

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS SPECIAL MEETING

Minutes

Held Virtually

June 8, 2021

Call to Order and Welcome

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Kyle Sciuchetti on Tuesday, June 8, 2021 at 8:33 AM. Governors in attendance were:

Hunter Abell
Sunitha Anjilvel
Lauren Boyd
Treas. Daniel D. Clark
Matthew Dresden
Carla Higginson
Russell Knight
Bryn Peterson
Brett Purtzer
Alec Stephens
Brent Williams-Ruth

Also in attendance were Immediate Past President Rajeev Majumdar, Executive Director Terra Nevitt, General Counsel Julie Shankland, Director of Advancement Kevin Plachy, Chief Financial Officer Jorge Perez, Executive Administrator Shelly Bynum, Chief Communications & Outreach Officer Sara Niegowski, Director of Human Resources & Chief Culture Officer Glynnis Klinefelter Sio, and Nancy Hawkins (Family Law Section).

Chair Maryanne Mohan presented the request of the WSBA Indian Law Section to submit a comment in support of federal judicial nominee Lauren King. Chair Mohan noted that 75% of the Executive Committee of the Indian Law Section approved the request to support the judicial appointment of Lauren King, a former Chair of the Indian Law Section and tribal member. Discussion followed, including that Lauren King has not yet been rated by the American Bar Association; that the will not go through WSBA's Judicial Recommendation Committee as they review state appointments by the Governor; the reason for a distinction between the election of judges and appointments; whether the Board of Governors could weigh-in on the appointment

of a Superior Court judge; that the judicial recommendation process results in ratings rather than recommendation of a specific candidate; that in 1985, as the request of a member of the Board, the Board adopted a resolution supporting an appointment to the federal court, which referenced a prior resolution of that type; support for allowing the section to express its support for a candidate and distinguishing an expression of support from a recommendation; clarification of the federal appointment process, which involves a single nomination, not a candidate, and the view that a candidacy would raise issues that a singular nomination does not; and that the letter makes clear that the Indian Law Section is speaking for itself and not for WSBA.

Gov. Stephens moved to approve the letter the Indian Law Section has requested to send. Discussion followed, including a concern about taking this action without having an independent rating of the nominee; that the Board should not endorse candidates for judicial office, although the nominee appears well qualified; concern that WSBA and its sections will be drawn into judicial nomination wars and that ratings are preferred to specific endorsements; concern that there was a lack of meaningful notice to members; the unique character of the Indian Law Section; support for supporting native American judges given their underrepresentation and a desire to see the letter better articulate the expertise of the Indian Law Section; questions as to why responding to a request by a Federal Senator is different from the work we do in responding to state legislators; that the candidate has been thoroughly vetted by Sen. Murray and the Federal Administration; support for the letter; that this is a political issue; and whether a letter could be approved that would not recommend the candidate but instead spoke to qualities that the section was uniquely situated to speak to. Gov. Grabicki moved the question. Motion to call the question failed 8-4.

Discussion followed, including reiteration that this could not come to the Judicial Recommendation Committee because that group advises the Governor and that the process is not an election; that a decision to allow this letter to go forward should not have anything to do with others that wish to become a nominee; that history demonstrates that these requests come up rarely and on a case-by-case basis; that there is a difference between the WSBA weighing-in and an individual expressing support; that the WSBA should never weigh-in on a federal appointment, and that drawing a narrow distinction between elections and appointments is unwise; reiteration that WSBA is not being to endorse or recommend anyone; that voting no will send an unintended negative message to the Senator requesting the information; that the request puts the organization in a difficult position and while it may be permissible, it is unwise; and that there is no distinction between WSBA and the section speaking and lack of support for the motion. Gov. Stephens moved the question. Motion to call the question passed unanimously.

The underlying motion was clarified to authorize the Indian Law Section to submit their letter of support for Lauren King. Motion tied 6-6. Pres. Sciuchetti voted in support of the motion. Motion passed 7-6.

ADJOURNMENT

There being no further business, Pres. Sciuchetti adjourned the meeting at 9:30 AM.

Respectfully submitted,

Terra Nevitt

Terra Nevitt

WSBA Executive Director & Secretary