



**Board of Governors Meeting  
April 29, 2011  
The Hilton  
Bellevue, WA**

**AGENDA**  
*(Please note – times listed are tentative)*

Friday, April 29, 2011

**GENERAL INFORMATION** ..... 2

**1. AGENDA** ..... 11

**8:00 A.M.**

**2. EXECUTIVE SESSION**

    a. Approval of Minutes (**action**).....E-2

    b. President’s Report – Steve Toole

    c. WSBA Awards Committee Recommendations –Steve Larsen (**action**) .....E-7

    d. BOG Election Process – Paula Littlewood (**action**) .....E-105

    e. Discipline Report – Doug Ende .....E-108

    f. Litigation Report – Bob Welden.....E-135

    g. Executive Director’s Report – Paula Littlewood

    h. Meeting Evaluation Summary.....E-139

**9:15 A.M.**

**3. PUBLIC SESSION – INTRODUCTIONS and WELCOME**

    a. Approval of Minutes (**action**)..... 17

    b. Report on Executive Session

    c. President’s Report

    d. Executive Director’s Report ..... 31

**4. CONSENT CALENDAR** ..... 47

    a. BOG Governance Committee Recommendations..... 48

        • Continue Current System of No Executive Committee of the BOG

        • Maintain Current Policy re Political Activity of BOG Members

        • Confirm Not Adding a Non-Lawyer Member to the BOG

        • Clarify Provision re Electronic Voting by Governor(s)

        • Continue Current Policy of No Stipend for WSBA President

    b. Approve Conflicts Review Officer I and III Appointment Recommendations ..... 50

    c. Approve Nomination to Character and Fitness Board ..... 61

5.	<b>RECOMMENDATIONS FROM COUNCIL ON PUBLIC DEFENSE – Marc Boman, Chair</b>	65
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	• Updated Standards for Indigent Defense Services “Clean” Version .....	S-5
b.	Proposed Resolution re CrR 3.1, CrRLJ 3.1 and JuCR 9.2 <b>(action)</b> .....	89
c.	Performance Guidelines for Criminal Defense Representation <b>(action)</b> .....	112
6.	<b>DIVERSITY MATTERS – Governor Anthony Gipe, Chair, and Chach Duarte White, WSBA Diversity Program Manager</b>	
a.	Update on Proposed Formal Opinion on Immigration Retaliation	
b.	Update on Membership Study	
c.	Update on Racial Bias in the Criminal Justice System Task Force	
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7.	<b>PROFESSIONALISM COMMITTEE REPORT – Sims Weymuller, Chair</b> .....	151
8.	<b>GOVERNORS’ FORUM</b>	
9.	<b>LIAISONS’ FORUM</b>	

**12:00 P.M.** – Lunch

**1:30 P.M.**

10.	<b>RECOMMENDATIONS FROM BOG GOVERNANCE COMMITTEE – Governor Cathy Moore, Chair</b> .....	156
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a.	Geographic Rotation of WSBA President <b>(action)</b>	
b.	Selection of the Treasurer <b>(first reading)</b>	
c.	Expanded Jurisdiction of Legislative Committee <b>(first reading)</b>	
11.	<b>PROPOSED AMENDMENT TO CrRLJ 2.1(c) – Adam Karp, Animal Law Section Immediate Past-Chair (first reading)</b> .....	162
12.	<b>LEGISLATIVE REPORT – Governor Loren Etengoff, Chair, and Kathryn Leathers, WSBA Legislative Liaison</b> .....	late materials
13.	<b>PROPOSED AMENDMENTS TO GR 12.4 RE WSBA RELEASE OF INFORMATION TO THE PUBLIC – President-elect Steve Crossland, Chair (action)</b> .....	206
14.	<b>REPORT AND RECOMMENDATIONS RE LAWYERS’ ASSISTANCE PROGRAM – Michael Badger, PhD</b> .....	217

**3:00 P.M.**

<b>15. BOG MATTERS</b>	
a. Various Committee and Board Appointments <b>(action)</b>	
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• Approve Appointment to Statute Law Committee .....	297
• Approve Appointment to BJA Best Practices Committee.....	308
b. Update on Office of Public Defense’s Proposed Amendment to RAP 18.13A.....	<b>late materials</b>
c. Recommendation re <i>Casemaker</i> <b>(first reading)</b> .....	<b>late materials</b>
d. Report on Affiliation Relationship Opportunities for Members.....	328
e. Recommendations re Health Insurance Program Renewal <b>(action)</b> .....	331
f. Approve Amendment to APR Task Force Charter and Appointment to the APR Task Force <b>(action)</b> .....	350
g. Approve Escalating Cost of Civil Litigation Roster <b>(action)</b> .....	<b>late materials</b>
h. BOG Liaison Reports <b>(information)</b> .....	<b>late materials</b>
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a. Preliminary June 2011 Agenda .....	413

# BOARD OF GOVERNORS MEETING ISSUES 2010 - 2011

## **OCTOBER** (Vancouver)

- Office of Disciplinary Counsel Report (quarterly)
- Outside Appointments (if any)
- Report on Spokane Bar Exam
- Immigration Enforcement in Washington Courthouses
- Lawyers' Fund for Client Protection Annual Report
- Report from Bar Exam Review Subcommittee

## **DECEMBER** (La Conner)

- Legislative Committee Recommendations
- Update from Local Rules Task Force
- WSBF Annual Report
- Report from WLI Fellows
- WYLD Written Report
- DFI Committee Recommendations re Proposed Amendments to Escrow Statutes
- Outside Appointments (if any)

## **JANUARY** (Olympia)

- Supreme Court Meeting
- Legislative Report
- Office of Disciplinary Counsel Report (quarterly)
- Fiscal Matters
  - FY2010 Audited Financial Statements
- Outside Appointments (if any)

## **MARCH** (Spokane)

- Legislative Report
- WYLD Report
- Outside Appointments (if any)
- Report on ABA Mid-Year Meeting
- Report from Rules for Enforcement of Lawyer Conduct (ELC) Task Force
- Update on Lawyer Assistance Program Focus

## **APRIL** (Bellevue)

- Legislative Report/Wrap-up
- Office of Disciplinary Counsel Report (quarterly)
- WSBA Awards Committee Recommendations – Executive Session
- Outside Appointments (if any)
- Professionalism Committee Report
- BOG Election Process
- Report on Affiliation Relationship for Members
- Recommendation on Casemaker

## **JUNE** (Kennewick)

- Interview/Selection of the WSBA President-elect
- Interview/Selection of At-Large Governor
- WSBA Awards Committee Recommendations – Executive Session
- Fiscal Matters
- Legislative Committee Appointments

- ABA Appointments for the WSBA Delegation
- ATJ Board Report
- WYLD Written Report
- Outside Appointments (if any)
- ATJ/Bar Leaders Conference

**JULY** (Ocean Shores)

- BOG Retreat
- Court Rules and Procedures Committee Report and Recommendations
- Fiscal Matters
  - Draft FY2012 Budget
- WSBA Standing Committee Appointments
- Office of Disciplinary Counsel Report (quarterly)
- Report from Chief Hearing Officer
- Outside Appointments (if any)
- Election of WSBA Treasurer
- Hearing Officer Selection Panel Recommendations
- Report from Rules for Enforcement of Lawyer Conduct (ELC) Task Force
- Report and Recommendations from Rules for Professional Conduct (RPC) Committee

**SEPTEMBER** (Seattle)

- Legal Foundation of Washington and LAW Fund – Report
- Executive Director’s Evaluation
- Washington State Bar Foundation Trustee Election
- Fiscal Matters
  - Final FY2012 Budget
- WYLD Annual Report and Swearing-In of President
- 2012 Keller Deduction Schedule
- Outside Appointments (if any)
- Awards Dinner
- Report on ABA Annual Meeting

**Board of Governors – Action Timeline**

Description of Matter/Issue	First Reading	Scheduled for Board Action
Emeritus/Pro Bono Member Fee Change	October 24, 2008	To be determined
BOG Diversity Committee Mission Statement	March 6-7, 2009	To be determined
Amendment to APR 3 re Permitting Foreign Attorneys with a Master of Laws (LLM) to Take Washington State Bar Exam	June 4, 2010	To be determined
Council on Public Defense’s Resolution re Collateral Consequences	October 29, 2010	To be determined
GR 12.4 re WSBA Release of Information to the Public	Dec 10-11, 2010	April 29, 2011

<b>Description of Matter/Issue (Continued)</b>	<b>First Reading</b>	<b>Scheduled for Board Action</b>
Geographic Rotation of WSBA President	Jan 27-28, 2011	April 29, 2011
Creating an Executive Committee of the BOG	March 18, 2011	April 29, 2011
Political Activity of BOG Members	March 18, 2011	April 29, 2011
Adding a Non-Lawyer Member to the BOG	March 18, 2011	April 29, 2011
Clarifying Provision re Electronic Voting by Governor(s)	March 18, 2011	April 29, 2011
Recommendations from Council on Public Defense	March 18, 2011	April 29, 2011
Office of Public Defense's Proposed Amendment to RAP 18.13A	March 18, 2011	April 29, 2011
Recommendation re Casemaker	April 29-30, 2011	June 3, 2011
Governance Committee Recommendation re Treasurer	April 29, 2011	June 3, 2011
Governance Committee Recommendation re Expanded Jurisdiction of Legislative Committee	April 29, 2011	June 3, 2011
Animal Law Section's Proposed Amendment to CrRLJ 2.1(c)	April 29, 2011	June 3, 2011