

PRACTICE OF LAW BOARD STATE OF WASHINGTON

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MINUTES December 14, 2007

The Practice of Law Board met on Friday December 14, 2007 at the Washington State Bar Association in Seattle, Washington. Those present were Steve Crossland, Chair, Hon. Paul Bastine, Vice Chair, Daniel Perez, Nancy Ivarinen, Brian Dano, Rita Bender, Jeanne Dawes, Renee Shadel and Stephanie Delaney. Board investigator Sandra Schilling and Board Administrator, Julie Shankland also attended. Julie Shankland acted as secretary to the Board.

EXECUTIVE SESSION

A motion was made, seconded and unanimously approved to enter executive session

MINUTES

A motion was made and seconded to approve the minutes of the November 2007 meeting. The motion passed. All members approved, except one who abstained.

The Board voted the end the executive session.

PUBLIC SESSION

LEGAL TECHNICIAN REPORT:

The Board briefly discussed the recent King v. King decision that the state will not provide lawyers to pro se litigants in marital dissolution cases. The Board considered including this case in its letter to the court. Board members should review the draft report and send any grammar or other changes directly to Mr. Crossland. The Board decided not to include copies of the sub committee reports with the letter to the Court. The Board does not want to cause confusion by including reports on areas that are not currently recommended for action.

Ms. Wiitala asked about the anticipated timeline. She reminded the Board that GR 25(4)(c) states that the BOG has an opportunity to provide comments prior to any final recommendation to the Court.

The Board decided to present the Proposed Rule and Regulations that have already been presented to the BOG for comments to the Court as soon as the report can be completed. A copy will be sent to the BOG and posted on the POLB website. If the Court adopts the proposed rule, the POLB intends to follow the procedures listed in Regulation 4 for adopting an area of practice. This will include publication in the Bar News and public hearings.

CODAY RULE CHANGE (NONLAWYER GAL REPRESENTATION)

The Codays have asked the Court to add a new exception to GR 24 for court appointed guardians ad litem; a new sentence in GALR 4 to make clear that GALs have the authority to file motions for show cause, motions for revisions and contempt motions and a change to GR 25 requiring the POLB to issue advisory opinions within 180 days. Hon. Bastine told the Board that the Family Law Taskforce is currently looking into overlap between GALs and parenting evaluators. He does not believe that the Taskforce will fully address the issues presented in the rule change requests. However, the Dissolution Task Force Report may have important information that should be considered prior to deciding what rule is appropriate regarding non lawyer GALs. The whole issue of the use of GALs and the scope of their duties in divorce cases should be sent to a taskforce. Ms. Bender suggested that UPL is not the major concern here. No decision was made on this issue because the Board is still gathering information.

2008 RETREAT

Hon. Bastine reported that the Talaris Conference Center in Lakewood is a nice facility, but has not been maintained at the same level as others. The conference centers are nice and well equipped. Meals would likely be off-site.

The meeting was adjourned.