



**Board of Governors Meeting  
Teleconference and Webcast  
June 26-27, 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: dial 1-888-788-0099 or 1-877-853-5247

Friday June 26 Meeting ID: 956 2364 5735

Saturday June 27 Meeting ID: 948 2755 6056

**FRIDAY, JUNE 26, 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 May 19, 2020 BOG Special Meeting Minutes ..... 7
- Review & Approval of April 15, 2020 BOG Special Meeting Minutes ..... 9
- Review & Approval of April 17, 2020 BOG Meeting Minutes..... 11
- Review & Approval of Revised March 30, 2020 BOG Meeting Minutes ..... 17
- Review & Approval of Revised January 16-17, 2020 BOG Meeting Minutes ..... 19
- Approve Client Protection Board Recommendations ..... 27

**PRESIDENT’S REPORT**

**PRESIDENT-ELECT REPORT ON JULY BOARD RETREAT**

- Whatcom and Skagit County Local Heroes

**INTERIM EXECUTIVE DIRECTOR’S REPORT** ..... 28, LM-3

**INTERVIEWS AND SELECTION OF 2020-2021 WSBA PRESIDENT-ELECT**

The candidate will have 3 minutes for an opening statement, followed by 10 minutes for questions and answers. The order is determined by random drawing. The Board will have a discussion, followed immediately by the election, conducted by roll-call vote ..... 323

**FIRST READ: RATIFICATION OF EMERGENCY BYLAW AMENDMENT ART. VI.G RE GOVERNOR ELECTIONS**..... 55

**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 ..... 58

**GEORGE FLOYD MEMORIA RESPONSE AGENDA**

**THE WSBA RESPONSE TO OUR NATIONAL DIALOGUE, President Rajeev Majumdar**

- Introduction – a Convocation of Effort, Empathy, and Action
  - Statements by groups of our members ..... 63, LM-32
  - Statement by WSBF Board of Trustees ..... LM-34
- Approval of Statement by Council on Public Defense, Vice-Chair Travis Stearns ..... 83
- Mission Statement of the WSBA ..... 86
- WSBA Equity & Disparity Workgroup ..... 89
- Resolution of the WSBA in Affirming the Rule 6’s Program Value and Role in Providing an Additional Path to Justice for Underrepresented Communities ..... 92
- Resolution of the WSBA in Response to National Dialogue ..... 95
- Discussion with WSBA Diversity Committee about re-affirming the WSBA’s current 2013 Diversity and Inclusion Plan, Committee Member Serena Sayani, Gov. Sunitha Anjilvel ..... 99

**SPECIAL REPORTS**

**GOVERNOR LIAISON REPORTS**

This is an opportunity for Governors to make reports related to their liaison assignments.

**REPORTS OF TASK FORCES, WORK GROUPS, LIAISONS, AND OTHER WSBA ENTITIES**

- Editorial Advisory Committee, Chair Ralph Flick ..... 101
- Corona Task Force, Co-Chairs Kevin Plachy & Michael Cherry ..... 111
- Ad Hoc Committee to Investigate Alternatives to Mandatory Malpractice Insurance for Consideration by the WSBA and the Washington Supreme Court, Gov. Kyle Sciuchetti, Chair 130
- Council on Public Defense, Vice-Chair Travis Stearns ..... 185

**AGENDA ITEMS & UNFINISHED BUSINESS**

<input type="checkbox"/>	<b>COUNCIL ON PUBLIC DEFENSE MATTERS</b> , Vice-Chair Travis Stearns	
	• Proposed Charter Revision .....	197
	• 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 <i>Ex Parte</i> .....	201
<input type="checkbox"/>	<b>PRO BONO &amp; PUBLIC SERVICE COMMITTEE PROPOSED AMENDMENTS TO WSBA BYLAWS ART. III(B)(4), APR 1(e), APR 3(g), AND GR24 TO REDUCE BARRIERS TO ACCESS FOR EMERITUS PRO BONO STATUS</b> , Co-Chair Nick Larson , Committee Members Althea Paulson and Bonnie Aslagson .....	208
<input type="checkbox"/>	<b>PROPOSED COMMENT TO NORTHWEST JUSTICE PROJECT 2020 PRIVATE ATTORNEY INVOLVEMENT PLAN</b> , Pro Bono & Public Service Committee Co-Chair Nick Larson.....	246
<input type="checkbox"/>	<b>APEX AWARDS COMMITTEE RECOMMENDATIONS FOR 2020 AWARDS</b> , Gov. Russell Knight ...	249
<input type="checkbox"/>	<b>BUDGET &amp; AUDIT COMMITTEE ITEMS</b> , Treas. Dan Clark, Chair and Chief Financial Officer Jorge Perez	
	• SECOND READ: Proposed Amendment to WSBA Bylaws Article III.I.5 Re License Fee Exemptions Due to Hardship, Chief Regulatory Counsel Jean McElroy .....	250
	• Proposed Reduction of the Client Protection Fund Assessment.....	255
	• Results of Process & Execution Audit, Joseph Purvis and Mitch Hansen, Clark Nuber.....	262
<input type="checkbox"/>	<b>RECOMMENDATION RE PROPOSED POLICY RE LEGISLATIVE ACTIVITY OF SECTIONS</b> , Legislative Committee Chair Kyle Sciuchetti, Gov. Carla Higginson, and Outreach and Legislative Affairs Manager Sanjay Walvekar .....	271
<input type="checkbox"/>	<b>DIPLOMA PRIVILEGE ISSUES</b>	
	• APR Board Permission.....	LM-35
	• Maintain existing refund policy, Treas. Dan Clark .....	LM-36
	• Efrain J. Hudnell, Seattle University School of Law Alumni and Katie Koch, University of Washington School of Law Alumni	
	• Letter of LLMs and other correspondence .....	294, LM-40, LLM-3
	• General Discussion	

**SATURDAY, JUNE 27, 2020**

**8:30 AM – RESUME PUBLIC SESSION**

<input type="checkbox"/>	<b>EVALUATION OF THE INTERIM EXECUTIVE DIRECTOR &amp; CONSIDERATION OF REMOVAL OF INTERIM TITLE</b> .....	296
<input type="checkbox"/>	<b>ANNOUNCE BASIS FOR EXECUTIVE SESSION PURSUANT TO RCW 42.30.110(1)(i) (if needed)</b>	

<b>EXECUTIVE SESSION (if needed)</b>
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<b>PUBLIC SESSION</b>
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**AGENDA ITEMS & UNFINISHED BUSINESS CONTINUED**

- EVALUATION OF THE INTERIM EXECUTIVE DIRECTOR (CONTINUED)**
  
- COMMITTEE ON PROFESSIONAL ETHICS MATTERS**
  - Proposed Amendments to Comment 4 to RPC 1.16, and New Additional Washington Comment 16 to RPC 1.13, CPE Member Brooks Holland ..... 312
  - Proposed Amendment to RPC 7.2(b)(2), 5.4, and 1.5(e)(2) Re Fee Sharing with Nonprofit Lawyer Referral Services, CPE Chair Don Curran ..... 314
  
- PROPOSED POLICY: TRANSPARENT SALARY INFORMATION**

**ELECTIONS**

- PROPOSAL FOR PROCESS OF AT-LARGE GOVERNOR INTERVIEWS..... 327, LM-110**
  
- INTERVIEWS AND SELECTION OF 2020-2023 WSBA AT-LARGE GOVERNOR**

Each candidate will have 3 minutes for an opening statement, followed by 10 minutes for questions and answers. The order is determined by random drawing. Discussion election will follow immediately after and will be conducted by roll-call vote..... 328

**NEW BUSINESS**

- GOVERNOR ROUNDTABLE**

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

**5:00 PM – ADJOURN**

- INFORMATION**
- General Information ..... 437
  - Monthly Financial Statements ..... 452

## **2019-2020 Board of Governors Meeting Issues**

### **JULY (Stevenson)**

#### Standing Agenda Items:

- Draft WSBA FY2021 Budget
- WSBA Treasurer Election
- Court Rules and Procedures Committee Report and Recommendations
- WSBA Committee and Board Chair Appointments
- BOG Retreat
- Financials (Information)
- Office of Disciplinary Counsel Report (ED Report)

### **AUGUST (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