



Board of Governors Meeting Recap

April 15–16, 2016
Bremerton

At its April 15–16 meeting in Bremerton, the WSBA Board of Governors received testimony on the Escalating Cost of Civil Litigation (ECCL) Task Force recommendations, amended the WSBA Budget, approved supporting an ABA Model Rule, and honored a local hero from the Kitsap County legal community.

Local Hero

On Friday, a luncheon was held with the Kitsap County WSBA members, and **Darrell Uptegraft** was presented with the Local Hero Award. Uptegraft was honored for service to the legal community, including mentoring newer attorneys, working with Law Day events, serving as president of the Kitsap County Bar Association, and a long legal career. Recently retired, Uptegraft is working on his “bucket list,” and commented that his friends and colleagues are the true local heroes as they support him and his family while he battles amyotrophic lateral sclerosis (ALS, or Lou Gehrig’s disease).

ECCL Recommendations

The Board continued to hear the ECCL Task Force Report and Recommendations. The report was presented by Russ Aoki, ECCL Task Force Chair, Hon. Marcine Anderson, and Isham Reavis of Aoki Law. At this meeting the Board addressed three recommendations: Pretrial Conference, District Court, and Alternative Dispute Resolution (ADR).

Members of the audience provided testimony and clarified points of discussion for the Board. The Board will discuss the report at its June meeting in Seattle.

Washington State Bar Association

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WSBA Budget

The Mandatory Continuing Legal Education (MCLE) rules and regulations were recently updated by the Washington Supreme Court. These updates expanded the types of courses that qualify for CLE credit in Washington. As a result, the antiquated computer system used to record and track credits required a complete overhaul, with a hard deadline of Jan. 1, 2016. After review and completion of some of the work, it was determined that custom software was the best option and that the project should be scoped in phases; with completion of Phase 1 by Jan. 1, 2016, and Phase 2 by Oct. 1, 2016. Because of its complexity, the project has required more time, labor, and resources than initially budgeted. The Board approved a budget amendment of \$30,000 to cover FY16 depreciation expense and Phase 2 expenses (expected to be under \$350,000).

Office of the Insurance Commissioner proposal to adopt ABA Model Rule on Payee Notification

Doug Ende, Chief Disciplinary Counsel and Director of the Office of Disciplinary Counsel (ODC), spoke to the Board about an ABA Model Rule designed to notify clients when a case is settled and funds are disbursed to the attorney. Washington state has adopted other portions of this model rule, and now the Washington Office of the Insurance Commissioner is seeking the support of the WSBA to adopt this “payee notification” language. Since this rule would regulate the behavior of insurance companies, the Supreme Court cannot enact the rule. It was noted that the RPCs require lawyers to do this already, but conversion, theft, and fraud still occurs. It was moved that the WSBA support this proposal.

Mentorship

The Board reviewed the current status of the WSBA mentorship program (the Mentorlink, webpage and links for mentorship programs, ALPS Attorney Match, and other work in progress), and will work with staff to continue to improve and implement this important member benefit.

Board Mini-Retreat

The Board discussed existing WSBA member benefits and corresponding costs and impacts of mandatory and professional association programming. The Board will review the preliminary FY17 budget in July and approve the final budget in September. Since the 2012 referendum that reduced license fees from \$450 to \$325, the Bar has worked diligently to make do with less.

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By reducing its financial footprint, limiting the license fee adjustment to \$385 for 2016 and 2017, and through planned expenditures of reserves, the Bar has continued following its mission to serve the public and its members, ensure the integrity of the profession, and champion justice. At the same time, financial modeling indicates that at the current license fee of \$385, the reserves will drop below a fiscally prudent level by FY19. The task before the Board this summer will be to decide how to optimize programming and license fees to maintain a prudent level of reserves to sustain the Bar's important mission.