

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

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

**September 26-27, 2019**  
**WSBA Conference Center**  
**Seattle, Washington**

# WASHINGTON STATE BAR ASSOCIATION

WSBA MISSION	
<p>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.</p>	
WSBA GUIDING PRINCIPLES	
<p>The WSBA will operate a well-managed association that supports its members and advances and promotes:</p> <ul style="list-style-type: none"> <li>• <b>Access to the justice system.</b> <i>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.</i></li> <li>• <b>Diversity, equality, and cultural understanding throughout the legal community.</b> <i>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.</i></li> <li>• <b>The public’s understanding of the rule of law and its confidence in the legal system.</b> <i>Focus: Educate youth and adult audiences about the importance of the three branches of government and how they work together.</i></li> <li>• <b>A fair and impartial judiciary.</b></li> <li>• <b>The ethics, civility, professionalism, and competence of the Bar.</b></li> </ul>	
MISSION FOCUS AREAS	PROGRAM CRITERIA
<p><b>Ensuring Competent and Qualified Legal Professionals</b></p> <ul style="list-style-type: none"> <li>• Cradle to Grave</li> <li>• Regulation and Assistance</li> </ul> <p><b>Promoting the Role of Legal Professionals in Society</b></p> <ul style="list-style-type: none"> <li>• Service</li> <li>• Professionalism</li> </ul>	<ul style="list-style-type: none"> <li>• Does the Program further either or both of WSBA’s mission-focus areas?</li> <li>• Does WSBA have the competency to operate the Program?</li> <li>• As the mandatory bar, how is WSBA uniquely positioned to successfully operate the Program?</li> <li>• Is statewide leadership required in order to achieve the mission of the Program?</li> <li>• 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?</li> </ul>
2016 – 2018 STRATEGIC GOALS	
<ul style="list-style-type: none"> <li>• Equip members with skills for the changing profession</li> <li>• Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession</li> <li>• Explore and pursue regulatory innovation and advocate to enhance the public’s access to legal services</li> </ul>	

**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.]*

**2018-2019**  
**WSBA BOARD OF GOVERNORS MEETING SCHEDULE**

MEETING DATE	LOCATION	POTENTIAL ISSUES / SOCIAL FUNCTION	AGENDA DUE	BOARD BOOK MATERIAL DEADLINE*	EXECUTIVE COMMITTEE 2:00 pm–4:00 pm*
November 16, 2018	WSBA Conference Center Seattle, WA	BOG Meeting	October 25, 2018	October 31, 2018	October 24, 2018 9:00 am – 11:00 am
January 17-18, 2019	WSBA Conference Center Seattle, WA	BOG Meeting	December 20, 2018	January 2, 2019	December 20, 2018
March 7, 2019 March 8, 2019	Hotel RL Olympia, WA Temple of Justice	BOG Meeting BOG Meeting with Supreme Court	February 14, 2019	February 20, 2019	February 14, 2019
May 16-17, 2019	Hilton Garden Inn Yakima, WA	BOG Meeting	April 25, 2019	May 1, 2019	April 25, 2019
July 25, 2019 July 26-27, 2019	Courtyard by Marriott Richland, WA	BOG Retreat BOG Meeting	June 27, 2019	July 10, 2019	June 27, 2019
September 26-27, 2019 September 26, 2019	WSBA Conference Center Seattle, WA Sheraton	BOG Meeting WSBA APEX Awards Banquet	September 5, 2019	September 11, 2019	September 5, 2019

\*The Board Book Material Deadline is the final due date for submission of materials for the respective Board meeting. However, you should notify the Executive Director's office in advance of possible meeting agenda item(s).

This information can be found online at: [www.wsba.org/About-WSBA/Governance/Board-Meeting-Schedule-Materials](http://www.wsba.org/About-WSBA/Governance/Board-Meeting-Schedule-Materials)

\*Unless otherwise noted.

**2019-2020**  
**WSBA BOARD OF GOVERNORS MEETING SCHEDULE**

BOARD MEETING DATES	LOCATION	AGENDA DUE	BOARD BOOK MATERIAL DEADLINE*	EXECUTIVE COMMITTEE 10:00 am–12:00 pm*
November 22-23, 2019, Board Meeting	WSBA Conference Center Seattle, WA <i>Dinner with SABA Officers</i>	October 28, 2019	November 6, 2019	October 28, 2019 11:00 am – 1:00 pm
January 16-17, 2020, Board Meeting	WSBA Conference Center Seattle, WA <i>Dinner with QLAW Officers</i>	December 16, 2019	January 2, 2020	December 16, 2019
March 19-20, 2020, Board Meeting March 20, 2020, Board Meeting with Supreme Court	Hotel RL Olympia, WA Temple of Justice	February 24, 2020	March 4, 2020	February 24, 2020
April 17-18, 2020, Board Meeting	WSBA Conference Center Seattle, WA	March 30, 2020	April 1, 2020	March 30, 2020
May 14-15, 2020, Board Meeting	Bellwether Hotel Bellingham, WA <i>Dinner with Whatcom/Skagit/BC Bar Officers</i>	April 20, 2020	April 29, 2020	April 20, 2020
July 23, 2020, Board Retreat July 24-25, 2020, Board Meeting	Skamania Lodge Stevenson, WA <i>Dinner with San Juan Bar Officers</i>	June 22, 2020	July 8, 2020	June 22, 2020
August 28-29, 2020, Board Meeting	Davenport Spokane, WA	August 3	August 12	August 3, 2020
September 17-18, 2020, Board Meeting September 17, 2020, APEX Awards Dinner	WSBA Conference Center Seattle, WA TBD <i>Dinner with NWIP Officers</i>	August 31	September 2, 2020	August 31, 2020

\*The Board Book Material Deadline is the final due date for submission of materials for the respective Board meeting. However, please notify the Executive Director's office of possible meeting agenda item(s) in advance.

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\*Unless otherwise noted.



# WSBA Board of Governors CONGRESSIONAL DISTRICT MAP



Bill Pickett  
President



Rajeev Majumdar  
President-Elect



Open  
Position



Terra Nevitt  
Immediate Past  
Interim Exec. Dir. & Secretary

2018-2019



Athan Papailiou  
Governor At-Large



Alec Stephens  
Governor At-Large



Russell Knight  
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.



## **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





## 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.



## BOARD OF GOVERNORS

Anthony David Gipe  
President

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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*

999 Third Avenue, Suite 3000 / Seattle, WA 98104 / fax: 206.340.8856



**Board of Governors Meeting  
 WSBA Conference Center  
 Seattle, WA  
 September 26-27, 2019**

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

**PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE**

To participate remotely: dial 1.866.577.9294, access code 52810#

**THURSDAY, SEPTEMBER 26, 2019**

<input type="checkbox"/> GENERAL INFORMATION .....	2
<input type="checkbox"/> AGENDA .....	19

**8:30 A.M. – 12:00 P.M.**

<input type="checkbox"/> WELCOME	
<input type="checkbox"/> PRESIDENT’S REPORT AND INTERIM EXECUTIVE DIRECTOR’S REPORT	
<input type="checkbox"/> MEMBER AND PUBLIC COMMENTS (guests’ issues of interest)	
<input type="checkbox"/> BUDGET AND AUDIT COMMITTEE PROPOSALS –Dan Bridges, Governor/Treasurer and Jorge Perez, Chief Financial Officer <b>(action)</b>	
• Final WSBA FY2020 Budget.....	25
• Proposed Fiscal Policy Revision re Cost Center .....	104
• Proposed Supplemental Audit Options .....	116
<input type="checkbox"/> 2020 KELLER DEDUCTION SCHEDULE– Terra Nevitt, Interim Executive Director <b>(action)</b> .....	124
<input type="checkbox"/> WASHINGTON STATE BAR FOUNDATION (WSBF) ANNUAL MEETING – Kristina Larry WSBF President, and Laura Sanford, Foundation Development Officer <b>(action)</b>	
• Approve Proposed Amendments to the WSBF Bylaws .....	151
• Appoint Members to WSBF Board of Trustees .....	160
<input type="checkbox"/> COURT RULES AND PROCEDURES COMMITTEE PROPOSALS – Jefferson Coulter, Chair <b>(first reading/potential action)</b>	
• Proposed Amendments to MAR 7.2. ....	170
• Proposed Amendments to CrR 8.2 and CrRLJ 8.2.....	188
<input type="checkbox"/> PRO BONO AND PUBLIC SERVICE COMMITTEE PROPOSED LETTER RE IMMIGRATION DETENTION CENTERS – Ian Munce, WSBA Member; Paul Okner, Committee Co-Chair; and Althea Paulson, Committee Member <b>(first reading/potential action)</b> .....	210

**12:00 P.M. – LUNCH WITH LIAISONS AND LEGAL FOUNDATION OF WASHINGTON BOARD**

**1:15 P.M. – 4:00 P.M.**

- UPDATE AND DISCUSSION RE WASHINGTON SUPREME COURT BAR STRUCTURE WORK GROUP MAJORITY AND MINORITY REPORTS** – Governors Dan Clark, Kyle Sciuchetti, and Paul Swegle ..... 215
- UPDATE FROM WASHINGTON YOUNG LAWYERS COMMITTEE (WYLC)** – Jordan Couch, WYLC Chair-elect..... 243
- ANNUAL DISCUSSION WITH DEANS OF WASHINGTON STATE LAW SCHOOLS** – Annette Clark, Seattle University School of Law Dean; Jacob Rooksby, Gonzaga School of Law Dean; and Mario Barnes, University of Washington School of Law Dean..... 246

**3:15 P.M.**

- SWEARING-IN OF 2019-2020 WSBA PRESIDENT AND 2019-2022 GOVERNORS** – Steve Gonzalez, Washington Supreme Court Justice

**4:00 P.M. – RECESS**

**FRIDAY, SEPTEMBER 27, 2019**

**9:00 A.M. – 12:00 P.M.**

- REVIEW AND COMMENTS RE MANDATORY CONTINUING LEGAL EDUCATION (MCLE) BOARD SUGGESTED AMENDMENTS TO APR 11 ETHICS REQUIREMENT** – Todd Alberstone, MCLE Board Chair, and Adelaine Shay, MCLE Manager **(action)** ..... 250
- REPORT FROM PERSONNEL COMMITTEE RE PROPOSED WSBA BOG NO RETALIATION POLICY** – Governor Chris Meserve, Chair, and Felix Neals, Director of Human Resources
- DISCUSSION RE BOARD UPDATES AND COMMUNICATIONS** – Governor P.J. Grabicki, and Sara Niegowski, Chief Communications and Outreach Officer **(second reading)**.....**late materials**
- COUNCIL ON PUBLIC DEFENSE (CPD) PROPOSALS**
  - Proposed Appellate Guidelines – Travis Stearns, CPD Vice-Chair, and Kevin Plachy, Interim Director of Advancement **(action)** ..... 440
  - Proposed Defender Resource Guide - Jaime Hawk, CPD Member, and Kevin Plachy, Interim Director of Advancement **(first reading)** ..... 448
- CONSENT CALENDAR (action)**
  - July 26-27, 2019, Meeting Minutes ..... 471
  - September 9, 2019, Special Meeting Minutes ..... 481
  - Client Protection Board Gift Recommendations ..... 483
  - Appoint Chairs and Vice-Chairs to WSBA Committees and Boards..... 484

**12:00 P.M. – LUNCH WITH LIAISONS AND GUESTS**

**1:00 P.M. – 4:00 P.M.**

- SUGGESTIONS RE CHARACTER AND FITNESS PROCESS** – Tarra Simmons, Civil Survival Project Director at the Public Defender Association ..... 493
- FIRST YEAR CLASS ELECTION OF FY2020 EXECUTIVE COMMITTEE MEMBER (action)**
- PROPOSED BOG CIVIL LITIGATION RULES REVISION WORK GROUP CHARTER** – Julie Shankland, General Counsel **(action)** ..... 495
- COMMITTEE ON WSBA MISSION PERFORMANCE AND REVIEW (CMPR) RECOMMENDATIONS** – President-elect Rajeev Majumdar, Chair, and Pam Inglesby, Bar Services Manager **(action)**..... 497
  - Approve FY2019 CMPR Recommendations
  - Approve Chair Majumdar’s Recommendation re CMPR
- DISCUSSION RE DISTRICT 3 SEAT (potential action)** ..... 574
- PROPOSAL RE WSBA MAGAZINE NAME** – Governor Carla Higginson, and Sara Niegowski, Chief Communications and Outreach Officer **(first reading)** ..... **late materials**
- GOVERNOR ROUNDTABLE** (Governors’ issues of interest)
- PRESIDENT’S CLOSING REMARKS**
- ANNOUNCE BASIS FOR EXECUTIVE SESSION PURSUANT TO RCW 42.30.110(1)(i) (if needed)**
- INFORMATION**
  - Interim Executive Director’s Report ..... 577
  - New Advisory Opinion 201901 ..... 603
  - Demographics of WSBA Committee Applicants ..... 608
  - Access to Justice Board’s Proposed Updates to the Access to Justice Technology Principles..... 612
  - Limited License Legal Technician (LLLT) Suggested Amendment to RPC 1.15A(h)(9) ..... 638
  - Chief Hearing Officer Annual Report ..... 642
  - Legal Foundation of Washington Annual Report ..... 645
  - Diversity and Inclusion Events ..... 651
  - Financial Statements
    - Financials as of July 31, 2019 ..... 654
    - Investment Update as of August 31, 2019 ..... 695
  - Preview of November 22-23, 2019, Meeting ..... 696

**4:00 P.M.** - Adjourn

## 2018-2019 Board of Governors Meeting Issues

### **NOVEMBER** (Seattle)

#### Standing Agenda Items:

- Access to Justice Board Annual Report (Information)
- Financials
- FY2018 Fourth Quarter Management Report
- 2018-2019 Legislative Priorities
- 2018-2019 Legislative Review Committee Recommendations
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- Outside Appointments (if any)
- Washington Leadership Institute (WLI) Fellows Report
- WSBA Practice Sections Annual Reports (ED Report Information)
- WSBF Annual Report

### **JANUARY** (Seattle)

#### Standing Agenda Items:

- ABA Midyear Meeting Sneak Preview
- Client Protection Fund (CPF) Annual Report
- Financials
- FY2018 Audited Financial Statements
- FY2019 First Quarter Management Report
- Legislative Session Report
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- Outside Appointments (if any)

### **MARCH** (Olympia)

#### Standing Agenda Items:

- ABA Mid-Year Meeting Report
- Financials
- Legislative Report
- Outside Appointments (if any)
- Supreme Court Meeting

#### March 2018 Agenda Items:

- BOG Civil Litigation Rules Committee Report
- Mandatory Malpractice Insurance Final Report

### **MAY** (Yakima)

#### Standing Agenda Items:

- BOG Election Interview Time Limits (Executive Session)
- Financials
- FY2019 Second Quarter Management Report
- Interview/Selection of WSBA At-Large Governor
- Interview/Selection of the WSBA President-elect
- Legislative Report/Wrap-up
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- Outside Appointments (if any)
- WSBA APEX Awards Committee Recommendations (Executive Session)

## **JULY** (Richland)

### Standing Agenda Items:

- ATJ Board Report
- BOG Retreat
- Court Rules and Procedures Committee Report and Recommendations
- Financials
- Draft WSBA FY2020 Budget
- FY2019 Third Quarter Management Report
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- WSBA Committee and Board Chair Appointments
- WSBA Mission Performance and Review (MPR) Committee Update
- WSBA Treasurer Election

## **SEPTEMBER** (Seattle)

### Standing Agenda Items:

- 2020 Keller Deduction Schedule
- ABA Annual Meeting Report
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation (Executive Session)
- Financials
- Final FY2020 Budget
- Legal Foundation of Washington Annual Report
- Washington Law School Deans
- WSBA Annual Awards Dinner
- WSBF Annual Meeting and Trustee Election

## **Board of Governors – Action Timeline**

<b>Description of Matter/Issue</b>	<b>First Reading</b>	<b>Scheduled for Board Action</b>
WSBA FY2020 Budget	July 26-27, 2019	Sept 26-27, 2019
Fiscal Policy change re Cost Centers	July 26-27, 2019	Sept 26-27, 2019
Supplemental Audit Options	July 26-27, 2019	Sept 26-27, 2019
Committee on WSBA Mission Performance and Review Recommendations	July 26-27, 2019	Sept 26-27, 2019
BOG Civil Litigation Rules Revision Work Group Charter	July 26-27, 2019	Sept 26-27, 2019
Personnel Committee Proposed WSBA BOG No Retaliation Policy	July 26-27, 2019	Sept 26-27, 2019
CPD Proposed Appellate Guidelines	July 26-27, 2019	Sept 26-27, 2019
CPD Proposed Defender Resource Packet	Sept 26-27, 2019	Nov 22-23, 2019
Proposals re Board Updates and Communications	July 26-27, 2019	Nov 22-23, 2019

Pro Bono and Public Service Committee Proposed Letter re Immigration Detention Centers	Sept 26-27, 2019	Nov 22-23, 2019
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# WASHINGTON STATE BAR ASSOCIATION

To: Budget and Audit Committee

From: Terra Nevitt, Interim Executive Director

cc: Executive Management Team

Re: Final Draft FY20 Budget

Date: September 20, 2019

**ACTION: Recommend that Board of Governors approve Final Draft FY20 Budget.**

Attached for your consideration is the Final Draft FY20 WSBA Budget (Final Draft). The First Draft, which the Board of Governors heard on first reading in July, included the General Fund, Capital, CLE Fund, and the Client Protection Fund (CPF) budgets. This memorandum: (1) provides an overview comparison of the First and Final Draft General Fund, CLE, Client Protection Fund, and Capital Budgets; (2) details changes between the First and Final Drafts; and (3) presents the FY20 Section Budgets.

## I. OVERVIEW COMPARISON OF FIRST AND FINAL DRAFT BUDGETS

General Fund Budget	FIRST DRAFT	FINAL	Difference
• Revenue	\$20,818,314	\$20,832,969	\$14,655
• Expenses	\$21,379,234	\$21,424,884	\$45,650
• Net Income/(Loss)	(\$560,920)	<b>(\$591,915)</b>	\$30,995
• <b>Projected Reserves</b>	\$3,133,322	\$3,102,327	(\$30,995)
CLE Fund Budget	FIRST DRAFT	FINAL	Difference
• Revenue	\$1,989,500	\$1,989,500	\$0
• Expenses	\$1,989,214	\$2,012,814	\$23,600
• Net Income/(Loss)	\$287	<b>(\$23,314)</b>	(\$23,027)
• <b>Projected Reserves</b>	\$821,646	\$798,619	(\$23,027)
Client Protection Fund Budget	FIRST DRAFT	FINAL	Difference
• Revenue	\$1,023,000	\$1,023,000	\$0
• Expenses	\$648,686	\$684,686	\$0
• Net Income/(Loss)	\$374,314	<b>\$374,314</b>	\$0
• <b>Projected Reserves</b>	\$3,926,592	\$3,926,592	\$0

## II. CHANGES BETWEEN FIRST AND FINAL DRAFT BUDGETS

### A. GENERAL FUND (Attachment A)

The Final Draft assumes revenue of \$20,832,969 (\$14,655 increase from the First Draft), expenses of \$21,424,884 (\$45,650 increase from the First Draft), and a projected net loss of \$591,915 (rather than the projected net loss of \$560,920 in the First Draft).

Several years ago, the Board established a policy that General Fund reserves should be at least \$2.0 million. Assuming WSBA meets rather than exceeds expectations of both the FY19 budget and the FY20 Final Draft Budget presented, we are anticipating that General Fund reserves will be at least \$3.1 million at the end of FY20.

COST CENTER	AMOUNT	COMMENTS
<b>REVENUE</b>		
Limited License Legal Technician	<b>+\$14,655</b>	Seminar Registration revenue for LLLT supplemental education which is required for all LLLTs to maintain their license and prospective LLLTs who want to be licensed.
<b>EXPENSES</b>		
Washington Leadership Institute	+\$40,000	Committee proposed increase in funding
LLLT Education	+\$5,650	Expenses for LLLT supplemental education two-day in-person event and a series of five 2-hour online sessions.
	<b>\$45,650</b>	
<b>NET CHANGE</b>	<b>(\$30,995)</b>	

**B. CLE FUND (*Attachment B*)**

There were three changes to the CLE budgets. (1) The addition of \$3,500 for postage in the CLE Publications cost center for mailing of summer marketing materials. (2) FY20 CLE profit sharing of \$100,100. (3) The deduction of \$80,000 for FY19 CLE profit sharing which will be reflected in the current fiscal year.

**C. CLIENT PROTECTION FUND (*Attachment C*) and CAPITAL BUDGET (*Attachment D*)**

There were no changes to the Client Protection Fund or Capital Budget between the first and final drafts.

**III. FY20 SECTION BUDGETS (*Attachment E*)**

The FY20 Section budgets reflect revenue mainly for membership dues, CLE profit sharing, and interest income on fund balances. Expenses vary depending on the Section’s work plan for the year. The Per-Member Charge (PMC) needed to cover costs in FY20 is \$23.48 (see *Attachment F*). In June, the Committee agreed to keep the PMC at its current rate of \$18.75 for FY20.

**ATTACHMENTS**

- A FY20 Final Draft General Fund Budget**
- B FY20 Final Draft CLE Budget**
- C FY20 Final Draft CPF Budget**
- D FY20 Final Draft Capital Budget**
- E FY20 Draft Section Budgets**
- F FY20 Per-Member Charge Memo**

# ATTACHMENT A

## Washington State Bar Association Budget Comparison Report

For the Period October 1, 2019 to September 30, 2020

	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
<b>SALARIES &amp; BENEFITS:</b>				
SALARIES	11,868,980.00	12,060,469.00	191,489.00	1.6%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	(200,000.00)	-	0.0%
TEMPORARY EMPLOYEES	141,330.00	250,780.00	109,450.00	77.4%
EMPLOYEE ASSISTANCE PLAN	4,800.00	4,800.00	-	0.0%
EMPLOYEE SERVICE AWARDS	2,230.00	3,080.00	850.00	38.1%
FICA	879,000.00	887,000.00	8,000.00	0.9%
L&I INSURANCE	47,250.00	49,500.00	2,250.00	4.8%
WA STATE FAMILY MEDICAL LEAVE	-	17,500.00	17,500.00	
MEDICAL	1,590,000.00	1,580,000.00	(10,000.00)	-0.6%
RETIREMENT	1,494,000.00	1,527,000.00	33,000.00	2.2%
TRANSPORTATION ALLOWANCE	119,250.00	115,000.00	(4,250.00)	-3.6%
UNEMPLOYMENT INSURANCE	87,500.00	84,500.00	(3,000.00)	-3.4%
STAFF DEVELOPMENT-GENERAL	6,900.00	6,900.00	-	0.0%
CAPITAL LABOR	(188,800.00)	(141,000.00)	47,800.00	-25.3%
<b>TOTAL SALARIES &amp; BENEFITS:</b>	<b>15,852,440.00</b>	<b>16,245,529.00</b>	<b>393,089.00</b>	<b>2.5%</b>
<b>OVERHEAD:</b>				
WORKPLACE BENEFITS	39,000.00	44,500.00	5,500.00	14.1%
HUMAN RESOURCES DIRECT EXPENSES	102,400.00	167,120.00	64,720.00	63.2%
MEETING SUPPORT EXPENSES	12,500.00	15,000.00	2,500.00	20.0%
RENT	1,802,000.00	1,951,000.00	149,000.00	8.3%
PROPERTY TAXES	14,000.00	12,000.00	(2,000.00)	-14.3%
FURNITURE, MAINTENANCE, LEASHOLD IMPROVEMENTS	35,200.00	35,000.00	(200.00)	-0.6%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	46,000.00	-	0.0%
FURNITURE & OFFICE EQUIPMENT DEPRECIATION	51,300.00	53,000.00	1,700.00	3.3%
COMPUTER HARDWARE DEPRECIATION	51,800.00	50,000.00	(1,800.00)	-3.5%
COMPUTER SOFTWARE DEPRECIATION	162,700.00	165,000.00	2,300.00	1.4%
INSURANCE	143,000.00	243,000.00	100,000.00	69.9%
PROFESSIONAL FEES-AUDIT	35,000.00	85,000.00	50,000.00	142.9%
PROFESSIONAL FEES-LEGAL	50,000.00	250,000.00	200,000.00	400.0%
TELEPHONE & INTERNET	47,000.00	47,000.00	-	0.0%
BANK FEES	35,400.00	34,000.00	(1,400.00)	-4.0%
POSTAGE	36,000.00	30,000.00	(6,000.00)	-16.7%
CONFERENCES & TRAINING	95,245.00	99,900.00	4,655.00	4.9%
RECORDS STORAGE	40,000.00	42,000.00	2,000.00	5.0%
PRODUCTION MAINTENANCE & SUPPLIES	12,000.00	12,000.00	-	0.0%
TECHNOLOGY DIRECT EXPENSES	667,610.00	667,610.00	-	0.0%
<b>TOTAL OVERHEAD:</b>	<b>3,478,155.00</b>	<b>4,049,130.00</b>	<b>570,975.00</b>	<b>16.4%</b>
<b>TOTAL INDIRECT EXPENSES:</b>	<b>19,330,595.00</b>	<b>20,294,659.00</b>	<b>964,064.00</b>	<b>5.0%</b>

The Indirect Expenses cost center includes amounts budgeted for employee salaries, benefits, and overhead. Salary expenses are allocated to cost centers based on the actual salaries of employees working in those cost centers. Benefits are allocated to cost centers based on a percentage of salaries (for example, if one cost center has 10% of WSBA's salary expense, it will be allocated 10% of the benefits expense).

This cost center also details overhead expenses such as rent, telephone, insurance, professional fees, office supplies, postage, maintenance, human resources, technology direct expenses, and other expenses that benefit WSBA as a whole. These expenses are allocated to each cost center based on the number of FTEs (full time equivalents) in that cost center and are reflected on the line "Overhead" in each cost center budget.

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

For the Period from October 1, 2019 to September 30, 2020

<b>ACCESS TO JUSTICE</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
CONFERENCES & INSTITUTES	7,500.00	-	(7,500.00)	-100%
WORK STUDY GRANTS	-	2,100.00	2,100.00	
<b>TOTAL REVENUE:</b>	<b><u>7,500.00</u></b>	<b><u>2,100.00</u></b>	<b><u>(5,400.00)</u></b>	<b><u>-72%</u></b>
<b>DIRECT EXPENSES:</b>				
ATJ BOARD RETREAT	2,000.00	2,000.00	-	0%
LEADERSHIP TRAINING	2,000.00	2,000.00	-	0%
ATJ BOARD EXPENSE	24,000.00	24,000.00	-	0%
PUBLIC DEFENSE	7,000.00	7,000.00	-	0%
CONFERENCE/INSTITUTE EXPENSE	14,837.00	-	(14,837.00)	-100%
RECEPTION/FORUM EXPENSE	9,500.00	9,500.00	-	0%
STAFF TRAVEL/PARKING	3,500.00	2,700.00	(800.00)	-23%
STAFF MEMBERSHIP DUES	120.00	120.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>62,957.00</u></b>	<b><u>47,320.00</u></b>	<b><u>(15,637.00)</u></b>	<b><u>-25%</u></b>
<b>INDIRECT EXPENSES:</b>				
FTE	2.10	1.92	(0.18)	-9%
SALARY EXPENSE	160,817.00	151,471.00	(9,346.00)	-6%
BENEFIT EXPENSE	59,156.00	54,395.00	(4,761.00)	-8%
OVERHEAD	51,894.00	55,235.00	3,341.00	6%
<b>TOTAL INDIRECT EXPENSES:</b>	<b><u>271,867.00</u></b>	<b><u>261,101.00</u></b>	<b><u>(10,766.00)</u></b>	<b><u>-4%</u></b>
<b>TOTAL ALL EXPENSES:</b>	<b><u>334,824.00</u></b>	<b><u>308,421.00</u></b>	<b><u>(26,403.00)</u></b>	<b><u>-8%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>(327,324.00)</u></b>	<b><u>(306,321.00)</u></b>	<b><u>21,003.00</u></b>	

WSBA administers the Supreme Court-established Access to Justice Board and most of its initiatives and working committees. This cost center also includes staffing and other support for WSBA's Council on Public Defense. Overall, revenue and direct costs have decreased because the biennial Access to Justice Conference will not take place in FY20. Costs proposed in this budget include support for two ATJ Board regional meetings, implementation of the State Plan for the Coordinated Delivery of Civil Legal Aid to Low Income People, outreach on the anticipated updated Technology Principles and a Tech Justice Summit, continued membership in the WA Nonprofit Association in furtherance of the ATJ Board's goal to more meaningfully engage with community-based organizations and joint meetings with other justice partners like the Minority and Justice Commission.

**Washington State Bar Association  
Budget Comparison Report**

For the Period from October 1, 2019 to September 30, 2020

<b>ADMINISTRATION</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	70,000.00	100,000.00	30,000.00	43%
GAIN/LOSS ON INVESTMENTS	30,000.00	-	(30,000.00)	-100%
<b>TOTAL REVENUE:</b>	<u><b>100,000.00</b></u>	<u><b>100,000.00</b></u>	<u><b>-</b></u>	<u><b>0%</b></u>
<b>DIRECT EXPENSES:</b>				
LAW LIBRARY	-	279.00	279.00	
STAFF TRAVEL/PARKING	4,200.00	4,200.00	-	0%
STAFF MEMBERSHIP DUES	685.00	950.00	265.00	39%
<b>TOTAL DIRECT EXPENSES:</b>	<u><b>4,885.00</b></u>	<u><b>5,429.00</b></u>	<u><b>544.00</b></u>	<u><b>11%</b></u>
<b>INDIRECT EXPENSES:</b>				
FTE	7.97	7.98	0.01	0%
SALARY EXPENSE	700,100.00	723,667.00	23,567.00	3%
BENEFIT EXPENSE	241,718.00	247,080.00	5,362.00	2%
OVERHEAD	196,951.00	229,571.00	32,620.00	17%
<b>TOTAL INDIRECT EXPENSES:</b>	<u><b>1,138,769.00</b></u>	<u><b>1,200,318.00</b></u>	<u><b>61,549.00</b></u>	<u><b>5%</b></u>
<b>TOTAL ALL EXPENSES:</b>	<u><b>1,143,654.00</b></u>	<u><b>1,205,747.00</b></u>	<u><b>62,093.00</b></u>	<u><b>5%</b></u>
<b>NET INCOME (LOSS):</b>	<u><b>(1,043,654.00)</b></u>	<u><b>(1,105,747.00)</b></u>	<u><b>(62,093.00)</b></u>	

Finance and Administration provides organizational support services, including accounting, financial reporting, investments, payroll, facilities maintenance, and general office administration. Revenue coded to this cost center is interest income on WSBA's cash and investments.

**Washington State Bar Association**  
**Budget Comparison Report**  
For the Period from October 1, 2019 to September 30, 2020

ADMISSIONS	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
<b>REVENUE:</b>				
EXAMSOFT REVENUE	35,000.00	35,000.00	-	0%
APPLICATION FEES	1,200,000.00	1,300,000.00	100,000.00	8%
SPECIAL ADMISSIONS	60,000.00	60,000.00	-	0%
RULE 9/LEGAL INTERN FEES	-	12,000.00	12,000.00	
LLLT EXAM FEES	7,500.00	-	(7,500.00)	-100%
LLLT WAIVER FEES	900.00	-	(900.00)	
LPO EXAMINATION FEES	24,000.00	-	(24,000.00)	-100%
<b>TOTAL REVENUE:</b>	<b>1,327,400.00</b>	<b>1,407,000.00</b>	<b>79,600.00</b>	<b>6%</b>
<b>DIRECT EXPENSES:</b>				
FACILITY, PARKING, FOOD	70,000.00	84,060.00	14,060.00	20%
EXAMINER FEES	35,000.00	35,000.00	-	0%
BOARD OF BAR EXAMINERS	25,000.00	30,000.00	5,000.00	20%
BAR EXAM PROCTORS	31,000.00	31,000.00	-	0%
CHARACTER & FITNESS BOARD EXP	20,000.00	20,000.00	-	0%
DISABILITY ACCOMMODATIONS	20,000.00	20,000.00	-	0%
CHARACTER & FITNESS INVESTIGATIONS	900.00	900.00	-	0%
LAW SCHOOL VISITS	1,000.00	1,600.00	600.00	60%
UBE EXAMINATIONS	130,000.00	135,000.00	5,000.00	4%
LLLT/LPO EXAM WRITING	28,355.00	-	(28,355.00)	
COURT REPORTERS	18,000.00	18,000.00	-	0%
ONLINE LEGAL RESEARCH	-	3,675.00	3,675.00	
LAW LIBRARY	-	1,116.00	1,116.00	
DEPRECIATION	17,776.00	26,900.00	9,124.00	51%
POSTAGE	4,000.00	4,000.00	-	0%
STAFF TRAVEL/PARKING	13,000.00	14,900.00	1,900.00	15%
STAFF MEMBERSHIP DUES	400.00	650.00	250.00	63%
SUPPLIES	2,500.00	2,500.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<b>416,931.00</b>	<b>429,301.00</b>	<b>12,370.00</b>	<b>3%</b>
<b>INDIRECT EXPENSES:</b>				
FTE	6.30	6.80	0.50	8%
SALARY EXPENSE	496,503.00	547,525.00	51,022.00	10%
BENEFIT EXPENSE	188,862.00	205,780.00	16,918.00	9%
OVERHEAD	155,683.00	195,624.00	39,941.00	26%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>841,048.00</b>	<b>948,929.00</b>	<b>107,881.00</b>	<b>13%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,257,979.00</b>	<b>1,378,230.00</b>	<b>120,251.00</b>	<b>10%</b>
<b>NET INCOME (LOSS):</b>	<b>69,421.00</b>	<b>28,770.00</b>	<b>(40,651.00)</b>	

The Supreme Court has delegated to WSBA administrative responsibility over admissions for lawyers, Limited License Legal Technicians (LLLTs), and Limited Practice Officers (LPOs). Each year, over 1,000 people take one of the Uniform Bar Exams offered in February and July in the Puget Sound area, and much smaller numbers take the licensing exams for LPOs and LLLTs, also offered twice a year. In addition, approximately 600 people are admitted through admission by motion and more than 100 through a UBE score transfer, and another several hundred are licensed to practice as house counsel.

This work unit reviews all admission applications for all license types, performs some aspects of the background checks on applicants, further investigates identified character and fitness issues for some applicants for review by Bar Council (up to several hundred each year), and supports the Character and Fitness Board in conducting hearings and making recommendations to the Supreme Court regarding whether to admit and license applicants for all license types (usually between 10 and 20 hearings each year). This work unit also works with the National Conference of Bar Examiners in administering and grading exams for lawyers and the Board of Bar Examiners for grading exams for lawyers. Work has begun to develop and implement a new online application program that can accommodate all of the different types of lawyer admission and licensing applications, rather than needing to use paper applications for many types of applications.

Revenue increases are consistent with historic trends. This year, revenue in this cost center does not include revenue from LPO and LLLT admission applications, but does include revenue from APR 9 Licensed Legal Intern applications. Direct expense budget includes all costs for the lawyer exams and the Boards.

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<b>BOARD OF GOVERNORS</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
<b>TOTAL REVENUE:</b>	-	-	-	
<b>DIRECT EXPENSES:</b>				
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	100,000.00	40,000.00	67%
BOG MEETINGS	117,000.00	210,500.00	93,500.00	80%
BOG COMMITTEES' EXPENSES	30,000.00	30,000.00	-	0%
BOG RETREAT	-	15,000.00	15,000.00	
BOG CONFERENCE ATTENDANCE	49,000.00	44,000.00	(5,000.00)	-10%
BOG TRAVEL & OUTREACH	35,000.00	35,000.00	-	0%
ED TRAVEL & OUTREACH	5,000.00	-	(5,000.00)	-100%
CONSULTING SERVICES	-	5,000.00	5,000.00	
STAFF TRAVEL/PARKING	5,400.00	-	(5,400.00)	-100%
STAFF MEMBERSHIP DUES	2,131.00	400.00	(1,731.00)	-81%
TELEPHONE	1,000.00	-	(1,000.00)	-100%
<b>TOTAL DIRECT EXPENSES:</b>	<b>304,531.00</b>	<b>439,900.00</b>	<b>135,369.00</b>	<b>44%</b>
<b>INDIRECT EXPENSES:</b>				
FTE	2.45	1.00	(1.45)	-59%
SALARY EXPENSE	361,878.00	69,756.00	(292,122.00)	-81%
BENEFIT EXPENSE	107,757.00	26,638.00	(81,119.00)	-75%
OVERHEAD	60,543.00	28,768.00	(31,775.00)	-52%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>530,178.00</b>	<b>125,162.00</b>	<b>(405,016.00)</b>	<b>-76%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>834,709.00</b>	<b>565,062.00</b>	<b>(269,647.00)</b>	<b>-32%</b>
<b>NET INCOME (LOSS):</b>	<b>(834,709.00)</b>	<b>(565,062.00)</b>	<b>269,647.00</b>	

This cost center supports the president, the president-elect, the Board of Governors' work and meetings, and Board committees. The budget includes funding for Board meetings, Board committees, and governor travel and outreach (to local, specialty, and minority bar associations, committees, sections, etc.). In FY20, it also continues to earmark support for the Washington Leadership Institute.



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<b>COMMUNICATION STRATEGIES</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
AWARDS DINNER	50,000.00	40,000.00	(10,000.00)	-20%
50 YEAR MEMBER TRIBUTE LUNCH	750.00	-	(750.00)	-100%
<b>TOTAL REVENUE:</b>	<b><u>50,750.00</u></b>	<b><u>40,000.00</u></b>	<b><u>(10,750.00)</u></b>	<b><u>-21%</u></b>
<b>DIRECT EXPENSES:</b>				
AWARDS DINNER	63,000.00	70,000.00	7,000.00	11%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	8,000.00	-	0%
COMMUNICATIONS OUTREACH	15,000.00	15,000.00	-	0%
SPEAKERS & PROGRAM DEVELOP	1,600.00	-	(1,600.00)	-100%
STAFF TRAVEL/PARKING	4,700.00	4,700.00	-	0%
STAFF MEMBERSHIP DUES	1,000.00	1,515.00	515.00	52%
SUBSCRIPTIONS	10,050.00	10,050.00	-	0%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	1,450.00	-	0%
TELEPHONE	-	325.00	325.00	
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>104,800.00</u></b>	<b><u>111,040.00</u></b>	<b><u>6,240.00</u></b>	<b><u>6%</u></b>
<b>INDIRECT EXPENSES:</b>				
FTE	4.62	4.44	(0.18)	-4%
SALARY EXPENSE	312,393.00	310,102.00	(2,291.00)	-1%
BENEFIT EXPENSE	124,221.00	118,282.00	(5,939.00)	-5%
OVERHEAD	114,168.00	127,731.00	13,563.00	12%
<b>TOTAL INDIRECT EXPENSES:</b>	<b><u>550,782.00</u></b>	<b><u>556,115.00</u></b>	<b><u>5,333.00</u></b>	<b><u>1%</u></b>
<b>TOTAL ALL EXPENSES:</b>	<b><u>655,582.00</u></b>	<b><u>667,155.00</u></b>	<b><u>11,573.00</u></b>	<b><u>2%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>(604,832.00)</u></b>	<b><u>(627,155.00)</u></b>	<b><u>(22,323.00)</u></b>	

Communication Strategies is responsible for member, public, and internal communications; branding and reputation management; media and public relations; marketing; special events; and strategic communication tools aimed at improving member and public engagement and outreach (including content strategy for the WSBA website, WSBA's blog (NWSidebar), social media channels, and broadcast emails). The Communication Strategies Team works with all WSBA departments to support the communications and marketing of WSBA programs, services, and matters of interest to members and the public.

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<b>CONFERENCE &amp; BROADCAST SERVICES</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
<b>TOTAL REVENUE:</b>	-	-	-	
<b>DIRECT EXPENSES:</b>				
TRANSLATION SERVICES	3,500.00	5,500.00	2,000.00	57%
<b>TOTAL DIRECT EXPENSES:</b>	<u>3,500.00</u>	<u>5,500.00</u>	<u>2,000.00</u>	<u>57%</u>
<b>INDIRECT EXPENSES:</b>				
FTE	7.15	7.11	(0.04)	-1%
SALARY EXPENSE	429,625.00	439,469.00	9,844.00	2%
BENEFIT EXPENSE	174,080.00	175,752.00	1,672.00	1%
OVERHEAD	176,688.00	204,542.00	27,854.00	16%
<b>TOTAL INDIRECT EXPENSES:</b>	<u>780,393.00</u>	<u>819,763.00</u>	<u>39,370.00</u>	<u>5%</u>
<b>TOTAL ALL EXPENSES:</b>	<u>783,893.00</u>	<u>825,263.00</u>	<u>41,370.00</u>	<u>5%</u>
<b>NET INCOME (LOSS):</b>	<u>(783,893.00)</u>	<u>(825,263.00)</u>	<u>(41,370.00)</u>	

Conference and Broadcast Services is responsible for the Service Center, meeting facilities, mail and print services, and all other services on WSBA's public floor. In fiscal year 2018, WSBA supported almost 1,500 on-site meetings and events, and the Service Center handled over 45,000 communications with members and the public. This cost center also supports all non-CLE activities related to webcasting, webinars, and recorded products.

## Washington State Bar Association Budget Comparison Report

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DISCIPLINE	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
<b>REVENUE:</b>				
AUDIT REVENUE	3,200.00	2,500.00	(700.00)	-22%
RECOVERY OF DISCIPLINE COSTS	80,000.00	90,000.00	10,000.00	13%
DISCIPLINE HISTORY SUMMARY	13,000.00	14,000.00	1,000.00	8%
PRACTICE MONITOR FEES	-	4,000.00	4,000.00	
<b>TOTAL REVENUE:</b>	<b>96,200.00</b>	<b>110,500.00</b>	<b>14,300.00</b>	<b>15%</b>
<b>DIRECT EXPENSES:</b>				
COURT REPORTERS	55,000.00	35,000.00	(20,000.00)	-36%
OUTSIDE COUNSEL/AIC	2,000.00	1,000.00	(1,000.00)	-50%
LITIGATION EXPENSES	25,000.00	25,000.00	-	0%
DISABILITY EVALUATIONS	7,500.00	7,500.00	-	0%
ONLINE LEGAL RESEARCH	68,000.00	53,287.50	(14,712.50)	-22%
LAW LIBRARY	12,500.00	6,700.00	(5,800.00)	-46%
TRANSLATION SERVICES	1,500.00	1,000.00	(500.00)	-33%
PRACTICE MONITOR EXPENSE	-	4,000.00	4,000.00	
DEPRECIATION	7,123.00	2,300.00	(4,823.00)	-68%
PUBLICATIONS PRODUCTION	444.00	250.00	(194.00)	-44%
STAFF TRAVEL/PARKING	35,000.00	35,000.00	-	0%
STAFF MEMBERSHIP DUES	3,900.00	4,111.00	211.00	5%
TELEPHONE	2,300.00	2,300.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<b>220,267.00</b>	<b>177,448.50</b>	<b>(42,818.50)</b>	<b>-19%</b>
<b>INDIRECT EXPENSES:</b>				
FTE	36.88	36.93	0.05	0%
SALARY EXPENSE	3,556,329.00	3,676,010.00	119,681.00	3%
BENEFIT EXPENSE	1,196,316.00	1,211,817.00	15,501.00	1%
OVERHEAD	911,363.00	1,062,411.00	151,048.00	17%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>5,664,008.00</b>	<b>5,950,238.00</b>	<b>286,230.00</b>	<b>5%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>5,884,275.00</b>	<b>6,127,686.50</b>	<b>243,411.50</b>	<b>4%</b>
<b>NET INCOME (LOSS):</b>	<b>(5,788,075.00)</b>	<b>(6,017,186.50)</b>	<b>(229,111.50)</b>	

The Washington Supreme Court has exclusive responsibility for the lawyer, LPO, and LLLT discipline and disability systems in Washington. By court rule, the Supreme Court delegates regulatory authority to the WSBA through, in part, the Office of Disciplinary Counsel (ODC).

ODC is responsible for fielding communications from individuals with concerns about a lawyer, for reviewing, investigating, and prosecuting grievances about the ethical conduct of Washington lawyers, and for addressing issues involving a lawyer's alleged incapacity to practice law. ODC is also responsible for investigating and prosecuting ethical misconduct by LPOs and LLLTs upon referral from the corresponding regulatory board. More specifically, ODC identifies and dismisses grievances that do not allege unethical conduct, prosecutes violations of the Washington Supreme Court's Rules of Professional Conduct in matters that have been ordered to hearing by a review committee of the Disciplinary Board, and seeks transfers to disability-inactive status for licensees lacking the capacity to practice law. Some disciplinary matters are resolved by stipulation, some involving less serious misconduct may be diverted from discipline into the Diversion Program, while others are contested at a disciplinary hearing. If a hearing-level decision is appealed, disciplinary counsel briefs and argues the appeal to the applicable regulatory board and, in some cases, the Supreme Court. ODC also reviews trust account overdraft notices and conducts random examinations of trust account books and records, tracks and collects costs and expenses assessed against respondents in disciplinary proceedings, and monitors compliance with conditions of probation imposed in disciplinary matters.

To perform these functions, ODC employs disciplinary counsel, investigators, auditors, and a support staff of paralegals and administrative assistants; its expenses are primarily staff-related. Revenues consist primarily of recovery of discipline costs and expenses and service fees for providing discipline history summaries.

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<b>DIVERSITY</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
DONATIONS	110,000.00	125,000.00	15,000.00	14%
SPONSORSHIP REVENUE	4,000.00	-	(4,000.00)	-100%
WORK STUDY GRANTS	10,374.00	10,374.00	-	0%
<b>TOTAL REVENUE:</b>	<b><u>124,374.00</u></b>	<b><u>135,374.00</u></b>	<b><u>11,000.00</u></b>	<b><u>9%</u></b>
<b>DIRECT EXPENSES:</b>				
COMMITTEE FOR DIVERSITY	5,000.00	6,000.00	1,000.00	20%
DIVERSITY EVENTS & PROJECTS	10,000.00	15,750.00	5,750.00	58%
INTERNAL DIVERSITY OUTREACH	200.00	200.00	-	0%
STAFF TRAVEL/PARKING	6,000.00	6,000.00	-	0%
STAFF MEMBERSHIP DUES	350.00	980.00	630.00	180%
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>21,550.00</u></b>	<b><u>28,930.00</u></b>	<b><u>7,380.00</u></b>	<b><u>34%</u></b>
<b>INDIRECT EXPENSES:</b>				
FTE	4.05	3.87	(0.18)	-4%
SALARY EXPENSE	328,835.00	341,233.00	12,398.00	4%
BENEFIT EXPENSE	115,724.00	114,992.00	(732.00)	-1%
OVERHEAD	100,082.00	111,333.00	11,251.00	11%
<b>TOTAL INDIRECT EXPENSES:</b>	<b><u>544,641.00</u></b>	<b><u>567,558.00</u></b>	<b><u>22,917.00</u></b>	<b><u>4%</u></b>
<b>TOTAL ALL EXPENSES:</b>	<b><u>566,191.00</u></b>	<b><u>596,488.00</u></b>	<b><u>30,297.00</u></b>	<b><u>5%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>(441,817.00)</u></b>	<b><u>(461,114.00)</u></b>	<b><u>(19,297.00)</u></b>	

This cost center captures the cost of WSBA's staffing and programming to implement the statewide WSBA Diversity and Inclusion Plan. Activities supported by this cost center include equity and inclusion consultation for legal professionals and organizations, diversity centered research, community networking events held across the state, events to promote inclusion and provide opportunities for mentorship such as the Seattle University Law School ARC Reception, and outreach to and collaboration with Washington's minority bar associations (MBAs). This cost center also supports the WSBA Diversity Committee, development of three diversity-related CLE programs for the Legal Lunchbox and other educational events, like the Beyond the Dialogue Series. Direct costs have been reduced slightly in this cost center, while indirects have increased to reflect the investment of staff resources in delivering these programs. The diversity programs are supported by a \$125,000 grant from the Washington State Bar Foundation in FY20 (a \$15,000 increase over the FY19 budget).

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FOUNDATION	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
<b>REVENUE:</b>				
<b>TOTAL REVENUE:</b>	-	-	-	
<b>DIRECT EXPENSES:</b>				
SPECIAL EVENTS	5,000.00	5,000.00	-	0%
BOARD OF TRUSTEES	3,000.00	3,000.00	-	0%
CONSULTING SERVICES	3,000.00	3,000.00	-	0%
POSTAGE	500.00	500.00	-	0%
PRINTING & COPYING	800.00	900.00	100.00	13%
STAFF TRAVEL/PARKING	1,400.00	750.00	(650.00)	-46%
SUPPLIES	500.00	250.00	(250.00)	-50%
<b>TOTAL DIRECT EXPENSES:</b>	<b>14,200.00</b>	<b>13,400.00</b>	<b>(800.00)</b>	<b>-6%</b>
<b>INDIRECT EXPENSES:</b>				
FTE	1.15	1.05	(0.10)	-9%
SALARY EXPENSE	89,538.00	90,008.00	470.00	1%
BENEFIT EXPENSE	32,707.00	31,689.00	(1,018.00)	-3%
OVERHEAD	28,418.00	30,135.00	1,717.00	6%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>150,663.00</b>	<b>151,832.00</b>	<b>1,169.00</b>	<b>1%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>164,863.00</b>	<b>165,232.00</b>	<b>369.00</b>	<b>0%</b>
<b>NET INCOME (LOSS):</b>	<b>(164,863.00)</b>	<b>(165,232.00)</b>	<b>(369.00)</b>	

The Washington State Bar Foundation is the fundraising arm of the WSBA. This cost center reflects the staffing, operations, and administrative support WSBA provides to the Foundation in exchange for its fundraising services. The Foundation will contribute \$250,000 in revenue to WSBA's FY20 budget to support public service, diversity, and access to justice efforts within the Advancement Department cost centers. We continue to look for opportunities to reduce indirect and direct costs in this cost center to better reflect the actual cost of delivering this service.

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<b>HUMAN RESOURCES</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
<b>TOTAL REVENUE:</b>	-	-	-	
<b>DIRECT EXPENSES:</b>				
STAFF TRAINING- GENERAL	30,000.00	30,000.00	-	0%
RECRUITING AND ADVERTISING	7,000.00	7,000.00	-	0%
PAYROLL PROCESSING	49,000.00	49,000.00	-	0%
SALARY SURVEYS	2,900.00	2,900.00	-	0%
CONSULTING SERVICES	10,000.00	75,000.00	65,000.00	650%
STAFF TRAVEL/PARKING	150.00	250.00	100.00	67%
STAFF MEMBERSHIP DUES	1,250.00	870.00	(380.00)	-30%
SUBSCRIPTIONS	2,100.00	2,100.00	-	0%
TRANSFER TO INDIRECT EXPENSE	(102,400.00)	(167,120.00)	(64,720.00)	63%
<b>TOTAL DIRECT EXPENSES:</b>	-	-	-	
<b>INDIRECT EXPENSES:</b>				
FTE	2.45	2.45	-	0%
SALARY EXPENSE	260,398.00	271,913.00	11,515.00	4%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	(200,000.00)	-	0%
BENEFIT EXPENSE	84,017.00	86,720.00	2,703.00	3%
OVERHEAD	60,543.00	70,482.00	9,939.00	16%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>204,958.00</b>	<b>229,115.00</b>	<b>24,157.00</b>	<b>12%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>204,958.00</b>	<b>229,115.00</b>	<b>24,157.00</b>	<b>12%</b>
<b>NET INCOME (LOSS):</b>	<b>(204,958.00)</b>	<b>(229,115.00)</b>	<b>(24,157.00)</b>	

The Human Resources Department handles all human resources functions, including recruitment and retention, compensation and benefits administration, employee relations, legal compliance, equal employment opportunity, employee on-boarding, ongoing employee training and development, performance management, and human resources policies and procedures. Expenses reflected here are solely for staffing (salaries, benefits, and overhead). Direct costs located in this cost center are allocated out to all cost centers through "Overhead" in the indirect expense allocation. Direct expenses include payroll processing, staff training, and recruiting costs.

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<b>LAW CLERK PROGRAM</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
LAW CLERK FEES	162,000.00	172,000.00	10,000.00	6%
LAW CLERK APPLICATION FEES	4,000.00	2,700.00	(1,300.00)	-33%
<b>TOTAL REVENUE:</b>	<u><b>166,000.00</b></u>	<u><b>174,700.00</b></u>	<u><b>8,700.00</b></u>	<u><b>5%</b></u>
<b>DIRECT EXPENSES:</b>				
CHARACTER & FITNESS INVESTIGATIONS	100.00	100.00	-	0%
LAW CLERK BOARD EXPENSE	6,000.00	10,000.00	4,000.00	67%
LAW CLERK OUTREACH	5,000.00	3,000.00	(2,000.00)	-40%
STAFF TRAVEL/PARKING	-	600.00	600.00	
SUBSCRIPTIONS	250.00	250.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<u><b>11,350.00</b></u>	<u><b>13,950.00</b></u>	<u><b>2,600.00</b></u>	<u><b>23%</b></u>
<b>INDIRECT EXPENSES:</b>				
FTE	1.10	1.25	0.15	14%
SALARY EXPENSE	84,449.00	92,121.00	7,672.00	9%
BENEFIT EXPENSE	31,033.00	34,398.00	3,365.00	11%
OVERHEAD	27,183.00	35,960.00	8,777.00	32%
<b>TOTAL INDIRECT EXPENSES:</b>	<u><b>142,665.00</b></u>	<u><b>162,479.00</b></u>	<u><b>19,814.00</b></u>	<u><b>14%</b></u>
<b>TOTAL ALL EXPENSES:</b>	<u><b>154,015.00</b></u>	<u><b>176,429.00</b></u>	<u><b>22,414.00</b></u>	<u><b>15%</b></u>
<b>NET INCOME (LOSS):</b>	<u><b>11,985.00</b></u>	<u><b>(1,729.00)</b></u>	<u><b>(13,714.00)</b></u>	

The Law Clerk Program is now joined with LLLT and LPO licensing in the "Innovative Licensing Programs" work unit within RSD. This cost center captures the revenue and expenses for the APR 6 Law Clerk Program, which is a program of education that offers an alternative to law school by allowing Law Clerks to study law with a tutor/employer while working full time with the employer; the standard program is four years, the curriculum is essentially the same as a three year JD program curriculum, and Law Clerks must pass character and fitness review and pass the Bar exam to be eligible for admission and licensing as a lawyer. The Board hopes to expand the program through increased outreach and education about the program, and with improving employment situations, expansion of the number of participants may continue to be a possibility. RSD staff has been working to improve the data base at the heart of the program in order to provide improved services to the Law Clerks and tutors. RSD and Communications staff have been working to increase the outreach about and visibility of the program.

Revenues are generated from modest fees charged to the Law Clerks to participate in the program. Expenses are the costs to administer the Law Clerk program and the expenses incurred by the Law Clerk Board. This program has been slowly increasing in size and currently stands at about 84 clerk/tutor pairs around the state.

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LEGISLATIVE	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
<b>REVENUE:</b>				
<b>TOTAL REVENUE:</b>	-	-	-	
<b>DIRECT EXPENSES:</b>				
RENT - OLYMPIA OFFICE	2,500.00	2,500.00	-	0%
CONTRACT LOBBYIST	5,000.00	5,000.00	-	0%
LOBBYIST CONTACT COSTS	1,000.00	-	(1,000.00)	-100%
LEGISLATIVE COMMITTEE	2,500.00	2,500.00	-	0%
BOG LEGISLATIVE COMMITTEE	250.00	250.00	-	0%
STAFF TRAVEL/PARKING	4,550.00	2,500.00	(2,050.00)	-45%
STAFF MEMBERSHIP DUES	450.00	450.00	-	0%
SUBSCRIPTIONS	2,000.00	2,000.00	-	0%
TELEPHONE	400.00	-	(400.00)	-100%
<b>TOTAL DIRECT EXPENSES:</b>	<b>18,650.00</b>	<b>15,200.00</b>	<b>(3,450.00)</b>	<b>-18%</b>
<b>INDIRECT EXPENSES:</b>				
FTE	1.10	1.10	-	0%
SALARY EXPENSE	80,340.00	82,883.00	2,543.00	3%
BENEFIT EXPENSE	27,893.00	30,676.00	2,783.00	10%
OVERHEAD	27,183.00	31,645.00	4,462.00	16%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>135,416.00</b>	<b>145,204.00</b>	<b>9,788.00</b>	<b>7%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>154,066.00</b>	<b>160,404.00</b>	<b>6,338.00</b>	<b>4%</b>
<b>NET INCOME (LOSS):</b>	<b>(154,066.00)</b>	<b>(160,404.00)</b>	<b>(6,338.00)</b>	

The Outreach and Legislative Affairs Manager and the Outreach and Legislative Affairs Coordinator work closely with WSBA leadership and sections to formulate positions on legislation, track relevant legislation during session and provide technical advice on bills and existing statutes to the Legislature. Reduced contract lobbyist, Olympia space rental, and staffing costs reflect reevaluation of legislative support needs.



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<b>LICENSING AND MEMBERSHIP RECORDS</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
STATUS CERTIFICATE FEES	22,000.00	22,000.00	-	0%
RULE 9/LEGAL INTERN FEES	11,000.00	-	(11,000.00)	-100%
INVESTIGATION FEES	22,000.00	22,700.00	700.00	3%
PRO HAC VICE	230,000.00	270,000.00	40,000.00	17%
MEMBER CONTACT INFORMATION	19,000.00	10,000.00	(9,000.00)	-47%
PHOTO BAR CARD SALES	350.00	300.00	(50.00)	-14%
<b>TOTAL REVENUE:</b>	<b><u>304,350.00</u></b>	<b><u>325,000.00</u></b>	<b><u>20,650.00</u></b>	<b><u>7%</u></b>
<b>DIRECT EXPENSES:</b>				
LICENSING FORMS	3,000.00	2,437.50	(562.50)	-19%
DEPRECIATION	13,812.00	13,850.00	38.00	0%
POSTAGE	29,000.00	19,500.00	(9,500.00)	-33%
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>45,812.00</u></b>	<b><u>35,787.50</u></b>	<b><u>(10,024.50)</u></b>	<b><u>-22%</u></b>
<b>INDIRECT EXPENSES:</b>				
FTE	4.35	4.20	(0.15)	-3%
SALARY EXPENSE	395,080.00	386,870.00	(8,210.00)	-2%
BENEFIT EXPENSE	133,752.00	130,142.00	(3,610.00)	-3%
OVERHEAD	107,495.00	120,827.00	13,332.00	12%
<b>TOTAL INDIRECT EXPENSES:</b>	<b><u>636,327.00</u></b>	<b><u>637,839.00</u></b>	<b><u>1,512.00</u></b>	<b><u>0%</u></b>
<b>TOTAL ALL EXPENSES:</b>	<b><u>682,139.00</u></b>	<b><u>673,626.50</u></b>	<b><u>(8,512.50)</u></b>	<b><u>-1%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>(377,789.00)</u></b>	<b><u>(348,626.50)</u></b>	<b><u>29,162.50</u></b>	

All member and license types are tracked in one database and their annual license renewal processes are administered by this work group. This work group includes all activities associated with the collection of annual license fees; processing changes to a member's information on record with the WSBA; providing mailing and emailing lists for internal and external requesters consistent with WSBA policy, bylaws, and the Admission and Practice Rules; and maintaining the accuracy of the membership records database and transmitting it to the Supreme Court.

Revenues are generated from application fees for pro hac vice admissions, as well as limited sales of member contact information, member status certificates, investigation fees for status changes, and revenue from sales of photo bar cards. Expenses are primarily printing and postage costs for the annual license packets and compliance follow up, and all status changes. Revenue changes are consistent with historic trends; direct costs change with changes in printing and mailing costs. Licensing revenue and expenses for annual licensing of LLLTs and LPOs are now reflected in those cost centers.

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<b>LICENSING</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
LLLT LICENSE FEES	5,800.00	-	(5,800.00)	-100%
LICENSE FEES	15,778,000.00	16,200,000.00	422,000.00	3%
LPO LICENSE FEES	174,400.00	-	(174,400.00)	-100%
<b>TOTAL REVENUE:</b>	<u>15,958,200.00</u>	<u>16,200,000.00</u>	<u>241,800.00</u>	<u>2%</u>
<b>DIRECT EXPENSES:</b>				
<b>TOTAL DIRECT EXPENSES:</b>	<u>-</u>	<u>-</u>	<u>-</u>	
<b>INDIRECT EXPENSES:</b>				
<b>TOTAL INDIRECT EXPENSES:</b>	<u>-</u>	<u>-</u>	<u>-</u>	
<b>TOTAL ALL EXPENSES:</b>	<u>-</u>	<u>-</u>	<u>-</u>	
<b>NET INCOME (LOSS):</b>	<u>15,958,200.00</u>	<u>16,200,000.00</u>	<u>241,800.00</u>	

Most cost centers across WSBA are supported by license fee funds. The Licensing cost center tracks this revenue without any associated expenses. Increase in revenue is attributable to increased license fee rates for all members in FY20.

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<b>LIMITED LICENSE LEGAL TECHNICIAN</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
LLLT LICENSE FEES	-	7,550.00	7,550.00	
LLLT EXAM FEES	-	4,500.00	4,500.00	
SEMINAR REGISTRATIONS	-	14,655.00	14,655.00	
INVESTIGATION FEES	-	300.00	300.00	
LLLT WAIVER FEES	-	300.00	300.00	
MEMBER LATE FEES	-	300.00	300.00	
<b>TOTAL REVENUE:</b>	<b>-</b>	<b>27,605.00</b>	<b>27,605.00</b>	
<b>DIRECT EXPENSES:</b>				
FACILITY, PARKING, FOOD	-	600.00	600.00	
LLLT BOARD	17,000.00	18,000.00	1,000.00	6%
LLLT OUTREACH	8,000.00	3,000.00	(5,000.00)	-63%
LLLT EXAM WRITING	-	14,178.00	14,178.00	
LLLT EDUCATION	-	5,650.00	5,650.00	
LICENSING FORMS	-	2.50	2.50	
POSTAGE	-	20.00	20.00	
STAFF TRAVEL/PARKING	600.00	600.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<b>25,600.00</b>	<b>42,050.50</b>	<b>16,450.50</b>	<b>64%</b>
<b>INDIRECT EXPENSES:</b>				
FTE	1.55	1.34	(0.21)	-14%
SALARY EXPENSE	135,526.00	103,330.00	(32,196.00)	-24%
BENEFIT EXPENSE	41,762.00	37,843.00	(3,919.00)	-9%
OVERHEAD	38,303.00	38,406.00	103.00	0%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>215,591.00</b>	<b>179,579.00</b>	<b>(36,012.00)</b>	<b>-17%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>241,191.00</b>	<b>221,629.50</b>	<b>(19,561.50)</b>	<b>-8%</b>
<b>NET INCOME (LOSS):</b>	<b>(241,191.00)</b>	<b>(194,024.50)</b>	<b>47,166.50</b>	

The Limited License Legal Technician (LLLT) license type (APR 28), was created by the Supreme Court and delegated to WSBA in 2012. LLLTs are WSBA members; there are 42 licensed LLLTs, with 37 of them currently on Active status. This cost center is used to track all revenues and expenses associated with the LLLT Program license type.

This cost center includes all revenue from admission, licensing, and MCLE functions for LLLTs, and all expenses related to admitting, licensing and annual license renewal (including MCLE reporting) for LLLTs, and includes staffing and expenses related to the LLLT Board, which by court rule oversees the license type. Also included are direct expenses for work with Ergometrics, a professional testing company that assists WSBA and the LLLT Board in preparing LLLT exams (similar to some parts of the assistance WSBA receives from the NCBE for the lawyer exam).

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<b>LIMITED PRACTICE OFFICERS</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
INVESTIGATION FEES	-	1,000.00	1,000.00	
LPO EXAMINATION FEES	-	26,000.00	26,000.00	
LPO LICENSE FEES	-	173,900.00	173,900.00	
LPO LATE LICENSE FEES	-	4,590.00	4,590.00	
ACCREDITED PROGRAM FEES	-	6,000.00	6,000.00	
MEMBER LATE FEES	-	900.00	900.00	
<b>TOTAL REVENUE:</b>	<b>-</b>	<b>212,390.00</b>	<b>212,390.00</b>	
<b>DIRECT EXPENSES:</b>				
FACILITY, PARKING, FOOD	-	6,890.00	6,890.00	
LPO EXAM WRITING	-	14,178.00	14,178.00	
ONLINE LEGAL RESEARCH	-	1,837.50	1,837.50	
LAW LIBRARY	-	279.00	279.00	
LICENSING FORMS	-	60.00	60.00	
LPO BOARD	3,000.00	3,000.00	-	0%
LPO OUTREACH	-	3,000.00	3,000.00	
POSTAGE	-	480.00	480.00	
PRINTING & COPYING	-	200.00	200.00	
STAFF TRAVEL/PARKING	-	100.00	100.00	
<b>TOTAL DIRECT EXPENSES:</b>	<b>3,000.00</b>	<b>30,024.50</b>	<b>27,024.50</b>	<b>901%</b>
<b>INDIRECT EXPENSES:</b>				
FTE	1.17	1.09	(0.08)	-7%
SALARY EXPENSE	99,089.00	86,688.00	(12,401.00)	-13%
BENEFIT EXPENSE	40,651.00	31,360.00	(9,291.00)	-23%
OVERHEAD	28,913.00	31,214.00	2,301.00	8%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>168,653.00</b>	<b>149,262.00</b>	<b>(19,391.00)</b>	<b>-11%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>171,653.00</b>	<b>179,286.50</b>	<b>7,633.50</b>	<b>4%</b>
<b>NET INCOME (LOSS):</b>	<b>(171,653.00)</b>	<b>33,103.50</b>	<b>204,756.50</b>	

The Limited Practice Officer (LPO) license type (APR 12), was created by the Supreme Court, and later delegated to the WSBA in 2002. LPOs are WSBA members; there are about 971 licensed LPOs, with 804 of them on Active status. This cost center is used to track all revenues and expenses associated with the Limited Practice Officer (LPO) license type.

This cost center includes all revenue from admission, licensing, and MCLE functions for LPOs, and all expenses related to admitting, licensing and annual license renewal (including MCLE reporting) for LPOs, and includes staffing and expenses related to the Limited Practice Board, which by court rule oversees the program. Also included are direct expenses for work with Ergometrics a professional testing company that assists WSBA and the LP Board in preparing LPO exams (similar to some parts of the assistance WSBA receives from the NCBE for the lawyer exams).

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<b>MANDATORY CONTINUING LEGAL EDUCATION</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
ACCREDITED PROGRAM FEES	540,000.00	534,000.00	(6,000.00)	-1%
FORM1 LATE FEE	150,000.00	150,000.00	-	0%
MEMBER LATE FEES	203,000.00	201,800.00	(1,200.00)	-1%
ANNUAL ACCREDITED SPONSOR FEES	43,000.00	43,000.00	-	0%
ATTENDANCE LATE FEES	85,000.00	85,000.00	-	0%
COMITY CERTIFICATES	29,000.00	29,000.00	-	0%
<b>TOTAL REVENUE:</b>	<b><u>1,050,000.00</u></b>	<b><u>1,042,800.00</u></b>	<b><u>(7,200.00)</u></b>	<b><u>-1%</u></b>
<b>DIRECT EXPENSES:</b>				
ONLINE LEGAL RESEARCH	-	1,837.50	1,837.50	
LAW LIBRARY	-	279.00	279.00	
MCLE BOARD EXPENSES	2,000.00	2,000.00	-	0%
DEPRECIATION	249,948.00	250,000.00	52.00	0%
STAFF MEMBERSHIP DUES	500.00	500.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>252,448.00</u></b>	<b><u>254,616.50</u></b>	<b><u>2,168.50</u></b>	<b><u>1%</u></b>
<b>INDIRECT EXPENSES:</b>				
FTE	4.90	4.65	(0.25)	-5%
SALARY EXPENSE	374,898.00	424,678.00	49,780.00	13%
BENEFIT EXPENSE	124,996.00	123,400.00	(1,596.00)	-1%
OVERHEAD	121,087.00	133,772.00	12,685.00	10%
<b>TOTAL INDIRECT EXPENSES:</b>	<b><u>620,981.00</u></b>	<b><u>681,850.00</u></b>	<b><u>60,869.00</u></b>	<b><u>10%</u></b>
<b>TOTAL ALL EXPENSES:</b>	<b><u>873,429.00</u></b>	<b><u>936,466.50</u></b>	<b><u>63,037.50</u></b>	<b><u>7%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>176,571.00</u></b>	<b><u>106,333.50</u></b>	<b><u>(70,237.50)</u></b>	

MCLE administration is a core regulatory function of the WSBA. This area processes requests for accreditation of all CLE programs for all license types, a total of about 20,000 accreditation requests per year, and tracks the earned credits and the CLE certifications and requirements of all individual members to ascertain whether they have completed their minimum continuing education requirements. Every year, approximately one-third of the active WSBA members are required to report their MCLE credits.

Revenue increases are consistent with historical trends. The cost center tracks direct expenses related to MCLE accreditation and compliance (except expenses related for LLLT and LPO MCLE, which are included in those cost centers this year), and is also used to track staffing and expenses related to the MCLE Board, which by court rule oversees the program for all license types.

## Washington State Bar Association

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MEMBER ASSISTANCE PROGRAM	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
<b>REVENUE:</b>				
DIVERSIONS	10,000.00	6,750.00	(3,250.00)	-33%
<b>TOTAL REVENUE:</b>	<u>10,000.00</u>	<u>6,750.00</u>	<u>(3,250.00)</u>	<u>-33%</u>
<b>DIRECT EXPENSES:</b>				
PROF LIAB INSURANCE	850.00	850.00	-	0%
PUBLICATIONS PRODUCTION	200.00	200.00	-	0%
STAFF MEMBERSHIP DUES	225.00	225.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<u>1,275.00</u>	<u>1,275.00</u>	<u>-</u>	<u>0%</u>
<b>INDIRECT EXPENSES:</b>				
FTE	0.90	0.90	-	0%
SALARY EXPENSE	84,582.00	87,698.00	3,116.00	4%
BENEFIT EXPENSE	34,402.00	35,067.00	665.00	2%
OVERHEAD	22,240.00	25,891.00	3,651.00	16%
<b>TOTAL INDIRECT EXPENSES:</b>	<u>141,224.00</u>	<u>148,656.00</u>	<u>7,432.00</u>	<u>5%</u>
<b>TOTAL ALL EXPENSES:</b>	<u>142,499.00</u>	<u>149,931.00</u>	<u>7,432.00</u>	<u>5%</u>
<b>NET INCOME (LOSS):</b>	<u>(132,499.00)</u>	<u>(143,181.00)</u>	<u>(10,682.00)</u>	

The Member Wellness Program is a confidential (APR 19) program whose goal is to help lawyers prevent and/or address psychological, emotional, addiction, family, health, stress, and other personal problems and provide education and services to foster member well-being. Services include assessment, short-term consultation, group services (e.g. for Job Seekers) and referral, follow-up, and training. MWP administers all Diversion Program respondent evaluations, and handles evaluation interviews, written reports, monitoring, and consultations with other treating professionals and ODC staff. MWP also provides judicial officer referrals for clinical service through the Judicial Assistance Services Program (JASP). Last year, MWP conducted approximately 200 consultations and gave presentations reaching 1,200 members.

Additionally, LAP makes assistance available to all WSBA members through a community partner, KEPRO, whose licensed professionals are available 24/7 assess, treat, and refer impaired lawyers. This program, known as WSBA Connects, provides members access to a suite of work/life integration services including financial counseling, family caregiver referral, and online resources and information to address a wide range of personal and work issues. Extended resources include a free, statewide MWP-trained peer advisor network, self-care website resources, and free or low cost work and wellness educational programming. Revenues come from Diversion Program fees; expenses are principally staff-related costs.

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<b>MEMBER SERVICES AND ENGAGEMENT</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
ROYALTIES	30,000.00	42,500.00	12,500.00	42%
NMP PRODUCT SALES	70,000.00	70,000.00	-	0%
SPONSORSHIPS	1,200.00	800.00	(400.00)	-33%
SEMINAR REGISTRATIONS	30,000.00	15,000.00	(15,000.00)	-50%
TRIAL ADVOCACY PROGRAM	10,000.00	10,000.00	-	0%
<b>TOTAL REVENUE:</b>	<b>141,200.00</b>	<b>138,300.00</b>	<b>(2,900.00)</b>	<b>-2%</b>
<b>DIRECT EXPENSES:</b>				
WYLC OUTREACH EVENTS	2,500.00	2,500.00	-	0%
LENDING LIBRARY	5,500.00	5,500.00	-	0%
NMP SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	1,500.00	-	0%
WYL COMMITTEE	15,000.00	15,000.00	-	0%
OPEN SECTIONS NIGHT	4,400.00	3,000.00	(1,400.00)	
RURAL PLACEMENT PROGRAM	10,500.00	-	(10,500.00)	
TRIAL ADVOCACY PROGRAM	2,500.00	2,500.00	-	0%
RECEPTION/FORUM EXPENSE	4,000.00	4,000.00	-	0%
WYLC SCHOLARSHIPS/DONATIONS/GRANT	2,500.00	2,500.00	-	0%
YLL SECTION PROGRAM	1,100.00	1,100.00	-	0%
WYLC CLE COMPS	1,000.00	1,000.00	-	0%
STAFF TRAVEL/PARKING	4,500.00	2,500.00	(2,000.00)	-44%
STAFF MEMBERSHIP DUES	385.00	445.00	60.00	16%
SUBSCRIPTIONS	480.00	500.00	20.00	4%
CONFERENCE CALLS	200.00	300.00	100.00	50%
<b>TOTAL DIRECT EXPENSES:</b>	<b>56,065.00</b>	<b>42,345.00</b>	<b>(13,720.00)</b>	<b>-24%</b>
<b>INDIRECT EXPENSES:</b>				
FTE	3.98	4.24	0.26	7%
SALARY EXPENSE	296,941.00	326,272.00	29,331.00	10%
BENEFIT EXPENSE	110,321.00	119,762.00	9,441.00	9%
OVERHEAD	98,352.00	121,977.00	23,625.00	24%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>505,614.00</b>	<b>568,011.00</b>	<b>62,397.00</b>	<b>12%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>561,679.00</b>	<b>610,356.00</b>	<b>48,677.00</b>	<b>9%</b>
<b>NET INCOME (LOSS):</b>	<b>(420,479.00)</b>	<b>(472,056.00)</b>	<b>(51,577.00)</b>	

Member Services and Engagement coordinates and executes a range of projects, initiatives and programs that focus on mentorship, new members, and practice management. These activities are designed to support member competence, professionalism and strengthen community.

In FY19 this cost center will support the direct and indirect costs of: (1) developing a 24-credit Practice Primer Track, the annual Trial Advocacy Program, and a free financial/debt management seminar; (2) supporting 1 Open Sections Night, 4 MentorLink Mixers, the Young Lawyer Liaison Program (to Sections), 4 Public Service Incentive Awards (free CLEs), the Law School WSBA Representatives Program, the WSBA mentorship curriculum, ALPS Attorney Match, and mentorship programs offered by our community partners across the state; (3) supporting those in solo and small-firm practice and those going through practice transitions by continuing to offer free telephone consultations, maintaining a Lending Library, referrals to external consultant, offering discounts to practice management vendors, and promoting WSBA online guides; (4) supporting the Washington Young Lawyers Committee and the ABA YLD District Representative; (5) promoting the WSBA Health Insurance Exchange..

FY20 revenue includes rebates received for WSBA's Practice Management Discount Network, (products made available to WSBA members at a discount), CLE registration for live seminars, and sales of on-demand recorded products. Overall direct expenses for the cost center in FY20 are reduced from FY19.

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

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<b>MEMBERSHIP BENEFITS</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
SPONSORSHIPS	8,000.00	9,000.00	1,000.00	13%
INTERNET SALES	9,000.00	12,000.00	3,000.00	33%
<b>TOTAL REVENUE:</b>	<b><u>17,000.00</u></b>	<b><u>21,000.00</u></b>	<b><u>4,000.00</u></b>	<b><u>24%</u></b>
<b>DIRECT EXPENSES:</b>				
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	-	(500.00)	-100%
LEGAL LUNCHBOX SPEAKERS & PROGRAM DEVELOP	1,700.00	2,000.00	300.00	18%
WSBA CONNECTS	46,560.00	46,560.00	-	
CASEMAKER & FASTCASE	136,336.00	136,436.00	100.00	0%
TRANSCRIPTION SERVICES	-	1,500.00	1,500.00	
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>185,096.00</u></b>	<b><u>186,496.00</u></b>	<b><u>1,400.00</u></b>	<b><u>1%</u></b>
<b>INDIRECT EXPENSES:</b>				
FTE	0.73	0.69	(0.04)	-5%
SALARY EXPENSE	54,366.00	53,322.00	(1,044.00)	-2%
BENEFIT EXPENSE	20,206.00	19,484.00	(722.00)	-4%
OVERHEAD	18,039.00	19,706.00	1,667.00	9%
<b>TOTAL INDIRECT EXPENSES:</b>	<b><u>92,611.00</u></b>	<b><u>92,512.00</u></b>	<b><u>(99.00)</u></b>	<b><u>0%</u></b>
<b>TOTAL ALL EXPENSES:</b>	<b><u>277,707.00</u></b>	<b><u>279,008.00</u></b>	<b><u>1,301.00</u></b>	<b><u>0%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>(260,707.00)</u></b>	<b><u>(258,008.00)</u></b>	<b><u>2,699.00</u></b>	

This cost center includes costs associated with programs benefiting WSBA's membership as a part of their annual license fee: (1) Casemaker and Fastcase, two free legal research tools; (2) Legal Lunch Box Series, a free monthly CLEs with attendance in excess of 20,000 in FY18; and (3) WSBA Connects, a confidential 24/7 member assistance program operated by Kepro, our community partner (see Member Wellness Program cost center narrative for a fuller description of this program). The cost center also includes the revenue for sponsorship and online sales associated with the Legal Lunchbox Series.



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NW LAWYER	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
<b>REVENUE:</b>				
DISPLAY ADVERTISING	297,500.00	297,500.00	-	0%
SUBSCRIPT/SINGLE ISSUES	350.00	350.00	-	0%
CLASSIFIED ADVERTISING	12,500.00	12,500.00	-	0%
GEN ANNOUNCEMENTS	17,500.00	17,500.00	-	0%
PROF ANNOUNCEMENTS	21,000.00	21,000.00	-	0%
JOB TARGET	112,500.00	112,500.00	-	0%
<b>TOTAL REVENUE:</b>	<b>461,350.00</b>	<b>461,350.00</b>	<b>-</b>	<b>0%</b>
<b>DIRECT EXPENSES:</b>				
GRAPHICS/ARTWORK	3,500.00	3,500.00	-	0%
EDITORIAL ADVIS COMMITTEE EXP	800.00	800.00	-	0%
BAD DEBT EXPENSE	2,000.00	2,000.00	-	0%
POSTAGE	89,000.00	89,000.00	-	0%
PRINTING & COPYING	250,000.00	250,000.00	-	0%
STAFF MEMBERSHIP DUES	135.00	615.00	480.00	356%
DIGITAL/ONLINE DEVELOPMENT	10,200.00	12,000.00	1,800.00	18%
<b>TOTAL DIRECT EXPENSES:</b>	<b>355,635.00</b>	<b>357,915.00</b>	<b>2,280.00</b>	<b>1%</b>
<b>INDIRECT EXPENSES:</b>				
FTE	2.25	2.55	0.30	13%
SALARY EXPENSE	177,211.00	206,395.00	29,184.00	16%
BENEFIT EXPENSE	70,006.00	79,825.00	9,819.00	14%
OVERHEAD	55,601.00	73,359.00	17,758.00	32%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>302,818.00</b>	<b>359,579.00</b>	<b>56,761.00</b>	<b>19%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>658,453.00</b>	<b>717,494.00</b>	<b>59,041.00</b>	<b>9%</b>
<b>NET INCOME (LOSS):</b>	<b>(197,103.00)</b>	<b>(256,144.00)</b>	<b>(59,041.00)</b>	

NWLawyer is the official publication of WSBA and serves as the primary method of print communication that is received by all WSBA members and is available to inactive and emeritus members on request. A digital online version is also available. The Editorial Advisory Committee provides oversight and guidance as needed. Authors are volunteers and are not paid for their contributions. Editing and production of NWLawyer is administered by the staff in the Communications and Outreach Department. NWLawyer revenues come from sales of advertisements (display ads, classified ads, professional ads, and announcements) and subscriptions (to nonmembers). Expenses include outside advertising sales management, printing, mailing services, postage, and some artwork. All design and layout, as well as much of the photography and artwork, are performed in-house. The overall increase in indirect costs reflects staff time devoted to bringing on a new, full-time editor. After vetting several options, WSBA entered into a contract with a professional advertising management company (SagaCity Media) in January 2018 for the express purpose of increasing ad sales revenue. The production team is working with SagaCity to set ad targets and diversify the types of ads included in the magazine to begin to make the magazine more cost-neutral. We have also contracted (as of June 2019) for an upgraded platform for the digital version of the magazine that will allow for additional online ads, producing an additional revenue stream.

**Washington State Bar Association**  
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For the Period from October 1, 2019 to September 30, 2020

<b>OFFICE OF THE EXECUTIVE DIRECTOR</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
<b>TOTAL REVENUE:</b>	-	-	-	
<b>DIRECT EXPENSES:</b>				
ED TRAVEL & OUTREACH	-	5,000.00	5,000.00	
LAW LIBRARY	-	279.00	279.00	
STAFF TRAVEL/PARKING	-	5,400.00	5,400.00	
STAFF MEMBERSHIP DUES	-	1,700.00	1,700.00	
TELEPHONE	-	1,000.00	1,000.00	
<b>TOTAL DIRECT EXPENSES:</b>	-	<b>13,379.00</b>	<b>13,379.00</b>	
<b>INDIRECT EXPENSES:</b>				
FTE	-	1.45	1.45	
SALARY EXPENSE	-	247,104.00	247,104.00	
BENEFIT EXPENSE	-	71,244.00	71,244.00	
OVERHEAD	-	41,714.00	41,714.00	
<b>TOTAL INDIRECT EXPENSES:</b>	-	<b>360,062.00</b>	<b>360,062.00</b>	
<b>TOTAL ALL EXPENSES:</b>	-	<b>373,441.00</b>	<b>373,441.00</b>	
<b>NET INCOME (LOSS):</b>	-	<b>(373,441.00)</b>	<b>(373,441.00)</b>	

This cost center supports the Office of the Executive Director. The budget includes funding travel and outreach as well as other related expenses.

**Washington State Bar Association**  
**Budget Comparison Report**  
For the Period from October 1, 2019 to September 30, 2020

<b>OFFICE OF GENERAL COUNSEL</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
<b>TOTAL REVENUE:</b>	-	-	-	
<b>DIRECT EXPENSES:</b>				
LITIGATION EXPENSES	-	500.00	500.00	
ONLINE LEGAL RESEARCH	-	11,025.00	11,025.00	
LAW LIBRARY	-	1,673.00	1,673.00	
COURT RULES COMMITTEE	2,000.00	3,000.00	1,000.00	50%
DISCIPLINE ADVISORY ROUNDTABLE	500.00	500.00	-	0%
CUSTODIANSHIP	2,500.00	2,500.00	-	0%
DEPRECIATION	3,336.00	3,336.00	-	0%
STAFF TRAVEL/PARKING	3,240.00	300.00	(2,940.00)	-91%
STAFF MEMBERSHIP DUES	1,500.00	1,500.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<b>13,076.00</b>	<b>24,334.00</b>	<b>11,258.00</b>	<b>86%</b>
<b>INDIRECT EXPENSES:</b>				
FTE	5.75	5.82	0.07	1%
SALARY EXPENSE	588,978.00	600,907.00	11,929.00	2%
BENEFIT EXPENSE	197,610.00	198,401.00	791.00	0%
OVERHEAD	142,092.00	167,431.00	25,339.00	18%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>928,680.00</b>	<b>966,739.00</b>	<b>38,059.00</b>	<b>4%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>941,756.00</b>	<b>991,073.00</b>	<b>49,317.00</b>	<b>5%</b>
<b>NET INCOME (LOSS):</b>	<b>(941,756.00)</b>	<b>(991,073.00)</b>	<b>(49,317.00)</b>	

The Office of General Counsel serves as counsel to WSBA and the Board of Governors. This office handles or oversees all litigation against WSBA, interpretations and changes to the WSBA bylaws, and other legal issues. It also handles public records requests, custodianship matters, the Client Protection Fund applications, investigation, and processing, and logistical support for Hearing Officers, Conflicts Review Counsel, and for the outside counsel appointed to represent incapacitated respondents in the lawyer discipline system. Staff in this office also supports various boards, committees, task forces, and workgroups, including the Client Protection Board, the Court Rules Committee, Discipline Selection Panel, and the Discipline Advisory Round Table.

**Washington State Bar Association**  
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<b>OFFICE OF GENERAL COUNSEL DISCIPLINARY BOARD</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
<b>TOTAL REVENUE:</b>	-	-	-	
<b>DIRECT EXPENSES:</b>				
LAW LIBRARY	-	1,116.00	1,116.00	
DISCIPLINARY BOARD EXPENSES	10,000.00	10,000.00	-	0%
CHIEF HEARING OFFICER	33,000.00	33,000.00	-	0%
HEARING OFFICER EXPENSES	3,000.00	3,000.00	-	0%
HEARING OFFICER TRAINING	2,000.00	2,000.00	-	0%
OUTSIDE COUNSEL	55,000.00	55,000.00	-	0%
STAFF MEMBERSHIP DUES	500.00	200.00	(300.00)	-60%
<b>TOTAL DIRECT EXPENSES:</b>	<b>103,500.00</b>	<b>104,316.00</b>	<b>816.00</b>	<b>1%</b>
<b>INDIRECT EXPENSES:</b>				
FTE	1.45	1.55	0.10	7%
SALARY EXPENSE	110,578.00	104,449.00	(6,129.00)	-6%
BENEFIT EXPENSE	40,663.00	40,468.00	(195.00)	0%
OVERHEAD	35,832.00	44,591.00	8,759.00	24%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>187,073.00</b>	<b>189,508.00</b>	<b>2,435.00</b>	<b>1%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>290,573.00</b>	<b>293,824.00</b>	<b>3,251.00</b>	<b>1%</b>
<b>NET INCOME (LOSS):</b>	<b>(290,573.00)</b>	<b>(293,824.00)</b>	<b>(3,251.00)</b>	

The Disciplinary Board reviews stipulations to and hearing officer recommendations for suspension and disbarment, holds public oral arguments, and issues written recommendations to the Supreme Court in disciplinary matters. Four separate Review Committees made up of Disciplinary Board members review disciplinary counsel requests for public hearing, admonition, and interim suspension, and dismissals upon request. One assistant general counsel devotes approximately half of her time to this function, assisted by the Clerk to the Disciplinary Board, who handles a significant number of requests for public discipline information.

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**Budget Comparison Report**  
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OUTREACH AND ENGAGEMENT	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
<b>REVENUE:</b>				
<b>TOTAL REVENUE:</b>	-	-	-	
<b>DIRECT EXPENSES:</b>				
ABA DELEGATES	4,500.00	5,600.00	1,100.00	24%
ANNUAL CHAIR MEETINGS	600.00	600.00	-	0%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	4,500.00	-	0%
BOG ELECTIONS	6,500.00	6,500.00	-	0%
BAR OUTREACH	10,000.00	11,600.00	1,600.00	16%
PROFESSIONALISM	2,000.00	2,000.00	-	0%
STAFF TRAVEL/PARKING	1,400.00	-	(1,400.00)	-100%
STAFF MEMBERSHIP DUES	1,152.00	825.00	(327.00)	-28%
CONFERENCE CALLS	200.00	-	(200.00)	-100%
<b>TOTAL DIRECT EXPENSES:</b>	<b>30,852.00</b>	<b>31,625.00</b>	<b>773.00</b>	<b>3%</b>
<b>INDIRECT EXPENSES:</b>				
FTE	2.73	2.73	-	0%
SALARY EXPENSE	224,397.00	231,494.00	7,097.00	3%
BENEFIT EXPENSE	79,186.00	81,898.00	2,712.00	3%
OVERHEAD	67,463.00	78,537.00	11,074.00	16%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>371,046.00</b>	<b>391,929.00</b>	<b>20,883.00</b>	<b>6%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>401,898.00</b>	<b>423,554.00</b>	<b>21,656.00</b>	<b>5%</b>
<b>NET INCOME (LOSS):</b>	<b>(401,898.00)</b>	<b>(423,554.00)</b>	<b>(21,656.00)</b>	

The Outreach and Engagement Division advances strategic bar initiatives by developing, supporting, and overseeing activities that build relationships with the general public; legal professionals; local, county, and specialty bars; policymakers/influencers, and other stakeholders. Outreach work aims to enhance volunteer recruitment, raise awareness and understanding of WSBA programs and priorities, create a sustainable stakeholder network, and leverage Board and staff as brand ambassadors and champions to influence their networks outside of WSBA.

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<b>PRACTICE LAW BOARD</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
<b>TOTAL REVENUE:</b>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<b>DIRECT EXPENSES:</b>				
PRACTICE OF LAW BOARD	16,000.00	16,000.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<u>16,000.00</u>	<u>16,000.00</u>	<u>-</u>	<u>0%</u>
<b>INDIRECT EXPENSES:</b>				
FTE	0.40	0.40	-	0%
SALARY EXPENSE	50,676.00	38,689.00	(11,987.00)	-24%
BENEFIT EXPENSE	13,502.00	13,065.00	(437.00)	-3%
OVERHEAD	9,885.00	11,507.00	1,622.00	16%
<b>TOTAL INDIRECT EXPENSES:</b>	<u>74,063.00</u>	<u>63,261.00</u>	<u>(10,802.00)</u>	<u>-15%</u>
<b>TOTAL ALL EXPENSES:</b>	<u>90,063.00</u>	<u>79,261.00</u>	<u>(10,802.00)</u>	<u>-12%</u>
<b>NET INCOME (LOSS):</b>	<u>(90,063.00)</u>	<u>(79,261.00)</u>	<u>10,802.00</u>	

The Practice of Law Board (POLB) is established by Supreme Court rule and administered by the WSBA to make recommendations to the Supreme Court regarding the practice of law, particularly with regard to the delivery of legal and law related services to the public. The POLB is also charged with educating the public about how to receive competent legal assistance. The POLB reviews allegations of the unauthorized practice of law (UPL) and refers matters for prosecution when appropriate.

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<b>PROFESSIONAL RESPONSIBILITY PROGRAM</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
<b>TOTAL REVENUE:</b>	-	-	-	
<b>DIRECT EXPENSES:</b>				
LAW LIBRARY	-	279.00	279.00	
CPE COMMITTEE	4,200.00	5,000.00	800.00	19%
STAFF TRAVEL/PARKING	2,000.00	4,000.00	2,000.00	100%
STAFF MEMBERSHIP DUES	500.00	375.00	(125.00)	-25%
<b>TOTAL DIRECT EXPENSES:</b>	<b>6,700.00</b>	<b>9,654.00</b>	<b>2,954.00</b>	<b>44%</b>
<b>INDIRECT EXPENSES:</b>				
FTE	1.65	1.55	(0.10)	-6%
SALARY EXPENSE	160,192.00	159,873.00	(319.00)	0%
BENEFIT EXPENSE	57,904.00	57,053.00	(851.00)	-1%
OVERHEAD	40,774.00	44,591.00	3,817.00	9%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>258,870.00</b>	<b>261,517.00</b>	<b>2,647.00</b>	<b>1%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>265,570.00</b>	<b>271,171.00</b>	<b>5,601.00</b>	<b>2%</b>
<b>NET INCOME (LOSS):</b>	<b>(265,570.00)</b>	<b>(271,171.00)</b>	<b>(5,601.00)</b>	

This program includes the ethics phone line, a resource for members to get answers to ethics questions before they take action; support for the Committee on Professional Ethics; and statewide educational ethics presentations. The Ethics Line provides ethics assistance in around 3,000 member calls a year, and Professional Responsibility Counsel is a frequent local (and occasionally national) speaker, making between 40 and 50 presentations a year on ethical issues of concern to our members. In FY17, WSBA staff completed a revamp of the Ethics Advisory Opinion database and search function to make it easier for people to find current, accurate ethics information on the WSBA website.

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<b>PUBLIC SERVICE PROGRAMS</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
DONATIONS	110,000.00	125,000.00	15,000.00	14%
PSP PRODUCT SALES	2,000.00	1,000.00	(1,000.00)	-50%
WORK STUDY GRANTS	-	2,100.00	2,100.00	
<b>TOTAL REVENUE:</b>	<b>112,000.00</b>	<b>128,100.00</b>	<b>16,100.00</b>	<b>14%</b>
<b>DIRECT EXPENSES:</b>				
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	2,000.00	-	0%
PUBLIC SERVICE EVENTS AND PROJECTS	20,500.00	25,000.00	4,500.00	22%
DONATIONS/SPONSORSHIPS	207,915.00	221,777.00	13,862.00	7%
STAFF TRAVEL/PARKING	2,000.00	2,000.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<b>232,415.00</b>	<b>250,777.00</b>	<b>18,362.00</b>	<b>8%</b>
<b>INDIRECT EXPENSES:</b>				
FTE	1.03	1.54	0.51	50%
SALARY EXPENSE	87,057.00	117,048.00	29,991.00	34%
BENEFIT EXPENSE	29,994.00	42,502.00	12,508.00	42%
OVERHEAD	25,453.00	44,303.00	18,850.00	74%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>142,504.00</b>	<b>203,853.00</b>	<b>61,349.00</b>	<b>43%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>374,919.00</b>	<b>454,630.00</b>	<b>79,711.00</b>	<b>21%</b>
<b>NET INCOME (LOSS):</b>	<b>(262,919.00)</b>	<b>(326,530.00)</b>	<b>(63,611.00)</b>	

Public Service Programs includes staffing and support for the WSBA Moderate Means Program, Call to Duty, the Powerful Communities Project, the Pro Bono and Public Service Committee, and other activities to promote pro bono and public service through WSBA and with our community partners. Much of this support is provided in the form of grant funding to the partners through the Powerful Communities Project and the Moderate Means Program. There is a small increase for the Moderate Means Program to cover the expenses associated with bifurcating the previously shared staff attorney position at Seattle University and University of Washington law schools; by having two different part-time people at each school, we will be able to serve more clients and improve the program overall. There is a small increase to redesign the pro bono portal for WSBA members to find pro bono opportunities; the current portal is out of date and needs significant improvements. Public Service Programs will continued to be supported by a grant of \$125,000 from the Washington State Bar Foundation.



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<b>PUBLICATION AND DESIGN SERVICES</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
<b>TOTAL REVENUE:</b>	-	-	-	
<b>DIRECT EXPENSES:</b>				
IMAGE LIBRARY	4,680.00	4,680.00	-	0%
EQUIPMENT, HARDWARE & SOFTWARE	-	330.00	330.00	
STAFF MEMBERSHIP DUES	500.00	-	(500.00)	-100%
SUBSCRIPTIONS	83.00	262.00	179.00	216%
SUPPLIES	-	300.00	300.00	
<b>TOTAL DIRECT EXPENSES:</b>	<b>5,263.00</b>	<b>5,572.00</b>	<b>309.00</b>	<b>6%</b>
<b>INDIRECT EXPENSES:</b>				
FTE	1.22	1.09	(0.13)	-11%
SALARY EXPENSE	80,074.00	75,007.00	(5,067.00)	-6%
BENEFIT EXPENSE	31,380.00	28,805.00	(2,575.00)	-8%
OVERHEAD	30,148.00	31,357.00	1,209.00	4%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>141,602.00</b>	<b>135,169.00</b>	<b>(6,433.00)</b>	<b>-5%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>146,865.00</b>	<b>140,741.00</b>	<b>(6,124.00)</b>	<b>-4%</b>
<b>NET INCOME (LOSS):</b>	<b>(146,865.00)</b>	<b>(140,741.00)</b>	<b>6,124.00</b>	

Publication and Design Services is responsible for: (1) editing and oversight of WSBA publications (including but not limited to Deskbooks, Sections publications, and NWLawyer); (2) graphic design for WSBA projects, programs, events, and CLE marketing; and (3) shared oversight of, and set up of products on, the WSBA online store.

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

For the Period from October 1, 2019 to September 30, 2020

SECTIONS ADMINISTRATION	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
<b>REVENUE:</b>				
REIMBURSEMENTS FROM SECTIONS	300,000.00	300,000.00	-	0%
<b>TOTAL REVENUE:</b>	<u>300,000.00</u>	<u>300,000.00</u>	<u>-</u>	<u>0%</u>
<b>DIRECT EXPENSES:</b>				
SECTION/COMMITTEE CHAIR MTGS	1,000.00	1,000.00	-	0%
DUES STATEMENTS	6,000.00	6,000.00	-	0%
STAFF TRAVEL/PARKING	1,200.00	1,200.00	-	0%
STAFF MEMBERSHIP DUES	125.00	125.00	-	0%
SUBSCRIPTIONS	372.00	372.00	-	0%
CONFERENCE CALLS	300.00	300.00	-	0%
MISCELLANEOUS	300.00	300.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<u>9,297.00</u>	<u>9,297.00</u>	<u>-</u>	<u>0%</u>
<b>INDIRECT EXPENSES:</b>				
FTE	4.25	4.24	(0.01)	0%
SALARY EXPENSE	297,955.00	303,468.00	5,513.00	2%
BENEFIT EXPENSE	112,039.00	114,639.00	2,600.00	2%
OVERHEAD	105,024.00	121,905.00	16,881.00	16%
<b>TOTAL INDIRECT EXPENSES:</b>	<u>515,018.00</u>	<u>540,012.00</u>	<u>24,994.00</u>	<u>5%</u>
<b>TOTAL ALL EXPENSES:</b>	<u>524,315.00</u>	<u>549,309.00</u>	<u>24,994.00</u>	<u>5%</u>
<b>NET INCOME (LOSS):</b>	<u>(224,315.00)</u>	<u>(249,309.00)</u>	<u>(24,994.00)</u>	

The WSBA has 29 sections and provides the administrative functions necessary to support them. Direct staff time and expenses related to administering the sections are included in this cost center. This cost center also supports the indirect costs of developing 70 credit hours of 'Mini CLEs' for Sections in FY19. Sections partially reimburse WSBA for the cost of supporting sections through a charge of \$18.75 per member (shown as revenue in this cost center and as an expense on each section's financial statement). Expenses are the costs associated with the preparation and mailing of the annual section dues invoices, the collection of section dues, and staff-related expenses for supporting the sections.

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

For the Period from October 1, 2019 to September 30, 2020

<b>TECHNOLOGY</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
<b>TOTAL REVENUE:</b>	-	-	-	
<b>DIRECT EXPENSES:</b>				
COMPUTER HARDWARE	29,000.00	29,000.00	-	0%
COMPUTER SOFTWARE	29,000.00	29,000.00	-	0%
HARDWARE SERVICE & WARRANTIES	60,000.00	60,000.00	-	0%
SOFTWARE MAINTENANCE & LICENSING	270,000.00	270,000.00	-	0%
TELEPHONE HARDWARE & MAINTENANCE	10,000.00	10,000.00	-	0%
COMPUTER SUPPLIES	15,000.00	15,000.00	-	0%
THIRD PARTY SERVICES	143,000.00	143,000.00	-	0%
CONSULTING SERVICES	85,000.00	85,000.00	-	0%
STAFF TRAVEL/PARKING	2,500.00	2,500.00	-	0%
STAFF MEMBERSHIP DUES	110.00	110.00	-	0%
TELEPHONE	24,000.00	24,000.00	-	0%
TRANSFER TO INDIRECT EXPENSES	(667,610.00)	(667,610.00)	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	-	-	-	
<b>INDIRECT EXPENSES:</b>				
FTE	12.10	12.10	-	0%
SALARY EXPENSE	1,059,680.00	1,090,382.00	30,702.00	3%
CAPITAL LABOR	(188,800.00)	(141,000.00)	47,800.00	-25%
BENEFIT EXPENSE	370,332.00	377,371.00	7,039.00	2%
OVERHEAD	299,010.00	348,096.00	49,086.00	16%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,540,222.00</b>	<b>1,674,849.00</b>	<b>134,627.00</b>	<b>9%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,540,222.00</b>	<b>1,674,849.00</b>	<b>134,627.00</b>	<b>9%</b>
<b>NET INCOME (LOSS):</b>	<b>(1,540,222.00)</b>	<b>(1,674,849.00)</b>	<b>(134,627.00)</b>	

This cost center includes the resources devoted to developing and maintaining WSBA's technology infrastructure and business applications. Expenses reflected here are solely for staffing (salaries, benefits, and overhead). Direct costs are allocated out to all cost centers through "Overhead" in the indirect expense allocation. Direct expenses are for hardware, software, and the ongoing maintenance necessary to support the WSBA's technology needs, data security and management, and disaster recovery work. Falling into these categories are application and database servers, network devices, switches and cabling equipment, workstations (desktops and laptops), printers, fax machines, telecommunications (phone switch and phone sets), and software. Software includes Microsoft Office products as well as other business applications (e.g., membership database, MCLE tracking system, Online Admissions software, Limited Practice Officer software, case management software, website management software, desktop publishing and graphics software, and accounting software).

# ATTACHMENT B

# Washington State Bar Association

## Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

<b>CONTINUING LEGAL EDUCATION (CLE)</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
SHIPPING & HANDLING	1,000.00	1,000.00	-	0%
SEMINAR REGISTRATIONS	876,000.00	860,000.00	(16,000.00)	-2%
SEMINAR-EXHIB/SPNSR/ETC	41,500.00	29,000.00	(12,500.00)	-30%
COURSEBOOK SALES	11,000.00	9,000.00	(2,000.00)	-18%
MP3 AND VIDEO SALES	950,000.00	925,000.00	(25,000.00)	-3%
<b>TOTAL REVENUE:</b>	<b><u>1,879,500.00</u></b>	<b><u>1,824,000.00</u></b>	<b><u>(55,500.00)</u></b>	<b><u>-3%</u></b>
<b>DIRECT EXPENSES:</b>				
COST OF SALES - COURSEBOOKS	1,200.00	200.00	(1,000.00)	-83%
A/V DEVELOP COSTS (RECORDING)	1,500.00	1,500.00	-	0%
ONLINE PRODUCT HOSTING EXPENSES	40,000.00	42,000.00	2,000.00	5%
SHIPPING SUPPLIES	100.00	-	(100.00)	-100%
POSTAGE & DELIVERY-COURSEBOOKS	500.00	500.00	-	0%
COURSEBOOK PRODUCTION	3,000.00	3,000.00	-	0%
POSTAGE - FLIERS/CATALOGS	10,685.00	15,500.00	4,815.00	45%
POSTAGE - MISCELLANEOUS	2,500.00	1,000.00	(1,500.00)	-60%
ACCREDITATION FEES	4,696.00	3,000.00	(1,696.00)	-36%
SEMINAR BROCHURES	20,770.00	21,000.00	230.00	1%
FACILITIES	223,500.00	234,000.00	10,500.00	5%
SPEAKERS & PROGRAM DEVELOP	68,100.00	62,000.00	(6,100.00)	-9%
SPLITS TO SECTIONS- SEMINARS	-	100,100.00	100,100.00	
CLE SEMINAR COMMITTEE	500.00	500.00	-	0%
BAD DEBT EXPENSE	600.00	600.00	-	0%
DEPRECIATION	5,540.00	5,820.00	280.00	5%
STAFF TRAVEL/PARKING	5,675.00	8,000.00	2,325.00	41%
STAFF MEMBERSHIP DUES	1,260.00	1,470.00	210.00	17%
SUPPLIES	3,650.00	2,000.00	(1,650.00)	-45%
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>393,776.00</u></b>	<b><u>502,190.00</u></b>	<b><u>108,414.00</u></b>	<b><u>28%</u></b>
<b>INDIRECT EXPENSES:</b>				
FTE	9.72	9.31	0.41	4%
SALARY EXPENSE	656,422.00	643,255.00	(13,167.00)	-2%
BENEFIT EXPENSE	254,178.00	245,839.00	(8,339.00)	-3%
OVERHEAD	240,197.00	267,832.00	27,635.00	12%
<b>TOTAL INDIRECT EXPENSES:</b>	<b><u>1,150,797.00</u></b>	<b><u>1,156,926.00</u></b>	<b><u>6,129.00</u></b>	<b><u>1%</u></b>
<b>TOTAL ALL EXPENSES:</b>	<b><u>1,544,573.00</u></b>	<b><u>1,659,116.00</u></b>	<b><u>114,543.00</u></b>	<b><u>7%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>334,927.00</u></b>	<b><u>164,884.00</u></b>	<b><u>(170,043.00)</u></b>	

The CLE cost center includes revenues and costs associated with CLE live seminars and on-demand seminars. Revenues include live seminar registrations, sponsorships, online sales of coursebooks, and sales of on-demand CLE seminars (both video and audio). Consistent with revenues, expenses reflect the cost of production of seminars and products. Revenue for live CLE participation has settled at current levels after a sharp decline in FY17 and FY18 and revenue for recorded products is holding steady at current levels as well. Beginning in FY19 the fiscal policy for sharing CLE revenue with Sections changed. Under the new policy, Sections and WSBA CLE will split live and on-demand seminar revenue after actual direct and indirect costs have been recouped. This policy shift will increase the overall splits to Sections as compared to the former policy which was based on live revenue only. As in FY19, WSBA CLE continues to look for opportunities to decrease direct and indirect costs. In FY17, Deskbooks were included in this cost center; they are now accounted for separately in the Deskbooks cost center.

# Washington State Bar Association

## Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

CLE - PRODUCTS	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
<b>REVENUE:</b>				
SHIPPING & HANDLING	1,000.00	1,000.00	-	0%
COURSEBOOK SALES	11,000.00	9,000.00	(2,000.00)	-18%
MP3 AND VIDEO SALES	950,000.00	925,000.00	(25,000.00)	-3%
<b>TOTAL REVENUE:</b>	<b>962,000.00</b>	<b>935,000.00</b>	<b>(27,000.00)</b>	<b>-3%</b>
<b>DIRECT EXPENSES:</b>				
COST OF SALES - COURSEBOOKS	1,200.00	200.00	(1,000.00)	-83%
A/V DEVELOP COSTS (RECORDING)	1,500.00	1,500.00	-	0%
ONLINE PRODUCT HOSTING EXPENSES	40,000.00	42,000.00	2,000.00	5%
SHIPPING SUPPLIES	100.00	-	(100.00)	-100%
POSTAGE & DELIVERY-COURSEBOOKS	500.00	500.00	-	0%
POSTAGE - FLIERS/CATALOGS	-	3,500.00	3,500.00	
SEMINAR BROCHURES	-	3,000.00	3,000.00	
BAD DEBT EXPENSE	100.00	100.00	-	0%
DEPRECIATION	5,540.00	5,820.00	280.00	5%
STAFF TRAVEL/PARKING	-	2,000.00	2,000.00	
STAFF MEMBERSHIP DUES	410.00	620.00	210.00	51%
<b>TOTAL DIRECT EXPENSES:</b>	<b>49,350.00</b>	<b>59,240.00</b>	<b>9,890.00</b>	<b>20%</b>
<b>INDIRECT EXPENSES:</b>				
FTE	1.63	1.56	(0.07)	-4%
SALARY EXPENSE	98,425.00	103,267.00	4,842.00	5%
BENEFIT EXPENSE	40,026.00	39,532.00	(494.00)	-1%
OVERHEAD	40,280.00	44,878.00	4,598.00	11%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>178,731.00</b>	<b>187,677.00</b>	<b>8,946.00</b>	<b>5%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>228,081.00</b>	<b>246,917.00</b>	<b>18,836.00</b>	<b>8%</b>
<b>NET INCOME (LOSS):</b>	<b>733,919.00</b>	<b>688,083.00</b>	<b>(45,836.00)</b>	

# Washington State Bar Association

## Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

<b>CLE- SEMINARS</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
SEMINAR REGISTRATIONS	876,000.00	860,000.00	(16,000.00)	-2%
SEMINAR-EXHIB/SPNSR/ETC	41,500.00	29,000.00	(12,500.00)	-30%
<b>TOTAL REVENUE:</b>	<b>917,500.00</b>	<b>889,000.00</b>	<b>(28,500.00)</b>	<b>-3%</b>
<b>DIRECT EXPENSES:</b>				
COURSEBOOK PRODUCTION	3,000.00	3,000.00	-	0%
POSTAGE - FLIERS/CATALOGS	10,685.00	12,000.00	1,315.00	12%
POSTAGE - MISCELLANEOUS	2,500.00	1,000.00	(1,500.00)	-60%
ACCREDITATION FEES	4,696.00	3,000.00	(1,696.00)	-36%
SEMINAR BROCHURES	20,770.00	18,000.00	(2,770.00)	-13%
FACILITIES	223,500.00	234,000.00	10,500.00	5%
SPEAKERS & PROGRAM DEVELOP	68,100.00	62,000.00	(6,100.00)	-9%
SPLITS TO SECTIONS- SEMINARS	-	100,100.00	100,100.00	
CLE SEMINAR COMMITTEE	500.00	500.00	-	0%
BAD DEBT EXPENSE	500.00	500.00	-	0%
STAFF TRAVEL/PARKING	5,675.00	6,000.00	325.00	6%
STAFF MEMBERSHIP DUES	850.00	850.00	-	0%
SUPPLIES	3,650.00	2,000.00	(1,650.00)	-45%
<b>TOTAL DIRECT EXPENSES:</b>	<b>344,426.00</b>	<b>442,950.00</b>	<b>98,524.00</b>	<b>29%</b>
<b>INDIRECT EXPENSES:</b>				
FTE	8.09	7.75	(0.34)	-4%
SALARY EXPENSE	557,997.00	539,988.00	(18,009.00)	-3%
BENEFIT EXPENSE	214,152.00	206,307.00	(7,845.00)	-4%
OVERHEAD	199,917.00	222,954.00	23,037.00	12%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>972,066.00</b>	<b>969,249.00</b>	<b>(2,817.00)</b>	<b>0%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,316,492.00</b>	<b>1,412,199.00</b>	<b>95,707.00</b>	<b>7%</b>
<b>NET INCOME (LOSS):</b>	<b>(398,992.00)</b>	<b>(523,199.00)</b>	<b>(124,207.00)</b>	

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

For the Period from October 1, 2019 to September 30, 2020

<b>DESKBOOKS</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
SHIPPING & HANDLING	2,000.00	2,500.00	500.00	25%
DESKBOOK SALES	80,000.00	100,000.00	20,000.00	25%
SECTION PUBLICATION SALES	3,000.00	3,000.00	-	0%
CASEMAKER ROYALTIES	75,000.00	60,000.00	(15,000.00)	-20%
<b>TOTAL REVENUE:</b>	<b>160,000.00</b>	<b>165,500.00</b>	<b>5,500.00</b>	<b>3%</b>
<b>DIRECT EXPENSES:</b>				
COST OF SALES - DESKBOOKS	50,000.00	60,000.00	10,000.00	20%
COST OF SALES - SECTION PUBLICATION	750.00	750.00	-	0%
SPLITS TO SECTIONS	1,000.00	1,000.00	-	0%
DESKBOOK ROYALTIES	1,000.00	1,000.00	-	0%
SHIPPING SUPPLIES	150.00	-	(150.00)	-100%
POSTAGE & DELIVERY-DESKBOOKS	2,000.00	2,500.00	500.00	25%
FLIERS/CATALOGS	3,000.00	3,000.00	-	0%
POSTAGE - FLIERS/CATALOGS	1,500.00	1,500.00	-	0%
COMPLIMENTARY BOOK PROGRAM	2,000.00	2,500.00	500.00	25%
ONLINE LEGAL RESEARCH	-	1,837.50	1,837.50	
BAD DEBT EXPENSE	100.00	100.00	-	0%
RECORDS STORAGE - OFF SITE	7,440.00	8,100.00	660.00	9%
STAFF MEMBERSHIP DUES	250.00	220.00	(30.00)	-12%
SUBSCRIPTIONS	-	150.00	150.00	
MISCELLANEOUS	200.00	-	(200.00)	-100%
<b>TOTAL DIRECT EXPENSES:</b>	<b>69,390.00</b>	<b>82,657.50</b>	<b>13,267.50</b>	<b>19%</b>
<b>INDIRECT EXPENSES:</b>				
FTE	2.05	2.25	0.20	10%
SALARY EXPENSE	117,663.00	148,307.00	30,644.00	26%
BENEFIT EXPENSE	48,981.00	58,004.00	9,023.00	18%
OVERHEAD	50,659.00	64,729.00	14,070.00	28%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>217,303.00</b>	<b>271,040.00</b>	<b>53,737.00</b>	<b>25%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>286,693.00</b>	<b>353,697.50</b>	<b>67,004.50</b>	<b>23%</b>
<b>NET INCOME (LOSS):</b>	<b>(126,693.00)</b>	<b>(188,197.50)</b>	<b>(61,504.50)</b>	

WSBA publishes a library of 18 Deskbook titles in substantive areas of Washington law such as family law and real property, as well as civil procedure and ethics; these Deskbooks are intensively researched and edited authoritative treatises that have been cited in over 250 Washington state and federal appellate court opinions. Included in the CLE cost center in FY17, this cost center includes revenues and expenses related to the development, publication, and sale of WSBA Deskbooks. Deskbook authors and editors are volunteers who are not paid for their contributions. Revenues are received from sales of Deskbooks (in print and online). Expenses include contract services for cite-checking, copyediting, creation of tables of authorities, indexing, and desktop publishing, as well as the costs of printing and binding.



# ATTACHMENT C

**Washington State Bar Association**  
**Budget Comparison Report**  
For the Period from October 1, 2019 to September 30, 2020

<b>CLIENT PROTECTION FUND</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
CPF RESTITUTION	3,000.00	3,000.00	-	0%
CPF MEMBER ASSESSMENTS	982,000.00	1,000,000.00	18,000.00	2%
INTEREST REVENUE	7,500.00	20,000.00	12,500.00	167%
<b>TOTAL REVENUE:</b>	<u><b>992,500.00</b></u>	<u><b>1,023,000.00</b></u>	<u><b>30,500.00</b></u>	<u><b>3%</b></u>
<b>DIRECT EXPENSES:</b>				
GIFTS TO INJURED CLIENTS	500,000.00	500,000.00	-	0%
CPF BOARD EXPENSES	3,000.00	3,000.00	-	0%
BANK FEES - WELLS FARGO	1,000.00	1,000.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<u><b>504,000.00</b></u>	<u><b>504,000.00</b></u>	<u><b>-</b></u>	<u><b>0%</b></u>
<b>INDIRECT EXPENSES:</b>				
FTE	1.25	1.18	(0.07)	-6%
SALARY EXPENSE	97,740.00	79,855.00	(17,885.00)	-18%
BENEFIT EXPENSE	35,581.00	30,884.00	(4,697.00)	-13%
OVERHEAD	30,889.00	33,947.00	3,058.00	10%
<b>TOTAL INDIRECT EXPENSES:</b>	<u><b>164,210.00</b></u>	<u><b>144,686.00</b></u>	<u><b>(19,524.00)</b></u>	<u><b>-12%</b></u>
<b>TOTAL ALL EXPENSES:</b>	<u><b>668,210.00</b></u>	<u><b>648,686.00</b></u>	<u><b>(19,524.00)</b></u>	<u><b>-3%</b></u>
<b>NET INCOME (LOSS):</b>	<u><b>324,290.00</b></u>	<u><b>374,314.00</b></u>	<u><b>50,024.00</b></u>	

The Washington Supreme Court and WSBA created this legally restricted fund in 1995 to compensate persons who are the victims of the dishonest taking of, or failure to account for, client funds or property by a lawyer. It does not cover malpractice claims or fee disputes.

The CPF is funded exclusively from the mandatory assessment of \$30 on active members, house counsel, and pro hac vice admissions. All payments are discretionary and must be approved by the CPF Board or, in the case of payments over \$25,000, by the Board of Governors, who serves as the trustees of the Fund. The maximum amount that can be awarded on any claim is \$150,000. The Supreme Court approved amendments to the Admission and Practice Rules to change the name from the Lawyers' Fund for Client Protection to the Client Protection Fund, and to provide that the actions of LLLTs will be included within the coverage provided by the CPF, effective September 1, 2017.

# ATTACHMENT D

**2020 WSBA BUDGET WORKSHEET  
CAPITAL BUDGET**

	<b>COST CENTER</b>	<b>UNIT COST</b>	<b>QTY</b>	<b>AMOUNT</b>	<b>USEFUL LIFE (YRS)</b>	<b>ESTIMATED IN SERVICE DATE</b>	<b>ANNUAL DEPRECIATION EXPENSE</b>	<b>BUDGET FY 2020</b>
<b>Capital Software</b>								
GILDA System Replacement (Phase 2- project to finish in FY21)	DISC	144,000	1	144,000	5	Jan-21	28,800	0
Navision Accounting System Upgrade	General Indirects	28,000	1	28,000	5	Apr-20	5,600	2,800
Unassigned capital software needs for FY20	General Indirects	20,000	1	20,000	3	Oct-19	6,667	6,667
		<b>192,000</b>		<b>192,000</b>			<b>41,067</b>	<b>9,467</b>
<b>Capital Labor</b>								
MCLE Enhancements Phase 3 (project to finish in FY21)	MCLE	90,000	1	90,000	3	Nov-20	30,000	0
Online Admissions Program Phase 2	ADMISS	41,000	1	41,000	3	Feb-20	13,667	9,111
Personify Enhancements 2020	General Indirects	10,000	1	10,000	3	Jun-20	3,333	1,111
		<b>141,000</b>		<b>141,000</b>			<b>47,000</b>	<b>10,222</b>
<b>Total</b>				<b>333,000</b>			<b>88,067</b>	<b>19,689</b>
<b>Capital Hardware</b>								
Network Infrastructure Upgrades	General Indirects	20,000	1	20,000	5	Oct-19	4,000	4,000
Unassigned capital hardware needs for FY20	General Indirects	20,000	1	20,000	5	Oct-19	4,000	4,000
				<b>40,000</b>			<b>8,000</b>	<b>8,000</b>
<b>Leasehold Improvements</b>								
Leasehold Improvements for Miscellaneous Office Moves	General Indirects	10,000	1	10,000	7	Oct-19	1,379	1,379
				<b>10,000</b>			<b>1,379</b>	<b>1,379</b>
<b>Total</b>				<b>10,000</b>			<b>1,379</b>	<b>1,379</b>
<b>GRAND TOTAL</b>				<b>575,000</b>			<b>97,446</b>	<b>29,068</b>

# ATTACHMENT E

**2020 WSBA Budget Worksheet  
Summary of Section Budgets**

	Total Fund Balance at 10-1-18	Net Profit (Loss) Budget FY 2019	2020 Budget					Net Fund Balance Budgeted FY19 & FY20 Combined	
			Income	Direct Expenses	Reimb to WSBA	Total Expenses	Net		
1	Administrative Law	28,471	(14,013)	18,900	14,375	4,688	19,063	(163)	14,296
2	Alternative Dispute Resolution	31,546	(5,678)	16,060	18,050	5,925	23,975	(7,915)	17,953
3	Animal Law	12,070	(6,195)	2,850	4,975	1,875	6,850	(4,000)	1,875
4	Antitrust, Consumer Protection, Unfair Business Practice	54,315	(4,756)	5,675	7,350	3,881	11,231	(5,556)	44,003
5	Business Law	42,483	(8,378)	35,060	25,300	23,438	48,738	(13,678)	20,428
6	Cannabis Law	296	19	2,750	450	1,688	2,138	613	927
7	Civil Rights Law	9,129	(3,346)	7,250	5,750	3,281	9,031	(1,781)	4,002
8	Construction Law	36,237	(11,125)	20,050	23,000	9,188	32,188	(12,138)	12,975
9	Corporate Counsel	41,778	(11,625)	49,100	31,000	20,625	51,625	(2,525)	27,628
10	Creditor Debtor Rights	29,002	(6,325)	15,170	11,650	8,794	20,444	(5,274)	17,403
11	Criminal Law	69,846	(2,913)	12,150	32,300	7,594	39,894	(27,744)	39,189
12	Elder Law	62,623	(23,140)	22,760	30,700	12,188	42,888	(20,128)	19,355
13	Environmental and Land Use Law	23,050	(7,450)	33,800	20,625	15,000	35,625	(1,825)	13,775
14	Family Law	74,450	(18,588)	50,050	42,900	19,313	62,213	(12,163)	43,700
15	Health Law	69,756	(9,781)	8,700	16,325	7,219	23,544	(14,844)	45,131
16	Indian Law	60,834	(6,150)	16,600	10,420	6,000	16,420	180	54,864
17	Intellectual Property	82,060	(27,225)	23,700	30,750	16,875	47,625	(23,925)	30,910
18	International Practice	19,723	13	12,250	7,400	4,781	12,181	69	19,804
19	Juvenile Law	9,331	(593)	5,250	5,500	2,813	8,313	(3,063)	5,676
20	Labor & Employment Law	85,042	(30,150)	42,100	52,000	18,750	70,750	(28,650)	26,242
21	Legal Assistance to Military Personnel	15,400	(5,638)	3,300	5,200	1,688	6,888	(3,588)	6,175
22	LGBT Law	6,882	(1,128)	3,500	3,175	2,063	5,238	(1,738)	4,017
23	Litigation	68,349	(14,546)	31,600	26,150	19,688	45,838	(14,238)	39,565
24	Low Bono	5,943	(3,120)	3,700	2,900	1,688	4,588	(888)	1,935
25	Real Property, Probate and Trust	72,826	(57,925)	97,419	67,000	43,500	110,500	(13,081)	1,820
26	Senior Lawyers	5,962	(575)	8,050	3,000	4,969	7,969	81	5,469
27	Solo & Small Practice	70,575	(3,300)	37,700	24,750	16,875	41,625	(3,925)	63,350
28	Taxation	55,299	(12,252)	17,200	31,545	12,188	43,733	(26,533)	16,514
29	World Peace Through Law	17,065	(1,004)	3,850	7,800	1,875	9,675	(5,825)	10,236
<b>Total</b>		<b>1,160,342</b>	<b>(296,885)</b>	<b>606,544</b>	<b>562,340</b>	<b>298,444</b>	<b>860,784</b>	<b>(254,240)</b>	<b>609,217</b>

\* Note: Although the combined budget for FY19 & FY20 show a negative fund balance, actual revenue and expenses for FY19 will result in a lower net loss than originally budgeted in FY19.

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

For the Period from October 1, 2019 to September 30, 2020

<b>ADMINISTRATIVE LAW</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	300.00	400.00	100.00	33%
SECTION DUES REVENUE	6,250.00	7,500.00	1,250.00	20%
PUBLICATIONS REVENUE	4,000.00	10,000.00	6,000.00	150%
MINI-CLE REVENUE	1,500.00	1,000.00	(500.00)	-33%
<b>TOTAL REVENUE:</b>	<b><u>12,050.00</u></b>	<b><u>18,900.00</u></b>	<b><u>6,850.00</u></b>	<b><u>57%</u></b>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	350.00	350.00	-	0%
PER MEMBER CHARGE	4,687.50	4,687.50	-	0%
AWARDS	400.00	400.00	-	0%
NEWSLETTER EXPENSES	1,000.00	1,000.00	-	0%
RECEPTION EXPENSE	1,500.00	1,000.00	(500.00)	-33%
MINI-CLE EXPENSE	2,000.00	1,500.00	(500.00)	-25%
MEMBERSHIP & RECRUITING EXP	300.00	300.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	5,000.00	-	(5,000.00)	-100%
ATTENDANCE AT BOG MEETINGS	125.00	125.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	700.00	700.00	-	0%
LDSHIP/PROF DEVELOP/RETREATS	10,000.00	9,000.00	(1,000.00)	-10%
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>26,062.50</u></b>	<b><u>19,062.50</u></b>	<b><u>(7,000.00)</u></b>	<b><u>-27%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>(14,012.50)</u></b>	<b><u>(162.50)</u></b>	<b><u>13,850.00</u></b>	

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

For the Period from October 1, 2019 to September 30, 2020

<b>ALTERNATIVE DISPUTE RESOLUTION</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
SECTION DUES REVENUE	12,110.00	11,060.00	(1,050.00)	-9%
CONFERENCES & INSTITUTES	6,500.00	5,000.00	(1,500.00)	-23%
<b>TOTAL REVENUE:</b>	<u><b>18,610.00</b></u>	<u><b>16,060.00</b></u>	<u><b>(2,550.00)</b></u>	<u><b>-14%</b></u>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	500.00	750.00	250.00	50%
PER MEMBER CHARGE	6,487.50	5,925.00	(562.50)	-9%
MINI-CLE EXPENSE	2,000.00	2,000.00	-	0%
MEMBERSHIP & RECRUITING EXP	3,250.00	3,250.00	-	0%
ATTENDANCE AT BOG MEETINGS	250.00	250.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	1,800.00	1,800.00	-	0%
LDSHIP/PROF DEVELOP/RETREATS	5,500.00	5,500.00	-	0%
SECTION COMMITTEE EXPENSE	4,000.00	4,000.00	-	0%
ANNUAL OR OTHER MEETING EXPENSE	500.00	500.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<u><b>24,287.50</b></u>	<u><b>23,975.00</b></u>	<u><b>(312.50)</b></u>	<u><b>-1%</b></u>
<b>NET INCOME (LOSS):</b>	<u><b>(5,677.50)</b></u>	<u><b>(7,915.00)</b></u>	<u><b>(2,237.50)</b></u>	



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

For the Period from October 1, 2019 to September 30, 2020

<b>ANIMAL LAW</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	30.00	100.00	70.00	233%
SECTION DUES REVENUE	2,500.00	2,500.00	-	0%
MINI-CLE REVENUE	-	250.00	250.00	
SEMINAR SPLITS W/ OTHERS	2,000.00	-	(2,000.00)	-100%
<b>TOTAL REVENUE:</b>	<u><b>4,530.00</b></u>	<u><b>2,850.00</b></u>	<u><b>(1,680.00)</b></u>	<u><b>-37%</b></u>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	200.00	75.00	(125.00)	-63%
PER MEMBER CHARGE	1,875.00	1,875.00	-	0%
MINI-CLE EXPENSE	2,000.00	750.00	(1,250.00)	-63%
SEMINAR EXPENSE - SECTIONS	4,500.00	2,500.00	(2,000.00)	-44%
MEMBERSHIP & RECRUITING EXP	100.00	100.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	1,800.00	1,550.00	(250.00)	-14%
ANNUAL OR OTHER MEETING EXPENSE	250.00	-	(250.00)	-100%
<b>TOTAL DIRECT EXPENSES:</b>	<u><b>10,725.00</b></u>	<u><b>6,850.00</b></u>	<u><b>(3,875.00)</b></u>	<u><b>-36%</b></u>
<b>NET INCOME (LOSS):</b>	<u><b>(6,195.00)</b></u>	<u><b>(4,000.00)</b></u>	<u><b>2,195.00</b></u>	

## Washington State Bar Association

### Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

**ANTITRUST, CONSUMER  
PROTECTION & UNFAIR BUSINESS  
PRACTICES**

	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
<b>REVENUE:</b>				
SECTION DUES REVENUE	5,175.00	5,175.00	-	0%
MINI-CLE REVENUE	1,000.00	500.00	(500.00)	-50%
<b>TOTAL REVENUE:</b>	<u>6,175.00</u>	<u>5,675.00</u>	<u>(500.00)</u>	<u>-8%</u>
<b>DIRECT EXPENSES:</b>				
PER MEMBER CHARGE	3,881.25	3,881.25	-	0%
MINI-CLE EXPENSE	2,700.00	1,500.00	(1,200.00)	-44%
MEMBERSHIP & RECRUITING EXP	100.00	100.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	1,500.00	3,000.00	1,500.00	100%
LAW SCHOOL OUTREACH	1,000.00	1,000.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	750.00	750.00	-	0%
LDSHIP/PROF DEVELOP/RETREATS	1,000.00	1,000.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<u>10,931.25</u>	<u>11,231.25</u>	<u>300.00</u>	<u>3%</u>
<b>NET INCOME (LOSS):</b>	<u>(4,756.25)</u>	<u>(5,556.25)</u>	<u>(800.00)</u>	

## Washington State Bar Association

### Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

BUSINESS LAW	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	10.00	10.00	-	0%
SECTION DUES REVENUE	31,250.00	31,250.00	-	0%
MINI-CLE REVENUE	3,800.00	3,800.00	-	0%
<b>TOTAL REVENUE:</b>	<u>35,060.00</u>	<u>35,060.00</u>	<u>-</u>	<u>0%</u>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	250.00	250.00	-	0%
PER MEMBER CHARGE	23,437.50	23,437.50	-	0%
NEWSLETTER EXPENSES	1,000.00	1,200.00	200.00	20%
RECEPTION EXPENSE	-	900.00	900.00	
MINI-CLE EXPENSE	7,850.00	8,050.00	200.00	3%
SEMINAR EXPENSE - SECTIONS	200.00	2,000.00	1,800.00	900%
MEMBERSHIP & RECRUITING EXP	500.00	1,000.00	500.00	100%
SCHOLARSHIPS/DONATIONS/GRANT	5,000.00	6,500.00	1,500.00	30%
ATTENDANCE AT BOG MEETINGS	300.00	300.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	2,000.00	2,000.00	-	0%
LDSHIP/PROF DEVELOP/RETREATS	900.00	900.00	-	0%
SECTION COMMITTEE EXPENSE	2,000.00	2,200.00	200.00	10%
<b>TOTAL DIRECT EXPENSES:</b>	<u>43,437.50</u>	<u>48,737.50</u>	<u>5,300.00</u>	<u>12%</u>
<b>NET INCOME (LOSS):</b>	<u>(8,377.50)</u>	<u>(13,677.50)</u>	<u>(5,300.00)</u>	

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

For the Period from October 1, 2019 to September 30, 2020

<b>CANNABIS LAW SECTION</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
SECTION DUES REVENUE	1,875.00	2,250.00	375.00	20%
MINI-CLE REVENUE	250.00	500.00	250.00	100%
<b>TOTAL REVENUE:</b>	<u>2,125.00</u>	<u>2,750.00</u>	<u>625.00</u>	<u>29%</u>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	100.00	-	(100.00)	-100%
PER MEMBER CHARGE	1,406.25	1,687.50	281.25	20%
SECTION SPECIAL PROJECTS	-	100.00	100.00	
MINI-CLE EXPENSE	150.00	300.00	150.00	100%
MEMBERSHIP & RECRUITING EXP	50.00	50.00	-	0%
ATTENDANCE AT BOG MEETINGS	100.00	-	(100.00)	-100%
EXECUTIVE COMMITTEE EXPENSES	300.00	-	(300.00)	-100%
<b>TOTAL DIRECT EXPENSES:</b>	<u>2,106.25</u>	<u>2,137.50</u>	<u>31.25</u>	<u>1%</u>
<b>NET INCOME (LOSS):</b>	<u>18.75</u>	<u>612.50</u>	<u>593.75</u>	

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

For the Period from October 1, 2019 to September 30, 2020

<b>CIVIL RIGHTS LAW</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	10.00	-	(10.00)	-100%
SECTION DUES REVENUE	5,010.00	5,250.00	240.00	5%
MINI-CLE REVENUE	-	2,000.00	2,000.00	
<b>TOTAL REVENUE:</b>	<u><b>5,020.00</b></u>	<u><b>7,250.00</b></u>	<u><b>2,230.00</b></u>	<u><b>44%</b></u>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	600.00	400.00	(200.00)	-33%
PER MEMBER CHARGE	3,131.25	3,281.25	150.00	5%
AWARDS	300.00	300.00	-	0%
RECEPTION EXPENSE	785.00	800.00	15.00	2%
MINI-CLE EXPENSE	-	500.00	500.00	
HONORARIUM	-	500.00	500.00	
MEMBERSHIP & RECRUITING EXP	300.00	300.00	-	0%
LAW SCHOOL OUTREACH	200.00	200.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	1,700.00	1,250.00	(450.00)	-26%
LDSHIP/PROF DEVELOP/RETREATS	1,350.00	1,500.00	150.00	11%
<b>TOTAL DIRECT EXPENSES:</b>	<u><b>8,366.25</b></u>	<u><b>9,031.25</b></u>	<u><b>665.00</b></u>	<u><b>8%</b></u>
<b>NET INCOME (LOSS):</b>	<u><b>(3,346.25)</b></u>	<u><b>(1,781.25)</b></u>	<u><b>1,565.00</b></u>	

**Washington State Bar Association**  
**Budget Comparison Report**  
For the Period from October 1, 2019 to September 30, 2020

<b>CONSTRUCTION LAW</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
SECTION DUES REVENUE	12,500.00	12,250.00	(250.00)	-2%
MINI-CLE REVENUE	1,800.00	1,800.00	-	0%
SEMINAR SPLITS W/ OTHERS	-	6,000.00	6,000.00	
<b>TOTAL REVENUE:</b>	<b><u>14,300.00</u></b>	<b><u>20,050.00</u></b>	<b><u>5,750.00</u></b>	<b><u>40%</u></b>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	250.00	250.00	-	0%
PER MEMBER CHARGE	9,375.00	9,187.50	(187.50)	-2%
AWARDS	2,500.00	3,500.00	1,000.00	40%
NEWSLETTER EXPENSES	700.00	700.00	-	0%
RECEPTION EXPENSE	3,000.00	4,500.00	1,500.00	50%
SECTION SPECIAL PROJECTS	500.00	750.00	250.00	50%
MINI-CLE EXPENSE	2,500.00	3,000.00	500.00	20%
SEMINAR EXPENSE - SECTIONS	1,500.00	1,500.00	-	0%
MEMBERSHIP & RECRUITING EXP	100.00	800.00	700.00	700%
SCHOLARSHIPS/DONATIONS/GRANT	1,000.00	500.00	(500.00)	-50%
EXECUTIVE COMMITTEE EXPENSES	4,000.00	5,000.00	1,000.00	25%
LDSHIP/PROF DEVELOP/RETREATS	-	2,500.00	2,500.00	
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>25,425.00</u></b>	<b><u>32,187.50</u></b>	<b><u>6,762.50</u></b>	<b><u>27%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>(11,125.00)</u></b>	<b><u>(12,137.50)</u></b>	<b><u>(1,012.50)</u></b>	

**Washington State Bar Association  
Budget Comparison Report**

For the Period from October 1, 2019 to September 30, 2020

<b>CORPORATE COUNSEL SECTION</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
SECTION DUES REVENUE	22,000.00	22,000.00	-	0%
MINI-CLE REVENUE	14,000.00	14,000.00	-	0%
SEMINAR SPLITS W/ CLE *	-	7,100.00	7,100.00	
SEMINAR SPLITS W/ OTHERS	4,000.00	6,000.00	2,000.00	50%
<b>TOTAL REVENUE:</b>	<b><u>40,000.00</u></b>	<b><u>49,100.00</u></b>	<b><u>9,100.00</u></b>	<b><u>23%</u></b>
<b>DIRECT EXPENSES:</b>				
PER MEMBER CHARGE	20,625.00	20,625.00	-	0%
MINI-CLE EXPENSE	20,000.00	20,000.00	-	0%
SEMINAR EXPENSE - SECTIONS	2,500.00	2,500.00	-	0%
MEMBERSHIP & RECRUITING EXP	500.00	500.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	5,000.00	5,000.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	3,000.00	3,000.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>51,625.00</u></b>	<b><u>51,625.00</u></b>	<b><u>-</u></b>	<b><u>0%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>(11,625.00)</u></b>	<b><u>(2,525.00)</u></b>	<b><u>9,100.00</u></b>	

\* Projected split amount from FY19 program.

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

For the Period from October 1, 2019 to September 30, 2020

<b>CREDITOR DEBTOR RIGHTS</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
SECTION DUES REVENUE	15,000.00	14,070.00	(930.00)	-6%
SEMINAR SPLITS W/ CLE *	-	1,100.00	1,100.00	
<b>TOTAL REVENUE:</b>	<u>15,000.00</u>	<u>15,170.00</u>	<u>170.00</u>	<u>1%</u>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	100.00	100.00	-	0%
PER MEMBER CHARGE	9,375.00	8,793.75	(581.25)	-6%
NEWSLETTER EXPENSES	600.00	600.00	-	0%
SEMINAR EXPENSE - SECTIONS	300.00	-	(300.00)	-100%
MEMBERSHIP & RECRUITING EXP	250.00	250.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	5,000.00	5,000.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	5,400.00	5,400.00	-	0%
ANNUAL OR OTHER MEETING EXPENSE	300.00	300.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<u>21,325.00</u>	<u>20,443.75</u>	<u>(881.25)</u>	<u>-4%</u>
<b>NET INCOME (LOSS):</b>	<u>(6,325.00)</u>	<u>(5,273.75)</u>	<u>1,051.25</u>	

\* Projected split amount from FY19 program



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

For the Period from October 1, 2019 to September 30, 2020

<b>CRIMINAL LAW</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	50.00	-	(50.00)	-100%
SECTION DUES REVENUE	13,950.00	12,000.00	(1,950.00)	-14%
MINI-CLE REVENUE	500.00	150.00	(350.00)	-70%
<b>TOTAL REVENUE:</b>	<u>14,500.00</u>	<u>12,150.00</u>	<u>(2,350.00)</u>	<u>-16%</u>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	-	100.00	100.00	
PER MEMBER CHARGE	8,812.50	7,593.75	(1,218.75)	-14%
MINI-CLE EXPENSE	3,000.00	500.00	(2,500.00)	-83%
SEMINAR EXPENSE - SECTIONS	-	8,500.00	8,500.00	
NEW LAWYER OUTREACH	100.00	500.00	400.00	400%
SCHOLARSHIPS/DONATIONS/GRANT	3,000.00	3,000.00	-	0%
LAW SCHOOL OUTREACH	500.00	500.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	-	9,000.00	9,000.00	
LDSHIP/PROF DEVELOP/RETREATS	-	6,000.00	6,000.00	
ANNUAL OR OTHER MEETING EXPENSE	2,000.00	4,200.00	2,200.00	110%
<b>TOTAL DIRECT EXPENSES:</b>	<u>17,412.50</u>	<u>39,893.75</u>	<u>22,481.25</u>	<u>129%</u>
<b>NET INCOME (LOSS):</b>	<u>(2,912.50)</u>	<u>(27,743.75)</u>	<u>(24,831.25)</u>	

**Washington State Bar Association**  
**Budget Comparison Report**  
For the Period from October 1, 2019 to September 30, 2020

<b>ELDER LAW</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	10.00	10.00	-	0%
SECTION DUES REVENUE	23,800.00	22,750.00	(1,050.00)	-4%
<b>TOTAL REVENUE:</b>	<u>23,810.00</u>	<u>22,760.00</u>	<u>(1,050.00)</u>	<u>-4%</u>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	600.00	600.00	-	0%
PER MEMBER CHARGE	12,750.00	12,187.50	(562.50)	-4%
LEGISLATIVE/LOBBYING	1,500.00	1,500.00	-	0%
RECEPTION EXPENSE	6,500.00	3,000.00	(3,500.00)	-54%
SECTION SPECIAL PROJECTS	2,500.00	2,500.00	-	0%
SEMINAR EXPENSE - SECTIONS	1,500.00	1,500.00	-	0%
MEMBERSHIP & RECRUITING EXP	100.00	100.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	15,000.00	15,000.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	1,500.00	1,500.00	-	0%
LDSHIP/PROF DEVELOP/RETREATS	5,000.00	5,000.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<u>46,950.00</u>	<u>42,887.50</u>	<u>(4,062.50)</u>	<u>-9%</u>
<b>NET INCOME (LOSS):</b>	<u>(23,140.00)</u>	<u>(20,127.50)</u>	<u>3,012.50</u>	

**Washington State Bar Association**  
**Budget Comparison Report**  
For the Period from October 1, 2019 to September 30, 2020

<b>ENVIROMENTAL &amp; LAND USE LAW SECTION</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	75.00	300.00	225.00	300%
SECTION DUES REVENUE	28,000.00	32,000.00	4,000.00	14%
MINI-CLE REVENUE	500.00	500.00	-	0%
SEMINAR SPLITS W/ CLE *	-	1,000.00	1,000.00	
<b>TOTAL REVENUE:</b>	<b><u>28,575.00</u></b>	<b><u>33,800.00</u></b>	<b><u>5,225.00</u></b>	<b><u>18%</u></b>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	300.00	300.00	-	0%
PER MEMBER CHARGE	15,000.00	15,000.00	-	0%
AWARDS	150.00	150.00	-	0%
NEWSLETTER EXPENSES	500.00	100.00	(400.00)	-80%
SECTION SPECIAL PROJECTS	500.00	500.00	-	0%
MINI-CLE EXPENSE	3,000.00	3,000.00	-	0%
SEMINAR EXPENSE - SECTIONS	1,975.00	1,975.00	-	0%
MEMBERSHIP & RECRUITING EXP	-	100.00	100.00	
NEW LAWYER OUTREACH	100.00	-	(100.00)	-100%
SCHOLARSHIPS/DONATIONS/GRANT	3,000.00	3,000.00	-	0%
LAW SCHOOL OUTREACH	1,500.00	1,500.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	2,000.00	2,000.00	-	0%
EXECUTIVE COMM EXP - OTHER	8,000.00	8,000.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>36,025.00</u></b>	<b><u>35,625.00</u></b>	<b><u>(400.00)</u></b>	<b><u>-1%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>(7,450.00)</u></b>	<b><u>(1,825.00)</u></b>	<b><u>5,625.00</u></b>	

\* Projected split amount from FY18 program

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

For the Period from October 1, 2019 to September 30, 2020

<b>FAMILY LAW</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
SECTION DUES REVENUE	43,750.00	36,050.00	(7,700.00)	-18%
SEMINAR SPLITS W/ CLE *	-	13,000.00	13,000.00	
SEMINAR SPLITS W/ OTHERS	1,000.00	1,000.00	-	0%
<b>TOTAL REVENUE:</b>	<u><b>44,750.00</b></u>	<u><b>50,050.00</b></u>	<u><b>5,300.00</b></u>	<u><b>12%</b></u>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	500.00	500.00	-	0%
PER MEMBER CHARGE	23,437.50	19,312.50	(4,125.00)	-18%
AWARDS	1,900.00	1,900.00	-	0%
MINI-CLE EXPENSE	-	2,000.00	2,000.00	
SEMINAR EXPENSE - SECTIONS	6,000.00	6,000.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	2,000.00	2,000.00	-	0%
ATTENDANCE AT BOG MEETINGS	2,000.00	3,000.00	1,000.00	50%
EXECUTIVE COMMITTEE EXPENSES	16,000.00	16,000.00	-	0%
EXECUTIVE COMM EXP - OTHER	10,000.00	10,000.00	-	0%
ANNUAL OR OTHER MEETING EXPENSE	1,500.00	1,500.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<u><b>63,337.50</b></u>	<u><b>62,212.50</b></u>	<u><b>(1,125.00)</b></u>	<u><b>-2%</b></u>
<b>NET INCOME (LOSS):</b>	<u><b>(18,587.50)</b></u>	<u><b>(12,162.50)</b></u>	<u><b>6,425.00</b></u>	

\* Projected split amount from FY18 and FY19 programs

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

For the Period from October 1, 2019 to September 30, 2020

<b>HEALTH LAW</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	250.00	-	(250.00)	-100%
SECTION DUES REVENUE	7,500.00	7,700.00	200.00	3%
MINI-CLE REVENUE	1,200.00	1,000.00	(200.00)	-17%
<b>TOTAL REVENUE:</b>	<b><u>8,950.00</u></b>	<b><u>8,700.00</u></b>	<b><u>(250.00)</u></b>	<b><u>-3%</u></b>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	500.00	500.00	-	0%
PER MEMBER CHARGE	7,031.25	7,218.75	187.50	3%
AWARDS	-	2,000.00	2,000.00	
MINI-CLE EXPENSE	1,800.00	1,800.00	-	0%
SEMINAR EXPENSE - SECTIONS	400.00	400.00	-	0%
MEMBERSHIP & RECRUITING EXP	2,000.00	2,000.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	-	2,000.00	2,000.00	
EXECUTIVE COMMITTEE EXPENSES	2,500.00	2,500.00	-	0%
EXECUTIVE COMM EXP - OTHER	500.00	500.00	-	0%
LDSHIP/PROF DEVELOP/RETREATS	4,000.00	4,000.00	-	0%
SEMINAR SCHOLARSHIPS	-	625.00	625.00	
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>18,731.25</u></b>	<b><u>23,543.75</u></b>	<b><u>4,812.50</u></b>	<b><u>26%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>(9,781.25)</u></b>	<b><u>(14,843.75)</u></b>	<b><u>(5,062.50)</u></b>	

**Washington State Bar Association**  
**Budget Comparison Report**  
For the Period from October 1, 2019 to September 30, 2020

<b>INDIAN LAW</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	50.00	-	(50.00)	-100%
SECTION DUES REVENUE	8,000.00	9,600.00	1,600.00	20%
SEMINAR SPLITS W/ OTHERS	7,000.00	7,000.00	-	0%
<b>TOTAL REVENUE:</b>	<b><u>15,050.00</u></b>	<b><u>16,600.00</u></b>	<b><u>1,550.00</u></b>	<b><u>10%</u></b>
<b>DIRECT EXPENSES:</b>				
PER MEMBER CHARGE	6,000.00	6,000.00	-	0%
NEWSLETTER EXPENSES	1,000.00	1,000.00	-	0%
RECEPTION EXPENSE	-	1,920.00	1,920.00	
SEMINAR EXPENSE - SECTIONS	7,000.00	-	(7,000.00)	-100%
HONORARIUM	200.00	300.00	100.00	50%
MEMBERSHIP & RECRUITING EXP	800.00	800.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	6,000.00	6,000.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	200.00	400.00	200.00	100%
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>21,200.00</u></b>	<b><u>16,420.00</u></b>	<b><u>(4,780.00)</u></b>	<b><u>-23%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>(6,150.00)</u></b>	<b><u>180.00</u></b>	<b><u>6,330.00</u></b>	

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

For the Period from October 1, 2019 to September 30, 2020

<b>INTELLECTUAL PROPERTY LAW</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	100.00	-	(100.00)	-100%
SECTION DUES REVENUE	22,500.00	22,500.00	-	0%
MINI-CLE REVENUE	500.00	700.00	200.00	40%
SEMINAR SPLITS W/ CLE *	-	500.00	500.00	
<b>TOTAL REVENUE:</b>	<b><u>23,100.00</u></b>	<b><u>23,700.00</u></b>	<b><u>600.00</u></b>	<b><u>3%</u></b>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	200.00	-	(200.00)	-100%
PER MEMBER CHARGE	16,875.00	16,875.00	-	0%
AWARDS	100.00	100.00	-	0%
RECEPTION EXPENSE	3,750.00	3,750.00	-	0%
SECTION SPECIAL PROJECTS	500.00	500.00	-	0%
MINI-CLE EXPENSE	2,500.00	1,500.00	(1,000.00)	-40%
SEMINAR EXPENSE - SECTIONS	6,000.00	6,500.00	500.00	8%
MEMBERSHIP & RECRUITING EXP	4,000.00	3,000.00	(1,000.00)	-25%
SCHOLARSHIPS/DONATIONS/GRANT	12,000.00	11,000.00	(1,000.00)	-8%
LAW SCHOOL OUTREACH	1,000.00	1,000.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	2,400.00	2,400.00	-	0%
LDSHIP/PROF DEVELOP/RETREATS	1,000.00	1,000.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>50,325.00</u></b>	<b><u>47,625.00</u></b>	<b><u>(2,700.00)</u></b>	<b><u>-5%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>(27,225.00)</u></b>	<b><u>(23,925.00)</u></b>	<b><u>3,300.00</u></b>	

\* Projected split amount from FY19 program

## Washington State Bar Association

### Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

INTERNATIONAL PRACTICE	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	50.00	50.00	-	0%
SECTION DUES REVENUE	10,000.00	10,200.00	200.00	2%
SPONSORSHIPS	2,000.00	-	(2,000.00)	-100%
RECEPTIONS REVENUE	500.00	500.00	-	0%
MINI-CLE REVENUE	600.00	1,500.00	900.00	150%
<b>TOTAL REVENUE:</b>	<b><u>13,150.00</u></b>	<b><u>12,250.00</u></b>	<b><u>(900.00)</u></b>	<b><u>-7%</u></b>
<b>DIRECT EXPENSES:</b>				
PER MEMBER CHARGE	4,687.50	4,781.25	93.75	2%
RECEPTION EXPENSE	2,000.00	1,500.00	(500.00)	-25%
WEBSITE EXPENSES	300.00	300.00	-	0%
MINI-CLE EXPENSE	1,000.00	1,000.00	-	0%
MEMBERSHIP & RECRUITING EXP	50.00	50.00	-	0%
LAW SCHOOL OUTREACH	1,800.00	1,800.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	600.00	500.00	(100.00)	-17%
LDSHIP/PROF DEVELOP/RETREATS	300.00	250.00	(50.00)	-17%
ANNUAL OR OTHER MEETING EXPENSE	2,400.00	2,000.00	(400.00)	-17%
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>13,137.50</u></b>	<b><u>12,181.25</u></b>	<b><u>(956.25)</u></b>	<b><u>-7%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>12.50</u></b>	<b><u>68.75</u></b>	<b><u>56.25</u></b>	



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

For the Period from October 1, 2019 to September 30, 2020

<b>JUVENILE LAW</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
SECTION DUES REVENUE	6,570.00	5,250.00	(1,320.00)	-20%
<b>TOTAL REVENUE:</b>	<u>6,570.00</u>	<u>5,250.00</u>	<u>(1,320.00)</u>	<u>-20%</u>
<b>DIRECT EXPENSES:</b>				
PER MEMBER CHARGE	3,562.50	2,812.50	(750.00)	-21%
MINI-CLE EXPENSE	500.00	500.00	-	0%
SEMINAR EXPENSE - SECTIONS	1,000.00	1,500.00	500.00	50%
HONORARIUM	500.00	-	(500.00)	-100%
MEMBERSHIP & RECRUITING EXP	500.00	-	(500.00)	-100%
EXECUTIVE COMMITTEE EXPENSES	500.00	3,000.00	2,500.00	500%
LDSHIP/PROF DEVELOP/RETREATS	600.00	500.00	(100.00)	-17%
<b>TOTAL DIRECT EXPENSES:</b>	<u>7,162.50</u>	<u>8,312.50</u>	<u>1,150.00</u>	<u>16%</u>
<b>NET INCOME (LOSS):</b>	<u>(592.50)</u>	<u>(3,062.50)</u>	<u>(2,470.00)</u>	

**Washington State Bar Association**  
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For the Period from October 1, 2019 to September 30, 2020

<b>LABOR &amp; EMPLOYMENT LAW</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	100.00	100.00	-	0%
SECTION DUES REVENUE	30,000.00	30,000.00	-	0%
SEMINAR SPLITS W/ CLE *	-	12,000.00	12,000.00	
<b>TOTAL REVENUE:</b>	<b><u>30,100.00</u></b>	<b><u>42,100.00</u></b>	<b><u>12,000.00</u></b>	<b><u>40%</u></b>
<b>DIRECT EXPENSES:</b>				
PRINTING & COPYING	200.00	200.00	-	0%
CONFERENCE CALLS	300.00	300.00	-	0%
PER MEMBER CHARGE	18,750.00	18,750.00	-	0%
RECEPTION EXPENSE	-	3,000.00	3,000.00	
MINI-CLE EXPENSE	8,500.00	14,000.00	5,500.00	65%
SEMINAR EXPENSE - SECTIONS	1,000.00	3,000.00	2,000.00	200%
HONORARIUM	1,000.00	1,000.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	15,000.00	15,000.00	-	0%
LAW SCHOOL OUTREACH	1,500.00	1,500.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	6,500.00	6,500.00	-	0%
LDSHIP/PROF DEVELOP/RETREATS	7,500.00	7,500.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>60,250.00</u></b>	<b><u>70,750.00</u></b>	<b><u>10,500.00</u></b>	<b><u>17%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>(30,150.00)</u></b>	<b><u>(28,650.00)</u></b>	<b><u>1,500.00</u></b>	

\* Projected split amount from FY19 program

**Washington State Bar Association**  
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For the Period from October 1, 2019 to September 30, 2020

<b>LEGAL ASSISTANCE TO MILITARY PERSONNEL</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
SECTION DUES REVENUE	3,150.00	3,150.00	-	0%
MINI-CLE REVENUE	500.00	150.00	(350.00)	-70%
<b>TOTAL REVENUE:</b>	<b>3,650.00</b>	<b>3,300.00</b>	<b>(350.00)</b>	<b>-10%</b>
<b>DIRECT EXPENSES:</b>				
PRINTING & COPYING	100.00	-	(100.00)	-100%
CONFERENCE CALLS	200.00	100.00	(100.00)	-50%
PER MEMBER CHARGE	1,687.50	1,687.50	-	0%
AWARDS	400.00	200.00	(200.00)	-50%
NEWSLETTER EXPENSES	300.00	300.00	-	0%
MINI-CLE EXPENSE	3,000.00	1,000.00	(2,000.00)	-67%
MEMBERSHIP & RECRUITING EXP	200.00	200.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	2,000.00	2,000.00	-	0%
BREAKFAST/LUNCH/DINNER MTG EXP	-	500.00	500.00	
EXECUTIVE COMMITTEE EXPENSES	1,400.00	500.00	(900.00)	-64%
LDSHIP/PROF DEVELOP/RETREATS	-	400.00	400.00	
<b>TOTAL DIRECT EXPENSES:</b>	<b>9,287.50</b>	<b>6,887.50</b>	<b>(2,400.00)</b>	<b>-26%</b>
<b>NET INCOME (LOSS):</b>	<b>(5,637.50)</b>	<b>(3,587.50)</b>	<b>2,050.00</b>	

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**Budget Comparison Report**  
For the Period from October 1, 2019 to September 30, 2020

<b>LGBT LAW</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	10.00	-	(10.00)	-100%
SECTION DUES REVENUE	3,300.00	3,300.00	-	0%
MINI-CLE REVENUE	800.00	200.00	(600.00)	-75%
<b>TOTAL REVENUE:</b>	<b><u>4,110.00</u></b>	<b><u>3,500.00</u></b>	<b><u>(610.00)</u></b>	<b><u>-15%</u></b>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	275.00	275.00	-	0%
PER MEMBER CHARGE	2,062.50	2,062.50	-	0%
MINI-CLE EXPENSE	600.00	500.00	(100.00)	-17%
HONORARIUM	-	300.00	300.00	
MEMBERSHIP & RECRUITING EXP	900.00	700.00	(200.00)	-22%
SEMINAR SCHOLARSHIPS	500.00	500.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	700.00	700.00	-	0%
ANNUAL OR OTHER MEETING EXPENSE	200.00	200.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>5,237.50</u></b>	<b><u>5,237.50</u></b>	<b><u>-</u></b>	<b><u>0%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>(1,127.50)</u></b>	<b><u>(1,737.50)</u></b>	<b><u>(610.00)</u></b>	

## Washington State Bar Association

### Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

LITIGATION LAW	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	100.00	100.00	-	0%
SECTION DUES REVENUE	32,010.00	31,500.00	(510.00)	-2%
<b>TOTAL REVENUE:</b>	<u>32,110.00</u>	<u>31,600.00</u>	<u>(510.00)</u>	<u>-2%</u>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	200.00	200.00	-	0%
PER MEMBER CHARGE	20,006.25	19,687.50	(318.75)	-2%
AWARDS	200.00	200.00	-	0%
NEWSLETTER EXPENSES	500.00	-	(500.00)	-100%
SEMINAR EXPENSE - SECTIONS	750.00	750.00	-	0%
MEMBERSHIP & RECRUITING EXP	1,000.00	1,000.00	-	0%
NEW LAWYER OUTREACH	500.00	500.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	6,000.00	6,000.00	-	0%
LAW SCHOOL OUTREACH	1,500.00	1,500.00	-	0%
BREAKFAST/LUNCH/DINNER MTG EXP	5,500.00	5,500.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	10,500.00	10,500.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<u>46,656.25</u>	<u>45,837.50</u>	<u>(818.75)</u>	<u>-2%</u>
<b>NET INCOME (LOSS):</b>	<u>(14,546.25)</u>	<u>(14,237.50)</u>	<u>308.75</u>	

## Washington State Bar Association

### Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

<b>LOW BONO</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	5.00	-	(5.00)	-100%
SECTION DUES REVENUE	3,000.00	2,700.00	(300.00)	-10%
SEMINAR SPLITS W/ OTHERS	1,000.00	1,000.00	-	0%
<b>TOTAL REVENUE:</b>	<b>4,005.00</b>	<b>3,700.00</b>	<b>(305.00)</b>	<b>-8%</b>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	-	300.00	300.00	
PER MEMBER CHARGE	1,875.00	1,687.50	(187.50)	-10%
SEMINAR EXPENSE - SECTIONS	100.00	100.00	-	0%
MEMBERSHIP & RECRUITING EXP	300.00	200.00	(100.00)	-33%
NEW LAWYER OUTREACH	300.00	200.00	(100.00)	-33%
LAW SCHOOL OUTREACH	300.00	200.00	(100.00)	-33%
LDSHIP/PROF DEVELOP/RETREATS	3,850.00	1,500.00	(2,350.00)	-61%
ANNUAL OR OTHER MEETING EXPENSE	400.00	400.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<b>7,125.00</b>	<b>4,587.50</b>	<b>(2,537.50)</b>	<b>-36%</b>
<b>NET INCOME (LOSS):</b>	<b>(3,120.00)</b>	<b>(887.50)</b>	<b>2,232.50</b>	

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

For the Period from October 1, 2019 to September 30, 2020

<b>REAL PROPERTY, PROBATE &amp; TRUST</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	500.00	1,000.00	500.00	100%
SECTION DUES REVENUE	58,500.00	58,000.00	(500.00)	-1%
SEMINAR SPLITS W/ CLE *	-	38,418.73	38,418.73	
<b>TOTAL REVENUE:</b>	<b><u>59,000.00</u></b>	<b><u>97,418.73</u></b>	<b><u>38,418.73</u></b>	<b><u>65%</u></b>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	50.00	-	(50.00)	-100%
PER MEMBER CHARGE	43,875.00	43,500.00	(375.00)	-1%
LEGISLATIVE/LOBBYING	500.00	500.00	-	0%
NEWSLETTER EXPENSES	2,500.00	2,500.00	-	0%
WEBSITE EXPENSES	6,000.00	5,000.00	(1,000.00)	-17%
SEMINAR EXPENSE - SECTIONS	6,000.00	6,000.00	-	0%
MEMBERSHIP & RECRUITING EXP	1,000.00	500.00	(500.00)	-50%
NEW LAWYER OUTREACH	1,500.00	1,500.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	8,000.00	4,000.00	(4,000.00)	-50%
ATTENDANCE AT BOG MEETINGS	1,000.00	500.00	(500.00)	-50%
EXECUTIVE COMMITTEE EXPENSES	10,000.00	10,000.00	-	0%
EXECUTIVE COMM EXP - OTHER	16,000.00	16,000.00	-	0%
LDSHIP/PROF DEVELOP/RETREATS	20,000.00	20,000.00	-	0%
SECTION COMMITTEE EXPENSE	500.00	500.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>116,925.00</u></b>	<b><u>110,500.00</u></b>	<b><u>(6,425.00)</u></b>	<b><u>-5%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>(57,925.00)</u></b>	<b><u>(13,081.27)</u></b>	<b><u>44,843.73</u></b>	

\* Projected split amount from FY18 and FY19 programs

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

For the Period from October 1, 2019 to September 30, 2020

**SENIOR LAWYERS**

	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	50.00	50.00	-	0%
SECTION DUES REVENUE	7,500.00	6,500.00	(1,000.00)	-13%
MINI-CLE REVENUE	1,500.00	1,500.00	-	0%
<b>TOTAL REVENUE:</b>	<u>9,050.00</u>	<u>8,050.00</u>	<u>(1,000.00)</u>	<u>-11%</u>
<b>DIRECT EXPENSES:</b>				
PER MEMBER CHARGE	5,625.00	4,968.75	(656.25)	-12%
NEWSLETTER EXPENSES	3,000.00	2,000.00	(1,000.00)	-33%
EXECUTIVE COMMITTEE EXPENSES	1,000.00	1,000.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<u>9,625.00</u>	<u>7,968.75</u>	<u>(1,656.25)</u>	<u>-17%</u>
<b>NET INCOME (LOSS):</b>	<u>(575.00)</u>	<u>81.25</u>	<u>656.25</u>	



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

For the Period from October 1, 2019 to September 30, 2020

<b>SOLO &amp; SMALL PRACTICE</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
INTEREST - INVESTMENTS	200.00	200.00	-	0%
SECTION DUES REVENUE	35,000.00	31,500.00	(3,500.00)	-10%
MINI-CLE REVENUE	6,000.00	6,000.00	-	0%
<b>TOTAL REVENUE:</b>	<b><u>41,200.00</u></b>	<b><u>37,700.00</u></b>	<b><u>(3,500.00)</u></b>	<b><u>-8%</u></b>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	750.00	750.00	-	0%
PER MEMBER CHARGE	18,750.00	16,875.00	(1,875.00)	-10%
SECTION SPECIAL PROJECTS	2,500.00	1,500.00	(1,000.00)	-40%
WEBSITE EXPENSES	2,500.00	2,000.00	(500.00)	-20%
MINI-CLE EXPENSE	3,000.00	2,000.00	(1,000.00)	-33%
SEMINAR EXPENSE - SECTIONS	5,000.00	5,000.00	-	0%
MEMBERSHIP & RECRUITING EXP	3,000.00	3,000.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	1,500.00	1,500.00	-	0%
SEMINAR SCHOLARSHIPS	-	1,500.00	1,500.00	
EXECUTIVE COMMITTEE EXPENSES	2,500.00	2,500.00	-	0%
LDSHIP/PROF DEVELOP/RETREATS	5,000.00	5,000.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>44,500.00</u></b>	<b><u>41,625.00</u></b>	<b><u>(2,875.00)</u></b>	<b><u>-6%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>(3,300.00)</u></b>	<b><u>(3,925.00)</u></b>	<b><u>(625.00)</u></b>	

## Washington State Bar Association

### Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

TAXATION LAW	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
<b>REVENUE:</b>				
SECTION DUES REVENUE	19,500.00	13,000.00	(6,500.00)	-33%
ANNUAL OR OTHER MEETING REV	7,000.00	4,200.00	(2,800.00)	-40%
<b>TOTAL REVENUE:</b>	<u>26,500.00</u>	<u>17,200.00</u>	<u>(9,300.00)</u>	<u>-35%</u>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	425.00	425.00	-	0%
PER MEMBER CHARGE	12,207.00	12,187.50	(19.50)	0%
AWARDS	400.00	400.00	-	0%
NEWSLETTER EXPENSES	1,500.00	1,500.00	-	0%
RECEPTION EXPENSE	4,000.00	4,000.00	-	0%
SECTION SPECIAL PROJECTS	4,000.00	6,000.00	2,000.00	50%
MINI-CLE EXPENSE	100.00	100.00	-	0%
SEMINAR EXPENSE - SECTIONS	1,000.00	4,000.00	3,000.00	300%
MEMBERSHIP & RECRUITING EXP	1,500.00	1,500.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	2,500.00	2,500.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	1,020.00	1,020.00	-	0%
ANNUAL OR OTHER MEETING EXPENSE	10,100.00	10,100.00	-	0%
<b>TOTAL DIRECT EXPENSES:</b>	<u>38,752.00</u>	<u>43,732.50</u>	<u>4,980.50</u>	<u>13%</u>
<b>NET INCOME (LOSS):</b>	<u>(12,252.00)</u>	<u>(26,532.50)</u>	<u>(14,280.50)</u>	

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

For the Period from October 1, 2019 to September 30, 2020

<b>WORLD PEACE THROUGH LAW</b>	<b>FISCAL 2019 BUDGET</b>	<b>FISCAL 2020 BUDGET</b>	<b>\$ CHANGE IN BUDGET</b>	<b>% CHANGE IN BUDGET</b>
<b>REVENUE:</b>				
SECTION DUES REVENUE	2,790.00	3,000.00	210.00	8%
MINI-CLE REVENUE	300.00	850.00	550.00	183%
<b>TOTAL REVENUE:</b>	<u>3,090.00</u>	<u>3,850.00</u>	<u>760.00</u>	<u>25%</u>
<b>DIRECT EXPENSES:</b>				
CONFERENCE CALLS	150.00	300.00	150.00	100%
PER MEMBER CHARGE	1,743.75	1,875.00	131.25	8%
AWARDS	500.00	500.00	-	0%
RECEPTION EXPENSE	-	100.00	100.00	
SECTION SPECIAL PROJECTS	-	200.00	200.00	
MINI-CLE EXPENSE	1,500.00	1,500.00	-	0%
SEMINAR EXPENSE - SECTIONS	-	1,500.00	1,500.00	
MEMBERSHIP & RECRUITING EXP	200.00	300.00	100.00	50%
SCHOLARSHIPS/DONATIONS/GRANT	-	3,000.00	3,000.00	
LAW SCHOOL OUTREACH	-	100.00	100.00	
EXECUTIVE COMM EXP - OTHER	-	300.00	300.00	
<b>TOTAL DIRECT EXPENSES:</b>	<u>4,093.75</u>	<u>9,675.00</u>	<u>5,581.25</u>	<u>136%</u>
<b>NET INCOME (LOSS):</b>	<u>(1,003.75)</u>	<u>(5,825.00)</u>	<u>(4,821.25)</u>	

# ATTACHMENT F

# WASHINGTON STATE BAR ASSOCIATION

To: Section Chairs, Chair-Elects, and Treasurers

From: Kevin Plachy, Interim Director of Advancement

cc: Sections Leaders Team

Re: FY 2020 Section Per-Member Charge

Date: June 30, 2019

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The Section Per-Member Charge is calculated as part of the WSBA annual budget process. It is based on the first draft of the budget for costs of the administrative support to WSBA Section leaders and executive committees for the upcoming fiscal year as reflected in the Sections Administration cost center. These costs include: (1) salaries and benefits, (2) overhead, and (3) direct expenses.

***The Budget and Audit Committee of the Board of Governors reviewed the first draft FY 2020 Budget on June 27, 2019. The Committee unanimously agreed not to increase the Per-Member Charge. The FY 2020 Per-Member Charge will remain at its current rate of \$18.75.***

## FY2020 PER-MEMBER CHARGE CALCULATION

### 1. SALARIES AND BENEFITS

The Per-Member charge includes the salaries and benefits of employees that directly support Sections; three full-time sections team staff and a portion of an FTE in Finance for processing section financial transactions such as expense reports, invoice payments and donations. *It does not include any staffing costs for mini-CLEs, Section membership dues processing, or any other work performed by WSBA employees in support of Sections.* Benefits are calculated as a percentage of total salaries. The percentage is derived from the WSBA's total salaries and benefits budget for the fiscal year. Items included in employee benefits are employer federal taxes and insurance, medical coverage, retirement plan contributions, employee bus passes, and employee service awards and assistance plan.

Direct Employee Support	Full Time Equivalent (FTE)
• Sections Administration Employees	3.0
• Administrative Employee Time <sup>1</sup>	0.08
<b>Total FTE</b>	<b>3.08</b>
• Salaries for 3.08 FTEs	\$212,158
• Benefits (35.4% of estimated salaries)	\$75,104

<b>Total FY20 Salaries and Benefits Budgeted for Sections</b>	<b>\$287,262</b>
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<sup>1</sup> Includes cost of employee time for processing accounts payable arising from section activities.

## 2. OVERHEAD

This charge includes expenses related to general operations attributable to all WSBA employees. Overhead cost is calculated based on a per-FTE dollar amount, which is derived by taking the total cost of overhead divided by the total number of WSBA FTEs. This generates a per-FTE cost, which is multiplied by the total number of FTEs allocated to Sections. Overhead costs in the first draft FY20 budget consist of:

Overhead Category	Cost
• Rent	1,951,000
• Furniture, Maintenance & Leasehold Improvements	35,000
• Office Supplies & Equipment	46,000
• Computer Software Depreciation	165,000
• Telephone & Internet	47,000
• Production Services	12,000
• Workplace Benefits	44,500
• HR Expenses	167,120
• Personal Property Taxes	12,000
• Furniture & Equipment Depreciation	53,000
• Computer Hardware Depreciation	50,000
• Insurance	243,000
• Professional Fees-Audit	85,000
• Bank Fees	34,000
• Information Technology Department Expenses	667,610
<b>Total Overhead Budgeted for FY20</b>	<b>\$3,612,230</b>

- Estimated total WSBA FTEs for FY 2020 = 140.75
- Overhead per FTE =  $\$3,612,230 / 140.75 = \$25,664$

**Total Estimated FY20 overhead<sup>2</sup> to be charged to Sections ( $\$25,664 \times 3.08$  FTEs) =  $\$79,045.12$**

## 3. DIRECT EXPENSES

These are out-of-pocket costs of administering Sections, and include:

- Dues Statements (paper, postage, and printing of annual Section membership dues statements)
- Section Meetings Expenses (Fall & Spring Section Leaders meeting costs for food, supplies, and conference calls)
- Employee Travel (costs for Sections staff to attend Executive Committee meetings and other Section events)

**Direct expenses budgeted for all Sections =  $\$9,297$**

<sup>2</sup> Historically, there are small overhead differences between the first and final draft WSBA budgets.

**FY 2020 PER-MEMBER CHARGE CALCULATION BASED ON FIRST DRAFT FY 2019 BUDGET**

1. Total Salaries and Benefits	+\$287,262
2. Total Overhead	+79,045
3. Direct Expenses	<u>+9,297</u>
<b>Total expenses for Sections Administration cost center</b>	<b>= \$ 375,604</b>

Estimated total # of section memberships for FY 2020 = 16,000 members

**Total 2020 Cost Per-Member: \$23.48/member**

**The FY 2020 Per-Member Charge will remain at its current rate of \$18.75.**

**FY 2020 SECTION BUDGETS**

*As a reminder, Section Budget Requests and Request to Change Dues are due on July 12<sup>th</sup>. You may make additional changes after the budget has been submitted until August 16<sup>th</sup>. Please email all budget documents to your Sections Program Specialist or mail to them at 1325 4<sup>th</sup> Avenue, Suite 600, Seattle WA 98101.*

If you have any questions about any of the information contained in this memo or need additional information, please feel free to contact Finance or your Section Leaders Team for assistance.

**Finance:**

Darshita Patel      [darshitap@wsba.org](mailto:darshitap@wsba.org)      206-733-5900

**Sections Leaders Team:**

Paris Eriksen      [parise@wsba.org](mailto:parise@wsba.org)      206-239-2116

Pat Mead      [patrickm@wsba.org](mailto:patrickm@wsba.org)      206-733-5921

Eleen Trang      [eleent@wsba.org](mailto:eleent@wsba.org)      206-733-5996

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

**TO:** WSBA Board of Governors  
**FROM:** Jorge Perez  
**DATE:** September 18, 2019  
**RE:** Recommended Revision to Fiscal Policies and Procedures re Cost Centers

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**ACTION:** Approve proposed fiscal policy revisions.

In July, the Board of Governors had a first reading of Fiscal Policy revisions proposed by the Budget & Audit Committee, which would require that certain revenues and costs be separated into individual cost centers.

Attached are additional revisions to the policy, which would narrow the scope of the revision to revenue and expenses related to the Board of Governors, the Office of the Executive Director, the LLLT Program, and the LPO Program and provide some flexibility for how other committees and activities are grouped. The updated revisions also seek to clarify language about how staff time can be allocated among the Board of Governor and Office of Executive Director cost centers. These revisions were reviewed by the Budget & Audit Committee at its August 12, 2019 meeting.

**Attachments:**

1. Redlined Policy, revised August 5, 2019 (Attachment A)
2. Clean Revised Policy, revised August 5, 2019 (Attachment A)
3. June 27, 2019 Memo Re: First Reading: Recommended Revision to Fiscal Policies and Procedures re Cost Centers (Attachment C)
4. Redlined Policy, June 27, 2019 (Attachment D)
5. Clean Revised Policy, June 27, 2019 (Attachment E)
6. Current Policy (Attachment F)



## ATTACHMENT A

### Recommended Revisions to Fiscal Policies and Procedures re Cost Centers (Redline)

#### Budget Policies and Process

##### Overall Philosophy

The WSBA should prepare an annual budget and establish its budget by function ("cost center") insofar as practical to permit subsequent cost-benefit analysis. The budget should be transparent so it is easy for the Board of Governors and members to see how the WSBA is spending its money.

The budget for each cost center should include its revenues, its direct expenses, and its share of the WSBA's overhead (indirect) expenses. By knowing the total cost of each program or function, the Board can make policy decisions about which programs should be supported by member license fees, which programs should be self-supporting, ~~and~~ which programs should generate revenue for other WSBA functions or programs. To that end, all revenues, costs, and expenses and income arising from each program, committee, Board (whether of the WSBA or as directed by the Supreme Court), the Limited License Legal Technician (LLLT) license type, and the Limited Practice Officer (LPO) license type and non-attorney license type shall be reflected in a cost center specific to it provided however that standing Board of Governor committees (for example, Budget and Audit Committee and Personnel Committee) shall be budgeted in the Board of Governors cost center. To the extent expenses are shared between cost centers, they shall be allocated in accord with standing practices with the intention of ensuring all costs incurred by unique cost centers are attributed to them. More specifically, in particular, that shall include, but is not limited to, all revenues and expenses (direct and indirect) shall be presented in separate cost centers for: (1) the Board of Governors; (2) the Executive Director; and (3) the LLLT limited license legal technician program; (4) the LPO program, and (5) all Supreme Court boards and committees each limited license program.

The only allocation of full time employee units to the Board of Governor cost center shall be the direct time of any administrative staff whose primary purpose is to assist the Board. The full cost of the position of Executive Director shall be reflected in that cost center without allocation to any other cost center and shall include an allocation in full time employee units the staff tasked to assist the Executive Director. Both the Board of Governors cost center and Executive Director cost center shall be allocated their pro rata share of enterprise expenses in accord with standing practices. Where those are shared enterprise expenses, they shall be clearly identified as such.

The budget should be a tool to plan for the coming year and help guide decision making. It is both a policy-making tool for the Board of Governors and provides the Board of Governors the ability to provide direct oversight over WSBA Spending. Additionally, it, ~~and~~ gives employees direction on how and where to spend its resources. In order to be a useful tool, the budget should not be a rigid document that can never be amended – it can and should be amended if necessary. The budget can be amended by the Board of Governors, Budget and Audit Committee or Executive Director via decisions made under the Fiscal Responsibilities Matrix.

WSBA should budget revenues and expenses as accurately as possible. Revenues should be realistic, but not overly conservative. Expenses should be estimated not on remote possibilities, but rather on historical spending patterns and actual planned expenses. There should be some flexibility in the budget to allow for contingencies and necessary adjustments.

~~The budget should be transparent so it is easy for the Board of Governors and members to see how the WSBA is spending its money.~~

##### Long-range Forecasting and Planning

The Chief Operations Officer may prepare long-range forecasts, prior to the annual budgeting process, to get an indication of the parameters around the upcoming annual budget; and whenever requested by the Board of

Governors, usually for planning for license fee increases and as part of the long-range planning process. WSBA should annually update its long-range financial plan to anticipate the needs of a growing Bar, and so that, if increased funds become necessary, the Bar can plan logically and in advance on what additional funding will be required to meet such needs

### **Annual Budgeting Time Line/Process**

- The budgeting process begins in April for the coming fiscal year (October 1 – September 30). The Chief Operations Officer and Associate Director of Finance request budgets from each Department Director, Section Chair, and liaison to the WSBA's various committees and boards. These individual budgets are compiled and reviewed by the Chief Operations Officer and the Executive Director.
- The Chief Operations Officer and Associate Director of Finance meet with department directors, employees, section leaders, etc. to conduct a thorough review of all budgets and comparison of budget figures to historical and year-to-date fiscal information.
- The Budget and Audit Committee reviews drafts of the entire WSBA budget (general fund, CLE, CPF, and sections) in June, July, and August, and provides guidance where necessary.
- The Board of Governors reviews a preliminary budget in July and approves the final entire WSBA budget at its last meeting of the fiscal year (September).

### **Capital Budget**

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### **Cash Flow Budget**

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### **Additional Budget Requests**

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## ATTACHMENT B

### **Recommended Revised Fiscal Policies and Procedures re Cost Centers (Clean)**

#### **Budget Policies and Process**

##### **Overall Philosophy**

The WSBA should prepare an annual budget and establish its budget by function ("cost center") insofar as practical to permit subsequent cost-benefit analysis. The budget should be transparent so it is easy for the Board of Governors and members to see how the WSBA is spending its money.

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The only allocation of full time employee units to the Board of Governor cost center shall be the direct time of any administrative staff among whose primary purposes is to assist the Board. The full cost of the position of Executive Director shall be reflected in that cost center without allocation to any other cost center and shall include the direct time of any administrative staff among whose primary purposes is to assist the Executive Director. Both the Board of Governors cost center and Executive Director cost center shall be allocated their pro rata share of enterprise expenses in accord with standing practices. Where those are shared enterprise expenses, they shall be clearly identified as such.

The budget should be a tool to plan for the coming year and help guide decision making. It is both a policy-making tool for the Board of Governors and provides the Board of Governors the ability to provide direct oversight over WSBA Spending. Additionally, it gives employees direction on how and where to spend its resources. In order to be a useful tool, the budget should not be a rigid document that can never be amended – it can and should be amended if necessary. The budget can be amended by the Board of Governors, Budget and Audit Committee or Executive Director via decisions made under the Fiscal Responsibilities Matrix.

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##### **Long-range Forecasting and Planning**

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##### **Annual Budgeting Time Line/Process**

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Section Chair, and liaison to the WSBA's various committees and boards. These individual budgets are compiled and reviewed by the Chief Operations Officer and the Executive Director.

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### **Additional Budget Requests**

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### **Ongoing Program Review**

WSBA should anticipate both new initiatives and planning for potential termination or decreased funding for some older programs, depending on relevance for and needs of WSBA. WSBA should maintain a scheduled program review process for all non-regulatory WSBA programs.

ATTACHMENT C

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

To: Board of Governors

From: Budget and Audit Committee

Re: **First Reading:** Recommended Revision to Fiscal Policies and Procedures re Cost Centers

Date: June 27, 2019

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**First Reading:** Recommended Revision to Fiscal Policies and Procedures re Cost Centers

The Budget Policies in Chapter 1 of the WSBA Fiscal Policies and Procedures Manual (Manual) are defined as “significant”, which means that any revision must be recommended by the Budget and Audit Committee and approved by the Board of Governors.

In order to increase budget transparency and facilitate the Board of Governors’ direct oversight of WSBA spending, the Budget and Audit Committee recommends the attached revisions to the Budget Policies in Chapter 1 of the Manual. The revisions will ensure that expenses and revenues arising from every program, committee, WSBA Board and Supreme Court Board, including the LLLT and LPO programs, are presented in separate cost centers. Proposed language also identifies how FTE should be allocated to the BOG and Executive Director cost centers.

The redlined, revised, and current versions of the Budget Policies in Chapter 1 of the WSBA Fiscal Policies and Procedures Manual are included as Attachments A, B, and C respectively.

## ATTACHMENT D

### Recommended Revisions to Fiscal Policies and Procedures re Cost Centers (Redline)

#### Budget Policies and Process

##### Overall Philosophy

The WSBA should prepare an annual budget and establish its budget by function ("cost center") insofar as practical to permit subsequent cost-benefit analysis. The budget should be transparent so it is easy for the Board of Governors and members to see how the WSBA is spending its money. -

The budget for each cost center should include its revenues, its direct expenses, and its share of the WSBA's overhead (indirect) expenses. By knowing the total cost of each program or function, the Board can make policy decisions about which programs should be supported by member license fees, which programs should be self-supporting, which programs should generate revenue for other WSBA functions or programs. To that end, The revenue and costs associated with specific program areas; committees, boards and other entities; and other activities should be grouped into cost centers in order to further the Board's ability to make such policy decisions. all revenues costs, and expenses and income arising from each program, committee, bBoard (whether of the WSBA or as directed by the Supreme Court), the Limited License Legal Technician (LLT) license type, and the Limited Practice Officer (LPO) license type and non-attorney license type shall be reflected in a cost center specific to it provided however that standing Board of Governor committees (for example, Budget and Audit committee and personnel committee) shall be budgeted in the Board of Governors cost center. To the extent expenses costs are shared between cost centers, they shall be allocated in accord with standing practices with the intention of ensuring all costs incurred by unique costs centers are attributed to them. More specifically, ~~In particular, that shall include, but is not limited to, all revenues and expenses (direct and indirect) shall being presented in separate cost centers for: (1) the Board of Governors; (2) the Office of the Executive Director; and (3) the LLLT limited license legal technician program; (4) the LPO program, and (5) all Supreme Court boards and commmitteeseach limited license program.~~

The only allocation of full time employee units to the Board of Governor cost center shall be the direct time of any administrative staff among whose primary purposes is to assist the Board. The full cost of the position of Executive Director shall be reflected in that cost center without allocation to any other cost center and shall include an allocation in full time employee units the staff tasked the direct time of any administrative staff among whose primary purposes is to assist the Executive Director. Both the Board of Governors cost center and Executive Director cost center shall be allocated their pro rata share of enterprise expenses in accord with standing practices. Where those are shared enterprise expenses, they shall be clearly identified as such.

The budget should be a tool to plan for the coming year and help guide decision making. It is both a policy-making tool for the Board of Governors and provides the Board of Governors the ability to provide direct oversight over WSBA Spending. Additionally, it, -and gives employees direction on how and where to spend its resources. In order to be a useful tool, the budget should not be a rigid document that can never be amended – it can and should be amended if necessary. The budget can be amended by the Board of Governors, Budget and Audit Committee or Executive Director via decisions made under the Fiscal Responsibilities Matrix.

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~~The budget should be transparent so it is easy for the Board of Governors and members to see how the WSBA is spending its money.~~

##### Long-range Forecasting and Planning

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Governors, usually for planning for license fee increases and as part of the long-range planning process. WSBA should annually update its long-range financial plan to anticipate the needs of a growing Bar, and so that, if increased funds become necessary, the Bar can plan logically and in advance on what additional funding will be required to meet such needs

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#### **Ongoing Program Review**

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## ATTACHMENT E

### Recommended Revised Fiscal Policies and Procedures re Cost Centers (Clean)

#### Budget Policies and Process

##### Overall Philosophy

The WSBA should prepare an annual budget and establish its budget by function ("cost center") insofar as practical to permit subsequent cost-benefit analysis. The budget should be transparent so it is easy for the Board of Governors and members to see how the WSBA is spending its money.

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## ATTACHMENT F

### Current Fiscal Policies and Procedures re Cost Centers

#### Budget Policies and Process

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

**TO:** WSBA Board of Governors  
**FROM:** Jorge Perez  
**DATE:** September 18, 2019  
**RE:** Proposed Supplemental Audit

**ACTION:** Approve one of the proposed supplemental audit options.

Enclosed is the proposed Scope of Work and Methodology for a supplemental audit prepared by Clark Nuber for your evaluation and approval of one of the options. The proposal includes an initial estimate of \$50,000 dollars, with additional options for other scopes of service as delineated below:

Scope of Services Options	Estimated Cost for Year One
Year one do full scope of work to establish a clean baseline, then every 3-5 years consider repeating full scope or a portion of it.	\$50,000
Year one do data mining on all databases and expense report testing, then based on the results of that testing, consider the need to expand the scope. Repeat these same procedures every 3-5 years.	\$15,000
Year one do data mining on all databases and expense report testing. In 3-5 years alternate and do detailed transaction testing. Rotate back to data mining and expense report testing 3-5 years later, and continue rotation on this cycle.	\$15,000
Annually, do data mining on one database and alternate in cycle.	\$3,000

## Scope of Work and Methodology

Below is our proposed scope of work. This is only the starting point for our discussion to fine tune the procedures to fully meet your needs. These procedures will be modified as needed and agreed to during our planning meeting with you. Our work is divided into three phases: planning and obtaining background information; performing on-site testing; and reporting.

### PHASE I - PLANNING AND OBTAINING BACKGROUND INFORMATION

#### A. Meet with Management and/or Board or Committee Members to:

1. Fine tune proposed scope of work. We will remove non-value added steps or steps not practical to do, change proposed procedures as needed to meet your needs, and add additional steps that we haven't contemplated that you would like performed.
2. Agree on timing of work on-site and delivery of reports.
3. Agree on form and content of final report.
4. Agree on timing and method of periodic updates.
5. Finalize engagement letter for services.

#### B. Obtain and Review Needed Information

1. Audited and internal financial statements
2. Trial balance for FY 2018.
3. Any prior reports related to WSBA management and accounting personnel.
4. WSBA accounting policies and procedures.
5. WSBA payroll register reports for each pay period from 2018.
6. Listing of WSBA employees with addresses.

#### C. Interview WSBA Accounting Staff

1. Discuss our understanding of policies and procedures as well as any concerns about inappropriate activity at WSBA.

### PHASE II – PERFORM TESTING

#### A. Payroll Testing

1. For fiscal year 2018, we will:

- a. Obtain the year-end payroll register.
- b. For a sample of 10 staff we will:
  - i. Agree pay rate to authorized rate per personnel file.
  - ii. Re-compute pay, vacation, and deductions.
  - iii. Agree deductions to authorizations in personnel file.
  - iv. Review fringe benefits for reasonableness, compliance with policies, and agreement with personnel file documentation.
  - v. Agree any bonuses to proper authorizations.
  - vi. Summarize amount of vacation time used. If little to no vacation time is used, then discuss with others in the organization the reasonableness of these amounts.
  - vii. Recompute any vacation buyouts for each year and assess for reasonableness.
  - viii. If there are any employee loans, schedule out employee loans per employee and assess compliance with policies and procedures.
- c. Agree payroll per the payroll register to the amounts paid out of the payroll bank account.

## **B. Expense Report Testing**

1. For fiscal year 2018, select 10 expense reports (including COO and Executive Director) for testing. Review expenses for reasonableness, compliance with policies, and proper support.
2. Review the cell phone policy and select a sample of 10 employees to determine if the staff are in compliance with this policy by looking at bills, credit card statements, and other supporting documentation.
3. Determine which WSBA staff have company credit cards.
  - a. Select two statements from fiscal year 2018 per card holder and review each for reasonableness, compliance with policies, and proper supporting documentation.

## **C. Fraudulent Disbursements Procedures**

1. Select one bank statement from fiscal year 2018. Trace each item (checks, deposits, wire transfers) in the statement to supporting documentation (deposit slips, cancelled checks, etc.). For checks, trace payee to general ledger. For wire transfers, verify proper authorization and destination of funds.
2. With our data mining software, we are able to take a computer database, and perform a battery of tests on 100% of the transactions in that database. For example, we recently did this for a large local government, and in four of twelve tests performed on their credit card database, a

person committing fraud rose to the top of our exceptions list. We will use this software to look at the payroll and disbursement databases for fiscal year 2018. If issues are identified, we will then discuss with management how many years further we should look back.

## **Payroll Database**

1. We will use our data mining software as well as other Computer Assisted Auditing Techniques (CAATs) to identify:
  - a. Gross salary by employee and withholdings (this can be further analyzed and compared against expectations and traced to approve pay rates).
  - b. Negative payroll amounts. This could indicate credits to payroll designed to offset excessive payments to an employee.
  - c. Positive or zero valued deductions. Can indicate manipulation of payroll deductions.
  - d. Number of payroll checks per employee (compare to number of pay periods). The number of checks per employee can identify employees writing additional payroll checks to themselves.
  - e. Total expense reimbursements - amount and count, if processed through payroll. Can identify excessive expense reimbursements.
  - f. Unusual addresses (e.g. out of state addresses or P.O. Boxes).
  - g. Multiple names to one address.
  - h. Bank account duplicates.
  - i. Employees listed in payroll not in the employee listing.
  - j. Duplicate employee listings.
  - k. Invalid social security numbers.
  - l. Employees or employee addresses in the Vendor Master File. Indicates employees set up as a vendor in the disbursement database.
  - m. Vacation time used. Look for employees with no vacation time used.

## **Credit Card Database**

1. We will use our data mining software, as well as other Computer Assisted Auditing Techniques (CAATs) to identify:
  - a. Transactions processed on weekends. This can be an indicator of personal charges.
  - b. The top spenders and vendors used on weekends. This can indicate personal charges.

- c. Peak charge periods and review with management. Peak spending around Christmas or at the end of the budget cycle can be indications of issues.
  - d. Duplicate transactions for the same cardholder for the same amount on the same day. This can indicate charges broken into smaller amounts to avoid certain purchase authorization limits, duplicate purchases for person uses, or double submissions for reimbursement.
  - e. Recurring charges for the same amounts. This could indicate personal bills being charged.
  - f. Transactions with even \$50 and \$100 increments. This can be an indicator of gift cards or certificates being purchased which is a common source of fraud.
  - g. Cardholders that consistently came within \$1,000 of credit limits. Could be an indicator of fraud if someone has a large dollar volume but knows enough to stop before they hit the credit limit.
  - h. Vendors with the highest dollar volume. Do the vendors at the top of the list make sense to management? Could identify fictitious vendors.
  - i. Vendors with the highest transaction volume. Do the vendors at the top of the list make sense to management? Could identify fictitious vendors.
  - j. For Procurement Cards, most frequently and infrequently used Merchant Category Codes (MCC's).
  - k. For Procurement Cards, suspicious MCC's and/or vendors.
2. We will review the results with the **Committee** and agree on which exceptions to follow up on.

## Accounts Payable Database

1. We will use our data mining software as well as other Computer Assisted Auditing Techniques (CAATs) to identify:
  - a. Total vendor payments sorted by number of checks and dollar amount. Could be an indicator of a fictitious vendor.
  - b. Checks on weekends. Could be an indicator of fraudulent checks.
  - c. Multiple checks of the same dollar amount to the same vendor. Could indicate checks split into smaller amounts to avoid check authorization limits.
  - d. Gaps in checks. An indicator of missing checks.
  - e. Duplicate checks. A potential indicator of fraudulent checks.



- f. Checks written to cash or blank payee (if a risk is determined, we can query for that risk similar to looking for all checks written to cash). Indicates internal controls needing improvement and possible fraudulent disbursements.
  - g. Matching employee addresses to vendor addresses. Indicates employees that may have also set themselves up as vendors in the accounting system.
  - h. Vendor address is a P.O. Box. Can be an indicator of fictitious vendors.
  - i. Vendor has more than one address. Can be an indicator of a fictitious vendor.
  - j. Matching vendor code from check register to vendor master file. Could indicate alterations to the accounting records.
  - k. Summary of checks to vendors that are written for amounts below dollar threshold, such as a dual signature threshold (this summary will allow you to drill down on the detail). Can indicate split purchases to avoid authorization limits on purchases.
2. We will review the results with the **Committee** and agree on which exceptions to follow up on.

## Vendor File Database

1. We will use our data mining software as well as other Computer Assisted Auditing Techniques (CAATs) to identify:
- a. Employees or employee addresses in the Vendor Master File. Indicates employees set up as a vendor in the disbursement database.
  - b. Vendors that have more than one vendor file. Can indicate fictitious vendors.
  - c. Vendors with duplicate, non-standard tax ID's. Can indicate fictitious vendors.
  - d. Multiple vendors to the same address. Can indicate fictitious vendors.
2. We will review the results with **the Committee** and agree on which exceptions to follow up on.

## D. Miscellaneous Items to Investigate

1. WSBA Travel for fiscal year 2018:
- a. Obtain a general ledger report showing details for the travel accounts for each year.
  - b. Select all items over **\$5,000**, and any under **\$5,000 that seem strange** for further testing. For each item selected, obtain supporting documentation and review for:
    - i. Reasonableness.
    - ii. Compliance with WSBA policies and procedures.
  - c. Report any areas of vulnerability and recommendations to address.

2. Use of WSBA funds by Board committees for fiscal year 2018:
  - a. Obtain a report showing board and committee expenses for fiscal years 2016-2018.
    - i. Obtain explanations for variances greater than \$25,000 from year to year.
  - b. For the three committees with the highest expenditures, obtain expense detail for fiscal year 2018 and select the 5 largest transactions to trace to supporting documentation and assess reasonableness and compliance with WSBA policies.
  - c. Report any areas of noncompliance or unusual items with any recommendations we might have to avoid issues in the future.

### PHASE III - REPORTING

1. At the conclusion of fieldwork, hold a preliminary exit conference to discuss any possible findings and recommendations to ensure there have been no miscommunications or misunderstandings before committing anything to writing.
2. If desired, prepare a draft report with executive summary, background and scope, and findings and recommendations.
3. Present draft report to management and edit as necessary.
4. Prepare final report.
5. Present results to management and/or the Committee.
6. Determine next steps and/or follow up procedures needed, if any, based on our find.

The above is a comprehensive analysis targeting specific areas of concern. Options to consider would be to do all or a portion of these every 3 or 5 years, or do a portion of these each year on a rotational basis.

### Fee Proposal and Proposed Project Schedule

We will bill for our services at our standard hourly rates. Our standard hourly rates for consulting and other services are:

Staff Level (Audit and Tax)	Rates
Associates	\$140 - \$190
Seniors	\$185 - \$225
Managers and Senior Managers	\$225 - \$350
Principals and Shareholders	\$350 - \$435

## Proposed Options for Services with Associated Fee Estimates

Scope of Services Options	Estimated Cost for Year One
Year one do full scope of work to establish a clean baseline, then every 3-5 years consider repeating full scope or a portion of it.	\$50,000
Year one do data mining on all databases and expense report testing, then based on the results of that testing, consider the need to expand the scope. Repeat these same procedures every 3-5 years.	\$15,000
Year one do data mining on all databases and expense report testing. In 3-5 years alternate and do detailed transaction testing. Rotate back to data mining and expense report testing 3-5 years later, and continue rotation on this cycle.	\$15,000
Annually, do data mining on one database and alternate in cycle.	\$3,000

# WASHINGTON STATE BAR ASSOCIATION

To: The President, President-elect, and The Board of Governors

From: Terra Nevitt, Interim Executive Director  
Jorge Perez, Chief Financial Officer  
Julie Shankland, General Counsel

Date: September 17, 2019

Re: FY 2020 License Fee Deduction

**ACTION:** Approve 2020 Keller deduction schedule.

Each year the annual license fee form provides for an “optional Keller deduction” as approved by the Board of Governors. This is in response to the U. S. Supreme Court 1990 decision in *Keller v. State Bar of California*<sup>1</sup> holding that state bar mandatory fees may not be used over a member’s objection for activities that are *political or ideological in nature and which are not reasonably related to (1) regulating the practice of law, or (2) improving the quality of legal services*. In *Eugster v. WSBA*<sup>2</sup>, the court stated that “the WSBA provides robust procedural safeguards to ensure compliance with *Keller*.” On August 30, 2019, the U.S. Court of Appeals for the 8<sup>th</sup> Circuit issued a decision in *Fleck v. Wetch*<sup>3</sup>, holding that *Janus* did not overrule *Keller* and affirming that a procedure similar to WSBA’s *Keller* refund procedure remains constitutional.

General Rules 12-12.3 set out the Washington Supreme Court’s plenary authority over WSBA, its regulatory objectives for regulating the practice of law, and WSBA’s authorized and prohibited activities. GR 12.2(c) prohibits WSBA from (1) taking positions on issues concerning the politics or social positions of foreign nations; (2) taking positions on political or social issues which do not relate to or affect the practice of law or the administration of justice; or (3) supporting or opposing, in an election, candidates for public office.

**The amount of the Keller deduction represents the amount of license fees used for activities permitted under GR 12, but subject to deduction under *Keller*.**

<sup>1</sup> *Keller v. State Bar of California*, 496 U.S. 1 (1990)

<sup>2</sup> *Eugster v. WSBA*, No. C15-0375JLR 2015 WL 5175722 (W.D. Wash Sept. 3, 2015), *aff’d*, 684 F.App’x 618 (9<sup>th</sup> Cir. 2017)

<sup>3</sup> *Fleck v. Wetch*, No. 16-1564 (8<sup>th</sup> Cir 2019)

## OVERVIEW OF OPTIONAL KELLER DEDUCTION CALCULATION

The optional Keller deduction amount is the sum of the following three numbers:

- (1) The actual direct and indirect costs of non-chargeable Legislative activities in the current fiscal year;
- (2) The budgeted cost for ABA delegate activities in the next fiscal year; and
- (3) The actual direct and indirect costs of other non-chargeable activities in the current fiscal year, including staff salary, benefits and overhead, including meeting time, conference call costs and overhead.

## LEGISLATIVE EXPENSE CALCULATION

We start by determining each license fee paying member's share of the entire legislative function budget. For FY 2020, the budgeted amount is \$160,404.00<sup>4</sup>. We divide this amount by the estimated total number of license fee paying members for 2020 (40,940) to arrive at each member's pro rata share (\$3.92).

$$\$160,404.00 \div 40,940 = \$3.92$$

We then reviewed a detailed list of the WSBA legislative staff's activity for the past year (FY 2019) to determine the proportion of the legislative budget spent on "non-chargeable" activities. We apply this percentage to the FY 2020 legislative budget. Attachment A is the detailed listing the legislative staff's activities for FY 2019. We reviewed each bill that the legislative staff spent time on and determined that 1788 was chargeable because it directly relates to regulating the legal profession. We determined that all of the remaining bills were non-chargeable because they do not relate directly to regulating the legal profession or improving the quality of legal services.<sup>5</sup> We included all time the legislative staff spent directly or indirectly on all bills other than 1788 in the "non-chargeable" calculation. This calculation also includes expenses related to legislative staff time spent during and preparing for BOG, BOG Legislative Committee and BOG Legislative Review Committee meetings. (The spreadsheet does not include time for the Access to Justice Board (ATJ) or Council on Public Defense (CPD) because the WSBA legislative staff did not spend time working on bills specifically for these entities during FY 2019. Part three of the Keller calculation captures the time ATJ and CPD spent on non-chargeable activities that were not directly related to legislation.)

For FY 2019<sup>6</sup>, the non-chargeable percentage was 27.72%. The per member legislative expense of \$3.92 is multiplied by the percentage of non-chargeable activities (27.72%) to arrive at a per member cost of \$1.09.

$$(\$160,404.00 \div 40,940) \times .2772 = \$1.09$$

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<sup>5</sup> These bills reasonably relate to or affect the practice of law or the administration of justice, so this activity complies with GR 12.2, but are appropriately subject to the *Keller* deduction.

<sup>6</sup> We use the actual expenses incurred in FY 2019 and apply those to the FY 20 budgeted amounts.

### **ABA DELEGATION EXPENSE CALCULATION**

The ABA delegates take political positions, so we treat the entire ABA delegation budget (\$5,600) as non-chargeable. We divide the budgeted amount by the estimated total number of license fee paying members. The per member cost associated with the ABA delegation budget for FY 2020 is \$.14.

$$\$5,600 \div 40,940 = \$.14$$

### **OTHER NON-CHARGEABLE EXPENSES/GENERAL STAFF TIME**

Finally, we review all other WSBA activities to identify other non-chargeable activities. This number is the total amount for staff time, including salaries, benefits, and overhead, BOG meeting time, including staff time, overhead, and conference call expenses not otherwise accounted for above, spent on meetings or activities involving legislative or political matters divided by the estimated total number of license fee paying members.

WSBA employees review FY 2019 meeting agendas and minutes and provide details of staff time and meeting expenses for activities that might be non-chargeable. The FY 2019 number includes staff time and meeting expenses for portions of Access to Justice Board and Committee meetings, Council on Public Defense Meetings, and Pro Bono and Public Service Committee meetings, including staff prep time. Attachment 2 is the detailed information used to prepare this calculation.

The total amount spent for staff time, overhead, and costs, including volunteer reimbursements for this category is \$12,197.22. We calculated the amount per member as \$.30.

$$\$12,197.22 \div 40,420 = \$.30$$

### **KELLER DEDUCTION CALCULATION AND ROUNDING UP**

The *Keller* deduction is the sum of the amounts in #1, #2, and #3 above and results in a deduction of \$1.53 (\$1.09 + \$0.14 + \$0.30). We recommend rounding this number up for simplicity and ease in calculations. Therefore, we recommend that the Keller deduction for FY 2020 be set at **\$1.55**.

The comparison to previous years is shown in this table:

YEAR	DEDUCTION
2019	\$1.55
2018	\$1.25
2017	\$2.50
2016	\$3.50
2015	\$4.40
2014	\$4.70
2013	\$6.40
2012	\$6.00
2011	\$4.40
2010	\$3.95
2009	\$3.45
2008	\$3.15
2007	\$3.80
2006	\$2.14
2005	\$3.70
2004	\$1.94
2003	\$1.79
2002	\$1.70
2001	\$2.70
2000	\$2.22
1999	\$1.88
1998	\$1.50
1997	\$2.50

Based on these calculations, we recommend the following Keller deduction schedule for 2020 prorated by the amount of license fee paid by various categories of WSBA membership:

	License Fee	Keller Deduction
• Active Lawyer Admitted to any Bar before 2018	\$458.00	\$1.55
• Active Lawyer Admitted to any Bar in 2018 or 2019	\$229.00	\$.78
• Inactive/Emeritus Lawyer	\$200.00	\$.68
• New Active Admittee (Jan 1-Jun 30)	\$229.00	\$.78
• New Active Admittee (July 1-Dec 31)	\$114.50	\$.39
• Limited Legal License Technician	\$200.00	\$.68
• Limited Practice Officer	\$200.00	\$.68
• Judicial	\$50.00	\$.17

# ATTACHMENT A

## Legislative Activity



# WASHINGTON STATE BAR ASSOCIATION

FY19 Keller Table: 10/01/18 - 09/30/19

## WSBA LEGISLATIVE ACTIVITY

BILL # or TOPIC	DESCRIPTION	OLAM HRS	OLAC HRS	CCOO HRS	CONTRACT LOBBYIST HRS	CHARGE/NO CHARGE(deduct)	IN/DIRECT LOBBYING
GENERAL LEGISLATION (LEG.) UPDATE							
Leg. Review - OLAM & CCOO						N/C	I
Leg. Review - OLAM & OLAC	Bill referrals to Sections, watching TVW hearings	65	360			N/C	I
Leg. Review - OLAM & CL					17	N/C	I
Leg. Review - OLAC & CL						N/C	I
Leg. Review - CCOO & OLAC				3		N/C	I
Leg. Admin. Work	Updating website, generating LobbyGov reports, reviewing alternatives to LobbyGov, updating keywords and contacts from Sections and other entities	5	17.5			N/C	I
Meeting with Sen. Pedersen - 9/11/18	WSBA legislative priorities in the upcoming session	1	1			N/C	D
Meeting with Sen. Fain - 9/12/18	WSBA legislative priorities in the upcoming session	1	1			N/C	D
Meeting with Sen. Dhingra - 10/16/18	WSBA legislative priorities in the upcoming session	1				N/C	D
Meeting with Rep. Jinkins - 10/25/18	WSBA legislative priorities in the upcoming session	1	1			N/C	D
Meeting with Rep. Goodman - 11/19/18	WSBA legislative priorities in the upcoming session	1				N/C	D
Meeting with Sen. Frockt - 12/4/18	WSBA legislative priorities in the upcoming session	1	1			N/C	D
Meeting with Rep. Jinkins - 1/8, 1/15, 1/22, 2/5, 2/12, 3/5, 4/9	HB 1788	2.25				C	D
Meeting with Rep. Jinkins - 1/8, 1/15, 1/22, 2/5, 2/12, 3/5, 4/9	WSBA legislative priorities	2.25				N/C	D
Meeting with Rep. Stokesbary - 2/20/19	HB 1788	0.25				C	D
Meeting with Rep. Stokesbary - 2/20/19	WSBA legislative priorities	0.25				C	D
Meeting with Rep. Goodman - 2/21/19	Draft legislation related to mandatory mediation in certain family cases	0.5				N/C	D
SB 5003	Concerning Washington's business corporations act	5				N/C	I
HB 1788	Concerning the Washington state bar association	55	3	10	4	C	I
HB 1602	Concerning consumer debt	1				N/C	I

Revised: 9/17/2019 at 9:05 AM

SB 5079	Enacting the Native American voting rights act of Washington	1				N/C	I
SB 5129/HB 1343	Increasing revenues for the support of state government	1			0.5	N/C	I
HB 1489/SB 5575	Creating a program for the consolidation of traffic-based financial obligations to facilitate reinstatement of driving privileges that are suspended because of failure to pay	1				N/C	I
SB 5513/HB 1515	Concerning the employer-employee relationship	1			0.5	N/C	I
SB 5399	Concerning child relocation by a person with joint decision-making authority and equal residential time	1				N/C	I
SB 5165	Concerning discrimination based on citizenship or immigration status	1				N/C	I
SB 5604	Concerning the uniform guardianship, conservatorship, and other protective arrangements act.	2			0.5	N/C	I
SB 5641	Adopting the 2018 uniform law commission amendments to the uniform law on notarial acts	1				N/C	I
HB 1924	Concerning the voting rights of persons convicted of a felony offense.	1				N/C	I
SUBTOTAL HOURS:		152.5	384.5	13	22.5	N/A	N/A
SUBTOTAL NON-CHARGABLE HRS		94.8	381.5	3.0	18.5		497.75 N/A
SUBTOTAL DIRECT LOBBYING		11.5	4.0	0.0	0.0	N/A	16
BOARD OF GOVERNORS (BOG)							
BOG Meeting Prep.	Staff prep.	1	1			N/C	I
BOG Meeting	re: (11/16)	0.5		0.5		N/C	I
Special BOG Meeting	re: (3/12)	1.5		1.5		C	I
Emergency BOG Meeting	re: (3/15)	1.5		1.5		C	
BOG Leg. Committee (BLC) Meeting Prep.	Staff prep.	25	5	1		N/C	I
BLC Primer	re: 12/20	1.5	1.5	1.5		N/C	I
BLC Meeting	re: 1/25	0.5	0.5	0.5		N/C	I
BLC Meeting	re: 2/8	1	1	1		N/C	I
BLC Meeting	re: 2/15	0.5	0.5	0.5		N/C	I
BLC Meeting	re: 2/22	1	1	1		N/C	I
BLC Meeting	re: 3/15	1	1	1		N/C	I
BLC Meeting	re: 3/22	2	2	2		N/C	I
BLC Meeting	re: 3/29	1	1	1		N/C	I
BLC Meeting	re: 4/5	1	1	1		N/C	I
BLC Meeting	re: 4/12	1.5	1.5	1.5		N/C	I
BLC Meeting	re: 4/19	1	1	1		N/C	I
BLC Meeting	re: 4/28	1	1	1		N/C	I

SUBTOTAL HOURS:		42.5	19	17.5	0 N/A	N/A
SUBTOTAL NON-CHARGABLE HRS		40	19	15	0	73 N/A
SUBTOTAL DIRECT LOBBYING		0	0	0	0 N/A	0
WSBA LEGISLATIVE REVIEW COMMITTEE (LRC)						
LRC Meeting Prep.	Staff prep.	3	3		N/C	I
LRC 10/11/2018 Meeting	CARC proposal and proposed amendment to RCW 51.52.120	2	2		N/C	D
LRC 11/13/2018 Meeting	Follow up to CARC proposal and proposed amendment to RCW 51.52.120 and diversity and inclusion training	3.5	3.5		N/C	I
LRC 12/13/2018 Meeting	Follow up to RCW 51.52.120	1	1		N/C	I
SUBTOTAL HOURS:		9.5	9.5	0	0 N/A	N/A
SUBTOTAL NON-CHARGABLE HRS		10	10	0	0	19 N/A
SUBTOTAL DIRECT LOBBYING		2	2	0	0 N/A	4
WSBA ENTITIES						
WSBA Stakeholders Roundtable Meeting Prep.	Staff prep.	4	8		N/C	I
WSBA Stakeholders Roundtable Meeting		4	4	3	N/C	I
WSBA Section Leaders Fall Meeting				1	N/C	I
Sections Leg. Primer Prep.	Staff prep.	3	3		N/C	I
Sections Leg. Primer		3	3	3	N/C	I
Elder Law Section Legislative Discussion	re: 2/20 discussion of SB 5604 and legislative comment policy	1			N/C	I
RPPT Section Legislative Discussion	re: 2/25 discussion of SB 5641	0.5			N/C	I
Family Law Executive Committee Legislative Discussion	re: 1/31 discussion of SB 5399	0.5			N/C	I
Civil Rights Section Legislative Discussion	re: 2/15 discussion of HB 1924; 3/20 discussion of SB 5165	1			N/C	I
Alternative Dispute Resolution Section and Family Law Executive Committee's Legislative Discussion with Rep. Goodman	re: 12/18 discussion of draft legislation related to mandatory mediation in certain family cases	2			N/C	I
Business Law Section Legislative Discussion	re: 6/27 discussion of revisions to the Nonprofit Corporations Act	0.5			N/C	I
SUBTOTAL HOURS:		19.5	18	7	0 N/A	N/A
SUBTOTAL NON-CHARGABLE HRS		20	18	7	0	45 N/A
SUBTOTAL DIRECT LOBBYING		0	0	0	0 N/A	0
COUNCIL ON PUBLIC DEFENSE (CPD)						

CPD Meeting Prep.	Staff prep.					
SUBTOTAL HOURS: 0 0 0 0 N/A N/A						
SUBTOTAL NON-CHARGABLE HRS 0 0 0 0 0 N/A						
SUBTOTAL DIRECT LOBBYING 0 0 0 0 N/A 0						
ACCESS TO JUSTICE BOARD (ATJ)						
ATJ Meeting Prep.	Staff prep.					
SUBTOTAL HOURS: 0 0 0 0 N/A N/A						
SUBTOTAL NON-CHARGABLE HRS 0 0 0 0 0 N/A						
SUBTOTAL DIRECT LOBBYING 0 0 0 0 N/A 0						
FEDERAL LEGISLATIVE ACTIVITY						
SUBTOTAL HOURS: 0 0 0 0 N/A N/A						
SUBTOTAL NON-CHARGABLE HRS 0 0 0 0 0 N/A						
SUBTOTAL DIRECT LOBBYING 0 0 0 0 N/A 0						
NATIONAL ASSOCIATION OF BAR EXECUTIVES						
SUBTOTAL HOURS: 0 0 0 0 N/A N/A						
SUBTOTAL NON-CHARGABLE HRS 0 0 0 0 0 N/A						
SUBTOTAL DIRECT LOBBYING 0 0 0 0 N/A 0						

TOTALS						
ALL Total Hours	224	431	37.5	22.5	N/A	N/A
Total Non-Chargeable Time on Direct Lobbying	10.75	6	0	0	N/A	N/A
Total ALL Non-Chargeable	163	428	25	19		634 N/A
GENERAL ADMINISTRATION* TOTALS						
Non-Chargeable Portion of Indirect Lobbying*	153	422	25	19		617.5 N/A
OTHER						
Average of three staff:						
Number of Staff Hours Allocated to Legislative Budget	1040	1040	208	2288		N/A
Non-Chargeable % for each Staff Person	15.70%	41.15%	11.78%	27.72%		

Notes:

- "N/C" indicates activities that are nonchargeable against mandatory member license fees.

- "C" indicates activities that are chargeable against mandatory member license fees.
- "D" indicates activities that are considered direct lobbying
- "I" indicates activities that are considered indirect lobbying
- "%" indicates that a percentage of monitoring and referral activities and of general administration is added to the non-chargeable activities for the purpose of calculating

\* General Administration = Legislative Administrative Work, and all meeting prep.

° Direct or Indirect lobbying comes from the definition as provided by the Public Disclosure Commission.

<https://www.pdc.wa.gov/learn/publications/public-agency-lobbying-instructions/reporting-agency-lobbying-activity/lobbying>

# ATTACHMENT B

## ATJ Activity

ATJ Time Calculations:

<u>Date of Activity</u>	<u>ATJ Staff Prep Time in minutes</u>	<u>Date and Name of Staff</u>	<u>ATJ Board Costs for Day of Activity</u>	<u>Staff time for Day of Activity in minutes</u>	<u>ATJ Planning Costs and Date</u>
10/12/2018	50	10/2/2018 - Diana Singlet	25% of conference call code 52140 (120 minute: 30		10/2 planning call conf code 52140 - 25% of call time and Conf Call Code 52160 - 22.2% of call time
10/16/2018	10	10/10/2018 - Diana Single	11.11% of conference call code 52165 (90 minut 10		0
11/9/2019	90	11/1/2018 - Diana Singlet Mungia, Francis Adewale, and Fred Corbit	29.17% of conference call code 52140 (120 minutes) and volunteer room and travel for Sal	35	11/1 planning call conf code 52140 - 25% of call time
11/20/2018	10	11/10/2018 - Bonnie Ster	16.66% of conference call code 52165 (60 minutes)	10	
12/4/2018	10	11/26/2018 - Diana Single	44.4% of conference call code 52160 (90 minute 40		
12/14/2018	50	12/5/18 - Diana Singleton Mungia, Francis Adewale, and Fred Corbit	12.51% of conference call code 52140 (120 minutes) and volunteer room and travel for Sal	15	12/5 planning call 12.51% of conference code 52140
12/18/2018	40	12/10/18 - Diana Singleto	27.71% of conference call code 52165 (90 minut 25		
1/8/2019	20	1/2/19- Diana Singleton	50% of conference code call 52160 (90 minutes) 45		
1/11/2019	10	1/2/2019- Diana Singleto Mungia, Francis Adewale, and Fred Corbit	8.3% of conference call code 52140 (120 minutes) and volunteer room and travel for Sal	10	1/2 planning call 8.3% of conference code 52140
1/15/2019	10	1/10/19- Bonnie Sterken	41.66% of conference call code 52165 (60 minutes)	25	
2/15/2019	30	2/6/2019 - Diana Singleto Mungia, Francis Adewale, and Fred Corbit	33.26% of conference call code 52140 (150 minutes) and volunteer room and travel for Sal	50	2/6 planning call 33.26% of conference code 52140
2/19/2019	30	2/10/19 -20 minutes to D	77.77% of conference call code 52165 (90 minutes) and 25% of conference code 52160 (60 minutes)	70	
2/21/2019	5	2/21/19- Diana Singleton	Volunteer travel costs for Sal Mungia and Francis Adewale		
3/5/2019	20	2/27/19- Diana Singleton	33.33% of conference call code 52160 (90 minutes)	30	
3/19/2019	20	3/11/19- Bonnie Sterken	16.66% of conference call code 52165 (60 minutes)and 25% of conference code 52160 (60 minutes)	10	

3/22/2019	40	3/13/19- Diana Singleton	12.47% of conference call code 52140 (120 minutes) and volunteer room and travel for Sal Mungia, Francis Adewale, and Fred Corbit	15	3/13/19 planning call conf#52140 - 12.47% of call time
4/4/2019	10	3/27/2019- Diana Singleton	11.11% of conference call code 52160 (90 minutes)	10	
4/16/2019	50	Bonnie Sterken and 4/10/19 30 minutes Diana Singleton	80.55% of conference call code 52165 (90 minutes)	72	
4/19/2019	10	4/10/19- Diana Singleton	8.3% of conference call code 52140 (60 minutes) and volunteer room and travel for Sal Mungia, Francis Adewale, Fred Corbit, Esperanza Borboa, Laura Bradley, David Keenan, Michelle Lucas and Terry Price	5	4/10/19 planning call conf#52140- 8.3% of call time
5/3/2019	10	4/24/19- Diana Singleton	12.47% of conference code 52140 (120 minutes) and volunteer room and travel costs for Fred Corbit	15	4/24/19 planning call conf#52140 - 12.47% of call time
5/29/2019	60	5/29/19- Diana Singleton	100% of conference call code 52140 (120 minutes)	120	
6/14/2019	140	6/7/19- Diana Singleton	100% of conference call code 52140 (120 minutes) and volunteer room and travel for entire ATJ Board except for Mirya Munoz-Roach	120	6/7/19 planning call conf#52140 - 100% of call time
6/18/2019	20	6/17/2019- Bonnie Sterke	50% of conference call code 52165 (60 minutes)	30	
7/16/2019	20	7/10/2019- Bonnie Sterke	66.66% of conference call code 52160 (60 minutes)	40	
7/18/2019			100% of Conference Call code 52140 (120 minutes)	120	
8/9/2019	30	8/1/2019- Diana Singleton	Volunteer room and travel costs for Francis Adewale and Fred Corbit		



## ATTACHMENT B

### BOG Meeting Activity

NAME	TIME
Paula Littlewood	1.01
Jean McElroy	0.69
Margaret Shane	1.20
Ann Holmes	0.62
Frances Dujon-Reynolds	0.62
Doug Ende	1.20
Terra Nevitt	1.20
Sara Niegowski	1.20
Julie Shankland	1.20
Felix Neals	0.20
Kevin Plachy	0.20
<b>TOTAL HOURS:</b>	<b>9.34</b>

Salary		702.96
Benefits (35.6%)	\$	250.25
OH (\$24,712 per FTE)	\$	110.97
<b>TOTAL</b>	<b>\$</b>	<b>1,064.18</b>

DATE: EVENT - SUBJECT
11.16.18: Legislative Priorities and Recommendations; 1.17 and 1.18: Diversity Statement of Solidarity; 3.7.19 Solidarity Statement
11.16.18: Legislative Priorities and Recommendations; 3.7.19 Diversity Statement of Solidarity; 7.26-27 ABA Delegate Update and Vote
11.16.18: Legislative Priorities and Recommendations; 1.17 and 1.18: Diversity Statement of Solidarity; 3.7.19 Diversity Statement in Solidarity; 7.26-27 ABA Delegate Update and Vote
1.17 and 1.18: Diversity Statement of Solidarity; 3.7.19 Diversity Committee Statement in Solidarity
1.17 and 1.18: Diversity Statement of Solidarity; 3.7.19 Diversity Committee Statement in Solidarity
11.16.18: Legislative Priorities and Recommendations; 1.17 and 1.18: Diversity Statement of Solidarity; 3.7.19 Diversity Statement in Solidarity; 7.26-27 ABA Delegate Update and Vote
11.16.18: Legislative Priorities and Recommendations; 1.17 and 1.18: Diversity Statement of Solidarity; 3.7.19 Diversity Statement in Solidarity; 7.26-27 ABA Delegate Update and Vote
11.16.18: Legislative Priorities and Recommendations; 1.17 and 1.18: Diversity Statement of Solidarity; 3.7.19 Diversity Statement in Solidarity; 7.26-27 ABA Delegate Update and Vote
11.16.18: Legislative Priorities and Recommendations; 1.17 and 1.18: Diversity Statement of Solidarity; 3.7.19 Diversity Statement in Solidarity; 7.26-27 ABA Delegate Update and Vote
7.26-27 ABA Delegate Update and Vote
7.26-27 ABA Delegate Update and Vote

Meeting Date	Time Spent	Activity	Total Time	Percentage
11/18/2019	0:23:34	2018-2019 Legislative Priorities and 2018-2019 Legislative Committee Recommendations	2:56:32	13.3497%
01/17/2019- 01/18/2019	0:31:43	Request for BOG Support of Diversity Committee Statement of Solidarity	4:20:29	12.1761%
3/7/2019	0:06:00	Request for BOG Support of Diversity Committee Statement of Solidarity	6:29:02	1.5423%
07/26/2019-07/27/20	0:12:20	Update re American Bar Association (ABA) Annual Meeting	8:34:40	2.3964%

# ATTACHMENT B

## CDP Activity

CPD Keller Information

<u>Date of Activity</u>	<u>Activity</u>	<u>Est of Time Spent by Staff including Prep in minutes</u>	<u>Staff Name</u>	<u>Costs incurred for day of activity (conf calls, travel, etc.)</u>	<u>Planning Costs (i.e. conf. calls)</u>
10/5/2018	CPD's Work to Develop the Guidelines for Attorneys Representing Clients in Civil Commitment Proceedings	40	Bonnie Sterken	20% of conf call code 52874 (150 minutes) and volunteer room and travel for Justin Bingham and Jason Gilmer	NA
10/5/2018	CPD considering supporting the Office of Public Defense's budget proposal to the legislature	20	Bonnie Sterken	6.66% of conf call code 52874 (150 minutes) and volunteer room and travel for Justin Bingham and Jason Gilmer	NA
10/8/2018	CPD working on efforts to develop performance guidelines for representation of persistent defenders, outreach and education about legal financial obligations, pre-trial practice,	40	Bonnie Sterken	20% of conf call code 52874 (150 minutes) and volunteer room and travel for Justin Bingham and Jason Gilmer	NA
11/2/2018	CPD working on efforts to develop performance guidelines for representation of persistent defenders, outreach and education about legal financial obligations, pre-trial practice,	20	Bonnie Sterken	6.66% of conf call code 52874 (150 minutes)	NA
11/2/2018	CPD discussing how to keep practitioners accountable to following the Indigent Defense Standards.	40	Bonnie Sterken	20% of conf call code 52874 (150 minutes)	NA
11/15/2018	CPD's Work to Develop the Guidelines for Attorneys Representing Clients in Civil Commitment Proceedings	30	Bonnie Sterken	CPD presents to BOG the proposed Guidelines for the BPG's approval to submit to the Supreme Court as a first reading.	NA
1/11/2019	CPD proposed amendments to CrR 3.3	10	Bonnie Sterken	Cost incurred include conference call (code 52874), room and travel for volunteer Justin Bingham	NA
1/11/2019	CPD working on efforts to develop performance guidelines for representation of persistent defenders, outreach and education about legal financial obligations, pre-trial practice,	40	Bonnie Sterken	20% of conf call code 52874 (150 minutes) and volunteer room and travel for Justin Bingham	NA
1/11/2019	CPD discussing how to keep practitioners accountable to following the Indigent Defense Standards.	20	Bonnie Sterken	6.66% of conf call code 52874 (150 minutes) and volunteer room and travel for Justin Bingham	NA
1/27/2019	CPD's Work to Develop the Guidelines for Attorneys Representing Clients in Civil Commitment Proceedings	0		CPD presents to BOG the proposed Guidelines for the BPG's approval to submit to the Supreme Court as a second reading. BOG approves guidelines.	NA
2/1/2019	CPD considering supporting the Office of Public Defense's budget proposal to the legislature	20	Bonnie Sterken	6.66% of conf call code 52874 (150 minutes) and volunteer room and travel for Justin Bingham and Jason Gilmer	NA
2/1/2019	CPD discussing what the minimal level of structure and funding is needed to fund public defense; new workgroup created to research this	40	Bonnie Sterken	20% of conf call code 52874 (150 minutes) and volunteer room and travel for Justin Bingham and Jason Gilmer	NA
5/31/2019	CPD working on efforts to develop performance guidelines for representation of persistent defenders, outreach and education about legal financial obligations, pre-trial practice,	40	Bonnie Sterken	20% of conf call code 52874 (150 minutes) and volunteer room and travel for Justin Bingham	NA
5/31/2019	CPD's work to develop practice guidelines for criminal defense appellate practice.	40	Bonnie Sterken	20% of conf call code 52874 (150 minutes) and volunteer room and travel for Justin Bingham	NA
7/19/2019	CPD working on efforts to develop performance guidelines for representation of persistent defenders, outreach and education about legal financial obligations, pre-trial practice,	40	Bonnie Sterken	20% of conf call code 52874 (150 minutes) and volunteer room and travel for Justin Bingham	NA

7/18/2019	CPD discussing how to keep practitioners accountable to following the Indigent Defense Standards.	40	Bonnie Sterken	20% of conf call code 52874 (150 minutes) and volunteer room and travel for Justin Bingham	NA
7/19/2019	CPD's work to develop practice guidelines for criminal defense appellate practice.	90	Bonnie Sterken	20% of conf call code 52874 (150 minutes) and volunteer room and travel for Justin Bingham	NA
7/28/2019	CPD's work to develop practice guidelines for criminal defense appellate practice.			CPD presented proposed appellate guidelines to the BOG for a first reading.	NA
8/16/2019	CPD working on efforts to develop performance guidelines for representation of persistent delinquents, outreach and education about legal financial obligations, pre-trial practice.	30	Bonnie Sterken	20% of conf call code 52874 (150 minutes) and volunteer room and travel for Justin Bingham	NA
8/16/2019	CPD discussing how to keep practitioners accountable to following the Indigent Defense Standards.	40	Bonnie Sterken	20% of conf call code 52874 (150 minutes) and volunteer room and travel for Justin Bingham	NA

# ATTACHMENT B

## PB/PS Activity



Pro Bono Public Service Keller Information

<u>Date of Activity</u>	<u>Activity</u>	<u>Est of Time Spent by Staff including Prep in minutes</u>	<u>Staff Name</u>	<u>Costs incurred for day of activity (conf calls, travel, etc.,)</u>	<u>Planning Costs (i.e. conf. calls)</u>
10/23/2018	PBPSC considering whether to submit a letter expressing concern about the lack of access to clients who are detained in the immigration detention center.	20	Paige Hardy	4.7% of conf call code 52111 (210 minutes)	NA
2/5/2019	PBPSC considering whether to submit a letter expressing concern about the lack of access to clients who are detained in the immigration detention center.	20	Paige Hardy	11.11% of conf call code 52111 (90 minutes)	NA
3/5/2019	PBPSC considering whether to submit a letter expressing concern about the lack of access to clients who are detained in the immigration detention center.	20	Paige Hardy	11.11% of conf call code 52111 (90 minutes)	NA
4/2/2019	PBPSC considering whether to submit a letter expressing concern about the lack of access to clients who are detained in the immigration detention center.	20	Paige Hardy	11.11% of conf call code 52111 (90 minutes)	NA
5/7/2019	PBPSC considering whether to submit a letter expressing concern about the lack of access to clients who are detained in the immigration detention center.	20	Paige Hardy	11.11% of conf call code 52111 (90 minutes)	NA
6/4/2019	PBPSC considering whether to submit a letter expressing concern about the lack of access to clients who are detained in the immigration detention center.	20	Paige Hardy	11.11% of conf call code 52111 (90 minutes)	NA
7/9/2019	PBPSC considering whether to submit a letter expressing concern about the lack of access to clients who are detained in the immigration detention center.	20	Paige Hardy	11.11% of conf call code 52111 (90 minutes)	NA
8/6/2019	PBPSC considering whether to submit a letter expressing concern about the lack of access to clients who are detained in the immigration detention center.	20	Paige Hardy	11.11% of conf call code 52111 (90 minutes)	NA

# ATTACHMENT B

## Staff Time

NAME	TIME
Diana Singleton	23.95
Bonnie Sterken	9.45
Paige Hardy	2.67
<b>TOTAL HOURS:</b>	<b>36.07</b>
FTE	0.0173
Benefits (35.45%)	\$ 501.30
OH (\$28,768.24 per FTE)	\$ 428.50
Salaries	\$ 1,408.14
<b>TOTAL STAFFING</b>	<b>\$ 2,337.94</b>

OTHER COSTS

**October 12, 2018 Meeting**

Conference Call 10/12/2018 code 52140 (25%)  
 Conference Call 10/2/2018 code 52160 (22.2%)  
 Conference Call 10/2/2018 code 52140 (25%)

**October 16, 2018 Meeting**

Conference Call 10/16/2018 code 52165 (11.11%)

**November 9, 2018 Meeting**

Conference Call 11/9/2018 code 52140 (29.17%)  
 Conference Call 11/1/2018 code 52140 (25%)  
 11/9/2018 Sal Mungia reimbursement (29.17%)  
 11/9/2018 Francis Adewale reimbursement (29.17%)

**November 20, 2018 Meeting**

Conference Call 11/20/2018 code 52165 (16.66%)

**December 4, 2018 Meeting**

Conference Call 12/4/18 code 52160 (44.4%)

**December 14, 2018 Meeting**

Conference Call 12/5/18 code 52140 (12.51%)  
 Conference Call 12/14/18 code 52140 (12.51%)  
 12/14/18 Sal Mugia reimbursement (12.51%)  
 12/14/18 Francis Adewale reimbursement (12.51%)  
 12/14/18 Fred Corbit reimbursement (12.51%)

**December 18, 2018 Meeting**

Conference Call 12/18/18 code 52165 (27.72%)

**January 8, 2019 Meeting**

Conference Call 1/8/19 code 52160 (50%)

**January 11, 2019 Meeting**

Conference Call 1/2/19 code 52140 (8.3%)  
 Conference Call 1/11/19 code 52140 (8.3%)  
 1/11/19 Sal Mugia reimbursement (8.3%)  
 1/11/19 Francis Adewale reimbursement (8.3%)  
 1/11/19 Fred Corbit reimbursement (8.3%)

**January 15, 2018 Meeting**

Conference Call 1/15/19 code 52165 (41.66%)

**February 15, 2019 Meeting**

Conference Call 2/6/19 code 52140 (33.26%)

Conference Call 2/15/19 code 52140 (33.26%)

2/15/19 Sal Mugia reimbursement (33.26%)

2/15/19 Francis Adewale reimbursement (33.26%)

2/15/19 Fred Corbit reimbursement (33.26%)

**February 19, 2019 Meeting**

Conference Call 2/19/19 code 52165 (77.77%)

Conference Call 2/19/19 code 52160 (25%)

**February 21, 2019 Meeting**

2/21/19 Sal Mugia reimbursement (100%)

2/21/19 Francis Adewale reimbursement (100%)

**March 5, 2019 Meeting**

Conference Call 3/5/19 code 52160 (33.3%)

**March 19, 2019 Meeting**

Conference call 3/19/19 code 52165 (16.66%)

Conference Call 3/19/19 code 52160 (25%)

**March 22, 2019 Meeting**

Conference Call 3/13/19 code 52140 (12.4%)

Conference Call 3/22/19 code 52140 (12.47%)

3/22/19 Sal Mugia reimbursement (12.47%)

3/22/19 Francis Adewale reimbursement (12.47%)

3/22/19 Fred Corbit reimbursement (12.47%)

**April 4, 2019 Meeting**

Conference Call 4/4/19 code 52160 (11.11%)

**April 16, 2019 Meeting**

Conference Call 4/16/19 code 52165 (80.55%)

**April 19, 2019 Meeting**

Conference Call 4/10/19 code 52140 (24.96%)

Conference Call 4/19/19 code 52140 (24.96%)

4/19/19 Sal Mungia reimbursement (24.96%)

4/19/19 Francis Adewale reimbursement (24.96%)

4/19/19 Fred Corbit reimbursement (24.96%)

4/19/19 Esperanza Borboa reimbursement (24.96%)

4/19/19 Laura Bradley reimbursement (24.96%)

4/19/19 David Keenan reimbursement (24.96%)

4/19/19 Michelle Lucas reimbursement (24.96%)

4/19/19 Terry Price reimbursement (24.96%)

**May 3, 2019 Meeting**

Conference Call 4/24/19 code 52140 (12.47%)  
Conference Call 5/2/19 code 52140 (12.47%)  
5/3/19 Fred Corbit reimbursement (12.47%)

**May 29, 2019 Meeting**

Conference Call 5/29/19 code 52140 (100%)

**June 14, 2019 Meeting**

Conference Call 6/7/19 code 52140 (100%)  
Conference Call 6/14/19 code 52140 (100%)  
6/14/19 Reimbursement for entire ATJ board except Mirya Munoz-Roach (100%)

**June 18, 2019 Meeting**

Conference Call 6/18/19 code 52165 (50%)

**July 16, 2019 Meeting**

Conference Call 7/16/19 code 52160 (66.66%)

**July 18, 2019 Meeting**

Conference Call 7/18/19 code 52140 (100%)

**August 9, 2019 Meeting**

8/9/19 Francis Adewale reimbursement (100%)  
8/9/19 Fred Corbit reimbursement (100%)

**October 5, 2018 Meeting**

Conference Call 10/5/19 code 52874 (6.66%)  
10/5/18 Justin Bingham reimbursement (6.66%)  
10/5/18 Jason Gilmer reimbursement (6.66%)

**October 8, 2018 Meeting**

Conference Call 10/8/18 code 52874 (20%)  
10/18/18 Justin Bingham reimbursement (20%)  
10/8/18 Jason Gilmer reimbursement (20%)

**November 2, 2018 Meeting**

Conference Call 11/2/18 code 52873 (6.66%)

**January 11, 2019 Meeting**

Conference Call 1/11/19 code 52873 (20%)  
1/11/19 Justin Bingham reimbursement (20%)

**February 1, 2019 Meeting**

Conference Call 2/1/19 code 52874 (26.66%)  
2/1/19 Justin Bingham reimbursement (26.66%)  
2/1/19 Jason Gilmer reimbursement (26.66%)

**May 31, 2019 Meeting**

Conference Call 5/31/19 code 52874 (20%)  
5/31/19 Justin Bingham reimbursement (20%)

**July 19, 2019 Meeting**

Conference Call 7/19/19 code 52874 (20%)  
7/19/19 Justin Bingham reimbursement (20%)

**August 16, 2019 Meeting**

Conference Call 8/16/19 code 52874 (20%)  
8/16/19 Justin Bingham reimbursement (20%)

**October 23, 2019 Meeting**

Conference Call 10/23/18 code 52111 (4.7%)

**February 5, 2019 Meeting**

Conference Call 2/5/19 code 52111 (11.11%)

**March 5, 2019 Meeting**

Conference Call 3/5/19 code 52111 (11.11%)

**April 2, 2019 Meeting**

Conference Call 4/2/19 code 52111 (11.11%)

**May 7, 2019 Meeting**

Conference Call 5/7/19 code 52111 (11.11%)

**June 4, 2019 Meeting**

Conference Call 6/4/19 code 52111 (11.11%)

**July 9, 2019 Meeting**

Conference Call 7/9/19 code 52111 (11.11%)

**August 6, 2019 Meeting**

Conference Call 8/6/19 code 52111 (11.11%)

**TOTAL OTHER COSTS**

\$ -

**TOTAL COST**

\$ 2,337.94



Advancing WSBA's Vision of a Just Washington

To: WSBA Board of Governors  
From: Kristina Larry, President  
Re: Proposed Amendments to the Washington State Bar Foundation Bylaws  
Date: September 13, 2019

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**ACTION REQUESTED:** Approve the proposed amendments to the Washington State Bar Foundation (WSBF) Bylaws as approved by the WSBF Board of Trustees on September 12, 2019.

The Washington State Bar Foundation is the fundraising arm of the WSBA. Its mission is to raise funds to support WSBA programs that increase diversity in the legal profession and improve the public's access to, and understanding of, the justice system. The current members of the WSBA Board of Governors constitute the membership of the Foundation.

The Foundation Board has approved the following proposed revisions to the Foundation Bylaws:

- To elect officers for the coming year at the last regular meeting of the current year, instead of at the first meeting of the coming year.
- To delete outdated language about At Large positions created in 2010.

**BYLAWS OF THE  
WASHINGTON STATE BAR FOUNDATION**  
**As Amended ~~November 13, 2015~~September 26, 2019**

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**ARTICLE I. PURPOSE**

The Washington State Bar Foundation is a charitable corporation organized pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code of 1986. The purpose of the Foundation is to raise funds to support programs of the Washington State Bar Association that promote diversity within the legal profession and enhance the public's access to and understanding of the justice system.

**ARTICLE II. MEMBERSHIP**

**Section 1. Members.** The membership of the Washington State Bar Foundation (Foundation) shall consist solely of the members of the Board of Governors of the Washington State Bar Association (WSBA) during their term in office.

**Section 2. Annual Meeting.** The annual meeting of the Foundation Members shall be held in conjunction with the Board of Governors' last regularly scheduled meeting of the fiscal year.

**Section 3. Special Meetings.** Special meetings of the Members may be called by the President or the Secretary of the Foundation, or upon the written request of five Members.

**Section 4. Notice of Special Meetings.** Notice of a special meeting shall set forth the time, place and purpose thereof, and shall be given to all Members at least five (5) days prior to the meeting. The five days' notice requirement may be waived by written consent of a majority of Members. Attendance at the special meeting constitutes waiver of notice of that meeting, except for the purpose of objecting to the meeting.

**Section 5. Voting Rights.** Each Member shall be entitled to one vote with respect to the subject matter of an issue submitted to the Members.

**Section 6. Quorum.** The presence of half of the Members plus one shall constitute a quorum for the purpose of conducting Foundation business, except that fewer than that number may adjourn from day to day.



## ARTICLE III. BOARD OF TRUSTEES

**Section 1. Powers and Qualifications.** The affairs of the Foundation shall be managed by the Board of Trustees, who shall be elected by the Members.

**Section 2. Number.** There shall be fifteen (15) Trustees, except in the event of an officer's term being extended per Article III Section 3 of these Bylaws, of which three (3) shall be Governors of the Washington State Bar Association selected by the WSBA President (one first year governor each year), one (1) shall be a past president or governor of the WSBA, four (4) shall be active, inactive or emeritus members in good standing of the WSBA, one (1) shall be a representative of a Washington minority or specialty bar association, one (1) shall be a student from a Washington law school who has completed at least one year of law school, two (2) shall be non-lawyers, and three (3) shall be "at large" and may be lawyers or non-lawyers.

The Immediate Past President and the Executive Director of the WSBA shall serve ex-officio, non-voting.

**Section 3. Election and Term.** Except for the Immediate Past WSBA President who serves ex officio, the Trustees shall be elected by the Members at the annual meeting of the Foundation or at a special meeting called for that purpose. Nominees for each vacant position except the positions to be filled by Governors shall be submitted to the Members by the Board of Trustees at least ten (10) days in advance of the Members' meeting. Except for a Trustee elected to fill an uncompleted term, the term for each Trustee shall be three years or until a successor is elected, whichever occurs later. Trustees may be elected to two consecutive three-year terms, except that an Officer duly elected by the Board may serve an additional year.

The term of the student Trustee shall be for a maximum period of four (4) years, so long as the student is continuously enrolled at a Washington law school. The student trustee is eligible to serve one additional three-year term if duly elected to fill another Trustee position.

~~Trustees elected to newly-created at large positions in 2010 shall serve the following terms, and their successors shall serve three years thereafter. The initial Trustees in these positions will be eligible for appointment to a second three-year term:~~

~~One at-large member shall first be elected to a term of one year;~~

~~One at-large member shall first be elected to a term of two years;~~

~~One at-large member shall first be elected to a term of three years.~~

**Section 4. Removal.** Any Trustee elected by the Members as provided herein may be removed by the Members whenever in their judgment the best interests of the Foundation will be served thereby. The action to remove a Trustee may be initiated by written request signed by at least one-quarter of the Members. Removal may be accomplished only by action of the Members at a regular or special meeting and must be approved by 60% of the Members. The removal of a Trustee shall be without prejudice to the contract rights, if any, of the Trustee so removed; provided, that election or appointment of a Trustee or agent shall not of itself create contract rights.

**Section 5. Vacancies.** The Members shall have the power to fill any vacancy occurring on the Board of Trustees and any Trustee position to be filled by reason of an increase in the number of Trustees by amendment to these Bylaws. Such new trustee will be nominated and elected in the same manner as specified above. The Trustee elected to fill a vacancy shall be elected for the unexpired term of his/her predecessor in office. Any Trustee elected by reason of an increase in the number of Trustee positions shall serve for the term specified in the action creating such position.

**Section 6. Regular Meetings.** Regular meetings of the Trustees may be held at dates, times, and places approved by resolution of the Board of Trustees without notice other than such resolution. Meetings may be held telephonically or electronically through the use of remote conferencing technologies.

**Section 7. Special Meetings.** Special meetings of the Trustees may be called by the President or the Secretary of the Board, or upon the written request of three (3) or more Trustees. Special meetings may be held telephonically or electronically through the use of remote conferencing technologies.

**Section 8. Notice of Special Meetings.** Notice of a special meeting shall set forth the time, place and purpose thereof, and shall be given to all Trustees at least five (5) days prior to the meeting. The five days' notice requirement may be waived by written consent of a majority of Trustees. Attendance at the special meeting constitutes waiver of notice of that meeting, except for the purpose of objecting to the meeting.

**Section 9. Quorum and Voting.** The presence of half of the Trustees plus one shall constitute a quorum for purposes of conducting the business of the Board, except that fewer than that number may adjourn from day to day. Actions requiring approval of the Board must be passed by a majority of those Trustees present and voting, provided that the requirement for a quorum is met, unless a different requirement is specified in these Bylaws.

## ARTICLE IV. ACTIONS BY WRITTEN CONSENT

Any corporate action required or permitted by the Articles of Incorporation, Bylaws, or laws of the State of Washington to be taken at a meeting of the Members or Trustees of the Foundation may be taken without a meeting if a consent, in writing, setting forth the action so taken shall be signed by all of the Members or Trustees entitled to vote with respect to the subject matter thereof. The required consent may be submitted via email and such email consent shall be deemed to be signed for purposes of this article by the Member or Trustee sending the email. Such consent shall have the same force and effect as a unanimous vote and may be described as such.

## ARTICLE V. WAIVER OF NOTICE

Whenever any notice is required to be given to any Member or Trustee by the Articles of Incorporation, Bylaws, or laws of the State of Washington, a waiver thereof, in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

## ARTICLE VI. OFFICERS

**Section 1. Officers Enumerated.** The officers of the Foundation shall be a President, one or more Vice Presidents, a Secretary, a Treasurer, and such other officers and assistant officers as may be deemed necessary by the Board of Trustees. Each officer, except the Secretary, shall be elected annually by the Trustees at the ~~first last~~ regularly scheduled meeting of the prior fiscal year or at a special meeting called for that purpose. Officers shall serve until their successors are duly elected and qualified, except as provided herein. All officers, except the Secretary, must be Trustees of the Foundation. Any two or more offices may be held by the same person, except the offices of President and Secretary. In addition to the powers and duties specified below, the officers shall have such powers and perform such duties as the Board of Trustees may prescribe.

**Section 2. The President.** The President shall exercise the usual executive powers pertaining to the office of President and shall preside at meetings of the Board of Trustees and of the Members. The President shall present an annual report on the state of the Foundation to the Members within ninety (90) days after the end of the fiscal year.

**Section 3. The Vice President.** In the absence or disability of the President, the first Vice President shall act as President.

**Section 4. The Secretary.** The Executive Director of the Washington State Bar Association shall serve as Secretary ex officio, non-voting. The Secretary shall keep records of the proceedings of the Board of Trustees and of the Members;

maintain a record of the duly promulgated policies of the Foundation; maintain a record of the committees of the Board, the composition of such committees and committee annual reports; issue such notices to the Trustees and Members as may be required by the Articles of Incorporation, the Bylaws, or the laws of the state of Washington; and sign and execute with the President all deeds, bonds, contracts, and other obligations or instruments in the name of the Foundation.

**Section 5. The Treasurer.** The Treasurer shall perform the usual duties incident to the office of treasurer. He/she shall cause regular books of account to be properly maintained, which shall be examined on an annual basis by an employee (accountant or CPA) of WSBA who is not involved in maintaining the regular books of account. Both the maintenance of the regular books of account and the examination may be performed by staff of the Washington State Bar Association if the Association agrees to provide such services to the Foundation. Examination findings shall be communicated directly to the President and the Treasurer.

The Treasurer shall cause all funds and other valuable effects of the Foundation to be deposited in such depositories as may be designated by the Board of Trustees. He/she shall also submit an annual financial report in writing to the Board of Trustees and the Members not later than forty-five (45) days after the close of the fiscal year.

**Section 6. Executive Committee.** The Board of Trustees may, by resolution adopted by a majority of the Trustees in office, appoint an Executive Committee, which shall consist of two or more officers. The Executive Committee shall have such authority as may be specified in said resolution; provided, that no such committee shall have the authority of the Board of Trustees in reference to amending, altering, or repealing the Bylaws; electing, appointing, or removing any member of any committee or any Trustee or officer of the Foundation; amending the Articles of Incorporation; adopting a plan of merger or a plan of consolidation with another corporation; authorizing the sale, lease, exchange, or mortgage of all or substantially all of the property and assets of the Foundation; authorizing the voluntary dissolution of the Foundation or revoking proceedings therefor; adopting a plan for the distribution of the assets of the Foundation; or amending, altering, or repealing any resolution of the Board of Trustees which by its terms provides that it shall not be amended, altered, or repealed by such committee. The designation and authority shall not operate to relieve the Board of Trustees or any individual Trustee of any responsibility imposed upon it or him/her by law.

**Section 7. Vacancies.** Vacancies in any office, except Secretary, arising from any cause shall be filled by the Board of Trustees at any regular or special meeting.

**Section 8. Removal.** Any officer elected or appointed, except Secretary, may be removed by the Board of Trustees whenever in its judgment the best interests of the Foundation will be served thereby. The action to remove an officer may be initiated by the President or by written request signed by at least one-quarter of the

Trustees. Removal may be accomplished only by action of the Board of Trustees at a regular or special meeting and must be approved by 60% of the Trustees. The removal of an officer shall be without prejudice to the contract rights, if any, of the officer so removed; provided, that election or appointment of an officer or agent shall not of itself create contract rights.

## **ARTICLE VII. COMMITTEES OF THE BOARD**

**Section 1. Committees Authorized.** The Board of Trustees may create such committees as it deems appropriate to facilitate the work of the Foundation and delegate to such committees the authority to carry out tasks and responsibilities defined by the Board. The committees of the Board may include standing committees and task forces. Each committee shall carry out the assignments and responsibilities delegated to it by the Board of Trustees and such other duties as the committee may determine are consistent with its purpose. Each committee shall submit an annual report of its activities to the Board of Trustees and such other reports as requested by the Board or the President. A list of the current committees, the functions and members shall be maintained by the Secretary.

**Section 2. Standing Committees.** Standing committees are created to study, investigate and make recommendations relative to the general purposes and business of the Foundation that are of a continuous and recurring nature. The number, size and function of each standing committee shall be determined from time to time by the Board of Trustees.

**Section 3. Task Forces.** Task forces are created to study, investigate and make recommendations relating to specific purposes or issues that are of an immediate or non-recurring nature.

**Section 4. Appointment and Terms.** Appointments to standing committees shall be for a term of one year and shall be made annually by the Board of Trustees on recommendation of the President, unless stated otherwise in the provision creating the committee. The Chairperson of each committee shall be designated annually by the President. Appointments to task forces shall be on the conditions and for the terms specified in the action creating such task forces.

**Section 5. Meetings of Committees.** Meetings of each committee shall be held upon call of its Chairperson. The Chairperson shall be responsible for reporting the work of the committee to the Board of Trustees and for bringing to the Board any business from the committee requiring Board action.

## **ARTICLE VIII. POLICIES OF THE BOARD**

Policies governing the operations of the Foundation; issues relating to Board service not otherwise addressed in these Bylaws; acceptance of gifts; investment, management and spending of funds; and such other matters as are required by

law or deemed appropriate by the Board of Trustees shall be promulgated as Board Policies. Board Policies shall be recommended by the President and enacted upon approval by the Board of Trustees. The Secretary shall maintain at all times a current record of Board Policies.

## **ARTICLE IX. INDEMNIFICATION OF TRUSTEES AND OFFICERS**

**Section 1. Definitions.** For purposes of this Article:

- A. Indemnitee:** The term Indemnitee shall mean any person who is or was serving as a Member, officer, Trustee, employee or agent of the Foundation when acting on matters related to the Foundation or who is or was serving at the request or appointment of the Foundation as a member of any board, committee, task force, or other Foundation entity.
- B. Proceeding:** The term Proceeding shall mean any threatened, pending, or completed action or proceeding, whether civil, criminal, administrative, or investigative.
- C. Expenses:** The term Expenses shall include all liability, loss, attorneys' fees, costs, and other expenses (including penalties, judgments and amounts to be paid in settlement) reasonably incurred or suffered in connection with a Proceeding against a person by reason of his or her position as Indemnitee establishing a right to indemnification under this Article.
- D. Qualified Acts:** A qualified action is any action by a qualified Indemnitee which is taken in good faith and reasonably believed by the Indemnitee to be within the scope of his or her authority to act for or on behalf of the Foundation or in the course of his or her duties and responsibilities to the Foundation.

**Section 2. Right to Indemnification and Advances.** The Foundation shall provide indemnification to Indemnitees for liabilities arising out of Qualified Acts. The Foundation shall provide indemnification and pay Expenses in advance of the final disposition of a Proceeding as provided by applicable statute. An Indemnitee shall be defended, held harmless and indemnified against any and all Expenses actually and reasonably incurred in connection with a Proceeding to the full extent permitted by applicable Washington law. Rights under this Article are non-exclusive to any other rights entitled under any other statute, rule, Article, agreement, or vote of the Trustees.

**Section 3. Board of Trustee Rights.** The Trustees shall have the right, as a condition of granting indemnification under this Article, to approve in advance the choice of counsel as well as any settlement by the person requesting indemnification. The Board of Trustees shall not unreasonably withhold its approval.

**Section 4. Insurance.** The Foundation shall maintain insurance, on behalf of any Indemnitee against liability asserted against or incurred by the Indemnitee whether or not the Foundation would have the power to indemnify the Indemnitee against that liability under applicable Washington law.

**Section 5. Claim for Indemnification.** If indemnification is required under Section 2, an Indemnitee shall be indemnified against reasonable Expenses incurred in connection with a claim against the Foundation for payment of Expenses.

## **ARTICLE X. ADMINISTRATIVE PROVISIONS**

**Section 1. Fiscal Year.** The fiscal year of the Foundation shall be October 1 through September 30.

**Section 2. Loans Prohibited.** No loans shall be made by the Foundation to any officer or any Trustee.

**Section 3. Books and Records.** The Foundation shall keep current and complete books and records of account; keep minutes of the proceedings of its Members, Board of Trustees, and committees exercising delegated authority on behalf of the Board of Trustees.

**Section 4. Amendment of Bylaws.** These Bylaws may be altered, amended, or repealed by the affirmative vote of a majority of a quorum of the Trustees and approved by a majority of a quorum of the Members.

**Section 6. Rules of Procedure.** In the event of disagreement over a procedural matter occurring in connection with any meeting or proceeding of the Members or the Trustees, the dispute shall be resolved by reference to the rules contained in Robert's Rules of Order Newly Revised, so far as applicable and when the matter cannot be resolved through reference to these Bylaws, the Articles of Incorporation or any resolution of the Board of Trustees.



To: WSBA Board of Governors  
From: Kristina Larry, President  
Re: 2019-20 Board of Trustees Appointments  
Date: September 13, 2019

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**ACTION REQUESTED:** Approve the attached Board roster appointing all trustees as recommended by unanimous consent of the Foundation Board of Trustees on September 12, 2019.

The Foundation Board is pleased to present the proposed 2019-20 Board of Trustees roster.

The Washington State Bar Foundation is the fundraising arm of the WSBA. The current members of the WSBA Board of Governors constitute the membership of the Foundation. Per the Foundation's bylaws, the WSBA Executive Director serves as the Foundation's Secretary ex officio, the WSBA Past President serves as a trustee ex officio, and the WSBA President each year appoints a first year Governor to serve a three-year term on the Foundation Board. The remaining seats are recommended by the Foundation Board and appointed by the Board of Governors, convened as the members of the Foundation.

The Board has unanimously approved a slate that includes appointing (in addition to the continuing trustees):

- Gloria Ochoa-Bruck to a three-year term as At Large Trustee
- Brent Williams-Ruth to a three-year term as a WSBA Member Trustee
- Maya Manus to a term as Student Trustee, to conclude upon graduation from law school

In addition, President-elect Majumdar has appointed Thomas McBride as a first-year Governor; and Sunitha Anjilvel has assumed the seat for a second-year Governor on the Board of Trustees to continue the term vacated by Michael Cherry.

Attachments:

- Proposed roster
- Application materials (from all applicants)





## 2019-2020 Board of Trustees, Recommendation

	POSITION	RECOMMENDATION	TERM, ending
1	WSBA 1 <sup>st</sup> Year Governor	<i>Appointed by 2019-2020</i> <i>BOG President</i> Thomas McBride	September 2022
2	WSBA 2 <sup>nd</sup> Year Governor	<i>Appointed by 2018-2019</i> <i>BOG President</i> Sunitha Anjilvel	September 2021
3	WSBA 3 <sup>rd</sup> Year Governor	<i>Appointed by 2017-2018</i> <i>BOG President</i> Kyle Sciuchetti	September 2020
4	WSBA Past President or Governor	Tracy S. Flood	Remainder, September 2020
5	WSBA Member	<i>Vacant</i>	Remainder, September 2020
6	WSBA Member	<i>Vacant</i>	Remainder, September 2021
7	WSBA Member	Kinnon Williams	1 <sup>st</sup> Term, September 2020
8	WSBA Member	Brent Williams-Ruth	1 <sup>st</sup> Term, September 2022
9	Minority/ Specialty Bar Rep.	Chad Arceneaux	2 <sup>nd</sup> Term, September 2021
10	Law Student	Maya Manus	Graduation
11	Public Member	Joan Duffy Watt	2 <sup>nd</sup> Term, September 2020
12	Public Member	Richard C. Bird, Jr.	2 <sup>nd</sup> Term, September 2022
13	At Large	Gloria Ochoa-Bruck	1 <sup>st</sup> Term, September 2022
14	At Large	Kristina Larry	2 <sup>nd</sup> Term, September 2021
15	At Large	Blake Kremer	1 <sup>st</sup> Regular Term, September 2020
16	WSBA Immediate Past President	Bill Pickett	September 2020
17	Secretary	Terra Nevitt	Executive Director serves Ex Officio

\*Tracy Flood moved from WSBA Member to WSBA Past President or Governor position.

## **Gloria Ochoa-Bruck, JD, MA**

Gloria serves as Director Multi-Cultural Affairs for the City of Spokane and is a member of the Mayor's cabinet. Prior to commencing her position with the City of Spokane, she held a judicial services contract with the Spokane Tribe of Indians and served as Chief Judge for Spokane Tribal Court. Gloria commenced her career serving as a Deputy Prosecuting Attorney for Benton County and then transitioned into private practice with a focus on State and Federal felony matters. In her current role with the City of Spokane, the focus of her work has been on criminal justice reform initiatives.

Gloria was appointed to serve as Commissioner for the Commission on Hispanic Affairs by Governor Gregoire in August of 2012 and was re-appointed to a second term by Governor Inslee in November of 2015 and served as Chair. Gloria is a graduate of Leadership Tri-Cities Class XII, Leadership Spokane 2012 and the 2014 Washington Equal Justice Community Leadership Academy. Gloria is founder and Immediate Past President of the Latino Hope Foundation, Board Director for Empire Health Foundation, Board Director for the Family Impact Network, and Board Director for Numerica Credit Union. Gloria serves as Trustee for the Spokane County Bar Association, Board Member of the Washington State Bar Association Lawyer's Fund for Client Protection Board, Board Member of the Washington State Civil Rights Section and Co-Vice President of Eastern Washington for the Latina/o Bar Association of Washington. She currently serves on the American Bar Association's Women in Criminal Justice Task Force. Gloria is a member of Rotary Club 21.

Gloria holds a degree in Business Administration from Washington State University, a Master of Arts in Criminal Justice and Criminology from Washington State University, and a Juris Doctor degree from the University of Idaho College of Law. Gloria is currently enrolled in the Master of Business Administration program at Washington State University with an expected completion date of August 2021.

**GLORIA OCHOA-BRUCK**

(509) 308-7578

gochoabruck@outlook.com

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**PROFESSIONAL EXPERIENCE**

- CITY OF SPOKANE  
Director of Local Government and Multi-Cultural Affairs  
Office of the Mayor  
808 W. Spokane Falls Blvd., Spokane, WA  
December, 2013 – Current
- SPOKANE TRIBAL COURT  
Chief Judge  
P.O. Box 225, Wellpinit, WA  
March, 2012 – November, 2013
- GONZAGA UNIVERSITY SCHOOL OF LAW  
Adjunct Professor  
721 N. Cincinnati St., Spokane, WA  
January, 2012 – May, 2014
- OCHOA LAW, PLLC  
725 E. 3rd Ave., Spokane, WA  
Private Practice - State and Federal Criminal Defense, Personal Injury, and Family Law  
October, 2009 – December, 2013
- OCHOA ANDERSON, PLLC  
Partner  
7103 W. Clearwater Ave., Suite D, Kennewick, WA  
April, 2007 – September, 2009  
Private Practice – State and Federal Criminal Defense and Personal Injury, Administrative Law  
Pro Tem Judge – Pasco Municipal Court, Benton County District Court, and Franklin County District Court
- LAW OFFICE OF GLORIA OCHOA  
7401 W. Grandridge Blvd., Suite 102, Kennewick, WA  
November, 2002 – March, 2007  
Private Practice – State and Federal Criminal Defense, Personal Injury, and Family Law
- BENTON COUNTY PROSECUTING ATTORNEY'S OFFICE  
7122 W. Okanogan Place, Kennewick, WA  
March, 2001 – October, 2002  
Deputy Prosecuting Attorney – Criminal Division, Juvenile Division, and Civil Division

**EDUCATION**

- University of Idaho, College of Law  
J.D., December 2000  
Washington State University  
M.B.A., August, 2019 – Expected August 2021  
Washington State University  
M.A., Criminology and Criminal Justice; May 2019  
Washington State University  
B.A., Business Administration; August 1997

## TRAINING AND EDUCATION

- Northwest Institute for Dispute Resolution – Civil Mediation; August, 2000
- National Judicial College – Essential Skills for Tribal Court Judges; March, 2012
- National Judicial College – The 4th Amendment Comprehensive Search and Seizure Training; May, 2012
- District and Municipal Court – Attorney Training for Service as Pro Tem; September, 2012
- National Center for Justice and the Rule of Law – Search and Seizure of Computers and Digital Evidence, September, 2012
- Indian Child Welfare Summit – Tribal and State Justice to Strengthen Indian Families; October, 2012
- National Indian Nations Conference – Justice for Victims of Crime; December, 2012
- National Judicial College – Tribal Court Management of Alcohol and Drug Cases; January, 2012
- National Judicial College – ICRA: Protecting Rights in Tribal Court; March, 2013
- National Judicial College – Special Considerations for the Rural Court Judge; March, 2013
- National Council of Juvenile and Family Court Judges – Institute for New Juvenile and Family Court Judges; April, 2013
- National Council of Juvenile and Family Court Judges – Juvenile Justice Reform: Models for Change; July, 2013
- Lamar Associates – Department of Justice, Drug Abuse and Drug Endangered Children Training Program; August, 2013
- National Council of Juvenile and Family Court Judges – Child Abuse and Neglect Institute: The Role of the Judge; September, 2013

## PROFESSIONAL ACTIVITIES AND AFFILIATIONS

- Washington State Bar Association Lawyer's Fund for Client Protection Board; 2011 – Current
- American Bar Association Women in Criminal Justice Task Force; 2019 – Current
- 2019 Access to Justice Conference Co-Chair; 2019 - Current
- Latina/o Bar Association of Washington Co-VP of Eastern Washington; 2018 – Current
- Washington State Bar Association Civil Rights Section Executive Committee; 2018 – Current
- Spokane County Bar Association Diversity Committee; 2011 – Current
- Spokane Regional Law and Justice Council Strategic Planning Committee Co-Chair; 2013 - 2018
- Washington State Joint Legislative Task Force on Use of Force; 2016 - 2017
- Washington State Civic Initiative, Board of Directors; 2017
- Washington State Commission on Hispanic Affairs; 2012 – 2017
- Spokane County Jail Innovation Team; 2016
- Office of the Superintendent of Public Instruction Student Discipline Task Force; 2015 – 2016
- Spokane Public Schools Community Action Team; 2013 – 2016
- Washington State Minority & Justice Commission's Spokane Youth & Law Forum; 2013 – 2017
- Washington Initiative for Diversity Governing Council; 2014 – 2016
- Office of the Superintendent of Public Instruction Student Discipline Task Force; 2014 – 2015
- Spokane County Juvenile Court Diversion Neighborhood Accountability Board; 2011 – 2012
- Latina/o Bar Association of Washington, Judicial Evaluation Committee; 2008 – 2013
- Latina/o Bar Association of Washington, Executive Board; 2008 – 2010
- Washington Association of Criminal Defense Lawyers; 2007 – 2012

## COMMUNITY SERVICE AND AFFILIATIONS

- Empire Health Foundation, Board of Directors; 2017 – Current
- Family Impact Network, Board of Directors; 2018 – Current
- YMCA Youth in Government, Board of Directors; 2018 – Current
- Spokane County Human Rights Task Force, Board of Directors; 2017 – Current
- Latino Hope Foundation, Immediate Past President, Board of Directors; 2015 – Current
- Numerica Credit Union, Board of Directors; 2016 – Current
- Spokane County Excelerate Success Leadership Team; 2014 – Current
- Spokane Rotary Club 21; 2014 - Current
- Hispanic Business Professionals Association; 2009 – Current
- Covehaven Homeowners Association, Board of Directors; 2018 – Current
- Washington State University Elson S. Floyd College of Medicine, Equity Committee; 2017 – 2018
- Little Spokane River Estates Homeowner's Association Board of Directors; 2012 – 2016
- Habitat for Humanity of Spokane Board of Directors; 2014 – 2016
- Boys and Girls Club of Spokane County Board of Directors; 2014 - 2016
- Hispanic Business Professionals Foundation Board of Directors; 2014 – 2015
- Tri-Cities Hispanic Chamber of Commerce, Vice-President; 2008 – 2009

## LEADERSHIP TRAINING

- 2014 Washington Equal Justice Community Leadership Academy
- Leadership Spokane, Class of 2012
- 2012 Washington State Bar Association Judicial Institute Fellow
- Leadership Tri-Cities Class XII
- 2005 Washington State Bar Association Leadership Institute Fellow

## AWARDS AND RECOGNITION

- 2016 Leadership Spokane Lifetime Achievement Award
- 2015 Latina/o Bar Association Modelo de Excelencia/Model of Excellence Award
- 2013 Super Lawyers Rising Star
- 2012 Catalyst Magazine 20 Under 40
- 2006 Super Lawyers Rising Star
- Rated 10/10 Avvo

## LICENSES AND CERTIFICATIONS

- Admitted to practice law in Washington State and the Eastern District Federal Court
- Intercultural Development Inventory Certified Administrator

Fluent in Spanish

**Law Offices of Brent Williams-Ruth** was founded by **Brent Williams-Ruth**. Brent has is a fourth generation Washingtonian, living between Pierce and King Counties his entire life, except for a couple short-term stints in Washington, D.C.

Brent obtained his undergraduate degrees at Tacoma Community College (Associates Arts & Sciences) and the University of Washington (Bachelor of Arts). He took the next step in his formal education by enrolling in law school at Seattle University School of Law, graduating in December 2001. Brent sat for and passed the Washington State Bar Exam in February 2002, and was sworn in as a member of the Washington State Bar in June 2002.

Brent began his career as an insurance defense attorney specializing in coverage matters, where he developed the skills of interpreting complex contracts. He handled cases ranging from multi-million-dollar construction claims to personal injury cases with unique damage claims, and spoke to conferences and organizations regarding insurance matters.

After years of working in the insurance defense world, and with the support and encouragement of his last firm, the Scheer Law Group, Brent decided to move out on his own and concentrate on his chosen area of law. He started Law Offices of Brent Williams-Ruth on July 1, 2015.

**The primary focus of Law Offices of Brent Williams-Ruth is to provide individuals and married couples with an affordable flat-fee estate planning package.** For clients who have more extensive estate planning needs, Brent provides advanced estate planning in cooperation with their financial and tax advisors.

In addition to estate planning, **Law Offices of Brent Williams-Ruth provides contract in-house counsel services for small to medium-sized businesses** on a variety of subject matters, including employment law, commercial real estate, contracts, and risk management.

Brent set up Law Offices of Brent Williams-Ruth as a concierge firm to **provide legal services to his clientele whenever and wherever they need**, by bringing the law office to them. He meets with clients at home, in their office or favorite coffee shop, wherever meets their needs, seven days a week, in the morning, during the day, and in the evenings after their primary business day is done.

- ***Our Vision*** –To surpass our client's objectives and expectations.
- ***Our Mission*** – Law Offices of Brent Williams-Ruth provides a variety of consulting services that share the common core of expertise and superior customer service that will satisfy and exceed the expectations of our customers and business partners.
- ***Our Philosophy*** – Every person deserves top notch legal service from a lawyer who puts them first..

# Maya A. Manus

(206) 605 8674 • Seattle, WA • mmanus@seattleu.edu

## EDUCATION

Washington State University – Pullman, WA

August 2013-May 2017

- *BA in Political Science, Additional Major in Women's Studies—Cum Laude*
- *BA in Comparative Ethnic Studies—Cum Laude*

Seattle University – Seattle, WA

July 2019-Present

- *JD Candidate – 1L*

## EMPLOYMENT

The Urban League of Metropolitan Seattle

June 2017-Present

- *Executive Assistant/Office Manager – February 2019-Present*
  - Coordinate and organize the President and CEO calendar and meetings with funders and community leaders.
  - Write and create pieces about the Urban League to showcase our successes and strengths.
  - Partner with the Fund Development Coordinator on various projects to get key funders and community leaders to achieve our goals and pillars of empowerment.
- *Community Resource Coordinator – January 2018-January 2019*
  - Assisted over 200 households experiencing homelessness transition into permanent housing by aiding them financially with move in costs.
  - Assisted over 100 households in preventing homelessness by providing assistance for those who were facing eviction.
  - Coordinated resources and services that the organization provides to eliminate barriers to employment and housing for communities of color.
  - Coordinated with other organizations to assist in achieving similar goals in housing and employment for the community.
  - Researched best practices and outcomes for clients experiencing different barriers such as criminal history, bad credit history, homelessness, and finding affordable housing.
  - Led policy research for the CEO and senior leadership on issues facing the Greater Puget Sound.
  - Provided policy suggestions and conversations of change to different organizations and politicians regarding the homelessness epidemic and other issues affecting communities of color.
- *Receptionist and Housing Assistant – June 2017-December 2017*
  - Directed phone calls and walk ins to the appropriate resources and services within the organization.
  - Processed documents involving mortgage delinquency and foreclosure mediation.
  - Answered general questions regarding housing issues such as homelessness, landlord/tenant issues, mortgage delinquency and pending foreclosures.

- *Official University Brand Ambassador*
  - Built relationships with prospective students during daily tours and events while providing information about higher education at Washington State University.
  - Connected students and prospective students with the different resources and services on campus regarding safety, health, and academic assistance.
  - Helped students through the admission process by answering general questions about the application process and the campus in the tele-counseling center.
  - Marketed and was a part of the WSU brand during events to recruit future students.

The Washington Bus

June-August 2016

- *Bus Fellow*
  - Researched and analyzed how social constructions such as race, class and gender can negatively affect a community on a daily basis and how being able to vote and engaging in community can make change.
  - Discussed with local government officials important issues in Washington and their plans to improve them.
  - Gained the necessary skills to become a community organizer on specific issues affecting my community and created a Community Action Plan to challenge and change the circumstances.
  - Collaborated with the Washington Won't Discriminate and the Sound Transit 3 campaigns to help reach outreach goals and efforts to make both successful.
  - Collaborated with Transportation Choices and Puget Sound SAGE on the intersections of transportation and other social justice issues such as gentrification, social mobility and environmental racism.

**EXTRACURRICULAR**

National Urban League: Washington Bureau

August 2019

- *Certificate in Advocacy*
  - Created group projects focusing on civic engagement and advocacy for the Black community.
  - Received training regarding how to meet with your legislators and how to focus on making a key impact on policy.

Project Pilgrimage

February 2018

- *Civil Rights Pilgrimage*
  - A ten-day-long excursion throughout the deep South to understand the voter rights struggle and the journey towards freedom.
  - A community of about 40 individuals from different ages, races and backgrounds coming together to learn about the racialized past and the effects that still exist today.
  - Went to locations of pivotal moments of the freedom rights struggle such as Money, Mississippi and Selma, Alabama.
  - Met key individuals that were a part of the movement such as individuals from the 16<sup>th</sup> Street Baptist Church and Selma, and the March on Selma.



- *Student Intern*
  - Screened the students confidentially on their legal matter to see if they qualify for services and schedule meetings with the attorney.
  - Maintained and processed confidential client files within the office by entering the data in the intake database.
  - Held an event partnering with the Washington State Black Student Union with an attorney and two Pullman police officers discussing interactions with law enforcement.

Visionaries Inspiring Black Empowered Students (VIBES) Conference

- An annual conference for high school students who participate in a weekend college experience, gaining knowledge about higher education and how it is achievable, even for folks of color.
- The conference is completely run by Washington State University students.
- *Team Leader Organizer – December 2015*
  - Coordinated and facilitated the Team Leaders that were chaperoning and assisting the students throughout the conference.
  - Assisted the Team Leaders with problem solving issues with the high school students and schedule conflicts.
- *Team Leader – December 2016*
  - Ensured the accountability of the students by knowing their whereabouts and chaperoning them.
  - Provided my personal experience and knowledge on being a student.

Alpha Kappa Alpha Sorority, Inc.

November 2014-Present

- *2016-2017 Pacific Northwest Cluster Coordinator for the Far Western Region*
  - Coordinated the undergraduate members in the Pacific Northwest and reported the progress and problems to the Regional Director.
  - A supportive leader engaging the undergraduate members on national programs of the sorority.
- *2016-2017 President of the Kappa Sigma Chapter*
  - Facilitated and managed the chapter and members on programs, budget and other operations.
  - Lead the meetings and assisted in creating the agenda with the Vice President and Secretary.
  - Served as chapter spokesperson, interacting with faculty and student and staff leaders.
  - Donated backpacks to students in need within the Pullman community.
- *2014-2015 Vice President and Program Chair of the Kappa Sigma Chapter*
  - Created different program events to engage the community on issues such as the intersection of race and gender, heart health and drug/alcohol awareness.
  - Maintained and recorded the programs within the chapter for the international website to display our programs.

**MEMORANDUM**

**To:** WSBA President, President-elect, Immediate Past President, and Board of Governors  
**From:** WSBA Court Rules and Procedures Committee  
**Date:** August 9, 2019  
**Re:** Proposed Amendments to Mandatory Arbitration Rules (MAR) 7.2

**First Read / Potential Action: Approve proposed amendments to MAR 7.2 for submission to the Washington Supreme Court.**

**Discussion and Background**

By letter dated May 23, 2018, the Supreme Court Rules Committee asked the WSBA Court Rules and Procedures Committee (“Committee”) to review the Mandatory Arbitration Rules (“MAR”). The Supreme Court Rules Committee had reviewed enacted legislation EHB 1128 – Civil Arbitration, determined that it would benefit from a review by the Committee, and asked that such review and feedback “be provided as soon as practicable so the court can consider it and take any necessary action by the September 1, 2018 effective date.” The legislature amended RCW Chapter 7.06 effective September 1, 2018. The Committee submitted the MARs package to the BOG at the May 17, 2019, meeting and the BOG approved the Committee’s recommendations.

Last year, the Committee tabled MAR 7.2 because the King County Superior Court Clerk alerted the Supreme Court Rules Committee to an issue with MAR 7.2(a). The current rule provides, “The clerk shall seal any award if a trial de novo is requested.” According to the King County Clerk’s experience with practices by other courts, the arbitration award was not sealed from judicial officers, only from the public. The concern is that a judge may see the arbitration award and, if that same judge presides over the trial de novo, this may affect the judge’s decision. To eliminate any ambiguity, the Committee proposes adding a sentence to make it clear that the award shall be sealed from everyone, including judicial officers. In keeping with the policy of keeping court records open to the public, we have also provided for unsealing the award at the conclusion of the trial de novo or a withdrawal of such a request.

The Committee presents this proposed amendment to the WSBA Board of Governors for potential action, so as to expedite returning this feedback to the Supreme Court Rules Committee.

The MAR Subcommittee recommended the following proposal:

- Rule 7.2(a) adding, “Judicial officer access to the award is prohibited while it is sealed. If requested, the clerk shall unseal the award if a request for a trial de novo is withdrawn or at the conclusion of the trial de novo.”

The proposed revision was circulated widely to the WSBA’s list of stakeholders, including: representatives from the Supreme Court, the three Courts of Appeal, the Superior Court Judges Association, and the District & Municipal Court Judges Association; specialty bars and interested groups (the WA Defense Trial Lawyers, WA Association for Justice, NW Justice Project, WA Association of Criminal Defense Lawyers, WA Appellate Lawyers Associations, International Association of Defense Counsel, WA Association of Prosecuting Attorneys, WA State Association of Municipal Attorneys, Public Defenders Association, ACLU of Washington, Columbia Legal Services, and WSBA section leaders); and local and minority bar associations.

The MAR Subcommittee received comments from the following:

1. Barbara Miner, King County Superior Court Clerk
2. Judge Bradley Maxa (on behalf of Court of Appeals Rules Committee)
3. Brandon Casey
4. Liz Berry (on behalf of Washington State Association of Justice)

After hearing about the feedback gathered by the subcommittee and discussing the proposed amendments, the Committee voted to adopt the proposed changes.

The attached materials include a redline and clean version of the proposed amendments.

We anticipate submitting these amendments to the Washington Supreme Court after the BOG has completed its consideration.

**ATTACHMENTS:**

- Appendix A: Justice Johnson’s May 23, 2018 Letter
- Appendix B: Redline and Clean version of the proposed amendments to MAR 7.2
- Appendix C: Stakeholder List
- Appendix D: Comments Received

The Supreme Court  
State of Washington

CHARLES W. JOHNSON  
JUSTICE  
TEMPLE OF JUSTICE  
POST OFFICE BOX 40929  
OLYMPIA, WASHINGTON  
98504-0929



(360) 357-2020  
FACSIMILE (360) 357-2103  
E-MAIL J.C.JOHNSON@COURTS.WA.GOV

May 23, 2018

MAY 29 2018

Ms. Paula Littlewood  
Executive Director  
Washington State Bar Association  
1325 Fourth Avenue, Suite 600  
Seattle, WA 98101-2539

Dear Ms. Littlewood:

Recently, the legislature enacted EHB 1128—Civil Arbitration, which is effective September 1, 2018. This law will affect the current statewide Mandatory Arbitration Rules (MARs). The Supreme Court Rules Committee has reviewed this legislation and has determined that it would benefit from a review by the Washington State Bar Association's Court Rules and Procedures Committee.

The Supreme Court Rules Committee recognizes that this law will become effective before the Court Rules and Procedures Committee is regularly scheduled to review the MARs. The Rules Committee would appreciate any review and feedback that can be provided as soon as practicable so the court can consider it and take any necessary action by the September 1, 2018 effective date.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles W. Johnson".

Charles W. Johnson, Chair  
Supreme Court Rules Committee

cc: Mr. Kevin Bank, WSBA Assistant General Counsel  
Ms. Shannon Kilpatrick, WSBA Court Rules and Procedures Committee Chair

## GR 9 COVER SHEET

### Suggested Amendment

#### SUPERIOR COURT MANDATORY ARBITRATION RULE (MAR) 7.2

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- A. Proponent:** Washington State Bar Association Rules Committee, MAR Subcommittee
- B. Spokespersons:** Stephanie P. Dikeakos, Subcommittee Chair
- C. Purpose:** The King County Superior Court Clerk alerted the Supreme Court Rules Committee to an issue with MAR 7.2(a). The current rule provides, “The clerk shall seal any award if a trial de novo is requested.” According to the King County Clerk and her experience with practices by other courts, the arbitration award was not sealed from judicial officers, only from the public. The concern is that a judge may see the arbitration award and, if that same judge presides over the trial de novo, this may affect the judge’s decision. To eliminate any ambiguity, the subcommittee proposes adding a sentence to make it clear that the award shall be sealed from everyone, including judicial officers. In keeping with the policy of open court records, we have also provided for unsealing the award upon request, at the conclusion of the trial de novo or the withdrawal of any and all requests for a trial de novo, whichever occurs first.

Rule 7.2 Amendment:

Amendment to MAR 7.2(a) adding, “Judicial officer access to the award is prohibited while it is sealed. If requested, the clerk shall unseal the award if all requests for a trial de novo are withdrawn or at the conclusion of the trial de novo, whichever occurs first.”

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT MANDATORY ARBITRATION RULES (MAR)**  
**RULE 7.2**  
**PROCEDURE AFTER REQUEST FOR TRIAL DE NOVO**

1  
2 (a) Sealing. The clerk shall seal any award if a trial de novo is requested. Judicial  
3 officer access to the award is prohibited while it is sealed. If requested, the clerk shall unseal  
4 the award if all requests for a trial de novo are withdrawn or at the conclusion of the trial de  
5 novo, whichever occurs first.

6 (b) No Reference to Arbitration; Use of Testimony.

7  
8 (1) The trial de novo shall be conducted as though no arbitration proceeding had  
9 occurred. No reference shall be made to the arbitration award, in any pleading, brief, or other  
10 written or oral statement to the trial court or jury either before or during the trial, nor, in a jury  
11 trial, shall the jury be informed that there has been an arbitration proceeding.

12 (2) Testimony given during the arbitration proceeding is admissible in subsequent  
13 proceedings to the extent allowed by the Rules of Evidence, except that the testimony shall not  
14 be identified as having been given in an arbitration proceeding.

15 (c) Relief Sought. The relief sought at a trial de novo shall not be restricted by RCW  
16 7.06, local arbitration rule, or any prior waiver or stipulation made for purposes of arbitration.

17 (d) Arbitrator as Witness. The arbitrator shall not be called as a witness at the trial de  
18 novo.  
19  
20  
21  
22  
23  
24  
25  
26

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT MANDATORY ARBITRATION RULES (MAR)**  
**RULE 7.2**  
**PROCEDURE AFTER REQUEST FOR TRIAL DE NOVO**

1  
2 (a) Sealing. The clerk shall seal any award if a trial de novo is requested. Judicial officer  
3 access to the award is prohibited while it is sealed. If requested, the clerk shall unseal the award  
4 if all requests for a trial de novo are withdrawn or at the conclusion of the trial de novo,  
5 whichever occurs first.

6 (b) No Reference to Arbitration; Use of Testimony.

7  
8 (1) The trial de novo shall be conducted as though no arbitration proceeding had  
9 occurred. No reference shall be made to the arbitration award, in any pleading, brief, or other  
10 written or oral statement to the trial court or jury either before or during the trial, nor, in a jury  
11 trial, shall the jury be informed that there has been an arbitration proceeding.

12 (2) Testimony given during the arbitration proceeding is admissible in subsequent  
13 proceedings to the extent allowed by the Rules of Evidence, except that the testimony shall not  
14 be identified as having been given in an arbitration proceeding.

15 (c) Relief Sought. The relief sought at a trial de novo shall not be restricted by RCW  
16 7.06, local arbitration rule, or any prior waiver or stipulation made for purposes of arbitration.

17 (d) Arbitrator as Witness. The arbitrator shall not be called as a witness at the trial de  
18 novo.  
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# Stakeholders List

<b>COURTS</b>	
<b>Organization</b>	<b>Name</b>
Supreme Court	Shannon Hinchcliffe AOC Liaison
Court of Appeals, Div. 1	Presiding Chief Judge Laurel Siddoway
Court of Appeals, Div. 2	Chief Judge Brad Maxa
Court of Appeals, Div. 3	Judge Kevin Korsmo
Superior Court Judges Association (SJCA)	Judge Blaine Gibson
District & Municipal Court Judges Association (DMCJA)	Judge G. Scott Marinella, President Judge Jeffrey Goodwin, Chair of Rules Comittee

<b>SPECIALTY BARS</b>	
<b>Organization</b>	<b>Name</b>
WA Defense Trial Lawyers (WDTL)	Jon Morrone (Court Rules)
	Erin Hammond, President
	Jennifer Campbell, President-elect
WA Association for Justice (WSAJ)	Ann Rosato, President
	John Allison, President- elect
	Jane Morrow, Chair, Court Rules
	Christopher Love, Vice- Chair Court Rules
NW Justice Project	Kyle Olive
	Deborah Perluss, Director of Advocacy/General Counsel
WA Association of Criminal Defense Lawyers	Louis Frantz, President
WA Appellate Lawyers Association	Shelby Forst Lemmel, Co- Chair



# Stakeholders List

<b>SPECIALTY BARS</b>	
	Valerie Villacin, Co-Chair
WA Defender Association	Keith Tyne, President Daryl Rodrigues, President-elect
International Assoc. of Defense Counsel (IADC)	John T. Lay Jr.
WA Assoc. of Prosecuting Attorneys (WAPA)	Pam Loginsky, Staff Attorney Denis Tracy, President Richard Weyrich
WA State Assoc. of Municipal Attorneys (WSAMA)	Walter Snyder, President
Public Defenders Association	Lisa Daugaard, Director
ACLU of WA	Kathleen Taylor, Executive Director
International Association of Defense Counsel (IADC)	Mary Beth Kurzak, Executive Director
Columbia Legal	Nick Allen

<b>MINORITY BAR ASSOCIATIONS</b>	
<b>Organization</b>	<b>Name</b>
Asian Bar Association	James Chung President
Cardozo Society	Aric Bomszytk President
Filipino Lawyers of WA	Jennifer Cruz President
QLaw – LGBT Bar Assoc.	Dan Shih President
Korean Bar Assoc.	Paige Hardy President
Latina/Latino Bar Assoc.	Veronica Quinonez President Debra Akhbari President-elect

# Stakeholders List

MINORITY BAR ASSOCIATIONS	
Loren Miller Bar Assoc.	Erika Evans President
	Raina Wagner President-elect
Middle Eastern Legal Assoc.	Shamimi Mohandessi President
	Mohamed Khalil President-elect
Mother Attorneys Mentoring Assoc.	Stephanie Berntsen President
Northwest Indian Bar Assoc.	Sarah Lawson President
	Christina Parker President-elect
Pierce County Minority Bar Assoc.	Mark Brady President Desiree Hosannah, President-elect
Slavic Bar Assoc.	Barry Wallis President
South Asian Bar Assoc.	Smriti Chandrashekar President
Vietnamese American Bar Assoc.	D.Sho Ly President
	Melanie Nguyen President-elect
WA Attorneys with Disabilities Assoc.	Conrad Reynoldson President
WA Veterans Bar Assoc.	Thomas Jarrad President
WA Women Lawyers	Lisa Keler President
	Chrystina Solum President-elect

## SECTIONS

Paris Eriksen, WSBA Sections Program Manager, distributed all rule proposals by email to Section Leaders.

# Stakeholders List

COUNTY BAR ASSOCIATIONS	
Organization	Name
Adams County	Steven Herbert Sackmann
Asotin, Columbia, Garfield County (Hells Canyon Bar Assoc.)	Kate Hawkins
Benton-Franklin County	Diana N. Ruff
Chelan-Douglas County	Travis C. Brandt
Clallam County	Ariel Speser
Clark County	Mark Sampath
Cowlitz-Wahkiakum County	Meredith Long
East King County	Chris Pirnke
Ferry County	James Von Sauer
Grant County	Jamie Cordell
Grays Harbor County	Jean Cotton
Island County	Anna Thompson
Jefferson County	Nathanial Jacob
King County	Andrew J. Prazuch, Executive Director
	Harry Schneider, President
Kitsap County	Tom Weaver
Kittitas County	Tony Swartz
Klickitat-Skamania County	Joanne Gallagher
Lewis County	Jakob McGhie
Lincoln County	Lee Russell McGuire Jr.
Mason County	Julie Sund Nichols
Okanogan County	Ted Reinbold
Pacific County	Edward Penoyar
Pend Oreille County	Douglas Lambarth
San Juan County	John Chessell
Skagit County	Heather Webb
Snohomish County	Richard Jones
South King County	Katelyn Smythe
Spokane County	Julie Griffith, Executive Director
	William Symmes, President
Stevens County	Nicholas Force
Tacoma-Pierce County	Kit Kasner, Executive Director
	Steven Merrival, President

# Stakeholders List

COUNTY BAR ASSOCIATIONS	
Thurston County	Mark Wheeler
Walla Walla County	Jill Peitersen
Whatcom County	Lisa Saar
Whitman County	Luke E. Baumgarten
Yakima County	Quinn Dalan

OTHER STAKEHOLDERS	
Organization	Name
Office of Assigned Counsel (Thurston County)	Patrick O'Conner (Superior Court)
	Alex Frix (District Court)
	Sharonda D. Amamilo (Family and Juvenile Court)
Office of Assigned Counsel (Pierce County)	Kriston McDonough, Lead Attorney (Civil Contempt Unit)
	Jessica Campbell (District Court)
Tacoma Municipal Court Unit	Denise Whitley
Access to Justice Board	Salvador Mungia, Chair
Limited License Legal Technician Board	Steve Crossland, Chair
Limited Practice Board	Crystal Flood, Chair
MCLE Board	John Bender, Chair
N/A	Karl Tegland
AGs Office	Rebecca Glasgow
Kitsap County Bar Assoc. Civil Practice & Proc. Cmte	Phil Havers
N/A	Elizabeth Turner
N/A	Shannon Kilpatrick



## King County

Department of Judicial Administration  
Barbara Miner  
Director and Superior Court Clerk  
(206) 296-9300 (206) 296-0100 TTY/TDD

August 15, 2018

Justice Charles Johnson, Chair  
Supreme Court Rules Committee  
PO Box 40929  
Olympia, WA 98504-0929

Re: Mandatory Arbitration Rule 7.2

Dear Justice Johnson:

I write with a question and possible suggested rule edit regarding MAR 7.2.

Highlighted below is section (a) of MAR 7.2 which dictates the sealing of the arbitration award upon the filing of a de novo request. The language in the other sections goes on to instruct keeping the arbitration award information completely out of court filings and hearings as the case proceeds through the de novo process.

My question is in regard to the audience to whom the arbitration award is sealed. Pursuant to the current rule language, Clerks around the state would seal the document and not allow public or parties access to the arbitration award. However, it is regular procedure that a document which is sealed is accessible to any judicial officer of that court. Is that what is intended by this rule language?

Historically we interpreted old rule language or case law to mean that judicial officers were prohibited from accessing/viewing arbitration awards, though parties were allowed access. It appears the current language does the exact opposite: it allows judicial officers to see the award, but the parties are prohibited.

If the intent of the language is to keep judicial officers who might be handling the de novo trial from seeing the award, I would suggest that a rule change is necessary. Perhaps something like this language could be added to the current language: "judicial officer access to the award is also prohibited." Or this edit could be applied: "The clerk shall seal any arbitration award from judicial officers if a de novo is requested."

*Seattle:*  
516 Third Avenue Room E609  
Seattle, WA 98104-2386

*Regional Justice Center:*  
401 Fourth Avenue North Room 2C  
Kent, WA 98032-4429

*Juvenile Division:*  
1211 East Alder Room 307  
Seattle, WA 98122-5598

Justice Charles Johnson  
August 15, 2019  
Page 2

Current Mandatory Arbitration Rule 7.2 language:

**RULE 7.2**

**PROCEDURE AFTER REQUEST FOR TRIAL DE NOVO**

~~(a) Sealing. The clerk shall seal any award if a trial de novo is requested.~~

~~(b) No Reference to Arbitration; Use of Testimony.~~

~~(1) The trial de novo shall be conducted as though no arbitration proceeding had occurred. No reference shall be made to the arbitration award, in any pleading, brief, or other written or oral statement to the trial court or jury either before or during the trial, nor, in a jury trial, shall the jury be informed that there has been an arbitration proceeding.~~

~~(2) Testimony given during the arbitration proceeding is admissible in subsequent proceedings to the extent allowed by the Rules of Evidence, except that the testimony shall not be identified as having been given in an arbitration proceeding.~~

~~(c) Relief Sought. The relief sought at a trial de novo shall not be restricted by RCW 7.06, local arbitration rule, or any prior waiver or stipulation made for purposes of arbitration.~~

~~(d) Arbitrator as Witness. The arbitrator shall not be called as a witness at the trial de novo.~~

Proposed Mandatory Arbitration Rule 7.2 language:

**RULE 7.2 (version 1)**

**PROCEDURE AFTER REQUEST FOR TRIAL DE NOVO**

~~(a) Sealing. The clerk shall seal any award from judicial officers if a trial de novo is requested.~~

....

Or

**RULE 7.2 (version 2)**

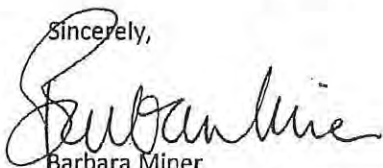
**PROCEDURE AFTER REQUEST FOR TRIAL DE NOVO**

~~(b) Sealing. The clerk shall seal any award if a trial de novo is requested. Judicial officer access to the award is also prohibited.~~

....

Thank you for your attention to this and please feel free to contact me should you have questions or need more information. I can be reached at (206) 477-0777.

Sincerely,



Barbara Miner

King County Superior Court Clerk

cc: Shannon Hinchcliffe; Office of Legal Services and staff to Superior Court Rules Committee

**From:** [Maxa, Bradley](#)  
**To:** [WSBA CourtRules](#)  
**Cc:** [Sherry Lindner](#)  
**Subject:** RE: Feedback Requested: WSBA Court Rules and Procedures Committee/ MAR 7.2 Proposal  
**Date:** Monday, April 01, 2019 9:24:08 AM  
**Attachments:** [image001.png](#)

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The Court of Appeals rules committee has no comment on this proposed amendment.

*Chief Judge Bradley A. Maxa  
Washington Court of Appeals, Division II*

*950 Broadway, Suite 300  
Tacoma, WA 98402  
(253)552-2251*

**From:** Sherry Lindner [mailto:[sherryl@wsba.org](mailto:sherryl@wsba.org)]  
**Sent:** Friday, March 22, 2019 8:51 AM  
**To:** Hinchcliffe, Shannon <[Shannon.Hinchcliffe@courts.wa.gov](mailto:Shannon.Hinchcliffe@courts.wa.gov)>; Siddoway, Laurel <[Laurel.Siddoway@courts.wa.gov](mailto:Laurel.Siddoway@courts.wa.gov)>; Maxa, Bradley <[J\\_B.Maxa@courts.wa.gov](mailto:J_B.Maxa@courts.wa.gov)>; Judge Gibson <[blaine.gibson@co.yakima.wa.us](mailto:blaine.gibson@co.yakima.wa.us)>; [gsm.judge@gmail.com](mailto:gsm.judge@gmail.com); Judge Jeffrey Goodwin <[jeffrey.goodwin@snoco.org](mailto:jeffrey.goodwin@snoco.org)>  
**Cc:** Jefferson Coulter <[Jeffersonc@NWJustice.org](mailto:Jeffersonc@NWJustice.org)>; Nicole Gustine <[nicoleg@wsba.org](mailto:nicoleg@wsba.org)>  
**Subject:** Feedback Requested: WSBA Court Rules and Procedures Committee/ MAR 7.2 Proposal

Greetings,

The Court Rules and Procedures Committee is proposing to amend the Mandatory Arbitration Rules (MAR) 7.2.

The Committee is reaching out to stakeholders for comments and feedback on its proposals.

Stakeholder input is crucially important in the rulemaking process and assists the Committee in making an informed decision.

Attached please find materials submitted by Stephanie Dikeakos.

**Please submit your feedback/comments to [WSBACourtRules@wsba.org](mailto:WSBACourtRules@wsba.org) by May 17, 2019.**

Thank you,



Sherry Lindner | Paralegal | Office of General Counsel

Washington State Bar Association | T 206-733-5941 | F 206-727-8314 | [sherryl@wsba.org](mailto:sherryl@wsba.org)

1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | [www.wsba.org](http://www.wsba.org)

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**From:** [Brandon Casey](#)  
**To:** [WSBA CourtRules](#)  
**Subject:** MAR 7.2 proposed rule  
**Date:** Tuesday, April 09, 2019 1:33:19 PM  
**Attachments:** [mar-7-2\\_compiled.pdf](#)

---

Dear Rules Committee,

I agree with and endorse the proposed amendment to MAR 7.2(a): "Judicial officer access to the award is prohibited while it is sealed. The clerk shall unseal the award if all requests for a trial de novo are withdrawn or at the conclusion of the trial de novo, whichever occurs first."

**Brandon R. Casey**

Casey Law Offices, P.S.  
421 West Riverside, Ste. 308  
Spokane, WA 99201  
Phone: (509) 252-9700  
Fax: (509) 252-9703  
Direct No: (509) 960-7463

"I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country... Corporations have been enthroned and an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until all wealth is aggregated in a few hands and the Republic is destroyed."

**Abraham Lincoln - Nov 21, 1864**

PROTECT THE SEVENTH AMENDMENT: "**TRIAL BY JURY IN CIVIL CASES.** *In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be reexamined in any court of the United States, than according to the rules of the common law.*"

**From:** [Sherry Lindner](#)  
**To:** "[Liz Berry](#)"; [WSBA CourtRules](#)  
**Cc:** [Larry Shannon](#); [john allison](#); [Ann Rosato](#); [Jane Morrow](#); [Chris Love](#)  
**Subject:** RE: Feedback Requested: WSBA Court Rules and Procedures Committee/ MAR 7.2 Proposal  
**Date:** Monday, April 22, 2019 9:47:00 AM  
**Attachments:** [image001.png](#)

---

Received.

Thanks,  
Sherry

**Sherry Lindner | Paralegal | Office of General Counsel**  
**Washington State Bar Association** | T 206.733.5941 | F 206.727.8314 | [sherryl@wsba.org](mailto:sherryl@wsba.org)  
1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539

**From:** Liz Berry <[liz@washingtonjustice.org](mailto:liz@washingtonjustice.org)>  
**Sent:** Thursday, April 18, 2019 2:44 PM  
**To:** WSBA CourtRules <[WSBACourtRules@wsba.org](mailto:WSBACourtRules@wsba.org)>  
**Cc:** Larry Shannon <[larry@washingtonjustice.org](mailto:larry@washingtonjustice.org)>; john allison <[jdallison@eahjlaw.com](mailto:jdallison@eahjlaw.com)>; Ann Rosato <[rosato@pwrfl-law.com](mailto:rosato@pwrfl-law.com)>; Jane Morrow <[jm@medilaw.com](mailto:jm@medilaw.com)>; Chris Love <[chris@pcvalaw.com](mailto:chris@pcvalaw.com)>  
**Subject:** RE: Feedback Requested: WSBA Court Rules and Procedures Committee/ MAR 7.2 Proposal

Dear Court Rules and Procedures Committee,

WSAJ has no opposition to this rule. Please let me know if you have any questions.

Thank you,

**Liz Berry**

*Executive Director*  
Washington State Association for Justice  
1809 7<sup>th</sup> Avenue, Suite 1500  
Seattle, WA 98101  
206.464.1011 (office)  
202.250.1234 (cell)  
[liz@washingtonjustice.org](mailto:liz@washingtonjustice.org)

**From:** Sherry Lindner [<mailto:sherryl@wsba.org>]  
**Sent:** Friday, March 22, 2019 8:57 AM  
**Cc:** Jefferson Coulter <[Jeffersonc@NWJustice.org](mailto:Jeffersonc@NWJustice.org)>; Nicole Gustine <[nicoleg@wsba.org](mailto:nicoleg@wsba.org)>  
**Subject:** Feedback Requested: WSBA Court Rules and Procedures Committee/ MAR 7.2 Proposal

Greetings,

The Court Rules and Procedures Committee is proposing to amend the Mandatory Arbitration

Rules (MAR) 7.2.

The Committee is reaching out to stakeholders for comments and feedback on its proposals.

Stakeholder input is crucially important in the rulemaking process and assists the Committee in making an informed decision.

Attached please find materials submitted by Stephanie Dikeakos.

**Please submit your feedback/comments to [WSBACourtRules@wsba.org](mailto:WSBACourtRules@wsba.org) by May 17, 2019.**

Thank you,



**Sherry Lindner | Paralegal | Office of General Counsel**

Washington State Bar Association | T 206-733-5941 | F 206-727-8314 | [sherryl@wsba.org](mailto:sherryl@wsba.org)  
1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | [www.wsba.org](http://www.wsba.org)

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**MEMORANDUM**

**To:** WSBA President, President-elect, Immediate Past President, and Board of Governors

**From:** WSBA Court Rules and Procedures Committee

**Date:** August 9, 2019

**Re:** Proposed Amendments to Criminal Rules (CrR) 8.2 and Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) 8.2

**First Read / Potential Action: Approve proposed amendments to CrR 8.2 and CrRLJ 8.2 for submission to the Washington Supreme Court.**

**Discussion and Background**

In July 2018, the WSBA Court Rules and Procedures Committee (“Committee”) Criminal Rules Subcommittee tabled CrR 8.2 and CrRLJ 8.2 for additional stakeholder input. In October 2018, Subcommittee X reviewed the proposals.

Attached to this memorandum are the proposed amendments to CrR 8.2 and CrRLJ 8.2, which address a conflict in the case law as to whether the criminal rules allow a motion for reconsideration. *State v. Batsell*, 198 Wn.App. 1066, unpublished (issued May 2, 2017), illustrates that there is some confusion as to whether a motion for reconsideration is allowed under the criminal rules. The *Batsell* court noted that *State v. Gonzalez*, 110 Wn.2d 738, 744, 757 P.2d 925 (1988), stated that civil rules are instructive as to matters of procedure on which the criminal rules are silent. However, *State v. Keller*, 32 Wn.App. 135, 647 P.2d 35 (1982), held that CR 59 did not apply in criminal cases. In contrast, as the *Batsell* court noted, “at least two reported decisions in criminal appeals have involved motions for reconsideration without questioning CR 59’s application in criminal cases,” (citing *State v. Englund*, 186 Wn.App. 444, 459, 345 P.3d 859, review denied, 183 Wn.2d 1011, 352 P.3d 188 (2015); *State v. Chaussee*, 77 Wn.App. 803, 806-07, 895 P.2d 414 (1995)).

This confusion results in inconsistency across courts. It also presents a problem when a party in a criminal case wishes to move for discretionary review, as the time for filing a notice of discretionary review runs from the entry of an order deciding a timely motion for reconsideration pursuant to RAP 5.2(b).

The district court criminal rules do not have an express provision for motions for reconsideration. To be consistent with the superior court rule, it is recommended that CrRLJ Rule 8.2 also be amended.

The proposed revisions were circulated widely to the WSBA's list of stakeholders, including: representatives from the Supreme Court, the three Courts of Appeal, the Superior Court Judges Association, and the District & Municipal Court Judges Association; specialty bars and interested groups (the WA Defense Trial Lawyers, WA Association for Justice, NW Justice Project, WA Association of Criminal Defense Lawyers, WA Appellate Lawyers Associations, International Association of Defense Counsel, WA Association of Prosecuting Attorneys, WA State Association of Municipal Attorneys, Public Defenders Association, ACLU of Washington, Columbia Legal Services, and WSBA section leaders); and local and minority bar associations.

The Committee received four comments from the following:

1. Heidi Thompson
2. Sean Kelly
3. Washington Association of Prosecuting Attorneys
4. Judge Kevin Korsmo, on behalf of the Court of Appeals Rules Committee

After reviewing the feedback gathered and discussing the proposed amendments, the Committee voted to adopt the subcommittee's proposed changes.

The attached materials include redline and clean versions of the proposed amendments.

We anticipate submitting these amendments to the Washington Supreme Court after the BOG has completed its consideration.

**ATTACHMENTS:**

- Appendix A: Redline and Clean version of the proposed amendments
- Appendix B: Stakeholder List
- Appendix C: Comments Received

**GR 9 COVER SHEET**

**Suggested Amendments**

**SUPERIOR COURT CRIMINAL RULES (CrR)**

**Rule 8.2 - MOTIONS**

---

**A. Name of Proponent:**

William D. Pickett, President, Washington State Bar Association

**B. Spokesperson:**

Jefferson Coulter  
Chair of Court Rules and Procedures Committee  
NW Justice Project  
1702 W. Broadway Ave.  
Spokane, WA 99201 (Phone: 509-324-9128)

Staff Liaison/Contact:  
Nicole Gustine, Assistant General Counsel  
Washington State Bar Association (WSBA)  
1325 Fourth Avenue, Suite 600  
Seattle, WA 98101-2539 (Phone: 206-727-8237)

**C. Purpose:**

There is currently a conflict in the case law as to whether the criminal rules allow a motion for reconsideration. State v. Batsell, 198 Wn.App. 1066, unpublished (issued May 2, 2017), illustrates that there is some confusion as to whether a motion for reconsideration is allowed under the criminal rules. The Batsell court noted that State v. Gonzalez, 110 Wn.2d 738, 744, 757 P.2d 925 (1988), noted that civil rules are instructive as to matters of procedure on which the criminal rules are silent. However, State v. Keller, 32 Wn.App. 135, 647 P.2d 35 (1982), held that CR 59 did not apply in criminal cases. In contrast, as the Batsell court noted, “at least two reported decisions in criminal appeals have involved motions for reconsideration without questioning CR 59’s application in criminal cases.” (citing State v. Englund, 186 Wn.App. 444, 459, 345 P.3d 859, review denied, 183 Wn.2d 1011, 352 P.3d 188 (2015); State v. Chaussee, 77 Wn.App. 803, 806-07, 895 P.2d 414 (1995)).

This confusion results in inconsistency across courts. It also presents a problem when a party in a criminal case wishes to move for discretionary review, as the time for filing a notice of discretionary review runs from the entry of an order deciding a timely motion for reconsideration pursuant to RAP 5.2(b).

The district court criminal rules do not have an express provision for motions for reconsideration. To be consistent with the superior court rule it is also recommended that CrRLJ Rule 8.2 also be amended.

**D. Hearing:** A hearing is not recommended.

**E. Expedited Consideration:** Expedited consideration is not requested.

**F. Supporting Material:** Suggested rule amendments.

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CRIMINAL RULES (CrR)**  
**RULE 8.2 MOTIONS**

1 Rules 3.5 and 3.6 and CR 7(b) shall govern motions in criminal cases. A motion for  
2 reconsideration shall be governed by CR 59(b), (e) and (j).

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**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CRIMINAL RULES (CrR)**  
**RULE 8.2 MOTIONS**

1           Rules 3.5 and 3.6 and CR 7(b) shall govern motions in criminal cases. A motion for  
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## GR 9 COVER SHEET

### Suggested Amendments

## CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION (CrRLJ)

### Rule 8.2 - MOTIONS

---

#### A. Name of Proponent:

William D. Pickett, President, Washington State Bar Association

#### B. Spokesperson:

Jefferson Coulter  
Chair of Court Rules and Procedures Committee  
NW Justice Project  
1702 W. Broadway Ave.  
Spokane, WA 99201 (Phone: 509-324-9128)

Staff Liaison/Contact:  
Nicole Gustine, Assistant General Counsel  
Washington State Bar Association (WSBA)  
1325 Fourth Avenue, Suite 600  
Seattle, WA 98101-2539 (Phone: 206-727-8237)

#### C. Purpose:

There is currently a conflict in the case law as to whether the criminal rules allow a motion for reconsideration. State v. Batsell, 198 Wn.App. 1066, unpublished (issued May 2, 2017), illustrates that there is some confusion as to whether a motion for reconsideration is allowed under the criminal rules. The Batsell court noted that State v. Gonzalez, 110 Wn.2d 738, 744, 757 P.2d 925 (1988), noted that civil rules are instructive as to matters of procedure on which the criminal rules are silent. However, State v. Keller, 32 Wn.App. 135, 647 P.2d 35 (1982), held that CR 59 did not apply in criminal cases. In contrast, as the Batsell court noted, “at least two reported decisions in criminal appeals have involved motions for reconsideration without questioning CR 59’s application in criminal cases.” (citing State v. Englund, 186 Wn.App. 444, 459, 345 P.3d 859, review denied, 183 Wn.2d 1011, 352 P.3d 188 (2015); State v. Chaussee, 77 Wn.App. 803, 806-07, 895 P.2d 414 (1995)).

This confusion results in inconsistency across courts. It also presents a problem when a party in a criminal case wishes to move for discretionary review, as the time for filing a notice of discretionary review runs from the entry of an order deciding a timely motion for reconsideration pursuant to RAP 5.2(b).

The district court criminal rules do not have an express provision for motions for reconsideration. To be consistent with the superior court rule it is recommended that CrRLJ Rule 8.2 be amended.

**D. Hearing:** A hearing is not recommended.

**E. Expedited Consideration:** Expedited consideration is not requested.

**F. Supporting Material:** Suggested rule amendments.

**SUGGESTED AMENDMENT**  
**CRIMINAL RULES FOR COURTS OF LIMITED**  
**JURISDICTION (CrRLJ)**  
**RULE 8.2 MOTIONS**

1 Rules 3.5 and 3.6 and CRLJ 7(b) shall govern motions in criminal cases. A motion for  
2 reconsideration shall be governed by CRLJ 59(b), (e) and (j).

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**SUGGESTED AMENDMENT**  
**CRIMINAL RULES FOR COURTS OF LIMITED**  
**JURISDICTION (CrRLJ)**  
**RULE 8.2 MOTIONS**

1           Rules 3.5 and 3.6 and CRLJ 7(b) shall govern motions in criminal cases. A motion for  
2 reconsideration shall be governed by CRLJ 59(b), (e) and (j).

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# Stakeholders List

<b>COURTS</b>	
<b>Organization</b>	<b>Name</b>
Supreme Court	Shannon Hinchcliffe AOC Liaison
Court of Appeals, Div. 1	Presiding Chief Judge Laurel Siddoway
Court of Appeals, Div. 2	Chief Judge Brad Maxa
Court of Appeals, Div. 3	Judge Kevin Korsmo
Superior Court Judges Association (SJCA)	Judge Blaine Gibson
District & Municipal Court Judges Association (DMCJA)	Judge G. Scott Marinella, President Judge Jeffrey Goodwin, Chair of Rules Committee

<b>SPECIALTY BARS</b>	
<b>Organization</b>	<b>Name</b>
WA Defense Trial Lawyers (WDTL)	Jon Morrone (Court Rules)
	Erin Hammond, President  Jennifer Campbell, President-elect
WA Association for Justice (WSAJ)	Ann Rosato, President
	John Allison, President- elect
	Jane Morrow, Chair, Court Rules
	Christopher Love, Vice- Chair Court Rules
	Kyle Olive
NW Justice Project	Deborah Perluss, Director of Advocacy/General Counsel
WA Association of Criminal Defense Lawyers	Louis Frantz, President
WA Appellate Lawyers Association	Shelby Forst Lemmel, Co- Chair

# Stakeholders List

SPECIALTY BARS	
	Valerie Villacin, Co-Chair
WA Defender Association	Keith Tyne, President Daryl Rodrigues, President-elect
International Assoc. of Defense Counsel (IADC)	John T. Lay Jr.
WA Assoc. of Prosecuting Attorneys (WAPA)	Pam Loginsky, Staff Attorney Denis Tracy, President Richard Weyrich
WA State Assoc. of Municipal Attorneys (WSAMA)	Walter Snyder, President
Public Defenders Association	Lisa Daugaard, Director
ACLU of WA	Kathleen Taylor, Executive Director
International Association of Defense Counsel (IADC)	Mary Beth Kurzak, Executive Director
Columbia Legal	Nick Allen

MINORITY BAR ASSOCIATIONS	
Organization	Name
Asian Bar Association	James Chung President
Cardozo Society	Aric Bomszytk President
Filipino Lawyers of WA	Jennifer Cruz President
QLaw – LGBT Bar Assoc.	Dan Shih President
Korean Bar Assoc.	Paige Hardy President
Latina/Latino Bar Assoc.	Veronica Quinonez President Debra Akhbari President-elect

# Stakeholders List

MINORITY BAR ASSOCIATIONS	
Loren Miller Bar Assoc.	Erika Evans President  Raina Wagner President-elect
Middle Eastern Legal Assoc.	Shamimi Mohandessi President  Mohamed Khalil President-elect
Mother Attorneys Mentoring Assoc.	Stephanie Berntsen President
Northwest Indian Bar Assoc.	Sarah Lawson President  Christina Parker President-elect
Pierce County Minority Bar Assoc.	Mark Brady President Desiree Hosannah, President-elect
Slavic Bar Assoc.	Barry Wallis President
South Asian Bar Assoc.	Smriti Chandrashekar President
Vietnamese American Bar Assoc.	D.Sho Ly President  Melanie Nguyen President-elect
WA Attorneys with Disabilities Assoc.	Conrad Reynoldson President
WA Veterans Bar Assoc.	Thomas Jarrad President
WA Women Lawyers	Lisa Keler President  Chrystina Solum President-elect

## SECTIONS

Paris Eriksen, WSBA Sections Program Manager, distributed all rule proposals by email to Section Leaders.



# Stakeholders List

COUNTY BAR ASSOCIATIONS	
Organization	Name
Adams County	Steven Herbert Sackmann
Asotin, Columbia, Garfield County (Hells Canyon Bar Assoc.)	Kate Hawkins
Benton-Franklin County	Diana N. Ruff
Chelan-Douglas County	Travis C. Brandt
Clallam County	Ariel Speser
Clark County	Mark Sampath
Cowlitz-Wahkiakum County	Meredith Long
East King County	Chris Pirnke
Ferry County	James Von Sauer
Grant County	Jamie Cordell
Grays Harbor County	Jean Cotton
Island County	Anna Thompson
Jefferson County	Nathaniel Jacob
King County	Andrew J. Prazuch, Executive Director
	Harry Schneider, President
Kitsap County	Tom Weaver
Kittitas County	Tony Swartz
Klickitat-Skamania County	Joanne Gallagher
Lewis County	Jakob McGhie
Lincoln County	Lee Russell McGuire Jr.
Mason County	Julie Sund Nichols
Okanogan County	Ted Reinbold
Pacific County	Edward Penoyar
Pend Oreille County	Douglas Lambarth
San Juan County	John Chessell
Skagit County	Heather Webb
Snohomish County	Richard Jones
South King County	Katelyn Smythe
Spokane County	Julie Griffith, Executive Director
	William Symmes, President
Stevens County	Nicholas Force
Tacoma-Pierce County	Kit Kasner, Executive Director
	Steven Merrival, President

# Stakeholders List

COUNTY BAR ASSOCIATIONS	
Thurston County	Mark Wheeler
Walla Walla County	Jill Peitersen
Whatcom County	Lisa Saar
Whitman County	Luke E. Baumgarten
Yakima County	Quinn Dalan

OTHER STAKEHOLDERS	
Organization	Name
Office of Assigned Counsel (Thurston County)	Patrick O'Conner (Superior Court)
	Alex Frix (District Court)
	Sharonda D. Amamilo (Family and Juvenile Court)
Office of Assigned Counsel (Pierce County)	Kriston McDonough, Lead Attorney (Civil Contempt Unit)
	Jessica Campbell (District Court)
Tacoma Municipal Court Unit	Denise Whitley
Access to Justice Board	Salvador Mungia, Chair
Limited License Legal Technician Board	Steve Crossland, Chair
Limited Practice Board	Crystal Flood, Chair
MCLE Board	John Bender, Chair
N/A	Karl Tegland
AGs Office	Rebecca Glasgow
Kitsap County Bar Assoc. Civil Practice & Proc. Cmte	Phil Havers
N/A	Elizabeth Turner
N/A	Shannon Kilpatrick

**From:** [Heidi Thompson](#)  
**To:** [WSBA CourtRules](#)  
**Subject:** CrRlj 8.2  
**Date:** Thursday, February 28, 2019 3:47:17 PM

---

Hello,

I am a municipal prosecutor in a high volume court. I would like to voice my opposition to the CrRLJ 8.2 rule change. I believe that motions for reconsideration should be specifically disallowed at the district and municipal court level.

My office has had experience with these motions for reconsideration. It's simply a chance for a free bite at the apple and an incentive for judge shopping. High volume Offices, such as mine, also do not have the resources to continually re-fight the same motion over and over to different judges.

It is my position that reviews should be taken up as a post-conviction RAJ appeal.

Best regards,

*Heidi Thompson*  
Assistant City Attorney  
City of Longview  
Office 360.442.5870  
Fax 360.442.5965



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**From:** [Sean Kelly](#)  
**To:** [WSBA CourtRules](#)  
**Subject:** CrRlj 8.2  
**Date:** Thursday, February 28, 2019 3:38:38 PM

---

Hello,

I operate at the district court level in high volume criminal prosecution. I appreciate you taking the time to hear me out.

I would like to voice my opposition to the rule change. I would actually ask that motions for reconsideration be specifically disallowed at the district court level.

My office has responded to a motion for reconsideration filed in front of my now (retired) judge. It was a chance for a free bite at the apple and judge shopping. On any close case there are judges who may come down on either side. That doesn't make the previous judge wrong, it just replaces the ruling with a fresh one at the same level. Given the volume of cases we deal with, there is an implicit impossibility for my office to fight all but the most egregious motions which we lose.

This would in effect be a free shot for defense with no opportunity to respond for the prosecution. The district court level is the lowest level, and it is the most prone to mistakes. Those mistakes can also go against the prosecution. A close or 50/50 case is like a coin flip. One side shouldn't get to redo it whenever they didn't like the first result.

Reviews should be taken up as a RALJ appeal post-conviction.

Best,  
Sean

**Sean Kelly** | Assistant City Attorney

CITY OF LONGVIEW, WASHINGTON  
City Attorney's Office  
P.O. Box 128 • Longview, WA, 98632-7080  
P: (360) 442-5870 | F: (360) 442-5965



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**From:** [Pam Loginsky](#)  
**To:** [Sherry Lindner](#)  
**Cc:** [Russell Brown](#)  
**Subject:** RE: Feedback Requested: WSBA Court Rules and Procedures Committee/ CrR 8.2 and CrRLJ 8.2  
**Date:** Wednesday, March 06, 2019 8:39:18 AM  
**Attachments:** [image001.png](#)

---

Dear Ms. Lindner:

The members of the Washington Association of Prosecuting Attorneys reviewed both suggested amendments. We concur that the suggested changes would be beneficial. We do, however, ask that the two sentences be set out separately and numbered as motions for reconsideration should be available for motions beyond 3.5 and 3.5.

WAPA's proposed CrR 8.2 amendment would be as follows:

Rule 8.2 Motions

1. Rules 3.5 and 3.6 and CR 7(b) shall govern motions in criminal cases.
2. A motion for reconsideration shall be governed by CR 59(b), (e) and (j).

Thank you for reaching out to WAPA.

Sincerely,

Pam Loginsky  
Staff Attorney  
Washington Association of Prosecuting Attorneys  
206 10th Ave. SE  
Olympia, WA 98501

E-mail: [pamloginsky@waprosecutors.org](mailto:pamloginsky@waprosecutors.org)  
Phone (360) 753-2175  
Fax (360) 753-3943

**From:** Sherry Lindner <[sherryl@wsba.org](mailto:sherryl@wsba.org)>  
**Sent:** Wednesday, February 27, 2019 9:01 AM  
**Cc:** Jefferson Coulter <[Jeffersonc@NWJustice.org](mailto:Jeffersonc@NWJustice.org)>; Nicole Gustine <[nicoleg@wsba.org](mailto:nicoleg@wsba.org)>  
**Subject:** Feedback Requested: WSBA Court Rules and Procedures Committee/ CrR 8.2 and CrRLJ 8.2

Greetings,

The Court Rules and Procedures Committee is proposing to amend the Criminal Rules (CrR) 8.2 and the Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) 8.2. The Committee is reaching out to stakeholders for comments and feedback on its proposals.

Stakeholder input is crucially important in the rulemaking process and assists the Committee

in making an informed decision.

Attached please find a memo and the draft rule proposals.

Please submit your feedback/comments to [WSBACourtRules@wsba.org](mailto:WSBACourtRules@wsba.org) by **May 1, 2019**.

Thank you,



**Sherry Lindner | Paralegal | Office of General Counsel**

Washington State Bar Association | T 206-733-5941 | F 206-727-8314 | [sheryl@wsba.org](mailto:sheryl@wsba.org)

1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | [www.wsba.org](http://www.wsba.org)

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**From:** [Korsmo, Kevin](#)  
**To:** [Sherry Lindner](#)  
**Subject:** RE: Feedback Requested: WSBA Court Rules and Procedures Committee/ CrR 8.2 and CrRLJ 8.2  
**Date:** Monday, March 11, 2019 3:59:13 PM  
**Attachments:** [image001.png](#)

---

The Court of Appeals Rules Committee has considered your request for feedback and unanimously decided we will not be commenting on these proposals.

Kevin Korsmo  
Chair, COA Rules Committee

**From:** Sherry Lindner [mailto:[sherry@wsba.org](mailto:sherry@wsba.org)]  
**Sent:** Wednesday, February 27, 2019 8:56 AM  
**To:** Hinchcliffe, Shannon <[Shannon.Hinchcliffe@courts.wa.gov](mailto:Shannon.Hinchcliffe@courts.wa.gov)>; Siddoway, Laurel <[Laurel.Siddoway@courts.wa.gov](mailto:Laurel.Siddoway@courts.wa.gov)>; Maxa, Bradley <[J\\_B.Maxa@courts.wa.gov](mailto:J_B.Maxa@courts.wa.gov)>; Korsmo, Kevin <[Kevin.Korsmo@courts.wa.gov](mailto:Kevin.Korsmo@courts.wa.gov)>; Judge Gibson <[blaine.gibson@co.yakima.wa.us](mailto:blaine.gibson@co.yakima.wa.us)>; [gsm.judge@gmail.com](mailto:gsm.judge@gmail.com); Judge Jeffrey Goodwin <[jeffrey.goodwin@snoco.org](mailto:jeffrey.goodwin@snoco.org)>  
**Cc:** Jefferson Coulter <[Jeffersonc@NWJustice.org](mailto:Jeffersonc@NWJustice.org)>; Nicole Gustine <[nicoleg@wsba.org](mailto:nicoleg@wsba.org)>  
**Subject:** Feedback Requested: WSBA Court Rules and Procedures Committee/ CrR 8.2 and CrRLJ 8.2

Greetings,

The Court Rules and Procedures Committee is proposing to amend the Criminal Rules (CrR) 8.2 and the Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) 8.2. The Committee is reaching out to stakeholders for comments and feedback on its proposals.

Stakeholder input is crucially important in the rulemaking process and assists the Committee in making an informed decision.

Attached please find a memo and the draft rule proposals.

Please submit your feedback/comments to [WSBACourtRules@wsba.org](mailto:WSBACourtRules@wsba.org) by **May 1, 2019**.

Thank you,



**Sherry Lindner | Paralegal | Office of General Counsel**

Washington State Bar Association | T 206-733-5941 | F 206-727-8314 | [sherry@wsba.org](mailto:sherry@wsba.org)  
1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | [www.wsba.org](http://www.wsba.org)

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# WASHINGTON STATE BAR ASSOCIATION

## MEMO

**To:** Board of Governors

**From:** Paul Okner and Nicholas Larson, Co-Chairs, Pro Bono and Public Service Committee  
Paige Hardy, WSBA Staff Liaison to the Pro Bono and Public Service Committee

**Date:** September 18, 2019

**Re:** *WSBA Members' Concerns about Access to Clients Detained in the Northwest Detention Center and Court Records*

---

**DISCUSSION/POSSIBLE ACTION:** Approve letter addressing concerns about lack of attorney access to clients detained at the Northwest Detention Center.

The Pro Bono and Public Service Committee seeks approval of the Board of Governors of the attached letter drafted by the Committee, which outlines concerns about attorneys' lack of access to clients detained at the NW Detention Center and court records. The Committee requests approval for the WSBA President to sign and send the letter as drafted.

### **Legal Need and Background**

Ian Munce, WSBA member, and pro bono volunteer, contacted the Washington State Bar Association to express concerns about access to his pro bono clients detained in the Northwest Detention Center located in Tacoma, Washington.

The Northwest Detention Center makes it challenging to advocate for clients detained at its facilities effectively and promptly. The following inconsistencies and inadequacies place undue burdens on both attorneys and clients, which ultimately impacts the administration of justice.

#### **Immigration Court Filing**

The immigration court staff uses the United States Postal Service to send notices and pleadings to defendants' counsel. Although the immigration court staff has the capability of sending electronic notices, this is only available to attorneys that know to make this request. Attorneys (especially pro bono attorneys) that make limited appearances at this court may not be aware of this informal process and are receiving delayed filings to the detriment of their representation.

#### **Access to Client Files**

Attorneys and legal representatives are required to make appointments in advance with the Northwest Detention Center to see a client's court file—in some instances, this can take several weeks. Attorneys are afforded little to no opportunity to review their client's files before a hearing thereby undermining an attorney's ability to effectively prepare.

### **Access to Clients**

The Northwest Detention Center only provides general visiting hours for detained individuals, every day from 7:30 am until 10:00 pm. There is no mechanism in place for attorneys to schedule appointments to meet with their clients. Instead, they must arrive during visiting hours and wait until the Detention Center makes a client available. This can create wait times for up to many hours and places an unnecessary burden on attorneys, especially pro bono attorneys, with limited time available.

The Northwest Detention Center could partially mitigate this obstacle by providing full use of the ten interview rooms they are contractually obligated to provide. Making use of all interview rooms and implementing a visitation schedule for legal representatives will help to alleviate wait times.

The practices and policies in place at the Northwest Detention Center impede an attorney's ability to advocate for their clients competently as is required by the Washington State Rules of Professional Conduct.

RPC 1.1 mandates that attorneys "shall provide competent representation to a client." Comment 5 clarifies that competent representation includes "adequate preparation." The aforementioned issues at the Northwest Detention Center preclude attorneys from meeting the requirements of this rule.

The attached letter to the Northwest Detention Center and other influencers requests three specific changes to current Northwest Detention Center policies that will allow attorneys to provide competent representation: (1) convert to an electronic and email filing system; (2) provide client files to attorneys within 24 hours of the request; and (3) create a scheduling system to provide timely attorney-client meetings. These changes should result in minimal burden on the immigration court and the Northwest Detention Center, but have substantial benefit to attorneys and clients.

This request falls within the authorized activities set forth in GR 12.2, to promote an effective legal system, accessible to all (GR 12.2(a)(2)).

The Committee consulted with the Northwest Immigrant Rights Project. The Access to Justice Board is also aware of this issue and is in the process of writing a letter.

Representatives of the Pro Bono and Public Service Committee along with Mr. Munce will be presenting this letter at the September Board meeting.

[WSBA letterhead]

Northwest Detention Center  
Office of Chief Counsel  
1623 E. J Street, Suite 2  
Tacoma, WA 98421

Mr. Joseph Neifert, Court Administrator  
Executive Office for Immigration Review  
1623 E. J Street, Suite 3  
Tacoma, WA 98421

Field Office Director, Enforcement and Removal Operations  
U.S. Immigration and Customs Enforcement  
12500 Tukwila International Boulevard, 4<sup>th</sup> Floor  
Seattle, WA 98168

Senator Patty Murray  
154 Russell Senate Office Building  
Washington, D.C. 20510

Senator Maria Cantwell  
511 Hart Senate Office Building  
Washington, D.C. 20510

Representative Derek Kilmer  
1410 Longworth House Office Building  
Washington, DC 20515

Mayor Victoria Woodards  
Tacoma Municipal Building  
747 Market Street  
Tacoma, WA 98402

Tacoma City Council  
Tacoma Municipal Building  
747 Market Street  
Tacoma, WA 98402

Gentlemen and Mesdames:

We have concerns about issues that WSBA members are encountering in their representation of detained clients at the Northwest Detention Center in Tacoma, Washington (NWDC). I write on

behalf of the Board of Governors because we believe that these issues, as further described below, involve principles of fairness and due process that can result in significant adverse impact to detainees at the NWDC. We also think they are relatively straightforward to address and hope that you will do so as soon as possible.

#### **Lack of timely service of immigration court filings**

Attorneys and legal representatives from nonprofits, pro bono attorneys and those in private practice have told us that crucial filings, such as immigration court orders and prosecutor reply briefs, are mailed to a defendant's counsel via the United States Postal Service rather than emailed. This delays receipt of notices and filings, which can result in serious legal consequences for clients. One of our members said he has experienced mailing delays of as much as ten days. We are advised that although Court staff will email specific notices if requested to do so, this requires attorneys to continually check for filings with the court. Because so many clients are represented by pro bono attorneys who may not be aware of this informal procedure, it disadvantages clients and discourages volunteer lawyers from taking on cases.

We ask that all filings and orders be made via email, just as they are in the federal courts and most Washington state courts.

#### **Lack of timely access to client files**

We have been advised that lawyers and legal representatives must make an appointment, sometimes weeks in advance, in order to see a NWDC detainee's court file. In some cases, this means they have no opportunity to review the client's file before a hearing. We believe that due process requires that a detainee's file be available to his or her legal representative during regular working hours, with 24 hours' notice.

#### **Lack of timely access to clients**

Under NWDC published policy, legal representatives may visit clients every day from 7:30 a.m. until 10:00 p.m. They cannot schedule appointments with their clients, but must arrive during the visiting hours and wait until the client is made available to them. As a result, they often wait an hour or more to have a client visitation. We believe that lawyers and legal representatives should be able to make appointments to see their clients.

We understand there are ten interview rooms at the NWDC that are often not fully occupied, and we believe a scheduling system for those rooms would save time and increase efficiency for all involved. We urge the NWDC to implement a system that allows legal representatives to schedule visits with their clients.

The Washington State Rules of Professional Conduct (RPC) are applicable to all lawyers in the state; RPC 1.1 requires that a lawyer “shall provide competent representation to a client.” The comments to that rule provide that competent representation includes “adequate preparation.” The problems we have identified in this letter make it much more difficult for lawyers to prepare for their cases with detained clients and thus to meet their professional responsibilities.

The RPCs are founded upon guiding principles of fairness and justice. As the Preamble states:

The continued existence of a free and democratic society depends upon recognition of the concept that justice is based upon the rule of law grounded in respect for the dignity of the individual and the capacity through reason for enlightened self-government. Law so grounded makes justice possible, for only through such law does the dignity of the individual attain respect and protection. Without it, individual rights become subject to unrestrained power, respect for law is destroyed, and rational self-government is impossible.

Consistent with these principles and in support and furtherance of our members’ professional obligations, we urge you to make the following changes as soon as possible:

- Convert to electronic and email filings
- Provide client files to attorneys within 24 hours of a request
- Create a scheduling system to provide for timely attorney client meetings

We believe these changes will result in minimal additional burden on the immigration court and the NWDC, while having substantial impact on both detained individuals and the administration of justice at the NWDC.

Very truly yours,

William Pickett  
WSBA President

cc American Immigration Lawyers Association

**TO:** WSBA Board of Governors  
**FROM:** Margaret Shane, Executive Assistant  
**DATE:** September 6, 2019  
**RE:** Majority and Minority Reports and Recommendations on Bar Structure

---

**DISCUSSION:** Washington Supreme Court Work Group Majority and Minority Reports and Recommendations on Bar Structure

Attached please find the Bar Structure Work Group's Majority and Minority Reports and Recommendations to the Washington Supreme Court, as well as comments. A digital copy of the reports, all comments, and additional information can be found on the Bar Structure Work Group [webpage](#).

**SUPREME COURT WORKGROUP ON WSBA STRUCTURE MEMBERS**

April 3, 2019

**MEMBERS:**

Hunter M. Abell Williams Kastner & Gibbs PLLC WSBA Section Representative: Small Size	Andre L. Lang Nunn Vhan & Lang PLLC Supreme Court Appointed Board Representative: Practice of Law Board
Esperanza Borboa Eastside Legal Assistance Program Public Member	Kyle D. Sciuchetti Miller Nash Graham & Dunn BOG Representative: District 3 Governor
Dan D. Clark Yakima County Prosecuting Attorney's Office BOG Representative: District 4 Governor	Jane Smith Confederated Tribes of the Colville Reservation Tribal Member
Judge Frederick P. Corbit United States Bankruptcy Court Supreme Court Appointed Board Representative: Access to Justice Board	Paul A. Swegle General Counsel, Newyu, Inc. BOG Representative: District 7-North Governor
Chief Justice Mary Fairhurst, Chair Washington State Supreme Court Supreme Court Representative	
	<b>STAFF:</b>
Eileen Farley Attorney at Law WSBA Section Representative: Medium Size	Dory L. Nicpon Associate Director Legislative Relations Supreme Court staff support
Andrea Jarmon Jarmon Law Group PLLC Supreme Court Appointed Board Representative: Limited Legal License Technician Board	Cindy Phillips Judicial Administrative Assistant Chief Justice Fairhurst staff support
Mark Johnson Johnson Flora Sprangers PLLC WSBA Section Representative: Large Size	Margaret Shane Executive Assistant WSBA staff support

Meetings will be held at: Washington State Bar Association  
1325 Fourth Avenue, #600  
Seattle, WA 98101



A work group convened by the Washington Supreme Court reports its recommendations regarding the structure of the Washington State Bar in light of recent constitutional and antitrust cases.

## Report and Recommendations

by the Washington  
Supreme Court Work  
Group on Bar Structure

September 2019

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## Executive Summary

In November 2018, the Washington Supreme Court (Court) convened a work group to review and assess the structure of the Washington State Bar Association (WSBA) in light of recent case law with First Amendment and antitrust implications, recent reorganizations by other state bar associations, and the additional responsibilities of the WSBA due to its administration of Court appointed boards. The work group completed a detailed review consistent with its charter, and a majority of the work group recommends to the Court as follows:

- Retain an integrated bar structure;
- Make no fundamental changes to the six Court appointed boards administered and funded by the WSBA: the Access to Justice Board; the Disciplinary Board; the Limited License Legal Technician Board; the Limited Practice Board; the Mandatory Continuing Legal Education Board; and the Practice of Law Board;
- Consider amending court rules to specify that the prohibitions in General Rule (GR) 12.2(c) apply to Court appointed boards;
- Consider ordering the WSBA Board of Governors (BOG) and staff to adopt and execute a thorough *Keller v. State Bar of California*, 496 U.S. 1, 110 S. Ct. 2228 (1990) interpretation when calculating all future *Keller* deductions;
- Reexamine the *Report and Recommendations* from the WSBA Governance Task Force dated June 24, 2014; and
- Consider adding public member(s) to the WSBA BOG.

## Background

### State Bar Structures

States vary widely in their structure for regulating the practice of law. Typically, the highest court in the state issues a license to practice law, and a bar association exists that legal practitioners are either permitted or required to join. In a state with a voluntary bar association, legal practitioners choose whether to join the association and the association does not administer regulatory functions. In a state with a mandatory bar association, legal practitioners are required to join the association and the association may or may not administer regulatory functions. In a state with an integrated or unified bar association, legal practitioners are required to join the association, and the association administers regulatory functions as well as professional association services. Most states have adopted some variation of these three primary structures, adjusted to suit local interest.

### History of the Washington State Bar Association

The WSBA began as a voluntary organization formed by a group of attorneys in 1888, the last year of the Washington Territory. Its original name, the Washington Bar Association, changed to the Washington State Bar Association in 1890. In 1933, the Washington State Legislature codified chapter 2.48 RCW, known as the State Bar Act, which established the WSBA as a state agency, made membership in the WSBA mandatory for legal practitioners in Washington, and addressed a BOG for the WSBA.

### Current Structure

The WSBA operates as an integrated bar pursuant to the delegated authority of the Court. The Court adopted GR 12.2 to prescribe the general purposes and activities of the WSBA, and GR 12.3 to delegate to the WSBA the authority and responsibility for administering certain Court appointed boards. In addition to administering many regulatory functions for the Court, the WSBA coordinates activities to benefit WSBA members. Legal practitioners in Washington must be members of the WSBA and pay an annual license fee that funds the WSBA and Court appointed boards administered by the WSBA. The WSBA facilitates practice area-specific sections, which legal practitioners may choose to join by paying an additional amount.

## Legal Developments Precipitating the Work Group

In *Abood v. Detroit Board of Education*, 431 U.S. 209, 97 S. Ct. 1782 (1977), the United States Supreme Court upheld an agency shop provision in a public sector union context to the extent that the service charges are used to finance collective bargaining expenditures. Under *Abood*, an agency shop provision did not violate the First Amendment to the United States Constitution as long as dues collected are used for collective bargaining, contract administration, and grievances. While acknowledging distinctions between public unions and state bars, many cases regarding government regulation of legal practitioners and the amount that may be charged as a requirement to practice law, cite *Abood*. In another public sector union case, *Janus v. American Federation of State, County, and Municipal, Employees, Council 31*, 585 U.S. \_\_\_, 138, S. Ct. 2448 (2018), the United States Supreme Court overruled *Abood*. The *Janus* decision has caused speculation about the implications to state bar related cases that cite *Abood*.

The Sherman Antitrust Act of 1890, 15 U.S.C. §§ 1-38 (Sherman Act), prohibits certain anticompetitive practices. In *Parker v. Brown*, 317 U.S. 341, 63 S. Ct. 307 (1943), the United States Supreme Court ruled that state governments were exempt from the Sherman Act, noting that the Sherman Act “makes no mention of the state as such, and gives no hint that it was intended to restrain state action or official action directed by a state.” In *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, 574 U.S. \_\_\_, 135 S. Ct. 1101 (2015), the United States Supreme Court held that a state occupational licensing board primarily composed of persons active in the market it regulates has immunity from the Sherman Act only when it is actively supervised by the state. This case has caused speculation about potential antitrust liability, or the scope of immunity from it, in states where market actors, such as the attorneys serving on the governing boards, participate in the regulation of the legal profession.

## Charter

In a [charter](#) dated November 9, 2018, the Court announced that it was convening a work group chaired by Chief Justice Mary E. Fairhurst. The charter specified the work group’s composition and selection, the scope of work contemplated, the expected manner and duration of work group deliberations, and the process for applying to work group positions that the Court selects. The charter specifies a work group size of 11 members, including the Chief Justice. The Court subsequently added a work group member from a tribal perspective, for a total of 12 participants.

## Scope of Work

The charter requires the work group “[t]o review and assess WSBA structure in light of (1) recent case law with First Amendment and antitrust implications; (2) recent reorganizations by other state bar associations and/or groups and their reasoning; and (3) the additional responsibilities of the WSBA due to its administration of Supreme Court appointed boards.” The charter contemplates that the work group will review information, including from subject matter experts. Based on its review and assessment, the work group must make recommendations to the Court as to the future structure of Washington’s bar.

## Members of the Work Group

The Court invited the BOG to select three work group members who are BOG officers or members. The Court consulted with the BOG to select three work group members from the WSBA sections. The Court selected three members from Court appointed boards, a public member, and a tribal member.

At the first meeting of the work group, the members included Industrial Insurance Appeals Judge Dominique Jinhong as a Court appointed board representative from the Practice of Law Board. After the first meeting, Judge Jinhong resigned from the work group for personal reasons. Effective April 2, 2019, the Court appointed Andre L. Lang, a private attorney, as a Court appointed board representative from the Practice of Law Board to replace Judge Jinhong. So, for seven of the eight work group meetings, the members were:

- Hunter M. Abell, a private attorney, as a WSBA section representative (small size);
- Esperanza Borboa, a legal assistance program director, as the public member;
- Daniel D. Clark, a senior deputy prosecuting attorney, as a BOG representative (District 4 Governor);
- Frederick P. Corbit, a federal bankruptcy judge, as a Court appointed board representative (Access to Justice Board);
- Mary E. Fairhurst, Chief Justice of the Court as chair of the work group;
- Eileen Farley, a private attorney, as a WSBA section representative (medium size);
- Andrea Jarmon, a private attorney, as a Court appointed board representative (Limited Legal License Technician Board);

- Mark Johnson, a private attorney, as a WSBA section representative (large size);
- Andre L. Lang, a private attorney, as a Court appointed board representative (Practice of Law Board);
- Kyle D. Sciuchetti, a private attorney, as a BOG representative (District 3 Governor);
- Jane M. Smith, administrator at the Colville Tribes, as the tribal member; and
- Paul A. Swegle, a private attorney, as a BOG representative (District 7-North Governor).

## Meetings

The work group met at the WSBA headquarters located at 1325 Fourth Avenue, in Seattle, Washington, eight times between March 28, 2019 and July 17, 2019, for three hours per meeting. As the work group chair, Chief Justice Fairhurst managed each meeting. Staff posted and regularly updated information about work group meetings on the Court’s website and the WSBA’s website, and WSBA staff communicated work group updates to WSBA members.

## Public Access

The work group invited the public to attend work group meetings telephonically, in person, or via live webcast. Staff posted the agenda and meeting materials on the internet before each meeting, and added a link to a recording of each meeting’s webcast shortly after each meeting.

## Public Comment Opportunities

Consistent with the charter, all work group meetings were open to the public. At its first meeting, the work group prioritized creating opportunities for public comment. Staff disseminated messaging to the public and to WSBA members about the opportunity to submit written comments to the work group, and the WSBA posted comments received on its website. During multiple meetings, the chair invited comment from members of the public attending in person, telephonically, or via the internet.

## Solicitation of Input from Leaders within Washington’s Legal Community

At the work group’s behest, the chair wrote to many leaders within Washington’s legal community to invite their input. The chair’s memorandum explained the scope of the work group’s undertaking and offered links to the information posted on the



internet about it. It encouraged recipients to send advice or recommendations to the work group. The recipients included WSBA section leaders, specialty and local bar association leaders, prosecuting attorneys, tribal judges, advocacy community leaders, law school deans, past WSBA leaders, United States attorneys, and more. Correspondence received in response to the memorandum was posted on the internet.

## Phases

When the work group convened on March 28, 2019, the chair reviewed the charter, and explained that she anticipated that the group would approach its work in three primary phases: 1) information gathering and analysis; 2) discussion of options and concerns; and 3) recommendation development. During the information gathering and analysis phase, the work group received materials to analyze and presentations from subject matter experts. The materials and presentations related to compelled or subsidized speech and compelled association issues under the First Amendment, anticompetitive practices and antitrust case law developments, pending state bar litigation across the nation, changes in other jurisdictions’ approach to regulating the practice of law, and the WSBA’s responsibilities to administer Court appointed boards. Following the information gathering and analysis phase, the work group discussed Washington’s needs and the options available to meet those needs. Finally, the work group developed recommendations for the Court’s consideration.

### Information Gathering and Analysis

#### *Presenters*

The work group hosted several presenters in person and two presenters telephonically. They covered the following topics:

<b><i>Presenter(s)</i></b>	<b><i>Topic(s)</i></b>
<i>Professor Hugh Spitzer, University of Washington School of Law</i>	Washington State History and Constitution <ul style="list-style-type: none"> <li>○ WSBA’s Inception</li> <li>○ State Constitutional Limitations               <ul style="list-style-type: none"> <li>▪ Article XII, Section 1</li> <li>▪ Article VIII, Section 4</li> <li>▪ Article VIII, Section 5</li> </ul> </li> </ul>
<i>WSBA Executive Team</i>	WSBA Current Structure and Functions

<p><i>Julie Shankland, WSBA General Counsel</i></p>	<p><i>Janus v. American Federation of State, County, and Municipal Employees, Council 31</i>, 585 U.S. ___, 138 S. Ct. 2448 (2018). <i>North Carolina State Board of Dental Examiners v. Federal Trade Commission</i>, 574 U.S. ___, 135 S. Ct. 1101 (2015). <i>Mentele v. Inslee</i>, 2019 U.S. App. LEXIS 5613 <i>Crowe v. Oregon State Bar</i> [Complaint]</p>
<p><i>Associate Dean Charlotte Garden, Seattle University School of Law</i></p>	<p><a href="#">Janus Walked Into a Bar . . .</a></p> <ul style="list-style-type: none"> <li>○ Detailed Case Analysis</li> <li>○ State Bar Litigation Post-<i>Janus</i></li> <li>○ State Bar Reorganizations Post-<i>Janus</i></li> </ul>
<p><i>Jean McElroy, WSBA Chief Regulatory Counsel</i></p>	<p>“Germane” to the Regulation of the Practice of Law and Computing of the <i>Keller</i> Deduction</p>
<p><i>Carole McMahon-Boies, Attorney Services Administrator for the Nebraska State Bar Association</i></p>	<p>Nebraska Model and Lessons Learned</p>
<p><i>Paula Littlewood, Former WSBA Executive Director</i></p>	<p>Trends Among Integrated Bars</p>
<p><i>Geoffrey Green, Assistant Director, Anticompetitive Practices, Federal Trade Commission</i></p>	<p><a href="#">Antitrust Considerations for Regulating the Practice of Law</a></p>
<p><i>Emily Chiang, Legal Director, American Civil Liberties Union Foundation Washington</i></p>	<p>Compelled Speech, Compelled Association and the First Amendment</p> <ul style="list-style-type: none"> <li>○ <a href="#">ACLU Letter to Bar Structure Work Group</a></li> </ul>

## *Reading Materials*

In addition to the presentations and written materials supplied by presenting subject matter experts, the work group reviewed Washington historical narratives and legal authorities, additional cases decided by the United States Supreme Court related to First Amendment and antitrust issues, cases pending against state bar associations around the nation, reorganizations of bar structures in other states, trade and academic publications, and documentation about the WSBA. Complete materials may be accessed [here](#), but they included:

### Washington Historical Narratives and Legal Authorities

- [History of the WSBA](#)
- [Washington State Constitution](#)
- [Selected Law Regarding the WSBA](#)
- [Court Rules related to the WSBA](#)

### United States Supreme Court Cases

- [Janus v. AFSCME, Council 31, 585 U.S. \\_\\_\\_, 138 S. Ct. 2448 \(2018\).](#)
- [Lathrop v. Donohue, 367 U.S. 820, 81 S. Ct. 1826 \(1961\).](#)
- [Abood v. Detroit Board of Educ., 431 U.S. 209, 97 S. Ct. 1782 \(1977\).](#)
- [Keller v. State Bar of Cal., 496 U.S. 1, 110 S. Ct. 2228 \(1990\).](#)
- [North Carolina State Bd. of Dental Exam'rs v. Fed. Trade Comm'n, 574 U.S. \\_\\_\\_, 135 S. Ct. 1101 \(2015\).](#)
- [California Retail Liquor Dealers Ass'n. v. Midcal Aluminum, Inc., 445 U.S. 97, 100 S. Ct. 937 \(1980\).](#)
- [Parker v. Brown, 317 U.S. 341, 63 S. Ct. 307 \(1943\).](#)
- [Fleck v. Wetch, \[Supreme Court 2018\], and Fleck v. Wetch, 868 F.3d 652 \(2017\).](#)

### Cases Pending Against State Bar Associations

- [Mentele v. Inslee, 2019 U.S. App. LEXIS 5613.](#)
- [Crowe v. Oregon State Bar \[Case 3:18-cv-02139-AC\] Complaint.](#)
- [Gruber v. Oregon State Bar \[Case 3:18-cv-01591-MO\] Complaint.](#)
- [Schell v. Williams \(Oklahoma Bar Association\) Complaint.](#)
- [McDonald v. Longley \(Texas State Bar\) Complaint and Plaintiffs' Motion for Partial Summary Judgment on Liability.](#)

### [Re]organizations of Bar Structures in Other States

- [NABE Presentation Regarding Bar Structures](#)
- [Nebraska Supreme Court Opinion](#) and [Nebraska Court Rule](#)
- [Comparative Analysis: Bar Association Memorandum](#)

- [Bar Functions Nationally](#)

#### Trade, Media, Regulatory, Academic and Other Publications

- [“Exaggerating the Effects of Janus,” 132 Harv. L. Rev. 42, November 2018.](#)
- [“After Janus, Free the Lawyers,” Wall Street Journal Editorial, April 26, 2019.](#)
- [“Lawyers Look for Lessons in Dental Examiners Debacle,” Antitrust & Trade Regulation Daily \(BNA\), June 8, 2016.](#)
- [FTC Staff Guidance on Active Supervision of State Regulatory Boards Controlled by Market Participants.](#)
- [“The Winds of Change are Definitely \(Probably, Possibly\) Blowing -- Pending First Amendment Challenges to Mandatory Bar Association Membership and Attorney Professional Licensing Fees,” submitted by Mark Johnson for publication in King County Bar Association Bar Bulletin.](#)
- [“Application of North Carolina State Board of Dental Examiners v. Federal Trade Commission, 135 S. Ct. 1101 \(2015\), to the WSBA Structure,” a memorandum prepared by Fred Corbit and Hayley Dean for consideration by the work group.](#)

#### Documentation about the WSBA

Staff from the WSBA provided extensive documentation about the organizational structure, programs, activities, publications, cost and revenue centers, sections, facilities, new BOG member orientation, and membership of the WSBA. All materials, including those supplied by the WSBA staff, are located [here](#).

#### Public Comments Submitted to the Work Group

With assistance from the WSBA staff and work group chair, the work group received and reviewed comments from the public, members of the WSBA, and leaders within Washington’s legal community, which are posted [here](#).

#### Discussion

The work group discussed the history and programs of the WSBA, the State Bar Act (chapter 2.48 RCW), and the Court appointed boards that are administered by the WSBA and funded through license fees, and assessed whether recent United States Supreme Court cases require changes to the WSBA structure or Washington’s regulation of the practice of law. The work group determined that an integrated bar structure remains constitutional under current law. However, the work group identified opportunities to limit liability through relatively minor adjustments to particular operations of the WSBA.

### *Constitutional Issues (First and Fourteenth Amendments)*

The work group members and presenters reiterated that *Janus* addresses compelled speech in the context of service fees (dues) imposed to support a public sector union pursuant to an agency shop provision.<sup>1</sup> Cases related to state bars often focus on charges imposed on legal practitioners and the activities such charges may be used to support. These cases cite many public sector union cases, but differ from union cases in significant ways. In *Keller v. State Bar of California*, 496 U.S. 1, 110 S. Ct. 2228 (1990), members of an integrated bar sued claiming that the bar violated the First and Fourteenth Amendments when it used membership dues to advance political and ideological causes to which the petitioners did not subscribe. The court in *Keller* referenced the justification for compelled association and an integrated bar as “the State’s interest in regulating the legal profession and improving the quality of legal services” and stated, “[t]he State Bar may therefore constitutionally fund activities germane to those goals out of the mandatory dues of all members. It may not, however, in such manner fund activities of an ideological nature which fall outside of those areas of activity.” *Id.* at 496 U.S. 13-14.

To comply with *Keller*, the WSBA computes what is referred to as a “*Keller* deduction,” which is an amount that a WSBA member may elect to pay to support political or ideological activities of the WSBA. WSBA members are not required to pay the amount identified as the *Keller* deduction for the privilege of being licensed to practice law in Washington. The WSBA’s current invoicing practice for annually assessing a member’s license fee allows members to “opt-out” of paying the amount of the *Keller* deduction by subtracting it from their remittance to the WSBA.

The work group and presenters spoke about the inability to predict whether or how the *Janus* decision overruling *Abood* may impact the holding of *Keller*. The work group discussed at length: the importance of computing accurately the cost of activities of an ideological or political nature and including those costs in the *Keller* deduction; that careful scrutiny of the *Keller* deduction and its calculation is important to maintaining its defensibility but should not be understood as a criticism of the particular amount of deduction or the WSBA staff computing it; the advisability of prescribing an audit of the WSBA’s *Keller* deduction determinations; the Court’s policy regard of the vital relationship between improvement of the quality of legal services in Washington and access to justice and diversity and inclusion programs administered by the WSBA; the prudence of clarifying that

<sup>1</sup> Some of the complaints pending against state bars raise compelled association claims. But neither *Janus* nor any other case decided since *Janus* found compelled association to be unconstitutional in a public sector union or state bar context.

limitations on the WSBA's activities of an ideological or political nature also apply to the WSBA's administration of Court appointed boards; and the merit of requiring the WSBA to convert from an "opt-out" invoicing practice for the *Keller* deduction to an "opt-in" protocol whereby a member would be invoiced for the mandatory license fees and presented the option to pay an additional amount to fund WSBA's political or ideological activities.

### *Antitrust Issues*

The legal profession has long been a "self-regulated" profession in that attorneys assist and advise the state entity that prescribes the standards for licensure, competence, ethical practice, and imposition of discipline. In Washington, as in many states, the Court has plenary authority over the bar and the regulation of the practice of law. The Court relies on the WSBA to administer many of the functions related to the licensure of legal practitioners, drafting of proposed rules of professional responsibility (ethical practice), investigation of allegations of misconduct, and recommendations for disciplinary sanctions.

Given that the WSBA BOG includes legal practitioners, Washington's regulation of the legal profession is subject to antitrust scrutiny unless the Court establishes clear state policy and actively supervises its implementation. *See California Retail Liquor Dealers Ass'n.*, 445 U.S. 97. The work group reviewed the detail in existing court rules, the process by which the Court adopts or amends Rules of Professional Conduct, and the Court's reservation of authority regarding imposition of discipline on legal practitioners. The work group discussed the advisability of the Court reserving certain WSBA personnel-related decisions to itself. Specifically, the work group debated whether the Court, and not the BOG, should make employment decisions for the WSBA's Executive Director and Chief Disciplinary Counsel positions. The work group did not adopt specific recommendations related to these considerations, but a majority of the work group did support a recommendation that the Court reexamine the *Report and Recommendations* produced by the WSBA Governance Task Force in June 2014.

### *Other Topics (Out of Scope)*

The work group discussed several other topics before concluding they were outside the scope of the work group's charter. Such topics included:

- Whether the current WSBA structure is the structure preferred by a majority of WSBA members;

- Governance practices of the BOG, except those governance practices that are related to BOG members' roles as market actors participating in the regulation of the legal profession;
- Whether the current WSBA structure best protects the public, including through regulation of the legal profession and imposition of discipline;
- The duties, fiduciary obligations, or loyalties of BOG members, or their compliance with employment law or any allegations related thereto;
- Whether the current WSBA structure is "optimal" or strategic;
- The number of BOG members or their terms of office; and
- Whether the current WSBA structure meets the needs of current and future WSBA members.

### Recommendation Development

After the information gathering and discussion phases, the work group focused its efforts on whether the Court should consider changes in light of recent constitutional and antitrust case law. Members of the work group offered motions for consideration to articulate proposed recommendations to the Court. The chair invited members to submit motions in writing or orally. Staff included written motions in the meeting materials; oral motions were captured in the meeting notes. The chair invited debate on motions made and seconded. Only work group members present in person or on the telephone participated in votes. The chair abstained from all votes.

The work group discussed many potential motions, including written motions included in the reading materials. Not every potential motion discussed was advanced by a work group member; sometimes a work group member would articulate a rationale associated with a potential motion or recommendation, but would not proceed to introduce the motion. Work group members introduced motions regarding recommendations to the Court as follows:

- Retain an integrated bar structure. (Motion passed 10-1.)
- Make no fundamental changes to the six Court created boards administered and funded by the WSBA: the Access to Justice Board; the Disciplinary Board; the Limited License Legal Technician Board; the Limited Practice Board; the Mandatory Continuing Legal Education Board; and the Practice of Law Board. (A motion to table this motion failed 4-6, then this motion passed 10-1.)

- Consider a more robust supervision of the bar by the Court, including active supervision by the Court of the discipline process. (Motion did not receive a second.)
- Require that the WSBA funded boards, committees, and activities be systematically reviewed by experts outside the WSBA who would perform both a legal analysis of the bar’s activities and a financial analysis of the bar’s activities and report to the Court as soon as possible to determine whether: 1) any WSBA funded boards, committees, or other activities identified by the experts use compulsory dues to finance political and ideological speech when the expenditures are not necessarily or reasonably incurred for the purpose of regulating the legal profession or improving the quality of legal services, and 2) the formula used by the WSBA to set the *Keller* deduction is not accurate and, if not, what the correct deduction should be. Through friendly amendment, this motion was changed to: Determine whether the *Keller* deduction and its calculation is accurate then, if necessary, review and amend GR 12, the State Bar Act, and the WSBA Bylaws before requiring a review by an outside expert and representatives from the Court, the BOG, and the WSBA Structure Work Group. (Motion failed 4-6.)
- Consider amending GR 12.2(c) as follows: “(c) Activities Not Authorized. The Washington State Bar Association will not: . . . (2) Take positions on political or social issues which do not directly relate to or affect the practice of law or the administration of justice.” (Motion was withdrawn.)
- Consider reviewing GR 12.2 broadly and more specifically clarify under GR 12.2(c)(2) that there must be a heightened relationship between the political or social issues under consideration and the practice of law or the administration of justice. Through friendly amendment, this motion was amended, and then trifurcated for votes, as follows:
  - Consider reviewing GR 12 broadly. (Motion failed 4-5.)
  - Consider clarifying under GR 12.2(c)(2) that there is a heightened relationship between the political or social issues under consideration and the practice of law or the administration of justice. (Motion failed 3-6.)
  - Consider clarifying that the prohibitions of GR 12.2(c) apply to Court created boards. (Motion passed 5-4.)
- Consider retaining veto power over the BOG’s personnel decisions. (Motion was withdrawn.)
- Reconsider prior requests to have public members on the BOG, and examine the size of the BOG. (Motion was withdrawn.)



- Consider ordering the WSBA board and staff to adopt and execute a thorough *Keller* interpretation when calculating all future *Keller* deductions. (Motion passed 10-0.)
- Reexamine the [WSBA] Governance Task Force *Report and Recommendations* dated June 2014. (Motion passed 8-2.)
- Consider including public member(s) on the BOG. (When initially introduced, this motion did not receive a second. Following further discussion, the motion was reintroduced, seconded, and passed 6-4.)
- Consider ordering the WSBA BOG to design, establish, and support an oversight body of no more than five individuals to oversee the *Keller* calculation and deduction process. (Motion failed 3-7.)

## Recommendations to the Court

After detailed analysis and discussion consistent with the scope of inquiry specified in its charter, the work group felt that the current state of constitutional or antitrust law does not demand a major structural change to the Washington bar or WSBA. The work group identified opportunities to limit liability through specific adjustments. A majority of the work group voted in support of the following recommendations to the Court:

- Retain an integrated bar structure.
- Make no fundamental changes to the six Court created boards administered and funded by the WSBA: the Access to Justice Board; the Disciplinary Board; the Limited License Legal Technician Board; the Limited Practice Board; the Mandatory Continuing Legal Education Board; and the Practice of Law Board.
- Consider clarifying that the prohibitions of GR 12.2(c) apply to Court created boards.
- Consider ordering the WSBA BOG and staff to adopt and execute a thorough *Keller* interpretation when calculating all future *Keller* deductions.
- Reexamine the [WSBA] Governance Task Force Report and Recommendations dated June 2014.
- Consider including public member(s) on the BOG.

## Closing Comments by the Work Group Chair, Chief Justice Mary E. Fairhurst

The residents and Supreme Court of Washington have the good fortune to be served by a dedicated and thriving community of legal practitioners and advocates who tirelessly give their time and talents to improve legal services in Washington. They serve clients, boards, commissions, advocacy groups, WSBA sections, specialty bars, local communities, and the legal profession with an extraordinary commitment to the law and the legal system, and an unrivaled fidelity to ensuring that everyone has access to justice in Washington. The willingness to serve on the Supreme Court Bar Structure Work Group and spend countless hours analyzing complex legal issues and promulgating recommendations to the Court exemplifies remarkable devotion to legal practitioners and the public they serve. The bench, the bar, and all residents of Washington are fortunate and I am profoundly grateful for the participation of work group members Hunter M. Abell, Esperanza Borboa, Daniel D. Clark, Frederick P. Corbit, Eileen Farley, Andrea Jarmon, Mark Johnson, Andre L. Lang, Kyle D. Sciuchetti, Jane M. Smith, and Paul A. Swegle, and the staff supporting the work group's work: Dory Nicpon, Margaret Shane, Rex Nolte, Clay Peters, and Cindy Phillips. Thank you to all of the presenters and to the WSBA for hosting our meetings at their facilities.

August 28, 2019

Chief Justice Mary Fairhurst  
Washington State Supreme Court  
Temple of Justice  
Olympia, WA

Re: Washington Supreme Court  
Bar Structure Work Group - Minority Report

Dear Chief Justice Fairhurst:

Thank you for the opportunity to serve on the Washington Supreme Court Bar Structure Work Group (“Work Group”). It was an honor to serve with you and other Work Group members to address important questions about the structure of the Washington State Bar Association (“WSBA”) raised by recent United States Supreme Court cases.

The Majority Report accurately summarizes the Work Group’s process and the information it reviewed. We feel, however, that the Majority Report does not fully capture the strong disquiet felt by some members about the recommendation to maintain, without further discussion, the current WSBA structure. Consequently, we submit this Minority Report for your consideration. The comments below are solely those of the signatories acting in their individual capacities, and do not reflect the opinions of any other outside organizations or entities.

The Court should seriously evaluate whether a voluntary bar association would be more vibrant and engage more members than the existing mandatory association. The information presented by WSBA staff and comments sent by WSBA members raise significant questions about the WSBA’s member engagement, finances, and calculation of the licensing fee deduction for WSBA political activity (“*Keller* deduction”). Each issue is addressed below. Additionally, at minimum, we recommend the Court also address the concerns raised in the June 2014 Governance Task Force Report.

#### 1-Member Engagement.

Emily Chiang, Legal Director for ACLU-Washington, advised the Work Group that the United States Supreme Court decision in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*, 585 U.S. \_\_\_\_ (2018) did not require bifurcating the WSBA. This is only part of the analysis. The other part, and the question for the Court, is whether the WSBA should be bifurcated. Past WSBA President Anthony Gipe notes that

less than 20% of WSBA members vote in elections for the Board of Governors (“BOG”). (Comment 11, Anthony Gipe, Past WSBA President April 30, 2019 Letter). Of the 34 Comments submitted to the Work Group, at least one-third said they wanted the WSBA to become a voluntary bar association. Reasons for this ranged from the amount of bar licensing fees to complaints that the WSBA is too “Seattle-centric” and irrelevant to much of the rest of the State, particularly eastern Washington. This latter opinion reflects the geographic distribution of active lawyers throughout the state. In 2018, of the 26,313 active Washington lawyers, slightly more than 80% were in the seven counties that border I-5. Fewer than 19% of active lawyers are found in the remaining 32 counties. (See Mandatory Insurance Task Force Report, Exhibit B.) If the WSBA cannot meaningfully engage with a majority of its members and develop and maintain the trust necessary to secure broader member support, the Court should consider whether a voluntary association might be more vibrant and responsive.

## 2-Financial Stability.

In 2014 WSBA’s General Fund was “in the red” \$1.57million; in 2015 \$2.7 million; in 2016 \$1.84 million; and in 2017 \$554,000. In 2018 the WSBA General Fund had net positive revenue of \$430,000 but the 2019 adopted budget assumed a General Fund loss of \$101,600, and the proposed 2020 budget assumed a General Fund loss of \$560,000.

The WSBA accumulated these deficits even as revenue increased from \$14.56 million in 2014 to \$16.9 million in 2017 and a projected \$20.8 million in 2020. This is not a sustainable path.

## 3-Keller Deduction.

Ms. Chiang advised the Work Group that *Janus* did not require splitting the WSBA, but reminded members that *Keller v. State Bar of California*, 496 U.S.1 (1990), requires bar associations to allow members to deduct from mandatory dues money spent on activities not related to regulation of the profession and improvement of the quality of legal services.

In 2019 the WSBA *Keller* deduction was \$1.25 for lawyers admitted before 2017, and \$.63 for lawyers admitted in 2017 or later. To many members, this is not credible, particularly in light of *Keller* deductions in other states and the WSBA’s wide-ranging activities. The *Keller* deduction is calculated by bar staff who, while honorable, well intentioned, and experienced, are placed in the untenable position of calculating a *Keller* deduction that may reduce funding of various WSBA activities directed by the Board of Governors and the Court, and employing their colleagues.

The Work Group agreed that the formula used to calculate the deduction needs to be more transparent. Governor P.J. Grabicki, who was not a member of the Work Group but regularly attended the meetings, recommended that an outside accounting firm review the deduction. (Comment 23, P.J. Grabicki, District 5 Board of Governors representative). He noted that, while the deduction survived a challenge brought by a Washington attorney, that attorney did not have the assistance of an accounting expert. Governor Grabicki advised the Work Group that if the Goldwater Institute, which is challenging at least three other mandatory state bar associations, challenges the WSBA's *Keller* deduction, it could bring in significant accounting "firepower."

The Work Group ultimately rejected, by a vote of 6-4, a motion to recommend that an outside accounting firm review the *Keller* deduction. Instead, Work Group members agreed they would offer to review the deduction themselves. Chief Justice Fairhurst reported at a subsequent meeting that members of the Supreme Court were not supportive of this idea. As such, the Majority Report defaults to a recommendation that the Board of Governors and staff "adopt and execute a thorough *Keller* interpretation" when calculating the deduction. *See* Majority Report, at 15. To promote transparency and considering litigation around the country challenging mandatory bar associations, the *Keller* deduction should be examined by an outside expert like the one proposed by Governor Grabicki.

#### 4-Current Board Governance.

In the first eight months of 2019, the WSBA Board of Governors has been sued by a WSBA employee, one of its own members, and by two attorneys alleging that the WSBA must comply with public disclosure requests. The attorneys prosecuting the public records litigation prevailed at the trial level, and WSBA has been ordered to provide Board communications relating to the firing of the former Executive Director. Should the trial court ruling be affirmed, it is probable that the resulting release of emails and other WSBA communications will provoke another uproar from WSBA membership, further undermining institutional trust and stability.

Insisting that there be no changes to the WSBA structure and its relationship to the Court will not re-engage members, resolve financial issues, or provide a transparent and credible explanation of the *Keller* deduction. Instead, it merely postpones important structural reforms that can and should happen now.

One of us has been a member of WSBA for 40 years. It is painful to recommend that the Court consider whether the WSBA should continue in its current form. However, the issues raised during the Work Group and the recommendations of the

2014 Governance Report demonstrate the need for serious consideration of a voluntary bar or other changes to the current structure.

Very truly yours,

Eileen Farley  
[Efarley-mtvb@outlook.com](mailto:Efarley-mtvb@outlook.com)

Hunter Abell  
[habell@williamskastner.com](mailto:habell@williamskastner.com)



*Justice... Professionalism... Service... Since 1886*

August 27, 2019

The Honorable Mary Fairhurst  
Chief Justice, Washington Supreme Court  
415 12th Avenue SW  
Olympia, WA 98504

Dear Chief Justice Fairhurst:

We write, in the spirit of *amicus curiae*, to ask the Court, to consider a different approach for the future of our Washington State Bar Association than the recommendation from the Bar Structure Work Group to retain the existing structure. Specifically, we believe the legal profession and the public would be best served if the Court proceeds with a comprehensive restructure of the Washington State Bar Association that proactively protects the access to justice and diversity work of WSBA.

Founded in 1886, the King County Bar Association represents over 14,000 attorneys, judges, law professors, and law students in King County. Our mission is to support our diverse membership by promoting a just, collegial, and accessible legal system and profession; to work with the judiciary to achieve excellence in the administration of justice; and to serve our local community through organized pro bono legal services.

Like the Court, the King County Bar Association is a strong proponent of the important work being facilitated by WSBA in the areas of access to justice and diversity that benefits our state's justice system. However, we are concerned that the successes and pending efforts underway in access to justice and diversity may be threatened if the Court does not take affirmative steps to protect these functions by exercising the Court's plenary leadership role and directing a new structure for WSBA.

Our analysis of recent events both in Washington State and across the country is that momentum will continue to grow nationwide to bifurcate mandatory bar associations. Whether rooted over issues of compelled speech, antitrust and unfair trade practices, or political considerations, the result is the same. The structure of mandatory bar associations is under scrutiny from both federal courts and state legislatures (including our own elected officials in Olympia). Most recently we have witnessed our colleagues in California, the largest state bar in the nation, endure a crisis in leadership and vision for the profession before the solution of a bifurcated bar structure was adopted in 2018. The pending State Bar Association of North Dakota appeal most likely will result in a forced decision of these questions for remaining mandatory bar associations by the U.S. Supreme Court.

The Washington Supreme Court, along with the state's legal profession, has the opportunity to act now to protect the things that matter most to us in Washington, rather than be forced to react

to solutions imposed from other branches of government whether based in Olympia or Washington, D.C. Action now would also demonstrate to the legal profession that the Court has heard the underlying messages of discontent by lawyers across the state with the status quo.

We propose that these three principles be adopted by the Court:

1. **Regulation of Practice of Law Best Done by the Court.** We recommend moving the mandatory functions of WSBA to a new Supreme Court-overseen entity similar to the Administrative Office of the Courts. This new office would have responsibility for all attorney, LLLT, and LPO licensing, as well as discipline, MCLE regulation (not course offerings), and client protection functions of WSBA and would be funded by a court-imposed license fee. A court-appointed advisory committee could oversee this work with relevant current WSBA staff reassigned to this entity.
2. **Access to Justice and Diversity Are Judicial System Responsibilities.** The Court and WSBA have achieved important successes with these initiatives that are currently funded by license fees and managed by WSBA. Yet so long as they are tied to the license fee, even with tweaks to what is included in a "Keller" deduction, they are still at risk in the future. We believe access to justice and diversity should not be solely the responsibility of licensees, but instead a core function of society as a whole. Instead of housing these activities within WSBA, we suggest these functions become Supreme Court administered commissions such as the current Gender & Justice Commission, elevating them to the prominence they deserve. Funding should come not from license fees but instead should be treated as a judicial branch operation, fully funded by legislative appropriation. The cost would be minimal in the context of the judicial branch overall budget. This approach protects these activities from challenges by licensees or others, including the U.S. Supreme Court.
3. **Non-Mandatory Activities Are Best Served in a New Statewide Voluntary Bar Organization.** Remaining activities currently conducted by WSBA (e.g., sections, publications, YLD, awards, and judicial evaluation to name but a few) should be transferred to a voluntary statewide nonprofit that is funded by voluntary dues and overseen by attorneys themselves, independent of the Court. This organization would serve as the bar's "trade association," promoting the interests and needs of member attorneys without conflicting responsibilities for non-member-focused efforts. The current leadership of WSBA could oversee this refocused organization and take it to new levels of success.

We appreciate that our proposal would require significant planning and organization to implement, but we do not believe these challenges are insurmountable. Utilizing a small amount of WSBA reserve funds the Court could hire qualified professionals to design a plan to implement these changes and conduct the transition. The Court need adopt only the three broad principles we propose and then task professionals to proceed with the implementation. KCBA stands ready to actively participate in and support this work.



August 27, 2019

Page 3

The Washington Supreme Court has the ability to create a nationally-recognized best practices model for the regulation of the practice of law and the administration of justice -- just as it did when it innovatively launched programs here such as the Access to Justice Board. We call on the Court to resist the status quo of a single mandatory bar structure and instead adopt a bold forward-thinking vision that protects those programs in which we all believe so strongly.

Sincerely,

King County Bar Association



## Washington State Office of Civil Legal Aid

1206 Quince St. SE  
Olympia, WA 98504  
MS 41183  
360-704-4135

James A. Bamberger, Director  
jim.bamberger@ocla.wa.gov

August 30, 2019

Chief Justice Mary Fairhurst  
Temple of Justice  
415 12<sup>th</sup> Ave., SW  
Olympia, WA 98504

Re: Bar Structure Work Group

Dear Chief Justice Fairhurst:

As you know, I have been following the work of the Bar Structure Work Group (Structure Group) since its inception. With the Structure Group's appointment I was optimistic that consensus might be achieved to take proactive action to change the structure and orientation of the Washington State Bar Association (WSBA) necessary to preserve and protect WSBA's ability to perform core functions and, at the same time, avoid litigation that will inevitably and involuntarily drive such changes. In particular I had hoped that the Structure Group would offer recommendations that would decouple regulatory and near-regulatory functions inherent in the Supreme Court's constitutional responsibilities to regulate the practice of law and ensure equity and fairness within the justice system from the more trade-associational and trade-supportive functions currently carried by WSBA and underwritten in whole or in part through licensing fees.

I have reviewed the very thoughtful August 27, 2019 letter sent by the King County Bar Association on this subject. In the interest of brevity, I adopt the analysis and recommendations set forth in that letter in their entirety. Whether by changes in GR 12 or otherwise, I encourage the Court to take action that is grounded in the three principles outlined in the KCBA letter and reject the "do-nothing-for-now" recommendation offered by the Structure Group.

Thank you for the opportunity to contribute to the conversation.

Sincerely,

OFFICE OF CIVIL LEGAL AID

Bamberger,  
James (OCLA)  
James A. Bamberger, Director

Digitally signed by Bamberger,  
James (OCLA)  
Date: 2019.08.30 13:47:17 -0700

# WASHINGTON STATE BAR ASSOCIATION

## Memo

**To:** Board of Governors

**From:** Washington Young Lawyers Committee  
Ana LaNasa-Selvidge, Member Services and Engagement Manager, Staff Liaison

**Date:** September 16, 2019

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<b>Discussion: State of new lawyer profession and WYLC focal points</b>
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### The State of the New Lawyer Profession:

1. Student loan debt is a growing problem.
2. New lawyers are highly service driven toward access to justice but are structurally blocked both financially and culturally.
3. With the improvement in the job market we see a decline in bar engagement. Outside of job opportunities new lawyers do not see the bar investing in them.
4. The new lawyer job market has stabilized in a decent place but is unprepared for a recession.

### Our Focal Points for the Year:

1. Student loan debt, how is it impacting new lawyers, what solutions can we dream about, and what steps are achievable?
2. Reversing the national trend toward declining engagement and leadership in the legal profession by investing tangibly in new lawyers.
3. Encouraging/fostering the passion of new lawyers interested in innovation, technology, and alternative approaches to the practice of law including building valuable partnerships with other industries.
4. Identifying and educating new lawyers about the opportunities available to them in rural communities hit hardest by the access to justice gap.
5. Involving law students to ensure that we are looking forward toward what the next group of new lawyers will need.
6. Reexamining and updating our bylaws and charter with a goal toward being more inclusive and more effective.

# WASHINGTON STATE BAR ASSOCIATION

## Washington Young Lawyers Committee 2018-2019 Committee Roster

<b>Kim Sandher, Chair</b> Current Term: 10/1/2018-9/30/2019 Full Term: 10/1/2015 – 9/30/2020	<b>Jordan Lee Couch, Chair-elect</b> Current Term: 10/1/2018-9/30/2019 Full Term: 10/1/2017 – 9/30/2021
<b>Mike Mocer, Immediate Past Chair</b> Current Term: 10/1/2018-9/30/2019 Full Term: 10/1/2015 – 9/30/2019	<b>Nathan Beard, At-large</b> Term: 8/7/2018 – 9/30/2019
<b>Alice Bagirova, King County Region</b> Term: 10/1/2016 – 9/30/2019	<b>Colin McMahon, Snohomish County Region</b> Term: 10/1/2016 – 9/30/2019
<b>Brandon Holt, Southeast Region</b> Current Term: 7/5/2019 – 9/30/2019 Full term: 7/5/2019 – 9/30/2022	<b>Chelsie Elliott, Southwest Region</b> Term: 10/1/2016 – 9/30/2019
<b>Emily Ann Albrecht, At-large</b> Term: 10/1/2017 – 9/30/2020	<b>Molly M. Winston, Greater Spokane Region</b> Term: 10/1/2017 – 9/30/2020
<b>VACANT, North Central Region</b> Term: 10/1/2017 – 9/30/2020	<b>Ian McCurdy, Northwest Region</b> Term: 10/1/2017 – 9/30/2020
<b>Brian Neuharth, Pierce County Region</b> Term: 10/1/2018 – 9/30/2020	<b>Maha Jafarey, At-large</b> Term: 10/1/2018 – 9/30/2021
<b>Catherine Holm, Greater Olympia Region</b> Term: 10/1/2018-9/30/2021	<b>Zachary Davison, King County Region</b> Current Term: 10/1/2018 – 9/30/2021 Full Term: 10/1/2017-9/30/2021
<b>Benjamin Hodges, Peninsula Region</b> Term: 10/1/2018 – 9/30/2021	<b>Alixanne Pinkerton, South Central Region</b> Term: 10/1/2018 – 9/30/2021

# WASHINGTON STATE BAR ASSOCIATION

## Washington Young Lawyers Committee 2019-2020 Committee Roster

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<b>Kim Sandher, Immediate Past Chair</b> Current Term: 10/1/2019-9/30/2020 Full Term: 10/1/2015 – 9/30/2020	<b>Laura King, At-large</b> Term: 10/1/2019 – 9/30/2022
<b>Paula Kurtz-Kreshel, King County Region</b> Term: 10/1/2019 – 9/30/2022	<b>Esther Hyun, Snohomish County Region</b> Term: 10/1/2019 – 9/30/2022
<b>Brandon Holt, Southeast Region</b> Current Term: 10/1/2019 – 9/30/2022 Full term: 7/5/2019 – 9/30/2022	<b>Chelsie Elliott, Southwest Region</b> Current Term: 10/1/2019 – 9/30/2022 Full Term: 10/1/2016 – 9/30/2022
<b>Emily Ann Albrecht, At-large</b> Term: 10/1/2017 – 9/30/2020	<b>Molly M. Winston, Greater Spokane Region</b> Term: 10/1/2017 – 9/30/2020
<b>VACANT, North Central Region</b> Term: 10/1/2017 – 9/30/2020	<b>Ian McCurdy, Northwest Region</b> Term: 11/21/2017 – 9/30/2020
<b>Brian Holden, Pierce County Region</b> Term: 10/1/2019 – 9/30/2022	<b>Maha Jafarey, At-large</b> Term: 10/1/2018 – 9/30/2021
<b>Catherine Holm, Greater Olympia Region</b> Term: 10/1/2018-9/30/2021	<b>Zachary Davison, King County Region</b> Current Term: 10/1/2018 – 9/30/2021 Full Term: 10/1/2017-9/30/2021
<b>Benjamin Hodges, Peninsula Region</b> Term: 10/1/2018 – 9/30/2021	<b>Alixanne Pinkerton, South Central Region</b> Term: 10/1/2018 – 9/30/2021

**WASHINGTON STATE**  
BAR ASSOCIATION

**TO:** WSBA Board of Governors  
**FROM:** Margaret Shane, Executive Assistant  
**DATE:** September 18, 2019  
**RE:** Discussion with Deans of Washington State Law Schools

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**DISCUSSION:** Board of Governors and Washington State Law School Deans.

Attached please find bios for the deans of the Washington State law schools: Annette Clark, Dean of Seattle University School of Law; Jacob Rooksby, Dean of Gonzaga University School of Law; and Mario Barnes, Dean of University of Washington School of Law. This is an annual discussion between the Board of Governors and the law school deans was initiated at the September 2017 Board meeting in order to facilitate an understanding of the role each plays in developing, educating, and supporting members of the legal profession.

**ANNETTE CLARK**  
**DEAN, SEATTLE UNIVERSITY SCHOOL OF LAW**

After receiving an M.D. with Honors from the University of Washington's School of Medicine and her J.D. summa cum laude from the Seattle University School of Law, Dean Clark joined the School of Law faculty in 1989. In addition to her duties as a faculty member, she is a long-time administrator, having served for ten years as Associate Dean and then Vice Dean, overseeing the academic program, including the curriculum and centers and institutes, as well as the faculty. She was the Interim Dean at Seattle University School of Law from 2009-2010, a Visiting Scholar at The George Washington University Law School for Fall 2010, and Dean and Professor of Law at the Saint Louis University School of Law from 2011-12.

While on the SU faculty, Dean Clark received the Seattle Journal for Social Justice Faculty Award in 2005, the Dean's Medal in 2006, and the Outstanding Teacher Award from the graduating class in December 2007 and December 2011. She was also named the James B. McGoldrick, S.J., Fellow in 2008-09 by President Stephen V. Sundborg, S.J. This annual award is given to the faculty member or administrator who best exemplifies commitment to students and to the values of a Jesuit education. Dean Clark counts teaching law students as one of her greatest joys.

Her areas of expertise include civil procedure, medical liability, bioethics, and legal education and she is a frequent regional and national lecturer on these topics. Her scholarship operates at the interface of health care, law, and health policy, with a particular emphasis on end-of-life issues. She has published articles in the *New York University Law Review*, the *Georgetown Law Journal*, and the *Tulane Law Review*, among others.

Throughout her professional career, Dean Clark has been active in various community and professional organizations, including serving on the MultiCare Institutional Review Board and the Safe Crossings Foundation Board.

**JACOB H. ROOKSBY**  
**DEAN, GONZAGA UNIVERSITY SCHOOL OF LAW**

Jacob H. Rooksby was appointed Dean of Gonzaga University School of Law in June 2018. He also holds a joint appointment as a tenured Professor of Law and Professor of Education. Prior to joining Gonzaga, Dean Rooksby was Associate Professor and Associate Dean at Duquesne University School of Law, where he taught Torts I and Torts II, among other courses. While on the faculty at Duquesne, Dean Rooksby was Of Counsel to the intellectual property (IP) practice group at Cohen & Grigsby, P.C. in Pittsburgh and served as an expert witness in IP litigation.

Dean Rooksby's scholarship lies in two fields: IP law and higher education law. He published a book with Johns Hopkins University Press in 2016, *The Branding of the American Mind: How Universities Capture, Manage, and Monetize Intellectual Property and Why It Matters*. He also is co-author of the 6th edition of *The Law of Higher Education*, the leading treatise in the field.

Upon earning his J.D. from the University of Virginia, Dean Rooksby joined McGuireWoods LLP in Richmond, Virginia, practicing in the firm's IP litigation group and as a member of its higher education practice team. In addition to his law degree, he also holds M.Ed. (Social Foundations of Education) and Ph.D. (Higher Education) degrees from the University of Virginia. Dean Rooksby earned his undergraduate degree, *summa cum laude*, in Hispanic Studies and Government from the College of William & Mary, where he was inducted into Phi Beta Kappa.



**MARIO L. BARNES**  
**DEAN, UNIVERSITY OF WASHINGTON SCHOOL OF LAW**

Mario L. Barnes is the Toni Rembe Dean of the University of Washington School of Law and a nationally recognized scholar for his research on the legal and social implications of race and gender, primarily in the areas of employment, education, criminal and military law.

Dean Barnes joined UW from UC Irvine School of Law where he served as professor and senior associate dean for academic affairs and taught courses in criminal justice, constitutional law, critical theories and national security law.

Before joining UCI in 2009, he was a faculty member at the University of Miami School of Law, where he was twice selected as Outstanding Law Professor.

Prior to his academic career, Barnes spent 12 years on active duty in the U.S. Navy, including service as a prosecutor, defense counsel, special assistant U.S. attorney, and on the commission that investigated the 2000 bombing of the USS Cole in Yemen. His reserve assignments included service with the Naval Mine and Anti-Submarine Warfare Command in San Diego, the Navy Inspector General's Office in Washington, D.C., and U.S. Special Operations Command in Tampa. He retired from the Navy in 2013, after 23 years of combined active and reserve service.

Barnes earned both his bachelor's degree in psychology and his juris doctorate from the University of California, Berkeley. He completed his master of laws at the University of Wisconsin.

# WASHINGTON STATE BAR ASSOCIATION

**TO:** WSBA Board of Governors  
**FROM:** John Bender, MCLE Board Chair & MCLE Board Subcommittee – Suggested APR 11 Amendment  
Adelaine Shay, WSBA MCLE Manager  
**DATE:** September 17, 2019  
**RE:** Suggested APR 11 Amendment – FOR REVIEW

**Discussion:** The MCLE Board requests WSBA Board of Governors review the suggested changes to the MCLE ethics requirements outlined in Admission and Practice Rule (APR)11.

## BACKGROUND

Pursuant to Washington Supreme Court Admission and Practice Rule (APR) 11 (d)(2)(i), Rules and Regulations. “The MCLE Board shall review and suggest amendments or make regulations to APR 11 as necessary to fulfill the purpose of MCLE ...Suggested amendments are subject to review by the Board of Governors and approval by the Supreme Court.”

At the Washington State Supreme Court Mandatory Continuing Legal Education (MCLE) Board meeting on October 5, 2018, the WSBA Diversity Committee presented to the MCLE Board a suggested amendment to APR 11. The initial proposal was developed by the WSBA Diversity Committee and Washington Women Lawyers with the support of eight minority bar associations: the Asian Bar Association of Washington, the Cardozo Society of Washington State, Filipino Lawyers of Washington, the Pierce County Minority Bar Association, the Loren Miller Bar Association, the Latina/o Bar Association of Washington, the South Asian Bar Association of Washington, and QLaw. The proposal was to require that at least one of the six ethics credits licensed legal professionals are required to earn each reporting period be on the topic of “equity, inclusion and the mitigation of bias in the legal profession.”

Following the presentation, the MCLE Board formed a subcommittee to study the proposal and make a recommendation to the MCLE Board. The subcommittee recommended that the MCLE Board suggest an amendment to the ethics requirement under APR 11 requiring one credit in each of the following subjects per reporting period: 1) inclusion and anti-bias, 2) mental health, addiction, and stress, and 3) technology education focusing on digital security. For more information, see the attached preliminary recommendation and report.

The MCLE Board preliminarily adopted the subcommittee’s preliminary recommendation, and sought feedback from licensed legal professionals and the general public on the suggested amendment. The MCLE Board received 665 written comments, and three in-person comments during a public comment session held at the August 16, 2019, MCLE Board meeting. A majority of the commenters were opposed to the suggested amendment. See the attached written feedback regarding the suggested amendment.

The MCLE Board reviewed and considered all written and oral feedback, and held a special meeting on August 28, 2019. After discussing the feedback, including the MCLE Board’s view of the pros and cons, the MCLE Board voted to



continue to move forward with the suggested amendment by sending it to the Board of Governors for review. After review by the Board of Governors the MCLE Board will decide whether to suggest the rule amendment to the Washington Supreme Court. Pursuant to General Rule 9(i)(2), a suggested rule must be received by the Washington Supreme court by October 15<sup>th</sup>.

### FACTORS IN SUPPORT OF THE SUGGESTED AMENDMENT

The MCLE Board reviewed and discussed the written and oral feedback received about the suggested amendment. In response to the opposition, the MCLE Board subcommittee presents the following as important factors in support of the amendment:

- The role of the MCLE Board is to develop, propose, and support continuing legal education that will not only educate Washington licensed legal professionals on the state of the law on various subjects and reduce the risk of potential liability, but also to ensure they have the skills and knowledge-base to effectively serve their clients, the legal system, and society as a whole. For this reason the Board supports the entire suggested amendment.
- APR 11 states that the purpose of MCLE is “to enhance lawyers’, LLLTs’, and LPOs’ legal services to their clients and protect the public by assisting lawyers’, LLLTs’, and LPOs’ in maintaining and developing their competence as defined in RPC 1.1 or equivalent rule for LLLTs and LPOs, fitness to practice as defined in APR 20, and character as defined in APR 20.”
  - **APR 20:**
    - (c) Good Moral Character.  
Good moral character is a record of conduct manifesting the qualities of honesty, fairness, candor, trustworthiness, observance of fiduciary responsibilities, adherence to the law, and a respect for the rights of other persons and the judicial process.
    - (d) Fitness to Practice Law.  
Fitness to practice law is a record of conduct that establishes that the applicant meets the essential eligibility requirements for the practice of law.
- **Each of the proposed categories – implicit/explicit bias, technology, and mental health – are core areas in which modern licensed legal professionals need to be fluent.** Further, the profession has not adequately focused on these areas, which has created significant problems.
- In particular, the bar has an important role to play in addressing systemic inequities in our society and the mental health crisis in our profession, as well as the changing opportunities and responsibilities created by developments in technology.

### Equity and Inclusion

- **APR 11.** At every MCLE Board meeting, the members of the board each hold a copy of APR 11, because it is the bedrock and the guiding principle for every board decision. APR 11 specifically states in section (d)(2)(i) that the MCLE Board shall review and suggest amendments or make regulations to APR 11 as necessary to fulfill the purpose of MCLE and for the timely and efficient administration of these rules and for clarification of education requirements, approved activities, and approved course subjects. This mandate demonstrates why the suggested amendment is necessary.
- **Changing demographics.** [Objective data demonstrates that the population of Washington state is rapidly becoming more racially diverse.](#) Citizens, by way of changing systems throughout the state, are more willing and able to identify as being different from one another: disclosing both visible and invisible disabilities, discussing gender

identity and sexual orientation, displaying various religious practices, and claiming personal origin stories – to name a few.

- **Adjustments in practice are required.** Every licensed legal professional over the course of their career, regardless of the area of law they practice, will encounter someone who is different than themselves. Given the demographic changes discussed above, the likelihood and frequency of these encounters is increasing. As a profession, we have the ethical responsibility to ensure our communications with our clients and all professionals in the legal community are respectful. While we may believe our legal education and current training requirements produce that result, we cannot ignore the many reports of disparate and discriminatory practices we hear from within our profession. Knowing that a significant segment of our state, whether colleagues or clients, face unfair treatment in the legal community, perhaps by legal professionals, mandate purposeful action. Mandatory training in this area is both proper and necessary.
- **Support the work of the Diversity Committee.** The original report and recommendation of the WSBA Diversity Committee and Washington Women Lawyers (with the support of multiple minority bar associations) demonstrates the [need for education](#) within the profession across all categories of Washington lawyers (private practitioners, government lawyers, professors and instructors, judges, regulators, in house counsel, etc.), to raise the awareness and sensitivity of Washington lawyers to diversity issues, and particularly with respect to equity, inclusion, and both implicit and explicit biases. Our role as lawyers should be to work to eliminate our own biases, and to have a positive effect on both the profession and Washington generally. Intuitively, this is an idea whose time has more than come.
- **Promoting equity and inclusion drives better business outcomes.** Having individuals that think differently, by virtue of their distinct backgrounds and experiences, encourages creative thinking and innovation. This is particularly important amongst decision-makers. Conversely, failing to include diverse perspectives can result in a failure to take useful risks and ultimately lead to stagnation. The business sector as a whole has recognized this reality, with many major employers in this state and elsewhere investing in diversity even when not required by law. The legal profession needs to catch up in this regard.
- **Acknowledging issues of equity and inclusion is not political.** It is an undeniable fact that certain communities – such as people of color, those with disabilities, and those with non-majority religions, to name just a few – do not have and have not had the same opportunities as those in the majority. Acknowledging this historical and present reality is not a political issue. Members of the MCLE Board talked to citizens of Washington state, who are not licensed to practice law, about this proposal and heard consistently from people who have engaged in the legal community that they feel this proposal is necessary to ensure appropriate treatment and consideration of the various issues and concerns the general public faces, no matter who is in office or running local, state, and national government.
- **Promoting equity and inclusion is appropriate for the bar.** Another undeniable fact is that practicing law inherently involves “legislating morality.” Lawyers commonly encounter moral imperatives codified in the laws that attorneys litigate and enforce. A particularly relevant example can be found in Washington’s Law Against Discrimination, which attempts to correct unequal access to opportunity, but many others exist. It is therefore both appropriate and beneficial for the Washington Supreme Court to mandate training to help licensed legal professionals gain awareness and understanding of these issues. While it is true that training does not guarantee equitable and inclusive outcomes, training does result in an increased understanding of various topics, especially in a legal context where rules and regulations change constantly. For example, discussion around visible/invisible disabilities allows us as legal professionals to better identify legal concerns facing our communities. If we choose to remain ignorant while the rest of society engages in this conversation, we risk providing inadequate counsel to our clients as well as the community at large. Given our position in society as rule makers and legal deciders, we cannot afford to sit back and react only when a lawsuit or other grievance takes place.

## Technology and Digital Security

- RPC 1.2 provides in relevant part, “To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject. Attention should be paid to the benefits and risks associated with relevant technology.”
- The rise of technology in the practice of law creates several risks and raises several ethical questions. The following are only some example of technology scenarios that lead to ethical issues and concerns. CLEs on these topics give the membership guidance that could prevent negative outcomes for both attorney and client.

- ***Artificial Intelligence***

Law firms are increasingly using Artificial Intelligence such as “chatbots” to deliver legal services and communicate with clients about their legal needs.

*Ethical Questions*

- Do lawyers have an ethical duty to train and supervise bots under Rules 5.1 or 5.3?
- Can a lawyer or law firm be disciplined for the conduct of a bot?
- Bots have access to a person’s personally identifiable information and other sensitive financial and medical data. Thus, are law firms in the US that service international corporate clients subject to the requirements of the General Data Protection Regulation enacted in the European Union?

- ***Advertising Legal Services***

Technological advances provide attorneys with new ways to contact prospective clients. For example, text messages are being used by some businesses to advertise services.

*Ethical Questions*

- Rule 7.3 prohibits lawyers from directly soliciting prospective clients using real-time electronic contact. Do text messages constitute real-time electronic contact?
- Must texts follow Rule 7.2 which requires any communications to include the name and office address of at least one lawyer or law firm responsibility for its content?

- ***Client Communications***

Use of text messages raises concerns about whether and how confidentiality can be maintained in these communications and what steps a lawyer should take to ensure client information is protected. ABA Opinion 477 includes a warning for communicating or advertising by text: “. . . electronic communication through certain mobile applications or on message boards or via unsecured networks may lack the basic expectation of privacy afforded to email communications. Therefore, lawyers must, on a case-by-case basis, constantly analyze how they communicate electronically about client matters, applying the Comment [18] factors to determine what effort is reasonable.”

*Ethical Questions*

- If a lawyer uses texting to communicate with clients generally, is the lawyer aware that others may have access to the client’s mobile device?

- Text message exchanges are not separately recorded by the cellular provider indefinitely for future reference. Therefore, do lawyers need to transfer and backup text messages from their mobile phones to their computers?

#### ○ *Security Breaches*

Security breaches are so prevalent, the question today is not if, but when. The New York Ethic Opinion 1019 warned lawyers in May 2014: “Cyber-security issues have continued to be a major concern for lawyers, as cyber-criminals have begun to target lawyers to access client information, including trade secrets, business plans and personal data. Lawyers can no longer assume that their document systems are of no interest to cyber-crooks.”

On October 17, 2018, ABA Formal Opinion 483, “Lawyers’ Obligations After an Electronic Data Breach or Cyberattack,” warned, “Data breaches and cyber threats involving or targeting lawyers and law firms are a major professional responsibility and liability threat facing the legal profession. As custodians of highly sensitive information, law firms are inviting targets for hackers. In one highly publicized incident, hackers infiltrated the computer networks at some of the country’s most well-known law firms, likely looking for confidential information to exploit through insider trading schemes.”

Twenty-two percent (or one in five) of law firms experienced a cyber-attack or data breach in 2017, up 14% from the previous year.<sup>1</sup> Is our membership aware of the phishing campaign’s that hackers use to gain access? The following link provides examples of phishing scams specifically targeting lawyers: <https://blog.texasbar.com/2019/09/articles/law-firms-and-legal-departments/scams-continue-to-target-texas-attorneys/> .

The consequences of data breaches are significant. Forty-one percent of respondents to the ABA’s *2018 Legal Technology Survey* who experienced a data breach reported downtime/loss of billable hours. Twenty-nine percent reported their firm did not have security policies and seven percent admitted they did not know whether or not their firm had any policies. Only 35% had an incident response plan for a data breach.

#### *Ethical Question*

- According to the ABA’s *2018 Legal Technology Survey*, only 11% of law firms who had a security breach notified their clients of the data breach. Do firms have an ethical duty to notify their clients of a breach?

### **Mental Health and Substance Abuse**

- The rate of mental health and addiction issues in the legal profession is both widely recognized and notoriously high, and the profession as a whole has been slow to counteract these issues. The American Bar Association has addressed this in their [model rule](#), which recommends that all lawyers be required to take one credit of programming every three years that focuses on the prevention, detection, and/or treatment of mental health disorders and/or substance use disorders.
- Training can provide a helpful avenue to raise awareness of these obstacles. Training can also provide helpful reminders and instruction of how to access resources that are available to assist licensed legal professionals struggling with these issues.

<sup>1</sup> Jay Reeves, *One in 5 Law Firms Hacked Last Year*, <https://www.lawyersmutualinc.com/blog/one-in-5-law-firms-hacked-in-2017> (last visited Sept. 6, 2019).

- Data shows that one in five people live with a mental health condition, many of which are unknown until activated by a life event (such as intersection with the legal system). Due to the lack of training and awareness around many mental health conditions, legal professionals are often unprepared to handle an individual who may need assistance or other forms of mental health first aid. Asking licensed legal professionals, who often encounter people with mental health conditions, to take on training on this topic, is more than reasonable to help protect both the public and the legal profession.

### **Mandatory Requirement**

- If we recognize the importance of each of these categories, we must also recognize the necessity to require education.
- There are many available and accessible CLEs in each of the practice areas covered by the suggested amendment. WSBA's Legal Lunchbox series provides free CLEs monthly, and has predominantly covered these practice areas recently.
- The suggested requirement is neither burdensome nor onerous. Only three (3) total credits are being specified over a three year period. As mentioned elsewhere, the total number of required credits that a licensed legal professional must complete is not changing.
- **The licensed legal professionals who need the training may not realize it or choose to get it.** There is a natural tendency to choose CLEs that seem directly relevant to one's practice or that sound interesting. However, a person who lacks understanding of a topic covered by the suggested amendment is more likely to discount the value of the topic, and therefore not choose to participate in a given CLE. Accordingly, if the three suggested ethics topics are not mandatory, the licensed legal professionals who would benefit most from the training are the least likely to receive it.
- Commercial CLE providers will expand and improve their content in those categories. Thus, finding CLEs in these areas will become even easier than it is now if the suggested amendment is passed.
  - As an example, attendance at the California Lawyers' Association annual IP Institute (if one attends all sessions), more than fulfills California MCLE requirements. For years, the Institute has included presentations on mental health and substance abuse, and has added presentations on elimination of bias. Though those sessions would not seem directly relevant to the other, cutting edge IP presentations, they are widely attended as a way to fulfill the requirements, and they are often the most high quality presentations in two full days of CLE panels and presentations. If they were not required, many who attend the Institute would never take those courses, even with a general ethics requirement.
- **Washington's opportunity.** Washington has an opportunity to take the lead by adopting a requirement for all three categories to become mandatory. Our proposal would not increase the total number of hours devoted to ethics. It would simply require that a portion of those ethics hours be devoted to the three categories required in the suggested amendment.
- At least one of each of these three categories are already required in multiple states, with several states requiring two of the three. For the sake of recognizing the importance of these categories of education, for the sake of Washington being a leader in its approach to MCLE, and to avoid a later amendment to add any categories left out at this time, this is the right time to adopt all three.

## SUGGESTED AMENDMENT TO ADMISSION AND PRACTICE RULE 11

APR 11(c)(1)(ii)

(ii) at least six credits must be in ethics and professional responsibility, as defined in subsection (f)(2), with at least one credit from each of subsections (f)(2)(ii), (iii), and (iv).

APR 11(f)(2)

(2) *Ethics and professional responsibility*, defined as topics relating to:

(i) the general subject of professional responsibility and conduct standards for lawyers, LLLTs, LPOs, and judges, including diversity and anti-bias with respect to the practice of law or the legal system, and;

(ii) the risks to ethical practice associated with diagnosable mental health conditions, addictive behavior, and stress;

(iii) equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law, including client advising; and

(iv) the use of technology in the practice of law as it pertains to a lawyer, LLLT, or LPO's professional responsibility, including how to maintain the security of electronic or digital property, communications, data, and information.

### Attachments:

- MCLE Board Preliminary Recommendation and Report
- Written Feedback Regarding the Suggested Amendment



**REPORT AND PRELIMINARY RECOMMENDATION OF THE WASHINGTON SUPREME COURT  
MANDATORY CONTINUING LEGAL EDUCATION BOARD RE: PROPOSED AMENDMENT TO APR 11**

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**Background**

At the Washington State Supreme Court Mandatory Continuing Legal Education Board (MCLE) meeting on October 5, 2018, the WSBA Diversity Committee presented to the MCLE Board a proposed amendment to Rule 11 of the Washington Supreme Court’s Admission and Practice Rules (APR 11). The proposal was drafted by the WSBA Diversity Committee and the Washington Women Lawyers with the support of eight minority bar associations: the Asian Bar Association of Washington, Cardozo Society of Washington State, Filipino Lawyers of Washington, Pierce County Minority Bar Association, Loren Miller Bar Association, Latina/o Bar Association of Washington, South Asian Bar Association of Washington, and QLaw. Their proposal was to require that at least one of the six ethics credits licensed legal professionals are required to earn each reporting period be on the topic of “equity, inclusion and the mitigation of bias in the legal profession”. Following the presentation, the MCLE Board formed a subcommittee to study the proposal and make a recommendation to the MCLE Board.

The subcommittee provided a report and recommendation at the January 2019 MCLE Board meeting. Based on the factors and information discussed below, the subcommittee recommended that the MCLE Board propose an amendment that included not only a required credit for equity, inclusion, and anti-bias but also one credit for mental health and addiction, and technology education focusing on digital security for a total of three of the six required credits. The MCLE Board approved the recommendation by the subcommittee and sought feedback about the proposed amendment from key stakeholders including board and committee members in the Bar, minority bar associations, providers of CLE seminars, and former members of the MCLE Task Force. After considering the feedback, the subcommittee proposed revised amendments at the May 2019 meeting of the MCLE Board. The MCLE Board adopted the revised preliminary recommendation as set forth below, and is now seeking feedback on this proposal.

**Preliminary Recommendation**

The following preliminary recommendation would amend the ethics requirement under Admission and Practice Rule (APR) 11 to require one credit in each of the following subjects: 1) inclusion and anti-bias, 2) mental health, addiction, and stress, 3) technology education focusing on digital security, per reporting period. The MCLE Board recommends the following amendments to APR 11:

APR 11(c)(1)(ii)

(ii) at least six credits must be in ethics and professional responsibility, as defined in subsection (f)(2), with at least one credit from each of subsections (f)(2)(ii), (iii), and (iv).



APR 11(f)(2)

(2) *Ethics and professional responsibility*, defined as topics relating to:

(i) the general subject of professional responsibility and conduct standards for lawyers, LLLTs, LPOs, and judges, including diversity and anti-bias with respect to the practice of law or the legal system, and;

(ii) the risks to ethical practice associated with diagnosable mental health conditions, addictive behavior, and stress;

(iii) equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law, including client advising; and

(iv) the use of technology in the practice of law as it pertains to a lawyer, LLLT, or LPO's professional responsibility, including how to maintain the security of electronic or digital property, communications, data, and information.

If the amendment is adopted by the Washington State Supreme Court, the MCLE Board would recommend a target implementation date of January 1, 2021.

### **Basis for Recommendation**

Upon review of the materials and consideration of available information, it became apparent to the MCLE Board that national trends are moving toward increased requirements in education in the topics of diversity, inclusion and anti-bias, mental health and addiction, and technology education focusing on digital security. A few of the largest states have already implemented one or more of these requirements, including California, Illinois, New York and Florida. The MCLE Board believes these three areas are among the most important issues facing not only the legal profession but also the general population in the United States today.

The MCLE Board believes that, in addition to the initially recommended topic of equity, inclusion, and anti-bias in the legal profession, the topics of mental health and technology are very likely to come under consideration at some time in the near future. The MCLE Board believes that it makes sense to implement these new requirements contemporaneously rather than piecemeal. In addition, the rulemaking process can take a considerable amount of time. Implementing them now is more efficient and prevents unnecessary delay in the future.

The MCLE Board notes that this recommendation does not include a recommendation to increase the total number of ethics credits required for each reporting period. Instead, it requires that three of the ethics credits be in the identified topics. The MCLE Board also notes that two of these topics are already included as eligible for credit in the current ethics category, but they are not specifically required.



### Factors & Information

In determining this preliminary recommendation, the MCLE Board considered the following factors and information:

- Need for Equity, Inclusion and Mitigation of Bias in the Legal Profession

The MCLE Board reviewed the information and materials provided by the WSBA Diversity Committee that discussed the need for mandatory diversity and mitigation of bias training for all licensed legal professionals. The MCLE Board believes that education in this area is of paramount importance, would benefit all licensed legal professionals whether they are currently engaged in the active practice of law or not, and would serve the purpose of APR 11 of assisting legal professionals' competence, fitness to practice, and character.

- ABA Model Rule for Minimum Continuing Legal Education (2017)

The ABA recently amended its Model Rule for MCLE. Section 3(A) of the ABA Model Rule recommends that jurisdictions require one credit per year in the area of ethics and professionalism (which would be three credits for a three-year reporting period as in Washington). In addition, it recommends one credit every three years in the specific areas of mental health and substance abuse disorders, and one credit every three years in diversity and inclusion. That is a total of five required credits in a three year period. Washington already requires six credits in ethics and professional responsibility, one more than the total recommended by the ABA.

- Trends in United States Jurisdictions

A review of the MCLE requirement in other U.S. jurisdictions found that four states have adopted a diversity requirement. In addition, five states have adopted a mental health or substance abuse requirement, and, two states have adopted a technology education requirement. Given the recommendation by the ABA and the trend so far in the United States, the MCLE Board decided to recommend the adoption of mental health/substance abuse as a requirement, not just as a permitted ethics topic, in Washington as well. The MCLE Board notes that it appears states are starting to include requirements for continuing education in technology. However, instead of a general technology requirement, the MCLE Board believes a technology requirement should focus on digital security and the protection of confidential information, which relates to ethical requirements of competency.

- Intent of APR 11

Another factor considered by the MCLE Board was the intent of APR 11. When APR 11 was rewritten by the MCLE Task Force in 2014, the MCLE Task Force issued a report that recognized that not all active members are practicing law and stressed the importance of the relevance of the education to the individual. In its July 2014 report, the task force wrote:



One of the fundamental premises on which the task force bases its recommendations is that Washington lawyers are not only engaged in the traditional lawyer-client representation, but that there is an increasing amount of lawyers in Washington whose career options or employment are in a myriad of different legal and nonlegal professions. ...

The task force's proposed new rules recognize, in its requirements, that a lawyer who is not practicing law in the traditional sense is still licensed to practice while an active member of the Bar. The task force's recommendations, therefore, attempt to strike a balance between the needs of protecting the public and the needs of all lawyers who may or may not be practicing law but could do so at any moment in any given situation.

The report's conclusion included:

The recommendations also address specific current and future needs of WSBA members wanting healthier practices and recognition that the practice of law – and use of a lawyer's skills – is much wider than in the past. In addition, the recommendations are based on solid pedagogical grounding – that mandatory legal education is only effective if it addresses a lawyer's true needs and is relevant to the lawyer. The public is also best protected and served when members take courses that address true need.

- Resources and Time Needed to Implement

The MCLE Board considered the input from WSBA staff about resources needed to implement an amendment of this type. WSBA staff reported that it would be impractical to implement the rule prior to January 1, 2021. In addition, due to the current technological structure of the MCLE online system, it would be difficult, if not impossible, to incorporate a change to the credit structure into the current system. It would also result in delays to other technology projects underway at the WSBA. The WSBA is currently planning and working on a revision to the MCLE system in order to improve the general functioning of the system and to incorporate LLLTs and LPOs; therefore, it would be easier to include a change to the credit structure into those plans at this time, rather than later. Although implementation would be approximately nineteen months out, that is only a few months longer than a normal rule-making schedule. Suggested rules generally go to the Washington Supreme Court in October, and if adopted, are effective the following September. Because the MCLE requirements are based on three calendar-year reporting periods, it would be logical for any new requirement adopted by the Supreme Court to start on a January 1 so that all members will have, at a minimum, one year to meet any new requirement.

### **Changes to the Proposed Amendment Based on Initial Stakeholder Feedback**



The MCLE Board reviewed initial feedback provided by key stakeholders including minority bars, former MCLE Task Force members, and CLE Sponsors. The MCLE Board adopted suggestions from the Washington Attorneys with Disabilities Association (WADA). WADA suggested removing “diagnosed” and “conditions” from APR 11(f)(2)(ii) in an effort to reduce stigmatization that may deter lawyers from seeking treatment and support. The MCLE Board also adopted WADA’s suggestion of adding “implicit and explicit” before bias in APR 11 (f)(2)(iii). WADA’s suggestions were supported by the Korean American Bar Association and the South Asian Bar Association of Washington.

Similarly, the Middle Eastern Legal Association of Washington and the Loren Miller Bar Association advised changing the language to incorporate “unconscious bias”. The MCLE Board believes the intent of that language is captured by adding “implicit” and “explicit” to the proposed amendment. The MCLE Board added language to clarify that technology and security credits must also pertain to a lawyer, LLLT, or LPO’s professional responsibility to qualify for ethics credit.

**Request for Comment from Members**

The MCLE Board would like to hear from all WSBA members about the proposed amendment to APR 11. Please provide your feedback by emailing the MCLE manager, Adelaine Shay at [adelaines@wsba.org](mailto:adelaines@wsba.org) by August 8<sup>th</sup>, or by attending the [MCLE Board meeting on Aug. 16, 2019](#) comments will be heard from 10:05 AM to 10:25AM at WSBA, 1325 Fourth Ave, Suite 600, Seattle, WA.

**Proposed Schedule**

June – July 2019	Member Comment	Share Report with members for comment
Aug 16, 2019	MCLE Board Meeting	Revise if needed after member comments
September 26 2019	BOG Meeting	Share with BOG for FYI
October 2019	MCLE Board	Revise if needed if any feedback from BOG
Oct 15, 2019	Deadline	Send recommendation to Court; request effective date Jan 1, 2021

**Attachments**

1. Proposal from WSBA Diversity Committee
2. Additional Statistical Support for MCLE Requirement on Equity, Inclusion and Mitigation of Bias
3. ABA Model Rule for Minimum Continuing Legal Education (2017)
4. MCLE Requirements in United States Jurisdictions
5. MCLE Task Force Report, July 2014



Proposal from WSBA Diversity Committee and Washington  
Women Lawyers

## Adelaine Shay

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**From:** Adelaine Shay  
**Sent:** Wednesday, March 6, 2019 9:47 AM  
**To:** Adelaine Shay  
**Subject:** FW: Proposed Change for MCLE Requirements  
**Attachments:** MCLE Proposal.docx

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**From:** Wulf, Laura (ATG) [<mailto:LauraW@ATG.WA.GOV>]  
**Sent:** Thursday, September 20, 2018 5:03 PM  
**To:** MCLE  
**Cc:** Karrin Klotz; Dana Barnett; Ailene Limric  
**Subject:** Proposed Change for MCLE Requirements

MCLE Committee:

We are pleased to submit the attached amendment proposal to your committee. Other state bar associations have adopted rules that require each bar member to earn a CLE credit based on Equity, Inclusion and the Mitigation of Bias principles. The ABA supports the concept as well. Washington Women Lawyers brought the idea to the WSBA Diversity Committee where the idea was enthusiastically supported. We urge the committee to consider adopting such a requirement for WSBA members. We have consulted several of the Washington Minority Bar Associations. In addition to Washington Women Lawyers, we have met with the Asian Bar Association, the Cardozo Society of Washington State, the Filipino Lawyers of Washington, and the Pierce County Minority Bar Association who have endorsed the proposed rule amendment. We anticipate receiving support from other MBA's as well.

Both myself and Karrin Klotz, on behalf of the Washington Women Lawyers, look forward to discussing the proposal with you at your meeting on October 5, 2018. I am hopeful that there will be a call-in number as I will be attending the Tacoma—Pierce County Bar Association Convention in Bellingham on the 5<sup>th</sup>. Karrin will attend in person.

In the meantime, if you have any questions, please feel free to contact one of us.

Thank you for your consideration.

Laura Wulf  
WSBA Diversity Committee Member

1. Proposed New CLE Requirement:

That Washington requires each member of the WSBA to take one stand-alone hour of approved continuing legal education activity every three years in an area called Equity, Inclusion and the Mitigation of Bias in the legal profession, and the practice of law, including client advising. Qualifying CLEs would include courses and activities regarding implicit and explicit bias, equal access to justice, serving a diverse population, equity and inclusion initiatives in the legal profession and society, and raising awareness and sensitivity to myriad differences when interacting with members of the public, judges, jurors, litigants, attorneys, court personnel, other employees, executives, and customers.

The mitigation of bias aspect shall be designed to help legal professionals identify and mitigate implicit and explicit bias in the practice of law against persons based on, for example: race, gender, economic status, creed, color, religion, national origin, disability, political ideology, breastfeeding in a public place, military or veteran status, age, sexual orientation, sex, gender identity, ancestry, parental status, marital status, ethnicity, and use of a service animal. The protected categories include those under federal, state and Seattle laws, which employers must follow depending on number of employees or whether they are engaging in business activities that otherwise create a jurisdictional nexus to employee-protection laws.

APR 11(c)(1)(ii) requires six credits in "ethics and professional responsibility," as defined in APR 11(f)(2). Currently, programs related to "diversity or antibias with respect to the practice of law or the legal system" can be applied toward the six-credit minimum at each member's option. Our proposal would revise APR 11(c)(1)(ii) to stipulate that at least one of the six ethics and professional responsibility credits focus on equity, inclusion, and the mitigation of bias.

One option for building such a requirement into the existing framework is highlighted below:

APR 11(c)(1)(ii): at least six credits must be in ethics and professional responsibility, as defined in subsection (f)(2), with at least one of the six credits from subsection (f)(2)(ii).

APR 11(f)(2): Ethics and professional responsibility, defined as topics relating to (i) the general subject of professional responsibility and conduct standards for lawyers, LLLTs, LPOs and judges, including the risks to ethical practice associated with diagnosable mental health conditions, addictive behavior, and stress or (ii) equity, inclusion and the mitigation of bias in the legal profession and the practice of law, including client advising;

2. Justification for New CLE Requirement:

Diversification of gender, race, age and abilities in positions of power continues to be an unresolved issue. For example, women or minorities represented 66% of Washington's population in a recent study but just 44% of its state judges.<sup>1</sup> In private practice, women and minorities represent 59% of junior associates nationwide but just 24% of equity partners.<sup>2</sup>

Meanwhile, bias continues to affect the legal profession and the practice of law, which is one reason Washington changed General Rule 37 earlier this year to help combat implicit bias in jury

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<sup>1</sup> Tracey E. George & Albert H. Yoon, *The Gavel Gap: Who Sits in Judgment on State Courts?* 26 (American Constitution Society 2016).

<sup>2</sup> Marc Brodherson et al., *Women in Law Firms 3* (McKinsey & Company 2017).



selection and the U.S. District Court for the Western District of Washington asks all jurors to watch a video on unconscious bias. While explicit bias may be rare in our profession, “we all live our lives with stereotypes that are ingrained and often unconscious, implicit biases that endure despite our best efforts to eliminate them.”<sup>3</sup>

We can help by ensuring legal professionals have practical tools and tips for recognizing and mitigating explicit and implicit bias against underrepresented populations in the legal profession and in the practice of law, including in court and when counseling clients who face these issues in their own entities. Qualifying CLEs could also help us work toward a more diverse and self-aware profession by focusing on best practices for increasing inclusion and mitigating bias, such as policies and procedures that recognize and address the needs of specific underrepresented populations, impact litigation, and other methods for increasing diversity.

This MCLE requirement will help legal practitioners recognize and mitigate their own bias and biases within the profession to better serve the public. This is a topic that is crucial to maintaining public confidence in the legal profession and the rule of law, and to promoting the fair administration of justice.<sup>4</sup>

We propose, as the ABA Model Rule for Minimum Continuing Legal Education<sup>5</sup> does, that inclusion or bias mitigation training should be a stand-alone requirement to ensure that all lawyers receive minimal training in this area. Mandatory training is especially important here, due to the insidious nature of bias, which is “activated involuntarily and without an individual’s awareness or intentional control.”<sup>6</sup> A lawyer who is not aware of his or her biases may not opt in to specialty training. However, bias affects even the best of us and mandatory training would help mitigate its effects on our profession through education and awareness.

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<sup>3</sup> *State v. Saintcalle*, 178 Wn.2d 34, 36, 309 P.3d 326 (2013), citing Jerry Kang & Kristin Lane, *Seeing Through Colorblindness: Implicit Bias and the Law*, 58 UCLA L. Rev. 465, 471 (2010).

<sup>4</sup> Micah Buchdahl, *Report on Model Rule for Minimum Continuing Legal Education 4* (American Bar Association 2017).

<sup>5</sup> American Bar Association, Model Rule for Minimum Continuing Legal Education § 3(a)(3)(c) (2017).

<sup>6</sup> The Kirwan Institute for the Study of Race and Ethnicity at The Ohio State University, *Understanding Implicit Bias*, <http://kirwaninstitute.osu.edu/research/understanding-implicit-bias/> (last visited September 2018).

Additional Statistical Support for MCLE Requirement on Equity,  
Inclusion and Mitigation of Bias

## Adelaine Shay

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**From:** KARRIN KLOTZ <karrink@aol.com>  
**Sent:** Tuesday, October 9, 2018 3:09 PM  
**To:** MCLE  
**Cc:** Dana Barnett  
**Subject:** Additional Statistical support for MCLE requirement on "Equity, Inclusion & Mitigation of Bias"

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I contacted Retired Justice Faith Ireland about the issue of support for our proposal for a required MCLE on "Equity, Inclusion & Mitigation of Bias" and she sent me the below link for your follow-up purposes:

<http://projectimplicit.org/demopapers.html>  
<http://www.pewsocialtrends.org/2015/08/19/exploring-racial-bias-among-biracial-and-single-race-adults-the-iat/>  
<http://kirwaninstitute.osu.edu/wp-content/uploads/2017/11/2017-SOTS-final-draft-02.pdf>

ABA Model Rule for Minimum Continuing Legal Education  
(2017)

**AMERICAN BAR ASSOCIATION**  
**ADOPTED BY THE HOUSE OF DELEGATES**  
**FEBRUARY 6, 2017**

**RESOLUTION**

RESOLVED, That the American Bar Association adopts the Model Rule for Minimum Continuing Legal Education (MCLE) and Comments dated February 2017, to replace the Model Rule for MCLE and Comments adopted by the American Bar Association in 1988 and subsequently amended.

**American Bar Association**  
**Model Rule for Minimum Continuing Legal Education**  
**February 2017**

**Purpose**

To maintain public confidence in the legal profession and the rule of law, and to promote the fair administration of justice, it is essential that lawyers be competent regarding the law, legal and practice-oriented skills, the standards and ethical obligations of the legal profession, and the management of their practices. In furtherance of this purpose, the ABA recommends this Model Rule for Minimum Continuing Legal Education (MCLE) and Comments, which replaces the prior Model Rule for MCLE and Comments adopted by the American Bar Association in 1988 and subsequently amended.

**Contents****Section 1. Definitions.****Section 2. MCLE Commission.****Section 3. MCLE Requirements and Exemptions.****Section 4. MCLE-Qualifying Program Standards.****Section 5. Accreditation.****Section 6. Other MCLE-Qualifying Activities.****Section 1. Definitions.**

**(A)** “Continuing Legal Education Program” or “CLE Program” or “CLE Programming” means a legal education program taught by one or more faculty members that has significant intellectual or practical content designed to increase or maintain the lawyer’s professional competence and skills as a lawyer.

**(B)** “Credit” or “Credit Hour” means the unit of measurement used for meeting MCLE requirements. For Credits earned through attendance at a CLE Program, a Credit Hour requires sixty minutes of programming. Jurisdictions may also choose to award a fraction of a credit for shorter programs.

**(C)** “Diversity and Inclusion Programming” means CLE Programming that addresses diversity and inclusion in the legal system of all persons regardless of race, ethnicity, religion, national origin, gender, sexual orientation, gender identity, or disabilities, and programs regarding the elimination of bias.

**(D)** “Ethics and Professionalism Programming” means CLE programming that addresses standards set by the Jurisdiction’s Rules of Professional Conduct with which a lawyer must comply to remain authorized to practice law, as well as the tenets of the legal profession by which a lawyer

demonstrates civility, honesty, integrity, character, fairness, competence, ethical conduct, public service, and respect for the rules of law, the courts, clients, other lawyers, witnesses, and unrepresented parties.

**(E)** “In-House CLE Programming” means programming provided to a select private audience by a private law firm, a corporation, or financial institution, or by a federal, state, or local governmental agency, for lawyers who are members, clients, or employees of any of those organizations.

**(F)** “Interdisciplinary Programming” means programming that crosses academic lines that supports competence in the practice of law.

**(G)** “Jurisdiction” means United States jurisdictions including the fifty states, the District of Columbia, territories, and Indian tribes.

**(H)** “Law Practice Programming” means programming specifically designed for lawyers on topics that deal with means and methods for enhancing the quality and efficiency of a lawyer’s service to the lawyer’s clients.

**(I)** “MCLE” or “Minimum Continuing Legal Education” means the ongoing training and education that a Jurisdiction requires in order for lawyers to maintain their license to practice.

**(J)** “Mental Health and Substance Use Disorders Programming” means CLE Programming that addresses the prevention, detection, and/or treatment of mental health disorders and/or substance use disorders, which can affect a lawyer’s ability to perform competent legal services.

**(K)** “Moderated Programming” means programming delivered via a format that provides attendees an opportunity to interact in real time with program faculty members or a qualified commentator who are available to offer comments and answer oral or written questions before, during, or after the program. Current delivery methods considered Moderated Programming include, but are not limited to:

- (1) “In-Person” – a live CLE Program presented in a classroom setting devoted to the program, with attendees in the same room as the faculty members.
- (2) “Satellite/Groupcast” – a live CLE Program broadcast via technology to remote locations (i.e., a classroom setting or a central viewing or listening location). Attendees participate in the program in a group setting.
- (3) “Teleseminar” – a live CLE program broadcast via telephone to remote locations (i.e., a classroom setting or a central listening location) or to individual attendee telephone lines. Attendees may participate in the program in a group setting or individually.
- (4) “Video Replay” – a recorded CLE Program presented in a classroom setting devoted to the program, with attendees in the same room as a qualified commentator. Attendees participate in the program in a group setting.

- (5) "Webcast/Webinar" – a live CLE Program broadcast via the internet to remote locations (*i.e.*, a classroom setting or a central viewing or listening location) or to individual attendees. Attendees may participate in the program in a group setting or individually.
- (6) "Webcast/Webinar Replay" - a recorded CLE program broadcast via the internet to remote locations (*i.e.*, a classroom setting or a central viewing or listening location) or to individual attendees. A qualified commentator is available to offer comments or answer questions. Attendees may participate in the program in a group setting or individually.

**(L)** "New Lawyer Programming" means programming designed for newly licensed lawyers that focuses on basic skills and substantive law that is particularly relevant to lawyers as they transition from law school to the practice of law.

**(M)** "Non-Moderated Programming with Interactivity as a Key Component" means programming delivered via a recorded format that provides attendees a significant level of interaction with the program, faculty, or other attendees. Types of qualifying interactivity for non-moderated formats include, but are not limited to, the ability of participants to: submit questions to faculty members or a qualified commentator; participate in discussion groups or bulletin boards related to the program; or use quizzes, tests, or other learning assessment tools. Current delivery methods considered Non-Moderated Programming with Interactivity as Key Component include, but are not limited to:

- (1) "Recorded On Demand Online" – a recorded CLE Program delivered through the internet to an individual attendee's computer or other electronic device with interactivity built into the program recording or delivery method.
- (2) "Video or Audio File" – a recorded CLE Program delivered through a downloaded electronic file in mp3, mp4, wav, avi, or other formats with interactivity built into the program recording or delivery method.
- (3) "Video or Audio Tape" – a recorded CLE Program delivered via a hard copy on tape, DVD, DVR, or other formats with interactivity built into the program recording or delivery method.

**(N)** "Self-Study" includes activities that are helpful to a lawyer's continuing education, but do not meet the definition of CLE Programming that qualifies for MCLE Credit. Self-Study includes, but is not limited to:

- (1) "Informal Learning" - acquiring knowledge through interaction with other lawyers, such as discussing the law and legal developments
- (2) "Non-Moderated Programming Without Interactivity" - viewing recorded CLE Programs that do not have interactivity built into the program recording or delivery method
- (3) "Text" - reading or studying content (periodicals, newsletters, blogs, journals, casebooks, textbooks, statutes, etc.)



(O) “Sponsor” means the producer of the CLE Program responsible for adherence to the standards of program content determined by the MCLE rules and regulations of the Jurisdiction. A Sponsor may be an organization, bar association, CLE provider, law firm, corporate or government legal department, or presenter.

(P) “Technology Programming” means programming designed for lawyers that provides education on safe and effective ways to use technology in one’s law practice, such as to communicate, conduct research, ensure cybersecurity, and manage a law office and legal matters. Such programming assists lawyers in satisfying Rule 1.1 of the ABA Model Rules of Professional Conduct in terms of its technology component, as noted in Comment 8 to the Rule (“To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology[.]”).

## **Section 2. MCLE Commission.**

The Jurisdiction’s Supreme Court shall establish an MCLE Commission to develop MCLE regulations and oversee the administration of MCLE.

### **Comments:**

1. Section 2 assumes that the Jurisdiction’s highest court is its Supreme Court and that the Supreme Court is the entity empowered to create an MCLE Commission. The titles of the applicable entities may vary by Jurisdiction.
2. Supreme Courts are encouraged to consider the following when establishing an MCLE Commission: composition of the Commission; terms of service; where and how often the Commission must meet; election of officers; expenses; confidentiality; and staffing.
3. It is anticipated that MCLE Commissions will develop Jurisdiction-specific regulations (or rules) to effectuate the provisions outlined in this Model Rule, such as regulations concerning when and how lawyers must file MCLE reports, penalties for failing to comply, and appeals. Further, it is anticipated that MCLE Commissions will develop regulations concerning the accreditation process for MCLE that is provided by local, state, and national Sponsors. This Model Rule also addresses recommended accreditation standards in Sections 4 and 5.

**Section 3. MCLE Requirements and Exemptions.****(A) Requirements.**

- (1) All lawyers with an active license to practice law in this Jurisdiction shall be required to earn an average of fifteen MCLE credit hours per year during the reporting period established in this Jurisdiction.
- (2) As part of the required Credit Hours referenced in Section 3(A)(1), lawyers must earn Credit Hours in each of the following areas:
  - (a) Ethics and Professionalism Programming (an average of at least one Credit Hour per year);
  - (b) Mental Health and Substance Use Disorders Programming (at least one Credit Hour every three years); and
  - (c) Diversity and Inclusion Programming (at least one Credit Hour every three years).
- (3) A jurisdiction may establish regulations allowing the MCLE requirements to be satisfied, in whole or in part, by the carryover of Credit Hours from the immediate prior reporting period.

**(B) Exemptions.** The following lawyers may seek an exemption from this MCLE Requirement:

- (1) Lawyers with an inactive license to practice law in this Jurisdiction, including those on retired status.
- (2) Nonresident lawyers from other Jurisdictions who are temporarily admitted to practice law in this Jurisdiction under *pro hac vice* rules.
- (3) A lawyer with an active license to practice law in this Jurisdiction who maintains a principal office for the practice of law in another Jurisdiction which requires MCLE and who can demonstrate compliance with the MCLE requirements of that Jurisdiction.
- (4) Lawyers who qualify for full or partial exemptions allowed by regulation, such as exemptions for those on active military duty, those who are full-time academics who do not engage in the practice of law, those experiencing medical issues, and those serving as judges (whose continuing education is addressed by other rules).

**Comments:**

1. While many Jurisdictions have chosen to require twelve Credit Hours per year, and a minority of Jurisdictions require fewer than twelve Credit Hours per year, Section 3(A)(1) recommends an average of fifteen Credit Hours of CLE annually, meaning lawyers must earn fifteen Credit Hours per reporting period in Jurisdictions that require annual reporting, thirty Credit Hours per reporting period in Jurisdictions that require reporting every two years, and forty-five Credit Hours per reporting period in Jurisdictions that require reporting every three years. In addition, this Model Rule recommends sixty minutes of CLE Programming per Credit Hour, which is the standard in the majority of Jurisdictions, although a minority of Jurisdictions have chosen to require only fifty minutes of CLE Programming per Credit Hour.

2. Section 3(A)(1) does not take a position on whether lawyers should report annually, every two years, or every three years, all of which are options various Jurisdictions have chosen to implement, in part based on their own Jurisdiction's administrative needs. Allowing a lawyer to take credits over a two-year or three-year period provides increased flexibility for the lawyer in choosing when and which credits to earn, but it may also lead to procrastination and may provide less incentive for a lawyer to regularly take CLE that updates his or her professional competence.

3. Section 3(A)(2) recognizes that Jurisdictions may choose to identify specific MCLE credits that each lawyer must earn, such as those addressing particular subject areas. This Model Rule recommends that every lawyer be required to take the specific credits outlined in Section 3(A)(2)(a), (b), and (c). While requiring specific credits may increase administrative burdens on accrediting agencies, CLE Sponsors, and individual lawyers, and also requires proactive efforts to ensure the availability of programs, it is believed that those burdens are outweighed by the benefit of having all lawyers regularly receive education in those specific areas.

4. Many Jurisdictions currently allow CLE Programs on topics outlined in Section 3(A)(2)(b) and (c) (relating to Mental Health and Substance Use Disorders Programming, and Diversity and Inclusion Programming) to count toward the general CLE requirement or the Ethics and Professionalism Programming requirement, rather than specifically requiring attendance at those specialty programs. This Model Rule recommends stand-alone requirements for those specialty programs, in order to ensure that all lawyers receive minimal training in those areas. With respect to Mental Health and Substance Use Disorders Programming in particular, research indicates that lawyers may hesitate to attend such programs due to potential stigma; requiring all lawyers to attend such a program may greatly reduce that concern. Nonetheless, this Model Rule recognizes that Jurisdictions may choose not to impose a stand-alone requirement and, instead, accredit those specialty programs towards the Ethics and Professionalism Programming requirement. All Jurisdictions are encouraged to promote the development of those specialty programs in order to reach as many lawyers as possible. Nearly every Jurisdiction has a lawyers assistance program that can offer, or assist in offering, Mental Health and Substance Use Disorders Programming. In addition, numerous bar associations, including the American Bar Association, have diversity committees that can offer, or assist in offering, Diversity and Inclusion Programming.

5. Section 3(A)(3) endorses regulations that allow lawyers to carry over MCLE credits earned in excess of the current reporting period's requirement from one reporting period to the next, which encourages lawyers to take extra MCLE credits at a time that meets their professional and learning needs without losing credit for the MCLE activity. It is anticipated that each Jurisdiction will draft carryover credit regulations that best meet the Jurisdiction's needs, taking into account factors such as the length of the reporting period, the availability of CLE Programs in the Jurisdiction, administrative considerations, and other factors.

6. Section 3(B) recognizes that Jurisdictions may choose to exempt certain lawyers from MCLE requirements. It is anticipated that regulations addressing such exemptions will identify those who are automatically exempt, those who may seek an exemption based on their particular circumstances, and the process for claiming an exemption.

7. Section 3(B)(3) provides a mechanism for lawyers licensed in more than one Jurisdiction to be exempt from MCLE requirements if the lawyer satisfies the MCLE requirements of the Jurisdiction where his or her principal office is located. A Jurisdiction may consider limiting this exemption to lawyers with principal offices in certain Jurisdictions if the Jurisdiction is concerned that the MCLE rules of other Jurisdictions vary too greatly from its own rules. A Jurisdiction may also consider limiting this exemption to require that the lawyer attend particular CLE Programs, such as a Jurisdiction-specific professionalism program, or other specific programs not required in the Jurisdiction where the lawyer's principal office is located.

#### **Section 4. MCLE-Qualifying Program Standards.**

To be approved for credit, Continuing Legal Education Programs must meet the following standards:

**(A)** The program must have significant intellectual or practical content and be designed for a lawyer audience. Its primary objective must be to increase the attendee's professional competence and skills as a lawyer, and to improve the quality of legal services rendered to the public.

**(B)** The program must pertain to a recognized legal subject or other subject matter which integrally relates to the practice of law, professionalism, diversity and inclusion issues, mental health and substance use disorders issues, civility, or the ethical obligations of lawyers. CLE Programs that address any of the following will qualify for MCLE credit, provided the program satisfies the other accreditation requirements outlined herein:

- (1) Substantive law programming
- (2) Legal and practice-oriented skills programming

- (3) Specialty programming (*see* Section 3(A)(2))
- (4) New Lawyer Programming (*see* Section 1(L))
- (5) Law Practice Programming (*see* Section 1(H))
- (6) Technology Programming (*see* Section 1(P))
- (7) Interdisciplinary Programming (*see* Section 1(F))
- [(8) Attorney Well-Being Programming]

**(C)** The program must be delivered as Moderated Programming, or Non-Moderated Programming with Interactivity as a Key Component. The Sponsor must have a system which allows certification of attendance to be controlled by the Sponsor and which permits the Sponsor to verify the date and time of attendance.

**(D)** Thorough, high-quality instructional written materials which appropriately cover the subject matter must be distributed to all attendees in paper or electronic format during or prior to the program.

**(E)** Each program shall be presented by a faculty member or members qualified by academic or practical experience to teach the topics covered, whether they are lawyers or have other subject matter expertise.

**Comments:**

1. This Model Rule recommends approval of CLE programs designed for lawyers on the topics outlined in Section 4(B). This Model Rule supports allowing a lawyer to make educated choices about which programs will best meet the lawyer's educational needs, recognizing that the lawyer's needs may change over the course of his or her career. Therefore, this Model Rule does not place limits on the number of credits that can be earned through the programs identified in Section 4(B).

2. Section 4(B)(4) supports accrediting CLE Programs specifically designed for new lawyers. Many Jurisdictions require new lawyers to take one or more specific programs that focus on basic skills and substantive law particularly relevant to new lawyers, either prior to or immediately after bar admission. Other Jurisdictions simply accredit such programs as general CLE. The catalyst for some Jurisdictions to begin offering such programs was a 1992 ABA task force report entitled: "Task Force on Law Schools and the Profession: Narrowing the Gap" (commonly known as the "MacCrate Report"), which offered numerous recommendations for preparing law students and new graduates to practice law. This Model Rule supports the creation of programs designed for new lawyers, but does not specifically require such programs, because many Jurisdiction-specific

factors may influence a Jurisdiction's decision on this issue, such as the number of lawyers in the Jurisdiction, the availability of existing CLE programs, whether there are specific Sponsors available to teach such programs, similar educational programs required before licensure, and other factors.

3. Law Practice Programming, Section 4(B)(5), is programming specifically designed for lawyers on topics that deal with means and methods for enhancing the quality and efficiency of a lawyer's service to the lawyer's clients. Providing education on the operation and management of one's legal practice can help lawyers avoid mistakes that harm clients and cause law practices to fail. In some cases, Law Practice Programming may qualify as Ethics and Professionalism Programming.

4. Technology Programming, Section 4(B)(6), provides education on safe and effective ways to use technology in one's law practice, such as to communicate, conduct research, ensure cybersecurity, and manage a law office and legal matters, thereby assisting lawyers in satisfying Rule 1.1 of the ABA Model Rules of Professional Conduct in terms of its technology component, as noted in Comment 8 to the Rule ("To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology[.]"). In some cases, Technology Programming may qualify as Ethics and Professionalism Programming.

5. Interdisciplinary Programming, Section 4(B)(7), provides a lawyer the opportunity to gain knowledge about a subject pertinent to his or her law practice, such as the treatment of particular physical injuries, child development, and forensic accounting.

6. In recent years, some Jurisdictions have begun accrediting programming that addresses attorney wellness or well-being topics. Some of those programs qualify for accreditation under this Model Rule's definitions of Mental Health and Substance Use Disorders Programming and Ethics and Professionalism Programming. In the future, this Model Rule may be amended to include additional programming that falls within a broader definition of Attorney Well-Being Programming. For that reason, Section (4)(B)(8) appears in brackets and Attorney Well-Being Programming is not defined in this Model Rule.

7. If a lawyer seeks MCLE credit for attending a program that has not been specifically designed for lawyers, including but not limited to programs on the topics identified in Section 4(B), Jurisdictions may choose to consider creating regulations that would require the lawyer to explain how the program is beneficial to the lawyer's practice. The regulations could also address how to calculate Credit Hours for programs that were not designed for lawyers.

8. In-Person Moderated Programming, *see* Section 4(C) and Section 1(K)(1), requires lawyers to leave their offices and learn alongside other lawyers, which can enhance the education of all and promote collegiality. Other forms of Moderated Programming and Non-Moderated Programming

with Interactivity as a Key Component, such as Section 4(C), Section 1(K) and (M), and Section 4(A)(2), allow lawyers to attend programs from any location and, in some cases, at the time of their choice. This flexibility allows lawyers to select programs most relevant to their practice, including specialized programs and programs with a national scope. Some Jurisdictions have expressed concern with approving programming that does not occur In-Person on grounds that the lawyer is less engaged. Thus, some Jurisdictions have declined to accredit or have limited the number of credits that can be earned through these other forms of programming. This Model Rule supports allowing a lawyer to make educated choices about whether attending Moderated Programming (In-Person or other) or Non-Moderated Programming with Interactivity as a Key Component will best meet the lawyer's educational needs, recognizing that the lawyer's needs may change over the course of his or her career. Therefore, this Model Rule does not place limits on the number of credits that can be earned through Moderated Programming or Non-Moderated Programming with Interactivity as a Key Component. If a Jurisdiction believes that Moderated Programming, specifically In-Person Programming, is crucial to a lawyer's education, then it is recommended that the Jurisdiction establish a minimum number of credits that must be earned through this type of programming, rather than place a cap on the number of credits that can be earned through other types of programming. A key factor in deciding whether to require In-Person Programming is the availability of programs throughout a particular Jurisdiction, which may be affected by geography, the number of CLE Sponsors, and other Jurisdiction-specific factors.

9. Currently, all Jurisdictions calculate credits exclusively based on the number of minutes a presentation lasts. Several Jurisdictions have explored offering MCLE credit for self-guided educational programs, such as those offered using a computer simulation that is completed at the lawyer's individual pace. Jurisdictions may wish to consider offering MCLE credit for such programs, especially as technology continues to advance.

10. Self-Study does not qualify for MCLE Credit. Jurisdictions have used the term "self-study" in varying ways. As defined in this Model Rule, Self-Study refers to activities that are important for a lawyer's continuing education and professional development, but which do not qualify as MCLE. Lawyers are encouraged to engage in Self-Study as a complement to earning MCLE Credits.

#### **Section 5. Accreditation.**

**(A)** The Jurisdiction shall establish regulations that outline the requirements and procedures by which CLE Sponsors can seek approval for an individual CLE Program. The regulations should indicate whether the Jurisdiction imposes specific requirements with respect to the following:

- (1) Faculty credentials
- (2) Written materials
- (3) Attendance verification

(4) Interactivity

(5) Applications and supplemental information required (agenda, sample of materials, faculty credentials, etc.)

(6) Accreditation fees

**(B)** Any Sponsor may apply for approval of individual programs, but if the Jurisdiction determines that a Sponsor regularly provides a significant volume of CLE programs that meet the standards of approval and that the Sponsor will maintain and submit the required records, the Jurisdiction may designate, on its own or upon application from a Sponsor, such a Sponsor as an “approved provider.” The MCLE Commission may revoke approval if a Sponsor fails to comply with its regulations, requirements, or program standards.

**(C)** Programs offered by law firms, corporate or government legal departments, or other similar entities primarily for the education of their members or clients will be approved for credit provided that the program meets the standards for accreditation outlined in Section 4.

**(D)** A Jurisdiction may establish regulations allowing an individual lawyer attendee to self-apply for MCLE Credit for attending a CLE program that the Sponsor did not submit for accreditation in the Jurisdiction where the individual lawyer is licensed.



**Comments:**

1. The vast majority of Jurisdictions now require MCLE. Over the four decades during which Jurisdictions began implementing MCLE requirements, they have taken a variety of approaches to accreditation requirements and processes. This has allowed Jurisdictions to consider Jurisdiction-specific priorities and needs when drafting CLE requirements. However, this has created challenges for CLE Sponsors seeking program approval in multiple Jurisdictions. Many regional and national CLE Sponsors spend considerable time and resources to file applications in multiple Jurisdictions with differing program requirements. This increased financial and administrative burden can increase costs for CLE attendees, and it can also affect the number of programs being offered nationwide on specialized CLE and federal law topics. While differences in regulatory requirements among Jurisdictions are likely to continue, Jurisdictions are encouraged to consider ways to reduce financial and administrative burdens so that CLE Sponsors can offer programming that meets lawyers' educational needs at a reasonable price. For instance, Jurisdictions can promulgate regulations that are clear and specific, and they can streamline application processes, both of which would make it easier for Sponsors to complete applications and know with greater certainty whether programs are likely to be approved for MCLE credit. In addition, Jurisdictions may choose to reduce administrative costs to the Jurisdictions, CLE Sponsors, and individual lawyers by recognizing an accreditation decision made for a particular program by another Jurisdiction, thereby eliminating the need for the CLE Sponsor or individual lawyer to submit the program for accreditation in multiple Jurisdictions. Jurisdictions might also consider creating a regional or national accrediting agency to supplement or replace accreditation processes in individual Jurisdictions.

2. Many Jurisdictions outline specific requirements for CLE program faculty members, such as requiring that at least one member of the faculty be a licensed lawyer. Section 5(A)(1) does not suggest specific regulations with respect to faculty, but Section 4(B) recognizes the value of programming in Law Practice, Technology, and Interdisciplinary topics. For CLE Programs on those topics, the most qualified speaker may be a non-lawyer. Therefore, Jurisdictions are encouraged to allow non-lawyers to serve as speakers in appropriate circumstances, and Sponsors are encouraged to include lawyers in the planning and execution of programs to ensure that any subject area is discussed in a legal context.

3. All Jurisdictions currently require that a CLE program include written materials, which enhance the program and serve as a permanent resource for attendees. Section 4(D) continues to require program materials for a program to qualify for credit. Section 5(A)(2) does not suggest specific requirements for written materials, but Jurisdictions are encouraged to provide clear guidance on the format and length of required materials, which will better enable CLE Sponsors and individual lawyers seeking credit for programs to satisfy the Jurisdiction's requirements with respect to written materials.

4. Section 5(A)(3) recognizes that many Jurisdictions require lawyers to complete attendance sheets at In-Person CLE programs or provide proof they are attending an online program. This

Model Rule does not take a position on how Jurisdictions should verify attendance, but Jurisdictions are encouraged to weigh the benefits of particular methods of verifying attendance against the administrative cost of the various methods of tracking and reporting attendance.

5. Section 5(A)(4) acknowledges that many Jurisdictions require that attendees have an opportunity to ask the speakers questions. While this Model Rule does not offer specific regulations on this topic, this Model Rule does endorse Moderated Programming with Interactivity as a Key Component, which includes allowing lawyers to attend CLE on demand. Those Jurisdictions that wish to provide an opportunity for attendees to ask questions are encouraged to consider alternate ways of allowing speakers and attendees to communicate, such as using Webinar chat rooms or email.

6. Section 5(A)(6) recognizes that most Jurisdictions impose fees on CLE Sponsors or individual lawyers to offset the cost of accrediting and tracking MCLE credits. The amount and type of fees vary greatly by Jurisdiction. In some cases, CLE Sponsors make decisions about where they will apply for accreditation based on the fees assessed, and may decide not to seek credit in particular Jurisdictions, such as if providing MCLE credit for a handful of attendees costs more than the tuition paid by those attendees. This can affect the availability of CLE programming to individual lawyers, especially on national and specialized topics that may not otherwise be offered in a particular Jurisdiction. Jurisdictions are encouraged to consider various fee models when determining how best to cover administrative costs.

7. For an approved provider system, see Section 5(B), Jurisdictions should create regulations which define the standards, application process for approved provider status, ongoing application process for program approval, reporting obligations, fees, and benefits of the status. Benefits may include reduced paperwork when applying for individual programs, reduced fees for program applications, or presumptive approval of all programs.

8. Many Jurisdictions impose specific requirements on In-House CLE Programming, which is sponsored by a private law firm, a corporation, or financial institution, or by a federal, state or local governmental agency for lawyers who are members, clients, or employees of any of the those organizations. This Model Rule recommends that Jurisdictions treat In-House Sponsors the same as other Sponsors and allow for full accreditation of programs when all other standards of Section 4 have been met.

9. Section 5(D) endorses regulations that allow an individual lawyer to self-apply for MCLE credit for attending a CLE Program that would qualify for MCLE Credit under Section 4, but which was not submitted for accreditation by the Sponsor in the Jurisdiction where the individual lawyer is licensed. This allows greater flexibility for a lawyer to select CLE programming that best meets his or her educational needs regardless of where the program Sponsor has chosen to apply for MCLE credit. It is anticipated that each Jurisdiction will draft regulations that best meet the Jurisdiction's needs, taking into account factors such as: the standards, delivery format, and

content of the program; the Sponsor's qualifications; other accreditation of the program by CLE regulators; the availability of CLE Programs in the Jurisdiction; administrative considerations, including fees; and other factors.

#### **Section 6. Other MCLE-Qualifying Activities.**

Upon written application of the lawyer engaged in the activity, MCLE credit may be earned through participation in the following:

**(A) Teaching** – A lawyer may earn MCLE credit for being a speaker at an accredited CLE program. In addition, lawyers who are not employed full-time by a law school may earn MCLE credit for teaching a course at an ABA-accredited law school, or teaching a law course at a university, college or community college. Jurisdictions shall create regulations which define the standards, credit calculations, and limitations of credit received for teaching or presenting activities.

**(B) Writing** – A lawyer may earn MCLE credit for legal writing which:

- (1) is published or accepted for publication, in print or electronically, in the form of an article, chapter, book, revision or update;
- (2) is written in whole or in substantial part by the applicant; and
- (3) contributed substantially to the continuing legal education of the applicant and other lawyers.

Jurisdictions shall create regulations which define the standards, credit calculations, and limitations of credit received for writing activities.

[(C) Pro Bono]

[(D) Mentoring]

#### **Comments:**

1. A minority of Jurisdictions award MCLE credit for providing pro bono legal representation. This Model Rule takes no position on whether such credit should be granted, as many Jurisdiction-specific factors may influence a Jurisdiction's decision on this issue, such as the extent of free legal services existing in the Jurisdiction and pro bono requirements imposed by the Jurisdiction's ethical rules. Accordingly, this option appears in brackets in this Model Rule.

2. A minority of Jurisdictions award MCLE credit for participating in mentoring programs for fellow lawyers. This Model Rule takes no position on whether credit should be available for that activity, as many Jurisdiction-specific factors may influence a Jurisdiction's decision on this issue, such as the perceived need for formal mentoring programs in the Jurisdiction and the

availability of organizations to administer formal mentoring programs. Accordingly, this option appears in brackets in this Model Rule.

## REPORT

Nearly thirty years have passed since the American Bar Association House of Delegates adopted the Model Rule for Minimum Continuing Legal Education (MCLE) and Comments (hereafter, “1988 MCLE Model Rule”) to serve as a model for a uniform standard and means of accreditation of CLE programs and providers. The CLE landscape has changed considerably in the last three decades. Technological advancements have made it possible for lawyers to learn about the law in new and exciting ways. Evolution in the practice of law and changes in society have also created opportunities for educating lawyers about new subjects. In addition, increasing numbers of lawyers are licensed in more than one Jurisdiction.<sup>1</sup>

Although only thirty United States Jurisdictions required MCLE in 1988, forty-six states and four other Jurisdictions now do so.<sup>2</sup> While each Jurisdiction has its own MCLE rules and regulations, many requirements are consistent across Jurisdictions. As Jurisdictions continue to evaluate their MCLE requirements, they look to successes and challenges other Jurisdictions have experienced, as well as to the 1988 MCLE Model Rule. In light of the many changes that have occurred in CLE and the legal profession over the past thirty years, the time has come to adopt a new MCLE Model Rule to assist Jurisdictions in the years to come. This Model Rule retains many of the core provisions of the 1988 MCLE Model Rule, but it eliminates some detailed recommendations, such as those concerning the organization of MCLE commissions in each Jurisdiction and specific penalties for lawyers who do not satisfy MCLE requirements. This Model Rule also adds a definitions section, as well as new recommendations for specific types of programming and methods of program delivery. In addition, it has been reorganized for easier navigation.

### **I. Model Rule drafting process.**

Although the 1988 MCLE Model Rule was amended by the House of Delegates several times over the last three decades, the House of Delegates has not considered the document as a whole since it was adopted. In recent years, the MCLE Subcommittee of the ABA Standing Committee on Continuing Legal Education (“SCOCLE”) discussed several developments in CLE

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<sup>1</sup> The terms “Jurisdiction” and “Sponsor” are among those defined in Section 1 of the Model Rule. Those terms are capitalized in this report.

<sup>2</sup> United States Jurisdictions include the fifty states, the District of Columbia, territories, and Indian tribes. The following forty-six states require lawyers to take MCLE: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. In addition, Guam, Mariana Islands, Puerto Rico, Virgin Islands, and some Indian tribes (e.g., Navajo Nation) require MCLE.

that could necessitate amendments to the 1988 MCLE Model Rule. Then, in August 2014, the House of Delegates passed Resolution 106, which specifically asked SCOCLE to consider changes to the 1988 MCLE Model Rule, including those related to law practice CLE. *See* 2014A106.

To address issues identified by the MCLE Subcommittee and by Resolution 106, SCOCLE initiated the MCLE Model Rule Review Project (hereafter, “Project”), which has undertaken a comprehensive review of the 1988 MCLE Model Rule. The Project began by seeking volunteers from within and outside the ABA to serve on working groups. Over fifty volunteers—including individual lawyers, ABA leaders, CLE regulators, CLE providers, judges, academics, law firm professional development coordinators, and state/local/specialty bar association leaders—considered a wide variety of issues related to MCLE, including: CLE delivery methods, substantive law programming, specialty programming, CLE for specific constituent groups, the impact of technology on CLE, international approaches to CLE,<sup>3</sup> and many other topics.

Based on reports of the various working groups and larger discussions with working group members and other interested persons, the Project prepared a draft Model Rule that was circulated for comment to entities within and outside the ABA in August 2016. As a result of feedback from various entities and individuals, the draft was revised and is now being submitted to the House of Delegates for adoption.

## II. The Purpose of MCLE.

Long before Jurisdictions began requiring CLE, Jurisdictions recognized the need for CLE.<sup>4</sup> “Continuing legal education ... was originally implemented as a voluntary scheme after World War II to acclimate attorneys returning to practice after a lengthy absence in the military

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<sup>3</sup> The International Approaches working group looked at MCLE requirements in Canada, New Zealand, Australia, England, and Wales. In Canada, between 2009 to 2016, eight of the ten provinces and the three territories introduced a mandatory credit hours system. Although these Canadian requirements are similar to those in the U.S.A., the regulatory mechanisms have been designed to be less complex and significantly less expensive to administer. In New Zealand and four Canadian jurisdictions, a learning or study plan requirement has been introduced either in combination with or in place of a credit hours requirement. Most Australian states have a mandatory credit hours system. Very recently in England and Wales, the credit hours requirement for solicitors has been eliminated in place of a requirement that solicitors certify they are maintaining their competence to practice law. For information on these changes in England and Wales, please visit: <http://www.sra.org.uk/solicitors/cpd/solicitors.page>. Barristers in England and Wales moved to a similar requirement that became effective on January 1, 2017. *See* <https://www.barstandardsboard.org.uk/regulatory-requirements/regulatory-update-2016/bsb-regulatory-update-may-2016/changes-to-cpd/>.

<sup>4</sup> Several important national conferences considered the role of CLE. They were known as the “Arden House” conferences and were held in 1958, 1963, and 1987. More recently, in 2009, the Association for Continuing Legal Education Administrators (ACLEA) and the American Law Institute-American Bar Association (ALI-ABA) cosponsored an event called “Critical Issues Summit, Equipping Our Lawyers: Law School Education, Continuing Legal Education, And Legal Practice in the 21st Century.”

and to meet the needs of increased numbers in the profession.”<sup>5</sup> In 1975, Minnesota and Iowa became the first states to require MCLE, in part to counteract negative publicity caused by the involvement of lawyers in the Nixon Watergate scandal.<sup>6</sup>

Ultimately, it is clear that the primary reasons for requiring CLE have remained the same since the first states began requiring MCLE forty years ago: ensuring lawyer competence, maintaining public confidence in the legal profession, and promoting the fair administration of justice. In recognition of those goals, this Model Rule includes the following Purpose Statement, from which all other provisions of the Model Rule flow:

To maintain public confidence in the legal profession and the rule of law, and to promote the fair administration of justice, it is essential that lawyers be competent regarding the law, legal and practice-oriented skills, the standards and ethical obligations of the legal profession, and the management of their practices. In furtherance of this purpose, the ABA recommends this Model Rule for Minimum Continuing Legal Education (MCLE) and Comments, which replaces the prior Model Rule for MCLE and Comments adopted by the American Bar Association in 1988 and subsequently amended.

### III. Key themes addressed by this Model Rule.

The Project’s working groups were asked to consider what works well in Jurisdictions that require MCLE and what has challenged consumers, providers, and regulators of MCLE. Several key themes emerged and are reflected in this Model Rule.

First, when it comes to regulating MCLE, there are many similarities among Jurisdictions, but no two Jurisdictions have identical rules and regulations. Given that the vast majority of Jurisdictions already have MCLE rules and regulations in place, it is unrealistic to expect that every Jurisdiction will adopt identical rules. Rather than suggest that every Jurisdiction adopt identical rules for every aspect of MCLE administration, this Model Rule focuses on the most important aspects of MCLE, including those that affect MCLE on a national level. The Model Rule states that it is anticipated that Jurisdictions will develop additional rules and regulations to address administrative decisions such as reporting deadlines, fees, attendance verification, and other issues.

Second, the continuing education needs of lawyers vary based on the lawyer’s length of experience, practice setting, and area of practice. For instance, an introduction to an individual

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<sup>5</sup> Lisa A. Grigg, Note, “The Mandatory Continuing Legal Education (MCLE) Debate: Is It Improving Lawyer Competence or Just Busy Work?”, 12 *BYU. J. PUB. L.* 417, 418 (1998). For additional history of the development of MCLE, see Cheri A. Harris, *MCLE: The Perils, Pitfalls, and Promise of Regulation*, 40 *VAL. U. L. REV.* 359, 369 (2006); and Chris Ziegler and Justin Kuhn, “Is MCLE A Good Thing? An Inquiry Into MCLE and Attorney Discipline,” available at: [https://www.clereg.org/assets/pdf/Is\\_MCLE\\_A\\_Good\\_Thing.pdf](https://www.clereg.org/assets/pdf/Is_MCLE_A_Good_Thing.pdf).

<sup>6</sup> See Rocio T. Aliaga, “Framing the Debate on Mandatory Continuing Legal Education (MCLE): The District of Columbia Bar’s Consideration of MCLE,” 8 *GEO J. LEGAL ETHICS* 1145, 1150 (1995).

state's laws of intestacy will be helpful to a newer lawyer engaging in general practice in a single state, but of little use to a lawyer with twenty years of experience practicing products liability law in federal courts in six Jurisdictions. It is imperative that lawyers have access to high-quality CLE that most meets their educational needs. One way to achieve that goal is to allow lawyers to access CLE in person or using technology-based delivery methods such as teleconferences and webinars. This Model Rule addresses that goal by recommending that Jurisdictions allow lawyers to choose CLE offered in a variety of program delivery formats and not limit the number of credits that can be earned using a particular delivery format.

Third, it is important that lawyers continue to receive CLE on substantive legal topics—especially those areas in which the lawyer practices—because the law is ever-evolving. At the same time, it is also important that lawyers have access to CLE that addresses the management of their practices to ensure that they can properly serve and manage their clients. For these reasons, it is imperative that CLE be offered in substantive law areas, law practice, and technology. This Model Rule addresses that goal by recommending that Jurisdictions accredit substantive law programs, law practice programs, and technology programs, and further recommending that Jurisdictions not limit the number of credits that can be earned in a particular subject area.

Fourth, although this Model Rule is designed to allow lawyers to choose the CLE topics that best meet their educational needs, there are several topics that are so crucial to maintaining public confidence in the legal profession and the rule of law, and promoting the fair administration of justice, that all lawyers should be required to take CLE in those topic areas. Those areas include: (1) Ethics and Professionalism; (2) Diversity and Inclusion; and (3) Mental Health and Substance Use Disorders.

Fifth, the Model Rule recognizes that having each Jurisdiction draft its own rules and regulations over the past thirty years has allowed Jurisdictions to consider Jurisdiction-specific priorities and needs when drafting CLE requirements, but has also created challenges for CLE Sponsors seeking program approval in multiple Jurisdictions. There are increased financial and administrative burdens associated with seeking MCLE credit in multiple Jurisdictions, which can increase costs for CLE attendees and affect the number of programs being offered nationwide on specialized CLE and federal law topics. This Model Rule suggests several strategies Jurisdictions may consider to reduce those financial and administrative burdens so that CLE Sponsors can offer programming that meets lawyers' educational needs at a reasonable price.

Sixth, with the vast majority of Jurisdictions now requiring MCLE, many law firms, government legal departments, and other legal workplaces—especially those with offices in multiple cities and states—offer in-house CLE programs that address educational topics most relevant to the legal entity. In some Jurisdictions, these programs are not granted MCLE credit. This Model Rule recommends that Jurisdictions treat in-house Sponsors of CLE programs the same as other Sponsors and allow for full accreditation of programs when all other accreditation standards have been met.



Seventh, the legal profession includes hundreds of thousands of lawyers who are licensed in more than one Jurisdiction.<sup>7</sup> Some of these lawyers experience challenges meeting the requirements of each Jurisdiction in which they are licensed due to differences in requirements and the process for MCLE program approval. To reduce the administrative burdens on those lawyers, this Model Rule recommends that Jurisdictions adopt a special exemption for lawyers licensed in multiple Jurisdictions, pursuant to which a lawyer is exempt from satisfying MCLE requirements if he or she satisfies the MCLE requirements of the Jurisdiction where the lawyer's principal office is located.

#### **IV. 2017 MCLE Model Rule: A Closer Look.**

The Model Rule contains the aforementioned Purpose Statement plus six Sections, including:

- Section 1. Definitions.
- Section 2. MCLE Commission.
- Section 3. MCLE Requirements and Exemptions.
- Section 4. MCLE-Qualifying Program Standards.
- Section 5. Accreditation.
- Section 6. Other MCLE-Qualifying Activities.

The discussion below highlights some of the most important provisions of those Sections.

##### **A. Section 1. Definitions.**

The Definitions section defines sixteen important terms which are then incorporated in the five sections that follow. The term "Jurisdiction," which we use throughout this report, is defined as: "United States jurisdictions including the fifty states, the District of Columbia, territories, and Indian tribes." The term "Sponsor" refers to "the producer of the CLE Program responsible for adherence to the standards of program content determined by the MCLE rules and regulations of the Jurisdiction" and may include "an organization, bar association, CLE provider, law firm, corporate or government legal department, or presenter."

##### **B. Section 2. MCLE Commission.**

Section 2 and its three Comments recognize that Jurisdictions, generally acting through the Jurisdiction's highest court, will develop MCLE regulations and oversee the administration of MCLE.

##### **C. Section 3. MCLE Requirements and Exemptions.**

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<sup>7</sup> Based on publicly available information, it is estimated that approximately twenty-one percent of lawyers are licensed in more than one Jurisdiction. The percentage varies greatly by Jurisdiction. For instance, nearly forty percent of lawyers licensed in New York are licensed in another Jurisdiction, but less than ten percent of lawyers in Florida are licensed in another Jurisdiction.

Section 3(A) outlines several MCLE requirements, such as requiring lawyers with an active law license to earn an average of fifteen credit hours each year; credit hours are defined in Section 1(B) as sixty minutes. Section 3, Comment 1 recognizes that some states have chosen to require fewer than fifteen hours or to define a credit hour as less than sixty minutes. Section 3, Comment 2 acknowledges that the Model Rule does not take a position on whether lawyers should report annually, every two years, or every three years, and it includes the following observation from the 1988 MCLE Model Rule: allowing a lawyer to take credits over a two-year or three-year period provides increased flexibility for the lawyer in choosing when and which credits to earn, but it may also lead to procrastination and may provide less incentive for a lawyer to regularly take CLE that updates his or her professional competence.

Section 3(B) recommends that all lawyers be required to take three types of specialty MCLE, including: (a) Ethics and Professionalism Credits (an average of at least one Credit Hour per year); (b) Mental Health and Substance Use Disorders Credits (at least one Credit Hour every three years); and (c) Diversity and Inclusion Credits (at least one Credit Hour every three years).

Ethics and Professionalism Credits are currently required in every state and territory with MCLE. They assist in expanding the appreciation and understanding of the ethical and professional responsibilities and obligations of lawyers' respective practices; in maintaining certain standards of ethical behavior; and in upholding and elevating the standards of honor, integrity, and courtesy in the legal profession. This Model Rule defines Ethics and Professionalism Programming as: "CLE programming that addresses standards set by the Jurisdiction's Rules of Professional Conduct with which a lawyer must comply to remain authorized to practice law, as well as the tenets of the legal profession by which a lawyer demonstrates civility, honesty, integrity, character, fairness, competence, ethical conduct, public service, and respect for the rules of law, the courts, clients, other lawyers, witnesses, and unrepresented parties." *See* Section 1(D). Many Jurisdictions have similar definitions and, like the Model Rule, do not separate Ethics topics from Professionalism topics, but at least one Jurisdiction requires separate credits for those topics.<sup>8</sup>

Mental Health and Substance Use Disorders Programming is currently accredited in most Jurisdictions, and many Jurisdictions allow such programs to count towards Ethics and Professionalism Programming requirements. Three Jurisdictions specifically require all lawyers to attend programs that focus on mental health disorders and/or substance use disorders.<sup>9</sup> This Model

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<sup>8</sup> Georgia requires lawyers to attend both Ethics programs and Professionalism programs. Georgia's Rule 8-104, Regulation 4 offers this definition of the latter: "Professionalism refers to the intersecting values of competence, civility, integrity, and commitment to the rule of law, justice, and the public good. The general goal of the professionalism CLE requirement is to create a forum in which lawyers, judges, and legal educators can explore and reflect upon the meaning and goals of professionalism in contemporary legal practice. The professionalism CLE sessions should encourage lawyers toward conduct that preserves and strengthens the dignity, honor, and integrity of the legal profession."

<sup>9</sup> The following three states require one credit every three years of programming addressing mental health and/or substance use disorder issues: Nevada (substance abuse), North Carolina (substance abuse

Rule recommends that all lawyers be required to take one credit of programming every three years that focuses on the prevention, detection, and/or treatment of mental health disorders and/or substance use disorders. It is anticipated that programs may address topics including, but limited to, the prevalence and risks of mental health disorders (including depression and suicidality) and substance use disorders (including the hazardous use of alcohol, prescription drugs, and illegal drugs).

The need for required Mental Health and Substance Use Disorders Programming was underscored in early 2016 with the release of a landmark study conducted by the Hazelden Betty Ford Foundation and the American Bar Association Commission on Lawyer Assistance Programs, which revealed substantial and widespread levels of problem drinking and other behavioral health problems in the U.S. legal profession.<sup>10</sup> The study, entitled “The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys,” found that twenty-one percent of licensed, employed lawyers qualify as problem drinkers, twenty-eight percent struggle with some level of depression, and nineteen percent demonstrate symptoms of anxiety. The study found that younger lawyers in the first ten years of practice exhibit the highest incidence of these problems. The study compared lawyers with other professionals, including doctors, and determined that lawyers experience alcohol use disorders at a far higher rate than other professional populations, as well as mental health distress that is more significant. The study also found that the most common barriers for lawyers to seek help were fear of others finding out and general concerns about confidentiality. Many organizations, including the ABA Commission on Lawyer Assistance Programs, have seen the study’s findings as a call to action, which led to this Model Rule’s recommendation that all lawyers take one credit of Mental Health and Substance Use Disorder Programming every three years. Section 3, Comment 4 explains: “[R]esearch indicates that lawyers may hesitate to attend such programs due to potential stigma; requiring all lawyers to attend such a program may greatly reduce that concern.”<sup>11</sup>

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and debilitating mental conditions), and California (“Competence Issues,” formerly known as “Prevention, Detection and Treatment of Substance Abuse or Mental Illness”).

<sup>10</sup> See Krill, Patrick R.; Johnson, Ryan; and Albert, Linda, “The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys,” *JOURNAL OF ADDICTION MEDICINE*, February 2016 Volume 10 Issue 1, available at: <http://journals.lww.com/journaladdictionmedicine/toc/2016/02000>. The mainstream media have also shone a light on rates of depression in the legal system. See <http://www.cnn.com/2014/01/19/us/lawyer-suicides/>.

<sup>11</sup> At the same time, Section 3, Comment 4 recognizes that “Jurisdictions may choose not to impose a stand-alone requirement and, instead, accredit those specialty programs towards the Ethics and Professionalism Programming requirement.” In those Jurisdictions, Lawyer Assistance Programs, bar associations, and other CLE providers may wish to focus on increasing the amount of available Mental Health and Substance Use Disorder Programming, so that lawyers more frequently choose it to satisfy their Ethics and Professionalism requirement. It is extremely unlikely, however, that one hundred percent of lawyers will elect to take Mental Health and Substance Use Disorder Programming if it is not specifically required, which is why this Model Rule recommends a stand-alone requirement.

Diversity and Inclusion Programming can be used to educate lawyers about implicit bias, the needs of specific diverse populations, and ways to increase diversity in the legal profession. Currently, only three states require lawyers to take specific Diversity and Inclusion Programs, while other states allow programs on elimination of bias to qualify for Ethics and Professionalism Credits.<sup>12</sup> In February 2016, the ABA House of Delegates recognized the importance of requiring this programming when it adopted a resolution encouraging Jurisdictions with MCLE requirements to “include as a separate credit programs regarding diversity and inclusion in the legal profession of all persons regardless of race, ethnicity, gender, sexual orientation, gender identity, or disabilities, and programs regarding the elimination of bias.” *See* 2016M107.<sup>13</sup> Resolution 107 did not specify the number of credits that should be required. This Model Rule recommends that all lawyers be required to take one credit every three years.

Section 3(B) recognizes that Jurisdictions may choose to provide MCLE exemptions for certain categories of lawyers, such as those on retired status. Section (3)(B)(3) recommends an exemption for lawyers licensed in multiple Jurisdictions who satisfy the MCLE requirements of the Jurisdiction where their principal office is located. This exemption is designed to reduce the administrative burden and costs to those lawyers who have already satisfied the requirements of the Jurisdiction where their principal office is located. Section 3, Comment 7 recognizes that Jurisdictions may choose to limit the exemption to lawyers with principal offices in certain Jurisdictions, or to require that the lawyer attend particular CLE Programs, such as a Jurisdiction-specific Ethics and Professionalism Program.

#### **D. Section 4. MCLE-Qualifying Program Standards.**

Section 4 outlines the types of programs that the Model Rule suggests should receive MCLE credit. It explicitly addresses seven types of programming that are defined in Section 1, such as Technology Programming. Section 4, Comment 1 emphasizes that this Model Rule supports allowing a lawyer to make educated choices about which programs will best meet the lawyer’s educational needs, recognizing that the lawyer’s needs may change over the course of his or her career. Therefore, this Model Rule does not place limits on the number of credits that can be earned for any particular type of program, including those outlined in Section (4)(B).

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<sup>12</sup> California, Minnesota, and Oregon require specific Diversity and Inclusion Programming (which they refer to “elimination of bias” or “access to justice” programming), while states such as Hawaii, Kansas, Illinois, Maine, Nebraska, Washington, and West Virginia allow such programs to count towards their Ethics and Professionalism Programming requirements. This Model Rule encourages Jurisdictions to implement a stand-alone credit requirement, but Section 3, Comment 4 also recognizes that “Jurisdictions may choose not to impose a stand-alone requirement and, instead, accredit those specialty programs towards the Ethics and Professionalism Programming requirement.” As with the Mental Health and Substance Use Disorder Credit, it is extremely unlikely that one hundred percent of lawyers will elect to take Diversity and Inclusion Programming if it is not specifically required, which is why this Model Rule recommends a stand-alone requirement.

<sup>13</sup> The full text of ABA House of Delegates Resolution 2016M107 is available at: [http://www.americanbar.org/content/dam/aba/directories/policy/2016\\_hod\\_midyear\\_107.docx](http://www.americanbar.org/content/dam/aba/directories/policy/2016_hod_midyear_107.docx).

Section 4, Comment 2 explains that while the Model Rule supports the creation of programs designed for new lawyers, it does not specifically require such programs, because many Jurisdiction-specific factors may influence a Jurisdiction's decision on this issue, such as the number of lawyers in the Jurisdiction, the availability of existing CLE programs, whether there are specific Sponsors available to teach such programs, similar educational programs required before licensure, and other factors.<sup>14</sup>

Section 4(B)(5) and Section 4, Comment 3 recommend that Law Practice Programming be approved for MCLE credit. That programming is defined as: "programming specifically designed for lawyers on topics that deal with means and methods for enhancing the quality and efficiency of a lawyer's service to the lawyer's clients." See Section 1(H). This Model Rule provision builds on policy adopted by the ABA House of Delegates in August 2014. See 2014A106.<sup>15</sup> Resolution 106 and this Model Rule both recognize that providing education on the management of one's legal practice can help lawyers avoid mistakes that harm clients and cause law practices to fail. Lawyers require far more than knowledge of substantive law to set up and operate a law practice in a competent manner. In fact, at a national conference on CLE, it was noted that the percentage of cases involving lawyers' shortcomings in personal and practice management far outweighs the percentage of cases involving lack of substantive law awareness.<sup>16</sup> Effective client service requires lawyers to be good managers of their time and offices, skilled managers of the financial aspects of running a practice, and knowledgeable in areas that do not necessarily involve substantive law. Law Practice Programming is designed to help lawyers develop those skills.

Section 4(B)(5) and Section 4, Comment 4 recommend that Technology Programming be approved for MCLE credit. Technology Programming is defined as "programming designed for lawyers that provides education on safe and effective ways to use technology in one's law practice, such as to communicate, conduct research, ensure cybersecurity, and manage a law office and legal matters." See Section 1(P). The definition and Section 4, Comment 4 also recognize that Technology Programming "assists lawyers in satisfying Rule 1.1 of the ABA Model Rules of

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<sup>14</sup> Section 4, Comment 2 also recognizes that many of the Jurisdictions that have mandated specific CLE programming for new lawyers based the development of those programs on recommendations from a 1992 ABA task force report entitled: "Task Force on Law Schools and the Profession: Narrowing the Gap" (commonly known as the "MacCrate Report" after the late Robert MacCrate, who chaired the commission), which offered numerous recommendations for preparing law students and new graduates to practice law. New lawyer programming varies by jurisdiction. For instance, Florida, Pennsylvania, and Tennessee require new lawyers to complete basic skills courses, but Virginia requires new lawyers to take a professionalism course that focuses primarily on ethics CLE.

<sup>15</sup> The full text of ABA House of Delegates Resolution 2014A106 is available at: [http://www.americanbar.org/content/dam/aba/administrative/house\\_of\\_delegates/resolutions/2014\\_hod\\_annual\\_meeting\\_106.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/house_of_delegates/resolutions/2014_hod_annual_meeting_106.authcheckdam.pdf).

<sup>16</sup> See Critical Issues Summit, *supra* note 4.

Professional Conduct in terms of its technology component, as noted in Comment 8 to the Rule (“To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology[.]”). The ABA Ethics 20/20 Commission that proposed that Comment to Rule 1.1 concluded that “in a digital age, lawyers necessarily need to understand basic features of relevant technology” and “a lawyer would have difficulty providing competent legal services in today’s environment without knowing how to use email or create an electronic document.” *See* 2012A105A.<sup>17</sup> The Commission further noted it was important to make this duty explicit because technology is such an integral—and yet, at times invisible—aspect of contemporary law practice. One MCLE Jurisdiction not only allows for the accreditation of these programs, but also requires lawyers to take technology-related courses.<sup>18</sup>

Section 4, Comment 6 acknowledges that some Jurisdictions have begun accrediting programming that addresses attorney wellness or well-being. While some Jurisdictions explicitly accredit attorney wellness or well-being programs, others allow accreditation under their Ethics and Professionalism or Mental Health and Substance Use Disorder programming. *See, e.g.*, Maryland, South Carolina, Tennessee, and Texas.<sup>19</sup> Across the country, numerous bar association committees, lawyer assistance programs, and other entities have recognized attorney wellness and well-being as compelling and important issues that affect attorney professionalism, character, competence, and engagement. The National Task Force on Lawyer Well-Being is currently compiling the various approaches and research regarding attorney mental health and wellness and will be preparing a formal report in 2017 outlining its findings and recommendations.<sup>20</sup> ABA

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<sup>17</sup> The text of ABA House of Delegates Resolution and Report 2012A105A and additional information on the Ethics 20/20 Commission are available at: [http://www.americanbar.org/groups/professional\\_responsibility/aba\\_commission\\_on\\_ethics\\_20\\_20.html](http://www.americanbar.org/groups/professional_responsibility/aba_commission_on_ethics_20_20.html). That resolution revised then Comment 6 to Model Rule 1.1, which was renumbered as Comment 8 pursuant to Resolution and Report 2012A105C.

<sup>18</sup> On September 29, 2016, Florida became the first state to require Technology CLE, effective January 1, 2017. The Florida Supreme Court amended the MCLE requirements “to change the required number of continuing legal education credit hours over a three-year period from 30 to 33, with three hours in an approved technology program.” *See* <http://www.floridabar.org/DIVCOM/JN/jnnews01.nsf/8c9f13012b96736985256aa900624829/3b05732accd9edd28525803e006148cf!OpenDocument>.

<sup>19</sup> For more information, please visit: [www.msba.org/committees/wellness/default.aspx](http://www.msba.org/committees/wellness/default.aspx) (Maryland); [www.scbars.org/lawyers/sections-committees-divisions/committees/wellness-committee/](http://www.scbars.org/lawyers/sections-committees-divisions/committees/wellness-committee/) (South Carolina); [cletn.com/images/Documents/Regulations2013.04.16.pdf](http://cletn.com/images/Documents/Regulations2013.04.16.pdf) (Tennessee); and [www.texasbar.com/AM/Template.cfm?Section=Lawyers&Template=/CM/ContentDisplay.cfm&ContentID=15117](http://www.texasbar.com/AM/Template.cfm?Section=Lawyers&Template=/CM/ContentDisplay.cfm&ContentID=15117) (Texas).

<sup>20</sup> The National Task Force on Lawyer Well-Being is a collection of entities within and outside the ABA that was created in August 2016. Its participating entities include: ABA Commission on Lawyer Assistance Programs; ABA Standing Committee on Professionalism; ABA Center for Professional Responsibility; ABA Young Lawyers Division; ABA Law Practice Division Attorney Well-Being Committee; The National Organization of Bar Counsel; Association of Professional Responsibility Lawyers; and others.

entities participating in the Task Force may, in the future, propose amendments to the MCLE Model Rule based on the Task Force's findings and recommendations.

Section 4, Comment 8 discusses In-Person Moderated Programming, *see* Section 4(C) and Section 1(K)(1), which requires lawyers to leave their offices and learn alongside other lawyers, which can enhance the education of all and promote collegiality. Other forms of Moderated Programming and Non-Moderated Programming with Interactivity as a Key Component, such as Section 4(C), Section 1(K) and (M), and Section 4(A)(2), allow lawyers to attend programs from any location and, in some cases, at the time of their choice. This flexibility allows lawyers to select programs most relevant to their practice, including specialized programs and programs with a national scope. Some Jurisdictions have expressed concern with approving programming that does not occur in person on grounds that the lawyer is less engaged. Thus, some Jurisdictions have declined to accredit or have limited the number of credits that can be earned through these other forms of programming. This Model Rule supports allowing a lawyer to make educated choices about whether attending Moderated Programming (In-Person or other) or Non-Moderated Programming with Interactivity as a Key Component will best meet the lawyer's educational needs, recognizing that the lawyer's needs may change over the course of his or her career. Therefore, this Model Rule does not place limits on the number of credits that can be earned through Moderated Programming or Non-Moderated Programming with Interactivity as a Key Component. If a Jurisdiction believes that Moderated Programming, specifically In-Person Programming, is crucial to a lawyer's education, then it is recommended that the Jurisdiction establish a minimum number of credits that must be earned through this type of programming, rather than place a cap on the number of credits that can be earned through other types of programming.<sup>21</sup> A key factor in deciding whether to require In-Person Programming is the availability of programs throughout a particular Jurisdiction, which may be affected by geography, the number of CLE Sponsors, and other Jurisdiction-specific factors.

Section 4, Comment 9 recognizes that jurisdictions currently calculate the number of credits earned based on the number of minutes of instruction or lecture provided to attendees, but it suggests that Jurisdictions may wish to consider offering MCLE credit for self-guided educational programs, especially as technology continues to advance. Those that choose to explore other ways of calculating credit could look to the experience of other professions. For instance, Certified Professional Accountants (CPAs) may earn credit for self-paced learning programming. Calculation of credit is determined by review by a panel of pilot testers (professional level, experience, and education consistent with the intended audience of the program) and the average time of completion (representative completion time) is then used to determine credit to be received

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<sup>21</sup> Currently, several Jurisdictions limit the number of credits that may be earned through non-live programming. These include: Georgia, Indiana, Kansas, Louisiana, Mississippi, Nebraska, New Jersey, Ohio, Pennsylvania, Puerto Rico, South Carolina, Tennessee, Utah, and West Virginia. There are currently no Jurisdictions that explicitly require In-Person Programming credits; instead, they use the cap on non-live formats to effectively require In-Person Programming credits.

by all who complete the program.<sup>22</sup> The regulators require additional safeguards as part of the program including review questions and other content reinforcement tools, evaluative and reinforcement feedback, and a qualified assessment such as a final examination. CPAs may also earn credit for text-based content with credit calculation based on a word-count formula, and now allow for nano-learning—short programs (minimum 10 minutes) focusing on a single learning objective.

Section 4, Comment 10 recognizes that Jurisdictions have used the term “self-study” in varying ways. As defined in this Model Rule, Self-Study refers to activities that are important for a lawyer’s continuing education and professional development, but which do not qualify as MCLE.

#### **E. Section 5. Accreditation.**

Section 5(A) recognizes the need for regulations on topics including faculty credentials, written materials, attendance verification, interactivity, applications and accreditation fees, but it does not prescribe those specific regulations, leaving that role to individual Jurisdictions.

Section 5, Comment 1 recognizes that because regulations vary among Jurisdictions—and are likely to continue to vary—Sponsors bear significant financial and administrative burdens to seek MCLE credit in multiple Jurisdictions, which can affect the number of programs being offered nationwide on specialized CLE and federal law topics. Comment 1 suggests several ways Jurisdictions can minimize those burdens, such as by promulgating regulations that are clear and specific and by streamlining the application processes, both of which would make it easier for Sponsors to complete applications and know with greater certainty whether programs are likely to be approved for MCLE credit. Section 5, Comment 1 further states that Jurisdictions may choose to reduce administration costs to the Jurisdictions, CLE Sponsors, and individual lawyers by recognizing an accreditation decision made for a particular program by another Jurisdiction, thereby eliminating the need for the CLE Sponsor or individual lawyer to submit the program for accreditation in multiple Jurisdictions. Finally, Section 5, Comment 1 recognizes that Jurisdictions might consider creating a regional or national accrediting agency to supplement or replace accreditation processes in individual Jurisdictions.

Section 5, Comments 2, 3, 4, 5, and 6 discuss suggested provisions for faculty credentials, written materials, attendance verification, interactivity, applications and accreditation fees.

Section 5(B) recognizes that Jurisdictions may choose to create an approved provider program for Sponsors who frequently present CLE in the Jurisdiction. Section 5, Comment 7

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<sup>22</sup> The Statement on Standards for Continuing Professional Education (CPE) Programs (2016) (Standards) is published jointly by the American Institute of Certified Public Accountants (AICPA) and the National Association of State Boards of Accountancy (NASBA) to provide a framework for the development, presentation, measurement, and reporting of CPE programs. General information on those Standards is available at: <https://www.nasbaregistry.org/the-standards>. The Standards, including a discussion of the methods of calculating credit, is available at: [https://www.nasbaregistry.org/\\_media/Documents/Others/Statement\\_on\\_Standards\\_for\\_CPE\\_Programs-2016.pdf](https://www.nasbaregistry.org/_media/Documents/Others/Statement_on_Standards_for_CPE_Programs-2016.pdf).



discusses the types of regulations that would need to be created and the list of possible benefits for preferred providers.

Section 5(C) and Section 5, Comment 8 recommend that in-house programs, such as those offered by law firms, corporate or government legal departments, should be approved for credit as long as the program meets the general standards for accreditation outlined in Section 4.

Section 5(D) and Section 5, Comment 9 endorse regulations that allow an individual lawyer to self-apply for MCLE credit for attending a CLE Program that would qualify for MCLE Credit under Section 4, but which was not submitted for accreditation by the Sponsor in the Jurisdiction where the individual lawyer is licensed.

#### **F. Section 6. Other MCLE-Qualifying Activities.**

Section 6(A) and (B) recommend that lawyers be allowed to earn MCLE credit for teaching and writing, and that Jurisdictions create regulations which define the standards, credit calculations, and limitations of credit received for teaching or presenting activities or writing on legal topics.

Section 6(C) and Section 6, Comment 1 recognize that a minority of Jurisdictions award MCLE credit for providing pro bono legal representation, but this Model Rule takes no position on whether such credit should be granted, as many Jurisdiction-specific factors may influence a Jurisdiction's decision on this issue, such as the extent of free legal services existing in the Jurisdiction and pro bono requirements imposed by the Jurisdiction's ethical rules.<sup>23</sup> For that reason, Section 6(C) appears in brackets.

Similarly, Section 6(D) and Section 6, Comment 2 recognize that a minority of Jurisdictions award MCLE credit for participating in mentoring programs for fellow lawyers, giving credits to both mentors and mentees.<sup>24</sup> This Model Rule takes no position on whether credit should be available for that activity, as many Jurisdiction-specific factors may influence a Jurisdiction's decision on this issue, such as the perceived need for formal mentoring programs in the Jurisdiction and the availability of organizations to administer formal mentoring programs. For that reason, Section 6(D) appears in brackets.

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<sup>23</sup> Jurisdictions that currently allow lawyers to earn credit through the provision of pro bono legal services include: Arizona, Colorado, Delaware, Louisiana, Minnesota, New York, North Dakota, Ohio, Tennessee, Washington, Wisconsin, and Wyoming.

<sup>24</sup> For instance, Georgia and Ohio both offer lawyer-to-lawyer mentoring programs that allow lawyers to earn MCLE credit for participation. For more information on those programs, visit: <https://www.gabar.org/aboutthebar/lawrelatedorganizations/cjcp/mentoring.cfm> (Georgia) and <http://www.supremecourt.ohio.gov/AttySvcs/mentoring/> (Ohio). Other Jurisdictions which allow mentors and mentees to gain credit are: Alaska, Arizona, Colorado, Illinois, Indiana, Oregon, Texas, Utah, Washington, and Wyoming.

**V. Conclusion.**

MCLE continues to play a crucial role in maintaining public confidence in the legal profession and the rule of law and promoting the fair administration of justice. This Model Rule, which builds on four decades of experience in the Jurisdictions that have mandated MCLE, recognizes effective ways to provide lawyers with the high quality, accessible, relevant, and affordable programming that enables them to be competent regarding the law, legal and practice-oriented skills, the standards and ethical obligations of the legal profession, and the management of their practices. The American Bar Association strongly urges all Jurisdictions—whether they currently have MCLE or not—to consider implementing the recommendations in this Model Rule to further the continuing education of lawyers throughout the United States.

Respectfully Submitted,

Micah Buchdahl, Chair  
Standing Committee on Continuing Legal Education

February 2017

## MCLE Requirements in United States Jurisdictions

STATE	REQ TOTALS*	REQ CATEGORIES	NOTES	GOVERNING RULE
Alabama	12 T/yr	Of these, 1 E/professionalism	No mention of diversity/anti-bias	AL State Bar Rules for MCLE
Alaska	3 E/yr, and 9 T/yr <i>voluntary</i> CLE	3 E/yr	No mention of diversity/anti-bias	Rule 65
Arizona	15 T/yr	Of these, 3 credits of prof. resp.	No mention of diversity/anti-bias	Rule 45
Arkansas	12 T/yr	Of these, 1 in ethics (which may include professionalism)	No mention of diversity/anti-bias	AR MCLE Rule 3
California	25 T/3 yrs	Of these, 4 E plus 1 Substance Abuse/Mental Illness, plus 1 Elim. of Bias in legal prof. (originally effective 2008, in 2014 elim of bias definition broadened to include not just w/n practice of law)	1 ELIM OF BIAS REQUIRED (separate from 4 E required)	Rule 2.5
Colorado	45 T/3 yrs	Of these, 7 E	Topics on diversity included but not required	Rule 250
Connecticut	12 T/yr	Of these, 2 E/prof. resp.	No mention of diversity/anti-bias	Practice Book §2-27A
Delaware	24 T /2 yrs	Of these, 4 E	No mention of diversity/anti-bias	DE Rules for CLE
Florida	33 T/3 yrs	Of these, 5 E plus 3 technology programs	Topics on bias elimination included but not required	Rule 6-10.3
Georgia	12 T/yr	Of these, 1 E, 1 professionalism, (& 3 trial hrs for trial attys only)	Diversity included in professionalism definition but not required	GA State Bar Rule 8-104
Hawaii	3 T/yr & 1 E/3 yrs	Separate requirement -1 E/prof. resp. every 3 yrs	Topics on bias awareness/prevention included but not required	RSCH Rule 22
Idaho	30 T/3 yrs	Of these, 3 E/prof. resp.	No mention of diversity/anti-bias	IBCR 402
Illinois	30 T/2 yrs	Of these, 6 PMCLE (Prof. Resp. MCLE) incl. at least 1 diversity/inclusion AND 1 Mental health/sub. Abuse (effective 2019 - D&I req.)	1 DIVERSITY/INCLUSION REQUIRED (as part of 6 T E required)	IL Supreme Court Rule 790-798
Indiana	36 T/3 yrs (6T/yr)	Of 36 T, 3 E/prof. resp.	No mention of diversity/anti-bias	Admission & Discipline Rule 29
Iowa	15 T/yr & 3 E/2 yrs	3 E/2 yrs	Topics on diversity included but not required	Commission on CLE Ch. 41, 42
Kansas	12 T/yr	Of these, 2 E/prof.	No mention of diversity/anti-bias	Rule 802, 803
Kentucky	12 T/yr	Of these, 2 E	No mention of diversity/anti-bias	KT SCR 3.6
Louisiana	12.5 T/yr	Of these, 1 E AND 1 Professionalism	No mention of diversity/anti-bias	LA SCR for CLE Part H
Maine	11 T/yr	Of these, 1 professionalism	Topics on diversity included but not required	ME Bar Rule 5

Maryland	none			
Massachusetts	none	New admittees only – day long Practicing with Professionalism course	Practicing with Professionalism keynote topic - Elim of bias	SJC Rule 3:16
Michigan	none			
Minnesota	45 T/3 yrs	Of these, 3 E/prof. resp. plus 2 <b>Elim. of Bias</b> (effective 2016)	<b>2 ELIM OF BIAS REQUIRED</b>	MN Rules of the Board of CLE
Mississippi	12 T/yr	Of these, 1 E/prof. resp.	No mention of diversity/anti-bias	MS Rules & Regs for MCLE
Missouri	15 T/yr	Of these, 2 professionalism	No mention of diversity/anti-bias	Rule 15
Montana	15 T/yr	Of these, 2 E	No mention of diversity/anti-bias	MT Rules for CLE
Nebraska	10 T/yr	Of these, 2 prof. resp. (ethics)	Topics on diversity included but not required	NE SCR Ch 3 Art 4
Nevada	13 T/yr	Of these, 2 E, plus 1 <b>substance abuse</b>	No mention of diversity/anti-bias	NV SCR 210-215
New Hampshire	12 T/yr	Of these, 2 E/professionalism	No mention of diversity/anti-bias	NH SCR 53
New Jersey	24 T/2 yrs	Of these, 4 E/professionalism	No mention of diversity/anti-bias	NJ CR 1:42
New Mexico	12 T/yr	Of these, 2 E/professionalism	No mention of diversity/anti-bias	NM SCR 18-101 thru 303
New York*	24 T/2 yrs	Of these, 4 E/professionalism, plus 1 <b>diversity &amp; inclusion/elim. of bias</b> (effective 2018)	<b>1 DIVERSITY &amp; INCLUSION/ ELIM. OF BIAS REQUIRED</b>	NYCRR 1500
North Carolina	12 T/yr	Of these, 2 E/professionalism, plus 1 <b>technology training</b> (effective 2019), AND 1 <b>mental health/sub abuse</b> every 3 yrs	Topics on diversity included but not required	27 NCAC 1D, Sections .1500 and .1600.
North Dakota	45 T/ 3 yrs	Of these, 3 E	No mention of diversity/anti-bias	State Bar Assn of SD CLE Policies
Ohio	24 T/2 yrs	Of these, 2.5 E/professionalism, mental health, sub. Abuse, Access to Justice, Diversity	Topics on diversity included but not required	SCR for The Gvt of the Bar of OH Rule X
Oklahoma	12 Tyr	Of these, 1 E	No mention of diversity/anti-bias	MCLE rules for the SC of OK
Oregon*	45 T/3 yrs	Of these, 5 E, plus 1 <b>Elder Abuse Reporting</b> , and every alternate RP- Of total, 3 <b>Access to Justice</b> ; AND starting 2019, Of 45 T, 1 <b>Mental Health/Sub. Abuse</b>	No mention of diversity/anti-bias	OSB MCLE Rules & Regs
Pennsylvania	12 T/yr	Of these, 1 E/professionalism/sub. abuse	No mention of diversity/anti-bias	PACLE Rules & Regs
Rhode Island	10 T/yr	Of these, 2 E/professionalism	Topics on diversity included but not required	RI Judiciary Art. IV Rule 3
South Carolina	14 T/yr	Of these, 2 E/professionalism	No mention of diversity/anti-bias	SC Commission Regulations for MCLE

South Dakota	none			
Tennessee	15 T/yr	Of these, 3 E/prof. resp.	No mention of diversity/anti-bias	TN SCR 21
Texas	15 T/yr	Of these, 3 E/prof. resp.	No mention of diversity/anti-bias	TX St. Bar MCLE rule Article XII
Utah	24 T/2 yrs	Of these, 3 E/prof. resp. (1 of 3 must be professionalism/civility)	No mention of diversity/anti-bias	UT SCR of Prof. Practice Ch 14 Art 4
Vermont	20 T/2 yrs	Of these, 2 E	No mention of diversity/anti-bias	VT SCR Rules for MCLE
Virginia	12 T/yr	Of these, 2 E/professionalism	No mention of diversity/anti-bias	VA SCR MCLE regs
Washington	45 T/3 yrs	Of these, 6 E	Topics on diversity included but not required	WA SC APR 11
West Virginia	24 T/2 yrs	Of these, 3 E	Topics on elim of bias included but not required	MCLE WV Rules
Wisconsin	30 T/2 yrs	Of these, 3 E/prof. resp.	No mention of diversity/anti-bias	WI SCR 31
Wyoming	15 T/yr	Of these, 2 E	Topics on diversity included but not required	Rules of WY St. Board or CLE

NOTE – WASHINGTON, DC HAS NO MCLE REQUIREMENT (not listed, as it is not a state, but it is a jurisdiction)

\*New admittees may have additional requirements, but if there are any additional requirements concerning any different credit categories they will be listed here:

- **NY** new admittees must also complete 32T within the first two years of the date of admission, of which 16 T must be 3 E/professionalism; 6 must be skills; and 7 must be law practice management and areas of professional practice.
- **OR** new admittees must (NOT also, but only) complete in their first RP 15 T, including 2 E, and 10 practical skills. One of the E must be devoted to Oregon ethics and professionalism and four of the ten credits in practical skills must be devoted to Oregon practice and procedure. New admittees must also complete a three credit hour introductory course in access to justice.

**DIVERSITY/INCLUSION/ANTI-BIAS** – 4 (CA, IL, MN, NY)

**MENTAL HEALTH/SUBSTANCE ABUSE** –5 (CA, IL, NV, NC, OR)

**OTHER SPECIFIED CREDIT CATEGORY** – 3 (FL, NC, OR)

MCLE Task Force Report

July 2014

# REPORT AND RECOMMENDATIONS OF THE MCLE TASK FORCE

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## Background

The current MCLE rules and regulations have been amended several times over the years resulting in a long, complicated set of rules and regulations. In 2013, the MCLE Board, after receiving significant input from various sources and stakeholders, submitted a new set of suggested amendments to the Court. The suggested amendments in 2013 proposed new subject areas, credit caps on certain subjects and activities, and recommended requirements to be met to earn credits in some of the approved subjects and activities. The Court recognized the frequent amendments and difficulty in understanding the rules by all stakeholders and, therefore, tabled consideration of the suggested amendments and stated that they would wait for the Task Force's comprehensive review of the MCLE rules.

## The Process

The MCLE Task Force was charged with suggesting amendments to the MCLE rules in light of the changes in the areas of education and training, the rapidly changing legal services marketplace, and the widely varied needs of Washington lawyers and their clients in the 21<sup>st</sup> century. In order to accomplish their charge, the task force of about 20 members of the Bar Association met once a month for the last nine months. In between meetings, task force members studied MCLE related articles, information relating to best learning practices and reviewed evolving drafts of proposed APR 11 revisions. During the course of its work, the task force also heard from several different stakeholders and experts in related fields:

- Paula Littlewood, WSBA Executive Director, who discussed the future of the legal profession and the changes taking place in the 21<sup>st</sup> century.
- Mark Johnson, malpractice lawyer with Johnson Flora PLLC and past president of the BOG, who discussed malpractice claims and the fact that somewhat less than half of the claims result from substantive law knowledge errors and a significant number of claims result from administrative errors and client relations issues;
- Doug Ende, Chief Disciplinary Counsel, who discussed the underlying reasons for grievance and pointed out that violations of the RPC generally do not arise from a lack of understanding the RPCs. Rather, the data suggests that courses on improving the lawyer-client relationship would likely decrease the number of grievance;



- Peg Giffels, WSBA Education Programs Manager, who discussed key factors for learning, primarily that the subject matter be relevant and include practical application as opposed to a pure lecture format;
- Michal Badger, WSBA LAP Manager, who discussed the important correlation between a lawyer's mental and emotional health and a lawyer's career satisfaction;
- Mary Wells, WSBA LOMAP Advisor, who discussed the importance of technology related skills, employee relations skills, and practice management skills; and
- Supreme Court Justices Charles Johnson and Sheryl Gordon McCloud, who provided some insight into the matters important to the Court such as making sure the rules are relevant to the lawyers of today's world and meet the original purpose of MCLE—keeping lawyers competent to practice law.

Finally, the task force sought and considered comments and feedback from the WSBA membership and CLE providers.

## Key Premises

### Easy to Understand and Administer

The task force recommends a complete rewrite of APR 11. The rules recommended by the task force are clear, concise and easy to understand. The comprehensive review of all of the current rules and regulations led the task force to conclude that the substance and purpose of MCLE, now and going forward, is better served by these new rules. The task force believes that these new rules will greatly increase the lawyer's understanding of how to earn MCLE credit, assist efficient administration of the MCLE program, and provide each lawyer expanded opportunities to grow in the profession.

### Expanding and Diverse Bar

One of the fundamental premises on which the task force bases its recommendations is that Washington lawyers are not only engaged in the traditional lawyer-client representation, but that there is an increasing amount of lawyers in Washington whose career options or employment are in a myriad of different legal and nonlegal professions. In addition, the Bar is rapidly expanding with a large number of newer lawyers entering the profession while older lawyers are starting to retire. These newer lawyers are more diverse and more technologically savvy than previous generations of lawyers.

The task force's proposed new rules recognize, in its requirements, that a lawyer who is not practicing law in the traditional sense is still licensed to practice while an active member of the Bar. The task force's recommendations, therefore, attempt to strike a balance between the needs of protecting the public and the needs of all lawyers who may or may not be practicing law but could do so at any moment in any given situation.

### Prevention

Task force members understand that prevention of problems through education can have a positive impact on the practice of law. Several speakers and related materials addressed

the importance of creating and maintaining good lawyer-client relationships and office practices. The task force recognizes the importance of work-life balance and the fact that a happy, healthy lawyer makes a competent lawyer. Allowing lawyers to use MCLE to address lawyer-client, stress management, or office management issues will more likely increase overall client satisfaction and assist in preventing the types of issues that lead to lawyer discipline cases and malpractice claims.

### Self Regulation

The task force also recognizes the fact that the profession is self-regulating. The task force has a great deal of trust and respect for the membership and strongly believes that lawyers, in terms of both a profession and as individuals, are perfectly capable, and should be able, to choose the education that best suits their needs for their particular situation. Learning something relevant to one's situation is one of the key factors for successful learning. The recommendations are designed to address the needs of all lawyers by trusting each lawyer to decide what he or she most needs to remain competent and fit to practice law.

### The Future

Finally, the task force recognizes that these recommendations are cutting edge and forward thinking. Yes, they are ahead of other states' MCLE rules. But then so were the current rules when they were adopted. There is significant literature (including a recent ABA Committee analysis) to the effect that MCLE as currently structured is not effective in protecting the public or making better lawyers. The task force intentionally drafted rules for the future. It will be 2016 at the earliest before the new rules take effect. The task force is of the opinion that it is important to look ahead and plan for the changes in the legal landscape. These rules do that by foreseeing the needs of the whole membership, not just litigators or general practitioners, but all lawyers. By taking action now to address the educational and training needs of the membership as we see it, the lawyers of Washington will be better equipped to maintain their competence and professionalism which in turn serves to better protect the public in the long run.

## Recommendations

### Purpose (Proposed APR 11(a))

Based on those key premises, the task force recommends expanding and clearly defining the purpose of MCLE to include competence, character, and fitness. Those are the three fundamental requirements for admission to the practice of law that, therefore, should be maintained by any lawyer wishing to continue in the practice of law. The purpose also clearly states that public protection is an important purpose for MCLE.

### Education Requirements (Proposed APR 11(c))

The task force recommends that lawyers be required to complete a minimum of 15 credits in "law and legal procedure" courses and a minimum of six "ethics and professional responsibility" credits. After having met these minimum requirements, lawyers may choose to earn the remaining 24 credits in any of the approved subject areas or approved activities that qualify for MCLE credit. This is a simplified structure without credit caps

and numerous conditions for other approved activities and subject areas as found in the current rules.

### **“Law and Legal Procedure” Subject Area (Proposed APR 11(c)(1)(i) and (f)(1))**

The "law and legal procedure" subject area continues the recognition of the importance of keeping current on the law. The task force recommends that a minimum of 15 credits be earned from “law and legal procedure” courses. This subject area represents the traditional, substantive, black letter law courses, including updates and developments in all areas of law and legal procedure. Any course related to substantive “law” or “legal procedure” falls into this subject area. This subject area was created to enable the new simplified structure to work properly. More importantly, requiring courses in this subject area eliminates the possibility, as it exists now, that any one lawyer could obtain all their credits through other approved activities without attending or completing a single traditional CLE course.

### **Approved Course Subjects (Proposed APR 11(f))**

The task force recommends more diversity in the approved course subjects. As discussed above, after a lawyer meets the minimum 15 “law and legal procedure” course credits and the six “ethics” credits, the remaining credits may be earned in a number of other approved subject areas. All of the proposed course subjects relate directly to the practice of law and the legal profession. In fact, most of them are already approved for CLE credit under the existing rules or were included in the 2013 suggested amendments. These subject areas incorporate the needs of all lawyers as identified by the expert reports to the task force.

This structure allows lawyers who are engaged in the practice of law to choose to continue to supplement their knowledge of the law by attending additional “law” courses. On the other hand, lawyers may choose courses or activities that enhance their knowledge and skills relevant to their situation or the legal profession while at the same time maintaining minimum competence to practice law.

### **No “Live” Credit Requirement**

The task force recommends the elimination of the “live” credit requirement. Currently, the rules require lawyers to earn at least half of their credits by attending courses that occur in real time—this includes live webcasts.

There are several factors that convinced the task force to eliminate the “live” credit requirement. Members often express concern about the cost of CLE courses—and not only the course tuition or registration fees. For many members, the cost of attending CLE courses in person includes travel expenses and time away from the home and office. A majority of newer lawyers, post-recession, may not be able to quickly find employment. In addition, those new lawyers finding employment typically start out in small law firms (two-to-ten lawyer size firms) rather than joining large law firms as has been the case historically. These lawyers do not have the same resources and ability to take time away from the office as lawyers in larger law firms. In addition, the Bar

Association now has over 30,000 active lawyers living and working around the world so access and expense is a real issue.

Among other factors are the rapid advances in technology that now bring pedagogically sophisticated CLE courses into lawyers' offices and homes, and, the reality that most live seminars are simply lectures with a brief question and answer period at the end. Research shows that these lecture programs are a less effective learning method compared to actual "doing" (trial advocacy programs, handling a pro bono case, for example). There are very few courses that provide significant time for participation or application of the new knowledge or skills. Given this reality, the task force sees little benefit in travelling to or viewing a live lecture when the same experience can be replicated at your home or office at a time that is convenient for you.

The task force understands that in a proper learning environment the best learning can happen when people are able to participate and interact with the educators and other attendees. Likewise, the task force understands the need for some lawyers to use CLE courses and seminars as a way to network and connect with other lawyers in their areas of practice. These are all good reasons for sponsors to continue to offer these live courses.

The task force is of the opinion that those lawyers who need or want a "live" or participatory experience will continue to seek out such courses. It may even turn out that CLE providers will improve their "live" offerings to capture lawyers who are looking for courses that are more than a lecture. However, "live" should not be a requirement especially when such a requirement does not necessarily provide a better learning experience and can also be a barrier for those with limited means or limited geographic opportunities to attend "live" courses.

#### **Approved Activities (Proposed APR 11(e))**

The task force recommends simplifying requirements for earning credits for approved activities. The primary recommendations for approved activities involve removing credit caps and most of the requirements to be able to earn credits for the activities. This, again, simplifies and works with the new recommended structure for earning credits after the minimum requirements are met. One significant change is the recommendation that CLE speakers or presenters earn a maximum of five credits of preparation time *per hour* of presentation time. This is a change from the current ten credits *per course*.

The task force also recommends adding mentoring for MCLE credit. This is the most significant recommendation in this section. The task force believes mentoring is important for the profession and that both the mentor and mentee should earn MCLE credit in this experiential learning environment. The task force recommends that credit be awarded for structured mentoring programs that are approved by the MCLE Board. The MCLE Board would be tasked with establishing standards for approving mentoring programs.

### **Sponsor Deadline for Application for Approval of Courses (Proposed APR 11(g))**

Finally, the task force recommends requiring all sponsors to apply for credit at least 15 days prior to the date of the course. This is likely the most significant recommendation affecting sponsors of CLE courses. Currently, only private law firms, corporate legal departments and government sponsors need to apply in advance of the first presentation of the course. The purpose is to encourage sponsors to apply for credit in advance so that lawyers know in advance what courses are available and how much MCLE credit they are going to earn from attending a course. Sponsors who fail to meet the deadline may still submit an application for approval subject to a late fee.

### **Conclusion**

In conclusion, the recommendations of the task force for updating APR 11 are much broader, deeper, and clearer than previous amendments. The recommendations arise out of the context of today's 21<sup>st</sup> century Washington state lawyer who is now practicing in a global economy with rapidly changing technologies which are in turn radically changing the practice of law. The recommendations also address specific current and future needs of WSBA members wanting healthier practices and recognition that the practice of law – and use of a lawyer's skills – is much wider than in the past. In addition, the recommendations are based on solid pedagogical grounding – that mandatory legal education is only effective if it addresses a lawyer's true needs and is relevant to the lawyer. The public is also best protected and served when members take courses that address true need.

The lawyers on the MCLE Task Force were specially chosen to represent a broad cross-section of the WSBA membership. As such, over the past nine months there were many opposing views on specific issues. The task force members held true to the overarching purpose of MCLE and – with each issue – were able to find the balance point that all could agree on. The task force's recommendations are the result of this collaborative, deliberative and reflective process.

## Written Feedback about Suggested Amendment

This document is divided into two sections. The first section (A) includes all comments received as of 9:00 a.m. on August 13, 2019. The comments have not been edited in any way, including content, typographical errors, etc., and because the comments were submitted for consideration at a public meeting, we have included the commenters' names but not their email addresses or other identifying information.

### How Responses Were Classified:

Based on the content, comments have been assigned to one of three categories: "In Opposition", "In Support", and "Other/Mixed" (which may state partial support, partial opposition, and/or other ideas or comments). Within these three major groupings, comments are displayed in random order. Only comments that explicitly state their opposition or support for the **entire** proposal are in the "In Opposition" or "In Support" section. The MCLE staff acknowledge that each comment is nuanced, and they are sorted into broad categories so as to not misrepresent any one individual statement.

The second section (B) of this document includes all comments received after 9:00 a.m. on August 13, 2019 and have not been classified. The comments have not been edited in any way, including content, typographical errors, etc., and because the comments were submitted for consideration at a public meeting, we have included the commenters' names but not their email addresses or other identifying information.

## Section A

## In Opposition:

1. I read the proposed changes to MCLE requirements and it reminded me of the requirements I must meet in California, which include: at least one hour on competence issues and at least one hour in an area called the Recognition and Elimination of Bias in the Legal Profession and Society. I have found these additional requirements to be essentially useless and also difficult to find appropriate sessions. Typically I complete this requirement with AV materials, but, in the end, it is mostly common sense and really of no value to my legal education. I urge you not to adopt this new standard as it is primarily driven by political correctness rather than attorney competence, which should be the focus of MCLE requirements. -Tom Prescott
2. I am against the proposed amendment to the Admission and Practice Rule (APR) 11. The bar association should not mandate particular subject requirements within a category of MCLE requirements, particularly topics that could be considered politically motivated. Members should have the discretion to choose topics most related to their particular area of practice. -Eric Graham
3. Really? 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. Might I suggest that this busybody proposal be tied to an increased Keller Deduction? -Gene R. Moses
4. I received notice of a proposed rule change requiring one credit in specific categories. I am against this proposal. As an Active Duty military JAG, I already have a hard enough time meeting the ethics requirements. In fact, many of my colleagues states waive CLE requirements for them while they are on Active Duty. I had to pay out of pocket to make my ethics requirements last reporting period, and of Washington continues with development of niche reporting categories that will only continue and probably be worse. If the state continues with this idea, I'd request a government or military exemption. -Alex Rose
5. I do not support the APR 11 amendment. -Dawn Thorsness
6. I do not recommend amending the ethics requirement under APR 11 to "require one credit in each of the following subjects per reporting period: 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security." I recommend that ethics amendments must have an empirical basis, i.e., they are substantiated by actual patterns of misconduct (ethical or not) as evidenced by data from WSBA disciplinary proceedings. -Craig Watt
7. I have practiced law in Washington for 33 years. I am opposed to amending the ethics requirement to force attorneys to choose among the 3 listed topics for their ethics credits. I believe attorneys should be trusted to select the ethics courses that will improve their practice and conduct as attorneys. Forcing attorneys to attend seminars in the three listed areas will not improve the practice of law; it will only require attorneys to either (1) attend a seminar they would have attended anyway; or (2) attend a seminar in which he/she is not interested simply because those topics appeal to certain committees of the bar. There are many more ethics issues that are of interest and importance than the 3 listed topics. Dictating which specific topics qualify for ethics credit will not improve the conduct of the bar or the practice of law in Washington. At best, it constitutes virtue-signaling by the Bar leadership. -Mark Clausen
8. I am opposed to the proposed amendment. It's just another extension of the WSBA's desire to create a nanny state within the bar. It's amazing to me that the bar staff and leadership don't get this. It's one of the reasons why your budget was slashed by the membership -Paul L. Henderson



9. I know this is a done deal, but at least I am speaking out. Please do not implement the proposed rule changes. I reviewed the REPORT AND PRELIMINARY RECOMMENDATION OF THE WASHINGTON SUPREME COURT, MANDATORY CONTINUING LEGAL EDUCATION BOARD RE: PROPOSED AMENDMENT TO APR 11. I did not find it compelling. I oppose the adoption of the proposed amendment to require that, of the six required ethics credits for legal professionals, one credit be required in each of these three topics: 1) Inclusion and anti-bias, 2) mental health and addiction, and 3) technology security. My understanding of the current rules is that WSBA gives CLE credit for members who might want to participate in CLE on these issues and subjects. I think I have gotten credit for CLE in these areas. That should continue, but it should not be mandatory. WSBA needs to focus its requirements on the basics of the practice of law. The proposal strikes me as an attempt to provide progressive and illiberal members of our profession, to include employees and leaders at the WSBA, with the opportunity to force their views on members of our bar. I also suspect that if adopted, the WSBA will eventually allow the political weaponization of these rule changes, ultimately using them as a basis to take adverse actions against attorneys who might disagree with the agendas of some of the principle actors behind the proposed rules. I am not really interested in paying someone to lecture me for an hour on what a racist I am, or that I am a homophobe, or a hater, or whatever. I am not. I am tired of people presuming that I am and telling me what I should think. I have striven during my career to practice the law with courage and integrity, and with respect and compassion to all individuals. Regardless of what the WSBA decides to do, I will continue to treat my neighbor, client, or colleagues as I would want to be treated. -Donald G. Lobeda, Jr.
10. I am against the proposed amendment to Admission and Practice Rule (APR) 11, in regards to ethics credits requirements. While I understand the amendment does not propose to increase the total number of ethics credits required for each reporting period. Instead, it requires that three of the ethics credits be in the identified topics listed above. I think it will be very difficult for the CLE seminars I typically attend or at which I speak to incorporate the requisite number of hours of seminar material in a meaningful and useful manner. While the RPPT section of the Bar to which I belong is one of the few, if not the only, profitable sections in the bar, I also know there are administrative challenges. This type of form over substance requirement would only add to an already challenged administrative structure, not to mention the likelihood of increased costs to organize, present and monitor the different categories of ethics credits. - Elaine P. Adams
11. I disapprove of the preliminary amendment proposal. -Greg Raburn
12. Hi, I wanted to provide some feedback on the proposed changes. My main point is that the proposed change could make it more difficult to find acceptable CLEs that meet the new criteria, particularly for those of us who practice outside Washington state, such as myself. -Mark Eichorn
13. I received an email requesting feedback to an amendment to Admission and Practice Rule (APR) 11, in regards to ethics credits requirements. I feel this categorization creates additional hurdles for attorneys to overcome, particularly when the majority of us are already overworked. Additional requirements increase our stress and harm our mental health. -Moshe (Jeff) Admon
14. I am opposed. -Glenn Price
15. I am submitting my feedback here in this email as I am located in the southern corner of the state and will be unable to attend the open forum. I do not think that attorneys should be required to take certain credits in specified areas, and that we should continue to pick and choose areas of interest to us or where we think we need to have more knowledge. For example, we may be very well tuned in regarding health, addiction and stress, but forcing us to take a credit every period in that same subject matter would then take away from taking a

credit in another area of lesser expertise or experience. I hope that this rule does not change. – Tresa Cavanaugh

16. Please do not amend APR 11 as suggested. The amendment is unnecessary and speaks of political correctness. Please do not have the WSBA waste its time on this proposal. -Steven B. Shea
17. Though these topics have value, I do not think the WSBA should place specific topical requirements on ethics CLE's. Practicing attorneys are juggling enough - our daily law practice, general CLE requirements, ethics CLE requirements, not to mention families, etc. The WSBA should consider offering free ethics CLE's in these areas. Please do not create a rule to mandate specific topics. -Erika Nohavec
18. I am opposed to the proposed change to the CLE Ethics requirements adding separate categories, for example "inclusion", to the requirements. It would add further confusion to the process with no real benefit. The proponent may think these are laudatory values but they have no place in CLE requirements applying to all attorneys. It borders on adding current political preferences to the process. -Steven J. Brown
19. I oppose the proposal. Lawyers are smarter than you think. They can choose what courses they need. The Nanny state does not need to spoon feed them with medicine that they may not need. If they do, simply make the relevant courses available, not mandatory. Thanks for the consideration. -John Trebon
20. As I understand it, the WSBA is considering changing our reporting year ethics requirements by adding one credit in each of the following topics: 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. While I believe that these subjects have merit, I disagree with making them requirements. There are many, many subjects that have at least equal ethical merit to society and are of more interest to me, such as: 1) governmental sanction of crime in the form of corporate tax breaks and tax incentives; 2) the continuing plague of arbitrary or biased sentencing and the prison industrial complex; 3) ethical issues arising from the lifetime appointments of Federal Judges not on the Supreme Court; and, 4) the ethical considerations stemming from the disenfranchisement of our starving and homeless citizen youth concurrent with enfranchisement of foreign refugees and illegal aliens. I understand that these are hard and even incendiary questions, but we are attorneys. We need to be encouraged to poke the bear and ask hard questions including hard ethical questions. We do not need big brother to shepherd us into its preconceived notion of what is important for us, our clients or society. Doing so, implicitly encourages a prioritization that discourages the kind of questioning that is so necessary for the evolution of ethical awareness and understanding. -Eric Krening
21. Ridiculous. Don't do it. While these are things that are good for us, I am not sure we have to put this into our cle's. -Madeline Gauthier
22. First let me say that I am a staunch supporter of diversity and inclusion and continue to believe we need to do more re bias and prejudice. I also have seen first hand the issues that are created when substance abuse and mental health issues arise. However, I have continued to see the decline in lawyer appreciation for the RPCs and the myriad of issues that arise with those when the type of programs proposed are substituted for the issues relating to the RPCs. Certainly the issues raised touch on and concern the profession and the public. They touch on ethics in several forms but the programs I have seen advanced for CLE credit have done little to shape change and little to add to ethical conduct. Frankly, I'm disappointed by that result but candidly I'm suggesting that those programs do little to advance the cause and little to advance lawyers' adherence to the RPCs and the spirit of those. Moreover, I continue to hear from lawyers who resent being forced to take the courses because they feel they are more politically motivated

and while I don't support that view I'm painfully aware of current and threatened litigation and discord in both the Oregon and Washington Bars memberships. Accordingly, I'm not in favor of what is proposed, at least not in the way it is proposed, despite the fact that I am concerned about the same issues I suspect that gave rise to the proposal. -Russ Garrett

23. Anything that makes CLE more onerous is unwelcome. From my perspective CLE is designed to soak the lawyers. Any practicing lawyer keeps up with developments in his/her field without intervention by the bar. -Keith Goody
24. I am writing to you in comment on the proposal to amend APR 11. I oppose the proposal. Is there any evidence of the need to require attorneys to take ethics courses in the proposed three areas? If there is some perceived need for attorneys to take ethics courses in these particular areas, then is there a way to obtain the desired result without regulation? Regulation should always be the tool of last resort. I suggest to you that a much simpler way to obtain the apparent desired result would be to offer more free online CLE courses in those areas. Many of us gravitate to free online CLE courses, even if we are not particularly interested in the seminar topic. Perhaps the Diversity Committee could sponsor some CLE programs and the WSBA could present them as part of the Legal Lunchbox series. -Michael John Swanson
25. This proposal is making the MCLE procedures too complicated. -J. Scott Miller
26. I am a member of WSBA and I oppose the proposed amendment to APR 11 for two main reasons: 1) I live out-of-state and this proposal could make completing my MCLE requirements more complicated and possibly more difficult; 2) I believe the more appropriate and restrictive means for the MCLE Board to achieve its desired outcome is by offering and encouraging more MCLEs on the three proposed subjects, not by making the credits mandatory and thereby enforcing the Board's determination for the entire WSBA membership on which "areas are among the most important issues facing not only the legal profession but also the general population in the United States today." [Basis for Recommendation, Report and Preliminary Recommendation of the Washington Supreme Court Mandatory Continuing Legal Education Board re: Proposed Amendment to APR 11] -Christine Wozniak
27. Although these are important subjects, I recommend against the change as it further complicates what is already a significant challenge meeting existing requirements. -Chris Wickham
28. I am opposed to amending the ethics requirement to require one credit in specific subject categories. As a lawyer currently practicing in Canada, I partly fulfill my CLE credits by attending continuing legal education courses/seminars here, which often has an ethics component built in. While I fully support increasing our knowledge and awareness of issues such as inclusion and anti bias and mental health etc., I think the goal is better served by encouraging more CLEs addressing these topics and its attendance than making it mandatory attendance for lawyers. There are some topics that are naturally touched on or included in the CLEs we attend that is related to our practice. For example, I work in the personal injury field and previously in the criminal defense field and topics on mental health and addiction are quite frequently touched on in the CLEs that I attend. However, in my old criminal defense practice, technology education focusing on digital security is not really relevant to my practice but awareness of bias and mental health issues was a regular part of the CLEs I attended. -Howard Sham
29. No. This is unreasonable micromanaging of attorneys' professional development. We are professionals, know our ethical duties, and know best what instruction in ethics we need. And these three topics are ones that many attorneys, including myself, are already seeking instruction on without being compelled. Prioritizing these topics for Legal Lunchboxes or other

- highly accessible CLEs would achieve the goal of widely disseminating the relevant information, without implementing a mandate that would be administratively burdensome and is also, frankly, offensively paternalistic. -JEANINE BLACKETT LUTZENHISER
30. I am against this proposed amendment. There are enough requirements placed on attorneys regarding CLE's without adding subject matter sub-areas. I am reminded of the recent change to the MAR law which required a subject matter specific CLE on the duties of arbitrators to be attended by prospective arbitrators, and then after the law passed nobody seemed to know what I was talking about when I would call and ask whether there was a CLE that would meet the new statutory requirements. The same thing will likely happen here and everyone will be scrambling last minute to find an appropriate CLE. This is a bad idea. Please do not implement this. -William J. Croft
  31. I do not support the proposed changes with regard to our ethics credits. The rule seems unnecessary, restrictive, and burdensome. -Jackson Walsh
  32. I oppose the rule changes. While I understand that all the topics covered are very important, one hour of instruction in each of those areas once every three years won't even be a drop in the bucket of the problems they are attempting to address. It seems like the worst kind of lip service: setting up a token program that any serious person will see as insulting to those who struggle with mental health, addiction, and bias. Furthermore, the burden of finding additional, specific CLE seminars is too great. It is already difficult and expensive to take care of the existing ethics CLE requirement and adding three MORE ultra-specific credits will make it hard to meet the requirements, especially for solo/small firm practitioners, attorneys in rural areas, and young attorneys who are already drowning in student debt. -Justin Elder
  33. If the WSBA is going to start mandating specific topical requirements for licensure, perhaps it would be best if it focused on areas that attorneys actually get in trouble for. Rather than a social agenda, the WSBA should require credits include the following subjects: Maintaining separate client funds, Maintaining proper trust accounts, Proper accounting of client funds, How to not co-mingle funds, Diligence in client communications, Diligence in litigation, How to decline or terminate representation. Please ask the Board to read through the disciplinary section of the NWLawyer. If you really want to educate attorneys in this state, start with the topics that form the basis for most disbarments/reprimands. -Britt Tinglum
  34. The proposed amendment to MCLE requirements is micro-managing that will be confusing and ineffective. -Joseph Brotherton
  35. Oppose proposed amendment to the rule -Kenyon E. Luce
  36. I am writing in opposition to a change to APR 11, specifically to break out the ethics requirements to include the 3 different types. The increase in stratification of the CLE requirements does not benefit a diverse bar. I have begun to think that I'm back attempting to get my undergraduate degree. I'll need a language, and a science, and ... and .... Continuing legal education is meant to inform the members of the bar of changes to the practice of law. It is not meant to be all inclusive, otherwise we'll next have property law, contracts and evidence requirements. Keep it simple and let the members make the choices that are right for them. -R. Tye Graham
  37. I do not support the proposed changes. I don't find them helpful to my practice and could, due to time constraints, result in my not taking ethics credits relevant to my practice areas. -Cliff Sears
  38. Comment on the addition of the topics: 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. Regarding item #1, an ethics class is not going to change people's minds about how to treat others, so I consider this

unproductive. Regarding #2 and 3, neither of these are related to the actual topic of “ethics”, even though laudable topics. If you want to make these latter two topics mandatory, then provide them with their own classification and reduce the traditional ethics requirements. – Mike Winslow

39. 1) inclusion and anti-bias; 2) mental health, addiction, and stress; It would have been helpful if you could have told us the context in which #1 & #2 were being looked at. Regardless, I don't think that #1 & #2 need to be an entire class. This is supposed to be legal ethics not social justice. Dealing with people who have mental health or addiction issues should be dealt with in the specific area of law as it applies. For instance, how the person's mental health bears on culpability. I think that it is sad when you start telling attorneys what classes they Must take or what content they Must listen to. If the concern is how these two items are part of our interaction in our own work place, then this should be part of the human resources job within each firm. If in #2 you are worried about the stress in each attorneys job, then there are help lines or counseling available to them. I would resent being required to get lectured on mental health, addiction and stress as it relates to my job, the assumption being that I am not able to deal with stress without a mental health or addiction issue. I am one of the few attorneys who actually enjoys most of the ethics classes that I have taken. They are my choice and I try to find things that apply to an area that I practice in or one that I have peripheral contact with. If you want to create classes based on these topics then let it be each attorney's choice whether to include them in their class schedule. 3) technology education focusing on digital security. I have taken several classes dealing with cyber security and they have all included #3 and they have all had an ethics component to them. We all deal with computer systems every day so this component is applicable to all attorneys. Again, it was my choice to take this class and I will most likely take it again. I don't buy in to the need to mandate specific classes to attorneys. - Christien Drakeley
40. Though I understand the bar association's attempt to do the “right thing”, It is my opinion that the requirement would place an additional burden on the 90% of the bar that doesn't need it. The 10% that may need it will ignore whatever point you are trying to accomplish. I have never been able to understand why we keep beating ourselves up due to a small percentage of sociopaths we may have in our profession or any other profession for that matter. –Paul Larson
41. I reviewed the proposal to amend the continuing legal education requirement to include diversity and various other topics. I believe the proposal has a laudable goal. However, I am hesitant to give my approval to a proposal that puts the weight of a governmental agency behind mandatory training involving diversity and inclusion. I think it is very difficult to legislate values, and I think the Bar Association should stick to the nuts and bolts of lawyering rather than attempting to change the hearts and minds of its members. -Andrew Williams
42. I disagree with mandatory individual CLE courses in “policy” areas—e.g., 1 CLE credit in substance abuse/treatment. Instead, there should be a “block” requirement, i.e., 3 CLE credits in “policy” areas+ allow the member to choose what interests him/her. If the available courses are relevant, well-conceived and topical, the member will likely make a “good” choice (and does not need to be “nudged” by the bar association into selecting specific “policy” areas. The member's “freedom of choice” should be respected, and the bar association should enlarge the availability of CLEs in “policy” areas. -John A. (Tony) McHugh
43. The proposed ethics requirement changes seem, at best unnecessary. At worst---I leave that to others. -Ron Culpepper
44. I do not support making the proposed CLE change. – Kimberly Thulin
45. The proposal to take away freedom to choose CLE ethics classes is ominous. 1. Forcing all licensed legal professionals to attend classes on a subject presumes they are seriously wrong in

their current beliefs about that subject. Otherwise why mandate attendance under the threat of loss of license? There must be something seriously wrong. Please provide data of client complaints or lawsuits in sufficient numbers to justify forced annual, universal classes.

Mandatory annual re-education is a draconian solution. If there is no draconian problem, then this is like swinging a sledgehammer at a mosquito. 2. The subjects of inclusion, bias, and addiction involve controversial social/political issues that tend to be presented from a particular political point of view. For instance, how will safe-injection sites be regarded? How will the transgendered be regarded? How will white males be regarded? How will undocumented immigrants be regarded? How will the homeless be regarded? Lawyers have sincerely held social, religious, and legal opinions all across the spectrum on each of these issues. If someone thinks most licensed legal professionals need a change of attitude, they should first try to convince others to change, rather than using the awesome licensing power of the bar to force everyone's nose to a grindstone. 3. Freedom to choose CLE classes has been the cornerstone of voluntary legal education. If the bar starts forcing members to attend specific classes (even "for their own good") the whole concept of voluntary education will be lost, changing the relationship between the bar and its members. This proposal converts liberty into tyranny, so I respectfully oppose removing the freedom to choose CLE classes. - John Panesko

46. I am a member of 3 bars. When each state bar starts requiring special ethics courses it complicates the CLE process and requires you to take a separate classes for each state. -David S. Barlow
47. Adding a technology requirement is a bad idea. I rely on my paralegals for tech stuff and they don't want me touching the inner workings. I know enough not to click on strange emails and I understand the basics of metadata. I think that is true for most members. Re inclusion and anti bias, I think the bar begins to stray from it's appropriate mission when it goes outside the law and the practice of law. -Paul R. Taylor
48. I am a non-practicing attorney licensed since 1998, who struggles to find affordable and/or free CLE credits to keep my bar license active. Making ethics requirements more specific would make it even more difficult for me to find ethics CLE courses. I oppose requiring specific ethics credits and find this proposed recommendation by the MCLE Board to be short-sighted. Ethics is ubiquitous in not only an attorney's practice, but in our society at large and should not be categorized narrowly. In addition, narrowing its focus to these issues, which may not be the most pressing issues from year to year seems stifling and will require changes to this rule again once new/more pressing ethics issues arise. Why is the MCLE Board even fiddling with it? What is their rationale? It appears to me that the Board should be making it easier for attorneys to obtain CLE credits, especially non-practicing attorneys like me. If they are going forward with this, I would at least ask for a waiver for those who cannot afford to specifically tailor their CLE credits to this requirement. -Michelle Reed Oppenheimer
49. I am writing to respectfully oppose the change. Many of us receive training and advice outside CLEs in one or more of the areas that the proposed rule would mandate for CLE ethics credits. It should be up to each individual attorney to decide which area they are not receiving enough information and where they need to focus for CLE ethics training. The new rule is a bit paternalistic in its approach to mandating the areas in which we should receive CLE ethics training. Instead, I propose that the WSBA provide free preliminary information and awareness building activities to provide its members with enough information to make their own decisions about what CLE ethics courses they should attend. -Jim Darnton
50. The MCLE requirement should be made less onerous for lawyers, not more so. The trend for simplification in the last few years, in allowing on-line courses to satisfy the MCLE requirement, was a huge step in the right direction. It saved commute costs, time in transit, and dreadful

travel to the heavy traffic in and around Seattle in many cases. But this new proposal offers increased course delivery challenges for providers, and more onerous compliance problems for WSBA members. Please consider recommending needed and appropriate topics to providers and lawyers as opposed to establishing mandatory requirements. This allows those with detailed subject matter knowledge of a recommended topic to focus on other subjects where he or she lacks expertise. One of the important lessons of a law school education is knowing when research is needed to function competently. The research must be detailed, thorough and contemporaneous to meet a client's needs, even if our basic knowledge is excellent based on past education and training. MCLE is not a substitute for that detailed research. Rather, it provides general background knowledge and helps us focus our studying and research on items we might otherwise miss. Most attorneys do not need to be told what they should study and be interested in; most are competent to pick the best courses for them. -Richard J. Davis

51. I disagree with the preliminary recommendation to amend the ethics requirement under APR 11 to require any number of credits in any specific sub-topic of ethics. As members of the profession, it is our obligation to practice law in conformance with the Rules of Professional Conduct. Requiring MCLE to help practitioners understand and apply the RPCs is logical and helpful. Straying away from the RPCs to require study of topics beyond the RPCs, or within small niche applications of the RPCs, diverts from the primary goal of ethics MCLE – assuring that lawyers are best able to comply with the RPCs in areas that directly affect them. Lawyers know what ethical challenges they confront in their practices, and should be free to choose courses of study that will help them with those issues, without the need to take extra courses to cover the proposed new areas. Requiring study of sub-topics will make satisfying the ethics requirement much more difficult and costly. For example, I typically take a 3 day national CLE program each year focusing on my areas of practice. That program is unlikely to offer credits in any of the three proposed new topics. Accordingly, I will have to take more days away from work or personal time, and pay more in tuition and fees to satisfy the requirement. This is an unnecessary and unreasonable burden to place on practitioners. Assuming that requiring potentially three additional hours of study is not a material burden to many practitioners is high-handed, and frankly offensive. It is similarly presumptuous to assume that every lawyer needs training in the three sub-areas selected by the committee. I am also concerned about the slippery slope. Requiring study of three particular areas, regardless of how meritorious they may be, sets a precedent. In a few years, other topics may be in vogue and added or substituted, exacerbating the difficulty of finding courses that satisfy the requirements - and the time to take them. Finally, I believe this proposal may be emblematic of the root cause of the current upheaval afflicting WSBA governance. Best to not go further down that road. –Everett Billingslea
52. I oppose the proposed amendment to APR 11 for the following reasons: 1. The first listed reason for the amendment is that four other states have implemented similar amendments. That reason is no reason at all. If following other states had any merit in itself, the more persuasive approach would be to follow the majority of states that have not adopted the amendment. The report could as easily have said: "46 other states have not adopted this amendment." I reject this reason. 2. The equity, inclusion, mitigation, implicit bias provision is nothing more than the systematic implementation of a political ideology to which I do not subscribe. These are all political terms, not ethical terms. "Equity" is not defined in the proposed amendment. It is a nice-sounding term, but is inherently ambiguous. It is usually used to mean equality of outcome regardless of reason, and not equality of opportunity. I reject the former, and embrace the latter. I do not want to be forced to sit through indoctrination training. If the proposal was for training in equality of opportunity it would be less objectionable, but would still unnecessary.

"Inclusion" is a similarly vague word that has no definitive meaning. Again, I do not want to be forced to attend a lecture by someone who is more enlightened telling me how I need to be more "inclusive," when that word is so elastic that it will only mean what the lecturer says it means. In the end, the lecture will not be on legal ethics. It will only be the lecturer's mushy interpretation of the word. The concept of "implicit bias," as it is generally used, is another political concept. Some see "implicit bias" in others, when there is no objective manifestation that any bias exists. It is easy to claim that someone else has "implicit bias." By its nature, there is no way for the person accused of implicit bias to refute the claim. Unscientific tests are regularly being used to prove the presence of implicit bias. The concept of implicit bias is entirely useless and nonobjective. The concept of implicit bias is regularly used to make unsupportable accusations (or as a basis for unsupported self-flagellation). The concept is often used politically by one group to vilify another group. It is a means of asserting identity politics--an approach that is destructive to social cohesion. The concept of "mitigation" is also a political term, suggesting the need to do something because of the poor behavior of others. Again, this is a political view for which training is not required. If I objectively discriminate against someone, that is a problem that can be remedied by changing my behavior. But, I should not be forced to listen to someone's view on my ethical duties on what I should do because of what someone else has done. In any event, much has been done to mitigate past discriminatory conduct. We are doing well as a bar. This amendment assumes a social condition that does not exist. This amendment is nothing more than forced indoctrination of a left-leaning political ideology. The terms use in the amendment are so elastic that what is claimed to be ethical will be nothing more than personal opinion--based on the political views of the presenter. This is not ethics training. Ethics training should be based on the RPCs, on objectively measured actions, not on a person's political opinion. Although innocent sounding words are being proposed, the Bar Association should not impose this political ideology on members who have a different political view. 3. As justification for the amendment, the report states: "Diversification of gender, race, age and abilities in positions of power continues to be an unresolved issue. For example, women or minorities represented 66% of Washington's population in a recent study but just 44% of its state judges." There are two problems with this statement. First, the statistic does not support the statement. A difference between the percentage of women or minority who are state judges to the percentage of those categories in the population says nothing about the reason for the difference. The report assumes a reason without any support. The report relies on the post hoc ergo propter hoc fallacy. Correlation does not imply causation. If the pool from which judges are selected was society as a whole, perhaps there might be some basis for the claim. But, the pool from which judges are selected is limited to the pool of attorneys. So, the report makes a sloppy misuse of the statistic to support the proposed amendment. There are a number of valid, nondiscriminatory reasons for the percentage differences to exist. It is faulty reasoning to assume that it is the result of discrimination. I reject the notion that the differences in percentages are the result of discrimination or even the result of bias. More likely, it is the function of time and the number of female and minority attorneys. The percentage of female and minority law school graduates to male, non-minority graduates has been increasing substantially in the last decade. I suspect that in time the percentage of female and minority judges to male, non-minority judges will reflect the law school graduate percentages. But, those the judicial percentages will necessarily lag behind the law school graduate percentages, by perhaps a decade or more. In any event, the percentage of women and minority judges will never match the population as a whole until long after the percentage of women and minority law school graduates match the percentages in the society, assuming that ever happens. It is false to claim that this "continues to be an unresolved issue" based on a



percentage at a given time. The problem may have already been resolved, but for the time needed for the existing judges to retire. I suspect that because of the governor's sensitivity to the effect of past discrimination against women and minorities in the law, the percentages of women and minority who currently receive appointments is larger than their percentages in the pool of available lawyers. The study mentioned in the report does not address that issue. Second, the statement assumes that forcing attorneys to attend lectures on equity, inclusion, and implicit bias will somehow bring the judicial percentage into line with the general population. How is that supposed to happen? How is requiring all attorneys to sit for one hour every three years support to produce the desired result? There is no basis for claiming that forcing attorneys to attend this one hour lecture will produce the hoped-for result. This reason lacks merit. In my view there is a different agenda at work. Changes have been made to increase the number of women and minority judges. These changes are working under existing rules. The amendment is not needed and will only serve to propagate a political view. It should be rejected. 4. My only comment about the use of technology provision is that the specific requirement is unnecessary. I suspect that it was included only to dress up the equity, inclusion, mitigation, and implicit bias proposal. Additional reasons could be given for my objections to the amendment, but I have do not have time to go through the 54 page report in detail. We are doing well as a bar. The proposed amendments are unnecessary and ideological. Hopefully, I will not be forced to be "reeducated" on the proposed left-leaning political views. -Brad England

53. I am opposed to the proposed amendment. I once took a class on anti bias. (CLE requirement approved). We were taught that everyone is a privileged taker or a disadvantaged poor sole. No in between, no some of both. It was too confrontational and not helpful. I would not want to see these promoted. Not everyone has mental health problems. I am not sure why this would be a required class. I am not persuaded that technological instruction is part of ethics. Please let the governors know I oppose this proposal. -Jeanette Burrage
54. While I understand some need for education in those areas for some individuals, I think the major problem will be whether practitioners can find specific ethics credits which will fit all of those criteria. I already find it difficult to fulfill my ethics credit requirements because, simply put, good CLEs on ethics topics (and especially ones relevant and targeted to my profession--criminal defense) are difficult to find. If the WSBA is willing and able to offer these sorts of credits at no cost to its membership, then I think it would be more palatable. But I also think it could be unfortunate to force individuals to take ethics credits on topics they may already be well-versed in. As it is now, I try not to waste my time on CLEs that are not helpful to my specific practice area, as I gain nothing from those hours and they are basically a waste of money. I think placing a limit or requirement on what types of ethics credits we can use to count towards our licensing is going to be not only difficult for practitioners to follow through with, but also cause some frustration. -Laura Chuang
55. My first impression upon reading about the proposed new CLE requirements was: MORE RULES, MORE STAFF, MORE DUES. Empire building at the WSBA, in all its facets, must stop. I hope that the implementation of Janus relative to bar structure will fix this, but I'm not betting any money on it. I wouldn't bet any money on members' thumbs down being able to stop implementation of these new CLE requirements either. This planned change imputes to members an ethical deficiency which requires the WSBA to require mandatory CLEs. I find this insulting actually. Since members were smart enough to earn a JD, they are probably smart enough to deal with computer and smart phone technologies without the WSBA forcing CLEs upon them. Likewise, members are exposed to diversity/inclusion from all sides 24x7, so members receive enough exposure on that subject without the WSBA forcing CLEs upon them. Here's an even better idea which will no doubt make leaders groan and members cheer. Let's get rid of the WSBA

- requirement for CLEs altogether. If Washington, D.C., can do it, Washington State certainly can. Let the members who were smart enough to earn a JD determine what additional schooling they require. That will no doubt drive down the cost of CLEs too, and that would be a very good thing. Let's hope that the mandatory CLE requirements meet the same fate as mandatory malpractice insurance. But don't bet money on that either. The monster that the WSBA has become will be hard to slay. As a member commented to me, it's like a hydra. Cut one head, and two more appear. I'm for whacking all the heads off at once through a voluntary bar association which, of course, I would not join. -Inez Petersen
56. While I support offering CLE courses in the topical areas described, I oppose requiring credits in the specific categories identified. Attorneys should be allowed to select courses that are of interest and relevant to them rather than be force-fed specific course topics. Since my license is inactive, this proposal does not directly affect me. However, I strongly disagree with the proposal--no matter how well-intentioned it might be. -Ronald Weston
57. As a WSBA member I am opposed to the proposed amendment, for the reasons outlined below. Existing MCLE requirements already impose a significant burden on WSBA members. Requirements for Washington State attorneys are some of the most onerous in the nation, as evidenced in the table attached to the Board's report. This burden is compounded for those who, like me, are members of other state bars as well. In general terms, earning MCLE credits can be expensive, takes up valuable time, and adds a serious preoccupation. Imposing requirements that limit members' choices when it comes to choosing MCLE courses only complicates matters and can increase financial costs. The ability to reduce expenditures by attending free or inexpensive courses is reduced, as members must find courses on specific subjects, targeted at practicing attorneys. For the same reasons, the pressures on schedules become greater, as members have less opportunities to take courses that fulfill all their requirements. These financial and time pressures in turn lead to increased stress. I can attest to the negative effects of this type of requirement. As a member of the Florida Bar, I had to comply with a technology requirement during my last MCLE cycle. Having fulfilled all other requirements, it took me an additional five months to earn a single technology credit—which I was only able to secure thanks to a fortuitous invitation to an event during a personal trip to Hong Kong. This despite the fact that Florida's technology requirement is not as narrowly tailored as Washington's proposed one. As a matter of principle, members should be given as much freedom as possible to choose courses. Recognizing that MCLE requirements are burdensome, members should at least be allowed to attend courses that interest them and further needs of their practice. This is particularly true for WSBA members, who are required to earn an unusually high number of credits when compared to their peers nationwide. If the WSBA understands that certain subjects are important, the constructive approach is to offer courses on such subjects that are attractive to their membership. The Legal Lunchbox series is a great example of how to accomplish that, offering free courses that attorneys can take from their own offices. Such offerings help foster positive feelings towards the WSBA among the membership. By contrast, mandatory requirements can lead to resentment. For the reasons described above, I urge the MCLE Board to reject the proposed amendment in its entirety. - Frederic Rocafort
58. I support the comments of Mimi Wagner, attached below. Please pass the comments on to the Board on my behalf as well. -Bill Weissinger
59. I OPPOSE the proposed changes to APR 11. While these proposals are well-intentioned, I believe they are unnecessary. I also believe they will make the practice of law and being a lawyer more difficult than it already is, by requiring sub-categories of ethics credits which must be satisfied. The changes, if enacted, will further increase the cost of running a law practice (due to the

increased complexity of satisfying MCLE). The proposals drive another psychological wedge between "practicing attorneys" who are trying to run a business and do good work for their clients, and those who are seeking to make policy at the WSBA. -Mimi M. Wagner

60. I do not agree with the proposal. First, although inclusive and unbiased approaches to the practice of law are laudable goals, this seems to be a heavy-handed and politicized way of ramming "virtue" down peoples' throats. It sounds terribly Puritanical. It will also, undoubtedly have the opposite effect of the intended goal because people (myself included) hate being lectured about how to be more virtuous, even if it is for the common good. Moreover, once you open this Pandora's Box, you will invite endless squabbles over "what" you advocate to "include" and "which" biases you would "train" people to regard as offensive. Let your imagination run with what else some might demand you package into similar ethics requirements. This is a topic fraught with land mines and the WSBA should not tread there. In sum, the idea is (probably) well-intentioned, but a "cure" that is worse than the disease. Second, although mental health, addiction and stress are all issues of the day, there is no good reason why these subjects should be mandatory "ethics" requirements. Those who want in-depth study of the legal relationship of these issues to the practice of law should take CLE programs that emphasize these issues. Again, if you go down this path, you will invite future (and legitimate) squabbling when a later generation's critical issues crop up. Will lawyers be required, as part of their ethics credits, to learn about global climate change, weaning our practices off of fossil fuels, "gun control," vegetarianism, the dangers/benefits of children's vaccinations and the reasons to eat only non-GMO/organic foods? If not, why not? However much I may subscribe to one or some of those points of view myself, I would strongly resist the WSBA trying to impose its (or my) viewpoints on any other member of the Bar. In sum, this is a well-intended bad idea. Third, the requirement that lawyers be proficient in technology issues relating to digital security is well and good - but it has absolutely nothing to do with "ethics" except in the larger sense that nothing done via the Web or the Internet was, is or can ever be "confidential." Lawyers who are aware of what is happening certainly ought to familiarize themselves with digital technologies. Those who do not, proceed at their peril. Nevertheless, in light of the current barrages of popular and highly politicized mis-information about digital security, I see this revised "ethics" venue as nothing more than a selling opportunity for a) further mis-information and politicization for any number of ends, and b) the marketing by certain interests of products and services to a captive market of generally uninformed attorneys. I know a little about the topic under discussion. Over the years, I have spoken and written and lectured about digital security, legal and constitutional issues to audiences of "techies" and hackers - ergo my opinions re proposal number 3. In addition to practicing law, I am an officer of a tech company that developed neural networks and so-called AI, and if I do not always know what I am talking about, I have sufficient knowledge in tech/digital issues to recognize that some of the many "experts" on these issues are merely bluffing and puffing. In addition, years ago, while serving on the BOG, as part of a small committee, I authored the original version of GR 12 that was adopted in 1987. The rule has changed somewhat since then, but parts of what, back then, the BOG adopted with Supreme Court approval, remains incorporated into various parts of the existing GRs. Thank you for giving all of us an opportunity to comment on what you are considering doing before you actually do it. -Steven Reisler
61. The proposal is clearly well-meant, but ill-considered. Mandatory CLE is for topics that are deemed a mandatory, minimum, professional requirement. All the topics under consideration for being required are beneficial, and any effort the WSBA would desire to entice members to take them could be encouraged, but to require them as "ethics" would have the undeniable effect of removing from mandatory Ethics requirements instruction into what are required as a

mandatory, minimum, professional requirement – i.e., ethics (not “ethics” as in “it would be nice if every attorney is nice, and ethical, and considerate, and well-versed in modern technology, rather “ethics” as in “every attorney receives a mandatory amount of training in understanding what factors need to be considered in the day-to-day operation of a law firm and a law practice that meets the required minimum standards of professional behavior in order to protect clients and ensure the attorney is not sanctioned”). The WSBA should not exercise its power to require Bar members to take its favored courses in the guise of “ethics” at the expense of the true goals of mandatory Ethics CLE requirements. –Greg Ircink

62. CLE are completely worthless!!! In 30 years I have been to ONE worthwhile CLE! DC Bar is the nations largest bar association has no CLE requirements and that's what I would like to see! I spend a fortune on CLEs for MT, WA, ID and not red cent for CLE for DC. Stop wasting my time and money with CLE requirements that make good press for the WSBA and are completely irrelevant to me. –Dale Robbins
63. Leave things as they are. For inclusion and anti-bias, we can all attend seminars on the laws governing discrimination, and receive credit under L & L. For mental health, the category for entitled OTHER works just fine for mental health laws. For digital security, making it connected to ethics is insane. There are many seminars governing the laws regarding data privacy, data security and cybersecurity. It has No relevance wot ethics.....I have no idea who thought that idea up that it belonged to ethics. Change is good at times and at other times, no change is so very important. I can see that what we have for the moment fits the different categories for cle course. Ethics since I graduated from law school (1976) has been all about handling client funds, and other ways in which attorneys are very naughty in their business dealings. -Stephen Zirschky
64. The proposed recipe for mandatory specific ethics categories rather than the current generic ethics approach is another example of a solution in search of a problem. It just creates more unwelcome gotchas for those who don't have staff to monitor newly minted CLE requirements. My recommendation is for the Bar leadership and committees to take the year off to let its subjects catch their breath. -Ron Santi
65. I write to express my opposition to the preliminary recommendation to require one ethics credits in each of inclusion and anti-bias; mental health, et. seq. technology education and digital security. –Steve Chance
66. Ethics should be about the practice of law; not the social policy of the bar staff or elites. These are the kinds of proposals and policies that drive division. –K. Garl Long
67. None, of these subjects have anything to do with Ethics or the law. The bar association should focus on the law and not ancillary matters. If the bar wants people to take these non-law related trainings they should make them optional and provide a free webinar not make them a mandatory part of keeping one's license. –Christine Carille
68. I think this is a condescending proposal with the Bar yet again deciding what is politically correct for all attorneys. The Bar should stay out of the social engineering business. -Frank Morris
69. I don't think such an amendment is necessary or useful. - Steven Sackmann
70. While all three subjects are worthy topics for CLE, trying to include them as Ethics Requirement is not the best way forward. Mandating their inclusion is more of a political statement than an ethical one. I would suggest instead these topics be made more available as part of the general CLE curriculum. –Robert Chadwell
71. I'm against it. The bottom of the slippery slope is requiring various “areas” for all CLE credits. One is just as important as the other. –Joe Nagy
72. I write to state my objections to the proposed ethics CLE requirements to require a portion of the credits topics to be specific to: (1) inclusion/anti-bias; and (2) mental

health/addiction/stress. While these subject matters have some tangential relationship to professional qualifications, they are highly personal matters without very direct relationship to professional skills, and should not be required in connection with CLE requirements but rather left to individual decision and action by those needing education in those areas. The proposal is questionable and unwanted intrusion to personal interests that wanders far from core subjects for attention by a mandatory bar association. -Tom Boeder

73. I'm providing comments regarding the proposed ethics CLE subject matter requirements. I object to its implementation because I believe a "one-size-fits-all" approach to CLE subject matter requirements is a failure. While I note the diversity of the Bar in terms of our genetic ancestry from a diverse planet (something none of us can control), I believe this proposal completely ignores the more pressing issue that the practices of the lawyers in Washington are even more diverse. For example, I'm a white male, first generation American with dual citizenship (US and EU) raised by a refugee father who became a naturalized US citizen. But where I'm mostly practicing, I'm both a racial and gender minority. Having a non-US passport puts me in the majority. Yes this is a technology, financial and IP-related practice. When I was interviewed by our lead investor with my start-up company co-founder, we were asked what is our background. I pointed to my co-founder (clearly of Asian race) and said I'm the same, a first generation American with immigrant parents. With regard to (iii) bias, My client racial backgrounds are highly diverse, but about 80% Asian, either Chinese-American, very different from Chinese-Chinese even if naturalized US citizens (other than by viewing Crazy Rich Asians, I don't know how else to explain this), or a few from Korea or the Philippines but none from Japan (problems getting along). I don't think this kind of situation was considered for implicit or explicit bias, but it is my reality and I've learned how to manage it. Nor do I think a course that is better suited to those practicing criminal law would be useful for my practice. With regard to (ii) mental health, can I get CLE credits for how I deal with stress (swimming workouts; I did 3Km this morning with a masters group)? Or how about the clinical trial agreement I recently negotiated and wrote for a non-opioid pain killer drug candidate to satisfy the addiction requirement? The clinical trial protocol had much detail for patient pain medication history. As for (iv), as someone who is mostly in-house with international operations (including China), we have brought IT security issues to the forefront using professionals in this area. Shouldn't the course teach to hire a professional here, not have the attorney become a do-it-yourselfer? Our China-born CEO and CFO (now US citizens) know how to be careful here. In summary, I think we are professionals who are capable of selecting CLE courses and credits that are useful for our specific practices and not be told what we need because one-size-does-not-fit-all. But then again, if I can get CLE credit for my stress-relieving swimming, please sign me up! -Jeff Oster
74. I disagree with the suggested subjects as mandatory ethics credit requirements. These fall into the elective area in my view, not something to be mandated. Ethics reporting requirements should pertain to the substantive practice of law; other pursuits, however socially laudable, should remain up to individuals to pursue at each person's discretion. -Wendy Allard
75. I prefer the ability to choose a topic relevant to my practice. So no. -Wendy Kelly
76. I do not think you will get much support for this proposal. It is too cumbersome to parse up the ethics credits between 4 areas: these new three proposals and the normal RPC ethics requirements. It is also too heavy handed. Even people who may have drug/substance abuse issues will not want to be told they have to take classes on drugs/substance abuse. I think a better way to go about this is simply to offer the three proposed areas as "ethics" credit classes, and then let people choose to take them as they wish. I would appreciate having a lot more to choose from in the ethics area, as these are the hardest credits to fulfill every year. -Rhe Zinnecker

77. I'm writing to comment on the preliminary recommendation to amend the ethics requirement under APR 11 to require one credit in each of the following subjects per reporting period: 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. The views are my own, of course—not a policy position of my company. I am in-house counsel for VMware, Inc., a public company majority owned by Dell. Our elevator pitch: VMware software powers the world's complex digital infrastructure. The company's cloud, networking and security, and digital workspace offerings provide a dynamic and efficient digital foundation to over 500,000 customers globally, aided by an ecosystem of 75,000 partners. Headquartered in Palo Alto, California, VMware is committed to being a force for good, from its breakthrough innovations to its global impact. For more information, please visit <https://www.vmware.com/company.html>. While requiring specific subjects for the ethics requirement seems like an admirable thing, it's not. My company provides mandatory training in all of these areas because it's good business. Most every in-house lawyer in the state will have too, especially those at technology-oriented businesses. Any CLE on these subject would be redundant. It is difficult enough for in-house practitioners to obtain ethics credits in sessions that are even tangentially relevant to our practice. Making us tick these boxes further reduces the relevance of the ethics requirements. —Kevin Fay
78. I prefer to keep the ethics credits general. I think that we are intelligent enough to select the exact classes we need or that would interest us the most. —Aldo Melchiori
79. I disagree with the preliminary recommendation amending the ethics requirement under APR 11. —MaryJo Moltzen
80. I oppose the proposal for anti-bias, addition, and technology training as part of the required ethics credits. While they may be worthwhile subjects, they do not involve legal ethics issues and should not take the place of legal ethics training, which is at the heart of everything we do. Frankly I'm concerned that this was even proposed. —Karen Murray
81. The proposed amendments are unnecessary and I oppose it. —Mariano Morales, Jr.
82. I am opposed to breaking down the ethics credits in the categories listed. For those of us with very limited practices it would be impossible to find conferences that would all all categories and more importantly none of the topics would help in my practice. —Pat Bosmans
83. While I appreciate and understand the fact we have a separate Ethics CLE requirement, I am opposed to requiring specific separate ethics requirements. My vote is yes on ethics, but no on the separate ethics requirements under the proposal. —Pat Trudell
84. I think the requirement proposal is ridiculous. Our ethics credits should be in what we choose and what best fits our practice areas. These credits are already difficult to get so don't make it harder on attorneys. —Rondi Thorp
85. I am writing to you to oppose the recommended changes to the MCLE ethics requirement. While I support the principle that attorneys should be versed in the proposed subjects, I do not believe the requirement will achieve those ends, for two reasons. First, the requirement does not guarantee the quality of the ethics trainings. During an ethics training I was required to take for DC bar admission, student were instructed that it was ethical for law firms to discriminate against employees in granting work assignments, provided it was at the client's request. The DC bar agreed that this lesson was supported by the relevant rules and caselaw. Given this context, attempting to meaningfully address discrimination and bias through the lens of legal ethics may be a fool's errand. Second, I am not confident that courses will be provided that are relevant to my work. I work as in-house counsel for a small non-profit in DC and do not deal with client information. It is hard for me to imagine a digital security course that would be targeted towards my practice. More likely such courses will focus on managing client information in the law firm setting. While this is true of most CLEs, the narrowness of the topics in this case makes

- the problem particularly acute. Allowing maximum flexibility in the ethics training options makes it more likely I can find training that will be relevant to my work. –Sarah Sorscher
86. I strongly disagree that the WSBA should dictate to me what type of ethics CLE credits I need. I think this might be the silliest thing that I have seen proposed in this recent shake up of the bar association. –Andrew Kottkamp
87. I am opposed to any decision making it even more difficult to obtain Ethics credits. I feel the MCLE board already requires too many CLE credits, adding expense to clients for legal services. Any further requirements just puts additional costs and burdens on the practitioner's to make up for those costs. For those of us working in other areas and helping clients in a pro bono capacity, you are making it almost impossible to continue to do so. –Renee Janes
88. As a member of the California and Oregon State Bars, in addition to Washington's, I have years of experience being required to take MCLE courses on alcohol and drug abuse. I have taken many superb ethics CLE courses over my 38 years of practice, but not one has been about alcohol and drug abuse. Those courses have been uniformly terrible. Yes, the legal profession has a high incidence of substance abuse, but the numbers are not so high as to justify making everyone sit through what is effectively an Alcoholics Anonymous meeting once every 3 years. The State Bars already publicize the help that's available to members. It does not seem intuitive that making lawyers take a CLE course every 3 years will materially increase the use of those resources. No one should be forced to listen to other lawyers talking about their past alcohol problems. –Scott Seidman
89. I am against the ethics proposal. A compelled inclusion and anti-bias requirement in Ontario was emphatically rejected by voters in the last bar election. The bar was split and freedom from compelled speech became such an issue that litigation resulted, as well as defiance from attorneys who refused to obey the new rules. The risk of rebellion is real if the ethics requirement was split three ways. Let each attorney decide for themselves. –Charles Lugosi
90. My feedback is that this is a bad idea and that it will make it much harder to meet the ethics requirement. I am a member of the New Mexico bar where they imposed a similar requirement for specialized/focused ethics classes and I elected to go inactive because it was too hard to meet the requirement. –Randi Nathanson
91. I do not support the proposal to make it mandatory to earn ethics credits in those specific areas. They are laudable areas that should be offered to practitioners but there are plenty of other worthy topics for us to earn the required 6 ethics credits every 3 years. Perhaps the WSBA may wish to offer ethics credits for little or no fee in those specific areas, but I do not believe earning credit in those specific areas should be a condition to practicing law in this State. To earn one credit in each of the three specified areas is one half of the ethics requirement and disproportionate, in my view. Perhaps a less vigorous requirement of one credit among those three specified areas is more proportionate and a reasonable compromise of the inherent conflicts on one's limited time to undertake required CLE credit? –Tom McDonough
92. I am opposed. –Anthony Carter
93. Too much micro-management by the bar. It is more than enough to require ethics in the first place. Let us at least choose what we want to study and learn about. –Tracy Heims
94. I do not think this should be a requirement. Encouraged, suggested, offered, or rewarded sure! The constant barrage of ways to mandate every aspect of our license is so frustrating. People are busy, attorneys take time off, we have families. –Alexis Merritt
95. I do not want to have additional ethics requirements added to maintain my license to practice. It can already be a challenge sometimes to get in enough ethics credits. Separating them out into categories is going to make it more challenging to find a CLE to fill the requirements. Those are also not topics I think need to be separated out. –Donna Calf Robe

96. I am absolutely opposed to this proposal. It is politically correct clap trap. –Richard Sanders
97. I appreciate the thought behind the proposed ethics training requirement. However, these training topics (bias, stress, etc.) should be promoted and encouraged, not required. Low cost or free online CLE courses on these topics along with a bit of marketing will get a good response without using the coercive power of the Bar. –Dan Bjurstrom
98. I do not think there should be a specificity requirement on the ethics credits as they are already the hardest credits to obtain and get speakers to present on. Unless the goal is to have all the ethics credits be completed by the lunch box series. If that's the case I think it would reduce how hard they are to obtain and would just hope that there will be ethics conversations for specific areas of law, during annual conferences. –Joseph Mintz
99. Please do not add more requirements for separate subjects on ethics. Ethics credits are hard enough to find already; additional specific requirements would make it even more difficult. It also seems that a presenter would have a difficult time developing training in these subjects due to lack of relation to the current RPC's. –Paul Goulding
100. I do not believe this should be changed. I do believe that more training in this issue should be actively supported. –John Dittman
101. Bad idea. Subject matter is of no value to most lawyers. –Howard Stambor
102. I will simply post what was asked of me and then answer it after the proposal: The preliminary recommendation would amend the ethics requirement under APR 11 to require one credit in each of the following subjects per reporting period: 1) Inclusion and anti-bias. No. As a black Latino and former President of the Washington State Hispanic/Latino/a Bar Association I am insulted that you would even suggest such a thing. Understand something important. People are biased based on their upbringing. They learn to change through mistakes and by dealing with individuals personally through life. If they do not learn, they suffer the consequences, less business, fewer opportunities to grow their business with minority communities, etc. For that reason it is impossible for you to force people not to be biased. If I were gay, are you going to force me to take a class not to have bias against gays? This ethics requirement is overbroad and should not be forced upon all members since, generally, we all don't need it. People are adults, let the proverbial market take care of this. Do not FORCE people via this ethics class to treat people without bias. Not going to work and will just create more resentment between the races. Why would anyone want this when we all know that this would foment more division between the races? 2) Mental health, addiction, and stress. My tendency is to say No. But if I had to choose, you should have just one subject in this area instead of three: stress. Leave the mental health and addiction issues to the doctors and mental health professionals among us. 3) Technology education focusing on digital security. No. This is not explained fully in the feedback question digital security is a very broad area. I would like to see some examples. Are you talking about censorship of differing opinions? Since it is not explained, I must say no. This does not include a recommendation to increase the total number of ethics credits required for each reporting period. I would say that the increase of ethics credits would increase costs to attorneys. And anything that would do that I would oppose. I say no to increasing ethics credits although I am fascinated with the ethics classes I take. I don't like taking ethics credits, I LOVE taking ethics credits. The current system of ethics credits is fine. I know you all are doing your best to help us be responsible lawyers and I laud you for your efforts. Forcing people to take courses not to be biased may not be even relevant (in this aspect only): when I review the suspensions of lawyers by WSBA, how many were suspended because they were biased? I know of none. How are you going to prove this? Its divisive and quite frankly, quicksand. You are intentionally setting up lawyers to be accused of bias if this rule is enacted. For reasons stated above, it is a very slippery slope, and I don't like it. Many who suggest forcing us to take ethics



classes on bias are well meaning. However in reality, it implies that you truly do not respect all the many experiences we have to offer the WSBA. Imperfect as those experiences might be. Some are brown and black and are biased against whites, others are whites and are biased against whites based on their own guilt from perceived white privilege, others are white biased against blacks, and gays biased against straights, straights biased against gays etc. You cannot force people not to be biased, its already baked into the cake to some degree in all of us. But you can educate. How? Newsletters sent to our emails with ethics chunks each month. I would read each "WSBA ETHICS BULLETIN #\_" in a heartbeat, provided that it was well written and that it was one page or half a page. By well written I do not mean law review well written, or bar examiner well written (with all due respect to my former colleagues), I mean common sense well written. Actually, it does not matter who writes the articles; it must be someone that can explain the topic in a very matter-of-fact way while staying within the RPCs. Some members would read articles, others would read others, yet ALL are reading and learning. The key is to inform us professionally and in a respectful manner about bias, or any other ethical issues you feel are important via an e-newsletter (1 page). Notice I said 'respectful'. Just get more interactive with us. Bulletin boards would be an interesting venue as well. I will never join Facebook, or Twitter although I do read my personal email. And for those really old-school lawyers; send off a printed version. (Black and white). You will attract many more lawyers to understand and read ethics when you approach them with the proverbial honey, as opposed to garlic. Try it, it might be very well received. (This idea is in addition to the content of the WSBA magazine or you can remove an article from it and put it in the newsletter). -Hector Steele

103. I think this is a bad idea. The Board need not micromanage every aspect of the CLE requirement, especially in the absence of any significant number of violations in the required areas. Moreover, if these discrete subjects are required you can be certain that all other subjects will be neglected. Just because the Board has the power to pass new regulations doesn't mean it should. -Jeffrey Needle
104. I don't like the proposal and here is why. Sorry if this seems a rant, but maybe it will be useful. I don't mind if you share. We are already increasingly micromanaged by regulations, with concomitant, implied reduction on the trust that our education and training already prepare us to act ethically, with autonomy and responsibility to the client AND the profession and the legal community. Furthermore, you have to be hiding under a rock to NOT understand the ethical issues around failing to account for, acknowledge and not exploit circumstances where any party to any case is contending with mental illness, chemical dependency, poverty, social stigma, and bias in the realms of sex, race, gender preference, religion, culture, and physical disability. Some attorneys may privately kvetch about having to be really "PC" and so careful in the "me too" era but I would mostly point to the older, retiring wave of white males in that respect, and also call a spade a spade—change takes time and some resistance to it just reflects that we all have cultural identity, bias and assumptions. Again, these are regularly and loudly challenged in the press, in the law, in practically every CLE as a sub-component, and in our homes and societies. We all know now how vulnerable privacy and security are due to digital/cyber issues, and risks of identity theft, fraud, and more. We are all warned about this constantly. Who needs an ethics CLE to remind them that clients are equally vulnerable? Inclusion and anti-bias are front and center in litigation, the press, our schools, our churches, our families, discussions with our kids, and the raging political debates we all watch with dismay every day online. I sure don't need someone to prepare a power point and lecture me about being inclusive and being aware of bias and white privilege. Finally, we are all hammered over the head with advice, support, warnings, and knowledge regarding the signs of, perils of, and consequences of mental health and chemical dependency problems in clients, opposing counsel

and parties, ourselves and those around us. Attorneys are sponges for information – even when we don't try we hear and see the headlines, and we have all seen many, many real life scenarios where these problems wreak havoc in our clients, our cases, and our personal lives. The tendency towards ever increasing regulation, monitoring, government and agency control and micromanagement is offensive, disheartening, and reminds of the fall of the Roman empire. It is the sign of a bloated bureaucracy, excessive administrative zeal and paranoia, and lack of trust in our colleagues. We already know better. This reflects my personal views, and not in any way those of my agency, even though I write from my work email address. I have cc'd my personal email here, as well. As an aside, to lend my views credibility that should not even be needed.... My experiences include: 25 years of practice in public criminal defense, mental health court, private criminal defense, First Amendment/ Free Speech, environmental law, administrative law, family law, juvenile law, dependency/ termination, Labor and Industries litigation, personal injury, and representation of persons with disabilities. I have owned my own small practice, been employed by large and small firms, and worked for the state. I also have an M. Ed. in special education and have taught from third grade through grad school live and online. I have raised two kids mostly solo who are now fine young adults. I have served in the Navy Reserves. I have my own physical disabilities and have openly worked to address and treat any mental health challenges I may face, with zero shame and fear. I have gay, bi and trans relatives and friends. My children are bi racial. I have experienced both economic hardship and wealth. I have lived in liberal Seattle, WA and conservative Eastern WA. I have paid for my own bar dues and CLEs, and have had them paid by employers at times. –Mary Virginia White

105. Amending APR 11 to require one credit in each of the following subjects per reporting period: inclusion and anti-bias; mental health, addiction, and stress; and technology education focusing on digital security, would be difficult for those of us in the military or working for the Department of Defense. I get most of my CLE credit via the Army, either locally or at the US Army Judge Advocate Legal Center and School. The Ethics training at these CLEs are not separated into the above categories. Moreover, I am assigned to an office in Germany and I do not have complete access to Washington State CLE opportunities, other than the Lunchbox CLEs, which occur at 2100 or 2200 at night for me. If the Ethics CLE is offered during a Lunchbox CLE and I miss the opportunity, then it will be difficult for me to meet the specific requirements. – Anita Raddatz
106. I am NOT in favor of the proposed change. I understand it is not a change in the number of hours, however, it only further complicates the process. –Steven Pyle
107. I am opposed to this change. It's unnecessary -- let practitioners pick an ethics CLE that matches their practice and needs. –Daniel Seligman
108. I am an attorney in Seattle. Please be advised at I strongly oppose the changes to the ethics CLE requirement set forth below. It is already enough of a hassle to get the required credits. I fail to see how requiring one hour on the topics below will actually contribute to anyone's education. However, it will certainly make for more hassle. Please don't institute the changes. –Jacqui Becker
109. I understand that there is grave concern about the ethics of our membership. However, the purpose of continuing education is to increase the competence of attorneys in serving clients. The ethics requirement was added over time because of concern that attorneys were unfamiliar with the changing ethics requirements. There is no reason to add an additional sub-requirement. The goal of this proposal is better served by offering CLEs and permitting attorneys to determine if they choose to know more about these areas. Any other proposition appears political in nature. –Vicki Lee

110. I write to provide feedback on the proposed MCLE rule that would require one credit in each of the following subjects per reporting period: 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. While I do not object to continuing education in those areas, in my opinion the proposed requirement that one hour of credit be obtained on each of the topics during each reporting period is overkill. An alternative approach would be to require one hour of credit on one topic each reporting period, and all 3 topics over 3 reporting periods. I am also licensed in Oregon, which requires one hour of combined child/elder abuse reporting per 3-year reporting period. In my experience, requiring the course to be retaken each reporting period is excessive. If the course were required once every 3 reporting periods it would serve to raise (and maintain) the awareness of practitioners about these important issues without unnecessarily increasing CLE cost and requiring repetitive exposure to the same concepts and materials. –Anthony Rafel
111. I disagree with the proposed requirement of the following topics for mandatory CLE reporting: “1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security.” The proposal presumes a problem exists where it does not. Further, I prefer to choose the topics for my mandatory CLE classes and not have the topics be dictated by the WSBA or some special interest group(s) that presumes ALL lawyers need some annual training in all three of those areas above. The options DO exist for ANY Washington lawyer to voluntarily take CLE classes for credits on those topics, but me, personally? I resent being forced to take classes on those subjects, especially if I do not need or want those topics in my CLE credits. Moreover, if this proposal was mandated, I think the unintended consequences would be a very limited number of people/entities who are “qualified” to “teach” such topics, resulting in a small number of presenters getting the entire bar association (thousands of lawyers) as their “CLE attendees,” which may be another ethical problem altogether if CHOOSING the specific names for the small number of presenters is not “competitive” in its “search” for possible CLE presenters. If we are going to go “down the slippery slope” of mandating CLE ethics credits, why these three topics? Why not mandatory RPC annual review? Why not mandatory trust account updates? These are just two examples I can think of right now, and there are many others. My point is the existing criteria does not even mandate those two topics, so why the three that are proposed above? Who stands to gain from that choice? Lastly, I think the number of attorneys who may resent being forced to attend such topics against their will, myself included, would give short shrift to the amount of attention they would pay while attending such CLE session. In other words, people generally are more enthusiastic about doing something voluntarily, rather than through force. Yes, we may have “attended,” but did we really pay attention to the CLE and more importantly, are we going to enthusiastically implement the suggestions from the CLE, or are we just looking to “get that check in the block” to satisfy this year’s CLE minimum? I prefer to choose the classes I pay for every year for my CLE requirements. By the way, I have continually exceeded the minimum number of CLE credits each year, for many years. It’s not the money, it’s the topics I disagree with that make me reject this proposal. Thank you for your objective consideration. –John P. Livingston
112. I think there should be no requirement for any requirement of CLE on anti bias, inclusion or affirmative action. My experience is that those subjects are code for their own form of discrimination and bias, are not legal education, are pushed by special interest groups with political agendas, and are not bona fide subjects. –Gene DeFelice
113. I respectfully disagree with the proposed amendment. Managing the onerous CLE credit requirements is too costly, complex, and time-consuming as is. Adding in specific mandatory course subjects that have to be met within the ethics credits adds an additional layer of

complexity and administrative burden. The materials provided to describe the basis for the recommendation include zero policy grounds to justify this step. The materials note that there is a “national trend” toward increasing requirements in education on these topics, but that description is quite loosely applied when 4 of 50 states have a diversity requirement, 5 of 50 have a mental health requirement, and 2 of 50 have a technology requirement. WSBA members have not been provided with any data from states that have implemented these requirements to suggest that such education has reduced ethics complaints to the bar, or that specific course requirements increase the number of courses actually taken with this type of content relative to the status quo or baseline. No doubt many of us are already taking ethics courses that cover topics of equity and inclusion, digital security, and wellness for the legal practitioner. Unless the Bar has data that show a dearth of course offerings in these areas, or that bar complaints are surging in these topic areas, etc., there is no reason to justify this new burden. This proposal seems premature until such time as the WSBA has obtained data on how many hours members are currently accumulating in CLE’s with content aligned with these three topic areas and how many bar complaints have their true genesis in these areas relative to the total number of complaints, so that the impact of the new requirements could at least be measured. –Clay Hill

114. I am licensed in both Washington and Colorado. For lawyers licensed in multiple states the requirement of specific content and hours per subject will only add to the complexity and difficulty, not to mention the expense of complying with the ethics training requirements. CLE providers generally charge more for ethics training because it is specifically required. Further mandatory requirements as to content will only increase the cost. With lawyers admitted to multiple states, if every state does this, it makes economical achievement of the various ethic training requirements almost impossible. While the content listed above is laudable, it is included in some way in many other ethics courses, but is unlikely to be listed per subject if it is covered in a one or two hour ethics block of instruction with multiple topics. The changes in the CLE rules as to provider registration is already causing difficulty with those who are licensed in multiple jurisdictions, this proposal will only compound the difficulty. I don't reside in Washington State so it is unlikely I can avail myself, even if economical, of a bundling of ethics courses that will likely result in the State if this proposal passes. And since it unlikely that Washington will pre-grant credit for courses outside the state, many lawyers who are licensed in Washington but who live outside the State will have to gamble on credit being granted after the fact, again increasing the uncertainty, difficulty, and expense to comply. –Dru Brenner-Beck

115. While I think these topics are worthy and relevant – my concern with requiring ethics requirements for each category/topic is availability of CLEs available to address these additional requirements. It seems its always difficult to find ethics CLEs anyway, and the addition of categories might make it more difficult to satisfy the requirement. Instead, the bar may wish to either offer, or advocate for more CLEs with these topics to be available. I think there is interest and lawyers would take the courses anyway if they were offered (I would rather take CLEs on these subjects for ethics than the usual CLEs on the model code). I really liked the Lunchtime CLE on suicide prevention offered recently – it was relevant and interesting. I think this would be a better alternative to making additional requirements to the ethics requirements. –Francia Doyle

116. It would be appreciated if the Board would stop increasingly pushing an agenda on its members. We do not need the micromanaging that continues to be apparent in the WSBA. All of the three suggested topics are important. Allow the professionals that comprise the WSBA to make our own decisions about how our ethics hours are spent. All of the topics suggested will have numerous options available for members to access quality training in the subject area IF

- desired. Frankly, I am so frustrated with the WSBA that I am toying with the idea of retiring early and going inactive with the WSBA. —Leila Edwards
117. I have practiced in rural Clallam County for 40 years. There are not that many ethics CLE courses offered locally. I am opposed to changing the current rule which allows for a broad range of ethics topics. It would be difficult to continue to locally obtain my required ethics credit if the WSBA imposes narrow limitations on subjects. —Carl Gay
118. My initial reaction is not positive. Enough, already were the first words I thought of. My second reaction is that I'm certainly open to taking ethics credits on those topics—they would be interesting, but WSBA would need to create a specific CLE that meets those requirements—like one CLE per year that ticks off all the boxes. Otherwise, it would be an extreme hassle to figure out how to get credit in those three distinct areas. Since I tend to take a lot of ethics courses, as I'm not in traditional private practice, I've certainly listened to topics related to digital security—but not on the other topics. I keep thinking WSBA is after the “perfect” instead of the “good.” Why not create a CLE that includes important topics, such as those listed—and let folks make their own decisions. CLE's are already burdensome enough—although I really appreciate being able to download them. But they remain as costly as ever. —Gail McGaffick
119. Please do not institute the proposed change to ethics credit. You should encourage a breadth of ethics topics, including these three, but do not dictate them. Many attorneys get their ethics credits at various conferences and they don't always offer this breadth of topic. Or the topic may not be advertised in a way that would clearly satisfy the requirement even if it covers the material. —Faith Pettis
120. While in general ethics requirements are a good idea and the three areas you are looking at might also be useful to the membership, I can tell you that over the last many years, almost all of the ethics sessions I have participated in have been a complete waste of time and are offered and attended solely to meet the requirements. Adding new subject matter requirements would probably suffer from the same shortcomings, but because they are so specific, they would not be available to attendees of subject matter MCLEs related to their practice, but would instead the credits would have to be picked up in at general ethics only CLE offered at year end when people are scrambling around to satisfy the CLE requirements at the end of their reporting year. If you are considering such a requirement (which I would oppose) then I think the bar association should work to put together three programs which could address the three subject matters you are suggesting be addressed, which are of a high enough quality to retain the attendees interest and offer them online on demand for free. —Greg Petrie
121. I am not in support of the new ethics requirement. I feel it would be an onerous requirement. —Sandy Reinfurt
122. I do NOT support the proposal. —Ken Moyle
123. I practice in Oregon at a Community College. Since I am licensed in both OR and WA I am able to get comity between the two jurisdictions. Oregon has recently undergone several changes to include similar trainings as well in their MCLE. Can I just tell you it is getting more and more complicated to get the correct number of credit hours in the correct categories. Plus is difficult to find offerings in these new areas. Please keep it simply and stop making compliance more complicated. —Rebecca Hillyer
124. I am not in favor of the proposed amendment. As much as inclusion and anti-bias; mental health, addiction, and stress; and technology are important subjects, there's no reason to presume we all have similar needs. I very much support the requirement for 15 hours per year of CLE. That should be the minimum for anyone who cares to practice law. We should all invest in ourselves and our skill sets on an ongoing basis. I budget a couple of thousand dollars a year to ensure that I'm constantly expanding my skill set. I always exceed the mandate of APR 11.

This past year I probably satisfied the entire three year requirement. I'm not sure because I don't bother tracking; I know I'll have more than enough simply because I have strong interests and a desire to learn more and practice at ever higher levels of competence. That said, I like being able to choose which areas of study will most benefit the people I serve. There are already, in my opinion, too many rigid requirements. When CLE requirements become rigid, the result is a bunch of bored attorneys taking classes that don't interest them because they have to. I support the 15 hour a year threshold. I don't find the ethics requirement particularly helpful. Not because I lack an interest in ethics but rather because I don't feel I have a deficiency in that area and would rather focus on those areas that are most helpful. Further tightening the requirements so that there are more boxes to check will be burdensome rather than helpful. – Roy Martin

125. 1. Diversity and anti-bias. This recalls the rhetoric of the Oregon State Bar's (OSB) similar MCLE program. That was a disaster and led to the first ever Member referendum by which, by about a 2 to 1 margin, the membership voted that the program be dropped. (I am the OSB lawyer who authored the membership referendum and who was the principal proponent throughout the process.) When you name a program with the words "diversity and anti-bias", you pretty much start with the insulting assumption that lawyers themselves discriminate and are biased. Even if you believe that to be true, that is no way to build goodwill and engender thoughtful conversations about those kinds of issues. It is like forcing people to go to church. Also, you can unintentionally create the impression in the minds of various minority groups that secretly most people are out to get them. In Oregon, after the referendum, the Oregon Supreme Court and the OSB Board of Governors took a two year "do nothing" approach to the problem. Finally, after some direct pressure pointing out that the issue would be taken back to the membership, a compromise was worked out which reduced the mandatory credit requirements and also resulted in renaming the program to "Access to Justice". It is surprising how much of a positive change this made in program content. Instead of having people preach at the membership and basically accuse them of being bigots, it engendered the birth of programs with a positive approach. Examples include really important things, for example, like helping clients with physical disabilities get their legal problems through the legal system, education about transgender people, and societal norms for communication cues and styles based on gender. I now actually like the Access to Justice programs. I hated the "diversity and anti-bias" garbage programs. I do not hear my colleagues complain about the programs anymore either. So, if you are going to go down this path, learn from your OSB neighbor and do not make the WSB Board of Governors any more unpopular than it already is. 2. Mental health, addiction, and stress. Personally, this does not affect me. I am a California bar member also and have had to comply with its similar "substance abuse" MCLE requirement for over 20 years. Also, now the OSB has one of these as well. However, I have always found these programs boring and a complete waste of time. This is probably true of most lawyers who do not have personal substance abuse problems. The notion that we will somehow be educated by these programs so that we can then help our colleagues who do suffer from substance abuse or mental illness is, in my humble opinion, largely mythological. I am trained to help people with their legal problems, not to counsel them on mental health and substance abuse issues. 3. Technology education focusing on digital security. Although the intent behind this proposal is admirable, there is so much diversity in practice areas, law firms, and employment settings that I question that there will be enough diversity in the educational programs to really make this a meaningful exercise for most members. –Gary Georgeff
126. As an attorney licensed in Washington since 2001--almost 20 years--I have been inactive but keeping my CLE compliance up-to-date for many years. I actively practice in two other states in

which I am licensed. Please note my feedback to the proposed CLE ethics training requirements: I VEHEMENTLY disapprove of these requirements! Washington has always been a very liberal state, but that does not mean that every attorney in the state is liberal. Nor does it mean that ANY Washington attorney should be forced to be "trained" regarding very politicized, politically correct, hot-button issues! If a licensed professional chooses to seek out continuing education in these areas that should be his or her choice. Those that choose to fall on the politically conservative side of practice should have the choice to avoid extended parroting on those topics, as well. I feel the exact same way about requiring all licensed attorneys in Washington to undergo three hours of class lecturing about gun rights sponsored by the NRA. The topics of training for any attorney should be that of her own choosing! Again, I am very much AGAINST this proposed change. –Machelle Morris

127. I am WSB #38753 and am not in favor of the proposal to convert three of the current ethics credits required into specialized credits. I'm a member of four state bars and these specialized requirements make compliance more complicated. They also make compliance more expensive because I usually can't apply the CLE credits for these specialty requirements to the general ethics requirement or general CLE requirement in other states (example: Oregon's child abuse reporting CLE requirement), and few national providers offer them, so I'm forced to pay to take these courses on top of the annual subscription for CLE that I have with a national provider. Furthermore, I am very uncomfortable with the trend toward adding more and more requirements to maintain law licenses that focus on social issues and business practices vs. hard legal skills. The role of a licensing authority should be to help ensure that license holders are competent to perform the job for which they are licensed – period. –Rachel McCart
128. I recently received an email soliciting feedback regarding a proposal to amend the Ethics requirement to require specialized training in 3 areas each reporting period. As an active duty military member stationed overseas, my strong recommendation would be AGAINST adopting such a rule. It is challenging enough to find the courses and time to satisfy the existing ethics CLE reporting requirements, that many people – particularly those licensed in Washington but not physically located there - don't need an additional challenge of seeking out specialized training. Add to this the fact that the additional training will almost certainly require military members (and others not located in-state) to 1) complete the training online and 2) pay for the training. I already receive training in each of the proposed areas as part of my mandatory military training – but none of these courses are likely to satisfy the CLE requirements as they are not specific to the legal profession. That said, the course I take are typically relevant to the work that I do and the clients I advise. Adding 3 blocks of specialized Ethics training through WA would not also not satisfy my military requirements, so, in addition to the extra cost of having to complete WA specific training, the requirement would also take away from the time available for training that is more relevant to the work that I do and my needs as a military attorney. Bottom line: please don't adopt this proposal. From my perspective as a relatively senior attorney in my organization, this is a solution in search of a problem. There's no reasons the courses cannot be made available for individuals who wish to satisfy their Ethics requirements in this way, but please trust me to find courses that both satisfy the general Ethics requirements and are of benefit to me. –Trish Wiegman-Lenz
129. Let us determine what ethics credits we need and from what area. The amendment is unnecessary. We're adults. –Annaliese Harksen
130. I am strongly opposed to your imposing this requirement. It is not appropriate to micro-manage an attorney's ethics credits in this manner. Historically there have always been important ethics topics that arguable assume greater weight of importance with the times, but there was no requirement to dictate a line of education on the topic of the day. There is

- nothing compelling about the issues of today that would require a shift in the approach. Furthermore, it ignores the realities of any one individual's needs for a particular education and the independence that we as professionals should maintain from the Association. It is important to have a plurality of practicing attorneys with a wide breadth of education and corresponding philosophies that are nevertheless within the broad acceptance of societal guidelines. It is bad policy to dictate the details of that education and reflects a potential bias that will have negative impact on our profession in the future, if not the present. Therefore, I am opposed to the proposal of ethics content required areas of study. - David C. Hammermaster
131. In my, albeit limited, experience, changing the requirements would create an additional burden for finding already limited ethics credits. Unless the WSBA started sending everyone free webinars for the new topic areas, I think further delineating what each ethics credit should cover is cumbersome, repetitive, and unwarranted. -Nickolas J. Ward
132. I do not support requiring those subjects, mental health etc and technology and digital security as required CLE credits. I do support offering those courses with maximum encouragement and marketing to members. -Megan Feil
133. My feedback is that I would like to keep the ethics CLEs as is. We are all so busy as attorneys, requiring specific areas for ethics requirements is unduly burdensome, it's hard enough squeezing these credits into a packed schedule. -Charlotte Smith
134. As a practicing lawyer in Washington State I can no value at all in requiring all lawyers to receive additional ethical training in areas of practice with which the lawyer has never come into contact and very likely will never come into contact. Lawyers are intelligent people and should be left to decide for themselves what areas of ethical training are most pertinent to their particular area of practice. -Charles J. Rupnick
135. Don't push your socialist views on our business. If we choose to support these types of topics let us choose to and not have you force your ideals on us. That is not what the WSBA was created to do. It is an insane idea. -Jim D. Johnston
136. Ethics credit are difficult enough now to collect. The proposed rule will just make it more difficult and expensive. -Jorgen Bader
137. I do not favor the proposal as I think there would be small benefit and it would further complicate the MCLE process. -Gregory Worden
138. I disagree with the proposed amendment. It can already be difficult enough to obtain the needed CLE credits without pigeonholing them, plus, this change is entirely unnecessary. - Joanne Dantonio
139. Forget it. I'm sick and tired of all of the "political correctness." -Michael O'Donnell
140. A survey request was recently sent out asking about the addition of several new topics. First most of those issues are being covered already by my employer. Second they do not appear to involve ethics so to include them as ethics seems to be a stretch. Third it is already hard enough to get ethics credits so this will be just another undue burden. Please do not make things harder for us. -Bruce Echigoshima
141. Speaking solely for myself, I am opposed to this recommendation as a mandatory requirement. We all know how hard it is to get interesting ethics topics, and to get beyond recitation of the same dry rules that we have heard for decades (in my case). That said, making these three topics available for ethics credit courses is worthy. The Legal Lunchbox series is a perfect venue. Personally, I would certainly take advantage of the digital security course(s) as they relate to duties of competence and confidentiality. However, as a grown up, I don't need to be advised/lectured regarding substance abuse and stress in the profession. I am not sure that the Bar's role is properly aligned to wellness and counseling -- at least in the form of mandatory training. I am sure that many would find it interesting or helpful; let them make such a choice.



With regard to diversity and anti-bias training, I will abstain from a lengthy rant. I will say that I do not see the Bar's role as advancing certain fashionable political or ideological agendas. Surely I am not the first to identify that the membership in its entirety does not share the conscious bias and values of Seattle and the Bar's leadership. Again, those that are invested in such advocacy will gladly attend by choice. In closing, I appreciate the Bar's creativity in offering expanded topics in ethics training. I would also appreciate the ability to make my own informed choices as to what adds value to my practice. –Steven Cooke

142. Please do NOT adopt this amendment. Ethics credits are hard enough to come by without further parsing out categories that must be obtained. Also, dictating that ethics credits must come from certain sources or topics diminishes the effectiveness and importance of obtaining ethics credits and abrogates the WSBA members' right to choose. –Bill Eller
143. I do not approve of the new amendment. –Gregory Scott Hoover
144. I oppose this proposal. –Steven Lawrenz
145. I think this is a poor idea. It makes getting ethics credits even more difficult. Also, an hour of education on stress or the other topics is so minimal as to be worthless. Finally, the research on those anti-bias classes shows that not only do they not prevent bias but they actually cause more bias. –Lynne Alfasso
146. I think this is a bad idea. It is one thing to have to take ethics credits at all, and mildly insulting to believe that ethical concerns do not dominate the day for most lawyers. But now to have us be required to take certain courses based on an extreme minority's inability to operate their practice in ways deemed healthy by a certain few is further insulting. If the bar wants to mandate required ethics courses, I would rather see it cover the basics that affect the majority of active licensees, such as avoiding embezzlement in the firm's practice, theft of client funds, small firm business practices, not doing legal research before engaging in litigation, misrepresenting the law to courts, suborning perjury, fee agreement disclosures and disclaimers, recognizing and acting upon conflicts of interest, and witness intimidation. I also think if the content of ethics credits is to be mandatory, it should concentrate on the solo and small firm lawyer, because that demographic slice is fully one-quarter of active Washington State practitioners (solos, shared office, plus 2-5 members in firm. See [https://www.wsba.org/docs/default-source/licensing/membership-info-data/countdemo\\_20190603.pdf?sfvrsn=ae6c3ef1\\_62](https://www.wsba.org/docs/default-source/licensing/membership-info-data/countdemo_20190603.pdf?sfvrsn=ae6c3ef1_62). Before the above-mentioned list is eradicated in Washington State, I would rather avoid virtue-signaling, glamour credits that only attempt to show how socially up to date we are with progressive practices. I am especially insulted by the idea that you would train attorneys to use identity based on race, gender, political affiliation, or religious creed as methods of evaluating and treating people under any circumstances, rather than training attorneys to evaluate people on their merits, and to recognize liars, cheaters, scammers, and those of bad motive. I also think attorney ethics should include training lawyers on when the law is not the best method for resolving a client's problem, and how to recognize and refer out client issues that are not resolvable by the law, but may require financial counseling, drug or substance abuse counseling, or spiritual counseling. –Art Macomber
147. I absolutely support having way more content available on those subjects and have those courses satisfy the ethics requirements, but would recommend strongly against adding 3 more "check the box" categories to MCLE requirements. I'm also licensed in California, which has a number of similar, specialized categories, and it becomes just an extra hoop to jump through. Providing meaningful content and having it satisfy the existing requirements seems more likely to me to draw an interested and attentive audience and provide useful education to lawyers. –Barbara Fielden

148. I would oppose adding required CLE ethics credits for proposed subjects 1 and 2 and I am not sure why subject 3 would be required more than once, instead of every 3 years as is proposed. If attorneys are interested in those subjects, they can find seminars that offer those subjects. All attorneys should not be required to obtain credits for those subjects. –Bruce Medeiros
149. I'm opposed to that amendment because those topics better fit within general CLE credits and are not closely related to ethics. The value of covering those topics will be lost by trying to shoehorn them into a discussion focused solely on ethics. –Craig Cammock
150. I request the amendment be denied. There is nothing prohibiting the inclusion of the topics and 1-hour on each is insufficient to change behaviors. As to the topics, I doubt anyone could be practicing law today and not be aware of the issues involved. – Dan Catt
151. For what reason? Why don't you let us continue to select CLEs that pertain to us or that we are interested in. Not broke don't fix it! –David Hallowell
152. I am opposed to this proposal. It would be an extreme form of micro-managing WSBA members. It would give excessive power to whomever would determine what the requirements would be for the content of courses on these topics. This is especially true for the topics vaguely defined as inclusion, anti-bias, mental health, addiction, and stress. –David Hevel
153. Please do not segment ethics credits by topic. It is very difficult as it is to fulfill the ethics requirement as it is and will be almost impossible to fulfill it by topic. –Fiona de Kerckhove
154. I am NOT in favor of this proposed change to APR 11. –Dean Messmer
155. I am opposed to this rule change. Requirements imposed through MCLE should be geared toward ensuring rule compliance and attorney subject-matter competence. This new requirement does little to achieve that. The Bar has long allowed attorneys the ability to decide what's relevant for their practice. That practice should remain. If we start prescribing certain types of CLE, where does that end? While the goals of diversity and technological competence are important, are they any more important than managing client funds, ensuring client confidences, or the myriad of other rules and subjects in which an attorney must achieve competence? What constitutes "diversity?" Is it understanding people from different countries? Different socioeconomic levels? Different heights? Different skin colors? Different weights? Who will be the arbiter of that issue at the Bar? What happens when an attorney wants credit for a diversity course but someone at the bar decides that type of diversity isn't the "right" type of diversity training? The proposal is overly specific while being simultaneously overly vague. In addition to opposition because of the prescriptive nature of this rule change, I'm opposed because this rule is largely redundant to training already commonly provided at most institutions. As a government attorney, we have been required to take diversity training for some time. Yet due to the Bar's MCLE rules regarding what constitutes CLE, I cannot count any of that training toward my MCLE requirements. If you now impose an additional requirement on me, I must spend my own limited funds to get training on something I have already had. The same goes for technology. We routinely receive technology training, none of which would qualify for CLE credit. This is hardly fair to take more training. If I have diversity and technological competence, how much more training do I need each CLE cycle? As a government attorney, I would appreciate it if the Bar would understand that government attorney employees generally do not receive money for licensing or for CLE. The Bar's perspective, it seems, is frequently that everyone is a high-paid attorney where firms fund all these requirements, so we can continue heaping new requirements onto the backs of our lawyers. That is simply not true for public servants. We're not paid that well compared to our private sector counterparts and this new CLE requirement would place an undue financial burden on me with no benefit toward helping me achieve rule compliance. I have already had both diversity and technology training. I do not need to have additional training mandated by

- the bar. I also see these requirements much like the old adage, “the beatings will continue until morale improves.” No amount of training will change people’s prejudices. –Joe Edgell
156. I believe the MCLE Board should not require that half of the required ethics credits include one hour on inclusion and anti-bias, one hour on mental health and addiction, and one hour on technological security. Bias, health/competency and confidentiality are in specific RPC sections or subsections that are already addressed in ethics portions of CLEs. A requirement of one hour on each topic is overkill and disproportionately prioritizes those 3 issues over frequent topics in bar complaints – competence, timely case management, communications, conflicts, improper contact with represented parties & the court, misrepresentation, scope, fees. The ethics MCLE requirements should remain as they are. –Evelyn Sybor
157. I write to oppose the MCLE board’s proposed amendment to APR 11. The board should be reducing, rather than increasing, the number of specific CLE courses and topics required each year. CLEs do not improve the legal industry, and they should be eliminated. Any attorney who does not learn new things on a daily basis is already committing malpractice, and no CLE will prevent that. Instead of improving our profession, mandatory CLEs simply increase the cost (and stress, ironically) of practicing law, which hinders our shared goals of increasing access to the legal services for the public. Please reject this proposal. –Dave Freeburg
158. No! –George Marlton
159. I am totally opposed to this proposal of making these courses mandatory as they should only be recommended. If these become mandatory it will only drive up the cost of these CLEs, so if they become mandatory the WSBA should put on one free CLE for each required course each year. Actually, I have a better proposal than to make these mandatory, which is to make all CLEs optional altogether and only have recommended courses. This way members of the bar will only take courses when it is to their advantage to obtain further training on the subject matter and will make the courses become better or members won’t spend their money on them. –Greg Sandoz
160. Bad idea –Timothy Hays
161. So now the hoity toity, smug self-righteous, well-fed and well-paid bureaucrats are trying to determine what I should learn. The effrontery of it all. And of course, you know best not on the basis of any cognizable morality, but simply because you have power, the power a Stalin or Mao would love. You should sing the Horst Wessel song. What meat does the MCLE board eat that it has grown so big? This is pure tripe. Inclusion and anti-bias. What nonsense. - James A. Sturdevant
162. Terrible idea. None of these topics has anything to do with professional ethics or the practice of law. All three are of dubious value, and the first looks a lot like mandatory funding of political/viewpoint-based speech. At most, the board should consider allowing credits on these three subjects to qualify for ethics credit. –Jim Bishop
163. Let’s try less of a hammer first please. Let’s: Make recommendations to our entire membership; Make courses inexpensive and available in these areas for each member’s choice; Go out to the area law schools and talk to the students (teach the students of these dangers early). The proposal seems over the top. Lawyers that I know are interested in: justice, fairness, inclusion and keeping up with technology. This seems to be a bit patronizing. –Jim Rohrback
164. I believe it is sufficient that the Bar Association set a minimum number of required ethics hours. I do not believe the Bar should prescribe the content of those credits. We are all adult professionals and are capable of making that decision on our own. Making certain subjects mandatory reflects what others temporarily in Bar leadership think is most important, substitutes their judgment for our own, and deprives us of the latitude to choose our own ethics

subjects (at least for those 3 credit hours). It also assumes that Bar members are severely lacking information and knowledge in these areas – a false assumption in my opinion. We are a very smart bunch of people, for the most part. Let us remain the stewards of our own ethics credits. All ethics topics are important and the Bar should not artificially establish “first among equals”. –John K. McIlhenny, Jr.

165. I'll pass on the SJW requirements –J. Torrey

166. In response to the email below I disagree with the proposed changes to the MCLE requirements. I do not believe the changes are necessary or helpful. I am specifically concerned that “education” about bias, equity, and inclusion will not be objective and is an intentional inroad to forcing subjective versions of inclusion, equity and anti-bias into becoming disciplinary actions against attorneys. Bias allegations often stem from disagreements where no true bias exists. –Julie K. Fowler

167. I would prefer that ethics credits not be itemized and allow more flexibility for attorneys to secure their ethics credits. So I do not support this –Kathryn Jackson

168. I strongly vote no change. Why do we continually, think we have to manage everyone's mind. Depending on what field of law we practice, there are likely many more ethical issues each could take in their field of law. We don't all want to be the same rose, but to stay ethical in our field. Please let us choose what area we want to study. Is our profession now being made up of professionals that cannot be trusted to do what is right? After all we are supposed to be representatives of the court, so why not trust us and stop trying to manage our thought? –Karl Salzsieder

169. This is completely stupid. What a waste of my dues. –Kurt Becker

170. I would prefer the status quo –Margaret Dore

171. In response to the request for feedback to the MCLE board proposal, I would ask the board to please reject the proposal to further complicate the types of CLEs that attorney need to obtain to remain licensed in the state. As a government lawyer in Olympia, I already find it difficult to find relevant substantive law CLEs to attend (I have lots of “other” credits!). Finding relevant ethics CLEs is always a bit of a challenge, so I would be worried about adding another layer of required CLEs to the menu. –Mark Lally

172. You must think professionals need to be treated like little kids. I believe that most are fully capable of what ethics they need to focus on and the bar should quit trying to micromanage. So quit already. –Ricky Olson

173. First, hasn't Justice Fairhurst of the Washington State Supreme Court already put a hold on any further WSBA by-laws changes until the Supreme Court Bar Structure Work Group completes its recommendations? In the spirit of this hold to major changes within the WSBA, this proposal from the MCLE Board should be tabled. Second, more CLE requirements are a bad idea in any event. In light of *Janus v. American Federation of State, County, and Municipal Employees Council 31*, 138 S. Ct. 2448 (2018), the WSBA should be moving towards more freedom and freedom of choice in the legal profession rather than towards coercion and excessive rules. Third, the specific proposals are inappropriate and divisive for these reasons: 1) inclusion and anti-bias - This appears to be thinly-veiled propagandizing for the liberal agenda of identity politics. This proposal divides us on the basis of race and gender and violates the prohibition against political activism by bar associations laid out in *Keller v. State Bar of California*, 496 U.S. 1 (1990). WSBA members cannot be forced to pay for the promotion of someone's identity politics such as "poor downtrodden women and immigrants" and "white man bad" classes. 2) mental health, addiction, and stress - These are personal health matters. They have nothing to do with ethics and are largely irrelevant to anything a lawyer does. The proposal also erroneously assumes that a great many lawyers have problems in these areas. The proposal

only assures a captive audience and captive market for mental health professionals giving lectures.3) technology education focusing on digital security - This proposal is akin to the WSBA requiring classes on locksmithing so lawyers' offices are properly locked at night. This proposal mostly provides employment security for computer geeks to teach classes at the WSBA. This class and the other two classes should be offered only as elective ethics cle's, not as requirements. For all of the above reasons the MCLE Board should reject these three changes to the ethics requirements. –Patricia Michl

174. Don't you people have anything better to do than to make unnecessary rules and regulations?  
–Peter Connick
175. I would not be in favor of this being mandatory. -Randy Pais
176. I believe the bias and inclusion is incredibly political. We don't all agree. At all. Be careful. –  
Robert Repp
177. No –Steve Sanford
178. I oppose this proposed change. I recommend these be optional, or perhaps even recommended, but not mandatory ethics credits. –Steven Meredith
179. Each individual have different ethical issues that may be more relevant to the individual's unique needs. Please leave that decision to each attorney. The proposed amendment placed undue and unnecessary burden on WSBA members. –Connie Wan
180. More requirements which a lawyer must schedule and pay for. Most cle requirements aren't really necessary or beneficial. –Terrence Whitten
181. I am not in favor of the proposed changes. –Terrye Shea
182. These are not necessary, are cumbersome, and are insulting. –Vicki Lee Anne Parker
183. I vote NO to this proposal. –William J. Carlson
184. I think the proposed change to the ethics requirement unnecessarily complicates the MCLE process. Finding suitable ethics courses is difficult enough without adding features involving psychological aspects of inclusion and anti-bias, medical implications of mental health, addiction, and stress, and the technical aspects associated with cybersecurity and data privacy. These are important issues that lawyers must deal with in their daily lives, but I don't believe dealing with these issues should be part of the WSBA's mandate. Let's keep the ethical component of MCLE focused on Washington's Rules of Professional Conduct, which all lawyers should be required revisit as part of their continuing legal education, and avoid wandering off into other areas that are not directly related to the qualifications for practicing law in Washington. –William Van Valkenberg
185. I oppose the proposed amendment to APR 11 referenced below. –Dan Brady
186. Quick response – I oppose the changes! –Chris Benis
187. I object to the amendment suggested below. It unnecessary, burdensome, and it another example of the Bar trying to shove social policies onto the bar membership. Just send us to a re-education camp. It has always been difficult for attorneys to fulfill the Ethics Requirements, and now you want to make it harder? Ridiculous! –Edward Wurtz
188. I oppose the proposed amendment. To the extent that attorneys' practices deal with mental health/stress or clients suffering therefrom, or digital security, they will seek out these courses as relevant. To make this a requirement for all licensed attorneys is unnecessary and is a further constraint on already periodically onerous CLE requirements. Most of us, working for public agencies or presumably in large firms, already have mandatory anti-bias training for which we do not receive CLE credit because we are not permitted to make the coursework available for review or public consumption. The proposed amendment would benefit those who provide the training because they would have a corner on the market, not the attorneys required to take it.

- Given the regulatory challenges currently facing the WSBA, moving towards more requirements and not less infantilizes the regulated community. Give practicing attorneys some credit for seeking out those CLE courses that are relevant to their practice. –Jeannie Gorman
189. I am AGAINST being forced to take ethics CLEs on topics chosen by the MCLE Board. We are not children. Any attorney who desires a successful practice will educate themselves on inclusion and anti-bias. I don't see this as a big issue here in WA. As for mental health, addiction and stress--if this is client focused, it wouldn't apply to all attorneys. If this is meant to address attorney stress, an ethics CLE is not the place to do it. Meaningful outreach and support makes more sense. I attended a CLE on this topic and the suggestions were simplistic (exercise, meditation, etc.). As for digital security, write articles in the bar magazine. Most of us know about the issue. We are professionals and should be respected as such. The intent behind this may be legitimate but ethics CLEs are not the appropriate means. –Britt Ohlig
190. I am licensed in another state that has a specific requirement of mental health/addiction credits every year. I find it incredibly difficult to tailor CLE credits in this way, and to find new CLEs each year since they aren't popular topics in the first place. The CLEs are usually insightful and helpful, but I would not be in favor of such a change, especially considering the fact that we already have to breakdown our general CLEs into certain categories. It feels unduly burdensome to require so many different types of CLEs, track which ones I've complied with and which ones I haven't, and then be left at the mercy of whatever online platform provides relevant topics for each one and hope WSBA will allot the appropriate credit. If there is a desire to focus on additional legal education on these valuable topics, then my suggestion would be for the WSBA to offer more CLEs on these subjects rather than mandate their completion. I'd prefer my feedback to be kept anonymous, if that's an option. -Anonymous
191. I am completely opposed to the WSBA adding areas to CLE requirements. First, this is unnecessary; attorneys are well-educated and should be able to decide for themselves which CLE areas are most critical to their practices. This seems like an intrusion on our best judgment. Second, this would be an additional cost burden for attorneys who already pay for CLE requirements. Even without an increase in the total number of credits we have to spend CLE dollars carefully and it is not easy. Meaning what is spent for one course or area limits what is available for another. –Damian King
192. I am opposed to specific ethic requirements for 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. They seem like a MCLE agenda that will further segregate our already segregated bar. – David Petersen
193. I do not support this change. These are not areas in which attorneys commonly get sued for malpractice. Most professionals I know are sufficiently culturally sensitive. CLE should be practical and useful. –Deepak Malhotra
194. I'm not in favor of amending the Ethics Requirement to require one credit on inclusion and anti-bias or for mental health, addiction and stress. Both of these subject areas are important issues but I don't believe they should be specifically called out as requirements separate from our standard ethics obligations. I am not opposed to the technology education focusing on digital security because maintaining the security of client records is essential to our obligations, but I'm not convinced of the need to separately require this given that we have not previously called out specific topic areas in our ethics CLE requirements. –Jay Griffiths
195. I do not support this proposal. –Joe Harris
196. No. 1. The WSBA should not be engaging in, supporting, or legitimating identity politics. 2. I am responsible for my own mental health. I don't need the WSBA to "teach" me about addiction, stress, etc. I'm an adult. 3. If my firm or company has an IT department then this is taken care of

- for me. If I need to do it myself then it is my responsibility and I will do it under my own initiative. I don't need the WSBA to mandate it. –Neil Meyers
197. Per the request for feedback below regarding the proposed APR change, please consider this email to be a response in opposition to the proposed amendment. These issues are already more than adequately covered by other rules. Furthermore, a membership poll should be sent to all members electronically to gauge support and opposition of the members in order to have a fair sampling of the membership position. Requesting a response via email like the one below will result in reduced input from the membership. –Timothy Steen
198. I don't believe that there should be any more further restrictions on the type of CLEs that are required of an attorney licensed to practice law in Washington. Rather, I believe that the WSBA should do away with all CLE requirements as is the case in other states. –Theona Jundanian
199. I would oppose this change. I think it might result in extra costs associated with hunting for credits in the applicable sub-categories. Right now, the bulk of my credits come from WSAMA functions where general ethics topics are covered. Although I wouldn't object to these specific topics being covered as part of the general ethics presentation(s), requiring credits in these specialized categories would unnecessarily complicate obtaining credits. –Zack Hofstad
200. I am opposed to the proposed changes in ethics CLE requirements. The bar should not make CLE requirements any more burdensome or complicated than they already are. –Scott Meyer
201. I am against your proposal. Perhaps a cursory review of digital security makes sense. However, the others do not. Why not require classes on happiness, and rainbows and unicorns? I presume you will have a vocal few that will end up forcing this on the majority of bar members that won't take the time to reply. Why not send it out for a vote to the entire membership? In my opinion, the bar is creeping into areas that neither benefit a majority of its members nor protect the public. I remember the days when the Bar was focused on the practice of law. These changes are proposed at the whim of a vocal few. The world is a tough place. Perhaps it would be better to require skills to deal with the world instead of always trying to require changes so that people aren't offended. I recommend that an ethics MCLE specifically address that there is no constitutional right to not being offended. –Tom Harbolt
202. I would prefer to be able to focus on ethics credits that I believe would be of the most use to me. –Tim Seeley
203. I do not support requirements based on subcategories of Ethics credits. It can be hard enough to get ethics requirements; subcategories, however laudable in theory, just put up greater barriers for lawyers who don't have access to free CLEs. –Ann Wagner
204. While I understand the importance of why the bar would like to modify the requirements, I do not support the proposal. I am also a member of the California bar which has similar requirements. I have always found it burdensome to have to fund ways to fulfill these specific targeted questions. Also in my life and work, I do not have these issues. I like that the bar makes these classes available but do not support mandating them. –Michael Fink
205. I would disfavor these requirements but maybe allow a reward for partaking in them. i.e. 2 for 1 credit for participating in them. Just seems like a little too much control over one's practice. –David Speikers
206. I agree that inclusion and anti-bias, mental health and addiction, and technology security are important topics. I am very liberal in my political views. However, making those topics required ethics credits seems to put WSBA in the role of a mother hen and makes WSBA seem more and more in the thralls of the "left-wing liberal elite," which will even further accentuate divides within WSBA. I would suggest making them suggested (even strongly suggested) rather than required ethics requirements. –Doug Wheeler

207. I am not in favor of any mandatory ethical subject requirement. Attorneys already have to comply with ethical requirements. It should be up to each individual attorney to determine the subject matter which benefits them and their practice. Frankly, "inclusion" and "bias" ethics is more politically based than necessary in every day practice. Likewise, I do not require training about other individuals' problems with addictive substances. Making my practice more secure is always valuable. In summary, I rarely respond to these sort of emails, but I think this proposal is simply out of line, and will do little to actually assist most practitioners in their daily practice of law. -Dennis Beemer
208. The WSBA now wants to follow the lead of the OSB in requiring brainwashing classes as a condition of bar membership! Sieg Heil!!! Sure, and I expect that consideration will be something like, "Anyone who would be accusing such an august entity as the WSBA is engaged in brainwashing must be a wacko, whose input should be simply ignored." To put my input in context, I have been practicing law for over 40 years, mostly as a sole practitioner. Politically, I would be considered a liberal; I've been a registered Democrat my entire adult life, I have a BA in Sociology from the U of O, my head and my heart have always been supportive of those who are placed at a disadvantage by our culture in America. I don't need to be told what to think, about these important issues. Yet, the OSB has adopted rules requiring me to participate in CLE courses the substance of which are instructions on how to think about social issues, which if not attended will result in disbarment. That is brainwashing, pure and simple. Some would call it Socialism. Now the WSBA is considering adoption of similar rules. In Washington Bar members seem to be in general less inclined to just go along with whatever the bar association wants. If you adopt this brainwashing rule in Washington, I can only hope the result will be further dissension within the bar, and I will do what little I can to add to it. -Teunis J. Wyers
209. Please refrain from creating mandatory sub specialties of ethics training. -Tom Kalenius
210. Manipulate and squeeze them as much as you like, these three new proposed mandatory subjects for future ethics credits are not really in the ethics arena. There are enough areas of real concern that are already in the ethics category that diluting them with these three usurpers is counter-productive. While I feel that all CLE subjects should be optional and up the buyer's discretion, if you truly feel these three are so very, very important then mandate them under the category of general credits. If a CLE course is not in my area of practice why would I waste my time and money taking a class that has no real application to my practice. Similarly, mental health, addiction and stress would be great areas of study for those folks who are overly impacted by these issues, but an utter waste of time for lawyers who cope with the stress of a law practice and show no signs of mental illness or addiction. The Bar should not mandate AA meetings or the employment of a mental health professional for everyone just because we might be vulnerable. If I show up high for a 9:00 a.m. docket, or they find me babbling incoherently in my car in the courthouse parking lot, then step in and do your best. Until then, leave me and the rest of out of this misguided attempt at forced indoctrination. Worry about teaching us the law and the ethics we need to know to stay current in the practice of law. Leave the social sciences to those trained in those fields. Ain't broke; don't fix! -Gary A. Morean
211. While adding 1) inclusion and anti-bias; 2) mental health...; 3) technology education/digital security to the potpourri of ethics subjects available to meet CLE requirements is reasonable, MANDATING that there must be one credit in each of the three during a reporting period is pushing CLE requirements for ethics too far. Rest assured, Washington attorneys are well aware of Ethics CLE requirements and some of the subjects of 1,2 and 3 are often covered in already available CLE subjects. Please!!! Enough with the mandates. Totally AOK to offer the proposed 3 as CLE seminar subjects. WSBA members are big boys, girls and others now and can do their own choosing! -Robert Keefe



212. I oppose the MCLE amendment. Attorneys are busy professionals, tasked with maintaining the highest of legal and ethical standards daily. The governing body, the WSBA, has done an excellent job of providing opportunities for growth and enrichment while monitoring compliance of the cannons of ethics within the profession. Any stricter regulation is unnecessary, places undue burden upon an already burdened profession, and simply creates another layer of bureaucracy and oversight by the WSBA that the bar has loudly and consistently rejected. While the continuing education is mandatory, the choice of enlightenment is ours. Hear us now. -Sarah Beemer
213. I am opposed to the amendment requiring specific ethics credits. I do not feel it is appropriate to direct specific topics which the individual member may or may not feel are relevant to his/her situation. -Carol Baker
214. My vote would be against an amendment requiring credits in those specific subjects (or any specific subjects for that matter). Why is the board telling us which subjects are important and which subjects we have to get credits in? -Matthew Johnson
215. I received the email regarding the proposed amendment to Admission and Practice Rule (APR 11) in regards to ethics credits requirements. I do not think the ethics requirement should be amended to require the ethics credits to include 1) inclusion and anti-bias, 2) mental health, addiction, and stress, and 3) technology education focusing on digital security. Because I do not practice in Washington, it would be difficult to find those specific types of ethics credits and would be over-burdensome. In addition, as a federal employee, I already receive training in all of those proposed ethics categories, but it is too cumbersome to request CLE credit for every training that I am required to take. Please take this into consideration when deciding on whether APR should be amended. -Jennifer Whang
216. I don't support the proposed changes. It is difficult enough to find time outside of practice and personal life obligations to meet the WA requirements, which are significantly higher than many of the other states. Additionally, while I can understand the importance of the specific topics referenced by the board, they are not particularly relevant to my line of practice. Our bar dues are already high and being forced to find and pay for courses that fit into these requirements is just adding another burden. -Kelly Rickenbach
217. I am VERY opposed to the amendment. While some of these things may be good to learn about, I reject being forced into it! I am really tired of having certain things "shoved down my throat." -Beth A. Jensen
218. It means well, but I think it is too specific. The WSBA needs to trust that we, as lawyers and officers of the court, are going to select courses to improve ourselves and our practice. Maybe some of us are doing pretty good in the inclusion department but don't understand social media's role in legal practice or have any concept of metadata. That person might want to take several courses with a focus on technology. I'd like to maintain that freedom of choice while working to meet my ethics credits requirements. Honestly, if anything, we should just increase the ethics requirement from 6 to 9 credits (but keep the total at 45). -Christi Goeller
219. I do not support the proposed MCLE amendment. -Eric Sachtjen
220. I am mildly opposed to requiring training on 1) inclusion and anti-bias and 2) mental health, addiction, and stress. I am STRONGLY opposed to the digital security training. Digital security: There have already been countless CLES both in WA and OR on this topic. This is especially true for solo and small firm attorneys, as the solo and small sections in both states tend to have a lot of tech training. The problem is that the substance of these classes is invariably extremely limited. The speaker may identify some of the key tech terms and then cite the ethics rules which say that an attorney must take reasonable steps to protect info that goes into cyberspace.

Duh. Does that really require an hour? Some attorneys might benefit from having someone actually take a “hands on” look at what that attorney does to protect against hacking, etc. But that is more of a case-by-case analysis, and not a CLE program. At CLE programs, all the talk is in generalities. If I have to listen to a speaker explain what “the cloud” is, I will scream. Before adding this requirement, I urge the Board to peruse the disciplinary notices. They are NOT chock-full of reports of Joe Attorney getting in trouble with the bar because he used bad passwords or unencrypted email. Joe Attorney is getting in trouble for all the same issues that existed long before anyone ever heard of digital security. Do you really want Joe Attorney to spend LESS time focused on the traditional ethics topics? Do-gooder requirements: My opposition to what I think of as the “do-gooder” requirements is not as strong. I have attended quite a few anti-bias programs, and they never seem to tell me anything I don’t already know. Basically the speakers just try to convince the audience that implicit bias is real. Duh. I know that already. And the people who don’t already know are probably not willing to accept it as the truth. So I would leave well enough alone. We can perhaps use some better programming on all of these issues, but the programming should not be mandatory. –Chris Rounds

221. I am opposed to the proposed amendments to the MCLE. I am a member of three bars and Washington State is by far the most burdensome and expensive. Adding additional MCLE requirements would only exacerbate this problem without providing meaningful learning. I have completed most of my required 45 credits over the past three years and I can safely say that I have learned very little during these CLE sessions. I have taken sessions in person, on-line, in state, and out. They are frequently pro forma and provide very little real new information or deep learning. They are frequently expensive and simply done as a way for the presenter to earn money while providing no service. Washington’s adding additional requirements would only further burden legal service providers while providing little or no value to them and their clients. –Keith Burney

222. These topics have no place in an ethics curriculum –Larry Zeigler

223. I am afraid such a rule would add hours of ethics classes that would not be helpful to many members of the bar as they practice law in their areas of specialty. While these are good topics, I don’t see the roll of the bar as requiring education for all members in all types of good topics, but instead the bar should only require training that is applicable to and in fact is fundamental to the practice of law. It should be noted that the disciplinary system as part of its adjudications can require training in mental health and stress, and possibly anti-bias. To put it differently, if the bar wanted to require mandatory training in order to make bar members better people, which would then translate to them being better lawyers, that could open a flood gate of areas that could be mandatory subjects. Under that approach a reasonable requirement in many people’s minds would be that the bar member study a minimum number of hours of religious teachings (of his/her choice). Or one could logically think it a good idea to train all attorneys in how to be better employers/supervisors.... that would be beneficial to their staffs and therefore the public. . I would love it if all lawyers were good spellers and could craft a sentence in English at a level of proficiency that is considered above the 7th grade (myself included). It would help the careful and accurate administration of trust accounts if all lawyers had a proficiency in math that was better than a 4th grader. This could reduce the load on the disciplinary counsel of the bar. All good ideas, but is it the responsibility of the bar to require as mandatory training in every area of training that might be “a good idea”? As a retired judicial officer, I recognize that an argument could be made that the Judicial Training system could add as mandatory training for judges a course in anti-bias, because Judges need to know about this important area as it may effect their decisions and their juror’s decisions. This would not necessarily appropriate for all attorneys. Many lawyers in their law practice, however, don’t need to know about bias or

mental health or digital security to be more proficient in the practice of law, because they don't deal with those issues often or even rarely. In fact, I would suggest that the role of the bar should be to require a certain amount of CLE and ethics training, which is done currently, and let the members of the bar decide what areas of study they should be studying because of the obvious likelihood that the bar members will pick courses that are germane to their individual practices. This proposal strikes me as leaning towards "big brother" deciding too much similar to Orwell's 1984 novel... which included this quote: "if you want a picture of the future, imagine a boot stamping on a human face----forever". –Josh Grant

224. I am against this proposal. I find it hard enough to find ethics credits that are actually informative or useful. I end up watching whatever is available just to meet the credit requirements. A lot of the ethics CLE's don't really answer questions about what you're supposed to do in certain situations. They just warn you that it's an issue. I end up with more questions than answers. To add this more stringent requirement that the credits must be centered on a specific topic is just making things more difficult and I don't see any positive outcome. If the bar is concerned that attorneys aren't working hard enough on improving inclusion and mental health, I don't think forcing them to take a class on it is going to help them improve. Wouldn't letting them opt in to something, like free CLE credits on the topic, perhaps be a better way to motivate them? Also, how many CLE's are currently being offered on this topic? I've seen an increasing number of technology security CLE's lately. And I've seen (and attended) a few on the other two topics. But ethics classes are already dramatically few compared to the number of L&L credits out there. If you're requiring an even more secularized set of classes to be accomplished... is the bar going to offer more of these classes? This basically seems like people will be forced to purchase particular credits solely for the purpose of maintaining their license. This is effectively raising the cost of the license itself. If this proposal is enacted, I would hope that the bar association would offer these particular ethics credits for free and not expect people to pay for them just to keep their license. If the purpose of this proposal is to encourage attorneys to be better educated about inclusion, mental health, and security in the digital-age, why not just offer more classes for free or at a reduced price, compared to the more classic ethics CLE's. I'll bet you'd get a better response from people actively choosing to participate in the CLE's rather than being forced to do it to keep their license. –Anna Cunningham
225. I am writing to respond to the proposed amendment of APR 11. I am opposed to requiring that the ethics credits include one of the three topics listed in the proposal. –Hientrinh Lee
226. Please do not amend the ethics requirements. Each attorney can choose which course is most appropriate for them in their practice. Solo practitioners have different needs from large firms. And even within larger firms, some courses may be more appropriate for managing attorneys, while staff attorneys have different needs. –Elizabeth Bejarano
227. Please tell the MCLE Board it has no business trying to put its political views into the CLE credits required for a law license. We don't need the Board telling us what CLE to take to keep up on ethics issues. Nor do I need them forcing us to listen to some self-help stuff I have no interest or need. –Max Meyers
228. I think the recommendation to amend the ethics requirement to require specific credits is a very bad idea. I'm a long time Democrat living in Seattle and I MIGHT support the technology requirement because it's an issue of professional competence and that problem is not going to go away but requiring an entire profession to take mandatory courses on stress and addiction? Or on inclusion? Not all of us are stressed! I volunteer to help other attorneys who have these issues, have a daughter with a mental health diagnosis and took the last Legal Lunchbox CLE on the topic, but I'll be pretty annoyed if it's mandated. There are better ways to encourage anti-

- bias and good health than attempting to regulate it. I want to send a broader message to the Bar to not embed the current progressive ideals into the long term regulatory structure of our profession. Regulation should be the minimum framework, with committees and other types of general support representing leadership for these ideals. –Beth Pearson
229. Enough already with the politically correct mandatory classes. No. Moreover, I am a member of the Oregon Bar which there are already three mandatory “ethics” courses. It detracts from real ethic issues.–Randolph Harris
230. Please do not make our lives even more complicated and burdened with overhead. –James Buchal
231. I am opposed to the proposed MCLE rule change to APR 11. Breaking down the "Ethics" requirement to include 3 new specific sub-topics will make it more complicated to identify and obtain the necessary CLE credits each reporting period. Up until last December I was practicing law in Western Australia where I was admitted in 2008. That jurisdiction imposed mandatory CLE about the same time I was admitted. Originally, there were 3 categories of subjects for which practitioners were required to obtain credits. That has since been increased to four mandatory categories. CLE course providers tend to be sloppy about identifying which category a given course fulfills, sometimes using the "Category Number", sometimes using the "Category Title" or most often a non-specific synonym for the title that is not always easy to correctly interpret. It makes the process of obtaining ALL the necessary credits more difficult. I imagine WA lawyers in bigger firms with extensive support staff to handle such mundane details will have little trouble with this, but most lawyers in WA are in small firms or solo practice where there is already far too much administrative work to do to maintain one's license and still bill enough hours to pay the rent. I was in solo practice in Seattle for a few years in the early 1990s. I have to say I don't believe the WSBA Board pays nearly enough attention to the problems confronting sole practitioners. –Joel Gilman
232. After reviewing the proposed changes, I ask that the CLE requirements remain the same. If there are certain attorneys who want to take a CLE that has to do with one of the proposed topics, I believe that those are easily accessible. However, forcing everyone to take ethics courses about the same topic doesn't seem like the right way to do it. We're all critical thinking adults and can choose the ethics areas that we each see most often within our practice areas and can choose our classes accordingly. –Marcus Henry
233. I oppose this recommendation. Lawyers should be able to select the ethics credits they need, not what the bar thinks they need. Each attorney is in a separate setting and knows best what they need. This type of additional bureaucracy is not needed. –Julia Phillips
234. I disagree with the proposed ethics amendments. The most important aspect of any lawyer's ethical obligations is familiarity and compliance with the RPCs. The three changes are a tiny subset of the RPCs and take away from the big picture ethical obligations. –David Sprinkle
235. IT'S A TERRIBLE IDEA. The concept of requiring ethics credits isn't to make lawyers better human beings, it is to help insure knowledge of and compliance with the RPCs. How does requiring what is essentially diversity training accomplish this? In fact, it would dilute the ethics requirement at a time when our country is sliding further and further away from ethics as standard in business, education, government and the professions. The suggested topics are fine on their own, and should be offered by the bar as regular credit topics, but I am strongly opposed to forcing this requirement on practicing attorneys in lieu of ethics training. I can imagine many people think the ethics courses routinely offered are not challenging, relevant or enlightening, but the solution is better ethics CLEs, not less ethics. –Tom Pors
236. As you may know, ethics credits are quite difficult to accumulate under the current standard as many CLE offerings either do not offer ethics credits or offer ½ - 1 credit per session. Adding an

additional requirement that ethics credits be earned in specific areas adds an incredible burden to an already difficult situation. Additionally, as a US government employee who pays her yearly licensing fee without reimbursement from the Federal government and who is only reimbursed for CLEs specific to my practice, I must carefully choose only those CLEs that would be approved by my agency. Based on the subject matters of the proposed ethics credits categories (1. inclusion and anti-bias; 2. mental health, addiction, and stress; and 3. technology education focusing on digital security), I would be hard pressed to find enough CLEs that would both contain the subject matter that would be approved by agency but that would also cover these new ethics topics. While these ethics subjects are meritorious, their requirement would make performing my public service job, in an era of diminished resources, untenable. Please consider these burdens, when addressing this amendment. –Dianne Todd

237. Some quick feedback ... I am in favor of fewer requirements, not more. Legal Professionals should be able to choose which topics are important to them on an individual basis. Let's not micromanage the topics requirement to maintain a license in Washington. –Matt Savely
238. I strongly oppose amending the ethics requirement under APR 11 to include one credit each of these subjects: (1) inclusion and anti-bias, (2) mental health, addiction & stress, and (3) technology education. While well-intended, ethics credits are about legal ethics, not social engineering. –Meredith L. Lehr
239. I do not support this amendment. I appreciate the opportunity to take courses in the designated areas, and am open to the recommendation to do so. I do not support a requirement. –Cathryn Dammell
240. I am writing to express my opposition to the MCLE Board's proposed amendment to APR 11 in regards to the ethics credits requirements. CLE credit reporting requirements are difficult, onerous, expensive, and time consuming enough already, particularly ethics credits. Adding further restrictions and unnecessary requirements as to where those credits come from is not something that WSBA should be focusing on, and in my humble opinion is not a good use of the significant member dues that we pay each year. –Luka Juric
241. Please leave the MCLE requirements as they are presently. –Jim Bledsoe
242. In response to your request for comment re proposed changes to include subtopics for ethics, let me state my opposition based on experience. Ethics and professionalism should remain just that and not be diluted by popular subjects du jour. I also a member of the North Carolina Bar which requires a substance abuse hour every 3 years. This is a waste of my time and money. I do not recommend that Washington follow this course. Similarly, I am a member of the New York Bar which just introduced a diversity, inclusion, anti-bias CLE requirement. This is a total waste of time and money and is resented by all but its ardent proponents. I suggest that Washington recognize that you can't force feed selective social engineering on its membership
243. . Keep ethics ethics. –Jim Butler
244. I am against changes to the MCLE requirements. Requiring specific topics is unnecessary micro managing of the CLE process. The CLE process should be left to individual attorneys to seek the type of CLEs that they feel will benefit themselves. –David Bailey
245. My input regarding requiring specific topics of MCLEs is to not do it. I would instead suggest that the WSBA CLEs simply be organized in the future to include these desired components or topics. Granted, not everyone gets their CLE credits from Association CLEs but many, many do, and you can promulgate exposure to these specific topics by requesting the CLE organizers (whether the WSBA itself, or its sections) to include ethics components that address the desired topics. –Chris Johnson
246. These more strict proposed rules are "good" topics. However, there are millions of "good" topics. Why are we forcing specific education topics? Attorney's practice a wide range of diverse

topics, some that have nothing to do with these issues. Let's not start this game of mandating certain educational topics in the legal field. The classic slippery slope argument applies here. One further question: Why are these changes being made? No explanation or reason was given for a need to change the rules. I request an explanation as to what problem or inadequacy is being fixed or improved by these changes. –Stafford Strong

247. I am against changing the mandatory CLE's to include "1) inclusion and anti-bias; 2) mental health, addiction, and stress." If there were elective ethics CLE's for those topics I have no issue with it. Short of that, I would consider it compelled political speech. –Jeremy Kirschner
248. While I appreciate the Bar's concerns about the areas identified, unless there will be multiple, low cost CLEs that will fulfill these requirements, it is putting a significant burden on attorneys to find and take CLEs that fulfill the requirements, especially since many attorneys get their credits at national seminars that won't track to these requirements. –Sara Page
249. I think the proposed changes are (for the most part) unnecessary. Inclusion and anti-bias seems to have more to do with politics than ethics. Mental health, addiction, and stress – all good, but what does this have to do with ethics. Technology education – digital security – this makes sense to me because it goes to core ethical concerns of maintaining client confidentiality. I don't know that it should be mandatory, but I think this subject should qualify for ethics credits. –Joe Koplin
250. I find it offensive that the MCLE Board deems it necessary to even think about mandating an ethics requirement on inclusion and anti-bias. This whole concept is fraught with too much opportunity to advance personal agendas and ideology. Absolutely not. –Todd Buskirk
251. I absolutely do not want any further imposition of restrictions or requirements put upon me regarding which ethics credits I am required to complete by a group I do not feel represents me as an individual attorney. It appears the Bar is again attempting to require me to "think" in a manner that is "Seattle" and not relevant to my practice. I see this as another attempt by King County -- and specifically Seattle -- to mandate morales, mindsets, and social interactions for the rest of the Bar Association elsewhere in Washington. -Amanda Vey
252. I am not in favor of this proposal. I think it will add substantial costs for the members to have to seek out ethics credits for these particular topics. I'm a government attorney. I make substantially less than many in private practice. I also practice out of Washington. It would be a hardship for me to take specific ethics CLE's in these topics. I get most of my CLE credits through my employer. The ethics CLE's are geared toward issues we encounter in the government practice. While many of our topics might cover these new requirements, it is unlikely that they specifically relate. For example, I took an implicit bias training through my employer. It was over two hours long. It was not approved for CLE credit. So I would have to take this employer offered course and then have to pay for a specifically approved CLE course. I think the members should be able to choose how best to spend their time and money on what particular ethics course applies to their practice area and interest. The bar can require you to get the CLE credits, but you cannot require me to learn something. People are more likely to be engaged and learn from a topic of their choosing. –Kim Kazda
253. Regarding the recommendation to require credits in inclusion and anti-bias, mental health, addiction and stress, and digital technology, we are big enough boys to figure out for ourselves what we need. No on this recommendation. -Rob Crick
254. I do not favor the proposed changes referenced in the June 24 letter soliciting feedback. Undoubtedly, we all could improve on each of these topics, but it is a mistake to continue down a path of dictating the way we fulfill our CLE requirements. The first category (inclusion and anti-bias) seems uniquely capable of generating controversy and resentment within the WSBA because instructors in these areas are themselves so often full of unconscious bias and overt

- judgment towards those they purport to teach. Thank you for seeking feedback. Please don't implement these changes. –Kyle Netterfield
255. I am opposed to the proposed changes to the MCLE ethics requirements which would compound the requirements by: require one credit in each of the following subjects per reporting period: 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. –Michael Folise
256. I am not in favor of this new requirement because it will make completing my licensing requirements more difficult & probably more expensive. –Sherilee Luedtke
257. I would strongly oppose changing the rules re: ethics credits so as to require us to take those in 3 specific areas. I have no interest in any of those areas, and it would be just one more bothersome criteria to keep track of and comply with . . . –Gary Jacobson
258. This would tie up half of our Ethics credits, and would be in specific areas of law that we might not practice in, so I say absolutely not to the proposal. –Carl Oliveto
259. I am not in favor of the recommendation to amend the ethics requirement under APR 11 to require one credit each in each of the following subjects per reporting period: 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. I won't debate the question of how well these topics fall within lawyer ethics. But I work in the Attorney General's Office, where we already have required trainings for all employees (including non-lawyers) for inclusion and anti-bias and digital security. As for mental health, addiction, and stress, it's good to be aware of how these things can affect your own or a colleague's practice, but do we seriously need mandatory training on the subject? I confess that after 31 years in practice (with part of the time in a large Seattle firm and part of the time at the AGO), this feels to me like a flavor-of-the-month management initiative. The CLE process doesn't need to be further complicated in this manner, in my opinion. –Heidi Irvin
260. I am opposed to this amending of the ethics requirement, I believe that this would require additional due diligence by the attorney to verify and ensure that all of the requirements are met. By way of example, if you were looking at a CLE that has ethics credits, it would no longer be a question of, do I need ethics credits or not, now it would be a question of, is this CLE offering the "right" kind of ethics credits that are still needed by that particular attorney. That just seems burdensome. –Byron Moore
261. I have voluntarily attended CLEs on implicit bias/diversity and technology security/confidentiality. I also participated in an entire weekend conference on mindfulness for lawyers in 2015, for which the WSBA allowed ZERO ethics credit. I'm a little indignant that the WSBA is now proposing to REQUIRE ethics credits in a specific topic area that it so recently refused to recognize. I wholeheartedly support expanding accredited CLE offerings to encompass these important topics, ensuring convenient and cost-effective access to these offerings by all Washington attorneys, and effectively publicizing their availability. But I do not support requiring credits in specific topic areas. For those who are truly interested in a topic, it would lessen the value of the seminar experience to share it with attendees who are essentially participating under compulsion. I think we should expect and trust Washington attorneys to participate in CLEs that are meaningful to them and their practices. And it would help if the WSBA would commit to being less stingy with ethics accreditation. –Sarah Mack
262. I am opposed to the requirement of obtaining 1 credit in each of the new MCLE categories. It is needless and burdensome. Many of the on-line seminars will not have any division like that proposed here which will make it much more difficult to meet the requirement. I vote NO. – Douglas Scott
263. I am opposed to the proposed changes to APR 11 on ethics credits. The proposed rule change is micromanagement of CLE by the WSBA and is unnecessary. If members want to elect ethics

credits in anti-bias, mental health and digital security they can do so voluntarily, but the bar membership doesn't need an additional layer of CLE requirements and it would needlessly increase bar management costs. –Matthew Crane

264. One person's "inclusion and anti-bias" is another person's politics. Imposing a CLE requirement on that is not only troubling given the lack of oversight on the politics of such presentations, it would open WSBA up to being sued by the compelled attendance and payment at what no doubt would be political speech. I am in favor of diversity and inclusion but we as a society cannot forget that a society founded on freedom of speech and thought must protect speech and thought we find abhorrent lest we find the very rights we are seeking to advance, later taken away by the same actions. – Dan'l Bridges
265. I am opposed to the recommended amendment to the ethics credits, requiring the fulfillment of three particular subjects within ethics. I think this takes the "Nanny State" to an all new level and is complete micromanagement of our profession. At some point, legal professionals must be trusted to do what is right. Forcing someone to take a particular subject does not guarantee that the person will learn or absorb any of the material. There are better ways to spend the bar association's time and money. –Carrie Selby
266. I think you're trying too hard to be politically correct. For attorneys in small towns far from Seattle it's hard enough to get to seminars and I wouldn't expect it easy to find a seminar that covers the areas you're considering. In my opinion, many ideas/suggestions the bar committees come up with don't consider the impact on rural sole practitioners. After almost 50 years of practice I've long believed the bar association doesn't really represent my interests and needs. I'm strongly opposed to this proposal. –Jim Lamont
267. I practice primarily in Oregon. Oregon already institutes the proposed CLE requirements. They are mandated here. I have found them to be unnecessary to burdensome. The CLE's most useful to me are related to my field of practice. Training in ethics is also important and practicing ethical behavior lessens the likelihood of malpractice. This lowers the overall costs of practicing law and is thus worthwhile. Equally, classes in professionalism offer positive approaches to the practice that often result in a greater enjoyment and longevity of our livelihood. Access to justice, minority rights, perspective and prejudices also offer benefits, similar to what ethics training does. Education about different cultures and perspectives should provide a better understanding of the client populations and expectations. Listening to a mostly excellent CLE on the internment of Japanese citizens or visitors in the West and Intermountain West during World War II was fascinating and terrifying. However, compelling attendance at this type of CLE is a mistake. I am interested in other cultures, belief and peoples. Unfortunately, my experiences attending the Oregon offerings has not been helpful and instead has built resentment and frustration over the requirement. Realization or at least appreciation of other viewpoints is a helpful skill to any litigator. However, having to attend CLE's every three years which repeat reinforce and preach on about the evils of "white privilege," "minority lack of access to justice," "intolerance of cultural differences" has not led me to a more open mind or "woke" mind (I learned that turn of a phrase from one of the classes). My experiences in fulfilling the Oregon requirements on this topic have not made me a better lawyer or better person. The former should be the goal of CLE requirements. The latter has no place coming from a quasi-governmental regulatory body. My Oregon experience has not been a positive one. It is my hope that Washington chooses to a different path. –David Levine
268. I am very concerned about the proposed change to the CLE requirements. I am admitted in CA, WA, and TX. CA has similar requirements. They are extremely difficult to find. They tend to only be offered a few times a year. This makes meeting the requirements difficult to achieve and very stressful. Those specific topics seem to be the ones that are left to the end because they



are so hard to find. Furthermore, those topics tend to not be covered by the free classes. Because I am admitted in three states, cost is an important issue for me. In addition, I do not find the materials helpful. I do not change how I practice based upon these CLEs. –Kris Zilberstein

269. I would like to register my opposition to the proposed way to divide ethics credits into three sub-categories. Legal ethics issues are driven by the Rules of Professional Conduct. If the MCLE Board wants attorneys to obtain CLE credits in the three categories that are proposed for ethics credits, the better way to encourage attorneys to do that is to offer CLE's in those subjects at a significant discount. In my opinion, each proposed category would fall under the CLE category of "Other" rather than ethics. I intend to communicate my opposition to this proposal to the Governor of this district. –Christy Davis
270. 1- this proposal makes meeting the requirement more complicated and more difficult for WSBA members 2- we members can decide for ourselves what topic areas are useful or informative or of interest 3- forcing courses in these 3 topics does not directly and necessarily increase education or responsibility in these areas –Dana Hein
271. I am opposed to the proposed amendment to the WSBA's MCLE rules. I do not believe the specific training is necessary, and I believe the proposal is overly restrictive. –Laura Crowley
272. While I support the intent behind the proposal, and would like to see subject matter such as bias training and mental health qualify for CLE ethics credits, I disagree with mandating these specific topic areas. Ethics instruction is critically important in our profession. The types of ethics issues that cause the most problems for clients (and for the public's perception of lawyers) are issues of conflicts of interest, poor fiduciary care of client assets, and issues of honesty and candor. I cannot support a proposal that will result in less attention to the ethics issues that are at the core of professional responsibility. Please do expand the types of issues that earn ethics credit, but allow attorneys to make appropriate decisions about which training will be the most meaningful in their practice. –Evelyn Lopez
273. Please do not require that ethics credits meet multiple narrowly selected areas. It is already difficult enough to identify and then enroll in the other legal vs practice areas the Washington bar specifies. Finding out after the fact that a CLE does not actually meet the intended category is already frustrating enough. –Noelle Jackson
274. I would like to express my strenuous objection to 2 of the 3 proposed changes, most particularly the "inclusion and anti-bias requirement." One-hour per year is never going to change the mind of anyone who would need such training, and takes time away from ethics training most lawyers can employ on a daily basis to be better lawyers and small business owners (topics like billing practices and compliance with the ever-growing state mandates for small business owners). Feel free to offer all three topics, but why mandate them? The technology training would be wonderful, but why not just make that free on the WSBA website, along with links to IT security partners who will give members a discount for individual consulting? The WSBA's CLE seems too much like a profit center and cultural play-thing, and less like a service to help ensure its members offer superior legal services to all of Washington (not just Seattle). –Katherine Fairborn
275. I'm always leery of responding to "flavor of the day" concerns impacting the legal profession. As a member of the Oregon Bar, as well, it seems that each three year cycle there is a new topic of interest, whether it is child abuse or elder abuse reporting responsibilities, or something else, Oregon has a concern du jour every three year reporting cycle. Wouldn't it make more sense to make training on these subjects available through WSBA sponsored Ethics CLEs that the members can pick and choose from. I am interested in the digital security issue, but I would rather choose to attend a CLE on that rather than be mandated to attend. –Terry Peterson

276. I wanted to write to provide a quick note on the proposed changes to the MCLE rules. Please do *\*not\** make the MCLE rules more complex and burdensome than they already are by requiring the ethics credits come from 3 separate categories. For those of us with small (or even solo) practices, these rules are already a significant headache on top of trying to find clients, maintain a very high standard of work product, and handle all the business and accounting matters that come on top of the actual practice of law. To me, the topics chosen also seem arbitrary. Why not ethical fee collection? Why not handling client conflicts? Why were these three topics deemed important enough to mandate and others excluded? Why not let practicing attorneys themselves decide what is most important for their own practices rather than have this dictated to them? If the WSBA feels these three particular topics are so important, instead of changing the rules as proposed, I suggest instead hosting *\*free\** CLEs on these subjects and make them available to all WA attorneys. I believe that would far better further the goals of the MCLE program than changing the rules as proposed. On a more philosophical level, I find these mandates to be too far along the spectrum towards being paternalistic and overly controlling. I believe the role of the WSBA aside from policing the profession and handling actual licensing, should be to make the practice of law easier, simpler, and more fulfilling for those who actually do it. To add more burdens on attorneys is moving in the wrong direction. We as attorneys are trusted to know the law, uphold our ethical commitments to clients and our courts, and be competent in the areas in which we practice. In my own experience both in New York and Washington, the majority of attorneys I know already view the MCLE requirements as a meaningless hoop to jump through. Lawyers will either maintain their competence or they won't, and there is little the state bar associations can do about this. By having fewer (and simpler) rules about how to meet the MCLE requirements, those rules that do exist will be more respected. Even better, instead of adding additional rules, provide more free, high-quality CLEs to all WA attorneys in the subjects that the WSBA feels are most important. –Ehren Brav
277. Anything that places an administrative burden on the customer should be avoided. If you would like your customers to be exposed to 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security simply offer them for free via a web-conference. –Patrick Torsney
278. I oppose this change -William H. Broughton
279. I don't see the point of giving attorneys one more hurdle by requiring that they take particularized ethics credits. This smells of micromanaging. -Jeremy P. Yates
280. I have been a member of the bar for 45 years and I think requiring this of me is ridiculous. – Shannon Sperry
281. I feel like mandating ethics training in certain area is imposing the political biases of WSBA and what seems politically correct at the moment on lawyers. Lawyers practice in any number of areas and they should be left to exercise their own judgement concerning what type of training is most needed. After all lawyers are compensated for their judgement. –Doug Fisher
282. I am opposed to the proposed ethics requirements. As a federal administrative law judge stationed outside the state of Washington, I feel that additional MCLE ethics requirements will cause me to reconsider the value of keeping my Washington State bar license. Furthermore, I don't think that requiring specific ethics topics will assist the bar in our goal of improving legal services. –Tim Steuve
283. I would like to register my opposition to changing the current ethics requirements. The proposed changes are overly complex and would make meeting the ethics requirement more burdensome than it already is. The recent trend of adding more layers of granularity on WSBA membership requirements needs to stop. -Alton Gaskill

284. It is rules such as these that are leading the Legislature to contemplate terminating the State Bar Act. These are policy issues, to which I am sympathetic and to which I lend my time, but they are not practice of law issues. We need fewer rules, not more and diluting the ethics education that we need as practicing attorneys is not helpful. You asked. –Donald Black
285. I'm opposed. We are busy enough as it is without a new requirement to comply with. –Dave Arganian
286. I do not support this new requirement. The cost of complying with the current CLE requirements is already burdensome, especially for lawyers who are in sole or small practices, and the educational benefits received through most CLE courses is, quite frankly, disappointing. Adding specific subject areas will simply add to this burden. –Patricia Petersen
287. I am writing to express my opposition to the proposed new MCLE requirement that members of the Washington Bar take one credit in three different new ethics areas during the member's reporting period. As a US government employee who pays her yearly licensing fee without reimbursement from the Federal government, and often pays for required CLE classes when our Union benefits get suspended, any additional MCLE bar requirements, imposed upon us, even if laudable, make performing my public service job, in an era of diminished resources, untenable. Please consider this additional burden, when considering this amendment. –Irene Botero
288. I am a Washington lawyer who practices in Colorado. While I recognize the importance of the topics proposed, I do not believe that they are appropriate for continuing legal education requirements. I have taken courses in all three areas, but never one associated with continuing legal education. As a government lawyer, my budget for legal education is limited. I generally find the most productive and cost-effective means for compliance is to attend attorney conferences. Since I do not practice in Washington, I do not attend conferences in Washington and thus will not have the ability to obtain these credits other than through distance learning. Since this would not benefit the municipality for which I work, I would have to bear this cost as a personal expense. Encouraging lawyers to take these classes is a good idea, requiring it is not. –Thomas Carr
289. On your proposal concerning the ethics requirements. It is already difficult enough for overseas lawyers to comply with the continuing education requirements. Further granularity will only make this more difficult. I have complained several times over the years about how user unfriendly the WSBA is especially for those of us who have practiced overseas for most of our career. I now teach law. Proposals like this and the mandatory malpractice insurance will likely cause me to just give up my license. From afar, the WSBA looks like an organization that can't find its way. At this point, count me among those captive members hoping for liberation through the WSBA's demise. –Mitchell Stocks
290. No- for those of us out of state this is not convenient. I know it can be videos but they are not topics that are usually included in other CLE options nationwide. I do not support the requirement of training in the following areas. 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. -Teresa L. Champion
291. I am not in favor of the proposed MCLE rule described as follows: The preliminary recommendation would amend the ethics requirement under APR 11 to require one credit in each of the following subjects per reporting period: 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. This does not include a recommendation to increase the total number of ethics credits required for each reporting period. Instead, it requires that three of the ethics credits be in the identified topics listed above. –Ray Bishop

292. I disagree with requiring bar members to obtain ethics credits in strictly defined defined, sometimes non-legal ethics subject areas. Depending on the type of practice that one has, learning ethics as they apply to one's area is very important. These three topics are already covered in other bar study topics that are not necessarily called out as ethics topics. Ethics rules are some of the most challenging and nuanced issues facing attorneys. I think having the freedom to explore those topics that are less understood by individual practitioners would be preferable. –Ann (Chris) Thomas
293. I oppose the proposed amendments to APR 11 to require mandatory subtopics for ethics credits. The last thing we need to more top down, "nanny-state" direction on how best to stay current with the law. Our members are smart and thoughtful, and should be permitted to think for themselves on how they want to satisfy the ethics credits requirement. –Al Van Kampen
294. I oppose the changes proposed to the Mandatory Continuing Legal Education (MCLE) Board is considering an amendment to Admission and Practice Rule (APR) 11. The amount and specificity of the MCLE program is getting absurd. Please knock it off. –Mark Millen
295. In response to the request for feedback, I must say that I oppose the proposed changes to the Ethics Credit requirement for the MCLE. First and foremost - I do not believe that we should be mandating anti-bias and inclusion. As gay man, who has experienced the discrimination because of it, I stand with the first amendment right of everyone to believe and act however they want. I just wish there was a registry of those who hate (insert group here) so they would not waste their time applying, working for such places. I have taken great efforts to learn these areas on my own- because they matter to me. I just don't believe the WSBA should be telling people what matters other than all of the RPC. There are such a few limited required ethics credits - let's allow attorneys to discuss and figure out what they believe is the rules or guidelines that will believe to be the most necessary for their own continuing education. Personally, I believe that simply allowing a "substantive" CLE to include .5 or 1 credit of ethics is a total throw away. I have never walked out of a day long seminar with a better grasp of the Ethical rules than when I walked in. Personally, mandating that people are required to actually sit for CLE that are entirely devoted to Ethics (whichever they want) would be a better change than mandating what type of ethics to talk about. –Brent Williams-Ruth
296. I oppose the proposed change to the mandatory ethics CLE. –Jeffrey Hart
297. I strongly oppose the recommendation to amend APR 11 requiring specific types of ethics credits for each reporting period. As a resident of a rural county and a member of a minority bar, I already face significant challenges obtaining reasonably priced ethics credits. Put simply, it is challenging, if not impossible to obtain the current ethics CLEs without attending pricey conferences or spending a significant amount of money for access to online ethics CLEs. While I strongly support CLEs focused on inclusion, anti-bias, and digital security I believe that this proposal will have disproportionate effects on rural attorneys, especially minority rural attorneys. Instead, I believe that WSBA should focus this proposal on enhancing these topics into existing CLE offerings, while offering more no cost ethics CLEs. –Austin Watkins
298. I am writing in opposition to the proposed ethics credit requirement. There are two points I wish to make. First, there has been a persistent lack of sufficient ethics-only CLE courses for many years. Your proposal will only make completing the ethics credits more difficult. Second, the fact the proposal was even made suggests that members of the MCLE Board believe the Luddites among the profession are so dangerous we must indoctrinate the membership, through forced-learning (re-education?) about bias, addiction, and technology use. The proposal is insulting. –Jeanette Bowers Weaver
299. While I am not opposed to any of the 3 ethics subcategories identified by the WSBA, I object to this requirement as being unduly burdensome. Not only must we complete the ethics CLE

- requirements, this will require that we complete the right ethics requirements. In my opinion this process is too burdensome. - John-Paul Gustad
300. Please do not amend the ethics requirement to further complicate and manage which type of ethics credits are required. That would be inappropriate for several reasons, including: • Attorneys are in the best position to know what type of ethics CLEs they most need, and that may not be all three proposed categories; • Ethics CLE providers do not (and out of state providers will not) designate CLEs beyond the "ethics" category; • CLE reporting is already too complicated; and • Members do not appreciate the WSBE trying to micromanage. CLE reporting should be either voluntary or abolished. –Connie V. Smith
301. I am a member of 4 state bar associations and literally, all you are doing by requiring these ethic's credits in these areas is making it harder for attorneys to meet the CLE requirements (for no real reason). Typically, we are already taking ethics credit and the majority of the time these credits are focused on anti-bias, mental health issues that attorneys face and digital security. We don't need MORE REQUIREMENTS! We need less. Every single state thinks they need to force attorneys to learn that the law is hard and might drive you to drink and that law firms should stop being so racist, sexist and homophobic. California has mental requirements and substance abuse requirements. Nevada has another set and Utah does too - but theirs is professionalism. Every single state is different and frankly, none of it is helpful. Please, please just let us get our ethics credit and work, instead of making us spend our time getting CLE credits that are "special." –Dianna Cannon
302. I do not believe social political agendas should be the role of the mandatory legal education requirements. I oppose the amendment. -Robert Leen
303. I strongly disagree with the proposal. While it may line some pockets by creating a market for specialized CLE programs, it would do nothing to improve the quality of legal services in WA or contribute to the professionalism of myself or my colleagues. While I agree that ongoing education in our respective areas of law is worthwhile, identifying topics you believe we need to be educated about is insulting and inappropriate. -Jeanette Laffoon
304. In my opinion, adding these added requirements to MCLE Ethics classes would be confusing and unnecessary. The sole purpose of said classes should be to remind lawyers of their duties to be honest in their dealings, to protect their client's privacy and put the client's interests foremost. –Paul Treyz
305. I am concerned about and do not support the proposed amendment as relates to the inclusion and anti-bias provision. The Bar represents a broad spectrum of interests and viewpoints. The supporters of the inclusion and anti-bias CLE requirement provision have their interests that they are promoting. While I support some of their positions, it seems inappropriate that they entire Bar membership should be required to take CLE classes promoting that agenda. If the Bar continues to follow this pattern, in the not too distant future, we will be required to obtain CLE credits promoting a wide variety of agendas thus reducing the credits concerning Continuing Legal Education. While certain issues are worthy of consideration, it is simply wrong to mandate that the entire Bar membership take CLE classes on those issues. This also raises the issue of whose moral compass will the Bar use to determine which groups' agendas are worthy of mandated CLE classes and which are not. For these reasons, I cannot support a provision that mandates CLE classes on inclusion and anti-bias. –James Patrick Brown
306. I do not agree with requiring specific areas of ethics credits. I am sure many groups would like their agenda to be applied across the State. However, it is hard enough for WSBA attorneys to obtain the requisite ethics credits. I attended an ethics presentation two years ago on "implicit bias" and it was a very informative topic. However, I do not want to see the required ethics continuing legal education become the vessel for special interests. –Paul Kelly

307. I do not often comment on the proposed rule amendments as I believe that the WSBA does a wonderful job in determining what makes sense for our profession and acts accordingly. However, I am strongly opposed to making the requirements for ethics credits even more stringent than they now are. As currently situated, it is often difficult to obtain ethics credits to meet requirements currently written. The new changes will make the requirements even more difficult to maintain and track given the limited number of ethics courses even offered. In lieu of a formal amendment, I would recommend that the groups proposing the amendment, and the WSBA offer more of these CLE's as free or low cost CLE's, as you will get higher attendance and more people tuned in to the issues that you want to ensure people are getting education on. Trying to track and find CLE's and ensure that I have them in multiple areas of ethics is going to be time consuming and costly if I have to take multiple CLE's just to meet those requirements. Please reconsider adopting this amendment. –Lindsay Abraham
308. I oppose the change in ethics requirements as described due to ability to acquire specific ethics at CLE events. Should the board pass this requirement then I suggest all CLE events be required to have all three ethic topics every time. I support having the option of taking the proposed ethics if easily available and without additional costs. If the board wants every WA attorney to have these specific ethics then I suggest the proposed ethic topics be provided on the web and free of charge to ensure you reach everyone. –Jim C. Klepper
309. I don't see any reason for the change. It strikes me as "political correctness". –Bob Scanlon
310. I do not believe the additions to the ethics requirements proposed below should be made. They are tangential to the ethical concerns of a practicing attorney at best. "1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security." -John Powers
311. Why does the Bar Association feel compelled to micro manage and dictate that which should continue to be non compulsory? In loco parentis, perhaps. –Richard Bechtolt
312. I am against adding these items. -Larrie Elhart
313. Please accept my comments on the proposed amendment of APR 11 ethics CLE requirements. I have been a member of the WSBA since my admission in 2001. As a federal agency attorney located outside of Washington, it is rare for me to find available CLE credits that are relevant to my area of practice and the unique legal, ethical, social, and technological issues I face as a federal attorney. In addition to my own bar association's CLE requirements, my federal agency employer requires agency-specific, workplace training on anti-discrimination/bias and digital security. I am opposed to the proposed rule change because selection of ethics education focus should be at the discretion of individual members based on their own management of their professional development. The Bar has not articulated a need for the proposed change, for instance, a current membership that is incapable of providing high quality, ethical services to the citizens of Washington State absent additional education in these areas. If the rule passes, the rule should specify liberal WSBA acceptance of live and recorded federal agency workplace training on these topics as sufficient equivalent CLE ethics credit. –Brian Perron
314. It's already difficult enough to get general ethics credit, delineating the type/category of ethics credits an attorney must have would make it even more challenging/difficult. As such, I am opposed to the proposal. –Jennifer Wright
315. I oppose the proposed amendment to APR 11, for two reason. First, I personally don't feel the need to take a class re: mental health and stress, as I feel healthy and happy. If I felt otherwise, I would seek out appropriate help, but probably not from the bar association. Secondly, if the bar association is going to require that certain "topics" of ethics be taken, then the bar association should ensure that it offers the class (es) and they should absolutely be offered online, with the option that the classes be taken anytime to avoid date conflicts. I already find it sometimes

- difficult to find ethics credits in topics relevant to my practice, and this proposed requirement would make that problem worse. -Lise Place
316. I oppose the proposed amendments to the ethics requirement under APR 11. CLE's are burdensome enough without three additional subcategories to track. Additionally, I do not see sufficient justification to require all lawyers to take these specific CLE's each reporting period in order to be licensed. With that said, I do support the WSBA offering ethics courses on these subjects and promoting them so that lawyers know that these trainings are available to them. If WSBA wants to encourage attorneys to take these trainings, I believe a better approach would be to provide free trainings on these subject through programs like Legal Lunchbox. I appreciate your efforts to improve the Bar and I hope my input is helpful. -Blake Risenmay
317. I am opposed to the proposed amendment to APR 11. I think it makes it difficult when practitioners are required to take MCLE credits in specific categories versus a broader requirement. Practitioners would have to hunt for specific CLEs and could not as easily satisfy their requirements by taking a broader seminar which included an ethics credit in the particular topic area. If the Board would like to encourage or emphasize particular subjects over others, perhaps this could be done by providing incentives such as free or reduced cost CLEs in those particular areas. Moreover, my concern is that the important subjects of today may not necessarily be the same for tomorrow. That's another reason why I believe the more general requirement makes sense. -Timothy Nault
318. Having CLE courses in these three subjects might be useful to some attorneys, but they aren't so essential or critically important that they should be required of all attorneys every three years. CLE courses are expensive and take time to complete. Especially as to the inclusion course and the mental health/addiction/stress course, there are plenty of other information sources available to attorneys on these subjects. I think as professionals we can all be expected to seek out the information we need in these areas, just as we do in selecting all our CLE courses, and we don't need a mandate from the Bar requiring us to take these three courses every three years. -Adrienne Millican
319. I write to express my strong opposition to the added burden this amendment would place on government and nonprofit attorneys. As a government employee, I find that the ethical issues facing me are different from those private attorneys face. I do not have clients (other than the U.S. taxpayer in general), I do not handle any client money, I do not calculate billable hours, I am closely supervised by a large bureaucracy, and my ultimate bosses are politically appointed or elected. In addition, although I am required to maintain a bar license in order to keep my job, my agency does not cover the cost of CLEs or bar dues; I have to pay for CLEs and dues out of my relatively modest government salary. Therefore, to rigidly constrain the ethics topics necessary to maintain my license would do me and other government attorneys a disservice. I fully support the requirement to do continuing legal education, but only if I can tailor it to the issues I experience in my practice. Otherwise, CLEs become meaningless, expensive hoops I have to jump through simply to keep my job and yet another burden government employees face in an era of diminished public resources. Therefore, I urge the bar association to reject the proposed amendment and leave ethics requirements flexible. -Carolyn McConnell
320. I am writing to express my opposition to the proposed amendment that would require MCLE classes in: 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. I have been practicing law for 25 years, and not once has any of these areas been relevant to my work. The MCLE reporting requirement is already an administrative and tracking monstrosity, and this would only further the problems in that regard. I further would have a concern that item #1 in the list could become politicized and

polarizing, and thereby create major distraction and even lawsuits for the bar association. –Erik Marks

321. The CLE requirements are burdensome enough without making them more specific. Please do not change them. –Lawrence Lucarelli
322. I think the amendment for a required specific areas of ethics is beyond the scope of the Bar's duties. No do not change the current format. –Scott Robbins
323. I disagree with the amendment; I think a practitioner should be able to earn the 6 ethics credits per reporting period by attending any CLE's or other programs approved for ethics credit. Micromanaging what ethics subcategories a practitioner must study is overkill. I vote to leave the ethics requirement unchanged. –Bryan Santarelli
324. I am writing to express concern that this proposed change to the CLE Ethics requirement will prove to be a significant burden to licensed Washington lawyers who reside in and are licensed in other states as well, because other states do not have this requirement. While information on each of these three subjects could be of interest and/or help to many attorneys and it would be helpful for the Washington State Bar to publish information on these topics in the bar journal, requiring CLE that would likely be only available from the Washington State Bar on these topics will be a significant additional cost, time, and likely travel burden on attorneys currently residing outside the state of Washington. I am, therefore, opposed to this additional CLE requirement. –Lloyd Sadler
325. I would like to voice my opposition to the proposed changes to APR 11 requiring "specialized" ethics credits for each reporting period. Everyone has causes for which they believe people should be especially aware. Should we add mandates for specialized ethics credits addressing the need for pro bono work, homelessness, insider-trading, legal services for the underserved, etc.? I don't think so. Inclusion, anti-bias, mental health, and digital security are important areas of concern, but they should not be elevated above other areas of concern. Offer classes in these areas but do not mandate them as requirements. –James Hunsaker
326. I oppose assigning ethics credits to specific topics. There are a number of new and existing areas that call for ethics education and re-emphasis. For example, I have encountered several instances recently where attorneys fail to understand contacting a client who is already represented, with prior knowledge of that fact, as being an ethical violation. I would not oppose various ethic presentations which include the topics and subjects that are being recommended, but do oppose making them mandatory. –Dominick Driano
327. I am opposed to this proposal. While all three areas are worthy of attention, I think requiring their inclusion each year is simply too narrow a focus in the broad area of attorney ethics. In particular, each of these are focused on attorney practices. Ethics training on inclusion and anti-bias are only of peripheral importance to solo-practice (I'm not denigrating the laudability of the subject). While mental health, addiction and stress are problems for attorneys, you would do a greater service to the community in offering frequent FREE sessions addressing these problems. Digital security is important, but this subject is usually addressed in existing CLEs on technology. Do not add these requirements. –Anthony Claiborne
328. I strongly object to the proposed amendment of APR 11 to require credits for 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. I do not believe it is the mission or duty of the WSBA to require credits beyond substantive subjects of ethics and law and procedure, as currently required by APR (c)(1). I find it particularly offensive for the WSBA to parent me regarding inclusion and anti-bias. Forcing me to spend one credit hour per reporting period on those subject appears to be motivated by political reasons – not legal reasons. While each member's health, addiction, and stress is important, there are lots of other avenues for education in those areas. The WSBA already



provides support for persons having troubles in those areas. Forcing each of us to take classes on those subjects would be a waste of time for many of us. Similarly, forcing me to take technology education classes focusing on digital security would also be inappropriate. While it may be good to have a class available for persons wishing to learn about those subjects, it is inappropriate to force me to take those courses. –Shawn Hicks

329. Instead of requiring specialized ethics units, offer to the membership, for free, ethics courses that include the subject matter the MCLE Board is interested in covering. Legal Lunchbox series is an excellent and free mechanism to accomplish this. Lots of attorneys will attend free offerings, and the Board will have achieved its aspirations without unnecessarily making the membership pay more money to practice law for low income people. –Bob Baird-Levine
330. This amendment is the type of proposed action that is alienating a goodly portion of the bar from the Washington State Bar Association. We have recently witnessed this sharp division with the proposed malpractice insurance requirement and within planning a response to the Janus decision. This proposed rule change will be additionally divisive. We do not need more divisiveness, particularly in the name of inclusiveness. I have found that ethics credits are sometimes hard to come by. Programs do not always include them in the presentation. At the end of the reporting period, I have to scramble sometimes to earn them. Moreover, the ethics classes are somewhat repetitive—basically don't lie, don't steal, etc. Frankly, I think the ethics CLE requirement should be reduced. I fear much the same for this proposal. These classes may turn out to be don't discriminate, watch your drug and alcohol use, get health care if needed, and don't click on suspicious email, etc., etc., etc. And arguably, the Janus decision prohibits requiring this type of instruction. Some states do not require CLE, so it can be argued that CLE is not a necessary component of licensing, and just a legislated do-good requirement. I think the Bar should hold off making any changes in this regard until after its planning in the face of the Janus decision is complete. –A. Stevens Quigley
331. I would oppose the rule change. Lawyers have widely varying interests and needs when it comes to keeping up with developments in their areas of practice. It seems like unnecessary micro-managing to require such specific topics for ethics education, however laudable each of these categories may seem. I support giving lawyers more freedom to choose what they need to know. –David Thompson
332. In response to your inquiry, the proposed subject amendments should not be adopted. –B. Michael Schestopol
333. I am opposed to this rule change. It strikes me that the bar is trying to promulgate rules that get at certain specific information. Rather than structure it this way with the potential that such information might not even be included, simply create some sort of omnibus CLE that is required of all attorneys each reporting period and offer it 2x/3x a year. Then the critical subjects could be covered to the bar's satisfaction, it would probably take less time, and we wouldn't have to manage all of the distinctions as found in the current proposed rule. –Kevin Diaz
334. I am strongly opposed to the changes, requiring WSBA to provide further oversight as to which categories of topics the ethics courses are covering. This proposal is way to "Nanny-statism..." And, these rules actually get in the way of what an attorney really needs. We are not stupid. WE KNOW what we need. I don't need some administration telling me in which areas I need to earn the ethics credits. I do not drink or smoke. I spent years working in anti-bias, sexual harassment law, etc. I want to have the right to CHOOSE what I want to cover, given that it is MY TIME, MY MONEY, MY PRACTICE. Is it NOT your practice!! Why do we want to pay people at the WSBA to babysit us?? RIDICULOUS and unnecessarily expensive. I routinely take over 250 CLE courses per year...and probably rack up over 30 ethics credits. IF this is going to be a

- requirement, then I suggest all faculty at the law schools be REQUIRED to take courses on GENDER BIAS and sexual harassment, instead of being able to "opt out" given their teaching credentials. I'll never forget that slimey Ivey League prof who wanted to have sex with me in my convertible. Yuck. Nonetheless, I don't like the WSBA telling me what I have to take. –Pamela Fuller
335. After 37 years, it is my opinion that the CLE requirements are by and large an expensive and useless waste of time designed primarily to provide income for those who teach them. If it is in your area of practice, you generally know it already. If it is not, you sit through it without listening. Very occasionally, and I mean once in a decade, you pay for something you actually use. In my case, a CLE on e-discovery. Otherwise, to quote Mr. Scrooge loosely, it is a poor excuse for picking one's pocket once a year. By and large, the way the WSBA is heading makes me glad I will be retiring soon. –Paul Brain
336. My initial reaction is to oppose the specification of categories of CLE credit. It is difficult enough to find 3 ethics credits per year for my malpractice carrier among the available programs in Spokane. I'm not sure those of us in Spokane or eastern Washington would be able to satisfy specific credit categories without traveling out of area. –Sharon Saito
337. We should stay away from mental health it is too complex and can present a danger to attorney or officid –Gail Oreilly
338. I oppose the proposed changes and any changes that would make obtaining ethics credits more difficult. It is already very hard to obtain relevant ethics credit. The proposed changes would only aggravate the problem. One can pursue these sub-issues as part of the general ethics requirements. –Wayne Lieb
339. I oppose the proposal to include mandatory subject areas in the Ethic's CLE reporting requirement. I have not been engaged in the private practice of law since 2006. I am employed full time in a University position teaching a law course. The CLE requirements have very little utility to the average practitioner. They are both a time and cost burden. The advent of online CLE courses has greatly diminished both the cost and time aspects of CLE compliance. These CLE bundles contain Ethics modules, but not necessarily those the WSBA would prefer. In my University position, I am exposed to continuous faculty guidance concerning anti-bias, diversity etc. including training sessions. I also have had to undertake training on online security and privacy issues. We all understand what our ethical requirements are. We do not need or desire additional pressure from the WSBA seeking to channel us into topics the WSBA wishes to emphasize. –Donald Hackney
340. I prefer not changing the Ethics CLE requirements. –Eric Jorgenson
341. For folks like me, a government attorney with no office budget to pay for any CLEs, I simply can't afford to have to search out and pay for ethics CLEs on topics this specific! I have to pay for all my CLEs out of my own pocket, at a government salary, and only recently having paid down my student loans after 20+ years. This proposal may benefit the folks charging for CLE classes, but it is too much for public interest attorneys to bear out of their own pockets. I have to spend time searching for free CLEs, and that means I don't always get ethics courses on specific topics I'd most value. I can't afford otherwise. –Stephanie Mairs
342. Although I understand the desire to ensure a well-rounded ethics requirement, in my opinion this requirement goes too far because it likely creates the need to seek out specialized CLE courses on these subjects (instead of the current structure, which often provides more generic ethics credit in the context of a program of interest to the lawyer). That adds an extra burden and expense. Of course, if the Bar provides free CLE on these subjects on a regular basis, that concern would be largely overcome. Nevertheless, I would prefer that the WSBA maintain the existing rule. –Travis Dodd

343. As a 51 year member of the Washington State Bar Association I lodge my objection to the proposed changes in Mandatory CLE. Let's concentrate on understanding the law rather than "feel good social concerns." The Bar Association should not be in the business of legislating personal belief standards to our members. I have great respect for our members understanding their duties to the profession and the public without being lectured by our Association. —Mike Rodgers
344. I think they would be fine subjects for someone to include in a WSBA ethics course but they should not be mandatory. Good ethics courses are hard enough to find without adding three new requirements to a shopping list. —Rolf Beckhusen
345. I have to oppose the proposed MCLE amendment I received an email about yesterday because it would be very difficult for me to find those specific types of credits as an attorney domiciled in Colorado who still actively practices in Washington. Washington is already quite restrictive in granting CLE credits compared to Colorado, especially for credits I earn for attending and teaching Colorado-accredited CLEs, and more restrictions will make CLE compliance far more expensive and burdensome for me. I'm not a high-earning practitioner, and I support both my own family and my elderly mother. Any additional costs and time requirements will be tough on me and anyone else in my position. —Heidi Gassman
346. I am an active member of the Washington State Bar, and am writing to provide feedback on the recent proposal to amend (APR) 11 to require that ethics training must include three credits on inclusion and anti-bias, mental health, addiction, stress, and digital security. I am firmly against such an amendment. While these topics are certainly worthwhile, a little reflection will suggest that these topics may not all be equally valuable to each attorney, and requiring that the ethics training focus on these special interest areas will be counterproductive. I feel that each practitioner should continue to be free to fulfill all of their ethics training obligation in whatever area of ethics and law is most beneficial and relevant to their area of practice. For this reason, I am providing feedback that this proposal, however well intentioned, is misguided, and should not be implemented. Thank you for your efforts on behalf of all of the attorneys in Washington! —Mike Fisher
347. Please stop the madness. When I was admitted to the WSBA in 1988, lawyers had to get 15 credits every year with a maximum of 30 carryover credits. Simple, basic, easy to understand. Rules changed, I lost half of my carryover credits, and at some point we had to all start getting ethics credit. While that was a laudable goal, I'd bet that most of the attorneys receiving significant discipline each year do so for extreme reasons no right-thinking attorney would do (like stealing from clients, for example). Then somewhere along the way, we moved to 45 credits every 3 years and I lost more carryover. Then some was split into A/V (although doing them all by computer and reading helps us in rural areas, plus avoids Seattle's insane traffic and parking, so that was a GREAT shift). Now we may have to get 1 credit every 3 years on inclusion, something on mental health/stress/addiction/etc. (for serving clients with these issues or for attorneys who have them?) and one on technology...something digital security to look forward to? Please, just stop. I already have to have my older brother and his wife help me do the math when filling out CLE forms every three years (they are both engineers). The WSBA has long offered attorneys who need help a program to provide that help, and does a very good job of reminding us of that. 1 credit every three years won't teach many attorneys on dealing with addicted or disabled clients; unfortunately, you need a more extensive classes or OTJ training. Any attorney who reads even a little news, caselaw dealing with technology and discovery, or generally is aware of this thing called "The Internet" knows to take steps to safeguard communications and electronic records, and caselaw and ethics rules make it clear on how to handle inadvertent receipt of confidential materials. I also seriously doubt that any bigots will

find 1 credit every three years compelling and aid them in seeing the errors of their ways. The WSBA has generally been good about realizing some problems, but its record on fixing them is mixed, to put it kindly. Our membership may have under-representation of some groups? Aside from the dubious premise that the membership should look like some sort of reflection of every identifiable group, the WSBA then undergoes a thorough examination of potential places where discrimination could occur and then takes steps to stop that discrimination, right? No, of course we just add a couple of "at large" seats to the BOG, which (wink wink) could go to possibly just anyone, not focused on minorities or others possible excluded from admission. This does virtually nothing to curtail potential systemic organizational or vocational discrimination. Recent grads don't know how to actually file things with the courts? Well, we have three law schools in the state, let's work with them to teach students about how to...wait, what? A free 4 hour CLE? Sure, everything you could possibly know about the mechanics of practicing and motions in court can be handled in four hours. Shoot, we spent something like 5-7 years debating whether we should have a rule prohibiting sexual relations with existing clients, even during a time when a bar president was being sued by a former client relating to such conduct. I don't know which was worse, that we needed a rule telling us it was a terrible idea, or that it took so long to implement the rule. Last I checked, we had a fairly recent bar president leave early after she was accused of theft. She appears to still be practicing law (I don't know what became of the criminal charges against her). Her claimed defense was basically that she didn't know the applicable criminal law, despite having reportedly handled criminal cases. At least one BOG member is either being sued or accused of harassment and possibly putting the WSBA on the hook for same. The WSBA's former executive director is suing or talking of suing the WSBA for the manner in which she was dismissed from her position. If you want to accomplish something good in educating attorneys on these subjects, perhaps you make those who hold a leadership position take classes related to these subjects. That might actually make a dent in the concerns that led to the most recent proposal. It certainly would feel like less of a slap in the face than an organization creating all kinds of havoc at the top level, then telling its rank-and-file members they have to take classes to hopefully forestall some of the same misbehavior. The proposed rule changes smacks of the WSBA's often-practiced feel-good silliness. It certainly would be reasonable to see to it that classes are offered to address some of these issues. I know the free lunch hour CLEs have addressed some of these things (and that whole program is a great idea). Perhaps we continue to make sure those things are covered and trust the adults in the room to actually take notice of them. The children and miscreants amongst us will not likely be swayed.  
/end rant/-Tom Pacher

348. I am strongly OPPOSED to this change. It is hard enough to get the required ethics CLE credits already without making it even more difficult by breaking down the credits into sub-categories. I am particularly opposed to the WSBA adding left-wing, politically correct requirements such as forcing people to learn about "inclusion", which is not a requirement of the rules of professional conduct in the first place. I find it interesting that the four states cited in the background report on this CLE issue that have added inclusion to their CLE requirements are all strongly Democrat states. If you want to offer liberal Democrat talking points as part of optional CLE courses, that's fine, but none of it should be required. —Ben Tesdahl
349. I think the Ethics CLE requirements need to focus specifically on the RPC's. I think it could be difficult seeking out class/video options to meet the narrow focus on the three subjects mentioned in your email. The three areas proposed as a focus are not very relevant to my practice. They are more properly the focus of articles in the Bar's monthly publication, where they have been covered fairly extensively for the past few years. —Robert Casey

350. I am NOT in favor of these changes or additional requirements for the following reasons: 1. I don't like the idea of further micro-managing which courses attorneys must take. Attorneys are professionals with at least 19 years of schooling. They are perfectly capable of determining where they may need brushing up. We do not need social programming. 2. Re: diversity courses: One-size fits all courses catered to Seattle and major cities may be completely inapplicable to attorneys in rural areas. A course on diversity concerning the needs of inner-city blacks or east-Asian victims of trafficking may have little to do with an attorney practicing in a rural part of the state who deals primarily with farmers and Latino/a migrant workers. Attorneys themselves are the best judges of what courses would enable them to meet the needs of their local clients. 3. Re: technology courses: While most attorneys should be familiar with basic email and website safety, not all need to take courses on secure cloud storage or adequate encryption levels. A partner attorney with cyber security decision making authority has very different learning needs from a low-level staff attorney who only uses email and legal research sites. Believe it or not, some attorneys shun technology and still use old-fashioned telephones and paper. 4. Re: mental health courses: while probate, guardianship, criminal, and real estate attorneys might regularly interact with mentally ill people, it is unlikely a patent attorney or a merger and acquisitions attorney will encounter many such people in practice. Why should such attorneys be required to spend an hour on mental health issues when such time could be better spent discussing the ethics of say, patent trolling? It is preferable to keep the categories broad and allow attorneys individually to determine the courses most applicable to their area of practice and the population they serve. In short, leave us alone. —Paul Ferman
351. I am opposed to this change. It's not that I don't believe WSBA members should get ethics credits in these areas – not at all. However, in many of the CLE classes I take, the ethics portion of the presentation is specifically designed to be relevant to the specific subject matter of the CLE. For example, if I take a CLE on ADR, generally the ethics portion of the CLE (if there is one) covers ethics specifically as they relate to ADR. This is helpful to me, as it gives me ethical information I need on the specific subject matter I am studying. If certain areas were mandated, and if the CLEs I took (on subjects in which I obviously want training, because I signed up for those particular CLE classes) didn't happen to cover ethics in these new mandated areas, I would be forced to take additional ethics CLEs specifically to hit those areas. This raises 2 concerns: (a) those additional ethics classes/credits might or might not be valuable to me, whereas (as I explained above) the ethics credits provided as part of a larger CLE presentation are, in generally, always valuable to me; and (b) I might need to take more than the mandated 15 hours of CLE credits just to hit these (somewhat artificially) mandated subject areas, which isn't fair to the members. Forcing ALL members to take ethics credits in specific areas also fails to recognize one of the longstanding tenets of the CLE system, which is that members are free to program CLE credits as they see fit, to meet their practice and legal needs, as long as they take the mandated minimum number of hours in ethics, L&L, and overall. Therefore, I am opposed to the proposed change. The WSBA has not, as far as I am aware, clearly shown that each and every member of the bar needs training in these areas – indeed, there are certainly members for whom one or all of these areas simply aren't applicable or relevant to their practices or their lives. Therefore, while the WSBA might want to encourage members to take credits in these areas, it does not have a solid basis for forcing all bar members to do so. —Christopher Porter
352. This is a very quick note in opposition to the proposed MCLE revision on ethics. The new topic areas are useful and important for those who need them, but I believe the focus of required legal ethics should be legal ethics. —Chuck Cالدart
353. While each of the proposed areas is worthy of careful thought, none of them seem to me to have to do with competence to practice law, which is supposed to be your mission. Ethics rules

clearly do, and so do subject matter expertise. I do not think the Bar should make itself designate as mandatory offerings of courses that stand to make us better citizens or safer custodians of information. I do not object to offering such courses to those who may wish to consider those topics, but if you are going to insist on self-improvement as a condition of licensure, where do you stop? Racial, age and gender equality are important, too. Why is that not on the mandatory list? Or sensitivity to disability? Or to political differences? Or a host of other topics people find central to establishing a persona and a professional method. You are not offering a slippery slope with this--you are offering a greased pole. You have a system that works. My input is, leave it alone, offer all the courses anyone wants to offer, and leave it at that. --Chris McLeod

354. All these changes proposed make CLE providers lots of money. they have no real effect upon the practice of law, and if anything, they breed resentment over the issues. Being politically correct is not a tenant of law practice, and i would appreciate these great ideas being tabled since they only will cost money with no real gain to the profession. BTW-I have been an attorney for over 40 years and find micro managing this area to be highly distrubing at best. --Michael Levy
355. I am opposed to the recommendation. I do not see the need for inclusion/bias training, and mental health issues are very apparent. As a prosecutor for the City of Goldendale, I can immediately think of 2 people who continually re-offend, but there is nothing to be done. One has been evaluated by Eastern State Hospital, and he was determined to be competent. He just has some type of problem that results in bizarre behavior that falls into the categories of misdemeanors/gross misdemeanors. The second has been evaluated, and she was deemed incompetent (I believe bi-polar was the suspected condition). This seems to be a recommendation that will dedicate 2 CLE credits that would be better spent in education in areas of LAW practice. -Gwendolyn Grundei
356. I am opposed. Unnecessarily intrusive over-reaching and micro-managing on the part of the MCLE Board. Stop it. --Glenn Price
357. I am writing in opposition to the below proposal. I believe that this unnecessarily micromanages ethics courses, both in subject matter as well as duration. --Paul Sander
358. I am absolutely opposed to this proposal. We don't need to emulate California by imposing these kinds of CLE requirements. The only people who benefit are the vendors who prepare and sell video or audio presentations that purportedly address these topics. Even though everyone would be forced to purchase these "talking head" video or audio presentations in order to fulfill these new requirements, most attorneys will resent this kind of micromanagement of their CLE choices, and as a result, it is unlikely that they will pay attention to the content of the presentations. --Bob Hailey
359. As practice areas are quite diverse, I do not believe that the profession would be well-served by the proposed new subject requirements. Instead, each attorney should assess their own practice areas and decide which subject matters they should familiarize themselves with. This is not a one-size-fits-all profession. The proposal would force many attorneys to earn ethics credits in areas that may not apply to their practice. --David Bustamante
360. I don't think any feedback I've given on any WSBA proposal has ever been heeded, but I will try once more. It is difficult enough to ensure we are getting our ethics credits. This would make that nearly impossible. And likely very expensive since demand will be high and supply of these courses will be low. I hope this will not pass, but given the trends, I have little hope that it won't. --Donna Beatty

361. It is difficult to find ethics credits already. Adding the requirement for sub-categories is only going to make that harder. I live outside the US. For this reason I would not be in support of this proposal. –Doug Silin
362. This proposal seems to be tailored to support the aims of the proposers, and not to the broader aims of providing ethics training to WSBA members. For instance, most violations of the RPCs appear to be related to mis-management of client funds. None of these proposed requirements address that issue at all. It is difficult enough to meet ongoing CLE requirements. I am sure that one or more of the proposing groups will provide the re-education of us for a fee. That's okay. But let us not pretend that these requirements will improve WSBA members' ability to operate under the Requirements of Professional Conduct. For these reasons, I oppose the amendment. –Eric Halsne
363. I prefer to not restrict the subject areas in which lawyers may obtain ethics CLE credits to fulfill the requirement. The ethics sub-topics that are most relevant and most helpful vary between lawyers and from year to year. CLEs qualified for ethics credit should focus on the Rules of Professional Conduct. The RPCs allow for addressing issues of inclusion, anti-bias, addiction, mental health, and technology and WSBA should provide and promote CLEs on those topics. – Eric Rhoades
364. I do not agree with any proposal to specify categories of ethics credits that must be earned. If the bar thinks education on these topics is necessary, a better approach would be for the bar to offer classes covering the topics for free with online access.?? This would allow interested bar members to attend them easily.?? If few bar members attended any free course offering (everyone is always looking for ethics credits), the bar could learn that its membership is not as interested in the particular topics as the bar is.?? I am of the opinion that the bar should reflect its members interests, should not try to dictate what its members think, and should not mandate support of various political issues or other topics of the day. –George Cicotte
365. This is too onerous, and puts another burden on attorneys to meet all the MCLE requirements. Let the organizers of CLE hours dictate how and what to cover for the ethics as long as it meets the basic parameters. It allows organizers to fit the subject matter to what is topical at that time. What is the point of hamstringing the programs, dictating everything down to the last dotting of the "i"? –Julianne Peter
366. I am generally against the creation of requirements which limit flexibility and are likely to return unintentionally absurd results. (e.g., already having 6 ethics credits on drug abuse but then not being able to find anyone who offers cyber or mental stress when you need to take them, then being flagged as “non compliant” with the ethics credits even though you have twice as many credits as are required) –Mark Bardwell
367. I practice in Oregon as well. Oregon imposes an increasing number of faddish "ethics" credits on its attorneys. A couple years ago, there was backlash against the triennial child abuse requirement; now we report every other triennium. Why? Because the bar thought the OSBar was a tad full of itself. Here's the problem I have. The societal issues are not ethical as ethics relates to legal discipline. If I take my client's money, it matters not whether he is a she, a he taking drugs to appear to be a she, a WASP, or a blond-haired Danish convert to Rastafarianism. My client is still my client, and I'm still a thief. Am I any less a thief if my client is Bill Gates III and can afford to buy me out? What if my client is poor? Am I still not a thief? If these matters are important to the bar, then make them general credits. Don't stick them in some corner where you can safely say "see, we are being good" while only giving them 20 minutes of lip service per year. Keep the ethics CLEs for the training of legal ethics. Give a whole day to a seminar about not being a biased pig. After all, I'm not going to be disbarred because I stole

- money from my black, female client instead of my white, male client. I'm going to be disbarred because I stole my client's money. –Mark John Holady
368. The proposal referenced below to amend the MCLE ethics requirements unnecessarily complicates an already onerous MCLE system. –Martin Anderson
369. The WSBA is too handsy. We don't need more regulation. –Mike Rhodes
370. I suggest that the WSBA not adopt these new MCLE requirements. For those of us out of state, which includes active duty military as well as Washington lawyers selected for public sector positions like mine that took them elsewhere, it is already hard enough to get free and low cost general and ethics CLE and certify it ourselves for Washington credit. Adding special subject matter requirements unique to Washington will only make it that much harder, since out of state and in-house government providers will not offer those courses. The WSBA might instead offer courses in those subjects online for free, and certify them for ethics credit, which would draw attendees. –Evan Nordby
371. Regarding the proposed changes to CLE requirements for 1 hour each for mental health/inclusion/digital security, I oppose the suggestion. Let us make our own decisions about when to reach out for help (mental health), how best to be inclusive, and how to protect our client's digital security. We don't need a CLE. –Phil Brennan
372. I respectfully but strongly object to this proposal. I'm a gay man and I recognize the importance of these topics. I came of age during a period when gay people were viewed as disease-carrying vermin, not as full citizens or attorneys. However, this proposal will only serve to make CLE certification more difficult and expensive. It will expand the cottage industry of people who are seeking to make a quick buck by offering CLEs. I wish that the CLE board would focus its efforts on reducing the costs and barriers for CLE compliance. Why haven't you focused on making free CLE available to everyone, instead of making it more expensive for everyone? These costs and expenses are the primary reason that I'm no longer an active member of the Washington State Bar. I allowed my membership to go inactive given the many hurdles and barriers to CLE compliance. –Robert Jacobson
373. As an active WSBA member, I do not agree with the MCLE Board's proposed amendment to the ethics credits requirements. –Robert Sealby
374. I understand what the WSBA is trying to do with the more discrete MCLE ethics requirements. However, I believe the WSBA should instead encourage MCLE credit offerings around those subjects rather than require such stringent reporting requirements. The proposed requirements will be administratively burdensome to report and track and add more complication to what is already a burdensome process. The WSBA should be focusing more on the 'carrots' than the 'sticks.' –Ryan Rubenstein
375. Mandating specific categories of ethical education is a terrible idea. First, while I respect the intention, requiring lawyers to undergo specific types of ethics training will by necessity decrease the breadth of ethics programming overall. I have planned many CLEs, and know the challenges of developing appropriate curricula and finding engaging speakers. In addition to the existing difficulty inherent in developing substantive CLEs, we need broader, not narrower education. Lawyers need ethics training on more topics than just these three, and imposing specific requirements appears both heavy-handed and short-sighted. Second, I will stab my eyes out with a dull pencil if I have to attend one more training on digital security. This relates to my above comment about mandating specific types of training: I understand well enough how to avoid causing a digital security breach. My interest in sitting through a 60 minute presentation on a topic about which I am both uninterested and adequately educated is less than zero. Mandating education is only going to punish those of us who are willing to learn, and I am deeply skeptical that it would improve the practices of those who are oblivious. Third, I would



- encourage the Bar Association to re-prioritize its work. While this program is probably well-intentioned, I would strongly prefer that the WSBA focus on improving its track record of enforcing the RPCs. The current enforcement protocols are laughable, and result in many lawyers who are menaces to the public being allowed to continue practicing law. Rather than trying to teach pigs to sing, I would strongly prefer that my bar dues go toward more thoughtful ways to ensure that the people allowed to practice law are competent and ethical in their chosen area of practice. In short, I strongly disfavor this proposal. –Sara Amies
376. This is a really dumb requirement. Every time the wsba adds a requirement, it does so under the assumption that all attorneys practice in the same way. They don't. People do all sorts of different things with a law degree and a law license. Not everything involves technology, not everyone deals with bias issues, not everyone is in danger of substance abuse. It would be great if it wsba would just allow us rank-and-file members to choose whatever subject we want for our continuing education based on what we need to learn to be effective practitioners, whatever that practice may be. Please stop micromanaging us. –Spencer Bishins
377. I think this is a ridiculous proposal (to require ethics CLE sessions on those three specific questions). I would suggest that ethics training through CLE sessions focus on compliance with our ethics rules (with emphasis, but not specific mandatory CLE, on "tricky" issues that may arise in each specialty area of law). –Stephen Falk
378. Respectfully, NO. Bar dues already are staggeringly high for what members actually get (aka 'not much'). This merely is a grab for more money for either the bar or CLE providers or a feel-good move by the Board. Unless these are free CLE programs with a lot of advance notice for those of us forced to take them, lay off. –Susan Stearns
379. Do not amend APR 11. If you want 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security, then offer Ethics classes in such topics. –Tim Rybka
380. I am strongly against requiring an ethics credit in the areas of inclusion and anti-bias. Those are social issues (which I support by the way) but not legal ethics issues. I also don't favor the rest of the proposal because it seems to elevate some ethical issues over others. For example, we'd have to take courses on mental health and technology, but would not necessarily have to take any courses on conflicts of interest. No ethical issues are more important than others, so I think the credit system should reflect that. –Trevor Zandell
381. - I'm opposed to this idea. Stop making the WSBA a left-wing organization. Stay out of politics. –D. Neil Olson
382. Short answer is NO to any amendment of the ethics rule as proposed –Stephen Kozar
383. While I see the value and importance of addressing each topic, I am not certain I agree that these need to be addressed for an hour each, every three years. Hopefully over time people will "get" implicit bias and how to guard against it in their practices and in trial. I think lawyers are very aware of stress, addiction, etc. – what I think lawyers need is to be assured about the value and confidentiality of programs so they'll use them when needed, but I don't think they need an hour of it every three years. As technology changes, the way in which electronic data is protected (and stolen) is going to change, so I think it's important to get the word out regularly as technological change impacts the standard of care owed by a lawyer to her clients. I'm not sure if 1 hour a year every 3 years is enough or too much on that topic because things seem to change so quickly. –Chris Nicoll
384. I think specifying an ethics credit in the specific subjects would be window dressing rather than actually improving anything. –Richard Cole

385. I am writing to oppose the Mandatory Continuing Legal Education (MCLE) Board proposed amendment to Admission and Practice Rule (APR) 11, in regards to ethics credits requirements.  
–Tom Hart
386. To what end is this proposal – a way for more people to make more money selling CLEs that we do not need. Enough. This is one of the most ridiculous proposals I have seen. It serves absolutely no useful purpose except to add to an already much too high an expense for CLEs. Voting this one down is a “no brainer.” –Judith Maier
387. I am writing to express my opposition to the proposed recommendation on amending the ethics requirement. It is my opinion that getting the required ethics credits already presents a consistent challenge to most of us and adding specific topic areas would only make that more difficult. If such specificity is to be added, the WSBA should have web cast CLEs on these topic areas available at no cost to the membership to view at their discretion. For most of the bar obtaining the necessary CLE credits present a challenge in both time and funding. Removing the distinction between live and web cast CLEs was a positive move and added much needed flexibility. This proposal goes in the opposite direction. –Beth Anne Kreger
388. I do not think this is needed –Pamela Andrews
389. I do not think the amendment to Rule 11 would be helpful. It is already difficult for out of state licensed attorneys to keep up with the variety of CLE credits we have to keep up with in the various states we are licensed in. Requirements to have very specific ethics cle requirements would be very daunting indeed. No other state that I am licensed in would have similar requirements, and it would be very difficult to find CLE courses offered in the very specific subdisciplines proposed. I think it may be helpful to encourage attorneys to get credits in different areas of ethics, or to encourage ethics providers to offer more diverse ethics classes. But, to put those requirements on attorneys to find those specific CLEs would be challenging, especially out of state. –Benjamin Sheridan
390. I recommend that the Board not begin micromanaging the continuing education sought by licensed legal professionals. Micromanagement would be the essence of requiring courses on very specific subjects. As valuable as the proposed subjects are, there are 100’s of other ethics/professional responsibility subjects that are worthy of education and training. It should be up to each professional to determine the training most applicable to their stage of professional development and type of legal practice. Inclusion and mental health subjects, for example, are best advanced and addressed in settings other than continuing education courses. I manage several attorneys and we have had several inhouse discussions (some of which have included experts) regarding inclusion that is very specific to this office’s practice. Mental health, including mental health awareness, is not best addressed in a continuing education course. Digital security, for me, is best addressed in consultation with our director of IT. These are just a few examples of why micromanagement is problematic. My continuing education hours are a precious resource and expenditure of time and funds. As a professional, I believe I am in the best position to determine how I will maximize the benefits of my continuing education hours within the already existing framework that ensures that a certain number of hours are dedicated to ethics and professional responsibility. –Peter Ruffatto
391. I am licensed but not practicing. That fact may inform my view, but I do not favor more specific Ethics CLE requirements. Let each attorney continue to choose what is most helpful to him or her. The prescription of certain topics infers a perceived deficiency (which may or may not be the case) and elevates certain ethical concerns over others. I do not favor a change. - Shirley A. Ort
392. I strongly believe that WSBA members are in the best position to determine the areas of ethics CLE training warranting their time and money. I do not believe that the WSBA should mandate

- specific areas of ethics training. I do believe that the WSBA should encourage and recommend a variety of ethics trainings for members to consider. –Steve Reinmuth
393. No. No. No. Please stop making our lives more complicated with programs that simply have little or no positive impact! Legal ethics is fine for a brush up every few years. I enjoy those sessions. I suffered through the others before in the California bar for years. Everyone I knew scrambled to pick up the credits for them at the last minute, and gained little from the offerings. Please, no! - Peg Manning
394. I oppose the change to add a MCLE requirement for one credit in each of the following subjects per reporting period 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. The first topic is an attempt at social engineering and is not a subject requiring routine reeducation of a professional. It is offensive to think that the bar association has to tell its members how not to be biased and how to include others. The second topic is of particular concern to many but not all and need not be focused on each three years by most. Those who are interested can certainly seek out such courses. The third topic is the most important overall as the area continues to develop but again a special requirement seems like micromanaging a professionals' continuing education. –Frank Dinces
395. My feedback on the proposed MCLE changes is both general and specific: 1. Generally, MCLE should be abolished. It's not your place, or the State's place, to tell trained professionals what they need or must do to do their jobs. The justification of "consumer protection" is a canard: you could require all the MCLE in the world, and there'd still be incompetent and unethical lawyers. I believe in the free market, not government regulation and micromanagement. 2. Specifically, the proposed requirement for "inclusion and anti-bias" is pure left-wing political correctness, not far removed from Stalinist "re-education" camps. You do not have the moral or ethical right to tell people how to think. Many people believe "diversity" is a weakness to be managed, not a strength that should be celebrated, much less required. Be that as it may, you cannot mandate political stances. If someone does not want to be inclusive, that is their right. If someone has biases, that is their business, not yours. People do not need to be "educated" that your point of view is right, and their point of view is wrong. Because YOU may be wrong. Fight it out in the marketplace of ideas, not the Orwellian school of rightthink. Gender, race, and "inclusiveness" are not legitimate criteria for lawyering. The only legitimate criterion is qualifications and performance. –Richard Sybert
396. No - Jim Rigos
397. I am opposed to the proposed amendment to APR 11. - Christopher D. Bell
398. I think this is not a good idea at all. Members should have the freedom to pursue many kinds of interests. There needs to be less mandates, not more. The mandates are contrary to the professional development that each member is responsible for as a mature practitioner. There is too much conformity and uniformity in perspectives as it is. - Lawrence Watters
399. Just a brief note to say that while I agree in principle that attorneys should be mindful of the ethics subjects mentioned in your e-mail of earlier today, I do not support the proposed amendment to Rule 11. The proposed amendment adds cumbersome administration tasks that outweigh any benefit that the amendment would bring. Just my 2 cents. –Lucia Udlinek
400. I am opposed to the amendment. If Bar Members would like to take those types of courses, they certainly can as there are numerous ones on the subjects. Additionally, it sets bad precedent where every few years, the topics will need to be changed to reflect what some Bar Members think are the most relevant at the time. –Wade Cascini
401. I teach professional responsibility at the University of Washington, and I regularly speak and write on professional responsibility topics. I have one comment concerning the proposed

amendment to APR 11(c)(1) and (2): We should not include new anti-bias and mental health CLE requirements at the expense of our very important existing ethics requirements. By specifying that three out of the six ethics & professional responsibility credit hours must be in the areas of inclusion/anti-bias, mental health, and technology, we would be materially reducing the number of credit hours that practicing lawyers would take on other important ethics topics. Working lawyers need continual professional responsibility training and updates, and lots of it. The existing six hours is not really enough. Cutting the required number of hours for general ethics training in half would seriously undermine efforts to keep PR issues in the front of each attorney's mind, every day, all the time. Arguably, the technology requirement fits in with ethics training in general. But I'm not sure that a specific credit hour requirement is appropriate. It might be important today, as we transition into a more digital world. But it might not be so important in ten years. In my view, we should simply encourage lawyers to include technology issues in the professional responsibility CLE courses they choose—but not make it mandatory. The other two topics—inclusion/anti-bias and mental health—are broader issues than ethics (notwithstanding RPC 8.4(g) & (h)). If the MCLE Board concludes that all practicing lawyers should take courses on these topics, either two additional hours should be added to the existing total 45 MCLE hours requirement (for a total of 47), or those two additional hours should be placed in the "Law and Legal Procedure" category rather than in the "Ethics" category. —Hugh Spitzer

402. These proposed requirements seem too specific in that it may be very hard to find CLE's with these specific topics. —David Liscow
403. Thank you for the work you and appropriate others have done on the proposed change in the requirement for the mandatory ethics credits, to modify to some specific topic requirements (APR 11). It is appreciated. Although I am sure your proposal is well-meaning, I believe it narrows ethics requirements down to too specific of topics. I am sure I risk negative comments about being politically incorrect; however, too often these sorts of proposed modifications have been driven by individual or small group personal and/or political agendas. It was not very long ago when APR 11 was changed to require ethics credits. This was a reasonable approach which I did not oppose. I beg you to continue to allow WSBA members to use our own adult and professional judgment and discretion to pick and choose which ethics courses we take, based upon our evaluation of what our needs are in a particular reporting period — not based upon your determination of our needs. Too often, as in this case, individuals and small groups — frankly, special interest groups — are pushing their own agendas and aim to manipulate requirements and rules to help them bolster those personal and/or political agendas. I do not personally oppose the existence of various and sundry member groups [there are good reasons for them to exist], and if this modification does not pass I will likely take a number of ethics courses in the future that fit squarely within the topics of the desired modifications. However, the pushing of this change in the rule should be recognized for what it is — the pushing of personal and political agendas by special interest groups [e.g. Washington Women Lawyers, Asian Bar Association, Cardozo Society, Filipino Lawyers, Loren Miller Bar, Latina/Latino Bar, South Asian Bar, and QLaw]. Please do not modify the current rule. Let the adult, professional attorneys who are members of the WSBA make their own decisions on meeting their own needs. They are much more responsible, mature, and accountable than you tend to give them credit. —Charles Bates
404. I am opposed to making these three classes mandatory. First, these classes are not needed. Like most families in Washington, mine is extremely diverse in race, sexual orientation, age, disability including mental health issues, etc.; so the inclusion and anti-bias; and the mental health, addiction, and stress are a waste of time. The digital security classes are already being

offered and I have taken several of them from various providers. Second, the inclusion and anti-bias class is not related to understanding and applying the law. Since you haven't provided any detail it is probably a purely social agenda class designed to promote the LGBTQ+ agenda and is likely to deeply offend the faith of many bar members from Muslim to Christian. It makes no sense to spend member funds defending a discrimination and/or religious freedom lawsuit over a class that could have been made voluntary instead of mandatory. Third, it is a financial burden to require members to take classes that don't relate to their practice. Those three ethics credits will cost somewhere around \$500 to take, deprive an attorney of over \$2,000 in income and they will not all three relate to every attorney's area of practice. -Alicia M. Berry

405. I write to urge the WSBA not to adopt the proposed amendment to the mandatory CLE requirements. First, it adds unnecessary complexity to the licensing requirement. Second, it gives excessive emphasis to a rather small part of the Rules of Professional Conduct. Finally, as a 60 plus year old female lawyer who dealt with my share of discrimination in the practice of law, I am sick and tired of being lectured about inclusiveness and related PC issues. I oppose the rule first because it adds yet another complication to maintaining my license. In addition to making sure I attend enough CLE and have enough ethics credits and whatever that is now required, this rule imposes yet further requirements. Second, the Rules of Professional Conduct cover a wide array of topics, yet your committee has picked some relatively obscure portions of the rules to emphasize. Over the years, I have served on a variety of ethics CLE panels and don't recall ever having these issues as a source of great concern. I also served as Special Disciplinary Counsel (or whatever it is called now) for many years, and again, these are not the topics that cause problems. I don't recall seeing disciplinary notices involving lack of inclusivity. And while substance and stress issues may lead to other violations, a vast majority of lawyers I know deal with these issues professionally and it is frankly insulting to require everyone to attend seminars because a small portion have substance issues. Finally, technology is an important issue, but for many lawyers in big firms or government offices, it is irrelevant because there are hired professionals to maintain the systems. And for retired lawyers, it would be a complete waste of time. I think focusing on these few topics at the expense of other ethical issues that pose as great or greater risks to the public is unwise and reflects misplaced priorities of the WSBA as well as a political agenda that we do not all share. Finally, I am simply tired of lectures on bias. I am a female who graduated from law school in 1982 and practiced in a larger firm for many years. I had some experience with bias and dealt with it. Progress has been made in a lot of areas and more is needed, but mandatory CLE hectoring is not going to change minds. What I learned from my practice was work hard, be as good a lawyer as you could and change the minds of the doubters by example, not by whining. Every lawyer I ever talk to about "diversity" and "inclusion" is equally sick and tired of the constant lectures. At this point, I think it does more harm than good. I have my problems with MCLE – I don't think it is an effective way of improving the skill and knowledge of the members of the profession. But if we must have MCLE, then it should be on topics of interest to each lawyer's individual practice, and not topics dictated by WSBA. –Erika Balazs

406. I am writing to provide feedback regarding the proposed amendment to APR 11, which I oppose. Why is the MCLE Board 1) proposing inclusion and anti-bias and mental health and addiction CLEs at all when there is plenty of information on these topics readily available, and 2) why are they being proposed as "ethics" CLEs? How are either of these topics "ethics"? The purpose of ethics CLEs is to ensure attorneys understand and follow the RPCs. Neither of those topics has anything to do with ethics. That they are being proposed at all gives the impression that the MCLE Board thinks all attorneys are exclusionary, biased, and/or have mental health or addiction disorders and we need to be straightened out. The WSBA already provides support

- for members with mental health and addiction disorders, and we get plenty of information about inclusion and anti-bias in NW Lawyer; we do not need regular CLEs on either of these topics, and should not be required to pay for CLEs on topics we don't need and that aren't helpful to our practice. Technology security makes a little more sense, but I still don't think it should be a mandatory ethics CLE. Again, I am vehemently opposed to this proposed amendment to APR 11. –Angela Carlson-Whitley
407. My input is that amending the rule doesn't necessarily solve a real-world problem. What problem is it designed to solve? Please do not complicate the already high number of CLE hours required by mandating certain subjects. I'm guessing that educating attorneys on issues that generally affect a very low number of members of the bar is not going to solve whatever problems anyone has identified. Also, if there isn't a problem the amendment is purportedly going to solve, then the rule is fine as is. By the way, I've already done my ethics courses to satisfy my first reporting period three years from now. If it ends up that the amendment is forced through, please make it relevant to 2025 or some year down the road. -Sean Lewis
408. I just read that the MCLE board is looking to make 3 of our 6 credits mandatory in three individual topics. I'm opposed to that happening because at this time, it's hard to locate enough classes to meet the 6 ethics credits as it is. Most ethics credits are joined to larger CLE seminars at .5 credits for a whole day's classes. I can't afford to hunt & peck for specific types of ethics courses in order to make the 3 new requirements, especially if I have to pay for a whole seminar I can't really afford. Please leave the ethics as they are - post recommendations/ suggestions as to what you'd like to see lawyers take, and that way if we can find affordable CLE covering those topics, great. If there aren't any affordable ones, we won't be forced into CLEs we can't afford, just so we can stay in compliance with the bar. Just so you know why this is so important to me, I currently earn \$54K a year. My bar dues (WSBA, KCBA, & ABA) run me \$1,600.00 a year, plus I have Association memberships that run \$210 a month. And I pay a Marketing company \$300 a month for specialty leads. I haven't even touched paying for CLE credits yet. So if I have to search for specific types of ethics, and they aren't stand alone, it will really hurt me financially. – AnnMichelle Hart
409. I write as a 12-year member of the WSBA to express my concern about the proposed amendment of APR 11. This proposal raises several issues, most notably, the fact that it would be both “mandatory” as well as not actually be “continuing LEGAL education.” Rather, this appears to be yet another attempt by the most vocal members of the bar association to force others to be subjected to what they believe are important qualities of being a good person, as opposed to an ethical, professional attorney. If members of the bar want to be involved and advocate on behalf of these issues, then that is certainly their prerogative, but “inclusion and anti-bias” and “mental health and addition” are NOT appropriate mandatory requirements to be a lawyer in Washington State and if passed, I fear the same challenges to many other bar association policies will be the fate of this new rule. - Eric Ferguson
410. I am not in favor of this proposed amendment. Too much micro management by the WSBA. Can't our members decide if they have an interest in these topics and elect to take them if they want to? -Larry Hall
411. Please stop making our lives more difficult and complicated. I vote “NO” the proposed amendment to APR 11. –Patrick Kirby
412. I am against adding the proposed substantive requirements for the ethics CLE compliance. I would like to choose CLE topics based on things I know I need to learn. –Gina Culbert
413. I am against it as stated. It is already hard enough to find programs with ethic hours. Finding specialized ethic hours will be harder. Repeating this same requirement year after year is a bad

idea and may make folks who get it resentful and cause a backlash. I would not be opposed to a one time requirement, or even having it related to the passing of the bar (within the first reporting period after becoming a member for example). While these topics are all valid social goals, they are not, on first impression, issues of legal ethics. I don't think they should be marketed as 'ethics' even if required. Based on what I have seen with bar complaints you should throw in a trust accounting requirement and associate/partner relationships and duties in the first period. Lots of complaints and activity there! Hope this made some sense. Glad folks are stirring the pot. One last thing, Given that comments are not anonymous ((I may have missed it))I think a lot of the real stinkers out there won't comment and will bury their heads, afraid of being called out. It is exactly those folks' attitudes that need the work, and that need to be heard so they can be addressed. WSAJ has done some great programming in this area I was happy I attended. -Morgan G. Adams

414. I am writing to express my opposition to a change in the ethics requirement under APR 11 to require credits in: 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. In particular, mental health, addiction and stress are personal issues, not areas of the law worthy of being awarded MCLE credits. –Gregory Lyle
415. Please do NOT change the MCLE requirements to require 3-hours of “1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security” each reporting period. I am already required to complete several hours of mandatory CLE for the US Department of Justice each year—which include annual courses in “No Fear/Sexual Harassment,” Government ethics, and Professional Responsibility—for which I do not receive credit toward my Washington Bar MCLE requirements. I would suggest instead, if the MCLE Board is committed to promoting these three “ethics” subjects over others, that they be made voluntary—i.e., given equal weight with other MCLE programs (whether as “ethics” or in general), so WSBA members can choose for themselves the courses that suit them. This would increase the freedom to choose courses of the most relevance to each member, instead of requiring these relatively narrow topics that the Board finds important. That, or allow DOJ attorneys to count their in-house CLE—like DOJ's mandatory sexual harassment, PR and government ethics courses—toward these requirements. –Bruce Ross
416. I am responding to the Washington Bar's request for comments about adding specific CLE requirements for bias, addiction and technology. As a California Bar member of almost 35 years, I have taken bias and addiction CLEs for several decades and, therefore, speak from experience. The problem with mandating specific subjects is that they become stale. This has been especially true of the addiction CLEs, which are always the same: The law is a stressful profession and lawyers succumb to substance abuse, which results in trouble at work and home. The bias CLEs tend to share this problem: The same presentation is made year after year. Bias CLEs have one advantage over addiction, since they involve changes in the law, which can be interesting; but, it has been my experience that the CLEs shy away from substantive law (e.g., civil rights, workplace law) to focus on personal issues of bias, which follow predictable patterns. After listening to these bias and addiction CLEs over and over again, I conclude that the bar's object is to make a point by repetition, but it has the effect of diminishing the subject and degrading the listener. I suggest that, if these subjects are mandated, they should not be

required every reporting period. Nevertheless, it is my experience that the bias and addiction CLEs have not materially changed in the decades I have taken them. As for technology, in the past 5 years, I have taken at least two ethics CLEs that addressed the intersection of technology and professional responsibility, especially in connection with keeping client confidentiality. Again, after hearing the first CLE, I got it. The next time I heard the same thing, it was just irritating. Finally, the whole area of bar-mandated subjects, usually ethics, is prone to the problem of repetition. If I hear one more ethics CLE panel in which a senior judge gets up and scolds the listeners to be more "collegial" -- i.e., make the judge's job easier -- I will ... probably just sit back and tune it all out. By contrast, CLEs addressing the substance of specific legal issues and changing laws can be very interesting and helpful. --Duncan Palmatier

417. I read the material included in the link to your June 24 email, and opposed the MCLE Board's proposal to include a technology CLE requirement. My reasons are described below. The cost of obtaining CLEs which are specific only to Washington state is a burden on its membership. Were the technology CLE requirement to pass, Washington would be only one of two other states which requires this type of CLE. I have learned that when only one state requires a state specific CLE topic, it allows the state to charge a premium for those CLE credits. In addition to the expense, these specific CLE credits have been difficult to obtain as there is usually only one CLE vendor who provides that specific type of CLE credit. Currently, only North Carolina and Florida impose a requirement for a technology CLE. Except for Oregon, none of the states listed in the chart of MCLE Requirements imposes upon its members the requirement to obtain three specialty specific CLEs. Were Washington to approve a technology CLE, it would be an outlier in requiring three different state specific CLE requirements. The increasing obligation to obtain a variety of CLE credits is difficult for membership to manage and keep track of. I reviewed the ABA's Model Rules for CLEs. These Model Rules mentions/promotes CLE's regarding ethics, professionalism, and elimination of bias. However, the ABA Model rules are silent on a technology CLE. Additionally, the MCLE Board's report provides no rationale, provides no data, and makes no compelling argument to support its position that a technology CLE will improve the public's confidence in the legal profession and the rule of law, and to promote the fair administration of justice will be enhanced by including a CLE on digital security. For these reasons, I oppose the MCLE Board's proposal. --Janine Sarti
418. The proposed amendment would institutionalize a political agenda. Demographics will rid us of old white men soon enough. Please do not distract us from the hard task of being the best lawyer for our clients. -David R. Risley
419. This is a very bad idea in my opinion. That is because by requiring ethics credits to be used for these 3 topics, the bar association is limiting what other ethics topics an attorney can learn about with the remaining 3 required ethics credits. There are many important ethical issues that any attorney needs to know and understand. It is not acceptable for the bar to dictate what half of those should be. In addition, I would not consider technology education to be an ethical issue. If the bar feels that such a requirement should be mandatory, then I would suggest it be made a requirement to use a non-ethics CLE credit for it. - Neil Sussman
420. I believe that it is unwise to require this level of specificity for something that is already specific. Adding requirements that ethics credits include inclusion and anti-bias, mental health and addiction, and technology security only adds additional burdens on attorneys to find specific classes in a certain time frame. Making such courses more widely available and accessible may be more helpful to the goal of getting attorneys better educated in these topics. --Jinju Park



421. My opinion is that this is unnecessary and irrelevant for a lot of practitioners including me. I've been at this 44+ years, never a bar action, nor anyone complain that I am bias or non-inclusive, never a malpractice case against me for my actions. I have people in my office that take care of digital security issues and keep me straight on it. I'm not stress, addicted or suffering from mental health issues (tho I see some of this in my work but have been able to assist clients and families for more years than the reader has perhaps been alive without being mandated to take some CLE). This is over-regulation. Let members decide for themselves what is relevant and needed unless they actually evidence a problem with one of these areas. Then the Bar has programs and the enforcement tools that work to insist on counseling, etc. where necessary--- which I am sure is a very small minority of members of WSBA. My 2 cents. -Eric Gustafson
422. I oppose the proposal that the Bar's ethics-credit requirements be individuated one-half to general ethical topics and the other one-half split equally amongst (a) mental health conditions, addictive behavior, and stress; (b) equity, inclusion, and the mitigation of both implicit and explicit bias; and (c) the use of technology in the practice of law. The proposal assumes that WSBA members need education in these specific area. As Ms. Wulf commented regarding the bias-inclusion component: Mandatory training is especially important here, due to the insidious nature of bias, which is "activated involuntarily and without an individual's awareness or intentional control." A lawyer who is not aware of his or her biases may not opt in to specialty training. However, bias affects even the best of us and mandatory training would help mitigate its effects on our profession through education and awareness. So, some lawyers don't know they're biased, and need instruction to recognize their shortcomings. But what of those members who are self-aware and unbiased? And what is their prevalence? For them, the mandatory education requirement creates a solution in need of a problem. And even as to those members who are not so enlightened, must we impose recurring training to fix them? This proposal recalls the scene from Cool Hand Luke, where the namesake protagonist, played by Paul Newman, is thrown to the bunkhouse floor after his latest recapture, and the prison camp warden, played by Strother Martin, advises: You run one time, you got yourself a set of chains. You run twice, you got yourself two sets. You ain't gonna need no third set, 'cause you're gonna get your mind right. And I mean right. Well, it seems we will need the third set of chains in the WSBA, and the fourth ..., even if you got your mind right. I would not oppose these three proposed categories being recognized as qualifying ethics topics, as two of them in somewhat different form already are. But I strongly oppose the current proposal that our members must be instructed in each of these three specific subject areas on a recurring basis. -Kevin Underwood
423. I am opposed to the proposal for specific ethics topics needed to fulfill the CLE requirements. Most practitioners would probably agree that it is hard enough to fulfill the ethics requirement without having to be topic specific. Those subjects are important and entities giving CLE classes should certainly include those topics when relevant. However, making the topics required is too burdensome. -Tom Ledgerwood
424. I would strongly advise against including these additional specific topics in the MCLE requirements. Such additions end up diluting CLE training. At what point do we stop adding special categories? What about a mandatory 1 hour CLE for dietary selection? 1 hour for office ergonomics? 1 hour for proper exercise techniques? -Dominic Lindauer
425. I am a solo practitioner and I am opposed to the proposed changes to the requirements. To be clear, I have no problem with offering more courses in these areas. That said, I object to additional requirements. Overall, adding 3 requirements would either require adding more MCLE ethics hours or cutting the number of hours available to be spent on things relevant to every practice, including, but not limited to updates to or complex cases around the

requirements on conflicts, competence, and practice requirements. Especially to the extent that courses in these areas address solo or virtual practices, they are important to me and where I want to spend my MCLE money and time. I would also oppose adding more required hours in order to accommodate these new requirements for the reasons listed below. Here are my specific concerns by subject: INCLUSION AND ANTI-BIAS 1. As a business law attorney, clients come to me; I don't go looking for them. Many of my clients want review of documents or simply regulatory filings and I never meet them. Everything is done electronically/virtually and without regard to any of these issues. 2. Many of my clients are startup businesses. To the extent that they have or intend to hire employees, I refer them to the many wonderful resources in this area and advise them that they need to have policies in place to address them. However, for many of my clients, the owners are the only employees and they take the customers that come to them. In these cases, these topics are not very relevant. 3. I have clients for whom I have been working with successfully over the course of 4 or 5 years who I still have never met and have no idea what kind of diversity silos they would fall into. 4. I work alone. I don't employ anyone. If I need a paralegal, I contract for those services through the same agency from whom I sometimes accept contract work. I choose the paralegal that best meets my needs and is available, nothing more. In most cases, when I contract, I do not meet the attorney for whom I am working and do not meet that attorney's clients. I have no idea what diversity silos they might fall into. 5. As to the inclusion issues around LGBT persons, I don't know. I don't care. Their private life is none of my business and, because I don't litigate discrimination issues, it is not relevant to the work I am doing for them. 6. When I was in a firm with about 6 attorneys, the unspoken rule was, when a matter comes to us, unless there is a conflict, take the matter or be prepared to justify why you did not. Diversity didn't come into the decision. It had to do with whether the matter was one that the client was going to be willing to pay for and whether we thought it was a good case or matter to take on. Clients contacted us by phone and email and we seldom met them in person unless something went to discovery. 7. This might be more appropriate as a requirement under LOMAP for offices with big enough staff and marketing budgets to be making choices that might be affected by something they learned in this matter. MENTAL HEALTH, ADDICTION, AND STRESS 1. These issues are already covered by many CLEs. I have no issue with giving credit for them, but why add stress to our lives by forcing us to spend time on them, when most of us are neither mentally ill or addicted to anything. Certainly most attorneys are stressed (so is most of society) but coping techniques are available from medical and natural health practitioners, gyms and parks & rec departments, outdoor suppliers like REI, churches, and other sources much more likely to provide real value. The reality is that the biggest stressors in a practice (other than finances) are things like balancing deadlines and surprises that force redoing work because they have to be explained to the client and may force unpredictable long hours and they are not controllable. 2. Again, forcing me to spend time and money on MCLEs for something that is either irrelevant to my practice (mental health and addiction) or available from any number of sources would only increase the stress for having to spend time and money meeting unnecessary requirements. TECHNOLOGY EDUCATION FOCUSING ON DIGITAL SECURITY 1. Many classes are available in this subject area from current MCLE suppliers as well as from vendors. In fact, many classes are currently on sale on your summer sale. 2. That said, many of the more practical (better) classes do not have MCLE credit because they are primarily sales tools or are not primarily focused on attorneys, but on the cybersecurity problems. I don't see that changing. 3. The biggest problem with the available classes that are MCLE accredited is that most of the solutions are for large firms, not solo practices. Consequently, they have unsustainable costs for small/solo firms. 4. In addition, I have taken a number of classes on digital security where the methods became

defunct within weeks or months of taking the class because of a newly exploited failure in operating systems or software. 5. I would support additional options in MCLE on digital security for solo practices but not a requirement in this area unless there is a significant opening of the MCLE certification to cover classes that aim at cybersecurity generally, not just at an attorney audience. This is a multidisciplinary problem. In summary, the addition of practical, high quality classes in these areas as options for practitioners is a good idea, particularly as they focus on the half of our profession that are solo practitioners or practice in firms with fewer than 10 attorneys. However, adding required MCLEs in these areas may be politically correct, but is tone deaf to the needs of small practice attorneys. -Fara Daun

426. I am opposed to the amendment. -Derek Radtke

427. While I believe the three subjects you have chosen are all worthy ethics CLE topics, I am opposed to making them mandatory. There are so many necessary ethics rules that attorneys need to be mindful about that I do not believe it's a good use of limited time and resources to just focus on these three subjects. In addition, there are other ways attorneys learn about these three subjects, such as through the public health system, through their health providers, through their employers. I would like to see it not become mandatory. Thank you. -Lucinda S. Whaley

428. I would not support any effort to impose mandatory content of any kind for the six required ethics credits for legal professionals. Offering credits on these topics is one thing. Demanding that people take any particular course is another thing entirely. Thank you. -Edward Libby

429. This is to state my "strong opposition" to this proposal. As for society, culture, and social and behavioral science, the first two proposed topics (inclusion and anti-bias, and mental health, addiction, and stress) have merit. However, diluting the requirements for the challenging legal ethics issues we deal with daily with social and medical issues does not serve our legal profession's need for emphasizing traditional legal ethics education. Other continuing legal education courses covering the above topics may be offered and provided at a minimal cost to encourage participation. Dealing with mental health issues, stress and addictive behavior are not subjects dealt with through an hour of legal ethics. I have family members who I help take care of with these issues. Learning compassion and giving support comes from experience. Having compassionate counselors available may be the best answer. Improving inclusion and mitigating anti-bias come from an attitude shift which ultimately prevails when the old-fashioned "golden rule" is applied. Treating others like we want to be treated is beneficial in all situations with all persons, including in our legal profession. Providing social interaction opportunities for our whole legal profession, and not just in sub-groups, will provide greater opportunity for improving barriers. There are multitudes of current legal ethics issues that we are responsible for staying up on. Why is there a focus on the one for security of digital information that it needs a required course? The NW Lawyer publication of the WSBA is now providing comprehensive coverage on many topics so it can keep us current on this topic. Personally, I have already had this topic covered in continuing legal education courses, but not as a requirement. Lastly, because New York or California has added these requirements, this does not serve as a legitimate basis for or against the merits of this proposal. We are the WSBA and we make independent value judgments on what is best for our profession and not because there may be a trend. The WSBA should carefully evaluate any additional micromanagement of our legal profession. -Michael S. McNeely

430. The Board is considering the following changes to APR 11. Under these changes, all attorneys would be required to take at least six credits in ethics and professional responsibility with at least one credit each covering: (ii) the risks to ethical practice associated with mental health, addictive behavior, and stress; (iii) equity, inclusion, and the mitigation of both implicit and

explicit bias in the legal profession and the practice of law, including client advising; and (iv) the use of technology in the practice of law as it pertains to a lawyer, LLLT, or LPO's professional responsibility, including how to maintain the security of electronic or digital property, communications, data, and information. The second of these, "equity, inclusion, etc." employs the divisive, politicized language of the alt-left and ought not be in any rule. The Bar is to be apolitical, and this proposed rule is not.<sup>1</sup> The terms "equity", "Inclusion" and "implicit bias" are weaponized words that mean the opposite of an integrated society with equal opportunity – a goal the American law been trying to achieve since 1954. Casual readers might mistake these words for something they are not. In his testimony to Congress, Bret Weinstein pointed out weaponized words such as "equity" if used in any proposal means that any opponent of that proposal is a racist.<sup>2</sup> One fails to be inclusive if she fails to embrace some supposedly victimized group, e.g. Scarlet Johansson turning down the transgender roll of Tex Grill in Rub & Tub. Whether one believes Weinstein's termination from Evergreen College was or was not justified, or Johansson still has some tiny bit of artistic freedom, the issue is divisive. The Bar Association should not be a participant. As a practical matter, implicit bias training does not work. The links Faith Ireland provided lead to the core of this issue – a type of re-education called the implicit-association testing that supposedly measures implicit bias. There is little or no connection between Implicit bias and behavior.<sup>3</sup> Years in the Gulag did not alter Aleksandr Solzhenitsyn's thinking; an hour's re-education every three years will do nothing. Some things ought to be self-evidently useless. Finally, there is something fundamentally wrong with "mandatory" education for professionals. Indoctrinating adults to keep up on technology to keep their clients' confidences or that being drunk or crazy is not good for their practice is inane. Attorneys know what they need to study. Requiring ethics education is itself just window dressing. Katherine Kealoha had all her CLEs up to date before she applied for inactive status and headed off to Federal prison.<sup>4</sup> My complaint is not new. "By degrees the whole surface of society was cut up by ditches and fences, and quickset hedges of the law, and even the sequestered paths of private life so beset by petty rules and ordinances, too numerous to be remembered, that one could scarce walk at large without the risk of letting off a spring-gun or falling into a man-trap."<sup>5</sup> Washington Irving could not have imagined today. This proposed rule is political, unnecessary, divisive and just plain wrong. The bar should reject it in its entirety. Thank you for the opportunity to respond. –William Cameron

1 "GR 12.2...(c) Activities Not Authorized. The Washington State Bar Association will not: ... (2) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice;"

2 <https://www.bing.com/videos/search?q=evergreen+college+racist+students&&view=detail&mid=806088098FF0BC855538806088098FF0BC855538&rvsmid=3746A30AAAB74B2CFCBC3746A30AAAB74B2CFCBC&FORM=VDRVRV>

3 "Researchers from the University of Wisconsin at Madison, Harvard, and the University of Virginia examined 499 studies over 20 years involving 80,859 participants that used the IAT and other, similar measures. They discovered two things: One is that the correlation between implicit bias and discriminatory behavior appears weaker than previously thought. They also conclude that there is very little evidence that changes in implicit bias have anything to do with changes in a person's behavior." Tom Bartlett, "Can We Really Measure Implicit Bias? Maybe Not" The Chronicle of Higher Education, (January 05, 2017)

4 <https://www.chronicle.com/article/Can-We-Really-Measure-Implicit/238807>

5 <https://www.thegardenisland.com/2018/01/18/hawaii-news/katherine-kealoha-cleared-of-ethics-claims-despite-charges/> Despite beating the rap at the Hawaii Ethics Commission, Kealoha, her erstwhile Chief of Police husband and others have been found guilty of several serious crimes. <http://www.startribune.com/feds-want-ex-prosecutor-guilty-of-conspiracy->

[locked-up/511961342/](#) 5 Washington Irving, Knickerbachelor's History of New York, W.B. Conkey Co. 1809 Vol I, Bk. IV, Ch. V,

431. I oppose adding the proposed three mandatory subjects to the ethics requirement; the proposal is not evidence based and may be inconsistent with the Bar's obligation to protect the public from attorney misconduct. Ethics courses should enable attorneys to avoid misconduct and ethical violations. WSBA disciplinary actions are the best evidence of attorney misconduct. As a result, they indicate conduct that ethics courses need to address. While disciplinary reports in the bar journal are lamentably incomplete, they do provide some indication of the type of conduct that lawyers should be trained to avoid. Even a cursory review discloses that the proposed mandatory subjects are not among the most common violations. During the last several years, ethics courses have emphasized the proposed mandatory subjects. There are probably few, if any, attorneys in Washington who haven't attended courses on them, often to the exclusion of courses on those subjects (such as diligence, timelines, communication and financial matters) that involve more frequent ethics complaints and disciplinary actions. Making these three subjects mandatory could harm the public by preempting courses addressing topics that are more frequent causes of attorney misconduct. If the Board must mandate CLE subjects, it should focus on those resulting in public harm, as reflected in disciplinary actions. – Lee Roussel
432. I have an idea – Why don't we have people present Ethics CLE's in a fresh and interesting way and let the professional attorneys that populate our bar decide how they want to engage in them. I am absolutely against the idea that the WSBA has to prescribe certain topics, chosen by a handful of people with a specific agenda, that will be useless to the vast majority of the bar. Leave the APR alone and have people put effort into presentations that will actually provide helpful tools and information for the practice of law. Otherwise, attorneys will simply sign up and waste an hour simply to check the box. -Gary Andrews
433. I am writing in opposition to the proposal to require that future ethics MCLE requirements be modified to require mandatory training in "inclusion and anti-bias, mental health and addiction, and technology security." My recollection is that mandatory ethics credits began to be required in the wake of the Watergate scandal, when so many lawyers lost their way as a result of their actions in serving the Nixon administration. At least two of them were WSBA members, John Ehrlichman and Egil "Bud" Krogh, both of whom served prison terms. Krogh was later readmitted to the bar and practiced successfully for many years in Seattle. In 2007 he wrote in the New York Times how he got into ethical trouble: "I finally realized that what had gone wrong in the Nixon White House was a meltdown in personal integrity. Without it, we failed to understand the constitutional limits on presidential power and comply with statutory law." Those ethical concerns remain valid today. While I agree that the proposed required topics can be important to lawyers, it's a mistake to substitute them for traditional ethical training. If it is decided that the topics should be mandatory, they should be in the L&L section, not elbowing out traditional ethical concerns that came about because of the Watergate scandal. -Kenneth J. Pedersen
434. In short, I **oppose** the amendment. While offering these subjects as ethic credit *options* is fine for those who are interested in the topics or find the topics relevant, requiring these MCLE credit topics for *all* WSBA members in unnecessary and burdensome, especially for non-practicing members and those like myself who do not find the topics relevant to my practice. This one-size fits all approach is a solution in search of a problem. Ethics credits are already the most difficult credits to complete (speaking from personal experience) since it is more specialized than the general credit topics, and further narrowing the scope of ethic credit topics

will likely result in limited options and availability. For these reasons, among others, I oppose the proposed amendment. –Rachel Morrison

435. I respectfully oppose these new requirements. I am also a member of the California Bar, which has similar requirements. They do not change anything - just one more hoop to force attorneys to jump through each year without benefiting anyone but the MCLE service providers. –Allan Marson

436. I have a quick comment on the proposals to require topic specific MCLE (inclusion, mental health and digital security). I have seen Oregon go through the same kind of topic specific CLE requirements. In my opinion they did not work for Oregon lawyers and they will not work well for Washington lawyers if implemented. There are multiple problems with the proposal. It presumes all attorneys are coming from the same starting point with their understanding of these topics. I earned a master's degree in psychology and spent 3 years working in a locked state hospital. I doubt that anyone would ever offer a CLE on mental health or addiction that would do anything other than waste my time, and maybe irritate an instructor. Another problem is one of definition. Who decides if a topic is anti-bias or not? For example, would a CLE on 1<sup>st</sup> amendment issues and why ALL speakers should be included in campus discussions qualify under "inclusion"? Could a general mediation class qualify for credit as a CLE on stress? Oregon struggled for years with defining criteria for its diversity CLE requirement resulting in many poor unhelpful CLEs that did nothing but check off a vague box on a reporting form. If the WSBA really feels specialized CLEs are necessary it should be a matter of picking one of the 3 when reporting so that lawyers spend their limited time in a CLE on a topic they can use. I oppose the proposal to require topic specific CLEs. -Glenn Slate

437. I oppose the proposed change to have one of the required ethics credits be required in each of these three topics: Inclusion and anti-bias, mental health and addiction, and technology security. While these are laudable goals, they have little or nothing to do with my professional obligation as an attorney. If the class doesn't directly reflect a requirement under the RPCs, it should not count as an ethics class. You've already gone too far in allowing CLE credit for "personal development," offering credit for such legal skills as "How Our Attitude Affects Our Happiness (April 2019)," and "Lawyers are People Too! (April 2017)," for which I can get the same quality credits as I can for actually learning something useful in my area of practice. If you can find someone to combine any of those three subjects with something that directly affects my ability to practice law or better serve my clients, I'll be the first to sign up for them as part of my \*general\* credit requirements. - Steve Gross

#### **In Support:**

1. YES!! -Jill Higgins Hendrix
2. As a black Trans woman, I think the first one is great and wholly approve of the other two as well.  
- Cassandra Quick

3. I **strongly agree** with the proposal to amend APR 11 to require that an attorney take ethics credits in each of the three stated topics. -Ben Dietz
4. I support this amendment proposal and feel like it would strengthen the bar's commitment to advances in these key areas. Thank you for bringing this thoughtful proposal to the table. – Cat Connell
5. I support this proposal. - Shona Voelckers
6. I agree with the initiative :) - Amira Lahdiri
7. I think those all are critical components of lawyering and I support the proposed ethics amendments. - Suzanne Mager
8. Sounds good to me 😎 But I should note that the odds of me having to actually worry about complying are pretty low... -Kurt Lichtenberg
9. I strongly support the proposal from the MCLE Board. I think tailoring the ethics requirements to the greatest ethics needs of today makes perfect sense. – John Butler
10. I like the three proposals. I also think you should consider giving the Rule 6 Tudors partial credit for their time teaching Rule 6 students. For four years, it was like going back to law school for me. – Steve Jolley
11. I am in favor of the proposed amendment under APR 11 to require one credit in each of the following subjects per reporting period: 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. I am a licensed California lawyer, and the first two items are mandatory for California attorneys. I have taken courses in those subjects over the years and found them a good way to focus on matters that I otherwise might not have taken time to do. The third requirement would put us ahead of California! -Mary Lee
12. I think it is an excellent idea to require credits in the three proposed areas. - Sachi Wilson
13. I like the sound of each of those three required cle areas. - Alicia DeGon
14. I am in complete agreement with the idea of requiring education on bias, digital security etc. as currently proposed. -Dave Tift
15. I support the proposed rule change for the MCLE ethics credits. – Constance Proctor
16. I approve. -Scott E. Snyder
17. I think this is a great idea. Please implement these requirements. – Geary Reeve
18. Good changes. Each category is worthwhile – Richard Guy
19. I support the proposed changes to the ethics requirements to include one credit in each of the following subjects per reporting period: 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. I think this is a great way of addressing a quickly evolving world. – Kaylynn What
20. These sound reasonable as lawyers must know a lot more than just the law in order to do justice. -Faith Ireland
21. I just wanted to write to voice my support for the proposal. I think it would help expand awareness of ethical issues that arise in the practice of law but aren't strictly RPC-type issues. - Rachel K. Roberts
22. Proposed changes sound good. Recommend approval. –Bill Garvin

23. I support the proposed amendment to the Ethics requirement for MCLE credits. -Laura Evezich
24. As the former head of training for the King County Prosecuting Attorney's office criminal division, I support this proposal. These are important areas that span all areas of practice. I think it is especially important for the bar to address the stress and addiction issues that plague our profession with required training. -Ann Summers
25. I'm fully in support of all three proposed changes, especially the addition of required mental health/stress/addiction hours. So many discipline cases are rooted in addiction and anxiety/depression. -Rob Mead
26. I agree. -James Workland
27. I am writing to express my support for amending the ethics requirement under Admission and Practice Rule (APR) 11 to require one credit in each of the following subjects: 1) inclusion and anti-bias, 2) mental health, addiction, and stress, 3) technology education focusing on digital security, per reporting period pursuant to the MCLE Board recommended amendments to APR 11. -Terry Vetter
28. I think the ethics amendment makes a whole lot of sense. These are three topics, which need, but do not get coverage. -Robert Zoffel
29. I am writing to express my support of the amendment to Ethics Rule 11, where all members of the WSBA would be required to complete CLEs that address issues of (1) inclusion and anti-bias; (2) mental health, addiction and stress; and (3) technology education focusing on digital security. Members of the Bar, whether they be attorneys, judges, or other legal professionals, play an influential role in ensuring both access to and actual justice for all. Completing a small number of credits that increase understanding and awareness of behaviors that can promote injustice, if unchecked, will improve our chances of realizing that ideal. -Carol C. Mitchell
30. I think the proposed requirements regarding 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security are outstanding. These are all areas that we, as a profession, ought to be spending more time and attention focusing on. Please let me know if there are any questions or if there is anything else I can do to show our support for the proposed amendment to APR 11. -Michael Edwards
31. I just wanted to take a brief moment to comment on the proposed additional subject matter requirements for MCLE credits. I believe they are not just valuable but necessary to the practice of law today and in the future. I fully support the amendment. -Justin R. Jensen
32. I would be in favor of seeing a proposal for the amendment to APR 11 regarding more specific requirements for ethics credits. -Jeremy Zener
33. Sounds like a good idea to me. I have been practicing law for 19 years, but I recently started my own firm. So, the technology education would be particularly relevant to me. -Daniel S. Houser
34. Yes, I think those are three important topics and would serve the bar well to make them requirements. I think all are critical for lawyers and the rest of society. - Marla Marvin
35. I support the amendment. These are each topical, important to the practice of law in Washington, and helpful educational information and reminders. -John Shaffer
36. Yes! -Anne Dalrymple



37. I think this is an excellent proposal. This would demonstrate the WSBA's commitment to the necessity of these topics as important components of a lawyer's ethical/moral compass. –Han Gim
38. Certainly, the three subjects are very important and I favor the recommendation to amend APR 11. -Kevin Curran
39. I think the proposed changes are sound and that they should be implemented. -L. Brooks Baldwin
40. I CONCUR WITH THE RECOMMENDATIONS! –Tony Menke
41. I am in favor of the amendment to the ethics requirement for MCLE. Currently, I am inactive in Washington State and practice in California. The California Bar has a similar requirement, asking attorneys to get education in elimination of bias and competence. I have found CLEs in these topics to be informative and helpful. The addition of a digital security is a good idea. – Rebecca Ball
42. I think this is a good recommendation. It's difficult to be aware of these issues without education, and, especially with regard to issues (1) and (2); awareness is well below where it should be. – Marta Lowe
43. I agree with the proposal to modify the MCLE requirements with respect to ethics. The three subject areas of concentration seem very sensible in my view based on my 15 years of experience in the legal profession as a lawyer. Since I often work with technology-related legal issues, I especially see a need for attorneys to keep current with some technology education. –John Chandler
44. This is a great idea, particularly regarding the mental health, addiction, and stress portion. The rate of mental health and addiction issues in the legal profession is notoriously high, and from what I've seen, we've only recently started to really recognize and address the prevalence and impact on the profession as a whole. As a result, it's important to continue to increase awareness of these issues, so requiring one of the ethics credits to include these issues is a very positive and necessary change. -Bianca Stoner
45. I agree with the proposal. -Andrew Mankowski
46. I think the proposed change to APR 11 is probably a good idea. -Patricia Halsell
47. I'm in support of the proposal to amend APR 11. Lawyers need to keep up with the times and the changes in demographics and clientele. It would be especially helpful if the WSBA provided a list of free or low-cost CLE that would fulfill the potential new requirement. –Richard J. Glein, Jr.
48. This is a fantastic idea. I support it -Camille McDorman
49. I would like to register my support for the amendment to APR 11 to require one credit in each of the following subjects per reporting period: 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. These are critical topics to advance ethical practices in the legal field, and I believe the change will result in more relevant and useful ethics education. –Sarah Leyrer
50. I am in favor of the three topics proposed by the Board. –Bill Kiendl
51. I write to urge you to support the amendment to require one ethics credit in each of these three topics: Inclusion and anti-bias, mental health and addiction, and technology security. –Annie Benson

52. I am writing in support of the proposed amendment. Please let me know if you need a more in-depth comment. – Sara Sluszka
53. I am writing to fully support the following proposal: The preliminary recommendation would amend the ethics requirement under APR 11 to require one credit in each of the following subjects per reporting period: 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. This does not include a recommendation to increase the total number of ethics credits required for each reporting period. Instead, it requires that three of the ethics credits be in the identified topics listed above. Ethics training on anti-bias and inclusion is long overdue as a requirement for legal education. - D'Adre Cunningham
54. My short response – I think this is a great idea. Particularly the technology education/digital security portion. -Luis F. Aragon
55. I am writing to voice my support for the proposed amendment. Requiring CLE credits in the three proposed topics seems like the bare minimum and I would actually like to see the requirements for CLEs on inclusion and anti-bias and on mental health and addiction be increased to more than one hour each per reporting period. It is absolutely critical that both topics be addressed meaningfully if we are to effectively serve our community. I appreciate that steps are being taken in that direction. -Youn-Jung Kim
56. I fully support the proposed change for two reasons: as a gay woman in her 50s, I have seen people with different privileges barge through their careers, completely oblivious to how the system opens doors and windows to them. And, as someone who ruined her health and abused her body (by not alleviating stress and internalizing vicarious trauma) while practicing under difficult circumstances (providing legal aid to low-income tribal members), we all need to recognize stress and how to take care of ourselves while practicing. There were court staff members and members of the bar who made my life consistently stressful. Practice should not be so difficult because of individual personalities and unwritten rules. Also, we all need to be aware of how bullying affects our enthusiasm for our jobs and our daily happiness. There is a pro tem commissioner in Spokane County who interacted with me as opposing counsel and who bullied me and my client and acted dishonorably with us. I would like to have avenues in place (besides reporting his behavior to the Bar) to rectify or address this kind of reprehensible practice. I'm not going to report someone who confuses skillful application of the rules with boorishness (not returning phone calls in a timely way, lying directly or by omission, misleading the court about facts etc.,). –Anne McLaughlin
57. I support the recommendation. I am aware that California has MCLE requirements relating to inclusion/diversity/bias and substance abuse; I am not sure if other jurisdictions do as well. – Margaret Chen
58. I agree with the recommended changes. –Darcia C. Tudor
59. I support the change in ethics requirements discussed below, particularly the requirement to complete a CLE regarding inclusion and bias. –Jennifer Slagle Peck
60. I write to support the proposal. The required ethics topics (inclusion and anti-bias, mental health and addiction, and technology security) are important to the practice of law. Moreover, I believe that many in the profession lack an adequate understanding of these topics; further, many have a

- tendency to discount the value of these topics because they don't understand them or have misconceptions about them. Including such topics for all members of the profession within the ethics requirement is a great way to encourage a foundation of understanding in these topics and better serve clients. –Dan Shih
61. Responding to the email about the proposal to have the 3 credits for Ethics requirement fulfilled by 3 different topics. I think it is a great idea and would further add that I would support 5 credits of ethics if fewer general credits were required. –Soheila Sarrafan
  62. I support the proposed subjects being suggested as mandatory programs for CLE Ethics requirements. I do believe that the CLE Board must generate programs on these subjects, and make them available on the Bar Website, to assure access to these programs for all Bar Members. –Mark S. Allard
  63. I'd like to express my strong support for the amendment to APR 11 proposed below, particularly regarding inclusion and anti-bias. –Ada Danelo
  64. I support the proposed amendment recommended by the WA Supreme Court MCLE Board. –Aileen Novess
  65. I support specifying the three areas of continuing education for ethics credits. –Waltraud Scott
  66. I write to express my strong support for the amendment which would add inclusion and the reduction of implicit bias training as a CLE requirement. –Laura Wulf
  67. I support the proposed amendment to APR 11(f)(2)(iii) to cover both implicit and explicit bias. –Margaret Pak
  68. I have read the proposed changes to APR 11 and agree that this is a necessary change. Gender bias and racial bias should be addressed and many professionals deal with clients and colleagues with mental health issues as well as addictions. I also agree that digital security is a real problem that needs to be addressed. Having worked for large firms and small firms, it is easy to see how a small firm struggles to keep their technology secure and up-to-date, not to mention the expense. It might also be an opportunity to share experiences, pool resources as well as discover new issues. As a member of the California Bar Association, we already have some of these requirements in place and has created interesting and informative CLEs. I approve of these proposed changes and hope they well received. –Catherine Pope
  69. I fully endorse the recommendation for all three ethics credits. Sadly, bias and exclusion of persons in employment, education, civil and military service, housing, etc. appears to be on the rise. Not only are there numerous reports of instances of overt discriminatory statement and acts, subtle instances of exclusion and bias seem to occur with increasing regularity. In over 30 years of practice I have personally counseled numerous attorneys regarding stress, addiction, depression & anxiety, etc., referring many to my former firm's Employee Assistance Program, WSBA services, and private addiction and mental health counselors. A CLE directed to identifying mental health, addiction, and stress issues, minimizing their occurrence and effects, and obtaining expert assistance when needed is appropriate to reduce personal suffering in our profession. Technological advances have forever altered the mechanics of the practice of law. Courts, government entities, news services, businesses, and individuals are abandoning paper in favor of electronic means of communication. Understanding basic concepts of metadata and blockchain to aid in eliminating or limiting access to protecting confidential, private, and

personal information is necessary for every practitioner. Moreover, failure to take appropriate action to ensure the security of confidential and privileged client information exposes unwary attorneys to violations of their professional responsibilities. Thank you for advising of the preliminary recommendation and seeking comment. -Michael H. Weier

70. I support the proposal to change APR 11(c)(1)(ii) and 11(f)(2)((i), (ii), (iii), and (iv) as shown in the MCLE Report and Preliminary Recommendation. The real change is to make some of the options for CLE compliance, that now appear in APR 11(f)(2), mandatory instead. I think the proposal is a reasonable one and addresses legitimate concerns. -John M. Gray

71. I am writing to indicate my support of the proposed changes to APR 11. I think it's important for all legal professionals to stay educated about all the topics being added/included as mandatory, for the health, safety and improvement of our practitioners, clients and community. We continue to evolve and our educational requirements should grow as new issues arise and new insights into issues are discovered. -Lisa M. Keeler

#### **Other/Mixed Feedback:**

1. CLE requirements focusing on technology and digital security make good sense. Addiction and mental stress as a required issue for ethics? I'm not sure that makes sense, but am somewhat neutral. "Inclusion and anti-bias" is far too vague to be fully comprehensive, but it sounds a lot like the kind of politically charged nonsense that is causing so many of us outside of Seattle to lose faith in the Bar Association as it is currently structured. Politics do not belong in the bar, and the bar should not impose leftist ideology on the rest of us any more than the bar should be mandating Judeo-Christian values. We are lawyers. We need not all adhere to the same political views, nor do we need the bar to dictate political orthodoxy. -JD Bristol
2. It seems like the motivation for this amendment is to embed the "race equity" concept into the CLE program. This is a great idea, but we can make it better. Diversity education is so important that we should not be placing financial barriers in the way of providing it to everyone. So, the Board should vote to produce 45 hours of on-demand/ 24/7 ethics and diversity CLE, and post it on YouTube for free access by all WSBA members. If it is important for the WSBA to employ dozens of staff members to promote "Diversity", it is likewise important that their messages get the widest distribution possible. Free ethics and diversity CLE will produce this result. I will be happy to produce 5 hours of free Diversity CLE to get the ball rolling. If the Board provides the remaining 40 hours, then all WSBA members will have access to FREE CLE as a membership benefit. -Edward Hiskes
3. The three CLE ethics topics cover a wide and important range of issues in the field. Since the topics are rather specific, I think it will be important for the WSBA to provide CLE courses that meet these requirements, preferably at no charge or a very moderate/small fee. -Anonymous
4. I would support #3, as digital security directly relates to the duty to keep client information protected and confidential, which, as we know, increasingly depends on use and management of electronic systems of which lawyers have little practical knowledge. Inclusion and anti-bias content is already included in a variety of CLE programs, and I believe all lawyers (and most people for that matter) are otherwise aware these topics are both culturally and legally relevant

in our society. If the Bar proceeds to make an amendment to include the spirit of #1, I would like to see the requirement referenced to RPC 8.4(g) and (h). Meaning, that at least one credit would be required for approved courses related to these subsections rather than using terms of "inclusion" or "anti-bias," which are not found in those rules. If RPC 8.4 (g) and (h) are not the focus of #1, it would imply that the committee wishes to force some type of social or political agenda on members, which would not be appropriate, and therefore should not be required for maintaining professional licensing. With respect to #2, mental health, addiction, and stress are, to the extent experienced by an individual, personal life-matters relevant to our entire society and have no unique or specialized relevancy to lawyers or the practice of law. I don't believe it is appropriate for the Bar to require education on those subjects in order to maintain professional licensing. Instead, I would like to see mandatory education on subjects like client communication skills, managing the client relationship, and other such skills lawyers need in order to optimize the overall client service experience but don't learn in law school, and all of which directly relate to the RPCs. –Sands McKinley

5. While the APR 11 proposal seems like a well-intentioned good idea, I nevertheless suggest that the three special credits be recommended rather than mandated. I would take these three particular CLEs if they sufficiently available to me, but I do not want to be disbarred because I was unable to attend these particular CLEs. Because they are so specific, their availability would be inherently limited. Ethics CLEs are already limited, and the MCLE Board proposal would be make that problem substantially worse. Besides being recommended, not mandated, the three specific CLEs should be readily and freely available as legal lunch box CLEs, or as free downloads of some sort. In that case I would gladly comply. – Steve Cross
6. There are too many ethical violations as it is going around, and prioritizing them can subtract from the ethics credits that some lawyers need and want more than others. Lawyers should decide what they need since there is a also a wide diversity in types of ethical impairments of lawyers. As far as I am concerned the CLE ethics requirement is already too low. I don't mind additional CLE requirements for diversity but please don't subtract that from the already too meager ethics requirements of 3 credits a year. –Kenneth Henrikson
7. No objection to the proposed amendments provided the WSBA provides MCLE courses in the 3 areas available by webcast throughout the state/country. –Paul Clark
8. This sounds like a very interesting proposition. It might be good for large law firms or firms that rely on jury selections. However, I am not really sure that I understand how it assists me in improving my merger and acquisition practice. –David Carson
9. The addition of the technology requirement, particularly in light of the ever-present bombardment on our personal data, is crucial. The more hands on and practical these sessions, the better. Bias provision: In recognition of the disparity in the legal field, the bias provision sounds good – and intuitively it makes sense. I have two comments/questions: 1. Are there studies showing that these kind of programs are effective in improving diversity? We will be spending time and paying quite a bit of money—across the whole bar—to fulfill this requirement. Is it of value? 2. My second comment is more subtle – the word 'inclusion' seems to be jargon. I certainly don't need to spend time on sessions that are just feel-good or touchy-feely about living better together and including people who don't look like me. Mental health

provision: My comments here mirror those above. Similarly, it makes sense intuitively. Is it effective? Availability of courses: One concern related to all three of these provisions – particularly since they’re so specific – is the availability of attractive options to fulfill the requirement. I have found the Ethic CLEs are harder to find than the regular credits. We’d be multiplying this difficulty by 3 if all three provisions are included in the CLE requirement. – Cynthia Cannon

10. First, I’d like to commend the effort. I think that much of the stress of practice arises from the unacknowledged lack of awareness of stress itself, and the many ways the practitioner of micro (or larger) aggressions is unaware of their commission. The law is not a gentle profession, but it is sufficiently challenging to justify extraneous challenges created by habit or unconscious behavior. I would add the time for the proposed reallocation to the total hours required, and not substitute for other ethics credits which I do not think should be replaced. –William Appel
11. I am in favor of the amendment only if WSBA provides free noontime CLEs (WEBCAST Legal Lunchbox) each year on each of the three topics (inclusion and anti-bias, mental health and addiction, and technology security). –Leona Bratz
12. I am not opposed to the amendment so long as all three credits can be covered in one face-to-face or on-line CLE session. –William Kinsel
13. I am writing in response to the proposed rule change for MCLE ethics requirements. I am generally in favor of increased ethics education since it affects behavior in the profession. I am particularly in favor of the rule concerning education on stress and lifestyle issues. I am, however, opposed to a mandatory course on inclusion and bias. Those are important topics, but I do not believe that they can be taught in a neutral and apolitical fashion. I worry that the end result will backfire on what I am sure are very good intentions. Specifically, I worry that sessions on such a topic, if made mandatory, will have a high likelihood generating antipathy among individuals who might otherwise be open to such training, or worse, devolving into outright acrimony. I think training on this topic is best left to employers, should they wish to mandate it. I think the bar will be treating itself to incredible headaches if it attempts to impose that same mandate on all lawyers. I hope you’ll consider these comments. –Benjamin Reichard
14. Per the request for initial feedback regarding the proposed amendments to APR 11 for specific ethic topics for the MCLE requirements, I have 2 concerns/recommendations: 1) I am concerned that few courses would be available to meet the specific topic of the proposed new requirements, especially for the proposed technology security area. I note in the supporting documentation that only 2 states, Florida and North Carolina, currently require technology security. I recommend that the Technology Security requirement be delayed until another major state, such as California, Texas or New York adopt such a requirement so that members would be assured that needed CLE courses are more readily available. 2) I recommend that any new requirement should be effective with the next new 3-year cycle that an attorney will begin. That way these specific, rare new CLE’s could be obtained over a normal cycle rather than putting a new requirement onto an attorney who may have already fulfilled that category under the current rules or leave little time to meet the new requirement. Moreover, an attorney may have already met the requirement but the proper designation for the CLE was termed as a

generic ethics credit rather than a specific type of ethics credit, thus imposing confusion and re-work to get it recategorized and recorded properly. - Mark J Koslicki

15. I am writing Comments to the proposed Ethics CLA requirements (proposing to include one credit in each of the following subjects per reporting period) as follows: (1) YES - inclusion and anti-bias - I think it is imperative to have ethics requirements focused on this issue and would actually propose this be two credits not one. As a professional woman in her 50s, it is appalling still how many lawyers (old and young alike, and sorry, mainly men) who truly need sensitivity training and knowledge in this area (not to mention LGBT or racial and ethnic inclusion and anti-bias). I am very happy to see this up for comment and fully support the inclusion into the WSBA Ethics CLE requirements. (2) YES - mental health, addiction, and stress; - I think this is definitely an area for awareness and understanding for lawyers, especially since we are so competitive and problems with mental health, addiction, and stress in our colleagues are often brushed under or used to shame lawyers who "couldn't cut it" or "can't handle it" and drop out of the profession. Those who gain more understanding and empathy in this area are going to make better lawyers (in my opinion) and help their colleagues deal with the real issues around mental health, addiction, and stress in order to help them stay in the profession. I am very happy to see this up for comment and fully support the inclusion into the WSBA Ethics CLE requirements. (3) NO - technology education focusing on digital security. - Honestly, although this is very important generally for businesses and lawyers, and should be offered in CLEs as a topic, but I do not see the necessity to have a full credit CLE requirement on this topic. I would rather see two credits for item (1) and strike this one, or add another on a different focused topic (like whistleblower protection or other compliance topic) that has more ethics focus. Digital security is not an ethics topic per se (and technology education certainly is not) and making it one for lawyers is not really a good idea. I think that placing lawyers as responsible for digital security compliance (where often small firms/businesses do not have this capability, and larger ones have whole departments of IT specialists for this type of security) places a strange burden on lawyers in an area where they generally do not have expertise nor have the best skills to deal with it, nor have the hands-on time to develop these skills. This is not a legal ethics topic in my feeble mind. I do not support this one and think it should be struck. I also noticed that the materials discussed taking away a certain # live attendance credit CLE requirement. I fully support this. I work offsite for a tiny company that does not support CLEs, and I have to pay thousands out of pocket annually to attend live courses and spend the time travelling which is far less efficient than an online course. The quality of the CLE and its education (for the receiver) is less dependent on live courses - I have had excellent CLE webinars and video courses over the years, many of which are offered online through the WSBA. While I am a true believer in live courses and the networking opportunities that enhance my practice (the non-CLE aspect of these), I do think that the bar should recognize that not all lawyers are supported in this manner, and it can be very difficult and expensive to attend live courses. -Jenifer Johnson
16. When do the proposed changes go into effect? I currently just work pro bono. I comply with the CLE requirements through Lawline, \$199/ unlimited courses for a year. Who will be putting on the new required CLE's? Will they be free? Do the RPC'S already cover some of the topics? I am not opposed, I just need more information. If the new rules happen immediately, then I

feel the CLE's should be offered by WSBA free of charge and available online. If the bar association and other bar associations agree that we need to be educated on these topics, then they should be offered free of charge. –Debra Hannula

17. This idea is a great one, however..... it is very very difficult for those of us in the hinterlands to find things so specific. Most ethics is pointed to how not to violate RPCs and not committing malpractice. I THINK the focus should be on more trainings in many areas: trams, child development, bias, poverty related issues. There are lots of them. I hope the Bar expands its programming beyond self-serving issues. –Sally Lanham
18. I believe that there is merit for inclusion of item 1, but not the others, which I believe are adequately covered by ethics requirements. -Julian "Pete" Dewell
19. How would this work for out of state attorneys whose states may not make an effort to accommodate this changes as will surely happen in WA state? – Stephen French
20. Please exempt any bar member with over 10 years experience from having to take a CLE on "inclusion and anti-bias." Such attorneys are too far from the university atmosphere to be able to sit through it. –William O'Brien
21. It's difficult to take any such proposal seriously when the cover letter isn't written in proper English: ". . . in regards to ethics credits requirements, Should be "in regard" It's always upsetting when I find we, the Bar, are actually paying people who don't use proper English. Maybe see the comment on <https://www.google.com/search?q=grammar%20in%20regards%20to&ie=utf-8&oe=utf-8&client=firefox-b-1-m> -M. Laurence
22. In response to your request for input, I'd just like to comment that while I have no issue with requiring the different types of ethics credits, I'd like to know if the WSBA will provide complimentary CLEs covering these new topics to ensure that the credit requirements can be met. As a non-practicing attorney, I have found that I'm able to fulfill my credits through the WSBA and ABA complimentary CLEs but I can't say that I have seen a huge variety of ethics credits. –Kathy VanYe
23. I'm not currently practicing, but I am planning on taking CLE courses to get my license reactivated. If topics like unconscious bias, mental health awareness, and cyber security aren't covered elsewhere in mandatory training, this sounds like a good change. Thanks for the email about this, by the way. Working for the federal government, I take cyber security training every year. It didn't occur to me that it might be worth CLE credits. I will look into that too! –Carmela Conroy
24. I do not object to the ethics requirements revision, so long as the WSBA offers those credits in LunchBox CLE or similar format, because otherwise they can be inaccessible. –Natasha Black
25. I'm all for it!!!! these are important topics. As long as the bar makes enough CLE's available in these categories it is a GREAT idea. –Jessica Neilson
26. While I can see that anti-bias training might fit in under ethics, the other two proposed categories, mental health and digital security would seem to be replacing ethics training with something different. So I am wondering if you are now suggesting that less ethics training is acceptable? Overall, I do not have a problem with the proposed changes as long as courses that meet the requirements are actually available. -Margaret Felts



27. Yay! But also think more ethics credits would be good. -Marilyn E. Siegel
28. I think mental health, substance abuse, stress management should absolutely included.  
Regarding cybersecurity having a specific requirement is a bit overkill. Perhaps requiring that in order for an ethics credit to be approved by WSBA, the presentation should be required to touch on cybersecurity. For younger lawyers and those who are more technologically inclined, sitting through an hour on cybersecurity is a waste. - Brooks de Peyster
29. I understand and agree with requiring ethics credit for inclusion and anti-bias and for addiction, stress, and mental health issues. Attorneys and our clients face these issues daily. I am not sure what is even meant by the third category. If what is meant is education on technology security why is that under ethics? If it is about safeguarding client information then say that. As it is the technology proposed rule seems too vague to be able to either support or not support the change suggested. Specifics please. -Ken Williams
30. I agree with the proposal provided that 1 hour CLE courses are offered as Lunchbox seminars. - Don Kelley
31. I like the new ethics topics, just be aware of the extra expense burden as these topics might not be available through national discount CLE providers. -Steve Morgan
32. As a member of the WSBA living in Europe, I am fundamentally opposed to the first two of these proposals. I will not find courses like this in Europe and it will make it more difficult for me to maintain my license. Moreover, these are political, social and health issues, not ethical issues, and should be addressed in some other way. With regard to the third proposal, I have no objection. This does attach to privilege, confidentiality and a host of other ethical issues. - Jim Firn
33. I became a member of the WSB in 1972. I appreciate the motivations behind the proposed changes, but it will be particularly hard for out of state practitioners. I have practiced federal income tax in Washington, DC for 40 years, but I have maintained by WSB credentials throughout. I have no trouble amassing technical CLE, in part because I teach at so many seminars. But ethics credits are hard to come by. DC has no ethics requirements so there are virtual no offerings. I use recorded CLE from WSB offerings, but I have not seen any on the 3 topics. If the requirement is added, WSBA needs to assure that there are frequent offerings that are available in webinar & recorded versions. - John B. Magee
34. While I like the idea of having some specifics around the ethics requirement, the one around technology education feels oddly specific, unlike the other two. I would think lawyers of any type of practice would benefit from anti-bias and mental health/stress education, but only certain practice areas would benefit from technology education focused on digital security. I practice in the area of K-12 education and I feel like I would be taking a technology MCLE simply for the sake of meeting a requirement, rather than seeking to learn and apply the knowledge to my practice. -Holly Ferguson
35. As someone practicing outside of the state of Washington, my concern is whether it would be difficult to meet these additional ethics requirements locally. Is inclusion and anti-bias a common topic nationally? Is substance abuse and mental health (that one is a requirement here in North Carolina, but I do not know about other jurisdictions). I think technology education is increasingly common, but I don't know about digital security. To the extent that

these are unique requirements to Washington, these may be difficult to satisfy for those attorneys outside the state. –Andrew Kristianson

36. I would support such an amendment, which would in turn ensure that there were CLE offerings that were diversified to at least cover those three identified areas. Although not part of the inquiry, I would also support increasing the required credit hours in ethics to a number greater than the current amount with the hope that each CLE could go more in-depth using different instruction-based formats. –Karen Skantze
37. I don't think I should be "required" to take those topics. I have no interest in # 1 & 2 and see no reason to be forced to pay for CLEs in those areas. Digital security affects me, my clients, and opposing counsel so I don't object to that. Additionally, based on what I've seen practicing law, better "requirements" would be the ethics basics. Topics 1 & 2 can be "offered" rather than "required" to those who think it beneficial. –Cynthia Stewart
38. After reviewing the proposal, the only feedback I have is to consider how to phase in this requirement. Attorneys who have a year left of their reporting time may struggle to find CLEs that fulfill the expanded scope of ethics areas where credit must come from. Also, I would assume that the MCLE Board did its research into available courses that would satisfy these requirements. The WSBA CLE website should be updated to allow users to easily find courses that provide content in these new areas. –Lisa DeFors
39. I am in favor of the elimination of bias as a required area for ethics credits. I think this is important. I think we need to take responsibility for changing our profession and our community. A new requirement sends a powerful message that this is important to the profession, even if many of us benefit from the status quo. It is a fundamental justice issue. I support this new requirement for those reasons. I do NOT agree that we also need technology and mental health / addiction credits added as additional required ethics subcategories. At some point, this just gets too complicated. Elimination of bias is something I can buy into as a priority for the legal profession. These other areas - no. It is fine that we can get credit for instruction in these areas. We do not need to add more and more requirements just because we are adding elimination of bias. The efficiency argument (we are going to have to add these other two categories someday, so let's do it all at once) fails on two levels for me. One, no we do not need to add these eventually. We do not need to add them EVER. Elimination of bias credits are nothing new nationally and we are just now getting around to thinking about it. There is nothing mandatory here. It is our WSBA and we can make different decisions in the future. Two, why should we make so many changes at once? Is there something inherently better about adding three new categories at once as opposed to phasing in new categories? I think not. It seems reactionary. To be blunt, it seems hastily conceived, although I am sure it is a well-intentioned suggestion. If elimination of bias is important enough, add it and leave things alone for a while. I am not interested in the tech security topic. I would personally resent an additional requirement to study these issues. I am interested in the addiction and mental health topic. I think it is very important information. I appreciate the WSBA CLEs I have attended on these topics - they have been excellent. However, making this a requirement is not appropriate, in my opinion. Self care is a big umbrella. I think the WSBA is doing enough already to put the issues on our radar. Just because something is important does not mean it needs to be a mandatory requirement.

My suggestion: put more money into producing free CLEs on these topics rather than adding a mandatory requirement - that would support the assistance and awareness aspects without creating a burden for practitioners. It would actually reduce burdens. That would be a win-win. It also - in my opinion - watersdown elimination of bias as a policy priority to lump it in with mental health/ addiction and tech. They are not the same kinds of things and should not be treated as though they are. The impact of discrimination is trivialized by doing so. This is the wrong message to send to the legal community and to the public. - Victoria Kesala

40. I completely and wholeheartedly endorse the proposal to amend the current MCLE ethics education requirements, with requirements in the three specified areas of education: 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital security. As a retired King County Superior Court Judge, and a former sole practitioner for most of my years in practice, as well as one of a small percentage of women in the WSBA during the first half of my legal career, I can attest to the need for current -- and ongoing, every year -- anti-bias education for all Bar members. With the current -- and increasing -- diversity in the WSBA, ongoing consciousness-raising and education of all attorneys and other active members of the WSBA, is essential. Anti-bias education will also necessarily include education about sexual harrassment in the workplace, and also in attorney-client relationships, which everyone needs. Furthermore, as an attorney who practiced almost entirely in the pre-digital era, the emphasis on education on digital security is excellent. Even attorneys of the "digital natives" generation need to be educated about how to protect their clients' confidentiality from breaches which hackers and platforms which are not secure from hacking allows. Finally, the proposal to require some minimal annual education about professional/personal life balance, mental health, addicition and stress is long overdue. The number of complaints the WSBA receives every year (which we all know are a tiny fraction of behavior we all witness in practice and from the bench (and with colleagues on the bench!) only confirm the importance of placing a value on this type of education. The intersection between personal poor health and professional responsibilities is pervasive and perilous territory for all WSBA members. The rule should specify the subjects to be allowed in approved MCLE educational courses, however, so that taking a 3-hour session of yoga, for example, does not satisfy the requirement (and I write this as a yoga practitioner and proponent myself). My only suggestion for possible amendment of this proposed new requirement would be that WSBA members be allowed to choose to take 3 hours total in these subject areas, perhaps limiting the number of hours in one field to 2. This might allow for a bit more in depth consideration of any of these important areas, at the election of members. The proposal is a great one by the WSBA Board, and I hope it will pass with full support of the Board, as proposed, or with any minor modifications which might be suggested in feedback sought by members of the Bar and judiciary. Good luck! --Harriett Cody
41. Laudable goals, but my concern is it might make fulfilling required CLE credits too complicated. -- Don Wittenberger
42. Your effort to broaden and update scope of CLE education it to be commended. However, each of the proposed areas may be more or less relevant to individual practice areas. I would suggest either "two out of three" or broaden the "menu" and make it "three out of five" so individual

attorneys can continue to make appropriate individual choices based on their practices. -Tor Jernudd

43. Has the MCLE Board considered whether there will be trainings readily available linked to these three subjects- inclusion and anti-bias, mental health and addiction, and technology security, at a reasonable cost to all WSBA attorneys, including attorneys who practice in less metropolitan, rural areas?—Anonymous
44. I would be OK with this proposal if all of these were covered by free CLEs, such as the Lunch-box CLEs provided earlier this year (which covered all three of these). While I think technology education focusing on digital security is a good idea, I don't think it falls in the ethics bin. For ethics, I think something relating to using digital media for purposes that may reflect poorly on the legal profession (and/or may reveal confidential information) would be more valuable. Granted, poor security could result in compromises to client information. —Alan Burnett
45. They are not ethics but should be mandatory and presented free statewide. —Bob Beaumier
46. Curious how that will work for comity with other state bars' CLE? I am all for the materials, but hope there are a variety of offerings. When other states have rolled out requirements the lack of program options has proven a challenge. Also might be a good idea to establish standards for evaluating when CLE categories will be expanded. Traditionally there were only professionalism and ethics. There has been a trend to add categories and once that door is open it will be tempting for special interest groups to think attorneys all need to be educated on their interests. Standards can help manage that evaluation to prevent future allegations of subjectivity. -David Shirk
47. I would request that the rule not be applied to those of us who are satisfying our ethics requirements by showing CLE compliance in another state. I practice in Oregon and we have separate ethics requirements, such as Child Abuse Reporting, Diversity and a new requirement: mental health, addiction, and stress. So it looks like Oregon and Washington overlap on 2 out of 3, but it would be nice not to have to manage the different and changing requirements of both bars. I hope I can still use compliance in Oregon to satisfy my Washington requirements. —Mary Del Balzo
48. My initial thoughts are that number 1 and 2, without more specifics on application, do not really have to do with Ethics training, but mere humanity. Number 3 on digital security does relate to ethics from a protecting client confidence standpoint, but I am not sure we need to spell it out as a separate area that needs 1 MCLE credit each reporting period. It is so much part of what we do, it should just be part of our discussion. But those are just my initial thoughts...and in no means represents the importance of the topics, just my opinion as related to ethics training for lawyers. —Heidi Baxter
49. WDA has more than 1600 individual attorney members who attend dozens of WDA sponsored CLE's each year and represent the bulk of the low-income individuals in the state who are charged with a crime or otherwise entitled to public defense in a civil matter like a child welfare proceeding. Understanding issues of inclusion and anti-bias and mental health, addition and stress are essential skill sets for any advocate working in our justice systems and in particular in public defense. I would support the addition of insuring this focus as a part of lawyers continuing legal education. —Hillary Behrman

50. In general, I support the proposal to include instruction in each of these areas, but I would strongly suggest that for each three-year reporting session, only two of the three areas be required as part of a lawyer's continuing legal education requirements. I base this upon my participation for the past 37 years as a member of the Oregon State Bar Association which has imposed similar requirements for several years requiring courses on (1) Child Abuse Reporting Requirements and (2) Access to Justice. There used to be one other required topic area, but that topic was eliminated a few years ago because of public outcry from participating Oregon State Bar members. What I have learned over the years from fellow Oregon Bar members is virtually all of them think the promotion of learning and understanding in those areas is valid and helpful, but they often resent having to take the same or similar classes every reporting period for as long as they are lawyers. While the Technology Security area may change enough that new topics and areas of coverage may evolve over time, Inclusion and Anti-Bias and Mental Health and Addiction can be covered fairly comprehensively over two or three rounds of required CLE courses. Using a rotational method of requiring courses seems to me to stretch out the time periods and allow good coverage with "refresher" courses down the road as an added benefit. Simply requiring repetitive courses in the same topic areas year after year becomes monotonous and unhelpful to most lawyers and those intended to be benefitted become resentful at the repetitive nature of the CLE requirements. Those are my thoughts from many years of complying with the same types of courses in Oregon. I would invite you to speak with folks in the Oregon State Bar offices for their perspective. —James Horne
51. My response is that if these three areas are required, that an ethics piece covering all three be included in most if not all of the CLE courses, regardless of the subject of the course. I am retired, but maintain my license, and my selections of CLE courses is limited. I would not like to have to take a \$400 CLE course I don't want, just to pick up an ethics credit in one of the three targeted areas. —John Davis
52. I am all in favor of (3) technology education based on digital security. I think this is very important and timely. —Kerri Davis
53. The topics in ethics are too narrow for bar members to find CLE providers that have such topics as: 1) inclusion and anti-bias; California had a requirement called Bias in the Profession; but, generally the idea for topics is too limited. 2) mental health, addiction, and stress; this is a matter for psychologists or medical experts -- it can be a general law requirement, but is too narrow the topic so that only a few providers have courses available on these topics; and, 3) technology education focusing on digital security; I am also a graduate engineer and I find this topic overly technologically complex; this topic would be difficult for even doctors, scientists and engineers to understand or explain. All the above topics should perhaps count for the current ethics credit generally; for now, the only winners would be providers who charge at least 3 to 4 times the price for such courses. Also, these topics are too narrow to relate to the practice of the majority of WSBA members. At least for the first 5 years after the adoption of the Proposed rule, the WSBA should offer webinars at no additional cost to its membership as a trial run of these three ideas. An expanded legal clinic program would benefit society more than these narrow specialized topics. As the saying goes, it is like putting lipstick on a mountain lion; the lion is already king! —L. David Rish

54. As a lawyer who practices overseas, I cannot get those courses here in London, unless an exemption is made for foreign lawyers. So, if that Rule is adopted, I will be forced to go on inactive status. - Malcolm Katz
55. I think this change is acceptable. I think the topics should include those issues as they relate to clients as well – for example, dealing with a client with inclusion/bias issues or mental health/addiction issues. –Maren Calvert
56. My question is whether this would change the current rule that meeting a cooperating state's reporting rules (in my case, OR) will meet the WA reporting requirement? –Mark Golding
57. Is the Bar going to offer courses on these subjects? Should be part of the proposal. –Michael Flanigan
58. I am in favor of making the first topic mandatory, but not the other two. –Jeff Miller
59. I don't support this proposal, as stated, because it does not include an increase in the overall ethics credits requirement. Continuing education in the traditional areas for Ethics CLEs continues to be needed. Six credits over three years seems increasingly small, as the years go by. The proposal potentially diminishes the amount of overall education to the WSBA membership in important RPC topics such as trust fund management, conflicts of interest, professional duties, et al. If required, I would add to the overall ethics requirement, or create a different class of credits altogether (e.g. Professional Developments). I would not rob Peter, to pay Paul, as it is said. Also, it is tempting to group these three subjects together. They are important subjects, but categorically different. I think the need is greatest for techno-ethics education and guidance, as technology can be completely foreign sometimes. I feel like this is a subject everyone is still chasing, and of great importance to both the public and membership. If I was going to "rob Peter to pay Paul," I'd do it for this topic alone. I also wonder who will teach these courses, particularly in smaller communities. Perhaps on-line courses will work, but when requiring everyone in the bar to take something specific like this, it seems teaching capacity becomes an important consideration. Perhaps WSBA will post opt-in recordings for free on-line, which can be accessed any time. I've practiced in NW Washington for over 20 years, and have organized and taught many CLEs. Some subjects are easier to find teachers for than others, and these seem like tougher subjects for good teachers. –Scott Railton
60. I am opposed to the recommendation, in general the simpler and less involved the administrative requirements are the better in my opinion. However, if the intent is to make sure the membership has had training in the identified areas, why not create a mandatory training module to be completed each reported period that covers all the topics? I am in the Navy Reserves. We have GMT's (General Military Training) certain topics all members must complete annually. Pretty conveniently handled online. Could the Bar do something similar to make sure our membership has had exposure to the 3 subjects (if that is the goal)? Thank you for considering my perspective. –Steve Franklin
61. I see you are the point of contact for feedback about the proposed change to APR 11 noted below. I think it's good to highlight some of these issues like diversity and inclusion, but that changes to the ethics credit requirements aren't a good way to promote awareness about these topics. It's hard enough finding ethics credits, and the brunt of a policy change like this would fall mostly on the solo and small firm practitioners that already have to scrimp and carefully plan

to complete their ethics requirements. Government and corporate attorneys will have an employer paying the bill or organizing a group training for them to obtain these narrow credit requirements, but for the rest of us, I think these changes will create headaches and additional financial pressures. Has the Bar considered requiring these credits as part of general MCLE credits attorneys could complete, irrespective of whether or not they were ethics-related? Or has the Bar considered ways of promoting awareness about these topics other than requiring specific additional MCLE credits? –Walter Smith

62. My recommendation is that bar work with a CLE provider to develop the three programs that you would like to require and then make them available on the Bar's website for us to take at little or no charge. It is often difficult for us to find these very specific specialized programs through our regular CLE provider. For example, I use a service provided by LexisNexis CLE and I always have a hard time finding the ultra specific credits. –Casper Rankin
63. Washington, from my perspective is unique with respect to its 6 ethics credits requirements over multiple years vs. a single year requirement. Other states I have found have 2 credits annually. The difference is the local state CLE programs have two subjects they present annually for the benefits of their respective lawyers and this is a routine matter to ensure all lawyers meet their requirements wherever they live. I am a member of three state bars--along with Washington I belong to the bars of Iowa and Kansas. I live in the Kansas City metro, so my CLE options are presented by both Missouri and Kansas, the most popular hosted via the University of Missouri, Kansas City's law school program. In concept, I think your three categories would make for interesting presentations. I attend extra seminars each year for my own knowledge base and some of the best have been over ethics and technology, both technology available to lawyers to do their jobs, and technology concerns on a more global basis, such as how social media can have an impact on any client's business. Kansas, in particular, has had a particularly good program given on mental issues, suicide risks, etc., for lawyers by a Topeka lawyer named Mr. L.J. Leatherman, who I highly recommend. In Kansas and Missouri we have a CLE year ending June 30, whereas Washington and my other bar, Iowa, have year end calendars. So I just completed my 2019 minimum 15 credits of coursework including 2 ethics credits and will submit for approval in Washington soon (I actually sat through 25 hours this year--these are always expensive because hosting colleges and companies assume lawyers are made of money, and I like to learn all I can since I am spending \$375 already). Of these 25 hours, 2 of each of the categories of wellness and technology were presented to members via the seminar in Kansas for its requirements and the seminar in Missouri for its requirements. So that's my background. I understand the Bar does not view multi-state bar member requirements as its first priority, but belonging to multiple bars is already complicated (for one example, Washington has a 60-minute hour computed in 15-minute increments, Iowa has a 60 minute hour and each minute is calculated, and Kansas has an eight-hour maximum per day and calculates 50-minutes as an hour). I have attended prior CLEs in each of Kansas, Iowa, Missouri, Washington (Seattle), Oregon (Portland), and Washington, DC. I've simply never had a law school or private program discussing inclusion and anti-bias. So as much as I think this is a fine subject, I expect I would be required, to comply with my Washington requirements, to either make a special trip to Washington state or attend a webinar to acquire this subject matter in addition to other

seminars I am taking and paying for--my guess is right now would only be a topic in Washington. Either way that will raise my cost of compliance, because I already am paying for one seminar series that currently captures all of my states, but I'd need to spend an extra--guessing--\$75-100 for this single course. So as much as I think these are three fine program subjects, my preference for efficiency and personal cost factors would be that any new rule would have exceptions for out-of-state attorneys, or it would be written as a "strongly encouraged to attend these three subjects" to make the point that the Bar sees these three subjects as important. If you could get every state to catch up with Washington, that would be ideal, but I don't see that happening practically speaking very soon. Also, I think a technology seminar is fine as a subject, but narrowing to digital security is not a subject that needs a full hour presentation. Of the seminars I've attended over the past five or so years, digital security can take up maybe 15-20 minutes, but doesn't really need more time. I say this having worked in the telecommunications industry as counsel from 1996-2016. I'd actually be curious to see what a presenter could use to fill a full hour on that subject. In brief, I think these are fine subjects, suggested categories possibly, but shouldn't be mandatory. If mandated, technology should be a general rather than specific category, and out-of-state attorneys should be exempt for cost and practicality reasons because other states aren't offering inclusion and bias seminars and may not be offering the other courses, and a requirement would result in extra costs and coordination for compliance for out-of-state members of the bar. --Christopher Bunce

64. I would encourage the board to refrain from micromanaging requirements. The more you break these general requirements down into specific classes, the harder it is to track and the more stressful making sure you're in compliance becomes. If you really think attorneys need these specific topics covered, require them but provide the classes online and at no cost. --Chris Kringel
65. I support your decision to add these three topics to ethics credit requirements as long as there are ample courses that can fulfill these requirements. Inclusion, mental health, and technology are relevant and important issues for attorneys (and all people) to understand and update their knowledge on. If you do start requiring the topics, please ensure there are sufficient courses offering them either as their main topic or as a secondary topic. This will facilitate easy access to the courses and not impact peoples' ability to meet CLE requirements. --Denise Leung
66. Query: Is there a breakdown in the present system? I support allowing our Members to themselves select the mix of ethics that match their practices. To me, this proposal sounds complicated, thus unnecessary mistakes may occur in requiring practitioners to subdivide their Ethics credit as outlined. Of course I defer to your judgment, being uninformed to the instant premise, and plainly you have thought long and well on the subject. --Glen Pszczola
67. I am supportive of the requirement to include require annual training on anti-bias. I thinking the stress/addiction issue as also a good idea for an annual requirement. However, I do not see the need for an annual ethics CLE on digital technology security. I am not aware of the significance of this issue such that it would require an annual update. I reviewed the supporting materials on the MCLE website and did not see reference to the reason for an annual technology security CLE. However, if the MCLE Board wishes to recommend this training, one credit for every reporting cycle seems sufficient. --Emily Sheldrick



68. I am licensed as both an attorney and as a certified professional guardian (CPG). Both professions wisely require continuing education. I have been a member of the Elder Law Section Executive Committee for many years and was the CLE co-chair for three years. I am also on the board of the Washington Association of Professional Guardians (WAPG), which puts on professional continuing education program to allow CPG's to meet their own education requirements. As a CPG we are required to fulfill credit requirements in specific topic areas, along with credits in general topic areas. Assuring that professional education covers relevant topics in an ever changing environment should be a foundation of the education requirement. The challenge, however, is making sure that the profession is assured reasonable assess to courses which enable practitioners to fulfill these requirements. I am sure this has already been considered. It would seem to be a reasonable concern that there would be would be an increase in attorneys failing to get the needed specialty credits within the required time period. This is particularly sensitive with ethics credits, which I believe are disproportionately more difficult to accumulate than general CLE credits. It would seem that the WSBA, as a sponsor of continuing legal education, could easily solve the problem by assisting with the proportionate proliferation of such courses to enable compliance. WAPG is careful to make sure that those attending courses for general education credits are able to proportionately fill specialty credits. Offering specialty credits proportionate with general credits enables the MCLE planner to avoid having to crunch for a particular specialty credits just to cover a specific area or take a particular course just to get the credit offered there even though there may be a more relevant practice focus CLE for the particular practitioner, but which does not offer the right kind of credit needed. Another thought it may also be as productive to encourage the various sections to simply offer courses in these areas, which the WSBA could then approve without having a requirement. –Mark Vohr
69. I support the amendment however, as you likely know, Ethics credits can be desperately hard to come by and my concern would lie with finding a CLE that qualifies in each of the areas. –Manda Lyghts
70. I strongly support the recommendation to require one ethics credit in each of the following subjects per reporting period: 1) inclusion and anti-bias; 2) mental health, addiction, and stress. I have no opinion on the third item. It is vital that our field holds each other accountable for inclusivity - which must include anti racism and anti white supremacy trainings. It is also vital that we address head on the high incidence of addiction, alcoholism and mental exhaustion within our profession. Reducing stigma saves lives. We need to show up for each other. –Katelyn Kinn
71. I have some thoughts on this proposal. While I think it's great to make it mandatory that everyone take inclusion and anti-bias training, I have concerns over this being an ethics credit. While there are a growing number of trainers nationwide about this this topic generally, finding speakers who can speak to this topic and the RPC's may prove to be a challenge. Unless the WSBA is going to put a free webinar up on the website, I really worry that there will not be enough training access on this particular topic. This is also the same for the other two topics. If the mandatory requirements are just general topics that you have to have a credit on, the concern is less. But that needs to be more clearly spelled out. For example, something like,

“Half of your ethics credits must be in these three areas and not necessarily directly law related.” I’m sure you have someone who can come up with better verbiage. However, if they are general topics, why not make them mandatory under the general credits and not ethics. It’s not like we, as a profession, need less guidance on ethical behavior. - Janna Lewis

72. Given how difficult it already is to obtain ethics credits (especially for those of us in in-house positions), despite the well-meaning nature of the proposal I would recommend that the MCLE Board not adopt these changes to the ethics credit requirements. Or at the very least, consider requiring them in the alternative (i.e. a requirement that at least one of the reported ethics credits be in other of the three topic areas enumerated in the email requesting our feedback). Additionally, under APR 11(f)(2) there is already a requirement to take CLEs in “topics relating to the general subject of professional responsibility and conduct standards for lawyers, LLLTs, LPOs, and judges, including diversity and antibias with respect to the practice of law or the legal system, and the risks to ethical practice associated with diagnosable mental health conditions, addictive behavior, and stress,” thus the proposed changes to the ethics CLE requirements would unnecessarily complicate the ability of legal professionals licensed in Washington state to meet their licensure requirements without significantly changing the scope of what we are supposed to be focusing on in our ethics CLEs (other than digital security). Thus, although well-meaning, this appears to be a solution looking for a problem. –Kaustuv Das
73. I think these three topics are long overdue as requirements. However, I am not sure that 1 hour every three year period is going to net much. In one hour a presenter will be barely able to scratch the surface of these topics. I recognize something is better than nothing, but this is awful close to nothing. Not sure of an answer to this problem though. If you required more hours for each, then you may not get coverage for 6 or 9 years. That is also unacceptable. –Steve Aycock
74. The volume of CLE offerings in these areas—inclusion and anti-bias; mental health, addiction, and stress; and technology education focusing on digital security—suggests that these are current hot topics. Without disparaging the importance of any of these subject areas, I wonder if their importance will endure at a level that justifies their permanent enshrinement by way of rule-making. The Oregon State Bar establishes a 1-credit subject-matter requirement for each 3-year reporting period, changing the subject area each reporting period within the larger, otherwise unspecified ethics requirement. Perhaps that is a more reasonable and more flexible nod to topicality than the preliminary recommendation of the Washington MCLE Board. –Terry McGee
75. I certainly agree that the three topics proposed are important for attorneys to be competent and informed in. My question is to how these particular areas were chosen. Has feedback been received from those in the Bar or from the public that Washington attorneys are in need of development in these areas? Are these focus areas going to remain the same for an indefinite period of time? Or will new requirements be established as perceived needs change? (The need for digital security training, in particular, is one that was not particularly pressing 15 years ago, but it is very much so now). Would any future requirements replace these as topics or be added in addition to them? –Zach Burr
76. My feedback on the proposal is that it would be fine if accompanied by a reduction in the number of ethics hours required. My experience over 20+ years with ethics CLE classes is that the presenters squeeze 30 minutes of content into 60 minutes. Maybe it’s a function of having

time to fill for the CLE course, but I think these courses could be more effective and effectively inviting presenters to get more done more quickly would be useful. –Jeff Beyle

77. I write to provide feedback on the MCLE Board proposal to add three specific requirements to the current CLE requirements. As further explained below, I partially support and partially oppose the proposal, and make an additional recommendation. 1. I support the first recommendation, addition of a credit covering inclusion and anti-bias training. We continue to see the negative impact of past policies and practices, and unconscious bias in the profession. This is an issue that touches the entire profession. The report of the committee amply justifies this additional requirement. 2. I oppose the addition of one credit requirements for “mental health, addiction, and stress;” and “technology education focusing on digital security;” at this time. a. First, in contrast to the well-reasoned justification for the inclusion of the anti-bias training, the justification for the addition of these two items appears to essentially boil down to a claim that other jurisdictions are starting to look at this, so we should do it now, so we don’t have to think about doing it later. With all due respect to the committee, these issues deserve just as full an investigation and justification as the anti-bias training. Specifically, we should first answer the question, “why are these broad societal issues have special application to the legal community and is an hour of CLE training once every three years the best way to address these issues?” b. Personally, I believe that mental health, addiction, and stress are important issues in the legal community, but I’m not convinced that it touches as broadly on members of the bar as diversity and bias. Mental health is a topic that exists in the broader society as a whole and may best be addressed by society instead of the state Bar. I am not convinced that this subject requires a mandatory CLE without additional investigation and support. c. Second, as a lawyer practicing extensively in the field of data privacy and security, I similarly believe that many attorneys would benefit from adopting better digital security procedures. However, once again, I am not certain that this rises to the level of requiring mandatory CLE credits absent broader study and justification absent from the current proposal. Further, requiring those who are already experts practicing in the area, or those whose practice does not touch upon data security in any meaningful way, to take a basic CLE does not effectively advance any broader purpose and would be a waste of time. d. Finally, as a lawyer practicing outside of the State of Washington, I am very concerned that fulfilling these requirements may be difficult for me and other out-of-state lawyers. Already the majority of CLE events I attend in the other Washington do not provide Washington CLE credit. Adding very specialized CLE requirements that will necessitate course approval from the state bar will make it very difficult for out-of-state lawyers to comply, and will possibly require us to undertake the burden of seeking approval for CLE credits on our own. While you may believe this is not unduly burdensome, it does require time and attention—two things that are precious resources. 3. Should you add any of these three requirements, I strongly recommend that you phase them in over three years so that every Washington lawyer has a full three-year cycle to comply. This is especially important for those of us out-of-state who may have difficulty finding compliant CLE classes, especially immediately after the enactment of a new rule, when such courses have yet to be developed and approved by the Bar. –Eric B. Martin

78. If the WSBA is going to prescribe specific content then I think the WSBA should provide those courses online free of charge. –David Hayes
79. As a retired member trying to stay current, this is not helpful. While the substance of that material is good, it should NOT be mandatory for licensure. I practiced over 30 years and requiring this might be beneficial for those just starting i.e. first 5 years, but for those practicing in a governmental environment, much of this is immaterial. In sum, good idea but should not be mandatory or if mandatory, for those in their first few years of practice. –Mark Hannibal
80. I am responding to the request for comments about adding a requirement for ethics credits in certain specific areas. I oppose this requirement because it is difficult to find accredited courses in these areas for out-of-state practitioners such as myself. This will deter people who do not live in Washington from maintaining their Washington license. I think this should be an optional and aspirational goal rather than a requirement. However, if WSBA commits to offering low-cost or free CLEs on these topics that are electronically available and easily accessible, I would be willing to reconsider my position on this topic. –Christine Lyman
81. I believe 2 and 3 are necessary... I think 1 is too much parenting from the bar. People can have options, but shouldn't be required to take number 1. –Greg Silliman
82. I like the idea of the first 2 topics in theory, not so much the third. But making it harder to get ethics credits is not so great. They're already the hardest to fulfill. –Vicky Cullinane
83. I think it would be good to encourage that the credits be based on these topics. However, I think all of these topics could easily be covered in a non-ethics CLE and it should not solely be ethics. The only one I think makes the most sense is the digital security. But again, the ethics issues I face in my profession are vastly different than these topics and our workplace already emphasizes inclusion and anti bias and the second topic. –Pam Visco
84. I think these changes are a good recommendation however I am concerned about members in rural settings and in Eastern Washington to be provided adequate opportunity to get those credits. –Kammi Smith
85. I do not necessarily disagree with the subjects that are proposed for mandatory credits. However, if there are no classes that can be taken to meet this new requirement, then you are putting us all in a disadvantaged place. You should not be making mandatory requirements unless there are enough ways for us to meet these new requirements. As is, it is near impossible to get ethics credits as the availability are courses are small. –Roselyn Marcus
86. I read with dismay the email sent to me from the MCLE Board. It sounds as though the do-gooders are once again attempting to foist unwanted requirements down the throats of Washington state attorneys. Attempting to effectuate social change to placate the West side liberal nut-jobs is not (or should not be) part of the scope of the MCLE Board. Let attorneys choose the educational topics they decide, instead of treating them like children. To my knowledge, there never was a need to mandate continuing legal education for ethics. There will always be folks who are ethically challenged, but mandating ethics education is not going to change that. From an optics perspective, the ethics mandate only provides ammunition for attorneyhater, so they can claim that attorneys are so unethical that the Supreme Court had to mandate ethics education for them. In this same light, mandating continuing legal education on the subjects of anti-bias, inclusion, mental health, addiction and stress is not going to get at the

heart of these issues. Only those who decide for themselves that these are good areas, that they would like to learn about, will benefit from taking these courses. There is already a plethora of course offerings in these areas. Adding these specific areas to mandatory continuing legal education will only serve to showcase the perceived shortcomings of attorneys. The social costs of this well-intentioned, but ill-conceived mandate far outweighs the potential social benefits. That said, adding technology education, specifically as it pertains to data security is a very good idea. If a carve-out that is specific to ethics is considered appropriate (again, a horrible idea from an optics perspective), data security in the information age is a far better and more useful area for mandatory education. Unfortunately, as technology is progressing so rapidly, most practitioners are ill-trained and ill-prepared to safeguard their clients (and their own) data. This is an appropriate area for the MCLE Board and to step in with a recommendation. Attorneys need this education and have no idea they need it. This is necessary training from both a practical perspective and for the fulfillment of professional responsibility. This is one of the rare occasions it would be appropriate for the MCLE Board to recommend a specific subject matter for mandatory continuing legal education. Bottom line – unless absolutely necessary, it is always best for pseudo governmental authorities to stay in their own lane and stop attempting to expand their reach in an attempt to direct the lives of others. Data security technology education is one of the areas of absolute necessity. I am hopeful that by expressing my personal opinions, I will not be subject to retribution. – Stacy Lavin

87. I am in support of, or at least indifferent to, requiring that one of the six ethics CLEs be focused on issues of inclusion and anti-bias, or mental health and addiction. These topics are no doubt important and relevant to today's practice of law. More importantly, these topics are related, or can be related, to the umbrella issue of ethics in the practice of law. I do not see the topic of technology security in the same light. It seems to me to be a stretch to include this topic as an ethics issue, although an important issue in its own right. It seems more a law office practice issue instead. I oppose including technology security within the ethics category as it would allow the substitution of instruction in office administration for an ethics related topic. –Doug Fortner
88. I am agnostic of any change so long as the ethics credits obtained in the state of Oregon would satisfy the ethics obligation even if they are not exactly in the three new sub-topics of inclusion and anti-bias, mental health and addiction and technology security. I am licensed in four states - Oregon, Washington, Virginia and the District of Columbia. Meeting each state's unique ethics requirements is an undue burden. Currently, to comply with Washington requirements, and due to our reciprocity agreement, I may submit a comity statement that I have complied with Oregon's ethical obligations. Oregon's specific ethics requirements include credits in mandatory elder law abuse, child abuse reporting, and a similar anti-bias reporting (3 hours of Access to Justice). I understand just this year Oregon has added one credit hour of mental health, substance use and cognitive impairment. Oregon does not have a technology security requirement to my knowledge. My support is conditioned on the effectiveness of the comity certificate, even if the ethics classes are not the exact match to Washington's requirements. – Lori Murphy

89. Since my next reporting period is December of this year, and my credits have already been accumulated I assume any change respecting credit requirements will not commence until 2020 reporting. –Robert Israel
90. 1 and 2 are already limitations/requirements for attorneys in WA state – very few instances where Constitutional rights such as bona fide religious beliefs would be encountered in assisting, e.g., attorneys would not be able to rely on religious belief to not serve a person from a tribe not of the attorney's tribe. For #2 every attorney is bound to assess the mental and emotional capabilities of clients and may be required to make such assessment e.g. in preparing a will. Re: technology – some attorneys still use pencils and paper and those with email et al will have hazards similar to the pencil/paper in filing and in getting documents sent to the wrong address. #me too, same sex marriage, black/brown/yellow/red/white – The idea of having classes on such topics is a lobbying effort by teachers of classes. Making such mandatory is making jobs for teachers at the expense of attorneys who already have the duty to attend to the topics in their legal practices. Making such classes mandatory is not required. Making such classes mandatory merely adds another hour, in addition to the hour of ethics, to standard courses. However, perhaps these topics are in the ethic realm and could substituted for the 1 hour ethics now required. –Floyd Ivey
91. (1) One credit of diversity and inclusion CLE is both not enough and too much. Big NO on this one. (2) Same re: Mental health, etc. (3) One credit re: internet security could be worthwhile. – Amy Stephson
92. I'm in favor of the proposed changes. I think the first two will be very helpful for those of us who prosecute crimes. Whether we're talking about witnesses & victims or the people we're prosecuting, issues related to these two topics weigh heavily on our ability to pursue justice. Those of us in the dominant community often fail to recognize how our privilege impacts the way we interact with people in marginalized communities. I'm less enthusiastic about the last category. I have no control over how our technology is maintained or secured. I don't have an office-supplied smart phone. My interaction with this topic is largely controlled by the Public Records Act; my awareness of its requirements is more important to my job than the topics described in this category. –Kim Kremer
93. I am writing to suggest this not be made mandatory. The ever increasing sub specialization of the CLE requirements makes it difficult to monitor and in my mind is of little to no benefit. I practice in Oregon where every reporting period we are required to take 1 hour CLE for child abuse, and now they have added elder abuse as well. I now know the issues around child abuse and elder abuse reporting and don't need to be reminded every three years of them. I hear the same CLE programs over and over. At some point the bar has to just trust that the lawyers will read the RPC and laws and be aware of his/her obligations. While CLE programs in each of these areas is a good idea, the requirement should be optional. If there is a requirement, it should be once every 10 years or so, not every 3 year period. –Thomas Phelan
94. None of these 3 topics have anything to do with the ethics of practicing law. They have an impact on the practice of law, but that does not make them an ethics issue. These should be considered general practice topics. –Steven King

95. I have no problem with 2 and 3. 1, however, is nothing but political correctness, which is a communist technique and I will never support it.
96. What exactly does "inclusion" mean? What does anti-bias mean? Every human being has biases, including every sitting judge and those judges make decisions every day based on their own biases. This is political only and I cannot support it. –Bruce F.
97. I am opposed to this amendment as currently structured. I agree that the topics suggested for three hours of coverage are important and substantive, but I feel that using up half of the ethics hours requirement for them is ill-advised. Moving them into another category, or increasing the ethics requirements to 9 hours (out of 45 total), would be a better solution in my opinion. When I look at the breakdown of grievance filings in the June 2019 NW Lawyer magazine, I think there is still plenty of reason to be focused on basic practice ethics. A fairly small percentage of the grievances fall into the categories outlined in the proposed changes (which admittedly can refer to intra-office issues and hiring policies as well as client interactions). I think the reputation of the profession is still fairly murky and when complaints each year total 10% of the number of licensed lawyers, I am not comfortable reducing a focus on fundamental issues surrounding the ethical practice of law. –Bob Allison
98. I am writing Comments to the proposed Ethics CLA requirements (proposing to include one credit in each of the following subjects per reporting period) as follows: (1) YES - inclusion and anti-bias - I think it is imperative to have ethics requirements focused on this issue and would actually propose this be two credits not one. As a professional woman in her 50s, it is appalling still how many lawyers (old and young alike, and sorry, mainly men) who truly need sensitivity training and knowledge in this area (not to mention LGBT or racial and ethnic inclusion and anti-bias). I am very happy to see this up for comment and fully support the inclusion into the WSBA Ethics CLE requirements. (2) YES - mental health, addiction, and stress; - I think this is definitely an area for awareness and understanding for lawyers, especially since we are so competitive and problems with mental health, addiction, and stress in our colleagues are often brushed under or used to shame lawyers who "couldn't cut it" or "can't handle it" and drop out of the profession. Those who gain more understanding and empathy in this area are going to make better lawyers (in my opinion) and help their colleagues deal with the real issues around mental health, addiction, and stress in order to help them stay in the profession. I am very happy to see this up for comment and fully support the inclusion into the WSBA Ethics CLE requirements. (3) NO - technology education focusing on digital security. - Honestly, although this is very important generally for businesses and lawyers, and should be offered in CLEs as a topic, but I do not see the necessity to have a full credit CLE requirement on this topic. I would rather see two credits for item (1) and strike this one, or add another on a different focused topic (like whistleblower protection or other compliance topic) that has more ethics focus. Digital security is not an ethics topic per se (and technology education certainly is not) and making it one for lawyers is not really a good idea. I think that placing lawyers as responsible for digital security compliance (where often small firms/businesses do not have this capability, and larger ones have whole departments of IT specialists for this type of security) places a strange burden on lawyers in an area where they generally do not have expertise nor have the best skills to deal with it, nor have the hands-on time to develop these skills. This is not a legal ethics topic in my

- feeble mind. I do not support this one and think it should be struck. I also noticed that the materials discussed taking away a certain # live attendance credit CLE requirement. I fully support this. I work offsite for a tiny company that does not support CLEs, and I have to pay thousands out of pocket annually to attend live courses and spend the time travelling which is far less efficient than an online course. The quality of the CLE and its education (for the receiver) is less dependent on live courses - I have had excellent CLE webinars and video courses over the years, many of which are offered online through the WSBA. While I am a true believer in live courses and the networking opportunities that enhance my practice (the non-CLE aspect of these), I do think that the bar should recognize that not all lawyers are supported in this manner, and it can be very difficult and expensive to attend live courses. —Jennifer Johnson
99. Provided the Legal LunchBox Series of monthly free CLEs offers these topics, I have no relevant commentary on their inclusion -- although I do somewhat object to making these sub-topics mandatory to the exclusion of other issues of importance in other categories. I do offer one suggestion, please provide more Law & Legal Procedures webinars -- as these topics appear to be few and far between. More parity in the CLE offerings in the mandatory categories is, in my humble opinion, needed -- and not necessarily mandatory sub-topics in the ethics category. Anyway, thanks for considering my 2 1/2 cents worth. - Rhys A. Sterling
100. Seems like a good idea. However, the idea of making some CLE's "Required" could be a slippery slope. I mean, why is "inclusion and anti-bias" more important than any other legal issue like "1st amendment" or "engagement agreements". Perhaps a solution could be to have a REQUIRED BLOCK of CLEs 5-10 Credits that includes a "core" education and some yearly flavors (like these)? - J.D. Houvener
101. Please accept these comments on the proposal described below. This proposal would be fine so long as the WSBA regularly offers free, call-in or online sessions to its members that will satisfy these highly specific topic areas. Otherwise, it is far too burdensome and costly to find and attend CLEs for such specialized credits. Personally, I choose CLEs relevant to my practice area that include an ethics session, so that the cost makes sense for me. It does not make sense for me to have to pay for and attend CLEs on at least one of these topics, so if this is a policy priority for the organization, the WSBA needs to make it exceedingly easy and cheap (ideally, free) for this to be acceptable to its membership. —Jane Steadman
102. I am strongly against the proposal outlined below as to items #1 and #2. I still object to item #3 but my objection is less than for items #1 and #2. I do not like the micromanaging of the CLE credits unless WSBA is going to provide the required training free of charge for those elements. It is my understanding that the ethics requirements relate to the Rules of Professional Conduct. Items #1 and #2 do not appear to support those rules directly but rather target "soft skills" to be a better lawyer. Item #3 appears to have some nexus to the RPC. I object to the micromanaging by WSBA as it is unfairly burdensome on small firm and solo practitioners, or those of us in government or non-profit work who do not have the benefit of firm dollars to pay for our CLEs. We pay out of pocket. If I cannot get the training easily thru a subscription service then it feels burdensome. If WSBA wants attorneys to get this training this badly then they should require it and provide the free course as part of our high dues. I would rather get that than a glossy magazine that I throw away each month. —Lisa Johnson



103. Please consider this e-mail my response to the solicitation for feedback on the three proposed additions to the ethics requirement. •#1: As to inclusion and anti-bias, it is not clear from the description what group or groups are the subject of the proposal. Stated otherwise -- who's left out? Please clarify. •#2: Concerning the proposal relative to mental health and stress, adding more moving parts to MCLE requirements increases an already stressful profession and runs the risk of driving lawyers into reefer madness. •#3: Finally, as to computer security, it would be more helpful to send members of the Bar a link to software that can be uploaded to provide digital security. If software is available that provides a safe harbor for lawyers if installed, that would be preferred over sitting through an hour of someone droning on for an hour about the topic. Such would necessitate proposal #2. –Kevin Snider
104. I would be very pleased to see the anti-bias and mental health requirements put into place. – Sarra Yamin
105. 1) having the ethics req 'broken out' as it were into specific categories isn't necessarily a bad thing, provided ample opportunity exists to obtain them; 2) for any Legal Lunchbox CLEs provided to this end, I'd ask that they be recorded and available for later viewing (generally too, but especially on these topics) - of late I've been unable to attend the live ones and so might be caught out near end of year in not being able to fulfill a more specific ethics requirement (if you update them)? –Kevin Orme
106. While I find it well-intentioned, I think it could create some increased barriers, especially for those of us working at nonprofits. While my bar dues are covered, my CLE credits are not, and it can be a big hurdle to find as many low-cost or free CLEs as I can. I often have to make conscious choices on out-of-pocket expenses that would benefit my competency in practice, and this would just be an increased financial barrier. If they were free to attend, I'd be happy to participate, as I do appreciate the topics outlined thematically. However, this is a big challenge. –Melody Young
107. This proposal strikes me as yet another attempt by the WSBA to fix something that is not broken. It carries the inherent suggestion that non lawyers working for the WSBA know what is best and that we are not capable of making wise choices about what CLE topics are best suited to our law practice. We should be able to choose what topics suit our areas of practice. None of these are of any relevance to what many of us do. Also, none of the topics listed are in any way relevant to what I understand to be lawyer "ethics". Perhaps the WSBA could begin by explaining why these topics have been arbitrarily classified as relating to "Ethics"? -John Goodall
108. 1. Do the addition of new requirements ever end? 2. Original MCLE's were predicated on the necessity of keeping attorneys up to date on law and procedure, not how to be polite or spot mental health issues. Can the bar really erase bias, discourtesy, and prejudice with MCLE? Doubtful. Can the bar expect the addition of a mental health MCLE will eliminate those issues, or turn attorneys into mental health professionals? Do we have a duty to report a mentally stressed attorney, an issue we all grapple with during our careers? 3. Cyber security should be included and is the only one I support. –Deborah St. Sing
109. I'm writing in response to the proposed amendments to APR 11. Although I believe that lawyers should educate themselves on the proposed ethical subjects ( 1) inclusion and anti-bias; 2) mental health, addiction, and stress; and 3) technology education focusing on digital

security), and that CLE providers should address such topics, I am concerned that the proposed amendment could place a burden on out-of-state members that will be difficult for us to shoulder. I maintain my WSBA membership, but practice entirely in Montana, which does not require that level of specificity. Years ago, when Washington added ethics requirements and Montana had not yet done so, it was nearly impossible to obtain credits in specific areas when the bar in the state where you are located does not require reporting in those areas, because CLE providers don't make sure that their programs address the topics. Currently, the WSBA's free Legal Lunchbox series addresses many of these topics; some paid CLE on them is also available. If those programs continue to be available, then out-of-state lawyers can meet the proposed requirement. Without them, it's a problem. I hope that if the proposed amendment is adopted, it will be coupled with intent to 1) continue providing free seminars on the topics, and 2) encourage private CLE providers to do so. –Leslie Budewitz

110. All three are worthwhile topics, but why include them under the segment regarding legal ethics? -John Mericle
111. I am not in favor of the proposed change unless the WSBA will be offering CLEs that will allow attorneys to obtain credit for the three categories in one or two CLE's. It would be too expensive and time consuming to have to take three CLE's to cover each topic. If I'm mistaken about that, please let me know. –Gary Trabolsi
112. I'm in favor of the CLE requirements for inclusion/anti-bias and mental health. These are two critically important aspects of the practice of law for any attorney. Although digital security important, I oppose adding it as a required credit. -L. William Locke
113. If 1 credit hour minimum digital security is the most we can get, I support. It would be better for the profession to require 3 hours digital security per reporting period and probably still not sufficient. –Greg Touchton
114. The Bar Association needs to be split into two separate organizations. Licensing and social issues need to be separated. A State mandated membership organization should not be taking positions on issues which do not directly involve the quality of legal services rendered. Licensing is for purpose of protecting the public from unqualified or dishonest lawyers. The proposed amendment to the rule regarding ethics is another step outside the responsibilities of the mandatory bar. -Stanley Pratt
115. I can see adding an inclusion and anti-bias credit requirement as part of our ethics training. The ethical dimension of having a bar that looks like the community seems worth talking about. I'm very dubious about adding the other two requirements. I skimmed the materials provided and didn't see any meaningful justification for adding those requirements to our ethics CLE requirements. If you could point me to a succinct, clear explanation as to why those things in particular should be added, I'd be happy to take a look, but absent that, I do not support it. – Laura Anglin
116. I worry about an MCLE requirement that could become too granular in its requirements. I concur with amending the ethics requirement to include an inclusion and elimination of bias requirement, but would recommend that a separate requirement be labeled something along the lines of "Law Practice Management & Competence". This would be broad enough to include both the mental health/stress/addiction focus as well as technology competence but allow for variations in the types of courses attorneys take to fulfill those requirements. -Peter F. Black

117. I am in favor of amending APR 11 to require a portion of required ethics credit address inclusion and explicit bias as well as mental health and addiction. After reviewing the MCLE Board preliminary report, I am not convinced technology security warrants a credit requirement. -Laura Murphy
118. My personal opinion and two cents is not to require inclusion and anti-bias topics as MCLE ethics credits for Legal Professionals. I personally believe we have become a much too politically correct and easily offended society; to the detriment of freedom of speech, thought and opinion. -Bruce E. Cox
119. I am writing in reference to the proposed ethics requirements. It feels as though the CLEs are beginning to resemble course requirements for law school. I believe the new requirements would mean we would have to sign up for more (and specialized) CLEs to meet the requirements each reporting period. In turn, this likely would lead to greater cost in completing CLEs that meet these requirements, not to mention making the tracking of completed hours more cumbersome and difficult to understand. For these reasons, I am not in favor of the proposed changes. However, if the bar were to offer free online courses that meet these (and the remaining CLE) criteria, then I would not have an objection. As a newer attorney and soon-to-be solo practitioner, I am ever mindful of costs. -Michele Moore
120. For oh so many reasons I adamantly oppose any *requirement* that we take bias/mental health courses for our mandatory credits to practice law. Those are not core elements of the practice of law. They are social education and development. Which I believe to be very good things - but *not* as a requirement to practice law. The technology security, I see as quite different. That is of immediate impact to lawyers and their clients in the core practice of law in today's age, to the point we have RPCs directly addressing this point. And has zero political or social elements. It's hard to put words to it, but I look for *requirements* to be focused on the essential practice of law. I respect that some consider these issues "essential" - but some do not, and many who do, oppose it being a *requirement* to practice law in this state. Where there is a possibility of disagreement on the position, it is not part of the essential core of regulating lawyers. You can't disagree that not having a secure computer system is a problem. You can't disagree as to the necessity of knowing, say, easement law if you are a property lawyer. You can, however, disagree on pretty much any social issue, and yet you want to *force* lawyers to engage in social issues in order to practice law. Really? On security, knowing how to handle client files, security, ethical practice in the legal elements of our work, are essential elements of practicing law. "Sensitivity" is an amorphous concept that is often in the eye of the beholder. Aside from such courses I've experienced (and even taught) in multiple contexts (such as employment) boiling down to preachy condescending lessons, and even the best of them, either (1) those of us who have any awareness already get it and there is nothing practical about a course or (2) those of us who don't, aren't going to get it from a one hour class. And I fear, like so many things in society and the bar in particular, that this "basic" requirement will become a platform for some rather radical and extreme perspectives on "appropriateness". Consider the fact that many members (including myself), while really very sensitive with friends across a wide

range of race, sexual preferences, religions, and whatever else you can think of, think that our society is really just going too far and it's only escalating where it's downright bizarre in the context of "sensitivity" and avoiding bias that is often not bias at all, but just honest opinion, and the bias is going the other direction to shut down a voice just because it disagrees. I want to emphasize I do recognize bias and discrimination and insensitivity are very real problems. I know victims of it, and those that struggle against it every day. I participate in causes that support what is likely the objective of your proposed requirements. But those are *personal* choices. There are arenas of sensitivity that cross lines, and create bias in the wrong direction, and all kinds of negative - or at least, of arguable benefit/detriment - ramifications. I do not believe it is the bar's place to take this social lead in *requirements* for the ability to practice law in this state. And in mental health, which again is not a core function of law but rather support of the person (not their profession), what is it, exactly, that a lawyer is supposed to come away from in a one hour course that they are not already aware of with the growing social conversation that is already everywhere? Ultimately, the Bar should take a hold of this and focus on the practice of law on its own initiative, not promote social positions on an official capacity. Not force inclusion of discussion of social issues in the basic ability to practice law in this state. It isn't even a question of what members "want" (though I can guess that the opinion is strongly against this, notwithstanding vocal advocates) - the bar has a legal obligation, and it is its duty to uphold it. That is the *regulation* of lawyers. Unless you are going to say that requiring us to all be "socially sensitive" (whoever might define that) is a necessity of regulation, it has no place for *requirements* to practice law. It is the bar's job to uphold its mandate and purpose. People would like the bar to do all kinds of things, but doesn't mean that is properly within their function. This is the very core of why there is a movement to either abolish or bifurcate the bar. Forcing people to support things that they may or may not agree with, that are not ultimately part of the core *regulatory* function the bar is meant to serve. I am in the camp that thinks CLEs are part of this, as they are essentially to helping people be good lawyers. But these issues you are contemplating tread into helping people be good people, or people stay healthy people, which are always a good thing, but way outside appropriate for helping people be good *lawyers*, *requiring* someone to take to practice law. The bar is not here to regulate our social appropriateness. The bar is not here to babysit lawyer's mental health. Providing *services* that support these things, or provide a platform for discussion, is one thing. *Mandating* that we engage in these things in order to practice law quite another. Despite the clear resistance to the bar's trends in this direction, it seems every time I turn around the bar has hit the accelerator in this direction. Put a little sarcastically - but I think accurately - this is precisely the kind of thing the bar should do if it wants to keep putting nails in its coffin. The more that you *force* people to do or support things not directly related to the practice of law, that furthers certain social goals (no matter how noble), the further you not only stray from your purpose but the stronger the resistance. And then we all lose when the bar gets cut down because it reached too far. -Carmen Rowe

121. Overall the proposal is not offensive or overreaching if it is a single time or required once in a dozen years. Even as an attorney that prosecute discrimination cases, those lessons once learned should not need to be re-learned. To require those every time one needs to report CLE credits will not only be an additional barrier to completing the requirements, which are difficult enough as to ethics credits are concerned, in addition WSBA will be finding itself accused of social engineering and face some unneeded backlash. –Crystal Rutherford
122. I am writing to oppose amending the rules to require ethics credits in mental health, addiction, anti-bias. These are social and political issues that are outside the WSBA's scope, which is the practice of law. It places the Bar on a slippery slope towards 'requiring' people to adopt a position they may oppose religiously or politically. What is the Bar going to do? Disbar someone who thinks that homosexuality violates the Quran, Torah, or Bible? Focus on what is central to practicing law. -Marlena Grundy
123. I support a CLE requirement for technology security which is key to effectively and safely representing our client and safeguarding their confidential client information. We can't be careful enough with your clients' confidential information. Just read about the current Capitol One hack involving Amazon Web Services (where a lot of us back up files) and that the accused hacker is from right here in our backyard. I oppose a CLE requirement for inclusion and anti bias, mental health and addiction. These are laudatory subjects but not core to regulation of attorneys in the practice of law. Sure, offer seminar topics in these areas, but they should not be a requirement, any more than I should be required to take classes in estate planning or antitrust law, if my practice is not focused on estate planning or antitrust law. You get the idea. -Joe Koplin
124. I certainly do not take issue with the intent of the proposed rule change. My only quibble is with the further stratification of the credit requirements. This complicates planning and tracking for attorneys who must now consider timing, pricing, topic, and subtopic of CLE programming while fitting it into busy schedules. To mitigate this effect, it would perhaps be advisable for the WSBA to assure that the reporting requirements can be satisfied with free, on-demand programs that are available year-round. In essence, have the WSBA assure that the credit requirements can be satisfied with programming addressing the MCLE Board's specific educational goals at a convenient time and without increased cost to members of the bar. -Colin A. Olivers
125. I am an attorney with the Washington Bar who has to cover my own costs for CLEs so I am very sensitive to the increasing requirements with which we are forced to comply. I do not think every social issue that lawyers experience can be corrected by a CLE requirement. Specifically, I'm writing in response to the recommendation that "of the six required ethics credits for legal professionals, one credit be required in each of these three topics: Inclusion and anti-bias, mental health and addiction, and technology security." I believe making each of these required would make an already burdensome requirement even more so. We already have so many sub-requirements within our overall CLE requirements that it is overwhelming to track and certainly places hardship on the Bar to enforce. Inclusion and anti-bias should be the priority since it's so widely misunderstood. The other two are important but are very popular topics in the CLE world and should just be optional. It's also important that CLEs touting the "inclusion and anti-bias"

label be of adequate quality. Too often in the name of “understanding diversity” I have seen lawyers (and other professionals) perpetuate stereotypes that do more harm than good. For example, in another state I listened to a CLE featuring western lawyers talking about how backwards certain cultures are in the context of international business. It was upsetting and because it was recorded there was nothing I could do. Please do not allow this category to exacerbate the problem! -Sheiba Waheed

126. I am writing to request the Mandatory Continuing Education Board (MCE Board) NOT require one credit in each of the following subjects: 1) inclusion and anti-bias, 2) mental health, addiction and stress, and 3) technology education focusing on digital security, per reporting period. I believe making such a mandate steps beyond the MCE Board's role of ensuring legal professionals under the jurisdiction of the Washington State Bar Association (WSBA) remain competent to advise and counsel their clients. By mandating specific subject matters, the MCE Board is telling legal professionals the MCE Board knows better than each legal professional, which training would benefit them and their clients. Therefore, the MCE Board is telling legal professionals how to run their businesses. The MCE Board is effectively spending legal professionals hard-earned money. I acknowledge and understand the MCE Board has the authority to mandate the total credits required, the categories in which credits can be earned, and the period during which all credits must be completed. However, I believe this recommendation exceeds that authority by mandating actual topics and apparently the curriculum and subject matter of up to half of such training, per period. Instead, I would ask that you require only the first course (inclusion and anti-bias), and only strongly recommend the others. This is not to argue these subjects are not worthy of being potential courses or curriculum for legal professionals. It is to argue that the MCE Board and WSBA are in no position to understand where any individual legal professional needs to work to ensure competence to assist their clients. I acknowledge I am not an expert on inclusion or anti-bias issues. Therefore, as to the inclusion and anti-bias subject, I am willing to concede this may be necessary across the board. However, I request that if the MCE Board does mandate such a course, that the MCE Board approve a broad selection of suitable alternative courses, both free and for fee, from a variety of public and private providers including law schools, universities, community colleges, and other agencies, and allow an individual legal professional to select from these alternatives, the course that best suits their needs. Please understand, the days of legal professionals working for large firms who pay our costs for mandated Bar requirements are long gone. When the Bar - including the Boards which also report to the Court and in the eyes of the members are the Bar - mandate requirements, those requirements have real costs to legal professionals. Costs which cannot always be passed on to clients. They are effectively a Bar enforced tax on a practice. I understand that it is a privilege to be able to serve as an attorney and counselor of law, but without being able to earn the money required to support a practice and make a living, it is a privilege which cannot be exercised. Therefore, please stop using regulatory power to spend legal professional's money as if it is the WSBA's money. Convince members on the merits of the additional education and skills they should consider. But leave the choices of particular skills and knowledge to individual legal professionals as they plan THEIR personal training calendar and budget. – Michael Cherry

127. Recognizing America's criminal justice system is one wrought with inherent bias, we at the Seattle City Attorney's Office have an obligation to our citizenry to acknowledge and work to remedy that bias. Education is at the heart of change, which is why I so enthusiastically support the Mandatory Continuing Legal Education (MCLE) Board's proposal to require that "equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession" be at least one of the six ethics credits licensed legal professionals are required to earn. Lifelong learning in law means gaining a broader understanding of the thoughts and experiences of the people underrepresented in the legal profession and also of those who sometimes suffer consequences of the law. In the legal profession, inertia can result in siloed thinking, leaving lawyers focused on legal minutia while operating unaware of the larger context of their actions. My office has a dedicated team who focuses on advancing racial and social equity in the workplace, through the law, and in governmental policy. This team focuses on training all employees in the office and opening dialogues to learn about each other's lived experiences, which helps staff recognize and address their own personal biases. My office's Race & Social Justice team also helps bring diverse perspectives while evaluating new and existing policy proposals; those proposals have been made better by the inclusion of multiple viewpoints than a homogenous group might have reached alone. Actions, no matter how well-intentioned, might have unforeseen consequences, and we've experienced that an environment fostering consideration of diverse opinions has identified problems early-on. Training and policy review with a racial equity lens can lead to dismantling structural dynamics that can perpetuate implicit bias. We see the inclusion of the newly proposed ethics credit as being in-step with our team's efforts and will bring similar benefits to the legal profession as a whole. I'm so heartened the Mandatory Continuing Legal Education Board has recognized and elevated the need for a more inclusive and racially and culturally aware membership of legal professionals. Your comprehensive outreach conducted to date is evidence of how seriously MCLE is taking the issues of equity and bias. You have my full support in making this change. —Peter S. Holmes

## Section B



**Feedback received after 8-13-19 submission deadline (not categorized):**

1. The Government Lawyers Bar Association of WA agrees that the proposed amendment to APR 11 would introduce three important topics into the MCLE requirements. Many government lawyers are already required by their employers to take trainings that cover these topics. However, agencies or local governments do not always obtain CLE credits when providing such training, because the trainings are presented to all staff members, not just the lawyers that work for them. This means that our members may be required to pursue credit from WSBA individually in order to ensure they obtain the specific credits required to meet the proposed MCLE requirements. GLBA is seeking direction that we can provide to our members in the event this proposal should pass. Please provide us with the following clarifications: • Will training which would qualify for MCLE credit under the proposed amendment have to be presented with reference to the RPC's, or, since training on these topics can be offered from a variety of perspectives and disciplines, could such training be flexible and qualify for credit if it includes presentations that are more open-ended but clearly applicable in a legal setting? • If government lawyers would be able to apply for ethics credits for their agency trainings on these topics, what would be the WSBA's criteria for approval? - The Government Lawyers Bar Association of Washington Board

2. Sorry to have missed the Aug. 8 deadline, but if I may – if the board institutes the amendment, perhaps we could change the name from Continuing Legal Education to Continuing Legal Indoctrination.  
-Timothy E. Siegel

3. I am partially opposed to this Amendment. I have been an attorney for nearly 22 years and I believe attorneys in Washington State are intelligent enough to already know about bias, mental health and tech security, and if they are not, I believe we are wise enough to take courses that will broaden our perspectives. I would prefer the following (numbered in order of preference):

1. Require each new attorney to take CLEs in the areas proposed within their first year or two of becoming an attorney, including those admitted via reciprocity.
2. Through educational awareness efforts, strongly encourage attorneys to take these courses or provide a discount on dues for so doing. Additionally, provide no-fee CLEs in these areas.
3. Have all attorneys take 1-2 hours of CLE in each of the proposed areas during their current reporting period (with the exception of those needing to report this year who should take such CLEs during their next reporting period). And that is all. No recurring CLEs are necessary. At some point, we have heard it all from numerous persons.
4. If the WSBA does require these ethics CLE topics to be taken every reporting period, list them as a separate categorical requirement apart from ethics and general requirements for 3.0 hours, reduce the ethics credits necessary to 3.0 hours, and have the WSBA provide for no-fee CLEs in the desired areas with the presenters of such CLEs giving their presentation(s) either pro bono and/or for CLE credits. The WSBA should provide for each of the three (3) topics at least six (6) opportunities per year to meet each requirement, thus having 18 no-fee CLEs per year on these subjects. Attorneys will be encouraged through publication in the monthly magazine, NW Lawyer, as well as other educational awareness efforts, to take these courses.

Although these topics are relevant and important, we need to be allowed to direct our time and money to what we decide is most important to us. I do believe that everyone should take these courses once, but I am not willing to force others to adhere to my opinions regarding specific CLE attendance. Personally, I think the reporting requirements should be at least 12 hours of ethics and 33 hours of general because ethics seem to be in the background for so many these days. But, as I said before, I am not willing to impose my beliefs/desires on others, for if I did, I would be taking away the opportunities of others to voluntarily choose to attend these seminars. Bottom line is that this proposed amendment goes too far. -Edward P. Sager

4. I am the author of a national MPRE course that follows the ABA model. When we present it locally we try to be sure that we cover any Washington variations. These are three good subjects but I would suggest leaving that type of decision to the individual lawyer to choose exactly what area of ethics they feel most useful to their individual practice. There is already a large variety out there for the Washington lawyer to decide among so I would leave the rules as they are. Hope this helps. -Jim Rigos

5. The Proposal to Amend APR 11 was not received at this office until August 21. I've been an attorney since 1976, 43 years. Until 1990 primarily litigation - divorces, car wrecks, med mal, contract, employ disc etc. defense and plaintiff and then Intellectual Property and with less litigation and more IP Agreements. Clients have been corporations, all races, homosexual and while I have not considered all clients and their choices to be the best choices I have not had pause to assist without comment unless relevant to the case. I've not paused in assisting all races. I realized 25 years ago that new managers were, with high likelihood, going to manage in ways which were hostile and discriminatory and hence was never surprised when someone came with a work circumstance deserving justice. And I've had clients who were using drugs and yet who were inventive with their inventions subject to patent protection and involving licensing agreements. And arbitration for their conflicts and I've been an Arbitrator primarily for automotive injury cases. And before Law I was an Electrical Engineer in the nuclear/Manhattan Project/Department of Energy industry with involvement with technology. The categories of anti-bias, mental health and addiction and technology security are categories that most attorneys will encounter as a normal matter of course fact of being lawyers. The idea of requiring mandatory CLE's for these categories ignores the contact attorneys have in the professional realm. Mandatory CLE ignores the wide spread availability of articles, cases, news regarding each of these categories. I resist the imposing of mandatory CLE relative to these topics. The profession is already educated by the practice of law and the occurrences surrounding all with evidence that informs and alerts. -Floyd E. Ivey

8. I appreciate the work you have done on this matter, and I was saddened by the news that a decision on this has been delayed. I appreciate that you need to consider the feedback, and although I did not agree with the full proposal, I hope you will continue to move this matter forward in some form. No matter what you decide I feel doing something is better than doing nothing and remaining with the status quo. Hopefully you can find a compromise that accommodates the feedback. -Michael Cherry

9. I think making this mandatory is a good idea. The people that care about this are probably going to sign up for diversity matters anyways. However, the ones that are against it will not. And while

everyone is entitled to their own beliefs etc., everyone needs to work together and treat everyone with the respect they deserve regardless of those beliefs. Reviewing some of the comments, it appears there are many people who need this training such as comments stating diversity is a weakness or inclusion and anti-bias is communism. -Mandy L. Rose

10. I reside in Eastern Washington, so excuse my backwardness. I thought the WSBA was actually a professional licensing agency tasked with assuring that lawyers were competent in lawyering. It seems the proposed amendment has strayed into the pursuit of a social agenda. I am not a supporter of bias or exclusion. However, if I were building a house and wanted to hire an electrician I would be interested most interested in his or her skill in that trade. It would not concern me whether the electrician had attended inclusion or anti-bias training. This is like having college students forced to take out elephant size student loans to pay six figure salaries to the assistant to the dean of micro-slights. The objective is well intentioned. It just seems like overreach to single out lawyers and require such things as a condition of professional licensing. As a practical matter more harm is done on a daily basis by lawyers to their own clients by rudeness and a pathological lack of civility in dealing with opposing counsel. Sadly, this does not seem to be amenable civility training. -J. Valente

11. I recognize the comment period has expired, but I was informed there have been many negative comments about the proposal. These are my thoughts, in pertinent part, I shared with those within the AGO: AGO embraces diversity, equity, and inclusion. There are many opportunities within the office, as well as mandatory classes. AGO is a leader in training all employees, not just attorneys, about these core values... I support the additional requirements the WSBA is proposing. Everyone would benefit. I sent you an email earlier regarding my support of the amendment. I need to clarify that it is my personal opinion and is not reflective or representative of the Attorney General's Office. -CJ Murray

12. I am not a WSBA member, but I am a Washington state resident with an interest in equitable application of the law in my community. I am emphatically in favor of the proposed amendment to APR 11 to add inclusion, mental health, and digital security to the required CLE curriculum. As a computer security professional in 2019, I think the digital security proposal stands on its own. Clients must have confidence that their privileged discussions with counsel will not be disclosed. Yet today's threat landscape makes it nontrivially possible for a single-person law practice to be targeted by sophisticated attackers. Lawyers need to know about the threats they face and about straightforward and effective defenses like multi-factor authentication. More importantly, though, regarding the inclusion and mental health provisions: I was disheartened to see the voluminous negative feedback that WSBA has received so far, and in particular the repeated assertion that these trainings were "beyond the scope" of what the Bar should require. To the contrary, I believe that the new proposed trainings are essential to the Bar's mission "to ensure the integrity of the legal profession" and "to champion justice". Without recognizing and addressing bias head-on, we cannot expect uniform application of ethics rules. And without embracing a proactive narrative against bias, we cannot expect clients of all backgrounds to enjoy consistently zealous representation by their attorneys. To my eye, the volume and quality of negative comments regarding these latter proposals are the strongest argument in favor of their adoption. - Matthew Riley

13. I strongly support adding a CLE requirement for a minimum of 6 hours on Diversity, Equity and Inclusion. The Bar should set the standards for the entire state on such issues. Instead, WA Bar is far behind many law firms. ALL Attorneys should be able to recognize bias, and take appropriate steps to

prevent such bias to interfere with the judicial process. There are a number of reasons this change is needed: acts of bias, implicit or explicit, are increasing, and effect the practice of law, therefore, it is time to require training; those with privilege typically don't recognize it; it's difficult to be aware of these issues without education necessary to the practice of law, and for the future of the practice of law; many in the professional don't understand these topics and therefore discount their value – don't let those people decide this issue; requiring this training will help better serve all clients and the public. - Susan Sackett DanPullo

14. I am reaching out to you regarding tomorrow's consideration of the required CLE credit on the topic of diversity. I have noticed that a large portion of the comments submitted against this proposal point to precisely why it is so important for these CLE courses to be required. The comments overarching message is that it is too time-consuming, costly, and too "politically-correct" to be mandatory. Working as a young legal professional, it is impossible to conceive of Washington State's future without the proper footholds in place for acknowledging the growing diversity of our State Bar Association. This is allegedly burdensome, but the larger burden is carried by attorneys and staff with diverse backgrounds, beliefs, and physical capabilities that do not have the support necessary to work in an effective, inclusive workplace. This is not about hurt feelings, it is about being professional. I ask that the MCLE Board accept and make this CLE credit mandatory. Our growing diverse workplace is where these CLE courses set a precedent for the future of law in our State; the remaining viewpoints are the individuals that need to attend these diversity courses, especially if they are partners at a firm with a diverse group of associates and staff working for them. Thank you for your time and effort in this initiative. –Kevin Burdet

15. I am writing today in support of a proposal to include a diversity requirement in our State CLE scheme. If anything, I think the current proposal -- one class every three years if I understand correctly -- is the bare minimum of what we should be doing as a State that values diversity and progress as much as we do. I know some have complained that it's too hard to find these CLE's, but if it were a requirement, the current offerings would be better attended leading to more being held. As both a former prosecutor for Grant County and current AAG, I have often thought back to diversity-based courses I was lucky enough to need to complete both college and law school. Those classes have often helped me approach my job in a more sensitive and effective way. It's a shame that we do not continue this approach once we are already in our careers. As a government lawyer my entire career, I often have found, contrary to the claim that this requirement would be too difficult for us, that my employers have often been at the forefront of making sure its employees get this type of training. We all know the legal profession lags behind many others in terms of diversity and I hope I don't have to explain here how important diversity is to enriching and bettering our work and lives. What makes more diversity training especially important for the legal profession is how often our decisions and actions dictate what happens to disadvantaged groups. We may not be able to fully solve that problem with a little bit of diversity training, but it's sure a bad look to not even try. -Elise Abramson Constantine, J.D.

16. I just wanted to weigh in with support for the diversity education amendment. This is a small but necessary step to show WSBA is committed to supporting all of its members. Please make sure this proposal goes out to the entire bar for feedback. -Ivy Anderson

17. I am in favor of requiring diversity, equity and inclusion CLE credits. One CLE on the topic of diversity, equity and inclusion every three years is not burdensome. Another approach would be to require a certain number of credits so the topic could be included in other CLEs, similar to Ethics CLEs. It might allow those who are afraid of or hostile to diversity to learn about people who differ from them in baby steps that they can handle. –Sandra Adix

18. As a non-attorney I would like to contribute my opinion on the upcoming APR 11 Amendment Proposal. Coming from California where cultural and gender diversity is the norm, I really appreciate the Washington Attorney General's tenets of diversity and inclusion in our offices. In my short time living in Washington State, I've realized the importance of diversity in my work life. Attorney General Bob Ferguson is doing an exemplary job in providing those trainings and outlets to help our office grow in a positive way. But wouldn't it be great to see the entire legal community growing and expanding their horizons even if it's just one MCLE every two years? It saddens me to some of the negative comments, but it only reinforces the need for education in our current climate. One of the comments says, "Diversity is not a weakness." It's not. It's a strength and can only help our practices stronger. -Jane Montes-Hall

19. I am in support of requiring one diversity CLE every three years. During my time in private practice, many clients told me that they were intimidated and apprehensive about meeting with an attorney. I would imagine the situation is even more common for people who come from a diverse background. The apprehension is understandable. As a woman and person of color, I have been mistreated by other attorneys who don't know better. And I have heard similar stories from other attorneys from diverse backgrounds. Other attorneys may have responded that they feel like values are being pushed on them. With the population of Washington becoming increasingly diverse, awareness and tools to interact with others different from you are not about morals or values, but are basic skills needed to serve the people of this state. -Angie Lee

20. I write to support the proposal to require CLEs that address diversity and inclusion. This is an important topic to us as lawyers and humans and we can always do better in this area—the statistics speak for themselves. This will force attention to be paid to an area that is too easily dismissed as "PC nonsense"—but usually dismissed by those that haven't struggled to be included. I'm disheartened by the negative comments to date. Please consider this important issue carefully. Those comments show me just how important it is to highlight issues of diversity and inclusion. -Rike Connolly

21. I fully support the proposed amendments to APR 11, which would require all members of the bar to complete CLE credits addressing (1) inclusion and anti-bias, (2) mental health, addiction, and stress, and (3) technology. These are all areas that we as a profession should focus on more, and each member of the bar plays an important role in ensuring that justice is both possible and real. -April Benson

22. I am writing to express my strong support for the proposed amendment of APR 11, requiring attorneys to obtain regular training on equity and inclusion. As a young female attorney, I am often faced with uncomfortable or offensive situations that are created by others' implicit (and sometimes explicit) biases. Personally, I can only do so much to educate them or change their behavior—especially when it comes to opposing counsel. Requiring all attorneys to take DEI-specific CLEs would increase the likelihood that those kinds of people will take the issue seriously. Unfortunately, those who avoid this kind of training are those who need it the most. Their resistance to this new requirement, no matter how vocal, should not be a reason for the proposal to fail—if anything, it should serve as a demonstration of why this kind of training really is needed. In my experience, this is an issue that negatively affects not only the morale and mental health of those targeted by micro-/macro-aggressions, but also efficiency and productivity in the workplace. It is in everyone's best interest—including the clients we serve and the judges we practice before—for the legal profession to prioritize this issue. Thank you for your consideration. Please let me know if you would like additional information from me. -Caroline Cress

23. I am writing in full support of WSBA's proposal that all licensed attorneys take one CLE on the topic of diversity every three years. I applaud WSBA for putting this proposal forward. The world is changing and the bar needs to change with it. In addition to the implicit bias I have experienced personally, I have known colleagues to be treated differently by parties, opposing counsel, and decision-makers, due to the fact that they don't look like the majority. This is not only personally offensive and morally wrong, but it damages the integrity of the judicial system. Eliminating all types of bias in the courtroom is critical to our collective goal of equal justice, and to maintaining public trust and confidence in our legal system. Thank you for the opportunity to comment on this proposal. -Sonia Wolfman

24. I am writing to express my strong support for the proposed amendment to APR 11 that will require one diversity CLE credit. I understand the WSBA has received a large amount of negative feedback and comments. While not surprising (this is still, after all, a profession mostly controlled by cis white men, and when one is accustomed to privilege, equality can feel like oppression), I was disturbed to see some comments that went well beyond simply expressing displeasure with the proposal, and ventured into the territory of asserting a "right" to discriminate, or exclude others based on their status. Of course, no such right exists, and the comment perfectly illustrates why such education should be mandatory for all Washington attorneys. I urge the members of the BOG to look beyond sheer numbers when evaluating the comments on this proposal, and to vote in favor of the proposal. -Emily C. Nelson

25. It is my understanding that the WSBA is considering a proposal for a Diversity CLE requirement. Please add me to the list of those in favor of such a requirement. Attorneys individually and our profession as a whole will benefit from these types of trainings. It would not be difficult for members of the bar to meet a requirement of one class every three years. I work for the Office of the Attorney General and we already have a robust program for some mandatory DEI trainings as well as many voluntary diversity trainings and events. I urge you to please adopt this proposal. Thank you for considering this relevant and timely issue. -Linda A. Sullivan-Colglazier

26. I am strongly in favor of adding a requirement that all attorneys take at least one CLE class on the topic of diversity each reporting period. Although I currently serve in a public service position, I spent nearly 10 years in private practice. Awareness and recognition of diversity and implicit bias are vital to a well-functioning judicial branch. Bias and discrimination play a role in so many of our daily interactions, business dealings, investigations, analyses and resulting decisions, often in ways we don't intend or recognize. Requiring legal practitioners to receive even minimal training on diversity, whether on issues encountered by women, communities of color, people with disabilities, veterans, members of the LGBTQ+ community or other under-served populations, will only make us better lawyers and judges. As an example, I recently served as a potential juror in a murder case in which voir dire lasted a full day. In King County, every juror is required to watch a video about implicit bias as part of orientation. During voir dire, a juror invoked the issue of implicit bias in her response to a question early in the day, and it led to a fulsome discussion in which a room of nearly 60 potential jurors identified, admitted to, and wrestled with, their own biases—both implicit and explicit—throughout the day. I left the courtroom with a renewed faith that conversations and trainings about diversity, and specifically implicit bias, are effective. This proposed CLE requirement would ensure that all legal practitioners—including those not working in law firms or corporate offices prone to mandate such training—are educated on issues of diversity. From my perspective, there are zero drawbacks to adding this diversity CLE requirement—there are only benefits. Notably, it poses no additional burden on licensed attorneys—either financially or CLE credits—and is the functional equivalent to requiring a certain portion of our CLE credits cover ethics. I sincerely hope that the WSBA moves forward with this proposal. -Heidi Anderson

27. The legal profession needs diversity training because the legal system is still skewed against people of color, women, and low income individuals. -Jody Lee Campbell

28. I am in favor of requiring attorneys to attend one CLE on diversity every 3 years. To me, this is not an onerous requirement, especially when attorneys may choose what diversity topic they want to learn more about. Although the term "diversity" encompasses several concepts, I support that attorneys should be educated about how diversity and inclusiveness are manifested, how they affect society as a whole, and how they affect situations attorneys might encounter in their work. -Darcey Elliott

29. I am writing to you today in vigorous support of the APR 11 amendment proposal to make it a requirement that all WA state licensed attorneys take one CLE each on the topics of mental health disorders and addictions; equity, inclusion, and mitigation of implicit and explicit bias; and information security with respect to electronic communications, data, and information (<https://www.wsba.org/docs/default-source/legal-community/committees/mcle-board/mcle-board-report-and-preliminary-proposal-for-apr-11-amendment.pdf>). As both a project manager in the computer software industry and as a participant in my local government, as President of my 122 unit COA board and as a constituent in City of Kirkland government, I have benefited greatly from the training on implicit biases I received while working at Microsoft. Learning how to identify and mitigate my own biases has made me a better negotiator, facilitator, and project lead. It has made me more understanding and empathetic. It has made me more efficient, better at my job, and a better advocate for my teams and communities. This is exactly the sort of training that anyone who interacts with others in a professional capacity should be undertaking. As a software development professional and as someone who has to deal with contracts and legal issues in my capacity as a COA board member, I can tell you that many small and medium sized businesses are woefully vulnerable to data-theft, identity fraud, and social engineering. It is important that businesses with access to sensitive information, which I would imagine includes almost every legal profession, follow best practices for data handling and storage. Mandatory classes in these best practices are a key to protecting this data and shielding WA legal professionals and their clients from harm and liability. As a human being I strongly empathize with others who struggle with mental health, addiction, and emotional challenges. I wish I had better training in how to interact with people with various challenges on this spectrum, and I wish that the professionals I interact with had more empathy for people that have these challenges. I think it is wonderful that you are pushing to make this training available and to make sure all of our legal professionals are exposed to it. -Joseph Bono

30. I would like to express my opposition to the proposed diversity CLE requirement. These types of presentations tend to be used to validate offensive terms such as "privileged", "oppressor", and "aggressor." Since we all have unique challenges in our lives, it is extremely inappropriate to label other people with these offensive terms. Normalizing this type of behavior promotes sectarianism and it is prejudiced. We should all live by the wisdom of Dr. Martin Luther King and judge others based on the content of their character, not the color of their skin. Diversity and inclusion CLEs do the exact opposite of Dr. King's message. -Aaron Williams

31. I am in strong support of the entire proposed CLE amendment. The amendment is an important and innovative step forward for the legal profession. It demonstrates progress and leadership. Notably, training on diversity and inclusion would help the profession continue to uphold basic American principles of fairness, equality, and respect. It can build bridges between those in the legal profession and the diverse communities we serve, and ultimately renew the public's confidence and trust in our profession. -Cheerful Catunao

32. I support the APR 11 amendment proposal because it is important to better understand how our biases impact our actions and what we can do to address that. -Trisha Wolf

33. I am a black woman and an AGO employee. I understand that there is a proposal to make diversity CLEs mandatory every three years. I believe this is needed as evidenced by the comments of those opposed. The area of law is still incredibly filled with the affluent and privileged that have yet to realize a world outside of their own circle for so many. As a black paralegal I have endured racist microaggressions, discrimination, and prejudice by attorneys. The idea that my existence in the workplace is seen as politically correct or communism is the exact reason diversity CLEs should be mandatory. -Vick Walker

34. This is to express my support of the APR 11 amendment proposal. A reading of the negative comments alone on this proposal demonstrates the need for mandatory diversity training. Our law office instituted mandatory diversity training within the last 2-3 years and I have attended several different ones. I admit that I didn't think I needed the training. I believed I treat all people equally and did not discriminate. I have learned about the various biases we all have, many that we aren't even aware of, and how it effects our every day interactions. It has made me more aware of the biases I see, as well as my actions or words that may be taken as bias, although are not intended to be. I believe that exposure to diversity training will have only a positive result and it should be required. An industry or profession will not regulate itself, despite protests to the contrary. Lawyers and the legal profession are exactly the ones who should be taking the lead on diversity issues, and the WSBA has a duty to encourage and support it by making diversity training mandatory. -Lissa Treadway

35. I am the Washington Association of Prosecuting Attorney's (WAPA) staff attorney. WAPA offers numerous CLEs to both civil and criminal prosecuting attorneys every year. Each program provides a minimum of 2 hours of ethics and 13 hours of general legal topics. While many trainings are directed toward more experienced prosecutors, some trainings, particularly our district court training, are offered to our newest attorneys. Most deputy prosecuting attorneys are only able to attend a single training session a year. Prosecuting attorneys have numerous ethical responsibilities that do not apply to other attorneys. Some are due to our role as attorneys for everyone in the state, including criminal defendants. Some arise from legislatively imposed responsibilities toward victims. Some exist because of the close working relationship between law enforcement and prosecutors. Adding a mandatory requirement that 3 hours of the 6 hour ethics requirement per reporting period must be devoted to the three new topics will result in less time available for prosecutor specific ethics topics and on other topics that serve to protect the due process rights of defendants while keeping our communities safer. WAPA



frequently includes hour long sessions on vicarious trauma, mental health, addiction and stress. More importantly, WAPA presenters strive to incorporate these issues into other ethics trainings. For instance, the attached PowerPoint presentation from a district court training on “New Prosecutor Syndrome” identified an “inability to maintain a healthy work life balance” as a consequence of the syndrome on slide 18 and 20. The presentation was accompanied by a discussion regarding stress, mental health and other related issues. Incorporating these issues into other ethics and non-ethics presentations increase the frequency of the message and audience receptiveness. More attendees remain involved in the discussion when the issues are raised in the context of other trainings than when the session is strictly devoted to mental health, addiction, and stress. WAPA trainings have included hour long sessions on implicit bias, anti-bias, and inclusion. But, just as with attorney well-being, WAPA incorporates these concepts into training regarding charging decisions, sentencing options, alternatives to incarceration and numerous other sessions. A representative example is the attached Power Point from a 2018 presentation entitled “Ethics: ROC’s, Victims and Witnesses” which includes a discussion of RPC 8.4(h) regarding non-discrimination. Incorporating implicit bias, anti-bias, and inclusion in other subject matter presentations strengthens the message and educates attendees of the need to be aware of these issues in every aspect of their work. WAPA occasionally provides training regarding digital security – mostly in the context of prosecutions for crimes that involve breaches. As front line prosecuting attorneys are not involved in making decisions regarding their governmental offices’ selection of technology, the proposed mandatory technology education focusing on digital security training would be much less relevant than the topics, such as social media and prosecuting attorneys, that it would displace. WAPA supports a policy that encourages these topics to be incorporated into training sessions whenever practicable. WAPA, however, opposes requiring mandatory ethics sessions in the three identified topics. Sincerely, Pam Loginsky

Attachments received with comment #35 in Section B

## ETHICS: RPC's, Victims and Witnesses

April 13, 2018  
Pari Loginsky, WAPA Staff Attorney

### Topics

- Relevant Ethic Rules
- Victim's Rights
- Defendant's Rights
- General Principles for Resolving Conflicts
- Strategies to Protect Victim's Rights
- Specific Examples

### Government Lawyers

- Special responsibilities imposed by the constitution, statutes, and common law.
- Special authority regarding settlements, appeals, and other decisions.
- Ethics rules do not abrogate the special responsibilities or the special authority.

Rules of Professional Responsibility, Scope Paragraph 17

### Ethics Rules That Impact Interactions With Victims and Witnesses

- RPC 8.4(h) – Non-discrimination
- RPC 1.2 – Allocation of Authority
- RPC 1.4 – Communication
- RPC 1.7(a)(2) – Conflicts of Interest

### Victim Not to Be Discriminated Against

Neither a prosecutor nor his or her employees may "engage in conduct that is prejudicial to the administration of justice toward judges, lawyers, or LLLTs, or her parties, witnesses, jurors, or court personnel or officers, that a reasonable person would interpret as manifesting prejudice or bias on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status."

RPC 8.4(h)

### Victim Input But Not Victim Control

- Statutes specify that a prosecuting attorney should obtain victim input on a number of issues.
- Statutes specify that victim opinion on a number of issues must be conveyed to the court.
- A prosecutor allows a victim to control the outcome of a case at the risk of his/her law license. See, e.g., *In re Fall-Moore*, 959 N.E.2d 241 (Ind. 2012) (DPA publicly reprimanded for withdrawing a plea offer because victim opposed the agreement absent higher restitution)

## Communication with Victims

- Statutes specify that the prosecutor must notify victims of certain decisions
- A prosecutor fails to communicate with a victim and obtain the victim's views at the risk of his/her law license. *See, eg. Atty. Griev. Comm'n of Md. v. Smith*, 109 A.3d 1184 (Md. App. 2015) (law license of DPA assigned to Child Advocacy Center indefinitely suspended for her failure to notify victim of the prosecution, to enable them to participate in sentencing hearing, and to inform the victim of the no contact order)

## Conflicts

- Familial, romantic or other personal relationships with a victim or witness may create a personal conflict of interest and/or an office wide conflict of interest.
- A prosecutor may not be disqualified from a case solely because the victim in one case is a defendant in a separate unrelated case.
- A prosecutor is not disqualified from prosecuting a defendant who had previously interacted with the prosecutor's office in the capacity as a victim of domestic violence.

## Dealing With a Victim/Defendant

- Prosecutor must only deal directly with a victim/defendant in that person's role as a victim.
- Prosecutor must not discuss criminal case at all with the victim/defendant.
- Prosecutor must direct the victim/defendant to take all of his or her questions regarding the criminal case to his or her defense attorney.

## More Ethics Rules That Impact Interactions With Victims and Witnesses

- RPC 4.1 – Truthfulness in Statements to Others
- RPC 4.2 – Communication With Person Represented By a Lawyer
- RPC 4.3 – Dealing With Person Not Represented By a Lawyer
- RPC 4.4 – Respect for rights of third persons

## Victim to be Told the Truth

In the course of representing the State a prosecutor and his or her employees shall not knowingly make a false statement of material fact or law to a third person.

RPC 4.1

## Represented Victims

If a witness or victim is represented by counsel with respect to matters arising from the criminal prosecution, the scheduling of interviews, meetings, etc., must be made through the witnesses' or victim's counsel.

- Dependency actions
- Disolutions / custody battles
- Personal injury lawsuits
- Co-participant or co-defendant

### I Can Only Advise You to Secure Counsel: Options for Legal Representation

- CLEAR Line
- Legislatively funded victim attorneys
- Pro bono counsel
- Court-house facilitators
- Self-help clinics
- Privately retained counsel

### Victim Not to Be Unnecessarily Embarrassed

In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

RPC 4.4

### RPC 3.8 Special Responsibilities of a Prosecutor

- Saying no. RPC 3.8(a), RPC 3.1, and RCW 9.94A.411
- Telling all. RPC 3.8(d), *Brady* family of cases, CrR 4.7(a)(3)
- Courtroom not media. RPC 3.8(f)
- Re-opening old wounds. RPC 3.8(g)

### Victim's Rights

- Specific Sources
  - Statutory
  - Constitution

### Victim Specific Provisions

- Victims are to be accorded "due dignity and respect." Const. art. I, § 35
- Victims are to be "treated with dignity, respect, courtesy, and sensitivity," RCW 7.69.010.
- Victim's rights are to be honored and protected "in a manner no less vigorous than the protections afforded criminal defendants." *Id.*

### General Constitutional Protections

- A victim shall not "be disturbed in his private affairs, or his home invaded, without authority of law." Const. art. I, § 7. See also Fourth Amendment.
- A victim shall not "be deprived of life, liberty, or property, without due process of law." Const. art. I, § 3. See also Fourteenth Amendment.

## General Statutes

- Privileged communications. See, e.g., RCW 5.60.060.
- Medical and mental health records. Chapter 70.02 RCW.
- Control of medical treatment. Chapter 7.70 RCW (implied consent).

## Defendant's Trial Rights

- Trial Rights
  - Confrontation
  - To Present a Defense
  - Right to Due Process

## Trial Rights in the Pre-Trial Setting

- Trial rights do not give rise to a constitutional right to pretrial discovery.
- Pre-trial discovery requests, including demands to interview witnesses, are analyzed under the due process clause rather than the confrontation and compulsory process clauses. *State v. Knutson*, 121 W n.2d 766, 771-772 (1993).

## General Due Process Test

- Due process affords a criminal defendant a right of access to evidence that is both favorable to the accused and material to guilt or punishment, and that is in the possession of the court or the prosecution team.
- Due process rule of disclosure applies equally to substantive evidence and to impeachment evidence.

## Material Evidence

- Evidence is material if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different.
  - Inadmissible evidence is not material.
- A "reasonable probability" is "a probability sufficient to undermine confidence in the outcome."
  - More than a "mere possibility" that evidence "might have affected the outcome of the trial."

## Due Process Test for Discovery of Items Not in the Government's Possession or Control

- Must be material.
- Application of the *Mathews v. Eldridge* three part-test:
  1. the private interest that will be affected by the official action
  2. the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and
  3. the government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

## Nature of Interest

- Is the information sought by the defendant from the victim, witness or third person protected by the constitution or by a statutory privilege.
  - Statutory privileges will be easier for defendant's to pierce.
  - Constitutional rights should be extremely difficult for defendant's to pierce.

## Constitutional Rights

- Assert Article I, section 7 in addition to the Fourth Amendment.
- Gunwall analysis will always favor victims.
- Requires "authority of law" to disturb a victims' "private affairs."

## Authority of Law

- Criminal defendants may not obtain a search warrant. See *Protect the Peninsula's Future v. City of Port Angeles*, 175 Wn. App. 201 (2013).
- Court orders issued pursuant to CrR 4.7 and/or CrR 4.8 must comply with both the Fourth Amendment and Article I, section 7.
  - CrR 4.7(b)(2)(vi) and CrR 4.7(c)(1)(vii) orders to take samples of or from the defendant's blood, hair, etc., must satisfy all the requirements of a search warrant. See *State v. Carolo-Sajado*, 170 Wn2d 176, 186 (2019).
  - The judicial subpoena power "is subject to specific constitutional limitations such as those against self-incrimination, unreasonable search and seizure, and due process of law." *United States v. Morton Salt Co.*, 338 U.S. 632, 642 (1950).

## Procedural Safeguards

- Defendant's motion must address all of the same factors as a search warrant application:
  - Specify the evidence to be collected
  - A nexus between the evidence and the place the defendant wishes to access
  - Staleness and dissipation
  - Credibility of information establishing that the evidence will be found at that location

## Due Process Rights – Notice

- Victim or other third party's right to be heard, which includes a right to review the showing made by the defendant.
  - Defendant's "work product" claims cannot overcome victim's right to notice and showing.

## Due Process Rights – To Be Heard

- Prosecutor is entitled to file pleadings in opposition to the discovery request and may allege or assert that granting the motion would infringe upon the victim's constitutional rights. See e.g., *People v. Superior Court (Humberto S.)*, 43 Cal. 4th 737, 182 P.3d 600, 76 Cal. Rptr. 3d 276 (2008).
  - Victim will need her own attorney to bring a motion to quash any order issued by the court. But see *State v. Russell*, 897 N.W.2d 717 (Iowa 2017) (collecting cases from jurisdictions that allow the prosecutor to file a motion to quash).

### Protections in How the Order Would be Enforced

- *In camera* review of documents, records, et c. by the court.
- Victim and/or the victim's representative present during any site visit.
- Special master or "taint prosecutor" to review cell phone, laptop, or computer contents.

### Are There Alternative Ways to Obtain the Information?

- Police officers to access site for additional photographs?
- Victim to take additional photographs?
- Publicly available records?

### Obtaining Protection for Victims Prior to Defense Motions

- Make sure victims know their rights and have been told how to exercise them.
- CrR 4.7(h)(4) protective orders.
- Let victim know that she may wish to change her privacy settings on her social media accounts, while reminding her not to delete or edit existing posts.

### Victim Interview Rights

- Right to refuse to be interviewed.
- Right to refuse to be tape recorded.
- Right to set limits on the length or time of interviews.
- Right to refuse to travel extensive distances.
- Right to control, within reason, who attends the hearing.
- Right to refuse to answer questions.

### CrR 4.7(h)(4)

"(4) Protective Orders. Upon a showing of cause, the court may at any time order that specified disclosure be restricted or deferred, or make such of her order as is appropriate, provided that all material and information to which a party is entitled must be disclosed in time to permit the party's counsel to make beneficial use thereof."

### Limits on Areas of Inquiry

- Immigration – Limit question to awareness of U Visa, absent further order of the court. See *State v. Streepy*, 199 Wn. App. 487, review denied, 189 Wn.2d 1025 (2017); ER 413 (effective Sept. 1, 2018).
- Prior Sexual History – Defendant may not ask an alleged victim to reveal information that would be protected at trial by the rape shield statute absent a showing to the court that his "interest in gathering exculpatory evidence outweighs the interests in protecting the victim's privacy." *State v. Gonzalez*, 110 Wn.2d 738 (1988).



### Limits on How Interviews Will Be Conducted

- No age inappropriate sessions.
- No mental health professionals without witness or victim's express permission or court order.
- No oath, court reporter, or audio recording without witness or victim's express permission or court order.
- No attendance by defendant without the witness or victim's express permission or court order.

### Benefit of Protection Orders

- Allows a prosecutor to direct a victim or witness not to answer the question until the court determines that the defendant's interest outweighs the privacy right of the victim or witness and/or to terminate an interview.
- If no protection order, the prosecutor may not interfere with the defense interview and may not order or direct a witness not to answer a defense question. See *State v. Hofstetter*, 75 Wn. App. 309 (1994).

### Proper Way to Intercede During an Interview When There is No Protection Order

A prosecutor may inform a victim or witness that s/he may wish to secure the services of her own lawyer. See RPC 4.3.

"I represent the State of Washington, and Mr./Ms. \_\_\_\_\_ represents the defendant. We cannot provide you with legal advice, other than letting you know that if you feel uncomfortable answering that question, you may wish to consult with your own lawyer before providing an answer. There are a number of attorneys who will provide assistance at no cost to you."

### Cases and Statutes Related to Control of Victim's Health Care and Victim's Remains

- *State v. Yates*, 64 Wn. App. 345, 350-51 (1992)
- RCW 68.50.160
- *People v. Roehler*, 167 Cal. App. 3d 353, 213 Cal. Rptr. 353 (1985)
- *State v. Porter*, 948 P.2d 127, 136 (Idaho 1997)
- *Gibson v. State*, 110 Idaho 631, 718 P.2d 283, 285-86 (1986)
- *Scott v. Commonwealth*, 685 S.W.2d 184, 185 (Ky. 1984)
- *State v. Shaffer*, 725 P.2d 1301, 1304-07 (Utah 1986)

### Cases Related to Compelled Production of Victim's Privileged Records

- *Pennsylvania v. Ritchie*, 480 U.S. 39 (1987)
- *State v. Kalkosky*, 121 W n.2d 525 (1993)
- *State v. Espinosa*, 47 Wn. App. 85 (1987)
- *State v. Diemel*, 81 W n. App. 464 (1996)

### Cases Related to Victim's Dependency Files

- *State v. Gregory*, 158 W n.2d 759, 793- 801 (2006), overruled on other grounds by *State v. W.R.*, 181 W n.2d 757 (2014)

### Cases Related to Compelled Psychological or Psychiatric Exams

- *State v. Demos*, 94 W n.2d 733, 738 (1980)
- *State v. Tobias*, 53 W n. App. 635, 637 (1989)
- *State v. Israel*, 91 W n. App. 846 (1998)

### Cases Related to Compelled Medical or Physical Examinations of Victim

- *State v. D.R.H.*, 604 A.2d 89 (N.J. 1992)
- *State v. McIntosh*, 58 P.3d 716 (Kan. 2002)
- *People v. Lopez*, 800 N.E.2d 1211 (Ill. 2003)
- *State v. Moyer*, 360 P.3d 384 (Kan. 2015)

### Cases Regarding Polygraph Examination of Victim

- *State v. Finch*, 181 W n. App. 387 (2014)
- *State v. A.W.*, 181 W n. App. 400 (2014)

### Cases Related to Defense Inspections of Victim's Homes or Other Premises

- *State v. Tetu*, 386 P.3d 844 (Haw. 2016)
- *State ex rel. Beach v. Norblad*, 781 P.2d 349 (Ore. 1989)
- *Henshaw v. Commonwealth*, 451 S.E.2d 415 (Va. App. 1994)
- *State in Interest of A.B.m* 99 A.3d 782 (N.J. 2014)
- *Commonwealth v. Maté*, 915 N.E.2d 212 (Mass. 2006)
- *People ex rel. E.G.*, 368 P.3d 946 (Colo. 2016)

### Cases Related to Victim's Computers, Cell Phones, and Text Messages

- *People v. Spykstra*, 234 P.3d 662 (Colo. 2010)
- *State v. Johnson*, 2017 Tenn. Crim. App. Lexis 271, 2017 WL 1364136 (Apr. 12, 2017)
- *United States v. Bishop*, 76 M.J. 627 (2017)
- *State v. Bray*, 291 P.3d 727 (Ore. 2012)
- *Office of Lawyer Regulation v. Hurley*, 2008 Wisc. Lexis 1191, Case No. 07 AP 478-D (Feb. 5, 2008)

## NEW PROSECUTOR SYNDROME

Pam Lognisky, WAPA Staff Attorney  
WAPA District Court Training, Leavenworth, May 2019

## THIS IS AN ETHICS TRAINING?

"The Rules of Professional Conduct merely point the way to the aspiring lawyer and provide standards by which to judge the transgressor. Each lawyer must find within his or her own conscience the touchstone against which to test the extent to which his or her actions should rise above minimum standards. But in the last analysis it is the desire for the respect and confidence of the members of the legal profession and the society which the lawyer serves that should provide to a lawyer the incentive for the highest possible degree of ethical conduct."

RPC Fundamental Principles of Professional Conduct

## HOW ARE GOVERNMENT LAWYERS SPECIAL?

"Under various legal provisions, including constitutional, statutory and common law, the responsibilities of government lawyers may include authority concerning legal matters that ordinarily reposes in the client in private client-lawyer relationships."

- Authority on behalf of the government to settle a case
- Authority to decide whether to appeal an adverse judgment

RPC Preamble Paragraph 18

## ARE PROSECUTORS EVEN MORE SPECIAL?

Prosecutors inherently serve two masters—society and justice. Yet, society's desire for a conviction in a particular case often directly conflicts with a prosecutor's duty to seek justice in obtaining a verdict free of prejudice and passion, and based solely on admissible evidence and reason.

GERSHMAN, PROSECUTORIAL MISCONDUCT, at viii (1996)

## HOW SHOULD I MEASURE SUCCESS?

Prosecutors in Washington have been granted tremendous power by the public. Washington is not a grand jury state, and a prosecutor can subject anyone to criminal charges and possible arrest and jail based solely on his or her signature. This awesome power must be wielded impartially, and success cannot be measured by one's conviction ratio.

- Did you protect the constitutional rights of the defendant, the victim, and the witnesses?
- Did you conform your actions to the goals of your client?

## REMEMBERING WHO IS THE CLIENT

The government entity in whose name the prosecution is pursued. RPC 1.13(a).

- The general public including
  - Victims of the crime
  - Suspects and criminal defendants

A prosecutor's opponents "are among the people the prosecutor represents. The prosecutor owes a duty to defendants to see that their rights to a constitutionally fair trial are not violated." *State v. Monday*, 171 Wn.2d 667, 676 (2011).

## HOW IS AUTHORITY ALLOCATED BETWEEN THE PROSECUTOR AND THE CLIENT?

- The State of Washington gets to decide the objectives of the representation.
- Prosecutor gets to decide what means to use to pursue the objectives.

RPC 1.2(a)

## HOW DO I DETERMINE THE CLIENT'S OBJECTIVES?

- Constitution
- Statutes
- Ballot Box – Election of Prosecuting Attorneys
- Funding and Resources

## CONSTITUTION

- Due process of law
- Protection of private affairs
- Specific protections for the accused
- Equal protection
- Open justice
- No cruel punishment
- Prosecute or charging
- Victims of crime to be given "a meaningful role in the criminal justice system" and to be accorded "due dignity and respect."

## LEGISLATIVE POLICIES

- Promote respect for the law
- Protect the public
- Punishment that is proportionate to the seriousness of the offense and the offender's criminal history
- Reduce the risk of reoffending
- Treat offenders equally across the state and without discrimination as to any element that does not relate to the crime or the previous record
- Offenders should pay restitution

RCW 9.94A.010; RCW 9.9A.340

## LEGISLATIVE POLICIES

- Prosecutors not required to prosecute every violation of the law
- Crimes against persons should be given priority over crimes against property
- Prosecutors should only file charges when there is sufficient admissible evidence to support a jury verdict of "guilty"
- Pre-trial diversion programs and therapeutic courts may be utilized

RCW 9.94A.411

## BALLOT BOX

- Prosecuting attorney is a locally elected official
  - Voters endorse policies by reelecting the incumbent
  - Voters identify priorities for the office by selecting between candidates

## FUNDING

Prosecuting attorney's budget determined by the county legislative body (county council or county board of commissioners)

Prosecuting attorney must remain within the budget

### WHAT IS NEW PROSECUTOR SYNDROME?

The early career self-image of prosecuting attorney that places the young prosecutor in a simple but competitive world, with the forces of good aggressively taking on the forces of evil.

## HOW IS NEW PROSECUTOR SYNDROME "DIAGNOSED"?

Retrospectively by experienced prosecutors looking back with regret upon the highly adversarial postures they adopted earlier in their careers.

Studies demonstrating that a prosecutor's professional identity changes during a prosecutor's career. See, e.g., Ronald F. Wright & Kay L. Levine, *The Cure for Young Prosecutors' Syndrome*, 55 *Ariz. L. Rev.* 1065 (2014)

### WHAT ARE SOME OF THE CHARACTERISTICS OF NEW PROSECUTOR SYNDROME?

- A focus on "can I" rather than "should I"
- An inability to see the value defense attorneys add
- A thin skin regarding criticism
- Fear of failure
- Inability to see the big picture
- Trouble balancing the competing interests of victims and defendants
- Rigidity
- Inability to objectively consider police officer and victim statements

### WHAT CONTRIBUTES TO THE AGGRESSIVE STANCE?

New prosecutor trying not to appear weak or scared to peers and supervisors

New prosecutor seeking to establish "street cred" with the defense bar

All defendants seem to be bad guys

### WHAT ARE THE CONSEQUENCES?

Overcrowded trial dockets

Defendants, victims and witnesses subjected to unnecessary courtroom drama and delay

Temptation to skirt the edges of disclosure obligations


Inability to maintain a healthy work life balance

## WHAT IS THE CURE?

- Experience and perspective
- Confidence

## DOES EVERYONE RECOVER?

- Unfortunately no- "zealot prosecutors"
  - Rigid throughout their careers
  - Overly antagonistic
  - Inability to pick their fights
- Relatively rare
  - Most offices do not want zealots
  - Horrible toll on health and non-work relationships



## HOW DOES EXPERIENCE PRODUCE BALANCE?

- Confidence based on a track record
- Legacy of past mistakes
- Putting small crimes in a larger context
- Wider range of life experiences

## WHAT DOES RECOVERY LOOK LIKE?


Tempered approach to cases	Empathy for defendants as well as victims	More humility
Ability to say "no"	More time spent on the front-end screening decision	Better ability to identify weaknesses in cases

## HOW CAN I SHORTEN HOW LONG I SUFFER FROM THE SYNDROME?

- Seminars
- "Second chat"
- "Round tables"
- "War stories"
- Relationship with experienced prosecutor
- Engage in simulations

## WHAT DO YOU MEAN BY SIMULATIONS?

- An opportunity to grapple with a dilemma that you may not ordinarily be exposed to until some time in the future.
- Based upon a real life case
  - Chance to identify strategies
  - Opportunity to compare advantages and disadvantages of each strategy



## LETS TRY A SIMULATION

What questions do you want answered in determining what plea offer to make in the following scenario?

Let's begin with entry level and move toward senior level prosecutors:

- Entry level – 0-1 years
- Junior level – 2-4 years
- Mid-level – 5-9 years
- Senior level- 10 or more years

## MURDER MOST HORRIBLE

- Victim murdered in 1978 with aggravated first degree murder charges filed in 2016
- Defendant convicted of murdering another woman 1 month after he murdered our victim. Defendant served 38 years in prison for this murder
- Basic facts:
  - Both victims hog-tied, resulting in a strangulation death
  - Both victims murdered in their homes
  - Both victims' compliance apparently obtained by threatening harm to children



## WHAT SHOULD BE MY TOUCHSTONE GOING FORWARD?

1. What does the law *allow* me to do?
2. What *should* I do to achieve justice for the community and for all of the individuals most affected by this alleged crime?

## WHERE DO I FIND THE ANSWERS TO THOSE QUESTIONS?

"The answers to these questions are not found in the law, or even in our rules of ethics. Instead they are defined by the values of conscience and culture, and a healthy skepticism about what it means to do justice in any given case."

Cyrus R. Vance, Jr., *The Conscience and Culture of a Prosecutor*, 50 Am. Crim. L. Rev. 629, 631 (2013)



# WASHINGTON STATE BAR ASSOCIATION

## MEMO

**To:** Board of Governors

**From:** Daryl Rodrigues, Chair, Council on Public Defense  
Travis Stearns, Vice-Chair, Council on Public Defense

**Date:** September 18, 2019

**Re:** *Adoption of the Washington State Guidelines for Appointed Counsel in Indigent Appeals by the Washington State Supreme Court*

**ACTION:** Recommend to the Supreme Court that the Court add the *Washington State Guidelines for Appointed Counsel in Indigent Appeals* to the *Revised Code of Washington*, the *Washington Rules of Appellate Procedure*, the *Washington Rules of Professional Conduct*, and *Washington Rules for Appeal of Decisions of Courts of Limited Jurisdiction*, and the *Washington Supreme Court Standards for Indigent Defense*.

On May 31, 2019, Travis Stearns, Council on Public Defense Vice-Chair and Attorney with the Washington Appellate Project, and Gideon Newmark, Attorney with the Office of Public Defense, presented the proposed *Washington State Guidelines for Appointed Counsel in Indigent Appeals* to the Council. This document is the first comprehensive set of practice guidelines for appointed appellate counsel in Washington. Like other guidelines the Supreme Court has adopted for criminal defense attorneys, these guidelines establish practice standards for attorneys working on any appeal that is constitutionally required. The guidelines were drafted by a workgroup of experienced appellate practitioners, including Washington Appellate Project attorneys, solo appellate public defenders, private appellate counsel, and the Federal Public Defender.

Following discussion and deliberation, the Council on Public Defense again reviewed the *Guidelines* at their July 19, 2019, meeting. At that meeting the Council voted by a supermajority to affirm that the *Guidelines* fall within the parameters of GR 12. The Council also voted by a supermajority to approve the *Guidelines* for the Board of Governor's consideration to submit to the Court.

The Council's request was on the Board's agenda for a first reading at the July 2019 meeting. It is now on the Board's agenda for action at the September 2019 meeting. The proposed *Guidelines* in the September meeting materials have not been changed since the July meeting. Travis Stearns with the Council and Washington Appellate Project will attend the meeting to address questions.

We look forward to presenting the proposed *Guidelines* on the agenda at the Board meeting.



## Washington State Guidelines for Appointed Counsel in Indigent Appeals

### Preface

These guidelines apply to appointed counsel handling appeals for indigent clients. These guidelines are intended to be used as a guide to professional conduct and performance. Because appellate practice is a specialized area of practice requiring distinct expertise, particularized standards apply. These guidelines are to be read in conjunction with the Revised Code of Washington (RCW), the Washington Rules of Appellate Procedure (RAP), the Washington Rules of Professional Conduct (RPC), the Washington Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ), the Washington Supreme Court Standards for Indigent Defense, and the Washington State Bar Association Standards for Indigent Defense Services.

The object of these guidelines is to alert the attorney to the courses of action that may be necessary, advisable, or appropriate, and thereby to assist the attorney in deciding upon the particular actions that must be taken in a case to ensure that the client receives the best possible representation.

All of the steps covered in these guidelines are not meant to be undertaken automatically in every case. Instead, the steps actually taken should be tailored to the requirements of a particular case. The guidelines recognize that representation in indigent appellate cases is a difficult and complex responsibility. Attorneys must have the flexibility to choose a strategy and course of action that ethically “fits” the case, the client, and the court proceeding.

These guidelines may or may not be relevant in judicial evaluation about alleged misconduct of defense counsel to determine the validity of a conviction. They may be considered with other evidence concerning the effective assistance of counsel.

### 1. Role of Appointed Counsel

- a. **Client Representation** - The paramount obligation of appointed counsel is to provide conscientious, zealous, and quality representation to their clients at all stages of the legal process. Attorneys also have an obligation to abide by ethical requirements and act in accordance with the rules of the court, including having a system in place to check for conflicts of interest.
  - i. The basic duty appointed counsel owes to the administration of justice and as an officer of the court is to serve as the accused’s counselor and advocate with courage and devotion and to render effective, quality representation.

- ii. Counsel has no duty to execute any directive of the accused that does not comport with law or such standards.
- b. **Holistic Representation** - Appellate counsel should provide comprehensive representation that also includes determining whether the client needs assistance with areas such as parole advocacy, re-entry, or unacceptable prison conditions and making appropriate referrals. Special consideration should be given to the client's immigration status, and if the client is not a U.S. citizen, counsel should determine if any immigration proceedings have occurred and the potential impact that an appeal may have on the client's immigration status.
- c. **Role & Standards** - It is the duty of counsel to know and be guided by the standards of professional conduct as defined in the codes of the legal profession applicable in Washington. Once representation has been undertaken, the functions and duties of counsel are the same whether counsel is assigned, privately retained, or serving in a legal aid or defender program.

## 2. Education, Training and Experience of Appellate Counsel

- a. **Familiarity with Law** - To provide quality representation, counsel must be familiar with substantive law and procedure and its application in the particular jurisdiction. Counsel has a continuing obligation to stay abreast of changes and developments in the law. Counsel should also be informed of the practices of the court before which a case is pending.
- b. **Experience** - Prior to handling an appointed appeal, counsel should have sufficient experience or training to provide quality representation. Less experienced counsel should only represent clients in less complex cases and only with adequate supervision and review. More complex cases should only be assigned to more experienced counsel and with adequate resources and time afforded to provide quality representation.
- c. **Training** - Appointed appellate counsel must engage in regular training focused on appellate advocacy, both written and oral, as well as on substantive issues and other pertinent areas. Counsel should seek training on issues of racial and gender bias, especially as they pertain to appellate practice.

- 3. **Appellate Counsel Caseload** - Appointed appellate counsel's caseload must not exceed the standards adopted by the Washington Supreme Court and must permit counsel to provide representation consistent with the representation afforded by counsel in non-

appointed cases. Counsel's caseload should be such as to permit the filing of an opening brief in the majority of cases without numerous extensions.

#### 4. Duties of Appointed Counsel

- a. **Standard of Representation** - Counsel in an appointed appeal must be expected to provide representation consistent with that afforded to clients who retain counsel. Appellate procedure, as outlined below, includes responsibilities unique to appellate counsel, including the submission of an appellate brief, presentation of oral argument, and the possibility of pursuing further avenues for relief where appropriate.
- b. **Withdrawal Exception** - Appointed counsel should not withdraw as counsel until the appeal is final except with the consent of the client, upon motion establishing good cause, or pursuant to *State v. Theobald*<sup>1</sup> and *Anders v. California*.<sup>2</sup> Counsel should file a motion to withdraw pursuant to *Anders* only after a thorough review of the record and review of the facts and relevant law with other defenders, and after meaningful attempts to consult with the client.
- c. **Substitution of Counsel** - Counsel shall request that substitute counsel be appointed to represent the client when counsel's continued representation might violate the codes of professional responsibility or when counsel in good faith believes counsel cannot provide the client with zealous representation.
- d. **Refusal of Appointment** - Counsel shall refuse an appointment to represent a client when the appointment will violate the Washington Supreme Court Standards for Indigent Defense.
- e. **Other Proceedings** - Appointed counsel should assist trial counsel where appropriate in seeking any relief in an assigned matter short of relief on appeal.

#### 5. Relationship with Client

- a. **Establishment of the Relationship** - Defense counsel should seek to establish a relationship of trust and confidence with the client.
- b. **Barriers to Communication** - Counsel should ensure that communication with the client accounts for differences in language, literacy or other barriers to communication. Counsel should use the means of communication best suited to meet the client's needs and best suited to an attorney's obligations to consult, counsel, and advise the client. Such means include written communication, personal visits,

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<sup>1</sup> *State v. Theobald*, 78 Wn.2d 184 (1970).

<sup>2</sup> *Anders v. California*, 386 U.S. 738 (1967).

telephone, and electronic communication. Counsel should use interpreter, translation, or other services necessary to overcome any language barriers.

- c. **Consultation with the Client** - Counsel must make reasonable efforts to consult with the client to determine potential issues and identify the client's objectives on appeal. An initial consultation should occur prior to preparation of the initial substantive pleading in any review.
- d. **Client Notification** - Counsel shall keep the client apprised of the status of the appeal. Counsel shall promptly notify the client of all substantive filings and rulings in the course of the appeal.

#### **6. Appellate Procedure – Preparation of the Record**

- a. **Duty of Appellate Counsel** - Counsel should promptly review the record to determine which portions are necessary for review. Counsel should make reasonable efforts to consult with the client and trial attorney to determine which portions of the record are necessary for review. All missing documents should be obtained as expeditiously as possible, filed with the trial court, and designated as clerk's papers if relevant.
- b. **Record Documents** - The record may consist of more than the documents that are regularly provided, such as jury questionnaires, power point presentations, or transcripts of exhibits presented to the jury.

#### **7. Appellate Procedure – Issue Selection**

- a. **Issue Selection – Review of Record** - Counsel should review the entire record in order to determine the viable issues that could be raised on review.
- b. **Issue Selection – Communication with Client** - The client, not the attorney decides whether to proceed with the appeal. Strategic decisions regarding the issues to be pursued on appeal should be made only after reasonable efforts to consult with the client. Counsel should raise those issues which diligent counsel would raise based upon current research. Counsel should seek and consider the advice of the client on those issues which should be presented. Counsel should advise the client of issues that are proper for review in collateral review proceedings and pursue those avenues where appropriate.
- c. **Issue Selection – Communication with Trial Counsel** - Counsel should make reasonable efforts to consult with trial counsel to determine the issues to be presented.
- d. **Issue Selection – Additional Considerations**

- i. To promote the goal of finality in judgments, counsel is encouraged to raise those claims that have arguable potential for success on the direct appeal.
- ii. The determination of which issues will be presented on appeal should be made only after reasonable efforts to engage in consultation with other defenders aware of the facts of the case and potential legal claims. Counsel should also be aware of issues already pending in State and Federal Court.
- iii. Prior to filing, all substantive pleadings should be peer-reviewed by a defender equally qualified to represent the client and familiar with the relevant law.
- iv. It is very important that counsel understand federal habeas corpus law and procedure in order to anticipate the possibility that the client may need to pursue federal court remedies to obtain relief for a serious constitutional error.
- v. Counsel should be aware of the client's racial and gender identity and should review the record for any potential instances of bias or prejudice. Counsel should raise issues related to racial or gender bias when appropriate.

#### **8. Appellate Procedure – Drafting of Brief & Other Pleadings**

- a. **Drafting of Document** - All pleadings and other materials submitted to the court should be clear, concise, and well organized in order to provide the court with the facts and law necessary to make a well-reasoned decision. They should be professional in appearance, free of errors, consistent with court rules and citation requirements and accurate in citation to appellate record and legal authority. The brief should also be well reasoned and persuasive.
- b. **Reply Brief** - Unless it is unnecessary to advance the goals of representation, appellate counsel should file a reply brief that responds to arguments in the respondent's brief by pointing out misstatements, weaknesses, and new issues raised.
- c. **Other Pleadings** - Counsel should file any additional motions or pleadings if it is in the interest of the client or furthers the interest of litigation. This can include additional motions, objections or supplemental briefs.

#### **9. Appellate Procedure – Oral Argument**

- a. **Obligation – Oral argument should not be waived, with rare exceptions.** Where counsel is afforded oral argument by the court it should not be waived except upon reasonable efforts to secure consultation with the client and with colleagues made

familiar with the facts and claims of the case. After efforts to consult, waiver should only occur upon the conclusion that the client's rights will be more fully advanced by submission of the appeal on the briefs alone. Where a matter is set without argument, argument should be requested where counsel believes it is likely to advance the client's interest and the goals of representation.

- b. **Preparation** - Oral argument can be a critical opportunity to advocate for the client and thorough preparation is essential. This should include development of an outline or notes that set forth key points, cites to key record pages and appellate decisions, and answers to anticipated questions. Counsel should prepare with and consult with other attorneys.
- c. **Knowledge of Rules** - Counsel should be familiar with the relevant appellate court's rules regarding cases in which argument is permitted, how to make requests for argument, how notification of argument is provided, and whether rebuttal and post-argument submissions are permitted.

#### **10. Appellate Procedure – Actions Upon Decision of the Court**

- a. **Communication with Client** - Counsel should timely inform the client of the decision of the court and shall advise the client of any further proceedings in which the client may seek further relief.
- b. **Remand** - If the client's case has been remanded to a lower court where counsel will no longer represent the client, counsel should ensure new counsel is appointed to the matter.
- c. **Further Proceedings** - Counsel shall seek further review, including motions to modify, motion for reconsideration, or discretionary review of any decision where appropriate and necessary. In determining whether further review is appropriate and necessary, counsel must consider: whether the client, having been timely advised, so requests; whether doing so will advance the client's interests; whether further review is necessary to preserve issues for collateral attack; and whether issues then pending in state or federal court may affect the client's case. Counsel should seek additional review in state or federal court where appropriate.
- d. **Case File Maintenance** - Although the case file is maintained by counsel, it belongs to the client. Counsel should retain the file in reasonably secure conditions for a period of time consistent with appropriate professional guidelines. Counsel should advise the client of counsel's retention policy and should inform the client that the client is entitled to receive the file on request after conclusion of the

representation. Counsel should promptly furnish a client's file to successor counsel if requested. However, counsel may not disclose confidential information to successor counsel unless the client gives permission.

# WASHINGTON STATE BAR ASSOCIATION

## MEMO

**To:** Board of Governors

**From:** Daryl Rodrigues, Chair, Council on Public Defense

**Date:** September 11, 2019

**Re:** Adoption of the Council on Public Defense's *Defender Resource Packet: Defender Advocacy for Pretrial Release*

**FIRST READING:** Approve the Council on Public Defense's *Defender Resource Packet: Defender Advocacy for Pretrial Release* for broad distribution to Washington State public defenders.

The Council on Public Defense's Pretrial Reform Committee (Committee) is working to support best practices in Washington. The Committee drafted the attached *Defender Resource Packet* as a tool for public defenders to use when representing a client during an initial appearance and detention hearings. The packet includes: 1) a client interview form to prepare for the First Appearance hearing; 2) a CrR(LJ) 3.2 defender advocacy sheet; 3) a sample CrR(LJ) 3.2 release order to request the judge to issue in every case; 4) a list of structural barriers identified by defenders in some jurisdictions around the state; 5) a recent CrR(LJ) 3.2 bench card that was distributed to judges statewide; and 6) a summary of possible effects of pleading guilty. The *Defender Resource Packet* is a guide and resource for attorneys that reiterates existing court rules and best practices.

The Committee drafted the *Defender Resource Packet* over two years, gathering feedback from public defense attorneys, prosecutors and Council members. On May 31, 2019, the Council on Public Defense voted unanimously to submit the *Defense Resource Packet* to the Board of Governors for approval. If approved, the Council will work collaboratively with public defense agencies to disseminate the packet to all public defenders across the state.

The Council's request will be on the Board's agenda for a "first reading" at the September 2019 meeting. Council member Jaime Hawk will attend the meeting to present the *Defender Resource Packet* and answer questions.

We look forward to presenting the proposed *Defender Resource Packet* at the September Board meeting.



# DEFENDER RESOURCE PACKET

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## Defender Advocacy for Pretrial Release



August 2019 | Contact: [CPD@wsba.org](mailto:CPD@wsba.org)

**WASHINGTON STATE**  
BAR ASSOCIATION  
Council on Public Defense

# WASHINGTON STATE BAR ASSOCIATION

## Council on Public Defense

August 30, 2019

Defenders,

The Pretrial Reform Committee of the WSBA Council on Public Defense (“committee”) is working to support bail reform in Washington. The committee has drafted the attached client interview form and compiled packet as a resource for defenders preparing for initial appearance and detention hearings. The form identifies categories of relevant client information pursuant to CrR 3.2 to be presented to the court in support of arguments for a client’s release. A comprehensive knowledge of the client and her background is the most important tool a lawyer possesses when litigating for release.

The pretrial detention population is approximately **60-70%** of the jail population in counties across Washington. Thousands of clients who have not been convicted of a crime are locked in jail because they cannot afford to pay the bail set by the judge. Racial disparities are significant and clients of color are disproportionately in jail before trial at a higher rate, and often assigned higher bail amounts, than white clients.

A movement for pretrial and bail reform has been building across Washington. Significant work is underway to reform bail practices, significantly reduce pretrial detention rates and the use of money bail, and to improve case outcomes for clients. Defenders have a critical role in these reforms and the necessary culture changes. The CPD is working to support defenders in these efforts.

As defenders know best, the pretrial detention decision is one of the most important made in a case. When a client is detained pretrial, they are pressured to plead guilty to get out of jail and avoid losing their jobs, housing, child custody, medications, among other consequences. Many clients detained pretrial are also more likely to be sentenced to jail and to face longer sentences. Lawyers make a significant difference at bail hearings. Litigating pretrial release is important because it affects both short-term and long-term outcomes for the client.

We have a strong court rule in Washington that generally *mandates the release of people accused of crimes before trial without financial conditions*, but it is routinely not followed or implemented consistently in courts around the state. CrR 3.2 and CrR(LJ) 3.2 start with a **presumption of release** for all clients and require that money bail only be imposed as a last resort *after* a court finds no less restrictive conditions can be imposed to assure court appearance, prevent the likely commission of a violent crime, and/or noninterference with justice. The rule also requires the court to consider a client’s financial resources and ability to pay when setting any bail amount. The use of money bail is supposed to be the last resort, not the first and only resort, as is common practice in many courts. Statewide advocacy efforts are underway to enforce the rule and change court practices to guarantee a meaningful presumption of release.



1325 4th Avenue | Suite 600 | Seattle, WA 98101-2539  
800-945-WSBA | 206-443-WSBA | [questions@wsba.org](mailto:questions@wsba.org) | [www.wsba.org](http://www.wsba.org)

The committee is also working to support defenders' efforts to tackle the structural barriers that often prevent defenders from meeting with clients and being prepared for court before the docket begins. These barriers such as having sufficient access to clients and case information, as well as adequate time to meet with clients and prepare structured release plans are widespread throughout the state.

This defender resource packet includes the following documents: 1) client interview form to prepare for the First Appearance hearing; 2) CrR(LJ) 3.2 defender advocacy sheet; 3) sample CrR(LJ) 3.2 release order to request the judge to issue in every case; 4) list of structural barriers identified by defenders in some jurisdictions around the state; and 5) a recent CrR(LJ) 3.2 bench card that was distributed to judges statewide.

If you have feedback or suggestions to improve these resources or would like to be involved in this pretrial reform work, please contact the committee at [CPD@wsba.org](mailto:CPD@wsba.org). We would love to hear from you.

Onward!



1325 4th Avenue | Suite 600 | Seattle, WA 98101-2539  
800-945-WSBA | 206-443-WSBA | [questions@wsba.org](mailto:questions@wsba.org) | [www.wsba.org](http://www.wsba.org)

# DEFENDER RESOURCE PACKET

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## Defender Advocacy for Pretrial Release

“In our society,  
liberty is the norm,  
and detention prior to trial  
or without trial is the  
carefully limited  
exception.”

**United States v. Salerno**  
481 U.S. 739, 755 (1987)

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August 2019 | Contact: [CPD@wsba.org](mailto:CPD@wsba.org)

# ATTACHMENT A

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Client Interview Form

Client Name:

Alternate person:

Address:

Address:

Phone #:

Phone:

Cause #:

PC for:

CW:

**CrR 3.2 & CrRLJ 3.2 PRESUMPTION OF RELEASE without conditions**

**1 - CLIENT IS NOT A FLIGHT RISK - court required to impose least restrictive (3.2(b))**

**RELEVANT FACTORS INCLUDE:**

**Community Ties**

(family, people who support you, how long in this community)?

**Alternate housing options**

for DV or violent crime?

**Work, school, volunteer?**

Student: athletics, clubs, other extracurricular?

**Financial situation & inability to pay bail**

(TANF/SNAP, food assistance, cash assistance, SSI/SSD)?

**Health and social welfare issues**

(community support services)?

**Medical/dental/psych**

appointments, treatment or medications? Diagnoses (physical/mental)?

**Family responsibilities**

(minor children, special needs child, care for elderly)?

**Transportation plan?**

Community/Social engagement?

**Who can help you with release conditions/appearances?**

(get address and phone number)

**Court Appearance history?**

Current PC relevant to flight risk? Minimal conviction history, *de minimus*?

**Other holds?**

(probation, DOC, other courts/jurisdictions, extradition, etc.)

**FTA/Warrant Explanation?**

(summons - not receive/mail returned; i/c somewhere else; in-patient; not just LFOs)

Client:

Cause #:

**2 - No *substantial* danger client will interfere with witnesses or commit violent crime**

<i>State argues "COMMUNITY SAFETY"</i>	<i>Consider offering/agreeing to conditions of release:</i>
State argues violent criminal history: <input type="checkbox"/> Class A <input type="checkbox"/> Assault <input type="checkbox"/> Manslaughter <input type="checkbox"/> Extortion <input type="checkbox"/> Indecent w/forcible <input type="checkbox"/> Robbery <input type="checkbox"/> Kidnapping <input type="checkbox"/> Drive-by <input type="checkbox"/> Arson <input type="checkbox"/> Veh. Hom/Asslt.	Client agrees to report regularly and remain under supervision of: <input type="checkbox"/> officer of the court (PTS); <input type="checkbox"/> other person (family member or employer [#7]); or <input type="checkbox"/> agency (private EHM/GPS company); AND/OR <input type="checkbox"/> Client agrees not to possess dangerous weapons/firearms
State argues lengthy criminal history	Is the conviction history relevant? (i.e., similar) Is the conviction history OLD?
State argues past and present <i>threats to</i> and/or <i>interference with</i> CW/Witnesses	Client agrees to: <input type="checkbox"/> Stay at least 1,000 feet away from person/location; <input type="checkbox"/> Not contact (person/business); <input type="checkbox"/> Not possess dangerous weapons/firearms
State argues client will commit new crimes while on PTR/probation/DOC?	Client agrees to: <input type="checkbox"/> Maintain law abiding behavior <input type="checkbox"/> Report to PTS/probation/DOC w/in 48 business hrs. of release <input type="checkbox"/> Update her contact information with PTS/probation/DOC w/in 48 business hours of release
State argues past and/or present use <i>or</i> threat to use deadly weapon/firearm?	Client agrees not to possess dangerous weapons and/or firearms. • How <i>old</i> is the past use/threat? •
State argues client is on Probation or DOC at the time of alleged offense - already supervised and cannot follow the rules.	Client agrees to: <input type="checkbox"/> Not consume alcohol or non-Rx drugs; <input type="checkbox"/> Report within 48 business hours of release; <input type="checkbox"/> Update her contact information with probation/DOC w/in 48 business hours of release

Client:

Cause #:

<b>3.2 (b) FTA - Least Restrictive Conditions</b>	<b>3.2 (d) Substantial Danger - Least Restrictive Conditions</b>
1. Δ in 'custody' of person/org who will supervise	1. Prohibit Δ from approaching/communicating w/specific persons or classes of persons
2. Restrict Δ's travel, association, residence	2. Prohibit Δ from certain areas (i.e., w/in 1,000 feet of CW's house, workplace, school ...)
6. Δ i/c at night or on GPS/SCRAM	3. Prohibit Δ from possession dangerous weapons/firearms; no alcohol or drugs not Rx
7. Any other condition deemed reasonably necessary to assure appearance	4. Require Δ to report regularly to and remain under supervision of an officer of the court (PTS) or other person or agency
	5. Prohibit Δ from committing violation of criminal law
	7. Δ in 'custody' of person/org who will supervise
	8. Restrict Δ's travel, association, residence
	9. Δ i/c at night or on GPS/SCRAM
	10. Any other condition deemed reasonably necessary to assure appearance

**Notes For Trial Counsel:**

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# ATTACHMENT B

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Using CrR(LJ) 3.2 in Practice

## Using CrR(LJ) 3.2 in Practice

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### The Presumption of Innocence means a Presumption of Pretrial Release

CrR(LJ) 3.2 provides that “[a]ny person, other than a person charged with a capital offense, **shall... be ordered released** on the accused’s personal recognizance pending trial...”

#### This presumption can only be defeated if the Court finds either

- (1) the accused’s personal recognizance will not “reasonably assure” their appearance at future court dates,  
or
- (2) “there is shown” by the Prosecutor “a likely danger\* that the accused
  - (a) will commit a **violent crime**\*, or
  - (b) will seek to intimidate witnesses, or... unlawfully interfere with the administration of justice.”

While the Prosecutor bears the burden of presenting evidence to overcome the presumption of pretrial release, CrRLJ 3.2 *requires the Court to consider all relevant factors*, most of which are mitigating:

#### Mitigating Factors for Future Appearance:

- History of response to legal process, particularly court orders to appear;
- Community ties, especially:
  - Length of residence;
  - Family ties and relationships;
  - Employment status and history;
  - Enrollment in school or job training;
  - Participation in counseling program;
  - Participation in cultural activities;
  - Receipt of government assistance;
- Reputation, character, and mental condition;
- Willingness of responsible community members to vouch for the accused’s reliability and assist the accused in complying with any conditions of release;
- Any other factors indicating the accused’s ties to the community.

#### Mitigating Factors for Showing of Substantial Danger:

- Reputation, character, and mental condition;
- Willingness of responsible community members to vouch for the accused’s reliability and assist the accused in complying with any conditions of release;
- History of compliance with pretrial conditions, probation, or parole;
- Nature of the charge (if nonviolent);
- Nonviolent criminal record.

#### Other Factors for Showing of Substantial Danger:

- History of committing offenses while on pretrial release, probation, or parole;
- Nature of the charge (if violent);
- Violent criminal record;
- Any evidence of threats to victims or witnesses, either past or present;
- Record of using deadly weapons or firearms, especially to victims or witnesses.

#### Other Factors for Future Appearance:

- Criminal record, if any;
- Nature of the charge, if relevant to the risk of nonappearance.

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\* A likely danger means the accused is more likely than not to commit a violent crime or interfere with the administration of justice. The mere possibility they will do so is not enough for the judge to impose conditions on pretrial release.

+ Any likelihood the accused will commit a nonviolent crime—other than witness intimidation—is irrelevant.

## Using CrR(LJ) 3.2 in Practice

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Defense attorneys can and should use every mitigating factor to demonstrate their client does not pose either a risk or nonappearance or a risk of committing a violent crime, intimidating witnesses, or otherwise interfering with the administration of justice. The Court should consider each of these factors on the record before setting any conditions of pretrial release.

If the Court—upon full consideration of all relevant factors—finds that pretrial release on the accused's personal recognizance will be insufficient, the Court may impose conditions on pretrial release.

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If the accused poses a flight risk, the Court **must impose the least restrictive** of the following conditions (or combination of conditions) necessary to reasonably assure their future appearance:

- Place the accused in the custody of a designated person or organization agreeing to supervise the accused pretrial;
- Place restrictions on the travel, association, or living arrangements of the accused pretrial;
- Require the accused to return to custody during specified hours (day release);
- Require the accused to be placed on electronic monitoring, if available;
- Impose any condition other than detention deemed reasonably necessary to assure appearance as required.

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If the accused poses a likely danger of committing violent crime or interfering with the administration of justice, the **Court may impose any or all** of the following conditions necessary to mitigate that risk:

- Place the accused in the custody of a designated person or organization agreeing to supervise the accused pretrial;
- Place restrictions on the travel, association, or living arrangements of the accused pretrial;
- Require the accused to return to custody during specified hours (day release);
- Require the accused to be placed on electronic monitoring, if available;
- Prohibit the accused from:
  - approaching or communicating with particular persons or classes of persons (no contact);
  - going to certain geographical areas or premises (no entry);
  - possessing any dangerous weapons or firearms, or engaging in certain described activities (no weapons);
  - possessing or consuming any intoxicating liquors or drugs not prescribed to the accused (no drugs/alcohol);
  - committing any violations of criminal law;
- Require the accused to report regularly to and remain under the supervision of an officer of the court or other person or agency;
- Impose any condition other than detention deemed reasonably necessary to assure noninterference with the administration of justice and reduce danger to others or the community.

## Using CrR(LJ) 3.2 in Practice

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### **MONEY BAIL IS A CONDITION OF LAST RESORT.**

The Court may impose bail **ONLY IF** the Court finds no less restrictive condition or combination of conditions are sufficient to reasonably assure the accused's appearance or mitigate the likelihood the accused will commit a violent crime or otherwise interfere with the administration of justice.

**Bail should be determined by the accused's ability to pay, not by the nature of the charge.**

The Court **MUST consider the accused's financial resources** for the purposes of setting a bail amount that will reasonably assure future appearance and the safety of the community. No one is supposed to be held on bail they cannot afford. For indigent defendants, this may mean any amount of bail is inappropriate.

**Bail is not a punishment and is not meant to keep the accused detained pretrial.**

The purpose of bail is to guarantee the accused will comply with all other conditions of their pretrial release and ensure their future appearance when required by the Court. **The accused remain innocent until proven guilty.**

## ATTACHMENT C

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Model Pretrial Release Order

IN THE MUNICIPAL COURT OF THE CITY OF \_\_\_\_\_

CITY OF \_\_\_\_\_, PLAINTIFF )
) Case # \_\_\_\_\_
v. )
)
\_\_\_\_\_ , DEFENDANT ) ORDER ON RELEASE

Under CrRLJ 3.2(a), any person, other than a person charged with a capital offense, shall... be ordered released on the accused's personal recognizance pending trial unless the court makes at least one of three findings: a) personal recognizance will not reasonably assure the accused's appearance when required, b) there is a likely danger the accused will commit a violent crime, or c) there is a likely danger the accused will seek to intimidate witnesses or will unlawfully interfere with the administration of justice.

- 1. Will recognizance reasonably assure the accused's appearance when required? [ ] Yes [ ] No
Does the accused have ties to the community? [ ] Yes [ ] No
Is the accused connected with social services, treatment, or counseling? [ ] Yes [ ] No
Is the accused employed, enrolled in school, or engaged in treatment or social services? [ ] Yes [ ] No
Is there someone who will assist the accused in complying with conditions? [ ] Yes [ ] No
Other: \_\_\_\_\_

- 2. Has there been shown a likely danger the accused will commit a violent crime, will seek to intimidate witnesses, or will unlawfully interfere with the administration of justice? [ ] Yes [ ] No
Does the accused have a record of threats to victims or witnesses? [ ] Yes [ ] No
Does the accused have a record of interference with the administration of justice? [ ] Yes [ ] No
Is there evidence of present threats to or intimidation of witnesses? [ ] Yes [ ] No
Other: \_\_\_\_\_

The accused is to be released: [ ] without conditions upon promise to appear [ ] with conditions.

Under CrRLJ 3.2(b), if conditions are to be imposed, the "least restrictive" conditions shall be imposed.

Are financial conditions more restrictive for this accused than non-financial conditions?

[ ] Yes - The Court will impose non-financial conditions. [ ] No - The Court will impose financial conditions.

Non-Financial Conditions (listed in order of restrictiveness)

- [ ] No criminal law violations [ ] Restrictions on travel, association, or place of abode
[ ] Possess of no weapons [ ] Placement of accused in the custody of a person or organization
[ ] Surrender of weapons [ ] No driving without a valid operator license and insurance
[ ] No blood or BAC refusal if requested by a law enforcement officer
[ ] Abstain from alcohol [ ] Abstain from marijuana [ ] Abstain from non-prescribed drugs
[ ] Day reporting: [ ] telephone - 1, 3, or 5 times/week [ ] in person - 1, 3, or 5 times/week
[ ] Detention by electronic home monitoring [ ] Random breathalyzers or urinalysis [ ] Scram or BA/RT
[ ] Other conditions reasonably necessary: \_\_\_\_\_

Financial Conditions (listed in order of restrictiveness)

- [ ] \$500 bail for a misdemeanor: [ ] unsecured bond [ ] appearance bond [ ] secured bond
[ ] \$1000 bail for a gross misdemeanor: [ ] unsecured bond [ ] appearance bond [ ] secured bond
[ ] \$ \_\_\_\_\_ bail: [ ] unsecured bond [ ] appearance bond [ ] secured bond

Good cause for amount exceeding \$500/\$1000: \_\_\_\_\_

Date: \_\_\_\_\_ Judge

# ATTACHMENT D

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## List of Structural Barriers

## Structural Barriers

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- 1) Lack of defense counsel present at initial appearance hearings
- 2) Inadequate access to clients and insufficient time for defenders to prepare for hearings
- 3) Inconsistent implementation and enforcement of CrR(LJ) 3.2 statewide
- 4) No access to police reports or pre-trial services reports
- 5) Early morning scheduling of initial appearance dockets (schedule hearings in the afternoon to allow for more preparation and time to meet with clients)
- 6) Defender offices not being promptly notified of new arrests and provided client names so defenders can meet clients in custody and prepare for court sooner
- 7) Lack of least restrictive and money bail alternatives offered
- 8) Failure of court to make ability to pay determination to post bail or to impose unsecured or appearance bonds that don't require collateral or the loss of money to bail agents
- 9) Lack of pre-trial and community-based services offered
- 10) Limited resources and staff support for defenders to interview clients and gather relevant information to support release arguments to the court
- 11) Assigning new and less experienced attorneys to initial appearance dockets (best practice is having skilled/highly trained attorneys handling these hearings)
- 12) Lack of automated text messaging systems that remind clients of their court dates and reduce FTAs and warrants
- 13) Use of pretrial risk assessment tools



## ATTACHMENT E

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CrR(LJ) 3.2 Bench Card Distributed to Judges

## Washington Bail Law

Washington is a right to bail state. Article I, section 20: criminal defendants “shall be bailable by sufficient sureties.” Except if:

- charge is a capital crime (“when the proof is evident or the presumption great”) OR:
- crime punishable by possibility of life (if “clear and convincing evidence of a propensity for violence”)

Criminal Rule (CrR) 3.2 and Criminal Rule for Limited Jurisdictions (CrRLJ) 3.2 were amended in 2002, due to concerns that the prior court rule had disparate racial and economic impacts.

**PRESUMPTION OF RELEASE** under CrR 3.2(a) and CrRLJ 3.2(a) unless:

- Likelihood of court nonappearance(FTA); OR
- Likely interference with witnesses, administration of justice; OR
- Likely commission of a violent crime
  - “violent crime” not limited to SRA definition, RCW 9.94A.030
  - but see Blomstrom v. Tripp, 189 Wn.2d 379 (2017) – DUI is not a “violent crime”

### Showing of likely failure to appear (FTA)

Relevant factors under CrR 3.2(c) and CrRLJ 3.2(c) for assessing likely FTA:

- Prior bench warrants

**NOTE:** The number could include warrants unrelated to court FTA, i.e., DOC warrants for noncompliance, warrants issued to ensure transport from another jurisdiction, arrest warrants for new charge when defendant is already in custody

- Employment, family/community ties
- Enrollment in school, counseling, treatment, or volunteer activities
- Reputation, character, mental condition
- Length of residency
- Criminal record
- Willingness of responsible community member to vouch for reliability and assist in compliance with release conditions
- Nature of the charge if relevant to risk of nonappearance

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If FTA risk found, CrR 3.2(b) and CrRLJ 3.2(b) require least restrictive conditions:

- Placement with designated person or organization agreeing to supervise accused
  - No contact orders with persons, places, geographical areas
  - Restrictions on travel or place of abode
  - Pretrial supervision- e.g., day reporting, work release, electronic monitoring, etc.
  - Any condition other than detention to reasonably assure appearance
  - Bond with sufficient solvent sureties or cash in lieu thereof
    - But no “cash only” bail – State v. Barton, 181 Wn.2d 148 (2014)
    - **NOTE:** Bond can be forfeited only for FTA - State v. Darwin, 70 Wn. App. 875 (1993)
    - Bonding company keeps fee
  - Appearance bond - bond in specified amount, and deposit in the court registry in cash or other security. Deposit:
    - not to exceed 10% of bond amount
    - can be forfeited for noncompliance with any condition, i.e., a new crime
    - returned upon performance of conditions
  - Unsecured bond - basically a written promise to appear, without any security
- NOTE ON MONEY BAIL:** Court must consider accused’s financial resources in setting a bond that will reasonably assure appearance. CrR 3.2(b)(6), CrRLJ 3.2(b)(6)

### Showing of substantial danger

Relevant factors under CrR 3.2(e), CrRLJ 3.2(e) for assessing substantial risk of violent reoffense or interference with administration of justice:

- Nature of charge
- Criminal record
- Past or present threats or interference with witnesses, victims, administration of justice
- Past or present use or threatened use of deadly weapon, firearms
- Record of committing offenses while on pre-trial release, probation or parole
- Reputation, character and mental condition
- Willingness of responsible community member to vouch for reliability and will assist in compliance with conditions



This Benchcard was created by Washington’s Pretrial Reform Task Force, a group led by the Minority and Justice Commission, the Superior Court Judges’ Association, and the District and Municipal Court Judges’ Association. May 2018.

Accord RCW 10.21.050

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If court finds substantial risk of violent re-offense or interference with justice, CrR 3.2(d), CrRLJ 3.2(d) allow:

- Placement with designated person or organization agreeing to supervise accused
- No contact order with persons, places, geographical areas
- Restrictions on travel or place of abode
- No weapons or firearms, abstain from alcohol or non-prescribed drugs
- Pretrial supervision- e.g., day reporting work release, electronic monitoring, etc.
- No criminal law violations
- Any condition other than detention that will assure justice noninterference, reduce danger
- Unsecured bond – basically a written promise to appear, without security
- Bond with sufficient solvent sureties or cash in lieu thereof
  - No “cash only” bail – State v. Barton, supra
  - NOTE: Bond be forfeited only for FTA - State v. Darwin, supra
  - Bonding company keeps fee
- Appearance bond – bond in a specified amount, and deposit in court registry cash or other security. Deposit:
  - not to exceed 10% of bond amount
  - can be forfeited for noncompliance with any condition, i.e., a new crime
  - returned upon performance of conditions

NOTE ON MONEY BAIL: Court must consider accused’s financial resources in setting bond that will reasonably assure community safety, prevent justice interference. CrR 3.2(d)(6), CrRLJ 3.2(d)(6); accord RCW 10.21.050(3)(a)

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The court must find no less restrictive condition(s) than money bail will assure public safety and/or noninterference with justice. CrR 3.2(d)(6), CrRLJ 3.2(d)(6).

Delay of release authorized when:

- Person is intoxicated and release will jeopardize safety or public safety.

- Person has mental condition warranting possible commitment. CrR 3.2(f), CrRLJ 3.2(f)

Review of Conditions

Right to reconsideration after preliminary appearance if unable to post bail. CrR 3.2(j)  
NOTE: There is no parallel CrRLJ to CrR 3.2(j).

Revoking or Amending Release Order

Change of circumstances or new information or good cause. CrR 3.2(j)(k), CrRLJ 3.2(j)(k); accord RCW 10.21.030

- Revocation requires clear and convincing evidence. CrR 3.2(k)(2), CrRLJ 3.2(k)(2)

Cases and Statutes

- Individualized determination; no blanket conditions - State v. Rose, 146 Wn. App. 439 (2008); accord RCW 10.19.055 (individualized basis for class A, B felonies)
- Condition must relate to CrR 3.2, CrRLJ 3.2 goals, preventing FTA or violent crime or justice interference - State v. Rose, supra (random UAs not causally connected to court appearance); cf., “Blomstrom “fix” below
- Condition must not authorize unlawful search - Blomstrom v. Tripp, 189 Wn.2d 379 (2017)-random UAs as a first-time DUI condition is unlawful search; not authorized by CrRLJ 3.2 or statute. But see “Blomstrom “fix”- RCW 10.21.030 authorizes UAs as pretrial condition for misdemeanors, gross misdemeanors (DUI), felonies.
- Condition must be least restrictive condition - Butler v. Kato, 137 Wn. App. 515 (2007) (alcohol treatment and sobriety meetings not least restrictive condition to assure court appearance and hence violate CrRLJ 3.2; also unconstitutional search and violated Fifth Amendment)
- RCW 10.21.015 – no work release, electronic monitoring, day monitoring or other pretrial supervision program if violent or sex offense and violent or sex offense in last 10 years, unless person has posted bail
- RCW 10.21.055 – ignition interlock or SCRAM required where charge is DUI, physical control, vehicular homicide or vehicular assault and prior conviction that involved alcohol

## ATTACHMENT F

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Considering the Possible Effects of Pleading Guilty



Before you enter your plea

## Consider the Possible Effects of Pleading Guilty

**You have a right** to see a defense attorney, even if you can't pay for one. Your attorney will explain what can happen because of your plea and help you decide what to do.

In addition to possible penalties such as jail time and fines, examples of issues you may want to discuss with an attorney include:



### REMEMBER

- You have a **RIGHT** to an attorney right now.
- An attorney can explain the potential consequences of your plea.
- If you cannot afford an attorney, an attorney will be provided at **NO COST** to you.
- If you don't have an attorney, you can ask for one to be appointed and for a continuance until you have one appointed.



Antes de que usted se declare

## Considere las consecuencias de admitir culpabilidad.

**Usted tiene el derecho** de consultar a un abogado, incluso si no tiene los recursos para pagar sus servicios. Su abogado le explicará lo que puede suceder a consecuencia de su declaración y le aconsejará a decidir lo que puede hacer.

Además de posibles condenas tales como encarcelamiento y multas, ejemplos de asuntos a discutir con un abogado incluyen los siguientes:



### RECUERDE:

- Usted tiene derecho a los servicios de un abogado inmediatamente.
- Un abogado le puede explicar las consecuencias potenciales de su admisión.
- Si usted no puede pagar a un abogado, se le proporcionarán los servicios de uno.
- Si aún no tiene un abogado, puede pedir que se le asigne uno y que se le otorgue una "continuación" hasta que usted pueda contar con los servicios de un abogado.

# WASHINGTON STATE BAR ASSOCIATION

## BOARD OF GOVERNORS MEETING

Minutes

Richland, WA

July 26-27, 2019

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Bill Pickett on Friday, July 26, 2019, at 11:00 a.m., at the Courtyard by Marriott, Richland, Washington. Governors in attendance were:

Sunitha Anjilvel

Dan W. Bridges

Daniel D. Clark

Peter J. Grabicki

Carla Higginson

Kim Hunter

Jean Y. Kang

Russell Knight

Christina A. Meserve

Athan P. Papailiou

Kyle D. Sciuchetti

Alec Stephens

Paul Swegle

Judge Brian Tollefson (ret.) (phone)

Also in attendance were President-elect Rajeev Majumdar, Interim Executive Director Terra Nevitt, General Counsel Julie Shankland, Chief Disciplinary Counsel Doug Ende, Chief Regulatory Counsel Jean McElroy, Interim Director of Human Resources Felix Neals, Interim Director of Advancement Kevin Plachy, Chief Communications and Outreach Officer Sara Niegowski, and Executive Assistant Margaret Shane. Also present were Governors-elect Bryn Peterson, Hunter Abell, and Tom McBride.

### **INTERIM EXECUTIVE DIRECTOR'S REPORT**

Interim Executive Director Nevitt referred the Board to her written report contained in the meeting materials, including the Impact Statement that attempts to articulate the return on investment for our legal research tool as a model for communicating the impact of our work. She highlighted the ongoing Listening Tour, introduced Interim Director of Human Resources Felix

Neals, advised that interviews for the Director of Human Resources were ongoing, and reported WSBA's employment practices and management liability insurance coverage for the coming year would be through RSUI (Royal Specialty Underwriting, Inc.) and that premiums would increase by \$100,000.

### **PRESIDENT'S REPORT**

President Pickett reported on the Board of Governors retreat held the previous day and on his attendance at the ALPS Conference in Missoula, Montana.

### **MEMBER AND PUBLIC COMMENTS**

Governor-elect Abell noted that the Community Service Project, in which some of the Board members and WSBA employees participated on Friday morning, was a rewarding experience.

### **CONSENT CALENDAR**

Governor Higginson noted that her name was misspelled on page 8 of the draft May 16-17, 2019, BOG Meeting Minutes. It was noted that the error would be revised by a scrivener's correction. Governor Hunter moved to approve all items on the Consent Calendar. Motion passed unanimously. Governors Anjilvel, Bridges, Clark, Grabicki, Higginson, Hunter, Kang, Knight, Meserve, Papailiou, Sciuchetti, Stephens, Swegle, and Tollefson voted yes.

### **LOCAL HERO AWARDS**

Local Hero Awards were presented to Patricia Chvatal, Leland Kerr, and Asa LaMusga for their outstanding contributions to their communities and to the legal profession.

### **LAW CLERK PROGRAM PRESENTATION – Ben Phillabaum, Chair**

Chair Phillabaum referred to the information contained in the meeting materials. He gave an overview of the program and explained requirements for participants and tutors, application process, fees, learning process, Law Clerk Board member responsibilities, and advantages and disadvantages of going through the program. He then answered questions from the Board.

### **PROCESS AND SELECTION OF 2019-2020 WSBA TREASURER**

Governor Grabicki moved to nominate Governor Clark for the 2019-2020 WSBA Treasurer. Treasurer/Governor Bridges shared his experience as Treasurer for the 2018-2019 fiscal year; President-elect Majumdar referred to Governor Clark's memo contained in the materials; and various Governors expressed their support. Motion passed 12-0-2. Governors Anjilvel, Bridges, Grabicki, Higginson, Hunter, Kang, Knight, Meserve, Papailiou, Sciuchetti, Stephens, and Swegle voted yes. Governors Clark and Tollefson abstained. The proposed process contained in the meeting materials was not discussed or voted on.



President Pickett passed the gavel to President-elect Majumdar.

**PERSONNEL COMMITTEE PROPOSED AMENDMENTS TO THE WSBA BOG NO RETALIATION POLICY – Governor Chris Meserve, Chair, and Felix Neals, Interim Director of Human Resources (first reading)**

Chair Meserve referred to the information contained in the meeting materials. She provided an overview of the differences between the proposed Policy and the existing Policy, including: broader definitions; greater emphasis on the importance of outside investigators; specific references to and incorporation of language from the WSBA Employee Handbook; specific emphasis on training for volunteers, including Board volunteers; deletion of specific examples; and recusal of the Board from involvement in the investigation and consequences of inappropriate conduct if the complainant is a member of the Board or the person being complained against is a Board member. Interim Director of Human Resources Neals advised that this proposed Policy attempts to address WSBA employee concerns. Discussion ensued regarding Board member concerns with various details of the proposed Policy, and it was suggested that Board members send a redline version with their proposed edits to the Personnel Committee Chair and Interim Director of Human Resources Neals. In response to comments and questions, Chair Meserve advised that the document had been reviewed and approved by outside counsel; that WSBA employee misconduct is covered under the existing WSBA Employee Handbook; and reminded the Board that it does not get involved with WSBA employee misconduct. Governor Higginson moved to hold over this discussion until the next meeting. Governor Stephens moved to amend the motion that this item be set on the agenda for the next meeting as “second reading/potential action.” Chair Meserve called a point of order and stated that the agenda is set by the President in consultation with the Executive Committee, therefore, the motion is out of order. General Counsel Shankland confirmed that the President sets the agenda and the motion was attempting to determine how an item on the agenda was set. Governor Higginson asked that it be recorded in the Minutes that she objected to her motion not being voted on.

President-elect Majumdar passed the gavel back to President Pickett.

**COMMITTEE ON PROFESSIONAL ETHICS (CPE) PROPOSED AMENDMENTS TO RPC 1.15(A)(h)(9) RE SAFEGUARDING PROPERTY – Anne Seidel, CPE Member (phone), and Jeanne Marie Clavere, Professional Responsibility Counsel (phone)**

Member Seidel referred to the information contained in the meeting materials and explained the proposed amendments. Governor Grabicki moved to approve the proposed amendments to RPC 1.15(A)(h)(9) as requested. Motion passed 10-0-2. Governors Anjilvel, Bridges, Clark, Grabicki, Kang, Knight, Meserve, Sciuchetti, Stephens, and Swegle voted yes. Governors Higginson and Hunter abstained. Governors Papailiou and Tollefson were not present for the vote.

**PRO BONO AND PUBLIC SERVICE COMMITTEE PROPOSED PRO BONO MODEL POLICIES – Paul Okner, Committee Co-Chair (phone); Diana Singleton, Access to Justice Manager (phone); and Kevin Plachy, Interim Director of Advancement**

Co-Chair Okner stated the Committee’s mission and explained the proposed Model Policies. Governor Swegle moved to adopt the Model Policies as contained in the meeting materials. Discussion ensued regarding concerns about the Model Policies potentially leading to requirements to do mandatory pro bono service. Co-Chair Okner, Governor Swegle, and Interim Director Plachy emphasized that use of the templates was not mandatory and simply provided a framework for law firms and other entities to use in order to give their employees permission to do pro bono work and would help break down barriers for legal professionals who wish to do pro bono work. Motion passed 11-0-2. Governors Anjilvel, Bridges, Clark, Grabicki, Kang, Knight, Meserve, Papailiou, Sciuchetti, Stephens, and Swegle voted yes. Governors Higginson and Hunter abstained. Governor Tollefson was not present for the vote.

**COUNCIL ON PUBLIC DEFENSE (CPD) PROPOSED APPELLATE GUIDELINES – Travis Stearns, CPD Vice Chair (phone); Gideon Newmark, Managing Attorney of the Appellate Program for the Washington State Office of Public Defense (phone); Diana Singleton, Access to Justice Manager (phone); and Kevin Plachy, Interim Director of Advancement (first reading)**

Vice Chair Stearns explained the requirements contained in the Charter and reviewed the process that resulted in the proposed Appellate Guidelines, which had been vetted with stakeholders. He emphasized that the proposed Guidelines were not mandatory. President Pickett noted that this item would be placed on the September 26-27, 2019, Board agenda for “action.”

**COMMITTEE ON MISSION PERFORMANCE AND REVIEW (CMPR) RECOMMENDATIONS – President-elect Rajeev Majumdar, Chair, and Pam Inglesby, Bar Services Manager (phone) (first reading)**

Chair Majumdar advised that it was the consensus of the CMPR to sunset itself and return this process to the Executive Committee. He advised that BOG liaisons should be working with their assigned committees throughout the year, helping to ascertain the makeup of the committee, and working on the report form with the committee throughout the year rather than waiting until the end of the year. He reported on the findings this year, highlighted recommendations from the CMPR, and explained the issues discussed. Discussion ensued regarding what happens with the reports after the Board approves the recommendations; consequences if committees do not comply with the recommendations; partnering with the Budget and Audit Committee regarding performance of committees and their return on investment; offering liaisons assistance in convincing people to apply for committee membership; committees reporting to the Board in person rather than just on paper; and the possibility of reviewing Sections similar to

the way committees are reviewed. Governor Swegle requested that it be recorded in the Minutes that he opposes review of Sections as part of this process.

**CRITERIA FOR ADDING AND NAMING WSBA APEX AWARDS – Governor Russell Knight, Chair, and Sara Niegowski, Chief Communications and Outreach Officer**

Chair Knight advised that the Board is being asked to act on three items: (1) adopt criteria for naming APEX Awards; (2) adopt criteria for evaluating requests to add or retire APEX Award categories; and (3) honor Chief Justice Mary Fairhurst by renaming the Award of Merit or other public recognition as the Board of Governors deems appropriate.

Criteria: Chair Knight reviewed the proposed process and criteria and explained that the goal is consistency. He suggested setting the process and criteria first, then applying it. Governor Grabicki moved to adopt the proposed process and criteria for naming APEX Awards and for evaluating requests to add or retire APEX Award categories as contained in the meeting materials. Governor Bridges moved to strike the criteria of “deceased.” Governor Grabicki stated that he would accept Governor Bridges’ motion to amend as a friendly amendment. In reply to an inquiry, Officer Niegowski explained that “non-divisive” refers to broad outreach and vetting with a large number of people and groups to ascertain what the legacy would mean to many different groups and that it would be accepted by many different groups. Governor Meserve offered a friendly amendment to Governor Bridges’ motion to amend by striking the first bullet point regarding “deceased.” Governor Bridges accepted. Chief Disciplinary Counsel Doug Ende expressed concern about taking out the criteria that the recipient of the award be deceased, explaining that sometimes the legacy of a “legal giant” become tarnished in unexpected ways during the individual’s lifetime. Discussion ensued regarding whether to retain or delete the criteria of “deceased” and “non-divisive;” the potential perception of naming an award after an individual being viewed as politically motivated; the recipient’s perception of receiving an award named for them while they are still alive; and naming awards for the criteria rather than for a person.

Motion to strike “deceased” tied 6-6-1; President Picket voted no, so motion failed 6-7-1. Governors Anjilvel, Bridges, Clark, Meserve, Sciuchetti, and Stephens voted yes. Governors Grabicki, Higginson, Kang, Knight, Papailiou, and Swegle voted no. Governor Hunter abstained. Governor Tollefson was not present for the vote. Motion to delete “non-divisive” passed 10-2-1. Governors Anjilvel, Bridges, Clark, Grabicki, Kang, Knight, Meserve, Papailiou, Sciuchetti, and Stephens voted yes. Governor Higginson and Swegle voted no. Governor Hunter abstained. Governor Tollefson was not present for the vote. Governor Grabicki’s underlying motion as amended passed 11-1-1. Governors Anjilvel, Bridges, Clark, Grabicki, Kang, Knight, Meserve, Papailiou, Sciuchetti, Stephens, and Swegle voted yes. Governor Higginson voted no. Governor Hunter abstained. Governor Tollefson was not present for the vote.

Rename Award of Merit: Chair Knight referred to Governor Clark's memo contained in the meeting materials and moved to rename the WSBA's highest award after Chief Justice Mary Fairhurst. Discussion ensued regarding potential conflicts of interest; appearance being important and timing not appropriate; alternative methods to honor Chief Justice Fairhurst; and forwarding the request to the Awards Committee for discussion and further action, if any. Governor Grabicki moved to amend the motion to present the resolution passed by the Board at its March 7, 2019, meeting to Chief Justice Fairhurst at the 2019 APEX Awards Dinner. Governor Clark requested that it be recorded in the Minutes that the former Executive Director told him it would be presented to Chief Justice Fairhurst and that had not yet been done. Motion to amend passed 7-5. Governors Anjilvel, Bridges, Grabicki, Higginson, Hunter, Kang, and Knight voted yes. Governors Clark, Meserve, Papailiou, Sciuchetti, and Stephens voted no. Governors Swegle and Tollefson were not present for the vote. Governor Knight's underlying motion as amended passed 10-1-1. Governors Anjilvel, Bridges, Clark, Grabicki, Hunter, Kang, Knight, Meserve, Sciuchetti, and Stephens voted yes. Governor Papailiou voted no. Governor Higginson abstained. Governors Swegle and Tollefson were not present for the vote.

#### **BREAKFAST WITH WASHINGTON LEADERSHIP INSTITUTE (WLI)**

President Pickett announced that the Board met with the WLI leadership and fellows over breakfast.

#### **UPDATE RE AMERICAN BAR ASSOCIATION (ABA) ANNUAL MEETING – James Williams, Washington State Delegate to the ABA**

Delegate Williams referred to the information contained in the meeting materials and highlighted several important resolutions that would be deliberated at the ABA Annual Meeting and reviewed the background and makeup of the House of Delegates. He explained that Resolution 10B relates to broadband availability in rural communities and asked the Board for its support and sponsorship of this Resolution. Governor Swegle moved that the Board co-sponsor Resolution 10B. Motion passed 12-0-2. Governors Anjilvel, Bridges, Clark, Grabicki, Hunter, Kang, Meserve, Papailiou, Sciuchetti, Stephens, Swegle, and Tollefson voted yes. Governors Higginson and Knight abstained.

#### **Washington State Leadership Institute (WLI)**

Governor/Treasurer Bridges called personal privilege and advised that he would be suggesting to the Budget and Audit Committee that the WLI budget be increased from \$60,000 to \$100,000 in the FY2020 WSBA budget, and that he would be asking WSBA staff and the Budget and Audit Committee to break out WLI from under the Board on the financial statements. In addition, he would personally be donating \$1,000 to the WLI. Delegate Williams advised that the additional

monies would help the WLI actively seek more people to be involved outside of the Puget Sound area since there are untapped resources throughout Washington. In response to a suggestion that the number of fellows be increased if the budget is increased, Delegate Williams and Justice Yu explained that the size had been increased to 15 fellows in the past, but that 12 fellows seemed to work best and to be the optimal size for encouraging bonding and long-term relationships.

**BUDGET AND AUDIT COMMITTEE PROPOSALS – Governor/Treasurer Dan Bridges; Terra Nevitt, Interim Executive Director; and Tiffany Lynch, Associate Director of Finance (phone) (first reading)**

**Draft WSBA FY2020 Budget**

Interim Executive Director Nevitt advised that this item would be on the agenda at the September Board meeting for “action” and the Budget and Audit Committee would meet again in August, so this would be a good opportunity for the Board to give further direction and ask questions. She reviewed the General Fund; Capital Budget Fund; Continuing Legal Education Fund; Client Protection Fund; and Sections Fund, and then walked through each fund in detail. Discussion ensued regarding the cost of the discipline system; deficit spending; transfer of investments to a money market account; increased expenses; webcasting all meetings from Seattle versus the Board traveling around the state; the Listening Tour being more interactive and effective; combining the Listening Tour with Board meetings; connecting with local bars after Board meetings; increased marketing of Board meetings; context, policy, and history of using temporary employees; and moving from a hardcopy to a digital *NWLawyer*. It was noted that additional meetings and traveling to more expensive locations are policy changes that should be discussed during the Board’s public meeting, and the \$50,000 for the proposed supplemental audit, are both increases in spending, and that the proposed increase to the WLI budget could be taken from these two items.

**Proposed Fiscal Policy Change re Cost Centers**

Governor/Treasurer Bridges explained that the changes regarding cost centers are being proposed in order to promote more transparency. In response to an inquiry regarding the letter he sent to Chief Justice Fairhurst related to the Limited License Legal Technician (LLLT) program, Governor/Treasurer Bridges stated that as an Officer of the Board he had a duty to report out and that he received input for the letter from various Governors. It was noted that there would be no change in the Section per-member charge for the coming fiscal year, and that it was important to understand the difference between budgets, reserves, and needs in the larger sections compared to the smaller sections. President Pickett advised that Chief Justice Fairhurst had invited everyone to communicate with her and that there would be a substantive discussion of Governor Bridges’ letter regarding the LLLT Program at the September 26-27, 2019, Board meeting. He urged the Governors to be sure their communications with Chief Justice Fairhurst

are included in the Board meeting materials in order to enhance transparency and encourage dialogue.

#### Proposed Supplemental Audit Options

Governor/Treasurer Bridges reviewed the options available, as well as the Budget and Audit Committee deliberations, regarding the proposed supplemental audit. It was noted that what was being requested is a forensic audit and that it should be done every 10 years. It was requested that an estimate of staff time allocations and costs that would be involved in the process be provided as time limits of staff are being stretched, especially with staff departures.

#### DECISION RE FILLING VACANT DISTRICT 3 SEAT

Governor Sciuchetti advised that he had not yet decided if he would be vacating the District 3 seat when he takes office as the 2019-2020 President-elect.

#### UPDATE FROM GOVERNORS RE COMMITTEE AND LIAISON ASSIGNMENTS

There were no updates from Governors regarding their committee and liaison assignments. President Pickett explained that he intentionally assigned Governors where they had no expertise, in order that they could learn and grow but did not force anyone to take an assignment or forbid anyone from doing what they wanted, and did not reassign anyone. President-elect Majumdar noted that it is a challenge to fill the many assignments with so few Governors and requested that the Governors accept their assignments and help be the face of the Bar. He stated that he would be expecting feedback from some of the Governors at every Board meeting.

#### PROPOSALS RE BOARD UPDATES AND COMMUNICATIONS – Sara Niegowski, Chief Communications and Outreach Officer (first reading)

Chief Niegowski explained that the proposals contained in the meeting materials are fleshed-out options discussed at the previous Board meeting and that they are not yet a final product. They include a code of conduct, standards, responsibilities, and consequences of violations. She advised that it would be critical to decide Option 1 first as all other options flow from that one. She noted that she would like to send out updates by districts with names and contact information for each district, rather than to all members in the state as a whole. It was the consensus of the Board to do so.

Discussion ensued regarding the Governors having the opportunity to weigh in on the updates before they are sent to their districts; time constraints in getting the updates out to the membership; Governor Grabicki's proposal in Late Materials; the distinction between Board action and a Governor's opinion of Board action; how to deal with one Board member speaking being perceived by WSBA members as speaking for the entire organization; and being respectful and elevating the WSBA to a high, positive image. President Pickett reminded the Board that it is

the face of the organization; and that individual Governors do not represent constituents, they represent the entire WSBA membership and are the representatives of the organization.

#### **UPDATE FROM BOARD MEMBERS OF THE WASHINGTON SUPREME COURT WSBA STRUCTURE WORK GROUP – Governors Dan Clark, Kyle Sciuchetti, and Paul Swegle**

Governor Sciuchetti reviewed the discussions and recommendations of the WSBA Structure Work Group, and advised that a draft report will be forthcoming that will be reviewed by the Work Group then sent to the Washington Supreme Court for consideration. Currently, there are no further meetings of the Work Group scheduled. Discussion ensued regarding details of the Work Group's recommendations.

#### **BOARD OF GOVERNORS CIVIL LITIGATION RULES REVISION WORK GROUP CHARTER – Governor/Treasurer Dan Bridges (first reading)**

Governor/Treasurer Bridges reminded the Board that it had already voted to institute this Work Group in order for the Board to take input directly from stakeholders and to take one last look at the Rules. He advised that Interim Executive Director Nevitt developed the Charter contained in the meeting materials based on the Board's previous discussion.

#### **OPEN PUBLIC MEETINGS ACT (OPMA) POLICY DISCUSSION (first reading)**

Interim Executive Director Nevitt explained that staff have been working to determine how WSBA fits into the Court Order directing the Board to comply with OPMA and reconciles with the WSBA Bylaws. She referred to the information contained in Late Materials, requested feedback, and noted that the Board may have some policy decisions to make. Discussion ensued regarding Governor Clark's expertise in this area; the WSBA's current appeal before the Washington Supreme Court regarding the applicability of OPMA to the WSBA; the makeup of the Board meeting agenda under OPMA; and giving clear instructions to WSBA committees regarding compliance with OPMA.

#### **GOVERNOR ROUNDTABLE**

Governor Higginson proposed changing the name of the WSBA magazine from *NWLawyer* back to *Bar News* because not all the members of the organization were attorneys. President Pickett advised that this item would be on the September 26-27, 2019, Board meeting agenda. It was suggested that President Pickett send an email blast to the membership asking them for their feedback.

Governor Stephens noted that the Board has been through a challenging time and that the retreat the previous day had helped the Board to start anew.

**ADJOURNMENT**

There being no further business and no need for an Executive Session, the meeting was adjourned at 2:30 p.m. on Saturday, July 27, 2019.

Respectfully submitted,

Terra Nevitt  
WSBA Interim Executive Director & Secretary



# WASHINGTON STATE BAR ASSOCIATION

## BOARD OF GOVERNORS SPECIAL MEETING

Minutes

Seattle, WA

September 9, 2019

The Special Meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Bill Pickett on Monday, September 9, 2019, at 12:00 p.m. Governors in attendance were:

Sunitha Anjilvel  
Dan W. Bridges  
Dan Clark (phone)  
Carla Higginson (phone)  
Kim Hunter (phone)  
Russell Knight (phone)  
Chris Meserve  
Athan Papailiou (phone)  
Kyle D. Sciuchetti  
Alec Stephens  
Paul Swegle (phone)  
Judge Brian Tollefson (ret.)

Also in attendance were President-elect Rajeev Majumdar, Interim Executive Director Terra Nevitt (phone), Assistant General Counsel Lisa Amatangel, Outside Counsel Suzanne Michael, Outside Counsel Dale Kingman, Governors-elect Hunter Abell and Bryn Peterson (phone), and Executive Assistant Margaret Shane. Governors Grabicki and Kang were not present.

Governor Bridges moved that the Governors-elect be included during the Executive Session portion of this meeting. Motion passed unanimously. Governors Grabicki, Higginson and Kang were not present for the vote.

President Pickett announced that the Board would be meeting in Executive Session beginning at 12:05 p.m. as permitted by RCW 42.30.110(i) to discuss with legal counsel representing WSBA

potential litigation to which WSBA is likely to become a party and that legal counsel would be present for the Executive Session discussion as required by the statute. He advised that no final action would be taken in Executive Session, which would end at 1:15 p.m., at which time the Board would resume Public Session. He noted that if Executive Session needed to be extended, he would make a public announcement of the time that Public Session would begin. The Board went into Executive Session at 12:05 p.m. and resumed public session at 1:30 p.m.

#### **REPORT ON AND ACTION RELATED TO EXECUTIVE SESSION**

President Pickett reported that the Board met with legal counsel in Executive Session. Governor Bridges moved that the Board follow, and instruct Outside Counsel Michael to implement, the advice she gave the Board during Executive Session. Motion passed 11-0-1. Governor Papailiou abstained.

Governor Stephens moved to accept the advice that Outside Counsel Kingman gave the Board during Executive Session and to authorize him to proceed. Motion passed 11-0-1. Governor Papailiou abstained.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 1:40 p.m. on Monday, September 9, 2019.

Respectfully submitted,

Terra Nevitt  
WSBA Interim Executive Director & Secretary

# 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:** September 9, 2019  
**RE:** Confidentiality of Client Protection Board Recommendations

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Previously, Client Protection Board (CPB) recommendations have been provided to the Board of Governors (BOG) for consideration and action during executive session. Since the requirements of the Open Public Meetings Act will not allow for CPB recommendations to be considered in executive session going forward, the BOG will consider and act on the recommendations in public session. However, per Court Rule, all of the materials, reports, and deliberations shall not be public. (APR 15 Procedural Regulations, Regulation 13(b)).

**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. **Please do not discuss any details regarding the matters, including the names or amounts related to the matter, at the public session meeting.** If you have questions about the recommendations that you wish to bring up during public session, please use anonymous identifiers (i.e., use "Client A," etc., or refer to the matter by number). If you have in depth questions that cannot be addressed without referring to a specific client or gift amount, or you wish to act other than as recommended by the Client Protection Board, you may individually contact the Secretary of the CPB (Nicole Gustine) prior to the meeting, and, if necessary, the matter will be brought back for action at a subsequent BOG meeting.



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

TO: WSBA Board of Governors  
FROM: Rajeev Majumdar, WSBA President-elect  
RE: 2019-2020 Committee Chair Appointments, continued  
DATE: September 13, 2019

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**Action:** Please appoint the 2019-20 WSBA committee and board chairs listed below.

In July the Board appointed most of the WSBA committee chairs for the 2019-20 year. Below are a few additional nominations. The candidates' resumes are attached.

Committee/Board	Recommended for Appointment
Board of Bar Examiners	Chair: Monica Wasson* Vice-chair: Laura Spradley*
Continuing Legal Education Committee	Chair: Wil (Douglas) Miller*
Pro Bono and Public Service Committee	Co-chair: Nancy Chupp

\* Reappointment

MONICA WASSON  
Washington State Court of Appeals  
Division III  
500 N. Cedar St.  
Spokane, WA  
(509) 954-3107

I do not have a current, formal resume. I graduated from Gonzaga University School of Law in 1977 and have practiced continuously since passing the bar exam in October 1977. I first worked as a legal writing instructor at the law school. I then clerked for Judge Dale Green of the Washington Court of Appeals for two years. From there, I went to the Washington Attorney General's Office, where I worked for two and one half years in the office's Education Division. I represented several community colleges and Eastern Washington University. I returned to the Court of Appeals in August 1982, and I have remained employed there since that time. I have held various positions, including Staff Attorney, and, most recently, Court Commissioner.

I was first appointed to the Board of Bar Examiners in 1988. In 2013, I was appointed chair of the BOBE, after this State adopted the Uniform Bar Exam as its admission exam. During this latest tenure, I have attended national UBE seminars and participated in our development of a Washington law component online test for bar applicants and a redraft of the bar examiners' manual. I assign graders and attend all grading sessions for Washington's bar exam.

## LAURA SPRADLEY

Washington Bar # 21425  
644 West 20th Avenue  
Spokane, WA 99203

### EMPLOYMENT HISTORY

2007-present	Staff Attorney, Court of Appeals, Div. III
1995-2007	Clerkship with Hon. John Schultheis, Court of Appeals, Div. III
1993-95	Clerkship with Hon. Dennis Sweeney, Court of Appeals, Div. III
1991-93	Self employed, including dissolutions, wills, appellate briefs
1981-91	Researcher/consultant: various attorneys, including Guy Zajonc, Spokane, WA; Robert C. Randolph, Seattle, WA; Tom Crandall, Gonzaga law professor
1982-present	Household manager/mother/community volunteer
1980-82	Managing Editor, staff member: Gonzaga Law Review
1978-80	Career Resource Coordinator: Lewis and Clark High School, Jantsch High School, Spokane, WA
1977-78	Public Relations Specialist: Spokane Parks and Recreation Department
1975-77	Teaching Assistant: English Department, University of Missouri, Columbia, MO

### EDUCATION AND HONORS

- Member, Washington State Bar
- Member, Arkansas State Bar (inactive)
- J.D., Cum Laude, Gonzaga University School of Law, 1982
- Managing Editor, Gonzaga Law Review
- M.A., English Literature, University of Missouri, 1977
- B.A., English, Cum Laude, Hendrix College, Conway, AR, 1975

## EXTRACURRICULAR ACTIVITIES

- Vice Chair, Board of Bar Examiners
- Executive committee, UBE and Washington Component
- Bar Examiner, Washington State Bar Association, since 2004
- Gonzaga University School of Law Jessup Cup practice judge
- Gonzaga University School of Law Linden Cup competition judge
- University of Washington School of Law Judson A. Falknor Appellate Advocacy Competition judge

## PERSONAL REFERENCES

Larry A. Weiser

Attorney and former Director, Clinical Law Program, Gonzaga University School of Law  
921 W. 33<sup>rd</sup> Ave.  
Spokane, WA 99203  
(509) 624-0481

Jeffrey Wicks, PLLC

Attorney and Counselor at Law  
Suite 318, Executive Building  
36 West Main Street  
Rochester, NY 14614  
Email: wickslaw@rochester.rr.com  
(585) 325-6070

Carla K. Johnson

Associated Press Writer  
10 S. Wacker Dr., Suite 2500  
Chicago, IL 60606  
Email: earthsutra@mac.com  
(312) 920-3621

## Douglas Wilson "Wil" Miller

Story Law - Bellevue, WA



### Practice Emphasis

Family Law Litigation  
Collaborative Family Law  
Criminal Defense

Wil represents and counsels clients in all aspects of family law. He is an experienced litigator, but also trained in the collaborative family law process for those clients hoping to avoid litigation. Wil's practice also focuses on criminal defense – especially when criminal law issues affect families and family law cases. Wil joined Story Law in 2017 because of the firm's excellent reputation for resolving clients' cases in the most psychologically healthy and cost effective manner.

### Find us:

1407 116th Ave NE,  
Suite 210  
Bellevue WA, 98004  
425.688.1159  
fax: 425.671.0186

[click here to email Story Law](#)

### Story Law attorney selected as "Super Lawyer" :

[Super Lawyers](#) honors the areas best attorneys and Loretta Story was chosen for 2012.

[read more about Loretta Story](#)

### Education

- Duke Law School, J.D., 1988
- Boston University, B.A. Germanic Language and Literature, cum laude; B.S. Communications, cum laude, 1984
- Collaborative Law Training – 2014
- Mediation Training, Pierce County Center for Dispute Resolution - 2014

### Awards and Recognitions

- Will is currently rated a perfect 10 out of 10 "Superb" by the lawyer rating site [www.AVVO.com](http://www.AVVO.com).
- In 2017, Wil was named one of the "10 Best Family Law Attorneys for Client Satisfaction" by the American Institute of Family Law Attorneys.
- Also in 2017, Wil was named one of the "Top 100 Lawyers for Criminal Defense" by The National Trial Lawyers.

### Memberships and Affiliations

- Washington State Bar Association (Family Law section)
- U.S. District Court of Western Washington
- King County Bar Association (Family Law and Collaborative Law sections)
- International Academy of Collaborative Professionals
- Collaborative Professionals of Washington
- King County Collaborative Law

### Professional and Civic Involvement

- Continuing Legal Education Committee – Washington State Bar Association
- Board of Directors – QLaw Foundation of Washington
- Board of Directors – Seattle Gay Couples
- Lawyers Assistance Program, Peer Counselor – Washington State Bar Association

### Publications

- Wil recently published a book entitled: **"When Your Son is Accused of a Sex Offense in Washington State: A Guide for Parents"** which is now available for Kindle download from [Amazon.com](http://Amazon.com). Complimentary e-copies can also be obtained by emailing Wil directly at [wmler@storylaw.com](mailto:wmler@storylaw.com).
- Wil also wrote the cover story for the June 2014 edition of *NW Lawyer Magazine*: **"Life After Meth – A Journey of Addiction and Recovery"** - which recounts Wil's personal story of addiction, recovery and reinvention. You can read it here: [http://nwlawyer.wsba.org/nwlawyer/june\\_2014?pg=1#pg1](http://nwlawyer.wsba.org/nwlawyer/june_2014?pg=1#pg1).

### Resources:

- [Eastside Domestic Violence Program](#)
- [Washington Court Forms](#)
- [King County Collaborative Law](#)
- [King County Superior Court Clerk's Office](#)
- [International Academy of Collaborative Professionals](#)
- [Eastside Collaborative Family Law](#)



## NANCY S. CHUPP

### EDUCATION

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**City University of New York School of Law**, Doctor of Jurisprudence, May 2001

Honors: Haywood Burns Human Rights Fellowship, 1999-2000  
M. Shanara Gilbert Fellowship, 1999  
Charles Revson Fellowship, 1998

**George Washington University**, Master of Arts, Public Policy and Women's Studies, May 1992

**Goshen College**, Bachelor of Arts, Political Science, Religion, and Women's Studies, May 1987

Honors: Alumni Culture for Service Award, 2010

### PROFESSIONAL EXPERIENCE

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**Office of Labor Standards, Seattle, WA**

December 2018-Present

- ◆ As a senior investigator and civil rights analyst, gather evidence to determine if an employer is following the City of Seattle's labor standards, analyze the labor ordinances, evaluate issues and goals of the parties, issue cause findings and/or assist parties in reaching a settlement when violations are found.

**Public Interest Law Group, PLLC, (PILG) Seattle, WA**

April 2003 – July 2018

- ◆ As a practicing attorney, represented and advocated for individuals in the areas of health care, prisoner rights, and employment law, including discrimination, harassment, wrongful termination, and wage and hour violations;
- ◆ Represented hundreds of individuals in employment discrimination cases, frequently negotiating pre-lawsuit settlements on behalf of clients, securing compensation, job reinstatement, and/or workplace policy changes;
- ◆ Obtained unpaid wages for numerous individuals, some of whom were undocumented, from employers who unlawfully withheld wages or denied rest breaks;
- ◆ Represented dozens of individuals through the mediation processes before the Equal Employment Opportunity Commission, the Human Rights Commission, and the Seattle Office of Civil Rights, obtaining monetary compensation, injunctive relief, and/or reinstatement;
- ◆ Represented numerous clients before the Office of Administrative Hearing and obtained unemployment benefits for individuals who lost their jobs;
- ◆ From 2008 – 2012, served as a Patient Advocate for women at Washington Corrections Center for Women. Under a contract with Columbia Legal Services, PILG attorneys responded to health care complaints from female inmates, reviewed medical records, consulted with medical providers, and advocated for patients to obtain appropriate care;
- ◆ Represented Washington Academy of Family Physicians and Washington Association of Community & Migrant Health Centers in successfully seeking to block Premera Blue Cross from converting from a non-profit to a for-profit entity; and

**U.S. Magistrate Judge James C. Francis IV, S.D.N.Y., New York, NY**

2001- 2002

- ♦ Served as a one-year law clerk. Primary responsibilities included drafting opinions (social security denial appeals and habeas corpus petitions), composing jury instructions, summarizing slip opinions, and coordinating administrative details for settlement conferences and pre-trial meetings with the judge.

**New York Civil Liberties Union**, New York, NY Fall 2000

- ♦ Assisted attorneys as a legal intern in health care program. Responsibilities included researching and writing legal memos on a broad array of health care issues.

**Gender Advocacy Programme**, Cape Town, South Africa Spring 2000

- ♦ Served as a consultant to national women's organization that advocates on behalf of South African women; Researched and wrote paper on HIV/Aids and women which included a summary of legislative proposals pending in the South African Parliament, a summary of interviews with over 20 non-governmental organizations, and an analysis of the current political climate. Paper was presented at the Forum on Women's Health Issues, a pre-conference roundtable connected to the International AIDS Conference.

**Durban Legal Resources Centre**, Durban, South Africa Fall 1999

- ♦ Assisted attorneys at non-profit public interest law center that renders free legal services to the poor and disadvantaged in South Africa.
- ♦ Researched and prepared memos on a range of legal issues, including access to health care, religious discrimination, race discrimination, and the right to education.
- ♦ Wrote training manuals on South Africa's new maintenance law and the Domestic Violence Act of 1998. Over 2000 copies were printed and distributed to service providers, university law clinic staff, and SA Department of Justice personnel.

**Chief Magistrate Judge James C. Francis IV**, S.D.N.Y. Summer 1999

- ♦ Served as a summer intern. Drafted opinions, debriefed cases and proceedings with the judge and clerks, and observed trials.

**Main Street Legal Clinic**, New York, NY Spring 1999

- ♦ Represented welfare recipients through an academically supervised workfare advocacy project. Responsible for cases from the petition stage to the administrative hearing stage.

**NOW Legal Defense and Education Fund**, New York, NY Summer 1998 & Fall 1998

- ♦ Assisted attorneys as a legal and policy intern by researching and writing legal memos on reproductive health, welfare policy, domestic violence, housing discrimination, employment discrimination, and childcare. Prepared a state-by-state report for local chapters that assessed state implementation of welfare plans.

**Church Women United (CWU)**

*Interim Co-General Director*, New York, NY 1996-1997

- ♦ Served as one of three interim General Directors of this half a million member national ecumenical organization during search process for permanent General Director.
- ♦ Supervised staff of twenty, oversaw a \$1.3 million grant from the Kellogg Foundation designed to develop a leadership training project, and coordinated CWU's United Nations Program, which included the development of day-long seminars on human rights.

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*Legislative Director*, Washington, D.C. 1992-1997

- ◆ Lobbied legislators on various social policies including health care, worker rights, federal budget priorities, and welfare reform.
- ◆ Co-wrote and edited bi-monthly legislative newsletter for 5000 advocates. Made public presentations on legislative topics to CWU local units and other national organizations. Appeared on nationally televised programs to debate health care reform efforts and welfare proposals. Served as policy advisor for a televised Health Care Forum with First Lady Hillary Rodham Clinton. Raised funds for and co-wrote a 1996 Presidential Election Voter's Guide which detailed candidates' positions and was distributed to 60,000 people.

*Legislative Research Assistant*, Washington, D.C. 1987-1992

- ◆ Monitored national legislation for CWU on health care, housing, and issues affecting the elderly. Assisted in preparing bi-monthly legislative newsletter. Coordinated outreach to CWU constituencies through phone banks and action alerts.

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#### **BAR MEMBERSHIPS**

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- ◆ Southern District of New York
- ◆ Western District of Washington
- ◆ Ninth Circuit Court of Appeals
- ◆ Washington State Bar
- ◆ New York State Bar

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#### **ASSOCIATIONS**

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- ◆ CUNY Law School, Professional Network, Mentor, 2009 – Present
- ◆ University of Washington, Legal Professionals Expert Panel, 2017 - Present
- ◆ Washington Employment Lawyers Association, Member, 2003 – Present
- ◆ Washington State Bar Association Low Bono Section, Member, 2014 – Present
- ◆ Washington State Bar Association Moderate Means Program, Member, 2011 – Present
- ◆ Washington State Bar Association Pro Bono & Public Service Committee, 2017 - Present

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#### **SELECTED PRESENTATIONS**

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“Employment Laws Protecting Refugees and Immigrants,” Tri-County Refugee Planning Committee, April 12, 2018.

“Employment Laws Protecting Washington Workers,” Refugee Forum of King County, November 16, 2017.

“Overview of Employment Laws Impacting Refugees and Immigrants,” Refugee Employment Coalition, September 14, 2017.

“The Role Private Public Interest Law Firms Play in Accessing Justice,” guest speaker to University of Washington Access to Justice class, 2013.

“Religious Discrimination in the Workplace,” Washington State Office of the Attorney General, April 2012.

“Human Rights Advocacy in WA Women's Prisons,” Human Rights Advocacy in State Prisons Forum, October 2011.

“Religious Discrimination in the Workplace,” Washington State Association for Justice Legal Education Seminar, September 2009.

“Religious Accommodation in the Workplace: Issues Facing Muslim Workers,” Conference on Civil Rights Issues within the Muslim Community, Seattle University School of Law, March 2007.

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### SELECTED PUBLICATIONS

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“Religious Discrimination,” chapter in *Employment Law Deskbook*, with Wendy Chen, published by Washington State Association for Justice, 2009, updated 2013 and 2017.

*Improving South African Laws for Women: A Summary and Analysis of the New Domestic Violence Act*, published by the Durban Legal Resources Centre, South Africa, 2000. This publication, which provides an in-depth analysis of The Domestic Violence Act of 1998, was circulated to lawyers, service providers, university law clinic staff, and the South African Department of Justice.

*South Africa's Efforts to Care for Children: Will the New Maintenance Law Help?*, published by the Durban Legal Resources Centre, South Africa, 2000. This 15-page booklet contains an in-depth analysis of the new Maintenance Act of 1998 and a review of South African case law over the previous five years. Over 1,000 copies were distributed.

“What Congress Didn't Tell You: A State-by-State Guide to the Welfare Law's Hidden Reproductive Rights Agenda,” with Antonia Kirkland, published by NOW Legal Defense and Education Fund, 1999.

“Ethical Choices in Health Care: A Women's Forum with Hillary Clinton,” with CWU staff, video produced in conjunction with Vision Interfaith Satellite Network, 1994, shown on PBS and the Odyssey Channel.

“Managed Competition: An analysis of Consumer Concerns,” with The Working Group on Managed Competition, *International Journal of Health Services*, Vol. 24, No. 1, 1994.

“How Health Care Reform Will Affect Women,” with Diane Porter, published by the Campaign for Health Security, April 1994. Endorsed by over 20 national labor unions, religious groups, and citizens groups, and distributed to all member of the U.S. Congress.

“Health Care Reform: What Kind?” *Christian Social Action*, Vol. 6, No. 2, Feb. 1993.

**TO:** WSBA Board of Governors  
**FROM:** Margaret Shane, Executive Assistant  
**DATE:** September 6, 2019  
**RE:** Character and Fitness Process

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**DISCUSSION:** Suggestions regarding the WSBA character and fitness process.

Tarra Simmons, a 2018 admittee to the WSBA and current Civil Survival Project Director at the Public Defender Association, will make suggestions to the Board regarding potential improvements to the WSBA character and fitness process. Please see her enclosed bio. Click [here](#) for her Supreme Court opinion and click [here](#) for her Yale Law Review article (originally published by The Yale Law Journal Company, Incorporated in the Yale Law Journal Forum, Vol. 128, pp. 759-771 (2019)).

Further information about the character and fitness process can be found in the [July 2018 edition](#) of *NWLawyer*, and by reading [Admission and Practice Rules 20-25](#).

## TARRA SIMMONS

Tarra Simmons is an Attorney and the Director of the Civil Survival Project at the Public Defender Association in Seattle, WA. Civil Survival Project advances the rights of the formerly incarcerated through organizing, leadership development, legislative advocacy and direct legal services. Prior to law school, Ms. Simmons was incarcerated related to her own struggles with childhood trauma and substance use disorder. She graduated from Seattle University School of Law in May 2017, *magna cum laude*, with the Dean's Medal and the Graduating Student Award, but was initially denied the right to take the bar exam because of her own criminal history. It was national news when the Washington State Supreme Court ruled unanimously in her favor, allowing her to take the bar exam and become a member of the Washington State Bar Association.

Ms. Simmons has been appointed by Governor Inslee to both the Statewide Reentry Council and the Public Defense Advisory Board. She currently serves on the Legal Services Corporation Opioid Task Force, the Washington State Criminal Sentencing Task Force, and on the Board of Directors for the Economic Opportunity Institute and the National Council of Incarcerated and Formerly Incarcerated Women and Girls. She is a 2018 JustLeadership USA Fellow, and was recently honored with the WACDL Champion of Justice and the YWCA Woman of Achievement awards. She speaks frequently on issues relating to access to justice, criminal justice, sentencing and prison reform. Ms. Simmons lives in Bremerton with her husband and children.

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

**TO:** WSBA Board of Governors  
**FROM:** Margaret Shane, Executive Assistant  
**DATE:** September 4, 2019  
**RE:** BOG Civil Litigation Rules Revision Work Group Charter

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**ACTION:** Approve proposed BOG Civil Litigation Rules Revision Work Group Charter.

Attached please find the proposed Charter for the formation of the BOG Civil Litigation Rules Revision Work Group. At its May 16-17, 2019, meeting, it was the consensus of the Board that a Charter be formulated and brought back to the Board for approval. The Charter was reviewed by the Board on “first reading” at its July 26-27, 2019, meeting. No changes have been made since the July meeting.



## **BOARD OF GOVERNORS CIVIL LITIGATION RULES REVISION WORK GROUP**

(Adopted by the WSBA Board of Governors (DATE))

### **Charter Background**

In November 2016, following a report from the Escalating Cost of Civil Litigation Task Force, the BOG created the Civil Litigation Rules Drafting Task Force (CLRTF) to review the recommendations of the BOG addressing the ECCL Task Force Report and determine whether amendments to Washington's Civil Rules are needed to implement the BOG's recommendations. In July and September 2018, the CLRTF presented a report to the BOG. The Board tabled action on the proposed rule amendments and created a work group to gather additional input, report back to the Board. Following consideration of the additional stakeholder input, the Board hereby creates this Civil Litigation Rules Revision Work Group to make changes to the proposed rule amendments based on the additional stakeholder input and report back to the Board of Governors. Under WSBA Bylaws Section IX(B)(2), the Board creates and authorizes a BOG Work Group (Work Group) with the specific purposes set forth in this charter.

### **Work Group Purpose**

- Based on the additional stakeholder input received, determine which CLRTF Rule Drafts are recommended for Board approval without changes;
- Based on the additional stakeholder input received, determine which CLRTF Rule Drafts are recommended for changes;
- Modify the current proposed rule drafts based on the new stakeholder input presented to the BOG at the May 2019 Meeting;
- Submit a revised set of draft rules for BOG consideration at its September meeting.

### **Timeline**

The Work Group will meet as soon as possible after the appointment of its members and shall use all due haste in presenting a recommended draft to the Board of Governors with a final version prepared as soon as possible. The Work Group is empowered to set its own meeting schedule with the instruction that its work should result in a draft and ultimately final version as quickly as possible.

### **Membership**

This Work Group will consist of the following members:

- A WSBA member who is a member of the Board of Governors at the time of the creation of this Work Group shall serve as Chair;
- Chairs of the Subcommittees who proposed the original rules will be invited to join the Work Group but the Work Group will not fail for their lack of participation or unavailability: (Initial Case Schedules, chaired by Roger Wynne); (Individual Judicial Assignments and Pretrial Conferences, chaired by Hillary Evans Graber); (Early Discovery Conferences, chaired by Hon. John Ruhl); (Initial Disclosures, chaired by Hon. Rebecca Glasgow); (Cooperation, chaired by Jane Morrow); and (Mediation, chaired by Hon. Averil Rothrock);
- Stakeholders specific to the rules under consideration shall be asked to attend any meeting where the subject matter of those issues is up for discussion.
- Three members who are on the Board of Governors at time of the creation of this Work Group.

In accordance with WSBA Bylaws Section IX(B)(2)(a)-(b), selection of persons to be appointed to the task force and the chair will be made by the President with approval of the Board of Governors.



**WASHINGTON STATE**  
**BAR ASSOCIATION**  
Committee on Mission Performance and Review

**TO:** WSBA Board of Governors  
**FROM:** Rajeev D. Majumdar, WSBA President-elect & non-voting Chair of the WSBA Committee on Mission Performance and Review  
**DATE:** September 14, 2019  
**RE:** Report from the WSBA Committee on Mission Performance and Review

**Action:** Approve FY19 recommendations from WSBA Committee on Mission Performance and Review.

**Action:** Approve sun-setting of WSBA Committee on Mission Performance and Review by incoming President Majumdar under his administration and the tasking of the Executive Committee with those duties.

Dear Board:

I am the non-voting Chair of this committee and I am doing a faithful year-end reporting to you in line with those duties:

The charge of the Board of Governors' Committee on Mission Performance and Review (CMPR) is threefold: (1) to ensure WSBA's committees continue to do the work of the BOG, as directed by the BOG, consistent with our mission, guiding principles and strategic goals; (2) to make sure WSBA's regulatory boards are fulfilling their Supreme Court mandates and any other issues the BOG may have asked them to explore; and (3) to monitor the ongoing activities of the Supreme Court-created boards administered by WSBA, consistent with their charges from the Court. To accomplish these goals, the CMPR reviews annual reports submitted by these entities and forwards recommendations to the BOG for review and action as appropriate.

The FY19 CMPR met on July 19, 2019. CMPR members who participated either in person or by telephone: Chair Rajeev D. Majumdar, Gov. Dan Clark, Gov. Carla Higginson, Interim Executive Director Terra Nevitt, Gov. Kyle Sciuchetti, and Gov. Paul Swegle. Also present was Gov. Sunitha Anjilvel.

**1. FY19 evaluation of consistency with our mission, guiding principles & strategic goals, and assignments:**

The CMPR thanks all the WSBA committees and boards, as well as the Supreme Court-created boards administered by WSBA, for their work over the past year. After reviewing and discussing the

attached annual reports the CMPR makes the below recommendations and comments, which it asks the BoG to adopt.

- **Board of Bar Examiners:** The board should make it a priority to improve the racial/ethnic diversity that is represented on the board, so that it is reflective of our bar and the public, and thus bring an increased toolset and range of perspectives to the issues it handles. This is the first year of feedback that this concern is being raised, and the Board should be able to self-correct this problem.
- **Committee on Professional Ethics:** The committee should make it a priority to improve the racial/ethnic diversity that is represented on the committee, so that it is reflective of our bar and the public, and thus bring an increased toolset and range of perspectives to the issues it handles. This is the first year of feedback that this concern is being raised, and the Committee should be able to self-correct this problem.
- **Limited License Legal Technician Board:** Limited License Legal Technician Board: (1) The board should make it a priority to improve the gender diversity that is represented on the board, so that it is reflective of our bar and the public, and thus bring an increased toolset and range of perspectives to the issues it handles. If the board does not correct the gender imbalance in its membership which has persisted for the last several years of feedback from the CMPR, the Board of Governors should recruit potential new members. (2) In order to improve efficiency and long term program viability of the program the board should refocus the majority of its efforts towards making progress towards cost neutrality as opposed to emphasis on developing new practice areas, pursuant to the 2012 Supreme Court Order, 25700-A-1005.
- **Legislative Review Committee:** The BoG should support the transition of the structure of the committee to expand the membership to increase diversity by including non-voting members under the leadership of Gov. Sciuchetti. Gov. Sciuchetti and incoming President Majumdar have stated that they are trying to bring closer the BOG Leg Committee and Legislative Review Committee to work more closely together to better confront some of the issues from this 2018-2019 year.
- **Editorial Advisory Committee:** The CMPR notes that the EAC may be looking for increased guidance from the BoG regarding politics/Janus/Fleck. The BoG and Bog EAC liaison should foster that dialogue and contemplate these issues.

The CMPR had no concerns regarding the work of the following committees and boards in regards to being in line with the mission and goals of the WSBA, and makes no recommendations or comments:

- Access to Justice Board
- Character & Fitness Board
- Client Protection Fund Board
- Continuing Legal Education Committee

- Council on Public Defense
- Court Rules & Procedures Committee
- Disciplinary Board
- Editorial Advisory Committee
- Judicial Recommendation Committee
- Law Clerk Board
- Limited Practice Board
- Mandatory Continuing Legal Education Board
- Practice of Law Board
- Pro Bono and Public Service Committee
- WSBA Diversity Committee

## **2. Advisory ratification of sun-setting of CMPR:**

The CMPR also discussed whether its oversight role might be better accomplished by transferring its duties to the Board of Governors Executive Committee.

Existence and composition of the CMPR appears to have been authorized by fiat of President O'Toole under the President of the WSBA's power to appoint "ad hoc entities to carry out policies established by the BOG." Previously, these duties were carried out by the Executive Committee. President-elect Majumdar, announced his intention to fold these duties back into the Executive Committee, for the following reasons:

1. Too many committees spread the governors too thin, and as this committee only meets once a year near the end, it is not well understood, or utilized;
2. The issues CMPR is supposed to deal with is something that all of the officers and executive staff should be aware of year round;
3. The Executive Committee meets in person regularly for a relatively short time-period, which could be combined with these duties to make the process more holistic and year-around as opposed to bunched up at the end of the year, and help the officers follow-up with liaisons to work with their respective committees on these issues.

The CMPR recommends that the CMPR be sun-setted effective October 1, 2019.

The President-elect is asking the BoG to support this structure of his administration. In the event that the President doesn't have the power to eliminate entities created by Presidential fiat, the Board of Governors has the authority to take this action as the existence of the CMPR is not mandated by the WSBA Bylaws or a Supreme Court rule.

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WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

<p><b>Access to Justice (ATJ) Board</b></p> <p>Chair: Sal Mungia</p> <p>Staff Liaison: Diana Singleton, Bonnie Sterken</p> <p>BOG Liaison: Carla Higginson</p>	<p>Size of Committee: 10</p> <p>Direct expenses: FY18: \$37,500    FY19: \$28,000</p> <p>Indirect expenses: FY18: \$198,653    FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 7</p>
<p><b>Background &amp; Purpose:</b></p> <p>The Access to Justice (ATJ) Board derives its authority from a 1994 Washington Supreme Court Order and 2016 reauthorization (NO. 25700-B-567) at the request of the Washington State Bar Association Board of Governors in response to a growing need to coordinate access to justice efforts in Washington. The ATJ Board works closely with its justice system partners to achieve equal access to the civil justice system for those facing economic and other significant barriers.</p>	
<p><b>Strategy to Fulfill Purpose:</b></p> <p>The ATJ Board’s <i>2018-2020 State Plan for the Coordinated Delivery of Civil Legal Aid to Low Income People</i> (State Plan) is the current guide for its work. The ATJ Board also adopted two-year priorities in December 2017 to structure its work. The ATJ Board accomplishes its priorities through the work of a number of standing committees and special initiatives to address current and ongoing access issues.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b></p> <ol style="list-style-type: none"> <li>1) <b>Convened the 2019 Access to Justice Conference.</b> The ATJ Board held the Access to Justice Conference in Spokane on June 14-16, 2019. Attendees included over 300 community members, advocates, judges, attorneys, leaders, funders, and policymakers across Washington State. The theme of the conference was <i>Amplifying the Power of Community</i>. A full program agenda can be found <a href="#">online here</a>.</li> <li>2) <b>Implement 2018-2020 State Plan.</b> The ATJ Board is overseeing the implementation of the three-year State Plan. The Board has launched a survey to gather information from Alliance partners about how they are implementing the State Plan. The results of the survey will be used to identify resources and learnings that can be shared as well as identify gaps where additional trainings or resources are needed.</li> <li>3) <b>Promote Racial Equity.</b> The Board continues to promote racial equity systemically in the justice system, organizationally amongst Alliance organizations and internally within the Board’s own practices and organizational culture. The Board has engaged JustLead WA to guide the Board through an internal race equity process. The Board</li> </ol>	

has also provided other financial and in-kind support to JustLead, which provides Alliance members with race equity trainings, facilitated board and staff meetings, and launched a Race Equity Toolkit.

- 4) **Updated the ATJ Technology Principles.** The ATJ Board is in the process of submitting the updated ATJ Technology Principles to the Court. The ATJ Board's Technology Committee oversaw a rigorous process to update the Access to Justice Technology Principles, which were originally developed in 2004 to ensure technology enhances, not hinders, access to justice.
- 5) **ATJ Board Regional Meetings.** This year the ATJ Board took its April Board meeting to the Tri-Cities. While there, the Board met with local legal aid providers, community and social service providers that intersect with legal aid, members of the local judiciary, prosecutors and public defenders. The Board also hosted a networking reception for equity and justice advocates and presented their first ever *Promoter of Justice* award to honor someone who is leading equity and justice work in the local community.
- 6) **Alliance Communications.** The Board continues to send out monthly newsletters and manage the Alliance website as a means to facilitate intra-Alliance communications, share about resources and opportunities, and promote Alliance related events, jobs, internships, etc.

#### **2019-2020 Goals:**

- 1) **Build Stronger Bridges with Other Justice Partners.** The ATJ Board aims to build stronger bridges with partners in the criminal and juvenile justice systems, child welfare systems, non-legal community organizations, and the LLLT and low bono communities serving clients of moderate means.
- 2) **Launch Planning for the 2021 Access to Justice Conference.** Continuing the momentum of the successful 2019 Access to Justice Conference, the Board will launch planning for the 2021 conference in the coming fiscal year.
- 3) **Implement 2018-2020 State Plan.** As noted, the ATJ Board is overseeing the implementation of the three-year State Plan. This is an ongoing and critical element of the ATJ Board's work.
- 4) **Promote Racial Equity.** The Board will continue to promote racial equity systemically in the justice system, organizationally amongst Alliance organizations and internally within the Board's own practices and organizational culture.
- 5) **Communicate about the Updated ATJ Technology Principles.** As noted, the ATJ Board is submitting updated Principles to the Court. The next year will involve an extensive effort to share the Principles broadly with the justice system community.
- 6) **Host a Technology and Justice Symposium.** The ATJ Board's Technology Committee will host a Technology and Justice Symposium in early 2020. The symposium will bring together legal advocates and technologists to discuss the recently updated ATJ Technology Principles and identify innovative ways to improve access to justice through technology.

**Please report how this committee/board is addressing diversity:**

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) Over the years, the ATJ Board has utilized the expertise of the WSBA's diversity experts through trainings and consultation. The Board routinely collaborates closely with the WSBA Public Service and Diversity team, such as partnering on networking events around the state.
- 2) Yes. Most recently, the ATJ Board received a *Diversity in Decision Making* training from WSBA Inclusion and Equity Specialist Robin Nussbaum in February 2019.
- 3) The ATJ Board meetings are well-attended by a variety of stakeholders. We seek and obtain input at these meetings as well as solicit input from various list serves and other outreach efforts. The ATJ Technology Principles update process, for example, has involved extensive outreach, focus groups and a joint drafting process involving a wide array of stakeholders.
- 4) The ATJ Board engaged in its own equity and inclusion work throughout 2018 and 2019 during retreats and public meetings. With guidance from JustLead, the Board has used an organizational race equity assessment and identified what internal work it needs to engage in over the next year to ensure a culture of inclusion.
- 5) The ATJ Board recently updated its Operational Rules, which sets out a commitment to diversity in the Board and Committees and creates a process for new leaders to get involved.
- 6) Addressing racial inequities is spotlighted in the State Plan and the Board's two-year priorities and has been a focus of the Board's most recent Access to Justice Conferences. Also, the Board is a leader in encouraging race equity work among its counterparts in other states.

**Please report how this committee/board is addressing professionalism:**

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The ATJ Board supports the Equal Justice Community Leadership Academy and other trainings that promote leadership competencies like self-awareness and achieving workable unity in the legal profession and beyond. As a convener of civil legal aid organizations, the Board facilitates how they and the larger legal community can coordinate and collaborate to create more equitable access to justice.
- 2) No. This is not within the ATJ Board's charge from the Supreme Court.

- 3) To the extent that professionalism includes having self-awareness about one's own biases, the Board supports JustLead WA, which offers many trainings involving working against implicit bias.

**Please report how this committee/board is integrating new and young lawyers into its work:**

*1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) The ATJ Board Manager has given presentations to the New and Young Lawyer Committee and Leadership Academy cohorts to encourage their participation on the Board and its committees and to engage in statewide activities like the biennial Access to Justice Conferences. The Board recruited two new and young lawyers to co-chair the 2019 Access to Justice Conference Planning Committee. This was an opportunity to take on a large, visible leadership role and demonstrated the Board's commitment to including new and young lawyers in decision making.
- 2) Yes, in the following ways: a) the ATJ Board has supported summer orientations, trainings and networking events for public interest minded-law students; b) the Board supported a discount rate for students to attend the recent Access to Justice Conference and worked with the law schools to encourage students to attend; and c) the ATJ Board fully welcomes and encourages the involvement and leadership of new and young lawyers and law students on its various committees.

**Please report how this committee/board is addressing the needs of the public:**

*How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*

- 1) At the heart of everything the Board does is service to the public and those who face marginalization and inequities. Through the Board's support of the Alliance and its advocacy work, the Board is working to dismantle systems of oppression that lead to inequity and poverty.
- 2) Over the past year, the Board has dedicated time and resources to engage with social service and community partners who work directly with members of the public who qualify to receive legal aid services as a means to learn from them and make connections. Time was devoted to listening sessions at the Access to Justice Conference where attendees had a chance to hear directly from formerly incarcerated individuals, members of tribal communities and members of immigrant communities to learn about their unique experiences with the justice system. While the Board does not routinely communicate directly with the public, the Board has facilitated trainings and resource opportunities so that Alliance providers can better communicate about how to access and support legal aid services.



**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 5:5:0 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 5 (0 did not answer)
- Number of members self-identified as having a disability: 0 (0 did not answer)
- Number of members self-identified as LGBT: 2 (0 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

<p><b>Board of Bar Examiners (BBE)</b></p> <p>Chair: Monica Wasson</p> <p>Staff Liaison: Gus Quiniones</p> <p>BOG Liaison: Kim Hunter</p>	<p>Size of Committee: 34</p> <p>Direct expenses: FY18: \$25,000    FY19: \$25,000</p> <p>Indirect expenses: FY18: \$14,567    FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 12</p>
<p><b>Background &amp; Purpose:</b></p> <p>The Board of Bar Examiners (BBE) derives its authority from the Admission and Practice Rules (APR), which provide for appointment of BBE members by the Board of Governors.</p> <p>The BBE grades the Multistate Essay Examination (MEE) and Multistate Performance Test (MPT) answers for the Uniform Bar Examination (UBE), and produces the content for the Washington Law Component (WLC) test, in accordance with the APR as approved by the Washington Supreme Court.</p>	
<p><b>Strategy to Fulfill Purpose:</b></p> <p>The Multistate Bar Examination (MBE) is scored by the National Conference of Bar Examiners (NCBE) and the MEE and MPT are graded by the BBE. The grading is completed over the course of one long weekend in March and one in August, both in Seattle.</p> <p>The winter exam requires a total of 10 examiners to grade the MEE and MPT and the summer exam requires a total of 18 examiners. Each examiner must attend the mandatory scheduled NCBE grading workshop in person, by teleconference, or by review of the conference video prior to grading the exams.</p> <p>The WLC is reviewed and updated by members of the BBE every other year.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b></p> <ol style="list-style-type: none"> <li>1) Two board members attended the NCBE annual education conference, three members attended the NCBE grading workshop, and one member attend the NCBE UBE Forum Conference.</li> <li>2) Completed the review of the WLC test materials by December 1, 2018.</li> <li>3) This fiscal year: Conducted a successful grading conference for the grading of February 2019 MEE and MPT exams; conduct a successful grading conference for the grading of the July 2019 MEE and MPT exams.</li> </ol>	

**2019-2020 Goals:**

- 1) Continue to encourage BBE members to attend NCBE annual education conference and NCBE grading workshops.
- 2) Discuss how we can incorporate the grading of the LPO and LLLT exams by the BBE.
- 3) Next Fiscal year: Conduct successful grading conferences for the grading of the February 2020 and July 2020 MEE and MPT exams.

**Please report how this committee/board is addressing diversity:**

*1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*

- 1) The BBE actively seeks to increase diversity among its members with the assistance of the Bar staff to promote outreach, and to notify minority and specialty bar associations of vacancies on the BBE.
- 2) Not yet, but we will be trying to arrange this in the near future.
- 3) Current members of the BBE include a range of geographic and other facets of diversity; however, the Board will always look to improve in this area.
- 4) BBE leadership will place greater consideration on diversity when screening applications to the Board. In addition, the Board and staff work to ensure that all members are welcomed into the Board and provided with the training and materials needed to help them be successful in performing this work.
- 5) N/A

**Please report how this committee/board is addressing professionalism:**

*1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*

- 1) The exam process for admission to the practice of law covers ethical and legal judgment issues that lawyers may face when engaging in their chosen profession. Demonstrating knowledge in these areas should increase the professionalism of applicants who are admitted to practice.
- 2) The function of the BBE is to determine which applicants are capable of meeting the high competency standards of this profession, and this helps to ensure their professionalism.
- 3) N/A

**Please report how this committee/board is integrating new and young lawyers into its work:**

*1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) The BBE continues to make efforts to recruit lawyers who are newer to the profession, although most current members have been in practice for a number of years.
- 2) The BBE recently appointed one member who meets the description of a new and young lawyer.

**Please report how this committee/board is addressing the needs of the public:**

*1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*

1) The Board of Bar Examiners conducts closed session meetings when grading the MEE and MPT exams. The work of the BBE in helping to ensure the competency and professionalism of people licensed to practice law in Washington works to the benefit of the public who may need legal services.

2) N/A

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 14:18:0 (2 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 4 (3 did not answer)
- Number of members self-identified as having a disability: 2 (3 did not answer)
- Number of members self-identified as LGBT: 5 (5 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2019 – September 2020

<p><b>Character and Fitness Board (CFB)</b></p> <p>Chair: Russel Hermes</p> <p>Staff Liaison: Jean McElroy</p> <p>BOG Liaison: Chris Meserve</p>	<p>Size of Committee: 16</p> <p>Direct expenses: FY18: \$20,000    FY19: \$20,000</p> <p>Indirect expenses: FY18: \$101,350    FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 7</p>
<p><b>Background &amp; Purpose:</b></p> <p>The Character and Fitness Board (CFB) derives its authority from the Washington Supreme Court under APR 20 - 25.6, most recently amended in 2016.</p> <p>The CFB conducts hearings upon referral from Regulatory Services Counsel to determine: (1) if applicants to take the Bar Examination have demonstrated current good moral character and fitness to be admitted or re-admitted to the practice of law, or (2) have met the requirements to be reinstated after disbarment.</p>	
<p><b>Strategy to Fulfill Purpose:</b></p> <p>Upon referral from Bar counsel after review of application materials and supplemental information, the CFB conducts hearings, prepares written findings, and makes recommendations to the Washington Supreme Court (which makes the final decision on all admission/licensing recommendations). The CFB meets as frequently as necessary, generally meeting one day a month for hearings. Hearings are generally scheduled to last one-half to one day, and the CFB may complete up to two hearings in one meeting.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b></p> <p>1) <b>Goal:</b> Continue to conduct hearings as necessary, completing all written findings and recommendations in a timely fashion. <b>Accomplishments:</b> So far this fiscal year, the Board has completed 9 hearings, with two completed in the five weeks preceding this report and awaiting findings; Board findings and recommendations have been filed with the Supreme Court in all of the 7 other completed hearings. The Board is expected to complete one or two more hearings this year. There is no backlog of applicants waiting for hearings that could not be scheduled.</p> <p>2) <b>Goal:</b> Provide additional diversity training at the start of FY'18-19. <b>Accomplishment:</b> This was successfully completed during the first CFB meeting, and the Board has referred back to information and insights provided in this training during multiple case deliberations.</p>	

- 3) **Goal:** Continue to use electronic tools (Box, templates, etc.) and provide Board members with staff assistance in order to produce written opinions in a timely fashion while ensuring the confidentiality of the underlying proceedings.

**Accomplishments:** The CFB is continuing to use the electronic tools for both receiving and reviewing hearing materials and for producing written opinions in a timely fashion while ensuring confidentiality. The Board will also be using the electronic tools to provide additional legal and other research materials to CFB to CFB members.

**2019-2020 Goals:**

- 1) Continue to conduct hearings as necessary, completing all written findings and recommendations in a timely fashion.
- 2) Learn and recognize the additional functions provided by the new online application system when that system is functional, in order to understand how that affects applicants' ability to provide accurate and up-to-date information in their applications.
- 3) Provide diversity training at the first CFB meeting, for consideration and reference when conducting all hearings during the year.

**Please report how this committee/board is addressing diversity:**

- 1) *Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*
- 1) The CFB is not currently using specific tools provided by WSBA, other than WSBA diversity training.
- 2) The CFB will be receiving diversity training from the WSBA diversity specialist expected to occur during or slightly before the Board's first meeting.
- 3) The CFB's makeup is governed by Court rule (APR 23(a)). The members of the CFB come from each congressional district, a wide variety of practice areas and settings, and a variety of ethnic, racial, gender, sexual orientation, disability, and other diversity factors, and therefore represent broad geographic, practice, and experiential diversity. The Board also includes community representatives and it can include additional members from each Congressional district (which occurs sometimes in order to include additional members from historically underrepresented backgrounds). The Chair encourages discussion and invites input from all members, and the CFB works cooperatively, even when there are significant disagreements in particular cases; diversity of viewpoints is paramount to the deliberative process.
- 4) The Chair always ensures that each member in attendance at a particular hearing has an opportunity to speak during both questioning and deliberations, and encourages thorough discussion of all viewpoints.

- 5) The hearings involve applicants who come from a wide range of backgrounds and experiences, many of whom have overcome very difficult personal, societal, and institutional obstacles in order to reach the point of applying for admission. The Board recommends the admission of many of these applicants after consideration of their individual circumstances, thereby helping applicants from historically underrepresented groups enter the profession (if the Court approves the Board's recommendation for admission). C&F hearings, by design, require a holistic view of the individual applicant; such a view necessarily requires the Board to take account of each applicant's individual circumstance.

**Please report how this committee/board is addressing professionalism:**

*1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*

- 1) Among other considerations, the CFB may consider factors that affect and relate to respect and civility within the legal community. (APR 21(a)(5), (6), (8) and (9).) The CFB also demonstrates respect and civility within the legal community by how it conducts its hearings and treats applicants appearing before it.
- 2) Among other considerations, the CFB may consider factors that affect and relate to relationships between and among lawyers, judges, staff and clients. (APR 21(a)(5), (6), (8) and (9)).
- 3) N/A

**Please report how this committee/board is integrating new and young lawyers into its work:**

*1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) In order to reduce the need for recusals by CFB members, and to ensure that Board members have an adequate understanding of the stresses associated with practicing law once removed from any supports that might be provided by law schools for new grads, the rules governing the Board require lawyer members to have been admitted for at least 5 years. Nevertheless, the CFB continues to make efforts to recruit lawyers who are newer to the profession.
- 2) The CFB directly or indirectly helps some young lawyers, because going through the C&F hearing process may encourage or require applicants to have, and provide evidence to the CFB about, among other things, debt management and the supports applicants have in place to assist them in maintaining the fitness to practice law despite obstacles and stressors in an actual practice setting.

**Please report how this committee/board is addressing the needs of the public:**

*1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*

- 1) The public is directly impacted by the character and fitness of persons admitted to the practice of law in this state; therefore, attempting to ensure that applicants are of current good moral character and have the fitness to practice law serves a direct public protection function.
- 2) By Court rule, the Board has three public members that serve on it. These public members play an active role in the hearings and deliberations, and assist with writing findings and recommendations. The CFB very highly values the input it receives from the public members.

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 7:8:0 (1 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 4 (0 did not answer)
- Number of members self-identified as having a disability: 0 (0 did not answer)
- Number of members self-identified as LGBT: 3 (0 did not answer)



**WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019**

<p><b>Client Protection Board</b></p> <p>Chair: Efrem Krisher</p> <p>Staff Liaison: Nicole Gustine, Brenda Jackson</p> <p>BOG Liaison: Carla Higginson</p>	<p>Size of Committee: 12</p> <p>Direct expenses: FY18: \$2,000    FY19: \$3,000</p> <p>Indirect expenses: FY18: \$104,163    FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 6</p>
<p><b>Background &amp; Purpose:</b></p> <p>The Client Protection Board derives its authority from Admission and Practice Rules (APR) 15. The WSBA Board of Governors (BOG) serve as trustees of the Fund, while the CP Board, working with WSBA staff, administers it. The Washington Supreme Court has ordered an annual assessment (currently \$30) on all active lawyer and LLLT members, to be held in trust for the purposes of the fund.</p> <p>The CP Board helps relieve or mitigate pecuniary losses sustained by clients by reason of the dishonesty of, or failure to account for money or property entrusted to, their lawyers. The CP Board reviews fund applications investigated by WSBA staff. Under APR 15, a decision by the CP Board to make a payment on an application for \$25,000 or less is final; a decision on an application for above \$25,000 is a recommendation and must be approved by the BOG.</p>	
<p><b>Strategy to Fulfill Purpose:</b></p> <p>The CP Board has a staff analyst and counsel/liaison in the WSBA Office of General Counsel. The CP Board meets four times per year to review applications. In accordance with APR 15, the CP Board provides a detailed report to the BOG and the Washington Supreme Court annually.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b></p> <ol style="list-style-type: none"> <li>1) Continue to educate WSBA members about the CP Board.</li> <li>2) Increase the public awareness of the CP Board.</li> <li>3) Continue to operate a fiscally responsible fund.</li> <li>4) Continue to work to decide difficult claims.</li> </ol>	
<p><b>2019-2020 Goals:</b></p> <ol style="list-style-type: none"> <li>1) Continue to educate WSBA members about the CP Board.</li> <li>2) Increase the public awareness of the CP Board.</li> <li>3) Continue to operate a fiscally responsible fund.</li> <li>4) Continue to work to decide difficult claims.</li> </ol>	

**Please report how this committee/board is addressing diversity:**

- 1) *Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*
- 1) The CP Board is not using specific tools; however it is cognizant of diversity and prioritizes it.
  - 2) The CP Board has been trained by the Diversity Specialist.
  - 3) The CP Board actively recruits members from different backgrounds and areas of the state. It includes members who work in government, solo practice and in larger firms, as well as two community members.
  - 4) The CP Board respects the voice and vote of each member. Each application is discussed extensively before a vote is taken.
  - 5) The CP Board consists of eleven lawyers and two community members. It currently has a diverse membership.

**Please report how this committee/board is addressing professionalism:**

*1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*

- 1) The CP Board promotes respect for the legal profession by relieving or mitigating losses caused by those few lawyers who betray the trust of their clients. Applicants (and lawyers who assist them in filing applications) frequently express appreciation for the CP Board's role in restoring some degree of trust in the legal profession by those injured.
- 2) See (1) above.
- 3) The CP Board promotes professionalism by righting wrongs of members of the legal profession who dishonestly deprive clients of their funds. The Board issues an annual report which details the amounts paid out to applicants, and the lawyers involved.

**Please report how this committee/board is integrating new and young lawyers into its work:**

*1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) The CP Board encourages the application and appointment of newer lawyers.

- 2) APR 15 does not have a minimum number of years of admission requirement for lawyer members. The Board is well suited to integrating young lawyers, and continues to do so. Younger lawyers can apply to be Chair or Vice-Chair.

**Please report how this committee/board is addressing the needs of the public:**

*1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*

- 1) The CP Board promotes public confidence in the administration of justice and the integrity of the legal profession. Relieving or mitigating the pecuniary loss of injured members of the public often has a deep impact on their lives, and their view of the legal profession.
- 2) The CP Board actively recruits community or public members from different backgrounds and areas of the state. One of the CP Board's goals is to increase public awareness of its work.

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 4:5:0 (3 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 2 (4 did not answer)
- Number of members self-identified as having a disability: 0 (4 did not answer)
- Number of members self-identified as LGBT: 0 (4 did not answer)

**WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019**

<p><b>Committee on Professional Ethics (CPE)</b></p> <p>Chair: Don Curran</p> <p>Staff Liaison: Jeanne Marie Clavere, Darlene Neumann</p> <p>BOG Liaison: Kyle Sciuchetti</p>	<p>Size of Committee: 9</p> <p>Direct expenses: FY18: \$4,000    FY19: \$4,200</p> <p>Indirect expenses: FY18: \$37,533    FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 12</p>
<p><b>Background &amp; Purpose:</b></p> <p>The Committee on Professional Ethics (CPE) prepares advisory opinions addressing recurring or emerging ethics issues facing WSBA members. The advisory opinions cover a broad context and provide in-depth guidance on the Rules of Professional Conduct (RPCs) as applied to a wide variety of practice areas. The CPE also prepares recommendations for amendments to the RPCs.</p>	
<p><b>Strategy to Fulfill Purpose:</b></p> <p>The CPE meets in-person as a full committee six times a year to review and edit draft advisory opinions and potential RPC amendments. In addition, subcommittees tasked with researching and developing drafts in particular areas spend significant time between meetings on their assignments.</p> <p>Committee meeting work on proposed advisory opinions includes a review of considerations related to the North Carolina Dental Board case so as to be mindful of maintaining and promoting freedom of competition in the ethical practice of law. Moreover, advisory opinions are now provided to the Board of Governors (BOG) for information purposes before posting on the WSBA website.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b></p> <p><u>RPC Amendments Proposed by the CPE</u></p> <ul style="list-style-type: none"> <li>• An amendment to RPC 1.15A(h)(9) to allow LLLTs who work in a firm with lawyers to sign trust account checks without requiring a second signature by a lawyer. The proposal had a first reading at the BOG meeting in May. The LLLT Board plans to forward an amendment to the LLLT RPC to the Court that mirrors the CPE's proposed amendment.</li> <li>• A typographical correction to RPC 6.1(a)(2) approved by the BOG on consent. The change will be forwarded to the Court.</li> </ul> <p><u>Supreme Court Requests Handled by the CPE</u></p>	

- The committee reviewed the proposed amendments to the lawyer advertising rules (RPC 7.1 to 7.5 and RPC 5.5) to ensure integration with the ABA Model Rules. The amendments were proposed by the committee, approved by the BOG, and were published for comment by the Court.
- The committee reviewed and responded to a public comment the Court had received on proposed new comment [13] to RPC 4.2, which had been published for comment on the court's website.

#### Work in Progress

- Review of Advisory Opinion 2223. The opinion concerns the ability of lawyer-mediators to draft and file legal documents for unrepresented parties in mediation. The CPE held two special public meetings to gather stakeholder feedback on the issue and on a proposed draft replacement opinion. The draft was widely circulated among stakeholders who had an opportunity to submit written comments over a five-month comment period. The committee continues to work on the issue.
- Lawyer Referral Services and Fee Sharing. Washington's RPC contains a unique provision in Rule 1.5 (Fees) that allows lawyer referral services authorized by WSBA and county bar associations. The committee is evaluating potential rule amendments.
- Special Assistant Attorney General Conflicts. The committee is reviewing issues regarding the ethical duty of a contract SAAG attorney to a worker in an third party worker's compensation claim.
- Attorney Administrator Compensation. The committee is reviewing the issue of whether an attorney hired by a tort litigation firm to be attorney and administrator of a decedent's estate may be compensated by the firm which maintains an action against the estate.
- Retiring Lawyer and Trust Account. The committee is reviewing the question of whether a retired lawyer may keep the trust account open to disburse client funds from settled cases that are received over a period of time.
- Ghostwriting. The committee plans to draft an opinion to provide member guidance on the issue of ghostwriting and limited scope representation.

#### Other Issues Reviewed by the CPE

- Notification of Material Errors: Current and Former Clients
- Lawyer Well-being
- RPC 4.2 communication with government employee represented by government counsel
- Revision of Advisory Opinion 201501 (lawyer representing marijuana enterprise clients under state law legalizing marijuana) following the Court's amendment to RPC 1.2, cmt. 18. A subcommittee continues to monitor for federal actions necessitating further guidelines.

**2019-2020 Goals:**

- 1) Continue with its objective to address recurring or emerging ethics issues to provide in-depth guidance on the Rules of Professional Conduct in the form of advisory opinions;
- 2) continue to review and evaluate amendments to the RPC;
- 3) continue to respond to member inquiries regarding broader ethical issues;
- 4) to implement compliance with the letter and spirit of the Open Public Meeting Act;
- 5) to continue its tradition of collegiality and collaborativeness among committee members and with staff

**Please report how this committee/board is addressing diversity:**

- 1) *Are you using any of the tools provided by WSBA and if so, how?* The committee participated in diversity and inclusion training provided by the Bar's Senior Inclusion and Equity Specialist.
- 2) *Have you sought out training or consultation from the Inclusion and Equity Specialist?* See above.
- 3) *How have you elicited input from a variety of perspectives in your decision-making?* The committee actively seeks input from stakeholders on proposed rules changes or draft opinions. A recent example is the replacement opinion for AO 2223. The committee also collected information from county bars and other states' jurisdictions on the lawyer referral services issue.
- 4) *What have you done to promote a culture of inclusion within the board or committee?* At nine members, the committee is fairly small, includes one third women, and members of varying backgrounds. Each member brings a unique and valuable perspective to the discussions and work of the committee.
- 5) *What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?* Through its advisory opinions and analysis of the Rules of Professional Conduct, the CPE assists members of all backgrounds in clarifying their ethical duties under the rules thereby helping them to maintain their practices and thrive in the profession.

**Please report how this committee/board is addressing professionalism:**

- 1) *Does the committee/board's work promote respect and civility within the legal community?* The CPE promotes and supports professionalism in the legal profession through advisory opinions and analysis of legal ethical practice for members.
- 2) *Does it seek to improve relationships between and among lawyers, judges, staff and clients?* N/A
- 3) *Does it raise awareness about the causes and/or consequences of unprofessional behavior?* Through its advisory opinions, the CPE helps to educate members about ethical conduct and provides guidance on ethical dilemmas which may lead to unprofessional behavior.

**Please report how this committee/board is integrating new and young lawyers into its work:**

- 1) *How have you brought new and young lawyers into your decision making process?*  
The CPE includes younger members within its ranks and takes into account the practices of all members when formulating advisory opinions.
- 2) *Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?* N/A

**Please report how this committee/board is addressing the needs of the public:**

- 1) *How is the public impacted by your work?* Lawyers practicing ethically enhance the public image of our noble profession resulting in increased public trust. Understanding clearly articulated advisory opinions and rules of professional conduct empower the lawyer to deal competently, confidently, and honestly with peers and the public.
- 2) *Has the committee/board sought input from the public, and/or communicated its work to the public?* The committee sought input from the public on AO 2223 and distributed a proposed draft opinion to county bars, mediators, and numerous sections. It sought input from parties in mediation and mediation nonprofits.

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 3:6:0 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 0 (0 did not answer)
- Number of members self-identified as having a disability: 0 (0 did not answer)
- Number of members self-identified as LGBT: 0 (0 did not answer)

**WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019**

<p><b>Continuing Legal Education (CLE) Committee</b></p> <p>Chair: Douglas Miller</p> <p>Staff Liaison: Kevin Plachy</p> <p>BOG Liaison: Kim Hunter</p>	<p>Size of Committee: 18</p> <p>Direct expenses: FY18: \$500    FY19: \$500</p> <p>Indirect expenses: FY18: \$9,198    FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 3</p>
<p><b>Background &amp; Purpose:</b></p> <p>The purpose of the Continuing Legal Education (CLE) Committee is to support the Washington State Bar Association’s (WSBA) development of continuing legal educational programming that ensures competent and qualified legal professionals, supports member transitions throughout the life of their practice, and helps to prepare members for the future with skills required for the 21<sup>st</sup> century practice of law.</p>	
<p><b>Strategy to Fulfill Purpose:</b></p> <p>The CLE Committee provides input to the WSBA CLE Team in fulfilling its mission of serving the ongoing education needs of Washington legal professionals. The CLE Committee maintained two subcommittees in FY19: Marketing Intelligence and Programming.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b></p> <p>The CLE Committee maintained the Programming and Marketing Intelligence Subcommittees. The Programming Subcommittee worked with the WSBA Presents Education Programs Lead to develop continuing legal education seminars that are useful and relevant to the members and align with the overall mission of WSBA. The Programming Subcommittee assisted in development of the following programs in FY19: Law Firm Transitions and Arbitration Skills. They also assisted in topics for prospective programs to be delivered in the balance of FY19 or early FY20 including better negotiation skills, a DUI boot camp program and effective and efficient communication practices. The subcommittee is also making ongoing recommendations for programming content. The Marketing Intelligence Subcommittee has worked with WSBA CLE in reviewing our attendee survey feedback documents. Each of the subcommittee members were sent a test feedback survey via Survey Monkey and went through the exercise of completing a mock survey form. The subcommittee members provided specific feedback on some areas of the survey but ultimately decided that the survey comported with best practices and captured the information relevant to WSBA CLE evaluation criteria. The subcommittee made some specific recommendations for changes to the Legal Lunchbox feedback survey, which were adopted. The changes included limiting the number of reasons for attendance in question #3 on the</p>	



survey and changing some of the reason types. This also brought the survey in line with the internal Return on Investment Dashboard that is being developed by an internal ROI workgroup at WSBA. The subcommittee is also working to develop a member wide survey to determine membership trends in consumption of continuing legal education programming (i.e. through on-demand, in person, webcast, etc.), what is working and what isn't in an effort to further inform a marketing strategy for WSBA CLE. This work is projected to be done in FY20 once there is more certainty around the future structure of the WSBA. The committee also provided input on the proposed rule changes to the Ethics requirements in APR11 to the MCLE Board.

**2019-2020 Goals:** The CLE Committee plans to maintain the Programming and Marketing Intelligence Subcommittees. The Programming Subcommittee will continue to work with the WSBA Presents Education Programs Lead to develop continuing legal education seminars that are useful and relevant to the members and align with the overall mission of WSBA. The Marketing Intelligence Subcommittee will work with WSBA CLE in the development of a customer feedback survey that will help inform how the membership prefers to obtain continuing legal education credit (i.e. through on-demand, in person, webcast, etc..) and further inform a marketing strategy for WSBA CLE. The committee will also discuss ways in which to further engage with the public.

**Please report how this committee/board is addressing diversity:**

*1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*

- 1) The faculty database is an ongoing tool used by WSBA CLE staff in helping to ensure a diverse faculty pool for WSBA CLE.
- 2) The CLE Committee had training from the WSBA diversity specialist at the April, 2019 meeting which was well received by the committee members.
- 3) The CLE committee encourages WSBA CLE staff to engage with a wide range of stakeholders in program development. WSBA CLE engages with a wide range of stakeholders including the WSBA Practice Sections, the DMCJA, the WSBA Diversity Committee and Public Service Committees, the WYLC and a variety of outside nonprofit organizations and local and minority bar associations.
- 4) The CLE Committee works affirmatively to identify and recruit a diverse group of committee members.

**Please report how this committee/board is addressing professionalism:**

*1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges,*

*staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*

- 1) The CLE Committee continues to address professionalism throughout all of its work by ensuring the most timely and relevant legal education is delivered to Washington legal professionals. The Legal Lunchbox series offered by WSBA CLE continues to focus on many topics that promote professional and personal development which aids in civility and professionalism. WSBA CLE offers an annual Ethics, Professionalism and Civility program that directly deals with the topics of civility and professionalism along with ethics issues associated with those topics.
- 2) Many of the CLE programs that the CLE Committee supports specifically address relationships between lawyers and judges and professionalism in the legal profession. Law of Lawyering is an annual program that addresses these specific topics. This program was delivered in December, 2019 and is also available on-demand.
- 3) WSBA CLE delivers many programs that deal directly with the consequences of unprofessional or unethical behavior within the profession. In FY19 WSBA CLE delivered at least five seminars related to this specific topic including Ethical Dilemmas, Arbitrator Ethics, Ethics for Non-Attorneys, ALPS Ethics and Keeping Ethical in a Technical World.

**Please report how this committee/board is integrating new and young lawyers into its work:**

*1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) In conjunction with the WSBA New Lawyer Program, WSBA CLE develops a Trial Advocacy Program that specifically assists new lawyers in learning and developing trial skills. In FY19 there were 65 people in attendance at the two day TAP seminar and 16 people participated in the Mock Trial.
- 2) In association with the WSBA New Member Education, the CLE team develops a Practice Primer Series which take a substantive area of law and build out a full curriculum from introductory to more advanced topics over the course of three learning tracks and approximately 21 hours of education. The goal of this programming is to provide new members (or transitioning members) a foundational education to jump start their entry into the substantive area of practice. New Member programming is deeply discounted for members who have been licensed for less than five years. In FY19 the Practice Primer Series focused on the area of Employment Law. Attendance options for the Practice Primer Series are in person, via webcast, and they are also offered as an on-demand seminar for purchase on the WSBA CLE Store. The Employment Law Practice Primer Series was delivered in the months of April, May and June of 2019.

**Please report how this committee/board is addressing the needs of the public:**

*1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*

The mission of WSBA CLE is to ensure the competency of the profession through education. By providing education that is relevant, timely and in demand by the membership, WSBA CLE helps to protect the public by ensuring competent legal professionals. Aside from posting our meeting notices and posting our minutes which are available to the public, the committee has not done any specific outreach to the public. WSBA CLE does engage with various sectors of the public when developing various CLE programs because many of our faculty are non-WSBA members and members of the public.

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 5:12:0 (1 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 1 (3 did not answer)
- Number of members self-identified as having a disability: 0 (2 did not answer)
- Number of members self-identified as LGBT: 6 (3 did not answer)

**WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019**

<p><b>Council on Public Defense (CPD)</b></p> <p>Chair: Daryl Rodrigues</p> <p>Staff Liaison: Diana Singleton, Bonnie Sterken</p> <p>BOG Liaison: Dan Bridges</p>	<p>Size of Committee: 23</p> <p>Direct expenses: FY18: \$8,400    FY19: \$7,000</p> <p>Indirect expenses: FY18: \$24,046    FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 9</p>
<p><b>Background &amp; Purpose:</b></p> <p>The Council on Public Defense (CPD) was established in 2004 to implement recommendations of the Washington State Bar Association (WSBA) Blue Ribbon Panel on Criminal Defense for maintaining and improving constitutionally effective public defense services in Washington. The WSBA Board of Governors (BOG), finding that the CPD provided a unique and valuable forum for bringing together representatives across the criminal justice system, subsequently established the CPD.</p>	
<p><b>Strategy to Fulfill Purpose:</b></p> <p>The CPD unites members of the public and private defense bar, the bench, elected officials, prosecutors, and the public to address new and recurring issues impacting public defenders, the public defense system and the public that depends upon it. The CPD, after review of its Charter obligations, has recently been working on six issues in which it has the expertise to provide assistance to public defenders and formed the Pre-Trial Reform Committee, Legal Financial Obligations (LFO) Committee, Standards Committee, Mental Health/Involuntary Treatment Act Committee, Public Defense and Independence Committee, and Public Defense Structure Committee.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b></p> <ol style="list-style-type: none"> <li>1) The CPD completed work on the Mental Health Performance Guidelines, which have been submitted to the Court for adoption.</li> <li>2) The CPD will complete work of the Pre-Trial Reform Committee this summer. They will be distributing a Defender Resource Packet intended to help defenders in first appearance hearings.</li> <li>3) The CPD continues the work of the LFO Committee. Recently the committee contributed content to an LFO bench card that reflects recent changes to LFO laws and was distributed by the Minority and Justice Commission.</li> <li>4) The CPD recently submitted proposed changes to CrR 3.3.</li> </ol>	

- 5) The CPD continues to evaluate how to specifically incorporate the American Bar Association's First Principle of Public Defense-Independence into the WSBA Standards for Indigent Defense.
- 6) Significantly, the CPD formed two new committees, Public Defense Independence and Public Defense Structure. The independence committee intends to address how Washington should respond to the ABA's first principal of an effective public defense system, that it should be politically independent. The Public Defense Structure committee intends to create a workload model which clearly defines the appropriate infrastructure necessary for a lawyer to be "fully supported" for purposes of caseload limits, specifically defining the qualifications and availability of support staff, investigators, and facilities to better guide jurisdictions attempting to appropriately fund public defense services.
- 7) The CPD is participating with members of the ATJ Board and Minority and Justice Commission to identify ways that the three entities can collaborate to address issues with a civil/criminal overlap.

**2019-2020 Goals:**

- 1) The Pre-Trial Reform Committee will distribute and promote the Defender Resource Packet.
- 2) Guidelines for Criminal Appellate Performance will be advanced to the WSBA BOG for approval for submission to the WA Supreme Court.
- 3) The Council will continue the current work of its standing committees, including LFO Reform, Public Defense Independence, and Public Defense Structure.
- 4) The Council will continue to identify opportunities to collaborate with the ATJ Board and Minority and Justice Commission on bridging civil/criminal issues work which commenced at the last ATJ Conference in Spokane where CPD Chair and Committee members facilitated a crowdsourcing session with stakeholders to identify points of collaboration.
- 5) Finally, if work on persistent offender standards completes, the same committee will commence reevaluation of the misdemeanor caseload standard in light of the advent of body worn video.

**Please report how this committee/board is addressing diversity:**

- 1) *Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*
- 1) The CPD Chairs will distribute the race equity planning tool developed by the WSBA for committee chairs to use in their project planning. The CPD is interested in learning what other tools are available for future use.

- 2) Robin Nussbaum, Inclusion and Equity Specialist, conducted a Diversity in Decision Making training in February.
- 3) As a product of this training the Chair and Vice Chair resolved as follows:
  - a. To Seek input from all CPD members not just those who volunteer input.
  - b. To be mindful of geographic, age, race and other factors in making recommendations for appointments to the CPD
  - c. To begin meetings with short centering exercises to enable participants to be more fully present for meetings
  - d. To continue to stream meetings to provide broader access to those who cannot attend in person
- 4) The Chair and Vice Chair have emphasized that during discussions all CPD members will be asked for their input, not only those who volunteer input.
- 5) The CPD pays attention to issues of diversity and inclusion as it relates to recruiting and filling positions. The CPD takes diversity, including geographic diversity, into account when making its recommendations about appointments. The CPD has continued to focus on bringing together a broad group of criminal justice system stakeholders.
- 6) The Chair and VC have discussed the lack of generational diversity in the Council, in part it is logical that experienced policy makers/practitioners are older, however on numerous occasions we experience a differing perspective when we seek and take input from more diverse participants. We will continue to seek participation from younger members.

**Please report how this committee/board is addressing professionalism:**

*1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among-lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*

- 1) The CPD unites diverse members of the legal community and public in a shared project of the WSBA to support work of public defenders to provide their clients with strong and accessible public defense services. The CPD has worked to include prosecutors and city attorneys as members in order to assure all voices and perspectives are at the table and engaged in the Council's discussions.
- 2) The CPD actively promotes professionalism so all members can express, debate, and consider competing views respectfully and productively to fulfill this shared WSBA mission.
- 3) The CPD makes an effort to have discussions about ethical practices, which includes professionalism.

**Please report how this committee/board is integrating new and young lawyers into its work:**

*1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and*

*prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) The CPD reaches out to younger members of the bar and law school students to participate in its work, both as active members and as interested parties. Some members, particularly those who teach at the Washington law schools, invite students and new and young lawyers to attend meetings. To the extent possible we encourage these individuals to attend meetings and always invite them to contribute to the conversation.
- 2) New and young lawyers are invited to attend meetings and find ways to get involved. New and Young Lawyers are encouraged to voice their opinions in meetings and actively participate in the work of the committees. Staff has presented to the New and Young Lawyers Committee about the work of the Council.
- 3) A major factor in non-participation from younger people is the fact that most younger lawyers are caseload carrying – and most Chief Defenders have little ability to provide caseload credit for participation and attendance. We are working with the larger PD offices to find ways to provide caseload relief so younger lawyers can participate actively.

**Please report how this committee/board is addressing the needs of the public:**

- 1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*
- 1) Members of the public are all subject to being criminally charged. Our efforts raise the standards for public defense Statewide.
  - 2) We have one membership position for the general public.
  - 3) We release our work through public comment (court rules) proposed guidelines (standards) and materials (e.g., pretrial checklists)

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 8:8:0 (7 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 4 (7 did not answer)
- Number of members self-identified as having a disability: 1 (10 did not answer)
- Number of members self-identified as LGBT: 2 (10 did not answer)

**WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019**

<p><b>Court Rules and Procedures Committee</b></p> <p>Chair: Jefferson Coulter</p> <p>Staff Liaison: Nicole Gustine</p> <p>BOG Liaison: Brian Tollefson</p>	<p>Size of Committee: 28</p> <p>Direct expenses: FY18: \$4,000    FY19: \$2,000</p> <p>Indirect expenses: FY18: \$26,217    FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 30</p>
<p><b>Background &amp; Purpose:</b> The Court Rules and Procedure Committee (Committee) studies and develops suggested amendments to designated sets of Washington court rules on a regular cycle of review established by the Washington State Supreme Court. It occasionally responds to requests for comment from the Supreme Court on proposals developed by others. The Committee performs the rules-study function outlined in General Rule 9 and reports its recommendations to the BOG.</p>	
<p><b>Strategy to Fulfill Purpose:</b> The Committee consists of several subcommittees that review the court rules and obtain input from stakeholders as to possible amendments. Evolution in case law, changes in statutes, or other new developments since last amendment drive amendments to rules. The subcommittees vet, draft, and discuss proposed amendments and submit them to the full Committee for discussion and approval. Proposed amendments approved by the Committee are forwarded to the BOG for approval. If the BOG approves, the proposed amendments are forwarded to the Supreme Court in accordance with General Rule 9.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b> To continue to carefully vet new proposals. In 2018-2019 the Committee reviewed the Evidence Rules and the Infraction Rules for Courts of Limited Jurisdiction.</p>	
<p><b>2019-2020 Goals:</b> According to the schedule for review, the Civil Rules for Superior Courts and Civil Rules for Courts of Limited Jurisdiction will be reviewed in 2019-2020.</p>	
<p><b>Please report how this committee/board is addressing diversity:</b></p> <p>1) <i>Are you using any of the tools provided by WSBA and if so, how?</i> 2) <i>Have you sought out training or consultation from the Inclusion and Equity Specialist?</i> 3) <i>How have you elicited input from a variety of perspectives in your decision-making?</i> 4) <i>What have you done to promote a culture of inclusion within the board or committee?</i> 5) <i>What</i></p>	



*has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*

- 1) The Committee is cognizant of diversity in selecting its members. It is an important factor in recruitment and consideration of applicants.
- 2) The Committee has received training from the Diversity Specialist.
- 3) The Committee seeks input from a wide variety of stakeholders before finalizing proposals, including reaching out to several minority bar associations. The Committee also reaches out to organizations that represent minority viewpoints that might not normally be aware of the Committee's work.
- 4) During the application period, the current Chair reached out to the leadership of several specialty and minority bar associations to encourage their membership to apply to be on the Committee.
- 5) The Committee is composed of members with a wide range of backgrounds, experiences, and identities.
- 6) The current chair has attempted to spread subcommittee chair assignments across the state to ensure broad, geographic representation.

**Please report how this committee/board is addressing professionalism:**

*1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*

- 1) The Committee seeks to engage members and the wider legal community in the process of studying and reviewing court rules. It promotes respect and civility by encouraging vigorous but civil debate even when members and/or stakeholders have strongly held but opposing views.
- 2) By engaging WSBA members and stakeholders outside of the Committee in the rule review process, the Committee's work seeks to improve relationships among lawyers and judges. The Committee includes three judges who serve as liaisons (non-voting), one each from the Superior Court, Court of Appeals, and District/Municipal Court. In addition, the Supreme Court Rules Committee seeks input from the WSBA Court Rules Committee, which furthers dialogue between WSBA lawyers and Justices of the state's highest court.
- 3) N/A

**Please report how this committee/board is integrating new and young lawyers into its work:**

*1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) The Committee does not have a minimum number of years of admission requirement to serve. Its lawyer members have a wide range of years of experience, including members who have only a few years of practice experience. The Committee often attracts applicants who are newer to the profession, some of whom are selected to serve.
- 2) The Committee provides opportunities for all members, including young lawyers, to chair subcommittees and the larger Committee. It provides opportunities for younger members to meet and be mentored by experienced members, as well as judges.

**Please report how this committee/board is addressing the needs of the public:**

*1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*

- 1) The committee vets and crafts rule language that impacts the justice system and the public accessing that system.
- 2) Pursuant to court order, the committee publicizes suggested rule changes for public comment before finalizing its recommendations. Members of the bar, bench, and public are encouraged to review these proposals and send comments to the committee.

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 13:14:0 (1 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 3 (1 did not answer)
- Number of members self-identified as having a disability: 0 (3 did not answer)
- Number of members self-identified as LGBT: 3 (1 did not answer)

**WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019**

<p><b>Disciplinary Board</b></p> <p>Chair: Frank Cornelius</p> <p>Staff Liaison: Nicole Gustine</p> <p>BOG Liaison: none</p>	<p>Size of Committee: 14</p> <p>Direct expenses: FY18: \$10,000    FY19: \$10,000</p> <p>Indirect expenses: FY18: \$218,789    FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 12</p>
<p><b>Background &amp; Purpose:</b></p> <p>The Disciplinary Board (D-Board) derives its authority from the Supreme Court (see ELC 2.3). The D-Board performs an important role in the disciplinary/regulation process by: (1) serving as an intermediate appellate body for contested disciplinary and disability matters; (2) approving, conditionally approving or rejecting certain stipulations negotiated by the Office of Disciplinary Counsel (ODC) and respondents; and (3) through its review committees, acting on requests from the ODC to order matters to hearing, and on requests from grievants for review of matters that have been dismissed by ODC.</p>	
<p><b>Strategy to Fulfill Purpose:</b></p> <p>The D-Board is made up of four review committees, one of which meets every three weeks, plus the Board chair and vice-chair. The D-Board meets six times each year as a full board. At these meetings, the D-Board reviews hearing officer recommendations for suspension and disbarment when a timely request for review/appeal is filed (or sua sponte review is ordered by the Board), and automatically reviews stipulations for suspension or disbarment. The D-Board issues a written recommendation to the Supreme Court in contested matters. The D-Board holds oral arguments in some cases, which are open to the public. The four review committees meet in person or by telephone to review requests for hearings and grievant appeals from dismissals. The review committees' work is confidential and not open to the public.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b></p> <p>In 2018, the review committees of the Disciplinary Board met 21 times to consider 558 matters. They issued 466 dismissals, ordered 51 matters to hearing, ordered investigation in 19 matters, issued 4 advisory letters and 1 admonition, and decided 17 other non-routine matters, such as orders on deferrals, costs, etc. In 2018, the full Disciplinary Board considered 29 disciplinary and disability matters and ordered the transfer of eight lawyers to disability inactive status. The full board reviewed and issued orders on two cases on appeal, and on 27 stipulations, and heard one oral argument. Per court rule, they considered</p>	

whether to order or deny sua sponte review in ten cases involving a recommendation of suspension or disbarment.

**2019-2020 Goals:**

The Disciplinary-Board's work is determined by Court Rule (ELC). The goal is to continue to perform high quality work in a timely manner in accordance with Court Rules.

**Please report how this committee/board is addressing diversity:**

*1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*

- 1) The Disciplinary Selection Panel (DSP), which is a separate entity from the D-Board, makes nominations to the BOG for members to serve on the Board. Under ELC 2.2(f), the DSP considers diversity in gender, ethnicity, disability status, sexual orientation, geography, area of practice and practice experience.
- 2) The D-Board has been trained by the Diversity Specialist.
- 3) The D-Board seeks input from all of its members, who must vote on each order/decision in matters involving the full Board. The D-Board has four public members, who each provide different perspectives. One public member serves on each review committee.
- 4) By court rule, the D-Board has ten lawyer members and four community representative members. The current D-Board includes members self-identified as from several different races/ethnicities. The DSP interviews prospective members and makes nominations to the BOG. As noted above, ELC 2.2(f) states that in making selections, the DSP and the BOG consider diversity.
- 5) The D-Board provides many leadership opportunities for interested Board members to serve, as Chair or Vice-Chair of the full Board, or as Chairs of each of the four review committees.

**Please report how this committee/board is addressing professionalism:**

*1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*

- 1) The D-Board adjudicates cases in which lawyers have behaved both unprofessionally and unethically. These issues are often raised in oral arguments and briefs, which are part of the public record.

- 2) Although not directly part of its mission, the D-Board is mindful of the need to conduct itself in a manner that models cooperative and respectful relationships, even if people disagree.
- 3) The D-Board serves important functions in the disciplinary process. In performing its court mandated functions, the D-Board raises awareness of ethical rules and of the consequences of unprofessional behavior. Most oral arguments in discipline cases before the D-Board are open to the public. In addition, the D-Board issues public orders and decisions in most of the matters that come before it (certain matters are nonpublic by court rule).

**Please report how this committee/board is integrating new and young lawyers into its work:**

*1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) Per court rule, the D-Board's lawyer members must have been WSBA members for at least five years.
- 2) N/A

**Please report how this committee/board is addressing the needs of the public:**

*1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*

- 1) The D-Board serves important functions in the disciplinary process, and protects the public by upholding professionalism and ethical conduct among legal practitioners.
- 2) Four public members each serve three year terms on the D-Board, bringing their valuable experience and perspective to the decisions that the Board makes in discipline review cases. Most oral arguments in discipline cases before the D-Board are open to the public. In addition, the D-Board issues public orders and decisions in most of the matters that come before it (certain matters are nonpublic by court rule).

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 8:3:0 (3 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 3 (3 did not answer)
- Number of members self-identified as having a disability: 1 (2 did not answer)
- Number of members self-identified as LGBT: 2 (1 did not answer)

**WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019**

<p><b>Diversity Committee</b></p> <p>Chair: Ailene Limric and Alec Stephens</p> <p>Staff Liaison: Dana Barnett, Joy Williams</p> <p>BOG Liaison: n/a</p>	<p>Size of Committee: 14 (+4 BOG members)</p> <p>Direct expenses: FY18: \$16,200    FY19: \$15,000</p> <p>Indirect expenses: FY18: \$130,560    FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 8</p>
<p><b>Background &amp; Purpose:</b> The Washington State Bar Association’s Diversity Committee (Committee) is dedicated to implementing WSBA’s Diversity and Inclusion Plan. The work of the Committee promotes historically underrepresented groups to enter and stay in the profession of law.</p>	
<p><b>Strategy to Fulfill Purpose:</b> The Diversity Committee fulfills its purpose through collaborative relationships and community building activities, which highlight the numerous societal benefits of a diverse law profession.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b></p> <ol style="list-style-type: none"> <li>1) Committee members hosted 4 Community Networking events.</li> <li>2) Leadership of the IL program was transferred to upcoming committee members and a process was established for leadership development.</li> <li>3) Diversity Committee members will be given the opportunity to learn the knowledge and tools necessary to conduct diversity and inclusion training in the legal profession through participation in train the trainer sessions led by Diversity Program staff.</li> <li>4) Committee members assisted with the development of three diversity themed Legal Lunchboxes on the topics of Microaggressions, Judicial Bias, and Intergenerational differences, relationships, and age discrimination.</li> <li>5) Committee members participated in several mentorship events with underrepresented law students and new/young members of the bar, including 1L diversity fellowship events and UW and SU law schools, networking events with undergraduate students in Bellingham and Tacoma, a presentation to students with the UW Tacoma Legal Pathways program, and a Summer Inclusion reception with incoming SU ARC students and students of color.</li> <li>6) Increased the opportunities for interaction and collaboration between the WSBA Diversity Committee and Minority Bar Associations (MBAs), through attendance at MBA annual events, four community networking events, the BOG reception with the</li> </ol>	

Diversity Committee and MBAs, and a joint proposal to the MCLE board requesting MCLE credits in equity and elimination of bias.

- 7) Advocate for Diversity, Equity and Inclusion and Access to Justice to be promoted and remain present in the Washington legal field, with regards to the WSBA Structures workgroup.
- 8) Committee authored, and shepherded a statement in support of the Oregon Specialty Bar associations to the Board of Governors.
- 9) Published pieces on equity and inclusion themes in NWLawyer.

**2019-2020 Goals:**

- 1) Advocate to ensure that Diversity, Equity and Inclusion and Access to Justice programming are part of the mandatory Bar to the Bar Structure Workgroup.
- 2) Increase the opportunities for interaction and collaboration between the WSBA Diversity Committee and MBAs by more committee members attending events in addition to the MBA annual events, and the overall committee hosting more events.
- 3) Collaborate with BOG to co-host reception for the MBA's.
- 4) Continue to follow and support the passing of MCLE rule change proposal.
- 5) Review and make decision on scholarships for the Judge Pro Tem CLE.
- 6) Publish pieces of work in NWLawyer and the blog that relate to Diversity, Equity, and Inclusion.
- 7) Continue to work with school programs and community partners to explore new avenues to support students and new and young lawyers from underrepresented groups.
- 8) Continue all existing programs such as IL diversity fellowship programs, community networking events, summer inclusion reception, legal lunchbox CLEs, MBA annual events, and town halls.

**Please report how this committee/board is addressing diversity:**

*1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*

- 1) The Committee utilizes the Diversity Dictionary to be grounded in a common understanding of the terms and values that WSBA holds as it relates to diversity, inclusion, and equity.
- 2) The Committee is staffed by the Diversity Program Manager, and the Diversity and Inclusion Specialist both of whom have educational experience and expertise in diversity topics, both lead regular workshops and training with committee members throughout the year.

- 3) We have integrated more group discussion and collaboration in decision making, as well as supported committee members with resources, tools and training to be confident ambassadors about the work of diversity and inclusion at WSBA.
- 4) Training, education and awareness building activities on diversity and inclusion are all consistent elements integrated in and throughout our meetings, events and programming.
- 5) All our programming and work is focused on these goals. We have done programming with first year diversity fellowship students and hosted CLE and town hall discussions on related topics. Committee members have met with minority bar associations to identify any areas of support and collaboration. Committee members have acted as program ambassadors at networking events throughout the state, and mentored attorneys from underrepresented groups.

**Please report how this committee/board is addressing professionalism:**

*1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*

- 1) The Committee integrates and connects a focus on professionalism throughout its programming. The substantive content of workshops, seminars, etc. provide interpersonal and organizational skills necessary to support the professional development of attorneys.
- 2) The Committee seeks to educate the legal community on diversity issues through legal lunchboxes and town halls, and to build strong networks of trust, mentorship, and positive relationships throughout the state with our Community Networking events.
- 3) The Committee raises awareness of the consequences of unprofessional behavior that are rooted in personal bias and systemic inequity.
- 4) Committee members mentor new attorneys and students, advising on issues of professionalism.

**Please report how this committee/board is integrating new and young lawyers into its work:**

*1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) We have new and young lawyers on our committee.
- 2) We offer WYLC members the opportunity to partner on our community networking events and to speak publicly to represent the committee.



**Please report how this committee/board is addressing the needs of the public:**

- 1) *How is the public impacted by your work?* 2) *Has the committee/board sought input from the public, and/or communicated its work to the public?* 3) *Other?*

The Diversity Committee invites community organizations and members of the public to attend our Community Networking Events. The committee sees and acknowledges that the public are stakeholders in the work of equity in the legal profession and creates this opportunity for partnership, education, and dialogue with the public and the committee.

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 10:4:0 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 10 (0 did not answer)
- Number of members self-identified as having a disability: 1 (3 did not answer)
- Number of members self-identified as LGBT: 3 (1 did not answer)

**WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019**

<p><b>Editorial Advisory Committee</b></p> <p>Chair: Ralph Flick</p> <p>Staff Liaison: Kirsten Abel</p> <p>BOG Liaison: Sunitha Anjilvel</p>	<p>Size of Committee: 10</p> <p>Direct expenses: FY18: \$800      FY19: \$800</p> <p>Indirect expenses: FY18: \$9,758      FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 8</p>
<p><b>Background &amp; Purpose:</b> The Editorial Advisory Committee (EAC) derives its authority from the WSBA Bylaws.</p> <p>Members of the Editorial Advisory Committee work with the editor and WSBA staff overseeing publication of WSBA’s official magazine, <i>NWLawyer</i>. This may include establishing guidelines and editorial policy, maintaining an editorial calendar, writing articles, securing content, identifying topics and issues relevant to members, identifying authors for content, reviewing articles, and advising on issues related to content. <i>NWLawyer’s</i> mission statement is: <i>NWLawyer will inform, educate, engage, and inspire by offering a forum for members of the legal community to connect and to enrich their careers.</i></p>	
<p><b>Strategy to Fulfill Purpose:</b> EAC members consult with WSBA staff regarding content selection, recruiting of authors or writing articles themselves, and providing suggestions for feature stories and columns that will provide readers with information about other bar members and their practices, current events and trends of interest to the legal community, programs and services provided to members by WSBA, and the work of the Board of Governors.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b></p> <ul style="list-style-type: none"> <li>• Continue to increase reader interest and engagement/response with timely, relevant, and provocative articles: e.g., cover story on Washington Supreme Court case invalidating the state’s death penalty, with first-person accounts from the counsel who argued it (May 2019); interviews with Seattle Mayor Jenny Durkan and other elected officials on why they chose politics over practicing law (March 2019); Perspectives column by public defenders calling for prosecutorial reform (June 2019), with responsive letter to the editor from former executive director of Washington Association of Prosecuting Attorneys to follow in Jul/Aug issue.</li> <li>• Work to include voices from divergent backgrounds and areas of practice, with a variety of views and perspectives: many letters to the editor on mandatory malpractice insurance for lawyers, as well as two “Perspectives” columns on the topic by members;</li> </ul>	

"True Confessions of a Reservations Attorney," coverage of first Tulalip Tribes member to pass the bar, and Native American art by WSBA member in Dec. issue; celebrating women in the law in April issue.

- Work to include member-authors from all parts of the state, as well as topics important to areas other than the Seattle metropolitan corridor: The cover story for our July/Aug issue will feature responses from a diverse group of WSBA members from approximately 30 counties across the state. The main responses featured include those from lawyers in Spokane, Port Angeles, Walla Walla, Republic, Moses Lake, and Kennewick.
- Get the word out to members about the work the WSBA and its Board of Governors is doing and solicit member feedback: Utilized regular "OnBoard" column to cover Board's work as well as highlighting current issues such as (1) potential restructuring of the WSBA via, e.g., analysis of *Janus* decision written by an EAC member (and flagged on the cover); and coverage in columns by WSBA President and Executive Director in the Dec. 2018 issue; (2) coverage of the work of the Mandatory Malpractice Task Force and Board's ultimate decision *not* to recommend mandatory malpractice insurance for members.
- Increase ad sales revenue by diversifying types of advertisements run: With Board of Governor input, we have provided *NWLawyer's* ad sales agency with an expanded list of diversified categories of advertisers to contact.
- Upgrade online version of the magazine to a more modern platform that increases accessibility to readers who are vision-impaired: Upgraded platform launched with June 2019 issue; vision-impaired members experience it as a huge improvement in accessibility.

**2019-2020 Goals:**

- Continue to increase reader interest and engagement/response with timely, relevant, and provocative articles.
- Continue to work to include voices from divergent backgrounds and areas of practice, with a variety of views and perspectives.
- Work to establish relationships with new authors.
- Work to include member-authors from all parts of the state, as well as topics important to areas other than the Seattle metropolitan corridor.
- Continue to increase ad sales revenue and bring the magazine closer to revenue-neutral status.

**Please report how this committee/board is addressing diversity:**

1) *Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*

1) N/A

- 2) Robin Nussbaum, WSBA Senior Inclusion and Equity Specialist, attended our annual planning meeting on May 7, 2019, and gave committee members and *NWLawyer* staff a 75-minute diversity training.
- 3) There is diversity in background, years in practice, areas of practice, and perspectives among the EAC members who weigh in on story ideas and unsolicited submissions. We are in regular dialogue with the WSBA Senior Inclusion and Equity Specialist regarding language and images used in the magazine.
- 4) We encourage EAC members to help us, by reaching out through their networks and soliciting authors, to include within the magazine voices that are not as frequently heard from, so that many different points of view are expressed.
- 5) We have worked to ensure that these members are well represented in the magazine, via solicitation of “Beyond the Bar Number” members to feature as well as in themed issues such as our December 2018 issue, which featured a series of articles on the tribal court system, including one story about Michelle Sheldon, the first Tulalip Tribes member to pass the bar. Our April 2019 “Celebrating Women in Law” issue highlighted women from a variety of backgrounds and practice areas, and included stories on Pierce County’s Director of Justice Services Carol Mitchell, the work of the Alliance for International Women’s Rights in Afghanistan, and more. The July/August issue will include a cover story entitled “The Grass is Always Greener,” which will feature responses from a diverse group of WSBA members from counties all across the state. In addition, we are planning an issue that focuses on WSBA members living outside the U.S., about their experiences teaching and practicing law abroad.

**Please report how this committee/board is addressing professionalism:**

*1) Does the committee/board’s work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*

The following are relevant to all the questions above:

- Mark Fucile, former chair of the Committee on Professional Ethics, writes a column called “Ethics and the Law” for every issue that addresses not just avoiding violations of the RPCs but issues of professionalism and civility.
- Additional articles promoting civility and professionalism: “Taking Stock: Navigating Risk When Investing in Clients,” June 2019 (professionalism and avoiding conflicts of interest); “Systemic Advocacy: Principles and examples from Columbia Legal Services,” and “The Power of Pro Bono,” Oct. 2018 (promoting pro bono volunteering); and “2018 WSBA Apex Awards,” January 2019 (highlighting the 2018 winners and acknowledging professional excellence).
- Beginning with the June 2018 issue, we began running a feature documenting our new “Professionalism in Practice” (PIP) awards, which WSBA will be presenting continually throughout the year to practitioners who have been nominated for acts of outstanding professionalism and are being recognized for advancing the rule of law through day-to-day acts of integrity, respect, cooperation, and customer service.

- Every issue includes current disciplinary notices. We are exploring the possibility of including an expanded version of these notices, with more detail, as members continue to request this.

**Please report how this committee/board is integrating new and young lawyers into its work:**

*1) How have you brought new and young lawyers into your decision-making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) Three members of the EAC are new/young lawyers (admitted fewer than five years ago).
- 2) The committee is intentional about developing article ideas for the magazine that will be of interest and useful to new and young lawyers. E.g., “Keep it Casual: A glimpse of mentor relationships and mentoring resources for the real world,” December 2018; “Mindfulness Meditation: A tool for a profession in need,” and “Start-up Tech Your Law Firm Really Needs: Hardware,” February 2019. WSBA member Jordan Couch (also a new lawyer, admitted in 2015) will begin writing a semi-regular column on technology and innovation in the legal field, with his inaugural column to appear in the September 2019 issue.

**Please report how this committee/board is addressing the needs of the public:**

*1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*

- We occasionally include articles by non-members, such as Mar Brettman, Ph.D., executive director of Businesses Ending Slavery and Trafficking, who wrote on how lawyers can help businesses develop policies and practices to eliminate the risk of sex trafficking occurring on business premises (May 2019); Gonzaga University School of Law student Sara Wilmot, who wrote about the Myra Bradwell Award (April 2019).
- Several articles from our agriculture-themed June 2019 issue will be reprinted in the King County Department of Natural Resources and Parks monthly newsletter. The newsletter goes out to food system stakeholders as part of the county’s Local Food Initiative. The reprint was requested by Michael Lufkin, a WSBA member and King County DNR’s Local Food Economy Manager.

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 5:4:1 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 1 (1 did not answer)
- Number of members self-identified as having a disability: 1 (1 did not answer)
- Number of members self-identified as LGBT: 0 (1 did not answer)

**WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019**

<p><b>Judicial Recommendation Committee (JRC)</b></p> <p>Chair: Paul Crisalli</p> <p>Staff Liaison: Sanjay Walvekar</p> <p>BOG Liaison: Alec Stephens, Paul Swegle</p>	<p>Size of Committee: 22</p> <p>Direct expenses: FY18: \$0      FY19: \$4,500</p> <p>Indirect expenses: FY18: \$8,433      FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 10</p>
<p><b>Background &amp; Purpose:</b></p> <p>The Judicial Recommendation Committee (JRC) derives its authority from the Bylaws of the WSBA. The JRC screens and interviews candidates for state Court of Appeals and Supreme Court positions. Recommendations are reviewed by the WSBA Board of Governors (BOG) and referred to the Governor for consideration when making judicial appointments.</p> <p><i>Per the JRC Guidelines, “[t]he proceedings and records of the committee, including the comments of applicants, committee discussions, and committee votes, shall be kept strictly confidential.”</i></p>	
<p><b>Strategy to Fulfill Purpose:</b></p> <p>The JRC screens and interviews candidates for the state’s appellate courts, the Washington Supreme Court and the Washington State Court of Appeals. Thereafter, it makes recommendations to the BOG. Following Board approval, the recommendations are sent to the Washington State Governor's Office as part of the committee’s role of preparing and maintaining a list of individuals who are well-qualified for and interested in appointment to the appellate bench.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b></p> <p>The JRC held a meeting in November in which it evaluated three candidates. The JRC’s recommendations were passed on to the Board of Governors which concurred with the JRC. These recommendations were then given to the Governor’s office.</p> <p>The JRC may also hold a meeting in September for another round of evaluations.</p>	
<p><b>2019-2020 Goals:</b></p> <ol style="list-style-type: none"> <li>1) Continue to offer a thorough and fair process aimed at ensuring well-qualified candidates are presented to the Governor’s office for open positions to the Washington Supreme Court and Court of Appeals.</li> </ol>	

- 2) Continue to educate committee members about the importance of reference check assignments, in-person attendance, and ability to make quorum.

**Please report how this committee/board is addressing diversity:**

- 1) *Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*
- 1) A diversity of perspectives is embedded in the JRC Guidelines under "Composition," for selection of committee members.
- 2) The committee received a training from the Senior Inclusion & Equity Specialist at the JRC's first meeting.
- 3) Please see 1, above.
- 4) Please see 1, above.
- 5) Without going into too much detail due to confidentiality of the process, some of the criteria the committee considers when recommending a candidate are related to a commitment to diversity.

**Please report how this committee/board is addressing professionalism:**

- 1) *Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*
- 1) Without going into too much detail due to the confidential nature of this committee, some of the criteria the committee considers when recommending a candidate are related to aspects of professionalism.
- 2) N/A
- 3) N/A

**Please report how this committee/board is integrating new and young lawyers into its work:**

- 1) *How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*
- 1) While there are several new and young lawyers on the committee who have an equal say in the vetting process (e.g., voting), the nature and work of this committee is most suited to those who have familiarity and experience with the appellate bench.
- 2) N/A

**Please report how this committee/board is addressing the needs of the public:**

*1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*

- 1) The JRC's work directly benefits the public by providing the Governor's office with recommendations that help it make informed and quality judicial appointments.
- 2) Columbia Legal Services and Disability Rights Washington recommended that the WSBA reach out to the Bazelon Center for Mental Health in New York for confidential feedback on the JRC's guidelines and processes. The feedback received from the Bazelon Center led to changes to the committee guidelines approved by the Board of Governors in September 2018.

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 8:13:0 (1 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 1 (1 did not answer)
- Number of members self-identified as having a disability: 1 (2 did not answer)
- Number of members self-identified as LGBT: 3 (2 did not answer)



**WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019**

<p><b>Law Clerk Board</b></p> <p>Chair: Benjamin Phillabaum</p> <p>Staff Liaison: Katherine Skinner</p> <p>BOG Liaison: Daniel Clark</p>	<p>Size of Committee: 9</p> <p>Direct expenses: FY18: \$4,000    FY19: \$6,000</p> <p>Indirect expenses: FY18: \$33,920    FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 7</p>
<p><b>Background &amp; Purpose:</b> The Law Clerk Board (LCB) derives its authority from Rule 6 of the Admission and Practice Rules (APR). The Board of Governors (BOG) appoints the members of the LCB.</p> <p>The purpose of the LCB is to assist the WSBA in supervising the APR 6 Law Clerk Program (Program).</p>	
<p><b>Strategy to Fulfill Purpose:</b> The LCB considers applications for enrollment in the Program, interviews and evaluates law clerks and tutors before and during the course of study to ensure they are meeting the requirements of the Program.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b></p> <ol style="list-style-type: none"> <li>1) The LCB streamlined processes and delegated some tasks to staff.</li> <li>2) The LCB, in collaboration with staff, is promoting the Program to primary, secondary and college students.</li> </ol>	
<p><b>2019-2020 Goals:</b></p> <ol style="list-style-type: none"> <li>1) Continue to find ways to improve efficiency of the LCB to accommodate potential increase in the number of law clerks.</li> <li>2) Increase the public’s knowledge of the program through outreach events and communications.</li> </ol>	
<p><b>Please report how this committee/board is addressing diversity:</b></p> <ol style="list-style-type: none"> <li>1) <i>Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members</i></li> </ol>	

*from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*

- 1) The LCB continues to seek board members who represent diversity in geography as well as members who self-identify as individuals that are underrepresented in the legal profession.
- 2) Yes. The LCB received training from WSBA's Inclusion and Equity Specialist in FY 2019. The goal is offer this training on an annual basis as part of the New Board Member Orientation.
- 3) The LCB seeks to have a diverse group of board members in order to bring a variety of perspectives to the table.
- 4) The equity and inclusion training provided board members with tools to promote a culture of inclusion within the board.
- 5) The Program itself provides an alternative to law school for legal education for those who may have barriers to attending law school. Through continuous outreach, the LCB hopes to increase the diversity of the law clerks enrolled in the Program.

**Please report how this committee/board is addressing professionalism:**

*1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*

- 1) Clerks participating in the Program learn about professionalism during the course of their education. The LCB raises issues of professionalism during interviews and evaluations when necessary.
- 2) No
- 3) Clerks are required to take a Professional Responsibility course in order to complete the program.

**Please report how this committee/board is integrating new and young lawyers into its work:**

*1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) Lawyers who have recently completed the Law Clerk Program serve on the LCB. While there are limited positions available, clerks who are about to complete the Program and take the bar exam are encouraged to participate with other WSBA Boards and Committees to share the Program perspective with the broader WSBA community.
- 2) The Law Clerk Program is an affordable alternative to law school. It allows new and young lawyers to start their careers without having to worry about student loan debt. In addition, clerks are required to work during the Program which means that they have already begun making connections within the legal community.

**Please report how this committee/board is addressing the needs of the public:**

*1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*

- 1) The Program seeks to increase access to legal education for those who may not be able to afford law school.
- 2) The LCB is collaborating with WSBA staff on outreach efforts to increase knowledge of the Program.

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 6:2:0 (1 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 0 (1 did not answer)
- Number of members self-identified as having a disability: 0 (1 did not answer)
- Number of members self-identified as LGBT: 1 (2 did not answer)

**WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019**

<p><b>Legislative Review Committee</b></p> <p>Chair: Taud Hume</p> <p>Staff Liaison: Sanjay Walvekar</p> <p>BOG Liaison: Kyle Sciuchetti</p>	<p>Size of Committee: 9</p> <p>Direct expenses: FY18: \$2,500    FY19: \$2,500</p> <p>Indirect expenses: FY18: \$11,244    FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 16</p>
<p><b>Background &amp; Purpose:</b></p> <p>The WSBA Legislative Review Committee (Committee) reviews internal legislative proposals before making a recommendation for sponsorship or support to the Board of Governors (BOG). The Committee’s primary purpose is to ensure that WSBA-request legislation fulfills GR12 and is vetted both internally and externally. The Committee may also consider non-WSBA proposals submitted to the Committee for the purpose of seeking WSBA input and support. WSBA-request bills approved by the BOG are introduced in the upcoming legislative session.</p>	
<p><b>Strategy to Fulfill Purpose:</b></p> <p>The Committee determines if a legislative proposal fulfills GR 12.2. If the Committee determines a legislative proposal fulfills GR 12.2, the Committee conducts a thorough analysis of the issue, discusses details with the WSBA entity offering the proposal, and ensures input is included from a broad stakeholder network.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b></p> <p>The Committee met three times and reviewed two legislative proposals for the 2019 legislative session. One of these proposals became <a href="#">SB 5003</a> and passed both houses unanimously, and was signed into law on 4/26/2019. This law will go in to effect on 7/28/2019. The second proposal that the Committee received was carefully reviewed over several meetings but was ultimately determined to be outside the purview of the Committee.</p>	
<p><b>2019-2020 Goals:</b></p> <p>The Committee will continue to work collaboratively with WSBA entities to thoroughly vet and analyze legislative proposals impacting the practice of law and our justice system.</p>	
<p><b>Please report how this committee/board is addressing diversity:</b></p> <p>1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you</p>	

*elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*

- 1) N/A
- 2) Yes. The Senior Inclusion & Equity Specialist led the Committee members in a discussion and training regarding WSBA inclusion and equity policies and procedures during the Committee's first meeting.
- 3) Committee appointments follow WSBA's diversity guidelines and the Committee includes representatives from multiple districts, a variety of practice areas, new/young lawyers, gender, race/ethnicity and other factors.
- 4) Please see 3, above.
- 5) N/A

**Please report how this committee/board is addressing professionalism:**

*1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*

- 1) The Committee practices a team-based approach in executing its charge: proposals are created in collaboration with various WSBA entities and external stakeholders throughout the broader legal community. In addition to the Committee playing a critical role within the organization, individual members also play a critical role in reviewing legislative proposals from their own unique perspective, area of practice, professional experience, and knowledge of the legislative process (including key legislative stakeholders). Professionalism is a cornerstone of relationship building and, ultimately, legislative success.
- 2) The work of the Committee is grounded in relationship building; similar to Washington's Legislature. The Committee continues to promote professionalism through various communication mechanisms including its annual fall meetings and member training opportunities.
- 3) N/A

**Please report how this committee/board is integrating new and young lawyers into its work:**

*1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) N/A
- 2) With a changing profession and evolving legislative dynamics, the Committee recognizes the critical role new/young lawyers play in the long-term success of the

Bar and WSBA's legislative agenda. The Committee strives for institutional knowledge to be passed from longer-serving committee members to new members such as new/young lawyers. The knowledge shared is not only related to legislative and public policy issues, but also information related to the profession itself.

**Please report how this committee/board is addressing the needs of the public:**

*1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*

- 1) Legislation recommended by the Committee and supported by the BOG that passes through the legislature, such as the many Corporate Act Revisions Committee recommendations, directly impact the public as they become state laws. These legislative proposals are carefully vetted to best ensure that they will positively impact both the legal community and the public.
- 2) The Committee works to ensure that any legislative proposal it receives has been properly vetted by stakeholders, often in the public, that will be affected by, or be able to offer feedback and suggestions to, the proposed legislation.

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 3:6:0 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 1 (2 did not answer)
- Number of members self-identified as having a disability: 0 (0 did not answer)
- Number of members self-identified as LGBT: 0 (1 did not answer)

**WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019**

<p><b>Limited License Legal Technician (LLLT) Board</b></p> <p>Chair: Steve Crossland</p> <p>Staff Liaison: Renata Garcia</p> <p>BOG Liaison: Peter Grabicki</p>	<p>Size of Committee: 15</p> <p>Direct expenses: FY18: \$17,000    FY19: \$17,000</p> <p>Indirect expenses: FY18: \$92,636    FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 8</p>
<p><b>Background &amp; Purpose:</b></p> <p>The Limited License Legal Technician (LLLT) Board derives its authority from the Washington Supreme Court under Rule 28 of the Admission and Practice Rules (APR), adopted effective September 1, 2012. By order of the Court, the WSBA is to administer and fund the LLLT Board and the program.</p> <p>APR 28 authorizes persons who meet certain educational and licensing requirements to advise clients on specific areas of law. The only currently approved practice area is domestic relations (family law). The Supreme Court established the LLLT Board to oversee the LLLT license.</p>	
<p><b>Strategy to Fulfill Purpose:</b></p> <p>From 2013-2016, the LLLT Board concentrated on creating the operational details for the LLLT license; the LLLT Board is now focusing on the promotion, expansion, and development of the license.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b></p> <ol style="list-style-type: none"> <li>1) The LLLT Board is considering new practice areas for approval by Supreme Court.</li> <li>2) In light of the family law enhancements which were recently approved by the Court, the LLLT Board is developing the required training for currently licensed LLLTs.</li> <li>3) The LLLT Board is exploring innovative methods of expanding the accessibility of the LLLT core curriculum across the state.</li> <li>4) The LLLT Board continues to engage in outreach efforts, including working with the WSBA communication team to expand outreach to a diverse pool of LLLT candidates, including college and high school students. The LLLT Board produced a video, which is being shared publicly and on the WSBA website, to inform the public about the LLLT license. On May 28, 2019 the WSBA hosted a Legal Lunchbox CLE to educate members on the benefits of working relationships between LLLTs and lawyers.</li> </ol>	

**2019-2020 Goals:**

- 1) Develop and recommend new practice areas for approval by the Supreme Court.
- 2) Continue to promote the LLLT license through public outreach to a diverse pool of LLLT candidates around the state.
- 3) Expand the accessibility of the LLLT core curriculum across the state by approving additional non-ABA approved paralegal or legal studies programs to offer the education.
- 4) Advance the LLLT Board's efforts to provide access to financial aid for students in the LLLT practice area classes.

**Please report how this committee/board is addressing diversity:**

- 1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*
- 1) The LLLT Board seeks members from different backgrounds and experiences and work together to foster a positive work environment in concert with WSBA's commitment to diversity and inclusion.
  - 2) Yes, the LLLT Board received training from WSBA's Diversity Specialist. The goal is to offer the training on an annual basis.
  - 3) The LLLT Board seeks input from all WSBA members as well as the legal community in general when making important decisions such as developing a new practice area.
  - 4) APR 28 has been amended at the request of the LLLT Board to allow LLLTs and LPOs as well as attorneys with judicial and emeritus pro bono status to serve as Board members, to apply for Board positions.
  - 5) The core curriculum educational approval process reflects the LLLT Board's commitment to diversity in that it requires any institution offering the core curriculum to have diversity, inclusion, and equal access policies and practices in place. The LLLT Board also sought to increase diversity within the LLLT profession by extending the limited time waiver (see APR 28 Regulation 4) to December 31, 2023 in order to allow a group of candidates qualified by work experience rather than by education to enroll in the practice area classes. This increases access to justice by removing some of the barriers that may prevent qualified potential LLLTs from entering into the profession. The ongoing effort to provide a pathway to financial aid for the practice area classes also aims to provide more opportunities to join the LLLT profession to prospective applicants from diverse socio-economic backgrounds.

**Please report how this committee/board is addressing professionalism:**

- 1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges,*



*staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*

- 1) The LLLT Board has set up rules of professional conduct and a disciplinary system for LLLTs. The Board also requires LLLTs to carry malpractice insurance and conform to the same rules as lawyers regarding IOLTA accounts.
- 2) The LLLT Board has worked to promote LLLTs in the legal community and educate all legal professionals about the permitted scope and models for LLLT practice, as well as highlighting the ways in which collaboration with LLLTs can contribute to the efficiency and accessibility of any legal practice.
- 3) See answer 1 above. LLLTs must abide by the LLLT rules of professional conduct and are subject to professional discipline.

**Please report how this committee/board is integrating new and young lawyers into its work:**

*1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) All WSBA members are invited to provide comments on rules and new practice area suggestions and development, including new and young lawyers.
- 2) N/A

**Please report how this committee/board is addressing the needs of the public:**

*1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*

- 1) The creation of LLLTs increases access to justice by providing affordable legal services at significantly lower rates than attorneys. Those in need of legal help, who may not be able to afford an attorney, now have the option of hiring a LLLT at a reduced cost. The LLLT pathway also increases access to justice for those interested in joining the legal profession without the high cost of law school.
- 2) The Board invited public comment regarding the Consumer, Money, and Debt practice area that is under consideration. It has also spread awareness about the LLLT license and services through an informational video and outreach events throughout the state.

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 13:1:0 (1 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 3 (1 did not answer)
- Number of members self-identified as having a disability: 2 (2 did not answer)
- Number of members self-identified as LGBT: 2 (2 did not answer)

**WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019**

<p><b>Limited Practice Board</b></p> <p>Chair: Crystal Flood</p> <p>Staff Liaison: Renata Garcia</p> <p>BOG Liaison: None</p>	<p>Size of Committee: 9</p> <p>Direct expenses: FY18: \$3,000    FY19: \$3,000</p> <p>Indirect expenses: FY18: \$42,709    FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 6</p>
<p><b>Background &amp; Purpose:</b> The Limited Practice Board (LPB) derives its authority from the Washington Supreme Court under rule 12 of the Admission and Practice Rules (APR). The purpose of the LPB is to oversee the Limited Practice Officer (LPO) license program.</p>	
<p><b>Strategy to Fulfill Purpose:</b> The LPB will meet four to six times a year to develop and grade the LPO exam and discuss issues and items of concern or that are relevant to the LPO license.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b> The LPB in collaboration with Ergometrics, an organization that performs testing development work, reviewed the LPO exams, improved essay questions and evaluated the grading method for the problem section of the exams.</p>	
<p><b>2019-2020 Goals:</b></p> <ol style="list-style-type: none"> <li>1) Continue to work with Ergometrics to develop the LPO examination.</li> <li>2) Review and make changes to LPO forms, as needed.</li> </ol>	
<p><b>Please report how this committee/board is addressing diversity:</b></p> <ol style="list-style-type: none"> <li>1) <i>Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?</i></li> <li>2) The LPB is dedicated to furthering WSBA’s commitment to diversity and inclusion through Board recruitment and ongoing interactions with each other, members, and the general public.</li> <li>3) Yes, the LPB received training from WSBA’s Inclusion and Equity Specialist. The goal is to have this training on an annual basis as part of new board member orientation.</li> </ol>	

- 4) N/A
- 5) The equity and inclusion training provided board members with tools to promote a culture of inclusion within the board.
- 6) The LPO license provides an opportunity to enter the legal profession, albeit in limited practice, for those who have had barriers to completing higher education.

**Please report how this committee/board is addressing professionalism:**

*1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*

- 1) LPB members are invited to speak at LPO Continuing Education seminars; examples of situations regarding the LPO Rules of Professional Conduct are a popular topic.
- 2) N/A
- 3) LPOs must abide by the LPO rules of professional conduct and are subject to professional discipline.

**Please report how this committee/board is integrating new and young lawyers into its work:**

*1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) There is no "years-of-practice" requirement for the LPB so all are welcome to apply. However, members of the LPB tend to be more experienced.
- 2) As members of the bar, new and young LPOs, are now able to take advantage of many WSBA services including debt management, free and low cost CLEs and leadership opportunities.

**Please report how this committee/board is addressing the needs of the public:**

*1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*

- 1) LPOs work directly with members of the public as they are licensed to select, prepare, and complete approved documents for use in closing a loan, extension of credit, sale, or other transfer of real or personal property.
- 2) No

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 4:5:0 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 0 (1 did not answer)
- Number of members self-identified as having a disability: 0 (0 did not answer)
- Number of members self-identified as LGBT: 0 (0 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

<p><b>Mandatory Continuing Legal Education (MCLE) Board</b></p> <p>Chair: John Bender</p> <p>Staff Liaison: Adelaine Shay</p> <p>BOG Liaison: Alec Stephens</p>	<p>Size of Committee: 7</p> <p>Direct expenses: FY18: \$2,000    FY19: \$2,000</p> <p>Indirect expenses: FY18: \$83,350    FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 2</p>
<p><b>Background &amp; Purpose:</b></p> <p>The Mandatory Continuing Legal Education Board (MCLE Board) derives its authority from the Washington Supreme Court under Admission and Practice Rule 11. The Supreme Court-appointed MCLE Board accredits courses and educational programs that satisfy the educational requirements of the mandatory CLE rule, considers MCLE policy issues as well as reporting and exception situations, and considers member and sponsor petitions for waivers from requirements and appeals from decisions.</p>	
<p><b>Strategy to Fulfill Purpose:</b></p> <p>Timely and accurately review an average of 20,000 courses and educational programs per year, monitor member compliance with MCLE requirements, respond to all MCLE related inquiries, and fairly consider all member and sponsor requests.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b></p> <ol style="list-style-type: none"> <li>1) Reviewed financial hardship qualifications for undue hardship petitions and determined that no changes to the existing qualifications were necessary. The MCLE Board established criteria to assist MCLE staff in determining who is eligible for a payment extension. The guidelines take into account income, credits earned, financial hardship, and amount owed.</li> <li>2) Continued to work to increase the diversity of the MCLE Board through recruitment efforts.</li> <li>3) Completed and resolved by motion seventy-five petitions from members (through June 2019) for modifications and waivers of one or more MCLE requirements.</li> <li>4) Audited eight courses, provided an audit report to the MCLE Board, and provided detailed reports to each sponsor regarding the strengths and weaknesses of the course as well as recommendations for improvement.</li> </ol>	
<p><b>2019-2020 Goals:</b></p> <ol style="list-style-type: none"> <li>1) MCLE Board members have a goal of auditing two or more accredited sponsor courses each.</li> </ol>	

- 2) Taking into consideration feedback from the public, licensed legal professionals, and the WSBA Board of Governors the MCLE Board will determine whether to recommend to the WA Supreme Court an amendment to the Admission and Practice Rule (APR) 11 ethics requirement.
- 3) Continue to work to increase the diversity of the MCLE Board.

**Please report how this committee/board is addressing diversity:**

- 1) *Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*
- 1) The Board has not attempted to use tools provided by WSBA.
- 2) Participated in a diversity training presented by WSBA Inclusion and Equity Specialist Robin Nussbaum in January 2019.
- 3) The MCLE Board continues to seek members who represent diversity in geography, and all other diversity criteria used by the WSBA. In addition, the MCLE Board has done targeted outreach to members and/or sponsors regarding topics that the Board has considered during the year. Also, the Board routinely receives and considers input from members affected by the MCLE rules when considering petitions filed by the members.
- 4) We foster an atmosphere of civility and collegiality insofar as how we receive comments from Bar members, staff, fellow board members and others. This is accomplished by active listening to all and discussions focused on fairness and similar treatment of issues. Consistency in the application of the rules is maintained by active discussion on the merits with the goal being consensus.
- 5) Although this may or may not apply directly or only to members from historically underrepresented groups, the MCLE rules and the Board's considerations include requests for accommodation of various disabilities as well as consideration of issues causing "undue hardship" and financial issues.
- 6) After receiving a request/suggestion from the WSBA Diversity Committee, the MCLE Board is considering an amendment to require that, of the six required ethics credits for legal professionals, one credit be required in each of these three topics: Inclusion and anti-bias, mental health and addiction, and technology security. The MCLE Board is currently soliciting feedback. The preliminary amendment proposal and the background information is provided in the Report and Preliminary Recommendation of the Washington Supreme Court Mandatory Continuing Legal Education Board Re: Proposed Amendment to APR 11, which can be found on the MCLE Board webpage on the WSBA website.

**Please report how this committee/board is addressing professionalism:**

*1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*

- 1) The MCLE Board is primarily regulatory. However, through auditing courses, the Board is able to gauge and monitor the level of professionalism presented during seminars. In addition, the Board treats members with respect and courtesy while enforcing the Supreme Court's MCLE requirements and ensuring protection of the public.
- 2) The Board seeks to improve relationships between and among lawyers, judges, and clients by reviewing and approving quality continuing legal education courses that provide the skills necessary for making and maintaining successful relationships.
- 3) Although the Board itself is not involved in raising such awareness, the Supreme Court's MCLE rules that are applied by the Board do allow for accreditation of MCLE activities that raise awareness about the causes and/or consequences of unprofessional behavior.
- 4) The MCLE Board is considering an amendment to require that, of the six required ethics credits for legal professionals, one credit be required in each of these three topics: Inclusion and anti-bias, mental health and addiction, and technology security.

**Please report how this committee/board is integrating new and young lawyers into its work:**

*1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) The MCLE Board continues to seek members who represent new and young lawyers.
- 2) The Board supports new and young lawyers by encouraging mentorship as a tool for professional and personal development.

**Please report how this committee/board is addressing the needs of the public:**

*1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*

- 1) As stated in APR 11 the purpose of "Mandatory continuing legal education (MCLE) is intended to enhance lawyers', LLLTs', and LPOs' legal services to their clients and protect the public by assisting lawyers, LLLTs, and LPOs in maintaining and developing their competence as defined in RPC 1.1 or equivalent rule for LLLTs and LPOs, fitness to practice as defined in APR 20, and character as defined in APR 20. These rules set forth the minimum continuing legal education requirements for lawyers, LLLTs, and LPOs to accomplish this purpose."
- 2) The WA Supreme Court appoints one public member to serve on the MCLE Board. MCLE Board meetings are open to the public, except for when the MCLE Board is

discussing confidential information as defined in APR 11(k). Additionally all MCLE Board minutes are posted on the WSBA website.

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 4:3:0 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 2 (1 did not answer)
- Number of members self-identified as having a disability: 0 (0 did not answer)
- Number of members self-identified as LGBT: 0 (0 did not answer)

**WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019**

<p><b>Practice of Law Board (POLB)</b></p> <p>Chair: Paul Bastine</p> <p>Staff Liaison: Julie Shankland</p> <p>BOG Liaison:</p>	<p>Size of Committee: 13</p> <p>Direct expenses: FY18: \$15,000 FY19: \$16,000</p> <p>Indirect expenses: FY18: \$82,826 FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 5</p>
<p><b>Background &amp; Purpose:</b></p> <p>The Practice of Law Board (POLB) was established by the Washington Supreme Court in 2002 and derives its authority from GR 25 and the Court’s 2015 Order reconstituting the Board and refocusing its mission. The Court directed the Board to increase its focus on educating the public about how to receive competent legal assistance and considering new avenues for other legal professionals to provide legal and law-related services.</p>	
<p><b>Strategy to Fulfill Purpose:</b></p> <p>In pursuit of the above directive, the POLB seeks to reach beyond the mainstream to identify cutting edge strategies that track and anticipate developments in the profession, in technology, the market for legal services, and in consumer needs generally.</p> <p>The POLB works with strategic affiliates to develop new ideas on delivering safe, effective and efficient legal services to everyone in the State of Washington, while assisting with public protection from unauthorized delivery of legal services, in support of this State's reputation as a national leader in innovative legal practice. To this end, the POLB works with stakeholders to think strategically, creatively and beyond existing models of dispute resolution and legal service delivery, including assisting licensed legal professionals in integrating new ideas while maintaining effective and successful legal practices.</p> <p>The POLB appointed a liaison to the Access to Justice Board to ensure that the two boards have frequent communication and to prevent duplication of effort. The POLB also works and communicates with the Limited License Legal Technician (LLLT) Board to make sure that we are working together toward our mutual goals.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b></p> <ol style="list-style-type: none"> <li>1) Work with CuroLegal and WSBA to develop the Legal Health Check Up in web application and paper form.</li> <li>2) Submitted changes to GR 25 that were adopted by the Court effective December 18, 2018.</li> </ol>	



3) Continue to consider ways that GR 24 should be amended; discuss these changes with stakeholders and recommend to the Court if appropriate. This work is currently focused on regulating online delivery of legal services.

**2019-2020 Goals:**

1. **GR 24 suggested modifications.** The Board submitted a proposed rule change and, in conjunction with the ATJ Technology Committee, held a stakeholder event. The Board plans to refine the proposed rule based on the input gathered and build on the relationships developed.
2. **UPL as a per se violation of the Consumer Protection Act.** The Board has drafted proposed legislation making UPL a per se violation of the Consumer Protection Act and is working with WSBA's lobbyist and the Attorney General's Office to find a sponsor to present this to the legislature.
3. **Legal Health Check Up.** The Board continues to work with CuroLegal to develop and launch the Legal Health Check Up—an application designed to educate the public about how to receive competent legal assistance.
4. **Courthouse Facilitator Program.** The Board is holding conversations with stakeholders about ways the Board might be involved to explore ways to assist those operating these programs.

**Please report how this committee/board is addressing diversity:**

- 1) *Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*
- 1) The Board and staff consult the Diversity Dictionary and the Accessible Event Planning Guide to assist the Board.
  - 2) The Board received training from the Diversity Specialist during 2018-19.
  - 3) Diversity is considered when the POLB members are appointed and is considered in every appointment request sent to the Court. This POLB's success in its "blue sky" mission will depend heavily on diversity.
  - 4) The Board actively seeks diverse perspectives from Board members and from stakeholders.
  - 5) N/A.

**Please report how this committee/board is addressing professionalism:**

- 1) *Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*

- 1) The POLB is dedicated to promoting professionalism through its purpose of promoting appropriate and competent legal services and ensuring that the public receives legal services from those dedicated to being ethical, professional, competent and appropriate to the needs of the public.
- 2) N/A
- 3) N/A

**Please report how this committee/board is integrating new and young lawyers into its work:**

*1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) The POLB has new and young lawyer members and will continue to actively seek new and young lawyer participation.
- 2) The POLB has heard presentations from new and young lawyers.

**Please report how this committee/board is addressing the needs of the public:**

*1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*

- 1) The public will be directly impacted when the Legal Health Check Up is launched. The public will also be directly impacted if the Court adopts regulations around online delivery of legal services.
- 2) Yes. The Board, in conjunction with the ATJ Technology Committee and WSBA has held events to gather stakeholder and public input.

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 6:7:0 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 2 (1 did not answer)
- Number of members self-identified as having a disability: 1 (0 did not answer)
- Number of members self-identified as LGBT: 2 (2 did not answer)

**WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019**

<p><b>Pro Bono and Public Service Committee</b></p> <p>Chair: Paul Okner, Nicholas Larson</p> <p>Staff Liaison: Paige Hardy, Diana Singleton</p> <p>BOG Liaison: Athan Papailiou</p>	<p>Size of Committee: 18</p> <p>Direct expenses: FY18: \$2,000    FY19: \$2,000</p> <p>Indirect expenses: FY18: \$77,968    FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 6</p>
<p><b>Background &amp; Purpose:</b> The Pro Bono and Public Service Committee’s (Committee) purpose is to enhance a culture of service.</p>	
<p><b>Strategy to Fulfill Purpose:</b> The Committee fulfills its purpose by promoting opportunities and best practices that encourage WSBA members to engage in pro bono and public service, with a particular emphasis on services to low and moderate income individuals.</p>	
<p><b>2018-2019 Accomplishments and Work in Progress:</b> The Committee established workgroups to accomplish the following tasks, and to carry out the following future goals:</p> <ol style="list-style-type: none"> <li>1) <u>Pro Bono Policy Workgroup:</u> <ol style="list-style-type: none"> <li>a) Completed draft model pro bono policies that law firms, government agencies, and in-house legal departments can adopt, adapt, and implement internally to enhance the culture of pro bono within their company or organization.</li> <li>b) Sought and received substantive input from stakeholders (WSBA sections, specialty bar associations, WSBA General Counsel, etc.)</li> <li>c) Seeking BOG approval at the 2019 July BOG meeting</li> <li>d) If the BOG approves the model policies, the committee will promulgate and publicize the model policies using WSBA communication channels, the soon to be updated Pro Bono WA website, and the committee’s networks with the pro bono and legal aid community.</li> </ol> </li> <li>2) <u>Rules Workgroup:</u> <ol style="list-style-type: none"> <li>a) Analyzed WSBA emeritus pro bono status and analogues from other states related to impact on the number of pro bono attorneys in the state, identified potential barriers for converting to emeritus status, and developed possible solutions to those barriers—such as reducing the number of years of practice required.</li> <li>b) Drafting proposed amendments and potential improvements to the emeritus pro bono status guidelines, and soliciting feedback from stakeholders across the state,</li> <li>c) Once completed, will submit proposed amendments to BOG for review and approval.</li> </ol> </li> </ol>	

3) CLE Workgroup:

- a) Developed and promoted CLE programs focused on topics relevant to pro bono work, including the October 2018 Legal Lunchbox focusing on landlord-tenant law, and evictions in particular as well as the upcoming October 2019 Legal Lunchbox focused on pro bono representation in administrative law hearings.
- b) Actively working with the 3 law schools in the state to present a panel discussion on pro bono issues and opportunities to current students which is slated to take place in the fall at the start of the academic calendar.

4) Publications Workgroup:

- a) Produced, in collaboration with partners, a feature-length piece in the October/November 2018 NW Lawyer Magazine highlighting individual pro bono achievements throughout Washington.
- b) Working to produce articles for the October 2019 NW Lawyer Magazine, including articles about model pro bono policies, emeritus pro bono status attorneys, pro bono work in tribal communities, and benefits to attorneys volunteering with a Qualified Legal Service Provider.
- c) Engaging in discussions with pro bono providers throughout the state to offer promotional opportunities for such programs via WSBA communication channels, such as articles in the NWLawyer or blog posts on the NWSidebar.

5) Technology:

- a) Reviewed the pro bono portal ([www.probonowa.net](http://www.probonowa.net)), the existing online clearinghouse for pro bono opportunities in Washington and began to identify areas for improvement, such as user experience, information accessibility, and website navigation.
- b) Began to identify possible stakeholders, such as the Seattle Pro Bono Coordinators and the Access to Justice Board Technology Committee and Communications Committee for a larger workgroup to address and improve the portal.

Additionally, the Committee developed a liaison program by which it assigned one or more committee members to most, if not all of the organizations active in the pro bono space throughout the state, including the Access to Justice Board, the Volunteer Legal Programs, Qualified Legal Service Providers, Minority Bar Associations, county bar associations, and the three law schools. This outreach will be ongoing and multi-directional, and has resulted in the conceptualization of new CLE opportunities and articles for publication, as well as increased collaboration and communication between the Committee and these organizations across the state. The Committee sent representatives to the bi-annual ATJ Conference in June 2019, and drafted a letter for BOG review regarding access to justice issues associated with practices and procedures at the Northwest Detention Center in Tacoma.

**2019-2020 Goals:**

- Continue conducting the liaison program to foster communication and collaboration with pro bono providers and organizations statewide.
- Develop outreach to the public to ensure that the Committee's work is responsive to the needs of low-to-moderate income Washington residents.

- Continue the workgroup projects set forth above, including the following:
  - Create multiple CLEs on topics relevant to pro bono work and promote them to WSBA members as a benefit for volunteering with a Qualified Legal Service Provider
  - Create and publish articles publicizing issues surrounding pro bono
  - Promulgate and promote model pro bono policies and look for ways to encourage adoption statewide
  - Improve probonowa.net and ensure its ongoing viability and relevance
  - Continue to identify rules and policies that might inhibit participation in pro bono work and seek ways to remove such barriers

**Please report how this committee/board is addressing diversity:**

- 1) *Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*
- 1) The Committee devoted scheduled meeting time to diversity and inclusion training by WSBA staff, and
  - 2) Plans to hold part 2 of the training in the next fiscal year.
  - 3) The co-chairs worked to solicit input from every Committee member regarding next steps in the committee's future. Similarly, the Committee's workgroups operate democratically with significant opportunity for participation by all members.
  - 4) We sought out as much participation as possible from the entire group.
  - 5) We have carefully considered equity and inclusion as we have sought to fill out our Committee for the coming year, and have actively reached out to members of minority bar associations and groups with historically underrepresented backgrounds for potential members. Although we seek to encourage the promotion of equity with all members of the committee, we can absolutely work toward incorporating more inclusive and equitable practices. This could be in consultation with the Inclusion and Equity Specialist or through an outside facilitator.

**Please report how this committee/board is addressing professionalism:**

- 1) *Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*
- 1) The Committee's primary objective is to promote the culture of service, specifically pro bono work, in the legal profession. Not only does this work align with GR 12.2, the preamble to the Rules of Professional Conduct, or RPC 6.1, the committee seeks ways to

make volunteering easier for lawyers through its work on changes the rules for emeritus pro bono, model pro bono policies, and outreach to entities statewide.

- 2) Yes. The Committee is actively working to increase collaboration and communication among organizations that provide pro bono services, and is actively working to help encourage greater participation by lawyers in pro bono work. For example, the committee is working with the Office of Administrative Hearings (OAH) and several Administrative Law Judges for a Legal Lunchbox in October 2019. We also made sure that a couple of our committee members were in attendance at the recent Access to Justice Conference to develop relationships with the larger access to justice community. The Committee Co-Chairs, are liaisons to the Seattle Pro Bono Coordinators and the Access to Justice Board to stay apprised of the needs of the legal aid communities.
- 3) Yes, we promote the idea that it is ethically required for attorneys to do pro bono work and we work to promote as many pro bono opportunities as possible to encourage that attorneys are meeting RPC 6.1, which states that attorneys “should aspire to render at least thirty (30) hours of pro bono publico service each year.

**Please report how this committee/board is integrating new and young lawyers into its work:**

*1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) Several of our Committee members are new lawyers and we make sure that they are involved in the broader committee work, but are also contributing in meaningful ways to the workgroups. Encouraging attorneys to commit to pro bono is particularly valuable at the early stages of an attorney’s legal career and therefore seek to encourage new and young lawyers to engage in those efforts
- 2) The Committee encourages a variety of pro bono work, which is often engages with new lawyers. Often Qualified Legal Service Providers have pro bono opportunities and CLEs that are catered to attorneys new to the practice of law by training them in both substantive and procedural areas of law. The Committee also partnered with two Landlord/Tenant programs last year for a Legal Lunchbox on the Residential Landlord Tenant Act basics and ways to volunteer for some of the many Housing Justice Projects across the state. We received comments from at least one viewer that the program encouraged them to start volunteering.
- 3) The staff liaison has presented to the Young Lawyers Committee about the opportunities to cross-collaborate with the Committee and members have been doing outgoing outreach with all three law schools to connect law students to work of the Committee.

**Please report how this committee/board is addressing the needs of the public:**

*1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*

- 1) Our Committee works to increase pro bono publico work, which directly affects and increases access to justice for the vast majority of the public that does not ordinarily enjoy legal counsel due to the exorbitant costs of hiring private attorneys that preclude low-to-moderate income people from having representation.
- 2) In this fiscal year, we have yet to prioritize communicating with or seeking additional input from the Public. All our meetings are public, however, this priority will be emphasized as we develop our strategic plan for the upcoming fiscal year to work with the communities that we seek to serve.

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 12:6:0 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 2 (1 did not answer)
- Number of members self-identified as having a disability: 1 (0 did not answer)
- Number of members self-identified as LGBT: 1 (0 did not answer)

**WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019**

<p><b>Washington Young Lawyers Committee</b></p> <p>Chair: Kim Sandher</p> <p>Staff Liaison: Julianne Unite, Ana LaNasa-Selvidge</p> <p>BOG Liaison: Russell Knight</p>	<p>Size of Committee: 18</p> <p>Direct expenses: FY18: \$15,000    FY19: \$15,000</p> <p>Indirect expenses: FY18: \$40,668    FY19: Not yet calculated</p> <p>Number of FY20 Applicants: 13</p>
<p><b>Background &amp; Purpose:</b></p> <p>The Washington Young Lawyers Committee (WYLC) derives its authority from the WSBA Bylaws, WSBA Board of Governors (BOG) Committees and Boards Policy, and WYLC Appointment Policy.</p> <p>Per Section XII.A of the WSBA Bylaws, the WYLC’s purpose is to encourage the interest and participation of:</p> <ol style="list-style-type: none"> <li>1) new and young lawyers and law students in the activities of the WSBA;</li> <li>2) 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 upholding and supporting the Guiding Principles of the WSBA.</li> </ol>	
<p><b>Strategy to Fulfill Purpose:</b></p> <p>This year’s focus on fulfilling the WYLC’s purpose involves seven key areas:</p> <ol style="list-style-type: none"> <li>1. Outreach and communication;</li> <li>2. Debt;</li> <li>3. Public Service and Leadership;</li> <li>4. Rural Placement Pilot Project;</li> <li>5. Northwest Regional Summit;</li> <li>6. ABA YLD Representation; and</li> <li>7. PREP</li> </ol> <p>The accomplishments and FY19 goals outlined in this document reflect how the work of the WYLC addresses these priorities and fulfills the purpose of the WYLC. These priorities are focused on the four key areas identified in the November 2014 new lawyer survey and July 25, 2015 Generative Discussion of the BOG with the WYLC for key issues facing new and young lawyers: Employment, Debt, Community, and Leadership.</p>	



Each member of the WYLC is required to join a subcommittee focused on the above focus areas and are tasked with recruiting members outside the WYLC to help accomplish the goals of each.

### **2018-2019 Accomplishments and Work in Progress:**

#### Outreach and Communication

1. The WYLC's goal this year was to connect new/young lawyers with WSBA programs, services and activities (for example, the Job Seeking Assistance Program). We updated the WSBA website to better reflect what the WYLC does and restructured the quarterly contact emails in an effort to make them easier to read.
2. The WYLC has had networking events after our in person meetings and has encouraged all WYLC members to check in on social media, post pictures, and liked and shared these posts. We have also been using our Facebook page, which we now have access to, for this purpose. The last meeting in Snohomish County partnered with the local tribal court and bar association and regional representatives to be more inclusive of those outside the Seattle area. We will be doing something similar in Richland, WA this July.
3. Attended WSBA events hosted around the state, including Open Sections Night, WSBA Diversity Community Networking Events, and MentorLink Mixers.
4. The WYLC is currently still working on finding the best way to get new admittees information about these events. One thing we are working on doing is getting in touch with law schools in Spring and possibly at graduation so law students are aware of the resources available to them once they pass the bar.
5. Explored opportunities to connect with county young lawyer divisions and other new and young lawyer communities, and identified opportunities to develop local CLEs that would benefit new and young lawyers.
6. Will be working on sponsoring an event at the end of the bar year to highlight and celebrate award recipients, scholarship recipients, and young lawyer liaisons. This may be in collaboration with local bar associations.

#### Debt

1. WYLC continues to advocate and promote the financial planning resources WSBA currently provides.
2. The WYLC is partnering with the New Member Education team to develop another Financial Planning CLE to be delivered this August. This seminar will be free to anyone within their first five years of practice and will focus on assisting new and young lawyers to manage their student loan debt.

#### Public Service and Leadership

1. Public Service and Leadership Award—to expose new and young lawyers to the value of public service and leadership, the WYLC will award four Public Service and Leadership Awards to new or young lawyers and write an article for the *NWLawyer*

highlighting the impact of the each lawyer's work in the community. Applications have closed and selections will take place later on in June.

#### Rural Placement Pilot Project

1. This project is in the development phase, but it has been put on hold for this fiscal year because the uncertainty of WSBA's future structure is currently unknown. If it is eventually launched, WYLC will work with staff to connect regional representatives with fellows, help identify counties to participate in the pilot, and provide support for the program.

#### Northwest Regional Summit

1. WYLC is working on co-hosting a summit in partnership with the Oregon New Lawyers Division. The focus is on developing a summit that leads to proposals and recommendations for the region to address concerns of legal professionals in rural communities.
2. The WYLC plans to apply for an ABA Regional Summit Subgrant for this.

#### ABA YLD Representation

1. The WYLC worked this year with the ABA YLD District Representative (DR) to select delegates for the ABA YLD Assembly at the ABA midyear and annual meetings to create a stronger connection between the ABA YLD and WYLC so that information is reported back to our meetings.
2. We put a process in place for selecting delegates who are going to be voting on behalf of the WA state young/new lawyers.
3. The WYLC is also administering subsidy scholarships to new and young lawyers who attend ABA meetings as delegates. The WYLC has opened the scholarship and will select two scholarship recipients. Recipients will write a NWSidebar blog post highlighting what they learned from attending the ABA meeting, report back to the WYLC, and provide content to be shared in the WYLC Quarterly Contact emails.

#### Preadmission Education Program (PREP)

1. WYLC is working with staff to support the preadmission education program and working with local and minority bar association to host live PREP Programs.

#### **2019-2020 Goals:**

1. ABA YLD Representation—The WYLC will continue to provide the ABA YLD Meeting Scholarships for new and young lawyers attending ABA meetings as delegates. Scholarship recipients will share resources with the nearly 7,000 new and young lawyers in Washington by: (1) writing a NWSidebar blog post highlighting what they learned that is of benefit to new and young lawyers in Washington State, and (2) providing content to the WYLC to be shared in the WYLC Quarterly Contact emails. The WYLC will also work closely with the ABA YLD District Representative and scholarship recipients to identify additional ABA opportunities of value to new and young lawyers.

2. Public Service and Leadership Award—to connect new and young lawyers to the value of public service and leadership, the WYLC will award four Public Service and Leadership Awards to new or young lawyers and write an article for the *NWLawyer* highlighting the impact of the new lawyer’s work in the community.
3. Summit—the WYLC will co-host the Northwest Regional Summit in partnership with the Oregon New Lawyers Division in 2020. The WYLC will focus on developing a summit that leads to proposals and recommendations for the region to address concerns of legal professionals and access to justice in rural communities.
4. Outreach and Communication—it is vital to connect new and young lawyers with WSBA programs, services, and activities. To accomplish this, the WYLC plans to:
  - a. Work on a stronger social media presence by liking, posting, and sharing relevant content and WSBA posts with their new and young lawyer social networks.
  - b. Focus on developing in-person outreach/communications/events/mixers in partnership with WYLC regional representatives and local bar association young lawyer divisions.
  - c. Determine the best way of distributing a calendar of new lawyer regional events for the year to new admittees.
5. Preadmission Education Program (PREP)—work with WSBA staff to support PREP and work with local and minority bar associations to host live PREP programs.
6. Rural Placement Pilot Project—depending on the Bar Structures Workgroup and the Courts decision, the WYLC will work with staff to connect WYLC regional representatives to fellows, help identify counties to participate in pilot, and provide additional support for this pilot program.
7. Investigate opportunities to help new and young lawyers with debt relief and financial planning. Begin implementation of at least one program and present it to the ABA YLD.

**Please report how this committee/board is addressing diversity:**

- 1) *Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*
1. The WYLC received training from the WSBA Inclusion and Equity Specialist in February 2019. Also at that training, WSBA staff presented the results from the Race Equity Impact Analysis Tool and WYLC demographic trends over the years.
2. Dana Barnett facilitated discussion about working with the MBA’s at our December meeting.
3. We have made a lot of progress in selecting new committee members next year that is diverse in gender, location, background, nationality.

**Please report how this committee/board is addressing professionalism:**

*1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*

1. The WYLC regularly invites speakers to educate WYLC members and guests on various topics so that members have the information they need.
2. The WYLC seeks to build and maintain relationships between all new and young lawyers and the legal community. The WYLC hosts outreach events across the state to build relationships with new and young lawyers. Additionally WYLC members attend WSBA events on behalf of their districts and the new and young lawyer community to build relationships with other members of the legal profession.
3. The WYLC is on-boarded to understand WSBA communication norms, values, and conflict resolution expectations. Over the course of the year, the WYLC has continued to discuss the value of following the communication norms and consequences of failing to do so. A major theme this year has been on increasing communication between members of the community as a whole. We've focused on social media and closer interaction with the BOG.

**Please report how this committee/board is integrating new and young lawyers into its work:**

*1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

1. The WYLC is entirely made up of new and young lawyers.
2. Yes, the WYLC focuses entirely on these topic areas.

**Please report how this committee/board is addressing the needs of the public:**

*1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*

1. Public has interest in having competent representation. As new and young lawyers come in, this committee helps those lawyers navigate through difficult issues.
2. We have a subcommittee dedicated to access to justice.
3. We have been using our Facebook page to interact with the public and make young lawyers more accessible to young lawyers.
4. Committee continues to explore ways to include community involvement either by attending meetings or inviting them to come to events.
5. WYLC encourages all new and young lawyers to participate in public service.

**FY19 Demographics:**

- Gender (Female: Male: Not Listed): 8:9:0 (1 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 3 (2 did not answer)
- Number of members self-identified as having a disability: 0 (0 did not answer)
- Number of members self-identified as LGBT: 0 (1 did not answer)

To: The President, President-elect, and Board of Governors  
From: Terra Nevitt, Interim Executive Director  
Julie Shankland, General Counsel  
Date: September 17, 2019  
Re: President elect/District 3 Governor

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## PRESIDENT-ELECT/DISTRICT 3 GOVERNOR

The WSBA Bylaws do not explicitly prohibit one person from serving simultaneously as both a congressional district governor and as the President-elect. However, the Bylaws treat these two positions differently for determining quorum, voting and political activity limitations.<sup>1</sup> In the event that one person does serve in both roles simultaneously, the Board should discuss and decide how to approach these issues.

### Quorum

Quorum is defined as more than half of the voting members present<sup>2</sup>. The WSBA Bylaws do not define the President-elect as a member of the Board.<sup>3</sup> The President-elect is not a voting member of the BOG, except under specific circumstances.<sup>4</sup> The Board should decide whether to count the President-elect/District 3 Governor for purposes of determining quorum. This decision involves determining (1) is the President-elect/District 3 Governor a member of the Board, and if the answer is yes, then; (2) is the President-elect/District 3 Governor a voting member of the Board.

### Voting

<sup>1</sup> The Bylaws also treat these positions differently in committee membership and other issues, but those issues do not appear to need discussion by the full Board at this time.

<sup>2</sup> We are currently using the implied quorum definition in the OPMA (more than half) rather than the definition in the WSBA Bylaws (half plus one). "A meeting of a governing body occurs when a majority of its members gathers with the collective intent of transacting the governing body's business." *Citizens Alliance for Property Rights Legal Fund v San Juan County*, 184 Wn.2d 428, 444, 359 P.3d 753 (2015)

<sup>3</sup> 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) six Governors elected at-large pursuant to these Bylaws. (Article IV.A.1)

<sup>4</sup> 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 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. (Article IV.B.2)

Governors have the opportunity to vote on each issue placed before the Board. The President-elect only votes when acting in the President's place at a meeting of the BOG and then only if the vote will affect the result. If the Board determines that the President-elect/District 3 Governor is a member of the Board, then the Board should decide whether the President-elect/District 3 Governor may vote on issues placed before the Board.

### Political Activity Limitation

The Bylaws state that the President-elect must not publicly support or oppose, in an election, any candidate for public office.<sup>5</sup> This restriction for Governors is limited to 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 the person's immediate family.<sup>6</sup>

Additionally, the 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. This limitation does not apply to Governors.

The Board should discuss and determine which set of limitations apply to the President-elect/District 3 Governor.

### FILLING A VACANCY IN DISTRICT 3 (Article IV.A.4)

<sup>5</sup> 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.

<sup>6</sup> 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:

- d. the use of the Governor's, officer's, or Executive Director's name,
- e. the contribution of funds, or
- f. 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.

The following is a summary of how vacancies caused by Congressional District Governor resignation are handled under the current WSBA Bylaws.

A vacancy due to a Governor’s resignation is discussed in Bylaws Art. IV.A.4.a. The length of time remaining in the term determines how the resignation vacancy is filled.

<b>Reason for Vacancy</b>	<b>Months remaining ≤ 12</b>	<b>Months remaining &gt; 12</b>
Resignation	BOG may leave position vacant until next election  BOG may elect a replacement	BOG elects a replacement

If governor Sciuchetti resigns his governor position on September 27, 2019, when he begins his President-elect term, less than 12 months will remain of the governor term. The Board must then decide whether to elect a replacement or leave the position vacation until the next election.

Eligibility: Eligible candidates must: be an active member of the Bar residing in Congressional District 3 who has not previously served as a Governor for more than 18 months. (Art. VI.A.1)

Election Procedures:

- Notice of position posted on Bar’s website and in NWLawyer no less than 30 days before filing deadline, including closing date and time for filing candidate applications;
- All candidate names posted publicly;
- All recommended candidates and others at the BOG’s discretion will be interviewed in public session of a BOG meeting;
- BOG discusses candidates in public session;
- Election is by vote in public session;
- If no candidate receives a majority of the votes cast, there is a run-off election between the two candidates receiving the highest number of votes. If there is a tie for the second highest number of votes, all candidates who are tied participate in the run-off. Candidate with most votes in the run-off is deemed to be the elected candidate.



# WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director  
Terra Nevitt, Interim Executive Director

## EXECUTIVE DIRECTOR'S REPORT

September 18, 2019

### WSBA Listening Tour

WSBA's 2019 listening tour wrapped up on September 18 with stops in Port Angeles and Montesano. This year's tour was a departure from prior practice in that we tried to visit as many parts of the state as possible. In furtherance of this goal we traveled 2,368 miles reaching 25 counties. At various stops we were joined by Governors Dan Clark, Kim Hunter, Chris Meserve, Carla Higginson, P.J. Grabicki, Russell Knight, Kyle Sciuchetti, Brian Tollefson, and Athan Papailiou, Governors-elect Hunter Abell and Bryn Peterson, and President-elect Rajeev Majumdar. We met former BOG members and former Bar Presidents; judges and county bar leaders; representatives of civil legal aid programs; LLLTs; elected prosecutors; and new and seasoned lawyers. While each of the meetings was distinct, there were many common themes, including confusion and concern about recent legislation affecting WSBA, questions about our structure, and a feeling that WSBA is disconnected from its membership. We received a great deal of useful feedback and ideas for the organization to discuss and we also received some heartfelt appreciation for the work of WSBA and for the listening tour itself. In the coming months, I look forward to reporting back to the Board and the WSBA membership on those conversations and discussing what action we might wish to take in response. Thanks to all of you that participated and a special thanks to our Legal and Community Outreach Specialist Sue Strachan for organizing and managing the entire tour.

### Executive Leadership Transitions

I am pleased to welcome two new members of our Executive Leadership Team. Felix Neals, who has been serving as our Interim Director of Human Resources, has accepted the permanent role. We have also hired Jorge Perez as our Chief Financial Officer. I am confident that both Felix and Jorge bring the skills, experience, and attitudes that will help WSBA move forward in the coming years and embrace the opportunities ahead of us.

### Results in for the 2019 Summer Bar Exam

The results are in for the [2019 Summer Bar Exam](#). Overall 430 candidates passed the attorney exam for a pass rate of 68.5%. You can find more detailed information about pass rates on our website. Results are also in for the LPO and LLLT exams. Twenty-seven people passed the [LPO Exam](#) representing a 46% pass rate and one person passed the entire [LLLT Exam](#) (which can be passed and taken in parts) representing a 25% pass rate. Congratulations to all of the successful exam takers!

### LLLT Program Evaluation & National Interest

Several states are examining some form of limited legal practitioner licensing as one means of providing greater access to justice; these programs often look to Washington's LLLT program as one of the most advanced programs. We have heard that California, Arizona, Oregon, and New Mexico are investigating the possibility, and Utah has adopted rules and conducted its first exam for such practitioners. In addition, New York has allowed non-lawyers to assist pro se parties in landlord-tenant and consumer debt cases for the past five years. Other states are also being urged to consider the idea. See

<https://masslawyersweekly.com/2019/08/01/massachusetts-should-take-fresh-look-at-non-lawyer-delivery-of-legal-services/>. As part of evaluating this idea and existing programs, the State Justice Institute (SJI) has awarded a grant for the National Conference of State Courts (NCSC) to conduct an evaluation of Washington's LLLT program, and to take a look at Utah's program as well. This evaluation will begin at some point after October 1, 2019.

### **Access to Justice Board Annual Report & Meeting with the Supreme Court**

The Access to Justice Board met with the Supreme Court on September 5, 2019 for its annual meeting. Access to Justice Manager Diana Singleton, Access to Justice Specialist Bonnie Sterken and I joined the Board as they presented their accomplishments and ongoing work over the last year. They referenced their newly released 2019 Annual Report and highlighted their work delivering the 20<sup>th</sup> Annual Access to Justice Conference this summer in Spokane, continued implementation of the State Plan for the Coordinated Delivery of Civil Legal Aid, internal race equity work, and the updated Technology Principles, among many other activities. The Board and the Supreme Court also discussed ongoing issues with the presence of Immigration and Customs Enforcement in the courthouses and bridging the civil-criminal divide. Chief Justice Fairhurst commended the Board and staff for their excellent work and being a leader in the access to justice community.

### **Powerful Communities Project**

After soliciting feedback from members of the Alliance for Equal Justice, Qualified Legal Service Providers (QLSPs), Minority Bar Associations, and organizations serving veterans about our efforts to support pro bono and public service, WSBA launched the Powerful Communities Project this year to give community organizations the opportunity to tell us how they can more effectively serve their communities. We received XX project proposals and ultimately partnered with 14 legal aid and community organizations on projects covering 10 counties through the state. Consistent with goal three of the 2018-2020 State Plan for the Coordinated Delivery of Civil Legal Aid, these projects will support access to legal services for underserved and underrepresented groups, including rural communities, youth and children, immigrants and refugees, Latinx communities, African American communities, Native American communities, LGBTQ communities, and people who have been formerly incarcerated. I look forward to reporting back early next year on the impact of these projects when we receive final reports from our partners.

### **WSBA CLE Summer Sale**

Each summer, the WSBA CLE Summer Sale provides our members with a discount on most of our on-demand seminar inventory. This year, the Summer Sale ran from July 16th to August 5th. Gross revenue from the summer sale exceeded \$175,000 and improved over last year's results by \$3,000. As you know, the CLE Fund is designed to be revenue neutral and our CLE activities are not subsidized by license fees.

These results would not have been possible without the coordinated efforts of the cross-departmental project team assigned to this project, including Digital Product Specialist Whitney Johnson, Publications and Customer Service Coordinator Adam Ray, Interim Education Programs Manager Shanthi Raghu, Design Services Manager Kelly Cronin, Graphic Designer Jim Hanneman, Senior Legal Editor Margaret Morgan, Project Coordinator Valerie Garvida, Broadcast Services Manager Rex Nolte, Bookkeeper Nhan Vien, Senior Accounting and Financial Systems Manager Maggie Yu, Senior Developer Elizabeth Grimes,

Online Communications Specialist Noel Brady, Communications Specialist Colin Rigley, Communications Coordinator Connor Smith, and Communication Strategies Manager Jennifer Olegario.

### **2019 Food Frenzy**

Continuing a long tradition, WSBA once again participated in Food Lifeline's annual Food Frenzy, raising a total of **\$3,835!** WSBA staff contributed **173 hours** packing and sorting food at the warehouses, which translates to over **108,231 meals** for those in need, particularly children in the summer who may rely on meals at school during the school year. Once again, WSBA garnered first place in the per capita total for the category of public legal organizations, and achieved 100% participation! For an organization our size that achievement is indeed impressive! The results in our category this year:

Overall:

- 1st Place: King County Prosecuting Attorney's Office
- **2nd Place: Washington State Bar Association**
- 3rd Place: Washington Attorney General's Office, CRJ

Per Capita:

- **1st Place: Washington State Bar Association**
- 2nd Place: King County Prosecuting Attorney's Office
- 3rd Place: Washington Attorney General's Office, CRJ

I know you join me in thanking those who participated and, in particular, our staff leaders and enthusiasts, Jon Dawson our IT Director and Laura Sanford our Foundation Development Officer!

### **Justice for All Initiative**

As I reported in July, the Access to Justice Board (ATJ Board) and the Administrative Office of the Courts (AOC) submitted a joint application for the National Center to State Courts' [Justice for All Grant](#) in June. The grant proposal requested funding to support strategic planning to address meaningful access to courts for unrepresented litigants. Unfortunately, they were not selected to receive the grant. We were notified at the end of August that 15 states applied for just three grants. The ATJ Board and AOC are continuing to talk about how they can work together and identify other support for the proposal they submitted.

**Litigation Update (attached)**

**Court Rules Update (attached)**

**Summary of WSBA Outreach Visits (attached)**

**Media Contacts Report (attached)**

**WSBA Demographics Report (attached)**

**Correspondence and Other Informational Items (attached)**

# WASHINGTON STATE BAR ASSOCIATION

Office of General Counsel

To: The President, President-elect and Board of Governors  
 From: Julie Shankland, General Counsel  
 Lisa Amatangel, Associate Director, OGC  
 Date: September 13, 2019  
 Re: Litigation Update

## PENDING LITIGATION:

No.	Name	Brief Description	Status
1.	<i>Small v. WSBA</i> , No. 19-2-15762-3 (King Sup. Ct.)	Former employee alleges discrimination and failure to accommodate disability.	On 07/17/19, WSBA filed an answer. Discovery ongoing.
2.	<i>Beauregard v. WSBA</i> , No. 19-2-08028-1 (King Sup. Ct.)	Alleges violations of WSBA Bylaws (Section VII, B "Open Meetings Policy") and Open Public Meetings Act; challenges termination of former ED.	On 08/27/19, the Supreme Court granted direct discretionary Review. Discovery ongoing.
3.	<i>O'Hagan v. Johnson et al.</i> , No. 18-2-00314-25 (Pacific Sup. Ct.)	Allegations regarding plaintiff's experiences with legal system.	Motion to Dismiss granted on 08/05/19; on 08/28/19 plaintiff circulated a Notice of Intent to Appeal.
4.	<i>Hankerson v. WSBA</i> , No. 18-2-57839-6 (King Sup. Ct.)	Seeks further review of the dismissal of his grievance.	WSBA has not been served.
5.	<i>Scannell v. WSBA et al.</i> , No. 18-cv-05654-BHS (W.D. Wash.)	Challenges bar membership, fees, and discipline system in the context of plaintiff's run for the Washington Supreme Court.	On 01/18/19, the court granted WSBA and state defendants' motions to dismiss; plaintiff appealed. WSBA's response to plaintiff's opening brief is due 09/30/19.
6.	<i>Block v. WSBA et al.</i> , No. 18-cv-00907 (W.D. Wash.) (" <i>Block II</i> ")	See <i>Block I</i> (below).	On 03/21/19, 9th Cir. stayed <i>Block II</i> pending further action by the district court in <i>Block I</i> .
7.	<i>Eugster v. Supreme Court of Washington, et al.</i> , No. 18-2-01360-34 (Thurston Sup. Ct.)	Challenges bar membership, fees, discipline system.	Case was stayed pending resolution of <i>Eastern District II</i> , now concluded. Case in position to be resumed pending action by a party or the court.
8.	<i>Eugster v. WSBA, et al.</i> , No 18201561-2, (Spokane Sup. Ct.)	Challenges dismissal of <i>Spokane County 1</i> (case no. 15-2-04614-9).	Motions to dismiss and for fees fully briefed; awaiting scheduling.



9.	<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, 9th Cir. 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 06/10/19, the District Court entered an order for plaintiff to show cause why the Court should not re-impose the vexatious litigant order; plaintiff has until 09/16/19 to respond.</p> <p>On 07/01/19, plaintiff filed a Petition of Writ of Certiorari with the United States Supreme Court; WSBA has until 10/04/19 to respond (a response is permissive, not mandatory).</p>
10.	<i>Caruso v. Washington State Bar Association, et al.</i> , No. 2:17-cv-00003-RSM (W.D. Wash.) (" <i>Caruso</i> ").	Challenges bar membership, fees, and discipline (on behalf of other lawyers).	<p>Dismissed for failure to state a claim; fee award and pre-filing order granted. 9th Cir. affirmed dismissal and fee award, vacated pre-filing order and remanded for entry of narrower order. Revised order entered on 04/29/19; not appealed.</p> <p>*Final report on this closed matter.</p>
11.	<i>Eugster v. Littlewood, et al.</i> , No. 2:17-cv-00392-TOR (E.D. Wash.) (" <i>Eastern District II</i> ")	Challenges bar membership, fees discipline system, against WSBA and Washington Supreme Court.	<p>Dismissed based on res judicata and failure to state a claim. Dismissal affirmed; plaintiff's petition for rehearing denied on 05/24/19; no petition for cert filed.</p> <p>*Final report on this closed matter.</p>
12.	<i>Eugster v. Littlewood, et al.</i> , No. 17204631-5 (Spokane Sup. Ct.)	Demand for member information in customized format.	Dismissed (GR 12.4 is exclusive remedy). Merits appeal briefing completed; awaiting disposition. Plaintiff to file supplemental brief on fee appeal on or before 09/27/19; WSBA's supplemental brief due on or before 10/28/19.
13.	<i>Eugster v. WSBA, et al.</i> , No. 18200542-1 (Spokane Sup. Ct.)	Alleges defamation and related claims based on briefing in <i>Caruso</i> (above).	Dismissed based on absolute immunity, collateral estoppel, failure to state a claim. Briefing complete on appeal and

			cross-appeal on fees. Case transferred to Division II. Oral argument scheduled for 10/22/19.
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# WASHINGTON STATE BAR ASSOCIATION

To: The President, President-elect, Immediate Past-President, and Board of Governors  
 From: Nicole Gustine, Assistant General Counsel  
 Date: September 13, 2019  
 Re: Court Rules Update

Please find the following report on the status of suggested court rules submitted by the Board of Governors and other entities to the Supreme Court. Changes from the last report are indicated in **bold**, *shaded*, *italicized text*.

<b>SUGGESTED RULE AMENDMENTS SUBMITTED BY  <u>WSBA AND SUPREME COURT BOARDS ADMINISTERED BY WSBA</u>            TO SUPREME COURT</b>			
<b>RULE</b>	<b>SUBJECT</b>	<b>BOG ACTION</b>	<b>COURT ACTION</b>
<b>LLLT RPCs 1.0B, 1.5, 7.1, 7.2, 7.3, 7.4, and 7.5</b>	The LLLT Board recommended the suggested amendments to LLLT RPC 1.0B – Additional Terminology; LLLT RPC 1.5 – Fees; LLLT RPC 7.1 – Communications Concerning an LLLT’s Services; LLLT RPC 7.2 – Advertising; LLLT RPC 7.3 – Direct Contact with Prospective Clients; LLLT RPC 7.4 – Communication of Fields of Practice and Specialization; and LLLT RPC 7.5 – Firm Names and Letterheads.	The suggested amendments were submitted to the Court to conform to the lawyer RPC amendments that were approved by the BOG on 3/8/18.	11/9/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.
<b>RPCs 5.5, 7.1, 7.2, 7.3, 7.4, and 7.5</b>	Proposed amendments to RPC 5.5 – Unauthorized Practice of Law; Multijurisdictional Practice of Law; RPC 7.1 – Communications Concerning a Lawyer’s Service; RPC 7.2 – Advertising; RPC 7.3 – Solicitation of Clients; RPC 7.4 – Communication of Fields of Practice and Specializations; and RPC 7.5 – Firm Names and Letterheads.	3/8/18: Approved submission to Court.	11/9/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.



**SUGGESTED RULE AMENDMENTS SUBMITTED BY  
WSBA AND SUPREME COURT BOARDS ADMINISTERED BY WSBA  
TO SUPREME COURT**

<b>RULE</b>	<b>SUBJECT</b>	<b>BOG ACTION</b>	<b>COURT ACTION</b>
<b>GR 24</b>	Proposed amendments to GR 24 – Definition of Practice of Law.	9/28/18: Submitted to BOG as Information.	11/28/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.  4/4/19: The Court entered an order extending the comment period, with comments to be submitted no later than August 30, 2019.

**SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS**

<b>BJAR Preamble, BJAR 1, BJAR 2, BJAR 3, BJAR 4, BJAR 5</b>	The Board for Judicial Administration, recommended amendments to BJAR Preamble, BJAR 1—Board for Judicial Administration, BJAR 2—Composition, BJAR 3—Operation, BJAR 4—Duties, and New Rule BJAR 5—Staff	7/10/19: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than September 30, 2019.
<b>New GR 38<sup>1</sup></b>	The Superior Court Judges’ Association recommended the suggested new GR 38 – Prohibition of Bias.	6/7/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than September 14, 2018.
<b>CrR 4.7, CrRLJ 4.7, CrR 3.7, CrR 3.8, CrR 3.9, CrR 4.11, CrRLJ 3.7, CrRLJ 3.8, CrRLJ 3.9, CrRLJ 4.11</b>	The Washington Association of Criminal Defense Lawyers recommended the suggested amendments to CrR 4.7 – Discovery; CrRLJ 4.7 – Discovery; suggested New CrR 3.7 – Recording Interrogations; CrR 3.8 – Recording Eyewitness Identification Procedure; CrR 3.9 – In-Court Eyewitness Identification;	7/11/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.

<sup>1</sup> The Court has not taken an action on GR 38.





<b>SUGGESTED RULE AMENDMENTS SUBMITTED BY <u>OTHERS</u></b>		
	CrR 4.11 – Recording Witness Interviews; CrRLJ 3.7 – Recording Interrogations; CrRLJ 3.8 – Recording Eyewitness Identification Procedure; CrRLJ 3.9 – In-Court Eyewitness Identification; and CrRLJ 4.11 – Recording Witness Interviews.	
<b>CJC 2.9</b>	The Superior Court Judges’ Association recommended the suggested amendment to CJC 2.9 – Ex Parte Communications.	10/10/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than December 24, 2018.
<b>CrR 3.1, CrRLJ 3.1, JuCR 9.3(a), GR 15</b>	The Washington Defender Association recommended the suggested amendments to CrR 3.1 – Right to and Assignment of Lawyer; CrRLJ 3.1 – Right to and Assignment of Lawyer; JuCR 9.3(a) – Right to Appointment of Experts in Juvenile Offense Proceedings; and GR 15 – Destruction, Sealing, and Redaction of Court Records.	11/28/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.
<b>CR 82.5</b>	The Tribal State Court Consortium recommended the suggested amendment to CR 82.5 – Tribal Court Jurisdiction.	11/28/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.  <i>09/05/2019: The Court adopted the rule.</i>



**Summary of WSBA Outreach Visits  
July 11, 2019 to September 30, 2019**

1.	8-6-19	Puget Sound Association of Legal Administrators (PSALA) Seattle, WA	Sr. Auditor Cheryl Heuett and Auditor I Mary Wells presented "Trust Account Rules."
2.	9-6-19	King County Bar Association – Family Law Section Seattle, WA	Professional Responsibility Counsel Jeanne Marie Clavere and Director of the Office of Disciplinary Counsel Doug Ende presented "General Ethics Trends and Best Practices When responding to a Grievance."
3.	9-6-19	Kitsap County Bar Association Port Orchard, WA	Legal Community Outreach Specialist attended this monthly bar meeting and luncheon.
4.	9-9-19	Skagit County Bar Association Mt. Vernon, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented an "Ethics and Civility" CLE.
5.	9-18-19	University of Washington School of Law Seattle, WA	Admissions Manager Gus Quiniones and Regulatory Services Counsel Cathy Biestek presented information to an LLM class regarding Bar Admissions, the Bar Exam and Character & Fitness.
6.	9-23-19	Pierce County Department of Assigned Counsel Tacoma, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented a CLE on RPC 5.3.
7.	9-24-19	University of Washington School of Law Seattle, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented the "WSBA Professionalism Presentation to law students in a Professional Responsibility class.
8.	9-24-19	Whatcom County Superior Court Administration Bellingham, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Ethics for GALs."
9.	9-26-19	LAW Advocates of Whatcom County Bellingham, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "The Ethics of Pro Bono Representation."

# WASHINGTON STATE BAR ASSOCIATION

## MEMO

**To:** Board of Governors

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

**Date:** September 10, 2019

**Re:** Summary of Media Contacts, July 16-September 10, 2019

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	Date	Reporter and Media Outlet	Inquiry
1.	July 30	Andy Binion, <i>Kitsap Sun</i>	Requested all disciplinary records related to Charles Ramsdell.
2.	August 6	Drew Mikkelsen, KING5-TV	Several inquiries into whether there were any disciplinary investigations into Jeffery Lippert, Thurston County chief criminal deputy prosecutor, due to sudden resignation on Aug. 4. Reporter had bar complaint and response. Sent standard response regarding disciplinary matters not made public.
3.	August 6	Sara Gentzler, <i>The Olympian</i>	Inquired about Jeffery Lippert. Reporter had bar complaint and response. Sent standard response regarding disciplinary matters not made public.

WSBA Member\* Demographics Report 9/3/19 8:20:12 AM GMT-07:00

By Years Licensed		By Age		All	Active	By Practice Area		By Languages Spoken	
Under 6	8,662	21 to 30	1,793	1,721	Administrative-regulator	2,156	Afrikaans	6	1
6 to 10	5,419	31 to 40	9,217	8,270	Agricultural	219	Akan /twi	4	1
11 to 15	5,569	41 to 50	9,787	8,089	Animal Law	104	Albanian	2	1
16 to 20	4,662	51 to 60	8,736	6,897	Antitrust	291	American Sign Language	17	1
21 to 25	4,113	61 to 70	7,735	5,854	Appellate	1,595	Amharic	17	1
26 to 30	3,547	71 to 80	2,587	1,757	Aviation	165	Arabic	49	1
31 to 35	2,991	Over 80	585	131	Banking	421	Armenian	7	1
36 to 40	2,451	<b>Total: 40,440</b>			Bankruptcy	893	Bengali	10	1
41 and Over	3,026	<b>By Gender</b>			Business-commercial	5,057	Bosnian	13	1
<b>Total:</b>	<b>40,440</b>	Female	12,334		Cannabis	65	Bulgarian	12	1
<b>By Disability</b>		Male	17,051		Civil Litigation	1,116	Burmese	2	1
Yes	1,110	Non-Binary	9		Civil Rights	1,020	Cambodian	6	1
No	19,835	Not Listed	12		Collections	509	Cantonese	99	1
<b>Respondents</b>	<b>20,945</b>	Not Listed Selected Mult Gender	10		Communications	208	Cebuano	5	1
<b>No Response</b>	<b>19,495</b>	Transgender	1		Constitutional	620	Chamorro	5	1
<b>All Member Types</b>	<b>40,440</b>	Two-spirit	1		Construction	1,277	Chaozhou/chiu Chow	1	1
<b>By Sexual Orientation</b>		<b>Respondents</b>	<b>29,418</b>		Consumer	731	Chin	1	1
Asexual	17	<b>No Response</b>	<b>11,022</b>		Contracts	4,116	Croatian	21	1
Gay, Lesbian, Bisexual, Pansexual, or Queer	282	<b>All Member Types</b>	<b>40,440</b>		Corporate	3,430	Czech	6	1
Heterosexual	3,162				Criminal	3,694	Danish	20	1
Not Listed	48				Debtor-creditor	910	Dari	4	1
Selected multiple orientations	15				Disability	606	Dutch	23	1
Two-spirit	1				Dispute Resolution	1,233	Egyptian	2	1
<b>By Ethnicity</b>					Education	481	Farsi/persian	62	1
American Indian / Native American / Alaskan Native	240				Elder	856	Fijian	1	1
Asian-Central Asian	21				Employment	2,763	Finnish	7	1
Asian-East Asian	143				Entertainment	297	French	692	1
Asian-South Asian	33				Environmental	1,230	French Creole	1	1
Asian-Southeast Asian	40				Estate Planning-probate	3,360	Fukienese	3	1
Asian—unspecified	1,213				Family	2,632	Ga/kwa	2	1
Black / African American / African Descent	638				Foreclosure	471	German	415	1
Hispanic / Latinx	680				Forfeiture	97	Greek	31	1
Middle Eastern Descent	10				General	2,603	Gujarati	14	1
Multi Racial / Bi Racial	935				Government	2,754	Haitian Creole	2	1
Not Listed	193				Guardianships	823	Hebrew	34	1
Pacific Islander / Native Hawaiian	63				Health	907	Hindi	92	1
White / European Descent	23,892				Housing	282	Hmong	1	1
		<b>Respondents</b>	<b>28,101</b>		Human Rights	285	Hungarian	15	1
		<b>No Response</b>	<b>12,339</b>		Immigration-naturaliza	983	Ibo	4	1
		<b>All Member Types</b>	<b>40,440</b>		Indian	561	Icelandic	2	1
<b>Members in Firm Type</b>					Insurance	1,634	Ilocano	8	1
Bank	13				Intellectual Property	2,207	Indonesian	11	1
Escrow Company	47				International	886	Italian	154	1
Government/ Public Secto	4,999				Judicial Officer	393	Japanese	204	1
House Counsel	2,929				Juvenile	777	Javanese	2	1
Non-profit	207				Labor	1,104	Kannada/canares	4	1
Title Company	104				Landlord-tenant	1,239	Kapampangan	1	1
Solo	5,064				Land Use	815	Khmer	1	1
Solo In Shared Office Or	1,374				Legal Ethics	276	Kongo/kikongo	1	1
2-5 Members in Firm	4,201				Legal Research-writing	727	Korean	225	1
6-10 Members in Firm	1,684				Legislation	406	Lao	5	1
11-20 Members in Firm	1,279				Lgbtq	42	Latvian	6	1
21-35 Members in Firm	796				Litigation	4,478	Lithuanian	5	1
36-50 Members In Firm	579				Lobbying	166	Malay	4	1
51-100 Members in Firm	561				Malpractice	733	Malayalam	8	1
100+ Members in Firm	1,922				Maritime	311	Mandarin	355	1
Not Actively Practicing	1,018				Military	361	Marathi	6	1
<b>Respondents</b>	<b>26,777</b>				Municipal	896	Mongolian	2	1
<b>No Response</b>	<b>13,663</b>				Non-profit-tax Exempt	600	Navajo	1	1
<b>All Member Types</b>	<b>40,440</b>				Not Actively Practicing	2,001	Nepali	4	1
					Oil-gas-energy	215	Norwegian	36	1
					Patent-trademark-copyr	1,255	Not_listed	39	1
					Personal Injury	3,161	Oromo	3	1
					Privacy And Data Securit	145	Other	1	1
					Real Property	2,550	Pashto	1	1
					Real Property-land Use	2,072	Persian	20	1
					Securities	752	Polish	31	1
					Sports	153	Portuguese	115	1
					Subrogation	108	Portuguese Creole	2	1
					Tax	1,275	Punjabi	59	1
					Torts	2,001	Romanian	21	1
					Traffic Offenses	592	Russian	224	1
					Workers Compensation	697	Samoan	7	1
							Serbian	19	1
							Serbo-croatian	12	1
							Sign Language	20	1
							Singhalese	2	1
							Slovak	2	1
							Somali	1	1
							Spanish	1,774	1
							Spanish Creole	3	1
							Swahili	4	1
							Swedish	53	1
							Tagalog	67	1
							Taishanese	4	1
							Taiwanese	20	1
							Tamil	11	1
							Telugu	3	1
							Thai	10	1
							Tigrinya	3	1
							Tongan	1	1
							Turkish	13	1
							Ukrainian	40	1
							Urdu	39	1
							Vietnamese	88	1
							Yoruba	10	1
							Yugoslavian	4	1

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

**WSBA Member\* Licensing Counts 9/3/19 8:21:37 AM GMT-07:00**

Member Type	In WA State	All	By District		By State and Province		By WA County	By Admit Yr		
			All	Active						
Attorney - Active	26,179	32,719			Alabama	26	Adams	14	1940	3
Attorney - Emeritus	104	111			Alaska	197	Asotin	25	1941	1
Attorney - Honorary	371	417	0	3,333	2,498	10	Benton	384	1942	1
Attorney - Inactive	2,414	5,526	1	2,918	2,426	10	Chelan	255	1944	1
Judicial	616	644	2	2,124	1,710	353	Clallam	161	1945	1
LLLT - Active	38	38	3	2,098	1,781	18	Clark	860	1946	2
LLLT - Inactive	4	4	4	1,395	1,177	4	Columbia	6	1947	6
LPO - Active	803	816	5	3,203	2,600	25	Cowlitz	143	1949	15
LPO - Inactive	150	165	6	3,328	2,803	17	Douglas	30	1950	15
	30,679	40,440	7N	5,204	4,446	97	Ferry	15	1951	27
			7S	6,742	5,618	1,773	Franklin	57	1952	26

Misc Counts		
All License Types **	40,767	
All WSBA Members	40,440	
Members in Washington	30,679	
Members in western Washington	25,332	
Members in King County	16,433	
Members in eastern Washington	3,735	
Active Attorneys in western Washington	21,625	
Active Attorneys in King County	14,436	
Active Attorneys in eastern Washington	3,101	
New/Young Lawyers	6,740	
MCLE Reporting Group 1	11,037	
MCLE Reporting Group 2	10,746	
MCLE Reporting Group 3	11,363	
Foreign Law Consultant	19	
House Counsel	298	
Indigent Representative	10	

By Section ***	All	Previous Year
Administrative Law Section	240	274
Alternative Dispute Resolution Section	318	355
Animal Law Section	99	102
Antitrust, Consumer Protection and Unfair Business Practice	208	220
Business Law Section	1,264	1,280
Cannabis Law Section	102	65
Civil Rights Law Section	177	167
Construction Law Section	500	509
Corporate Counsel Section	1,100	1,112
Creditor Debtor Rights Section	469	500
Criminal Law Section	402	437
Elder Law Section	627	652
Environmental and Land Use Law Section	794	793
Family Law Section	1,029	1,141
Health Law Section	386	384
Indian Law Section	330	315
Intellectual Property Section	876	895
International Practice Section	230	240
Juvenile Law Section	160	185
Labor and Employment Law Section	997	999
Legal Assistance to Military Personnel Section	79	92
Lesbian, Gay, Bisexual, Transgender (LGBT) Law Section	105	109
Litigation Section	1,024	1,053
Low Bono Section	80	101
Real Property Probate and Trust Section	2,287	2,354
Senior Lawyers Section	239	250
Solo and Small Practice Section	896	982
Taxation Section	630	659
World Peace Through Law Section	113	98

\* 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 WSBA fiscal year (Oct 1). The Previous Year column is the total from the last day of the fiscal year (Sep 30). WSBA staff with complimentary membership are not included in the counts.

Delaware	6	Grant	124	1954	27
District of Columbia	338	Grays Harbor	113	1955	20
Florida	244	Island	153	1956	40
Georgia	84	Jefferson	109	1957	29
Guam	16	King	16,433	1958	37
Hawaii	141	Kitsap	789	1959	37
Idaho	431	Kittitas	90	1960	30
Illinois	158	Klickitat	25	1961	28
Indiana	34	Lewis	105	1962	35
Iowa	27	Lincoln	13	1963	32
Kansas	28	Mason	99	1964	36
Kentucky	23	Okanogan	96	1965	55
Louisiana	52	Pacific	29	1966	60
Maine	16	Pend Oreille	14	1967	60
Maryland	115	Pierce	2,249	1968	89
Massachusetts	85	San Juan	75	1969	102
Michigan	70	Skagit	293	1970	102
Minnesota	94	Skamania	18	1971	108
Mississippi	6	Snohomish	1,571	1972	173
Missouri	67	Spokane	1,898	1973	264
Montana	165	Stevens	51	1974	254
Nebraska	19	Thurston	1,548	1975	323
Nevada	142	Wahkiakum	10	1976	392
New Hampshire	10	Walla Walla	112	1977	390
New Jersey	62	Whatcom	574	1978	435
New Mexico	67	Whitman	76	1979	475
New York	255	Yakima	448	1980	486
North Carolina	74			1981	519
North Dakota	9			1982	505
Northern Mariana Islands	6			1983	543
Nova Scotia	1			1984	621
Ohio	70			1985	440
Oklahoma	25			1986	682
Ontario	15			1987	596
Oregon	2,678			1988	567
Pennsylvania	76			1989	606
Puerto Rico	4			1990	737
Quebec	1			1991	734
Rhode Island	13			1992	732
Saskatchewan	1			1993	771
South Carolina	28			1994	797
South Dakota	6			1995	803
Tennessee	55			1996	750
Texas	359			1997	841
Utah	184			1998	802
Vermont	18			1999	840
Virginia	269			2000	847
Virgin Islands	1			2001	906
Washington	30,679			2002	981
Washington Limited License	1			2003	1,010
West Virginia	7			2004	1,030
Wisconsin	44			2005	1,055
Wyoming	23			2006	1,091
				2007	1,158
				2008	1,073
				2009	986
				2010	1,078
				2011	1,055
				2012	1,088
				2013	1,222
				2014	1,346
				2015	1,800
				2016	1,296
				2017	1,373
				2018	1,297
				2019	788

July 18, 2019

Justice Charles Johnson  
Washington Supreme Court  
P.O. Box 40929  
Olympia, WA 98504-0929

Dear Justice Johnson:

On June 6th, 2019 members of the Practice of Law Board met with the members of the Court to discuss the Board's thinking regarding the merits of its proposal to revise GR 24 relating to regulation of self-help online legal assistance. That proposal is currently published for public comment. We informed the Court that we recently met with stakeholders and received valuable feedback about the strengths and weaknesses of the proposal. In light of this feedback and based on further deliberation, the Board now believes there are good reasons to reconsider (a) whether there is a need for additional regulation in this space; (b) if so, what types of approaches might best serve the dual goals of (i) protecting the consuming public and (ii) providing certainty of expectation for those working in the space or considering doing so; and (c) which branch of government might be best positioned to develop, implement, and oversee any regulatory tools that might be recommended.

The Practice of Law Board now respectfully recommends that the Court's Rules Committee remove the current version of its proposed GR 24 amendment from the docket and allow the Board to move forward with a deeper and more inclusive consideration of the issues that have been raised.

We will keep the Court periodically advised of our progress and direction as the Board continues to discharge the Court's directives under GR 25.

Sincerely,



Hon. Paul Bastine, (ret)  
Chair, Practice of Law Board

cc: Terra Nevitt, Interim Executive Director, WSBA  
William D. Pickett, President, WSBA



# WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director  
Terra Nevitt, Interim Executive Director

August 26, 2019

BY EMAIL ONLY

Honorable Mary E. Fairhurst  
Chief Justice, Washington Supreme Court  
Temple of Justice  
P.O. Box 40929  
Olympia, WA 98504-0929

RE: Suggested Amendments to the RPC 1.15A(h)(9) and LLLT RPC 1.15A(h)(9)


Dear Chief Justice Fairhurst:

Enclosed is a GR 9 cover sheet for a suggested amendment to RPC 1.15A(h)(9). The Board of Governors approved the suggested amendment at its July 26, 2019 board meeting. Also enclosed is a GR 9 cover sheet for a suggested amendment to the LLLT RPC 1.15A(h)(9). The suggested amendments seek to remove the restriction on Limited License Legal Technicians as signatories on client trust accounts. The suggested amendment was initially proposed by the Committee on Professional Ethics.

Also enclosed is a GR 9 cover sheet for a suggested amendment to RPC 6.1(a)(2), Pro Bono Publico Service, to correct a minor typographical error in the rule. The BOG approved the proposed change at its May 2019 meeting.

If you have any questions about the enclosed materials, please direct them to the corresponding proponents listed on the GR 9 cover sheets.

Sincerely,



Terra Nevitt

Enclosures

Cc (w/o enclosures):

William D. Pickett, President, WSBA  
Rajeev Majumdar, President-elect, WSBA  
J. Donald Curran, Chair, WSBA Committee on Professional Ethics  
Jeanne Marie Clavere, Staff Liaison, WSBA Committee on Professional Ethics  
Shannon Hinchcliffe, Administrative Office for the Courts  
Steve Crossland, LLLT Board Chair  
Renata de Carvalho Garcia, Staff Liaison to the LLLT Board

## GR 9 COVER SHEET

### Suggested Amendment to

## RULES OF PROFESSIONAL CONDUCT (RPC)

### Rule 1.15A – Safeguarding Property

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**A. Proponent:** Washington State Bar Association, Board of Governors, Committee on Professional Ethics

**B. Spokepersons:**

Terra Nevitt, Interim Executive Director, Washington State Bar Association, 1325 4<sup>th</sup> Avenue, Suite 600, Seattle, WA 98101-2539

Jeanne Marie Clavere, Professional Responsibility Counsel, Washington State Bar Association, 1325 4<sup>th</sup> Avenue, Suite 600, Seattle, WA 98101-2539

**C. Purpose:**

The purpose of the suggested amendment to RPC 1.15A(h)(9) is to address the limitation of who can be a signatory on a lawyer trust account. While RPC 1.15A(h)(9) permits an LLLT to be a signatory, the second sentence of the rule states: "If a lawyer is associated in a practice with one or more LLLT's, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm." The amendment would strike that sentence, thereby permitting an LLLT to be a signatory on a law firm's trust account without restrictions.

Prior to the 2006 RPC amendments, anyone could be a signatory on a trust account without restrictions, and law firms frequently included bookkeepers or other nonlawyer staff as signatories. The Ethics 2003 Committee proposed that RPC 1.15A only permit lawyers to be signatories to protect against theft by nonlawyers employed at law firms, and this change was made to the RPC. The rule was later amended to permit LLLTs to be signatories with the limitation noted above.

The requirement for a second signature by a lawyer on any instrument signed by an LLLT is not necessary and unduly limits an LLLT's ability to disburse funds from a trust account. Unlike nonlawyers, LLLTs are licensed legal professionals who are subject to discipline. The current rule makes it more difficult for an LLLT to disburse funds to the LLLT's own clients because the LLLT must obtain the



signature of a lawyer on the check. At small firms, the LLLT's clients may be unnecessarily delayed in receiving checks if the firm's sole lawyer is out of the office and unable to authorize the check.

In addition, an LLLT who is not associated in a practice with a lawyer is authorized to sign trust account checks alone, while an LLLT who is associated in a practice with one or more lawyers would not be permitted to do so as the rule is currently written.

In February 2019, the LLLT Board approved a suggested amendment to the LLLT RPC that exactly parallels the suggested amendment to the Lawyer RPC. The LLLT Board is forwarding its suggested amendment to the Court in conjunction with this suggested amendment.

- D. **Hearing**: A hearing is not requested.
- E. **Expedited Consideration**: Expedited consideration is not requested.
- F. **Supporting Material**: Suggested Rule Amendment to RPC 1.15A

SUGGESTED AMENDMENT TO RULES OF PROFESSIONAL CONDUCT

1.15A – SAFEGUARDING PROPERTY

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**RPC 1.15A SAFEGUARDING PROPERTY**

(a) – (g) Unchanged.

(h) A lawyer must comply with the following for all trust accounts:

(1) – (8) Unchanged.

(9) Only a lawyer admitted to practice law or an LLLT may be an authorized signatory on the account. ~~If a lawyer is associated in a practice with one or more LLLT's, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.~~

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## **GR 9 COVER SHEET**

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**Suggested Amendment to  
LIMITED LICENSE LEGAL TECHNICIAN  
RULES OF PROFESSIONAL CONDUCT (LLLT RPC)  
RULE 1.15A – Safeguarding Property  
Submitted by the Limited License Legal Technician Board**

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**A. Name of Proponent:**

Limited License Legal Technician (LLLT) Board

Staff Liaison/Contact:

Renata de Carvalho Garcia, Innovative Licensing Programs Manager  
Washington State Bar Association (WSBA)  
1325 Fourth Avenue, Suite 600  
Seattle, WA 98101-2539 (Phone: 206-733-5912)

**B. Spokesperson:**

Stephen R. Crossland  
Chair of the LLLT Board  
P.O. Box 566  
Cashmere, WA 98815 (Phone: 509-782-4418)

**C. Purpose:**

The suggested amendment to LLLT RPC 1.15A(h)(9) parallels and is presented in conjunction with the suggested amendment to Lawyer RPC 1.15A(h)(9). The purpose of the suggested amendment is to address the limitation of who can be a signatory on an LLLT client trust account. LLLT RPC 1.15(h)(9) permits an LLLT to be a trust account signatory. ("Only an LLLT or lawyer admitted to practice law may be an authorized signatory on the account.") That is only true, however, if an LLLT is not associated in practice with a lawyer, as established in the following sentence of the rule: "If an LLLT is associated in a practice with one or more lawyers, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm." The suggested amendment seeks to strike this sentence and consequently eliminate the restriction that an LLLT who is associated in a practice with one or more lawyers cannot sign trust account checks.

LLLTs are licensed legal professionals authorized to disburse funds from their client trust accounts. Like lawyers, LLLTs are subject to discipline for mishandling trust account funds and should, therefore, not be held to a different standard for disbursing

funds. Furthermore, a requirement that a lawyer authorize disbursement when a LLLT is in practice with one or more lawyers unduly limits an LLLT's ability and duty to disburse funds from a client trust account in a timely manner. The current rule makes it more difficult for an LLLT to disburse funds to an LLLT's own clients because the LLLT must obtain the signature of a lawyer. At small law firms, for example, the LLLT's clients may be unnecessarily delayed in receiving funds if the firm's sole lawyer is out of the office or otherwise unable to authorize disbursement. This suggested amendment gives LLLT the responsibility they already have without that limitation.

Finally, considering the change will also impact the Lawyer RPC, it is important to note that the Committee on Professional Ethics and the LLLT Board have been coordinating their efforts in regards to this amendment. The suggested amendment to LLLT RPC LLLT RPC 1.15A(h)(9) was approved by the LLLT Board at its February 2019 meeting. The parallel suggested amendment to Lawyer RPC 1.15A(h)(9) was approved by the Board of Governors at its July 2019 meeting. Both suggested amendments are being submitted simultaneously to the Court.

- D. **Hearing:** A hearing is not requested.
  
- E. **Expedited Consideration:** Expedited consideration is not requested.
  
- F. **Supporting Materials:** Suggested Rule Amendment to LLLT RPC 1.15A(h)(9).

SUGGESTED AMENDMENT TO LIMITED LICENSE LEGAL TECHNICIAN RULES  
OF PROFESSIONAL CONDUCT

1.15A – SAFEGUARDING PROPERTY

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**LLLT RPC 1.15A SAFEGUARDING PROPERTY**

(a) – (g) Unchanged.

(h) An LLLT must comply with the following for all trust accounts:

(1) – (8) Unchanged.

(9) Only an LLLT or a lawyer admitted to practice law may be an authorized signatory on the account. ~~If an LLLT is associated in a practice with one or more lawyers, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.~~

## GR 9 COVER SHEET

### Suggested Amendment to

## RULES OF PROFESSIONAL CONDUCT (RPC)

### Rule 6.1 – Pro Bono Publico Service

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- A. **Proponent:** Washington State Bar Association, Board of Governors, Committee on Professional Ethics
- B. **Spokepersons:**
- Terra Nevitt, Interim Executive Director, Washington State Bar Association, 1325 4<sup>th</sup> Avenue, Suite 600, Seattle, WA 98101-2539
- Jeanne Marie Clavere, Professional Responsibility Counsel, Washington State Bar Association, 1325 4<sup>th</sup> Avenue, Suite 600, Seattle, WA 98101-2539
- C. **Purpose:** The purpose of the suggested amendment is to correct a minor typographical error in RPC 6.1(a)(2). The word "civil" should be "civic" to mirror the ABA Model Rules of Professional Conduct. This is a minor technical correction that is not considered substantive.
- D. **Hearing:** A hearing is not requested.
- E. **Expedited Consideration:** Expedited consideration is not requested.
- F. **Supporting Material:** Suggested Rule Amendment to RPC 6.1

SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE 6 – PUBLIC SERVICE

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**RPC 6.1 PRO BONO PUBLICO SERVICE**

Every lawyer has a professional responsibility to assist in the provision of legal services to those unable to pay. A lawyer should aspire to render at least thirty (30) hours of pro bono publico service per year. In fulfilling this responsibility, the lawyers should:

(a) provide legal services without fee or expectation of fee to:

(1) persons of limited means or

(2) charitable, religious, ~~civil~~civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and



WSBA  
BOARD OF GOVERNORS

Christina A. Meserve  
Governor, Tenth District

phone: 360.943.6747  
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July 1, 2019

Chief Justice Mary E. Fairhurst  
Associate Chief Justice Charles W. Johnson  
Justice Barbara A. Madsen  
Justice Susan Owens  
Justice Debra L. Stephens  
Justice Charles K. Wiggins  
Justice Steven C. González  
Justice Sheryl McCloud  
Justice Mary I. Yu

Dear Supreme Court Justices:

Ever since I came on the WSBA Board of Governors three years ago, I have been concerned about gender imbalance on the LLLT Board and in the legal technician field in general. As you may know, the vast majority of the LLLT Board is composed of women, and the overwhelming majority of the practitioners in the field are women. I do not want this profession to be the "pink collar" version of the practice of law.

I have raised this issue with the Nominations Review Committee of the Board of Governors. In our most recent round of applicant reviews, all of the new members nominated by the LLLT Board to the LLLT Board were female. The Nominations Review Committee voted to add the only male applicant to the slate of nominees and to forward all the names with a letter to you and to the LLLT Board Chair expressing our continuing concern about this issue.

Thank you for your attention.

Sincerely,

CHRISTINA A. MESERVE

CAM:jk

c: Pam Inglesby  
Rajeev Majumdar

*Working Together to Champion Justice*

201 Fifth Avenue SW, Suite 301 / Olympia, WA 98501 / fax: 360.943.9651



**Paul A. Bastine, Judge (Ret.)**

806 S. Raymond Road  
Spokane Valley, WA 99206

[paulbastine@msn.com](mailto:paulbastine@msn.com)  
(509) 924-5466-home  
(509) 844-2954-cell

August 9, 2019

Chief Justice Mary Fairhurst  
Washington State Supreme Court  
Temple of Justice  
P.O. Box 40929  
Olympia, WA 98504-0929

Re: Practice of Law Board

Dear Chief Justice,

I have been a member of the Washington State Bar for nearly fifty five years. I have been a member of virtually every Supreme Court board, numerous task forces, committees and state and local bar boards including the Board of Governors, for the last fifty years. I have been a member or affiliated with the Practice of Law Board almost continuously for the last seventeen years, most of that time as Vice-chair or Chair of the Board.

I have been made aware from a number of sources, as well as my own observations, that at least two Justices of the Court, the majority of the Board of Governors and perhaps some of the current state bar association staff, believe that my continued involvement with the Practice of Law Board, is not positive nor beneficial to the Board. The "new directions", failure of courtesy and professionalism by the Board of Governors, concerns about potential lack of willingness to sufficiently fund the Practice of Law Board's endeavors and actively support the efforts of a terrific and dedicated group of volunteers have significantly factored into my concerns.

Therefore, I am submitting my resignation as a member of the Practice of Law Board effective October 1, 2019. My term as Chair expires at that time as well. I have asked

the Board to make a recommendation of one or more persons to be named as Chair. There has not been a vice-chair for the last four years and I suggest, it might be advisable to name such at the same time.

I am contemporaneously resigning my active status in the bar which I believe precludes me from continuing on the Board in any event. I have enjoyed my many years of involvement with the legal profession, the many friends and colleagues who have been a part of my life and the dedicated efforts of so many to advance access to justice and the betterment of the profession. It is time for me to step aside and disengage from what prior to this time, has been a positive and rewarding situation.

Sincerely,

Paul A. Bastine

Cc: William Pickett

Terra Nevitt

Julie Shankland

Members of the Practice of Law Board

# WASHINGTON STATE BAR ASSOCIATION

## MEMO

**To:** President, President-elect, and Governors  
**From:** Jeanne Marie Clavere, Professional Responsibility Counsel  
**Date:** September 11, 2019  
**Re:** New Advisory Opinion 201901

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### INFORMATION ONLY

Attached is a new advisory opinion approved by the Committee on Professional Ethics at its August 23, 2019 meeting. Advisory Opinion 201901 concerns lawyers serving as mediators preparing legal documents for unrepresented parties following the resolution of issues in mediation. The CPE has studied the issue for three years, it held two public sessions with stakeholders, and it distributed a proposed draft opinion among stakeholders and county bars around the state for a six-month comment period. The CPE also posted the proposed draft opinion on the committee's webpage for a year. The new opinion would replace Advisory Opinion 2223 issued in 2012.

#### Attachment:

- Advisory Opinion 201901

# WASHINGTON STATE BAR ASSOCIATION

Advisory Opinion: 201901

Date: August 23, 2019

## Lawyer-Mediator Preparing Pleadings for Unrepresented Parties in Dissolution

**Issue presented:** A lawyer serves as a mediator in resolving issues in a dissolution action. The parties to the dissolution action are both unrepresented. If the parties come to a full resolution of all issues through the mediation, may the lawyer-mediator on behalf of both spouses prepare pleadings that reflect the parties' agreement?

### **Discussion:**

RPC 2.4 addresses the obligations of a lawyer who is serving in a neutral role, including as a mediator. That rule requires a third-party neutral, such as a mediator, to "inform unrepresented parties that the lawyer is not representing them. When the lawyer knows or reasonably should know that a party does not understand the lawyer's role in the matter, the lawyer shall explain the difference between the lawyer's role as a third-party neutral and a lawyer's role as one who represents a client." RPC 2.4(b).

RPC 2.4 recognizes that a lawyer serving as a mediator is performing a very different function from a lawyer who is representing a client. A lawyer representing a client advises that client of what is in the client's best interest and drafts documents with the goal of furthering the client's interests. In contrast, a lawyer acting as a mediator is not advocating for either party to the mediation but instead attempts to bring the parties to an agreement.

If the parties come to an agreement at a mediation, it is appropriate for the mediator to draft a written confirmation of that agreement with as much or as little specificity as appears warranted under the circumstances. Drafting the confirmation of the parties' agreement does not mean the mediator is representing one or both parties to the mediation as the mediator is simply recording the terms of the parties' agreement. When doing so, the lawyer-mediator should be sure each party understands that the mediator is not acting as either party's lawyer. While not required by RPC 2.4, the best practice is to advise both parties that they may wish to have the agreement reviewed by counsel.

Drafting pleadings is not the same as recording the parties' oral agreement in written form. Rather, under GR 24(a)(2), drafting pleadings constitutes the practice of law.

However, filling in the blanks on a pleading form does not necessarily constitute the practice of law. For example, in *In re Estate of Knowles*, 135 Wn.App. 351, 364-365 (2006), the Court of Appeals found that a testator's son did not engage in the practice of law by filling in blanks in a

pre-printed will form when the son merely filled in the form as the testator instructed. The Court found that “[g]enerally, a person begins to practice law by either directly or indirectly (selection of appropriate documents) giving advice” and completing forms did not qualify as the practice of law because the son did not select the will form or advise the testator. *Id.*, 135 Wn.App. at 365. See also *In re Disciplinary Proceeding Against Shepard*, 169 Wn.2d 697, 710-11, 239 P.3d 1066 (2010) (distinguishing *Knowles* from nonlawyer selling living trust documents who presented clients with information about the benefits of a living trust and selected which documents the clients should use).

A mediator may complete a pleading form on behalf of both parties to the mediation if the mediator’s role in doing so is similar to the son’s role in *Estate of Knowles*, where the son was merely recording information on a preprinted form as his father directed. Because filing documents with the court does not constitute the practice of law, a mediator is permitted to file documents regardless of the contents.<sup>1</sup>

On the other hand, if a lawyer-mediator drafted a pleading with customized provisions on behalf of both parties, the mediator would be representing both parties in the same litigation. The conflict of interest rules flatly prohibit a lawyer from representing adverse parties in the same action if the representation involves the assertion of a claim by one client against another client. Rule 1.7(b)(3). Even if the parties have agreed in the mediation to a resolution of the claims, the parties are still adverse in a legal proceeding until the legal proceeding has been dismissed.

If the parties to a dissolution have reached agreement on the matters that were originally in controversy, some may argue that they are no longer asserting claims against one another so a lawyer could represent both in drafting pleadings dictated by the parties’ agreement. But this argument is incompatible with the plain language of Rule 1.7(b)(3) and the first sentence of comment 21: “Paragraph (b)(3) prohibits representation of opposing parties in the same litigation, regardless of the clients’ consent.” Cmt [21] to Rule 1.7. See also cmts [23]-[25] to Rule 1.7.<sup>2</sup>

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<sup>1</sup> This does not mean a mediator can present the orders to a judge or commissioner, as that would require a notice of appearance on behalf of at least one party.

<sup>2</sup> Comments [23]–[25] provide as follows:

[23] Paragraph (b)(3) prohibits representation of opposing parties in the same litigation, regardless of the clients’ consent. On the other hand, simultaneous representation of parties whose interests in litigation may conflict, such as coplaintiffs or codefendants, is governed by paragraph (a)(2). A conflict may exist by reason of substantial discrepancy in the parties’ testimony, incompatibility in positions in relation to an opposing party or the fact that there are substantially different possibilities of settlement of the claims or liabilities in question. Such conflicts can arise in criminal cases as well as civil. The potential for conflict of interest in representing multiple defendants in a criminal case is so grave that ordinarily a lawyer should decline to represent more than one codefendant. On the other hand, common representation of persons having similar interests in civil litigation is proper if the requirements of paragraph (b) are met.

[24] Ordinarily a lawyer may take inconsistent legal positions in different tribunals at different times on behalf of different clients. The mere fact that advocating a legal position on behalf of one client might create precedent adverse to the interests of a client represented by the lawyer in an unrelated matter does not create a conflict of interest. A conflict of interest exists, however, if there is a significant risk that a lawyer’s action on behalf of one

RPC 1.12(a) is also relevant to how a lawyer-mediator may proceed after a mediation is completed. It provides, except for an exception not relevant here, that

a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a judge or other adjudicative officer or law clerk to such a person or as an arbitrator, mediator or other third-party neutral, unless all parties to the proceeding give informed consent, confirmed in writing.

By its terms, the rule would permit a former mediator to represent one party to the former mediation provided only that all the other parties were willing and able to give their informed consent. Given that such an arrangement would authorize the lawyer to act and advocate solely on behalf of that party, however, mediation parties excluded from the representation may not be willing to consent to this arrangement. Furthermore, a mediator may not wish to ask for such consent because of a concern that doing so would be inconsistent with the mediator's prior neutrality.

Significantly, RPC 1.12(a) does not, itself, preclude a former mediator from representing all the parties to the mediation if all the parties provide informed consent confirmed in writing. Such a common representation, however, would be in conflict with the prohibition contained in RPC 1.7(b)(3), discussed above, insofar as the parties continue to be opposing parties in the same litigation. The Committee is of the opinion that the prohibition in RPC 1.7(b)(3) must take precedence over a reading of RPC 1.12 that would permit such a common representation. Thus, unless and until the rules are amended to permit such a common representation of former parties to a mediation who remain in a legal proceeding nominally against one another, such a common representation is precluded despite the fact that the former mediator believes the parties have resolved their differences.

In some circumstances, the prohibition of RPC 1.7(b)(3) may not apply.<sup>3</sup> Some disputes may be resolved by mediation without recourse to a court proceeding. In other cases, a legal

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client will materially limit the lawyer's effectiveness in representing another client in a different case; for example, when a decision favoring one client will create a precedent likely to seriously weaken the position taken on behalf of the other client. Factors relevant in determining whether the clients need to be advised of the risk include: where the cases are pending, whether the issue is substantive or procedural, the temporal relationship between the matters, the significance of the issue to the immediate and long-term interests of the clients involved and the clients' reasonable expectations in retaining the lawyer. If there is significant risk of material limitation, then absent informed consent of the affected clients, the lawyer must refuse one of the representations or withdraw from one or both matters.

[25] When a lawyer represents or seeks to represent a class of plaintiffs or defendants in a class-action lawsuit, unnamed members of the class are ordinarily not considered to be clients of the lawyer for purposes of applying paragraph (a)(1) of this Rule. Thus, the lawyer does not typically need to get the consent of such a person before representing a client suing the person in an unrelated matter. Similarly, a lawyer seeking to represent an opponent in a class action does not typically need the consent of an unnamed member of the class whom the lawyer represents in an unrelated matter.

<sup>3</sup> Comment [17] to RPC 1.7, for example, states that RPC 1.7(b)(3) "does not preclude a lawyer's multiple representation of adverse parties to a mediation (because mediation is not a proceeding before a 'tribunal' under Rule 1.0A(m)), but "such representation may be precluded by" RPC 1.7(b)(1). This comment addresses a lawyer

proceeding may be voluntarily dismissed by the parties before the former mediator changes from the role of mediator to that of lawyer representing all the parties to the former mediation. This opinion does not address mediations in which there is no litigation pending.

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who is representing more than one client at a mediation. It does not address a lawyer who is serving as a mediator.

**TO:** WSBA Board of Governors  
**FROM:** Pam Inglesby, Bar Services Manager  
**RE:** Demographics of WSBA Committee Applicants and Appointees  
**DATE:** September 17, 2019

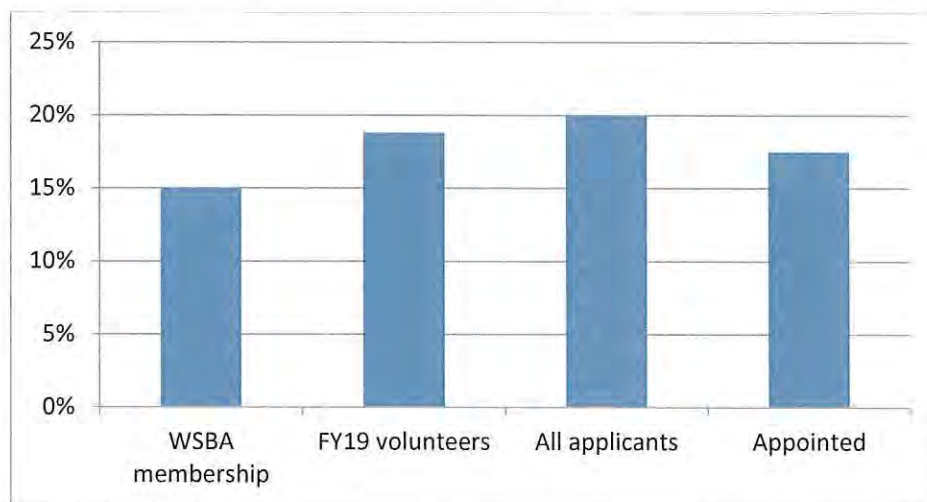
As you are aware, in accordance with the WSBA Diversity and Inclusion Plan (adopted 2013), WSBA has made a special effort to ensure diverse representation on its committees, boards and panels. Attached is a table summarizing the demographics of 2019-20 applicants and appointees, as compared to both our current committee/board/panel volunteers and the general WSBA membership.

Except for BOG district and number of years as a WSBA member, the data for applicants and current volunteers was supplied voluntarily on the committee application form and the data for the general membership was supplied voluntarily through the licensing process. The percentage of those who did not disclose data, and who are not included in the below calculations, is noted for each category.

**Highlights:**

- *Racial/ethnic diversity:* The applicants were more racially/ethnically diverse than the WSBA members who have provided demographic information (20% from under-represented groups versus 15%) as well as FY19 committee/board volunteers (18.8%). From this applicant pool, a slightly less diverse group was appointed (17.5% from under-represented groups, compared to 17.1% last year). (Note: 30.5% of the general membership and 18.8% of the applicant pool did not disclose their race/ethnicity. These individuals are not included in the below percentages.)

**Self-reported as member of an under-represented racial/ethnic group**



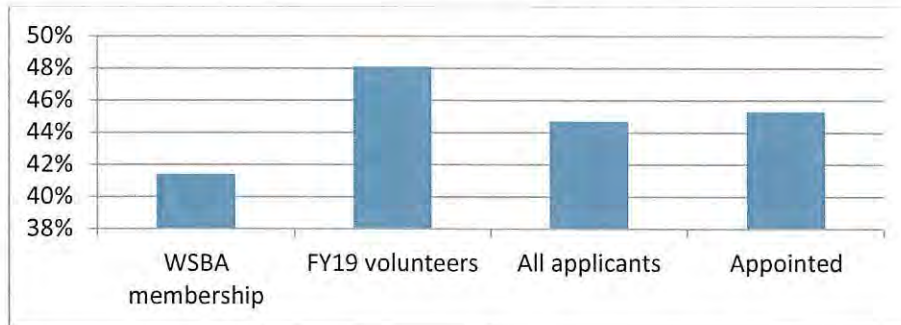
(cont.)





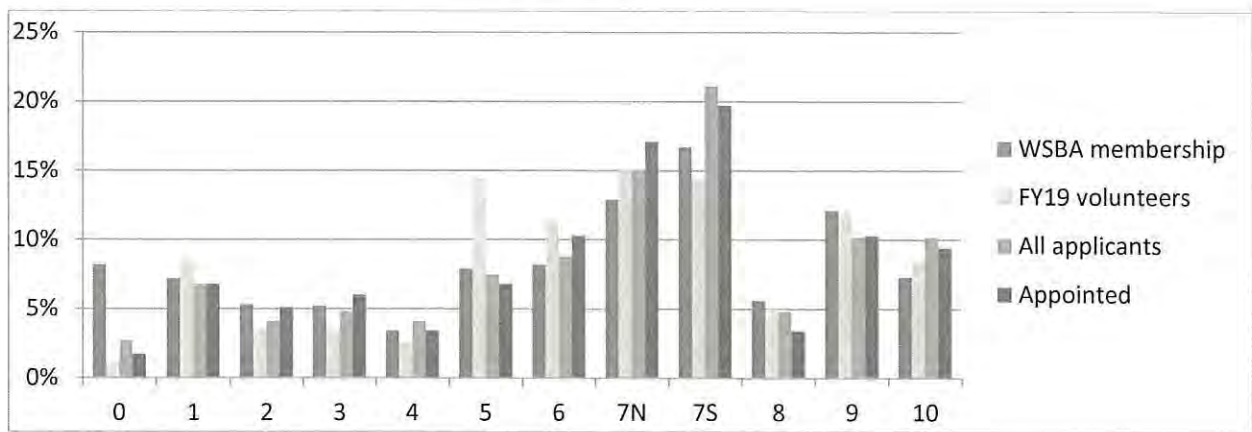
- Gender diversity:* The applicant pool is more female than the general WSBA members who reported this information (44% versus 41.9%). The appointees are even more female (46.1%) but less so than current volunteers (48.1%). (Notes: 27.3% of the general membership and 13% of the applicant pool did not disclose their gender. These individuals are not included in the below percentages. No applicants identified as transgender, non-binary, or two-spirit, new multiple choice options offered this year.)

**Self-reported as female**



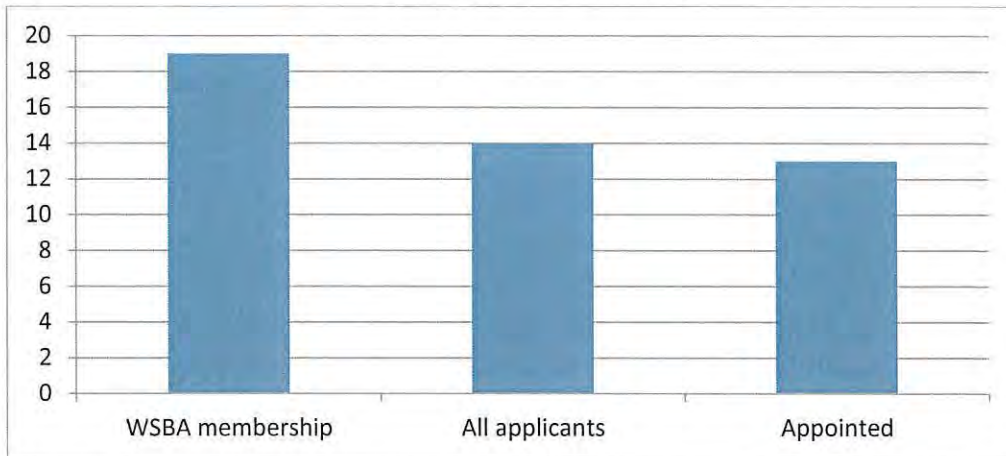
- Sexual orientation:* The percentage of applicants who reported their identity as asexual, gay, lesbian, bisexual, pansexual, queer or two-spirit is 12.1%, a marked increase from last year's 6.5%, and very close to the 12.2% of current volunteers who reported this information. A higher percentage (14.2%) was actually appointed. For reference, 10.3% of the WSBA membership who reported their identity also selected one of these, although 91.3% did not answer the question.
- Persons with disabilities:* The percentage of applicants who reported disability status is 5.1%, and the percentage appointed is 3.5%. The percentage of current volunteers who reported disability status falls between these two numbers as 4.4%. The membership as a whole includes 5.3% who report disability status; 48.2% did not answer the question.
- Geographic diversity:* District 5 is significantly over-represented among WSBA's current volunteers but not in this year's pool of applicants or appointees. District 7N is over-represented in this year's group of appointees (17.1% as compared to 12.9% of WSBA membership) and, to a lesser extent, district 7S (19.7% as compared to 16.7% of WSBA membership).

**BOG district**



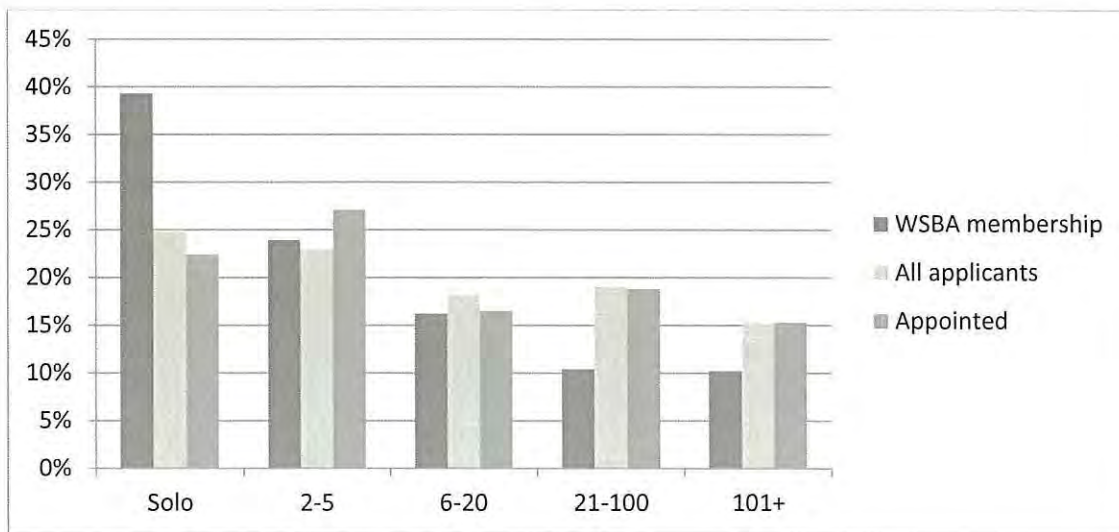
- *Years as WSBA member:* Like last year, applicants are newer members of the WSBA than the membership as a whole (14 years versus 19 years). Appointees are even newer, with an average of 13 years of WSBA membership, down from last year's 15.

**Years as WSBA member**



- *Firm size:* Applicants and appointees work for firms of all sizes with an over-representation in firms over the size of 20 and an under-representation among solo practitioners as compared to the membership as a whole.

**Firm size**



Thank you for your efforts to diversify the WSBA's committees, boards and panels.

# WSBA 2019-2020 Committee appointments: Summary of voluntary demographic data

*Membership data as of 9-3-19; includes all license types and statuses. Applicant/appointee data as of 9-15-19; current volunteer data as of February 2019; most volunteers are in Active status. Percentages include only those who chose to respond; italic numbers in brackets indicate percentage of the total who chose not to respond. Absence of brackets indicates the data is supplied by WSBA, not the member.*

	<b>WSBA membership (n=40,440)</b>	<b>FY19 committee/ board members</b>	<b>FY20 applicants (n=162)</b>	<b>FY20 appointees (n=129)</b>
All applicants/nominees, including 11 public applicants and 9 public appointees/nominees:				
Racial/ethnic under-rep.	15.0% [30.5%]	18.8% [13.4%]	20.0% [15.7%]	17.5% [11.6%]
Female	41.9% [27.3%]	48.1% [7.6%]	44.0% [13.0%]	46.1% [10.9%]
LGB+ = yes	10.3% [91.3]	12.2% [22.6%]	12.1% [18.5%]	14.2% [17.8%]
Disability = yes	5.3% [48.2%]	4.4% [9.7%]	5.1% [15.4%]	3.5% [12.4%]
WSBA member applicants/nominees only:				
BOG District				
Out-of-state	8.2%	1.2%	2.7%	1.7%
1	7.2%	8.5%	6.8%	6.8%
2	5.3%	3.5%	4.1%	5.1%
3	5.2%	3.5%	4.8%	6.0%
4	3.4%	2.6%	4.1%	3.4%
5	7.9%	14.4%	7.5%	6.8%
6	8.2%	11.4%	8.8%	10.3%
7N	12.9%	15.0%	15.0%	17.1%
7S	16.7%	14.4%	21.1%	19.7%
8	5.6%	5.0%	4.8%	3.4%
9	12.1%	12.0%	10.2%	10.3%
10	7.3%	8.5%	10.2%	9.4%
Years WSBA member (avg.)	19 years		14 years	13 years
Years of practice (avg.)	NA		17 years	18 years
Firm size	[65.4%]		[40.0%]	[37.6%]
Solo	39.3%	NA	24.8%	22.4%
2-5	23.9%		22.9%	27.1%
6-20	16.2%		18.1%	16.5%
21-100	10.4%		19.0%	18.8%
101+	10.2%		15.2%	15.3%

## Memorandum

**To:** WSBA President, President-elect and Board of Governors  
**From:** Diana Singleton, Access to Justice Manager  
**Date:** September 17, 2019  
**RE:** Access to Justice Board's Proposed Updates to the Access to Justice Technology Principles

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**INFORMATION:** The Access to Justice Board submitted to the Supreme Court proposed updates to the Access to Justice Technology Principles.

On July 31, 2019, the Access to Justice (ATJ) Board submitted to the Supreme Court proposed updated Access to Justice Technology Principles in response to the Court's 2015 request to update the 2004 Principles. The ATJ Board's Technology Committee worked diligently for over two years to make the principles more relevant and meaningful.

The attached cover letter to the Court outlines the extensive process the ATJ Board engaged in to update the Technology Principles.

The proposed updated Technology Principles are designed to better reflect the importance of making sure technology is used in the highest and best way to promote a just society. Here are some of the highlights of the proposed updates:

- **In plain language.** The proposed updates have been written for the usability of a broad audience and can be used by the public to hold their justice system accountable.
- **Responsive to a diverse range of communities.** The UW Tech Policy Lab's Diverse Voices partnered with the ATJ Technology Committee to apply their targeted method to include under-represented groups in their technology policy document development. With Diverse Voices, the Technology Committee collected input from panels representing diverse communities and took care to apply the feedback thoroughly.

- **Reflective of today's changing technology.** With new technology is being developed daily, the ATJ Board considered emerging technology such as artificial intelligence. The proposed updates to the ATJ Technology Principles were written with the ever-changing landscape in mind.
- **Consistent with the State Plan.** The proposed updates to the ATJ Technology Principles are intended to be complimentary to the [State Plan](#) for the Coordinated Delivery of Civil Legal Services to Low Income People.

The ATJ Board briefly discussed the proposed updates at their recent annual meeting with the Supreme Court on September 5, 2019, and is awaiting the Court's response and approval.

For your reference, attached are the following:

- July 31, 2019 Letter to the Supreme Court
- Current Technology Principles (2004)
- Proposed Updated Technology Principles (2019)



MEMBERS

Francis Adewale  
Esperanza Borboa  
Judge Laura T. Bradley  
Hon. Frederick P. Corbit  
Hon. David S. Keenan  
Lindy Laurence  
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Salvador A. Mungia, Chair  
Mirya Muñoz-Roach  
Terry J. Price

STAFF

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Access to Justice Manager  
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THE ALLIANCE  
for Equal Justice

MEMBER

July 31, 2019

SENT VIA ELECTRONIC MAIL TO [mary.fairhurst@courts.wa.gov](mailto:mary.fairhurst@courts.wa.gov)

Chief Justice Mary Fairhurst  
Washington Supreme Court  
Temple of Justice  
P.O. Box 40929  
Olympia, WA 98504-0929

Dear Chief Justice Fairhurst:

On behalf of the Access to Justice (ATJ) Board, I am writing to submit to you the updated Access to Justice Technology Principles. In response to the Supreme Court's 2015 request to update the 2004 Principles, the ATJ Board's Technology Committee has been working diligently to make the principles more relevant and meaningful given that the original principles are now almost 14 years old.

I am pleased to report that the ATJ Board and the Judicial Information Systems Committee have approved the enclosed draft of the updated Technology Principles. I respectfully request that the Supreme Court approve them and direct on next steps.

As background, the ATJ Board's Technology Committee facilitated a thorough and inclusive process in evaluating the enclosed 2004 Principles and identifying what kind updates were necessary. The following is a summary of the process the Committee went through:

- **September 9-10, 2016:** The Technology Committee organized the Access to Justice Technology [Symposium](#) at the University of Washington School of Law where nearly 100 people gathered together and focused on legal technology innovation. The symposium launched the process for updating the Technology Principles.
- **March 15, 2017:** Following the symposium, a small workgroup formed to identify a Chair for the Tech Principles Update Workgroup and to lay out a timeline for the updating process. Sart Rowe agreed to serve as the Chair, recruitment of workgroup members started and the first meeting took place in March 2017.
- **April 2017 to October 2017:** The workgroup created an online survey and solicited feedback on the 2004 Principles. Some workgroup members facilitated in-person interviews to gather feedback. Sart Rowe attended the

Spokane Regional Justice Planning Group meeting and solicited feedback on the 2004 Principles.

- **October 27, 2017:** In an effort to solicit more feedback and engage in updating the Principles, the workgroup organized an event called “Rethink, Retool, Reboot: Technology and Justice” where over 50 people gathered together at the University of Washington School of Law. The event started with a panel of speakers to provide context on how much has changed since the 2004 Principles were adopted. The remainder of the event was a hackathon style format where attendees split up into facilitated small group discussions focusing on each principle.
- **November 2017 to February 2018** – Following the event, the workgroup set out an ambitious schedule of reviewing the feedback and drafting newly revised Principles. The workgroup split up into smaller groups focusing on each principle and engaging in a rigorously drafting process.
- **February 9, 2018** – The workgroup met as a larger group for the day at Seattle University School of Law to review the work of the smaller groups and discuss the revisions together. At the end of the day, the workgroup had a working draft of the updated Principles.
- **April to June 2018** – In recognition of the need to get feedback from diverse voices including client communities, the workgroup asked the University of Washington Tech Policy Lab to gather input using their [Diverse Voices](#) process. They received feedback from four different focus groups: formerly or currently incarcerated people, legal professionals, immigrant communities, and rural communities.
- **July 2018** – The workgroup reviewed, evaluated and incorporated the feedback received through Diverse Voices. The Technology Committee presented it to the ATJ Board on July 13<sup>th</sup>.
- **August to December 2018:** In August 2018, ATJ Board submitted the updated Technology Principles to the Supreme Court, requesting direction on whether they should be adopted as principles or enacted as court rules. Subsequently, the ATJ Board sought additional input from the Administrative Office of the Court and incorporated some of their suggested edits. In October 2018, the ATJ Board submitted an updated version to the Supreme Court requesting they be enacted as court rules. In December 2018, the ATJ Board withdrew its request for enacting them as court rules so it could solicit further input from stakeholders.
- **December to January 2019:** The ATJ Board’s Technology Committee solicited further feedback from the following groups by having an ATJ Board member or Technology

Committee member present at one of their meetings, by collecting input via email or the online google doc, and at the January 25, 2019 online webinar we offered:

- Association of Washington Superior Court Administrators
  - Misdemeanant Probation Association
  - Washington Association of Juvenile Court Administrators
  - Board of Judicial Administration
  - District and Municipal Court Judges' Association
  - Superior Court Judges Association)
  - Association of County Clerks
- 
- **February 2019:** After receiving additional input, the Technology Committee made further edits and updated Technology Principles which were approved by the ATJ Board on February 14, 2019. They were presented to the Judicial Information Systems Committee on February 22, 2019. There was concern that they were still not sufficiently marked as “aspirational.” The committee members and the ATJ Board liaison discussed adding a preamble, but nothing was decided.
  - **April 26, 2019.** The Judicial Information Systems Committee did not want to take a vote on the Technology Principles without a preamble. The committee instructed the ATJ Board to draft a preamble.
  - **May and June, 2019.** The ATJ Technology Principles committee drafted a short preamble and shared it with stakeholders. The AOC Leadership Team approved it with some edits. The ATJ Board approved the edited version at its June 14, 2019 meeting.
  - **June 28, 2019.** The Judicial Information Systems Committee unanimously approved the ATJ Technology Principles with the added preamble.

The ATJ Board is grateful for the many volunteers who spent countless hours poring through the Principles. The Board is also thankful for the many people who shared their feedback throughout the updating process. The enclosed Technology Principles are the result of a commitment to the intersection of technology and justice shared by many.

The ATJ Board respectfully requests the Supreme Court’s adoption of the 2019 Technology Principles and guidance on an implementation process. There are many ways the Technology Principles can be implemented. The 2004 Technology Principles were printed in the Washington Court Rules book at one time. In addition to any publication, in this day and age, we would suggest the 2019 Technology Principles be posted on the website in place of the 2004 Technology Principles:

<http://www.courts.wa.gov/jis/?fa=jis.display&theFile=accessToJusticeTechnology>

Frankly, because the two links under the Checklists reference the 2004 Technology Principles, those should probably be taken down up until the time that new checklists can be created for the new work. The Court might want to consider doubly listing the location of the Technology



Principles on the Resources, Publications, and Reports page, <http://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.displayContent&theFile=content/ResourcesPubsReports>, in the same way that the “Ensuring Equal Access for People with Disabilities” brochure is listed in both places.

Please let me know if the Court would prefer a presentation of the updated Technology Principles and/or to discuss the implementation possibilities in person. You can reach me at [SMungia@gth-law.com](mailto:SMungia@gth-law.com) or Diana Singleton, Access to Justice Manager, at [dianas@wsba.org](mailto:dianas@wsba.org). I look forward to hearing from you about this.

Respectfully,



Salvador Mungia  
Access to Justice Chair

cc: Judge Laura Bradley, ATJ Board Member and Technology Committee Co-chair  
Jordan Couch, ATJ Technology Committee Co-chair  
Terry Price, ATJ Board Member and JISC Liaison  
Sart Rowe, Technology Principles Update Workgroup Chair

encl: Current Technology Principles (2004)  
Proposed Updated Technology Principles (2019)

# THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE ACCESS TO JUSTICE )  
TECHNOLOGY PRINCIPLES )  
)

**ORDER**  
NO. 25700-B-

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WHEREAS, the Washington judicial system is founded upon the fundamental principle that the judicial system is accessible to all persons; and

WHEREAS, responding to the unmet legal needs of low and moderate income people and others who suffer disparate access barriers or are otherwise vulnerable, and the need for leadership and effective coordination of civil equal justice efforts in Washington State, the Supreme Court established an Access to Justice Board as a permanent body charged with responsibility to assure high quality access for vulnerable and low and moderate income persons and others who suffer disparate access barriers to the civil justice system. The Supreme Court further ordered that, among other responsibilities, the Access to Justice Board shall work to promote, develop and implement policy initiatives which enhance the availability of resources for essential civil equal justice activities, develop and implement new programs and innovative measures designed to expand access to justice in Washington State, and promote the responsiveness of the civil justice system to the needs of those who suffer disparate treatment or disproportionate access barriers; and

WHEREAS, in working to fulfill those responsibilities, the Access to Justice Board recognized that developments in information and communication technologies,

including the Internet, pose significant challenges to full and equal access to the justice system, that technology can provide increased pathways for quality access, but it can also perpetuate and exacerbate existing barriers and create significant new barriers. The Board determined it must plan and act proactively to take maximum advantage of the opportunity to destroy or minimize such barriers and to create more effective and efficient means of access to the justice system and increase the quantity and quality of justice provided to all persons in Washington State; and

WHEREAS, in 2001 the Access to Justice Board empowered and charged a Board committee to engage in a broad-based and inclusive initiative to create a body of authoritative fundamental principles and proposed action based thereon to ensure that current and future technology both increases opportunities and eliminates barriers to access to and effective utilization of the justice system, thereby improving the quality of justice for all persons in Washington State; and

WHEREAS, over a three-year period the Board and committee fulfilled the responsibility of broad and inclusive involvement and the development of “The Access to Justice Technology Principles”, with accompanying comments and proposed action based thereon; and The Access to Justice Technology Principles have been endorsed by the Board for Judicial Administration, the Judicial Information System Committee, the Board of Trustees of the Superior Court Judges’ Association, the Board of Trustees of the District and Municipal Court Judges’ Association, the Board of Governors of the Washington State Bar Association, the Minority and Justice Commission, the Gender and Justice Commission, the Attorney General, and the Council on Public Legal Education; and

WHEREAS, a statewide Judicial Information System to serve the courts of the State of Washington was created by the Supreme Court in 1976 to be operated by the Administrative Office of the Courts pursuant to court rule, and charged with addressing issues of dissemination of data, equipment, communication with other systems, security, and operational priorities; and

WHEREAS, consistent with the intent of this Order, pursuant to RCW 2.68.050 the courts of this state, through the Judicial Information System, shall, in pertinent part, promote and facilitate electronic access of judicial information and services to the public at little or no cost and by use of technologies capable of being used by persons without extensive technological ability and wherever possible by persons with disabilities, and;

WHEREAS, the application of the Access to Justice Technology Principles to guide the use of technology in the Washington State justice system is desirable and appropriate; and

WHEREAS, the wide dissemination of the Access to Justice Technology Principles will promote their use and consequent access to justice for all persons;

Now, therefore, it is hereby

ORDERED:

(a) The Access to Justice Technology Principles appended to this Order state the values, standards and intent to guide the use of technology in the Washington State court system and by all other persons, agencies, and bodies under the authority of this Court. These Principles should be considered with other governing law and court rules in deciding the appropriate use of technology in the administration of the courts and the cases that come before such courts, and should be so considered in deciding the

appropriate use of technology by all other persons, agencies and bodies under the authority of this Court.

(b) The Access to Justice Technology Principles and this Order shall be published expeditiously with the Washington Court Rules and on the Washington State Bar Association website, and on the courts website as maintained by the Administrative Office of the Courts. The following introductory language should immediately precede the Access to Justice Technology Principles in all such publications and sites:

“These Access to Justice Technology Principles were developed by the Access to Justice Board to assure that technology enhances rather than diminishes access to and the quality of justice for all persons in Washington State. Comments of the Access to Justice Board committee drafters accompanying the Principles make clear the intent that the Principles are to be used so as to be practical and effective for both the workers in and users of the justice system, that the Principles do not create or constitute the basis for new causes of action or create unfunded mandates. These Principles have been endorsed by the Board for Judicial Administration, the Judicial Information System Committee, the Board of Trustees of the Superior Court Judges’ Association, the Board of Trustees of the District and Municipal Court Judges’ Association, the Board of Governors of the Washington State Bar Association, the Minority and Justice Commission, the Gender and Justice Commission, the Attorney General, and the Council on Public Legal Education.”

(c) The Administrative Office of the Courts in conjunction with the Access to Justice Board and the Judicial Information System Committee shall report annually to the Supreme Court on the use of the Access to Justice Technology Principles in the Washington State court system and by all other persons, agencies, and bodies under the authority of this Court.

DATED at Olympia, Washington this \_\_\_\_\_ day of October 2004.

# **Washington State Access to Justice Technology Principles**

**Adopted by the Washington State Supreme Court  
December 3, 2004**

**An Initiative of the Washington State Access to Justice Board**

## **PREAMBLE**

The use of technologies in the Washington State justice system must protect and advance the fundamental right of equal access to justice. There is a particular need to avoid creating or increasing barriers to access and to reduce or remove existing barriers for those who are or may be excluded or underserved, including those not represented by counsel.

This statement presumes a broad definition of access to justice, which includes the meaningful opportunity, directly or through other persons: (1) to assert a claim or defense and to create, enforce, modify, or discharge a legal obligation in any forum; (2) to acquire the procedural or other information necessary (a) to assert a claim or defense, or (b) to create, enforce, modify, or discharge an obligation in any forum, or (c) to otherwise improve the likelihood of a just result; (3) to participate in the conduct of proceedings as witness or juror; and (4) to acquire information about the activities of courts or other dispute resolution bodies. Further, access to justice requires a just process, which includes, among other things, timeliness and affordability. A just process also has “transparency,” which means that the system allows the

public to see not just the outside but through to the inside of the justice system, its rules and standards, procedures and processes, and its other operational characteristics and patterns so as to evaluate all aspects of its operations, particularly its fairness, effectiveness, and efficiency.

Therefore, these Access to Justice Technology Principles state the governing values and principles which shall guide the use of technology in the Washington State justice system.

### ***Comment to “Preamble”***

Access to justice is a fundamental right in Washington State, and the State Supreme Court has recognized and endeavored to protect that right in its establishment of the Access to Justice Board. From an understanding that technology can affect access to justice, these Access to Justice Technology Principles are intended to provide general statements of broad applicability and a foundation for resolving specific issues as they arise. The various parts of this document should be read as a whole.

A broad definition of the terms used herein is necessary to ensure that our underlying constitutional and common law values are fully protected. The terms used in this document should be understood and interpreted in that light.

These Principles do not mandate new expenditures, create new causes of action, or repeal or modify any rule. Rather, they require that justice system decision makers consider access to justice, take certain steps whenever technology that may affect access to justice is planned or implemented, avoid reducing access, and, whenever possible, use technology to enhance access to justice.



## **SCOPE**

The Access to Justice Technology Principles apply to all courts of law, all clerks of court and court administrators, and to all other persons or parts of the Washington justice system under the rule-making authority of the Court. They should also serve as a guide for all other actors in the Washington justice system.

“Other actors in the Washington justice system” means all governmental and non-governmental bodies engaged in formal dispute resolution or rulemaking and all persons and entities who may represent, assist, or provide information to persons who come before such bodies.

“Technology” includes all electronic means of communication and transmission and all mechanisms and means used for the production, storage, retrieval, aggregation, transmission, communication, dissemination, interpretation, presentation, or application of information.

### *Comment to “Scope”*

This language is intended to make clear that the Access to Justice Technology Principles are mandatory only for those persons or bodies within the scope of the State Supreme Court’s rulemaking authority. It is, however, hoped and urged that these Principles and their values will be applied and used widely throughout the entire justice system.

It is also intended that the Access to Justice Technology Principles shall continue to apply fully in the event all or any portion of the performance, implementation, or accomplishment of a duty, obligation, responsibility, enterprise, or task is delegated, contracted, assigned, or transferred to another entity or person, public or private, to whom the Principles may not otherwise apply.

The definition of the word “technology” is meant to be inclusive rather than exclusive.

## **1. REQUIREMENT OF ACCESS TO JUSTICE**

Access to a just result requires access to the justice system. Use of technology in the justice system should serve to promote equal access to justice and to promote the opportunity for equal participation in the justice system for all. Introduction of technology or changes in the use of technology must not reduce access or participation and, whenever possible, shall advance such access and participation.

### ***Comment to “Requirement of Access to Justice”***

This Principle combines promotion of access to justice through technology with a recognition of the “first, do no harm” precept. The intent is to promote the use of technology to advance access whenever possible, to maintain a focus on the feasible while protecting against derogation of access, and to encourage progress, innovation, and experimentation.

## **2. TECHNOLOGY AND JUST RESULTS**

The overriding objective of the justice system is a just result achieved through a just process by impartial and well-informed decision makers. The justice system shall use and advance technology to achieve that objective and shall reject, minimize, or modify any use that reduces the likelihood of achieving that objective.

### ***Comment to “Technology and Just Results”***

The reference to a “just process” reaffirms that a just process is integral to a just result. The reference to “well-informed decision makers” is to emphasize the potential role of technology in gathering, organizing, and presenting information in order that the decision maker receives the optimal amount and quality of information so that the possibility of a just result is maximized.

### **3. OPENNESS AND PRIVACY**

The justice system has the dual responsibility of being open to the public and protecting personal privacy. Its technology should be designed and used to meet both responsibilities.

Technology use may create or magnify conflict between values of openness and personal privacy. In such circumstances, decision makers must engage in a careful balancing process, considering both values and their underlying purposes, and should maximize beneficial effects while minimizing detrimental effects.

#### ***Comment to “Openness and Privacy”***

This Principle underlines that the values of openness and privacy are not necessarily in conflict, particularly when technology is designed and used in a way that is crafted to best protect and, whenever possible, enhance each value. However, when a conflict is unavoidable, it is essential to consider the technology’s effects on both privacy and openness. The Principle requires that decision makers engage in a balancing process which carefully considers both values and their underlying rationales and objectives, weighs the technology’s potential effects, and proceed with use when they determine that the beneficial effects outweigh the detrimental effects.

The Principle applies both to the content of the justice system and its operations, as well as the requirements for accountability and transparency. These requirements may mean different things depending on whether technology use involves internal court operations or involves access to and use of the justice system by members of the public.

#### **4. ASSURING A NEUTRAL FORUM**

The existence of a neutral, accessible, and transparent forum for dispute resolution is fundamental to the Washington State justice system. Developments in technology may generate alternative dispute resolution systems that do not have these characteristics, but which, nevertheless, attract users who seek the advantages of available technology. Participants and actors in the Washington State justice system shall use all appropriate means to ensure the existence of neutral, accessible, and transparent forums which are compatible with new technologies and to discourage and reduce the demand for the use of forums which do not meet the basic requirements of neutrality, accessibility, and transparency.

##### ***Comment to “Assuring a Neutral Forum”***

Technologically generated alternative dispute resolution (including online dispute resolution) is a rapidly growing field that raises many issues for the justice system. This Principle underlines the importance of applying the basic values and requirements of the justice system and all the Access to Justice Technology Principles to that area, while clarifying that there is no change to governing law.

This Principle is not intended in any way to discourage the accessibility and use of mediation, in which the confidentiality of the proceeding and statements and discussions may assist the parties in reaching a settlement; provided that the parties maintain access to a neutral and transparent forum in the event a settlement is not reached.

## **5. MAXIMIZING PUBLIC AWARENESS AND USE**

Access to justice requires that the public have available understandable information about the justice system, its resources, and means of access. The justice system should promote ongoing public knowledge and understanding of the tools afforded by technology to access justice by developing and disseminating information and materials as broadly as possible in forms and by means that can reach the largest possible number and variety of people.

### *Comment to “Maximizing Public Awareness and Use”*

While assuring public awareness and understanding of relevant access to justice technologies is an affirmative general duty of all governmental branches, this Principle expressly recognizes that the primary responsibility lies with the justice system itself. As stated in the Comment to the Preamble, none of these Access to Justice Technology Principles, including this one, mandates new expenditures or creates new causes of action. At the same time, however, planners and decision makers must demonstrate sensitivity to the needs, capacities, and where appropriate, limitations of prospective users of the justice system.

Communicating the tools of access to the public should be done by whatever means is effective. For example, information about kiosks where domestic violence protection forms can be filled out and filed electronically could be described on radio or television public service announcements. Another example might be providing information on handouts or posters at libraries or community centers. Information could also be posted on a website of the Council for Public Legal Education or of a local or statewide legal aid program, using an audible web reader for persons with visual or literacy limitations. The means may be as many and varied as people’s imaginations and the characteristics of the broad population to be reached.



## 6. BEST PRACTICES

To ensure implementation of the Access to Justice Technology Principles, those governed by these principles shall utilize “best practices” procedures or standards. Other actors in the justice system are encouraged to utilize or be guided by such best practices procedures or standards.

The best practices shall guide the use of technology so as to protect and enhance access to justice and promote equality of access and fairness. Best practices shall also provide for an effective, regular means of evaluation of the use of technology in light of all the values and objectives of these Principles.

### *Comment to “Best Practices”*

This Principle is intended to provide guidance to ensure that the broad values and approaches articulated elsewhere in these Access to Justice Technology Principles are implemented to the fullest extent possible in the daily reality of the justice system and the people served by the justice system. The intent is that high quality practical tools and resources be available for consideration, use, evaluation, and improvement of technologies in all parts of the justice system. This Principle and these Access to Justice Technology Principles as a whole are intended to encourage progress, innovation, and experimentation with the objective of increasing meaningful access to quality justice for all. With these goals in mind, the development and adoption of statewide models for best practices is strongly encouraged.

# Access to Justice Technology Principles

## Preamble

The responsible use of technology is central to providing access to justice for all individuals. To that end, we should develop and use the technological tools that increase and enhance access to justice. These principles do not mandate new expenditures, create new causes of action, or repeal or modify any rule. Rather they advocate that justice system decision-makers carefully consider these principles whenever technology is purchased, planned or implemented, to avoid reducing access, and, whenever possible, use technology to enhance access to justice.

## Scope

The Access to Justice Technology Principles are adopted to:

- Guide the justice system's use of technology
- Combat discrimination, unfair treatment, and unjust biases in the justice system, and
- Ensure that technology does not create unfair results or processes for resolving legal problems.

The Access to Justice Technology Principles apply to everyone involved in administering the justice system including:

- Courts,
- Clerks of the Court,
- Administrative Office of the Courts, and
- Court Administrators.

## Definition of Technology

"Technology" includes but is not limited to hardware and software, and all mechanisms and means used for the production, storage, retrieval, aggregation, transmission, communication, dissemination, interpretation, presentation, or application of information, including but not limited to data, documents, records, images, video, sound, and other media.

## Access to Justice for All

Everyone should have access to the justice system.

Use of technology in our justice system should increase and must not diminish:

- equitable access to justice;
- opportunities for participation; and
- usability, accountability, efficiency, and transparency.

Technology in our justice system must start with a design for fairness and must be evaluated regularly against these rules.

All technology must be designed and used to eliminate discrimination, unfairness, and other unjust systemic biases and practices.

## Openness, Privacy and Safety

Technology in the justice system must be open to the public and transparent, unless access is limited by law to protect the safety and privacy of the people involved.

Technology in the justice system must be designed to:

- assure that confidential information is not introduced into the public domain to the extent possible,
- ensure that people only have access to the appropriate information that they are allowed to see based on their role in the justice system,
- assure that information can be viewed, created, changed or deleted only by participants with the appropriate access levels, and
- assure that confidential information is not introduced into the public domain.

People must have meaningful access to view their own information and have it corrected if inaccurate.

## Accountability and Fairness

The justice system must maximize the beneficial effects of technology while continuously improving technology to address the needs of people most impacted by or least able to engage effectively with the justice system. Users should have a voice in the acquisition and implementation of technology, including as testers.

The justice system must ensure that technology, especially algorithms, are periodically evaluated before, during and after development and implementation, for:

- inequitable processes,

- unfair outcomes, and
- unintended negative impacts.

Any proposed technology that would result in unfairness or inequity must not be implemented.

Technology that is already implemented that results in unfairness or inequity must be corrected, or if the harm cannot be eliminated, removed from use.

## Maximizing Public Awareness and Use

The justice system must provide access to knowledge about itself and promote public awareness of its processes and resources.

Actors in the justice system must:

- regularly seek input from and listen to the public, and
- make regular improvements to technology, and the methods of providing information about the technology, based on user needs, experience, and feedback.

## Usability

Technology in the justice system must be easy to use, affordable, and efficient.

## Accessible Formats

Court information must be available to the public and should be available in ways that best enable its use. Information and resources must be offered in formats that do not place an undue financial burden upon users.

## Plain Language

The justice system must strive to create legal information resources for the public in plain language, when possible.

## Best Practices Workgroup

The technology committee of the Access to Justice Board will establish a workgroup that maintains and shares practical information, resources, definitions, and best practices for implementing the ATJ Technology Court Rules. The workgroup will periodically update these resources and publish them at: [URL]. The workgroup should

coordinate with Administrative Office of the Courts and will report to the Access to Justice Board and Judicial Information System Committee annually.

## Accessibility

The justice system must consider, design, and implement technology systems for all persons, including those with disabilities.

## Cultural Responsiveness

Technology in the justice system should incorporate principles and practices which address and respond to cultural variables and diversity of people and communities.

## Human Touch

Technology should be used to increase the level of quality of human interaction, and to preserve or increase the humanity of our justice system.

Technology should be used to increase the satisfaction of the public's interaction with the justice system to ensure timely and fair outcomes.

Technology should be used to reduce the necessity of the public to physically go to court to resolve conflict.

## Language Access

Courts should communicate in the preferred languages of people. Technology must be used in ways which enhance communication.

**To:** WSBA President, President-elect, and Board of Governors  
**From:** Stephen R. Crossland, Chair, LLLT Board  
Renata de Carvalho Garcia, Innovative Licensing Programs Manager  
**Date:** August 29, 2019  
**Subject:** Suggested Amendment to LLLT RPC 1.15A(h)(9)

---

**Information:** A suggested amendment to LLLT RPC 1.15A(h)(9) has been submitted to the Supreme Court by the LLLT Board and is provided here for the BOG's information.

The Limited License Legal Technician (LLLT) Board submitted to the Supreme Court a suggested rule amendment to the LLLT Rules of Professional Conduct (LLLT RPC). The suggested amendment to LLLT RPC 1.15A(h)(9) parallels the suggested amendment to Lawyer RPC 1.15A(h)(9), which was approved by the Board of Governors at its July 2019 meeting.

The suggested amendment is designed to eliminate the condition that if an LLLT is associated in a practice with one or more lawyers, any check or other instrument requiring a signature be signed by a signatory lawyer in the firm. This suggested amendment is being submitted to the BOG for informational purposes only.

The LLLT Board, for the reasons set forth in the attached GR 9 cover sheet, is suggesting that the second sentence of LLLT RPC 1.15A(h)(9) be struck. With the proposed change, the subsection would read as follows:

(9) Only an LLLT or lawyer admitted to practice law may be an authorized signatory on the account. ~~If an LLLT is associated in a practice with one more lawyers, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.~~

**ATTACHMENTS:**

1. GR 9 Cover Sheet for Suggested Rule Amendment to LLLT RPC 1.15A(h)(9)
2. Suggested Amendment to LLLT RPC 1.15A(h)(9) (redline version)

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## **GR 9 COVER SHEET**

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**Suggested Amendment to  
LIMITED LICENSE LEGAL TECHNICIAN  
RULES OF PROFESSIONAL CONDUCT (LLLT RPC)  
RULE 1.15A – Safeguarding Property  
Submitted by the Limited License Legal Technician Board**

---

**A. Name of Proponent:**

Limited License Legal Technician (LLLT) Board

**Staff Liaison/Contact:**

Renata de Carvalho Garcia, Innovative Licensing Programs Manager  
Washington State Bar Association (WSBA)  
1325 Fourth Avenue, Suite 600  
Seattle, WA 98101-2539 (Phone: 206-733-5912)

**B. Spokesperson:**

Stephen R. Crossland  
Chair of the LLLT Board  
P.O. Box 566  
Cashmere, WA 98815 (Phone: 509-782-4418)

**C. Purpose:**

The suggested amendment to LLLT RPC 1.15A(h)(9) parallels and is presented in conjunction with the suggested amendment to Lawyer RPC 1.15A(h)(9). The purpose of the suggested amendment is to address the limitation of who can be a signatory on an LLLT client trust account. LLLT RPC 1.15(h)(9) permits an LLLT to be a trust account signatory. ("Only an LLLT or lawyer admitted to practice law may be an authorized signatory on the account.") That is only true, however, if an LLLT is not associated in practice with a lawyer, as established in the following sentence of the rule: "If an LLLT is associated in a practice with one or more lawyers, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm." The suggested amendment seeks to strike this sentence and consequently eliminate the restriction that an LLLT who is associated in a practice with one or more lawyers cannot sign trust account checks.

LLLTs are licensed legal professionals authorized to disburse funds from their client trust accounts. Like lawyers, LLLTs are subject to discipline for mishandling trust account funds and should, therefore, not be held to a different standard for disbursing

funds. Furthermore, a requirement that a lawyer authorize disbursement when a LLLT is in practice with one or more lawyers unduly limits an LLLT's ability and duty to disburse funds from a client trust account in a timely manner. The current rule makes it more difficult for an LLLT to disburse funds to an LLLT's own clients because the LLLT must obtain the signature of a lawyer. At small law firms, for example, the LLLT's clients may be unnecessarily delayed in receiving funds if the firm's sole lawyer is out of the office or otherwise unable to authorize disbursement. This suggested amendment gives LLLT the responsibility they already have without that limitation.

Finally, considering the change will also impact the Lawyer RPC, it is important to note that the Committee on Professional Ethics and the LLLT Board have been coordinating their efforts in regards to this amendment. The suggested amendment to LLLT RPC LLLT RPC 1.15A(h)(9) was approved by the LLLT Board at its February 2019 meeting. The parallel suggested amendment to Lawyer RPC 1.15A(h)(9) was approved by the Board of Governors at its July 2019 meeting. Both suggested amendments are being submitted simultaneously to the Court.

- D. **Hearing:** A hearing is not requested.
  
- E. **Expedited Consideration:** Expedited consideration is not requested.
  
- F. **Supporting Materials:** Suggested Rule Amendment to LLLT RPC 1.15A(h)(9).



**SUGGESTED AMENDMENT TO LIMITED LICENSE LEGAL TECHNICIAN RULES  
OF PROFESSIONAL CONDUCT**

**1.15A – SAFEGUARDING PROPERTY**

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**LLLT RPC 1.15A SAFEGUARDING PROPERTY**

(a) – (g) Unchanged.

(h) An LLLT must comply with the following for all trust accounts:

(1) – (8) Unchanged.

(9) Only an LLLT or a lawyer admitted to practice law may be an authorized signatory on the account. ~~If an LLLT is associated in a practice with one or more lawyers, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.~~

2019 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, 2017. 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, 2018 through June 26, 2019.

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 four 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 35 hearing officers and 18 settlement hearing officers between October 1, 2018 and June 26, 2019. 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

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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 to an initial two year term, followed by renewable five year terms. ELC 2.5(e)(1).

the hearing officer. (This is 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. This fiscal year, we have had questions about photographing and recording proceedings and controlling participant behavior.
- 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 four times when a party requested removal without cause. I decided one motion 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 four of these orders.
- F. HEAR MOTIONS FOR PROTECTIVE ORDERS UNDER RULE 3.2(e)  
I have decided no motions for protective order this year.
- G. HEAR MOTIONS PRIOR TO MATTER BEING ORDERED TO HEARING, INCLUDING WHILE A GRIEVANCE IS BEING INVESTIGATED  
I did not receive any 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 two stipulations during this fiscal year.
- 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.

---

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

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

K. SUPERVISE HEARING OFFICER TRAINING IN ACCORDANCE WITH ESTABLISHED POLICIES

Hearing officer training is provided annually in the fall and includes CLE credit. We usually provide a five or six hour program on three different dates. We offer the 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 in early 2018. Our next training is scheduled for early November 2019.

III. HEARING OFFICERS

We have 33 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), including receiving input from the chief hearing officer, 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 Lisa Amatangel 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 26<sup>th</sup> day of June, 2019.

Randolph O. Petgrave III  
Chief Hearing Officer



LEGAL FOUNDATION  
OF WASHINGTON

THANK YOU  
FOR SUPPORTING  
EQUAL JUSTICE



2018 ANNUAL REPORT

## YOUR INVESTMENT IN LEGAL AID CREATES JUSTICE AND HOPE

Dear Colleagues and Friends,

Thank you for partnering with us as we work toward our vision of justice for all and access to civil legal aid as a basic human right for people experiencing poverty.

Your donations last year helped 31,000 families and individuals access justice and resolve small and large life-changing legal issues. You also funded critical public policy reforms such as extending foster care services for young adults and protecting seniors facing reverse mortgage foreclosures. Additionally, your support made possible high-impact litigation successes such as making sure hospitals are offering charity care to all eligible patients.

However, the justice gap persists and today only one in four low-income families with a civil legal problem is able to access help, and seven out of 10 families in poverty experience an average of nine civil legal problems per year. We can and must do better.

Your support has changed lives and helped people remain safe, healthy, and housed. We look forward to working with you to make sure legal aid is available to all who need it.

Onward for justice,

**CAITLIN DAVIS**  
Executive Director,  
Legal Foundation  
of Washington

**MARK GRIFFIN**  
President, Legal  
Foundation of Washington  
Board of Trustees

**JOHN HOERSTER**  
President, Endowment  
for Equal Justice

## 2018 GRANTEES

Benton-Franklin Legal Aid Society  
Blue Mountain Action Council  
Chelan-Douglas County Volunteer  
Attorney Services  
Clallam-Jefferson County  
Pro Bono Lawyers  
Clark County Volunteer Lawyer  
Program  
Columbia Legal Services  
Cowlitz-Wahkiakum Legal Aid  
Eastside Legal Assistance Program  
King County Bar Association  
Pro Bono Services  
Kitsap Legal Services  
LAW Advocates  
Legal Counsel for Youth & Children  
Lewis County Bar Legal Aid  
Northwest Immigrant Rights Project  
Northwest Justice Project  
Seattle Community Law Center  
Skagit Community Action  
Volunteer Lawyer Program  
Snohomish County Legal Services  
Solid Ground, Benefits  
Legal Assistance Program  
Spokane County Bar Association  
Volunteer Lawyer Program  
Tacoma Pro Bono  
TeamChild  
Thurston County Volunteer  
Legal Services  
Unemployment Law Project  
Yakima County Volunteer  
Attorney Services

**WE FUNDED** civil legal aid for **31,000** families in 2018

**WE SERVE** Immigrants seeking asylum Families facing eviction  
Veterans in need of benefits Families fleeing domestic violence and more



## 2018 FINANCIAL STATEMENTS

LFW is a responsible steward of your investment

### LEGAL FOUNDATION OF WASHINGTON

#### REVENUE

■ Campaign Donations	\$1,195,566
■ Endowment Disbursement	\$794,020
■ Public Funding	\$2,737,500
■ IOLTA	\$5,055,302
■ Investment Income	\$(357,532)
■ Cy Pres	\$908,827

Total Revenue \$10,333,683

#### EXPENSES

■ Grants & Grantee Support	\$8,852,325
■ Management and Fundraising	\$1,688,826

Total Expenses \$10,541,151

#### STATEMENT OF FINANCIAL POSITION

Total Assets	\$17,265,205
Total Liabilities	\$10,496,581
Total Net Assets	\$6,768,624

### ENDOWMENT FOR EQUAL JUSTICE

#### REVENUE

■ Donations and Pledges	\$397,008
■ In-Kind Donations	\$45,747
■ Investment Income	\$(1,256,372)

Total Revenue \$(813,617)

#### EXPENSES

■ Grant to LFW	\$794,020
■ Program	\$77,921
■ Fundraising	\$173,553

Total Expenses \$1,045,494

#### STATEMENT OF FINANCIAL POSITION

Net Assets Beginning of Year	\$17,347,255
Net Assets End of Year	\$15,488,144
Change in Assets	\$(1,859,111)



1325 Fourth Ave | Suite 1335 | Seattle, WA 98101

Thank You!

## LEGAL AID KEEPS FAMILIES SAFE

**T**wo years ago, Inez received a Domestic Violence Protection Order. Her abuser had a history of physical abuse and became more violent after using crystal meth. During their 5-year relationship, he pushed, punched, and strangled her in front of their young daughter. Finally, her abuser was arrested and pled guilty to assault and agreed to undergo drug treatment.

The next year, Inez did not renew her protection order because she thought her abuser had changed. But he stalked her and threatened her and showed up at her home yelling and demanding to see their daughter. When Inez returned to court to obtain a new protection order, the Court did not believe there was new abuse and would not consider prior abuse.

Our grantee, Eastside Legal Assistance Program (ELAP) represented Inez at a later hearing and argued that fear of her abuser is enough to obtain a protection order. The ELAP attorney made case law and public policy arguments in favor of the court granting a protection order. Ultimately, Inez won her protection order. When the order was granted, Inez was overcome with emotion and so grateful for her legal aid attorney.



**INVEST IN JUSTICE** at [legalfoundation.org](https://legalfoundation.org)



## **LFW Board of Trustees**

The members of the Legal Foundation of Washington's Board of Trustees are appointed by the Governor, the Washington State Bar Association Board of Governors, and the Washington Supreme Court. They serve three-year terms and are eligible for one re-appointment.

**Mark A. Griffin**, President  
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**Mark A. Johnson**, Vice President  
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**Susan C. Hacker**, Secretary  
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**Kara R. Masters**  
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Oppenheimer & Co. Inc.

**Michael J. Pontarolo**  
Delay, Curran, Thompson, Pontarolo & Walker, P. S.

**Fred Rivera**  
Seattle Mariners

## Campaign for Equal Justice Board

The Campaign for Equal Justice the fundraising program of the Legal Foundation of Washington. The board of the Campaign is composed of attorneys from around the state who volunteer their time to raise awareness about the importance of civil legal aid and raise private donations to fund the work of LFW's grantees.

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*Davis Wright Tremaine*

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*Pfau Cochran Vertetis Amala*

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*Barron Smith Daugert PLLC*

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*Law Offices of Brice & Timm*

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**Eric Gilman**  
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**Beth Henderson**  
*Microsoft*

**Ellen S. Jackson**  
*Stokes Lawrence*

**Yemi Fleming Jackson**  
*Microsoft Corporation*

**Larry Jefferson**  
*Office of Assigned Counsel*

**William Kinsel**  
*Kinsel Law Offices, PLLC*

**Kathleen Kyle**  
*Snohomish County Public Defenders Association*

**Nicholas Manheim**  
*US Attorney's Office, Seattle*

**Dick Manning**  
*Attorney at Law*

**John McKay**  
*Davis Wright Tremaine*

**Deane Minor**  
*Tuohy Minor Kruse PLLC*

**Therese Norton**  
*Swinomish Indian Tribal Community*

**Vanessa Padelford**  
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**Patrick Palace**  
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*Perkins Coie*

**Lisa Saar**  
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**Jeffrey Schaap**  
*City of Yakima Legal Department*

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**Michael Sprangers**  
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**Jill Haavig Stone**  
*Stadium Law Group*

**Peter Talevich**  
*K&L Gates*

**John Teutsch**  
*Teustch Partners*

# WASHINGTON STATE BAR ASSOCIATION

**TO:** Board of Governors  
**FROM:** Dana Barnett, WSBA Diversity and Inclusion Specialist  
 Robin Nussbaum, WSBA Inclusion & Equity Specialist  
**RE:** Diversity and Inclusion Events  
**DATE:** September 16, 2019

## WSBA Diversity and Inclusion Events

### Education, Collaboration, and Partnership

Working closely with staff, volunteers and community partners throughout the legal community is foundational to the successful implementation of the diversity plan. WSBA participates in and provides a variety of opportunities to increase cross-cultural competency, awareness and engagement. Your participation communicates WSBA's commitment to representation and involvement in advancing inclusion.

Diversity & Inclusion Events for WSBA Staff and Volunteers			
When	What	How You Can Help	Who To Contact for More Info
Monday, Sep 23	<b>Difficult Conversations Project Team</b>	FYI	Robin N.
Tuesday, Sep 24	<b>Mindfulness as a tool for better decision-making</b> A monthly activity to explore how mindfulness can decrease bias and improve productivity and decision-making	FYI	Robin N.
Friday, Oct 4	<b>Presentation</b> MCLE Board	FYI	Robin N.
Monday, Oct 7	<b>Presentation</b> LLLT Board	FYI	Robin N.
Tuesday, October 8	<b>Presentation</b> Editorial Advisory Committee	FYI	Robin N.
Friday, Oct 11	<b>Presentation</b> Disciplinary Board	FYI	Robin N.
Monday, Oct 14	<b>Presentation</b> Client Protection Board	FYI	Robin N.
Monday, Oct 21	<b>Presentation</b> Court Rules and Procedures Committee	FYI	Robin N.



Tuesday, Oct 29	<b>Mindfulness as a tool for better decision-making</b> A monthly activity to explore how mindfulness can decrease bias and improve productivity and decision-making	FYI	Robin N.
Friday, Nov 1	<b>Presentation</b> Law Clerk Board	FYI	Robin N.
Thursday, Nov 14	<b>Presentation</b> Hearing Officers Panel	FYI	Robin N.

<b>Washington State Minority Bar Association and other External Diversity Events</b>			
<b>When</b>	<b>What</b>	<b>How You Can Help</b>	<b>Who To Contact for More Info</b>
Wednesday, September 18	<b>Presentation at WSAJ Conference</b>	FYI	Joy
Tuesday, September 24	<b>Legal Lunchbox Diversity Themed CLE: Bridging Generational Differences</b>	<a href="#">View Webcast</a>	Dana
Saturday, September 21	<b>WSBA Diversity Committee Meeting</b>	FYI	Dana
Friday, September 27	<b>South Asian Bar Association Annual Banquet</b>	Attend if in area	Shelly or Dana
Thursday, October 3	<b>Middle Eastern Bar Association Annual Event</b>	Attend if in area	Shelly or Dana
Thursday, October 3	<b>Vietnamese Bar Association Annual Event</b>	Attend if in area	Shelly or Dana
Friday, October 11	<b>Washington Women Lawyers Annual Event</b>	Attend if in area	Shelly or Dana
Friday, October 18	<b>QLAW Falltacular Event</b>	Attend if in area	Shelly or Dana
Saturday, October 19	<b>Filipino Lawyers of Washington Annual Event</b>	Attend if in area	Shelly or Dana
Wednesday, October 23	<b>Mother Attorneys Mentoring Association Annual Event</b>	Attend if in area	Shelly or Dana
Thursday, October 24	<b>Washington Attorneys with Disabilities Annual Event – Hosted by WSBA</b>	Attend if in area	Dana
Friday, October 25	<b>Asian Bar Association Annual Event</b>	Attend if in area	Shelly or Dana
Saturday, October 26	<b>WSBA Diversity Committee Orientation</b>	FYI	Dana

Monday, November 4	<b>Diversity Committee Panel for IL Diversity Fellowship Applicants at UW Law</b>	FYI	Dana
TBD, November 2019	<b>Diversity Committee IL Diversity Fellowship Activities at Seattle U</b>	FYI	Dana

**Contact Information**

Joy: [joyw@wsba.org](mailto:joyw@wsba.org) or 206.733.5952

Dana: [danab@wsba.org](mailto:danab@wsba.org) or 206.733.5945

Robin: [robinn@wsba.org](mailto:robinn@wsba.org) or 206.727.8322

Kevin: [kevinp@wsba.org](mailto:kevinp@wsba.org) or 206.727.8203

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

# Financial Reports

(Unaudited)

## Year to Date July 31, 2019

Prepared by Maggie Yu, Senior Accounting & Financial Systems Manager

Submitted by

Terra Nevitt, Interim Executive Director

August 23, 2019

**Washington State Bar Association Financial Summary**  
**Year to Date as of July 31, 2019 83.33% of Year**  
**Compared to Fiscal Year 2019 Budget**

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	-	7,500	229,587	271,867	35,052	62,957	264,638	334,824	(264,638)	(327,324)
Administration	314,726	100,000	997,469	1,138,769	1,069	4,885	968,539	1,143,654	(653,812)	(1,043,654)
Admissions/Bar Exam	1,205,760	1,327,400	708,317	841,046	251,913	416,931	960,230	1,257,979	245,530	69,421
Board of Governors	-	-	529,537	530,178	207,409	304,531	736,946	834,709	(736,946)	(834,709)
Communications Strategies	1,025	50,750	459,477	550,782	47,118	104,800	506,595	655,582	(505,570)	(604,832)
Conference & Broadcast Services	-	-	670,367	780,393	6,128	3,500	676,494	783,893	(676,494)	(783,893)
Discipline	71,692	96,200	4,676,556	5,664,008	138,795	220,267	4,815,351	5,884,275	(4,743,659)	(5,788,075)
Diversity	143,774	120,374	457,540	544,641	16,779	21,550	474,319	566,191	(330,546)	(445,817)
Foundation	-	-	128,539	150,663	2,999	14,200	131,537	164,863	(131,537)	(164,863)
Human Resources	-	-	333,904	204,958	-	-	333,904	204,958	(333,904)	(204,958)
Law Clerk Program	162,555	168,000	115,924	142,665	4,052	11,350	119,975	154,015	42,580	11,985
Legislative	-	-	115,828	135,416	12,904	18,650	128,732	154,066	(128,732)	(154,066)
Licensing and Membership Records	343,677	304,350	535,176	636,327	31,439	45,812	566,616	682,139	(222,938)	(377,789)
Licensing Fees	13,541,490	15,958,200	-	-	-	-	-	-	13,541,480	15,958,200
Limited License Legal Technician	8,159	-	174,330	215,591	24,436	25,600	198,766	241,191	(190,607)	(241,191)
Limited Practice Officers	-	-	132,544	168,653	2,406	3,000	134,950	156,182	(134,950)	(171,653)
Mandatory CLE	1,056,832	1,050,000	524,892	620,981	209,714	252,448	734,605	873,429	322,226	176,571
Member Assistance Program	9,544	10,000	118,134	141,224	1,179	1,275	119,312	142,499	(109,769)	(132,499)
Member Benefits	19,367	17,000,000	73,753	92,611	165,728	185,096	239,481	277,707	(210,114)	(260,707)
Member Services & Engagement	145,004	141,200,000	405,805	505,814	20,110	56,065	425,914	561,679	(280,910)	(420,479)
NW Lawyer	332,169	461,350	245,660	302,818	302,450	355,635	548,111	658,453	(215,941)	(197,103)
Office of General Counsel	341	-	670,699	928,680	2,830	13,076	673,529	941,756	(673,188)	(941,756)
OGC-Disciplinary Board	-	-	143,265	187,073	56,619	103,500	199,884	290,573	(199,884)	(290,573)
Outreach and Engagement	-	-	312,649	371,046	20,736	30,852	333,385	401,898	(333,385)	(401,898)
Practice of Law Board	-	-	37,290	74,063	11,511	16,000	48,801	90,063	(48,801)	(90,063)
Professional Responsibility Program	-	-	217,526	258,870	7,003	6,700	224,530	265,570	(224,530)	(265,570)
Public Service Programs	139,475	112,000	105,119	142,504	171,641	232,415	277,060	374,919	(137,585)	(262,919)
Publication and Design Services	-	-	123,834	141,602	4,280	5,263	128,114	146,865	(128,114)	(146,865)
Sections Administration	292,781	300,000	435,046	515,018	8,837	9,297	443,883	524,315	(151,102)	(224,315)
Technology	-	-	1,376,503	1,540,222	-	-	1,376,503	1,540,222	(1,376,503)	(1,540,222)
<b>Subtotal General Fund</b>	<b>17,788,362</b>	<b>20,222,324</b>	<b>15,027,268</b>	<b>17,798,285</b>	<b>1,755,436</b>	<b>2,525,655</b>	<b>16,782,704</b>	<b>20,323,940</b>	<b>1,005,658</b>	<b>(101,616)</b>
Expenses using reserve funds	-	-	-	-	-	-	16,782,704	-	-	-
<b>Total General Fund - Net Result from Operations</b>									<b>1,005,658</b>	<b>(101,616)</b>
<b>Percentage of Budget</b>	<b>87.96%</b>		<b>84.43%</b>		<b>69.50%</b>		<b>82.58%</b>			
CLE-Seminars and Products	1,537,080	1,879,500	958,555	1,150,797	313,923	393,776	1,272,478	1,544,573	264,602	334,927
CLE - Deskbooks	147,821	160,000	183,982	217,303	128,036	69,390	312,017	286,693	(164,197)	(126,693)
<b>Total CLE</b>	<b>1,684,901</b>	<b>2,039,500</b>	<b>1,142,537</b>	<b>1,368,100</b>	<b>441,959</b>	<b>463,166</b>	<b>1,584,495</b>	<b>1,831,266</b>	<b>100,405</b>	<b>208,234</b>
<b>Percentage of Budget</b>	<b>82.61%</b>		<b>83.51%</b>		<b>95.42%</b>		<b>86.52%</b>			
<b>Total All Sections</b>	<b>605,310</b>	<b>544,140</b>	<b>-</b>	<b>-</b>	<b>535,712</b>	<b>841,025</b>	<b>535,712</b>	<b>841,025</b>	<b>(30,402)</b>	<b>(206,885)</b>
<b>Client Protection Fund-Restricted</b>	<b>1,090,558</b>	<b>992,500</b>	<b>123,494</b>	<b>164,210</b>	<b>152,359</b>	<b>504,000</b>	<b>275,852</b>	<b>668,210</b>	<b>814,706</b>	<b>324,290</b>
<b>Management of Western States Bar Conference (No W</b>	<b>67,858</b>	<b>68,200</b>	<b>-</b>	<b>-</b>	<b>57,617</b>	<b>62,800</b>	<b>57,617</b>	<b>62,800</b>	<b>10,241</b>	<b>5,400</b>
<b>Totals</b>	<b>21,136,088</b>	<b>23,866,664</b>	<b>16,293,298</b>	<b>19,330,595</b>	<b>2,943,081</b>	<b>4,396,646</b>	<b>19,236,380</b>	<b>23,727,241</b>	<b>1,900,608</b>	<b>139,423</b>
<b>Percentage of Budget</b>	<b>88.56%</b>		<b>84.29%</b>		<b>66.94%</b>		<b>81.07%</b>			

Summary of Fund Balances:	Fund Balances Sept. 30, 2018	2019 Budgeted Fund Balances	Fund Balances Year to date
<b>Restricted Funds:</b>			
Client Protection Fund	3,227,988	3,552,278	4,042,693.67
Western States Bar Conference	8,340	13,740	18,581.01
<b>Board-Designated Funds (Non-General Fund):</b>			
CLE Fund Balance	604,125	612,359	704,530
Section Funds	1,160,343	863,458	1,129,941
<b>Board-Designated Funds (General Fund):</b>			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	450,000	450,000	550,000
<b>Unrestricted Funds (General Fund):</b>			
Unrestricted General Fund	1,845,858	1,744,242	2,751,516
<b>Total General Fund Balance</b>	<b>3,795,858</b>	<b>3,894,242</b>	<b>4,801,515.82</b>
<b>Net Change In general Fund Balance</b>		<b>(101,616)</b>	<b>1,005,658</b>
<b>Total Fund Balance</b>	<b>8,796,654</b>	<b>8,936,077</b>	<b>10,697,262</b>
<b>Net Change In Fund Balance</b>		<b>139,423</b>	<b>1,900,608</b>

**Washington State Bar Association**

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	<b>FISCAL 2019 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>
<b>LICENSE FEES</b>					
<b>REVENUE:</b>					
LICENSE FEES	15,778,000.00	1,318,080.18	13,407,257.16	2,370,742.84	84.97%
LLLT LICENSE FEES	5,800.00	504.15	5,533.60	266.40	95.41%
LPO LICENSE FEES	174,400.00	14,259.78	128,689.62	45,710.38	73.79%
<b>TOTAL REVENUE:</b>	<b>15,958,200.00</b>	<b>1,332,844.11</b>	<b>13,541,480.38</b>	<b>2,416,719.62</b>	<b>84.86%</b>



## Washington State Bar Association

### Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>ACCESS TO JUSTICE</b>					
<b>REVENUE:</b>					
CONFERENCES & INSTITUTES	7,500.00	-	-	7,500.00	0.00%
<b>TOTAL REVENUE:</b>	<b>7,500.00</b>	<b>-</b>	<b>-</b>	<b>7,500.00</b>	<b>0.00%</b>
<b>DIRECT EXPENSES:</b>					
ATJ BOARD RETREAT	2,000.00	1,260.45	1,260.45	739.55	63.02%
LEADERSHIP TRAINING	2,000.00	-	802.75	1,197.25	40.14%
ATJ BOARD EXPENSE	24,000.00	1,239.14	12,281.43	11,718.57	51.17%
STAFF TRAVEL/PARKING	3,500.00	204.87	3,750.44	(250.44)	107.16%
STAFF MEMBERSHIP DUES	120.00	-	100.00	20.00	83.33%
PUBLIC DEFENSE	7,000.00	237.20	2,136.76	4,863.24	30.53%
CONFERENCE/INSTITUTE EXPENSE	14,837.00	9,240.64	11,436.44	3,400.56	77.08%
RECEPTION/FORUM EXPENSE	9,500.00	-	3,283.29	6,216.71	34.56%
<b>TOTAL DIRECT EXPENSES:</b>	<b>62,957.00</b>	<b>12,182.30</b>	<b>35,051.56</b>	<b>27,905.44</b>	<b>55.68%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (2.10 FTE)	160,817.00	13,658.67	136,543.08	24,273.92	84.91%
BENEFITS EXPENSE	59,156.00	4,683.32	47,281.92	11,874.08	79.93%
OTHER INDIRECT EXPENSE	51,894.00	1,536.86	45,761.61	6,132.39	88.18%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>271,867.00</b>	<b>19,878.85</b>	<b>229,586.61</b>	<b>42,280.39</b>	<b>84.45%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>334,824.00</b>	<b>32,061.15</b>	<b>264,638.17</b>	<b>70,185.83</b>	<b>79.04%</b>
<b>NET INCOME (LOSS):</b>	<b>(327,324.00)</b>	<b>(32,061.15)</b>	<b>(264,638.17)</b>		

## Washington State Bar Association

### Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>ADMINISTRATION</b>					
<b>REVENUE:</b>					
INTEREST INCOME	70,000.00	24,996.25	216,279.48	(146,279.48)	308.97%
GAIN/LOSS ON INVESTMENTS	30,000.00	-	98,446.79	(68,446.79)	328.16%
<b>TOTAL REVENUE:</b>	<b>100,000.00</b>	<b>24,996.25</b>	<b>314,726.27</b>	<b>(214,726.27)</b>	<b>314.73%</b>
<b>DIRECT EXPENSES:</b>					
CREDIT CARD MERCHANT FEES	-	96.94	(2,353.28)	2,353.28	
STAFF TRAVEL/PARKING	4,200.00	-	2,800.00	1,400.00	66.67%
STAFF MEMBERSHIP DUES	685.00	-	599.17	85.83	87.47%
MISCELLANEOUS	-	23.49	23.49	(23.49)	
<b>TOTAL DIRECT EXPENSES:</b>	<b>4,885.00</b>	<b>120.43</b>	<b>1,069.38</b>	<b>3,815.62</b>	<b>21.89%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE ( 7.97 FTE)	700,100.00	57,928.99	600,784.93	99,315.07	85.81%
BENEFITS EXPENSE	241,718.00	18,180.92	192,851.16	48,866.84	79.78%
OTHER INDIRECT EXPENSE	196,951.00	5,838.02	173,833.14	23,117.86	88.26%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,138,769.00</b>	<b>81,947.93</b>	<b>967,469.23</b>	<b>171,299.77</b>	<b>84.96%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,143,654.00</b>	<b>82,068.36</b>	<b>968,538.61</b>	<b>175,115.39</b>	<b>84.69%</b>
<b>NET INCOME (LOSS):</b>	<b>(1,043,654.00)</b>	<b>(57,072.11)</b>	<b>(653,812.34)</b>		

## Washington State Bar Association

### Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>ADMISSIONS</b>					
<b>REVENUE:</b>					
EXAM SOFT REVENUE	35,000.00	-	10,885.00	24,115.00	31.10%
BAR EXAM FEES	1,200,000.00	41,660.00	1,133,185.00	66,815.00	94.43%
RPC BOOKLETS	-	-	150.00	(150.00)	
SPECIAL ADMISSIONS	60,000.00	1,860.00	29,780.00	30,220.00	49.63%
LLLT EXAM FEES	7,500.00	-	2,910.00	4,590.00	38.80%
LLLT WAIVER FEES	900.00	150.00	450.00	450.00	50.00%
LPO EXAMINATION FEES	24,000.00	-	28,400.00	(4,400.00)	118.33%
<b>TOTAL REVENUE:</b>	<b>1,327,400.00</b>	<b>43,670.00</b>	<b>1,205,760.00</b>	<b>121,640.00</b>	<b>90.84%</b>
<b>DIRECT EXPENSES:</b>					
DEPRECIATION	17,776.00	-	-	17,776.00	0.00%
POSTAGE	4,000.00	149.45	3,395.61	604.39	84.89%
STAFF TRAVEL/PARKING	13,000.00	659.93	9,791.41	3,208.59	75.32%
STAFF MEMBERSHIP DUES	400.00	-	300.00	100.00	75.00%
SUPPLIES	2,500.00	144.37	1,548.19	951.81	61.93%
FACILITY, PARKING, FOOD	70,000.00	53,172.65	88,141.83	(18,141.83)	125.92%
EXAMINER FEES	35,000.00	1,500.00	26,000.00	9,000.00	74.29%
UBE EXMINATIONS	130,000.00	-	36,936.00	93,064.00	28.41%
BOARD OF BAR EXAMINERS	25,000.00	-	10,548.35	14,451.65	42.19%
BAR EXAM PROCTORS	31,000.00	-	14,369.75	16,630.25	46.35%
CHARACTER & FITNESS BOARD	20,000.00	948.30	12,610.40	7,389.60	63.05%
DISABILITY ACCOMMODATIONS	20,000.00	-	9,792.22	10,207.78	48.96%
CHARACTER & FITNESS INVESTIGATIONS	900.00	-	-	900.00	0.00%
LAW SCHOOL VISITS	1,000.00	-	659.12	340.88	65.91%
EXAM WRITING	28,355.00	14,175.00	28,350.00	5.00	99.98%
COURT REPORTERS	18,000.00	-	9,311.30	8,688.70	51.73%
PRINTING & COPYING	-	57.05	158.75	(158.75)	
<b>TOTAL DIRECT EXPENSES:</b>	<b>416,931.00</b>	<b>70,806.75</b>	<b>251,912.93</b>	<b>165,018.07</b>	<b>60.42%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (6.30 FTE)	496,503.00	41,262.72	419,504.78	76,998.22	84.49%
BENEFITS EXPENSE	188,862.00	14,942.82	151,220.25	37,641.75	80.07%
OTHER INDIRECT EXPENSE	155,683.00	4,620.88	137,592.10	18,090.90	88.38%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>841,048.00</b>	<b>60,826.42</b>	<b>708,317.13</b>	<b>132,730.87</b>	<b>84.22%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,257,979.00</b>	<b>131,633.17</b>	<b>960,230.06</b>	<b>297,748.94</b>	<b>76.33%</b>
<b>NET INCOME (LOSS):</b>	<b>69,421.00</b>	<b>(87,963.17)</b>	<b>245,529.94</b>		

## Washington State Bar Association

### Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>BOG/OED</b>					
<b>REVENUE:</b>					
<hr/>					
<hr/>					
<b>TOTAL REVENUE:</b>	-	-	-	-	
<hr/>					
<b>DIRECT EXPENSES:</b>					
<hr/>					
STAFF TRAVEL/PARKING	5,400.00	471.04	2,891.56	2,508.44	53.55%
STAFF MEMBERSHIP DUES	2,131.00	-	1,125.00	1,006.00	52.79%
TELEPHONE	1,000.00	-	421.19	578.81	42.12%
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	-	60,000.00	-	100.00%
BOG MEETINGS	117,000.00	13,320.97	86,289.87	30,710.13	73.75%
BOG COMMITTEES' EXPENSES	30,000.00	2,675.05	17,170.66	12,829.34	57.24%
BOG CONFERENCE ATTENDANCE	49,000.00	1,679.25	22,623.62	26,376.38	46.17%
BOG TRAVEL & OUTREACH	35,000.00	636.51	13,879.88	21,120.12	39.66%
ED TRAVEL & OUTREACH	5,000.00	5.95	2,677.42	2,322.58	53.55%
BAR STRUCTURE WORKGROUP	-	97.47	329.33	(329.33)	
<b>TOTAL DIRECT EXPENSES:</b>	<b>304,531.00</b>	<b>18,886.24</b>	<b>207,408.53</b>	<b>97,122.47</b>	<b>68.11%</b>
<hr/>					
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (2.45 FTE)	361,878.00	30,586.71	387,540.19	(25,662.19)	107.09%
BENEFITS EXPENSE	107,757.00	7,985.81	88,557.49	19,199.51	82.18%
OTHER INDIRECT EXPENSE	60,543.00	1,794.71	53,439.78	7,103.22	88.27%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>530,178.00</b>	<b>40,367.23</b>	<b>529,537.46</b>	<b>640.54</b>	<b>99.88%</b>
<hr/>					
<b>TOTAL ALL EXPENSES:</b>	<b>834,709.00</b>	<b>59,253.47</b>	<b>736,945.99</b>	<b>97,763.01</b>	<b>88.29%</b>
<hr/>					
<b>NET INCOME (LOSS):</b>	<b>(834,709.00)</b>	<b>(59,253.47)</b>	<b>(736,945.99)</b>		
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## Washington State Bar Association

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>COMMUNICATION STRATEGIES</b>					
<b>REVENUE:</b>					
APEX LUNCH/DINNER	50,000.00	165.00	165.00	49,835.00	0.33%
50 YEAR MEMBER TRIBUTE LUNCH	750.00	-	300.00	450.00	40.00%
WSBA LOGO MERCHANDISE SALES	-	-	560.00	(560.00)	
<b>TOTAL REVENUE:</b>	<b>50,750.00</b>	<b>165.00</b>	<b>1,025.00</b>	<b>49,725.00</b>	<b>2.02%</b>
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	4,700.00	350.00	3,500.00	1,200.00	74.47%
STAFF MEMBERSHIP DUES	1,000.00	-	1,195.00	(195.00)	119.50%
SUBSCRIPTIONS	10,050.00	87.02	7,061.07	2,988.93	70.26%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	-	406.36	1,043.64	28.02%
APEX DINNER	63,000.00	8,572.39	15,134.89	47,865.11	24.02%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	-	8,458.95	(458.95)	105.74%
COMMUNICATIONS OUTREACH	15,000.00	149.96	10,700.96	4,299.04	71.34%
SPEAKERS & PROGRAM DEVELOP	1,600.00	-	-	1,600.00	0.00%
EQUIPMENT, HARDWARE & SOFTWARE	-	-	384.25	(384.25)	
TELEPHONE	-	26.69	240.21	(240.21)	
CONFERENCE CALLS	-	-	36.09	(36.09)	
<b>TOTAL DIRECT EXPENSES:</b>	<b>104,800.00</b>	<b>9,186.06</b>	<b>47,117.78</b>	<b>57,682.22</b>	<b>44.96%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (4.62 FTE)	312,393.00	24,490.18	262,594.32	49,798.68	84.06%
BENEFITS EXPENSE	124,221.00	9,063.95	96,145.95	28,075.05	77.40%
OTHER INDIRECT EXPENSE	114,168.00	3,383.14	100,737.13	13,430.87	88.24%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>550,782.00</b>	<b>36,937.27</b>	<b>459,477.40</b>	<b>91,304.60</b>	<b>83.42%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>655,582.00</b>	<b>46,123.33</b>	<b>506,595.18</b>	<b>148,986.82</b>	<b>77.27%</b>
<b>NET INCOME (LOSS):</b>	<b>(604,832.00)</b>	<b>(45,958.33)</b>	<b>(505,570.18)</b>		

**Washington State Bar Association**

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>CONFERENCE &amp; BROADCAST SERVICES</b>					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
TRANSLATION SERVICES	3,500.00	616.20	6,127.70	(2,627.70)	175.08%
TOTAL DIRECT EXPENSES:	<u>3,500.00</u>	<u>616.20</u>	<u>6,127.70</u>	<u>(2,627.70)</u>	<u>175.08%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (7.15 FTE)	429,625.00	35,782.09	376,616.26	53,008.74	87.66%
BENEFITS EXPENSE	174,080.00	13,819.27	137,730.82	36,349.18	79.12%
OTHER INDIRECT EXPENSE	176,688.00	5,239.76	156,019.61	20,668.39	88.30%
TOTAL INDIRECT EXPENSES:	<u>780,393.00</u>	<u>54,841.12</u>	<u>670,366.69</u>	<u>110,026.31</u>	<u>85.90%</u>
TOTAL ALL EXPENSES:	<u>783,893.00</u>	<u>55,457.32</u>	<u>676,494.39</u>	<u>107,398.61</u>	<u>86.30%</u>
NET INCOME (LOSS):	<u>(783,893.00)</u>	<u>(55,457.32)</u>	<u>(676,494.39)</u>		

## Washington State Bar Association

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>DISCIPLINE</b>					
<b>REVENUE:</b>					
AUDIT REVENUE	3,200.00	63.75	1,511.25	1,688.75	47.23%
RECOVERY OF DISCIPLINE COSTS	80,000.00	3,292.82	57,211.57	22,788.43	71.51%
DISCIPLINE HISTORY SUMMARY	13,000.00	1,483.70	12,969.32	30.68	99.76%
<b>TOTAL REVENUE:</b>	<b>96,200.00</b>	<b>4,840.27</b>	<b>71,692.14</b>	<b>24,507.86</b>	<b>74.52%</b>
<b>DIRECT EXPENSES:</b>					
DEPRECIATION-SOFTWARE	7,123.00	328.00	6,993.56	129.44	98.18%
PUBLICATIONS PRODUCTION	444.00	-	211.25	232.75	47.58%
STAFF TRAVEL/PARKING	35,000.00	2,418.13	24,346.02	10,653.98	69.56%
STAFF MEMBERSHIP DUES	3,900.00	350.00	2,985.05	914.95	76.54%
TELEPHONE	2,300.00	292.95	1,971.03	328.97	85.70%
COURT REPORTERS	55,000.00	4,558.80	21,353.61	33,646.39	38.82%
OUTSIDE COUNSEL/AIC	2,000.00	-	37.49	1,962.51	1.87%
LITIGATION EXPENSES	25,000.00	1,169.49	16,408.42	8,591.58	65.63%
DISABILITY EXPENSES	7,500.00	-	5,475.00	2,025.00	73.00%
ONLINE LEGAL RESEARCH	68,000.00	5,779.30	50,646.63	17,353.37	74.48%
LAW LIBRARY	12,500.00	1,058.78	8,106.51	4,393.49	64.85%
TRANSLATION SERVICES	1,500.00	-	247.89	1,252.11	16.53%
CONFERENCE CALLS	-	-	12.84	(12.84)	
<b>TOTAL DIRECT EXPENSES:</b>	<b>220,267.00</b>	<b>15,955.45</b>	<b>138,795.30</b>	<b>81,471.70</b>	<b>63.01%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (36.88 FTE)	3,556,329.00	282,478.16	2,919,122.94	637,206.06	82.08%
BENEFITS EXPENSE	1,196,316.00	93,478.08	953,071.73	243,244.27	79.67%
OTHER INDIRECT EXPENSE	911,363.00	27,013.67	804,361.42	107,001.58	88.26%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>5,664,008.00</b>	<b>402,969.91</b>	<b>4,676,556.09</b>	<b>987,451.91</b>	<b>82.57%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>5,884,275.00</b>	<b>418,925.36</b>	<b>4,815,351.39</b>	<b>1,068,923.61</b>	<b>81.83%</b>
<b>NET INCOME (LOSS):</b>	<b>(5,788,075.00)</b>	<b>(414,085.09)</b>	<b>(4,743,659.25)</b>		

## Washington State Bar Association

### Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>DIVERSITY</b>					
<b>REVENUE:</b>					
DONATIONS	110,000.00	-	137,500.00	(27,500.00)	125.00%
WORK STUDY GRANTS	10,374.00	2,058.00	6,273.75	4,100.25	60.48%
<b>TOTAL REVENUE:</b>	<b>120,374.00</b>	<b>2,058.00</b>	<b>143,773.75</b>	<b>(23,399.75)</b>	<b>119.44%</b>
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	6,000.00	200.80	5,134.76	865.24	85.58%
STAFF MEMBERSHIP DUES	350.00	-	150.00	200.00	42.86%
COMMITTEE FOR DIVERSITY	5,000.00	688.77	5,262.90	(262.90)	105.26%
DIVERSITY EVENTS & PROJECTS	10,000.00	13.94	6,161.43	3,838.57	61.61%
INTERNAL DIVERSITY OUTREACH	200.00	-	70.24	129.76	35.12%
<b>TOTAL DIRECT EXPENSE:</b>	<b>21,550.00</b>	<b>903.51</b>	<b>16,779.33</b>	<b>4,770.67</b>	<b>77.86%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (4.05 FTE)	328,835.00	25,613.63	276,311.56	52,523.44	84.03%
BENEFITS EXPENSE	115,724.00	9,165.79	92,776.10	22,947.90	80.17%
OTHER INDIRECT EXPENSE	100,082.00	2,970.59	88,452.22	11,629.78	88.38%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>544,641.00</b>	<b>37,750.01</b>	<b>457,539.88</b>	<b>87,101.12</b>	<b>84.01%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>566,191.00</b>	<b>38,653.52</b>	<b>474,319.21</b>	<b>91,871.79</b>	<b>83.77%</b>
<b>NET INCOME (LOSS):</b>	<b>(445,817.00)</b>	<b>(36,595.52)</b>	<b>(330,545.46)</b>		



## Washington State Bar Association

### Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>FOUNDATION</b>					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	3,000.00	-	2,000.00	1,000.00	66.67%
PRINTING & COPYING	800.00	-	649.96	150.04	81.25%
STAFF TRAVEL/PARKING	1,400.00	-	11.99	1,388.01	0.86%
SUPPLIES	500.00	-	-	500.00	0.00%
SPECIAL EVENTS	5,000.00	-	-	5,000.00	0.00%
BOARD OF TRUSTEES	3,000.00	15.10	287.83	2,712.17	9.59%
POSTAGE	500.00	42.08	48.93	451.07	9.79%
<b>TOTAL DIRECT EXPENSES:</b>	<b>14,200.00</b>	<b>57.18</b>	<b>2,998.71</b>	<b>11,201.29</b>	<b>21.12%</b>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.15 FTE)	89,538.00	6,233.44	77,235.52	12,302.48	86.26%
BENEFITS EXPENSE	32,707.00	2,463.62	26,118.85	6,588.15	79.86%
OTHER INDIRECT EXPENSE	28,418.00	845.77	25,184.15	3,233.85	88.62%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>150,663.00</b>	<b>9,542.83</b>	<b>128,538.52</b>	<b>22,124.48</b>	<b>85.32%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>164,863.00</b>	<b>9,600.01</b>	<b>131,537.23</b>	<b>33,325.77</b>	<b>79.79%</b>
<b>NET INCOME (LOSS):</b>	<b>(164,863.00)</b>	<b>(9,600.01)</b>	<b>(131,537.23)</b>		

## Washington State Bar Association

### Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>HUMAN RESOURCES</b>					
<b>REVENUE:</b>					
<hr/>					
<b>TOTAL REVENUE:</b>	-	-	-	-	
<hr/>					
<b>DIRECT EXPENSES:</b>					
<hr/>					
STAFF TRAVEL/PARKING	150.00	-	220.00	(70.00)	146.67%
STAFF MEMBERSHIP DUES	1,250.00	-	778.00	472.00	62.24%
SUBSCRIPTIONS	2,100.00	422.78	2,222.08	(122.08)	105.81%
STAFF TRAINING- GENERAL	30,000.00	850.00	10,466.08	19,533.92	34.89%
RECRUITING AND ADVERTISING	7,000.00	10,081.57	12,885.52	(5,885.52)	184.08%
PAYROLL PROCESSING	49,000.00	3,055.26	37,596.87	11,403.13	76.73%
SALARY SURVEYS	2,900.00	-	2,510.30	389.70	86.56%
CONSULTING SERVICES	10,000.00	-	5,994.10	4,005.90	59.94%
TRANSFER TO INDIRECT EXPENSE	(102,400.00)	(14,409.61)	(72,672.95)	(29,727.05)	70.97%
<b>TOTAL DIRECT EXPENSES:</b>	-	-	-	-	
<hr/>					
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (2.45 FTE)	260,398.00	16,808.58	213,916.08	46,481.92	82.15%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	-	-	(200,000.00)	0.00%
BENEFITS EXPENSE	84,017.00	5,795.51	66,547.95	17,469.05	79.21%
OTHER INDIRECT EXPENSE	60,543.00	1,794.72	53,439.79	7,103.21	88.27%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>204,958.00</b>	<b>24,398.81</b>	<b>333,903.82</b>	<b>(128,945.82)</b>	<b>162.91%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>204,958.00</b>	<b>24,398.81</b>	<b>333,903.82</b>	<b>(128,945.82)</b>	<b>162.91%</b>
<b>NET INCOME (LOSS):</b>	<b>(204,958.00)</b>	<b>(24,398.81)</b>	<b>(333,903.82)</b>		

**Washington State Bar Association**

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>LAW CLERK PROGRAM</b>					
<b>REVENUE:</b>					
LAW CLERK FEES	162,000.00	-	159,955.00	2,045.00	98.74%
LAW CLERK APPLICATION FEES	4,000.00	-	2,600.00	1,400.00	65.00%
<b>TOTAL REVENUE:</b>	<b>166,000.00</b>	<b>-</b>	<b>162,555.00</b>	<b>3,445.00</b>	<b>97.92%</b>
<b>DIRECT EXPENSES:</b>					
SUBSCRIPTIONS	250.00	-	-	250.00	0.00%
CHARACTER & FITNESS INVESTIGATIONS	100.00	-	-	100.00	0.00%
LAW CLERK BOARD EXPENSE	6,000.00	-	3,876.32	2,123.68	64.61%
STAFF TRAVEL/PARKING	-	-	33.33	(33.33)	
LAW CLERK OUTREACH	5,000.00	-	142.01	4,857.99	2.84%
<b>TOTAL DIRECT EXPENSES:</b>	<b>11,350.00</b>	<b>-</b>	<b>4,051.66</b>	<b>7,298.34</b>	<b>35.70%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.10 FTE)	84,449.00	6,357.66	67,229.88	17,219.12	79.61%
BENEFITS EXPENSE	31,033.00	2,443.72	24,737.86	6,295.14	79.71%
OTHER INDIRECT EXPENSE	27,183.00	804.55	23,955.81	3,227.19	88.13%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>142,665.00</b>	<b>9,605.93</b>	<b>115,923.55</b>	<b>26,741.45</b>	<b>81.26%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>154,015.00</b>	<b>9,605.93</b>	<b>119,975.21</b>	<b>34,039.79</b>	<b>77.90%</b>
<b>NET INCOME (LOSS):</b>	<b>11,985.00</b>	<b>(9,605.93)</b>	<b>42,579.79</b>		

## Washington State Bar Association

### Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>LEGISLATIVE</b>					
<b>REVENUE:</b>					
<hr/>					
<b>TOTAL REVENUE:</b>					
	-	-	-	-	
<b>DIRECT EXPENSES:</b>					
<hr/>					
STAFF TRAVEL/PARKING	4,550.00	-	1,998.46	2,551.54	43.92%
STAFF MEMBERSHIP DUES	450.00	-	130.00	320.00	28.89%
SUBSCRIPTIONS	2,000.00	-	1,981.80	18.20	99.09%
TELEPHONE	400.00	-	-	400.00	0.00%
OLYMPIA RENT	2,500.00	210.00	1,353.12	1,146.88	54.12%
CONTRACT LOBBYIST	5,000.00	-	5,000.00	-	100.00%
LOBBYIST CONTACT COSTS	1,000.00	-	-	1,000.00	0.00%
LEGISLATIVE COMMITTEE	2,500.00	8.13	2,440.63	59.37	97.63%
BOG LEGISLATIVE COMMITTEE	250.00	-	-	250.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>18,650.00</b>	<b>218.13</b>	<b>12,904.01</b>	<b>5,745.99</b>	<b>69.19%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.10 FTE)	80,340.00	6,705.76	67,683.10	12,656.90	84.25%
BENEFITS EXPENSE	27,893.00	2,382.63	24,189.03	3,703.97	86.72%
OTHER INDIRECT EXPENSE	27,183.00	804.54	23,955.78	3,227.22	88.13%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>135,416.00</b>	<b>9,892.93</b>	<b>115,827.91</b>	<b>19,588.09</b>	<b>85.53%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>154,066.00</b>	<b>10,111.06</b>	<b>128,731.92</b>	<b>25,334.08</b>	<b>83.56%</b>
<b>NET INCOME (LOSS):</b>	<b>(154,066.00)</b>	<b>(10,111.06)</b>	<b>(128,731.92)</b>		

**Washington State Bar Association**

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>LICENSING &amp; MEMBERSHIP RECORDS</b>					
<b>REVENUE:</b>					
STATUS CERTIFICATE FEES	22,000.00	1,210.04	15,603.63	6,396.37	70.93%
RULE 9/LEGAL INTERN FEES	11,000.00	500.00	11,850.00	(850.00)	107.73%
INVESTIGATION FEES	22,000.00	3,300.00	25,700.00	(3,700.00)	116.82%
PRO HAC VICE	230,000.00	27,136.00	280,946.00	(50,946.00)	122.15%
MEMBER CONTACT INFORMATION	19,000.00	850.55	9,265.48	9,734.52	48.77%
PHOTO BAR CARD SALES	350.00	24.00	312.00	38.00	89.14%
<b>TOTAL REVENUE:</b>	<b>304,350.00</b>	<b>33,020.59</b>	<b>343,677.11</b>	<b>(39,327.11)</b>	<b>112.92%</b>
<b>DIRECT EXPENSES:</b>					
DEPRECIATION	13,812.00	1,150.00	11,505.00	2,307.00	83.30%
POSTAGE	29,000.00	-	17,493.10	11,506.90	60.32%
LICENSING FORMS	3,000.00	-	2,441.11	558.89	81.37%
<b>TOTAL DIRECT EXPENSES:</b>	<b>45,812.00</b>	<b>1,150.00</b>	<b>31,439.21</b>	<b>14,372.79</b>	<b>68.63%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (4.35 FTE)	395,080.00	31,990.14	333,132.57	61,947.43	84.32%
BENEFITS EXPENSE	133,752.00	10,544.67	107,142.00	26,610.00	80.10%
OTHER INDIRECT EXPENSE	107,495.00	3,187.20	94,901.74	12,593.26	88.28%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>636,327.00</b>	<b>45,722.01</b>	<b>535,176.31</b>	<b>101,150.69</b>	<b>84.10%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>682,139.00</b>	<b>46,872.01</b>	<b>566,615.52</b>	<b>115,523.48</b>	<b>83.06%</b>
<b>NET INCOME (LOSS):</b>	<b>(377,789.00)</b>	<b>(13,851.42)</b>	<b>(222,938.41)</b>		

**Washington State Bar Association**

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	<b>FISCAL 2019 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>
<b>LIMITED LICENSE LEGAL TECHNICIAN PROGRAM</b>					
<b>REVENUE:</b>					
SEMINAR REGISTRATIONS	-	8,159.00	8,159.00	(8,159.00)	
<b>TOTAL REVENUE:</b>	<b>-</b>	<b>8,159.00</b>	<b>8,159.00</b>	<b>(8,159.00)</b>	
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	600.00	-	431.49	168.51	71.92%
LLLT BOARD	17,000.00	1,989.47	11,561.43	5,438.57	68.01%
LLLT OUTREACH	8,000.00	121.05	2,528.71	5,471.29	31.61%
LLLT EDUCATION	-	9,914.27	9,914.27	(9,914.27)	
<b>TOTAL DIRECT EXPENSES:</b>	<b>25,600.00</b>	<b>12,024.79</b>	<b>24,435.90</b>	<b>1,164.10</b>	<b>95.45%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.55 FTE)	135,526.00	9,422.68	102,812.66	32,713.34	75.86%
BENEFITS EXPENSE	41,762.00	3,738.31	37,733.14	4,028.86	90.35%
OTHER INDIRECT EXPENSE	38,303.00	1,134.56	33,783.80	4,519.20	88.20%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>215,591.00</b>	<b>14,295.55</b>	<b>174,329.60</b>	<b>41,261.40</b>	<b>80.86%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>241,191.00</b>	<b>26,320.34</b>	<b>198,765.50</b>	<b>42,425.50</b>	<b>82.41%</b>
<b>NET INCOME (LOSS):</b>	<b>(241,191.00)</b>	<b>(18,161.34)</b>	<b>(190,606.50)</b>		

**Washington State Bar Association**

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>LIMITED PRACTICE OFFICERS</b>					
REVENUE:	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
TOTAL REVENUE:	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
DIRECT EXPENSES:	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
LPO BOARD	3,000.00	314.88	2,406.27	593.73	80.21%
TOTAL DIRECT EXPENSES:	<u>3,000.00</u>	<u>314.88</u>	<u>2,406.27</u>	<u>593.73</u>	<u>80.21%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.17 FTE)	99,089.00	7,500.15	79,178.55	19,910.45	79.91%
BENEFITS EXPENSE	40,651.00	2,762.04	27,873.72	12,777.28	68.57%
OTHER INDIRECT EXPENSE	<u>28,913.00</u>	<u>856.12</u>	<u>25,491.44</u>	<u>3,421.56</u>	<u>88.17%</u>
TOTAL INDIRECT EXPENSES:	<u>168,653.00</u>	<u>11,118.31</u>	<u>132,543.71</u>	<u>36,109.29</u>	<u>78.59%</u>
TOTAL ALL EXPENSES:	<u>171,653.00</u>	<u>11,433.19</u>	<u>134,949.98</u>	<u>36,703.02</u>	<u>78.62%</u>
NET INCOME (LOSS):	<u>(171,653.00)</u>	<u>(11,433.19)</u>	<u>(134,949.98)</u>		

## Washington State Bar Association

### Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>MANDATORY CONTINUING LEGAL EDUCATION</b>					
<b>REVENUE:</b>					
ACCREDITED PROGRAM FEES	540,000.00	51,300.00	530,545.00	9,455.00	98.25%
FORM 1 LATE FEES	150,000.00	16,650.00	175,287.50	(25,287.50)	116.86%
MEMBER LATE FEES	203,000.00	5,275.00	192,750.00	10,250.00	94.95%
ANNUAL ACCREDITED SPONSOR FEES	43,000.00	-	43,000.00	-	100.00%
ATTENDANCE LATE FEES	85,000.00	8,300.00	82,080.00	2,920.00	96.56%
COMITY CERTIFICATES	29,000.00	100.00	33,169.06	(4,169.06)	114.38%
<b>TOTAL REVENUE:</b>	<b>1,050,000.00</b>	<b>81,625.00</b>	<b>1,056,831.56</b>	<b>(6,831.56)</b>	<b>100.65%</b>
<b>DIRECT EXPENSES:</b>					
DEPRECIATION	249,948.00	20,843.00	208,251.00	41,697.00	83.32%
STAFF MEMBERSHIP DUES	500.00	-	500.00	-	100.00%
MCLE BOARD	2,000.00	-	962.93	1,037.07	48.15%
<b>TOTAL DIRECT EXPENSES:</b>	<b>252,448.00</b>	<b>20,843.00</b>	<b>209,713.93</b>	<b>42,734.07</b>	<b>83.07%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (4.90 FTE)	374,898.00	30,399.13	317,845.22	57,052.78	84.78%
BENEFITS EXPENSE	124,996.00	9,909.00	100,166.70	24,829.30	80.14%
OTHER INDIRECT EXPENSE	121,087.00	3,589.44	106,879.61	14,207.39	88.27%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>620,981.00</b>	<b>43,897.57</b>	<b>524,891.53</b>	<b>96,089.47</b>	<b>84.53%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>873,429.00</b>	<b>64,740.57</b>	<b>734,605.46</b>	<b>138,823.54</b>	<b>84.11%</b>
<b>NET INCOME (LOSS):</b>	<b>176,571.00</b>	<b>16,884.43</b>	<b>322,226.10</b>		



Washington State Bar Association  
Statement of Activities  
For the Period from July 1, 2019 to July 31, 2019  
83.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>MEMBER ASSISTANCE PROGRAM</b>					
<b>REVENUE:</b>					
DIVERSIONS	10,000.00	750.00	7,891.80	2,108.20	78.92%
SEMINAR REGISTRATIONS	-	-	1,372.00	(1,372.00)	
LAP GROUPS REVENUE	-	-	280.00	(280.00)	
<b>TOTAL REVENUE:</b>	<b>10,000.00</b>	<b>750.00</b>	<b>9,543.80</b>	<b>456.20</b>	<b>95.44%</b>
<b>DIRECT EXPENSES:</b>					
PUBLICATIONS PRODUCTION	200.00	-	127.86	72.14	63.93%
STAFF MEMBERSHIP DUES	225.00	-	226.00	(1.00)	100.44%
PROF LIAB INSURANCE	850.00	-	825.00	25.00	97.06%
<b>TOTAL DIRECT EXPENSES:</b>	<b>1,275.00</b>	<b>-</b>	<b>1,178.86</b>	<b>96.14</b>	<b>92.46%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (0.90 FTE)	84,582.00	6,692.16	71,116.63	13,465.37	84.08%
BENEFITS EXPENSE	34,402.00	2,628.45	27,360.84	7,041.16	79.53%
OTHER INDIRECT EXPENSE	22,240.00	660.11	19,656.10	2,583.90	88.38%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>141,224.00</b>	<b>9,980.72</b>	<b>118,133.57</b>	<b>23,090.43</b>	<b>83.65%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>142,499.00</b>	<b>9,980.72</b>	<b>119,312.43</b>	<b>23,186.57</b>	<b>83.73%</b>
<b>NET INCOME (LOSS):</b>	<b>(132,499.00)</b>	<b>(9,230.72)</b>	<b>(109,768.63)</b>		

## Washington State Bar Association

### Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>MEMBER SERVICES &amp; ENGAGEMENT</b>					
<b>REVENUE:</b>					
ROYALTIES	30,000.00	2,455.42	37,512.79	(7,512.79)	125.04%
NMP PRODUCT SALES	70,000.00	7,875.60	75,995.24	(5,995.24)	108.56%
SPONSORSHIPS	1,200.00	-	725.00	475.00	60.42%
SEMINAR REGISTRATIONS	30,000.00	-	15,816.06	14,183.94	52.72%
TRIAL ADVOCACY PROGRAM	10,000.00	-	14,955.00	(4,955.00)	149.55%
<b>TOTAL REVENUE:</b>	<b>141,200.00</b>	<b>10,331.02</b>	<b>145,004.09</b>	<b>(3,804.09)</b>	<b>102.69%</b>
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	4,500.00	615.15	856.64	3,643.36	19.04%
SUBSCRIPTIONS	480.00	30.00	814.60	(334.60)	169.71%
CONFERENCE CALLS	200.00	16.76	96.00	104.00	48.00%
YLL SECTION PROGRAM	1,100.00	-	740.00	360.00	67.27%
WYLC CLE COMPS	1,000.00	-	250.00	750.00	25.00%
WYLC OUTREACH EVENTS	2,500.00	14.48	535.94	1,964.06	21.44%
WYL COMMITTEE	15,000.00	904.32	2,094.26	12,905.74	13.96%
OPEN SECTIONS NIGHT	4,400.00	-	2,999.64	1,400.36	68.17%
RURAL PLACEMENT PROGRAM	10,500.00	(16.76)	-	10,500.00	0.00%
TRIAL ADVOCACY EXPENSES	2,500.00	-	2,347.00	153.00	93.88%
RECEPTION/FORUM EXPENSE	4,000.00	-	3,658.02	341.98	91.45%
WYLC SCHOLARSHIPS/DONATIONS/GRANT	2,500.00	-	835.90	1,664.10	33.44%
STAFF MEMBERSHIP DUES	385.00	-	109.00	276.00	28.31%
LENDING LIBRARY	5,500.00	209.65	2,975.44	2,524.56	54.10%
NMP SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	7.40	1,797.25	(297.25)	119.82%
<b>TOTAL DIRECT EXPENSES:</b>	<b>56,065.00</b>	<b>1,781.00</b>	<b>20,109.69</b>	<b>35,955.31</b>	<b>35.87%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (3.98 FTE)	296,941.00	18,473.41	230,547.67	66,393.33	77.64%
BENEFITS EXPENSE	110,321.00	8,737.59	88,340.59	21,980.41	80.08%
OTHER INDIRECT EXPENSE	98,352.00	2,919.01	86,916.43	11,435.57	88.37%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>505,614.00</b>	<b>30,130.01</b>	<b>405,804.69</b>	<b>99,809.31</b>	<b>80.26%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>561,679.00</b>	<b>31,911.01</b>	<b>425,914.38</b>	<b>135,764.62</b>	<b>75.83%</b>
<b>NET INCOME (LOSS):</b>	<b>(420,479.00)</b>	<b>(21,579.99)</b>	<b>(280,910.29)</b>		

## Washington State Bar Association

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>MEMBERSHIP BENEFITS</b>					
<b>REVENUE:</b>					
SPONSORSHIPS	8,000.00	-	5,500.00	2,500.00	68.75%
INTERNET SALES	9,000.00	637.00	13,867.00	(4,867.00)	154.08%
<b>TOTAL REVENUE:</b>	<b>17,000.00</b>	<b>637.00</b>	<b>19,367.00</b>	<b>(2,367.00)</b>	<b>113.92%</b>
<b>DIRECT EXPENSES:</b>					
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	-	-	500.00	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	1,700.00	-	476.41	1,223.59	28.02%
WSBA CONNECTS	46,560.00	-	31,040.00	15,520.00	66.67%
CASEMAKER & FASTCASE	136,336.00	5,416.00	123,940.95	12,395.05	90.91%
CONFERENCE CALLS	-	13.88	270.41	(270.41)	
<b>TOTAL DIRECT EXPENSES:</b>	<b>185,096.00</b>	<b>5,429.88</b>	<b>155,727.77</b>	<b>29,368.23</b>	<b>84.13%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (0.73 FTE)	54,366.00	2,810.82	41,505.95	12,860.05	76.35%
BENEFITS EXPENSE	20,206.00	1,626.63	16,276.21	3,929.79	80.55%
OTHER INDIRECT EXPENSE	18,039.00	536.35	15,970.72	2,068.28	88.53%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>92,611.00</b>	<b>4,973.80</b>	<b>73,752.88</b>	<b>18,858.12</b>	<b>79.64%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>277,707.00</b>	<b>10,403.68</b>	<b>229,480.65</b>	<b>48,226.35</b>	<b>82.63%</b>
<b>NET INCOME (LOSS):</b>	<b>(260,707.00)</b>	<b>(9,766.68)</b>	<b>(210,113.65)</b>		

## Washington State Bar Association

### Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>NORTHWEST LAWYER</b>					
<b>REVENUE:</b>					
ROYALTIES	-	-	1,267.59	(1,267.59)	
DISPLAY ADVERTISING	297,500.00	23,660.00	150,861.90	146,638.10	50.71%
SUBSCRIPT/SINGLE ISSUES	350.00	35.82	129.18	220.82	36.91%
CLASSIFIED ADVERTISING	12,500.00	2,048.30	14,155.80	(1,655.80)	113.25%
GEN ANNOUNCEMENTS	17,500.00	1,602.00	4,368.40	13,131.60	24.96%
PROF ANNOUNCEMENTS	21,000.00	1,995.00	9,543.80	11,456.20	45.45%
JOB TARGET ADVERTISING	112,500.00	15,128.39	151,842.58	(39,342.58)	134.97%
<b>TOTAL REVENUE:</b>	<b>461,350.00</b>	<b>44,469.51</b>	<b>332,169.25</b>	<b>129,180.75</b>	<b>72.00%</b>
<b>DIRECT EXPENSES:</b>					
BAD DEBT EXPENSE	2,000.00	-	(2,950.00)	4,950.00	-147.50%
POSTAGE	89,000.00	9,881.87	69,890.47	19,109.53	78.53%
PRINTING, COPYING & MAILING	250,000.00	57,749.89	228,790.29	21,209.71	91.52%
DIGITAL/ONLINE DEVELOPMENT	10,200.00	-	6,250.00	3,950.00	61.27%
GRAPHICS/ARTWORK	3,500.00	-	-	3,500.00	0.00%
EDITORIAL ADVISORY COMMITTEE	800.00	-	451.66	348.34	56.46%
STAFF MEMBERSHIP DUES	135.00	-	-	135.00	0.00%
SUPPLIES	-	-	17.79	(17.79)	
<b>TOTAL DIRECT EXPENSES:</b>	<b>355,635.00</b>	<b>67,631.76</b>	<b>302,450.21</b>	<b>53,184.79</b>	<b>85.05%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (2.25 FTE)	177,211.00	15,102.04	149,068.45	28,142.55	84.12%
BENEFITS EXPENSE	70,006.00	5,547.32	47,451.69	22,554.31	67.78%
OTHER INDIRECT EXPENSE	55,601.00	1,650.34	49,140.15	6,460.85	88.38%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>302,818.00</b>	<b>22,299.70</b>	<b>245,660.29</b>	<b>57,157.71</b>	<b>81.12%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>658,453.00</b>	<b>89,931.46</b>	<b>548,110.50</b>	<b>110,342.50</b>	<b>83.24%</b>
<b>NET INCOME (LOSS):</b>	<b>(197,103.00)</b>	<b>(45,461.95)</b>	<b>(215,941.25)</b>		

## Washington State Bar Association

### Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>OFFICE OF GENERAL COUNSEL</b>					
<b>REVENUE:</b>					
COPY FEES	-	9.75	341.01	(341.01)	
<b>TOTAL REVENUE:</b>	<b>-</b>	<b>9.75</b>	<b>341.01</b>	<b>(341.01)</b>	
<b>DIRECT EXPENSES:</b>					
DEPRECIATION	3,336.00	-	-	3,336.00	0.00%
STAFF TRAVEL/PARKING	3,240.00	-	-	3,240.00	0.00%
STAFF MEMBERSHIP DUES	1,500.00	25.00	725.00	775.00	48.33%
COURT RULES COMMITTEE	2,000.00	37.24	1,803.83	196.17	90.19%
DISCIPLINE ADVISORY ROUNDTABLE	500.00	-	-	500.00	0.00%
CUSTODIANSHIPS	2,500.00	-	33.00	2,467.00	1.32%
LITIGATION EXPENSES	-	-	268.29	(268.29)	
<b>TOTAL DIRECT EXPENSES:</b>	<b>13,076.00</b>	<b>62.24</b>	<b>2,830.12</b>	<b>10,245.88</b>	<b>21.64%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (5.75 FTE)	588,978.00	35,203.25	396,324.80	192,653.20	67.29%
BENEFITS EXPENSE	197,610.00	13,153.69	148,759.45	48,850.55	75.28%
OTHER INDIRECT EXPENSE	142,092.00	4,218.62	125,614.28	16,477.72	88.40%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>928,680.00</b>	<b>52,575.56</b>	<b>670,698.53</b>	<b>257,981.47</b>	<b>72.22%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>941,756.00</b>	<b>52,637.80</b>	<b>673,528.65</b>	<b>268,227.35</b>	<b>71.52%</b>
<b>NET INCOME (LOSS):</b>	<b>(941,756.00)</b>	<b>(52,628.05)</b>	<b>(673,187.64)</b>		

**Washington State Bar Association**

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD</b>					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF MEMBERSHIP DUES	500.00	-	150.00	350.00	30.00%
DISCIPLINARY BOARD EXPENSES	10,000.00	88.28	3,709.71	6,290.29	37.10%
CHIEF HEARING OFFICER	33,000.00	-	22,500.00	10,500.00	68.18%
HEARING OFFICER EXPENSES	3,000.00	-	134.43	2,865.57	4.48%
HEARING OFFICER TRAINING	2,000.00	-	-	2,000.00	0.00%
OUTSIDE COUNSEL	55,000.00	-	29,500.00	25,500.00	53.64%
DISCIPLINARY SELECTION PANEL	-	-	624.53	(624.53)	
<b>TOTAL DIRECT EXPENSES:</b>	<b>103,500.00</b>	<b>88.28</b>	<b>56,618.67</b>	<b>46,881.33</b>	<b>54.70%</b>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.45 FTE)	110,578.00	7,621.33	79,577.73	31,000.27	71.97%
BENEFITS EXPENSE	40,663.00	3,076.56	32,053.67	8,609.33	78.83%
OTHER INDIRECT EXPENSE	35,832.00	1,062.39	31,633.96	4,198.04	88.28%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>187,073.00</b>	<b>11,760.28</b>	<b>143,265.36</b>	<b>43,807.64</b>	<b>76.58%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>290,573.00</b>	<b>11,848.56</b>	<b>199,884.03</b>	<b>90,688.97</b>	<b>68.79%</b>
<b>NET INCOME (LOSS):</b>	<b>(290,573.00)</b>	<b>(11,848.56)</b>	<b>(199,884.03)</b>		

## Washington State Bar Association

### Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>OUTREACH &amp; ENGAGEMENT</b>					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF TRAVEL/PARKING	1,400.00	-	39.92	1,360.08	2.85%
STAFF MEMBERSHIP DUES	1,152.00	-	-	1,152.00	0.00%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
ABA DELEGATES	4,500.00	-	2,970.84	1,529.16	66.02%
ANNUAL CHAIR MEETINGS	600.00	-	496.74	103.26	82.79%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	-	2,320.32	2,179.68	51.56%
BOG ELECTIONS	6,500.00	-	4,900.00	1,600.00	75.38%
BAR OUTREACH	10,000.00	1,207.83	10,008.01	(8.01)	100.08%
PROFESSIONALISM	2,000.00	-	-	2,000.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>30,852.00</b>	<b>1,207.83</b>	<b>20,735.83</b>	<b>10,116.17</b>	<b>67.21%</b>
INDIRECT EXPENSES:					
SALARY EXPENSE (2.73 FTE)	224,397.00	18,729.30	188,744.04	35,652.96	84.11%
BENEFITS EXPENSE	79,186.00	6,337.41	64,322.34	14,863.66	81.23%
OTHER INDIRECT EXPENSE	67,463.00	2,001.02	59,582.36	7,880.64	88.32%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>371,046.00</b>	<b>27,067.73</b>	<b>312,648.74</b>	<b>58,397.26</b>	<b>84.26%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>401,898.00</b>	<b>28,275.56</b>	<b>333,384.57</b>	<b>68,513.43</b>	<b>82.95%</b>
NET INCOME (LOSS):	<b>(401,898.00)</b>	<b>(28,275.56)</b>	<b>(333,384.57)</b>		

**Washington State Bar Association**

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>PRACTICE OF LAW BOARD</b>					
REVENUE:	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
TOTAL REVENUE:	<u>                    -</u>	<u>                    -</u>	<u>                    -</u>	<u>                    -</u>	<u>                    -</u>
DIRECT EXPENSES:	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
PRACTICE OF LAW BOARD	16,000.00	2,725.82	11,511.34	4,488.66	71.95%
<b>TOTAL DIRECT EXPENSES:</b>	<u align="right"><b>16,000.00</b></u>	<u align="right"><b>2,725.82</b></u>	<u align="right"><b>11,511.34</b></u>	<u align="right"><b>4,488.66</b></u>	<u align="right"><b>71.95%</b></u>
INDIRECT EXPENSES:					
SALARY EXPENSE (0.40 FTE)	50,676.00	1,616.87	17,907.71	32,768.29	35.34%
BENEFITS EXPENSE	13,502.00	962.07	10,782.47	2,719.53	79.86%
OTHER INDIRECT EXPENSE	<u>9,885.00</u>	<u>288.81</u>	<u>8,599.59</u>	<u>1,285.41</u>	<u>87.00%</u>
<b>TOTAL INDIRECT EXPENSES:</b>	<u align="right"><b>74,063.00</b></u>	<u align="right"><b>2,867.75</b></u>	<u align="right"><b>37,289.77</b></u>	<u align="right"><b>36,773.23</b></u>	<u align="right"><b>50.35%</b></u>
<b>TOTAL ALL EXPENSES:</b>	<u align="right"><b>90,063.00</b></u>	<u align="right"><b>5,593.57</b></u>	<u align="right"><b>48,801.11</b></u>	<u align="right"><b>41,261.89</b></u>	<u align="right"><b>54.19%</b></u>
<b>NET INCOME (LOSS):</b>	<u align="right"><b>(90,063.00)</b></u>	<u align="right"><b>(5,593.57)</b></u>	<u align="right"><b>(48,801.11)</b></u>		



## Washington State Bar Association

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>PROFESSIONAL RESPONSIBILITY PROGRAM</b>					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	2,000.00	1,147.47	2,543.60	(543.60)	127.18%
STAFF MEMBERSHIP DUES	500.00	-	250.00	250.00	50.00%
CPE COMMITTEE	4,200.00	-	4,209.87	(9.87)	100.24%
<b>TOTAL DIRECT EXPENSES:</b>	<b>6,700.00</b>	<b>1,147.47</b>	<b>7,003.47</b>	<b>(303.47)</b>	<b>104.53%</b>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.65 FTE)	160,192.00	13,302.54	135,258.80	24,933.20	84.44%
BENEFITS EXPENSE	57,904.00	4,523.19	46,333.74	11,570.26	80.02%
OTHER INDIRECT EXPENSE	40,774.00	1,206.80	35,933.56	4,840.44	88.13%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>258,870.00</b>	<b>19,032.53</b>	<b>217,526.10</b>	<b>41,343.90</b>	<b>84.03%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>265,570.00</b>	<b>20,180.00</b>	<b>224,529.57</b>	<b>41,040.43</b>	<b>84.55%</b>
<b>NET INCOME (LOSS):</b>	<b>(265,570.00)</b>	<b>(20,180.00)</b>	<b>(224,529.57)</b>		

## Washington State Bar Association

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>PUBLIC SERVICE PROGRAMS</b>					
<b>REVENUE:</b>					
DONATIONS & GRANTS	110,000.00	-	137,500.00	(27,500.00)	125.00%
PSP PRODUCT SALES	2,000.00	-	1,975.00	25.00	98.75%
<b>TOTAL REVENUE:</b>	<b>112,000.00</b>	<b>-</b>	<b>139,475.00</b>	<b>(27,475.00)</b>	<b>124.53%</b>
<b>DIRECT EXPENSES:</b>					
DONATIONS/SPONSORSHIPS/GRANTS	207,915.00	54,765.75	160,297.25	47,617.75	77.10%
STAFF TRAVEL/PARKING	2,000.00	473.04	972.93	1,027.07	48.65%
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	61.15	1,210.48	789.52	60.52%
PUBLIC SERVICE EVENTS AND PROJECTS	20,500.00	8,400.00	9,460.47	11,039.53	46.15%
<b>TOTAL DIRECT EXPENSES:</b>	<b>232,415.00</b>	<b>63,699.94</b>	<b>171,941.13</b>	<b>60,473.87</b>	<b>73.98%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.03 FTE)	87,057.00	4,856.35	58,699.17	28,357.83	67.43%
BENEFITS EXPENSE	29,994.00	2,361.79	23,999.40	5,994.60	80.01%
OTHER INDIRECT EXPENSE	25,453.00	752.97	22,420.26	3,032.74	88.08%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>142,504.00</b>	<b>7,971.11</b>	<b>105,118.83</b>	<b>37,385.17</b>	<b>73.77%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>374,919.00</b>	<b>71,671.05</b>	<b>277,059.96</b>	<b>97,859.04</b>	<b>73.90%</b>
<b>NET INCOME (LOSS):</b>	<b>(262,919.00)</b>	<b>(71,671.05)</b>	<b>(137,584.96)</b>		

## Washington State Bar Association

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>PUBLICATION &amp; DESIGN SERVICES</b>					
REVENUE:	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
TOTAL REVENUE:	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
DIRECT EXPENSES:	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
SUBSCRIPTIONS	83.00	-	79.98	3.02	96.36%
IMAGE LIBRARY	4,680.00	-	4,200.00	480.00	89.74%
<b>TOTAL DIRECT EXPENSES:</b>	<u><b>5,263.00</b></u>	<u>-</u>	<u><b>4,279.98</b></u>	<u><b>983.02</b></u>	<u><b>81.32%</b></u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.22 FTE)	80,074.00	6,551.06	72,286.35	7,787.65	90.27%
BENEFITS EXPENSE	31,380.00	2,473.11	24,827.84	6,552.16	79.12%
OTHER INDIRECT EXPENSE	30,148.00	897.35	26,719.77	3,428.23	88.63%
<b>TOTAL INDIRECT EXPENSES:</b>	<u><b>141,602.00</b></u>	<u><b>9,921.52</b></u>	<u><b>123,833.96</b></u>	<u><b>17,768.04</b></u>	<u><b>87.45%</b></u>
<b>TOTAL ALL EXPENSES:</b>	<u><b>146,865.00</b></u>	<u><b>9,921.52</b></u>	<u><b>128,113.94</b></u>	<u><b>18,751.06</b></u>	<u><b>87.23%</b></u>
<b>NET INCOME (LOSS):</b>	<u><b>(146,865.00)</b></u>	<u><b>(9,921.52)</b></u>	<u><b>(128,113.94)</b></u>		

## Washington State Bar Association

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>SECTIONS ADMINISTRATION</b>					
<b>REVENUE:</b>					
REIMBURSEMENTS FROM SECTIONS	300,000.00	843.75	292,781.25	7,218.75	97.59%
<b>TOTAL REVENUE:</b>	<b>300,000.00</b>	<b>843.75</b>	<b>292,781.25</b>	<b>7,218.75</b>	<b>97.59%</b>
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	1,200.00	95.82	2,034.06	(834.06)	169.51%
SUBSCRIPTIONS	372.00	-	372.00	-	100.00%
CONFERENCE CALLS	300.00	23.18	255.06	44.94	85.02%
MISCELLANEOUS	300.00	-	-	300.00	0.00%
SECTION/COMMITTEE CHAIR MTGS	1,000.00	-	590.39	409.61	59.04%
DUES STATEMENTS	6,000.00	-	5,585.18	414.82	93.09%
STAFF MEMBERSHIP DUES	125.00	-	-	125.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>9,297.00</b>	<b>119.00</b>	<b>8,836.69</b>	<b>460.31</b>	<b>95.05%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (4.25 FTE)	297,955.00	25,603.05	252,583.65	45,371.35	84.77%
BENEFITS EXPENSE	112,039.00	8,882.06	89,710.93	22,328.07	80.07%
OTHER INDIRECT EXPENSE	105,024.00	3,114.97	92,751.84	12,272.16	88.31%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>515,018.00</b>	<b>37,600.08</b>	<b>435,046.42</b>	<b>79,971.58</b>	<b>84.47%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>524,315.00</b>	<b>37,719.08</b>	<b>443,883.11</b>	<b>80,431.89</b>	<b>84.66%</b>
<b>NET INCOME (LOSS):</b>	<b>(224,315.00)</b>	<b>(36,875.33)</b>	<b>(151,101.86)</b>		

## Washington State Bar Association

### Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>TECHNOLOGY</b>					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
<b>DIRECT EXPENSES:</b>					
CONSULTING SERVICES	85,000.00	4,400.01	63,877.81	21,122.19	75.15%
STAFF TRAVEL/PARKING	2,500.00	-	343.39	2,156.61	13.74%
STAFF MEMBERSHIP DUES	110.00	-	-	110.00	0.00%
TELEPHONE	24,000.00	1,906.41	16,943.93	7,056.07	70.60%
COMPUTER HARDWARE	29,000.00	-	13,289.41	15,710.59	45.83%
COMPUTER SOFTWARE	29,000.00	-	14,268.13	14,731.87	49.20%
HARDWARE SERVICE & WARRANTIES	60,000.00	2,671.74	34,140.38	25,859.62	56.90%
SOFTWARE MAINTENANCE & LICENSING	270,000.00	10.00	212,032.66	57,967.34	78.53%
TELEPHONE HARDWARE & MAINTENANCE	10,000.00	(197.08)	334.43	9,665.57	3.34%
COMPUTER SUPPLIES	15,000.00	141.11	5,854.48	9,145.52	39.03%
THIRD PARTY SERVICES	143,000.00	1,037.25	115,421.97	27,578.03	80.71%
TRANSFER TO INDIRECT EXPENSES	(667,610.00)	(9,969.44)	(476,506.59)	(191,103.41)	71.37%
<b>TOTAL DIRECT EXPENSES:</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (12.10 FTE)	1,059,680.00	91,150.22	919,793.63	139,886.37	86.80%
BENEFITS EXPENSE	370,332.00	29,223.91	292,420.01	77,911.99	78.96%
CAPITAL LABOR & OVERHEAD	(188,800.00)	(11,150.88)	(97,838.25)	(90,961.75)	51.82%
OTHER INDIRECT EXPENSE	299,010.00	8,870.48	264,127.86	34,882.14	88.33%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,540,222.00</b>	<b>118,093.73</b>	<b>1,378,503.25</b>	<b>161,718.75</b>	<b>89.50%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,540,222.00</b>	<b>118,093.73</b>	<b>1,378,503.25</b>	<b>161,718.75</b>	<b>89.50%</b>
<b>NET INCOME (LOSS):</b>	<b>(1,540,222.00)</b>	<b>(118,093.73)</b>	<b>(1,378,503.25)</b>		

## Washington State Bar Association

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>CONTINUING LEGAL EDUCATION (CLE)</b>					
<b>REVENUE:</b>					
SEMINAR REGISTRATIONS	876,000.00	36,213.50	696,842.15	179,157.85	79.55%
SEMINAR-EXHIB/SPNSR/ETC	41,500.00	-	11,000.00	30,500.00	26.51%
SHIPPING & HANDLING	1,000.00	90.00	403.14	596.86	40.31%
COURSEBOOK SALES	11,000.00	470.00	9,560.00	1,440.00	86.91%
MP3 AND VIDEO SALES	950,000.00	154,692.52	819,275.00	130,725.00	86.24%
<b>TOTAL REVENUE:</b>	<b>1,879,500.00</b>	<b>191,466.02</b>	<b>1,537,080.29</b>	<b>342,419.71</b>	<b>81.78%</b>
<b>DIRECT EXPENSES:</b>					
COURSEBOOK PRODUCTION	3,000.00	2.89	1,173.52	1,826.48	39.12%
POSTAGE - FLIERS/CATALOGS	10,685.00	3,839.40	10,340.29	344.71	96.77%
POSTAGE - MISC./DELIVERY	2,500.00	35.00	581.50	1,918.50	23.26%
DEPRECIATION	5,540.00	485.00	5,876.12	(336.12)	106.07%
ONLINE EXPENSES	40,000.00	3,709.28	36,977.26	3,022.74	92.44%
ACCREDITATION FEES	4,696.00	(60.00)	1,846.00	2,850.00	39.31%
SEMINAR BROCHURES	20,770.00	109.65	18,086.81	2,683.19	87.08%
FACILITIES	223,500.00	10,664.83	179,009.43	44,490.57	80.09%
SPEAKERS & PROGRAM DEVELOP	68,100.00	15,055.34	41,499.90	26,600.10	60.94%
SPLITS TO SECTIONS	-	-	3,784.24	(3,784.24)	
CLE SEMINAR COMMITTEE	500.00	-	122.66	377.34	24.53%
BAD DEBT EXPENSE	600.00	49.00	(474.00)	1,074.00	-79.00%
STAFF TRAVEL/PARKING	5,675.00	3,630.16	10,838.13	(5,163.13)	190.98%
STAFF MEMBERSHIP DUES	1,260.00	-	1,007.00	253.00	79.92%
SUPPLIES	3,650.00	600.66	1,039.97	2,610.03	28.49%
TELEPHONE	-	-	13.88	(13.88)	
COST OF SALES - COURSEBOOKS	1,200.00	26.03	1,374.06	(174.06)	114.51%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	466.82	1,033.18	31.12%
SHIPPING SUPPLIES	100.00	-	-	100.00	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	500.00	25.72	359.32	140.68	71.86%
<b>TOTAL DIRECT EXPENSES:</b>	<b>393,776.00</b>	<b>38,172.96</b>	<b>313,922.91</b>	<b>79,853.09</b>	<b>79.72%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (9.72 FTE)	656,422.00	51,949.92	548,937.11	107,484.89	83.63%
BENEFITS EXPENSE	254,178.00	19,293.65	197,394.47	56,783.53	77.66%
OTHER INDIRECT EXPENSE	240,197.00	7,127.29	212,223.67	27,973.33	88.35%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,150,797.00</b>	<b>78,370.86</b>	<b>958,555.25</b>	<b>192,241.75</b>	<b>83.29%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,544,573.00</b>	<b>116,543.82</b>	<b>1,272,478.16</b>	<b>272,094.84</b>	<b>82.38%</b>
<b>NET INCOME (LOSS):</b>	<b>334,927.00</b>	<b>74,922.20</b>	<b>264,602.13</b>		

## Washington State Bar Association

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>DESKBOOKS</b>					
<b>REVENUE:</b>					
SHIPPING & HANDLING	2,000.00	180.00	3,925.86	(1,925.86)	196.29%
DESKBOOK SALES	80,000.00	6,929.50	105,137.18	(25,137.18)	131.42%
SECTION PUBLICATION SALES	3,000.00	225.00	3,475.00	(475.00)	115.83%
CASEMAKER ROYALTIES	75,000.00	2,449.63	35,282.54	39,717.46	47.04%
<b>TOTAL REVENUE:</b>	<b>160,000.00</b>	<b>9,784.13</b>	<b>147,820.58</b>	<b>12,179.42</b>	<b>92.39%</b>
<b>DIRECT EXPENSES:</b>					
COST OF SALES - DESKBOOKS	50,000.00	5,698.44	98,143.75	(48,143.75)	196.29%
COST OF SALES - SECTION PUBLICATION	750.00	42.66	592.58	157.42	79.01%
SPLITS TO SECTIONS	1,000.00	364.95	1,078.77	(78.77)	107.88%
DESKBOOK ROYALTIES	1,000.00	471.95	1,131.87	(131.87)	113.19%
SHIPPING SUPPLIES	150.00	-	-	150.00	0.00%
POSTAGE & DELIVER-DESKBOOKS	2,000.00	317.19	6,460.87	(4,460.87)	323.04%
FLIERS/CATALOGS	3,000.00	-	1,932.18	1,067.82	64.41%
POSTAGE - FLIERS/CATALOGS	1,500.00	-	746.95	753.05	49.80%
COMPLIMENTARY BOOK PROGRAM	2,000.00	-	3,024.84	(1,024.84)	151.24%
OBSOLETE INVENTORY	-	-	7,975.79	(7,975.79)	
BAD DEBT EXPENSE	100.00	-	-	100.00	0.00%
RECORDS STORAGE - OFF SITE	7,440.00	-	6,695.00	745.00	89.99%
STAFF MEMBERSHIP DUES	250.00	-	198.00	52.00	79.20%
MISCELLANEOUS	200.00	-	55.00	145.00	27.50%
<b>TOTAL DIRECT EXPENSES:</b>	<b>69,390.00</b>	<b>6,895.19</b>	<b>128,035.60</b>	<b>(58,645.60)</b>	<b>184.52%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (2.05 FTE)	117,663.00	9,845.07	99,968.86	17,694.14	84.96%
BENEFITS EXPENSE	48,981.00	3,888.47	39,172.61	9,808.39	79.98%
OTHER INDIRECT EXPENSE	50,659.00	1,505.91	44,840.35	5,818.65	88.51%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>217,303.00</b>	<b>15,239.45</b>	<b>183,981.82</b>	<b>33,321.18</b>	<b>84.67%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>286,693.00</b>	<b>22,134.64</b>	<b>312,017.42</b>	<b>(25,324.42)</b>	<b>108.83%</b>
<b>NET INCOME (LOSS):</b>	<b>(126,693.00)</b>	<b>(12,350.51)</b>	<b>(164,196.84)</b>		

## Washington State Bar Association

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>CLIENT PROTECTION FUND</b>					
<b>REVENUE:</b>					
DONATIONS	-	-	200.00	(200.00)	
CPF RESTITUTION	3,000.00	430.60	5,788.87	(2,788.87)	192.96%
CPF MEMBER ASSESSMENTS	982,000.00	4,530.00	1,019,862.50	(37,862.50)	103.86%
INTEREST INCOME	7,500.00	7,638.66	64,706.66	(57,206.66)	862.76%
<b>TOTAL REVENUE:</b>	<b>992,500.00</b>	<b>12,599.26</b>	<b>1,090,558.03</b>	<b>(98,058.03)</b>	<b>109.88%</b>
<b>DIRECT EXPENSES:</b>					
BANK FEES - WELLS FARGO	1,000.00	167.93	2,101.67	(1,101.67)	210.17%
GIFTS TO INJURED CLIENTS	500,000.00	7,800.00	149,399.00	350,601.00	29.88%
CPF BOARD EXPENSES	3,000.00	49.84	858.11	2,141.89	28.60%
<b>TOTAL DIRECT EXPENSES:</b>	<b>504,000.00</b>	<b>8,017.77</b>	<b>152,358.78</b>	<b>351,641.22</b>	<b>30.23%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.25 FTE)	97,740.00	6,735.72	68,111.50	29,628.50	69.69%
BENEFITS EXPENSE	35,581.00	2,766.32	28,047.84	7,533.16	78.83%
OTHER INDIRECT EXPENSE	30,889.00	918.00	27,334.24	3,554.76	88.49%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>164,210.00</b>	<b>10,420.04</b>	<b>123,493.58</b>	<b>40,716.42</b>	<b>75.20%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>668,210.00</b>	<b>18,437.81</b>	<b>275,852.36</b>	<b>392,357.64</b>	<b>41.28%</b>
<b>NET INCOME (LOSS):</b>	<b>324,290.00</b>	<b>(5,838.55)</b>	<b>814,705.67</b>		



## Washington State Bar Association

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>MANAGEMENT OF WESTERN STATES BAR CONFERENCE (NO WSBA FUNDS)</b>					
<b>REVENUE:</b>					
REGISTRATION REVENUE	33,000.00	-	34,632.50	(1,632.50)	104.95%
OTHER ACTIVITIES REGISTRATION REVENUE	20,000.00	-	22,525.00	(2,525.00)	112.63%
WESTERN STATES BAR MEMBERSHIP DUES	3,200.00	-	3,000.00	200.00	93.75%
SPONSORSHIPS	12,000.00	-	7,700.00	4,300.00	64.17%
<b>TOTAL REVENUE:</b>	<b>68,200.00</b>	<b>-</b>	<b>67,857.50</b>	<b>342.50</b>	<b>99.50%</b>
<b>DIRECT EXPENSES:</b>					
FACILITIES	55,000.00	-	47,383.58	7,616.42	86.15%
SPEAKERS & PROGRAM DEVELOPMENT	1,000.00	-	501.23	498.77	50.12%
BANK FEES	-	-	1.00	(1.00)	
WSBC PRESIDENT TRAVEL	500.00	-	-	500.00	0.00%
OPTIONAL ACTIVITIES EXPENSE	3,500.00	-	6,952.30	(3,452.30)	198.64%
MARKETING EXPENSE	800.00	-	601.05	198.95	75.13%
STAFF TRAVEL/PARKING	2,000.00	-	2,177.35	(177.35)	108.87%
<b>TOTAL DIRECT EXPENSES:</b>	<b>62,800.00</b>	<b>-</b>	<b>57,616.51</b>	<b>5,183.49</b>	<b>91.75%</b>
<b>INDIRECT EXPENSES:</b>					
<b>TOTAL INDIRECT EXPENSES:</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>TOTAL ALL EXPENSES:</b>	<b>62,800.00</b>	<b>-</b>	<b>57,616.51</b>	<b>5,183.49</b>	<b>91.75%</b>
<b>NET INCOME (LOSS):</b>	<b>5,400.00</b>	<b>-</b>	<b>10,240.99</b>		

## Washington State Bar Association

Statement of Activities

For the Period from July 1, 2019 to July 31, 2019

**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>SECTIONS OPERATIONS</b>					
<b>REVENUE:</b>					
SECTION DUES	472,490.00	1,355.00	444,395.62	28,094.38	94.05%
SEMINAR PROFIT SHARE	15,000.00	13,921.55	27,477.55	(12,477.55)	183.18%
INTEREST INCOME	1,900.00	-	-	1,900.00	0.00%
PUBLICATIONS REVENUE	4,000.00	364.95	3,112.90	887.10	77.82%
OTHER	50,750.00	2,098.75	30,323.50	20,426.50	59.75%
<b>TOTAL REVENUE:</b>	<b>544,140.00</b>	<b>17,740.25</b>	<b>505,309.57</b>	<b>38,830.43</b>	<b>92.86%</b>
<b>DIRECT EXPENSES:</b>					
DIRECT EXPENSES OF SECTION ACTIVITIES	531,505.00	24,023.27	242,930.31	288,574.69	45.71%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	309,019.50	843.75	292,781.25	16,238.25	94.75%
<b>TOTAL DIRECT EXPENSES:</b>	<b>840,524.50</b>	<b>24,867.02</b>	<b>535,711.56</b>	<b>304,812.94</b>	<b>63.74%</b>
<b>NET INCOME (LOSS):</b>	<b>(296,384.50)</b>	<b>(7,126.77)</b>	<b>(30,401.99)</b>		

**Washington State Bar Association**  
Statement of Activities  
For the Period from July 1, 2019 to July 31, 2019  
**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>INDIRECT EXPENSES:</b>					
SALARIES	11,868,980.00	929,896.55	9,793,884.02	2,075,095.98	82.52%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	-	-	(200,000.00)	0.00%
TEMPORARY SALARIES	141,330.00	13,565.25	174,599.67	(33,269.67)	123.54%
CAPITAL LABOR & OVERHEAD	(188,800.00)	(11,150.88)	(97,838.25)	(90,961.75)	51.82%
EMPLOYEE ASSISTANCE PLAN	4,800.00	-	3,600.00	1,200.00	75.00%
EMPLOYEE SERVICE AWARDS	2,230.00	-	2,129.12	100.88	95.48%
FICA (EMPLOYER PORTION)	879,000.00	70,395.42	708,409.40	170,590.60	80.59%
L&I INSURANCE	47,250.00	10,468.05	30,448.44	16,801.56	64.44%
WA STATE FAMILY MEDICAL LEAVE (EMPLOYER PORTION)	-	1,375.18	9,963.67	(9,963.67)	
MEDICAL (EMPLOYER PORTION)	1,590,000.00	123,159.14	1,222,708.73	367,291.27	76.90%
RETIREMENT (EMPLOYER PORTION)	1,494,000.00	115,932.20	1,204,457.69	289,542.31	80.62%
TRANSPORTATION ALLOWANCE	119,250.00	425.00	108,423.20	10,826.80	90.92%
UNEMPLOYMENT INSURANCE	87,500.00	5,086.69	61,258.52	26,241.48	70.01%
STAFF DEVELOPMENT-GENERAL	6,900.00	220.00	1,232.35	5,667.65	17.86%
<b>TOTAL SALARY &amp; BENEFITS EXPENSE:</b>	<b>15,852,440.00</b>	<b>1,259,372.60</b>	<b>13,223,276.56</b>	<b>2,629,163.44</b>	<b>83.41%</b>
WORKPLACE BENEFITS	39,000.00	1,504.11	39,432.65	(432.65)	101.11%
HUMAN RESOURCES POOLED EXP	102,400.00	14,409.61	72,672.95	29,727.05	70.97%
MEETING SUPPORT EXPENSES	12,500.00	502.01	10,847.80	1,652.20	86.78%
RENT	1,802,000.00	150,426.13	1,587,101.16	214,898.84	88.07%
PERSONAL PROP TAXES-WSBA	14,000.00	900.84	11,147.67	2,852.33	79.63%
FURNITURE, MAINT, LH IMP	35,200.00	772.91	19,640.12	15,559.88	55.80%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	2,469.20	41,825.83	4,174.17	90.93%
FURN & OFFICE EQUIP DEPRECIATION	51,300.00	4,283.00	42,063.78	9,236.22	82.00%
COMPUTER HARDWARE DEPRECIATION	51,800.00	3,977.00	38,751.00	13,049.00	74.81%
COMPUTER SOFTWARE DEPRECIATION	162,700.00	10,256.00	99,238.00	63,462.00	60.99%
INSURANCE	143,000.00	11,916.18	119,161.80	23,838.20	83.33%
PROFESSIONAL FEES-AUDIT	35,000.00	-	31,669.20	3,330.80	90.48%
PROFESSIONAL FEES-LEGAL	50,000.00	(123,341.40)	306,577.67	(256,577.67)	613.16%
TELEPHONE & INTERNET	47,000.00	3,617.05	35,570.02	11,429.98	75.68%
POSTAGE - GENERAL	36,000.00	2,284.44	20,709.63	15,290.37	57.53%
RECORDS STORAGE	40,000.00	2,332.87	38,405.67	1,594.33	96.01%
STAFF TRAINING	95,245.00	4,341.71	45,218.99	50,026.01	47.48%
BANK FEES	35,400.00	2,198.71	27,078.15	8,321.85	76.49%
PRODUCTION MAINTENANCE & SUPPLIES	12,000.00	105.14	6,403.24	5,596.76	53.36%
COMPUTER POOLED EXPENSES	667,610.00	9,969.44	476,506.59	191,103.41	71.37%
<b>TOTAL OTHER INDIRECT EXPENSES:</b>	<b>3,478,155.00</b>	<b>102,924.95</b>	<b>3,070,021.92</b>	<b>408,133.08</b>	<b>88.27%</b>
<b>TOTAL INDIRECT EXPENSES:</b>	<b>19,330,595.00</b>	<b>1,362,297.55</b>	<b>16,293,298.48</b>		

**Washington State Bar Association**  
Statement of Activities  
For the Period from July 1, 2019 to July 31, 2019  
**83.33% OF YEAR COMPLETE**

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
<b>SUMMARY PAGE</b>				
LICENSE FEES	15,958,200.00	1,332,844.11	13,541,480.38	2,416,719.62
ACCESS TO JUSTICE	(327,324.00)	(32,061.15)	(264,638.17)	(62,685.83)
ADMINISTRATION	(1,043,654.00)	(57,072.11)	(653,812.34)	(389,841.66)
ADMISSIONS/BAR EXAM	69,421.00	(87,963.17)	245,529.94	(176,108.94)
BOARD OF GOVERNORS	(834,709.00)	(59,253.47)	(736,945.99)	(97,763.01)
COMMUNICATIONS	(604,832.00)	(45,958.33)	(505,570.18)	(99,261.82)
CONFERENCE & BROADCAST SERVICES	(783,893.00)	(55,457.32)	(676,494.39)	(107,398.61)
DISCIPLINE	(5,788,075.00)	(414,085.09)	(4,743,659.25)	(1,044,415.75)
DIVERSITY	(445,817.00)	(36,595.52)	(330,545.46)	(115,271.54)
FOUNDATION	(164,863.00)	(9,600.01)	(131,537.23)	(33,325.77)
HUMAN RESOURCES	(204,958.00)	(24,398.81)	(333,903.82)	128,945.82
LAP	(132,499.00)	(9,230.72)	(109,768.63)	(22,730.37)
LEGISLATIVE	(154,066.00)	(10,111.06)	(128,731.92)	(25,334.08)
LICENSING AND MEMBERSHIP	(377,789.00)	(13,851.42)	(222,938.41)	(154,850.59)
LIMITED LICENSE LEGAL TECHNICIAN	(241,191.00)	(18,161.34)	(190,606.50)	(50,584.50)
LIMITED PRACTICE OFFICERS	(171,653.00)	(11,433.19)	(134,949.98)	(36,703.02)
MANDATORY CLE ADMINISTRATION	176,571.00	16,884.43	322,226.10	(145,655.10)
MEMBER BENEFITS	(260,707.00)	(9,766.68)	(210,113.65)	(50,593.35)
MEMBER SERVICES & ENGAGEMENT	(420,479.00)	(21,579.99)	(280,910.29)	(139,568.71)
NW LAWYER	(197,103.00)	(45,461.95)	(215,941.25)	18,838.25
OFFICE OF GENERAL COUNSEL	(941,756.00)	(52,628.05)	(673,187.64)	(268,568.36)
OGC-DISCIPLINARY BOARD	(290,573.00)	(11,848.56)	(199,884.03)	(90,688.97)
OUTREACH & ENGAGEMENT	(401,898.00)	(28,275.56)	(333,384.57)	(68,513.43)
PRACTICE OF LAW BOARD	(90,063.00)	(5,593.57)	(48,801.11)	(41,261.89)
PROFESSIONAL RESPONSIBILITY PROGRAM	(265,570.00)	(20,180.00)	(224,529.57)	(41,040.43)
PUBLICATION & DESIGN SERVICES	(146,865.00)	(9,921.52)	(128,113.94)	(18,751.06)
PUBLIC SERVICE PROGRAMS	(262,919.00)	(71,671.05)	(137,584.96)	(125,334.04)
LAW CLERK PROGRAM	11,985.00	(9,605.93)	42,579.79	(30,594.79)
SECTIONS ADMINISTRATION	(224,315.00)	(36,875.33)	(151,101.86)	(73,213.14)
TECHNOLOGY	(1,540,222.00)	(118,093.73)	(1,378,503.25)	(161,718.75)
CLE - PRODUCTS	733,919.00	133,870.04	625,446.89	108,472.11
CLE - SEMINARS	(398,992.00)	(58,947.84)	(360,844.76)	(38,147.24)
SECTIONS OPERATIONS	(296,384.50)	(7,126.77)	(30,401.99)	(265,982.51)
DESKBOOKS	(126,693.00)	(12,350.51)	(164,196.84)	37,503.84
CLIENT PROTECTION FUND	324,290.00	(5,838.55)	814,705.67	(490,415.67)
WESTERN STATES BAR CONFERENCE (No WSBA Funds)	5,400.00	-	10,240.99	(4,840.99)
INDIRECT EXPENSES	(19,330,595.00)	(1,362,297.55)	(16,293,298.48)	(3,037,296.52)
<b>TOTAL OF ALL</b>	<b>19,190,671.50</b>	<b>1,289,697.27</b>	<b>14,392,690.70</b>	<b>4,797,980.80</b>
<b>NET INCOME (LOSS)</b>	<b>139,923.50</b>	<b>72,600.28</b>	<b>1,900,607.78</b>	

**Washington State Bar Association  
Analysis of Cash Investments  
As of July 31, 2019**

**Checking & Savings Accounts**

**General Fund**

**Checking**

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 1,259,154

Total

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.33%	\$ 3,684,248
UBS Financial Money Market	2.32%	\$ 832,429
Morgan Stanley Money Market	2.25%	\$ 3,315,461
Merrill Lynch Money Market	2.39%	\$ 1,952,075
Short Term Investments	Varies	\$ 2,240,000

**General Fund Total \$ 13,283,366**

**Client Protection Fund**

**Checking**

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 366,947

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.33%	\$ 3,946,725
Morgan Stanley Money Market	2.06%	\$ 105,876
Wells Fargo Investments	Varies	\$ -

**Client Protection Fund Total \$ 4,419,548**

**Grand Total Cash & Investments \$ 17,702,914**

**Washington State Bar Association  
Analysis of Cash Investments  
As of July 31, 2019**

**Short Term Investments- General Fund**

<u>Bank</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Term</u>	<u>Maturity Date</u>	<u>Amount</u>
Old National Bank	2.35%	2.35%	6 months	8/15/2019	250,000.00
Banc of California	2.35%	2.35%	6 months	9/11/2019	250,000.00
Western Alliance Bank	2.30%	2.30%	6 months	9/16/2019	250,000.00
Citizens Bank Rhode Island	2.40%	2.40%	6 months	9/20/2019	250,000.00
Umpqua Bank	2.50%	2.50%	8 months	9/23/2019	250,000.00
Bank of NY Mellon	2.45%	2.45%	9 months	10/15/2019	250,000.00
UBS Bank	2.50%	2.50%	9 months	10/16/2019	240,000.00
Investors Bank	2.55%	2.55%	9 months	10/18/2019	250,000.00
US Bank National Association	2.45%	2.45%	9 months	11/6/2019	250,000.00

Total Short Term Investments- General Fund 2,240,000.00

**Client Protection Fund**

<u>Bank</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Term Mths</u>	<u>Maturity Date</u>	<u>Amount</u>
Total CPF					<u><u>-</u></u>

# WASHINGTON STATE BAR ASSOCIATION

To: Budget and Audit Committee  
Board of Governors

From: Maggie Yu, Senior Accounting & Financial Systems Manager

Re: Investment Update as of August 31, 2019

Date: September 16, 2019

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As directed by the Board of Governors at their May 16, 2019, meeting, the Investment Portfolio funds were liquidated from the existing bond funds and transferred into a Federated Money Market account with the WSBA's advisors at Morgan Stanley. As a result, there are no fixed income securities and this point in time and there will be no further investment reports unless and until there is a change in policy.



Board of Governors Meeting  
WSBA Conference Center  
Seattle, WA  
November 22-23, 2019

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

**PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE**

To participate remotely: dial 1.866.577.9294, access code 52810#

FRIDAY, NOVEMBER 22, 2019

- GENERAL INFORMATION ..... XX
- AGENDA ..... XX

**8:00 A.M. – 12:00 P.M.**

- WELCOME
- PRESIDENT’S REPORT AND INTERIM EXECUTIVE DIRECTOR’S REPORT
- MEMBER AND PUBLIC COMMENTS (guests’ issues of interest)
- COURT RULES AND PROCEDURES COMMITTEE PROPOSED AMENDMENTS TO MAR 7.2, CrR 8.2, AND CrRLJ 8.2– Jefferson Coulter, Chair (action) ..... XX
- PRO BONO AND PUBLIC SERVICE COMMITTEE PROPOSED LETTER RE IMMIGRATION DETENTION CENTERS – Ian Munce, WSBA Member, Nick Larson, Committee Co-Chair, Althea Paulson, Committee Member (action) ..... XX

12:00 P.M. – LUNCH WITH LIAISONS AND GUESTS

**1:00 P.M. – 4:00 P.M.**

- WASHINGTON STATE BAR FOUNDATION ANNUAL REPORT ..... XX
- LEGISLATIVE MATTERS
  - 2019-2020 Legislative Priorities (action) ..... XX
  - 2019-2020 Legislative Review Committee Recommendations (action) ..... XX

5:00 P.M. – RECESS



**SATURDAY, NOVEMBER 23, 2019**

**8:00 A.M. – 12:00 P.M.**

- DISCUSSION RE BOARD UPDATES AND COMMUNICATIONS** – Sara Niegowski, Chief Communications and Outreach Officer **(third reading/potential action)** ..... XX
- COUNCIL ON PUBLIC DEFENSE (CPD) PROPOSED DEFENDER RESOURCE GUIDE**– Jaime Hawk, CPD member, and Kevin Plachy, Interim Director of Advancement **(action)** ..... XX
- CONSENT CALENDAR**..... XX
  - September 26-17, 2019, Meeting Minutes ..... XX

**12:00 P.M. – LUNCH WITH LIAISONS AND GUESTS**

**1:00 P.M. – 4:00 P.M.**

- GOVERNOR ROUNDTABLE** (Governors’ issues of interest)
- ANNOUNCE BASIS FOR EXECUTIVE SESSION PURSUANT TO RCW 42.30.110(1)(i) (if needed)**
- INFORMATION**
  - Interim Executive Director’s Report ..... XX
  - FY2019 Fourth Quarter Management Report ..... XX
  - Access to Justice Board Annual Report..... XX
  - Washington Leadership Institute (WLI) Fellows Report ..... XX
  - Diversity and Inclusion Events ..... XX
  - Financial Statements..... XX
  - Preview of January 16-17, 2020, Meeting ..... XX

**5:00 P.M.** - Adjourn

## 2019-2020 Board of Governors Meeting Issues

### **NOVEMBER** (Seattle)

#### Standing Agenda Items:

- Access to Justice Board Annual Report (Information)
- Financials
- FY2019 Fourth Quarter Management Report
- 2019-2020 Legislative Priorities
- 2019-2020 Legislative Review Committee Recommendations
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- Outside Appointments (if any)
- Washington Leadership Institute (WLI) Fellows Report
- WSBA Practice Sections Annual Reports (ED Report Information)
- WSBF Annual Report

### **JANUARY** (Seattle)

#### Standing Agenda Items:

- ABA Midyear Meeting Sneak Preview
- Client Protection Fund (CPF) Annual Report
- Financials
- FY2019 Audited Financial Statements
- FY2020 First Quarter Management Report
- Legislative Session Report
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- Outside Appointments (if any)

### **MARCH** (Olympia)

#### Standing Agenda Items:

- ABA Mid-Year Meeting Report
- Financials
- Legislative Report
- Outside Appointments (if any)
- Supreme Court Meeting

### **APRIL** (Seattle)

#### Standing Agenda Items:

- Financials
- Outside Appointments (if any)

### **MAY** (Bellingham)

#### Standing Agenda Items:

- BOG Election Interview Time Limits (Executive Session)
- Financials
- FY2020 Second Quarter Management Report
- Interview/Selection of WSBA At-Large Governor
- Interview/Selection of the WSBA President-elect
- Legislative Report/Wrap-up
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- Outside Appointments (if any)

- WSBA APEX Awards Committee Recommendations (Executive Session)

**JULY** (Stevenson)

Standing Agenda Items:

- ATJ Board Report
- BOG Retreat
- Court Rules and Procedures Committee Report and Recommendations
- Financials
- Draft WSBA FY2021 Budget
- FY2020 Third Quarter Management Report
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- WSBA Committee and Board Chair Appointments
- WSBA Mission Performance and Review (MPR) Committee Update
- WSBA Treasurer Election

**AUGUST** (Spokane)

Standing Agenda Items:

- Financials
- Outside Appointments (if any)

**SEPTEMBER** (Seattle)

Standing Agenda Items:

- 2021 Keller Deduction Schedule
- ABA Annual Meeting Report
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation (Executive Session)
- Financials
- Final FY2021 Budget
- Legal Foundation of Washington Annual Report
- Washington Law School Deans
- WSBA Annual Awards Dinner
- WSBF Annual Meeting and Trustee Election

**Board of Governors – Action Timeline**

Description of Matter/Issue	First Reading	Scheduled for Board Action
Proposals re Board Updates and Communications	July 26-27, 2020	Nov 22-23, 2020
CPD Proposed Defender Resource Packet	Sept 26-27, 2020	Nov 22-23, 2020
Pro Bono and Public Service Committee Proposed Letter re Immigration Detention Centers	Sept 26-27, 2020	Nov 22-23, 2020