

Minutes – July 22, 2009
ELC Drafting Task Force

Present: Geoff Gibbs, Chair, Erika Balazs, Randy Beitel, Kurt Bulmer, Ron Carpenter (phone), Julie Shankland, Patrick Sheldon, David Summers, Elizabeth Turner, Norma Linda Ureña, Charlie Wiggins (phone), Matt Williams, Scott Busby, Reporter, and Nan Sullins, AOC/Supreme Court Liaison

Call to Order

The Chair called the meeting to order shortly after 8:00 a.m. and welcomed new task force member David Summers, who has recently been appointed Chief Hearing Officer. Jim Danielson, outgoing Chief Hearing Officer, has been asked to continue his participation in the Task Force. For Mr. Summers' benefit, the Chair called for each member present to introduce himself or herself.

Approval of Minutes

The Chair called for corrections or additions to the minutes from the March 12, 2009 meeting. Hearing no proposals for corrections or additions, the Chair announced that the minutes were approved.

Topics

The members present reported no problems with the subcommittee assignments. Subcommittee A has had a brief initial meeting. Subcommittees B and C have not yet met. The Chair reminded the group that March 10, 2010 is the Task Force's aspirational target date for submitting completed draft language to the Board of Governors. The Chair asked that each subcommittee make a progress or status report at the September meeting of the whole. Randy Beitel and Elizabeth Turner, both members of Subcommittee A, estimated that Subcommittee A would be able to report progress on Titles 1 through 4. Kurt Bulmer expressed some concern that September might be too early for any of the Subcommittees to report progress. Charlie Wiggins said that Subcommittee C would likely be able to give a status report, classifying the recommendations by level of merit and expected controversy. The Chair stated that a status report would suffice. He will communicate with subcommittee chairs in the coming week regarding reports.

Mr. Wiggins asked for clarification of the ELC Drafting Task Force's role regarding recommendations from the BOG Discipline Task Force that have been approved by the BOG. The Chair explained that the BOG Discipline Committee and Task Force were charged with evaluating and making policy recommendations based on the ABA Discipline Report. Those recommendations approved by the BOG represent policy determinations adopted by the BOG. This

Task Force is charged with drafting specific rules in line with those policy determinations, as well as reviewing the ELC as a whole. While the ELC Drafting Task Force is not expected to revisit the policy determinations made by the BOG, it may address policy issues with the BOG if the process of drafting specific rule changes shows the necessity to do so.

The group moved on to discuss improvements to the matrix of suggestions provided for this meeting, including a revision date in the footer and some means of identifying new material. Ms. Cain will post an updated matrix to the Task Force home page (<http://www.wsba.org/lawyers/groups/elctaskforce.htm>) during the week of July 27th.

Finally, the group discussed the changes to ELC 2.7 (Conflicts Review Officer) that the Supreme Court has ordered published for comment. Ms. Turner explained that these changes were spurred by the need to appoint a new conflicts review officer. Current ELC 2.7 did not provide sufficient guidance for the appointment process. Ms. Turner reported that she is not aware of any other ELC changes in the works outside of the Task Force. Mr. Beitel reported that ELC 15.5(b), regarding noncompliance with the Trust Account questionnaire is currently under discussion. However, the current discussion on the subject involves changes to the APR as well, and the issue is not emergent. The Chair assured the group that any other parties with suggestions for changes to the ELC are currently being directed to the Task Force. After some discussion, the group reached the consensus that the Task Force has no issues with the suggested changes to ELC 2.7.

Next Meetings

Thursday, September 10, 2009, 10:00 a.m. to 12:00 noon
Deadline for materials: Tuesday, September 1, 2009

Thursday, November 5, 2009, 10:00 a.m. to 12:00 noon
Deadline for materials: Tuesday, October 27, 2009

Thursday, January 14, 2010, 10:00 a.m. to 12:00 noon
Deadline for materials: Tuesday, January 5, 2010

Adjournment

After a reminder that each subcommittee will be expected to make a status or progress report at the next meeting, the Chair adjourned the meeting at 8:55 a.m.

Minutes Respectfully Submitted by

Scott Busby
Disciplinary Counsel
Task Force Staff Reporter