3 Recommended by the Pro Bono Council

4
5 **RPC 6.5**

6 **NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICE PROGRAMS**

7
8 (a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or
9 court, provides short-term limited legal services to a client without expectation by either the lawyer
10 or the client that the lawyer will provide continuing representation in the matter and without
11 expectation that the lawyer will receive a fee from the client for the services provided:

12 (1) is subject to Rules 1.7, 1.9(a), and 1.18(c) only if the lawyer knows that the
13 representation of the client involves a conflict of interest, except that those Rules shall not prohibit
14 a lawyer from providing limited legal services sufficient only to determine eligibility of the client
15 for assistance by the program and to make an appropriate referral of the client to another program;

16 (2) is subject to Rule 1.10 only if the lawyer knows that another lawyer or LLLT associated
17 with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) or by LLLT RPC 1.7 and LLLT
18 RPC 1.9(a) with respect to the matter; and

19 (3) notwithstanding paragraphs (1) and (2), is not subject to Rules 1.7, 1.9(a), 1.10, or
20 1.18(c) in providing limited legal services to a client if:

21 (i) the program lawyers or LLLTs representing the opposing clients are screened by
22 effective means from information relating to the representation of the opposing client;

23 (ii) each client is notified of the conflict and the screening mechanism used to prohibit
24 dissemination of information relating to the representation; such notice, may be given
25 prospectively; and

26 (iii) the program is able to demonstrate by convincing evidence that no material
27 information relating to the representation of the opposing client was transmitted by the personally
disqualified lawyers or LLLTs to the lawyer representing the conflicting client before
implementation of the screening mechanism and notice to the opposing client.

(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation
governed by this Rule.

(c) Prospective notice shall satisfy the requirements of (a)(3)(ii) only if the assistance provided
to both conflicting clients is limited legal service as governed by Rule 6.5.

1 [Adopted effective October 29, 2002; amended effective September 1, 2006; April 14, 2015.]
2

3
4 Comment

5 [1] [Washington revision] Legal services organizations, courts and various nonprofit
6 organizations have established programs through which lawyers provide short-term limited legal
7 services - such as advice or the completion of legal forms - that will assist persons to address their
8 legal problems without further representation by a lawyer. In these programs, such as legal-advice
9 hotlines, advice-only clinics or pro se counseling programs, a client-lawyer relationship is
10 established, but there is no expectation that the lawyer's representation of the client will continue
beyond the limited consultation. Such programs are normally operated under circumstances in
which it is not feasible for a lawyer to systematically screen for conflicts of interest as is generally
required before undertaking a representation. See, e.g., Rules 1.7, 1.9, 1.10, and 1.18.

11 [2] [Washington revision] A lawyer who provides short-term limited legal services pursuant
12 to this Rule must secure the client's informed consent to the limited scope of the representation.
13 See Rule 1.2(c). If a short-term limited representation would not be reasonable under the
14 circumstances, the lawyer may offer advice to the client but must also advise the client of the need
15 for further assistance of a legal practitioner. Except as provided in this Rule, the Rules of
Professional Conduct, including Rules 1.6 and 1.9(c), are applicable to the limited representation.

16 [Comment [2] amended effective April 14, 2015.]
17

18 [3] [Washington revision] Because a lawyer who is representing a client in the circumstances
19 addressed by this Rule ordinarily is not able to check systematically for conflicts of interest,
20 paragraph (a) requires compliance with Rules 1.7 or 1.9(a), or 1.18(c) only if the lawyer knows
21 that the representation presents a conflict of interest for the lawyer, and with Rule 1.10 only if the
22 lawyer knows that another lawyer in the lawyer's firm is disqualified by Rules 1.7 or 1.9(a) in the
matter.

23 [4] Because the limited nature of the services significantly reduces the risk of conflicts of
24 interest with other matters being handled by the lawyer's firm, paragraph (b) provides that Rule
25 1.10 is inapplicable to a representation governed by this Rule except as provided by paragraph
26 (a)(2). Paragraph (a)(2) requires the participating lawyer to comply with Rule 1.10 when the lawyer
27 knows that the lawyer's firm is disqualified by Rules 1.7 or 1.9(a). By virtue of paragraph (b),
however, a lawyer's participation in a short-term limited legal services program will not preclude
the lawyer's firm from undertaking or continuing the representation of a client with interests
adverse to a client being represented under the program's auspices. Nor will the personal
disqualification of a lawyer participating in the program be imputed to other lawyers participating
in the program.

1 [5] If, after commencing a short-term limited representation in accordance with this Rule, a
2 lawyer undertakes to represent the client in the matter on an ongoing basis, Rules 1.7, 1.9(a) and
3 1.10 become applicable.

4 Additional Washington Comments (6 - ~~78~~)

5 [6] Washington's version of this Rule differs from the Model Rule. The differences
6 accommodate the unique civil legal services delivery system, which uses a statewide centralized
7 telephone intake and referral system for low-income persons to access free civil legal services. The
8 Rule recognizes that lawyers who provide intake and referral services such as these will necessarily
9 at times receive confidential information from adverse parties.
10 The risk that such information will be used against the material interests of either party is relatively
11 low in comparison to the need for services, and when such a risk exists, protections of lawyer
12 screening and notice to the client are required by the Rule.

13 [7] Paragraph (a)(3) was taken from former Washington RPC 6.5(a)(3) as enacted in 2002. The
14 replacement of "confidences and secrets" in paragraph (a)(3) with "information relating to the
15 representation" was necessary to conform the language of the Rule to a terminology change in
16 Rule 1.6. No substantive change is intended. See Comment [21] to Rule 1.6.

17 [8] Providing prospective notice of a potential conflict in accordance with Paragraphs (a)(3)(ii)
18 and (c) would be particularly appropriate in situations where vulnerable client populations may be
19 involved. For example, where a nonprofit or court-annexed limited legal service program is
20 assisting a survivor of domestic violence and the perpetrator of the domestic violence seeks, or
21 previously received, assistance through the same program. In such cases, notification to the
22 perpetrator when the conflict arises could effectively advise the perpetrator that the survivor is
23 contemplating legal action potentially affecting the perpetrator, thus putting the survivor at risk of
24 retaliation.

25 [Comments adopted effective September 1, 2006; amended effective April 14, 2015; September
26 1, 2016.]
27



October 14, 2020

Clerk of the Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Re: Stakeholder Outreach for Proposed Comment to Rule of Professional Conduct 6.5

Dear Honorable Members of the Washington State Supreme Court:

The Pro Bono Council is a convening body to represent and advocate for the network of sixteen individual Volunteer Lawyer Programs (VLPs) in Washington. VLPs provide free, high quality, efficient, and innovative civil legal assistance to low income people through the recruitment, training, supervision, and support of volunteer lawyers. Each VLP is affiliated with a county bar association and is governed by a board of directors or steering committee comprised of local attorneys and other community members. Each VLP coordinates local attorneys and other volunteers to provide pro bono help at legal clinics and other service delivery models.

The Pro Bono Council is committed to increasing access to justice for as many eligible Washingtonians as possible. Our proposed change to Rule of Professional Conduct (RPC) 6.5 furthers access to free legal help by allowing pro bono volunteers to rely on a legal services program’s screening mechanisms to avoid direct conflicts of interest at legal clinics.

The Pro Bono Council submitted a very similar amendment previously which received no negative feedback when opened for comment, but with the onset of the COVID-19 emergency the prior proposal was withdrawn until we could dedicate the resources to ensure its proper submission. As we now have capacity and as COVID-19 has highlighted the importance of the current proposal for the safety of legal aid clients, we now request the Court expedite this proposed amendment to the extent possible.

The current submission achieves the same substantive objectives as the earlier one. However, we have incorporated several changes to the language that were recommended by a subcommittee of the Washington State Bar Association Committee on Professional Ethics that was formed to review the original version of this proposal. These changes are intended to ensure the suggested amendments are consistent with the requirements of RPC Scope ¶ 21.

To support the suggested amendment to RPC 6.5, members of the Pro Bono Council reached out to the Washington State Access to Justice (ATJ) Board

MEMBERS

- ELOISE BARSHES, CO-CHAIR
- ELIZABETH FITZGEARLD, CO-CHAIR
- LORI BASHOR-SARANCIK
- QUINN DALAN
- ANNE DALY
- LAURIE DAVENPORT
- CHRIS GRAVES
- MICHAEL HEATHERLY
- JERRY KRÖON
- VEANEY MARTINEZ
- SHAUNA ROGERS MCCLAIN
- RACHAEL LUNDMARK
- BARB OTTE
- GAIL SMITH
- JOANNE SPRAGUE
- EVA WESCOTT
- CATHERINE BROWN

CONTACT

MICHAEL TERASAKI
PRO BONO COUNCIL MANAGER
(425) 495-0132
MICHAEL@PROBONOCOUNCIL.ORG



and the community of civil legal services providers through the ATJ Board's Delivery System Committee. The Delivery System Committee includes representatives of legal aid organizations such as Benefits Law Center, Columbia Legal Services, Lavender Rights Project, Legal Foundation of Washington, Northwest Justice Project, Office of Civil Legal Aid, Seattle University School of Law Access to Justice Institute, Solid Ground Benefits Assistance Center, Sexual Violence Law Center, TeamChild, Tenant Law Center, Unemployment Law Project, and many more. At the Delivery System Committee's September 2020 meeting, the Pro Bono Council explained the need to propose a small change and comment to RPC 6.5 and asked for feedback from the community of legal services providers. Committee members expressed that the rule change and comment are moves in the right direction and offered no ideas for additional outreach to organizations with an interest in the comment.

In addition to approval and support from many smaller legal aid organizations, the Access to Justice Board voted to support this rule change at the September 25, 2020 meeting, and the Access to Justice Board will additionally submit separate letter of support.

Thank you for your attention to our concern. Please contact Pro Bono Council Manager, Michael Terasaki should you have additional questions about this letter.

Sincerely,
/s/Michael Terasaki
Michael Terasaki
Pro Bono Council Manager
michael@probonocouncil.org
(425) 495-0132

WASHINGTON STATE BAR ASSOCIATION

To: The President, President-elect, and Board of Governors

From: Pamela Anderson, Chair, Committee on Professional Ethics
Jeanne Marie Clavere, Staff Liaison to Committee on Professional Ethics

Date: December 11, 2020

Re: RPC 6.5, edit to (a)(3)(ii), new subsection (c) and proposed Comment [8]

SUMMARY: The Committee on Professional Ethics recommends support for the Pro Bono Council proposal to amend RPC 6.5 by adding language to subsection (a)(3)(ii), adding a subsection (c), and adding Comment [8]. See attachments. The CPE is not advising the BOG on the substantive aspects of the PBC proposal.

DISCUSSION: The Pro Bono Council previously submitted a similar proposal to the Washington State Supreme Court which was published for public comment on Nov. 6, 2019. On Nov. 19, 2019, the WSBA Board of Governors asked the CPE for a recommendation whether the WSBA should submit a comment.

On Dec. 4, 2019, the CPE was considering its concerns about supporting the original proposal because the comment appeared to amend RPC 6.5(a)(3)(ii). However, the CPE agreed with the Pro Bono Council goals of increasing legal services to persons with unmet civil legal needs and increasing domestic violence survivor safety. The original proposed comment language was intended to permit notice of conflict-screening procedures prior to the time an actual conflict of interest was discovered. The idea was to reduce the risk that a perpetrator of domestic violence would be alerted that a victim had sought help through a court-annexed limited legal service program once an actual conflict of interest was discovered by the program. The CPE offered technical assistance to the Pro Bono Council to review drafting options to achieve its goals.

After several collaborative work group meetings, the Pro Bono Council revised its original proposal. However, prior to the time the CPE could consider the revised proposal at a special meeting on March 25, 2020, the Covid-19 pandemic occurred. On March 19, 2020, the Pro Bono Council notified the CPE that the original proposal would be withdrawn due to limited resources and that a revised proposal may be submitted for consideration in fall. Instead of considering the revised Pro Bono Council proposal at the March 19, 2020 special meeting, the CPE voted to support the Pro Bono Council request to withdraw its original proposal.

The Pro Bono Council has now revived its revised proposal. There are three components to the revised proposal. The intended purpose of permitting prospective notice of the conflict and screening mechanism used by RPC 6.5 programs is now stated in the rule itself instead of a proposed comment.

- First, proposed RPC 6.5(a)(3)(ii) would include the words, "*such notice, may be given prospectively.*"
- Second, there's a caveat in a new subsection (c) that "*prospective notice shall satisfy the requirements of (a)(3)(ii) only if the assistance provided to both conflicting clients is limited legal service as governed by Rule 6.5.*" This caveat represented by subsection (c) clarifies that full-scope RPC 1.7 clients will still require contemporary notice of screening to protect their right to challenge the conflict procedure. In this sense, the proposed change represented by the new subsection (c) is limited in that it would not address the concern to protect domestic violence survivors if a full-scope RPC 1.7 client is the potential threat. For example, a client receiving legal services from a private firm which also furnished volunteer attorneys to an RPC 6.5 program may still need to receive contemporaneous notice under RPC 1.7. However, under the new RPC 6.5 language, if both the vulnerable and the threatening clients were receiving services from the same RPC 6.5 program, then the intended protection would be achieved because the threatening client would not receive contemporaneous notice under RPC 1.7.
- Third, proposed Comment [8] to RPC 6.5 interprets the new language in the context of using prospective notice to increase protection for vulnerable clients:

[8] Providing prospective notice of a potential conflict in accordance with Paragraphs (a)(3)(ii) and (c) would be particularly appropriate in situations where vulnerable client populations may be involved. For example, where a nonprofit or court-annexed limited legal service program is assisting a survivor of domestic violence and the perpetrator of the domestic violence seeks, or previously received, assistance through the same program. In such cases, notification to the perpetrator when the conflict arises could effectively advise the perpetrator that the survivor is contemplating legal action potentially affecting the perpetrator, thus putting the survivor at risk of retaliation.

This proposed Comment [8] language—and the language in proposed (a)(3)(ii)—could be modified slightly¹. However, the new language resolves the prior concern of the CPE that the focus of (a)(3)(ii) on actual conflicts of interest should be adequately amended or clarified to permit prospective notice. We were not convinced a comment alone was sufficient for that purpose.

Therefore, the CPE recommends support of the format of the proposed change. Based on communication with representatives of the Pro Bono Council, the CPE is not advising the BOG to comment on the substantive aspects of the proposal as the Pro Bono Council is better situated to provide that comment.

¹ In subsection (a)(3)(ii), the comma after "such notice" should be removed. In proposed Comment [8] the period after the word "involved" should be changed to a comma, followed by "for example, . . ." and the word, ". . . advise . . ." should be changed so the sentence reads, ". . . could effectively *alert* the perpetrator "

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE SUGGESTED)
AMENDMENT TO RPC 6.5—NONPROFIT AND)
COURT-ANNEXED LIMITED LEGAL SERVICE)
PROGRAMS)
_____)
_____)

ORDER NO.

25700-A-1332

Washington State’s Pro Bono Council, having recommended the suggested amendment to RPC 6.5—Nonprofit and Court-Annexed Limited Legal Service Programs, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as attached hereto is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2021.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2021. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 2nd day of December, 2020.

ORDER

IN THE MATTER OF THE SUGGESTED AMENDMENT TO RPC 6.5—NONPROFIT AND
COURT-ANNEXED LIMITED LEGAL SERVICE PROGRAMS

For the Court


CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment to RULES OF PROFESSIONAL CONDUCT (RPC)

Rule 6.5 -- NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICE
PROGRAMS

Submitted by the Pro Bono Council

A. Name of Proponent:

Pro Bono Council. As a subcommittee of the Washington State Access to Justice Board, the Pro Bono Council is a convening body that supports and advocates for the sixteen volunteer lawyer programs across the State.

B. Spokesperson:

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C. Purpose:

To obtain clarifying language and comment to Rule of Professional Conduct (RPC) 6.5 allowing a limited legal service program to provide notice, as described in paragraph (a)(3) of the Rule, at the time an individual applies for service, regardless of whether an actual conflict exists at that time.

RPC 6.5 allows non-profit and court-annexed limited legal services programs to offer short-term legal services to clients whose legal interests may be in conflict by exempting such representation from RPCs 1.7, 1.9(a), and 1.18(c), unless a participating lawyer has personal knowledge of a conflict and the conflict cannot be mitigated by specific screening measures. This exemption maximizes the limited resources of limited legal service programs and participating lawyers (pro bono and staff) to provide free legal help to eligible persons. A limited legal service program must utilize effective screening mechanisms to ensure confidential information is not disseminated to an attorney who is disqualified from assisting a client with competing interests because of a known personal conflict.¹ A limited legal service program must provide each client with notice of the conflict and the screening

¹ RPC 6.5(a)(3)(i)

mechanisms used to avoid the dissemination of confidential information relating to the representation of the competing interests.² Finally, a limited legal service program must also be able to demonstrate by convincing evidence that no material information relating to the representation was transmitted to the opposing client's attorney.³

Neither the rule nor the comments prescribe how the notice is to be provided, but as currently written, in a known conflict situation, providing individualized notice of an actual conflict creates the potential for inconsistency with the duty of confidentiality codified in RPC 1.6 because the identity of clients involved in the conflict can logically be traced by receipt of that notice alone. This is particularly concerning in many of the cases handled by limited legal service programs in Washington State, because providing individualized notice of a conflict creates safety issues for actual and potential clients who may be seeking protection orders.

Client safety issues in limited legal services programs often arise in cases involving domestic violence. Protection from domestic violence is an area of significant legal need across the country and in Washington. This is borne out by the Washington State Supreme Court-sponsored Civil Legal Needs Study Update of 2015 (Study). The Study found that 71 percent of low-income households in Washington face at least one civil legal problem during a 12-month period.⁴ Further, 76 percent of persons living in poverty who have significant legal needs in Washington cannot get the legal help or representation they need to resolve the problem.⁵ More importantly for purposes of this suggested amendment, the Study confirmed that victims of domestic violence and/or sexual assault experience the highest number of legal problems per capita of any group: low-income Washingtonians who have suffered domestic violence or been a victim of sexual assault experience an average of 19.7 legal problems per household, twice the average experienced by the general low-income population.⁶

Several limited legal service programs, including volunteer lawyer programs, offer legal advice clinics for survivors of domestic violence (DV). If a DV survivor seeks legal aid services while their abuser is a current or former client of that program, under RPC 1.7 or 1.9 there could be a conflict of interest. As described above, RPC 6.5 allows a limited legal service program to provide short-term limited assistance to the conflicted client, who may be the victim/survivor, through the mechanism of screening any personally conflicted attorney(s) from the case and notifying both parties. The current process raises the immediate concern that providing individualized notice of the actual conflict to each party creates an imminent risk of harm to the victim by alerting an alleged DV perpetrator that their victim is seeking legal advice. Thus, the current notice requirement puts the safety of victims/survivors in greater jeopardy. As a collateral matter, RPC 1.6 counsels the exercise of caution when disclosing client information that is likely to result in imminent harm to a third-party.⁷ As a

² RPC 6.5(a)(3)(ii)

³ RPC 6.5(a)(3)(iii)

⁴ 2015 Washington State Civil Legal Needs Study Update, p. 5, at https://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf.

⁵ *Id.* at p. 15.

⁶ *Id.* at p. 13.

⁷ *See* RPC 1.6 Comment [6].

result of the lack of clarity on this issue, some limited legal service programs opt instead to follow a strict policy of not accepting clients where there is a known conflict, which then results in the opposite outcome to the underlying goal of RPC 6.5: to increase access to free limited legal services for low-income Washingtonians.

The suggested amendment to RPC 6.5 provides important clarity regarding the notice requirement. This guidance will enable any non-profit or court-annexed limited legal service program that satisfies the provisions of RPC 6.5(a) to serve clients who face compounding challenges to seeking legal assistance and who might otherwise be barred from obtaining the help they need due to barriers unwittingly posed by the RPCs. At the same time, limited legal service programs are able to help keep those clients safe during the course of their legal matter without fear of increasing their risk of harm. The suggested amendment will allow limited legal service programs to notify ALL actual and potential clients at the time an individual applies for help of the potential for conflicts and information about the screening mechanisms. This fulfills RPC 6.5's goal to maximize the accessibility of legal aid to as many individuals as possible while still protecting an individual client's interests, safety and confidentiality within the bounds of attorneys' professional duties.

Additionally, providing notice of the potential for conflicts and the screening mechanisms to all applicants for short-term legal services creates an opportunity for applicants to immediately opt out of receiving services if they feel doing so would be in their best interests. Providing notice only after an actual conflict arises, as usually happens under the current rule, allows no opportunity for clients to opt out or raise objections beforehand.

D. Hearing:

A hearing is not requested, but if the Court seeks further information or a hearing, the Pro Bono Council is happy to make itself available and requests notice of any relevant hearing calendared. The Pro Bono Council has conducted stakeholder outreach on this issue. Please see the attached supporting materials.

E. Expedited Consideration:

Expedited consideration is requested and is proper in order to protect the safety of legal aid clients. The ongoing COVID-19 related crisis and associated legal issues, including evictions, have brought an unprecedented number of new legal aid clients. This increase in volume will necessarily result in an increase in the potential for conflicts, and in order to protect the physical safety of as many legal aid clients as possible, and in light of the significant open comment period already conducted, the Pro Bono Council requests the proposed changes be implemented as soon as possible.

F. Supporting Materials:

Statement regarding stakeholder outreach conducted by Pro Bono Council

1 **SUGGESTED RULE CHANGES**

2 **RULES OF PROFESSIONAL CONDUCT**

3 Recommended by the Pro Bono Council

4
5 **RPC 6.5**

6 **NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICE PROGRAMS**

7
8 (a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or
9 court, provides short-term limited legal services to a client without expectation by either the lawyer
10 or the client that the lawyer will provide continuing representation in the matter and without
11 expectation that the lawyer will receive a fee from the client for the services provided:

12 (1) is subject to Rules 1.7, 1.9(a), and 1.18(c) only if the lawyer knows that the
13 representation of the client involves a conflict of interest, except that those Rules shall not prohibit
14 a lawyer from providing limited legal services sufficient only to determine eligibility of the client
15 for assistance by the program and to make an appropriate referral of the client to another program;

16 (2) is subject to Rule 1.10 only if the lawyer knows that another lawyer or LLLT associated
17 with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) or by LLLT RPC 1.7 and LLLT
18 RPC 1.9(a) with respect to the matter; and

19 (3) notwithstanding paragraphs (1) and (2), is not subject to Rules 1.7, 1.9(a), 1.10, or
20 1.18(c) in providing limited legal services to a client if:

21 (i) the program lawyers or LLLTs representing the opposing clients are screened by
22 effective means from information relating to the representation of the opposing client;

23 (ii) each client is notified of the conflict and the screening mechanism used to prohibit
24 dissemination of information relating to the representation; such notice, may be given
25 prospectively; and

26 (iii) the program is able to demonstrate by convincing evidence that no material
27 information relating to the representation of the opposing client was transmitted by the personally
28 disqualified lawyers or LLLTs to the lawyer representing the conflicting client before
29 implementation of the screening mechanism and notice to the opposing client.

30 (b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation
31 governed by this Rule.

32 (c) Prospective notice shall satisfy the requirements of (a)(3)(ii) only if the assistance provided
33 to both conflicting clients is limited legal service as governed by Rule 6.5.

1 [Adopted effective October 29, 2002; amended effective September 1, 2006; April 14, 2015.]
2

3
4 Comment

5 [1] [Washington revision] Legal services organizations, courts and various nonprofit
6 organizations have established programs through which lawyers provide short-term limited legal
7 services - such as advice or the completion of legal forms - that will assist persons to address their
8 legal problems without further representation by a lawyer. In these programs, such as legal-advice
9 hotlines, advice-only clinics or pro se counseling programs, a client-lawyer relationship is
10 established, but there is no expectation that the lawyer's representation of the client will continue
beyond the limited consultation. Such programs are normally operated under circumstances in
which it is not feasible for a lawyer to systematically screen for conflicts of interest as is generally
required before undertaking a representation. See, e.g., Rules 1.7, 1.9, 1.10, and 1.18.

11 [2] [Washington revision] A lawyer who provides short-term limited legal services pursuant
12 to this Rule must secure the client's informed consent to the limited scope of the representation.
13 See Rule 1.2(c). If a short-term limited representation would not be reasonable under the
14 circumstances, the lawyer may offer advice to the client but must also advise the client of the need
15 for further assistance of a legal practitioner. Except as provided in this Rule, the Rules of
Professional Conduct, including Rules 1.6 and 1.9(c), are applicable to the limited representation.

16 [Comment [2] amended effective April 14, 2015.]
17

18 [3] [Washington revision] Because a lawyer who is representing a client in the circumstances
19 addressed by this Rule ordinarily is not able to check systematically for conflicts of interest,
20 paragraph (a) requires compliance with Rules 1.7 or 1.9(a), or 1.18(c) only if the lawyer knows
21 that the representation presents a conflict of interest for the lawyer, and with Rule 1.10 only if the
lawyer knows that another lawyer in the lawyer's firm is disqualified by Rules 1.7 or 1.9(a) in the
matter.

22 [4] Because the limited nature of the services significantly reduces the risk of conflicts of
23 interest with other matters being handled by the lawyer's firm, paragraph (b) provides that Rule
24 1.10 is inapplicable to a representation governed by this Rule except as provided by paragraph
25 (a)(2). Paragraph (a)(2) requires the participating lawyer to comply with Rule 1.10 when the lawyer
26 knows that the lawyer's firm is disqualified by Rules 1.7 or 1.9(a). By virtue of paragraph (b),
27 however, a lawyer's participation in a short-term limited legal services program will not preclude
the lawyer's firm from undertaking or continuing the representation of a client with interests
adverse to a client being represented under the program's auspices. Nor will the personal
disqualification of a lawyer participating in the program be imputed to other lawyers participating
in the program.

1 [5] If, after commencing a short-term limited representation in accordance with this Rule, a
2 lawyer undertakes to represent the client in the matter on an ongoing basis, Rules 1.7, 1.9(a) and
3 1.10 become applicable.

4 Additional Washington Comments (6 - 78)

5 [6] Washington's version of this Rule differs from the Model Rule. The differences
6 accommodate the unique civil legal services delivery system, which uses a statewide centralized
7 telephone intake and referral system for low-income persons to access free civil legal services. The
8 Rule recognizes that lawyers who provide intake and referral services such as these will necessarily
9 at times receive confidential information from adverse parties.

10 The risk that such information will be used against the material interests of either party is relatively
11 low in comparison to the need for services, and when such a risk exists, protections of lawyer
12 screening and notice to the client are required by the Rule.

13 [7] Paragraph (a)(3) was taken from former Washington RPC 6.5(a)(3) as enacted in 2002. The
14 replacement of "confidences and secrets" in paragraph (a)(3) with "information relating to the
15 representation" was necessary to conform the language of the Rule to a terminology change in
16 Rule 1.6. No substantive change is intended. See Comment [21] to Rule 1.6.

17 [8] Providing prospective notice of a potential conflict in accordance with Paragraphs (a)(3)(ii)
18 and (c) would be particularly appropriate in situations where vulnerable client populations may be
19 involved. For example, where a nonprofit or court-annexed limited legal service program is
20 assisting a survivor of domestic violence and the perpetrator of the domestic violence seeks, or
21 previously received, assistance through the same program. In such cases, notification to the
22 perpetrator when the conflict arises could effectively advise the perpetrator that the survivor is
23 contemplating legal action potentially affecting the perpetrator, thus putting the survivor at risk of
24 retaliation.

25 [Comments adopted effective September 1, 2006; amended effective April 14, 2015; September
26 1, 2016.]
27

TO: WSBA Board of Governors

FROM: Tobin Klusty, WSBA Civil Rights Law Section Chair
Molly Matter, WSBA Civil Rights Law Section Past Chair
Anne Watanabe, WSBA World Peace Through Law Section Chair
Julianne Unite, WSBA Member Services and Engagement Manager

DATE: January 7, 2021

RE: WSBA Civil Rights Law Section and World Peace Through Law Section Proposal to Support a Draft Resolution to the Biden Administration from the Center for Human Rights and Constitutional Law Concerning the Detention of Immigrant Children.

ACTION: Authorize the WSBA Civil Rights Law Section and World Peace Through Law Section to join as a signatory on the Center for Human Rights and Constitutional Law Draft Resolution Concerning the Detention of Immigrant Children.

Brief Description About the Center for Human Rights and Constitutional Law Draft Resolution:

In December 2020, the Center for Human Rights and Constitutional Law asked for lawyers, doctors, social workers, and community leaders nationwide to sign on to a “Draft Resolution Concerning the Detention of Immigrant Children” (hereinafter, “Resolution”) to support compliance with the basic rights of detained children under the *Flores* Settlement Agreement. More specifically, the Resolution asks the Biden Administration to adopt policies to:

- promptly identify immigrant children who were forcibly separated from their parents in 2018 by the Trump administration and locate and reunite them with their parents;
- promptly release detained accompanied children with their accompanying parents unless the children or their parents;
- promptly release detained unaccompanied children to available sponsors; cooperate with Flores class counsel to identify detained minors who can be released to licensed group homes; and
- not remove apprehended minors if they appear to be prima facie eligible for SIJ status or asylum (abused, neglected or abandoned or persecuted).

Lastly, the Resolution asks that the Biden Administration provide assistance and legal counsel to unaccompanied children to apply for any relief from deportation for which they are eligible under existing federal laws.

Sections Procedural History:

The Civil Rights Law Section and World Peace Through Law Section conducted GR12 analyses to determine their proposals met the requirements of GR12. Furthermore, it is unclear as to whether the sections’ proposals are subject to the WSBA’s Sections Legislative Comment policy; nonetheless, the sections reviewed the policy and also determined their proposals meet the requirements of the policy.

- **Civil Rights Law Section:** On January 7, 2021 at the Executive Committee of the WSBA Civil Rights Law Section (CRLS) a motion was made and seconded, and passed by the required super-majority of the CRLS Executive Committee (75%), that: The Resolution will have a significant positive impact on the administration of justice, and The CRLS Executive Committee will sign on and endorse the Resolution as a public comment in accordance with GR 12.1 and the WSBA Legislation and Court Rule Comment Policy. Prior to the vote on the Motions, the CRLS Executive Committee considered draft text of the Resolution

and a memo from the legislative subcommittee. The CRLS Executive Committee was also provided with copies of GR 12.1, and the 2020 WSBA Legislation and Court Rule Comment Policy.

- **World Peace Through Law Section:** On December 30, 2020, the Executive Committee of the World Peace Through Law Section, by a vote of 75 percent of its Executive Committee members determined that signing on to the Resolution would be public comment that meets GR 12 and GR 12.2 and determined that the Executive Committee members agree with the Resolution.

Request:

The Civil Rights Law Section and World Peace Through Law Section respectfully requests that the WSBA Board of Governors authorize the sections' proposal to sign on to the aforementioned Resolution.

Enclosures:

- Proposal from the Civil Rights Law Section
- Proposal from the World Peace Through Law Section
- Center for Human Rights and Constitutional Law Draft Resolution Regarding the Detention of Immigrant Children

December 19, 2020

TO: Kyle Sciuchetti, Chair, Board of Governors Legislative Committee, Sanjay Walvekar, WSBA
Legislative Liaison

FROM: WSBA Civil Rights Law Section

RE: CRLS Public Comment Supporting Resolution Regarding The Detention of Immigrant Children concerning constitutional and human rights for detained children.

Under GR.2 (a) (1), (2), (3), (4), (9), (11), the Washington State Bar Association strives to: Promote independence of the judiciary and the legal profession; promote an effective legal system, accessible to all; provide services to its members and the public; foster and maintain high standards of competence, professionalism, and ethics among its members; promote understanding of and respect for our legal system and the law; and serve as a statewide voice to the public and to the branches of government on matters relating to these purposes and the activities of the association and the legal profession.

Under GR.2(b)(1), In pursuit of these purposes, the Washington State Bar Association may: Sponsor and maintain committees and sections, whose activities further these purposes.

Under GR.2(2), the Washington State Bar Association may not take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice.

Under Sections Legislative Policy 4(g) Sections may not comment on municipal (defined as a city or county) Matters or on Federal Matters, which are defined as federal court rules and legislation, executive orders, administrative rulemaking, and international treaties. If a Section believes that comment on a municipal or Federal Matter should be undertaken, the Section may bring the Matter to the Board of Governors to seek the Board's authorization.

I. Proposal for Action:

The Center for Human Rights and Constitutional Law is asking lawyers, doctors, social workers, and community leaders nationwide to sign on to a resolution to support compliance with the basic rights of detained children under *Flores* Settlement Agreement. The Resolution can be found here:
<https://files.constantcontact.com/baccf499301/06d93045-6339-47c1-8738-38b8bf81a9aa.pdf>

The Resolution will be sent to the Biden Administration.

On December 21, 2020, the Executive Committee of the WSBA Civil Rights Law Section (CRLS) took the following action:

A Motion was Made and Seconded, and passed by the required super-majority of the CRLS Executive Committee (75%), that:

- a. The Resolution will have a significant positive impact on the administration of justice and
- b. The CRLS Executive Committee will sign on and endorse the Resolution as a public comment in accordance with GR 12.1 and the WSBA Legislation and Court Rule Comment Policy.

Prior to the vote on the Motions, the CRLS Executive Committee considered draft text of the Resolution and a memo from the legislative subcommittee. The CRLS Executive Committee was also provided with copies of GR 12.1, and the 2020 WSBA Legislation and Court Rule Comment Policy.

II. Description of the Resolution and Reasons for Supporting It

A. What the Resolution Would Do

The Resolution asks the Biden Administration to adopt policies to promptly identify immigrant children who were forcibly separated from their parents in 2018 by the Trump administration and locate and reunite them with their parents; promptly release detained *accompanied children with their accompanying parents* unless the children or their parents; promptly release detained *unaccompanied children* to available sponsors; cooperate with *Flores* class counsel to identify detained minors who can be released to licensed group homes; and not remove apprehended minors if they appear to be *prima facie* eligible for SIJ status or asylum (abused, neglected or abandoned or persecuted). Lastly, the Resolution asks that the Biden Administration provide assistance and legal counsel to unaccompanied children to apply for any relief from deportation for which they are eligible under existing federal laws.

B. Background

In the 2020 legislation session, the Civil Rights Law Section supported SB 6442, a bill pertaining to the prohibition of private detention centers in WA State. <http://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bills/Senate%20Bills/6442.pdf?q=20200129101833> Washington legislators considered, amended and passed 6442. Just as SB 6442 made a positive impact on the administration of justice, so does the CHRCL Resolution but at a federal level where the *Flores* Agreement is actually enforced.

In 1997, the United States entered into a settlement agreement (“the *Flores* Agreement” or “the Agreement”) with a class of minors subject to detention by U.S. immigration authorities. *See Flores v. Barr* (“*Flores II*”), 934 F.3d 910, 912 (9th Cir. 2019). The Agreement was entered by the district court as a consent decree and remains in effect today. Among other things, the Agreement provides that after the government apprehends minors, it ordinarily must transfer them to a “licensed program” within three days. Agreement ¶ 12.A. A “licensed program” refers to a “program, agency or organization that is licensed by an appropriate State agency to provide residential, group, or foster care services for dependent children.” Children must not remain in detention centers or locked facilities longer than 21 days.

In the 2020 legislative session, the Washington State legislature found numerous documented abuses of people held in private detention facilities in Washington State and elsewhere. These human rights violations include sexual abuse, physical assault, medical neglect, overmedication of psychotropic drugs and barriers to legal access. This prompted the passage of SB 6642, drafted to prohibit the operation of private detention facilities in the state by any person, business, or state or local governmental entity in order to ensure the safety and welfare of people in Washington State and comply with human rights law. This was considered before the pandemic. Exposure to the deadly COVID virus has now drastically compounded the dangerous conditions within detention centers and limited the legal community’s access to those detained.

In 2020, nationally, over 50,000 children and adults are currently in immigration prisons on any given day. Two-thirds of people held in U.S. immigration detention are in private prisons with some prisons operating illegally without state licensing. Overall, our federal immigration system is in violation of federal human rights standard, *Reno v Flores*, that states children cannot be detained in secure facilities (prisons) beyond 21 days and youth have a right to adequate food, water, bedding and soap. The pandemic poses a serious threat to the health and safety of children in detention.

Most people are unaware that asylum seekers and refugees do not have a due process right to legal counsel. I, Molly Matter, Previous Past Chair of the Civil Rights Law Section, can personally testify to the conditions children and accompanied minors face within private detention centers.

I worked in a private detention center with the Center for Human Rights and Constitutional Law after families were separated taking declarations from children and conducting a site inspection under *the Flores Settlement Agreement*.

In April 2018, the Trump administration initiated a policy of forcibly separating children from their parents in order to criminally prosecute the parents, a practice ended soon after it was initiated but to this day leaving over 540 children still separated from their parents.

The site I visited (SW Keys) did not conduct background checks and employed a man who sexually abused children for one year before children finally began reporting. In February of 2019, a report from the Department of Justice released by Representative Ted Deutch stated there were 4,500 complaints in four years about the sexual abuse of immigrant children in United States custody and that complaints rose drastically after families were separated with the largest number of reports during any five-year span.

Despite numerous court Orders issued to require the federal Government's compliance with the *Flores Settlement Agreement*, tens of thousands of accompanied and unaccompanied immigrant children have been detained for long periods of time even though they are neither a flight risk nor a danger to themselves or others. The vast majority of detained immigrant children could be promptly and safely released to family members, or responsible faith-based sponsors, or licensed group homes.

Children have been detained in overcrowded cages in unsafe, unhealthy, and unsanitary conditions largely because the Office of Refugee Resettlement (ORR) consistently failed to timely release children leaving it with little capacity to receive unaccompanied minors detained in CBP custody.

The Trump Administration is currently deporting apprehended minors and minors who present themselves at ports of entry without assessing their eligibility for political asylum or Special Immigrant Juvenile Status available to minors who have been abused, abandoned, or neglected.

C. Why the Civil Rights Law Section's Endorsement of the Resolution Satisfies GR 12.1(c)

The CRLS Executive Committee considered the requirement of GR 12.1(c)(2) and determined that the Resolution is directly related to the administration of justice. This Resolution at its core is about life, liberty and equal protection under the law, the heart of American democracy codified in the 14th Amendment. Regardless of citizenship status, the human rights of all children within the borders of the United States are protected domestically under the United States Constitution, under the *Flores Settlement Agreement*, and protected internationally under the United Nations Universal Declarations of Human Rights and the Covenant on Civil and Political Rights, ratified by the United States Congress. The Resolution urges the Biden administration to adopt policies that protect the fundamental rights of children. These policies, if adopted, further our constitutional safeguard to the administration of justice, mostly importantly Equal Protection and Due Process, and an effective legal system accessible to all. By endorsing this Resolution, we will uphold our state constitution under Article 1, Section 3: *No person shall be deprived of life, liberty, or property, without due process of law.*

III. Conclusion

The Legislation and Court Rule Comment Policy is satisfied by CRLS taking a public position supporting the Resolution, as described above, we have reviewed the Bill, carefully considered it, and obtained a supermajority vote the Resolution impacts the administration of justice and that we should support it.

Link:

<https://www.theguardian.com/us-news/2020/oct/21/trump-separation-policy-545-children-parents-still-not-found>



Civil Rights Law Section

WASHINGTON STATE BAR ASSOCIATION

December 21, 2020

TO: Kyle Sciuchetti, Chair, Board of Governors Legislative Committee, Sanjay Walvekar, WSBA Outreach and Legislative Affairs Manager, and Russel Johnson, Outreach and Legislative Affairs Coordinator

RE: CRLS Public Comment Supporting Resolution Regarding the Detention of Immigrant Children

Under GR 12.2(a)(1), (2), (3), (4), (9), and (11), the Washington State Bar Association strives to: promote independence of the judiciary and the legal profession; promote an effective legal system, accessible to all; provide services to its members and the public; foster and maintain high standards of competence, professionalism, and ethics among its members; promote understanding of and respect for our legal system and the law; and serve as a statewide voice to the public and to the branches of government on matters relating to these purposes and the activities of the association and the legal profession.

Under GR 12.2(b)(1), in pursuit of these purposes, the Washington State Bar Association may sponsor and maintain committees and sections, whose activities further these purposes.

Under GR 12.2(c)(2), the Washington State Bar Association may not take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice.

Under Sections Legislative Comment Policy 4(g), Sections may not comment on municipal (defined as a city or county) Matters or on Federal Matters, which are defined as federal court rules and legislation, executive orders, administrative rulemaking, and international treaties. If a Section believes that comment on a municipal or Federal Matter should be undertaken, the Section may bring the Matter to the Board of Governors to seek the Board's authorization.

I. Proposal for Action:

The Center for Human Rights and Constitutional Law is asking lawyers, doctors, social workers, and community leaders nationwide to sign on to **RESOLUTION REGARDING THE DETENTION OF IMMIGRANT CHILDREN** (hereafter Resolution) to support compliance with the basic rights of detained children under *Flores* Settlement Agreement.¹ This resolution does not create new law, but merely requests compliance with existing law.

The Resolution will be sent to the Biden Administration. The Executive Committees of the Civil Rights Law Section (CRLS) and the World Peace through Law Section bring this to the Board of Governors to request authorization for Sections to endorse the Resolution as it affects the practice of law and the administration of justice.

On [Date], the CRLS Executive Committee took the following action:

A Motion was Made and Seconded, and passed by the required super-majority of the CRLS Executive Committee (75%), that:

- a. The Resolution will have a significant positive impact on the administration of justice, and

¹ The text Resolution can be found here: <https://files.constantcontact.com/baccf499301/06d93045-6339-47c1-8738-38b8bf81a9aa.pdf>.

- b. The CRLS Executive Committee will sign on and endorse the Resolution as a public comment in accordance with GR 12.2 and the WSBA Legislative Comment Policy.

Prior to the vote on the Motions, the CRLS Executive Committee considered draft text of the Resolution and a memo from the legislative subcommittee. The CRLS Executive Committee was also provided with copies of GR 12.2 and the 2020 WSBA Legislative Comment Policy.

II. Description of the Resolution and Reasons for Supporting It:

- a. What the Resolution Would Do

The Resolution asks the Biden Administration to adopt policies to:

- promptly identify immigrant children who were forcibly separated from their parents in 2018 by the Trump administration and locate and reunite them with their parents;
- promptly release detained *accompanied children* with their *accompanying parents*;
- promptly release detained *unaccompanied children* to available sponsors;
- cooperate with *Flores* class counsel to identify detained minors who can be released to licensed group homes; and
- not remove apprehended minors if they appear to be *prima facie* eligible for SIJ status or asylum (abused, neglected or abandoned or persecuted).

Lastly, the Resolution asks that the Biden Administration provide assistance and legal counsel to *unaccompanied children* to apply for any relief from deportation for which they are eligible under existing federal laws.

- b. Background

In the 2020 legislation session, the Civil Rights Law Section supported SB 6442, a bill pertaining to the prohibition of private detention centers in WA State.² Washington legislators considered, amended and passed 6442. Just as SB 6442 made a positive impact on the administration of justice, so does the Resolution here but at a federal level where the *Flores* Agreement is enforced.

In 1997, the United States entered into a settlement agreement (“the *Flores* Agreement” or “the Agreement”) with a class of minors subject to detention by U.S. immigration authorities. See *Flores v. Barr* (“*Flores II*”), 934 F.3d 910, 912 (9th Cir. 2019). The Agreement was entered by the district court as a consent decree and remains in effect today. Among other things, the Agreement provides that after the government apprehends minors, it ordinarily must transfer them to a “licensed program” within three days. Agreement ¶ 12.A. A “licensed program” refers to a “program, agency or organization that is licensed by an appropriate State agency to provide residential, group, or foster care services for dependent children.” Children must not remain in detention centers or locked facilities longer than 21 days.

In the 2020 legislative session, the Washington State legislature found numerous documented abuses of people held in private detention facilities in Washington State and elsewhere. These human rights violations include sexual abuse, physical assault, medical neglect, overmedication of psychotropic drugs and barriers to legal access. This prompted the passage of SB 6642, drafted to prohibit the operation of private detention facilities in the state by any person, business, or state or local governmental entity in order to ensure the safety and welfare of people in Washington State and comply with human rights law. This was considered before the pandemic. Exposure to the deadly COVID virus has now drastically compounded the dangerous conditions within detention centers and limited the legal community’s access to those detained.

In 2020, over 50,000 children and adults in United States are currently in immigration prisons on any given day. Two-thirds of people held in U.S. immigration detention are in private prisons with some prisons operating illegally

² The text of the bill can be found here: <http://lawfilesexst.leg.wa.gov/biennium/2019-20/Pdf/Bills/Senate%20Bills/6442.pdf?q=20200129101833>.

without state licensing. Overall, our federal immigration system is in violation of the federal human rights standard, *Reno v Flores*, that states children cannot be detained in secure facilities (prisons) beyond 21 days and youth have a right to adequate food, water, bedding, and soap. The pandemic poses a serious threat to the health and safety of children in detention.

Most people are unaware that asylum seekers and refugees do not have a due process right to legal counsel. The CRLS Immediate Past Chair, Molly Matter, can personally testify to the conditions children face within private detention centers. She worked in a private detention center with the Center for Human Rights and Constitutional Law after families were separated, taking declarations from children and conducting a site inspection under the *Flores* Settlement Agreement.

In April 2018, the Trump administration initiated a policy of forcibly separating children from their parents in order to criminally prosecute the parents, a practice ended soon after it was initiated. But to this day, over 540 children are still separated from their parents.³

The site Molly Matter visited (Southwest Keys) did not conduct background checks and employed a man who sexually abused children for one year before children finally began reporting. In February of 2019, a report from the Department of Justice stated there were 4,500 complaints in four years about the sexual abuse of immigrant children in United States custody and that complaints rose drastically after families were separated.

Despite numerous court Orders issued to require the federal Government's compliance with the *Flores* Settlement Agreement, tens of thousands of accompanied and unaccompanied immigrant children have been detained for long periods of time even though they are neither a flight risk nor a danger to themselves or others. The vast majority of detained immigrant children could be promptly and safely released to family members, or responsible faith-based sponsors, or licensed group homes.

Children have been detained in overcrowded cages in unsafe, unhealthy, and unsanitary conditions largely because the Office of Refugee Resettlement (ORR) consistently failed to timely release children, leaving it with little capacity to receive unaccompanied minors detained in Customs and Border Patrol custody.

The Trump Administration is currently deporting children, including those seeking aid at ports of entry, without assessing their eligibility for political asylum or Special Immigrant Juvenile Status, which is available to minors who have been abused, abandoned, or neglected.

c. Why the CRLS Endorsement of the Resolution Satisfies GR 12.2

Our proposed public comment does not relate to a specific legislative proposal. The Legislative Comment Policy does not directly apply here, since that policy applies to "state legislation, executive orders, and administrative rulemaking," which are not at issue here. However, we still conducted an analysis of GR 12 and 12.2, and the "Sections' Legislative Comment Policy". We conclude that our public comment (by signing the Resolution) would further the purposes of the Bar as specified in GR 12.2.a, including promotion of an effective legal system and promotion of respect for the legal system, by drawing attention to the need to adhere to the *Flores* consent decree as the rule of law.

Our public comment also supports the administration of justice, which is the overarching purpose of GR 12. This Resolution at its core is about life, liberty, and equal protection under the law – the heart of American democracy codified in the 14th Amendment. Regardless of citizenship status, the human rights of all children within the borders of the United States are protected domestically under the United States Constitution, under the *Flores Settlement Agreement*, and protected internationally under the United Nations Universal Declarations of Human Rights and the Covenant on Civil and Political Rights, ratified by the United States Congress. The Resolution urges the Biden administration to adopt policies that protect the fundamental rights of children. These policies, if adopted, further

³ An article describing these conditions is found here: <https://www.theguardian.com/us-news/2020/oct/21/trump-separation-policy-545-children-parents-still-not-found>.

our constitutional safeguard to the administration of justice, most importantly Equal Protection and Due Process, and an effective legal system accessible to all. By endorsing this Resolution, we will uphold our state constitution under Article 1, Section 3: *No person shall be deprived of life, liberty, or property, without due process of law.*

Furthermore, Section 4.g of the Sections' Legislative Comment Policy (regarding "federal matters") does not bar this request. That policy refers to "federal court rules and legislation, executive orders, administrative rulemaking, and international treaties," which are not involved in our public comment on the Resolution. Nevertheless, we have analyzed the proposal in light of the Comment Policy, and have concluded that, similar to legislative comments, our signing of the Resolution is within our section's area of expertise in civil rights law, and our action will aid the new Administration in considering its future response to the *Flores* consent decree in accordance with established rules of law.

III. Conclusion

The Sections Legislative Comment Policy is satisfied by CRLS taking a public position supporting the Resolution, as described above, we have reviewed the Bill, carefully considered it, and obtained a supermajority vote concluding the Resolution impacts the administration of justice and that we should support it.

December 30, 2020

TO: Kyle Sciuchetti, President, Board of Governors
Peter Grabicki, Chair, Board of Governors Legislative Committee
Russell Johnson, Outreach and Legislative Affairs Coordinator

FROM: World Peace Through Law Section Executive Committee

RE: Request to Make Public Comment Supporting a Resolution of the Center for Human Rights and Constitutional Law concerning the detention of immigrant children.

The World Peace Through Law Section of the Washington State Bar Association seeks to promote the rule of law and peaceful resolution of disputes among nation-states and between nation-states and their people. We believe the following request is consistent with the purposes, rules, by-laws and policies of the Washington State Bar Association and our section. We recognize that the Sections Legislative Comment Policy does not specifically address a non-legislative public comment, but absent other guidance we are following the process and criteria contained in that Policy.

Request: The World Peace Through Law Section respectfully requests authorization to join as a signatory to a Resolution promulgated by The Center for Human Rights and Constitutional Law. The Center the Resolution are further described below. The Resolution itself is found at: <https://files.constantcontact.com/baccf499301/06d93045-6339-47c1-8738-38b8bf81a9aa.pdf>

Background: On January 28, 1997, the US District Court for Central California approved a nationwide settlement agreement in the case of *Flores v. Barr* (Cv. Case No. CV CV85-4544 DMG (AGRx)). The *Flores* Agreement was entered by the district court as a consent decree, and set national standards for the housing, detention, and release of accompanied and unaccompanied children detained by the U.S. Customs and Border Protection (CBP), the U.S. Immigration and Customs Enforcement (ICE), and the Office of Refugee Resettlement (ORR). The consent decree remains in effect.

The Center for Human Rights and Constitutional Law (Center) is a nonprofit public interest legal foundation that was incorporated in 1980. Its stated objective is to further and protect the civil, constitutional and human rights of immigrants, refugees, children, prisoners, and the poor, and its attorneys acted as class counsel for plaintiffs in *Flores v. Barr*. The Center has issued the Resolution set forth above and intends to submit this Resolution to the incoming Biden Presidential Administration. The Center has asked attorneys, community organizations and other groups nationwide to sign on to the Resolution to support compliance with the basic rights of detained children under the *Flores* Agreement.

The Resolution asks the new Administration to adopt policies that identify immigrant children who were forcibly separated from their parents in 2018, and to locate and reunite them with their parents; to promptly release detained accompanied children with their accompanying parents unless the children or their parents are a significant flight risk or a danger to themselves or others;

Page 1 of 2 – World Peace Public Comment Request

to promptly release detained unaccompanied children to available sponsors unless the children are a significant flight risk or a danger to themselves or others, or the sponsors are unable to safely care for the child; to cooperate with *Flores* class counsel to identify detained minors who can be released to licensed group homes and homes of the members of faith-based and congregations as permitted by the *Flores* Agreement; and to not remove apprehended minors if they appear to be *prima facie* eligible for Special Immigrant Juvenile status or asylum (abused, neglected or abandoned or persecuted). The Resolution further asks that the incoming Administration provide assistance and legal counsel to unaccompanied children to apply for any relief from deportation for which they are eligible under existing federal laws.

Additional factual information about the Resolution and its relationship with detained immigrant children, including immigrant children in Washington State, is found in the GR 12 request memo on the Resolution that has been or will soon be filed by the Civil Rights Law Section. Rather than repeat the information in CRLS's request, World Peace Through Law notes that it agrees with the information in the draft December 21, 2020 CRLS letter. In short, we believe the rule of law as established in the *Flores* Agreement and consent decree, as well as the constitutional rights acknowledged by the Agreement, must be adhered to. We believe that signing this Resolution will promote adherence to the rule of law in our state, as well as nationally.

World Peace Through Law Section action: On December 30, 2020, the Executive Committee of the World Peace Through Law Section, by a vote of 75 percent of its Executive Committee members (1) determined that signing on to the Resolution would be public comment that meets GR 12 and GR 12.2 and (2) determined that the Executive Committee members agree with the Resolution.

Our public comment request does not concern a legislative proposal, but we have looked to GR 12 and 12.2, and the "Sections' Legislative Comment Policy," for guidance in our analysis. We conclude that signing onto the Resolution would further the purposes of the Bar as specified in GR 12.2.a, including promotion of an effective legal system and promotion of respect for the legal system, by drawing attention to the need to adhere to the *Flores* consent decree as the rule of law. Our public comment also supports the administration of justice, which is the overarching purpose of GR 12.

The Legislative Comment Policy does not directly apply, since it applies to "state legislation, executive orders, and administrative rulemaking," which are not at issue here. Nor does section 4.g of the Policy (regarding "federal matters") prohibit this request. That policy refers to "federal court rules and legislation, executive orders, administrative rulemaking, and international treaties," which are not addressed by our public comment. Nevertheless, we have analyzed the proposal in light of the Comment Policy, and conclude that, similar to legislative comments, our signing of the Resolution is within our section's area of expertise in human rights law, and our action will aid the new Administration in considering its future response to the *Flores* consent decree in accordance with established rules of law.

Conclusion: The World Peace Through Law Section respectfully asks that our request to sign on to the Resolution be granted.

DRAFT RESOLUTION TO THE BIDEN ADMINISTRATION
Center for Human Rights and Constitutional Law
Class Counsel in *Flores v. Barr* for all detained immigrant minors
To add your name please email your name, title, organization or congregation, city, state to
pschey@centerforhumanrights.org

RESOLUTION REGARDING THE DETENTION OF IMMIGRANT CHILDREN

WHEREAS, on January 28, 1997, the United States District Court for the Central District of California approved a nationwide Settlement Agreement in the class action case of *Flores v. Barr*, CV-85-4544 DMG (AGRx), setting humane and compassionate national standards for the housing, detention, and release of children detained by the U.S. Customs and Border Protection (CBP), the U.S. Immigration and Customs Enforcement (ICE), and the Office of Refugee Resettlement (ORR); and

WHEREAS, to this day the court in the *Flores* case continues to issue Orders at Plaintiffs' request requiring that the federal Government fully comply with the basic rights detained children have under the *Flores* Settlement Agreement; and

WHEREAS, in 2014, without seeking amendment of the *Flores* Settlement Agreement before the District Court, ICE unilaterally commenced breaching the Settlement Agreement by adopting a "no release" policy aimed solely at children apprehended with their mothers in order to "deter" future unknown family units from seeking to enter the U.S.; and

WHEREAS, during the Trump administration, despite numerous court Orders issued to require the federal Government's compliance with the *Flores* Settlement Agreement, tens of thousands of accompanied and unaccompanied immigrant children have been detained for long periods of time even though they are neither a flight risk nor a danger to themselves or others; and

WHEREAS, in April 2018, the Trump administration initiated a policy of forcibly separating children from their parents in order to criminally prosecute the parents, a practice ended soon after it was initiated but to this day leaving over 540 children still separated from their parents; and

WHEREAS, the Trump administration has from time to time detained children in overcrowded cages in unsafe, unhealthy, and unsanitary conditions largely because the Office of Refugee Resettlement (ORR) consistently failed to timely release children leaving it with little capacity to receive unaccompanied minors detained in CBP custody; and

WHEREAS, the Trump administration now has an appeal pending in the United States Court of Appeals for the Ninth Circuit to terminate the *Flores* Settlement Agreement and its protections for detained children; and

WHEREAS, the vast majority of detained immigrant children could be promptly and safely released to family members, or responsible faith-based sponsors, or licensed group homes; and

WHEREAS, the Trump Administration is deporting apprehended minors and minors who present themselves at ports of entry without assessing their eligibility for political asylum or Special Immigrant Juvenile Status available to minors who have been abused, abandoned, or neglected.

THEREFORE, BE IT RESOLVED BY THE UNDERSIGNED that:

1. The President of the United States has broad authority to adopt policies regarding the treatment and release of apprehended immigrant children consistent with existing federal statutes and without the need for new federal legislation or executive orders.

2. The nationwide Settlement Agreement approved by the United States District Court for the Central District of California on January 28, 1997 in the case of *Flores v. Barr*, Cv. Case No. CV CV-85-4544 DMG (AGRx) (*Flores* Settlement Agreement) provides basic human rights protections for detained immigrant children by setting the national standards for the housing, detention, and release of accompanied and unaccompanied children detained by the U.S. Customs and Border Protection (CBP), the U.S. Immigration and Customs Enforcement (ICE), and the Office of Refugee Resettlement (ORR).

3. The Trump administration currently has several appeals pending from Orders issued in 2020 by the U.S. District Court for the Central District of California to enforce the terms of the *Flores* Settlement Agreement and protect immigrant children during the COVID-19 pandemic. In order to protect the dignity, safety, and well-being of detained immigrant children, the Biden administration should promptly dismiss President Trump's pending appeals.

4. In 2019, in order to terminate the protections offered detained children by the *Flores* Settlement Agreement, the Trump administration issued national regulations for the detention of tens of thousands of immigrant children. These regulations were blocked by the *Flores* Court in December 2019, but the Trump administration has appealed that decision. The appeal should be promptly dismissed by the Biden administration so the *Flores* protections children possess are not terminated.

5. The Biden administration should adopt a policy to promptly and in more than twenty (20) days release detained *accompanied children with their accompanying parents* unless the children or their parents are a significant flight risk or a danger to themselves or others.

6. The Biden administration should adopt a policy to promptly and in more than twenty (20) days release detained *unaccompanied children* to available sponsors unless the children are a significant flight risk or a danger to themselves or others, or the sponsors are unable to safely care for the child.

7. The Biden administration should cooperate with *Flores* class counsel to identify detained minors who can be released to licensed group homes and the homes of members of faith-based congregations as expressly permitted by the *Flores* Settlement Agreement.

8. The Biden administration should adopt a policy to promptly identify immigrant children who were forcibly separated from their parents in 2018 by the Trump administration and locate and reunite them with their parents. Parents who were deported should be "paroled" into the United States so they may assist in locating and reuniting with their children.

9. The Biden administration should adopt a policy to assess whether apprehended minors and minors who present themselves at ports of entry are eligible for Special Immigrant Juvenile status (SIJ status) because they have been abused, abandoned, or neglected, or for asylum, not remove them if they appear to be *prima facie* eligible for SIJ status or asylum, and provide them with assistance to apply for any relief from deportation for which they are eligible under existing federal laws.

10. The Biden administration should provide unaccompanied minors in removal (deportation) proceedings with court-appointed legal representation at no cost to the minors.

RESOLUTION ENDORSERS LISTED HERE.

TO: WSBA Board of Governors
FROM: Rajeev D. Majumdar, WSBA Delegate to ABA House of Delegates
DATE: January 7, 2021
RE: ABA Mid-Year House of Delegates Meeting

DISCUSSION : Preview of Issues on the Floor of the ABA House of Delegates

Dear WSBA Board of Governors,

Please find attached materials the delegates just received:

1. A Preliminary Agenda by Report #;
2. A set of Executive Summaries of Reports organized by sponsor; and
3. A list of Potential Agenda Items for the 2021 Midyear Meeting organized by topic.

I assure you that if you are perplexed by the rhyme and reason, or indeed correlation between these documents and their organization, that that befuddlement is shared by myself and other freshman delegates.

It is my hope that before the BoG meeting, more clarification and information will be coming to us. HoD meetings are much more complicated than WSBA BoG meetings, and in fact are probably a great deal more complex than U.S. House of representative meetings. If you are curious about Salmon Slips or other exciting ways they operate their meetings : [Summary of House Rules of Procedures \(americanbar.org\)](https://www.americanbar.org/resources/publications/summary-of-house-rules-of-procedure/) and [Delegate Handbook 2018-2019 \(americanbar.org\)](https://www.americanbar.org/resources/publications/delegate-handbook-2018-2019/).

Warmly,



Rajeev D. Majumdar, WSBA #39753

PRELIMINARY AGENDA

AMERICAN BAR ASSOCIATION HOUSE OF DELEGATES 2021 MIDYEAR MEETING

REPORT # SUBJECT

- 10A VIRGIN ISLANDS BAR ASSOCIATION
LAW STUDENT DIVISION**
Urges the highest court or bar admission authority of each jurisdiction that has adopted the Uniform Bar Exam (UBE) to amend its bar admissions rules to provide that the minimum number of years an applicant must have been primarily engaged in the active practice of law to be eligible for admission by motion be equal to the maximum age of a transferred UBE score that the jurisdiction has adopted for purposes of admission by UBE score transfer.
- 10B VIRGIN ISLANDS BAR ASSOCIATION
STANDING COMMITTEE ON PARALEGALS**
Urges all federal, state, local and territorial courts, as well as all individual judicial officers with appointment authority, to consider diversity when making appointments to court commissions, committees, boards, task forces, and similar entities that serve as arms of the court.
- 10C VIRGIN ISLANDS BAR ASSOCIATION**
Urges Congress to amend 28 U.S.C. § 373 or otherwise enact legislation to provide that federal district judges appointed to serve on the United States District Courts of the Virgin Islands, Guam, and the Northern Mariana Islands be permitted to assume senior status or to fully retire upon completion of their terms consistent with other federal judges appointed for limited terms.
- 10D VIRGIN ISLANDS BAR ASSOCIATION**
Supports an interpretation of the Fourth Amendment of the United States Constitution which would preclude application of the border-search exception to travel to or from a United States territory as is provided for travel to and from the fifty states and the District of Columbia.

- 10E VIRGIN ISLANDS BAR ASSOCIATION
NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY**
Urges that Congress enact the Daniel Aderl Judicial Security and Privacy Act of 2020, or similar legislation to prohibit the disclosure of personally identifiable information of active, senior, recalled, or retired federal judges, including magistrate judges, bankruptcy judges, administrative law judges, administrative judges, and immigration judges, and their immediate family who share their residence, including but not necessarily limited to home addresses or other personal contact or identifying information.
- 10F CALIFORNIA LAWYERS ASSOCIATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
CRIMINAL JUSTICE SECTION**
Urges federal, state, local, territorial, and tribal governments and police commissions to establish officer training and implement guidelines to be used by officers in giving exit orders during discretionary traffic enforcement stops where the officer has safety concerns or a reasonable suspicion of criminal activity.
- 11-1 ABA HOUSE RULES OF PROCEDURE**
Amends §45.1 and §45.2 of the Rules of Procedure of the House of Delegates to add the requirement that a resolution must advance one or more of the ABA's Four Goals.
- 100 SECTION OF DISPUTE RESOLUTION
SECTION OF LITIGATION
SECTION OF INFRASTRUCTURE AND REGULATED INDUSTRIES**
Supports the use of arbitration in business-to-business disputes, both domestically and internationally, as an efficient and economical method of dispute resolution.
- 101A INTERNATIONAL LAW SECTION
GOVERNMENT PUBLIC SECTOR LAWYERS DIVISION**
Urges all federal, state, local, territorial and tribal governments and foreign governments to enact laws permitting specially trained canines (known as facility dogs) to assist victims/vulnerable witnesses in their participation at any stage of the criminal justice system.
- 101B INTERNATIONAL LAW SECTION**
Urges federal, state, local, territorial, and tribal legislative bodies and governmental agencies to enact, adopt or amend their information and data privacy laws, regulations or policies to consider the inclusion of certain privacy protections.

- 101C** **INTERNATIONAL LAW SECTION**
TORT TRIAL AND INSURANCE PRACTICE SECTION
 Urges all nations to negotiate an international convention for the protection of animals that establishes standards for the proper care and treatment of all animals to protect public health, the environment, and animal wellbeing.
- 102** **SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR**
 Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2021 to Rule 29 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*.
- 103A** **COMMISSION ON IMMIGRATION**
COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES
COMMISSION ON DOMESTIC & SEXUAL VIOLENCE
COMMISSION ON HOMELESSNESS AND POVERTY
COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY
COMMISSION ON YOUTH AT RISK
SECTION OF LITIGATION
 Urges protection for Special Immigrant Juvenile beneficiaries from removal from the United States while they wait for a visa to become available.
- 103B** **COMMISSION ON IMMIGRATION**
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
CRIMINAL JUSTICE SECTION
 Recommends the United States Department of Justice use the Attorney General certification process to withdraw certain Attorney General opinions and replace them with opinions that are consistent with congressional intent, the U.S. Constitution, and U.S. treaty obligations, and which uphold several well-settled legal concepts.
- 104** **STANDING COMMITTEE ON PARALEGALS**
 Grants reapproval to 17 programs, withdraws the approval of 6 programs at the requests of the institutions, and extends the term of approval to 49 programs.
- 105** **LAW STUDENT DIVISION**
COLORADO BAR ASSOCIATION
VIRGIN ISLANDS BAR ASSOCIATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
 Urges the highest court or bar admission authority of each jurisdiction to allow bar examinees to bring menstrual products into the bar exam.

- 106A** **YOUNG LAWYERS DIVISION**
SECTION OF STATE AND LOCAL GOVERNMENT LAW
Encourages use of pronouns consistent with a person’s gender identity within the legal profession and justice system, including in filed pleadings, during mediations and court proceedings, and within judicial opinions.
- 106B** **YOUNG LAWYERS DIVISION**
LAW STUDENT DIVISION
STANDING COMMITTEE ON PARALEGALS
Urges Congress to enact legislation to amend the U.S. bankruptcy code to permit student loans to be discharged in bankruptcy without proving “undue hardship”, as currently required by 11 U.S.C. § 523(a)(8).
- 106C** **YOUNG LAWYERS DIVISION**
LAW STUDENT DIVISION
STANDING COMMITTEE ON PARALEGALS
Urges Congress and the Executive Branch to develop and implement programs to assist lawyers experiencing financial hardship due to their student loan obligations.
- 107A** **SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE**
CRIMINAL JUSTICE SECTION
COALITION ON RACIAL AND ETHNIC JUSTICE
COMMISSION ON DOMESTIC & SEXUAL VIOLENCE
COMMISSION ON HISPANIC LEGAL RIGHTS & RESPONSIBILITIES
COMMISSION ON SEXUAL ORIENTATION & GENDER IDENTITY
COMMISSION ON HOMELESSNESS AND POVERTY
LAW STUDENT DIVISION
Urges federal, state, local, territorial, and tribal governments to enact legislation that decriminalizes abortion, increases access to clinical abortion care, and protects pregnant people from any criminal prosecution for having an abortion or experiencing a miscarriage, still birth, or other adverse pregnancy outcomes.
- 107B** **SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE**
SECTION OF STATE AND LOCAL GOVERNMENT LAW
STANDING COMMITTEE ON ELECTION LAW
Urges states to adopt certain principles in administering elections for President of the United States and urges that if a dispute arises as to the proper recipient of the electoral votes for a state, Congress should give controlling effect to the winner of the popular vote for that state (or, if the state allocates electoral votes by congressional district, to the winner of the popular vote in each congressional district), as provided by the law in effect before the election.

- 107C** **SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE**
COMMISSION ON SEXUAL ORIENTATION & GENDER IDENTITY
CENTER FOR HUMAN RIGHTS
COALITION ON RACIAL AND ETHNIC JUSTICE
COMMISSION ON DISABILITY RIGHTS
COMMISSION ON DOMESTIC & SEXUAL VIOLENCE
COMMISSION ON HISPANIC LEGAL RIGHTS & RESPONSIBILITIES
CRIMINAL JUSTICE SECTION
HEALTH LAW SECTION
SECTION OF STATE AND LOCAL GOVERNMENT LAW
LAW STUDENT DIVISION
 Urges the Department of Defense to recognize that: (a) HIV status alone has no impact on service members' ability to fully execute their duties and is not a determinant of fitness for duty; and (b) HIV is not a medical condition that should disqualify a person from enlistment, appointment, commissioning, deployment or retention in the U.S. military.
- 107D** **SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE**
NATIONAL NATIVE AMERICAN BAR ASSOCIATION
COALITION ON RACIAL AND ETHNIC JUSTICE
COMMISSION ON DOMESTIC & SEXUAL VIOLENCE
COMMISSION ON HISPANIC LEGAL RIGHTS & RESPONSIBILITIES
COMMISSION ON SEXUAL ORIENTATION & GENDER IDENTITY
COMMISSION ON HOMELESSNESS AND POVERTY
CRIMINAL JUSTICE SECTION
SECTION OF STATE AND LOCAL GOVERNMENT LAW
LAW STUDENT DIVISION
YOUNG LAWYERS DIVISION
 Urges federal, state, local, territorial, and tribal endorsement and adoption of the United Nations Declaration on the Rights of Indigenous Peoples and calls specifically on Congress to develop a plan to implement.
- 108A** **NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM**
STATE LAWS
 Approves the Uniform Easement Relocation Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.
- 108B** **NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM**
STATE LAWS
 Approves the Uniform Public Expression Protection Act promulgated by the National Conference of Commissioners on Uniform State Laws as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

- 108C NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS**
 Approves the Uniform Pretrial Release and Detention Act promulgated by the National Conference of Commissioners on Uniform State Laws as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.
- 109 STANDING COMMITTEE ON SPECIALIZATION**
 Grants reaccreditation to the Civil Practice Advocacy program of the National Board of Trial Advocacy and accreditation to the Complex Litigation and Patent Litigation programs of the National Board of Trial Advocacy.
- 110 SECTION OF INTELLECTUAL PROPERTY LAW**
 Urges Congress to amend Section 596(c)(2)(C) of the Tariff Act of 1930, 19 U.S.C. § 1595a(c)(2)(C), to authorize U.S. Customs and Border Protection (CBP) to enforce design patents in addition to the other forms of rights currently listed in that statute.
- 111 STANDING COMMITTEE ON GUN VIOLENCE
 COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES
 COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY
 STANDING COMMITTEE ON ELECTION LAW
 SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
 CRIMINAL JUSTICE SECTION**
 Urges federal, state, local, territorial, and tribal governments to enact statutes, rules and regulations to prohibit the possession and display of firearms by civilians in and around locations critical to the functioning of the democratic process.
- 112 SECTION OF STATE & LOCAL GOVERNMENT LAW
 COALITION ON RACIAL AND ETHNIC JUSTICE
 SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
 COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES
 COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY
 FORUM ON AFFORDABLE HOUSING
 COMMISSION ON HOMELESSNESS AND POVERTY**
 Urges the United States Department of Housing and Urban Development to void the Rule adopted on July 23, 2020, so as to reinstate the 2015 Affirmatively Furthering Fair Housing Rule in full force and effect.

113

**COMMISSION ON HISPANIC LEGAL RIGHTS AND
RESPONSIBILITIES**

SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE

Urges all federal, state, local, territorial, and tribal legislative bodies and governmental agencies to adopt laws and policies to use total population, including minors and non-citizens, as determined by the United States Census Bureau, in redrawing electoral district lines after the decennial census to achieve equality of population of districts as required by United States constitutional law.

**AMERICAN BAR ASSOCIATION
HOUSE OF DELEGATES
POTENTIAL AGENDA ITEMS FOR THE 2021 MIDYEAR MEETING**

NOTE: This list includes issues that may be presented for consideration at the 2021 Midyear Meeting or a future meeting of the House of Delegates. Please remember that, with the exception of state and local bar associations, the filing deadline for submission of Resolutions with Reports by Association entities and affiliated organizations is **Wednesday, November 18, 2020**.

DISPUTE RESOLUTION

1. Business to Business Commercial Contracts
Supports the use of arbitration in business-to-business commercial contracts. **Section of Dispute Resolution**. Contact: Linda Warren Seely**, E-mail: Linda.Seely@americanbar.org, Phone: 202-662-1685, Mobile: 731-217-8013.

PARALEGAL EDUCATION

2. Paralegal Education Programs
Recommends paralegal education programs for approval, reapproval, withdrawal and extension of term of approval. **Standing Committee on Paralegals**. Contact: Jessica M. Watson*, Phone: 312-988-5757, E-mail: Jessica.Watson@americanbar.org.

SPECIALIZATION

3. Specialty Certification Programs
Accredits and reaccredits several specialty certification programs and amend its Standards. **Standing Committee on Specialization**. Contact: Erin Ruehrwein*, E-mail: erin.ruehrwein@americanbar.org, Phone: 312-988-5512.

YOUNG LAWYERS

4. Encouraging Respect Within the Court System of Participants' Gender Identities & Pronouns
Urges respect for the gender identities and pronouns of participants within the legal profession and justice system, which will make those systems more welcoming to (and less exclusionary toward) individuals of all gender identities. **Young Lawyers Division**. Contact: Dana Hrelc, Phone: 860-522-8338, E-mail: dhrelc@hdblfirm.com.

* American Bar Association, Chicago Office, 321 N. Clark Street, Chicago, IL 60654

**American Bar Association, Washington Office, 1050 Connecticut Avenue, NW, Washington, DC 20036

5. Continuity of Judicial Sexual Harassment Discipline
Opposes the termination of judicial misconduct investigations and urges Congress to amend 5 and broaden the definition of judge in 28 U.S.C. § 351(d) to include former judges, regardless of the manner in which they have left the bench. **Young Lawyers Division**. Contact: Dana Hrelc, Phone: 860-522-8338, E-mail: dhrelc@hdblfirm.com.

6. Dischargeability of Education Loans in Bankruptcy
Urges Congress to amend the Bankruptcy Code to treat education loans on equal terms with other unsecured debt in a bankruptcy proceeding. **Young Lawyers Division**. Contact: Dana Hrelc, Phone: 860-522-8338, E-mail: dhrelc@hdblfirm.com.

7. Addressing the Student Loan Emergency
Urges Congress and the Executive Branch to develop and implement programs to assist lawyers experiencing financial hardship during a period of health and economic crisis -- like the one the country is currently experiencing -- with programs such as: (1) authorizing the use of federal funds to provide such individuals with temporary assistance to meet their obligations to lenders with a corresponding obligation to repay such assistance; (2) making repayment terms in federal educational loans as beneficial to the borrower as possible to allow as many law students and recent graduates as possible to qualify for such programs as income-based repayment, consolidation, and other forms of loan repayment assistance; and/or (3) reasonable debt forgiveness measures. **Young Lawyers Division**. Contact: Dana Hrelc, Phone: 860-522-8338, E-mail: dhrelc@hdblfirm.com.

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AMERICAN BAR ASSOCIATION

**VIRGIN ISLANDS BAR ASSOCIATION
LAW STUDENT DIVISION**

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association urges the highest courts of appellate
2 jurisdiction in each jurisdiction that has adopted the Uniform Bar Exam (UBE) and a Rule
3 on Admission By Motion to take steps to ensure that the minimum number of years an
4 applicant must have been primarily engaged in the active practice of law to be eligible for
5 admission by motion matches the maximum years that the UBE score is transferrable.

6 FURTHER RESOLVED, That the American Bar Association urges the highest courts of
7 appellate jurisdiction that have not already done so, to implement the ABA Model Rule
8 On Admission By Motion, which calls for applicants applying for motion admission to
9 demonstrate they have been engaged in the active practice of law for three of the last five
10 years.

11 FURTHER RESOLVED, That the American Bar Association urges the highest courts of
12 appellate jurisdiction in each jurisdiction with a Rule on Admission by Motion, but that has
13 not yet adopted the UBE and chooses to do so in the future, to take steps to ensure that,
14 upon the adoption of the UBE, the maximum age of a transferred UBE score matches the
15 minimum number of years an applicant must have been primarily engaged in the active
16 practice of law to be eligible for admission on motion.

EXECUTIVE SUMMARY

1. **Summary of Resolution.**

This resolution urges the highest courts of appellate jurisdiction in each jurisdiction that has adopted the Uniform Bar Exam (UBE) and a Rule on Admission By Motion to take steps to ensure that the minimum number of years an applicant must have been primarily engaged in the active practice of law to be eligible for admission by motion matches the maximum years that the UBE score is transferrable. It further urges the highest courts of appellate jurisdiction that have not already done so, to implement the ABA Model Rule On Admission By Motion, which calls for applicants applying for motion admission to demonstrate they have been engaged in the active practice of law for three of the last five years. It further urges all jurisdictions that have not yet adopted the UBE, but which may adopt the UBE at a future date, to amend its bar admissions rules to ensure the maximum age of a transferred UBE score is equal to or greater than the minimum number of years an applicant must have been primarily engaged in the active practice of law to be eligible for admission on motion.

2. **Summary of the Issue which the Resolution addresses.**

A “doughnut hole” exists in many of the jurisdictions which have adopted the UBE, in that the minimum number of years one must have been primarily engaged in the active practice of law to be eligible for admission on motion exceeds the maximum acceptable age of a transferred UBE score.

3. **An explanation of how the proposed policy position will address the issue.**

The proposed policy would address this issue by urging that jurisdictions amend their bar admissions rules to provide that the minimum number of years one must have been primarily engaged in the active practice of law to be eligible for admission on motion be equal to the maximum acceptable age of a transferred UBE score.

4. **A summary of any minority views or opposition internal and/or external to the ABA which have been identified.**

No minority or opposing views have been identified.

AMERICAN BAR ASSOCIATION
VIRGIN ISLANDS BAR ASSOCIATION
STANDING COMMITTEE ON PARALEGALS
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association urges all federal, state, local, and
2 territorial courts, as well as all individual judicial officers with appointment authority, to
3 consider diversity when making appointments to court commissions, committees, boards,
4 task forces, and similar entities that serve as arms of the court, and to ensure that any
5 such entities that perform quasi-judicial functions or exercise policy-making authority,
6 including but not necessarily limited to committees of bar examiners, grievance
7 committees, and rules committees, represent a broad cross-section of the legal
8 community; and
- 9 FURTHER RESOLVED, That the American Bar Association urges all federal, state, local,
10 and territorial courts, as well as all individual judicial officers with appointment authority,
11 to appoint individuals to court commissions, committees, boards, task forces, and similar
12 entities that serve as arms of the court pursuant to an open and transparent application
13 process.

EXECUTIVE SUMMARY**1. Summary of Resolution.**

The resolution urges all federal, state, territorial, and local courts, as well as all individual judicial officers with appointment authority, to consider diversity when making appointments to court commissions, committees, boards, task forces, and similar entities that serve as arms of the court, and to ensure that any such entities that perform quasi-judicial functions or exercise policy-making authority, including but not necessarily limited to committees of bar examiners, grievance committees, and rules committees, represent a broad cross-section of the legal community. It further urges that such appointments be made through an open and transparent appointment process.

2. Summary of the Issue which the Resolution addresses.

Currently, appointments to court commissions, committees, boards, task forces, and similar entities in most jurisdictions are not made through an open and transparent appointment process, and the members of such entities often do not reflect the demographics of the legal profession in those jurisdictions.

3. An explanation of how the proposed policy position will address the issue.

This resolution would resolve these issues by urging that such appointments be made with diversity as a consideration, that the appointments process be open and transparent.

4. A summary of any minority views or opposition internal and/or external to the ABA which have been identified.

No minority or opposing views have been identified.

**AMERICAN BAR ASSOCIATION
VIRGIN ISLANDS BAR ASSOCIATION
REPORT TO THE HOUSE OF DELEGATES
RESOLUTION**

- 1 RESOLVED, That the American Bar Association urges Congress to amend 28 U.S.C. §
- 2 373 or otherwise enact legislation to provide that federal district judges appointed to serve
- 3 on the United States District Courts of the Virgin Islands, Guam, and the Northern Mariana
- 4 Islands be permitted to assume senior status or to fully retire upon completion of their
- 5 terms consistent with other federal judges appointed for limited terms

EXECUTIVE SUMMARY**1. Summary of Resolution.**

This resolution urges Congress to amend 28 U.S.C. § 373 or otherwise enact legislation to provide that federal district judges appointed to serve on the United States District Courts of the Virgin Islands, Guam, and the Northern Mariana Islands be permitted to assume senior status or to fully retire upon completion of their terms consistent with other federal judges appointed for limited terms.

2. Summary of the Issue which the Resolution addresses.

Under current law, federal district judges assigned to the United States District Courts of the Virgin Islands, Guam, and the Northern Mariana Islands are not eligible to assume senior status or receive a retirement annuity until they reach the age of 65 and have accrued at least 15 years of service. Because these federal district judges are appointed to 10-year terms, with reappointment contingent on renomination by the President of the United States and confirmation by the United States Senate, the effect of this is to preclude many federal district judges appointed to these terms from assuming senior status or receiving a retirement annuity.

3. An explanation of how the proposed policy position will address the issue.

The proposed policy would address the issue by urging Congress to amend the pertinent laws to provide a mechanism for the federal district judges appointed to the United States District Courts of the Virgin Islands, Guam, and the Northern Mariana Islands who are not reappointed following expiration of their term to retire or assume senior status at the conclusion of that term.

4. A summary of any minority views or opposition internal and/or external to the ABA which have been identified.

No minority or opposing views have been identified.

**AMERICAN BAR ASSOCIATION
VIRGIN ISLANDS BAR ASSOCIATION
REPORT TO THE HOUSE OF DELEGATES
RESOLUTION**

- 1 RESOLVED, That the American Bar Association supports an interpretation of the Fourth
- 2 Amendment of the United States Constitution which would preclude application of the
- 3 border-search exception to travel to or from a United States territory as is provided for
- 4 travel to and from the fifty states and the District of Columbia; and

- 5 FURTHER RESOLVED, That the American Bar Association supports the passage of
- 6 appropriate legislation to abolish the border-search exception to the Fourth Amendment
- 7 for travel between a United States territory and other parts of the United States.

10D

EXECUTIVE SUMMARY

1. **Summary of Resolution.**

This resolution supports an interpretation of the Fourth Amendment of the United States Constitution to which would preclude application of the border-search exception for travel to and from the fifty states and the District of Columbia, and further supports the passage of appropriate legislation that abolishes the border-search exception as applied to travel between a United States territory and the rest of the United States, or otherwise recognizes the full applicability of the Fourth Amendment to travel to or from a United States territory.

2. **Summary of the Issue which the Resolution addresses.**

Some courts have applied the border-search exception of the Fourth Amendment to people and goods who travel to and from a United States territory and the rest of the United States.

3. **An explanation of how the proposed policy position will address the issue.**

This resolution addresses the issue by urging an interpretation of the Fourth Amendment which would provide the same protections against unreasonable search and seizures for travel to or from a United States territory as is provided for travel to and from the fifty states and the District of Columbia, and alternatively supports the passage of appropriate legislation which would have a similar effect.

4. **A summary of any minority views or opposition internal and/or external to the ABA which have been identified.**

No minority or opposing views have been identified.

**AMERICAN BAR ASSOCIATION
VIRGIN ISLANDS BAR ASSOCIATION
NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY**

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association urges Congress to pass the Daniel
2 Anderl Judicial Security and Privacy Act of 2020 (116th Congress, S.4711 and H.R. 8591)
3 or similar legislation to prohibit the disclosure of personally identifiable information of
4 active, senior, recalled, or retired federal judges, including magistrate judges, bankruptcy
5 judges, administrative law judges, administrative judges, and immigration judges, and
6 their immediate family who share their residence, including but not necessarily limited to
7 home addresses or other personal contact or identifying information;
- 8 FURTHER RESOLVED, That the American Bar Association urges all state, territorial,
9 tribal, and local governments to enact legislation to prohibit the disclosure of personally
10 identifiable information of active, senior, recalled, or retired judges and their immediate
11 family who share their residence, including but not necessarily limited to home addresses
12 or other personal contact or identifying information; and
- 13 FURTHER RESOLVED, That the American Bar Association urges all national, state,
14 local, territorial, tribal and affinity bar associations and other entities which collect
15 personally identifiable information to create safeguards to protect the personal information
16 of active, senior, recalled, or retired judges, including prohibiting the publication of home
17 addresses or other personal contact or identifying information in association membership
18 directories or online databases without the affirmative consent of the judge.

EXECUTIVE SUMMARY

1. **Summary of Resolution.**

This resolution urges that Congress pass the Daniel Aderl Judicial Security and Privacy Act of 2020, or similar legislation to prohibit the disclosure of personally identifiable information of active, senior, recalled, or retired federal judges, including magistrate judges, bankruptcy judges, administrative law judges, administrative judges, and immigration judges, and their immediate family who share their residence, including but not necessarily limited to home addresses or other personal contact or identifying information. It further urges that all state, territorial, tribal, and local governments enact similar legislation within their jurisdictions. Finally, it urges that bar associations and other entities which collect personally identifiable information about judges voluntarily adopt appropriate safeguards, such as by declining to publish the home addresses or other personal contact or identifying information in association membership directories or online databases without the affirmative consent of the judge.

2. **Summary of the Issue which the Resolution addresses.**

Currently, there is no federal legislation protecting the personally identifiable information of active, senior, recalled, or retired judges, and such legislation has been adopted only in a small minority of state, territorial, tribal, and local jurisdictions. As a result, dissatisfied litigants or others who disagree with their judicial decisions can easily discover judges' home address and harm judges and their families.

3. **An explanation of how the proposed policy position will address the issue.**

The proposed policy would address this issue by urging for the adoption of appropriate legislation at the federal, state, territorial, and tribal levels, and further urging that bar associations and other entities which collect such information voluntarily adopt appropriate safeguards with respect to the handling of such information.

4. **A summary of any minority views or opposition internal and/or external to the ABA which have been identified.**

No minority or opposing views have been identified.

**AMERICAN BAR ASSOCIATION
CALIFORNIA LAWYERS ASSOCIATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
CRIMINAL JUSTICE SECTION**

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association urges federal, state, local, territorial, and
2 tribal governments and police commissions to establish officer training concerning
3 automatic exit orders during discretionary traffic enforcement stops;
- 4 1) aimed at de-escalating police encounters in the absence of officer safety
5 concerns or a reasonable suspicion that a crime has occurred; and
6 2) aimed at educating officers on implicit bias and racial profiling,
7
- 8 FURTHER RESOLVED, That the ABA urges federal, state, local, territorial, and tribal
9 governments and police commissions to establish guidelines to be used by officers in
10 giving exit orders during discretionary traffic enforcement stops where the officer has
11 safety concerns or a reasonable suspicion of criminal activity.

EXECUTIVE SUMMARY1. Summary of the Resolution

The American Bar Association urges governments and police commissions to establish officer training aimed at de-escalating police encounters during discretionary traffic enforcement stops, training aimed at educating officers on implicit bias and racial profiling, and to establish guidelines to be used by officers in giving exit orders during discretionary traffic enforcement stops where the officer has safety concerns or a reasonable suspicion of criminal activity.

2. Summary of the issue that the resolution addresses.

This Resolution urges law enforcement to end or reduce the practice of forcing occupants out of a vehicle without reasonable suspicion that a crime has occurred by encouraging guidelines and training designed to eliminate or reduce the circumstances under which an officer may order a driver or passenger to exit a vehicle during a traffic enforcement stop.

3. Please explain how the proposed policy position will address the issue.

The proposed policy position will allow the ABA to advocate for enhanced guidelines and training to eliminate or reduce the circumstances under which an officer may make exit orders of any occupant from a vehicle during a traffic stop.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None have been identified.

No resolution presented herein represents policy of the association until approved by the House of Delegates.
Informational reports, comments and supporting data are not approved by the House in its voting and represent only the views of the Section or Committee submitting them.

AMERICAN BAR ASSOCIATION
SECTION OF DISPUTE RESOLUTION
SECTION OF LITIGATION
SECTION OF INFRASTRUCTURE AND REGULATED INDUSTRIES
REPORT TO THE HOUSE OF DELEGATES
RESOLUTION

- 1 RESOLVED, that the American Bar Association supports the use of arbitration
- 2 of business-to-business disputes, both domestically and internationally, as an efficient
- 3 and economical method of dispute resolution.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

This Resolution supports arbitration of business-to-business disputes as an efficient and economical method of dispute resolution.

2. Summary of the Issue that the Resolution Addresses.

Businesses throughout the U.S. and around the world rely on business-to-business arbitration (also known as commercial arbitration) as a fair and efficient means to resolve business disputes. It is important that business-to-business arbitration is distinguished in the ongoing national debate regarding employment and consumer arbitration. The considerations raised in that debate are not the subject of this Resolution.

The alignment of public and private benefit from the use of business-to-business arbitration is especially evident now, in the midst of a pandemic. Arbitration offers a timely alternative for commercial entities to by-pass the mounting backlog in trial dockets in state and federal courts due to the COVID-19 pandemic. Agreements that permit a faster and more efficient process for resolving business disputes have economic value to the parties, without adding to court congestion.

3. Please explain how the Proposed Policy position will address the issue.

The ABA has a long history of supporting commercial arbitration. The Resolution confirms that commitment by explicitly supporting arbitration of business-to-business disputes.

4. Summary of minority views or opposition internal and/or external to the ABA which have been identified.

None have been identified.

**AMERICAN BAR ASSOCIATION
INTERNATIONAL LAW SECTION
GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION**

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, that the American Bar Association urges federal, state, local, territorial and
- 2 tribal governments and foreign governments to enact laws authorizing courts to allow
- 3 specially trained dogs (called *facility dogs*) to assist victims/vulnerable witnesses in their
- 4 participation at any stage of the criminal justice system, including during their testimony
- 5 in any judicial proceedings, and, to ensure the health and well-being of the facility dogs.

101A

EXECUTIVE SUMMARY

1. Summary of the Resolution

The American Bar Association urges federal, state, local, territorial and tribal governments and foreign governments to enact laws authorizing courts to allow specially trained dogs (called *facility dogs*) to assist victims/vulnerable witnesses in their participation at any stage of the criminal justice system, including during their testimony in any judicial proceedings, and, to ensure the health and well-being of the facility dogs.

2. Summary of the Issue that the Resolution Addresses

Protect in law both the welfare of victims/vulnerable witnesses and the working dogs that assist them.

3. Please Explain How the Proposed Policy Position Will Address the Issue

The proposed Resolution is intended to increase awareness that domestic and international laws and policies that allow facility dogs to accompany victims/vulnerable witnesses and provide for the care of these facility dogs will assure “meaningful access to justice for all persons,” in accordance with ABA Goal no. 4.

4. Summary of Minority Views or Opposing Internal and/or External to the ABA which has been Identified

None

AMERICAN BAR ASSOCIATION
INTERNATIONAL LAW SECTION
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association urge federal, state, local, territorial,
2 and tribal legislative bodies and governmental agencies to enact, adopt or amend their
3 information and data privacy laws, regulations or policies to:
4
- 5 (i) Recognize and define an individual’s right of privacy in their personal
6 information and the responsibilities of entities that collect personal
7 information;
8
 - 9 (ii) Establish rules and responsibilities for data collection entities that provide (1)
10 adequate data protection safeguards for personal information, (2) appropriate
11 and transparent notification to individuals as to their personal information, (3)
12 certain rights regarding personal information concerning the collection,
13 disclosure, sale and use of such personal information and (4) consideration
14 as to individual ability to opt-in to such collection, disclosure, sale and use of
15 such personal information;
16
 - 17 (iii) Establish requirements for commercial use, disclosure and processing of
18 personal information, recognizing and balancing them with applicable legal
19 rights and obligations, including human rights and intellectual property, and
20 the requirements of law enforcement agencies;
21
 - 22 (iv) Establish reasonable rights for individuals to access, correct, and delete their
23 personal information;
24
 - 25 (v) Endeavor to harmonize legislative approaches to privacy of personal
26 information among different jurisdictions, including consideration of principles
27 of comity.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The Resolution addresses as a set of policies and factors for legislative bodies to consider in formulating data protection legislation relating to the use, sale, disclosure and dissemination of personal privacy information. In essence, the Resolution is targeted to government entities which are considering, enacting, adopting or amending their information and data privacy laws or regulations include certain privacy protections of personal information of individuals. These laws and policies affect individuals engaged in interstate commerce using the Internet, social media or other means, and encompass the collection, use, disclosure, storage and transfer of personal information to third parties who may aggregate, process and/or use such data and information.

2. Summary of the Issue that the Resolution Addresses

The burgeoning volume of electronic communications, Internet searches, transactions and social media has made vast amounts of personal information (PI) available, and, under the current legal framework in the United States, subject to collection, transfer and use by third parties. As a result of this collection of PI from individuals through electronic communications, transactions or other commercial or social interactions; and the practice of accumulating and cross-correlating data relating to a single individual from a large number of different data collectors and sources through artificial intelligence and Big Data analytics, such PI is being increasingly used to make quantitative risk assessments or behavioral predictions regarding individuals.

If such profiling and exclusionary or discriminatory practices affect marginalized communities, then they may elude the application of antidiscrimination laws because the data analytics use is generally undisclosed, and unanalyzed and proprietary models and algorithms affect groups who fall outside of currently protected classes, providing little legal recourse to those harmed by such profiling.

Although the Report makes reference to the General Data Protection Regulation (“GDPR”) implemented throughout the European Union and European Economic Area (“EEA”)⁴¹ since U.S. companies that target individuals located in the EEA are subject to the GDPR and likely have already adapted their operating practices to conform to such requirements, and at least one U.S. state – California – has already passed a privacy law inspired by the GDPR, this Recommendation and Report does not endorse either approach, but seeks to identify relevant factors and concerns to be taken into consideration.

3. Please Explain How the Proposed Policy Position Will Address the Issue

⁴¹ The member countries of the European Union, along with Iceland, Lichtenstein and Norway, which enacted its provisions under their own domestic laws. The UK will maintain its own GDPR provisions even after Brexit occurs. See UK Data Protection Act 2018.

101B

The proposed Resolution is intended to increase awareness in legislative and regulatory bodies that are considering, enacting, adopting or amending their information and data privacy laws, regulations or policies, to include, *inter alia*, provisions providing for the disclosure to individuals that Personal Information regarding them is being or will be collected, used, stored, transferred, or sold, and further provide safeguards, protections and the specific legal bases upon which such collection, use, disclosure, sale and/or transfer of Personal Information is permitted.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

There is a minority view that there should be no imposed regulation and industries should rely on self-regulation. The view of the proponents of the Resolution is that certain states have already acted, and legislation is here whether desired or not. The Resolution has addressed other concerns that this narrowly focused Resolution would not be used to curtail substantive rights in other areas, such as human rights, intellectual property, and law enforcement. Certain views are that the Resolution does not go far enough, but the Section views this Resolution as a compromise to accommodate as wide a spectrum as possible. Another minority view is that this is a debate over policy and not law, but again, at least four states have enacted legislation and more are on the way, and there is not necessarily consistency of approach.

AMERICAN BAR ASSOCIATION
INTERNATIONAL LAW SECTION
TORT TRIAL AND INSURANCE PRACTICE SECTION
REPORT TO THE HOUSE OF DELEGATES
RESOLUTION

- 1 RESOLVED, That the American Bar Association urges all nations to negotiate an
- 2 international convention for the protection of animals that establishes standards for the
- 3 proper care and treatment of all animals to protect public health, the environment, and
- 4 animal wellbeing; and
- 5
- 6 FURTHER RESOLVED, That the American Bar Association encourages the U.S. State
- 7 Department to initiate and take a leadership role in such negotiations.

101C

EXECUTIVE SUMMARY

1. Summary of the Resolution

This Resolution urges all nations to negotiate an international convention for the protection of animals that establishes standards for the proper care and treatment of all animals to protect public health, the environment, and animal wellbeing; and encourages the U.S. State Department to initiate and take a leadership role in such negotiations.

This resolution promotes ABA Goals I and IV, that the ABA seeks to “work for just laws” and “promote members’ quality of life.” The negotiation of an ICPA is work towards just laws and will promote the public good by recognizing the ecological interdependence of human health, animal wellbeing, and the environment, and result in direct benefits to humans and their rights to life, security, and a safe, clean, healthy, and sustainable environment.

2. Summary of the Issue that the Resolution Addresses

As the recent pandemic has demonstrated, the failure of society to address animal welfare has grave consequences not just for animals, but directly for humans in our shared existence with animals on the planet. As the One Health approach embraced by the United Nations (UN) and the US Center for Disease Control and Prevention (CDC) recognizes, the health of humans and the risk of diseases spilling over to humans from animals (zoonotic diseases) *is directly related to the health of animals*. Human use and mistreatment of animals, including the wildlife trade and human destruction of natural habitats, contribute significantly to the risk of diseases “spilling over. In addition, certain uses and the destruction of habitat threaten the environment.

Existing laws do not adequately protect animal wellbeing. While there are several international conventions that address wildlife and environmental issues, the wellbeing of individual animals is not the focus of these instruments. At the national level, some countries provide strong animal protection regimes, while others provide little or no protection.

Zoonotic diseases and pollution know no legal boundaries. Many animals move from one jurisdiction to another on their own volition. And, in this age of global trade, animals and animal products move internationally, pursuant to WTO free-trade rules designed to remove territorial barriers. Thus, only an international agreement that addresses animal welfare and establishes binding standards and rules will ensure a common international standard and protect human interest in public health, the environment, and animal well-being.

3. Please Explain How the Proposed Policy Position will address the issue

This resolution urges the negotiation of an international agreement that will define international standards to protect human and animal interests. Such a global convention that properly addresses how and where humans interact with animals and how such animals are treated would have three core benefits to address the issue:

First, to public health, by minimizing the risk of a future viral spillover from animals to humans.

Second, to the environment, by limiting habitat encroachment and ensuring buffer zones between human activity and wild environments.

Third, to animals, by affording them minimum standards of treatment. By supporting an ICPA, the ABA will consolidate its position as a leading voice on a project that would have a truly global impact on the most pressing issue facing the world today.

4. Summary of Minority Views

None.

AMERICAN BAR ASSOCIATION
SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association House of Delegates concurs in the
- 2 action of the Council of the Section of Legal Education and Admissions to the Bar in
- 3 making amendments dated February 2021 to Rule 29 of the *ABA Standards and Rules*
- 4 *of Procedure for Approval of Law Schools*:
- 5
- 6 Rule 29. Teach-Out Plan

EXECUTIVE SUMMARY

1. Summary of the Resolution.

Under Rule 45.9(b) of the Rules of Procedure of the House of Delegates, the resolution seeks concurrence in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2021 to Rule 29 of the *ABA Standards and Rules of Procedure for Approval of Law Schools* to incorporate new Department of Education regulations requiring accrediting agencies to impose more requirements on schools regarding Teach-Out Plans and Agreements.

2. Summary of the issue that the resolution addresses.

The resolution addresses Rule 29 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*, amending the Rule to incorporate new Department of Education regulations. The Department of Education now requires accrediting agencies to impose more requirements on schools regarding Teach-Out Plans and Agreements. For instance, a Teach Out Plan and/or Teach Out Agreement must be submitted by a provisional or fully approved law school upon the occurrence of certain events. The regulations also define when a law school cannot serve as a teach-out school and provide flexibility for the accreditor to waive requirements regarding the percentage of credits that must be earned at the degree-awarding school if a student is completing a program through a teach out agreement or transfer.

3. Please explain how the proposed policy position will address the issue.

The proposals amend the 2020-2021 *ABA Standards and Rules of Procedure for Approval of Law Schools*.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None.

No resolution presented herein represents policy of the association until approved by the House of Delegates.
Informational reports, comments and supporting data are not approved by the House in its voting and represent only the views of the Section or Committee submitting them.

AMERICAN BAR ASSOCIATION
COMMISSION ON IMMIGRATION
COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES
COMMISSION ON DOMESTIC & SEXUAL VIOLENCE
COMMISSION ON HOMELESSNESS AND POVERTY
COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY
COMMISSION ON YOUTH AT RISK
SECTION OF LITIGATION

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association opposes removal of noncitizen
- 2 children and young adults from the United States after a state court has determined
- 3 that they cannot be reunified with at least one parent due to abuse, neglect or
- 4 abandonment and it is not in their best interest to return to their country of origin;
- 5 and U.S. Citizenship and Immigration Services has approved their petition for
- 6 Special Immigrant Juvenile (SIJ) status; and
- 7
- 8 FURTHER RESOLVED, That the American Bar Association urges Congress and
- 9 the Administration to enact laws and adopt policies to protect SIJ beneficiaries from
- 10 removal from the United States and grant employment authorization while they
- 11 wait for a visa to become available for permanent resident status. Such actions
- 12 should include:
- 13
- 14 (1) Increasing the number of visas available for SIJ beneficiaries and lifting
- 15 the statutory per country cap;
- 16
- 17 (2) Issuance of a policy by U.S. Citizenship and Immigration Services or by
- 18 executive action to grant deferred action to such SIJ beneficiaries;
- 19
- 20 (3) Granting employment authorization upon approval of the SIJ petition;
- 21 and
- 22
- 23 (4) Issuance of guidance by the Executive Office for Immigration Review
- 24 allowing judges to continue, administratively close, or terminate cases
- 25 for such SIJ beneficiaries.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

To urge protection for Special Immigrant Juvenile beneficiaries from removal from the United States and employment authorization while they wait for a visa to become available so that they can adjust status to that of a Lawful Permanent Resident. Congress and the Administration should grant laws and policies that increase the number of visas available for SIJ beneficiaries and lift the statutory per country cap, grant work authorization upon approval of the SIJ petition, encourage the Department of Homeland Security to grant deferred action for Special Immigrant Juveniles who are waiting on a visa number, and, encourage the Department of Justice to issue guidance to immigration judges to use their discretion to prevent the removal of Special Immigrant Juveniles waiting on a visa number.

2. Summary of the issue that the resolution addresses.

Special Immigrant Juvenile classification is categorized as an immigrant visa subject to the numerical limitations outlined by statute. Special Immigrants are under the fourth preference employment-based category, which is allocated 7.1% of the 140,000 visas available for employment-based visas per year, and employment-based immigrant visas are also limited to a 7% per country limit. Due to the quota system, Special Immigrant Juveniles from Honduras, El Salvador, and Guatemala (and to a lesser extent, Mexico and India) are expecting a years-long wait before they can apply for Lawful Permanent Residence. There is currently no protection from removal for beneficiaries of Special Immigrant Juvenile status or employment authorization eligibility for an applicant with an approved petition. A legislative solution can increase the number of visas available for SIJ beneficiaries and lift the statutory per country cap and grant work authorization upon approval of the SIJ petition. Without legislative change, , the result may be an order of removal for those in removal (deportation) proceedings to a country a state juvenile court judge declared would not be in their best interest. A grant of deferred action from the Department of Homeland Security or the use of administrative tools by immigration judges within the Department of Justice would guarantee that Special Immigrant Juveniles are able to achieve permanency in the United States where they have sought safety and protection.

3. Please explain how the proposed policy position will address the issue.

The proposed policy position will allow the American Bar Association to advocate with Congress and the Administration for additional protections for Special Immigrant Juveniles.

4. Summary of any minority views or opposition internal and/or external to

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the ABA which have been identified.

N/A

No resolution presented herein represents policy of the association until approved by the House of Delegates.
Informational reports, comments and supporting data are not approved by the House in its voting and represent only the views of the Section or Committee submitting them.

AMERICAN BAR ASSOCIATION
COMMISSION ON IMMIGRATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
CRIMINAL JUSTICE SECTION

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association recommends the United States
2 Department of Justice use the Attorney General certification process to withdraw
3 certain Attorney General opinions and replace them with opinions that are
4 consistent with congressional intent, the U.S. Constitution, and U.S. treaty
5 obligations, and which uphold the following well-settled legal concepts:

- 6
- 7 1. A criminal disposition should be interpreted as intended by the convicting
- 8 jurisdiction, with respect for the balance between federal and state
- 9 concerns, including as follows:
 - 10
 - 11 a. A criminal conviction that has been vacated, expunged, or otherwise
 - 12 eliminated by the convicting jurisdiction is no longer a conviction for
 - 13 immigration purposes;
 - 14
 - 15 b. A criminal sentence that has been modified by the sentencing
 - 16 jurisdiction will be recognized as modified and given full effect for
 - 17 immigration purposes; and
 - 18
 - 19 c. A state’s decision to reform its criminal and sentencing laws and to
 - 20 apply those reforms retroactively will be recognized and given full
 - 21 effect for immigration purposes.
 - 22
- 23 2. Noncitizens remain eligible for discretionary immigration relief where
- 24 criminal court record documents are incomplete or unavailable.
- 25
- 26 3. Under the categorical approach, as defined by federal appellate courts, the
- 27 express language of a statute of prior conviction is sufficient to establish the
- 28 least-acts-criminalized, without a further “realistic probability” showing.
- 29
- 30 4. Criminal bars to asylum and withholding of removal must comport with
- 31 U.S. treaty obligations as incorporated into statutory immigration law.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution and accompanying report address the following legal matters that are germane to the often life-altering impacts that an individual noncitizen's past contact with a criminal legal system can impose on immigration status and immigration stability:

1. A criminal disposition should be interpreted as intended by the convicting jurisdiction, with respect for the balance between federal and state concerns, including as follows:
 - a. A criminal conviction that has been vacated, expunged, or otherwise eliminated by the convicting jurisdiction is no longer a conviction for immigration purposes;
 - b. A criminal sentence that has been modified by the sentencing jurisdiction will be recognized as modified and given full effect for immigration purposes; and
 - c. A state's decision to reform its criminal and sentencing laws and to apply those reforms retroactively will be recognized and given full effect for immigration purposes.
2. Noncitizens remain eligible for discretionary immigration relief where criminal court record documents are incomplete or unavailable.
3. Under the categorical approach, as defined by federal appellate courts, the express language of a statute of prior conviction is sufficient to establish the least-acts-criminalized, without a further "realistic probability" showing.
4. Criminal bars to asylum and withholding of removal must comport with U.S. treaty obligations as incorporated into statutory immigration law.

2. Summary of the Issue that the Resolution Addresses

Numerous provisions of U.S. immigration laws attach immigration consequences to prior criminal arrests, convictions, and essentially any interaction with a domestic or international penal system. The larger solution is for Congress and the President to issue immigration reform legislation that substantially reduces the range and severity of immigration consequences of criminal system interactions. In the absence of that, this proposal focuses on actions that may be properly taken by the United States Department of Justice ("DOJ") to rectify a body of administrative opinions previously issued by the DOJ that misinterpret and substantially, but wrongfully, expand the application of the criminal provisions of the immigration laws. These decisions improperly interpret the immigration laws in violation of congressional intent, often in violation of U.S. treaty

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obligations, and have resulted in hundreds of thousands of people civilly detained, deported, denied immigrations status, and criminally incarcerated.

3. Please Explain How the Proposed Policy Position Will Address the Issue

For each of these issues, this report provides legal and factual background, and a specific recommendation for the revised legal standards and rules the DOJ should establish through the adjudicative rulemaking functions of the Board of Immigration Appeals and the AG through the certification process.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

There are no minority views of which we are aware.

AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON PARALEGALS
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association reapproves the following paralegal
2 education programs: Gadsden State Community College, Paralegal Program, Gadsden,
3 AL; California State University, East Bay, Paralegal Studies Program, Hayward, CA; De
4 Anza College, Paralegal Studies Program, Cupertino, CA; West Los Angeles College,
5 Paralegal Studies Program, Culver City, CA; Manchester Community College, Paralegal
6 Studies Program, Manchester, CT; Elgin Community College, Paralegal Program, Elgin,
7 IL; Illinois Central College, Paralegal Program, Peoria, IL; MacCormac College, Paralegal
8 Studies Program, Chicago, IL; Harford Community College, Paralegal Program, Bel Air,
9 MD; Davenport University, Legal Studies Program, Grand Rapids, MI; Marist College,
10 Paralegal Program, Poughkeepsie, NY; Clarion University, Paralegal Studies Program,
11 Clarion, PA; Roger Williams University, Paralegal Studies Program, Bristol, RI; Roane
12 State Community College, Paralegal Studies Program, Harriman, TN; Amarillo College,
13 Legal Studies Program, Amarillo, TX; Lone Star Community College, North Harris,
14 Paralegal Studies Program, Houston, TX; American National University, Paralegal
15 Program, Salem, VA; and

16
17 FURTHER RESOLVED, That the American Bar Association withdraws the approval of the
18 following paralegal education programs: Brookdale Community College, Paralegal
19 Studies Program, Lincroft, NJ; Fairleigh Dickinson University, Paralegal Studies Program,
20 Madison, NJ; Union County College, Paralegal Studies Program, Elizabeth, NJ; Pioneer
21 Pacific College, Legal Assistant/Paralegal Program, Wilsonville, OR; Orangeburg-
22 Calhoun Technical College, Paralegal Program, Orangeburg, SC; Lee College, Paralegal
23 Studies Program, Baytown, TX; and

24
25 FURTHER RESOLVED, That the American Bar Association extends the terms of approval
26 until the August 2021 Annual Meeting of the House of Delegates for the following paralegal
27 education programs: Community College of the Air Force, Air Force JAG School, Maxwell
28 AFB, AL; Phoenix College, Paralegal Studies Program, Phoenix, AZ; Fremont College,
29 Paralegal Studies Program, Cerritos, CA; Fullerton College, Paralegal Studies Program,
30 Fullerton, CA; University of California, Santa Barbara, Paralegal Studies Program, Santa
31 Barbara, CA; University of California, San Diego, Paralegal Certificate Program, La Jolla,
32 CA; Wesley College, Law and Justice Studies Program, Dover, DE; Nova Southeastern
33 University, Paralegal Studies, Fort Lauderdale Davie, FL; Valencia College, Paralegal

34 Studies Program, Valencia, FL; University of North Georgia; Paralegal Program,
35 Gainesville, GA; Johnson County Community College, Paralegal Program, Overland
36 Park, KS; Sullivan University, College of Legal Studies, Louisville, KY; North Shore
37 Community College, Paralegal Program, Danvers, MA; Suffolk University, Paralegal
38 Studies Program, Boston, MA; Henry Ford College, Paralegal Studies Program,
39 Dearborn, MI; Madonna University, Paralegal Studies Program, Livonia, MI; North
40 Hennepin Community College, Paralegal Program, Brooklyn Park, MN; Webster
41 University, Legal Studies Program, St. Louis, MO; Missoula College, Paralegal Studies
42 Program, Missoula, MT; University of Providence, Paralegal and Legal Studies Program,
43 Great Falls, MT; Atlantic Cape Community College, Paralegal Studies Program, Mays
44 Landing, NJ; Mercer County Community College, Paralegal Studies Program, West
45 Windsor, NJ; Bronx Community College, Paralegal Studies Program, Bronx, NY; Mercy
46 College, Paralegal Studies Program, Dobbs Ferry, NY; New York City College of
47 Technology, Law and Paralegal Studies, Brooklyn, NY; St. John's University, Legal
48 Studies Program, Queens, NY; Westchester Community College (SUNY), Paralegal
49 Studies Program, Valhalla, NY; Carteret Community College, Paralegal Technology
50 Program, Morehead City, NC; Pitt Community College, Paralegal Technology Program,
51 Greenville, NC; Cuyahoga Community College, Paralegal Studies Program, Parma, OH;
52 Kent State University, Paralegal Studies Program, Kent, OH; Rhodes State College,
53 Paralegal/Legal Assisting Program, Lima, OH; University of Cincinnati, Paralegal Studies
54 Program, Cincinnati, OH; Ursuline College, Legal Studies Program, Pepper Pike, OH;
55 Delaware County Community College, Paralegal Studies Program, Media, PA; Duquesne
56 University, Paralegal Institute, Pittsburg, PA; Lehigh Carbon Community College,
57 Paralegal Studies Program, Schnecksville, PA; Manor College, Paralegal Program,
58 Jenkintown, PA; Villanova University, Paralegal Program, Villanova, PA; Florence-
59 Darlington Technical College, Paralegal Program, Florence, SC; Horry-Georgetown
60 Technical College; Legal Studies Program, Conway, SC; National American University,
61 Paralegal Studies Program, Rapid City, SD; El Centro College, Paralegal Studies
62 Program, Dallas, TX; Lamar State College, Paralegal Program, Port Arthur, TX; Northern
63 Virginia Community College, Paralegal Studies Program, Alexandria, VA; Spokane
64 Community College, Paralegal Program, Spokane, WA; Tacoma Community College,
65 Paralegal Program, Tacoma, WA; Mountwest Community and Technical College,
66 Paralegal Studies Program, Huntington, WV; Northeast Wisconsin Technical College,
67 Paralegal Program, Green Bay, WI.

EXECUTIVE SUMMARY

Submitting Entity: Standing Committee on Paralegals

Submitted By: Chris S. Jennison, Chair

1. Summary of the Resolution

This Resolution recommends that the House of Delegates grants reapproval to 17 programs, withdraws the approval of 6 programs at the requests of the institutions, and extends the term of approval to 49 programs.

2. Summary of the issue which the Resolution Addresses

The programs recommended for reapproval in the enclosed report meet the Guidelines for the Approval of Paralegal Education Programs. The programs recommended for withdrawal of approval in the enclosed report have requested that approval be withdrawn.

3. Please Explain How the Proposed Policy Position will address the issue

The programs recommended for reapproval and withdrawal of approval in this report have followed the procedures required by the Association and are in compliance with the Guidelines for the Approval of Paralegal Education Programs.

4. Summary of Minority Views

No other positions on this resolution have been taken by other Association entities, affiliated organizations or other interested groups.

AMERICAN BAR ASSOCIATION
LAW STUDENT DIVISION
COLORADO BAR ASSOCIATION
VIRGIN ISLANDS BAR ASSOCIATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
REPORT TO THE HOUSE OF DELEGATES
RESOLUTION

- 1 RESOLVED, That the American Bar Association urges the highest court or bar admission
2 authority of each jurisdiction:
3
4 1) to allow bar examinees to bring in tampons, pads, or other menstrual products
5 (“menstrual products”) into the bar exam in opaque, rather than clear, containers
6 and be allowed to access those menstrual products unilaterally, without being
7 accompanied or escorted by exam proctors;
8
9 2)to establish clear policies and rules which outline a protocol of allowing bar
10 examinees to bring menstrual products into the bar exam; and
11
12 3)to publish, disseminate, or make easily accessible these policies allowing bar
13 examinees to bring menstrual products into the bar exam.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

This resolution urges—the highest court or bar admission authority of each jurisdiction to allow bar examinees to bring tampons, pads, or other menstrual products (“menstrual products”) into the bar exam.

2. Summary of the issue that the resolution addresses.

Some states disallow bar examinees to bring their own menstrual products into the bar exam testing center. This is an issue because it creates further hardships to those who use menstrual products.

3. Please explain how the proposed policy position will address the issue.

This policy-will address the issue by allowing bar examinees to bring in their own menstrual products. Adoption of this policy by jurisdictions will resolve this issue.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

No opposition has been identified.

**AMERICAN BAR ASSOCIATION
YOUNG LAWYERS DIVISION
SECTION OF STATE AND LOCAL GOVERNMENT LAW
REPORT TO THE HOUSE OF DELEGATES**

RESOLUTION

- 1 RESOLVED, That the American Bar Association encourages use of pronouns consistent
- 2 with a person's gender identity within the legal profession and justice system, including in
- 3 filed pleadings, during mediations and court proceedings, and within judicial opinions: and
- 4 FURTHER RESOLVED, That the American Bar Association urges all federal, state, local,
- 5 territorial, and tribal judiciaries to draft and implement rules regarding respect of pronouns
- 6 consistent with a person's gender identity, so as to promote full and equal participation.

EXECUTIVE SUMMARY1. Summary of the Resolution

This resolution encourages respect for the gender identities and pronouns of participants in the legal profession and judicial system, and urging judiciaries to draft and implement rules supporting the same, to promote ABA Goal III by eliminating bias in the judicial system.

2. Summary of the issue that the Resolution addresses.

To encourage full and equal participation of all persons within the legal profession and judicial system, it is important to respect participants' gender identities and pronouns.

3. Please explain how the proposed policy position will address the issue.

This Resolution will encourage respect for gender identities and pronouns be shown to all participants in the legal profession and judicial system, and also urge judiciaries themselves to draft and implement rules regarding such respect.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

No opposition is known at this time.

**AMERICAN BAR ASSOCIATION
YOUNG LAWYERS DIVISION
LAW STUDENT DIVISION
STANDING COMMITTEE ON PARALEGALS
REPORT TO THE HOUSE OF DELEGATES**

RESOLUTION

- 1 RESOLVED, That the American Bar Association urges Congress to amend the
- 2 U.S. Bankruptcy code to permit student loans to be discharged in bankruptcy
- 3 without proving “undue hardship,” as currently required by 11 U.S.C. § 523(a)(8).

EXECUTIVE SUMMARY

1. Summary of the Resolution.
This resolution urges Congress to enact legislation to amend the U.S. Bankruptcy code to permit student loans to be discharged in bankruptcy without needing to prove undue hardship.
2. Summary of the issue that the resolution addresses.
Under current Bankruptcy Code, student loans are virtually un-dischargeable in bankruptcy proceedings. This resolution would urge Congress to remove the impediment to dischargeability.
3. Please explain how the proposed policy position will address the issue.
By removing the statutory impediment to dischargeability, student loans would be dischargeable in bankruptcy proceedings like other debt.
4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.
None currently identified.

No resolution presented herein represents policy of the association until approved by the House of Delegates.
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AMERICAN BAR ASSOCIATION
YOUNG LAWYERS DIVISION
LAW STUDENT DIVISION
STANDING COMMITTEE ON PARALEGALS
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association urges Congress and the
2 Executive Branch to develop and implement programs to assist lawyers and law
3 students experiencing financial hardship due to their student loan obligations,
4 including, but not limited to, the following measures:

- 5
6 (1) Extending the opportunity to participate in federal student loan repayment
7 programs and/or receive federal student loan repayment terms to
8 individuals that previously used alternative sources of credit from
9 commercial lenders to fund their higher-education-related expenses in
10 whole or in part;
11
12 (2) Allowing student loan borrowers to refinance their federal loans to more
13 favorable federal rates offered in later years;
14
15 (3) Authorizing the use of federal funds to provide individual borrowers with
16 temporary assistance to meet their student debt obligations to lenders;
17
18 (4) Creating enhanced access to federal education loan programs for
19 borrowers by easing the terms required to qualify for programs such as
20 income-based repayment, consolidation, and other forms of loan repayment
21 assistance; and
22
23 (5) Authorizing the suspension or forgiveness of student loan obligations.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

This resolution urges Congress and the Executive Branch to develop and implement programs to assist lawyers experiencing financial hardship by: (1) extending federal student loan repayment terms and federal student loan programs; (2) allowing student loan borrowers to refinance their federal loans to more favorable federal rates offered in later years; (3) authorizing the use of federal funds to provide such individuals with temporary assistance to meet their obligations to lenders; (4) making repayment terms in federal education loans as beneficial to the borrower as possible; and (5) authorizing the suspension or forgiveness of student loan obligations.

2. Summary of the issue that the resolution addresses.

Student loan obligations have risen to an unprecedented level, causing ripple effects across debt holders' personal lives. The commitments have also impacted equitable access to entering the profession. This resolution seeks to address the unmanageable debt load that exists currently by young lawyers and law students.

3. Please explain how the proposed policy position will address the issue.

This resolution urges Congress and the Executive Branch to develop and implement programs to assist lawyers experiencing financial hardship by: (1) extending federal student loan repayment terms and federal student loan programs; (2) allowing student loan borrowers to refinance their federal loans to more favorable federal rates offered in later years; (3) authorizing the use of federal funds to provide such individuals with temporary assistance to meet their obligations to lenders; (4) making repayment terms in federal education loans as beneficial to the borrower as possible; and (5) authorizing the forgiveness of student loan obligations. These steps will all work to lessen the debt load currently held by young lawyers while the ABA and profession work to address the underlying causes of legal education's high cost.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None currently identified.

No resolution presented herein represents policy of the association until approved by the House of Delegates.
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AMERICAN BAR ASSOCIATION

**SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
CRIMINAL JUSTICE SECTION
COALITION ON RACIAL AND ETHNIC JUSTICE
COMMISSION ON DOMESTIC & SEXUAL VIOLENCE
COMMISSION ON HISPANIC LEGAL RIGHTS & RESPONSIBILITIES
COMMISSION ON HOMELESSNESS & POVERTY
COMMISSION ON SEXUAL ORIENTATION & GENDER IDENTITY
LAW STUDENT DIVISION**

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association opposes the criminal prosecution
- 2 of any person for having an abortion, or for suffering a miscarriage, stillbirth, or
- 3 other pregnancy outcome; and
- 4
- 5 FURTHER RESOLVED, That the American Bar Association urges federal, state,
- 6 local, tribal, and territorial governments to (a) repeal and oppose statutes that
- 7 criminalize people for termination of pregnancies they are carrying or carried, and
- 8 (b) clarify that existing laws may not be used to prosecute any person for having
- 9 an abortion, or for suffering a miscarriage, stillbirth, or other pregnancy outcome.

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EXECUTIVE SUMMARY

1. Summary of the Resolution

The ABA urges federal, state, local, territorial, and tribal governments to enact legislation that decriminalizes abortion, increases access to clinical abortion care, and protects pregnant people from any criminal prosecution for having an abortion or experiencing a miscarriage, still birth, or other pregnancy outcomes.

2. Summary of the Issue that the Resolution Addresses

In cases involving abortion or the termination of a pregnancy, pregnant people should not be criminalized for exerting their reproductive freedom.

3. Please Explain How the Proposed Policy Position Will Address the Issue

The proposed policy position addresses the issue by calling for the repeal and reform of existing statutes that impose criminal penalties upon pregnant people whose pregnancies end.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

None identified.

AMERICAN BAR ASSOCIATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
SECTION OF STATE AND LOCAL GOVERNMENT LAW
STANDING COMMITTEE ON ELECTION LAW

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 **RESOLVED**, that the American Bar Association urges each state and the District of
2 Columbia to adopt the following principles in administering elections for President of the
3 United States:
4

- 5 1) The historic transformation over the last two hundred and thirty years of the
6 United States' system of selecting electors from persons chosen by state
7 legislatures to persons chosen by the voters is a necessary prerequisite of a
8 modern democratic republic;
9
- 10 2) All appropriate steps should therefore be taken to ensure that procedures are
11 in place to ensure that the electors selected by every state are chosen through
12 the election process by the voters;
13
- 14 3) In determining which candidate should receive the electoral votes for a state or
15 the District of Columbia, controlling effect should be given to the winner of the
16 popular vote for that state or the District of Columbia (or, if the state allocates
17 electoral votes by congressional district, to the winner of the popular vote in
18 each congressional district), as provided by the law in effect at the time of the
19 election;
20

21 **FURTHER RESOLVED**, that the American Bar Association urges that, if a dispute arises
22 as to the proper recipient of the electoral votes for a state or the District of Columbia,
23 Congress should give controlling effect to the winner of the popular vote for that state or
24 the District of Columbia (or, if the state allocates electoral votes by congressional district,
25 to the winner of the popular vote in each congressional district) as provided by the law in
26 effect at the time of the election;
27

28 **FURTHER RESOLVED**, that nothing herein is intended to address the jurisdiction of
29 federal courts to address any issue of election law.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution urges states to adopt principles in administering elections for President of the United States ensuring that (1) In determining which candidate should receive the electoral votes for a state, each state should give controlling effect to the winner of the popular vote for that state (or, if the state allocates electoral votes by district, to the winner of the popular vote in each district), as provided by the law in effect before the election. The resolution also urges that if a dispute arises as to the proper recipient of the electoral votes for a state, Congress should give controlling effect to the winner of the popular vote for that state (or, if the state allocates electoral votes by district, to the winner of the popular vote in each district), as provided by the law in effect before the election.

2. Summary of the Issue that the Resolution Addresses

After the recent presidential election, challenges have been brought to the election results in several states, in both state and federal court, alleging that absentee ballot totals were tainted either by irregularities or outright fraud. These lawsuits have requested that the courts prevent state authorities (secretaries of state) from certifying the elections based on flawed/tainted results. In addition, several voices have argued in the media that there was widespread fraud in the election, and the election results in certain states cannot be trusted. One suggestion that has been made is that, if public confidence in the outcome in the elections is lacking (because of alleged fraud or irregularities), the state legislatures should themselves directly appoint the state's electors.

These proposals are contrary to fundamental principles of democracy and fairness – following the rules as they were in place at the time, not changing the rules in the middle of or even after the election, and giving effect to the outcome of a popular vote. These issues transcend the current election; a similar controversy could arise in any subsequent presidential election, given how close the outcomes are and given how the electoral college operates.

3. Please Explain How the Proposed Policy Position Will Address the Issue

The resolution addresses the fundamental principles of democracy that are at stake when questions about the fairness and accuracy of U.S. elections are raised and seeks to ensure that existing laws are applied fairly and impartially.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

None have been identified.

AMERICAN BAR ASSOCIATION

**SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
COMMISSION ON SEXUAL ORIENTATION & GENDER IDENTITY
CENTER FOR HUMAN RIGHTS
COALITION ON RACIAL AND ETHNIC JUSTICE
COMMISSION ON DISABILITY RIGHTS
COMMISSION ON DOMESTIC & SEXUAL VIOLENCE
COMMISSION ON HISPANIC LEGAL RIGHTS & RESPONSIBILITIES
CRIMINAL JUSTICE SECTION
HEALTH LAW SECTION
SECTION OF STATE AND LOCAL GOVERNMENT LAW
LAW STUDENT DIVISION**

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association urges the United States Department of
- 2 Defense to declare that: (a) HIV status alone has no impact on service members' ability
- 3 to fully execute their duties and is not a determinant of fitness for duty; and (b) HIV is not
- 4 a medical condition that should disqualify a person from enlistment, appointment,
- 5 commissioning, deployment or retention in the U.S. military.

EXECUTIVE SUMMARY1. Summary of the Resolution.

This resolution urges the Department of Defense to recognize that: (a) HIV status alone has no impact on service members' ability to fully execute their duties and is not a determinant of fitness for duty; and (b) HIV is not a medical condition that should disqualify a person from enlistment, appointment, commissioning, deployment or retention in the U.S. military.

2. Summary of the issue that the resolution addresses.

The US Military currently is following policies that discriminates against individuals living with HIV. Individuals who are otherwise qualified are barred from joining the US Military. Additionally, those who are serving in the US Military with HIV have been subject to restrictions on deployment, ascension within the US Military, and in some cases discharge.

3. Please explain how the proposed policy position will address the issue.

This resolution urges the US Military to change its outdated and discriminatory policies toward those living with HIV. The ABA will be making a strong statement that those living with HIV have a place in the US Military and should be able to serve, unrestricted, if they are otherwise qualified.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

Concern had been raised over the failure to discuss the role of one of the drafters of this resolution but that has been addressed in the revised GIF.

Concerns raised by LAMP, SCAFL and the GPSolo military committee argue that 1) enlistment criteria and discharge criteria should not be painted with the broad brush used in this resolution AND 2), no less than peanut allergies and Crohn's disease, HIV status should be considered in making fitness for duty determinations. These concerns have been addressed.

AMERICAN BAR ASSOCIATION

**SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
NATIONAL NATIVE AMERICAN BAR ASSOCIATION
COALITION ON RACIAL AND ETHNIC JUSTICE
COMMISSION ON DOMESTIC & SEXUAL VIOLENCE
COMMISSION ON HISPANIC LEGAL RIGHTS & RESPONSIBILITIES
COMMISSION ON SEXUAL ORIENTATION & GENDER IDENTITY
COMMISSION ON HOMELESSNESS AND POVERTY
CRIMINAL JUSTICE SECTION
SECTION OF STATE AND LOCAL GOVERNMENT LAW
LAW STUDENT DIVISION
YOUNG LAWYERS DIVISION**

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 **RESOLVED**, That the American Bar Association urges federal, state, local, territorial, and
2 tribal governments to endorse and implement the United Nations Declaration on the
3 Rights of Indigenous Peoples; and
4
5 **FURTHER RESOLVED**, That the American Bar Association urges Congress to enact
6 legislation that includes:
7 a) the preparation and implementation of an action plan to achieve the objectives
8 of the Declaration, including ensuring the laws of the United States are consistent
9 with the Declaration, conducted in consultation and cooperation with the
10 indigenous peoples of the United States, and
11 b) the preparation and delivery of an annual report on the progress that has been
12 made towards implementing the measures and achieving the goals in the action
13 plan.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution urges federal, state, territorial, and tribal endorsement and adoption of the United Nations Declaration on the Rights of Indigenous Peoples and calls specifically on Congress to develop a plan to implement, and urges attorneys to engage in pro bono activities to support these efforts.

2. Summary of the Issue that the Resolution Addresses

U.S. Indian law is uniquely antiquated, rooted in racist policy that has yet to be rejected. Rather, colonialist justifications like Indian inferiority and savagery continue to be implemented to diminish tribal jurisdiction, property rights, cultural rights, and existence.

3. Please Explain How the Proposed Policy Position Will Address the Issue

The United Nations Declaration on the Rights of Indigenous Peoples, an international declaration endorsed by the United States, calls for a reconfiguration of government-to-government relations between States and indigenous peoples. Yet, the Declaration has yet to be domesticated into U.S. law. This resolution calls for a jump-start to that process, for the U.S. to have a sense of urgency in reorienting policies with tribal nations within a human and indigenous rights framework, and finally dispel with the embarrassingly horrific case law currently informing our federal Indian law.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

None have been identified.

AMERICAN BAR ASSOCIATION
NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association approves the Uniform Easement
- 2 Relocation Act, promulgated by the National Conference of Commissioners on
- 3 Uniform State Laws, as an appropriate Act for those states desiring to adopt the
- 4 specific substantive law suggested therein.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

That the American Bar Association approves the Uniform Easement Relocation Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

2. Summary of the issue that the resolution addresses.

The Uniform Easement Relocation Act modernizes the common-law rule requiring mutual consent by the owners of the dominant and servient estates to relocate an access easement. The common-law rule was sometimes abused by easement holders to prevent development of the servient estate, even when relocation of the easement would not materially affect the easement holder's right to access. Some easement holders demanded payment for their consent. The new uniform act creates an alternate, court-supervised procedure that allows easement relocation if the servient-estate owner satisfies the court that relocation will not materially:

- reduce the usefulness of the easement,
- impose a burden on the easement holder,
- impair a purpose for which the easement was created,
- impair the safety of anyone using the easement, or
- reduce the value or condition of the easement holder's property.

The existence of an alternate procedure will encourage easement holders to agree to reasonable requests for relocation.

3. Please explain how the proposed policy position will address the issue.

Approval of the Uniform Easement Relocation Act by the American Bar Association House of Delegates would demonstrate to states that the Act is an appropriate approach for addressing the issue described above.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

No opposition has been identified. Potential opposition was avoided by including exemptions making the act inapplicable to utility easements, conservation easements, and negative easements.

AMERICAN BAR ASSOCIATION
NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association approves the Uniform Public
- 2 Expression Protection Act, promulgated by the National Conference of
- 3 Commissioners on Uniform State Laws, as an appropriate Act for those states
- 4 desiring to adopt the specific substantive law suggested therein.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

That the American Bar Association approves the Uniform Public Expression Protection Act promulgated by the National Conference of Commissioners on Uniform State Laws in July 2020 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

2. Summary of the issue that the resolution addresses.

The Uniform Public Expression Protection Act is designed to prevent an abusive type of litigation called a “SLAPP,” or “strategic lawsuit against public participation.” A SLAPP may be filed as a defamation, invasion of privacy, nuisance, or other type of claim, but its real purpose is to silence and intimidate the defendant from engaging in constitutionally protected activities, such as free speech. The uniform act contains a clear framework for the efficient review and dismissal of SLAPPs.

3. Please explain how the proposed policy position will address the issue.

Approval of the Uniform Public Expression Protection Act by the American Bar Association House of Delegates would demonstrate to states that the Act is an appropriate approach for addressing the issue described above.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None known.

AMERICAN BAR ASSOCIATION
NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association approves the Uniform Pretrial Release
- 2 and Detention Act, promulgated by the National Conference of Commissioners on
- 3 Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific
- 4 substantive law suggested therein.

EXECUTIVE SUMMARY1. Summary of the Resolution.

That the American Bar Association approves the Uniform Pretrial Release and Detention Act promulgated by the National Conference of Commissioners on Uniform State Laws in July 2020 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

2. Summary of the issue that the resolution addresses.

The Uniform Pretrial Release and Detention Act provides a comprehensive procedural framework for release and detention determinations. Provisions of the Act address: (1) the use of citations in lieu of arrest for minor offenses; (2) a time limit on when a hearing must be conducted for an individual who is arrested; (3) appointment of counsel; (4) a pretrial risk determination by a court to individualize release or detention; (5) review of a defendant's financial condition so that inability to pay a fee does not lead to detention; and (6) an obligation on the court to consider restrictive conditional release as an alternative to detention.

3. Please explain how the proposed policy position will address the issue.

Approval of the Uniform Pretrial Release and Detention Act by the American Bar Association House of Delegates would demonstrate to states that the Act is an appropriate approach for addressing the issue described above.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None known.

AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON SPECIALIZATION
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association reaccredits for an additional five-year
2 term the following designated specialty certification program for lawyers:

3
4 Civil Practice Advocacy program of the National Board of Trial Advocacy of Wrentham,
5 Massachusetts;

6
7 FURTHER RESOLVED, That the American Bar Association accredits for a five-year term
8 the following designated specialty certification programs for lawyers:

9
10 Complex Litigation program of the National Board of Trial Advocacy of Wrentham,
11 Massachusetts; and

12
13 Patent Litigation program of the National Board of Trial Advocacy of Wrentham,
14 Massachusetts.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

The resolution will grant reaccreditation to the Civil Practice Advocacy program of the National Board of Trial Advocacy and accreditation to the Complex Litigation and Patent Litigation programs of the National Board of Trial Advocacy.

2. Summary of the issue that the resolution addresses.

To respond to a need to regulate certifying organizations, the House of Delegates adopted standards for accreditation of specialty certification programs for lawyers, and delegated to the Standing Committee the task of evaluating organizations that apply to the ABA for accreditation and reaccreditation. This Resolution acquits the Standing Committee's obligation to periodically review programs that the House of Delegates has accredited and recommend their further reaccreditation or revocation of accreditation.

3. Please explain how the proposed policy position will address the issue.

The recommendation addresses the issue by implementing previous House resolutions calling on the ABA to evaluate specialty certification organizations that apply for accreditation and reaccreditation.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

The Standing Committee on Specialization approved the proposed recommendation unanimously. No opposition has been identified.

No resolution presented herein represents policy of the association until approved by the House of Delegates.
Informational reports, comments and supporting data are not approved by the House in its voting and represent only the views of the Section or Committee submitting them.

AMERICAN BAR ASSOCIATION
SECTION OF INTELLECTUAL PROPERTY LAW
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association urges Congress to amend Section
- 2 596(c)(2)(C) of the Tariff Act of 1930, 19 U.S.C. § 1595a(c)(2)(C), to authorize U.S.
- 3 Customs and Border Protection (CBP) to enforce design patents in addition to the other
- 4 forms of rights currently listed in that statute.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The Resolution urges Congress to amend Section 596(c)(2)(C) of the Tariff Act of 1930, 19 U.S.C. § 1595a(c)(2)(C), in a manner authorizing U.S. Customs and Border Protection (CBP) to create the same border enforcement protection for U.S. design patents as is currently extended to registered trademarks, trade names, and registered copyrights.

2. Summary of the Issue that the Resolution Addresses

Otherwise identical counterfeit or infringing goods are often imported without trademark or copyright protected labeling to evade CBP enforcement and combined with infringing labeling after clearing customs to perfect the counterfeit. The legislative reform supported by the resolution would authorize CBP to interdict goods infringing U.S. design patent rights in the same manner as it interdicts goods bearing counterfeit trademarks or comprising counterfeit copies of copyrighted material. This option is far more efficient than forcing multiple infringement suits against retailers of products once those products have entered the country, which can negatively affect the efficient administration of justice. In addition to protecting United States consumers and intellectual property rights owners, the reform would also bring U.S. law into conformity with the laws of most other industrialized countries.

3. Please Explain How the Proposed Policy Position Will Address the Issue

The proposed policy supports a simple legislative change to empower CBP to use design patents to stop counterfeits lacking trademark or copyright protected markings.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

None known.

AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON GUN VIOLENCE
COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES
COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY
STANDING COMMITTEE ON ELECTION LAW
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
CRIMINAL JUSTICE SECTION
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association urges federal, state, local,
2 territorial, and tribal governments to enact statutes, rules and regulations to prohibit
3 the possession and display of firearms by civilians in and around locations critical
4 to the functioning of the democratic process—including in government buildings
5 and at meetings where legislative debate is conducted, or where ballots are cast,
6 received, processed, or counted, in order to prevent violence, avoid impacts on
7 public health and safety, and ensure that armed intimidation does not disrupt or
8 discourage open, robust debate on public issues or interfere with the electoral
9 processes critical to the functioning of our democracy.

EXECUTIVE SUMMARY1. Summary of the Resolution.

Urge enacting statutes, rules and regulations that prohibit the possession and display of firearms by civilians in spaces critical to the functioning of the democratic process, including in government buildings and meetings where legislative debate is conducted, and where ballots are cast, received, processed, or counted.

2. Summary of the issue that the resolution addresses.

When armed protestors storm offices where votes are being tabulated, or otherwise threaten election officials counting votes, it not only gives rise to the threat of violent incidents involving election professionals, but also may risk undermining public confidence in the electoral process.

3. Please explain how the proposed policy position will address the issue.

Because civilians openly carrying firearms in the spaces critical to the functioning of the democratic process pose serious threats to public safety and public health and undermine core constitutional values, the American Bar Association urges policymakers at all levels of government to adopt and enforce policies designed to rein in this conduct.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None known

AMERICAN BAR ASSOCIATION

**SECTION OF STATE & LOCAL GOVERNMENT LAW
COALITION ON RACIAL AND ETHNIC JUSTICE
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES
COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY
FORUM ON AFFORDABLE HOUSING
COMMISSION ON HOMELESSNESS AND POVERTY**

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association supports the reinstatement of the
- 2 Affirmatively Furthering Fair Housing Final Rule adopted in 2015, at 80 FR 42272 (July
- 3 16, 2015), which promotes the Fair Housing Act's goals of equal housing opportunity for
- 4 all Americans, including supporting the elimination of barriers to racial equality; and
- 5
- 6 FURTHER RESOLVED, That the American Bar Association urges the United States
- 7 Department of Housing and Urban Development to void the Rule adopted on July 23,
- 8 2020, so as to reinstate the 2015 Affirmatively Furthering Fair Housing Rule in full force
- 9 and effect.

EXECUTIVE SUMMARY1. Summary of the Resolution.

Urges the United States Department of Housing and Urban Development to void the Rule that it adopted on July 23, 2020, so as to reinstate the 2015 Affirmatively Furthering Fair Housing Rule.

2. Summary of the issue that the resolution addresses.

The PCNC rule takes an extreme and regressive approach to affirmatively furthering fair housing that is antithetical to Congressional intent, the legislative history, and the judicial record on affirmatively furthering fair housing. The PCNC redefines the very meaning of fair housing, stripping away virtually all requirements for program participants to meaningfully fulfill their fair housing obligations, while removing any consequential oversight by HUD. The core tenets of the FHA's AFFH provision mandates HUD to take active steps to end segregation, promote integration and to ensure all neighborhoods equal access to opportunity. The 2015 AFFH rule is in line with these core tenets because it instituted proactive steps to end exclusionary practices and provide equal housing opportunity for all Americans.

3. Please explain how the proposed policy position will address the issue.

Reinstatement of the 2015 rule will begin a documentation process for local jurisdictions to examine patterns of segregation and dismantle them through commitment to new policy.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None known at this time.

AMERICAN BAR ASSOCIATION
COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
REPORT TO THE HOUSE OF DELEGATES
RESOLUTION

- 1 RESOLVED, That the American Bar Association urges all federal, state, local, territorial,
- 2 and tribal legislative bodies and governmental agencies to adopt laws and policies to use
- 3 total population, including minors and non-citizens, as determined by the United States
- 4 Census Bureau, in redrawing electoral district lines after the decennial census to achieve
- 5 equality of population of districts as required by United States constitutional law.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

This resolution urges all federal, state, local, territorial, and tribal legislative bodies and governmental agencies to adopt laws and policies to use total population, including non-voting minors and non-citizens, as determined by the United States Census Bureau, in redrawing electoral district lines after the decennial census to achieve equality of population of districts as required by United States constitutional law.

2. Summary of the issue that the resolution addresses.

Every decade following the Census, district lines for Congress, state legislature, and other districted jurisdictions must be redrawn to reduce significant population deviations between districts in order to avoid a violation of the long-established “one person, one vote” principle. Currently, all district lines are equalized based upon total population as determined by the most recent Census. For many years, some political forces have argued that districts should be equalized based on voter population instead of total population. In unanimously rejecting an asserted constitutional obligation to equalize based on voter population, the Supreme Court discouraged, but did not foreclose, a jurisdiction from voluntarily deciding to equalize on some base other than total population. In July 2019, Donald Trump ordered the creation of a database of citizenship in order to permit jurisdictions to use voter population in redistricting. Missouri had a measure on its November 2020 ballot that could require the state to equalize districts based on voter population. This would not only discount all immigrants not yet naturalized, it would also discount all minors under 18 years of age. This proposed resolution would affirm that total population should remain the exclusive population base for purposes of equalizing district size in the redistricting process.

3. Please explain how the proposed policy position will address the issue.

This resolution urges legislative bodies to affirm a process in redistricting that would affirm that total population must be used in the redistricting process. This would affirm the ABA’s commitment to a fair and representative redistricting process which will in turn lead to more just and fair elections.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

The minority view states that population for purposes of redistricting should be based on the number of eligible votes rather than total population in a given area/state.

A CALL & COMMITMENT TO ACTION

The Washington State Access to Justice Board has not done enough in the battle against racism against Black communities and other communities of color. Racism, discrimination, and intolerance of any kind is unacceptable. The “twin pandemics” of COVID-19 and violent racism have laid bare deadly, toxic racial disparities that exist across all of our systems, including the justice systems. As the Washington State Supreme Court recently acknowledged, “[o]ur systems remain affected by the vestiges of slavery: Jim Crow laws that were never dismantled and racist court decisions that were never disavowed.”¹

In order to meet our charge to expand access to our civil legal justice system, the Access to Justice Board must actively resist racism against Black, Indigenous, and People of Color (BIPOC). This includes dismantling structures that advantage white people at the cost of dehumanizing BIPOC and resisting habits and practices that uphold white privilege. We must squarely address barriers that continue to prevent communities of color from accessing meaningful relief within the civil justice system. We must also examine ways that our legal systems often overlap and reverberate in ways that amplify harm for communities of color. As long as institutional racism exists, our legal system will be just that – a legal system and not a justice system.

We join the chorus of voices being heard not only across our state, not only across our country, but indeed throughout the world to take active steps to confront racism. To ensure we do more than simply say words, we, the members of the Access to Justice Board, commit to taking the following collective steps:

1. As a convener for the Alliance for Equal Justice, within 60 days from the adoption of this Statement we will convene Alliance for Equal Justice members, alongside racial justice movement leaders and representatives of communities who are most harmed by racism within the civil justice system and intersecting legal systems, to create and adopt an Alliance-wide Action Plan for combatting racism.
2. As a catalyst for change within the civil justice system, we will take our lead from Black, Indigenous and People of Color as we deepen our understanding about the ways the law and justice systems lead to harm and as we generate and recommend strategies for changes to policies and practices.
3. As leaders within our communities, we will educate ourselves, policy makers, and our stakeholders about the role that civil legal aid can play in ending systemic racism.

¹ Open letter from the Washington Supreme Court to Members of the Judiciary and the Legal Community, dated June 4, 2020.

4. As a Board that seeks to live our stated values, we will continue to engage in our own learning and examine our own practices to ensure that we are not perpetuating anti-Blackness or racism within our operations and decision-making.

Access to Justice Board members will also be taking a series of individual steps, unless prohibited from doing so because of professional ethical considerations, e.g., the canons of judicial conduct. Examples of our individual commitments, which we encourage our partners to consider as well, include:

1. Additional donations, over and above what we would normally give, to the Campaign for Equal Justice or the Endowment for Equal Justice;
2. Donations to local or national organizations that are fighting racism such as the Equal Justice Initiative, the American Civil Liberties Union, the Southern Poverty Law Center, the Lawyers Committee for Civil Rights under the Law, Movement for Black Lives, or similar organizations;
3. Personally contacting one or more local county or city representatives urging them to take action to address policies that further systemic racism, e.g., the use of chokeholds; and
4. Personally contacting one or more of our congressional representatives, urging them to take action to address policies that further systemic racism, e.g., allowing surplus military equipment to be used by civilian police departments, the need for civilian review boards, a national database of law enforcement officers who have been found to have engaged in discriminatory practices.

Through our [State Plan for the Coordinated Delivery of Civil Legal Aid](#), our adoption of the Washington Race Equity & Justice Initiative's [Acknowledgments & Commitments](#), and our guiding principles, the ATJ Board has made, and will continue to make, race equity a central tenet for all the work that it does.

We, the members of the ATJ Board conclude this call to action by making this statement: Black Lives Matter.

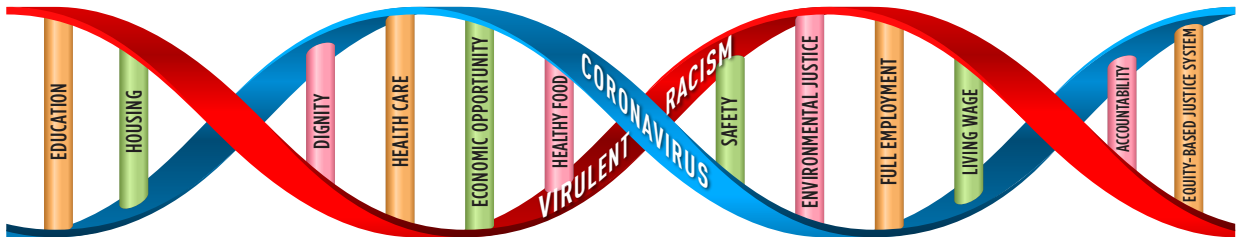
2020 ACCESS TO JUSTICE BOARD
ANNUAL REPORT



2020 ACCESS TO JUSTICE BOARD ANNUAL REPORT

THE TRIPLE PANDEMICS:

Coronavirus, Racism, and Intractable Poverty



The “Double Helix” strands of coronavirus and racism are inextricably linked together by “bands” of disparity that are emblematic of systemic intractable poverty.

Image by Ada Shen Jaffe, JustLead, Washington

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Letter from the Chair



**Sal Mungia, Chair
Access to Justice Board**

Dear Friends:

Last year I reported that the one directive in the State Plan that permeates all other goals “is the advancement of race equity.” We have seen how so very far we are from achieving the goal of race equity and how much harder we all must work.

In response to the avalanche of systemic racist events that have been occurring around the country, Alliance for Equal Justice (Alliance) members have increased their efforts to combat racism. I will call out just a few of those actions. The Legal Foundation of Washington began making race equity grants and is continuing that program. The Pro Bono Coordinators are maintaining a listing of volunteer opportunities to combat racism. The Endowment for Equal Justice is sponsoring a 6-part series on promoting race equity and combatting racism. All Alliance members are engaging in anti-racism work—all are increasing their efforts.

The ATJ Board, acknowledging that it “has not done enough in the battle against racism against Black communities and other communities of color” adopted a Call to Action. The Board will be convening Alliance members alongside racial justice movement leaders and representatives of communities who are most harmed by racism to create and adopt an Alliance-wide Action Plan for combatting racism.

The COVID-19 pandemic has cast a glaring light on the existing differences between those that have and those that have not. Housing, incarceration, employment—these are three areas where the chasm between haves and have-nots has increasingly widened because of the pandemic. Alliance members have demonstrated perseverance, resourcefulness, and commitment to provide hope to those whose lives have been upended because of the pandemic.

Even before Governor Inslee’s moratorium on evictions, legal aid providers throughout the state were urging the superior courts within their jurisdictions to impose a moratorium on evictions. The ACLU filed suit for the release of those detained at the Seattle-area ICE detention center. Columbia Legal Services brought an action for the early release of those incarcerated at Monroe. The Unemployment Law Project saw appeals for help rise by 150% in the first few days of the pandemic. The Office of Civil Legal Aid was instrumental in obtaining state funding to pay lawyers, at a greatly reduced rate, to represent people now finding themselves faced with the maze of unemployment issues. The Unemployment Law Project agreed to train the volunteer attorneys. So did the State Pro Bono Council. The WSBA Moderate Means Program recruited attorneys for this program and has made referrals for unemployment benefit cases. The Seattle Area Pro Bono Coordinators created a resource guide for restaurant and retail workers. Law students at UW began performing legal research projects for civil legal aid providers on pandemic related issues. Northwest Justice Project is informing the public about the resources being offered by civil legal aid providers through its newsletter “What’s New at Washington LawHelp.” All Alliance members are committing substantial resources to provide help.

2020 has been, and continues to be, a time of uncertainty, and a time of awakening. Members of the Alliance for Equal Justice have been, and I have no doubt, will continue to rise to every challenge that is presented in these turbulent times.

Salvador A. Mungia, Chair
Access to Justice Board

The ATJ Board's Commitment and Call to Action for Black Lives

AS MUCH OF THE NATION has galvanized around Black Lives Matter in response to the police murders of Breonna Taylor, Tony McDade, George Floyd, Ahmaud Arbery, and countless others, the Access to Justice (ATJ) Board joins the chorus of voices standing up for racial justice. In June 2020, the Board released a statement proclaiming how it will do better at walking its talk on being a leader in ending systemic racism in the civil justice system. The Board asserts in the statement that it “has not done enough in the battle against racism against Black communities and other communities of color.” The Board outlined a series of individual and collective action steps to resist racism against Black, Indigenous, and People of Color and dismantle white supremacy culture in the justice system. As a first step, in the coming months the Board will convene Alliance for Equal Justice members—alongside racial justice movement leaders and representatives of communities who are most harmed by racism within the civil justice system and intersecting legal systems—to create and adopt an Alliance-wide Action Plan for combatting racism. The Board hopes to serve as an example of designing a process that centers the voices of communities most impacted by racist policies and practices and as a catalyst for change by creating space for courageous conversations. There is a lot of work to do and the Board is wholeheartedly committed to staying engaged on race equity for the long haul through continual education and development of strategies to change policies and practices. As shared in the commitment and call to action, the ATJ Board has made, and will continue to make, race equity a central tenet for all the work that we do. ■



The ATJ Board Pivots to Respond to the Growing Pandemic

THE ACCESSIBILITY OF LEGAL ASSISTANCE during the current health and economic crisis is more important than ever. The Access to Justice (ATJ) Board, as the convening body for the Alliance for Equal Justice, recognizes how important it is to bring Alliance providers together to discuss how we have all had to adapt our practices to ensure the health and safety of the client populations we serve as well as that of the providers themselves.

The Board established a COVID-19 Response Work Group to work closely with Alliance providers and other task forces addressing COVID-19 issues to identify community needs and systemic issues and generate creative solutions to these problems. Providers have shared information about trends they are seeing among low-income and vulnerable communities. It is apparent that these issues are numerous and intertwined: housing stability, job loss and unemployment, access to healthcare and education, and increased domestic violence and sexual assault as a result of spending more time in the home. It is clear that the pandemic is impossible to separate from the racial reckoning the nation is facing regarding systemic racial inequality, illustrated by the disproportionate impact of COVID-19 on Black, Indigenous, and People of Color (BIPOC) communities.

To address pressing issues faced by our client communities, the Work Group is embarking on a number of priority projects:

- Accessible, plain-language information on court operations and procedures.** Navigating the court system was already a struggle for unrepresented litigants and has only become more complicated as courts struggle to adapt procedures under the Gov. Inslee's Stay Home, Stay Healthy Order and the phased Safe Start plan. In partnership with Northwest Justice Project, the Administrative Office of the Courts, Microsoft, and the state's law schools, the Board is engaging in a conversation about developing an accessible, web-based platform that will provide plain-language information about constantly changing court operations and procedures across the state.



- Local news media spotlights on Alliance organizations to reach people who are less connected to technology.** The ATJ Board is collaborating with the Legal Foundation of Washington to reach out to local media stations to feature short segments and interviews highlighting the services provided by Alliance organizations serving specific geographic areas. The segments are intended to spread awareness about the legal issues the pandemic is exacerbating, to share basic information about what rights people have in relation to the pandemic, and to provide an avenue for those who are less connected to technology to learn more about how local legal aid organizations may be able to help them.
- COVID-19 Legal Health Check-Up.** Given the far-reaching impacts of COVID-19, the number of legal issues many face can be overwhelming. In order to help people identify legal needs and available resources, the Board is developing a COVID-19 Legal Health Check-Up List. The list is adapted, with permission, from an ongoing project of the Washington State Bar Association (WSBA) Practice of Law Board and contains questions focused on COVID-19-specific legal issues.

These projects are a starting point, as the Board realizes that the pandemic, and the systemic inequalities that Covid-19 is highlighting, are not going away in the near future. The Board and the COVID-19 Response Work Group are dedicated to receiving continuous feedback so the Board can do everything necessary to support providers and the community during this time. The COVID-19 pandemic has presented many challenges to the coordination and delivery of legal aid, but it has also highlighted the ability of Alliance members to come together to support each other and the communities we serve. ■

Activating the ATJ Board's Investments in Adaptive Leadership & Race Equity



THE ACCESS TO JUSTICE (ATJ) BOARD has invested in developing sustainable, statewide support infrastructure for the Alliance and its partners over the past 15 years. JustLead Washington, its Leadership Academy, and its coordination of the Race Equity & Justice Initiative (REJI) are key examples of a powerful network of nearly 200 equity and justice-focused advocates and organizations across Washington state trained in race-equity and adaptive leadership competencies. JustLead reaches hundreds of additional legal and community leaders each year through its training, consulting, facilitation, and coaching services.

The work of the ATJ Board and its stakeholders has been upended as the communities we serve have been hit hardest by the triple pandemics of COVID-19, virulent racism, and pre-existing poverty—all made worse by economic collapse. Racism has been laid bare as the undeniable cause of the devastating and disparate harm faced especially by Black communities but also by Indigenous, and other People of Color (BIPOC). These realities require equity and justice advocates to leverage privilege, professional expertise, access, and resources in support of and allyship with communities most harmed by centuries of racism embedded within the law and justice systems; these communities know best what must change and seek our partnership to help effectuate change.

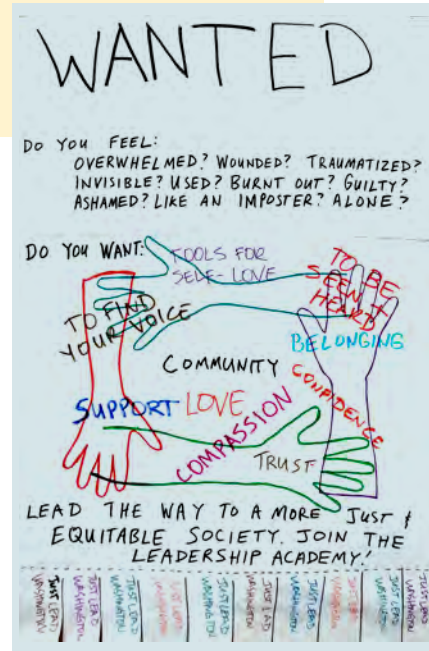
RIGHT: Goldmark Community Partnerships Panelists: Esperanza Borboa, Debbie Lacy, Christopher Lovings, Jodi Nishioka, Colleen Echohawk



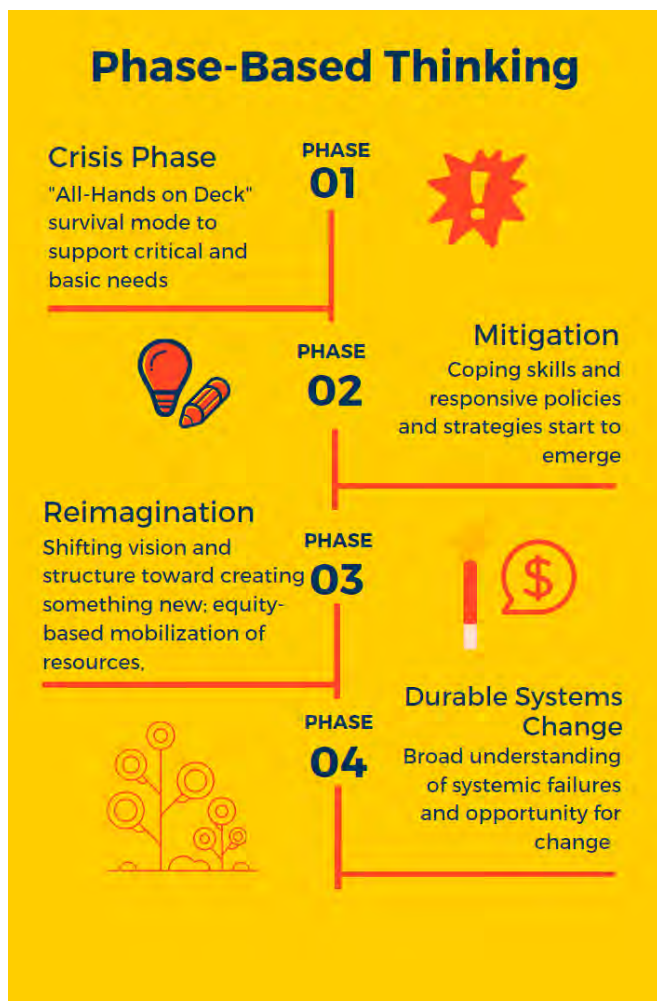
"I have done a number of cultural competency, race, and equity trainings over the years, but this was by far the best I have ever attended. I found the session inspiring and loved that it provided so many ways for individuals to begin doing the work. JustLead's presenters were outstanding."

2020 Training Participant

The leadership and equity-focused work envisioned by the ATJ Board's State Plan and supported by JustLead were already underway well before the pandemics hit, meaning that, as a community, we had already built an agile infrastructure to help shift resources, mindsets, and practices to be responsive and relevant to the crises. JustLead was able to pivot to virtual support and written resources this spring. A three-part **Adaptive Leadership series** highlighted strategies for caring for self, teams, and community during difficult times. This series, along with several **online articles**, which together reached over 2,000 advocates, also explored what strategic and phased response planning, centering of BIPOC leadership and perspectives, and resistance to white supremacist culture look like, in times of crisis.



The “wanted poster” is an art project created by a group of Fellows during one of this year’s Leadership Academy retreats.



Though virtual for the foreseeable future, JustLead continues to support individual Alliance and related organizations through racial justice trainings and caucuses for staff and volunteers; consulting on the organizational transformation necessary for equity, inclusion, and community accountability; and staff and leadership coaching to meet the convulsive challenges of today. FY2020 highlights include supporting a forum on community partnership and accountability after the Goldmark Luncheon in February and foundational race equity trainings for over 150 volunteer lawyers around the state.

JustLead also continues to coordinate learning and accountability spaces for the REJI, hosting bimonthly REJI Partner meetings and webinars. The ATJ Board continues to partner with JustLead to further its own internal transformational race equity work and to explore ways that the Board and its civil justice partners can collaborate and coordinate more fully with criminal justice, juvenile justice, child welfare system, and community stakeholders. ■

The Phase-Based Thinking infographic is from a JustLead post-COVID blog post. Find the blog at <https://justleadwa.org/learn/justlead-musings-blog/>

ATJ Technology Principles 2.0 Receive Washington Supreme Court Approval

THE **ATJ TECHNOLOGY** Principles 2.0 are here! The ATJ Technology Committee oversaw a two-year process to update the ATJ Technology Principles that included gathering critical buy-in on the Principles from key justice system partners. In June 2020, the Washington Supreme Court issued an order adopting the updated ATJ Technology Principles. The court's order is timely particularly given the increased need for technology during the COVID-19 pandemic. The Board is incredibly grateful to the long list of individuals who helped to shape the updated Principles and provided critical feedback throughout the drafting process.

The updated Principles reflect the importance of making sure technology is used in the highest and best way to promote a just society. The updated Principles focus on:

- **Plain language.** The ATJ Technology Rules have been written for the usability of a broad audience and to enable the public to hold their justice system accountable.
- **Responsiveness to a diverse range of communities.** The UW Tech Policy Lab's Diverse Voices partnered with the ATJ Technology Committee to apply their targeted method to include under-represented groups in tech policy document development. With Diverse Voices we were able to collect input on the ATJ Technology Rules from panels representing diverse communities and took care to apply the feedback thoroughly.
- **Reflecting today's changing technology.** New technology is being developed daily and we considered emerging technology, such as AI, and the ever-changing landscape. The ATJ Technology Rules are written to be applicable as the technology we use evolves over time.
- **Consistency with the State Plan.** The ATJ Technology Rules are complementary to the current State Plan, which highlights the need for technological innovation in the delivery of legal aid, while also being forward-looking as our goals evolve.

In the coming year the Technology Committee will be conducting stakeholder outreach through trainings and discussions as we share the updated ATJ Technology Principles. ■



The Equal Justice Coalition Leads During a Time of Change



STATE FUNDING:

WITH THE LEGISLATURE not in a budget session this year, the Equal Justice Coalition’s (EJC) state-level advocacy was more limited—until the outbreak of COVID-19. As the Office of Civil Legal Aid (OCLA) pursued emergency funding to buttress crucial front-line legal services, including to help people prepare for eviction and to appeal denials of unemployment insurance, EJC stakeholders amplified the essential role of civil legal aid in our state’s response to the pandemic. Retired Washington Supreme Court Chief Justice Mary Fairhurst and Seattle Mariners general counsel Fred Rivera wrote a powerful column in the *Seattle Times*, followed by former Washington State Attorney General Rob McKenna and Access to Justice (ATJ) Board Chair Salvador A. Mungia in the *Tacoma News Tribune*. Programs such as the pro bono Housing Justice



Project and the Unemployment Law Project earned media coverage of their front-line work, and stakeholders across the Alliance reached out to elected officials and members of the community about the civil justice issues resulting from COVID-19.

The messages worked: OCLA secured approval from Governor Inslee and bipartisan legislative leaders for \$3 million in state disaster response funds to boost legal services related to unemployment and eviction, and the state also directed

\$2.3 million in federal CARES Act funds to reinforce legal aid connected to employment and family safety. While the Legislature will face a difficult budget environment in the coming session, the EJC is committed to protecting and expanding these critical investments.

FEDERAL FUNDING:

THE EJC TYPICALLY spearheads an annual trip to Washington, D.C., bringing civil legal aid leaders from our state to speak to the Washington congressional delegation about access to justice and expanding funding for the Legal Services Corporation (LSC). With the 2020 trip cancelled due to COVID-19, the EJC pivoted to virtual meetings between members of Congress, including Rep. Pramila Jayapal, Rep. Rick Larsen, and Rep. Adam Smith, and prominent legal advocates, including Washington Supreme Court Justice Steven C. González and Washington State Bar Association president Rajeev Majumdar. Washington’s Congressional members are strongly supportive of civil legal aid and helped champion the \$50 million in emergency funding for LSC included in the CARES Act, more than \$1 million of which went to Northwest Justice Project (NJP), Washington’s sole



recipient of federal legal services funds. EJC advocates asked members to approve LSC’s request for another \$50 million in the next stimulus package, to help meet the surge in legal needs due to the pandemic, as well as to build upon last year’s annual budget increase for the agency. As of July, the House Appropriations Committee was moving forward with a \$25 million increase, boosting the LSC allocation to \$465 million for the next year—an important step to increase NJP’s vital services for thousands more low-income families and individuals across Washington, but still far below the agency’s historic funding levels. With the current administration for the fourth consecutive year proposing the elimination of all LSC funding, and the overwhelming needs for civil legal assistance exacerbated by COVID-19, the bipartisan support of Washington’s senators and representatives is more important than ever. ■

The Pro Bono Council Responds to Changing Needs

THE MISSION OF the statewide Pro Bono Council is to further access to justice by supporting and advocating on behalf of the Volunteer Lawyer Programs (VLPs) in Washington state. In recent years, the Pro Bono Council bolstered its infrastructure capacity through expansion of the VLPs and through compensation equity and, starting at the beginning of 2020, these investments paid off as VLPs began stepping up to the task of providing civil legal assistance to the additional tens of thousands of Washingtonians affected by COVID-19. Thanks to the VLPs, Washington is equipped with an efficient, scalable legal aid framework.

Cities, counties, private donors, and the Washington Office of Civil Legal Aid identified VLPs as the obvious providers of legal aid for Washington's response to COVID-19. Through emergency funding and the commitment of hundreds of volunteer attorneys and Limited License Legal Technicians (LLLTs), the VLP response to COVID-19 includes increased landlord-tenant and eviction representation, extended capacity to advise on employment-related issues, and expanded support for survivors of domestic violence and sexual assault.

The Pro Bono Council brings the Volunteer Lawyer Programs together with a united voice and common practices. Together, we've coalesced into an active group of advocates, making each program better by sharing resources and collaborating. Each VLP leads their own community by partnering with lawyers and other service providers as we work toward providing help to underserved populations.

Lori Bashor-Sarancik,
Director of Cowlitz Wahkiakum Legal Aid



EVICTION DEFENSE

Working closely with Northwest Justice Project, VLPs have at least doubled or tripled their capacity to handle eviction cases through additional volunteer commitments, through trainings covering COVID-19-specific housing and eviction laws, through additional staff attorney hours, and sometimes through “low-bono” attorney referrals to the private bar.

EMPLOYMENT LAW ISSUES

In addition to a surge in typical employment issues like discrimination and reasonable accommodations, low-income clients are showing an increased legal need for “know your rights” and workplace safety assistance. The Pro Bono Council organized a training to improve volunteer attorneys' ability to advise on these issues, which was attended by over 100 volunteer attorneys, many of whom agreed to assist with VLP clients' cases.

DOMESTIC VIOLENCE

VLPs quickly scaled up capacity to assist survivors of domestic violence and sexual assault resulting from the COVID-19-related stay at home orders. While many VLPs already operate robust Victims of Crime Act (VOCA) programs and Domestic Violence Protection Order (DVPO) clinics, VLPs added an additional three staff positions and coordinated a new low-bono referral program to assist with hundreds of additional domestic violence and sexual assault cases as well as the often-related family law issues. ■



VLP leaders meet up to connect during the 2020 Goldmark Luncheon.

VLPS BY THE NUMBERS

Last year the Volunteer Lawyer Programs delivered:

35,000 hours

of attorney service time to low-income clients

Brief services on

17,117 cases

Direct representation to

3,773 clients



ELAP Program Director Esperanza Borboa leads her team in a focus session.



Chelan Douglas County Volunteer Attorney Services Housing Justice Project and Outreach Coordinator Rosie Gudiño meeting folks in the community to share legal aid resources and learn more about the issues they are facing.

One of the silver linings in this COVID situation is the amount of relationship building that can be seen in the legal aid community and in working with community organizations. Being in a virtual environment has made coordinating and collaborating easier and made us more effective in meeting the needs of the communities that we serve.

Chris Lovings
Community Engagement Manager at ELAP

ATJ Board 2020 Year in Review

Join us in looking back at some of the highlights of the Board's projects and initiatives over this past year.

**20
NOVEMBER
2019**

The ATJ Board sends a letter to multiple civic leaders to express concerns that attorneys have been encountering in their representation of detained clients at the Northwest Detention Center in Tacoma. The Board urges leaders to review procedures and reduce the barriers to detainees accessing legal assistance.

**31
JANUARY
2020**

The ATJ Board submits a letter in support of the proposed amendments to Comment 4 of the Rules of Professional Conduct (RPC) 4.4. The proposed amendments make it clear that attorneys cannot use the immigration status of an individual to advance their case. The proposal is a step in improving trust of the justice system in our communities.

**3
FEBRUARY
2020**

In partnership with the Minority and Justice Commission and the Interpreter Commission, the ATJ Board submits a letter in support of the proposed new Washington General Rule (GR) 38, which protects all persons' access to courthouses in Washington.

18 FEBRUARY 2020

The ATJ Board submits a letter urging the Senate to pass SHB 2567 to help ensure that everyone has fair access to the courthouses. Without physical access to the courthouse it is difficult, if not impossible, to achieve justice.

13 MARCH 2020

After conducting a comprehensive stakeholder survey in January, the ATJ Board adopts new two-year priorities, found online at allianceforequaljustice.org/access-to-justice-board/who-we-are

24 MARCH 2020

The ATJ Board submits a letter in support of a proposed new Washington LFO remission rule, which would provide Washington courts and low-income communities with much needed guidance concerning obtaining relief from court-imposed legal financial obligations.

People

2019-2020 ATJ BOARD MEMBERS

Francis Adewale

Esperanza Borboa

Hon. Laura T. Bradley

Hon. Frederick P. Corbit

Hon. David S. Keenan

Lindy Laurence

Michelle Lucas

Salvador A. Mungia, Chair

Mirya Muñoz-Roach

Terry J. Price

STAFF

Diana Singleton
Equity and Justice Manager

Bonnie M. Sterken
Equity and Justice Specialist



Acknowledgements

The ATJ Board would not be able to accomplish its work without the dedication and support of its many committee volunteers. The Board is grateful to the support and guidance of its standing committees over the past year.

COMMITTEES AND CHAIRS

Delivery System Committee:

Salvador A. Mungia and Merf Ehman

Equal Justice Coalition:

Kirsten Barron

Pro Bono Council:

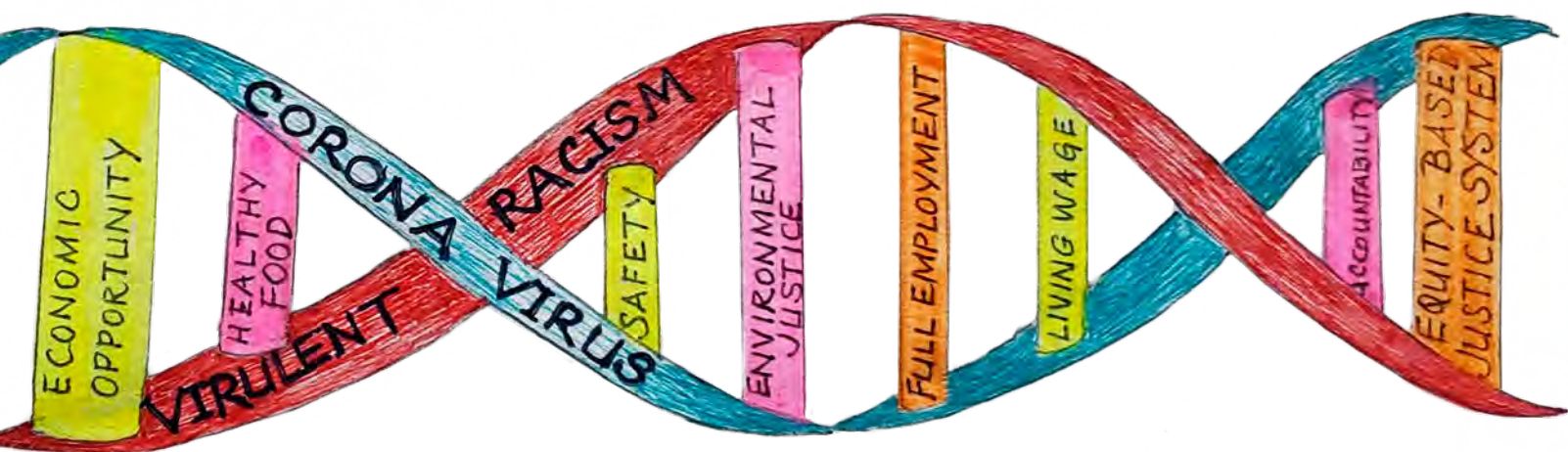
Eloise Barshes and Elizabeth Fitzgearld

Rules Committee:

Hon. Dave Keenan and Chris Durban

Technology Committee:

Hon. Laura Bradley and Jordan Couch



ACCESS TO JUSTICE BOARD

1325 Fourth Avenue, Suite 600

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Phone: 206-727-8205

<http://AllianceForEqualJustice.org>

Established by the Supreme Court of Washington

Administered by the Washington State Bar Association





Member Wellness Program

Joining the Path to Lawyer Wellbeing

DAN CRYSTAL, PSYD
PROGRAM MANAGER

The Need

- ▶ 20% of attorneys struggle with addiction. Twice most professions. 84% consume alcohol.
- ▶ 61% report anxiety at some point in their career. 45% depression.
- ▶ A suicide rate estimated at 2x national averages, which have risen dramatically in the last twenty years.
- ▶ Lawyers are taught not to ask for help in law school and this prevents them from seeking treatment.
- ▶ The impact on the profession and the general public is profound.
- ▶ LAPs keep attorneys out of discipline or help them transition within or away from the profession when they are burned out.

The Prevalence of Substance Use and Other Mental Health Concern Among American Attorneys by Krill, Johnson, & Albert , 2016.

What we do...

Clinical Consultation

WSBA Connects

Communications:
Newsletter,
Website updates,
Youtube channel

Diversion Program



Continuing Education
and Public Speaking

Peer Advisors, Work &
Wellness Day

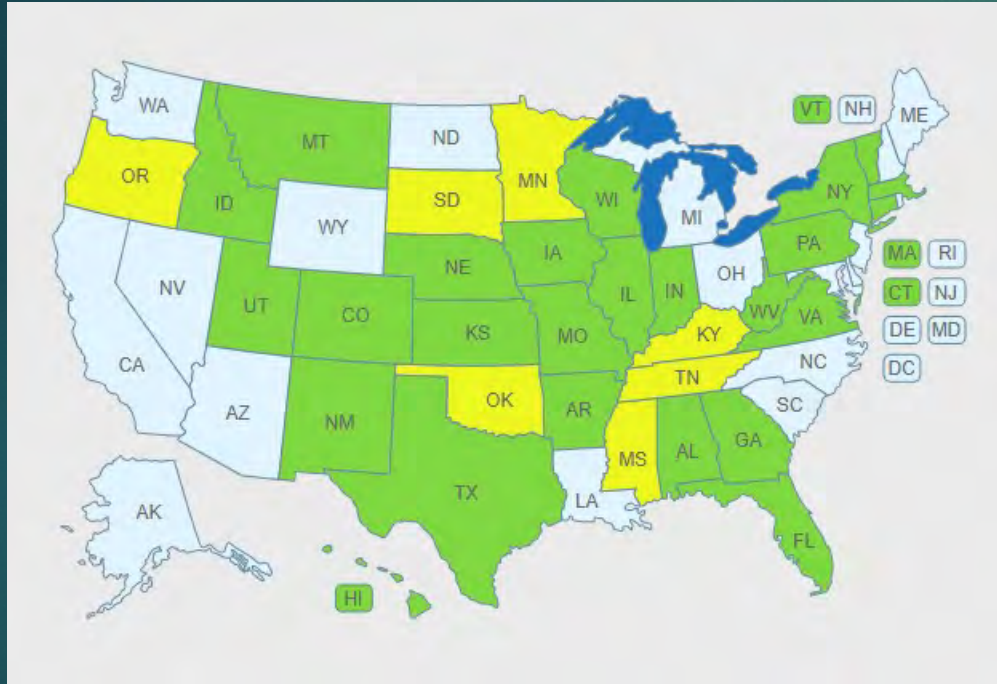
Career Guidance &
Meditation Groups

Outreach:
Attorneys AA groups,
Judicial Assistance
Program, Law Firms,
Law Schools

Our History

- Formed in 1992
- Dan Crystal joined in 2008. Staffing was 4.5
- 2012-following statewide referendum, reduced to 3.0
- 2015-reduced to .5 FTE and created EAP contract with Wellspring and then KEPRO for WSBA Connects.

Forming a Wellness Taskforce or Committee



- National movement organized by the ABA's Commission on Lawyers Assistance Programs (COLAP)
- In 2017 the National Taskforce on Lawyer Wellbeing issued *The Path to Lawyer Wellbeing* with 44 recommendations for legal institutions.
- Recommendations include bar associations, LAPs, ODC, Character & Fitness Committees, Law Schools, Law Firms, Liability Insurance Providers, Judicial Assistance Programs, and more.

States in Green have set up taskforces and are implementing recommendations.

States in Yellow have reported initial steps.

States in Blue have not reported any progress on setting up a Wellness Committee or Taskforce.

TASK FORCE CHAIRS

Bree Buchanan
James C. Coyle

ENTITIES REPRESENTED:

ABA LAW PRACTICE DIVISION
ABA CPR PROFESSIONALISM
ABA/HAZELDEN STUDY
APRL
ALPS
CoLAP
CONFERENCE OF CHIEF JUDGES
NCBE
NOBC

TASK FORCE MEMBERS:

Anne Brafford
Don Campbell
Josh Camson
Charles Gruber
Terry Harrell
David Jaffee
Tracy Kepler
Patrick Krill
Chief Justice Donald Lemons
Sarah Myers
Chris Newbold
Jayne Reardon
Judge David Shaheed
Lynda Shely
William Slease

STAFF ATTORNEY:

Jonathan White

NATIONAL TASK FORCE ON LAWYER WELL-BEING

Creating a Movement To Improve
Well-Being in the Legal Profession

August 14, 2017

Enclosed is a copy of *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* from the National Task Force on Lawyer Well-Being. The Task Force was conceptualized and initiated by the ABA Commission on Lawyer Assistance Programs (CoLAP), the National Organization of Bar Counsel (NOBC), and the Association of Professional Responsibility Lawyers (APRL). It is a collection of entities within and outside the ABA that was created in August 2016. Its participating entities currently include the following: ABA CoLAP; ABA Standing Committee on Professionalism; ABA Center for Professional Responsibility; ABA Young Lawyers Division; ABA Law Practice Division Attorney Wellbeing Committee; The National Organization of Bar Counsel; Association of Professional Responsibility Lawyers; National Conference of Chief Justices; and National Conference of Bar Examiners. Additionally, CoLAP was a co-author of the 2016 ABA CoLAP and Hazelden Betty Ford Foundation's study of mental health and substance use disorders among lawyers and of the 2016 Survey of Law Student Well-Being.

To be a good lawyer, one has to be a healthy lawyer. Sadly, our profession is falling short when it comes to well-being. The two studies referenced above reveal that too many lawyers and law students experience chronic stress and high rates of depression and substance use. These findings are incompatible with a sustainable legal profession, and they raise troubling implications for many lawyers' basic competence. This research suggests that the current state of lawyers' health cannot support a profession dedicated to client service and dependent on the public trust.

The legal profession is already struggling. Our profession confronts a dwindling market share as the public turns to more accessible, affordable alternative legal service providers. We are at a crossroads. To maintain public confidence in the profession, to meet the need for innovation in how we deliver legal services, to increase access to justice, and to reduce the level of toxicity that has allowed mental health and substance use disorders to fester among our colleagues, we have to act now. Change will require a wide-eyed and candid assessment of our members' state of being, accompanied by courageous commitment to re-envisioning what it means to live the life of a lawyer.

This report's recommendations focus on five central themes: (1) identifying stakeholders and the role each of us can play in reducing the level of toxicity in our profession, (2) eliminating the stigma associated with help-seeking behaviors, (3) emphasizing that well-being is an indispensable part of a lawyer's duty of competence, (4) educating lawyers, judges, and law students on lawyer well-being issues, and (5) taking small, incremental steps to change how law is practiced and how lawyers are regulated to instill greater well-being in the profession.

The members of this Task Force make the following recommendations after extended deliberation. We recognize this number of recommendations may seem overwhelming at first. Thus we also provide proposed state action plans with simple checklists. These help each stakeholder inventory their current system and explore the recommendations relevant to their group. We invite you to read this report, which sets forth the basis for why the legal profession is at a tipping point, and we present these recommendations and action plans for building a more positive future. We call on you to take action and hear our clarion call. The time is now to use your experience, status, and leadership to construct a profession built on greater well-being, increased competence, and greater public trust.

Sincerely,

Bree Buchanan, Esq.
Task Force Co-Chair
Director
Texas Lawyers Assistance Program
State Bar of Texas

James C. Coyle, Esq.
Task Force Co-Chair
Attorney Regulation Counsel
Colorado Supreme Court

"Lawyers, judges and law students are faced with an increasingly competitive and stressful profession. Studies show that substance use, addiction and mental disorders, including depression and thoughts of suicide—often unrecognized—are at shockingly high rates. As a consequence the National Task Force on Lawyer Well-being, under the aegis of CoLAP (the ABA Commission on Lawyer Assistance programs) has been formed to promote nationwide awareness, recognition and treatment. This Task Force deserves the strong support of every lawyer and bar association."

*David R Brink**
Past President
American Bar Association

* David R. Brink (ABA President 1981-82) passed away in July 2017 at the age of 97. He tirelessly supported the work of lawyer assistance programs across the nation, and was a beacon of hope in the legal profession for those seeking recovery.

THE PATH TO LAWYER WELL-BEING:

Practical Recommendations
For Positive Change

[THE REPORT OF THE
NATIONAL TASK FORCE ON
LAWYER WELL-BEING]

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4. Facilitate, Destigmatize, and Encourage Help-Seeking Behaviors.
5. Build Relationships with Lawyer Well-Being Experts.
 - 5.1 Partner with Lawyer Assistance Programs.
 - 5.2 Consult Lawyer Well-Being Committees and Other Types of Well-Being Experts.
6. Foster Collegiality and Respectful Engagement Throughout the Profession.
 - 6.1 Promote Diversity & Inclusivity.
 - 6.2 Create Meaningful Mentoring and Sponsorship Programs.
7. Enhance Lawyers' Sense of Control.
8. Provide High-Quality Educational Programs and Materials About Lawyer Well-Being.
9. Guide and Support The Transition of Older Lawyers.
10. De-emphasize Alcohol at Social Events.
11. Use Monitoring to Support Recovery from Substance Use Disorders.
12. Begin a Dialogue About Suicide Prevention.
13. Support A Lawyer Well-Being Index to Measure The Profession's Progress.

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14. Communicate that Well-Being Is a Priority.
15. Develop Policies for Impaired Judges.

16. Reduce Stigma of Mental Health and Substance Use Disorders.
17. Conduct Judicial Well-Being Surveys.
18. Provide Well-Being Programming for Judges and Staff.
19. Monitor for Impaired Lawyers and Partner with Lawyer Assistance Programs.

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20. Take Actions to Meaningfully Communicate That Lawyer Well-Being is a Priority.
 - 20.1 Adopt Regulatory Objectives That Prioritize Lawyer Well-Being.
 - 20.2 Modify the Rules of Professional Responsibility to Endorse Well-Being as Part of a Lawyer's Duty of Competence.
 - 20.3 Expand Continuing Education Requirements to Include Well-Being Topics.
 - 20.4 Require Law Schools to Create Well-Being Education for Students as an Accreditation Requirement.
21. Adjust the Admissions Process to Support Law Student Well-Being.
 - 21.1 Re-Evaluate Bar Application Inquiries About Mental Health History.
 - 21.2 Adopt Essential Eligibility Admission Requirements.
 - 21.3 Adopt a Rule for Conditional Admission to Practice Law with Specific Requirements and Conditions.
 - 21.4 Publish Data Reflecting Low Rate of Denied Admissions Due to Mental Health Disorders and Substance Use.
22. Adjust Lawyer Regulations to Support Well-Being.
 - 22.1 Implement Proactive Management-Based Programs (PMBP) That Include Lawyer Well-Being Components.
 - 22.2 Adopt a Centralized Grievance Intake System to Promptly Identify Well-Being Concerns.

- 22.3 Modify Confidentiality Rules to Allow One-Way Sharing of Lawyer Well-Being Related Information from Regulators to Lawyer Assistance Programs.
- 22.4 Adopt Diversion Programs and Other Alternatives to Discipline That Are Proven.
- 23. Add Well-Being-Related Questions to the Multistate Professional Responsibility Exam (MPRE).

- 31. Commit Resources for Onsite Professional Counselors.
- 32. Facilitate a Confidential Recovery Network.
- 33. Provide Education Opportunities on Well-Being Related Topics.
 - 33.1 Provide Well-Being Programming During the 1L Year.
 - 33.2 Create a Well-Being Course and Lecture Series for Students.
- 34. Discourage Alcohol-Centered Social Events.
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- 24. Establish Organizational Infrastructure to Promote Well-Being.
 - 24.1 Form a Lawyer Well-Being Committee.
 - 24.2 Assess Lawyers' Well-Being.
- 25. Establish Policies and Practices to Support Lawyer Well-Being.
 - 25.1 Monitor for Signs of Work Addiction and Poor Self-Care.
 - 25.2 Actively Combat Social Isolation and Encourage Interconnectivity.
- 26. Provide Training and Education on Well-Being, Including During New Lawyer Orientation.
 - 26.1 Emphasize a Service-Centered Mission.
 - 26.2 Create Standards, Align Incentives, and Give Feedback.

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- 36. Encourage Education on Well-Being Topics in Association with Lawyer Assistance Programs.
 - 36.1 Sponsor High-Quality CLE Programming on Well-Being-Related Topics.
 - 36.2 Create Educational Materials to Support Individual Well-Being and "Best Practices" for Legal Organizations.
 - 36.3 Train Staff to Be Aware of Lawyer Assistance Program Resources and Refer Members.
- 37. Sponsor Empirical Research on Lawyer Well-Being as Part of Annual Member Surveys.
- 38. Launch a Lawyer Well-Being Committee.
- 39. Serve as an Example of Best Practices Relating to Lawyer Well-Being at Bar Association Events.

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- 27. Create Best Practices for Detecting and Assisting Students Experiencing Psychological Distress.
 - 27.1 Provide Training to Faculty Members Relating to Student Mental Health and Substance Use Disorders.
 - 27.2 Adopt a Uniform Attendance Policy to Detect Early Warning Signs of Students in Crisis.
 - 27.3 Provide Mental Health and Substance Use Disorder Resources.
- 28. Assess Law School Practices and Offer Faculty Education on Promoting Well-Being in the Classroom.
- 29. Empower Students to Help Fellow Students in Need.
- 30. Include Well-Being Topics in Courses on Professional Responsibility.

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- 40. Actively Support Lawyer Assistance Programs.
- 41. Emphasize Well-Being in Loss Prevention Programs.
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- 43. Collect Data When Lawyer Impairment is a Contributing Factor to Claims Activity.

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- 44. Lawyers Assistance Programs Should Be Appropriately Organized and Funded.

- 44.1 Pursue Stable, Adequate Funding.
- 44.2 Emphasize Confidentiality.
- 44.3 Develop High-Quality Well-Being Programming.
- 44.4 Lawyer Assistance Programs' Foundational Elements.

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- 8.1 Work Engagement vs. Burnout.
- 8.2 Stress.
- 8.3 Resilience & Optimism.
- 8.4 Mindfulness Meditation.
- 8.5 Rejuvenation Periods to Recover from Stress.
- 8.6 Physical Activity.
- 8.7 Leader Development & Training.
- 8.8 Control & Autonomy.
- 8.9 Conflict Management.
- 8.10 Work-Life Conflict.
- 8.11 Meaning & Purpose.
- 8.12 Substance Use and Mental Health Disorders.
- 8.13 Additional Topics.

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**Appendix to Recommendation 9:
Guide and Support The Transition of Older Lawyers.**

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**Appendix to Recommendation 25:
Topics for Legal Employers' Audit of Well-Being Related Policies and Practices.**

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**Appendix to Recommendation 33.2:
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Task Force Member Biographies and Acknowledgments

THE PATH TO LAWYER WELL-BEING: Practical Recommendations For Positive Change

Although the legal profession has known for years that many of its students and practitioners are languishing, far too little has been done to address it. Recent studies show we can no longer continue to ignore the problems. In 2016, the American Bar Association (ABA) Commission on Lawyer Assistance Programs and Hazelden Betty Ford Foundation published their study of nearly 13,000 currently-practicing lawyers [the “Study”]. It found that between 21 and 36 percent qualify as problem drinkers, and that approximately 28 percent, 19 percent, and 23 percent are struggling with some level of depression, anxiety, and stress, respectively.¹ The parade of difficulties also includes suicide, social alienation, work addiction, sleep deprivation, job dissatisfaction, a “diversity crisis,” complaints of work-life conflict, incivility, a narrowing of values so that profit predominates, and negative public perception.² Notably, the Study found that younger lawyers in the first ten years of practice and those working in private firms experience the highest rates of problem drinking and depression. The budding impairment of many of the future generation of lawyers should be alarming to everyone. Too many face less productive, less satisfying, and more troubled career paths.

Additionally, 15 law schools and over 3,300 law students participated in the Survey of Law Student Well-Being, the results of which were released in 2016.³ It found

that 17 percent experienced some level of depression, 14 percent experienced severe anxiety, 23 percent had mild or moderate anxiety, and six percent reported serious suicidal thoughts in the past year. As to alcohol use, 43 percent reported binge drinking at least once in the prior two weeks and nearly one-quarter (22 percent) reported binge-drinking two or more times during that period. One-quarter fell into the category of being at risk for alcoholism for which further screening was recommended.

The results from both surveys signal an elevated risk in the legal community for mental health and substance use disorders tightly intertwined with an alcohol-based social culture. The analysis of the problem cannot end there, however. The studies reflect that the majority of lawyers and law students do not have a mental health or substance use disorder. But that does not mean that they’re thriving. Many lawyers experience a “profound ambivalence” about their work,⁴ and different sectors of the profession vary in their levels of satisfaction and well-being.⁵

Given this data, lawyer well-being issues can no longer be ignored. Acting for the benefit of lawyers who are functioning below their ability and for those suffering due to substance use and mental health disorders, the National Task Force on Lawyer Well-Being urges our profession’s leaders to act.

¹P. R. Krill, R. Johnson, & L. Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46 (2016).

²A. M. Brafford, *Building the Positive Law Firm: The Legal Profession At Its Best* (August 1, 2014) (Master’s thesis, Univ. Pa., on file with U. Pa. Scholarly Commons Database), available at http://repository.upenn.edu/mapp_capstone/62/.

³J. M. Organ, D. Jaffe, & K. Bender, *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. LEGAL EDUC. 116 (2016).

⁴See D. L. Chambers, *Overstating the Satisfaction of Lawyers*, 39 LAW & SOC. INQUIRY 1 (2013).

⁵J. M. Organ, *What Do We Know About the Satisfaction/Dissatisfaction of Lawyers? A Meta-Analysis of Research on Lawyer Satisfaction and Well-Being*, 8 U. ST. THOMAS L. J. 225 (2011); L. S. Krieger & K. M. Sheldon, *What Makes Lawyers Happy? Transcending the Anecdotes with Data from 6200 Lawyers*, 83 GEO. WASH. L. REV. 554 (2015).

REASONS TO TAKE ACTION

We offer three reasons to take action: organizational effectiveness, ethical integrity, and humanitarian concerns.

First, lawyer well-being contributes to organizational success—in law firms, corporations, and government entities. If cognitive functioning is impaired as explained above, legal professionals will be unable to do their best work. For law firms and corporations, lawyer health is an important form of human capital that can provide a competitive advantage.⁶

For example, job satisfaction predicts retention and performance.⁷ Gallup Corporation has done years of research showing that worker well-being in the form of engagement is linked to a host of organizational success factors, including lower turnover, high client satisfaction,



Reasons to Improve Attorney Well-Being

- ✓ Good for business
- ✓ Good for clients
- ✓ The right thing to do

and higher productivity and profitability. The Gallup research also shows that few organizations fully benefit from their human capital because most employees (68 percent) are not engaged.⁸ Reducing turnover is especially important for law firms, where turnover rates can be high. For example, a 2016 survey by Law360 found that over 40 percent of lawyers reported that they were likely or very likely to leave their current law firms in the next year.⁹ This high turnover rate for law firms is expensive—with estimated costs for larger firms of \$25 million every year.¹⁰ In short, enhancing lawyer health and well-being is good business and makes sound financial sense.

Second, lawyer well-being influences ethics and professionalism. Rule 1.1 of the ABA’s Model Rules of Professional Conduct requires lawyers to “provide competent representation.” Rule 1.3 requires diligence in client representation, and Rules 4.1 through 4.4 regulate working with people other than clients. Minimum competence is critical to protecting clients and allows lawyers to avoid discipline. But it will not enable them to live up to the aspirational goal articulated in the Preamble to the ABA’s Model Rules of Professional Conduct, which calls lawyers to “strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession’s ideals of public service.”

Troubled lawyers can struggle with even minimum competence. At least one author suggests that 40 to 70 percent of disciplinary proceedings and malpractice claims against lawyers involve substance use or depression, and often both.¹¹ This can be explained, in part, by declining mental capacity due to these conditions. For example, major depression is associated

⁶ C. Keyes & J. Grzywacz, *Health as a Complete State: The Added Value in Work Performance and Healthcare Costs*, 47 J. OCCUPATIONAL & ENVTL. MED. 523 (2005).

⁷ T. A. Judge & R. Klinger, *Promote Job Satisfaction through Mental Challenge*, in HANDBOOK OF PRINCIPLES OF ORGANIZATIONAL BEHAV. (E. A. Locke ed., 2009).

⁸ J. K. HARTER, F. L. SCHMIDT, E. A. KILLHAM, & J. W. ASPLUND, Q12 META-ANALYSIS, GALLUP CONSULTING (2006), https://strengths.gallup.com/private/resources/q12meta-analysis_flyer_gen_08%2008_bp.pdf; see also Brafford, *supra* note 2, for a summary of studies linking engagement and other positive employee states to business success factors.

⁹ C. Violante, *Law360’s 2016 Lawyer Satisfaction Survey: By the Numbers*, Law360, Sept. 4, 2016, <https://www.law360.com/articles/833246/law360-s-2016-lawyer-satisfaction-survey-by-the-numbers>.

¹⁰ M. Levin & B. MacEwen, *Assessing Lawyer Traits & Finding a Fit for Success Introducing the Sheffield Legal Assessment (2014)* (unpublished), available at <http://therightprofile.com/wp-content/uploads/Attorney-Trait-Assessment-Study-Whitepaper-from-The-Right-Profile.pdf> (discussing associate turnover statistics and estimated cost of turnover in large law firms).

¹¹ D. B. Marlowe, *Alcoholism, Symptoms, Causes & Treatments*, in STRESS MANAGEMENT FOR LAWYERS 104-130 (Amiram Elwork ed., 2d ed., 1997) (cited in M. A. Silver, *Substance Abuse, Stress, Mental Health and The Legal Profession*, NEW YORK STATE LAW. ASSISTANT TRUST (2004), available at <http://www.nylat.org/documents/courseinbox.pdf>).

with impaired executive functioning, including diminished memory, attention, and problem-solving. Well-functioning executive capacities are needed to make good decisions and evaluate risks, plan for the future, prioritize and sequence actions, and cope with new situations. Further, some types of cognitive impairment persist in up to 60 percent of individuals with depression even after mood symptoms have diminished, making prevention strategies essential.¹² For alcohol abuse, the majority of abusers (up to 80 percent) experience mild to severe cognitive impairment.¹³ Deficits are particularly severe in executive functions, especially in problem-solving, abstraction, planning, organizing, and working memory—core features of competent lawyering.

Third, from a humanitarian perspective, promoting well-being is the right thing to do. Untreated mental health and substance use disorders ruin lives and careers. They affect too many of our colleagues. Though our profession prioritizes individualism and self-sufficiency, we all contribute to, and are affected by, the collective legal culture. Whether that culture is toxic or sustaining is up to us. Our interdependence creates a joint responsibility for solutions.

DEFINING “LAWYER WELL-BEING”

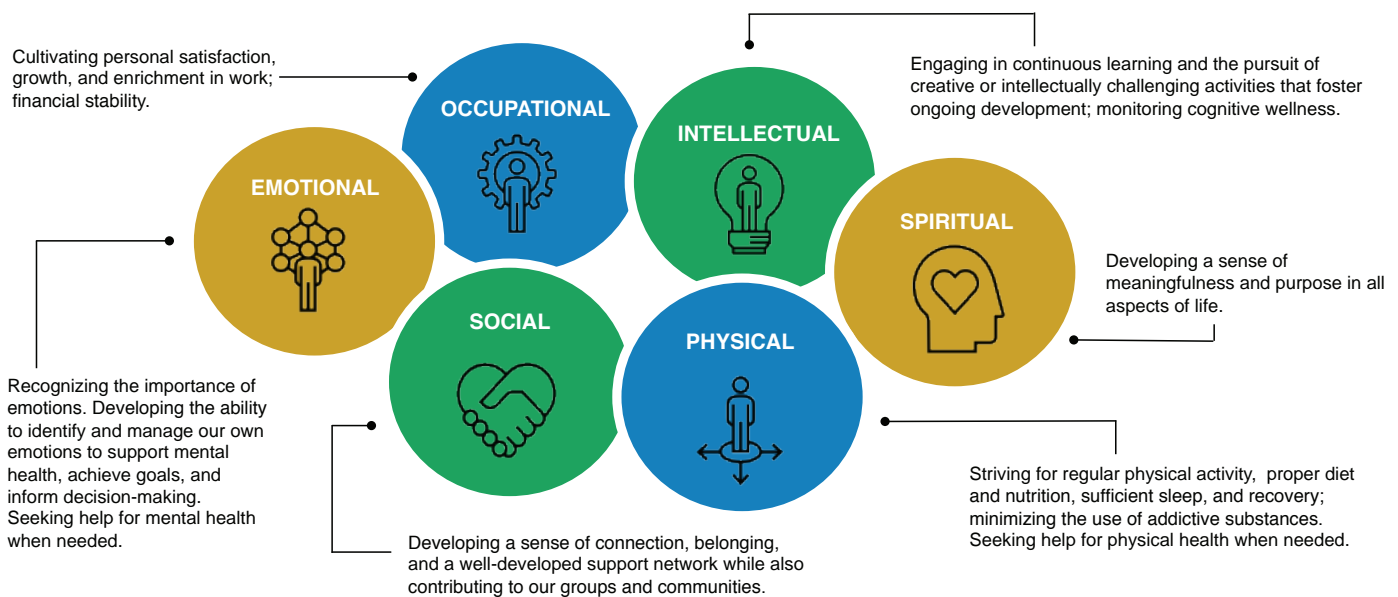
We define lawyer well-being as a continuous process whereby lawyers seek to thrive in each of the following areas: emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or greater purpose in life, physical health, and social connections with others. Lawyer well-being is part of a lawyer’s

“Well-Being”: A Continuous process toward thriving across all life dimensions.

ethical duty of competence. It includes lawyers’ ability to make healthy, positive work/life choices to assure not only a quality of life within their families and communities, but also to help them make responsible decisions for their clients. It includes maintaining their own long term well-being. This definition highlights that complete health

Defining Lawyer Well-Being

A continuous process in which lawyers strive for thriving in each dimension of their lives:



¹²P. L. Rock, J. P. Roiser, W. J. Riedel, A. D. Blackwell, *A Cognitive Impairment in Depression: A Systematic Review and Meta-Analysis*, 44 PSYCHOL. MED. 2029 (2014); H. R. Snyder, *Major Depressive Disorder is Associated with Broad Impairments on Neuropsychological Measures of Executive Function: A Meta-Analysis and Review*, 139 PSYCHOL. BULL. 81 (2013).

¹³C. Smeraldi, S. M. Angelone, M. Movalli, M. Cavicchioli, G. Mazza, A. Notaristefano, & C. Maffei, *Testing Three Theories of Cognitive Dysfunction in Alcohol Abuse*, 21 J. PSYCHOPATHOLOGY 125 (2015).¹⁴The WHO’s definition of “health” can be found at: <http://www.who.int/about/mission/en>. The definition of “mental health” can be found at: http://www.who.int/features/factfiles/mental_health/en/.

is not defined solely by the absence of illness; it includes a positive state of wellness.

To arrive at this definition, the Task Force consulted other prominent well-being definitions and social science research, which emphasize that well-being is not limited to: (1) an absence of illness, (2) feeling happy all the time, or (3) intra-individual processes—context matters. For example, the World Health Organization (WHO) defines “health” as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.” It defines “mental health” as “a state of well-being in which every individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community.”¹⁴

Social science research also emphasizes that “well-being” is not defined solely by an absence of dysfunction; but nor is it limited to feeling “happy” or filled with positive emotions. The concept of well-being in social science research is multi-dimensional and includes, for example, engagement in interesting activities, having close relationships and a sense of belonging, developing confidence through mastery, achieving goals that matter to us, meaning and purpose, a sense of autonomy and control, self-acceptance, and personal growth. This multi-dimensional approach underscores that a positive state of well-being is not synonymous with feeling happy or experiencing positive emotions. It is much broader.

Another common theme in social science research is that well-being is not just an intra-personal process: context powerfully influences it.¹⁵ Consistent with this view, a study of world-wide survey data found that five factors constitute the key elements of well-being: career, social relationships, community, health, and finances.¹⁶

The Task Force chose the term “well-being” based on the view that the terms “health” or “wellness” connote only physical health or the absence of illness. Our definition of “lawyer well-being” embraces the multi-dimensional

concept of mental health and the importance of context to complete health.

OUR CALL TO ACTION

The benefits of increased lawyer well-being are compelling and the cost of lawyer impairment are too great to ignore. There has never been a better or more important time for all sectors of the profession to get serious about the substance use and mental health of ourselves and those around us. The publication of this report, in and of itself, serves the vital role of bringing conversations about these conditions out in the open. In the following pages, we present recommendations for many stakeholders in the legal profession including the judiciary, regulators, legal employers, law schools, bar associations, lawyers’ professional liability carriers, and lawyer assistance programs. The recommendations revolve around five core steps intended to build a more sustainable culture:

- (1) Identifying stakeholders and the role that each of us can play in reducing the level of toxicity in our profession.
- (2) Ending the stigma surrounding help-seeking behaviors. This report contains numerous recommendations to combat the stigma that seeking help will lead to negative professional consequences.
- (3) Emphasizing that well-being is an indispensable part of a lawyer’s duty of competence. Among the report’s recommendations are steps stakeholders can take to highlight the tie-in between competence and well-being. These include giving this connection formal recognition through modifying the Rules of Professional Conduct or their comments to reference well-being.
- (4) Expanding educational outreach and programming on well-being issues. We need to educate lawyers, judges, and law students on well-being issues. This includes instruction in recognizing mental health and

¹⁴The WHO’s definition of “health” can be found at: <http://www.who.int/about/mission/en>. The definition of “mental health” can be found at: http://www.who.int/features/factfiles/mental_health/en/

¹⁵E.g., I. Prilleltensky, S. Dietz, O. Prilleltensky, N. D. Myers, C. L. Rubenstein, Y. Jin, & A. McMahon, *Assessing Multidimensional Well-Being: Development and Validation of the I COPPE Scale*, 43 J. CMTY. PSYCHOL. 199 (2015).

¹⁶T. RATH & J. HARTER, WELL-BEING: THE FIVE ESSENTIAL ELEMENTS (2010).

substance use disorders as well as navigating the practice of law in a healthy manner. To implement this recommendation effectively, more resources need to be devoted to promoting well-being.

- (5) Changing the tone of the profession one small step at a time. This report contains a number of small-scale recommendations, such as allowing lawyers to earn continuing legal education (CLE) credit for well-being workshops or de-emphasizing alcohol at bar association social events. These small steps can start the process necessary to place health, resilience, self-care, and helping others at the forefront of what it means to be a lawyer. Collectively, small steps can lead to transformative cultural change in a profession that has always been, and will remain, demanding.

Historically, law firms, law schools, bar associations, courts, and malpractice insurers have taken a largely hands-off approach to these issues. They have dealt with them only when forced to because of impairment that can no longer be ignored. The dedication and hard work of lawyer assistance programs aside, we have not done enough to help, encourage, or require lawyers to be, get, or stay well. However, the goal of achieving increased lawyer well-being is within our collective reach. The time to redouble our efforts is now.

RECOMMENDATIONS

Below, the Task Force provides detailed recommendations for minimizing lawyer dysfunction, boosting well-being, and reinforcing the importance of well-being to competence and excellence in practicing law. This section has two main parts. Part I provides general recommendations for all stakeholders in the legal community. Part II provides recommendations tailored to a specific stakeholder: (1) judges, (2) regulators, (3) legal employers, (4) law schools, (5) bar associations, (6) lawyers' professional liability carriers, and (7) lawyer assistance programs.



“None of us got where we are solely by pulling ourselves up by our bootstraps. We got there because somebody bent down and helped us pick up our boots.” — Thurgood Marshall

First, we recommend strategies for all stakeholders in the legal profession to play a part in the transformational process aimed at developing a thriving legal profession.

1. ACKNOWLEDGE THE PROBLEMS AND TAKE RESPONSIBILITY.

Every sector of the legal profession must support lawyer well-being. Each of us can take a leadership role within our own spheres to change the profession’s mindset from passive denial of problems to proactive support for change. We have the capacity to make a difference.

For too long, the legal profession has turned a blind eye to widespread health problems.

For too long, the legal profession has turned a blind eye to widespread health problems. Many in the legal profession have behaved, at best, as if their colleagues’ well-being is none of their business. At worst, some appear to believe that supporting well-being will harm professional success. Many also appear to believe that lawyers’ health problems are solely attributable to their own personal failings for which they are solely responsible.

As to the long-standing psychological distress and substance use problems, many appear to believe that the establishment of lawyer assistance programs—a

necessary but not sufficient step toward a solution—has satisfied any responsibility that the profession might have. Lawyer assistance programs have made incredible strides; however, to meaningfully reduce lawyer distress, enhance well-being, and change legal culture, all corners of the legal profession need to prioritize lawyer health and well-being. It is not solely a job for lawyer assistance programs. Each of us shares responsibility for making it happen.

2. USE THIS REPORT AS A LAUNCH PAD FOR A PROFESSION-WIDE ACTION PLAN.

All stakeholders must lead their own efforts aimed at incorporating well-being as an essential component of practicing law, using this report as a launch pad. Changing the culture will not be easy. Critical to this complex endeavor will be the development of a National Action Plan and state-level action plans that continue the effort started in this report. An organized coalition will be necessary to plan, fund, instigate, motivate, and sustain long-term change. The coalition should include, for example, the Conference of Chief Justices, the National Organization of Bar Counsel, the Association of Professional Responsibility Lawyers, the ABA, state bar associations as a whole and specific divisions (young lawyers, lawyer well-being, senior lawyers, etc.), the Commission on Lawyer Assistance Programs, state lawyer assistance programs, other stakeholders that have contributed to this report, and many others.

3. LEADERS SHOULD DEMONSTRATE A PERSONAL COMMITMENT TO WELL-BEING.

Policy statements alone do not shift culture. Broad-scale change requires buy-in and role modeling from top

¹⁷E. SCHEIN, ORGANIZATIONAL CULTURE AND LEADERSHIP (2010); R. R. Sims & J. Brinkmann, *Leaders As Moral Role Models*, 35 J. BUS. ETHICS 327 (2002).

leadership.¹⁷ Leaders in the courts, regulators' offices, legal employers, law schools, and bar associations will be closely watched for signals about what is expected. Leaders can create and support change through their own demonstrated commitment to core values and well-being in their own lives and by supporting others in doing the same.¹⁸

4. FACILITATE, DESTIGMATIZE, AND ENCOURAGE HELP-SEEKING BEHAVIORS.

All stakeholders must take steps to minimize the stigma of mental health and substance use disorders because the stigma prevents lawyers from seeking help.

Research has identified multiple factors that can hinder seeking help for mental health conditions: (1) failure to recognize symptoms; (2) not knowing how to identify or access appropriate treatment or believing it to be a hassle to do so; (3) a culture's negative attitude about such conditions; (4) fear of adverse reactions by others whose opinions are important; (5) feeling ashamed; (6) viewing help-seeking as a sign of weakness, having a strong preference for self-reliance, and/or having a tendency toward perfectionism; (7) fear of career repercussions; (8) concerns about confidentiality; (9) uncertainty about the quality of organizationally-provided therapists or otherwise doubting that treatment will be effective; and (10) lack of time in busy schedules.¹⁹

The Study identified similar factors. The two most common barriers to seeking treatment for a substance use disorder that lawyers reported were not wanting others to find out they needed help and concerns regarding privacy or confidentiality. Top concerns of law students in the Survey of Law Student Well Being were fear of jeopardizing their academic standing or admission to the practice of law, social stigma, and privacy concerns.²¹

Research also suggests that professionals with hectic, stressful jobs (like many lawyers and law students) are more likely to perceive obstacles for accessing treatment, which can exacerbate depression. The result of these barriers is that, rather than seeking help early, many wait until their symptoms are so severe that they interfere with daily functioning. Similar dynamics likely apply for aging lawyers seeking assistance.

Removing these barriers requires education, skill-building, and stigma-reduction strategies. Research shows that the most effective way to reduce stigma is through direct contact with someone who has personally experienced a relevant disorder. Ideally, this person should be a practicing lawyer or law student (depending on the audience) in order to create a personal connection that lends credibility and combats stigma.²² Viewing video-taped narratives also is useful, but not as effective as in-person contacts.

The military's "Real Warrior" mental health campaign can serve as one model for the legal profession. It is designed to improve soldiers' education about mental health disorders, reduce stigma, and encourage help-seeking. Because many soldiers (like many lawyers) perceive seeking help as a weakness, the campaign also has sought to re-frame help-seeking as a sign of strength that is important to resilience. It also highlights cultural values that align with seeking psychological help.²³

5. BUILD RELATIONSHIPS WITH LAWYER WELL-BEING EXPERTS.

5.1. Partner With Lawyer Assistance Programs.

All stakeholders should partner with and ensure stable and sufficient funding for the ABA's Commission on Lawyer Assistance Programs (CoLAP) as well as

¹⁸L. M. Sama & V. Shoaf, *Ethical Leadership for the Professions: Fostering a Moral Community*, 78 J. BUS. ETHICS 39 (2008).

¹⁹T. W. Britt, T. M. Greene-Shorridge, S. Brink, Q. B. Nguyen, J. Rath, A. L. Cox, C. W. Hoge, C. A. Castro, *Perceived Stigma and Barriers to Care for Psychological Treatment: Implications for Reactions to Stressors in Different Contexts*, 27 J. SOC. & CLINICAL PSYCHOL. 317 (2008); S. Ey, K. R. Henning, & D. L. Shaw, *Attitudes and Factors Related to Seeking Mental Health Treatment among Medical and Dental Students*, 14 J. C. STUDENT PSYCHOTHERAPY 23 (2000); S. E. Hanisch, C. D. Twomey, A. H. Szeto, U. W. Birner, D. Nowak, & C. Sabariego, *The Effectiveness of Interventions Targeting the Stigma of Mental Illness at the Workplace: A Systematic Review*, 16 BMC PSYCHIATRY 1 (2016); K. S. Jennings, J. H. Cheung, T. W. Britt, K. N. Goguen, S. M. Jeffers, A. L. Peasley, & A. C. Lee, *How Are Perceived Stigma, Self-Stigma, and Self-Reliance Related to Treatment-Seeking? A Three-Path Model*, 38 PSYCHIATRIC REHABILITATION J. 109 (2015); N. G. Wade, D. L. Vogel, P. Armistead-Jehle, S. S. Meit, P. J. Heath, H. A. Strass, *Modeling Stigma, Help-Seeking Attitudes, and Intentions to Seek Behavioral Healthcare in a Clinical Military Sample*, 38 PSYCHIATRIC REHABILITATION J. 135 (2015).

²⁰Krill, Johnson, & Albert, *supra* note 1, at 50.

²¹Organ, Jaffe, & Bender, *supra* note 3, at 141.

²²P. W. Corrigan, S. B. Morris, P. J. Michaels, J. D. Rafacz, & N. Rüsche, *Challenging the Public Stigma of Mental Illness: a Meta-Analysis of Outcome Studies*, 63 PSYCHIATRIC SERV. 963 (2012).

²³Wade, Vogel, Armistead-Jehle, Meit, Heath, Strass, *supra* note 19. The Real Warrior website can be found at www.realwarriors.net.



for state-based lawyer assistance programs. ABA CoLAP and state-based lawyer assistance programs are indispensable partners in efforts to educate and empower the legal profession to identify, treat, and prevent conditions at the root of the current well-being crisis, and to create lawyer-specific programs and access to treatment.²⁴ Many lawyer assistance programs employ teams of experts that are well-qualified to help lawyers, judges, and law students who experience physical or mental health conditions. Lawyer assistance programs' services are confidential, and many include prevention, intervention, evaluation, counseling, referral to professional help, and on-going monitoring. Many cover a range of well-being-related topics including substance use and mental health disorders, as well as cognitive impairment, process addictions, burnout, and chronic stress. A number also provide services to lawyer discipline and admissions processes (e.g., monitoring and drug and alcohol screening).²⁵

Notably, the Study found that, of lawyers who had reported past treatment for alcohol use, those who had used a treatment program specifically tailored to legal professionals reported, on average, significantly lower scores on the current assessment of alcohol use.²⁶ This at least suggests that lawyer assistance programs, which are specifically tailored to identify and refer lawyers to treatment providers and resources, are a better fit than general treatment programs.

Judges, regulators, legal employers, law schools, and bar associations should ally themselves with lawyer assistance programs to provide the above services. These stakeholders should also promote the services of state lawyer assistance programs. They also should emphasize the confidential nature of those services to reduce barriers to seeking help. Lawyers are reluctant

to seek help for mental health and substance use disorders for fear that doing so might negatively affect their licenses and lead to stigma or judgment of peers.²⁷ All stakeholders can help combat these fears by clearly communicating about the confidentiality of lawyer assistance programs.

We also recommend coordinating regular meetings with lawyer assistance program directors to create solutions to the problems facing the profession. Lawyer assistance programs can help organizations establish confidential support groups, wellness days, trainings, summits, and/or fairs. Additionally, lawyer assistance programs can serve as a resource for speakers and trainers on lawyer well-being topics, contribute to publications, and provide guidance to those concerned about a lawyer's well-being.

5.2. Consult Lawyer Well-Being Committees and Other Types of Well-Being Experts.

We also recommend partnerships with lawyer well-being committees and other types of organizations and consultants that specialize in relevant topics. For example, the American Bar Association's Law Practice Division established an Attorney Well-Being Committee in 2015. A number of state bars also have well-being committees including Georgia, Indiana, Maryland, South Carolina, and Tennessee.²⁸ The Florida Bar Association's Young Lawyers Division has a Quality of Life Committee "for enhancing and promoting the quality of life for young lawyers."²⁹ Some city bar associations also have well-being initiatives, such as the Cincinnati Bar Association's Health and Well-Being Committee.³⁰ These committees can serve as a resource for education, identifying speakers and trainers, developing materials, and contributing to publications. Many high-quality consultants are also available on well-being subjects.

²⁴The ABA Commission on Lawyer Assistance Programs' (CoLAP) website provides numerous resources, including help lines and a directory of state-based law assistant programs. See http://www.americanbar.org/groups/lawyer_assistance.html.

²⁵COMM'N ON LAWYER ASSISTANCE PROGRAMS, AM. BAR ASS'N, 2014 COMPREHENSIVE SURVEY OF LAWYER ASSISTANCE PROGRAMS 34-37 (2014).

²⁶Krill, Johnson, & Albert, *supra* note 1, at 50.

²⁷*Id.* at 51.

²⁸The State Bar of Georgia, "Lawyers Living Well," <https://www.gabar.org/wellness/>; The Indiana State Bar Association Wellness Committee, <https://inbar.site-ym.com/members/group.aspx?id=134020>; Maryland State Bar Association Wellness Committee, <http://www.msba.org/Wellness/default.aspx>; South Carolina Bar Lawyer Wellness Committee, <http://discussions.sobar.org/public/wellness/index.html>; Tennessee Bar Association Attorney Well Being Committee, <http://www.tba.org/committee/attorney-well-being-committee>.

²⁹The Fla. Bar Ass'n, Young Lawyers Division, Committees, Quality of Life, <https://flayld.org/board-of-governors/committees/> (last visited June 8, 2017).

³⁰Cincinnati Bar Ass'n Health and Well-Being Committee, <http://www.cincybar.org/groups/health-and-well-being.php> (last visited June 28, 2017).



Care should be taken to ensure that they understand the particular types of stress that affect lawyers.

6. FOSTER COLLEGIALLY AND RESPECTFUL ENGAGEMENT THROUGHOUT THE PROFESSION.

We recommend that all stakeholders develop and enforce standards of collegiality and respectful engagement. Judges, regulators, practicing lawyers, law students, and professors continually interact with each other, clients, opposing parties, staff, and many others.³¹ Those interactions can either foment a toxic culture that contributes to poor health or can foster a respectful culture that supports well-being. Chronic incivility is corrosive. It depletes energy and motivation, increases burnout, and inflicts emotional and physiological damage. It diminishes productivity, performance, creativity, and helping behaviors.³²

Civility appears to be declining in the legal profession. For example, in a 1992 study, 42 percent of lawyers and 45 percent of judges believed that civility and professionalism among bar members were significant problems. In a 2007 survey of Illinois lawyers, 72 percent of respondents categorized incivility as a serious or moderately serious problem³³ in the profession. A recent study of over 6,000 lawyers found that lawyers did not generally have a positive view of lawyer or judge professionalism.³⁴ There is evidence showing that

women lawyers are more frequent targets of incivility and harassment.³⁶ Legal-industry commentators offer a host of hypotheses to explain the decline in civility.³⁷ Rather than continuing to puzzle over the causes, we acknowledge the complexity of the problem and invite further thinking on how to address it.

Incivility appears to be on the rise.

As a start, we recommend that bar associations and courts adopt rules of professionalism and civility, such as those that exist in many jurisdictions.³⁸ Likewise, law firms should adopt their own professionalism standards.³⁹ Since rules alone will not change culture, all stakeholders should devise strategies to promote wide-scale, voluntary observance of those standards. This should include an expectation that all leaders in the profession be a role model for these standards of professionalism.

Exemplary standards of professionalism are inclusive. Research reflects that organizational diversity and inclusion initiatives are associated with employee well-being, including, for example, general mental and physical health, perceived stress level, job satisfaction, organizational commitment, trust, work engagement,

³¹See C. B. Preston & H. Lawrence, *Incentivizing Lawyers to Play Nice: A National Survey on Civility Standards and Options for Enforcement*, 48 U. MICH. J.L. REFORM 701 (2015); AM. BAR ASS'N RESOL. 108 (August 2011), http://www.americanbar.org/content/dam/aba/administrative/dispute_resolution/civility.authcheckdam.pdf; AM. BAR ASS'N RESOL. 105B (August 2014), http://www.americanbar.org/news/reporter_resources/aba-2014-annual-meeting/2014-annual-meeting-house-of-delegates-resolutions/105b.html.

³²J. E. Dutton & E. D. Heaphy, *The Power of High-Quality Connections*, in *POSITIVE ORGANIZATIONAL SCHOLARSHIP: FOUNDATIONS OF A NEW DISCIPLINE* 263-278 (K. S. Cameron, J. E. Dutton, & R. E. Quinn eds., 2003); C. M. Pearson & C. L. Porath, *On the Nature, Consequences and Remedies of Workplace Incivility: No Time for "Nice"? Think Again*, 19 ACAD. OF MGMT. EXECUTIVE 7 (2005); B. M. Walsh, V. J. Magley, D. W. Reeves, K. A. Davies-Schriels, M. D. Marmet, & J. A. Gallus, *Assessing Workgroup Norms for Civility: The Development of the Civility Norms Questionnaire-Brief*, 27 J. BUS. PSYCHOL. 407 (2012).

³³S. S. DAICOFF, *LAWYER, KNOW THYSELF: A PSYCHOLOGICAL ANALYSIS OF PERSONALITY STRENGTHS AND WEAKNESSES* (2004).

³⁴D. E. Campbell, *Raise Your Right Hand and Swear to Be Civil: Defining Civility As An Obligation of Professional Responsibility*, 47 GONZ. L. REV. 99 (2012); see also IL. SUP. CT. COMM'N ON PROFESSIONALISM, *Survey on Professionalism, A Study of Illinois Lawyers 2007 & Survey on Professionalism, A Study of Illinois Lawyers 2014* (2007 & 2014); L. Brodoff & T. M. Jaasko-Fisher, *WSBA Civility Study*, NW LAWYER, Dec. 2016/Jan. 2017, at 22, available at http://nwlawyer.wsba.org/nwlawyer/dec_2016_jan_2017?pg=22#pg22.

³⁵Krieger & Sheldon, *supra* note 5.

³⁶L. M. Cortina, K. A. Lonsway, V. J. Magley, L. V. Freeman, L. L. Collinworth, M. Hunter, & L. F. Fitzgerald, *What's Gender Got to Do with It? Incivility in the Federal Courts*, 27 LAW & SOC. INQUIRY 235 (2002); see also L. M. Cortina, D. Kabat-Farr, E. A. Leskinen, M. Huerta, & V. J. Magley, *Selective Incivility as Modern Discrimination in Organizations: Evidence and Impact*, 30 J. MGMT. 1579 (2013).

³⁷E.g., Campbell, *supra* note 34; A. T. Kronman, *THE LOST LAWYER* (1993); J. Smith, *Lawyers Behaving Badly Get a Dressing Down from Civility Cops*, WALL ST. J., Jan. 27, 2013, at A1; Walsh, Magley, Reeves, Davies-Schriels, Marmet, & Gallus, *supra* note 32.

³⁸Examples of professionalism codes can be found on the ABA Center for Professional Responsibility's website: https://www.americanbar.org/groups/professional_responsibility/committees_commissions/standingcommitteeonprofessionalism2/professionalism_codes.html; see also AM. BAR ASS'N RESOL. 108 (2011), available at http://www.americanbar.org/content/dam/aba/directories/policy/2011_am_108.authcheckdam.pdf.

³⁹See C. B. Preston & H. Lawrence, *Incentivizing Lawyers to Play Nice: A National Survey on Civility Standards and Options for Enforcement*, 48 U. MICH. J.L. REFORM 701 (2015).



perceptions of organizational fairness, and intentions to remain on the job.⁴⁰ A significant contributor to well-being is a sense of organizational belongingness, which has been defined as feeling personally accepted, respected, included, and supported by others. A weak sense of belonging is strongly associated with depressive symptoms.⁴¹ Unfortunately, however, a lack of diversity and inclusion is an entrenched problem in the legal profession.⁴² The issue is pronounced for women and minorities in larger law firms.⁴³

6.1. Promote Diversity and Inclusivity.

Given the above, we recommend that all stakeholders urgently prioritize diversity and inclusion. Regulators and bar associations can play an especially influential role in advocating for initiatives in the profession as a whole and educating on why those initiatives are important to individual and institutional well-being. Examples of relevant initiatives include: scholarships, bar exam grants for qualified applicants, law school orientation programs that highlight the importance of diversity and inclusion, CLE programs focused on diversity in the legal profession, business development symposia for women- and minority-owned law firms, pipeline programming for low-income high school and college students, diversity clerkship programs for law students, studies and reports on the state of diversity within the state's bench and bar, and diversity initiatives in law firms.⁴⁴

6.2. Create Meaningful Mentoring and Sponsorship Programs.

Another relevant initiative that fosters inclusiveness and respectful engagement is mentoring. Research has shown that mentorship and sponsorship can aid well-being and career progression for women and diverse professionals. They also reduce lawyer isolation.⁴⁶ Those who have participated in legal mentoring report a stronger sense of personal connection with others in the legal community, restored enthusiasm for the legal profession, and more resilience—all of which benefit both mentors and mentees.⁴⁷ At least 35 states and the District of Columbia sponsor formal mentoring programs.⁴⁸

7. ENHANCE LAWYERS' SENSE OF CONTROL.

Practices that rob lawyers of a sense of autonomy and control over their schedules and lives are especially harmful to their well-being. Research studies show that high job demands paired with a lack of a sense of control breeds depression and other psychological disorders.⁴⁹ Research suggests that men in jobs with such characteristics have an elevated risk of alcohol abuse.⁵⁰ A recent review of strategies designed to prevent workplace depression found that those designed to improve the perception of control were among the

⁴⁰E.g., M. M. Barak & A. Levin, *Outside of the Corporate Mainstream and Excluded from the Work Community: A Study of Diversity, Job Satisfaction and Well-Being*, 5 COMM., WORK & FAM. 133 (2002); J. Hwang & K. M. Hopkins, *A Structural Equation Model of the Effects of Diversity Characteristics and Inclusion on Organizational Outcomes in the Child Welfare Workforce*, 50 CHILD. & YOUTH SERVS. REV. 44 (2015); see generally G. R. Ferris, S. R. Daniels, & J. C. Sexton, *Race, Stress, and Well-Being in Organizations: An Integrative Conceptualization*, in THE ROLE OF DEMOGRAPHICS IN OCCUPATIONAL STRESS AND WELL-BEING 1-39 (P. L. Perrewé eds., 2014).

⁴¹W. D. Cockshaw & I. M. Shochet, *The Link Between Belongingness and Depressive Symptoms: An Exploration in the Workplace Interpersonal Context*, 45 AUSTRAL. PSYCHOL. 283 (2010); W. D. Cockshaw, I. M. Shochet & P. L. Obst, *Depression and Belongingness in General and Workplace Contexts: A Cross-Lagged Longitudinal Investigation*, 33 J. SOC. & CLINICAL PSYCHOL. 448 (2014).

⁴²D. L. Rhode, *Law Is The Least Diverse Profession in The Nation. And Lawyers Aren't Doing Enough to Change That*, WASH. POST, *Post Everything*, May 27, 2015, available at https://www.washingtonpost.com/posteverything/wp/2015/05/27/law-is-the-least-diverse-profession-in-the-nation-and-lawyers-arent-doing-enough-to-change-that/?utm_term=.a79ad124eb5c1; see also Aviva Culyer, *Diversity in the Practice of Law: How Far Have We Come?*, G.P. SOLO, Sept./Oct. 2012, available at http://www.americanbar.org/publications/gp_solo/2012/september_october/diversity_practice_law_how_far_have_we_come.html.

⁴³L. S. RIKLEEN, NAT'L ASSOC. WOMEN LAWYERS, REPORT OF THE NINTH ANNUAL NAWL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS (2015), available at <http://www.nawl.org/2015nawlsurvey>; S. A. SCHARFL, R. LIEBENBERG, & C. AMALFE, NAT'L ASSOC. WOMEN LAWYERS, REPORT OF THE EIGHTH ANNUAL NAWL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS (2014), available at <http://www.nawl.org/p/bl/et/blogid=10&blogaid=56>; see also FLA. BAR ASS'N YOUNG LAW. DIVISION COMM'N ON WOMEN, <https://flayld.org/commission-on-women/>.

⁴⁴See C. U. Stacy, *Trends and Innovations Boosting Diversity in the Law and Beyond*, L. PRAC. TODAY, March 14, 2016, available at <http://www.lawpracticetoday.org/article/trends-and-innovations-boosting-diversity-in-the-law-and-beyond>; IL. SUP. CT. COMM'N ON PROFESSIONALISM, DIVERSITY & INCLUSION TOOLKIT, <https://www.2civility.org/programs/cle/cle-resources/diversity-inclusion>.

⁴⁵Ferris, Daniels, & Sexton, *supra* note 40; A. Ramaswami, G. F. Dreher, R. Bretz, & C. Wiethoff, *The Interactive Effects of Gender and Mentoring on Career Attainment: Making the Case for Female Lawyers*, 37 J. CAREER DEV. 692 (2010).

⁴⁶R. NERISON, LAWYERS, ANGER, AND ANXIETY: DEALING WITH THE STRESSES OF THE LEGAL PROFESSION (2010).

⁴⁷D. A. Cotter, *The Positives of Mentoring*, YOUNG LAW. DIV., AM. BAR ASS'N (2017), available at http://www.americanbar.org/publications/tyl/topics/mentoring/the_positives_mentoring.html; M. M. Heekin, *Implementing Psychological Resilience Training in Law Incubators*, 1 J. EXPERIENTIAL LEARNING 286 (2016).

⁴⁸Of the 35 programs, seven are mandatory (GA, NV, NM, OR, SC, UT, and WY) and some are approved for CLE credits. See the American Bar Association for more information: http://www.americanbar.org/groups/professional_responsibility/resources/professionalism/mentoring.html.

⁴⁹J-M Woo & T. T. Postolache, *The Impact of Work Environment on Mood Disorders and Suicide: Evidence and Implications*, 7 INT'L J. DISABILITY & HUMAN DEV. 185 (2008); J. M. Griffin, R. Fuhrer, S. A. Stansfeld, & M. Marmot, *The Importance of Low Control at Work and Home on Depression and Anxiety: Do These Effects Vary by Gender and Social Class?*, 54 SOC. SCI. & MED. 783 (2002).

⁵⁰A. J. Crum, P. Salovey, & S. Achor, *Rethinking Stress: The Role of Mindsets in Determining the Stress Response*, 10 J. PERSONALITY & SOC. PSYCHOL. 716 (2013).



most effective.⁵¹ Research confirms that environments that facilitate control and autonomy contribute to optimal functioning and well-being.⁵²

We recommend that all stakeholders consider how long-standing structures of the legal system, organizational norms, and embedded expectations might be modified to enhance lawyers' sense of control and support a healthier lifestyle. Courts, clients, colleagues, and opposing lawyers all contribute to this problem. Examples of the types of practices that should be reviewed include the following:

- Practices concerning deadlines such as tight deadlines for completing a large volume of work, limited bases for seeking extensions of time, and ease and promptness of procedures for requesting extensions of time;
- Refusal to permit trial lawyers to extend trial dates to accommodate vacation plans or scheduling trials shortly after the end of a vacation so that lawyers must work during that time;
- Tight deadlines set by clients that are not based on business needs;
- Senior lawyer decision-making in matters about key milestones and deadlines without consulting other members of the litigation team, including junior lawyers;
- Senior lawyers' poor time-management habits that result in repeated emergencies and weekend work for junior lawyers and staff;
- Expectations of 24/7 work schedules and of prompt response to electronic messages at all times; and
- Excessive law school workload, controlling teaching styles, and mandatory grading curves.

8. PROVIDE HIGH-QUALITY EDUCATIONAL PROGRAMS ABOUT LAWYER DISTRESS AND WELL-BEING.

All stakeholders should ensure that legal professionals receive training in identifying, addressing, and supporting fellow professionals with mental health and substance use disorders. At a minimum, training should cover the following:

- The warning signs of substance use or mental health disorders, including suicidal thinking;
- How, why, and where to seek help at the first signs of difficulty;
- The relationship between substance use, depression, anxiety, and suicide;
- Freedom from substance use and mental health disorders as an indispensable predicate to fitness to practice;
- How to approach a colleague who may be in trouble;
- How to thrive in practice and manage stress without reliance on alcohol and drugs; and
- A self-assessment or other check of participants' mental health or substance use risk.

As noted above, to help reduce stigma, such programs should consider enlisting the help of recovering lawyers who are successful members of the legal community. Some evidence reflects that social norms predict problem drinking even more so than stress.⁵³ Therefore, a team-based training program may be most effective because it focuses on the level at which the social norms are enforced.⁵⁴

Given the influence of drinking norms throughout the profession, however, isolated training programs are not sufficient. A more comprehensive, systemic campaign is likely to be the most effective—though certainly the most challenging.⁵⁵ All stakeholders will be critical players in such an aspirational goal. Long-term strategies should consider scholars' recommendations to incorporate mental health and substance use disorder training into broader health-promotion programs to help skirt the stigma that may otherwise deter attendance.

⁵¹S. Joyce, M. Modini, H. Christensen, A. Mykletun, R. Bryant, P. B. Mitchell, & S. B. Harvey, *Workplace Interventions for Common Mental Disorders: A Systematic Meta-Review*, 46 PSYCHOL. MED. 683, 693 (2016).

⁵²Y-L Su & J. Reeve, *A Meta-Analysis of the Effectiveness of Intervention Programs Designed to Support Autonomy*, 23 EDUC. PSYCHOL. REV. 159 (2011).

⁵³D. C. Hodgins, R. Williams, & G. Munro, *Workplace Responsibility, Stress, Alcohol Availability and Norms as Predictors of Alcohol Consumption-Related Problems Among Employed Workers*, 44 SUBSTANCE USE & MISUSE 2062 (2009).

⁵⁴C. Kolar & K. von Treuer, *Alcohol Misuse Interventions in the Workplace: A Systematic Review of Workplace and Sports Management Alcohol Interventions*, 13 INT'L J. MENTAL HEALTH ADDICTION 563 (2015); e.g., J. B. Bennett, W. E. K. Lehman, G. S. Reynolds, *Team Awareness for Workplace Substance Abuse Prevention: The Empirical and Conceptual Development of a Training Program*, 1 PREVENTION SCI. 157 (2000).

⁵⁵Kolar & von Treuer, *supra* note 54.



Research also suggests that, where social drinking has become a ritual for relieving stress and for social bonding, individuals may resist efforts to deprive them of a valued activity that they enjoy. To alleviate resistance based on such concerns, prevention programs should consider making “it clear that they are not a temperance movement, only a force for moderation,” and that they are not designed to eliminate bonding but to ensure that drinking does not reach damaging dimensions.⁵⁶

Additionally, genuine efforts to enhance lawyer well-being must extend beyond disorder detection and treatment. Efforts aimed at remodeling institutional and organizational features that breed stress are

Well-being efforts must extend beyond detection and treatment and address root causes of poor health.

crucial, as are those designed to cultivate lawyers’ personal resources to boost resilience. All stakeholders should participate in the development and delivery of educational materials and programming that go beyond detection to include causes and consequences of distress. These programs should be eligible for CLE credit, as discussed in Recommendation 20.3. **Appendix B** to this report offers examples of well-being-related educational content, along with empirical evidence to support each example.

9. GUIDE AND SUPPORT THE TRANSITION OF OLDER LAWYERS.

Like the general population, the lawyer community is aging and lawyers are practicing longer.⁵⁷ In the Baby Boomer generation, the oldest turned 62 in 2008, and the youngest will turn 62 in 2026.⁵⁸ In law firms, one estimate indicates that nearly 65 percent of equity partners will retire over the next decade.⁵⁹ Senior lawyers can bring much to the table, including their wealth of experience, valuable public service, and mentoring of new lawyers. At the same time, however, aging lawyers have an increasing risk for declining physical and mental capacity. Yet few lawyers and legal organizations have sufficiently prepared to manage transitions away from the practice of law before a crisis occurs. The result is a rise in regulatory and other issues relating to the impairment of senior lawyers. We make the following recommendations to address these issues:



Planning Transition of Older Lawyers

1. Provide education to detect cognitive decline.
2. Develop succession plans.
3. Create transition programs to respectfully aid retiring professionals plan for their next chapter.

⁵⁶R. F. Cook, A. S. Back, J. Trudeau, & T. McPherson, *Integrating Substance Abuse Prevention into Health Promotion Programs in the Workplace: A Social Cognitive Intervention Targeting the Mainstream User*, in PREVENTING WORKPLACE SUBSTANCE ABUSE: BEYOND DRUG TESTING TO WELLNESS 97 (W. K. Lehman, J. B. Bennett eds., 2003).

⁵⁷A recent American Bar Association report reflected that, in 2005, 34 percent of practicing lawyers were age fifty-five or over, compared to 25 percent in 1980. See LAWYER DEMOGRAPHICS, A.B.A. SEC. OF LEGAL EDUC. & ADMISSIONS TO THE BAR (2016), available at http://www.americanbar.org/content/dam/aba/administrative/market_research/lawyer-demographics-tables-2016.authcheckdam.pdf.

⁵⁸E. A. McNickle, A Grounded Theory Study of Intrinsic Work Motivation Factors Influencing Public Utility Employees Aged 55 and Older as Related to Retirement Decisions (2009) (doctoral dissertation, Capella University) (available from ProQuest Dissertations and Theses Database).

⁵⁹M. P. Shannon, *A Short Course in Succession Planning*, 37 L. PRAC. MAG. (2011), available at http://www.americanbar.org/publications/law_practice_magazine/2011/may_june/a_short_course_in_succession_planning.html.



First, all stakeholders should create or support programming for detecting and addressing cognitive decline in oneself and colleagues.

Second, judges, legal employers, bar associations, and regulators should develop succession plans, or provide education on how to do so, to guide the transition of aging legal professionals. Programs should include help for aging members who show signs of diminished cognitive skills, to maintain their dignity while also assuring they are competent to practice.⁶⁰ A model program in this regard is the North Carolina Bar Association's Senior Lawyers Division.⁶¹

Third, we recommend that legal employers, law firms, courts, and law schools develop programs to aid the transition of retiring legal professionals. Retirement can enhance or harm well-being depending on the individual's adjustment process.⁶² Many lawyers who are approaching retirement age have devoted most of their adult lives to the legal profession, and their identities often are wrapped up in their work. Lawyers whose self-esteem is contingent on their workplace success are likely to delay transitioning and have a hard time adjusting to retirement.⁶³ Forced retirement that deprives individuals of a sense of control over the exit timing or process is particularly harmful to well-being and long-term adjustment to retirement.⁶⁴

To assist stakeholders in creating the programming to guide and support transitioning lawyers, the Task Force sets out a number of suggestions in **Appendix C**.

10. DE-EMPHASIZE ALCOHOL AT SOCIAL EVENTS.

Workplace cultures or social climates that support alcohol consumption are among the most consistent predictors of employee drinking. When employees drink

together to unwind from stress and for social bonding, social norms can reinforce tendencies toward problem drinking and stigmatize seeking help. On the other hand, social norms can also lead colleagues to encourage those who abuse alcohol to seek help.⁶⁵

In the legal profession, social events often center around alcohol consumption (e.g., "Happy Hours," "Bar Reviews," networking receptions, etc.). The expectation of drinking is embedded in the culture, which may contribute to over-consumption. Legal employers, law schools, bar associations, and other stakeholders that plan social events should provide a variety of alternative non-alcoholic beverages and consider other types of activities to promote socializing and networking. They should strive to develop social norms in which lawyers discourage heavy drinking and encourage others to seek help for problem use.

11. UTILIZE MONITORING TO SUPPORT RECOVERY FROM SUBSTANCE USE DISORDERS.

Extensive research has demonstrated that random drug and alcohol testing (or "monitoring") is an effective way of supporting recovery from substance use disorders and increasing abstinence rates. The medical profession has long relied on monitoring as a key component of its treatment paradigm for physicians, resulting in long-term recovery rates for that population that are between 70-96 percent, which is the highest in all of the treatment outcome literature.⁶⁶ One study found that 96 percent of medical professionals who were subject to random drug tests remained drug-free, compared to only 64 percent of those who were not subject to mandatory testing.⁶⁷ Further, a national survey of physician health programs found that among medical professionals who completed their prescribed treatment requirements (including monitoring), 95 percent were licensed and actively

⁶⁰See generally W. SLEASE ET AL., NOBC-APRL-COLAP SECOND JOINT COMMITTEE ON AGING LAWYERS, FINAL REPORT (2014), available at http://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_nobc_aprl_colap_second_joint_committee_aging_lawyers.authcheckdam.pdf.

⁶¹Senior Lawyers Division, N. C. Bar Ass'n, <https://www.ncbar.org/members/divisions/senior-lawyers/>.

⁶²N. Houffort, C. Fernet, R. J. Vallerand, A. Laframboise, F. Guay, & R. Koestner, *The Role of Passion for Work and Need for Satisfaction in Psychological Adjustment to Retirement*, 88 J. VOCATIONAL BEHAVIORS 84 (2015).

⁶³*Id.*

⁶⁴E. Dingemans & K. Henkens, *How Do Retirement Dynamics Influence Mental Well-Being in Later Life? A 10-Year Panel Study*, 41 SCANDINAVIAN J. WORK, ENV'T & HEALTH 16 (2015); A. M. Muratore & J. K. Earl, *Improving Retirement Outcomes: The Role of Resources, Pre-Retirement Planning and Transition Characteristics*, 35 AGEING & SOC. 2100 (2015).

⁶⁵J. B. Bennett, C. R. Patterson, G. S. Reynolds, W. L. Wiitala, & W. K. Lehman, *Team Awareness, Problem Drinking, and Drinking Climate: Workplace Social Health Promotion in a Policy Context*, 19 AM. J. HEALTH PROMOTION 103 (2004).

⁶⁶R. L. DuPont, A. T. McLellan, W. L. White, L. Merlo & M. S. Gold, *Setting the Standard for Recovery: Physicians Health Programs Evaluation Review*, 36 J. SUBSTANCE ABUSE TREATMENT 159 (2009).

⁶⁷J. Shore, *The Oregon Experience with Impaired Physicians on Probation: An Eight Year Follow-Up*, 257 J. AM. MED. ASS'N 2931 (1987).



working in the health care field at a five year follow-up after completing their primary treatment program.⁶⁸ In addition, one study has found that physicians undergoing monitoring through physician health programs experienced lower rates of malpractice claims.⁶⁹

Such outcomes are not only exceptional and encouraging, they offer clear guidance for how the legal profession could better address its high rates of substance use disorders and increase the likelihood of positive outcomes. Although the benefits of monitoring have been recognized by various bar associations, lawyer assistance programs, and employers throughout the legal profession, a uniform or “best practices” approach to the treatment and recovery management of lawyers has been lacking. Through advances in monitoring technologies, random drug and alcohol testing can now be administered with greater accuracy and reliability—as well as less cost and inconvenience—than ever before. Law schools, legal employers, regulators, and lawyer assistance programs would all benefit from greater utilization of monitoring to support individuals recovering from substance use disorders.

12. BEGIN A DIALOGUE ABOUT SUICIDE PREVENTION.

It is well-documented that lawyers have high rates of suicide.⁷⁰ The reasons for this are complicated and varied, but some include the reluctance of attorneys to ask for help when they need it, high levels of depression amongst legal professionals, and the stressful nature of the job.⁷¹ If we are to change these statistics, stakeholders need to provide education and take action. Suicide, like mental health or substance use disorders, is a highly stigmatized topic. While it is an issue that touches many of us, most people are uncomfortable discussing suicide. Therefore, stakeholders must make a concerted effort towards suicide prevention to demonstrate to the legal community that we are not

afraid of addressing this issue. We need leaders to encourage dialogue about suicide prevention.

One model for this is through a “Call to Action,” where members of the legal community and stakeholders from lawyer assistance programs, the judiciary, law firms, law schools, and bar associations are invited to attend a presentation and community discussion about the issue.



Call to Action

- ✓ Organize “Call to Action” events to raise awareness.
- ✓ Share stories of those affected by suicide.
- ✓ Provide education about signs of depression and suicidal thinking.
- ✓ Learn non-verbal signs of distress.
- ✓ Collect and publicize available resources.

When people who have been affected by the suicide of a friend or colleague share their stories, other members of the legal community begin to better understand the impact and need for prevention.⁷² In addition, stakeholders can schedule educational presentations that incorporate information on the signs and symptoms of suicidal thinking along with other mental health/

⁶⁸R. L. DuPont, A. T. McLellan, G. Carr, M. Gendel, & G. E. Skipper, *How Are Addicted Physicians Treated? A National Survey of Physician Health Programs*, 37 J. SUBSTANCE ABUSE TREATMENT 1 (2009).

⁶⁹E. Brooks, M. H. Gendel, D. C. Gundersen, S. R. Early, R. Schirmacher, A. Lembitz, & J. H. Shore, *Physician Health Programs and Malpractice Claims: Reducing Risk Through Monitoring*, 63 OCCUPATIONAL MED. 274 (2013).

⁷⁰R. Flores & R. M. Arce, *Why Are Lawyers Killing Themselves?*, CNN, Jan. 20, 2014, <http://www.cnn.com/2014/01/19/us/lawyer-suicides/>. If you or someone you know is experiencing suicidal thinking, please seek help immediately. The National Suicide Prevention Lifeline can be reached at 1-800-273-8255, <https://suicidepreventionlifeline.org>.

⁷¹*Id.*

⁷²The Colorado Lawyer Assistance Program sponsored one such Call to Action on January 21, 2016, in an effort to generate more exposure to this issue so the legal community better understands the need for dialogue and prevention.



substance use disorders. These can occur during CLE presentations, staff meetings, training seminars, at law school orientations, bar association functions, etc. Stakeholders can contact their state lawyer assistance programs, employee assistance program agencies, or health centers at law schools to find speakers, or referrals for counselors or therapists so that resources are available for family members of lawyers, judges, and law students who have taken their own life.

It's important for all stakeholders to understand that, while lawyers might not tell us that they are suffering, they will show us through various changes in behavior and communication styles. This is so because the majority of what we express is non-verbal.⁷³ Becoming better educated about signs of distress will enable us to take action by, for example, making health-related inquiries or directing them to potentially life-saving resources.

13. SUPPORT A LAWYER WELL-BEING INDEX TO MEASURE THE PROFESSION'S PROGRESS.

We recommend that the ABA coordinate with state bar associations to create a well-being index for the legal profession that will include metrics related to lawyers, staff, clients, the legal profession as a whole, and the broader community. The goal would be to optimize the well-being of all of the legal profession's stakeholders.⁷⁴ Creating such an index would correspond with a growing worldwide consensus that success should not be measured solely in economic terms. Measures of well-

being also have an important role to play in defining success and informing policy.⁷⁵ The index would help track progress on the transformational effort proposed in this report. For law firms, it also may help counter-balance the "profits per partner metric" that has been published by *The American Lawyer* since the late 1980s, and which some argue has driven the profession away from its core values. As a foundation for building the well-being index, stakeholders could look to, for example, criteria used in *The American Lawyer's Best Places to Work* survey, or the Tristan Jepson Memorial Foundation's best practice guidelines for promoting psychological well-being in the legal profession.⁷⁶

⁷³ALBERT MEHRABIAN, SILENT MESSAGES: IMPLICIT COMMUNICATION OF EMOTIONS AND ATTITUDES (1972).

⁷⁴See R. E. FREEMAN, J. S. HARRISON, & A. WICKS, MANAGING FOR STAKEHOLDERS: SURVIVAL, REPUTATION, AND SUCCESS (2007); J. MACKEY & R. SISODIA, CONSCIOUS CAPITALISM: LIBERATING THE HEROIC SPIRIT OF BUSINESS (2014).

⁷⁵L. Fasolo, M. Galetto, & E. Turina, *A Pragmatic Approach to Evaluate Alternative Indicators to GDP*, 47 QUALITY & QUANTITY 633 (2013); WORLD HAPPINESS REPORT (J. Helliwell, R. Layard, & J. Sachs eds., 2013), available at http://unsdsn.org/wp-content/uploads/2014/02/WorldHappinessReport2013_online.pdf; G. O'Donnell, *Using Well-Being as a Guide to Public Policy*, in WORLD HAPPINESS REPORT.

⁷⁶The Tristan Jepson Memorial Foundation's Guidelines are available at http://tjmf.client.fatbeehive.com.au/wp/wp-content/uploads/TJMFmentalHealthGuidelines_A4_140427.pdf.





“A tree with strong roots laughs at storms.” — Malay Proverb

Judges occupy an esteemed position in the legal profession and society at large. For most, serving on the bench is the capstone of their legal career. The position, however, can take a toll on judges’ health and well-being. Judges regularly confront contentious, personal, and vitriolic proceedings. Judges presiding over domestic relations dockets make life-changing decisions for children and families daily.⁷⁷ Some report lying awake at night worrying about making the right decision or the consequences of that decision.⁷⁸ Other judges face the stress of presiding over criminal cases with horrific underlying facts.⁷⁹

Also stressful is the increasing rate of violence against judges inside and outside the courthouse.⁸⁰ Further, many judges contend with isolation in their professional lives and sometimes in their personal lives.⁸¹ When a judge is appointed to the bench, former colleagues who were once a source of professional and personal support can become more guarded and distant.⁸² Often, judges do not have feedback on their performance. A number take the bench with little preparation, compounding the sense of going it alone.⁸³ Judges also cannot “take off the robe” in every day interactions outside the courthouse because of their elevated status in society, which can contribute to social isolation.⁸⁴ Additional stressors include re-election in certain jurisdictions.⁸⁵ Limited judicial resources coupled with time-intensive, congested dockets are a pronounced problem.⁸⁶ More recently, judges have reported a sense of diminishment

in their estimation among the public at large.⁸⁷ Even the most astute, conscientious, and collected judicial officer can struggle to keep these issues in perspective.

We further recognize that many judges have the same reticence in seeking help out of the same fear of embarrassment and occupational repercussions that lawyers have. The public nature of the bench often heightens the sense of peril in coming forward.⁸⁸ Many judges, like lawyers, have a strong sense of perfectionism and believe they must display this perfectionism at all times.⁸⁹ Judges’ staff can act as protectors or enablers of problematic behavior. These are all impediments to seeking help. In addition, lawyers, and even a judge’s colleagues, can be hesitant to report or refer a judge whose behavior is problematic for fear of retribution.

In light of these barriers and the stressors inherent in the unique role judges occupy in the legal system, we make the following recommendations to enhance well-being among members of the judiciary.

14. COMMUNICATE THAT WELL-BEING IS A PRIORITY.

The highest court in each state should set the tone for the importance of the well-being of judges. Judges are not immune from suffering from the same stressors as lawyers, and additional stressors are unique to work as a jurist.

⁷⁷A. Resnick, K. Myatt, & P. Marotta, *Surviving Bench Stress*, 49 FAM. CT. REV. 610, 610-11 (2011).

⁷⁸*Id.* at 611-12.

⁷⁹M. K. Miller, D. M. Flores, & A. N. Dolezilek, *Addressing the Problem of Courtroom Stress*, 91 JUDICATURE 60, 61, 64 (2007); J. Chamberlain & M. Miller, *Evidence of Secondary Traumatic Stress, Safety Concerns, and Burnout Among a Homogeneous Group of Judges in a Single Jurisdiction*, 37 J. AM. ACAD. PSYCHIATRY L. 214, 215 (2009).

⁸⁰Miller, Flores, & Dolezilek, *supra* note 79, at 60-61; see also T. FAUTSKO, S. BERSON, & S. SWENSEN, NAT’L CTR. FOR STATE CTS., STATUS OF COURT SECURITY IN STATE COURTS – A NATIONAL PERSPECTIVE (2013), available at http://ncsc.contentdm.oclc.org/cdm/ref/collection/facilities/id/184#img_view_container.

⁸¹I. Zimmerman, *Helping Judges in Distress*, 90 JUDICATURE 10, 13 (2006).

⁸²*Id.*

⁸³C. Bremer, *Reducing Judicial Stress Through Mentoring*, 87 JUDICATURE 244-45 (2004).

⁸⁴Resnick, Myatt, & Marotta, *supra* note 77, at 610.

⁸⁵*Id.* at 610-11; Zimmerman, *supra* note 81, at 11-12.

⁸⁶Resnick, Myatt, Marotta, *supra* note 77, at 610.

⁸⁷*Judges Are Feeling Less Respected*, NAT’L JUDICIAL C. (2017), available at <http://www.judges.org/judges-feeling-less-respected/>.

⁸⁸S. KRAUSS, N. STEK, W. DRESSEL, AM. BAR ASS’N COMM’N ON LAW. ASSISTANCE PROGRAMS, HELPING JUDGES, MODULE 1 – OVERVIEW OF A JUDICIAL ASSISTANCE PROGRAM (2010); Zimmerman, *supra* note 81, at 13.

⁸⁹R. L. Childers, *Got Stress? Using CoLAP and Its New Judicial Assistance Project*, JUDGES JOURNAL (2006); Chamberlain & Miller, *supra* note 79, at 220.

15. DEVELOP POLICIES FOR IMPAIRED JUDGES.

It is essential that the highest court and its commission on judicial conduct implement policies and procedures for intervening with impaired members of the judiciary. For example, the highest court should consider adoption of policies such as a Diversion Rule for Judges in appropriate cases. Administrative and chief judges also should implement policies and procedures for intervening with members of the judiciary who are impaired in compliance with Model Rule of Judicial Conduct 2.14. They should feel comfortable referring members to judicial or lawyer assistance programs. Educating judicial leaders about the confidential nature of these programs will go a long way in this regard. Judicial associations and educators also should promote CoLAP's judicial peer support network, as well as the National Helpline for Judges Helping Judges.⁹⁰

16. REDUCE THE STIGMA OF MENTAL HEALTH AND SUBSTANCE USE DISORDERS.

As reflected in Recommendation 4, the stigma surrounding mental health and substance use disorders poses an obstacle to treatment. Judges are undisputed leaders in the legal profession. We recommend they work to reduce this stigma by creating opportunities for open dialogue. Simply talking about these issues helps combat the unease and discomfort that causes the issues to remain unresolved. In a similar vein, we encourage judges to participate in the activities of lawyer assistance programs, such as volunteering as speakers and serving as board members. This is a powerful way to convey to lawyers, law students, and other judges the importance of lawyer assistance programs and to encourage them to access the programs' resources.

17. CONDUCT JUDICIAL WELL-BEING SURVEYS.

This report was triggered in part by the Study and the Survey of Law Student Well-Being. No comparable research has been conducted of the judiciary. We recommend that CoLAP and other concerned entities conduct a broad-based survey of the judiciary to

determine the state of well-being and the prevalence of issues directly related to judicial fitness such as burnout, compassion fatigue, mental health, substance use disorders and help-seeking behaviors.

18. PROVIDE WELL-BEING PROGRAMMING FOR JUDGES AND STAFF.

Judicial associations should invite lawyer assistance program directors and other well-being experts to judicial conferences who can provide programming on topics related to self-care as well as resources available to members of the judiciary experiencing mental health or



- ✓ **Design well-being education specifically for judges.**
- ✓ **Connect judges for support and mentoring.**
- ✓ **Publish well-being resources tailored to judges.**

substance use disorders. Topics could include burnout, secondary traumatic stress, compassion fatigue, strategies to maintain well-being, as well as identification of and intervention for mental health and substance use disorders.

Judicial educators also should make use of programming that allows judges to engage in mutual support and sharing of self-care strategies. One such example is roundtable discussions held as part of judicial conferences or establishing a facilitated mentoring

⁹⁰The ABA-sponsored National Helpline for Judges Helping Judges is 1-800-219-6474.



program or mentoring circle for judicial members. We have identified isolation as a significant challenge for many members of the judiciary. Roundtable discussions and mentoring programs combat the detrimental effects of this isolation.⁹¹

Judicial associations and educators also should develop publications and resources related to well-being, such as guidebooks. For example, a judicial association could create wellness guides such as “A Wellness Guide for Judges of the California State Courts.” This sends the signal that thought leaders in the judiciary value well-being.

19. MONITOR FOR IMPAIRED LAWYERS AND PARTNER WITH LAWYER ASSISTANCE PROGRAMS

Judges often are among the first to detect lawyers suffering from an impairment. Judges know when a lawyer is late to court regularly, fails to appear, or appears in court under the influence of alcohol or drugs. They witness incomprehensible pleadings or cascading requests for extensions of time. We believe judges have a keen pulse on when a lawyer needs help. With the appropriate training, judges’ actions can reduce client harm and save a law practice or a life. We make the following recommendations tailored to helping judges help the lawyers appearing before them.

Consistent with Recommendation 5.1, judges should become familiar with lawyer assistance programs in their state. They should learn how best to make referrals to the program. They should understand the confidentiality protections surrounding these referrals. Judges also should invite lawyer assistance programs to conduct educational programming for lawyers in their jurisdiction using their courtroom or other courthouse space.

Judges, for example, can devote a bench-bar luncheon at the courthouse to well-being and invite representatives of the lawyers assistance program to the luncheon.

Judicial educators should include a section in bench book-style publications dedicated to lawyer assistance programs and their resources, as well as discussing how to identify and handle lawyers who appear to have mental health or substance use disorders. Further, judges and their staff should learn the signs of mental health and substance use disorders, as well as strategies for intervention, to assist lawyers in their courtrooms who may be struggling with these issues. Judges can also advance the well-being of lawyers who appear before them by maintaining courtroom decorum and de-escalating the hostilities that litigation often breeds.

⁹⁰The ABA-sponsored National Helpline for Judges Helping Judges is 1-800-219-6474.

⁹¹For more information on judicial roundtables, see AM. BAR ASS’N COMM’N ON LAW. ASSISTANCE PROGRAMS, JUDICIAL ROUNDTABLES, available at https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/lis_colap_Judicial_Roundtable_Protocols.authcheckdam.pdf.





*“You can do what I cannot do. I can do what you cannot do.
Together we can do great things.” — Mother Teresa*

Regulators play a vital role in fostering individual lawyer well-being and a professional culture that makes it possible. We broadly define “regulators” to encompass all stakeholders who assist the highest court in each state in regulating the practice of law.⁹² This definition includes lawyers and staff in regulatory offices; volunteer lawyer and non-lawyer committee, board, and commission members; and professional liability lawyers who advise law firms and represent lawyers in the regulatory process.

Courts and their regulators frequently witness the conditions that generate toxic professional environments, the impairments that may result, and the negative professional consequences for those who do not seek help. Regulators are well-positioned to improve and adjust the regulatory process to address the conditions that produce these effects. As a result, we propose that the highest court in each state set an agenda for action and send a clear message to all participants in the legal system that lawyer well-being is a high priority.

Transform the profession’s perception of regulators from police to partner.

To carry out the agenda, regulators should develop their reputation as partners with practitioners. The legal profession often has a negative perception of regulators,

who typically appear only when something has gone awry. Regulators can transform this perception by building their identity as partners with the rest of the legal community rather than being viewed only as its “police.”

Most regulators are already familiar with the 1992 Report of the Commission on Evaluation of Disciplinary Enforcement—better known as the “McKay Commission Report.”⁹³ It recognized and encouraged precisely what we seek to do through this report: to make continual improvements to the lawyer regulation process to protect the public and assist lawyers in their professional roles. Accordingly, we offer the following recommendations to ensure that the regulatory process proactively fosters a healthy legal community and provides resources to rehabilitate impaired lawyers.

20. TAKE ACTIONS TO MEANINGFULLY COMMUNICATE THAT LAWYER WELL-BEING IS A PRIORITY.

20.1. Adopt Regulatory Objectives That Prioritize Lawyer Well-Being.

In 2016, the Conference of Chief Justices adopted a resolution recommending that each state’s highest court consider the ABA’s proposed Model Regulatory Objectives.⁹⁴ Among other things, those objectives sought to encourage “appropriate preventive or wellness programs.” By including a wellness provision, the ABA recognized the importance of the human element in the practice of law: To accomplish all other listed objectives, the profession must have healthy, competent lawyers. The Supreme Court of Colorado already has adopted

⁹²See AM. BAR ASS’N RESOL. 105 (February 2016).

⁹³AM BAR ASS’N COMM’N ON EVALUATION OF DISCIPLINARY ENFORCEMENT, LAWYER REGULATION FOR A NEW CENTURY: REPORT OF THE COMMISSION ON EVALUATION OF DISCIPLINARY ENFORCEMENT (1992), available at http://www.americanbar.org/groups/professional_responsibility/resources/report_archive/mckay_report.html.

⁹⁴RESOL. 105, *supra* note 92.

a version of the ABA’s Regulatory Objectives. In doing so, it recommended proactive programs offered by the Colorado Lawyer Assistance Program and other organizations to assist lawyers throughout all stages of their careers to practice successfully and serve their clients.⁹⁵ The Supreme Court of Washington also recently enacted regulatory objectives.⁹⁶

We recommend that the highest court in each U.S. jurisdiction follow this lead. Each should review the ABA and Colorado regulatory objectives and create its own objectives that specifically promote effective lawyer assistance and other proactive programs relating to well-being. Such objectives will send a clear message that the court prioritizes lawyer well-being, which influences competent legal services. This, in turn, can boost public confidence in the administration of justice.

20.2. Modify the Rules of Professional Conduct to Endorse Well-Being As Part of a Lawyer’s Duty of Competence.

ABA Model Rule of Professional Conduct 1.1 (Competence) states that lawyers owe a duty of competence to their clients. “Competent” representation is defined to require “the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”⁹⁷ We recommend revising this Rule and/or its Comments to more clearly include lawyers’ well-being in the definition of “competence.”

One alternative is to include language similar to California’s Rule of Professional Conduct 3-110, which defines “competence” to include the “mental, emotional, and physical ability reasonably necessary” for the representation.⁹⁸ A second option is to amend the Comments to Rule 1.1 to clarify that professional competence requires an ability to comply with all of the Court’s essential eligibility requirements (see Recommendation 21.2 below).

Notably, we do not recommend discipline solely for a

lawyer’s failure to satisfy the well-being requirement or the essential eligibility requirements. Enforcement should proceed only in the case of actionable misconduct in the client representation or in connection with disability proceedings under Rule 23 of the ABA Model Rules for Disciplinary Enforcement. The goal of the proposed amendment is not to threaten lawyers with discipline for poor health but to underscore the importance of well-being in client representations. It is intended to remind lawyers that their mental and physical health impacts clients and the administration of justice, to reduce stigma associated with mental health disorders, and to encourage preventive strategies and self-care.

20.3. Expand Continuing Education Requirements to Include Well-Being Topics.

We recommend expanding continuing education requirements for lawyers and judges to mandate credit for mental health and substance use disorder programming and allow credit for other well-being-related topics that affect lawyers’ professional capabilities.

In 2017, the ABA proposed a new Model Continuing Legal Education (MCLE) Rule that recommends mandatory mental health programming. The Model Rule requires lawyers to earn at least one credit hour every three years of CLE programming that addresses the prevention, detection, and/or treatment of “mental health and substance use disorders.” We recommend that all states adopt this provision of the Model Rule. Alternatively, states could consider authorizing ethics credit (or other specialized credits) for CLE programs that address these topics. California and Illinois are examples of state bars that already have such requirements.⁹⁹

The ABA’s new Model Rule also provisionally recommends that states grant CLE credit for “Lawyer Well-Being Programming.” The provision encompasses a broader scope of topics than might fall under a narrow definition of mental health and substance use

⁹⁵Washington Courts, Suggested Amendments to General Rules (2017), http://www.courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplay&ruleId=549.

⁹⁷MODEL RULES PROF. CONDUCT R. 1.1 (2017), available at https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_1_competence.html.

⁹⁸CAL. RULES PROF’L CONDUCT R. 3-110, available at <http://www.calbar.ca.gov/Attorneys/Conduct-Discipline/Rules/Rules-of-Professional-Conduct/Current-Rules/Rule-3-110>.

⁹⁹See RULES OF THE STATE BAR OF CAL., Title 2, Div. 4, R. 2.72 (2017); ILL. SUP. CT. R. 794(d)(1) (2017).



disorders. Tennessee is one example of a pioneering state that authorizes credit for a broad set of well-being topics. Its CLE Regulation 5H authorizes ethics and professionalism credit for programs that are designed, for example, to: enhance optimism, resilience, relationship skills, and energy and engagement in their practices; connect lawyers with their strengths and values; address stress; and to foster cultures that support outstanding professionalism.¹⁰⁰ We recommend that regulators follow Tennessee's lead by revising CLE rules to grant credit for similar topics.

20.4. Require Law Schools to Create Well-Being Education for Students as An Accreditation Requirement.

In this recommendation, the Task Force recognizes the ABA's unique role as accreditor for law schools through the Council of the Section of Legal Education and Admissions to the Bar of the ABA.¹⁰¹ The Task Force recommends that the Council revise the Standards and Rules of Procedure for Approval of Law Schools to require law schools to create well-being education as a criterion for ABA accreditation. The ABA should require law schools to publish their well-being-related resources on their websites. These disclosures can serve as resources for other law schools as they develop and improve their own programs. Examples of well-being education include a mandatory one credit-hour course on well-being topics or incorporating well-being topics in to the professional responsibility curriculum.

A requirement similar to this already has been implemented in the medical profession for hospitals that operate residency programs. Hospitals that operate Graduate Medical Education programs to train residents must comply with the Accreditation Council for Graduate Medical Education (ACGME) Program Requirements. The ACGME requires hospitals to “be committed to and

responsible for . . . resident well-being in a supportive educational environment.”¹⁰² This provision requires that teaching hospitals have a documented strategy for promoting resident well-being and, typically, hospitals develop a wellness curriculum for residents.

21. ADJUST THE ADMISSIONS PROCESS TO SUPPORT LAW STUDENT WELL-BEING.

To promote law student well-being, regulations governing the admission to the practice of law should facilitate the treatment and rehabilitation of law students with impairments.

21.1. Re-Evaluate Bar Application Inquiries About Mental Health History.

Most bar admission agencies include inquiries about applicants' mental health as part of fitness evaluations for licensure. Some critics have contended that the deterrent effect of those inquiries discourages persons in need of help from seeking it. Not everyone agrees with that premise, and some argue that licensing of professionals necessarily requires evaluation of all risks that an applicant may pose to the public. Over the past several decades, questions have evolved to be more tightly focused and to elicit only information that is current and germane. There is continuing controversy over the appropriateness of asking questions about mental health at all. The U.S. Department of Justice has actively encouraged states to eliminate questions relating to mental health, and some states have modified or eliminated such questions.¹⁰³ In 2015, the ABA adopted a resolution that the focus should be directed “on conduct or behavior that impairs an applicant's ability to practice law in a competent, ethical, and professional manner.”¹⁰⁴ We recommend that each state follow the ABA and more closely focus on such conduct or behavior rather than any diagnosis or treatment history.

¹⁰⁰TENN. COMM'N ON CONTINUING LEGAL EDUC., REG. 5H (2008), available at <http://www.cleln.com/images/Documents/Regulations2013.04.16.pdf>.

¹⁰¹See AM. BAR ASS'N, ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2016-2017, available at https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2016_2017_aba_standards_and_rules_of_procedure.authcheckdam.pdf.

¹⁰²ACCREDITATION COUNSEL FOR GRADUATE MEDICAL EDUCATION, CGME COMMON PROGRAM REQUIREMENTS, § VI.A.2, available at https://www.acgme.org/Portals/0/PFAssets/ProgramRequirements/CPRs_07012016.pdf

¹⁰³D. Hudson, *Honesty Is the Best Policy for Character and Fitness Screenings*, A.B.A. J., June 1, 2016, available at http://www.abajournal.com/magazine/article/honesty_is_the_best_policy_for_character_and_fitness_screenings.

¹⁰⁴AM. BAR ASS'N RESOL. 102 (August 2015).



21.2. Adopt Essential Eligibility Admission Requirements.

Promoting lawyer well-being includes providing clear eligibility guidelines for lawyers with mental or physical impairments. Regulators in each state should adopt essential eligibility requirements that affirmatively state the abilities needed to become a licensed lawyer. Their purpose is to provide the framework for determining whether or not an individual has the required abilities, with or without reasonable accommodations.

At least fourteen states have essential eligibility requirements for admission to practice law.¹⁰⁵ These requirements help the applicant, the admissions authority, and the medical expert understand what is needed to demonstrate fitness to practice law. Essential eligibility requirements also aid participants in lawyer disability and reinstatement proceedings, when determinations must be made of lawyers' capacity to practice law.

21.3. Adopt a Rule for Conditional Admission to Practice Law With Specific Requirements and Conditions.

Overly-rigid admission requirements can deter lawyers and law students from seeking help for substance use and mental health disorders. To alleviate this problem, states should adopt conditional admission requirements, which govern applicants for admission to the practice of law who have successfully undergone rehabilitation for substance use or another mental disorder, but whose period of treatment and recovery may not yet be sufficient to ensure continuing success.¹⁰⁶ Conditional admission programs help dismantle the stigma of mental health and substance use disorders as "scarlet letters." Especially for law students, they send a meaningful message that even in the worst circumstances, there is

Rigid admission requirements can deter help-seeking.

hope: seeking help will not block entry into their chosen profession.

21.4. Publish Data Reflecting Low Rate of Denied Admissions Due to Mental Health Disorders and Substance Use.

At present, no state publishes data showing the number of applications for admission to practice law that are actually denied or delayed due to conduct related to substance use and other mental health disorders. From informal discussions with regulators, we know that a low percentage of applications are denied. Publication of this data might help alleviate law students' and other applicants' fears that seeking help for such disorders will inevitably block them from practicing law. Accordingly, we recommend that boards of bar examiners collect and publish such data as another means of encouraging potential applicants to seek help immediately and not delay until after their admission.

22. ADJUST LAWYER REGULATIONS TO SUPPORT WELL-BEING.

22.1. Implement Proactive Management-Based Programs (PMBP) That Include Lawyer Well-Being Components.

PMBP programs encourage best business practices and provide a resource-based framework to improve lawyers' ability to manage their practice. Such programs

¹⁰⁵See, e.g., SUP. CT. OF OHIO, OFF. OF BAR ADMISSIONS, OHIO ESSENTIAL ELIGIBILITY REQUIREMENTS; available at http://www.supremecourt.ohio.gov/AttySvcs/admissions/pdf/ESSENTIAL_ELIGIBILITY_REQUIREMENTS.pdf; MINN. RULES FOR ADMISSION TO THE BAR, RULE 5, available at https://www.revisor.leg.state.mn.us/court_rules/rule.php?type=pr&subtype=admi&id=5; COLO. R. CIV. PROC. 208.1(5), available at http://www.coloradosupremecourt.com/Future%20Lawyers/FAQ_CharacterFitness.asp; WASH. ADMISSION AND PRACTICE RULES, RULE 20(e), available at http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=APR&ruleid=gaaprj; IDAHO BAR COMM'N RULE 201. Other states to adopt essential eligibility requirements include Florida, Illinois, Kentucky, Massachusetts, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming.

¹⁰⁶About a quarter of all jurisdictions already have conditional admission rules for conduct resulting from substance use or other mental disorders. See 2016 NAT'L CONF. OF BAR EXAMINERS, COMPREHENSIVE GUIDE TO BAR ADMISSIONS REQUIREMENTS, Chart 2: Character and Fitness Determinations (2016). Those states include Arizona, Connecticut, Florida, Idaho, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Oregon, Puerto Rico, Rhode Island, South Dakota, Tennessee, Texas, West Virginia, Wisconsin and Wyoming. Additionally, Guam allows conditional admission for conduct related to substance abuse.



are designed to alleviate practice stress, improve lawyer-client relationships, and enhance career satisfaction.¹⁰⁷ Further, PMBP programs allow regulators to engage with the profession in a service-oriented, positive manner, reducing the anxiety, fear, and distrust that often accompanies lawyers' interactions with regulators.¹⁰⁸ Transforming the perception of regulators so that they are viewed as partners and not only as police will help combat the culture of stress and fear that has allowed mental health and substance use disorders to proliferate.

22.2. Adopt A Centralized Grievance Intake System to Promptly Identify Well-Being Concerns.

We recommend that regulators adopt centralized intake systems. These allow expedited methods for receipt and resolution of grievances and help reduce the stress associated with pending disciplinary matters. With specialized training for intake personnel, such systems also can result in faster identification of and possible intervention for lawyers struggling with substance use or mental health disorders.¹⁰⁹

22.3. Modify Confidentiality Rules to Allow One-Way Sharing of Lawyer Well-Being Related Information From Regulators to Lawyer Assistance Programs.

Regulators' information-sharing practices can contribute to the speed of help to lawyers in need. For example, admissions offices sometimes learn that applicants are suffering from a substance use or other mental health disorder. Other regulators may receive similar information during investigations or prosecutions of lawyer regulation

matters that they consider to be confidential information. To facilitate help for lawyers suffering from such disorders, each state should simplify its confidentiality rules to allow admissions offices and other regulators to share such information immediately with local lawyer assistance programs.

Allowing this one-way flow of information can accelerate help to lawyers who need it. To be clear, the recommended information sharing would be one-way. As always, the lawyer assistance programs would be precluded from sharing any information with any regulators or others.

22.4. Adopt Diversion Programs and Other Alternatives to Discipline That Are Proven Successful in Promoting Well-Being.

Discipline does not make an ill lawyer well. We recommend that regulators adopt alternatives to formal disciplinary proceedings that rehabilitate lawyers with impairments. Diversion programs are one such alternative, and they have a direct and positive impact

Discipline does not make an ill lawyer well.

on lawyer well-being. Diversion programs address minor lawyer misconduct that often features an underlying mental health or substance use disorder.¹¹⁰ When lawyers enter a diversion program, they agree to follow

¹⁰⁷S. Fortney & T. Gordon, *Adopting Law Firm Management Systems to Survive and Thrive: A Study of the Australian Approach to Management-Based Regulation*, 10 U. ST. THOMAS L. J. 152 (2012).

¹⁰⁸L. Terry, *The Power of Lawyer Regulators to Increase Client & Public Protection Through Adoption of a Proactive Regulation System*, 20 LEWIS & CLARK L. REV. 717 (2016).

¹⁰⁹The American Bar Association's Model Rules for Lawyer Disciplinary Enforcement, Rule 1, defines a Central Intake Office as the office that "receive[s] information and complaints regarding the conduct of lawyers over whom the court has jurisdiction" and determines whether to dismiss the complaint or forward it to the appropriate disciplinary agency. The Model Rules for Lawyer Disciplinary Enforcement are available at http://www.americanbar.org/groups/professional_responsibility/resources/lawyer_ethics_regulation/model_rules_for_lawyer_disciplinary_enforcement.html.

¹¹⁰Title 6 of Washington's Rules for Enforcement of Lawyer Conduct provides an excellent overview of when diversion is appropriate and procedures for diversion. It is available through the Washington State Courts website at http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=ga&set=ELC. Some of the many jurisdictions to adopt such programs are Arizona, Colorado, the District of Columbia, Florida, Illinois, Iowa, Kansas, Louisiana, New Hampshire, New Jersey, Oklahoma, Oregon, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming.



certain conditions to continue practicing law. Those conditions can include training, drug or alcohol testing, peer assistance, and treatment. Monitoring plays a central role in ensuring compliance with the diversion agreement and helps lawyers successfully transition back to an unconditional practice of law and do so healthy and sober. By conditioning continued practice on treatment for an underlying mental health disorder or substance use disorder, diversion agreements can change a lawyer's life.

In addition, probation programs also promote wellness. Lawyer misconduct that warrants a suspension of a lawyer's license may, under certain circumstances, qualify for probation. In most jurisdictions, the probation period stays the license suspension and lawyers may continue practicing under supervision and specified conditions that include training, testing, monitoring, and treatment. Once again, this places a lawyer facing a mental health or substance use crisis on the path to better client service and a lifetime of greater well-being and sobriety.

23. ADD WELL-BEING-RELATED QUESTIONS TO THE MULTISTATE PROFESSIONAL RESPONSIBILITY EXAM (MPRE).

A 2009 survey reflected that 22.9 percent of professional responsibility/legal ethics professors did not cover substance use and addiction at all in their course, and 69.8 percent addressed the topic in fewer than two hours.¹¹¹ Notwithstanding the pressure to address myriad topics in this course, increased attention must be

given to reduce these issues among our law students. The National Conference of Bar Examiners should consider adding several relevant questions to the MPRE, such as on the confidentiality of using lawyer assistance programs, the frequency of mental health and substance use disorders, and the tie-in to competence and other professional responsibility issues.¹¹² Taking this step underscores both the importance of the topic and the likelihood of students paying closer attention to that subject matter in their course. In addition, professional responsibility casebook authors are encouraged to include a section devoted to the topic, which will in turn compel instructors to teach in this area.

¹¹¹A. M. PERLMAN, M. RAYMOND & L. S. TERRY, A SURVEY OF PROFESSIONAL RESPONSIBILITY COURSES AT AMERICAN LAW SCHOOLS IN 2009, <http://www.legalethicsforum.com/files/pr-survey-results-final.pdf>.

¹¹²See Krill, Johnson, & Albert, *supra* note 1, for the ABA Commission on Lawyer Assistance Programs and Hazelden Betty Ford Foundation Study; Organ, Jaffe, Bender, *supra* note 3, for *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*.





“Self-care is not selfish. You cannot serve from an empty vessel.” — Eleanor Brown

Legal employers, meaning all entities that employ multiple practicing lawyers, can play a large role in contributing to lawyer well-being. While this is a broad and sizable group with considerable diversity, our recommendations apply fairly universally. A specific recommendation may need to be tailored to address the realities particular to each context, but the crux of each recommendation applies to all.

24. ESTABLISH ORGANIZATIONAL INFRASTRUCTURE TO PROMOTE WELL-BEING.

24.1. Form A Lawyer Well-Being Committee.

Without dedicated personnel, real progress on well-being strategies will be difficult to implement and sustain.¹¹³ Accordingly, legal employers should launch a well-being initiative by forming a Lawyer Well-Being Committee or appointing a Well-Being Advocate. The advocate or committee should be responsible for evaluating the work environment, identifying and addressing policies and procedures that create the greatest mental distress among employees, identifying how best to promote a positive state of well-being, and tracking progress of well-being strategies. They should prepare key milestones, communicate them, and create accountability strategies.¹¹⁴ They also should develop strategic partnerships with lawyer assistance programs and other well-being experts and stay abreast of developments in the profession and relevant literature.

24.2. Assess Lawyers' Well-Being.

Legal employers should consider continually assessing the state of well-being among lawyers and staff and

whether workplace cultures support well-being. An assessment strategy might include an anonymous survey conducted to measure lawyer and staff attitudes and beliefs about well-being, stressors in the firm that significantly affect well-being, and organizational support for improving well-being in the workplace. Attitudes are formed not only by an organization's explicit messages but also implicitly by how leaders and lawyers actually behave. Specifically related to the organizational climate for support for mental health or substance use disorders, legal employers should collect information to ascertain, for example, whether lawyers:

- Perceive that you, their employer, values and supports well-being.
- Perceive leaders as role modeling healthy behaviors and empathetic to lawyers who may be struggling.
- Can suggest improvements to better support well-being.
- Would feel comfortable seeking needed help, taking time off, or otherwise taking steps to improve their situation.
- Are aware of resources available to assist their well-being.
- Feel expected to drink alcohol at organizational events.
- Feel that substance use and mental health problems are stigmatized.
- Understand that the organization will reasonably accommodate health conditions, including recovery from mental health disorders and addiction.

¹¹³Companies with dedicated wellness personnel achieve, on average, a 10 percent higher rate of employee participation. See OPTUM HEALTHCARE, WELLNESS IN THE WORKPLACE 2012: AN OPTUM RESEARCH UPDATE (Resource Center for Health & Wellbeing White Paper 2012), available at <https://broker.uhc.com/assets/wellness-in-the-workplace-2012-WP.pdf>.

¹¹⁴For guidance on developing their own strategic plan, Well-Being Committees could look to the Tristan Jepson Memorial Foundation's best practice guidelines for promoting psychological well-being in the legal profession, see *supra* note 76. They might also consider creating an information hub to post all well-being related resources. Resources could include information about the growing number of mental health apps. See, e.g., R. E. Silverman, *Tackling Workers' Mental Health, One Text at a Time*, WALL ST. J., July 19, 2016, available at <https://www.wsj.com/articles/tackling-workers-mental-health-one-text-at-a-time-1468953055>; B. A. Clough & L. M. Casey, *The Smart Therapist: A Look to the Future of Smartphones and eHealth Technologies in Psychotherapy*, 46 PROF. PSYCHOL. RES. & PRAC. 147 (2015).

As part of the same survey or conducted separately, legal employers should consider assessing the overall state of lawyers' well-being. Surveys are available to measure concepts like depression, substance use, burnout, work engagement, and psychological well-being. The Maslach Burnout Inventory (MBI) is the most widely used burnout assessment. It has been used to measure burnout among lawyers and law students.¹¹⁵ Programs in the medical profession have recommended a bi-annual distribution of the MBI.¹¹⁶

Legal employers should carefully consider whether internal staff will be able to accurately conduct this type of assessment or whether hiring an outside consultant would be advisable. Internal staff may be more vulnerable to influence by bias, denial, and misinterpretation.

25. ESTABLISH POLICIES AND PRACTICES TO SUPPORT LAWYER WELL-BEING.

Legal employers should conduct an in-depth and honest evaluation of their current policies and practices that relate to well-being and make necessary adjustments. This evaluation should seek input from all lawyers and staff in a safe and confidential manner, which creates transparency that builds trust. **Appendix D** sets out example topics for an assessment.

Legal employers also should establish a confidential reporting procedure for lawyers and staff to convey concerns about their colleagues' mental health or substance use internally, and communicate how lawyers and staff can report concerns to the appropriate disciplinary authority and/or to the local lawyer assistance program. Legal employers additionally should establish a procedure for lawyers to seek confidential help for themselves without being

penalized or stigmatized. CoLAP and state lawyer assistance programs can refer legal employers to existing help lines and offer guidance for establishing an effective procedure that is staffed by properly-trained people.¹¹⁷ We note that the ABA and New York State Bar Association have proposed model law firm policies for handling lawyer impairment that can be used for guidance.¹¹⁸ The ABA has provided formal guidance on managing lawyer impairment.¹¹⁹

25.1. Monitor For Signs of Work Addiction and Poor Self-Care.

Research reflects that about a quarter of lawyers are workaholics, which is more than double that of the 10 percent rate estimated for U.S. adults generally.¹²⁰ Numerous health and relationship problems, including depression, anger, anxiety, sleep problems, weight gain, high blood pressure, low self-esteem, low life satisfaction, work burnout, and family conflict can develop from work addiction. Therefore, we recommend that legal employers monitor for work addiction and avoid rewarding extreme behaviors that can ultimately harm their health. Legal employers should expressly encourage lawyers to make time to care for themselves and attend to other personal obligations. They may also want to consider promoting physical activity to aid health and cognitive functioning.

25.2. Actively Combat Social Isolation and Encourage Interconnectivity.

As job demands have increased and budgets have tightened, many legal employers have cut back on social activities. This could be a mistake. Social support from colleagues is an important factor for coping with stress and preventing negative consequences like burnout.¹²¹ Socializing helps individuals recover from work demands

¹¹⁵See, e.g., S. E. Jackson, J. A. Turner, & A. P. Brief, *Correlates of Burnout Among Public Service Lawyers*, 8 J. ORG. BEHAV. 339 (1987); see also R. Durr, *Creating 'Whole Lawyers': Wellness, Balance, and Performance Excellence At Northwestern University School of Law*, NW. SCH. OF L. (2015), available at http://www.americanbar.org/content/dam/aba/events/professional_responsibility/2015/May/Conference/Materials/8_wellbeing_program_catalog_2014_2015%204%203%2015%20version.authcheckdam.pdf.

¹¹⁶J. Eckleberry-Hunt, A. Van Dyke, D. Lick, & J. Tucciarone, *Changing the Conversation from Burnout to Wellness: Physician Well-being in Residency Training Programs*, 1 J. GRADUATE MED. EDUC. 225 (2009). The MBI is available at <http://www.mindgarden.com/117-maslach-burnout-inventory>.

¹¹⁷CoLAP's website provides help-line information and a directory of state-based lawyer assistance programs: http://www.americanbar.org/groups/lawyer_assistance.html.

¹¹⁸AM. BAR ASS'N RESOL. 118, MODEL LAW FIRM/LEGAL DEPARTMENT IMPAIRMENT POLICY & GUIDELINES (Aug. 1990), available at <http://www.texasbar.com/AM/Template.cfm?Section=Employers1&Template=/CM/ContentDisplay.cfm&ContentID=15131>; NEW YORK STATE BAR ASSOCIATION LAWYER ASSISTANCE COMMITTEE MODEL POLICY, N. Y. STATE BAR ASS'N (2010), available at https://www.nassaubar.org/UserFiles/Model_Policy.pdf.

¹¹⁹AM. BAR ASS'N FORMAL OPINION 03-429 (2003), available at http://www.americanbar.org/content/dam/aba/migrated/cpr/clientpro/03_429.authcheckdam.pdf.

¹²⁰Brafford, *supra* note 2.

¹²¹C. Maslach, W. B. Schaufeli, & M. P. Leiter, *Job Burnout*, 52 ANN. REV. OF PSYCHOL. 397, 415 (2001); T. Reuter & R. Schwarzer, *Manage Stress at Work Through Preventive and Proactive Coping*, in Locke, *supra* note 7.



and can help stave off emotional exhaustion.¹²² It inhibits lawyers feeling isolated and disconnected, which helps with firm branding, messaging, and may help reduce turnover. We recommend deemphasizing alcohol at such events.

26. PROVIDE TRAINING AND EDUCATION ON WELL-BEING, INCLUDING DURING NEW LAWYER ORIENTATION.

We recommend that legal employers provide education and training on well-being-related topics and recruit experts to help them do so. A number of law firms already offer well-being related programs, like meditation, yoga sessions, and resilience workshops.¹²³ We also recommend orientation programs for new lawyers that incorporate lawyer well-being education and training.¹²⁴ Introducing this topic during orientation will signal its importance to the organization and will start the process of developing skills that may help prevent well-being problems. Such programs could:

- Introduce new lawyers to the psychological challenges of the job.¹²⁵
- Reduce stigma surrounding mental health problems.
- Take a baseline measure of well-being to track changes over time.
- Provide resilience-related training.
- Incorporate activities focused on individual lawyers' interests and strengths, and not only on organizational expectations.¹²⁶

Further, law firms should ensure that all members and staff know about resources, including lawyer assistance

programs, that can assist lawyers who may experience mental health and substance use disorders. This includes making sure that members and staff understand confidentiality issues pertaining to those resources.

26.1. Emphasize a Service-Centered Mission.

At its core, law is a helping profession. This can get lost in the rush of practice and in the business aspects of law. Much research reflects that organizational cultures that focus chiefly on materialistic, external rewards can damage well-being and promote a self-only focus. In fact, research shows that intrinsic values like relationship-

Work cultures that constantly emphasize competitive, self-serving goals can harm lawyer well-being.

development and kindness are stifled in organizations that emphasize extrinsic values like competition, power, and monetary rewards.¹²⁷ Work cultures that constantly emphasize competitive, self-serving goals will continually trigger competitive, selfish behaviors from lawyers that harm organizations and individual well-being. This can be psychologically draining. Research of Australian lawyers found that 70 percent reported that the practice of law is bottom-line driven.¹²⁸ Lawyers who reported that the practice of law was primarily about generating profits were more likely to be depressed.¹²⁹ This affects the

¹²²M. J. Tews, J. W. Michel, & K. Stafford, *Does Fun Pay? The Impact of Workplace Fun on Employee Turnover and Performance*, 54 CORNELL HOSPITALITY QUARTERLY, 370 (2013).

¹²³E.g., C. Bushey, *Kirkland & Ellis to Offer Wellness Training to All U.S. Lawyers*, CRAIN'S CHICAGO BUS., May 2, 2016, available at <http://www.chicagobusiness.com/article/20160502/NEWS04/160509972/kirkland-ellis-to-offer-wellness-training-to-all-u-s-lawyers>; N. Rodriguez, *What the Army Can Teach BigLaw about Bouncing Back*, LAW360, Feb. 17, 2017, https://www.law360.com/in-depth/articles/891995?nl_pk=972d8116-f9f0-4582-a4c6-0ab3cf4a034c&utm_source=newsletter&utm_medium=email&utm_campaign=in-depth (identifying Goodwin Procter LLP, O'Melveny & Myers LLP, Morgan Lewis & Bockius LLP, Fish & Richardson PC, Drinker Biddle & Reath LLP, Quarles & Brady LLP, and Neal Gerber & Eisenberg LLP as having hosted resilience workshops).

¹²⁴See A. M. Saks, & J. A. Gruman, *Organizational Socialization and Positive Organizational Behaviour: Implications for Theory, Research, and Practice*, 28 CANADIAN J. ADMIN. SCI. 14 (2011).

¹²⁵See generally J. P. Wanous & A. E. Reichers, *New Employee Orientation Programs*, 10 HUMAN RESOURCE MGMT. REV. 435 (2000), available at <http://homepages.se.edu/cvonbergen/files/2013/01/New-Employee-Orientation-Programs.pdf>.

¹²⁶See D. M. Cable, F. Gino, & B. R. Staats, *Reinventing Employee Onboarding*, M.I.T. SLOAN MGMT. REV. (2013), available at <http://sloanreview.mit.edu/article/reinventing-employee-onboarding>.

¹²⁷T. Kasser, *Materialistic Values and Goals*, 67 ANN. REV. OF PSYCHOL. 489 (2015); T. Kasser, *Teaching about Values and Goals: Applications of the Circumplex Model to Motivation, Well-Being, and Prosocial Behavior*, 41 TEACHING PSYCHOL. 365 (2014).

¹²⁸A. J. Bergin & N. L. Jimmieson, *Australian Lawyer Well-Being: Workplace Demands, Resources and the Impact of Time-Billing Targets*, 21 PSYCHIATRY, PSYCHOL. & L. 427 (2014).

¹²⁹A. D. Joudrey & J. E. Wallace, *Leisure as a Coping Resource: A Test of the Job Demand-Control-Support Model*, 62 HUMAN RELATIONS 195 (2009).

¹³⁰A. Hansen, Z. Byrne, & C. Kiersch, *How Interpersonal Leadership Relates to Employee Engagement*, 29 J. MANAGERIAL PSYCHOL. 953 (2014).



bottom line since poor mental health can cause disability and lost productivity.

Consequently, we recommend that legal employers evaluate what they prioritize and value, and how those values are communicated. When organizational values evoke a sense of belonging and pride, work is experienced as more meaningful.¹³⁰ Experiencing work as meaningful is the biggest contributor to work engagement—a form of work-related well-being.¹³¹

26.2. Create Standards, Align Incentives, and Give Feedback.

Contextual factors (i.e., the structure, habits, and dynamics of the work environment) play an enormous role in influencing behavior change. Training alone is almost never enough. To achieve change, legal employers will need to set standards, align incentives, and give feedback about progress on lawyer well-being topics.¹³²

Currently, few legal employers have such structural supports for lawyer well-being. For example, many legal employers have limited or no formal leader development programs, no standards set for leadership skills and competencies, and no standards for evaluating leaders' overall performance or commitment to lawyer well-being. Additionally, incentive systems rarely encourage leaders to develop their own leadership skills or try to enhance the well-being of lawyers with whom they work. In law firms especially, most incentives are aligned almost entirely toward revenue growth, and any feedback is similarly narrow. To genuinely adopt lawyer well-being as a priority, these structural and cultural issues will need to be addressed.

¹³⁰A. Hansen, Z. Byrne, & C. Kiersch, *How Interpersonal Leadership Relates to Employee Engagement*, 29 J. MANAGERIAL PSYCHOL. 953 (2014).

¹³¹A. M. BRAFFORD, POSITIVE PROFESSIONALS: CREATING HIGH-PERFORMING, PROFITABLE FIRMS THROUGH THE SCIENCE OF ENGAGEMENT. (American Bar Association, forthcoming November 2017.); D. R. May, R. L. Gilson, & L. M. Harter, *The Psychological Conditions of Meaningfulness, Safety and Availability and the Engagement of the Human Spirit at Work*, 77 J. OCCUPATIONAL & ORGANIZATIONAL PSYCHOL. 11 (2004).

¹³²R. A. NOE, EMPLOYEE TRAINING AND DEVELOPMENT (McGraw-Hill 2013).





“Well-being is a combination of feeling good as well as actually having meaning, good relationships, and accomplishment.” — Martin Seligman

Law students start law school with high life satisfaction and strong mental health measures. But within the first year of law school, they experience a significant increase in anxiety and depression.¹³³ Research suggests that law students are among the most dissatisfied, demoralized, and depressed of any graduate student population.¹³⁴

The 2016 Survey of Law Student Well-Being found troublesome rates of alcohol use, anxiety, depression, and illegal drug use at law schools across the country.

42% of students needed help for poor mental health but only about half sought it out.

Equally worrisome is students' level of reluctance to seek help for those issues. A large majority of students (about 80 percent) said that they were somewhat or very likely to seek help from a health professional for alcohol, drug, or mental health issues, but few actually did.¹³⁵ For example, while 42 percent thought that they had needed help for mental health problems in the prior year, only about half of that group actually received counseling from a health professional.¹³⁶ Only four percent said they had ever received counseling for alcohol or drug issues—even though a quarter were at risk for problem drinking.¹³⁷

The top factors that students reported as discouraging them from seeking help were concerns that it would threaten their bar admission, job, or academic status; social stigma; privacy concerns; financial reasons; belief that they could handle problems on their own; and not having enough time. Students' general reluctance to seek help may be one factor explaining why law student wellness has not changed significantly since the last student survey in the 1990s.¹³⁸ It appears that recommendations stemming from the 1993 survey either were not implemented or were not successful.¹³⁹

The Survey of Law Student Well-Being did not seek to identify the individual or contextual factors that might be contributing to students' health problems. It is important to root out such causes to enable real change. For example, law school graduates cite heavy workload, competition, and grades as major law school stressors.¹⁴⁰ Others in the legal community have offered additional insights about common law school practices, which are discussed below. Law school well-being initiatives should not be limited to detecting disorders and enhancing student resilience. They also should include identifying organizational practices that may be contributing to the problems and assessing what changes can be made to support student well-being. If legal educators ignore the impact of law school stressors, learning is likely to be suppressed and illness may be intensified.¹⁴¹

The above reflects a need for both prevention strategies to address dysfunctional drinking and misuse of substances as well as promotion strategies that identify aspects of legal education that can be revised to support

¹³³L. S. Krieger, *Institutional Denial About the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence*, 52 J. LEGAL EDUC. 112, 113-15 (2002).

¹³⁴A. A. Patthoff, *This is Your Brain on Law School: The Impact of Fear-Based Narratives on Law Students*, 2015 UTAH L. REV. 391, 424 (2015).

¹³⁵Organ, Jaffe, & Bender, *supra* note 3, at 143.

¹³⁶*Id.* at 140.

¹³⁷*Id.*

¹³⁸ASS'N AM. L. SCH. SPECIAL COMM. ON PROBLEMS OF SUBSTANCE ABUSE IN THE L. SCHS. (1993).

¹³⁹*Id.* at vi-vii.

¹⁴⁰R. A. Lasso, *Is Our Students Learning? Using Assessments to Measure and Improve Law School Learning and Performance*, 15 BARRY L. REV. 73, 79 (2010).

¹⁴¹Patthoff, *supra* note 134, at 424.

well-being. The recommendations below offer some ideas for both.

27. CREATE BEST PRACTICES FOR DETECTING AND ASSISTING STUDENTS EXPERIENCING PSYCHOLOGICAL DISTRESS.

Ignoring law school stressors can suppress learning and intensify illness.

Law schools should develop best practices for creating a culture in which all associated with the school take responsibility for student well-being. Faculty and administrators play an important role in forming a school's culture and should be encouraged to share responsibility for student well-being.

27.1. Provide Training to Faculty Members Relating to Student Mental Health and Substance Use Disorders.

Faculty have significant sway over students but generally students are reluctant to approach them with personal problems, especially relating to their mental health. Students' aversion to doing so may be exacerbated by a perception that faculty members must disclose information relating to students' competence to practice to the state bar. To help remove uncertainty and encourage students to ask for help, law schools should consider working with lawyer assistance programs on training faculty on how to detect students in trouble, how to have productive conversations with such students, what and when faculty need to report information relating to such students, as well as confidentiality surrounding these services.¹⁴² Students should be educated about

faculty's reporting requirements to add clarity and reduce student anxiety when interacting with faculty.

Additionally, faculty members should be encouraged to occasionally step out of their formal teaching role to convey their respect and concern for students, to acknowledge the stressors of law school, and to decrease stigma about seeking help for any health issues that arise. Faculty should consider sharing experiences in which students confronted similar issues and went on to become healthy and productive lawyers.

To support this recommendation, deans of law schools must be engaged. The well-being of future lawyers is too important to relegate to student affairs departments. For faculty to take these issues seriously, it must be clear to them that deans value the time that faculty spend learning about and addressing the needs of students outside the classroom. With the full backing of their deans, deans of students should provide training and/or information to all faculty that includes talking points that correspond to students' likely needs—e.g., exam scores, obtaining jobs, passing the bar, accumulating financial debt, etc. Talking points should be offered only as a guideline. Faculty should be encouraged to tailor conversations to their own style, voice, and relationship with the student.

Law schools should consider inviting law student and lawyer well-being experts to speak at faculty lunches, colloquia, and workshops to enhance their knowledge of this scholarship.¹⁴³ Such programming should include not just faculty but teaching assistants, legal writers, peer mentors, and others with leadership roles in whom law students may seek to confide. Many of these experts are members of the Association of American Law Schools section on Balance in Legal Education.¹⁴⁴ Their scholarship is organized in an online bibliography divided into two topics: Humanizing the Law School Experience and Humanizing the Practice of Law.¹⁴⁵

¹⁴²See Organ, Jaffe, & Bender, *supra* note 3, at 153. At American University Washington College of Law, as but one example likely among many, the dean of students invites faculty no less than every other year to meet with the University Counseling director and D.C. Bar Lawyer Assistance Program manager to discuss trends, highlight notable behaviors, discuss how to respond to or refer a student, and the importance of tracking attendance.

¹⁴³See J. Bibelhausen, K. M. Bender, R. Barrett, *Reducing the Stigma: The Deadly Effect of Untreated Mental Illness and New Strategies for Changing Outcomes in Law Students*, 41 WM. MITCHELL L. REV. 918 (2015).

¹⁴⁴Balance in Legal Educ. Sec., Ass'n Am. L. Sch., https://memberaccess.aals.org/eweb/dynamicpage.aspx?webcode=ChpDetail&chp_cst_key=9fb324e8-e515-4fd3-b6db-a1723feeb799.

¹⁴⁵*Id.* at Bibliography.



27.2. Adopt a Uniform Attendance Policy to Detect Early Warning Signs of Students in Crisis.

While law students may occasionally miss class due to personal conflicts, their repeated absence often results from deteriorating mental health.¹⁴⁶ Creating a system to monitor for chronic absences can help identify students for proactive outreach. Consequently, law schools should adhere to a consistent attendance policy that includes a timely reporting requirement to the relevant law school official. Absent such a requirement, deans of students may be left with only a delayed, reactive approach.

If faculty members are reluctant to report student absences, a system can be created to ensure that a report cannot be traced to the faculty member. Several law schools have adopted “care” networks or random check-ins whereby someone can report a student as potentially needing assistance.¹⁴⁷ In these programs, the identity of the person who provided the report is kept confidential.

Certain models on this issue include the American University Washington College of Law, which implements random “check-in” outreach, emailing students to visit the Student Affairs office for brief conversations. This method allows for a student about whom a concern has been raised to be folded quietly into the outreach.¹⁴⁸ Georgetown Law School allows anyone concerned about a student to send an email containing only the student’s name, prompting relevant law school officials to check first with one another and then investigate to determine if a student meeting is warranted.¹⁴⁹ The University of Miami School of Law uses an online protocol for a student to self-report absences in advance, thus enabling the dean of students to follow up as appropriate if personal problems are indicated.¹⁵⁰

27.3. Provide Mental Health and Substance Use Disorder Resources.

Law schools should identify and publicize resources so that students understand that there are resources available to help them confront stress and well-being crises. They should highlight the benefits of these resources and that students should not feel stigmatized for seeking help. One way to go about this is to have



Develop Student Resources

- ✓ **Create and publicize well-being resources designed for students.**
- ✓ **Counter issues of stigma.**
- ✓ **Include mental health resources in every course syllabus.**
- ✓ **Organize wellness events.**
- ✓ **Develop a well-being curriculum.**
- ✓ **Establish peer mentoring.**

every course syllabus identify the law school’s mental health resources. The syllabus language should reflect an understanding that stressors exist.¹⁵¹ Law schools also can hold special events, forums, and conversations that coincide with national awareness days, such as mental health day and suicide prevention day.

¹⁴⁶See Organ, Jaffe, & Bender, *supra* note 3, at 152.

¹⁴⁷*Id.*

¹⁴⁸*Id.*

¹⁴⁹*Id.*

¹⁵⁰*Id.*

¹⁵¹One example of such a provision is: “Mental Health Resources: Law school is a context where mental health struggles can be exacerbated. If you ever find yourself struggling, please do not hesitate to ask for help. If you wish to seek out campus resources, here is some basic information: [Website]. [Law School Name] is committed to promoting psychological wellness for all students. Our mental health resources offer support for a range of psychological issues in a confidential and safe environment. [Phone; email; address; hotline number].”

Developing a well-being curriculum is an additional way to convey that resources are available and that the law school considers well-being a top priority. Northwestern University's Pritzker School of Law has accomplished the latter with well-being workshops, mindfulness and resilience courses, and meditation sessions as part of a larger well-being curriculum.¹⁵²

Another noteworthy way to provide resources is to establish a program where law students can reach out to other law students who have been trained to intervene and help refer students in crisis. Touro Law School established a "Students Helping Students" program in 2010 where students volunteer to undergo training to recognize mental health problems and refer students confronting a mental health crisis.¹⁵³

28. ASSESS LAW SCHOOL PRACTICES AND OFFER FACULTY EDUCATION ON PROMOTING WELL-BEING IN THE CLASSROOM.

Law school faculty are essential partners in student well-being efforts. They often exercise powerful personal influence over students, and their classroom practices contribute enormously to the overall law school experience. Whether faculty members exercise their influence to promote student well-being depends, in part, on support of the law school culture and priorities. To support their involvement, faculty members should be invited into strategic planning to develop workable ideas. Framing strategies as helping students develop into healthy lawyers who possess grit and resilience may help foster faculty buy-in. Students' mental resilience can be viewed as a competitive advantage during their job searches and as support along their journeys as practicing lawyers toward sustainable professional and personal identities.

Educating law school faculty on how classroom practices can affect student well-being is one place to start the process of gaining faculty buy-in. For example, law professor Larry Krieger and social scientist Kennon

Sheldon identified potential culprits that undercut student well-being, including hierarchical markers of worth such as comparative grading, mandatory curves, status-seeking placement practices, lack of clear and timely feedback, and teaching practices that are isolating and intimidating.¹⁵⁴

Evaluate classroom practices for their impact on student well-being.

Because organizational practices so significantly influence student well-being, we recommend against focusing well-being efforts solely on detecting dysfunction and strengthening students' mental toughness. We recommend that law schools assess their classroom and organizational practices, make modifications where possible, and offer faculty programming on supporting student well-being while continuing to uphold high standards of excellence. Harmful practices should not be defended solely on the ground that law school has always been this way. Teaching practices should be evaluated to assess whether they are necessary to the educational experience and whether evidence supports their effectiveness.

29. EMPOWER STUDENTS TO HELP FELLOW STUDENTS IN NEED.

As noted above, students often are reluctant to seek mental health assistance from faculty members. Empowering students to assist each other can be a helpful alternative. One suggestion is to create a peer mentoring program that trains student mentors to provide support to fellow students in need. The ideal mentors would be students who are themselves in

¹⁵²Northwestern Law's well-being curriculum can be found at <http://www.law.northwestern.edu/law-school-life/student-services/wellness/curriculum/>.

¹⁵³TOURO L. SCH. STUDENTS HELPING STUDENTS (2017), available at <https://www.tourolaw.edu/uploads/Students%20Helping%20Students%20Spring17.pdf>.

¹⁵⁴See K. M. Sheldon & L. S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory*, 33 PERSONALITY & SOC. PSYCH. BULL. 883 (2007); K. M. Sheldon & L. S. Krieger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being*, 22 BEHAV. SCI. & THE LAW 261 (2004).



recovery. They should be certified by the local lawyer assistance program or another relevant organization and should be covered by the lawyer assistance program's confidentiality provisions. Peer mentors should not have a direct reporting obligation to their law school dean of students. This would help ensure confidentiality in the peer mentoring relationship and would foster trust in the law school community.¹⁵⁵

30. INCLUDE WELL-BEING TOPICS IN COURSES ON PROFESSIONAL RESPONSIBILITY.

Mental health and substance use should play a more prominent role in courses on professional responsibility, legal ethics, or professionalism. A minimum of one class session should be dedicated to the topic of substance use and mental health issues, during which bar examiners and professional responsibility professors or their designee (such as a lawyer assistance program representative) appear side-by-side to address the issues. Until students learn from those assessing them that seeking assistance will not hurt their bar admission prospects, they will not get the help they need.

31. COMMIT RESOURCES FOR ONSITE PROFESSIONAL COUNSELORS.

Law schools should have, at a minimum, a part-time, onsite professional counselor. An onsite counselor provides easier access to students in need and sends a symbolic message to the law school community that seeking help is supported and should not be stigmatized. Although the value of such a resource to students should justify the necessary budget, law schools also could explore inexpensive or no-cost assistance from lawyer assistance programs. Other possible resources may be available from the university or private sector.

32. FACILITATE A CONFIDENTIAL RECOVERY NETWORK.

Law schools should consider facilitating a confidential network of practicing lawyers in recovery from substance

use to connect with law students in recovery. Law students are entering a new community and may assume that there are few practicing lawyers in recovery. Facilitating a confidential network will provide an additional support network to help students manage the challenges of law school and maintain health. Lawyers Concerned for Lawyers is an example of a legal peer assistance group that exists in many regions that may be a confidential network source.

33. PROVIDE EDUCATION OPPORTUNITIES ON WELL-BEING-RELATED TOPICS.

33.1. Provide Well-Being Programming During the 1L Year.

We agree with the Survey of Law Student Well-Being report's recommendation that law schools should incorporate well-being topics into student orientation.¹⁵⁶ We recommend that during 1L orientation, law schools should include information about student well-being and options for dealing with stress. Communications should convey that seeking help is the best way to optimize their studies and to ensure they graduate and move successfully into law practice. Other vulnerable times during which well-being-related programming would be particularly appropriate include the period before fall final exams, the period when students receive their first set of law school grades (usually at the start of spring semester), and the period before spring final exams. The Task Force commends Southwestern Law School's IL "Peak Performance Program" and its goal of helping new law students de-stress, focus, and perform well in law school.¹⁵⁷ This voluntary program is the type of programming that can have a transformative effect on law student well-being.

33.2. Create A Well-Being Course and Lecture Series for Students.

To promote a culture of well-being, law schools should create a lecture series open to all students and a course designed to cover well-being topics in depth. Well-being

¹⁵⁵The University of Washington School of Law offers a "Peer Support Program" that includes peer counseling, that offers stress management resources, and support for multicultural engagement. More information on the program can be found at <https://www.law.uw.edu/wellness/resources/>.

¹⁵⁶Organ, Jaffe, & Bender, *supra* note 3, at 148.

¹⁵⁷Southwestern Law School, Mindfulness, Peak Performance, and Wellness Programs, <http://www.swlaw.edu/student-life/support-network/mindfulness-peak-performance-and-wellness-programs>.



has been linked to improved academic performance, and, conversely, research reflects that well-being deficits connect to impaired cognitive performance. Recent research also has found that teaching well-being skills enhances student performance on standardized tests, and improves study habits, homework submission,



Effects of Student Well-Being

- ✓ Better academic performance and cognitive functioning
- ✓ Enhanced test performance
- ✓ Improved study habits and homework quality
- ✓ Long-term academic success

grades, and long-term academic success, as well as adult education attainment, health, and wealth.¹⁵⁸ A well-being course can, for example, leverage research findings from positive psychology and neuroscience to explore the intersection of improved well-being, enhanced performance, and enriched professional identity development for law students and lawyers. Further knowledge of how to maintain well-being can enhance competence, diligence, and work

relationships—all of which are required by the ABA's Model Rules of Professional Conduct. The content of a well-being course could be guided by education reform recommendations. **Appendix E** provides content suggestions for such a course.

34. DISCOURAGE ALCOHOL-CENTERED SOCIAL EVENTS.

Although the overwhelming majority of law students are of legal drinking age, a law school sends a strong message when alcohol-related events are held or publicized with regularity. Students in recovery and those thinking about it may feel that the law school does not take the matter seriously and may be less likely to seek assistance or resources. A law school can minimize the alcohol provided; it can establish a policy whereby student organizations cannot use student funds for the purchase of alcohol.¹⁵⁹ Events at which alcohol is not the primary focus should be encouraged and supported. Further, law school faculty should refrain from drinking alcohol at law school social events.

35. CONDUCT ANONYMOUS SURVEYS RELATING TO STUDENT WELL-BEING.

Recommendation 24 for legal employers suggests regular assessment of lawyer well-being. That same Recommendation applies in the law school context.

¹⁵⁸A. Adler & M. E. P. Seligman, *Using Wellbeing for Public Policy: Theory, Measurement, and Recommendations*, 6 INT'L J. WELLBEING, 1, 17 (2016); M. A. White & A. S. Murray, *Building a Positive Institution*, in EVIDENCE-BASED APPROACHES IN POSITIVE EDUC. IN SCHS.: IMPLEMENTING A STRATEGIC FRAMEWORK FOR WELL-BEING IN SCHS. 1, 8 (M. A. White & A. S. Murray eds., 2015).

¹⁵⁹At a minimum, permission should be sought from the dean of students to serve alcohol at school-sponsored, school-located events, so administration is aware. Off-campus events should be only on a cash basis by the establishment. Professional networking events, and on campus events should be focused on the program or speaker, and not on drink specials or offers of free alcohol. Publicity of these events should avoid mention of discounted drink specials that could detract from the professional networking environment. In all instances, providing alcohol should be limited to beer and wine. Open bars not regulated by drink tickets or some other manner of controlling consumption should not be permitted.





“When we look at what has the strongest statistical relationship to overall [life satisfaction], the first one is your career well-being, or the mission, purpose and meaning of what you’re doing when you wake up each day.” — Tom Rath

Bar associations are organized in a variety of ways, but all share common goals of promoting members’ professional growth, quality of life, and quality of the profession by encouraging continuing education, professionalism (which encompasses lawyer competence, ethical conduct, eliminating bias, and enhancing diversity), pro bono and public service. Bar members who are exhausted, impaired, disengaged, or overly self-interested will not live up to their full potential as lawyers or positive contributors to society. Below are recommendations for bar associations to foster positive change in the well-being of the legal community which, in turn, should benefit lawyers, bar associations, and the general public.

36. ENCOURAGE EDUCATION ON WELL-BEING TOPICS IN COORDINATION AND IN ASSOCIATION WITH LAWYER ASSISTANCE PROGRAMS.

36.1. Sponsor High-Quality CLE Programming on Well-Being-Related Topics.

In line with Recommendation 8, bar associations should develop and regularly offer educational programming on well-being-related topics. Bar leadership should recommend that all sections adopt a goal of providing at least one well-being related educational opportunity at all bar-sponsored events, including conferences, section retreats, and day-long continuing legal education events.

36.2. Create Educational Materials to Support Individual Well-Being and “Best Practices” for Legal Organizations.

We recommend that bar associations develop “best practice” model policies on well-being-related topics, for example practices for responding to lawyers in distress, succession planning, diversity and inclusion, mentoring practices, work-life balance policies, etc.

36.3 Train Staff to Be Aware of Lawyer Assistance Program Resources and Refer Members.

Educating bar association staff regarding lawyer assistance programs’ services, resources, and the confidentiality of referrals is another way to foster change in the legal community. Bar association staff can further promote these resources to their membership. A bar association staff member may be the person who coordinates a needed intervention for a lawyer facing a mental health or substance use crisis.

37. SPONSOR EMPIRICAL RESEARCH ON LAWYER WELL-BEING AS PART OF ANNUAL MEMBER SURVEYS.

Many bar associations conduct annual member surveys. These surveys offer an opportunity for additional research on lawyer well-being and awareness of resources. For example, questions in these surveys can gauge awareness of support networks either in law firms or through lawyer assistance programs. They can survey lawyers on well-being topics they would like to see addressed in bar journal articles, at bar association events, or potentially through continuing legal education courses. The data gathered can inform bar associations’ outreach and educational efforts.

38. LAUNCH A LAWYER WELL-BEING COMMITTEE.

We recommend that bar associations consider forming Lawyer Well-Being Committees. As noted in Recommendation 5.2, the ABA and a number of state bar associations already have done so. Their work supplements lawyer assistance programs with a more expansive approach to well-being. These committees typically focus not only on addressing disorders and ensuring competence to practice law but also on optimal functioning and full engagement in the profession. Such committees can provide a valuable service to members by, for example, dedicating attention to compiling resources, high-quality speakers, developing and compiling educational materials and programs, serving as a clearinghouse for lawyer well-being information, and partnering with the lawyer assistance program, and other state and national organizations to advocate for lawyer well-being initiatives.

The South Carolina Bar’s Lawyer Wellness Committee, launched in 2014 and featuring a “Living Above the Bar” website, is a good model for well-being committees. In 2016, the ABA awarded this Committee the E. Smythe Gambrell Professionalism Award, which honors excellence and innovation in professionalism programs.¹⁶⁰

39. SERVE AS AN EXAMPLE OF BEST PRACTICES RELATING TO LAWYER WELL-BEING AT BAR ASSOCIATION EVENTS.

Bar associations should support members’ well-being and role model best practices in connection with their own activities and meetings. This might include, for example, organizing functions to be family-friendly, scheduling programming during times that do not interfere with personal and family time, offering well-being-related activities at events (e.g., yoga, fun runs, meditation, providing coffee or juice bars, organizing Friends of Bill/support group meetings), providing well-being-related education and training to bar association leaders, and including related programming at conferences and other events. For instance, several bar associations around the country sponsor family-friendly fun runs, such as the Maricopa County Bar Association annual 5k Race Judicata.

¹⁶⁰The South Carolina Bar’s lawyer well-being website is *available* at <http://discussions.scbar.org/public/wellness/index.html>.





"If any organism fails to fulfill its potentialities, it becomes sick." — William James

Lawyers' professional liability (LPL) carriers have a vested interest from a loss prevention perspective to encourage lawyer well-being. Happier, healthier lawyers generally equate to better risks. Better risks create stronger risk pools. Stronger risk pools enjoy lower frequency and often less severe claims. Fewer claims increases profitability. For lawyers, the

Happier, healthier lawyers equate to better risk, fewer claims, and greater profitability.

stronger the performance of the risk pool, the greater the likelihood of premium reduction. Stakeholders interested in lawyer well-being would be well-served to explore partnerships with lawyers' professional liability carriers, many of whom enjoy bar-related origins with their respective state bar and as members of the National Association of Bar-Related Insurance Carriers (or NABRICOs). Even commercial carriers active in the lawyers' malpractice market enjoy important economic incentives to support wellness initiatives, and actively assess risks which reflect on the likelihood of future claims.¹⁶¹ Below are several recommendations for LPL carriers to consider in their pursuit of improving lawyer well-being.

40. ACTIVELY SUPPORT LAWYER ASSISTANCE PROGRAMS.

In certain jurisdictions, lawyers' professional liability carriers are amongst the most important funders of lawyer assistance programs, appreciating that an ounce of prevention is worth a pound of cure. An impaired or troubled attorney who is aided before further downward spiral harms the lawyer's ability to engage in high-quality professional services can directly prevent claims. Thus, LPL carriers are well-served to understand lawyer assistance program needs, their impact, and how financial and marketing support of such programs can be a worthy investment. At the same time, where appropriate, lawyer assistance programs could prepare a case for support to LPL carriers on how their activities affect attorneys, much like a private foundation examines the impact effectiveness of grantees. If the case for support is effectively made, support may follow.

41. EMPHASIZE WELL-BEING IN LOSS PREVENTION PROGRAMS.

Most LPL carriers, as a means of delivering value beyond just the promise of attorney protection in the event of an error or omission, are active in developing risk management programs via CLE, law practice resources, checklists, and sample forms designed to reduce the susceptibility of an attorney to a claim. These resources often center on topics arising from recent claims trends, be it law practice management tips, technology traps, professionalism changes, or ethical infrastructure challenges. LPL carriers should consider paying additional attention to higher level attorney wellness issues, focusing on how such programs promote the emotional and physical foundations from which lawyers can thrive in legal service delivery. Bar associations are increasingly exploring well-being programs as a member benefit, and LPL carriers could be helpful in providing financial support or thought leadership in the development of such programs.

¹⁶¹Examples of LPL carriers serving the market from the commercial side include CNA, AON, Liberty Mutual, Hartford, among others.

42. INCENTIVIZE DESIRED BEHAVIOR IN UNDERWRITING LAW FIRM RISK.

The process of selecting, structuring, and pricing LPL risk is part art, part science. Underwriters, in addition to seeking core LPL information such as area of practice, claim frequency, claim severity, firm size, firm longevity and firm location, are also working to appreciate and understand the firm's complete risk profile. The more effectively a firm can illustrate its profile in a positive manner, the more desirable a firm will be to a carrier's risk pool. Most states permit carriers flexibility in applying schedule rating credits or debits to reflect the individual risk characteristics of the law firm. LPL carriers should more actively explore the application of lawyer well-being premium credits, much like they currently do for internal risk management systems, documented attorney back-up systems, and firm continuity.

43. COLLECT DATA WHEN LAWYER IMPAIRMENT IS A CONTRIBUTING FACTOR TO CLAIMS ACTIVITY.

LPL carriers traditionally track claims based on area of practice or the nature of the error. LPL carriers do

not ordinarily track when substance abuse, stress, depression, or mental health are suspected to be contributing factors to the underlying claim. This is primarily due to the fact that most LPL claims adjusters, usually attorneys by trade, lack sufficient (or usually any) clinical training to make such a determination. That being said, anecdotal evidence suggests the impact is substantial. Thus, LPL carriers should consider whether a "common sense" assessment of instances where attorney impairment is suspected to be a contributing factor to the underlying claim. Such information would be helpful to lawyer assistance programs and as an important data point for what bar counsel or disciplinary units similarly see when investigating bar grievances. LPL carriers are in a prime position to collect data, share such data when appropriate, and assess the manner in which lawyer impairment has a direct correlation to claims activity.





“It is under the greatest adversity that there exists the greatest potential for doing good, both for oneself and others.” — Dalai Lama

Because lawyer assistance programs are so well-positioned to play a pivotal role in lawyer well-being, they should be adequately funded and organized to ensure that they can fulfill their potential.

Lawyer assistance programs should be supported to fulfill their full potential.

This is not consistently the case. While a lawyer assistance program exists in every state, according to the 2014 Comprehensive Survey of Lawyer Assistance Programs their structures, services, and funding vary widely. Lawyer assistance programs are organized either as agencies within bar associations, as independent agencies, or as programs within the state’s court system.¹⁶² Many operate with annual budgets of less than \$500,000.¹⁶³ About one quarter operate without any funding and depend solely on volunteers.¹⁶⁴ The recommendations below are designed to equip lawyer assistance programs to best serve their important role in lawyer well-being.

44. LAWYERS ASSISTANCE PROGRAMS SHOULD BE APPROPRIATELY ORGANIZED AND FUNDED.

44.1 Pursue Stable, Adequate Funding.

Lawyer assistance programs should advocate for stable, adequate funding to provide outreach, screening, counseling, peer assistance, monitoring, and preventative education. Other stakeholders should ally themselves with lawyer assistance programs in pursuit of this funding.

44.2 Emphasize Confidentiality.

Lawyer assistance programs should highlight the confidentiality of the assistance they provide. The greatest concern voiced by lawyer assistance programs in the most recent CoLAP survey was under-utilization of their services stemming from the shame and fear of disclosure that are bound up with mental health and substance use disorders.¹⁶⁵ Additionally, lawyer assistance programs should advocate for a supreme court rule protecting the confidentiality of participants in the program, as well as immunity for those making good faith reports, volunteers, and staff.

44.3 Develop High-Quality Well-Being Programming.

Lawyer assistance programs should collaborate with other organizations to develop and deliver programs on the topics of lawyer well-being, identifying and treating substance use and mental health disorders, suicide prevention, cognitive impairment, and the like.¹⁶⁶ They should ensure that all training and other education efforts emphasize the availability of resources and the

¹⁶²2014 COMPREHENSIVE SURVEY OF LAWYER ASSISTANCE PROGRAMS, *supra* note 25, at 3.

¹⁶³*Id.* at 5.

¹⁶⁴*Id.* at 27.

¹⁶⁵*Id.* at 49-50.

¹⁶⁶Accommodating adult learning should inform program development. The Illinois Supreme Court Commission on Professionalism offers a number of resources through its “Strategies for Teaching CLE” web page, <https://www.2civility.org/programs/cle/cle-resources/strategies-for-teaching-cle/>. See also K. TAYLOR & C. MARIENAU, FACILITATING LEARNING WITH THE ADULT BRAIN IN MIND: A CONCEPTUAL AND PRACTICAL GUIDE (2016); M. Silverthorn, *Adult Learning: How Do We Learn?*, ILL. SUP. CT. COMM’N ON PROFESSIONALISM, Dec. 4, 2014, <https://www.2civility.org/adult-learning/>.

confidentiality of the process.

Lawyer assistance programs should evaluate whether they have an interest in and funding to expand their programming beyond the traditional focus on treatment of alcohol use and mental health disorders. Some lawyer assistance programs already have done so. The 2014 Comprehensive Survey of Lawyer Assistance Programs reflects that some well-resourced lawyer assistance programs include services that, for example, address transition and succession planning, career counseling, anger management, grief, and family counseling.¹⁶⁷ Increasingly, lawyer assistance programs are expanding their services to affirmatively promote well-being (rather than seeking only to address dysfunction) as a means of preventing prevalent impairments.

This expansion is consistent with some scholars' recommendations for Employee Assistance Programs that encourage engagement in a broader set of prevention and health-promotion strategies. Doing so could expand the lawyer assistance programs' net to people who are in need but have not progressed to the level of a disorder. It also could reach people who may participate in a health-promotion program but would avoid a prevention program due to social stigma.¹⁶⁸ Health-promotion approaches could be incorporated into traditional treatment protocols. For example, "Positive Recovery" strategies strive not only for sobriety but also for human flourishing.¹⁶⁹ Resilience-boosting strategies have also been proposed for addiction treatment.¹⁷⁰

44.4 Lawyer Assistance Programs' Foundational Elements.

All lawyer assistance programs should include the following foundational elements to provide effective leadership and services to lawyers, judges, and law students:

- A program director with an understanding of the legal profession and experience addressing mental health conditions, substance use disorders, and wellness issues for professionals;
- A well-defined program mission and operating policies and procedures;
- Regular educational activities to increase awareness and understanding of mental health and substance use disorders;
- Volunteers trained in crisis intervention and assistance;
- Services to assist impaired members of the legal profession to begin and continue recovery;
- Participation in the creation and delivery of interventions;
- Consultation, aftercare services, voluntary and diversion monitoring services, referrals to other professionals, and treatment facilities; and
- A helpline for individuals with concern about themselves or others.¹⁷¹

¹⁶⁷2014 COMPREHENSIVE SURVEY OF LAWYER ASSISTANCE PROGRAMS, *supra* note 25, at 13.

¹⁶⁸R. F. Cook, A. S. Back, J. Trudeau, & T. McPherson, *Integrating Substance Abuse Prevention into Health Promotion Programs in the Workplace: A Social Cognitive Intervention Targeting the Mainstream User*, in PREVENTING WORKPLACE SUBSTANCE ABUSE: BEYOND DRUG TESTING TO WELLNESS 97-133 (J. B. Bennett, W. K. Lehman eds., 2003).

¹⁶⁹J. Z. POWERS, POSITIVE RECOVERY DAILY GUIDE: THRIVE IN RECOVERY (2015).

¹⁷⁰T. Alim, W. Lawson, A. Neumeister, et al., *Resilience to Meet the Challenge of Addiction: Psychobiology and Clinical Considerations*, 34 ALCOHOL RESEARCH: CURRENT REVIEWS 506 (2012).

¹⁷¹See AM. BAR ASS'N, MODEL LAWYER ASSISTANCE PROGRAM (Revised 2004), available at http://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_model_lawyer_assistance_program.authcheckdam.pdf; AM. BAR ASS'N, GUIDING PRINCIPLES FOR A LAWYER ASSISTANCE PROGRAM (1991), available at http://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_guiding_principles_for_assistance.authcheckdam.pdf.



“It always seems impossible until it’s done.” — Nelson Mandela

This Report makes a compelling case that the legal profession is at a crossroads. Our current course, one involving widespread disregard for lawyer well-being and its effects, is not sustainable. Studies cited above show that our members suffer at alarming rates from conditions that impair our ability to function at levels compatible with high ethical standards and public expectations. Depression, anxiety, chronic stress, burnout, and substance use disorders exceed those of many other professions. We have ignored this state of affairs long enough. To preserve the public’s trust and maintain our status as a self-regulating profession, we must truly become “our brothers’ and sisters’ keepers,” through a strong commitment to caring for the well-being of one another, as well as ourselves.

The members of the National Task Force for Lawyer Well-Being urge all stakeholders identified in this report to take action. To start, please review the State Action Plan and Checklist that follows in **Appendix A**. If you are a leader in one of these sectors, please use your authority to call upon your cohorts to come together and develop

a plan of action. Regardless of your position in the legal profession, please consider ways in which you can make a difference in the essential task of bringing about a

***We have the capacity
to create a better
future for our lawyers.***

culture change in how we, as lawyers, regard our own well-being and that of one another.

As a profession, we have the capacity to face these challenges and create a better future for our lawyers that is sustainable. We can do so—not in spite of—but in pursuit of the highest professional standards, business practices, and ethical ideals.

¹P. R. Krill, R. Johnson, & L. Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46 (2016).

²A. M. Brafford, *Building the Positive Law Firm: The Legal Profession At Its Best* (August 1, 2014) (Master’s thesis, Univ. Pa., on file with U. Pa. Scholarly Commons Database), available at http://repository.upenn.edu/mapp_capstone/62/.

³J. M. Organ, D. Jaffe, & K. Bender, *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. LEGAL EDUC. 116 (2016).

⁴See D. L. Chambers, *Overstating the Satisfaction of Lawyers*, 39 LAW & SOC. INQUIRY 1 (2013).

⁵J. M. Organ, *What Do We Know About the Satisfaction/Dissatisfaction of Lawyers? A Meta-Analysis of Research on Lawyer Satisfaction and Well-Being*, 8 U. ST. THOMAS L. J. 225 (2011); L. S. Krieger & K. M. Sheldon, *What Makes Lawyers Happy? Transcending the Anecdotes with Data from 6200 Lawyers*, 83 GEO. WASH. L. REV. 554 (2015).

National Task Force on Lawyer Well-Being State Action Plan & Checklist

Chief Justice (or Designee) "To Do List"

Gather all stakeholders

(Identify leaders in the jurisdiction with an interest in and commitment to well-being issues. Bring these leaders together in a Commission on Lawyer Well-Being. The attached list of potential stakeholder representatives offers guidance.)

Review the Task Force Report

Have Commission members familiarize themselves with the Task Force Report. It provides concrete recommendations for how to address lawyer well-being issues.

Do an inventory of recommendations

(Next, assess which recommendations can be implemented in the jurisdiction. This includes an assessment of the leadership and resources required to implement these recommendations.)

Create priorities

(Each jurisdiction will have its own priorities based on the inventory of recommendations. Which ones are the most urgent? Which ones will create the most change? Which ones are feasible?)

Develop an action plan

(Having inventoried the recommendations and prioritized them, now is the time to act. What does that path forward look like? Who needs to be involved? How will progress be measured?)

National Task Force on Lawyer Well-Being State Action Plan & Checklist

Checklist for Gathering the Stakeholders

Item 1 of the Plan above recommends the gathering of stakeholders as a first step. The National Task Force suggests the Chief Justice of each state create a Commission on Lawyer Well-Being in that state and appoint representatives from each stakeholder group to the Commission. Below is a checklist of potential stakeholder representatives the Chief Justice may consider in making appointments.

JUDICIAL

- Supreme Court Chief Justice or designated representative
- Other judge representatives

LAWYER ASSISTANCE PROGRAM (LAP)

- LAP Director
- Clinical director
- Lawyer representative to the LAP

LAW SCHOOLS

- Dean representative
- Faculty representative
- Law student representative

REGULATORS

- Admissions (or Board of Law Examiners) representative
- Mandatory CLE program representative
- CLE provider representative
- Regulation/Bar/Disciplinary Counsel representative

BAR ASSOCIATIONS

- Bar president
- Bar president-elect
- Executive director
- Young lawyer division representative
- Specialty bar representative

LAW FIRMS

- Sole practitioner
- Small firm representative (2-5 lawyers)
- Medium firm representative (6-15 lawyers)
- Large firm representative (16+ lawyers)
- In-house counsel representative
- Non-traditional lawyer representative

ALLIES

- ASAM representative (addiction psychiatrist)
- Organizational/behavioral psychologist
- Members of the public

Appendix to Recommendation 8: Example Educational Topics About Lawyer Distress and Well-Being

Recommendation 8 advises stakeholders to provide high-quality education programs and materials on causes and consequences of lawyer distress and well-being. Below is a list of example educational topics for such programming with empirical support.

8.1 Work Engagement vs. Burnout

The work engagement-burnout model can serve as a general organizing framework for stakeholders' efforts to boost lawyer well-being and curb dysfunction. Work engagement is a kind of work-related well-being. It includes high levels of energy and mental resilience, dedication (which includes a sense of meaningfulness, significance, and challenge), and frequently feeling positively absorbed in work.¹⁷² Work engagement contributes to, for example, mental health, less stress and burnout, job satisfaction, helping behaviors, reduced turnover, performance, and profitability.¹⁷³

Burnout is essentially the opposite of engagement. It is a stress response syndrome that is highly correlated with depression and can have serious psychological and physiological effects. Workers experiencing burnout feel emotionally and physically exhausted, cynical about the value of their activities, and uncertain about their capacity to perform well.¹⁷⁴

The work engagement-burnout model proposes the idea of a balance between resources and demands: Engagement arises when a person's resources (i.e., positive individual, job, and organizational factors, like autonomy, good leadership, supportive colleagues, feedback, interesting work, optimism, resilience) outweigh demands (i.e., draining aspects of the job, like work overload and conflicting demands). But when excessive demands or a lack of recovery from demands tip the scale, workers are in danger of burnout. Disengagement, alienation, and turnover become likely. Resources contribute to engagement; demands feed burnout. Using this framework as a guide, stakeholders should develop lawyer well-being strategies that focus on increasing individual and organizational resources and decreasing demands when possible.¹⁷⁵

The incidence of burnout vs. work engagement in the legal profession is unknown but has been well-studied in the medical profession. Research has found that 30-40 percent of licensed physicians, 49 percent of medical students, and 60 percent of new residents meet the definition of burnout, which is associated with an increased risk of depression, substance use, and suicidal thinking.¹⁷⁶ Burnout also undermines professionalism and quality of patient care by eroding honesty, integrity, altruism, and self-regulation.¹⁷⁷

The medical profession's work on these issues can serve as a guide for the legal profession. It has conducted

¹⁷²W. B. Schaufeli, *What is Engagement?*, in EMPLOYEE ENGAGEMENT IN THEORY AND PRACTICE (C. Truss, K. Alfes, R. Delbridge, A. Shantz, & E. Soane eds., 2013).

¹⁷³C. Bailey, A. Madden, K. Alfes, & L. Fletcher, *The Meaning, Antecedents and Outcomes of Employee Engagement: A Narrative Synthesis*, 19 INT'L J. MGMT. REV. 19 (2017); BRAFFORD, *supra* note 131; GALLUP, INC., ENGAGEMENT AT WORK: ITS EFFECT ON PERFORMANCE CONTINUES IN TOUGH ECONOMIC TIMES (2013), available at <http://www.gallup.com/services/176657/engagement-work-effect-performance-continues-tough-economic-times.aspx>.

¹⁷⁴Maslach, Schaufeli, & Leiter, *supra* note 121.

¹⁷⁵A. B. Bakker & E. Demerouti, *Job Demands-Resources Theory: Taking Stock and Looking Forward*, J. OCCUPATIONAL HEALTH PSYCHOL. (2016), advance online publication available at <http://dx.doi.org/10.1037/ocp0000056>; A. B. Bakker, *Top-Down and Bottom-Up Interventions to Increase Work Engagement*, in AM. PSYCHOL. ASS'N HANDBOOK OF CAREER INTERVENTION: VOL. 2. APPLICATIONS 427-38 (P. J. Hartung, M. L. Savickas, & W. B. Walsh eds., 2015); BRAFFORD, *supra* note 131.

¹⁷⁶L. Dyrbye, T. Shanafelt, *Physician Burnout: A Potential Threat to Successful Health Care Reform*, 305 J. AM. MED. ASS'N 2009 (2009); L. Dyrbye & T. Shanafelt, *A Narrative Review of Burnout Experienced by Medical Students and Residents*, 50 MED. EDUC. 132 (2016); J. J. Hakanen & W. B. Schaufeli, *Do Burnout and Work Engagement Predict Depressive Symptoms and Life Satisfaction? A Three-Wave Seven-Year Prospective Study*, 141 J. AFFECTIVE DISORDERS 415 (2012).

¹⁷⁷Dyrbye & Shanafelt, *supra* note 176; T. L. Schwenk, *Resident Depression: The Tip of a Graduate Medical Education Iceberg*, 314 J. AM. MED. ASS'N 2357 (2015).

hundreds of studies, has identified many individual and organizational contributors to burnout, and has proposed wellness strategies and resilience programs.¹⁷⁸ Bi-annually, the American Medical Association (AMA) co-sponsors an International Conference on Physician Health. The September 2016 conference was held in Boston with the theme, “Increasing Joy in Medicine.” The conference included 70 presentations, workshops, and plenary speaker sessions on a wide variety of well-being topics over a three-day period (See AMA website).

8.2 Stress

Stress is inevitable in lawyers’ lives and is not necessarily unhealthy.¹⁷⁹ Mild to moderate levels of stress that are within our capability can present positive challenges that result in a sense of mastery and accomplishment.¹⁸⁰ Much of our daily stress is governed by our beliefs about our coping abilities.¹⁸¹ When stress is perceived as a positive, manageable challenge, the stress response actually can enable peak performance.¹⁸² For example, in a study of a New Zealand law firm, researchers found that lawyers who frequently experience positive challenge reported the highest levels of work engagement. The researchers also found that, where lawyers felt overburdened by work, they were more likely to experience burnout.¹⁸³

This finding highlights the importance of positive challenge but also its paradoxical effect: Challenge contributes to work-related well-being, but it also can lead to negative

consequences like burnout when it becomes overwhelming. Stressors that pose the greatest risk of harm are those that are uncontrollable, ambiguous, unpredictable, and chronic that we perceive as exceeding our ability to cope.¹⁸⁴ Such stressors increase the rise of (or exacerbate) depression, anxiety, burnout, alcohol abuse, and physical conditions such as cardiovascular, inflammatory, and other illnesses that can affect lawyers’ health and capacity to practice.¹⁸⁵ For example, in a 2004 study of North Carolina lawyers, more than half had elevated levels of perceived stress, and this was the highest predictor of depression of all factors in the study.¹⁸⁶

Stress also is associated with cognitive decline, including impaired attention, concentration, memory, and problem-solving.¹⁸⁷ Stress also can harm one’s ability to establish strong relationships with clients and is associated with relational conflict, which can further undermine lawyers’ ability to competently represent and interact with clients. Both personal and environmental factors in the workplace contribute to stress and whether it positively fuels performance or impairs mental health and functioning.¹⁸⁸ Research reflects that organizational factors more significantly contribute to dysfunctional stress responses than individual ones, and that the most effective prevention strategies target both.¹⁸⁹

8.3 Resilience & Optimism

The American Psychological Association defines resilience

¹⁷⁸E.g., J. Brennan & A. McGrady, *Designing and Implementing a Resiliency Program for Family Medicine Residents*, 50 INT’L J. PSYCHIATRY MED. 104 (2015); J. Eckleberry-Hunt, A. Van Dyke, D. Lick, & J. Tucciarone, *Changing the Conversation from Burnout to Wellness: Physician Well-Being in Residency Training Programs*, 1 J. GRADUATE MED. EDUC. 225 (2009); R. M. Epstein & M. S. Krasner, *Physician Resilience: What It Means, Why It Matters, and How to Promote It*, 88 ACAD. MED. 301 (2013); A. Nedrow, N. A. Steckler, & J. Hardman, *Physician Resilience and Burnout: Can You Make the Switch?* 20 FAMILY PRAC. MGMT. 25 (2013).

¹⁷⁹A. ELWORK, *STRESS MANAGEMENT FOR LAWYERS* (2007).

¹⁸⁰K. M. Keyes, M. L. Hatzenbuehler, B. F. Grant, & D. S. Hasin, *Stress and Alcohol: Epidemiologic Evidence*, 34 ALCOHOL RES.: CURRENT REV. 391 (2012).

¹⁸¹J. B. Avey, F. Luthans, & S. M. Jensen, *Psychological Capital: A Positive Resource for Combating Employee Stress and Turnover*, 48 HUMAN RES. MGMT. 677 (2009).

¹⁸²BRAFFORD, *supra* note 131; Crum, Salovey, Achor, *supra* note 50; K. McGonigal, *THE UPSIDE OF STRESS: WHY STRESS IS GOOD FOR YOU, AND HOW TO GET GOOD AT IT* (2015).

¹⁸³V. Hopkins & D. Gardner, *The Mediating Role of Work Engagement and Burnout in the Relationships Between Job Characteristics and Psychological Distress Among Lawyers*, 41 N. Z. J. PSYCHOL. 59 (2012).

¹⁸⁴R. M. Anthenelli, *Overview: Stress and Alcohol Use Disorders Revisited*, 34 ALCOHOL RES.: CURRENT REV. 386 (2012).

¹⁸⁵E.g., S. M. Southwick, G. A. Bonanno, A. S. Masten, C. Panter-Brick, & R. Yehuda, *Resilience Definitions, Theory, and Challenges: Interdisciplinary Perspectives*, 5 EUR. J. PSYCHOTRAUMATOLOGY 1 (2014); M. R. Frone, *Work Stress and Alcohol Use*, 23 ALCOHOL RES. & HEALTH 284 (1999); C. Hammen, *Stress and Depression*, 1 ANN. REV. CLINICAL PSYCHOL. 293 (2005); Keyes, Hatzenbuehler, Grant, & Hasin, *supra* note 180; J. Wang, *Work Stress as a Risk Factor for Major Depressive Episode(s)*, 35 PSYCHOL. MED. 865 (2005); J-M Woo & T. T. Postolache, *The Impact of Work Environment on Mood Disorders and Suicide: Evidence and Implications*, 7 INT’L J. DISABILITY & HUMAN DEV. 185 (2008).

¹⁸⁶M. H. Howerton, *The Relationship Between Attributional Style, Work Addiction, Perceived Stress, and Alcohol Abuse on Depression in Lawyers in North Carolina* (2004) (doctoral dissertation, Univ. of N.C. at Charlotte) (available from ProQuest Dissertations and Theses database).

¹⁸⁷B. S. McEwen, & R. M. Sapolsky, *Stress and Cognitive Function*, 5 CURRENT OPINION IN NEUROBIOLOGY 205–216 (1995); L. Schwabe & O. T. Wolf, *Learning Under Stress Impairs Memory Formation*, 93 NEUROBIOLOGY OF LEARNING & MEMORY 183 (2010); S. Shapiro, J. Astin, S. Bishop, & M. Cordova, *Mindfulness-Based Stress Reduction and Health Care Professionals: Results from a Randomized Controlled Trial*, 12 INT’L J. STRESS MGMT. 164 (2005).

¹⁸⁸J. C. QUICK, T. A. WRIGHT, J. A. ADKINS, D. L. NELSON, & J. D. QUICK, *PREVENTIVE STRESS MANAGEMENT IN ORGANIZATIONS* (2013).

¹⁸⁹Maslach, Schaufeli, & Leiter, *supra* note 121.

as a process that enables us to bounce back from adversity in a healthy way. It also has been defined as a “process to harness resources to sustain well-being”¹⁹⁰—a definition that connects resilience to the resource-balancing framework of the work engagement-burnout model discussed above. Our capacity for resilience derives from a host of factors, including genetics and childhood experiences that influence the neurobiology of our stress response—specifically, whether the stress response is both activated and terminated efficiently.¹⁹¹

But resilience also derives from a collection of psychological, social, and contextual factors—many of which we can change and develop. These include, for example, optimism, confidence in our abilities and strengths (self-efficacy), effective problem-solving, a sense of meaning and purpose, flexible thinking, impulse control, empathy, close relationships and social support, and faith/spirituality.¹⁹² A model for developing many of these psychological and social competencies is provided by the U.S. Army’s Master Resilience Training program.¹⁹³ As noted above, the medical profession also has designed resilience programs for physicians and residents that can serve as guides, and researchers have offered additional strategies.¹⁹⁴

Among the most important of the personal competencies is optimistic explanatory style, which is a habit of thought that allows people to put adverse events in a rational context and not be overwhelmed by catastrophic thinking. The principal strategy for building optimistic explanatory style is by teaching cognitive reframing based on cognitive-behavioral therapy research.¹⁹⁵ The core of the technique is to teach people to monitor and dispute their automatic

negative self-talk. Neurobiology scholars recently have argued that this capacity is so important to our regulation of stress that it constitutes the cornerstone of resilience.¹⁹⁶

This skill can benefit not only practicing lawyers but also law students.¹⁹⁷ Stanford Law, for example, has offered a 3-hour course teaching cognitive framing that has been popular and successful.¹⁹⁸ Lawyer assistance programs also could benefit from learning this and other resilience strategies, which have been used in addiction treatment.¹⁹⁹

Aside from individual-level skills and strengths, developing “structural resilience” also is important, if not more important. This requires leaders to develop organizations and institutions that are resource-enhancing to help give people the wherewithal to realize their full potential.²⁰⁰ Individual resilience is highly dependent on the context in which people are embedded. This means that initiatives to foster lawyer well-being should take a systemic perspective.

8.4 Mindfulness Meditation

Mindfulness meditation is a practice that can enhance cognitive reframing (and thus resilience) by aiding our ability to monitor our thoughts and avoid becoming emotionally overwhelmed. A rapidly growing body of research on meditation has shown its potential for help in addressing a variety of psychological and psychosomatic disorders, especially those in which stress plays a causal role.²⁰¹ One type of meditative practice is mindfulness—a technique that cultivates the skill of being present by focusing attention on your breath and detaching from your thoughts or feelings. Research has found that mindfulness can reduce rumination, stress, depression, and anxiety.²⁰² It

¹⁹⁰ Southwick, Bonanno, Masten, Panter-Brick, & Yehuda, *supra* note 185.

¹⁹¹ Alim, Lawson, & Neumeister, et al., *supra* note 170.

¹⁹² K. J. Reivich, M. E. P. Seligman, & S. McBride, *Master Resilience Training in the U.S. Army*, 66 AM. PSYCHOLOGIST 25 (2011); C. D. Schetter & C. Dolbier, *Resilience in the Context of Chronic Stress and Health in Adults*, 5 SOC. PERSONAL PSYCHOL. COMPASS 634 (2011).

¹⁹³ *Id.*; R. R. SINCLAIR, & T. A. BRITT, BUILDING PSYCHOLOGICAL RESILIENCE IN MILITARY PERSONNEL: THEORY AND PRACTICE (2013).

¹⁹⁴ C. COOPER, J. FLINT-TAYLOR, & M. PEARN, BUILDING RESILIENCE FOR SUCCESS: A RESOURCE GUIDE FOR MANAGERS AND ORGANIZATIONS (2013); I. T. Robertson, C. L. Cooper, M. Sarkar, & T. Curran, *Resilience Training in the Workplace from 2003 to 2014: A Systematic Review*, 88 J. OCCUPATIONAL & ORG. PSYCHOL. 533 (2015).

¹⁹⁵ *Id.*

¹⁹⁶ R. Kalisch, M. B. Muler, & O. Tuscher, *A Conceptual Framework for the Neurobiological Study of Resilience*, 27 BEHAV. & BRAIN SCI. 1 (2014).

¹⁹⁷ C. Rosen, *Creating the Optimistic Classroom: What Law Schools Learn from Attribution Style Effects*, 42 MCGEORGE L. REV. 319 (2011).

¹⁹⁸ Stanford Law Professor Joe Bankman’s use of cognitive behavioral therapy concepts are described on the school’s website: <http://news.stanford.edu/2015/04/07/bank-man-law-anxiety-040715>. He has posted relevant materials to educate other law schools how to teach this skill: <http://www.colorado.edu/law/sites/default/files/Bankman%20-%20Materials%20for%20Anxiety%20Psychoeducation%20Course.pdf>.

¹⁹⁹ Alim, Lawson, & Neumeister, *supra* note 170.

²⁰⁰ BRAFFORD, *supra* note 131; Southwick, Bonanno, Masten, Panter-Brick, & Yehuda, *supra* note 185.

²⁰¹ R. Walsh & S. L. Shapiro (2006), *The Meeting of Meditative Disciplines and Western Psychology*, 61 AM. PSYCHOL. 227 (2006).

²⁰² *E.g.*, S. G. Hoffman, A. T. Sawyer, A. A. Witt, & D. Oh, *The Effect of Mindfulness-Based Therapy on Anxiety and Depression: A Meta-Analytic Review*, 78 J. CONSULTING & CLINICAL PSYCHOL. 169 (2010); R. Teper, Z. V. Segal, & M. Inzlicht, *Inside the Mindful Mind: How Mindfulness Enhances Emotion Regulation Through Improvements in Executive Control*, 22 CURRENT DIRECTIONS IN PSYCHOL. SCI. 449

also can enhance a host of competencies related to lawyer effectiveness, including increased focus and concentration, working memory, critical cognitive skills, reduced burnout, and ethical and rational decision-making.²⁰³ Multiple articles have advocated for mindfulness as an important practice for lawyers and law students.²⁰⁴ Evidence also suggests that mindfulness can enhance the sense of work-life balance by reducing workers' preoccupation with work.²⁰⁵

8.5 Rejuvenation Periods to Recover From Stress

Lawyers must have downtime to recover from work-related stress. People who do not fully recover are at an increased risk over time for depressive symptoms, exhaustion, and burnout. By contrast, people who feel recovered report greater work engagement, job performance, willingness to help others at work, and ability to handle job demands.²⁰⁶ Recovery can occur during breaks during the workday, evenings, weekends, vacations, and even microbreaks when transitioning between projects.²⁰⁷ And the quality of employees' recovery influences their mood, motivation, and job performance.

Researchers have identified four strategies that are most effective for recovering from work demands: (1) psychological detachment (mentally switching off from work), (2) mastery experiences (challenges and learning experiences), (3) control (spending time off as we choose), and (4) relaxation.²⁰⁸ Falling into the second category is physical activity (exercise and sports), which may be an

especially effective form of recovery for people performing mentally demanding work—like lawyers. This is so because low-effort activities (e.g., watching TV) may actually increase subjective feelings of fatigue.²⁰⁹

Quality sleep is critically important in the recovery process.²¹⁰ Sleep deprivation has been linked to a multitude of health problems that decay the mind and body, including depression, cognitive impairment, decreased concentration, and burnout. Cognitive impairment associated with sleep-deprivation can be profound. For example, a study of over 5,000 people showed that too little sleep was associated with a decline over a five year-period in cognitive functioning, including reasoning, vocabulary, and global cognitive status. Research on short-term effects of sleep deprivation shows that people who average four hours of sleep per night for four or five days develop the same cognitive impairment as if they had been awake for 24 hours—which is the equivalent of being legally drunk.²¹¹ Given lawyers' high risk for depression, it is worth noting evidence that sleep problems have the highest predictive value for who will develop clinical depression.²¹²

8.6 Physical Activity

Many lawyers' failure to prioritize physical activity is harmful to their mental health and cognitive functioning. Physical exercise is associated with reduced symptoms of anxiety and low energy. Aerobic exercise has been found to be as effective at improving symptoms of depression

²⁰³A. P. Jha, E. A. Stanley, W. L. Kiyonaga, & L. Gelfand, *Examining the Protective Effects of Mindfulness Training on Working Memory Capacity and Affective Experience*, 10 *EMOTION* 56 (2010); D. Levy, J. Wobbrock, A. W. Kaszniak, & M. Ostergren, *The Effects of Mindfulness Meditation Training on Multitasking in a High-Stress Environment*, *Proceedings of Graphics Interface Conference* (2012), available at <http://faculty.washington.edu/wobbrock/pubs/gi-12.02.pdf>; M. D. Mrazek, M. S. Franklin, D. T. Phillips, B. Baird, & J. W. Schooler, *Mindfulness Training Improves Working Memory Capacity and GRE Performance While Reducing Mind Wandering*, 24 *PSYCHOL. SCI.* 776 (2013); N. E. Ruedy & M. E. Schweizer, *In the Moment: The Effect of Mindfulness on Ethical Decision Making*, 95 *J. BUS. ETHICS* 73 (2010); F. Zeidan, S. K. Johnson, B. J. Diamond, Z. David, & P. Goolkasian, *Mindfulness Meditation Improves Cognition: Evidence of Brief Mental Training*, 19 *CONSCIOUSNESS & COGNITION* 597 (2010).

²⁰⁴E.g., W. S. Blatt, *What's Special About Meditation? Contemplative Practice for American Lawyers*, 7 *HARV. NEGOT. L. REV.* 125 (2002); Peter H. Huang, *How Improving Decision-Making and Mindfulness Can Improve Legal Ethics and Professionalism*, 21 *J. L. BUS. & ETHICS* 35 (2014).

²⁰⁵A. Michel, C. Bosch, & M. Rexroth, *Mindfulness as a Cognitive-Emotional Segmentation Strategy: An Intervention Promoting Work-Life Balance*, 87 *J. OCCUPATIONAL & ORGANIZATIONAL PSYCHOL.* 733 (2014).

²⁰⁶See, e.g., C. Fritz, A. M. Ellis, C. A. Demsky, B. C. Lin, & F. Guros, *Embracing Work Breaks: Recovery from Work Stress*, 42 *ORG. DYNAMICS* 274 (2013); N. P. Rothbard & S. V. Patil, *Being There: Work Engagement and Positive Organizational Scholarship*, in *THE OXFORD HANDBOOK OF POSITIVE ORGANIZATIONAL SCHOLARSHIP* 56-68 (K. S. Cameron & G. M. Spreitzer eds., Oxford University Press 2012).

²⁰⁷S. Sonnentag, C. Niessen, & A. Neff, *Recovery: Nonwork Experiences that Promote Positive States*, in Cameron & Spreitzer, *supra* note 206.

²⁰⁸BRAFFORD, *supra* note 131; V. C. Hahn, C. Binnewies, S. Sonnentag, & E. J. Mojza, *Learning How to Recover from Job Stress: Effects of a Recovery Training Program on Recovery, Recovery-Related Self-Efficacy, and Well-Being*, 16 *J. OCCUPATIONAL HEALTH PSYCHOL.* 202 (2011).

²⁰⁹J. W. Rook & F. R. H. Zijlstra, *The Contribution of Various Types of Activities to Recovery*, 15 *EUROPEAN J. WORK & ORGANIZATIONAL PSYCHOL.* 218 (2006).

²¹⁰M. Soderstrom, J. Jeding, M. Ekstedt, A. Perski, & T. Akerstedt, *Insufficient Sleep Predicts Clinical Burnout*, 17 *J. OCCUPATIONAL HEALTH PSYCHOL.* 175 (2012).

²¹¹J. E. Ferrie, M. J. Shipley, T. N. Akbaraly, M. G. Marmot, M. Kivimaki, & A. Singh-Manoux, *Change in Sleep Duration and Cognitive Function: Findings from the Whitehall II Study*, 34 *SLEEP* 565-73 (2011); B. Fryer, *Sleep Deficit: The Performance Killer*, *HARV. BUS. REV.*, Oct. 2006, available at <http://hbr.org/2006/10/sleep-deficit-the-performance-killer>; S. Maxon, *How Sleep Deprivation Decays the Mind and Body*, *THE ATLANTIC*, December 2013, available at <http://www.theatlantic.com/health/archive/2013/12/how-sleep-deprivation-decays-the-mind-and-body/282395>.

²¹²P. L. Franzen, & D. J. Buysse, *Sleep Disturbances and Depression: Risk Relationships for Subsequent Depression and Therapeutic Implications*, 10 *DIALOGUES IN CLINICAL NEUROSCIENCE* 473 (2008).

as antidepressant medication and psychotherapy.²¹³ In a review of strategies for preventing workplace depression, researchers found that interventions to increase physical activity were among the most effective.²¹⁴

Research also shows that physical exercise improves brain functioning and cognition. Physical activity, which stimulates new cell growth in the brain, can offset the negative effects of stress, which causes brain atrophy. Greater amounts of physical activity (particularly aerobic) have been associated with improvements in memory, attention, verbal learning, and speed of cognitive processing.²¹⁵ A growing body of evidence reflects that regular aerobic activity in middle age significantly reduces the risk of developing dementia and, in older age, can slow the progression of cognitive decline of those who already are diagnosed with Alzheimer's disease.²¹⁶

8.7 Leader Development and Training

Leader development and training is critically important for supporting lawyer well-being and optimal performance. Low-quality leadership is a major contributor to stress, depression, burnout, and other mental and physical health disorders.²¹⁷ Even seemingly low-level incivility by leaders can have a big impact on workers' health and motivation. Research found harmful effects from leaders, for example, playing favorites; criticizing unfairly; and failing to provide information, listen to problems, explain goals, praise good work, assist with professional development,

and show that they cared. On the other hand, positive leadership styles contribute to subordinates' mental health, work engagement, performance, and job satisfaction.²¹⁸ Many studies confirm that positive leader behaviors can be trained and developed.²¹⁹ Training is important for all levels of lawyers who supervise others. This is so because leaders with the most direct contact with subordinates have the most significant impact on their work experience.²²⁰ Subordinates' immediate leader drives almost 70 percent of their perceptions of the workplace.²²¹

8.8 Control and Autonomy

As noted in Recommendation 7, feeling a lack of control over work is a well-established contributor to poor mental health, including depression and burnout. A sense of autonomy is considered to be a basic psychological need that is foundational to well-being and optimal functioning.²²² Research confirms that leaders can be trained to be more autonomy-supportive.²²³ Other organizational practices that can enhance a sense of autonomy include, for example, structuring work to allow for more discretion and autonomy and encouraging lawyers to craft aspects of their jobs to the extent possible to best suit their strengths and interests.²²⁴

The benefits of autonomy-support are not limited to manager-subordinate relationships for legal employers. Research reflects that law students with autonomy-supportive professors and school cultures have higher well-being and performance.²²⁵ Lawyer-client relationships also

²¹³H. Chu, J. Buckworth, T. E. Kirby, & C. F. Emery, *Effect of Exercise Intensity on Depressive Symptoms in Women*, 2 MENTAL HEALTH AND PHYSICAL ACTIVITY 37 (2009); M. P. Herring, M. L. Jacob, C. Suveg, & P. J. O'Connor, *Effects of Short-Term Exercise Training on Signs and Symptoms of Generalized Anxiety Disorder*, 4 MENTAL HEALTH & PHYSICAL ACTIVITY 71 (2011).

²¹⁴S. Joyce, M. Modini, H. Christensen, A. Mykletun, R. Bryant, P. B. Mitchell, & S. B. Harvey, *Workplace Interventions for Common Mental Disorders: A Systematic Meta-Review*, 46 PSYCHOL. MED. 683 (2016).

²¹⁵A. Kandola, J. Hendrikse, P. J. Lucassen, & M. Yücel, *Aerobic Exercise as a Tool to Improve Hippocampal Plasticity and Function in Humans: Practical Implications for Mental Health Treatment*, 10 FRONTIERS IN HUMAN NEUROSCIENCE 373 (2016)

²¹⁶*Id.*; J. E. Ahlskog, Y. E. Geda, N. R. Graff-Radford, & R. C. Petersen, *Physical Exercise as a Preventive or Disease-Modifying Treatment of Dementia and Brain Aging*, 86 MAYO CLINIC PROC. 876 (2011).

²¹⁷BRAFFORD, *supra* note 131; R. J. BURKE AND K. M. PAGE, RESEARCH HANDBOOK ON WORK AND WELL-BEING (2017); W. Lin, L. Wang, & S. Chen, *Abusive Supervision and Employee Well-Being: The Moderating Effect of Power Distance Orientation*, 62 APPLIED PSYCHOL.: AN INT'L REV 308 (2013); E. K. Kelloway, N. Turner, J. Barling, & C. Loughlin, *Transformational Leadership and Employee Psychological Well-Being: The Mediating Role of Employee Trust in Leadership*, 26 WORK & STRESS 39 (2012).

²¹⁸*E.g.*, A. Amankwaa & O. Anku-Tsede, *Linking Transformational Leadership to Employee Turnover: The Moderating Role of Alternative Job Opportunity*, 6 INT'L J. BUS. ADMIN. 19 (2015); J. Perko, U. Kinnunen, & T. Feldt, *Transformational Leadership and Depressive Symptoms Among Employees: Mediating Factors*, 35 LEADERSHIP & ORG. DEV. J. 286 (2014); M. Y. Ghadi, M. Fernando, & P. Caputi, *Transformational Leadership and Work Engagement*, 34 LEADERSHIP & ORG. DEV. J. 532 (2013).

²¹⁹*E.g.*, B. J. Avolio & B. M. Bass, *You Can Drag a Horse to Water, But You Can't Make It Drink Except When It's Thirsty*, 5 J. LEADERSHIP STUDIES 1 (1998); K. E. Kelloway, J. Barling, & J. Helleur, *Enhancing Transformational Leadership: The Roles of Training and Feedback*, 21 LEADERSHIP & ORG. DEV. J. 145 (2000).

²²⁰D. J. Therkelsen & C. L. Fiebich, *The Supervisor: The Linchpin of Employee Relations*, 8 J. COMM. MGMT. 120 (2003).

²²¹R. Beck & J. Harter, *Managers Account for 70% of Variance in Employee Engagement*, GALLUP BUS. J., April 21, 2015, available at <http://www.gallup.com/businessjournal/182792/managers-account-variance-employee-engagement.aspx>.

²²²BRAFFORD, *supra* note 131; Y-L. Su & J. Reeve, *A Meta-Analysis of the Effectiveness of Intervention Programs Designed to Support Autonomy*, 23 EDUC. PSYCHOL. REV. 159 (2011).

²²³*Id.*

²²⁴See G. R. Slemp & D. A. Vella-Brodrick, *Optimising Employee Mental Health: The Relationship Between Intrinsic Need Satisfaction, Job Crafting, and Employee Well-Being*, 15 J. HAPPINESS STUDIES 957 (2014); D. T. Ong & V. T. Ho, *A Self-Determination Perspective of Strengths Use at Work: Examining Its Determinant and Performance Implications*, 11 J. POSITIVE PSYCHOL. 15 (2016).

²²⁵*E.g.*, Sheldon & Krieger, *supra* note 5; see also G. F. Hess, *Collaborative Course Design: Not My Course, Not Their Course, But Our Course*, 47 WASHBURN L.J. 367 (2008).

can be enhanced by autonomy-supportive behaviors by both parties. Lawyers respect client autonomy by, for example, taking full account of their perspectives, not interrupting, affording choice, offering information respectfully, providing a rationale for recommendations, sharing power in decision-making (when appropriate), and accepting clients' decisions.²²⁶ In the medical profession, this model of client-centered care has been found to result in better outcomes, patient satisfaction, and diminished risk of malpractice lawsuits.²²⁷

8.9 Conflict Management

Our legal system is adversarial—it's rooted in conflict. Even so, lawyers generally are not trained on how to constructively handle conflict and to adapt tactics based on context—from necessary work-related conflicts to inter-personal conflicts with clients, opposing counsel, colleagues, or loved ones.²²⁸ Conflict is inevitable and can be both positive and negative.²²⁹ But chronic, unmanaged conflict creates physical, psychological, and behavioral stress. Research suggests that conflict management training can reduce the negative stressful effects of conflict and possibly produce better, more productive lawyers.²³⁰

8.10 Work-Life Conflict

The stress of chronic work-life conflict can damage well-being and performance.²³¹ A study of a New Zealand law firm found that work-life conflict was the strongest predictor of lawyer burnout.²³² Similarly, a study of Australian lawyers found that preoccupation with work was the strongest predictor of depression.²³³ Research in the medical profession repeatedly has found that work-life

conflict contributes to burnout.²³⁴ A large scale study across a variety of occupations found that reports of work-life conflict increased the odds of poor physical health by 90 percent.²³⁵ On the other hand, work-life balance (WLB) benefits workers and organizations.²³⁶

WLB is a complex topic, but research provides guidance on how to develop a WLB-supportive climate. Adopting a formal policy that endorses flexibility is a threshold requirement. Such policies foster the perception of organizational support for flexibility, which is even more important to workers' experience of WLB than actual benefit use. Policies should not be restricted to work-family concerns and any training should emphasize support for the full range of work-life juggling issues. Narrow family-focused policies can create feelings of resentment by workers who have valued non-family commitment.

WLB initiatives cannot end with formal policies or people will doubt their authenticity and fear using them. For example, nearly all large firms report having a flexible schedule policy.²³⁷ But a recent survey of law firm lawyers found that use of flexibility benefits was highly stigmatizing.²³⁸ To benefit from WLB initiatives, organizations must develop a WLB-supportive climate. Research has identified multiple factors for doing so: (1) job autonomy, (2) lack of negative consequences for using WLB benefits, (3) level of perceived expectation that work should be prioritized over family, and (5) supervisor support for WLB. By far, the most important factor is the last. Supervisors communicate their support for WLB by, for example, creatively accommodating non-work-related needs, being empathetic with juggling efforts, and role modeling WLB behaviors.²³⁹

²²⁶G. C. Williams, R. M. Frankel, T. L. Campbell, & E. L. Deci, *Research on Relationship-Centered Care and Healthcare Outcomes from the Rochester Biopsychosocial Program: A Self-Determination Theory Integration*, 18 FAMILIES, SYS. & HEALTH 79 (2000).

²²⁷*Id.*; see also C. White, *The Impact of Motivation on Customer Satisfaction Formation: A Self-Determination Perspective*, 49 EUROPEAN J. MARKETING 1923 (2015).

²²⁸M. T. Colatrella, *A Lawyer for All Seasons: The Lawyer as Conflict Manager*, 49 SAN DIEGO L. REV. 93 (2012).

²²⁹A. Elwork & G. A. H. Bemjamin, *Lawyers in Distress*, 23 J. PSYCHIATRY & L. 205 (1995).

²³⁰D. L. Haraway & W. M. Haraway, *Analysis of the Effect of Conflict-Management and Resolution Training on Employee Stress at a Healthcare Organization*, 83 HOSPITAL TOPICS 11 (2005); see also Colatrella, *supra* note 228.

²³¹BRAFFORD, *supra* note 131; D. A. MAJOR & R. BURKE, *HANDBOOK OF WORK-LIFE INTEGRATION AMONG PROFESSIONALS: CHALLENGES AND OPPORTUNITIES* (2013).

²³²Hopkins & Gardner, *supra* note 183.

²³³A. D. Joudrey & J. E. Wallace, *Leisure As A Coping Resource: A Test of the Job Demand-Control-Support Model*, 62 HUMAN RELATIONS 195 (2009).

²³⁴E.g., E. Amofo, N. Hanabali, A. Patel, & P. Singh, *What Are the Significant Factors Associated with Burnout in Doctors?*, 65 OCCUPATIONAL MED. 117 (2015).

²³⁵J. Goh, J. Pfefer, & S. A. Zenios, *Workplace Stressors & Health Outcomes: Health Policy for the Workplace*, 1 BEHAV. SCI. & POL'Y. 43 (2015).

²³⁶Major & Burke, *supra* note 231; S. L. Munn, *Unveiling the Work-Life System: The Influence of Work-Life Balance on Meaningful Work*

²³⁷Press Release, *National Association for Law Placement, NALP Press Release on Part-Time Schedules* (Feb. 21, 2013), http://www.nalp.org/part-time_feb2013.

²³⁸K. M. Managan, E. Giglia, & L. Rowen, *Why Lawyers Leave Law Firms and What Firms Can Do About It*, L. PRAC. TODAY, April 14, 2016, <http://www.lawpracticetoday.org/article/why-lawyers-leave-law-firms-and-what-firms-can-do-about-it>.

²³⁹L. B. Hammer, E. E. Kossek, N. L. Yragui, T. E. Bodner, & G. C. Hanson, *Development and Validation of Multidimensional Measure of Family Supportive Supervisor Behaviors (FSSB)*, 35 J. MGMT. 837 (2009); L. B. Hammer, S. E. Van Dyck, & A. M. Ellis, *Organizational Policies Supportive of Work-Life Integration*, in Major & Burke, *supra* note 231; E. E. Kossek, S. Pichler, T. Bodner, & L. B. Hammer, *Workplace Social Support and Work-Family Conflict: A Meta-Analysis Clarifying the Influence of General and Work-Family-Specific Supervisor and Organizational Support*, 64 PERSONNEL PSYCHOL. 289 (2011)

To support WLB, bar associations and regulators should work with legal employers to develop best practices and relevant training. Regulators and judges should consider whether any of their practices and policies can be modified to better support lawyer WLB.

8.11 Meaning and Purpose

Research has found that feeling that our lives are meaningful is important for physical and psychological wellness. It provides a buffer against stress.²⁴⁰ For example, meaning in life is associated with a reduced risk of anxiety, depression, substance use, suicidal ideation, heart attack, and stroke; slower cognitive decline in Alzheimer's patients; and lower overall mortality for older adults.²⁴¹

For many lawyers, an important part of building a meaningful life is through meaningful work. Experiencing our work as meaningful means that we believe that our work matters and is valuable. A large body of research shows that meaningfulness plays an important role in workplace well-being and performance.²⁴² Evidence suggests that the perception of meaningfulness is the strongest predictor of work engagement.²⁴³

Meaningfulness develops when people feel that their work corresponds to their values. Organizations can enhance the experience of fit and meaningfulness by, for example, fostering a sense of belonging; designing and framing

work to highlight its meaningful aspects; and articulating compelling goals, values, and beliefs.²⁴⁴

These same principles apply in law school. Studies in the college context have found that the majority of students want their educational experiences to be meaningful and to contribute to a life purpose.²⁴⁵ One study measured “psychological sense of community,” which was proposed as a foundation for students to find greater meaning in their educational experience. It was the strongest predictor of academic thriving in the study.²⁴⁶ Deterioration of law students’ sense of meaning may contribute to their elevated rate of psychological distress. Research reflects that, over the course of law school, many students disconnect from their values and become emotionally numb.²⁴⁷

8.12. Substance Use and Mental Health Disorders

Recommended content for training on substance use and mental disorders is outlined above in Recommendation 8 in the body of this report.

8.13. Additional Topics

Many topics are possible for programming aimed at boosting work engagement and overall well-being (through resource-development) and curbing stress and burnout (by limiting demands) or otherwise promoting lawyer well-being. Additional topics to consider include: psychological

²⁴⁰BRAFFORD, *supra* note 131; P. Halama, *Meaning in Life and Coping. Sense of Meaning as a Buffer Against Stress*, in MEANING IN POSITIVE AND EXISTENTIAL PSYCHOLOGY 239-50 (A. Batthyany and P. Russo-Netzer eds., 2014).

²⁴¹E. S. Kim, J. K. Sun, N. Park, C. Peterson, *Purpose in Life and Reduced Incidence of Stroke in Older Adults: The Health and Retirement Study*, 74 J. PSYCHOSOMATIC RES. 427 (2013); M. F. Steger, A. R. Fitch-Martin, J. Donnelly, & K. M. Rickard, *Meaning in Life and Health: Proactive Health Orientation Links Meaning in Life to Health Variables Among American Undergraduates*, 16 J. HAPPINESS STUDIES 583 (2015); M. F. Steger, P. Frazier, S. Oishi, M. Kaler, *The Meaning in Life Questionnaire: Assessing the Presence of and Search for Meaning in Life*, 53 J. COUNSELING PSYCHOL. 80 (2006).

²⁴²E.g., S. Albrecht, *Meaningful Work: Some Key Questions for Research and Practice*, in FLOURISHING IN LIFE, WORK AND CAREERS: INDIVIDUAL WELLBEING AND CAREER EXPERIENCES (R. J. Burke, K. M. Page, & C. Cooper eds., 2015); B. D. Rosso, K. H. Dekas, & A. Wrzesniewski, *On the Meaning of Work: A Theoretical Integration and Review*, 30 RES. IN ORGANIZATIONAL BEHAV. 91 (2010).

²⁴³D. R. May, R. L. Gilson, & L. M. Harter, *The Psychological Conditions of Meaningfulness, Safety and Availability and the Engagement of the Human Spirit at Work*, 77 J. OCCUPATIONAL & ORGANIZATIONAL PSYCHOL. 11 (2004); P. Fairlie, *Meaningful Work, Employee Engagement, and Other Key Employee Outcomes: Implications for Human Resource Development*, 13 ADVANCED IN DEVELOPING HUMAN RESOURCES 508 (2011).

²⁴⁴BRAFFORD, *supra* note 131; M. G. Pratt & B. E. Ashforth, *Fostering Meaningfulness*, in Cameron, Dutton, & Quinn, *supra* note 32; D. J. Cleavenger & T. P. Munyon, *It's How You Frame It: Transformational Leadership and the Meaning of Work*, 56 BUS. HORIZONS 351 (2013); W. Kahn & S. Fellows, *Employee Engagement and Meaningful Work*, in PURPOSE AND MEANING IN THE WORKPLACE 105-26 (B. J. Dik, Z. S. Byrne, & M. F. Steger eds., 2013).

²⁴⁵S. J. DeWitz, M. L. Woolsey, W. B. Walsh, *College Student Retention: An Exploration of the Relationship Between Self-Efficacy Beliefs, and Purpose in Life among College Students*, 50 J. C. STUDENT DEV. 19 (2009); HIGHER EDUC. RES. INST., *THE SPIRITUAL LIFE OF COLLEGE STUDENTS* (2005), available at http://spirituality.ucla.edu/docs/reports/Spiritual_Life_College_Students_Full_Report.pdf; see also J. K. Coffey, L. Wray-Lake, D. Mashek, & B. Branand, *A Longitudinal Examination of a Multidimensional Well-Being Model in College and Community Samples*, 17 J. HAPPINESS STUDIES 187 (2016).

²⁴⁶Eric James McIntosh, *Thriving in College: The Role of Spirituality and Psychological Sense of Community in Students of Color* (2012) (unpublished Ph.D. dissertation, Azusa Pacific University).

²⁴⁷Sheldon & Krieger, *supra* note 154.

capital (composed of optimism, self-efficacy, hope, and resilience),²⁴⁸ psychological hardiness (composed of commitment, control, and challenge),²⁴⁹ stress mindset,²⁵⁰ growth mindset,²⁵¹ grit,²⁵² effort-reward balance,²⁵³ transformational leadership,²⁵⁴ self-determination theory,²⁵⁵ strengths-based management,²⁵⁶ emotional intelligence and regulation,²⁵⁷ organizational fairness,²⁵⁸ nutrition,²⁵⁹ interpersonal skills,²⁶⁰ and political skills.²⁶¹

²⁴⁸E.g., Avey, Luthans, & Jensen, *supra* note 181.

²⁴⁹S. R. Maddi, S. Kahn, & K. L. Maddi, *The Effectiveness of Hardiness Training*, 50 CONSULTING PSYCHOL. J.: PRAC. & RES. 78 (1998)

²⁵⁰Crum, Salovey, Achor, *supra* note 50; McGonigal, *supra* note 182.

²⁵¹C. S. DWECK, MINDSET: THE NEW PSYCHOLOGY OF SUCCESS (2008).

²⁵²A. DUCKWORTH, GRIT: THE POWER OF PASSION AND Perseverance (2016).

²⁵³A. Allisey, J. Rodwell, & A. Noblet, *Personality and the Effort-Reward Imbalance Model of Stress: Individual Differences in Reward Sensitivity*, 26 WORK & STRESS 230 (2012)

²⁵⁴M. Y. Ghadi, M. Fernando, & P. Caputi, *Transformational Leadership and Work Engagement*, 34 LEADERSHIP & ORG. DEV. J. 532 (2013).

²⁵⁵Krieger & Sheldon, *supra* note 5.

²⁵⁶D. O. Clifton & J. K. Harter, *Investing in Strengths*, in Cameron, Dutton, & Quinn, *supra* note 32.

²⁵⁷C. Miao, R. H., Humphrey, & S. Qian, *Leader Emotional Intelligence and Subordinate Job Satisfaction: A Meta-Analysis of Main, Mediator, and Moderator Effects*, 102 PERSONALITY AND INDIVIDUAL DIFFERENCES 13 (2016); K. Thory, *Teaching Managers to Regulate Their Emotions Better: Insights from Emotional Intelligence Training and Work-Based Application*, 16 HUMAN RESOURCE DEV. INT'L 4 (2013); R. E. Riggio, *Emotional Intelligence and Interpersonal Competencies*, in SELF-MANAGEMENT AND LEADERSHIP DEVELOPMENT 160-82 (M. G. Rothstein, R. J. Burke eds., 2010).

²⁵⁸J. Greenberg, *Positive Organizational Justice: From Fair to Fairer—and Beyond*, in EXPLORING POSITIVE RELATIONSHIPS AT WORK: BUILDING A THEORETICAL AND RESEARCH FOUNDATION 159-78 (J. E. Dutton & B. R. Ragins eds., 2007).

²⁵⁹T. RATH, EAT, MOVE, SLEEP (2013).

²⁶⁰J. Mencl, A. J. Wefald, & K. W. van Ittersum, *Transformational Leader Attributes: Interpersonal Skills, Engagement, and Well-Being*, 37 LEADERSHIP & ORG. DEV. J. 635 (2016).

²⁷⁰*Id.*; C. C. Rosen & D. C. Ganster, *Workplace Politics and Well-Being: An Allostatic Load Perspective*, in IMPROVING EMPLOYEE HEALTH AND WELL-BEING 3-23 (A. M. Rossi, J. A. Meurs, P. L. Perrewa eds., 2014); Ferris, Daniels, & Sexton, *supra* note 40.

Appendix to Recommendation 9: Guide and Support The Transition of Older Lawyers.

Recommendation 9 advised stakeholders to create programs for detecting and addressing cognitive decline in lawyers, develop succession plans for aging lawyers, and develop reorientation programs to support lawyers facing retirement. Such initiatives and programs may include the following:

- Gathering demographic information about the lawyer population, including years in practice, the nature of the practice, the size of the firm in which the lawyer's practice is conducted, and whether the lawyer has engaged in any formal transition or succession planning for the lawyer's practice;
- Working with medical professionals to develop educational programs, checklists, and other tools to identify lawyers who may be experiencing incapacity issues;
- Developing and implementing educational programs to inform lawyers and their staff members about incapacity issues, steps to take when concerns about a lawyer's incapacity are evident, and the importance of planning for unexpected practice interruptions or the cessation of practice;
- Developing succession or transition planning manuals and checklists, or planning ahead guidelines for lawyers to use to prepare for an unexpected interruption or cessation of practice;²⁶²
- Enacting rules requiring lawyers to engage in succession planning;
- Providing a place on each lawyer's annual license renewal statement for the lawyer to identify whether the lawyer has engaged in succession and transition planning and, if so, identifying the person, persons or firm designated to serve as a successor;
- Enacting rules that allow senior lawyers to continue to practice in a reduced or limited license or emeritus capacity, including in pro bono and other public service representation;
- Enacting disability inactive status and permanent retirement rules for lawyers whose incapacity does not warrant discipline, but who, nevertheless, should not be allowed to practice law;
- Developing a formal, working plan to partner with Judges and Lawyer Assistance Programs to identify, intervene, and assist lawyers demonstrating age-related or other incapacity or impairment.²⁶³
- Developing "re-orientation" programs to proactively engage lawyers in transition planning with topics to include:
 - financial planning;
 - pursuing "bridge" or second careers;
 - identity transformation;
 - developing purpose in life;
 - cognitive flexibility;
 - goal-setting;
 - interpersonal connection;
 - physical health;
 - self-efficacy;
 - perceived control, mastery, and optimism.²⁶⁴

²⁶²See, e.g., N. M. SUP. CT. LAW. SUCCESSION & TRANSITION COMM. SUCCESSION PLANNING HANDBOOK FOR N. M. LAW. (2014), available at <http://www.nmbar.org/NmbarDocs/forMembers/Succession/SuccessionHandbook.pdf>; W. VA. STATE BAR, SUCCESSION PLANS, available at <http://wvbar.org/wp-content/uploads/2012/04/succession.pdf>; WASH. STATE BAR ASS'N, SUCCESSION PLANNING, available at <http://www.wsba.org/Resources-and-Services/Ethics/Succession-Planning>.

²⁶³See generally W. Slease, et al., *supra* note 60.

²⁶⁴See, e.g., S. D. Asebedo & M. C. Seay, *Positive Psychological Attributes and Retirement Satisfaction*, 25 J. FIN. COUNSELING & PLANNING 161 (2014); Dingemans & Henskens, *supra* note 64; Houliort, Fernet, Vallerand, Laframboise, Guay, & Koestner, *supra* note 62; Muratore & Earl, *supra* note 64.

Appendix to Recommendation 25: Topics for Legal Employers' Audit of Well-Being Related Policies and Practices

Legal employers should consider topics like the following as part of their audits of current policies and practices to evaluate whether the organization adequately supports lawyer well-being.

MENTAL HEALTH & SUBSTANCE USE DISORDERS

- Is there a policy regarding substance use, mental health, and impairment? If so, does it need updating?
- Does the policy explain lawyers' ethical obligations relating to their own or colleagues' impairment?
- Is there a leave policy that would realistically support time off for treatment?
- Are there meaningful communications about the importance of well-being?
- Do health plans offered to employees include coverage for mental health and substance use disorder treatment?

LAW PRACTICE MANAGEMENT PRACTICES AFFECTING LAWYER WELL-BEING

- **Assessment of Well-Being:** Is there a regular practice established to assess work engagement, burnout, job satisfaction, turnover intentions, psychological well-being, or other indicators of well-being and to take action on the results?
- **Orientation Practices:** Are orientation practices established to set new lawyers up for success, engagement, and well-being?
- **Work-Life Balance-Related Policies & Practices:** Is there a policy that allows flexibility and an organizational climate that supports it? Is it a practice to recognize lawyers and staff who demonstrate a high standard of well-being?
- **Diversity/Inclusion-Related Policies & Practices:** Diversity and inclusion practices impact lawyer well-being. Are policies and practices in place with a specific mission that is adequately funded?²⁶⁵
- **24/7 Availability Expectations:** Do practices allow lawyers time for sufficient rejuvenation? Are response-time expectations clearly articulated and reasonable? Is there an effort to protect time for lawyers to recover from work demands by regulating work-related calls and emails during evenings, weekends, and vacations?²⁶⁶

²⁶⁵For example, a 2015 report found that most larger firms have some type of diversity training (80 percent) and all participating firms reported having a women's affinity group. But the report also found that affinity groups were "woefully underfunded" and lacking clear goals and missions. See L. S. RIKLEEN, REPORT OF THE NINTH ANNUAL NAWL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS, NAT'L ASSOC. OF WOMEN LAWYERS FOUND. (2015), available at <http://www.nawl.org/2015nawlsurvey>.

²⁶⁶For example, McDonald's and Volkswagen—along with one in four U.S. companies—have agreed to stop sending emails to employees after hours. See Fritz, Ellis, Demsky, Lin, & Guros, *supra* note 206. In in the highly-demanding world of law, firms should consider the possibility of establishing new norms for lawyers that limit after-hours emails and calls to actual emergencies—especially to associates who have less work-related autonomy and, thus, are at a higher risk for fatigue and burnout.

- **Billing Policies & Practices:** Do billing practices encourage excessive work and unethical behavior?²⁶⁷
- **Compensation Practices:** Are compensation practices fair? And are they perceived as fair? Do they follow standards of distributive (fair outcome), procedural (fair process), interpersonal (treating people with dignity and respect), and informational (transparency) fairness? Perceived unfairness in important practices can devastate well-being and motivation. For example, a large-scale study found that people were 50 percent more likely to have a diagnosed health condition if they perceived unfairness at work.²⁶⁸ Further, high levels of interpersonal and informational fairness should not be ignored—they can reduce the negative effect of less fair procedures and outcomes.²⁶⁹
- **Performance Appraisal Practices:** Are performance appraisal practices fair and perceived as fair? Are observations about performance regularly noted to use in the review? Do multiple raters contribute? Are they trained on the process and to reduce common biases?²⁷⁰ Is feedback given in a two-way communication? Is specific, timely feedback given regularly, not just annually? Is feedback empathetic and focused on behavior not the person's worth? Is good performance and progress toward goals

regularly recognized? Is goal-setting incorporated?²⁷¹ Is performance feedback balanced and injected with positive regard and respect to improve likelihood of acceptance?²⁷² Are lawyers asked to describe when they feel at their best and the circumstances that contribute to that experience?²⁷³ Carefully managing this process is essential given evidence that bungled performance feedback harms well-being and performance.

- **Vacation Policies & Practices:** Is there a clear vacation policy? Does the organizational culture encourage usage and support detachment from work? In their study of 6,000 practicing lawyers, law professor Larry Krieger and psychology professor Kennon Sheldon found that the number of vacation days taken was the strongest predictor of well-being among all activities measured in the study. It was a stronger predictor of well-being even than income level.²⁷⁴ This suggests that legal employers should encourage taking of vacation—or at least not discourage or unreasonably interfere with it.

²⁶⁷ABA COMM'N ON BILLABLE HOURS, AM. BAR ASS'N, THE CORROSIVE IMPACT OF EMPHASIS ON BILLABLE HOURS (2001-2002), available at http://ilta.personifycloud.com/webfiles/productfiles/914311/FMPG4_ABABillableHours2002.pdf.

²⁶⁸J. Goh, J. Pfefer, & S. A. Zenios, *Workplace Stressors & Health Outcomes: Health Policy for the Workplace*, 1 BEHAV. SCI. & POL'Y. 43 (2015); see also R. M. Herr, A. Loerbroks, J. A. Bosch, M. Seegel, M. Schneider, & B. Schmidt, *Associations of Organizational Justice with Tinnitus and the Mediating Role of Depressive Symptoms and Burn-out—Findings from a Cross-Sectional Study*, 23 INT'L J. BEHAV. MED. 190 (2016).

²⁶⁹J. Greenberg, *Promote Procedural and Interactional Justice to Enhance Individual and Organizational Outcomes*, in Locke, *supra* note 7, 255-71; T. R. Tyler & E. A. Lind, *A Relational Model of Authority in Groups*, in *Advances in Experimental Social Psychology* 115-91 (M. P. Zanna ed., 1st ed., 1992).

²⁷⁰F. Luthans & A. Stajkovic, *Provide Recognition for Performance Improvement*, in Locke, *supra* note 7, 239-53.

²⁷¹A. N. Kluger, & N. DeNisi, *The Effects of Feedback Interventions on Performance: A Historical Review, a Meta-Analysis, and a Preliminary Feedback Intervention Theory*, 119 PSYCHOL. BULL. 254 (1996).

²⁷²O. Bouskila-Yam & A. N. Kluger, *Strengths-Based Performance Appraisal and Goal Setting*, 21 HUMAN RES. MGMT. REV. 137 (2011).

²⁷³A. N. Kluger & D. Nir, *The Feedforward Interview*, 20 HUMAN RESOURCES MGMT. REV. 235 (2010).

²⁷⁴Krieger & Sheldon, *supra* note 5.

Appendix to Recommendation 33.2: Creating a Well-Being Course and Lecture Series for Law Students

Recommendation 33.2 suggests that law schools design a lecture series dedicated to well-being topics. In 2007, the Carnegie Foundation for the Advancement of Teaching issued a report titled *Educating Lawyers: Preparation for the Profession of Law* (referred to as the “Carnegie Report”). The Carnegie Report describes three “apprenticeships” in legal education: (1) the intellectual apprenticeship, where students acquire a knowledge base; (2) the practice apprenticeship, where students learn practical legal skills; and (3) the professional identity apprenticeship, where students cultivate the attitudes and values of the legal profession.²⁷⁵ The 2016 *Foundations for Practice Report* by the Institute for the Advancement of the American Legal System recommends that law schools teach character attributes including courtesy, humility, respect, tact, diplomacy, sensitivity, tolerance, and compassion; and self-care and self-regulation skills such as positivity and managing stress; exhibiting flexibility, adaptability, and resilience during challenging circumstances; and decision-making under pressure. A well-being course can address the *Foundations for Practice Report* recommendations while helping law students develop a professional identity that encompasses

a commitment to physical and mental well-being.

Appendix B includes topics that could be incorporated into a well-being course for law students. The list below includes additional topics and provides suggested student readings in the footnotes:

- Basic Wellbeing and Stress Reduction;²⁷⁷
- Cognitive Well-being and Good Nutrition;²⁷⁸
- Restorative Practices, such as Mindfulness, Meditation, Yoga, and Gratitude;²⁷⁹
- The Impact of Substances such as Caffeine, Alcohol, Nicotine, Marijuana, Adderall, Ritalin, Cocaine, and Opiates on Cognitive Function;²⁸⁰
- “Active bystander” training that educates students about how to detect when their fellow students may be in trouble with respect to mental health disorders, suicidal thinking, or substance use and what action to take;
- Cultivating a Growth Mindset;²⁸¹
- Improving Pathway (strategies for identifying goals and plans for reaching them) and Agency (sustaining motivation to achieve objectives) Thinking;²⁸²

²⁷⁵SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW, CARNEGIE FOUND. FOR THE ADVANCEMENT OF TEACHING (2007).

²⁷⁶A. Gerkman & L. Cornett, *Foundations for Practice: The Whole Lawyer and the Character Quotient*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. 30, 33 (2016), available at <http://iaals.du.edu/foundations/reports/whole-lawyer-and-character-quotient>.

²⁷⁷See L. S. KRIEGER, THE HIDDEN SOURCES OF LAW SCHOOL STRESS: AVOIDING THE MISTAKES THAT CREATE UNHAPPY AND UNPROFESSIONAL LAWYERS (2014); D. S. Austin, *Killing Them Softly: Neuroscience Reveals How Brain Cells Die from Law School Stress and How Neural Self-Hacking Can Optimize Cognitive Performance*, 59 LOY. L. REV. 791, 828-37 (2013); M. Silver, *Work & Well-Being*, in LEARNING FROM PRACTICE: A TEXT FOR EXPERIENTIAL LEGAL EDUCATION (L. Wortham, A. Scheer, N. Maurer, & S. L. Brooks eds., 2016).

²⁷⁸D. S. Austin, *Food for Thought: The Neuroscience of Nutrition to Fuel Cognitive Performance*, OR. L. REV. (forthcoming 2017), available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2808100.

²⁷⁹Austin, *supra* note 277, at 837-847; see S. L. Rogers, *Mindfulness and the Importance of Practice*, 90 FLA. B. J. (April 2016); see S. L. Rogers, *Mindfulness in Law*, in THE WILEY-BLACKWELL HANDBOOK OF MINDFULNESS (A. Ie, C. Ngnoumen & E. Langer eds., 2014); see T. K. Brostoff, *Meditation for Law Students: Mindfulness Practice as Experiential Learning*, 41 L. & PSYCHOL. REV. (forthcoming 2017), online at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2836923; see J. CHO & K. GIFFORD, THE ANXIOUS LAWYER: AN 8-WEEK GUIDE TO A JOYFUL AND SATISFYING LAW PRACTICE THROUGH MINDFULNESS AND MEDITATION (2016); see G. MUMFORD, THE MINDFUL ATHLETE: SECRETS TO PURE PERFORMANCE (2015); M. Silver, *supra* note 277.

²⁸⁰See D. S. Austin, *Drink Like a Lawyer: The Neuroscience of Substance Use and its Impact on Cognitive Wellness*, 15 NEV. L.J. 826 (2015).

²⁸¹D. S. Austin, *Positive Legal Education: Flourishing Law Students and Thriving Law Schools*, 77 MD. L. REV. at 22-25 (forthcoming 2018), abstract available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2928329; see C. S. DWECK, MINDSET: THE NEW PSYCHOLOGY OF SUCCESS (2008).

²⁸²Austin, *supra* note 280, at 826-27.

- Enhancing Emotion Regulation;²⁸³
- Fostering Optimism and Resilience;²⁸⁴
- Preparing for a Satisfying Legal Career;²⁸⁵
- Developing Strong Lawyering Values, such as Courage, Willpower, and Integrity;²⁸⁶
- Work Life Balance in the Law;²⁸⁷ and
- Lawyers as Leaders.²⁸⁸

Many resources for teaching well-being skills are available to legal educators in the online AALS Balance in Legal Education Bibliography.²⁸⁹ Expert guest speakers can be found in the AALS Balance in Legal Education section,²⁹⁰ and at local lawyer assistance programs and lawyer well-being committees.

²⁸³See S. Daicoff, *Lawyer Personality Traits and their Relationship to Various Approaches to Lawyering*, in THE AFFECTIVE ASSISTANCE OF COUNSEL: PRACTICING LAW AS A HEALING PROFESSION 79 (M. A. Silver ed., 2007); see D. S. Austin & R. Durr, *Emotion Regulation for Lawyers: A Mind is a Challenging Thing to Tame*, 16 WYO. L. REV. 826 (2015); M. A. Silver, *Supporting Attorneys' Personal Skills*, 78 REV. JUR. U.P.R. 147 (2009).

²⁸⁴See S. KEEVA, TRANSFORMING PRACTICES: FINDING JOY AND SATISFACTION IN THE LEGAL LIFE (10th ed., 2011); see S. ACHOR, THE HAPPINESS ADVANTAGE: THE SEVEN PRINCIPLES OF POSITIVE PSYCHOLOGY THAT FUEL SUCCESS AND PERFORMANCE AT WORK (2010); see S. ACHOR, BEFORE HAPPINESS: THE 5 HIDDEN KEYS TO ACHIEVING SUCCESS, SPREADING HAPPINESS, AND SUSTAINING POSITIVE CHANGE (2013); see A. DUCKWORTH, GRIT: THE POWER OF PASSION AND PERSEVERANCE (2016).

²⁸⁵See L. S. KRIEGER, A DEEPER UNDERSTANDING OF YOUR CAREER CHOICES: SCIENTIFIC GUIDANCE FOR A FULFILLING LIFE AND CAREER (2007); see N. LEVIT & D. O. LINDER, THE HAPPY LAWYER: MAKING A GOOD LIFE IN THE LAW (2010); see P. H. Huang & R. Swedloff, *Authentic Happiness and Meaning at Law Firms*, 58 SYRACUSE L. REV. 335 (2008); M. Silver, *supra* note 260.

²⁸⁶See D. O. LINDER & N. LEVIT, THE GOOD LAWYER: SEEKING QUALITY IN THE PRACTICE OF LAW (2014); see G. Duhaime, *Practicing on Purpose: Promoting Personal Wellness and Professional Values in Legal Education*, 28 TOURO L. REV. 1207 (2012).

²⁸⁷L. L. Cooney, *Walking the Legal Tightrope: Solutions for Achieving a Balanced Life in Law*, 47 SAN DIEGO L. REV. 421 (2010).

²⁸⁸See P. H. Huang, *Can Practicing Mindfulness Improve Lawyer Decision-Making, Ethics, and Leadership?*, 55 HOUSTON L. REV. (forthcoming 2017), abstract available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2907513; Austin, *supra* note 281, at 44-49.

²⁸⁹See AALS, *supra* note 145.

²⁹⁰See AALS, *supra* note 144.

BIOGRAPHIES OF TASK FORCE MEMBERS AND TASK FORCE REPORT AUTHORS AND EDITORS

The Report of the National Task Force on Lawyer Well-Being was primarily authored and edited by the Task Force members, whose biographies are below. The Task Force members were assisted in the creation of the Report by a team that included liaisons, contributing authors, peer reviewers, and individuals who contributed in a variety of other important capacities. Their biographies also are provided below.

BREE BUCHANAN (CO-CHAIR, EDITOR, AUTHOR)

Bree Buchanan, J.D., is Director of the Texas Lawyers Assistance Program of the State Bar of Texas. She serves as co-chair of the National Task Force on Lawyer Wellbeing and is an advisory member of the ABA Commission on Lawyers Assistance Programs (CoLAP). Ms. Buchanan is also the appointed chair of CoLAP for 2017-2018.

Ms. Buchanan, upon graduation from the University of Texas School of Law, practiced in the public and private sector with a focus on representing both adult and child victims of family violence. She worked on public policy initiatives and systems change at both the state and federal level as the Public Policy Director for the Texas Council on Family Violence and the National Domestic Violence Hotline. After this position, Ms. Buchanan was appointed Clinical Professor and Co-Director of the Children's Rights Clinic at the University of Texas School of Law.

Ms. Buchanan is a frequent speaker at CLE programs for national organizations, as well as for state and local bar entities. She is a graduate student at the Seminary of the Southwest where she is pursuing a Masters in Spiritual Direction, and is the proud parent of a senior at New York University. Ms. Buchanan tends to her own well-being by

engaging in a regular meditation practice, rowing, staying connected to 12-Step recovery, and being willing to ask for help when she needs it.

JAMES C. COYLE (CO-CHAIR, EDITOR, AUTHOR)

Jim Coyle is Attorney Regulation Counsel for the Colorado Supreme Court. Mr. Coyle oversees attorney admissions, attorney registration, mandatory continuing legal and judicial education, attorney discipline and diversion, regulation of the unauthorized practice of law, and inventory counsel matters. Mr. Coyle has been a trial attorney with the Office of Disciplinary Counsel or successor Office of Attorney Regulation Counsel since 1990. Prior to that, he was in private practice. He served on the National Organization of Bar Counsel (NOBC) board of directors from 2014 – 2016. Mr. Coyle was on the Advisory Committee to the ABA Commission on Lawyer Assistance Programs and is now a member of the Commission for the 2017 – 2018 term.

Mr. Coyle is active in promoting proactive regulatory programs that focus on helping lawyers throughout the stages of their careers successfully navigate the practice of law and thus better serve their clients. This includes working on and co-hosting the first ABA Center for Professional Responsibility (CPR)/NOBC/Canadian Regulators Workshops on proactive, risk-based regulatory programs, in Denver in May 2015, in Philadelphia in June 2016, and St. Louis in June 2017; participating in the NOBC Program Committee and International Committee, including as Chair of the Entity Regulation Subcommittee, now known as the Proactive Management-Based Programs Committee; and prior service on the NOBC Aging Lawyers and Permanent Retirement subcommittees. Mr. Coyle tends to his own well-being through gardening, exercise, and dreaming about retirement.

ANNE BRAFFORD (EDITOR-IN-CHIEF, AUTHOR)

Anne Brafford served as the Editor-in-Chief for the Task Force Report on Lawyer Well-Being. Anne is the Chairperson of the American Bar Association Law Practice Division's Attorney Well-Being Committee. She is a founding member of Aspire, an educational and consulting firm for the legal profession (www.aspire.legal). In 2014, Anne left her job as an equity partner at Morgan, Lewis & Bockius LLP after 18 years of practice to focus on thriving in the legal profession. Anne has earned a Master's degree in Applied Positive Psychology (MAPP) from the University of Pennsylvania and now is a PhD student in positive organizational psychology at Claremont Graduate University (CGU). Anne's research focuses on lawyer thriving and includes topics like positive leadership, resilience, work engagement, meaningful work, motivation, and retention of women lawyers. She also is an Assistant Instructor in the MAPP program for Dr. Martin Seligman and, for two years, was a Teaching Assistant at CGU for Dr. Mihaly Csikszentmihalyi, the co-founders of positive psychology. Look for her upcoming book to be published this fall by the American Bar Association's Law Practice Division called *Positive Professionals: Creating High-Performing, Profitable Firms Through The Science of Engagement*. It provides practical, science-backed advice on boosting work engagement for lawyers. Anne can be reached at abrafford@aspire.legal, www.aspire.legal.

JOSH CAMSON (EDITOR, AUTHOR)

Josh Camson is a criminal defense attorney with Camson Law, LLC in Collegeville, Pennsylvania. He is a member of the Pennsylvania Bar Association Ethics Committee and the ABA Standing Committee on Professionalism. He is a former long-time staff writer for Lawyerist.com, a law practice management blog and the former editor of BitterLawyer.com, a comedy site for lawyers and law students.

CHARLES GRUBER (AUTHOR)

Charles A. Gruber is a solo practitioner in Sandy, Utah. He is a graduate of the University of Texas Law School. He is licensed to practice law in Utah and California. His areas of practice are personal injury, medical malpractice, and legal malpractice.

A former attorney with the Utah State Bar Office of Professional Conduct, Mr. Gruber represents and advises attorneys on ethics issues. A former member of the NOBC,

he currently is a member of APRL. He serves on the Board of Utah Lawyers Helping Lawyers. Utah Lawyers Helping Lawyers is committed to rendering confidential assistance to any member of the Utah State Bar whose professional performance is or may be impaired because of mental illness, emotional distress, substance abuse or any other disabling condition or circumstance.

Mr. Gruber tends to his own well being by trying to remember and follow the suggestions of the 11th step of the 12 Steps.

As we go through the day we pause, when agitated or doubtful, and ask for the right thought or action. We constantly remind ourselves we are no longer running the show, humbly saying to ourselves many times each day "They will be done". We are then in much less danger of excitement, fear, anger, worry, self-pity, or foolish decisions. We become much more efficient. We do not tire so easily, for we are not burning up energy foolishly as we did when we were trying to arrange life to suit ourselves. Big Book pg. 87-88.

TERRY HARRELL (AUTHOR)

Terry Harrell completed her undergraduate degree in psychology at DePauw University in 1986 and completed her law degree at Maurer School of Law in 1989. Following law school she practiced law with Ice Miller and then clerked for Judge William I. Garrard on the Indiana Court of Appeals.

In 1993 she completed her Master of Social Work Degree (MSW) at Indiana University. Terry is a Licensed Clinical Social Worker (LCSW), a Licensed Clinical Addictions Counselor (LCAC) in Indiana, and has a Master Addictions Counselor certification from NAADAC. In 1992 Terry began working for Midtown Community Mental Health Center. While there she worked in a variety of areas including inpatient treatment, crisis services, adult outpatient treatment, wrap around services for severely emotionally disturbed adolescents, and management. In 2000 Terry began working as the Clinical Director for JLAP and in 2002 became the Executive Director.

From 2007 through 2010 Terry served on the Advisory Committee to the American Bar Association's Commission on Lawyer Assistance Programs (CoLAP).

She served from 2010 through 2013 as a commissioner on CoLAP. She is past Chair of the Senior Lawyer Assistance Subcommittee for CoLAP and an active member of the CoLAP National Conference Planning Committee. In August 2014 Terry became the first ever LAP Director to be appointed Chair of the ABA Commission on Lawyer Assistance Programs. Locally, Terry is a member of the Indiana State Bar Association and is active with the Professional Legal Education Admission and Development Section, the Planning Committee for the Solo Small Firm Conference, and the Wellness Committee.

DAVID B. JAFFE (AUTHOR)

David Jaffe is Associate Dean for Student Affairs at American University Washington College of Law. In his work on wellness issues among law students over the last decade, he has served on the D.C. Bar Lawyer Assistance Program including as its chair, and continues to serve on the ABA Commission on Lawyer Assistance Programs (CoLAP) as co-chair of the Law School Assistance Committee. Jaffe co-authored “Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns”, reporting the results of a survey he co-piloted in 2014. He also produced the “Getting Health, Staying Healthy” video that is used as a resource in many Professional Responsibility classes around the country, and is responsible for modernizing the “Substance Abuse & Mental Health Toolkit for Law Students and Those Who Care About Them”.

Jaffe has presented frequently on law student wellness, including to the National Conference of Bar Examiners, the ABA Academic Deans, the ABA Young Lawyers Division, CoLAP, AALS, the D.C. Bar, and NALSAP. He received the 2015 CoLAP Meritorious Service Award in recognition of his commitment to improving the lives of law students, and the 2009 Peter N. Kutulakis Award from the AALS Student Services Section for outstanding contributions to the professional development of law students. Jaffe states that he seeks self-care each day by being in the moment with each of his two daughters.

TRACY L. KEPLER (AUTHOR)

Tracy L. Kepler is the Director of the American Bar

Association’s Center for Professional Responsibility (CPR), providing national leadership in developing and interpreting standards and scholarly resources in legal and judicial ethics, professional regulation, professionalism and client protection. In that role, she manages and coordinates the efforts of 18 staff members and 13 entities including five ABA Standing Committees (Ethics, Professionalism, Professional Regulation, Client Protection, and Specialization), the ABA/BNA Lawyers’ Manual on Professional Conduct, the Center’s Coordinating Council and other Center working committees.

From 2014-2016, Ms. Kepler served as an Associate Solicitor in the Office of General Counsel for the U.S. Patent & Trademark Office (USPTO), where she concentrated her practice in the investigation, prosecution and appeal of patent/trademark practitioner disciplinary matters before the Agency, U.S. District Courts and Federal Circuit, provided policy advice on ethics and discipline related matters to senior management, and drafted and revised Agency regulations. From 2000-2014, she served as Senior Litigation Counsel for the Illinois Attorney Registration and Disciplinary Commission (ARDC), where she investigated and prosecuted cases of attorney misconduct.

From 2009-2016, Ms. Kepler served in various capacities, including as President, on the Board of the National Organization of Bar Counsel (NOBC), a non-profit organization of legal professionals whose members enforce ethics rules that regulate the professional conduct of lawyers who practice law in the United States and abroad. Ms. Kepler also taught legal ethics as an Adjunct Professor at American University’s Washington College of Law. Committed to the promotion and encouragement of professional responsibility throughout her career, Ms. Kepler has served as the Chair of the CPR’s CLE Committee and its National Conference Planning Committee, and is a frequent presenter of ethics related topics to various national, state and local organizations. She has also served as the NOBC Liaison to the ABA CPR Standing Committees, and to the ABA Commission on Lawyer Assistance Programs (CoLAP), where she was a Commission member, a member of its Advisory Committee, the Chair of its Education and Senior Lawyer Committees, and also a member of its National Conference Planning Committee. Ms. Kepler also participates as a

faculty member for the National Institute of Trial Advocacy (NITA) trial and deposition skills programs, and served as the Administrator of the NOBC-NITA Advanced Advocates Training Program from 2011-2015. She is a graduate of Northwestern University in Evanston, Illinois, and received her law degree from New England School of Law in Boston, Massachusetts.

PATRICK KRILL (AUTHOR)

A leading authority on the addiction and mental health problems of lawyers, Patrick is the founder of Krill Strategies, a behavioral health consulting firm exclusively for the legal profession. Patrick is an attorney, licensed and board certified alcohol and drug counselor, author, and advocate. His groundbreaking work in the field of attorney behavioral health includes initiating and serving as lead author of the first and only national study on the prevalence of attorney substance use and mental health problems, a joint undertaking of the American Bar Association Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation that was published in *The Journal of Addiction Medicine*.

Patrick is the former director of the Hazelden Betty Ford Foundation's Legal Professionals Program, where he counseled many hundreds of legal professionals from around the country who sought to better understand and overcome the unique challenges faced on a lawyer's road to recovery. He has authored more than fifty articles related to addiction and mental health, and has been quoted in dozens of national and regional news outlets, including the *New York Times*, *Wall Street Journal*, *Washington Post*, *Chicago Tribune*, and countless legal industry trade publications and blogs. As a frequent speaker about addiction and its intersection with the law, Patrick has taught multiple graduate-level courses in addiction counseling, and has spoken, lectured, or conducted seminars for over one hundred organizations throughout the United States, including professional and bar associations, law firms, law schools, and corporations.

Patrick maintains his own wellbeing by prioritizing his personal relationships and exercising daily. Whether it be hiking, yoga, or weight lifting, his secret to managing stress is a dedication to physical activity. Patrick can be reached at patrick@prkrill.com, www.prkrill.com.

CHIEF JUSTICE DONALD W. LEMONS, SUPREME COURT OF VIRGINIA (AUTHOR)

Chief Justice Donald W. Lemons received his B.A. from the University of Virginia in 1970. Before entering law school, he served as a Probation Officer in Juvenile and Domestic Relations Court. In 1976, he earned his J.D. from the University of Virginia School of Law. From 1976 until 1978, he served as Assistant Dean and Assistant Professor of Law at the University of Virginia School of Law. Thereafter, he entered the private practice of the law in Richmond, Virginia. Chief Justice Lemons has served at every level of the court system in Virginia. He served as a substitute judge in General District Court and in Juvenile and Domestic Relations Court. In 1995, he was elected by the General Assembly to be a Judge in the Circuit Court of the City of Richmond. While serving in that capacity, Chief Justice Lemons started one of the first Drug Court dockets in Virginia. He was then elected by the General Assembly to serve as a Judge on the Court of Appeals of Virginia. In 2000, he was elected by the General Assembly as a Justice of the Supreme Court of Virginia. In 2014, the Justices of the Supreme Court of Virginia elected Justice Lemons to serve as the next Chief Justice, following the retirement of Chief Justice Cynthia D. Kinser on December 31, 2014. Chief Justice Lemons is also the Distinguished Professor of Judicial Studies at the Washington and Lee University School of Law, serves on the Board of Directors for the Conference of Chief Justices, is the former President of the American Inns of Court (2010 – 2014), and an Honorary Bencher of Middle Temple in London. He is married to Carol Lemons, and they have three children and six grandchildren. He and Carol reside in beautiful Nelson County, Virginia, in the foothills of the Blue Ridge Mountains.

SARAH MYERS (AUTHOR)

Sarah Myers is the Clinical Director of the Colorado Lawyer Assistance Program. She received her B.A. from the University of Richmond in Virginia, her M.A. from Naropa University in Boulder, Colorado, and her J.D. at the University of Denver in Colorado. She is a Colorado licensed attorney, licensed marriage and family therapist, and licensed addiction counselor. Ms. Myers is also a licensed post-graduate level secondary teacher, certified trauma and abuse psychotherapist, and certified LGTBQ

therapist. She has over 18 years of experience as a professor and teacher, psychotherapist, clinical supervisor, and program director.

Ms. Myers specializes in stress management, psychoneuroimmunology, and psychoeducation, topics that she presents to thousands of judges, lawyers, and law students each year. In addition, she has authored hundreds of articles on wellness concepts such as compassion fatigue, professional burnout, mental health support, and life-enhancing techniques for the legal community. Ms. Myers strives to “practice what she preaches” for self-care, which includes: simple meditation throughout the day to relax her nervous system, using humor and laughter to cope with difficult situations or personalities, cultivating positive relationships with friends and family, and engaging in hobbies such as gardening, caring for numerous pets (including a koi pond), yoga, learning new things, and reading science fiction and fantasy novels.

CHRIS L. NEWBOLD (AUTHOR)

Chris Newbold is Executive Vice President of ALPS Corporation and ALPS Property & Casualty Company. In his role as Executive Vice President, Mr. Newbold oversees bar association relations, strategic and operational planning, risk management activities amongst policyholders, human resources, and non-risk related subsidiary units. Internally at ALPS, Mr. Newbold has developed leading conceptual models for strategic planning which have driven proven results, ensured board and staff accountability, focused organizational energies, embraced change, integrated budgeting and human resource functions into the process and enabled a common vision for principal stakeholders. Externally, Mr. Newbold is a nationally-recognized strategic planning facilitator in the bar association and bar foundations worlds, conducts risk management seminars on best practices in law practice management and is well-versed in captive insurance associations and other insurance-related operations.

Mr. Newbold received his law degree from the University of Montana School of Law in 2001, and holds a bachelor’s degree from the University of Wisconsin-Madison. Following his graduation from law school, he served one year as a law clerk for the Honorable Terry N. Triewiler of the Montana Supreme Court. He began his career at ALPS

as President and Principal Consultant of ALPS Foundation Services, a non-profit fundraising and philanthropic management consulting firm. Mr. Newbold is currently a member of the State Bar of Montana, the American Bar Association, and is involved in a variety of charitable activities. Mr. Newbold resides in Missoula, Montana, with his wife, Jennifer, and their three children, Cameron (11), Mallory (9) and Lauren (5).

JAYNE REARDON (EDITOR, AUTHOR)

Jayne Reardon is the Executive Director of the Illinois Supreme Court Commission on Professionalism. A tireless advocate for professionalism, Jayne oversees programs and initiatives to increase the civility and professionalism of attorneys and judges, create inclusiveness in the profession, and promote increased service to the public. Jayne developed the Commission’s successful statewide Lawyer-to-Lawyer Mentoring Program which focuses on activities designed to explore ethics, professionalism, civility, diversity, and wellness in practice settings. She spearheaded development of an interactive digital and social media platform that connects constituencies through blogs, social networking sites and discussion groups. A frequent writer and speaker on topics involving the changing practice of law, Jayne asserts that embracing inclusiveness and innovation will ensure that the profession remains relevant and impactful in the future. Jayne’s prior experience includes many successful years of practice as a trial lawyer, committee work on diversity and recruiting issues, and handling attorney discipline cases as counsel to the Illinois Attorney Registration and Disciplinary Commission Review Board.

Jayne graduated from the University of Notre Dame and the University of Michigan Law School. She is active in numerous bar and civic organizations. She serves as Chair of the American Bar Association’s Standing Committee on Professionalism and is a Steering Committee member of the National Lawyer Mentoring Consortium. Jayne also is active in the ABA Consortium of Professionalism Initiatives, Phi Alpha Delta Legal Fraternity, Illinois State Bar Association, Women’s Bar Association of Illinois, and the Chicago Bar Association. Jayne lives in Park Ridge, Illinois, with her husband and those of her four children who are not otherwise living in college towns and beyond.

HON. DAVID SHAHEED (AUTHOR)

David Shaheed became the judge in Civil Court 1, Marion County, Indiana, in August, 2007. Prior to this assignment, Judge Shaheed presided over Criminal Court 14, the Drug Treatment Diversion Court and Reentry Court. The Indiana Correctional Association chose Shaheed as 2007 Judge of the Year for his work with ex-offenders and defendants trying to recover from substance abuse.

Judge Shaheed has worked as a judicial officer in the Marion County Superior Court since 1994 starting as a master commissioner and being appointed judge by Governor Frank O'Bannon in September 1999. As a lawyer, Judge Shaheed was Chief Administrative Law Judge for the Indiana Unemployment Appeals Division; Legal Counsel to the Indiana Department of Workforce Development and served as Counsel to the Democratic Caucus of the Indiana House of Representatives in 1995. He was also co-counsel for the Estate of Michael Taylor, and won a 3.5 million dollar verdict for the mother of a sixteen year-old youth who was found shot in the head in the back seat of a police car.

Judge Shaheed is an associate professor for the School of Public and Environmental Affairs (SPEA) at Indiana University in Indianapolis. He is also a member of the ABA Commission on Lawyers Assistance Programs (CoLAP). Judge Shaheed was on the board of directors for Seeds of Hope, (a shelter for women in recovery), and former officer for the Indiana Juvenile Justice Task Force and the Interfaith Alliance of Indianapolis.

LYNDA C. SHELY (EDITOR, AUTHOR)

Lynda C. Shely, of The Shely Firm, PC, Scottsdale, Arizona, provides ethics advice to over 1400 law firms in Arizona and the District of Columbia on a variety of topics including conflicts of interest, fees and billing, trust account procedures, lawyer transitions, multi-jurisdictional practice, ancillary businesses, and ethics requirements for law firm advertising/marketing. She also assists lawyers in responding to initial Bar charges, performs law office risk management reviews, and trains law firm staff in ethics requirements. Lynda serves as an expert witness and frequently presents continuing legal education programs around the country. Prior to opening her own firm, she was the Director of Lawyer Ethics for the State Bar of Arizona. Prior to moving to Arizona, Lynda was an intellectual property associate with Morgan, Lewis & Bockius in Washington, DC.

Lynda received her BA from Franklin & Marshall College in Lancaster, PA and her JD from Catholic University in Washington, DC. Lynda was the 2015-2016 President of the Association of Professional Responsibility Lawyers. She serves on several State Bar of Arizona Committees, and as a liaison to the ABA Standing Committee on Ethics and Professional Responsibility. She is an Arizona Delegate in the ABA House of Delegates. Lynda has received several awards for her contributions to the legal profession, including the 2007 State Bar of Arizona Member of the Year award, the Scottsdale Bar Association's 2010 Award of Excellence, and the 2015 AWLA, Maricopa Chapter, Ruth V. McGregor award. She is a prior chair of the ABA Standing Committee on Client Protection and a past member of the ABA's Professionalism Committee and Center for Professional Responsibility Conference Planning Committee. Lynda was the 2008-2009 President of the Scottsdale Bar Association. She has been an adjunct professor at all three Arizona law schools, teaching professional responsibility.

WILLIAM D. SLEASE (AUTHOR)

William D. Slease is Chief Disciplinary Counsel for the New Mexico Supreme Court Disciplinary Board. In addition to his duties as Chief Disciplinary Counsel, he serves as an adjunct professor at the University of New Mexico School of Law where he has taught employment law, ethics and trial practice skills. He currently chairs the Supreme Court of the State of New Mexico's Lawyer's Succession and Transition Committee which has developed a comprehensive set of materials for lawyers to use in identifying and responding to incapacities that affect lawyers' abilities to practice law. He is a member and the 2016-17 President of the National Organization of Bar Counsel and previously served as the Chair of the NOBC-APRL-CoLAP Second Joint Committee on Aging Lawyers charged with studying and making recommendations for addressing the so-called "senior tsunami" of age-impaired lawyers. Bill takes care of his own wellness by spending time with his family, and by fishing for trout in the beautiful lakes and streams of New Mexico.

TASK FORCE LIAISONS

LINDA ALBERT

Linda Albert is a Licensed Clinical Social Worker and a Certified Alcohol and Drug Counselor. She received her Master's Degree from UW-Madison in Science and Social Work. Linda has worked over the past 34 years as an administrator, consultant, trainer, program developer and psychotherapist in a variety of settings including providing services to impaired professionals.

Linda served on the ABA Commission on Lawyer Assistance Programs heading up the Research section. She co-facilitated a research project on compassion fatigue and legal professionals resulting in two peer reviewed publications and multiple articles. She is co-author of the ABA, Hazelden Betty Ford collaborative national research study on the current rates of substance use, depression and anxiety within the legal community. Linda has done multiple presentations for conferences at the local, state and national level. She loves her work and is driven by the opportunity to make a positive contribution to the lives of the individuals and the fields of practice she serves. Currently Linda is employed by The Psychology Center in Madison, Wisconsin, where she works as a professional trainer, consultant, and psychotherapist.

DONALD CAMPBELL

Donald D. Campbell is a shareholder at Collins Einhorn Farrell in suburban Detroit, Michigan. Don's practice focuses on attorney grievance defense, judicial grievance matters, and legal malpractice defense. He has extensive experience in counseling and advising lawyers and judges regarding professional ethics. He is an adjunct professor of law at the University of Detroit School of Law, where he has taught professional responsibility and a seminar in business law and ethics. Prior to joining the Collins Einhorn firm, Don served as associate counsel with the Michigan Attorney Grievance Commission, the Michigan Supreme Court's arm for the investigation and prosecution of lawyer misconduct. He also previously served as an assistant prosecuting attorney in Oakland County, Michigan. He currently serves as the President of the Association of Professional Responsibility Lawyers (see APRL.net). Don tends to his well-being by cheering for the Detroit Lions (and he has been about as successful).

ERICA MOESER

Erica Moeser has been the president of the National Conference of Bar Examiners since 1994. She is a former chairperson of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, and has served as a law school site evaluator, as a member of the Section's Accreditation and Standards Review Committees, and as the co-chairperson of the Section's Bar Admissions Committee. She served as the director of the Board of Bar Examiners of the Supreme Court of Wisconsin from 1978 until joining the Conference. Ms. Moeser holds the following degrees: B.A., Tulane University, 1967; M.S., the University of Wisconsin, 1970; and J.D., the University of Wisconsin, 1974. She was admitted to practice law in Wisconsin in January 1975. Ms. Moeser holds honorary degrees from three law schools. Ms. Moeser has taught Professional Responsibility as an adjunct at the University of Wisconsin Law School. She was elected to membership in the American Law Institute in 1992.

In 2013 Ms. Moeser received the Kutak Award, honoring "an individual who has made significant contributions to the collaboration of the academy, the bench, and the bar," from the ABA Section of Legal Education and Admissions to the Bar.

ACKNOWLEDGEMENTS

PAUL BURGOYNE, TERRY HARRELL, AND LYNDA SHELLEY

The Task Force gratefully acknowledges the contributions of Paul Burgoyne, immediate past president of the National Organization of Bar Counsel and Deputy Chief Disciplinary Counsel, The Disciplinary Board of the Supreme Court of Pennsylvania, as well as Terry Harrell, President of the ABA Commission on Lawyer Assistance Programs (ABA CoLAP), and Lynda Shely, past president of the Association of Professional Responsibility Lawyers (APRL), for their formal endorsement of the Task Force's formation in the spring of 2016 on behalf of their respective organizations.

JONATHAN WHITE (AUTHOR, EDITOR)

Jonathan White is the Task Force Staff Attorney and also served as a contributing author and editor to the Report. Mr. White is a staff attorney at the Colorado Supreme Court

Office of Attorney Regulation Counsel. He is the day-to-day project manager for the Colorado Supreme Court Advisory Committee's Proactive Management-Based Program (PMBP) Subcommittee. The subcommittee is developing a program to help Colorado lawyers better serve their clients through proactive practice self-assessments. The self-assessments also promote compliance with the Colorado Rules of Professional Conduct. Mr. White rejoined the Office of Attorney Regulation Counsel in November 2016 after previously working for the office as a law clerk in 2009 and 2010.

Mr. White practiced civil defense litigation for several years before rejoining the Office of Attorney Regulation Counsel. Mr. White also served as a judicial law clerk to the Honorable Christopher Cross and the Honorable Vincent White of the Douglas County District Court in Castle Rock, Colorado. He is a 2010 graduate of the University of Colorado Law School. While in law school, he was an articles editor for the Colorado Journal of International Environmental Law & Policy. The Journal published his note, "Drilling in Ecologically and Environmentally Troubled Waters: Law and Policy Concerns Surrounding Development of Oil Resources in the Florida Straits," in 2010. In 2009, fellow law students selected him to receive the annual Family Law Clinic Award in recognition of his work in the law school's clinical program.

Mr. White received his B.A. from Middlebury College in 2003. He recently volunteered as a reading tutor to elementary school students in the Denver Public Schools during the 2015-2016 academic year.

ED BRAFFORD, GRAPHIC DESIGNER

Edward Brafford donated his skills and talents to design the layout for the Task Force Report. Mr. Brafford designs for The Firefly Creative LLC (www.thefireflycreative.com) and can be reached at Ed@tffcreative.com.

CONTRIBUTING AUTHORS

DEBRA AUSTIN, PH.D.

Dr. Austin is a law professor and lawyer wellbeing advocate. She writes and speaks about how neuroscience and positive psychology research can help law students, lawyers, and judges improve their wellbeing and

performance. Her seminal work, *Killing Them Softly*, shines a bright light on lawyer depression, substance abuse, and suicide, and its application of neuroscience to the chronic stresses of law school and law practice depicts how law students and lawyers suffer cognitive damage that impairs them from doing precisely what their studies and practices require. *Drink Like a Lawyer* uses neuroscience research to demonstrate how self-medication with substances like alcohol, marijuana, and study drugs impairs law student and lawyer thinking. *Food for Thought* examines neuroscience research that explores the relationship between diet and increased risk of cognitive damage, such as dementia and Alzheimer's disease, and describes optimal nutrition habits that build and maintain a healthy lawyer brain. *Positive Legal Education* proposes a new field of inquiry and a new method of training lawyer leaders that will enhance lawyer effectiveness and wellbeing. Dr. Austin's presentations connect lawyer wellbeing to performance and ethical obligations, and they are accredited for general and ethics CLE in multiple states.

Dr. Austin teaches at the University of Denver Sturm College of Law. She received her Bachelor of Music Education from University of Colorado; her J.D. from University of San Francisco; and her Ph.D. in Education from University of Denver. She received the William T. Driscoll Master Educator Award in 2001. To maintain her wellbeing, Dr. Austin meditates, practices yoga, and cycles on the beautiful trails around Colorado.

HON. ROBERT L. CHILDERS

Judge Childers was the presiding judge of Division 9 of the Circuit Court of Tennessee for the 30th Judicial District from 1984 to 2017. He is a past president of the Tennessee Judicial Conference and the Tennessee Trial Judges Association. He has also served as a Special Judge of the Tennessee Supreme Court Workers' Compensation Panel and the Tennessee Court of Appeals. He served on the ABA Commission on Lawyer Assistance Programs (CoLAP) from 1999 to 2011, including serving as Chair of the Commission from 2007-2011. He is a founding member, past president and Master of the Bench of the Leo Bearman Sr. Inn of Court. The Memphis Bar Association recognized Judge Childers in 1986, 1999, and 2006 as Outstanding Judge of the Year, and he was recognized by the MBA Family Law Section in 2006. He was recognized as Outstanding

Judge of the Year by the Shelby County (TN) Deputy Sheriffs Association in 1990. He received the Judge Wheatcraft Award from the Tennessee Coalition Against Domestic and Sexual Violence for outstanding service in combating domestic violence in 2001. He has received the Distinguished Alumnus Award from the University of Memphis (2002), the Justice Frank F. Drowota III Outstanding Judicial Service Award from the Tennessee Bar Association (2012), and the Excellence in Legal Community Leadership Award from the Hazelden Foundation (2012). In 2017 he received the William M. Leech Jr. Public Service Award from the Fellows of the Tennessee Bar Association Young Lawyers Division.

Judge Childers is currently serving as president of the University of Memphis Alumni Association. He has been a faculty member at the National Judicial College at the University of Nevada-Reno, the Tennessee Judicial Conference Judicial Academy, and a lecturer at the Cecil C. Humphreys School of Law at the University of Memphis. He has also been a frequent lecturer and speaker at CLE seminars and before numerous schools, civic, church and business groups in Tennessee and throughout the nation.

COURTNEY WYLIE

Courtney recently joined the professional development team at Drinker Biddle & Reath LLP. In this position, she designs and implements programs for the firm's attorneys on leadership, professionalism, and lawyer well-being topics. Prior to joining DBR, Courtney Wylie worked at the University of Chicago Law School as the Associate Director of Student Affairs & Programs. In this position, she was primarily responsible for the Keystone Leadership and Professional Program and the Kapnick Leadership Development Initiative. Before that Courtney worked in both the private and public sector as an attorney.

Courtney is the current appointed ABA Young Lawyer's Division Liaison to the Commission on Lawyer Assistance Programs (COLAP) and an appointed Advisory Committee Member of (COLAP). Though an initial skeptic regarding meditation and exercise, she now makes an effort to make it part of her daily practice to remain healthy, positive, focused, and centered. She similarly regularly lectures on the importance of self-care for attorneys and law students.

PEER REVIEWERS

Carol M. Adinamis, Adinamis & Saunders, Past President Indiana State Bar Association, Indianapolis, IN

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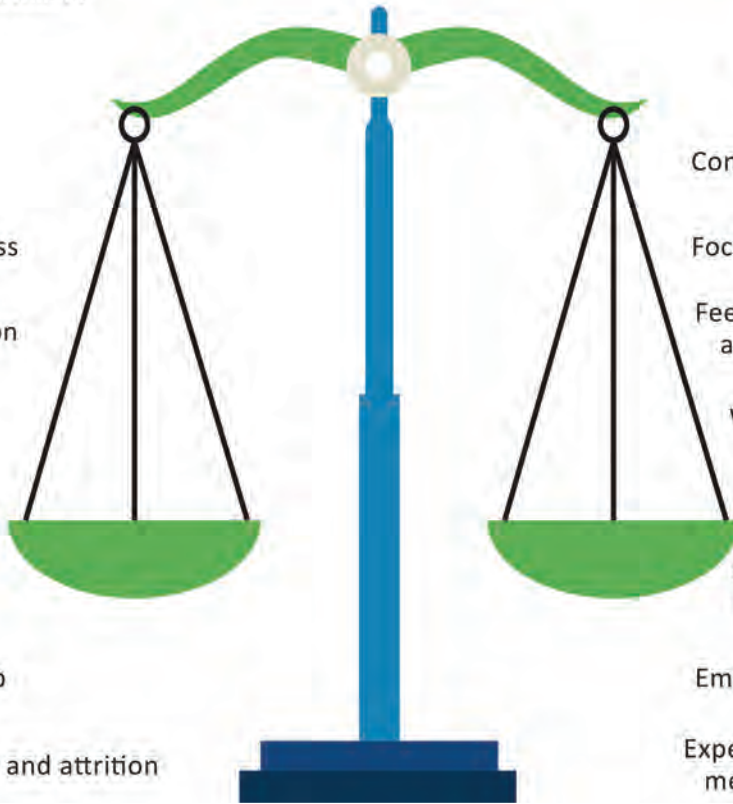
Tish Vincent, MSW, JD, Program Administrator, Lawyers and Judges Assistance Program, Michigan Bar, Lansing, MI

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Elizabeth Winiarski, Associate, Jones Day, Chicago, IL

OUR CHALLENGES

-  21-36% problem drinkers
-  28% depression
-  19% anxiety
-  23% elevated stress
-  25% work addiction
-  High suicide rate
-  Sleep deprivation
-  Work-life conflict
-  Avoid seeking help
-  Job dissatisfaction and attrition



OUR POTENTIAL

- Physically healthy 
- Mentally thriving 
- Contributing to society 
- Focusing on client care 
- Feeling connected and a sense of belonging 
- Willing to seek help 
- Engaged at work 
- Continually seeking intellectual growth 
- Emotionally intelligent 
- Experiencing a sense of meaning and purpose 

THE PATH TO LAWYER WELL-BEING:

Practical Recommendations
For Positive Change

From: [Robert Taylor](#)
To: [Sciuchetti, Kyle](#); [Terra Nevitt](#); [Brian Tollefson](#); [Carla J. Higginson](#); [danclarkbog@yahoo.com](#); [pjt@randalldanskin.com](#)
Cc: [Doug Ende](#); [Diana Singleton](#); [Renata Garcia](#); [Rajeev Majumdar](#)
Subject: JISC Meeting Update for December
Date: Monday, December 7, 2020 12:58:15 PM

Folks, the JISC met last Friday and here are the highlights.

On the budgetary front the latest revenue estimates are showing a \$3.5B deficit for the biennium, better than the previous projection of a \$4.3B shortfall. The Court's budget has been submitted to the legislature for their review. It is expected that all government departments will be asked to reduce their spending. Waiting now to find out how much.

As counties and courts have chosen to use outside vendors for their courts systems, the AOC is constantly reviewing the data standards necessary in integrating these systems with the statewide systems managed by AOC, particularly the Enterprise Data Warehouse. This requires making adjustments to accommodate each court's request while assuring that all legally required reporting can be supported. Data standard changes are approved provisionally during the year and each year the JISC ratifies these provisional changes, as we did with this request on Friday. Of course, these changes are backward compatible so if a court complied with an earlier standard they are still in compliance when the standards are updated.

We had an update on the CLJ Case Management System. Things are progressing as planned. The GAP analysis has been taking place over the last few weeks to make sure the data and workflows from the old system are either replicated or improved in the new system. This takes many hours. As a member of the CUWG for Odyssey, we reviewed over 650 workflows which took months. Subject Matter Expert training with pilot courts will start in January.

Recall that the CLJ CMS project has chosen to include and launch efilings and eservice functions as part of the early rollout. They expect to pay for this functionality by charging a filing fee of \$5 per envelope (an envelope may contain multiple documents) that will flow through to the vendor Tyler. Indigent filers, certain government agencies, legal service providers and domestic violence protection orders will be exempt from the fee.

Later in the meeting we had a presentation about how the AOC is planning to rollout statewide efilings and eservice for the Superior Courts. They are considering a fee per envelope, just like the CLJ CMS project. Counties can still decide not to charge as King and Snohomish have chosen. Their analysis saw an efficiency gain and a reduction in their costs with the use of efilings allowing them to offer the service for free. There seems to be little argument about moving the attorney community toward the broader use of efilings and eservice. The questions that remain are costs and timing. This broader effort is on hold until the CLJ CMS project is rolled out. I suspect this is a topic we may want to discuss at the January BOG meeting.

I will leave it there. Please let me know if you have questions and share as you deem appropriate.

Thanks,
Bob Taylor
WSBA Representative to the JISC

WASHINGTON STATE BAR ASSOCIATION

WSBA MISSION

The Washington State Bar Association’s mission is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.

WSBA GUIDING PRINCIPLES

The WSBA will operate a well-managed association that supports its members and advances and promotes:

- **Access to the justice system.**
Focus: Provide training and leverage community partnerships in order to enhance a culture of service for legal professionals to give back to their communities, with a particular focus on services to underserved low and moderate income people.
- **Diversity, equality, and cultural understanding throughout the legal community.**
Focus: Work to understand the lay of the land of our legal community and provide tools to members and employers in order to enhance the retention of minority legal professionals in our community.
- **The public’s understanding of the rule of law and its confidence in the legal system.**
Focus: Educate youth and adult audiences about the importance of the three branches of government and how they work together.
- **A fair and impartial judiciary.**
- **The ethics, civility, professionalism, and competence of the Bar.**

MISSION FOCUS AREAS

Ensuring Competent and Qualified Legal Professionals

- Cradle to Grave
- Regulation and Assistance

Promoting the Role of Legal Professionals in Society

- Service
- Professionalism

PROGRAM CRITERIA

- Does the Program further either or both of WSBA’s mission-focus areas?
- Does WSBA have the competency to operate the Program?
- As the mandatory bar, how is WSBA uniquely positioned to successfully operate the Program?
- Is statewide leadership required in order to achieve the mission of the Program?
- Does the Program’s design optimize the expenditure of WSBA resources devoted to the Program, including the balance between volunteer and staff involvement, the number of people served, the cost per person, etc?

2016 – 2018 STRATEGIC GOALS

- **Equip members with skills for the changing profession**
- **Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession**
- **Explore and pursue regulatory innovation and advocate to enhance the public’s access to legal services**

GR 12
REGULATION OF THE PRACTICE OF LAW

The Washington Supreme Court has inherent and plenary authority to regulate the practice of law in Washington. The legal profession serves clients, courts, and the public, and has special responsibilities for the quality of justice administered in our legal system. The Court ensures the integrity of the legal profession and protects the public by adopting rules for the regulation of the practice of law and actively supervising persons and entities acting under the Supreme Court's authority.

[Adopted effective September 1, 2017.]

GR 12.1
REGULATORY OBJECTIVES

Legal services providers must be regulated in the public interest. In regulating the practice of law in Washington, the Washington Supreme Court's objectives include: protection of the public; advancement of the administration of justice and the rule of law; meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems;

- (a) transparency regarding the nature and scope of legal services To be provided, the credentials of those who provide them, and the availability of regulatory protections;
- (b) delivery of affordable and accessible legal services;
- (c) efficient, competent, and ethical delivery of legal services;
- (d) protection of privileged and confidential information;
- (e) independence of professional judgment;
- (f) Accessible civil remedies for negligence and breach of other duties owed, disciplinary sanctions for misconduct, and advancement of appropriate preventive or wellness programs;
- (g) Diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system.

[Adopted effective September 1, 2017.]

GR 12.2
**WASHINGTON STATE BAR ASSOCIATION: PURPOSES, AUTHORIZED
ACTIVITIES, AND PROHIBITED ACTIVITIES**

In the exercise of its inherent and plenary authority to regulate the practice of law in Washington, the Supreme Court authorizes and supervises the Washington State Bar Association's activities. The Washington State Bar Association carries out the administrative responsibilities and functions expressly delegated to it by this rule and other Supreme Court rules and orders enacted or adopted to regulate the practice of law, including the purposes and authorized activities set forth below.

- (a) Purposes: In General. In general, the Washington State Bar Association strives to:

- (1) Promote independence of the judiciary and the legal profession.
- (2) Promote an effective legal system, accessible to all.
- (3) Provide services to its members and the public.
- (4) Foster and maintain high standards of competence, professionalism, and ethics among its members.
- (5) Foster collegiality among its members and goodwill between the legal profession and the public.
- (6) Promote diversity and equality in the courts and the legal profession.
- (7) Administer admission, regulation, and discipline of its members in a manner that protects the public and respects the rights of the applicant or member.
- (8) Administer programs of legal education.
- (9) Promote understanding of and respect for our legal system and the law.
- (10) Operate a well-managed and financially sound association, with a positive work environment for its employees.
- (11) Serve as a statewide voice to the public and to the branches of government on matters relating to these purposes and the activities of the association and the legal profession.

(b) Specific Activities Authorized. In pursuit of these purposes, the Washington State Bar Association may:

- (1) Sponsor and maintain committees and sections, whose activities further these purposes;
- (2) Support the judiciary in maintaining the integrity and fiscal stability of an independent and effective judicial system;
- (3) Provide periodic reviews and recommendations concerning court rules and procedures;
- (4) Administer examinations and review applicants' character and fitness to practice law;
- (5) Inform and advise its members regarding their ethical obligations;
- (6) Administer an effective system of discipline of its members, including receiving and investigating complaints of misconduct by legal professionals, taking and recommending appropriate punitive and remedial measures, and diverting less serious misconduct to alternatives outside the formal discipline system;
- (7) Maintain a program, pursuant to court rule, requiring members to submit fee disputes to arbitration;
- (8) Maintain a program for mediation of disputes between members and others;
- (9) Maintain a program for legal professional practice assistance;
- (10) Sponsor, conduct, and assist in producing programs and products of continuing legal education;

- (11) Maintain a system for accrediting programs of continuing legal education;
- (12) Conduct examinations of legal professionals' trust accounts;
- (13) Maintain a fund for client protection in accordance with the Admission and Practice Rules;
- (14) Maintain a program for the aid and rehabilitation of impaired members;
- (15) Disseminate information about the organization's activities, interests, and positions;
- (16) Monitor, report on, and advise public officials about matters of interest to the organization and the legal profession;
- (17) Maintain a legislative presence to inform members of new and proposed laws and to inform public officials about the organization's positions and concerns;
- (18) Encourage public service by members and support programs providing legal services to those in need;
- (19) Maintain and foster programs of public information and education about the law and the legal system;
- (20) Provide, sponsor, and participate in services to its members;
- (21) Hire and retain employees to facilitate and support its mission, purposes, and activities, including in the organization's discretion, authorizing collective bargaining;
- (22) Establish the amount of all license, application, investigation, and other related fees, as well as charges for services provided by the Washington State Bar Association, and collect, allocate, invest, and disburse funds so that its mission, purposes, and activities may be effectively and efficiently discharged. The amount of any license fee is subject to review by the Supreme Court for reasonableness and may be modified by order of the Court if the Court determines that it is not reasonable;

(23) Administer Supreme-Court-created boards in accordance with General Rule 12.3.

(c) Activities Not Authorized. The Washington State Bar Association will not:

- (1) Take positions on issues concerning the politics or social positions of foreign nations;
- (2) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice; or
- (3) Support or oppose, in an election, candidates for public office.

[Adopted effective July 17, 1987; amended effective December 10, 1993; September 1, 1997; September 1, 2007; September 1, 2013; September 1, 2017.]

GR 12.3
WASHINGTON STATE BAR ASSOCIATION ADMINISTRATION
OF SUPREME COURT-CREATED BOARDS AND COMMITTEES

The Supreme Court has delegated to the Washington State Bar Association the authority and responsibility to administer certain boards and committees established by court rule or order. This delegation of authority includes providing and managing staff, overseeing the boards and committees to monitor their compliance with the rules and orders that authorize and regulate them, paying expenses reasonably and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court, or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions.

[Adopted effective September 1, 2007; amended effective September 1, 2017.]

GR 12.4
WASHINGTON STATE BAR ASSOCIATION ACCESS TO
RECORDS

(a) Policy and Purpose. It is the policy of the Washington State Bar Association to facilitate access to Bar records. A presumption of public access exists for Bar records, but public access to Bar records is not absolute and shall be consistent with reasonable expectations of personal privacy, restrictions in statutes, restrictions in court rules, or as provided in court orders or protective orders issued under court rules. Access shall not unduly burden the business of the Bar.

(b) Scope. This rule governs the right of public access to Bar records. This rule applies to the Washington State Bar Association and its subgroups operated by the Bar including the Board of Governors, committees, task forces, commissions, boards, offices, councils, divisions, sections, and departments. This rule also applies to boards and committees under GR 12.3 administered by the Bar. A person or entity entrusted by the Bar with the storage and maintenance of Bar records is not subject to this rule and may not respond to a request for access to Bar records, absent express written authority from the Bar or separate authority in rule or statute to grant access to the documents.

(c) Definitions.

(1) "Access" means the ability to view or obtain a copy of a Bar record.

(2) "Bar record" means any writing containing information relating to the conduct of any Bar function prepared, owned, used, or retained by the Bar regardless of physical form or characteristics. Bar records include only those records in the possession of the Bar and its staff or stored under Bar ownership and control in facilities or servers. Records solely in the possession of hearing officers, non-Bar staff members of boards, committees, task forces, commissions, sections, councils, or divisions that were prepared by the hearing officers or the members and in their sole possession, including private notes and working papers, are not Bar records and are not subject to public access under this rule. Nothing in this rule requires the Bar to create a record that is not currently in possession of the Bar at the time of the request.

(3) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation in paper, digital, or other format.

(d) Bar Records--Right of Access.

(1) The Bar shall make available for inspection and copying all Bar records, unless the record falls within the specific exemptions of this rule, or any other state statute (including the Public Records Act, chapter 42.56 RCW) or federal statute or rule as they would be applied to a public agency, or is made confidential by the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, the Admission to Practice Rules and associated regulations, the Rules for Enforcement of Limited Practice Officer Conduct, General Rule 25, court orders or protective orders issued under those rules, or any other state or federal statute or rule. To the extent required to prevent an unreasonable invasion of personal privacy interests or threat to safety or by the above-referenced rules, statutes, or orders, the Bar shall delete identifying details in a manner consistent with those rules, statutes, or orders when it makes available or publishes any Bar record; however, in each case, the justification for the deletion shall be explained in writing.

(2) In addition to exemptions referenced above, the following categories of Bar records are exempt from public access except as may expressly be made public by court rule:

(A) Records of the personnel committee, and personal information in Bar records for employees, appointees, members, or volunteers of the Bar to the extent that disclosure would violate their right to privacy, including home contact information (unless such information is their address of record), Social Security numbers, driver's license numbers, identification or security photographs held in Bar records, and personal data including ethnicity, race, disability status, gender, and sexual orientation. Membership class and status, bar number, dates of admission or licensing, addresses of record, and business telephone numbers, facsimile numbers, and electronic mail addresses (unless there has been a request that electronic mail addresses not be made public) shall not be exempt, provided that any such information shall be exempt if the Executive Director approves the confidentiality of that information for reasons of personal security or other compelling reason, which approval must be reviewed annually.

(B) Specific information and records regarding

(i) internal policies, guidelines, procedures, or techniques, the disclosure of which would reasonably be expected to compromise the conduct of disciplinary or regulatory functions, investigations, or examinations;

(ii) application, investigation, and hearing or proceeding records relating to lawyer, Limited Practice Officer, or Limited License Legal Technician admissions, licensing, or discipline, or that relate to the work of ELC 2.5 hearing officers, the Board of Bar Examiners, the Character and Fitness Board, the Law Clerk Board, the Limited Practice Board, the MCLE Board, the Limited License Legal Technician Board, the Practice of Law Board, or the Disciplinary Board in conducting investigations, hearings or proceedings; and

(iii) the work of the Judicial Recommendation Committee and the Hearing Officer selection panel, unless such records are expressly categorized as public information by court rule.

(C) Valuable formulae, designs, drawings, computer source code or object code, and research data created or obtained by the Bar.

(D) Information regarding the infrastructure, integrity, and security of computer and telecommunication networks, databases, and systems.

(E) Applications for licensure by the Bar and annual licensing forms and related records, including applications for license fee hardship waivers and any decision or determinations on the hardship waiver applications.

(F) Requests by members for ethics opinions to the extent that they contain information identifying the member or a party to the inquiry.

Information covered by exemptions will be redacted from the specific records sought. Statistical information not descriptive of any readily identifiable person or persons may be disclosed.

(3) Persons Who Are Subjects of Records.

(A) Unless otherwise required or prohibited by law, the Bar has the option to give notice of any records request to any member or third party whose records would be included in the Bar's response.

(B) Any person who is named in a record, or to whom a record specifically pertains, may present information opposing the disclosure to the applicable decision maker.

(C) If the Bar decides to allow access to a requested record, a person who is named in that record, or to whom the records specifically pertains, has a right to initiate review or to participate as a party to any review initiated by a requester. The deadlines that apply to a requester apply as well to a person who is a subject of a record.

(e) Bar Records--Procedures for Access.

(1) General Procedures. The Bar Executive Director shall appoint a Bar staff member to serve as the public records officer to whom all records requests shall be submitted. Records requests must be in writing and delivered to the Bar public records officer, who shall respond to such requests within 30 days of receipt. The Washington State Bar Association must implement this rule and adopt and publish on its website the public records officer's work mailing address, telephone number, fax number, and e-mail address, and the procedures and fee schedules for accepting and responding to records requests by the effective date of this rule. The Bar shall acknowledge receipt of the request within 14 days of receipt, and shall communicate with the requester as necessary to clarify any ambiguities as to the records being requested. Records requests shall not be directed to other Bar staff or to volunteers serving on boards, committees, task forces, commissions, sections, councils, or divisions.

(2) Charging of Fees.

(A) A fee may not be charged to view Bar records.

(B) A fee may be charged for the photocopying or scanning of Bar records according to the fee schedule established by the Bar and published on its web site.

(C) A fee not to exceed \$30 per hour may be charged for research services required to fulfill a request taking longer than one hour. The fee shall be assessed from the second hour onward.

(f) Extraordinary Requests Limited by Resource Constraints. If a particular request is of a magnitude or burden on resources that the Bar cannot fully comply within 30 days due to constraints on time, resources, and personnel, the Bar shall communicate this information to the requester along with a good faith estimate of the time needed to complete the Bar's response. The Bar must attempt to reach

agreement with the requester as to narrowing the request to a more manageable scope and as to a timeframe for the Bar's response, which may include a schedule of installment responses. If the Bar and requester are unable to reach agreement, the Bar shall respond to the extent practicable, clarify how and why the response differs from the request, and inform the requester that it has completed its response.

(g) Denials. Denials must be in writing and shall identify the applicable exemptions or other bases for denial as well as a written summary of the procedures under which the requesting party may seek further review.

(h) Review of Records Decisions.

(1) Internal Review. A person who objects to a record decision or other action by the Bar's public records officer may request review by the Bar's Executive Director.

(A) A record requester's petition for internal review must be submitted within 90 days of the Bar's public records officer's decision, on such form as the Bar shall designate and make available.

(B) The review proceeding is informal, summary, and on the record.

(C) The review proceeding shall be held within five working days. If that is not reasonably possible, then within five working days the review shall be scheduled for the earliest practical date.

(2) External Review. A person who objects to a records review decision by the Bar's Executive Director may request review by the Records Request Appeals Officer (RRAO) for the Bar.

(A) The requesting party's request for review of the Executive Director's decision must be deposited in the mail and postmarked or delivered to the Bar not later than 30 days after the issuance of the decision, and must be on such form as the Bar shall designate and make available.

(B) The review will be informal and summary, but in the sole discretion of the RRAO may include the submission of briefs no more than 20 pages long and of oral arguments no more than 15 minutes long.

(C) Decisions of the RRAO are final unless, within 30 days of the issuance of the decision, a request for discretionary review of the decision is filed with the Supreme Court. If review is granted, review is conducted by the Chief Justice of the Washington Supreme Court or his or her designee in accordance with procedures established by the Supreme Court. A designee of the Chief Justice shall be a current or former elected judge. The review proceeding shall be on the record, without additional briefing or argument unless such is ordered by the Chief Justice or his or her designee.

(D) The RRAO shall be appointed by the Board of Governors. The Bar may reimburse the RRAO for all necessary and reasonable expenses incurred in the completion of these duties, and may provide compensation for the time necessary for these reviews at a level established by the Board of Governors.

(i) Monetary Awards Not Allowed. Attorney fees, costs, civil penalties, or fines may not be awarded under this rule.

(j) Effective Date of Rule.

(1) This rule goes into effect on July 1, 2014, and applies to records that are created on or after that date.

(2) Public access to records that are created before that date are to be analyzed according to other court rules, applicable statutes, and the common law balancing test; the Public Records Act, chapter 42.56 RCW, does not apply to such Bar records, but it may be used for nonbinding guidance.

[Adopted effective July 1, 2014; amended effective September 1, 2017.]

**GR 12.5
IMMUNITY**

All boards, committees, or other entities, and their members and personnel, and all personnel and employees of the Washington State Bar Association, acting on behalf of the Supreme Court under the Admission and Practice Rules, the Rules for Enforcement of Lawyer Conduct, or the disciplinary rules for limited practice officers and limited license legal technicians, shall enjoy quasi-judicial immunity if the Supreme Court would have immunity in performing the same functions.

[Adopted effective January 2, 2008; amended effective September 1, 2017.]

2020-2021
WSBA BOARD OF GOVERNORS MEETING SCHEDULE

MEETING DATE	LOCATION	POTENTIAL ISSUES / SOCIAL FUNCTION	AGENDA ITEMS DUE FOR EXEC COMMITTEE MTG	EXECUTIVE COMMITTEE MTG 9:00 am–12:00 pm	BOARD BOOK MATERIALS DEADLINE
November 13-14, 2020	Webcast & Teleconference	BOG Meeting	October 20, 2020	October 26, 2020	October 28, 2020
January 14-15, 2021	WSBA Conference Center Seattle, WA	BOG Meeting	December 8, 2020	December 14, 2020	December 30, 2020
March 18-19, 2021	Hotel RL, Olympia, WA	BOG Meeting	February 23, 2021	March 1, 2021	March 3, 2021
March 19, 2021	Temple of Justice	BOG Meeting with Supreme Court			
April 16-17, 2021	Davenport Hotel Spokane, WA	BOG Meeting	March 23, 2021	March 29, 2021	March 31, 2021
May 20-21, 2021	WSBA Conference Center Seattle, WA	BOG Meeting	April 27, 2021	May 3, 2021	May 5, 2021
July 15, 2021	Hilton Portland Downtown Portland, OR	BOG Retreat	June 22, 2021	June 28, 2021	June 30, 2021
July 16-17, 2021		BOG Meeting			
August 20-21, 2021	TBD Boise, ID	BOG Meeting	July 27, 2021	August 2, 2021	August 4, 2021
September 23-24, 2021	WSBA Conference Center Seattle, WA	BOG Meeting	August 24, 2021	August 30, 2021	September 8, 2021

Note – In-person meetings are dependent upon Covid-19 state guidance on in-person gatherings.

The Board Book Material Deadline is the final due date for submission of materials for the respective Board meeting. Please notify the Executive Director's office in advance of possible late materials. Refer to 1305 BOG Action Procedure on how to bring agenda items to the Board.

This information can be found online at: www.wsba.org/About-WSBA/Governance/Board-Meeting-Schedule-Materials



WSBA Board of Governors CONGRESSIONAL DISTRICT MAP



Kyle Sciuchetti
President



Brian Tollefson
President-Elect



Rajeev Majumdar
Immediate Past
President



Terra Nevitt
Executive Director
& Secretary

2020-2021



BASIC CHARACTERISTICS OF MOTIONS

*From: The Complete Idiot's Guide to Robert's Rules
The Guerilla Guide to Robert's Rules*

MOTION	PURPOSE	INTERRUPT SPEAKER?	SECOND NEEDED?	DEBATABLE?	AMENDABLE?	VOTE NEEDED
1. Fix the time to which to adjourn	Sets the time for a continued meeting	No	Yes	No ¹	Yes	Majority
2. Adjourn	Closes the meeting	No	Yes	No	No	Majority
3. Recess	Establishes a brief break	No	Yes	No ²	Yes	Majority
4. Raise a Question of Privilege	Asks urgent question regarding to rights	Yes	No	No	No	Rules by Chair
5. Call for orders of the day	Requires that the meeting follow the agenda	Yes	No	No	No	One member
6. Lay on the table	Puts the motion aside for later consideration	No	Yes	No	No	Majority
7. Previous question	Ends debate and moves directly to the vote	No	Yes	No	No	Two-thirds
8. Limit or extend limits of debate	Changes the debate limits	No	Yes	No	Yes	Two-thirds
9. Postpone to a certain time	Puts off the motion to a specific time	No	Yes	Yes	Yes	Majority ³
10. Commit or refer	Refers the motion to a committee	No	Yes	Yes	Yes	Majority
11. Amend an amendment (secondary amendment)	Proposes a change to an amendments	No	Yes	Yes ⁴	No	Majority
12. Amend a motion or resolution (primary amendment)	Proposes a change to a main motion	No	Yes	Yes ⁴	Yes	Majority
13. Postpone indefinitely	Kills the motion	No	Yes	Yes	No	Majority
14. Main motion	Brings business before the assembly	No	Yes	Yes	Yes	Majority

1 Is debatable when another meeting is scheduled for the same or next day, or if the motion is made while no question is pending

2 Unless no question is pending

3 Majority, unless it makes question a special order

4 If the motion it is being applied to is debatable



Discussion Protocols Board of Governors Meetings

Philosophical Statement:

“We take serious our representational responsibilities and will try to inform ourselves on the subject matter before us by contact with constituents, stakeholders, WSBA staff and committees when possible and appropriate. In all deliberations and actions we will be courageous and keep in mind the need to represent and lead our membership and safeguard the public. In our actions, we will be mindful of both the call to action and the constraints placed upon the WSBA by GR 12 and other standards.”

Governor’s Commitments:

1. Tackle the problems presented; don’t make up new ones.
2. Keep perspective on long-term goals.
3. Actively listen to understand the issues and perspective of others before making the final decision or lobbying for an absolute.
4. Respect the speaker, the input and the Board’s decision.
5. Collect your thoughts and speak to the point – sparingly!
6. Foster interpersonal relationships between Board members outside Board events.
7. Listen and be courteous to speakers.
8. Speak only if you can shed light on the subject, don’t be repetitive.
9. Consider, respect and trust committee work but exercise the Board’s obligation to establish policy and insure that the committee work is consistent with that policy and the Board’s responsibility to the WSBA’s mission.
10. Seek the best decision through quality discussion and ample time (listen, don’t make assumptions, avoid sidebars, speak frankly, allow time before and during meetings to discuss important matters).
11. Don’t repeat points already made.
12. Everyone should have a chance to weigh in on discussion topics before persons are given a second opportunity.
13. No governor should commit the board to actions, opinions, or projects without consultation with the whole Board.
14. Use caution with e-mail: it can be a useful tool for debating, but e-mail is not confidential and does not easily involve all interests.
15. Maintain the strict confidentiality of executive session discussions and matters.



BOARD OF GOVERNORS

WSBA VALUES

Through a collaborative process, the WSBA Board of Governors and Staff have identified these core values that shall be considered by the Board, Staff, and WSBA volunteers (collectively, the “WSBA Community”) in all that we do.

To serve the public and our members and to promote justice, the WSBA Community values the following:

- Trust and respect between and among Board, Staff, Volunteers, Members, and the public
- Open and effective communication
- Individual responsibility, initiative, and creativity
- Teamwork and cooperation
- Ethical and moral principles
- Quality customer-service, with member and public focus
- Confidentiality, where required
- Diversity and inclusion
- Organizational history, knowledge, and context
- Open exchanges of information



BOARD OF GOVERNORS

GUIDING COMMUNICATION PRINCIPLES

In each communication, I will assume the good intent of my fellow colleagues; earnestly and actively listen; encourage the expression of and seek to affirm the value of their differing perspectives, even where I may disagree; share my ideas and thoughts with compassion, clarity, and where appropriate confidentiality; and commit myself to the unwavering recognition, appreciation, and celebration of the humanity, skills, and talents that each of my fellow colleagues bring in the spirit and effort to work for the mission of the WSBA. Therefore, I commit myself to operating with the following norms:

- ◆ I will treat each person with courtesy and respect, valuing each individual.
- ◆ I will strive to be nonjudgmental, open-minded, and receptive to the ideas of others.
- ◆ I will assume the good intent of others.
- ◆ I will speak in ways that encourage others to speak.
- ◆ I will respect others' time, workload, and priorities.
- ◆ I will aspire to be honest and open in all communications.
- ◆ I will aim for clarity; be complete, yet concise.
- ◆ I will practice "active" listening and ask questions if I don't understand.
- ◆ I will use the appropriate communication method (face-to-face, email, phone, voicemail) for the message and situation.
- ◆ When dealing with material of a sensitive or confidential nature, I will seek and confirm that there is mutual agreement to the ground rules of confidentiality at the outset of the communication.
- ◆ I will avoid triangulation and go directly to the person with whom I need to communicate. (If there is a problem, I will go to the source for resolution rather than discussing it with or complaining to others.)
- ◆ I will focus on reaching understanding and finding solutions to problems.
- ◆ I will be mindful of information that affects, or might be of interest or value to, others, and pass it along; err on the side of over-communication.
- ◆ I will maintain a sense of perspective and respectful humor.



BOARD OF GOVERNORS

Anthony David Gipe
President

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November 2014

BEST PRACTICES AND EXPECTATIONS

❖ Attributes of the Board

- Competence
- Respect
- Trust
- Commitment
- Humor

❖ Accountability by Individual Governors

- Assume Good Intent
- Participation/Preparation
- Communication
- Relevancy and Reporting

❖ Team of Professionals

- Foster an atmosphere of teamwork
 - Between Board Members
 - The Board with the Officers
 - The Board and Officers with the Staff
 - The Board, Officers, and Staff with the Volunteers

- We all have common loyalty to the success of WSBA

❖ Work Hard and Have Fun Doing It

Working Together to Champion Justice

999 Third Avenue, Suite 3000 / Seattle, WA 98104 / fax: 206.340.8856

WASHINGTON STATE
B A R A S S O C I A T I O N

Financial Reports

(Unaudited)

Year to Date October 31, 2020

Prepared by Maggie Yu, Controller
Submitted by
Jorge Perez, Chief Financial Officer
December 9, 2020

Washington State Bar Association Financial Summary
Compared to Fiscal Year 2021 Budget
For the Period from October 1, 2020 to October 31, 2020

Category	Actual Revenues	Budgeted Revenues	Actual Indirect Expenses	Budgeted Indirect Expenses	Actual Direct Expenses	Budgeted Direct Expenses	Actual Total Expenses	Budgeted Total Expenses	Actual Net Result	Budgeted Net Result
Access to Justice	-	0	17,754	205,966	0	56,824	17,754	262,790	(17,754)	(262,790)
Administration	29	100,000	89,695	1,070,204	790	15,200	90,485	1,085,404	(90,456)	(985,404)
Admissions/Bar Exam	263,620	1,134,375	65,187	847,813	1,343	318,693	66,530	1,166,506	197,090	(32,131)
Advancement FTE	-	0	19,945	235,893	0	0	19,945	235,893	(19,945)	(235,893)
Bar News	53,777	468,350	29,391	345,499	50,096	449,665	79,487	795,164	(25,710)	(326,814)
Board of Governors	-	0	17,666	210,537	34	406,500	17,699	617,037	(17,699)	(617,037)
Communications Strategies	-	0	38,042	453,887	1,207	76,045	39,248	529,932	(39,248)	(529,932)
Communications Strategies FTE	-	0	18,684	222,622	0	0	18,684	222,622	(18,684)	(222,622)
Discipline	9,712	97,500	482,518	5,826,381	6,524	194,473	489,042	6,020,854	(479,330)	(5,923,354)
Diversity	-	135,374	20,999	325,440	17	26,790	21,015	352,230	(21,015)	(216,856)
Foundation	-	0	10,497	122,376	0	12,150	10,497	134,526	(10,497)	(134,526)
Human Resources	0.00	0	38,899	458,623	0	0	38,899	458,623	(38,899)	(458,623)
Law Clerk Program	532	193,000	8,092	95,128	0	10,650	8,092	105,778	(7,560)	87,222
Legislative	-	0	10,738	126,909	0	32,250	10,738	159,159	(10,738)	(159,159)
Licensing and Membership Records	31,969	336,450	48,127	583,749	13,683	21,951	61,810	605,700	(29,842)	(269,250)
Licensing Fees	1,362,565	16,531,113	-	0	-	0	-	0	1,362,565	16,531,113
Limited License Legal Technician	5,854	23,267	10,190	115,845	0	8,203	10,190	124,048	(4,336)	(100,781)
Limited Practice Officers	20,114	195,300	4,723	55,230	255	22,785	4,978	78,015	15,136	117,285
Mandatory CLE	86,000	767,950	37,154	473,822	20,875	148,018	58,029	621,840	27,971	146,110
Member Assistance Program	375	8,000	7,637	91,838	0	1,075	7,637	92,913	(7,262)	(84,913)
Member Benefits	392	28,000	11,362	134,790	13,176	188,496	24,538	323,286	(24,146)	(295,286)
Member Services & Engagement	3,154	154,250	35,829	496,743	412	42,990	36,241	539,733	(33,087)	(385,483)
Office of General Counsel	-	0	73,366.19	952,454	20.96	18,677.37	73,387.15	971,131	(73,387)	(971,131)
Office of the Executive Director	-	0	53,436	614,257	10	101,651	53,446	715,908	(53,446)	(715,908)
OGC-Disciplinary Board	-	0	13,956	164,644	6,563	91,650	20,520	256,294	(20,520)	(256,294)
Outreach and Engagement	-	0	22,075	260,983	309	28,252	22,384	289,235	(22,384)	(289,235)
Practice of Law Board	-	0	3,088	36,875	0	9,000	3,088	45,875	(3,088)	(45,875)
Professional Responsibility Program	-	0	23,946	276,709	305	7,125	24,251	283,834	(24,251)	(283,834)
Public Service Programs	-	130,200	11,220	127,921	0	268,493	11,220	396,414	(11,220)	(266,214)
Publication and Design Services	-	0	8,387	98,843	4,100	5,730	12,487	104,573	(12,487)	(104,573)
Regulatory Services FTE	-	0	32,936	506,486	-	-	-	506,486	(32,936)	(506,486)
Sections Administration	1,364	300,000	24,515	288,915	0	9,875	24,515	298,790	(23,152)	1,210
Service Center	-	0	58,171	737,344	0	8,500	58,171	745,844	(58,171)	(745,844)
Technology	-	0	144,695	1,659,474	-	0	144,695	1,659,474	(144,695)	(1,659,474)
Subtotal General Fund	1,839,456	20,603,129	1,492,919	18,224,201	119,721	2,581,710	1,612,640	20,805,911	226,816	(202,782)
Expenses using reserve funds	-	-	-	-	-	-	1,612,640	-	-	-
Total General Fund - Net Result from Operations									226,816	(202,782)
Percentage of Budget	8.93%		8.19%		4.64%		7.75%			
CLE-Seminars and Products	45,584	1,682,000	86,981	1,039,119	4,759	535,891	91,740	1,575,010	(46,156)	106,990
CLE - Deskbooks	36,552	158,000	19,212	215,042	24,180	112,107	43,391	327,149	(6,839)	(169,149)
Total CLE	82,136	1,840,000	106,193	1,254,161	28,939	647,998	135,132	1,902,159	(52,996)	(62,159)
Percentage of Budget	4.46%		8.47%		4.47%		7.10%			
Total All Sections	14,903	585,779	-	-	2,188	865,167	2,188	865,167	12,715	(279,388)
Client Protection Fund-Restricted	7,849	529,540	13,115	155,699	190	502,400	13,305	658,099	(5,456)	(128,559)
Totals	1,944,344	23,558,448	1,612,228	19,634,061	151,038	4,597,275.83	1,763,265	24,231,337	181,079	(672,889)
Percentage of Budget	8.25%		8.21%		3.29%		7.28%			

Summary of Fund Balances:	Fund Balances Sept. 30, 2020	2021 Budgeted Fund Balances	Fund Balances Year to date
Restricted Funds:			
Client Protection Fund	4,193,130	4,064,571	4,187,674
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	469,241	407,082	416,245
Section Funds	1,210,209	930,821	1,222,924
Board-Designated Funds (General Fund):			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	550,000	550,000	550,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	3,478,234	3,275,452	3,705,050
Total General Fund Balance	5,528,234	5,325,452	5,755,049.75
Net Change in general Fund Balance		(202,782)	226,816
Total Fund Balance	11,400,814	10,727,925	11,581,893
Net Change In Fund Balance		(672,889)	181,079

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSE FEES					
REVENUE:	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
LICENSE FEES	16,531,113	1,362,565	1,362,565	15,168,548	8.24%
TOTAL REVENUE:	<u>16,531,113</u>	<u>1,362,565</u>	<u>1,362,565</u>	<u>15,168,548</u>	<u>8.24%</u>

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2020 to October 31, 2020
8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ACCESS TO JUSTICE					
REVENUE:	_____	_____	_____	_____	_____
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
ATJ BOARD RETREAT	2,000	-	-	2,000	0.00%
LEADERSHIP TRAINING	2,000	-	-	2,000	0.00%
ATJ BOARD EXPENSE	18,000	-	-	18,000	0.00%
STAFF TRAVEL/PARKING	3,500	-	-	3,500	0.00%
STAFF MEMBERSHIP DUES	120	-	-	120	0.00%
PUBLIC DEFENSE	4,400	-	-	4,400	0.00%
CONFERENCE/INSTITUTE EXPENSE	17,804	-	-	17,804	0.00%
RECEPTION/FORUM EXPENSE	9,000	-	-	9,000	0.00%
TOTAL DIRECT EXPENSES:	56,824	-	-	56,824	0.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.60 FTE)	113,835	9,923	9,923	103,912	8.72%
BENEFITS EXPENSE	44,524	3,356	3,356	41,168	7.54%
OTHER INDIRECT EXPENSE	47,607	4,475	4,475	43,132	9.40%
TOTAL INDIRECT EXPENSES:	205,966	17,754	17,754	188,212	8.62%
TOTAL ALL EXPENSES:	262,790	17,754	17,754	245,035	6.76%
NET INCOME (LOSS):	(262,790)	(17,754)	(17,754)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMINISTRATION					
REVENUE:					
INTEREST INCOME	100,000	29	29	99,971	0.03%
TOTAL REVENUE:	100,000	29	29	99,971	0.03%
DIRECT EXPENSES:					
CONSULTING SERVICES	11,000	-	-	11,000	0.00%
STAFF TRAVEL/PARKING	4,200	790	790	3,410	18.81%
TOTAL DIRECT EXPENSES:	15,200	790	790	14,410	5.20%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.92 FTE)	661,603	54,684	54,684	606,919	8.27%
BENEFITS EXPENSE	202,703	15,567	15,567	187,136	7.68%
OTHER INDIRECT EXPENSE	205,898	19,444	19,444	186,454	9.44%
TOTAL INDIRECT EXPENSES:	1,070,204	89,695	89,695	980,509	8.38%
TOTAL ALL EXPENSES:	1,085,404	90,485	90,485	994,919	8.34%
NET INCOME (LOSS):	(985,404)	(90,456)	(90,456)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMISSIONS					
REVENUE:					
EXAM SOFT REVENUE	31,500	-	-	31,500	0.00%
BAR EXAM FEES	1,053,235	254,125	254,125	799,110	24.13%
RULE 9/LEGAL INTERN FEES	12,000	850	850	11,150	7.08%
SPECIAL ADMISSIONS	37,640	8,645	8,645	28,995	22.97%
TOTAL REVENUE:	1,134,375	263,620	263,620	870,755	23.24%
DIRECT EXPENSES:					
POSTAGE	1,800	19	19	1,781	1.07%
STAFF TRAVEL/PARKING	17,000	-	-	17,000	0.00%
STAFF MEMBERSHIP DUES	800	-	-	800	0.00%
SUPPLIES	1,000	-	-	1,000	0.00%
FACILITY, PARKING, FOOD	64,700	-	-	64,700	0.00%
EXAMINER FEES	20,000	-	-	20,000	0.00%
UBE EXMINATIONS	115,900	-	-	115,900	0.00%
BOARD OF BAR EXAMINERS	6,000	-	-	6,000	0.00%
BAR EXAM PROCTORS	27,000	150	150	26,850	0.56%
CHARACTER & FITNESS BOARD	12,000	-	-	12,000	0.00%
DISABILITY ACCOMMODATIONS	10,000	-	-	10,000	0.00%
CHARACTER & FITNESS INVESTIGATIONS	300	6	6	294	2.05%
LAW SCHOOL VISITS	920	-	-	920	0.00%
COURT REPORTERS	15,000	1,157	1,157	13,843	7.72%
DEPRECIATION-SOFTWARE	22,778	-	-	22,778	0.00%
ONLINE LEGAL RESEARCH	3,345	-	-	3,345	0.00%
LAW LIBRARY	150	10	10	140	6.97%
TOTAL DIRECT EXPENSES:	318,693	1,343	1,343	317,350	0.42%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.55 FTE)	479,196	33,673	33,673	445,523	7.03%
BENEFITS EXPENSE	173,728	13,150	13,150	160,578	7.57%
OTHER INDIRECT EXPENSE	194,889	18,364	18,364	176,525	9.42%
TOTAL INDIRECT EXPENSES:	847,813	65,187	65,187	782,626	7.69%
TOTAL ALL EXPENSES:	1,166,506	66,530	66,530	1,099,976	5.70%
NET INCOME (LOSS):	(32,131)	197,090	197,090		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADVANCEMENT FTE					
INDIRECT EXPENSES:					
SALARY EXPENSE (1.15 FTE)	159,666	13,391	13,391	146,275	8.39%
BENEFITS EXPENSE	42,009	3,313	3,313	38,696	7.89%
OTHER INDIRECT EXPENSE	34,217	3,241	3,241	30,976	9.47%
TOTAL INDIRECT EXPENSES:	235,893	19,945	19,945	215,948	8.46%
NET INCOME (LOSS):	(235,893)	(19,945)	(19,945)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
BAR NEWS					
REVENUE:					
ROYALTIES	1,500	1,262	1,262	238	84.12%
DISPLAY ADVERTISING	300,000	43,204	43,204	256,796	14.40%
SUBSCRIPT/SINGLE ISSUES	350	36	36	314	10.29%
CLASSIFIED ADVERTISING	11,500	436	436	11,064	3.79%
GEN ANNOUNCEMENTS	15,000	540	540	14,460	3.60%
PROF ANNOUNCEMENTS	20,000	2,641	2,641	17,359	13.21%
JOB TARGET ADVERTISING	120,000	5,659	5,659	114,341	4.72%
TOTAL REVENUE:	468,350	53,777	53,777	414,573	11.48%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	750	-	-	750	0.00%
POSTAGE	95,000	10,324	10,324	84,676	10.87%
PRINTING, COPYING & MAILING	250,000	24,907	24,907	225,093	9.96%
DIGITAL/ONLINE DEVELOPMENT	11,000	950	950	10,050	8.64%
GRAPHICS/ARTWORK	1,500	-	-	1,500	0.00%
OUTSIDE SALES EXPENSE	90,000	13,916	13,916	76,085	15.46%
EDITORIAL ADVISORY COMMITTEE	800	-	-	800	0.00%
STAFF MEMBERSHIP DUES	615	-	-	615	0.00%
TOTAL DIRECT EXPENSES:	449,665	50,096	50,096	399,569	11.14%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.83 FTE)	199,458	16,727	16,727	182,731	8.39%
BENEFITS EXPENSE	61,936	4,717	4,717	57,219	7.62%
OTHER INDIRECT EXPENSE	84,105	7,947	7,947	76,158	9.45%
TOTAL INDIRECT EXPENSES:	345,499	29,391	29,391	316,108	8.51%
TOTAL ALL EXPENSES:	795,164	79,487	79,487	715,677	10.00%
NET INCOME (LOSS):	(326,814)	(25,710)	(25,710)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
BOARD OF GOVERNOR					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
BOG MEETINGS	210,500	34	34	210,466	0.02%
BOG COMMITTEES' EXPENSES	30,000	-	-	30,000	0.00%
BOG RETREAT	15,000	-	-	15,000	0.00%
BOG CONFERENCE ATTENDANCE	44,000	-	-	44,000	0.00%
BOG TRAVEL & OUTREACH	35,000	-	-	35,000	0.00%
LEADERSHIP TRAINING	50,000	-	-	50,000	0.00%
BOG ELECTIONS	12,000	-	-	12,000	0.00%
PRESIDENT'S DINNER	10,000	-	-	10,000	0.00%
TOTAL DIRECT EXPENSES:	406,500	34	34	406,466	0.01%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.75 FTE)	116,541	9,600	9,600	106,941	8.24%
BENEFITS EXPENSE	41,926	3,166	3,166	38,760	7.55%
OTHER INDIRECT EXPENSE	52,070	4,900	4,900	47,170	9.41%
TOTAL INDIRECT EXPENSES:	210,537	17,666	17,666	192,871	8.39%
TOTAL ALL EXPENSES:	617,037	17,699	17,699	599,338	2.87%
NET INCOME (LOSS):	(617,037)	(17,699)	(17,699)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAW CLERK PROGRAM					
REVENUE:					
LAW CLERK FEES	190,000	332	332	189,668	0.17%
LAW CLERK APPLICATION FEES	3,000	200	200	2,800	6.67%
TOTAL REVENUE:	193,000	532	532	192,468	0.28%
DIRECT EXPENSES:					
SUBSCRIPTIONS	250	-	-	250	0.00%
CHARACTER & FITNESS INVESTIGATIONS	100	-	-	100	0.00%
LAW CLERK BOARD EXPENSE	7,000	-	-	7,000	0.00%
STAFF TRAVEL/PARKING	300	-	-	300	0.00%
LAW CLERK OUTREACH	3,000	-	-	3,000	0.00%
TOTAL DIRECT EXPENSES:	10,650	-	-	10,650	0.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.90 FTE)	49,392	4,166	4,166	45,226	8.43%
BENEFITS EXPENSE	18,957	1,419	1,419	17,538	7.48%
OTHER INDIRECT EXPENSE	26,779	2,508	2,508	24,271	9.36%
TOTAL INDIRECT EXPENSES:	95,128	8,092	8,092	87,036	8.51%
TOTAL ALL EXPENSES:	105,778	8,092	8,092	97,686	7.65%
NET INCOME (LOSS):	87,222	(7,560)	(7,560)		

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2020 to October 31, 2020
8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONTINUING LEGAL EDUCATION (CLE)					
REVENUE:					
SEMINAR REGISTRATIONS	825,000	24,266	24,266	800,734	2.94%
SEMINAR-EXHIB/SPNSR/ETC	28,000	-	-	28,000	0.00%
SHIPPING & HANDLING	1,000	32	32	969	3.15%
COURSEBOOK SALES	8,000	350	350	7,650	4.38%
MP3 AND VIDEO SALES	820,000	20,936	20,936	799,064	2.55%
TOTAL REVENUE:	1,682,000	45,584	45,584	1,636,416	2.71%
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	1,500	-	-	1,500	0.00%
POSTAGE - FLIERS/CATALOGS	8,000	-	-	8,000	0.00%
POSTAGE - MISC./DELIVERY	800	-	-	800	0.00%
DEPRECIATION	3,188	485	485	2,703	15.21%
ONLINE EXPENSES	48,000	2,441	2,441	45,559	5.09%
ACCREDITATION FEES	3,000	(72)	(72)	3,072	-2.40%
SEMINAR BROCHURES	20,000	-	-	20,000	0.00%
FACILITIES	279,000	1,600	1,600	277,400	0.57%
SPEAKERS & PROGRAM DEVELOP	50,000	235	235	49,765	0.47%
SPLITS TO SECTIONS	100,000	-	-	100,000	0.00%
CLE SEMINAR COMMITTEE	250	-	-	250	0.00%
BAD DEBT EXPENSE	650	-	-	650	0.00%
STAFF TRAVEL/PARKING	15,000	42	42	14,958	0.28%
STAFF MEMBERSHIP DUES	1,453	-	-	1,453	0.00%
SUPPLIES	1,000	-	-	1,000	0.00%
CONFERENCE CALLS	50	-	-	50	0.00%
COST OF SALES - COURSEBOOKS	1,500	16	16	1,484	1.07%
A/V DEVELOP COSTS (RECORDING)	2,000	-	-	2,000	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	500	12	12	488	2.45%
TOTAL DIRECT EXPENSES:	535,891	4,759	4,759	531,132	0.89%
INDIRECT EXPENSES:					
SALARY EXPENSE (8.42 FTE)	568,366	46,785	46,785	521,581	8.23%
BENEFITS EXPENSE	220,223	16,586	16,586	203,638	7.53%
OTHER INDIRECT EXPENSE	250,529	23,611	23,611	226,919	9.42%
TOTAL INDIRECT EXPENSES:	1,039,119	86,981	86,981	952,137	8.37%
TOTAL ALL EXPENSES:	1,575,010	91,740	91,740	1,483,269	5.82%
NET INCOME (LOSS):	106,990	(46,156)	(46,156)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
COMMUNICATION STRATEGIES					
REVENUE:					
APEX LUNCH/DINNER	-	-	-	-	
50 YEAR MEMBER TRIBUTE LUNCH	-	-	-	-	
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,700	746	746	3,954	15.87%
STAFF MEMBERSHIP DUES	1,183	-	-	1,183	0.00%
SUBSCRIPTIONS	3,052	177	177	2,875	5.79%
DIGITAL/ONLINE DEVELOPMENT	800	-	-	800	0.00%
APEX DINNER	25,000	188	188	24,812	0.75%
50 YEAR MEMBER TRIBUTE LUNCH	10,708	-	-	10,708	0.00%
COMMUNICATIONS OUTREACH	25,000	1	1	24,999	0.01%
TELEPHONE	300	95	95	205	31.54%
CONFERENCE CALLS	302	-	-	302	0.00%
MISCELLANEOUS	5,000	-	-	5,000	0.00%
TOTAL DIRECT EXPENSES:	76,045	1,207	1,207	74,838	1.59%
INDIRECT EXPENSES:					
SALARY EXPENSE (3.80 FTE)	257,297	21,062	21,062	236,235	8.19%
BENEFITS EXPENSE	83,426	6,332	6,332	77,094	7.59%
OTHER INDIRECT EXPENSE	113,165	10,648	10,648	102,517	9.41%
TOTAL INDIRECT EXPENSES:	453,887	38,042	38,042	415,846	8.38%
TOTAL ALL EXPENSES:	529,932	39,248	39,248	490,684	7.41%
NET INCOME (LOSS):	(529,932)	(39,248)	(39,248)		

Washington State Bar Association

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8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
COMMUNICATION STRATEGIES FTE					
INDIRECT EXPENSES:					
SALARY EXPENSE (1.00 FTE)	149,565	12,457	12,457	137,108	8.33%
BENEFITS EXPENSE	43,303	3,411	3,411	39,892	7.88%
OTHER INDIRECT EXPENSE	<u>29,754</u>	<u>2,816</u>	<u>2,816</u>	<u>26,938</u>	<u>9.47%</u>
TOTAL INDIRECT EXPENSES:	<u>222,622</u>	<u>18,684</u>	<u>18,684</u>	<u>203,938</u>	<u>8.39%</u>
NET INCOME (LOSS):	<u>(222,622)</u>	<u>(18,684)</u>	<u>(18,684)</u>		

Washington State Bar Association

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8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLIENT PROTECTION FUND					
REVENUE:					
CPF RESTITUTION	4,000	1,041	1,041	2,959	26.02%
CPF MEMBER ASSESSMENTS	515,540	6,780	6,780	508,760	1.32%
INTEREST INCOME	10,000	28	28	9,972	0.28%
TOTAL REVENUE:	529,540	7,849.23	7,849	521,691	1.48%
DIRECT EXPENSES:					
BANK FEES - WELLS FARGO	1,000	190	190	810	19.04%
GIFTS TO INJURED CLIENTS	500,000	-	-	500,000	0.00%
CPF BOARD EXPENSES	1,200	-	-	1,200	0.00%
STAFF MEMBERSHIP DUES	200	-	-	200	0.00%
TOTAL DIRECT EXPENSES:	502,400	190.40	190	502,210	0.04%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.23 FTE)	84,478	7,084	7,084	77,394	8.39%
BENEFITS EXPENSE	34,624	2,597	2,597	32,026	7.50%
OTHER INDIRECT EXPENSE	36,598	3,434	3,434	33,164	9.38%
TOTAL INDIRECT EXPENSES:	155,699	13,114.97	13,114.97	142,584	8.42%
TOTAL ALL EXPENSES:	658,099	13,305	13,305	644,794	2.02%
NET INCOME (LOSS):	(128,559)	(5,456)	(5,456)		

Washington State Bar Association

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8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DESKBOOKS					
REVENUE:					
SHIPPING & HANDLING	3,000	716	716	2,285	23.85%
DESKBOOK SALES	100,000	26,822	26,822	73,178	26.82%
SECTION PUBLICATION SALES	5,000	3,390	3,390	1,610	67.80%
CASEMAKER ROYALTIES	50,000	5,624	5,624	44,376	11.25%
TOTAL REVENUE:	158,000	36,552	36,552	121,448	23.13%
DIRECT EXPENSES:					
COST OF SALES - DESKBOOKS	56,880	17,964	17,964	38,916	31.58%
COST OF SALES - SECTION PUBLICATION	2,000	1,036	1,036	964	51.80%
SPLITS TO SECTIONS	15,000	-	-	15,000	0.00%
DESKBOOK ROYALTIES	500	-	-	500	0.00%
POSTAGE & DELIVER-DESKBOOKS	3,000	884	884	2,116	29.47%
FLIERS/CATALOGS	1,500	-	-	1,500	0.00%
ONLINE LEGAL RESEARCH	1,672	-	-	1,672	0.00%
POSTAGE - FLIERS/CATALOGS	750	-	-	750	0.00%
COMPLIMENTARY BOOK PROGRAM	1,000	-	-	1,000	0.00%
OBSOLETE INVENTORY	21,000	2,945	2,945	18,055	14.02%
BAD DEBT EXPENSE	100	-	-	100	0.00%
RECORDS STORAGE - OFF SITE	8,100	1,350	1,350	6,750	16.67%
STAFF MEMBERSHIP DUES	220	-	-	220	0.00%
MISCELLANEOUS	200	-	-	200	0.00%
SUBSCRIPTIONS	185	-	-	185	0.00%
TOTAL DIRECT EXPENSES:	112,107	24,180	24,180	87,928	21.57%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.52 FTE)	124,754	11,508	11,508	113,246	9.22%
BENEFITS EXPENSE	45,062	3,422	3,422	41,640	7.59%
OTHER INDIRECT EXPENSE	45,226	4,282	4,282	40,944	9.47%
TOTAL INDIRECT EXPENSES:	215,042	19,212	19,212	195,830	8.93%
TOTAL ALL EXPENSES:	327,149	43,391	43,391	283,758	13.26%
NET INCOME (LOSS):	(169,149)	(6,839)	(6,839)		

Washington State Bar Association

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8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DISCIPLINE					
REVENUE:					
AUDIT REVENUE	2,500	149	149	2,351	5.95%
RECOVERY OF DISCIPLINE COSTS	80,000	8,183	8,183	71,817	10.23%
DISCIPLINE HISTORY SUMMARY	15,000	1,380	1,380	13,620	9.20%
TOTAL REVENUE:	97,500	9,712	9,712	87,788	9.96%
DIRECT EXPENSES:					
PUBLICATIONS PRODUCTION	250	-	-	250	0.00%
STAFF TRAVEL/PARKING	35,000	3,168	3,168	31,832	9.05%
STAFF MEMBERSHIP DUES	5,035	2,400	2,400	2,635	47.67%
TELEPHONE	2,900	165	165	2,735	5.68%
COURT REPORTERS	35,000	-	-	35,000	0.00%
OUTSIDE COUNSEL/AIC	5,000	-	-	5,000	0.00%
LITIGATION EXPENSES	35,000	749	749	34,251	2.14%
DISABILITY EXPENSES	10,000	-	-	10,000	0.00%
ONLINE LEGAL RESEARCH	53,288	-	-	53,288	0.00%
LAW LIBRARY	12,000	42	42	11,958	0.35%
TRANSLATION SERVICES	1,000	-	-	1,000	0.00%
TOTAL DIRECT EXPENSES:	194,473	6,524	6,524	187,948	3.35%
INDIRECT EXPENSES:					
SALARY EXPENSE (37.00 FTE)	3,627,767	294,801	294,801	3,332,966	8.13%
BENEFITS EXPENSE	1,097,713	83,859	83,859	1,013,854	7.64%
OTHER INDIRECT EXPENSE	1,100,901	103,857	103,857	997,044	9.43%
TOTAL INDIRECT EXPENSES:	5,826,381	482,518	482,518	5,343,863	8.28%
TOTAL ALL EXPENSES:	6,020,854	489,042	489,042	5,531,811	8.12%
NET INCOME (LOSS):	(5,923,354)	(479,330)	(479,330)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DIVERSITY					
REVENUE:					
DONATIONS	125,000	-	-	125,000	0.00%
WORK STUDY GRANTS	10,374	-	-	10,374	0.00%
TOTAL REVENUE:	135,374	-	-	135,374	0.00%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,000	-	-	4,000	0.00%
STAFF MEMBERSHIP DUES	640	-	-	640	0.00%
COMMITTEE FOR DIVERSITY	4,900	17	17	4,883	0.34%
DIVERSITY EVENTS & PROJECTS	17,250	-	-	17,250	0.00%
INTERNAL DIVERSITY OUTREACH	-	-	-	-	
TOTAL DIRECT EXPENSE:	26,790	17	17	26,773	0.06%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.46 FTE)	193,096	9,608	9,608	183,488	4.98%
BENEFITS EXPENSE	59,149	4,485	4,485	54,664	7.58%
OTHER INDIRECT EXPENSE	73,195	6,906	6,906	66,289	9.43%
TOTAL INDIRECT EXPENSES:	325,440	20,999	20,999	304,441	6.45%
TOTAL ALL EXPENSES:	352,230	21,015	21,015	331,215	5.97%
NET INCOME (LOSS):	(216,856)	(21,015)	(21,015)		

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2020 to October 31, 2020
8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
FOUNDATION					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	3,000	-	-	3,000	0.00%
PRINTING & COPYING	900	-	-	900	0.00%
STAFF TRAVEL/PARKING	500	-	-	500	0.00%
SUPPLIES	250	-	-	250	0.00%
SPECIAL EVENTS	5,000	-	-	5,000	0.00%
BOARD OF TRUSTEES	2,000	-	-	2,000	0.00%
POSTAGE	500	-	-	500	0.00%
TOTAL DIRECT EXPENSES:	12,150	-	-	12,150	0.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.00 FTE)	76,759	6,438	6,438	70,322	8.39%
BENEFITS EXPENSE	15,863	1,243	1,243	14,620	7.84%
OTHER INDIRECT EXPENSE	29,754	2,816	2,816	26,938	9.47%
TOTAL INDIRECT EXPENSES:	122,376	10,497	10,497	111,879	8.58%
TOTAL ALL EXPENSES:	134,526	10,497	10,497	124,029	7.80%
NET INCOME (LOSS):	(134,526)	(10,497)	(10,497)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
HUMAN RESOURCES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	741	1,509	1,509	(768)	203.64%
STAFF MEMBERSHIP DUES	193	-	-	193	0.00%
SUBSCRIPTIONS	3,505	-	-	3,505	0.00%
STAFF TRAINING- GENERAL	100,000	-	-	100,000	0.00%
RECRUITING AND ADVERTISING	7,000	452	452	6,548	6.46%
PAYROLL PROCESSING	49,000	4,901	4,901	44,099	10.00%
SALARY SURVEYS	2,900	-	-	2,900	0.00%
CONSULTING SERVICES	37,500	7,200	7,200	30,300	19.20%
TRANSFER TO INDIRECT EXPENSE	(200,839)	(14,063)	(14,063)	(186,776)	7.00%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (3.00 FTE)	288,452	23,918	23,918	264,535	8.29%
BENEFITS EXPENSE	85,241	6,571	6,571	78,670	7.71%
OTHER INDIRECT EXPENSE	84,930	8,410	8,410	76,520	9.90%
TOTAL INDIRECT EXPENSES:	458,623	38,899	38,899	419,724	8.48%
TOTAL ALL EXPENSES:	458,623	38,899	38,899	419,724	8.48%
NET INCOME (LOSS):	(458,623)	(38,899)	(38,899)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LEGISLATIVE					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,550	-	-	4,550	0.00%
STAFF MEMBERSHIP DUES	450	-	-	450	0.00%
SUBSCRIPTIONS	2,000	-	-	2,000	0.00%
OLYMPIA RENT	2,500	-	-	2,500	0.00%
CONTRACT LOBBYIST	20,000	-	-	20,000	0.00%
LEGISLATIVE COMMITTEE	2,500	-	-	2,500	0.00%
BOG LEGISLATIVE COMMITTEE	250	-	-	250	0.00%
TOTAL DIRECT EXPENSES:	32,250	-	-	32,250	0.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.00 FTE)	70,311	5,896	5,896	64,415	8.39%
BENEFITS EXPENSE	26,844	2,025	2,025	24,819	7.54%
OTHER INDIRECT EXPENSE	29,754	2,816	2,816	26,938	9.47%
TOTAL INDIRECT EXPENSES:	126,909	10,738	10,738	116,171	8.46%
TOTAL ALL EXPENSES:	159,159	10,738	10,738	148,421	6.75%
NET INCOME (LOSS):	(159,159)	(10,738)	(10,738)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED LICENSE LEGAL TECHNICIAN PROGRAM					
REVENUE:					
SEMINAR REGISTRATIONS	1,750	-	-	1,750	0.00%
LLLT LICENSE FEES	10,905	604	604	10,301	5.54%
LLLT LATE LICENSE FEES	412	-	-	412	0.00%
INVESTIGATION FEES	300	-	-	300	0.00%
LLLT EXAM FEES	9,600	5,250	5,250	4,350	54.69%
LLLT WAIVER FEES	300	-	-	300	0.00%
TOTAL REVENUE:	23,267	5,854	5,854	17,413	25.16%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	200	-	-	200	0.00%
LLLT BOARD	7,000	-	-	7,000	0.00%
LLLT OUTREACH	1,000	-	-	1,000	0.00%
LICENSING FORMS	3	-	-	3	0.00%
TOTAL DIRECT EXPENSES:	8,203	-	-	8,203	0.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.00 FTE)	62,533	5,601	5,601	56,932	8.96%
BENEFITS EXPENSE	23,558	1,773	1,773	21,785	7.52%
OTHER INDIRECT EXPENSE	29,754	2,816	2,816	26,938	9.47%
TOTAL INDIRECT EXPENSES:	115,845	10,190	10,190	105,655	8.80%
TOTAL ALL EXPENSES:	124,048	10,190	10,190	113,858	8.21%
NET INCOME (LOSS):	(100,781)	(4,336)	(4,336)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED PRACTICE OFFICERS					
REVENUE:					
INVESTIGATION FEES	1,000	500	500	500	50.00%
LPO EXAMINATION FEES	18,400	5,100	5,100	13,300	27.72%
LPO LICENSE FEES	171,400	14,514	14,514	156,886	8.47%
LPO LATE LICENSE FEES	4,500	-	-	4,500	0.00%
TOTAL REVENUE:	195,300	20,114	20,114	175,186	10.30%
DIRECT EXPENSES:					
FACILITY, PARKING, FOOD	100	-	-	100	0.00%
EXAM WRITING	9,750	-	-	9,750	0.00%
ONLINE LEGAL RESEARCH	1,672	-	-	1,672	0.00%
LAW LIBRARY	3,663	255	255	3,407	6.97%
LPO BOARD	3,000	-	-	3,000	0.00%
LPO OUTREACH	4,000	-	-	4,000	0.00%
PRINTING & COPYING	100	-	-	100	0.00%
STAFF TRAVEL/PARKING	500	-	-	500	0.00%
TOTAL DIRECT EXPENSES:	22,785	255	255	22,530	1.12%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.50 FTE)	29,238	2,500	2,500	26,738	8.55%
BENEFITS EXPENSE	11,115	834	834	10,281	7.50%
OTHER INDIRECT EXPENSE	14,877	1,389	1,389	13,488	9.34%
TOTAL INDIRECT EXPENSES:	55,230	4,723	4,723	50,507	8.55%
TOTAL ALL EXPENSES:	78,015	4,978	4,978	73,037	6.38%
NET INCOME (LOSS):	117,285	15,136	15,136		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSING & MEMBERSHIP RECORDS					
REVENUE:					
STATUS CERTIFICATE FEES	26,300	3,123	3,123	23,178	11.87%
INVESTIGATION FEES	24,000	1,000	1,000	23,000	4.17%
PRO HAC VICE	274,800	27,022	27,022	247,778	9.83%
MEMBER CONTACT INFORMATION	11,000	800	800	10,200	7.27%
PHOTO BAR CARD SALES	350	24	24	326	6.86%
TOTAL REVENUE:	336,450	31,969	31,969	304,482	9.50%
DIRECT EXPENSES:					
DEPRECIATION	1,151	1,151	1,151	0	99.98%
POSTAGE	18,300	8,692	8,692	9,608	47.50%
LICENSING FORMS	2,500	3,840	3,840	(1,340)	153.61%
TOTAL DIRECT EXPENSES:	21,951	13,683	13,683	8,268	62.33%
INDIRECT EXPENSES:					
SALARY EXPENSE (3.80 FTE)	343,552	27,840	27,840	315,712	8.10%
BENEFITS EXPENSE	127,131	9,640	9,640	117,491	7.58%
OTHER INDIRECT EXPENSE	113,066	10,648	10,648	102,418	9.42%
TOTAL INDIRECT EXPENSES:	583,749	48,127	48,127	535,622	8.24%
TOTAL ALL EXPENSES:	605,700	61,810	61,810	543,890	10.20%
NET INCOME (LOSS):	(269,250)	(29,842)	(29,842)		

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2020 to October 31, 2020
8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER ASSISTANCE PROGRAM					
REVENUE:					
DIVERSIONS	8,000	375	375	7,625	4.69%
TOTAL REVENUE:	8,000	375	375	7,625	4.69%
DIRECT EXPENSES:					
STAFF MEMBERSHIP DUES	225	-	-	225	0.00%
PROF LIAB INSURANCE	850	-	-	850	0.00%
TOTAL DIRECT EXPENSES:	1,075	-	-	1,075	0.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.50 FTE)	52,342	4,391	4,391	47,951	8.39%
BENEFITS EXPENSE	24,619	1,857	1,857	22,762	7.54%
OTHER INDIRECT EXPENSE	14,877	1,389	1,389	13,488	9.34%
TOTAL INDIRECT EXPENSES:	91,838	7,637	7,637	84,201	8.32%
TOTAL ALL EXPENSES:	92,913	7,637	7,637	85,276	8.22%
NET INCOME (LOSS):	(84,913)	(7,262)	(7,262)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANDATORY CONTINUING LEGAL EDUCATION					
REVENUE:					
ACCREDITED PROGRAM FEES	480,000	53,600	53,600	426,400	11.17%
FORM 1 LATE FEES	150,000	24,700	24,700	125,300	16.47%
MEMBER LATE FEES	2,700	150	150	2,550	5.56%
ANNUAL ACCREDITED SPONSOR FEES	42,250	-	-	42,250	0.00%
ATTENDANCE LATE FEES	80,000	7,150	7,150	72,850	8.94%
COMITY CERTIFICATES	13,000	400	400	12,600	3.08%
TOTAL REVENUE:	767,950	86,000	86,000	681,950	11.20%
DIRECT EXPENSES:					
DEPRECIATION	143,045	20,865	20,865	122,180	14.59%
STAFF MEMBERSHIP DUES	500	-	-	500	0.00%
ONLINE LEGAL RESEARCH	1,672	-	-	1,672	0.00%
LAW LIBRARY	150	10	10	140	6.97%
MCLE BOARD	2,600	-	-	2,600	0.00%
STAFF TRAVEL/PARKING	50	-	-	50	0.00%
TOTAL DIRECT EXPENSES:	148,018	20,875	20,875	127,142	14.10%
INDIRECT EXPENSES:					
SALARY EXPENSE (3.80 FTE)	266,722	19,451	19,451	247,271	7.29%
BENEFITS EXPENSE	94,034	7,055	7,055	86,979	7.50%
OTHER INDIRECT EXPENSE	113,066	10,648	10,648	102,418	9.42%
TOTAL INDIRECT EXPENSES:	473,822	37,154	37,154	436,668	7.84%
TOTAL ALL EXPENSES:	621,840	58,029	58,029	563,811	9.33%
NET INCOME (LOSS):	146,110	27,971	27,971		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER SERVICES & ENGAGEMENT					
REVENUE:					
ROYALTIES	49,250	1,138	1,138	48,112	2.31%
NMP PRODUCT SALES	80,000	1,991	1,991	78,009	2.49%
SEMINAR REGISTRATIONS	15,000	25	25	14,975	0.17%
TRIAL ADVOCACY PROGRAM	10,000	-	-	10,000	0.00%
TOTAL REVENUE:	154,250	3,154	3,154	151,096	2.04%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	2,500	-	-	2,500	0.00%
SUBSCRIPTIONS	500	15	15	485	3.00%
CONFERENCE CALLS	300	-	-	300	0.00%
YLL SECTION PROGRAM	1,500	320	320	1,180	21.33%
WYLC CLE COMPS	1,000	-	-	1,000	0.00%
WYLC OUTREACH EVENTS	2,500	-	-	2,500	0.00%
WYL COMMITTEE	12,500	-	-	12,500	0.00%
TRIAL ADVOCACY EXPENSES	5,000	-	-	5,000	0.00%
RECEPTION/FORUM EXPENSE	4,000	67	67	3,933	1.67%
WYLC SCHOLARSHIPS/DONATIONS/GRANT	5,000	-	-	5,000	0.00%
STAFF MEMBERSHIP DUES	490	-	-	490	0.00%
LENDING LIBRARY	6,200	10	10	6,190	0.16%
NMP SPEAKERS & PROGRAM DEVELOPMENT	1,500	-	-	1,500	0.00%
TOTAL DIRECT EXPENSES:	42,990	412	412	42,578	0.96%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.13 FTE)	286,011	17,565	17,565	268,446	6.14%
BENEFITS EXPENSE	87,848	6,691	6,691	81,157	7.62%
OTHER INDIRECT EXPENSE	122,884	11,574	11,574	111,310	9.42%
TOTAL INDIRECT EXPENSES:	496,743	35,829	35,829	460,914	7.21%
TOTAL ALL EXPENSES:	539,733	36,241	36,241	503,492	6.71%
NET INCOME (LOSS):	(385,483)	(33,087)	(33,087)		

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2020 to October 31, 2020
8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBERSHIP BENEFITS					
REVENUE:					
SPONSORSHIPS	9,000	-	-	9,000	0.00%
INTERNET SALES	19,000	392	392	18,608	2.06%
TOTAL REVENUE:	28,000	392	392	27,608	1.40%
DIRECT EXPENSES:					
TRANSCRIPTION SERVICES	1,500	-	-	1,500	0.00%
CONFERENCE CALLS	2,000	-	-	2,000	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	2,000	-	-	2,000	0.00%
WSBA CONNECTS	46,560	7,760	7,760	38,800	16.67%
CASEMAKER & FASTCASE	136,436	5,416	5,416	131,020	3.97%
TOTAL DIRECT EXPENSES:	188,496	13,176	13,176	175,320	6.99%
INDIRECT EXPENSES:	77,694	6,399	6,399	71,294	8.24%
SALARY EXPENSE (1.16 FTE)	22,582	1,722	1,722	20,859	7.63%
BENEFITS EXPENSE	34,515	3,241	3,241	31,274	9.39%
OTHER INDIRECT EXPENSE					
TOTAL INDIRECT EXPENSES:	134,790	11,362	11,362	123,428	8.43%
TOTAL ALL EXPENSES:	323,286	24,538	24,538	298,748	7.59%
NET INCOME (LOSS):	(295,286)	(24,146)	(24,146)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF THE EXECUTIVE DIRECTOR					
REVENUE:					
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TOTAL REVENUE:	-	-	-	-	
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DIRECT EXPENSES:					
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WASHINGTON LEADERSHIP INSTITUTE	80,000	-	-	80,000	0.00%
ABA DELEGATES	5,000	-	-	5,000	0.00%
SECTION/COMMITTEE CHAIR MTGS	500	-	-	500	0.00%
VOLUNTEER SUPPORT	11,000	-	-	11,000	0.00%
BOG ELECTIONS	1	-	-	1	0.00%
ED TRAVEL & OUTREACH	5,000	-	-	5,000	0.00%
LAW LIBRARY	150	10	10	140	6.97%
TOTAL DIRECT EXPENSES:	101,651	10	10	101,641	0.01%
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INDIRECT EXPENSES:					
SALARY EXPENSE (3.00 FTE)	399,638	36,259	36,259	363,379	9.07%
BENEFITS EXPENSE	125,357	8,767	8,767	116,590	6.99%
OTHER INDIRECT EXPENSE	89,262	8,410	8,410	80,852	9.42%
TOTAL INDIRECT EXPENSES:	614,257	53,436	53,436	560,821	8.70%
TOTAL ALL EXPENSES:	715,908	53,446	53,446	662,462	7.47%
NET INCOME (LOSS):	(715,908)	(53,446)	(53,446)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF MEMBERSHIP DUES	100	-	-	100	0.00%
LAW LIBRARY	-	63	63	(63)	
DISCIPLINARY BOARD EXPENSES	1,500	-	-	1,500	0.00%
CHIEF HEARING OFFICER	33,000	2,500	2,500	30,500	7.58%
HEARING OFFICER EXPENSES	1,500	-	-	1,500	0.00%
HEARING OFFICER TRAINING	550	-	-	550	0.00%
OUTSIDE COUNSEL	55,000	4,000	4,000	51,000	7.27%
TOTAL DIRECT EXPENSES:	91,650	6,563	6,563	85,087	7.16%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.30 FTE)	93,398	7,832	7,832	85,566	8.39%
BENEFITS EXPENSE	32,566	2,459	2,459	30,107	7.55%
OTHER INDIRECT EXPENSE	38,680	3,665	3,665	35,015	9.48%
TOTAL INDIRECT EXPENSES:	164,644	13,956	13,956	150,688	8.48%
TOTAL ALL EXPENSES:	256,294	20,520	20,520	235,774	8.01%
NET INCOME (LOSS):	(256,294)	(20,520)	(20,520)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OUTREACH & ENGAGEMENT					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF TRAVEL/PARKING	1,400	-	-	1,400	0.00%
STAFF MEMBERSHIP DUES	1,152	-	-	1,152	0.00%
ABA DELEGATES	5,600	-	-	5,600	0.00%
ANNUAL CHAIR MEETINGS	600	-	-	600	0.00%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500	-	-	4,500	0.00%
BAR OUTREACH	15,000	309	309	14,691	2.06%
TOTAL DIRECT EXPENSES:	28,252	309	309	27,943	1.09%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.00 FTE)	149,495	12,537	12,537	136,957	8.39%
BENEFITS EXPENSE	51,981	3,944	3,944	48,037	7.59%
OTHER INDIRECT EXPENSE	59,508	5,594	5,594	53,914	9.40%
TOTAL INDIRECT EXPENSES:	260,983	22,075	22,075	238,908	8.46%
TOTAL ALL EXPENSES:	289,235	22,384	22,384	266,851	7.74%
NET INCOME (LOSS):	(289,235)	(22,384)	(22,384)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL					
REVENUE:					
	_____	_____	_____	_____	_____
TOTAL REVENUE:	_____ -	_____ -	_____ -	_____ -	_____
DIRECT EXPENSES:					
	_____	_____	_____	_____	_____
DEPRECIATION	1,668	-	-	1,668	0.00%
STAFF TRAVEL/PARKING	100	-	-	100	0.00%
STAFF MEMBERSHIP DUES	1,500	-	-	1,500	0.00%
ONLINE LEGAL RESEARCH	10,034	-	-	10,034	0.00%
LAW LIBRARY	-	21	21	(21)	
COURT RULES COMMITTEE	2,250	-	-	2,250	0.00%
DISCIPLINE ADVISORY ROUNDTABLE	375	-	-	375	0.00%
CUSTODIANSHIPS	2,500	-	-	2,500	0.00%
LITIGATION EXPENSES	250	-	-	250	0.00%
TOTAL DIRECT EXPENSES:	18,677	21	21	18,656	0.11%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.38 FTE)	597,771	42,846	42,846	554,925	7.17%
BENEFITS EXPENSE	164,926	12,619	12,619	152,307	7.65%
OTHER INDIRECT EXPENSE	189,757	17,901	17,901	171,856	9.43%
TOTAL INDIRECT EXPENSES:	952,454	73,366	73,366	879,088	7.70%
TOTAL ALL EXPENSES:	971,131	73,387	73,387	897,744	7.56%
NET INCOME (LOSS):	(971,131)	(73,387)	(73,387)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE OF LAW BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
PRACTICE OF LAW BOARD	9,000	-	-	9,000	0.00%
TOTAL DIRECT EXPENSES:	9,000	-	-	9,000	0.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.15 FTE)	26,203	2,199	2,199	24,004	8.39%
BENEFITS EXPENSE	6,209	465	465	5,744	7.48%
OTHER INDIRECT EXPENSE	4,463	424	424	4,039	9.51%
TOTAL INDIRECT EXPENSES:	36,875	3,088	3,088	33,787	8.37%
TOTAL ALL EXPENSES:	45,875	3,088	3,088	42,787	6.73%
NET INCOME (LOSS):	(45,875)	(3,088)	(3,088)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PROFESSIONAL RESPONSIBILITY PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	3,000	-	-	3,000	0.00%
STAFF MEMBERSHIP DUES	375	250	250	125	66.67%
LAW LIBRARY	-	42	42	(42)	
CPE COMMITTEE	3,750	13	13	3,737	0.34%
TOTAL DIRECT EXPENSES:	7,125	305	305	6,820	4.28%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.69 FTE)	161,077	14,259	14,259	146,818	8.85%
BENEFITS EXPENSE	65,273	4,941	4,941	60,332	7.57%
OTHER INDIRECT EXPENSE	50,359	4,745	4,745	45,614	9.42%
TOTAL INDIRECT EXPENSES:	276,709	23,946	23,946	252,763	8.65%
TOTAL ALL EXPENSES:	283,834	24,251	24,251	259,583	8.54%
NET INCOME (LOSS):	(283,834)	(24,251)	(24,251)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLIC SERVICE PROGRAMS					
REVENUE:					
DONATIONS & GRANTS	130,000	-	-	130,000	0.00%
PSP PRODUCT SALES	200	-	-	200	0.00%
TOTAL REVENUE:	130,200	-	-	130,200	0.00%
DIRECT EXPENSES:					
DONATIONS/SPONSORSHIPS/GRANTS	233,193	-	-	233,193	0.00%
STAFF TRAVEL/PARKING	2,000	-	-	2,000	0.00%
PRO BONO & PUBLIC SERVICE COMMITTEE	2,500	-	-	2,500	0.00%
PUBLIC SERVICE EVENTS AND PROJECTS	27,000	-	-	27,000	0.00%
PRO BONO CERTIFICATES	3,800	-	-	3,800	0.00%
TOTAL DIRECT EXPENSES:	268,493	-	-	268,493	0.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.00 FTE)	72,710	6,475	6,475	66,235	8.90%
BENEFITS EXPENSE	25,457	1,930	1,930	23,527	7.58%
OTHER INDIRECT EXPENSE	29,754	2,816	2,816	26,938	9.47%
TOTAL INDIRECT EXPENSES:	127,921	11,220	11,220	116,701	8.77%
TOTAL ALL EXPENSES:	396,414	11,220	11,220	385,194	2.83%
NET INCOME (LOSS):	(266,214)	(11,220)	(11,220)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLICATION & DESIGN SERVICES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
EQUIPMENT, HARDWARE & SOFTWARE	300	-	-	300	0.00%
SUBSCRIPTIONS	200	-	-	200	0.00%
SUPPLIES	150	-	-	150	0.00%
IMAGE LIBRARY	5,080	4,100	4,100	980	80.71%
TOTAL DIRECT EXPENSES:	5,730	4,100	4,100	1,630	71.55%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.87 FTE)	53,952	4,524	4,524	49,428	8.38%
BENEFITS EXPENSE	19,005	1,433	1,433	17,572	7.54%
OTHER INDIRECT EXPENSE	25,886	2,431	2,431	23,455	9.39%
TOTAL INDIRECT EXPENSES:	98,843	8,387	8,387	90,456	8.49%
TOTAL ALL EXPENSES:	104,573	12,487	12,487	92,086	11.94%
NET INCOME (LOSS):	(104,573)	(12,487)	(12,487)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
REGULATORY SERVICES FTE					
INDIRECT EXPENSES:					
SALARY EXPENSE (2.70 FTE)	331,552	18,024	18,024	313,528	5.44%
BENEFITS EXPENSE	94,598	7,350	7,350	87,248	7.77%
OTHER INDIRECT EXPENSE	<u>80,336</u>	<u>7,562</u>	<u>7,562</u>	<u>72,774</u>	<u>9.41%</u>
TOTAL INDIRECT EXPENSES:	<u>506,486</u>	<u>32,936</u>	<u>32,936</u>	<u>473,550</u>	<u>6.50%</u>
NET INCOME (LOSS):	<u><u>(506,486)</u></u>	<u><u>(32,936)</u></u>	<u><u>(32,936)</u></u>		

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2020 to October 31, 2020
8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	300,000	1,364	1,364	298,637	0.45%
TOTAL REVENUE:	300,000	1,364	1,364	298,637	0.45%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,740	-	-	1,740	0.00%
SUBSCRIPTIONS	410	-	-	410	0.00%
CONFERENCE CALLS	300	-	-	300	0.00%
MISCELLANEOUS	300	-	-	300	0.00%
SECTION/COMMITTEE CHAIR MTGS	1,000	-	-	1,000	0.00%
DUES STATEMENTS	6,000	-	-	6,000	0.00%
STAFF MEMBERSHIP DUES	125	-	-	125	0.00%
TOTAL DIRECT EXPENSES:	9,875	-	-	9,875	0.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.68 FTE)	162,744	13,462	13,462	149,282	8.27%
BENEFITS EXPENSE	46,430	3,531	3,531	42,899	7.60%
OTHER INDIRECT EXPENSE	79,741	7,523	7,523	72,218	9.43%
TOTAL INDIRECT EXPENSES:	288,915	24,515	24,515	264,400	8.49%
TOTAL ALL EXPENSES:	298,790	24,515	24,515	274,275	8.20%
NET INCOME (LOSS):	1,210	(23,152)	(23,152)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	439,445	2,138	2,138	437,308	0.49%
SEMINAR PROFIT SHARE	98,364	-	-	98,364	0.00%
INTEREST INCOME	1,470	-	-	1,470	0.00%
PUBLICATIONS REVENUE	6,000	-	-	6,000	0.00%
OTHER	40,500	12,765	12,765	27,735	31.52%
TOTAL REVENUE:	585,779	14,903	14,903	570,876	2.54%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	584,594	824	824	583,770	0.14%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	280,573	1,364	1,364	279,209	0.49%
TOTAL DIRECT EXPENSES:	865,167	2,188	2,188	862,979	0.25%
NET INCOME (LOSS):	(279,388)	12,714.75	12,715		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SERVICE CENTER					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
TRANSLATION SERVICES	8,500	-	-	8,500	0.00%
TOTAL DIRECT EXPENSES:	8,500	-	-	8,500	0.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.71 FTE)	381,740	27,702	27,702	354,038	7.26%
BENEFITS EXPENSE	155,954	11,642	11,642	144,312	7.47%
OTHER INDIRECT EXPENSE	199,650	18,827	18,827	180,823	9.43%
TOTAL INDIRECT EXPENSES:	737,344	58,171	58,171	679,173	7.89%
TOTAL ALL EXPENSES:	745,844	58,171	58,171	687,673	7.80%
NET INCOME (LOSS):	(745,844)	(58,171)	(58,171)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
TECHNOLOGY					
REVENUE:					
<hr/>					
TOTAL REVENUE:	-	-	-	-	
<hr/>					
DIRECT EXPENSES:					
<hr/>					
CONSULTING SERVICES	110,000	(234)	(234)	110,234	-0.21%
STAFF TRAVEL/PARKING	2,500	-	-	2,500	0.00%
STAFF MEMBERSHIP DUES	450	-	-	450	0.00%
TELEPHONE	22,000	627	627	21,373	2.85%
COMPUTER HARDWARE	60,000	-	-	60,000	0.00%
COMPUTER SOFTWARE	112,200	21,958	21,958	90,242	19.57%
HARDWARE SERVICE & WARRANTIES	55,000	4,945	4,945	50,055	8.99%
SOFTWARE MAINTENANCE & LICENSING	336,600	126,291	126,291	210,309	37.52%
TELEPHONE HARDWARE & MAINTENANCE	7,000	-	-	7,000	0.00%
COMPUTER SUPPLIES	10,000	368	368	9,632	3.68%
THIRD PARTY SERVICES	130,000	16,794	16,794	113,206	12.92%
TRANSFER TO INDIRECT EXPENSES	(845,750)	(170,748)	(170,748)	(675,002)	20.19%
TOTAL DIRECT EXPENSES:	-	-	-	-	
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INDIRECT EXPENSES:					
SALARY EXPENSE (12.00 FTE)	1,120,558	83,467	83,467	1,037,091	7.45%
BENEFITS EXPENSE	359,195	27,509	27,509	331,686	7.66%
CAPITAL LABOR & OVERHEAD	(160,000)	-	-	(160,000)	0.00%
OTHER INDIRECT EXPENSE	339,721	33,719	33,719	306,002	9.93%
TOTAL INDIRECT EXPENSES:	1,659,474	144,695	144,695	1,514,779	8.72%
<hr/>					
TOTAL ALL EXPENSES:	1,659,474	144,695	144,695	1,514,779	8.72%
<hr/>					
NET INCOME (LOSS):	(1,659,474)	(144,695)	(144,695)		
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Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
INDIRECT EXPENSES:					
SALARIES	11,737,007	932,362.14	932,362	10,804,645	7.94%
ALLOWANCE FOR OPEN POSITIONS	(200,000)	-	-	(200,000)	0.00%
TEMPORARY SALARIES	162,458	2,688.00	2,688	159,770	1.65%
CAPITAL LABOR & OVERHEAD	(160,000)	-	-	(160,000)	0.00%
EMPLOYEE ASSISTANCE PLAN	5,376	400.00	400	4,976	7.44%
EMPLOYEE SERVICE AWARDS	1,820	-	-	1,820	0.00%
FICA (EMPLOYER PORTION)	715,455	67,080.57	67,081	648,374	9.38%
L&I INSURANCE	50,169	-	-	50,169	0.00%
WA STATE FAMILY MEDICAL LEAVE (EMPL)	16,871	1,297.76	1,298	15,573	7.69%
FFCRA LEAVE (EMPLOYER PORTION)	-	(183.33)	(183)	183	
MEDICAL (EMPLOYER PORTION)	1,438,763	104,155.27	104,155	1,334,608	7.24%
RETIREMENT (EMPLOYER PORTION)	1,520,993	116,349.17	116,349	1,404,643	7.65%
TRANSPORTATION ALLOWANCE	35,620	(5.00)	(5)	35,625	-0.01%
UNEMPLOYMENT INSURANCE	50,000	2,283.83	2,284	47,716	4.57%
STAFF DEVELOPMENT-GENERAL	6,300	-	-	6,300	0.00%
TOTAL SALARY & BENEFITS EXPENSE:	15,380,832	1,226,428.41	1,226,428	14,154,403	7.97%
WORKPLACE BENEFITS	39,000	549.86	550	38,450	1.41%
HUMAN RESOURCES POOLED EXP	200,838	14,062.76	14,063	186,775	7.00%
MEETING SUPPORT EXPENSES	13,125	-	-	13,125	0.00%
RENT	1,951,000	152,524.83	152,525	1,798,475	7.82%
PERSONAL PROP TAXES-WSBA	11,500	586.83	587	10,913	5.10%
FURNITURE, MAINT, LH IMP	30,000	-	-	30,000	0.00%
OFFICE SUPPLIES & EQUIPMENT	44,000	132.12	132	43,868	0.30%
FURN & OFFICE EQUIP DEPRECIATION	51,533	4,282.00	4,282	47,251	8.31%
COMPUTER HARDWARE DEPRECIATION	51,782	3,402.75	3,403	48,380	6.57%
COMPUTER SOFTWARE DEPRECIATION	133,089	11,183.00	11,183	121,906	8.40%
INSURANCE	195,300	18,809.58	18,810	176,490	9.63%
PROFESSIONAL FEES-AUDIT	46,000	-	-	46,000	0.00%
PROFESSIONAL FEES-LEGAL	250,000	16.50	17	249,984	0.01%
TELEPHONE & INTERNET	33,000	3,111.75	3,112	29,888	9.43%
POSTAGE - GENERAL	28,000	827.03	827	27,173	2.95%
RECORDS STORAGE	42,000	1,921.74	1,922	40,078	4.58%
STAFF TRAINING	57,922	-	-	57,922	0.00%
BANK FEES	50,500	2,847.23	2,847	47,653	5.64%
PRODUCTION MAINTENANCE & SUPPLIES	12,000	792.76	793	11,207	6.61%
COMPUTER POOLED EXPENSES	845,750	170,748.35	170,748	675,002	20.19%
TOTAL OTHER INDIRECT EXPENSES:	4,086,339	385,799.09	385,799	3,700,540	9.44%
TOTAL INDIRECT EXPENSES:	19,467,171	1,612,227.50	1,612,228		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2020 to October 31, 2020

8.33% OF YEAR COMPLETE

SUMMARY PAGE	FISCAL 2021 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
ACCESS TO JUSTICE	(262,790)	(17,754)	(17,754)	(245,035)
ADMINISTRATION	(985,404)	(90,456)	(90,456)	(894,948)
ADMISSIONS/BAR EXAM	(32,131)	197,090	197,090	(229,221)
ADVANCEMENT FTE	(235,893)	(19,945)	(19,945)	215,948
BAR NEWS	(326,814)	(25,710)	(25,710)	(301,104)
BOARD OF GOVERNORS	(617,037)	(17,699)	(17,699)	(599,338)
CLE - PRODUCTS	598,785	4,510	4,510	594,275
CLE - SEMINARS	(491,795)	(50,667)	(50,667)	(441,128)
CLIENT PROTECTION FUND	(128,559)	(5,456)	(5,456)	(123,103)
COMMUNICATIONS	(529,932)	(39,248)	(39,248)	(490,684)
COMMUNICATIONS FTE	(222,622)	(18,684)	(18,684)	203,938
DESKBOOKS	(169,149)	(6,839)	(6,839)	(162,310)
DISCIPLINE	(5,923,354)	(479,330)	(479,330)	(5,444,023)
DIVERSITY	(216,856)	(21,015)	(21,015)	(195,841)
FOUNDATION	(134,526)	(10,497)	(10,497)	(124,029)
HUMAN RESOURCES	(458,623)	(38,899)	(38,899)	(419,724)
LAW CLERK PROGRAM	87,222	(7,560)	(7,560)	94,782
LEGISLATIVE	(159,159)	(10,738)	(10,738)	(148,421)
LICENSE FEES	16,531,113	1,362,565	1,362,565	15,168,548
LICENSING AND MEMBERSHIP	(269,250)	(29,842)	(29,842)	(239,408)
LIMITED LICENSE LEGAL TECHNICIAN	(100,781)	(4,336)	(4,336)	(96,445)
LIMITED PRACTICE OFFICERS	117,285	15,136	15,136	102,149
MANDATORY CLE ADMINISTRATION	146,110	27,971	27,971	118,139
MEMBER ASSISTANCE PROGRAM	(84,913)	(7,262)	(7,262)	(77,651)
MEMBER BENEFITS	(295,286)	(24,146)	(24,146)	(271,140)
MEMBER SERVICES & ENGAGEMENT	(385,483)	(33,087)	(33,087)	(352,396)
OFFICE OF GENERAL COUNSEL	(971,131)	(73,387)	(73,387)	(897,744)
OFFICE OF THE EXECUTIVE DIRECTOR	(715,908)	(53,446)	(53,446)	(662,462)
OGC-DISCIPLINARY BOARD	(256,294)	(20,520)	(20,520)	(235,774)
OUTREACH & ENGAGEMENT	(289,235)	(22,384)	(22,384)	(266,851)
PRACTICE OF LAW BOARD	(45,875)	(3,088)	(3,088)	(42,787)
PROFESSIONAL RESPONSIBILITY PROGRAM	(283,834)	(24,251)	(24,251)	(259,583)
PUBLIC SERVICE PROGRAMS	(266,214)	(11,220)	(11,220)	(254,994)
PUBLICATION & DESIGN SERVICES	(104,573)	(12,487)	(12,487)	(92,086)
REGULATORY SERVICES FTE	(506,486)	(32,936)	(32,936)	473,550
SECTIONS ADMINISTRATION	1,210	(23,152)	(23,152)	24,362
SECTIONS OPERATIONS	(279,388)	12,715	12,715	(292,103)
SERVICE CENTER	(745,844)	(58,171)	(58,171)	(687,673)
TECHNOLOGY	(1,659,474)	(144,695)	(144,695)	(1,514,779)
INDIRECT EXPENSES	(19,467,171)	(1,612,228)	(1,612,228)	(17,854,943)
TOTAL OF ALL	20,140,059	1,431,149	1,431,149	18,708,910
NET INCOME (LOSS)	(672,889)	181,079	181,079	

**Washington State Bar Association
Analysis of Cash Investments
As of October 31, 2020**

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 139,128

Total

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	0.06%	\$ 4,274,088
UBS Financial Money Market	0.01%	\$ 1,081,224
Morgan Stanley Money Market	0.05%	\$ 3,353,540
Merrill Lynch Money Market	0.10%	\$ 1,983,145

General Fund Total \$ 10,831,125

Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 669,117

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	0.06%	\$ 4,105,810
Morgan Stanley Money Market	0.01%	\$ 106,904

Client Protection Fund Total \$ 4,881,831

Grand Total Cash & Investments \$ 15,712,956



To: Washington State Bar Association Board of Governors
Washington State Bar Foundation Trustees

From: Richard Bird, Treasurer

Date: December 31, 2020

Re: Treasurer's Report, Year Ending September 30, 2020

Attached are the audited financial statements for the Washington State Bar Foundation for the fiscal year 2020. The WSBA provides staffing, office space and support to the Foundation in order for the Foundation to fulfill its mission to support WSBA programs that promote diversity within the legal profession and enhance the public's access to, and understanding of, the justice system. This support includes the time and expertise of WSBA's Controller, who keeps the Foundation's books.

WSBF Cash Fund Balances

For the WSBF Cash Fund balances as of September 30, 2020, please see the attached financial statement dated December 7, 2020.

Notes and Comments

The Foundation recognized FY20 revenue of \$449,070, which was \$24,988 less (or <6% lower) than the prior year. The Foundation's overall expenses and disbursements decreased by \$71,986 (about 14%), although the Foundation's FY21 allocation of \$265,000* for WSBA programs represented only \$10,000 (4%) less than the previous year. (In addition to the gift to WSBA, previous year's disbursements included \$28,072 for ATJ Conference Sponsorships – an every-other-year occurrence – and one-time scholarship awards totaling \$30,000). Indirect costs (staffing/operating provided by WSBA as in-kind support) totaled \$140,318, representing a decrease of \$15,205 (>10%) from FY19, mainly due to consolidation of staff responsibilities.

It should be noted that COVID19 has had an impact on the foundation's financials. Prior to March 2020, the foundation was well on its way to having a strong year with our licensing donations. However, our inability to solicit sponsorships for the annual APEX event, and not being able to solicit donations at this event hampered our fundraising efforts. There was also not an ATJ Conference (for which we secure sponsorships) this year.

In addition to the FY21 disbursement to WSBA (from FY20 fundraising²), \$2,250 was distributed in November 2019 to cover the cost of sponsor meals at the 2019 APEX Awards. Additional funds are also available for off-cycle requests in the coming year.

Conclusion

It has been ten years since the first professional staff dedicated solely to the Foundation was hired. Year over year, the Foundation has continued to seek operational efficiencies while expanding its support of WSBA programs. Its financial systems and policies appear appropriate to its current capacity; execution of and updates to the Fund Development and Disbursement Policy will continue to ensure that the Foundation fulfills its mission and that donor intent is fulfilled.

¹ The Foundation budgeted \$265,000 for its FY21 disbursement to WSBA. After the budget was finalized, the decision was made to have Powerful Communities Project grants paid directly by the Foundation, so \$27,000 was held back for that purpose.

² Funds raised in the previous year are disbursed to WSBA for the coming fiscal year.



Advancing WSBA's Vision of a Just Washington

To: Terra Nevitt
From: Maggie Yu, Controller
Re: Foundation Financial Statements as of September 30, 2020
Date: December 7, 2020

Attached are the audited financial statements for the Washington State Bar Foundation as of September 30, 2020.

WSBF Fund Balances¹
As of September 30, 2020

Fund Name	Cash	Committed Funds	Available Funds
Diversity	400	0	400
ELUL Midyear Scholarship Fund	793	(793)	0
McMahon	8,352	0	8,352
Moderate Means	50	0	50
Peter Greenfield Internship	8,058	0	8,058
Powerful Communities Project	12,400	0	12,400
Unrestricted	<u>282,033</u>	<u>0</u>	<u>282,033</u>
Total Fund Balances	<u>\$312,087</u>	<u>(793)</u>	<u>\$311,294</u>

¹ Excludes fixed assets (\$14,400 in artwork).

	Powerful Communities Project (Restricted Funds)	Call To Duty (Restricted Funds)	ELIJAH MUHAMMAD SCHOLARSHIP F... (Restricted Funds)	New Lawyer Education (Restricted Funds)	Tax Section Scholarships (Restricted Funds)	WSBA Justice & Diversity O... (Restricted Funds)	Diversity (Restricted Funds)	Microlife Meals Program (Restricted Funds)	Pearl Qualified Internship... (Restricted Funds)	ATAJAZZ Conference (Restricted Funds)	Be/Behave (Restricted Funds)	Phon Dynasty Scholarship F... (Restricted Funds)	WJ General Support (Restricted Funds)	Total Restricted Funds	Unrestricted Funds	TOTAL
Ordinary Income/Expenses																
Revenue																
Contributions & Grants Income	12,480.00	3,180.00	8,194.00	50.00	30,100.00	21,200.26	45,343.12	2,700.00	34,076.38	1,000.00	13,486.96	33,480.00	58,461.00	263,794.94	1,846,872.08	2,110,667.02
In-Kind Donations	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,601,266.97
Miscellaneous Income	0.00	0.00	500.00	0.00	1,600.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,100.00	14,523.62	16,273.62
Total Income	12,480.00	3,180.00	8,694.00	50.00	31,700.00	21,200.26	45,343.12	2,700.00	34,076.38	1,000.00	13,486.96	33,480.00	58,461.00	265,944.94	1,861,662.57	2,126,939.59
Expenses																
Donor Relations Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,476.00
In-Kind Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,007,600.00
Bank Service Charges	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,211.07
Check Card Fees	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,710.00
Fees	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	161.71
Guest Taken by Third Party	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,440.00
Insurance	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	14,670.00
Internet Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	302.89
IT/IT Security	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,207.16
Licenses and Permits	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	720.00
Meals & Entertainment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16.61
Miscellaneous	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,289.77
Office Supplies	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,294.84
Printing	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	14.26
Professional Fees	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,016.00
Program Expense	0.00	3,180.00	7,001.00	50.00	31,700.00	21,069.42	44,342.90	2,710.00	36,000.00	1,000.00	9,200.00	37,000.00	58,168.72	242,952.04	1,038,187.29	1,771,189.33
Telephone	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	108.17
Total Expenses	0.00	3,180.00	7,001.00	50.00	31,700.00	21,069.42	44,342.90	2,710.00	36,000.00	1,000.00	9,200.00	37,000.00	58,168.72	242,952.04	1,038,187.29	1,412,008.13
Net Ordinary Income	12,480.00	0.00	1,693.00	0.00	0.00	1,130.84	1,000.22	0.00	8,076.38	0.00	4,286.96	-3,520.00	0.00	22,992.90	803,475.28	714,912.48
Other Accounts/Expenses																
Other Income	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,023.07	3,579.49	0.00	7,602.56	14,216.88	21,848.54
Interest Income	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,023.07	3,579.49	0.00	7,602.56	14,216.88	21,848.54
Total Other Income	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,023.07	3,579.49	0.00	7,602.56	14,216.88	21,848.54
Other Expenses	0.00	0.00	0.00	0.00	0.00	0.00	180.34	0.00	0.00	0.00	0.00	0.00	0.00	180.34	0.00	180.34
Other Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	180.34	0.00	180.34
Total Other Expenses	0.00	0.00	0.00	0.00	0.00	0.00	180.34	0.00	0.00	0.00	0.00	0.00	0.00	180.34	0.00	180.34
Net Other Income	0.00	0.00	0.00	0.00	0.00	-180.34	0.00	0.00	0.00	0.00	4,023.07	3,579.49	0.00	7,422.22	14,036.54	21,668.20
Net Income	12,480.00	0.00	1,693.00	0.00	0.00	950.50	1,000.22	0.00	8,076.38	0.00	4,286.96	-3,520.00	0.00	22,810.68	817,711.82	736,520.68

WSBA Foundation
Statement of Activities (Profit & Loss)
 October 2019 through September 2020

	Oct '19 - Sep 20
Ordinary Income/Expense	
Income	
Contributions & Grants Income	
Corporate	10,910
Foundations & Nonprofits	1,355
Individuals/Private Donors	271,266
Other	19,300
Total Contributions & Grants Income	302,831
In Kind Donations	
WSBA Staff Time	137,599
WSBA Expenses	2,719
Total In Kind Donations	140,318
Miscellaneous Income	3,192
Total Income	446,341
Expense	
Donor Database Expense	2,388
In Kind Expenses	
WSBA Staff Support	137,599
WSBA Expenses	2,719
Total In Kind Expenses	140,318
Credit Card Fees	1,094
Dues	180
Insurance	990
Interest Expense	81
Licenses and Permits	50
Program Expense	
Taxation Scholarship	5,000
Pres Diversity Scholarship Fund	16,400
WSBA Justice & Div. Opportunity	5,250
WSBA Funding	260,000
Peter Greenfield Scholarship	3,500
WSBA Leadership Institute	500
Total Program Expense	290,650
Total Expense	435,750
Net Ordinary Income	10,590
Other Income/Expense	
Other Income	
Interest Income	2,729
Total Other Income	2,729
Other Expense	
Other Expenses	2,470
Total Other Expense	2,470
Net Other Income	259
Net Income	10,850

WSBA Foundation
Summary Balance Sheet
As of September 30, 2020

	<u>Sep 30, 20</u>
ASSETS	
Current Assets	
Checking/Savings	312,087.48
Restricted fund	30,054.48
Unrestricted fund	282,033.00
Total Current Assets	312,087.48
Fixed Assets	14,400.00
TOTAL ASSETS	<u>326,487.48</u>
LIABILITIES & EQUITY	
Equity	326,487.48
TOTAL LIABILITIES & EQUITY	<u>326,487.48</u>

WSBA Foundation
Balance Sheet
As of September 30, 2020

	<u>Sep 30, 20</u>
ASSETS	
Current Assets	
Checking/Savings	
Wells Fargo Checking	19,765.08
Wells Fargo Heritage Money Mkt	292,322.40
Total Checking/Savings	<u>312,087.48</u>
Total Current Assets	312,087.48
Fixed Assets	
Artwork	14,400.00
Total Fixed Assets	<u>14,400.00</u>
TOTAL ASSETS	<u>326,487.48</u>
LIABILITIES & EQUITY	
Equity	
Increase/Decrease Fund Balance	315,637.91
Net Income	10,849.57
Total Equity	<u>326,487.48</u>
TOTAL LIABILITIES & EQUITY	<u>326,487.48</u>

TO: WSBA Board of Governors

FROM: Pam Anderson, Chair, Committee on Professional Ethics
Jeanne Marie Clavere, Staff Liaison to the Committee on Professional Ethics

DATE: December 16, 2020

RE: New Advisory Opinion 202002

INFORMATION ONLY: The attached Advisory Opinion 202002 was approved by the Committee on Professional Ethics at its December 11, 2020 meeting.

The advisory opinion analyzes the ethics of ghostwriting for pro se clients in civil litigation matters in Washington State courts under the Rules of Professional Conduct and the Civil Rules. In preparing the advisory opinion, the CPE sought comments from the Superior Court Judges Association and federal district court judges. The CPE believes the opinion gives clarity to Washington lawyers who provide ghostwriting services to pro se clients, which enhances access to justice for individuals who may otherwise be unable to afford higher-cost legal services.

WASHINGTON STATE BAR ASSOCIATION

Advisory Opinion: 202002

Date: December 15, 2020

Subject: Ghostwriting for pro se Parties in State Court Litigation

Summary: *Washington lawyers may ghostwrite for pro se parties in state court civil litigation.*

Applicable Rules:

RPC 1.2(c)

RPC 3.3

CR 11(b)

CRLJ 11(b)

Analysis:

“Ghostwriting” is the undisclosed drafting of pleadings, motions, or other documents for *pro se* litigants.

In 2002, the Washington Supreme Court made changes to the Rules of Professional Conduct (RPC), Civil Rules (CR), and Civil Rules for Courts of Limited Jurisdiction (CRLJ) to permit limited-scope representation in civil law practice. “Those rules originated in a deep concern by the bench and bar and public over widespread lack of public access to legal services and thereby the public’s lack of access to justice.” Barrie Althoff, *Ethical Issues Posed by Limited-Scope Representation: The Washington Experience*, 2004 Prof. Law. 67, 77 (2004). The amended rules allow Washington lawyers to ghostwrite for *pro se* civil litigants.

RPC 1.2(c) permits a lawyer to “limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.”

CR 11(b) and CRLJ 11(b) both provide as follows:

In helping to draft a pleading, motion, or document filed by the otherwise self-represented person, the attorney certifies that the attorney has read the pleading, motion, or legal memorandum, and that to the best of the attorney’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is well grounded in fact,

(2) it is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law,

(3) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation, and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief. The attorney in providing such drafting assistance may rely on the otherwise self-represented person's representation of facts, unless the attorney has reason to believe that such representations are false or materially insufficient, in which instance the attorney shall make an independent reasonable inquiry into the facts.

A lawyer who ghostwrites for a *pro se* civil litigant must comply with the applicable Rule 11 and all RPCs, including but not limited to RPC 3.3 (Candor Toward the Tribunal).

This Advisory Opinion is consistent with ABA Formal Opinion 07-446 (2007), and similarly concludes that “[a] lawyer may provide legal assistance to litigants appearing before tribunals ‘pro se’ and help them prepare written submissions without disclosing or ensuring the disclosure of the nature or extent of such assistance.” The ABA Standing Committee on Ethics and Professional Responsibility rejected concerns about ghostwriting expressed by certain state and local ethics committees. The ABA Standing Committee concluded that the fact of undisclosed legal assistance “is not material to the merits of the litigation”; “there is no reasonable concern that a litigant appearing pro se will receive an unfair benefit from a tribunal as a result of behind-the-scenes legal assistance”; and “we do not believe that nondisclosure of the fact of legal assistance is dishonest.”

This Advisory Opinion does not apply to criminal law practice. In addition, it may not apply to a lawyer providing drafting assistance to a *pro se* client in federal civil practice. See, e.g., *Tift v. Ball*, No. C07-0276-RSM, 2008 WL 701979, at *1 (W.D. Wash. Mar. 12, 2008) (“It is therefore a violation for attorneys to assist *pro se* litigants by preparing their briefs, and thereby escape the obligations imposed on them under Rule 11.”).