



**Board of Governors Meeting
July 22-23, 2011
Quinault Beach Resort
Ocean Shores, WA**

AGENDA
(Please note – times listed are tentative)

Friday, July 22, 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
- c. WSBA Awards Committee Recommendations – Governor Brian Comstock,
Chair **(action)**.....E-8
- d. Judicial Recommendation Committee Recommendations – Judy Berrett **(action)**.....E-24
 - *Applicant Materials*.....S-2
- e. Discipline Report – Doug EndeE-29
- f. Litigation Report – Bob Welden.....E-54
- g. Executive Director’s Report – Paula Littlewood
- h. Executive Director Evaluation – Governor Anthony Gipe **late materials**

10:00 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 32

4. CONSENT CALENDAR 75

- a. WSBA Standing Committee and Board Appointments..... 76
- b. Approve WSBA Legislative Committee Appointments **late materials**
- c. Approve Disciplinary Board Appointment **late materials**
- d. Approve Adjunct Investigative Counsel Appointments 100

e.	Approve Real Property, Probate and Trust Proposed Bylaw Amendments	132
f.	Approve World Peace Through Law Section Bylaw Amendments.....	141
5.	FISCAL MATTERS – Governor Patrick Palace, Treasurer, and Julie Mass, Deputy Director for Finance and Administration	
a.	Reserve Funds Allocation Recommendation (action)	153
b.	Draft FY 2012 Budget (first reading).....	155
c.	May 2011 YTD Financial Statements (information).....	205
d.	May 2011 Investment Update (information)	250
6.	DIVERSITY MATTERS – Governor Anthony Gipe, Chair	
a.	Update on Diversity Study	
b.	Report on WSBA Staff Demographics	253
c.	Upcoming Diversity Reminders (information)	256
7.	LEGISLATIVE REPORT – Governor Loren Etengoff, Chair, and Kathryn Leathers, WSBA Legislative Liaison	late materials
8.	GOVERNORS’ FORUM	
9.	LIAISONS’ FORUM	

12:30 P.M. – Lunch

1:30 P.M.

10.	REPORT FROM RULES FOR PROFESSIONAL CONDUCT (RPC) COMMITTEE – Don Curran, Chair	258
a.	Hypothetical #1	259
b.	Hypothetical #2.....	266
11.	BOG MATTERS	
a.	Various Committee and Board Appointments (action)	
•	Appointment to Commission for Judicial Conduct (action).....	late materials
•	Nomination to the Mandatory Continuing Legal Education Board.....	late materials
b.	Election of 2011-2012 WSBA Treasurer (action)	270
c.	Support of ABA Standards for Language Access in Courts (action)	late materials
d.	Approve Recommendations from Hearing Officer Selection Panel (action).....	271
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e.	Chief Hearing Officer Reappointment (first reading)	275
f.	Recommendation re WSBA Awards Committee Policy (action).....	277
g.	Recommendation re Withdrawal of BOG Discipline Policies (action).....	279
h.	Proposed Affiliation with Job Target as Member Benefit (action).....	286
i.	Update from BOG Insurance Committee	late materials
j.	Report from BOG Committee on Committees (first reading).....	289
k.	Recommendation from Lawyers’ Fund for Client Protection Board re Rule Amendments (first reading)	320
l.	Appointment of WSBA Committee and Board Chairs (action)	late materials
m.	Approve Civil Legal Needs Roster and Amended Charter (action)	327
n.	2011-2012 WSBA Committees and Boards Demographic Information (information).....	334

3:00 P.M.

12. REPORT FROM COURT RULES AND PROCEDURES COMMITTEE - Ken Masters, Chair

- a. Recommendations **(first reading)** 338
 - ER 501 341
 - RAP 18.13A 344
 - CrR 3.1..... 364

Saturday, July 23, 2011

8:00 A.M.

EXECUTIVE SESSION

- i. Report From Lawyers' Fund for Client Protection – Bob Welden **(action)**E-97
 - *Applicant Materials*S-106
- j. Meeting Evaluation SummaryE-108

9:00 A.M. – PUBLIC SESSION

13. REPORT FROM RULES FOR ENFORCEMENT OF LAWYER CONDUCT (ELC) TASK FORCE – Geoff Gibbs, Chair (action) 370

- a. Proposed Amendments to ELCs 378
- b. Proposed Amendments to Other Rules..... 464
- c. Minority Reports 466

14. WRITTEN REPORTS

- a. Officers' Reports
 - President's Activities 489
 - President-elect's Activities 491

15. FUTURE MEETINGS

- a. Preliminary September 2011 Agenda..... 492

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
- Appointment of WSBA Committee and Board Chairs

SEPTEMBER (Seattle)

- Legal Foundation of Washington and LAW Fund – Report
- Lawyers’ Fund for Client Protection Board – 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
Council on Public Defense’s Resolution re Collateral Consequences	October 29, 2010	To be determined
Rules for Enforcement of Lawyer Conduct (ELC) Task Force	March 18, 2011	July 22-23, 2011
Office of Public Defense’s Proposed Amendment To RAP 18.13A	July 22-23, 2011	Sept. 22-23, 2011
FY 2012 Budget	July 22-23, 2011	Sept. 22-23, 2011

Description of Matter/Issue	First Reading	Scheduled for Board Action
Court Rules and Procedures Committee Report	July 22-23, 2011	Sept. 22-23, 2011
Chief Hearing Officer Reappointment	July 22-23, 2011	Sept. 22-23, 2011
Recommendations from Lawyers' Fund for Client Protection Board re Rule Amendments	July 22-23, 2011	Sept. 22-23, 2011