

# WASHINGTON STATE BAR ASSOCIATION

## Washington Young Lawyers Committee

Washington Young Lawyers Committee | Richland, WA  
Saturday, July 27, 2019 | 10:00am – 2:30pm  
Meeting Minutes

**Present/Phone:** Alice Bagirova, Brandon Holt, Brian Neuharth, Chelsie Elliott, Colin McMahon, Emily Ann Albrecht (joined at 10:54 a.m.), Jordan Couch, Kim Sandher, Maha Jafarey, Mike Mocer, Molly Winston, Zachary Davison

**Absent:** Alixanne Pinkerton (excused), Catherine Holm (excused), Ian McCurdy (excused), Nathan Beard

**WSBA Staff:** Ana LaNasa-Selvidge, Julianne Unite

**Board of Governors (BOG):** Russell Knight (arrived at 11:52 a.m., left at 12:20 p.m.)

**Public:** Yvonne Carrick (arrived at 11:21 a.m.)

### **Introductions & Approval of the Minutes**

Kim called the meeting to order at 10:06 a.m.

On motion by Colin, seconded by Mike, and abstentions by Molly and Jordan, the WYLC by a majority vote approved the April meeting minutes.

### **WSBA Updates**

**Budget:** Ana reported that we are in the process of having the final budget approved by the BOG and that she submitted WYLC's proposed budget on WYLC's behalf. Ana further clarified that there may be some tweaks or recommendations from the BOG, but does not foresee any major changes. Final budget will be approved in September.

### **Future of the Bar Discussion**

Ana reported that the Bar Structures Work Group (BSWG) held their last meeting this month, but there may be an additional meeting for the BSWG to review and discuss their report. The BSWG will present their recommendations through a report and forward it to the Supreme Court for review. The report should be finalized for September Supreme Court en banc. Ana explained that the BSWG is putting forth four recommendations. The first is to generally keep the current structure of the WSBA intact. The second is to review the 2010 Governance Task Force recommendations. The third recommendation was to move forward with adding public members on the BOG. The fourth recommendation was to reexamine the Keller deduction and make sure the appropriate costs are calculated in the deduction. Ana qualified that the Supreme Court could make different recommendations than the BSWG regarding the structure of the WSBA. Chief Justice Fairhurst will be meeting with Senator Pedersen to see if any changes need to happen with GR12 and plans to work together with the legislature to make any changes. Jordan asked if there is anything specific that the BSWG are looking at regarding the Keller deduction or just generally looking at it. Ana replied that it is probably a general review, but not sure what the report would say. Ana encouraged attendance if the BSWG holds another meeting.

## WSBA Updates (cont.)

**Open Public Meetings Act (OPMA):** Ana reported that right now, the WSBA is following a lower court order to comply with the OPMA and the BOG received training. The WSBA is currently conducting an analysis to determine if WSBA Committees and other entities need to comply with OPMA. Ana further stated that we have been informed that WYLC should comply with OPMA, so there may be some changes coming. Ana then stated she plans to send the training the BOG received to the WYLC. Jordan asked whether the WSBA has complied with OPMA in the past. Ana explained we have an open meetings policy in the WSBA Bylaws, but traditionally have not complied with the OPMA. Kim asked if the BOG is recording and broadcasting meetings live. Ana clarified that the OPMA has to do with meetings being open, which means notice needs to be published, the public must be allowed to attend, agenda items must be followed, and quorum must be established for meetings. As an example, confirming the BOG dinner this year raised several questions about whether or not the OPMA applied to the dinner and raised concerns about the perception of closed discussions regarding WSBA business. Ana further stated that liability for OPMA violations are on individuals and not on organizations. Brian asked if this extends to subcommittees. Ana replied that it is part of the analysis we are doing. Ana also stated that the OPMA can also be triggered by an email thread if there is a quorum. The BOG is getting a debrief today about the differences between the WSBA Bylaws and the OPMA. Jordan asked once it is decided, can we have General Counsel or someone train the WYLC. Ana hopes that by the September meeting, we will have a training set up if the OPMA applies. Ana asked about how to proceed with the WYLC list serve given potential OPMA implications. Ana explained that staff can put "Do not reply all" or something similar in the subject line or create on back end to prevent list serve discussions. Mike stated that it seems that these changes could make the list serve absolute because the OPMA would eliminate the discussion feature. Jordan asked if we noticed an increase of public or members of the bar showing up to any meetings. Ana replied no.

**FY20 Meeting Dates:** Julianne reported that the meeting materials include the proposed meeting dates for FY20. The proposed schedule includes meetings on the second Saturday of every other month starting in November. Julianne further stated that regions that the WYLC has not hosted a meeting in recent years include Pierce County, Peninsula, and the Northwest region. Julianne pointed out that the July meeting may deviate from the second Saturday to accommodate whether there will be another BOG/WYLC dinner. Julianne stated that she talked to Ian about scheduling the July meeting in the Northwest region since the BOG will be meeting in the same region at the same time. Julianne then asked the WYLC about their preference for location for the other meetings. Ana suggested that it might be okay to change one of the Seattle meetings to Pierce County in January or March. Jordan offered to coordinate the March in Pierce County. Jordan and Kim will follow up with Ben to confirm the location in the Peninsula for the May meeting.

**Annual Report:** Julianne reported that the Annual Report drafted by Leadership Team has been submitted for BOG review. Kim reported that Rajeev said that the WYLC was one of the best committees for following instructions and completing the report and achieving the goals.

**Incoming WYLC Members:** Julianne reported that the new incoming WYLC members have been appointed and that they have not yet been officially communicated out. Julianne will be reaching out to welcome the incoming members in mid-August and invite them to the September meeting. Brian asked if anyone recommended has ever not been confirmed by the BOG. Ana replied that the process has improved these past few years and that there has been non-confirmations in the past. Kim reported that

the WYLC still has a vacant North Central seat and asked if anyone knows anyone, to encourage them to apply.

### **Subcommittees Discussion**

**Bylaws and Governance:** Mike reported that he was planning to have draft WSBA Bylaws recommendations for review at this meeting, but had other items that prevented. Mike further explained that he would like to have a generative discussion on whether suggestions provided the subcommittee should be approved. Mike reminded the WYLC that there is a moratorium on WSBA Bylaw amendments currently, but that hopefully now that BSWG has concluded, the hold on amendments will be lifted. Mike further reported that at the last subcommittee meeting they discussed changing the name of the WYLC to be more inclusive, changing the young lawyer definition to be more inclusive e.g. extending the time frame of qualification from five years to seven or ten years, and changing the WSBA Bylaws to add a tolling provision for qualifying life events. Kim replied that she is not in favor of changing the name of the WYLC because to be truly inclusive, the name would need to include law students since the WYLC also represents law students. Ana responded that in discussions about the OPMA, a question arose regarding whether the WYLC has a charter. The WYLC does not have a charter. Ana further stated that the current WSBA Bylaws portion as it pertains to “Young Lawyers” originated from the Washington Young Lawyers Division (WYLD), but as currently written, the Bylaws do not refer to the WYLC in the “Young Lawyers” provision. Moreover, the purpose statement under the Young Lawyers provision in the Bylaws is not exactly what the WYLC is doing right now. Ana suggested that the WYLC draft a charter and also re-evaluate the purpose statement in the Bylaws to determine whether it actually applies to the WYLC. Kim responded that she thinks it is important for the WYLC to engage with law students. Mike said historically that the WYLC has not done a lot with law students, but that is something the WYLC can devote a subcommittee to do. Colin said the Outreach subcommittee had a discussion about this topic. Mike suggested that the Bylaws and Governance subcommittee draft a charter and find a way to incorporate law students in subcommittee work. Ana mentioned that the WSBA has law student representatives. Ana also said that we are inviting the law students to the September social. Kim said that it could be nice to have a WYLC member give a two minute speech to the graduating law students about the WYLC. Brian talked about partnering with local bar associations and swearing in ceremonies. Mike asked if they should set aside 30 minutes at the next meeting to discuss law student involvement. Jordan said that a name change is complex thing to do. Ana asked if there is anyone that is new but not young on the WYLC. There are about 2000 new but not young lawyer members and in her anecdotal conversations, those people do not feel “young” and so they do not feel the WYLC is the place for them. Ana also said that the WSBA has other members including LPOs and LLLTs and the WYLC should consider broadening to be more inclusive of all members. Mike stated that a former WYLC member who was new but not young was very vocal about the name of the WYLC as not being inclusive. Kim asked if the WYLC created charter, what that would entail. Ana replied that it would have to go to the BOG. Ana also encouraged administering a new and young lawyer survey and law student survey to assist the WYLC in identifying the challenges and needs, which could help shape the drafting of a charter. Mike said one thing the subcommittee discussed is instead of extending time frame to qualify as a new and young lawyer, allowing tolling. Mike further stated that the age restriction

is de facto age discrimination. Jordan asked what if you just remove the age restriction and increase the number of years of practice. Ana added that back in the recession, people were not practicing initially so when they finally get into practice, they only receive a short time of benefits. Mike summarized that it seems like people generally want to remove age restriction and increase the number of years of practice in Washington State and to allow tolling. Jordan asked if the WYLC needs to think about the financial impact of these changes e.g. on CLE discounts. Ana replied we would need to conduct a financial impact analysis. Mike said that it seems like the WYLC should table name change and tolling proposals at this time. Mike moved to change the young lawyer definition from five to seven years and remove the age requirement. Brian seconded. Kim said she would extend to 10 years. Kim explained that if the average law student graduates at the age of 25, they would be 35 when they no longer qualify, which is close to how the current definition operates. Emily said the same issue is being discussed in the ABA and the suggestion is to change years in practice to 10 years without an age requirement. Molly responded that tolling may not be necessary if changed to 10 years. Mike asked if that impacts staff's opinion on potential pushback. Ana replied that with any change there might be some initial pushback, especially since a fiscal analysis has not been completed. That is not to say that the WYLC should not make the proposal. Ana replied that the WYLC would definitely want that information included in the proposal as well as the survey analysis. Then it is up to the BOG to decide. Mike moved to amend the original motion from seven years to 10 years of practice in Washington State. Brian seconded. Mike clarified that the motion would be a non-binding resolution and that the reasons for the proposal are to be more inclusive, address concerns of those who go in and out of practice, and ABA changes. Chelsie asked if this includes tolling. Mike explained that this motion will help inform the subcommittee on moving forward on the tolling proposal.

On motion by Mike and seconded by Brian, the WYLC by a majority vote approved the drafting of a WSBA Bylaw Amendment proposal to change the young lawyer definition from 5 years of practice to 10 years of practice in Washington state and remove the age requirement. Colin and Alice were absent for the vote. Mike asked if WSBA staff could attend the next subcommittee meeting. Ana confirmed she plans to call in.

### **BOG Report**

Russell Knight expressed that it was really important that the BOG and WYLC had an annual dinner, because the BOG looks to the WYLC to understand what issues new and young lawyers are facing.

**Mandatory Malpractice Insurance:** Russell reported that the BOG voted to not impose mandatory malpractice insurance.

**Bar Structures Workgroup:** Russell reported that the BSWG is likely to propose very little changes to the structure of the WSBA. Russell explained that the little tweaks may involve reviewing the Keller deduction.

**Executive Director Updates:** Russell reported that the new interim executive director Terra Nevitt is doing a great job and that the BOG is currently in search of a permanent Executive Director. Russell further believes that Terra would apply if the structure of the WSBA does not change.

**Open Public Meetings Act:** Russell reported that there have been a number of lawsuits brought against the WSBA that have been public. Russell further reported that the Supreme Court has accepted review of a lower court ruling regarding WSBA subject to OPMA. As of right now, the BOG is operating under OPMA.

**Bylaws and Governance:** Jordan asked if the BOG has an idea of when the Bylaws amendment moratorium will be lifted. Russell explained that when the proposal from the BSWG comes out in the next month or so, it should open it up. Russell further said they will probably propose adding public members on the BOG. Kim stated that the WYLC was discussing drafting a charter and asked if Russell had any recommendations or an idea of whether the BOG will be receptive. Russell replied that generally the BOG will be receptive to what the WYLC wants to do. One of the lenses the BOG reviews committees and other entities is whether it is in alignment with the mission of WSBA and whether the group is diverse. Other than that, the structure of entities is generally up to the entities to decide. Another important factor is the budget and what impact changes will have on the budget. Kim asked what the process would be for submitting the proposal and the timeline. Russell replied that the timeline would be to submit at least two months in advance of a BOG meeting. Russell further suggested presenting the proposal as a whole package e.g. Bylaw changes, name change, and charter all at once. Russell further stated that some components will go through and others will not. Russell said one point of discussion among BOG members was the WYLC's involvement in recommending the candidates for the At-large Young Lawyer seat on the BOG. Russell further stated that there is limited time on BOG agendas so he suggested the WYLC put everything in the proposal and prioritize what the WYLC wants because the WYLC won't get everything, and explain how the changes fit to support the WSBA mission.

**Other updates:** Jordan asked what the BOG's goals are for the next year. Russell replied that is a good question for Rajeev. Russell summarized that they hope to keep the WSBA unified, increase lines of communication, and increase autonomy for subparts of the WSBA. Kim asked if the listening tour is still happening. Russell replied that there are still stops left this year. Russell further said that the best listening tour is on a more informal basis of contacting a BOG member directly and communicating concerns.

### **Subcommittee Discussion (cont.)**

**Debt & New Lawyer Benefits:** Brian reported on the Financial Focus CLE taking place on August 14 from 1-3 p.m. The focus will be on how to hang a shingle as a new lawyer. The subcommittee will also work on cross promoting the WSBA Member Wellness Program (MWP), more specifically the WSBA Connects, which includes financial counseling. Brian said that the subcommittee will engage in these services and write an article. Brian reported that BOG member Carla Higginson approached him regarding a student services/student debt proposal. Brian asked if the WYLC would be amenable to allowing him to continue to talk to Carla about the potential strategies and gather more information. Mike asked for clarification on what Carla is proposing. Brian replied that if an attorney is looking for work, but only volunteering, WSBA would pay a portion of the member's student loan payments. Jordan and Mike asked to be included in the communications with Carla. Brian reported that the American Federation of Teachers is suing the Devos administration regarding mismanagement of the Public Service Loan Forgiveness

Program. Brian is curious to know if we could include debt questions on the new lawyer survey. Ana replied that we should have a group of WYLC members volunteer to help draft survey. Jordan suggested that at least one representative from each subcommittee should serve on the survey group. Brian, Jordan, Mike, and Alice volunteered to be on the group. Brian said he attended a CLE at Access to Justice conference last month and one of the presenters, Claire, talked about wellness and she will be calling into next subcommittee meeting to discuss more. Chelsie reported that she is working with the WSBA to develop a disaster planning tool as a member benefit. Ana further explained that Practice Management Assistance Program is developing five guides, which includes disaster planning, and encouraged anyone interested in helping to let her know.

**ABA:** Emily reported that Washington needs two more delegates for the ABA Annual Meeting. Discussion ensued on how to get more delegates. Kim reported that both Annual Meeting scholarships have been awarded, but the current scholarship application does not make it mandatory to serve as a delegate. Kim suggested that the application should require the scholarship recipient to be a delegate. Emily agreed. Kim reported that the WYLC has been struggling to recruit delegates and that it is often Emily scrambling to find people last minute. Emily said serving as a delegate is a very meaningful powerful part of the ABA YLD. Kim also suggested including this in quarterly contact emails. Kim will follow up with the ABA subcommittee to update the application for next year. Julianne reminded that the application needs to be finalized in August to provide enough time to send out the application and select recipients.

**Awards:** Emily reported that there were 11 nominations for Public Service and Leadership Award (PSLA) and that the subcommittee selected five recipients. Emily also stated she is finishing up the PSLA article for NWLawyer November issue.

**RRR/ATJ:** Jordan reported that the subcommittee received data from the WSBA regarding where lawyers are located in Washington and could not identify a correlation between the number of lawyers and number of workers compensation claims. Jordan further explained that he found it difficult to compare data among counties because they all track different things in different ways. Jordan reported that the data he received shows 37 young lawyers in Wenatchee and the WYLC should be able to get one of them to volunteer to serve on the WYLC. Jordan also stated that he is working with Oregon regarding the Summit about legal services in rural communities. Jordan explained that he is currently working on identifying the location for the Summit that is not in Seattle or Portland. Jordan also reported that he is tracking on the “pro loano” project and working on proposing something into public service loan forgiveness program to use pro bono work hours to help pay off student loans. Jordan said if the WYLC agrees, they could work on drafting a model/proposal on what this could look like in Washington and get others to adopt it.

## **Planning**

**Communications:** Ana provided a presentation regarding communication and engagement with new and young lawyers. To generate discussion, Ana asked the WYLC four questions. First question, what ways do you like to receive communication? Responses included face to face communication, emails,

calendar invites, website updates, message design e.g. using different colors for emphasis, and/or a combination of all of the above. Second question, how do you engage with organizations? Responses included messages that are tailored and specific, Facebook events, Outlook invites, condensed information, messaging coming from trusted senders, information posted on a website, targeted invitations, and opt out/opt in options for emails. Third question, what are the ways you can build personal connections and engagement? Responses included personal presence at law school graduations and swearing in ceremonies by both WYLC and WSBA staff, involvement with local bar associations, CLEs for new lawyers e.g. Intro to Courts, and obtaining the bar exam past list and call those who passed to welcome them to the WSBA and encourage engagement with the WYLC. Ana reported that Ian McCurdy helped to host a PREP presentation in conjunction with the Whatcom County Bar Association and that it might be a good idea to bring people together to complete the PREP requirement. Fourth question, what idea can the WYLC commit to increase engagement? Responses included attending local events, creating a local bar WSBA liaison program, meet the WSBA event, send Facebook invites, send targeted emails, supplementing the new lawyer list serve with a Facebook group, and Jordan drafting messaging to include in the quarterly contact emails.

Kim asked everyone to pull up the WYLC webpage and Facebook page to identify what changes should be made. Identified changes for Facebook included changing the criminal lawyers category, updating the photo to current WYLC members, changing the WYLC logo, updated the About section to have information about the WYLC, update the webpage address, and create events for all meetings and socials. Changes for the Facebook page should be sent to Alice. Identified changes for the website included hyperlinking the subcommittee header to link to the subcommittee webpage.

### **Social**

Kim mentioned that last year, the social was held at Trace and it seemed like a great location and would be good to do again. Kim also suggested reaching out to the King County Bar Association Young Lawyers Division about co-sponsorship. The WYLC then discussed sending targeted communications to certain groups to invite them to the social. Emily will be sending emails to the ABA Delegates and scholarship recipients. Kim will reach out to the Young Lawyer Liaisons to Sections and the Public Service and Leadership Award recipients. Kim will also work with WSBA to create another invitation once the details are finalized. Staff will send an eblast to all new and young lawyers in the area. Brian will reach out to the Tacoma Pierce County Bar Association and Colin will reach out to the Snohomish County organizations (Brian and Colin). Julianne will create an RSVP link and conduct research on venues, including Trace, Coterie, and Van Ness.

### **Adjournment**

On motion by Jordan and seconded by Mike, the WYLC unanimously approved to adjourn the meeting at 2:14 p.m.