



*The Board of Governors met September 24-25 in Seattle.*

## **Court Rules and Procedures Committee**

The Court Rules Committee provided the Board with supplemental information in support of its proposal to amend CR 43 to track the federal rule allowing for testimony by contemporaneous means (e.g., telephonic testimony) – the Board approved the suggested amendment. The Board also approved the Committee’s suggested response to comments regarding “clawback amendments” to CR 26 and CR 45. The Committee submitted a proposal to adopt a new ER 502, concerning inadvertent disclosure and waiver of the attorney-client privilege and work product protection. The Board approved the proposal for submission to the Court. Finally, the Committee provided additional information regarding its recommendation to amend various civil rules related to discovery of electronically stored information in order to more closely follow the federal rules. The Board will continue its discussion of these issues at future meetings. See the meeting materials at [www.wsba.org/info/bog/september09bogbook.htm](http://www.wsba.org/info/bog/september09bogbook.htm).

## **Civil Legal Aid Funding**

The Board of Governors adopted the proposed agreement between LAW Fund and WSBA. The approval paves the way for implementation of a historic decision by the Board to take an active role in the Campaign for Equal Justice’s charitable fundraising efforts for civil legal aid. The WSBA and LAW Fund stated goal will be to raise at least \$1.5-\$2 million annually for the Campaign. WSBA members will, for the first time, have the ability to support civil legal aid while completing online or paper licensing for the 2010 licensing year.

## **President Mungia’s Mentoring Program**

2009-10 WSBA President **Salvador A. Mungia** presented to the Board the first reading of his proposed mentor program. The program goal would be to have every student, at the completion of grade three, advance to grade four with a grade-appropriate knowledge of civics and to read, write, and perform arithmetic at grade appropriate level. President Mungia’s project would have WSBA implement one to three pilot projects in

Title One schools that serve primarily students from low-income households. His idea is to bring lawyers into the schools to help students stay on track and encourage other professions to do the same for other grades. The Board will be asked to approve the project at the Board meeting in Pullman on October 23rd and 24th.

## **Legal Foundation of Washington Report**

President of the Legal Foundation of Washington (LFW) **Nicholas P. Gellert** (Seattle) and incoming President **Rima J. Alaily** (Redmond) presented the LFW Annual Report to the Board. President Gellert reported that although IOLTA revenues are at historic lows requiring grant distributions to decrease, the Campaign for Equal Justice and private donations may exceed last year’s giving. LFW also remains hopeful that the proposed Comparability Rule (Rule for Enforcement of Lawyer Conduct (ELC) 15.7) is adopted in the next year, which will increase LFW revenues and provide additional resources to continue equal justice grant funding that legal services organizations continue to rely on.

## **Professionalism Outreach Initiative**

Executive Director **Paula Littlewood** and Professionalism Committee member **Sims Weymuller** (Seattle) provided a presentation to the Board outlining a professionalism outreach initiative geared toward law students. Executive Director Littlewood reported that she and the Committee have been working on a proposal asking each Washington law school for time in their Professional Responsibility courses each year so WSBA volunteers and staff can address students about the importance of professionalism as they prepare to embark on their careers in the law. Meetings with each of the law schools have been well received. Elements of the initiative include substantive goals of building professionalism early in law students, developing a partnership between the law schools and WSBA, and developing and implementing curriculum geared toward achieving the goals. The Board approved the initiative unanimously.

## WYLD Annual Report and Swearing In of President

2008-09 Washington Young Lawyer Division (WYLD) President **Jaime Hawk** (Spokane) provided the Division's annual report to the Board. President Hawk highlighted the Division's newly defined focus areas, including New/Young Lawyer Representation and Advocacy, Transition to Practice, and Pro Bono and Public Service. President Hawk also shared with the Board three WYLD awards received from the ABA this past year. WSBA President **Mark Johnson** swore in **Julia A. Bahner** (Seattle) as the incoming 2009-10 WYLD president.

## Washington State Bar Foundation

President of the Washington State Bar Foundation **Ronald R. Ward** (Seattle) and Foundation Board Trustee **Sally P. Savage** (Pullman) gave a presentation to the Board outlining a business plan and requesting two half-time positions be added to the WSBA FY 2010 budget focused on fundraising efforts for the Foundation. The Board approved both a development director and administrative support position for two years in order to support the fundraising activities of the Foundation. The Board voted to fund these positions using General Fund reserves. The Board also approved reappointment of Board Trustees **William C. Maxey** (Spokane) and **Bart H. Wilson** (non-lawyer Trustee from Seattle).

## Fiscal Year 2010 Budget

The Board approved the FY 2010 budget. Revenue is projected at \$16.5 million. Included in the budget is funding for a new statewide "moderate means" program, a redesign of the WSBA's website, and the WSBA's \$1.5 million contribution to LAW Fund. Also included is a part-time Professional Responsibility Counsel to help staff the Ethics Line and a part-time Investigative Attorney to assist with character and fitness investigations in Admissions.

## Executive Director's Report

**Paula Littlewood** updated the Board on recent efforts to develop the statewide moderate-means program. Executive Director Littlewood reported that WSBA has been studying the viability of creating a statewide program to serve those citizens in the 200-400% federal poverty level with low-cost, as opposed to free, legal services. County bar associations (in collaboration with local young lawyers and local pro bono programs) have been operating programs in some areas of the state; the hope is to build on these efforts and launch a statewide program. The recently implemented Home Foreclosure Legal Aid Project

provides a model for development of a statewide moderate-means program. The model places outreach, education, recruitment, and other project-related tasks in the hands of the WSBA while case-related work is placed with a community partner. Early discussions have been had with Seattle University and other law schools to place the client intake/file handling with the school. A proposal from Seattle University is expected in early October with the hope that a program could be initiated in early 2010.

Executive Director Littlewood also updated the Board about the WSBA's Home Foreclosure Legal Aid Project reporting that close to 400 lawyers have signed up to help. For more information or to sign up to volunteer, see [www.mywsba.org](http://www.mywsba.org).

## Annual Awards Dinner

More than 460 lawyers and guests joined President **Mark Johnson** as he presented the 2009 Annual Awards at the Annual Dinner in Seattle on September 24th. Congratulations to the Honorable **Deborah Fleck** (Seattle) –Award of Merit; **Richard E. Mitchell** (Seattle) –Professionalism Award; **Roger Wynne** (Seattle) –Angelo Petrus Award for Lawyers in Public Service; the Honorable **Lesley Allan** (Wenatchee) – Outstanding Judge Award; **Johnathan Yeh** (Seattle) and **Dan R. Young** (Seattle) – Pro Bono Award; **Ernest Radillo** (Wenatchee) – Courageous Award; **Washington Minority Bar Associations (MBAs)** (two projects) – the MBA Joint Committee on Law Firm Diversity led by co-chairs **Thuy Nguyen-Leeper** (Seattle) and **Kenneth Payson** (Seattle), and the MBA Collaboration Project, led by its founders **Kim Tran** (Seattle) and **Michael Heath** (Seattle) –Excellence in Diversity Award; the Honorable **Robert L. Harris** (Vancouver) – Lifetime Service Award; **Captain Alexander Straub** (Tacoma) – Community Service Award; the Honorable **Mary I. Yu** (Seattle) – Norm Maleng Leadership Award (presented jointly by the WSBA and Access to Justice Board); and **J. Donald Curran** (Spokane) and **Lembhard G. Howell** (Seattle) – President's Award. Tacoma attorney **Salvador A. Mungia** (president), Bellevue attorney **Steven G. Toole** (president-elect), and new governors **Nancy L. Isserlis** (Spokane), **Leland B. Kerr** (Kennewick), **Carla C. Lee** (Seattle), **Roger A. Leishman** (Seattle), and **Marc L. Silverman** (Bellevue), were all sworn into office by **Chief Justice Gerry Alexander** during the event.

## Upcoming Events

*Many more events are listed on the Legal Community Events Calendar on the WSBA website at [www.wsba.org/info/event-calendar.htm](http://www.wsba.org/info/event-calendar.htm).*

### **October**

**Oct. 10:** Northwest Immigrant Rights Project Silver Jubilee, Hilton Hotel, Seattle

**Oct. 14:** Asian Bar Association of Washington Annual Banquet, Grand Hyatt, Seattle

**Oct. 17:** WYLD Board of Trustees Meeting, Holiday Inn Express, Tigard, Oregon

**Oct. 22:** Vietnamese American Bar Association of Washington Annual Banquet, Triple Door, Seattle

**Oct. 23-24:** WSBA Board of Governors Meeting, Compton Union Building, Pullman

### **November**

**Nov. 3:** WSBA 50-Year Member Luncheon, Renaissance Seattle Hotel

**Nov. 4:** QLaw Foundation Annual FallTacular, Greg Kucera Gallery, Seattle

**Nov. 13:** South Asian Bar Association of Washington Annual Banquet, Hyatt at Olive 8, Seattle

**Nov. 14:** ACLU of Washington Bill of Rights Celebration Dinner, Seattle Marriott Waterfront

### **December**

**Dec. 4-5:** WSBA Board of Governors Meeting, Hotel Murano, Tacoma

**Dec. 5:** WYLD Board of Trustees Meeting, WSBA Office, Seattle

**Dec. 8:** Asian Bar Association of Washington Holiday Party, House of Hong, Seattle