

**WASHINGTON STATE**  
**B A R A S S O C I A T I O N**

**Board of Governors Meeting**  
**Meeting Materials**

**June 23, 2023**  
**The Heathman Lodge**  
**Vancouver, WA**  
**Zoom and Teleconference**



**Board of Governors Meeting  
Vancouver, WA  
June 23, 2023**

***WSBA Mission: To serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.***

**ALL ITEMS ON THIS AGENDA ARE POTENTIAL ACTION ITEMS**

**To participate call 1.888.788.0099**

**Friday, Jun 23<sup>rd</sup> : Meeting ID: 848 3938 7112 Passcode: 102525**

<https://wsba.zoom.us/j/84839387112?pwd=U2VYUitPd2pmTisxSzFBOGJBeU9Gdz09>

**9:00 AM – CALL TO ORDER & WELCOME**

**CONSENT CALENDAR**

**CONSENT CALENDAR**

A governor may request that an item be removed from the consent calendar without providing a reason and it will be discussed immediately after the consent calendar. The remaining items will be voted on *en bloc*.

- Approve May 19-20, 2023, Board of Governors meeting minutes ..... 4
- Approve 2023 APEX Award Nomination for the Chief Justice Mary E. Fairhurst Award of Merit ..... 12
- Recommend Conflicts Review Officer Pro Tempore to the Supreme Court ..... 13

**MEMBER & PUBLIC COMMENT**

**MEMBER AND PUBLIC COMMENTS**

Overall public comment is limited to 30 minutes and each speaker is limited to 3 minutes. The President will provide an opportunity for public comment for those in the room and participating remotely. Public comment will also be permitted at the beginning of each agenda item, at the President’s discretion.

**STANDING REPORTS**

- PRESIDENT’S REPORT** ..... 297
- EXECUTIVE DIRECTOR’S REPORT** ..... 14, 300

**NEW BUSINESS**

- GOVERNOR ROUNDTABLE**

**AGENDA ITEMS & UNFINISHED BUSINESS**

- FIRST DRAFT REVIEW OF FY 2024 WSBA BUDGET** WSBA Treasurer Francis Adewale, Director of Finance Tiffany Lynch ..... 29

**12:00 PM – RECESS FOR LUNCH AND LOCAL HERO PRESENTATION**

- FIRST READ: PROPOSED AMENDMENTS TO WSBA BYLAWS ART. VI, XI, AND XII RE YOUNG LAWYERS RECOMMENDED BY THE WSBA WASHINGTON YOUNG LAWYERS COMMITTEE** WYLC Chair Zachary Davison.....98

- FIRST READ: PROPOSED POLICY FOR THE ADMINISTRATION OF SUPREME COURT BOARDS RECOMMENDED BY THE WSBA TASK FORCE TEAM ADMINSTERING XENIAL INVOLVEMENT WITH COURT-APPOINTED BOARDS (TAXICAB)** Chair Kyle Sciuchetti ..... 223

- FIRST READ: PROPOSED AMENDMENTS TO GR 12.2 RECOMMENDED BY THE WSBA EQUITY AND DISPARITY WORKGROUP** Gov. Alec Stephens and Chair Laura Sierra ..... 301

- PROPOSED NEW COMMENTS TO RPC 1.2 AND 8.4 RE REPRODUCTIVE HEALTH CARE SERVICES RECOMMENDED BY WSBA COMMITTEE ON PROFESSIONAL ETHICS** Chair Pam Anderson and Subcommittee Chair Professor Hugh Spitzer..... 321

**EXECUTIVE SESSION**

- CLIENT PROTECTION BOARD GIFT RECOMMENDATIONS** .....11

**MEETING REVIEW**

- MEETING FEEDBACK**

**5:15 PM – ADJOURN**

**INFORMATION**

- Monthly Financial Reports, Unaudited ..... 230
- General Information ..... 276

# WASHINGTON STATE BAR ASSOCIATION

## BOARD OF GOVERNORS MEETING MINUTES

Yakima, WA  
May 19-20, 2023

Call to Order and Welcome ([link](#))

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Dan Clark on Friday, May 19, at 9:05 AM. Governors in attendance were:

Francis Adewale  
Sunitha Anjilvel  
Lauren Boyd  
Jordan Couch  
Matthew Dresden  
Kevin Fay  
Nam Nguyen  
Kari Petrsek  
Brett Purtzer  
Mary Rathbone  
Serena Sayani  
Alec Stephens

Also in attendance were President-Elect Hunter Abell, Yakima County Superior Court Hon. Richard Bartheld, Gov. Elect Todd Bloom, Executive Administrator Shelly Bynum, Practice of Law Board Chair Michael Cherry, Kit Chovanak, Member Engagement Specialist Melvin Curtiss, Equity and Justice Specialist Joyce Diaz, Lillibel Douglas, Merf Ehman, Chief Disciplinary Counsel Doug Ende, Volunteer Engagement Advisor Paris Eriksen, Tamara Garrison, Miryam Gordon, Family Law Section Liaison Nancy Hawkins, Bobby Henry, Kim Hunter, Director of Finance Tiffany Lynch, Sections Program Specialist Carolyn MacGregor, Rajeev Majumdar, Betseylew Miale-Gix, Yakima County Department of Assisted Council Paul Kelly, Outreach Specialist Mike Kroner, Chris Newbold, Executive Director Terra Nevitt, Equity and Justice Programs Coordinator Nicholas Mejia, Yakima County Superior Court Hon. Kevin Naught, Chief Communications Officer Sara Niegowski, Broadcast Services Manager Rex Nolte, Communication Strategies Manager Jennifer Olegario, Director of Advancement Kevin Plachy, Education Programs Manager Shanthi Raghu, Equity and Justice Lead Saleena Salango, TAXICAB Chair Kyle Sciuchetti, General Counsel Julie Shankland, Chief Equity & Justice Officer Diana Singleton, Christopher Swaby, Immediate Past President Brian Tollefson, Member Services and Engagement Manager Julianne Unite and Yakima Bench-Bar Committee Chair Sarah Wixson, Sarah Wixson.

### Consent Calendar ([link](#))

Pres. Clark asked if anyone wished to remove an item from the consent calendar. Gov. Fay moved for approval. There was no discussion. Motion passed unanimously. Gov. Sayani was not present for the vote.

### Member & Public Comments

There was no public comment.

### President's Report ([link](#))

Pres. Clark referred to his written report.

### Executive Director's Report ([link](#))

Director Nevitt referred to her written report and noted that the Board and Officers held a successful meeting with members of the local judiciary the day before and the most pressing topic was a lack of lawyers in Yakima and rural areas.

### Training: Justice in Aging ([link](#))

Denny Chan, the Managing Director of Equity Advocacy, presented "Advancing Equity in Aging through Law & Policy: Barriers & Opportunities." The training presented protecting and supporting the rights of older adults including healthcare, housing, and social justice. Discussion followed about supporting access to courts and a growing digital divide, AI screening methods, and arbitrary aging-out rules for employment.

### President-Elect Election ([link](#))

Gov. Sunitha Anjilvel was elected as the WSBA 2024-2025 President.

### Identifying Key Performance Indicators for WSBA Program Review ([link](#))

Executive Director Nevitt introduced the idea of a "Balanced Score Card" that would allow the organization to measure its programs against WSBA's mission-driven principles. She explained that the WSBA's different programs and services would be evaluated on a rotating annual schedule. Discussion followed, including whether we currently have a template or uniform way to evaluate the effectiveness of programs and services; the number of programs that will be included on any given year or during the first round of evaluation; a suggestion that the executive staff should do the review; and the fiscal importance of this process.

### Small Town and Rural Practice Committee Presentation ([link](#))

Executive Director of Columbia Legal Services Merf Ehman and Gov. Kari Petresk presented information about what the Small Town and Rural Practice (STAR) Committee accomplished in its first year and their goals for next year. Successes include a forum in Yakima that brought together many rural practitioners; a rural job fair; free postings for rural job posters via WSBA's online job board; the Governor's proclamation in support of rural practice; and stories/articles highlighting the benefits and opportunities of practicing in a small town. On the horizon, the committee plans to host more rural job fairs and hold outreach events at law schools; to present some ideas for changes to the Rule 6 Law Clerk program to facilitate more people moving through that pipeline; loan forgiveness programs for rural practitioners; and bringing together rural

interns to learn from each other. Chief Regulatory Counsel Renata Garcia suggested the Committee work with the Law Clerk Board on proposed rule changes to that program.

#### Yakima Attorney Shortage ([link](#))

Yakima Bench-Bar Committee Chair Sarah Wixson, Yakima County Superior Court Hon. Kevin Naught, Yakima County Department of Assisted Council Paul Kelly, and Yakima County Superior Court Hon. Richard Bartheld spoke about the challenges in Yakima courts due to a severe attorney shortage. The group shared some of the solutions they have or would like to undertake, including hiring first-year law students through a paid intern program; asking retired attorneys to take on cases; and partnering with a local post-secondary school to offer a law curriculum into their class offerings. The presenters and Board identified that this is a complicated, statewide situation and will need a myriad of solutions and approaches to overcome. Discussion included flexibility and work/life balance; availability of remote hearings; the need for diversity among rural practitioners; and the need for legislative support for defenders and other positions.

#### Member Wellness Presentation ([link](#))

Member Wellness Council Co-Chair Francis Adewale, Member Wellness Program Manager Dan Crystal, Member Wellness Co-Chair Matthew Dresden, EVP Alps and President of the Institute for Lawyer Well Being Chris Newbold, and Advancement Director Kevin Plachy presented on the history of the member wellness program at the WSBA, best practices for bar-association member wellness programs, and a recommendation for how to move forward from the Member Engagement Council. Manager Crystal and ALPS EVP Newbold presented the statistics that show lawyers experience greater instances of mental illness, depression, and addiction than the general population, that the pandemic exacerbated the problem, encouraged the Board to think about member wellness as a foundation necessary for the integrity of the profession, and that the WSBA to join a growing list of jurisdictions that have formed lawyer wellbeing task forces.

Gov. Adewale and Gov. Dresden recommended the WSBA add member well-being to the Board of Governor's goals adopted in June 2023, work to create a council or task force to study the issue of member well-being and report back to the Board of Governors with a proposed charter at a later date, and that the new entity focused on member well-being, keep the work of the task force/council connected to the Member Engagement Council with period updates. Director Plachy and Manager Crystal explained that a task force would bring stakeholders together to expand WSBA's understanding of what is causing unwellness in the legal community and that the next step would be identifying solutions. Gov. Stephens moved to approve the recommendations from the Member Engagement Council. The motion passed unanimously.

#### Discussion of Proposed Changes to the WSBA Bylaws ([link](#))

Gov. Stephens presented three proposals for a preliminary discussion. First, shifting the election for the President-Elect to be conducted by the entire WSBA membership rather than by the Board of Governors. He described that it seemed contradictory for all other Board of Governor positions to be elected by the membership but not one of the most important positions, President-Elect. Discussion followed about the role and function of the President; opposition to the proposal; the importance of setting some criteria for

who is eligible; how to educate members; and the importance of the Governors needing to know and respect the President. Gov. Stephens summarized that the idea did not seem to have traction.

Second, Gov. Stephens introduced the idea of a bylaw change that would permit committees to have working sessions, without taking formal action, without a quorum present. Discussion followed, including how to define what work could be done in such a session and how the current bylaws address quorum. Gov. Stephens suggested that he continue to work with General Counsel Shankland and bring this back for a first read at a future board meeting.

Third, Gov. Stephens suggested that, in each fiscal year, a minimum of three in-person or hybrid Board meetings be held in King County, at least two of which would be at the WSBA headquarters. Gov. Stephens cited the inefficiency and cost of traveling for the majority of meetings, including bringing all the broadcasting equipment. He noted that technology has made it possible for people all over the state to easily interact with board meetings without travel. Discussion followed about the benefits of interacting in local communities with local practitioners; the cost of traveling meetings, versus the value; and the importance of perception. It was suggested that Gov. Stephens suggestion could be effectuated by a recommendation to the President rather than a bylaw change. Executive Director Nevitt commented on the challenges of a changing the travel philosophy every year, and suggested other ways that the WSBA can connect with local practitioners outside of Board meetings. Gov. Stephens indicated that he would bring back a proposal for consideration and action.

#### Governor Roundtable ([link](#))

Gov. Stephens wished all the mothers and mother figures a happy Mother's Day, a week late. Gov. Fay commented that Executive Administrator Shelly Bynum has done a fantastic job organizing the May Board meeting.

#### Recommendations from the Long-Range Strategic Planning Council Future of WSBA Space ([link](#))

Long-Range Strategic Planning Council member Rajeev Majumdar presented the Long-Range Strategic Planning Council's recommendation for the long-term future of the WSBA office space. The recommendation included purchasing a building in King County, and to establish a satellite office in Spokane to use as a potential model for establishing satellite offices in other parts of the state in the future. Council Member Majumdar explained that the decision to buy a building is dependent upon getting actual real estate estimates and discovering what is possible, noting that the recommendation presented is meant to be an expression of values and a direction for moving forward, but the final decision will be made when a real estate or lease deal comes before the board. Executive Director Nevitt commented that the value of the board indicating its goal, in advance of a final decision, is that it will allow the organization to plan accordingly, including earmarking funds and growing the reserves as necessary. Gov. Fay gave a presentation supporting his analysis that staying in the current location with a renegotiated lease is the best fiscal option. Treasurer Adewale presented analyses from the Budget and Audit Committee.

Discussion followed, including about the wisdom of short-term versus long-term thinking and projecting; competing priorities for budget allocation; the benefit of being present throughout the state to serve all

members while recognizing that the majority are in King County and along the I-5 corridor; the purpose of office space and conference space; the purpose and usefulness of satellite offices to support rural practitioners and county bars; and the wisdom of considering the purchase of a building when we don't yet know the market conditions or terms; whether this Board of Governors should take action now when it's a future board that will make the ultimate decision; the challenges and opportunities of having a headquarters in downtown Seattle; and the importance of gathering member feedback to inform the process.

The Board took public comment from Nancy Hawkins who shared comments from the Family Law Section in opposition to a current plan for the WSBA to purchase a building.

#### Converting Deskbooks to a Member Benefit ([link](#))

Council Member Rajeev Majumdar presented the Long-Range Strategic Planning Council's recommendation to that WSBA offer its Deskbooks as a free member benefit. Treasurer Adewale commented that the Budget and Audit Committee does not want this proposal implemented in this budget cycle and that the Member Engagement Council recommends that the Board seek member input before deciding. Discussion followed about the permanence of this decision because members will not likely transition back to a paying model for deskbooks; the concern that this proposal is overbroad to meet the problem and an alternate solution could be a grant program to supply deskbooks to those who cannot afford them; the opportunity to investigate and present several options to members for feedback; the many number of programs and priorities the Board has competing for finite resources; a perspective that not all members need or want any or all deskbooks; a suggestion that as an alternate proposal WSBA provide a free deskbook to new members or as an incentive to join a section; the impact on our relationships with current vendor-partners that are involved in publishing deskbooks; and how to expand the offerings/areas of deskbooks content and ensure we have robust volunteers to author the content.

Gov. Dresden moved to have the Long-Range Strategic Planning Council come back with more than just one option to make Deskbooks a more widely accessible member benefit. Council Member Majumdar recommended that this issue not go back to the Long-Range Strategic Planning Council but proceed to the entire Board of Governors and/or the Member Engagement Council to continue. Gov. Dresden made a friendly amendment to move the topic to the Member Engagement Council to come up with more options and member feedback. The motion passed unanimously.

Executive Director Nevitt suggested that the Council take up the larger question of how to determine what types of WSBA programs and services should be included as "free" and funded with license fees.

#### Meeting Feedback ([link](#))

President-Elect Abell announced the death of Asotin County Prosecuting Attorney Ben Nichols, and the Board took a moment of silence.

Gov. Stephens wished fathers and father-figures a happy Father's Day.

#### **ADJOURNMENT** ([link](#))

There being no further business, Pres. Clark adjourned the meeting at 12:51 PM on Saturday, May 20, 2023.

Respectfully submitted,

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Terra Nevitt

WSBA Executive Director & Secretary

DRAFT



**Board of Governors Meeting – Motions List**  
**Yakima, WA**  
**May 19-20, 2023**

1. Motion to approve the Consent Calendar. Motion passed unanimously. Govs Sayani and Purtzer were not present.
2. Motion to approve the recommendation from the Member Engagement Council [to 1) Add member well-being to the Board of Governor’s goals that are adopted in June 2023. 2) Work to create a council or task force to study the issue of member well-being and report back to the Board of Governors. A proposed charter would come back to the Board for approval at a later date. 3) In creating the new entity focused on member well-being, keep the work of the task force/council connected to the Member Engagement Council (i.e., well-bring task force/council provide periodic updates to the MEC)]. Motion passed unanimously.
3. Motion to have the Long-Range Strategic Planning Council come back with more than just one option to make Deskbooks a more widely accessible member benefit.
  1. Motion amended by the maker to move the topic to the Member Engagement Council to come up with more options and member feedback. Motion passed unanimously.

# WASHINGTON STATE BAR ASSOCIATION

Office of General Counsel

Nicole Gustine, Assistant General Counsel

**TO:** WSBA Board of Governors  
**FROM:** Nicole Gustine, Assistant General Counsel  
**DATE:** June 5, 2023  
**RE:** Confidentiality of Client Protection Board Recommendations

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The Board of Governors (BOG) is responsible for approving gifts from the Client Protection Board. Per Court Rule, all of the materials, reports, and deliberations shall not be public. (APR 15 Procedural Regulations, Regulation 13(b)). As such, the recommendations are placed on the Consent Calendar. If discussion is requested by any Governor, it shall be taken up in Executive Session.

## **APR 15**

### **CLIENT PROTECTION FUND PROCEDURAL REGULATIONS REGULATION 13. CONFIDENTIALITY**

(a) Matters Which Are Public. On approved applications, the facts and circumstances which generated the loss, the Client Protection Board's recommendations to the Trustees with respect to payment of a claim, the amount of claim, the amount of loss as determined by the Client Protection Board, the name of the lawyer, LLLT, or LPO causing the loss, and the amount of payment authorized and made, shall be public.

(b) Matters Which Are Not Public. The Client Protection Board's file, including the application and response, supporting documentation, and staff investigative report, and deliberations of any application; the name of the applicant, unless the applicant consents; and the name of the lawyer, LLLT, or LPO unless the lawyer, LLLT, or LPO consents or unless the lawyer's, LLLT's, or LPO's name is made public pursuant to these rules and regulations, shall not be public.

The following report of CPB recommendations contains only pre-approved applications, and is therefore provided to you as a Trustee, confidentially. The report will not appear in the BOG meeting's public session materials. Please take the time to review the materials thoroughly prior to the BOG public session meeting.

Pursuant to ELC 3.4(l), the Chief Disciplinary Counsel has authorized the release of otherwise confidential disciplinary information to the Board of Governors for the purpose of reviewing and deciding on Client Protection Fund Board recommendations. The Board of Governors is advised of its obligation to maintain the confidentiality of these materials.

**Please do not discuss any details regarding the matters, including the names or amounts related to the matter, at the public session meeting.**



**WASHINGTON STATE**  
**BAR ASSOCIATION**

**TO:** WSBA Board of Governors

**FROM:** Immediate Past President Brian Tollefson, WSBA Awards Committee

**CC:** Sara Niegowski, WSBA Chief Communications and Outreach Officer  
Jennifer Olegario, WSBA Communications and Outreach Manager  
Michael Kroner, WSBA Staff Liaison to Awards Committee

**DATE:** June 2, 2023

**RE:** Recommendations for 2023 WSBA APEX Awards

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**ACTION: Approve the pending 2023 APEX Award nomination, presented by the WSBA Awards Committee**

The WSBA Awards Committee reviewed nominations for the 2023 APEX Awards and recommends a recipient for approval by the Board of Governors, which is available in the confidential materials.

Immediate Past President Tollefson served as Chair for President-Elect Abell, who recused himself from the review process.

**MEMO**

**To:** WSBA President Dan Clark, Officers, Board of Governors, and Executive Director Terra Nevitt

**From:** Julie Shankland, General Counsel

**Date:** June 6, 2023

**Re:** Conflicts Review Officer Pro Tempore Appointment Recommendation

**[ACTION]:** Approve: Recommend to the Supreme Court that Andrew Carrington be Appointed as a Conflicts Review Officer Pro Tempore for five matters.

**I. Background**

The Office of General Counsel administers Conflicts Review Officers under ELC 2.7. Conflicts Review Officers (CROs) are responsible for reviewing grievances filed against disciplinary counsel and other lawyers employed by the Association, hearing officers, CROs and CROs pro tempore, Disciplinary Board members, officers and members of the Board of Governors, and staff, attorneys, and judicial officers of the Supreme Court. ELC 2.7(b)(2) states:

*When no Conflicts Review Officer is available to handle a matter due to conflict of interest or other good cause, the Supreme Court, on the recommendation of the Board of Governors, shall appoint a Conflicts Review Officer pro tempore for the matter.*

Typically, case loads are balanced between three Conflicts Review Officers. Recently, a CRO has resigned. Both appointed CROs have been consistently assigned 2-3 matters at a time. Additionally, one CRO has a conflict with two of the pending matters.

**I. Action Requested**

Conflicts Review Officers must have prior experience as a Disciplinary Board member, disciplinary counsel, or special disciplinary counsel. Andrew Carrington has agreed to serve as Conflicts Review Officer pro tempore for the five above-referenced grievances. We have successfully completed the conflicts check for all matters. Mr. Carrington has previous experience on the Disciplinary Board, as Disciplinary Board Chair, and served as a Conflicts Review Officer from 2015-2021. Mr. Carrington's appointment would end when he has completed his review of the grievances.

**II. Confidentiality**

Pursuant to ELC 3.4(l), the Chief Disciplinary Counsel has authorized the release of otherwise confidential disciplinary for the purpose of recommending a Conflicts Review Officer pro tempore. The specific names of the individuals involved in the grievances are available to the BOG upon request.

**TO:** WSBA Board of Governors  
**FROM:** Executive Director Terra Nevitt  
**DATE:** June 7, 2023  
**RE:** Executive Director's Report

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### 2023 Licensing Update

WSBA's first year of paperless licensing was a huge success! We mailed just 22 license packets (compared to 14,392 last year) and six of those members ultimately renewed online. About 70% of members paid online (we still accept checks) compared with 65% last year. At the beginning of March, we mailed 1,636 certified Presuspension Notices. In addition to the written notice, we also contacted about 1,000 members by phone and email to remind them to renew their license. On May 4, 2023, the Court entered orders suspending 204 lawyers, 20 LPOs, and terminating one house counsel license and one foreign law consultant license.

### Summer Exams

Summer exams will once again be held in Yakima. The LPO Exam is going to be administered on July 24 and the Uniform Bar Exam (UBE) on July 25-26. As of now, 754 candidates have registered to take the Bar Exam and 70 to take the LPO Exam. The admissions team is hard at work reviewing applications and preparing for the exams. As you can imagine, it takes a village to put this event together. We are looking to hire about 50 proctors and we still have a huge need, so please help us spread the word. Here is a link to the job posting: [Recruitment \(adp.com\)](#). Please reach out to Chief Regulatory Council Renata Garcia with any questions.

### Update on the NextGen Bar Exam

Washington is one of 42 jurisdictions that administer the Uniform Bar Exam (UBE), which is coordinated by the National Conference of Bar Examiners (NCBE) and is uniformly administered, graded, and scored. In 2018, NCBE launched a three-year study to ensure that the examination continues to test the knowledge, skills, and abilities required for competent entry-level legal practice. The project was divided into three phases: stakeholders research, practice analysis, and content and design. Guided by the results of this comprehensive study and consistent with testing standards, NCBE is now developing the NextGen Bar Exam which is set to debut in 2026.

Last month, NCBE released the content scope outlines covering the breadth of material to be tested on the new exam in eight areas of legal knowledge and seven categories of practical skills and abilities ([link](#)). Pilot testing where the form, organization, and structure of the exam items are evaluated are also well underway. Over twenty law schools are participating in the initial rounds of pilot testing, in which law students and recent graduates answer draft questions, followed by a feedback session. You can find more information about the NextGen Bar Exam [here](#). NCBE representatives will be joining us in Spokane in September to present to the Board information about the NextGen exam and answer your questions.

The NextGen exam is also being evaluated and monitored by the Supreme Court’s Bar Licensure Task Force, which was created in November 2020 to evaluate and assess the efficacy of the Washington state bar licensure requirement for licensing lawyers, including consideration of potential alternatives.

#### Board Elections Update

The Governor At-Large election ended on June 1 and resulted in a run-off election between candidates Tom Ahearne and Kim Sandher. The run-off election began June 7 and will conclude at 5 PM on June 15. If you or any member is having trouble voting or finding your ballot, please reach out to Volunteer Engagement Advisor Paris Eriksen ([parise@wsba.org](mailto:parise@wsba.org)).

For any Board members interested in serving as the FY24 Treasurer, please note that nominations may be taken from the floor at the August meeting but submitting materials in advance is also welcome. If you would like to submit materials for consideration as Treasurer, please note the July 24 materials deadline.

#### Attachments

Litigation Report

2023 First Quarter Discipline Report

Media Report

Member Demographics Report

# WASHINGTON STATE BAR ASSOCIATION

Office of General Counsel

To: The President, President-elect, Immediate Past-President, and Board of Governors  
 From: Julie Shankland, General Counsel  
 Lisa Amatangel, Associate Director, OGC  
 Date: June 6, 2023  
 Re: Litigation Update

No.	Name	Brief Description	Status
1.	<i>Langadinos v. WSBA, et al.</i> , No. 2:23-cv-00250-RSM (W.D. Wash.)	Alleges disability discrimination.	Complaint filed 2/23/23.
2.	<i>Schlecht v. WSBA</i> , No. 23-2-05082-7-KNG (King County Sup. Court)	Alleges improper handling of plaintiff's records requests.	On 4/24/23, the WSBA filed a Motion to Dismiss. A hearing on the Motion to Dismiss was held on 5/26/23 and the motion was granted with prejudice. This matter is now closed.
3.	<i>Block v. WSBA, et al.</i> , No. 15-cv-02018-RSM (W.D. Wash.) (" <i>Block I</i> ")	Alleges conspiracy among WSBA and others to deprive plaintiff of law license and retaliate for exercising 1st Amendment rights.	<p>On 02/11/19, the Ninth Circuit affirmed dismissal of claims against WSBA and individual WSBA defendants; the Court also vacated the pre-filing order and remanded this issue to the District Court. On 12/09/19, the United States Supreme Court denied plaintiff's Petition of Writ of Certiorari.</p> <p>On 12/13/19, the District Court reimposed the vexatious litigant pre-filing order against Block; Block filed a notice of appeal regarding this order on 01/14/20 ("<i>Block I – Appeal II</i>"). Block filed an opening brief in <i>Block I – Appeal II</i> on 11/06/20; WSBA filed its answering brief on 01/07/21. Block's optional Reply Brief was due on 01/28/21. Block filed a reply brief on 04/26/21 along with a motion for extension. The Ninth Circuit set this matter for consideration without oral argument on 06/08/21. On 07/02/21 the Ninth Circuit affirmed the dismissal of <i>Block II</i> pursuant to the original vexatious litigant order.</p> <p>On 09/10/20, Block moved to vacate the vexatious litigant order; WSBA opposed the motion and it was denied. In response to the district court's denial of Block's motion to</p>



			<p>vacate, on 10/01/20, Block filed a motion for an indicative ruling on whether the district court would vacate the vexatious litigant order if the appellate court remanded the case for that purpose. WSBA opposed the motion. Block filed a reply on 10/16/20. This motion was denied.</p> <p>On 09/09/21, Block filed a motion to vacate all decisions in this matter; WSBA filed an opposition on 09/20/21. This motion was denied on 09/28/21.</p> <p>Block appealed the order issued on 09/28/21. The Ninth Circuit opened a new appeal (9<sup>th</sup> Cir. No. 21-35922), “Block I – Appeal III”, in which Block’s opening brief was due 01/05/22. Block filed an untimely motion to extend the time to file her opening brief; WSBA opposed the motion on 02/07/22. Block filed an opening brief in Block I – Appeal III on 3/3/22. WSBA’s answering brief was due 5/4/22. After two extensions, Block filed a reply brief on 6/27/22.</p> <p>Update since last report: On May 23, 2023, the Ninth Circuit rejected Block’s appeal and affirmed the district court’s findings.</p>
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MEMO

To: Terra Nevitt, WSBA Executive Director  
From: Douglas J. Ende, WSBA Chief Disciplinary Counsel & Director of the Office of Disciplinary Counsel  
Date: May 30, 2023  
Re: Quarterly Discipline Report, 1<sup>st</sup> Quarter (January - March 2023)

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**A. Introduction**

The Washington Supreme Court's exclusive responsibility to administer the systems for discipline of licensed legal professionals (including disability systems) is delegated by court rule to WSBA. See GR 12.2(b)(6). Staff and volunteers carrying out the functions delegated by the Rules for Enforcement of Lawyer Conduct (ELC) act under the Supreme Court's authority. The investigative and prosecutorial function is discharged by the employees in the Office of Disciplinary Counsel (ODC), which is responsible for investigating allegations and evidence of professional misconduct and incapacity and prosecuting violations of the Washington Supreme Court's Rules of Professional Conduct.

The Quarterly Discipline Report provides a periodic overview of the functioning of the Office of Disciplinary Counsel. The report graphically depicts key discipline-system indicators for the 1<sup>st</sup> Quarter 2023. Note that all numbers and statistics herein are considered tentative/approximate. Final figures will be issued in the 2023 Discipline System Annual Report.

**B. Public Dispositions & Other Information**

- **Public Dispositions**

**Disbarments:**

Nicholas A. Fay, #47603

**Suspensions:**

Dalton, Drew D., #39306 , sixty-day suspension (*Stipulation*)

Polovina, Tarik, #52816, two-year suspension

**Resignations in Lieu of Discipline:**

Cross, Geoffrey Colburn, #30589

**Reprimands:**

Everett, Jonathan Jubal, #43792 (*Stipulation*)

Goldstein, Ari Rothman, #45993 (*Stipulation*)

Schneider, Jaye Lynn, #13515 (*Stipulation*)

Sykes, Tuella O., #36179 (*Stipulation to two reprimands*)

**Reciprocal Discipline:**

Holady, Mark John, #19662, thirty-day suspension (Oregon)

Merdes, Ward M., #20375, four-year suspension (Alaska)

- **Interim Suspensions**

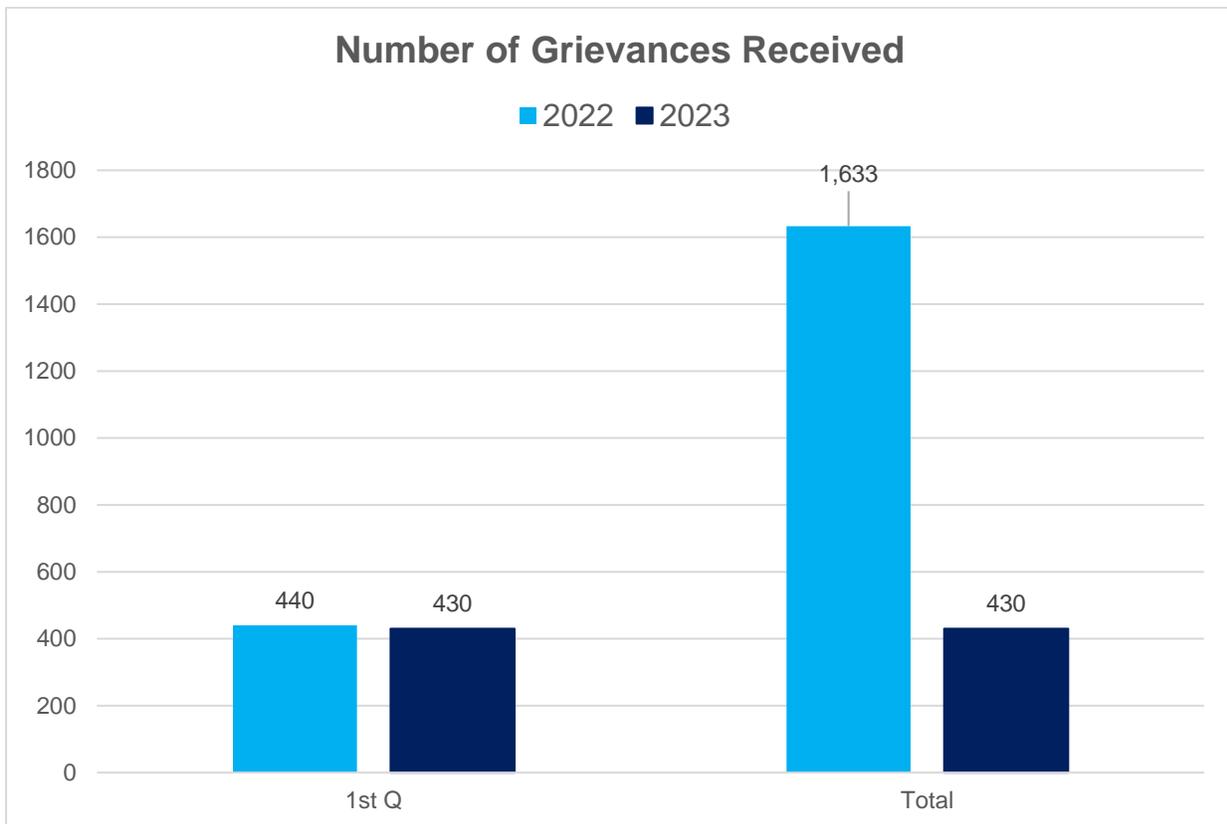
**ELC 7.2:**

Johnson, Myles Julian, #47642 (non-cooperation)

**ELC 7.3:**

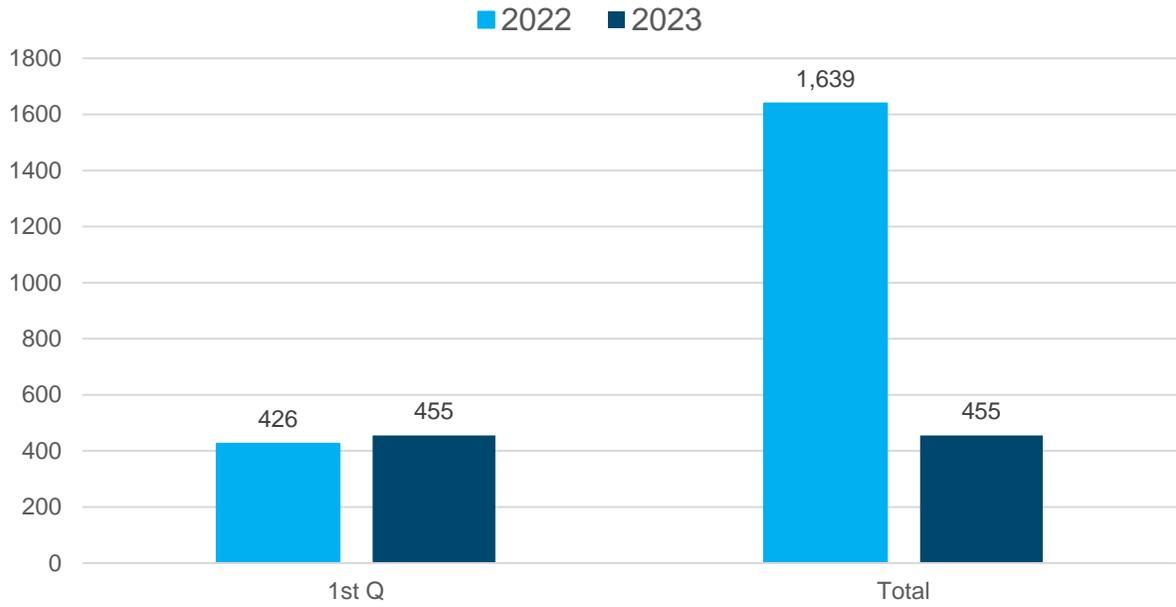
Pittle, Ralph David #1194 (incapacity)

**C. Grievances and Dispositions<sup>1</sup>**

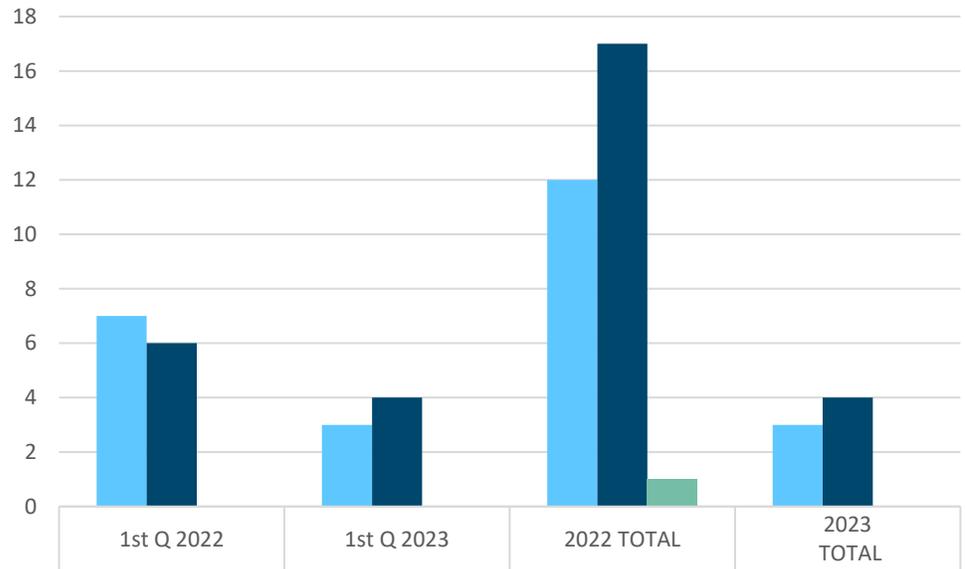


<sup>1</sup> These figures may vary from subsequent quarterly reports and statistical summaries owing to limitations on data availability at the time of issuance of these quarterly reports.

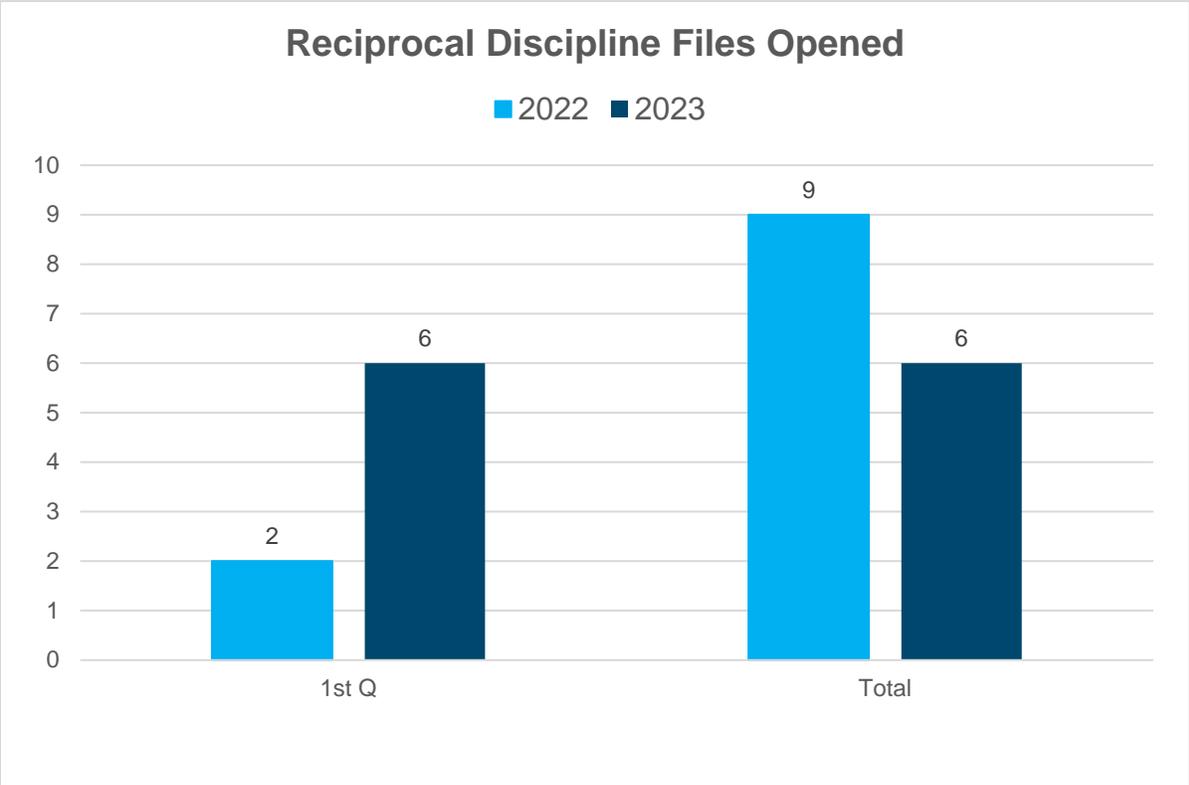
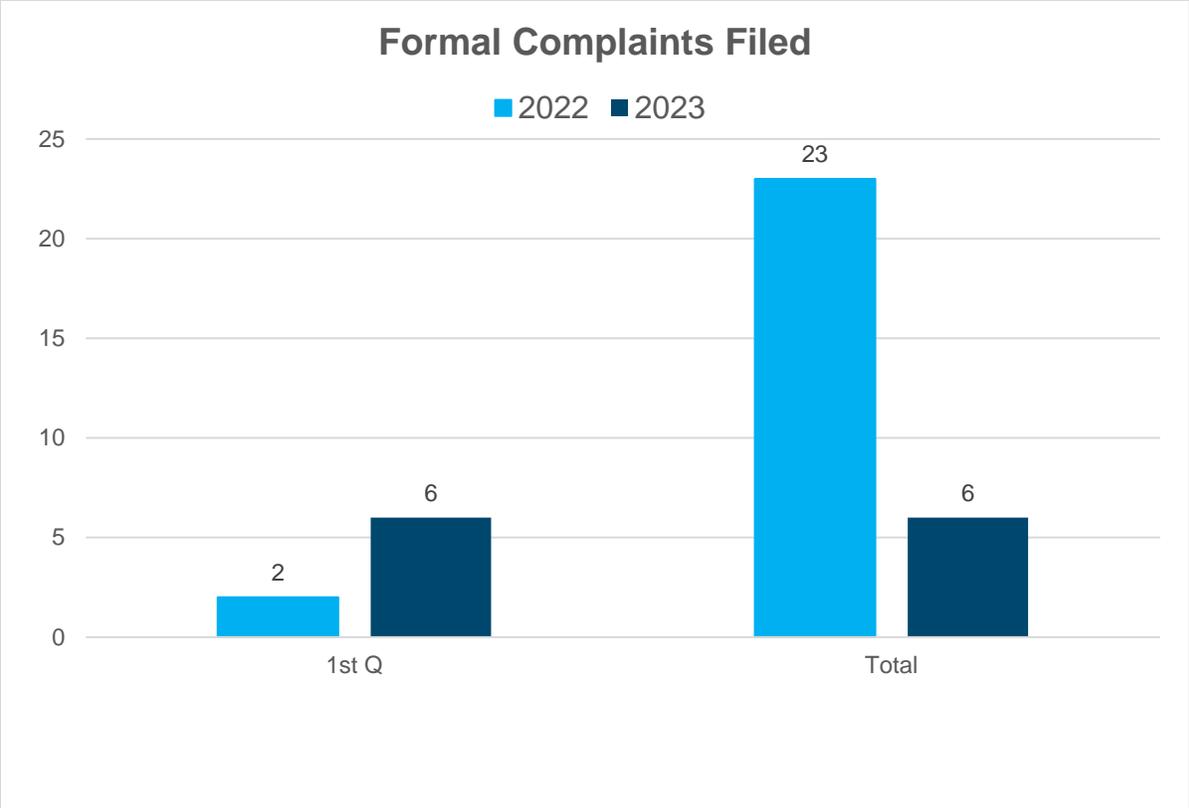
## Number of Grievances Resolved



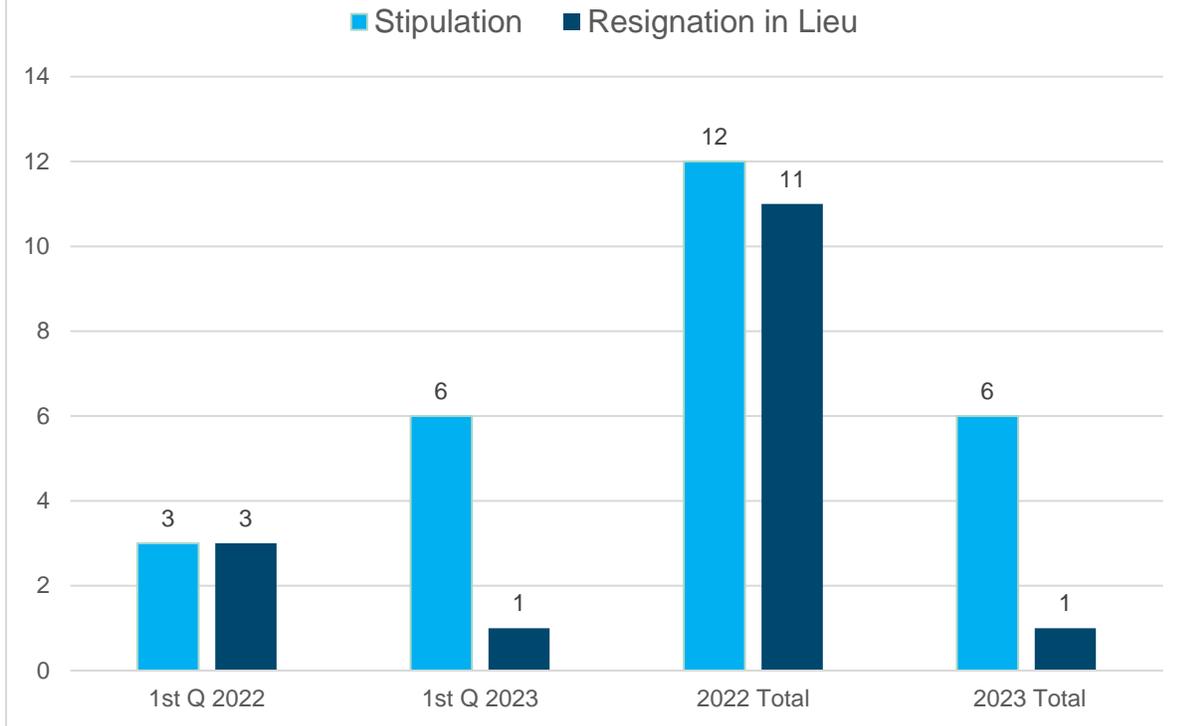
## Diversion Statistics



<span style="color: #00AEEF;">■</span> New Diversion Files	7	3	12	3
<span style="color: #003366;">■</span> Completed Diversion Files	6	4	17	4
<span style="color: #669999;">■</span> Terminated Diversion Files	0	0	1	0



## Stipulations and Resignations in Lieu

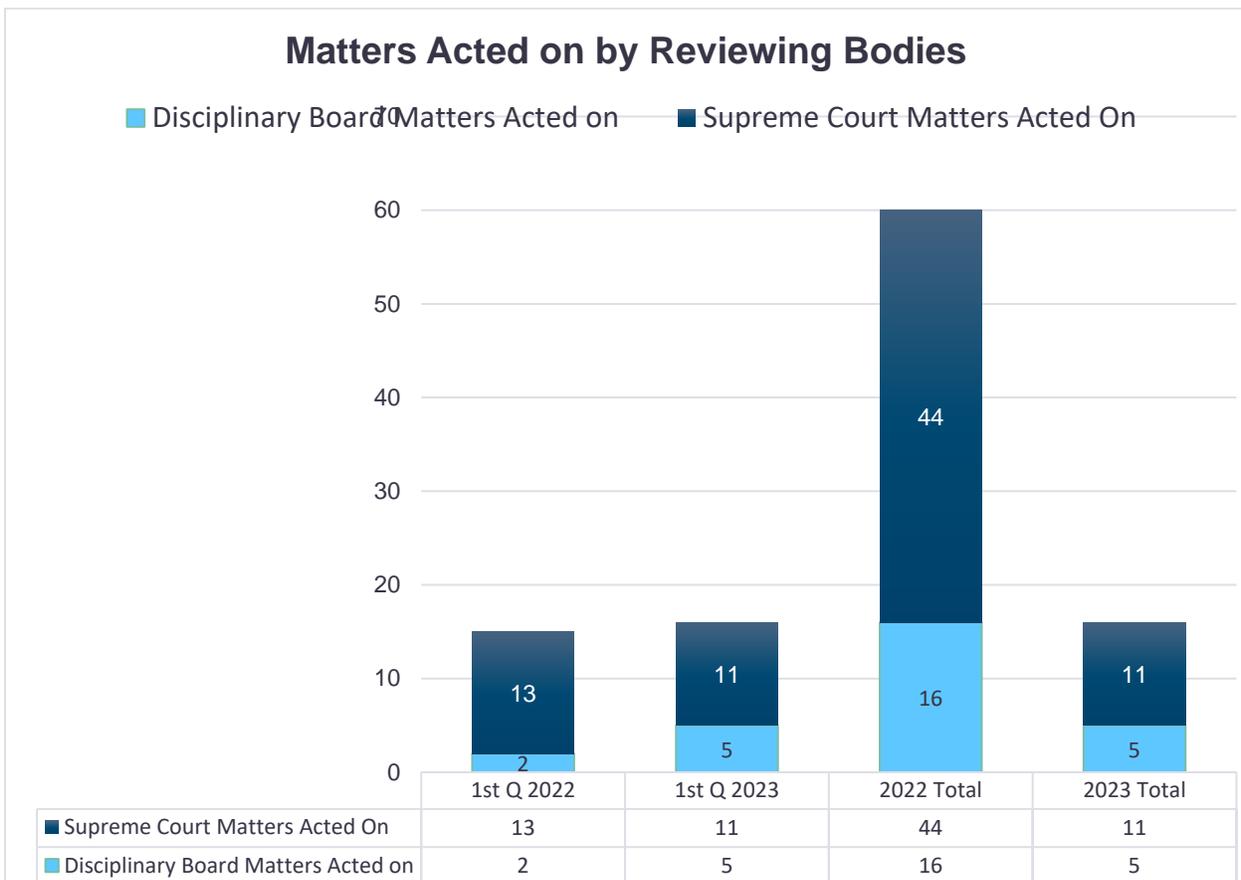


Hearings Held <sup>2</sup>	Quarter Total
1 <sup>st</sup> Quarter	0
2 <sup>nd</sup> Quarter	TBD
3 <sup>rd</sup> Quarter	TBD
4 <sup>th</sup> Quarter	TBD
2023 Total	0
2022 Total	9

<sup>2</sup> Includes default hearings.

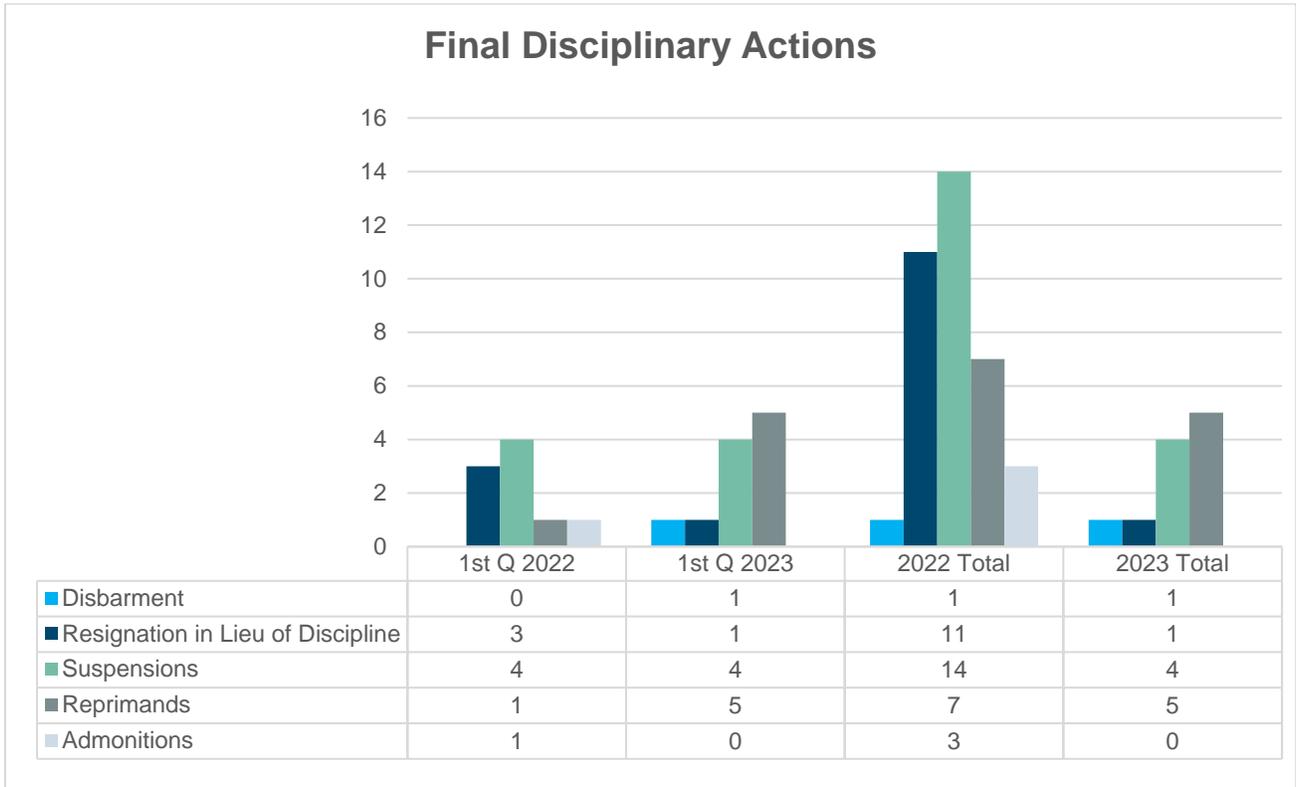
**D. Pending Proceedings<sup>3</sup>**

Open Proceedings	2022	2023
Ending 1 <sup>st</sup> Quarter	31	44
Ending 2 <sup>nd</sup> Quarter	41	TBD
Ending 3 <sup>rd</sup> Quarter	38	TBD
Ending 4 <sup>th</sup> Quarter	39	TBD



<sup>3</sup> In the second table in this section, the Disciplinary Board numbers reflect Board orders on stipulations and following review after an appeal of a hearing officer’s findings.

**E. Final Disciplinary Actions**



**F. Disability Found**

Disability Found	Quarter Total
<b>1<sup>st</sup> Quarter</b>	<b>1</b>
<b>2<sup>nd</sup> Quarter</b>	<b>TBD</b>
<b>3<sup>rd</sup> Quarter</b>	<b>TBD</b>
<b>4<sup>th</sup> Quarter</b>	<b>TBD</b>
<b>2023 Total</b>	<b>1</b>
<b>2022 Total</b>	<b>4</b>

**G. Discipline Costs<sup>4</sup>**

<b>Quarterly Discipline Costs Collected</b>	<b>Total</b>
<b>1<sup>st</sup> Quarter</b>	<b>\$11,162.00</b>
<b>2<sup>nd</sup> Quarter</b>	<b>TBD</b>
<b>3<sup>rd</sup> Quarter</b>	<b>TBD</b>
<b>4<sup>th</sup> Quarter</b>	<b>TBD</b>
<b>2023 Total</b>	<b>\$11,162.00</b>
<b>2022 Total</b>	<b>\$64,542.24</b>

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<sup>4</sup> The cost figures may vary from amounts indicated in previous quarterly reports, statistical summaries, and annual reports, owing to limitations on the data available at the time of issuance of these quarterly reports and the final cost figures available after Accounting closes the monthly books.

# WASHINGTON STATE BAR ASSOCIATION

## MEMO

**To:** Board of Governors

**From:** Jennifer Olegario, Communications and Outreach Manager and Sara Niegowski, Chief Communications Officer

**Date:** June 5, 2023

**Re:** Summary of Media Contacts, April 18-June 2, 2023

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<b>Date</b>	<b>Journalist and Media Outlet</b>	<b>Inquiry</b>
April 25	Marianna Wharry, Law.com	Public records request for Merwin Moe Spencer.
April 28	Marianna Wharry, Law.com	Public records requests for Andra R. Blondin and Maribeth M. Hanson.
May 30	David Gutman, <i>The Seattle Times</i>	Requested documents for a grievance case. Sent standard media response.
June 2	Erin Mulvaney, <i>Wall Street Journal</i>	Working on story focused on programs that allow nonlawyers to offer some legal advice.

# WSBA Member\* Licensing Counts 6/1/23 11:14:34 AM GMT-07:00

Member Type	In WA State	All
Attorney - Active	26,243	33,661
Attorney - Honorary	431	485
Attorney - Inactive	2,660	5,832
Attorney - Pro Bono	114	121
Judicial	640	672
LLLT - Active	79	79
LLLT - Inactive	6	7
LPO - Active	719	732
LPO - Inactive	173	189
	31,065	41,778

By District		
	All	Active
0	5,077	3,844
1	2,957	2,465
2	2,178	1,751
3	2,097	1,747
4	1,373	1,153
5	3,262	2,664
6	3,428	2,826
7N	4,955	4,254
7S	6,298	5,195
8	2,316	1,991
9	4,949	4,186
10	2,888	2,396
	41,778	34,472

By State and Province	
Alabama	26
Alaska	185
Alberta	9
Arizona	379
Arkansas	21
Armed Forces Americas	2
Armed Forces Europe, Middle East	21
Armed Forces Pacific	10
British Columbia	92
California	2,046
Colorado	295
Connecticut	44
Delaware	11
District of Columbia	360
Florida	285
Georgia	91
Guam	14
Hawaii	146
Idaho	508
Illinois	193
Indiana	48
Iowa	33
Kansas	32
Kentucky	48
Louisiana	44
Maine	16
Maryland	126
Massachusetts	96
Michigan	74
Minnesota	108
Mississippi	5
Missouri	78
Montana	171
Nebraska	16
Nevada	163
New Hampshire	16
New Jersey	59
New Mexico	77
New York	280
North Carolina	97
North Dakota	9
Northern Mariana Islands	6
Nova Scotia	2
Ohio	90
Oklahoma	48
Ontario	16
Oregon	2,745
Pennsylvania	79
Puerto Rico	6
Quebec	2
Rhode Island	18
South Carolina	31
South Dakota	11
Tennessee	65
Texas	453
Utah	190
Vermont	13
Virginia	272
Virgin Islands	2
Washington	31,065
Washington Limited License	1
West Virginia	6
Wisconsin	50
Wyoming	21

By WA County		By Admit Yr	
Adams	16	1946	1
Asotin	25	1947	2
Benton	395	1948	2
Chelan	258	1949	1
Clallam	158	1950	4
Clark	989	1951	12
Columbia	7	1952	17
Cowlitz	133	1953	13
Douglas	39	1954	20
Ferry	8	1955	9
Franklin	58	1956	27
Garfield	3	1957	20
Grant	122	1958	24
Grays Harbor	114	1959	27
Island	150	1960	21
Jefferson	119	1961	20
King	17,211	1962	24
Kitsap	848	1963	27
Kittitas	96	1964	30
Klickitat	23	1965	44
Lewis	109	1966	52
Lincoln	14	1967	49
Mason	91	1968	64
Okanogan	87	1969	78
Pacific	32	1970	82
Pend Oreille	12	1971	87
Pierce	2,454	1972	131
San Juan	96	1973	209
Skagit	291	1974	191
Skamania	19	1975	237
Snohomish	1,715	1976	282
Spokane	2,033	1977	298
Stevens	50	1978	321
Thurston	1,717	1979	352
Wahkiakum	10	1980	376
Walla Walla	121	1981	401
Whatcom	606	1982	387
Whitman	67	1983	434
Yakima	439	1984	1,020
		1985	503
		1986	682
		1987	669
		1988	591
		1989	642
		1990	815
		1991	782
		1992	779
		1993	881
		1994	822
		1995	781
		1996	769
		1997	868
		1998	858
		1999	883
		2000	877
		2001	877
		2002	951
		2003	1,010
		2004	1,052
		2005	1,079
		2006	1,151
		2007	1,227
		2008	1,073
		2009	948
		2010	1,048
		2011	1,033
		2012	1,048
		2013	1,195
		2014	1,321
		2015	1,549
		2016	1,274
		2017	1,350
		2018	1,272
		2019	1,325
		2020	1,519
		2021	1,392
		2022	1,490
		2023	479

Misc Counts	
All License Types **	42,179
All WSBA Members	41,778
Members in Washington	31,065
Members in western Washington	26,862
Members in King County	17,211
Members in eastern Washington	3,873
Active Attorneys in western Washington	22,756
Active Attorneys in King County	15,026
Active Attorneys in eastern Washington	3,192
New/Young Lawyers	6,556
MCLE Reporting Group 1	11,496
MCLE Reporting Group 2	11,229
MCLE Reporting Group 3	11,441
Foreign Law Consultant	20
House Counsel	371
Indigent Representative	10

By Section ***	All	Previous Year
Administrative Law Section	228	254
Animal Law Section	78	92
Antitrust, Consumer Protection and Unfair Business Practice	189	193
Business Law Section	1,175	1,236
Civil Rights Law Section	173	177
Construction Law Section	483	498
Corporate Counsel Section	1,025	1,089
Creditor Debtor Rights Section	445	459
Criminal Law Section	341	384
Dispute Resolution Section	282	320
Elder Law Section	593	602
Environmental and Land Use Law Section	753	769
Family Law Section	957	1,006
Health Law Section	368	395
Indian Law Section	327	326
Intellectual Property Section	815	860
International Practice Section	240	244
Juvenile Law Section	132	143
Labor and Employment Law Section	978	981
Legal Assistance to Military Personnel Section	75	81
Lesbian, Gay, Bisexual, Transgender (LGBT) Law Section	98	122
Liquor, Cannabis, and Psychedelics Law Section	74	71
Litigation Section	1,001	1,026
Low Bono Section	69	77
Real Property Probate and Trust Section	2,214	2,264
Senior Lawyers Section	198	213
Solo and Small Practice Section	847	883
Taxation Section	606	621
World Peace Through Law Section	121	136

\* Per WSBA Bylaws 'Members' include active attorney, emeritus pro-bono, honorary, inactive attorney, judicial, limited license legal technician (LLLT), and limited practice officer (LPO) license types.

\*\* All license types include active attorney, emeritus pro-bono, foreign law consultant, honorary, house counsel, inactive attorney, indigent representative, judicial, LPO, and LLLT.

\*\*\* The values in the All column are reset to zero at the beginning of the year (Jan 1). The Previous Year column is the total from the last day of the prior year (Dec 31). WSBA staff with complimentary membership are not included in the counts.

By Years Licensed	
Under 6	8,282
6 to 10	6,573
11 to 15	5,284
16 to 20	5,092
21 to 25	4,127
26 to 30	3,644
31 to 35	2,909
36 to 40	2,194
41 and Over	3,672
<b>Total:</b>	<b>41,777</b>

By Age	All	Active
21 to 30	1,744	1,685
31 to 40	9,015	8,107
41 to 50	10,491	8,855
51 to 60	9,266	7,312
61 to 70	7,109	5,271
71 to 80	3,496	2,272
Over 80	657	159
<b>Total:</b>	<b>41,778</b>	<b>33,661</b>

By Practice Area	
Administrative-regulator	2,309
Agricultural	233
Animal Law	104
Antitrust	316
Appellate	1,637
Aviation	188
Banking	434
Bankruptcy	796
Business-commercial	5,209
Cannabis	163
Civil Litigation	238
Civil Rights	1,099
Collections	462
Communications	201
Constitutional	657
Construction	1,338
Consumer	776
Contracts	4,322
Corporate	3,653
Criminal	3,539
Debtor-creditor	859
Disability	557
Dispute Resolution	1,238
Education	488
Elder	800
Employment	2,799
Entertainment	326
Environmental	1,263
Estate Planning-probate	3,136
Family	2,482
Foreclosure	428
Forfeiture	90
General	2,432
Government	2,915
Guardianships	766
Health	983
Housing	338
Human Rights	330
Immigration-naturaliza	997
Indian	564
Insurance	1,591
Intellectual Property	2,289
International	909
Judicial Officer	461
Juvenile	772
Labor	1,135
Landlord-tenant	1,154
Land Use	886
Legal Ethics	298
Legal Research-writing	872
Legislation	463
Lgbtq	115
Litigation	4,822
Lobbying	173
Malpractice	721
Maritime	304
Military	378
Municipal	907
Non-profit-tax Exempt	667
Not Actively Practicing	2,043
Oil-gas-energy	265
Patent-trademark-copyr	1,333
Personal Injury	3,104
Privacy And Data Securit	503
Real Property	2,664
Real Property-land Use	2,084
Securities	786
Sports	187
Subrogation	131
Tax	1,280
Torts	2,013
Traffic Offenses	543
Workers Compensation	676

By Languages Spoken	
Afrikaans	6
Akan /twi	6
Albanian	2
American Sign Language	23
Amharic	23
Arabic	48
Armenian	9
Bengali	12
Bosnian	15
Bulgarian	13
Burmese	3
Cambodian	6
Cantonese	107
Cebuano	8
Chamorro	5
Chaozhou/chiu Chow	1
Chin	1
Croatian	20
Czech	7
Danish	19
Dari	6
Dutch	23
Egyptian	2
Estonian	1
Farsi/persian	70
Finnish	7
French	668
French Creole	2
Fukienese	4
Ga/kwa	2
German	398
Gikuyu/kikuyu	1
Greek	34
Gujarati	17
Haitian Creole	3
Hebrew	38
Hindi	108
Hmong	1
Hungarian	17
Ibo	4
Icelandic	2
Ilocano	9
Indonesian	13
Italian	164
Japanese	215
Kannada/canases	4
Kapampangan	2
Khmer	3
Korean	253
Kurdish/kurmanji	1
Lao	5
Latvian	6
Lithuanian	6
Malay	5
Malayalam	8
Mandarin	425
Marathi	6
Mien	1
Mongolian	1
Navajo	1
Nepali	4
Norwegian	35
Not_listed	55
Oromo	4
Pashto	1
Persian	23
Polish	36
Portuguese	132
Portuguese Creole	1
Punjabi	71
Romanian	23
Russian	231
Samoan	7
Serbian	16
Serbo-croatian	12
Sign Language	20
Singhalese	2
Slovak	3
Spanish	1,866
Spanish Creole	2
Swahili	9
Swedish	51
Tagalog	74
Taishanese	4
Taiwanese	27
Tamil	10
Telugu	4
Thai	14
Tigrinya	5
Tongan	2
Turkish	18
Ukrainian	46
Urdu	47
Vietnamese	93
Yoruba	10
Yugoslavian	3

By Ethnicity	
American Indian / Native American / Alaskan Native	219
Asian-Central Asian	27
Asian-East Asian	335
Asian-South Asian	98
Asian-Southeast Asian	106
Asian—unspecified	966
Black / African American / African Descent	668
Hispanic / Latinx	709
Middle Eastern Descent	39
Multi Racial / Bi Racial	1,147
Not Listed	241
Pacific Islander / Native Hawaiian	63
White / European Descent	22,093
<b>Respondents</b>	<b>26,711</b>
<b>No Response</b>	<b>15,067</b>
<b>All Member Types</b>	<b>41,778</b>

By Sexual Orientation	
Asexual	25
Gay, Lesbian, Bisexual, Pansexual, or Queer	770
Heterosexual	6,474
Not Listed	152
Selected multiple orientations	32
Two-spirit	3
<b>Respondents</b>	<b>7,456</b>
<b>No Response</b>	<b>34,322</b>
<b>All Member Types</b>	<b>41,778</b>

By Disability	
Yes	1,364
No	19,702
<b>Respondents</b>	<b>21,066</b>
<b>No Response</b>	<b>20,712</b>
<b>All Member Types</b>	<b>41,778</b>

By Gender	
Female	10,616
Gender Non-Confirmin	6
Genderqueer	6
Male	14,283
Man	1,359
Non-Binary	37
Not Listed	59
Selected Mult Gender	41
Transgender	1
Two-spirit	4
Woman	1,469
<b>Respondents</b>	<b>27,881</b>
<b>No Response</b>	<b>13,897</b>
<b>All Member Types</b>	<b>41,778</b>

Members in Firm Type	
Bank	39
Escrow Company	62
Government/ Public Secto	5,127
House Counsel	3,289
Non-profit	611
Title Company	128
Solo	4,962
Solo In Shared Office Or	1,125
2-5 Members in Firm	4,062
6-10 Members in Firm	1,599
11-20 Members in Firm	1,263
21-35 Members in Firm	748
36-50 Members In Firm	565
51-100 Members in Firm	597
100+ Members in Firm	1,837
Not Actively Practicing	2,466
<b>Respondents</b>	<b>28,480</b>
<b>No Response</b>	<b>13,298</b>
<b>All Member Types</b>	<b>41,778</b>

\* Includes active attorneys, emeritus pro-bono, honorary, inactive attorneys, judicial, limited license legal technician (LLLT), and limited practice officer (LPO).

# WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors

From: Tiffany Lynch, Director of Finance

Re: FY 2024 Budgets – 1<sup>st</sup> Draft

Date: May 31, 2023

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*The Budget and Audit Committee reviewed the first draft of the FY 2024 budget at their meeting on May 26, 2023.*

The WSBA budget is a policy document and management tool that allocates funds to fulfill our regulatory responsibilities, serve and protect the public, and support our members in maintaining success in the practice of law. Each year, we work to build a fiscally responsible budget designed to meet the needs of our members in a diverse, rapidly changing profession.

At the Board of Governors budget retreat in March there was a preliminary discussion about budget priorities, license fees, WSBA reserve funds, and projections for the FY24 status quo budget. Additionally, the timeline for preparing the budget was reviewed, with an emphasis on providing more opportunities for the Board of Governors to provide input throughout the budget process which results in preparing the budget earlier in the year. The feedback from the retreat encouraged the presentation of a budget that reflects both routine budget request and new items that would allow for enhanced capacity, efficiency, and innovation. WSBA staff worked to identify and incorporate the needs to maintain current programs, services, and operations, as well as budget requests that address other areas that would benefit from increased or new funding. The result would be a more significant increase in budget than what the Executive Leadership Team feels is prudent, given our financial constraints of static license fees and available reserves. To consider a budget at that level requires a more extensive discussion about future license fees, guidance from the Board about WSBA's license fee and budget philosophy and laying the groundwork with membership for a fee increase. In light of those considerations, below and attached we have provided a first draft budget which focuses on maintaining existing programs, services, and operations (a "status quo" budget). We have also outlined in this memo all other requests that remain under consideration. It is expected that in the coming months, with additional input and direction from the Board, that the Executive Leadership Team will continue to refine the budget and provide reasoning for changes as each budget draft is presented. Included in this memo is a high-level comparison of the FY24 first draft and FY23 budgets, with additional information supporting the key areas of change. Individual cost center budget details are included in attachments.

## BUDGET COMPARISON: FY23 vs FY24

ALL FUNDS BUDGET <sup>1</sup>	FY23	FY24	Difference
REVENUE	\$24,516,597	\$24,622,267	+\$105,670
EXPENSE	\$24,814,774	\$25,683,609	+\$868,836
<b>NET INCOME/(LOSS)</b>	<b>(\$298,176)</b>	<b>(\$1,061,342)</b>	<b>+\$763,166</b>

The first draft of the FY24 WSBA budget is separated out into three funds: (1) General Fund, (2) CLE Fund, and (3) Client Protection Fund. (A fourth fund for Sections will be presented in July.) Each has its own designated reserves which are either added to or reduced each year depending on the financial operating results of the designated cost centers.

### (1) GENERAL FUND

The General Fund captures the majority of WSBA’s work, including regulatory functions and most services to members and the public. License fees is the primary source of revenue that supports the 38 cost centers within the General Fund. The draft FY24 General Fund budget is based on attorney license fees of \$458, which has been set at the same rate since 2020. (See attachment A for General Fund detailed cost center budgets.)

General Fund Budget	FY23	FY24	Difference
▪ Revenue	\$21,891,872	\$22,284,537	+\$392,665
▪ Expenses	\$22,453,072	\$23,392,298	+\$939,226
▪ Net Income/(Loss)	(\$561,199)	(\$1,107,761)	+\$546,562
▪ <b>Projected Reserves</b>	<b>\$3,452,069</b>	<b>\$2,344,308</b>	<b>(\$1,107,761)</b>

### (2) CLE FUND

The CLE Fund is a board-designated operating reserve, consisting of net income from the CLE activities, to cover net loss and extraordinary costs of CLE programs, products, and/or capital acquisitions as needed. The FY24 CLE Fund Budget consists of three cost centers: (1) CLE Products; (2) CLE Seminars; and (3) Deskbooks. (See attachment B for CLE Fund detailed cost center budgets.)

CLE Fund Budget	FY23	FY24	Difference
▪ Revenue	\$1,894,725	\$1,741,800	(\$152,925)
▪ Expenses	\$1,677,490	\$1,600,601	(\$76,889)
▪ Net Income/(Loss)	\$217,235	\$141,199	(\$76,036)
▪ <b>Projected Reserves</b>	<b>\$1,259,284</b>	<b>\$1,400,483</b>	<b>+\$141,199</b>

### (3) CLIENT PROTECTION FUND (CPF)

The Client Protection Fund (CPF) is a legally restricted fund created in 1995 by the Washington Supreme Court and WSBA to make gifts to compensate those financially victimized by lawyer dishonesty or failure to account for client funds or property. It is principally funded by an annual assessment on all active members and *pro hac vice* admissions as required by the Washington Supreme Court. (See attachment C for Client Protection Fund detailed cost center budgets.)

<sup>1</sup> Does not include Sections Funds which will be provided in July.

Client Protection Fund Budget	FY23	FY24	Difference
▪ Revenue	\$730,000	\$595,930	(\$134,070)
▪ Expenses	\$684,212	\$690,710	+\$6,498
▪ Net Income/(Loss)	\$45,788	(\$94,780)	+\$140,568
▪ <b>Projected Reserves</b>	<b>\$4,109,289</b>	<b>\$4,014,509</b>	<b>(\$94,780)</b>

**(4) FY24 SECTION BUDGETS AND PER-MEMBER CHARGE**

WSBA Sections are currently working on preparing their FY24 budgets and will be submitting them for review on July 3<sup>rd</sup> and preliminary budgets will be presented to the Board in August.

The Section Per-Member Charge (PMC), calculated each year as part of the annual budget process, is based on the WSBA’s first draft of the budget for administrative costs associated with supporting WSBA Sections for the upcoming fiscal year. These costs include salaries and benefits, overhead, and general section administration expenses. The current PMC for FY23 is \$17.66. Prior to that, it has been capped by the Budget and Audit Committee at \$18.75 since FY16. The PMC required to cover costs in FY24 is \$18.73. At its April 28<sup>th</sup> meeting, the Budget and Audit Committee unanimously approved setting the FY24 PMC at \$18.73, and that in FY24 a full review will be done on the fiscal policy related to the PMC cost formula, to be completed in advance of setting the FY25 PMC. We have provided section leadership with a detailed memo explaining the PMC via email on May 1, 2023.

**KEY AREAS OF CHANGE**

Provided below is a list of the key areas of change between the FY23 and FY24 budgets. It is helpful to keep in mind the WSBA’s largest revenue source is attorney license fees, comprising of approximately 70% of the organization’s revenue budget. Additionally, the WSBA’s largest expense is for indirect costs which include (1) Salaries, (2) Benefits, and (3) Other Indirect/Overhead expenses. Indirect costs make up approximately 86% of the expense budget and are impacted by increased market costs for labor, supplies, etc. The first draft of the budget includes a total of 141.5 FTEs, which is the same as the FY23 budget. Over the past twenty years, the total budgeted FTEs has ranged from 123.9 (FY04) to 146.1 (FY11)<sup>2</sup>, reflecting a balance between fiscal constraints and organizational needs. Our staffing levels hit a peak in FY11 and FY15 (~146 FTEs), and since then have reduced year after year through efforts to identify efficiencies in our work, all while WSBA membership has continued to grow.

Revenue Changes from FY24 Budget (\$20,000 or greater)	Budget Impact
<b>GENERAL FUND:</b>	
▪ <b>License fees:</b> anticipated net increase in members for 2024	+\$267,032
▪ <b>Interest Income:</b> increased to account for higher interest rates earned on operating cash	+\$174,000
▪ <b>Admissions:</b> Bar Exam Fees & House Counsel Application Fees reduced based on current application info; Bar Exam Late Fees increased based on FY23 actuals	(\$62,200)
▪ <b>NMP Product Sales (NME):</b> reduction in product sales based on anticipated programming	(\$25,000)

<sup>2</sup> Historical FTEs: FY04: 123.9, FY05: 126.0, FY06: 134.3, FY07: 138, FY08: 140.75, FY09: 142.87, FY10: 144.12, FY11: 146.1, FY12: 143.9, FY13: 140.74, FY14: 139.95, FY15: 145.95, FY16: 144.45, FY17: 141.9, FY18: 141.15, FY19 & FY20: 140.75, FY21: 139.5, FY22: 139.65, FY23: 141.5.

<b>CLE FUND:</b>	
▪ <b>Deskbook Sales &amp; Royalties:</b> reduction based on anticipated sales for FY24	(\$100,000)
▪ <b>Seminar Registrations:</b> reduction based on anticipated seminars for FY24	(\$25,000)
<b>CPF FUND:</b>	
▪ <b>Interest Income:</b> increased to account for interest earned on operating cash	+\$60,000
▪ <b>Member Assessments:</b> reduction in assessment amount by \$5.00 in 2024	(\$164,070)
▪ <b>CPF Restitution:</b> reduction in estimated restitution based on FY23 actual data	(\$30,000)
<b>Total Increase in Revenue from FY24</b>	<b>+\$105,670</b>

<b>Indirect Expense Changes from FY24 Budget (\$20,000 or greater)</b>	<b>Budget Impact</b>
<b>SALARIES:</b>	<b>+\$619,295</b>
▪ <b>Compensation Increases:</b> annual step increases for existing employees	+\$402,000
▪ <b>Bonus Incentive Plan &amp; Mid-Year Market Adjustment Pool</b>	+\$100,000
▪ <b>FY24 Staff promotions &amp; position reclassifications</b>	+\$70,227
▪ <b>Temporary Employees:</b> pay rate increase and additional support needed for seasonal work	+\$40,205
▪ <b>Capital Labor:</b> IT staff development of software projects in the capital budget, which can be capitalized as an asset when the project is complete. This changes depending on workload for the year. Reduction in this amount results in an increase in salaries expense.	+\$70,000
▪ <b>FY23 Staff replacements, promotions, market adjustments</b>	(\$63,137)
<b>BENEFITS:</b>	<b>+\$247,834</b>
▪ <b>FICA:</b> increase tied to change in salaries expense	+\$196,517
▪ <b>Medical:</b> estimated rate increase of 4% but limited net increase due to lower cost employee plan elections (new rates will be confirmed in August)	+\$19,247
▪ <b>Retirement:</b> increase tied to change in salaries, no anticipated rate change (rate to be confirmed in July)	\$30,103
▪ <b>Transportation Allowance:</b> reduction consistent with FY23 policy changes for paid parking	(\$31,045)
<b>OTHER INDIRECTS:</b>	<b>+\$19,901</b>
▪ <b>Computer Pooled Expenses:</b> IT direct expenses increase primarily for software needs	+\$49,500
▪ <b>Professional Fees- Legal &amp; Online Legal Research (net):</b> FY23 budget includes reallocation of \$50,000 from legal fees to online legal research, original budget was \$250,000. Legal research budget reduction based on updated platform pricing	+\$24,359
▪ <b>Insurance:</b> anticipated increase in premiums (renewal process currently underway)	+\$22,357
▪ <b>Rent:</b> includes operating costs and adjustments for 2019 leasehold excise taxes	(\$65,472)
▪ <b>Depreciation (net):</b> overall reduction of cost from assets completing useful life	(\$23,733)
<b>Total Increase in Indirect Expense from FY24</b>	<b>\$887,030</b>

<b>Direct Expense Changes from FY24 Budget (\$20,000 or greater)</b>	<b>Budget Impact</b>
<b>GENERAL FUND:</b>	
▪ <b>Depreciation (MCLE):</b> full year of depreciation for MCLE software system expected to be completed by end of FY23	+\$87,766
▪ <b>Board of Bar Examiners (ADMISS):</b> increased cost for in-person meetings and grading workshops	+\$20,150
▪ <b>BOG Meetings &amp; Retreats (BOG):</b> reduced based on meeting schedule and locations for FY24	(\$35,000)
▪ <b>Conference &amp; Institute Expense (ATJ):</b> reduced to \$0, ATJ conference held every other year	(\$23,145)

<b>CLE FUND:</b>	
▪ <b>Cost of Sales (DESKBOOKS):</b> corresponding reduction to expenses consistent with reduction in revenue	(\$40,000)
▪ <b>Seminar Brochures &amp; Postage (CLES):</b> eliminated printing & mailing of brochures	(\$25,000)
<b>Total Decrease in Direct Expense from FY24</b>	<b>(\$18,194)</b>

## OUTSTANDING BUDGET REQUESTS

The following items remain under consideration for the FY24 budget and therefore have not been included in the first draft as presented. The purpose of presenting this information is to provide transparency in the budget process and educate the Board on the various needs and requests that have been identified for FY24. These requests will be further evaluated by the Executive Director after receiving additional feedback from the Board of Governors regarding organizational priorities and expectations regarding future license fee setting.

### A. **Internal Operations Requests:**

- 1) **Staffing Needs (\$494,000):** additional FTE have been requested to support a variety of needs across the organization including in areas of: event planning and executive administration, mandatory continuing legal education, information technology network operations, member focused resources on topics of diversity, equity and inclusion, council on public defense, and public outreach. These requests would support existing work by providing additional capacity to improve the quality and impact of work, as well as provide some slack for innovation, strategic thinking, and responding to the expected unexpected. The additional of staff would be an ongoing expense.
  
- 2) **Cloud Infrastructure (\$100,000):** WSBA IT is requesting funding to support the transition of network infrastructure from on premise technology to a cloud-based solution. We are currently in the process of analyzing our options and working with vendors to assess WSBA’s needs. With a significant portion of the WSBA’s workforce operating remotely, a cloud-based solution would allow for resolving infrastructure issues remotely rather than requiring onsite presence. It can also be a more stable solution to support business continuity and is best suited to support multiple office locations, which should be considered for future WSBA facilities options. The cost associated with this request would be a new addition to the budget for FY24 and there would not be an ongoing need as the conversion is project-based. However, there would likely be other future costs associated with using a cloud-based solution.
  
- 3) **Additional Funding for Professional Development for Staff (\$76,000):** Professional training and development of WSBA staff is an investment that provides many benefits to the organization and employees. In addition to individual skills-based trainings, WSBA staff also benefit from attending national/regional conferences specifically geared towards bar associations and their unique body of work. Attendance at these conferences provides an opportunity for WSBA to have an organizational presence and representation amongst its counterparts around the country and allows for innovation, knowledge sharing, and network building. As part of the budget process, managers provided requests for training opportunities and conference attendance. These requests reflected a desire amongst staff for more opportunities to attend trainings and conferences, which would require a larger investment in professional development than what we have historically made. The “status quo” budget includes funding that would be consistent with the FY23 budget plus a 4% increase to account for an overall rise in travel costs. The Executive Leadership Team is

currently working on developing a conference philosophy which can be applied to the requests and evaluating whether a larger investment is appropriate.

- 4) **Document Scanning Project (\$69,512)**: WSBA currently is working on a downsizing project to consolidate in-office operations to the 6<sup>th</sup> and 7<sup>th</sup> floors of Puget Sound Plaza. One of the goals of this project is to determine if the space size is sufficient for our needs going forward given the conversion of many employees to a remote or hybrid working status. The WSBA has many paper records stored onsite that need to be scanned and destroyed to fully consolidate space. Additionally, there are records stored offsite that could be scanned and destroyed to reduce our ongoing records storage expenses. The proposed plan includes the cost of bringing in records from offsite, hiring a team of temporary staff to scan all the records over a four-to-six-month period, and the destruction of scanned records. The FY24 budget currently includes three temps to provide scanning in various departments who have identified an ongoing need for this type of support (Discipline, General Counsel, Regulatory Services). If we were to implement the scanning project and bring in a team of temporary staff, it would cover the scanning needs currently included in the budget. The cost to implement the paperless project plan includes funds for bringing boxes in offsite and destruction of scanned records and temporary staffing support and would be considered one-time cost for FY24.

## **B. Other Funding Requests:**

- 1) **DEI Council's Pipeline to the Profession Summit (\$50,000)**: Outlined in the DEI Council's Charter is its work is to increase and support members from underrepresented communities by developing and supporting pipeline and mentorship programs and partnering with schools, students and members from underrepresented communities. The DEI Council has been researching existing programs designed to create more access for underrepresented communities to join the legal profession. The goal of the research is to identify existing programs to promote, and gaps that the WSBA may fill. To advance their goal, the DEI Council would like to organize a summit in FY 24 that brings together people who are engaged or interested in creating pathways to the profession, to facilitate collaboration, and to identify ways WSBA can advance these goals. This request would be a one-time addition to the budget for FY24.
- 2) **Moderate Means Program (\$14,169)**: The Moderate Means Program is housed at each of the three law schools in Washington and is supported through grants from the WSBA. The request for FY24 accounts for a net increase in budget for increased cost of labor/benefits at each law school and a decrease in the expense for the data coordinator position as that role will be more streamlined going forward. This request would result in an increase to an existing budget line and would likely have an ongoing future fiscal impact on the budget.
- 3) **Chief Hearing Officer (\$10,000)**: The Office of General Counsel- Disciplinary Board cost center includes budgeted funds to pay a Chief Hearing Officer due to the role and workload associated with the position. This budget line is based on a contracted amount, which is currently set at \$30,000 annually and has not increased since 2011. As Chair of the Disciplinary Selection Committee, Governor Williams-Ruth has made the request to increase this budget item. This request would result in an increase to an existing budget line and would have an ongoing future fiscal impact on the budget. (*See attachment D for additional information*).
- 4) **Small Town and Rural (STAR) Committee Outreach and Activities (\$40,000-\$50,000)**: The STAR Committee has outlined activities for FY24 which include outreach events, job fairs, and a

stakeholder summit. These activities are new and there is no current budget in FY23 to support this work.

- 5) **Examiner Fees (\$9,200)**: WSBA provides stipends to Bar Exam graders in the amount of \$750 per exam and \$1,200 per exam for the Chair and Vice-Chair of the Board of Bar Examiners (BOBE). The stipend amounts were set in 2013 when WSBA transitioned to the Uniform Bar Exam and have not changed. The BOBE is requesting an increase in the stipend to \$1,000 for each of the estimated 32 graders and \$1,500 each for the Chair and Vice-Chair. It has been 10 years since the initial stipend was established and the BOBE has not been able to fill positions on the Board and believe that increasing the stipend could help with recruitment. This request would result in an increase to an existing budget line and would have an ongoing future fiscal impact on the budget.
  
- 6) **Stipends for Volunteer Members with Lived Experience (\$10,650-\$37,650)**: The ATJ Board has been working towards centering those most impacted by systemic oppression in our legal system; it formed a Community Advisory Panel in 2020 and recently welcomed community members to serve on the Board. The ATJ Board believes it must pay individuals with lived experience to reduce financial barriers to serving on the Board. The ATJ Board is working on a proposed WSBA policy on paying people with lived experience who volunteer on a board, committee, council, etc. They determined that a stipend would be provided to Board members when all three of the following apply: 1) they have been individually impacted by the justice system or represent a community that is directly impacted by poverty, racism, or any other form of oppression, 2) they are not participating in a paid, professional capacity, and 3) they have financial barriers that would limit their ability to meaningfully participate in Board service. The ATJ Board plans to present the proposal at the August BOG meeting so that the BOG can consider the ATJ Board's proposed budget for these stipends which ranges from \$9,000 to \$36,000. (*Attachment E is a memo from the ATJ Board providing more details about how the stipend amount was determined*). In addition to the ATJ Board's request, the Washington State Bar Foundation is requesting a total of \$1,650 for stipends for up to three Foundation Board members who may fit criteria consistent with the policy the ATJ Board will be presenting. These requests would be new additions to the budget and would have an ongoing future fiscal impact on the budget.

## **FY24-FY26 GENERAL FUND FISCAL PROJECTIONS & LICENSE FEES**

Fiscal projections through FY26 have been updated using the draft FY24 budget figures and reflect the assumptions provided below. Projections beyond FY26 are not included because decisions regarding the WSBA's facilities have a significant impact on estimated annual expenses and available reserve balances.

Currently, the general fund includes two Board Designated reserves with balances totaling \$4.7 million: (1) Operating Reserve of \$2.0 million, and (2) Facilities Reserve of \$2.7 million. All remaining general fund balances are undesignated and therefore considered "unrestricted." The unrestricted reserve increases when there is net income and decreases when there is a net loss in the general fund. Budgeting a net loss reflects a purposeful spend-down of the WSBA's reserves. The chart below demonstrates the impact on WSBA's unrestricted reserves based on the projected annual spend-down if actual financial results match the budget. Additionally, WSBA has historically outperformed the budget leading to favorable variances anywhere from \$400,000 to \$1.74 million annually over the past ten years. This is considered and reflected in an annual offset of \$600,000 along with the corresponding impact on unrestricted reserves for comparison.

GENERAL FUND PROJECTIONS FY2023 - FY2026				
LICENSE FEES @ \$458				
	FY23 BUDGET	FY24 BUDGET- 1ST DRAFT (MAY 2023)	FY25 PROJECTIONS	FY26 PROJECTIONS
BEGINNING CYCLE FUND BALANCE	8,713,268	8,152,069	7,044,308	4,995,514
BUDGETED REVENUE	21,891,872	22,284,537	22,481,356	22,752,226
<i>Licensing Revenue</i>	17,159,281	17,320,499	17,437,317	17,618,537
<i>Other Revenue</i>	4,732,591	4,964,038	5,044,039	5,133,689
BUDGETED EXPENSES	22,453,071	23,392,298	24,530,150	25,527,349
<i>Direct</i>	2,650,263	2,682,182	2,789,469	2,901,048
<i>Indirect</i>	19,802,808	20,710,116	21,740,681	22,626,301
BUDGETED NET INCOME/(LOSS) AND ANTICIPATED USE OF RESERVES	-561,199	-1,107,761	-2,048,794	-2,775,123
RESERVE BALANCE OFFSET	561,199	1,107,761	2,048,794	0
NET OPERATING RESULT	0	0	0	-2,775,123
FY24-FY26 General Fund Balance	8,152,069	7,044,308	4,995,514	2,220,391
Operating & Facilities Restricted Reserves	4,700,000	4,700,000	4,700,000	4,700,000
Remaining Unrestricted Reserves	3,452,069	2,344,308	295,514	-2,479,609
Remaining Unrestricted Reserves w/\$600K offset	4,052,069	3,544,308	2,095,514	-79,609

### Assumptions

#### Revenue:

- No change to the license fee rate of \$458 through 2026.
- Average increase in License Fees revenue of 1% annually to account for net increase in membership. Previous projections assumed a 2% increase however data from the 2023 attorney licensing renewals reflect a pattern of decline in the net number of attorneys licensed and projections have been adjusted accordingly.
- All other revenue sources average a 1% increase in revenue annually, reduced from 2% in prior projections. We expect many of our revenue sources to remain relatively static based on current trends, with small increases of 1-2% in select areas.

#### Expense:

- Salaries: the FY25 projections include a 2% increase to the midpoint of the compensation grid and no change to the grid in FY26. Increased costs support movement through steps for all positions.
- No additional FTE
- Corresponding increase in taxes and benefits tied to projected salary increases.
- Average increase in medical costs of 4% each year.
- Average increase in all other benefits of 3% each year.
- Rent: assume that the WSBA will remain in the current Puget Sound Plaza lease through December 2026 (no early reduction in space size or subleasing).
- Average increase in direct expenses of 4% each year.

By maintaining a static license fee of \$458, there is minimal revenue growth. Annual revenue is projected to increase by 1% while expenses are projected to increase by 4%. Below is a chart showing both historical and projected license fees and reserve balance data. Included in the chart is the "Effective License Fee," which represents the fee that would need to be charged if no reserves are used, resulting in a break-even budget.

## LICENSE FEES & RESERVE BALANCES 2014-2026

Fiscal Year	License Fee Rates	Effective License Fee	Net Income/(Loss)	General Fund Reserves	Operating Reserve	Facilities Reserve	Unrestricted
<b>ACTUALS</b>							
FY 2014	\$325	\$364	\$ (1,157,702)	\$ 7,803,070	\$ 1,500,000	\$ 3,340,000	\$ 2,625,488
FY 2015	\$325	\$413	\$ (2,700,536)	\$ 5,102,534	\$ 1,500,000	\$ 3,286,096	\$ -
FY 2016	\$325/\$385	\$423	\$ (1,183,998)	\$ 3,918,536	\$ 1,500,000	\$ 2,114,427	\$ -
FY 2017	\$385	\$403	\$ (554,785)	\$ 3,363,751	\$ 1,500,000	\$ 200,000	\$ 1,663,751
FY 2018	\$385/\$449	\$436	\$ 432,107	\$ 3,795,858	\$ 1,500,000	\$ 450,000	\$ 1,845,858
FY 2019	\$449/\$453	\$424	\$ 940,679	\$ 4,736,537	\$ 1,500,000	\$ 550,000	\$ 2,686,537
FY 2020	\$453/\$458	\$434	\$ 791,697	\$ 5,528,234	\$ 1,500,000	\$ 550,000	\$ 3,478,234
FY 2021	\$458	\$412	\$ 1,543,940	\$ 7,072,174	\$ 1,500,000	\$ 1,050,000	\$ 4,522,174
FY 2022	\$458	\$409	\$ 1,641,094	\$ 8,713,268	\$ 2,000,000	\$ 1,000,000	\$ 5,713,268
<b>PROJECTIONS</b>							
FY 2023 BUDGET	\$458	\$475	\$ (561,199)	\$ 8,152,069	\$ 2,000,000	\$ 2,700,000	\$ 3,452,069
FY 2024 BUDGET	\$458	\$490	\$ (1,107,761)	\$ 7,044,308	\$ 2,000,000	\$ 2,700,000	\$ 2,344,308
FY 2025	\$458	\$517	\$ (2,048,795)	\$ 4,995,513	\$ 2,000,000	\$ 2,700,000	\$ 295,513
FY 2026	\$458	\$537	\$ (2,775,123)	\$ 2,220,390	\$ 2,000,000	\$ 2,700,000	\$ (2,479,610)
<b>PROJECTIONS w/\$600K offset</b>							
FY 2023 BUDGET	\$458	\$457	\$ 38,801	\$ 8,152,069	\$ 2,000,000	\$ 2,700,000	\$ 4,052,069
FY 2024 BUDGET	\$458	\$473	\$ (507,761)	\$ 7,644,308	\$ 2,000,000	\$ 2,700,000	\$ 3,544,308
FY 2025	\$458	\$500	\$ (1,448,795)	\$ 6,195,513	\$ 2,000,000	\$ 2,700,000	\$ 2,095,513
FY 2026	\$458	\$520	\$ (2,175,123)	\$ 4,020,390	\$ 2,000,000	\$ 2,700,000	\$ (79,610)

The effective license fee from FY23 to FY26 increases each year due to the corresponding growth in net losses and limited increase in the number of attorney licenses. The increases range from 3-6% annually, which is in line with the annual increase in expenses of approximately 4%.

Based on the first draft of the FY24 budget, there are sufficient reserves to support maintaining a license fee of \$458 in 2025, but not in 2026. This means that fees would need to increase in 2026. The first draft of the budget does not include the list of requests outlined in this memo or any other proposals with a fiscal impact such as the Long-Range Strategic Planning Council's proposals for Deskbooks and WSBA facilities.

As we continue to refine the FY24 budget and develop a recommendation for the 2025 license fee, we will need guidance from the Board of Governors on its fiscal priorities. Decisions regarding WSBA facilities could have a significant impact on future license fees so we will plan to provide a variety of fiscal models to assist in the Board's decision-making process in the coming months.

### ATTACHMENTS

<b>A</b>	<b>Draft FY24 General Fund Budget</b>
<b>B</b>	<b>Draft FY24 CLE Budget</b>
<b>C</b>	<b>Draft FY24 CPF Budget</b>
<b>D</b>	<b>Chief Hearing Officer Budget Request</b>
<b>E</b>	<b>ATJ Board Stipend Memo</b>

# **ATTACHMENT A**

**Washington State Bar Association Financial Summary  
Fiscal Year 2024 Budget Draft #1**

<b>Category</b>	<b>FY24 Budgeted Revenues</b>	<b>FY24 Budget Expenses</b>	<b>FY24 Budget Net Result</b>
Access to Justice	-	338,160	(338,160)
Admissions/Bar Exam	1,300,740	1,318,182	(17,442)
Advancement FTE	-	372,369	(372,369)
Bar News	610,100	711,620	(101,520)
Board of Governors	-	481,687	(481,687)
Character & Fitness Board	-	179,743	(179,743)
Communications Strategies	500	833,963	(833,463)
Communications Strategies FTE	-	251,773	(251,773)
Discipline	119,000	6,390,920	(6,271,920)
Diversity	135,000	306,634	(171,634)
Finance	200,000	1,148,741	(948,741)
Foundation	-	162,692	(162,692)
Human Resources	-	527,280	(527,280)
Law Clerk Program	207,200	184,913	22,287
Legislative	-	283,683	(283,683)
Legal Lunchbox	29,000	51,700	(22,700)
Licensing and Membership Records	450,900	677,503	(226,603)
Licensing Fees	17,320,499	0	17,320,499
Limited License Legal Technician	20,712	92,768	(72,056)
Limited Practice Officers	202,000	129,269	72,731
Mandatory CLE	1,113,800	922,322	191,478
Member Wellness Program	7,500	236,255	(228,755)
Member Services & Engagement	10,800	339,470	(328,670)
Mini CLE	-	111,767	(111,767)
New Member Education	67,000	100,291	(33,291)
Office of General Counsel	-	1,093,371	(1,093,371)
Office of the Executive Director	-	811,020	(811,020)
OGC-Disciplinary Board	-	308,200	(308,200)
Practice of Law Board	-	89,472	(89,472)
Practice Management Assistance	62,000	214,886	(152,886)
Professional Responsibility Program	-	241,039	(241,039)
Public Service Programs	130,000	500,037	(370,037)
Publication and Design Services	-	125,193	(125,193)
Regulatory Services FTE	-	551,340	(551,340)
Sections Administration	297,786	301,276	(3,490)
Service Center	-	742,309	(742,309)
Technology	-	2,146,787	(2,146,787)
Volunteer Engagement	-	115,062	(115,062)
<b>Subtotal General Fund</b>	<b>22,284,537</b>	<b>23,393,698</b>	<b>(1,109,161)</b>
CLE-Seminars and Products	1,605,300	1,316,587	288,713
CLE - Deskbooks	136,500	284,264	(147,764)
<b>Total CLE</b>	<b>1,741,800</b>	<b>1,600,852</b>	<b>140,948</b>
Client Protection Fund-Restricted	<b>595,930</b>	<b>690,710</b>	<b>(94,780)</b>
<b>Totals</b>	<b>24,622,267</b>	<b>25,685,259</b>	<b>(1,062,992)</b>

**Washington State Bar Association**  
**Budget Comparison**

Cost Center	FTE	FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
All	141.5						
<b>REVENUE</b>							
40205		7,500	7,500	-	0%	9,375	4,875
40210		963	-	(963)	-100%	1,126	-
40300		265,000	265,000	-	0%	265,000	265,000
40500		39,120	260,000	220,880	565%	152,008	560,098
40600		17,053,467	16,692,574	(360,893)	-2%	16,052,304	9,388,957
40625		-	417,925	417,925		502,089	239,707
40650		-	200,000	200,000		288,180	262,202
40675		-	10,000	10,000		15,314	8,253
40705		27,000	27,500	500	2%	28,150	6,715
40800		2,000	-	(2,000)	-100%	1,923	1,029
40900		60,800	75,300	14,500	24%	80,607	41,225
40950		65,000	40,000	(25,000)	-38%	39,844	18,872
41000		100	300	200	200%	225	90
41100		27,000	27,000	-	0%	29,548	17,425
41450		13,000	9,000	(4,000)	-31%	12,000	10,000
41500		2,000	-	(2,000)	-100%	-	-
41700		5,000	-	(5,000)	-100%	3,632	-
41800		871,450	842,000	(29,450)	-3%	633,144	464,763
41805		36,430	-	(36,430)	-100%	32,564	10,750
41825		20,000	20,000	-	0%	12,000	1,500
41850		(205)	(150,000)	(149,795)	73071%	101,660	-
41875		14,300	-	(14,300)	-100%	33,116	-
42207		1,213,000	1,160,000	(53,000)	-4%	1,083,825	911,159
42230		40,000	55,000	15,000	38%	53,700	65,400
42232		54,000	45,000	(9,000)	-17%	45,540	13,880
42270		12,000	12,000	-	0%	12,350	5,200
42275		185,000	204,000	19,000	10%	194,104	192,833
42281		16,622	18,562	1,940	12%	13,542	7,712
42285		1,240	1,240	-	0%	1,860	1,540
42286		3,200	3,200	-	0%	3,700	1,300
42287		15,700	-	(15,700)	-100%	3,190	2,925
42288		21,500	20,200	(1,300)	-6%	22,800	14,800
42290		400,000	400,000	-	0%	400,282	218,466
42291		1,100	-	(1,100)	-100%	99	133
42450		1,000	1,000	-	0%	893	701
42570		-	500	500		480	-
42710		400,000	400,000	-	0%	331,332	264,000
42720		200	100	(100)	-50%	72	36
42730		2,500	7,500	5,000	200%	11,083	5,629
42760		200,000	200,000	-	0%	271,814	68,089
43100		150,000	30,000	(120,000)	-80%	20,218	21,478
43200		7,000	10,000	3,000	43%	1,790	700
43400		924,000	920,000	(4,000)	0%	1,234,392	688,877
43450		6,000	1,500	(4,500)	-75%	1,863	1,445
43455		35,000	75,000	40,000	114%	63,653	14,787
43525		50,000	30,000	(20,000)	-40%	28,934	15,607
44100		2,500	-	(2,500)	-100%	2,642	113
44350		100,000	100,000	-	0%	85,405	25,691
44450		18,000	18,000	-	0%	19,433	11,189
44820		40,000	10,000	(30,000)	-75%	8,906	5,169
44840		690,000	525,930	(164,070)	-24%	704,366	695,980
45040		4,000	3,700	(300)	-8%	3,325	1,489
45060		200	200	-	0%	240	144
45110		24,000	22,000	(2,000)	-8%	32,350	21,700
45115		4,300	3,300	(1,000)	-23%	4,600	4,100
45120		164,750	170,000	5,250	3%	170,168	94,769
45125		988	2,500	1,512	153%	2,820	2,130
45140		550	-	(550)	-100%	230	-
45210		550,000	550,000	-	0%	615,700	394,100
45215		220,000	220,000	-	0%	226,200	154,350
45220		190,000	194,150	4,150	2%	431,050	217,550
45230		38,250	36,000	(2,250)	-6%	34,500	38,250
45250		98,000	90,000	(8,000)	-8%	119,450	77,700
45255		14,000	13,800	(200)	-1%	16,825	10,925
45260		15,000	14,000	(1,000)	-7%	29,325	17,350
47100		12,000	12,000	-	0%	6,071	-
48010		290,543	297,786	7,243	2%	273,426	352,646
48200		440,225	-	(440,225)	-100%	416,055	561,914
<b>Total Revenue</b>		<b>25,166,292</b>	<b>24,622,267</b>	<b>(544,025)</b>	<b>-2%</b>	<b>25,298,410</b>	<b>16,505,417</b>

Direct	50015	DEPRECIATION	46,986	66,800	19,814	42%	-	-
	50020	BANK FEES	2,100	3,000	900	43%	2,145	1,398
	50033	CONSULTING SERVICES	179,625	164,800	(14,825)	-8%	117,214	111,366
	50037	DONATIONS/SPONSORSHIPS/GRANTS	260,828	260,828	-	0%	248,960	97,237
	50050	EQUIPMENT, HARDWARE & SOFTWARE	-	2,500	2,500	-	-	-
	50060	POSTAGE	127,550	129,002	1,452	1%	127,486	87,655
	50070	PRINTING & COPYING	253,100	252,200	(900)	0%	206,076	146,061
	50080	PUBLICATIONS PRODUCTION	200	300	100	50%	-	169
	50085	YLL SECTION PROGRAM	1,500	1,500	-	0%	550	545
	50095	CLE COMPS	1,000	1,000	-	0%	159	-
	50100	STAFF TRAVEL/PARKINC	82,678	81,321	(1,357)	-2%	56,430	21,000
	50110	STAFF CONFERENCE & TRAININC	135,965	141,404	5,439	4%	41,844	31,827
	50120	STAFF MEMBERSHIP DUES	19,000	21,718	2,718	14%	12,681	8,524
	50130	SUBSCRIPTIONS	8,687	10,025	1,338	15%	7,878	5,289
	50135	TRANSCRIPTION SERVICES	-	2,100	2,100	-	-	-
	50140	SUPPLIES	2,900	2,750	(150)	-5%	2,856	1,961
	50145	SURVEYS	17,050	200	(16,850)	-99%	5,331	9,850
	50155	DIGITAL/ONLINE DEVELOPMENT	1,000	2,000	1,000	100%	10,145	1,121
	50160	TELEPHONE	97,359	99,800	2,441	3%	85,020	49,596
	50165	CONFERENCE CALLS	3,925	-	(3,925)	-100%	1,584	611
	52110	PRO BONO & LEGAL AID COMMITTEE	1,500	2,500	1,000	67%	126	20
	52121	ATJ BOARD RETREAT	2,000	4,000	2,000	100%	396	2,130
	52125	LEADERSHIP TRAINING	42,000	44,000	2,000	5%	25,576	4,681
	52140	ATJ BOARD EXPENSE	78,400	65,000	(13,400)	-17%	13,656	33,594
	52210	FACILITY, PARKING, FOOT	110,000	100,300	(9,700)	-9%	80,879	47,732
	52215	EXAMINER FEES	36,000	24,800	(11,200)	-31%	31,500	12,500
	52221	UBE EXAMINATIONS	123,000	113,000	(10,000)	-8%	110,110	32,208
	52225	BOARD OF BAR EXAMINERS	18,850	39,000	20,150	107%	4,251	12,574
	52230	BAR EXAM PROCTORS	39,000	21,000	(18,000)	-46%	31,952	16,132
	52235	CHARACTER & FITNESS BOARD EXP	12,000	24,000	12,000	100%	123	-
	52240	DISABILITY ACCOMMODATIONS	31,000	68,967	37,967	122%	26,861	15,988
	52245	CHARACTER & FITNESS INVESTI	2,100	1,100	(1,000)	-48%	108	-
	52250	LAW SCHOOL VISITS	1,700	1,700	-	0%	354	229
	52255	LAW CLERK BOARD	8,000	8,000	-	0%	-	4,162
	52258	LAW CLERK OUTREACH	550	5,000	4,450	809%	-	-
	52270	DEPRECIATION-SOFTWARE	24,929	11,038	(13,891)	-56%	24,520	14,263
	52520	ABA DELEGATES	15,000	14,000	(1,000)	-7%	5,828	4,324
	52540	SECTION/COMMITTEE CHAIR MTGS	1,000	1,000	-	0%	-	456
	52570	APEX	47,000	50,000	3,000	6%	46,461	-
	52573	50 YEAR MEMBER TRIBUTE LUNCH	20,000	30,000	10,000	50%	30,070	-
	52585	WASHINGTON LEADERSHIP INSTITUTE	80,000	80,000	-	0%	44,764	-
	52590	BAR LEADERS CONFERENCE	12,000	-	(12,000)	-100%	-	8,497
	52660	JUD RECOMMEND COMMITTEE	2,250	2,250	-	0%	-	-
	52680	COMMITTEE FOR DIVERSITY	3,800	3,800	-	0%	1,093	953
	52681	DIVERSITY EVENTS & PROJECTS	39,250	11,800	(27,450)	-70%	9,204	3,503
	52683	LLLT BOARD	15,000	14,240	(760)	-5%	5,333	1,976
	52688	EXAM WRITING	9,000	9,000	-	0%	16,663	4,200
	52689	LLLT EDUCATION	500	-	(500)	-100%	-	-
	52710	GRAPHICS/ARTWORK	100	100	-	0%	-	-
	52810	BOG MEETINGS	205,000	185,000	(20,000)	-10%	167,735	71,127
	52820	BOG COMMITTEES' EXPENSES	3,000	2,500	(500)	-17%	233	145
	52821	BOG RETREAT	50,000	35,000	(15,000)	-30%	66	19,542
	52822	BOG CONFERENCE ATTENDANCE	43,000	60,000	17,000	40%	57,070	19,904
	52830	BOG TRAVEL & OUTREACH	14,000	22,000	8,000	57%	19,387	16,400
	52840	ED TRAVEL & OUTREACH	5,000	5,000	-	0%	1,529	1,293
	52874	PUBLIC DEFENSE	4,000	4,000	-	0%	5,225	810
	52878	COMMUNICATIONS OUTREACH	15,000	15,000	-	0%	1,298	1,245
	52880	BOG ELECTIONS	26,900	26,900	-	0%	15,900	4,900
	52940	BOARD OF TRUSTEES	750	4,900	4,150	553%	809	25
	52960	PRESIDENT'S DINNER	10,000	15,000	5,000	50%	11,570	-
	53210	COST OF SALES - DESKBOOKS	65,000	25,000	(40,000)	-62%	29,719	3,956
	53220	COST OF SALES - COURSEBOOKS	690	1,100	410	59%	141	76
	53225	COST OF SALES - SECTION PUBLIC	1,500	500	(1,000)	-67%	2,437	594
	53250	A/V DEVELOP COSTS (RECORDING)	1,250	-	(1,250)	-100%	-	-
	53255	CLE-EQUIP-DEPRECIATION	1,309	2,040	731	56%	1,312	1,953
	53265	SPLITS TO SECTIONS	300	300	-	0%	356	207
	53270	DESKBOOK ROYAL TIES	300	300	-	0%	310	92
	53285	ONLINE PRODUCT HOSTING EXPENSES	53,000	53,000	-	0%	51,091	27,704
	53330	POSTAGE & DELIVRY-COURSEBOOKS	-	500	500	-	173	34
	53610	COURSEBOOK PRODUCTION	1,000	500	(500)	-50%	-	-
	53620	POSTAGE - FLIERS/CATALOGS	5,000	-	(5,000)	-100%	149	-
	53640	ACCREDITATION FEES	3,000	3,000	-	0%	1,788	2,736
	53660	SEMINAR BROCHURES	20,000	-	(20,000)	-100%	-	-
	53690	FACILITIES	165,200	160,500	(4,700)	-3%	71,651	33,028
	53700	SPEAKERS & PROGRAM DEVELOP	33,500	45,100	11,600	35%	13,690	1,046
	53730	HONORARIUM	1,200	4,500	3,300	275%	3,000	-
	53740	CLE SEMINAR COMMITTEE	200	200	-	0%	-	-
	54026	IMAGE LIBRARY	4,100	4,100	-	0%	4,100	4,100
	54027	BAR OUTREACH	18,000	18,000	-	0%	1,353	566
	54130	PRO BONO CERTIFICATES	2,000	2,000	-	0%	1,655	457
	54310	COURT REPORTERS	75,000	75,500	500	1%	50,285	32,752
	54320	OUTSIDE COUNSEL EXPENSES	1,500	1,000	(500)	-33%	-	-
	54360	LITIGATION EXPENSES	25,200	40,200	15,000	60%	13,404	6,029
	54370	DISABILITY EXPENSES	9,000	9,000	-	0%	3,500	24
	54400	TRANSLATION SERVICES	9,400	1,000	(8,400)	-89%	7,302	2,800
	54430	PRACTICE MONITOR EXPENSES	1,000	-	(1,000)	-100%	-	-

54512	STAFF TRAINING- GENERAL	15,000	5,000	(10,000)	-67%	3,826	2,066
54520	RECRUITING AND ADVERTISING	6,600	8,000	1,400	21%	6,178	3,490
54530	PAYROLL PROCESSING	50,000	50,000	-	0%	50,075	29,096
54540	SALARY SURVEYS	1,500	1,500	-	0%	-	-
54590	TRANSFER TO INDIRECT EXPENSE	(77,100)	(69,200)	7,900	-10%	(75,425)	(36,458)
54610	LIBRARY MATERIALS/RESOURCES	4,000	4,000	-	0%	1,712	164
54715	MEMBER WELLNESS COUNCIL	800	1,000	200	25%	-	-
54810	GIFTS TO INJURED CLIENTS	500,000	500,000	-	0%	566,947	77,963
54820	CPF BOARD	-	2,000	2,000	-	390	567
54910	RENT - OLYMPIA OFFICE	-	1,500	1,500	-	-	-
54920	CONTRACT LOBBYIST	15,000	12,500	(2,500)	-17%	10,000	10,000
54940	LEGISLATIVE COMMITTEE	1,250	1,250	-	0%	9	-
54970	BOG LEGISLATIVE COMMITTEE	300	300	-	0%	-	-
55010	LICENSING FORMS	2,000	-	(2,000)	-100%	915	2,401
55130	LPO BOARD EXPENSES	1,792	4,000	2,208	123%	-	2,301
55165	LPO OUTREACH	1,000	1,000	-	0%	-	-
55210	MCLE BOARD EXPENSES	2,000	5,000	3,000	150%	-	-
55220	DEPRECIATION-SOFTWARE	59,565	147,331	87,766	147%	24,455	5,252
55250	CASEMAKER/FASTCASE	73,000	75,000	2,000	3%	75,064	72,966
55265	SPEAKERS & PROGRAM DEVELOPMENT	100	250	150	150%	-	-
55266	NEW LAWYER OUTREACH EVENTS	1,500	1,500	-	0%	891	250
55270	NEW LAWYERS COMMITTEE	12,000	13,500	1,500	13%	2,003	1,178
55285	OPEN SECTIONS NIGHT	3,500	-	(3,500)	-100%	-	-
55310	DISCIPLINARY BOARD EXPENSES	4,000	4,000	-	0%	1	-
55320	CHIEF HEARING OFFICER	30,000	30,000	-	0%	30,000	17,500
55330	HEARING OFFICER EXPENSES	17,500	4,000	(13,500)	-77%	2,763	891
55340	HEARING OFFICER TRAINING	400	400	-	0%	-	-
55370	OUTSIDE COUNSEL	60,000	48,000	(12,000)	-20%	48,000	28,000
55380	DISCIPLINARY SELECTION PANEL	-	1,000	1,000	-	-	-
55419	COURT RULES COMMITTEE	1,000	1,000	-	0%	0	-
55510	PRACTICE OF LAW BOARD	12,000	12,000	-	0%	-	1,953
55555	NEW EXPENSE ACCOUNT NEEDED	-	16,400	16,400	-	-	-
55610	CPE COMMITTEE	1,000	1,000	-	0%	-	794
55615	WILLS	2,000	2,000	-	0%	-	-
55620	CUSTODIANSHIP	8,150	9,000	850	10%	245	199
55980	SMALL TOWN AND RURAL COMMITTEE	3,000	5,000	2,000	67%	-	552
56100	COMPUTER HARDWARE	65,000	71,000	6,000	9%	67,315	39,882
56150	COMPUTER SOFTWARE	310,000	345,300	35,300	11%	184,289	128,359
56225	HARDWARE SERVICE & WARRANTIES	60,000	65,000	5,000	8%	49,719	44,432
56230	SOFTWARE MAINT & LICENSING	380,000	400,000	20,000	5%	375,274	295,458
56500	COMPUTER SUPPLIES	2,000	-	(2,000)	-100%	3,103	-
56550	THIRD PARTY SERVICES	40,000	20,000	(20,000)	-50%	22,446	25,368
56900	TRANSFER TO INDIRECT EXPENSES	(1,074,450)	(1,123,950)	(49,500)	5%	(852,470)	(658,653)
57320	TRIAL ADVOCACY EXPENSES	1,500	1,500	-	0%	-	-
58010	DUES STATEMENTS	5,000	-	(5,000)	-100%	4,593	-
58125	ANNUAL OR OTHER MEETING EXPENSES	28,640	-	(28,640)	-100%	150	1,800
58150	ATTENDANCE AT BOG MEETINGS	1,960	-	(1,960)	-100%	593	-
58175	AWARDS	11,520	-	(11,520)	-100%	1,046	187
58200	BREAKFAST/LUNCH/DINNER MTG EXI	7,300	-	(7,300)	-100%	-	-
58225	CONFERENCE/INSTITUTE EXPENSE	23,145	-	(23,145)	-100%	-	15,489
58300	EXECUTIVE COMMITTEE EXPENSES	75,950	-	(75,950)	-100%	2,374	3,134
58305	EXECUTIVE COMM EXP - OTHER	36,550	-	(36,550)	-100%	23,536	-
58315	HONORARIUM	9,500	-	(9,500)	-100%	3,110	-
58325	LDSHIP/PROF DEVELOP/RETREATS	89,670	-	(89,670)	-100%	27,543	22,718
58326	LEGISLATIVE/LOBBYING	1,500	-	(1,500)	-100%	-	-
58350	MEMBERSHIP & RECRUITING EXP	24,025	-	(24,025)	-100%	9,928	400
58375	NEWSLETTER/PUBLICATION EXPENSE	14,560	-	(14,560)	-100%	3,549	3,976
58400	PER MEMBER CHARGE	272,143	-	(272,143)	-100%	273,426	352,646
58450	RECEPTION/FORUM EXPENSE	43,510	12,000	(31,510)	-72%	7,176	10,905
58500	NEW LAWYER OUTREACH	6,800	1,000	(5,800)	-85%	1,000	316
58525	SCHOLARSHIPS/DONATIONS/GRANT	143,370	5,000	(138,370)	-97%	72,500	30,944
58550	SECTION COMMITTEE EXPENSE	3,000	-	(3,000)	-100%	-	-
58600	SECTION SPECIAL PROJECTS	14,200	-	(14,200)	-100%	3,500	450
58615	LAW SCHOOL OUTREACH	11,300	-	(11,300)	-100%	1,278	2,882
58620	MINI-CLE EXPENSE	42,959	-	(42,959)	-100%	9,077	6,881
58625	SEMINAR EXPENSE - SECTIONS	63,144	-	(63,144)	-100%	21,412	3,729
58675	WEBSITE EXPENSES	8,420	-	(8,420)	-100%	3,248	3,297
58750	SEMINAR SCHOLARSHIPS	6,000	-	(6,000)	-100%	1,950	1,222
				-			
	<b>Total Direct Expenses</b>	<b>4,432,754</b>	<b>3,511,564</b>	<b>(921,190)</b>	<b>-21%</b>	<b>3,043,141</b>	<b>1,604,824</b>

Indirect	51110	SALARIES	13,113,765	13,622,855	509,090	4%	11,940,870	7,306,166
	51120	BUDGETED TEMPORARY EMPLOYEES	200,627	230,832	30,205	15%	143,280	144,198
	51121	UNANTICIPATED TEMPS	-	10,000	10,000		31,013	1,364
	51210	EMPLOYEE ASSISTANCE PLAN	4,800	4,800	0	0%	4,800	4,000
	51220	EMPLOYEE SERVICE AWARDS	2,038	1,680	(358)	-18%	1,655	1,310
	51230	FICA (EMPLOYER PORTION)	806,675	1,003,192	196,517	24%	915,303	530,591
	51240	L&I INSURANCE	62,000	69,859	7,859	13%	65,681	28,804
	51245	WA STATE FAMILY MEDICAL LEAVE (E	18,000	28,988	10,988	61%	18,724	13,845
	51250	MEDICAL (EMPLOYER PORTION)	1,701,951	1,721,198	19,247	1%	1,652,191	946,842
	51270	RETIREMENT (EMPLOYER PORTION)	1,356,286	1,386,389	30,103	2%	1,203,504	750,406
	51280	TRANSPORTATION ALLOWANCE	65,045	34,000	(31,045)	-48%	51,168	31,997
	51290	UNEMPLOYMENT INSURANCE	65,206	79,730	14,524	22%	74,734	41,924
	51310	WORKPLACE BENEFITS	45,980	52,710	6,730	15%	33,394	15,790
	51340	HUMAN RESOURCES POOLED EXP	77,100	69,200	(7,900)	-10%	75,425	36,458
	51405	MEETING SUPPORT EXPENSES	10,000	7,500	(2,500)	-25%	5,182	3,674
	51410	RENT	2,131,247	2,065,775	(65,472)	-3%	2,031,801	227,208
	51420	PERSONAL PROP TAXES-WSBA	6,650	6,650	0	0%	5,832	3,186
	51430	FURNITURE, MAINT, LH IMF	25,300	45,000	19,700	78%	19,729	5,583
	51440	OFFICE SUPPLIES & EQUIP	18,000	21,500	3,500	19%	19,752	10,698
	51450	FURN & OFFICE EQUIP DEPREC	96,357	111,191	14,834	15%	53,757	37,158
	51460	FURN & OFFICE EQUIP DEPREC-NEW	-	-	-		-	-
	51470	COMPUTER HARDWARE DEPREC	45,354	49,926	4,572	10%	36,255	23,723
	51480	COMPUTER SOFTWARE DEPREC	99,251	56,112	(43,139)	-43%	99,934	31,891
	51500	INSURANCE	272,643	295,000	22,357	8%	254,713	154,177
	51501	WORK HOME FURNITURE & EQUIP	14,000	14,000	0	0%	43,021	1,887
	51505	PROFESSIONAL FEES-AUDIT	50,000	35,000	(15,000)	-30%	30,000	30,365
	51510	PROFESSIONAL FEES- LEGAL	200,000	250,000	50,000	25%	135,866	45,561
	51512	ONLINE LEGAL RESEARCH	50,000	24,359	(25,641)	-51%	-	24,171
	51513	ACCOMODATIONS FUND	-	6,500	6,500		-	-
	51514	TRANSLATION SERVICES	-	12,000	12,000		-	-
	51515	TELEPHONE & INTERNET	33,600	33,000	(600)	-2%	14,437	11,165
	51520	POSTAGE - GENERAL	24,000	18,300	(5,700)	-24%	17,215	6,550
	51525	RECORDS STORAGE	30,000	30,000	0	0%	27,648	13,469
51526	STAFF TRAINING	-	-	-		-	-	
51530	BANK FEES ( INDIRECT)	51,000	50,000	(1,000)	-2%	46,531	32,567	
51620	PRODUCTION MAINT & SUPPLIES	15,340	12,500	(2,840)	-19%	10,650	3,995	
51710	COMPUTER POOLED EXPENSES	1,074,450	1,123,950	49,500	5%	852,470	658,653	
51925	ALLOWANCE FOR OPEN POSITIONS	(200,000)	(200,000)	-	0%	-	-	
51955	CAPITAL LABOR & OVERHEAD	(280,000)	(210,000)	70,000	-25%	(267,632)	(204,234)	
<b>TOTAL INDIRECT EXPENSES:</b>			<b>21,286,666</b>	<b>22,173,695</b>	<b>887,030</b>	<b>4%</b>	<b>19,648,904</b>	<b>10,975,141</b>
<b>TOTAL ALL EXPENSES:</b>			<b>25,719,419</b>	<b>25,685,259</b>	<b>(34,160)</b>	<b>0%</b>	<b>22,692,045</b>	<b>12,579,965</b>
<b>NET INCOME (LOSS):</b>			<b>(553,127)</b>	<b>(1,062,992)</b>	<b>(509,865)</b>	<b>92%</b>	<b>2,606,365</b>	<b>3,925,452</b>

**Washington State Bar Association**  
Budget Comparison

**INDIRECT EXPENSES**

Cost Center  
All

FTE  
141.5

2023 Budget	2024 Budget V3	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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<b>INDIRECT</b>	<b>51110</b>	SALARIES	13,113,765	13,622,855	509,090	4%	11,940,870	7,306,166
	<b>51120</b>	BUDGETED TEMPORARY EMPLOYEES	200,627	230,832	30,205	15%	143,280	144,198
	<b>51121</b>	UNANTICIPATED TEMPS	-	10,000	10,000		31,013	1,364
	<b>51925</b>	ALLOWANCE FOR OPEN POSITIONS	(200,000)	(200,000)	-	0%	-	-
	<b>51955</b>	CAPITAL LABOR & OVERHEAD	(280,000)	(210,000)	70,000	-25%	(267,632)	(204,234)
	<b>51199</b>	<b>SALARY EXPENSE</b>	<b>12,834,392</b>	<b>13,453,687</b>	<b>619,295</b>	<b>5%</b>	<b>11,847,531</b>	<b>7,247,494</b>
	<b>51210</b>	EMPLOYEE ASSISTANCE PLAN	4,800	4,800	0	0%	4,800	4,000
	<b>51220</b>	EMPLOYEE SERVICE AWARDS	2,038	1,680	(358)	-18%	1,655	1,310
	<b>51230</b>	FICA (EMPLOYER PORTION)	806,675	1,003,192	196,517	24%	915,303	530,591
	<b>51240</b>	L&I INSURANCE	62,000	69,859	7,859	13%	65,681	28,804
	<b>51245</b>	WA STATE FAMILY MEDICAL LEAVE (ER PORTION)	18,000	28,988	10,988	61%	18,724	13,845
	<b>51250</b>	MEDICAL (EMPLOYER PORTION)	1,701,951	1,721,198	19,247	1%	1,652,191	946,842
	<b>51270</b>	RETIREMENT (EMPLOYER PORTION)	1,356,286	1,386,389	30,103	2%	1,203,504	750,406
	<b>51280</b>	TRANSPORTATION ALLOWANCE	65,045	34,000	(31,045)	-48%	51,168	31,997
	<b>51290</b>	UNEMPLOYMENT INSURANCE	65,206	79,730	14,524	22%	74,734	41,924
	<b>51299</b>	<b>BENEFITS EXPENSE</b>	<b>4,082,002</b>	<b>4,329,835</b>	<b>247,834</b>	<b>6%</b>	<b>3,987,760</b>	<b>2,349,719</b>
	<b>51310</b>	WORKPLACE BENEFITS	45,980	52,710	6,730	15%	33,394	15,790
	<b>51340</b>	HUMAN RESOURCES POOLED EXP	77,100	69,200	(7,900)	-10%	75,425	36,458
	<b>51405</b>	MEETING SUPPORT EXPENSES	10,000	7,500	(2,500)	-25%	5,182	3,674
	<b>51410</b>	RENT	2,131,247	2,065,775	(65,472)	-3%	2,031,801	227,208
	<b>51420</b>	PERSONAL PROP TAXES-WSBA	6,650	6,650	0	0%	5,832	3,186
	<b>51430</b>	FURNITURE, MAINT, LH IMP	25,300	45,000	19,700	78%	19,729	5,583
	<b>51440</b>	OFFICE SUPPLIES & EQUIP	18,000	21,500	3,500	19%	19,752	10,698
	<b>51450</b>	FURN & OFFICE EQUIP DEPREC	96,357	111,191	14,834	15%	53,757	37,158
	<b>51460</b>	FURN & OFFICE EQUIP DEPREC-NEW	-	-	-		-	-
	<b>51470</b>	COMPUTER HARDWARE DEPREC	45,354	49,926	4,572	10%	36,255	23,723
	<b>51480</b>	COMPUTER SOFTWARE DEPREC	99,251	56,112	(43,139)	-43%	99,934	31,891
	<b>51500</b>	INSURANCE	272,643	295,000	22,357	8%	254,713	154,177
	<b>51501</b>	WORK HOME FURNITURE & EQUIP	14,000	14,000	0	0%	43,021	1,887
	<b>51505</b>	PROFESSIONAL FEES-AUDIT	50,000	35,000	(15,000)	-30%	30,000	30,365
	<b>51510</b>	PROFESSIONAL FEES- LEGAL	200,000	250,000	50,000	25%	135,866	45,561
	<b>51512</b>	ONLINE LEGAL RESEARCH	50,000	24,359	(25,641)	-51%	-	24,171
	<b>51513</b>	ACCOMODATIONS FUND	-	6,500	6,500			
	<b>51514</b>	TRANSLATION SERVICES	-	12,000	12,000			
	<b>51515</b>	TELEPHONE & INTERNET	33,600	33,000	(600)	-2%	14,437	11,165
	<b>51520</b>	POSTAGE - GENERAL	24,000	18,300	(5,700)	-24%	17,215	6,550
	<b>51525</b>	RECORDS STORAGE	30,000	30,000	0	0%	27,648	13,469
	<b>51526</b>	STAFF TRAINING	-	-	-		-	-
	<b>51530</b>	BANK FEES ( INDIRECT)	51,000	50,000	(1,000)	-2%	46,531	32,567
	<b>51620</b>	PRODUCTION MAINT & SUPPLIES	15,340	12,500	(2,840)	-19%	10,650	3,995
	<b>51710</b>	COMPUTER POOLED EXPENSES	1,074,450	1,123,950	49,500	5%	852,470	658,653
	<b>51900</b>	<b>OTHER INDIRECT EXPENSE</b>	<b>4,370,272</b>	<b>4,390,173</b>	<b>19,901</b>	<b>0%</b>	<b>3,813,613</b>	<b>1,377,929</b>
		<b>TOTAL INDIRECT EXPENSES:</b>	<b>21,286,666</b>	<b>22,173,695</b>	<b>887,030</b>	<b>4%</b>	<b>19,648,904</b>	<b>10,975,141</b>

**Washington State Bar Association  
Budget Comparison**

**ACCESS TO JUSTICE**  
Cost Center  
ATJ

FTE  
1.64

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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**REVENUE:**

<b>TOTAL REVENUE</b>			-	-	-	-	-	
<b>DIRECT EXPENSES:</b>	<b>50100</b>	STAFF TRAVEL/PARKING	3,000	2,800	(200)	-7%	258	270
	<b>50110</b>	STAFF CONFERENCE & TRAINING	1,675	1,742	67	4%	350	75
	<b>50145</b>	SURVEYS	100	100	-	0%	-	-
	<b>52121</b>	ATJ BOARD RETREAT	2,000	4,000	2,000	100%	396	2,130
	<b>52125</b>	LEADERSHIP TRAINING	2,000	4,000	2,000	100%	2,000	-
	<b>52140</b>	ATJ BOARD EXPENSE	78,400	65,000	(13,400)	-17%	13,656	33,594
	<b>52874</b>	PUBLIC DEFENSE	4,000	4,000	-	0%	5,225	810
	<b>58225</b>	CONFERENCE/INSTITUTE EXPENSE	23,145	-	(23,145)	-100%	-	15,489
	<b>58450</b>	RECEPTION/FORUM EXPENSE	7,500	11,000	3,500	47%	-	748
<b>TOTAL DIRECT EXPENSES</b>			<b>121,820</b>	<b>92,642</b>	<b>(29,178)</b>	<b>-24%</b>	<b>21,885</b>	<b>53,117</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	138,139	145,500	7,361	5%	91,005	81,635
	<b>51299</b>	BENEFITS EXPENSE	48,192	49,136	944	2%	33,679	26,998
	<b>51900</b>	OTHER INDIRECT EXPENSE	50,751	50,883	132	0%	35,177	28,293
<b>TOTAL INDIRECT EXPENSES:</b>			<b>237,082</b>	<b>245,518</b>	<b>8,437</b>	<b>4%</b>	<b>159,861</b>	<b>136,926</b>
<b>TOTAL ALL EXPENSES:</b>			<b>358,902</b>	<b>338,160</b>	<b>(20,741)</b>	<b>-6%</b>	<b>181,745</b>	<b>190,043</b>
<b>NET INCOME (LOSS):</b>			<b>(358,902)</b>	<b>(338,160)</b>	<b>20,741</b>	<b>-6%</b>	<b>(181,745)</b>	<b>(190,043)</b>

**Washington State Bar Association  
Budget Comparison**

**ADMISSIONS**  
Cost Center  
ADMISS

FTE  
6.75

FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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<b>REVENUE:</b>	<b>40705</b>	EXAM SOFTWARE REVENUE	27,000	27,500	500	2%	28,150	6,715
	<b>42207</b>	BAR EXAM FEES	1,213,000	1,160,000	(53,000)	-4%	1,083,825	911,159
	<b>42230</b>	BAR EXAM LATE FEES	40,000	55,000	15,000	38%	53,700	65,400
	<b>42232</b>	HOUSE COUNSEL APPLICATION FEES	54,000	45,000	(9,000)	-17%	45,540	13,880
	<b>42270</b>	RULE 9/LEGAL INTERN FEES	12,000	12,000	-	0%	12,350	5,200
	<b>42285</b>	FOREIGN LAW CONSULTANT FEES	1,240	1,240	-	0%	1,860	1,540
	<b>42287</b>	SPECIAL ADMISSIONS	15,700	-	(15,700)	-100%	3,190	2,925
		<b>TOTAL REVENUE</b>	<b>1,362,940</b>	<b>1,300,740</b>	<b>(62,200)</b>	<b>-5%</b>	<b>1,228,615</b>	<b>1,006,819</b>
<b>DIRECT EXPENSES:</b>	<b>50060</b>	POSTAGE	750	1,000	250	33%	-	461
	<b>50100</b>	STAFF TRAVEL/PARKING	23,000	20,000	(3,000)	-13%	23,795	7,628
	<b>50110</b>	STAFF CONFERENCE & TRAINING	10,500	10,920	420	4%	6,729	2,971
	<b>50120</b>	STAFF MEMBERSHIP DUES	600	400	(200)	-33%	250	150
	<b>50140</b>	SUPPLIES	2,750	1,500	(1,250)	-45%	2,710	187
	<b>52210</b>	FACILITY, PARKING, FOOD	101,000	94,000	(7,000)	-7%	76,311	45,564
	<b>52215</b>	EXAMINER FEES	36,000	24,800	(11,200)	-31%	31,500	12,500
	<b>52221</b>	UBE EXAMINATIONS	123,000	113,000	(10,000)	-8%	110,110	32,208
	<b>52225</b>	BOARD OF BAR EXAMINERS	18,850	39,000	20,150	107%	4,251	12,574
	<b>52230</b>	BAR EXAM PROCTORS	39,000	21,000	(18,000)	-46%	31,952	16,132
	<b>52240</b>	DISABILITY ACCOMMODATIONS	27,000	55,967	28,967	107%	26,406	15,988
	<b>52245</b>	CHARACTER & FITNESS INVESTI	2,000	1,000	(1,000)	-50%	108	-
	<b>54380</b>	ONLINE LEGAL RESEARCH	-	-	-		3,817	-
	<b>52250</b>	LAW SCHOOL VISITS	1,700	1,700	-	0%	354	229
	<b>54390</b>	LAW LIBRARY	-	-	-		138	-
	<b>52270</b>	DEPRECIATION-SOFTWARE	24,929	11,038	(13,891)	-56%	24,520	14,263
		<b>TOTAL DIRECT EXPENSES</b>	<b>411,079</b>	<b>395,325</b>	<b>(15,754)</b>	<b>-4%</b>	<b>342,952</b>	<b>160,856</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	512,745	522,057	9,312	2%	535,723	287,204
	<b>51299</b>	BENEFITS EXPENSE	171,146	191,374	20,228	12%	174,798	111,853
	<b>51900</b>	OTHER INDIRECT EXPENSE	208,882	209,425	543	0%	186,135	116,244
		<b>TOTAL INDIRECT EXPENSES:</b>	<b>892,773</b>	<b>922,857</b>	<b>30,084</b>	<b>3%</b>	<b>896,656</b>	<b>515,302</b>
		<b>TOTAL ALL EXPENSES:</b>	<b>1,303,852</b>	<b>1,318,182</b>	<b>14,330</b>	<b>1%</b>	<b>1,239,607</b>	<b>676,157</b>
		<b>NET INCOME (LOSS):</b>	<b>59,088</b>	<b>(17,442)</b>	<b>(76,530)</b>	<b>-130%</b>	<b>(10,992)</b>	<b>330,662</b>

**Washington State Bar Association  
Budget Comparison**

**ADVANCEMENT FTE**

Cost Center                      **FTE**  
ADV FTE                              **1.90**

<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>
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**REVENUE:**

<b>TOTAL REVENUE</b>		-	-	-		-	-	
<b>DIRECT EXPENSES:</b>	<b>50110</b>	STAFF CONFERENCE & TRAINING	8,100	8,424	324	4%	2,924	2,414
<b>TOTAL DIRECT EXPENSES</b>			<b>8,100</b>	<b>8,424</b>	<b>324</b>	<b>4%</b>	<b>2,924</b>	<b>2,414</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	233,777	244,054	10,277	4%	223,017	136,564
	<b>51299</b>	BENEFITS EXPENSE	62,511	61,096	(1,415)	-2%	66,651	35,566
	<b>51900</b>	OTHER INDIRECT EXPENSE	58,178	58,794	617	1%	51,127	32,260
<b>TOTAL INDIRECT EXPENSES:</b>			<b>354,465</b>	<b>363,945</b>	<b>9,479</b>	<b>3%</b>	<b>340,795</b>	<b>204,390</b>
<b>TOTAL ALL EXPENSES:</b>			<b>362,565</b>	<b>372,369</b>	<b>9,803</b>	<b>3%</b>	<b>343,719</b>	<b>206,804</b>
<b>NET INCOME (LOSS):</b>			<b>(362,565)</b>	<b>(372,369)</b>	<b>(9,803)</b>	<b>3%</b>	<b>(343,719)</b>	<b>(206,804)</b>

**Washington State Bar Association  
Budget Comparison**

<b>BAR NEWS</b>			<b>FY2023</b>	<b>FY2024</b>	<b>FY24 vs FY23</b>	<b>% Change</b>	<b>FY2022</b>	<b>FY2023</b>
<b>Cost Center</b>			<b>Budget</b>	<b>Budget</b>	<b>Comparison</b>		<b>Actuals</b>	<b>Actuals</b>
<b>BN</b>							<b>YTD</b>	<b>YTD</b>
<b>FTE</b>								
<b>2.23</b>								
<b>REVENUE:</b>	<b>40900</b>	ROYALTIES	-	2,500	2,500		5,310	-
	<b>42710</b>	BNEWS DISPLAY ADVERTISING	400,000	400,000	-	0%	331,332	264,000
	<b>42720</b>	BNEWS SUBSCRIPT/SINGLE ISSUES	200	100	(100)	-50%	72	36
	<b>42730</b>	BNEWS CLASSIFIED ADVERTISING	2,500	7,500	5,000	200%	11,083	5,629
	<b>42740</b>	GEN ANNOUNCEMENTS	-	-	-		17,344	-
	<b>42750</b>	PROF ANNOUNCEMENTS	-	-	-		24,086	-
	<b>42760</b>	JOB TARGET ADVERTISING	200,000	200,000	-	0%	271,814	68,089
<b>TOTAL REVENUE</b>			<b>602,700</b>	<b>610,100</b>	<b>7,400</b>	<b>1%</b>	<b>661,041</b>	<b>337,754</b>
<b>DIRECT EXPENSES:</b>	<b>50060</b>	POSTAGE	110,000	110,000	-	0%	103,134	70,932
	<b>50070</b>	PRINTING & COPYING	250,000	250,000	-	0%	205,953	144,761
	<b>50110</b>	STAFF CONFERENCE & TRAINING	2,000	2,080	80	4%	997	-
	<b>50120</b>	STAFF MEMBERSHIP DUES	135	135	-	0%	-	-
	<b>50130</b>	SUBSCRIPTIONS	225	225	-	0%	90	(347)
	<b>52730</b>	OUTSIDE SALES EXPENSE	-	-	-		1,730	-
	<b>50155</b>	DIGITAL/ONLINE DEVELOPMENT	1,000	2,000	1,000	100%	9,815	1,121
	<b>52710</b>	GRAPHICS/ARTWORK	100	100	-	0%	-	-
<b>TOTAL DIRECT EXPENSES</b>			<b>363,460</b>	<b>364,540</b>	<b>1,080</b>	<b>0%</b>	<b>321,719</b>	<b>216,467</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	209,396	213,007	3,611	2%	203,354	123,006
	<b>51299</b>	BENEFITS EXPENSE	54,103	64,885	10,782	20%	56,755	30,688
	<b>51900</b>	OTHER INDIRECT EXPENSE	69,008	69,188	179	0%	74,539	38,424
<b>TOTAL INDIRECT EXPENSES:</b>			<b>332,507</b>	<b>347,080</b>	<b>14,572</b>	<b>4%</b>	<b>334,648</b>	<b>192,118</b>
<b>TOTAL ALL EXPENSES:</b>			<b>695,967</b>	<b>711,620</b>	<b>15,652</b>	<b>2%</b>	<b>656,367</b>	<b>408,584</b>
<b>NET INCOME (LOSS):</b>			<b>(93,267)</b>	<b>(101,520)</b>	<b>(8,252)</b>	<b>9%</b>	<b>4,674</b>	<b>(70,831)</b>

**Washington State Bar Association**

**Budget Comparison**

**BOARD OF GOVERNORS**

Cost Center  
BOG

FTE  
0.7

<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>
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**REVENUE:**

<b>TOTAL REVENUE</b>	-	-	-	-	-
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**DIRECT EXPENSES:**

<b>50033</b>	CONSULTING SERVICES	-	-	-	7,264	6,143
<b>50140</b>	SUPPLIES	-	500	500	-	-
<b>52125</b>	LEADERSHIP TRAINING	20,000	20,000	-	0%	23,576
<b>52810</b>	BOG MEETINGS	205,000	185,000	(20,000)	-10%	167,735
<b>52820</b>	BOG COMMITTEES' EXPENSES	3,000	2,500	(500)	-17%	233
<b>52821</b>	BOG RETREAT	50,000	35,000	(15,000)	-30%	66
<b>52822</b>	BOG CONFERENCE ATTENDANCE	43,000	60,000	17,000	40%	57,070
<b>52830</b>	BOG TRAVEL & OUTREACH	14,000	22,000	8,000	57%	19,387
<b>52880</b>	BOG ELECTIONS	26,900	26,900	-	0%	15,900
<b>52960</b>	PRESIDENT'S DINNER	10,000	15,000	5,000	50%	11,570
<b>52910</b>	MEMBER OUTREACH/ETHOS MEETINGS	-	-	-		18,786
<b>55555</b>	NEW GOVERNOR ORIENTATION		10,000	10,000		-
<b>55555</b>	PRESIDENTS PHOTO		3,300	3,300		-
<b>55555</b>	LONG RANGE STRATEGIC PLANNING COUNCIL		600	600		-
<b>TOTAL DIRECT EXPENSES</b>		<b>371,900</b>	<b>380,800</b>	<b>8,900</b>	<b>2%</b>	<b>321,588</b>

**INDIRECT EXPENSES:**

<b>51199</b>	SALARY EXPENSE	112,271	62,933	(49,338)	-44%	104,367
<b>51299</b>	BENEFITS EXPENSE	36,105	16,235	(19,870)	-55%	33,720
<b>51900</b>	OTHER INDIRECT EXPENSE	43,324	21,718	(21,606)	-50%	37,837
<b>TOTAL INDIRECT EXPENSES:</b>		<b>191,700</b>	<b>100,887</b>	<b>(90,813)</b>	<b>-47%</b>	<b>175,924</b>

<b>TOTAL ALL EXPENSES:</b>	<b>563,600</b>	<b>481,687</b>	<b>(81,913)</b>	<b>-15%</b>	<b>497,512</b>	<b>258,094</b>
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<b>NET INCOME (LOSS):</b>	<b>(563,600)</b>	<b>(481,687)</b>	<b>81,913</b>	<b>-15%</b>	<b>(497,512)</b>	<b>(258,094)</b>
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**Washington State Bar Association  
Budget Comparison**

**CHARACTER & FITNESS BOARD**

Cost Center FTE  
CFB 0.75

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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**REVENUE:**

<b>TOTAL REVENUE</b>		-	-	-	-	-	-	
<b>DIRECT EXPENSES:</b>	<b>52235</b>	CHARACTER & FITNESS BOARD EXP	12,000	24,000	12,000	100%	123	-
	<b>54310</b>	COURT REPORTERS	15,000	15,000	-	0%	3,256	869
<b>TOTAL DIRECT EXPENSES</b>			<b>27,000</b>	<b>39,000</b>	<b>12,000</b>	<b>44%</b>	<b>3,379</b>	<b>869</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	90,551	93,739	3,189	4%	14,315	52,879
	<b>51299</b>	BENEFITS EXPENSE	25,863	23,734	(2,129)	-8%	2,796	14,336
	<b>51900</b>	OTHER INDIRECT EXPENSE	23,209	23,269	60	0%	1,513	13,081
<b>TOTAL INDIRECT EXPENSES:</b>			<b>139,623</b>	<b>140,743</b>	<b>1,120</b>	<b>1%</b>	<b>18,624</b>	<b>80,296</b>
<b>TOTAL ALL EXPENSES:</b>			<b>166,623</b>	<b>179,743</b>	<b>13,120</b>	<b>8%</b>	<b>22,004</b>	<b>81,165</b>
<b>NET INCOME (LOSS):</b>			<b>(166,623)</b>	<b>(179,743)</b>	<b>(13,120)</b>	<b>8%</b>	<b>(22,004)</b>	<b>(81,165)</b>

**Washington State Bar Association  
Budget Comparison**

**COMMUNICATION STRATEGIES**

Cost Center FTE  
COMM 5.20

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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<b>REVENUE:</b>	<b>41450</b>	SPONSORSHIPS	1,000	-	(1,000)	-100%	1,000	-
	<b>42570</b>	50 YEAR MEMBER TRIBUTE LUNCH	-	500	500		480	-
	<b>44100</b>	WSBA LOGO MERCHANDISE SALES	2,500	-	(2,500)	-100%	2,642	113
		<b>TOTAL REVENUE</b>	<b>3,500</b>	<b>500</b>	<b>(3,000)</b>	<b>-86%</b>	<b>4,122</b>	<b>113</b>
<b>DIRECT EXPENSES:</b>	<b>50050</b>	EQUIPMENT, HARDWARE & SOFTWARE	-	2,500	2,500		-	-
	<b>50100</b>	STAFF TRAVEL/PARKING	3,395	5,895	2,500	74%	4,003	1,584
	<b>50110</b>	STAFF CONFERENCE & TRAINING	7,500	7,800	300	4%	2,358	1,817
	<b>50120</b>	STAFF MEMBERSHIP DUES	1,120	1,120	-	0%	740	714
	<b>50130</b>	SUBSCRIPTIONS	4,000	4,000	-	0%	3,468	1,424
	<b>52570</b>	APEX	47,000	50,000	3,000	6%	46,461	-
	<b>52573</b>	50 YEAR MEMBER TRIBUTE LUNCH	20,000	30,000	10,000	50%	30,070	-
	<b>52878</b>	COMMUNICATIONS OUTREACH	15,000	15,000	-	0%	1,298	1,245
	<b>54027</b>	BAR OUTREACH	18,000	18,000	-	0%	1,353	566
		<b>TOTAL DIRECT EXPENSES</b>	<b>116,015</b>	<b>134,315</b>	<b>18,300</b>	<b>16%</b>	<b>90,837</b>	<b>7,350</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	387,612	398,702	11,090	3%	354,285	226,987
	<b>51299</b>	BENEFITS EXPENSE	126,285	139,611	13,326	11%	128,514	71,960
	<b>51900</b>	OTHER INDIRECT EXPENSE	160,917	161,335	418	0%	139,241	89,737
		<b>TOTAL INDIRECT EXPENSES:</b>	<b>674,814</b>	<b>699,648</b>	<b>24,834</b>	<b>4%</b>	<b>622,039</b>	<b>388,683</b>
		<b>TOTAL ALL EXPENSES:</b>	<b>790,829</b>	<b>833,963</b>	<b>43,134</b>	<b>5%</b>	<b>712,876</b>	<b>396,033</b>
		<b>NET INCOME (LOSS):</b>	<b>(787,329)</b>	<b>(833,463)</b>	<b>(46,134)</b>	<b>6%</b>	<b>(708,755)</b>	<b>(395,919)</b>

**Washington State Bar Association  
Budget Comparison**

**COMMUNICATION STRATEGIES FTE**  
 Cost Center  
 COMM FTE

FTE  
 1.00

			<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	168,213	171,146	2,933	2%	154,665	99,095
	<b>51299</b>	BENEFITS EXPENSE	44,241	49,601	5,361	12%	41,050	24,951
	<b>51900</b>	OTHER INDIRECT EXPENSE	30,946	31,026	80	0%	26,865	17,266
<b>TOTAL INDIRECT EXPENSES:</b>			<b>243,400</b>	<b>251,773</b>	<b>8,374</b>	<b>3%</b>	<b>222,579</b>	<b>141,312</b>
<b>NET INCOME (LOSS):</b>			<b>(243,400)</b>	<b>(251,773)</b>	<b>(8,374)</b>	<b>3%</b>	<b>(222,579)</b>	<b>(141,312)</b>

**Washington State Bar Association**

**Budget Comparison**

<b>DISCIPLINE</b>	<b>Cost Center</b>	<b>DISC</b>	<b>FTE</b>	<b>38.00</b>	<b>Washington State Bar Association</b>					
					<b>FY2023</b>	<b>FY2024</b>	<b>FY24 vs FY23</b>	<b>% Change</b>	<b>FY2022</b>	<b>FY2023</b>
					<b>Budget</b>	<b>Budget</b>	<b>Comparison</b>		<b>Actuals</b>	<b>Actuals</b>
									<b>YTD</b>	<b>YTD</b>
<b>REVENUE:</b>										
	<b>42450</b>	AUDIT REVENUE			1,000	1,000	-	0%	893	701
	<b>40200</b>	COPY FEES			-	-	-		36	-
	<b>44350</b>	RECOVERY OF DISCIPLINE COSTS			100,000	100,000	-	0%	85,405	25,691
	<b>44450</b>	DISCIPLINE HISTORY SUMMARY			18,000	18,000	-	0%	19,433	11,189
		<b>TOTAL REVENUE</b>			<b>119,000</b>	<b>119,000</b>	<b>-</b>	<b>0%</b>	<b>105,767</b>	<b>37,581</b>
<b>DIRECT EXPENSES:</b>										
	<b>50015</b>	DEPRECIATION			45,835	62,125	16,290	36%	-	-
	<b>50080</b>	PUBLICATIONS PRODUCTION			200	300	100	50%	-	169
	<b>50100</b>	STAFF TRAVEL/PARKING			20,000	15,000	(5,000)	-25%	13,222	4,532
	<b>50110</b>	STAFF CONFERENCE & TRAINING			33,295	34,627	1,332	4%	19,171	13,020
	<b>50120</b>	STAFF MEMBERSHIP DUES			7,610	7,365	(245)	-3%	6,100	1,695
	<b>50160</b>	TELEPHONE			2,359	4,800	2,441	103%	2,721	2,146
	<b>54310</b>	COURT REPORTERS			60,000	60,000	-	0%	46,457	31,883
	<b>54320</b>	OUTSIDE COUNSEL EXPENSES			1,500	1,000	(500)	-33%	-	-
	<b>54360</b>	LITIGATION EXPENSES			25,000	40,000	15,000	60%	13,258	6,029
	<b>54370</b>	DISABILITY EXPENSES			9,000	9,000	-	0%	3,500	24
	<b>54400</b>	TRANSLATION SERVICES			1,200	1,000	(200)	-17%	512	150
	<b>54430</b>	PRACTICE MONITOR EXPENSES			1,000	-	(1,000)	-100%	-	-
	<b>54380</b>	ONLINE LEGAL RESEARCH			-	-	-		55,493	-
	<b>54390</b>	LAW LIBRARY			-	-	-		5,453	-
		<b>TOTAL DIRECT EXPENSES</b>			<b>206,999</b>	<b>235,217</b>	<b>28,218</b>	<b>14%</b>	<b>165,886</b>	<b>59,648</b>
<b>INDIRECT EXPENSES:</b>										
	<b>51199</b>	SALARY EXPENSE			3,764,781	3,789,505	24,724	1%	3,496,048	2,022,402
	<b>51299</b>	BENEFITS EXPENSE			1,073,208	1,187,211	114,003	11%	1,090,771	618,367
	<b>51900</b>	OTHER INDIRECT EXPENSE			1,169,740	1,178,986	9,246	1%	990,943	651,503
		<b>TOTAL INDIRECT EXPENSES:</b>			<b>6,007,729</b>	<b>6,155,703</b>	<b>147,974</b>	<b>2%</b>	<b>5,577,763</b>	<b>3,292,271</b>
		<b>TOTAL ALL EXPENSES:</b>			<b>6,214,728</b>	<b>6,390,920</b>	<b>176,192</b>	<b>3%</b>	<b>5,743,648</b>	<b>3,351,919</b>
		<b>NET INCOME (LOSS):</b>			<b>(6,095,728)</b>	<b>(6,271,920)</b>	<b>(176,192)</b>	<b>3%</b>	<b>(5,637,881)</b>	<b>(3,314,337)</b>

**Washington State Bar Association  
Budget Comparison**

<b>DIVERSITY</b>		<b>Washington State Bar Association Budget Comparison</b>					
Cost Center	FTE	FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
<b>DIV</b>	<b>1.69</b>						
<b>REVENUE:</b>							
<b>40300</b>	DONATIONS & GRANTS	135,000	135,000	-	0%	135,000	135,000
<b>TOTAL REVENUE</b>		<b>135,000</b>	<b>135,000</b>	<b>-</b>	<b>0%</b>	<b>135,000</b>	<b>135,000</b>
<b>DIRECT EXPENSES:</b>							
<b>50033</b>	CONSULTING SERVICES	54,625	45,000	(9,625)	-18%	25,722	13,575
<b>50100</b>	STAFF TRAVEL/PARKING	2,000	1,500	(500)	-25%	541	774
<b>50110</b>	STAFF CONFERENCE & TRAINING	5,000	5,200	200	4%	1,663	600
<b>50120</b>	STAFF MEMBERSHIP DUES	360	550	190	53%	45	90
<b>50145</b>	SURVEYS	16,500	-	(16,500)	-100%	5,000	9,500
<b>52680</b>	COMMITTEE FOR DIVERSITY	3,800	3,800	-	0%	1,093	953
<b>52681</b>	DIVERSITY EVENTS & PROJECTS	39,250	11,800	(27,450)	-70%	9,204	3,503
<b>TOTAL DIRECT EXPENSES</b>		<b>121,535</b>	<b>67,850</b>	<b>(53,685)</b>	<b>-44%</b>	<b>43,328</b>	<b>28,995</b>
<b>INDIRECT EXPENSES:</b>							
<b>51199</b>	SALARY EXPENSE	144,941	143,689	(1,252)	-1%	155,618	57,664
<b>51299</b>	BENEFITS EXPENSE	43,533	42,661	(872)	-2%	52,631	29,600
<b>51900</b>	OTHER INDIRECT EXPENSE	52,260	52,434	174	0%	64,701	36,176
<b>TOTAL INDIRECT EXPENSES:</b>		<b>240,734</b>	<b>238,784</b>	<b>(1,949)</b>	<b>-1%</b>	<b>272,950</b>	<b>123,440</b>
<b>TOTAL ALL EXPENSES:</b>		<b>362,269</b>	<b>306,634</b>	<b>(55,634)</b>	<b>-15%</b>	<b>316,278</b>	<b>152,435</b>
<b>NET INCOME (LOSS):</b>		<b>(227,269)</b>	<b>(171,634)</b>	<b>55,634</b>	<b>-24%</b>	<b>(181,278)</b>	<b>(17,435)</b>

**Washington State Bar Association  
Budget Comparison**

**FINANCE**  
Cost Center  
FIN

FTE  
6.92

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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<b>REVENUE:</b>	<b>40500</b>	INTEREST - INVESTMENTS	26,000	200,000	174,000	669%	-	438,277
		<b>TOTAL REVENUE</b>	<b>26,000</b>	<b>200,000</b>	<b>174,000</b>	<b>669%</b>	<b>-</b>	<b>438,277</b>
<b>DIRECT EXPENSES:</b>	<b>50033</b>	CONSULTING SERVICES	10,000	-	(10,000)	-100%	-	-
	<b>50100</b>	STAFF TRAVEL/PARKING	3,000	1,500	(1,500)	-50%	-	2,104
	<b>50110</b>	STAFF CONFERENCE & TRAINING	500	520	20	4%	-	-
	<b>50120</b>	STAFF MEMBERSHIP DUES	-	620	620		-	685
		<b>TOTAL DIRECT EXPENSES</b>	<b>13,500</b>	<b>2,640</b>	<b>(10,860)</b>	<b>-80%</b>	<b>-</b>	<b>2,789</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	661,642	712,444	50,802	8%	-	392,710
	<b>51299</b>	BENEFITS EXPENSE	205,235	218,958	13,723	7%	-	117,266
	<b>51900</b>	OTHER INDIRECT EXPENSE	213,844	214,700	856	0%	-	119,649
		<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,080,720</b>	<b>1,146,101</b>	<b>65,381</b>	<b>6%</b>	<b>-</b>	<b>629,624</b>
		<b>TOTAL ALL EXPENSES:</b>	<b>1,094,220</b>	<b>1,148,741</b>	<b>54,521</b>	<b>5%</b>	<b>-</b>	<b>632,413</b>
		<b>NET INCOME (LOSS):</b>	<b>(1,068,220)</b>	<b>(948,741)</b>	<b>119,479</b>	<b>-11%</b>	<b>-</b>	<b>(194,137)</b>

**Washington State Bar Association  
Budget Comparison**

**FOUNDATION**  
Cost Center  
**FOUND**

FTE  
1.05

		<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>	
<b>REVENUE:</b>								
<b>TOTAL REVENUE</b>		-	-	-	-	-	-	
<b>DIRECT EXPENSES:</b>	<b>50033</b>	CONSULTING SERVICES	3,000	3,000	-	0%	3,000	3,000
	<b>50060</b>	POSTAGE	300	350	50	17%	-	8
	<b>50070</b>	PRINTING & COPYING	450	700	250	56%	-	-
	<b>50100</b>	STAFF TRAVEL/PARKING	700	900	200	29%	337	-
	<b>50110</b>	STAFF CONFERENCE & TRAINING	300	312	12	4%	-	-
	<b>50140</b>	SUPPLIES	150	150	-	0%	75	24
	<b>52940</b>	BOARD OF TRUSTEES	750	4,900	4,150	553%	809	25
<b>TOTAL DIRECT EXPENSES</b>			<b>5,650</b>	<b>10,312</b>	<b>4,662</b>	<b>83%</b>	<b>4,221</b>	<b>3,057</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	96,359	100,026	3,667	4%	81,103	55,660
	<b>51299</b>	BENEFITS EXPENSE	18,295	19,777	1,482	8%	15,473	10,083
	<b>51900</b>	OTHER INDIRECT EXPENSE	32,493	32,577	84	0%	26,864	17,996
<b>TOTAL INDIRECT EXPENSES:</b>			<b>147,147</b>	<b>152,380</b>	<b>5,233</b>	<b>4%</b>	<b>123,441</b>	<b>83,739</b>
<b>TOTAL ALL EXPENSES:</b>			<b>152,797</b>	<b>162,692</b>	<b>9,895</b>	<b>6%</b>	<b>127,662</b>	<b>86,796</b>
<b>NET INCOME (LOSS):</b>			<b>(152,797)</b>	<b>(162,692)</b>	<b>(9,895)</b>	<b>6%</b>	<b>(127,662)</b>	<b>(86,796)</b>

**Washington State Bar Association  
Budget Comparison**

**HUMAN RESOURCES**

Cost Center  
HR

FTE  
4.00

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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**REVENUE:**

<b>TOTAL REVENUE</b>		-	-	-	-	-	-	
<b>DIRECT EXPENSES:</b>	<b>50033</b>	CONSULTING SERVICES	2,000	2,000	-	0%	14,285	-
	<b>50100</b>	STAFF TRAVEL/PARKING	700	700	-	0%	419	-
	<b>50120</b>	STAFF MEMBERSHIP DUES	800	1,000	200	25%	219	458
	<b>50130</b>	SUBSCRIPTIONS	500	1,000	500	100%	423	1,348
	<b>54512</b>	STAFF TRAINING- GENERAL	15,000	5,000	(10,000)	-67%	3,826	2,066
	<b>54520</b>	RECRUITING AND ADVERTISING	6,600	8,000	1,400	21%	6,178	3,490
	<b>54530</b>	PAYROLL PROCESSING	50,000	50,000	-	0%	50,075	29,096
	<b>54540</b>	SALARY SURVEYS	1,500	1,500	-	0%	-	-
	<b>54590</b>	TRANSFER TO INDIRECT EXPENSE	(77,100)	(69,200)	7,900	-10%	(75,425)	(36,458)
<b>TOTAL DIRECT EXPENSES</b>			-	-	-		<b>0</b>	<b>(0)</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	380,554	508,418	127,864	34%	295,990	223,469
	<b>51299</b>	BENEFITS EXPENSE	120,251	94,759	(25,493)	-21%	104,383	63,286
	<b>51925</b>	ALLOWANCE FOR OPEN POSITIONS	(200,000)	(200,000)	-	0%	-	-
	<b>51900</b>	OTHER INDIRECT EXPENSE	123,820	124,104	283	0%	80,971	62,072
<b>TOTAL INDIRECT EXPENSES:</b>			<b>424,625</b>	<b>527,280</b>	<b>102,655</b>	<b>24%</b>	<b>481,345</b>	<b>348,828</b>
<b>TOTAL ALL EXPENSES:</b>			<b>424,625</b>	<b>527,280</b>	<b>102,655</b>	<b>24%</b>	<b>481,345</b>	<b>348,828</b>
<b>NET INCOME (LOSS):</b>			<b>(424,625)</b>	<b>(527,280)</b>	<b>(102,655)</b>	<b>24%</b>	<b>(481,345)</b>	<b>(348,828)</b>

**Washington State Bar Association**  
Budget Comparison

**LAW CLERK PROGRAM**

Cost Center FTE  
CLERK 1.23

			<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>
<b>REVENUE:</b>	<b>42275</b>	LAW CLERK FEES	185,000	204,000	19,000	10%	194,104	192,833
	<b>42286</b>	LAW CLERK APPLICATION FEES	3,200	3,200	-	0%	3,700	1,300
		<b>TOTAL REVENUE</b>	<b>188,200</b>	<b>207,200</b>	<b>19,000</b>	<b>10%</b>	<b>197,804</b>	<b>194,133</b>
<b>DIRECT EXPENSES:</b>	<b>50015</b>	DEPRECIATION	-	4,675	4,675		-	-
	<b>50100</b>	STAFF TRAVEL/PARKING	-	500	500		-	-
	<b>50130</b>	SUBSCRIPTIONS	250	250	-	0%	250	-
	<b>52245</b>	CHARACTER & FITNESS INVESTI	100	100	-	0%	-	-
	<b>52255</b>	LAW CLERK BOARD	8,000	8,000	-	0%	-	4,162
	<b>52258</b>	LAW CLERK OUTREACH	550	5,000	4,450	809%	-	-
		<b>TOTAL DIRECT EXPENSES</b>	<b>8,900</b>	<b>18,525</b>	<b>9,625</b>	<b>108%</b>	<b>250</b>	<b>4,162</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	82,442	100,677	18,235	22%	72,744	47,624
	<b>51299</b>	BENEFITS EXPENSE	25,330	27,549	2,219	9%	21,617	13,969
	<b>51900</b>	OTHER INDIRECT EXPENSE	30,327	38,162	7,835	26%	24,972	16,780
		<b>TOTAL INDIRECT EXPENSES:</b>	<b>138,099</b>	<b>166,388</b>	<b>28,289</b>	<b>20%</b>	<b>119,334</b>	<b>78,373</b>
		<b>TOTAL ALL EXPENSES:</b>	<b>146,999</b>	<b>184,913</b>	<b>37,915</b>	<b>26%</b>	<b>119,584</b>	<b>82,535</b>
		<b>NET INCOME (LOSS):</b>	<b>41,201</b>	<b>22,287</b>	<b>(18,915)</b>	<b>-46%</b>	<b>78,220</b>	<b>111,598</b>

**Washington State Bar Association**

**Budget Comparison**

**LEGISLATIVE**

Cost Center  
LEG

FTE  
1.70

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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**REVENUE:**

<b>TOTAL REVENUE</b>			-	-	-	-	-	
<b>DIRECT EXPENSES:</b>	<b>50100</b>	STAFF TRAVEL/PARKING	3,133	2,500	(633)	-20%	188	124
	<b>50110</b>	STAFF CONFERENCE & TRAINING	2,400	2,496	96	4%	-	1,842
	<b>50120</b>	STAFF MEMBERSHIP DUES	450	450	-	0%	130	-
	<b>50130</b>	SUBSCRIPTIONS	2,000	2,000	-	0%	1,985	1,985
	<b>52660</b>	JUD RECOMMEND COMMITTEE	2,250	2,250	-	0%	-	-
	<b>54910</b>	RENT - OLYMPIA OFFICE	-	1,500	1,500	-	-	-
	<b>54920</b>	CONTRACT LOBBYIST	15,000	12,500	(2,500)	-17%	10,000	10,000
	<b>54940</b>	LEGISLATIVE COMMITTEE	1,250	1,250	-	0%	9	-
	<b>54970</b>	BOG LEGISLATIVE COMMITTEE	300	300	-	0%	-	-
<b>TOTAL DIRECT EXPENSES</b>			<b>26,783</b>	<b>25,246</b>	<b>(1,537)</b>	<b>-6%</b>	<b>12,311</b>	<b>14,283</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	147,316	152,783	5,468	4%	115,007	82,864
	<b>51299</b>	BENEFITS EXPENSE	42,758	52,910	10,152	24%	52,819	24,061
	<b>51900</b>	OTHER INDIRECT EXPENSE	52,607	52,744	137	0%	45,783	29,183
<b>TOTAL INDIRECT EXPENSES:</b>			<b>242,681</b>	<b>258,437</b>	<b>15,757</b>	<b>6%</b>	<b>213,608</b>	<b>136,107</b>
<b>TOTAL ALL EXPENSES:</b>			<b>269,464</b>	<b>283,683</b>	<b>14,220</b>	<b>5%</b>	<b>225,920</b>	<b>150,390</b>
<b>NET INCOME (LOSS):</b>			<b>(269,464)</b>	<b>(283,683)</b>	<b>(14,220)</b>	<b>5%</b>	<b>(225,920)</b>	<b>(150,390)</b>

**Washington State Bar Association  
Budget Comparison**

**LEGAL LUNCHBOX**

Cost Center  
LLB

FTE  
0.43

			<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>
<b>REVENUE:</b>	<b>41450</b>	SPONSORSHIPS	9,000	9,000	-	0%	9,000	-
	<b>43400</b>	DIGITAL VIDEO SALES	14,000	20,000	6,000	43%	30,233	20,335
	<b>43350</b>	MP3 SALES	-	-	-		7,056	-
		<b>TOTAL REVENUE</b>	<b>23,000</b>	<b>29,000</b>	<b>6,000</b>	<b>26%</b>	<b>46,289</b>	<b>20,335</b>
<b>DIRECT EXPENSES:</b>	<b>53700</b>	SPEAKERS & PROGRAM DEVELOP	1,500	100	(1,400)	-93%	-	551
	<b>53730</b>	HONORARIUM	-	1,500	1,500		-	-
	<b>55555</b>	ON24 OVERAGE CHARGE	-	1,500	1,500		-	-
		<b>TOTAL DIRECT EXPENSES</b>	<b>1,500</b>	<b>3,100</b>	<b>1,600</b>	<b>107%</b>	<b>-</b>	<b>551</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	27,897	28,998	1,101	4%	23,122	15,920
	<b>51299</b>	BENEFITS EXPENSE	10,037	6,385	(3,652)	-36%	10,257	5,163
	<b>51900</b>	OTHER INDIRECT EXPENSE	13,183	13,217	34	0%	11,363	7,296
		<b>TOTAL INDIRECT EXPENSES:</b>	<b>51,117</b>	<b>48,600</b>	<b>(2,517)</b>	<b>-5%</b>	<b>44,742</b>	<b>28,379</b>
		<b>TOTAL ALL EXPENSES:</b>	<b>52,617</b>	<b>51,700</b>	<b>(917)</b>	<b>-2%</b>	<b>44,742</b>	<b>28,930</b>
		<b>NET INCOME (LOSS):</b>	<b>(29,617)</b>	<b>(22,700)</b>	<b>6,917</b>	<b>-23%</b>	<b>1,547</b>	<b>(8,595)</b>

**Washington State Bar Association  
Budget Comparison**

**LICENSING & MEMBERSHIP RECORDS**

Cost Center                      FTE  
LICMR                              3.83

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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<b>REVENUE:</b>	<b>41100</b>	STATUS CERTIFICATE FEES	27,000	27,000	-	0%	29,548	17,425
	<b>42288</b>	INVESTIGATION FEES	21,000	20,000	(1,000)	-5%	22,300	14,400
	<b>42290</b>	PRO HAC VICE	400,000	400,000	-	0%	400,282	218,466
	<b>45040</b>	MEMBER CONTACT INFORMATION	4,000	3,700	(300)	-8%	3,325	1,489
	<b>45060</b>	PHOTO BAR CARD SALES	200	200	-	0%	240	144
		<b>TOTAL REVENUE</b>	<b>452,200</b>	<b>450,900</b>	<b>(1,300)</b>	<b>0%</b>	<b>455,695</b>	<b>251,924</b>
<b>DIRECT EXPENSES:</b>	<b>50015</b>	DEPRECIATION	1,151	-	(1,151)	-100%	-	-
	<b>50060</b>	POSTAGE	16,500	17,652	1,152	7%	24,352	16,254
	<b>55010</b>	LICENSING FORMS	2,000	-	(2,000)	-100%	915	2,401
		<b>TOTAL DIRECT EXPENSES</b>	<b>19,651</b>	<b>17,652</b>	<b>(1,999)</b>	<b>-10%</b>	<b>25,267</b>	<b>20,406</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	379,520	401,688	22,168	6%	365,027	233,204
	<b>51299</b>	BENEFITS EXPENSE	124,269	139,334	15,064	12%	118,663	70,660
	<b>51900</b>	OTHER INDIRECT EXPENSE	118,521	118,829	308	0%	103,296	65,904
		<b>TOTAL INDIRECT EXPENSES:</b>	<b>622,311</b>	<b>659,851</b>	<b>37,541</b>	<b>6%</b>	<b>586,985</b>	<b>369,769</b>
		<b>TOTAL ALL EXPENSES:</b>	<b>641,962</b>	<b>677,503</b>	<b>35,542</b>	<b>6%</b>	<b>612,252</b>	<b>390,174</b>
		<b>NET INCOME (LOSS):</b>	<b>(189,762)</b>	<b>(226,603)</b>	<b>(36,842)</b>	<b>19%</b>	<b>(156,557)</b>	<b>(138,250)</b>

**Washington State Bar Association**

**Budget Comparison**

**LICENSE FEES**

Cost Center  
LIC

0.00

		<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>
<b>REVENUE:</b>	<b>40600</b>	17,053,467	16,692,574	267,032	2%	16,857,886	8,461,301
	<b>40625</b>	-	417,925	-		-	-
	<b>40650</b>	-	200,000	-		-	-
	<b>40675</b>	-	10,000	-		-	-
	<b>TOTAL REVENUE</b>	<b>17,053,467</b>	<b>17,320,499</b>	<b>267,032</b>	<b>2%</b>	<b>16,857,886</b>	<b>8,461,301</b>
	<b>NET INCOME (LOSS):</b>	<b>17,053,467</b>	<b>17,320,499</b>	<b>267,032</b>	<b>2%</b>	<b>16,857,886</b>	<b>8,461,301</b>

**Washington State Bar Association  
Budget Comparison**

**LIMITED LICENSE LEGAL TECHNICIAN PROGRAM**  
 Cost Center  
 LLLT

FTE  
 0.53

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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<b>REVENUE:</b>	<b>41800</b>	SEMINAR REGISTRATIONS	12,000	2,000	(10,000)	-83%	-	-
	<b>42281</b>	LLLT LICENSE FEES	16,622	18,562	1,940	12%	13,542	7,712
	<b>42291</b>	LLLT LATE LICENSE FEES	1,100	-	(1,100)	-100%	99	133
	<b>45220</b>	MEMBER LATE FEES	-	150	150		-	-
		<b>TOTAL REVENUE</b>	<b>29,722</b>	<b>20,712</b>	<b>(9,010)</b>	<b>-30%</b>	<b>19,041</b>	<b>7,945</b>
<b>DIRECT EXPENSES:</b>	<b>52683</b>	LLLT BOARD	15,000	14,240	(760)	-5%	5,333	1,976
	<b>52689</b>	LLLT EDUCATION	500	-	(500)	-100%	-	-
		<b>TOTAL DIRECT EXPENSES</b>	<b>15,500</b>	<b>14,240</b>	<b>(1,260)</b>	<b>-8%</b>	<b>14,333</b>	<b>1,976</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	51,548	51,460	(88)	0%	44,015	29,552
	<b>51299</b>	BENEFITS EXPENSE	17,299	10,624	(6,675)	-39%	14,235	9,364
	<b>51900</b>	OTHER INDIRECT EXPENSE	16,401	16,444	43	0%	12,865	9,241
		<b>TOTAL INDIRECT EXPENSES:</b>	<b>85,248</b>	<b>78,528</b>	<b>(6,720)</b>	<b>-8%</b>	<b>71,114</b>	<b>48,157</b>
		<b>TOTAL ALL EXPENSES:</b>	<b>100,748</b>	<b>92,768</b>	<b>(7,980)</b>	<b>-8%</b>	<b>85,447</b>	<b>50,133</b>
		<b>NET INCOME (LOSS):</b>	<b>(71,026)</b>	<b>(72,056)</b>	<b>(1,030)</b>	<b>1%</b>	<b>(66,406)</b>	<b>(42,188)</b>

**Washington State Bar Association  
Budget Comparison**

**LIMITED PRACTICE OFFICERS**

Cost Center                      **FTE**  
LPO                                      **0.78**

			<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>
<b>REVENUE:</b>	<b>42288</b>	INVESTIGATION FEES	500	200	(300)	-60%	500	300
	<b>45110</b>	LPO EXAMINATION FEES	24,000	22,000	(2,000)	-8%	32,350	21,700
	<b>45115</b>	LPO Exam Late Fee	4,300	3,300	(1,000)	-23%	4,600	4,100
	<b>45120</b>	LPO LICENSE FEES	164,750	170,000	5,250	3%	170,168	94,769
	<b>45125</b>	LPO LATE LICENSE FEES	988	2,500	1,512	153%	2,820	2,130
	<b>45140</b>	LPO LICENSE FEES - REINSTATES	550	-	(550)	-100%	230	-
	<b>45220</b>	MEMBER LATE FEES	-	4,000	4,000		8,700	4,200
		<b>TOTAL REVENUE</b>	<b>195,088</b>	<b>202,000</b>	<b>6,912</b>	<b>4%</b>	<b>219,368</b>	<b>127,199</b>
<b>DIRECT EXPENSES:</b>	<b>50070</b>	PRINTING & COPYING	250	200	(50)	-20%	123	-
	<b>50110</b>	STAFF CONFERENCE & TRAINING	-	-	-		-	-
	<b>50140</b>	SUPPLIES	-	100	100		72	-
	<b>52210</b>	FACILITY, PARKING, FOOD	9,000	6,300	(2,700)	-30%	4,568	2,168
	<b>52688</b>	EXAM WRITING	9,000	9,000	-	0%	7,663	4,200
	<b>55130</b>	LPO BOARD EXPENSES	1,792	4,000	2,208	123%	-	2,301
	<b>55165</b>	LPO OUTREACH	1,000	1,000	-	0%	-	-
	<b>54380</b>	ONLINE LEGAL RESEARCH	-	-	-		1,908	-
	<b>54390</b>	LAW LIBRARY	-	-	-		3,368	-
		<b>TOTAL DIRECT EXPENSES</b>	<b>21,042</b>	<b>20,600</b>	<b>(442)</b>	<b>-2%</b>	<b>17,702</b>	<b>8,669</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	57,874	69,420	11,546	20%	59,420	33,193
	<b>51299</b>	BENEFITS EXPENSE	20,388	15,048	(5,340)	-26%	19,766	11,072
	<b>51900</b>	OTHER INDIRECT EXPENSE	21,043	24,200	3,157	15%	19,675	11,673
		<b>TOTAL INDIRECT EXPENSES:</b>	<b>99,305</b>	<b>108,669</b>	<b>9,364</b>	<b>9%</b>	<b>98,861</b>	<b>55,938</b>
		<b>TOTAL ALL EXPENSES:</b>	<b>120,347</b>	<b>129,269</b>	<b>8,922</b>	<b>7%</b>	<b>116,563</b>	<b>64,607</b>
		<b>NET INCOME (LOSS):</b>	<b>74,741</b>	<b>72,731</b>	<b>(2,009)</b>	<b>-3%</b>	<b>102,805</b>	<b>62,593</b>

**Washington State Bar Association  
Budget Comparison**

**MANDATORY CONTINUING LEGAL EDUCATION**

Cost Center FTE  
MCLE 4.88

		<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>	
<b>REVENUE:</b>	<b>45210</b>	ACCREDITED PROGRAM FEES	550,000	550,000	-	0%	615,700	394,100
	<b>45215</b>	FORM 1 LATE FEE	220,000	220,000	-	0%	226,200	154,350
	<b>45220</b>	MEMBER LATE FEES	190,000	190,000	-	0%	422,350	213,350
	<b>45230</b>	ANNUAL ACCREDITED SPONSOR FEES	38,250	36,000	(2,250)	-6%	34,500	38,250
	<b>45250</b>	ATTENDANCE LATE FEES	98,000	90,000	(8,000)	-8%	119,450	77,700
	<b>45255</b>	COMITY CERTIFICATES - REQUEST	14,000	13,800	(200)	-1%	16,825	10,925
	<b>45260</b>	COMITY CERTIFICATES - SUBMIT	15,000	14,000	(1,000)	-7%	29,325	17,350
		<b>TOTAL REVENUE</b>	<b>1,125,250</b>	<b>1,113,800</b>	<b>(11,450)</b>	<b>-1%</b>	<b>1,464,350</b>	<b>906,025</b>
<b>DIRECT EXPENSES:</b>	<b>50100</b>	STAFF TRAVEL/PARKING	50	50	-	0%	-	-
	<b>50110</b>	STAFF CONFERENCE & TRAINING	4,900	5,096	196	4%	100	250
	<b>50120</b>	STAFF MEMBERSHIP DUES	500	500	-	0%	500	500
	<b>55210</b>	MCLE BOARD EXPENSES	2,000	5,000	3,000	150%	-	-
	<b>55220</b>	DEPRECIATION-SOFTWARE	59,565	147,331	87,766	147%	24,455	5,252
	<b>54380</b>	ONLINE LEGAL RESEARCH	-	-	-	-	1,908	-
	<b>54390</b>	LAW LIBRARY	-	-	-	-	138	-
		<b>TOTAL DIRECT EXPENSES</b>	<b>67,015</b>	<b>157,977</b>	<b>90,962</b>	<b>136%</b>	<b>27,102</b>	<b>6,002</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	437,860	491,086	53,226	12%	409,522	303,725
	<b>51299</b>	BENEFITS EXPENSE	125,455	121,852	(3,603)	-3%	118,014	71,105
	<b>51900</b>	OTHER INDIRECT EXPENSE	151,014	151,407	393	0%	131,306	84,143
		<b>TOTAL INDIRECT EXPENSES:</b>	<b>714,329</b>	<b>764,345</b>	<b>50,016</b>	<b>7%</b>	<b>658,842</b>	<b>458,973</b>
		<b>TOTAL ALL EXPENSES:</b>	<b>781,344</b>	<b>922,322</b>	<b>140,978</b>	<b>18%</b>	<b>685,944</b>	<b>464,976</b>
		<b>NET INCOME (LOSS):</b>	<b>343,906</b>	<b>191,478</b>	<b>(152,428)</b>	<b>-44%</b>	<b>778,406</b>	<b>441,049</b>

**Washington State Bar Association  
Budget Comparison**

**MEMBER WELLNESS PROGRAM**

Cost Center FTE  
MWP 1.48

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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<b>REVENUE:</b>	<b>40205</b>	DIVERSION	7,500	7,500	-	0%	9,375	4,875
	<b>TOTAL REVENUE</b>		<b>7,500</b>	<b>7,500</b>	<b>-</b>	<b>0%</b>	<b>9,375</b>	<b>4,875</b>
<b>DIRECT EXPENSES:</b>	<b>50100</b>	STAFF TRAVEL/PARKING	-	400	400		-	-
	<b>50110</b>	STAFF CONFERENCE & TRAINING	300	312	12	4%	165	275
	<b>50120</b>	STAFF MEMBERSHIP DUES	500	700	200	40%	226	226
	<b>50130</b>	SUBSCRIPTIONS	1,200	1,200	-	0%	1,100	741
	<b>54760</b>	PROF LIAB INSURANCE	-	-	-		825	-
	<b>54514</b>	WSBA CONNECTS	-	-	-		8,110	-
	<b>54715</b>	MEMBER WELLNESS COUNCIL	800	1,000	200	25%	-	-
	<b>TOTAL DIRECT EXPENSES</b>		<b>2,800</b>	<b>3,612</b>	<b>812</b>	<b>29%</b>	<b>10,426</b>	<b>1,242</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	133,673	133,585	(87)	0%	84,689	63,584
	<b>51299</b>	BENEFITS EXPENSE	55,402	53,295	(2,107)	-4%	51,826	30,951
	<b>51900</b>	OTHER INDIRECT EXPENSE	45,645	45,763	119	0%	39,729	25,535
	<b>TOTAL INDIRECT EXPENSES:</b>		<b>234,719</b>	<b>232,643</b>	<b>(2,076)</b>	<b>-1%</b>	<b>176,244</b>	<b>120,069</b>
<b>TOTAL ALL EXPENSES:</b>			<b>237,519</b>	<b>236,255</b>	<b>(1,264)</b>	<b>-1%</b>	<b>186,670</b>	<b>121,311</b>
<b>NET INCOME (LOSS):</b>			<b>(230,019)</b>	<b>(228,755)</b>	<b>1,264</b>	<b>-1%</b>	<b>(177,295)</b>	<b>(116,436)</b>

**Washington State Bar Association**

**Budget Comparison**

**MEMBER SERVICES & ENGAGEMENT**

Cost Center FTE  
MSE 2.45

			<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>
<b>REVENUE:</b>	<b>40900</b>	ROYALTIES	10,800	10,800	-	0%	13,200	8,400
	<b>41450</b>	SPONSORSHIPS	1,000	-	(1,000)	-100%	-	10,000
		<b>TOTAL REVENUE</b>	<b>11,800</b>	<b>10,800</b>	<b>(1,000)</b>	<b>-8%</b>	<b>13,200</b>	<b>18,400</b>
<b>DIRECT EXPENSES:</b>	<b>50070</b>	PRINTING & COPYING	1,200	1,300	100	8%	-	1,300
	<b>50085</b>	YLL SECTION PROGRAM	1,500	1,500	-	0%	550	545
	<b>50095</b>	CLE COMPS	1,000	1,000	-	0%	159	-
	<b>50100</b>	STAFF TRAVEL/PARKING	1,700	2,500	800	47%	206	189
	<b>50110</b>	STAFF CONFERENCE & TRAINING	250	260	10	4%	-	164
	<b>50120</b>	STAFF MEMBERSHIP DUES	850	845	(5)	-1%	649	300
	<b>54610</b>	LIBRARY MATERIALS/RESOURCES	4,000	4,000	-	0%	1,712	164
	<b>55266</b>	NEW LAWYER OUTREACH EVENTS	1,500	1,500	-	0%	891	250
	<b>55270</b>	NEW LAWYERS COMMITTEE	12,000	13,500	1,500	13%	2,003	1,178
	<b>55285</b>	OPEN SECTIONS NIGHT	3,500	-	(3,500)	-100%	-	-
	<b>55555</b>	MEMBER ENGAGEMENT COUNCIL	-	1,000	1,000	-	-	-
	<b>55980</b>	SMALL TOWN AND RURAL COMMITTEE	3,000	5,000	2,000	67%	-	552
	<b>58450</b>	RECEPTION/FORUM EXPENSE	3,000	1,000	(2,000)	-67%	95	-
	<b>58500</b>	NEW LAWYER OUTREACH	1,000	1,000	-	0%	-	-
	<b>58525</b>	SCHOLARSHIPS/DONATIONS/GRANT	5,000	5,000	-	0%	-	-
		<b>TOTAL DIRECT EXPENSES</b>	<b>39,500</b>	<b>39,405</b>	<b>(95)</b>	<b>0%</b>	<b>6,265</b>	<b>4,642</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	165,522	167,808	2,287	1%	232,972	95,637
	<b>51299</b>	BENEFITS EXPENSE	59,907	56,243	(3,664)	-6%	76,065	33,675
	<b>51900</b>	OTHER INDIRECT EXPENSE	77,549	76,014	(1,536)	-2%	93,079	43,288
		<b>TOTAL INDIRECT EXPENSES:</b>	<b>302,978</b>	<b>300,065</b>	<b>(2,913)</b>	<b>-1%</b>	<b>402,117</b>	<b>172,599</b>
		<b>TOTAL ALL EXPENSES:</b>	<b>342,478</b>	<b>339,470</b>	<b>(3,008)</b>	<b>-1%</b>	<b>408,382</b>	<b>177,242</b>
		<b>NET INCOME (LOSS):</b>	<b>(330,678)</b>	<b>(328,670)</b>	<b>2,008</b>	<b>-1%</b>	<b>(395,182)</b>	<b>(158,842)</b>

**Washington State Bar Association**

**Budget Comparison**

**MINI CLE**  
 Cost Center  
 MINI

**FTE**  
**0.92**

<b>FY2023</b>	<b>FY2024</b>	<b>FY24 vs FY23</b>	<b>% Change</b>	<b>FY2022</b>	<b>FY2023</b>
<b>Budget</b>	<b>Budget</b>	<b>Comparison</b>		<b>Actuals</b>	<b>Actuals</b>
				<b>YTD</b>	<b>YTD</b>

<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	64,627	66,852	2,225	3%	52,466	37,800
	<b>51299</b>	BENEFITS EXPENSE	21,315	16,371	(4,943)	-23%	22,322	11,634
	<b>51900</b>	OTHER INDIRECT EXPENSE	28,470	28,544	74	0%	24,594	15,807
<b>TOTAL INDIRECT EXPENSES:</b>			<b>114,412</b>	<b>111,767</b>	<b>(2,644)</b>	<b>-2%</b>	<b>99,382</b>	<b>65,241</b>
<b>NET INCOME (LOSS):</b>			<b>(114,412)</b>	<b>(111,767)</b>	<b>2,644</b>	<b>-2%</b>	<b>(99,382)</b>	<b>(65,241)</b>

**Washington State Bar Association**

**Budget Comparison**

**NEW MEMBER EDUCATION**

Cost Center **FTE**  
NME **0.84**

			<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>
<b>REVENUE:</b>	<b>40950</b>	NMP PRODUCT SALES	65,000	40,000	(25,000)	-38%	39,844	18,872
	<b>41800</b>	SEMINAR REGISTRATIONS	8,000	15,000	7,000	88%	-	62,221
	<b>47100</b>	TRIAL ADVOCACY PROGRAM	12,000	12,000	-	0%	6,071	-
		<b>TOTAL REVENUE</b>	<b>85,000</b>	<b>67,000</b>	<b>(18,000)</b>	<b>-21%</b>	<b>45,915</b>	<b>81,093</b>
<b>DIRECT EXPENSES:</b>	<b>55265</b>	SPEAKERS & PROGRAM DEVELOPMENT	100	250	150	150%	-	-
	<b>57320</b>	TRIAL ADVOCACY EXPENSES	1,500	1,500	-	0%	-	-
		<b>TOTAL DIRECT EXPENSES</b>	<b>1,600</b>	<b>1,750</b>	<b>150</b>	<b>9%</b>	<b>-</b>	<b>-</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	53,555	59,225	5,670	11%	46,244	31,305
	<b>51299</b>	BENEFITS EXPENSE	17,577	13,379	(4,198)	-24%	18,340	9,414
	<b>51900</b>	OTHER INDIRECT EXPENSE	24,137	25,938	1,800	7%	21,189	13,375
		<b>TOTAL INDIRECT EXPENSES:</b>	<b>95,269</b>	<b>98,541</b>	<b>3,273</b>	<b>3%</b>	<b>85,773</b>	<b>54,094</b>
		<b>TOTAL ALL EXPENSES:</b>	<b>96,869</b>	<b>100,291</b>	<b>3,423</b>	<b>4%</b>	<b>85,773</b>	<b>54,094</b>
		<b>NET INCOME (LOSS):</b>	<b>(11,869)</b>	<b>(33,291)</b>	<b>(21,423)</b>	<b>180%</b>	<b>(39,858)</b>	<b>26,999</b>

**Washington State Bar Association  
Budget Comparison**

**OFFICE OF GENERAL COUNSEL**  
Cost Center  
OGC

FTE  
6.07

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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<b>REVENUE:</b>	<b>40210</b>	RECORDS REQUEST FEES	963	-	(963)	-100%	1,126	-
	<b>TOTAL REVENUE</b>		<b>963</b>	<b>-</b>	<b>(963)</b>	<b>-100%</b>	<b>1,126</b>	<b>-</b>
<b>DIRECT EXPENSES:</b>	<b>50100</b>	STAFF TRAVEL/PARKING	500	-	(500)	-100%	262	28
	<b>50110</b>	STAFF CONFERENCE & TRAINING	6,400	6,656	256	4%	1,687	1,637
	<b>50120</b>	STAFF MEMBERSHIP DUES	1,150	2,868	1,718	149%	254	1,050
	<b>50135</b>	TRANSCRIPTION SERVICES	-	2,100	-		-	-
	<b>52240</b>	DISABILITY ACCOMMODATIONS	-	6,000	6,000		455	-
	<b>54360</b>	LITIGATION EXPENSES	200	200	-	0%	146	-
	<b>55419</b>	COURT RULES COMMITTEE	1,000	1,000	-	0%	0	-
	<b>55615</b>	WILLS	2,000	2,000	-	0%	-	-
	<b>55620</b>	CUSTODIANSHIP	8,150	9,000	850	10%	245	199
	<b>TOTAL DIRECT EXPENSES</b>		<b>19,400</b>	<b>29,824</b>	<b>8,324</b>	<b>43%</b>	<b>16,377</b>	<b>2,914</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	656,837	675,398	18,561	3%	610,191	330,742
	<b>51299</b>	BENEFITS EXPENSE	188,816	199,822	11,006	6%	184,318	108,295
	<b>51900</b>	OTHER INDIRECT EXPENSE	192,481	188,328	(4,153)	-2%	164,213	107,003
	<b>TOTAL INDIRECT EXPENSES:</b>		<b>1,038,134</b>	<b>1,063,547</b>	<b>25,413</b>	<b>2%</b>	<b>958,722</b>	<b>546,039</b>
	<b>TOTAL ALL EXPENSES:</b>		<b>1,057,534</b>	<b>1,093,371</b>	<b>33,737</b>	<b>3%</b>	<b>975,098</b>	<b>548,953</b>
	<b>NET INCOME (LOSS):</b>		<b>(1,056,571)</b>	<b>(1,093,371)</b>	<b>(34,700)</b>	<b>3%</b>	<b>(973,973)</b>	<b>(548,953)</b>

**Washington State Bar Association  
Budget Comparison**

**OFFICE OF THE EXECUTIVE DIRECTOR**

Cost Center  
OED

FTE  
2.70

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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**REVENUE:**

<b>TOTAL REVENUE</b>	-	-	-	-	-	-
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**DIRECT EXPENSES:**

<b>50100</b>	STAFF TRAVEL/PARKING	1,500	4,450	2,950	197%	628	1,227
<b>50110</b>	STAFF CONFERENCE & TRAINING	8,925	9,282	357	4%	4,564	5,673
<b>50120</b>	STAFF MEMBERSHIP DUES	1,000	1,890	890	89%	1,346	335
<b>54390</b>	LAW LIBRARY	-	-	-		138	-
<b>50145</b>	SURVEYS	350	-	(350)	-100%	331	350
<b>52125</b>	LEADERSHIP TRAINING	20,000	20,000	-	0%	-	-
<b>52585</b>	WASHINGTON LEADERSHIP INSTITUTE	80,000	80,000	-	0%	44,764	-
<b>52590</b>	BAR LEADERS CONFERENCE	12,000	-	(12,000)	-100%	-	8,497
<b>52840</b>	ED TRAVEL & OUTREACH	5,000	5,000	-	0%	1,529	1,293
<b>TOTAL DIRECT EXPENSES</b>		<b>128,775</b>	<b>120,622</b>	<b>(8,153)</b>	<b>-6%</b>	<b>53,301</b>	<b>17,375</b>

**INDIRECT EXPENSES:**

<b>51199</b>	SALARY EXPENSE	402,379	480,775	78,395	19%	314,330	227,057
<b>51299</b>	BENEFITS EXPENSE	103,989	125,853	21,864	21%	89,784	59,349
<b>51900</b>	OTHER INDIRECT EXPENSE	61,891	83,770	21,879	35%	54,095	34,533
<b>TOTAL INDIRECT EXPENSES:</b>		<b>568,259</b>	<b>690,398</b>	<b>122,139</b>	<b>21%</b>	<b>458,209</b>	<b>320,938</b>

<b>TOTAL ALL EXPENSES:</b>	<b>697,034</b>	<b>811,020</b>	<b>113,986</b>	<b>16%</b>	<b>511,510</b>	<b>338,313</b>
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<b>NET INCOME (LOSS):</b>	<b>(697,034)</b>	<b>(811,020)</b>	<b>(113,986)</b>	<b>16%</b>	<b>(511,510)</b>	<b>(338,313)</b>
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**Washington State Bar Association**

**Budget Comparison**

**OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD**

Cost Center  
OGCDB

FTE  
1.40

		<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>	
<b>REVENUE:</b>								
<b>TOTAL REVENUE</b>		-	-	-	-	-	-	
<b>DIRECT EXPENSES:</b>	<b>50120</b>	STAFF MEMBERSHIP DUES	100	100	-	0%	-	-
	<b>54310</b>	COURT REPORTERS	-	500	500		572	-
	<b>55310</b>	DISCIPLINARY BOARD EXPENSES	4,000	4,000	-	0%	1	-
	<b>55320</b>	CHIEF HEARING OFFICER	30,000	30,000	-	0%	30,000	17,500
	<b>55330</b>	HEARING OFFICER EXPENSES	17,500	4,000	(13,500)	-77%	2,763	891
	<b>55340</b>	HEARING OFFICER TRAINING	400	400	-	0%	-	-
	<b>55370</b>	OUTSIDE COUNSEL	60,000	48,000	(12,000)	-20%	48,000	28,000
	<b>55380</b>	DISCIPLINARY SELECTION PANEL	-	1,000	1,000		-	-
	<b>54390</b>	LAW LIBRARY	-	-	-		836	-
<b>TOTAL DIRECT EXPENSES</b>			<b>112,000</b>	<b>88,000</b>	<b>(24,000)</b>	<b>-21%</b>	<b>82,171</b>	<b>46,391</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	133,790	136,708	2,918	2%	109,680	79,766
	<b>51299</b>	BENEFITS EXPENSE	40,026	40,056	30	0%	31,616	22,432
	<b>51900</b>	OTHER INDIRECT EXPENSE	43,324	43,436	113	0%	35,189	24,076
<b>TOTAL INDIRECT EXPENSES:</b>			<b>217,139</b>	<b>220,200</b>	<b>3,061</b>	<b>1%</b>	<b>176,484</b>	<b>126,273</b>
<b>TOTAL ALL EXPENSES:</b>			<b>329,139</b>	<b>308,200</b>	<b>(20,939)</b>	<b>-6%</b>	<b>258,656</b>	<b>172,664</b>
<b>NET INCOME (LOSS):</b>			<b>(329,139)</b>	<b>(308,200)</b>	<b>20,939</b>	<b>-6%</b>	<b>(258,656)</b>	<b>(172,664)</b>

**Washington State Bar Association**

**Budget Comparison**

**PRACTICE OF LAW BOARD**

Cost Center FTE  
 PLB 0.55

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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**REVENUE:**

<b>TOTAL REVENUE</b>	-	-	-	-	-
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**DIRECT EXPENSES:**

<b>55510</b> PRACTICE OF LAW BOARD	12,000	12,000	-	0%	-	1,953
<b>TOTAL DIRECT EXPENSES</b>	<b>12,000</b>	<b>12,000</b>	<b>-</b>	<b>0%</b>	<b>-</b>	<b>1,953</b>

**INDIRECT EXPENSES:**

<b>51199</b> SALARY EXPENSE	35,965	47,419	11,454	32%	45,270	21,005
<b>51299</b> BENEFITS EXPENSE	13,465	12,989	(476)	-4%	12,250	7,104
<b>51900</b> OTHER INDIRECT EXPENSE	13,925	17,064	3,139	23%	12,865	8,025
<b>TOTAL INDIRECT EXPENSES:</b>	<b>63,355</b>	<b>77,472</b>	<b>14,118</b>	<b>22%</b>	<b>70,384</b>	<b>36,134</b>

<b>TOTAL ALL EXPENSES:</b>	<b>75,355</b>	<b>89,472</b>	<b>14,118</b>	<b>19%</b>	<b>70,384</b>	<b>38,087</b>
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<b>NET INCOME (LOSS):</b>	<b>(75,355)</b>	<b>(89,472)</b>	<b>(14,118)</b>	<b>19%</b>	<b>(70,384)</b>	<b>(38,087)</b>
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**Washington State Bar Association  
Budget Comparison**

**PRACTICE MANAGEMENT ASSISTANCE**

Cost Center                      FTE  
PMA                                    0.95

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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<b>REVENUE:</b>	<b>40900</b>	ROYALTIES	50,000	62,000	12,000	24%	62,097	32,825
	<b>TOTAL REVENUE</b>		<b>50,000</b>	<b>62,000</b>	<b>12,000</b>	<b>24%</b>	<b>62,097</b>	<b>32,825</b>
<b>DIRECT EXPENSES:</b>	<b>50100</b>	STAFF TRAVEL/PARKING	-	350	350		-	-
	<b>50110</b>	STAFF CONFERENCE & TRAINING	250	260	10	4%	-	500
	<b>50120</b>	STAFF MEMBERSHIP DUES	150	150	-	0%	-	150
	<b>55250</b>	CASEMAKER/FASTCASE	73,000	75,000	2,000	3%	75,064	72,966
	<b>TOTAL DIRECT EXPENSES</b>		<b>73,400</b>	<b>75,760</b>	<b>2,360</b>	<b>3%</b>	<b>75,196</b>	<b>73,616</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	80,135	83,329	3,193	4%	-	46,726
	<b>51299</b>	BENEFITS EXPENSE	23,499	26,322	2,823	12%	-	13,006
	<b>51900</b>	OTHER INDIRECT EXPENSE	29,398	29,475	76	0%	-	16,294
	<b>TOTAL INDIRECT EXPENSES:</b>		<b>133,033</b>	<b>139,126</b>	<b>6,093</b>	<b>5%</b>	<b>-</b>	<b>76,026</b>
	<b>TOTAL ALL EXPENSES:</b>		<b>206,433</b>	<b>214,886</b>	<b>8,453</b>	<b>4%</b>	<b>75,196</b>	<b>149,642</b>
	<b>NET INCOME (LOSS):</b>		<b>(156,433)</b>	<b>(152,886)</b>	<b>3,547</b>	<b>-2%</b>	<b>(13,099)</b>	<b>(116,817)</b>

**Washington State Bar Association  
Budget Comparison**

**PROFESSIONAL RESPONSIBILITY PROGRAM**

Cost Center                      FTE  
PRP                                    1.10

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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**REVENUE:**

<b>TOTAL REVENUE</b>	-	-	-	-	-
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**DIRECT EXPENSES:**

<b>50100</b>	STAFF TRAVEL/PARKING	750	750	-	0%	211	354
<b>50120</b>	STAFF MEMBERSHIP DUES	500	500	-	0%	-	500
<b>55610</b>	CPE COMMITTEE	1,000	1,000	-	0%	-	794
<b>54390</b>	LAW LIBRARY	-	-	-		559	-
<b>TOTAL DIRECT EXPENSES</b>		<b>2,250</b>	<b>2,250</b>	<b>-</b>	<b>0%</b>	<b>770</b>	<b>1,647</b>

**INDIRECT EXPENSES:**

<b>51199</b>	SALARY EXPENSE	91,667	138,408	46,741	51%	155,587	80,041
<b>51299</b>	BENEFITS EXPENSE	37,219	66,252	29,033	78%	59,507	32,376
<b>51900</b>	OTHER INDIRECT EXPENSE	22,435	34,129	11,693	52%	43,123	18,969
<b>TOTAL INDIRECT EXPENSES:</b>		<b>151,321</b>	<b>238,789</b>	<b>87,467</b>	<b>58%</b>	<b>258,216</b>	<b>131,386</b>

<b>TOTAL ALL EXPENSES:</b>	<b>153,571</b>	<b>241,039</b>	<b>87,467</b>	<b>57%</b>	<b>258,987</b>	<b>133,033</b>
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<b>NET INCOME (LOSS):</b>	<b>(153,571)</b>	<b>(241,039)</b>	<b>(87,467)</b>	<b>57%</b>	<b>(258,987)</b>	<b>(133,033)</b>
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**Washington State Bar Association  
Budget Comparison**

**PUBLIC SERVICE PROGRAMS**  
Cost Center                      **FTE**  
PSP                                      **1.62**

		<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>	
<b>REVENUE:</b>	<b>40300</b>	DONATIONS & GRANTS	130,000	130,000	-	0%	130,000	130,000
		<b>TOTAL REVENUE</b>	<b>130,000</b>	<b>130,000</b>	<b>-</b>	<b>0%</b>	<b>130,000</b>	<b>130,000</b>
<b>DIRECT EXPENSES:</b>	<b>50037</b>	DONATIONS/SPONSORSHIPS/GRANTS	260,828	260,828	-	0%	248,960	97,237
	<b>50100</b>	STAFF TRAVEL/PARKING	1,500	500	(1,000)	-67%	188	-
	<b>50110</b>	STAFF CONFERENCE & TRAINING	1,000	1,040	40	4%	-	-
	<b>50145</b>	SURVEYS	100	100	-	0%	-	-
	<b>52110</b>	PRO BONO & LEGAL AID COMMITTEE	1,500	2,500	1,000	67%	126	20
	<b>54130</b>	PRO BONO CERTIFICATES	2,000	2,000	-	0%	1,655	457
		<b>TOTAL DIRECT EXPENSES</b>	<b>266,928</b>	<b>266,968</b>	<b>40</b>	<b>0%</b>	<b>250,929</b>	<b>97,714</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	128,588	128,379	(209)	0%	79,567	58,139
	<b>51299</b>	BENEFITS EXPENSE	40,609	54,427	13,818	34%	32,783	22,700
	<b>51900</b>	OTHER INDIRECT EXPENSE	50,132	50,262	130	0%	35,189	27,967
		<b>TOTAL INDIRECT EXPENSES:</b>	<b>219,329</b>	<b>233,069</b>	<b>13,740</b>	<b>6%</b>	<b>147,539</b>	<b>108,806</b>
		<b>TOTAL ALL EXPENSES:</b>	<b>486,257</b>	<b>500,037</b>	<b>13,780</b>	<b>3%</b>	<b>398,468</b>	<b>206,520</b>
		<b>NET INCOME (LOSS):</b>	<b>(356,257)</b>	<b>(370,037)</b>	<b>(13,780)</b>	<b>4%</b>	<b>(268,468)</b>	<b>(76,520)</b>

**Washington State Bar Association  
Budget Comparison**

**PUBLICATION & DESIGN SERVICES**

Cost Center                      **FTE**  
**PUB**                                      **0.89**

<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>
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**REVENUE:**

<b>TOTAL REVENUE</b>		-	-	-	-	-	-	
<b>DIRECT EXPENSES:</b>	<b>50110</b>	STAFF CONFERENCE & TRAINING	350	364	14	4%	-	-
	<b>50130</b>	SUBSCRIPTIONS	162	200	38	23%	100	100
	<b>54026</b>	IMAGE LIBRARY	4,100	4,100	-	0%	4,100	4,100
<b>TOTAL DIRECT EXPENSES</b>			<b>4,612</b>	<b>4,664</b>	<b>52</b>	<b>1%</b>	<b>4,200</b>	<b>4,200</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	72,143	72,960	817	1%	64,015	42,738
	<b>51299</b>	BENEFITS EXPENSE	19,491	19,955	465	2%	18,840	10,599
	<b>51900</b>	OTHER INDIRECT EXPENSE	27,542	27,613	72	0%	23,837	15,321
<b>TOTAL INDIRECT EXPENSES:</b>			<b>119,175</b>	<b>120,529</b>	<b>1,354</b>	<b>1%</b>	<b>106,692</b>	<b>68,658</b>
<b>TOTAL ALL EXPENSES:</b>			<b>123,787</b>	<b>125,193</b>	<b>1,406</b>	<b>1%</b>	<b>110,892</b>	<b>72,858</b>
<b>NET INCOME (LOSS):</b>			<b>(123,787)</b>	<b>(125,193)</b>	<b>(1,406)</b>	<b>1%</b>	<b>(110,892)</b>	<b>(72,858)</b>

**Washington State Bar Association  
Budget Comparison**

**REGULATORY SERVICES FTE**

Cost Center FTE  
RSD FTE 2.60

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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**REVENUE:**

<b>TOTAL REVENUE</b>	-	-	-	-	-
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**DIRECT EXPENSES:**

<b>50100</b> STAFF TRAVEL/PARKING	-	650	-	-	74
<b>50110</b> STAFF CONFERENCE & TRAINING	23,550	24,492	942	4%	75
<b>TOTAL DIRECT EXPENSES</b>	<b>23,550</b>	<b>25,142</b>	<b>942</b>	<b>4%</b>	<b>149</b>

**INDIRECT EXPENSES:**

<b>51199</b> SALARY EXPENSE	349,467	357,120	7,653	2%	318,261	206,266
<b>51299</b> BENEFITS EXPENSE	103,888	88,410	(15,478)	-15%	100,039	59,185
<b>51900</b> OTHER INDIRECT EXPENSE	83,553	80,667	(2,885)	-3%	74,918	46,449
<b>TOTAL INDIRECT EXPENSES:</b>	<b>536,908</b>	<b>526,198</b>	<b>(10,710)</b>	<b>-2%</b>	<b>493,218</b>	<b>311,900</b>

<b>TOTAL ALL EXPENSES:</b>	<b>560,458</b>	<b>551,340</b>	<b>(9,768)</b>	<b>-2%</b>	<b>493,218</b>	<b>312,048</b>
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<b>NET INCOME (LOSS):</b>	<b>(560,458)</b>	<b>(551,340)</b>	<b>9,768</b>	<b>-2%</b>	<b>(493,218)</b>	<b>(312,048)</b>
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**Washington State Bar Association**  
Budget Comparison

**SECTIONS ADMINISTRATION**

Cost Center                      FTE  
SECT                                      2.58

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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<b>REVENUE:</b>	<b>48010</b>	REIMBURSEMENTS FROM SECTIONS	290,543	297,786	7,243	2%	273,426	352,646
		<b>TOTAL REVENUE</b>	<b>290,543</b>	<b>297,786</b>	<b>7,243</b>	<b>2%</b>	<b>273,426</b>	<b>352,646</b>
<b>DIRECT EXPENSES:</b>	<b>50100</b>	STAFF TRAVEL/PARKING	750	1,000	250	33%	209	14
	<b>50110</b>	STAFF CONFERENCE & TRAINING	500	520	20	4%	-	65
	<b>50120</b>	STAFF MEMBERSHIP DUES	250	200	(50)	-20%	-	45
	<b>50130</b>	SUBSCRIPTIONS	350	350	-	0%	331	-
	<b>52540</b>	SECTION/COMMITTEE CHAIR MTGS	1,000	1,000	-	0%	-	456
	<b>58010</b>	DUES STATEMENTS	5,000	-	(5,000)	-100%	4,593	-
		<b>TOTAL DIRECT EXPENSES</b>	<b>7,850</b>	<b>3,070</b>	<b>(4,780)</b>	<b>-61%</b>	<b>5,133</b>	<b>580</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	149,581	156,563	6,982	5%	137,704	87,935
	<b>51299</b>	BENEFITS EXPENSE	61,326	61,596	270	0%	58,748	34,376
	<b>51900</b>	OTHER INDIRECT EXPENSE	79,839	80,047	208	0%	69,620	44,503
		<b>TOTAL INDIRECT EXPENSES:</b>	<b>290,746</b>	<b>298,206</b>	<b>7,460</b>	<b>3%</b>	<b>266,072</b>	<b>166,814</b>
		<b>TOTAL ALL EXPENSES:</b>	<b>298,596</b>	<b>301,276</b>	<b>2,680</b>	<b>1%</b>	<b>271,205</b>	<b>167,394</b>
		<b>NET INCOME (LOSS):</b>	<b>(8,053)</b>	<b>(3,490)</b>	<b>4,563</b>	<b>-57%</b>	<b>2,221</b>	<b>185,253</b>

**Washington State Bar Association  
Budget Comparison**

**SERVICE CENTER**  
Cost Center  
SC

FTE  
5.78

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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**REVENUE:**

<b>TOTAL REVENUE</b>	-	-	-	-	-	-
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**DIRECT EXPENSES:**

<b>50100</b> STAFF TRAVEL/PARKING	-	2,376	-		-	1,386
<b>50110</b> STAFF CONFERENCE & TRAINING	2,100	2,184	84	4%	46	-
<b>54400</b> TRANSLATION SERVICES	8,200	-	(8,200)	-100%	6,790	2,650
<b>TOTAL DIRECT EXPENSES</b>	<b>10,300</b>	<b>4,560</b>	<b>(8,116)</b>	<b>-79%</b>	<b>7,016</b>	<b>4,036</b>

**INDIRECT EXPENSES:**

<b>51199</b> SALARY EXPENSE	383,690	394,527	10,837	3%	359,931	229,356
<b>51299</b> BENEFITS EXPENSE	142,992	163,892	20,900	15%	135,002	81,194
<b>51900</b> OTHER INDIRECT EXPENSE	176,699	179,330	2,631	1%	153,997	98,491
<b>TOTAL INDIRECT EXPENSES:</b>	<b>703,381</b>	<b>737,749</b>	<b>34,368</b>	<b>5%</b>	<b>648,930</b>	<b>409,041</b>

<b>TOTAL ALL EXPENSES:</b>	<b>713,681</b>	<b>742,309</b>	<b>26,252</b>	<b>4%</b>	<b>655,946</b>	<b>413,078</b>
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<b>NET INCOME (LOSS):</b>	<b>(713,681)</b>	<b>(742,309)</b>	<b>(26,252)</b>	<b>4%</b>	<b>(655,946)</b>	<b>(413,078)</b>
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**Washington State Bar Association  
Budget Comparison**

**TECHNOLOGY**

Cost Center  
TECH

FTE  
13.00

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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**REVENUE:**

<b>TOTAL REVENUE</b>	-	-	-	-	-
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**DIRECT EXPENSES:**

<b>50033</b>	CONSULTING SERVICES	110,000	114,800	4,800	4%	66,944	88,648
<b>50100</b>	STAFF TRAVEL/PARKING	2,000	2,000	-	0%	2,077	182
<b>50110</b>	STAFF CONFERENCE & TRAINING	10,000	10,400	400	4%	-	-
<b>50120</b>	STAFF MEMBERSHIP DUES	450	450	-	0%	-	-
<b>50160</b>	TELEPHONE	95,000	95,000	-	0%	81,303	47,116
<b>56100</b>	COMPUTER HARDWARE	65,000	71,000	6,000	9%	67,315	39,882
<b>56150</b>	COMPUTER SOFTWARE	310,000	345,300	35,300	11%	184,289	128,359
<b>56225</b>	HARDWARE SERVICE & WARRANTIES	60,000	65,000	5,000	8%	49,719	44,432
<b>56230</b>	SOFTWARE MAINT & LICENSING	380,000	400,000	20,000	5%	375,274	295,458
<b>56500</b>	COMPUTER SUPPLIES	2,000	-	(2,000)	-100%	3,103	-
<b>56550</b>	THIRD PARTY SERVICES	40,000	20,000	(20,000)	-50%	22,446	25,368
<b>56900</b>	TRANSFER TO INDIRECT EXPENSES	(1,074,450)	(1,123,950)	(49,500)	5%	(852,470)	(658,653)
<b>TOTAL DIRECT EXPENSES</b>		<b>-</b>	<b>-</b>	<b>-</b>		<b>0</b>	<b>10,792</b>

**INDIRECT EXPENSES:**

<b>51199</b>	SALARY EXPENSE	1,434,416	1,452,835	18,419	1%	1,277,147	827,214
<b>51299</b>	BENEFITS EXPENSE	439,894	500,614	60,720	14%	391,726	252,446
<b>51955</b>	CAPITAL LABOR & OVERHEAD	(280,000)	(210,000)	70,000	-25%	(267,632)	(204,234)
<b>51900</b>	OTHER INDIRECT EXPENSE	402,292	403,337	1,046	0%	350,372	223,977
<b>TOTAL INDIRECT EXPENSES:</b>		<b>1,996,602</b>	<b>2,146,787</b>	<b>150,185</b>	<b>8%</b>	<b>1,751,613</b>	<b>1,099,403</b>

<b>TOTAL ALL EXPENSES:</b>	<b>1,996,602</b>	<b>2,146,787</b>	<b>150,185</b>	<b>8%</b>	<b>1,751,613</b>	<b>1,110,195</b>
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<b>NET INCOME (LOSS):</b>	<b>(1,996,602)</b>	<b>(2,146,787)</b>	<b>(150,185)</b>	<b>8%</b>	<b>(1,751,613)</b>	<b>(1,110,195)</b>
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**Washington State Bar Association  
Budget Comparison**

**VOLUNTEER ENGAGEMENT**

Cost Center                      **FTE**  
VE                                      **0.60**

<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>
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**REVENUE:**

<b>TOTAL REVENUE</b>	-	-	-	-	-
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**DIRECT EXPENSES:**

<b>50015</b> DEPRECIATION	-	-	-		-	-
<b>50110</b> STAFF CONFERENCE & TRAINING	2,500	2,600	100	4%	1,090	450
<b>50120</b> STAFF MEMBERSHIP DUES	350	450	100	29%	856	498
<b>50130</b> SUBSCRIPTIONS	-	750	750		-	-
<b>52520</b> ABA DELEGATES	15,000	14,000	(1,000)	-7%	5,828	4,324
<b>TOTAL DIRECT EXPENSES</b>	<b>17,850</b>	<b>17,800</b>	<b>(50)</b>	<b>0%</b>	<b>7,773</b>	<b>5,272</b>

**INDIRECT EXPENSES:**

<b>51199</b> SALARY EXPENSE	59,415	60,485	1,071	2%	56,934	37,140
<b>51299</b> BENEFITS EXPENSE	19,657	18,161	(1,496)	-8%	19,270	10,667
<b>51900</b> OTHER INDIRECT EXPENSE	18,567	18,616	48	0%	15,903	10,457
<b>TOTAL INDIRECT EXPENSES:</b>	<b>97,639</b>	<b>97,262</b>	<b>(378)</b>	<b>0%</b>	<b>92,108</b>	<b>58,264</b>

<b>TOTAL ALL EXPENSES:</b>	<b>115,489</b>	<b>115,062</b>	<b>(428)</b>	<b>0%</b>	<b>99,881</b>	<b>63,536</b>
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<b>NET INCOME (LOSS):</b>	<b>(115,489)</b>	<b>(115,062)</b>	<b>428</b>	<b>0%</b>	<b>(99,881)</b>	<b>(63,536)</b>
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# **ATTACHMENT B**

**Washington State Bar Association**  
Budget Comparison

**CLE - PRODUCTS**

Cost Center  
CLEP

FTE  
1.30

			<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>
<b>REVENUE:</b>	<b>41000</b>	SHIPPING & HANDLING	100	300	200	200%	225	90
	<b>43200</b>	COURSEBOOK SALES	7,000	10,000	3,000	43%	1,790	700
	<b>43400</b>	DIGITAL VIDEO SALES	910,000	900,000	(10,000)	-1%	1,204,159	668,542
	<b>43350</b>	MP3 SALES	-	-	-		96,632	-
		<b>TOTAL REVENUE</b>	<b>917,100</b>	<b>910,300</b>	<b>(6,800)</b>	<b>-1%</b>	<b>1,302,806</b>	<b>669,332</b>
<b>DIRECT EXPENSES:</b>	<b>50110</b>	STAFF CONFERENCE & TRAINING	300	312	12	4%	-	-
	<b>50120</b>	STAFF MEMBERSHIP DUES	200	-	(200)	-100%	-	-
	<b>52240</b>	DISABILITY ACCOMMODATIONS	2,000	2,000	-	0%	-	-
	<b>53220</b>	COST OF SALES - COURSEBOOKS	690	1,100	410	59%	141	76
	<b>53250</b>	A/V DEVELOP COSTS (RECORDING)	1,250	-	(1,250)	-100%	-	-
	<b>53255</b>	CLE-EQUIP-DEPRECIATION	1,309	2,040	731	56%	1,312	1,953
	<b>53285</b>	ONLINE PRODUCT HOSTING EXPENSES	53,000	53,000	-	0%	51,091	27,704
	<b>53330</b>	POSTAGE & DELIVRY-COURSEBOOKS	-	500	500		173	34
		<b>TOTAL DIRECT EXPENSES</b>	<b>58,749</b>	<b>58,952</b>	<b>203</b>	<b>0%</b>	<b>52,716</b>	<b>29,766</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	93,769	95,891	2,122	2%	84,503	45,260
	<b>51299</b>	BENEFITS EXPENSE	36,718	30,636	(6,082)	-17%	34,904	20,364
	<b>51900</b>	OTHER INDIRECT EXPENSE	41,778	40,272	(1,506)	-4%	35,189	22,181
		<b>TOTAL INDIRECT EXPENSES:</b>	<b>172,265</b>	<b>166,799</b>	<b>(5,467)</b>	<b>-3%</b>	<b>154,596</b>	<b>87,805</b>
		<b>TOTAL ALL EXPENSES:</b>	<b>231,014</b>	<b>225,751</b>	<b>(5,264)</b>	<b>-2%</b>	<b>207,313</b>	<b>117,571</b>
		<b>NET INCOME (LOSS):</b>	<b>686,086</b>	<b>684,549</b>	<b>(1,536)</b>	<b>0%</b>	<b>1,095,493</b>	<b>551,760</b>

**Washington State Bar Association  
Budget Comparison**

**CLE - SEMINARS**

Cost Center  
CLES

FTE  
6.60

			<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>
<b>REVENUE:</b>	<b>41800</b>	SEMINAR REGISTRATIONS	850,000	825,000	(25,000)	-3%	633,144	402,542
	<b>41825</b>	SEMINAR REVENUE-OTHER	20,000	20,000	-	0%	12,000	1,500
	<b>41850</b>	SEMINAR SPLITS W/ CLE	(133,375)	(150,000)	(16,625)	12%	(261,469)	-
		<b>TOTAL REVENUE</b>	<b>736,625</b>	<b>695,000</b>	<b>(41,625)</b>	<b>-6%</b>	<b>383,675</b>	<b>404,042</b>
<b>DIRECT EXPENSES:</b>	<b>50100</b>	STAFF TRAVEL/PARKING	15,000	15,000	-	0%	9,428	531
	<b>50110</b>	STAFF CONFERENCE & TRAINING	2,370	2,465	95	4%	-	-
	<b>50120</b>	STAFF MEMBERSHIP DUES	1,500	1,000	(500)	-33%	1,145	902
	<b>50140</b>	SUPPLIES	-	500	500	-	-	-
	<b>52240</b>	DISABILITY ACCOMMODATIONS	2,000	5,000	3,000	150%	-	-
	<b>53610</b>	COURSEBOOK PRODUCTION	1,000	500	(500)	-50%	-	-
	<b>53620</b>	POSTAGE - FLIERS/CATALOGS	5,000	-	(5,000)	-100%	149	-
	<b>53640</b>	ACCREDITATION FEES	3,000	3,000	-	0%	1,788	2,736
	<b>53660</b>	SEMINAR BROCHURES	20,000	-	(20,000)	-100%	-	-
	<b>53690</b>	FACILITIES	165,200	160,500	(4,700)	-3%	71,651	33,028
	<b>53700</b>	SPEAKERS & PROGRAM DEVELOP	32,000	45,000	13,000	41%	13,690	494
	<b>53730</b>	HONORARIUM	1,200	3,000	1,800	150%	3,000	-
	<b>53740</b>	CLE SEMINAR COMMITTEE	200	200	-	0%	-	-
		<b>TOTAL DIRECT EXPENSES</b>	<b>248,470</b>	<b>236,165</b>	<b>(12,305)</b>	<b>-5%</b>	<b>100,850</b>	<b>37,692</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	502,652	487,487	(15,166)	-3%	487,740	301,660
	<b>51299</b>	BENEFITS EXPENSE	183,351	162,414	(20,937)	-11%	184,581	104,334
	<b>51900</b>	OTHER INDIRECT EXPENSE	221,267	204,771	(16,496)	-7%	183,888	117,703
		<b>TOTAL INDIRECT EXPENSES:</b>	<b>907,270</b>	<b>854,672</b>	<b>(52,598)</b>	<b>-6%</b>	<b>856,210</b>	<b>523,697</b>
		<b>TOTAL ALL EXPENSES:</b>	<b>1,155,740</b>	<b>1,090,837</b>	<b>(64,904)</b>	<b>-6%</b>	<b>957,060</b>	<b>561,389</b>
		<b>NET INCOME (LOSS):</b>	<b>(419,115)</b>	<b>(395,837)</b>	<b>23,279</b>	<b>-6%</b>	<b>(573,385)</b>	<b>(157,346)</b>

**Washington State Bar Association**

**Budget Comparison**

**DESKBOOKS**

Cost Center  
DESK

FTE  
1.65

			<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>
<b>REVENUE:</b>	<b>43100</b>	DESKBOOK SALES (LEXISNEXIS PRINT)	150,000	30,000	(120,000)	-80%	20,218	21,478
	<b>43450</b>	SECTION PUBLICATION SALES	6,000	1,500	(4,500)	-75%	1,863	1,445
	<b>43455</b>	LEXIS/NEXIS ROYALTIES	35,000	75,000	40,000	114%	63,653	14,787
	<b>43525</b>	CASEMAKER ROYALTIES	50,000	30,000	(20,000)	-40%	28,934	15,607
		<b>TOTAL REVENUE</b>	<b>241,000</b>	<b>136,500</b>	<b>(104,500)</b>	<b>-43%</b>	<b>114,668</b>	<b>53,316</b>
<b>DIRECT EXPENSES:</b>	<b>50110</b>	STAFF CONFERENCE & TRAINING	1,000	1,040	40	4%	-	-
	<b>50120</b>	STAFF MEMBERSHIP DUES	225	225	-	0%	221	226
	<b>50130</b>	SUBSCRIPTIONS	-	50	50		-	39
	<b>53210</b>	COST OF SALES - DESKBOOKS	65,000	25,000	(40,000)	-62%	29,719	3,956
	<b>53225</b>	COST OF SALES - SECTION PUBLIC	1,500	500	(1,000)	-67%	2,437	594
	<b>53265</b>	SPLITS TO SECTIONS	300	300	-	0%	356	207
	<b>53270</b>	DESKBOOK ROYALTIES	300	300	-	0%	310	92
	<b>53320</b>	POSTAGE & DELIVRY-COURSEBOOKS	-	-	-		-	90
	<b>54380</b>	ONLINE LEGAL RESEARCH	-	-	-		1,908	-
		<b>TOTAL DIRECT EXPENSES</b>	<b>68,325</b>	<b>27,415</b>	<b>(40,910)</b>	<b>-60%</b>	<b>34,951</b>	<b>5,203</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	132,287	155,883	23,595	18%	127,561	78,890
	<b>51299</b>	BENEFITS EXPENSE	41,948	49,774	7,826	19%	40,522	23,449
	<b>51900</b>	OTHER INDIRECT EXPENSE	48,175	51,193	3,017	6%	40,486	25,778
		<b>TOTAL INDIRECT EXPENSES:</b>	<b>222,410</b>	<b>256,849</b>	<b>34,439</b>	<b>15%</b>	<b>208,568</b>	<b>128,117</b>
		<b>TOTAL ALL EXPENSES:</b>	<b>290,735</b>	<b>284,264</b>	<b>(6,471)</b>	<b>-2%</b>	<b>243,519</b>	<b>133,320</b>
		<b>NET INCOME (LOSS):</b>	<b>(49,735)</b>	<b>(147,764)</b>	<b>(98,029)</b>	<b>197%</b>	<b>(128,851)</b>	<b>(80,004)</b>

# ATTACHMENT C

**Washington State Bar Association  
Budget Comparison**

**CLIENT PROTECTION FUND**

Cost Center                      FTE  
CPF                                    1.23

			<b>FY2023 Budget</b>	<b>FY2024 Budget</b>	<b>FY24 vs FY23 Comparison</b>	<b>% Change</b>	<b>FY2022 Actuals YTD</b>	<b>FY2023 Actuals YTD</b>
<b>REVENUE:</b>	<b>40500</b>	INTEREST - INVESTMENTS	-	60,000	60,000		35,955	121,821
	<b>44820</b>	CPF RESTITUTION	40,000	10,000	(30,000)	-75%	8,906	5,169
	<b>44840</b>	CPF MEMBER ASSESSMENTS	690,000	525,930	(164,070)	-24%	704,366	695,980
		<b>TOTAL REVENUE</b>	<b>730,000</b>	<b>595,930</b>	<b>(134,070)</b>	<b>-18%</b>	<b>749,227</b>	<b>822,970</b>
<b>DIRECT EXPENSES:</b>	<b>50020</b>	BANK FEES	2,100	3,000	900	43%	2,145	1,398
	<b>50120</b>	STAFF MEMBERSHIP DUES	200	200	-	0%	-	-
	<b>54810</b>	GIFTS TO INJURED CLIENTS	500,000	500,000	-	0%	566,947	77,963
	<b>54820</b>	CPF BOARD	-	2,000	2,000		390	567
		<b>TOTAL DIRECT EXPENSES</b>	<b>502,300</b>	<b>505,200</b>	<b>2,900</b>	<b>1%</b>	<b>569,482</b>	<b>79,928</b>
<b>INDIRECT EXPENSES:</b>	<b>51199</b>	SALARY EXPENSE	104,797	110,717	5,920	6%	95,157	61,415
	<b>51299</b>	BENEFITS EXPENSE	37,207	36,631	(577)	-2%	34,036	20,560
	<b>51900</b>	OTHER INDIRECT EXPENSE	39,907	38,162	(1,746)	-4%	33,297	21,157
		<b>TOTAL INDIRECT EXPENSES:</b>	<b>181,912</b>	<b>185,510</b>	<b>3,598</b>	<b>2%</b>	<b>162,490</b>	<b>103,133</b>
		<b>TOTAL ALL EXPENSES:</b>	<b>684,212</b>	<b>690,710</b>	<b>6,498</b>	<b>1%</b>	<b>731,972</b>	<b>183,061</b>
		<b>NET INCOME (LOSS):</b>	<b>45,788</b>	<b>(94,780)</b>	<b>(140,568)</b>	<b>-307%</b>	<b>17,256</b>	<b>639,909</b>

# **ATTACHMENT D**

**MEMO**

**To:** WSBA Budget and Audit Committee

**From:** Brent Williams-Ruth, WSBA Governor and Discipline Selection Panel Chair

**Date:** May 18, 2023

**Re:** **Increase the annual Chief Hearing Officer contract payment**

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The purpose of this memo is to request an increase to the contract payment amount for the Chief Hearing Officer. The current contract amount is \$30,000 annually, paid monthly. This amount has not increased since 2011<sup>1</sup>. The recommendation is to increase the annual amount to \$40,000.00. This represents just over a 3% increase in the annual contract amount.

The Chief Hearing Officer is an independent contractor and signs a contract with the WSBA after appointment by the Washington Supreme Court. The Chief Hearing Officer did not request an increase. Governor Williams-Ruth discussed the contract amount with the CHO during the Discipline Selection Panel consideration of renewing the CHO contract.

Randy Petgrave has been the CHO since 2017. On March 24, 2020, the Washington Supreme Court entered an order temporarily delegating authority to the Chief Hearing Officer and Disciplinary Board Chair to adopt emergency orders relating to the ELCs. CHO Petgrave, along with the Disciplinary Board Chair issued several orders during the COVID emergency providing a framework for the orderly transition to remote proceedings. Although the Court has now rescinded that order, some of the ELCs have been modified to retain the ability for hybrid proceedings. This is an example of the work the CHO performs in addition to the list of duties provided in the ELC. This is an important position and a three percent increase over the last 12 years seems justifiable.

Background

The Chief Hearing Officer (CHO) position is established in ELC 2.5(e). The CHO provides a written annual report to the BOG annually. The most recent report is attached to this memo.

(e) Chief Hearing Officer

(1) Appointment. The Supreme Court, upon recommendation of the Board of Governors in consultation with the Disciplinary Selection Panel, appoints a chief hearing officer for a renewable term of two years. The person appointed as chief hearing officer must meet the qualifications for hearing officers set forth in paragraph (b) above, have significant experience in the adjudication of contested matters, and have

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<sup>1</sup> The contract amount prior to 2011 was \$28,000.

substantial administrative and managerial skills. If the chief hearing officer position is vacant or the chief hearing officer has recused or been disqualified from a particular matter, the Chair may, as necessary, perform the duties of chief hearing officer.

(2) Duties and Authority.

The chief hearing officer:

- (A) hears matters,
- (B) assigns cases,
- (C) monitors and evaluates hearing officer performance,
- (D) hears motions for hearing officer disqualification,
- (E) hears prehearing motions when no hearing officer has been assigned,
- (F) hears motions for protective orders under rule 3.2(e),
- (G) hears motions prior to a matter being ordered to hearing, including while a grievance is being investigated,
- (H) hears requests for amendment of formal complaints under rule 10.7(c),
- (I) approves stipulations to discipline not involving suspension or disbarment as provided by rule 9.1(d)(2),
- (J) responds to hearing officer requests for information or advice related to their duties,
- (K) supervises hearing officer training in accordance with established policies, and
- (L) performs other duties as the chief hearing officer deems necessary for an efficient and effective hearing system.

(f) Case Assignment. The chief hearing officer assigns hearing officers to cases from the list of hearing officers appointed by the Supreme Court. The chief hearing officer shall be given confidential notice of any grievances filed against any hearing officers, and the ultimate disposition of those grievances, and shall consider this information when making assignments.

(g) Training. Hearing officers must comply with training requirements established by the chief hearing officer.

Recommendation

Increase the CHO contract amount to \$40,000 annually.

2022 ANNUAL CHIEF HEARING OFFICER REPORT  
TO THE BOARD OF GOVERNORS

I. INTRODUCTION

The Washington Supreme Court appointed<sup>1</sup> me to serve as chief hearing officer for a two-year term beginning October 1, 2021. WSBA compensates the chief hearing officer \$30,000.00 per year through an independent contractor contract. This report, required by the contract, covers the time period October 1, 2021, through August 26, 2022.

II. DUTIES OF THE CHIEF HEARING OFFICER

Rules for Enforcement of Lawyer Conduct Rule 2.5(e)(2) sets out the chief hearing officer's duties and authority. The chief hearing officer also attends the Discipline Advisory Round Table Meetings and participates as an ex-officio member of the Disciplinary Selection Panel. This report summarizes the chief hearing officer's ELC 2.5 duties.

A. HEAR MATTERS

The chief hearing officer can hear matters. I conducted 2 hearings during this fiscal year.

B. ASSIGN CASES

The chief hearing officer assigns hearing officers and settlement hearing officers to individual proceedings from those the Washington Supreme Court appoints to the list. I have appointed 19 hearing officers and 11 settlement hearing officers between October 1, 2021, and August 26, 2022. There are no proceedings currently waiting for hearing officer appointments.

I receive a weekly report listing the cases needing hearing officer and settlement hearing officer assignments. The Formal Complaints are placed in a Box folder so I can access them as needed. I review the information and contact hearing officers who do not have current assignments. I have not had any difficulty finding hearing officers willing to accept new assignments. In fact, several consistently volunteer for more work. I have attempted to broaden the experience of all hearing officers by assigning them equally to settlement conferences, as well as to disciplinary and disability proceedings. To this extent I feel I have been successful. Fortunately, most disciplinary hearings only require 2-3 days, which is easier for hearing officers to accommodate. I will be challenged finding and assigning hearing officers to longer proceedings (in excess of one week), and may need to explore bifurcating proceedings, so as to not create an undue hardship on the hearing officer. (This is

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<sup>1</sup> The Supreme Court, upon recommendation of the Board of Governors in consultation with the Disciplinary Selection Panel, appoints a chief hearing officer for a renewable term of two years. ELC 2.5(e)(1).

something commonly done in workers' compensation cases at the administrative level with the Board of Industrial Insurance Appeals).

- C. **MONITOR AND EVALUATE HEARING OFFICER PERFORMANCE**  
I monitor and evaluate hearing officer performance through frequent contact with the hearing officers and through review of written orders and decisions. Hearing officers frequently contact me with questions about hearing procedures, including questions about photographing and recording proceedings and controlling participant behavior. This fiscal year due to the Covid pandemic, we had many questions regarding remote and hybrid hearings, having transitioned our hearing format from primarily in-person hearings to fully remote or hybrid hearings. Hybrid hearings have both an in-person and remote component. In support of this transition, we established protocols for conducting remote and hybrid hearings and provided training on these protocols during our annual training.
- D. **HEAR MOTIONS FOR HEARING OFFICER DISQUALIFICATION**  
The parties can request hearing officer removal without cause once in each proceeding.<sup>2</sup> In addition, the parties may move to disqualify a hearing officer for cause.<sup>3</sup> I have appointed a new hearing officer 4 time(s) when a party requested removal without cause. I decided 0 motion(s) requesting for cause removal.
- E. **HEAR PRE-HEARING MOTIONS WHEN NO HEARING OFFICER ASSIGNED**  
I have decided motions for orders of default, motions deferring discipline proceedings, motions objecting to investigative inquiries and investigative subpoenas, and approved stipulations. I have entered approximately 8 of these orders.
- F. **HEAR MOTIONS FOR PROTECTIVE ORDERS UNDER RULE 3.2(e)**  
I have decided 0 motions for protective order this year.
- G. **HEAR MOTIONS PRIOR TO MATTER BEING ORDERED TO HEARING, INCLUDING WHILE A GRIEVANCE IS BEING INVESTIGATED**  
I decided 2 of these motions this fiscal year.
- H. **HEAR REQUESTS FOR AMENDMENT OF FORMAL COMPLAINT UNDER RULE 10.7(b)**  
I have not decided any motions under this rule.
- I. **APPROVE STIPULATIONS TO DISCIPLINE NOT INVOLVING SUSPENSION OR DISBARMENT AS PROVIDED BY RULE 9.1(d)(2)**  
The chief hearing officer approves stipulations when a hearing officer has not been appointed. I approved approximately 5 stipulations during this fiscal year.

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<sup>2</sup> ELC 10.2(b)(1).

<sup>3</sup> ELC 10.2(b)(2).

J. RESPOND TO HEARING OFFICER REQUESTS FOR INFORMATION OR ADVICE RELATED TO THEIR DUTIES.

I responded to frequent requests for hearing officer information or advice relating to their duties. Many of the questions lead to topics for next year's training.

K. SUPERVISE HEARING OFFICER TRAINING IN ACCORDANCE WITH ESTABLISHED POLICIES

Hearing officer training is provided annually and includes CLE credit. We usually provide a five- or six-hour program in Seattle and provide Zoom to facilitate attendance by those outside of Seattle. Topics vary, but include changes to rules or procedures, Supreme Court cases decided over the last year, settlement skills, writing skills, diversity training and accessibility training. The most recent training was held remotely in April 2022. We also provided an orientation training for our new hearing officer in fall 2021. Our next training is targeted for fall 2022.

### III. HEARING OFFICERS

We have 23 hearing officers. Hearing officers are appointed by the Supreme Court of Washington for initial two-year terms, followed by five-year terms. There is no limit on the number of 5-year terms. Hearing officer initial and re-appointment applications are reviewed by the Discipline Selection Panel (DSP), which may include receiving input from the chief hearing officer, the Office of Disciplinary Counsel, and a representative from the respondent's counsel community. The DSP makes a recommendation to the WSBA Board of Governors. The Board forwards a recommendation to the Court.

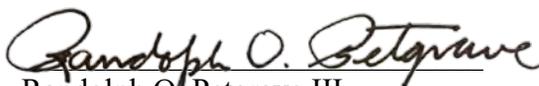
### IV. STAFF

Allison Sato and Thea Jennings assist the chief hearing officer with his duties when needed.

### V. CONCLUSION

I thank you all for the support I have received during my term as chief hearing officer. Please let me know if you have any specific questions.

Respectfully submitted this 6th day of September, 2022.



Randolph O. Petgrave III  
Chief Hearing Officer

# **ATTACHMENT E**

## MEMORANDUM

TO: Access to Justice Board

FROM: Ad Hoc Committee on Compensating Individuals with Lived Experience

DATE: January 19, 2023

RE: Recommendation Regarding Compensation for Individuals with Lived Experience

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**Action:** With this memorandum, the Ad Hoc Committee on Compensating Individuals with Lived Experience moves that the ATJ Board adopt this policy, pending funding, and continue to work with staff and others to secure the necessary funding.

Dear Board Members:

The Access to Justice (“ATJ”) Board convened an ad hoc committee to recommend when and how to compensate Board members with lived experience facing poverty, racism, and other forms of oppression within the legal system. The ATJ Board has previously discussed and agreed to pay individuals with lived experience to reduce financial barriers to serving on the Board for low-income folks and to compensate for the additional emotional and intellectual labor required of someone who has lived experience when working to dismantle oppressive systems. The committee recommends that Board members with lived experience be compensated \$9,000 per year, divided up into quarterly payments. This amount is separate from expenses and speaker fees.

### **Current Compensation for Individuals with Lived Experience**

The ATJ Board currently compensates individuals with lived experience who participate in ATJ’s Community Advisory Panel (“CAP”) and the ATJ Conference. CAP members are compensated \$100 per hour of meeting time, while ATJ Conference Planning Committee members are paid \$100 per month for the duration of conference planning, which lasts around 15 months. In 2021, the Board provided additional compensation for conference speakers with lived experience, paying \$80 per hour with a \$300 cap. The 2023 speaker rate will be a \$300 stipend.

### **Proposed Compensation for ATJ Board Members with Lived Experience**

The committee reviewed the ATJ Board’s 2022 budget and lived-experience compensation policies of legal organizations with similar missions. Specifically, the committee reviewed policies of the following organizations: Legal Foundation of Washington, Legal Counsel for Youth & Children, TeamChild, QLaw Foundation of Washington, and the Washington State Bar Association’s draft policy. Additionally, the committee reviewed the session law that passed in 2022, “Concerning stipends for low-income or underrepresented community members of state boards, commissions, councils, committees, and other similar groups.”

In addition to compensation metrics, the committee also reviewed the ATJ Board's stated monthly service commitment: Board members are expected to serve 10-20 hours per month, which includes attending ATJ Board meetings, ATJ committee meetings, liaising with other boards, and other related outreach. Committee members acknowledged that service hours may vary; however, all agreed that all Board members contribute at least 7.5 hours per month between monthly Board meetings, sitting on at least one committee, and preparation. Applying the CAP reimbursement rate (\$100/hr) to this minimum number of hours per month (7.5), the committee arrived at \$9,000 per year. This amount would be separate from speaker fees and expenses that are already reimbursable.

The committee noted that a lump sum at the beginning of each period is preferable to an hourly reimbursement approach, both from an administrative point of view, and taking into account the financial sacrifice that individuals face when compensation for their time and services is delayed. The committee determined that asking an individual to repay any or all of a lump sum if they were to step off of the Board early could potentially create a hardship and may not be otherwise feasible. Therefore, the committee determined that a quarterly payment would set up the ATJ Board for less risk than a single lump sum, while still accomplishing its goal of sizeable payments up front.

To operationalize this compensation policy, the committee recommends that ATJ staff send all Board members a confidential form that states the following: "I have been individually impacted by the justice system or represent a community that is directly impacted by poverty, racism, or any other form of oppression, I am not participating in a paid, professional capacity, and I have financial barriers would limit my by ability to meaningfully participate in Board service." We are defining lived experience broadly to create space for a diversity of perspectives, but this policy is intended to specifically support those who have been harmed by systemic oppression. Board members will self-attest "Yes" or "No" and return the form. Additionally, the committee recommends that the Board draft an agreement outlining minimum expectations of Board service to receive the funds and steps that would be taken if the individual left the Board mid-term.

The committee notes that an open question remains as to whether to retroactively apply this policy, or any alternative compensation policy, to the 2022-2023 budget year. Funds to pay individuals are not currently in the budget and this policy would require requesting additional funds for the following fiscal years. The committee recommends that the ATJ Board approve a preferred stipend level by February 2023 to give the Board and staff time to include the request these funds in the WSBA and Court budget for fiscal year 24.

**TO:** WSBA Board of Governors  
**FROM:** Washington Young Lawyers Committee  
Julianne Unite, Member Services and Engagement Manager  
Curtiss Melvin, Member Engagement Specialist and Staff Liaison to the WYLC  
**RE:** WSBA Bylaws Amendments—Proposed Changes Young Lawyer Title and Definition  
**DATE:** May 13, 2023

**FIRST READ: Proposed WSBA Bylaws Amendments to Sections VI., XI., and XII. re. Young Lawyers**

### **1. Summary & Background**

Over the past few years, the Washington Young Lawyers Committee (WYLC) has discussed the benefits of and drawbacks to amending Section XII of the Bylaws (the “Bylaws”) of the Washington State Bar Association (WSBA). This discussion was, in part, a response to initiatives from other jurisdictions around the country to expand the notion of what it means to be a “new” or “young” lawyer. As a result of this discussion, the WYLC has determined that an amendment to Section XII (and other related sections of the WSBA Bylaws referring to “young lawyer”, e.g., Sections VI. and XI.), will serve its constituents and further the WSBA’s Guiding Principles; the WSBA’s mission to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice; and Washington GR 12.2. Specifically, the purpose of this proposed amendment is to (1) promote diversity and inclusion within the bar and facilitate access to justice; (2) enhance member engagement; and (3) extend reach of the WYLC’s programming and services to members wishing to benefit from those programming and services.

Section XII, currently titled “Young Lawyers,” includes two subsections, one that lists the “Purpose” of Section XII and another that lists the “Definition” of who is considered “Young Lawyers” for purposes of qualifying for WYLC membership and participating in certain activities.<sup>1</sup> The current version of Section XII is as follows:

## **XII. YOUNG LAWYERS**

### **A. PURPOSE**

There will be a member segment within the Bar identified as “Young Lawyers” for the purposes of encouraging the interest and participation of (i) new and young lawyers and law students in the activities of the Bar; and (ii) developing and conducting programs of interest and value to new and young lawyers consistent with the focus areas of public service and pro bono programs, transition to

<sup>1</sup> For some WSBA programming, e.g., New Member Education (NME), the WSBA uses a separate new member definition that will be unaffected by this proposed Bylaws amendment.



practice, and member outreach and leadership; and (iii) upholding and supporting the Guiding Principles of the Bar.

## **B. DEFINITION**

Active lawyer members of the Bar will be considered Young Lawyers until the last day of December of the year in which the member attains the age of 36 years or until the last day of December of the fifth year after the year in which such member first was admitted to practice as a lawyer in any state, whichever is later.

As written, Section XII excludes categories of constituents who would benefit from the WYLC’s programming and services but, due to immutable circumstances not currently accounted for under the rule, would not qualify as a “Young Lawyer”. Examples of situations where constituents might be excluded include, but are not limited to, WYLC membership, WYLC awards and scholarships, Young Lawyer Liaison to Sections program, and eligibility for the At large Young Lawyer Governor seat. In support of a potential amendment, the WYLC surveyed its constituents to obtain additional feedback and assess support for a broader, more inclusive version of Section XII that promotes diversity and inclusion within our legal community. In response to the results of the survey, as well as its ongoing discussion, the WYLC concluded that Section XII should be amended to provide broader coverage to new and young attorneys within Washington state. Specifically, the WYLC proposes an amendment to Section XII that: (1) changes the term “Young Lawyers” to “New and Young Lawyers”; (2) removes the currently imposed age restriction of 36 years old; and (3) extends the years of practice requirement to 10 years. With these changes, other sections of the Bylaws referring to “Young Lawyers” would need to be revised to reflect the updated term “New and Young Lawyers”. These sections include Section VI.A.2.b., Section VI.C., Section VI.F.2., and Section XI.F.4. The WYLC further recommends that use of the acronym “WYLC” be replaced with “WNYLC.”

## **2. History and Purpose**

The genesis for this proposal arose pre-pandemic. During its September 14, 2019, a WYLC member reported that the American Bar Association had recently voted on changing the definition of a “young lawyer” and notified the WYLC that other jurisdictions were assessing similar changes throughout the country. The WYLC began discussing whether the WSBA’s of “Young Lawyers” should be modified in response to a broader initiative across all jurisdictions. In doing so, the WYLC looked at narrower examples, such as the definition of “young lawyers” the [American Bar Association](#) imposes, as well as broader examples, such as the definition used in [New York](#) (no age restriction; open to “attorneys admitted 10 years or less”). Other jurisdictions, including the neighboring [State of Oregon](#) (“[e]very lawyer who has practiced six years or less, or is 36 years old or younger (whichever is later) is automatically a member of the ONLD”), take an intermediate approach. The WYLC noted that the current version of Section XII tracks the narrowest definition of “young lawyers” that the WYLC could find.

The WYLC also considered other initiatives to promote the inclusion of “new” and “young” lawyers in other organizations, including the King County Bar Association’s recent initiative to change the name of its “Young Lawyers Division” to “New Lawyers Division”—with a stated mission of “further[ing] the objectives of new and aspiring

lawyers by representing the diverse interests of the Division’s members to the Association and the legal community, creating opportunities for continuing legal education, mentoring, and networking, as well as addressing the needs of the community through pro bono and volunteer service.”

Through this process, the WYLC identified an opportunity to revise WSBA’s definition of “young lawyers”, garnered preliminary support for the project, and began charting a course to determine what, if any, amendments to Section XII the WYLC should propose.

### 3. Community Input

As an initial step, the WYLC resolved to determine whether its constituents felt that an amendment was needed. On June 1, 2020, the WSBA surveyed its new members about a potential revision to the WSBA’s definition of “Young Lawyer.” The pertinent survey questions, and the corresponding responses, were as follows:

Question	Response (%)		
	Yes	No	No Opinion
<b>Q30.</b> Should the WSBA consider amending the WSBA definition of a young lawyer to remove the age restriction and extend the years of practice to 10 years?	<u>49.55%</u>	20.47%	29.97%
<b>Q31.</b> Does the current WSBA's young lawyer definition accurately reflect your understanding of a "young lawyer"? <sup>2</sup>	<u>41.84%</u>	32.64%	22.55%
<b>Q32.</b> Should the age restriction (36 years or younger) remain in the definition of WSBA young lawyer?	18.34%	<u>55.92%</u>	25.74%
<b>Q34.</b> Should the WSBA young lawyer name and definition align with the definition of a WSBA member, which includes lawyers, limited license legal technicians (LLTs), and limited practice officers (LPOs)?	28.57%	<u>36.31%</u>	35.12%

In addition to these questions, the survey asked whether “the years of practice (5 years or less) be extended in WSBA’s definition of a young lawyer and, if so, to how many?” (**Q33**) 25.82% of respondents said no. 3.26% of respondents said yes, to six (6) years. 8.61% of respondents said yes, to seven (7) years. 6.53% of respondents said yes, to eight (8) years. 0.30% of respondents said yes, to nine (9) years. 27.89% of the respondents said yes, to ten (10) years. 24.93% of respondents had no opinion.

The WYLC also received unsolicited feedback from other members of the WSBA in support of a proposed amendment. For example, we received notification that international attorneys who recently moved to Washington state are interested in participating in the WYLC’s networking programs, such as the MentorLink Mixer, as part of their job hunt. Yet, many of these members do not qualify under the existing definition, since they are over age 36 or have been licensed to practice law in another jurisdiction for greater than five years. Through its outreach and

<sup>2</sup> 2.97% of respondents stated that they do not understand the definition of “young lawyer.”

discussion with other WSBA members, the WYLC broadly observed that, although there may only be a handful of constituents who fall at the margins of the existing version of Section XII (and who would thus benefit from a more inclusive definition), those individuals feel strongly about their need to be included within the purview of Section XII.

#### 4. Equity Analysis

The survey results, as well as the WYLC's outreach efforts and informal discussions with constituents, reflected popular support for an amendment to Section XII. The WYLC conferred on a series of tentative changes designed to implement the feedback it received. Specifically, the WYLC solicited discussion and debate on the following proposals:

1. Current definition should be amended to reflect constituent responses to Q30 and Q31. Amendments should remove age restriction and extend years of practice to 10 years pursuant to responses to Q30.
2. Remove "until the last day of December of the year in which the member attains the age of 36 years or" and ", whichever is later" to reflect constituent responses to Q30 and Q32.
3. Replace "fifth" with "tenth" to reflect constituent responses to Q30 and Q33.
4. Change "[a]ctive lawyer members of the Bar" to "[a]ctive members of the Bar" pursuant to constituent responses to Q34 and overarching purpose of proposed amendment to be more inclusive.

The WYLC also discussed whether (1) the phrase "first admitted to practice as a lawyer in **any state**" (emphasis added) should be changed to "first was admitted to practice as a lawyer in Washington state" and (2) whether the term "Young Lawyer" should be revised to be more inclusive and less age-focused.

WYLC members largely favored extending the "years of practice" requirement to ten years and removing the age restriction altogether. A concern was raised that, by removing the age restriction and extending the "years of practice" requirement, we would defeat the purpose of what it means to be a young lawyer. WYLC members noted that other services and programming, such as discounts on CLEs for new members, are available to constituents who do not fit within Section XII's current restrictions. Other members noted that, if someone within this category wished to participate in a WYLC program, or utilize a new member benefit, there was no significant reason to deny them that opportunity—particularly since the WYLC rarely meets its capacity at outreach events under the existing version of Section XII. The consensus was that, in practice, there appears to be little downside to offering these opportunities to a larger segment of the WSBA and offering "new" and "young" lawyer services and benefits to a broader group of attorneys.

The WYLC raised the practical implications (and shortcomings) of maintaining an age restriction and shorter "years of practice" requirement. For example, a new attorney admitted to the bar at the age of 37 would automatically be precluded from relying on the age-component of the existing Section XII.B. for purposes of leveraging the benefits of the WYLC and WSBA, such as WYLC membership, WYLC awards and scholarships, Young Lawyer Liaison to Sections program, and eligibility for the At large Young Lawyer Governor seat. Although the WYLC noted that the "years of experience" component was designed to protect against this scenario, the WYLC discussed additional circumstances

in which the existing language might be unfairly restrictive. For example, a person admitted to the WSBA at 37, has a child at age 38, and chooses to withdraw from practice for the next five years, would be precluded from receiving new lawyer privileges of the WYLC upon returning to practice—even though this person could still benefit from those privileges and new member services.

Through these discussions, the WYLC observed that the current restrictions might therefore impose restrictions on less advantaged segments of the WSBA, such as attorneys providing for single-parent households, attorneys tending to an elderly or sick family member, attorneys experiencing chronic illnesses or other medical conditions, and other attorneys whose life circumstances might require them to step away from their practice during the period in which they would qualify under the existing version of Section XII. In these scenarios, a person returning to practice after the age of 36 and after five years of admittance would unfairly be precluded from enjoying certain new member benefits and services.

The WYLC also considered situations in which the “[a]ctive lawyer members of the Bar” component of Section XII.B. might be unduly restrictive. For example, a person over the age of 36 might relocate to Washington after being barred in another state for over five years. Although that person might benefit from WYLC services, including for example networking events and opportunities to meet local attorneys who are also new to the legal community, they would be excluded from receiving information and updates and these events and opportunities under the existing definition. The WYLC agreed that, for this reason, the triggering event should be when a lawyer is first admitted to Washington state, rather than a different state.

The WYLC unanimously agreed that the term “Young Lawyers” should be modified to more accurately reflect the other proposed changes to Section XII and to be less age-focused. WYLC members agreed that, even under the existing version of Section XII, an attorney who is not necessarily young (because they did not enter the legal profession until later in life), but who qualifies under the “years of experience” prong, might either feel excluded under the existing terminology or not be aware that they qualify for the corresponding benefits and programming. Comparatively, the WYLC could not identify any legitimate reason to maintain the existing terminology, so long as the amended terminology accurately reflects the intended membership.

Finally, the WYLC believes that the pros and cons of the proposed amendment should be weighed in the context of the COVID-19 pandemic. New and young lawyers entering the legal market are faced with unique challenges that attorneys did not experience in the pre-pandemic world. The WYLC observed that, in the “remote” and “virtual” world we currently live in, a larger segment of the bar is likely looking for more opportunities to network with peers, develop mentorship relationships, and provide volunteer services. By providing services to a larger segment of the bar, the WYLC can fill this projected need.

## **5. Fiscal Analysis & Implementation Implications**

The WYLC discussed whether an amendment to cover a broader segment of the WSBA might overextend the WYLC’s resources and require budget changes. As of December 31, 2022, 6,037 lawyers qualified under the existing definition of “Young Lawyer.” Had the proposed amendment been in place at that time, 12,208 lawyers would qualify

as a “New and Young Lawyer”. The WYLC does not currently foresee the need for additional outreach events, increased scholarships, or changes to meeting costs as a result of the proposed amendment—particularly given the level of interest, participation, and attendance from existing constituents over the past few years. For these reasons, the WYLC does not currently anticipate any increase in any of the three expense line items associated with the WYLC (55266 WYLC Outreach Events; 58525 WYLC ABA Scholarship; 55270 WYL Committee). Although new WSBA members receive a discount on licensing within their first few years of practice, the WYLC is not proposing any change to that policy at this time. Should the proposed Bylaws amendment be implemented, the WYLC will endeavor to fill one of its seats with a member who qualifies within the newly amended language (e.g., an attorney over 36 years and who has been practicing between five and ten years). The WYLC also anticipates revisiting the budgetary needs on an ongoing basis as it normally does in the course of its ongoing business. Any requests for additional budget in the WYLC-associated expense line items would be made in connection with the budget setting process for FY25. The WYLC anticipates questions from constituents concerning the amendment and will be prepared to address those questions.

#### **6. Proposed Amendment & Rule Compliance**

The proposed amendment agreed upon by the WYLC, reflected in redline, is enclosed as **Exhibit A**. The changes reflected in these enclosures are intended to address the considerations discussed above. If adopted, other references in the Bylaws to “Young Lawyer(s)” will need to be updated to “New and Young Lawyer(s),” as reflected in **Exhibit A**.

This Bylaw Amendment was approved by the WYLC on May 12, 2023 by a majority vote of 7 with 0 dissenting votes and 0 of abstaining votes. Section XVI. Amendments of the WSBA Bylaws governs the next steps of this proposed amendment. Under Subsection A., the Bylaws “may be amended by the BOG at any regular meeting of the BOG . . . .” “All proposed bylaw amendments must be posted on the Bar’s website and presented for “first reading” at least one BOG meeting prior to the meeting at which the BOG votes on the proposed amendment, and the BOG will not vote on any proposed bylaw amendment at the meeting at which the amendment is originally proposed . . . .” Section XVI.B.

The WYLC respectfully requests that, in compliance with the requirements of Section XVI, the BOG post the proposed amendment to the Bar’s website and present for “first reading” at least one BOG meeting prior to the meeting at which the BOG votes on the proposed amendment. Please let me know if you have any questions or concerns, or need anything else from the WYLC.

*WSBA RISK ANALYSIS: This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

1. Board cannot vote on this proposed change in June.

The WSBA Bylaws article XVI.B states that “[a]ll proposed bylaw amendments must be posted on the Bar’s website and presented for “first reading” at least one BOG meeting prior to the meeting at which the BOG votes on the proposed amendment, **and the BOG will not vote on any proposed bylaw amendment at the meeting at which the amendment is originally proposed, except as may be allowed below.**” The exception relates to exceptional circumstances and is not implicated here.

## 2. Removing age as a factor lowers risk.

Using age as a factor to divide the membership into groups can be viewed as discrimination. The current bylaws use age and length of time in practice to limit any potential discrimination. Eliminating the age requirement lowers, or eliminates, this risk.

## 3. Exclusionary Application

Both the current Bylaws and the proposed changes limit membership in the New and Young Lawyer segment of the Bar to lawyer members, although LLLTs and LPOs are WSBA members. This memo states:

“As written, Section XII excludes categories of constituents who would benefit from the WYLC’s programming and services but, due to immutable circumstances not currently accounted for under the rule, would not qualify as a “Young Lawyer”. Examples of situations where constituents might be excluded include, but are not limited to, WYLC membership, WYLC awards and scholarships, Young Lawyer Liaison to Sections program, and eligibility for the At large Young Lawyer Governor seat. In support of a potential amendment, the WYLC surveyed its constituents to obtain additional feedback and assess support for a broader, more inclusive version of Section XII that promotes diversity and inclusion within our legal community.”

The proposed change continues to exclude categories of constituents who could benefit from the WYLC’s programming-LPOs and LLLTs licensed for ten years or less. The Board may wish to discuss whether the WSBA Bylaws should exclude some members from benefits based on license type.

*WSBA FISCAL ANALYSIS: This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The fiscal impact to WSBA resulting from the proposed changes to the bylaws includes a limited amount of staff time used to incorporate the changes to WSBA records and outreach to communicate the changes, and management of potential increased volume in applications in the election process for at-large board positions. The staff time that would be allocated to this work is included in the overall duties of existing WSBA staff and would not require additional staff or allocation of resources from other internal sources.

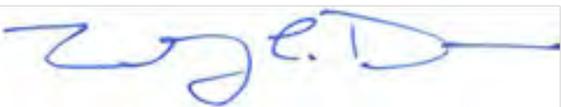
Additionally, WSBA currently offers new member discounts on CLE seminars and products, however the discount applies to *all* members (lawyers, limited license legal technicians, and limited practice officers) who are within their first 5 years of admission to the WSBA and there is no age limit. The proposed changes to the bylaws only apply to

lawyer members and do not impact the new member discount as it is set by internal policy. However, it is possible that if the proposal is approved, WSBA’s internal policy could be reviewed for alignment considerations.

*WSBA EQUITY ANALYSIS: This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

The proposal to remove the age restriction and extend the number of years in practice will promote more equitable outcomes for members who have not previously had access to benefits. The WYLC’s efforts to consider the perspectives of impacted communities including new members and international attorneys helped inform how to make the membership more inclusive. To further inclusion, we suggest that the WYLC consider changing “L”/“lawyer” in the new name to “LP”/“legal professional” so that all new Bar members – including limited licensed legal technicians (LLTs) and limited practice officers (LPOs) feel included in the newly named committee. The survey showed that the feedback on whether the new committee name should align with the definition of a WSBA member was nearly split with 28.5% in favor, 36.3% not in favor, and 35.12% without opinion. We encourage WYLC to consider that LLTs and LPOs are a smaller percentage of the membership as it weighs the input and how changing the name to include all legal professionals will foster inclusion among all members. We also note that with the proposed removal of the age requirement, the WYLC should consider removing “Y”/“young” to avoid confusion for future members.

Thank you,



Project Lead for WYLC Bylaws and Governance Project  
(206) 359-6739  
zdavison@perkinscoie.com

**Attachments**

- Exhibit A Redline version of WSBA Bylaws
- Exhibit B Clean version of WSBA Bylaws

This edition of the Bylaws of the Washington State Bar Association includes the comprehensive review of the Bylaws adopted by the Board of Governors on September 24, 2010, and all other amendments approved by the Board of Governors through April 10, 2023.

**TABLE OF CONTENTS**

**I. FUNCTIONS ..... 1**

    A. PURPOSES: IN GENERAL..... 1

    B. SPECIFIC ACTIVITIES AUTHORIZED..... 1

    C. ACTIVITIES NOT AUTHORIZED..... 2

**II. DEFINITIONS AND GENERAL PROVISIONS ..... 2**

    A. HEADQUARTERS ..... 2

    B. SEAL..... 3

    C. FILING PAPERS WITH THE BAR..... 3

    D. COMPUTATION OF TIME ..... 3

    E. DEFINITIONS AND USE OF TERMS ..... 3

**III. MEMBERSHIP ..... 4**

    A. MEMBER LICENSE TYPES..... 4

    B. STATUS CLASSIFICATIONS..... 4

        1. Active ..... 4

        2. Inactive..... 5

        3. Judicial..... 5

        4. Pro Bono ..... 7

        5. Suspended ..... 7

    C. REGISTER OF MEMBERS..... 7

    D. CHANGE OF MEMBERSHIP STATUS TO ACTIVE ..... 8

    E. CHANGE OF MEMBERSHIP STATUS TO INACTIVE..... 11

    F. CHANGE OF MEMBERSHIP STATUS TO JUDICIAL ..... 11

    G. CHANGE OF MEMBERSHIP STATUS TO PRO BONO ..... 11

    H. VOLUNTARY RESIGNATION..... 12

I.	ANNUAL LICENSE FEES AND ASSESSMENTS .....	12
1.	License Fees .....	12
2.	Assessments.....	13
3.	Deadline and Late Payment Fee .....	14
4.	Rebates /Apportionments .....	14
5.	License Fee and Assessment Exemptions Due to Hardship .....	14
6.	License Fee Referendum.....	14
J.	SUSPENSION .....	14
1.	Interim Suspension .....	14
2.	Disciplinary Suspension .....	14
3.	Administrative Suspension .....	15
4.	Multiple Suspensions.....	16
K.	CHANGING STATUS AFTER SUSPENSION .....	16
L.	REINSTATEMENT AFTER DISBARMENT OR REVOCATION.....	17
M.	REINSTATEMENT AFTER RESIGNATION IN LIEU OF DISCIPLINE, DISBARMENT, OR REVOCATION 17	
N.	READMISSION AFTER VOLUNTARY RESIGNATION.....	17
O.	EXAMINATION REQUIRED.....	18
<b>IV.</b>	<b>GOVERNANCE.....</b>	<b>19</b>
A.	BOARD OF GOVERNORS.....	19
B.	OFFICERS OF THE BAR.....	21
C.	BOARD OF GOVERNORS COMMITTEES .....	23
D.	POLITICAL ACTIVITY .....	25
E.	REPRESENTATION OF THE BAR .....	26
<b>V.</b>	<b>APPROPRIATIONS AND EXPENSES .....</b>	<b>27</b>
A.	APPROPRIATIONS.....	27
B.	EXPENSES; LIMITED LIABILITY .....	27
<b>VI.</b>	<b>ELECTIONS.....</b>	<b>28</b>
A.	ELIGIBILITY FOR MEMBERSHIP ON BOARD OF GOVERNORS.....	28
B.	NOMINATIONS AND APPLICATIONS .....	28
C.	ELECTION OF GOVERNORS .....	29
D.	ELECTIONS BY BOARD OF GOVERNORS .....	31

1.	Office of President-Elect.....	31
2.	Treasurer.....	32
3.	Election Procedures for President and President-elect.....	32
E.	NEW GOVERNOR ORIENTATION.....	33
F.	MEMBER RECALL OF GOVERNORS.....	33
G.	2020 ELECTIONS.....	33
<b>VII.</b>	<b>MEETINGS.....</b>	<b>34</b>
A.	GENERAL PROVISIONS; DEFINITIONS.....	34
1.	Definitions.....	34
2.	Order of Business.....	34
B.	OPEN MEETINGS POLICY.....	34
C.	MEETINGS OF THE BOARD OF GOVERNORS.....	37
1.	Regular Meetings.....	37
2.	Special Meetings.....	37
3.	Emergency Meetings.....	37
4.	Agenda.....	38
5.	Parliamentary Procedure.....	38
D.	EXECUTIVE COMMITTEE OF THE BOG.....	38
E.	FINAL APPROVAL OF ACTION BY THE BOARD OF GOVERNORS.....	38
<b>VIII.</b>	<b>MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP.....</b>	<b>39</b>
A.	MEMBER REFERENDA.....	39
B.	BOG REFFERALS TO MEMBERSHIP.....	39
C.	BALLOT PREPARATION.....	39
D.	VOTING PROCEDURES.....	40
E.	EFFECT OF VOTE.....	40
<b>IX.</b>	<b>COMMITTEES, COUNCILS, AND OTHER BAR ENTITIES.....</b>	<b>40</b>
A.	GENERALLY.....	40
B.	COMMITTEES AND OTHER BAR ENTITIES.....	40
C.	COUNCILS.....	42
<b>X.</b>	<b>REGULATORY BOARDS.....</b>	<b>42</b>
<b>XI.</b>	<b>SECTIONS.....</b>	<b>43</b>
A.	DESIGNATION AND CONTINUATION.....	43

B.	ESTABLISHING SECTIONS .....	43
C.	MEMBERSHIP .....	43
D.	DUES.....	44
E.	BYLAWS AND POLICIES .....	44
F.	SECTION EXECUTIVE COMMITTEE .....	44
G.	NOMINATIONS AND ELECTIONS .....	45
H.	VACANCIES AND REMOVAL .....	46
I.	OTHER COMMITTEES .....	46
J.	BUDGET.....	46
K.	SECTION REPORTS.....	46
L.	TERMINATING SECTIONS .....	46
<b>XII.</b>	<b>NEW AND YOUNG LAWYERS.....</b>	<b>47</b>
A.	PURPOSE .....	47
B.	DEFINITION .....	47
<b>XIII.</b>	<b>RECORDS DISCLOSURE &amp; PRESERVATION.....</b>	<b>47</b>
<b>XIV.</b>	<b>INDEMNIFICATION .....</b>	<b>50</b>
A.	GENERALLY.....	50
B.	CUMULATIVE, NON-EXCLUSIVE RIGHT .....	51
<b>XV.</b>	<b>KELLER DEDUCTION.....</b>	<b>51</b>
<b>XVI.</b>	<b>AMENDMENTS.....</b>	<b>53</b>
<b>XVII.</b>	<b>EMERGENCY AMENDMENT; PRESIDENTIAL AUTHORITY DURING COVID-19 EMERGENCY (Expires April 24, 2020).....</b>	<b>53</b>
<b>XVIII.</b>	<b>EMERGENCY AMENDMENT (EXPIRES MARCH 11, 2022).....</b>	<b>54</b>

## **I. FUNCTIONS**

### **A. PURPOSES: IN GENERAL**

In general, the Washington State Bar Association (Bar) strives to:

1. Promote independence of the judiciary and the legal profession;
2. Promote an effective legal system, accessible to all;
3. Provide services to its members and the public;
4. Foster and maintain high standards of competence, professionalism, and ethics among its members;
5. Foster collegiality among its members and goodwill between the legal profession and the public;
6. Promote diversity and equality in the courts and the legal profession;
7. Administer admissions, regulation, and discipline of lawyers, Limited License Legal Technicians (LLLTs), and Limited Practice Officers (LPOs) in a manner that protects the public and respects the rights of the applicant or member;
8. Administer programs of legal education;
9. Promote understanding of and respect for our legal system and the law;
10. Operate a well-managed and financially sound organization, with a positive work environment for its employees;
11. Serve as a statewide voice to the public and to the branches of government on matters relating to these purposes and the activities of the organization and the legal profession.

### **B. SPECIFIC ACTIVITIES AUTHORIZED**

In pursuit of these purposes, the Washington State Bar Association may:

1. Sponsor and maintain committees and sections whose activities further these purposes;
2. Support the judiciary in maintaining the integrity and fiscal stability of an independent and effective judicial system;
3. Provide periodic reviews and recommendations concerning court rules and procedures;
4. Administer examinations and review applicants' character and fitness to practice law;
5. Inform and advise its members regarding their ethical obligations;
6. Administer an effective system of discipline of lawyers, LLLTs, and LPOs, including receiving and investigating complaints of misconduct, taking and recommending appropriate punitive and remedial measures, and diverting less serious misconduct to alternatives outside the formal discipline system;
7. Maintain a program, pursuant to court rule, requiring members to submit fee disputes to arbitration;
8. Maintain a program for mediation of disputes between members and others;
9. Maintain a program for legal professional practice assistance

**I. FUNCTIONS;**  
**II. DEFINITIONS AND GENERAL PROVISIONS**

10. Sponsor, conduct, and assist in producing programs and products of continuing legal education;
11. Maintain a system for accrediting programs of continuing legal education;
12. Conduct examinations of lawyer, LLLT, and LPO trust accounts;
13. Maintain a client protection fund in accordance with the Admission and Practice Rules;
14. Maintain a program for the aid and rehabilitation of impaired members;
15. Disseminate information about the organization's activities, interests, and positions;
16. Monitor, report on, and advise public officials about matters of interest to the organization and the legal profession;
17. Maintain a legislative presence to inform members of new and proposed laws and to inform public officials about the organization's positions and concerns;
18. Encourage public service by members and support programs providing legal services to those in need;
19. Maintain and foster programs of public information and education about the law and the legal system;
20. Provide, sponsor, and participate in services to its members;
21. Hire and retain employees to facilitate and support its mission, purposes, and activities, including in the organization's discretion, authorizing collective bargaining;
22. Establish the amount of all license, application, investigation, and other related fees, as well as charges for services provided by the Bar, and collect, allocate, invest, and disburse funds so that its mission, purposes, and activities may be effectively and efficiently discharged. The amount of any license fee is subject to review by the Supreme Court for reasonableness and may be modified by order of the Court if the Court determines that it is not reasonable;
23. Administer Supreme Court-created boards in accordance with General Rule 12.3.

**C. ACTIVITIES NOT AUTHORIZED**

The Washington State Bar Association will not:

1. Take positions on issues concerning the politics or social positions of foreign nations;
2. Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice; or
3. Support or oppose, in an election, candidates for public office.

**II. DEFINITIONS AND GENERAL PROVISIONS**

**A. HEADQUARTERS**

The office of the Bar will be maintained in the State of Washington.

## II. DEFINITIONS AND GENERAL PROVISIONS

### B. SEAL

The Bar will have a Seal having the words and figures of “The Washington State Bar Association—June 7, 1933.” The Seal will remain in the control of the Executive Director at the office of the Bar.

### C. FILING PAPERS WITH THE BAR

Whenever these Bylaws require that petitions, notices, or other documents be filed with the Bar, or served upon the Board of Governors (BOG) or the Executive Director, they must be filed at the office of the Bar.

### D. COMPUTATION OF TIME

If any date specified in these Bylaws is a Saturday, Sunday, or legal holiday observed by the Bar, it refers to the next regular business day. Legal holidays observed by the Bar may differ from the legal holidays statutorily designated by the state Legislature.

### E. DEFINITIONS AND USE OF TERMS

Unless otherwise specifically stated herein,

1. “Days” means calendar days.
2. “Quorum” means the presence of a majority of the voting membership (i.e., more than half the voting members). A quorum must be present when votes are taken.
3. “Excused absence” means an absence excused by the President or presiding officer.
4. “Writing” includes email and fax.
5. “Electronic means” includes email, fax, video conferencing, and telephone; however, in the context of meetings, “electronic means” is limited to video conferencing and telephone.
6. “Bar records” and/or “Bar documents” means documents or records maintained by the Bar, whether in printed or electronic form.
7. When used in connection with a particular act or event, the terms “active membership” or “active members” refers to the Active membership at the time of the act or event.
8. “APR” refers to the Admission and Practice Rules.
9. “ELC” refers to the Rules for Enforcement of Lawyer Conduct.
10. “ELLLTC” refers to the Rules for Enforcement of LLLT Conduct.
11. “ELPOC” refers to the Rules for Enforcement of LPO Conduct.
12. “Member” means an individual in any of the groups of licensed legal professionals specified in Article III(A) of these Bylaws, unless otherwise specified.
13. “May” means “has discretion to,” “has a right to,” or “is permitted to.”
14. “Must” means “is required to.”

## III. MEMBERSHIP

### III. MEMBERSHIP

#### A. MEMBER LICENSE TYPES

1. Members of the Washington State Bar consist of these types of licensed legal professionals:
  - a. Lawyers admitted to the Bar and licensed to practice law pursuant to APR 3 and APR 5;
  - b. Limited License Legal Technicians; and
  - c. Limited Practice Officers.

Members of one type do not automatically qualify to be or become a member of another type, and in order to become a member of another type the member must comply with the requirements for admission as a member of that type.

2. Lawyers licensed to practice law in Washington pursuant to APR 8 and APR 14, or who are permitted to practice law pursuant to RPC 5.5 without being licensed in Washington are not members of the Bar.
3. Membership in the Bar ends when a member is disbarred or the equivalent, the member resigns or otherwise terminates his or her license, or when the member's license is revoked or terminated for any reason.

#### B. STATUS CLASSIFICATIONS

Membership status classifications have the qualifications, privileges, and restrictions specified.

##### 1. Active

Any member who has been duly admitted by the Supreme Court to the practice of law in Washington State who complies with these Bylaws and the Supreme Court rules applicable to the member's license type, and who has not changed to another status classification or had his or her license suspended is an Active member.

- a. Active membership in the Bar grants the privilege to engage in the practice of law consistent with the rules governing the member's license type. Upon payment of the Active annual license fee and assessments required for the member's license type, compliance with these Bylaws and the applicable Supreme Court rules, and compliance with all other applicable licensing requirements, Active members are fully qualified to vote, hold office and otherwise participate in the affairs of the Bar as provided in these Bylaws.
- b. Active members may:
  - 1) Engage in the practice of law consistent with the rules governing their license type;
  - 2) Be appointed to serve on any committee, board, panel, council, task force, or other Bar entity;
  - 3) Vote in Bar matters and hold office therein, as provided in these Bylaws;
  - 4) Join Bar sections as voting members; and
  - 5) Receive member benefits available to Active members.
- c. All persons who become members of the Bar must first do so as an Active member.

### III. MEMBERSHIP

#### 2. Inactive

Inactive members must not practice law in Washington, nor engage in employment or duties that constitute the practice of law. Inactive members are not eligible to vote in Bar matters or hold office therein, or serve on any committee or board, except an inactive member may vote and hold office in a Bar section if a section's bylaws permit.

- a. Inactive members may:
  - 1) Join Bar sections,
  - 2) Continue their affiliation with the Bar;
  - 3) Change their membership status to Active pursuant to these Bylaws and any applicable court rule;
  - 4) Request a free subscription to the Bar's official publication; and
  - 5) Receive member benefits available to Inactive members.
- b. Types of Inactive membership:
  - 1) Inactive Member: Inactive members must pay an annual license fee in an amount established by the BOG and approved by the Supreme Court. They are not required to earn or report MCLE credits while Inactive, but may choose to do so, and may be required to do so to return to Active membership.
  - 2) Disability: Disability inactive members are not required to pay a license fee, or earn or report MCLE credits while in this status, but they may choose to do so, and they may be required to earn and report MCLE credits to return to Active membership.
  - 3) Honorary: All members who have been Active or Judicial, or a combination of Active and Judicial, members for 50 years may elect to become Honorary members of the Bar. Honorary members are not required to pay a license fee. A member who otherwise qualifies for Honorary membership but wants to continue to practice law in any manner must be an Active member or, if applicable, a Pro Bono member.

#### 3. Judicial

- a. A member may qualify to become a Judicial member if the member is one of the following:
  - 1) A current judge, commissioner, or magistrate judge of the courts of record in the State of Washington, or the courts of the United States, including Bankruptcy courts;
  - 2) A current judge, commissioner, or magistrate in the district or municipal courts in the State of Washington, provided that such position requires the person to be a lawyer;
  - 3) A current senior status or recall judge in the courts of the United States;
  - 4) An administrative law judge, which is defined as either:
    - (a) Current federal judges created under Article I and Article II of the United States Constitution, excluding Bankruptcy court judges, or created by the Code of Federal Regulations, who by virtue of their position are prohibited by the United States Code and/or the Code of Federal Regulations from practicing law; or
    - (b) Full-time Washington State administrative law judges in positions created by either the Revised Code of Washington or the Washington Administrative Code; or
  - 5) A current Tribal Court judge in the State of Washington.

### III. MEMBERSHIP

- b. Members not otherwise qualified for Judicial membership under (1) through (5) above and who serve full-time, part-time or ad hoc as pro tempore judges, commissioners or magistrates are not eligible for Judicial membership.
- c. Judicial members, whether serving as a judicial officer full-time or part-time, must not engage in the practice of law and must not engage in mediation or arbitration for remuneration outside of their judicial duties.
- d. Judicial members:
  - 1) May practice law only where permitted by the then current Washington State Code of Judicial Conduct as applied to full-time judicial officers;
  - 2) May be appointed to serve on any task force, council or Institute of the Bar;
  - 3) May receive member benefits provided to Judicial members; and
  - 4) May be non-voting members in Bar sections, if allowed under the section's bylaws.
  - 5) Judicial members are not eligible to vote in Bar matters or to hold office therein.
- e. Nothing in these Bylaws will be deemed to prohibit Judicial members from carrying out their judicial duties.
- f. Judicial members who wish to preserve eligibility to transfer to another membership status upon leaving service as a judicial officer:
  - 1) must provide the member registry information required of other members each year unless otherwise specified herein, and provide the Bar with any changes to such information within 10 days of any change; and
  - 2) must annually pay any required license fee that may be established by the Bar, subject to approval by the Supreme Court, for this membership status. Notices, deadlines, and late fees will be consistent with those established for Active members.
- g. Judicial members must inform the Bar within 10 days when they retire or when their employment situation has otherwise changed so as to cause them to be ineligible for Judicial membership, and must apply to change to another membership status or to resign.
  - 1) Failure to apply to change membership status or to resign within ten days of becoming ineligible for Judicial membership, when a Judicial member has annually maintained eligibility to transfer to another membership status, is cause for administrative suspension of the member.
  - 2) A Judicial member who has not annually complied with the requirements to maintain eligibility to transfer to another membership status and who is no longer eligible for Judicial membership who fails to change to another membership status will be deemed to have voluntarily resigned.
- h. Administrative law judges who are judicial members must continue to comply with APR 11 regarding MCLE. Either judicial continuing education credits or lawyer continuing legal education credits may be applied to the credit requirement for judicial members; if judicial continuing education credits are applied, the standards for determining accreditation for judicial continuing education courses will be accepted as establishing compliance.
- i. Legal, legislative, and policy positions and resolutions taken by the BOG are not taken on behalf of Judicial members, are not considered to be those of Judicial members, and are not binding on Judicial members.

### III. MEMBERSHIP

- j. The Bar's disciplinary authority over Judicial members is governed exclusively by ELC 1.2 and RPC 8.5.

#### 4. Pro Bono

A member may become a Pro Bono member by complying with the requirements of APR 3(g), including payment of any required license fee and passing a character and fitness review.

Pro Bono members must not engage in the practice of law except as permitted under APR 3(g), but may:

- a. Be appointed to serve on any task force, council, or Institute of the Bar. In addition, up to two Pro Bono members are permitted to serve on the Pro Bono and Public Service Committee (PBPSC) and may be appointed to serve as Chair, Co-Chair, or Vice-Chair of that committee;
- b. Join Bar sections;
- c. Request a free subscription to the Bar's official publication; and
- d. Receive member benefits available to Pro Bono members.

#### 5. Suspended

Members of any type and status can have their membership suspended by order of the Washington Supreme Court. Although suspended members remain members of the Bar, they lose all rights and privileges associated with that membership, including their authorization and license to practice law in Washington.

### C. REGISTER OF MEMBERS

1. All Bar members, including Judicial members who wish to preserve eligibility to transfer to another membership status upon leaving service as a judicial officer, must furnish the information below to the Bar:
  - a. physical residence address;
  - b. physical street address for a resident agent if required to have one pursuant to these Bylaws or by court rule;
  - c. principal office address, telephone number, and email address;
  - d. such other data as the BOG or Washington Supreme Court may from time to time require of each member

and must promptly advise the Executive Director in writing of any change in this information within 10 days of such change. Judicial members are not required to provide a physical residence address.

2. The Executive Director will keep records of all members of the Washington State Bar Association, including, but not limited to:
  - a. physical residence address furnished by the member;
  - b. principal office address, telephone number, and email address furnished by the member;
  - c. physical street address of any resident agent for the member;
  - d. date of admittance;
  - e. type and status of membership;
  - f. date of transfer(s) from one status to another, if any;

### III. MEMBERSHIP

- g. date and period(s) of administrative suspensions, if any;
  - h. date and period of disciplinary actions or sanctions, if any, including suspension, disbarment, and revocation;
  - i. such other data as the BOG or Washington Supreme Court may from time to time require of each member.
3. Any Active member residing out-of-state must file with the Bar, in such form and manner as the Bar may prescribe, the name and physical street address of a designated resident agent within Washington State. The member must notify the Bar of any change in resident agent within 10 days of any such change.
  4. Any member who fails to provide the Bar with the information required to be provided pursuant to these Bylaws, or to notify the Bar of any changes in such information within 10 days, will be subject to administrative suspension pursuant to these Bylaws and/or the Admission and Practice Rules. Judicial members are exempt from suspension pursuant to this provision while eligible for Judicial membership and serving as a judicial officer.

#### D. CHANGE OF MEMBERSHIP STATUS TO ACTIVE

1. Members may change membership status as provided below.
  - a. **Transfer from Inactive to Active.**
    - 1) An Inactive member or Honorary member may transfer to Active by:
      - (a) paying an application and/or investigation fee and completing and submitting an application form, all required licensing forms, and any other required information. The fee in this paragraph is not required from an LPO or LLLT who has been inactive for 90 days or less;
      - (b) earning, within the six years preceding the return to Active status, and reporting the total number of approved MCLE credits required for one reporting period for an Active member with the same license type, and paying any outstanding MCLE late fees that are owed. If the member has been Inactive or a combination of Suspended and Inactive for less than one year, and the member would have been required to report during the time the member was Inactive and/or Suspended, the member must establish that the member is compliant with the MCLE reporting requirements for that reporting period before the member can change to Active. This paragraph does not apply to members transferring back to Active during their first MCLE reporting period;
      - (c) passing a character and fitness review essentially equivalent to that required of all applicants for admission to the Bar, pursuant to APR 20-24.3; and
      - (d) paying the current Active license fee, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as an Inactive member for the same year.
    - 2) If a member was Inactive or any combination of Suspended and Inactive in Washington for more than six consecutive years, the member must earn MCLE credits in a manner consistent with the requirement for one reporting period for an Active member of the

### III. MEMBERSHIP

same license type, and these credits must be earned and reported within the three years preceding the return to Active status. In addition, the member must complete a reinstatement/readmission course sponsored by the Bar, which must consist of education on law office management and professional responsibility (including the applicable RPC for the member's license type, proper handling of client funds and trust accounts, and client communications), legal research and writing, and changes in the law that apply to the member's license type, as follows:

- (a) For lawyer members, a minimum of 15 live CLE credits, consisting of at least four credit hours on law office management and professional responsibility, at least three credit hours on legal research and writing, and the remaining credit hours on recent significant changes in the law;
- (b) For LLLT members, a minimum of seven live CLE credits, consisting of at least two credit hours on law office management and professional responsibility, at least one credit hour on legal research and writing, and the remaining credit hours on recent significant changes in the law in approved LLLT practice or core education areas;
- (c) For LPO members, a minimum of seven live CLE credits, consisting of at least two credit hours on professional responsibility, and the remaining credit hours on recent significant changes in the law covered by the approved LPO Study Topics.

The member is required to pay the cost of the course. Any member completing such course will be entitled to credit towards mandatory continuing legal education requirements for all CLE credits for which such reinstatement/readmission course is accredited. The member must comply with all registration, payment, attendance, and other requirements for such course, and will be responsible for obtaining proof of attendance at the entire course and submitting or having such proof submitted to the Bar.

Periods of administrative and/or disciplinary suspension occurring immediately before or after a change to Inactive will be included when determining whether a member is required to take the readmission course. For purposes of determining whether a member has been Inactive and/or Suspended for more than six consecutive years, the period continues to run until the change to Active membership is completed, regardless of when the application is submitted to the Bar.

- 3) Any member seeking to change to Active who was Inactive or any combination of Suspended and Inactive in Washington and does not have active legal experience as defined in APR 1(e) in any jurisdiction for more than ten consecutive years, is required to complete the requirements in Art. III. Sec.D.1.a.1)(a), (c) and (d), above, and is also required to take and pass the examinations required for admission to the Bar for the member's license type.
- 4) A Disability Inactive status member may be reinstated to Active pursuant to the disciplinary rules applicable to their license type. Before being transferred to Active, after establishing compliance with the disciplinary rules, the member also must comply with the requirements in these Bylaws for Inactive members transferring to Active status.

### III. MEMBERSHIP

- 5) A member of any type who has transferred to Inactive status during the pendency of a grievance or disciplinary proceedings may not be transferred to Active except as provided herein and may be subject to such discipline by reason of any grievance or complaint as may be imposed under the ELC, ELPOC, or ELLLTC.

#### **b. Transfer from Judicial to Active.**

A Judicial member may request to transfer to any other status, including Active. Upon a Judicial member's resignation, retirement, or completion of such member's term of judicial office, such member must notify the Bar within 10 days, and any Judicial member desiring to continue his or her affiliation with the Bar must change to another membership status within the Bar.

- 1) A Judicial member who has complied with all requirements for maintaining eligibility to return to another membership status may transfer to Active by submitting an application for change to Active membership status and
  - (a) paying the then current Active license fee for the member's license type, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as a Judicial member for the same licensing year; and
  - (b) complying with the MCLE requirements for members returning from Inactive to Active. Either judicial continuing education credits or lawyer continuing education credits may be applied to the credit requirement for Judicial members transferring to Active. If judicial continuing education credits are applied, the standards for determining accreditation for judicial continuing education courses will be accepted as establishing compliance.
- 2) A Judicial member wishing to transfer to Active upon leaving service as a judicial officer who has failed in any year to provide the annual member registry information or pay the annual license fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Active, be required to pay the Active license fee for the member's license type any years the registry information was not provided or the Judicial fee was not paid, in addition to complying with the requirements of (a) above.

#### **c. Transfer from Pro Bono to Active**

A Pro Bono member may transfer to Active by complying with the requirements for members returning from Inactive to Active. There is no limit on how long a member may be Pro Bono before returning to Active status.

#### **d. Referral to Character and Fitness Board**

All applications for readmission, reinstatement or transfer to Active status will be reviewed by Bar staff and handled consistent with the provisions of APR 20-24.3. In all cases reviewed by it, the Character and Fitness Board has broad authority to recommend withholding a transfer to Active status or imposing

### III. MEMBERSHIP

conditions on readmission to Active status, which may include retaking and passing the licensing examination applicable to the member's license type. The member will be responsible for the costs of any investigation, examination, or proceeding before the Character and Fitness Board and the Washington Supreme Court.

#### E. CHANGE OF MEMBERSHIP STATUS TO INACTIVE

1. Any member who is an Active, Judicial, or Pro Bono member and who is not Suspended will become an Inactive member when the member files a request for Inactive membership with the Bar, in such form and manner as the Bar may require, and that request is approved.

Effective January 1, 2012, a Judicial member wishing to transfer to Inactive member status upon leaving service as a judicial officer, who has failed in any year to provide the annual member registry information or to pay the annual licensing fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Inactive, be required to pay the Active license fee for lawyer members for any years the registry information was not provided or the Judicial fee was not paid.

2. Members are transferred to Disability Inactive pursuant to Title 8 of the ELC, ELPOC, or ELLLTC. Any member seeking to transfer from Disability Inactive to Inactive member status must first establish that the member has complied with the requirements of Title 8 of the ELC, ELPOC, or ELLLTC, and then must submit a written request to make the change and comply with all applicable licensing requirements for Inactive members.
3. All members who have been Active or Judicial, or a combination of Active and Judicial, members for 50 years may qualify for Honorary status. A qualified member may request to change to Honorary status by submitting a written request and any required application.
4. An Active member may apply to change from Active to Inactive status while grievances or disciplinary proceedings are pending against such member. Such transfer, however, shall not terminate, stay or suspend any pending grievance or proceeding against the member.

#### F. CHANGE OF MEMBERSHIP STATUS TO JUDICIAL

An Active member may request to become a Judicial member of the Bar by submitting a written request on judicial letterhead and any required application, and complying with the provisions of these Bylaws.

#### G. CHANGE OF MEMBERSHIP STATUS TO PRO BONO

A member may become a Pro Bono member by complying with the requirements of APR 3(g), including payment of any required license fee, and passing a character and fitness review.

Effective January 1, 2012, a Judicial member wishing to transfer to Pro Bono status upon leaving service as a judicial officer who has failed in any year to provide the annual member registry information or to pay the annual licensing fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Pro Bono, be required to pay the Active license fee for any years the registry information was not provided or the Judicial fee was not paid.

### III. MEMBERSHIP

#### H. VOLUNTARY RESIGNATION

Voluntary resignation may apply in any situation in which a member does not want to continue practicing law in Washington for any reason (including retirement from practice) and for that reason does not want to continue membership in the Bar. A member may voluntarily resign from the Bar by submitting a written request for voluntary resignation to the Bar in such form and manner as the Bar may require. If there is a disciplinary investigation or proceeding then pending against the member, or if at the time the member submits the written request the member has knowledge that the filing of a grievance of substance against such member is imminent, resignation is permitted only under the provisions of the ELC, ELPOC, or ELLLTC. A member who resigns from the Bar cannot practice law in Washington in any manner. A member seeking readmission after resignation must comply with these Bylaws.

#### I. ANNUAL LICENSE FEES AND ASSESSMENTS

##### 1. License Fees

Unless established otherwise by order of the Washington Supreme Court, the following provisions apply to member license fees.

##### a. Active Members

- 1) Effective 2010, and all subsequent years, the annual license fees for Active members will be as established by resolution of the BOG, subject to review by the Washington Supreme Court.
- 2) First time admittees who are not admitted or licensed to practice law elsewhere, who take and pass the required examination for admission to practice law in Washington and are admitted in the first six months of the calendar year in which they took the exam, will pay 50% of the applicable full Active license fee for that year.
- 3) First time admittees who are not admitted or licensed to practice law elsewhere, who take and pass the required examination for admission to practice law in Washington and are admitted in the last six months of the calendar year in which they took the exam, will pay 25% of the applicable full Active license fee for that year.
- 4) First time admittees who are not admitted elsewhere, who take and pass the required examination for admission to practice law in Washington in one year but are not admitted until a subsequent year, shall pay 50% of the applicable full Active license fee for their first two license years after admission.
- 5) First time admittees who are admitted as a lawyer in one calendar year in another state or territory of the United States or in the District of Columbia by taking and passing a bar examination for that state, territory, or district, who become admitted as a lawyer in Washington in the same calendar year in which they took and passed the examination, will pay 50% of the full Active lawyer license fee if admitted in Washington in the first six months of that calendar year and 25% of the full active license fee if admitted in Washington in the last six months of that calendar year.

### III. MEMBERSHIP

- 6) All members in their first two full licensing years after admission or licensure to practice law in any jurisdiction will pay 50% of the applicable full Active license fee.
- 7) An Active member of the Bar who is activated from reserve duty status to full-time active duty in the Armed Forces of the United States for more than 60 days in any calendar year, or who is deployed or stationed outside the United States for any period of time for full-time active military duty in the Armed Forces of the United States will be exempt from the payment of license fees and assessments for the Client Protection Fund upon submitting to the Executive Director satisfactory proof that he or she is so activated, deployed or stationed. All requests for exemption must be postmarked or delivered to the Bar's offices on or before February 1st of the year for which the exemption is requested. Eligible members must apply every year they wish to claim the exemption. Each exemption applies for only the calendar year in which it is granted, and exemptions may be granted for a maximum total of five years for any member. Granting or denying an exemption under this provision is within the sole discretion of the Executive Director and is not appealable.

#### **b. Inactive Members**

- 1) The annual license fee for Inactive members will be as established by resolution of the BOG and as approved by the Washington Supreme Court. Except for the amount of the license fee itself, the annual license fee payment requirements, including deadlines and late payment fees, for Active members will apply to Inactive members.
- 2) Honorary and Disability Inactive status members will be exempt from license fees and assessments, unless otherwise provided by Supreme Court order.

#### **c. Judicial Members [Effective January 1, 2012]**

Judicial members who wish to preserve eligibility to transfer to another membership status upon leaving service as a judicial officer must pay the annual license fee established by the Bar and as approved by the Supreme Court. Except for the amount of the license fee itself, the annual license fee payment requirements, including deadlines and late payment fees, for Active members apply to Judicial members; however, Judicial members are not subject to administrative suspension for nonpayment of license or late payment fees.

#### **d. Pro Bono Members**

Pro Bono members must pay the annual license fee required of Inactive members with the same type of license unless the member qualifies for the license fee waiver as provided for in APR 3(g). Except for the amount of the license fee itself, the annual license fee payment requirements, including deadlines and late payment fees, for Active members apply to Pro Bono members.

### **2. Assessments**

Members must pay any Client Protection Fund assessment, and any other assessments, as ordered by the Washington Supreme Court.

### III. MEMBERSHIP

#### 3. Deadline and Late Payment Fee

License fees and mandatory assessments are due and payable on or before February 1st of each year, in such form and manner as required by the Bar, unless otherwise established by these Bylaws or the APR. Members who pay their license fees on or after February 2nd will be assessed a late payment fee of 30% of the total amount of the license fees required for that membership type and status. License fees for newly admitted members are due and payable at the time of admission and registration, and are not subject to the late payment fee.

#### 4. Rebates /Apportionments

No part of the license fees will be apportioned to fractional parts of the year, except as provided for new admittees by the BOG. After February 1st of any year, no part of the license fees will be rebated for any reason, including but not limited to death, resignation, suspension, disbarment, license termination, cancellation or revocation, or change of membership status.

#### 5. License Fee and Assessment Exemptions Due to Hardship

In case of proven extreme financial hardship, which must entail a current annual household income equal to or less than 200% of the federal poverty level as determined based on the member's household income for the calendar year immediately preceding the calendar year for which the member is seeking to be exempted from license fees, the Executive Director may grant an exemption from payment of annual license fees and assessments by any Active member. Hardship exemptions are for one licensing period only, and a request must be submitted on or before February 1st of the year for which the exemption is requested. Denial of an exemption request is not appealable. A member may be granted a hardship exemption a maximum of two times, on the basis of separate exemption requests, and the exemptions may be granted for consecutive or non-consecutive calendar years.

#### 6. License Fee Referendum

Once approved by the BOG, license fees shall be subject to the same referendum process as other BOG actions, but may not be modified or reduced as part of a referendum on the Bar's budget. The membership shall be timely notified of the BOG resolutions setting license fees both prior to and after the decision, by posting on the Bar's website, e-mail, and publication in the Bar's official publication.

### J. SUSPENSION

#### 1. Interim Suspension

Interim suspensions may be ordered during the course of a disciplinary or disability investigation or proceeding, as provided in the ELC, ELPOC, or ELLLTC, and are not considered disciplinary sanctions.

#### 2. Disciplinary Suspension

Suspensions ordered as a disciplinary sanction pursuant to the ELC, ELPOC, or ELLLTC are considered disciplinary suspensions.

### III. MEMBERSHIP

#### 3. Administrative Suspension

- a. Administrative suspensions are neither interim nor disciplinary suspensions, nor are they disciplinary sanctions. Except as otherwise provided in the APR and these Bylaws, a member may be administratively suspended for the following reasons:
  - 1) Nonpayment of license fees or late-payment fees;
  - 2) Nonpayment of any mandatory assessment (including without limitation the assessment for the Client Protection Fund);
  - 3) Failure to file a trust account declaration;
  - 4) Failure of a lawyer to file a professional liability insurance disclosure;
  - 5) Failure of a LLLT or LPO to provide proof of financial responsibility;
  - 6) Failure to comply with mandatory continuing legal education requirements;
  - 7) Nonpayment of child support;
  - 8) Failure to designate a resident agent or notify the Bar of change in resident agent or the agent's address;
  - 9) Failure to provide current information required by APR 13 or to notify the Bar of a change of information required by APR 13 within 10 days after the change; and
  - 10) For such other reasons as may be approved by the BOG and the Washington Supreme Court.
- b. Unless requirement for hearing and/or notice of suspension are otherwise stated in these Bylaws or the APR, ELC, ELPOC or ELLLTC, a member will be provided notice of the member's failure to comply with requirements and of the pendency of administrative suspension if the member does not cure the failure within 60 days of the date of the written notice, as follows:
  - 1) Written notice of non-compliance will be sent one time by the Bar to a member at the member's address of record with the Bar by registered or certified mail. Such written notice will inform the member that the Bar will recommend to the Washington Supreme Court that the member be suspended from membership and the practice of law if the member has not corrected the deficiency within 60 days of the date of the notice.
  - 2) In addition to the written notice described above, the Bar will make one attempt to contact the member at the telephone number(s) the member has made of record with the Bar and will speak to the member or leave a message, if possible. The Bar will also make one attempt to contact the member at the member's e-mail address of record with the Bar.
- c. Although not required to provide any additional notice beyond what is described above, the Bar may, in its sole discretion, make such other attempt(s) to contact delinquent members as it deems appropriate for that member's situation.
- d. A member failing to correct any deficiency after two months' written notice as provided above must be suspended from membership. The Executive Director must certify to the Clerk of the Supreme Court the name of any member who has failed to correct any deficiency, and when so ordered by the Supreme Court, the member will be suspended from membership in the Bar and from the practice of law in Washington. The list of

### III. MEMBERSHIP

suspended members may be provided to the relevant courts or otherwise published at the discretion of the BOG.

#### 4. Multiple Suspensions

A member may be suspended from membership and from the practice of law for more than one reason at any given time.

#### K. CHANGING STATUS AFTER SUSPENSION

1. Upon the completion of an ordered disciplinary or interim suspension, or at any time after entry of an order for an administrative suspension, a suspended member may seek to change status from suspended to any other membership status for which the member qualifies at the time the change in status would occur.
2. Before changing from suspended status, a member who is suspended pursuant to an interim or disciplinary suspension must comply with all requirements imposed by the Washington Supreme Court and/or the applicable disciplinary rules in connection with the disciplinary or interim suspension. Additionally, such member must comply with all other requirements as stated in these Bylaws and in the applicable APR.
3. If a member was suspended from practice for more than one reason, all requirements associated with each type of suspension must be met before the change from suspended status can occur.
4. Unless otherwise provided in the applicable APR, a suspended member may seek to change status by:
  - a. paying the required license fee and any assessments for the licensing year in which the status change is sought, for the membership status to which the member is seeking to change. For members seeking to change to Active or any other status from suspension for nonpayment of license fees, the required license fee will be the current year's license fee and assessments, the assessments for the year of suspension, and double the amount of the delinquent license fee and late fees for the license year that resulted in the member's suspension;
  - b. completing and submitting to the Bar an application for change of status, any required or requested additional documentation, and any required application or investigation fee, and cooperating with any additional character and fitness investigation or hearing that may be required pursuant to APR 20-24.3; and
  - c. completing and submitting all licensing forms required for the license year for the membership status to which the member is seeking to change.
  - d. In addition to the above requirements:
    - 1) Any member seeking to change to Active who was Suspended, or any combination of Suspended and Inactive, for less than six consecutive years must establish that within the six years prior to the return to active status, the member has earned and reported approved MCLE in a manner consistent with the requirements for one reporting period for an Active member with the same license type. However, if the member has been Suspended and/or Inactive for one year or less and the member was required to report

### III. MEMBERSHIP

MCLE compliance during the time the member was Suspended and/or Inactive, the member must establish that the member is compliant with the MCLE credits the member would have been required to report that period.

- 2) Any member seeking to change to Active who was Suspended, or any combination of Suspended and Inactive, for six or more consecutive years must establish that within the three years prior to the return to Active status, the member has earned and reported approved MCLE credits in a manner consistent with the requirement for one reporting period for an Active member with the same license type. In addition, the member must have completed the applicable readmission/reinstatement course as set forth in Art. III. Sec.D.1.a)(2).

Any member completing such course will be entitled to credit towards mandatory continuing legal education requirement for all CLE credits for which such reinstatement/readmission course is accredited. It is the member's responsibility to pay the cost of attending the course. The member must comply with all registration, payment, attendance, and other requirements for such course, and will be responsible for obtaining proof of attendance at the entire course and submitting or having such proof submitted to the Bar.

#### **L. REINSTATEMENT AFTER DISBARMENT OR REVOCATION**

Applicants seeking reinstatement after disbarment or revocation must file a petition for reinstatement and otherwise comply with the requirements of the APR relating to reinstatement after disbarment or revocation. If the petition is granted and reinstatement is recommended, the petitioner must take and pass the required examination for admission and comply with all other admission and licensing requirements applicable to the member's license type for the year in which the petitioner is reinstated.

#### **M. REINSTATEMENT AFTER RESIGNATION IN LIEU OF DISCIPLINE, DISBARMENT, OR REVOCATION**

No former member will be allowed to be readmitted to membership of any type after entering into a resignation in lieu of discipline, disbarment, or revocation pursuant to the ELC, ELPOC, or ELLLTC. Persons who were allowed to resign with discipline pending under former provisions of these Bylaws prior to October 1, 2002, may be readmitted on such terms and conditions as the BOG determines, provided that if the person resigned with discipline pending and a prior petition for reinstatement or readmission has been denied, no petition may be filed or accepted for a period of two years after an adverse decision on the prior petition for reinstatement or readmission.

#### **N. READMISSION AFTER VOLUNTARY RESIGNATION**

Any former member who has resigned and who seeks readmission to membership must do so in one of two ways: by filing an application for readmission in the form and manner prescribed by the Bar, including a statement detailing the reasons the member resigned and the reasons the member is seeking readmission, or by seeking admission by motion pursuant to APR 3(c) (if the former member is

### III. MEMBERSHIP

licensed as a lawyer in another U.S. jurisdiction and would otherwise qualify for admission under that rule).

1. A former member filing an application for readmission after voluntary resignation must:
  - a. pay the application fee, together with such amount as the BOG may establish to defray the cost of processing the application and the cost of investigation; and
  - b. establish that such person is morally, ethically and professionally qualified to be licensed as the applicable member type and is of good moral character and has the requisite fitness to practice law consistent with the requirements for other applicants for admission to practice law as the applicable member type. An application for readmission will be subject to character and fitness investigation and review as described in APR 20-24.3, consistent with other applications for admission.
  - c. In addition to the above requirements, if an application for readmission is granted and:
    - 1) it has been less than four consecutive years since the voluntary resignation, the applicant must establish:
      - (a) that within the three years prior to readmission the former member has earned and reported approved MCLE credits in a manner consistent with the requirement for one reporting period for an Active member of the same license type, without including the credits that might otherwise be available from the reinstatement/readmission course; and
      - (b) attend and complete the applicable Bar-sponsored reinstatement/readmission course as set forth in Art. III.Sec.D.1.a)(2).
    - 2) it has been four or more consecutive years since the voluntary resignation, the applicant must take and pass the applicable examination required for admission.
  - d. Upon successful completion of the above requirements, the former member must satisfy the preadmission requirements and be admitted by Supreme Court order as set forth in APR 5, except that:
    - 1) A lawyer who has been resigned for less than four years need not take and pass the Washington Law Component; and
    - 2) A LLLT applicant who has been resigned less than four consecutive years need not demonstrate completion of substantive law-related work experience.
2. A voluntarily resigned former member seeking readmission through admission by motion pursuant to APR 3(c) must comply with all requirements for filing such application and for admission upon approval of such application.

#### O. EXAMINATION REQUIRED

All applications for reinstatement after disbarment or revocation will be subject to character and fitness review, and taking and passing the examination for admission for the applicable license type, pursuant to the provisions of APR 25-25.6. All applications for readmission after voluntary resignation will be subject to character and fitness review pursuant to the provisions of APR 20-24.3. All applications for reinstatement to Active status from Suspended status will be handled in a similar fashion to applications for a return to Active status from Inactive status. The Character and Fitness Board, and (on review) the

### III. MEMBERSHIP; IV. GOVERNANCE

Washington Supreme Court, have broad authority to withhold a transfer to Active or to impose conditions on reinstatement or readmission to Active membership, which may include taking and passing the applicable examination for admission, in cases where the applicant fails to meet the burden of proof required by APR 20-24.3. The member/former member will be responsible for the costs of any investigation, bar examination, or proceeding before the Character and Fitness Board and the Washington Supreme Court.

## IV. GOVERNANCE

### A. BOARD OF GOVERNORS

The Board of Governors (BOG) is the governing body of the Bar. It determines the policies of the Bar and approves its budget each year. Subject to the plenary authority and supervision of the Washington Supreme Court and limitations imposed by Statute, Court Rule, Court Order, or case law, the Board possesses all power and discretion on all matters concerning the WSBA. The Board may delegate the exercise of its authority but that does not constitute a transfer of it. The Board's authority is retained and may be exercised at any time upon a majority vote of the Board.

#### 1. Composition of the Board of Governors

The BOG will consist of (a) the President; (b) one Governor elected from each Congressional District, except in the Seventh Congressional District where members will be elected from separate geographic regions designated as North and South, and identified by postal zip codes as established by the Bar in accordance with these Bylaws and BOG policy; and (c) three Governors elected at-large pursuant to these Bylaws.

#### 2. Duties

- a. The BOG elects the President-elect of the Bar.
- b. The BOG selects the Bar's Executive Director and annually reviews the Executive Director's performance.
- c. Regardless of the method by which any person is selected to serve on the BOG, each Governor will act in the best interest of all members of the Bar and the public. Each Governor is primarily obligated to ensure that the Bar fulfills the mandate set forth in General Rule 12.1, carries out the mission of the Bar, and operates in accordance with the Bar's Guiding Principles.
- d. Each Governor is expected to engage with members about BOG actions and issues, and to convey member viewpoints to the Board. In representing a Congressional District, a Governor will at a minimum: (1) bring to the BOG the perspective, values and circumstances of her or his district to be applied in the best interests of all members, the public and the Bar; and (2) bring information to the members in the district that promotes appreciation of actions and issues affecting the membership as a whole, the public and the organization.
- e. Each Governor appointed to serve as a BOG liaison to a committee, task force, council, section, board, or other entity has the responsibility to fulfill those liaison duties on behalf

## IV. GOVERNANCE

of the BOG. Governors appointed to serve as BOG liaisons are not voting members of those entities. BOG liaisons must not be excluded but will not participate in those entities' executive sessions or confidential deliberations except when requested to do so as a resource.

- f. Meetings of the BOG will be held as provided in these Bylaws. Each Governor must attend all board meetings except in cases of emergency or compelling circumstance that prevents participation.

### 3. Term

Governors will assume their duties at the close of the final regularly scheduled BOG meeting of the fiscal year in which they were elected. Governors serve a term of three years, except as may be otherwise provided by these Bylaws.

### 4. Vacancy

- a. A vacancy may arise due to resignation, death, removal by BOG, or recall by members.
  - 1) Removal by the Board of Governors. Any Governor may be removed from office for good cause by a 75% vote of the entire BOG exclusive of the Governor subject to removal, who will not vote. The vote will be by secret written ballot. Good cause for removal includes, without limitation, incapacity to serve, serious or repeated failures to meet the duties outlined in these Bylaws, or conduct or activities that bring discredit to the Bar.
  - 2) Recall by Members. Any Governor may be removed from the BOG by a recall by members, in accordance with the procedures set forth in these Bylaws.
- b. Response to a Vacancy
  - 1) If a vacancy occurs for any reason and 12 months or less remain in that Governor's term, in the BOG's sole discretion the position may remain vacant until the next regularly scheduled election for that Governor position. In that event, no interim governor will be elected or appointed to the position.
  - 2) If a vacancy occurs due to resignation, death, or the removal of a Governor by the BOG, and more than 12 months remain in that Governor's term, the BOG must elect a candidate eligible for that position to serve as Governor until the next regularly scheduled election for that Governor position.
  - 3) If a Governor is removed due to recall and more than 12 months remain in that Governor's term, a special election will be conducted using the general procedures set forth in the "Election of Governors from Congressional Districts" provisions of these Bylaws. The application period for any special election held pursuant to this paragraph must be no less than 30 days and must, at a minimum, be prominently posted on the Bar's website and e-mailed to all members eligible to vote in the election.
  - 4) Regardless of whether a special election will be held to fill a Governor position that is vacant due to recall by the members, such position will not be filled by any interim governors selected by the BOG or appointed by the President.

## IV. GOVERNANCE

### B. OFFICERS OF THE BAR

The officers of the Bar consist of a President, President-elect, Immediate Past-President, and Treasurer. The Executive Director of the Bar serves as secretary in an ex officio capacity. Except for the Executive Director, all officers must be Active lawyer members of the Bar.

#### 1. President

The President is the chief spokesperson of the Bar, and presides at all meetings of the BOG. The President has the authority to: set the agenda however that authority is secondary to the authority of the Board of Governors at any Board meeting to take action on any issue raised by a duly seconded motion; take action to execute the policies established by the BOG; assign Governors as liaisons to Bar sections, committees, or task forces, specialty bar associations, and other law related organizations; and to appoint task forces, BOG committees, or other ad hoc entities to carry out policies established by the BOG. The President also performs any other duties typically performed by an organization's President. The President may vote only if the President's vote will affect the result. The President must present a report to the membership covering the principal activities of the Bar during the President's tenure.

#### 2. President-elect

The President-elect performs the duties of the President at the request of the President, or in the absence, inability, recusal, or refusal of the President to perform those duties. The President-elect also performs such other duties as may be assigned by the President or the BOG. The President-elect is not a voting member of the BOG except when acting in the President's place at a meeting of the BOG and then only if the vote will affect the result.

#### 3. Immediate Past President

The Immediate Past President performs such duties as may be assigned by the President or the BOG. The Immediate Past President will perform the duties of the President in the absence, inability, recusal, or refusal of the President, President-elect, and Treasurer to perform those duties. Among the duties specifically assigned to the Immediate Past President is to work on behalf of the BOG and the officers to ensure appropriate training and education of new BOG members and officers during their term.

The Immediate Past President is not a voting member of the BOG except when acting in the President's place at a meeting of the BOG and then only if the vote will affect the result.

#### 4. Treasurer

The Treasurer chairs the Budget and Audit Committee and is responsible for ensuring that the BOG and officers are informed about the finances of the Bar. The Treasurer will perform the duties of the President in the absence, inability, recusal, or refusal of the President and the President-elect to perform those duties. The Treasurer also performs such other duties as are assigned by the President or the BOG.

#### 5. Executive Director

## IV. GOVERNANCE

The Executive Director is the principal administrative officer of the Bar. The Executive Director is responsible for the day-to-day operations of the Bar including, without limitation: (1) hiring, managing and terminating Bar personnel, (2) negotiating and executing contracts, (3) communicating with Bar members, the judiciary, elected officials, and the community at large regarding Bar matters, (4) preparing an annual budget for the Budget and Audit Committee, (5) ensuring that the Bar's books are kept in proper order and are audited annually, (6) ensuring that the annual audited financial report is made available to all Active members, (7) collecting debts owed to the bar and assigning debts for collection as deemed appropriate, (8) acquiring, managing, and disposing of personal property related to the Bar's operations within the budget approved by the BOG, (9) attending all BOG meetings, (10) reporting to the BOG regarding Bar operations, (11) ensuring that minutes are made and kept of all BOG meetings, and (12) performing such other duties as the BOG may assign. The Executive Director serves in an ex officio capacity and is not a voting member of the BOG.

### 6. Terms of Office

- a. The President-elect is elected by the BOG, as set forth in these Bylaws. The President-elect succeeds the President unless removed from office pursuant to these Bylaws.
- b. The President-elect and Treasurer take office at the close of the final regularly scheduled BOG meeting of the fiscal year in which they were elected to those positions. The President takes office at the close of the final regularly scheduled BOG meeting of the fiscal year in which he or she served as President-elect. The Immediate Past President takes office at the close of the final regularly scheduled BOG meeting of the fiscal year in which he or she served as President.
- c. The term of office of each officer position is one year; however, the Executive Director serves at the direction of the BOG and has an annual performance review. No individual shall serve as Executive Director for more than ten years, except that the Board of Governors may extend the contract for the Executive Director past that period, in its discretion, by a 66% super-majority vote for terms of two year increments.

### 7. Vacancy

- a. The President, President-Elect, Immediate Past President, and Treasurer may resign or be removed from office for good cause by an affirmative vote of 75% of the entire BOG. Good cause for removal includes, without limitation, incapacity to serve, serious or repeated failures to meet the duties outlined in these Bylaws, or conduct or activities that bring discredit to the Bar.
  - 1) Upon removal or resignation of the President, the President-elect will fill the unexpired term of the President and then serve the term for which he or she was elected President. If there is no President-elect, then the BOG will elect such other person as it may determine, with the Treasurer performing the duties of the President until the BOG elects a new President.
  - 2) Upon removal or resignation of the President-elect, or ascendancy of the President-elect to the Presidency pursuant to paragraph (1) above, the BOG will elect a new President-elect (from Eastern Washington if the President-elect is mandated to be from Eastern Washington per these Bylaws).

## IV. GOVERNANCE

- 3) Upon disqualification, removal, or resignation of the Immediate Past President, the office will remain vacant until the close of the term of the then-current President. If the office of Immediate Past President would otherwise become vacant because the President was removed or resigned during his or her term, the most recent Immediate Past President will remain in office for another term. If the most recent Immediate Past President is unable or unwilling to serve another term, the President may appoint, subject to approval of the BOG, a person eligible to serve as an officer to act as Immediate Past President for the otherwise vacant term. This appointment may be done prior to the start of the otherwise vacant term, but the appointed Immediate Past President will not assume office until the close of the term of the then-current Immediate Past President. If the appointment is done after the otherwise vacant term begins, the appointed Immediate Past President will assume office immediately upon BOG approval.
  - 4) Upon removal or resignation of the Treasurer, the BOG will elect a new Treasurer pursuant to the procedures set forth in these Bylaws.
- b. The Executive Director is appointed by the BOG, serves at the direction of the BOG, and may be dismissed at any time by the BOG without cause by a majority vote of the entire BOG. If dismissed by the BOG, the Executive Director may, within 14 days of receipt of a notice terminating employment, file with the Supreme Court and serve on the President, a written request for review of the dismissal. If the Supreme Court finds that the dismissal of the Executive Director is based on the Executive Director's refusal to accede to a BOG directive to disregard or violate a Court order or rule, the Court may veto the dismissal and the Executive Director will be retained.

### C. BOARD OF GOVERNORS COMMITTEES

1. The BOG may delegate work to BOG standing committees, special committees, work groups, or other subgroups however defined, the membership of which will be established by the President with due consideration given to Governors' membership requests. The BOG standing committees include, at a minimum, the following: Executive Committee; Awards Committee; Budget and Audit Committee; Legislative Committee; and Personnel Committee.
2. The purpose of BOG committees, regardless of what they are called, is to make recommendations and make the work of the BOG more efficient. Consensus should govern meetings of BOG committees whenever possible. If a BOG committee is unable to reach a consensus, the committee will vote. Only Governors may vote on standing Board committees. Voting members of ad hoc committees will be determined by the Board on a case-by-case basis.
3. Meetings of BOG committees are open to the public, unless provided otherwise in these Bylaws or by court rule. The ability to participate in and comment at BOG committee meetings is in the discretion of the Chair as provided in these Bylaws.
4. BOG Legislative Committee
  - a. Purpose: The BOG Legislative Committee is authorized to propose or adopt positions on behalf of the BOG with respect to legislation that has been introduced or is expected to be

## IV. GOVERNANCE

introduced in the Washington State Legislature, including the authority to propose amendments to legislation or to adopt positions on amendments to legislation. The BOG Legislative Committee is authorized to review and approve proposed comments to Court Rules, so long as the deadline for submission is before the next regularly scheduled meeting of the Board of Governors.

- b. Membership: The President appoints the Committee, which consists of the following voting members:
  - 1) Eight Governors, including the Treasurer;
  - 2) the President;
  - 3) the President-elect; and
  - 4) the Immediate Past President.

The President selects the Chair from among the Governors appointed to the Committee.

- c. Procedure: Consideration of legislation by the Committee proceeds in the following order:
  - 1) The Committee first determines, by a two-thirds majority vote of those voting, whether the legislation is within the scope of GR 12.1 and whether it is appropriate under the circumstances for the Committee to determine a position on the legislation on behalf of the BOG.
  - 2) If the determination in subsection (1) above is affirmative, then the Committee will determine by a two-thirds majority vote of those voting what position, if any, to adopt on the legislation on behalf of the BOG.
  - 3) The Committee may determine that major or novel legislative issues will be referred to the BOG for consideration.
  - 4) Any issues to be considered or actions taken by the Committee must be promptly communicated to the BOG by electronic delivery; and actions taken by the Committee must also be communicated at the next BOG meeting.
  - 5) Due to the Committee's unique need to be able to act quickly to address issues that arise during a regular or special legislative session, between meetings the Committee may discuss and vote on issues by e-mail; however, if any Committee member objects to using an e-mail process for any particular issue, the Committee will take up that issue at its next scheduled Committee meeting.
  - 6) When reviewing a proposed comment for a Court Rule that has a submission deadline prior to the next regularly scheduled Board of Governors meeting, a simple majority of the BOG Legislative Committee present at a regular or special meeting of the Committee may approve the comment for submission with the same effect as if it has been approved by the Board of Governors.
- d. Quorum: A quorum consists of a majority of the Committee's voting members.
- e. Committee Meetings: The Committee may meet in executive session, with no persons present except the members of the Committee, other members of the BOG, the Executive Director, the Legislative Liaison, and such others as the Committee may authorize. Committee meetings may be held electronically.

## IV. GOVERNANCE

### D. POLITICAL ACTIVITY

#### 1. Board of Governors

- a. The BOG acting as a board must not publicly support or oppose, in any election, any candidate for public office.
- b. The BOG acting as a board must not take a side or position publicly or authorize any officer or the Executive Director to take a side or position publicly on any issue being submitted to the voters or pending before the legislature, unless the matter is considered in public session at a meeting of the BOG with advance notice to the Bar's membership, and the following requirements are met:
  - 1) The BOG first votes to determine whether the issue is within the scope of GR 12.1; and
  - 2) If the BOG determines that the matter is within the scope of GR 12.1, then the BOG will vote to determine what position, if any, to adopt on the issue.
- c. The restriction applies fully to prohibit:
  - 1) the use of the name or logo of the Bar;
  - 2) the contribution of funds, facility use, or Bar staff time;
  - 3) participation or support to any degree in the candidate's campaign, or the campaign on either side of the issue.
- d. The restriction does not apply to matters that are exclusively related to the administration of the Bar's functions or to any issue put to a vote of the Bar's membership.

Notice of any BOG position or authorization to the President or Executive Director to take a position must be published on the Bar's website as soon as possible after the meeting at which the final action is taken.

#### 2. President and President-elect

The President and President-elect must not publicly support or oppose, in an election, any candidate for public office. This restriction applies fully to prohibit:

- a. the use of the President's and President-elect's name,
- b. the contribution of funds, or
- c. participation or support to any degree in the candidate's campaign.

Further, the President and President-elect must not take a side publicly on any issue being submitted to the voters, pending before the legislature or otherwise in the public domain except when specifically authorized or instructed by the BOG to do so on a matter relating to the function or purposes of the Bar.

#### 3. Governors, other Officers, and Executive Director

Governors, other officers, and the Executive Director must not publicly support or oppose, in an election, any candidate for public elective office in the State of Washington the prerequisites for which include being an attorney, except where the candidate is a member of that person's immediate family. This restriction applies fully to prohibit:

## IV. GOVERNANCE

- a. the use of the Governor's, officer's, or Executive Director's name,
- b. the contribution of funds, or
- c. participation or support to any degree in the candidate's campaign.

The term "immediate family" as used in this Article includes a sibling, parent, spouse, domestic partner, child and the child of a spouse or domestic partner.

### 4. Other

If any officer, Governor, or the Executive Director supports or opposes any candidate or issue as permitted in this Article, then that person must not state or imply that he or she is acting in his or her capacity as officer, Governor or Executive Director of the Bar unless specifically authorized to do so by the BOG.

### 5. Letterhead

Use of Bar letterhead is limited to official business of the Bar and specifically must not be used for personal or charitable purposes, or in connection with any political campaign or to support or oppose any political candidate. Bar letterhead must not be used to support or oppose any public issue unless the BOG has taken a position on the issue.

## E. REPRESENTATION OF THE BAR

Except as specifically set forth in these Bylaws, no committee, section, task force, or other Bar entity, or member thereof, member of the BOG, or officer or employee of the Bar is permitted to speak for or represent the Bar, or any committee, section, task force, or entity thereof, before any legislative body, in any court, before any other tribunal or in any communication to the Governor or the Attorney General of the State, unless prior authorization to do so has been specifically granted by the BOG by policy adopted by the BOG or by specific BOG action.

1. As the chief spokesperson of the Bar, the President has the authority to take action to execute the policies established by the BOG, and to serve as the representative of the Bar in connection therewith.
2. The BOG Legislative Committee is specifically authorized, under the terms of these Bylaws, to propose or adopt positions on behalf of the BOG with respect to legislation that has been introduced or is expected to be introduced in the Washington State Legislature, including the authority to propose amendments to legislation or to adopt positions on amendments to legislation. The BOG Legislative Committee is further authorized to approve proposed comments to Court Rules, so long as the deadline for the comment submission occurs before the next regularly scheduled Board of Governors meeting.

## **IV. GOVERNANCE; V. APPROPRIATIONS AND EXPENSES**

3. The Executive Director may communicate with Bar members, the judiciary, elected officials, and the community at large regarding Bar matters and policies established by the BOG, and is not required to obtain prior approval from the BOG before doing so.
4. Bar employees whose job duties require them to do so, and independent counsel retained at the direction of the President or the BOG, are specifically authorized to represent the Bar, or any committee, section, or task force thereof, before any legislative body, in any court, before any other tribunal or in any communication to the Governor or the Attorney General of the State as may be necessary to perform their job duties.

## **V. APPROPRIATIONS AND EXPENSES**

### **A. APPROPRIATIONS**

Appropriations of Bar funds and authorization for payment of expenses will be made by the BOG through the adoption of an annual budget or by special appropriation as required.

1. The President appoints a BOG Budget and Audit Committee, which consists of a minimum of two Governors from each class, not to exceed eight Governors, one of whom must be the Treasurer. The President, President-Elect, Executive Director and Chief Financial Officer serve as ex officio, non voting members, and the Treasurer serves as Chair of the Committee and has a vote on the committee.
2. The Treasurer, together with the Budget and Audit Committee, will present a proposed Annual Budget to the BOG for approval prior to each fiscal year.
3. Decisions regarding non-budgeted appropriations must be made in accordance with the BOG-approved fiscal policies and procedures.

### **B. EXPENSES; LIMITED LIABILITY**

1. Requests for payment must be in such form and supported by such documentation as the BOG prescribes.
2. The financial obligation of the Bar to any Bar entity is limited to the amount budgeted and ceases upon payment of that amount unless the BOG authorizes otherwise.
3. Any liability incurred by any Bar entity, or by its members, in excess of the funds budgeted, will be the personal liability of the person or persons responsible for incurring or authorizing the liability.
4. Any liability incurred by any Bar entity, or by its members, not in accordance with the policies of the BOG or in conflict with any part of these Bylaws, will be the personal liability of the person or persons responsible for incurring or authorizing the liability.

## VI. ELECTIONS

### VI. ELECTIONS

#### A. ELIGIBILITY FOR MEMBERSHIP ON BOARD OF GOVERNORS

1. Governors from Congressional Districts: Any Active member of the Bar, except a person who has previously served as a Governor for more than 48 consecutive months, may be nominated or apply for election as Governor from the Congressional District, or geographic regions within the Seventh Congressional District, in which such person resides.

Members that have served as Governors for more than 48 consecutive months at time of filing an application, are not eligible to be nominated or apply for election or appointment as Governor from the Congressional District, At-Large Governor position, or geographic regions within the Seventh Congressional District, in which such person resides, for a period of 36 months after the conclusion of that term of service. Any disputes regarding the eligibility of a member to serve on the Board of Governors shall be addressed by the Board of Governors.

2. At Large Governors: There will be a total of three At Large Governor positions.
  - a. Two At Large (“Member At Large Governor”) Positions: Any Active member of the Bar, except a person who has previously served as a Governor for more than 48 consecutive months, may be nominated or apply.
  - b. One New and Young Lawyer (“New and Young Lawyer At Large Governor”) Position: Any Active lawyer member of the Bar who qualifies as a New and Young Lawyer as set forth in these Bylaws, except for a person who has previously served as a Governor for more than 48 consecutive months, may be nominated or apply.
3. Filing of nominations and applications must be in accordance with this Article.

#### B. NOMINATIONS AND APPLICATIONS

1. Applications for the Board of Governors elected from Congressional Districts must be filed in the office of the Bar not later than 5:00 p.m., on the 15th day of February of the year in which the election is to be held. If this deadline falls on a day in which the office of the Bar is closed, the deadline will be 5:00 p.m. of the following business day.
2. Applications and nominations for At Large Governor positions must be filed in the office of the Bar not later than 5:00 p.m. on the 15<sup>th</sup> day of April of the year in which the election or nomination is to be held.
3. Applications for the position of President-elect must be filed by the deadline set forth in the notice published in the Bar’s official publication and posted on the Bar’s website. Notice must be given not less than 30 days before the filing deadline.
4. In the event no application is made for a seat, the position will be treated, advertised, and filled by Board appointment until the next election cycle only, in which the position will be included in the election cycle for the remainder of the term.

## VI. ELECTIONS

### C. ELECTION OF GOVERNORS

1. Election of one Governor from each Congressional District and for the At Large positions will be held every three years as follows:
  - a. Third, Sixth, Eighth Congressional Districts and the North region of the Seventh Congressional District and one At Large Member Governor – 2014 and every three years thereafter.
  - b. First, Fourth, Fifth Congressional Districts and the South region of the Seventh Congressional District and one At Large New and Young Lawyers Governor – 2015 and every three years thereafter.
  - c. Second, Ninth and Tenth Congressional Districts and one At Large Member Governor – 2013 and every three years thereafter.
2. Voting in the Election of Governors from Congressional Districts will be conducted in the following manner:
  - a. Eligibility to Vote. All Active members, as of March 1st of each year, are eligible to vote in the BOG election for their district, subject to the election schedule shown above. Active members residing in the State of Washington may only vote in the district in which they reside. Active members residing outside the State of Washington may only vote in the district of the address of the agent they have designated within the State of Washington for the purpose of receiving service of process as required by APR 13, or, if specifically designated to the Executive Director, within the district of their primary Washington practice.
  - b. Ballots. On March 15th of each election year, the Executive Director will ensure delivery of ballots containing the names of all candidates for Governor for each District in which an election is to be held to each Active member eligible to vote in that District. Elections will be conducted electronically using a secure process (“electronic voting”). Active members who are eligible to vote in an election may request a paper ballot to be used in place of the electronic ballot. Electronic ballots will be sent to active members eligible to vote in an election, and will include information about how to vote by electronic voting. Should any Active member eligible to vote fail to receive a ballot, or receive a defective ballot, the member may obtain a replacement ballot by furnishing proof of eligibility to the Executive Director, and upon returning the defective ballot if the member received a paper ballot.
  - c. Voting Procedure. Each Active member eligible to vote in the election may vote in one of the following ways. Each member has only one vote. Only one vote will be counted from any member who inadvertently votes both by paper ballot and by electronic means:
    - 1) By paper ballot. Paper ballots will be available upon request. The member must submit the request by March 15<sup>th</sup> and cause the envelope containing the ballot to be delivered to the office of the Bar by no later than 5:00 p.m. (PDT) on April 1st of that election year. Alteration of or addition to the ballot, other than the marking of the member's choice, invalidates the ballot.
    - 2) By electronic voting. Voters will be sent links to their ballots via email. Voting must be completed by no later than 5:00 p.m. (PDT) on April 1st of that election year.

## VI. ELECTIONS

- d. **Voting System.** In any election for membership on the BOG, if there is only one qualified candidate nominated, then that candidate will be declared elected. If there are only two candidates for a position, then the candidate receiving the highest number of votes will be declared elected. If there are more than two candidates, and if no candidate receives more than 50% of the total vote, the two candidates receiving the highest number of votes will participate in a run-off election. In the event of a tie for the second highest vote total, all candidates who are tied will participate in the run-off election along with the candidate who received the most votes.

If a run-off election is necessary, the Executive Director in consultation with the President will designate the date for delivering the ballots and the deadline for voting, which will be no later than 5:00 p.m. (PDT), 10 days after the date the ballots are delivered. The candidate receiving the highest number of votes will be declared elected.

- e. **Checking and Custody of Ballots.** The Executive Director will maintain custody of all satisfactorily identified and signed paper ballot envelopes, segregated as to position. The paper ballot will remain in the custody of the Executive Director until counted. Any paper ballots not enclosed in an envelope, satisfactorily identified and signed, will not be counted.
- f. **Electronic votes** must be verified and securely stored by the online voting vendor.
- g. **Counting of Ballots.** Paper ballots will be counted by the Executive Director or their designee under the supervision of the Election Board, and electronic ballots will be counted by the online voting vendor. The ballot verification process will be supervised by an Election Board of not less than three Active members appointed by the President. At least two members of the Election Board must be present (in person or by video conference) at any count of paper ballots. Any Active member of the Bar may be present at such count of paper ballots.

The Executive Director will establish and follow a procedure that will ensure that no member's vote is counted more than once.

Promptly upon determination of the election results, the Election Board will forward the results to the Executive Director, who will notify each candidate as promptly as reasonably possible of the result of the election and publicly announce the election of the successful candidates. Official written notice of the election results also will be emailed to each candidate.

- h. **Retaining Ballots.** All paper ballots and identifying return envelopes must be retained in the custody of the Executive Director. The elections vendor must retain the electronic voting data, and maintain an auditable trail of the election, for no less than 90 days after the close of the election.
- i. If no challenge to the ballot count has been made after 90 days, the ballots and identifying return envelopes may be destroyed, and the Executive Director will notify the vendor to destroy the data and auditable trail for that election.

## VI. ELECTIONS

### 3. Eligibility Requirements: Election of At-Large Governors

At-Large Governors shall be elected by the Members as follows:

- a. Member At Large Governors: After notice of the position has been adequately provided to all members, the Diversity, Equity and Inclusion (DEI) Council shall forward at least three candidates who have a lived experience and knowledge of the needs of those members whose membership is or may be historically underrepresented in governance to the end that the BOG will be a more diverse and representative body than the results of the election of Governors based solely on Congressional Districts may allow. Diversity refers to meaningful representation of, and equal opportunities for, individuals who have a lived experience as a member from one or more historically underrepresented communities in the legal profession. Underrepresentation encompasses and is not limited to, race, disability, age, ethnicity, religion, sexual orientation, gender identity, and gender expression. The Executive Director shall then place all candidates forwarded by the DEI Council on the ballot to be elected by all eligible voting members. If the DEI Council forwards less than three candidates by May 1, the Executive Director shall notify the BOG, which may, at its option, select additional qualifying candidates on its own or place only those candidates forwarded by the DEI Council on the ballot to be elected by all eligible voting members.
  - b. New and Young Lawyers At Large Governor: By May 1, the Washington New and Young Lawyers Committee shall forward at least three candidates to the BOG who qualify as New and Young Lawyers as defined by Article XII(B) of these Bylaws in the year of the election. The BOG shall then place all candidates forwarded by the Washington New and Young Lawyers Committee on the ballot to be elected by a vote of all New and Young Lawyer Members as defined in section XII(B) of these Bylaws. If the Washington New and Young Lawyers Committee forwards less than three candidates by May 1, the Executive Director shall notify the BOG, which may, at its option, select additional qualifying candidates on its own or place only those candidates forwarded by the Washington New and Young Lawyers Committee on the ballot to be elected by a vote of all New and Young Lawyer Members as defined in section XII(B) of these Bylaws.
4. Voting in the Election of Member At Large Governor positions will be conducted in the following manner:
- a. Voting Procedure for the At Large Governor positions shall follow the procedures described above with the exception of the dates of the election.
  - b. Election will begin on May 15.
  - c. Voting must be completed no later than 5:00 p.m. (PDT) on June 1 of that election year.

## D. ELECTIONS BY BOARD OF GOVERNORS

### 1. Office of President-Elect.

The BOG will elect an Active lawyer member of the Washington State Bar Association to serve as President-elect. The election shall take place during a BOG meeting not later than the 38th week of each fiscal year, and will be by secret written ballot. The President-elect will take office upon the incumbent President-elect becoming President or upon vacancy of the office of President-elect.

## VI. ELECTIONS

If at the time of election, no President-elect in the preceding three years was an individual whose primary place of business was located in Eastern Washington, the President-elect must be an individual whose primary place of business is located in Eastern Washington. For purposes of these Bylaws, “Eastern Washington” is defined as that area east of the Cascade mountain range generally known as Eastern Washington. In any year where the President-elect must be an individual from Eastern Washington and no qualifying application is received within the timeframe allowed, the President will advise the BOG, and the BOG, at any regular meeting or special meeting called for that purpose, will establish procedures to re-open and extend the application period or otherwise address the issue. Such action by the BOG may include waiver of any geographic limitation for the year in question.

### 2. Treasurer

The Treasurer must be a current lawyer Governor and will be nominated and elected by the BOG at the second to the last regularly scheduled BOG meeting of the fiscal year. The Treasurer will be elected by simple majority of Governors voting. In the event there is more than one nomination, the vote will be by secret written ballot.

### 3. Election Procedures for President and President-elect

Elections of President and President-elect elections, and any other elections held by the BOG under these Bylaws, are conducted as follows:

- a. Notice of the position will be advertised in the Bar’s official publication and on the Bar’s website no less than 30 days before the filing deadline and must include the closing date and time for filing candidate applications.
- b. Following expiration of the closing date and time identified, all candidate names will be posted publicly.
- c. The BOG may appoint a committee to recommend candidates to the BOG from all who have submitted their applications for a position in a timely manner.
- d. All recommended candidates, or others as determined at the discretion of the BOG, will be interviewed in public session of the BOG’s meeting. Candidates who are competing for the same position must not be present for each other’s interviews.
- e. Discussion of the candidates will be in public session but candidates will be asked by the President not to be present.
- f. Election of candidates will be conducted by secret written ballot.
- g. If no candidate for a given position receives a majority of the votes cast, the two candidates receiving the highest number of votes will be voted on in a run-off election. In the event of a tie for the second highest vote total, all candidates who are tied will participate in the run-off election along with the candidate who received the most votes. The candidate with the most votes in the run-off will be deemed the winner.
- h. Ballots will be tallied by three persons designated by the President, one of whom will be the Executive Director.
- i. Proxy votes are not allowed; however, a Governor who participated in the interview and discussion process by electronic means may cast a vote telephonically via a confidential phone

## VI. ELECTIONS

call with the Executive Director and the other persons designated by the President to count the ballots.

- j. The elected candidate will be announced publicly following the vote. However, the vote count will not be announced and all ballots will be immediately sealed to both the BOG and the public and remain in the custody of the Executive Director for 90 days, when they will be destroyed.

### E. NEW GOVERNOR ORIENTATION

Any newly elected Governor will undergo an orientation period commencing from the time of his or her election until being sworn in by the Supreme Court. This orientation must include attendance and participation in a New Governor Orientation to be held at a time and place specified by the Executive Director. In addition, the Governors-elect are expected to attend other meetings and/or activities as invited by or directed by the BOG. Governors-elect must also attend public meetings of the BOG as non-voting Governors. This attendance does not include executive sessions, unless authorized by the BOG.

### F. MEMBER RECALL OF GOVERNORS

Any Governor may be removed from office by member recall. A recall vote is initiated by an Active member filing a petition for recall with the Executive Director. A petition for recall must identify the Governor, the Governor's congressional district or at-large status, and the Governor's term of office; set forth the basis for the recall; and contain the names and signatures of the Active members supporting the petition.

1. For congressional district Governors, the petition must be signed by five percent of the Active members of the Governor's congressional district at the time of filing. Only members of the Governor's district who are on Active status at the time of the vote are eligible to vote.
2. For the New and Young Lawyers At Large Governor, the petition must be signed by five percent of the New and Young Lawyers as defined in Article XII of these Bylaws at the time of filing. Only New and Young Lawyers who are on Active status at the time of the vote are eligible to vote. For all other At Large Governors, the petition must be signed by five percent of the Active members of the Bar at the time of filing, and only members on Active status at the time of the vote are eligible to vote.
3. The voting procedures set forth in the "Election of Governors from Congressional Districts" will be used as a procedural guideline for conducting a recall vote, and a majority vote is sufficient to pass a recall petition.

### G. 2020 ELECTIONS

In response to the Corona virus and public safety concerns, the 2020 elections conducted by the Board of Governors pursuant to these Bylaws may be scheduled anytime prior to 44th week of the fiscal year.

## VII. MEETINGS

### VII. MEETINGS

#### A. GENERAL PROVISIONS; DEFINITIONS

##### 1. Definitions

As used in this Article unless the context indicates otherwise:

- a. “Meeting” means any regular or special meeting of the BOG or other Bar entity at which action is contemplated. A “special meeting” is a meeting limited to specific agenda topics.
- b. When these Bylaws refer to a “Bar entity” or “other Bar entity,” this means any body, no matter how named, working under the authority of, or administered by, the Bar, pursuant to these Bylaws or court rule. The activities of such Bar entities subject to the Open Meetings Policy of this Article VII may include, but are not limited to, conducting meetings, taking actions, conducting hearings, or gathering information or member comment.
- c. “Action” means the transaction of the official business of the Bar by the BOG or other Bar entity including but not limited to receipt of member information, deliberations, discussions, considerations, reviews, evaluations, and final actions.
- d. “Final action” means a collective positive or negative consensus, or an actual vote of the voting members present, whether in person or by electronic means, at the time of the vote, upon a motion, proposal, resolution, or order.
- e. “Minutes” means, at a minimum, recording the members of the Bar entity in attendance, the date and time of the meeting, the agenda of the meeting, the subject and results of any final action taken, and a reasonable summary of the issues and points raised during discussion.

##### 2. Order of Business

The President or Chair of the meeting determines the order of the business of any meeting.

#### B. OPEN MEETINGS POLICY

1. All meetings of the BOG or other Bar entity must be open and public and all persons will be permitted to attend any meeting, except as otherwise provided in these Bylaws or under court rules. A meeting may be held in person or by videoconference and/or teleconference. Meeting schedules and contact information will be made reasonably available by the Bar.
2. This Open Meetings Policy does not apply to duly designated executive sessions, meetings otherwise excluded under the terms of these Bylaws, meetings of the BOG Personnel and Awards Committees, the Judicial Recommendation Committee, or to matters regulated by the Rules for Enforcement of Lawyer Conduct, the Admission and Practice Rules, or the Rules for Enforcement of Conduct of Limited Practice Officers.
3. Minutes of all meetings, except for executive sessions, must be recorded and approved minutes will be open to public inspection upon request. Minutes from every BOG public session will be posted on the Bar’s website once approved by the BOG. Sub-entities (for example,

## VII. MEETINGS

subcommittees) need not record minutes, unless they are specifically delegated the authority to take final action on behalf of the entity.

4. A member of the public will not be required, as a condition of attendance at a meeting, to register his or her name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.
5. In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting not feasible, and order cannot be restored by the removal of individuals who are interrupting the meeting, the persons presiding over the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members of the Bar entity. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, will be allowed to attend any session held pursuant to this paragraph. Nothing in this paragraph prohibits the Bar entity from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.
6. At any meeting required to be open to the public, no Bar entity is permitted to vote by secret ballot, except for elections for At Large Governors and the President-elect, as required by Article VI(D) for purposes of elections, or as otherwise provided by these Bylaws. A vote taken by email will not be deemed a secret ballot so long as the vote, including the question voted on, the identity of each person voting, and vote cast by each person, is recorded and published with the minutes. Votes taken on matters in a duly designated executive session need not be recorded or published, unless otherwise required by these Bylaws or court rule.
7. Executive Session
  - a. The BOG may meet in Executive Session at the discretion of the President subject to a majority vote of the Board of Governors that an issue is not properly raised in Executive Session, or as specifically provided by court rule:
    - 1) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price, or to consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price;
    - 2) To discuss an individual disciplinary matter, character and fitness matter, Client Protection Fund claim, or other matter made confidential by court rule or these Bylaws;
    - 3) To evaluate the qualifications of an applicant for employment as Executive Director or General Counsel, or for appointment to a position with the Bar or on a Bar entity; to review the performance of the Executive Director; or to receive or evaluate complaints regarding Officers, Governors, Bar staff, or appointees to other Bar entities;
    - 4) To discuss with legal counsel representing the Bar in litigation or potential litigation to which the Bar, the Bar entity, or an employee or officer of the Bar or member of the Bar entity is or is likely to become a party, or to have other privileged or confidential communications with legal counsel representing the Bar;
    - 5) To discuss legislative strategy; or

## VII. MEETINGS

- 6) To discuss any other topic in which the President in his or her discretion believes the preservation of confidentiality is necessary or where public discussion might result in violation of individual rights or in unwarranted or unjustified private or personal harm. This subsection 6 shall be narrowly and strictly construed; mere embarrassment or criticism is insufficient standing alone to address an issue in Executive Session.

Executive session of the BOG may proceed with no persons present except the President, President-elect, Immediate Past President, Governors, Executive Director, General Counsel, and such other persons as the BOG may authorize on a case by case basis. Any others shall be presumptively excluded, but may be admitted upon approval of a majority of the Board. An individual may be recused from executive session for conflict of interest or other reasons at the person's request or by a majority vote of the BOG. The President will publicly announce the purpose for meeting in executive session and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the President.

- b. A BOG committee may meet in Executive Session subject to the same terms and conditions as the Board may meet in Executive Session as identified in the preceding section.
- c. Other Bar entities may meet in Executive Session on matters within the scope of their work at the discretion of the Chair or as specifically provided by court rule:
  - 1) To discuss an individual disciplinary matter, character and fitness matter, Client Protection Fund claim, or other matter made confidential by court rule or these Bylaws;
  - 2) To evaluate the qualifications of an applicant for appointment to a Bar entity;
  - 3) To discuss with legal counsel representing the Bar in litigation or potential litigation to which the Bar, the Bar entity, or an employee or officer of the Bar or member of the Bar entity is or is likely to become a party, or to have other privileged or confidential communications with legal counsel representing the Bar; or
  - 4) To discuss legislative strategy.

Executive sessions of other Bar entities may proceed with no persons present except members of the entity and such other persons as the Chair may authorize, provided, however, that Bar staff and the BOG liaison may not be excluded from executive session. An individual may be recused from executive session for conflict of interest or other reasons at the person's request. The Chair will publicly announce the purpose for meeting in executive session and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the Chair.

8. Each Bar entity will set regular and special meetings as needed. It will not be a violation of these Bylaws for a majority of the members of a Bar entity to travel together or gather for purposes other than a meeting or special meeting as these terms are used in these Bylaws, provided that they take no final action as defined in these Bylaws.
9. A Bar entity may adjourn any meeting to a time and place specified in the order of adjournment. A quorum is not required to adjourn. If all members are absent from any meeting the Chair of the Bar entity may declare the meeting adjourned to a stated time and place. He or she will

## VII. MEETINGS

cause written or electronic notice of the adjournment to be given to all members of the Bar entity within 48 hours of the adjournment.

10. Any member may timely petition the BOG to declare any BOG final action voidable for failing to comply with the provisions of these Bylaws. Any member may petition the BOG to stop violations or prevent threatened violations of these Bylaws.

### C. MEETINGS OF THE BOARD OF GOVERNORS

#### 1. Regular Meetings

Regular meetings of the BOG will be held at such times and locations as the President may designate. Notice of the date, time, and location of each regular meeting must be posted on the Bar's website no later than 45 days prior to the date of the meeting. The agenda for the meeting will be posted on the Bar's website once finalized. Late materials related to agenda items may be accepted. Any changes to the agenda will be posted as soon as practicable given the circumstances of the change.

#### 2. Special Meetings

- a. Special meetings of the BOG may be called by the President at his or her discretion, by the Executive Director, at the written request of five members of the BOG, or at the written request of three members of the BOG's Executive Committee. Special meetings will customarily be held at the Bar's offices. All reasonable efforts will be made to schedule special meetings so the maximum number of Governors may attend, and Governors who are unable to attend in person may attend by electronic means.
- b. Notice of a special meeting must be in writing and must set forth the time, place and purpose thereof, and must be given to all members of the BOG, the officers, the Executive Director, and the General Counsel, and posted on the Bar's website, at least five days prior to the meeting. The five days' notice requirement may be waived by unanimous consent of the BOG. The special meeting will only consider such matters as set forth in the notice of the meeting. A special meeting may be canceled by the written consent of eight Governors, directed to the Executive Director, who in turn will transmit the cancellation notice and supporting documentation to all persons who were sent notice of the meeting.

#### 3. Emergency Meetings

An emergency meeting may be called, with 24-hour electronic notice to all members of the BOG and the General Counsel:

- a. When the President determines that an extraordinary matter requires immediate attention of the BOG; or
- b. By the Executive Director when there has been a natural disaster or catastrophic event that significantly impacts the Bar's ability to function.

The emergency meeting will be held at a location designated by the President or Executive Director, and Governors who are unable to attend in person may attend by electronic means. Notice of the meeting must indicate the subject matter to be considered, and the meeting must only consider such noted subject matter.

## VII. MEETINGS

### 4. Agenda

For every BOG meeting, the President will establish the agenda and order of business. Upon request to the President, a Governor may add an item to the upcoming regular meeting's agenda. If in the President's good faith estimation the upcoming agenda is full, the requested item will be placed on the next regularly scheduled meeting's agenda, unless otherwise agreed by the President and the requesting Governor. However, nothing in this section shall prohibit the Board of Governors upon a duly seconded motion from addressing any issue or taking any action a majority of the Board determines to take if otherwise permitted by these Bylaws.

### 5. Parliamentary Procedure

Proceedings at BOG meetings shall be governed by the most current edition of Robert's Rules of Order.

## D. EXECUTIVE COMMITTEE OF THE BOG

1. The BOG recognizes the need for an Executive Committee to address emergent but non-policy making matters that need timely attention in between BOG meetings. The Executive Committee's authority derives solely from the authority of the BOG, and is limited by the authority granted by the BOG. The BOG may establish a Charter specifically delineating the duties and functions of the Executive Committee.
2. The Executive Committee members shall include the President, the President-elect, the Immediate Past President, the Treasurer, the Chair of the BOG Personnel Committee, the Executive Director, and one member of each Governor class as elected by that class at or before the first Board meeting of the fiscal year unless that class is already represented. For any particular meeting, a governor class representative may designate an alternate from their class who is authorized to attend as the class representative for that particular meeting. Only the President, President-elect, and Governors may vote on the Executive Committee.
3. An Executive Committee meeting may be called by any member of the Executive Committee, provided that at least five days' notice is given to the Board of Governors and Executive Committee members. If an emergency situation requires less than five days' notice, the notice period may be waived by unanimous consent of the Executive Committee members but the full Board must be given notice at the same time of both the intent to consider an emergency meeting and the day and time of the meeting itself.
4. The Executive Committee may meet as necessary to develop the BOG meeting agenda or for discussion and action on matters within its scope. All agenda setting meetings will be set in advance and notice provided in writing to all Governors with the day, time, place, and agenda or purpose of the Executive Committee's meeting, and any Governor may attend the meeting. Although emergent issues may make it difficult to provide advanced notice of Executive Committee meetings not related to meeting and agenda setting, the Executive Committee must provide advance notice to all Governors to permit them to attend whenever feasible to do so.

## E. FINAL APPROVAL OF ACTION BY THE BOARD OF GOVERNORS

Reports, recommendations, or proposals do not represent the view or action of the Bar, unless approved by a vote of the BOG.

## VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

### VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

#### A. MEMBER REFERENDA

1. The Board of Governors sets the policy for the Bar. The membership, through a referendum, has the opportunity to affect policy set by the BOG. Membership referenda may accomplish the following:
  - a. Reverse a final action taken by the Board of Governors;
  - b. Modify a final action taken by the Board of Governors;
  - c. Enact a resolution; or
  - d. Amend these bylaws.
2. Any Active member may file a petition for a referendum. All petitions must meet the following requirements:
  - a. The petition must set forth the exact language of the proposed resolution, bylaw amendment, or modification/reversal of the BOG action.
  - b. The petition must be signed by at least five percent of the Active membership of the Bar at the time the petition is filed.
  - c. The petition must comply with GR 12. The BOG will determine, within 30 days of the filing of a petition for a referendum, if the subject of the petition falls within the requirements of GR 12.
  - d. If the subject of the petition seeks to reverse or modify final action taken by the Board of Governors, then the petition must be filed with the Executive Director within 90 days of that final action.
  - e. All petitions for a referendum must be filed with the WSBA Executive Director.
3. All qualifying petitions will be put to a vote of the active membership within 90 days of the date that the petition was filed.

#### B. BOG REFFERALS TO MEMBERSHIP

The Board of Governors may also refer a proposed resolution, bylaw amendment, or other proposal to a vote of the Active membership in accordance with the procedures set forth in these bylaws.

#### C. BALLOT PREPARATION

The Executive Director shall prepare ballots as directed by the BOG. The proponents of the action may submit, for inclusion with the ballot a “statement for” not to exceed 750 words and a “rebuttal of statement against” not to exceed 250 words. The opponents of the action may submit, for inclusion with the ballot, a “statement against” not to exceed 750 words and a “rebuttal of statement for” not to exceed 250 words. The Executive Director will determine the deadlines for filing all such statements with the Bar and provide notice of those deadlines. If more than one opponent statement is submitted, the WSBA President will determine which statement(s) will be submitted with the ballot.

**VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP;  
IX. COMMITTEES, COUNCILS, AND OTHER BAR ENTITIES**

**D. VOTING PROCEDURES**

The procedures set forth in the “Election of Governors from Congressional Districts” section of these bylaws shall be used as a procedural guideline. The ballot, petition, and accompanying statements shall be posted on the WSBA website, distributed electronically to Active members with e-mail addresses on record with the Bar, and mailed to all other Active members. The deadline for return of ballots shall be not less than 30 days from the date of distribution.

**E. EFFECT OF VOTE**

1. All member referenda and BOG referrals only require a majority of those Active members voting to pass. No unsuccessful member referenda may be resubmitted to the membership until two years have passed from the date of the voting results.
2. The BOG may not alter the effects of a member referenda that passed sooner than two years from the date of the voting results.

**IX. COMMITTEES, COUNCILS, AND OTHER BAR ENTITIES**

**A. GENERALLY**

1. The work of the Bar shall be accomplished by the BOG, the officers, and the Bar staff. To facilitate the work of the Bar in accordance with its purposes as provided in Article I, the BOG may delegate such work to an appropriate Bar entity, such as sections, committees, councils, task forces, or other Bar entity, however that may be designated by the BOG.
2. The work of any Bar entity established by the BOG must:
  - a. have a defined scope that requires the active and continuing attention of the BOG;
  - b. further the Bar’s Guiding Principles and/or the purposes of the Bar outlined in General Rules promulgated by the Supreme Court; and
  - c. enhance consideration of a topic that is beyond the time and expertise of the BOG and staff by incorporating expertise and additional viewpoints from the broader community.
3. A list of the current committees, councils, and task forces, and their functions, will be maintained by the Executive Director. The BOG may terminate any recurring committee whenever in its opinion such committee is no longer necessary. Any nonrecurring Bar entity shall automatically terminate pursuant to the terms of its charter or originating document.
4. Governors appointed to serve as BOG liaisons to any Bar entity are not voting members. However, if a Governor is appointed as a member of any Bar entity, then he or she may vote in accordance with the terms of the charter or originating document for that entity.

**B. COMMITTEES AND OTHER BAR ENTITIES**

**1. Committees**

## IX. COMMITTEES, COUNCILS, AND OTHER BAR ENTITIES

Committees are created and authorized by the BOG to study matters relating to the general purposes and business of the Bar which are of a continuous and recurring character. The number, size, and functions of each committee will be determined from time to time by the BOG.

- a. Committee members, Chairs, and Vice Chairs must be Active members of the Bar. Exceptions: (a) up to two Pro Bono members are permitted to serve on the Pro Bono and Public Service Committee (PBPSC) and may be appointed to serve as the Chair, Co-Chair, or Vice-Chair of that committee; and (b) faculty of Washington state law schools who are not Active members of the Bar are permitted to serve on the Committee on Professional Ethics (CPE).
- b. Committee members are appointed by the BOG. Appointments to committees are for a two-year term unless the BOG determines otherwise. A committee member's service on any committee is limited to two consecutive terms, after which the member cannot be reappointed to that committee for three years, subject to individual exceptions for cause as approved by the BOG. Appointments to the Legislative Committee will be made pursuant to the written BOG policy for that committee.
- c. The President-elect will annually select the Chair or Vice Chair of each committee, with the BOG having the authority to accept or reject that selection.
- d. In the event of the resignation, death, or removal of the Chair or any committee member, the BOG may appoint a successor to serve for the unexpired term.

### 2. Other Bar Entities

The BOG may from time to time establish other Bar entities to study matters relating to specific purposes and business of the Bar which are of an immediate and/or non-recurring character. These other Bar entities may be titled as task forces, workgroups, or any other label the BOG may designate.

- a. The President will select the persons to be appointed to such other Bar entities, with the BOG having the authority to accept or reject those appointments. The term of appointments will be until the work of the entity has been concluded or until such committee member's successor is appointed.
- b. The Chair(s) of any other Bar entity shall be appointed by the President at the time of creation of the entity, with the BOG having the authority to accept or reject that selection, and will serve for the duration established by the BOG or until replaced.
- c. In the event of the resignation, death or removal of the Chair or any other member of the Bar entity, the President may appoint a successor to serve for the unexpired term.

### 3. General Duties and Responsibilities for Committees and Other Bar Entities

- a. Each committee or other Bar entity will carry out various tasks and assignments as requested by the BOG or as the entity may determine to be consistent with its function or its charter or originating document.

## **IX. COMMITTEES, COUNCILS, AND OTHER BAR ENTITIES; X. REGULATORY BOARDS**

- b. Each Bar entity must submit an annual report to the Executive Director and submit such other reports as requested by the BOG or Executive Director.
- c. These Bar entities are not permitted to issue any report, take a side publicly on any issue being submitted to the voters, pending before the legislature, or otherwise in the public domain, or otherwise communicate in a manner that may be construed as speaking on behalf of the Bar or the BOG without the specific authorization to do so by the BOG. Reports, recommendations, or proposals do not represent the view or action of the Bar unless approved by a vote of the BOG.
- d. Bar staff will work with each committee or other Bar entity to prepare and submit an annual budget request as part of the Bar's budget development process. Each committee and other Bar entity must confine its expenditures to the budget and appropriation as approved by the BOG as generally set forth in these Bylaws.
- e. Each committee and other Bar entity must prepare and distribute minutes of each meeting if required under Article VII of these Bylaws. The minutes will be distributed to its members and posted on the Bar's website, as soon as is reasonably possible after a meeting. The form of the minutes must comply with Article VII of these Bylaws.
- f. The success of any committee or other Bar entity is dependent upon the active participation of its members.
  - 1) Chairs and committee members serve at the pleasure of, and may be removed by, the Board. Neither malfeasance nor misfeasance is required for removal.
  - 2) Any committee member who fails to attend two consecutive regularly called meetings may be removed by the BOG, in the absence of an excuse approved by the Chair.

### **C. COUNCILS**

- 1. Councils are created and authorized by the BOG to serve as advisory committees to the BOG on matters and issues of particular import to the Bar.
- 2. Nominations to councils are made as set forth in the council's charter or originating document, and are confirmed by the BOG. Except as may be specifically required under the council's charter or originating document, council members are not required to be members of the Bar.
- 3. Terms of appointments to councils will be as set forth in the council's charter or originating document.
- 4. Each council will carry out the duties and tasks set forth in its charter or originating document.
- 5. Each council must submit an annual report, and such other reports as may be requested, to the BOG or Executive Director.
- 6. Bar staff will work with each council to prepare and submit an annual budget request as part of the Bar's budget development process.

## **X. REGULATORY BOARDS**

The Bar administers regulatory boards created by court rules and has any powers necessary to administer those boards. Appointment to regulatory boards is as provided in the promulgating rule or as otherwise directed by the Supreme Court. A list of the current regulatory boards and their functions

## **X. REGULATORY BOARDS; XI. SECTIONS**

will be maintained by the Executive Director. Governors and Bar staff appointed as liaisons to regulatory boards are not voting members of those boards. Liaisons may not be excluded but will not participate in executive session or confidential deliberations except as a resource.

### **XI. SECTIONS**

#### **A. DESIGNATION AND CONTINUATION**

Sections are entities of the Bar created and tasked to carry on the work of the Bar and further their purposes as defined in individual section bylaws. A list of all current sections will be maintained by the Executive Director. Once established, a section will continue until discontinued as provided in these Bylaws or in the section bylaws.

#### **B. ESTABLISHING SECTIONS**

1. The BOG will consider the establishment of a new section on a petition and report endorsed by at least 150 Active members of the Bar. Any such petition must be filed with the Executive Director at least one BOG meeting prior to the meeting at which action on the proposal is contemplated and must substantially set forth:
  - a. The contemplated purpose of the section, which will be within the purposes of the Bar and not in substantial conflict with the purpose of any existing section or committee, the continuance of which is contemplated after the section is established;
  - b. Proposed bylaws of the section, which must contain a definition of its purpose;
  - c. The names of any proposed committees of the section;
  - d. A proposed budget of the section for the first two years of its operation;
  - e. A list of members of the Bar who have signed statements that they intend to apply for membership in the section;
  - f. A statement of the need for the proposed section.
2. The BOG may create a new section by combining sections as set forth in these Bylaws.

#### **C. MEMBERSHIP**

1. Any Active member of the Bar may be a voting member of a section and eligible for election to office in the section upon paying the annual dues established by the section. Inactive members may be voting members of sections, if permitted by a section's bylaws.
2. If provided for in the section bylaws, any Pro Bono member pursuant to APR 3(g), Judicial member, House Counsel under APR 8(f), professor at a Washington law school (whether licensed in Washington or not), or any lawyer who is a full time lawyer in a branch of the military who is stationed in Washington but not licensed in Washington, may be a voting member of the section and eligible for election to office in the section.
3. Law students will be allowed to be nonvoting members of any section at a standard annual dues amount set by the BOG.
4. Sections may adopt bylaw provisions authorizing inactive members to be voting members of the section. Article III.B.2.b of these Bylaws defines inactive WSBA members to include inactive,

## XI. SECTIONS

disability inactive, and honorary members. Sections may adopt bylaw provisions authorizing inactive members, and/or others not eligible for section membership as voting members, to be nonvoting members or “subscribers” of the section.

### D. DUES

Dues will be paid annually in the amount determined by the section executive committee and approved by the BOG. Any person who fails to pay the annual dues will cease to be a member of the section.

### E. BYLAWS AND POLICIES

Sections are subject to all Bar Bylaws, policies, and procedures. Each section must have bylaws consistent with the Bar Bylaws. Amendments to section bylaws may be made by a majority vote of the voting executive committee members or by a majority vote of section members present at a section meeting. Section bylaws or amendments thereof will become effective when approved by the BOG.

### F. SECTION EXECUTIVE COMMITTEE

1. Each section will have a section executive committee consisting of, at minimum, the following Officer positions: Chair, Secretary and Treasurer (or Secretary/Treasurer); and may have At-Large members. Unless otherwise permitted by a section’s bylaws, voting members of a section executive committee must be Active members of the Bar and a member of the section for their entire term of office on the executive committee. Additionally, a section executive committee may have non-voting members. The section executive committee is empowered to act on behalf of the section unless it chooses to take a vote of the section membership.
2. Due to the section executive committee’s unique need to be able to act quickly to address issues that arise during a regular or special legislative session, between executive committee meetings during a legislative session, upon notice to all section executive committee members, the section executive committee may discuss and vote on issues relating to the section’s position on pending or proposed legislation by email. However, if any section executive committee member objects to using an email process for any particular issues, the section executive committee instead will take up that issue at its next section executive committee meeting.
3. Officers. Unless otherwise permitted by a section’s bylaws, officers of a section executive committee must be Active members of the Bar and elected by the section membership to complete the one-year term of office.
  - a. Chair. The chair of the section presides at all meetings of the section and section executive committee, and will have such other executive powers and perform such other duties as are consistent with the Bar and section bylaws.
  - b. Secretary. The Secretary will take minutes at each meeting of the section and section executive committee, and provide approved minutes to the Bar for publication and record retention.
  - c. Treasurer. The Treasurer will work with the Bar to ensure that the section complies with Bar fiscal policies and procedures, work with the Bar to prepare the section’s annual budget,

## XI. SECTIONS

and review the section's monthly financial statements for accuracy and comparison to budget.

- d. A section may have additional officer positions as defined in its sections bylaws.
4. At-Large Members. At-large members of the section executive committee will be voting members. At-large members will be elected by the section membership for terms of up to three-years. A section executive committee may appoint its New and Young Lawyer Liaison (if any) as a voting member of the section's executive committee.
5. Non-voting Members. Voting members of the section executive committee may appoint non-voting members from among the current members of the section to further the work of the Bar and section. Non-voting members serve at the discretion of the section executive committee.
6. Executive committee members are not subject to a limit on the number of the consecutive terms they may serve unless stated in a section's bylaws.
7. All section executive committee positions will begin October 1 each year.

### G. NOMINATIONS AND ELECTIONS

1. Nominations
  - a. Nominating Committee. Each section will have a nominating committee consisting of no less than three section members appointed annually by the Chair or executive committee. At least one member of the nominating committee should not be a current member of the section executive committee.
  - b. The executive committee should reflect diverse perspectives. To assist this, all applicants will apply through an electronic application process administered by the Bar. The application form will, on a voluntary basis, solicit information including, but not limited to, the person's ethnicity, gender, sexual orientation, disability status, area of practice, years of practice, employer, number of lawyers in law firm, previous involvement in section activities, and skills or knowledge relevant to the position. The nominating committee should actively take factors of diversity into account when making recommendations.
  - c. Alternate Nomination Process. The executive committee will also have an alternative process to allow for nominations to occur outside of the nominating committee process.
  - d. Executive Committee Approval. The executive committee will approve a list of nominees for each open position. Persons nominated through an alternative nomination process will be included on the final list of approved nominees.
2. Elections
  - a. Only voting members of the section may participate in section elections.
  - b. The Bar will administer the elections by electronic means and certify results, unless the section develops its own equivalent electronic election process. For sections that administer elections through an alternate equivalent electronic election process, the section must provide the Bar with the total number of votes cast and the number of votes received for each candidate immediately following the close of the election.
  - c. In the event of a tie, the section executive committee will implement a random tie-breaker of its choice, such as a coin toss or a drawing of lots, to determine the winner.

## XI. SECTIONS

- d. All election processes must comply with the Bar record retention policies.
3. Timing. Nominations and elections for open section executive committee positions will be held no later than June 30th of each year.

### H. VACANCIES AND REMOVAL

1. The section executive committee will appoint, by a majority vote, members to fill vacancies on the section executive committee. When a member is appointed to fill a vacancy in an unexpired term, the member will do so until the next annual election when an individual will be elected to serve the remainder of the vacated term.
2. Any member of the executive committee may be removed by a two-thirds majority vote of the section executive committee. Grounds for removal include, but are not limited to, regular absence from section executive committee meetings and events, failure to perform duties, unprofessional or discourteous conduct or whenever, in the executive committee's judgment, the executive committee member is not acting in the best interest of the section membership.

### I. OTHER COMMITTEES

The section executive committee may create other committees as necessary to further the purposes of the section. Section committees, section committee chairs, and section committee members serve at the discretion of the section executive committee.

### J. BUDGET

Each section executive committee must submit an annual budget request for each fiscal year to the BOG for review. The BOG will approve final section budgets as part of the Bar's annual budget. The section executive committee expenditures must be consistent with the approved section budget and consistent with the Bar fiscal policies and procedures.

### K. SECTION REPORTS

Each section must submit an annual report to the Executive Director and such other reports as requested by the BOG.

### L. TERMINATING SECTIONS

1. The BOG may consider terminating a section when it appears the section is no longer carrying on the work of the Bar as defined in these Bylaws. The issue will be raised (a) on motion, (b) on petition, or (c) at a "viability review" as defined in these Bylaws.
2. A section that has less than 75 voting members for two consecutive years will be automatically placed on the BOG agenda for a "viability review." The BOG has the discretion to retain a section despite what might otherwise be considered to be a lack of viability when in the BOG's opinion the section is carrying on the work of the Bar as defined in these Bylaws, and the work is of value to the legal profession.
3. Any section subject to a motion, petition, or viability review pursuant to paragraph (1) above will be given notice and an opportunity to be heard by the BOG. Notice must be sent by the Bar

## **XI. SECTIONS; XII. NEW AND YOUNG LAWYERS; XIII. RECORDS DISCLOSURE &**

to the current section officers and/or executive committee and posted on the Bar website at least one BOG meeting prior to the meeting at which the Board plans to vote on the proposal.

4. A section subject to potential termination may petition the BOG to be combined with another section, with that section's written approval, and will be given reasonable opportunity to present that petition to the BOG before the BOG votes on the section's termination.
5. If a section is terminated pursuant to these Bylaws, section members will be allowed to transfer to another section of their choosing, without payment of additional fees, for that remainder of the section dues year.
6. A section terminated pursuant to these Bylaws may apply for reactivation if they meet qualifications for establishing a new section.
7. Any funds remaining in the treasury of a section at the time of termination will be transferred to the Bar's general operating fund unless otherwise designated by the BOG. Funds in the treasury of combined sections will be combined.

## **XII. NEW AND YOUNG LAWYERS**

### **A. PURPOSE**

There will be a member segment within the Bar identified as "New and Young Lawyers" for the purposes of encouraging the interest and participation of (i) new and young lawyers and law students in the activities of the Bar; and (ii) developing and conducting programs of interest and value to new and young lawyers consistent with the focus areas of public service and pro bono programs, transition to practice, and member outreach and leadership; and (iii) upholding and supporting the Guiding Principles of the Bar.

### **B. DEFINITION**

Active lawyer members of the Bar will be considered New and Young Lawyers until the last day of December of the tenth year after the year in which such member first was admitted to practice as a lawyer in Washington state.

## **XIII. RECORDS DISCLOSURE & PRESERVATION**

- A. These Bylaws apply to Bar records created before July 1, 2014. Access to Bar records created on or after July 1, 2014, is governed by GR 12.4.
- B. The Bar, in accordance with published rules, shall make available for its members and/or public inspection and copying all Bar records, unless the record falls within the specific exemptions of these bylaws or is made confidential by the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, the Admission and Practice Rules, the Rules for Enforcement of Limited Practice Officer Conduct, GR 25, or any other applicable statute or rule. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by these bylaws or the above-referenced rules or statutes, the Bar shall delete identifying details in a

### XIII. RECORDS DISCLOSURE & PRESERVATION

manner consistent with those rules when it makes available or publishes any Bar record; however, in each case, the justification for the deletion shall be explained fully in writing.

1. The Bar shall establish, maintain, and make available for its members and/or public inspection and copying a statement of the actual per page cost or other costs, if any, that it charges for providing photocopies of Bar records and a statement of the factors and manner used to determine the actual per page cost or other costs, if any.
2. No fee shall be charged for the inspection of Bar records. No fee shall be charged for locating Bar records or documents and making them available for copying unless the request entails a substantial use of staff time to locate and gather the documents. In no event may the Bar charge a per page cost greater than an actual per page cost established by the Bar.
3. The Bar shall not distinguish among persons requesting records and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate a statute, court order, or rule which exempts or prohibits disclosure of specific information or records to certain persons. Bar facilities shall be made available to any person for the copying of Bar records except when and to the extent that this would unreasonably disrupt the operations of the Bar. The Bar shall honor requests received by mail for identifiable Bar records unless exempted by provisions of these bylaws or other rules.
4. Bar records shall be available for inspection and copying during the customary office hours of the Bar.
5. The following are exempt from public inspection and copying:
  - a. Personal information in files maintained for employees, appointees, or elected officials of the Bar to the extent that disclosure would violate their right to privacy.
  - b. Specific information, records, or documents relating to lawyer or Limited Practice Officer discipline that is not expressly classified as public information or confidential information by court rule.
  - c. Information revealing the identity of persons who have assisted a Bar investigation or filed grievances or complaints with the Bar, if disclosure would endanger any person's life, physical safety, or property.
  - d. Test questions, scoring keys, and other examination data used by the Bar to administer a license, employment, or academic examination.
  - e. The contents of real estate appraisals made by the Bar relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.
  - f. Valuable formulae, designs, drawings, and research data obtained by the Bar within five years of the request for disclosure when disclosure would produce private gain and loss to the Bar.
  - g. Preliminary or intra-Bar memoranda, notes, and e-mails, and other documents in which recommendations or opinions are expressed or policies formulated or recommended,

### XIII. RECORDS DISCLOSURE & PRESERVATION

- except that a specific record shall not be exempt when referenced during an open meeting or cited by the Bar in connection with any of its actions.
- h. Manuals, policies, and procedures, developed by Bar staff, that are directly related to the performance of investigatory, disciplinary, or regulatory functions, except as may be specifically made public by court rule;
  - i. Applications for employment with the Bar, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
  - j. The residential addresses and residential telephone numbers of Bar employees or volunteers which are held by the Bar in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.
  - k. Information that identifies a person who, while a Bar employee:
    - 1) Seeks advice, under an informal process established by the Bar, in order to ascertain his or her rights in connection with a potentially discriminatory or unfair employment practice; and
    - 2) requests his or her identity or any identifying information not be disclosed.
  - l. Membership information; however
    - 1) status, business addresses, business telephones, facsimile numbers, electronic mail addresses (unless the member has requested that it not be made public), bar number, and dates of admission, shall not be exempt, provided that, for reasons of personal security or other compelling reason, the Executive Director may, on an annual basis, approve the confidentiality of any such information; and
    - 2) age information may be used as a criterion for eligibility for membership in a WSBA committee or section, but only when used in conjunction with year of admission.
  - m. Applications for admission to the Bar and related records;
  - n. Information which would identify bar examiners responsible for writing and/or grading specific bar exam questions;
  - o. Proceedings and records of the Board of Bar Examiners;
  - p. Proceedings and records of the Law Clerk Board, including information, records, or documents received or compiled that relate to any application for admission to the Law Clerk program, or to the retention of any current participant in the Law Clerk program;
  - q. Proceedings and records of the Practice of Law Board, including information, records, or documents received or compiled regarding the investigation, or potential investigation, of any incident or alleged incident of the unauthorized practice of law;
  - r. Proceedings and records of the Character and Fitness Board, including information, records, or documents received or compiled that relate to any application for admission, special admission, special licensing, or change of membership status or class, except where those proceedings are specifically made public by court rule;
  - s. Records relating to requests by members for ethics opinions to the extent that they contain information identifying the member or a party to the inquiry,
  - t. Proceedings and records of the Judicial Recommendation Committee,
  - u. Records and proceedings of any Fee Arbitration Program, Mediation Program, or other alternative dispute resolution program which may be administered by the Bar,

### **XIII. RECORDS DISCLOSURE & PRESERVATION; XIV. INDEMNIFICATION**

- v. Records and proceedings of the Personnel and Awards Committees,
- w. Records and proceedings of the Hearing Officer Selection Panel, except as made public by the Panel;
- x. Personnel records of Bar employees, whether permanent, temporary, or contract, except for information relating to compensation for job classifications, verifying periods of employment or, when specifically requested, the Executive Director's current annual compensation; and
- y. Any other documents or records made confidential by statute, court rule, or court order.

The above exempted information will be redacted from the specific records sought. Statistical information not descriptive of any readily identifiable person or persons will be disclosed.

- 6. Responses to requests for Bar records shall be made promptly by the Bar. In acknowledging receipt of a records request that is unclear, the Bar may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the Bar need not respond to it. Denials of requests must be accompanied by a written statement of the specific reasons therefor.
- 7. Whenever the Executive Director concludes that a Bar record is exempt from disclosure and denies a person opportunity to inspect or copy such record for that reason, the person may appeal that decision to the Board of Governors. The Board of Governors shall provide the person with its written opinion on whether the record is exempt.
- 8. The disclosure of information under this section should not violate an individual's right to privacy by amounting to a disclosure of information about that person that 1) would be highly offensive to a reasonable person, or 2) is not of legitimate concern to the public.
- 9. Nothing in this section shall be construed to require publication in the Washington Administrative Code or the maintenance of indexes of records.

## **XIV. INDEMNIFICATION**

### **A. GENERALLY**

- 1. The Bar shall provide indemnification to qualified indemnitees for liabilities arising out of qualified actions.
  - a. A qualified indemnitee is a person who is or was an officer, member of the Board of Governors, member of the staff of the Bar, or is serving at the request or appointment of the Bar as a member of any board, committee, task force, or other WSBA entity.
  - b. A qualified action is an action in good faith within the course and scope of the authority expressly or impliedly delegated by applicable Supreme Court Rule, policy adopted by the Board of Governors, or by the Executive Director within his or her authority.
- 2. Each qualified indemnitee who is a party to, or is threatened to be made a party to, or is involved in any threatened, pending, or completed claim, action, suit, or proceeding, whether civil, criminal, administrative, or investigative, by reason of the fact that the indemnitee, or a

## **XIV. INDEMNIFICATION; XV. KELLER DEDUCTION**

person of whom the indemnitee is a legal representative, is, or was, an officer or member of the Board of Governors, member of the staff of the Bar, or a member of a board, committee, task force, or other WSBA entity formed by the Board of Governors, shall be defended, indemnified, and held harmless by the Bar against all expenses, liability, and losses (including, but not limited to, attorneys' fees, judgments, fines, and amounts paid in settlement) reasonably incurred or suffered by the indemnitee in connection therewith. The Board of Governors shall have the right, as a condition of granting indemnification, to approve in advance the choice of counsel as well as any settlement by the person requesting indemnification. The Board shall not unreasonably withhold its approval.

### **B. CUMULATIVE, NON-EXCLUSIVE RIGHT**

The indemnification provided by this Article shall not be deemed exclusive of any other rights to which any person seeking indemnification may be entitled under law or under any bylaw, agreement, vote of the Board of Governors or members of the Bar, or otherwise.

## **XV. KELLER DEDUCTION**

As a mandatory bar association, the Bar may not use compulsory license fees of any member who objects to that use for political or ideological activities that are not germane, or reasonably related, to regulating the legal profession or improving the quality of legal services. *Keller v. State Bar of California*, 496 U.S. 1 (1990). These activities are considered "nonchargeable." The Bar may use compulsory license fees for all other activities.

- A. Under Keller, the Bar is required to identify that portion of mandatory license fees that go to "nonchargeable" activities and establish a system whereby objecting members may either deduct that portion of their fees or receive a refund. The Bar will calculate the Keller deduction prospectively for each fiscal year, using that fiscal year's budget and the actual activities of the Bar during the prior fiscal year. The process to be followed in calculating the Keller deduction will be as set forth in the Keller Deduction Policy. When calculating the Keller deduction, the Bar shall use a conservative test for determining whether an individual activity is chargeable or nonchargeable. When in doubt, the Bar will err in favor of the membership by considering activities to be nonchargeable even when a reasonable argument could be made that such activities were chargeable.
- B. Notice of the amount of the Keller deduction will be included with the annual licensing information provided to members, and detailed information regarding the calculation of the deduction will be posted on the Bar's website. Members admitted to the Bar during the course of a year will be advised of this notice with their initial fee statements. Such members may demand arbitration within 45 days following receipt of the notification. If arbitration is pending at the date of delivery of a demand for arbitration submitted pursuant to this paragraph, the newly admitted member's demand will be consolidated with the pending arbitration. All of the provisions of this Article shall otherwise apply to demands for arbitration filed by newly admitted members.

## XV. KELLER DEDUCTION

- C. Except for requests for arbitration submitted by newly admitted members pursuant to Paragraph (B) above, any member requesting arbitration of the calculation of the amount of the Keller deduction for a licensing year must deliver a written request for arbitration to the Executive Director on or before February 1 of the licensing year in which the deduction is being challenged. Delivery may be made in person or by first-class mail, and mailed demands will be deemed delivered upon mailing. Demands shall include the name and address of the member or members demanding arbitration, a brief statement of the claim or objection, identifying each challenged activity with such specificity as to allow the Bar to respond, and the signature of each objecting member.
1. Within 14 days of receipt of a timely demand for arbitration, the Bar will submit the matter to the Chief Justice of the Washington Supreme Court for appointment of an impartial arbitrator.
  2. All timely demands for arbitration, including any timely demands received after submission of one earlier received, will be consolidated.
  3. A member demanding arbitration is required to pay his or her license fee and assessments, excepting the amount in dispute, on a timely basis as otherwise required by these Bylaws. Failure to pay the fees and assessments, other than the amount in dispute, by the requisite date may result in suspension as provided by these Bylaws or applicable court rules.
  4. Unless the parties agree to a different schedule, a hearing will be held within 30 days of the appointment of the arbitrator. The arbitrator will determine the date, time, and location of the arbitration hearing(s) and will so notify the parties at least 15 days prior to the hearing(s).
  5. The burden is on the member(s), as a condition of arbitration, to identify each challenged activity with such specificity as to allow the Bar to respond. The burden is on the Bar to establish the accuracy of the determination of the Keller calculation. Members demanding arbitration will have access to the financial records upon which the Bar based the determination of the amount of fee that can be withheld. These records will be available for inspection and copying during normal business hours. Copying will be at the member's expense.
  6. At the hearing(s), the parties will be permitted to participate personally or through counsel admitted to practice in the state of Washington. All parties will be given the opportunity to present evidence and to present arguments in support of their positions. The following rules will apply to the arbitration proceedings:
    - a. There will be no transcripts or post-hearing briefs; except, however, post-arbitration motions for reconsideration or clarification are permitted.
    - b. The arbitrator will issue a written opinion, stating the reasons for the decision, within 14 days of the close of the hearing. The opinion will be brief and will be based on the evidence and arguments presented.
    - c. The arbitrator will be compensated at an hourly rate established pursuant to BOG policy for the hearing, preparation, and study time, and will be reimbursed for all necessary expenses of the arbitration. The Bar will pay for the arbitrator's services.

**XV. KELLER DEDUCTION; XVI. AMENDMENTS;  
XVII. EMERGENCY AMENDMENT; PRESIDENTIAL AUTHORITY DURING COVID-19 EMERGENCY  
(EXPIRES APRIL 24, 2020)**

- d. The arbitration is not a judicial proceeding but is sui generis. Except for production of documents as set forth in Paragraph 5 above, or as may be stipulated to by the parties, there is no discovery, and the civil rules, arbitration rules, rules of evidence, and other court rules will not apply.
- 7. The arbitrator will have no authority to add, subtract, set aside, or delete from any court rule or these Bylaws.
- 8. The scope of the arbitration is limited to reviewing the challenged activities specified for the purpose of determining whether the Bar has correctly calculated the Keller deduction, and the sole relief potentially available through arbitration is a change in the amount of the named parties' Keller deduction for that licensing year.
- 9. The arbitration will be binding and the decision of the arbitrator final, with no right of trial de novo or appeal.

**XVI. AMENDMENTS**

- A. These Bylaws may be amended by the BOG at any regular meeting of the BOG, or at any special meeting of the BOG called for that purpose under the terms of these Bylaws.
- B. All proposed bylaw amendments must be posted on the Bar's website and presented for "first reading" at least one BOG meeting prior to the meeting at which the BOG votes on the proposed amendment, and the BOG will not vote on any proposed bylaw amendment at the meeting at which the amendment is originally proposed, except as may be allowed below.
- C. For good cause shown under exceptional circumstances these Bylaws may be amended on an emergency basis, without the prior notice required above, by an affirmative vote of two-thirds of the BOG; however, any such amendment will be effective only until notice is given and a vote taken pursuant to the procedures set forth above.
- D. Notice of all bylaw amendments adopted by the BOG must be prominently posted on the Bar's website within 14 days of the BOG's vote on the amendment.

**XVII. EMERGENCY AMENDMENT; PRESIDENTIAL AUTHORITY DURING COVID-19 EMERGENCY (EXPIRES APRIL 24, 2020)**

- A. During the COVID-19 emergency, the WSBA President is granted discretion to reasonably modify, extend, or make exceptions to the dates, deadlines, or communication procedures in the current Admissions Policies, and exam administration guidelines and policies, when necessary to comply with court, state, health department, or other authorized Coronavirus responses, on the condition that all actions must comply with court rules, court orders, and with the NCBE's requirements for secure administration of the bar exam.
- B. During the COVID-19 emergency, the WSBA President is granted limited authority to temporarily substitute electronic documents and processes for in-person or paper documents and processes outlined in the WSBA Bylaws. This specifically includes the authority to conduct elections

**XVII. EMERGENCY AMENDMENT; PRESIDENTIAL AUTHORITY DURING COVID-19 EMERGENCY  
(EXPIRES APRIL 24, 2020);**

**XVIII. EMERGENCY AMENDMENT (EXPIRES MARCH 11, 2022)**

electronically and permit the Election Board to be present electronically during the counting of any paper ballots received.

- C.** During the COVID-19 emergency, the WSBA President is granted limited authority to temporarily substitute remote attendance at meetings when in person attendance is outlined in the WSBA Bylaws. This specifically include the authority to authorized Governors and Officers to attend Board meetings remotely.
- D.** Provisions of this amendment shall be rescinded on April 24, 2020.

**XVIII. EMERGENCY AMENDMENT (EXPIRES MARCH 11, 2022)**

Due to the delay in obtaining the updated Congressional District map information affecting eligibility of Active members to vote in the BOG election for their district, the 2022 elections conducted by the Board of Governors pursuant to these Bylaws will establish voter eligibility on March 11, 2022.

This edition of the Bylaws of the Washington State Bar Association includes the comprehensive review of the Bylaws adopted by the Board of Governors on September 24, 2010, and all other amendments approved by the Board of Governors through April 10, 2023.

**TABLE OF CONTENTS**

**I. FUNCTIONS ..... 1**

    A. PURPOSES: IN GENERAL..... 1

    B. SPECIFIC ACTIVITIES AUTHORIZED..... 1

    C. ACTIVITIES NOT AUTHORIZED..... 2

**II. DEFINITIONS AND GENERAL PROVISIONS ..... 2**

    A. HEADQUARTERS ..... 2

    B. SEAL..... 3

    C. FILING PAPERS WITH THE BAR..... 3

    D. COMPUTATION OF TIME ..... 3

    E. DEFINITIONS AND USE OF TERMS ..... 3

**III. MEMBERSHIP ..... 4**

    A. MEMBER LICENSE TYPES..... 4

    B. STATUS CLASSIFICATIONS..... 4

        1. Active ..... 4

        2. Inactive..... 5

        3. Judicial..... 5

        4. Pro Bono ..... 7

        5. Suspended ..... 7

    C. REGISTER OF MEMBERS..... 7

    D. CHANGE OF MEMBERSHIP STATUS TO ACTIVE ..... 8

    E. CHANGE OF MEMBERSHIP STATUS TO INACTIVE..... 11

    F. CHANGE OF MEMBERSHIP STATUS TO JUDICIAL ..... 11

    G. CHANGE OF MEMBERSHIP STATUS TO PRO BONO ..... 11

    H. VOLUNTARY RESIGNATION..... 12

I.	ANNUAL LICENSE FEES AND ASSESSMENTS .....	12
1.	License Fees .....	12
2.	Assessments.....	13
3.	Deadline and Late Payment Fee .....	14
4.	Rebates /Apportionments .....	14
5.	License Fee and Assessment Exemptions Due to Hardship .....	14
6.	License Fee Referendum.....	14
J.	SUSPENSION .....	14
1.	Interim Suspension .....	14
2.	Disciplinary Suspension .....	14
3.	Administrative Suspension .....	15
4.	Multiple Suspensions.....	16
K.	CHANGING STATUS AFTER SUSPENSION .....	16
L.	REINSTATEMENT AFTER DISBARMENT OR REVOCATION.....	17
M.	REINSTATEMENT AFTER RESIGNATION IN LIEU OF DISCIPLINE, DISBARMENT, OR REVOCATION 17	
N.	READMISSION AFTER VOLUNTARY RESIGNATION.....	17
O.	EXAMINATION REQUIRED.....	18
<b>IV.</b>	<b>GOVERNANCE.....</b>	<b>19</b>
A.	BOARD OF GOVERNORS.....	19
B.	OFFICERS OF THE BAR.....	21
C.	BOARD OF GOVERNORS COMMITTEES .....	23
D.	POLITICAL ACTIVITY .....	25
E.	REPRESENTATION OF THE BAR .....	26
<b>V.</b>	<b>APPROPRIATIONS AND EXPENSES .....</b>	<b>27</b>
A.	APPROPRIATIONS.....	27
B.	EXPENSES; LIMITED LIABILITY .....	27
<b>VI.</b>	<b>ELECTIONS.....</b>	<b>28</b>
A.	ELIGIBILITY FOR MEMBERSHIP ON BOARD OF GOVERNORS.....	28
B.	NOMINATIONS AND APPLICATIONS .....	28
C.	ELECTION OF GOVERNORS .....	29
D.	ELECTIONS BY BOARD OF GOVERNORS.....	31

1.	Office of President-Elect.....	31
2.	Treasurer.....	32
3.	Election Procedures for President and President-elect.....	32
E.	NEW GOVERNOR ORIENTATION.....	33
F.	MEMBER RECALL OF GOVERNORS.....	33
G.	2020 ELECTIONS.....	33
<b>VII.</b>	<b>MEETINGS.....</b>	<b>34</b>
A.	GENERAL PROVISIONS; DEFINITIONS.....	34
1.	Definitions.....	34
2.	Order of Business.....	34
B.	OPEN MEETINGS POLICY.....	34
C.	MEETINGS OF THE BOARD OF GOVERNORS.....	37
1.	Regular Meetings.....	37
2.	Special Meetings.....	37
3.	Emergency Meetings.....	37
4.	Agenda.....	38
5.	Parliamentary Procedure.....	38
D.	EXECUTIVE COMMITTEE OF THE BOG.....	38
E.	FINAL APPROVAL OF ACTION BY THE BOARD OF GOVERNORS.....	38
<b>VIII.</b>	<b>MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP.....</b>	<b>39</b>
A.	MEMBER REFERENDA.....	39
B.	BOG REFFERALS TO MEMBERSHIP.....	39
C.	BALLOT PREPARATION.....	39
D.	VOTING PROCEDURES.....	40
E.	EFFECT OF VOTE.....	40
<b>IX.</b>	<b>COMMITTEES, COUNCILS, AND OTHER BAR ENTITIES.....</b>	<b>40</b>
A.	GENERALLY.....	40
B.	COMMITTEES AND OTHER BAR ENTITIES.....	40
C.	COUNCILS.....	42
<b>X.</b>	<b>REGULATORY BOARDS.....</b>	<b>42</b>
<b>XI.</b>	<b>SECTIONS.....</b>	<b>43</b>
A.	DESIGNATION AND CONTINUATION.....	43

B.	ESTABLISHING SECTIONS .....	43
C.	MEMBERSHIP .....	43
D.	DUES.....	44
E.	BYLAWS AND POLICIES .....	44
F.	SECTION EXECUTIVE COMMITTEE .....	44
G.	NOMINATIONS AND ELECTIONS .....	45
H.	VACANCIES AND REMOVAL .....	46
I.	OTHER COMMITTEES .....	46
J.	BUDGET.....	46
K.	SECTION REPORTS.....	46
L.	TERMINATING SECTIONS .....	46
<b>XII.</b>	<b>NEW AND YOUNG LAWYERS.....</b>	<b>47</b>
A.	PURPOSE .....	47
B.	DEFINITION .....	47
<b>XIII.</b>	<b>RECORDS DISCLOSURE &amp; PRESERVATION.....</b>	<b>47</b>
<b>XIV.</b>	<b>INDEMNIFICATION .....</b>	<b>50</b>
A.	GENERALLY.....	50
B.	CUMULATIVE, NON-EXCLUSIVE RIGHT .....	51
<b>XV.</b>	<b>KELLER DEDUCTION.....</b>	<b>51</b>
<b>XVI.</b>	<b>AMENDMENTS.....</b>	<b>53</b>
<b>XVII.</b>	<b>EMERGENCY AMENDMENT; PRESIDENTIAL AUTHORITY DURING COVID-19 EMERGENCY (Expires April 24, 2020).....</b>	<b>53</b>
<b>XVIII.</b>	<b>EMERGENCY AMENDMENT (EXPIRES MARCH 11, 2022).....</b>	<b>54</b>

## **I. FUNCTIONS**

### **A. PURPOSES: IN GENERAL**

In general, the Washington State Bar Association (Bar) strives to:

1. Promote independence of the judiciary and the legal profession;
2. Promote an effective legal system, accessible to all;
3. Provide services to its members and the public;
4. Foster and maintain high standards of competence, professionalism, and ethics among its members;
5. Foster collegiality among its members and goodwill between the legal profession and the public;
6. Promote diversity and equality in the courts and the legal profession;
7. Administer admissions, regulation, and discipline of lawyers, Limited License Legal Technicians (LLLTs), and Limited Practice Officers (LPOs) in a manner that protects the public and respects the rights of the applicant or member;
8. Administer programs of legal education;
9. Promote understanding of and respect for our legal system and the law;
10. Operate a well-managed and financially sound organization, with a positive work environment for its employees;
11. Serve as a statewide voice to the public and to the branches of government on matters relating to these purposes and the activities of the organization and the legal profession.

### **B. SPECIFIC ACTIVITIES AUTHORIZED**

In pursuit of these purposes, the Washington State Bar Association may:

1. Sponsor and maintain committees and sections whose activities further these purposes;
2. Support the judiciary in maintaining the integrity and fiscal stability of an independent and effective judicial system;
3. Provide periodic reviews and recommendations concerning court rules and procedures;
4. Administer examinations and review applicants' character and fitness to practice law;
5. Inform and advise its members regarding their ethical obligations;
6. Administer an effective system of discipline of lawyers, LLLTs, and LPOs, including receiving and investigating complaints of misconduct, taking and recommending appropriate punitive and remedial measures, and diverting less serious misconduct to alternatives outside the formal discipline system;
7. Maintain a program, pursuant to court rule, requiring members to submit fee disputes to arbitration;
8. Maintain a program for mediation of disputes between members and others;
9. Maintain a program for legal professional practice assistance

**I. FUNCTIONS;**  
**II. DEFINITIONS AND GENERAL PROVISIONS**

10. Sponsor, conduct, and assist in producing programs and products of continuing legal education;
11. Maintain a system for accrediting programs of continuing legal education;
12. Conduct examinations of lawyer, LLLT, and LPO trust accounts;
13. Maintain a client protection fund in accordance with the Admission and Practice Rules;
14. Maintain a program for the aid and rehabilitation of impaired members;
15. Disseminate information about the organization's activities, interests, and positions;
16. Monitor, report on, and advise public officials about matters of interest to the organization and the legal profession;
17. Maintain a legislative presence to inform members of new and proposed laws and to inform public officials about the organization's positions and concerns;
18. Encourage public service by members and support programs providing legal services to those in need;
19. Maintain and foster programs of public information and education about the law and the legal system;
20. Provide, sponsor, and participate in services to its members;
21. Hire and retain employees to facilitate and support its mission, purposes, and activities, including in the organization's discretion, authorizing collective bargaining;
22. Establish the amount of all license, application, investigation, and other related fees, as well as charges for services provided by the Bar, and collect, allocate, invest, and disburse funds so that its mission, purposes, and activities may be effectively and efficiently discharged. The amount of any license fee is subject to review by the Supreme Court for reasonableness and may be modified by order of the Court if the Court determines that it is not reasonable;
23. Administer Supreme Court-created boards in accordance with General Rule 12.3.

**C. ACTIVITIES NOT AUTHORIZED**

The Washington State Bar Association will not:

1. Take positions on issues concerning the politics or social positions of foreign nations;
2. Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice; or
3. Support or oppose, in an election, candidates for public office.

**II. DEFINITIONS AND GENERAL PROVISIONS**

**A. HEADQUARTERS**

The office of the Bar will be maintained in the State of Washington.

## II. DEFINITIONS AND GENERAL PROVISIONS

### B. SEAL

The Bar will have a Seal having the words and figures of “The Washington State Bar Association—June 7, 1933.” The Seal will remain in the control of the Executive Director at the office of the Bar.

### C. FILING PAPERS WITH THE BAR

Whenever these Bylaws require that petitions, notices, or other documents be filed with the Bar, or served upon the Board of Governors (BOG) or the Executive Director, they must be filed at the office of the Bar.

### D. COMPUTATION OF TIME

If any date specified in these Bylaws is a Saturday, Sunday, or legal holiday observed by the Bar, it refers to the next regular business day. Legal holidays observed by the Bar may differ from the legal holidays statutorily designated by the state Legislature.

### E. DEFINITIONS AND USE OF TERMS

Unless otherwise specifically stated herein,

1. “Days” means calendar days.
2. “Quorum” means the presence of a majority of the voting membership (i.e., more than half the voting members). A quorum must be present when votes are taken.
3. “Excused absence” means an absence excused by the President or presiding officer.
4. “Writing” includes email and fax.
5. “Electronic means” includes email, fax, video conferencing, and telephone; however, in the context of meetings, “electronic means” is limited to video conferencing and telephone.
6. “Bar records” and/or “Bar documents” means documents or records maintained by the Bar, whether in printed or electronic form.
7. When used in connection with a particular act or event, the terms “active membership” or “active members” refers to the Active membership at the time of the act or event.
8. “APR” refers to the Admission and Practice Rules.
9. “ELC” refers to the Rules for Enforcement of Lawyer Conduct.
10. “ELLLTC” refers to the Rules for Enforcement of LLLT Conduct.
11. “ELPOC” refers to the Rules for Enforcement of LPO Conduct.
12. “Member” means an individual in any of the groups of licensed legal professionals specified in Article III(A) of these Bylaws, unless otherwise specified.
13. “May” means “has discretion to,” “has a right to,” or “is permitted to.”
14. “Must” means “is required to.”

### III. MEMBERSHIP

### III. MEMBERSHIP

#### A. MEMBER LICENSE TYPES

1. Members of the Washington State Bar consist of these types of licensed legal professionals:
  - a. Lawyers admitted to the Bar and licensed to practice law pursuant to APR 3 and APR 5;
  - b. Limited License Legal Technicians; and
  - c. Limited Practice Officers.

Members of one type do not automatically qualify to be or become a member of another type, and in order to become a member of another type the member must comply with the requirements for admission as a member of that type.

2. Lawyers licensed to practice law in Washington pursuant to APR 8 and APR 14, or who are permitted to practice law pursuant to RPC 5.5 without being licensed in Washington are not members of the Bar.
3. Membership in the Bar ends when a member is disbarred or the equivalent, the member resigns or otherwise terminates his or her license, or when the member's license is revoked or terminated for any reason.

#### B. STATUS CLASSIFICATIONS

Membership status classifications have the qualifications, privileges, and restrictions specified.

##### 1. Active

Any member who has been duly admitted by the Supreme Court to the practice of law in Washington State who complies with these Bylaws and the Supreme Court rules applicable to the member's license type, and who has not changed to another status classification or had his or her license suspended is an Active member.

- a. Active membership in the Bar grants the privilege to engage in the practice of law consistent with the rules governing the member's license type. Upon payment of the Active annual license fee and assessments required for the member's license type, compliance with these Bylaws and the applicable Supreme Court rules, and compliance with all other applicable licensing requirements, Active members are fully qualified to vote, hold office and otherwise participate in the affairs of the Bar as provided in these Bylaws.
- b. Active members may:
  - 1) Engage in the practice of law consistent with the rules governing their license type;
  - 2) Be appointed to serve on any committee, board, panel, council, task force, or other Bar entity;
  - 3) Vote in Bar matters and hold office therein, as provided in these Bylaws;
  - 4) Join Bar sections as voting members; and
  - 5) Receive member benefits available to Active members.
- c. All persons who become members of the Bar must first do so as an Active member.

### III. MEMBERSHIP

#### 2. Inactive

Inactive members must not practice law in Washington, nor engage in employment or duties that constitute the practice of law. Inactive members are not eligible to vote in Bar matters or hold office therein, or serve on any committee or board, except an inactive member may vote and hold office in a Bar section if a section's bylaws permit.

- a. Inactive members may:
  - 1) Join Bar sections,
  - 2) Continue their affiliation with the Bar;
  - 3) Change their membership status to Active pursuant to these Bylaws and any applicable court rule;
  - 4) Request a free subscription to the Bar's official publication; and
  - 5) Receive member benefits available to Inactive members.
- b. Types of Inactive membership:
  - 1) Inactive Member: Inactive members must pay an annual license fee in an amount established by the BOG and approved by the Supreme Court. They are not required to earn or report MCLE credits while Inactive, but may choose to do so, and may be required to do so to return to Active membership.
  - 2) Disability: Disability inactive members are not required to pay a license fee, or earn or report MCLE credits while in this status, but they may choose to do so, and they may be required to earn and report MCLE credits to return to Active membership.
  - 3) Honorary: All members who have been Active or Judicial, or a combination of Active and Judicial, members for 50 years may elect to become Honorary members of the Bar. Honorary members are not required to pay a license fee. A member who otherwise qualifies for Honorary membership but wants to continue to practice law in any manner must be an Active member or, if applicable, a Pro Bono member.

#### 3. Judicial

- a. A member may qualify to become a Judicial member if the member is one of the following:
  - 1) A current judge, commissioner, or magistrate judge of the courts of record in the State of Washington, or the courts of the United States, including Bankruptcy courts;
  - 2) A current judge, commissioner, or magistrate in the district or municipal courts in the State of Washington, provided that such position requires the person to be a lawyer;
  - 3) A current senior status or recall judge in the courts of the United States;
  - 4) An administrative law judge, which is defined as either:
    - (a) Current federal judges created under Article I and Article II of the United States Constitution, excluding Bankruptcy court judges, or created by the Code of Federal Regulations, who by virtue of their position are prohibited by the United States Code and/or the Code of Federal Regulations from practicing law; or
    - (b) Full-time Washington State administrative law judges in positions created by either the Revised Code of Washington or the Washington Administrative Code; or
  - 5) A current Tribal Court judge in the State of Washington.

### III. MEMBERSHIP

- b. Members not otherwise qualified for Judicial membership under (1) through (5) above and who serve full-time, part-time or ad hoc as pro tempore judges, commissioners or magistrates are not eligible for Judicial membership.
- c. Judicial members, whether serving as a judicial officer full-time or part-time, must not engage in the practice of law and must not engage in mediation or arbitration for remuneration outside of their judicial duties.
- d. Judicial members:
  - 1) May practice law only where permitted by the then current Washington State Code of Judicial Conduct as applied to full-time judicial officers;
  - 2) May be appointed to serve on any task force, council or Institute of the Bar;
  - 3) May receive member benefits provided to Judicial members; and
  - 4) May be non-voting members in Bar sections, if allowed under the section's bylaws.
  - 5) Judicial members are not eligible to vote in Bar matters or to hold office therein.
- e. Nothing in these Bylaws will be deemed to prohibit Judicial members from carrying out their judicial duties.
- f. Judicial members who wish to preserve eligibility to transfer to another membership status upon leaving service as a judicial officer:
  - 1) must provide the member registry information required of other members each year unless otherwise specified herein, and provide the Bar with any changes to such information within 10 days of any change; and
  - 2) must annually pay any required license fee that may be established by the Bar, subject to approval by the Supreme Court, for this membership status. Notices, deadlines, and late fees will be consistent with those established for Active members.
- g. Judicial members must inform the Bar within 10 days when they retire or when their employment situation has otherwise changed so as to cause them to be ineligible for Judicial membership, and must apply to change to another membership status or to resign.
  - 1) Failure to apply to change membership status or to resign within ten days of becoming ineligible for Judicial membership, when a Judicial member has annually maintained eligibility to transfer to another membership status, is cause for administrative suspension of the member.
  - 2) A Judicial member who has not annually complied with the requirements to maintain eligibility to transfer to another membership status and who is no longer eligible for Judicial membership who fails to change to another membership status will be deemed to have voluntarily resigned.
- h. Administrative law judges who are judicial members must continue to comply with APR 11 regarding MCLE. Either judicial continuing education credits or lawyer continuing legal education credits may be applied to the credit requirement for judicial members; if judicial continuing education credits are applied, the standards for determining accreditation for judicial continuing education courses will be accepted as establishing compliance.
- i. Legal, legislative, and policy positions and resolutions taken by the BOG are not taken on behalf of Judicial members, are not considered to be those of Judicial members, and are not binding on Judicial members.

### III. MEMBERSHIP

- j. The Bar's disciplinary authority over Judicial members is governed exclusively by ELC 1.2 and RPC 8.5.

#### 4. Pro Bono

A member may become a Pro Bono member by complying with the requirements of APR 3(g), including payment of any required license fee and passing a character and fitness review.

Pro Bono members must not engage in the practice of law except as permitted under APR 3(g), but may:

- a. Be appointed to serve on any task force, council, or Institute of the Bar. In addition, up to two Pro Bono members are permitted to serve on the Pro Bono and Public Service Committee (PBPSC) and may be appointed to serve as Chair, Co-Chair, or Vice-Chair of that committee;
- b. Join Bar sections;
- c. Request a free subscription to the Bar's official publication; and
- d. Receive member benefits available to Pro Bono members.

#### 5. Suspended

Members of any type and status can have their membership suspended by order of the Washington Supreme Court. Although suspended members remain members of the Bar, they lose all rights and privileges associated with that membership, including their authorization and license to practice law in Washington.

### C. REGISTER OF MEMBERS

1. All Bar members, including Judicial members who wish to preserve eligibility to transfer to another membership status upon leaving service as a judicial officer, must furnish the information below to the Bar:
  - a. physical residence address;
  - b. physical street address for a resident agent if required to have one pursuant to these Bylaws or by court rule;
  - c. principal office address, telephone number, and email address;
  - d. such other data as the BOG or Washington Supreme Court may from time to time require of each member

and must promptly advise the Executive Director in writing of any change in this information within 10 days of such change. Judicial members are not required to provide a physical residence address.

2. The Executive Director will keep records of all members of the Washington State Bar Association, including, but not limited to:
  - a. physical residence address furnished by the member;
  - b. principal office address, telephone number, and email address furnished by the member;
  - c. physical street address of any resident agent for the member;
  - d. date of admittance;
  - e. type and status of membership;
  - f. date of transfer(s) from one status to another, if any;

### III. MEMBERSHIP

- g. date and period(s) of administrative suspensions, if any;
  - h. date and period of disciplinary actions or sanctions, if any, including suspension, disbarment, and revocation;
  - i. such other data as the BOG or Washington Supreme Court may from time to time require of each member.
- 3. Any Active member residing out-of-state must file with the Bar, in such form and manner as the Bar may prescribe, the name and physical street address of a designated resident agent within Washington State. The member must notify the Bar of any change in resident agent within 10 days of any such change.
  - 4. Any member who fails to provide the Bar with the information required to be provided pursuant to these Bylaws, or to notify the Bar of any changes in such information within 10 days, will be subject to administrative suspension pursuant to these Bylaws and/or the Admission and Practice Rules. Judicial members are exempt from suspension pursuant to this provision while eligible for Judicial membership and serving as a judicial officer.

#### D. CHANGE OF MEMBERSHIP STATUS TO ACTIVE

- 1. Members may change membership status as provided below.
  - a. **Transfer from Inactive to Active.**
    - 1) An Inactive member or Honorary member may transfer to Active by:
      - (a) paying an application and/or investigation fee and completing and submitting an application form, all required licensing forms, and any other required information. The fee in this paragraph is not required from an LPO or LLLT who has been inactive for 90 days or less;
      - (b) earning, within the six years preceding the return to Active status, and reporting the total number of approved MCLE credits required for one reporting period for an Active member with the same license type, and paying any outstanding MCLE late fees that are owed. If the member has been Inactive or a combination of Suspended and Inactive for less than one year, and the member would have been required to report during the time the member was Inactive and/or Suspended, the member must establish that the member is compliant with the MCLE reporting requirements for that reporting period before the member can change to Active. This paragraph does not apply to members transferring back to Active during their first MCLE reporting period;
      - (c) passing a character and fitness review essentially equivalent to that required of all applicants for admission to the Bar, pursuant to APR 20-24.3; and
      - (d) paying the current Active license fee, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as an Inactive member for the same year.
    - 2) If a member was Inactive or any combination of Suspended and Inactive in Washington for more than six consecutive years, the member must earn MCLE credits in a manner consistent with the requirement for one reporting period for an Active member of the

### III. MEMBERSHIP

same license type, and these credits must be earned and reported within the three years preceding the return to Active status. In addition, the member must complete a reinstatement/readmission course sponsored by the Bar, which must consist of education on law office management and professional responsibility (including the applicable RPC for the member's license type, proper handling of client funds and trust accounts, and client communications), legal research and writing, and changes in the law that apply to the member's license type, as follows:

- (a) For lawyer members, a minimum of 15 live CLE credits, consisting of at least four credit hours on law office management and professional responsibility, at least three credit hours on legal research and writing, and the remaining credit hours on recent significant changes in the law;
- (b) For LLLT members, a minimum of seven live CLE credits, consisting of at least two credit hours on law office management and professional responsibility, at least one credit hour on legal research and writing, and the remaining credit hours on recent significant changes in the law in approved LLLT practice or core education areas;
- (c) For LPO members, a minimum of seven live CLE credits, consisting of at least two credit hours on professional responsibility, and the remaining credit hours on recent significant changes in the law covered by the approved LPO Study Topics.

The member is required to pay the cost of the course. Any member completing such course will be entitled to credit towards mandatory continuing legal education requirements for all CLE credits for which such reinstatement/readmission course is accredited. The member must comply with all registration, payment, attendance, and other requirements for such course, and will be responsible for obtaining proof of attendance at the entire course and submitting or having such proof submitted to the Bar.

Periods of administrative and/or disciplinary suspension occurring immediately before or after a change to Inactive will be included when determining whether a member is required to take the readmission course. For purposes of determining whether a member has been Inactive and/or Suspended for more than six consecutive years, the period continues to run until the change to Active membership is completed, regardless of when the application is submitted to the Bar.

- 3) Any member seeking to change to Active who was Inactive or any combination of Suspended and Inactive in Washington and does not have active legal experience as defined in APR 1(e) in any jurisdiction for more than ten consecutive years, is required to complete the requirements in Art. III. Sec.D.1.a.1)(a), (c) and (d), above, and is also required to take and pass the examinations required for admission to the Bar for the member's license type.
- 4) A Disability Inactive status member may be reinstated to Active pursuant to the disciplinary rules applicable to their license type. Before being transferred to Active, after establishing compliance with the disciplinary rules, the member also must comply with the requirements in these Bylaws for Inactive members transferring to Active status.

### III. MEMBERSHIP

- 5) A member of any type who has transferred to Inactive status during the pendency of a grievance or disciplinary proceedings may not be transferred to Active except as provided herein and may be subject to such discipline by reason of any grievance or complaint as may be imposed under the ELC, ELPOC, or ELLTTC.

#### **b. Transfer from Judicial to Active.**

A Judicial member may request to transfer to any other status, including Active. Upon a Judicial member's resignation, retirement, or completion of such member's term of judicial office, such member must notify the Bar within 10 days, and any Judicial member desiring to continue his or her affiliation with the Bar must change to another membership status within the Bar.

- 1) A Judicial member who has complied with all requirements for maintaining eligibility to return to another membership status may transfer to Active by submitting an application for change to Active membership status and
  - (a) paying the then current Active license fee for the member's license type, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as a Judicial member for the same licensing year; and
  - (b) complying with the MCLE requirements for members returning from Inactive to Active. Either judicial continuing education credits or lawyer continuing education credits may be applied to the credit requirement for Judicial members transferring to Active. If judicial continuing education credits are applied, the standards for determining accreditation for judicial continuing education courses will be accepted as establishing compliance.
- 2) A Judicial member wishing to transfer to Active upon leaving service as a judicial officer who has failed in any year to provide the annual member registry information or pay the annual license fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Active, be required to pay the Active license fee for the member's license type any years the registry information was not provided or the Judicial fee was not paid, in addition to complying with the requirements of (a) above.

#### **c. Transfer from Pro Bono to Active**

A Pro Bono member may transfer to Active by complying with the requirements for members returning from Inactive to Active. There is no limit on how long a member may be Pro Bono before returning to Active status.

#### **d. Referral to Character and Fitness Board**

All applications for readmission, reinstatement or transfer to Active status will be reviewed by Bar staff and handled consistent with the provisions of APR 20-24.3. In all cases reviewed by it, the Character and Fitness Board has broad authority to recommend withholding a transfer to Active status or imposing

### III. MEMBERSHIP

conditions on readmission to Active status, which may include retaking and passing the licensing examination applicable to the member's license type. The member will be responsible for the costs of any investigation, examination, or proceeding before the Character and Fitness Board and the Washington Supreme Court.

#### E. CHANGE OF MEMBERSHIP STATUS TO INACTIVE

1. Any member who is an Active, Judicial, or Pro Bono member and who is not Suspended will become an Inactive member when the member files a request for Inactive membership with the Bar, in such form and manner as the Bar may require, and that request is approved.

Effective January 1, 2012, a Judicial member wishing to transfer to Inactive member status upon leaving service as a judicial officer, who has failed in any year to provide the annual member registry information or to pay the annual licensing fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Inactive, be required to pay the Active license fee for lawyer members for any years the registry information was not provided or the Judicial fee was not paid.

2. Members are transferred to Disability Inactive pursuant to Title 8 of the ELC, ELPOC, or ELLLTC. Any member seeking to transfer from Disability Inactive to Inactive member status must first establish that the member has complied with the requirements of Title 8 of the ELC, ELPOC, or ELLLTC, and then must submit a written request to make the change and comply with all applicable licensing requirements for Inactive members.
3. All members who have been Active or Judicial, or a combination of Active and Judicial, members for 50 years may qualify for Honorary status. A qualified member may request to change to Honorary status by submitting a written request and any required application.
4. An Active member may apply to change from Active to Inactive status while grievances or disciplinary proceedings are pending against such member. Such transfer, however, shall not terminate, stay or suspend any pending grievance or proceeding against the member.

#### F. CHANGE OF MEMBERSHIP STATUS TO JUDICIAL

An Active member may request to become a Judicial member of the Bar by submitting a written request on judicial letterhead and any required application, and complying with the provisions of these Bylaws.

#### G. CHANGE OF MEMBERSHIP STATUS TO PRO BONO

A member may become a Pro Bono member by complying with the requirements of APR 3(g), including payment of any required license fee, and passing a character and fitness review.

Effective January 1, 2012, a Judicial member wishing to transfer to Pro Bono status upon leaving service as a judicial officer who has failed in any year to provide the annual member registry information or to pay the annual licensing fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Pro Bono, be required to pay the Active license fee for any years the registry information was not provided or the Judicial fee was not paid.

### III. MEMBERSHIP

#### H. VOLUNTARY RESIGNATION

Voluntary resignation may apply in any situation in which a member does not want to continue practicing law in Washington for any reason (including retirement from practice) and for that reason does not want to continue membership in the Bar. A member may voluntarily resign from the Bar by submitting a written request for voluntary resignation to the Bar in such form and manner as the Bar may require. If there is a disciplinary investigation or proceeding then pending against the member, or if at the time the member submits the written request the member has knowledge that the filing of a grievance of substance against such member is imminent, resignation is permitted only under the provisions of the ELC, ELPOC, or ELLLTC. A member who resigns from the Bar cannot practice law in Washington in any manner. A member seeking readmission after resignation must comply with these Bylaws.

#### I. ANNUAL LICENSE FEES AND ASSESSMENTS

##### 1. License Fees

Unless established otherwise by order of the Washington Supreme Court, the following provisions apply to member license fees.

##### a. Active Members

- 1) Effective 2010, and all subsequent years, the annual license fees for Active members will be as established by resolution of the BOG, subject to review by the Washington Supreme Court.
- 2) First time admittees who are not admitted or licensed to practice law elsewhere, who take and pass the required examination for admission to practice law in Washington and are admitted in the first six months of the calendar year in which they took the exam, will pay 50% of the applicable full Active license fee for that year.
- 3) First time admittees who are not admitted or licensed to practice law elsewhere, who take and pass the required examination for admission to practice law in Washington and are admitted in the last six months of the calendar year in which they took the exam, will pay 25% of the applicable full Active license fee for that year.
- 4) First time admittees who are not admitted elsewhere, who take and pass the required examination for admission to practice law in Washington in one year but are not admitted until a subsequent year, shall pay 50% of the applicable full Active license fee for their first two license years after admission.
- 5) First time admittees who are admitted as a lawyer in one calendar year in another state or territory of the United States or in the District of Columbia by taking and passing a bar examination for that state, territory, or district, who become admitted as a lawyer in Washington in the same calendar year in which they took and passed the examination, will pay 50% of the full Active lawyer license fee if admitted in Washington in the first six months of that calendar year and 25% of the full active license fee if admitted in Washington in the last six months of that calendar year.

### III. MEMBERSHIP

- 6) All members in their first two full licensing years after admission or licensure to practice law in any jurisdiction will pay 50% of the applicable full Active license fee.
- 7) An Active member of the Bar who is activated from reserve duty status to full-time active duty in the Armed Forces of the United States for more than 60 days in any calendar year, or who is deployed or stationed outside the United States for any period of time for full-time active military duty in the Armed Forces of the United States will be exempt from the payment of license fees and assessments for the Client Protection Fund upon submitting to the Executive Director satisfactory proof that he or she is so activated, deployed or stationed. All requests for exemption must be postmarked or delivered to the Bar's offices on or before February 1st of the year for which the exemption is requested. Eligible members must apply every year they wish to claim the exemption. Each exemption applies for only the calendar year in which it is granted, and exemptions may be granted for a maximum total of five years for any member. Granting or denying an exemption under this provision is within the sole discretion of the Executive Director and is not appealable.

#### **b. Inactive Members**

- 1) The annual license fee for Inactive members will be as established by resolution of the BOG and as approved by the Washington Supreme Court. Except for the amount of the license fee itself, the annual license fee payment requirements, including deadlines and late payment fees, for Active members will apply to Inactive members.
- 2) Honorary and Disability Inactive status members will be exempt from license fees and assessments, unless otherwise provided by Supreme Court order.

#### **c. Judicial Members [Effective January 1, 2012]**

Judicial members who wish to preserve eligibility to transfer to another membership status upon leaving service as a judicial officer must pay the annual license fee established by the Bar and as approved by the Supreme Court. Except for the amount of the license fee itself, the annual license fee payment requirements, including deadlines and late payment fees, for Active members apply to Judicial members; however, Judicial members are not subject to administrative suspension for nonpayment of license or late payment fees.

#### **d. Pro Bono Members**

Pro Bono members must pay the annual license fee required of Inactive members with the same type of license unless the member qualifies for the license fee waiver as provided for in APR 3(g). Except for the amount of the license fee itself, the annual license fee payment requirements, including deadlines and late payment fees, for Active members apply to Pro Bono members.

### **2. Assessments**

Members must pay any Client Protection Fund assessment, and any other assessments, as ordered by the Washington Supreme Court.

### III. MEMBERSHIP

#### 3. Deadline and Late Payment Fee

License fees and mandatory assessments are due and payable on or before February 1st of each year, in such form and manner as required by the Bar, unless otherwise established by these Bylaws or the APR. Members who pay their license fees on or after February 2nd will be assessed a late payment fee of 30% of the total amount of the license fees required for that membership type and status. License fees for newly admitted members are due and payable at the time of admission and registration, and are not subject to the late payment fee.

#### 4. Rebates /Apportionments

No part of the license fees will be apportioned to fractional parts of the year, except as provided for new admittees by the BOG. After February 1st of any year, no part of the license fees will be rebated for any reason, including but not limited to death, resignation, suspension, disbarment, license termination, cancellation or revocation, or change of membership status.

#### 5. License Fee and Assessment Exemptions Due to Hardship

In case of proven extreme financial hardship, which must entail a current annual household income equal to or less than 200% of the federal poverty level as determined based on the member's household income for the calendar year immediately preceding the calendar year for which the member is seeking to be exempted from license fees, the Executive Director may grant an exemption from payment of annual license fees and assessments by any Active member. Hardship exemptions are for one licensing period only, and a request must be submitted on or before February 1st of the year for which the exemption is requested. Denial of an exemption request is not appealable. A member may be granted a hardship exemption a maximum of two times, on the basis of separate exemption requests, and the exemptions may be granted for consecutive or non-consecutive calendar years.

#### 6. License Fee Referendum

Once approved by the BOG, license fees shall be subject to the same referendum process as other BOG actions, but may not be modified or reduced as part of a referendum on the Bar's budget. The membership shall be timely notified of the BOG resolutions setting license fees both prior to and after the decision, by posting on the Bar's website, e-mail, and publication in the Bar's official publication.

### J. SUSPENSION

#### 1. Interim Suspension

Interim suspensions may be ordered during the course of a disciplinary or disability investigation or proceeding, as provided in the ELC, ELPOC, or ELLLTC, and are not considered disciplinary sanctions.

#### 2. Disciplinary Suspension

Suspensions ordered as a disciplinary sanction pursuant to the ELC, ELPOC, or ELLLTC are considered disciplinary suspensions.

### III. MEMBERSHIP

#### 3. Administrative Suspension

- a. Administrative suspensions are neither interim nor disciplinary suspensions, nor are they disciplinary sanctions. Except as otherwise provided in the APR and these Bylaws, a member may be administratively suspended for the following reasons:
  - 1) Nonpayment of license fees or late-payment fees;
  - 2) Nonpayment of any mandatory assessment (including without limitation the assessment for the Client Protection Fund);
  - 3) Failure to file a trust account declaration;
  - 4) Failure of a lawyer to file a professional liability insurance disclosure;
  - 5) Failure of a LLLT or LPO to provide proof of financial responsibility;
  - 6) Failure to comply with mandatory continuing legal education requirements;
  - 7) Nonpayment of child support;
  - 8) Failure to designate a resident agent or notify the Bar of change in resident agent or the agent's address;
  - 9) Failure to provide current information required by APR 13 or to notify the Bar of a change of information required by APR 13 within 10 days after the change; and
  - 10) For such other reasons as may be approved by the BOG and the Washington Supreme Court.
- b. Unless requirement for hearing and/or notice of suspension are otherwise stated in these Bylaws or the APR, ELC, ELPOC or ELLLTC, a member will be provided notice of the member's failure to comply with requirements and of the pendency of administrative suspension if the member does not cure the failure within 60 days of the date of the written notice, as follows:
  - 1) Written notice of non-compliance will be sent one time by the Bar to a member at the member's address of record with the Bar by registered or certified mail. Such written notice will inform the member that the Bar will recommend to the Washington Supreme Court that the member be suspended from membership and the practice of law if the member has not corrected the deficiency within 60 days of the date of the notice.
  - 2) In addition to the written notice described above, the Bar will make one attempt to contact the member at the telephone number(s) the member has made of record with the Bar and will speak to the member or leave a message, if possible. The Bar will also make one attempt to contact the member at the member's e-mail address of record with the Bar.
- c. Although not required to provide any additional notice beyond what is described above, the Bar may, in its sole discretion, make such other attempt(s) to contact delinquent members as it deems appropriate for that member's situation.
- d. A member failing to correct any deficiency after two months' written notice as provided above must be suspended from membership. The Executive Director must certify to the Clerk of the Supreme Court the name of any member who has failed to correct any deficiency, and when so ordered by the Supreme Court, the member will be suspended from membership in the Bar and from the practice of law in Washington. The list of

### III. MEMBERSHIP

suspended members may be provided to the relevant courts or otherwise published at the discretion of the BOG.

#### 4. Multiple Suspensions

A member may be suspended from membership and from the practice of law for more than one reason at any given time.

#### K. CHANGING STATUS AFTER SUSPENSION

1. Upon the completion of an ordered disciplinary or interim suspension, or at any time after entry of an order for an administrative suspension, a suspended member may seek to change status from suspended to any other membership status for which the member qualifies at the time the change in status would occur.
2. Before changing from suspended status, a member who is suspended pursuant to an interim or disciplinary suspension must comply with all requirements imposed by the Washington Supreme Court and/or the applicable disciplinary rules in connection with the disciplinary or interim suspension. Additionally, such member must comply with all other requirements as stated in these Bylaws and in the applicable APR.
3. If a member was suspended from practice for more than one reason, all requirements associated with each type of suspension must be met before the change from suspended status can occur.
4. Unless otherwise provided in the applicable APR, a suspended member may seek to change status by:
  - a. paying the required license fee and any assessments for the licensing year in which the status change is sought, for the membership status to which the member is seeking to change. For members seeking to change to Active or any other status from suspension for nonpayment of license fees, the required license fee will be the current year's license fee and assessments, the assessments for the year of suspension, and double the amount of the delinquent license fee and late fees for the license year that resulted in the member's suspension;
  - b. completing and submitting to the Bar an application for change of status, any required or requested additional documentation, and any required application or investigation fee, and cooperating with any additional character and fitness investigation or hearing that may be required pursuant to APR 20-24.3; and
  - c. completing and submitting all licensing forms required for the license year for the membership status to which the member is seeking to change.
  - d. In addition to the above requirements:
    - 1) Any member seeking to change to Active who was Suspended, or any combination of Suspended and Inactive, for less than six consecutive years must establish that within the six years prior to the return to active status, the member has earned and reported approved MCLE in a manner consistent with the requirements for one reporting period for an Active member with the same license type. However, if the member has been Suspended and/or Inactive for one year or less and the member was required to report

### III. MEMBERSHIP

MCLE compliance during the time the member was Suspended and/or Inactive, the member must establish that the member is compliant with the MCLE credits the member would have been required to report that period.

- 2) Any member seeking to change to Active who was Suspended, or any combination of Suspended and Inactive, for six or more consecutive years must establish that within the three years prior to the return to Active status, the member has earned and reported approved MCLE credits in a manner consistent with the requirement for one reporting period for an Active member with the same license type. In addition, the member must have completed the applicable readmission/reinstatement course as set forth in Art. III. Sec.D.1.a)(2).

Any member completing such course will be entitled to credit towards mandatory continuing legal education requirement for all CLE credits for which such reinstatement/readmission course is accredited. It is the member's responsibility to pay the cost of attending the course. The member must comply with all registration, payment, attendance, and other requirements for such course, and will be responsible for obtaining proof of attendance at the entire course and submitting or having such proof submitted to the Bar.

#### **L. REINSTATEMENT AFTER DISBARMENT OR REVOCATION**

Applicants seeking reinstatement after disbarment or revocation must file a petition for reinstatement and otherwise comply with the requirements of the APR relating to reinstatement after disbarment or revocation. If the petition is granted and reinstatement is recommended, the petitioner must take and pass the required examination for admission and comply with all other admission and licensing requirements applicable to the member's license type for the year in which the petitioner is reinstated.

#### **M. REINSTATEMENT AFTER RESIGNATION IN LIEU OF DISCIPLINE, DISBARMENT, OR REVOCATION**

No former member will be allowed to be readmitted to membership of any type after entering into a resignation in lieu of discipline, disbarment, or revocation pursuant to the ELC, ELPOC, or ELLLTC. Persons who were allowed to resign with discipline pending under former provisions of these Bylaws prior to October 1, 2002, may be readmitted on such terms and conditions as the BOG determines, provided that if the person resigned with discipline pending and a prior petition for reinstatement or readmission has been denied, no petition may be filed or accepted for a period of two years after an adverse decision on the prior petition for reinstatement or readmission.

#### **N. READMISSION AFTER VOLUNTARY RESIGNATION**

Any former member who has resigned and who seeks readmission to membership must do so in one of two ways: by filing an application for readmission in the form and manner prescribed by the Bar, including a statement detailing the reasons the member resigned and the reasons the member is seeking readmission, or by seeking admission by motion pursuant to APR 3(c) (if the former member is

### III. MEMBERSHIP

licensed as a lawyer in another U.S. jurisdiction and would otherwise qualify for admission under that rule).

1. A former member filing an application for readmission after voluntary resignation must:
  - a. pay the application fee, together with such amount as the BOG may establish to defray the cost of processing the application and the cost of investigation; and
  - b. establish that such person is morally, ethically and professionally qualified to be licensed as the applicable member type and is of good moral character and has the requisite fitness to practice law consistent with the requirements for other applicants for admission to practice law as the applicable member type. An application for readmission will be subject to character and fitness investigation and review as described in APR 20-24.3, consistent with other applications for admission.
  - c. In addition to the above requirements, if an application for readmission is granted and:
    - 1) it has been less than four consecutive years since the voluntary resignation, the applicant must establish:
      - (a) that within the three years prior to readmission the former member has earned and reported approved MCLE credits in a manner consistent with the requirement for one reporting period for an Active member of the same license type, without including the credits that might otherwise be available from the reinstatement/readmission course; and
      - (b) attend and complete the applicable Bar-sponsored reinstatement/readmission course as set forth in Art. III.Sec.D.1.a)(2).
    - 2) it has been four or more consecutive years since the voluntary resignation, the applicant must take and pass the applicable examination required for admission.
  - d. Upon successful completion of the above requirements, the former member must satisfy the preadmission requirements and be admitted by Supreme Court order as set forth in APR 5, except that:
    - 1) A lawyer who has been resigned for less than four years need not take and pass the Washington Law Component; and
    - 2) A LLLT applicant who has been resigned less than four consecutive years need not demonstrate completion of substantive law-related work experience.
2. A voluntarily resigned former member seeking readmission through admission by motion pursuant to APR 3(c) must comply with all requirements for filing such application and for admission upon approval of such application.

#### O. EXAMINATION REQUIRED

All applications for reinstatement after disbarment or revocation will be subject to character and fitness review, and taking and passing the examination for admission for the applicable license type, pursuant to the provisions of APR 25-25.6. All applications for readmission after voluntary resignation will be subject to character and fitness review pursuant to the provisions of APR 20-24.3. All applications for reinstatement to Active status from Suspended status will be handled in a similar fashion to applications for a return to Active status from Inactive status. The Character and Fitness Board, and (on review) the

### III. MEMBERSHIP; IV. GOVERNANCE

Washington Supreme Court, have broad authority to withhold a transfer to Active or to impose conditions on reinstatement or readmission to Active membership, which may include taking and passing the applicable examination for admission, in cases where the applicant fails to meet the burden of proof required by APR 20-24.3. The member/former member will be responsible for the costs of any investigation, bar examination, or proceeding before the Character and Fitness Board and the Washington Supreme Court.

## IV. GOVERNANCE

### A. BOARD OF GOVERNORS

The Board of Governors (BOG) is the governing body of the Bar. It determines the policies of the Bar and approves its budget each year. Subject to the plenary authority and supervision of the Washington Supreme Court and limitations imposed by Statute, Court Rule, Court Order, or case law, the Board possesses all power and discretion on all matters concerning the WSBA. The Board may delegate the exercise of its authority but that does not constitute a transfer of it. The Board's authority is retained and may be exercised at any time upon a majority vote of the Board.

#### 1. Composition of the Board of Governors

The BOG will consist of (a) the President; (b) one Governor elected from each Congressional District, except in the Seventh Congressional District where members will be elected from separate geographic regions designated as North and South, and identified by postal zip codes as established by the Bar in accordance with these Bylaws and BOG policy; and (c) three Governors elected at-large pursuant to these Bylaws.

#### 2. Duties

- a. The BOG elects the President-elect of the Bar.
- b. The BOG selects the Bar's Executive Director and annually reviews the Executive Director's performance.
- c. Regardless of the method by which any person is selected to serve on the BOG, each Governor will act in the best interest of all members of the Bar and the public. Each Governor is primarily obligated to ensure that the Bar fulfills the mandate set forth in General Rule 12.1, carries out the mission of the Bar, and operates in accordance with the Bar's Guiding Principles.
- d. Each Governor is expected to engage with members about BOG actions and issues, and to convey member viewpoints to the Board. In representing a Congressional District, a Governor will at a minimum: (1) bring to the BOG the perspective, values and circumstances of her or his district to be applied in the best interests of all members, the public and the Bar; and (2) bring information to the members in the district that promotes appreciation of actions and issues affecting the membership as a whole, the public and the organization.
- e. Each Governor appointed to serve as a BOG liaison to a committee, task force, council, section, board, or other entity has the responsibility to fulfill those liaison duties on behalf

## IV. GOVERNANCE

of the BOG. Governors appointed to serve as BOG liaisons are not voting members of those entities. BOG liaisons must not be excluded but will not participate in those entities' executive sessions or confidential deliberations except when requested to do so as a resource.

- f. Meetings of the BOG will be held as provided in these Bylaws. Each Governor must attend all board meetings except in cases of emergency or compelling circumstance that prevents participation.

### 3. Term

Governors will assume their duties at the close of the final regularly scheduled BOG meeting of the fiscal year in which they were elected. Governors serve a term of three years, except as may be otherwise provided by these Bylaws.

### 4. Vacancy

- a. A vacancy may arise due to resignation, death, removal by BOG, or recall by members.
  - 1) Removal by the Board of Governors. Any Governor may be removed from office for good cause by a 75% vote of the entire BOG exclusive of the Governor subject to removal, who will not vote. The vote will be by secret written ballot. Good cause for removal includes, without limitation, incapacity to serve, serious or repeated failures to meet the duties outlined in these Bylaws, or conduct or activities that bring discredit to the Bar.
  - 2) Recall by Members. Any Governor may be removed from the BOG by a recall by members, in accordance with the procedures set forth in these Bylaws.
- b. Response to a Vacancy
  - 1) If a vacancy occurs for any reason and 12 months or less remain in that Governor's term, in the BOG's sole discretion the position may remain vacant until the next regularly scheduled election for that Governor position. In that event, no interim governor will be elected or appointed to the position.
  - 2) If a vacancy occurs due to resignation, death, or the removal of a Governor by the BOG, and more than 12 months remain in that Governor's term, the BOG must elect a candidate eligible for that position to serve as Governor until the next regularly scheduled election for that Governor position.
  - 3) If a Governor is removed due to recall and more than 12 months remain in that Governor's term, a special election will be conducted using the general procedures set forth in the "Election of Governors from Congressional Districts" provisions of these Bylaws. The application period for any special election held pursuant to this paragraph must be no less than 30 days and must, at a minimum, be prominently posted on the Bar's website and e-mailed to all members eligible to vote in the election.
  - 4) Regardless of whether a special election will be held to fill a Governor position that is vacant due to recall by the members, such position will not be filled by any interim governors selected by the BOG or appointed by the President.

## IV. GOVERNANCE

### B. OFFICERS OF THE BAR

The officers of the Bar consist of a President, President-elect, Immediate Past-President, and Treasurer. The Executive Director of the Bar serves as secretary in an ex officio capacity. Except for the Executive Director, all officers must be Active lawyer members of the Bar.

#### 1. President

The President is the chief spokesperson of the Bar, and presides at all meetings of the BOG. The President has the authority to: set the agenda however that authority is secondary to the authority of the Board of Governors at any Board meeting to take action on any issue raised by a duly seconded motion; take action to execute the policies established by the BOG; assign Governors as liaisons to Bar sections, committees, or task forces, specialty bar associations, and other law related organizations; and to appoint task forces, BOG committees, or other ad hoc entities to carry out policies established by the BOG. The President also performs any other duties typically performed by an organization's President. The President may vote only if the President's vote will affect the result. The President must present a report to the membership covering the principal activities of the Bar during the President's tenure.

#### 2. President-elect

The President-elect performs the duties of the President at the request of the President, or in the absence, inability, recusal, or refusal of the President to perform those duties. The President-elect also performs such other duties as may be assigned by the President or the BOG. The President-elect is not a voting member of the BOG except when acting in the President's place at a meeting of the BOG and then only if the vote will affect the result.

#### 3. Immediate Past President

The Immediate Past President performs such duties as may be assigned by the President or the BOG. The Immediate Past President will perform the duties of the President in the absence, inability, recusal, or refusal of the President, President-elect, and Treasurer to perform those duties. Among the duties specifically assigned to the Immediate Past President is to work on behalf of the BOG and the officers to ensure appropriate training and education of new BOG members and officers during their term.

The Immediate Past President is not a voting member of the BOG except when acting in the President's place at a meeting of the BOG and then only if the vote will affect the result.

#### 4. Treasurer

The Treasurer chairs the Budget and Audit Committee and is responsible for ensuring that the BOG and officers are informed about the finances of the Bar. The Treasurer will perform the duties of the President in the absence, inability, recusal, or refusal of the President and the President-elect to perform those duties. The Treasurer also performs such other duties as are assigned by the President or the BOG.

#### 5. Executive Director

## IV. GOVERNANCE

The Executive Director is the principal administrative officer of the Bar. The Executive Director is responsible for the day-to-day operations of the Bar including, without limitation: (1) hiring, managing and terminating Bar personnel, (2) negotiating and executing contracts, (3) communicating with Bar members, the judiciary, elected officials, and the community at large regarding Bar matters, (4) preparing an annual budget for the Budget and Audit Committee, (5) ensuring that the Bar's books are kept in proper order and are audited annually, (6) ensuring that the annual audited financial report is made available to all Active members, (7) collecting debts owed to the bar and assigning debts for collection as deemed appropriate, (8) acquiring, managing, and disposing of personal property related to the Bar's operations within the budget approved by the BOG, (9) attending all BOG meetings, (10) reporting to the BOG regarding Bar operations, (11) ensuring that minutes are made and kept of all BOG meetings, and (12) performing such other duties as the BOG may assign. The Executive Director serves in an ex officio capacity and is not a voting member of the BOG.

### 6. Terms of Office

- a. The President-elect is elected by the BOG, as set forth in these Bylaws. The President-elect succeeds the President unless removed from office pursuant to these Bylaws.
- b. The President-elect and Treasurer take office at the close of the final regularly scheduled BOG meeting of the fiscal year in which they were elected to those positions. The President takes office at the close of the final regularly scheduled BOG meeting of the fiscal year in which he or she served as President-elect. The Immediate Past President takes office at the close of the final regularly scheduled BOG meeting of the fiscal year in which he or she served as President.
- c. The term of office of each officer position is one year; however, the Executive Director serves at the direction of the BOG and has an annual performance review. No individual shall serve as Executive Director for more than ten years, except that the Board of Governors may extend the contract for the Executive Director past that period, in its discretion, by a 66% super-majority vote for terms of two year increments.

### 7. Vacancy

- a. The President, President-Elect, Immediate Past President, and Treasurer may resign or be removed from office for good cause by an affirmative vote of 75% of the entire BOG. Good cause for removal includes, without limitation, incapacity to serve, serious or repeated failures to meet the duties outlined in these Bylaws, or conduct or activities that bring discredit to the Bar.
  - 1) Upon removal or resignation of the President, the President-elect will fill the unexpired term of the President and then serve the term for which he or she was elected President. If there is no President-elect, then the BOG will elect such other person as it may determine, with the Treasurer performing the duties of the President until the BOG elects a new President.
  - 2) Upon removal or resignation of the President-elect, or ascendancy of the President-elect to the Presidency pursuant to paragraph (1) above, the BOG will elect a new President-elect (from Eastern Washington if the President-elect is mandated to be from Eastern Washington per these Bylaws).

## IV. GOVERNANCE

- 3) Upon disqualification, removal, or resignation of the Immediate Past President, the office will remain vacant until the close of the term of the then-current President. If the office of Immediate Past President would otherwise become vacant because the President was removed or resigned during his or her term, the most recent Immediate Past President will remain in office for another term. If the most recent Immediate Past President is unable or unwilling to serve another term, the President may appoint, subject to approval of the BOG, a person eligible to serve as an officer to act as Immediate Past President for the otherwise vacant term. This appointment may be done prior to the start of the otherwise vacant term, but the appointed Immediate Past President will not assume office until the close of the term of the then-current Immediate Past President. If the appointment is done after the otherwise vacant term begins, the appointed Immediate Past President will assume office immediately upon BOG approval.
  - 4) Upon removal or resignation of the Treasurer, the BOG will elect a new Treasurer pursuant to the procedures set forth in these Bylaws.
- b. The Executive Director is appointed by the BOG, serves at the direction of the BOG, and may be dismissed at any time by the BOG without cause by a majority vote of the entire BOG. If dismissed by the BOG, the Executive Director may, within 14 days of receipt of a notice terminating employment, file with the Supreme Court and serve on the President, a written request for review of the dismissal. If the Supreme Court finds that the dismissal of the Executive Director is based on the Executive Director's refusal to accede to a BOG directive to disregard or violate a Court order or rule, the Court may veto the dismissal and the Executive Director will be retained.

### C. BOARD OF GOVERNORS COMMITTEES

1. The BOG may delegate work to BOG standing committees, special committees, work groups, or other subgroups however defined, the membership of which will be established by the President with due consideration given to Governors' membership requests. The BOG standing committees include, at a minimum, the following: Executive Committee; Awards Committee; Budget and Audit Committee; Legislative Committee; and Personnel Committee.
2. The purpose of BOG committees, regardless of what they are called, is to make recommendations and make the work of the BOG more efficient. Consensus should govern meetings of BOG committees whenever possible. If a BOG committee is unable to reach a consensus, the committee will vote. Only Governors may vote on standing Board committees. Voting members of ad hoc committees will be determined by the Board on a case-by-case basis.
3. Meetings of BOG committees are open to the public, unless provided otherwise in these Bylaws or by court rule. The ability to participate in and comment at BOG committee meetings is in the discretion of the Chair as provided in these Bylaws.
4. BOG Legislative Committee
  - a. Purpose: The BOG Legislative Committee is authorized to propose or adopt positions on behalf of the BOG with respect to legislation that has been introduced or is expected to be

## IV. GOVERNANCE

introduced in the Washington State Legislature, including the authority to propose amendments to legislation or to adopt positions on amendments to legislation. The BOG Legislative Committee is authorized to review and approve proposed comments to Court Rules, so long as the deadline for submission is before the next regularly scheduled meeting of the Board of Governors.

- b. Membership: The President appoints the Committee, which consists of the following voting members:
  - 1) Eight Governors, including the Treasurer;
  - 2) the President;
  - 3) the President-elect; and
  - 4) the Immediate Past President.

The President selects the Chair from among the Governors appointed to the Committee.

- c. Procedure: Consideration of legislation by the Committee proceeds in the following order:
  - 1) The Committee first determines, by a two-thirds majority vote of those voting, whether the legislation is within the scope of GR 12.1 and whether it is appropriate under the circumstances for the Committee to determine a position on the legislation on behalf of the BOG.
  - 2) If the determination in subsection (1) above is affirmative, then the Committee will determine by a two-thirds majority vote of those voting what position, if any, to adopt on the legislation on behalf of the BOG.
  - 3) The Committee may determine that major or novel legislative issues will be referred to the BOG for consideration.
  - 4) Any issues to be considered or actions taken by the Committee must be promptly communicated to the BOG by electronic delivery; and actions taken by the Committee must also be communicated at the next BOG meeting.
  - 5) Due to the Committee's unique need to be able to act quickly to address issues that arise during a regular or special legislative session, between meetings the Committee may discuss and vote on issues by e-mail; however, if any Committee member objects to using an e-mail process for any particular issue, the Committee will take up that issue at its next scheduled Committee meeting.
  - 6) When reviewing a proposed comment for a Court Rule that has a submission deadline prior to the next regularly scheduled Board of Governors meeting, a simple majority of the BOG Legislative Committee present at a regular or special meeting of the Committee may approve the comment for submission with the same effect as if it has been approved by the Board of Governors.
- d. Quorum: A quorum consists of a majority of the Committee's voting members.
- e. Committee Meetings: The Committee may meet in executive session, with no persons present except the members of the Committee, other members of the BOG, the Executive Director, the Legislative Liaison, and such others as the Committee may authorize. Committee meetings may be held electronically.

## IV. GOVERNANCE

### D. POLITICAL ACTIVITY

#### 1. Board of Governors

- a. The BOG acting as a board must not publicly support or oppose, in any election, any candidate for public office.
- b. The BOG acting as a board must not take a side or position publicly or authorize any officer or the Executive Director to take a side or position publicly on any issue being submitted to the voters or pending before the legislature, unless the matter is considered in public session at a meeting of the BOG with advance notice to the Bar's membership, and the following requirements are met:
  - 1) The BOG first votes to determine whether the issue is within the scope of GR 12.1; and
  - 2) If the BOG determines that the matter is within the scope of GR 12.1, then the BOG will vote to determine what position, if any, to adopt on the issue.
- c. The restriction applies fully to prohibit:
  - 1) the use of the name or logo of the Bar;
  - 2) the contribution of funds, facility use, or Bar staff time;
  - 3) participation or support to any degree in the candidate's campaign, or the campaign on either side of the issue.
- d. The restriction does not apply to matters that are exclusively related to the administration of the Bar's functions or to any issue put to a vote of the Bar's membership.

Notice of any BOG position or authorization to the President or Executive Director to take a position must be published on the Bar's website as soon as possible after the meeting at which the final action is taken.

#### 2. President and President-elect

The President and President-elect must not publicly support or oppose, in an election, any candidate for public office. This restriction applies fully to prohibit:

- a. the use of the President's and President-elect's name,
- b. the contribution of funds, or
- c. participation or support to any degree in the candidate's campaign.

Further, the President and President-elect must not take a side publicly on any issue being submitted to the voters, pending before the legislature or otherwise in the public domain except when specifically authorized or instructed by the BOG to do so on a matter relating to the function or purposes of the Bar.

#### 3. Governors, other Officers, and Executive Director

Governors, other officers, and the Executive Director must not publicly support or oppose, in an election, any candidate for public elective office in the State of Washington the prerequisites for which include being an attorney, except where the candidate is a member of that person's immediate family. This restriction applies fully to prohibit:

## IV. GOVERNANCE

- a. the use of the Governor's, officer's, or Executive Director's name,
- b. the contribution of funds, or
- c. participation or support to any degree in the candidate's campaign.

The term "immediate family" as used in this Article includes a sibling, parent, spouse, domestic partner, child and the child of a spouse or domestic partner.

### 4. Other

If any officer, Governor, or the Executive Director supports or opposes any candidate or issue as permitted in this Article, then that person must not state or imply that he or she is acting in his or her capacity as officer, Governor or Executive Director of the Bar unless specifically authorized to do so by the BOG.

### 5. Letterhead

Use of Bar letterhead is limited to official business of the Bar and specifically must not be used for personal or charitable purposes, or in connection with any political campaign or to support or oppose any political candidate. Bar letterhead must not be used to support or oppose any public issue unless the BOG has taken a position on the issue.

## E. REPRESENTATION OF THE BAR

Except as specifically set forth in these Bylaws, no committee, section, task force, or other Bar entity, or member thereof, member of the BOG, or officer or employee of the Bar is permitted to speak for or represent the Bar, or any committee, section, task force, or entity thereof, before any legislative body, in any court, before any other tribunal or in any communication to the Governor or the Attorney General of the State, unless prior authorization to do so has been specifically granted by the BOG by policy adopted by the BOG or by specific BOG action.

1. As the chief spokesperson of the Bar, the President has the authority to take action to execute the policies established by the BOG, and to serve as the representative of the Bar in connection therewith.
2. The BOG Legislative Committee is specifically authorized, under the terms of these Bylaws, to propose or adopt positions on behalf of the BOG with respect to legislation that has been introduced or is expected to be introduced in the Washington State Legislature, including the authority to propose amendments to legislation or to adopt positions on amendments to legislation. The BOG Legislative Committee is further authorized to approve proposed comments to Court Rules, so long as the deadline for the comment submission occurs before the next regularly scheduled Board of Governors meeting.

## **IV. GOVERNANCE; V. APPROPRIATIONS AND EXPENSES**

3. The Executive Director may communicate with Bar members, the judiciary, elected officials, and the community at large regarding Bar matters and policies established by the BOG, and is not required to obtain prior approval from the BOG before doing so.
4. Bar employees whose job duties require them to do so, and independent counsel retained at the direction of the President or the BOG, are specifically authorized to represent the Bar, or any committee, section, or task force thereof, before any legislative body, in any court, before any other tribunal or in any communication to the Governor or the Attorney General of the State as may be necessary to perform their job duties.

## **V. APPROPRIATIONS AND EXPENSES**

### **A. APPROPRIATIONS**

Appropriations of Bar funds and authorization for payment of expenses will be made by the BOG through the adoption of an annual budget or by special appropriation as required.

1. The President appoints a BOG Budget and Audit Committee, which consists of a minimum of two Governors from each class, not to exceed eight Governors, one of whom must be the Treasurer. The President, President-Elect, Executive Director and Chief Financial Officer serve as ex officio, non voting members, and the Treasurer serves as Chair of the Committee and has a vote on the committee.
2. The Treasurer, together with the Budget and Audit Committee, will present a proposed Annual Budget to the BOG for approval prior to each fiscal year.
3. Decisions regarding non-budgeted appropriations must be made in accordance with the BOG-approved fiscal policies and procedures.

### **B. EXPENSES; LIMITED LIABILITY**

1. Requests for payment must be in such form and supported by such documentation as the BOG prescribes.
2. The financial obligation of the Bar to any Bar entity is limited to the amount budgeted and ceases upon payment of that amount unless the BOG authorizes otherwise.
3. Any liability incurred by any Bar entity, or by its members, in excess of the funds budgeted, will be the personal liability of the person or persons responsible for incurring or authorizing the liability.
4. Any liability incurred by any Bar entity, or by its members, not in accordance with the policies of the BOG or in conflict with any part of these Bylaws, will be the personal liability of the person or persons responsible for incurring or authorizing the liability.

## VI. ELECTIONS

### VI. ELECTIONS

#### A. ELIGIBILITY FOR MEMBERSHIP ON BOARD OF GOVERNORS

1. Governors from Congressional Districts: Any Active member of the Bar, except a person who has previously served as a Governor for more than 48 consecutive months, may be nominated or apply for election as Governor from the Congressional District, or geographic regions within the Seventh Congressional District, in which such person resides.

Members that have served as Governors for more than 48 consecutive months at time of filing an application, are not eligible to be nominated or apply for election or appointment as Governor from the Congressional District, At-Large Governor position, or geographic regions within the Seventh Congressional District, in which such person resides, for a period of 36 months after the conclusion of that term of service. Any disputes regarding the eligibility of a member to serve on the Board of Governors shall be addressed by the Board of Governors.

2. At Large Governors: There will be a total of three At Large Governor positions.
  - a. Two At Large (“Member At Large Governor”) Positions: Any Active member of the Bar, except a person who has previously served as a Governor for more than 48 consecutive months, may be nominated or apply.
  - b. One New and Young Lawyer (“New and Young Lawyer At Large Governor”) Position: Any Active lawyer member of the Bar who qualifies as a New and Young Lawyer as set forth in these Bylaws, except for a person who has previously served as a Governor for more than 48 consecutive months, may be nominated or apply.
3. Filing of nominations and applications must be in accordance with this Article.

#### B. NOMINATIONS AND APPLICATIONS

1. Applications for the Board of Governors elected from Congressional Districts must be filed in the office of the Bar not later than 5:00 p.m., on the 15th day of February of the year in which the election is to be held. If this deadline falls on a day in which the office of the Bar is closed, the deadline will be 5:00 p.m. of the following business day.
2. Applications and nominations for At Large Governor positions must be filed in the office of the Bar not later than 5:00 p.m. on the 15<sup>th</sup> day of April of the year in which the election or nomination is to be held.
3. Applications for the position of President-elect must be filed by the deadline set forth in the notice published in the Bar’s official publication and posted on the Bar’s website. Notice must be given not less than 30 days before the filing deadline.
4. In the event no application is made for a seat, the position will be treated, advertised, and filled by Board appointment until the next election cycle only, in which the position will be included in the election cycle for the remainder of the term.

## VI. ELECTIONS

### C. ELECTION OF GOVERNORS

1. Election of one Governor from each Congressional District and for the At Large positions will be held every three years as follows:
  - a. Third, Sixth, Eighth Congressional Districts and the North region of the Seventh Congressional District and one At Large Member Governor – 2014 and every three years thereafter.
  - b. First, Fourth, Fifth Congressional Districts and the South region of the Seventh Congressional District and one At Large New and Young Lawyers Governor – 2015 and every three years thereafter.
  - c. Second, Ninth and Tenth Congressional Districts and one At Large Member Governor – 2013 and every three years thereafter.
2. Voting in the Election of Governors from Congressional Districts will be conducted in the following manner:
  - a. Eligibility to Vote. All Active members, as of March 1st of each year, are eligible to vote in the BOG election for their district, subject to the election schedule shown above. Active members residing in the State of Washington may only vote in the district in which they reside. Active members residing outside the State of Washington may only vote in the district of the address of the agent they have designated within the State of Washington for the purpose of receiving service of process as required by APR 13, or, if specifically designated to the Executive Director, within the district of their primary Washington practice.
  - b. Ballots. On March 15th of each election year, the Executive Director will ensure delivery of ballots containing the names of all candidates for Governor for each District in which an election is to be held to each Active member eligible to vote in that District. Elections will be conducted electronically using a secure process (“electronic voting”). Active members who are eligible to vote in an election may request a paper ballot to be used in place of the electronic ballot. Electronic ballots will be sent to active members eligible to vote in an election, and will include information about how to vote by electronic voting. Should any Active member eligible to vote fail to receive a ballot, or receive a defective ballot, the member may obtain a replacement ballot by furnishing proof of eligibility to the Executive Director, and upon returning the defective ballot if the member received a paper ballot.
  - c. Voting Procedure. Each Active member eligible to vote in the election may vote in one of the following ways. Each member has only one vote. Only one vote will be counted from any member who inadvertently votes both by paper ballot and by electronic means:
    - 1) By paper ballot. Paper ballots will be available upon request. The member must submit the request by March 15<sup>th</sup> and cause the envelope containing the ballot to be delivered to the office of the Bar by no later than 5:00 p.m. (PDT) on April 1st of that election year. Alteration of or addition to the ballot, other than the marking of the member's choice, invalidates the ballot.
    - 2) By electronic voting. Voters will be sent links to their ballots via email. Voting must be completed by no later than 5:00 p.m. (PDT) on April 1st of that election year.

## VI. ELECTIONS

- d. **Voting System.** In any election for membership on the BOG, if there is only one qualified candidate nominated, then that candidate will be declared elected. If there are only two candidates for a position, then the candidate receiving the highest number of votes will be declared elected. If there are more than two candidates, and if no candidate receives more than 50% of the total vote, the two candidates receiving the highest number of votes will participate in a run-off election. In the event of a tie for the second highest vote total, all candidates who are tied will participate in the run-off election along with the candidate who received the most votes.

If a run-off election is necessary, the Executive Director in consultation with the President will designate the date for delivering the ballots and the deadline for voting, which will be no later than 5:00 p.m. (PDT), 10 days after the date the ballots are delivered. The candidate receiving the highest number of votes will be declared elected.

- e. **Checking and Custody of Ballots.** The Executive Director will maintain custody of all satisfactorily identified and signed paper ballot envelopes, segregated as to position. The paper ballot will remain in the custody of the Executive Director until counted. Any paper ballots not enclosed in an envelope, satisfactorily identified and signed, will not be counted.
- f. **Electronic votes** must be verified and securely stored by the online voting vendor.
- g. **Counting of Ballots.** Paper ballots will be counted by the Executive Director or their designee under the supervision of the Election Board, and electronic ballots will be counted by the online voting vendor. The ballot verification process will be supervised by an Election Board of not less than three Active members appointed by the President. At least two members of the Election Board must be present (in person or by video conference) at any count of paper ballots. Any Active member of the Bar may be present at such count of paper ballots.

The Executive Director will establish and follow a procedure that will ensure that no member's vote is counted more than once.

Promptly upon determination of the election results, the Election Board will forward the results to the Executive Director, who will notify each candidate as promptly as reasonably possible of the result of the election and publicly announce the election of the successful candidates. Official written notice of the election results also will be emailed to each candidate.

- h. **Retaining Ballots.** All paper ballots and identifying return envelopes must be retained in the custody of the Executive Director. The elections vendor must retain the electronic voting data, and maintain an auditable trail of the election, for no less than 90 days after the close of the election.
- i. If no challenge to the ballot count has been made after 90 days, the ballots and identifying return envelopes may be destroyed, and the Executive Director will notify the vendor to destroy the data and auditable trail for that election.

## VI. ELECTIONS

### 3. Eligibility Requirements: Election of At-Large Governors

At-Large Governors shall be elected by the Members as follows:

- a. Member At Large Governors: After notice of the position has been adequately provided to all members, the Diversity, Equity and Inclusion (DEI) Council shall forward at least three candidates who have a lived experience and knowledge of the needs of those members whose membership is or may be historically underrepresented in governance to the end that the BOG will be a more diverse and representative body than the results of the election of Governors based solely on Congressional Districts may allow. Diversity refers to meaningful representation of, and equal opportunities for, individuals who have a lived experience as a member from one or more historically underrepresented communities in the legal profession. Underrepresentation encompasses and is not limited to, race, disability, age, ethnicity, religion, sexual orientation, gender identity, and gender expression. The Executive Director shall then place all candidates forwarded by the DEI Council on the ballot to be elected by all eligible voting members. If the DEI Council forwards less than three candidates by May 1, the Executive Director shall notify the BOG, which may, at its option, select additional qualifying candidates on its own or place only those candidates forwarded by the DEI Council on the ballot to be elected by all eligible voting members.
  - b. New and Young Lawyers At Large Governor: By May 1, the Washington New and Young Lawyers Committee shall forward at least three candidates to the BOG who qualify as New and Young Lawyers as defined by Article XII(B) of these Bylaws in the year of the election. The BOG shall then place all candidates forwarded by the Washington New and Young Lawyers Committee on the ballot to be elected by a vote of all New and Young Lawyer Members as defined in section XII(B) of these Bylaws. If the Washington New and Young Lawyers Committee forwards less than three candidates by May 1, the Executive Director shall notify the BOG, which may, at its option, select additional qualifying candidates on its own or place only those candidates forwarded by the Washington New and Young Lawyers Committee on the ballot to be elected by a vote of all New and Young Lawyer Members as defined in section XII(B) of these Bylaws.
4. Voting in the Election of Member At Large Governor positions will be conducted in the following manner:
- a. Voting Procedure for the At Large Governor positions shall follow the procedures described above with the exception of the dates of the election.
  - b. Election will begin on May 15.
  - c. Voting must be completed no later than 5:00 p.m. (PDT) on June 1 of that election year.

## D. ELECTIONS BY BOARD OF GOVERNORS

### 1. Office of President-Elect.

The BOG will elect an Active lawyer member of the Washington State Bar Association to serve as President-elect. The election shall take place during a BOG meeting not later than the 38th week of each fiscal year, and will be by secret written ballot. The President-elect will take office upon the incumbent President-elect becoming President or upon vacancy of the office of President-elect.

## VI. ELECTIONS

If at the time of election, no President-elect in the preceding three years was an individual whose primary place of business was located in Eastern Washington, the President-elect must be an individual whose primary place of business is located in Eastern Washington. For purposes of these Bylaws, “Eastern Washington” is defined as that area east of the Cascade mountain range generally known as Eastern Washington. In any year where the President-elect must be an individual from Eastern Washington and no qualifying application is received within the timeframe allowed, the President will advise the BOG, and the BOG, at any regular meeting or special meeting called for that purpose, will establish procedures to re-open and extend the application period or otherwise address the issue. Such action by the BOG may include waiver of any geographic limitation for the year in question.

### 2. Treasurer

The Treasurer must be a current lawyer Governor and will be nominated and elected by the BOG at the second to the last regularly scheduled BOG meeting of the fiscal year. The Treasurer will be elected by simple majority of Governors voting. In the event there is more than one nomination, the vote will be by secret written ballot.

### 3. Election Procedures for President and President-elect

Elections of President and President-elect elections, and any other elections held by the BOG under these Bylaws, are conducted as follows:

- a. Notice of the position will be advertised in the Bar’s official publication and on the Bar’s website no less than 30 days before the filing deadline and must include the closing date and time for filing candidate applications.
- b. Following expiration of the closing date and time identified, all candidate names will be posted publicly.
- c. The BOG may appoint a committee to recommend candidates to the BOG from all who have submitted their applications for a position in a timely manner.
- d. All recommended candidates, or others as determined at the discretion of the BOG, will be interviewed in public session of the BOG’s meeting. Candidates who are competing for the same position must not be present for each other’s interviews.
- e. Discussion of the candidates will be in public session but candidates will be asked by the President not to be present.
- f. Election of candidates will be conducted by secret written ballot.
- g. If no candidate for a given position receives a majority of the votes cast, the two candidates receiving the highest number of votes will be voted on in a run-off election. In the event of a tie for the second highest vote total, all candidates who are tied will participate in the run-off election along with the candidate who received the most votes. The candidate with the most votes in the run-off will be deemed the winner.
- h. Ballots will be tallied by three persons designated by the President, one of whom will be the Executive Director.
- i. Proxy votes are not allowed; however, a Governor who participated in the interview and discussion process by electronic means may cast a vote telephonically via a confidential phone

## VI. ELECTIONS

call with the Executive Director and the other persons designated by the President to count the ballots.

- j. The elected candidate will be announced publicly following the vote. However, the vote count will not be announced and all ballots will be immediately sealed to both the BOG and the public and remain in the custody of the Executive Director for 90 days, when they will be destroyed.

### E. NEW GOVERNOR ORIENTATION

Any newly elected Governor will undergo an orientation period commencing from the time of his or her election until being sworn in by the Supreme Court. This orientation must include attendance and participation in a New Governor Orientation to be held at a time and place specified by the Executive Director. In addition, the Governors-elect are expected to attend other meetings and/or activities as invited by or directed by the BOG. Governors-elect must also attend public meetings of the BOG as non-voting Governors. This attendance does not include executive sessions, unless authorized by the BOG.

### F. MEMBER RECALL OF GOVERNORS

Any Governor may be removed from office by member recall. A recall vote is initiated by an Active member filing a petition for recall with the Executive Director. A petition for recall must identify the Governor, the Governor's congressional district or at-large status, and the Governor's term of office; set forth the basis for the recall; and contain the names and signatures of the Active members supporting the petition.

1. For congressional district Governors, the petition must be signed by five percent of the Active members of the Governor's congressional district at the time of filing. Only members of the Governor's district who are on Active status at the time of the vote are eligible to vote.
2. For the New and Young Lawyers At Large Governor, the petition must be signed by five percent of the New and Young Lawyers as defined in Article XII of these Bylaws at the time of filing. Only New and Young Lawyers who are on Active status at the time of the vote are eligible to vote. For all other At Large Governors, the petition must be signed by five percent of the Active members of the Bar at the time of filing, and only members on Active status at the time of the vote are eligible to vote.
3. The voting procedures set forth in the "Election of Governors from Congressional Districts" will be used as a procedural guideline for conducting a recall vote, and a majority vote is sufficient to pass a recall petition.

### G. 2020 ELECTIONS

In response to the Corona virus and public safety concerns, the 2020 elections conducted by the Board of Governors pursuant to these Bylaws may be scheduled anytime prior to 44th week of the fiscal year.

## VII. MEETINGS

### VII. MEETINGS

#### A. GENERAL PROVISIONS; DEFINITIONS

##### 1. Definitions

As used in this Article unless the context indicates otherwise:

- a. “Meeting” means any regular or special meeting of the BOG or other Bar entity at which action is contemplated. A “special meeting” is a meeting limited to specific agenda topics.
- b. When these Bylaws refer to a “Bar entity” or “other Bar entity,” this means any body, no matter how named, working under the authority of, or administered by, the Bar, pursuant to these Bylaws or court rule. The activities of such Bar entities subject to the Open Meetings Policy of this Article VII may include, but are not limited to, conducting meetings, taking actions, conducting hearings, or gathering information or member comment.
- c. “Action” means the transaction of the official business of the Bar by the BOG or other Bar entity including but not limited to receipt of member information, deliberations, discussions, considerations, reviews, evaluations, and final actions.
- d. “Final action” means a collective positive or negative consensus, or an actual vote of the voting members present, whether in person or by electronic means, at the time of the vote, upon a motion, proposal, resolution, or order.
- e. “Minutes” means, at a minimum, recording the members of the Bar entity in attendance, the date and time of the meeting, the agenda of the meeting, the subject and results of any final action taken, and a reasonable summary of the issues and points raised during discussion.

##### 2. Order of Business

The President or Chair of the meeting determines the order of the business of any meeting.

#### B. OPEN MEETINGS POLICY

1. All meetings of the BOG or other Bar entity must be open and public and all persons will be permitted to attend any meeting, except as otherwise provided in these Bylaws or under court rules. A meeting may be held in person or by videoconference and/or teleconference. Meeting schedules and contact information will be made reasonably available by the Bar.
2. This Open Meetings Policy does not apply to duly designated executive sessions, meetings otherwise excluded under the terms of these Bylaws, meetings of the BOG Personnel and Awards Committees, the Judicial Recommendation Committee, or to matters regulated by the Rules for Enforcement of Lawyer Conduct, the Admission and Practice Rules, or the Rules for Enforcement of Conduct of Limited Practice Officers.
3. Minutes of all meetings, except for executive sessions, must be recorded and approved minutes will be open to public inspection upon request. Minutes from every BOG public session will be posted on the Bar’s website once approved by the BOG. Sub-entities (for example,

## VII. MEETINGS

subcommittees) need not record minutes, unless they are specifically delegated the authority to take final action on behalf of the entity.

4. A member of the public will not be required, as a condition of attendance at a meeting, to register his or her name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.
5. In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting not feasible, and order cannot be restored by the removal of individuals who are interrupting the meeting, the persons presiding over the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members of the Bar entity. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, will be allowed to attend any session held pursuant to this paragraph. Nothing in this paragraph prohibits the Bar entity from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.
6. At any meeting required to be open to the public, no Bar entity is permitted to vote by secret ballot, except for elections for At Large Governors and the President-elect, as required by Article VI(D) for purposes of elections, or as otherwise provided by these Bylaws. A vote taken by email will not be deemed a secret ballot so long as the vote, including the question voted on, the identity of each person voting, and vote cast by each person, is recorded and published with the minutes. Votes taken on matters in a duly designated executive session need not be recorded or published, unless otherwise required by these Bylaws or court rule.
7. Executive Session
  - a. The BOG may meet in Executive Session at the discretion of the President subject to a majority vote of the Board of Governors that an issue is not properly raised in Executive Session, or as specifically provided by court rule:
    - 1) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price, or to consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price;
    - 2) To discuss an individual disciplinary matter, character and fitness matter, Client Protection Fund claim, or other matter made confidential by court rule or these Bylaws;
    - 3) To evaluate the qualifications of an applicant for employment as Executive Director or General Counsel, or for appointment to a position with the Bar or on a Bar entity; to review the performance of the Executive Director; or to receive or evaluate complaints regarding Officers, Governors, Bar staff, or appointees to other Bar entities;
    - 4) To discuss with legal counsel representing the Bar in litigation or potential litigation to which the Bar, the Bar entity, or an employee or officer of the Bar or member of the Bar entity is or is likely to become a party, or to have other privileged or confidential communications with legal counsel representing the Bar;
    - 5) To discuss legislative strategy; or

## VII. MEETINGS

- 6) To discuss any other topic in which the President in his or her discretion believes the preservation of confidentiality is necessary or where public discussion might result in violation of individual rights or in unwarranted or unjustified private or personal harm. This subsection 6 shall be narrowly and strictly construed; mere embarrassment or criticism is insufficient standing alone to address an issue in Executive Session.

Executive session of the BOG may proceed with no persons present except the President, President-elect, Immediate Past President, Governors, Executive Director, General Counsel, and such other persons as the BOG may authorize on a case by case basis. Any others shall be presumptively excluded, but may be admitted upon approval of a majority of the Board. An individual may be recused from executive session for conflict of interest or other reasons at the person's request or by a majority vote of the BOG. The President will publicly announce the purpose for meeting in executive session and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the President.

- b. A BOG committee may meet in Executive Session subject to the same terms and conditions as the Board may meet in Executive Session as identified in the preceding section.
- c. Other Bar entities may meet in Executive Session on matters within the scope of their work at the discretion of the Chair or as specifically provided by court rule:
  - 1) To discuss an individual disciplinary matter, character and fitness matter, Client Protection Fund claim, or other matter made confidential by court rule or these Bylaws;
  - 2) To evaluate the qualifications of an applicant for appointment to a Bar entity;
  - 3) To discuss with legal counsel representing the Bar in litigation or potential litigation to which the Bar, the Bar entity, or an employee or officer of the Bar or member of the Bar entity is or is likely to become a party, or to have other privileged or confidential communications with legal counsel representing the Bar; or
  - 4) To discuss legislative strategy.

Executive sessions of other Bar entities may proceed with no persons present except members of the entity and such other persons as the Chair may authorize, provided, however, that Bar staff and the BOG liaison may not be excluded from executive session. An individual may be recused from executive session for conflict of interest or other reasons at the person's request. The Chair will publicly announce the purpose for meeting in executive session and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the Chair.

8. Each Bar entity will set regular and special meetings as needed. It will not be a violation of these Bylaws for a majority of the members of a Bar entity to travel together or gather for purposes other than a meeting or special meeting as these terms are used in these Bylaws, provided that they take no final action as defined in these Bylaws.
9. A Bar entity may adjourn any meeting to a time and place specified in the order of adjournment. A quorum is not required to adjourn. If all members are absent from any meeting the Chair of the Bar entity may declare the meeting adjourned to a stated time and place. He or she will

## VII. MEETINGS

cause written or electronic notice of the adjournment to be given to all members of the Bar entity within 48 hours of the adjournment.

10. Any member may timely petition the BOG to declare any BOG final action voidable for failing to comply with the provisions of these Bylaws. Any member may petition the BOG to stop violations or prevent threatened violations of these Bylaws.

### C. MEETINGS OF THE BOARD OF GOVERNORS

#### 1. Regular Meetings

Regular meetings of the BOG will be held at such times and locations as the President may designate. Notice of the date, time, and location of each regular meeting must be posted on the Bar's website no later than 45 days prior to the date of the meeting. The agenda for the meeting will be posted on the Bar's website once finalized. Late materials related to agenda items may be accepted. Any changes to the agenda will be posted as soon as practicable given the circumstances of the change.

#### 2. Special Meetings

- a. Special meetings of the BOG may be called by the President at his or her discretion, by the Executive Director, at the written request of five members of the BOG, or at the written request of three members of the BOG's Executive Committee. Special meetings will customarily be held at the Bar's offices. All reasonable efforts will be made to schedule special meetings so the maximum number of Governors may attend, and Governors who are unable to attend in person may attend by electronic means.
- b. Notice of a special meeting must be in writing and must set forth the time, place and purpose thereof, and must be given to all members of the BOG, the officers, the Executive Director, and the General Counsel, and posted on the Bar's website, at least five days prior to the meeting. The five days' notice requirement may be waived by unanimous consent of the BOG. The special meeting will only consider such matters as set forth in the notice of the meeting. A special meeting may be canceled by the written consent of eight Governors, directed to the Executive Director, who in turn will transmit the cancellation notice and supporting documentation to all persons who were sent notice of the meeting.

#### 3. Emergency Meetings

An emergency meeting may be called, with 24-hour electronic notice to all members of the BOG and the General Counsel:

- a. When the President determines that an extraordinary matter requires immediate attention of the BOG; or
- b. By the Executive Director when there has been a natural disaster or catastrophic event that significantly impacts the Bar's ability to function.

The emergency meeting will be held at a location designated by the President or Executive Director, and Governors who are unable to attend in person may attend by electronic means. Notice of the meeting must indicate the subject matter to be considered, and the meeting must only consider such noted subject matter.

## VII. MEETINGS

### 4. Agenda

For every BOG meeting, the President will establish the agenda and order of business. Upon request to the President, a Governor may add an item to the upcoming regular meeting's agenda. If in the President's good faith estimation the upcoming agenda is full, the requested item will be placed on the next regularly scheduled meeting's agenda, unless otherwise agreed by the President and the requesting Governor. However, nothing in this section shall prohibit the Board of Governors upon a duly seconded motion from addressing any issue or taking any action a majority of the Board determines to take if otherwise permitted by these Bylaws.

### 5. Parliamentary Procedure

Proceedings at BOG meetings shall be governed by the most current edition of Robert's Rules of Order.

## D. EXECUTIVE COMMITTEE OF THE BOG

1. The BOG recognizes the need for an Executive Committee to address emergent but non-policy making matters that need timely attention in between BOG meetings. The Executive Committee's authority derives solely from the authority of the BOG, and is limited by the authority granted by the BOG. The BOG may establish a Charter specifically delineating the duties and functions of the Executive Committee.
2. The Executive Committee members shall include the President, the President-elect, the Immediate Past President, the Treasurer, the Chair of the BOG Personnel Committee, the Executive Director, and one member of each Governor class as elected by that class at or before the first Board meeting of the fiscal year unless that class is already represented. For any particular meeting, a governor class representative may designate an alternate from their class who is authorized to attend as the class representative for that particular meeting. Only the President, President-elect, and Governors may vote on the Executive Committee.
3. An Executive Committee meeting may be called by any member of the Executive Committee, provided that at least five days' notice is given to the Board of Governors and Executive Committee members. If an emergency situation requires less than five days' notice, the notice period may be waived by unanimous consent of the Executive Committee members but the full Board must be given notice at the same time of both the intent to consider an emergency meeting and the day and time of the meeting itself.
4. The Executive Committee may meet as necessary to develop the BOG meeting agenda or for discussion and action on matters within its scope. All agenda setting meetings will be set in advance and notice provided in writing to all Governors with the day, time, place, and agenda or purpose of the Executive Committee's meeting, and any Governor may attend the meeting. Although emergent issues may make it difficult to provide advanced notice of Executive Committee meetings not related to meeting and agenda setting, the Executive Committee must provide advance notice to all Governors to permit them to attend whenever feasible to do so.

## E. FINAL APPROVAL OF ACTION BY THE BOARD OF GOVERNORS

Reports, recommendations, or proposals do not represent the view or action of the Bar, unless approved by a vote of the BOG.

## VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

### VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

#### A. MEMBER REFERENDA

1. The Board of Governors sets the policy for the Bar. The membership, through a referendum, has the opportunity to affect policy set by the BOG. Membership referenda may accomplish the following:
  - a. Reverse a final action taken by the Board of Governors;
  - b. Modify a final action taken by the Board of Governors;
  - c. Enact a resolution; or
  - d. Amend these bylaws.
2. Any Active member may file a petition for a referendum. All petitions must meet the following requirements:
  - a. The petition must set forth the exact language of the proposed resolution, bylaw amendment, or modification/reversal of the BOG action.
  - b. The petition must be signed by at least five percent of the Active membership of the Bar at the time the petition is filed.
  - c. The petition must comply with GR 12. The BOG will determine, within 30 days of the filing of a petition for a referendum, if the subject of the petition falls within the requirements of GR 12.
  - d. If the subject of the petition seeks to reverse or modify final action taken by the Board of Governors, then the petition must be filed with the Executive Director within 90 days of that final action.
  - e. All petitions for a referendum must be filed with the WSBA Executive Director.
3. All qualifying petitions will be put to a vote of the active membership within 90 days of the date that the petition was filed.

#### B. BOG REFFERALS TO MEMBERSHIP

The Board of Governors may also refer a proposed resolution, bylaw amendment, or other proposal to a vote of the Active membership in accordance with the procedures set forth in these bylaws.

#### C. BALLOT PREPARATION

The Executive Director shall prepare ballots as directed by the BOG. The proponents of the action may submit, for inclusion with the ballot a “statement for” not to exceed 750 words and a “rebuttal of statement against” not to exceed 250 words. The opponents of the action may submit, for inclusion with the ballot, a “statement against” not to exceed 750 words and a “rebuttal of statement for” not to exceed 250 words. The Executive Director will determine the deadlines for filing all such statements with the Bar and provide notice of those deadlines. If more than one opponent statement is submitted, the WSBA President will determine which statement(s) will be submitted with the ballot.

**VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP;  
IX. COMMITTEES, COUNCILS, AND OTHER BAR ENTITIES**

**D. VOTING PROCEDURES**

The procedures set forth in the “Election of Governors from Congressional Districts” section of these bylaws shall be used as a procedural guideline. The ballot, petition, and accompanying statements shall be posted on the WSBA website, distributed electronically to Active members with e-mail addresses on record with the Bar, and mailed to all other Active members. The deadline for return of ballots shall be not less than 30 days from the date of distribution.

**E. EFFECT OF VOTE**

1. All member referenda and BOG referrals only require a majority of those Active members voting to pass. No unsuccessful member referenda may be resubmitted to the membership until two years have passed from the date of the voting results.
2. The BOG may not alter the effects of a member referenda that passed sooner than two years from the date of the voting results.

**IX. COMMITTEES, COUNCILS, AND OTHER BAR ENTITIES**

**A. GENERALLY**

1. The work of the Bar shall be accomplished by the BOG, the officers, and the Bar staff. To facilitate the work of the Bar in accordance with its purposes as provided in Article I, the BOG may delegate such work to an appropriate Bar entity, such as sections, committees, councils, task forces, or other Bar entity, however that may be designated by the BOG.
2. The work of any Bar entity established by the BOG must:
  - a. have a defined scope that requires the active and continuing attention of the BOG;
  - b. further the Bar’s Guiding Principles and/or the purposes of the Bar outlined in General Rules promulgated by the Supreme Court; and
  - c. enhance consideration of a topic that is beyond the time and expertise of the BOG and staff by incorporating expertise and additional viewpoints from the broader community.
3. A list of the current committees, councils, and task forces, and their functions, will be maintained by the Executive Director. The BOG may terminate any recurring committee whenever in its opinion such committee is no longer necessary. Any nonrecurring Bar entity shall automatically terminate pursuant to the terms of its charter or originating document.
4. Governors appointed to serve as BOG liaisons to any Bar entity are not voting members. However, if a Governor is appointed as a member of any Bar entity, then he or she may vote in accordance with the terms of the charter or originating document for that entity.

**B. COMMITTEES AND OTHER BAR ENTITIES**

**1. Committees**

## IX. COMMITTEES, COUNCILS, AND OTHER BAR ENTITIES

Committees are created and authorized by the BOG to study matters relating to the general purposes and business of the Bar which are of a continuous and recurring character. The number, size, and functions of each committee will be determined from time to time by the BOG.

- a. Committee members, Chairs, and Vice Chairs must be Active members of the Bar. Exceptions: (a) up to two Pro Bono members are permitted to serve on the Pro Bono and Public Service Committee (PBPSC) and may be appointed to serve as the Chair, Co-Chair, or Vice-Chair of that committee; and (b) faculty of Washington state law schools who are not Active members of the Bar are permitted to serve on the Committee on Professional Ethics (CPE).
- b. Committee members are appointed by the BOG. Appointments to committees are for a two-year term unless the BOG determines otherwise. A committee member's service on any committee is limited to two consecutive terms, after which the member cannot be reappointed to that committee for three years, subject to individual exceptions for cause as approved by the BOG. Appointments to the Legislative Committee will be made pursuant to the written BOG policy for that committee.
- c. The President-elect will annually select the Chair or Vice Chair of each committee, with the BOG having the authority to accept or reject that selection.
- d. In the event of the resignation, death, or removal of the Chair or any committee member, the BOG may appoint a successor to serve for the unexpired term.

### 2. Other Bar Entities

The BOG may from time to time establish other Bar entities to study matters relating to specific purposes and business of the Bar which are of an immediate and/or non-recurring character. These other Bar entities may be titled as task forces, workgroups, or any other label the BOG may designate.

- a. The President will select the persons to be appointed to such other Bar entities, with the BOG having the authority to accept or reject those appointments. The term of appointments will be until the work of the entity has been concluded or until such committee member's successor is appointed.
- b. The Chair(s) of any other Bar entity shall be appointed by the President at the time of creation of the entity, with the BOG having the authority to accept or reject that selection, and will serve for the duration established by the BOG or until replaced.
- c. In the event of the resignation, death or removal of the Chair or any other member of the Bar entity, the President may appoint a successor to serve for the unexpired term.

### 3. General Duties and Responsibilities for Committees and Other Bar Entities

- a. Each committee or other Bar entity will carry out various tasks and assignments as requested by the BOG or as the entity may determine to be consistent with its function or its charter or originating document.

## **IX. COMMITTEES, COUNCILS, AND OTHER BAR ENTITIES; X. REGULATORY BOARDS**

- b. Each Bar entity must submit an annual report to the Executive Director and submit such other reports as requested by the BOG or Executive Director.
- c. These Bar entities are not permitted to issue any report, take a side publicly on any issue being submitted to the voters, pending before the legislature, or otherwise in the public domain, or otherwise communicate in a manner that may be construed as speaking on behalf of the Bar or the BOG without the specific authorization to do so by the BOG. Reports, recommendations, or proposals do not represent the view or action of the Bar unless approved by a vote of the BOG.
- d. Bar staff will work with each committee or other Bar entity to prepare and submit an annual budget request as part of the Bar's budget development process. Each committee and other Bar entity must confine its expenditures to the budget and appropriation as approved by the BOG as generally set forth in these Bylaws.
- e. Each committee and other Bar entity must prepare and distribute minutes of each meeting if required under Article VII of these Bylaws. The minutes will be distributed to its members and posted on the Bar's website, as soon as is reasonably possible after a meeting. The form of the minutes must comply with Article VII of these Bylaws.
- f. The success of any committee or other Bar entity is dependent upon the active participation of its members.
  - 1) Chairs and committee members serve at the pleasure of, and may be removed by, the Board. Neither malfeasance nor misfeasance is required for removal.
  - 2) Any committee member who fails to attend two consecutive regularly called meetings may be removed by the BOG, in the absence of an excuse approved by the Chair.

### **C. COUNCILS**

- 1. Councils are created and authorized by the BOG to serve as advisory committees to the BOG on matters and issues of particular import to the Bar.
- 2. Nominations to councils are made as set forth in the council's charter or originating document, and are confirmed by the BOG. Except as may be specifically required under the council's charter or originating document, council members are not required to be members of the Bar.
- 3. Terms of appointments to councils will be as set forth in the council's charter or originating document.
- 4. Each council will carry out the duties and tasks set forth in its charter or originating document.
- 5. Each council must submit an annual report, and such other reports as may be requested, to the BOG or Executive Director.
- 6. Bar staff will work with each council to prepare and submit an annual budget request as part of the Bar's budget development process.

### **X. REGULATORY BOARDS**

The Bar administers regulatory boards created by court rules and has any powers necessary to administer those boards. Appointment to regulatory boards is as provided in the promulgating rule or as otherwise directed by the Supreme Court. A list of the current regulatory boards and their functions

## **X. REGULATORY BOARDS; XI. SECTIONS**

will be maintained by the Executive Director. Governors and Bar staff appointed as liaisons to regulatory boards are not voting members of those boards. Liaisons may not be excluded but will not participate in executive session or confidential deliberations except as a resource.

### **XI. SECTIONS**

#### **A. DESIGNATION AND CONTINUATION**

Sections are entities of the Bar created and tasked to carry on the work of the Bar and further their purposes as defined in individual section bylaws. A list of all current sections will be maintained by the Executive Director. Once established, a section will continue until discontinued as provided in these Bylaws or in the section bylaws.

#### **B. ESTABLISHING SECTIONS**

1. The BOG will consider the establishment of a new section on a petition and report endorsed by at least 150 Active members of the Bar. Any such petition must be filed with the Executive Director at least one BOG meeting prior to the meeting at which action on the proposal is contemplated and must substantially set forth:
  - a. The contemplated purpose of the section, which will be within the purposes of the Bar and not in substantial conflict with the purpose of any existing section or committee, the continuance of which is contemplated after the section is established;
  - b. Proposed bylaws of the section, which must contain a definition of its purpose;
  - c. The names of any proposed committees of the section;
  - d. A proposed budget of the section for the first two years of its operation;
  - e. A list of members of the Bar who have signed statements that they intend to apply for membership in the section;
  - f. A statement of the need for the proposed section.
2. The BOG may create a new section by combining sections as set forth in these Bylaws.

#### **C. MEMBERSHIP**

1. Any Active member of the Bar may be a voting member of a section and eligible for election to office in the section upon paying the annual dues established by the section. Inactive members may be voting members of sections, if permitted by a section's bylaws.
2. If provided for in the section bylaws, any Pro Bono member pursuant to APR 3(g), Judicial member, House Counsel under APR 8(f), professor at a Washington law school (whether licensed in Washington or not), or any lawyer who is a full time lawyer in a branch of the military who is stationed in Washington but not licensed in Washington, may be a voting member of the section and eligible for election to office in the section.
3. Law students will be allowed to be nonvoting members of any section at a standard annual dues amount set by the BOG.
4. Sections may adopt bylaw provisions authorizing inactive members to be voting members of the section. Article III.B.2.b of these Bylaws defines inactive WSBA members to include inactive,

## XI. SECTIONS

disability inactive, and honorary members. Sections may adopt bylaw provisions authorizing inactive members, and/or others not eligible for section membership as voting members, to be nonvoting members or “subscribers” of the section.

### D. DUES

Dues will be paid annually in the amount determined by the section executive committee and approved by the BOG. Any person who fails to pay the annual dues will cease to be a member of the section.

### E. BYLAWS AND POLICIES

Sections are subject to all Bar Bylaws, policies, and procedures. Each section must have bylaws consistent with the Bar Bylaws. Amendments to section bylaws may be made by a majority vote of the voting executive committee members or by a majority vote of section members present at a section meeting. Section bylaws or amendments thereof will become effective when approved by the BOG.

### F. SECTION EXECUTIVE COMMITTEE

1. Each section will have a section executive committee consisting of, at minimum, the following Officer positions: Chair, Secretary and Treasurer (or Secretary/Treasurer); and may have At-Large members. Unless otherwise permitted by a section’s bylaws, voting members of a section executive committee must be Active members of the Bar and a member of the section for their entire term of office on the executive committee. Additionally, a section executive committee may have non-voting members. The section executive committee is empowered to act on behalf of the section unless it chooses to take a vote of the section membership.
2. Due to the section executive committee’s unique need to be able to act quickly to address issues that arise during a regular or special legislative session, between executive committee meetings during a legislative session, upon notice to all section executive committee members, the section executive committee may discuss and vote on issues relating to the section’s position on pending or proposed legislation by email. However, if any section executive committee member objects to using an email process for any particular issues, the section executive committee instead will take up that issue at its next section executive committee meeting.
3. Officers. Unless otherwise permitted by a section’s bylaws, officers of a section executive committee must be Active members of the Bar and elected by the section membership to complete the one-year term of office.
  - a. Chair. The chair of the section presides at all meetings of the section and section executive committee, and will have such other executive powers and perform such other duties as are consistent with the Bar and section bylaws.
  - b. Secretary. The Secretary will take minutes at each meeting of the section and section executive committee, and provide approved minutes to the Bar for publication and record retention.
  - c. Treasurer. The Treasurer will work with the Bar to ensure that the section complies with Bar fiscal policies and procedures, work with the Bar to prepare the section’s annual budget,

## XI. SECTIONS

and review the section's monthly financial statements for accuracy and comparison to budget.

- d. A section may have additional officer positions as defined in its sections bylaws.
4. At-Large Members. At-large members of the section executive committee will be voting members. At-large members will be elected by the section membership for terms of up to three-years. A section executive committee may appoint its New and Young Lawyer Liaison (if any) as a voting member of the section's executive committee.
5. Non-voting Members. Voting members of the section executive committee may appoint non-voting members from among the current members of the section to further the work of the Bar and section. Non-voting members serve at the discretion of the section executive committee.
6. Executive committee members are not subject to a limit on the number of the consecutive terms they may serve unless stated in a section's bylaws.
7. All section executive committee positions will begin October 1 each year.

### G. NOMINATIONS AND ELECTIONS

1. Nominations
  - a. Nominating Committee. Each section will have a nominating committee consisting of no less than three section members appointed annually by the Chair or executive committee. At least one member of the nominating committee should not be a current member of the section executive committee.
  - b. The executive committee should reflect diverse perspectives. To assist this, all applicants will apply through an electronic application process administered by the Bar. The application form will, on a voluntary basis, solicit information including, but not limited to, the person's ethnicity, gender, sexual orientation, disability status, area of practice, years of practice, employer, number of lawyers in law firm, previous involvement in section activities, and skills or knowledge relevant to the position. The nominating committee should actively take factors of diversity into account when making recommendations.
  - c. Alternate Nomination Process. The executive committee will also have an alternative process to allow for nominations to occur outside of the nominating committee process.
  - d. Executive Committee Approval. The executive committee will approve a list of nominees for each open position. Persons nominated through an alternative nomination process will be included on the final list of approved nominees.
2. Elections
  - a. Only voting members of the section may participate in section elections.
  - b. The Bar will administer the elections by electronic means and certify results, unless the section develops its own equivalent electronic election process. For sections that administer elections through an alternate equivalent electronic election process, the section must provide the Bar with the total number of votes cast and the number of votes received for each candidate immediately following the close of the election.
  - c. In the event of a tie, the section executive committee will implement a random tie-breaker of its choice, such as a coin toss or a drawing of lots, to determine the winner.

## XI. SECTIONS

- d. All election processes must comply with the Bar record retention policies.
3. Timing. Nominations and elections for open section executive committee positions will be held no later than June 30th of each year.

### H. VACANCIES AND REMOVAL

1. The section executive committee will appoint, by a majority vote, members to fill vacancies on the section executive committee. When a member is appointed to fill a vacancy in an unexpired term, the member will do so until the next annual election when an individual will be elected to serve the remainder of the vacated term.
2. Any member of the executive committee may be removed by a two-thirds majority vote of the section executive committee. Grounds for removal include, but are not limited to, regular absence from section executive committee meetings and events, failure to perform duties, unprofessional or discourteous conduct or whenever, in the executive committee's judgment, the executive committee member is not acting in the best interest of the section membership.

### I. OTHER COMMITTEES

The section executive committee may create other committees as necessary to further the purposes of the section. Section committees, section committee chairs, and section committee members serve at the discretion of the section executive committee.

### J. BUDGET

Each section executive committee must submit an annual budget request for each fiscal year to the BOG for review. The BOG will approve final section budgets as part of the Bar's annual budget. The section executive committee expenditures must be consistent with the approved section budget and consistent with the Bar fiscal policies and procedures.

### K. SECTION REPORTS

Each section must submit an annual report to the Executive Director and such other reports as requested by the BOG.

### L. TERMINATING SECTIONS

1. The BOG may consider terminating a section when it appears the section is no longer carrying on the work of the Bar as defined in these Bylaws. The issue will be raised (a) on motion, (b) on petition, or (c) at a "viability review" as defined in these Bylaws.
2. A section that has less than 75 voting members for two consecutive years will be automatically placed on the BOG agenda for a "viability review." The BOG has the discretion to retain a section despite what might otherwise be considered to be a lack of viability when in the BOG's opinion the section is carrying on the work of the Bar as defined in these Bylaws, and the work is of value to the legal profession.
3. Any section subject to a motion, petition, or viability review pursuant to paragraph (1) above will be given notice and an opportunity to be heard by the BOG. Notice must be sent by the Bar

## **XI. SECTIONS; XII. NEW AND YOUNG LAWYERS; XIII. RECORDS DISCLOSURE &**

to the current section officers and/or executive committee and posted on the Bar website at least one BOG meeting prior to the meeting at which the Board plans to vote on the proposal.

4. A section subject to potential termination may petition the BOG to be combined with another section, with that section's written approval, and will be given reasonable opportunity to present that petition to the BOG before the BOG votes on the section's termination.
5. If a section is terminated pursuant to these Bylaws, section members will be allowed to transfer to another section of their choosing, without payment of additional fees, for that remainder of the section dues year.
6. A section terminated pursuant to these Bylaws may apply for reactivation if they meet qualifications for establishing a new section.
7. Any funds remaining in the treasury of a section at the time of termination will be transferred to the Bar's general operating fund unless otherwise designated by the BOG. Funds in the treasury of combined sections will be combined.

## **XII. NEW AND YOUNG LAWYERS**

### **A. PURPOSE**

There will be a member segment within the Bar identified as "New and Young Lawyers" for the purposes of encouraging the interest and participation of (i) new and young lawyers and law students in the activities of the Bar; and (ii) developing and conducting programs of interest and value to new and young lawyers consistent with the focus areas of public service and pro bono programs, transition to practice, and member outreach and leadership; and (iii) upholding and supporting the Guiding Principles of the Bar.

### **B. DEFINITION**

Active lawyer members of the Bar will be considered New and Young Lawyers until the last day of December of the tenth year after the year in which such member first was admitted to practice as a lawyer in Washington state.

## **XIII. RECORDS DISCLOSURE & PRESERVATION**

- A. These Bylaws apply to Bar records created before July 1, 2014. Access to Bar records created on or after July 1, 2014, is governed by GR 12.4.
- B. The Bar, in accordance with published rules, shall make available for its members and/or public inspection and copying all Bar records, unless the record falls within the specific exemptions of these bylaws or is made confidential by the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, the Admission and Practice Rules, the Rules for Enforcement of Limited Practice Officer Conduct, GR 25, or any other applicable statute or rule. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by these bylaws or the above-referenced rules or statutes, the Bar shall delete identifying details in a

### XIII. RECORDS DISCLOSURE & PRESERVATION

manner consistent with those rules when it makes available or publishes any Bar record; however, in each case, the justification for the deletion shall be explained fully in writing.

1. The Bar shall establish, maintain, and make available for its members and/or public inspection and copying a statement of the actual per page cost or other costs, if any, that it charges for providing photocopies of Bar records and a statement of the factors and manner used to determine the actual per page cost or other costs, if any.
2. No fee shall be charged for the inspection of Bar records. No fee shall be charged for locating Bar records or documents and making them available for copying unless the request entails a substantial use of staff time to locate and gather the documents. In no event may the Bar charge a per page cost greater than an actual per page cost established by the Bar.
3. The Bar shall not distinguish among persons requesting records and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate a statute, court order, or rule which exempts or prohibits disclosure of specific information or records to certain persons. Bar facilities shall be made available to any person for the copying of Bar records except when and to the extent that this would unreasonably disrupt the operations of the Bar. The Bar shall honor requests received by mail for identifiable Bar records unless exempted by provisions of these bylaws or other rules.
4. Bar records shall be available for inspection and copying during the customary office hours of the Bar.
5. The following are exempt from public inspection and copying:
  - a. Personal information in files maintained for employees, appointees, or elected officials of the Bar to the extent that disclosure would violate their right to privacy.
  - b. Specific information, records, or documents relating to lawyer or Limited Practice Officer discipline that is not expressly classified as public information or confidential information by court rule.
  - c. Information revealing the identity of persons who have assisted a Bar investigation or filed grievances or complaints with the Bar, if disclosure would endanger any person's life, physical safety, or property.
  - d. Test questions, scoring keys, and other examination data used by the Bar to administer a license, employment, or academic examination.
  - e. The contents of real estate appraisals made by the Bar relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.
  - f. Valuable formulae, designs, drawings, and research data obtained by the Bar within five years of the request for disclosure when disclosure would produce private gain and loss to the Bar.
  - g. Preliminary or intra-Bar memoranda, notes, and e-mails, and other documents in which recommendations or opinions are expressed or policies formulated or recommended,

### XIII. RECORDS DISCLOSURE & PRESERVATION

- except that a specific record shall not be exempt when referenced during an open meeting or cited by the Bar in connection with any of its actions.
- h. Manuals, policies, and procedures, developed by Bar staff, that are directly related to the performance of investigatory, disciplinary, or regulatory functions, except as may be specifically made public by court rule;
  - i. Applications for employment with the Bar, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
  - j. The residential addresses and residential telephone numbers of Bar employees or volunteers which are held by the Bar in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.
  - k. Information that identifies a person who, while a Bar employee:
    - 1) Seeks advice, under an informal process established by the Bar, in order to ascertain his or her rights in connection with a potentially discriminatory or unfair employment practice; and
    - 2) requests his or her identity or any identifying information not be disclosed.
  - l. Membership information; however
    - 1) status, business addresses, business telephones, facsimile numbers, electronic mail addresses (unless the member has requested that it not be made public), bar number, and dates of admission, shall not be exempt, provided that, for reasons of personal security or other compelling reason, the Executive Director may, on an annual basis, approve the confidentiality of any such information; and
    - 2) age information may be used as a criterion for eligibility for membership in a WSBA committee or section, but only when used in conjunction with year of admission.
  - m. Applications for admission to the Bar and related records;
  - n. Information which would identify bar examiners responsible for writing and/or grading specific bar exam questions;
  - o. Proceedings and records of the Board of Bar Examiners;
  - p. Proceedings and records of the Law Clerk Board, including information, records, or documents received or compiled that relate to any application for admission to the Law Clerk program, or to the retention of any current participant in the Law Clerk program;
  - q. Proceedings and records of the Practice of Law Board, including information, records, or documents received or compiled regarding the investigation, or potential investigation, of any incident or alleged incident of the unauthorized practice of law;
  - r. Proceedings and records of the Character and Fitness Board, including information, records, or documents received or compiled that relate to any application for admission, special admission, special licensing, or change of membership status or class, except where those proceedings are specifically made public by court rule;
  - s. Records relating to requests by members for ethics opinions to the extent that they contain information identifying the member or a party to the inquiry,
  - t. Proceedings and records of the Judicial Recommendation Committee,
  - u. Records and proceedings of any Fee Arbitration Program, Mediation Program, or other alternative dispute resolution program which may be administered by the Bar,

### **XIII. RECORDS DISCLOSURE & PRESERVATION; XIV. INDEMNIFICATION**

- v. Records and proceedings of the Personnel and Awards Committees,
- w. Records and proceedings of the Hearing Officer Selection Panel, except as made public by the Panel;
- x. Personnel records of Bar employees, whether permanent, temporary, or contract, except for information relating to compensation for job classifications, verifying periods of employment or, when specifically requested, the Executive Director's current annual compensation; and
- y. Any other documents or records made confidential by statute, court rule, or court order.

The above exempted information will be redacted from the specific records sought. Statistical information not descriptive of any readily identifiable person or persons will be disclosed.

- 6. Responses to requests for Bar records shall be made promptly by the Bar. In acknowledging receipt of a records request that is unclear, the Bar may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the Bar need not respond to it. Denials of requests must be accompanied by a written statement of the specific reasons therefor.
- 7. Whenever the Executive Director concludes that a Bar record is exempt from disclosure and denies a person opportunity to inspect or copy such record for that reason, the person may appeal that decision to the Board of Governors. The Board of Governors shall provide the person with its written opinion on whether the record is exempt.
- 8. The disclosure of information under this section should not violate an individual's right to privacy by amounting to a disclosure of information about that person that 1) would be highly offensive to a reasonable person, or 2) is not of legitimate concern to the public.
- 9. Nothing in this section shall be construed to require publication in the Washington Administrative Code or the maintenance of indexes of records.

## **XIV. INDEMNIFICATION**

### **A. GENERALLY**

- 1. The Bar shall provide indemnification to qualified indemnitees for liabilities arising out of qualified actions.
  - a. A qualified indemnitee is a person who is or was an officer, member of the Board of Governors, member of the staff of the Bar, or is serving at the request or appointment of the Bar as a member of any board, committee, task force, or other WSBA entity.
  - b. A qualified action is an action in good faith within the course and scope of the authority expressly or impliedly delegated by applicable Supreme Court Rule, policy adopted by the Board of Governors, or by the Executive Director within his or her authority.
- 2. Each qualified indemnitee who is a party to, or is threatened to be made a party to, or is involved in any threatened, pending, or completed claim, action, suit, or proceeding, whether civil, criminal, administrative, or investigative, by reason of the fact that the indemnitee, or a

## **XIV. INDEMNIFICATION; XV. KELLER DEDUCTION**

person of whom the indemnitee is a legal representative, is, or was, an officer or member of the Board of Governors, member of the staff of the Bar, or a member of a board, committee, task force, or other WSBA entity formed by the Board of Governors, shall be defended, indemnified, and held harmless by the Bar against all expenses, liability, and losses (including, but not limited to, attorneys' fees, judgments, fines, and amounts paid in settlement) reasonably incurred or suffered by the indemnitee in connection therewith. The Board of Governors shall have the right, as a condition of granting indemnification, to approve in advance the choice of counsel as well as any settlement by the person requesting indemnification. The Board shall not unreasonably withhold its approval.

### **B. CUMULATIVE, NON-EXCLUSIVE RIGHT**

The indemnification provided by this Article shall not be deemed exclusive of any other rights to which any person seeking indemnification may be entitled under law or under any bylaw, agreement, vote of the Board of Governors or members of the Bar, or otherwise.

## **XV. KELLER DEDUCTION**

As a mandatory bar association, the Bar may not use compulsory license fees of any member who objects to that use for political or ideological activities that are not germane, or reasonably related, to regulating the legal profession or improving the quality of legal services. *Keller v. State Bar of California*, 496 U.S. 1 (1990). These activities are considered "nonchargeable." The Bar may use compulsory license fees for all other activities.

- A. Under Keller, the Bar is required to identify that portion of mandatory license fees that go to "nonchargeable" activities and establish a system whereby objecting members may either deduct that portion of their fees or receive a refund. The Bar will calculate the Keller deduction prospectively for each fiscal year, using that fiscal year's budget and the actual activities of the Bar during the prior fiscal year. The process to be followed in calculating the Keller deduction will be as set forth in the Keller Deduction Policy. When calculating the Keller deduction, the Bar shall use a conservative test for determining whether an individual activity is chargeable or nonchargeable. When in doubt, the Bar will err in favor of the membership by considering activities to be nonchargeable even when a reasonable argument could be made that such activities were chargeable.
- B. Notice of the amount of the Keller deduction will be included with the annual licensing information provided to members, and detailed information regarding the calculation of the deduction will be posted on the Bar's website. Members admitted to the Bar during the course of a year will be advised of this notice with their initial fee statements. Such members may demand arbitration within 45 days following receipt of the notification. If arbitration is pending at the date of delivery of a demand for arbitration submitted pursuant to this paragraph, the newly admitted member's demand will be consolidated with the pending arbitration. All of the provisions of this Article shall otherwise apply to demands for arbitration filed by newly admitted members.

## XV. KELLER DEDUCTION

- C. Except for requests for arbitration submitted by newly admitted members pursuant to Paragraph (B) above, any member requesting arbitration of the calculation of the amount of the Keller deduction for a licensing year must deliver a written request for arbitration to the Executive Director on or before February 1 of the licensing year in which the deduction is being challenged. Delivery may be made in person or by first-class mail, and mailed demands will be deemed delivered upon mailing. Demands shall include the name and address of the member or members demanding arbitration, a brief statement of the claim or objection, identifying each challenged activity with such specificity as to allow the Bar to respond, and the signature of each objecting member.
1. Within 14 days of receipt of a timely demand for arbitration, the Bar will submit the matter to the Chief Justice of the Washington Supreme Court for appointment of an impartial arbitrator.
  2. All timely demands for arbitration, including any timely demands received after submission of one earlier received, will be consolidated.
  3. A member demanding arbitration is required to pay his or her license fee and assessments, excepting the amount in dispute, on a timely basis as otherwise required by these Bylaws. Failure to pay the fees and assessments, other than the amount in dispute, by the requisite date may result in suspension as provided by these Bylaws or applicable court rules.
  4. Unless the parties agree to a different schedule, a hearing will be held within 30 days of the appointment of the arbitrator. The arbitrator will determine the date, time, and location of the arbitration hearing(s) and will so notify the parties at least 15 days prior to the hearing(s).
  5. The burden is on the member(s), as a condition of arbitration, to identify each challenged activity with such specificity as to allow the Bar to respond. The burden is on the Bar to establish the accuracy of the determination of the Keller calculation. Members demanding arbitration will have access to the financial records upon which the Bar based the determination of the amount of fee that can be withheld. These records will be available for inspection and copying during normal business hours. Copying will be at the member's expense.
  6. At the hearing(s), the parties will be permitted to participate personally or through counsel admitted to practice in the state of Washington. All parties will be given the opportunity to present evidence and to present arguments in support of their positions. The following rules will apply to the arbitration proceedings:
    - a. There will be no transcripts or post-hearing briefs; except, however, post-arbitration motions for reconsideration or clarification are permitted.
    - b. The arbitrator will issue a written opinion, stating the reasons for the decision, within 14 days of the close of the hearing. The opinion will be brief and will be based on the evidence and arguments presented.
    - c. The arbitrator will be compensated at an hourly rate established pursuant to BOG policy for the hearing, preparation, and study time, and will be reimbursed for all necessary expenses of the arbitration. The Bar will pay for the arbitrator's services.

**XV. KELLER DEDUCTION; XVI. AMENDMENTS;  
XVII. EMERGENCY AMENDMENT; PRESIDENTIAL AUTHORITY DURING COVID-19 EMERGENCY  
(EXPIRES APRIL 24, 2020)**

- d. The arbitration is not a judicial proceeding but is sui generis. Except for production of documents as set forth in Paragraph 5 above, or as may be stipulated to by the parties, there is no discovery, and the civil rules, arbitration rules, rules of evidence, and other court rules will not apply.
- 7. The arbitrator will have no authority to add, subtract, set aside, or delete from any court rule or these Bylaws.
- 8. The scope of the arbitration is limited to reviewing the challenged activities specified for the purpose of determining whether the Bar has correctly calculated the Keller deduction, and the sole relief potentially available through arbitration is a change in the amount of the named parties' Keller deduction for that licensing year.
- 9. The arbitration will be binding and the decision of the arbitrator final, with no right of trial de novo or appeal.

**XVI. AMENDMENTS**

- A. These Bylaws may be amended by the BOG at any regular meeting of the BOG, or at any special meeting of the BOG called for that purpose under the terms of these Bylaws.
- B. All proposed bylaw amendments must be posted on the Bar's website and presented for "first reading" at least one BOG meeting prior to the meeting at which the BOG votes on the proposed amendment, and the BOG will not vote on any proposed bylaw amendment at the meeting at which the amendment is originally proposed, except as may be allowed below.
- C. For good cause shown under exceptional circumstances these Bylaws may be amended on an emergency basis, without the prior notice required above, by an affirmative vote of two-thirds of the BOG; however, any such amendment will be effective only until notice is given and a vote taken pursuant to the procedures set forth above.
- D. Notice of all bylaw amendments adopted by the BOG must be prominently posted on the Bar's website within 14 days of the BOG's vote on the amendment.

**XVII. EMERGENCY AMENDMENT; PRESIDENTIAL AUTHORITY DURING COVID-19 EMERGENCY (EXPIRES APRIL 24, 2020)**

- A. During the COVID-19 emergency, the WSBA President is granted discretion to reasonably modify, extend, or make exceptions to the dates, deadlines, or communication procedures in the current Admissions Policies, and exam administration guidelines and policies, when necessary to comply with court, state, health department, or other authorized Coronavirus responses, on the condition that all actions must comply with court rules, court orders, and with the NCBE's requirements for secure administration of the bar exam.
- B. During the COVID-19 emergency, the WSBA President is granted limited authority to temporarily substitute electronic documents and processes for in-person or paper documents and processes outlined in the WSBA Bylaws. This specifically includes the authority to conduct elections

**XVII. EMERGENCY AMENDMENT; PRESIDENTIAL AUTHORITY DURING COVID-19 EMERGENCY  
(EXPIRES APRIL 24, 2020);**

**XVIII. EMERGENCY AMENDMENT (EXPIRES MARCH 11, 2022)**

electronically and permit the Election Board to be present electronically during the counting of any paper ballots received.

- C.** During the COVID-19 emergency, the WSBA President is granted limited authority to temporarily substitute remote attendance at meetings when in person attendance is outlined in the WSBA Bylaws. This specifically include the authority to authorized Governors and Officers to attend Board meetings remotely.
- D.** Provisions of this amendment shall be rescinded on April 24, 2020.

**XVIII. EMERGENCY AMENDMENT (EXPIRES MARCH 11, 2022)**

Due to the delay in obtaining the updated Congressional District map information affecting eligibility of Active members to vote in the BOG election for their district, the 2022 elections conducted by the Board of Governors pursuant to these Bylaws will establish voter eligibility on March 11, 2022.

**TO:** WSBA Board of Governors  
**FROM:** Kyle Sciuchetti, Chair of the Task Force Administering Xenial Involvement with Court Appointed Boards  
Terra Nevitt, Executive Director  
**DATE:** June 8, 2023  
**RE:** Proposed Policy for WSBA's Administration of Supreme Court Boards.

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**FIRST READ: Provide Feedback on Proposed Policy for WSBA's Administration of Supreme Court Boards**

The Task Force Administering Xenial Involvement with Court Appointed Boards (TAXICAB) is seeking the Board of Governors' approval to propose the attached policy for WSBA's administration of Supreme Court boards to the Washington Supreme Court for adoption. This policy was presented for discussion at the March 3-4, 2023 BOG meeting and is now being presented for a first reading. Please review the attached materials for background and additional information about the proposal.

The policy has not changed since it was presented in March, however TAXICAB did engage in an equity analysis of the policy facilitated by WSBA Equity and Justice Lead Saleena Salango.

Equity Analysis

Members of TAXICAB met on Friday, March 10 to conduct an equity analysis of the attached proposal and the process by which it was developed. The committee discussed which groups the policy is intended to impact, which of those group is most impacted, who should be centered in considering the policy, and the process that was used to develop the policy and the extent to which impacted groups were included.

The Task Force members identified that the policy directly impacts the WSBA staff that work with Supreme Court Boards and the volunteers that serve on Supreme Court Boards and that if the policy is successful in facilitating the smooth operation of the Supreme Court Boards at WSBA it will also impact the public and the members who support the work through the license fee. The group identified that staff are among the most impacted by the policy and were engaged throughout the process to participate in TAXICAB meetings and provide input, though they were not among the voting members of the Task Force.

The Task Force will meet again following the June Board of Governors meeting to discuss any feedback from the Board.

Attachments

- February 15, 2023 Memo to Board of Governors Re Proposed Policy for WSBA's Administration of Supreme Court Boards
- Proposed Policy for WSBA's Administration of Supreme Court Boards
- Executive Director Memo Re WSBA's Administration of Supreme Court Entities Background and Authority

# **Joint Administration Policy Between the Washington State Bar Association and the Supreme Court Boards**

## **1.0 Introduction**

Under Washington State Court [General Rule 12.3](#), the Supreme Court (Court) delegates to the Washington State Bar Association (WSBA),

“[t]he authority and responsibility to administer certain boards and committees established by court rule or order. This delegation of authority includes providing and managing staff, overseeing the boards and committees to monitor their compliance with the rules and orders that authorize and regulate them, paying expenses reasonably and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court, or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions.”

Supreme Court Boards (Boards) report directly to the Court. The duties and functions these Boards perform on behalf of the Court are important to the public, the Court, and WSBA and its members.

## **2.0 Scope**

This policy applies to all current and future Supreme Court Boards administered by WSBA, including:

- Access to Justice (ATJ) Board
- Disciplinary Board
- Limited License Legal Technician (LLLT) Board
- Limited Practice Board
- Mandatory Continuing Legal Education Board
- Practice of Law Board

## **3.0 Board Independence**

Supreme Court Boards are created by and derive their authority from the Washington Supreme Court. Boards set their own priorities and goals. They determine how to carry out their duties and functions as authorized by the Supreme Court. Boards' independence does not limit WSBA's authority or responsibility to direct its own activities, including taking action to protect the WSBA from liability.

### **3.1 Effect of Court Rules and Statutes on Board or Committee Independence**

Boards are subject to all Washington Statutes, and Washington court rules and orders, including such court orders or rules that authorized the Board, and which

regulate each Board's duties and functions. This specifically includes GR 12.4 governing records and public access to records.

### **3.2 Construing GR 12.3**

WSBA recognizes that GR 12.3 provides each Board independence in terms of carrying out its activities consistent with any Court order or rule authorizing its existence. WSBA and the Boards will work cooperatively and maintain respect for the Boards' independence as needed to ensure that the Boards can carry out their duties and functions as authorized by the Supreme Court and that the WSBA can fulfill its duties under GR 12.3.

### **3.3 Communication with the Public**

WSBA acknowledges that Boards have the authority to communicate with the public. Boards will not state that any communication is being made on behalf of WSBA. Boards will not use WSBA letterhead for any public communication. Boards will not knowingly engage in any communications that would subject the WSBA to liability. If there is a reasonable question as to the risk a communication might pose, Boards will seek input from the Executive Director prior to publishing or distributing the communication. The prohibition on using WSBA letterhead does not apply to communications related to regulatory matters.

### **3.4 Lobbying Activities**

WSBA acknowledges that Boards, in order to carry out their mission, may take positions on matters of public interest. These positions may include communicating with federal, state, and local governmental and community leaders. Constitutional limitation on the use of compelled license fees apply to the Boards' activities to the extent that they are funded by license fees.

### **3.5 WSBA Policy Changes**

All proposed changes to a WSBA policy, proposed adoptions of a new WSBA policy, or a WSBA proposal to change a Court rule, that will affect a Board, must be presented for a "first read" at least one meeting prior to the Board of Governors' meeting at which final action is taken. The Executive Director or their designee will notify the potentially affected Board(s) of the proposal as soon as is practicable after the Board of Governors' first consideration of the proposal and prior to final action, so each Board shall have the opportunity for comment with the Board of Governors, the Executive Director, and the Court. For good cause shown under exceptional circumstances, the Board of Governors may take action without the two-step process required above, by an affirmative vote of two-thirds of the Board of Governors, however WSBA should take all reasonable steps to notify and seek input from the impacted Board(s).

### **3.6 Board Action**

When a Board is considering taking action that it believes may expose the WSBA to liability, the Board chair will take steps to ensure that the WSBA Executive Director receives notice of the proposed action. The notice will be given so that the WSBA will have adequate time to provide input into the Board's decision-making process.

## **4.0 Staffing**

The Executive Director provides and manages staff for each Board.

### **4.1 Staff Liaison**

The Executive Director shall assign a staff member to serve as a Staff Liaison to each Board. The Staff Liaison shall serve as the primary contact between the Board and WSBA. The Executive Director shall allocate additional staff time to support each Board in carrying out its duties and functions based on the projected workload for the Board and overall WSBA capacity.

### **4.2 Staff Liaison Responsibilities and Duties**

The WSBA Staff Liaison will work with the Board and make available other WSBA resources as needed and available given WSBA's overall capacity.

The Staff Liaison is not a member of the Board. The Staff Liaison will not vote on matters before a Board that requires Board approval. The presence or absence of the Staff Liaison at any meeting does not affect the quorum for a meeting.

Although a Staff Liaison represents WSBA to the Board it is not the responsibility of the Staff Liaison to direct how the Board proceeds.

### **4.3 Staff Liaison and Support Personnel are WSBA Employees**

Staff Liaisons supporting a Board are WSBA employees and will be hired and have their job performance evaluated per the WSBA Employee Handbook and other WSBA personnel policies.

When evaluating the performance of WSBA staff, the Executive Director, through their representative, should solicit feedback from each Board regarding the performance of the Staff Liaison and any supporting staff working with that Board.

The Board is not involved in the hiring of WSBA staff. However, with any employee whose primary or exclusive role is to support the duties and functions of a Board, WSBA should seek and may receive input from the Board as to skills and experience required for the role.

### **4.4 Board or Committee Membership**

Each Board or Committee will add members to the Board and Committee per the Court rule or order that authorized and regulates the Board or Committee.

### **4.5 Board of Governors Liaison**

The WSBA President may appoint a liaison between the Board of Governors and a Board.

The Board of Governor Liaison is not a member of the Board. They will not vote on matters before a Board that require Board approval. The presence or absence of the Board of Governors Liaison does not affect the quorum for a meeting.

#### **4.6 Internal Structure of a Board**

Unless otherwise defined by the court order or rule which authorizes and regulates a Board, the internal structure, such as the creation of subcommittees and appointment of members to such subcommittees, designating a chair or sub-chairs, and other decisions about how the Board conducts its duties and functions, is the sole province of each Board.

### **5.0 Oversight and Compliance Monitoring**

Consistent with GR 12.3, WSBA shall oversee and monitor the compliance of Court Boards with the court rules and orders which authorize and regulate it. This includes GR 12.4 and First Amendment limitations relating to use of compelled license fees.

#### **5.1 Reporting to the Court and WSBA**

Boards shall submit an annual report to the Court and submit a copy of the report to the Executive Director and the Board of Governors. Boards shall submit other reports as stated in the court rules and orders authorizing them.

If the court rule or order which authorizes or regulates each Board is silent on the structure of an annual report the Board shall decide the format of the report.

#### **5.2 Resolving Compliance Issues**

##### **5.2.1 Good Faith Standard—First Attempt to Resolve**

If the Staff Liaison has a good faith belief that a Board is not complying with the court rules or orders which authorize and regulate the Board, the Staff Liaison shall first attempt to resolve the matter with the Board.

##### **5.2.2 Escalation to Executive Director**

If resolution fails and/or if the Staff Liaison is unable to address the matter directly, the Staff Liaison shall report any perceived non-compliance issue to the WSBA Executive Director who should attempt to work directly with the Board to resolve the issue.

##### **5.2.3 Escalation to the Court**

If these parties cannot resolve the matter, it may be presented to the Court for resolution.

### **6.0 Budget and Expenditures**

#### **6.1 Annual WSBA Budget Process**

The Staff Liaison works collaboratively with the Board, and the Executive Director or their designee, to develop a budget that will allow the Board to fulfill its duties and functions, consistent with the rules and orders that authorize and regulate the Board.

The Board's budget will be submitted for approval to the Board of Governors as part of WSBA's overall budget.

WSBA and the Board of Governors cannot pass a budget for a Board without an opportunity for the Board to provide input to the WSBA and Board of Governors.

## **6.2 Funding Outside the Annual Budget Process**

A Board may request additional funding outside of the budget cycle.

Such requests should be submitted to the Executive Director and will be considered by the Executive Director, the Budget & Audit Committee, or Board of Governors as authorized by WSBA Fiscal Policies & Procedures.

## **6.3 Fully Funding a Board Duties and Functions**

All reasonable and necessary Board duties and functions as defined by each Board's court order or rule must remain funded at a level that ensures the duties and functions can be met. The Boards acknowledge that WSBA has the authority to establish the budget for the WSBA and the Boards. The WSBA acknowledges that this authority cannot be used to interfere with a Board's independence as defined in section 3.0.

## **6.4 Board Fundraising**

A Board may seek additional funding, above and beyond the funding which WSBA provides, including grants for a particular duty or function from a government, private, or public sector entity.

If a Board raises such funds, then WSBA shall not reduce the budget of the Board because of the funds raised, unless it is for the same work.

As a Board is not a legal entity entitled to have and manage a bank account, the Board will need to seek the approval of WSBA, the Washington State Bar Foundation (WSBF), or with the approval of WSBA or the Court another appropriate entity to accept and manage such funds on behalf of the Board.

## **7.0 Other Actions**

Consistent with GR 12.3, WSBA may engage in other activities that are necessary and proper to enable Boards to carry out their duties and functions consistent with the overall capacity of WSBA. This might include access to other WSBA resources and teams, including communication channels, design and publication services, website presence, financial analysis, WSBA technology, and continuing legal education.

## **8.0 Immunity & Indemnification**

### **8.1 Immunity**

If a court order or rule that authorizes and regulates a Board extends immunity to the Board and the members serving on a Board, WSBA shall cooperate with the Board and the Court to provide and defend such immunity.

### **8.2 Indemnification from Lawsuits**

WSBA Bylaw Article XIV indemnification applies to members of court created boards described by this policy to the same extent as volunteers appointed by the WSBA.

# WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director  
Terra Nevitt, Executive Director

**TO:** Task Force Team Administering Xenial Involvement with Court Appointed Boards  
**FROM:** Terra Nevitt, WSBA Executive Director  
**DATE:** February 26, 2021  
**RE:** **WSBA's Administration of Supreme Court Entities Background and Authority**

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Through Washington State [General Rule 12.3](#), the Supreme Court delegates to WSBA “the authority and responsibility to administer certain boards and committees established by court rule or order. This delegation of authority includes providing and managing staff, overseeing the boards and committees to monitor their compliance with the rule and orders that authorize and regulate them, paying expenses reasonable and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions.”

The WSBA currently administers 6 such entities, described below. Over the years, challenges have arisen in terms of the application of GR 12.2 and other WSBA policies, budget and staff allocations, the ability to hire and direct staff, the scope and meaning of “administration”, conflicting policy objectives, and decision-making authority. One highly publicized example of some of these challenges was documented by the [ABA Journal](#) in 2015.

The **Access to Justice Board** was established by court order April 13, 1994, and was most recently [reauthorized on March 4, 2016](#). That order charges WSBA with the Board’s administration, including funding and staffing. It provides the Board of Governors with the responsibility of nominating members of the ATJ Board, which are appointed by the Supreme Court. The Order provides that the ATJ Board shall designate its chair and authorizes the ATJ Board to adopt its own operational rules pursuant to the enumerated powers and duties. The order requires the ATJ Board to file an annual report to the Supreme Court and the Board of Governors.

The **Disciplinary Board** first appears in the court rules in 1968 when the board is created and direct responsibility for disciplinary adjudication is transferred away from the Board of Governors. Currently, it is governed by rule 2.3 of the Rules for [Enforcement of Lawyer Conduct \(ELC\)](#), which outlines the Board’s composition, qualifications and some operations. Members are appointed by the Court “upon the recommendation of the Board of Governors in consultation with the Disciplinary Selection Panel.” The Court also designates the Chair and Vice Chair, upon recommendation of the Board of Governors in consultation with the Disciplinary Selection Panel. Other ELC indicate the functions of the Board. [ELC 2.2\(a\)\(1\)](#) directs the Board of Governors, through the Executive Director, to provide “administrative and managerial support” to the Disciplinary Board to perform its functions as specified by the rules. ELC 2.2(b) prohibits the Board of Governors and the Executive Director from reviewing Disciplinary Board decisions or recommendations in specific cases (among other limitations).

The **Limited License Legal Technician Board** was established through the adoption of rule 28 of the [Admission and Practice Rules \(APR\)](#) by court order on June 15, 2012. A second order was issued by the Court on July 11, 2012 ordering that the WSBA administer the operations of the LLLT Board, including providing “staff necessary to implement and support the operation of the APR 28 and the Limited License Legal Technician Board.” APR 28

provides that members of the LLLT Board are appointed by the Supreme Court. It charges the LLLT Board with recommending new practice areas for LLLTs, working with the Bar and other entities on LLLT examinations, approving education and experience requirements, establishing committees, establishing educational criteria, and “such other activities and functions as are expressly provided for in [the] rule.” APR 28 also charges the LLLT Board with proposing additional rules, regulations and amendments to the rule to the Court. WSBA is charged with providing “reasonably necessary administrative support for the LLLT Board.”

The **Limited Practice Board** was established by [APR 12](#). The rule outlines the duties and powers of the Limited Practice Board, including creating and grading Limited Practice Officer (LPO) examinations, approving forms for use by LPOs, as well as the board’s involvement in the investigation, hearing, and appeal procedures for handling grievances against LPOs. Members are appointed by the Supreme Court, as is the Board’s Chairperson. APR 12 provides that “The administrative support to the LP Board shall be provided by the Bar.”

The **Mandatory Continuing Legal Education Board** was established by [APR 11](#). Its members and chair are appointed by the Supreme Court. Among other things, APR 11 tasks the MCLE Board with reviewing and suggesting amendments to APR 11, adopting policies, approving MCLE activities, reviewing determinations or decisions made by WSBA regarding approval of activities, determining MCLE fees to defray the reasonably necessary costs of administering the MCLE rules, and waiving or modifying members’ compliance requirements. The MCLE Board also conducts hearings on member hardship petitions. The rule also provides that WSBA “shall provide administrative support to the MCLE Board.” Suggested amendments to APR 11 as well as policies to provide guidance in its administration are subject to review by the Board of Governors and approval by the Supreme Court.

The **Practice of Law Board** was established by the Washington Supreme Court with the adoption of General Rule 25, effective September 1, 2002. Under the current version of the [rule](#), the Supreme Court appoints its members “after considering nominations from the Practice of Law Board and the Board of Governors.” The rule outlines the responsibilities of the Board, which include recommending to the Court “new avenues for persons not currently authorized to practice law to provide legal and law-related services that might otherwise constitute the practice of law as defined in GR 24.” Such recommendations must be forwarded to the Board of Governors for consideration and comment at least 90 days before transmission to the Court. The rule also charges WSBA with funding, administering and staffing the Practice of Law Board consistent with GR 12.

**WASHINGTON STATE**  
**B A R A S S O C I A T I O N**

# Financial Reports

(Unaudited)

Year to Date April 30, 2023

Prepared by  
Maggie Yu, Controller

Submitted by  
Tiffany Lynch, Director of Finance  
May 17, 2023

# WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors  
Budget and Audit Committee

From: Terra Nevitt, Executive Director; Tiffany Lynch, Director of Finance; Maggie Yu, Controller

Re: Key Financial Benchmarks for the Preliminary Fiscal Year to Date (YTD) through April 30, 2023  
As % of Completion to Annual Budget

	% of Year	Current Year % YTD	Current Year \$ Difference Favorable/(Unfavorable)	Prior Year YTD	Comments
Total Salaries & Benefits	58%	57%	\$156,904	59%	Favorable to budget due to vacant positions and higher capital labor.
Other Indirect Expenses*	58%	56%	\$117,293	59%	Favorable to budget due to timing of payments.
Total Indirect Expenses	58%	57%	\$274,196	59%	Favorable to budget resulting from a combination of reasons described above. Expected to be on budget for year.

General Fund Revenues	58%	64%	\$1,212,285	64%	Favorable to budget due to high interest income, product sales, seminar registrations for member services & engagement and new member education, MCLE payments, reimbursement from sections, and timing of bar exam, law clerk fees, and Foundation donation collection. Expected to be favorable to budget.
General Fund Indirect Expenses	58%	57%	\$251,415	59%	Favorable to budget as described under indirect expenses above. Expected to be on budget.
General Fund Direct Expenses	58%	37%	\$557,397	35%	Favorable to budget due to timing of program activities and meetings/events. Expected to be favorable to budget.
General Fund Net	58%	302%	\$2,021,018	1,899%	Favorable to budget for the reasons described above. Expected to be favorable to budget.

CLE Revenue	58%	59%	\$21,498	66%	Favorable to budget due to higher product sales. Expected to be on budget.
CLE Direct Expenses	58%	19%	\$146,394	12%	Favorable to budget due to timing of scheduled seminar expense payments. Expected to be on budget.
CLE Indirect Expenses	58%	57%	\$19,805	59%	Favorable to budget as described under indirect expenses above and expected to be on budget.
CLE Net	58%	145%	\$187,697	187%	Favorable to budget for the reasons described above. Expected to be on budget.

\*Workplace benefits, Human Resources, meeting support, rent, taxes, furniture & maintenance, office supplies, depreciation, insurance, equipment, professional fees (legal & audit), internet & telephone, postage, storage, bank fees, Technology

**Washington State Bar Association Financial Summary**  
**Compared to Fiscal Year 2023 Budget**  
**For the Period from April 1, 2023 to April 30, 2023**

Category	Actual Revenues	Budgeted Revenues	Actual Indirect Expenses	Budgeted Indirect Expenses	Actual Direct Expenses	Budgeted Direct Expenses	Actual Total Expenses	Budgeted Total Expenses	Actual Net Result	Budgeted Net Result
Access to Justice	-	-	136,926	237,082	53,117	121,820	190,043	358,902	(190,043)	(358,902)
Admissions/Bar Exam	1,006,819	1,362,940	515,302	892,773	158,990	411,079	674,202	1,303,852	332,617	59,088
Advancement FTE	-	204,390	204,390	354,465	2,414	8,100	206,804	362,565	(206,804)	(362,565)
Bar News	337,754	602,700	192,118	332,507	216,467	363,460	408,584	695,967	(70,831)	(93,267)
Board of Governors	-	-	115,253	191,700	371,900	140,436	255,688	563,600	(255,688)	(563,600)
Character & Fitness Board	-	-	80,296	139,623	869	27,000	81,165	166,623	(81,165)	(166,623)
Communications Strategies	113	3,500	388,683	674,814	7,152	116,015	395,835	790,829	(395,721)	(787,329)
Communications Strategies FTE	-	-	141,312	243,400	-	-	141,312	243,400	(141,312)	(243,400)
Discipline	37,331	119,000	3,292,271	6,007,729	58,236	206,999	3,350,507	6,214,728	(3,313,176)	(6,095,728)
Diversity	135,000	135,000	123,440	240,734	28,995	121,535	152,435	362,269	(17,435)	(227,269)
Finance	438,277	26,000	629,624	1,080,720	2,591	13,500	632,215	1,094,220	(193,939)	(1,068,220)
Foundation	-	-	83,739	147,147	3,057	5,650	86,796	152,797	(86,796)	(152,797)
Human Resources	-	-	348,828	424,625	-	-	348,828	424,625	(348,828)	(424,625)
Law Clerk Program	194,133	188,200	78,373	138,099	4,162	8,900	82,535	146,999	111,598	41,201
Legislative	-	-	136,107	242,681	14,283	26,783	150,390	269,464	(150,390)	(269,464)
Legal Lunchbox	20,335	23,000	28,379	51,117	551	1,500	28,930	52,617	(8,595)	(29,617)
Licensing and Membership Records	251,924	452,200	369,769	622,311	20,406	19,651	390,174	641,962	(138,250)	(189,762)
Licensing Fees	9,899,120	17,053,467	-	-	-	-	0	-	9,899,120	17,053,467
Limited License Legal Technician	7,945	29,722	48,157	85,248	1,976	15,500	50,133	100,748	(42,188)	(71,026)
Limited Practice Officers	127,199	195,088	55,938	99,305	8,669	21,042	64,607	120,347	62,593	74,741
Mandatory CLE	906,025	1,125,250	458,973	714,329	6,002	67,015	464,976	781,344	441,049	343,906
Member Wellness Program	4,875	7,500	120,069	234,719	1,242	2,800	121,311	237,519	(116,436)	(230,019)
Member Services & Engagement	18,400	11,800	172,599	302,978	3,752	39,500	176,351	342,478	(157,951)	(330,678)
Mini CLE	-	-	65,241	114,412	-	-	65,241	114,412	(65,241)	(114,412)
New Member Education	81,093	85,000	54,094	95,269	-	1,600	54,094	96,869	26,999	(11,869)
Office of General Counsel	-	963	546,039	1,038,134	2,914	19,400	548,953	1,057,534	(548,953)	(1,056,571)
Office of the Executive Director	-	-	320,938	568,259	17,177	128,775	338,115	697,034	(338,115)	(697,034)
OGC-Disciplinary Board	-	-	126,273	217,139	46,391	112,000	172,664	329,139	(172,664)	(329,139)
Practice of Law Board	-	-	36,134	63,355	1,953	12,000	38,087	75,355	(38,087)	(75,355)
Practice Management Assistance	32,825	50,000	76,026	133,033	73,466	73,400	149,492	206,433	(116,667)	(156,433)
Professional Responsibility Program	-	-	131,386	151,321	1,647	2,250	133,033	153,571	(133,033)	(153,571)
Public Service Programs	130,000	130,000	108,806	219,329	97,714	266,928	206,520	486,257	(76,520)	(356,257)
Publication and Design Services	-	-	68,658	119,175	4,200	4,612	72,858	123,787	(72,858)	(123,787)
Regulatory Services FTE	-	-	311,900	536,908	74	23,550	311,974	560,458	(311,974)	(560,458)
Sections Administration	352,646	290,543	166,814	290,746	580	7,850	167,394	298,596	185,253	(8,053)
Service Center	-	-	409,041	703,381	3,838	10,300	412,880	713,681	(412,880)	(713,681)
Volunteer Engagement	-	-	58,264	97,639	5,272	17,850	63,536	115,489.27	(63,536)	(115,489)
Technology	-	-	1,099,403	1,996,602	-	-	1,099,403	1,996,602	(1,099,403)	(1,996,602)
<b>Subtotal General Fund</b>	<b>13,981,814</b>	<b>21,891,872</b>	<b>11,299,564</b>	<b>19,802,808</b>	<b>988,502</b>	<b>2,650,264</b>	<b>12,288,066</b>	<b>22,453,072</b>	<b>1,693,748</b>	<b>(561,199)</b>
Expenses using reserve funds	-	-	-	-	-	-	-	-	-	-
<b>Total General Fund - Net Result from Operations</b>									<b>1,693,748</b>	<b>(561,199)</b>
<b>Percentage of Budget</b>	<b>64%</b>		<b>57%</b>		<b>37%</b>		<b>55%</b>			
CLE-Seminars and Products	1,073,374	1,653,725	611,502	1,079,536	67,458	307,219	678,960	1,386,755	394,414	266,970
CLE - Deskbooks	53,316	241,000	128,117	222,410	5,203	68,325	133,320	290,735	(80,004)	(49,735)
Total CLE	1,126,691	1,894,725	739,620	1,301,946	72,661	375,544	812,280	1,677,490	314,410	217,235
<b>Percentage of Budget</b>	<b>59%</b>		<b>57%</b>		<b>19%</b>		<b>48%</b>			
Total All Sections	573,693	649,695	-	-	444,852	904,646	444,852	904,646	128,841	(254,951)
Client Protection Fund-Restricted	822,676	730,000	103,133	181,912	79,868	502,300	183,000	684,212	639,676	45,788
<b>Totals</b>	<b>16,504,873</b>	<b>25,166,292</b>	<b>12,142,316</b>	<b>21,286,666</b>	<b>1,585,882</b>	<b>4,432,754</b>	<b>13,728,198</b>	<b>25,719,419</b>	<b>2,776,675</b>	<b>(553,127)</b>
<b>Percentage of Budget</b>	<b>66%</b>		<b>57%</b>		<b>36%</b>		<b>53%</b>			

Summary of Fund Balances:	Fund Balances Sept. 30, 2022	2023 Budgeted Fund Balances	Fund Balances Year to date
<b>Restricted Funds:</b>			
Client Protection Fund	4,063,501	4,109,289	4,703,177
<b>Board-Designated Funds (Non-General Fund):</b>			
CLE Fund Balance	1,042,049	1,259,284	1,356,459
Section Funds	1,802,650	1,547,699	1,931,491
<b>Board-Designated Funds (General Fund):</b>			
Operating Reserve Fund	2,000,000	2,000,000	2,000,000
Facilities Reserve Fund	1,000,000	1,000,000	2,700,000
<b>Unrestricted Funds (General Fund):</b>			
Unrestricted General Fund	5,713,268	5,152,068	5,707,016
<b>Total General Fund Balance</b>	<b>8,713,268</b>	<b>8,152,068</b>	<b>10,407,016</b>
<b>Net Change in Total General Fund Balance</b>		<b>(561,199)</b>	<b>1,693,748</b>
<b>Total Fund Balance</b>	<b>15,621,468</b>	<b>15,068,341</b>	<b>18,398,143</b>
<b>Net Change in Fund Balance</b>		<b>(553,127)</b>	<b>2,776,675</b>

Washington State Bar Association  
 Analysis of Cash Investments  
 As of April 30, 2023

**Checking & Savings Accounts**

**General Fund**

**Checking**

<b><u>Bank</u></b>	<b><u>Account</u></b>	<b><u>Amount</u></b>
Wells Fargo	General	\$ 1,234,811

Total

<b><u>Investments</u></b>	<b><u>Rate</u></b>	<b><u>Amount</u></b>
Wells Fargo Money Market	0.61%	\$ 8,550,214
UBS Financial Money Market	0.22%	\$ 1,099,476
Morgan Stanley Money Market	0.47%	\$ 3,459,139
Merrill Lynch Money Market	0.39%	\$ 2,039,213
CDs/Treasuries	see list	\$ 8,472,581

**General Fund Total \$ 24,855,435**

**Client Protection Fund**

**Checking**

<b><u>Bank</u></b>	<b><u>Amount</u></b>
Wells Fargo	\$ 345,615

<b><u>Investments</u></b>	<b><u>Rate</u></b>	<b><u>Amount</u></b>
Wells Fargo Money Market	0.50%	\$ 3,032,546
Morgan Stanley Money Market	0.35%	\$ 109,856
CDs/Treasuries	see list	\$ 1,495,088

**Client Protection Fund Total \$ 4,983,105**

**Grand Total Cash & Investments \$ 29,838,540**

**Washington State Bar Association**  
**Analysis of Cash Investments**  
**As of April 30, 2023**

**General Fund**

<b><u>Bank</u></b>	<b><u>Yield</u></b>	<b><u>Term</u></b> <b><u>Months</u></b>	<b><u>Trade</u></b> <b><u>Date</u></b>	<b><u>Settle</u></b> <b><u>Date</u></b>	<b><u>Maturity</u></b> <b><u>Date</u></b>	<b><u>Amount</u></b>
Beal Bank USA CD	2.80%	9	7/28/2022	8/10/2022	5/10/2023	250,000
Ally Bank CD	4.50%	6	12/5/2022	12/8/2022	6/8/2023	250,000
US Treasury Bill	4.65%	9	1/11/2023	1/12/2023	7/13/2023	244,331
FAMCA CD	4.75%	6	2/1/2023	2/2/2023	8/3/2023	246,738
State Bank of India NY CD	3.10%	12	7/28/2022	8/8/2022	8/8/2023	250,000
FHLBD CD	4.72%	7	2/9/2023	2/10/2023	8/30/2023	247,690
Morgan Stanley Bank CD	5.06%	6	3/9/2023	3/9/2023	9/18/2023	250,000
Morgan Stanley Private Bank CD	5.06%	6	3/9/2023	3/9/2023	9/18/2023	250,000
Valley National Bank CD	5.15%	6	3/14/2023	3/17/2023	9/18/2023	250,000
Fifth Third Bank CD	5.10%	6	3/14/2023	3/21/2023	9/21/2023	250,000
Barclays Bank CD	5.10%	6	3/14/2023	3/22/2023	9/22/2023	250,000
Wells Fargo bank	4.70%	9	12/15/2022	12/23/2022	9/25/2023	250,000
Webster Bank CD	5.00%	6	3/23/2023	3/29/2023	9/29/2023	250,000
Flagstar Bank CD	5.15%	6	3/17/2023	3/30/2023	10/2/2023	250,000
Comerica Bank CD	5.10%	6	3/23/2023	3/30/2023	10/2/2023	250,000
American Commercial Bank CD	5.10%	6	3/23/2023	4/5/2023	10/5/2023	250,000
SOFI Bank CD	4.55%	9	1/13/2023	1/23/2023	10/23/2023	250,000
Fairfield County Bank CD	4.65%	9	2/1/2023	2/3/2023	11/3/2023	250,000
FHLB CD	4.75%	9	2/10/2023	2/13/2023	11/7/2023	250,484
Independent Bank CD	4.75%	9	2/22/2023	2/24/2023	11/24/2023	250,000
DFC Note	4.75%	11	2/1/2023	2/2/2023	12/14/2023	252,332
NexBank CD	5.25%	9	3/14/2023	3/22/2023	12/20/2023	250,000
Citizens Bank CD	5.15%	9	3/14/2023	3/22/2023	12/22/2023	250,000
Bank of Hope CD	5.25%	9	3/14/2023	3/24/2023	12/26/2023	250,000
Hancock Whitney Bank CD	5.35%	9	3/17/2023	3/23/2023	12/26/2023	250,000
CrossFirst Bank CD	5.20%	9	3/17/2023	3/24/2023	12/26/2023	250,000
Zions BankCorp CD	5.30%	9	3/28/2023	3/31/2023	12/29/2023	250,000
FHDN CD	4.75%	11	2/10/2023	2/13/2023	1/11/2024	239,533
FFCB CD	4.75%	12	2/1/2023	2/2/2023	1/18/2024	241,148
JP Morgan Chase Bank CD	4.95%	11	2/22/2023	2/28/2023	1/31/2024	250,000
FHLBDN CD	4.75%	12	2/10/2023	2/13/2023	2/2/2024	250,325
TowneBank CD	4.65%	12	2/1/2023	2/8/2023	2/8/2024	250,000
Millyard Bank CD	4.65%	12	2/1/2023	2/9/2023	2/9/2024	250,000
Customers Bank CD	5.20%	12	3/28/2023	3/30/2023	3/28/2024	250,000
<b>Total</b>						<b>8,472,581</b>

**Client Fund Protection Fund**

<b><u>Bank</u></b>	<b><u>Yield</u></b>	<b><u>Term</u></b> <b><u>Months</u></b>	<b><u>Trade</u></b> <b><u>Date</u></b>	<b><u>Settle</u></b> <b><u>Date</u></b>	<b><u>Maturity</u></b> <b><u>Date</u></b>	<b><u>Amount</u></b>
Washington Trust CD	4.80%	6	3/1/2023	3/8/2023	9/8/2023	250,000
Renasant Bank CD	5.10%	6	3/17/2023	3/22/2023	9/22/2023	250,000
Bremer Bank CD	5.10%	6	3/17/2023	3/22/2023	9/22/2023	250,000
CapStar Bank CD	4.80%	9	3/1/2023	3/3/2023	12/4/2023	250,000
US Treasury Note	4.95%	11	3/1/2023	3/2/2023	1/31/2024	245,088
Western Alliance Bank CD	5.00%	12	3/1/2023	3/9/2023	3/8/2024	250,000
<b>Total</b>						<b>1,495,088</b>

**Washington State Bar Association**

Statement of Activities  
 For the Period from April 1, 2023 to April 30, 2023  
**58% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>LICENSE FEES</b>						
<b>REVENUE:</b>						
LICENSE FEES	17,053,467	1,437,818	9,899,120	7,154,347	58%	(48,736)
<b>TOTAL REVENUE:</b>	<b><u>17,053,467</u></b>	<b><u>1,437,818</u></b>	<b><u>9,899,120</u></b>	<b><u>7,154,347</u></b>	<b><u>58%</u></b>	<b><u>(48,736)</u></b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>ACCESS TO JUSTICE</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
SURVEYS	100	-	-	100	0%	58
ATJ BOARD RETREAT	2,000	-	2,130	(130)	107%	(964)
LEADERSHIP TRAINING	2,000	-	-	2,000	0%	1,167
ATJ BOARD EXPENSE	78,400	4,872	33,594	44,806	43%	12,139
STAFF TRAVEL/PARKING	3,000	220	270	2,730	9%	1,480
STAFF CONFERENCE & TRAINING	1,675	-	75	1,600	4%	902
PUBLIC DEFENSE	4,000	-	810	3,190	20%	1,523
CONFERENCE/INSTITUTE EXPENSE	23,145	1,500	15,489	7,656	67%	(1,988)
RECEPTION/FORUM EXPENSE	7,500	248	748	6,752	10%	3,627
<b>TOTAL DIRECT EXPENSES:</b>	<b>121,820</b>	<b>6,839</b>	<b>53,117</b>	<b>68,703</b>	<b>44%</b>	<b>17,945</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.64 FTE)	138,139	11,699	81,635	56,504	59%	(1,054)
BENEFITS EXPENSE	48,192	3,777	26,998	21,194	56%	1,114
OTHER INDIRECT EXPENSE	50,751	4,587	28,282	22,469	56%	1,323
<b>TOTAL INDIRECT EXPENSES:</b>	<b>237,082</b>	<b>20,063</b>	<b>136,915</b>	<b>100,167</b>	<b>58%</b>	<b>1,383</b>
<b>TOTAL ALL EXPENSES:</b>	<b>358,902</b>	<b>26,903</b>	<b>190,032</b>	<b>168,870</b>	<b>53%</b>	<b>19,328</b>
<b>NET INCOME (LOSS):</b>	<b>(358,902)</b>	<b>(26,903)</b>	<b>(190,032)</b>	<b>(168,870)</b>	<b>53%</b>	<b>19,328</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>ADMISSIONS</b>						
<b>REVENUE:</b>						
EXAM SOFTWARE REVENUE	27,000	6,715	6,715	20,285	25%	(9,035)
BAR EXAM FEES	1,253,000	117,449	976,559	276,441	78%	245,642
RULE 9/LEGAL INTERN FEES	12,000	3,200	5,200	6,800	43%	(1,800)
SPECIAL ADMISSIONS	70,940	2,160	18,345	52,595	26%	(23,037)
<b>TOTAL REVENUE:</b>	<b>1,362,940</b>	<b>129,524</b>	<b>1,006,819</b>	<b>356,121</b>	<b>74%</b>	<b>211,771</b>
<b>DIRECT EXPENSES:</b>						
POSTAGE	750	-	461	289	61%	(23)
STAFF TRAVEL/PARKING	23,000	-	7,628	15,372	33%	5,788
STAFF MEMBERSHIP DUES	600	-	150	450	25%	200
SUPPLIES	2,750	-	187	2,563	7%	1,417
FACILITY, PARKING, FOOD	101,000	-	45,564	55,436	45%	13,352
EXAMINER FEES	36,000	-	12,500	23,500	35%	8,500
UBE EXMINATIONS	123,000	-	32,208	90,792	26%	39,542
BOARD OF BAR EXAMINERS	18,850	403	12,574	6,276	67%	(1,578)
BAR EXAM PROCTORS	39,000	-	16,132	22,868	41%	6,618
DISABILITY ACCOMMODATIONS	27,000	1,750	15,988	11,012	59%	(238)
CHARACTER & FITNESS INVESTIGATIONS	2,000	-	-	2,000	0%	1,167
LAW SCHOOL VISITS	1,700	-	229	1,471	13%	763
DEPRECIATION-SOFTWARE	24,929	2,038	14,263	10,666	57%	279
STAFF CONFERENCE & TRAINING	10,500	-	1,016	9,484	10%	5,109
<b>TOTAL DIRECT EXPENSES:</b>	<b>411,079</b>	<b>4,191</b>	<b>158,900</b>	<b>252,179</b>	<b>39%</b>	<b>80,896</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (6.75 FTE)	512,745	34,644	287,204	225,541	56%	11,897
BENEFITS EXPENSE	171,146	15,670	111,853	59,293	65%	(12,018)
OTHER INDIRECT EXPENSE	208,882	18,898	116,196	92,686	56%	5,651
<b>TOTAL INDIRECT EXPENSES:</b>	<b>892,773</b>	<b>69,213</b>	<b>515,254</b>	<b>377,520</b>	<b>58%</b>	<b>5,531</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,303,852</b>	<b>73,404</b>	<b>674,154</b>	<b>629,698</b>	<b>52%</b>	<b>86,426</b>
<b>NET INCOME (LOSS):</b>	<b>59,088</b>	<b>56,120</b>	<b>332,665</b>	<b>(273,577)</b>	<b>563%</b>	<b>298,197</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>ADVANCEMENT FTE</b>						
<b>REVENUE:</b>	_____	_____	_____	_____	_____	_____
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>	_____	_____	_____	_____	_____	_____
STAFF CONFERENCE & TRAINING	8,100	2,216	2,414	5,686	30%	2,311
<b>TOTAL DIRECT EXPENSES:</b>	<b>8,100</b>	<b>2,216</b>	<b>2,414</b>	<b>5,686</b>	<b>30%</b>	<b>2,311</b>
<b>INDIRECT EXPENSES:</b>	_____	_____	_____	_____	_____	_____
SALARY EXPENSE (1.88 FTE)	233,777	19,681	136,564	97,213	58%	(194)
BENEFITS EXPENSE	62,511	5,013	35,566	26,945	57%	899
OTHER INDIRECT EXPENSE	58,178	5,271	32,260	25,917	55%	1,676
<b>TOTAL INDIRECT EXPENSES:</b>	<b>354,465</b>	<b>29,965</b>	<b>204,390</b>	<b>150,075</b>	<b>58%</b>	<b>2,381</b>
<b>TOTAL ALL EXPENSES:</b>	<b>362,565</b>	<b>32,180</b>	<b>206,804</b>	<b>155,762</b>	<b>57%</b>	<b>4,693</b>
<b>NET INCOME (LOSS):</b>	<b>(362,565)</b>	<b>(32,180)</b>	<b>(206,804)</b>	<b>(155,762)</b>	<b>57%</b>	<b>4,693</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>BAR NEWS</b>						
<b>REVENUE:</b>						
DISPLAY ADVERTISING	400,000	45,000	264,000	136,000	66%	30,667
SUBSCRIPT/SINGLE ISSUES	200	36	36	164	18%	(81)
CLASSIFIED ADVERTISING	2,500	151	5,629	(3,129)	225%	4,170
JOB TARGET ADVERTISING	200,000	8,639	68,089	131,911	34%	(48,578)
<b>TOTAL REVENUE:</b>	<b>602,700</b>	<b>53,826</b>	<b>337,754</b>	<b>264,947</b>	<b>56%</b>	<b>(13,822)</b>
<b>DIRECT EXPENSES:</b>						
POSTAGE	110,000	12,086	70,932	39,068	64%	(6,765)
PRINTING, COPYING & MAILING	250,000	25,120	144,761	105,239	58%	1,072
DIGITAL/ONLINE DEVELOPMENT	1,000	-	1,121	(121)	112%	(538)
GRAPHICS/ARTWORK	100	-	-	100	0%	58
STAFF CONFERENCE & TRAINING	2,000	-	-	2,000	0%	1,167
STAFF MEMBERSHIP DUES	135	-	-	135	0%	79
SUBSCRIPTIONS	225	(550)	(347)	572	-154%	479
<b>TOTAL DIRECT EXPENSES:</b>	<b>363,460</b>	<b>36,656</b>	<b>216,467</b>	<b>146,993</b>	<b>60%</b>	<b>(4,449)</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (2.23 FTE)	209,396	17,509	123,006	86,390	59%	(858)
BENEFITS EXPENSE	54,103	4,301	30,688	23,415	57%	872
OTHER INDIRECT EXPENSE	69,008	6,247	38,408	30,600	56%	1,847
<b>TOTAL INDIRECT EXPENSES:</b>	<b>332,507</b>	<b>28,057</b>	<b>192,102</b>	<b>140,406</b>	<b>58%</b>	<b>1,861</b>
<b>TOTAL ALL EXPENSES:</b>	<b>695,967</b>	<b>64,713</b>	<b>408,569</b>	<b>287,399</b>	<b>59%</b>	<b>(2,588)</b>
<b>NET INCOME (LOSS):</b>	<b>(93,267)</b>	<b>(10,888)</b>	<b>(70,815)</b>	<b>(22,452)</b>	<b>76%</b>	<b>(16,409)</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>BOARD OF GOVERNORS</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
BOG MEETINGS	205,000	9,711	70,397	134,603	34%	49,186
BOG COMMITTEES' EXPENSES **	3,000	-	145	2,855	5%	1,605
BOG RETREAT	50,000	-	19,542	30,458	39%	9,625
BOG CONFERENCE ATTENDANCE	43,000	6,633	18,228	24,772	42%	6,855
BOG TRAVEL & OUTREACH **	14,000	4,456	16,400	(2,400)	117%	(8,234)
LEADERSHIP TRAINING	20,000	314	4,681	15,319	23%	6,985
BOG ELECTIONS	26,900	980	4,900	22,000	18%	10,792
PRESIDENT'S DINNER	10,000	-	-	10,000	0%	5,833
CONSULTING SERVICES	-	-	6,143	(6,143)		(6,143)
<b>TOTAL DIRECT EXPENSES:</b>	<b>371,900</b>	<b>22,094</b>	<b>140,436</b>	<b>231,464</b>	<b>38%</b>	<b>76,506</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.40 FTE)	112,271	9,279	71,112	41,158	63%	(5,621)
BENEFITS EXPENSE	36,105	2,803	20,065	16,041	56%	997
OTHER INDIRECT EXPENSE	43,324	3,914	24,066	19,258	56%	1,206
<b>TOTAL INDIRECT EXPENSES:</b>	<b>191,700</b>	<b>15,997</b>	<b>115,243</b>	<b>76,457</b>	<b>60%</b>	<b>(3,418)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>563,600</b>	<b>38,090.62</b>	<b>255,678</b>	<b>307,921</b>	<b>45%</b>	<b>73,088</b>
<b>NET INCOME (LOSS):</b>	<b>(563,600)</b>	<b>(38,091)</b>	<b>(255,678)</b>	<b>(307,921)</b>	<b>45%</b>	<b>73,088</b>

\*\*Budget reallocations have been applied to this line item. For details, see FY23 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

**Washington State Bar Association**

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>CHARACTER &amp; FITNESS BOARD</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>		<u>-</u>
<b>DIRECT EXPENSES:</b>						
CHARACTER & FITNESS BOARD EXP	12,000	-	-	12,000	0%	7,000
COURT REPORTERS	15,000	-	869	14,131	6%	7,881
<b>TOTAL DIRECT EXPENSES:</b>	<u>27,000</u>	<u>-</u>	<u>869.00</u>	<u>26,131</u>	<u>3%</u>	<u>14,881</u>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.75 FTE)	90,551	7,462	52,879	37,672	58%	(58)
BENEFITS EXPENSE	25,863	2,018	14,336	11,527	55%	751
OTHER INDIRECT EXPENSE	23,209	2,097	13,076	10,133	56%	463
<b>TOTAL INDIRECT EXPENSES:</b>	<u>139,623</u>	<u>11,578</u>	<u>80,290</u>	<u>59,333</u>	<u>58%</u>	<u>1,156</u>
<b>TOTAL ALL EXPENSES:</b>	<u>166,623</u>	<u>11,578</u>	<u>81,159</u>	<u>85,464</u>	<u>49%</u>	<u>16,037</u>
<b>NET INCOME (LOSS):</b>	<u>(166,623)</u>	<u>(11,578)</u>	<u>(81,159)</u>	<u>(85,464)</u>	<u>49%</u>	<u>16,037</u>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LAW CLERK PROGRAM</b>						
<b>REVENUE:</b>						
LAW CLERK FEES	185,000	4,500	192,833	(7,833)	104%	84,916
LAW CLERK APPLICATION FEES	3,200	400	1,300	1,900	41%	(567)
<b>TOTAL REVENUE:</b>	<b>188,200</b>	<b>4,900</b>	<b>194,133</b>	<b>(5,933)</b>	<b>103%</b>	<b>84,349</b>
<b>DIRECT EXPENSES:</b>						
SUBSCRIPTIONS	250	-	-	250	0%	146
CHARACTER & FITNESS INVESTIGATIONS	100	-	-	100	0%	58
LAW CLERK BOARD EXPENSE	8,000	-	4,162	3,838	52%	505
LAW CLERK OUTREACH	550	-	-	550	0%	321
<b>TOTAL DIRECT EXPENSES:</b>	<b>8,900</b>	<b>-</b>	<b>4,162</b>	<b>4,738</b>	<b>47%</b>	<b>1,030</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.98 FTE)	82,442	6,745	47,624	34,818	58%	467
BENEFITS EXPENSE	25,330	1,953	13,969	11,362	55%	807
OTHER INDIRECT EXPENSE	30,327	2,728	16,773	13,553	55%	917
<b>TOTAL INDIRECT EXPENSES:</b>	<b>138,099</b>	<b>11,426</b>	<b>78,366</b>	<b>59,733</b>	<b>57%</b>	<b>2,191</b>
<b>TOTAL ALL EXPENSES:</b>	<b>146,999</b>	<b>11,426</b>	<b>82,528</b>	<b>64,471</b>	<b>56%</b>	<b>3,221</b>
<b>NET INCOME (LOSS):</b>	<b>41,201</b>	<b>(6,526)</b>	<b>111,605</b>	<b>(70,403)</b>	<b>271%</b>	<b>87,570</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from April 1, 2023 to April 30, 2023  
**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>CONTINUING LEGAL EDUCATION (CLE)</b>						
<b>REVENUE:</b>						
SEMINAR REGISTRATIONS	850,000	75,997	402,542	447,458	47%	(93,291)
SEMINAR REVENUE-OTHER	20,000	-	1,500	18,500	8%	(10,167)
SEMINAR SPLITS W/ CLE	(133,375)	-	-	(133,375)	0%	77,802
SHIPPING & HANDLING	100	18	90	10	90%	32
COURSEBOOK SALES	7,000	(50)	700	6,300	10%	(3,383)
MP3 AND VIDEO SALES	910,000	21,793	668,542	241,458	73%	137,709
<b>TOTAL REVENUE:</b>	<b>1,653,725</b>	<b>97,758</b>	<b>1,073,374</b>	<b>580,351</b>	<b>65%</b>	<b>(25,655)</b>
<b>DIRECT EXPENSES:</b>						
COURSEBOOK PRODUCTION	1,000	-	-	1,000	0%	583
POSTAGE - FLIERS/CATALOGS	5,000	-	-	5,000	0%	2,917
DEPRECIATION	1,309	279	1,953	(644)	149%	(1,189)
ONLINE EXPENSES	53,000	4,125	27,704	25,296	52%	3,213
ACCREDITATION FEES	3,000	(48)	2,736	264	91%	(986)
SEMINAR BROCHURES	20,000	-	-	20,000	0%	11,667
FACILITIES	165,200	5,679	33,028	132,172	20%	63,339
DISABILITY ACCOMMODATIONS	4,000	-	-	4,000	0%	2,333
SPEAKERS & PROGRAM DEVELOP	32,000	39	494	31,506	2%	18,172
HONORARIA	1,200	-	-	1,200	0%	700
CLE SEMINAR COMMITTEE	200	-	-	200	0%	117
STAFF TRAVEL/PARKING	15,000	177	531	14,469	4%	8,219
STAFF CONFERENCE & TRAINING	2,370	-	-	2,370	0%	1,383
STAFF MEMBERSHIP DUES	1,700	902	902	798	53%	89
COST OF SALES - COURSEBOOKS	690	8	76	614	11%	327
A/V DEVELOP COSTS (RECORDING)	1,250	-	-	1,250	0%	729
POSTAGE & DELIVERY-COURSEBOOKS	-	-	34	(34)	0%	(34)
STAFF TRAVEL/PARKING	300	-	-	300	0%	175
<b>TOTAL DIRECT EXPENSES:</b>	<b>307,219</b>	<b>11,160</b>	<b>67,458</b>	<b>239,761</b>	<b>22%</b>	<b>111,753</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (8.13 FTE)	596,422	50,209	346,920	249,502	58%	993
BENEFITS EXPENSE	220,069	17,407	124,698	95,371	57%	3,676
OTHER INDIRECT EXPENSE	263,045	22,771	139,827	123,218	53%	13,616
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,079,536</b>	<b>90,387</b>	<b>611,445</b>	<b>468,091</b>	<b>57%</b>	<b>18,284</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,386,755</b>	<b>101,548</b>	<b>678,903</b>	<b>707,852</b>	<b>49%</b>	<b>130,037</b>
<b>NET INCOME (LOSS):</b>	<b>266,970</b>	<b>(3,790)</b>	<b>394,472</b>	<b>(127,501)</b>	<b>148%</b>	<b>238,739</b>

**Washington State Bar Association**

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>COMMUNICATION STRATEGIES FTE</b>						
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.00 FTE)	168,213	13,983	99,095	69,118	59%	(971)
BENEFITS EXPENSE	44,241	3,532	24,951	19,290	56%	856
OTHER INDIRECT EXPENSE	30,946	2,807	17,259	13,686	56%	792
TOTAL INDIRECT EXPENSES:	<u>243,400</u>	<u>20,321</u>	<u>141,305</u>	<u>102,094</u>	<u>58%</u>	<u>678</u>
NET INCOME (LOSS):	<u>(243,400)</u>	<u>(20,321)</u>	<u>(141,305)</u>	<u>(102,094)</u>	<u>58%</u>	<u>678</u>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>COMMUNICATION STRATEGIES</b>						
<b>REVENUE:</b>						
SPONSORSHIPS	1,000	-	-	1,000	0%	(583)
50 YEAR MEMBER PLAQUE	2,500	-	113	2,387	5%	(1,345)
<b>TOTAL REVENUE:</b>	<b>3,500</b>	<b>-</b>	<b>113</b>	<b>3,387</b>	<b>3%</b>	<b>(1,928)</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	3,395	-	1,386	2,009	41%	594
STAFF MEMBERSHIP DUES	1,120	-	714	406	64%	(61)
SUBSCRIPTIONS	4,000	590	1,424	2,576	36%	909
APEX DINNER	47,000	-	-	47,000	0%	27,417
50 YEAR MEMBER TRIBUTE LUNCH	20,000	-	-	20,000	0%	11,667
BAR OUTREACH	18,000	71	566	17,434	3%	9,934
COMMUNICATIONS OUTREACH	15,000	41	1,245	13,755	8%	7,505
STAFF CONFERENCE & TRAINING	7,500	-	1,817	5,683	24%	2,558
<b>TOTAL DIRECT EXPENSES:</b>	<b>116,015</b>	<b>702</b>	<b>7,152</b>	<b>108,863</b>	<b>6%</b>	<b>60,524</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (5.20 FTE)	387,612	32,104	226,987	160,626	59%	(880)
BENEFITS EXPENSE	126,285	10,042	71,960	54,325	57%	1,707
OTHER INDIRECT EXPENSE	160,917	14,589	89,700	71,217	56%	4,168
<b>TOTAL INDIRECT EXPENSES:</b>	<b>674,814</b>	<b>56,735</b>	<b>388,646</b>	<b>286,168</b>	<b>58%</b>	<b>4,995</b>
<b>TOTAL ALL EXPENSES:</b>	<b>790,829</b>	<b>57,436</b>	<b>395,798</b>	<b>395,031</b>	<b>50%</b>	<b>65,519</b>
<b>NET INCOME (LOSS):</b>	<b>(787,329)</b>	<b>(57,436)</b>	<b>(395,684)</b>	<b>(391,645)</b>	<b>50%</b>	<b>63,591</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>CLIENT PROTECTION FUND</b>						
<b>REVENUE:</b>						
CPF RESTITUTION	40,000	634	4,875	35,125	12%	(18,458)
CPF MEMBER ASSESSMENTS	690,000	6,300	695,980	(5,980)	101%	293,480
INTEREST INCOME **	-	17,877	121,821	(121,821)		121,821
<b>TOTAL REVENUE:</b>	<b>730,000</b>	<b>24,811</b>	<b>822,676</b>	<b>(92,676)</b>	<b>113%</b>	<b>396,843</b>
<b>DIRECT EXPENSES:</b>						
BANK FEES - WELLS FARGO	2,100	239	1,398	702	67%	(173)
GIFTS TO INJURED CLIENTS	500,000	28,111	77,963	422,037	16%	213,703
CPF BOARD EXPENSES **	-	123	507	(507)		(507)
STAFF MEMBERSHIP DUES	200	-	-	200	0%	117
<b>TOTAL DIRECT EXPENSES:</b>	<b>502,300</b>	<b>28,473</b>	<b>79,868</b>	<b>422,432</b>	<b>16%</b>	<b>213,141</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.23 FTE)	104,797	8,667	61,415	43,382	59%	(284)
BENEFITS EXPENSE	37,207	2,876	20,560	16,647	55%	1,144
OTHER INDIRECT EXPENSE	39,907	3,440	21,149	18,759	53%	2,131
<b>TOTAL INDIRECT EXPENSES:</b>	<b>181,912</b>	<b>14,982</b>	<b>103,124</b>	<b>78,788</b>	<b>57%</b>	<b>2,991</b>
<b>TOTAL ALL EXPENSES:</b>	<b>684,212</b>	<b>43,455</b>	<b>182,992</b>	<b>501,220</b>	<b>27%</b>	<b>216,132</b>
<b>NET INCOME (LOSS):</b>	<b>45,788</b>	<b>(18,644)</b>	<b>639,685</b>	<b>(593,897)</b>	<b>1397%</b>	<b>612,975</b>

\*\*Budget reallocations apply to this line item. For details, see FY23 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>DESKBOOKS</b>						
<b>REVENUE:</b>						
DESKBOOK SALES	150,000	-	21,478	128,522	14%	(66,022)
LEXIS/NEXIS ROYALTIES	35,000	-	14,787	20,213	42%	(5,629)
SECTION PUBLICATION SALES	6,000	-	1,445	4,556	24%	(2,056)
FASTCASE ROYALTIES	50,000	-	15,607	34,393	31%	(13,560)
<b>TOTAL REVENUE:</b>	<b>241,000</b>	<b>-</b>	<b>53,316</b>	<b>187,684</b>	<b>22%</b>	<b>(87,267)</b>
<b>DIRECT EXPENSES:</b>						
COST OF SALES - DESKBOOKS	65,000	-	3,956	61,044	6%	33,960
COST OF SALES - SECTION PUBLICATION	1,500	-	594	906	40%	281
SPLITS TO SECTIONS	300	-	207	93	69%	(32)
DESKBOOK ROYALTIES	300	-	92	208	31%	83
STAFF CONFERENCES & TRAINING	1,000	-	-	1,000	0%	583
POSTAGE & DELIVER-DESKBOOKS	-	-	90	(90)		(90)
STAFF MEMBERSHIP DUES	225	226	226	(1)	100%	(94)
SUBSCRIPTIONS	-	-	39	(39)		(39)
<b>TOTAL DIRECT EXPENSES:</b>	<b>68,325</b>	<b>226</b>	<b>5,203</b>	<b>63,122</b>	<b>8%</b>	<b>34,653</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.50 FTE)	132,287	10,971	78,890	53,397	60%	(1,722)
BENEFITS EXPENSE	41,948	3,283	23,449	18,498	56%	1,020
OTHER INDIRECT EXPENSE	48,175	4,191	25,767	22,408	53%	2,335
<b>TOTAL INDIRECT EXPENSES:</b>	<b>222,410</b>	<b>18,445</b>	<b>128,107</b>	<b>94,304</b>	<b>58%</b>	<b>1,633</b>
<b>TOTAL ALL EXPENSES:</b>	<b>290,735</b>	<b>18,670</b>	<b>133,309</b>	<b>157,426</b>	<b>46%</b>	<b>36,286</b>
<b>NET INCOME (LOSS):</b>	<b>(49,735)</b>	<b>(18,670)</b>	<b>(79,993)</b>	<b>30,258</b>	<b>161%</b>	<b>(50,981)</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>DISCIPLINE</b>						
<b>REVENUE:</b>						
AUDIT REVENUE	1,000	-	701	299	70%	118
RECOVERY OF DISCIPLINE COSTS	100,000	1,280	25,441	74,559	25%	(32,892)
DISCIPLINE HISTORY SUMMARY	18,000	1,410	11,189	6,811	62%	689
<b>TOTAL REVENUE:</b>	<b>119,000</b>	<b>2,690</b>	<b>37,331</b>	<b>81,669</b>	<b>31%</b>	<b>(32,085)</b>
<b>DIRECT EXPENSES:</b>						
DEPRECIATION-SOFTWARE	45,835	-	-	45,835	0%	26,737
PUBLICATIONS PRODUCTION	200	-	169	31	84%	(52)
STAFF TRAVEL/PARKING	20,000	-	4,108	15,892	21%	7,559
STAFF MEMBERSHIP DUES	7,610	-	1,695	5,915	22%	2,744
TELEPHONE	2,359	257	2,146	213	91%	(770)
COURT REPORTERS	60,000	4,570	30,923	29,077	52%	4,077
OUTSIDE COUNSEL/AIC	1,500	-	-	1,500	0%	875
LITIGATION EXPENSES	25,000	920	6,001	18,999	24%	8,583
DISABILITY EXPENSES	9,000	-	24	8,976	0%	5,226
TRANSLATION SERVICES	1,200	150	150	1,050	13%	550
STAFF CONFERENCE & TRAINING	33,295	1,988	13,020	20,275	39%	6,402
PRACTICE MONITOR EXPENSE	1,000	-	-	1,000	0%	583
<b>TOTAL DIRECT EXPENSES:</b>	<b>206,999</b>	<b>7,884</b>	<b>58,236</b>	<b>148,763</b>	<b>28%</b>	<b>62,513</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (37.80 FTE)	3,764,781	278,662	2,022,402	1,742,379	54%	173,720
BENEFITS EXPENSE	1,073,208	86,796	618,367	454,841	58%	7,671
OTHER INDIRECT EXPENSE	1,169,740	105,916	651,235	518,505	56%	31,114
<b>TOTAL INDIRECT EXPENSES:</b>	<b>6,007,729</b>	<b>471,374</b>	<b>3,292,003</b>	<b>2,715,726</b>	<b>55%</b>	<b>212,505</b>
<b>TOTAL ALL EXPENSES:</b>	<b>6,214,728</b>	<b>479,258</b>	<b>3,350,239</b>	<b>2,864,489</b>	<b>54%</b>	<b>275,019</b>
<b>NET INCOME (LOSS):</b>	<b>(6,095,728)</b>	<b>(476,568)</b>	<b>(3,312,908)</b>	<b>(2,782,820)</b>	<b>54%</b>	<b>242,933</b>

**Washington State Bar Association**

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>DIVERSITY</b>						
<b>REVENUE:</b>						
DONATIONS	135,000	-	135,000	-	100%	56,250
<b>TOTAL REVENUE:</b>	<b>135,000</b>	<b>-</b>	<b>135,000</b>	<b>-</b>	<b>100%</b>	<b>56,250</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	2,000	39	774	1,226	39%	392
STAFF MEMBERSHIP DUES	360	-	90	270	25%	120
COMMITTEE FOR DIVERSITY	3,800	-	953	2,847	25%	1,264
DIVERSITY EVENTS & PROJECTS	39,250	(1,500)	3,503	35,747	9%	19,393
SURVEYS	16,500	-	9,500	7,000	58%	125
STAFF CONFERENCE & TRAINING **	5,000	-	600	4,400	12%	2,317
CONSULTING SERVICES	54,625	-	13,575	41,050	25%	18,290
<b>TOTAL DIRECT EXPENSE:</b>	<b>121,535</b>	<b>(1,461)</b>	<b>28,995</b>	<b>92,540</b>	<b>24%</b>	<b>41,901</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.69 FTE)	144,941	11,639	57,664	87,277	40%	26,885
BENEFITS EXPENSE	43,533	3,311	29,600	13,933	68%	(4,206)
OTHER INDIRECT EXPENSE	52,260	4,744	36,164	16,095	69%	(5,679)
<b>TOTAL INDIRECT EXPENSES:</b>	<b>240,734</b>	<b>19,694</b>	<b>123,428</b>	<b>117,305</b>	<b>51%</b>	<b>16,999</b>
<b>TOTAL ALL EXPENSES:</b>	<b>362,269</b>	<b>18,233</b>	<b>152,423</b>	<b>209,845</b>	<b>42%</b>	<b>58,900</b>
<b>NET INCOME (LOSS):</b>	<b>(227,269)</b>	<b>(18,233)</b>	<b>(17,423)</b>	<b>(209,845)</b>	<b>8%</b>	<b>115,150</b>

\*\*Budget reallocations apply to this line item. For details, see FY23 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>FINANCE</b>						
<i>(Previously ADMINISTRATION cost center)</i>						
<b>REVENUE:</b>						
INTEREST INCOME**	26,000	111,808	438,277	(412,277)	1686%	423,110
<b>TOTAL REVENUE:</b>	<b>26,000</b>	<b>111,808</b>	<b>438,277</b>	<b>(412,277)</b>	<b>1686%</b>	<b>423,110</b>
<b>DIRECT EXPENSES:</b>						
CONSULTING SERVICES	10,000	-	-	10,000	0%	5,833
STAFF TRAVEL/PARKING	3,000	54	1,906	1,094	64%	(156)
STAFF CONFERENCE & TRAINING	500	-	-	500	0%	292
STAFF MEMBERSHIP DUES	-	-	685	(685)		(685)
<b>TOTAL DIRECT EXPENSES:</b>	<b>13,500</b>	<b>54</b>	<b>2,591</b>	<b>10,909</b>	<b>19%</b>	<b>5,284</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (6.92 FTE)	661,642	57,589	392,710	268,932	59%	(6,752)
BENEFITS EXPENSE	205,235	16,429	117,266	87,969	57%	2,455
OTHER INDIRECT EXPENSE	213,844	19,452	119,600	94,244	56%	5,143
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,080,720</b>	<b>93,470</b>	<b>629,575</b>	<b>451,145</b>	<b>58%</b>	<b>845</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,094,220</b>	<b>93,524</b>	<b>632,166</b>	<b>462,054</b>	<b>58%</b>	<b>6,129</b>
<b>NET INCOME (LOSS):</b>	<b>(1,068,220)</b>	<b>18,285</b>	<b>(193,889)</b>	<b>(874,331)</b>	<b>18%</b>	<b>429,239</b>

*\*\*Budget reallocations apply to this line item. For details, see FY23 Budget Reallocations memo(s) included in the Board of Governors meeting materials.*

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>FOUNDATION</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
CONSULTING SERVICES	3,000	-	3,000	-	100%	(1,250)
PRINTING & COPYING	450	-	-	450	0%	263
STAFF TRAVEL/PARKING	700	-	-	700	0%	408
SUPPLIES	150	-	24	126	16%	63
BOARD OF TRUSTEES	750	-	25	725	3%	413
POSTAGE	300	-	8	292	3%	167
STAFF CONFERENCE & TRAINING	300	-	-	300	0%	175
<b>TOTAL DIRECT EXPENSES:</b>	<b>5,650</b>	<b>-</b>	<b>3,057</b>	<b>2,593</b>	<b>54%</b>	<b>239</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.05 FTE)	96,359	7,872	55,660	40,699	58%	549
BENEFITS EXPENSE	18,295	1,411	10,083	8,212	55%	589
OTHER INDIRECT EXPENSE	32,493	2,926	17,988	14,504	55%	966
<b>TOTAL INDIRECT EXPENSES:</b>	<b>147,147</b>	<b>12,209</b>	<b>83,732</b>	<b>63,416</b>	<b>57%</b>	<b>2,104</b>
<b>TOTAL ALL EXPENSES:</b>	<b>152,797</b>	<b>12,209</b>	<b>86,788</b>	<b>66,009</b>	<b>57%</b>	<b>2,344</b>
<b>NET INCOME (LOSS):</b>	<b>(152,797)</b>	<b>(12,209)</b>	<b>(86,788)</b>	<b>(66,009)</b>	<b>57%</b>	<b>2,344</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>HUMAN RESOURCES</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	700	-	-	700	0%	408
STAFF MEMBERSHIP DUES	800	-	458	342	57%	9
SUBSCRIPTIONS	500	-	1,348	(848)	270%	(1,056)
STAFF TRAINING- GENERAL **	15,000	135	2,066	12,934	14%	6,684
RECRUITING AND ADVERTISING	6,600	282	3,490	3,110	53%	360
PAYROLL PROCESSING	50,000	3,611	29,096	20,904	58%	70
SALARY SURVEYS	1,500	-	-	1,500	0%	875
CONSULTING SERVICES	2,000	-	-	2,000	0%	1,167
TRANSFER TO INDIRECT EXPENSE	(77,100)	(4,028)	(36,458)	(40,642)	47%	(8,517)
<b>TOTAL DIRECT EXPENSES:</b>	-	-	-	-		-
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (4.00 FTE)	380,554	32,223	223,469	157,084	59%	(1,480)
ALLOWANCE FOR OPEN POSITIONS	(200,000)	-	-	(200,000)	0%	(116,667)
BENEFITS EXPENSE	120,251	9,707	63,286	56,965	53%	6,860
OTHER INDIRECT EXPENSE	123,820	11,228	62,044	61,777	50%	10,185
<b>TOTAL INDIRECT EXPENSES:</b>	<b>424,625</b>	<b>53,158</b>	<b>348,800</b>	<b>75,826</b>	<b>82%</b>	<b>(101,102)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>424,625</b>	<b>53,158</b>	<b>348,800</b>	<b>75,826</b>	<b>82%</b>	<b>(101,102)</b>
<b>NET INCOME (LOSS):</b>	<b>(424,625)</b>	<b>(53,158)</b>	<b>(348,800)</b>	<b>(75,826)</b>	<b>82%</b>	<b>(101,102)</b>

*\*\*Budget reallocations apply to this line item. For details, see FY23 Budget Reallocations memo(s) included in the Board of Governors meeting materials.*

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LEGISLATIVE</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	3,133	-	124	3,009	4%	1,704
STAFF MEMBERSHIP DUES	450	-	-	450	0%	263
JUD RECOMMEND COMMITTEE	2,250	-	-	2,250	0%	1,313
SUBSCRIPTIONS	2,000	-	1,985	16	99%	(818)
TELEPHONE	-	48	333	(333)		(333)
CONTRACT LOBBYIST	15,000	2,500	10,000	5,000	67%	(1,250)
LEGISLATIVE COMMITTEE	1,250	-	-	1,250	0%	729
BOG LEGISLATIVE COMMITTEE	300	-	-	300	0%	175
STAFF CONFERENCE & TRAINING	2,400	-	1,842	558	77%	(442)
<b>TOTAL DIRECT EXPENSES:</b>	<b>26,783</b>	<b>2,548</b>	<b>14,283</b>	<b>12,500</b>	<b>53%</b>	<b>1,340</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.70 FTE)	147,316	12,602	82,864	64,452	56%	3,071
BENEFITS EXPENSE	42,758	3,367	24,061	18,697	56%	881
OTHER INDIRECT EXPENSE	52,607	4,744	29,171	23,437	55%	1,517
<b>TOTAL INDIRECT EXPENSES:</b>	<b>242,681</b>	<b>20,713</b>	<b>136,095</b>	<b>106,586</b>	<b>56%</b>	<b>5,469</b>
<b>TOTAL ALL EXPENSES:</b>	<b>269,464</b>	<b>23,262</b>	<b>150,378</b>	<b>119,086</b>	<b>56%</b>	<b>6,809</b>
<b>NET INCOME (LOSS):</b>	<b>(269,464)</b>	<b>(23,262)</b>	<b>(150,378)</b>	<b>(119,086)</b>	<b>56%</b>	<b>6,809</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LICENSING &amp; MEMBERSHIP RECORDS</b>						
<b>REVENUE:</b>						
STATUS CERTIFICATE FEES	27,000	2,400	17,425	9,575	65%	1,675
INVESTIGATION FEES	21,000	1,700	14,400	6,600	69%	2,150
PRO HAC VICE	400,000	35,266	218,466	181,534	55%	(14,867)
MEMBER CONTACT INFORMATION	4,000	200	1,489	2,511	37%	(844)
PHOTO BAR CARD SALES	200	-	144	56	72%	27
<b>TOTAL REVENUE:</b>	<b>452,200</b>	<b>39,566</b>	<b>251,924</b>	<b>200,276</b>	<b>56%</b>	<b>(11,859)</b>
<b>DIRECT EXPENSES:</b>						
DEPRECIATION	1,151	-	-	1,151	0%	671
POSTAGE	16,500	-	16,254	246	99%	(6,629)
LICENSING FORMS	2,000	-	2,401	(401)	120%	(1,235)
SUPPLIES - BAR CARDS	-	-	1,750	(1,750)		(1,750)
<b>TOTAL DIRECT EXPENSES:</b>	<b>19,651</b>	<b>-</b>	<b>20,406</b>	<b>(755)</b>	<b>104%</b>	<b>(8,943)</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (3.83 FTE)	379,520	33,576	233,204	146,316	61%	(11,818)
BENEFITS EXPENSE	124,269	9,914	70,660	53,609	57%	1,830
OTHER INDIRECT EXPENSE	118,521	10,714	65,877	52,644	56%	3,260
<b>TOTAL INDIRECT EXPENSES:</b>	<b>622,311</b>	<b>54,204</b>	<b>369,742</b>	<b>252,569</b>	<b>59%</b>	<b>(6,727)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>641,962</b>	<b>54,204</b>	<b>390,147</b>	<b>251,814</b>	<b>61%</b>	<b>(15,670)</b>
<b>NET INCOME (LOSS):</b>	<b>(189,762)</b>	<b>(14,638)</b>	<b>(138,223)</b>	<b>(51,538)</b>	<b>73%</b>	<b>(27,529)</b>

**Washington State Bar Association**

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>LIMITED LICENSE LEGAL TECHNICIAN PROGRAM</b>						
<b>REVENUE:</b>						
SEMINAR REGISTRATIONS	12,000	-	-	12,000	0%	(7,000)
LLLT LICENSE FEES	16,622	1,165	7,712	8,910	46%	(1,984)
LLLT LATE LICENSE FEES	1,100	-	133	967	12%	(509)
INVESTIGATION FEES	-	-	100	(100)		100
<b>TOTAL REVENUE:</b>	<b>29,722</b>	<b>1,165</b>	<b>7,945</b>	<b>21,777</b>	<b>27%</b>	<b>(9,393)</b>
<b>DIRECT EXPENSES:</b>						
LLLT BOARD	15,000	-	1,976	13,024	13%	6,774
LLLT EDUCATION	500	-	-	500	0%	292
<b>TOTAL DIRECT EXPENSES:</b>	<b>15,500</b>	<b>-</b>	<b>1,976</b>	<b>13,524</b>	<b>13%</b>	<b>7,066</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.53 FTE)	51,548	3,969	29,552	21,996	57%	518
BENEFITS EXPENSE	17,299	1,312	9,364	7,935	54%	727
OTHER INDIRECT EXPENSE	16,401	1,502	9,237	7,164	56%	330
<b>TOTAL INDIRECT EXPENSES:</b>	<b>85,248</b>	<b>6,784</b>	<b>48,153</b>	<b>37,095</b>	<b>56%</b>	<b>1,575</b>
<b>TOTAL ALL EXPENSES:</b>	<b>100,748</b>	<b>6,784</b>	<b>50,129</b>	<b>50,619</b>	<b>50%</b>	<b>8,641</b>
<b>NET INCOME (LOSS):</b>	<b>(71,026)</b>	<b>(5,619)</b>	<b>(42,184)</b>	<b>50,619</b>	<b>59%</b>	<b>(752)</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LIMITED PRACTICE OFFICERS</b>						
<b>REVENUE:</b>						
INVESTIGATION FEES	500	100	300	200	60%	8
MEMBER LATE FEES	-	1,200	4,200	(4,200)		4,200
LPO EXAMINATION FEES	28,300	4,800	25,800	2,500	91%	9,292
LPO LICENSE FEES	164,750	14,283	94,769	69,981	58%	(1,335)
LPO LATE LICENSE FEES	988	330	2,130	(1,142)	216%	1,554
LPO LICENSE FEES - REINSTATES	550	-	-	550	0%	(321)
<b>TOTAL REVENUE:</b>	<b>195,088</b>	<b>20,713</b>	<b>127,199</b>	<b>67,888</b>	<b>65%</b>	<b>13,398</b>
<b>DIRECT EXPENSES:</b>						
FACILITY, PARKING, FOOD	9,000	-	2,168	6,832	24%	3,082
EXAM WRITING	9,000	-	4,200	4,800	47%	1,050
LPO BOARD	1,792	493	2,301	(509)	128%	(1,255)
LPO OUTREACH	1,000	-	-	1,000	0%	583
PRINTING & COPYING	250	-	-	250	0%	146
<b>TOTAL DIRECT EXPENSES:</b>	<b>21,042</b>	<b>493</b>	<b>8,669</b>	<b>12,373</b>	<b>41%</b>	<b>3,606</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.68 FTE)	57,874	4,562	33,193	24,682	57%	567
BENEFITS EXPENSE	20,388	1,549	11,072	9,315	54%	821
OTHER INDIRECT EXPENSE	21,043	1,898	11,668	9,375	55%	607
<b>TOTAL INDIRECT EXPENSES:</b>	<b>99,305</b>	<b>8,008</b>	<b>55,933</b>	<b>43,372</b>	<b>56%</b>	<b>1,995</b>
<b>TOTAL ALL EXPENSES:</b>	<b>120,347</b>	<b>8,501</b>	<b>64,602</b>	<b>55,745</b>	<b>54%</b>	<b>5,601</b>
<b>NET INCOME (LOSS):</b>	<b>74,741</b>	<b>12,212</b>	<b>62,598</b>	<b>12,143</b>	<b>84%</b>	<b>18,999</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>MANDATORY CONTINUING LEGAL EDUCATION</b>						
<b>REVENUE:</b>						
ACCREDITED PROGRAM FEES	550,000	53,200	394,100	155,900	72%	73,267
FORM 1 LATE FEES	220,000	19,800	154,350	65,650	70%	26,017
MEMBER LATE FEES	190,000	31,675	213,350	(23,350)	112%	102,517
ANNUAL ACCREDITED SPONSOR FEES	38,250	-	38,250	-	100%	15,938
ATTENDANCE LATE FEES	98,000	7,250	77,700	20,300	79%	20,533
COMITY CERTIFICATES	29,000	1,550	28,275	725	97%	11,358
<b>TOTAL REVENUE:</b>	<b>1,125,250</b>	<b>113,475</b>	<b>906,025</b>	<b>219,225</b>	<b>81%</b>	<b>249,629</b>
<b>DIRECT EXPENSES:</b>						
DEPRECIATION	59,565	595	5,252	54,313	9%	29,494
STAFF MEMBERSHIP DUES	500	-	500	-	100%	(208)
MCLE BOARD	2,000	-	-	2,000	0%	1,167
STAFF TRAVEL/PARKING	50	-	-	50	0%	29
STAFF CONFERENCE & TRAINING	4,900	-	250	4,650	5%	2,608
<b>TOTAL DIRECT EXPENSES:</b>	<b>67,015</b>	<b>595</b>	<b>6,002</b>	<b>61,013</b>	<b>9%</b>	<b>33,090</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (4.88 FTE)	437,860	32,587	303,725	134,135	69%	(48,307)
BENEFITS EXPENSE	125,455	9,910	71,105	54,350	57%	2,077
OTHER INDIRECT EXPENSE	151,014	13,679	84,109	66,905	56%	3,983
<b>TOTAL INDIRECT EXPENSES:</b>	<b>714,329</b>	<b>56,177</b>	<b>458,939</b>	<b>255,390</b>	<b>64%</b>	<b>(42,247)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>781,344</b>	<b>56,772</b>	<b>464,941</b>	<b>316,403</b>	<b>60%</b>	<b>(9,157)</b>
<b>NET INCOME (LOSS):</b>	<b>343,906</b>	<b>56,703</b>	<b>441,084</b>	<b>(97,178)</b>	<b>128%</b>	<b>240,472</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>MEMBER SERVICES &amp; ENGAGEMENT TEAM</b>						
<b>REVENUE:</b>						
ROYALTIES	10,800	2,400	8,400	2,400	78%	2,100
NMP PRODUCT SALES	65,000	1,311	18,872	46,128	29%	(19,045)
DIGITAL VIDEO SALES	14,000	637	20,335	(6,335)	145%	12,168
SPONSORSHIPS	10,000	-	10,000	-	100%	4,167
SEMINAR REGISTRATIONS	8,000	-	62,221	(54,221)	778%	57,554
TRIAL ADVOCACY PROGRAM	12,000	-	-	12,000	0%	(7,000)
<b>TOTAL REVENUE:</b>	<b>119,800</b>	<b>4,348</b>	<b>119,828</b>	<b>(28)</b>	<b>100%</b>	<b>49,945</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	1,700	-	-	1,700	0%	992
STAFF CONFERENCE & TRAINING	250	-	164	86	66%	(18)
SMALL TOWN AND RURAL COMMITTEE**	3,700	-	-	3,700	0%	2,158
PRINTING & COPYING	1,200	-	1,300	(100)	108%	(600)
NEW LAWYER OUTREACH	1,000	-	-	1,000	0%	583
YLL SECTION PROGRAM	1,500	-	545	955	36%	330
WYLC CLE COMPS	1,000	-	-	1,000	0%	583
WYLC OUTREACH EVENTS	1,500	-	250	1,250	17%	625
SPEAKERS & PROGRAM DEVELOP	1,500	-	551	949	37%	324
WYL COMMITTEE	12,000	-	1,178	10,822	10%	5,822
OPEN SECTIONS NIGHT	3,500	-	-	3,500	0%	2,042
TRIAL ADVOCACY EXPENSES	1,500	-	-	1,500	0%	875
RECEPTION/FORUM EXPENSE**	2,300	-	-	2,300	0%	1,342
WYLC SCHOLARSHIPS/DONATIONS/GRANT	5,000	-	-	5,000	0%	2,917
STAFF MEMBERSHIP DUES	850	-	150	700	18%	346
LENDING LIBRARY	4,000	10	164	3,836	4%	2,169
NMP SPEAKERS & PROGRAM DEVELOPMENT	100	-	-	100	0%	58
<b>TOTAL DIRECT EXPENSES:</b>	<b>42,600</b>	<b>10</b>	<b>4,303</b>	<b>38,297</b>	<b>10%</b>	<b>20,547</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (4.64 FTE)	311,600	25,804	180,662	130,938	58%	1,105
BENEFITS EXPENSE	108,835	8,334	59,886	48,949	55%	3,602
OTHER INDIRECT EXPENSE	143,340	12,968	79,733	63,606	56%	3,882
<b>TOTAL INDIRECT EXPENSES:</b>	<b>563,775</b>	<b>47,106</b>	<b>320,281</b>	<b>243,494</b>	<b>57%</b>	<b>8,588</b>
<b>TOTAL ALL EXPENSES:</b>	<b>606,375</b>	<b>47,116</b>	<b>324,584</b>	<b>281,791</b>	<b>54%</b>	<b>29,135</b>
<b>NET INCOME (LOSS):</b>	<b>(486,575)</b>	<b>(42,768)</b>	<b>(204,756)</b>	<b>(281,819)</b>	<b>42%</b>	<b>79,080</b>

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## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

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<b>MEMBER WELLNESS PROGRAM</b>						
<b>REVENUE:</b>						
DIVERSIONS	7,500	1,875	4,875	2,625	65%	500
<b>TOTAL REVENUE:</b>	<b>7,500</b>	<b>1,875</b>	<b>4,875</b>	<b>2,625</b>	<b>65%</b>	<b>500</b>
<b>DIRECT EXPENSES:</b>						
STAFF MEMBERSHIP DUES	500	226	226	274	45%	66
MEMBER WELLNESS COUNCIL	800	-	-	800	0%	467
STAFF CONFERENCE & TRAINING	300	-	275	25	92%	(100)
SUBSCRIPTIONS	1,200	110	741	459	62%	(41)
<b>TOTAL DIRECT EXPENSES:</b>	<b>2,800</b>	<b>336</b>	<b>1,242</b>	<b>1,558</b>	<b>44%</b>	<b>391</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.48 FTE)	133,673	11,092	63,584	70,089	48%	14,392
BENEFITS EXPENSE	55,402	4,337	30,951	24,451	56%	1,367
OTHER INDIRECT EXPENSE	45,645	4,151	25,524	20,120	56%	1,102
<b>TOTAL INDIRECT EXPENSES:</b>	<b>234,719</b>	<b>19,581</b>	<b>120,059</b>	<b>114,660</b>	<b>51%</b>	<b>16,861</b>
<b>TOTAL ALL EXPENSES:</b>	<b>237,519</b>	<b>19,917</b>	<b>121,301</b>	<b>116,218</b>	<b>51%</b>	<b>17,252</b>
<b>NET INCOME (LOSS):</b>	<b>(230,019)</b>	<b>(18,042)</b>	<b>(116,426)</b>	<b>(113,593)</b>	<b>51%</b>	<b>17,752</b>

**Washington State Bar Association**

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>OFFICE OF THE EXECUTIVE DIRECTOR</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
LEADERSHIP TRAINING	20,000	-	-	20,000	0%	11,667
WASHINGTON LEADERSHIP INSTITUTE	80,000	-	-	80,000	0%	46,667
ED TRAVEL & OUTREACH	5,000	13	1,293	3,707	26%	1,623
BAR LEADERS CONFERENCE	12,000	-	8,497	3,503	71%	(1,497)
STAFF TRAVEL/PARKING	1,500	39	1,029	471	69%	(154)
STAFF CONFERENCE & TRAINING	8,925	2,182	5,673	3,252	64%	(467)
STAFF MEMBERSHIP DUES	1,000	-	335	665	34%	248
SURVEY	350	-	350	-	100%	(146)
<b>TOTAL DIRECT EXPENSES:</b>	<b>128,775</b>	<b>2,234</b>	<b>17,177</b>	<b>111,598</b>	<b>13%</b>	<b>57,942</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (2.00 FTE)	402,379	34,224	227,057	175,323	56%	7,665
BENEFITS EXPENSE	103,989	8,409	59,349	44,640	57%	1,311
OTHER INDIRECT EXPENSE	61,891	5,614	34,519	27,372	56%	1,584
<b>TOTAL INDIRECT EXPENSES:</b>	<b>568,259</b>	<b>48,247</b>	<b>320,924</b>	<b>247,335</b>	<b>56%</b>	<b>10,561</b>
<b>TOTAL ALL EXPENSES:</b>	<b>697,034</b>	<b>50,481</b>	<b>338,101</b>	<b>358,933</b>	<b>49%</b>	<b>68,502</b>
<b>NET INCOME (LOSS):</b>	<b>(697,034)</b>	<b>(50,481)</b>	<b>(338,101)</b>	<b>358,933</b>	<b>49%</b>	<b>68,502</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>OFFICE OF GENERAL COUNSEL</b>						
<b>REVENUE:</b>						
RECORDS REQUEST FEES	963	-	-	963	0%	(562)
<b>TOTAL REVENUE:</b>	<b>963</b>	<b>-</b>	<b>-</b>	<b>963</b>	<b>0%</b>	<b>(562)</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	500	-	28	472	6%	264
STAFF MEMBERSHIP DUES	1,150	-	1,050	100	91%	(379)
COURT RULES COMMITTEE	1,000	-	-	1,000	0%	583
CUSTODIANSHIPS	8,150	86	199	7,951	2%	4,555
WILLS	2,000	-	-	2,000	0%	1,167
LITIGATION EXPENSES	200	-	-	200	0%	117
STAFF CONFERENCE & TRAINING	6,400	-	1,637	4,763	26%	2,096
<b>TOTAL DIRECT EXPENSES:</b>	<b>19,400</b>	<b>86</b>	<b>2,914</b>	<b>16,486</b>	<b>15%</b>	<b>8,403</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (6.17 FTE)	656,837	46,243	330,742	326,095	50%	52,413
BENEFITS EXPENSE	188,816	15,219	108,295	80,522	57%	1,848
OTHER INDIRECT EXPENSE	192,481	17,396	106,959	85,522	56%	5,322
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,038,134</b>	<b>78,858</b>	<b>545,995</b>	<b>492,139</b>	<b>53%</b>	<b>59,583</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,057,534</b>	<b>78,944</b>	<b>548,909</b>	<b>508,625</b>	<b>52%</b>	<b>67,986</b>
<b>NET INCOME (LOSS):</b>	<b>(1,056,571)</b>	<b>(78,944)</b>	<b>(548,909)</b>	<b>(507,662)</b>	<b>52%</b>	<b>67,424</b>

**Washington State Bar Association**

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSE:</b>						
STAFF MEMBERSHIP DUES	100	-	-	100	0%	58
DISCIPLINARY BOARD EXPENSES	4,000	-	-	4,000	0%	2,333
CHIEF HEARING OFFICER	30,000	2,500	17,500	12,500	58%	-
HEARING OFFICER EXPENSES	17,500	-	891	16,609	5%	9,317
HEARING OFFICER TRAINING	400	-	-	400	0%	233
OUTSIDE COUNSEL	60,000	4,000	28,000	32,000	47%	7,000
<b>TOTAL DIRECT EXPENSES:</b>	<b>112,000</b>	<b>6,500</b>	<b>46,391</b>	<b>65,609</b>	<b>41%</b>	<b>18,942</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.40 FTE)	133,790	11,030	79,766	54,024	60%	(1,722)
BENEFITS EXPENSE	40,026	3,145	22,432	17,594	56%	917
OTHER INDIRECT EXPENSE	43,324	3,914	24,066	19,258	56%	1,206
<b>TOTAL INDIRECT EXPENSES:</b>	<b>217,139</b>	<b>18,089</b>	<b>126,263</b>	<b>90,876</b>	<b>58%</b>	<b>402</b>
<b>TOTAL ALL EXPENSES:</b>	<b>329,139</b>	<b>24,589</b>	<b>172,654</b>	<b>156,485</b>	<b>52%</b>	<b>19,344</b>
<b>NET INCOME (LOSS):</b>	<b>(329,139)</b>	<b>(24,589)</b>	<b>(172,654)</b>	<b>(156,485)</b>	<b>52%</b>	<b>19,344</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>PRACTICE OF LAW BOARD</b>						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
PRACTICE OF LAW BOARD	12,000	-	1,953	10,047	16%	5,047
<b>TOTAL DIRECT EXPENSES:</b>	<b>12,000</b>	<b>-</b>	<b>1,953</b>	<b>10,047</b>	<b>16%</b>	<b>5,047</b>
INDIRECT EXPENSES:						
SALARY EXPENSE (0.45 FTE)	35,965	2,966	21,005	14,960	58%	(25)
BENEFITS EXPENSE	13,465	991	7,104	6,361	53%	750
OTHER INDIRECT EXPENSE	13,925	1,305	8,022	5,904	58%	101
<b>TOTAL INDIRECT EXPENSES:</b>	<b>63,355</b>	<b>5,262</b>	<b>36,131</b>	<b>27,224</b>	<b>57%</b>	<b>826</b>
<b>TOTAL ALL EXPENSES:</b>	<b>75,355</b>	<b>5,262</b>	<b>38,084</b>	<b>37,271</b>	<b>51%</b>	<b>5,873</b>
<b>NET INCOME (LOSS):</b>	<b>(75,355)</b>	<b>(5,262)</b>	<b>(38,084)</b>	<b>(37,271)</b>	<b>51%</b>	<b>5,873</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>PRACTICE MANAGEMENT ASSISTANCE</b>						
<b>REVENUE:</b>						
ROYALTIES	50,000	20	32,825	17,175	66%	3,659
<b>TOTAL REVENUE:</b>	<b>50,000</b>	<b>20</b>	<b>32,825</b>	<b>17,175</b>	<b>66%</b>	<b>3,659</b>
<b>DIRECT EXPENSE:</b>						
STAFF MEMBERSHIP DUES	150	-	-	150	0%	88
FASTCASE	73,000	-	72,966	34	100%	(30,383)
STAFF CONFERENCE & TRAINING	250	500	500	(250)	200%	(354)
<b>TOTAL DIRECT EXPENSES:</b>	<b>73,400</b>	<b>500</b>	<b>73,466</b>	<b>(66)</b>	<b>100%</b>	<b>(30,650)</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.95 FTE)	80,135	6,594	46,726	33,409	58%	20
BENEFITS EXPENSE	23,499	1,818	13,006	10,493	55%	702
OTHER INDIRECT EXPENSE	29,398	2,649	16,287	13,111	55%	862
<b>TOTAL INDIRECT EXPENSES:</b>	<b>133,033</b>	<b>11,062</b>	<b>76,019</b>	<b>57,014</b>	<b>57%</b>	<b>1,584</b>
<b>TOTAL ALL EXPENSES:</b>	<b>206,433</b>	<b>11,562</b>	<b>149,485</b>	<b>56,948</b>	<b>72%</b>	<b>(29,066)</b>
<b>NET INCOME (LOSS):</b>	<b>(156,433)</b>	<b>(11,542)</b>	<b>(116,660)</b>	<b>(39,773)</b>	<b>75%</b>	<b>(25,407)</b>

**Washington State Bar Association**

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>PROFESSIONAL RESPONSIBILITY PROGRAM</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	750	-	354	396	47%	84
STAFF MEMBERSHIP DUES	500	-	500	-	100%	(208)
CPE COMMITTEE	1,000	340	794	206	79%	(210)
<b>TOTAL DIRECT EXPENSES:</b>	<b>2,250</b>	<b>340</b>	<b>1,647</b>	<b>603</b>	<b>73%</b>	<b>(335)</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.10 FTE)	91,667	11,294	80,041	11,626	87%	(26,569)
BENEFITS EXPENSE	37,219	4,555	32,376	4,843	87%	(10,665)
OTHER INDIRECT EXPENSE	22,435	3,084	18,961	3,474	85%	(5,874)
<b>TOTAL INDIRECT EXPENSES:</b>	<b>151,321</b>	<b>18,933</b>	<b>131,378</b>	<b>19,943</b>	<b>87%</b>	<b>(43,108)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>153,571</b>	<b>19,274</b>	<b>133,026</b>	<b>20,546</b>	<b>87%</b>	<b>(43,442)</b>
<b>NET INCOME (LOSS):</b>	<b>(153,571)</b>	<b>(19,274)</b>	<b>(133,026)</b>	<b>(20,546)</b>	<b>87%</b>	<b>(43,442)</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>PUBLIC SERVICE PROGRAMS</b>						
<b>REVENUE:</b>						
DONATIONS & GRANTS	130,000	-	130,000	-	100%	54,167
<b>TOTAL REVENUE:</b>	<b>130,000</b>	<b>-</b>	<b>130,000</b>	<b>-</b>	<b>100%</b>	<b>54,167</b>
<b>DIRECT EXPENSES:</b>						
DONATIONS/SPONSORSHIPS/GRANTS	260,828	66,070	97,237	163,591	37%	54,913
STAFF TRAVEL/PARKING	1,500	-	-	1,500	0%	875
SURVEYS	100	-	-	100	0%	58
PRO BONO & PUBLIC SERVICE COMMITTEE	1,500	20	20	1,480	1%	855
STAFF CONFERENCE & TRAINING	1,000	-	-	1,000	0%	583
PRO BONO CERTIFICATES	2,000	-	457	1,543	23%	710
<b>TOTAL DIRECT EXPENSES:</b>	<b>266,928</b>	<b>66,090</b>	<b>97,714</b>	<b>169,214</b>	<b>37%</b>	<b>57,994</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.62 FTE)	128,588	5,218	58,139	70,448	45%	16,870
BENEFITS EXPENSE	40,609	3,171	22,700	17,909	56%	989
OTHER INDIRECT EXPENSE	50,132	4,547	27,955	22,176	56%	1,288
<b>TOTAL INDIRECT EXPENSES:</b>	<b>219,329</b>	<b>12,935</b>	<b>108,795</b>	<b>110,534</b>	<b>50%</b>	<b>19,147</b>
<b>TOTAL ALL EXPENSES:</b>	<b>486,257</b>	<b>79,024</b>	<b>206,508</b>	<b>279,749</b>	<b>42%</b>	<b>77,141</b>
<b>NET INCOME (LOSS):</b>	<b>(356,257)</b>	<b>(79,024)</b>	<b>(76,508)</b>	<b>(279,749)</b>	<b>21%</b>	<b>131,308</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>PUBLICATION &amp; DESIGN SERVICES</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF CONFERENCE & TRAINING	350	-	-	350	0%	204
SUBSCRIPTIONS	162	-	100	62	62%	(5)
IMAGE LIBRARY	4,100	-	4,100	-	100%	(1,708)
<b>TOTAL DIRECT EXPENSES:</b>	<b>4,612</b>	<b>-</b>	<b>4,200</b>	<b>412</b>	<b>91%</b>	<b>(1,510)</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.89 FTE)	72,143	5,982	42,738	29,404	59%	(655)
BENEFITS EXPENSE	19,491	1,479	10,599	8,892	54%	771
OTHER INDIRECT EXPENSE	27,542	2,491	15,315	12,227	56%	751
<b>TOTAL INDIRECT EXPENSES:</b>	<b>119,175</b>	<b>9,953</b>	<b>68,652</b>	<b>50,523</b>	<b>58%</b>	<b>867</b>
<b>TOTAL ALL EXPENSES:</b>	<b>123,787</b>	<b>9,953</b>	<b>72,852</b>	<b>50,935</b>	<b>59%</b>	<b>(643)</b>
<b>NET INCOME (LOSS):</b>	<b>(123,787)</b>	<b>(9,953)</b>	<b>(72,852)</b>	<b>(50,935)</b>	<b>59%</b>	<b>(643)</b>

**Washington State Bar Association**

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>REGULATORY SERVICES FTE</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF CONFERENCE & TRAINING	23,550	-	-	23,550	0%	13,738
STAFF TRAVEL/PARKING	-	-	74	(74)		(74)
<b>TOTAL DIRECT EXPENSES:</b>	<b>23,550</b>	<b>-</b>	<b>74</b>	<b>23,476</b>	<b>0%</b>	<b>13,664</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (2.70 FTE)	349,467	28,535	206,266	143,201	59%	(2,410)
BENEFITS EXPENSE	103,888	8,343	59,185	44,703	57%	1,417
OTHER INDIRECT EXPENSE	83,553	7,551	46,430	37,123	56%	2,309
<b>TOTAL INDIRECT EXPENSES:</b>	<b>536,908</b>	<b>44,430</b>	<b>311,881</b>	<b>225,027</b>	<b>58%</b>	<b>1,316</b>
<b>TOTAL ALL EXPENSES:</b>	<b>560,458</b>	<b>44,430</b>	<b>311,955</b>	<b>248,503</b>	<b>56%</b>	<b>14,979</b>
<b>NET INCOME (LOSS):</b>	<b>(560,458)</b>	<b>(44,430)</b>	<b>(311,955)</b>	<b>(248,503)</b>	<b>56%</b>	<b>14,979</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>SERVICE CENTER</b>						
<b>REVENUE:</b>						
	_____	_____	_____	_____	_____	_____
<b>TOTAL REVENUE:</b>	-	-	-	-	-	-
<b>DIRECT EXPENSES:</b>						
	_____	_____	_____	_____	_____	_____
STAFF TRAVEL/PARKING	-	-	1,188	(1,188)	-	(1,188)
TRANSLATION SERVICES	8,200	348	2,650	5,550	32%	2,133
STAFF CONFERENCE & TRAINING	2,100	-	-	2,100	0%	1,225
<b>TOTAL DIRECT EXPENSES:</b>	<b>10,300</b>	<b>348</b>	<b>3,838</b>	<b>6,462</b>	<b>37%</b>	<b>2,170</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (5.71 FTE)	383,690	32,182	229,356	154,334	60%	(5,536)
BENEFITS EXPENSE	142,992	11,314	81,194	61,798	57%	2,218
OTHER INDIRECT EXPENSE	176,699	16,012	98,451	78,248	56%	4,623
<b>TOTAL INDIRECT EXPENSES:</b>	<b>703,381</b>	<b>59,508</b>	<b>409,001</b>	<b>294,380</b>	<b>58%</b>	<b>1,305</b>
<b>TOTAL ALL EXPENSES:</b>	<b>713,681</b>	<b>59,856</b>	<b>412,839</b>	<b>300,842</b>	<b>58%</b>	<b>3,475</b>
<b>NET INCOME (LOSS):</b>	<b>(713,681)</b>	<b>(59,856)</b>	<b>(412,839)</b>	<b>(300,842)</b>	<b>58%</b>	<b>3,475</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>SECTIONS ADMINISTRATION</b>						
<b>REVENUE:</b>						
REIMBURSEMENTS FROM SECTIONS	290,543	1,959	352,646	(62,103)	121%	183,163
<b>TOTAL REVENUE:</b>	<b>290,543</b>	<b>1,959</b>	<b>352,646</b>	<b>(62,103)</b>	<b>121%</b>	<b>183,163</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	750	-	14	736	2%	424
SUBSCRIPTIONS	350	-	-	350	0%	204
SECTION/COMMITTEE CHAIR MTGS	1,000	-	456	544	46%	127
DUES STATEMENTS	5,000	-	-	5,000	0%	2,917
STAFF CONFERENCE & TRAINING	500	65	65	435	13%	227
STAFF MEMBERSHIP DUES	250	45	45	205	18%	101
<b>TOTAL DIRECT EXPENSES:</b>	<b>7,850</b>	<b>110</b>	<b>580</b>	<b>7,270</b>	<b>7%</b>	<b>3,999</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (2.58 FTE)	149,581	12,345	87,935	61,646	59%	(679)
BENEFITS EXPENSE	61,326	4,776	34,376	26,950	56%	1,398
OTHER INDIRECT EXPENSE	79,839	7,235	44,485	35,354	56%	2,088
<b>TOTAL INDIRECT EXPENSES:</b>	<b>290,746</b>	<b>24,356</b>	<b>166,796</b>	<b>123,951</b>	<b>57%</b>	<b>2,806</b>
<b>TOTAL ALL EXPENSES:</b>	<b>298,596</b>	<b>24,466</b>	<b>167,375</b>	<b>131,221</b>	<b>56%</b>	<b>6,806</b>
<b>NET INCOME (LOSS):</b>	<b>(8,053)</b>	<b>(22,507)</b>	<b>185,271</b>	<b>(193,324)</b>	<b>-2301%</b>	<b>189,969</b>

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>SECTIONS OPERATIONS</b>						
<b>REVENUE:</b>						
SECTION DUES	440,225	3,260	561,914	(121,689)	128%	305,116
SEMINAR PROFIT SHARE	147,470	-	-	147,470	0%	(86,024)
INTEREST INCOME	13,120	-	-	13,120	0%	(7,653)
PUBLICATIONS REVENUE	2,000	-	1,029	971	51%	(138)
OTHER	46,880	1,670	10,750	36,130	23%	(16,597)
<b>TOTAL REVENUE:</b>	<b>649,695</b>	<b>4,930</b>	<b>573,693</b>	<b>76,002</b>	<b>88%</b>	<b>194,704</b>
<b>DIRECT EXPENSES:</b>						
DIRECT EXPENSES OF SECTION ACTIVITIES	632,503	33,632	92,205	540,298	15%	276,755
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	272,143	1,959	352,646	(80,504)	130%	(193,897)
<b>TOTAL DIRECT EXPENSES:</b>	<b>904,646</b>	<b>35,591</b>	<b>444,852</b>	<b>459,794</b>	<b>49%</b>	<b>82,858</b>
<b>NET INCOME (LOSS):</b>	<b>(254,951)</b>	<b>(30,661)</b>	<b>128,841</b>	<b>(383,792)</b>	<b>-51%</b>	<b>277,562</b>

**Washington State Bar Association**

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>TECHNOLOGY</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
CONSULTING SERVICES	110,000	11,375	88,648	21,352	81%	(24,482)
STAFF TRAVEL/PARKING	2,000	18	182	1,818	9%	985
STAFF MEMBERSHIP DUES	450	-	-	450	0%	263
TELEPHONE	95,000	6,434	46,324	48,676	49%	9,093
COMPUTER HARDWARE	65,000	5,518	39,111	25,889	60%	(1,194)
COMPUTER SOFTWARE **	316,525	10,577	128,050	188,475	40%	56,590
HARDWARE SERVICE & WARRANTIES	60,000	-	38,377	21,623	64%	(3,377)
SOFTWARE MAINTENANCE & LICENSING	380,000	139,920	295,458	84,542	78%	(73,791)
COMPUTER SUPPLIES	2,000	-	-	2,000	0%	1,167
THIRD PARTY SERVICES	40,000	8,129	22,504	17,496	56%	829
STAFF CONFERENCE & TRAINING	10,000	-	-	10,000	0%	5,833
TRANSFER TO INDIRECT EXPENSES	(1,080,975)	(181,971)	(658,653)	(422,322)	61%	28,085
<b>TOTAL DIRECT EXPENSES:</b>	-	-	-	-		-
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (13.00 FTE)	1,434,416	111,210	827,214	607,202	58%	9,529
BENEFITS EXPENSE	439,894	35,497	252,446	187,448	57%	4,159
CAPITAL LABOR & OVERHEAD	(280,000)	(33,434)	(204,234)	(75,766)	73%	(40,901)
OTHER INDIRECT EXPENSE	402,292	36,412	223,885	178,407	56%	10,785
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,996,602</b>	<b>149,685</b>	<b>1,099,311</b>	<b>897,291</b>	<b>55%</b>	<b>(16,428)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,996,602</b>	<b>149,685</b>	<b>1,099,311</b>	<b>897,291</b>	<b>55%</b>	<b>(16,428)</b>
<b>NET INCOME (LOSS):</b>	<b>(1,996,602)</b>	<b>(149,685)</b>	<b>(1,099,311)</b>	<b>(897,291)</b>	<b>55%</b>	<b>65,374</b>

\*\*Budget reallocations apply to this line item. For details, see FY23 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>VOLUNTEER ENGAGEMENT</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF MEMBERSHIP DUES	350	358	498	(148)	142%	(294)
STAFF CONFERENCE & TRAINING	2,500	-	450	2,050	18%	1,008
ABA DELEGATES	15,000	997	4,324	10,676	29%	4,426
<b>TOTAL DIRECT EXPENSES:</b>	<b>17,850</b>	<b>1,354</b>	<b>5,272</b>	<b>12,578</b>	<b>30%</b>	<b>5,140</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.60 FTE)	59,415	4,922	37,140	22,275	63%	(2,481)
BENEFITS EXPENSE	19,657	1,496	10,667	8,991	54%	800
OTHER INDIRECT EXPENSE	18,567	1,700	10,453	8,115	56%	378
<b>TOTAL INDIRECT EXPENSES:</b>	<b>97,639</b>	<b>8,118</b>	<b>58,259</b>	<b>39,380</b>	<b>60%</b>	<b>(1,303)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>115,489</b>	<b>9,472</b>	<b>63,531</b>	<b>51,958</b>	<b>55%</b>	<b>(1,303)</b>
<b>NET INCOME (LOSS):</b>	<b>(115,489)</b>	<b>(9,472)</b>	<b>(63,531)</b>	<b>(51,958)</b>	<b>55%</b>	<b>3,837</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from April 1, 2023 to April 30, 2023  
**58% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>INDIRECT EXPENSES:</b>						
SALARIES	13,113,765	1,032,256	7,402,544	5,711,221	56%	247,152
ALLOWANCE FOR OPEN POSITIONS	(200,000)	-	-	(200,000)	0%	(116,667)
TEMPORARY SALARIES	200,627	15,620	163,600	37,027	82%	(46,568)
CAPITAL LABOR & OVERHEAD	(280,000)	(33,434)	(204,234)	(75,766)	73%	(40,901)
EMPLOYEE ASSISTANCE PLAN	4,800	-	2,800	2,000	58%	-
EMPLOYEE SERVICE AWARDS	2,038	-	1,310	728	64%	(121)
FICA (EMPLOYER PORTION)	806,675	78,179	530,591	276,085	66%	(60,030)
L&I INSURANCE	62,000	-	28,804	33,196	46%	7,363
WA STATE FAMILY MEDICAL LEAVE (EMPLOYI	18,000	2,273	13,845	4,155	77%	(3,345)
MEDICAL (EMPLOYER PORTION)	1,701,951	132,882	946,842	755,109	56%	45,962
RETIREMENT (EMPLOYER PORTION)	1,356,286	107,514	750,406	605,880	55%	40,761
TRANSPORTATION ALLOWANCE	65,045	252	31,997	33,048	49%	5,946
UNEMPLOYMENT INSURANCE	65,206	8,169	41,924	23,282	64%	(3,887)
<b>TOTAL SALARY &amp; BENEFITS EXPENSE:</b>	<b>16,916,394</b>	<b>1,343,713</b>	<b>9,710,429</b>	<b>7,205,965</b>	<b>57%</b>	<b>75,666</b>
WORKPLACE BENEFITS	45,980	1,840	15,790	30,190	34%	11,032
HUMAN RESOURCES POOLED EXP	77,100	4,028	36,458	40,642	47%	8,517
MEETING SUPPORT EXPENSES	10,000	449	3,674	6,326	37%	2,159
RENT	2,131,247	160,579	1,281,196	850,051	60%	(37,969)
PERSONAL PROP TAXES-WSBA	6,650	442	3,186	3,464	48%	693
FURNITURE, MAINT, LH IMP	25,300	-	5,583	19,717	22%	9,176
OFFICE SUPPLIES & EQUIPMENT	18,000	1,220	10,698	7,302	59%	(198)
FURN & OFFICE EQUIP DEPRECIATION	96,357	6,485	37,158	59,199	39%	19,050
COMPUTER HARDWARE DEPRECIATION	45,354	3,575	23,723	21,631	52%	2,733
COMPUTER SOFTWARE DEPRECIATION **	92,726	3,916	31,891	60,835	34%	22,200
INSURANCE	272,643	22,025	154,177	118,466	57%	4,865
WORK HOME FURNITURE & EQUIP	14,000	24	1,887	12,113	13%	6,279
PROFESSIONAL FEES-AUDIT	50,000	-	30,365	19,635	61%	(1,198)
PROFESSIONAL FEES-LEGAL **	200,000	32	45,561	154,439	23%	71,106
ONLINE LEGAL RESEARCH **	50,000	2,173	24,171	25,829	48%	4,996
TELEPHONE & INTERNET	33,600	2,424	11,165	22,435	33%	8,435
POSTAGE - GENERAL	24,000	150	6,520	17,480	27%	7,480
RECORDS STORAGE	30,000	1,893	13,469	16,531	45%	4,031
BANK FEES	51,000	2,829	32,567	18,433	64%	(2,817)
PRODUCTION MAINTENANCE & SUPPLIES	15,340	300	3,995	11,345	26%	4,953
COMPUTER POOLED EXPENSES	1,080,975	181,971	658,653	422,322	61%	(28,085)
<b>TOTAL OTHER INDIRECT EXPENSES:</b>	<b>4,370,272</b>	<b>396,356</b>	<b>2,431,887</b>	<b>1,938,385</b>	<b>56%</b>	<b>117,438</b>
<b>TOTAL INDIRECT EXPENSES:</b>	<b>21,286,666</b>	<b>1,740,069</b>	<b>12,142,316</b>	<b>9,144,350</b>	<b>57%</b>	<b>274,906</b>

*\*\*Budget reallocations have been applied to this line item. For details, see FY23 Budget Reallocations memo(s) included in the Board of Governors meeting materials.*

## Washington State Bar Association

Statement of Activities

For the Period from April 1, 2023 to April 30, 2023

**58% OF YEAR COMPLETE**

<b>SUMMARY PAGE</b>	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>
ACCESS TO JUSTICE	(358,902)	(26,914)	(190,043.32)	(168,858)
ADMISSIONS/BAR EXAM	59,088	56,072	332,616.96	(273,529)
ADVANCEMENT FTE	(362,565)	(32,180)	(206,803.59)	(155,762)
BAR NEWS	(93,267)	(10,903)	(70,830.88)	(22,436)
BOARD OF GOVERNORS	(563,600)	(38,101)	(255,688.39)	(307,911)
CLE - PRODUCTS	686,086	3,064	551,760.44	134,325
CLE - SEMINARS	(419,115)	(6,911)	(157,346.45)	(261,769)
CLIENT PROTECTION FUND	45,788	(18,653)	639,675.88	(593,888)
CHARACTER & FITNESS BOARD	(166,623)	(11,583)	(81,164.62)	(85,458)
COMMUNICATIONS	(787,329)	(57,473)	(395,721.18)	(391,608)
COMMUNICATIONS FTE	(243,400)	(20,328)	(141,312.31)	(102,087)
DESKBOOKS	(49,735)	(18,681)	(80,003.78)	30,268
DISCIPLINE	(6,095,728)	(476,836)	(3,313,175.99)	(2,782,552)
DIVERSITY	(227,269)	(18,245)	(17,435.09)	(209,833)
FINANCE	(1,068,220)	18,235	(193,938.59)	(874,282)
FOUNDATION	(152,797)	(12,216)	(86,795.53)	(66,002)
HUMAN RESOURCES	(424,625)	(53,187)	(348,828.04)	(75,797)
LAW CLERK PROGRAM	41,201	(6,533)	111,597.65	(70,396)
LEGISLATIVE	(269,464)	(23,274)	(150,390.16)	(119,074)
LEGAL LUNCHBOX	(29,617)	(3,569)	(8,595.42)	(21,021)
LICENSE FEES	17,053,467	1,437,818	9,899,119.61	7,154,347
LICENSING AND MEMBERSHIP	(189,762)	(14,665)	(138,250.48)	(51,511)
LIMITED LICENSE LEGAL TECHNICIAN	(71,026)	(5,623)	(42,188.10)	(28,838)
LIMITED PRACTICE OFFICERS	74,741	12,207	62,592.72	12,148
MANDATORY CLE ADMINISTRATION	343,906	56,668	441,049.03	(97,143)
MEMBER WELLNESS PROGRAM	(230,019)	(18,052)	(116,436.49)	(113,582)
MINI CLE	(114,412)	(9,523)	(65,241.20)	(49,171)
MEMBER SERVICES & ENGAGEMENT	(330,678)	(23,104)	(157,950.96)	(172,727)
NEW MEMBER EDUCATION	(11,869)	(6,604)	26,999.10	(38,868)
OFFICE OF GENERAL COUNSEL	(1,056,571)	(78,988)	(548,953.25)	(507,618)
OFFICE OF THE EXECUTIVE DIRECTOR	(697,034)	(50,495)	(338,115.09)	(358,919)
OGC-DISCIPLINARY BOARD	(329,139)	(24,599)	(172,664.09)	(156,475)
PRACTICE OF LAW BOARD	(75,355)	(5,266)	(38,086.83)	(37,268)
PRACTICE MANAGEMENT ASSISTANCE	(156,433)	(11,548)	(116,666.55)	(39,767)
PROFESSIONAL RESPONSIBILITY PROGRAM	(153,571)	(19,281)	(133,033.45)	(20,538)
PUBLIC SERVICE PROGRAMS	(356,257)	(79,036)	(76,519.92)	(279,737)
PUBLICATION & DESIGN SERVICES	(123,787)	(9,959)	(72,858.11)	(50,929)
REGULATORY SERVICES FTE	(560,458)	(44,449)	(311,973.70)	(248,484)
SECTIONS ADMINISTRATION	(8,053)	(22,525)	185,252.64	(193,306)
SECTIONS OPERATIONS	(254,951)	(30,661)	128,840.94	(383,792)
SERVICE CENTER	(713,681)	(59,896)	(412,879.62)	(300,801)
TECHNOLOGY	(1,996,602)	(149,777)	(1,099,402.84)	(897,199)
VOLUNTEER EDUCATION	(115,489)	(9,476)	(63,535.75)	(51,954)
INDIRECT EXPENSES	21,286,666	1,740,069	12,142,316.07	9,144,350
<b>TOTAL OF ALL</b>	<b>(20,733,539)</b>	<b>(1,815,017)</b>	<b>(14,918,991.27)</b>	<b>(5,814,547)</b>
<b>NET INCOME (LOSS)</b>	<b>(553,127)</b>	<b>74,949</b>	<b>2,776,675.20</b>	<b>(3,329,802)</b>

# WASHINGTON STATE BAR ASSOCIATION

## WSBA MISSION

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

## WSBA GUIDING PRINCIPLES

The WSBA will operate a well-managed association that supports its members and advances and promotes:

- **Access to the justice system.**  
*Focus: Provide training and leverage community partnerships in order to enhance a culture of service for legal professionals to give back to their communities, with a particular focus on services to underserved low and moderate income people.*
- **Diversity, equality, and cultural understanding throughout the legal community.**  
*Focus: Work to understand the lay of the land of our legal community and provide tools to members and employers in order to enhance the retention of minority legal professionals in our community.*
- **The public’s understanding of the rule of law and its confidence in the legal system.**  
*Focus: Educate youth and adult audiences about the importance of the three branches of government and how they work together.*
- **A fair and impartial judiciary.**
- **The ethics, civility, professionalism, and competence of the Bar.**

## MISSION FOCUS AREAS

### Ensuring Competent and Qualified Legal Professionals

- Cradle to Grave
- Regulation and Assistance

### Promoting the Role of Legal Professionals in Society

- Service
- Professionalism

## PROGRAM CRITERIA

- Does the Program further either or both of WSBA’s mission-focus areas?
- Does WSBA have the competency to operate the Program?
- As the mandatory bar, how is WSBA uniquely positioned to successfully operate the Program?
- Is statewide leadership required in order to achieve the mission of the Program?
- Does the Program’s design optimize the expenditure of WSBA resources devoted to the Program, including the balance between volunteer and staff involvement, the number of people served, the cost per person, etc?

## 2016 – 2018 STRATEGIC GOALS

- Equip members with skills for the changing profession
- Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession
- Explore and pursue regulatory innovation and advocate to enhance the public’s access to legal services

**GR 12**  
**REGULATION OF THE PRACTICE OF LAW**

The Washington Supreme Court has inherent and plenary authority to regulate the practice of law in Washington. The legal profession serves clients, courts, and the public, and has special responsibilities for the quality of justice administered in our legal system. The Court ensures the integrity of the legal profession and protects the public by adopting rules for the regulation of the practice of law and actively supervising persons and entities acting under the Supreme Court's authority.

*[Adopted effective September 1, 2017.]*

**GR 12.1**  
**REGULATORY OBJECTIVES**

Legal services providers must be regulated in the public interest. In regulating the practice of law in Washington, the Washington Supreme Court's objectives include: protection of the public; advancement of the administration of justice and the rule of law; meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems;

- (a) transparency regarding the nature and scope of legal services To be provided, the credentials of those who provide them, and the availability of regulatory protections;
- (b) delivery of affordable and accessible legal services;
- (c) efficient, competent, and ethical delivery of legal services;
- (d) protection of privileged and confidential information;
- (e) independence of professional judgment;
- (f) Accessible civil remedies for negligence and breach of other duties owed, disciplinary sanctions for misconduct, and advancement of appropriate preventive or wellness programs;
- (g) Diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system.

*[Adopted effective September 1, 2017.]*

**GR 12.2**  
**WASHINGTON STATE BAR ASSOCIATION: PURPOSES, AUTHORIZED  
ACTIVITIES, AND PROHIBITED ACTIVITIES**

In the exercise of its inherent and plenary authority to regulate the practice of law in Washington, the Supreme Court authorizes and supervises the Washington State Bar Association's activities. The Washington State Bar Association carries out the administrative responsibilities and functions expressly delegated to it by this rule and other Supreme Court rules and orders enacted or adopted to regulate the practice of law, including the purposes and authorized activities set forth below.

- (a) Purposes: In General. In general, the Washington State Bar Association strives to:

- (1) Promote independence of the judiciary and the legal profession.
- (2) Promote an effective legal system, accessible to all.
- (3) Provide services to its members and the public.
- (4) Foster and maintain high standards of competence, professionalism, and ethics among its members.
- (5) Foster collegiality among its members and goodwill between the legal profession and the public.
- (6) Promote diversity and equality in the courts and the legal profession.
- (7) Administer admission, regulation, and discipline of its members in a manner that protects the public and respects the rights of the applicant or member.
- (8) Administer programs of legal education.
- (9) Promote understanding of and respect for our legal system and the law.
- (10) Operate a well-managed and financially sound association, with a positive work environment for its employees.
- (11) Serve as a statewide voice to the public and to the branches of government on matters relating to these purposes and the activities of the association and the legal profession.

(b) Specific Activities Authorized. In pursuit of these purposes, the Washington State Bar Association may:

- (1) Sponsor and maintain committees and sections, whose activities further these purposes;
- (2) Support the judiciary in maintaining the integrity and fiscal stability of an independent and effective judicial system;
- (3) Provide periodic reviews and recommendations concerning court rules and procedures;
- (4) Administer examinations and review applicants' character and fitness to practice law;
- (5) Inform and advise its members regarding their ethical obligations;
- (6) Administer an effective system of discipline of its members, including receiving and investigating complaints of misconduct by legal professionals, taking and recommending appropriate punitive and remedial measures, and diverting less serious misconduct to alternatives outside the formal discipline system;
- (7) Maintain a program, pursuant to court rule, requiring members to submit fee disputes to arbitration;
- (8) Maintain a program for mediation of disputes between members and others;
- (9) Maintain a program for legal professional practice assistance;
- (10) Sponsor, conduct, and assist in producing programs and products of continuing legal education;

- (11) Maintain a system for accrediting programs of continuing legal education;
- (12) Conduct examinations of legal professionals' trust accounts;
- (13) Maintain a fund for client protection in accordance with the Admission and Practice Rules;
- (14) Maintain a program for the aid and rehabilitation of impaired members;
- (15) Disseminate information about the organization's activities, interests, and positions;
- (16) Monitor, report on, and advise public officials about matters of interest to the organization and the legal profession;
- (17) Maintain a legislative presence to inform members of new and proposed laws and to inform public officials about the organization's positions and concerns;
- (18) Encourage public service by members and support programs providing legal services to those in need;
- (19) Maintain and foster programs of public information and education about the law and the legal system;
- (20) Provide, sponsor, and participate in services to its members;
- (21) Hire and retain employees to facilitate and support its mission, purposes, and activities, including in the organization's discretion, authorizing collective bargaining;
- (22) Establish the amount of all license, application, investigation, and other related fees, as well as charges for services provided by the Washington State Bar Association, and collect, allocate, invest, and disburse funds so that its mission, purposes, and activities may be effectively and efficiently discharged. The amount of any license fee is subject to review by the Supreme Court for reasonableness and may be modified by order of the Court if the Court determines that it is not reasonable;

(23) Administer Supreme-Court-created boards in accordance with General Rule 12.3.

(c) Activities Not Authorized. The Washington State Bar Association will not:

- (1) Take positions on issues concerning the politics or social positions of foreign nations;
- (2) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice; or
- (3) Support or oppose, in an election, candidates for public office.

*[Adopted effective July 17, 1987; amended effective December 10, 1993; September 1, 1997; September 1, 2007; September 1, 2013; September 1, 2017.]*

**GR 12.3**  
**WASHINGTON STATE BAR ASSOCIATION ADMINISTRATION**  
**OF SUPREME COURT-CREATED BOARDS AND COMMITTEES**

The Supreme Court has delegated to the Washington State Bar Association the authority and responsibility to administer certain boards and committees established by court rule or order. This delegation of authority includes providing and managing staff, overseeing the boards and committees to monitor their compliance with the rules and orders that authorize and regulate them, paying expenses reasonably and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court, or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions.

*[Adopted effective September 1, 2007; amended effective September 1, 2017.]*

**GR 12.4**  
**WASHINGTON STATE BAR ASSOCIATION ACCESS TO**  
**RECORDS**

(a) Policy and Purpose. It is the policy of the Washington State Bar Association to facilitate access to Bar records. A presumption of public access exists for Bar records, but public access to Bar records is not absolute and shall be consistent with reasonable expectations of personal privacy, restrictions in statutes, restrictions in court rules, or as provided in court orders or protective orders issued under court rules. Access shall not unduly burden the business of the Bar.

(b) Scope. This rule governs the right of public access to Bar records. This rule applies to the Washington State Bar Association and its subgroups operated by the Bar including the Board of Governors, committees, task forces, commissions, boards, offices, councils, divisions, sections, and departments. This rule also applies to boards and committees under GR 12.3 administered by the Bar. A person or entity entrusted by the Bar with the storage and maintenance of Bar records is not subject to this rule and may not respond to a request for access to Bar records, absent express written authority from the Bar or separate authority in rule or statute to grant access to the documents.

(c) Definitions.

(1) "Access" means the ability to view or obtain a copy of a Bar record.

(2) "Bar record" means any writing containing information relating to the conduct of any Bar function prepared, owned, used, or retained by the Bar regardless of physical form or characteristics. Bar records include only those records in the possession of the Bar and its staff or stored under Bar ownership and control in facilities or servers. Records solely in the possession of hearing officers, non-Bar staff members of boards, committees, task forces, commissions, sections, councils, or divisions that were prepared by the hearing officers or the members and in their sole possession, including private notes and working papers, are not Bar records and are not subject to public access under this rule. Nothing in this rule requires the Bar to create a record that is not currently in possession of the Bar at the time of the request.

(3) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation in paper, digital, or other format.

(d) Bar Records--Right of Access.

(1) The Bar shall make available for inspection and copying all Bar records, unless the record falls within the specific exemptions of this rule, or any other state statute (including the Public Records Act, chapter 42.56 RCW) or federal statute or rule as they would be applied to a public agency, or is made confidential by the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, the Admission to Practice Rules and associated regulations, the Rules for Enforcement of Limited Practice Officer Conduct, General Rule 25, court orders or protective orders issued under those rules, or any other state or federal statute or rule. To the extent required to prevent an unreasonable invasion of personal privacy interests or threat to safety or by the above-referenced rules, statutes, or orders, the Bar shall delete identifying details in a manner consistent with those rules, statutes, or orders when it makes available or publishes any Bar record; however, in each case, the justification for the deletion shall be explained in writing.

(2) In addition to exemptions referenced above, the following categories of Bar records are exempt from public access except as may expressly be made public by court rule:

(A) Records of the personnel committee, and personal information in Bar records for employees, appointees, members, or volunteers of the Bar to the extent that disclosure would violate their right to privacy, including home contact information (unless such information is their address of record), Social Security numbers, driver's license numbers, identification or security photographs held in Bar records, and personal data including ethnicity, race, disability status, gender, and sexual orientation. Membership class and status, bar number, dates of admission or licensing, addresses of record, and business telephone numbers, facsimile numbers, and electronic mail addresses (unless there has been a request that electronic mail addresses not be made public) shall not be exempt, provided that any such information shall be exempt if the Executive Director approves the confidentiality of that information for reasons of personal security or other compelling reason, which approval must be reviewed annually.

(B) Specific information and records regarding

(i) internal policies, guidelines, procedures, or techniques, the disclosure of which would reasonably be expected to compromise the conduct of disciplinary or regulatory functions, investigations, or examinations;

(ii) application, investigation, and hearing or proceeding records relating to lawyer, Limited Practice Officer, or Limited License Legal Technician admissions, licensing, or discipline, or that relate to the work of ELC 2.5 hearing officers, the Board of Bar Examiners, the Character and Fitness Board, the Law Clerk Board, the Limited Practice Board, the MCLE Board, the Limited License Legal Technician Board, the Practice of Law Board, or the Disciplinary Board in conducting investigations, hearings or proceedings; and

(iii) the work of the Judicial Recommendation Committee and the Hearing Officer selection panel, unless such records are expressly categorized as public information by court rule.

(C) Valuable formulae, designs, drawings, computer source code or object code, and research data created or obtained by the Bar.

(D) Information regarding the infrastructure, integrity, and security of computer and telecommunication networks, databases, and systems.

(E) Applications for licensure by the Bar and annual licensing forms and related records, including applications for license fee hardship waivers and any decision or determinations on the hardship waiver applications.

(F) Requests by members for ethics opinions to the extent that they contain information identifying the member or a party to the inquiry.

Information covered by exemptions will be redacted from the specific records sought. Statistical information not descriptive of any readily identifiable person or persons may be disclosed.

### (3) Persons Who Are Subjects of Records.

(A) Unless otherwise required or prohibited by law, the Bar has the option to give notice of any records request to any member or third party whose records would be included in the Bar's response.

(B) Any person who is named in a record, or to whom a record specifically pertains, may present information opposing the disclosure to the applicable decision maker.

(C) If the Bar decides to allow access to a requested record, a person who is named in that record, or to whom the records specifically pertains, has a right to initiate review or to participate as a party to any review initiated by a requester. The deadlines that apply to a requester apply as well to a person who is a subject of a record.

### (e) Bar Records--Procedures for Access.

(1) General Procedures. The Bar Executive Director shall appoint a Bar staff member to serve as the public records officer to whom all records requests shall be submitted. Records requests must be in writing and delivered to the Bar public records officer, who shall respond to such requests within 30 days of receipt. The Washington State Bar Association must implement this rule and adopt and publish on its website the public records officer's work mailing address, telephone number, fax number, and e-mail address, and the procedures and fee schedules for accepting and responding to records requests by the effective date of this rule. The Bar shall acknowledge receipt of the request within 14 days of receipt, and shall communicate with the requester as necessary to clarify any ambiguities as to the records being requested. Records requests shall not be directed to other Bar staff or to volunteers serving on boards, committees, task forces, commissions, sections, councils, or divisions.

### (2) Charging of Fees.

(A) A fee may not be charged to view Bar records.

(B) A fee may be charged for the photocopying or scanning of Bar records according to the fee schedule established by the Bar and published on its web site.

(C) A fee not to exceed \$30 per hour may be charged for research services required to fulfill a request taking longer than one hour. The fee shall be assessed from the second hour onward.

(f) Extraordinary Requests Limited by Resource Constraints. If a particular request is of a magnitude or burden on resources that the Bar cannot fully comply within 30 days due to constraints on time, resources, and personnel, the Bar shall communicate this information to the requester along with a good faith estimate of the time needed to complete the Bar's response. The Bar must attempt to reach

agreement with the requester as to narrowing the request to a more manageable scope and as to a timeframe for the Bar's response, which may include a schedule of installment responses. If the Bar and requester are unable to reach agreement, the Bar shall respond to the extent practicable, clarify how and why the response differs from the request, and inform the requester that it has completed its response.

(g) Denials. Denials must be in writing and shall identify the applicable exemptions or other bases for denial as well as a written summary of the procedures under which the requesting party may seek further review.

(h) Review of Records Decisions.

(1) Internal Review. A person who objects to a record decision or other action by the Bar's public records officer may request review by the Bar's Executive Director.

(A) A record requester's petition for internal review must be submitted within 90 days of the Bar's public records officer's decision, on such form as the Bar shall designate and make available.

(B) The review proceeding is informal, summary, and on the record.

(C) The review proceeding shall be held within five working days. If that is not reasonably possible, then within five working days the review shall be scheduled for the earliest practical date.

(2) External Review. A person who objects to a records review decision by the Bar's Executive Director may request review by the Records Request Appeals Officer (RRAO) for the Bar.

(A) The requesting party's request for review of the Executive Director's decision must be deposited in the mail and postmarked or delivered to the Bar not later than 30 days after the issuance of the decision, and must be on such form as the Bar shall designate and make available.

(B) The review will be informal and summary, but in the sole discretion of the RRAO may include the submission of briefs no more than 20 pages long and of oral arguments no more than 15 minutes long.

(C) Decisions of the RRAO are final unless, within 30 days of the issuance of the decision, a request for discretionary review of the decision is filed with the Supreme Court. If review is granted, review is conducted by the Chief Justice of the Washington Supreme Court or his or her designee in accordance with procedures established by the Supreme Court. A designee of the Chief Justice shall be a current or former elected judge. The review proceeding shall be on the record, without additional briefing or argument unless such is ordered by the Chief Justice or his or her designee.

(D) The RRAO shall be appointed by the Board of Governors. The Bar may reimburse the RRAO for all necessary and reasonable expenses incurred in the completion of these duties, and may provide compensation for the time necessary for these reviews at a level established by the Board of Governors.

(i) Monetary Awards Not Allowed. Attorney fees, costs, civil penalties, or fines may not be awarded under this rule.

(j) Effective Date of Rule.

(1) This rule goes into effect on July 1, 2014, and applies to records that are created on or after that date.

(2) Public access to records that are created before that date are to be analyzed according to other court rules, applicable statutes, and the common law balancing test; the Public Records Act, chapter 42.56 RCW, does not apply to such Bar records, but it may be used for nonbinding guidance.

*[Adopted effective July 1, 2014; amended effective September 1, 2017.]*

**GR 12.5  
IMMUNITY**

All boards, committees, or other entities, and their members and personnel, and all personnel and employees of the Washington State Bar Association, acting on behalf of the Supreme Court under the Admission and Practice Rules, the Rules for Enforcement of Lawyer Conduct, or the disciplinary rules for limited practice officers and limited license legal technicians, shall enjoy quasi-judicial immunity if the Supreme Court would have immunity in performing the same functions.

*[Adopted effective January 2, 2008; amended effective September 1, 2017.]*

**2022-2023**  
**WSBA BOARD OF GOVERNORS MEETING SCHEDULE**

MEETING DATE	LOCATION	POTENTIAL ISSUES / SOCIAL FUNCTION	AGENDA ITEMS DUE FOR EXEC COMMITTEE MTG	EXECUTIVE COMMITTEE MTG 8:00 am - 9:30 am	BOARD BOOK MATERIALS DEADLINE
October 22, 2022	Virtual Meeting	Goal Setting Retreat	n/a	n/a	n/a
November 5, 2022	Hotel Bellwether Bellingham, WA	BOG Meeting Team Building Retreat Nov. 4	September 30, 2022	October 7, 2022	October 17, 2022
January 13-14, 2023	WSBA Conference Center Seattle, WA	BOG Meeting MLK Luncheon Jan. 13	December 5, 2022	December 12, 2022	December 27, 2022
March 3-4, 2023	Supreme Court Temporary Facility Tumwater, WA  Heritage Room Olympia, WA	Meeting w/Supreme Court Mar. 3  Budget and Audit Retreat Mar. 3 BOG Meeting	January 20, 2023	January 27, 2023	February 13, 2023
May 19-20, 2023	Hilton Garden Inn Yakima, WA	BOG Meeting	March 31, 2023	April 7, 2023	April 17, 2023
June 23-24, 2023	Heathman Lodge Vancouver, WA	BOG Meeting Mid-Year Retreat Jun. 22	May 19, 2023	May 24, 2023	June 5, 2023
August 11-12, 2023	Courtyard Columbia Point Richland, WA	BOG Meeting	July 7, 2023	July 14, 2023	July 24, 2023
September 8-9, 2023	Historic Davenport Hotel Spokane, WA	BOG Meeting	August 7, 2023	August 14, 2023	August 21, 2023

The Board Book Material Deadline is the final due date for submission of materials for the respective Board meeting. Please notify the Executive Director's office in advance of possible late materials. Refer to policy 1305 BOG Action Procedure on how to bring agenda items to the Board. This information can be found online at: <https://www.wsba.org/about-wsba/who-we-are/board-of-governors>



# WSBA Board of Governors CONGRESSIONAL DISTRICT MAP



**Dan Clark**  
President



**Hunter Abell**  
President-Elect



**Brian Tollefson**  
Immediate Past  
President



**Francis Adewale**  
Treasurer



**Terra Nevitt**  
Executive Director  
& Secretary

2022-2023



**Brett Purtzer**  
Governor District 6



**Matthew Dresden**  
Governor District 7-North

**Serena Sayani**  
Governor District 7-South



**Kevin Fay**  
Governor District 9



**Erik Kaeding**  
Governor District 8



**Nam Nguyen**  
Governor District 10



**Mary Rathbone**  
Governor District 4



**Lauren Boyd**  
Governor District 3



**Jordan Couch**  
Governor At-Large



**Alec Stephens**  
Governor At-Large



**Brent Williams-Ruth**  
Governor At-Large

## **BASIC CHARACTERISTICS OF MOTIONS**

*From: The Complete Idiot's Guide to Robert's Rules  
The Guerilla Guide to Robert's Rules*

MOTION	PURPOSE	INTERRUPT SPEAKER?	SECOND NEEDED?	DEBATABLE?	AMENDABLE?	VOTE NEEDED
1. Fix the time to which to adjourn	Sets the time for a continued meeting	No	Yes	No <sup>1</sup>	Yes	Majority
2. Adjourn	Closes the meeting	No	Yes	No	No	Majority
3. Recess	Establishes a brief break	No	Yes	No <sup>2</sup>	Yes	Majority
4. Raise a Question of Privilege	Asks urgent question regarding to rights	Yes	No	No	No	Rules by Chair
5. Call for orders of the day	Requires that the meeting follow the agenda	Yes	No	No	No	One member
6. Lay on the table	Puts the motion aside for later consideration	No	Yes	No	No	Majority
7. Previous question	Ends debate and moves directly to the vote	No	Yes	No	No	Two-thirds
8. Limit or extend limits of debate	Changes the debate limits	No	Yes	No	Yes	Two-thirds
9. Postpone to a certain time	Puts off the motion to a specific time	No	Yes	Yes	Yes	Majority <sup>3</sup>
10. Commit or refer	Refers the motion to a committee	No	Yes	Yes	Yes	Majority
11. Amend an amendment (secondary amendment)	Proposes a change to an amendments	No	Yes	Yes <sup>4</sup>	No	Majority
12. Amend a motion or resolution (primary amendment)	Proposes a change to a main motion	No	Yes	Yes <sup>4</sup>	Yes	Majority
13. Postpone indefinitely	Kills the motion	No	Yes	Yes	No	Majority
14. Main motion	Brings business before the assembly	No	Yes	Yes	Yes	Majority

*1 Is debatable when another meeting is scheduled for the same or next day, or if the motion is made while no question is pending*

*2 Unless no question is pending*

*3 Majority, unless it makes question a special order*

*4 If the motion it is being applied to is debatable*



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## Discussion Protocols Board of Governors Meetings

### Philosophical Statement:

"We take serious our representational responsibilities and will try to inform ourselves on the subject matter before us by contact with constituents, stakeholders, WSBA staff and committees when possible and appropriate. In all deliberations and actions we will be courageous and keep in mind the need to represent and lead our membership and safeguard the public. In our actions, we will be mindful of both the call to action and the constraints placed upon the WSBA by GR 12 and other standards."

### Governor's Commitments:

1. Tackle the problems presented; don't make up new ones.
2. Keep perspective on long-term goals.
3. Actively listen to understand the issues and perspective of others before making the final decision or lobbying for an absolute.
4. Respect the speaker, the input and the Board's decision.
5. Collect your thoughts and speak to the point – sparingly!
6. Foster interpersonal relationships between Board members outside Board events.
7. Listen and be courteous to speakers.
8. Speak only if you can shed light on the subject, don't be repetitive.
9. Consider, respect and trust committee work but exercise the Board's obligation to establish policy and insure that the committee work is consistent with that policy and the Board's responsibility to the WSBA's mission.
10. Seek the best decision through quality discussion and ample time (listen, don't make assumptions, avoid sidebars, speak frankly, allow time before and during meetings to discuss important matters).
11. Don't repeat points already made.
12. Everyone should have a chance to weigh in on discussion topics before persons are given a second opportunity.
13. No governor should commit the board to actions, opinions, or projects without consultation with the whole Board.
14. Use caution with e-mail: it can be a useful tool for debating, but e-mail is not confidential and does not easily involve all interests.
15. Maintain the strict confidentiality of executive session discussions and matters.



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## **BOARD OF GOVERNORS**

### **WSBA VALUES**

Through a collaborative process, the WSBA Board of Governors and Staff have identified these core values that shall be considered by the Board, Staff, and WSBA volunteers (collectively, the “WSBA Community”) in all that we do.

To serve the public and our members and to promote justice, the WSBA Community values the following:

- Trust and respect between and among Board, Staff, Volunteers, Members, and the public
- Open and effective communication
- Individual responsibility, initiative, and creativity
- Teamwork and cooperation
- Ethical and moral principles
- Quality customer-service, with member and public focus
- Confidentiality, where required
- Diversity and inclusion
- Organizational history, knowledge, and context
- Open exchanges of information



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## BOARD OF GOVERNORS

### GUIDING COMMUNICATION PRINCIPLES

In each communication, I will assume the good intent of my fellow colleagues; earnestly and actively listen; encourage the expression of and seek to affirm the value of their differing perspectives, even where I may disagree; share my ideas and thoughts with compassion, clarity, and where appropriate confidentiality; and commit myself to the unwavering recognition, appreciation, and celebration of the humanity, skills, and talents that each of my fellow colleagues bring in the spirit and effort to work for the mission of the WSBA. Therefore, I commit myself to operating with the following norms:

- ◆ I will treat each person with courtesy and respect, valuing each individual.
- ◆ I will strive to be nonjudgmental, open-minded, and receptive to the ideas of others.
- ◆ I will assume the good intent of others.
- ◆ I will speak in ways that encourage others to speak.
- ◆ I will respect others' time, workload, and priorities.
- ◆ I will aspire to be honest and open in all communications.
- ◆ I will aim for clarity; be complete, yet concise.
- ◆ I will practice "active" listening and ask questions if I don't understand.
- ◆ I will use the appropriate communication method (face-to-face, email, phone, voicemail) for the message and situation.
- ◆ When dealing with material of a sensitive or confidential nature, I will seek and confirm that there is mutual agreement to the ground rules of confidentiality at the outset of the communication.
- ◆ I will avoid triangulation and go directly to the person with whom I need to communicate. (If there is a problem, I will go to the source for resolution rather than discussing it with or complaining to others.)
- ◆ I will focus on reaching understanding and finding solutions to problems.
- ◆ I will be mindful of information that affects, or might be of interest or value to, others, and pass it along; err on the side of over-communication.
- ◆ I will maintain a sense of perspective and respectful humor.



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## BOARD OF GOVERNORS

Anthony David Gipe  
President

phone: 206.386.4721  
e-mail: [adgipeWSBA@gmail.com](mailto:adgipeWSBA@gmail.com)

November 2014

## BEST PRACTICES AND EXPECTATIONS

### ❖ Attributes of the Board

- Competence
- Respect
- Trust
- Commitment
- Humor

### ❖ Accountability by Individual Governors

- Assume Good Intent
- Participation/Preparation
- Communication
- Relevancy and Reporting

### ❖ Team of Professionals

- Foster an atmosphere of teamwork
  - Between Board Members
  - The Board with the Officers
  - The Board and Officers with the Staff
  - The Board, Officers, and Staff with the Volunteers
  
- We all have common loyalty to the success of WSBA

### ❖ Work Hard and Have Fun Doing It

*Working Together to Champion Justice*



## BOARD OF GOVERNORS

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**WASHINGTON STATE**  
**B A R A S S O C I A T I O N**

**Board of Governors Meeting**

**Late Materials**

**June 15, 2023**  
**President's Report Update**  
**June BOG meeting 2023**

Below are some of the pertinent activities that I have been involved in since we met in May. I have had to currently work 2.5 to 3 FTE jobs for Yakima County as part of the ongoing attorney shortage crisis that Yakima County and surrounded rural areas are facing. Despite this, I continue to be very proud to be a part of the amazing collaborative work between the Board of Governors and WSBA staff in carrying out the mission of WSBA and I thank each and every one of you for volunteering your time and representing the organization with excellence and integrity.

- **May Meeting Recap:** At the Executive Committee meeting on May 24, we reviewed the May BOG meeting feedback, which was overwhelmingly positive. Those who responded to the survey highlighted civil and well-facilitated discussions on important issues as well as an agenda that allowed space for that dialogue. There was also some minor constructive feedback about improving the format of our discussion with the judges, the challenges of Saturday meetings, the food, and the timing of our meeting in Yakima. Hey, it's the Palm Springs of Washington, you have to expect some heat! For those that negatively reviewed the meeting due to the weather, specifically the heat, I should apologize in advance then for the upcoming Tri-Cities meeting in August! In all seriousness, Executive Director Nevitt and I are both committed to carefully examining your feedback with an eye toward constantly improving the effectiveness of our meetings and the volunteer experience. Thank you for providing the feedback.
- **Regulatory Innovation.** Executive Director Nevitt, President-Elect Abell and I have continued dialogue with the Chief Justice about the Practice of Law Board's proposal for data-driven regulatory reform. Specifically, we have been discussing the concept of a joint summit to identify the threats and opportunities related to technology and the practice of law and our respective roles in regulating innovation, protecting consumers and helping legal professionals to take advantage of legal innovation.
- **Engaging with Minority Bar Associations:** I am also working with Executive Director Nevitt, Chief Equity & Justice Officer Singleton, Equity & Justice Lead Salango, President Elect-Elect Anjilvel, President-Elect Abell, Gov. Stephens, and DEI Council Co-Chair Wagner in developing an intentional approach to improving WSBA's engagement with Minority Bar Associations. We are in the process of planning a summer social event that I hope each and everyone of you will attend. We are also planning to reach out to individual Minority Bar

Associations one-by-one to better understand the needs and wants of their organizations and memberships. I hope that as liaisons to MBAs, you will partner with us in these efforts. More information will be forthcoming about how you can help.

- **Elections Board:** The election board I appointed to oversee the Board of Governor elections for FY 24 – former Treasurer & Governor G. Kim Risenmay, former Governor Russell Knight, former Governor Carla Higginson, former Governor and President-Elect Hunter Abell, and Immediate Past President Brian Tollefson – came together for a third time on June 15 to certify the runoff election for the at-large seat on the Board of Governors. Congratulations to our newest Governor-Elect Tom Ahearne. Thank you to each of these appointed representatives for their service.

I would like to thank At Large Candidates Kim Sandher and Nancy Hawkins for stepping up and wanting to serve on the Board of Governors for our bar. I would like to encourage both of them to please consider applying again in the future for service on the Board of Governors and/or other WSBA member volunteer opportunities.

- **WSBA 50 Year celebration:** A reminder that WSBA will honor and celebrate members that have reached the significant milestone of 50 years of active licensing on July 24, 2023, at the Museum of Flight in Seattle. More details to come on this wonderful event. Outreach Specialist Mike Kroner sent an invitation to all board members; please respond to [michaelk@wsba.org](mailto:michaelk@wsba.org) if you plan on attending.
- **June Bar News President's Corner:** The June 2023 Bar News features an article that I've written to try to help educate our membership about the ongoing growing attorney shortage in rural parts of our state. So far I have received very positive feedback about the news article and it's actually currently being circulated on a few section and other criminal defense attorney list serves I've been told.

It is my personal sincere hope that the FY 24 BOG will make the Rural Attorney Shortage one of its FY 24 Strategic Goals/Priorities in working with the STAR Committee on this important growing crisis facing the rural areas of our state!

It remains a tremendous honor to serve as the current FY 23 WSBA President. The above is a brief summary of various things that I've been working on as President.

I'm very proud of the continued respectful collaboration that I have with Executive Director Nevitt, and the WSBA Executive Leadership Team. Thank you and please let

me know if you have any questions. You can reach me at (509) 969-4731 or via email at [Danclarkbog@yahoo.com](mailto:Danclarkbog@yahoo.com)

Respectfully,

Daniel D. Clark  
FY 23 WSBA President  
WSBA #35901

**TO:** WSBA Board of Governors  
**FROM:** Executive Director Terra Nevitt  
**DATE:** June 16, 2023  
**RE:** Supplemental Executive Director's Report

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Washington Senate Law & Justice Committee Looks at the Unauthorized Practice of Law

On June 14, WSBA participated in a work session of the Washington State Senate Law and Justice Committee. Chaired, by Senator Manka Dhingra, the Committee invited WSBA, the Supreme Court, the Practice of Law Board and the Attorney General's Office to provide information about the unauthorized practice of law (UPL), with an emphasis on online legal service providers. The presentations included an explanation of our current regulatory framework which licenses individuals rather than entities, platforms and technologies and detailed the role of the Court, the Practice of Law Board, WSBA, and the Attorney General in addressing the unauthorized practice of law. The presentations highlighted that as the delivery of legal services shifts through the use of technology such as AI and as corporations seek to deliver legal services, we must consider an evolution in the regulation of the practice of law in order to protect consumers and promote access to justice as the delivery of legal services. As an example of the kind of innovation that is being explored, Practice of Law Board Chair Michael Cherry provided an overview of the Board's proposal for data-driven legal regulatory reform. You can view a recording of the work session [here](#).

**TO:** WSBA Board of Governors  
**CC:** Terra Nevitt, Executive Director  
**FROM:** Alec Stephens, At-Large Governor and Equity & Disparity Workgroup Chair  
**DATE:** June 15, 2023  
**RE:** Proposed Revision of GR12.2(c) Originated by the Equity & Disparity Workgroup

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**FIRST READ:** Proposed Revision of GR12.2(c) Originated by the Equity & Disparity Workgroup

The Equity & Disparity (E&D) Work Group was tasked with (1) reviewing rules, regulations, and laws related to the practice of law and administration of justice to identify ones that impede real justice and fairness and (2) propose solutions that mitigate harm caused by unjust rules and procedures to go before the BOG.

With a technical edit made by Gov. Alec Stephens, E&D Work Group Chair, attached is the proposal of the GR 12.2(c) Subcommittee of the E&D Work Group, which was adopted by the full Workgroup in December 2022. The Workgroup identified GR 12.2(c) as a regulation related to the practice of law and administration of justice that impedes real justice and fairness. The Workgroup offers the proposed solution for the BOG to consider and makes this presentation at the March 2023 BOG meeting for notice and intent to propose for Action as first read in June 2023, and final action on second read in August 2023. If the BOG approves the proposed change, it would be submitted to the Supreme Court for its consideration under its processes for proposed rules changes.

#### Background

In June of 2020 the Washington State Bar Association's (WSBA or the Bar) Board of Governors (the BOG), created the Equity & Disparity Work Group (the E&D Work Group) "to reckon with the harsh reality that laws, policies, and procedures in place in the legal system have historically led to disparate and inequitable results that disproportionately harm people of color. Achieving equity is impossible without meaningful access to justice, which necessitates addressing historical harms and challenging laws that facilitate injustices. As active participants in these systems, legal professionals are morally obligated to disrupt these gaps in justice."<sup>1</sup> The Washington Supreme Court's June 4, 2020, open letter<sup>2</sup> further informs the work of the E&D Work Group and the obligations of all legal practitioners in Washington State.

With this background, the E&D Work Group was tasked with (1) reviewing rules, regulations, and laws related to the practice of law and administration of justice to identify ones that impede real justice and fairness and (2) propose solutions that mitigate harm caused by unjust rules and procedures to go before the BOG.

<sup>1</sup> See [Equity & Disparity Work Group \(wsba.org\)](https://www.wsba.org)

<sup>2</sup> [Judiciary Legal Community SIGNED 060420.pdf \(wa.gov\)](https://www.judicialbranch.wa.gov)

In summary is the proposal of the GR 12.2(c) Subcommittee of the E&D Work Group. As explained further below, the Subcommittee has identified GR 12.2(c) as a regulation related to the practice of law and administration of justice that impedes real justice and fairness. The Subcommittee offers the proposed solution below for the BOG to consider, with further discussion in the attached analytical statement.

GR 12.2(c) reads as follows:

**(c) Activities Not Authorized.** The Washington State Bar Association will not:

(1) Take positions on issues concerning the politics or social positions of foreign nations;

**(2) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice; or**

(3) Support or oppose, in an election, candidates for public office.

#### PROPOSED LANGUAGE CHANGE

The E&D Work Group GR 12.2(c) Subcommittee proposes that the language of this rule be changed as follows:

**(c) Activities Not Authorized.** The Washington State Bar Association will not:

(1) Take positions on issues concerning the politics or social positions of foreign nations;

**(2) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice objectives of GR 12.1 or GR 12.2 (a) or (b),<sup>3</sup>**

(3) Support or oppose, in an election, candidates for public office.

<sup>3</sup> Original language in the Analytical Statement prepared by the E&D Work Group proposed to revise GR 12.2(c)(2) as follows: “(2) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice regulatory objectives of GR 12.1”. GR 12.1, which is titled “Regulatory Objectives”, provides “Legal services providers must be regulated in the public interest. In regulating the practice of law in Washington, the Washington Supreme Court’s objectives include: [enumerated objectives follow]”. A listing of the objectives set forth in GR 12.1 as well as 12.2 (a) and (b) are attached.

### Stakeholder Input

Outreach on the GR 12 Subcommittee proposal:

The GR 12 Subcommittee conducted the feedback gathering process intending to reach three groups: members of minority bar associations (MBAs), Sections, and WSBA committees and boards. Messaging and materials were tailored specifically to each of these three groups, which were reached in a couple different ways. The minority bar associations were reached through the WSBA Equity and Justice Team. Equity and Justice Specialist Saleena Salango (who interfaces regularly with the MBAs) pushed out the messaging and materials to all MBA leaders through a listserv. The Sections and WSBA committees and boards were reached through the inVEST framework, by tapping each staff liaison to reach out individually to their entity. It is estimated that the subcommittee reached out to approximately 70 groups.

Feedback was encouraged from individuals as well as from groups as a whole via a Microsoft form, which allowed for both simple yes/no answers and long-form comments. The GR 12 Subcommittee received feedback from 13 individuals and/or groups (14 responses total—one person responded twice). Responses on behalf of groups came from MAMA Seattle, the Practice of Law Board, and the Korean American Bar Association. Responses from individuals came from members of the Civil Rights Law Section, the Low Bono Section, the World Peace Through Law Section, the Board of Bar Examiners, the Court Rules and Procedures Committee, and the Committee on Professional Ethics. All feedback received is listed on the Excel spreadsheet following this page. The general theme of the feedback received was one of positivity and support for the proposed changes. Of the 13 pieces of feedback, 12 were in support and 1 was in opposition.

Lastly, the chair of the GR 12 Subcommittee, Laura Sierra, attended a DEI Council meeting to explain the subcommittee's proposed changes. This council had not had time to prepare feedback as a group prior to the requested deadline, and therefore asked the GR 12 Subcommittee chair to attend a meeting to allow for additional feedback and to answer any questions. Following that meeting, the DEI Council provided a letter of support for the proposed revision and submitted that letter to the Board of Governors on February 13, 2023.

A record of those comments is included in the materials in support of this action.

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

GR 12.2(c)(2) was adopted in 1987 in response to conversations and pending cases on the intersection of integrated bar activities, compelled license fees and First Amendment protections. Three years later, the U.S. Supreme Court issued *Keller v. California State Bar*, 496 U.S. 1 (1990). The Rule language (will not take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice) is similar to the *Keller* language (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 regulating the practice of law or improving the quality of legal services.) The Equity and Disparity Workgroup's materials do not explain exactly why GR 12.2(c)(2) was identified as a rule that "impedes real justice and fairness." This risk analysis assumes that the difficulty in defining political, social, "relate to or affect the practice of law" and "administration of justice" could create inconsistent and overly broad limitations on the WSBA's ability to take actions supporting its mission.

The proposed change to GR 12.2(c)(2) appears to align with *Keller* by prohibiting the WSBA from taking positions that do not relate to the purposes that justify the existence of the mandatory bar, as stated in GR 12.1 and 12.2. This change also aligns with the U.S. Supreme Court's statement that "the central holding in *Keller*. . . was that the objecting members were not required to give speech subsidies for matters not germane to the larger regulatory purpose which justified the required association." *United States v. United Foods, Inc.*, 533 U.S. 405, 414 (2001). This later Supreme Court decision aligns with the proposed change in focusing on the purposes of the integrated bar rather than the word "political".

The harder part of this analysis is to determine what activities might be permitted under the current Rule and prohibited under the proposed Rule and, therefore, whether the proposal more effectively supports real justice and fairness than the current Rule. It is possible that some of the activities, particularly legislative activities the WSBA and WSBA entities engage in now, might be difficult to justify under the new Rule. It might be a prudent step to engage stakeholders in a discussion of this topic. Focusing on the legislative function, this discussion could include whether law improvement is germane to the purposes of the integrated bar and, if so, it is clearly stated under the Rules.

The risk analysis of the Analytical Statement will be submitted with the Second Read materials. If the Board would like to see information or analysis of specific issues prior to the Second Read, please let us know.

*WSBA FISCAL ANALYSIS: This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The fiscal impact to WSBA resulting from the proposed recommendation is limited to the amount of staff time used to incorporate any approved revisions to the relevant records. The staff time that would be allocated to this work is included in the overall duties of existing WSBA staff and would not require additional staff or allocation of resources from other internal sources.

*WSBA EQUITY ANALYSIS: This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

To be completed by the August Board of Governors meeting.

Attachments

About the Equity & Disparity Workgroup from WSBA Website

Analytical Statement Proposing Revision to GR 12.2(c)

GR 12.1 Objectives of the Washington Supreme Court Highlighting Key Provisions

GR 12.2 (a) & (b) Purposes and Authorized Activities of the WSBA Highlighting Key Provisions

Summary of comments from Stakeholder outreach

# Equity & Disparity Work Group

Responding to the murders of George Floyd, Breonna Taylor, Tony McDade, Charleena Lyles, Manuel Ellis, and countless others by police officers, the nationwide uprisings addressing virulent racism in the United States, as well as the COVID-19 pandemic and resulting economic devastation, the WSBA Board of Governors created the Equity & Disparity Work Group in June 2020.

On June 4, 2020, the Washington Supreme Court issued an open letter in response to many of these same events. The letter states, in part: “We call on every member of our legal community to reflect on this moment and ask ourselves how we may work together to eradicate racism.

The goal of the Equity & Disparity Work Group is to reckon with the harsh reality that laws, policies, and procedures in place in the legal system have historically led to disparate and inequitable results that disproportionately harm people of color. Achieving equity is impossible without meaningful access to justice, which necessitates addressing historical harms and challenging laws that facilitate injustices. As active participants in these systems, legal professionals are morally obligated to disrupt these gaps in justice.

The Equity & Disparity Work Group seeks to review rules, regulations, and laws related to the practice of law and administration of justice by identifying ones that impede real justice and fairness. The Equity & Disparity Work Group will then propose solutions that mitigate harm caused by unjust rules and procedures to go before the Board of Governors.

## Work Group Structure and Timeline

### Work Group Roster

#### **Composition**

Work Group Chair: Alec Stephens

Subcommittee Chairs:

- Laura Sierra (GR 12.2)
- Kim Sandher (Experiences of the Justice System)

The Equity & Disparity Work Group membership consists of legal professionals that represent marginalized communities in the profession, as well as in society. This Work Group seeks to amplify the experiences of people that are closest to the problems and allow for solutions that can effect positive change for the legal system.

#### **Charter:**

- Review the rules, regulations, and laws related to the practice of law and the administration of justice;

- Identify the ones that facilitate injustice;
- Solicit feedback from stakeholders, especially from marginalized communities; and
- Propose remedies that the WSBA can advance pursuant to its mandate in GR 12.2.

### **Timeline**

- The Work Group will report to the Board of Governors every six months on its progress.
- The Work Group will submit final written majority and minority reports with recommendations for rule changes to the Board of Governors by no later than the Board's September 2022 meeting. [Extended by the Board of Governors to the March 2023 meeting.]
- The Work Group will prepare and submit any rule changes supported by the Board of Governors to the Washington Supreme Court per GR9 requirements.

Source: WSBA Website-- Home/Connect & Volunteer/**Committees, Boards & Other Groups**



# WSBA

**Washington State Bar Association**

## **GENERAL RULE 12.1(C) PROPOSED ANALYTICAL STATEMENT**

Submitted by the WSBA Equity & Disparity Subcommittee Agenda GR 12.2(c) Subcommittee  
To the Board of Governors  
March 2023

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### **I. BACKGROUND**

In June of 2020 the Washington State Bar Association’s (WSBA or the Bar) Board of Governors (the BOG), created the Equity & Disparity Work Group (the E&D Work Group) “to reckon with the harsh reality that laws, policies, and procedures in place in the legal system have historically led to disparate and inequitable results that disproportionately harm people of color. Achieving equity is impossible without meaningful access to justice, which necessitates addressing historical harms and challenging laws that facilitate injustices. As active participants in these systems, legal professionals are morally obligated to disrupt these gaps in justice.”<sup>1</sup> The Washington Supreme Court’s June 4, 2020 open letter<sup>2</sup> further informs the work of the E&D Work Group and the obligations of all legal practitioners in Washington State. Via this letter addressed to all members of the Washington Judiciary and Legal Community the Supreme Court made clear that it is an obligation of all WSBA members to:

*[R]ecognize that we all bear responsibility for this on-going [racial systemic] injustice, and that we are capable of taking steps to address it, if only we have the courage and the will. The injustice still plaguing our country has its roots in the individual and collective actions of many, and it cannot be addressed without the individual and collective actions of us all.*

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*[D]evelop a greater awareness of our own conscious and unconscious biases in order to make just decisions in individual cases, and we can administer justice*

<sup>1</sup> See [Equity & Disparity Work Group \(wsba.org\)](https://www.wsba.org/equity-disparity-work-group)

<sup>2</sup> [Judiciary Legal Community SIGNED 060420.pdf \(wa.gov\)](https://www.wa.gov/courts/judiciary/legal-community-signed-060420.pdf)

*and support court rules in a way that brings greater racial justice to our system as a whole.*

\*\*\*

*[R]ecognize the harms that are caused when meritorious claims go unaddressed due to systemic inequities or the lack of financial, personal, or systemic support. And we must also recognize that this is not how a justice system must operate. Too often in the legal profession, we feel bound by tradition and the way things have “always” been. We must remember that even the most venerable precedent must be struck down when it is incorrect and harmful.*

With this background, the E&D Work Group was tasked with (1) reviewing rules, regulations, and laws related to the practice of law and administration of justice to identify ones that impede real justice and fairness and (2) propose solutions that mitigate harm caused by unjust rules and procedures to go before the BOG.

Below is the proposal of the GR 12.2(c) Subcommittee of the E&D Work Group. As explained further below, the Subcommittee has identified GR 12.2(c) as a regulation related to the practice of law and administration of justice that impedes real justice and fairness. The Subcommittee offers the proposed solution below for the BOG to consider.

**II. AS WRITTEN AND INTERPRETED GR 12.2(c) IMPEDES REAL JUSTICE AND FAIRNESS TO THE PRACTICE OF LAW AND THE ADMINISTRATION OF JUSTICE.**

As noted in the existing GR 12(C)<sup>3</sup> Analytical Statement adopted by the BOG on 10/22/04, “the [WSBA] is frequently requested to take a position on political or social issues and/or proposed or pending legislation.” This always raises the question of whether, pursuant to GR 12.2, the WSBA is allowed to take a position on such matters. Specifically, GR 12.2(c) outlines activities of the bar association that are not authorized. While GR 12.2(c)(1) and (3) are straightforward, GR 12.2(c)(2) often raises questions.

GR 12.2(c) reads as follows:

- (c) Activities Not Authorized.** The Washington State Bar Association will not:
- (1) Take positions on issues concerning the politics or social positions of foreign nations;
  - (2) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice;** or
  - (3) Support or oppose, in an election, candidates for public office.

<sup>3</sup> The 2004 Analytical Statement refers to General Rule 12(c), but the contents of that Rule have since been codified as General Rule 12.2(c).

This same prohibition is stated in Article I of the Bylaws of the WSBA. However, on its face, this prohibition appears to conflict with the general purposes of the Bar as set forth in GR 12.1 and GR 12.2 (a)-(b). Moreover, as currently interpreted, GR 12.2(c) affirmatively prevents any WSBA Section from doing exactly what the Supreme Court has demanded all WSBA members do in its open letter: take action on matters that inextricably implicate political or social justice issues. An individual member of the Bar who believes the Supreme Court’s directive to be purely “political” or “social” because they do not agree, for example, that systemic racism exists and affects the practice of law and the administration of justice can invoke GR 12.2(c) to impede the Supreme Court’s directive.

In addition, the work of certain sections are particularly susceptible to being viewed as “political” or “social” (e.g., Cannabis Law, Civil Rights Law, Criminal Law, Environmental and Land Use Law, Health Law, Indian Law, Juvenile Law, LGBT Law, etc.), which leaves those sections particularly vulnerable to being targeted as violating GR 12.2(c). Arguably, every section can be said to deal with “political” or “social” issues. Even corporate/business law affects a wide range of issues that are often viewed as “political” or “social” (such as fair and equitable taxation). But due to the subconsciously biased lens through which we tend to look at our various sections, business-oriented sections have much more freedom to comment on legislation and make public statements.

This memorandum proposes that (1) the WSBA BOG consider a revision to the wording in GR 12.1(c)(2) that more accurately and faithfully reflects the stated purposes of the WSBA as outlined in GR 12.2(a)-(b) and (2) revise its guidance on the limitations of GR 12.1(c)(2) that comports to the proposed new language which derives its approach from GR 12.1 and GR 12.2(a)-(b).<sup>4</sup>

### III. PROPOSED LANGUAGE CHANGE

The E&D Task Force GR 12.2(c) Subcommittee proposes that the language of this rule be changed as follows:

- (c) Activities Not Authorized.** The Washington State Bar Association will not:
- (1) Take positions on issues concerning the politics or social positions of foreign nations;
  - (2) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice regulatory objectives of GR 12.1;**
  - (3) Support or oppose, in an election, candidates for public office.

The proposed change is simple:

<sup>4</sup> Note that if accepted by the Supreme Court, the BOG will also have to amend Articles I.A. and I.B of the WSBA Bylaws, which mirrors the language of GR 12.2.

1. remove the phrase “on political or social issues” as this phrase creates
  - a. the perception that even if an issue affects the practice of law or the administration of justice, if it is in any way “political or [a] social issue” then WSBA cannot take a position on it; and
  - b. an unnecessary conflict between legitimate legal issues germane to the practice and regulating the legal profession and free speech given that WSBA offers a Keller exemption.<sup>5</sup>
2. Replace the phrase “practice of law or the administration of justice” with “regulatory objectives of GR 12.1” as this:
  - a. More accurately encompasses the Supreme Court’s and the Bar’s objectives in regulating the practice of law in Washington State; and
  - b. Removes the ambiguity of the phrase “administration of law” and “affect practice of law” as described in the existing GR 12(C) Analytical Statement adopted by the BOG on 10/22/04.

The Subcommittee suggests that this approach permits the Bar and its Sections to speak on, after obtaining the proper authorization from the Bar, issues that were outlined by the Supreme Court in its June 4, 2020 letter and which are essentially already contained in GR 12.1:

- (a) protection of the public;
- (b) advancement of the administration of justice and the rule of law;
- (c) meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems;
- (d) transparency regarding the nature and scope of legal services to be provided, the credentials of those who provide them, and the availability of regulatory protections;
- (e) delivery of affordable and accessible legal services;
- (f) efficient, competent, and ethical delivery of legal services;
- (g) protection of privileged and confidential information;
- (h) independence of professional judgment;

<sup>5</sup> In *Keller v. State Bar of California*, the U.S. Supreme Court ruled that a bar association may not use mandatory member fees to support political or ideological activities that are not reasonably related to the regulation of the legal profession or improving the quality of legal services. WSBA is required to identify that portion of mandatory license fees that go to such “nonchargeable” activities and establish a system whereby objecting members may either deduct that portion of their fees or receive a refund. See <https://www.wsba.org/for-legal-professionals/license-renewal/keller-deduction>.

(i) accessible civil remedies for negligence and breach of other duties owed, disciplinary sanctions for misconduct, and advancement of appropriate preventive or wellness programs;

(j) diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system.

The Subcommittee believes that adopting the proposed changes results in greater harmonization of the WSBA's Bylaws, the General Rules, and the obligations of all legal practitioners in the State of Washington.

**IV. THE PROPOSED CHANGES TO GR 12.2(c) ALSO RESULT IN GREATER CONSISTENCY WITH THE STATED PURPOSES LISTED IN ARTICLES I.A. AND I.B. OF THE WSBA BYLAWS.**

Currently, GR 12.2(c) states that the WSBA, and by extension any Section of the WSBA will not “[t]ake positions on political or social issues which do not relate to or affect the practice of law or the administration of justice.” However, the language is inconsistent with the stated purposes of the Bar. Specifically, sections of GR 12.2, Purposes: In General, state that the Bar strives to, *inter alia*:

2. Promote an effective legal system, accessible to all.
3. Provide services to its members and the public.
6. Promote diversity and equality in the courts and the legal profession.
8. Administer programs of legal education.
9. Promote understanding of and respect for our legal system and the law.
11. Serve as a statewide voice to the public and to the branches of government on matters relating to these purposes and the activities of the organization and the legal profession.

All of the foregoing have the possibility of resulting in divided opinions amongst Bar members, for example: not all current Bar members agree on what an “effective legal system” or what an “accessible effective legal system” looks like – that does not make the issue a “political” or “social” one that the Bar cannot resolve. Indeed, to take such a position would lead to an absurd conclusion that neither the Bar nor any of its Sections could weigh in on any issue because there is a disagreement. Likewise, there is no question that the issue of “diversity and equality” is one that has resulted in much disagreement amongst Bar members. One need only look at the letters to the editor for the Bar News or listen in on discussions within the BOG and the Sections to conclude the same. Nonetheless “promoting diversity and equality in the courts and the legal profession” is clearly one of the Purposes enumerated by GR 12.2(a)(6)<sup>6</sup> and as such, any efforts

<sup>6</sup> By extension, it is also enumerated in the WSBA BOG's Bylaws.

to by the Bar or its Sections to speak on these matters should not be *per se* prohibited. As proposed, the new GR 12.2(c) language would achieve the goals set out in GR 12.2(a).

Likewise, as currently written, the language of GR 12.2(c) is inconsistent with sections of GR 12.2(b) Specific Activities Authorized, which state that the Bar may, *inter alia*:

1. Sponsor and maintain committees and sections whose activities further these purposes;
3. Provide periodic reviews and recommendations concerning court rules and procedures;
5. Inform and advise its members regarding their ethical obligations;
15. Disseminate information about the organization's activities, interests, and positions;
16. Monitor, report on, and advise public officials about matters of interest to the organization and the legal profession;
17. Maintain a legislative presence to inform members of new and proposed laws and to inform public officials about the organization's positions and concerns;
18. Encourage public service by members and support programs providing legal services to those in need;
19. Maintain and foster programs of public information and education about the law and the legal system;
21. Hire and retain employees to facilitate and support its mission, purposes, and activities, including in the organization's discretion, authorizing collective bargaining;

As with the analysis under GR 12.2(a), the proposed changes to GR 12.2(c) would result in a more internally consistent reading of the specific authorized activities of the Bar.

**V. If the BOG and the Supreme Court Accept this Proposed Change, the BOG has the Authority to Amend the Bylaws to Ensure Consistency with the General Rules**

It is well understood that as a general matter, bylaws must be internally consistent. If they are not, per Article XVI. Amendments, the BOG may amend the Bylaws, including those in Article I.C.(2), which forms the basis of GR 12.2(c), "at any regular meeting of the BOG, or at any special meeting of the BOG called for that purpose under the terms of the Bylaws." Accordingly, the BOG has the authority to amend the Bylaws as proposed by the GR 12.2(c) Subcommittee. See RCW 2.48.050; cf. *Parker Estates Homeowners Ass'n v. Pattison*, 197 Wn.

App. 1024, 2016 WL 7468226, at \*1 (2016) (unpublished) (holding that a board of directors has the authority to amend bylaws).

# Wash. Gen. R. 12.1

As amended through November 30, 2022

## Rule 12.1 - Regulatory Objectives

Legal services providers must be regulated in the public interest. In regulating the practice of law in Washington, the Washington Supreme Court's objectives include:

- (a)** protection of the public;
- (b)** advancement of the administration of justice and the rule of law;
- (c)** meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems;
- (d)** transparency regarding the nature and scope of legal services to be provided, the credentials of those who provide them, and the availability of regulatory protections;
- (e)** delivery of affordable and accessible legal services;
- (f)** efficient, competent, and ethical delivery of legal services;
- (g)** protection of privileged and confidential information;
- (h)** independence of professional judgment;
- (i)** accessible civil remedies for negligence and breach of other duties owed, disciplinary sanctions for misconduct, and advancement of appropriate preventive or wellness programs;
- (j)** diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system.

*Wash. Gen. R. 12.1*

# Wash. Gen. R. 12.2

As amended through November 30, 2022

Rule 12.2 - Washington State Bar Association: Purposes, Authorized Activities, and Prohibited Activities

In the exercise of its inherent and plenary authority to regulate the practice of law in Washington, the Supreme Court authorizes and supervises the Washington State Bar Association's activities. The Washington State Bar Association carries out the administrative responsibilities and functions expressly delegated to it by this rule and other Supreme Court rules and orders enacted or adopted to regulate the practice of law, including the purposes and authorized activities set forth below.

**(a) Purposes: In General.** In general, the Washington State Bar Association strives to:

**(1)** Promote independence of the judiciary and the legal profession.

**(2)** Promote an effective legal system, accessible to all.

**(3)** Provide services to its members and the public.

**(4)** Foster and maintain high standards of competence, professionalism, and ethics among its members.

**(5)** Foster collegiality among its members and goodwill between the legal profession and the public.

**(6)** Promote diversity and equality in the courts and the legal profession.

**(7)** Administer admission, regulation, and discipline of its members in a manner that protects the public and respects the rights of the applicant or member.

**(8)** Administer programs of legal education.

**(9)** Promote understanding of and respect for our legal system and the law.

**(10)** Operate a well-managed and financially sound association, with a positive work environment for its employees.

**(11)** Serve as a statewide voice to the public and to the branches of government on matters relating to these purposes and the activities of the association and the legal profession.

**(b) Specific Activities Authorized.** In pursuit of these purposes, the Washington State Bar Association may:

**(1)** Sponsor and maintain committees and sections whose activities further these purposes;

**(2)** Support the judiciary in maintaining the integrity and fiscal stability of an independent and effective judicial system;

**(3)** Provide periodic reviews and recommendations concerning court rules and procedures;

**(4)** Administer examinations and review applicants' character and fitness to practice law;

**(5)** Inform and advise its members regarding their ethical obligations;

**(6)** Administer an effective system of discipline of its members, including receiving and investigating complaints of misconduct by legal professionals, taking and recommending appropriate punitive and remedial measures, and diverting less serious misconduct to alternatives outside the formal discipline system;

- (7) Maintain a program, pursuant to court rule, requiring members to submit fee disputes to arbitration;
- (8) Maintain a program for mediation of disputes between members and others;
- (9) Maintain a program for legal professional practice assistance;
- (10) Sponsor, conduct, and assist in producing programs and products of continuing legal education;
- (11) Maintain a system for accrediting programs of continuing legal education;
- (12) Conduct examinations of legal professionals' trust accounts;
- (13) Maintain a fund for client protection in accordance with the Admission and Practice Rules;
- (14) Maintain a program for the aid and rehabilitation of impaired members;
- (15) Disseminate information about the organization's activities, interests, and positions;
- (16) Monitor, report on, and advise public officials about matters of interest to the organization and the legal profession;
- (17) Maintain a legislative presence to inform members of new and proposed laws and to inform public officials about the organization's positions and concerns;
- (18) Encourage public service by members and support programs providing legal services to those in need;
- (19) Maintain and foster programs of public information and education about the law and the legal system;
- (20) Provide, sponsor, and participate in services to its members;
- (21) Hire and retain employees to facilitate and support its mission, purposes, and activities, including in the organization's discretion, authorizing collective bargaining;
- (22) Establish the amount of all license, application, investigation, and other related fees, as well as charges for services provided by the Washington State Bar Association, and collect, allocate, invest, and disburse funds so that its mission, purposes, and activities may be effectively and efficiently discharged. The amount of any license fee is subject to review by the Supreme Court for reasonableness and may be modified by order of the Court if the Court determines that it is not reasonable;
- (23) Administer Supreme-Court-created boards in accordance with General Rule 12.3.

**(c)Activities Not Authorized.** The Washington State Bar Association will not:

- (1) Take positions on issues concerning the politics or social positions of foreign nations;
- (2) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice; or
- (3) Support or oppose, in an election, candidates for public office.

*Wash. Gen. R. 12.2*

Adopted effective 7/17/1987; Amended effective 12/10/1993;9/1/1997;9/1/2007;9/1/2013;9/1/2017.

February 13, 2023

Dear WSBA Board of Governors and Equity and Disparity Workgroup:

The Diversity Equity and Inclusion (DEI) Council of the Washington State Bar Association endorses the thoughtful intentional work of the Equity and Disparity Workgroup and wholeheartedly endorses the rule change proposal that is before the Board and the Court.

The Washington State Supreme Court took a tremendous step in addressing DEI issues by enshrining a commitment to diversity in GR 12.2(a)(6) which states that one of the purposes of WSBA as an organization is to strive *“to promote diversity and equality in the legal profession.”*

The enactment of GR 12.2(a)(6) provided solid foundational underpinnings for WSBA to be able to proactively foster and maintain a more inclusive, diverse, legal profession in the State of Washington. It is the DEI Council’s position that DEI advancement work, in this regard, is not just the work of the WSBA DEI Council and the Equity and Justice team staff at WSBA. It is, rather, and should be, the continuing work of all within the collective organizational sphere of WSBA, including the Board of Governors (BOG), the Court-appointed Boards, the Committees, Councils, and other BOG related entities. Because this work is so important, it is critical that our General Rules be clear, unambiguous, and consistent with each other.

*GR 12.2(c)(2) provides that WSBA should “not take political or social positions that do not relate to or affect the practice of law or administration of justice.”*

This rule is often interpreted and used by opponents of DEI initiatives to challenge WSBA’s ability to fulfill the purpose of promoting equality and diversity as expressly stated in GR 12.2(a)(6). We often hear comments that 1) DEI issues are inherently political and /or social or ideological, 2) that these issues are not within the appropriate purview of the Bar, and that 3) a commitment to DEI leaves our Bar open to constitutional challenges based on freedom of speech and freedom of association.

It is difficult to maintain a stance that DEI issues are not political or social and because of that, GR 12.2 (c)(2) and GR 12.2(a)(6) seem to be at odds. The proposed rule change suggested by the Equity

and Disparity Workgroup provides an elegant solution to the problem of these two potentially conflicting rules.

By removing the prohibition on the Bar from “taking political and social positions” in *GR 12.2 (c)(2)* and rewording it to state instead that “the Bar shall not take positions which do not relate to or affect the regulatory purposes of GR 12(1)”, the Bar will be able to continue to support and promote diversity as part of its regulatory mandate. GR12(1) includes but is not limited to the protection of the public, as well as the advancement of the administration of justice. It is the DEI Council’s position that the promotion of diversity, equity, and inclusion both protects the public and advances the administration of justice. DEI efforts by the Bar to attempt to remediate biased and unjust aspects of our system of justice can only ameliorate the administration of justice as inequity and bias negatively impact both the public and Washington’s system of justice as a whole.

Without straying too far into the weeds of constitutional case law relating to bar associations and permissible germane activities, per the Keller test, we believe that the Texas case of McDonald v Longley, 4 F.4th 229 (5<sup>th</sup> Cir. 2021), is instructive. In that case, the Fifth Circuit Court, citing Keller, held that the Texas Bar’s diversity initiatives whose purpose is to create “...a fair and equal legal profession for minority, women, and LGBT attorneys,” is germane to the practice of law and thus permissible. (*McDonald* at 249). The Court further agreed that another legitimate purpose served by the Bar’s diversity initiatives was “to help build and maintain the public’s trust in the legal profession and the judicial process as a whole.” (*McDonald* at 250)

We submit that the proposed rule change to GR 12 will serve to resolve the inconsistencies between the rules with respect to diversity and will further the Associations’ mission to attend to the administration of justice and to protect the public.

Respectfully submitted by Sunitha Anjilvel Co-Chair on behalf to the WSBA Diversity Council.

ID	Start time	Completion time	Do you support or oppose the draft change?	(Optional) Why do you support or oppose the draft change?	(Optional) Do you have any additional feedback or questions you would like to share?	What is your name?	Can we contact you if we need more information?	If you answered yes to the previous question, what is the best way to contact you?	What group(s), if any, are you representing?	Are you responding as an individual or on behalf of a group?	
2	10/10/22 16:09:26	10/10/22 16:10:32	Support	Fairness and equity - as needed everywhere wording needs review		Miryam Gordon	Yes	llltgal@gmail.com	Diversity Council, Low Bo	Individual	No
3	10/11/22 8:04:54	10/11/22 8:12:02	Support	Proposed amendment gives clarity, protects civil rights work, protects US Constitution	None. Excellent work. Framing GR12 within the regulation and mission of the WSBA is consistent. Personally, I have found GR12 (w/out amendment) a major obstacle in educating members of the Bar on legislative issues and current constitutional issues. This amendment will provide the clarity all members seek.	Molly P. Matter	Yes	Molly@amendlawmatter.com	Civil Rights Law Section,	Individual	
4	10/11/22 9:09:36	10/11/22 9:11:19	Support	The Civil Rights Section has historically been constrained in what positions it can take and it is counterproductive to our collective voice as advocates.		Cameron Sheldon	Yes	Cameronasheldon@gmail.com	Civil Rights Law Section	Individual	No
5	10/27/22 11:24:23	10/27/22 11:24:55	Support	It feels like away for the WSBA to take positions on policy issues outside the administration of the courts or lawyers in the state.		Erin Jacobson	Yes	erjacobson@archbright.com		Individual	
6	10/27/22 11:51:58	10/27/22 11:54:27	Oppose			Michael Farrell	Yes	michael.farrell42@gmail.com	Board of Law Examiners	Individual	No
7	10/27/22 15:10:36	10/27/22 15:18:23	Support			Ramina Dehkoda-Steele	Yes	rdehkoda@wongfleming.com		Individual	NA
8	10/27/22 15:10:23	10/27/22 15:23:02	Support	I agree that the proposed changes are more consistent with GR 12.1 as well as the SC's June 2020 letter, and helps to avoid the contradictions and impediments to justice caused by the current version of GR 12.2(c).		Min Kang	Yes	mkang@chdlawyers.com	KABA Washington	Individual	N/A
9	10/31/22 13:18:40	10/31/22 13:19:55	Support	I support the amendment for the reasons set forth in the analytical statement.		Coreen Wilson	Yes	coreenw@wieckwilson.com	WSBA Court Rules and Pr	Individual	
10	10/31/22 15:12:26	10/31/22 15:13:27	Support	This seems to properly align all the issues as described by the work group.		Miryam Gordon	Yes	llltgal@gmail.com	206-3(Diversity Council, Low Bo	Individual	No
11	11/1/22 16:14:08	11/1/22 19:33:42	Support	The analysis in the memo is compelling.		Lucinda Fernald	Yes	cinda.fernald@foster.com	Committee on Professor	Individual	Not applicable
12	11/9/22 16:22:58	11/9/22 16:27:19	Support	MAMA Seattle supports furthering the Washington State Supreme Court's objectives as set forth in its June 4, 2020 letter.		Amy Klosterman	Yes	amy.klosterman@gmail.com	MAMA Seattle	On behalf of my group	Yes
13	11/10/22 11:38:08	11/10/22 11:40:34	Support		I am not sure why this change is strictly necessary based on the analytical statement alone; doesn't the clause "which do not relate to or affect the practice of law or the administration of justice" provide a hook for argument that the WSBA can take positions on certain political or social issues?	Michelle Maley	Yes	mmaley@perkinscoie.com	WSBA Rules Committee	Individual	
14	11/11/22 12:55:14	11/11/22 12:57:56	Support	KABA's mission is to serve the Korean, Korean American, and legal communities as a resource and a proponent of the interests, causes, and issues that are important for these communities and that may not get the attention or care that they otherwise deserve. In its early days, one of KABA's major purposes was to simply connect Korean-American attorneys with one another. See document attached for full response.		KABA	Yes	kabawaboard@gmail.com	KABA (Korean American	On behalf of my group	Yes

**TO:** WSBA Board of Governors  
**CC:** Terra Nevitt, Executive Director  
**FROM:** Pamela Anderson, Chair, Committee on Professional Ethics  
**DATE:** June 12, 2023  
**RE:** Proposed New Comments to RPC 1.2 and RPC 8.4 Regarding Reproductive Rights

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**Recommendation that Board of Governors suggest the adoption of new Comments to RPC 1.2 and 8.4 to the Washington State Supreme Court**

On August 3, 2022, First Assistant Attorney General Kristin Beneski wrote to then-WSBA President Brian Tollefson, asking that the Board of Governors act to provide guidance to the Bar regarding the provision of legal advice related to reproductive health care, including abortion. Ms. Beneski's letter is attached. In that letter, the Attorney General's Office asked that the Board of Governors either (1) make a public statement on the issue, or direct the Committee on Professional Ethics (CPE) to consider issuing an Advisory Opinion on the topic, or recommend that the State Supreme Court adopt new comments to RPC 1.2 and RPC 8.4. The BOG asked the CPE to consider whether we should develop an Advisory Opinion, and we also considered whether comments to the relevant RPCs should be developed.

Based on the concerns expressed by the AG's office, the basic scenario involves a Washington lawyer giving advice which is being treated by a prosecutor in another jurisdiction as possible criminal activity. An example would be advising a health care provider, a parent or minor child, or victim of sexual assault, practicing or residing in Idaho about providing or obtaining an abortion in Washington.<sup>1</sup> In such a scenario, an opposing party, family member, or prosecutor might file one or more disciplinary grievances against the Washington lawyer.

The CPE has considered drafting an Advisory Opinion addressing this and various other scenarios, and concluded that an Advisory Opinion would not provide the type of protection for Washington attorneys that may be needed here. Instead, as detailed below, the CPE suggests that the Board of Governors recommend that the Washington State Supreme Court adopt new Comments to RPC 1.2 and RPC 8.4

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<sup>1</sup> See Richard Hunt, Ethics Implications of Dobbs for Law Firm Management and Client Counseling, American Bar Association (Aug. 22, 2022) ("It is not difficult to imagine prosecutors seeking records of client communications related to abortion discussions and invoking one of the crime-related exceptions to the confidentiality obligation or privilege to obtain those records."), accessed at <https://www.americanbar.org/groups/litigation/committees/ethics->

along the lines of the “special circumstances” Comment [18] previously adopted with respect to Washington’s marijuana laws.

### Background

The request by the Attorney General followed reversal of *Roe v. Wade* by the United States Supreme Court and the implementation of “trigger ban” statutes across the country. After the reversal of *Roe*, threats have proliferated to persons (including health care providers) who might seek legal advice in Washington and other states regarding the termination of unwanted pregnancies.

Private citizens, attorneys general, and prosecutors in some jurisdictions already are acting to zealously enforce statutes criminalizing access to reproductive health services.<sup>2</sup> Efforts to restrict access to reproductive health care have expanded rapidly beyond the purview of criminal law.<sup>3</sup> Further, in jurisdictions that criminalize reproductive health care and assistance to patients/clients, law enforcement routinely investigates these “crimes” using digital evidence.<sup>4</sup> Washington lawyers thus would have credible concern that law enforcement outside of Washington would investigate conduct associated with advice given by Washington attorneys on Washington reproductive rights law. In addition, Washington lawyers should not expect that abortion-ban statutes enacted outside Washington state would include express exceptions for communications between lawyers and clients.

Two primary RPCs are involved here. RPC 1.2(d) states:

A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed

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<sup>2</sup> These potential threats to Washington lawyers are not limited to criminal prosecution. On January 5, 2023, Idaho’s Supreme Court upheld a “bounty hunter” provision that authorizes “certain family members of the fetus” to file a civil claim for \$20,000 or more in damages—potentially including actions against those who have supported access to legal medical services in Washington. Attorneys general are currently litigating to ensure access to reproductive health medication even in jurisdictions with strong reproductive health protections. See Michel Martin & Gurjit Kaur, Washington State Attorney General Says FDA Rules on Abortion Drug Are Unreasonable, <<https://www.npr.org/2023/02/25/1159565357/washington-state-attorney-general-says-fda-rules-on-abortion-drug-are-unreasonab>>. In domestic relations law matters involving parties from faith communities with sharply differing values about pregnancy and gender, “bounty hunter” statutes pose an active threat of litigation which could chill lawyers’ willingness to provide legal advice in high-conflict domestic relations disputes.

<sup>3</sup> See Lauren Giella, Why Texas is Able to Ban Abortion Pills for the Entire U.S. <https://www.newsweek.com/why-texas-able-ban-abortion-pills-entire-us-1780936>.

<sup>4</sup> See Runa Sandvik, How U.S. Police Use Digital Data to Prosecute Abortions <https://techcrunch.com/2023/01/27/digital-data-roe-wade-reproductive-privacy/>.

course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

Comment [5] to RPC 1.2 notes:

Legal representation should not be denied to people who are unable to afford legal services, or whose cause is controversial or the subject of popular disapproval. By the same token, representing a client does not constitute approval of the client's views or activities.

RPC 8.4 (b) states that it is professional misconduct for a lawyer to “commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects....”

#### Recommended Action by the Board of Governors

The Attorney General's Office in August 2022, asked that the Board of Governors either approve a new Advisory Opinion, or recommend adding new comments to the RPCs to assure Washington lawyers that they will not face disciplinary proceedings for advising clients on reproductive rights in this state, even if another state purports to make such advice illegal. As noted above, the CPE discussed a possible Advisory Opinion. We concluded that it would be quite difficult to draft, and more importantly, would only provide advice, not protection, to Washington lawyers who might counsel clients in other states on Washington's reproductive rights laws.

It should be observed that Engrossed Substitute House Bill 1469 (ESHB 1469) passed Washington's House of Representatives on February 28, and the Senate on April 10. The legislation was signed by the Governor on April 26, 2023. ESHB 1469 has an emergency clause and takes effect immediately. See <https://app.leg.wa.gov/billsummary?BillNumber=1469&Initiative=false&Year=2023>. ESHB 1469 would, among other things:

- Define protected health care services in Washington to include reproductive health care services and gender-affirming treatment.
- Restrict the ability for a court to issue, and law enforcement to enforce, subpoenas, warrants, criminal process, extradition, and other court orders for civil or criminal liability that is based on the provision or receipt of protected health care services.

- Restrict Washington businesses from complying with records requests or subpoenas for information related to the provision or receipt of protected health care services.
- Create a cause of action for interference with protected health care services when certain civil or criminal actions are filed against an aggrieved party or a subpoena is issued to a person in Washington.
- Allow any protected health care services provider or employee to apply to the Secretary of State's Address Confidentiality Program.
- Authorize the Attorney General to bring an action to enjoin any person from violating the act and to recover costs for such action.

ESHB 1469 also contains definitions including “reproductive health care services” and “protected health care services.” Reproductive health care services is defined as follows:

"Reproductive health care services" means all services, care or products of a medical, surgical, psychiatric, therapeutic, mental health, behavioral health, diagnostic, preventative, rehabilitative, supportive, counseling, referral, prescribing, or dispensing nature relating to the human reproductive system, including, but not limited to, all services, care, and products related to pregnancy, assisted reproduction, contraception, miscarriage management, or the termination of a pregnancy, including self-managed termination.

"Protected health care services" means gender-affirming treatment and reproductive health care services that are lawful in Washington.

Some of these terms are reflected in the draft Comment language below.

While ESHB 1469 will help protect Washington lawyers and many others from some types of potential criminal process initiated in other states, it does not (and cannot) address potential RPC violations related to alleged “criminal” activities in connection with advice to out-of-state clients.

The CPE considered a potential “no action” approach by the Board of Governors. This option would rest on the assumption that the likelihood is small that criminal charges or bar grievances will be filed against Washington lawyers for simply giving advice on Washington law, and that those grievances are mainly speculative at this time. Arguably, Washington lawyers would be unlikely to face criminal claims in other jurisdictions for giving advice to clients consistent with RPC 1.2(d), and, in the unlikely event our lawyers were compelled to defend a criminal accusation of giving valid legal advice, the Washington State

Supreme Court and the discipline system would be unlikely to discipline Washington lawyers under the RPCs. This argument asserts that the state legislature should act to protect reproductive rights through legislation such as ESHB 1469, and that the Washington State Supreme Court should not “tinker” with the RPCs or the Comments. The RPCs are meant to govern professional conduct broadly and should not be constantly tweaked to address every “issue du jour” that comes along.

A weakness of the “no action” approach is that even the distant threat of criminal liability is likely to inhibit many lawyers from providing this advice. The history of politicization surrounding this issue, summarized above, suggests that the risk to Washington lawyers is far from theoretical. Based on the recent active litigation and threats from certain states, the danger to Washington lawyers is real and imminent, not speculative.<sup>5</sup> Absent clear and explicit interpretation of the relevant RPC, these threats will likely chill lawyers’ willingness to provide advice to clients even if the practical risk of discipline in Washington State is extremely low. In addition, the work of interpreting the RPCs is the responsibility of the Washington State Supreme Court; the legislature cannot, through passage of ESHB 1469, protect lawyers from grievances filed against them with Disciplinary Counsel. It should be noted that if Washington Lawyers are hesitant to provide advice to out-of-state clients on Washington law for fear of disciplinary action, the clients affected will be predominantly persons at risk from an unwanted or medically harmful pregnancy, including women and children who are victims of sexual assault.<sup>6</sup> Further, those potential clients are disproportionately comprised of low-income persons and members of underserved communities who face systemic inequalities.<sup>7</sup> If legal advice is “chilled,” we can reasonably predict that people will be harmed by obstructed access to reproductive health care.

The CPE has concluded that the Board of Governors should recommend, to the State Supreme Court, new comments that are similar to the “special circumstances” Comment [18] to RPC 1.2,<sup>8</sup> and its companion cross-reference Comment [8] to RPC 8.4. These were adopted in 2014, and updated in 2018 and 2023. They are meant to provide a safe harbor to Washington lawyers who advise clients on Washington marijuana laws, notwithstanding the fact that cannabis is a controlled substance under

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<sup>5</sup> Regarding the impact of legal threats on providers’ willingness to assist patients/clients with reproductive rights services, *see*, <https://www.newyorker.com/magazine/2023/05/15/the-problem-with-planned-parenthood>.

<sup>6</sup> *See, e.g.*, <https://www.cnn.com/2023/05/26/us/dr-caitlin-bernard-indiana-medical-board-hearing/index.html>

<sup>7</sup> *See, e.g.*, <https://www.pbs.org/newshour/economy/low-wage-workers-bear-financial-burden-of-denied-abortions>; <https://thehill.com/changing-america/respect/poverty/3548067-abortion-restrictions-will-disproportionately-burden-low-income-americans/><https://comirelief.org/news/how-abortion-bans-contribute-cycle-poverty>.

<sup>8</sup> Comment [18] to RPC 1.2 states: “Under Paragraph (d), a lawyer may counsel a client regarding Washington’s marijuana laws and may assist a client in conduct that the lawyer reasonably believes is permitted by those laws.

If Washington law conflicts with federal or tribal law, the lawyer shall also advise the client regarding the related federal or tribal law and policy.”

federal law and many tribal laws. The issue of criminalized reproductive care likely raises more fundamental and far-reaching questions under the RPCs.

The request for action came from the Attorney General's Office, and we have focused primarily on the technical issues of addressing the potential disciplinary issues arising from Washington lawyer advice to out-of-state clients. We have not solicited input from specialized Bar groups, reproductive rights organizations, or "pro-life" organizations. We have heard from individual members of the State Supreme Court that they are interested in a proposal on this topic.

If the Board of Governors concludes that new comments would be appropriate, a new Comment to RPC 1.2 could be worded along the lines of the following:

*Additional Washington Comment [ ]. Special Circumstances Involving Advice and Assistance About Reproductive Rights*

*Under Paragraph (d), a lawyer may counsel a client regarding Washington's laws related to reproductive health care services, and may assist a client in conduct that the lawyer reasonably believes is permitted by those laws. If a lawyer counsels or assists a client regarding Washington's laws related to reproductive health care services, that conduct, and the predominant effect of the conduct, shall be deemed to occur in Washington for purposes of these Rules.*

A New Comment to RPC 8.4 could also be proposed, as follows:

*Additional Washington Comment [ ] to Rule 8.4*

*A lawyer who counsels a client regarding Washington's laws related to reproductive health care services, or assists a client in conduct that the lawyer reasonably believes is permitted by those laws, does not thereby violate RPC 8.4. See also Washington Comment [ ] to RPC 1.2.*

We would be pleased to provide additional information to the Board of Governors if that would be helpful.<sup>9</sup>

Attachments: August 22, 2022 Letter from Kristin Beneski, First Asst. Attorney  
General Proposed New Comments

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<sup>9</sup> It should be noted that while HB 1469 includes “gender-affirming treatment” in the definition of “protected health care services,” the Board of Governors and the Committee on Professional Ethics were not asked to address whether to include that within an Advisory Opinion or new Comment.

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

The Committee on Professional Ethics (CPE), at the request of the Attorney General of Washington, recommends that the Board of Governors approve adding a comment to RPCs 1.2 and 8.4 to clarify that a Washington lawyer does not violate the Washington RPCs by advising or counseling a client regarding Washington’s reproductive health care laws.

The proposed comment is specific to reproductive health care even though this is only one instance of a Washington law that differs from other state or federal law. Adding a narrow comment to the RPCs relating to one substantive area could appear to be politically motivated. Reproductive rights are at issue in many states and political campaigns presently. Acting based on this narrow substantive area at this time could appear political. A comment addressing the general circumstance responds to the concern raised by the AGO with less risk of appearing political. Additionally, a broader rule would avoid the need to have several exceptions or comments to these rules relating to differing law. A request for a comment to this rule relating to gender affirming care, for example, would not be surprising.

The Legal Ethics Committee of the Oregon State Bar is recommending that their Board of Governors adopt the following modification to the language of Oregon’s RPC 1.2:

(c) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is illegal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

(d) Notwithstanding paragraph (c), a lawyer may counsel and assist a client ~~regarding Oregon marijuana-related laws~~ in a proposed course of conduct that the lawyer reasonably believes is permitted under Oregon law. In the event Oregon law conflicts with federal law or ~~tribal law~~ the law of another jurisdiction, the lawyer ~~shall~~ may also advise the client regarding ~~related federal and tribal law and policy~~ such conflict and the potential legal consequences.

This change was explained in a memo prepared for the June 23, 2023, Oregon State Bar Board of Governors meeting as follows:

The LEC reviewed the request from the Cannabis and Psychedelics Executive Committee in December 2022, and noted that a broader fix may be necessary to prevent the LEC from revisiting the issue each time there is a conflict between federal and state law. Additionally, there is a new concern about conflicting state laws between states, especially with recent events creating conflicting laws between states related to the advising of clients related to reproductive rights that may be legal within Oregon, but illegal in other jurisdictions.

The memo quoted above is available for review if requested. We are not suggesting that the WSBA adopt this specific language or solution. It would not be prudent to adopt any specific language changes to the CPE's proposal today without further study and input from the CPE and the Chief Disciplinary Counsel. This language is included only to illustrate the broader approach to this issue and inform the Board of Governors that at least one other State Bar is considering a broader approach to this issue. The Board may wish to discuss whether it is advisable to consider this broader approach to minimize the appearance of making a political statement or choice.

*WSBA FISCAL ANALYSIS: This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The fiscal impact to WSBA resulting from the proposed recommendation is limited to the amount of staff time used to incorporate any approved changes to the impacted records. The staff time that would be allocated to this work is included in the overall duties of existing WSBA staff and would not require additional staff or allocation of resources from other internal sources.

*WSBA EQUITY ANALYSIS: This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

It appears that CPE considered who may be most impacted by the proposal, identifying not only attorneys considering giving legal advice to people about their reproductive rights but also marginalized client communities. These communities predominantly include people at risk from an unwanted or medically harmful pregnancy (who include women and children who are victims of sexual assault) and underserved communities who experience poverty and systemic inequalities. While CPE did not seek direct input from client communities possibly given the nature of the sensitivity of the legal issues, and because the Attorney General made a request, CPE did do research to determine who may be the most impacted groups. The proposal appears to remove a potential chilling effect on lawyers to provide legal assistance in reproductive rights matters, which ultimately advances fairer outcomes for marginalized communities.



**Bob Ferguson**  
**ATTORNEY GENERAL OF WASHINGTON**  
Administration Division  
PO Box 40100 • Olympia, WA 98504-0100 • (360) 753-6200

August 3, 2022

*Via Email*

Hon. Brian Tollefson (Ret.)  
President, Board of Governors  
Washington State Bar Association  
1325 Fourth Ave., Suite 600  
Seattle, WA 98101-2539  
tollefsonBOG@outlook.com

Re: Request for action—guidance on legal advice re reproductive health care

Dear President Tollefson:

I write on behalf of the Attorney General of Washington to request that the Washington State Bar Association's Board of Governors act swiftly to provide guidance to the bar regarding the provision of legal advice related to reproductive health care, including abortion.

We ask that the Board of Governors take prompt actions within its authority to confirm that attorneys who advise clients in accessing or providing reproductive health care that is lawful and protected in Washington State are not in violation of legal ethical requirements nor subject to professional discipline. Such actions by the Board may include making a public statement on the issue; directing the Committee on Professional Ethics to expedite its consideration of our office's July 26, 2022 request for an advisory opinion; and recommending that the Supreme Court adopt new comments to RPC 1.2 and RPC 8.4, as discussed below.

The U.S. Supreme Court's recent decision to overturn settled law and strip away the longstanding constitutional right to abortion in *Dobbs v. Jackson Women's Health Organization* is a travesty of justice that will have devastating consequences for years to come. *Dobbs* is already sowing chaos and confusion nationwide, as state governments that are hostile to the values of autonomy and privacy in reproductive health care decisions rush to enact draconian and invasive new laws, or revive pre-*Roe v. Wade* laws. Some such laws go so far as to criminalize

ATTORNEY GENERAL OF WASHINGTON

August 3, 2022

Page 2

conduct related to reproductive health care that Washington law protects, and some such laws purport to apply extraterritorially.<sup>1</sup>

In this horrifying new legal landscape, licensed attorneys may fear that they could be subject to professional discipline for advising a client about their legal rights—including the right to provide and receive health care that is lawful and protected under Washington law. The Bar Association, through its Board of Governors, should assuage such fears by making clear that RPC 1.2(d), which prohibits lawyers from assisting clients “in conduct that the lawyer knows is criminal,” does not prohibit lawyers from counseling clients regarding Washington’s reproductive health care laws and permits lawyers to assist a client in conduct that the lawyer reasonably believes is permitted by Washington law, even if the client’s or lawyer’s conduct might violate the law of another state that purports to regulate the same conduct. Clients should never be deprived of candid and thorough legal advice because their lawyers fear repercussions for providing it.

The WSBA has previously taken similar steps in the face of tension between Washington and federal law with respect to the production, sale, and use of marijuana. To address that issue, the Committee on Professional Ethics (CPE) issued an advisory opinion and the Board of Governors recommended new comments to applicable Rules of Professional Conduct. Similar steps are appropriate—and urgently needed—with respect to reproductive health care, and on July 26, 2022, our office requested that the CPE issue an advisory opinion to provide clarity and guidance. We received a prompt acknowledgement of that request, but believe the issue is so urgent as to require swift action by the Board of Governors.

We strongly urge the Board to take all appropriate steps within its authority as quickly as possible—including making a public statement clarifying that it is permissible for attorneys to counsel clients regarding the provision and receipt of reproductive health care under Washington law; directing the CPE to expedite our office’s request for an advisory opinion; and recommending that the Supreme Court adopt new comments to RPC 1.2 and RPC 8.4, along the following lines:

**Proposed comment to RPC 1.2:** “Under paragraph (d), a lawyer may counsel a client regarding Washington’s reproductive health care laws and may assist a client in conduct that the lawyer reasonably believes is permitted by those laws. A Washington lawyer will not face discipline even if another state’s law purports to prohibit the provision of legal advice regarding access to reproductive services in Washington. If Washington law

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<sup>1</sup> See, e.g., Tex. Health & Safety Code § 170A (2021); *id.* § 171.063; *id.* §§ 171.201–212 (“SB 8”); Idaho Code § 18-622 (2022); *id.* § 18-617; *id.* § 18-8807 (temporarily stayed); 2022 Okla. Sess. Law Serv. Ch. 11; *id.* at 321; Mont. Code Ann. § 50-20-704 (2021); *id.* § 33-22-116; *id.* § 50-20-604; Wyo. Stat. § 35-6-102 (2022); Ky. Rev. Stat. § 311.728 (2022); *id.* at 311.7733; S.D. Codified Laws § 36-4-8 (2022); *id.* § 36-4-47; 2022 Tenn. Pub. Chap 1001; La. R.S. § 14:87.7 (2022); *id.* § 14:87.9; S.B. 603, 101st Gen. Assemb., 1st Reg. Sess. (Mo. 2021) (introduced); H.B. 2012, 101st Gen. Assemb., 2nd Reg. Sess. (Mo. 2021) (introduced); H.B. 2811, 55th Leg., 2nd Reg. Sess. (Ariz. 2022) (introduced); S.B. 1339, 55th Leg., 2nd Reg. Sess. (Ariz. 2022) (introduced); H.B. 704, 134th Gen. Assemb., Reg. Sess. (Ohio 2022) (introduced); S.B. 456, 2021–2022 Reg. Sess. (Ga. 2022) (passed Senate); S.R. 13, 93rd Gen. Assemb., Fisc. Sess. 2022 (Ark. 2022) (introduced); S.F. 0083, 66th Leg., Budget Sess. (Wyo. 2022) (passed Senate); see also <https://nacdl.org/Landing/StateBillMap> (tracking state bills related to abortion criminalization).

ATTORNEY GENERAL OF WASHINGTON

August 3, 2022

Page 3

conflicts with other potentially applicable law, the lawyer shall also advise the client regarding the related law and policy.”

Proposed comment to RPC 8.4: “A lawyer who counsels a client regarding Washington’s reproductive health care laws or assists a client in conduct that the lawyer reasonably believes is permitted by those laws does not thereby violate RPC 8.4. See also Washington Comment [ ] to RPC 1.2.”

We hope that you will give due consideration to this urgent request, and we would be pleased to collaborate with you and answer any follow-up questions you may have. Please don’t hesitate to reach out to me directly if our office can be of any assistance.

Sincerely yours,



Kristin Beneski  
First Assistant Attorney General

KB:kw

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Proposed New Comment to **RPC 1.2 SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LAWYER**

**Additional Washington Comment**

*Special Circumstances Involving Advice and Assistance About Reproductive Rights*

Under Paragraph (d), a lawyer may counsel a client regarding Washington's laws related to reproductive health care services, and may assist a client in conduct that the lawyer reasonably believes is permitted by those laws. If a lawyer counsels or assists a client regarding Washington's laws related to reproductive health care services, that conduct, and the predominant effect of the conduct, shall be deemed to occur in Washington for purposes of these Rules.

## Proposed New Comment to **RPC 8.4 MISCONDUCT**

### **Additional Washington Comment**

[ ] A lawyer who counsels a client regarding Washington's laws related to reproductive health care services, or assists a client in conduct that the lawyer reasonably believes is permitted by those laws, does not thereby violate RPC 8.4. See also Washington Comment [ ] to RPC 1.2.