

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

Board of Governors Meeting
Meeting Materials

July 24, 2020
Webcast & Teleconference



**Board of Governors Meeting
Webcast and Teleconference
July 24, 2020**

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: Call 1.888.788.0099, Meeting ID: 945 8245 9355

Friday, July 24, 2020

8:30 AM – CALL TO ORDER

WELCOME

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 June 26-27 BOG Meeting Minutes..... 6

PRESIDENT’S REPORT

PRESIDENT ELECT’S REPORT ON BOARD RETREAT

EXECUTIVE DIRECTOR’S REPORT 14, LM

WSBA TREASURER ELECTION 22

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.

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. Rajeev Majumdar, Chair
- APEX Awards Committee, Gov. Russell Knight, Chair
- Personnel Committee, Gov. Alec Stephens, Chair
- Legislative Committee, Gov. Kyle Sciuchetti, Chair
- Nominations Review Committee, Gov. Jean Kang & Pres-elect Kyle Sciuchetti, Co-Chairs
- Diversity Committee, Gov. Jean Kang, Co-Chair
- Long-Range Planning Committee, Gov. Paul Swegle, Chair

- Member Engagement Workgroup, Govs. Kim Hunter and Dan Clark, Co-Chairs
- Budget & Audit Committee, Treas. Dan Clark, Chair

SPECIAL REPORTS

- DISCUSSION WITH LAW SCHOOL DEANS**
- DISCUSSION WITH LAW CLERK BOARD**
- REPORTS OF TASK FORCES, WORK GROUPS, LIAISONS, AND OTHER WSBA ENTITIES**
 - Court Rules and Procedures Committee, Chair Jefferson Coulter
- GOVERNOR LIAISON REPORTS**
 - This is an opportunity for Governors to make reports related to their liaison assignments.

12:00PM – RECESS

AGENDA ITEMS & UNFINISHED BUSINESS

- BUDGET & AUDIT COMMITTEE ITEMS**, Treas. Dan Clark, Chair and Chief Financial Officer Jorge Perez LM
 - Proposal for Governors to Attend 2020 NCBP Virtual Annual Meeting
 - Review FY21 Draft WSBA Budget
- PROPOSAL RE THE ROLE OF COURT RULES AND PROCEDURES COMMITTEE**, Chair Jefferson Coulter..... 29
- SECOND READ/ACTION: RATIFICATION OF EMERGENCY BYLAW AMENDMENT ART. VI.G RE GOVERNOR ELECTIONS** 31
- SECOND READ/ACTION: PRO BONO & PUBLIC SERVICE COMMITTEE PROPOSED AMENDMENTS TO WSBA BYLAWS ART. III(B)(4) TO REDUCE BARRIERS TO ACCESS FOR EMERITUS PRO BONO STATUS**, Co-Chair Nick Larson, Committee Members Althea Paulson and Bonnie Aslagson 34
- PROPOSED REVISIONS TO WSBA MISSION STATEMENT**..... 72
- PROPOSED POLICY: TRANSPARENT SALARY INFORMATION** 114
- WSBA COMMITTEE AND BOARD CHAIR APPOINTMENTS** LM
 - Board of Bar Examiners
 - Character and Fitness Board
 - Client Protection Board
 - Committee on Professional Ethics
 - Continuing Legal Education Committee
 - Council on Public Defense
 - Court Rule & Procedures Committee
 - Editorial Advisory Committee
 - Judicial Recommendation Committee
 - Law Clerk Board

- Legislative Review Committee
- Pro Bono and Public Service Committee
- WSBA Diversity Committee

NEW BUSINESS

GOVERNOR ROUNDTABLE

This is an opportunity for Governors to raise issues of interest.

6:00 PM – ADJOURN

INFORMATION

- General Information 125
- Monthly Financial Statements LM

2019-2020 Board of Governors Meeting Issues

AUGUST (Spokane)

Standing Agenda Items:

- Financials (Information)
- Diversity Committee Report
- Office of Disciplinary Counsel Report (ED Report)
- FY2020 Third Quarter Outreach & Perception Survey Update (ED Report)

SEPTEMBER (Seattle)

Standing Agenda Items:

- Final FY2021 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
- Editorial Advisory Committee Report
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation
- Financials (Information)
- WSBA Annual Awards Dinner

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING

Minutes

Held Virtually

June 26-27, 2020

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Rajeev D. Majumdar on Friday June 26, 2020 at 8:33 AM. Governors in attendance were:

Hunter M. Abell
Sunitha Anjilvel
Daniel D. Clark
Peter J. Grabicki
Carla Higginson
Kim Hunter
Jean Kang
Russell Knight
Tom McBride
Bryn Peterson
Kyle D. Sciuchetti
Alec Stephens
Paul Swegle
Judge Brian Tollefson (ret.)

Also in attendance were Immediate Past President William D. Pickett, Interim Executive Director Terra Nevitt, General Counsel Julie Shankland, Chief Financial Officer Jorge Perez, Chief Disciplinary Counsel Doug Ende, Chief Regulatory Counsel Jean McElroy, Interim Director Advancement Kevin Plachy, Executive Administrator Shelly Bynum, Nancy Hawkins (Family Law Section), James E. Macpherson (Washington Defense Trial Lawyers), and Betsy Miale-Gix (Washington State Association for Justice).

Consent Calendar

Pres. Majumdar asked if anyone wanted to remove an item from the consent calendar. Gov. Swegle moved for approval. Motion passed unanimously. Treas. Clark was not present for the vote.

President's Report

Pres. Majumdar honored local hero recipients chosen by the Whatcom and Skagit County Bars, Heather Powell and Heather Webb.

Interim Executive Director's Report

Interim Executive Director Nevitt referred to her written report and provided a brief summary. She introduced Washington Supreme Court Justice Mary Yu to answer questions with regard to the process for approving revised rules for discipline and incapacity. Discussion followed.

President-Elect Report on July Board Retreat

Pres-Elect Sciuchetti provided a report and preview of the July Board Retreat.

Interview and Selection of 2020-2021 WSBA President-Elect

Pres. Majumdar presented the only candidate for 2020-21 Pres-Elect, Gov. Brian Tollefson. Gov. Tollefson made remarks. Gov. Grabicki moved for the election of Gov. Brian Tollefson. Discussion followed. Motion passed unanimously.

First Read: Ratification of Emergency Bylaw Amendment Art. VI.G Re Governor Elections

Pres. Majumdar presented the topic and referred to the materials. He noted that this was a required first read and no action would be taken.

Member & Public Comments

Theresa Butler, President of the Mason County Bar Association and James E. Macpherson provided public comment.

Reports of Standing or Ongoing BOG Committees

Executive Committee. Pres. Majumdar reported on the work of the Committee, which met last week to plan for the July Board Meeting as well as meet with the Client Protection Fund Board and the Committee on Professional Ethics.

APEX Awards Committee. No report.

Personnel Committee. Gov. Stephens reported on the work of the Committee. He noted that the performance evaluation of the Interim Executive Director Nevitt would be taken up during this meeting, as well as the Committee's recommendation to remove Director Nevitt's interim status.

Legislative Committee. Gov. Sciuchetti reported on the work of the Committee, including a recommended policy regarding legislative activity of sections that will be taken up later on the agenda.

Nominations Committee. Gov. Sciuchetti reported on the work of the Committee. He noted that its role is to appoint committee chairs for the next fiscal year and it will be meeting to do so tomorrow.

Diversity Committee. No report.

Long-Range Planning Committee. Gov. Swegle reported on the work of the Committee, noting that with so many changes, it has not felt timely so engage in long-range planning. He shared some suggestions for future long-range planning. Discussion followed

Member Engagement Workgroup. No report.

Budget and Audit Committee. Pres. Majumdar read Treas. Clark's report regarding the work of the Committee. He provided details on the May financials noting that we have gone from a budgeted deficit to a substantial surplus. Discussion followed.

The WSBA Response to Our National Dialogue

Pres. Majumdar introduced this portion of the agenda including the purpose and intent behind it. He listed and recognized the many entities that have written publically and to the WSBA calling for action.

Approval of Statement by Council on Public Defense. Council on Public Defense Vice-Chair Travis Stearns presented the Council's statement for approval as provided in the materials. Discussion followed. Gov. Grabicki moved for approval of the statement. Motion passed unanimously.

Mission Statement of the WSBA. Gov. Higginson presented the proposed revised mission statement as presented in the materials. Gov. Higginson moved for approval of the proposal. Discussion followed. Gov. Stephens moved to amend to add, "with a strong commitment to serving its members and the public." Discussion followed. Gov. Stephens moved to table to have this reviewed by as many people in the association as possible. Motion to table failed 5-7. Discussion followed. The motion to amend the proposal passed 9-3. Gov. Swegle moved to amend the proposal again to make it a *proposed* amendment to the mission statement for consideration and input, after which the Board will take it up again. It was clarified that the effect of the amendment would be to push the proposal out for comment and then put it back on a future agenda. Treas. Clark moved to call the question. Motion to call the question passed unanimously. Second motion to amend passed unanimously. The underlying motion, as amended twice passed unanimously. Govs. Hunter and Kang were not present for the votes.

Reports of Task Forces, Work Groups, Liaisons, and Other WSBA Entities

Editorial Advisory Committee. Pres. Majumdar introduced Chair Ralph Flick and recognized the staff and committee for the magazine's recent selection as an honoree of the Public Relations Society of America (PRSA) - Puget Sound Chapter Board of Directors. Chair Flick referred to the materials and provided an overview of the work and approach of the committee. Chair Flick also provided information about the Letter to the Editor Policy. Discussion followed.

The WSBA Response to Our National Dialogue (Continued)

Discussion with WSBA Diversity Committee Re Reaffirming the WSBA's Current 2013 Diversity and Inclusion Plan. Diversity Committee member Serena Sayani and Gov. Anjilvel presented the Committee's proposal, and specific actions, as presented in the materials. Discussion followed.

Reports of Task Forces, Work Groups, Liaisons, and Other WSBA Entities (Continued)

Corona Task Force. Co-Chairs Michael Cherry and Kevin Plachy presented an overview of the work of the internal and external task forces to respond to the global pandemic. Discussion followed.

Council on Public Defense Matters

Proposed Charter Revision. Vice-Chair Travis Stearns presented the Council's revised charter as provided in the materials, which will remove term limits for the Supreme Court Justice position on the Council. He noted Chief Justice Stephens affirms the proposal. Gov. Stephens moved for approval. Motion passed unanimously. Govs. Hunter and Kang were not present for the vote.

Comment on Amending CrR 3.1(f), CrRLJ 3.1(f), and JuCrR 9.3(a) to Require that Judges Consider Defense Requests for Expert Funds Ex Parte. Council Member Sophia Byrd McSherry presented the proposed comment as provided in the materials. She noted that the comment was initially presented to the Board in April and that since the April meeting, the Criminal Law Section has reviewed the proposal and is in support. Gov. McBride moved for approval. Motion passed unanimously. Govs. Hunter and Kang were not present for the vote.

Reports of Task Forces, Work Groups, Liaisons, and Other WSBA Entities (Continued)

Ad Hoc Committee to Investigate Alternatives to Mandatory Malpractice Insurance for Consideration by WSBA and the Washington Supreme Court. Gov. Sciuchetti presented on the work of the Committee, including some of the alternatives they've explored, noting that he anticipates bring a proposal to the Board in late summer. Discussion followed.

Pro Bono and Public Service Committee Proposed Amendments to WSBA Bylaws Art. III(B)(4), APR 1(e), and GR 24 to Reduce Barriers to Access for Emeritus Pro Bono Status

Co-Chair Nick Larson and Committee Members Althea Paulson and Bonnie Aslagson presented the proposed amendments of the Committee as provided in the materials. Gov. Higginson moved for approval of the proposal. Pres. Majumdar noted that the Bylaws change requires a second read. If this passes, his intent would be to send all the proposals together at the same time. Motion passed unanimously. Govs. Hunter and Kang were not present for the vote.

Proposed Comment to Northwest Justice Project 2020 Private Attorney Involvement Plan

Co-Chair Nick Larson presented a proposed comment in support of the Northwest Justice Project's 2020 plan for private attorney involvement. Gov. Stephens moved for approval. Motion passed unanimously. Govs. Hunter and Kang were not present for the vote.

APEX Awards Committee Recommendations for 2020 Awards

Gov. Knight noted that out of respect for the nominees and those that won't be receiving an award, the materials for this agenda item were provided confidentially. He requested a single motion approving the entire slate. Gov. Stephens moved for approval. Motion passed unanimously. Gov. Higginson abstained. Govs. Hunter and Kang were not present for the vote.

Budget and Audit Committee Items

Second Read: Proposed Amendment to WSBA Bylaws Art. III.1.5 Re License Fee Exemptions Due to Hardship. Chief Regulatory Counsel Jean McElroy presented the proposal and the rationale for it.

Discussion followed. Motion passed unanimously. Govs. Hunter and Kang were not present for the vote. Pres. Majumdar noted that he would send the amendment to the Court after the July meeting along with the other bylaws amendment. There were no unresolved objections to this course of action.

Proposed Reduction of the Client Protection Fund Assessment. Gov. Peterson moved for approval. Motion passed unanimously. Govs. Hunter and Kang were not present for the vote.

The WSBA Response to Our National Dialogue (Continued)

WSBA Equity and Disparity Workgroup. Pres. Majumdar introduced the proposal as presented in the materials. Gov. Sciuchetti moved for approval. Motion passed unanimously. Govs. Higginson and Tollefson abstained. Govs. Grabicki, Hunter, and Kang were not present for the vote.

Resolution of the WSBA in Affirming the Rule 6 Program's Value and Role in Providing an Additional Path to Justice for Underrepresented Communities. Gov. Abell presented the resolution as provided in the materials. Discussion followed. Gov. Abell moved to amend the resolution to add to the second to last paragraph the following language, "Be it further resolved that the Board of Governors respectfully encourages the Washington Supreme Court to amend the Order Granting Diploma Privilege and Temporarily Modifying Admission & Practice Rules dated June 12, 2020 to include qualified graduates of the Program." Motion to amend passed unanimously. The resolution as amended passed unanimously. Govs. Hunter and Kang were not present for the votes.

Budget and Audit Committee Item (Continued)

Results of Process and Execution Audit. Joseph Purvis and Mitchell Hansen of Clark Nuber presented. Discussion followed, including remarks by Treas. Clark. Chief Financial Officer Jorge Perez reported on actions taken to respond to the audit results.

The WSBA Response to Our National Dialogue (Continued)

Resolution of the WSBA in Response to National Dialogue. Pres. Majumdar presented the resolution and suggested adding the two statements received after it's drafting from the Washington State Bar Foundation and the Association of Washington Assistant Attorneys General and the Solidarity Caucus of the Professional Staff Organizing Committee. Gov. Sciuchetti moved for approval. Discussion followed. Motion passed unanimously. Govs. Hunter, Kang, and Knight were not present for the vote.

Recommendation Re Proposed Policy Re Legislative Activity of Sections

Govs. Sciuchetti and Higginson presented the proposed policy as provided in the materials. Discussion followed. Gov. Stephens proposed to amend the proposed policy so that it reads "..supersedes and replaces any and all prior policies on the same subject as it applies to sections." Discussion followed. Gov. Grabicki moved to table. Motion to table failed for lack of a second. Motion to call the question passed unanimously. Govs. Grabicki, Hunter, Kang, and Knight were not present for the vote. Motion to amend passed 9-2. Govs. Hunter, Kang, and Knight were not present for the vote. Motion to approve the policy as amended was approved 10-1. Govs. Hunter,

Kang, and Knight was not present for the vote. Pres. Majumdar asked Gov. Grabicki to reach out to concerned sections for a possible future amendment to the policy.

Diploma Privilege

Pres. Majumdar introduced and provided the procedural background on the topic.

APR Board Permission. Treas. Clark moved for approval of the APR Board's proposal. Discussion followed, including public comment. Motion passed unanimously. Gov. Tollefson abstained. Govs. Grabicki, Hunter, Kang, Knight, and Swegle were not present for the vote.

Maintain Existing Refund Policy. Treas. Clark deferred to Chief McElroy to present information on the proposal. Discussion followed including public comment. Motion passed unanimously. Govs. Grabicki, Hunter, Kang, and Knight were not present for the vote.

Request for Contingency Plan in the Event the Summer Bar Exam Cannot be Held Safely. Pres. Majumdar introduced JD graduates Efrain Hudnell and Katie Koch and they presented concerns about the need to provide an alternative path to licensure for those not benefiting diploma privilege in the event the exam *cannot* be held safely. Discussion followed, including public comment. Gov. Stephens moved that the Board ask staff to do contingency planning regarding LLM exam takers in the event we have to cancel the July exam and find other ways to assist them. Motion passed 4-2. Govs. Higginson and Tollefson abstained. Govs. Abell, Grabicki, Hunter, Kang, Knight, and Swegle were not present for the vote.

Additional discussion took place regarding diploma privilege, including additional public comment. Gov. Higginson moved that we forward member comments about diploma privilege and the future of the bar exam to the Court. Gov. Higginson accepted a friendly amendment to submit the comments we've received to date in the redacted form we have in our materials and that the President be directed to circulate the Court's decision to the members for comment by July 31. Motion failed for lack of a quorum.

The meeting resumed on June 27, 2020. Pres. Majumdar ruled on a dispute regarding Roberts Rules of Order. He ruled that abstentions are noted and recorded but do not count as a y or nay vote.

The Board returned to discussion on Gov. Higginson's motion from the previous day. Motion passed unanimously. Govs. Hunter and Swegle were not present for the vote.

Evaluation of the Interim Executive Director and Consideration of Removal of Interim Title

Gov. Stephens walked through the materials provided in the public and confidential materials and presented the results of the evaluation.

Pres. Majumdar announced the basis and purpose for moving into executive session and that public session would resume at 9:40 AM. The Board moved into Executive Session at 9:03. Pres. Majumdar announced extensions of executive session to 10:20 AM, 10:45 AM, and 11:05 AM.

Pres. Majumdar resumed public session at 11:05 AM.

Gov. Stephens presented and moved for acceptance of the rating and qualitative statement in response to the evaluation of the Executive Director. Motion passed unanimously. Gov. Higginson abstained. Govs. Abell and Swegle were not present for the vote.

Gov. Grabicki moved to remove the title of interim subject to negotiation of a contract to be led by Pres. Majumdar and Pres-elect Sciuchetti. Gov. Stephens confirmed this was also the recommendation of the Personnel Committee. Discussion followed. Motion passed unanimously. Govs. Higginson and Stephens abstained. Govs. Abell and Swegle were not present for the vote.

Committee on Professional Ethics Matters

Proposed Amendments to Comment 4 to RPC 1.16 and New Additional Washington Comments 16 to RPC 1.13. Committee Member Brooks Holland presented the Committee's proposal. Discussion followed. Gov. Grabicki moved for approval of the comments. Gov. Peterson moved for an amendment to remove the "however" clause. It was accepted as a friendly amendment. Motion passed unanimously. Gov. Hunter abstained. Govs. Abell and Swegle were not present for the vote.

Proposed Amendment to RPC 7.2(b)(2), 5.4, and 1.5(e)(2) Re Fee Sharing with Nonprofit Lawyer Referral Services. Professional Responsibility Counsel Jeanne Marie Clavere and Brooks Holland presented the Committee's proposal. Discussion followed. Gov. Grabicki moved to propose the amendment to the Court. Motion passed unanimously. Govs. Abell and Swegle were not present for the vote.

Interviews and Selection of 2020-2023 WSBA At-Large Governor

Pres. Majumdar presented the proposed process for the at-large election as presented in the materials. Gov. Stephens moved for approval. Motion passed unanimously. Govs. Abell, Grabicki, Hunter, and Swegle were not present for the vote.

Pres. Majumdar administered the election. The first candidate was Kim Sandher who provided her opening remarks and responded to the standard questions. The next candidate was Kristine Kuenzli who provided her opening remarks and responded to the standard questions. Jean Cotton followed and withdrew her candidacy. Michael Hall followed and provided his opening remarks and responded to the standard questions. Candidate Connie Wan followed with her opening remarks and responses to the questions. Candidate Lisa Mansfield followed with her statement and responses to the standard questions. Candidate C. Olivia Irwin followed with her presentation and responses to the standard questions. Luis Beltran followed with his presentation and responses to the standard questions. Laura Sierra was the next candidate. She presented her initial statement and answered the standard questions. Allison Foreman was the next candidate. She presented her initial statement and answered the standard questions. Discussion followed. The Board moved to its first round of voting. The results were 6 votes for Lisa Mansfield, 3 votes for Kristine Kuenzli, 2 votes for Sandher, and 2 votes for Wan. Gov. Hunter was not present for the vote.

With no candidate receiving more than 50% of the votes, Pres. Majumdar announced that we would move to a run-off election between the top two vote getters, Kristine Kuenzli and Lisa Mansfield. Discussion followed. Gov. Knight moved to invite the top two vote getters back for a 30 second response to anything that came up in the discussion. Gov. Knight accepted a friendly amendment to give them each 2 minutes. Motion passed unanimously. Gov. Hunter was not present for the vote. The Board moved to its second round of voting. The results were 11 votes for Lisa Mansfield and 3 votes for Kristine Kuenzli.

Proposed Policy: Transparent Salary Information

Pres. Majumdar noted that there is no proposal before the Board and provided an opportunity for discussion. Gov. Stephens moved to send the topic to the Personnel Committee. Discussion followed. Gov. Stephens withdrew his motion. Gov. Higginson moved to have published on the WSBA website (1) the written compensation policy, (2) a range of all salaries and paid classification bands, (3) a list of current starting, mid points, and ceilings, (4) a list of current employee job titles, and (5) a written summary of other benefits. Discussion followed. Gov. Grabicki suggested that the President, President Elect, and Treasurer work with the leadership team to develop a proposal for July that doesn't not involve identifying individual salaries. Gov. Sciuchetti moved to amend Gov. Higginson's motion to adopt Gov. Grabicki's proposal. Pres. Majumdar recommended that the language be amended to allow for more than one proposal. Gov. Sciuchetti accepted that as a friendly amendment. Amended motion passed unanimously. Govs. Abell and Swegle were not present for the vote.

Governor Roundtable

Gov. Anjilvel requested that the Governors make a donation to the Washington State Bar Foundation.

ADJOURNMENT

There being no further business, Pres. Majumdar adjourned the meeting at 5:12 PM on Saturday, June 27, 2020.

Respectfully submitted,

Terra Nevitt
WSBA Interim Executive Director & Secretary

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: July 8, 2020
 Re: Litigation Update

PENDING LITIGATION:

No.	Name	Brief Description	Status
1.	<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 ongoing.
2.	<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.
3.	<i>O’Hagan v. Johnson et al.</i> , No. 18-2-00314-25 (Pacific Sup. Ct.)	Allegations regarding plaintiff’s experiences with legal system.	Motion to Dismiss granted on 08/05/19; on 08/28/19 plaintiff circulated a Notice of Intent to Appeal.
4.	<i>Scannell v. WSBA et al.</i> , No. 18-cv-05654-BHS (W.D. Wash.)	Challenges bar membership, fees, and discipline system in the context of plaintiff’s run for the Washington Supreme Court.	On 01/18/19, the court granted WSBA and state defendants’ motions to dismiss; plaintiff appealed. WSBA responded to plaintiff’s opening brief on 09/30/19. On 04/09/20, Scannell filed a “Motion for Injunction” and supporting declaration with the Ninth Circuit seeking a court order permitting him to run for open positions on the Supreme



			<p>Court. On 04/20/20, WSBA filed a response to the Motion for Injunction. On 04/30/20, the State Defendants/Appellees filed a request for a 60-day extension to respond to the Motion for Injunction; Scannell opposed the request.</p> <p>On 05/14/20 the Ninth Circuit issued a memorandum/judgment affirming the district court’s dismissal of all of Scannell’s claims on the basis of <i>res judicata</i> and the <i>Rooker-Feldman</i> doctrine and denying “[a]ll pending motions and requests”.</p> <p>On 05/28/20 Scannell filed two motions: (1) a motion for rehearing and disqualification of one of the panel judges (Judge Miller), and (2) a motion for en banc review.</p>
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).	<p>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).</p>
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).	<p>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. Transferred to Division I. Schedule issued, clerk’s papers and statement of arrangements filed 07/02/20.</p>

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.	<p>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.</p> <p>On 12/09/19, the United States Supreme Court denied plaintiff's Petition of Writ of Certiorari.</p> <p>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's opening brief was due 05/15/20.</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; awaiting disposition.
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.

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: July 8, 2020

RE: **Summary of Media Contacts**, June 1–July 8, 2020

Date	Journalist and Media Outlet	Inquiry
June 8	Caroline Spiezio, Thomson Reuters	Inquired about sunset of LLLT license; provided media statement from bar. (Please see below.)
June 8	Melissa Stanzione, Bloomberg Law	Sought comment regarding sunset of LLLT license. Provided media statement from bar.
June 8	Lyle Moran, <i>ABA Journal</i>	Sought comment regarding sunset of LLLT license. Provided media statement from bar.
June 8	Emma Cueto, Law360	Sought comment regarding sunset of LLLT license. Provided media statement from bar.
June 17	Steve Jackson, KPBX/KSFC (Spokane Public Radio)	Requested interview to discuss Matt Shea. Sent response regarding confidentiality of bar grievances.
June 18	Caroline Spiezio, Thomson Reuters	Sought comment regarding Court's ruling on diploma privilege, and how that may affect career prospects for law students. Provided media statement from bar.
June 19	Harris Meyer, <i>ABA Journal</i>	Requested labor and employment lawyer sources, on both plaintiff and defense sides, for a story about age discrimination lawsuits in Washington during the pandemic. Referred to Labor and Employment Law section.

June 19	Mike Carter, <i>Seattle Times</i>	Sought comment regarding Court's ruling on diploma privilege. Provided media statement from bar.
June 22	Lyle Moran, <i>ABA Journal</i>	In preparation to watch TVW's June 23 broadcast of the WA Supreme Court's hearing of Lincoln Beaugard v. WSBA, inquired whether WSBA is still complying with the Open Public Meetings Act as a result of the trial court judge's injunction in the case.
June 29	Paula Wissel, KNKX Radio (NPR affiliate)	Sought comment regarding sunset of LLLT license. Provided media statement from bar.
June 30	Henrik Nilsson, <i>Los Angeles Daily Journal</i>	Sought comment regarding sunset of LLLT license. Provided media statement from bar.
July 1	Zach Cohen, <i>National Journal</i>	Requested an interview with President Majumdar regarding impact of federal judicial vacancies in the district. The request was declined.

Media Statements

- From inquiries regarding sunset of LLLT program:
 - “Immediately after being informed by the Court of the decision to sunset the LLLT program, Interim Executive Director Nevitt and I assured our current Limited License Legal Technicians through e-mail that they will remain members of the bar with standing rights and privileges,” said WSBA President Rajeev Majumdar. “Like all members of the bar, they are trying to help people get the legal help they need, and their efforts are appreciated. The Court’s decision was no doubt very difficult to make, and we do not believe it lessens our commitment to finding innovative ways to close the gap between the many Washingtonians who need legal services and their ability to find accessible, affordable help—we are constantly evaluating how to convene and support our state’s Access to Justice network in ways that make the most impact for the most people. While this pathway did not reach the results originally intended, we hope this will allow us to devote resources to exploring other avenues of improving access to the justice system in Washington.”
- From inquiries regarding diploma privilege:
 - Statement from WSBA President, Rajeev Majumdar: “We are implementing the Washington Supreme Court’s decision, but there are a lot of questions that we are being asked that we don’t yet have answers to. We are in touch with the Court, the students, and the members and are currently gathering feedback to serve as a resource for the

Board of Governors as they discuss this unexpected development on Friday, June 26, at our next regular Board of Governors meeting.”

Media Coverage

Re: LLLT sunset

- Reuters: <https://www.reuters.com/article/lawyer-fee-sharing-washington/washington-state-to-end-program-that-gives-non-lawyers-limited-license-idUSL1N2DL2L9>
- ABA Journal: [Washington Supreme Court sunsets limited license program for nonlawyers](#)
- Law360: (Requires Nexis/Lexis subscription)
- Bloomberg Law: <https://news.bloomberglaw.com/us-law-week/innovative-washington-state-access-to-justice-program-ends>
- KNKX: <https://www.knkx.org/post/erased-afternoon-wa-supreme-court-abruptly-ends-innovative-legal-tech-program>

Re: Diploma Privilege

- Reuters: <https://www.reuters.com/article/lawyer-coronavirus-bar/washington-state-to-let-law-school-grads-skip-the-bar-idUSL1N2DT0L2;>
- Reuters: <https://www.reuters.com/article/lawyer-coronavirus-diploma-privilege/despite-diploma-privilege-in-wa-some-firms-want-grads-to-take-bar-exam-idUSL1N2DZ0L3>

Media Outreach and News Releases

- Honoring Local Heroes from Whatcom County and Skagit County
 - News Releases for [Heather Powell](#) and [Heather Webb](#)
 - *Skagit Valley Herald*
 - *Bellingham Business Journal*
 - *Bellingham Herald*

WSBA Member* Licensing Counts 7/1/20 9:13:41 AM GMT-07:00

Member Type	In WA State	All
Attorney - Active	26,211	32,939
Attorney - Emeritus	109	115
Attorney - Honorary	314	361
Attorney - Inactive	2,553	5,720
Judicial	610	641
LLLT - Active	39	39
LLLT - Inactive	4	4
LPO - Active	815	828
LPO - Inactive	146	164
	30,801	40,811

By District		
	All	Active
0	4,356	3,410
1	2,867	2,368
2	2,095	1,687
3	2,076	1,742
4	1,366	1,161
5	3,164	2,561
6	3,326	2,777
7N	5,042	4,292
7S	6,546	5,412
8	2,222	1,878
9	4,841	4,088
10	2,910	2,430
	40,811	33,806

By State and Province	
Alabama	29
Alaska	203
Alberta	8
Arizona	358
Arkansas	18
Armed Forces Americas	3
Armed Forces Europe, Middle East	29
Armed Forces Pacific	15
British Columbia	97
California	1,841
Colorado	250
Connecticut	49
Delaware	7
District of Columbia	336
Florida	262
Georgia	85
Guam	14
Hawaii	136
Idaho	452
Illinois	160
Indiana	37
Iowa	32
Kansas	27
Kentucky	25
Louisiana	50
Maine	18
Maryland	119
Massachusetts	85
Michigan	73
Minnesota	99
Mississippi	6
Missouri	65
Montana	160
Nebraska	18
Nevada	149
New Hampshire	13
New Jersey	65
New Mexico	75
New York	259
North Carolina	77
North Dakota	10
Northern Mariana Islands	5
Nova Scotia	1
Ohio	78
Oklahoma	26
Ontario	16
Oregon	2,728
Pennsylvania	81
Puerto Rico	6
Quebec	1
Rhode Island	11
South Carolina	25
South Dakota	8
Tennessee	57
Texas	375
Utah	177
Vermont	17
Virginia	259
Virgin Islands	2
Washington	30,801
Washington Limited License	1
West Virginia	6
Wisconsin	45
Wyoming	23

By WA County		By Admit Yr	
Adams	15	1946	1
Asotin	24	1947	2
Benton	408	1948	2
Chelan	251	1949	2
Clallam	160	1950	7
Clark	930	1951	15
Columbia	7	1952	19
Cowlitz	148	1953	17
Douglas	37	1954	22
Ferry	11	1955	12
Franklin	57	1956	34
Garfield	3	1957	23
Grant	128	1958	30
Grays Harbor	112	1959	29
Island	155	1960	28
Jefferson	116	1961	26
King	17,101	1962	32
Kitsap	813	1963	31
Kittitas	89	1964	35
Klickitat	25	1965	52
Lewis	118	1966	59
Lincoln	13	1967	59
Mason	103	1968	86
Okanogan	90	1969	93
Pacific	30	1970	100
Pend Oreille	16	1971	100
Pierce	2,380	1972	163
San Juan	84	1973	251
Skagit	286	1974	239
Skamania	19	1975	306
Snohomish	1,623	1976	370
Spokane	2,000	1977	371
Stevens	55	1978	415
Thurston	1,648	1979	444
Wahkiakum	12	1980	467
Walla Walla	114	1981	493
Whatcom	595	1982	485
Whitman	77	1983	519
Yakima	458	1984	1,119
		1985	575
		1986	781
		1987	747
		1988	651
		1989	704
		1990	887
		1991	855
		1992	830
		1993	930
		1994	883
		1995	838
		1996	814
		1997	922
		1998	903
		1999	910
		2000	914
		2001	922
		2002	1,019
		2003	1,072
		2004	1,100
		2005	1,125
		2006	1,198
		2007	1,278
		2008	1,109
		2009	986
		2010	1,088
		2011	1,071
		2012	1,097
		2013	1,244
		2014	1,372
		2015	1,621
		2016	1,337
		2017	1,413
		2018	1,335
		2019	1,391
		2020	641

Misc Counts	
All License Types **	41,149
All WSBA Members	40,811
Members in Washington	30,801
Members in western Washington	26,433
Members in King County	17,101
Members in eastern Washington	3,878
Active Attorneys in western Washington	22,559
Active Attorneys in King County	15,013
Active Attorneys in eastern Washington	3,247
New/Young Lawyers	6,762
MCLE Reporting Group 1	11,191
MCLE Reporting Group 2	11,062
MCLE Reporting Group 3	11,128
Foreign Law Consultant	19
House Counsel	309
Indigent Representative	10

By Section ***	All	Previous Year
Administrative Law Section	222	234
Alternative Dispute Resolution Section	314	314
Animal Law Section	85	94
Antitrust, Consumer Protection and Unfair Business Practice	196	208
Business Law Section	1,220	1,258
Cannabis Law Section	104	102
Civil Rights Law Section	151	175
Construction Law Section	508	499
Corporate Counsel Section	1,076	1,116
Creditor Debtor Rights Section	452	466
Criminal Law Section	363	407
Elder Law Section	626	623
Environmental and Land Use Law Section	759	791
Family Law Section	957	1,033
Health Law Section	384	381
Indian Law Section	311	326
Intellectual Property Section	867	875
International Practice Section	240	225
Juvenile Law Section	135	165
Labor and Employment Law Section	980	996
Legal Assistance to Military Personnel Section	64	75
Lesbian, Gay, Bisexual, Transgender (LGBT) Law Section	111	102
Litigation Section	1,000	1,018
Low Bono Section	58	70
Real Property Probate and Trust Section	2,255	2,290
Senior Lawyers Section	225	239
Solo and Small Practice Section	874	907
Taxation Section	603	625
World Peace Through Law Section	128	108

* 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.

By Years Licensed	
Under 6	8,565
6 to 10	5,584
11 to 15	5,592
16 to 20	4,719
21 to 25	4,081
26 to 30	3,685
31 to 35	2,967
36 to 40	2,403
41 and Over	3,215
Total:	40,811

By Age	All	Active
21 to 30	1,729	1,656
31 to 40	9,281	8,299
41 to 50	9,938	8,247
51 to 60	8,833	6,970
61 to 70	7,669	5,770
71 to 80	2,831	1,856
Over 80	530	141
Total:	40,811	32,939

By Gender	
Female	12,310
Male	16,740
Non-Binary	14
Not Listed	20
Selected Mult Gender	17
Transgender	1
Two-spirit	3
Respondents	29,105
No Response	11,706
All Member Types	40,811

By Disability	
Yes	1,151
No	19,979
Respondents	21,130
No Response	19,681
All Member Types	40,811

By Sexual Orientation	
Asexual	20
Gay, Lesbian, Bisexual, Pansexual, or Queer	409
Heterosexual	4,029
Not Listed	79
Selected multiple orientations	17
Two-spirit	3
Respondents	4,557
No Response	36,254
All Member Types	40,811

By Ethnicity	
American Indian / Native American / Alaskan Native	241
Asian-Central Asian	23
Asian-East Asian	201
Asian-South Asian	49
Asian-Southeast Asian	58
Asian—unspecified	1,141
Black / African American / African Descent	641
Hispanic / Latinx	695
Middle Eastern Descent	14
Multi Racial / Bi Racial	969
Not Listed	203
Pacific Islander / Native Hawaiian	63
White / European Descent	23,528
Respondents	27,826
No Response	12,985
All Member Types	40,811

Members in Firm Type	
Bank	26
Escrow Company	56
Government/ Public Sector	5,060
House Counsel	3,029
Non-profit	318
Title Company	115
Solo	5,066
Solo In Shared Office Or	1,347
2-5 Members in Firm	4,182
6-10 Members in Firm	1,657
11-20 Members in Firm	1,267
21-35 Members in Firm	767
36-50 Members In Firm	545
51-100 Members in Firm	601
100+ Members in Firm	1,847
Not Actively Practicing	1,438
Respondents	27,321
No Response	13,490
All Member Types	40,811

By Practice Area	
Administrative-regulator	2,195
Agricultural	223
Animal Law	107
Antitrust	306
Appellate	1,611
Aviation	180
Banking	421
Bankruptcy	879
Business-commercial	5,148
Cannabis	96
Civil Litigation	702
Civil Rights	1,042
Collections	514
Communications	208
Constitutional	635
Construction	1,309
Consumer	739
Contracts	4,194
Corporate	3,519
Criminal	3,693
Debtor-creditor	904
Disability	599
Dispute Resolution	1,235
Education	477
Elder	853
Employment	2,785
Entertainment	300
Environmental	1,242
Estate Planning-probate	3,336
Family	2,602
Foreclosure	460
Forfeiture	99
General	2,576
Government	2,778
Guardianships	804
Health	928
Housing	299
Human Rights	298
Immigration-naturaliza	1,001
Indian	564
Insurance	1,632
Intellectual Property	2,244
International	889
Judicial Officer	408
Juvenile	789
Labor	1,113
Landlord-tenant	1,235
Land Use	837
Legal Ethics	272
Legal Research-writing	777
Legislation	425
Lgbtq	65
Litigation	4,583
Lobbying	166
Malpractice	721
Maritime	316
Military	381
Municipal	892
Non-profit-tax Exempt	611
Not Actively Practicing	2,018
Oil-gas-energy	226
Patent-trademark-copyr	1,287
Personal Injury	3,188
Privacy And Data Securit	255
Real Property	2,597
Real Property-land Use	2,098
Securities	764
Sports	165
Subrogation	116
Tax	1,276
Torts	2,020
Traffic Offenses	598
Workers Compensation	701

By Languages Spoken	
Afrikaans	5
Akan /twi	5
Albanian	2
American Sign Language	16
Amharic	20
Arabic	48
Armenian	7
Bengali	10
Bosnian	13
Bulgarian	12
Burmese	2
Cambodian	6
Cantonese	101
Cebuano	7
Chamorro	5
Chaozhou/chiu Chow	1
Chin	1
Croatian	21
Czech	6
Danish	18
Dari	3
Dutch	24
Egyptian	2
Farsi/persian	62
Fijian	1
Finnish	7
French	689
French Creole	1
Fukienese	3
Ga/kwa	2
German	413
Greek	31
Gujarati	14
Haitian Creole	3
Hebrew	37
Hindi	97
Hmong	1
Hungarian	16
Ibo	4
Icelandic	2
Ilocano	8
Indonesian	12
Italian	162
Japanese	210
Javanese	1
Kannada/canares	4
Kapampangan	1
Khmer	2
Korean	232
Lao	5
Latvian	6
Lithuanian	3
Malay	4
Malayalam	8
Mandarin	371
Marathi	6
Mien	1
Mongolian	2
Navajo	1
Nepali	4
Norwegian	35
Not_listed	41
Oromo	4
Persian	19
Polish	32
Portuguese	118
Punjabi	61
Romanian	21
Russian	226
Samoan	7
Serbian	18
Serbo-croatian	13
Sign Language	20
Singhalese	2
Slovak	2
Spanish	1,817
Spanish Creole	3
Swahili	6
Swedish	52
Tagalog	69
Taihanese	4
Taiwanese	20
Tamil	11
Telugu	3
Thai	10
Tigrinya	4
Tongan	1
Turkish	14
Ukrainian	43
Urdu	40
Vietnamese	88
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: Interim Executive Director Terra Nevitt
DATE: July 16, 2020
RE: Election of FY 2021 WSBA Treasurer

ACTION: Elect the FY 2021 WSBA Treasurer

Pursuant to WSBA Bylaws VI(D)(2), the WSBA Treasurer must be a current lawyer Governor. The Treasurer is to be nominated and elected by the Board at the second to last regularly scheduled board meeting of the fiscal year. The Treasurer is elected by a simple majority of Governors voting. Note that while the Bylaws provide for a secret written ballot, as WSBA is currently operating under the Open Public Meetings Act, the vote at this meeting will be conducted in public.

The WSBA Treasurer sits on the Board's Executive Committee and Chairs the Budget and Audit Committee. Their role is to ensure the Board and its officers are informed about the finances of the Bar. Pursuant to WSBA's Fiscal Policies, the Treasurer is authorized to establish deposit and credit relationships, withdraw WSBA funds from banks, and sign checks. The Treasurer may also perform the duties of the President if both the President and President-elect are unable or unwilling.

Attached, please find:

- 2020-21 WSBA Treasurer Candidacy Announcement of WSBA Treasurer & District 4 Governor Daniel D. Clark



2020-21 WSBA TREASURER CANDIDANCY ANNOUNCEMENT OF WSBA TREASURER & DISTRICT 4 GOVERNOR DANIEL D. CLARK

My fellow Governors,

I would like to formally announce myself as an official candidate for the 2020-21 WSBA Treasurer Officer Position.

July 27, 2017 and July 26, 2019, are very special dates in my life. July 27, 2017 was the day I was selected as District 4 Governor, and July 26, 2019, was the day that this Board unanimously selected me as WSBA Treasurer. I have attended every regular BOG meeting since July 27, 2017. Likewise, I have attended Budget and Audit Committee meetings since that time.

I have had the extreme honor and privilege to have served as the WSBA Treasurer during the FY 2020 fiscal year. I've also had the honor the last three (3) years on the BOG as District 4 Governor, to serve with and learn from former WSBA Treasurer(s) Dan Bridges, G. Kim Risenmay, and Jill Karmy. **It is my sincere and earnest hope to be continue to be given the privilege to serve in this important position to continue the hard work and goals of myself as Treasurer and the Budget and Audit Committee for the 2020-21 BOG year.** I have said this before, but serving as a Governor and Treasurer on the Board of Governors is and continues to be such a tremendous honor and it is a privilege that I treat as a second job, in service to the WSBA and this Board.

I promised this Board in July 2019, that if selected as Treasurer, I would adopt an anti-OPM mentality regarding expenditures, and I believe I have faithfully lived up to that promise. The term "OPM" standing for other people's money syndrome. The concept meaning that people are traditionally less prudent with expenditures of financial resources with it is "other people's money." I think I have proven this year as Treasurer that I have a strong commitment to providing consistent updates, oversight and accountability to this Board and membership of WSBA finances in a fashion that is proactive, reasonable, and prudent.

I have taken the top priority that the BOG established at its 2019 retreat and attempted to spend this year working towards reducing the "perceived bloat" that many believed that existed within WSBA's financial expenditures. Executive Director Nevitt, CFO Perez and I have made addressing this desire of the BOG one of our top priorities for this year. While the unexpected COVID-19 virus has caused many unanticipated

challenges, I'm really proud that all of us have banded together with a resolve to continue to accomplish important work for the WSBA and our membership.

I am very proud of the many outstanding accomplishments of the Budget and Audit Committee this year. We have done numerous things to maximize efficiencies of the WSBA members license fees, while maintaining robust WSBA services to membership and the public.

Some of the significant achievements that the Budget & Audit Committee and I have tackled have included the following:

- **Helping to turn an approximately \$600k FY 2020 Budget deficit into an approximately 1.2 million budget surplus as of the end of May 2020.**
- **Greatly increasing communication and transparency of WSBA financial matters to the BOG, membership and the public.**
- **Successful completion of annual financial audit, and the “Deep Dive” Audit of WSBA, the first in the history of the organization.**
- **Selection, purchase and implementation of new financial software which will allow WSBA to perform much more efficiently and to be able to provide revenue forecasts for future Boards of Governors.**
- **Reducing the Client Protection Fund for membership, and currently examining potentially recommendations for reduction of Attorney license fees for FY 22 and FY 23.**
- **Successfully working with Executive Director Nevitt, and CFO Perez to conduct a FY 2020 budget reforecast which has maximized cost savings.**
- **Performed a comprehensive review of the LLLT business plan viability and presented my findings to the Washington State Supreme Court on May 12, 2020.**

There are several other successes that the Budget and Audit Committee has achieved this year. I would hope that each member of the committee would feel that I have ran B & A meetings in a respectful and collaborative manor, and been respectful of each members valuable input and perspective in accomplishing the work of the Budget and Audit Committee and Board of Governors.

I would like to personally thank each of the current Budget & Audit committee members; Governor Alec Stephens, Governor Brian Tollefson, Governor Bryn Peterson, Governor

Carla Higginson, Governor P.J. Grabicki, Governor Paul Swegle, and Governor Tom McBride for their hard work and dedication during the 2019-20 BOG Year. I would also like to specifically thank CFO Jorge Perez, Executive Director Terra Nevitt, and the entire Board of Governors. Without everyone's hard work, teamwork and collaboration, none of the important achievements that we as a Board have accomplished this year would be possible.

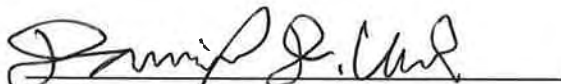
For the upcoming year, here are some of the goals that I would like to see the B & A Committee and Board of Governors emphasize in our continued work on behalf of WSBA and our membership are the following:

- Performing an extensive examination of the current WSBA employee & volunteer expense and travel reimbursement policies and procedures and looking to clarify and clean up various ambiguities in the policy.
- Working with the WSBA BOG Officers and Executive Director and Strategic Planning Committee on establishing a five (5) year vision for the direction of the WSBA in terms of physical location and needs of the organization. We should be striving to look to reduce our current organization physical footprint in downtown Seattle.
- Continue to work towards increasing transparency and communication of WSBA financial matters to the membership, and the public in which members of WSBA serve.
- Continue to collaboratively work with the members of the B & A Committee to accomplish collective goals for FY 2021.

I would like to continue the hard work and dedication in this position and to carry out the goals of the Board of Governors as they relate to WSBA financial matters for the 2020-21 BOG year.

I have included a list of my academic, professional, and relevant BOG assignments and qualifications for this position.

Respectfully,



Daniel D. Clark
District 4 Governor/WSBA Treasurer
WSBA #35901

Academic Qualifications to continue as WSBA Treasurer:

- Graduated Magna Cum Laude with BA Degree in Political Science from Central Washington University.
- Dean's Scholar Academic Award from the College of the Sciences from Central Washington University.
- Graduated Cum Laude, in top 1/3 of law class from Gonzaga School of Law.

Professional Qualifications to be Treasurer:

- Worked in Yakima County Government for almost 18 years.
- Served as attorney for the Yakima County Treasurer Ilene Thomson for approximately 16 years.
- Worked as attorney for the Yakima County Budget Director Craig Warner for approximately 16 years. Craig is also the current President of the Washington Finance Officers Association. (WFOA).
- Worked as attorney for Yakima County Auditor(s) Corky Mattingly for 9 years and current Auditor Charles Ross for the last (7) plus. Routinely successfully interact and defend Yakima County with the Washington State Auditor's Office.
- Directly responsible for annual Yakima County Budget allocation determinations of the indirect cost plan for In-House and private outsourced legal services which are then allocated to various Yakima County Departments as part of a seventy-eight (78) million dollar annual budget.
- Routinely help advise various Yakima County Department Heads and Elected Officials with preparing their annual department budgets as part of a seventy-eight (78) million dollar annual budget.
- Extensive experience collaboratively and respectfully interacting with the State Auditor on audits of various Yakima County and other Governmental Clients. I have vast experience in reading audit reports, financial statements, management letters, and I've successfully had proposed findings reduced to management letters, and management letters reduced to informal exit interview recommendations.

- Responsible for all things financial for Yakima County, including but not limited to: Ad valorem property taxation, collection, and foreclosures, Tax Levies, Bonding, Contracts, Interlocal Agreement drafting and negotiation, and Utility tax franchise negotiations. I also am responsible for all wage assignments, levies, garnishments, and accord and satisfactions, as well as filing of Article 9 U.C.C. filings and all Bankruptcy defense litigations for Yakima County to attempt to collect ad valorem property taxes, security interests and legal financial obligations as creditor(s) in Chapter 7, 13 and 11 Bankruptcy proceedings.

Current relevant BOG assignments:

- Have had the honor and privilege to serve on Board of Governors since July 27, 2017.
- Current WSBA Treasurer for 2019-20. Current 2L BOG Class Executive Committee representative. Attended every Executive Committee meeting the last two years as class representative and now WSBA Treasurer.
- I currently am a member of the Budget and Audit Committee. I believe I have attended every meeting either in person, or by telephonic or zoom participation since October 1, 2017.
- I am extremely knowledgeable of current and historical WSBA cost centers that have been subject to deficit spending by member license fees under the WSBA general fund.
- I have an excellent collaborative working relationship with WSBA CFO Jorge Perez, his financial staff, and with Interim Executive Director Terra Nevitt.
- Former BOG WSBA Structure Committee member and I have extensively studied the various WSBA cost centers within the FY 2020 current WSBA budget and the proposed FY 21 WSBA budget for their potential implications with the Fleck and Janus related litigations.
- I am a member of the BOG Personnel Committee, Executive Committee, and have proudly served as the Rule 6 Law Clerk Liaison for the 2017-18, 2018-19, and 2019-20 BOG years.
- I am currently serving as an APR Rule 6 Mentor for a law clerk student. We are in month 8 of the 48 month program and currently studying Month 2 of Civil Procedure.

- I believe I have a proven track record of hard work, reliability, and successful collaborative working relationships interacting with current, future, and past Governors and WSBA staff.

My promises if selected to continue as WSBA Treasurer:

- I will work continue to work collaboratively and respectfully with the members of Budget and Audit to carry forth the mission of the Budget and Audit Committee for 2020-21.
- I will continue to work collaboratively and respectfully with the staff of WSBA.
- I will zealously look for ways to continue to save member license fee money while maintaining robust WSBA services.
- I will continue to collaboratively work with the WSBA President, President-Elect and Immediate-Past President as one of the WSBA BOG Officers.
- I would continue to work to increase transparency and communication of WSBA financial matters to the BOG, the membership and the public in which WSBA serves.

MEMORANDUM

To: President Rajeev Majumdar
Interim Executive Director Terra Nevitt

From: Chair Jefferson Coulter, WSBA Court Rules & Procedures Committee
Governor Brian Tollefson, Liaison to WSBA Court Rules & Procedures Committee

Date: June 9, 2020

Re: Role of the Court Rules and Procedures Committee

February 19, 2020, request from President Majumdar and Interim Executive Director Nevitt to consider the purposes of GR 9, the role articulated for WSBA, and make a recommendation to the Board of Governors as to what additional activities WSBA may want to engage in to help support achieving the purposes of GR 9.

Discussion and Background

General Rule 9 identifies as responsibilities for WSBA:

- Section (f) Consideration of Suggested Rule by Supreme Court. This section provides that the Court shall forward each suggested rule (except those deemed to be “without merit”) to WSBA and provide a deadline by which WSBA may comment in advance of the Court’s threshold decision whether to reject, adopt a technical change without comment, or order the rule published for comment.
- Section (g) Publication for Comment. This section charges WSBA with publishing proposed rules on its website and in the Washington State Bar News.

The Court Rules and Procedures Committee serves a vital role in the functioning of the legal system in Washington. Under GR 9, the committee meets regularly to review rules according to the schedule laid out by the Supreme Court. A key strength of the committee is its diversity of members and interests. The Committee gives careful attention to the recruitment of WSBA members who represent a diversity of people, geographies, practice areas, and points of view. Although the reasons for serving are as diverse as the committee, each member volunteers to serve out of a sincere interest in improving the operation of Washington courts.

The committee as a whole meets monthly. Its subcommittees—determined by the rules under review—meet as often as necessary between each monthly meeting to discuss suggestions and proposals, draft revisions, and vet proposals made by various interest groups and stakeholders. Decision-making is deliberative and consensus based. Through this collaboration, proposals are refined, vetted to ensure they comply with evolving case law and statutory enactments, and harmonized with existing statutes and rules to reduce confusion and eliminate unnecessary ambiguity.

The committee is aware that recently an increasing number of rules have been proposed directly to the Supreme Court. We make the following recommendations to the BOG to ensure that these competing rules—sometimes conflicting—receive the broadest level of comment, consideration, and input:

1. Request that the Supreme Court forward all meritorious suggested rules to WSBA in accordance with GR 9(f).
2. Invite one justice of the Supreme Court or an appointed liaison to attend Committee meetings to improve communication between the court and the committee.
3. Charge the Committee with the duty of responding to suggested rules proposed directly to the Supreme Court.

We believe these simple procedures and practices will improve the quality of rules and their certainty. They also would ensure a thorough review of a proposal to determine if it is truly warranted given existing rules, in the best interests of the public, and with an eye on improving access to justice in Washington.

Kind Regards,

/s/ Jefferson Coulter
Jefferson Coulter

/s/ Brian Tollefson
Brian Tollefson

TO: WSBA Board of Governors
FROM: Interim Executive Director Terra Nevitt
DATE: July 16, 2020
RE: **Ratification of Emergency Bylaw Amendment Article VI.G – Governor Elections**

ACTION: Ratify the emergency amendment to the WSBA Bylaws, Art. VI.G to extend the time period for governor elections approved by the Board of Governors at its May 19, 2020 Special Meeting.

Pursuant to WSBA Bylaws XVI (C), emergency amendments can occur for good cause, and then to be scheduled in regular course to be ratified in regular course. The Board of Governors unanimously approved an amendment to Article VI.G to extend the time period for governor elections at a special meeting on May 19, 2020. The Bylaw is now presented for ratification. This is the second reading for this ratification.

Attached, please find:

- May 13, 2020 Memo from Pres. Mujumdar, as presented at the May 19 Special Meeting
- Redline of WSBA Bylaws, Article VI, Section G, as presented at the May 19 Special Meeting

TO: WSBA Board of Governors
FROM: Rajeev D. Majumdar, President
DATE: May 13, 2020
RE: Brief One-Time Extension on Conducting Elections – violation of current Bylaws

ACTION/DISCUSSION : Proposed Bylaw Amendments –Elections

These amendments are intended to achieve three goals:

1. Policy/Governance Transparency.
2. Enhance Member Influence/Engagement in WSBA Governance.
3. Ensure Public Health Safety.

This change would allow the BoG to conduct its 2020 elections in as close to normal a fashion as possible- while not violating any laws or proclamations issued by Gov. Inslee and his Stay Home Stay Healthy initiatives which were issued in response to the Corona Virus Pandemic of 2020. Elections are required to be held by the 38th week of the fiscal year, and any public gathering is likely to be prohibited at that time.

This will be the last election of an At-Large Governor by the BoG before the new procedure takes effect, and both the At-Large Governor and President-Elect elections would normally have to occur before what looks like the probable lifting of gathering restrictions. In order to give the membership, the candidates, and the Board the most thorough and conducive process, and in keeping with the Governors’ preferences for when a meeting should occur, the following Emergency Bylaw is offered. It grants a slight time buffer in case of unexpected disaster- but it is the President’s plan to achieve the election in week 39.

Pursuant to WSBA Bylaws XVI (C), such an amendment can occur for good cause, and then to be scheduled in regular course to be ratified in regular course.

**Proposed Bylaw Amendments –Elections
(Art. VI)**

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REDLINE PROPOSED BYLAW AMENDMENTS re: Governor Elections

VI. ELECTIONS

...

G. 2020 Elections - In response to the Corona virus and public safety concerns, the 2020 elections conducted by the Board of Governors pursuant to these Bylaws may be scheduled anytime prior to 44th week of the fiscal year.

... [ALL OTHER PARTS OF SECTION VI UNCHANGED]



WSBA

Pro Bono and Public Service Committee

TO: WSBA Board of Governors

FROM: Pro Bono and Public Service Committee

DATE: July 8, 2020

RE: Proposal to Reduce Barriers to Access for Emeritus Pro Bono License Status

ACTION: Adopt the recommendations of the Pro Bono and Public Service Committee; direct WSBA to take all required or appropriate action to change APR 1(e), APR 3(g), GR 24(b)(1); and amend Section III B (4) of the WSBA Bylaws consistent with the recommendations; and submit these proposed changes and amendment to the Washington Supreme Court in accordance with GR 9.

The Board of Governors created the Pro Bono and Public Service Committee 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.

In October of 2019, the Pro Bono and Public Service Committee (PBPS) passed a resolution supporting the elimination of various structural barriers facing members of the bar seeking Emeritus Pro Bono status (recommendations 1, 3-5). The PBPS intends to discuss and vote on the final recommendation (2) at the May 2020 meeting. The PBPS recommends:

1. Removing the years of practice requirement for eligibility
2. Providing the option for a waiver of annual license fees for Emeritus Pro Bono members who provided 30 hours of pro bono service in the previous calendar year
3. Clarifying the rules regarding Emeritus Pro Bono members seeking to move back to active membership
4. Clarifying that the rules to permit Emeritus Pro Bono members to volunteer for multiple Qualified Legal Service Providers (QLSPs)
5. Simplifying the name of the program to “Pro Bono Status” and clarifying that members do not need to be “otherwise retired” and that inactive members are eligible to apply for Emeritus Pro Bono status

The PBPSC sees these unclear and/or unnecessary rules and restrictions as barriers to engaging members to volunteer; barriers which could be removed at negligible cost to the WSBA, while furthering the organization's mission to serve the public and members of the Bar.

Emeritus Pro Bono Membership Status

Emeritus Pro Bono members have a limited license to practice law. They may only practice through a QLSP without compensation. Currently, Emeritus Pro Bono members pay annual license fees equal to those of inactive members (currently \$200 for attorneys). The average pro bono hour contribution of Emeritus Pro Bono members consistently exceeds the aspirational 30 hours set by RPC 6.1.

Since 2014, 5,131 members have switched from active to inactive or voluntarily resigned and only 67 have opted for Emeritus Pro Bono. There are currently 114 Emeritus Pro Bono members. Although Emeritus Pro Bono status is not age restricted, the majority of Emeritus Pro Bono members are over the age of 60 and 90% of Emeritus Pro Bono members are over the age of 50.

This effort to eliminate barriers and retain legal knowledge in the profession works to accomplish one of the strategic goals set out by the Bar; to support member transitions across the life of their practice. We also know that Emeritus Pro Bono attorneys are drawn back into active status because they have continued to be involved in the practice of law, without the pressure of making a living from law. Several of these members are parents who are taking time to raise their family but do not want to completely leave the legal profession. A flexible Emeritus Pro Bono rule would encourage WSBA members to stay involved, retain their skills, and provides a viable path to return to active membership, while providing much needed legal services to low- and moderate-income Washingtonians.

Recent History of PBPSC and BOG actions

In 2008, the BOG Bylaw Review Committee recommended changing the name of Emeritus membership status to Emeritus Pro Bono and waiving the license fee while requiring 80 hours of pro bono work per year. At that time there were 124 emeritus members. The Pro Bono and Legal Aid Committee (now the Pro Bono and Public Service Committee) supported eliminating the fee but not requiring a set number of volunteer hours. Committee members at the time feared that requiring a certain number of hours might actually decrease participation. The Board of Governors came to a consensus that the fee amounts should not be set out in the bylaws but did rename the status.

In 2016 the PBPSC approved a recommendation to eliminate the license fee for Emeritus Pro Bono members.¹ The BOG declined to take action due to the potential fiscal impacts. As a result, the PBPSC refocused to look at other barriers to participation.

This proposal is targeted to correct significant barriers that stand between qualified WSBA members who are deciding between resignation, inactive status, or providing pro bono services, including the current licensing fee.

¹ See 2017 Brendan Vador memo Re: Emeritus Research, attached

Similar Programs in Other States

While Washington was a relatively early adopter of the Emeritus Pro Bono status in 1998 its membership remains less than 0.3% (109/40360) of the bar and in that intervening 20 years many States have made significant changes to their rules.² There are 44 jurisdictions that have adopted some form of Emeritus Pro Bono rules. The majority³ of these states do not place any restrictions on the years of practice for eligibility. The vast majority⁴ of states place no restriction on age.

Our southern neighbor, Oregon, places no age restriction on eligibility and places no restriction on years of practice for Oregon attorneys. Oregon allows out of state attorneys to become Active Pro Bono members of the Oregon bar, but does place a years of practice restriction on out of state attorneys.

Our northern neighbor, Alaska, like Oregon, places no restriction on age nor does it have a years of practice requirement. Additionally, Alaska waives license fees for Emeritus attorneys.

The modest rule changes recommended by the PBPSC would place the WSBA marginally closer to a State like Texas, which has significantly more liberal requirements. For example, the NOVA program (Texas' version of Emeritus Pro Bono) does not place any restrictions on age/years of practice or current status, allows out of state attorneys to participate, and waives license fees.

Recommendations of the Pro Bono Public Service Committee

1. *The rules should be amended to eliminate the requirement of active practice for five of the last ten years (the 5/10 rule)*

Qualification for Emeritus Pro Bono Status requires that an attorney must have actively practiced in Washington for five of the previous ten years. This requirement is an unnecessary barrier to the provision of pro bono services in Washington. Although the rule may have been initially intended as a way to ensure that Emeritus Pro Bono attorneys provide competent legal services, there are adequate safeguards already in place. In order to provide pro bono services under an Emeritus Pro Bono status a QLSP must screen and accept the volunteer and the WSBA requires that an Emeritus Pro Bono member receive training before certifying the status. Notably, the WSBA has the flexibility to prescribe training for those on Emeritus Pro Bono status, pursuant to APR 3(g)(1)(D). This training is in addition to any training required by the QLSP.

The experience of other states is illustrative. For example, as the ABA reports, the Texas Lawyers Care project (TLC), which contributed to substantial revisions to the Texas emeritus rules, effective as of 2018, came to the following conclusions, "The Texas Lawyers Care project shows an

² In May 2019, the American Bar Association published a comparative chart of the 44 jurisdictions with Emeritus-type rules. The chart compared data points such as years of practice requirements, fee waivers and reductions, MCLE requirements, and requirements for working with a certified legal services program. The chart is accessible [here](#).

³ 29/44 (66%)

⁴ 39/44 (89%)

instance in which a restrictive rule served as an impediment in recruiting interested emeritus attorneys. The Texas rule required that an attorney have been active for five of the past ten years. Of the attorneys who responded to the TLC recruitment, five were ineligible even though they were accomplished lawyers. For instance, one practiced law and then turned to legal teaching for seven years before seeking to volunteer; while another left her practice at childbirth and would have liked to contribute her legal expertise. TLC found that the ‘five of ten’ rule ‘is a poor proxy for competent representation,’ and that active supervision and tracking is a better approach.”⁵ Additionally, the ABA report contains a survey of states that allow for an Emeritus Pro Bono status. That survey found that of the 44 states that have an Emeritus Pro Bono status, two-thirds of them have no “years of practice” rule at all.

Furthermore, active members are presumptively qualified to practice law in a pro-bono or for-profit environment. If an active member wishes to change status, requiring five years of recent experience to provide pro bono service is unnecessarily punitive. Additionally, attorneys with active status are not required by current rules to actually engage in the practice of law. For example, a newly licensed attorney straight out of law school, who may or may not have any active practice experience, or someone who has remained on active status despite not actively practicing for many years, may freely volunteer with a QLSP without facing a similar barrier. The rules merely require that such attorneys pay their active status license fees and satisfy the MCLE requirements. This creates two different sets of standards for those who wish to volunteer through a QLSP and unnecessarily burdens those who wish to do so through the Emeritus Pro Bono Status.

Further, there are no requirements that lawyers complete MCLE credits in specified practice areas. Thus, an attorney on active status could take a pro bono case outside of his or her area of specialty and, in fact, without any current or previous experience whatsoever. The WSBA rules regarding active status assume lawyer competence but do not ensure it by requiring that a lawyer be engaged in the active practice of law or requiring MCLE’s in the practice area of the intended pro bono service. The PBPSA believes this creates an unnecessarily punitive discrepancy among active and inactive lawyers who wish to provide pro bono service.

WSBA requires that lawyers with Emeritus Pro Bono status may practice only through a QLSP. In order to become a QLSP, a legal service provider must either “provide malpractice insurance for volunteers or have a policy in place to require that all volunteers carry their own malpractice insurance.”⁶ This requirement provides an additional safeguard to assure lawyer competence when engaging in pro bono service. Both the QLSP and the lawyer must be mindful of insurance reporting and procedure requirements.

The 5/10 rule unnecessarily restricts new members from service. For example, the 5/10 rule can be especially burdensome for parents who opt out of the practice of law to raise a family. If a newly licensed attorney, after only practicing law for three years before going inactive to focus on personal or family obligations, attempts to return to the practice when their children are older (even if limited to pro bono practice) they may find they are prohibited from doing so unless they re-take the bar exam, an onerous and impractical requirement for those who wish to limit practice to unpaid work. Reducing

⁵ See David Godfrey & Erica Wood, *Emeritus Attorney Programs: Best Practices and Lessons Learned*, American Bar Association Commission on Law and Aging (Sept. 2010). Available [here](#).

⁶ <https://www.wsba.org/connect-serve/volunteer-opportunities/psp/qlsp>

barriers to allow members to provide pro bono services not only helps the community but it helps the bar. Members in active practice, through for-profit activities or community enhancing pro bono services, maintains a skilled bar and any restriction on practice leads to atrophy of skill. The best alternative to active practice is Emeritus Pro Bono. It is the recommendation of the PBPSC that the eligibility requirement for Emeritus Pro Bono status of active practice within five of the previous ten years be eliminated.

- 2. The rules should be amended to allow for a fee waiver if 30 hours of pro bono service were provided through a QLSP in the previous calendar year*

It is the view of the PBPSC that the requirement that Emeritus Pro Bono Status members pay license fees equal to inactive members constitutes a significant barrier to participation.⁷ Emeritus Pro Bono attorneys pay license fees of \$200/year for the privilege of providing free legal services to Washington's low-income residents. Members whose practice is limited to only pro bono service through a QLSP should not be required to pay for opportunity to provide their services for free.

The 2015 Civil Legal Needs Study showed that only 24% of Washington's low-income residents who faced a civil legal issue were able to obtain assistance from an attorney.⁸ With such great need, the WSBA should do everything it can to encourage members to provide pro bono services yet charging substantial license fees to those who's practice is limited to only pro bono service does the opposite.

While in the past, the view of this committee was that a specific number of hours of pro bono service should not be required, the PBPSC acknowledges that in the absence of some type of accountability measure, inactive members may be incentivized to switch to Emeritus Pro Bono status to avoid the expense of license fees, but without actually providing any pro bono service. Since the goal is to actually increase the hours of pro bono service provided, the PBPSC recommends the license fee waiver be available to Emeritus Pro Bono status members who provided at least 30 hours of pro bono service within the previous calendar year, which is consistent with the number of hours of pro bono service recommended for all attorneys in RPC 6.1. The PBPSC believes 30 hours of pro bono service in a given year is a reasonable expectation and could be achievable for a volunteer no matter what other responsibilities they may have, for example, working full-time or being a primary caregiver to children or other family members. However, the PBPSC recognizes that in more rural areas of the state there may not be opportunities to provide 30 hours of service through a QLSP in one year. For example, if a QLSP offers a monthly legal clinic, but only 2 hours of service are available at each clinic, someone who volunteers at every opportunity would only obtain 24 hours of service per year. The PBPSC looks forward to receiving input from stakeholders including QLSPs and volunteer attorneys regarding the appropriate number of hours of service that should be required for fee waiver eligibility.

- 3. The rules should be amended to clarify that Emeritus/Pro Bono members are eligible to return to active status*

⁸ https://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf

Section III. D. 1. c. of the WSBA bylaws provide that “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.” In contrast, Section III. D. 1. a 3) of the bylaws states that “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. “(emphasis added).

The definition of “Active legal experience” found in APR 1(e) currently does not explicitly include practice under the Emeritus Pro Bono status, though our understanding is that internal WSBA policy allows for consideration of experience under Emeritus Pro Bono status. It is easy to imagine a scenario where an attorney decided to take advantage of the Emeritus Pro Bono status for a period of time but wanted to return to active status at some point down the road. The rule should be amended to make clear to members that their time practicing under the Emeritus Pro Bono program could count as “active practice.” The PBPSA recommends that practice under Emeritus Pro Bono status should be included in the definition of “active legal experience” under APR 1(e).

4. *Clarify that an Emeritus Pro Bono volunteer may volunteer with multiple QLSPs*

Similarly, the rules are not clear regarding whether an Emeritus Pro Bono member may volunteer with more than one QLSP. WSBA policy does allow for registration with more than one QLSP concurrently, as indicated by the Emeritus FAQ Sheet.⁹ A minor change to APR 3(g) would make the language of the rule consistent with current WSBA policy and eliminate any confusion.

5. *The rules should be amended to clarify that members currently on ‘inactive’ status are eligible to apply and remove “Emeritus” from the name*

The PBPSA recommends that the requirement that a WSBA member be “otherwise retired from the practice of law” should be removed and that the name of the Emeritus Pro Bono status be changed to simply “Pro Bono Status”. While the PBPSA is unaware of any instances where the WSBA has barred someone from practicing for violation of the “otherwise retired” requirement it is also unaware of any standards of in place to determine what level of activity qualifies as “otherwise retired from the practice of law” and this language in the rule unnecessarily causes confusion about who is eligible. Similar to the 5/10 requirement, the language of the rule serves to exclude a large pool of potential volunteers, who may be “inactive” rather than “retired.” Additionally, this language might imply that return to active status is unavailable, which is not true.

⁹ Emeritus FAQ Sheet (available [here](#)):

“Q: Can I volunteer with more than one QLSP?

A: Yes. If you volunteer with more than one QLSP, complete page 4 of the application with the information about the additional QLSP and deliver it to the WSBA. We will provide you with an additional emeritus pro bono card with the name of the QLSP.”

The PBPSC recommends changing the name of the status from “Emeritus Pro Bono status” to “Pro Bono Status”, which would be the most inclusive approach to clarifying the qualifications for this status. The current name “Emeritus” implies that an attorney is contemplating between this status or retirement, or that the service will be limited or advisory in nature. However, this is a narrow view of the Emeritus Pro Bono status. Other individuals that could qualify for this status might have just joined the bar and taken a job where being an active member is no longer necessary (for example the thousands of in-house members), or they might have started a family and found the demands of active membership limiting, or they might have changed careers but still want to give back to the public. The Bar has an interest in all of these trained lawyers. Emeritus Pro Bono status is a fantastic opportunity to keep members engaged with the bar and provide an opening for them to return to active status. When someone faces the choice between going inactive, resigning, or Emeritus Pro Bono it is in the best interest of the WSBA, the community, and the attorney to choose Emeritus Pro Bono status. Changing the name of the status to simply, “Pro Bono Status” would more accurately reflect the nature of the status and eliminate inaccurate connotations associated with the term “Emeritus.”

Outstanding issues/questions

The following questions still need to be addressed, but the PBPSC believes that WSBA staff and/or the Board of Governors are best positioned to provide the research and information necessary to adequately address these questions.

- Would Active members seeking to change to Pro Bono Status be eligible for a fee waiver if they provided at least 30 hours of pro bono service during the previous year while they were still in active status?
- Could an inactive attorney who changes to Pro Bono Status receive a refund of their license fees for their first year of practice under Pro Bono Status if they provide at least 60 hours of service in that year?
- Would someone who provides at least 30 hours of service in their last year of practice under Pro Bono Status be eligible for a reduced fee for their first year after switching back to active or inactive status, or a refund after choosing to retire?

Conclusion

The PBPSC views the current Emeritus Pro Bono status rules as unclear and/or unnecessarily restrictive in ways that cause significant barriers to access for WSBA members considering leaving the active practice of law or seeking to provide necessary pro bono service to the public. The recommendations described above would provide additional clarity and reduce barriers to access in ways that will hopefully lead to increased participation in the program and a subsequent increase in the provision of pro bono legal services.

The Emeritus Pro Bono 5/10 eligibility rule is restrictive for the wrong reasons. The practical alternatives to Emeritus Pro Bono are inactive status or retirement. Neither of these latter statuses allows for the practice of law. Neither of these statuses increases the skillset of the bar. Neither of these statuses provides much needed legal services to the community. Emeritus Pro Bono status increases the

skillset of the bar and benefits the community. Hundreds of people retire each year. Hundreds of people go inactive each year. Tens of people elect for Emeritus Pro Bono status. Additionally, providing an option to waive annual license fees for Emeritus Pro Bono status members who provide pro bono services would create a greater incentive for members to participate and to put their skills to good use serving the community. Finally, the name “Emeritus Pro Bono” implies retirement and leaving the active practice of law for good. Changing the name would reduce a barrier in language faced by those hoping to encourage people who have otherwise left the practice of law to contribute their legal knowledge back to the community.

The WSBA is in a unique position to champion justice in a time where we know the civil legal needs of low and moderate-income clients are not being met. Based on the 2015 Civil Legal Needs Study Update, we know there is a large gap of legal aid attorneys needed and thus we must turn to the larger WSBA membership to help meet the legal needs of the public. Making these changes to the Emeritus Pro Bono status is one simple way to address this very real and harsh reality many members of the public struggle with.

Attachments:

1. PBPSA Emeritus Research Memo
2. APR1e Redline
3. APR3g Redline
4. GR24 Redline
5. Bylaw Redline
6. Feedback Received from Cowlitz Whatcom Legal Aid
7. Feedback Received from Yakima VAS
8. Feedback Received from Thurston County Volunteer Legal Services
9. Feedback Received from Pro Bono Council
10. Feedback Received from Kitsap Legal Services
11. Feedback Received from CDVAS
12. Feedback Received from Eastside Legal Assistance Program

MEMORANDUM

TO: WSBA Pro Bono & Public Service Committee; Barriers Subcommittee
FROM: Brendan Vandor
DATE: September 8, 2017
RE: Emeritus Research

A. Introduction

In only the last five to ten years, dozens of states have enacted new rules permitting retired or elderly attorneys (the so-called “emeritus” class) to provide pro bono legal services. The purpose of such programs is to facilitate pro bono representation by retired/retiring lawyers (or those who are simply taking a break from the practice of law) who otherwise may choose inactive status or even to resign from membership in the state bar. To encourage emeritus participation, many states waive or reduce the annual registration fee necessary for an active license to practice law for these emeritus attorneys.

This memorandum will provide a brief overview of emeritus programs nationwide, detail Washington’s emeritus pro bono policy, analyze several interesting nationwide trends and features of emeritus programs, and provide recommendations for how this committee can succeed with a proposal to the WSBA Board of Governors to expand emeritus participation in Washington.

B. Emeritus Programs in Washington and Other States

As of 2016, 38 states had emeritus programs, including every state in the Ninth Circuit. The following twelve states still lack emeritus programs: Arkansas, Indiana, Kentucky, Louisiana, Missouri, Nebraska, Ohio,¹ Oklahoma, Pennsylvania, Rhode Island, Vermont, and Wisconsin (see map below).²

¹ Ohio recently enacted an emeritus program that began in 2017.

² David Godfrey & April Faith-Slaker, “Emeritus Attorney: Pro Bono Practice Rules: Participation, Recruitment and Case Placement.” American Bar Association, 2016.

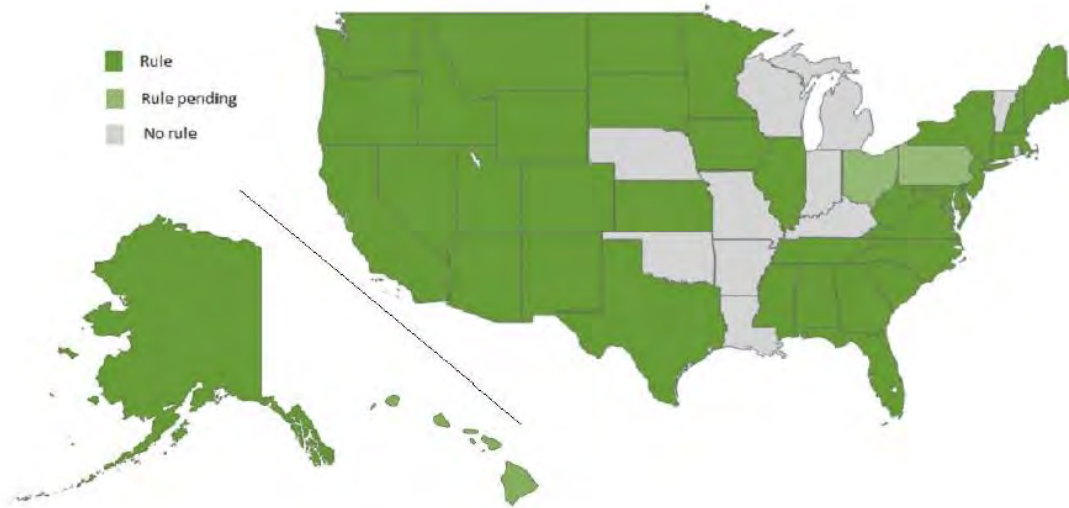


Figure 3. Graphic Distribution of States With and Without Emeritus Pro Bono Rules. Dark green represents states that have a rule, light green represents states with pending rules, and grey represents states that do not have a rule.

Three categories of attorneys are generally considered by emeritus programs: retired, inactive, and out-of-state. Of the 38 states with emeritus programs, 25 allow participation of retired attorneys. “Inactive” attorneys are permitted to practice in 27 of the 38 emeritus programs. Confusingly, some states allow only retired attorneys to participate, while others allow only inactive attorneys to participate. However, there is some confusion as to whether retired attorneys might actually be included in the “inactive” classification for certain states, and vice versa.

Out-of-state attorneys are the least included class, permitted to join emeritus programs in just 18 of the 38 states (though most out-of-state attorneys also face several additional requirements in order to participate in emeritus programs, which will be discussed later). Interestingly, New Jersey allows *only* out-of-state attorneys to participate in its emeritus program, demonstrating the wide variety in emeritus rules and requirements around the country.

Four states have age requirements and restrictions as well. For example, Utah permits retired attorneys to join its emeritus program only if they are 75 years or older (or have 50 years of more of practice). Georgia’s requirement is 70 years. In New York, emeritus participants must be at least 55 years of age. In Delaware, attorneys must be 65 years of age (though the rule allows the Delaware Supreme Court to waive the age requirement on a case-to-case basis).

Below is specific information concerning the emeritus programs in Washington, as well as three states of note: Oregon, California and New York:

1. Washington

Washington places no age restriction on attorneys wishing to take part in its emeritus program. The program is open to retired attorneys (note: not inactive) and to out-of-state attorneys who have practiced for 10 of the past 15 years. New in-state applicants must have practiced for five

of the last 10 years (this would seemingly prevent retired attorneys who have been out of practice for more than five years from participating in the program, an obvious barrier). Dues are reduced and CLE requirements are waived, save for a one-time orientation training. Finally, no direct supervision of the emeritus attorneys is required, and malpractice insurance is not mentioned in the court rule.

2. Oregon

The emeritus program in Oregon is remarkably wide open, permitting *any* attorney to join. Notably, this means that even lawyers with zero years of practice can join. However, participation comes with one large caveat: the attorney must *only* do pro bono work and must cease active lawyering altogether. Additionally, out-of-state attorneys must have at least 15 years of experience and must be admitted to the emeritus program upon motion. Annual bar membership dues are reduced: the fee is equivalent to the inactive membership fee plus an assessment for a “Client Security Fund.” Emeritus attorneys in Oregon are also exempt from compliance with MCLE requirements. Oregon emeritus attorneys must obtain malpractice insurance through Oregon’s Professional Liability Fund or the program referring the pro bono cases. Finally, there is no requirement that Oregon’s emeritus attorneys are supervised when offering pro bono services.

3. California

Similar to Oregon, California requires that its emeritus attorneys (including out-of-state attorneys) practice law on a pro bono basis only. It also requires the emeritus participants to submit an application annually, an odd and seemingly cumbersome requirement. Unlike Oregon, California has a “years of practice” requirement that emeritus attorneys must have practiced law for at least three years, and with three of five of those years coming in-state. It also requires that the applying attorney have no record of public discipline during the three years preceding his/her application. Significantly, California waives the annual state bar membership fee for its members, but still requires that they meet MCLE requirements, which may or may not represent a barrier. California also requires emeritus attorneys to have malpractice insurance, but notes that such insurance is “generally available” from the qualified legal service provider that organizes the pro bono opportunity. Finally, California’s rule states that “adequate supervision” of its emeritus attorneys is required, but does not define “adequate.”

4. New York

New York’s emeritus rules are the most inflexible of the three sampled in this memorandum. As stated above, it restricts its program to attorneys 55 or older and requires at least 10 years of practice. Additionally, all attorneys must commit to providing at least 30 hours of pro bono service annually. Out-of-state participation is not permitted and malpractice insurance and “direct supervision” of the emeritus attorneys are required. However, dues and CLE requirements are waived (though the legal services host organization must arrange free training appropriate for the pro bono assignment).

C. Analysis of Emeritus Program Features in Other States

1. Variation Among States

Of the 38 states that have adopted emeritus rules, there is quite a bit of variation. In a recent publication, the ABA cleverly captured this wide variation with a graphic of the fifty states, which is explained and shown below:

To capture an overall sense of the variation an index was created, consolidating all of these factors into a single composite number for each state. Here, a score of 0 indicates that the state does not have an emeritus rule and a score of 9 would indicate no restrictions along each of the factors considered. A state with a score of 9 would have no age restrictions, no practice year requirements, eligibility extending to all three of the above categories of attorneys, a full waiver of licensure fees for all categories, and no program or supervision requirements.

The average score for all of the states is 3.7, and the average score among only the states that have adopted an emeritus rule is 5.0. The states with the lowest scores, meaning they have adopted the most restrictive emeritus rules, include New York, Utah, Florida, New Jersey, and Virginia. The states with the highest scores, meaning they have adopted the least restrictive emeritus rules, include Illinois, North Carolina, Nevada, Kansas, and Iowa. No state at this time reaches a score of 9.³

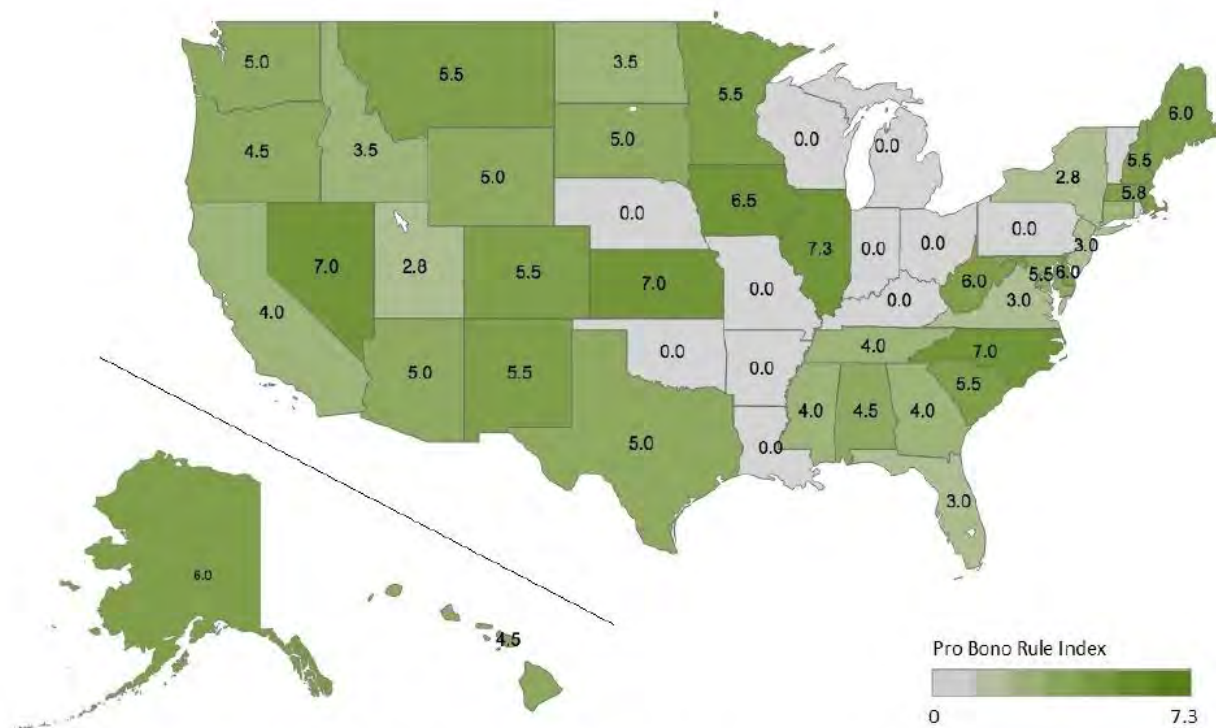


Figure 6. Index of Emeritus Pro Bono Rules, on a scale from 0-9. Zero indicates no rule in the state and a 9 indicates the least restrictive rule. The following factors were included in the index: age restriction, years of practice requirements, eligibility (retired, inactive, out of state), licensure cost, CLE requirements, and program and supervision requirements.

³ David Godfrey & April Faith-Slaker, “Emeritus Attorney: Pro Bono Practice Rules: Participation, Recruitment and Case Placement.” American Bar Association, 2016.

In the graphic above, Washington scored a 5.0, which was the average of states with emeritus programs. California scored a 4.0, Oregon a 4.5, and New York a 2.8. This chart may or may not be useful when presenting our proposal to the WSBA, considering that our main competition (Oregon and California) scored lower on this scale than Washington. Overall, however, it is probably useful for demonstrating that Washington is by no means the vanguard on the emeritus front and has several opportunities to broaden and expand its emeritus participation.

2. Data Analysis of Increase or Decrease in Emeritus Participation

Unfortunately, I was not able to track down any data online regarding whether other states have seen increases in emeritus participation after liberalizing its emeritus rules. Additionally, the ABA has compiled a database of emeritus contacts within each state’s bar organization, and I have contacted several of these individuals, including representatives for Oregon, California and New York. No representative with whom I spoke could give me any information about how emeritus participation has changed in response to certain rule changes. Some do not even keep information from year-to-year on that state’s total numbers of emeritus attorneys. More diligence on this front (i.e. contacting state bar representatives) is needed, as more data is probably out there.

3. Poll Results and Trends

Attorneys across the country hold several interesting beliefs about their state’s emeritus programs. For example, in a poll conducted in 2015-2016, the American Bar Association found that only an insignificant percentage of attorneys believe that requiring pro bono cases to be placed within a specific approved legal services provider creates an impediment to success:⁴



This data suggests that a potential barrier on paper (requiring emeritus attorneys to volunteer with an approved legal services provider) is not really a barrier at all in the minds of most attorneys. Washington’s current rule (requiring emeritus attorneys to work with a certified legal services program) should therefore not be seen as a barrier.

⁴ David Godfrey & April Faith-Slaker, “Emeritus Attorney: Pro Bono Practice Rules: Participation, Recruitment and Case Placement.” American Bar Association, 2016.

The ABA poll also found that attorneys believe that allowing out-of-state participation in the emeritus program increases overall recruitment:



While out-of-state attorneys are permitted to practice law in Washington, we may want to use the data represented in the poll, above, to encourage the WSBA to liberalize its rules regarding its years of practice requirement for out-of-state attorneys (15 years).

The ABA poll also found that attorneys strongly believe that including inactive attorneys in the emeritus pool increases recruitment:

The respondents for the present study were asked questions about the perceived effectiveness of including inactive attorneys in these rules. Sixty percent²⁶ of those who responded indicated that their rule included inactive attorneys. Of these respondents, the vast majority (88%) believed that this inclusion increases participation. In states where inactive attorneys are not included in the pro bono practice rule, the majority (71%) believe that it would increase participation if it were allowed.



It is unclear just exactly what kind of participation inactive attorneys can have in Washington. Either way, we should use this data to encourage the WSBA to allow inactive attorneys to participate to a level commensurate with retired attorneys, and perhaps should consider waiving

or changing the years of practice requirement (5 of the last 10 years for in-state applicants to the emeritus program).

The graph below can also be used to show the WSBA that, while we are outpacing New York and Oregon with respect to self-reported emeritus hours (note: a *highly* volatile measurement device), we are at about the same level of hours as Iowa, a state with less than half of our population. Clearly, there is room for improvement:



Figure 10. Hours reported under emeritus pro bono rules, 2014 and 2015, by state.

Finally, it is worth including in our presentation to the WSBA that the aging lawyer population (i.e. the incoming emeritus class) will look much different than it traditionally has. The reason? Women are composing a greater and greater portion of the attorney workforce, as seen in the graphic below:

U.S. Lawyer Population Pyramid by Age and Gender

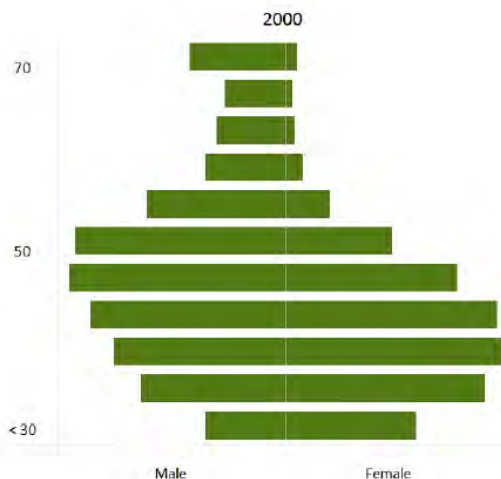


Figure 2. Lawyer population pyramids for lawyers in the U.S. in 2000. The x-axis represents gender, with male attorneys on the left and female attorneys on the right. The y-axis represents age groups, with attorneys under age 30 at the bottom and senior attorneys at the top.

This changing emeritus demographic may necessitate changes in the current emeritus program, such as offering inclusion to new parents who stepped away from the practice of law for more than 5 years to raise children.

4. Interesting Features

Several states have various features that could be useful for Washington to consider adding as a strategy to increase emeritus participation. Those features are as follows:

- Over half of emeritus programs allow inactive, in-state licensed attorneys;
- The duration of emeritus status varies from state-to-state: some states (California) require each participant to re-apply each year; in some states, emeritus status expires after a set amount of years (for example, two in New York and three in Minnesota); and in other states, there does not seem to be a set duration;
- In Minnesota, the names of attorneys granted emeritus status will be posted publically on the CLE Board's website;
- Requirements as to years of licensure range from 5-25 years;
- Maine reduces fees for all emeritus participants, but waives them completely for attorneys over 65 who have practiced for over 40 years;
- Texas waives fees for any emeritus participant over 70; and
- Some states have an hours requirement (New York); others recommend a number of hours (California recommends 100); and other states have no requirement whatsoever;

D. Recommendations

This committee recently brought an emeritus proposal before the WSBA Budget and Audit Committee that was turned down. There is reason to believe that this occurred because of a lack of statistical and/or empirical data backing up the proposal. Therefore, our proposal, which we should endeavor to bring to the Board of Governors in 2018, should focus more on persuasion of the statistical variety rather than the anecdotal variety. This memorandum includes some useful nuggets of data, but more research and empirical analysis is needed before a proposal can be developed.

Additionally, creativity should be encouraged. In the context of our proposal, creativity can and should mean "cherry-picking" the best and/or most interesting or eye-catching features of other state's emeritus programs. Below are my recommendations:

- Abolish the years of practice requirement in terms of requiring the attorney to have practiced for five of the past 10 years; this allows experienced, but currently inactive, attorneys who may have taken time off to raise a family, or to pursue a new career, to participate in the provision of pro bono legal services to individuals who could benefit from the experience of these attorneys;
- Abolish the out-of-state years of practice requirement;
- Waive bar membership fees for emeritus members (though we may need data showing that this rule change resulted in an increase in emeritus participation in other states);
- Advertise and celebrate the current members of the emeritus program (in a way equivalent or similar to what Minnesota does in terms of publically posting the names of the emeritus attorneys on its website);

- Allow lifetime emeritus membership, subject to a requirement that the attorney volunteers a certain number of hours per year; and
- If waiving fees for all participants is not feasible, waive them for all participants over 60, or with 35+ years of experience.

In the coming weeks and months, I will continue to attempt to gather any statistical data from other state bars regarding an increase (or decrease) in emeritus participation upon the enactment of new rules. As a subcommittee (and overall committee), we should begin discussing the most important elements we want to include in our 2018 proposal to the WSBA, and hopefully this memorandum can be used as a launching pad for such a discussion.

Proposed Changes to APR 1(e)

(e) Definitions. The following definitions apply throughout these Admission and Practice Rules except where otherwise stated:

(1) "Active legal experience."

(A) When used to describe a requirement for admission or licensure as, or otherwise regarding, a lawyer means experience in the active practice of law as a lawyer, including practice as a Pro Bono Status Lawyer licensed under APR 3(g), or as a teacher at an approved law school, or as a judge of a court of general or appellate jurisdiction or any combination thereof, in a state or territory of the United States or in the District of Columbia or in any jurisdiction where the common law of England is the basis of its jurisprudence;

(B) when used to describe a requirement for licensing as, or otherwise regarding, an LLLT, means active experience practicing law as an LLLT, including practice as a Pro Bono Status LLLT Licensed under APR 3(g);

(C) when used to describe a requirement for licensing as, or otherwise regarding, an LPO means active experience practicing law as an LPO, including as a Pro Bono Status LPO licensed under APR 3(g).

(2) "Bar" means the Washington State Bar, including Bar staff.

(3) "Bar counsel" means a staff lawyer employed by the Bar.

(4) "Board of Governors" means the Board of Governors of the Washington State Bar.

(5) "LLLT" means limited license legal technician.

(6) "LPO" means limited practice officer.

(7) "Member" means a person who is identified as belonging to a group identified as members by the Bar's Bylaws.

(8) "Qualified legal services provider" means a not for profit legal services organization in Washington State whose primary purpose is to provide legal services to low income clients

(9) "Supreme Court" means the Supreme Court of Washington.

Proposed Changes to APR 3(g)

(g) ~~Emeritus~~ Pro Bono Admission. A lawyer, LLLT, or LPO admitted to practice law in Washington State may apply for ~~emeritus~~ pro bono status when the lawyer, LLLT, or LPO is inactive or otherwise fully retired from the practice of law. An ~~emeritus~~ pro bono status lawyer, LLLT, or LPO shall provide legal services in Washington State only for a qualified legal service provider as defined in these rules.

(1) To apply, the lawyer, LLLT, or LPO shall:

(A) file an application in such form and manner as prescribed by the Bar;

~~(B) present satisfactory proof of active legal experience as defined in APR 1 or at least 5 of the 10 years immediately preceding the filing of the application;~~

~~(C)~~(B) file a certification from a one or more qualified legal services provider(s) that the applicant's practice of law will comply with the terms of this rule;

~~(D)~~(C) comply with training requirements prescribed by the Bar; and

~~(E)~~(D) furnish whatever additional information or proof that may be required in the course of investigating the applicant.

(2) Upon approval of the application by the Bar, the lawyer, LLLT, or LPO shall pay the current year's annual license fee in the amount required of inactive lawyers, LLLTs, or LPOs, whichever is the applicable license type. This fee shall be waived if the pro bono status lawyer, LLLT, or LPO provided at least 30 hours of pro bono service through a qualified legal service provider in the previous calendar year. ~~Emeritus p~~Pro bono status lawyers, LLLTs, or LPOs are subject to annual license renewal as provided by the Board of Governors.

(3) Upon admission under this section, the practice of law by a lawyer, LLLT, or LPO shall be limited to:

(A) providing legal service for no fee through a qualified legal services provider; or

(B) serving as an unpaid governing or advisory board member or trustee of or providing legal counsel or service for no fee to a qualified legal services provider.

The prohibition against compensation for ~~emeritus~~ pro bono status lawyers, LLLTs, or LPOs shall not prevent a qualified legal services provider from reimbursing ~~an emeritus~~ pro bono status lawyer, LLLT, or LPO for actual expenses incurred while rendering legal services under this rule. A qualified legal services provider shall be entitled to receive all court awarded attorney fees for any representation rendered by the ~~emeritus~~ pro bono status lawyer, LLLT, or LPO.

(1) ~~Emeritus p~~Pro bono status lawyers, LLLTs, or LPOs shall pay to the Bar an annual license fee in the amount required of inactive lawyers, LLLTs, or LPOs, whichever is the applicable license type. This fee shall be waived if the pro bono status lawyer, LLLT, or LPO provided at least 30 hours of pro

bono service through a qualified legal service provider in the previous calendar year.

(2) The practice of a lawyer, LLLT, or LPO admitted under this section shall be subject to the applicable Rules of Professional Conduct, disciplinary rules, and to all other laws and rules governing lawyers, LLLTs, or LPOs admitted to the Bar.

(3) ~~Emeritus p~~Pro bono status lawyers, LLLTs, or LPOs shall be exempt from compliance with APR 11 concerning mandatory continuing legal education.

(4) ~~Emeritus p~~Pro bono admission shall be automatically terminated and converted to inactive status when the lawyer, LLLT, or LPO fails to comply with the terms of this rule.

Proposed Changes to GR24

GENERAL RULE 24 DEFINITION OF THE PRACTICE OF LAW

(a) General Definition: The practice of law is the application of legal principles and judgment with regard to the circumstances or objectives of another entity or person(s) which require the knowledge and skill of a person trained in the law. This includes but is not limited to:

(1) Giving advice or counsel to others as to their legal rights or the legal rights or responsibilities of others for fees or other consideration.

(2) Selection, drafting, or completion of legal documents or agreements which affect the legal rights of an entity or person(s).

(3) Representation of another entity or person(s) in a court, or in a formal administrative adjudicative proceeding or other formal dispute resolution process or in an administrative adjudicative proceeding in which legal pleadings are filed or a record is established as the basis for judicial review.

(4) Negotiation of legal rights or responsibilities on behalf of another entity or person(s).

(b) Exceptions and Exclusions: Whether or not they constitute the practice of law, the following are permitted:

(1) Practicing law authorized by a limited license to practice pursuant to Admission to Practice Rules 8 (special admission for: a particular purpose or action; indigent representation; educational purposes; [emeritus pro bono status](#) membership; house counsel), 9 (legal interns), 12 (limited practice for closing officers), or 14 (limited practice for foreign law consultants).

(2) Serving as a courthouse facilitator pursuant to court rule.

(3) Acting as a lay representative authorized by administrative agencies or tribunals.

(4) Serving in a neutral capacity as a mediator, arbitrator, conciliator, or facilitator.

(5) Participation in labor negotiations, arbitrations or conciliations arising under collective bargaining rights or agreements.

(6) Providing assistance to another to complete a form provided by a court for protection under RCW chapters 10.14 (harassment) or 26.50 (domestic violence prevention) when no fee is charged to do so.

(7) Acting as a legislative lobbyist.

(8) Sale of legal forms in any format.

(9) Activities which are preempted by Federal law.

(10) Serving in a neutral capacity as a clerk or court employee providing information to the public pursuant to Supreme Court Order.

(11) Such other activities that the Supreme Court has determined by published opinion do not constitute the unlicensed or unauthorized practice of law or that have been permitted under a regulatory system established by the Supreme Court.

(c) Non-lawyer Assistants: Nothing in this rule shall affect the ability of non-lawyer assistants to act under the supervision of a lawyer in compliance with Rule 5.3 of the Rules of Professional Conduct.

(d) General Information: Nothing in this rule shall affect the ability of a person or entity to provide information of a general nature about the law and legal procedures to members of the public.

(e) Governmental agencies: Nothing in this rule shall affect the ability of a governmental agency to carry out responsibilities provided by law.

(f) Professional Standards: Nothing in this rule shall be taken to define or affect standards for civil liability or professional responsibility.

Proposed Changes to WSBA Bylaw III(B)(4)

education credits or lawyer continuing legal education credits may be applied to the credit requirement for judicial members; if judicial continuing education credits are applied, the standards for determining accreditation for judicial continuing education courses will be accepted as establishing compliance.

9. Legal, legislative, and policy positions and resolutions taken by the BOG are not taken on behalf of Judicial members, are not considered to be those of Judicial members, and are not binding on Judicial members.
10. The Bar's disciplinary authority over Judicial members is governed exclusively by ELC 1.2 and RPC 8.5.

4. ~~Emeritus~~ Pro Bono

A member may become a ~~n~~ ~~Emeritus~~ 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.

~~Emeritus~~ Pro Bono members must not engage in the practice of law except as permitted under APR 3(g), but may:

1. Be appointed to serve on any task force, council, or Institute of the Bar. In addition, up to two ~~Emeritus~~ Pro Bono members are permitted to serve on the Pro Bono and Public Service Committee ~~Legal Aid Committee~~ (PBPSCLAC) and may be appointed to serve as Chair, Co-Chair, or Vice-Chair of that committee;
2. Join Bar sections;
3. Request a free subscription to the Bar's official publication; and
4. Receive member benefits available to ~~Emeritus~~ Pro Bono members.

5. Suspended

Members of any type and status can have their membership suspended by order of the Washington Supreme Court. Although suspended members remain members of the Bar, they lose all rights and privileges associated with that membership, including their authorization and license to practice law in Washington.

May 19, 2020, ed.

- C.
1.

REGISTER OF MEMBERS

All Bar members, including Judicial members who wish to preserve eligibility to transfer to another membership status upon leaving service as a judicial officer, must furnish the information below to the Bar:

- a. physical residence address; 9

Feedback Received from Volunteer Lawyer Programs (VLPs)

Paige Hardy

From: Lori Bashor-Sarancik <cwlap@live.com>
Sent: Friday, May 29, 2020 11:55 PM
To: Paige Hardy
Subject: Fwd: Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Follow Up Flag: Follow up
Flag Status: Completed

Hello Paige,

I hope you are doing well. I wanted to thank you for your work on this! I remember our initial conversations about the Emeritus status and the things we all found out about it that created some barriers for retired attorneys to fully embrace it. It seems like your work on this has made a difference and I hope it translates into more retired attorneys providing pro bono work for low income people across the State.

In our small community, the legal community has dwindled due to many retirements over the past 5 to 8 years, and the number of new attorneys practicing in our area has not offset this. Many of these retired attorneys still live in the community and may be a resource to volunteer if they have the interest.

A retired attorney may be operating on a limited income because they are no longer practicing. So, the waiver of fee to retain a license for the benefit of others just makes sense. I think this one change is significant and may, by itself, cause more retired attorneys to volunteer at QLSPs across the State. I don't think the 30 hours of pro bono service requirement is too burdensome, at least for ongoing Emeritus Pro Bono licensees who are renewing over and over.

The other situation we found is that there are many attorneys who have retired in the past 5 to 8 years, and they either did not know about the Emeritus status, or found the fee to be too much at \$200. So, they retired and/or went Inactive. If they find they later want to move back into Emeritus Pro Bono status and utilize their knowledge and skill to help low income people through a QLSP, they should be able to do that without overly burdensome fees and requirements. Assuming they could catch up on MCLE credits utilizing free training provided for volunteer attorneys, it makes sense they should be able to jump in and help if they so have the interest.

Let's not forget that the need to provide legal help to low income people who cannot afford an attorney is tremendous. In many rural areas of the state there simply are not enough practicing attorneys who can run their small offices with all of the associated expenses and effort, and still volunteer hours and hours of time for pro bono work. Retired attorneys in a community represent a possible group of volunteers who may now have some time and interest on their hands because they are no longer under the burden of running a law practice. If the Emeritus Pro Bono license is something we can suggest, and the requirements are not overly expensive or difficult, we may be able to grow our volunteer roster. Retired attorneys may want to reconnect at some level with the local legal community and with the local court. Many of them came to the practice because they like to help people and they still do. It is my hope that these suggested rule changes will facilitate those ideals.

I also like the change in the name of the license to include 'Pro Bono.' The change adds clarity and affiliates this special license with providing help to others through a local Legal Aid agency.

Again, thank you for your persistence and having a very good understanding on the challenges we face at a QLSP, especially in rural areas, trying to get more volunteer lawyers.

Very Best,

Lori Bashor-Sarancik
Cowlitz Wahkiakum Legal Aid

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From: Lori Bashor-Sarancik <cwlap@live.com>
Sent: Wednesday, May 27, 2020 8:52:10 AM
To: 'Elizabeth Fitzgearld' <elizabethf@ccvlp.org>; Eloise Barshes - Chelan-Douglas County Volunteer Attorney Services (director@cdcvas.org) <director@cdcvas.org>; Michael Terasaki <michael@probonocouncil.org>
Subject: Fwd: Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Could this be something the PBC supports as a group?

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From: Paige Hardy <paigeh@wsba.org>
Sent: Wednesday, May 27, 2020 8:43:56 AM
To: Qualified Legal Service Providers <qlsp@list.wsba.org>
Subject: RE:[qlsp] Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Dear QLSPs,

Good morning! I am emailing to request any feedback for the WSBA's Pro Bono and Public Service Committee's proposed changes to the Emeritus Pro Bono status. Please see my original email below.

We have only received one comment to date and would greatly appreciate any additional feedback that we can share with the Board of Governors.

Please let me know if you have any questions or concerns. Email is best at this time!

Best Regards,



Paige Hardy | Equity and Justice Lead – DEI & Public Service

Pronouns: She/Her

Washington State Bar Association | paigeh@wsba.org

1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | www.wsba.org

The WSBA is committed to full access and participation by persons with disabilities. If you have questions about accessibility or require accommodation please contact paigeh@wsba.org.

Paige Hardy

From: Quinn Dalan <yakimavas@yakimavas.org>
Sent: Thursday, May 28, 2020 11:06 AM
To: Paige Hardy
Subject: RE: [qlsp] Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

No feedback. It all sounded good. Thank you!

From: Paige Hardy <paigeh@wsba.orgqlsp@list.wsba.org>
Sent: Wednesday, May 27, 2020 8:44 AM
To: Qualified Legal Service Providers <qlsp@list.wsba.org>
Subject: RE:[qlsp] Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Dear QLSPs,

Good morning! I am emailing to request any feedback for the WSBA's Pro Bono and Public Service Committee's proposed changes to the Emeritus Pro Bono status. Please see my original email below.

We have only received one comment to date and would greatly appreciate any additional feedback that we can share with the Board of Governors.

Please let me know if you have any questions or concerns. Email is best at this time!

Best Regards,



Paige Hardy | Equity and Justice Lead – DEI & Public Service

Pronouns: She/Her

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The WSBA is committed to full access and participation by persons with disabilities. If you have questions about accessibility or require accommodation please contact paigeh@wsba.org.



*Most WSBA employees are working remotely.
Thank you for your patience and understanding.*

From: Paige Hardy
Sent: Wednesday, May 6, 2020 1:56 PM
To: 'qlsp@list.wsba.org' <qlsp@list.wsba.org>
Subject: Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Thurston County Volunteer Legal Services
 PO Box 405 Olympia, WA 98507 • 360-515-5381
 www.tcvls.org



May 28, 2020

Paige Hardy
 Washington State Bar Association
 1325 Fourth Ave., Suite 600
 Seattle, WA 98101-2539

Re: Proposed Changes to Emeritus Pro Bono Status Rules

Hello Ms. Hardy, *Paige*

Thank you for the opportunity to provide feedback on this proposal to amend the Emeritus Pro Bono Status rules. On behalf of Thurston County Volunteer Legal Services (TCVLS) I wish to express our support for this proposal. As a Qualified Legal Service Provider (QLSP), TCVLS has had the privilege of supporting the pro bono work of many Emeritus Status volunteers over the years. We could not serve our clients without our dedicated volunteers, and we appreciate the work and thoughtfulness that the WSBA Pro Bono Public Service Committee put into developing these proposals to reduce barriers to access to the Emeritus licensing status.

TCLVS supports this proposal overall, and the option for obtaining a waiver of the licensing fee is especially great to see. We are in support of Emeritus Status volunteers not being required to pay for the privilege of donating their time to those in need of legal services. Further, we are hopeful that this option, combined with the other proposals intended to reduce barriers to access, may provide incentive for more otherwise inactive attorneys to opt for Emeritus Status and subsequently volunteer their time with a QLSP. We would note, however, that for some QLSPs, the minimum number of hours proposed to obtain the fee waiver, may be difficult to achieve.

Our program, for example, serves clients in Thurston, Mason, Grays Harbor, Pacific, and Lewis Counties. In the four counties besides Thurston, we only offer one legal advice clinic per month (at the most). An Emeritus volunteer in one of those counties who volunteered at every clinic we offered, for two hours per clinic, would only be able to obtain 24 hours of volunteer service per year and would be ineligible for the fee waiver, as proposed. While there may be additional opportunities for pro bono service available at our Thurston County clinics, or by providing direct representation, we believe that a requirement of 20 hours of pro bono service per year would be an appropriate level. This would allow those volunteers with fewer pro bono opportunities available to them, to still be eligible for this benefit, without requiring that they travel or provide a level of service greater than what they may have capacity for.

Sincerely,

Rachael

Rachael Langen Lundmark
 Executive Director

Paige Hardy

From: Michael Terasaki <michael@probonocouncil.org>
Sent: Friday, May 29, 2020 3:48 PM
To: Paige Hardy
Subject: Input from some PBC members on proposed Emeritus Pro Bono changes

Hi Paige,

I had a call and discussion with some Pro Bono Council members and have some feedback and comments on the proposed changes to the Emeritus Pro Bono designation to share with you.

Please also note that several programs submitted their comments independently, so what I have here to show you are some general comments and then some specific things VLPs expressed opinions on.

Simplifying the Process

VLPs are generally in favor of simplifying and streamlining the process of becoming Pro Bono licensed.

Tacoma Pro Bono finds the current system unnecessarily burdensome -- enough so that good people that would otherwise volunteer did not do so because of the administrative hurdles.

No VLPs expressed concern to me about removing the recent active legal experience requirement and they do not foresee unqualified or incapable people attempting to volunteer under Pro Bono status.

Fee Waivers

Generally, programs are very supportive of the fee waiver for Pro Bono attorneys. Many VLPs would prefer the volunteer hours be more like 15 or 20 instead of 30. Other than the obvious reason that less hours may encourage more people to volunteer, many retired attorneys are "snow birds" who spend any months out of Washington State. Particularly at smaller programs outside of the Seattle or Tacoma areas, where there simply aren't proportionally very many attorneys, even one or two attorneys who are willing to volunteer only 15 hours would make a huge difference.

Additionally, instead of basing a fee waiver on the prior year's volunteer hours, the first year could be based on a promise to volunteer during that first year. Once common situations VLPs have identified is a solo or small firm attorney who regularly volunteers a large number of hours for most of their career, but then is unable to volunteer in the final year of practice due to the large amount of time involved in wrapping up and closing their practice. These attorneys certainly deserve a fee waiver, but would be excluded under the proposed change. Even something like a way to apply for an alternative waiver the first year would be an improvement.

One comment several VLPs made was that Pro Bono status should not require any fee at all. Pro Bono service furthers the public good and professional goals of WSBA and attorneys should not be charged to volunteer. At a minimum, APR3 should be clarified so that license fees for volunteers is a cost/expense that is properly paid for by QLSPs.

Removal of the "Emeritus" Language

Clark County VLP in particular has expressed a concern that while many of the changes appear to be things that would make pro bono status logistically easier to obtain, the loss of the word "Emeritus" is something their older attorneys will dislike. Being able to offer an attorney a special new title that ensures the work they do going forward is pro bono work is important. When trying to convince some older, well established attorneys to make the move to "retire", they will be less inclined to take the title of pro bono attorney when that does not speak to their life's work. The title of Emeritus has much more meaning to offer than just "Pro Bono".

Other Issues VLPs would like to mention

While this is likely beyond the scope of the proposed revisions, one large barrier for many attorneys is that switching their license from active to Emeritus/Pro Bono status causes problems with their tail insurance coverage. Attorneys have had to either prepay fully or simply keep active status when they are already effectively retired and volunteering at QLSPs. VLPs and attorneys often have to fight with insurance companies over this. WSBA should take some formal position on this or make some substantive changes to rules so this is no longer an issue.

Thanks,
Michael

Michael Terasaki, Attorney

Washington Pro Bono Council Manager

michael@probonocouncil.org [PLEASE NOTE NEW EMAIL ADDRESS](#)

(425) 495-0132

[Pro Bono Council Doc Hub](#)

Paige Hardy

From: Joanne Sprague <executivedirector@kitsaplegalservices.org>
Sent: Friday, May 29, 2020 4:36 PM
To: Paige Hardy
Subject: RE: Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Follow Up Flag: Follow up
Flag Status: Completed

Hi Paige:

I hope I am not too late to provide feedback on these rule changes.

Overall, I am in favor of the changes. Even for myself, currently with an inactive license, I can foresee in the future when I am no longer employed at Kitsap Legal Services, may want to convert to Pro Bono Status and volunteer.

The only change I would make to the current recommendations, is to lower the number of annual volunteer hours needed for a WSBA fee waiver to 20 hours. In my limited time at KLS, I have noticed that our two Emeritus Pro Bono attorneys spend a lot of time travelling and being involved with other activities.

I shared the proposed rule changes with our Emeritus Pro Bono attorneys. They liked the changes, but one of the attorneys thought the process of changing to Emeritus Pro Bono was particularly onerous. I believe he was changing from Voluntarily Resigned (Retired) to Emeritus Pro Bono, and he may not have practiced 5 of the last 10 years. The proposed changes seem to take care of this problem.

Enjoy your weekend!
 Be Well!

Joanne Sprague

Executive Director
 Kitsap Legal Services-A Volunteer Lawyer Program
 PO Box 1446/920 Park Ave.
 Bremerton, WA 98337
 360-479-6125

From: Paige Hardy [mailto:paigeh@wsba.org]
Sent: Wednesday, May 27, 2020 8:44 AM
To: Qualified Legal Service Providers <qlsp@list.wsba.org>
Subject: RE:[qlsp] Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Dear QLSPs,

Good morning! I am emailing to request any feedback for the WSBA's Pro Bono and Public Service Committee's proposed changes to the Emeritus Pro Bono status. Please see my original email below.

Paige Hardy

From: Eloise Barshes <director@cdcvas.org>
Sent: Thursday, May 7, 2020 5:43 PM
To: Paige Hardy
Subject: Re: Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

I think this is great! The changes are really progressive!

Eloise

From: Paige Hardy <paigeh@wsba.org>
Sent: Wednesday, May 6, 2020 1:56 PM
To: Qualified Legal Service Providers <qlsp@list.wsba.org>
Subject: [qlsp] Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Dear QLSPs,

I hope you are all well.

I am reaching out as the staff liaison to the WSBA Pro Bono and Public Service Committee. The Committee's Policy and Rules Workgroup is proposing rule changes to the Emeritus Pro Bono status. The goal for these proposed changes is to reduce many of the barriers for attorneys to switch to this status. This issue will go before the WSBA Board of Governors (BOG) for first reading at their June meeting.

Attached to this email is a draft memo from the Committee along with proposed rule changes.

The WSBA President, Rajeev Mujumdar, and the Committee are requesting feedback to these proposed changes from QLSPs as they are most impacted by these proposed changes. Any feedback provided to me will be shared with President Majumdar and the BOG. If possible, please submit any feedback by **Friday, May 29**.

If you have any questions or concerns, please do not hesitate to reach out to me. Email is the best way to get in contact with me at this time.

Best Regards,



Paige Hardy | Equity and Justice Lead – DEI & Public Service

Pronouns: She/Her

Washington State Bar Association | 206-239-2109 | paigeh@wsba.org
 1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | www.wsba.org

The WSBA is committed to full access and participation by persons with disabilities. If you have questions about accessibility or require accommodation please contact paigeh@wsba.org.

Paige Hardy

From: Cynthia Klein <cynthia@elap.org>
Sent: Friday, May 29, 2020 3:53 PM
To: Paige Hardy
Cc: Jerry Kroon; Esperanza Borboa
Subject: RE: Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Follow Up Flag: Follow up
Flag Status: Completed

Eastside Legal Assistance Program (ELAP) supports the Proposal to Reduce Barrier to Access for Emeritus Pro Bono License Status of the Pro Bono and Public Service Committee (PBPS) dated May 5, 2020, with only one exception. We believe that the dues requirement for pro bono status members should be waived for those who have provided 10 hours of pro bono service in the prior year.

One of the primary ways in which attorneys provide services to our clients is in our two-hour legal clinics. Attorneys volunteering in those clinics typically serve once every 30-60 days. If the attorney served in a clinic with a 60 day rotation, (s)he would have served 12 hours in a year. Assuming the attorney were not available for one of those clinics because of vacation or illness or some other reason, (s)he would have served for 10 hours in a year. We do not feel that the attorneys who provide this invaluable service should be required to pay in order to do so, and in fact, ELAP has lost volunteers who did not want to pay the \$200 licensing fee in order to be able to continue to volunteer in our clinics. We have other volunteers who pay the fee, but find it burdensome.

We believe the availability of a fee waiver would remove a significant barrier to continuing to provide pro bono services, and we believe that a 10 hour eligibility threshold is reasonable.

Cynthia Klein

Eastside Legal Assistance Program
 Legal Clinics Manager
 She/Her

(425) 620-2787—Direct
cynthia@elap.org
www.elap.org



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Paige Hardy

From: Cynthia Klein <cynthia@elap.org>
Sent: Monday, June 1, 2020 9:07 AM
To: Paige Hardy
Cc: Jerry Kroon; Esperanza Borboa
Subject: RE: Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

You are welcome.

I might add that for volunteers who serve 10 hours a year in our pro bono clinics, the current \$200 licensing fee amounts to a \$20 an hour tax on volunteering.

Cynthia Klein

Eastside Legal Assistance Program
Legal Clinics Manager
She/Her

(425) 620-2787—Direct
cynthia@elap.org
www.elap.org



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From: Paige Hardy <Paigeh@wsba.org>
Sent: Sunday, May 31, 2020 12:24 PM
To: Cynthia Klein <cynthia@elap.org>
Cc: Jerry Kroon <jerry@elap.org>; Esperanza Borboa <Esperanza@elap.org>
Subject: RE: Feedback Requested - Proposed Changes to Emeritus Pro Bono Status

Thank you, Cynthia. We will share your comments to the Board of Governors. This is incredibly helpful!

Best Regards,
Paige

July 2, 2020

re: Collecting feedback on proposed WSBA Mission Statement to incorporate our GR 12.2 mandate to ensure access for all people to the justice system, and on Diploma Privilege.

Dear members of the legal community,

I have been compelled to action in a profound way in response to the death of George Floyd—and so many others—and the resulting national dialogue on racism and unlawful use of force. Like organizations and people across the globe, I believe the Washington State Bar Association must not continue on with business as usual. I challenged the WSBA Board of Governors at the July meeting to think deeply and take some concrete steps to begin to address the inequities in our courts, legal system, and legal profession. The conversation was difficult and not without problematic individual comments. In the end, however, we approved several positive steps to move forward, such as passing a resolution to support members' independence speaking out and chartering a multi-stakeholder Equity and Disparity Work Group to identify and suggest remedies for rules, regulations, and laws related to the practice of law and administration of justice that facilitate injustice and perpetuate institutionalized racism.

I also challenged the Board of Governors to revise the core expression of WSBA's work and values—its mission statement. While the bar's mission is a large one that covers many topics as outlined in GR 12.2, the mission statement is an opportunity to highlight what we value as most important in this time. I asked board members to consider adopting a mission statement that includes our specific GR 12.2(2) mandate to "promote an effective legal system accessible to **all people**."

Because we want to ensure all members see their own values reflected in the mission statement, we made a commitment to gather feedback from all stakeholders before moving forward, including individuals, minority bar associations, sections, local bar associations, and other specialty bars. Toward that end, I would appreciate your comments.

Proposed WSBA mission statement: *With a strong commitment to serving its members and the public, the Washington State Bar Association ensures the integrity of the legal profession and promotes an effective legal system, accessible to all.*

Current WSBA mission statement: *The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.*



Please email barleaders@wsba.org prior to our next Board of Governors meeting on July 24, 2020, with your comments, either as an individual or as a section/association. Members' feedback will help guide the board on how to move forward, which could include adopting the proposed statement, revising the proposed statement, or continuing with the current statement.

On a separate topic, the WSBA Board of Governors is also collecting feedback to send to the Court regarding its recent [Order](#) to waive the UBE (Unified Bar Exam) portion of the bar exam (the Washington practice area and ethics portions are still required) as a licensing requirement for the majority of applicants signed up for the summer exam. If you would like to submit a comment as part of the bar's aggregate submission to the Court, please likewise send them to barleaders@wsba.org by the end of July.

Thank you for your consideration and input regarding these important matters.

In service,



Rajeev D. Majumdar,
WSBA President
(206) 214-5177

From: [Sue Strachan](#)
To: [Shelly Bynum](#)
Subject: Fw: [diversity-stakeholders] Feedback Requested Re Proposed WSBA Missions Statement Revisions
Date: Thursday, July 16, 2020 11:07:20 AM

FYI - from Bar Leaders

From: Ronald Ward <Ron@wardsmithlaw.com>
Sent: Thursday, July 16, 2020 11:05 AM
To: Diversity Stakeholders
Cc: Diversity Stakeholders
Subject: Re: [diversity-stakeholders] Feedback Requested Re Proposed WSBA Missions Statement Revisions

“....and which champions justice.”

This should be the end of the statement.

Without this phrase, the mission statement change and the law are empty vessels.
But then, WSBA is fully aware of that.

Ron Ward

Sent from my iPhone

From: [Sue Strachan](#)
To: [Shelly Bynum](#)
Subject: Fw: [diversity-stakeholders] Feedback Requested Re Proposed WSBA Missions Statement Revisions
Date: Thursday, July 16, 2020 5:04:37 PM

FYI - a long string re: the mission statement.

-Sue

From: Mario Cava <mario.cava@gmail.com>
Sent: Thursday, July 16, 2020 4:36 PM
To: Diversity Stakeholders
Cc: Diversity Stakeholders
Subject: Re: [diversity-stakeholders] Feedback Requested Re Proposed WSBA Missions Statement Revisions

The mission of the WSBA should not be changed at this time. Actively removing “justice” from the mission also seems to send a message antithetical to the stated purpose below.

Mario M. Cava
District 2 Constituent

Sent from my iPhone

On Jul 16, 2020, at 2:42 PM, Philip Brady <pbradyiv@gmail.com> <diversity-stakeholders@list.wsba.org> wrote:

I agree with former Gov Masters and Past President Ward. As we’ve seen repeatedly and so starkly, an “effective legal system” does not equate to an equitable, fair, or appropriate one.

Phil

Sent from my iPhone

On Jul 16, 2020, at 1:54 PM, Ken W. Masters <ken@appeal-law.com> <diversity-stakeholders@list.wsba.org> wrote:

True.

They could do this:

“The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice for all.”

Best,

<image001.jpg>

Ken Masters 241 Madison Ave. No. Bainbridge Island, WA 98110 [206-780-5033](tel:206-780-5033) www.appeal-law.com

<*image006.jpg*>

<image007.jpg>

From: Geoffrey Gibbs <ggibbs@andersonhunterlaw.com>

Sent: Thursday, July 16, 2020 1:47 PM

To: Diversity Stakeholders <diversity-stakeholders@list.wsba.org>

Cc: Ken Masters <ken@appeal-law.com>; Diversity Stakeholders <diversity-stakeholders@list.wsba.org>

Subject: RE: [diversity-stakeholders] Feedback Requested Re Proposed WSBA Missions Statement Revisions

The mission statement is only viable or of moment if we live it, not wordsmith it. The organization’s efforts both to its members and to the public have lacked commitment, substance and fall considerably short of the level of effort needed. The members feel disenfranchised and the public is unaware of WSBA’s existence. We should not just pass resolutions in support of reforms (a pat on the back) but should be leading them. Not all of our members will agree with every direction but the phrase “lead, follow or get out of the way” comes to mind. (Thomas Paine ?) Ron’s comment and suggestion seem completely appropriate to me but I will look more for action and strong leadership. G3

G. Geoffrey Gibbs | Anderson Hunter Law Firm
2707 Colby Avenue, Ste. 1001 Everett, WA 98201
PO Box 5397, Everett, WA 98206-5397
Phone: (425) 252-5161 | Fax: (425) 258-3345
Direct Phone Line: 425-303-3101

ggibbs@andersonhunterlaw.com

www.andersonhunterlaw.com

<image008.jpg>

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From: Ronald Ward <Ron@wardsmithlaw.com>

Sent: Thursday, July 16, 2020 11:06 AM

To: Diversity Stakeholders <diversity-stakeholders@list.wsba.org>

Cc: Diversity Stakeholders <diversity-stakeholders@list.wsba.org>

Subject: Re: [diversity-stakeholders] Feedback Requested Re Proposed WSBA Missions Statement Revisions

“...and which champions justice.”

This should be the end of the statement.

Without this phrase, the mission statement change and the law are empty vessels.

But then, WSBA is fully aware of that.

Ron Ward

Sent from my iPhone

On Jul 16, 2020, at 9:51 AM, WSBA Diversity <diversity@wsba.org> wrote:

Good Morning,

I am forwarding the following WSBA announcement to highlight the conversation that the BOG is having about changing the WSBA’s mission statement. The blurb and link below has more information. They are asking for folks to provide feedback on the mission statement by **July 23** and they are continuing the conversation at the July 24 BOG meeting. The BOG discussed the mission statement at the last BOG meeting and you can watch the [recording here](#) for more context and the reasoning behind the proposed changes. It’s in the section labeled **“WSBA response to our national dialogue.”**

Here is the notice put out by the BOG:

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: Bar Mission Statement
Date: Tuesday, July 14, 2020 10:42:45 AM

From the Bar Leaders email box: Mission Statement
-Sue

From: Dan Bridges <dan@mcbdlaw.com>
Sent: Monday, July 6, 2020 11:41 AM
To: Bar Leaders
Subject: Bar Mission Statement

I am in favor of changing the old statement. I strongly support Pres. Majumdar in that regard.

I do not disagree with the sentiment of the proposed statement however suggest it is too long.

I suggest: **"Serving the members, to serve the public."**

Or, don't have any mission statement. Indeed, that is probably the better outcome. Over time it has been used as an excuse to engage in actions outside our scope and mandate. The former ED used it repeatedly to justify all manner of overbroad programs.

Thank you,
Dan

Dan'L W. Bridges
3131 Western Avenue
Suite #410
Seattle WA. 98121
Phone: 425-462-4000
Fax: 425-637-9638



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From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: Bar Mission
Date: Tuesday, July 14, 2020 10:41:22 AM

From the Bar Leaders email box: Mission Statement

-Sue

From: Jordan Couch <Jordan@palacelaw.com>
Sent: Monday, July 6, 2020 3:10 PM
To: Bar Leaders
Subject: Bar Mission

Dear Governors:

I am writing to object to the proposed new mission statement. I believe it falls short of President Majumdar's goal and also shifts the focus of the mission statement in an improper direction. I have included a recommendation for a revised mission statement at the end of my comments as well.

While I recognize that the statute explaining what the WSBA does cites to the members before the public, I think it is important for our outward facing mission to put emphasis on the public. Lawyers across the country face a reputational crisis. As an industry we are spurned and despised by many. This is actually the single most significant contribution to the [access to justice crisis](#), not a lack of lawyers, not a lack of pro bono work, but people having no idea that a lawyer could help them. Putting the members first will send a clear signal to a public that already feels the WSBA cares only about its members.

Furthermore, it is important for us as attorneys to remind ourselves to put the public first. By human nature, no matter how hard we try, we will always put our own interests above others (countless psychological and behavioral economics studies have confirmed this). Our current mission is a constant reminder to the members that the WSBA has a dual purpose, we are not just a professional association. The day we lose sight of that dual purpose is the day we as WA lawyers will lose the privilege of self-governance.

I have heard the argument that because our clients are members of the public, we do serve the public and understand the public's needs. This is simply not true. [Clio's 2019 Legal Trends Report](#) among other studies has shown us just how different lawyer perceptions of client desires are from actual client desires. I add to that that the prevailing business model of lawyers, the billable hour, is one that inherently pits client's interests in certainty and efficiency against the financial interests of lawyers. Our current mission correctly puts serving the public as the first and foremost purpose of Washington's lawyers. Let us never forget that we must "never reject, from any consideration

personal to ourselves, the cause of the defenseless or oppressed, or delay unjustly the cause of any person.”

Regarding another part of the proposal, I believe that changing “championing justice” to “promotes an effective legal system” is a prime example of the disconnect between the views of lawyers and the public discussed above. The public, to put it frankly, couldn’t care less about the legal system, they care about justice. Our clients don’t come to us because they want access to the legal system, they have a problem and they want a just result. Shifting our focus away from “justice” and toward “an effective legal system” will only serve to hinder lawyers and widen the access to justice gap by limiting our view of how lawyers can and should help people.

All of that said, I do like the addition of “accessible to all.” Perhaps a better way to incorporate that would be to adopt a less drastic new mission statement for the WSBA that promotes our dual purpose and focuses our attention on the needs of a public in dire need of our help.

To serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice *for all*.

Thank you all for the work you do,

Jordan L. Couch
Partner – Palace Law
253-881-5626

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: Change in bar mission statement
Date: Friday, July 17, 2020 10:11:25 AM

From the Bar Leaders email box.

-Sue

From: Charley Bates <cbates.sers@mindspring.com>
Sent: Thursday, July 16, 2020 7:26 PM
To: Bar Leaders
Subject: Change in bar mission statement

It appears we now want to downgrade our mission from one of "to champion justice" to simply promote "an effective legal system". I should think we would be able to do better than this proposed new mission.

Charles Bates
19819

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: Change to Mission Statement is unnecessary
Date: Tuesday, July 14, 2020 10:39:16 AM

From the Bar Leaders email box: Mission Statement
-Sue

From: janisequa@gmail.com <janisequa@gmail.com>
Sent: Wednesday, July 8, 2020 3:56:20 PM
To: Bar Leaders
Subject: Change to Mission Statement is unnecessary

As a member of the WSBA, I feel that instead of changing the mission statement in a misguided attempt to appear enlightened by the current social climate, it should be making an actual commitment to practice what it preaches and make strides to honor the CURRENT mission statement. It seems to me that you are giving up on the mission statement and it's promises because it seems to be too unattainable. The mission statement should reflect what we strive for, and should be held up to the WSBA's actions everyday to determine if those goals are being met and what can be done when the bar falls short, as it has done for far too long. Not toss the mission statement to the side because it's too hard and because it's a good sound bite and makes it look like we are doing something, when we are doing nothing. Actions speak louder than words. I urge the WSBA not to change the mission statement, and subsequently, the mission of the bar. One of the ways you can meet the goals of the mission statement is to support the WSBA's members by asking the Supreme Court to reconsider it's order to sunset the LLLT program. If you want to prove that the WSBA cares about racial inequality, how about supporting a program that was created to help address the need for access to affordable legal services.

Thank you,

Janis Kipp, LLLT#141

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: Comments on proposed changes to WSBA mission statement
Date: Tuesday, July 14, 2020 10:43:03 AM

From the Bar Leaders email box: Mission Statement
-Sue

From: Christy Carpenter <christy@mylllt.com>
Sent: Monday, July 6, 2020 11:26 AM
To: Bar Leaders
Subject: Comments on proposed changes to WSBA mission statement

Good morning,

I am writing to express my opposition to the proposed changes to the WSBA mission statement.

One, you are attempting to subordinate WSBA's mission of service to the public to its service of WSBA members. That is wrong. The legal profession exists because our clients need us, and they come FIRST, always.

Two, you are attempting, again, to subordinate access to justice through the legal system by removing the language that WSBA's mission is to "champion justice" and replacing it with some odd language about "accessibility to all" that I'm certain is meant to somehow worm around the ideal of championing justice.

Christy Carpenter
Limited License Legal Technician



2367 Tacoma Ave S, Tacoma, WA 98402
(253) 457-0967
christy@myLLLT.com
www.myLLLT.com

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From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: Feedback Requested Re Proposed WSBA Missions Statement Revisions
Date: Friday, July 17, 2020 10:11:05 AM

From the Bar Leaders email box.

-Sue

From: Anglin, Laura <Laura.Anglin@courts.wa.gov>
Sent: Thursday, July 16, 2020 6:15 PM
To: Bar Leaders
Subject: FW: Feedback Requested Re Proposed WSBA Missions Statement Revisions

I vastly prefer the current mission statement to this revision. "Champion justice" should not be eliminated.

I also strongly support diploma privilege. People would have died as a direct result of holding the bar exam as planned. People would have been driven into dire financial difficulty if they could not get their license. I've seen very little evidence the bar tests anything but the financial ability to take a prep course.

From: [Sue Strachan](#)
To: [Shelly Bynum](#)
Subject: Fw: Feedback Requested Re Proposed WSBA Missions Statement Revisions
Date: Thursday, July 16, 2020 9:58:24 AM
Attachments: [image001.png](#)

From the Bar Leaders email box.

-Sue

From: Gina Cumbo <GCumbo@ccyj.org>
Sent: Thursday, July 16, 2020 9:57 AM
To: Bar Leaders
Subject: FW: Feedback Requested Re Proposed WSBA Missions Statement Revisions

Dear Bar Leaders,

I support the proposed WSBA mission statement: With a strong commitment to serving its members and the public, the Washington State Bar Association ensures the integrity of the legal profession and promotes an effective legal system, accessible to all.

I recommend the additional language be added:

With a strong commitment to serving its members and the public, the Washington State Bar Association ensures the integrity of the legal profession and promotes an effective legal system, accessible to all, **including those furthest from justice.**

Thank you for your time and consideration.

Gina L. Cumbo, WSBA #34408

From: [Sue Strachan](#)
To: [Sara Niegowski](#); [Shelly Bynum](#)
Subject: Fw: Feedback Requested Re Proposed WSBA Missions Statement Revisions
Date: Thursday, July 16, 2020 6:43:24 PM

Comments re: diploma priv. and mission statement

-Sue

From: Anglin, Laura <Laura.Anglin@courts.wa.gov>
Sent: Thursday, July 16, 2020 6:15 PM
To: Bar Leaders
Subject: FW: Feedback Requested Re Proposed WSBA Missions Statement Revisions

I vastly prefer the current mission statement to this revision. "Champion justice" should not be eliminated.

I also strongly support diploma privilege. People would have died as a direct result of holding the bar exam as planned. People would have been driven into dire financial difficulty if they could not get their license. I've seen very little evidence the bar tests anything but the financial ability to take a prep course.

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: June 2020 Board Digest and Message from WSBA President
Date: Tuesday, July 14, 2020 10:44:31 AM

From the Bar Leaders email box: Mission Statement
-Sue

From: Lapin, Michael <michael.lapin@philips.com>
Sent: Thursday, July 2, 2020 12:13 PM
To: Bar Leaders
Cc: Questions
Subject: FW: June 2020 Board Digest and Message from WSBA President

• Answered President Majumdar's challenge to revise the mission statement of the bar to emphasize the WSBA's mandate to promote an effective legal system accessible to **all people**, by proposing a revised mission statement. WSBA will now send out the proposed revision to members broadly to solicit feedback before the board takes any action. New proposed mission: *With a strong commitment to serving its members and the public, WSBA ensures the integrity of the legal profession and promotes an effective legal system, accessible to all.* (Current mission statement: *To serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.*) WSBA will solicit feedback membership-wide in the following weeks. Comments can be sent to barleaders@wsba.org

Rewrite could be tweaked:

With a strong commitment to serving its members and the public, WSBA ensures the integrity of the legal profession, champions justice for all, and promotes an effective legal system, accessible to all.

Michael Lapin
Senior Legal Counsel
Philips

22100 Bothell-Everett Highway, M/S 522, Bothell, WA, 98021
Tel +01 425 487 7009, Mobile +01 206 310 3448, Email michael.lapin@philips.com



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From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: FW: mission statement feedback
Date: Friday, July 17, 2020 10:52:59 AM

From: Susan DanPullo <susandanpullo@yahoo.com>
Sent: Friday, July 17, 2020 10:35 AM
To: Bar Leaders <BarLeaders@wsba.org>
Subject: mission statement

Agree with the many voices that the new proposed mission statement should not be adopted. I agree with the mission statement as proposed by Ken Masters, Past President Ward and the many other voices.

Susan Sackett Danpullo
Senior Counsel
Washington Attorney General's Office

[Sent from Yahoo Mail on Android](#)

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: Mission Statement
Date: Tuesday, July 14, 2020 10:44:03 AM

From the Bar Leaders email box: Mission Statement
-Sue

From: Melissa Hall <melissa@smol-law.com>
Sent: Thursday, July 2, 2020 12:12 PM
To: Bar Leaders
Subject: Mission Statement

We cannot remove a commitment to justice from our statement, especially in the current situation, this entire effort needs to be scrapped and restarted because access to a system not committed to justice is meaningless.

Maybe we should rethink the drafting effort and instead ask the minority bar community to look at the request.

Also I want to say I strongly support diploma privilege and suggest we consider replacing the bar exam with annual process and procedures audits for the first 3 years of practice because the bar exam largely does not address the malpractice we see and thus does not serve to protect the general public

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: Mission Statement
Date: Tuesday, July 14, 2020 10:41:05 AM

From the Bar Leaders email box: Mission Statement
-Sue

From: Martin Sinclair <sinclair@gwmail.gwu.edu>
Sent: Monday, July 6, 2020 5:36 PM
To: Bar Leaders
Subject: Mission Statement

Recommend deleting “ensures” and substituting “supports” - or something similar.

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: Mission Statement
Date: Thursday, July 16, 2020 5:02:51 PM

FYI - From Bar Leaders email.

-Sue

From: Jeffrey Floyd <jeff@jsfloydlaw.com>
Sent: Thursday, July 16, 2020 4:59 PM
To: Bar Leaders
Subject: Mission Statement

I ask that the end phrase "and to champion justice" NOT be removed from the mission statement.

-Jeff

Jeffrey S. Floyd & Associates, PLLC
555 West Smith St, Suite 106
Kent, WA 98032
206-575-7562
jeff@jsfloydlaw.com
www.jsfloydlaw.com

From: [Sue Strachan](#)
To: [Shelly Bynum](#)
Subject: Fw: New mission statement does not go far enough
Date: Thursday, July 16, 2020 10:30:19 AM

From the Bar Leaders email box.

From: Nicole Gainey <nicole@gainey-law.com>
Sent: Thursday, July 16, 2020 10:25 AM
To: Bar Leaders
Subject: New mission statement does not go far enough

"With a strong commitment to serving its members and the public, the Washington State Bar Association ensures the integrity of the legal profession and promotes a **fair, equitable and** effective legal system, accessible to all."

Thank you for your consideration and service.

Nicole Gainey
Gainey Law, PLLC
1001 4th Ave, Suite 3200
Seattle WA 98154
206-354-4211

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: New Mission Statement
Date: Wednesday, July 15, 2020 1:50:23 PM

From the Bar Leaders email box.

Sue

From: Krabill, Robert (BIIA) <Robert.Krabill@biia.wa.gov>
Sent: Wednesday, July 15, 2020 1:47 PM
To: Bar Leaders
Subject: New Mission Statement

Dear President Majumdar, BOG, and Bar Leaders:

I write as myself, not as a representative.

I applaud the initiative to update the current mission statement. Mission statements provide an important touchstone in decision making and explaining decisions to those who did not participate. They should be memorable, aspirational, and authentic. As a poet, I care deeply about words – what they mean, how they sound, what they inspire.

The current mission statement is too long, but I like the poetic connotations of "champion justice". Can we save that part?

How about: [At the WSBA], "We champion justice for everyone."?

It would make a great theme for a speech, or a sermon, or a closing argument. It is short, pithy, memorable, poetic, aspirational, affirmative, uncompromising, and inclusive. It retains the best part of the old mission statement as a link to the past. It does not waste words and syllables announcing itself as a mission statement. All would work, too, but everyone shifts focus to the many different individuals who compose the collective all. In line with the zeitgeist, it captures President Majumdar's increased focus on inclusivity. While it sacrifices the express commitment to professional integrity, championing justice easily contains that important part of the mission.

Yours to consider.

Regards,

Robert Krabill
2020-2021 Chair, Administrative Law Section

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: New Mission Statement
Date: Thursday, July 16, 2020 4:49:59 PM

From: Priscilla Selden <cvlts.pllc@gmail.com>
Sent: Thursday, July 16, 2020 1:07 PM
To: Bar Leaders
Subject: New Mission Statement

Thank you for soliciting input from members.

I'm sorry; "serving the public;" "accessible to all"? How does this square with the BOG's recent push to sunset and defund the Legal Technician License program (at a cost of 1% of the annual WSBA budget)? Not to mention ignoring a Supreme Court order to add seats to the BOG for the public and alternate license-holders.

I'm a Bar member. This rings hollow and is embarrassing, given the current BOG's stance.

Thank you.

Priscilla Selden, WSBA LLLT No. 102
Columbia Valley Legal Technician Services, PLLC
(509) 560-4787
cvlegaltech.com

P.O. Box 432
Entiat, WA 98822 (mail address)

23 S. Wenatchee Ave.
Suite 124B
Wenatchee, WA 98801 (consult address)

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From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: Proposed Mission Statement Change
Date: Tuesday, July 14, 2020 10:42:09 AM

From the Bar Leaders email box: Mission Statement
-Sue

From: Moscowitz, Jason A. <JAMOSCOWITZ@spokanecounty.org>
Sent: Monday, July 6, 2020 2:56 PM
To: Bar Leaders
Subject: Proposed Mission Statement Change

I support keeping the current mission statement language, and do not support the proposed change. Championing justice already includes ensuring access. This is an unnecessary change, and does not provide any concrete improvement over the current language. Plus, the current language is more aesthetic than the proposed formulation. That's important in a mission statement.

v/r

Jason A. Moscowitz,
Deputy Prosecuting Attorney
Spokane County

509-477-2864

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From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: Proposed mission statement change
Date: Tuesday, July 14, 2020 10:40:05 AM

From the Bar Leaders email box: Mission Statement
-Sue

From: Steve Ellis <steve.ellis99@gmail.com>
Sent: Tuesday, July 7, 2020 7:03:14 PM
To: Bar Leaders
Subject: Proposed mission statement change

Members of the WSBA Board of Governors:

I respectfully ask you to oppose adoption of the proposed mission statement change referenced in President Majumdar's July 2, 2020 letter to members of the legal community for three reasons.

The proposed statement abandons our commitment to champion justice. That word is omitted. Normally, such a move would be tragic. Amid the current climate, it is shameful.

The proposed statement is confusing. The GR 12.2(2) mandate refers to accessibility for "all people". But the proposal leaves the modifier "all" without a noun, raising questions about the ultimate scope of that accessibility.

The proposed statement is weak. Our current statement is direct. It highlights the aspirations and values we strive as a guild to uphold. The proposed statement, relying on an awkward introductory clause, reads more like a Yelp entry.

I suggest that a better way to fulfill the GR 12.2(2) mandate would be to make the following change to our current mission statement:

"The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, **TO PROMOTE AN EFFECTIVE LEGAL SYSTEM ACCESSIBLE TO ALL PEOPLE**, and to champion justice."

Respectfully submitted,

Steven M. Ellis
WSBA #54417

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: Proposed new WSBA mission statement
Date: Tuesday, July 14, 2020 10:42:26 AM

From the Bar Leaders email box: Mission Statement
-Sue

From: d hein <dh.walaw@gmail.com>
Sent: Monday, July 6, 2020 2:20 PM
To: Bar Leaders
Subject: Proposed new WSBA mission statement

I am in favor of the revised mission statement with one exception.

I do not think we should allow ourselves to leave out a bedrock principle such as championing justice. It is contained in our current mission statement and rightfully so. This idea is foundational and cannot be assumed.

Thank for the opportunity to comment during this process.

D Hein
WSBA #16308

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: Regarding MISSION Statement
Date: Tuesday, July 14, 2020 10:41:46 AM

From the Bar Leaders email box: Mission Statement
-Sue

From: Inez "Ine" Petersen <inezpetersenjd@gmail.com>
Sent: Monday, July 6, 2020 3:02 PM
To: Bar Leaders
Subject: Regarding MISSION Statement

I do not think we need a new mission statement, especially since the reasoning is so clearly political in nature. The result will be also.

There appears to be a total inability at "WSBA Central" to discern political matters which are not the purview of the WSBA but rather a more appropriate matter for personal purview.

This is all the more reason for a voluntary bar association.

Inez Petersen
WSBA #46213

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: Subject: Mission statement revision
Date: Thursday, July 16, 2020 4:50:58 PM

From: Richard Manning <outlook_6DC35302401B538F@outlook.com> on behalf of Richard Manning <jmb@seanet.com>
Sent: Thursday, July 16, 2020 2:27 PM
To: Bar Leaders
Subject: Subject: Mission statement revision

On possible suggestion would take the proposed mission statement and add the highlighted language. Thanks.

"With a strong commitment to serving its members and the public, the Washington State Bar Association ensures the integrity of the legal profession and promotes an effective legal system with justice and accessibility for all."

Dick Manning
jmb@seanet.com
richardmanninglaw.com

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: WSBA Mission Statement
Date: Tuesday, July 14, 2020 10:43:44 AM

From the Bar Leaders email box: Mission Statement
-Sue

From: Chris Meserve <meservski@prodigy.net>
Sent: Thursday, July 2, 2020 2:20 PM
To: Bar Leaders
Subject: WSBA Mission Statement

I don't know the history of the current WSBA mission statement, but I assume that it was crafted over a long period of time, presumably with substantial input from a long-range planning committee charged with making recommendations regarding the future of the State Bar. We have what I also assume is a very expensive glass rendering of the mission statement in our front lobby.

The proposal to change the mission statement is strange. It is cloaked in a desire to emphasize our commitment to equity, but its principal thrust initially appeared to be to focus on service to membership to the exclusion of service to the public and the championing of the justice system. The Board's amendment to re-insert a commitment to serving the public mitigated some of my concerns.

Isn't our commitment to equity principles embedded in the notion of championing justice? Why jettison that commitment? We can revise the mission statement to say that championing justice includes ensuring a legal system that is accessible to all or we can actually do the work of ensuring a legal system that is accessible to all.

Words are cheap, unfortunately. Let's see what WSBA can do to ensure that the legal system is in fact accessible and just.

In short, I don't think we need to change the mission statement. And please don't invoke the words of Dr. Martin Luther King to justify eliminating a commitment to public service and justice. This is all about certain Board members wanting to emphasize that WSBA's primary goal is to serve its members. The response to the question about why the commitment to service to the public was originally deleted from the draft was very telling.

The mission statement isn't broken. If you want to redraft it, have your long-range planning committee that hasn't met all year take a look at it.

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: WSBA mission statement
Date: Friday, July 17, 2020 10:11:45 AM
Attachments: [Re diversity-stakeholders Feedback Requested Re Proposed WSBA Missions Statement Revisions.msg](#)

From the Bar Leaders email box.

-Sue

From: Daquiz, Abigail - SOL <Daquiz.Abigail@dol.gov>
Sent: Thursday, July 16, 2020 10:21 PM
To: Bar Leaders
Cc: atj-community@list.wsba.org; ron@wardsmithlaw.com
Subject: WSBA mission statement

Thank you for the opportunity to weigh in on the mission statement of the bar association. Here is the summary that I saw circulated:

Proposed New Mission Statement: In response to the critical national dialogue about racism and unlawful use of force, WSBA President Rajeev Majumdar challenged the WSBA Board of Governors to reconsider the WSBA's mission statement to emphasize WSBA's mandate to promote an effective legal system accessible to *all* people. Toward that end, the Board has proposed this mission statement: "With a strong commitment to serving its members and the public, the Washington State Bar Association ensures the integrity of the legal profession and promotes an effective legal system, accessible to all." [Please read more information](#) and provide your feedback.

Here is the current mission statement:

"The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and *to champion justice.*"

I am opposed to excising the responsibility to be a *champion of justice* in our mission statement. I feel ownership over this bar association as a member who has worked hard to be part of this community, and who came to law school to address inequities. Assuming that it was unintended, I will point out that this edit to the mission statement has the effect of changing a part of the core mission of the WSBA away from being an active participant in the movement to champion justice. We are uniquely positioned, as lawyers and students of history, socio-political change, and as conscientious members of our communities to see the complexities facing our world and should be compelled to help the people who look to our profession for leadership in this chaotic time. The bar association should be an agent to champion justice.

Proposals by others who have more experience in the governance of the bar should be considered—especially that of past-President Ron Ward, and others. Please see the attached. Thank you for your consideration.

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: WSBA Mission Statement
Date: Tuesday, July 14, 2020 10:38:47 AM

From the Bar Leaders email box: Mission Statement
-Sue

From: edward <ehiskes@gmail.com>
Sent: Monday, July 13, 2020 12:06:28 PM
To: Bar Leaders
Subject: Re: WSBA Mission Statement

Thank you for your response. Here is a CORRECTED COPY of my comments -- please discard the previous submission and forward this instead. Thanks.

The word "these" has been omitted and the word "the" inserted in Comment 2.

evh

You requested comments, so here they are --

Proposed WSBA mission statement: With a strong commitment to serving its members and the public, the Washington State Bar Association ensures the integrity of the legal profession and promotes an effective legal system, accessible to all.

Comment 1: The WSBA fails to "ensure the integrity of the legal profession" in several ways. So this is simply false. You might say "seeks to ensure", but the word "ensure" is still too strong, since whatever you are seeking is not going to actually "ensure" anything, in the sense of a guarantee or insurance policy. "Promotes" would be a better word. So, you could just say "...Washington State Bar Association promotes the integrity of the legal profession and an effective legal system, accessible to all." Since corporations are also protected by the system, it makes more sense to say "all" rather than "all people", although the word "people" does have a timely, Maoist ring to it.

Comment 2: Elimination of "champion justice" is an improvement, since the word "justice" is too broad, often being used in the sense of generalized social justice, as in income-redistribution schemes, slavery reparations, etc., as opposed to the narrow sense of "justice" being the activity of the judicial system. The WSBA should leave revolutionary Marxism to the experts.

Comment 3: The WSBA Discipline system fails miserably in "ensuring integrity" when it initiates discipline proceedings against a Snohomish County political journalist at the behest of local government officials, and even more so when it shields insiders with political connections. It is time for the WSBA to adopt ABA standards for the independence and integrity of the discipline function.

evh

WSBA 8322

|

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: WSBA Proposed Change to Mission Statement
Date: Tuesday, July 14, 2020 10:43:26 AM

From the Bar Leaders email box: Mission Statement
-Sue

From: Evelyn Fielding Lopez <evelynflopez@gmail.com>
Sent: Friday, July 3, 2020 10:14 AM
To: Bar Leaders
Cc: Lopez, Evelyn Fielding (ATG)
Subject: WSBA Proposed Change to Mission Statement

Dear WSBA President and Board of Governors,

I write to urge you to reconsider the proposed changes to the WSBA Mission Statement. There are two significant changes to the text and neither of them are positive.

The current mission statement: The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.

The proposed altered mission statement: With a strong commitment to serving its members and the public, the Washington State Bar Association ensures the integrity of the legal profession and promotes an effective legal system, accessible to all.

The proposed changes would prioritize service to WSBA members over service to the public, and would eliminate the promise to champion justice. In fact, justice would not be mentioned at all. These changes to the WSBA mission move the organization away from the essence of being attorneys. We uphold justice. We fight for the rights of our clients. We take an oath to serve honestly and to abstain from offensive actions. Our oath of attorney includes a promise that we will “never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay unjustly the cause of any person.” We are champions of justice. That is our highest calling. I can think of no good reason for the WSBA to move away from that calling in favor of “promoting an effective legal system” like a public relations flunky.

I was disturbed by some of the comments by BOG members during your June meeting. Over the last 30 years I have watched the WSBA move from feeling like a private club for attorneys to an organization committed to positive change for the residents of this state. I have seen the WSBA try, fail, and try again to make more legal assistance available to more people. And I have appreciated

the efforts to be more inclusive to government lawyers like myself, and to members of specialty bars and professional groups. You have been evolving into a more open, inclusive, and diverse organization, reflective of our increasingly diverse state. Do not go backwards.

Reorienting the WSBA mission to member services and promotional activities returns us to the private attorney club. Removing a reference to our highest calling of championing justice takes away our goals and aspirations. Now is not the time for us to lower our expectations and limit our hopes. Now is the time to reach further and renew our commitment to the public. We must be champions of justice and for justice—for as long as it takes.

Sincerely,

Evelyn Fielding Lopez
WSBA No. 18900

Sent from [Mail](#) for Windows 10

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: WSBA Proposed Mission Statement Feedback
Date: Wednesday, July 15, 2020 1:51:04 PM

From the Bar Leaders email box.

Sue

From: Sydney Phillips <sydneypaigephillips@gmail.com>
Sent: Wednesday, July 15, 2020 1:29 PM
To: Bar Leaders
Subject: WSBA Proposed Mission Statement Feedback

To whom it may concern,

I am encouraged by the commitment to change the WSBA mission statement to more appropriately demonstrate the WSBA's dedication to "promote an effective legal system accessible to all people" as set forth by GR 12.2(2). The only aspect from our current mission statement that I feel is missing in the proposed mission statement is the call to "champion justice." I believe this call is integral to our role as legal professionals. The Board should find a way to include this phrase in the new proposed mission statement.

Thanks,

—
Sydney Phillips, WSBA # 54295

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: Fw: WSBA Proposed New Mission Statement
Date: Tuesday, July 14, 2020 10:40:44 AM

From the Bar Leaders email box: Mission Statement
-Sue

From: Jeff Brennan <jeff_brennan@sbcglobal.net>
Sent: Monday, July 6, 2020 10:57 PM
To: Bar Leaders
Subject: WSBA Proposed New Mission Statement

Greetings. I applaud the WSBA for looking at its mission statement. While I think the inclusion of "promotes an effective legal system, accessible to all" is a step in the right direction in terms of inclusion of all, it sounds a bit hollow to me. Maybe, passive would be a better description. Certainly we want a legal system that is accessible to all. And, having an effective legal system is desired. But, there has to be more. These words sound like good words for lawyers but how will they resonate with the public? Will they tell our whole WSBA mission? I don't think so...

I put the current and proposed WSBA mission statements on paper and highlighted the differences (as shown below). I like the addition of "With a strong commitment to serving... ." But losing "to champion justice" strikes me as losing one of our key values...a key value that I believe resonates with and that the public understands. And, an "effective legal system" does not replace it. I believe we need it all. We need to have an effective and accessible legal system and we need to champion justice. I propose the Board of Governors consider taking the proposed mission statement further and including "championing justice for all." I have included the "revised proposed WSBA mission statement" below and respectfully submit it as my individual contribution for feedback and consideration. Cheers - jeff

Current WSBA mission statement: The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and **to champion justice.**

Proposed WSBA mission statement: With a **strong commitment to serving its members and the public**, the Washington State Bar Association ensures the integrity of the legal profession and **promotes an effective legal system, accessible to all.**

Revised proposed WSBA mission statement: With a **strong commitment to serving its members and the public**, the Washington State Bar Association ensures the integrity of the legal profession and **promotes an effective and accessible legal system, championing justice for all.**

From: [Sue Strachan](#)
To: [Shelly Bynum](#)
Subject: Mission Statement Feedback
Date: Thursday, July 16, 2020 5:42:05 PM

Feedback re: the WSBA Mission Statement from barleaders@wsba.org email on July 16, 2020.
The oldest comments are at the bottom.

-Sue Strachan

The mission of the WSBA should not be changed at this time. Actively removing "justice" from the mission also seems to send a message antithetical to the stated purpose below.

<!--[if !supportLineBreakNewLine]-->

<!--[endif]-->

Mario M. Cava
District 2 Constituent
(former member of the BOG)

To the extent votes are being tallied, I support President Ward's or Ken's version of the statement. Removal of any tangible call to action in pursuit of justice renders the whole mission statement toothless and vague.

STAY SAFE

Onik'a Gilliam-Cathcart, J.D., AWI-CH

Cell: 206.499.2039

Office: 206.689.2102

I agree with former Gov Masters and Past President Ward. As we've seen repeatedly and so starkly, an "effective legal system" does not equate to an equitable, fair, or appropriate one.

Phil Brady
(former member of the BOG)

I agree with President Ward as well.

Lisa L. Atkinson, Esq.
2400 80th Street
PMB 285
Seattle, WA 98117

One possible suggestion would take the proposed mission statement and add the highlighted language. Thanks.

"With a strong commitment to serving its members and the public, the

*Washington State Bar Association ensures the integrity of the legal profession and promotes an effective legal system **with justice and accessibility for all.**"*

Dick Manning

jmb@seanet.com

richardmanninglaw.com

As non-attorney but someone that works with attorney's in my field as well as the business community, I think the new mission statement is well drafted. However, it is my hope that the policies and procedures, including diploma and acceptance to the Bar is reviewed to allow for more diverse representation (this can be further explored). Consideration and eventual change to these areas would be a great advancement towards a diverse attorney community.

Thank you

Kara Williams, MPH., PMP

STRATEGIC ADVISER II

WOMEN MINORITY BUSINESS MANAGER (WMBE)

I like this revision that Ken has provided. The one that WSBA has offered up seems shallow and self serving to me. And I agree with the other comments made by others.

Kris Zucconi

Attorney

Member WSAJ, TPCBA, WSBA

True.

They could do this:

"The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice for all."

Ken Masters (responding to Geoff Gibbs)

(former member of the BOG)

The mission statement is only viable or of moment if we live it, not wordsmith it. The organization's efforts both to its members and to the public have lacked commitment, substance and fall considerably short of the level of effort needed. The members feel disenfranchised and the public is unaware of WSBA's existence. We should not just pass resolutions in support of reforms (a pat on the back) but should be leading them. Not all of our members will agree with every direction but the phrase "lead, follow or get out of the

way” comes to mind. (Thomas Paine ?) Ron’s comment and suggestion seem completely appropriate to me but I will look more for action and strong leadership. G3

G. Geoffrey Gibbs | Anderson Hunter Law Firm

2707 Colby Avenue, Ste. 1001 Everett, WA 98201

PO Box 5397, Everett, WA 98206-5397

Phone: (425) 252-5161 | Fax: (425) 258-3345

Direct Phone Line: 425-303-3101

(SDS: I believe Mr. Gibbs is a former BOG member)

Thank you, Andrea.

I am also concerned with the language about promoting a legal system "accessible to all," given the BOG's recent advocacy for sunseting and defunding the Legal Technician License.

Thank you.

Priscilla Selden (in response to Andrea Jarmon)

Absolutely agreed...and the idea that such was offered in the spirit of being responsive to the current moment....absurd! So please note, the proposed draft does both--leaves out championing justice and makes secondary, service to the public.

Andrea Jarmon (replying to Ken Masters)

(Former member of the BOG)

Hi-

I know we are very busy so I just wanted to provide these quick links so you can have easy and quick access to how this unfolded. I hope this is helpful to you and hope that each of us can find time to give feedback to the WSBA. The idea of serving ourselves first seems problematic. I think it should maintain service to the public first.

Thanks!

Andrea Jarmon

(former member of the BOG)

To view the links, press the Control button on your keyboard and place cursor on the link. (Sorry, someone had to remind me of that!)

Presentation of Proposed Mission Statement by Governor Higginson

<https://youtu.be/dEWPRgFW-6s>

Governors Try to Clarify What is Being Changed

<https://youtu.be/HFrwktHBw24>

Governor Alec Stephens Clarifies Action on Mission Statement

<https://youtu.be/Bg2tBXXAF88>

Governor Higgins Absurdly Racist Comments

<https://youtu.be/cxRjeOL9Y-A>

Past President Bill Picket Responds to Carla's Statements

<https://youtu.be/i9A99ZAhWu4>

Of course, Ron is correct.

The proposed changes remove much more than they add.

Ken Masters
(former member of the BOG)

Agreed.

Geoffrey Revelle

Agreed.

Kathy Barnard

As do I.

Gail Stone

I do too.

Laura Anglin

Hello,

I fully agree with Past President Ward's recommendation.

Mahalo,
Chalia

Chalia Stallings-Ala'ilima
(206) 992-3247

On Jul 16, 2020, at 11:07 AM, Ronald Ward <Ron@wardsmithlaw.com> <diversity-stakeholders@list.wsba.org> wrote:

"....and which champions justice."
This should be the end of the statement.

Without this phrase, the mission statement change and the law are empty vessels.
But then, WSBA is fully aware of that.

Ron Ward

Sent from my iPhone

(SDS – Ron Ward – former WSBA President)

From: [Bar Leaders](#)
To: [Shelly Bynum](#)
Subject: WSBA Mission Statement
Date: Wednesday, July 15, 2020 1:51:59 PM

From the Bar Leaders email box.

Sue

From: Chuck Szurszewski <chucks@olylaw.com>
Sent: Wednesday, July 15, 2020 1:16 PM
To: Julianne Unite <julianneu@wsba.org>
Subject: Re: [section-leaders] WSBA Seeking Feedback Before July 24: WSBA Mission Statement

Rajeev: Thank you for soliciting comments before taking action. I am assuming that the decision has not already been made.

First, there is no explanation of what parts of our long standing mission you are trying to change. It would help you were clear in that. If you are trying to emphasize that the mission is changed to put members before the public (why else change the order) I oppose the change.

Second, I oppose elimination of the commitment to championing justice. It is something that has always made me proud to be a lawyer.

Lastly, I support an added commitment to make the legal system more accessible to all. The LLLT program was an attempt (not particularly successful) at that under the existing statement. I suggest adding that commitment so that our intent is clear-we are not changing our mission to better promote our members, we are adding to an already noble commitment.

Sent from my iPad

MEMO

To: WSBA Board of Governors

From: President Rajeev Majumdar, President-Elect Kyle Sciuchetti, Treasurer Dan Clark, and Interim Executive Director Terra Nevitt

Date: July 15, 2020

Re: Proposal to post WSBA salary information on WSBA website

Background

On March 19, 2020, it was proposed during the Governor Roundtable that WSBA post employee salaries on the website by job title. The Board received legal advice on this topic during executive session at the June 26-27, 2020 Board meeting. During the public portion of that meeting, the Board directed the President, President-Elect, and Treasurer to work with the Executive Management Team to develop one or more proposals, including the proposal outlined at the meeting to publish on the WSBA website the following:

- the WSBA Compensation Policy;
- a range of all salaries and pay classification bands;
- a list of starting, midpoint, and current ceilings for each classification or job title;
- a list of current employee job titles (which can be generic) with annual salaries; and
- a summary of other employee benefits such as health insurance.

Note that employee salary information is subject to disclosure under WSBA’s public records rules, but is not currently posted on the website.

Employee Feedback

Since March, the Executive Management Team has been receiving feedback from employees about the proposal to post salary information. Feedback has been largely in opposition to the proposal, though there has been some feedback that greater transparency around salaries might be an important first step to ensuring pay equity at WSBA. The balance of feedback can be organized into the following themes:

- Unclear what problem the policy is trying to solve.
- Publishing names and salaries on the website is unnecessary to achieve the goal of transparency.
- The proposal feels like retaliation against employees.
- It will be important to provide context and information along with the salary information.
- Some job titles are unique enough that the person will be identifiable.
- The information will be used to harass employees. Employee safety and well-being should be a priority.
- Once information is published on the web it cannot be easily removed.
- Publishing names and salaries on the website will facilitate fraud such as the large-scale unemployment fraud that recently occurred.

Proposed Policy

In response to the Board's directive, we propose the Board revise WSBA's Compensation Philosophy, originally adopted in 2005, to incorporate the goals of accountability and transparency with language that expressly balances those goals against employee concerns. This proposed language will further the goal of transparency while addressing the concerns raised by employees. The proposed revision is attached.

If the Board elects to adopt this policy, the Executive Director will work with General Counsel and WSBA's Interim Human Resources Director to adopt and execute a procedure to carry out the policy by the end of the fiscal year. That procedure will provide for the following information to be published on WSBA's "Work at WSBA" page (<https://www.wsba.org/career-center/work-at-the-wsba>):

- the WSBA Compensation Philosophy;
- all current WSBA employee pay classification band, including the starting, mid-point, and ceiling, and the job titles within those bands;
- a copy of the WSBA employee handbook; and
- a summary of WSBA employee benefits.

The procedure will also specify that the following information will not be published:

- employee names; and
- individual salaries, other than the Executive Director.



WSBA COMPENSATION PHILOSOPHY
Adopted by the Budget and Audit Committee on 2/17/05
Adopted by the Personnel Committee on 2/17/05
Reported at the Board of Governors on 2/18/05

We are committed to a compensation philosophy that supports our mission to promote justice and to serve the WSBA members and the public. Our compensation philosophy supports the core value that WSBA staff is our most essential resource. Our aim has been to shape our compensation system in a way that meets the following criteria:

1. *Competitive with Seattle/Puget Sound compensation markets*
Our aim remains to pay competitively with other similar organizations. We strive to be as thorough in our review of market survey data as we practically can.
2. *Observe principles of fairness and internal equity*
These are core values at WSBA. One of our most precious resources in our team-oriented spirit and our compensation system should reflect this. The gap between lowest paid and highest paid staff is less at WSBA than at many other similar-sized organizations.
3. *Affordable and sustainable*
The plan we develop obviously must fit within our available financial resources. Moreover, we need to ensure that our compensation program is sustainable over the long haul – through good and bad economic times alike.
4. *Promote recruitment and retention*
Our compensation system needs to be competitive both at the entry level and at the senior staff level. This means that the system needs to allow for movement through the salary range.
5. *Understandable and practical to administer*
There are inherent complexities in any compensation system, but to the extent possible, we seek to keep the methodology straightforward so that the system itself doesn't become a burden.
6. *Accountability and transparency*
To ensure accountability to the foregoing principles and criteria to employees, the WSBA members, and the public, information about salaries and benefits should be provided on the WSBA website. The goals of accountability and transparency shall be balanced against the privacy interests of WSBA employees.

Working Together to Champion Justice

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.]

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**



WSBA Board of Governors CONGRESSIONAL DISTRICT MAP

2019-2020



Rajeev Majumdar
President



Kyle Sciuchetti
President-Elect



Bill Pickett
Immediate Past
President



Terra Nevitt
Interim Exec. Dir.
& Secretary



Sunitha Anjilvel
Governor District 1



Carla Higginson
Governor District 2



Brian Tollefson
Governor District 6



Paul Swegle
Governor District 7-North



Jean Kang
Governor District 7-South



Kim Hunter
Governor District 8



Bryn Peterson
Governor District 9



Thomas A. McBride
Governor District 10



Kyle Sciuchetti
Governor District 3



P.J. Grabicki
Governor District 5



Dan Clark
Governor District 4



Hunter Abell
Governor At-Large



Alec Stephens
Governor At-Large



Russell Knight
Governor At-Large

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

Anthony David Gipe
President

phone: 206.386.4721
e-mail: adgipeWSBA@gmail.com

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



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.