

# Office of the Executive Director

**January 2012** ■ **Volume XV** ■ **Number 1** 

The Board of Governors met December 9–10 in Bellingham. Additionally, there was a special Board meeting held on December 19. For information on these or past Board meetings, please contact Margaret Shane at <a href="margarets@wsba.org">margarets@wsba.org</a>.

#### Welcome to Bellingham!

Second District Governor **Philip Buri** (Bellingham) welcomed the Board to Whatcom County. The Washington Young Lawyers Division Board of Trustees also met in Bellingham, and the Board of Governors enjoyed dinner and bowling with the trustees.

#### **President's Report**

President **Stephen Crossland** (Cashmere) recently visited Washington's three law schools, attended the Governor's announcement of her appointment of Judge **Steven González** to the Supreme Court, attended a reception honoring retiring Supreme Court Justice **Gerry Alexander**, participated in the annual WSBA 50-Year Member Tribute Luncheon, and attended several swearing-in ceremonies, among other activities.

#### **Executive Director's Report**

Executive Director **Paula Littlewood** announced that the WSBA staff auction and spelling bee raised a recordbreaking \$6,000. Proceeds were donated to Treehouse, an organization that supports foster children by providing educational fees, summer camps, and clothing assistance. The staff auction is an annual event.

#### Rules for Enforcement of Lawyer Conduct (ELC) Task Force

The ELC Task Force has undertaken a comprehensive review of the ELC. Chair **G. Geoffrey Gibbs** (Everett) presented recommendations regarding rules addressing admonitions, the least severe form of public discipline. While the Task Force recommended that admonitions be made permanent (currently admonition files are destroyed after five years), the Board voted in favor of eliminating admonitions altogether and creating a type of nonpublic disciplinary action. The Board anticipates that at its March meeting it will approve the final package for submission to the Supreme Court for the Court's consideration.

## **Immigration Advisory Work Group**

Work Group Chair and Eighth District Governor Marc **Silverman** (Bellevue) presented the first reading of the Work Group's draft suggested comment to Washington's Rules of Professional Conduct (RPC). The suggested comment is intended to provide clear guidance to lawyers as to what is and what is not permitted in the context of civil litigation involving individuals who are unauthorized immigrants or who are perceived to be so, in order to protect access to the civil justice system regardless of a person's immigration status or ethnicity. Reports of clients being picked up by Immigration and Customs Enforcement (ICE) agents during non-immigration-related court cases due to opposing counsel reporting clients to ICE led to the formation of the Work Group. Former Latina/o Bar Association of Washington President Lorena González (Seattle) provided the Board with historical background about the issue.

#### Civil Legal Needs Work Group

Work Group Chair **Wayne Blair** (Bainbridge Island) reported on the Work Group's progress. The Work Group is charged with soliciting and reviewing all ideas and proposals for expanding civil legal assistance to lowand moderate-income populations, and making recommendations to the Washington State Supreme Court for expanding civil legal assistance. A project to convert legal forms into plain language is currently underway, and the Board approved the expenditure of up to \$75,000 from Board program reserve monies to fund continuation of this important work.

#### **Diversity Matters and Membership Study**

Board Diversity Committee Chair and District 7-West Governor **Roger Leishman** (Seattle) updated the Board on the continued need for diversity in WSBA leadership, particularly emphasizing the need to recruit Board members for next year, as Districts 1, 4, 5, 7-W, and the at-large WYLD position will be vacated. He added that goals have been set for this year regarding efforts within diversity: (1) develop resources on diversity and inclusion for solo/small practice firms; (2) offer to host the next Task Force on Race and the Criminal Justice System presentation to the Supreme Court; (3) review and revamp

the WSBA Demographic Policy to create guidelines on the data collected; and (4) develop a recruitment plan to help diversify the WSBA committees, task forces, and boards. He updated the Board on the Membership Study — in January, a 10% random sampling of WSBA members will receive a membership survey. In February, a link to the survey will also be posted on the WSBA website so that any interested members may participate. Read more about the Membership Study\* in the December issue of Bar News.

#### **Washington State Bar Foundation**

The Washington State Bar Foundation,\* fundraising arm of the WSBA, reported a record year raising support for WSBA programs like the Home Foreclosure Legal Aid Project, Moderate Means Program, and the WSBA Leadership Institute. President Sally Savage (Pullman) noted a significant increase in the number of individual donors, and credited this positive trend to heightened awareness and enthusiasm for the WSBA's work serving the public and advancing justice. Currently, WSBA members can make gifts at <a href="mailto:myWSBA.org">myWSBA.org</a>.

# Legislative Issues for the 2012 Session

WSBA Legislative Committee Chair Richard Bartholomew (Olympia), Legislative Liaison Kathryn Leathers, and WSBA section proponents presented details for proposed WSBA-sponsored legislation for the 2012 legislative session. The Committee received five requests to sponsor legislation and recommended that the WSBA sponsor two of them and table consideration of one of the remaining proposals pending additional stakeholder input. Two proposals were withdrawn by section proponents in order to further review and respond to questions raised by Committee members. The Board voted to sponsor each of the bills recommended by the Legislative Committee, which relate to estate tax apportionment and escrow licensing requirements for attorneys, as well as the tabled proposal, which relates to a new type of for-profit corporation called a social purpose corporation. Liaison Leathers provided an update on the 2011 Second Special Session convened on November 28 to address a \$2 billion shortfall, and noted that the Legislature will likely continue to face difficult budget decisions in the 2012 regular session.

# **December 19 Special Board Meeting**

A special Board meeting was held December 19 to approve a GR 9 cover sheet that explains certain suggested administrative edits to proposed Admission to Practice Rule 28, which creates a limited license to practice law for certain qualified practitioners. As stated in the cover sheet, the WSBA opposes proposed APR 28. The suggested amendments, developed following

additional review by WSBA regulatory staff and other interested stakeholders, including the Practice of Law Board, do not change the rule substantively from its original submission in January 2008 and publication in January 2009, but do provide important modifications to the proposed rule to ensure efficient and effective administration of such a limited license program if implemented. The Board of Governors intends to request additional input from the WSBA membership and interested stakeholders on the revised version of the proposal.

#### **Upcoming Events**

Many more events are listed on the Legal Community Events Calendar on the WSBA website homepage.

## **January**

**January 26:** WSBA Board of Governors meeting, Indian Summer Golf & Country Club, Olympia

**January 27:** Latina/o Bar Association of Washington Annual Awards Gala, Westin Hotel, Seattle

**January 31:** WYLD Open Section Night, WSBA-CLE Conference Center, Seattle

#### **February**

**February 23:** Korean American Bar Association of Washington Annual Luncheon, Palace Ballroom, Seattle

**February 24:** Legal Foundation of Washington Annual Goldmark Award Luncheon, Seattle Sheraton

#### March

March 9–10: WSBA Board of Governors meeting, Marcus Whitman Hotel, Walla Walla

March 22: King County Bar Foundation 12th Annual Breakfast with Champions, Westin Hotel, Seattle

March 24: WYLD Board of Trustees meeting, Olympia

**March 29:** Legal Voice Spring Celebration, Renaissance Hotel, Seattle

#### \* Web addresses

Membership Study (December *Bar News*) <a href="http://bit.ly/Azs1pQ">http://bit.ly/Azs1pQ</a>

Washington State Bar Foundation www.wsba.org/foundation