

# News»Flash



An Update on the Work of the WSBA Board of Governors

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

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## News Flash

The Board of Governors met Sept. 20 and 21. For information on this or past Board meetings, please contact Margaret Shane at [margarets@wsba.org](mailto:margarets@wsba.org).

### Words from the President

President **Stephen Crossland** (Cashmere) conducted his last meeting as WSBA president. He shared that his term of president was one of the highlights of his life and a true honor. He expressed gratitude to Executive Director Paula Littlewood and the WSBA staff, acknowledging the level of professionalism they exhibited throughout a difficult year for the bar. President Crossland also spoke about his work in succession planning, including creating relationships with the law schools to connect law students with retiring lawyers interested in transitioning/selling their practices.

### Updates from the Executive Director

Executive Director **Paula Littlewood** shared that her written report included demographic breakdown information on the referendum vote, which was obtained per the BOG's request with the understanding that the data could provide information regarding future outreach and communications efforts. Littlewood also invited everyone to [WSBA's Annual Awards Dinner](#) being held that night.

### Board approves 2013 Keller Deduction

Each year the annual license fee form provides for an "[optional Keller Deduction](#)" as approved by the Board of Governors. This option is in response to the U. S. Supreme Court 1990 decision in *Keller v. State Bar of California* that held that state bar mandatory fees may not be used over a member's objection for activities

that are *political or ideological in nature and which are not reasonably related to (1) regulating the practice of law, or (2) improving the quality of legal services*. Based on a formula that examines non-chargeable and chargeable expenses it was determined and approved that the 2013 Keller deduction for those members who choose to take it is \$6.40.

### Lawyers Fund for Client Protection approves total payments of \$378k in FY2012

**Henry Grenley**, LFCP Board Chair presented and received approval of the LFCP's [Annual Report](#). The current [Lawyers Fund for Client Protection](#) was established by the Washington State Supreme Court in 1994 at the request of the WSBA by the adoption of Rule 15 of the Admission to Practice Rules (APR). The fund, paid for with a \$30 fee assessed on each active attorney annually, is used to compensate the victims of the few dishonest lawyers who misappropriate or fail to account for client funds or property. At the beginning of FY 2012, there were 141 pending applications to the Fund. During FY 2012, 137 additional applications were received. The Board and Trustees acted on 113 applications concerning 37 lawyers. The total amount in approved payments for FY12 was \$378,574.

### **Board passes 2012–13 Budget**

The Board approved the budget for the next fiscal year, which runs through September 2013. The budget is based on projected general fund expenses of \$15,594,088, a reduction of \$1,340,655 from the previous year. The budget reflects spending cuts instituted by the Board in response to the license-fee reduction as a result of the referendum. Revenue is projected at \$15,037,529 which will result in a net loss of \$556,559 if the actual revenue and expense figures match projections. The BOG already has approved tapping into reserve funds to help transition the organization to a reduced revenue model in future years.

### **2014 License Fee Set**

The BOG voted to maintain the license fee for active WSBA members at \$325 for 2014, the level called for in the recent referendum.

### **Admission to Practice Rules Revamped**

The BOG approved a set of recommended amendments from the Admission to Practice Rules Review Task Force that include revisions to the [proposed APRs](#) as well as postponement of action on the mandatory malpractice insurance for WSBA members. That proposal will undergo further study.

The revised rules will allow graduates from non-ABA-approved U.S. law schools, and from law schools outside the U.S., to take the Washington bar examination if they have completed an LL.M. for the practice of law from an ABA-approved law school. The revised rules also will retain a provision allowing the examination to be taken by applicants already admitted to practice in any common law jurisdiction, and having three years of practice experience within the preceding five years.

The approved revisions also would change the rules regarding reciprocal admission between Washington and other states. Currently, Washington uses a “mirror” rule, in which a lawyer admitted to practice in another state is eligible for admission in Washington, without

taking the Washington Bar examination, on the same terms as the other state’s bar would allow admission to a Washington lawyer. Under the new rule, any lawyer admitted and in good standing in any state or territory of the U.S., and having active practice experience for three of the last five years, would be eligible for admission in Washington without taking the bar examination. When the Uniform Bar Exam takes effect July 1, 2013, everyone seeking admission in Washington will be required to take the Washington Law Component online education and exam to ensure that they have some knowledge and exposure to Washington law before they are admitted to practice.

The entire APR package of rule amendments has been sent to the Court for review and consideration.

### **Changes proposed to CLE Requirements**

The Board voted to approve the [proposed MCLE amendments](#), with the following exceptions: 1) they would like to allow significantly more CLE credits for pro bono service (the BOG voted to recommend 27 credits with up to three credits for related training; the MCLE Board’s recommendation to the BOG was to allow up to 12 credits for pro bono service anytime during the reporting period as long as the lawyer also had six hours of related education credits to accompany the service); and 2) the BOG voted not to recommend the amendments that would allow lawyers to earn MCLE credit for “professional development” courses.

Under the proposal, lawyers could earn up to six CLE credits for education in non-academic areas such as work/life balance, stress reduction, career development, leadership training, how to increase profits, and communication skills.

The MCLE Board still must submit a final suggested rule and regulation amendment package to the Washington Supreme Court for consideration and possible publication and adoption. The Board wants to consider

professional development credits again at the Nov. 16–17 meeting in Seattle.

#### **Changes to the Volunteer Travel Policy**

As a result of the referendum, the Board approved some changes to its [Volunteer Travel Policy](#) aimed at reducing travel-related expenses. The changes impact WSBA members who serve on bar committees, boards, and task forces. The new travel policy calls for reimbursement **only** when a meeting is scheduled to last three hours or more, or for those traveling more than 50 miles one way to the meeting. Chairs are exempt from these changes, and will retain full reimbursement for all travel expenses. WSBA will encourage more meeting participation by video conference or using WebEX to further reduce costs.

#### **More changes ahead for *Bar News***

The BOG approved recommendations to reduce the number of *Bar News* issues in FY2013 from 12 to nine and consider a further reduction in 2014, with a likely gradual shift of content from print to online. The Board also approved changing the publication's name to *NWLawyer* to better reflect its audience and its content. The reduction from 12 to nine issues, together with a change in the printing method, is projected to result in a net savings of \$152,000 compared to 2012, after factoring in an expected reduction in advertising revenue. Over the coming year, the WSBA will conduct member research to help determine whether to further reduce the number of print issues for 2014. Meanwhile, the online version of the publication will be enhanced, and additional news and information features are being added to the WSBA website to enhance overall communication with members.

#### **Board takes Position on Referendum 74**

The Board voted to support the "YES" campaign on R-74, which would uphold **Senate Bill 6239** passed by the Legislature in February 2012, allowing civil marriage for same-sex couples. The decision to endorse R-74 is consistent with

the [resolution](#) the WSBA Board of Governors adopted in 2008. The decision to endorse R-74 was based on the following principles:

- Lawyers are charged with protecting and promoting the rights of our clients within the framework of the law;
- Predictability and fairness in the laws that protect property right, parental rights and access to the justice system are necessary if lawyers are to fulfill their duties to their clients and serve the interests of justice; and
- Equal access to the rights and responsibilities of civil legal marriage is a matter both of justice and the orderly administration of justice.

#### **Decision made on dividing lines in 7th District**

To make way for the newly created 10th District the Board had earlier determined it would eliminate one position from the 7th District, which primarily encompasses Seattle. At this meeting, it voted to divide the 7th District along a north/south line at approximately the "Montlake Cut." This change will not go into effect until the 2013 BOG elections.

#### **Board Adopts Transition Plan of WYLD to WYLC**

The Board approved the recommendations set forth to transition the Young Lawyers Division to a standing committee that will be referred to as the [Young Lawyers Committee](#). It also approved the appointments of 18 individuals who will comprise the committee. The YLC has identified three main areas of focus: transition to practice, member outreach and leadership, and pro bono and public service. **Beth Bratton** of Wenatchee, who was the WYLD President-Elect, will serve as chair of the YLC.

#### **ELC Task Force Proposal Approved**

The Board approved draft amendments to the Rules for Enforcement of Lawyer Conduct (ELC) for submission to the Supreme Court. A copy of the redlined proposal as well as a clean copy can be found [here](#).

**Upcoming Events**

*For a complete listing of events, go to [Calendar of Events on the WSBA homepage](#).*

**November**

Board of Governors meeting, Nov. 16-17

12<sup>th</sup> Annual Labor and Employment Law Seminar and Annual Meeting, Nov. 30