

**WASHINGTON STATE
BAR ASSOCIATION**

Board of Governors Meeting

Late Materials

**July 26-27, 2019
Courtyard by Marriott
Richland, Washington**

WASHINGTON STATE BAR ASSOCIATION

Board of Governors

BOARD OF GOVERNORS MEETING

Late Materials

July 26-27, 2019

Richland, WA

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WASHINGTON STATE BAR ASSOCIATION

MEMO

To: Board of Governors

From: Daryl Rodrigues, Chair, Council on Public Defense
Travis Stearns, Vice-Chair, Council on Public Defense

Date: July 22, 2019

Re: *Adoption of the Washington State Guidelines for Appointed Counsel in Indigent Appeals by the Washington State Supreme Court*

ACTION: Recommend to the Supreme Court that the Court add the *Washington State Guidelines for Appointed Counsel in Indigent Appeals* to the *Revised Code of Washington*, the *Washington Rules of Appellate Procedure*, the *Washington Rules of Professional Conduct*, and *Washington Rules for Appeal of Decisions of Courts of Limited Jurisdiction*, and the *Washington Supreme Court Standards for Indigent Defense*.

On May 31, 2019, Travis Steans, Council on Public Defense Vice-Chair and Attorney with the Washington Appellate Project, and Gideon Newmark, Attorney with the Office of Public Defense, presented the proposed *Washington State Guidelines for Appointed Counsel in Indigent Appeals* to the Council. This document is the first comprehensive set of practice guidelines for appointed appellate counsel in Washington. Like other guidelines the Supreme Court has adopted for criminal defense attorneys, these guidelines establish practice standards for attorneys working on any appeal that is constitutionally required. The guidelines were drafted by a workgroup of experienced appellate practitioners, including Washington Appellate Project attorneys, solo appellate public defenders, private appellate counsel, and the Federal Public Defender.

Following discussion and deliberation, the Council on Public Defense again reviewed the *Guidelines* at their July 19, 2019, meeting. At that meeting the Council voted by a supermajority to affirm that the Guidelines fall within the parameters of GR 12. The Council also voted by a supermajority to approve the *Guidelines* for the Board of Governor's consideration to submit to the Court.

The Council's request will be on the Board's agenda for a "first reading" at the July 2019 meeting. Travis Stearns with the Council and Washington Appellate Project and Gideon Newmark with the Office of Public Defense will attend the meeting telephonically and be prepared to present information about the proposed *Guidelines* and answer questions.

We look forward to presenting the proposed *Guidelines* on the agenda at the July Board meeting.

Washington State Guidelines for Appointed Counsel in Indigent Appeals

Preface

These guidelines apply to appointed counsel handling appeals for indigent clients. These guidelines are intended to be used as a guide to professional conduct and performance. Because appellate practice is a specialized area of practice requiring distinct expertise, particularized standards apply. These guidelines are to be read in conjunction with the Revised Code of Washington (RCW), the Washington Rules of Appellate Procedure (RAP), the Washington Rules of Professional Conduct (RPC), the Washington Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ), the Washington Supreme Court Standards for Indigent Defense, and the Washington State Bar Association Standards for Indigent Defense Services.

The object of these guidelines is to alert the attorney to the courses of action that may be necessary, advisable, or appropriate, and thereby to assist the attorney in deciding upon the particular actions that must be taken in a case to ensure that the client receives the best possible representation.

All of the steps covered in these guidelines are not meant to be undertaken automatically in every case. Instead, the steps actually taken should be tailored to the requirements of a particular case. The guidelines recognize that representation in indigent appellate cases is a difficult and complex responsibility. Attorneys must have the flexibility to choose a strategy and course of action that ethically "fits" the case, the client, and the court proceeding.

These guidelines may or may not be relevant in judicial evaluation about alleged misconduct of defense counsel to determine the validity of a conviction. They may be considered with other evidence concerning the effective assistance of counsel.

1. Role of Appointed Counsel

- a. **Client Representation** - The paramount obligation of appointed counsel is to provide conscientious, zealous, and quality representation to their clients at all stages of the legal process. Attorneys also have an obligation to abide by ethical requirements and act in accordance with the rules of the court, including having a system in place to check for conflicts of interest.
 - i. The basic duty appointed counsel owes to the administration of justice and as an officer of the court is to serve as the accused's counselor and advocate with courage and devotion and to render effective, quality representation.

- ii. Counsel has no duty to execute any directive of the accused that does not comport with law or such standards.
- b. **Holistic Representation** - Appellate counsel should provide comprehensive representation that also includes determining whether the client needs assistance with areas such as parole advocacy, re-entry, or unacceptable prison conditions and making appropriate referrals. Special consideration should be given to the client's immigration status, and if the client is not a U.S. citizen, counsel should determine if any immigration proceedings have occurred and the potential impact that an appeal may have on the client's immigration status.
- c. **Role & Standards** - It is the duty of counsel to know and be guided by the standards of professional conduct as defined in the codes of the legal profession applicable in Washington. Once representation has been undertaken, the functions and duties of counsel are the same whether counsel is assigned, privately retained, or serving in a legal aid or defender program.

2. Education, Training and Experience of Appellate Counsel

- a. **Familiarity with Law** - To provide quality representation, counsel must be familiar with substantive law and procedure and its application in the particular jurisdiction. Counsel has a continuing obligation to stay abreast of changes and developments in the law. Counsel should also be informed of the practices of the court before which a case is pending.
- b. **Experience** - Prior to handling an appointed appeal, counsel should have sufficient experience or training to provide quality representation. Less experienced counsel should only represent clients in less complex cases and only with adequate supervision and review. More complex cases should only be assigned to more experienced counsel and with adequate resources and time afforded to provide quality representation.
- c. **Training** - Appointed appellate counsel must engage in regular training focused on appellate advocacy, both written and oral, as well as on substantive issues and other pertinent areas. Counsel should seek training on issues of racial and gender bias, especially as they pertain to appellate practice.

3. Appellate Counsel Caseload - Appointed appellate counsel's caseload must not exceed the standards adopted by the Washington Supreme Court and must permit counsel to provide representation consistent with the representation afforded by counsel in non-

appointed cases. Counsel's caseload should be such as to permit the filing of an opening brief in the majority of cases without numerous extensions.

4. Duties of Appointed Counsel

- a. **Standard of Representation** - Counsel in an appointed appeal must be expected to provide representation consistent with that afforded to clients who retain counsel. Appellate procedure, as outlined below, includes responsibilities unique to appellate counsel, including the submission of an appellate brief, presentation of oral argument, and the possibility of pursuing further avenues for relief where appropriate.
- b. **Withdrawal Exception** - Appointed counsel should not withdraw as counsel until the appeal is final except with the consent of the client, upon motion establishing good cause, or pursuant to *State v. Theobald*¹ and *Anders v. California*.² Counsel should file a motion to withdraw pursuant to *Anders* only after a thorough review of the record and review of the facts and relevant law with other defenders, and after meaningful attempts to consult with the client.
- c. **Substitution of Counsel** - Counsel shall request that substitute counsel be appointed to represent the client when counsel's continued representation might violate the codes of professional responsibility or when counsel in good faith believes counsel cannot provide the client with zealous representation.
- d. **Refusal of Appointment** - Counsel shall refuse an appointment to represent a client when the appointment will violate the Washington Supreme Court Standards for Indigent Defense.
- e. **Other Proceedings** - Appointed counsel should assist trial counsel where appropriate in seeking any relief in an assigned matter short of relief on appeal.

5. Relationship with Client

- a. **Establishment of the Relationship** - Defense counsel should seek to establish a relationship of trust and confidence with the client.
- b. **Barriers to Communication** - Counsel should ensure that communication with the client accounts for differences in language, literacy or other barriers to communication. Counsel should use the means of communication best suited to meet the client's needs and best suited to an attorney's obligations to consult, counsel, and advise the client. Such means include written communication, personal visits,

¹ *State v. Theobald*, 78 Wn.2d 184 (1970).

² *Anders v. California*, 386 U.S. 738 (1967).

telephone, and electronic communication. Counsel should use interpreter, translation, or other services necessary to overcome any language barriers.

- c. **Consultation with the Client** - Counsel must make reasonable efforts to consult with the client to determine potential issues and identify the client's objectives on appeal. An initial consultation should occur prior to preparation of the initial substantive pleading in any review.
- d. **Client Notification** - Counsel shall keep the client apprised of the status of the appeal. Counsel shall promptly notify the client of all substantive filings and rulings in the course of the appeal.

6. Appellate Procedure – Preparation of the Record

- a. **Duty of Appellate Counsel** - Counsel should promptly review the record to determine which portions are necessary for review. Counsel should make reasonable efforts to consult with the client and trial attorney to determine which portions of the record are necessary for review. All missing documents should be obtained as expeditiously as possible, filed with the trial court, and designated as clerk's papers if relevant.
- b. **Record Documents** - The record may consist of more than the documents that are regularly provided, such as jury questionnaires, power point presentations, or transcripts of exhibits presented to the jury.

7. Appellate Procedure – Issue Selection

- a. **Issue Selection – Review of Record** - Counsel should review the entire record in order to determine the viable issues that could be raised on review.
- b. **Issue Selection – Communication with Client** - The client, not the attorney decides whether to proceed with the appeal. Strategic decisions regarding the issues to be pursued on appeal should be made only after reasonable efforts to consult with the client. Counsel should raise those issues which diligent counsel would raise based upon current research. Counsel should seek and consider the advice of the client on those issues which should be presented. Counsel should advise the client of issues that are proper for review in collateral review proceedings and pursue those avenues where appropriate.
- c. **Issue Selection – Communication with Trial Counsel** - Counsel should make reasonable efforts to consult with trial counsel to determine the issues to be presented.
- d. **Issue Selection – Additional Considerations**

- i. To promote the goal of finality in judgments, counsel is encouraged to raise those claims that have arguable potential for success on the direct appeal.
- ii. The determination of which issues will be presented on appeal should be made only after reasonable efforts to engage in consultation with other defenders aware of the facts of the case and potential legal claims. Counsel should also be aware of issues already pending in State and Federal Court.
- iii. Prior to filing, all substantive pleadings should be peer-reviewed by a defender equally qualified to represent the client and familiar with the relevant law.
- iv. It is very important that counsel understand federal habeas corpus law and procedure in order to anticipate the possibility that the client may need to pursue federal court remedies to obtain relief for a serious constitutional error.
- v. Counsel should be aware of the client's racial and gender identity and should review the record for any potential instances of bias or prejudice. Counsel should raise issues related to racial or gender bias when appropriate.

8. Appellate Procedure – Drafting of Brief & Other Pleadings

- a. **Drafting of Document** - All pleadings and other materials submitted to the court should be clear, concise, and well organized in order to provide the court with the facts and law necessary to make a well-reasoned decision. They should be professional in appearance, free of errors, consistent with court rules and citation requirements and accurate in citation to appellate record and legal authority. The brief should also be well reasoned and persuasive.
- b. **Reply Brief** - Unless it is unnecessary to advance the goals of representation, appellate counsel should file a reply brief that responds to arguments in the respondent's brief by pointing out misstatements, weaknesses, and new issues raised.
- c. **Other Pleadings** - Counsel should file any additional motions or pleadings if it is in the interest of the client or furthers the interest of litigation. This can include additional motions, objections or supplemental briefs.

9. Appellate Procedure – Oral Argument

- a. **Obligation – Oral argument should not be waived, with rare exceptions.** Where counsel is afforded oral argument by the court it should not be waived except upon reasonable efforts to secure consultation with the client and with colleagues made

familiar with the facts and claims of the case. After efforts to consult, waiver should only occur upon the conclusion that the client's rights will be more fully advanced by submission of the appeal on the briefs alone. Where a matter is set without argument, argument should be requested where counsel believes it is likely to advance the client's interest and the goals of representation.

- b. **Preparation** - Oral argument can be a critical opportunity to advocate for the client and thorough preparation is essential. This should include development of an outline or notes that set forth key points, cites to key record pages and appellate decisions, and answers to anticipated questions. Counsel should prepare with and consult with other attorneys.
- c. **Knowledge of Rules** - Counsel should be familiar with the relevant appellate court's rules regarding cases in which argument is permitted, how to make requests for argument, how notification of argument is provided, and whether rebuttal and post-argument submissions are permitted.

10. Appellate Procedure – Actions Upon Decision of the Court

- a. **Communication with Client** - Counsel should timely inform the client of the decision of the court and shall advise the client of any further proceedings in which the client may seek further relief.
- b. **Remand** - If the client's case has been remanded to a lower court where counsel will no longer represent the client, counsel should ensure new counsel is appointed to the matter.
- c. **Further Proceedings** - Counsel shall seek further review, including motions to modify, motion for reconsideration, or discretionary review of any decision where appropriate and necessary. In determining whether further review is appropriate and necessary, counsel must consider: whether the client, having been timely advised, so requests; whether doing so will advance the client's interests; whether further review is necessary to preserve issues for collateral attack; and whether issues then pending in state or federal court may affect the client's case. Counsel should seek additional review in state or federal court where appropriate.
- d. **Case File Maintenance** - Although the case file is maintained by counsel, it belongs to the client. Counsel should retain the file in reasonably secure conditions for a period of time consistent with appropriate professional guidelines. Counsel should advise the client of counsel's retention policy and should inform the client that the client is entitled to receive the file on request after conclusion of the

representation. Counsel should promptly furnish a client's file to successor counsel if requested. However, counsel may not disclose confidential information to successor counsel unless the client gives permission.

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Pam Inglesby, Bar Services Manager
DATE: July 22, 2019
RE: Committee and Board Reports for 2018-2019

Attached are annual reports submitted by the committees and boards housed at the WSBA. These reports were reviewed by the Board of Governors' Committee on Mission Performance and Review (CMPR) at its July 19 meeting. Rajeev Majumdar, the CMPR Chair, will report its preliminary recommendations at the July Board meeting.

The charge of the CMPR is threefold: (1) to ensure WSBA's committees continue to do the work of the BOG, as directed by the BOG, consistent with our mission, guiding principles and strategic goals; (2) to make sure WSBA's regulatory boards are fulfilling their Supreme Court mandates and any other issues the BOG may have asked them to explore; and (3) to monitor the ongoing activities of the Supreme Court-created boards administered by WSBA, consistent with their charges from the Court. To accomplish these goals, the CMPR reviews annual reports submitted by these entities and forwards recommendations to the BOG for review and action as appropriate.



WSBA Board of Governors

Committee on Mission Performance and Review

Draft committee and board reports for review

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WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

Access to Justice (ATJ) Board	Size of Committee: 10 Chair: Sal Mungia Staff Liaison: Diana Singleton, Bonnie Sterken BOG Liaison: Carla Higginson	Direct expenses: <i>to come</i> Indirect expenses: <i>to come</i> Number of FY20 Applicants: NA
Background & Purpose: The Access to Justice (ATJ) Board derives its authority from a 1994 Washington Supreme Court Order and 2016 reauthorization (NO. 25700-B-567) at the request of the Washington State Bar Association Board of Governors in response to a growing need to coordinate access to justice efforts in Washington. The ATJ Board works closely with its justice system partners to achieve equal access to the civil justice system for those facing economic and other significant barriers.		
Strategy to Fulfill Purpose: The ATJ Board's <i>2018-2020 State Plan for the Coordinated Delivery of Civil Legal Aid to Low Income People</i> (State Plan) is the current guide for its work. The ATJ Board also adopted two-year priorities in December 2017 to structure its work. The ATJ Board accomplishes its priorities through the work of a number of standing committees and special initiatives to address current and ongoing access issues.		
2018-2019 Accomplishments and Work in Progress: <ol style="list-style-type: none"> 1) Convened the 2019 Access to Justice Conference. The ATJ Board held the Access to Justice Conference in Spokane on June 14-16, 2019. Attendees included over 300 community members, advocates, judges, attorneys, leaders, funders, and policymakers across Washington State. The theme of the conference was <i>Amplifying the Power of Community</i>. A full program agenda can be found online here. 2) Implement 2018-2020 State Plan. The ATJ Board is overseeing the implementation of the three-year State Plan. The Board has launched a survey to gather information from Alliance partners about how they are implementing the State Plan. The results of the survey will be used to identify resources and learnings that can be shared as well as identify gaps where additional trainings or resources are needed. 3) Promote Racial Equity. The Board continues to promote racial equity systemically in the justice system, organizationally amongst Alliance organizations and internally within the Board's own practices and organizational culture. The Board has engaged JustLead WA to guide the Board through an internal race equity process. The Board has also provided other financial and in-kind support to JustLead, which provides 		

- Alliance members with race equity trainings, facilitated board and staff meetings, and launched a Race Equity Toolkit.
- 4) **Updated the ATJ Technology Principles.** The ATJ Board is in the process of submitting the updated ATJ Technology Principles to the Court. The ATJ Board's Technology Committee oversaw a rigorous process to update the Access to Justice Technology Principles, which were originally developed in 2004 to ensure technology enhances, not hinders, access to justice.
 - 5) **ATJ Board Regional Meetings.** This year the ATJ Board took its April Board meeting to the Tri-Cities. While there, the Board met with local legal aid providers, community and social service providers that intersect with legal aid, members of the local judiciary, prosecutors and public defenders. The Board also hosted a networking reception for equity and justice advocates and presented their first ever *Promoter of Justice* award to honor someone who is leading equity and justice work in the local community.
 - 6) **Alliance Communications.** The Board continues to send out monthly newsletters and manage the Alliance website as a means to facilitate intra-Alliance communications, share about resources and opportunities, and promote Alliance related events, jobs, internships, etc.

2019-2020 Goals:

- 1) **Build Stronger Bridges with Other Justice Partners.** The ATJ Board aims to build stronger bridges with partners in the criminal and juvenile justice systems, child welfare systems, non-legal community organizations, and the LLLT and low bono communities serving clients of moderate means.
- 2) **Launch Planning for the 2021 Access to Justice Conference.** Continuing the momentum of the successful 2019 Access to Justice Conference, the Board will launch planning for the 2021 conference in the coming fiscal year.
- 3) **Implement 2018-2020 State Plan.** As noted, the ATJ Board is overseeing the implementation of the three-year State Plan. This is an ongoing and critical element of the ATJ Board's work.
- 4) **Promote Racial Equity.** The Board will continue to promote racial equity systemically in the justice system, organizationally amongst Alliance organizations and internally within the Board's own practices and organizational culture.
- 5) **Communicate about the Updated ATJ Technology Principles.** As noted, the ATJ Board is submitting updated Principles to the Court. The next year will involve an extensive effort to share the Principles broadly with the justice system community.
- 6) **Host a Technology and Justice Symposium.** The ATJ Board's Technology Committee will host a Technology and Justice Symposium in early 2020. The symposium will bring together legal advocates and technologists to discuss the recently updated ATJ Technology Principles and identify innovative ways to improve access to justice through technology.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) Over the years, the ATJ Board has utilized the expertise of the WSBA's diversity experts through trainings and consultation. The Board routinely collaborates closely with the WSBA Public Service and Diversity team, such as partnering on networking events around the state.
- 2) Yes. Most recently, the ATJ Board received a *Diversity in Decision Making* training from WSBA Inclusion and Equity Specialist Robin Nussbaum in February 2019.
- 3) The ATJ Board meetings are well-attended by a variety of stakeholders. We seek and obtain input at these meetings as well as solicit input from various list serves and other outreach efforts. The ATJ Technology Principles update process, for example, has involved extensive outreach, focus groups and a joint drafting process involving a wide array of stakeholders.
- 4) The ATJ Board engaged in its own equity and inclusion work throughout 2018 and 2019 during retreats and public meetings. With guidance from JustLead, the Board has used an organizational race equity assessment and identified what internal work it needs to engage in over the next year to ensure a culture of inclusion.
- 5) The ATJ Board recently updated its Operational Rules, which sets out a commitment to diversity in the Board and Committees and creates a process for new leaders to get involved.
- 6) Addressing racial inequities is spotlighted in the State Plan and the Board's two-year priorities and has been a focus of the Board's most recent Access to Justice Conferences. Also, the Board is a leader in encouraging race equity work among its counterparts in other states.

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The ATJ Board supports the Equal Justice Community Leadership Academy and other trainings that promote leadership competencies like self-awareness and achieving workable unity in the legal profession and beyond. As a convener of civil legal aid organizations, the Board facilitates how they and the larger legal community can coordinate and collaborate to create more equitable access to justice.
- 2) No. This is not within the ATJ Board's charge from the Supreme Court.

- 3) To the extent that professionalism includes having self-awareness about one's own biases, the Board supports JustLead WA, which offers many trainings involving working against implicit bias.

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) The ATJ Board Manager has given presentations to the New and Young Lawyer Committee and Leadership Academy cohorts to encourage their participation on the Board and its committees and to engage in statewide activities like the biennial Access to Justice Conferences. The Board recruited two new and young lawyers to co-chair the 2019 Access to Justice Conference Planning Committee. This was an opportunity to take on a large, visible leadership role and demonstrated the Board's commitment to including new and young lawyers in decision making.
- 2) Yes, in the following ways: a) the ATJ Board has supported summer orientations, trainings and networking events for public interest minded-law students; b) the Board supported a discount rate for students to attend the recent Access to Justice Conference and worked with the law schools to encourage students to attend; and c) the ATJ Board fully welcomes and encourages the involvement and leadership of new and young lawyers and law students on its various committees.

Please report how this committee/board is addressing the needs of the public:

How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

- 1) At the heart of everything the Board does is service to the public and those who face marginalization and inequities. Through the Board's support of the Alliance and its advocacy work, the Board is working to dismantle systems of oppression that lead to inequity and poverty.
- 2) Over the past year, the Board has dedicated time and resources to engage with social service and community partners who work directly with members of the public who qualify to receive legal aid services as a means to learn from them and make connections. Time was devoted to listening sessions at the Access to Justice Conference where attendees had a chance to hear directly from formerly incarcerated individuals, members of tribal communities and members of immigrant communities to learn about their unique experiences with the justice system. While the Board does not routinely communicate directly with the public, the Board has facilitated trainings and resource opportunities so that Alliance providers can better communicate about how to access and support legal aid services.

FY19 Demographics:

- Gender (Female: Male: Not Listed): 5:5:0 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 5 (0 did not answer)
- Number of members self-identified as having a disability: 0 (0 did not answer)
- Number of members self-identified as LGBT: 2 (0 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

Board of Bar Examiners (BBE) Chair: Monica Wasson Staff Liaison: Gus Quinones BOG Liaison: Kim Hunter	Size of Committee: 34 Direct expenses: <i>to come</i> Indirect expenses: <i>to come</i> Number of FY20 Applicants: 12
Background & Purpose: The Board of Bar Examiners (BBE) derives its authority from the Admission and Practice Rules (APR), which provide for appointment of BBE members by the Board of Governors. The BBE grades the Multistate Essay Examination (MEE) and Multistate Performance Test (MPT) answers for the Uniform Bar Examination (UBE), and produces the content for the Washington Law Component (WLC) test, in accordance with the APR as approved by the Washington Supreme Court.	
Strategy to Fulfill Purpose: The Multistate Bar Examination (MBE) is scored by the National Conference of Bar Examiners (NCBE) and the MEE and MPT are graded by the BBE. The grading is completed over the course of one long weekend in March and one in August, both in Seattle. The winter exam requires a total of 10 examiners to grade the MEE and MPT and the summer exam requires a total of 18 examiners. Each examiner must attend the mandatory scheduled NCBE grading workshop in person, by teleconference, or by review of the conference video prior to grading the exams. The WLC is reviewed and updated by members of the BBE every other year.	
2018-2019 Accomplishments and Work in Progress: 1) Two board members attended the NCBE annual education conference, three members attended the NCBE grading workshop, and one member attend the NCBE UBE Forum Conference. 2) Completed the review of the WLC test materials by December 1, 2018. 3) This fiscal year: Conducted a successful grading conference for the grading of February 2019 MEE and MPT exams; conduct a successful grading conference for the grading of the July 2019 MEE and MPT exams.	

2019-2020 Goals:

- 1) Continue to encourage BBE members to attend NCBE annual education conference and NCBE grading workshops.
- 2) Discuss how we can incorporate the grading of the LPO and LLLT exams by the BBE.
- 3) Next Fiscal year: Conduct successful grading conferences for the grading of the February 2020 and July 2020 MEE and MPT exams.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The BBE actively seeks to increase diversity among its members with the assistance of the Bar staff to promote outreach, and to notify minority and specialty bar associations of vacancies on the BBE.
- 2) Not yet, but we will be trying to arrange this in the near future.
- 3) Current members of the BBE include a range of geographic and other facets of diversity; however, the Board will always look to improve in this area.
- 4) BBE leadership will place greater consideration on diversity when screening applications to the Board. In addition, the Board and staff work to ensure that all members are welcomed into the Board and provided with the training and materials needed to help them be successful in performing this work.
- 5) N/A

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The exam process for admission to the practice of law covers ethical and legal judgment issues that lawyers may face when engaging in their chosen profession. Demonstrating knowledge in these areas should increase the professionalism of applicants who are admitted to practice.
- 2) The function of the BBE is to determine which applicants are capable of meeting the high competency standards of this profession, and this helps to ensure their professionalism.
- 3) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) The BBE continues to make efforts to recruit lawyers who are newer to the profession, although most current members have been in practice for a number of years.
- 2) The BBE recently appointed one member who meets the description of a new and young lawyer.

Please report how this committee/board is addressing the needs of the public:

1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

- 1) The Board of Bar Examiners conducts closed session meetings when grading the MEE and MPT exams. The work of the BBE in helping to ensure the competency and professionalism of people licensed to practice law in Washington works to the benefit of the public who may need legal services.

2) N/A

FY19 Demographics:

- Gender (Female: Male: Not Listed): 14:18:0 (2 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 4 (3 did not answer)
- Number of members self-identified as having a disability: 2 (3 did not answer)
- Number of members self-identified as LGBT: 5 (5 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2019 – September 2020

Character and Fitness Board (CFB) Chair: Russel Hermes Staff Liaison: Jean McElroy BOG Liaison: Chris Meserve	Size of Committee: 16 Direct expenses: <i>to come</i> Indirect expenses: <i>to come</i> Number of FY20 Applicants: 6
Background & Purpose: The Character and Fitness Board (CFB) derives its authority from the Washington Supreme Court under APR 20 - 25.6, most recently amended in 2016. The CFB conducts hearings upon referral from Regulatory Services Counsel to determine: (1) if applicants to take the Bar Examination have demonstrated current good moral character and fitness to be admitted or re-admitted to the practice of law, or (2) have met the requirements to be reinstated after disbarment.	
Strategy to Fulfill Purpose: Upon referral from Bar counsel after review of application materials and supplemental information, the CFB conducts hearings, prepares written findings, and makes recommendations to the Washington Supreme Court (which makes the final decision on all admission/licensing recommendations). The CFB meets as frequently as necessary, generally meeting one day a month for hearings. Hearings are generally scheduled to last one-half to one day, and the CFB may complete up to two hearings in one meeting.	
2018-2019 Accomplishments and Work in Progress: 1) Goal: Continue to conduct hearings as necessary, completing all written findings and recommendations in a timely fashion. Accomplishments: So far this fiscal year, the Board has completed 9 hearings, with two completed in the five weeks preceding this report and awaiting findings; Board findings and recommendations have been filed with the Supreme Court in all of the 7 other completed hearings. The Board is expected to complete one or two more hearings this year. There is no backlog of applicants waiting for hearings that could not be scheduled. 2) Goal: Provide additional diversity training at the start of FY'18-19. Accomplishment: This was successfully completed during the first CFB meeting, and the Board has referred back to information and insights provided in this training during multiple case deliberations.	

- 3) **Goal:** Continue to use electronic tools (Box, templates, etc.) and provide Board members with staff assistance in order to produce written opinions in a timely fashion while ensuring the confidentiality of the underlying proceedings.
- Accomplishments:** The CFB is continuing to use the electronic tools for both receiving and reviewing hearing materials and for producing written opinions in a timely fashion while ensuring confidentiality. The Board will also be using the electronic tools to provide additional legal and other research materials to CFB to CFB members.

2019-2020 Goals:

- 1) Continue to conduct hearings as necessary, completing all written findings and recommendations in a timely fashion.
- 2) Learn and recognize the additional functions provided by the new online application system when that system is functional, in order to understand how that affects applicants' ability to provide accurate and up-to-date information in their applications.
- 3) Provide diversity training at the first CFB meeting, for consideration and reference when conducting all hearings during the year.

Please report how this committee/board is addressing diversity:

- 1) *Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*
- 1) The CFB is not currently using specific tools provided by WSBA, other than WSBA diversity training.
- 2) The CFB will be receiving diversity training from the WSBA diversity specialist expected to occur during or slightly before the Board's first meeting.
- 3) The CFB's makeup is governed by Court rule (APR 23(a)). The members of the CFB come from each congressional district, a wide variety of practice areas and settings, and a variety of ethnic, racial, gender, sexual orientation, disability, and other diversity factors, and therefore represent broad geographic, practice, and experiential diversity. The Board also includes community representatives and it can include additional members from each Congressional district (which occurs sometimes in order to include additional members from historically underrepresented backgrounds). The Chair encourages discussion and invites input from all members, and the CFB works cooperatively, even when there are significant disagreements in particular cases; diversity of viewpoints is paramount to the deliberative process.
- 4) The Chair always ensures that each member in attendance at a particular hearing has an opportunity to speak during both questioning and deliberations, and encourages thorough discussion of all viewpoints.

- 5) The hearings involve applicants who come from a wide range of backgrounds and experiences, many of whom have overcome very difficult personal, societal, and institutional obstacles in order to reach the point of applying for admission. The Board recommends the admission of many of these applicants after consideration of their individual circumstances, thereby helping applicants from historically underrepresented groups enter the profession (if the Court approves the Board's recommendation for admission). C&F hearings, by design, require a holistic view of the individual applicant; such a view necessarily requires the Board to take account of each applicant's individual circumstance.

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) Among other considerations, the CFB may consider factors that affect and relate to respect and civility within the legal community. (APR 21(a)(5), (6), (8) and (9).) The CFB also demonstrates respect and civility within the legal community by how it conducts its hearings and treats applicants appearing before it.
- 2) Among other considerations, the CFB may consider factors that affect and relate to relationships between and among lawyers, judges, staff and clients. (APR 21(a)(5), (6), (8) and (9)).
- 3) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) In order to reduce the need for recusals by CFB members, and to ensure that Board members have an adequate understanding of the stresses associated with practicing law once removed from any supports that might be provided by law schools for new grads, the rules governing the Board require lawyer members to have been admitted for at least 5 years. Nevertheless, the CFB continues to make efforts to recruit lawyers who are newer to the profession.
- 2) The CFB directly or indirectly helps some young lawyers, because going through the C&F hearing process may encourage or require applicants to have, and provide evidence to the CFB about, among other things, debt management and the supports applicants have in place to assist them in maintaining the fitness to practice law despite obstacles and stressors in an actual practice setting.

Please report how this committee/board is addressing the needs of the public:

- 1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?
- 1) The public is directly impacted by the character and fitness of persons admitted to the practice of law in this state; therefore, attempting to ensure that applicants are of current good moral character and have the fitness to practice law serves a direct public protection function.
 - 2) By Court rule, the Board has three public members that serve on it. These public members play an active role in the hearings and deliberations, and assist with writing findings and recommendations. The CFB very highly values the input it receives from the public members.

FY19 Demographics:

- Gender (Female: Male: Not Listed): 7:8:0 (1 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 4 (0 did not answer)
- Number of members self-identified as having a disability: 0 (0 did not answer)
- Number of members self-identified as LGBT: 3 (0 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

Client Protection Board Chair: Efrem Krisher Staff Liaison: Nicole Gustine, Brenda Jackson BOG Liaison: Carla Higginson	Size of Committee: 12 Direct expenses: <i>to come</i> Indirect expenses: <i>to come</i> Number of FY20 Applicants: 6
Background & Purpose: The Client Protection Board derives its authority from Admission and Practice Rules (APR) 15. The WSBA Board of Governors (BOG) serve as trustees of the Fund, while the CP Board, working with WSBA staff, administers it. The Washington Supreme Court has ordered an annual assessment (currently \$30) on all active lawyer and LLLT members, to be held in trust for the purposes of the fund. The CP Board helps relieve or mitigate pecuniary losses sustained by clients by reason of the dishonesty of, or failure to account for money or property entrusted to, their lawyers. The CP Board reviews fund applications investigated by WSBA staff. Under APR 15, a decision by the CP Board to make a payment on an application for \$25,000 or less is final; a decision on an application for above \$25,000 is a recommendation and must be approved by the BOG.	
Strategy to Fulfill Purpose: The CP Board has a staff analyst and counsel/liaison in the WSBA Office of General Counsel. The CP Board meets four times per year to review applications. In accordance with APR 15, the CP Board provides a detailed report to the BOG and the Washington Supreme Court annually.	
2018-2019 Accomplishments and Work in Progress: 1) Continue to educate WSBA members about the CP Board. 2) Increase the public awareness of the CP Board. 3) Continue to operate a fiscally responsible fund. 4) Continue to work to decide difficult claims.	
2019-2020 Goals: 1) Continue to educate WSBA members about the CP Board. 2) Increase the public awareness of the CP Board. 3) Continue to operate a fiscally responsible fund. 4) Continue to work to decide difficult claims.	

Please report how this committee/board is addressing diversity:

- 1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?
- 1) The CP Board is not using specific tools; however it is cognizant of diversity and prioritizes it.
- 2) The CP Board has been trained by the Diversity Specialist.
- 3) The CP Board actively recruits members from different backgrounds and areas of the state. It includes members who work in government, solo practice and in larger firms, as well as two community members.
- 4) The CP Board respects the voice and vote of each member. Each application is discussed extensively before a vote is taken.
- 5) The CP Board consists of eleven lawyers and two community members. It currently has a diverse membership.

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The CP Board promotes respect for the legal profession by relieving or mitigating losses caused by those few lawyers who betray the trust of their clients. Applicants (and lawyers who assist them in filing applications) frequently express appreciation for the CP Board's role in restoring some degree of trust in the legal profession by those injured.
- 2) See (1) above.
- 3) The CP Board promotes professionalism by righting wrongs of members of the legal profession who dishonestly deprive clients of their funds. The Board issues an annual report which details the amounts paid out to applicants, and the lawyers involved.

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) The CP Board encourages the application and appointment of newer lawyers.

- 2) APR 15 does not have a minimum number of years of admission requirement for lawyer members. The Board is well suited to integrating young lawyers, and continues to do so. Younger lawyers can apply to be Chair or Vice-Chair.

Please report how this committee/board is addressing the needs of the public:

1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

- 1) The CP Board promotes public confidence in the administration of justice and the integrity of the legal profession. Relieving or mitigating the pecuniary loss of injured members of the public often has a deep impact on their lives, and their view of the legal profession.
- 2) The CP Board actively recruits community or public members from different backgrounds and areas of the state. One of the CP Board's goals is to increase public awareness of its work.

FY19 Demographics:

- Gender (Female: Male: Not Listed): 4:5:0 (3 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 2 (4 did not answer)
- Number of members self-identified as having a disability: 0 (4 did not answer)
- Number of members self-identified as LGBT: 0 (4 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

<p>Committee on Professional Ethics (CPE)</p> <p>Chair: Don Curran</p> <p>Staff Liaison: Jeanne Marie Clavere, Darlene Neumann</p> <p>BOG Liaison: Kyle Sciuchetti</p>	<p>Size of Committee: 9</p> <p>Direct expenses: <i>to come</i></p> <p>Indirect expenses: <i>to come</i></p> <p>Number of FY20 Applicants: 12</p>
<p>Background & Purpose:</p> <p>The Committee on Professional Ethics (CPE) prepares advisory opinions addressing recurring or emerging ethics issues facing WSBA members. The advisory opinions cover a broad context and provide in-depth guidance on the Rules of Professional Conduct (RPCs) as applied to a wide variety of practice areas. The CPE also prepares recommendations for amendments to the RPCs.</p>	
<p>Strategy to Fulfill Purpose:</p> <p>The CPE meets in-person as a full committee six times a year to review and edit draft advisory opinions and potential RPC amendments. In addition, subcommittees tasked with researching and developing drafts in particular areas spend significant time between meetings on their assignments.</p> <p>Committee meeting work on proposed advisory opinions includes a review of considerations related to the North Carolina Dental Board case so as to be mindful of maintaining and promoting freedom of competition in the ethical practice of law. Moreover, advisory opinions are now provided to the Board of Governors (BOG) for information purposes before posting on the WSBA website.</p>	
<p>2018-2019 Accomplishments and Work in Progress:</p> <p><u>RPC Amendments Proposed by the CPE</u></p> <ul style="list-style-type: none"> • An amendment to RPC 1.15A(h)(9) to allow LLTs who work in a firm with lawyers to sign trust account checks without requiring a second signature by a lawyer. The proposal had a first reading at the BOG meeting in May. The LLT Board plans to forward an amendment to the LLT RPC to the Court that mirrors the CPE's proposed amendment. • A typographical correction to RPC 6.1(a)(2) approved by the BOG on consent. The change will be forwarded to the Court. <p><u>Supreme Court Requests Handled by the CPE</u></p>	

- The committee reviewed the proposed amendments to the lawyer advertising rules (RPC 7.1 to 7.5 and RPC 5.5) to ensure integration with the ABA Model Rules. The amendments were proposed by the committee, approved by the BOG, and are currently published for comment by the Court.
- The committee reviewed and responded to a public comment the Court had received on proposed new comment [13] to RPC 4.2, which had been published for comment on the court's website.

Work in Progress

- Review of Advisory Opinion 2223. The opinion concerns the ability of lawyer-mediators to draft and file legal documents for unrepresented parties in mediation. The CPE held two special public meetings to gather stakeholder feedback on the issue and on a proposed draft replacement opinion. The draft was widely circulated among stakeholders who had an opportunity to submit written comments over a five-month comment period. The committee continues to work on the issue.
- Lawyer Referral Services and Fee Sharing. Washington's RPC contains a unique provision in Rule 1.5 (Fees) that allows lawyer referral services authorized by WSBA and county bar associations. The committee is evaluating potential rule amendments.
- Special Assistant Attorney General Conflicts. The committee is reviewing issues regarding the ethical duty of a contract SAAG attorney to a worker in a third party worker's compensation claim.
- Attorney Administrator Compensation. The committee is reviewing the issue of whether an attorney hired by a tort litigation firm to be attorney and administrator of a decedent's estate may be compensated by the firm which maintains an action against the estate.
- Retiring Lawyer and Trust Account. The committee is reviewing the question of whether a retired lawyer may keep the trust account open to disburse client funds from settled cases that are received over a period of time.
- Ghostwriting. The committee plans to draft an opinion to provide member guidance on the issue of ghostwriting and limited scope representation.

Other Issues Reviewed by the CPE

- Notification of Material Errors: Current and Former Clients
- Lawyer Well-being
- RPC 4.2 communication with government employee represented by government counsel
- Revision of Advisory Opinion 201501 (lawyer representing marijuana enterprise clients under state law legalizing marijuana) following the Court's amendment to RPC 1.2, cmt. 18. A subcommittee continues to monitor for federal actions necessitating further guidelines.

2019-2020 Goals:

- 1) Continue with its objective to address recurring or emerging ethics issues to provide in-depth guidance on the Rules of Professional Conduct in the form of advisory opinions;
- 2) continue to review and evaluate amendments to the RPC;
- 3) continue to respond to member inquiries regarding broader ethical issues;
- 4) to implement compliance with the letter and spirit of the Open Public Meeting Act;
- 5) to continue its tradition of collegiality and collaborativeness among committee members and with staff

Please report how this committee/board is addressing diversity:

- 1) *Are you using any of the tools provided by WSBA and if so, how?* The committee participated in diversity and inclusion training provided by the Bar's Senior Inclusion and Equity Specialist.
- 2) *Have you sought out training or consultation from the Inclusion and Equity Specialist?* See above.
- 3) *How have you elicited input from a variety of perspectives in your decision-making?* The committee actively seeks input from stakeholders on proposed rules changes or draft opinions. A recent example is the replacement opinion for AO 2223. The committee also collected information from county bars and other states' jurisdictions on the lawyer referral services issue.
- 4) *What have you done to promote a culture of inclusion within the board or committee?* At nine members, the committee is fairly small, includes one third women, and members of varying backgrounds. Each member brings a unique and valuable perspective to the discussions and work of the committee.
- 5) *What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?* Through its advisory opinions and analysis of the Rules of Professional Conduct, the CPE assists members of all backgrounds in clarifying their ethical duties under the rules thereby helping them to maintain their practices and thrive in the profession.

Please report how this committee/board is addressing professionalism:

- 1) *Does the committee/board's work promote respect and civility within the legal community?* The CPE promotes and supports professionalism in the legal profession through advisory opinions and analysis of legal ethical practice for members.
- 2) *Does it seek to improve relationships between and among lawyers, judges, staff and clients?* N/A
- 3) *Does it raise awareness about the causes and/or consequences of unprofessional behavior?* Through its advisory opinions, the CPE helps to educate members about ethical conduct and provides guidance on ethical dilemmas which may lead to unprofessional behavior.

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) *How have you brought new and young lawyers into your decision making process?*
The CPE includes younger members within its ranks and takes into account the practices of all members when formulating advisory opinions.
- 2) *Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?* N/A

Please report how this committee/board is addressing the needs of the public:

- 1) *How is the public impacted by your work?* Lawyers practicing ethically enhance the public image of our noble profession resulting in increased public trust.
Understanding clearly articulated advisory opinions and rules of professional conduct empower the lawyer to deal competently, confidently, and honestly with peers and the public.
- 2) *Has the committee/board sought input from the public, and/or communicated its work to the public?* The committee sought input from the public on AO 2223 and distributed a proposed draft opinion to county bars, mediators, and numerous sections. It sought input from parties in mediation and mediation nonprofits.

FY19 Demographics:

- Gender (Female: Male: Not Listed): 3:6:0 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 0 (0 did not answer)
- Number of members self-identified as having a disability: 0 (0 did not answer)
- Number of members self-identified as LGBT: 0 (0 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

Continuing Legal Education (CLE) Committee	Size of Committee: 18
Chair: Douglas Miller	Direct expenses: <i>to come</i>
Staff Liaison: Kevin Plachy	Indirect expenses: <i>to come</i>
BOG Liaison: Kim Hunter	Number of FY20 Applicants: <i>to come</i>
Background & Purpose: The purpose of the Continuing Legal Education (CLE) Committee is to support the Washington State Bar Association's (WSBA) development of continuing legal educational programming that ensures competent and qualified legal professionals, supports member transitions throughout the life of their practice, and helps to prepare members for the future with skills required for the 21 st century practice of law.	
Strategy to Fulfill Purpose: The CLE Committee provides input to the WSBA CLE Team in fulfilling its mission of serving the ongoing education needs of Washington legal professionals. The CLE Committee maintained two subcommittees in FY19: Marketing Intelligence and Programming.	
2018-2019 Accomplishments and Work in Progress: The CLE Committee maintained the Programming and Marketing Intelligence Subcommittees. The Programming Subcommittee worked with the WSBA Presents Education Programs Lead to develop continuing legal education seminars that are useful and relevant to the members and align with the overall mission of WSBA. The Programming Subcommittee assisted in development of the following programs in FY19: Law Firm Transitions and Arbitration Skills. They also assisted in topics for prospective programs to be delivered in the balance of FY19 or early FY20 including better negotiation skills, a DUI boot camp program and effective and efficient communication practices. The subcommittee is also making ongoing recommendations for programming content. The Marketing Intelligence Subcommittee has worked with WSBA CLE in reviewing our attendee survey feedback documents. Each of the subcommittee members were sent a test feedback survey via Survey Monkey and went through the exercise of completing a mock survey form. The subcommittee members provided specific feedback on some areas of the survey but ultimately decided that the survey comported with best practices and captured the information relevant to WSBA CLE evaluation criteria. The subcommittee made some specific recommendations for changes to the Legal Lunchbox feedback survey, which were adopted. The changes included limiting the number of reasons for attendance in question #3 on the survey and changing some of the reason types. This also brought the survey in line with the	

internal Return on Investment Dashboard that is being developed by an internal ROI workgroup at WSBA. The subcommittee is also working to develop a member wide survey to determine membership trends in consumption of continuing legal education programming (i.e. through on-demand, in person, webcast, etc.), what is working and what isn't in an effort to further inform a marketing strategy for WSBA CLE. This work is projected to be done in FY20 once there is more certainty around the future structure of the WSBA. The committee also provided input on the proposed rule changes to the Ethics requirements in APR11 to the MCLE Board.

2019-2020 Goals: The CLE Committee plans to maintain the Programming and Marketing Intelligence Subcommittees. The Programming Subcommittee will continue to work with the WSBA Presents Education Programs Lead to develop continuing legal education seminars that are useful and relevant to the members and align with the overall mission of WSBA. The Marketing Intelligence Subcommittee will work with WSBA CLE in the development of a customer feedback survey that will help inform how the membership prefers to obtain continuing legal education credit (i.e. through on-demand, in person, webcast, etc..) and further inform a marketing strategy for WSBA CLE. The committee will also discuss ways in which to further engage with the public.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The faculty database is an ongoing tool used by WSBA CLE staff in helping to ensure a diverse faculty pool for WSBA CLE.
- 2) The CLE Committee had training from the WSBA diversity specialist at the April, 2019 meeting which was well received by the committee members.
- 3) The CLE committee encourages WSBA CLE staff to engage with a wide range of stakeholders in program development. WSBA CLE engages with a wide range of stakeholders including the WSBA Practice Sections, the DMCJA, the WSBA Diversity Committee and Public Service Committees, the WYLC and a variety of outside nonprofit organizations and local and minority bar associations.
- 4) The CLE Committee works affirmatively to identify and recruit a diverse group of committee members.

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges,

staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The CLE Committee continues to address professionalism throughout all of its work by ensuring the most timely and relevant legal education is delivered to Washington legal professionals. The Legal Lunchbox series offered by WSBA CLE continues to focus on many topics that promote professional and personal development which aids in civility and professionalism. WSBA CLE offers an annual Ethics, Professionalism and Civility program that directly deals with the topics of civility and professionalism along with ethics issues associated with those topics.
- 2) Many of the CLE programs that the CLE Committee supports specifically address relationships between lawyers and judges and professionalism in the legal profession. Law of Lawyering is an annual program that addresses these specific topics. This program was delivered in December, 2019 and is also available on-demand.
- 3) WSBA CLE delivers many programs that deal directly with the consequences of unprofessional or unethical behavior within the profession. In FY19 WSBA CLE delivered at least five seminars related to this specific topic including Ethical Dilemmas, Arbitrator Ethics, Ethics for Non-Attorneys, ALPS Ethics and Keeping Ethical in a Technical World.

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) In conjunction with the WSBA New Lawyer Program, WSBA CLE develops a Trial Advocacy Program that specifically assists new lawyers in learning and developing trial skills. In FY19 there were 65 people in attendance at the two day TAP seminar and 16 people participated in the Mock Trial.
- 2) In association with the WSBA New Member Education, the CLE team develops a Practice Primer Series which take a substantive area of law and build out a full curriculum from introductory to more advanced topics over the course of three learning tracks and approximately 21 hours of education. The goal of this programming is to provide new members (or transitioning members) a foundational education to jump start their entry into the substantive area of practice. New Member programming is deeply discounted for members who have been licensed for less than five years. In FY19 the Practice Primer Series focused on the area of Employment Law. Attendance options for the Practice Primer Series are in person, via webcast, and they are also offered as an on-demand seminar for purchase on the WSBA CLE Store. The Employment Law Practice Primer Series was delivered in the months of April, May and June of 2019.

Please report how this committee/board is addressing the needs of the public:

1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

The mission of WSBA CLE is to ensure the competency of the profession through education. By providing education that is relevant, timely and in demand by the membership, WSBA CLE helps to protect the public by ensuring competent legal professionals. Aside from posting our meeting notices and posting our minutes which are available to the public, the committee has not done any specific outreach to the public. WSBA CLE does engage with various sectors of the public when developing various CLE programs because many of our faculty are non-WSBA members and members of the public.

FY19 Demographics:

- Gender (Female: Male: Not Listed): 5:12:0 (1 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 1 (3 did not answer)
- Number of members self-identified as having a disability: 0 (2 did not answer)
- Number of members self-identified as LGBT: 6 (3 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

Council on Public Defense (CPD) Chair: Daryl Rodrigues Staff Liaison: Diana Singleton, Bonnie Sterken BOG Liaison: Dan Bridges	Size of Committee: 23 Direct expenses: <i>to come</i> Indirect expenses: <i>to come</i> Number of FY20 Applicants: 9
Background & Purpose: The Council on Public Defense (CPD) was established in 2004 to implement recommendations of the Washington State Bar Association (WSBA) Blue Ribbon Panel on Criminal Defense for maintaining and improving constitutionally effective public defense services in Washington. The WSBA Board of Governors (BOG), finding that the CPD provided a unique and valuable forum for bringing together representatives across the criminal justice system, subsequently established the CPD.	
Strategy to Fulfill Purpose: The CPD unites members of the public and private defense bar, the bench, elected officials, prosecutors, and the public to address new and recurring issues impacting public defenders, the public defense system and the public that depends upon it. The CPD, after review of its Charter obligations, has recently been working on six issues in which it has the expertise to provide assistance to public defenders and formed the Pre-Trial Reform Committee, Legal Financial Obligations (LFO) Committee, Standards Committee, Mental Health/Involuntary Treatment Act Committee, Public Defense and Independence Committee, and Public Defense Structure Committee.	
2018-2019 Accomplishments and Work in Progress: <ol style="list-style-type: none">1) The CPD completed work on the Mental Health Performance Guidelines, which have been submitted to the Court for adoption.2) The CPD will complete work of the Pre-Trial Reform Committee this summer. They will be distributing a Defender Resource Packet intended to help defenders in first appearance hearings.3) The CPD continues the work of the LFO Committee. Recently the committee contributed content to an LFO bench card that reflects recent changes to LFO laws and was distributed by the Minority and Justice Commission.4) The CPD recently submitted proposed changes to CrR 3.3.5) The CPD continues to evaluate how to specifically incorporate the American Bar Association's First Principle of Public Defense-Independence into the WSBA Standards for Indigent Defense.	

- 6) Significantly, the CPD formed two new committees, Public Defense Independence and Public Defense Structure. The independence committee intends to address how Washington should respond to the ABA's first principal of an effective public defense system, that it should be politically independent. The Public Defense Structure committee intends to create a workload model which clearly defines the appropriate infrastructure necessary for a lawyer to be "fully supported" for purposes of caseload limits, specifically defining the qualifications and availability of support staff, investigators, and facilities to better guide jurisdictions attempting to appropriately fund public defense services.
- 7) The CPD is participating with members of the ATJ Board and Minority and Justice Commission to identify ways that the three entities can collaborate to address issues with a civil/criminal overlap.

2019-2020 Goals:

- 1) The Pre-Trial Reform Committee will distribute and promote the Defender Resource Packet.
- 2) Guidelines for Criminal Appellate Performance will be advanced to the WSBA BOG for approval for submission to the WA Supreme Court.
- 3) The Council will continue the current work of its standing committees, including LFO Reform, Public Defense Independence, and Public Defense Structure.
- 4) The Council will continue to identify opportunities to collaborate with the ATJ Board and Minority and Justice Commission on bridging civil/criminal issues work which commenced at the last ATJ Conference in Spokane where CPD Chair and Committee members facilitated a crowdsourcing session with stakeholders to identify points of collaboration.
- 5) Finally, if work on persistent offender standards completes, the same committee will commence reevaluation of the misdemeanor caseload standard in light of the advent of body worn video.

Please report how this committee/board is addressing diversity:

- 1) *Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*
- 1) The CPD Chairs will distribute the race equity planning tool developed by the WSBA for committee chairs to use in their project planning. The CPD is interested in learning what other tools are available for future use.
- 2) Robin Nussbaum, Inclusion and Equity Specialist, conducted a Diversity in Decision Making training in February.

- 3) As a product of this training the Chair and Vice Chair resolved as follows:
 - a. To Seek input from all CPD members not just those who volunteer input.
 - b. To be mindful of geographic, age, race and other factors in making recommendations for appointments to the CPD
 - c. To begin meetings with short centering exercises to enable participants to be more fully present for meetings
 - d. To continue to stream meetings to provide broader access to those who cannot attend in person
- 4) The Chair and Vice Chair have emphasized that during discussions all CPD members will be asked for their input, not only those who volunteer input.
- 5) The CPD pays attention to issues of diversity and inclusion as it relates to recruiting and filling positions. The CPD takes diversity, including geographic diversity, into account when making its recommendations about appointments. The CPD has continued to focus on bringing together a broad group of criminal justice system stakeholders.
- 6) The Chair and VC have discussed the lack of generational diversity in the Council, in part it is logical that experienced policy makers/practitioners are older, however on numerous occasions we experience a differing perspective when we seek and take input from more diverse participants. We will continue to seek participation from younger members.

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The CPD unites diverse members of the legal community and public in a shared project of the WSBA to support work of public defenders to provide their clients with strong and accessible public defense services. The CPD has worked to include prosecutors and city attorneys as members in order to assure all voices and perspectives are at the table and engaged in the Council's discussions.
- 2) The CPD actively promotes professionalism so all members can express, debate, and consider competing views respectfully and productively to fulfill this shared WSBA mission.
- 3) The CPD makes an effort to have discussions about ethical practices, which includes professionalism.

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) The CPD reaches out to younger members of the bar and law school students to participate in its work, both as active members and as interested parties. Some members, particularly those who teach at the Washington law schools, invite students and new and young lawyers to attend meetings. To the extent possible we encourage these individuals to attend meetings and always invite them to contribute to the conversation.
- 2) New and young lawyers are invited to attend meetings and find ways to get involved. New and Young Lawyers are encouraged to voice their opinions in meetings and actively participate in the work of the committees. Staff has presented to the New and Young Lawyers Committee about the work of the Council.
- 3) A major factor in non-participation from younger people is the fact that most younger lawyers are caseload carrying – and most Chief Defenders have little ability to provide caseload credit for participation and attendance. We are working with the larger PD offices to find ways to provide caseload relief so younger lawyers can participate actively.

Please report how this committee/board is addressing the needs of the public:

- 1) *How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*
- 1) Members of the public are all subject to being criminally charged. Our efforts raise the standards for public defense Statewide.
- 2) We have one membership position for the general public.
- 3) We release our work through public comment (court rules) proposed guidelines (standards) and materials (e.g., pretrial checklists)

FY19 Demographics:

- Gender (Female: Male: Not Listed): 8:8:0 (7 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 4 (7 did not answer)
- Number of members self-identified as having a disability: 1 (10 did not answer)
- Number of members self-identified as LGBT: 2 (10 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

Court Rules and Procedures Committee Chair: Jefferson Coulter Staff Liaison: Nicole Gustine BOG Liaison: Brian Tollefson	Size of Committee: 28 Direct expenses: <i>to come</i> Indirect expenses: <i>to come</i> Number of FY20 Applicants: 30
Background & Purpose: The Court Rules and Procedure Committee (Committee) studies and develops suggested amendments to designated sets of Washington court rules on a regular cycle of review established by the Washington State Supreme Court. It occasionally responds to requests for comment from the Supreme Court on proposals developed by others. The Committee performs the rules-study function outlined in General Rule 9 and reports its recommendations to the BOG.	
Strategy to Fulfill Purpose: The Committee consists of several subcommittees that review the court rules and obtain input from stakeholders as to possible amendments. Evolution in case law, changes in statutes, or other new developments since last amendment drive amendments to rules. The subcommittees vet, draft, and discuss proposed amendments and submit them to the full Committee for discussion and approval. Proposed amendments approved by the Committee are forwarded to the BOG for approval. If the BOG approves, the proposed amendments are forwarded to the Supreme Court in accordance with General Rule 9.	
2018-2019 Accomplishments and Work in Progress: To continue to carefully vet new proposals. In 2018-2019 the Committee reviewed the Evidence Rules and the Infraction Rules for Courts of Limited Jurisdiction.	
2019-2020 Goals: According to the schedule for review, the Civil Rules for Superior Courts and Civil Rules for Courts of Limited Jurisdiction will be reviewed in 2019-2020.	
Please report how this committee/board is addressing diversity: 1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from	

historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The Committee is cognizant of diversity in selecting its members. It is an important factor in recruitment and consideration of applicants.
- 2) The Committee has received training from the Diversity Specialist.
- 3) The Committee seeks input from a wide variety of stakeholders before finalizing proposals, including reaching out to several minority bar associations. The Committee also reaches out to organizations that represent minority viewpoints that might not normally be aware of the Committee's work.
- 4) During the application period, the current Chair reached out to the leadership of several specialty and minority bar associations to encourage their membership to apply to be on the Committee.
- 5) The Committee is composed of members with a wide range of backgrounds, experiences, and identities.
- 6) The current chair has attempted to spread subcommittee chair assignments across the state to ensure broad, geographic representation.

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The Committee seeks to engage members and the wider legal community in the process of studying and reviewing court rules. It promotes respect and civility by encouraging vigorous but civil debate even when members and/or stakeholders have strongly held but opposing views.
- 2) By engaging WSBA members and stakeholders outside of the Committee in the rule review process, the Committee's work seeks to improve relationships among lawyers and judges. The Committee includes three judges who serve as liaisons (non-voting), one each from the Superior Court, Court of Appeals, and District/Municipal Court. In addition, the Supreme Court Rules Committee seeks input from the WSBA Court Rules Committee, which furthers dialogue between WSBA lawyers and Justices of the state's highest court.
- 3) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) The Committee does not have a minimum number of years of admission requirement to serve. Its lawyer members have a wide range of years of experience, including

members who have only a few years of practice experience. The Committee often attracts applicants who are newer to the profession, some of whom are selected to serve.

- 2) The Committee provides opportunities for all members, including young lawyers, to chair subcommittees and the larger Committee. It provides opportunities for younger members to meet and be mentored by experienced members, as well as judges.

Please report how this committee/board is addressing the needs of the public:

1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

- 1) The committee vets and crafts rule language that impacts the justice system and the public accessing that system.
- 2) Pursuant to court order, the committee publicizes suggested rule changes for public comment before finalizing its recommendations. Members of the bar, bench, and public are encouraged to review these proposals and send comments to the committee.

FY19 Demographics:

- Gender (Female: Male: Not Listed): 13:14:0 (1 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 3 (1 did not answer)
- Number of members self-identified as having a disability: 0 (3 did not answer)
- Number of members self-identified as LGBT: 3 (1 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

Disciplinary Board Chair: Frank Cornelius Staff Liaison: Nicole Gustine BOG Liaison: none	Size of Committee: 14 Direct expenses: <i>to come</i> Indirect expenses: <i>to come</i> Number of FY20 Applicants: 11
Background & Purpose: The Disciplinary Board (D-Board) derives its authority from the Supreme Court (see ELC 2.3). The D-Board performs an important role in the disciplinary/regulation process by: (1) serving as an intermediate appellate body for contested disciplinary and disability matters; (2) approving, conditionally approving or rejecting certain stipulations negotiated by the Office of Disciplinary Counsel (ODC) and respondents; and (3) through its review committees, acting on requests from the ODC to order matters to hearing, and on requests from grievants for review of matters that have been dismissed by ODC.	
Strategy to Fulfill Purpose: The D-Board is made up of four review committees, one of which meets every three weeks, plus the Board chair and vice-chair. The D-Board meets six times each year as a full board. At these meetings, the D-Board reviews hearing officer recommendations for suspension and disbarment when a timely request for review/appeal is filed (or <i>sua sponte</i> review is ordered by the Board), and automatically reviews stipulations for suspension or disbarment. The D-Board issues a written recommendation to the Supreme Court in contested matters. The D-Board holds oral arguments in some cases, which are open to the public. The four review committees meet in person or by telephone to review requests for hearings and grievant appeals from dismissals. The review committees' work is confidential and not open to the public.	
2018-2019 Accomplishments and Work in Progress: In 2018, the review committees of the Disciplinary Board met 21 times to consider 558 matters. They issued 466 dismissals, ordered 51 matters to hearing, ordered investigation in 19 matters, issued 4 advisory letters and 1 admonition, and decided 17 other non-routine matters, such as orders on deferrals, costs, etc. In 2018, the full Disciplinary Board considered 29 disciplinary and disability matters and ordered the transfer of eight lawyers to disability inactive status. The full board reviewed and issued orders on two cases on appeal, and on 27 stipulations, and heard one oral argument. Per court rule, they considered whether to order or deny <i>sua sponte</i> review in ten cases involving a recommendation of suspension or disbarment.	

2019-2020 Goals:

The Disciplinary-Board's work is determined by Court Rule (ELC). The goal is to continue to perform high quality work in a timely manner in accordance with Court Rules.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The Disciplinary Selection Panel (DSP), which is a separate entity from the D-Board, makes nominations to the BOG for members to serve on the Board. Under ELC 2.2(f), the DSP considers diversity in gender, ethnicity, disability status, sexual orientation, geography, area of practice and practice experience.
- 2) The D-Board has been trained by the Diversity Specialist.
- 3) The D-Board seeks input from all of its members, who must vote on each order/decision in matters involving the full Board. The D-Board has four public members, who each provide different perspectives. One public member serves on each review committee.
- 4) By court rule, the D-Board has ten lawyer members and four community representative members. The current D-Board includes members self-identified as from several different races/ethnicities. The DSP interviews prospective members and makes nominations to the BOG. As noted above, ELC 2.2(f) states that in making selections, the DSP and the BOG consider diversity.
- 5) The D-Board provides many leadership opportunities for interested Board members to serve, as Chair or Vice-Chair of the full Board, or as Chairs of each of the four review committees.

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The D-Board adjudicates cases in which lawyers have behaved both unprofessionally and unethically. These issues are often raised in oral arguments and briefs, which are part of the public record.
- 2) Although not directly part of its mission, the D-Board is mindful of the need to conduct itself in a manner that models cooperative and respectful relationships, even if people disagree.
- 3) The D-Board serves important functions in the disciplinary process. In performing its court mandated functions, the D-Board raises awareness of ethical rules and of the

consequences of unprofessional behavior. Most oral arguments in discipline cases before the D-Board are open to the public. In addition, the D-Board issues public orders and decisions in most of the matters that come before it (certain matters are nonpublic by court rule).

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) Per court rule, the D-Board's lawyer members must have been WSBA members for at least five years.
- 2) N/A

Please report how this committee/board is addressing the needs of the public:

1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

- 1) The D-Board serves important functions in the disciplinary process, and protects the public by upholding professionalism and ethical conduct among legal practitioners.
- 2) Four public members each serve three year terms on the D-Board, bringing their valuable experience and perspective to the decisions that the Board makes in discipline review cases. Most oral arguments in discipline cases before the D-Board are open to the public. In addition, the D-Board issues public orders and decisions in most of the matters that come before it (certain matters are nonpublic by court rule).

FY19 Demographics:

- Gender (Female: Male: Not Listed): 8:3:0 (3 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 3 (3 did not answer)
- Number of members self-identified as having a disability: 1 (2 did not answer)
- Number of members self-identified as LGBT: 2 (1 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

Diversity Committee Chair: Ailene Limric and Alec Stephens Staff Liaison: Dana Barnett, Joy Williams BOG Liaison: n/a	Size of Committee: 14 (+4 BOG members) Direct expenses: <i>to come</i> Indirect expenses: <i>to come</i> Number of FY20 Applicants: 7
Background & Purpose: The Washington State Bar Association's Diversity Committee (Committee) is dedicated to implementing WSBA's Diversity and Inclusion Plan. The work of the Committee promotes historically underrepresented groups to enter and stay in the profession of law.	
Strategy to Fulfill Purpose: The Diversity Committee fulfills its purpose through collaborative relationships and community building activities, which highlight the numerous societal benefits of a diverse law profession.	
2018-2019 Accomplishments and Work in Progress: <ol style="list-style-type: none">1) Committee members hosted 4 Community Networking events.2) Leadership of the IL program was transferred to upcoming committee members and a process was established for leadership development.3) Diversity Committee members will be given the opportunity to learn the knowledge and tools necessary to conduct diversity and inclusion training in the legal profession through participation in train the trainer sessions led by Diversity Program staff.4) Committee members assisted with the development of three diversity themed Legal Lunchboxes on the topics of Microaggressions, Judicial Bias, and Intergenerational differences, relationships, and age discrimination.5) Committee members participated in several mentorship events with underrepresented law students and new/young members of the bar, including 1L diversity fellowship events and UW and SU law schools, networking events with undergraduate students in Bellingham and Tacoma, a presentation to students with the UW Tacoma Legal Pathways program, and a Summer Inclusion reception with incoming SU ARC students and students of color.6) Increased the opportunities for interaction and collaboration between the WSBA Diversity Committee and Minority Bar Associations (MBAs), through attendance at MBA annual events, four community networking events, the BOG reception with the Diversity Committee and MBAs, and a joint proposal to the MCLE board requesting MCLE credits in equity and elimination of bias.	

- 7) Advocate for Diversity, Equity and Inclusion and Access to Justice to be promoted and remain present in the Washington legal field, with regards to the WSBA Structures workgroup.
- 8) Committee authored, and shepherded a statement in support of the Oregon Specialty Bar associations to the Board of Governors.
- 9) Published pieces on equity and inclusion themes in NWLawyer.

2019-2020 Goals:

- 1) Advocate to ensure that Diversity, Equity and Inclusion and Access to Justice programming are part of the mandatory Bar to the Bar Structure Workgroup.
- 2) Increase the opportunities for interaction and collaboration between the WSBA Diversity Committee and MBAs by more committee members attending events in addition to the MBA annual events, and the overall committee hosting more events.
- 3) Collaborate with BOG to co-host reception for the MBA's.
- 4) Continue to follow and support the passing of MCLE rule change proposal.
- 5) Review and make decision on scholarships for the Judge Pro Tem CLE.
- 6) Publish pieces of work in NWLawyer and the blog that relate to Diversity, Equity, and Inclusion.
- 7) Continue to work with school programs and community partners to explore new avenues to support students and new and young lawyers from underrepresented groups.
- 8) Continue all existing programs such as IL diversity fellowship programs, community networking events, summer inclusion reception, legal lunchbox CLEs, MBA annual events, and town halls.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The Committee utilizes the Diversity Dictionary to be grounded in a common understanding of the terms and values that WSBA holds as it relates to diversity, inclusion, and equity.
- 2) The Committee is staffed by the Diversity Program Manager, and the Diversity and Inclusion Specialist both of whom have educational experience and expertise in diversity topics, both lead regular workshops and training with committee members throughout the year.
- 3) We have integrated more group discussion and collaboration in decision making, as well as supported committee members with resources, tools and training to be confident ambassadors about the work of diversity and inclusion at WSBA.

- 4) Training, education and awareness building activities on diversity and inclusion are all consistent elements integrated in and throughout our meetings, events and programming.
- 5) All our programming and work is focused on these goals. We have done programming with first year diversity fellowship students and hosted CLE and town hall discussions on related topics. Committee members have met with minority bar associations to identify any areas of support and collaboration. Committee members have acted as program ambassadors at networking events throughout the state, and mentored attorneys from underrepresented groups.

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The Committee integrates and connects a focus on professionalism throughout its programming. The substantive content of workshops, seminars, etc. provide interpersonal and organizational skills necessary to support the professional development of attorneys.
- 2) The Committee seeks to educate the legal community on diversity issues through legal lunchboxes and town halls, and to build strong networks of trust, mentorship, and positive relationships throughout the state with our Community Networking events.
- 3) The Committee raises awareness of the consequences of unprofessional behavior that are rooted in personal bias and systemic inequity.
- 4) Committee members mentor new attorneys and students, advising on issues of professionalism.

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) We have new and young lawyers on our committee.
- 2) We offer WYLC members the opportunity to partner on our community networking events and to speak publicly to represent the committee.

Please report how this committee/board is addressing the needs of the public:

1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

The Diversity Committee invites community organizations and members of the public to attend our Community Networking Events. The committee sees acknowledges that the public

are stakeholders in the work of equity in the legal profession and creates this opportunity for partnership, education, and dialogue with the public and the committee.

FY19 Demographics:

- Gender (Female: Male: Not Listed): 10:4:0 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 10 (0 did not answer)
- Number of members self-identified as having a disability: 1 (3 did not answer)
- Number of members self-identified as LGBT: 3 (1 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

Editorial Advisory Committee Chair: Ralph Flick Staff Liaison: Kirsten Abel BOG Liaison: Sunitha Anjilvel	Size of Committee: 10 Direct expenses: <i>to come</i> Indirect expenses: <i>to come</i> Number of FY20 Applicants: 8
<p>Background & Purpose: The Editorial Advisory Committee (EAC) derives its authority from the WSBA Bylaws.</p> <p>Members of the Editorial Advisory Committee work with the editor and WSBA staff overseeing publication of WSBA's official magazine, <i>NWLawyer</i>. This may include establishing guidelines and editorial policy, maintaining an editorial calendar, writing articles, securing content, identifying topics and issues relevant to members, identifying authors for content, reviewing articles, and advising on issues related to content. <i>NWLawyer</i>'s mission statement is: <i>NWLawyer will inform, educate, engage, and inspire by offering a forum for members of the legal community to connect and to enrich their careers.</i></p>	
<p>Strategy to Fulfill Purpose: EAC members consult with WSBA staff regarding content selection, recruiting of authors or writing articles themselves, and providing suggestions for feature stories and columns that will provide readers with information about other bar members and their practices, current events and trends of interest to the legal community, programs and services provided to members by WSBA, and the work of the Board of Governors.</p>	
<p>2018-2019 Accomplishments and Work in Progress:</p> <ul style="list-style-type: none">Continue to increase reader interest and engagement/response with timely, relevant, and provocative articles: e.g., cover story on Washington Supreme Court case invalidating the state's death penalty, with first-person accounts from the counsel who argued it (May 2019); interviews with Seattle Mayor Jenny Durkan and other elected officials on why they chose politics over practicing law (March 2019); Perspectives column by public defenders calling for prosecutorial reform (June 2019), with responsive letter to the editor from former executive director of Washington Association of Prosecuting Attorneys to follow in Jul/Aug issue.Work to include voices from divergent backgrounds and areas of practice, with a variety of views and perspectives: many letters to the editor on mandatory malpractice insurance for lawyers, as well as two "Perspectives" columns on the topic by members; "True Confessions of a Reservation Attorney," coverage of first Tulalip Tribes member to	

pass the bar, and Native American art by WSBA member in Dec. issue; celebrating women in the law in April issue.

- Work to include member-authors from all parts of the state, as well as topics important to areas other than the Seattle metropolitan corridor: The cover story for our July/Aug issue will feature responses from a diverse group of WSBA members from approximately 30 counties across the state. The main responses featured include those from lawyers in Spokane, Port Angeles, Walla Walla, Republic, Moses Lake, and Kennewick.
- Get the word out to members about the work the WSBA and its Board of Governors is doing and solicit member feedback: Utilized regular “OnBoard” column to cover Board’s work as well as highlighting current issues such as (1) potential restructuring of the WSBA via, e.g., analysis of *Janus* decision written by an EAC member (and flagged on the cover); and coverage in columns by WSBA President and Executive Director in the Dec. 2018 issue; (2) coverage of the work of the Mandatory Malpractice Task Force and Board’s ultimate decision *not* to recommend mandatory malpractice insurance for members.
- Increase ad sales revenue by diversifying types of advertisements run: With Board of Governor input, we have provided *NWLawyer*’s ad sales agency with an expanded list of diversified categories of advertisers to contact.
- Upgrade online version of the magazine to a more modern platform that increases accessibility to readers who are vision-impaired: Upgraded platform launched with June 2019 issue; vision-impaired members experience it as a huge improvement in accessibility.

2019-2020 Goals:

- Continue to increase reader interest and engagement/response with timely, relevant, and provocative articles.
- Continue to work to include voices from divergent backgrounds and areas of practice, with a variety of views and perspectives.
- Work to establish relationships with new authors.
- Work to include member-authors from all parts of the state, as well as topics important to areas other than the Seattle metropolitan corridor.
- Continue to increase ad sales revenue and bring the magazine closer to revenue-neutral status.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

1) N/A

- 2) Robin Nussbaum, WSBA Senior Inclusion and Equity Specialist, attended our annual planning meeting on May 7, 2019, and gave committee members and NWLawyer staff a 75-minute diversity training.
- 3) There is diversity in background, years in practice, areas of practice, and perspectives among the EAC members who weigh in on story ideas and unsolicited submissions. We are in regular dialogue with the WSBA Senior Inclusion and Equity Specialist regarding language and images used in the magazine.
- 4) We encourage EAC members to help us, by reaching out through their networks and soliciting authors, to include within the magazine voices that are not as frequently heard from, so that many different points of view are expressed.
- 5) We have worked to ensure that these members are well represented in the magazine, via solicitation of "Beyond the Bar Number" members to feature as well as in themed issues such as our December 2018 issue, which featured a series of articles on the tribal court system, including one story about Michelle Sheldon, the first Tulalip Tribes member to pass the bar. Our April 2019 "Celebrating Women in Law" issue highlighted women from a variety of backgrounds and practice areas, and included stories on Pierce County's Director of Justice Services Carol Mitchell, the work of the Alliance for International Women's Rights in Afghanistan, and more. The July/August issue will include a cover story entitled "The Grass is Always Greener," which will feature responses from a diverse group of WSBA members from counties all across the state. In addition, we are planning an issue that focuses on WSBA members living outside the U.S., about their experiences teaching and practicing law abroad.

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

The following are relevant to all the questions above:

- Mark Fucile, former chair of the Committee on Professional Ethics, writes a column called "Ethics and the Law" for every issue that addresses not just avoiding violations of the RPCs but issues of professionalism and civility.
- Additional articles promoting civility and professionalism: "Taking Stock: Navigating Risk When Investing in Clients," June 2019 (professionalism and avoiding conflicts of interest); "Systemic Advocacy: Principles and examples from Columbia Legal Services," and "The Power of Pro Bono," Oct. 2018 (promoting pro bono volunteering); and "2018 WSBA Apex Awards," January 2019 (highlighting the 2018 winners and acknowledging professional excellence).
- Beginning with the June 2018 issue, we began running a feature documenting our new "Professionalism in Practice" (PIP) awards, which WSBA will be presenting continually throughout the year to practitioners who have been nominated for acts of outstanding professionalism and are being recognized for advancing the rule of law through day-to-day acts of integrity, respect, cooperation, and customer service.

- Every issue includes current disciplinary notices. We are exploring the possibility of including an expanded version of these notices, with more detail, as members continue to request this.

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision-making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) Three members of the EAC are new/young lawyers (admitted fewer than five years ago).
- 2) The committee is intentional about developing article ideas for the magazine that will be of interest and useful to new and young lawyers. E.g., "Keep it Casual: A glimpse of mentor relationships and mentoring resources for the real world," December 2018; "Mindfulness Meditation: A tool for a profession in need," and "Start-up Tech Your Law Firm Really Needs: Hardware," February 2019. WSBA member Jordan Couch (also a new lawyer, admitted in 2015) will begin writing a semi-regular column on technology and innovation in the legal field, with his inaugural column to appear in the September 2019 issue.

Please report how this committee/board is addressing the needs of the public:

1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

- We occasionally include articles by non-members, such as Mar Brettman, Ph.D., executive director of Businesses Ending Slavery and Trafficking, who wrote on how lawyers can help businesses develop policies and practices to eliminate the risk of sex trafficking occurring on business premises (May 2019); Gonzaga University School of Law student Sara Wilmot, who wrote about the Myra Bradwell Award (April 2019).
- Several articles from our agriculture-themed June 2019 issue will be reprinted in the King County Department of Natural Resources and Parks monthly newsletter. The newsletter goes out to food system stakeholders as part of the county's Local Food Initiative. The reprint was requested by Michael Lufkin, a WSBA member and King County DNR's Local Food Economy Manager.

FY19 Demographics:

- Gender (Female: Male: Not Listed): 5:4:1 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 1 (1 did not answer)
- Number of members self-identified as having a disability: 1 (1 did not answer)
- Number of members self-identified as LGBT: 0 (1 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

Judicial Recommendation Committee (JRC) Chair: Paul Crisalli Staff Liaison: Sanjay Walvekar BOG Liaison: Alec Stephens, Paul Swegle	Size of Committee: 22 Direct expenses: <i>to come</i> Indirect expenses: <i>to come</i> Number of FY20 Applicants: 10
Background & Purpose: The Judicial Recommendation Committee (JRC) derives its authority from the Bylaws of the WSBA. The JRC screens and interviews candidates for state Court of Appeals and Supreme Court positions. Recommendations are reviewed by the WSBA Board of Governors (BOG) and referred to the Governor for consideration when making judicial appointments. <i>Per the JRC Guidelines, “[t]he proceedings and records of the committee, including the comments of applicants, committee discussions, and committee votes, shall be kept strictly confidential.”</i>	
Strategy to Fulfill Purpose: The JRC screens and interviews candidates for the state's appellate courts, the Washington Supreme Court and the Washington State Court of Appeals. Thereafter, it makes recommendations to the BOG. Following Board approval, the recommendations are sent to the Washington State Governor's Office as part of the committee's role of preparing and maintaining a list of individuals who are well-qualified for and interested in appointment to the appellate bench.	
2018-2019 Accomplishments and Work in Progress: The JRC held a meeting in November in which it evaluated three candidates. The JRC's recommendations were passed on to the Board of Governors which concurred with the JRC. These recommendations were then given to the Governor's office. The JRC may also hold a meeting in September for another round of evaluations.	
2019-2020 Goals: <ol style="list-style-type: none"> 1) Continue to offer a thorough and fair process aimed at ensuring well-qualified candidates are presented to the Governor's office for open positions to the Washington Supreme Court and Court of Appeals. 2) Continue to educate committee members about the importance of reference check assignments, in-person attendance, and ability to make quorum. 	

Please report how this committee/board is addressing diversity:

- 1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?
- 1) A diversity of perspectives is embedded in the JRC Guidelines under "Composition," for selection of committee members.
- 2) The committee received a training from the Senior Inclusion & Equity Specialist at the JRC's first meeting.
- 3) Please see 1, above.
- 4) Please see 1, above.
- 5) Without going into too much detail due to confidentiality of the process, some of the criteria the committee considers when recommending a candidate are related to a commitment to diversity.

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) Without going into too much detail due to the confidential nature of this committee, some of the criteria the committee considers when recommending a candidate are related to aspects of professionalism.
- 2) N/A
- 3) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) While there are several new and young lawyers on the committee who have an equal say in the vetting process (e.g., voting), the nature and work of this committee is most suited to those who have familiarity and experience with the appellate bench.
- 2) N/A

Please report how this committee/board is addressing the needs of the public:

- 1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

- 1) The JRC's work directly benefits the public by providing the Governor's office with recommendations that help it make informed and quality judicial appointments.
- 2) Columbia Legal Services and Disability Rights Washington recommended that the WSBA reach out to the Bazelon Center for Mental Health in New York for confidential feedback on the JRC's guidelines and processes. The feedback received from the Bazelon Center led to changes to the committee guidelines approved by the Board of Governors in September 2018.

FY19 Demographics:

- Gender (Female: Male: Not Listed): 8:13:0 (1 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 1 (1 did not answer)
- Number of members self-identified as having a disability: 1 (2 did not answer)
- Number of members self-identified as LGBT: 3 (2 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

Law Clerk Board Chair: Benjamin Phillabaum Staff Liaison: Katherine Skinner BOG Liaison: Daniel Clark	Size of Committee: 9 Direct expenses: <i>to come</i> Indirect expenses: <i>to come</i> Number of FY20 Applicants: 3
Background & Purpose: The Law Clerk Board (LCB) derives its authority from Rule 6 of the Admission and Practice Rules (APR). The Board of Governors (BOG) appoints the members of the LCB. The purpose of the LCB is to assist the WSBA in supervising the APR 6 Law Clerk Program (Program).	
Strategy to Fulfill Purpose: The LCB considers applications for enrollment in the Program, interviews and evaluates law clerks and tutors before and during the course of study to ensure they are meeting the requirements of the Program.	
2018-2019 Accomplishments and Work in Progress: 1) The LCB streamlined processes and delegated some tasks to staff. 2) The LCB, in collaboration with staff, is promoting the Program to primary, secondary and college students.	
2019-2020 Goals: 1) Continue to find ways to improve efficiency of the LCB to accommodate potential increase in the number of law clerks. 2) Increase the public's knowledge of the program through outreach events and communications.	
Please report how this committee/board is addressing diversity: 1) <i>Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?</i>	

- 1) The LCB continues to seek board members who represent diversity in geography as well as members who self-identify as individuals that are underrepresented in the legal profession.
- 2) Yes. The LCB received training from WSBA's Inclusion and Equity Specialist in FY 2019. The goal is offer this training on an annual basis as part of the New Board Member Orientation.
- 3) The LCB seeks to have a diverse group of board members in order to bring a variety of perspectives to the table.
- 4) The equity and inclusion training provided board members with tools to promote a culture of inclusion within the board.
- 5) The Program itself provides an alternative to law school for legal education for those who may have barriers to attending law school. Through continuous outreach, the LCB hopes to increase the diversity of the law clerks enrolled in the Program.

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) Clerks participating in the Program learn about professionalism during the course of their education. The LCB raises issues of professionalism during interviews and evaluations when necessary.
- 2) No
- 3) Clerks are required to take a Professional Responsibility course in order to complete the program.

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) Lawyers who have recently completed the Law Clerk Program serve on the LCB. While there are limited positions available, clerks who are about to complete the Program and take the bar exam are encouraged to participate with other WSBA Boards and Committees to share the Program perspective with the broader WSBA community.
- 2) The Law Clerk Program is an affordable alternative to law school. It allows new and young lawyers to start their careers without having to worry about student loan debt. In addition, clerks are required to work during the Program which means that they have already begun making connections within the legal community.

Please report how this committee/board is addressing the needs of the public:

1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

- 1) The Program seeks to increase access to legal education for those who may not be able to afford law school.
- 2) The LCB is collaborating with WSBA staff on outreach efforts to increase knowledge of the Program.

FY19 Demographics:

- Gender (Female: Male: Not Listed): 6:2:0 (1 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 0 (1 did not answer)
- Number of members self-identified as having a disability: 0 (1 did not answer)
- Number of members self-identified as LGBT: 1 (2 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

Legislative Review Committee Chair: Taudd Hume Staff Liaison: Sanjay Walvekar BOG Liaison: Kyle Sciuchetti	Size of Committee: 9 Direct expenses: <i>to come</i> Indirect expenses: <i>to come</i> Number of FY20 Applicants: 16
Background & Purpose: The WSBA Legislative Review Committee (Committee) reviews internal legislative proposals before making a recommendation for sponsorship or support to the Board of Governors (BOG). The Committee's primary purpose is to ensure that WSBA-request legislation fulfills GR12 and is vetted both internally and externally. The Committee may also consider non-WSBA proposals submitted to the Committee for the purpose of seeking WSBA input and support. WSBA-request bills approved by the BOG are introduced in the upcoming legislative session.	
Strategy to Fulfill Purpose: The Committee determines if a legislative proposal fulfills GR 12.2. If the Committee determines a legislative proposal fulfills GR 12.2, the Committee conducts a thorough analysis of the issue, discusses details with the WSBA entity offering the proposal, and ensures input is included from a broad stakeholder network.	
2018-2019 Accomplishments and Work in Progress: The Committee met three times and reviewed two legislative proposals for the 2019 legislative session. One of these proposals became SB 5003 and passed both houses unanimously, and was signed into law on 4/26/2019. This law will go into effect on 7/28/2019. The second proposal that the Committee received was carefully reviewed over several meetings but was ultimately determined to be outside the purview of the Committee.	
2019-2020 Goals: The Committee will continue to work collaboratively with WSBA entities to thoroughly vet and analyze legislative proposals impacting the practice of law and our justice system.	
Please report how this committee/board is addressing diversity: 1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have	

you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) N/A
- 2) Yes. The Senior Inclusion & Equity Specialist led the Committee members in a discussion and training regarding WSBA inclusion and equity policies and procedures during the Committee's first meeting.
- 3) Committee appointments follow WSBA's diversity guidelines and the Committee includes representatives from multiple districts, a variety of practice areas, new/young lawyers, gender, race/ethnicity and other factors.
- 4) Please see 3, above.
- 5) N/A

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The Committee practices a team-based approach in executing its charge: proposals are created in collaboration with various WSBA entities and external stakeholders throughout the broader legal community. In addition to the Committee playing a critical role within the organization, individual members also play a critical role in reviewing legislative proposals from their own unique perspective, area of practice, professional experience, and knowledge of the legislative process (including key legislative stakeholders). Professionalism is a cornerstone of relationship building and, ultimately, legislative success.
- 2) The work of the Committee is grounded in relationship building; similar to Washington's Legislature. The Committee continues to promote professionalism through various communication mechanisms including its annual fall meetings and member training opportunities.
- 3) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) N/A
- 2) With a changing profession and evolving legislative dynamics, the Committee recognizes the critical role new/young lawyers play in the long-term success of the Bar and WSBA's legislative agenda. The Committee strives for institutional knowledge

to be passed from longer-serving committee members to new members such as new/young lawyers. The knowledge shared is not only related to legislative and public policy issues, but also information related to the profession itself.

Please report how this committee/board is addressing the needs of the public:

1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

- 1) Legislation recommended by the Committee and supported by the BOG that passes through the legislature, such as the many Corporate Act Revisions Committee recommendations, directly impact the public as they become state laws. These legislative proposals are carefully vetted to best ensure that they will positively impact both the legal community and the public.
- 2) The Committee works to ensure that any legislative proposal it receives has been properly vetted by stakeholders, often in the public, that will be affected by, or be able to offer feedback and suggestions to, the proposed legislation.

FY19 Demographics:

- Gender (Female: Male: Not Listed): 3:6:0 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 1 (2 did not answer)
- Number of members self-identified as having a disability: 0 (0 did not answer)
- Number of members self-identified as LGBT: 0 (1 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

Limited License Legal Technician (LLLT) Board Chair: Steve Crossland Staff Liaison: Renata Garcia BOG Liaison: Peter Grabicki	Size of Committee: 15 Direct expenses: <i>to come</i> Indirect expenses: <i>to come</i> Number of FY20 Applicants: 8
Background & Purpose: The Limited License Legal Technician (LLLT) Board derives its authority from the Washington Supreme Court under Rule 28 of the Admission and Practice Rules (APR), adopted effective September 1, 2012. By order of the Court, the WSBA is to administer and fund the LLLT Board and the program. APR 28 authorizes persons who meet certain educational and licensing requirements to advise clients on specific areas of law. The only currently approved practice area is domestic relations (family law). The Supreme Court established the LLLT Board to oversee the LLLT license.	
Strategy to Fulfill Purpose: From 2013-2016, the LLLT Board concentrated on creating the operational details for the LLLT license; the LLLT Board is now focusing on the promotion, expansion, and development of the license.	
2018-2019 Accomplishments and Work in Progress: 1) The LLLT Board is considering new practice areas for approval by Supreme Court. 2) In light of the family law enhancements which were recently approved by the Court, the LLLT Board is developing the required training for currently licensed LLLTs. 3) The LLLT Board is exploring innovative methods of expanding the accessibility of the LLLT core curriculum across the state. 4) The LLLT Board continues to engage in outreach efforts, including working with the WSBA communication team to expand outreach to a diverse pool of LLLT candidates, including college and high school students. The LLLT Board produced a video, which is being shared publicly and on the WSBA website, to inform the public about the LLLT license. On May 28, 2019 the WSBA hosted a Legal Lunchbox CLE to educate members on the benefits of working relationships between LLLTs and lawyers.	
2019-2020 Goals: 1) Develop and recommend new practice areas for approval by the Supreme Court.	

- 2) Continue to promote the LLLT license through public outreach to a diverse pool of LLLT candidates around the state.
- 3) Expand the accessibility of the LLLT core curriculum across the state by approving additional non-ABA approved paralegal or legal studies programs to offer the education.
- 4) Advance the LLLT Board's efforts to provide access to financial aid for students in the LLLT practice area classes.

Please report how this committee/board is addressing diversity:

- 1) *Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*
- 1) The LLLT Board seeks members from different backgrounds and experiences and work together to foster a positive work environment in concert with WSBA's commitment to diversity and inclusion.
- 2) Yes, the LLLT Board received training from WSBA's Diversity Specialist. The goal is to offer the training on an annual basis.
- 3) The LLLT Board seeks input from all WSBA members as well as the legal community in general when making important decisions such as developing a new practice area.
- 4) APR 28 has been amended at the request of the LLLT Board to allow LLLTs and LPOs as well as attorneys with judicial and emeritus pro bono status to serve as Board members, to apply for Board positions.
- 5) The core curriculum educational approval process reflects the LLLT Board's commitment to diversity in that it requires any institution offering the core curriculum to have diversity, inclusion, and equal access policies and practices in place. The LLLT Board also sought to increase diversity within the LLLT profession by extending the limited time waiver (see APR 28 Regulation 4) to December 31, 2023 in order to allow a group of candidates qualified by work experience rather than by education to enroll in the practice area classes. This increases access to justice by removing some of the barriers that may prevent qualified potential LLLTs from entering into the profession. The ongoing effort to provide a pathway to financial aid for the practice area classes also aims to provide more opportunities to join the LLLT profession to prospective applicants from diverse socio-economic backgrounds.

Please report how this committee/board is addressing professionalism:

- 1) *Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*

- 1) The LLLT Board has set up rules of professional conduct and a disciplinary system for LLLTs. The Board also requires LLLTs to carry malpractice insurance and conform to the same rules as lawyers regarding IOLTA accounts.
- 2) The LLLT Board has worked to promote LLLTs in the legal community and educate all legal professionals about the permitted scope and models for LLLT practice, as well as highlighting the ways in which collaboration with LLLTs can contribute to the efficiency and accessibility of any legal practice.
- 3) See answer 1 above. LLLTs must abide by the LLLT rules of professional conduct and are subject to professional discipline.

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) All WSBA members are invited to provide comments on rules and new practice area suggestions and development, including new and young lawyers.
- 2) N/A

Please report how this committee/board is addressing the needs of the public:

1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

- 1) The creation of LLLTs increases access to justice by providing affordable legal services at significantly lower rates than attorneys. Those in need of legal help, who may not be able to afford an attorney, now have the option of hiring a LLLT at a reduced cost. The LLLT pathway also increases access to justice for those interested in joining the legal profession without the high cost of law school.
- 2) The Board invited public comment regarding the Consumer, Money, and Debt practice area that is under consideration. It has also spread awareness about the LLLT license and services through an informational video and outreach events throughout the state.

FY19 Demographics:

- Gender (Female: Male: Not Listed): 13:1:0 (1 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 3 (1 did not answer)
- Number of members self-identified as having a disability: 2 (2 did not answer)
- Number of members self-identified as LGBT: 2 (2 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

Limited Practice Board Chair: Crystal Flood Staff Liaison: Renata Garcia BOG Liaison: None	Size of Committee: 9 Direct expenses: <i>to come</i> Indirect expenses: <i>to come</i> Number of FY20 Applicants: 6
Background & Purpose: The Limited Practice Board (LPB) derives its authority from the Washington Supreme Court under rule 12 of the Admission and Practice Rules (APR). The purpose of the LPB is to oversee the Limited Practice Officer (LPO) license program.	
Strategy to Fulfill Purpose: The LPB will meet four to six times a year to develop and grade the LPO exam and discuss issues and items of concern or that are relevant to the LPO license.	
2018-2019 Accomplishments and Work in Progress: The LPB in collaboration with Ergometrics, an organization that performs testing development work, reviewed the LPO exams, improved essay questions and evaluated the grading method for the problem section of the exams.	
2019-2020 Goals: <ol style="list-style-type: none">1) Continue to work with Ergometrics to develop the LPO examination.2) Review and make changes to LPO forms, as needed.	
Please report how this committee/board is addressing diversity: <ol style="list-style-type: none">1) <i>Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?</i>1) The LPB is dedicated to furthering WSBA's commitment to diversity and inclusion through Board recruitment and ongoing interactions with each other, members, and the general public.2) Yes, the LPB received training from WSBA's Inclusion and Equity Specialist. The goal is to have this training on an annual basis as part of new board member orientation.	

- 3) N/A
- 4) The equity and inclusion training provided board members with tools to promote a culture of inclusion within the board.
- 5) The LPO license provides an opportunity to enter the legal profession, albeit in limited practice, for those who have had barriers to completing higher education.

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) LPB members are invited to speak at LPO Continuing Education seminars; examples of situations regarding the LPO Rules of Professional Conduct are a popular topic.
- 2) N/A
- 3) LPOs must abide by the LPO rules of professional conduct and are subject to professional discipline.

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) There is no "years-of-practice" requirement for the LPB so all are welcome to apply. However, members of the LPB tend to be more experienced.
- 2) As members of the bar, new and young LPOs, are now able to take advantage of many WSBA services including debt management, free and low cost CLEs and leadership opportunities.

Please report how this committee/board is addressing the needs of the public:

1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

- 1) LPOs work directly with members of the public as they are licensed to select, prepare, and complete approved documents for use in closing a loan, extension of credit, sale, or other transfer of real or personal property.
- 2) No

FY19 Demographics:

- Gender (Female: Male: Not Listed): 4:5:0 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 0 (1 did not answer)
- Number of members self-identified as having a disability: 0 (0 did not answer)
- Number of members self-identified as LGBT: 0 (0 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

Mandatory Continuing Legal Education (MCLE) Board Chair: John Bender Staff Liaison: Adelaine Shay BOG Liaison: Alec Stephens	Size of Committee: 7 Direct expenses: <i>to come</i> Indirect expenses: <i>to come</i> Number of FY20 Applicants: 2
Background & Purpose: The Mandatory Continuing Legal Education Board (MCLE Board) derives its authority from the Washington Supreme Court under Admission and Practice Rule 11. The Supreme Court-appointed MCLE Board accredits courses and educational programs that satisfy the educational requirements of the mandatory CLE rule, considers MCLE policy issues as well as reporting and exception situations, and considers member and sponsor petitions for waivers from requirements and appeals from decisions.	
Strategy to Fulfill Purpose: Timely and accurately review an average of 20,000 courses and educational programs per year, monitor member compliance with MCLE requirements, respond to all MCLE related inquiries, and fairly consider all member and sponsor requests.	
2018-2019 Accomplishments and Work in Progress: <ol style="list-style-type: none">1) Reviewed financial hardship qualifications for undue hardship petitions and determined that no changes to the existing qualifications were necessary. The MCLE Board established criteria to assist MCLE staff in determining who is eligible for a payment extension. The guidelines take into account income, credits earned, financial hardship, and amount owed.2) Continued to work to increase the diversity of the MCLE Board through recruitment efforts.3) Completed and resolved by motion seventy-five petitions from members (through June 2019) for modifications and waivers of one or more MCLE requirements.4) Audited eight courses, provided an audit report to the MCLE Board, and provided detailed reports to each sponsor regarding the strengths and weaknesses of the course as well as recommendations for improvement.	
2019-2020 Goals: <ol style="list-style-type: none">1) MCLE Board members have a goal of auditing two or more accredited sponsor courses each.	

- 2) Taking into consideration feedback from the public, licensed legal professionals, and the WSBA Board of Governors the MCLE Board will determine whether to recommend to the WA Supreme Court an amendment to the Admission and Practice Rule (APR) 11 ethics requirement.
- 3) Continue to work to increase the diversity of the MCLE Board.

Please report how this committee/board is addressing diversity:

- 1) *Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*
- 1) The Board has not attempted to use tools provided by WSBA.
- 2) Participated in a diversity training presented by WSBA Inclusion and Equity Specialist Robin Nussbaum in January 2019.
- 3) The MCLE Board continues to seek members who represent diversity in geography, and all other diversity criteria used by the WSBA. In addition, the MCLE Board has done targeted outreach to members and/or sponsors regarding topics that the Board has considered during the year. Also, the Board routinely receives and considers input from members affected by the MCLE rules when considering petitions filed by the members.
- 4) We foster an atmosphere of civility and collegiality insofar as how we receive comments from Bar members, staff, fellow board members and others. This is accomplished by active listening to all and discussions focused on fairness and similar treatment of issues. Consistency in the application of the rules is maintained by active discussion on the merits with the goal being consensus.
- 5) Although this may or may not apply directly or only to members from historically underrepresented groups, the MCLE rules and the Board's considerations include requests for accommodation of various disabilities as well as consideration of issues causing "undue hardship" and financial issues.
- 6) After receiving a request/suggestion from the WSBA Diversity Committee, the MCLE Board is considering an amendment to require that, of the six required ethics credits for legal professionals, one credit be required in each of these three topics: Inclusion and anti-bias, mental health and addiction, and technology security. The MCLE Board is currently soliciting feedback. The preliminary amendment proposal and the background information is provided in the Report and Preliminary Recommendation of the Washington Supreme Court Mandatory Continuing Legal Education Board Re: Proposed Amendment to APR 11, which can be found on the MCLE Board webpage on the WSBA website.

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The MCLE Board is primarily regulatory. However, through auditing courses, the Board is able to gauge and monitor the level of professionalism presented during seminars. In addition, the Board treats members with respect and courtesy while enforcing the Supreme Court's MCLE requirements and ensuring protection of the public.
- 2) The Board seeks to improve relationships between and among lawyers, judges, and clients by reviewing and approving quality continuing legal education courses that provide the skills necessary for making and maintaining successful relationships.
- 3) Although the Board itself is not involved in raising such awareness, the Supreme Court's MCLE rules that are applied by the Board do allow for accreditation of MCLE activities that raise awareness about the causes and/or consequences of unprofessional behavior.
- 4) The MCLE Board is considering an amendment to require that, of the six required ethics credits for legal professionals, one credit be required in each of these three topics: Inclusion and anti-bias, mental health and addiction, and technology security.

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) The MCLE Board continues to seek members who represent new and young lawyers.
- 2) The Board supports new and young lawyers by encouraging mentorship as a tool for professional and personal development.

Please report how this committee/board is addressing the needs of the public:

1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

- 1) As stated in APR 11 the purpose of "Mandatory continuing legal education (MCLE) is intended to enhance lawyers', LLLTs', and LPOs' legal services to their clients and protect the public by assisting lawyers, LLLTs, and LPOs in maintaining and developing their competence as defined in RPC 1.1 or equivalent rule for LLLTs and LPOs, fitness to practice as defined in APR 20, and character as defined in APR 20. These rules set forth the minimum continuing legal education requirements for lawyers, LLLTs, and LPOs to accomplish this purpose."
- 2) The WA Supreme Court appoints one public member to serve on the MCLE Board. MCLE Board meetings are open to the public, except for when the MCLE Board is

discussing confidential information as defined in APR 11(k). Additionally all MCLE Board minutes are posted on the WSBA website.

FY19 Demographics:

- Gender (Female: Male: Not Listed): 4:3:0 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 2 (1 did not answer)
- Number of members self-identified as having a disability: 0 (0 did not answer)
- Number of members self-identified as LGBT: 0 (0 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

Practice of Law Board (POLB) Chair: Paul Bastine Staff Liaison: Julie Shankland BOG Liaison:	Size of Committee: 13 Direct expenses: <i>to come</i> Indirect expenses: <i>to come</i> Number of FY20 Applicants: 5
Background & Purpose: The Practice of Law Board (POLB) was established by the Washington Supreme Court in 2002 and derives its authority from GR 25 and the Court's 2015 Order reconstituting the Board and refocusing its mission. The Court directed the Board to increase its focus on educating the public about how to receive competent legal assistance and considering new avenues for other legal professionals to provide legal and law-related services.	
Strategy to Fulfill Purpose: In pursuit of the above directive, the POLB seeks to reach beyond the mainstream to identify cutting edge strategies that track and anticipate developments in the profession, in technology, the market for legal services, and in consumer needs generally. The POLB works with strategic affiliates to develop new ideas on delivering safe, effective and efficient legal services to everyone in the State of Washington, while assisting with public protection from unauthorized delivery of legal services, in support of this State's reputation as a national leader in innovative legal practice. To this end, the POLB works with stakeholders to think strategically, creatively and beyond existing models of dispute resolution and legal service delivery, including assisting licensed legal professionals in integrating new ideas while maintaining effective and successful legal practices. The POLB appointed a liaison to the Access to Justice Board to ensure that the two boards have frequent communication and to prevent duplication of effort. The POLB also works and communicates with the Limited License Legal Technician (LLLT) Board to make sure that we are working together toward our mutual goals.	
2018-2019 Accomplishments and Work in Progress: 1) Work with CuroLegal and WSBA to develop the Legal Health Check Up in web application and paper form. 2) Submitted changes to GR 25 that were adopted by the Court effective December 18, 2018. 3) Continue to consider ways that GR 24 should be amended; discuss these changes with stakeholders and recommend to the Court if appropriate. This work is currently focused on regulating online delivery of legal services.	

2019-2020 Goals:

1. **GR 24 suggested modifications.** The Board submitted a proposed rule change and, in conjunction with the ATJ Technology Committee, held a stakeholder event. The Board plans to refine the proposed rule based on the input gathered and build on the relationships developed.
2. **UPL as a per se violation of the Consumer Protection Act.** The Board has drafted proposed legislation making UPL a per se violation of the Consumer Protection Act and is working with WSBA's lobbyist and the Attorney General's Office to find a sponsor to present this to the legislature.
3. **Legal Health Check Up.** The Board continues to work with CuroLegal to develop and launch the Legal Health Check Up—an application designed to educate the public about how to receive competent legal assistance.
4. **Courthouse Facilitator Program.** The Board is holding conversations with stakeholders about ways the Board might be involved to explore ways to assist those operating these programs.

Please report how this committee/board is addressing diversity:

- 1) *Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*
- 1) The Board and staff consult the Diversity Dictionary and the Accessible Event Planning Guide to assist the Board.
- 2) The Board received training from the Diversity Specialist during 2018-19.
- 3) Diversity is considered when the POLB members are appointed and is considered in every appointment request sent to the Court. This POLB's success in its "blue sky" mission will depend heavily on diversity.
- 4) The Board actively seeks diverse perspectives from Board members and from stakeholders.
- 5) N/A.

Please report how this committee/board is addressing professionalism:

- 1) *Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?*
- 1) The POLB is dedicated to promoting professionalism through its purpose of promoting appropriate and competent legal services and ensuring that the public receives legal services from those dedicated to being ethical, professional, competent and appropriate to the needs of the public.

- | |
|---------------------------------|
| <p>2) N/A
 3) N/A</p> |
|---------------------------------|

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) The POLB has new and young lawyer members and will continue to actively seek new and young lawyer participation.
- 2) The POLB has heard presentations from new and young lawyers.

Please report how this committee/board is addressing the needs of the public:

- 1) *How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?*
- 1) The public will be directly impacted when the Legal Health Check Up is launched. The public will also be directly impacted if the Court adopts regulations around online delivery of legal services.
- 2) Yes. The Board, in conjunction with the ATJ Technology Committee and WSBA has held events to gather stakeholder and public input.

FY19 Demographics:

- Gender (Female: Male: Not Listed): 6:7:0 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 2 (1 did not answer)
- Number of members self-identified as having a disability: 1 (0 did not answer)
- Number of members self-identified as LGBT: 2 (2 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

Pro Bono and Public Service Committee Chair: Paul Okner, Nicholas Larson Staff Liaison: Paige Hardy, Diana Singleton BOG Liaison: Athan Papailiou	Size of Committee: 18 Direct expenses: <i>to come</i> Indirect expenses: <i>to come</i> Number of FY20 Applicants: 6
Background & Purpose: The Pro Bono and Public Service Committee's (Committee) purpose is to enhance a culture of service.	
Strategy to Fulfill Purpose: The Committee fulfills its purpose by promoting opportunities and best practices that encourage WSBA members to engage in pro bono and public service, with a particular emphasis on services to low and moderate income individuals.	
2018-2019 Accomplishments and Work in Progress: The Committee established workgroups to accomplish the following tasks, and to carry out the following future goals:	
<p>1) <u>Pro Bono Policy Workgroup:</u></p> <ul style="list-style-type: none">a) Completed draft model pro bono policies that law firms, government agencies, and in-house legal departments can adopt, adapt, and implement internally to enhance the culture of pro bono within their company or organization.b) Sought and received substantive input from stakeholders (WSBA sections, specialty bar associations, WSBA General Counsel, etc.)c) Seeking BOG approval at the 2019 July BOG meetingd) If the BOG approves the model policies, the committee will promulgate and publicize the model policies using WSBA communication channels, the soon to be updated Pro Bono WA website, and the committee's networks with the pro bono and legal aid community. <p>2) <u>Rules Workgroup:</u></p> <ul style="list-style-type: none">a) Analyzed WSBA emeritus pro bono status and analogues from other states related to impact on the number of pro bono attorneys in the state, identified potential barriers for converting to emeritus status, and developed possible solutions to those barriers—such as reducing the number of years of practice required.b) Drafting proposed amendments and potential improvements to the emeritus pro bono status guidelines, and soliciting feedback from stakeholders across the state,c) Once completed, will submit proposed amendments to BOG for review and approval. <p>3) <u>CLE Workgroup:</u></p>	

- a) Developed and promoted CLE programs focused on topics relevant to pro bono work, including the October 2018 Legal Lunchbox focusing on landlord-tenant law, and evictions in particular as well as the upcoming October 2019 Legal Lunchbox focused on pro bono representation in administrative law hearings.
 - b) Actively working with the 3 law schools in the state to present a panel discussion on pro bono issues and opportunities to current students which is slated to take place in the fall at the start of the academic calendar.
- 4) Publications Workgroup:
- a) Produced, in collaboration with partners, a feature-length piece in the October/November 2018 NW Lawyer Magazine highlighting individual pro bono achievements throughout Washington.
 - b) Working to produce articles for the October 2019 NW Lawyer Magazine, including articles about model pro bono policies, emeritus pro bono status attorneys, pro bono work in tribal communities, and benefits to attorneys volunteering with a Qualified Legal Service Provider.
 - c) Engaging in discussions with pro bono providers throughout the state to offer promotional opportunities for such programs via WSBA communication channels, such as articles in the NWLawyer or blog posts on the NWSidebar.
- 5) Technology:
- a) Reviewed the pro bono portal (www.probonowa.net), the existing online clearinghouse for pro bono opportunities in Washington and began to identify areas for improvement, such as user experience, information accessibility, and website navigation.
 - b) Began to identify possible stakeholders, such as the Seattle Pro Bono Coordinators and the Access to Justice Board Technology Committee and Communications Committee for a larger workgroup to address and improve the portal.

Additionally, the Committee developed a liaison program by which it assigned one or more committee members to most, if not all of the organizations active in the pro bono space throughout the state, including the Access to Justice Board, the Volunteer Legal Programs, Qualified Legal Service Providers, Minority Bar Associations, county bar associations, and the three law schools. This outreach will be ongoing and multi-directional, and has resulted in the conceptualization of new CLE opportunities and articles for publication, as well as increased collaboration and communication between the Committee and these organizations across the state. The Committee sent representatives to the bi-annual ATJ Conference in June 2019, and drafted a letter for BOG review regarding access to justice issues associated with practices and procedures at the Northwest Detention Center in Tacoma.

2019-2020 Goals:

- Continue conducting the liaison program to foster communication and collaboration with pro bono providers and organizations statewide.
- Develop outreach to the public to ensure that the Committee's work is responsive to the needs of low-to-moderate income Washington residents.
- Continue the workgroup projects set forth above, including the following:

- Create multiple CLEs on topics relevant to pro bono work and promote them to WSBA members as a benefit for volunteering with a Qualified Legal Service Provider
- Create and publish articles publicizing issues surrounding pro bono
- Promulgate and promote model pro bono policies and look for ways to encourage adoption statewide
- Improve probonowa.net and ensure its ongoing viability and relevance
- Continue to identify rules and policies that might inhibit participation in pro bono work and seek ways to remove such barriers

Please report how this committee/board is addressing diversity:

- 1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?
- 1) The Committee devoted scheduled meeting time to diversity and inclusion training by WSBA staff, and
- 2) Plans to hold part 2 of the training in the next fiscal year.
- 3) The co-chairs worked to solicit input from every Committee member regarding next steps in the committee's future. Similarly, the Committee's workgroups operate democratically with significant opportunity for participation by all members.
- 4) We sought out as much participation as possible from the entire group.
- 5) We have carefully considered equity and inclusion as we have sought to fill out our Committee for the coming year, and have actively reached out to members of minority bar associations and groups with historically underrepresented backgrounds for potential members. Although we seek to encourage the promotion of equity with all members of the committee, we can absolutely work toward incorporating more inclusive and equitable practices. This could be in consultation with the Inclusion and Equity Specialist or through an outside facilitator.

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The Committee's primary objective is to promote the culture of service, specifically pro bono work, in the legal profession. Not only does this work align with GR 12.2, the preamble to the Rules of Professional Conduct, or RPC 6.1, the committee seeks ways to make volunteering easier for lawyers through its work on changes the rules for emeritus pro bono, model pro bono policies, and outreach to entities statewide.

- 2) Yes. The Committee is actively working to increase collaboration and communication among organizations that provide pro bono services, and is actively working to help encourage greater participation by lawyers in pro bono work. For example, the committee is working with the Office of Administrative Hearings (OAH) and several Administrative Law Judges for a Legal Lunchbox in October 2019. We also made sure that a couple of our committee members were in attendance at the recent Access to Justice Conference to develop relationships with the larger access to justice community. The Committee Co-Chairs, are liaisons to the Seattle Pro Bono Coordinators and the Access to Justice Board to stay apprised of the needs of the legal aid communities.
- 3) Yes, we promote the idea that it is ethically required for attorneys to do pro bono work and we work to promote as many pro bono opportunities as possible to encourage that attorneys are meeting RPC 6.1, which states that attorneys "should aspire to render at least thirty (30) hours of pro bono publico service each year."

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) Several of our Committee members are new lawyers and we make sure that they are involved in the broader committee work, but are also contributing in meaningful ways to the workgroups. Encouraging attorneys to commit to pro bono is particularly valuable at the early stages of an attorney's legal career and therefore seek to encourage new and young lawyers to engage in those efforts
- 2) The Committee encourages a variety of pro bono work, which often engages with new lawyers. Often Qualified Legal Service Providers have pro bono opportunities and CLEs that are catered to attorneys new to the practice of law by training them in both substantive and procedural areas of law. The Committee also partnered with two Landlord/Tenant programs last year for a Legal Lunchbox on the Residential Landlord Tenant Act basics and ways to volunteer for some of the many Housing Justice Projects across the state. We received comments from at least one viewer that the program encouraged them to start volunteering.
- 3) The staff liaison has presented to the Young Lawyers Committee about the opportunities to cross-collaborate with the Committee and members have been doing outgoing outreach with all three law schools to connect law students to work of the Committee.

Please report how this committee/board is addressing the needs of the public:

1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

- 1) Our Committee works to increase pro bono publico work, which directly affects and increases access to justice for the vast majority of the public that does not ordinarily

enjoy legal counsel due to the exorbitant costs of hiring private attorneys that preclude low-to-moderate income people from having representation.

- 2) In this fiscal year, we have yet to prioritize communicating with or seeking additional input from the Public. All our meetings are public, however, this priority will be emphasized as we develop our strategic plan for the upcoming fiscal year to work with the communities that we seek to serve.

FY19 Demographics:

- Gender (Female: Male: Not Listed): 12:6:0 (0 did not answer)
- Number of members self-identified with a racial/ethnic under-represented group: 2 (1 did not answer)
- Number of members self-identified as having a disability: 1 (0 did not answer)
- Number of members self-identified as LGBT: 1 (0 did not answer)

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 19: October 2018 – September 2019

Washington Young Lawyers Committee Chair: Kim Sandher Staff Liaison: Julianne Unite, Ana LaNasa-Selvidge BOG Liaison: Russell Knight	Size of Committee: 18 Direct expenses: <i>to come</i> Indirect expenses: <i>to come</i> Number of FY20 Applicants: 13
<p>Background & Purpose: The Washington Young Lawyers Committee (WYLC) derives its authority from the WSBA Bylaws, WSBA Board of Governors (BOG) Committees and Boards Policy, and WYLC Appointment Policy.</p> <p>Per Section XII.A of the WSBA Bylaws, the WYLC's purpose is to encourage the interest and participation of:</p> <ol style="list-style-type: none">1) new and young lawyers and law students in the activities of the WSBA;2) developing and conducting programs of interest and value to new and young lawyers consistent with the focus areas of public service and pro bono programs, transition to practice, and member outreach and leadership; and upholding and supporting the Guiding Principles of the WSBA.	
<p>Strategy to Fulfill Purpose:</p> <p>This year's focus on fulfilling the WYLC's purpose involves seven key areas:</p> <ol style="list-style-type: none">1. Outreach and communication;2. Debt;3. Public Service and Leadership;4. Rural Placement Pilot Project;5. Northwest Regional Summit;6. ABA YLD Representation; and7. PREP <p>The accomplishments and FY19 goals outlined in this document reflect how the work of the WYLC addresses these priorities and fulfills the purpose of the WYLC. These priorities are focused on the four key areas identified in the November 2014 new lawyer survey and July 25, 2015 Generative Discussion of the BOG with the WYLC for key issues facing new and young lawyers: Employment, Debt, Community, and Leadership.</p>	

Each member of the WYLC is required to join a subcommittee focused on the above focus areas and are tasked with recruiting members outside the WYLC to help accomplish the goals of each.

2018-2019 Accomplishments and Work in Progress:

Outreach and Communication

1. The WYLC's goal this year was to connect new/young lawyers with WSBA programs, services and activities (for example, the Job Seeking Assistance Program). We updated the WSBA website to better reflect what the WYLC does and restructured the quarterly contact emails in an effort to make them easier to read.
2. The WYLC has had networking events after our in person meetings and has encouraged all WYLC members to check in on social media, post pictures, and liked and shared these posts. We have also been using our Facebook page, which we now have access to, for this purpose. The last meeting in Snohomish County partnered with the local tribal court and bar association and regional representatives to be more inclusive of those outside the Seattle area. We will be doing something similar in Richland, WA this July.
3. Attended WSBA events hosted around the state, including Open Sections Night, WSBA Diversity Community Networking Events, and MentorLink Mixers.
4. The WYLC is currently still working on finding the best way to get new admittees information about these events. One thing we are working on doing is getting in touch with law schools in Spring and possibly at graduation so law students are aware of the resources available to them once they pass the bar.
5. Explored opportunities to connect with county young lawyer divisions and other new and young lawyer communities, and identified opportunities to develop local CLEs that would benefit new and young lawyers.
6. Will be working on sponsoring an event at the end of the bar year to highlight and celebrate award recipients, scholarship recipients, and young lawyer liaisons. This may be in collaboration with local bar associations.

Debt

1. WYLC continues to advocate and promote the financial planning resources WSBA currently provides.
2. The WYLC is partnering with the New Member Education team to develop another Financial Planning CLE to be delivered this August. This seminar will be free to anyone within their first five years of practice and will focus on assisting new and young lawyers to manage their student loan debt.

Public Service and Leadership

1. Public Service and Leadership Award—to expose new and young lawyers to the value of public service and leadership, the WYLC will award four Public Service and Leadership Awards to new or young lawyers and write an article for the *NWLawyer*

highlighting the impact of each lawyer's work in the community. Applications have closed and selections will take place later on in June.

Rural Placement Pilot Project

1. This project is in the development phase, but it has been put on hold for this fiscal year because the uncertainty of WSBA's future structure is currently unknown. If it is eventually launched, WYLC will work with staff to connect regional representatives with fellows, help identify counties to participate in the pilot, and provide support for the program.

Northwest Regional Summit

1. WYLC is working on co-hosting a summit in partnership with the Oregon New Lawyers Division. The focus is on developing a summit that leads to proposals and recommendations for the region to address concerns of legal professionals in rural communities.
2. The WYLC plans to apply for an ABA Regional Summit Subgrant for this.

ABA YLD Representation

1. The WYLC worked this year with the ABA YLD District Representative (DR) to select delegates for the ABA YLD Assembly at the ABA midyear and annual meetings to create a stronger connection between the ABA YLD and WYLC so that information is reported back to our meetings.
2. We put a process in place for selecting delegates who are going to be voting on behalf of the WA state young/new lawyers.
3. The WYLC is also administering subsidy scholarships to new and young lawyers who attend ABA meetings as delegates. The WYLC has opened the scholarship and will select two scholarship recipients. Recipients will write a NWSidebar blog post highlighting what they learned from attending the ABA meeting, report back to the WYLC, and provide content to be shared in the WYLC Quarterly Contact emails.

Preadmission Education Program (PREP)

1. WYLC is working with staff to support the preadmission education program and working with local and minority bar association to host live PREP Programs.

2019-2020 Goals:

1. ABA YLD Representation—The WYLC will continue to provide the ABA YLD Meeting Scholarships for new and young lawyers attending ABA meetings as delegates. Scholarship recipients will share resources with the nearly 7,000 new and young lawyers in Washington by: (1) writing a NWSidebar blog post highlighting what they learned that is of benefit to new and young lawyers in Washington State, and (2) providing content to the WYLC to be shared in the WYLC Quarterly Contact emails. The WYLC will also work closely with the ABA YLD District Representative and scholarship recipients to identify additional ABA opportunities of value to new and young lawyers.

2. Public Service and Leadership Award—to connect new and young lawyers to the value of public service and leadership, the WYLC will award four Public Service and Leadership Awards to new or young lawyers and write an article for the *NWLawyer* highlighting the impact of the new lawyer's work in the community.
3. Summit—the WYLC will co-host the Northwest Regional Summit in partnership with the Oregon New Lawyers Division in 2020. The WYLC will focus on developing a summit that leads to proposals and recommendations for the region to address concerns of legal professionals and access to justice in rural communities.
4. Outreach and Communication—it is vital to connect new and young lawyers with WSBA programs, services, and activities. To accomplish this, the WYLC plans to:
 - a. Work on a stronger social media presence by liking, posting, and sharing relevant content and WSBA posts with their new and young lawyer social networks.
 - b. Focus on developing in-person outreach/communications/events/mixers in partnership with WYLC regional representatives and local bar association young lawyer divisions.
 - c. Determine the best way of distributing a calendar of new lawyer regional events for the year to new admittees.
5. Preadmission Education Program (PREP)—work with WSBA staff to support PREP and work with local and minority bar associations to host live PREP programs.
6. Rural Placement Pilot Project—depending on the Bar Structures Workgroup and the Courts decision, the WYLC will work with staff to connect WYLC regional representatives to fellows, help identify counties to participate in pilot, and provide additional support for this pilot program.
7. Investigate opportunities to help new and young lawyers with debt relief and financial planning. Begin implementation of at least one program and present it to the ABA YLD.

Please report how this committee/board is addressing diversity:

- 1) *Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*
1. The WYLC received training from the WSBA Inclusion and Equity Specialist in February 2019. Also at that training, WSBA staff presented the results from the Race Equity Impact Analysis Tool and WYLC demographic trends over the years.
2. Dana Barnett facilitated discussion about working with the MBA's at our December meeting.
3. We have made a lot of progress in selecting new committee members next year that is diverse in gender, location, background, nationality.

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

1. The WYLC regularly invites speakers to educate WYLC members and guests on various topics so that members have the information they need.
2. The WYLC seeks to build and maintain relationships between all new and young lawyers and the legal community. The WYLC hosts outreach events across the state to build relationships with new and young lawyers. Additionally WYLC members attend WSBA events on behalf of their districts and the new and young lawyer community to build relationships with other members of the legal profession.
3. The WYLC is on-boarded to understand WSBA communication norms, values, and conflict resolution expectations. Over the course of the year, the WYLC has continued to discuss the value of following the communication norms and consequences of failing to do so. A major theme this year has been on increasing communication between members of the community as a whole. We've focused on social media and closer interaction with the BOG.

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

1. The WYLC is entirely made up of new and young lawyers.
2. Yes, the WYLC focuses entirely on these topic areas.

Please report how this committee/board is addressing the needs of the public:

1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

1. Public has interest in having competent representation. As new and young lawyers come in, this committee helps those lawyers navigate through difficult issues.
2. We have a subcommittee dedicated to access to justice.
3. We have been using our Facebook page to interact with the public and make young lawyers more accessible to young lawyers.
4. Committee continues to explore ways to include community involvement either by attending meetings or inviting them to come to events.
5. WYLC encourages all new and young lawyers to participate in public service.

FY19 Demographics:

- Gender (Female: Male: Not Listed): 8:9:0 (1 did not answer)

- Number of members self-identified with a racial/ethnic under-represented group: 3 (2 did not answer)
- Number of members self-identified as having a disability: 0 (0 did not answer)
- Number of members self-identified as LGBT: 0 (1 did not answer)

**WASHINGTON STATE
BAR ASSOCIATION**
MEMO

To: WSBA Board of Governors
From: Chief Communications and Outreach Officer Sara Niegowski
Date: July 18, 2019
Re: Governor updates and other communication

FIRST READING Review options to clarify and improve our processes and approach to governor and officer communications.

Governors discussed ongoing communication challenges and potential solutions at their May 2019 meeting and there was consensus to review options to move forward. Attached are options and considerations; each can be approved in isolation or in combination, as appropriate (attachment A). We do not assume the draft language is perfect, but it is meant to be a starting point based on various concerns and ideas brought forward by governors. These options are a springboard for discussion and fine tuning.

Also attached is a draft proposal from Governor P.J. Grabicki (attachment B) to allow WSBA to provide member email address directly to governors. Governor Grabicki's proposal dovetails with the attached communication options, which essentially flesh out individual elements of Governor Grabicki's proposal (e.g., the exact disclaimer language) and provide other considerations (such as the need to change the current member-data policy).

Background

For several years, the WSBA has grappled with how to best support Governors with their obligation to communicate with members while maintaining best organizational practices. Currently, the WSBA regularly sends out board information to members via e-blast recaps following each regular meeting, the OnBoard and Need to Know features and other articles in *NWLawyer* magazine, website updates, targeted outreach messages and meetups (including regular listening tours), and standalone emails as necessary. Governors who want to send a specific e-mail message/update to their district or associated stakeholders are invited to send a draft to the Chief Communication and Outreach Officer, who edits lightly for typos and grammar errors and coordinates with General Counsel to screen for other potential liability. The Executive Director and WSBA President, as the organization's official spokespeople, screen the final draft and coordinate with the authoring Governor, if necessary, when there are concerns about content. Governors can also work with WSBA's Outreach Team to set up meetings in their district. Because of multiple considerations, including a lack of clear expectations and accountability, the current system of Governor updates/communication neither adheres to best organizational practices (including adherence with Court rules or OPMA) nor appears to be satisfactory to most—or perhaps *all*—Governors.



BOARD OF GOVERNORS COMMUNICATION OPTIONS and RECOMMENDATIONS

- **Option 1** — page 1
Standard communication principles
- **Option 2** — page 4
WSBA-provided email accounts to address public records requests and open meetings and document retention challenges
- **Option 3** — page 6
Governor contact information at the top of WSBA board-meeting recaps
- **Option 4** — page 7
Standard disclaimer for governor/officer updates
- **Option 5** — page 8
New method for governor updates
 - a. Provide governors with email addresses of members in their district or stakeholder group
 - b. Provide governors with a listserv to send updates
 - c. Provide more non-email solutions

Option 1

Adopt Board of Governor Communication Principles and Code of Conduct to guide all communication from WSBA governors and officers.

The Board of Governors and its officers often feel at odds when trying to determine whether a communication is consistent with WSBA bylaws and other expectations; this uncertainty is rooted in no clear agreement about communication norms and code of conduct. Furthermore, when a question of appropriateness arises, the Board has no process to resolve disputes or enforce expectations. The result can be a no-win situation for everyone involved

Pros: It is organizational best practice for leaders to have communication norms and a code of conduct, which help standardize the tone and accuracy of information in all messages and provide accountability. Such norms and a code of conduct should address frustration and perceived arbitrariness.

Consideration: The Communication Principles and Code of Conduct would serve as the foundation for all the other proposals in this document, which is why it is the highest priority.

EXAMPLE: see page 2-3

Norms (existing)

In each communication, I will assume the good intent of my fellow colleagues; earnestly and actively listen; encourage the expression of and seek to affirm the value of their differing perspectives, even where I may disagree; share my ideas and thoughts with compassion, clarity, and where appropriate confidentiality; and commit myself to the unwavering recognition, appreciation, and celebration of the humanity, skills, and talents that each of my fellow colleagues bring in the spirit and effort to work for the mission of the WSBA. Therefore, I commit myself to operating with the following norms:

- I will treat each person with courtesy and respect, valuing each individual.
- I will strive to be nonjudgmental, open-minded, and receptive to the ideas of others.
- I will assume the good intent of others.
- I will speak in ways that encourage others to speak.
- I will respect others' time, workload, and priorities.
- I will aspire to be honest and open in all communications.
- I will aim for clarity; be complete, yet concise.
- I will practice "active" listening and ask questions if I don't understand.
- I will use the appropriate communication method (face-to-face, email, phone, voicemail) for the message and situation.
- When dealing with material of a sensitive or confidential nature, I will seek and confirm that there is mutual agreement to the ground rules of confidentiality at the outset of the communication.
- I will avoid triangulation and go directly to the person with whom I need to communicate. (If there is a problem, I will go to the source for resolution rather than discussing it with or complaining to others.)
- I will focus on reaching understanding and finding solutions to problems.
- I will be mindful of information that affects, or might be of interest or value to, others, and pass it along; err on the side of over-communication.
- I will maintain a sense of perspective and respectful humor.

Code of Conduct (proposed)

When communicating in my capacity as a member or officer of the Board of Governors I will:

- Adhere to WSBA Bylaws and legal requirements.
- Maintain confidentiality as appropriate and lawful, including respecting the confidentiality of executive-session and related materials.
- Use a professional, dispassionate tone and balanced perspective.
- Not attack anyone on a personal or professional level (e.g., make statements regarding competency or character).
- Present accurate information that is consistent with organizational records and data.
- Present majority decisions of the board fairly and without contempt; this may include explaining the majority reasoning while expressing how/why I personally think otherwise.

- Never speak for the entirety of the board, unless I am the WSBA President or granted spokesperson duties by the President or majority of the board authorized to do so; this includes using standard disclaimer language at the top of updates to clarify that the message contains the views of the individual governor/officer.
- Not seek personal gain and avoid conflicts of interest.

Accountability (proposed)

These norms and code of conduct apply whenever a governor or officer is communicating in a WSBA-related capacity. This includes printed and electronic governor updates, any messages signed using a governor/officer title, postings on WSBA list serves and other electronic forums, emails sent from a governor's/officer's WSBA account, and meetings during which governors and officers identify or represent themselves in an official WSBA capacity.

When disagreements arise regarding whether action or content violates the norms and code of conduct, the Executive Committee will make the final determination, in consultation with WSBA's Executive Director. When a determination is needed as quickly as possible in order to send out a time-sensitive communication, the WSBA President (spokesperson) in coordination with General Counsel and Executive Director may consult with the three members representing each governor class on the Executive Committee for a determination.

Violations (proposed)

For any communication found to be violative of these norms and code of conduct:

- The author may not be indemnified by WSBA for any harm caused by his/her cumulative communication.
- For repeated violations, the Executive Committee may revoke access to the WSBA communication channel/method (including list serves and e-blasts) on which the violation occurred.
- For repeated and/or egregious violations, the Executive Committee may work with the Personnel Committee to explore potential actions, including a recommendation to the full Board for removal from office.

Option 2

Governors and officers use WSBA-provided official email accounts to conduct all WSBA-related business.

Recent efforts to comply with information requests have brought to light an opportunity to improve organizational transparency and an ability to comply with open meetings and document retention policies. One best practice, suggested by the state's Assistant Attorney General for Open Government during a recent OPMA training, is to provide board members a WSBA email account to conduct official WSBA-related business. This is the common—and recommended—practice for state agencies with elected officials.

Pros: WSBA would be able to fulfill information requests more efficiently; governors and officers would limit their individual liability for having personal accounts subpoenaed or being held personally liable for non-compliance in response to information requests; and governor and officers would be able to distinguish more clearly when they are emailing in an official WSBA or personal capacity.

Logistics: WSBA's IT Department has researched the best way to provide email addresses to governors and officers, and one viable possibility is to create Outlook 365 accounts. These accounts would take little time to set up/configure and are web-based, so governors and officers could access their accounts on any Internet-enabled machine.

Consideration: Board members and officers would agree to:

- Adhere to the Board of Governors Communication Principles and Code of Conduct (see page 1)
- Adhere to WSBA's Electronic Mail User Agreement, consistent with employee expectations (see page 5)

DISCUSSION DRAFT

WSBA Electronic Mail Agreement

The WSBA provides electronic mail (email) accounts to Board Members and Officers to assist and facilitate business communications. They are provided for legitimate business use in the course of assigned duties only. Inappropriate use may result in the loss of access privileges and actions outlined in the Board of Governors Communication Principles and Code of Conduct. Inappropriate use includes, but is not limited to:

- ◆ Transmission of sensitive, confidential, or proprietary information to unauthorized persons.
- ◆ Transmitting or receiving obscene, defamatory, discriminating, or harassing messages or files.
- ◆ Any illegal, disruptive, or unethical activities or any activity that could adversely affect the organization.
- ◆ Conducting an outside business or private employment.
- ◆ Advertising or sales for personal or commercial purposes using a WSBA email address.
- ◆ Support for political candidates.
- ◆ Personal purposes not related to WSBA business.

All messages that are created, sent, or received using WSBA email accounts remain the property of the WSBA. **In the course of their duties, IT staff may monitor use of the systems or review the contents of stored records. By using the email, the board member/officer agrees that he/she is aware of this policy and that the records may be read or monitored by authorized individuals.**

The confidentiality of any email should **not** be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. Governors/officers also have an obligation to maintain the security of the system by safeguarding their passwords.

Option 3

WSBA will send official board-meeting recaps and board-related e-blasts broken into districts, with corresponding governor names and contact information in the header.

The WSBA Communications Team sends an official recap to members as soon as possible following board meetings (usually the following business day). The goal is to provide a consistent report to all members at the same time so they have access to information in an equally speedy and reliable way. Governors are subsequently invited to expand on the official recap via an update to their district or stakeholder list (which usually references the official recap).

Governors have suggested an easy step to personalize these all-member meeting recaps: Send them per district with the name and contact information of the corresponding governor in the header.

Pros: This is a simple tweak, which will both provide members information about their governor and not impede WSBA's ability to send the official recap quickly.

Considerations: Will the At-Large Governor information be included in each header alongside the district governor?

Example header (**additions from current template are highlighted**):

Subject: July WSBA Board of Governors Meeting Digest **for District 1**

A summary of the Board of Governors meeting July 19 and 20, 2019, in Richland

The agenda, materials, and video recording from this Board of Governors meeting, as well as past meetings, are online. The next regular meeting is Sept. 26-27 in Seattle. The Board of Governors is WSBA's governing body charged with determining general policies of the bar and approving its annual budget.

Your District 1 Governor is Sunitha Anjilvel; contact her at sunitha@amlawseattle.com about any of the information in this meeting recap.

Top Takeaways

1. Begin the meeting recap...

Option 4

Institute a common disclaimer to be used as a header for all individual governor updates.

Members of the Board of Governors have expressed concern that updates from individual governors are not distinguished clearly enough from WSBA official communication. It would be helpful for individual governor/officer messages to begin with a disclaimer stating the information is their opinion, not that of the board or the organization. WSBA would include the disclaimer on any governor updates it sends out, and governors would include the disclaimer on any updates they send out via non-WSBA methods.

Pros: Avoids reader confusion and reduces legal risk of having individual governor/officer opinions associated with the association as a whole. (*Note: this would not change or eliminate the expectations set by the Communication Principles and Code of Conduct. When updates are sent by WSBA, such a disclaimer may not be sufficient to separate "opinions" from official WSBA information.*)

Example disclaimer:

The views and opinions expressed in this message are those of the individual governor and do not necessarily reflect the official policy or position of the Washington State Bar Association or its Board of Governors.

Option 5

Create new methods and options for governor updates to members.

- A. Provide governors with email addresses of members in their district or stakeholder group.

Pros: This option would eliminate frustration from governors who would like greater access, control, flexibility, and speed in sending updates to members; it would also require less staff time.

Cons: Governors would receive no technical support from WSBA. Governors would receive no editing and fact-checking support from WSBA. Governors will take on the obligation of safeguarding data privacy.

Requirements to implement before making member email addresses available to governors:

- Adoption of Board of Governor Communication Principles and Code of Conduct (which stipulates appropriate usage and consequences for violations), signed by each governor receiving an email list. (See Option 1.)
- Revisions to the Member Data and Contact Information Policy, which currently does not allow for disclosure of email-addresses per district to governors. (See www.wsba.org/for-legal-professionals/license-renewal/membership-records-and-services/member-data-and-contact-information-policy.)
- Revisions to the Communication Preferences in myWSBA to allow members to opt-in/out of governor communication. The WSBA is responsible for its member email data, which includes providing members opt-out choice for non-official (non-regulatory) notices. Therefore, members will need a way to manage their subscription preference for governor emails directly through our records system, and governors will need to request a new address book for each update, as statuses and preferences often change.
- A signed agreement addressing the governor's responsibility for data privacy and indemnification. (More information will be needed from outside legal experts here.)
- Adoption of a disclaimer to be used as a header for each email message. (See Option 4.)
- Agreement to include the WSBA President and Executive Director on all messages sent to members via email data provided by the WSBA.

- B. Provide governors each with a listserv to send out updates to members who subscribe.

Logistics: This would be similar to the listserv functions WSBA currently provides for sections and other committees/groups, with only administrative push-out messages enabled.

Pros and cons: Similar to providing governors directly with member email addresses with a few key differences. First, WSBA would supply the technical support. Members would be able to directly subscribe and unsubscribe from the listserv, so governors would not need to request an address book each time they sent an update. WSBA would also be able to comply with data-privacy laws and directly pull records as necessary to comply with disclosure rules/subpoenas.

Requirements to implement before making member email addresses available to governors:

- Adoption of Board of Governor Communication Principles and Code of Conduct (which stipulates appropriate usage and consequences for violations), signed by each governor receiving an email list. (See Option 1.)
- Adoption of a disclaimer to be used as a header for each email message. (See Option 4.)
- A new protocol of advertising how to sign up for each governor's listserv in the header of every board-meeting recap. (See Option 3, modified to include the listserv link.)
- Listserv subscription options posted on the board-information web page.

C. Non-email solutions

WSBA members receive a high-volume of emails from the organization, which lessens our ability to flag the most important regulatory information, such as licensing renewal, etc. As an organization, we are committed to reducing our reliance on email. In lieu of, or to lessen reliance on, email updates, governors might consider:

- Standing phone-in updates for district members or stakeholder groups (monthly or quarterly). WSBA would provide the conference-call function and advertise via TakeNote, etc.
- Standing information updates at appropriate local-bar functions such as an agenda item at county-bar meetings or a regular update in county-bar newsletters.
- Monthly or quarterly meet ups, much like a listening tour, throughout your district.

For any/all of these ideas, the WSBA Outreach and Engagement Team is ready to assist in the logistics and advertising. Board of Governor Communication Principles and Code of Conduct would apply.

**WASHINGTON STATE BAR ASSOCIATION
GOVERNORS' COMMUNICATION PROTOCOL**

1. **Availability of Member Email Addresses.** WSBA shall make available to each Member of the WSBA Board of Governors the email addresses held by WSBA for members represented by that governor, pursuant to a revocable license agreement carrying out the provisions of this protocol.
2. **Email List Usage.** The email list provided by the WSBA to the governor may only be used to communicate with WSBA members regarding WSBA matters. The email list may not be used under any circumstances to communicate for any other purpose, and its contents may not be shared with any other party.
3. **Email Content.** The authoring governor is responsible for the email content. He or she shall indemnify the WSBA, its employees, officers and other governors from any claim made against the indemnified parties arising out of the indemnitor governor's emails to members utilizing the email list.
4. **Disclaimer.** Each email shall contain, in bold type, the following disclaimer: "The contents of this email reflect the views of the author only, and do not represent the views or position of the Washington State Bar Association. Only communications directly from the Washington State Bar Association reflect its position and views."
5. **Unsubscribe.** Each email shall also contain the following provision, separately displayed in the email: "If you do not wish to further receive emails from this WSBA governor and wish to be eliminated from his/her email list, please reply to the governor indicating the same and he/she will remove your email address with respect to any further communication."
6. **Copies of Emails.** A copy of each email sent under this protocol shall be emailed to all governors and to the Executive Director of the WSBA.
7. **Violations.** Any violation of the above protocol shall result in revocation of the license to use the email list provided by the WSBA to the governor. Upon notice of revocation, the governor shall immediately delete the entire email list and cease further use of the same.

**WASHINGTON STATE
BAR ASSOCIATION**

MEMO

To: Terra Nevitt, Interim Executive Director
From: Julie Shankland, General Counsel
Date: July 22, 2019
Re: Application of OPMA to WSBA Bylaws

The attached document highlights differences between the current WSBA Bylaws and the open Public Meetings Act (RCW 42.30). This document also explains the procedure we are following based on the King County Superior Court's Order that the WSBA Board of Governors shall comply with the OPMA on all decisions moving forward. This document can be shared with the Board, along with the AGO Training materials and other resources to determine questions and focus discussion on areas that might need more explanation. If legal advice is required, I suggest that the Board note the need for legal advice on specific topics and that we schedule time for an Executive Session for that purpose.

BYLAW AND OPMA PROCEDURE COMPARISON

WSBA Bylaw	OPMA Compliant Procedure	OPMA/Case Citation
Article II.D If any date specified in these Bylaws is a Saturday, Sunday, or legal holiday observed by the Bar, it refers to the next regular business day. Legal holidays observed by the Bar may differ from the legal holidays statutorily designated by the state Legislature.	Regular meetings cannot be held on statutorily designated holidays even if these holidays are not observed by the Bar.	RCW 42.30.070 If a regular meeting falls on a holiday, such meeting shall be held on the next business day.
Article II.E.2 “Quorum” means the presence of a majority of the voting membership (i.e., half the voting members plus one). A quorum must be present when votes are taken.	We are taking a conservative approach and using the OPMA’s implied quorum definition (more than half), which results in a lower number for odd numbers of voting members. The OPMA’s goal of requiring open meetings is served by setting the number of voting members who can discuss business outside of a meeting at the lower number.	The Open Public Meetings Act (OPMA) does not contain an explicit definition of quorum, but cases decided under the statute make clear that the implied definition is “more than half.” [footnote examples] Robert’s Rules also define quorum as more than half of the voting members present.

Article IV.A.4.a.1	<p>Any Governor may be removed from office for good cause by a 75% vote of the entire BOG exclusive of the Governor subject to removal, who will not vote. The vote will be by secret written ballot. Good cause for removal includes, without limitation, incapacity to serve, serious or repeated failures to meet the duties outlined in these Bylaws, or conduct or activities that bring discredit to the Bar.</p>	<p>RCW 42.30.110(f)</p> <p>The vote to remove a governor from office must take place in public session and cannot be by secret written ballot.</p>
Article IV.B.5	<p>The Executive Director is the principal administrative officer of the Bar. The Executive Director is responsible for the day-to-day operations of the Bar including, without limitation (11) ensuring that minutes are made and kept of all BOG meetings;</p>	<p>RCW 42.30.035</p> <p>We will not have minutes of Executive Sessions because (1) they are not required under the OPMA and (2) no action can be taken in Executive Session. Because all Executive Sessions must begin in public session, minutes will be kept that record the date, time and reason for the Executive Session and will list those in attendance.</p>

<p>Article IV.B.7.4</p> <p>The Executive Director is appointed by the BOG, serves at the direction of the BOG, and may be dismissed at any time by the BOG without cause by a majority vote of the entire BOG. If dismissed by the BOG, the Executive Director may, within 14 days of receipt of a notice terminating employment, file with the Supreme Court and serve on the President, a written request for review of the dismissal. If the Supreme Court finds that the dismissal of the Executive Director is based on the Executive Director's refusal to accede to a BOG directive to disregard or violate a Court order or rule, the Court may veto the dismissal and the Executive Director will be retained.</p>	<p>This process must be in public session. There is no provision in the OPMA authorizing an Executive Session for a decisions to dismiss the Executive Director.</p>	<p>RCW 42.30.110</p> <p><i>Miller v. City of Tacoma</i>, 138 Wn.2d 318, 979 P.2d 429 (1999)</p>
<p>Article IV.C</p> <p>The BOG may delegate work to BOG standing committees, special committees, work groups, or other subgroups however defined, the membership of which will be established by the President with due consideration given to Governors' membership requests. The BOG standing committees include, at a minimum, the following: Executive Committee; Awards Committee; Budget and Audit Committee;</p>	<p>Any committee or other entity created by the BOG that exercises actual or de-facto decision-making authority, or conducts hearings, or takes testimony or public comment, must independently comply with the OPMA requirements.</p> <p>Informal advisory do not have to separately comply with the OPMA.</p>	<p>RCW 42.30.020(d)(2)</p> <p>Governing body means the multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee there when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.</p> <p><i>Citizens Alliance for Property Rights Legal Fund v. San Juan County</i>, 184 Wn.2d 428, 359 P.3d 753 (2015)</p>

Legislative Committee; Personnel Committee; and Diversity Committee.	<p>An advisory entity, gathers information, conducts internal discussions and provides information to the governing body.</p> <p>We continue the work of determining which entities must separately comply with the OPMA.</p> <p>Article IV.C.4 describes the BOG Legislative Committee as “authorized to propose or adopt positions on behalf of the BOG with respect to legislation that has been introduced or is expected to be introduced in the Washington State Legislature, including the authority to propose amendments to legislation or to adopt positions on amendments to legislation.”</p> <p>The Bylaws appear to provide decision-making authority to the Legislative Committee.</p>	
<p>VI.D.4. c, d, e, f, and i Election Procedures</p> <p>(c) The BOG may appoint a committee to recommend candidates to the BOG from all who have submitted their applications for a position in a timely manner.</p> <p>(d) All recommended candidates, or others as determined at the discretion of the BOG,</p>	<p>The elections must take place in public session and cannot use secret ballots. If the BOG appoints a committee to recommend candidates, that committee must separately comply with the OPMA. It is unlikely that anyone, including other candidates, can be excluded from the public session. Governors cannot vote via a confidential phone call with the Executive Director or other person designated by the President.</p>	<p>RCW 42.30.030</p> <p>RCW 42.30.110(h)</p> <p>AGO Guidance on Filling Board Vacancies</p> <p>Board committee to review candidates must separately comply with OPMA.</p> <p><i>Citizens Alliance for Property Rights Legal Fund v. San Juan County</i>, 184 Wn.2d 428, 359 P.3d 753 (2015)</p>

<p>will be interviewed in public session of the BOG's meeting. Candidates who are competing for the same position must not be present for each other's interviews.</p> <p>(e) Discussion of the candidates will be in public session but candidates will be asked by the President not to be present.</p> <p>(f) Election of candidates will be conducted by secret written ballot.</p> <p>(i) Proxy votes are not allowed; however, a Governor who participated in the interview and discussion process by electronic means may cast a vote telephonically via a confidential phone call with the Executive Director and the other persons designated by the President to count the ballots.</p>		
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VII.A.1	<p>“Meeting” means any regular or special meeting of the BOG or other Bar entity at which action is contemplated.</p> <p>A “special meeting” is a meeting limited to specific agenda topics.</p>	<p>All of the BOG meetings are currently “special meetings.” Although the OPMA states that regular meetings require a periodic schedule declared by statute or rule, RCW 2.48.050(4) provides the governors the power to “adopt rules” [interpreted as Bylaws] “concerning annual and special meetings.”</p> <p>Special meetings must comply with all of the provisions in RCW 42.30.080</p>	<p>RCW 42.30.080</p> <p>Regular meetings are recurring meetings held in accordance with a periodic schedule declared by statute or rule and filed with the code reviser.</p> <p>Special meetings are all other meetings.</p>
VII.A.1.c	<p>“Action” means the transaction of the official business of the Bar by the BOG or other Bar entity including but not limited to receipt of member information, deliberations, discussions, considerations, reviews, evaluations, and final actions.</p>	<p>Action includes receipt of public testimony.</p>	<p>RCW 42.30.020(3)</p> <p>The OPMA defines “action” as “the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, review, evaluations, and final actions.</p>
VII.A.1.d	<p>“Minutes” means, at a minimum, recording the members of the Bar entity in attendance, the date and time of the meeting, the agenda of the meeting, the subject and results of any final action taken, and a reasonable summary of the issues and points raised during discussion.</p>	<p>We are not creating Executive Session minutes because (1) they are not required under the OPMA and (2) no action can be taken in Executive Session. Because all Executive Sessions must begin in public session, minutes will be kept that record the date, time and reason for the Executive Session and will list those in attendance.</p>	<p>RCW 42.30.035</p> <p>The minutes of all regular and special meetings except executive sessions of such boards, commissions, agencies or authorities shall be promptly recorded and such records shall be open to public inspection.</p>

VII.B.1 All meetings of the BOG or other Bar entity must be open and public and all persons will be permitted to attend any meeting, except as otherwise provided in these Bylaws or under court rules. A meeting may be held in person or by videoconference and/or teleconference. Meeting schedules and contact information will be made reasonably available by the Bar	<p>We are required to reserve a physical space for all public meetings, including meetings at which all of the Board members attend telephonically. Because Board members attending telephonically must be able to hear everything that happens at meetings, votes must be by roll call.</p> <p>All BOG meetings are currently Special Meetings. The meeting notice and the agenda must be:</p> <ul style="list-style-type: none"> (1) In writing and delivered personally to all board members by mail, email, fax at least 24 hours prior to the meeting; (2) Displayed prominently at the main entrance of the WSBA Offices in Seattle and at the meeting site if the meeting is not held at the WSBA's Offices; and (3) Posted on the WSBA website. <p>The notice must include the following information:</p> <ul style="list-style-type: none"> (1)time and place of meeting; (2)the business to be transacted at the special meeting (agenda) 	<p>RCW 42.30.080</p> <p>Special meeting notices are required to contain the “place” of the meeting and notice must be prominently displayed at the main entrance of the agency’s principal location and at the meeting site, if the meeting is held in a different location.</p>
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<p>VII.B.2</p> <p>This Open Meetings Policy does not apply to duly designated executive sessions, meetings otherwise excluded under the terms of these Bylaws, meetings of the BOG Personnel and Awards Committees, the Judicial Recommendation Committee, or to matters regulated by the Rules for Enforcement of Lawyer Conduct, the Admission and Practice Rules, or the Rules for Enforcement of Conduct of Limited Practice Officers</p>	<p>BOG Committees and entities that must comply with the OPMA can only hold Executive Sessions for the reasons listed in the statute.</p> <p>Entities not created by the BOG, involving professional licensing, discipline or other quasi-judicial matters are not required to comply with the OPMA.</p>	<p><u>RCW 42.30.080</u></p> <p>The OPMA provisions apply to BOG and BOG Committee Executive Sessions. The BOG and other entities can only hold Executive Sessions for the reasons and with the notice provisions stated in the OPMA.</p> <p><u>RCW 42.30.140</u></p> <p>If any provision of this chapter conflicts with the provisions of any other statute, the provisions of this chapter shall control: PROVIDED, That this chapter shall not apply to:</p> <ul style="list-style-type: none"> (1) The proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation, or profession or to any disciplinary proceedings involving a member of such business, occupation, or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or (2) That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group;
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	BOG Personnel and Awards and Judicial Recommendations Committees are not clearly excluded. We are continuing to analyze whether these committees must separately comply with the OPMA.	
VII.B.6	<p>At any meeting required to be open to the public, no Bar entity is permitted to vote by secret ballot, except for elections for At Large Governors and the President-elect, as required by Article VI(D) for purposes of elections, or as otherwise provided by these Bylaws. A vote taken by email will not be deemed a secret ballot so long as the vote, including the question voted on, the identity of each person voting, and vote cast by each person, is recorded and published with the minutes. Votes taken on matters in a duly designated executive session need not be recorded or published, unless otherwise required by these Bylaws or court rule.</p>	<p>RCW 42.30.060(2)</p> <p>(2) No governing body of a public agency at any meeting required to be open to the public shall vote by secret ballot. Any vote taken in violation of this subsection shall be null and void, and shall be considered an "action" under this chapter.</p>
VII.B.7 Executive Session 1. The BOG may meet in Executive Session at the discretion of the President subject to a majority vote of the Board of Governors that an issue is not properly raised in Executive	<p>The BOG may meet in Executive Session only for the reasons listed in the OPMA:</p> <p>(a)(i) To consider matters affecting national security;</p>	<p>RCW 42.30.110</p> <p>There was a change to this statute during the 2019 legislative session relating to Protecting the confidentiality of health care quality and peer review discussions to support effective</p>

<p>Session, or as specifically provided by court rule:</p> <ul style="list-style-type: none"> a. To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price, or to consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price; b. To discuss an individual disciplinary matter, character and fitness matter, Client Protection Fund claim, or other matter made confidential by court rule or these Bylaws; c. To evaluate the qualifications of an applicant for employment as Executive Director or General Counsel, or for appointment to a position with the Bar or on a Bar entity; to review the performance of the Executive Director; or to receive or evaluate complaints regarding Officers, Governors, Bar staff, or appointees to other Bar entities; 	<p>(ii) To consider, if in compliance with any required data security breach disclosure under RCW 19.255.010 and 42.56.590, and with legal counsel available, information regarding the infrastructure and security of computer and telecommunications networks, security and service recovery plans, security risk assessments and security test results to the extent that they identify specific system vulnerabilities, and other information that if made public may increase the risk to the confidentiality, integrity, or availability of agency security or to information technology infrastructure or assets;</p> <p>(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;</p> <p>(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;</p> <p>g) To evaluate the qualifications of an applicant for public employment or to review the</p>	<p>patient safety. This change does not affect WSBA</p>
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<p>d. To discuss with legal counsel representing the Bar in litigation or potential litigation to which the Bar, the Bar entity, or an employee or officer of the Bar or member of the Bar entity is or is likely to become a party, or to have other privileged or confidential communications with legal counsel representing the Bar;</p> <p>e. To discuss legislative strategy; or</p> <p>To discuss any other topic in which the President in his or her discretion believes the preservation of confidentiality is necessary or where public discussion might result in violation of individual rights or in unwarranted or unjustified private or personal harm. This subsection 6 shall be narrowly and strictly construed; mere embarrassment or criticism is insufficient standing alone to address an issue in Executive Session</p>	<p>performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;</p> <p>(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;</p> <p>(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.</p> <p>This subsection (1)(i) does not permit a governing body to hold an executive session</p>	
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	<p>solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:</p> <ul style="list-style-type: none"> (i) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party; (ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or (iii) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency; 	
VII.B.7.b	<p>A BOG committee may meet in Executive Session subject to the same terms and conditions as the Board may meet in Executive Session as identified in the preceding section.</p>	<p>BOG Committees required to separately comply with the OPMA may only meet in ES for reasons listed in the statute. All actions must be taken in public session.</p> <p>RCW 40.32.020 (definition of governing body)</p> <p>RCW 40.32.110 (ES)</p>
VII.B.7.c	<p>BOG Committees/Entities required to separately comply with the OPMA may only</p>	<p>RCW 40.32.020 (definition of governing body)</p>

<p>a. Other Bar entities may meet in Executive Session on matters within the scope of their work at the discretion of the Chair or as specifically provided by court rule:</p> <p>f. To discuss an individual disciplinary matter, character and fitness matter, Client Protection Fund claim, or other matter made confidential by court rule or these Bylaws;</p> <p>g. To evaluate the qualifications of an applicant for appointment to a Bar entity;</p> <p>h. To discuss with legal counsel representing the Bar in litigation or potential litigation to which the Bar, the Bar entity, or an employee or officer of the Bar or member of the Bar entity is or is likely to become a party, or to have other privileged or confidential communications with legal counsel representing the Bar; or</p> <p>i. To discuss legislative strategy.</p>	<p>meet in ES for reasons listed in the statute. All actions must be taken in public session.</p>	<p>RCW 40.32.110 (ES)</p>
VII.B.8		

<p>Each Bar entity will set regular and special meetings as needed. It will not be a violation of these Bylaws for a majority of the members of a Bar entity to travel together or gather for purposes other than a meeting or special meeting as these terms are used in these Bylaws, provided that they take no final action as defined in these Bylaws.</p>	<p>Regular meetings are “recurring meetings held in accordance with a periodic schedule declared by statute or rule.”</p> <p>In September of each year, the BOG should adopt a meeting schedule and location by resolution and file with the code reviser prior to January</p> <p>Any meeting that is not a regular meeting is a special meeting. All BOG meetings are currently special meetings.</p> <p>A majority of the members of the BOG or BOG entities may travel together or gather for purposes other than meetings, so long as no action is taken. Discussion or consideration of official business would be action, triggering OPMA requirements.</p>	<p>RCW. 42.30.070; RCW 42.30.075</p> <p>RCW 2.48.050 (Governors have power to adopt rules concerning annual and special meetings)</p> <p>RCW 42.30.075 (Regular Meeting Definition) For the purposes of this section “regular” meetings shall mean recurring meetings held in accordance with a periodic schedule declared by statute or rule.</p> <p>RCW 2.48.080 (Special Meeting) Meetings that are not Regular Meetings are Special Meetings.</p> <p>RCW 42.30.070 It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting as these terms are used in this chapter: PROVIDED, That they take no action as defined in this chapter.</p>
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VII.C.1	<p>Regular meetings of the BOG will be held at such times and locations as the President may designate. Notice of the date, time, and location of each regular meeting must be posted on the Bar's website no later than 45 days prior to the date of the meeting. The agenda for the meeting will be posted on the Bar's website once finalized. Late materials related to agenda items may be accepted. Any changes to the agenda will be posted as soon as practicable given the circumstances of the change.</p>	<p>All BOG meetings are currently defined as special meetings under the OPMA (recurring meeting schedule not adopted and filed with code reviser).</p>	<p>RCW 42.30.075; RCW.42.30.080</p> <p>For the purposes of this section "regular" meetings shall mean recurring meetings held in accordance with a periodic schedule declared by statute or rule.</p>
VII.C.2	<p>Special Meetings</p> <p>Special meetings of the BOG may be called by the President at his or her discretion, by the Executive Director, at the written request of five members of the BOG, or at the written request of three members of the BOG's Executive Committee.</p> <p>Special meetings will customarily be held at the Bar's offices. All reasonable efforts will be made to schedule special meetings so the maximum number of Governors may attend, and Governors who are unable to</p>	<p>Special meetings called be presiding officer or majority of members of BOG.</p> <p>Notice Timing: 24 hours prior to meeting</p> <p>Written Notices Required:</p> <ul style="list-style-type: none"> (1) To each member of the governing body (unless waived) (2) Posted on website (3) To local newspapers, radio and television stations that have a notice request on file; 	<p>RCW.42.30.080</p> <p>(1) A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the governing body. Written notice shall be deemed waived in the following circumstances:</p> <p>(a) A member submits a written waiver of notice with the clerk or secretary of the governing body at or prior to the time the</p>

<p>attend in person may attend by electronic means.</p> <p>(b) Notice of a special meeting must be in writing and must set forth the time, place and purpose thereof, and must be given to all members of the BOG, the officers, the Executive Director, and the General Counsel, and posted on the Bar's website, at least five days prior to the meeting. The five days' notice requirement may be waived by unanimous consent of the BOG.</p> <p>The special meeting will only consider such matters as set forth in the notice of the meeting. A special meeting may be canceled by the written consent of eight Governors, directed to the Executive Director, who in turn will transmit the cancellation notice and supporting documentation to all persons who were sent notice of the meeting.</p>	<p>(4) Prominently displayed at main entrance to WSBA Seattle Offices and at the meeting location (if not the (5) same)</p> <p>Notice Content:</p> <ul style="list-style-type: none"> (1) Time (2) Place (3) Business to be transacted (agenda) <p>Final disposition shall not be taken on any matter not on the agenda. No final action in ES.</p>	<p>meeting convenes. A written waiver may be given by telegram, fax, or electronic mail; or</p> <p>(b) A member is actually present at the time the meeting convenes.</p> <p>(2) Notice of a special meeting called under subsection (1) of this section shall be:</p> <ul style="list-style-type: none"> (a) Delivered to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of such special meeting or of all special meetings; (b) Posted on the agency's web site. An agency is not required to post a special meeting notice on its web site if it (i) does not have a web site; (ii) employs fewer than ten full-time equivalent employees; or (iii) does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the web site; and (c) Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location. <p>Such notice must be delivered or posted, as applicable, at least twenty-four hours before the time of such meeting as specified in the notice.</p> <p>(3) The call and notices required under subsections (1) and (2) of this section shall</p>
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		<p>specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body.</p> <p>(4) The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.</p>
VII.C.3 Emergency Meetings An emergency meeting may be called, with 24-hour electronic notice to all members of the BOG and the General Counsel: (a)When the President determines that an extraordinary matter requires immediate attention of the BOG; or (b)By the Executive Director when there has been a natural disaster or catastrophic event that significantly impacts the Bar's ability to function.	The OPMA limits emergency meetings to "flood, earthquake, or other emergency." Notice provisions of the statute are suspended during this type of emergency.	<u>RCW.42.30.070</u> The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day.

<p>The emergency meeting will be held at a location designated by the President or Executive Director, and Governors who are unable to attend in person may attend by electronic means. Notice of the meeting must indicate the subject matter to be considered, and the meeting must only consider such noted subject matter.</p>		<p>If, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site and the notice requirements of this chapter shall be suspended during such emergency. It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting as these terms are used in this chapter: PROVIDED, That they take no action as defined in this chapter.</p>
<p>VII.C.4</p> <p>For every BOG meeting, the President will establish the agenda and order of business. Upon request to the President, a Governor may add an item to the upcoming regular meeting's agenda. If in the President's good faith estimation the upcoming agenda is full, the requested item will be placed on the next regularly scheduled meeting's agenda, unless otherwise agreed by the President and the requesting Governor. However, nothing in this section shall prohibit the Board of Governors upon a duly seconded motion from addressing any issue or taking any action a majority of the</p>	<p>All BOG meetings are special meetings currently. Final action can only be taken on matters on the meeting agenda that is posted 24 hours prior to the meeting.</p>	<p>RCW.42.30.080</p>

Board determines to take if otherwise permitted by these Bylaws.		
VII.C.5 Proceedings at BOG meetings shall be governed by the most current edition of Robert's Rules of Order.	OPMA controls in the case of conflicts, except for professional licensing, discipline and other quasi-judicial functions.	<p><u>RCW 42.30.140</u></p> <p>If any provision of this chapter conflicts with the provisions of any other statute, the provisions of this chapter shall control: PROVIDED, That this chapter shall not apply to:</p> <ul style="list-style-type: none"> (1) The proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation, or profession or to any disciplinary proceedings involving a member of such business, occupation, or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or (2) That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; or (3) Matters governed by chapter <u>34.05</u> RCW, the Administrative Procedure Act; or

		(4)(a) Collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.
VII.D.3 and 4 An Executive Committee meeting may be called by any member of the Executive Committee, provided that at least five days' notice is given to the Board of Governors and Executive Committee members. If an emergency situation requires less than five days' notice, the notice period may be waived by unanimous consent of the Executive Committee members but the full Board must be given notice at the same time of both the intent to consider an emergency meeting and the day and time of the meeting itself.	<p>Committees of governing bodies must separately comply with the OPMA if:</p> <ul style="list-style-type: none"> (1) Created by the governing body; (2) Committee acts on behalf of the governing body (actual or defacto decision-making authority); or (3) Takes testimony or public comment <p>Executive Committee meetings must separately comply with the OPMA, so the special meeting requirements must be followed.</p>	RCW 42.30.020 <p>"Governing body" means the multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.</p> <p><i>Citizens Alliance for Property Rights Legal Fund v. San Juan County</i>, 184 Wn.2d 428, 359 P.3d 753 (2015)</p>

<p>The Executive Committee may meet as necessary to develop the BOG meeting agenda or for discussion and action on matters within its scope. All agenda setting meetings will be set in advance and notice provided in writing to all Governors with the day, time, place, and agenda or purpose of the Executive Committee's meeting, and any Governor may attend the meeting. Although emergent issues may make it difficult to provide advanced notice of Executive Committee meetings not related to meeting and agenda setting, the Executive Committee must provide advance notice to all Governors to permit them to attend whenever feasible to do so</p>		
<p>XVI.A</p> <p>These Bylaws may be amended by the BOG at any regular meeting of the BOG, or at any special meeting of the BOG called for that purpose under the terms of these Bylaws.</p>	<p>WSBA must follow the OPMA definitions, notice and agenda requirements for regular and special meetings when amending the Bylaws.</p>	<p><u>RCW 42.30.060</u></p> <p>(1) No governing body of a public agency shall adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this chapter. Any action taken at meetings failing to</p>

		<p>comply with the provisions of this subsection shall be null and void.</p> <p>(2) No governing body of a public agency at any meeting required to be open to the public shall vote by secret ballot. Any vote taken in violation of this subsection shall be null and void, and shall be considered an "action" under this chapter.</p>
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