



WSBA ADMINISTRATIVE LAW SECTION
ANNUAL REPORT FOR 2008–2009
Washington State Bar Association

Period of October 1, 2008 – September 17, 2009

Date: September 17, 2009

Submitted by: John M. Gray, Chair

Term of office: October 1, 2008-September 17, 2009 (Annual Meeting)

1. Section highlights and accomplishments for fiscal year 2009.

The Administrative Law Section accomplishes its work through four standing committees, staffed mostly by board members and officers, but also by section members. The standing committees include the legislative, CLE, newsletter, and publications committee.

Work of the Legislative Committee. This committee fields questions sent to it from the WSBA legislative affairs office. The committee's work comes during the legislative session (January-March in a "short session"; January-May in a "long session"). 2009 was a "long session." The WSBA referred 24 bills to the WSBA Legislative Committee, ably chaired by Richard Potter. The bills tended to deal with either the Public Records Act or with the Administrative Procedure Act. The committee had to consider each bill on very short turnaround time (usually a matter of two days) and determine whether to ask the section board to take a position. On two occasions, the committee asked the board to take a position and both times the board chose not to take a position. The section may choose to recommend to the WSBA proposed legislation pertaining to administrative law, but so far has not made any recommendations.

Work of the CLE Committee. This committee works with the WSBA CLE Department to produce CLE programs of interest to section members, other WSBA members, and some non-WSBA members, in the general area of administrative law. Our September 17, 2009, program, an update on the Public Records Act, is one such program. This full-day CLE was the Administrative Law Section's only program this year. In previous years, the section produced some "mini-CLEs" (usually 1–1 ½ hours in length), but late last year the CLE Department asked all of the sections to reconsider the frequency of mini-CLE offerings. The CLE Department was producing over 60 mini-CLEs annually at the request of the various sections. The mini-CLEs use CLE Department resources, but are non-revenue generating programs for the CLE Dept. This was creating serious problems for the CLE Department. Consequently, the CLE Department sought a "fair use" of CLE Department resources among the WSBA sections for the mini-CLEs by limiting the format of mini-CLEs to reduce staff time spent on mini-CLEs and redirecting more of that staff time to revenue-producing CLEs. Part of the problem, of course, is due to the economy, resulting in reduced CLE attendance and a projected deficit in the CLE Department as a result. The CLE Department has established mini-CLE procedures that streamline the need for CLE Department support (available online at www.wsba.org). This section must decide whether to produce any mini-CLEs in the coming 2009-2010 year. The section remains committed to producing at least one major CLE on the subject of administrative law each year.

Work of the Newsletter Committee. The last newsletter this section produced was dated summer 2007. The biggest reason is that committee members have not been able to balance the demands on their time for their jobs and families with producing a newsletter. The future of the newsletter is discussed below.

Work of the Publications Committee. The Publications Committee oversees the updates to two books – the *Administrative Law Practice Manual* and the *Public Records Act Deskbook*. The *Administrative Law Practice Manual* continues to be updated annually. The first update to the *Public Records Act Deskbook* is about to be released.

Other Committees. The work of the **Diversity and Outreach Committee** is discussed below under number four, Diversity.

The Public Service Committee recommended, and the board approved, a plan to contribute \$5,000 to the Access to Justice Project, Impediments Committee, for the adaptation of the *Washington Courts on Ensuring Equal Access for People with Disabilities* and to extend any funds left over to support the publication and distribution of the adapted guide to Washington State Administrative Law Judges. In the past, the Public Service Committee has sponsored the production of a DVD produced by Kitsap County Legal Services titled “Everyday People Solving Problems: How to Represent Yourself at a DSHS Fair Hearing” and has contributed copies of the *Administrative Law Practice Manual* and the *Public Records Act Deskbook* to the county law libraries in Washington State.

Other accomplishments:

- This year, the WSBA brought back “in house” the list serve for the various sections, including the Administrative Law Section which formerly used a Yahoo! Groups list serve. Going through the WSBA means “no spam,” which is a major consideration for anyone on a list serve.
- The Administrative Law Section’s web pages are reasonably up-to-date and now include a specific welcome for law students who wish to become section members.
- No Dues Increase. The dues for this section are still only \$20 per year. The overhead charged by the WSBA to the various sections increases next year from \$10 per member to \$12 per member. Despite the overhead increase, our fund balance is healthy enough that the board decided there is no need for a dues increase at this time.
- Frank Homan Award. The section awarded the 2008 Frank Homan Award to Kristal Wiitala in a surprise presentation in Olympia on May 13, 2009. It is sufficient to say that she was surprised. Kristal Wiitala truly deserved the Frank Homan Award.
- Washington Young Lawyers Division. The WYLD proposed that it designate a liaison to each of the various bar sections and asked the Administrative Law Section if it would like to participate. The board replied that it wished to participate. The WYLD has appointed Katy King, Assistant Attorney General in Olympia, to be the liaison between the WYLD and the Administrative Law Section. The section looks forward to working with Ms. King and the WYLD. The WYLD described the vision for the liaisons to include:
 - Assisting the section in recruiting young lawyers as members.
 - Helping to publicize section events through posting on one or more of the WYLD list serves as well as announcements in *DeNovo*, the official WYLD e-newsletter published six times a year and disseminated to all young lawyers in Washington State.
 - Partnerships with WYLD programs and events, including the following WYLD committees: Membership, CLE, Committee for Diversity and Public Service/Pro Bono.
 - Providing input on the section’s programs and projects.
 - Participating in section meetings and subcommittees as invited by the section, either in person or via conference call.

-Encouraging collaboration and co-sponsorship opportunities between the WYLD and the section.

- The board met in January (in-person), February (telephonic) and April (in-person) for scheduled board meetings to tend to section business. The board met at an annual retreat held in July (in-person) for an all-day meeting to consider what was working and what needed changes. The chair thanks all board members for the time they were able to devote to section business.

2. Current benefits for section members.

The section's web page describes the benefits of section membership as:

- Reduced tuition at high-quality section CLEs (at least two per year);
- Three newsletters per year including summaries of recent administrative law state and federal cases, articles and announcements;
- Annual meeting with good food and other special events;
- Section publications, including the *Washington Administrative Law Practice Manual*, and the *Public Disclosure Act Deskbook*;
- Input into legislative and WSBA proposals as the recognized experts in administrative law;
- Contributions to projects benefiting access to justice efforts; and
- Networking and support in the field of administrative law.

This section has met most of those goals. The subject of the newsletters is addressed below in the segment dealing with goals for 2009-2010.

3. Section priorities, including new goals, for upcoming fiscal year 2008.

First, at its annual retreat, the board concluded that some of the section's efforts are working well and should be continued. Specifically, this means that the section will continue to offer to its members CLE programs, timely and thorough updates to the *Public Records Act Deskbook* and the *Administrative Law Practice Manual*, to represent its members' interests through the work of the WSBA Legislative Committee and to support diversity in the legal profession.

Secondly, the board recognizes the difficulties the section has had producing a traditional, hard-copy newsletter. At its annual retreat this year, the board decided to change the way the newsletter is produced for 2009-2010. The section will produce electronic newsletters which will allow shorter, but more frequent, newsletters.

Thirdly, the chair asked the two board members from eastern Washington – Judy Page and Lisa Malpass – to develop ideas and services that the section can offer to members in eastern Washington, in particular, and to encourage new membership in eastern Washington. Their suggestions were:

- To produce a regular newsletter that highlights case law and general information or changes in administrative law, possibly different in format from the section's previous newsletters and that could be sent via e-mail.
- To produce CLEs on a potpourri of different types of administrative law, highlighting different agencies and their respective forums.
- To host a "meet and greet," either on its own, or combined with a CLE.

The chair thanks Ms. Page and Ms. Malpass for their work and the section will work in 2009-2010 to have more of a presence in eastern Washington.

Finally, the chair wishes to state that the more members become active in doing the section's work, the more work will get done. The chair encourages any member of the Administrative Law Section to contact him, or any board member, to volunteer to work on any of its committees, to convey ideas on the improvement of the section, or to volunteer to serve on the board.

4. Diversity.

The Diversity and Outreach Committee worked to support the goal of increased diversity in the practice of law. Toward that end, the section has again contributed financially to the production of the Statewide Diversity Conference (this year was the conference's fourth year). In addition to the direct contribution to the program sponsors, the Washington Minority Bar Associations Collaborative Project, the section sponsored eight scholarships for section members who wished to attend the conference which was held on June 12, 2009, at Seattle University Law School.

5. Current relationship between the section and the WSBA.

The Administrative Law Section continues to enjoy good relations with the WSBA. The section has frequent contact with WSBA staff on such matters as planning, the budget, CLE programs, services available by the WSBA for the sections and legislation. Under the leadership of Executive Director Paula Littlewood and WSBA President Mark Johnson, WSBA staff members have been very helpful with the volunteers who comprise the leadership of our section. Next year, we look forward to working with Mark Johnson's successor, Salvador Mungia. As always, the board appreciates the work of Toni Doane, Section Leaders Liaison, as well as others.

6. Additional information & comments.

The board encourages the section's membership to become active in our committee work. It is the committees which produce CLE programs, consider legislative bills referred to the section, work on diversity in the legal profession, produce newsletters and recommend how section resources may be used for the benefit of the membership and the legal profession. Section members are also needed for board positions. Become involved!