

NewsFlash



Office of the Executive Director

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The Board of Governors (BOG) met July 23-24 in Leavenworth. For information on this or past BOG meetings, please contact Margaret Shane at margarets@wsba.org.

Court Rules and Procedures Committee Recommendations

The Committee presented its annual report to the Board. This year the Committee's primary focus was on the criminal rules. The Committee presented a proposed new CrR 4.11, the "recording rule," which would address recording of witness interviews. The Committee worked diligently with victim advocates and other stakeholder groups to develop a new proposed rule to provide additional protections to witnesses and victims. The Committee also revisited CrR 4.8 (criminal subpoena rule) in response to a request from the Supreme Court. The Committee was also asked to comment on the District and Municipal Court Judges' Association's proposed amendments to CrRLJ 7.3, and provided the Board with suggested amendments to proposed language. The Committee next reported on its continuing work on the MARS, and presented five proposed amendments intended to eliminate the need to file a proof of service on a request for trial *de novo* as a jurisdictional requirement. The Board will be voting on the Committee's proposals at its September meeting. Finally, the Committee updated the Board on its work with the Access to Justice Technology Committee regarding the Committee's recommendation to amend various civil rules related to discovery of electronically stored information in order to more closely follow the federal rules. For more information, including a copy of the meeting materials, contact Margaret Shane at margarets@wsba.org.

WSBA Admissions Testing

The BOG continues to explore a variety of options related to the testing instrument used for admission to practice law in Washington state. The BOG received a presentation outlining a variety of options which include maintaining the current all-essay Washington bar exam, adopting the Uniform Bar Exam in whole, or adopting some of the multistate bar exam instruments. The BOG decided to create a BOG-member task force to determine

what additional information is needed in order to make a decision. The task force will be bringing their report to the BOG at the October meeting.

Proposed Model Residential Construction Contracts

Rob Crick, chair of the Construction Law Section (Spokane), and **Andy Maron**, past Section chair (Seattle), made a presentation to the BOG on behalf of the Construction Law Section. Chair Crick advised that many residential construction projects, like home remodels, are done without the benefit of a formalized contract, which can cause problems when disputes arise. The Section has created model contracts for use by both consumers and contractors, to be provided free on the WSBA website. The BOG adopted the Section's recommendations and will be making available both a "Lump Sum" and "Cost Plus" contract to members and the public in the coming weeks.

Election of 2010-2011 WSBA Treasurer

Patrick Palace, governor from the 6th District, was elected by the BOG as the 2010-2011 WSBA Treasurer. Governor Palace is a sole practitioner from Tacoma. Palace was chosen by *Washington Law and Politics* as a "Rising Star" in 2000 and 2001 and was voted a "Super Lawyer" from 2001-2006. He has demonstrated a long-standing commitment to the legal profession as an active member in both the Tacoma-Pierce County and Washington State Bar Associations. He has served in numerous bar leadership positions, including nine terms on the Washington State Association for Justice Board of Governors and the Washington Young Lawyers Division, where he also served as President.

Executive Director's Report

Paula Littlewood reported that WSBA's new CLE Conference Center has opened and has already served more than 300 members, conducted five seminars, and broadcast four webcasts that are available to members worldwide. The Home Foreclosure Legal Aid Project, launched in spring of last year has assisted more than 500 homeowners with a volunteer pool of 440 lawyers. Staff continues to work closely with each of the three

Washington law schools to develop the Moderate Means program, which will serve moderate-income clients (within 200-400% of the federal poverty level). The goal is to begin recruitment of lawyers interested in providing reduced-fee legal services this fall and open the program to potential clients after the first of the year.

Fiscal Matters

Treasurer Geoff Gibbs presented the BOG with the first draft of the WSBA fiscal year 2011 budget. He outlined a goal to trim the budget by approximately \$600,000 before the BOG is asked to approve it at its September meeting. Treasurer Gibbs also described future budget challenges facing the WSBA because of substantial anticipated increases in retirement and benefit costs in the next two years. Staff are being asked to find creative solutions and efficiencies to continue delivering the many services provided by the Association. There was also a discussion about reorganization efforts within WSBA, including an effort to provide increased support to the 27 sections and consolidation of the staffing for the Washington Young Lawyers Division with the New Lawyer Education program under a new Education and Outreach Department that will also include WSBA-CLE. These moves are consistent with WSBA's efforts to launch enhanced training and development opportunities for members.

Diversity Matters

BOG Diversity Committee Chair **Brenda Williams** (Seattle) updated the BOG on a number of ongoing diversity initiatives. There was a discussion regarding Arizona SB 1070 related to immigration issues. Chair Williams explained that the Civil Rights Law Section, in collaboration with other stakeholders/sections, has been reviewing Arizona's law at the request of the BOG. The BOG passed a motion asking the Civil Rights Law Section to develop a white paper that would explain the constitutional issues under state and federal law surrounding Arizona's SB 1070.

Rules for Professional Conduct (RPC) Committee

RPC Committee Chair **Art Lachman** (Seattle) reviewed the work of the RPC Committee over the year and explained that many of the Committee's recommendations are technical corrections rather than substantive changes to the RPCs. The Committee has spent a lot of time discussing whether or not Washington should adopt a new model rule RPC 3.8. Currently, there is no provision in the rules that defines a prosecutor's ethical duties post-conviction when there is evidence

that a convicted person is innocent. Chair Lachman noted that the BOG would be asked to take action on the recommendations of the RPC Committee at their September BOG meeting. BOG recommendations would then be forwarded to the Supreme Court for action.

Resolution re: the U.N. Convention on the Rights of the Child

WSBA's World Peace Through Law Section (WPTL) asked the BOG to take action on their request to support a resolution regarding the Convention on the Rights of the Child. The request initially came to the BOG earlier this year and the WPTL Section was asked to solicit feedback on the resolution from other sections, which was presented to the BOG. The BOG adopted the resolution by a vote of 7-3. A copy of the resolution can be found at

<http://www.wsba.org/lawyers/groups/worldpeace/webresolutions/ratificationofuncrc0710.pdf>.

Upcoming Events

Many more events are listed on the Legal Community Events Calendar on the WSBA website at www.wsba.org/info/event-calendar.htm.

September

September 9: ACLU of Washington's 75th birthday celebration, Cal Anderson Park, Seattle.

September 23: WSBA Annual Awards Dinner, Hyatt at Olive 8, Seattle.

September 23-24: WSBA Board of Governors meeting, WSBA offices, Seattle.

October

October 1: Northwest Immigrant Rights Project's 26th Anniversary Celebration, Washington State Convention Center, Seattle.

October 1: Middle Eastern Legal Association of Washington (MELAW) 1st annual Banquet, W Hotel, Seattle.

October 8: Washington Women Lawyers' Annual Event and Dinner, Davenport Hotel, Spokane.

October 18: Asian Bar Association of Washington 21st Annual Student Scholarship Foundation Banquet, Grand Hyatt, Seattle.

October 25: Orientation and lunch for chairs of WSBA committees, councils, and boards, WSBA offices, Seattle.

October 29-30: WSBA Board of Governors Meeting, Hilton, Vancouver, WA.