

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING MINUTES

Spokane, WA

September 8-9, 2023

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

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Dan Clark on Friday, September 8, at 8:35 AM. Governors in attendance were:

Francis Adewale
Sunitha Anjilvel
Lauren Boyd
Jordan Couch
Matthew Dresden
Kevin Fay
Erik Kaeding
Nam Nguyen
Kari Petrasek
Brett Purtzer
Mary Rathbone
Serena Sayani
Alec Stephens
Brent Williams-Ruth

Also in attendance were Deputy Executive Director Dua Abudiab, President-Elect Hunter Abell, Gov. Elect Tom Ahearne, Peter Arkison, Gov. Elect Todd Bloom, Executive Administrator Shelly Bynum, Law Clerk Board Member Christell Casey, Adam Chapman, Steve Crossland, Vicky Daniels, Chief Disciplinary Counsel Doug Ende, Washington State Bar Foundation President Hon. Tracy Flood, Director for Regulatory Services Renata Garcia, Family Law Section Liaison Nancy Hawkins, Cathy Helman, Associate Director for Regulatory Services Bobby Henry, University of Idaho College of Law Dean Johanna Kalb, Gov. Elect Kristina Larry, University of Washinton School of Law Dean Tamara Lawson, University of Oklahoma College of Law Professor Jon Lee, Director of Finance Tiffany Lynch, Melissa Kilmer, Outreach Specialist Mike Kroner, Sections Programs Specialist Carolyn MacGregor, James Macpherson, Betsylew Mail-Gix, Imran Malik, NCBE Director of Diversity, Fairness, and Inclusion Research Danette McKinley, Supreme Court Justice Raquel Montoya-Lewis, Clay Nielsen, Executive Director Terra Nevitt, Chief Communications Officer Sara Niegowski, Broadcast Services Manager Rex Nolte, Marya Noyes, Communication Strategies Manager Jennifer Olegario, Gonzaga University School of Law Dean Jacob Rooksby, Carrie Sanford, Foundation Development Officer Laura Sanford, General Counsel Julie Shankland, Regulatory Services Specialist Katherine Skinner, Human Resources Director and Chief Culture Officer Glynnis Klinefelter Sio, Chief Equity & Justice Officer Diana Singleton, Regulator Services Paralegal Anne Trent, Regulatory Services Specialist Ramana Pendyala, Terry Price, LFW Member Mike Pontarolo, Supreme Court Justice Debra L. Stephens,

Bruce Turcott, Member Services and Engagement Manager Julianne Unite, Seattle University School of Law Dean Anthony Varona, NCBE Chief Strategy and Operations Officer Marilyn Wellington and Gov. Elect Allison Widney

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

Bar Foundation President, the Hon. Tracy Flood called the annual meeting of the Bar Foundation to order at 8:39 a.m. She provided an overview of the funds distributed to the Powerful Communities Project and other initiatives focused on increasing access to justice, pro bono, and diversity, equity, and inclusion in the legal system. She gave an update about current and future plans for the Foundation. Pres. Flood announced the recommended 2023-24 Board of Trustees roster, including new appointees, as presented in the materials. Gov. Williams-Ruth moved to accept the slate of trustees. Motion passed unanimously. Gov. Petrasek was not present for the vote. Pres. Flood adjourned the annual meeting of the Foundation at 8:50 a.m.

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

Peter Arkison remarked that when the Board considers sponsoring legislation, members should be informed and given an opportunity to discuss and comment.

Nancy Hawkins spoke to the legislative process and sections/entities.

Consent Calendar ([link](#))

Pres. Clark asked if anyone wished to remove an item from the consent calendar. Gov. Fay moved for approval. There was no discussion. Motion passed unanimously. Govs Anjilvel and Petrasek were not present for the vote.

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

Pres. Clark referred to his written report in the meeting materials.

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

Executive Director Nevitt highlighted the national award being presented to the Foundation's Powerful Communities Project. In response to a request, Executive Director Nevitt provided an overview of the planned process for review of WSBA programs.

Budget and Audit Committee Items

WSBA Physical Space ([link](#), [link](#))

Executive Director Nevitt presented results from a staff survey regarding office space. Treasurer Adewale referred the Governors to the Budget & Audit Committee's written recommendation, which is to authorize WSBA's brokers to begin negotiations with its current landlord to extend the lease and reduce the amount of office space. ED Nevitt said that these negotiations do not lock in the Board to any decision, but it will begin the process to gather more information. Gov. Couch moved to adopt the recommendation. Motion passed 9 to 3. Govs Petrasek and Sayani were not present for the vote.

[FY24 Budget \(link\)](#)

Treasurer Adewale thanked everyone for their input and remarked that the budget is a result of all the feedback throughout the robust budget-development process. Director Lynch presented the most current draft of the budget, including changes since the last board meeting. Nancy Hawkins asked for more explanation in the budget itself, and Director Lynch remarked that narratives are provided with the final budgets after they are approved and included on the WSBA website. Gov. Purtzer moved to adopt the budget. Motion passed 12-1. Gov. Petrasek was not present for the vote.

[2025 License Fee \(link\)](#)

Treasurer Adewale presented the Budget & Audit Committee's recommendation that all license fees remain steady for FY25, with a \$5 increase for the Client Protection Fund. Discussion followed, including the sustainability and messaging of not raising dues to pay for the actual costs of running the Bar. Gov. Boyd motioned to approve the fees as recommended by the Budget & Audit Committee.

Gov. Couch moved to amend the motion to increase the 2025 fees by \$10 for all license types. Discussion followed about the need to fully support the cost of the organization, member resistance to fee increases, the hardship of waiting until the organization is forced to make a large increase in the annual fee, and the need for a communication plan expressing the value of the WSBA prior to raising fees. The motion to amend failed 3 to 10. Gov. Petrasek was not present for the vote.

The underlying motion to approve the budget passed 8 to 5. Gov. Petrasek was not present for the vote.

[Discussion with Law School Deans and Law Clerk Board Leaders \(link\)](#)

Law School Deans from the University of Washington, Seattle University, Gonzaga University, University of Idaho, and Law Clerk Board Member Christell Casey spoke about trends, priorities, demographics, and changes in legal education.

[Personnel Committee Recommendation RE: Executive Director Evaluation \(link\)](#)

Personnel Committee Chair Alec Stephens presented the recommended evaluation process and instrument. The hope is this will be a long-standing process for this and future years—this is an attempt to standardize the process for future boards. Gov. Anjilvel moved to approve the recommendation. Motion passed unanimously. Gov. Petrasek was not present for the vote.

Gov. Fay moved to allow Governors who served during the performance year to fill out the evaluation, even if they have cycled off the board prior to completing the evaluation. He clarified his intent that this be the approach not just this year, but on a go forward basis. Discussion followed about who should be included each evaluation cycle—specifically, whether new governors should be part of the evaluation. Motion passed 12 to 1. Gov. Petrasek was not present for the vote.

[2024 Keller Deduction for 2024 License Fees \(link\)](#)

General Counsel Shankland explained what the annual Keller deduction is and how it relates to the fiscal-year budget passed earlier in the meeting. She walked the Board through how the calculation is derived. Discussion followed about why the calculation is different from year to year and WSBA's conservative approach. Gov. Couch moved to approve the deduction as presented. Motion passed unanimously. Gov. Petrasek was not present for the vote.

Final Report and Recognition of the Equity & Disparity Workgroup ([link](#))

Chair Alec Stephens recounted the history of the workgroup's formation and thanked former WSBA President Rajeev Majumdar for creating the workgroup in the wake of George Floyd's death. Chair Stephens pointed Governors to the final report in the materials. He thanked all the workgroup participants and staff who supported the group.

National Conference of Bar Examiners Presentation on the Next Generation Bar Exam ([link](#))

The Board was joined by National Conference of Bar Examiners representatives Chief Strategy and Operations Officer Marilyn Wellington, Director of Diversity, Fairness, and Inclusion Research Danette McKinley, and University of Oklahoma College of Law Professor Jon Lee. They presented information about the "NextGen" bar examination, set to launch in July 2026. The presentation included the reasons why the exam is changing, the research that went into the new exam, the timeline for launching the exam, and how local jurisdictions interface with the National Conference of Bar Examiners. The new exam is meant to test applicants on skills and knowledge that are more relevant to real-world practice.

Bar Licensure Task Force Report on Draft Recommendations ([link](#))

Task Force co-chairs Justice Raquel Montoya-Lewis and Dean Anthony Varona spoke about the draft Task Force report, which was available to Governors as part of their confidential materials. Justice Montoya-Lewis spoke about the history and purpose of the Task Force. She focused on the equity issues in the current bar-exam process, and the need to find alternative pathways while making sure to keep public protection foremost in mind. Dean Varona thanked the Board's representative, Gov. Williams-Ruth, for his vigorous participation and de facto co-chairmanship for several months; he mentioned research that show that the traditional bar exam is not a good instrument in protecting the public, which matches his experience seeing exceptional students struggle with the exam.

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

Foundation Member Mike Pontarolo gave an overview of how and why the Legal Foundation of Washington was formed. He presented the annual report, which summarizes the Foundation's income, grants and operating expenses, and progress toward its mission.

Next Steps for FY24 Strategic Priorities ([link](#))

Executive Director Nevitt referred to her memo in the materials. She said the ultimate goal is to set long-range goals but acknowledged that the organization is still working on a one-year goal cycle. She asked for feedback and comments so that the Board in November will be able to adopt the FY24 goals. Executive Director Nevitt summarized what has been done to create the goals to this point, and she walked the Board through several questions—listed in the memo—to help refine the priorities. Discussion followed about how many goals should be on the list, timeframes and how to address priorities that will take longer than a year. There was consensus that the current list needs to be narrowed. Board members agreed that member wellness is already considered a priority, as voted earlier in the year.

A straw poll was conducted among FY25 Board members only. The results were as follows: future of WSBA space (1); assess technology-related opportunities and threats, and determine WSBA's role vis-à-vis regulation, consumer protection, and support to legal professionals (10); support rural practice (8); increase WSBA's commitment to diversity, equity and inclusion (6); determine a budget philosophy and long-term financial plan (3); establish a process for WSBA program review (0); Ensure access to justice and service the public (5); and increase member engagement in WSBA's volunteer community (0).

Based on the poll, Executive Director Nevitt said she would bring back the following priorities: accessing technology-related opportunities and threats, supporting rural practice, increasing WSBA's commitment to DEI, and ensuring access to justice and service to the public. Gov. Adewale asked for the plan to come back with benchmarks that can be completed in one year. Gov. Couch volunteered to work on the justice to access/public goal and Gov. Dresden volunteered to work on the technology goal.

Governor Roundtable ([link](#))

Gov. Couch commented that he intends to suggest a \$30 increase to bar dues next year.

Gov. Dresden reported that the Member Engagement Council is engaging with the sections right now to propose an amendment to the fiscal policies to authorize use of section funds to pay for alcohol.

Gov. Williams-Ruth thanked Gov. Boyd and Gov. Purtzer for their running advice and support. He reminded everyone that LGBTQ people are still facing hate and threats daily, and he asked everyone to up their vigilance and commitment to equity and inclusion.

President Elect Abell committed to putting Governor's topics on meeting agendas, no matter if it's not an official priority. He mentioned the upcoming Listening Tour dates and October retreat dates.

Gov. Adewale gave details about the upcoming ATJ conference and urged Governors to attend. He thanked the outgoing Governors.

The outgoing officers and governors made comments about their service and thanked their colleagues.

Meeting Feedback ([link](#))

The Board provided feedback.

Swearing in of FY24 Governors and Officers ([link](#))

Washington State Supreme Court Justice Debra Stephens oversaw the swearing in ceremony for new officers and Governors. The organization recognized outgoing Governors and officers and thanked all Board members for their service.

ADJOURNMENT

There being no further business, Pres. Clark adjourned the meeting at 3:20 PM on Saturday, September 9, 2023.

Respectfully submitted,

Terra Nevitt

Terra Nevitt

WSBA Executive Director & Secretary