

draft
MINUTES
Washington State Bar Association
Pro Bono and Legal Aid Committee
November 8, 2012

In attendance: Co-Chair Rory O’Sullivan, Lew Zieske, Joana Otero, Rachel Rappaport, Stan Kehl,, Andrea Axel, Will Ross, Todd Nunn, Joan Fairbanks (WSBA/ATJ Board)

Present by phone: Dan Ford, Mike Cressy, Randy Winn, Karen Schweigert, Brian DeFoe

MCLE Rule Change Update: Board of Governors Liaison Dan Ford participated briefly at the beginning of the meeting to debrief PBLAC on the status of this rule change. He reported that subsequent to the BOG’s September decision to approve PBLAC’s proposed changes, several BOG and MCLE Board members met to work out a “compromise.” This was driven by the Supreme Court’s deadline to consider rule changes in the current cycle and its request that the current rules under consideration be included in one proposal. The concern is that without a joint proposal from both the BOG and the MCLE Board, the Court may not consider this issue for a couple of years. PBLAC can comment directly to the Court once the proposed rules are published for comment. The BOG will consider the “compromise” proposal at its November meeting.

PBLAC members had a lengthy discussion about the proposal and have strong objections about it moving forward. Concerns include: the comprise “guts” the rule by dramatically reducing the number of live credits that can be earned through pro bono work; WSBA is sending a message to attorneys that they can’t be trusted to accurately report these credits; and this compromise is inconsistent with WSBA’s efforts to remove barriers for attorneys to do pro bono work and to support expanded access to the justice system.

Rory O’Sullivan and Esther Park will draft a resolution to be approved online by PBLAC members which captures the discussion and concerns. This resolution will be sent to the BOG. PBLAC will present its concerns at the November BOG meeting.

Joan Fairbanks offered that the ATJ Board will also provide comments to the BOG.

Approval of October 10, 2012 meeting minutes: The minutes were approved as drafted.

Long Distance Lawyer Program Update: The Blue Mountain Action Council has been the site for this initiative and to date has had several cases which have settled out of court. There have been no negative responses from opposing counsel to the communication, all done over Skype. Three cases required Spanish translation services. Andrea suggested that PBLAC consider next steps for the project because it likely will not be sustainable with volunteers. Her suggestion is to approach the ATJ Board’s Delivery System Committee and discuss seeking funding from the Legal Foundation for 2014. PBLAC approved that suggestion.

Funding and fundraising: Andrea provided an overview of how civil legal aid programs are funded in Washington State. She distributed two charts, which she will e-mail to the PBLAC listserv.

Committee project prioritization and subcommittee assignments: PBLAC members reviewed the list of projects identified at the last meeting; organized those projects into subcommittees; and indicated which subcommittees they will join. Rory will send out the final list prior to the December PBLAC meeting.