Board of Governors Meeting
January 27-28, 2011
The Heritage Room
Olympia, WA

AGENDA
(Please note – times listed are tentative)

Thursday, January 27, 2011

GENERAL INFORMATION 2

1. AGENDA 10

8:00 A.M.

2. EXECUTIVE SESSION
a. Approval of Minutes **(action)** E-2
b. President's Report – Steve Toole
c. Discipline Report – Doug Ende E-9
d. Litigation Report – Bob Welden E-52
e. Executive Director's Report – Paula Littlewood
f. Meeting Evaluation Summary E-88

10:00 A.M.

3. PUBLIC SESSION – INTRODUCTIONS and WELCOME
a. Approval of Minutes **(action)** 15
b. Report on Executive Session
c. President's Report
d. Executive Director's Report 39

4. CONSENT CALENDAR 71
a. Approve Appointments to Local Rules Task Force 72
b. Approve Amendments to Washington Young Lawyers' Division (WYLD) Board of Trustees Bylaws 77
c. Approve Legislative Committee Appointment Procedures 94
d. Approve Appointment to Council on Public Defense 99
e. Approve Appointment to the Board of Bar Examiners 102

E = Executive Session Materials / *S* = *Supplemental Materials*

5. LEGISLATIVE REPORT – Kathryn Leathers, WSBA Legislative Liaison ... **late materials**
- Approve Extension of Department of Financial Institution Committee Timeline **(action)**..109

6. PROPOSED AMENDMENTS TO GR 12.4 RE WSBA RELEASE OF INFORMATION TO THE PUBLIC (action) 111

7. REPORT AND DISCUSSION ON THE WSBA BAR EXAM FORMAT – Jean McElroy, WSBA Director of Regulatory Services 124
- *October 2010 Report from Bar Exam Subcommittee* *S-5*
- *Comparison of Model Rules of Professional Conduct (RPCs) and Washington's RPCs* *S-7*

8. GOVERNORS' FORUM

9. LIAISONS' FORUM

<u>12:00 P.M.</u> – Lunch

<u>1:30 P.M.</u>

10. REPORT FROM LAW OFFICE MANAGEMENT ASSISTANCE PROGRAM – Pete Roberts, Manager 155

11. TVW PRESENTATION – Greg Lane, President 177

12. BOG MATTERS
a. Various Committee and Board Appointments **(action)**
- Nominations to Access to Justice Board 184
  - *Additional Letters of Interest and Résumés* *S-232*

b. Approve Admission to Practice Rules (APRs) Task Force Roster **(action)**. **late materials**
c. Approve Escalating Cost of Litigation Task Force Charter **(action)** 199
d. Summary Report of 2008-2010 Program Review **(information)** 201
- *Final WSBA Program Review Report to the BOG January 2009* *S-293*

e. 2011-2012 BOG Meeting Schedule **(information)** 216

<u>3:00 P.M.</u>

13. UPDATE FROM BOG GOVERNANCE COMMITTEE – Governor Cathy Moore, Chair
a. Board Service **(first reading)** 217
- Geographic Rotation of WSBA President
- Sitting Governor Eligibility for WSBA Presidency
- Filling Mid-Term Governor Vacancy
- Serving Multiple Terms for Governors

14. DIVERSITY MATTERS – Governor Anthony Gipe, Chair, and Chach Duarte White, WSBA Diversity Program Manager
a. Update on Proposed Formal Opinion on Immigration Retaliation 221
b. Update on Membership Study
c. Proposed Merge of Washington Young Lawyers Division (WYLD) and WSBA Committees for Diversity – Kari Petrasek, WYLD President **(first reading)** 230
d. Update on Racial Bias in the Justice System Roundtable – Governor Tracy Flood

15. FISCAL MATTERS – Governor Patrick Palace, Treasurer, and Julie Mass, Deputy Director for Finance and Administration
a. FY 2010 Audited Financial Statements 234
b. Special Report on the 2011 Budget Summary 251
c. FY 2010 Internal Financial Statements 265
d. November 2010 YTD Financial Statements **(information)** 309

16. WRITTEN REPORTS
a. Officers' Reports
- President's Activities 351
  - President's Correspondence 353
- President-elect's Activities 363

17. FUTURE MEETINGS
a. Preliminary March 2011 Agenda 364

Friday, January 28, 2011

1:30 P.M. – EXECUTIVE SESSION *(tentative)*

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
- 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
- Recommendation on Casemaker
- Report from Rules for Enforcement of Lawyer Conduct (ELC) Task Force
- Report on Affiliation Relationship for Members
- 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)
- Report from Rules for Enforcement of Lawyer Conduct (ELC) Task Force
- Professionalism Committee Report

JUNE (Kennewick)
- Interview/Selection of the WSBA President
- 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
- Rules for Professional Conduct (RPC) Committee Report and Recommendations
- Report from BOG Committee on Committees

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
BOG Governance Committee • Geographic Rotation of WSBA President • Sitting Governor Eligibility for WSBA Presidency • Filling Mid-Term Governor Vacancy • Serving Multiple Terms for Governors	January 27-28, 2011	March 18, 2011
Merge of WYLD and WSBA Committees for Diversity	January 27-28, 2011	March 18, 2011