Board of Governors Meeting
March 18, 2011
The Davenport
Spokane, WA

AGENDA
(Please note – times listed are tentative)

Friday, March 18, 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. *Bar News* Editor Evaluation **(information)** – Judy Berrett E-8
d. *Bar News* Editor Contract Renewal **(action)** – Judy Berrett E-64
e. Approve Lawyers' Fund for Client Protection Applications and Amended Subrogation Agreement **(action)** – Elizabeth Turner E-66
f. Litigation Report – Elizabeth Turner E-121
g. Executive Director's Report – Paula Littlewood
h. Meeting Evaluation Summary E-126

9:30 A.M.

3. PUBLIC SESSION – INTRODUCTIONS and WELCOME
a. Approval of Minutes **(action)**
- January, 27, 2011 16
- Special Meeting - March 4, 2011 33

b. Report on Executive Session
c. President's Report
d. Executive Director's Report 35

4. CONSENT CALENDAR 60
a. Approve Merge of Washington Young Lawyers Division (WYLD) and WSBA Committees for Diversity 61
b. Approve Recommendation re Serving Multiple Terms for Governors, Sitting Governor Eligibility for WSBA Presidency, and Filling Mid-term Governor Vacancy 65
c. Approve Proposal Evaluators for Department of Corrections 66

d. Approve Amendments to International Section Bylaws 82
e. Approve Amendments to Health Law Section Bylaws 92
f. Appointment to the Council on Public Legal Education 101

5. UPDATE FROM RULES FOR ENFORCEMENT OF LAWYER CONDUCT (ELC) TASK FORCE – Geoff Gibbs, Chair (first reading) 108
a. Rule 1.2 – Jurisdiction
b. Rule 1.4 – Statute of Limitations
c. Rule 2.2 – Selection Panel
d. Rule 2.14 – Restrictions on Representation
e. Rule 5.1(e) – Vexatious Grievants
f. Rule 5.5 – Investigation
g. Rule 5.6 – Authority of Chief Hearing Officer
h. Rule 6.1 et seq. – Diversion
i. Rule 7.1 – Interim Suspension
j. Rule 8.1 et seq. – Disability Proceedings
k. Rule 9.3 – Employment of Disbarred or Disciplined Lawyer
l. Rule 12.3 – Appeal
- *ELC Drafting Task Force Matrix of Proposals* *S-5*

6. RECOMMENDATIONS FROM BOG GOVERNANCE COMMITTEE – Governor Cathy Moore, Chair 196
a. Geographic Rotation of WSBA President **(second reading)**
b. Creating an Executive Committee of the BOG **(first reading)**
c. Political Activity of BOG Members **(first reading)**
d. Adding a Non-Lawyer Member to the BOG **(first reading)**
e. Clarifying Provision re Electronic Voting by Governor(s) **(first reading)**
f. Stipend for WSBA President **(information)**

7. PROPOSED AMENDMENTS TO GR 12.4 RE WSBA RELEASE OF INFORMATION TO THE PUBLIC – President-elect Steve Crossland, Chair (second reading) 201

8. GOVERNORS' FORUM

9. LIAISONS' FORUM

<u>12:00 P.M.</u> – Lunch

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

10. REPORT ON ABA MID-YEAR MEETING – Lisa Dickinson, WSBA ABA Delegate 212

11. DIVERSITY MATTERS – Governor Anthony Gipe, Chair, and Chach Duarte White, WSBA Diversity Program Manager
a. Update on Proposed Formal Opinion on Immigration Retaliation
b. Update on Membership Study
c. Update on Racial Bias in the Criminal Justice System Roundtable
d. Upcoming Diversity Events Reminder **(information)** 215

12. LEGISLATIVE REPORT – Governor Loren Etengoff, Chair, and Kathryn Leathers, WSBA Legislative Liaison ..... **late materials**
- Approve BOG Legislative Committee Policy re Email Approval **(action)** 217

3:00 P.M.

13. RECOMMENDATIONS FROM COUNCIL ON PUBLIC DEFENSE – Marc Boman, Chair
a. Updated Standards for Indigent Defense Services **(first reading)** 220
- *Updated Standards for Indigent Defense Services "Clean" Version* *S-49*

b. Proposed Resolution re CrR 3.1, CrRLJ 3.1 and JuCR 9.2 **(first reading)** 243
c. Performance Guidelines for Criminal Defense Representation **(first reading)**..... 259

14. REPORT FROM WASHINGTON YOUNG LAWYERS DIVISION (WYLD) – Kari Petrasek, President 296

15. BOG MATTERS
a. Various Committee and Board Appointments **(action)**
- Approve Appointment to Washington Pattern Forms Committee 299

b. Approve Civil Legal Needs Work Group Charter **(action)**..... **late materials**
c. Office of Public Defense's Proposed Amendment to RAP 18.13A **(information)**..... 313
d. Update on Lawyers' Assistance Program

16. FISCAL MATTERS – Governor Patrick Palace, Treasurer, and Julie Mass, Deputy Director for Finance and Administration
a. December 2010 YTD Financial Statements and Quarterly Memorandum **(information)** 319

17. WRITTEN REPORTS
a. Officers' Reports
- President's Activities 365
  - President's Correspondence 367
- President-elect's Activities 374

18. FUTURE MEETINGS
a. Preliminary April 2011 Agenda 375

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
- Recommendations 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
- Reecommendations 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
Merge of WYLD and WSBA Committees for Diversity	Jan 27-28, 2011	March 18, 2011

Description of Matter/Issue (Continued)	First Reading	Scheduled for Board Action
Sitting Governor Eligibility for WSBA Presidency	Jan 27-28, 2011	March 18, 2011
Filling Mid-Term Governor Vacancy	Jan 27-28, 2011	March 18, 2011
Service Multiple Terms for Governors	Jan 27-28, 2011	March 18, 2011
GR 12.4 re WSBA Release of Information to the Public	Dec 10-11, 2010	April 29-30, 2011
Geographic Rotation of WSBA President	Jan 27-28, 2011	April 29-30, 2011
Creating an Executive Committee of the BOG	March 18, 2011	April 29-30, 2011
Political Activity of BOG Members	March 18, 2011	April 29-30, 2011
Adding a Non-Lawyer Member to the BOG	March 18, 2011	April 29-30, 2011
Clarifying Provision re Electronic Voting by Governor(s)	March 18, 2011	April 29-30, 2011
Recommendations from Council on Public Defense	March 18, 2011	April 29-30, 2011
Recommendation re Casemaker	April 29-30, 2011	June 3, 2011
Recommendations from Rules for Enforcement of Lawyer Conduct (ELC) Task Force	March 18, 2011	July 22-23, 2011