

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

## Board of Governors November Meeting Update

A summary prepared by WSBA of the Board of Governors (Board) meeting held virtually Nov. 13-14. The agenda, materials, and video recording from this Board of Governors meeting, as well as past meetings, are [online](#). The next regular meeting is Jan. 14-15, 2021. The Board of Governors is WSBA's governing body charged with determining general policies of the bar and approving its annual budget.

Your District 1 Governor is [Sunitha Anjilvel](#); you can contact her at [sunitha@amlawseattle.com](mailto:sunitha@amlawseattle.com) about any of the information in this meeting recap. Your At-Large Governors are [Russell Knight](#) and [Hunter Abell](#).

### NEED TO KNOW

**1. FY21 budget and license fees.** The Board of Governors (Board) voted to recommend to the Washington Supreme Court (Court) to lower the annual Client Protection Fund per-member assessment from \$25 to \$20. They also made a commitment to keep the active-lawyer license fee flat at \$458 for 2022 (\$240 for active LLLTs; \$200 active LPO) and to reassess fees for 2023 and beyond once long-term planning is complete. [See page 44](#) for a complete list of the recommended 2022 fees, subject to Court review. As always, more information is available in the Treasurer's Report in [Bar News](#).

**2. Malpractice insurance.** The Court has published for comment [a potential rule change to require lawyers, with exceptions, to disclose to clients if they do not carry malpractice insurance](#). As proposed by the WSBA, the addition to Rule of Professional Conduct (RPC) 1.4 would require specified lawyers who lack a minimum threshold of malpractice insurance (\$100,000 per occurrence and \$300,000 in the aggregate) to provide notice and obtain consent from clients. Comments are due April 30, 2021. [Look for the proposed rule to be posted soon.](#)

**3. Board of Governors At-Large seat vacancy.** Look for your email ballot on Dec. 1! In the meantime, [learn more about the four candidates in the running](#) (note: We will soon [post a recording here](#) of the candidates forum taped live last night.)

**4. Thank you, volunteers!** "This is an unprecedented year, and our WSBA volunteers have responded in unprecedented ways." WSBA President Sciuchetti delivered a message of gratitude to our more than 1,000 volunteers who are "the backbone of the regulatory and professional services provided by the State Bar." ([See page 8.](#))

**5. How has the pandemic affected you? And how can WSBA help?** Please take a [short online survey](#) to help us better understand the current climate for legal practitioners and how we can best support you. Your participation is important.

### MEETING RECAP

**Response to Minority Bar Associations.** Governors began the business portion of their meeting by processing and responding to what they heard in October during a listening session with representatives of minority bar associations; the representatives spoke about the impact of harmful comments made at

the Board's June 26 meeting. The Board adopted a response acknowledging those comments were "disrespectful, offensive, and not consistent with WSBA's commitment to diversity, equity, and inclusion" and rededicated themselves to promoting and supporting "legal, systemic, and public policy changes that advance race equity and racial justice ..." ([See page 3.](#)) Several governors noted that this response is long overdue, but the Board is at the beginning of its process, not the end, to learn and do better. As part of this process, the Board will be working toward learning and identifying ways to operationalize the Race and Equity Justice Initiative Commitments.

**Equity and Disparity Work Group.** The Board's Equity and Disparity Work Group has started meeting to address rules, policies, and procedures in the legal system that have led to disparate outcomes, disproportionately harming people of color. The Work Group will continue to report back to the board and membership with the goal of including as many voices as possible. ([See page 9.](#))

**2021 legislative priorities and WSBA-sponsored bills.** Planning for the coming legislative session, the Board approved WSBA's overall priorities: Monitoring and taking appropriate action on legislative proposals related to the practice of law and administration of justice; supporting legislative proposals approved by the Board under [GR 12](#) constraints; and supporting legislative proposals initiated by WSBA Sections and approved by the Board. ([See page 97.](#)) Per the last priority, the Board approved two bills put forth by the Business Law Section: Proposed amendments to notice provisions in Washington's Business Corporations Act ([see page 98](#)); and amendments to modernize and align Washington's Nonprofit Corporation Act with the ABA model act ([see page 5](#) and [page 17](#)).

**Washington State Bar Foundation annual report.** Program highlights for 2020 included \$60,000 awarded for [Powerful Communities Projects over the past two years](#), robust support of the [Moderate Means Program](#), and scholarships to support underrepresented law students and legal projects. The Foundation provides financial support for WSBA programs that promote diversity within the legal profession and enhance the public's access to, and understanding of, the justice system. ([See page 60.](#))

## **Other Business**

The Board:

- Tabled the vote on the contract for the executive director, a position that has been offered to Interim Executive Director Terra Nevitt, and authorized the extension of the interim contract through January. The Board's Personnel Committee will meet by mid-December to recommend the contract for action by the Board and Interim Executive Director Nevitt.
- Asked the Executive Director to continue exploring office space options for the Bar in the short- and long-term, including potentially subleasing a portion of the current space.
- Held annual training regarding the Open Public Meetings Act and anti-harassment laws and responsibilities.
- Affirmed President Sciuchetti's appointment of President-Elect Tollefson and former Governor Kim Hunter as presidential envoys to WSBA committees, sections and external entities.
- Approved a suggested amendment to RPC 1.11 (regarding government lawyer conflicts of interest, updated to align with a recent Court decision) proposed by the Committee on Professional Ethics, which will now go to the Court for consideration. ([See page 75](#); note: The board agreed on a non-substantive amendment to this proposal before approval.)
- Approved suggested rule amendments (modernizing language in CRLJ 17, CRLJ 56, and CRLJ 60, [see page 62](#); and clarifying immigration-status evidence procedures in ER 413, [see page 15](#))

proposed by the Court Rules and Procedures Committee, which will now go to the Court for consideration.

- Had a first reading for several proposed WSBA Bylaw amendments: To increase the number of members of the Budget and Audit Committee ([see page 66](#)); to clarify and modify language about governor elections to align with previous board action—a small group of governors is working on edits to these amendments before a full board vote ([see page 390](#)); and to align language with the Court’s recent amendments to APR 3(g), Pro Bono Admission ([see page 68](#)).
- Approved admissions policies to align with technical requirements for the new online admissions site for all license types ([see page 81](#)).

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