



WSBA Board of Governors Meeting – Sept. 29-30, 2016

The Board of Governors recently wrapped up its final meeting of the WSBA's fiscal year. It was a packed two days in Seattle on Sept. 29-30 that also included the APEX Awards Dinner where numerous awards were given to well-deserving individuals and organizations for their contributions and work in the legal community. Additionally, WSBA's new president Robin Haynes, president-elect Brad Furlong and board members Dan Bridges, Chris Meserve, Rajeev Majumdar and Athan Papailiou were sworn in. Below is a recap of the meeting, including any actions taken.

ITEMS UP FOR ACTION

Washington State Bar Foundation Annual Meeting

The Board sits as trustees of the Washington State Bar Foundation, and this meeting served as the annual meeting of the Foundation. The Board adopted the slate of 2016-2017 trustees which can be found in the [public materials](#) beginning on page 19. It was also shared that the Board, both current and incoming, reached 100 percent participation this year in giving to the Foundation.

WSBA FY2017 Budget

The Board adopted the FY2017 budget as presented. It included staff reductions, investments in a website redesign and other technology, and continued support of WSBA programs, services, and operations, including a range of free and low cost resources for members. Budget details can be found starting on page 33 of the [public materials](#).

WSBA 2018-2020 Lawyer License Fees

License fees are the main source of funding for WSBA programs, services, and operations. As fiduciaries, the Board must set license fees at a level that enables the Bar to continue to meet our regulatory obligations, advance our mission, provide value to our members at reasonable cost, and preserve a prudent level of reserves.

Following extensive examination this year of historical, current, and projected revenues, expenses, license fees, and reserves, the Board adopted lawyer license fees for the period 2018-2020 at the following levels: \$449 in 2018, \$453 in 2019, and \$458 in 2020. These levels reflect the Board's deep commitment to support WSBA as an integrated bar, while preserving minimum operating reserves of \$2 million. Find the license fee information starting on page 108 of the [public materials](#). For additional background and information on the development of the budget and license fees, we encourage you to also [read the Treasurer's Report](#) in the July/August issue of NWLawyer. Learn more about WSBA's Hardship Exemption, Armed Forces Exemption, and Payment Plan, [here](#).

Council on Public Defense – Legal Financial Obligations Reform Policies in Washington State

The Council on Public Defense and the BOG Legislative Committee presented a statement for which they sought Board approval. The statement would allow the Council to publicly comment and express

support of Legal Financial Obligations (LFO) reform to ultimately affect positive change in Washington's Legislature. The board approved the CPD's use of the statement. Details on LFOs and the statement can be found beginning on page 112 of the [public materials](#).

Lawyers Fund for Client Protection

The Lawyer's Fund for Client Protection Board made a recommendation to increase the per claim limit on gifts from \$75,000 to \$150,000 and suggest to the Supreme Court that the Fund's procedural rules be amended to state clearly the new claim limit. The Board unanimously adopted the recommendation. Information can be found in the [public materials](#) beginning on page 116.

Limited License Legal Technician Resolution

To further acknowledge its support and advancement of the LLLT program, the Board unanimously adopted a resolution that reinforces the importance of the program and its alignment with the mission of the organization. The resolution acknowledges the exemplary job of the LLLT Board in implementing APR 28 enacted by the Supreme Court. It also expresses support for the Board's efforts to explore a possible increase in the number of LLLT practice areas recognized in the rule, as well as changes to allow LLLTs to appear in court in a limited fashion, but the Board did not take a position on those matters. The resolution can be found on page 131 of the [public materials](#).

Suggested GR 12 Amendments

The Board took action on suggested amendments to GR 12.1 through GR 12.4, rearranging the order of the rules to accommodate a new section on regulatory objectives of the Supreme Court, that are based on the ABA Model Regulatory Objectives for the Provision of Legal Services. The Board adopted the suggested amendments as presented with two amendments. First, the Board voted to **maintain the word "Association"** in GR 12 and in the proposed Bylaw amendments to ensure consistency between GR 12 and the Bylaws. Second, the Board voted to amend the language in GR 12 and GR 12.2 to read "The Washington Supreme Court has inherent and **plenary** authority to regulate the practice of law," thus replacing the word "exclusive" with the word "plenary."

Proposed WSBA Bylaw Amendments

The Bylaws Work Group – created in August 2015 to incorporate Board-adopted recommendations of the Governance Task Force that implicated the WSBA Bylaws – presented proposed amendments to the WSBA Bylaws. Below is a summary of the major amendments considered and/or adopted by the BOG, but not an exhaustive list of all proposed amendments that were adopted:

Article I – Functions – The proposed amendment included adding the words "legal profession" and "public" to ensure LPOs and LLLTs are included in Functions and to emphasize service to the public. Additionally, this section is to conform to the new suggested amended GR 12.2.

ACTION: ADOPTED

PROPOSALS CONSIDERED BUT NOT ADOPTED: Based on feedback from members, the BOG voted not to delete "Association" from the WSBA's name, and this decision will be reflected throughout the amended Bylaws.

Article II – Definitions and General Provisions - Additions were made to the definitions, and section F (Parliamentary Procedure) was stricken, to remove the requirement that Roberts' Rules of Order govern parliamentary procedure at BOG meetings.

ACTION: ADOPTED

Article III – Membership - The amendments add LLLTs and LPOs as members of the WSBA and incorporate those license types into provisions regarding member statuses, identify types of lawyers who are not WSBA members (e.g., lawyers licensed to appear *pro hac vice*) and make other conforming changes. One amendment makes explicit that lawyers who have been inactive (and not practicing law in any U.S. jurisdiction) for 10 years or more are required to retake the Bar exam.

ACTION: ADOPTED

NOTE: Based on member feedback, the BOG voted not to delete the language related to member referenda on license fees from this section, even though it is redundant in light of later Bylaws provisions relating to member referenda.

Article IV – Governance - The proposed amendment changes the composition of the BOG to include six at-large governors elected by the BOG in the manner established in the Bylaws. At the meeting, the BOG proposed an amendment to require that only lawyer members may hold an officer position on the BOG, and an amendment intended to clarify the role and responsibilities of Governors with respect to the Congressional Districts.

ACTION: ADOPTED AS AMENDED

Article V – Appropriations and Expenses – No substantive changes proposed; conforming amendments only.

ACTION: ADOPTED

Article VI – Elections – Proposed amendments identify that there will be a LLLT/LPO governor position on the BOG as well as two community representative positions, and that these governors will be elected by the BOG. One amendment to the proposal approved at the meeting was to require that governors elected from congressional districts must be lawyers.

ACTION: ADOPTED

NOTE: Based on member feedback previously received and considered by the BOG, the provisions relating to member recall of Governors (inadvertently included in the draft amendments in the BOG materials) remain unchanged from their current form.

Article VII – Open Meetings - These proposed amendments clarify provisions and requirements around the WSBA's open meeting policy and the use of executive session meetings.

ACTION: ADOPTED

Article VIII – Member Referenda and BOG Referrals to Membership – Proposed amendments to this article were withdrawn from consideration.

ACTION: NOT ADOPTED. NO BOARD ACTION WAS TAKEN.

Articles IX and X – Committees, Councils and Other Bar Entities (Art. IX), and Regulatory Boards (Art. X)- Amendments were proposed to clarify the responsibilities for all Bar entities, however named, and clarify the roles and responsibilities of BOG members with respect to those entities, along with various conforming amendments.

ACTION TAKEN: ADOPTED

Article XI - Section Policy Workgroup Recommendations – The proposed changes create minimum governance standards and clarify that Sections are entities of the bar and are

obligated to comply with the Bar's Bylaws and policies. Based on member feedback, the Board agreed that more time is needed for discussion and to gather comments.

ACTION: TABLED UNTIL THE NOVEMBER BOG MEETING

Articles XII, XIII, XV, XVI- There was limited BOG discussion. Conforming changes only.

ACTION: ADOPTED

Materials on the Bylaw amendments can be found starting on page 233 of the [public materials](#).

Suggested Amendments to Admission and Practice Rules for Administrative Coordination- The Bar currently administers all admissions, licensing, mandatory continuing education, and status change processes for three separate types of licensed legal practitioners: lawyers, Limited Practice Officers (LPOs) and Limited License Legal Technicians (LLLTs). The impetus behind the suggested amendments is to ensure that WSBA has the most effective and efficient system for regulating these three license types. The amendments are suggested as the best way to achieve efficiency. The suggested amendments can be found in the [board materials](#) beginning on page 609. These suggested amendments will now go to the Supreme Court for consideration.

WSBA Spiritual Practices Policy – Consideration was delayed on the adoption of a spiritual practice policy. There are continuing discussions underway with the Indian Law Section with work being done on an agreed-upon revised policy. This agenda item will be placed on the November agenda.

ITEMS UP FOR DISCUSSION

Law School Education and Skills for the 21st Century Legal Professional

The Board heard a presentation from a representative of the Institute for the Advancement of the American Legal System (IAALS) on its Foundations for Practice project conducted over the last two years. WSBA was one of 37 state bars who participated in this survey that focused on identifying the foundations entry-level lawyers need to launch successful careers, developing measurable models of legal education that support these foundations; and aligning market needs with hiring practices to incentivize positive improvements. Joining in this discussion with the BOG were Dean Kellye Testy, UW School of Law; Dean Annette Clark, Seattle University School of Law; and Dean Jane Korn, Gonzaga University School of Law. Materials from this presentation are found beginning on page 134 of the [public materials](#).