



MEETING NOTES

Approved by Chair on May 2, 2019.

Work Group Attendees

Andre Lang; Andrea Jarmon (phone); Dan Clark; Eileen Farley; Esperanza Borboa; Frederick Corbit; Hunter Abell; Jane Smith; Kyle Sciuchetti; Mark Johnson; Mary Fairhurst, Chair; Paul Swegle

Work Group Staff Attendees

Dory Nicpon; Margaret Shane

Presenters

Charlotte Garden, Seattle University Association Dean; **Ann Holmes**, WSBA Chief Operations Officer; **Julie Shankland**, WSBA General Counsel

WELCOME

Mary Fairhurst called the Work Group meeting to order at 1:00 pm. She explained that Dominique Jinhong had to withdraw from the Work Group and Practice of Law Board member Andre Lang had agreed to fill the empty seat.

JANUS

Charlotte Garden presented an overview of *Janus* and the *North Carolina Board of Dental Examiners* cases, various other relevant cases, and new and pending bar association cases. Discussion ensued regarding the applicability of union-related cases to bar associations and the differences between a state agency and a public agency.

FUNDING THE WSBA: DETAILS OF THE CURRENT FUNDING/PROGRAM STRUCTURE OF THE WSBA

Ann Holmes presented an overview of the FY2019 WSBA Budget, as set forth in the meeting materials. Discussion ensued regarding Sections subsidies, allocations, and budgets. Ann then presented an overview of the Spectrum of WSBA Programs chart, which identifies WSBA functions along a continuum as regulatory, mandatory, or permissive distinctions.

“GERMANE” TO REGULATION OF THE PRACTICE OF LAW AND COMPUTING OF THE KELLER DEDUCTION

Julie Shankland explained that the procedures WSBA uses when determining the *Keller* deduction is based on Article 15 of the WSBA Bylaws and reviewed the chargeability standard as determined in various cases.

QUESTIONS AND DISCUSSION

Questions and comments included: the definition of “political;” procedures to object to the *Keller* deduction; as well as requests for additional information on antitrust issues and future discussions regarding increased oversight of the WSBA by the Washington Supreme Court (Court) including approval of WSBA Bylaws amendments and veto power regarding dismissal of the WSBA Executive Director and Chief Disciplinary Counsel; concerns regarding pending legislation, *Janus*, and anti-trust issues; and the importance of soliciting written feedback from WSBA members, targeted entities, and the public. It was the consensus of the Work Group to reach out to targeted groups and ask for written feedback by May 1, 2019.

FUTURE AGENDA ITEMS AND ACTION ITEM REVIEW

Mary advised that Paula Littlewood is recognized as a national expert in antitrust issues potentially impacting bar associations. Ms. Littlewood and the administrator for the Attorney Services Division at the Nebraska Supreme Court have been invited to present at the next Work Group meeting.

ADJOURNMENT

Mary announced that this meeting was adjourned at 4:00 pm.

DRAFT