

WASHINGTON STATE BAR ASSOCIATION

Board of Governors August 2023 Meeting Update

A summary prepared by the WSBA of the Board of Governors (Board) meeting held Aug. 11-12, 2023, in Richland, Washington. The agenda, materials, and video recording from this Board meeting are [online](#). The next regular meeting is Sept. 8-9, 2023, in Spokane. The Board is the WSBA's governing body charged with determining general policies of the WSBA and approving its annual budget. To subscribe to the Board Meeting Notification list, email barleaders@wsba.org.

NEED TO KNOW

2025 License Fees and 2024 Budget Set for a Vote. The Board considered a second draft of the Fiscal Year 2024 budget, which maintains programs and services while purposefully using a portion of available reserves to stabilize 2024 license fees at current levels. ([See page 273](#).) Relatedly, the Board held an initial discussion about setting 2025 license fees. ([See page 367](#).) The Budget and Audit Committee will discuss both items at its [Aug. 18 meeting](#), and the resulting recommendations will go before the Board for action in [September](#). These meetings are open to the public, and your participation is welcome.

Congratulations to Continuing Treasurer Adewale! [Governor Francis Adewale](#) received a unanimous vote to continue in his role as WSBA treasurer for Fiscal Year 24. Francis joins current WSBA President Dan Clark as the only two-term WSBA treasurers!

MCLE Proposal to Add Mental Health and Technology-Security Credits. The Mandatory Continuing Education (MCLE) Board is considering a recommendation to add two required topics each reporting cycle. The WSBA will keep members updated if the Washington Supreme Court moves forward and publishes the recommendation for comment. (See below for more information.)

OTHER BUSINESS

Local Hero and Presidential Commendation. The WSBA recognized [Edwardo Morfin](#) as a Local Hero, an honor bestowed by the WSBA president in partnership with county bar associations to recognize colleagues who make noteworthy contributions to their communities. Mr. Morfin was nominated by the Benton-Franklin Counties Bar Association for his extensive volunteerism and pro bono work, especially supporting the Tri-Cities Youth and Justice Forum. WSBA President Dan Clark also gave a special

commendation to Andrew Miller, [Washington's longest-serving elected prosecutor](#), upon his retirement for his extraordinary legacy of compassion and justice in Benton County.

MCLE Proposal to Add Mental Health and Technology-Security Requirement. The MCLE Board presented a proposal to amend [APR 11](#) to require one credit each, per reporting cycle, on the topics of mental health and technology security. After robust discussion, the Board voted in support of the additional credit devoted to mental health but not technology security. The MCLE Board will now decide how to proceed in sending the recommendation to the Washington Supreme Court. The proposed amendment would also change the recently added bias-mitigation credit, originally classified as an ethics credit, to a standalone category, and the general ethics-credit requirements per reporting cycle would be reduced to five. The Board did not make a recommendation with regard to this proposed change. ([See page 111.](#))

Proposed Comments to RPC 1.2 and RPC 8.4 Regarding Reproductive Rights. The Board approved for submission to the Washington Supreme Court proposed new comments to the Rules of Professional Conduct (RPC), drafted by the Committee on Professional Ethics (CPE), confirming that it is not a violation of the RPC for lawyers to advise and assist clients regarding activities that are lawful in Washington state, even when those activities are prohibited by the law of another jurisdiction. Following a 2022 request by the Attorney General to consider amending the RPC to address reproductive health care, the Board heard the CPE's first proposal in June and asked for the scope of the proposed comments to be widened to include other potential conflicts between state law and the laws of other jurisdictions. The result is proposed new comments to RPC [1.2](#) and [8.4](#) that address potential conflicts generally but specifically reference as examples laws related to reproductive health care, gender-affirming care, and marijuana. ([See page 265.](#))

Justice and Fairness in Our Legal System. The Board approved a recommendation from the WSBA's [Equity and Disparity Work Group](#)—which will now go to the Washington Supreme Court for consideration and possible publication for comments—to amend General Rule 12.2(c) to modify the definition of WSBA-prohibited activities to directly align with the Court's regulatory objectives and rules defining the WSBA's purposes and authorized activities. This work group was chartered in 2020 to review rules, regulations, and laws to identify those that impede real justice and fairness in Washington. A subcommittee identified General Rule 12.2(c) as one such regulation. ([See page 244.](#))

Leadership Training and Building Inclusion on the Board. Consistent with the Board's commitment to ongoing education and training in diversity, equity, and inclusion, before the start of the business meeting, the Board worked together to identify successes and challenges to fostering a culture of inclusion, including norms and agreements necessary to make sure all voices and perspectives are systemically included and welcome in WSBA leadership. The Board also held a leadership training discussion before the start of the business meeting.