

**WASHINGTON STATE
BAR ASSOCIATION**

**Board of Governors Meeting
Public Session Materials**

**January 17-18, 2019
WSBA Conference Center
Seattle, Washington**

WASHINGTON STATE BAR ASSOCIATION

WSBA MISSION

The Washington State Bar Association’s mission is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.

WSBA GUIDING PRINCIPLES

The WSBA will operate a well-managed association that supports its members and advances and promotes:

- **Access to the justice system.**
Focus: Provide training and leverage community partnerships in order to enhance a culture of service for legal professionals to give back to their communities, with a particular focus on services to underserved low and moderate income people.
- **Diversity, equality, and cultural understanding throughout the legal community.**
Focus: Work to understand the lay of the land of our legal community and provide tools to members and employers in order to enhance the retention of minority legal professionals in our community.
- **The public’s understanding of the rule of law and its confidence in the legal system.**
Focus: Educate youth and adult audiences about the importance of the three branches of government and how they work together.
- **A fair and impartial judiciary.**
- **The ethics, civility, professionalism, and competence of the Bar.**

MISSION FOCUS AREAS

Ensuring Competent and Qualified Legal Professionals

- Cradle to Grave
- Regulation and Assistance

Promoting the Role of Legal Professionals in Society

- Service
- Professionalism

PROGRAM CRITERIA

- Does the Program further either or both of WSBA’s mission-focus areas?
- Does WSBA have the competency to operate the Program?
- As the mandatory bar, how is WSBA uniquely positioned to successfully operate the Program?
- Is statewide leadership required in order to achieve the mission of the Program?
- Does the Program’s design optimize the expenditure of WSBA resources devoted to the Program, including the balance between volunteer and staff involvement, the number of people served, the cost per person, etc?

2016 – 2018 STRATEGIC GOALS

- **Equip members with skills for the changing profession**
- **Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession**
- **Explore and pursue regulatory innovation and advocate to enhance the public’s access to legal services**

GR 12
REGULATION OF THE PRACTICE OF LAW

The Washington Supreme Court has inherent and plenary authority to regulate the practice of law in Washington. The legal profession serves clients, courts, and the public, and has special responsibilities for the quality of justice administered in our legal system. The Court ensures the integrity of the legal profession and protects the public by adopting rules for the regulation of the practice of law and actively supervising persons and entities acting under the Supreme Court's authority.

[Adopted effective September 1, 2017.]

GR 12.1
REGULATORY OBJECTIVES

Legal services providers must be regulated in the public interest. In regulating the practice of law in Washington, the Washington Supreme Court's objectives include: protection of the public; advancement of the administration of justice and the rule of law; meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems;

- (a) transparency regarding the nature and scope of legal services To be provided, the credentials of those who provide them, and the availability of regulatory protections;
- (b) delivery of affordable and accessible legal services;
- (c) efficient, competent, and ethical delivery of legal services;
- (d) protection of privileged and confidential information;
- (e) independence of professional judgment;
- (f) Accessible civil remedies for negligence and breach of other duties owed, disciplinary sanctions for misconduct, and advancement of appropriate preventive or wellness programs;
- (g) Diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system.

[Adopted effective September 1, 2017.]

GR 12.2
**WASHINGTON STATE BAR ASSOCIATION: PURPOSES, AUTHORIZED
ACTIVITIES, AND PROHIBITED ACTIVITIES**

In the exercise of its inherent and plenary authority to regulate the practice of law in Washington, the Supreme Court authorizes and supervises the Washington State Bar Association's activities. The Washington State Bar Association carries out the administrative responsibilities and functions expressly delegated to it by this rule and other Supreme Court rules and orders enacted or adopted to regulate the practice of law, including the purposes and authorized activities set forth below.

- (a) Purposes: In General. In general, the Washington State Bar Association strives to:

- (1) Promote independence of the judiciary and the legal profession.
- (2) Promote an effective legal system, accessible to all.
- (3) Provide services to its members and the public.
- (4) Foster and maintain high standards of competence, professionalism, and ethics among its members.
- (5) Foster collegiality among its members and goodwill between the legal profession and the public.
- (6) Promote diversity and equality in the courts and the legal profession.
- (7) Administer admission, regulation, and discipline of its members in a manner that protects the public and respects the rights of the applicant or member.
- (8) Administer programs of legal education.
- (9) Promote understanding of and respect for our legal system and the law.
- (10) Operate a well-managed and financially sound association, with a positive work environment for its employees.
- (11) Serve as a statewide voice to the public and to the branches of government on matters relating to these purposes and the activities of the association and the legal profession.

(b) Specific Activities Authorized. In pursuit of these purposes, the Washington State Bar Association may:

- (1) Sponsor and maintain committees and sections, whose activities further these purposes;
- (2) Support the judiciary in maintaining the integrity and fiscal stability of an independent and effective judicial system;
- (3) Provide periodic reviews and recommendations concerning court rules and procedures;
- (4) Administer examinations and review applicants' character and fitness to practice law;
- (5) Inform and advise its members regarding their ethical obligations;
- (6) Administer an effective system of discipline of its members, including receiving and investigating complaints of misconduct by legal professionals, taking and recommending appropriate punitive and remedial measures, and diverting less serious misconduct to alternatives outside the formal discipline system;
- (7) Maintain a program, pursuant to court rule, requiring members to submit fee disputes to arbitration;
- (8) Maintain a program for mediation of disputes between members and others;
- (9) Maintain a program for legal professional practice assistance;
- (10) Sponsor, conduct, and assist in producing programs and products of continuing legal education;

- (11) Maintain a system for accrediting programs of continuing legal education;
 - (12) Conduct examinations of legal professionals' trust accounts;
 - (13) Maintain a fund for client protection in accordance with the Admission and Practice Rules;
 - (14) Maintain a program for the aid and rehabilitation of impaired members;
 - (15) Disseminate information about the organization's activities, interests, and positions;
 - (16) Monitor, report on, and advise public officials about matters of interest to the organization and the legal profession;
 - (17) Maintain a legislative presence to inform members of new and proposed laws and to inform public officials about the organization's positions and concerns;
 - (18) Encourage public service by members and support programs providing legal services to those in need;
 - (19) Maintain and foster programs of public information and education about the law and the legal system;
 - (20) Provide, sponsor, and participate in services to its members;
 - (21) Hire and retain employees to facilitate and support its mission, purposes, and activities, including in the organization's discretion, authorizing collective bargaining;
 - (22) Establish the amount of all license, application, investigation, and other related fees, as well as charges for services provided by the Washington State Bar Association, and collect, allocate, invest, and disburse funds so that its mission, purposes, and activities may be effectively and efficiently discharged. The amount of any license fee is subject to review by the Supreme Court for reasonableness and may be modified by order of the Court if the Court determines that it is not reasonable;
 - (23) Administer Supreme-Court-created boards in accordance with General Rule 12.3.
- (c) Activities Not Authorized. The Washington State Bar Association will not:
- (1) Take positions on issues concerning the politics or social positions of foreign nations;
 - (2) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice; or
 - (3) Support or oppose, in an election, candidates for public office.

[Adopted effective July 17, 1987; amended effective December 10, 1993; September 1, 1997; September 1, 2007; September 1, 2013; September 1, 2017.]

GR 12.3
WASHINGTON STATE BAR ASSOCIATION ADMINISTRATION
OF SUPREME COURT-CREATED BOARDS AND COMMITTEES

The Supreme Court has delegated to the Washington State Bar Association the authority and responsibility to administer certain boards and committees established by court rule or order. This delegation of authority includes providing and managing staff, overseeing the boards and committees to monitor their compliance with the rules and orders that authorize and regulate them, paying expenses reasonably and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court, or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions.

[Adopted effective September 1, 2007; amended effective September 1, 2017.]

GR 12.4
WASHINGTON STATE BAR ASSOCIATION ACCESS TO
RECORDS

(a) Policy and Purpose. It is the policy of the Washington State Bar Association to facilitate access to Bar records. A presumption of public access exists for Bar records, but public access to Bar records is not absolute and shall be consistent with reasonable expectations of personal privacy, restrictions in statutes, restrictions in court rules, or as provided in court orders or protective orders issued under court rules. Access shall not unduly burden the business of the Bar.

(b) Scope. This rule governs the right of public access to Bar records. This rule applies to the Washington State Bar Association and its subgroups operated by the Bar including the Board of Governors, committees, task forces, commissions, boards, offices, councils, divisions, sections, and departments. This rule also applies to boards and committees under GR 12.3 administered by the Bar. A person or entity entrusted by the Bar with the storage and maintenance of Bar records is not subject to this rule and may not respond to a request for access to Bar records, absent express written authority from the Bar or separate authority in rule or statute to grant access to the documents.

(c) Definitions.

(1) "Access" means the ability to view or obtain a copy of a Bar record.

(2) "Bar record" means any writing containing information relating to the conduct of any Bar function prepared, owned, used, or retained by the Bar regardless of physical form or characteristics. Bar records include only those records in the possession of the Bar and its staff or stored under Bar ownership and control in facilities or servers. Records solely in the possession of hearing officers, non-Bar staff members of boards, committees, task forces, commissions, sections, councils, or divisions that were prepared by the hearing officers or the members and in their sole possession, including private notes and working papers, are not Bar records and are not subject to public access under this rule. Nothing in this rule requires the Bar to create a record that is not currently in possession of the Bar at the time of the request.

(3) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation in paper, digital, or other format.

(d) Bar Records--Right of Access.

(1) The Bar shall make available for inspection and copying all Bar records, unless the record falls within the specific exemptions of this rule, or any other state statute (including the Public Records Act, chapter 42.56 RCW) or federal statute or rule as they would be applied to a public agency, or is made confidential by the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, the Admission to Practice Rules and associated regulations, the Rules for Enforcement of Limited Practice Officer Conduct, General Rule 25, court orders or protective orders issued under those rules, or any other state or federal statute or rule. To the extent required to prevent an unreasonable invasion of personal privacy interests or threat to safety or by the above-referenced rules, statutes, or orders, the Bar shall delete identifying details in a manner consistent with those rules, statutes, or orders when it makes available or publishes any Bar record; however, in each case, the justification for the deletion shall be explained in writing.

(2) In addition to exemptions referenced above, the following categories of Bar records are exempt from public access except as may expressly be made public by court rule:

(A) Records of the personnel committee, and personal information in Bar records for employees, appointees, members, or volunteers of the Bar to the extent that disclosure would violate their right to privacy, including home contact information (unless such information is their address of record), Social Security numbers, driver's license numbers, identification or security photographs held in Bar records, and personal data including ethnicity, race, disability status, gender, and sexual orientation. Membership class and status, bar number, dates of admission or licensing, addresses of record, and business telephone numbers, facsimile numbers, and electronic mail addresses (unless there has been a request that electronic mail addresses not be made public) shall not be exempt, provided that any such information shall be exempt if the Executive Director approves the confidentiality of that information for reasons of personal security or other compelling reason, which approval must be reviewed annually.

(B) Specific information and records regarding

(i) internal policies, guidelines, procedures, or techniques, the disclosure of which would reasonably be expected to compromise the conduct of disciplinary or regulatory functions, investigations, or examinations;

(ii) application, investigation, and hearing or proceeding records relating to lawyer, Limited Practice Officer, or Limited License Legal Technician admissions, licensing, or discipline, or that relate to the work of ELC 2.5 hearing officers, the Board of Bar Examiners, the Character and Fitness Board, the Law Clerk Board, the Limited Practice Board, the MCLE Board, the Limited License Legal Technician Board, the Practice of Law Board, or the Disciplinary Board in conducting investigations, hearings or proceedings; and

(iii) the work of the Judicial Recommendation Committee and the Hearing Officer selection panel, unless such records are expressly categorized as public information by court rule.

(C) Valuable formulae, designs, drawings, computer source code or object code, and research data created or obtained by the Bar.

(D) Information regarding the infrastructure, integrity, and security of computer and telecommunication networks, databases, and systems.

(E) Applications for licensure by the Bar and annual licensing forms and related records, including applications for license fee hardship waivers and any decision or determinations on the hardship waiver applications.

(F) Requests by members for ethics opinions to the extent that they contain information identifying the member or a party to the inquiry.

Information covered by exemptions will be redacted from the specific records sought. Statistical information not descriptive of any readily identifiable person or persons may be disclosed.

(3) Persons Who Are Subjects of Records.

(A) Unless otherwise required or prohibited by law, the Bar has the option to give notice of any records request to any member or third party whose records would be included in the Bar's response.

(B) Any person who is named in a record, or to whom a record specifically pertains, may present information opposing the disclosure to the applicable decision maker.

(C) If the Bar decides to allow access to a requested record, a person who is named in that record, or to whom the records specifically pertains, has a right to initiate review or to participate as a party to any review initiated by a requester. The deadlines that apply to a requester apply as well to a person who is a subject of a record.

(e) Bar Records--Procedures for Access.

(1) General Procedures. The Bar Executive Director shall appoint a Bar staff member to serve as the public records officer to whom all records requests shall be submitted. Records requests must be in writing and delivered to the Bar public records officer, who shall respond to such requests within 30 days of receipt. The Washington State Bar Association must implement this rule and adopt and publish on its website the public records officer's work mailing address, telephone number, fax number, and e-mail address, and the procedures and fee schedules for accepting and responding to records requests by the effective date of this rule. The Bar shall acknowledge receipt of the request within 14 days of receipt, and shall communicate with the requester as necessary to clarify any ambiguities as to the records being requested. Records requests shall not be directed to other Bar staff or to volunteers serving on boards, committees, task forces, commissions, sections, councils, or divisions.

(2) Charging of Fees.

(A) A fee may not be charged to view Bar records.

(B) A fee may be charged for the photocopying or scanning of Bar records according to the fee schedule established by the Bar and published on its web site.

(C) A fee not to exceed \$30 per hour may be charged for research services required to fulfill a request taking longer than one hour. The fee shall be assessed from the second hour onward.

(f) Extraordinary Requests Limited by Resource Constraints. If a particular request is of a magnitude or burden on resources that the Bar cannot fully comply within 30 days due to constraints on time, resources, and personnel, the Bar shall communicate this information to the requester along with a good faith estimate of the time needed to complete the Bar's response. The Bar must attempt to reach

agreement with the requester as to narrowing the request to a more manageable scope and as to a timeframe for the Bar's response, which may include a schedule of installment responses. If the Bar and requester are unable to reach agreement, the Bar shall respond to the extent practicable, clarify how and why the response differs from the request, and inform the requester that it has completed its response.

(g) Denials. Denials must be in writing and shall identify the applicable exemptions or other bases for denial as well as a written summary of the procedures under which the requesting party may seek further review.

(h) Review of Records Decisions.

(1) Internal Review. A person who objects to a record decision or other action by the Bar's public records officer may request review by the Bar's Executive Director.

(A) A record requester's petition for internal review must be submitted within 90 days of the Bar's public records officer's decision, on such form as the Bar shall designate and make available.

(B) The review proceeding is informal, summary, and on the record.

(C) The review proceeding shall be held within five working days. If that is not reasonably possible, then within five working days the review shall be scheduled for the earliest practical date.

(2) External Review. A person who objects to a records review decision by the Bar's Executive Director may request review by the Records Request Appeals Officer (RRAO) for the Bar.

(A) The requesting party's request for review of the Executive Director's decision must be deposited in the mail and postmarked or delivered to the Bar not later than 30 days after the issuance of the decision, and must be on such form as the Bar shall designate and make available.

(B)) The review will be informal and summary, but in the sole discretion of the RRAO may include the submission of briefs no more than 20 pages long and of oral arguments no more than 15 minutes long.

(C) Decisions of the RRAO are final unless, within 30 days of the issuance of the decision, a request for discretionary review of the decision is filed with the Supreme Court. If review is granted, review is conducted by the Chief Justice of the Washington Supreme Court or his or her designee in accordance with procedures established by the Supreme Court. A designee of the Chief Justice shall be a current or former elected judge. The review proceeding shall be on the record, without additional briefing or argument unless such is ordered by the Chief Justice or his or her designee.

(D) The RRAO shall be appointed by the Board of Governors. The Bar may reimburse the RRAO for all necessary and reasonable expenses incurred in the completion of these duties, and may provide compensation for the time necessary for these reviews at a level established by the Board of Governors.

(i) Monetary Awards Not Allowed. Attorney fees, costs, civil penalties, or fines may not be awarded under this rule.

(j) Effective Date of Rule.

(1) This rule goes into effect on July 1, 2014, and applies to records that are created on or after that date.

(2) Public access to records that are created before that date are to be analyzed according to other court rules, applicable statutes, and the common law balancing test; the Public Records Act, chapter 42.56 RCW, does not apply to such Bar records, but it may be used for nonbinding guidance.

[Adopted effective July 1, 2014; amended effective September 1, 2017.]

**GR 12.5
IMMUNITY**

All boards, committees, or other entities, and their members and personnel, and all personnel and employees of the Washington State Bar Association, acting on behalf of the Supreme Court under the Admission and Practice Rules, the Rules for Enforcement of Lawyer Conduct, or the disciplinary rules for limited practice officers and limited license legal technicians, shall enjoy quasi-judicial immunity if the Supreme Court would have immunity in performing the same functions.

[Adopted effective January 2, 2008; amended effective September 1, 2017.]

2018-2019
WSBA BOARD OF GOVERNORS MEETING SCHEDULE

MEETING DATE	LOCATION	POTENTIAL ISSUES / SOCIAL FUNCTION	AGENDA DUE	BOARD BOOK MATERIAL DEADLINE*	EXECUTIVE COMMITTEE 2:00 pm–4:00 pm*
November 16, 2018	WSBA Conference Center Seattle, WA	BOG Meeting	October 25, 2018	October 31, 2018	October 24, 2018 9:00 am – 11:00 am
January 17-18, 2019	WSBA Conference Center Seattle, WA	BOG Meeting	December 20, 2018	January 2, 2019	December 20, 2018
March 7, 2019	Red Lion Olympia, WA	BOG Meeting	February 14, 2019	February 20, 2019	February 14, 2019
March 8, 2019	Temple of Justice	BOG Meeting with Supreme Court			
May 16-17, 2019	Hilton Garden Inn Yakima, WA	BOG Meeting	April 25, 2019	May 1, 2019	April 25, 2019
July 25, 2019	Courtyard Marriott Richland, WA	BOG Retreat	June 27, 2019	July 10, 2019	June 27, 2019
July 26-27, 2019		BOG Meeting			
September 26-27, 2019	WSBA Conference Center Seattle, WA	BOG Meeting	September 5, 2019	September 11, 2019	September 5, 2019
September 26, 2019	TBD	WSBA APEX Awards Banquet			

*The Board Book Material Deadline is the final due date for submission of materials for the respective Board meeting. However, you should notify the Executive Director's office in advance of possible meeting agenda item(s).

This information can be found online at: www.wsba.org/About-WSBA/Governance/Board-Meeting-Schedule-Materials

*Unless otherwise noted.



WSBA Board of Governors CONGRESSIONAL DISTRICT MAP



Bill Pickett
President



Rajeev Majumdar
President-Elect



TBD
Immediate Past President



Paula Littlewood, Exec. Dir.
Secretary

2018-2019



BASIC CHARACTERISTICS OF MOTIONS

*From: The Complete Idiot's Guide to Robert's Rules
The Guerilla Guide to Robert's Rules*

MOTION	PURPOSE	INTERRUPT SPEAKER?	SECOND NEEDED?	DEBATABLE?	AMENDABLE?	VOTE NEEDED
1. Fix the time to which to adjourn	Sets the time for a continued meeting	No	Yes	No ¹	Yes	Majority
2. Adjourn	Closes the meeting	No	Yes	No	No	Majority
3. Recess	Establishes a brief break	No	Yes	No ²	Yes	Majority
4. Raise a Question of Privilege	Asks urgent question regarding to rights	Yes	No	No	No	Rules by Chair
5. Call for orders of the day	Requires that the meeting follow the agenda	Yes	No	No	No	One member
6. Lay on the table	Puts the motion aside for later consideration	No	Yes	No	No	Majority
7. Previous question	Ends debate and moves directly to the vote	No	Yes	No	No	Two-thirds
8. Limit or extend limits of debate	Changes the debate limits	No	Yes	No	Yes	Two-thirds
9. Postpone to a certain time	Puts off the motion to a specific time	No	Yes	Yes	Yes	Majority ³
10. Commit or refer	Refers the motion to a committee	No	Yes	Yes	Yes	Majority
11. Amend an amendment (secondary amendment)	Proposes a change to an amendments	No	Yes	Yes ⁴	No	Majority
12. Amend a motion or resolution (primary amendment)	Proposes a change to a main motion	No	Yes	Yes ⁴	Yes	Majority
13. Postpone indefinitely	Kills the motion	No	Yes	Yes	No	Majority
14. Main motion	Brings business before the assembly	No	Yes	Yes	Yes	Majority

1 Is debatable when another meeting is scheduled for the same or next day, or if the motion is made while no question is pending

2 Unless no question is pending

3 Majority, unless it makes question a special order

4 If the motion it is being applied to is debatable



Discussion Protocols Board of Governors Meetings

Philosophical Statement:

"We take serious our representational responsibilities and will try to inform ourselves on the subject matter before us by contact with constituents, stakeholders, WSBA staff and committees when possible and appropriate. In all deliberations and actions we will be courageous and keep in mind the need to represent and lead our membership and safeguard the public. In our actions, we will be mindful of both the call to action and the constraints placed upon the WSBA by GR 12 and other standards."

Governor's Commitments:

1. Tackle the problems presented; don't make up new ones.
2. Keep perspective on long-term goals.
3. Actively listen to understand the issues and perspective of others before making the final decision or lobbying for an absolute.
4. Respect the speaker, the input and the Board's decision.
5. Collect your thoughts and speak to the point – sparingly!
6. Foster interpersonal relationships between Board members outside Board events.
7. Listen and be courteous to speakers.
8. Speak only if you can shed light on the subject, don't be repetitive.
9. Consider, respect and trust committee work but exercise the Board's obligation to establish policy and insure that the committee work is consistent with that policy and the Board's responsibility to the WSBA's mission.
10. Seek the best decision through quality discussion and ample time (listen, don't make assumptions, avoid sidebars, speak frankly, allow time before and during meetings to discuss important matters).
11. Don't repeat points already made.
12. Everyone should have a chance to weigh in on discussion topics before persons are given a second opportunity.
13. No governor should commit the board to actions, opinions, or projects without consultation with the whole Board.
14. Use caution with e-mail: it can be a useful tool for debating, but e-mail is not confidential and does not easily involve all interests.
15. Maintain the strict confidentiality of executive session discussions and matters.



BOARD OF GOVERNORS

WSBA VALUES

Through a collaborative process, the WSBA Board of Governors and Staff have identified these core values that shall be considered by the Board, Staff, and WSBA volunteers (collectively, the “WSBA Community”) in all that we do.

To serve the public and our members and to promote justice, the WSBA Community values the following:

- Trust and respect between and among Board, Staff, Volunteers, Members, and the public
- Open and effective communication
- Individual responsibility, initiative, and creativity
- Teamwork and cooperation
- Ethical and moral principles
- Quality customer-service, with member and public focus
- Confidentiality, where required
- Diversity and inclusion
- Organizational history, knowledge, and context
- Open exchanges of information



BOARD OF GOVERNORS

GUIDING COMMUNICATION PRINCIPLES

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.



BOARD OF GOVERNORS

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President

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November 2014

BEST PRACTICES AND EXPECTATIONS

❖ Attributes of the Board

- Competence
- Respect
- Trust
- Commitment
- Humor

❖ Accountability by Individual Governors

- Assume Good Intent
- Participation/Preparation
- Communication
- Relevancy and Reporting

❖ Team of Professionals

- Foster an atmosphere of teamwork
 - Between Board Members
 - The Board with the Officers
 - The Board and Officers with the Staff
 - The Board, Officers, and Staff with the Volunteers

- We all have common loyalty to the success of WSBA

❖ Work Hard and Have Fun Doing It

Working Together to Champion Justice

999 Third Avenue, Suite 3000 / Seattle, WA 98104 / fax: 206.340.8856



**Board of Governors Meeting
WSBA Conference Center
Seattle, WA
January 17-18, 2019**

WSBA Mission: To serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

THURSDAY, JANUARY 17, 2019

GENERAL INFORMATION 2

1. AGENDA 18

12:00 P.M. – LUNCH WITH LIAISONS AND ATJ BOARD

1:15 P.M. – PUBLIC SESSION

- Welcome
- Report on Executive Session
- President’s Report and Executive Director’s Report
- Consideration of Consent Calendar*

2. ACCESS TO JUSTICE BOARD (ATJ) ORIENTATION FOR BOARD OF GOVERNORS 23

2:00 P.M.

3. EXECUTIVE SESSION

- a. Approve November 16, 2018, Executive Session Minutes (**action**) E-2
- b. Approve November 23, 2018, Emergency Executive Session Minutes (**action**) E-9
- c. Approve December 3, 2018, Emergency Executive Session Minutes (**action**)..... E-11
- d. Approve December 17, 2018, Special Meeting Executive Session Minutes (**action**)..... E-12
- e. Approve January 7, 2019, Emergency Executive Session Minutes (**action**) E-16
- f. Judicial Recommendation Committee Recommendations – Sanjay Walvekar (**action**) E-17
- g. Appeal from Law Clerk Board Decision – Renata Garcia (**action**) E-22
- h. President’s and Executive Director’s Reports
- i. Litigation Report – Julie Shankland..... E-105

FRIDAY, JANUARY 18, 2019

8:00 A.M. – PUBLIC SESSION

MEMBER AND PUBLIC COMMENTS

This time period is for guests to raise issues of interest.

* See Consent Calendar. Any items pulled from the Consent Calendar will be scheduled at the President’s discretion.

OPERATIONAL

4. FIRST READING/ACTION CALENDAR

- a. Request for BOG Support of Diversity Committee Statement of Solidarity – Governor Alec Stephens **(first reading)** 44
- b. Council on Public Defense (CPD) Request to Approve Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings – Eileen Farley, CPD Member, and Diana Singleton, Access to Justice Manager **(action)** 59
- c. Approve Recommendations re Military Spouse Admission Rule – Jean McElroy, Chief Regulatory Counsel (phone) **(action)** 72
- d. Approve Recommended Revision to WSBA Fiscal Policies and Procedures from Budget and Audit Committee re Attendance at National/Regional Events – Governor Dan Bridges, Treasurer, and Ann Holmes, Chief Operations Officer **(action)** 82
- e. Recommendation on Section Representatives to Washington Supreme Court Structure Workgroup **(action)** 83
- f. Adopt Board of Governors No Retaliation Policy – Governor Chris Meserve, Personnel Committee Chair, and Frances Dujon-Reynolds, Director of Human Resources **(action)**.... 154
- g. Proposed Process for Litigation Matters **(second reading)**..... 158
- h. Report from Third Year Governors re Candidate Recruitment
- i. Update from Budget and Audit Committee – Governor Dan Bridges, Treasurer

GOVERNOR ROUNDTABLE

This time period is for Board members to raise new business and issues of interest.

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11:45 A.M. – ADJOURN AND ATTEND MARTIN LUTHER KING JR. LUNCHEON

2018-2019 Board of Governors Meeting Issues

NOVEMBER (Seattle)

Standing Agenda Items:

- Access to Justice Board Annual Report (Information)
- Financials
- FY2018 Fourth Quarter Management Report
- 2018-2019 Legislative Priorities
- 2018-2019 Legislative Review Committee Recommendations
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- Outside Appointments (if any)
- Washington Leadership Institute (WLI) Fellows Report
- WSBA Practice Sections Annual Reports (ED Report Information)
- WSBF Annual Report

JANUARY (Seattle)

Standing Agenda Items:

- ABA Midyear Meeting Sneak Preview
- Client Protection Fund (CPF) Annual Report
- Financials
- FY2018 Audited Financial Statements
- FY2019 First Quarter Management Report
- Legislative Session Report
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- Outside Appointments (if any)
- Third-Year Governors Candidate Recruitment Report

MARCH (Olympia)

Standing Agenda Items:

- ABA Mid-Year Meeting Report
- Financials
- Legislative Report
- Outside Appointments (if any)
- Supreme Court Meeting

March 2018 Agenda Items:

- BOG Civil Litigation Rules Committee Report
- Mandatory Malpractice Insurance Final Report

May (Yakima)

Standing Agenda Items:

- BOG Election Interview Time Limits (Executive Session)
- Financials
- FY2019 Second Quarter Management Report
- Interview/Selection of WSBA At-Large Governor
- Interview/Selection of the WSBA President-elect
- Legislative Report/Wrap-up
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- Outside Appointments (if any)
- WSBA Awards Committee Recommendations (Executive Session)

JULY (Richland)

Standing Agenda Items:

- ATJ Board Report
- BOG Retreat
- Court Rules and Procedures Committee Report and Recommendations
- Financials
- Draft WSBA FY2020 Budget
- FY2018 Third Quarter Management Report
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- WSBA Committee and Board Chair Appointments
- WSBA Mission Performance and Review (MPR) Committee Update
- WSBA Treasurer Election

SEPTEMBER (Seattle)

Standing Agenda Items:

- 2020 Keller Deduction Schedule
- ABA Annual Meeting Report
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation (Executive Session)
- Financials
- Final FY2020 Budget
- Legal Foundation of Washington and LAW Fund Report
- Washington Law School Deans
- WSBA Annual Awards Dinner
- WSBF Annual Meeting and Trustee Election

Board of Governors – Action Timeline

Description of Matter/Issue	First Reading	Scheduled for Board Action
Board of Governors No Retaliation Policy	Nov16, 2018	Jan 17-18, 2019
Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings	Nov 16, 2018	Jan 17-18, 2019
Request for BOG Support of Diversity Committee Statement of Solidarity	Jan 17-18, 2019	March 7, 2019

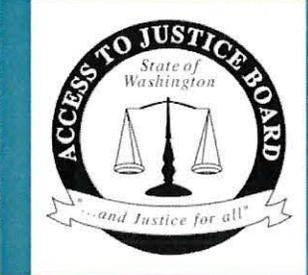


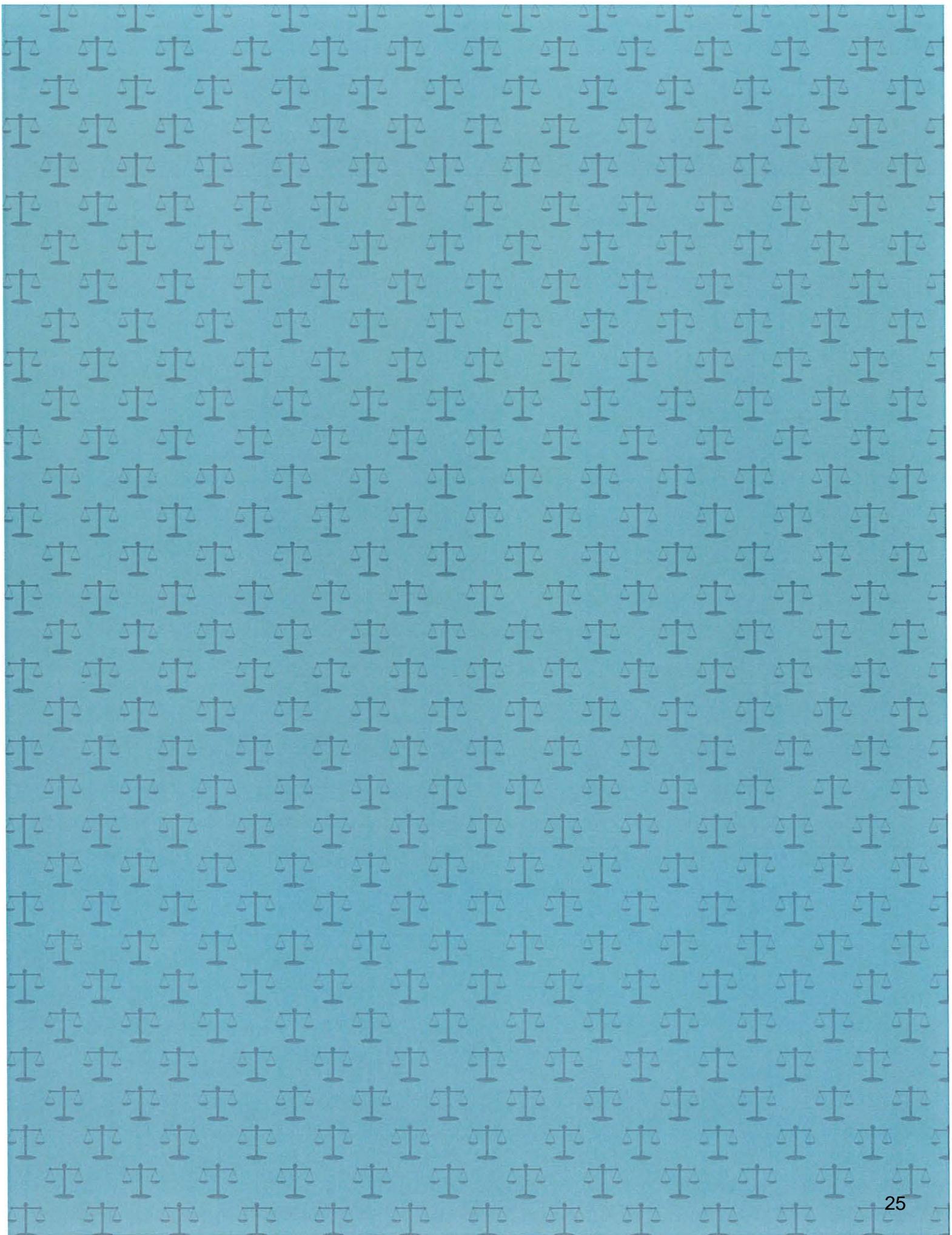
2018–2019 Roster

Mr. Francis Adewale Office of the Public Defender	fadewale@spokanecity.org October 2016-September 2019 (1 st term)
Ms. Esperanza Borboa Eastlidge Legal Assistance Program	Esperanza@elap.org October 2018-September 2021 (1 st term)
Judge Laura T. Bradley Board of Industrial Insurance Appeals	laura.bradley@biia.wa.gov October 2018-September 2021 (2 nd term)
Hon. Frederick P. Corbit U.S. Bankruptcy Court, Eastern District of Washington	fred_corbit@waeb.uscourts.gov October 2017-September 2020 (1 st term)
Hon. David S. Keenan King County Superior Court	david.keenan@kingcounty.gov October 2018 – September 2021 (1 st term) ¹
Ms. Lindy Laurence University of Washington School of Law JD Candidate	lindyl@uw.edu October 2017-September 2020 (1 st term)
Ms. Michelle Lucas YWCA Sexual Violence Legal Services	mlucas@ywcaworks.org October 2017-September 2020 (1 st term)
Mr. Salvador A. Mungia, Chair Gordon Thomas Honeywell	smungia@gth-law.com October 2016-September 2019 (1 st term)
Ms. Mirya Muñoz-Roach St. Vincent de Paul of Seattle/King County	miryar@sudpseattle.org October 2015-September 2018 (1 st term)
Mr. Terry J. Price University of Washington School of Law	tprice@uw.edu October 2018-September 2021 (1 st term)
Board of Governors Liasion: Carla Higginson Phone: 360-378-2185 Email: carla@higginsonbeyer.com	WSBA Staff Liasion: Diana Singleton Phone: (206) 727-8205 Email: dianas@wsba.org

¹ Completing the remaining balance of a vacated term. Eligible for two additional three-year terms.

2018 ACCESS TO JUSTICE BOARD
ANNUAL REPORT





2018 ACCESS TO JUSTICE BOARD Annual Report



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GEOFFREY G. REVELLE
Chair, Access to Justice Board

Dear colleagues and friends,

It gives me great pleasure to share with you the 2018 Annual Report of the Access to Justice Board (ATJ Board).

This year we have witnessed our justice and equity community grow stronger and unite around shared goals. Now that we are one year into the implementation of the three-year State Plan for the Coordinated Delivery of Civil Legal Aid (State Plan) we are proud to share the many ways that Alliance for Equal Justice members are using the State Plan to strengthen their delivery of services and advocacy. To support these efforts, the ATJ Board has spearheaded trainings, collaboration spaces and resource sharing opportunities aimed at helping Alliance members

support and learn from each other. With race equity at the center of the State Plan, much of the work is coalescing around the leadership and guidance provided by JustLead Washington and the Race Equity and Justice Initiative. The ATJ Board continues to expand how we can partner with these groups and others to further racial equity and access to justice.

A major highlight of the year has been the ATJ Board's approval of the updated ATJ Technology Rules. Formerly known as the ATJ Technology Principles, the first version was developed in 2004 to guide justice system organizations in ensuring that technology does not limit access to justice. However, much has changed in technology since then. After numerous hours of redrafting and extensive stakeholder engagement, the ATJ Board approved a new set of ATJ Technology Rules that reflect our current times. The new ATJ Technology Rules have been forwarded to the Supreme Court for consideration and the ATJ Board is looking forward to what is next at the intersection of technology and justice.

The ATJ Board continues to support capacity building throughout the Alliance. We are pleased about the launch of the Alliance Communications Toolkit, or ACT, a webinar series that supports Alliance organizations in improving their communications. We also highlight the great work of the Pro Bono Council and Equal Justice Coalition as integral pieces to the success of the Alliance.

It has been a pleasure and a privilege to have served on the ATJ Board for the past six years and to have been its Chair for the past two years. Please join me in welcoming Sal Mungia as the incoming Board Chair starting on October 1, 2018.

Best,

A handwritten signature in black ink that reads "Geoffrey G. Revelle". The signature is written in a cursive, flowing style.

Geoffrey Revelle
Chair, Access to Justice Board

STATE PLAN:

We're Just Getting Started

WE'VE BEEN ON an exciting journey along with the Alliance to develop and carry out the State Plan for the Coordinated Delivery of Civil Legal Aid. After 18-months of hard work and building support, the Plan was adopted in May 2017 and we officially launched implementation in the fall of 2017.

With 30+ Alliance members using the plan and a growing list of partners who want to engage in elements of the Plan, we are embracing the exciting challenge of supporting these statewide efforts in a way that is meaningful for each organization. As each organization comes to the table with a unique set of resources, capacity and focus-area, we know that there is no one size fits all approach and that harnessing the special strengths of individual programs will benefit us all. To that end, we formed the State Plan Action and Resource Committee (SPARC) to roll out monthly State Plan Collaboratories. The Collaboratories are a space—virtual or in-person—for people to learn from each other, share challenges, and collaborate around new approaches and innovations. So far this year we've:

- ▶ Brought together a collection of leaders from diverse organizations to illustrate ways to work closely with community based organizations and capped off the conversation with actionable steps other organizations can take to connect with their communities (Goal 3: Reaching Underserved and Underrepresented Communities)
- ▶ Partnered with the WSBA Legal Lunchbox series to explore how lawyers can better serve their clients by using a holistic, client-centered approach (Goal 4: Holistic Client Services)
- ▶ Shared ongoing resources and training opportunities from JustLead and the Race Equity and Justice Initiative to better integrate race equity into the core fabric of the Alliance (Goal 1: Race Equity).



With Race Equity (Goal 1) continually informing the whole, other upcoming Collaboratories will focus on Systemic Advocacy (Goal 4) and Legal Education and Outreach (Goal 2). We are also coordinating with the Statewide Legal Advocates Training, taking place in October 2018, which has been designed to further Alliance advocates' ability to carry out the core priorities articulated in the State Plan.

collaboratory

noun *col·lab·o·ra·to·ry* |
kə-'la-bə-,ra, tōr-ē |

An open space, creative process where a group of people work together to generate solutions to complex problems. Fusing two elements, "collaboration" and "laboratory", the word "collaboratory" suggests the construction of a space where people explore collaborative innovations where action learning and action join forces.

STATE PLAN

EXPANDING CAPACITY THROUGH TRAININGS

Many Alliance organizations are pursuing trainings to build internal capacity on a number of issues. A few examples include:

- Implicit Bias (from 101 to Advanced)
- Integrating Race Equity into Strategic Planning and Policy-Making
- Does Reaching More Communities of Color Check the Race Equity Box?
- Best Practices on Issue-Spotting Trainings for Community-Based Organizations (CBOs) and Client Communities
- Using Tech to Expand Services
- How to Use a Holistic Approach Without More Funding
- Community Lawyering 101 and Beyond



WHERE THE PATH BEGINS

Our first order of business involved getting a sense of where we are as a community in tackling the goals of the State Plan. Numerous Alliance members reported on their current and future projects in early 2018, and needless to say we were humbled at the commitment and foresight Alliance organizations are bringing to the success of the Plan. Here's a snapshot of the trends we found.

RACE EQUITY: TRANSFORMING FROM THE INSIDE OUT

Many organizations are looking internally to make sure they are walking their talk on race equity by:

- Conducting self-audits to reflect on where they can make improvements in internal policies and procedures
- Adopting a race equity lens for all decision-making, such as recruiting board members, hiring staff and prioritizing strategic planning
- Providing race equity trainings for staff, board members and volunteers to ensure a common race equity language



SPARKING INNOVATION TO MEET CLIENT NEEDS

The State Plan has inspired some organizations to innovate in how they deliver services, such as by:

- Integrating social workers into the delivery of services and working with professionals in other disciplines (e.g., financial counselors and therapists) to identify civil legal needs and cross-referrals
- Using technology to expand services, reach underserved areas, and make services more accessible
- Empowering clients to take more control of their involvement in the legal system, such as learning to issue-spot their own legal needs and telling their own stories



BUILDING RELATIONSHIPS WITH COMMUNITY BASED ORGANIZATIONS

Knowing we can't get very far alone, many organizations are prioritizing their relationships with community-based organizations (CBOs) by:

- Collaborating more closely on issue-spotting legal needs before they become insurmountable for the client and developing stronger referral programs
- Partnering to more often provide legal services right in the communities where clients live and work
- Leveraging responsiveness to more effectively identify client needs and systemic priorities



BREAKING OUT OF CIVIL-CRIMINAL SILOS

The State Plan identifies that Civil-Criminal partnerships are essential to providing holistic client services and Alliance organizations are embracing this strategy by:

- Consulting and partnering more regularly with public defenders to identify civil needs and systemic priorities
- Identifying ways to meet with incarcerated individuals to address civil legal needs early
- Inviting people from the criminal justice system (i.e. public defenders and prosecutors) to take an active role in civil legal aid organizations, such as through board service

WASHINGTON STATE SPOTLIGHTS RACE EQUITY ON THE NATIONAL STAGE



WHEN HUNDREDS of equity and justice advocates gathered in San Diego for the annual ABA/NLADA Equal Justice Conference, we jumped on the chance to spotlight the Alliance's vision to bring race equity to the forefront of our advocacy. A well-attended workshop provided a platform to share the main impetus of the State Plan, distribute the *Race Equity and Justice Initiative's Acknowledgments and Commitments*, and illustrate how we are putting these concepts into action through the trainings and consultations provided by *JustLead*. Then we took the message to the National Meeting of Access to Justice Commissions where Diana Singleton, Access to Justice Manager, once again put a spotlight on race equity in an engaging Ignite talk (i.e., a 5 minute presentation that quickly brings home the point). Find the talk online at <http://allianceforequaljustice.org/for-the-alliance/state-plan/race-equity>

MORE THAN A GOAL:

Race Equity Launches a Cultural Transformation

State Plan, Goal 1: *The Alliance will promote racial equity both systemically and within its organizational practices, working toward a vision that race or color does not determine the availability and quality of services, fairness of outcomes, and opportunities for communities and individuals.*

"I was struck by how JustLead had specific examples of historical racism in our community, which, because they created a safe environment for learning, created lots of 'aha's' for the folks participating. Their training was incredibly effective and offered content for those who were new to the subject and those that were more knowledgeable. I left the training having more tools to address these issues. And, I think most importantly, I left more energized with a greater commitment to the work."

Kirsten Barron, LAW Advocates Board Member

DIVERSITY, EQUITY AND INCLUSION have been part of the Alliance for Equal Justice's Hallmarks since their inception. However, since the Alliance and the ATJ Board amplified its commitment to race equity by placing it at the center of the State Plan we've witnessed the beginning of a new era framed by shared language and understanding of what it means to champion racial justice.

When we asked Alliance organizations how they planned to implement the State Plan, nearly 100% indicated that they were exploring how to bring race equity to the forefront of their work. In its new two-year priorities, the ATJ Board reaffirmed its commitment to promote racial equity both systemically and within the Board practices. To help the Alliance and the ATJ Board walk its race equity talk, the Board has been collaborating with and supporting the work of JustLead Washington and the Washington Race Equity & Justice Initiative (REJI).

ATJ Board members and JustLead facilitators at the Board's annual retreat





JUSTLEAD WASHINGTON

Driven by its mission to build a sustainable network of legal and community leaders who can effectively and collaboratively work toward equity and justice and centered on three pillars of servant leadership, community partnership, and racial justice, JustLead Washington has become the Alliance's primary support center for leadership and organizational development with a race equity lens. In addition to offering training and consulting support to Alliance organizations across the state, JustLead is now launching an Organizational Race Equity Toolkit, which compiles a comprehensive collection of race equity organizational self-assessments, tools, and resources. Other resources under development include ways to apply a race equity lens to strategic planning, a guide for supporting community engagement and partnership, and an online platform where organizations across the state can engage in collective learning around racial justice.

In June JustLead facilitated the ATJ Board's annual retreat where the goals were to connect equity work with the mission of the Board and to develop a process for applying an equity lens to the Board's work. At the retreat, the Board engaged in transformational discussions and laid out preliminary plans for its internal equity work.

JUSTLEAD WASHINGTON'S WORK IN FY 18:

- ▶ Concluded the 4th cohort and launched the 5th cohort of the Leadership Academy, bringing the total Fellow & alumni network to 143
- ▶ Provided 19 race equity trainings, workshops, and webinars
- ▶ Reached over 350 people through in-person race equity workshops, trainings, and board and staff retreats plus another 1,400 people through webinars

"Working together collaboratively with attorneys that are trying to impact change has really been so beneficial. We are speaking the same language, and we are able to create systemic change not just for agencies, not just for our communities, but across the entire state of Washington."

**Kitara Johnson, Chief Development Officer,
Excelsior Youth Center, Leadership Academy Fellow ('17)**

REJI

RACE EQUITY & JUSTICE INITIATIVE

REJI is a statewide community of legal and justice system partners who are working together to eradicate racially biased policies, practices, and systems. The ATJ Board joined REJI in the past year along with 21 other partners comprised of Alliance, criminal justice, public sector, and community organizations with a stake in the law and justice systems. In this last year, REJI Partners have shared and supported each other in their own internal race equity work, helped to hire staff to coordinate REJI efforts (through JustLead), guided the development of the REJI Race Equity Toolkit, and offered race equity related webinars designed to equip and sustain the implementation of race equity goals of its members.

The State Plan might be a three-year plan and racial justice requires a lifelong commitment, but the foundation we are laying now to dismantle the racialized systems that deny justice is propelling an exciting momentum for the collective journey ahead. We've already seen a cultural shift within the Alliance that will continue well beyond the current Plan.

Trainers and staff at the
Implicit Bias Training for Administrative Law Judges



FROM 2004 TO 2018:

The ATJ Technology Principles Get a New Look, and a New Name

IN 2004 **FACEBOOK** was born, the now discontinued iPod dominated technology sales, “smartphones” were yet to exist, and “blog” was Merriam-Webster’s word of the year (source: www.pastemagazine.com). 2004 is also the year that the ATJ Technology Principles were adopted. The ATJ Technology Principles were developed to ensure technology enhances access to justice for everyone in Washington. They have been a valuable tool for judicial agencies and legal aid providers to use as a guide when making decisions about technology advances. However, a lot has changed in technology and how the average person uses technology in the past two decades. As such, the ATJ Technology Committee launched a process to update the ATJ Technology Principles for a 2018 world.

Given the scope and importance of the ATJ Technology Principles, the Technology Committee knew they needed the help of our community. We launched the project by bringing together over 35 justice advocates and technologists for a symposium in October 2017 to set the stage and discuss the current intersections of justice and technology. From there a dedicated workgroup met diligently, inviting stakeholders to contribute along the way, to review and revise the Principles to better reflect current day needs. We looped in another broad range of stakeholders for a second symposium in February 2018 to bring it all together. After clocking numerous hours of editing and review, we had the fortuitous offer to partner with the University of Washington Tech Policy Lab’s Diverse Voices team to conduct focus groups with a diverse background of individuals both inside and outside of the justice system to get their reactions to the updated Principles. This feedback has been invaluable to making sure that the full range of users, which includes people implementing technology solutions and the public navigating the justice system, can understand and rely on the Principles as a practical tool.



The updated Principles are no longer Principles at all. They are being proposed as ATJ Technology Rules to better reflect the importance of making sure technology is used in the highest and best way to promote a just society. The new proposed Rules are:

- ▶ **In plain language.** The ATJ Technology Rules have been written for the usability of a broad audience and can be used by the public to hold their justice system accountable.
- ▶ **Responsive to a diverse range of communities.** The UW Tech Policy Lab’s Diverse Voices partnered with the ATJ Technology Committee to apply their targeted method to include under-represented groups in tech policy document development. With Diverse Voices we were able to collect input on the ATJ Technology Rules from panels representing diverse communities and took care to apply the feedback thoroughly.
- ▶ **Reflective of today’s changing technology.** New technology is being developed daily and we considered emerging technology, such as AI, and the ever-changing landscape. The ATJ Technology Rules are written to be applicable as the technology we use evolves over time.
- ▶ **Consistent with the State Plan.** The ATJ Technology Rules are complimentary to the current State Plan, which highlights the need for technological innovation in the delivery of legal aid, while also being forward-looking as our goals evolve.

On July 13, 2018, the ATJ Board approved the new ATJ Technology Rules to submit for the Court’s consideration. In the coming year the Technology Committee is poised to guide stakeholder outreach through trainings and discussions as we share the updated ATJ Technology Rules.

BREAKING NEWS!

The Alliance Builds Communications Capacity

STRONG COMMUNICATION is critical in building trust, resources, partners and good will for an organization. Alliance organizations come in different shapes and sizes with varying degrees of opportunities to build this kind of communications capacity. To give a helping hand, the ATJ Communications Committee launched the quarterly Alliance Communications Toolkit, or ACT, webinar series in early 2018. The webinars bring together presenters who have demonstrated experience and knowledge in strategies that are scalable to the needs of Alliance organizations looking to grow the reach of their communications. Participants are left with concrete tools and resources to take back to their offices and begin to use immediately. Topics have already included *Tested Civil Legal Aid Messaging* (i.e., how the general public views legal aid and how to harness that information for effective communications) and *How to Ethically and Effectively Share Client Stories* (i.e., ways to give the power back to clients to tell their own stories in a way that organizations can use). We're looking forward to future webinars on topics such as best practices for social media and community outreach.

The webinar series has been well-received and survey feedback has been both supportive and helpful. As one survey responder noted, "Communicating daily with people is part of my job and these tips allow me to engage in a more meaningful way with clients and the general public regarding our organizational work."

Recordings of the webinars and related tools can be found online at <http://allianceforequaljustice.org/for-the-alliance/alliance-resources-and-tools/communications-toolkit/>

FIND US ON YouTube

The Alliance and ATJ Board have a long and rich history advocating for equity and justice in Washington. This past year we decided to tell our stories through a series of videos all about who the Alliance is, how far we've come and our current work to develop social justice leaders. Find the videos, and more examples of the ATJ Board's work, on our YouTube page: <https://bit.ly/2uxKJN8>

ALLIANCE WEBSITE PROVIDES THE GLUE

The Alliance has a lot of moving parts these days. Between the State Plan Collaboratories, capacity building resource sharing, job opportunities and an ongoing list of upcoming events it's a lot to keep track of. The ATJ Board identified a need to create a space to bring all of these moving parts together and in December 2017 launched the newly redesigned www.AllianceForEqualJustice.org. The website is the "glue" bringing together all the moving parts so that Alliance members and supporters have a central hub to share resources and find opportunities. Visit us online to stay connected!



ACT webinar presenters Jordan Melograna, Aparna Rae, and Ashley Archibald share how to ethically and effectively share client stories

THE EQUAL JUSTICE COALITION

Leading through Advocacy and Outreach



ADVOCACY

STATE:

Thanks to the ongoing support of the legal aid community, the EJC continued to succeed in its goal to increase state funding for civil legal aid. During the supplemental budget process in the 2018 legislative session, the Legislature increased the budget for civil legal aid by \$638,000. This is in addition to the nearly \$5 million in new funding secured in 2017. This new funding will create five new civil legal aid attorneys and an automated family law document assembly system. Bottom line: more people will have access to the civil justice system.

A recipient of civil legal aid provides her testimony to the state legislature in support of the 2018 supplemental budget



FEDERAL:

From April 10-12, 2018, the EJC traveled to Washington, D.C., and met with all of the members Washington's federal Congressional delegation, urging them to support an increase in funding for the Legal Services Corporation ("LSC") to \$482 million, which would match the highest funding level for LSC in this century, measured in 2018 dollars. The EJC's efforts coincided with the American Bar Association's annual lobbying effort, ABA Days, where delegations from all 50 states convene to meet with their representatives and senators about access to civil legal aid. This year's EJC delegation consisted of: Justice Susan Owens, Washington State Senator Ann Rivers, WSBA President Bill Pickett, former civil legal aid client Carolyn Estrada, EJC Chair Andy Sachs, LFW Executive Director Caitlin Davis, and LFW Communications & Advocacy Director Jay Doran. Although LSC continues to be under attack by the Trump Administration, Congress approved (and the President signed) a budget that provided an increase in funding for LSC from \$385 million to \$410 million, which is the highest appropriation for LSC since 2010.

DC delegation meets with Congresswoman Jaime Herrera Beutler



LEGISLATIVE RELATIONS COMMITTEE:

In an effort to improve grassroots advocacy on the local, state, and federal levels, the EJC is creating a new opportunity for volunteers to get involved. The Legislative Relations Committee envisions between one to three volunteers in each of the ten federal Congressional districts, who will be trained by EJC staff and lobbyists to assist with building relationships with legislators and key policymakers, setting up site visits, responding to action alerts, and lobbying in Olympia. The EJC believes that by providing some structure for volunteers its lobbying efforts will have greater reach, allowing EJC to build a broader coalition of supporters and ultimately helping to fulfill its mission of raising awareness and securing additional funding on behalf of the civil legal aid community.



OUTREACH & MEDIA

Along with grassroots advocacy and lobbying, the EJC works to increase public funding for legal aid through community outreach, education, and media efforts.

EJC facilitated 20+ educational meetings with both state and federal lawmakers to demonstrate the importance of legal aid and build the case for increased funding.

EJC placed 10+ stories and Op-Eds from June 2017 – June 2018 in outlets across the state, including:

- ▶ [The Fight for Civil Legal Aid](#), by Natalie Breymeyer, *Klipsun Magazine*, May 27, 2018;
- ▶ [To Keep People Out of Poverty, We Must Support 'Justice for All'](#), op-ed by Andy Miller, Diana Ruff & Barbara Otte, *Tri-City Herald*, January 27, 2018;
- ▶ [Domestic Violence Awareness Month Underscores Need for Legal Aid](#), by Governor Inslee Administration, post on *Medium*, October 30, 2017; and
- ▶ [Liberty and Justice for Tacomans Jeopardized](#), op-ed by Congressman Derek Kilmer, *The Tacoma News Tribune*, June 25, 2017.

THE PRO BONO COUNCIL Leading by Example

EXPANDING PRO BONO IN WASHINGTON STATE

THE PRO BONO COUNCIL and volunteer lawyer program (VLP) community deeply appreciate that the Washington State Legislature, through the Office of Civil Legal Aid, appropriated funding in 2017 that is dedicated to expanding pro bono services across the State. We've highlighted below some of our recent work that is supported by the new "pro bono expansion" funding.

▶ Ensuring Stable and Consistent VLP Services

Through the Pro Bono Council, VLPs identified compensation parity as a priority for stable, consistent, and high-quality pro bono legal help. Using data collected from a compensation survey, the Pro Bono Council will continue to work with the Legal Foundation of Washington, the Office of Civil Legal Aid, and with individual VLP boards to prioritize fair and competitive compensation and benefits for VLP staff.

▶ State Pro Bono Expansion Dollars Serving Clients through VLPs

With new attorneys on staff, volunteer coordinators, and other VLP staff positions, VLPs across the state are increasing service capacity for expunging criminal records, pro bono family law representation, mentor-mentee attorney teams, outreach clinics, and enhanced capacity to collaborate across VLPs and in partnership with other civil legal aid organizations.

TRAINING FOR EXCELLENCE

Recognizing that well-supported VLPs deliver consistent, high quality, and culturally relevant pro bono legal services, the Pro Bono Council prioritizes developing and offering training opportunities for VLP staff, board members, and volunteers.

▶ Boards at Work

The Pro Bono Council offered two separate on-location trainings for the Boards of Directors at Kitsap Legal Services and Clallam-Jefferson Pro Bono Lawyers. In addition to critical team-building opportunities, these trainings included a deep dive into the Alliance for Equal Justice network and funding sources; volunteer recruitment; strategic planning; serving clients who experience compounding and intersecting barriers to service; and best practices for board development including recruiting and on-boarding new members, leading effective meetings, working through committees, and succession planning for Board Chairs and Executive Directors.

▶ Learning Together

During the past year, the Pro Bono Council partnered with JustLead, Northwest Justice Project, the Washington State Bar Association, Northwest Immigrant Rights Project, and VLP staff leaders to offer trainings for VLPs about race equity and implicit bias, developing debt defense clinics, strategies for self-care to avoid burnout, ethics for VLPs, immigration overview for pro bono attorneys, and a priority-setting session at the VLPs' annual in-person gathering in Seattle to coincide with the Goldmark Luncheon.

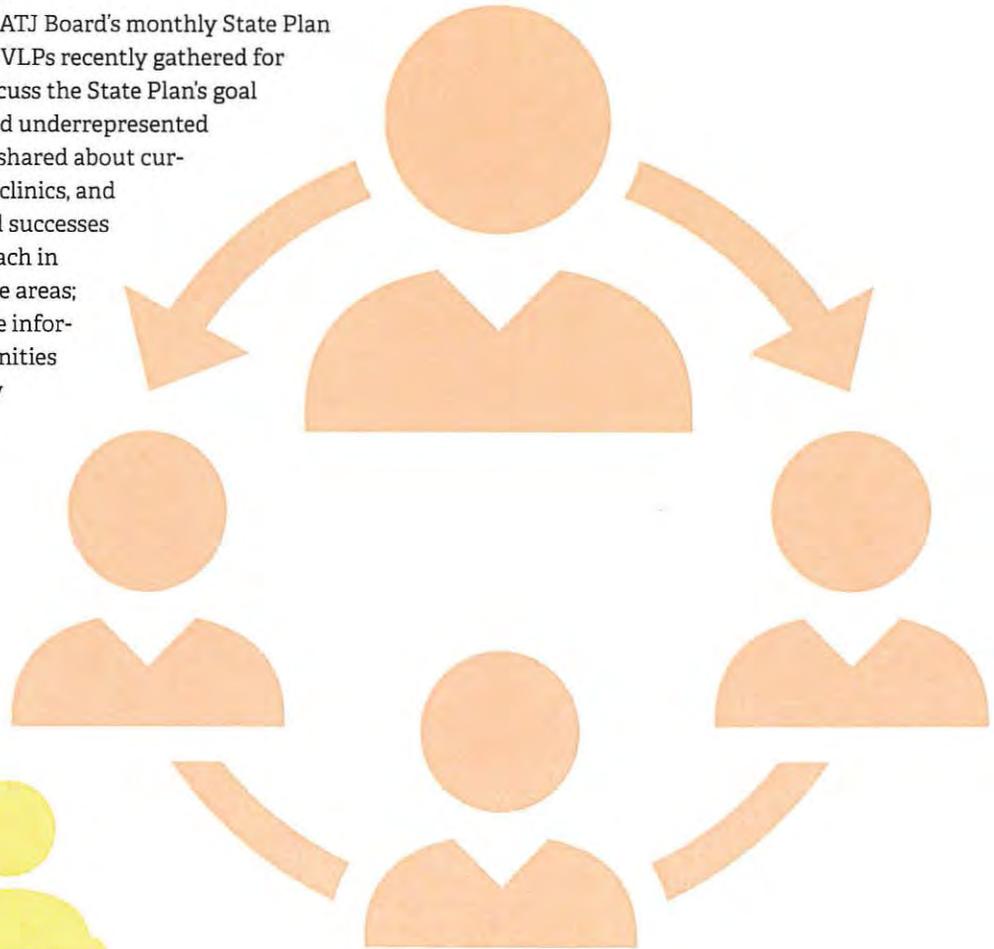


CONNECTING AND COORDINATING THROUGH THE STATE PLAN

Now well into year one of the State Plan, the Pro Bono Council is actively coordinating information-sharing and analysis within the VLP community.

▶ State Planning in Action

In conjunction with the ATJ Board's monthly State Plan Collaboratory Schedule, VLPs recently gathered for regional meetings to discuss the State Plan's goal to reach underserved and underrepresented communities. VLP staff shared about current outreach practices, clinics, and other services; identified successes and room to grow outreach in local and regional service areas; and brainstormed future information sharing opportunities across VLPs, community partners, and civil legal aid organizations.



ADVOCACY

2017-2018 YEAR IN REVIEW:

ATJ Board Milestones and Accomplishments

Join us in looking back at some of the highlights of the Board's advocacy, projects, and events over this past year.

August 14, 2017:

SUPPORT NET NEUTRALITY

The ATJ Board submits comments to the FCC in support of Net Neutrality and later sends a letter to our state's legislators urging them to take action on asking the FCC to restore Internet freedom.

August 21, 2017:

IMMIGRATION STATUS SHOULD NOT BE CONSIDERED AS EVIDENCE:

The ATJ Board submits comments on proposed changes to ER 413 to support the inadmissibility of immigration status in the context of civil proceedings.

October 11, 2017:

SUPPORT COURT RULE RE: JUVENILE LITIGANTS

The ATJ Board submits comments on proposed changes to RAP 3.4 to advocate for access to justice for juvenile litigants.

December 21, 2017:

SUPPORT ANTI-DISCRIMINATION OF VETERANS AND MILITARY MEMBERS

The ATJ Board submits comments in support of amendments to RPC 8.4 to add veterans and members of the military to the anti-discrimination and anti-prejudice provisions.

AUG

SEP

OCT

NOV

DEC

JAN

PROJECTS

October 6, 2017:

MORE INCLUSIVE DEFINITION OF "ALLIANCE"

The ATJ Board adopts a more inclusive and representative definition for Alliance for Equal Justice membership.

October 27, 2017:

"RETHINK, RETOOL, REBOOT" FORUM

Dozens of access to justice advocates and technologists gather at the University of Washington Law School to discuss how technology has changed over the past decade and launch a rigorous process to update the ATJ Technology Principles.

October 30, 2017:

IMPLICIT BIAS TRAINING FOR ADMINISTRATIVE LAW JUDGES

In partnership with JustLead Washington, the Office of Administrative Hearings, the Board of Industrial Insurance Appeals and WSBA, the ATJ Board hosts an implicit bias training for all Administrative Law Judges in Washington.

December 11, 2017:

NEW WEBSITE LAUNCHES

The ATJ Board launches the redesigned www.AllianceForEqualJustice.org.

December 15, 2017:

NEW TWO-YEAR PRIORITIES ADOPTED

The ATJ Board adopts new two-year priorities in line with the goals of the State Plan.

2017

April 25, 2018:
SUPPORT ACCESS FOR NATIVE AMERICANS

The ATJ Board submits comments in support of proposed amendments to APR 8 to protect access to justice for Native Americans involved in child welfare cases.

April 25, 2018:
SUPPORT RULE THAT PREVENTS LFOS

The ATJ Board submits comments in support of proposed amendments to RALJ 9.3 to protect access to justice for parties of limited means in courts of limited jurisdiction.

May 21, 2018:
SUPPORT FEDERAL PUBLIC SERVICE LOAN FORGIVENESS

The ATJ Board sends a letter to Senator Murray urging her to protect the Public Service Loan Forgiveness Program.

May 31, 2018:
SUPPORT ACCESS TO AFFORDABLE HEALTHCARE

The ATJ Board submits comments to the Health Care Authority to advocate on behalf of low-income individuals accessing affordable healthcare in response to proposed edits to WAC 182-526-0284 and 0285.

FEB	MAR	APR	MAY	JUN	JUL
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February 9, 2018:
TECH PRINCIPLES 2.0
 Revising and refining the Technology Principles continues at a daylong meeting at Seattle University Law School.

February 23, 2018:
STATE LEGAL AID FUNDING FORUM
 Following the annual Goldmark Award Luncheon, the ATJ Board convenes members of the Alliance to facilitate a dialogue about legal aid funding goals in Washington.

March 23, 2018:
AUTOMATED FAMILY LAW FORMS GETS JUMPSTART
 The Technology Assisted Forms Advisory Committee of the ATJ Board meets to review potential vendors to design a family law automated document assembly system, putting in motion this historic project.

March 27, 2018:
TESTED CIVIL LEGAL AID MESSAGING
 The ATJ Board launches the ACT webinar series with a training on how the public views legal aid and how to harness that information for more effective communications.

April 19-20, 2018:
BOARD IN BELLINGHAM
 The ATJ Board travels to Bellingham to meet with staff and board members from the Northwest Justice Project, the Skagit County VLP, LAW Advocates, and the Whatcom Dispute Resolution Center to learn how they are working with their communities to advance justice.

May 9-12, 2018:
STATE PLAN ON NATIONAL STAGE
 Individuals from Washington share the State Plan on a national stage at the Equal Justice Conference in San Diego.

May 23, 2018:
HOW TO ETHICALLY AND EFFECTIVELY SHARE CLIENT STORIES
 The ATJ Board hosts the second ACT webinar offering ways to give the power to clients to tell their own stories in a way that organizations can use for effective communications.

June 22, 2018:
FOCUS ON RACE EQUITY AT BOARD RETREAT
 Facilitated by JustLead at its annual retreat, the ATJ Board engages in transformational discussions about equity and lays out plans for its internal equity work.

July 13, 2018:
ATJ TECHNOLOGY RULES
 The ATJ Board approves updated ATJ Technology Rules, reflecting evolving technology, to be forward to the Court for consideration.

PEOPLE



2017-2018 ACCESS TO JUSTICE BOARD MEMBERS

Francis Adewale
Judge Laura T. Bradley
Hon. Frederick P. Corbit
Lynn Greiner
Hon. David S. Keenan
Lindy Laurence
Michelle Lucas
Salvador A. Mungia, *Chair-elect*
Mirya Muñoz-Roach
Geoffrey G. Revelle, *Chair*
Andrew N. Sachs

STAFF

Diana Singleton
Access to Justice Manager

Bonnie M. Sterken
Access to Justice Specialist

ACKNOWLEDGMENTS

The Access to Justice Board is not able to accomplish its work without the dedication and support of its many committee volunteers. The Board is grateful to the support and guidance of its standing committees over the past year.

COMMITTEES AND CHAIRS

Communications Committee:
Lynn Greiner and Jay Doran

Delivery System Committee:
Geoff Revelle and Catherine Brown

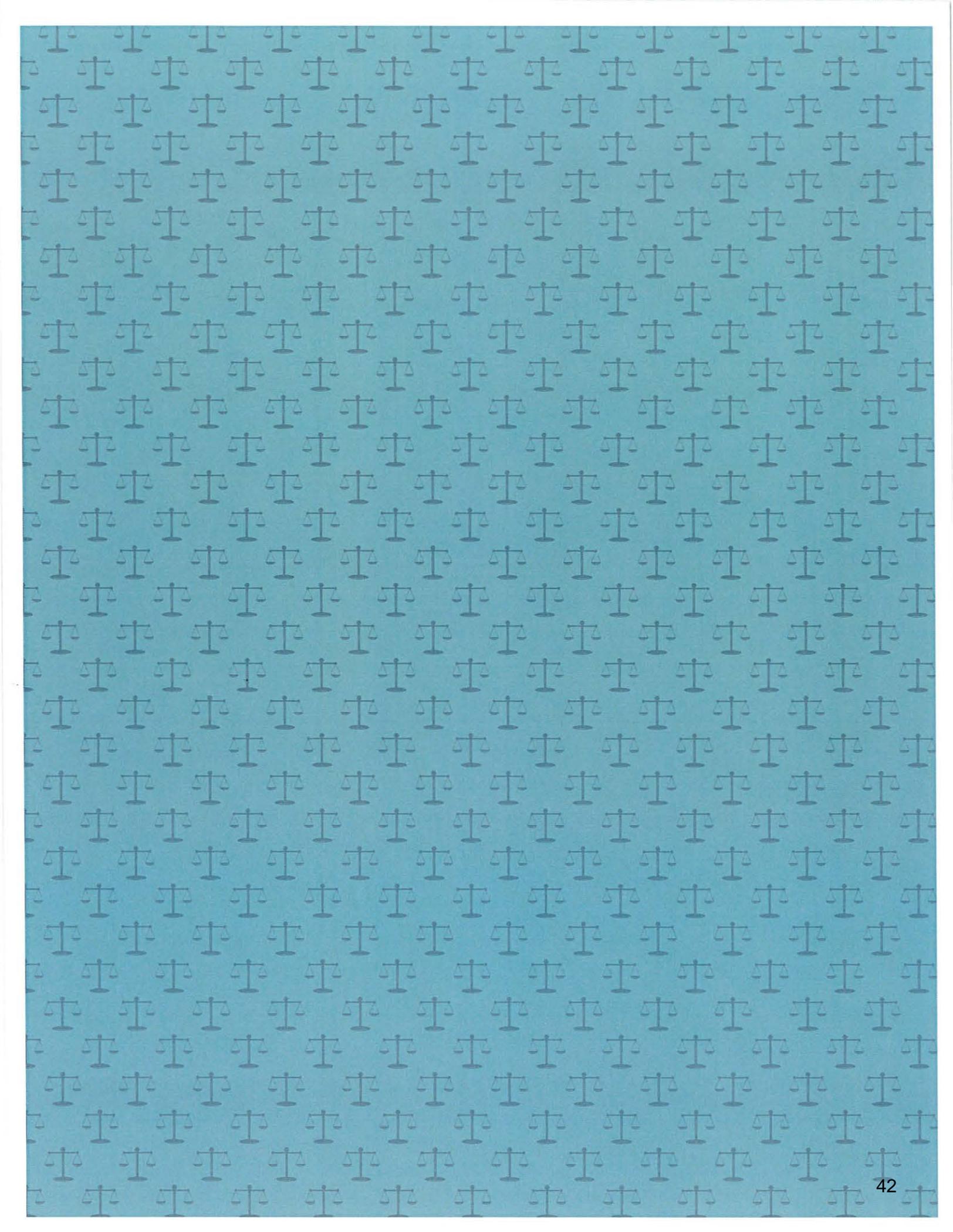
Equal Justice Coalition:
Andy Sachs

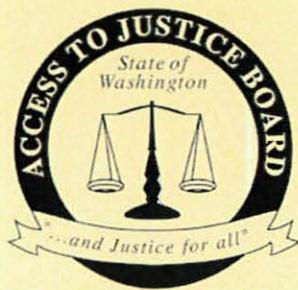
Pro Bono Council:
Ben Haslam, Eva Wescott, and Threesa Milligan

Rules Committee:
Sal Mungia and Hon. David Keenan

Technology Committee:
Judge Laura Bradley and Destinee Evers

Technology Assisted Forms Advisory Committee:
Hon. Susan Amini





ACCESS TO JUSTICE BOARD

1325 Fourth Avenue – Suite 600, Seattle, WA 98101-2539

Phone: 206-727-8205

<http://AllianceForEqualJustice.org>

Established by The Supreme Court of Washington
Administered by the Washington State Bar Association

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Alec Stephens
DATE: January 9, 2019
RE: WSBA Diversity Committee Statement of Solidarity with Oregon Specialty Bar Associations Statement Against White Nationalism and Normalization of Violence

First Reading: Authorize the WSBA Diversity Committee to issue its Statement to be shared with the WSBA Membership, Minority Bar Associations of Washington, Specialty Bar Associations in Oregon, and the Oregon State Bar.

The WSBA Diversity Committee became aware that, after the Oregon State Bar issued a statement alongside a statement by Specialty Bar Associations calling out the rise of White Nationalism and violence, objections went beyond spirited debate. While some members of the Oregon State Bar have pursued an effort to significantly reduce their license fees, individuals have also threatened to use the disciplinary processes against the Specialty Bar Association leaders who signed the Statement on behalf of their organizations and their communities, and made threats of physical harm. These personal attacks have resulted in some of the Specialty Bar Association leaders resigning from their positions.

The WSBA Diversity Committee seeks to issue this statement in support of the rights of Specialty Bar Association leaders and to call attention to the alarming presence in Oregon and Washington of those who would seek to use strategies and tactics to stifle the speech of those leaders through intimidation and harassment.

WSBA Diversity Committee Statement of Solidarity with Oregon Specialty Bar Associations Statement
Against White Nationalism and Normalization of Violence

In September 2017, the Board of Governors issued “WSBA Statement Denouncing Recent Acts of Violence and a Reaffirmation of Equity and Inclusion Principles”, citing the disturbing trend that societal movement towards equity and inclusion is under attack. The statement was issued in response to events that took place the month earlier in the city of Charlottesville, Virginia, where acts of terror and violence at the hands of an emboldened white nationalist movement resulted in dozens of people injured, a person killed, and the aftermath throwing race relations in our country into a state of national turmoil.

The Washington State Bar Association (WSBA) holds a deep commitment to its stated mission of serving the public and the members of the Bar, ensuring the integrity of the legal profession, and to champion justice. WSBA’s services must be conducted with a framework of equity and inclusion. It is in WSBA’s service to its members and to the public that WSBA emphasizes its commitment to an equitable and inclusive society. WSBA also recognizes that events such as Charlottesville require a response, lest those who perpetrate such acts are emboldened by our silence. In keeping with those values, the WSBA Diversity Committee issues this statement.

Since Charlottesville, events have occurred that are closer to home. In Portland, Oregon, a female transit rider wearing a hijab was subjected to harassment by a man who objected to riding with a person he believed was a Muslim. When another rider who happened to be white and male intervened, the harasser killed the man, while uttering further hateful sentiments.

The Oregon State Bar Association and its Specialty (Minority) Bar Associations each issued separate statements in response to the Charlottesville and Portland incidents. These two statements were published together in the Oregon State Bar Bulletin. Objections were raised by some members of the Oregon Bar about what they cited as the partisan nature of the Specialty Bar Statement and the tacit support of the Oregon Bar Association in providing space in the Bar Bulletin for the Specialty Bar Statement. Such objections included a demand for a return of license fees. The WSBA takes no position on the actions taken by the Oregon State Bar Association, the Specialty Bar Associations, or those raising objections

Since the publication of the Oregon Specialty Bar Associations joint statement “Against White Nationalism and Normalization of Violence”, some of the Specialty Bar leaders who signed the statement received threats of physical violence, intimidation, and harassment from members of the public and members of the Oregon State Bar. Some of the threats included using the disciplinary process regarding the Specialty Bar leaders’ practice of law. As a result, some of the Specialty Bar leaders have resigned from leadership positions with their respective Specialty Bar Associations. It is here that we feel compelled to speak out against such threats.

WASHINGTON STATE BAR ASSOCIATION

Minority (Specialty) Bar Associations, their leadership, and members provide critical voices for the communities that they represent. In times of attacks on minorities and historically disadvantaged communities, these associations are often the first legal responders to defend against such attacks. In so doing their speech may be forceful, pointed and, as in the case in Oregon even directed at political figures. As previously stated, the WSBA does not take a position with respect to the content of such statements. We do, however, support the right of Minority(Specialty) leaders and members of their legal communities here and in other states to represent the position of their constituents without fear of reprisal in the form of intimidation, harassment and threats of harm.

We can do no less to ensure the unfettered practice of law and the administration of justice equitably and inclusively for all persons.

Joint Washington MBA Statement in Support of Oregon Specialty Bar Associations
Issued _____

In the April 2018 issue of the Oregon State Bar Bulletin, a statement was published denouncing white nationalism and the normalization of violence and racism. This statement was signed by several minority bar associations, including the Oregon Asian Pacific American Bar Association, Oregon Filipino American Lawyers Association, Oregon Chapter of the National Bar Association, Oregon Hispanic Bar Association, Oregon Women Lawyers, Oregon Minority Lawyers Association, and OGALLA -- the LGBT Bar Association of Oregon. Shortly thereafter, the bar leaders who signed the statement received backlash in the form of threats of physical violence, intimidation, and harassment from members of the public and surprisingly, even from some fellow members of the Oregon State Bar.

We are living in historic times when Americans are confronted with disturbing headlines on a weekly basis. Reports of intimidating behavior and openly violent acts towards people of color are becoming the norm. A surge in white nationalism and the advancement of white supremacist groups is troubling and alarming. These developments must be addressed. Violence, intimidation, and the systematic silencing of oppressed voices has no place in society or our profession.

We, the undersigned minority bar associations of Washington, stand with our sister minority bar associations and diversity representatives in Oregon and commend their bravery in publicly rejecting white supremacy and white nationalism. When fellow attorneys use intimidation, harassment, threats of bar complaints or lawsuits against minority bar leaders who have shown bravery and leadership by vocalizing their concerns about the state of this country, we cannot remain silent. This is unacceptable.

Our organizations are deeply committed to ensuring that the legal profession maintain integrity and vigilance against the normalization of racism. The legal profession as a whole benefits when we intentionally include more voices, experiences, and backgrounds. As attorneys, it is our professional responsibility to combat injustices, advocate on behalf of marginalized groups, and disavow threats of violence and retaliation. As leaders, we have a duty to respond; leadership requires speaking up, even when it is mischaracterized as divisive. We will continue to stand up for our communities and for other groups that have been systematically oppressed. We unequivocally disavow white supremacy and reject any notion that this is "too political."

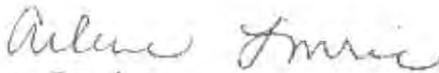
We will not be silenced.



State Board
Asian Bar Association of Washington



State Board
QLaw Association of Washington



State Board
Filipino Lawyers of Washington

State Board
South Asian Bar Association of Washington



State Board
Korean American Bar Association of Washington

State Board
Vietnamese American Bar Association of Washington

State Board
Latino/a Bar Association of Washington

A handwritten signature in black ink, appearing to be 'C. Lopez'.

State Board
Loren Miller Bar Association

State Board
Washington Attorneys with Disabilities Association

A handwritten signature in black ink, appearing to be 'D. G. Gelfand'.

State Board
Washington Women Lawyers



**WSBA STATEMENT DENOUNCING RECENT ACTS OF VIOLENCE AND
A REAFFIRMATION OF EQUITY AND INCLUSION PRINCIPLES**

(Approved by the WSBA Board of Governors on September 29, 2017)

The societal movement towards equity and inclusion is under attack. The city of Charlottesville, Virginia, experienced reprehensible acts of violence at the hands of an emboldened white nationalist movement. Lives were lost, dozens of people were injured, and the aftermath has thrown race relations in our country into a state of national turmoil.

The Washington State Bar Association (WSBA) holds a deep commitment to its stated mission of serving the public and the members of the Bar, ensuring the integrity of the legal profession, and to champion justice. The WSBA is part of the judicial branch, exercising a governmental function authorized by the Washington Supreme Court to license the state's nearly 40,000 legal professionals. The WSBA both regulates legal professionals under the authority of the Court and serves its members as a professional association.

Our service to members of the Bar and the public is a function that must be conducted with the broad and deep lens of equity and inclusion. We exist to regulate the practice of law AND to serve our members and the public as a professional association. It is in service to our members and to the public that we emphasize our commitment to an equitable and inclusive society. This commitment demands that we clearly articulate a resolute stance and support of non-violence against any human for any reason. Violence perpetrated against unarmed people is a deplorable act. The people of Charlottesville are representative of the public served by our members and who access our services.

History has proven that justice does not happen within a vacuum and is not exercised without the oversight, involvement and expertise of those trained in the law.

The Washington State Minority Bar Association community has been an important partner with the WSBA in this commitment within our legal profession. This community is critical to the continued understanding and development of laws, practices, and policies intersecting diversity, equity and inclusion. We highly esteem the work of this community and experience them as partners and collaborators in the pursuit of justice. In light of this partnership we express our support as allies in the denunciation of the lethal acts of violence perpetrated in Charlottesville, Virginia.

We recognize and appreciate that the First Amendment is a critical facet of our democracy. We unwaveringly support its protections, even if we do not agree with the statements being made. However, violence, threats, and physical intimidation are not protected by the First Amendment and have no place in a civil dialogue.

We share a duty with government leaders to speak up when injustice occurs in order to reassure our communities, including those communities that are minority or historically disadvantaged, that we will use all resources at our disposal, including legal resources, to protect the rights and safety of everyone.

It is incumbent upon us, given our unique role in society, our understanding of the practice of law, and our ethical commitment to serving the public that we clearly and forcefully not only denounce violent, divisive, marginalizing, oppressive and inequitable behavior; but that we step into any void created by those actions regardless of where it originates.

This is a country governed by laws. Our laws are designed not only to protect democratic principles, but also to protect people from violence and harassment in the guise of political speech. The WSBA pledges to work vigorously to ensure that those ideals work in practice as well as in principle. We will not tolerate anything less for the people of Washington.

Statement on White Nationalism and Normalization of Violence

As the United States continues to grapple with a resurgence of white nationalism and the normalization of violence and racism, the Oregon State Bar remains steadfastly committed to the vision of a justice system that operates without discrimination and is fully accessible to all Oregonians. As we pursue that vision during times of upheaval, it is particularly important to understand current events through the lens of our complex and often troubled history. The legacy of that history was seen last year in the streets of Charlottesville, and in the attacks on Portland's MAX train. We unequivocally condemn these acts of violence.

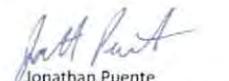
We equally condemn the proliferation of speech that incites such violence. Even as we celebrate the great beneficial power of our First Amendment, as lawyers we also know it is not limitless. A systemic failure to address speech that incites violence emboldens those who seek to do harm, and continues to hold historically oppressed communities in fear and marginalization.

As a unified bar, we are mindful of the breadth of perspectives encompassed in our membership. As such, our work will continue to focus specifically on those issues that are directly within our mission, including the promotion of access to justice, the rule of law, and a healthy and functional judicial system that equitably serves everyone. The current climate of violence, extremism and exclusion gravely threatens all of the above. As lawyers, we administer the keys to the courtroom, and assist our clients in opening doors to justice. As stewards of the justice system, it is up to us to safeguard the rule of law and to ensure its fair and equitable administration. We simply cannot lay claim to a healthy justice system if whole segments of our society are fearful of the very laws and institutions that exist to protect them.

In today's troubling climate, the Oregon State Bar remains committed to equity and justice for all, and to vigorously promoting the law as the foundation of a just democracy. The courageous work done by specialty bars throughout the state is vital to our efforts and we continue to be both inspired and strengthened by those partnerships. We not only refuse to become accustomed to this climate, we are intent on standing in support and solidarity with those historically marginalized, underrepresented and vulnerable communities who feel voiceless within the Oregon legal system.



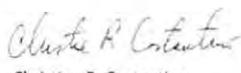
Vanessa A. Nordyke
2018 President
Board of Governors



Jonathan Puente
Director of Diversity & Inclusion



Helen Hierschbiel
Chief Executive Officer



Christine R. Costantino
2018 President-elect
Board of Governors



Liani Reeves
Board of Governors
Liaison to the Advisory Committee
on Diversity & Inclusion



Jonathan Patterson
Chairperson
Advisory Committee
on Diversity & Inclusion

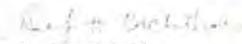
Joint Statement of the Oregon Specialty Bar Associations Supporting the Oregon State Bar's Statement on White Nationalism and Normalization of Violence

The Oregon Asian Pacific American Bar Association, the Oregon Women Lawyers, the Oregon Filipino American Lawyers Association, OGALLA-The LGBT Bar Association of Oregon, the Oregon Chapter of the National Bar Association, the Oregon Minority Lawyers Association, and the Oregon Hispanic Bar Association support the Oregon State Bar's Statement on White Nationalism and Normalization of Violence and its commitment to the vision of a justice system that operates without discrimination and is fully accessible to all Oregonians.

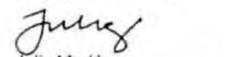
Through the recent events from the Portland MAX train attacks to Charlottesville, we have seen an emboldened white nationalist movement gain momentum in the United States and violence based on racism has become normalized. President Donald Trump, as the leader of our nation, has himself catered to this white nationalist movement, allowing it to make up the base of his support and providing it a false sense of legitimacy. He has allowed this dangerous movement of racism to gain momentum, and we believe this is allowing these extremist ideas to be held up as part of the mainstream, when they are not. For example, President Trump has espoused racist comments, referring to Haiti and African countries as "shithole countries" and claiming that the United States should have more immigrants from countries like Norway. He signed an executive order that halted all refugee admissions and barred people from seven Muslim-majority countries, called Puerto Ricans who criticized his administration's response to Hurricane Maria "politically motivated ingrates," said that the white supremacists marching in Charlottesville, North Carolina in August of 2017 were "very fine people," and called into question a federal judge, referring to the Indiana-born judge as "Mexican," when the race of his parents had nothing to do with the judge's decision. We are now seeing the white nationalist movement grow in our state and our country under this form of leadership.

As attorneys who lead diverse bar associations throughout Oregon, we condemn the violence that has occurred as a result of white nationalism and white supremacy. Although we recognize the importance of the First Amendment of the United States Constitution and the protections it provides, we condemn speech that incites violence, such as the violence that occurred in Charlottesville. President Trump needs to unequivocally condemn racist and white nationalist groups. With his continued failure to do so, we must step in and speak up.

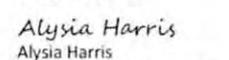
As attorneys licensed to practice law in Oregon, we took an oath to "support the Constitution and the laws of the United States and of the State of Oregon." To that end, we have a duty as attorneys to speak up against injustice, violence, and when state and federal laws are violated in the name of white supremacy or white nationalism. We must use all our resources, including legal resources, to protect the rights and safety of everyone. We applaud the Oregon State Bar's commitment to equity and justice by taking a strong stand against white nationalism. Our bar associations pledge to work with the Oregon State Bar and to speak out against white nationalism and the normalization of racism and violence.

Derily Bechthold
President, Oregon Asian Pacific
American Bar Association

Julia Markley
President, Oregon Filipino American
Lawyers Association

Alysia Harris
President, Oregon Chapter of the
National Bar Association




Iván Resendiz Gutierrez
President, Oregon Hispanic Bar Association




Angela Franco Lucero
President, Oregon Women Lawyers




Kamron Graham
Co-Chair, OGALLA-The LGBT Bar
Association of Oregon




Chase Morinaka
Chair, Oregon Minority
Lawyers Association

Oregon State Bar's statement on 'white nationalism' draws criticism

Updated Apr 24, 2018; Posted Apr 23, 2018



The Oregon State Bar's recent bulletin had these back-to-back pages displayed. On the left is the bar's, "Statement on White Nationalism and Normalization of Violence." On the right, is a separate but related "Joint Statement of the Oregon Specialty Bar Associations" that supports the state bar's statement. (Screenshot)

1.3kshares

By [Maxine Bernstein](#)
mbernstein@oregonian.com
The Oregonian/OregonLive

Two signed statements in the latest Oregon State Bar bulletin – one by the bar condemning speech that incites violence and the other by non-bar specialty groups decrying the rise of the white nationalist movement under President Trump -- have drawn fire from some lawyers aghast that the bar would allow such political statements.

The bar has received requests from six lawyers who requested refunds of their dues, and has granted one partial refund so far, said spokeswoman Kateri Walsh. The bar

stands by its own statement, but the refund will respond to the second statement that wasn't approved by state bar leadership, she said.

A "Statement on White Nationalism and Normalization of Violence" denounces hate mongering, referencing the white nationalist march last August in Charlottesville, Virginia, and the May stabbing attacks on the Portland MAX train. The bar's statement calls out a "current climate of violence, extremism and exclusion" that threatens the rule of law and judicial system that serves everyone.

That statement was signed by the president and president-elect of the bar's board of governors, a board member, the bar's chief executive officer, a state bar staff member and a volunteer lawyer who leads the bar's diversity and inclusion committee.

An adjoining page has a "Joint Statement of the Oregon Specialty Bar Associations Supporting the Oregon State Bar's Statement." It goes further, repeatedly criticizing President Donald Trump for having "catered to this white nationalist movement, allowing it to make up the base of his support and providing it a false sense of legitimacy."

Leaders of the Oregon Asian Pacific American Bar Association, Oregon Filipino American Lawyers Association, Oregon chapter of the National Bar Association, Oregon Hispanic Bar Association, Oregon Women Lawyers, OGALLA-The LGBT Bar Association of Oregon and Oregon Minority Lawyers Association signed the supporting statement.

Document: The Oregon State Bar Bulletin's pages

West Linn lawyer Diane Gruber slammed the statements as "blatantly partisan" and in clear violation of a 1990 U.S. Supreme Court ruling in *Keller v. State Bar of California*, which held that attorneys required to be members of a state bar association have a First Amendment right to refrain from subsidizing the organization's political or ideological activities.

The Oregon State Bar is a government agency that regulates the legal profession in the state. It publishes a bulletin, a magazine that is mailed to members 10 times a year.

Lake Oswego lawyer Shawn Lindsay, who identified himself as a Republican but not a Trump supporter, said he felt the bar "grossly violated" the *Keller* ruling.

He wrote to the bar that he supports the first statement's "underlying message" of "fair and equitable administration/equal justice for all," but added, "you and the other signers went far beyond that by making it biased and political."

"You and the other signers have the right to educate and make statements, but you should do so by presenting impartial information and unbiased statements," he wrote. "You did not do so."

Several demanded that the bar print a retraction.

"I am distressed to learn that my bar dues are being used to promote a left-wing agenda," wrote Darcia Krause, another Portland lawyer.

Assistant U.S. Attorney Greg Nyhus wrote that he was disappointed to learn his dues were "used to promote a political and partisan letter – directed at hate speech but clearly intended to suppress other viewpoints."

Dues range from \$465 to \$552, depending on when a lawyer was admitted to the bar.

The Multnomah County Republican Party also sent the bar a letter, demanding that it "cease its partisan attacks against Trump."

"The bar has no business taking its members' dues money to publish false claims that fringe racist groups constitute the 'base' of the president's support," wrote lawyer James Buchal, a member of the bar and chairman of the county GOP.

Other bar members supported the statements.

Portland attorney Eric E. Meyer, for example, applauded the bulletin for publishing a "strong statement against white nationalism" and said it's crucial for all attorneys as "guardians of justice" never to be "silent in the face of racism and hatred."

At a meeting of the bar's board of governors Friday, bar chief executive officer Helen Hirschbiel noted that the board didn't formally adopt or support the statement by the specialty bar groups and said publication of the statements side-by-side was "ill-advised and confusing."

The board voted to rescind partial dues of angered members, resulting from the publication of the specialty bar statement. The board also voted to run a clarification in its next issue, affirming the state bar's statement, but explaining that the other statement was independent.

The bar also is re-examining the "editorial function" of the bar's bulletin, she said.

-- Maxine Bernstein

Subject: A Message from the President on Opposing Hate

National Asian Pacific American Bar Association

Organizational Statement

For Immediate Release

July 24, 2018

For More Information, Contact:

Brett Schuster, Communications Manager

bschuster@napaba.org, 202-775-9555

A Message from the President on Opposing Hate

Dear Colleagues,

As we see the continued rise of hate, including a [17.4% increase](#) in hate crimes in my home state of California, it is important that we continue to speak out against hate and provide support to communities impacted by discrimination. NAPABA is committed to combatting hate crimes by educating and empowering our community to act against racially-motivated dialogue and conduct. I am encouraged by the response of our affiliates and national associates to our call to action and their efforts to empower their members and local communities—offering CLE seminars, organizing pro bono and legal aid clinics, and by speaking out. As individuals and members of multiple communities, we have been making a significant difference.

Unfortunately, taking such bold and courageous action does expose individuals and groups to backlash.

Recently, in Oregon, the legal community spoke out. A coalition of diverse bars, including our affiliates—the Oregon Asian Pacific American Bar Association (OAPABA) and the Oregon Filipino American Lawyers Association (OFALA)—issued [a statement](#) condemning white supremacy and calling on the legal community and elected officials to stop normalizing racism and violence. The Oregon State Bar issued a similar statement with the support of the diverse bars. Since its publication, our affiliate bars and these brave local leaders have been subject to continued harassment, threats of lawsuits, and threats of bar complaints being filed against them.

There are those who say rejecting racist comments, including from politicians, is being too political; that actions to address diversity divides the community; that the bar should not speak out.

We reject these claims. We believe everyone should be free from hate and violence. It is why NAPABA has condemned white supremacy. It is why we and our affiliates filed amicus briefs against the Muslim Ban. It is why Asian Pacific American attorneys are standing up to racist and anti-immigrant views in their communities.

We reject the idea that the bar should not be a leader in actively promoting diversity and inclusion. We denounce the harassment that our affiliate leaders and other diverse attorneys face because they dared to speak out.

All bar associations and lawyers have an obligation to promote diversity and inclusion and to protect their communities. We must take steps to address those structural impediments to progress. Our experiences and backgrounds make us better lawyers.

The actions of OAPABA, OFALA, and the other diverse bars are shining examples of true leadership. It is especially important in places like Oregon which have a history of legalized racism—for example, with a constitution and laws explicitly denying African Americans the right to live and own property in the state—and

where the legal community is both small and not as diverse as many other places. Speaking out in these situations is even more necessary and takes more courage. These are the places where it is even more important to recognize and acknowledge the experiences of diverse attorneys—and take action to ensure their inclusion in the profession.

We can have differences over policy. But our core values are the same. They unite us a profession and as a bar association.

I continue to encourage you to find your platform to speak out. I invite you to continue to work with us and your local bar associations to develop programs to use your knowledge and skills to support those who need help. And I hope you will continue to remain brave and vigilant in the face of adversity and to rise collectively above the hate.

Sincerely,

Pankit J. Doshi
2017-18 NAPABA President

National Asian Pacific American Bar Association | [1612 K St. NW, Suite 510 | Washington, DC 20006](https://www.napaba.org) | www.napaba.org

Subject: NFALA Opposes Hate- and Bias-Motivated Acts and Condemns White Nationalism and Hate Groups

WE ARE NFALA!		Facebook Twitter Instagram
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NATIONAL FILIPINO AMERICAN LAWYERS ASSOCIATION		
NFALA OPPOSES HATE- AND BIAS-MOTIVATED ACTS AND CONDEMNS WHITE NATIONALISM AND HATE GROUPS		
For Immediate Release July 16, 2018	For More Information, Contact: David Mesa, NFALA President president@nfala.com	

NFALA OPPOSES HATE- AND BIAS-MOTIVATED ACTS AND CONDEMNS WHITE NATIONALISM AND HATE GROUPS

The National Filipino American Lawyers Association (NFALA) is the national voice for the Filipino-American legal profession and it is our mission to advocate for justice, civil rights, and equal opportunity for the Filipino-American community. Along those lines, NFALA is pleased to announce it has adopted [policy resolutions](#): (1) opposing hate- and bias-motivated acts, (2) condemning and rejecting white nationalism and white supremacy, the Ku Klux Klan, neo-Nazis, and other hate groups, and (3) urging political and civic leaders to speak out against racism, anti-Semitism, white supremacy and xenophobia.

"We want our communities to know that their institutions and the justice system stand with them when hate crimes and hate speech occur," said NFALA president David Mesa.

As an example, the Oregon Filipino American Lawyers Association (OFALA) and six other Oregon minority bar associations issued a joint statement in support of the Oregon State Bar Association's "Statement on White Nationalism and Normalization of Violence" in the April 2018 issue of the *Oregon State Bar Bulletin*. NFALA is a non-partisan national organization that embraces lawyers of diverse political leanings. It supports the First Amendment right of OFALA, and all of its affiliates, to speak out on these and other important issues and endorses a civil and respectful political discourse, safe and free from hateful, retaliatory conduct.

NFALA is the national voice for the Filipino-American legal profession. It advocates for justice, civil rights, and equal opportunity for the Filipino-American community. It cultivates high standards of integrity and professionalism among its members and strives for the advancement and success of Filipino-Americans within the profession. NFALA

is a family, comprised of members throughout the United States, with the shared goal of increasing its national growth, impact, and visibility while also celebrating its members' cultural heritage.

To learn more about NFALA, visit nfala.com, like us on [Facebook](#), and follow us on Twitter ([@NFALA1](#)) and Instagram ([@filamlawyers](#)).

WASHINGTON STATE
BAR ASSOCIATION

MEMO

To: Board of Governors

From: Daryl Rodrigues, Chair, Council on Public Defense

Date: January 2, 2019

Re: *Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings*

ACTION: Recommend to the Supreme Court that the Court add the *Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings* to the *Standards for Indigent Defense*, add the *Standards* to the Mental Proceedings Rules (MPR), and require that appointed counsel representing clients in civil commitment proceedings file Certifications of Compliance, as the *Standards* already require of appointed counsel representing clients in criminal proceedings.

On November 16, 2018, the Council on Public Defense (Council) presented the attached *Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings* to the Board of Governors for a first reading. The Council asked the Board of Governors to submit the *Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings* to the Supreme Court with a recommendation that the Court 1) add the *Guidelines* to the *Standards for Indigent Defense*, 2) add the *Standards* to the Mental Proceedings Rules (MPR), and 3) require that appointed counsel file Certifications of Compliance, as is currently required by the *Standards* of appointed counsel in criminal proceedings. The earlier memo dated October 29, 2018, outlining the scope of the request and background is also attached.

After discussion at the November meeting, the Board of Governors voted to take action on the proposal at the January 2019 meeting. On December 4th the Board of Governors was reminded by email to send questions or comments about the *Guidelines* to the Council by December 20, 2018, to allow the Council time to incorporate the feedback. At this time, no questions or comments have been received.

We look forward to presenting the proposed *Guidelines* on the agenda for action at the January Board meeting.

MEMO

To: Board of Governors
From: Daryl Rodrigues, Chair, Council on Public Defense
Date: October 29, 2018
Re: *Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings*

ACTION: Recommend to the Supreme Court that the Court add the *Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings* to the *Standards for Indigent Defense*, add the *Standards* to the Mental Proceedings Rules (MPR), and require that appointed counsel representing clients in civil commitment proceedings file Certifications of Compliance, as the *Standards* already require of appointed counsel representing clients in criminal proceedings.

The scope, substance and process for developing the attached *Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings* are outlined in the following memo from the Council on Public Defense’s Mental Health Committee, led by Eileen Farley, immediate past Chair of the Council.

Scope of Request

At its October 5, 2018, the WSBA Council on Public Defense (“CPD”) voted by a supermajority to ask the Board of Governors to submit the *Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings* to the Supreme Court with a recommendation that the Court 1) add the *Guidelines* to the *Standards for Indigent Defense*, 2) add the *Standards* to the Mental Proceedings Rules (MPR), and 3) require that appointed counsel file Certifications of Compliance, as is currently required by the *Standards* of appointed counsel in criminal proceedings.

The CPD’s request will be on the Board’s agenda for a “first reading” at the November 2018 meeting. Current CPD members will attend the meeting and be prepared to present information about the proposed *Guidelines* and answer questions.

Background

The *Standards for Indigent Defense Services* adopted by the Washington Supreme Court set qualifications and a caseload limit for appointed counsel representing clients in criminal cases and for appointed counsel representing clients in civil commitment proceedings. The *Standards*

require appointed counsel in criminal cases: 1) to be familiar with the *Performance Guidelines for Criminal Defense Representation* and the *Performance Guidelines for Juvenile Defense Representation* approved by the Washington State Bar Association; and 2) to file quarterly Certifications that they are in compliance with qualifications and the caseload limits included in the *Standards*.

The Council on Public Defense's request to the Board of Governors addresses the lack of performance guidelines for civil commitment practitioners and the gap in required Certifications of Compliance filings.¹ Civil commitment petitions are primarily filed in 13 Washington counties. In 2017, 11,000 civil commitment petitions were filed by the State, yet appointed counsel had – and still have – no uniform guidance for client representation. In response to this critical need, the Council formed a mental health committee whose members included then-Council Chair Eileen Farley, Superior Court Judges Association Representative Johanna Bender, Clark County's public defense manager Ann Christian, Washington Defender Association (WDA) Executive Director Christie Hedman, and Pierce County attorney and Tacoma Human Rights Commissioner Rebecca Stith.

In early 2017, the committee conducted a survey of practitioners and began drafting *Performance Guidelines for Civil Commitment Proceedings*. A first draft was circulated for comment on the WDA civil commitment practitioners' listserv. The committee revised the draft *Guidelines* in light of the feedback received.

The revised *Guidelines* were sent again to the practitioners' listserv and to the WDA Directors' listserv. The committee revised them a second time in light of comments received and discussions at several Council meetings during the late summer and early fall of 2018. Shortly before the Council's September 2018 meeting, the committee sent the penultimate version of the *Guidelines*, along with a request for comments, to the Washington State Association of Counties, the Gender and Justice Commission, the Minority and Justice Commission, Disability Rights Washington, and the National Alliance on Mental Illness (NAMI) Greater Seattle chapter. The Director of NAMI Greater Seattle provided the *Guidelines* to directors of other NAMI chapters at their monthly meeting.

Upon review and discussion of the latest comments received, the committee finalized the *Guidelines* and the Council approved them by a supermajority at its October 5, 2018 meeting. The Council now asks the Board of Governors to recommend that the Supreme Court: 1) add the *Guidelines* to the *Standards*; 2) include the *Standards* in the Mental Proceedings Rules; 3) and

¹ Because the Certification currently is required only of appointed counsel representing clients in criminal proceedings, appointed attorneys in civil commitment proceedings do not file them even though the current *Standards* prescribe a caseload limit and define a "case." A survey of attorneys representing clients in civil commitment proceedings across the state found variation in how a civil commitment "case" is defined for caseload purposes in each county. This lack of standardization raises equal protection concerns. Requiring certifications to be filed will help address the concern.

require appointed counsel representing clients in civil commitment proceedings to file Certifications of Compliance, as is already required of appointed counsel in criminal cases. The proposed *Guidelines* before the Board of Governors are the result of significant work by the Council. We look forward to presenting the proposed *Guidelines* at the November Board meeting.

Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings

GUIDELINES PREAMBLE

The following guidelines are intended to assist defense attorneys in providing vigorous and effective representation to clients responding to a civil commitment petition. The facts of each case, the circumstances of each respondent, and developments in the law and in court procedures require counsel to determine, with the client's assistance and on a case-by-case basis, the best manner to proceed.

As used in these Guidelines, "must" and "shall" are intended to describe mandatory requirements. "Should" is not mandatory but is used when providing guidance about what attorneys can and are encouraged to do in the interest of providing quality representation.

Guideline 1. Role of Counsel

Counsel shall assist the client in determining the client's goals and objectives in the commitment proceedings, shall explain to the client how best to achieve those goals, and advocate for the client at all stages of the commitment process.

Counsel shall represent the client's expressed wishes. Where counsel believes that the client's directions will not achieve the best long-term outcome for the client, counsel shall provide the client with additional information to help the client understand the potential outcomes and offer an opportunity to reconsider. In the end, counsel shall act in accordance with the client's expressed interests.

Counsel shall not substitute counsel's view of the client's best interests for those expressed by the client. Counsel shall not substitute the interests or views of a family member or friend, a guardian or holder of a durable power of attorney for those expressed by the client.

Guideline 2. Role of Counsel When a Client Does Not Express His or Her Ultimate Goals

When a client cannot express his or her ultimate goals and objectives, then counsel shall protect the client's constitutional and statutory rights. Counsel should assume that the client does not wish to be involuntarily detained or treated. Counsel shall abide by the Rules of Professional Conduct (RPCs) throughout the representation, including RPC 1.14.

In taking any protective action, counsel should be guided by such factors as the wishes and values of the client to the extent known, the client's best interests, and the twin goals of intruding to the least extent possible on the client's right to make independent decisions and maximizing the client's capacities. In considering alternatives, counsel should be aware of any law that requires counsel to advocate for the least restrictive action on behalf of the client. *See* Comment 5 to RPC 1.14.

Guideline 3. Education, Training and Experience of Counsel

Counsel shall, at minimum, have the qualifications required by the Washington Supreme Court's *Standards for Indigent Defense*, Standard 14.1 and 14.2(M), for representation of a respondent in a civil commitment proceeding.

Counsel shall have a basic knowledge of the classification of mental disorders, as described in the most recent Diagnostic and Statistical Manual of Mental Disorders ("DSM") and other resources, and the ability to read and understand medical terminology related to mental disorders and treatment of persons with a mental illness, substance use disorder, co-occurring disorders, and chemical dependency. Counsel shall have ready access to the most recent DSM, as well as research resources for related medical conditions. Counsel should also have basic knowledge and understanding of common personality disorders and medical conditions that may produce similar symptoms.

Counsel shall be familiar with the classes of medication prescribed to treat mental disorders and chemical dependency and the possible effect of those medications on the client's ability to interact with counsel and to participate in court proceedings.

Counsel should be familiar with treatment facilities, both in-patient and out-patient, that provide services to persons with mental illness, including the scope of those services. Counsel should be familiar with local facilities and state hospitals that may be remote from where the client lives. Counsel should be familiar with the limitations on available treatment and transportation obstacles associated with such facilities.

Counsel should attend CLEs or specialized training for further education on substantive issues, substantive law, statutes, local court rules, and local practice relating to commitment proceedings. Counsel should also develop interviewing and de-escalation skills through appropriate training opportunities. Counsel should develop a resource list of local mental and behavioral health experts who may be consulted or used as testifying experts on available resources for the client and other matters.

Counsel should know where socio-economic disparities and racial, gender, and age biases exist in the civil commitment system, and how they might affect a client and might influence counsel's perspective. For example, gender bias might influence a mental health provider's treatment recommendations or a court's treatment requirements. Counsel also should know about the potential effects of past sexual assault or trauma on a client.

Guideline 4. General Issues and Duties of Counsel for Respondents in Civil Commitment Proceedings

Before agreeing to act as counsel or accepting appointment by a court, counsel shall determine if counsel has sufficient time, resources, and knowledge to effectively represent the client.

Counsel shall be alert to potential and actual conflicts of interest that would impair counsel's ability to represent a client. Counsel shall not represent a client in a civil commitment proceeding

and act as guardian ad litem for that client in the same or any other proceeding. Counsel shall not reveal information relating to the representation of a client unless:

- the client gives informed consent to the release; or
- disclosure is impliedly authorized to carry out the representation; or
- disclosure is an exception to the rule of confidentiality permitted by the Rules of Professional Conduct.

Disclosures, for example to prevent reasonably certain death or substantial bodily harm, are permitted only to the extent necessary to prevent the harm.

Counsel should assess and advise how a client's participation and position in a civil commitment proceeding may affect the client's participation in other proceedings, such as a criminal case. To the extent authorized by the client, the attorney should consult with counsel representing the client in the other proceedings.

Guideline 5. Preparation for Initial Client Meeting

Prior to the first meeting with the client, counsel shall be knowledgeable about civil commitment law, procedures, and court rules. Counsel should have obtained copies of the initial petition or petition for continued court-ordered treatment, statements in support of the petition, and other materials that will be submitted to the court in support of the petition, reviewed them, and researched any unfamiliar terms in advance of the meeting.

When first appointed, counsel shall make every effort to consult with the client to determine the client's goals and to develop evidence to present to the court that will support those goals. Counsel should recognize that communication with the client may require additional efforts.

The initial client meeting shall be in private and occur enough in advance of any scheduled hearing to allow time for preparation and reasonable efforts to contact potential witnesses on the client's behalf. If there is not sufficient time for adequate preparation between counsel's appointment and the scheduled hearing, then counsel must advise the court and make every effort to continue the hearing, even if only for a few hours, to allow sufficient time for preparation.

In some cases, an attorney will be appointed to represent a client only after the client is detained pursuant to a 72-hour hold. Counsel should meet with the client within 24 hours of being notified of assignment when preparing to respond to a 14-day petition. Counsel representing a client responding to a 90-day petition, shall meet with the client within 24 hours of appointment or as soon as practicable thereafter, regardless of whether counsel previously represented the client when responding to a petition for a 14-day commitment or is newly appointed. Counsel representing a client responding to a 180-day petition shall meet with the client within 24 hours of appointment or as soon as practicable thereafter, regardless of whether counsel has previously represented the client when responding to a petition for a 14-day or 90-day commitment or is newly appointed.

Guideline 6. Substance of Client Meetings

Counsel shall communicate information to the client during the initial or subsequent meeting. Counsel shall determine the amount and kind of information the client is able to absorb in one meeting. If necessary or as requested by the client, counsel shall repeat this information during the course of the representation.

Counsel shall explain that conversations between client and attorney are confidential, counsel's role, the civil commitment process and the client's rights during that process.

Counsel shall obtain, when possible in light of the client's symptoms, the client's version of the facts of the case, the names and contact information of persons with knowledge of the circumstances that led to the filing of the petition, the names and contact information of persons knowledgeable about the client's current level of functioning relative to discharge to the community, information about past treatment, and information relevant to possible alternatives to commitment.

Counsel shall advise the client of the legal basis under which the Court can order the client be discharged, committed, or released conditionally, and the length of any commitment period. Counsel shall advise the client of the right to request experts to complete an independent evaluation and assist in defending the case, and if a 90-day petition is filed, the right to request a mental health professional to seek less restrictive alternatives. Counsel shall specifically advise the client of the right to remain silent and possible consequences following civil commitment, such as the loss of the right to possess a firearm.

Counsel shall explain the different consequences that could follow from a voluntary agreement to enter treatment, an involuntary commitment following a contested hearing, an agreement to a stipulated order of commitment, and a negotiated agreement to a less restrictive order. These may include, among others, an impact on the right to possess a firearm and whether a hospital will help the client find a place to live after the client leaves the hospital or to enroll in a supplemental income program such as SSI or outpatient treatment. Counsel should inquire of any proposed provider whether a client will be billed for voluntary or outpatient treatment.

Guideline 7. Preparation for Commitment Hearing

Counsel shall obtain and review the court file, investigation report, medical records, police reports, if any, and all other evidence offered by the petitioner(s) or opposing counsel. In advance of the hearing, counsel should attempt to interview witnesses who will be called by opposing counsel. Counsel also should attempt to contact persons the client has identified as possible witnesses and who, in counsel's assessment, may provide relevant information. Counsel shall make any appropriate request for expenses to pay for the services of expert witnesses.

Counsel shall determine whether the petition and/or request for commitment should be challenged because it does not satisfy the statutory criteria required for civil commitment and/or constitutional protections. Counsel shall determine whether the client was given a

timely opportunity to refuse psychotropic medications for the 24 hours before a potential hearing. If the treatment team has failed in this regard, counsel must advise the client of the options available to address such failure. Counsel shall be familiar with the rules of evidence, particularly those that apply to civil commitment hearings and govern the admissibility of documentary and testimonial evidence.

Guideline 8. Planning for Release Following Commitment

Counsel should evaluate whether it would be helpful to consult with an independent social worker or mental health professional to aid in planning for the client's release or a less restrictive commitment order and, if so, apply for funds. Counsel should contact persons whom the client has identified as willing to assist in arranging an alternative to hospitalization or otherwise support discharge at the hearing.

If counsel learns of persons who may be willing to assist with an alternative to hospitalization or otherwise support discharge from a source other than the client, then, with the client's permission, counsel should contact those persons. Counsel should evaluate whether release planning is adequately provided by the hospital staff and, if so, with the client's permission, provide information supporting an alternative to hospitalization or discharge to hospital or other personnel involved in discharge planning.

Guideline 9. Commitment Hearing

Counsel shall, prior to the commitment hearing, communicate to the client what is expected to happen before, during, and after the hearing. Counsel shall continue to consult with the client during the hearing.

Counsel should provide the client with information regarding appropriate courtroom conduct. Counsel shall apply for accommodations that will assist the client in participating in the hearing, including accommodations for physical disability, interpreter services or, transportation assistance.

If the hearing is scheduled to be conducted by video, then counsel shall advise the client of the process and ask whether the client wishes to object to proceeding by video. If the client objects to proceeding by video, then counsel shall make that objection on the client's behalf.

Counsel shall be familiar with the legal and technological requirements for video proceedings. If the hearing will proceed by video, whether or not the client objects, counsel shall make every effort to ensure those requirements are satisfied and make objections, if needed.

Counsel shall assert and seek to protect the client's right to actively participate in the civil commitment proceeding. If at the time of the hearing the client is under the influence of prescribed medication, counsel shall consider introducing evidence regarding the nature of the medication and its likely effects on the client's demeanor. Counsel shall contest whether a client will be hospitalized and, to the extent feasible, whether appropriate placement and resources are available.

Counsel should make an opening statement describing the client's goal and the facts that support that goal, cross-examine expert and lay witnesses as is appropriate to the case, and present alternatives to confinement as approved by the client.

At the hearing, counsel should be prepared to:

- raise procedural motions, including exclusion of witnesses;
- assert privileges, including physician/patient, psychotherapist/patient, spouse/domestic partner, Fifth Amendment, social worker/patient and other privileges; and
- as appropriate, introduce evidence on the client's behalf.

Counsel representing a client in a jury trial contesting the State's commitment petition shall be familiar with the laws and procedures governing the selection of a jury and jury instructions. Counsel shall, to the extent feasible, include as an issue not just whether a client will be hospitalized or housed, but how a client shall be hospitalized or housed.

Counsel shall communicate the advantages and disadvantages of the client testifying. The decision to testify ultimately rests with the client. Counsel shall be familiar with state law regarding examination of the client and what information may be admissible for purposes of the hearing.

Counsel should make a closing argument that includes the evidence presented, the burden of proof, and the statutory requirements for commitment.

Counsel should consider proposing findings of fact and conclusions of law and/or making objections to findings and conclusions proposed by opposing counsel and should ensure that any proposed findings and objections are included in the record for appeal.

Guideline 10. Limited Basis for Waiver of Client's Presence at the Hearing and Alternatives to Waiver

Counsel shall be familiar with the practice of the local jurisdiction regarding waiver of presence and inform the client about local practice. Some jurisdictions will not permit a client to waive presence at a hearing. Others will allow the client to waive presence only after the court has advised the client about the possible loss of the right to possess firearms.

Counsel shall not waive the client's presence at the hearing, except when the client elects to waive or unequivocally refuses to attend, despite encouragement to attend.

If the court is considering whether the client's behavior constitutes a constructive waiver of presence, then counsel shall, after consultation with the client, offer alternatives to removing the client from the hearing. Possible alternatives may include:

- offering the client a paper and pencil to write down questions rather than orally responding;
- taking frequent breaks;

- asking the judge to give the client a “roadmap” regarding who will be testifying and when;
- offering to mute client and counsel’s microphone during witness testimony during video proceedings other than when making an objection or responding to an objection; and/or
- offering the client, if available, the option to observe video proceedings from a separate room.

Guideline 11. Post-Commitment Proceedings When the Client Is Committed

If the court orders the client committed for up to 14 days, then counsel has a continuing obligation to maintain contact with the client and prepare to represent the client if the State seeks a 90-day commitment. Such representation shall include consulting with the client to determine the client’s goals and to develop evidence to present to the court that will support those goals. Such evidence may include, for example, proposals for less restrictive treatment, housing alternatives, or an individualized treatment plan appropriate to the client’s needs. Counsel shall, to the extent the client agrees, argue against all provisions that are unnecessarily restrictive or unsupported by the record.

If the State seeks a 180-day commitment, then counsel should seek to provide continuity of representation and to represent the client in the 180-day commitment hearing. If the client is transferred to another hospital outside the jurisdiction in which counsel works then, when feasible, counsel shall work to ensure a smooth transition to the new counsel who will represent the client at the 180-day hearing.

Mental Proceeding Rules (MPR) 2.4 and 3.4 provide that commitment hearings “shall be proceeded with as in any other civil action.” Counsel should be familiar with Civil Rule (CR) 71(b), which provides “A court appointed attorney may not withdraw without an order of the court. The client of the withdrawing attorney must be given notice of the motion to withdraw and the date and place of the motion to be heard.”

The Rules “govern the procedure in the superior court in all suits of a civil nature whether cognizable as cases at law or equity...”. The limited exceptions to CR 71 are found in CR 81 and do not, on their face, include civil commitment proceedings.

Guideline 12. Post-Commitment Proceedings When the Client Is Not Committed

If a petition is dismissed or if the court does not order a client committed, then counsel should, where appropriate, inform the client of social services or direct the client to appropriate hospital or treatment staff who can assist the client. Such services may include housing and food available in the community, the existence and location of mental health providers, and the existence of medical treatment available upon discharge from a hospital.

Guideline 13. Advising the Client about Revisions and Appeals

Counsel shall advise the client of the right to seek revision of a commissioner’s ruling or to appeal, and the process for each. Counsel shall explain to the client the consequences of any decision to waive the right to seek revision or to appeal. The decision whether to seek revision or to appeal belongs to the client. If the client is not able to absorb the information immediately

following a hearing, then counsel shall consult with the client in person or by phone to explain the revision or appeal process and the client's choices.

Counsel shall take the necessary steps to seek revision of a commissioner's ruling or to perfect an appeal if the client requests it.

Counsel should consider developing a short advisory sheet to give clients outlining the right to appeal and deadlines by which an appeal must be filed. The advisory should include information about how to contact counsel to discuss an appeal and, in appropriate cases, counsel's recommendation about whether to appeal. Such an advisory may be helpful when counsel must immediately appear in another hearing or leave for another hospital to represent another client.

Guideline 14. Perfecting an Appeal

When the client chooses to appeal, counsel shall file a notice of appeal and preserve the client's right to appeal, including presenting a motion to proceed *in forma pauperis*. Counsel shall assist the client in obtaining appellate representation.

To preserve issues for appeal, counsel should consider proposing findings of fact and conclusions of law and/or making objections to findings and conclusions proposed by the prosecutor or entered by the court, and should ensure that counsel's proposed findings, conclusions, and/or objections are included in the record.

When the client, at the time that commitment is ordered, is unable to decide whether to appeal, counsel shall make clear to the client the deadline for filing an appeal, seek a decision from the client in time to meet the deadline, and be prepared to file the appeal should the client decide to appeal. If a guardian or person holding a durable power of attorney believes the client should not pursue an appeal, counsel should advise the court in writing that counsel assumes the client has the authority to make the decision to appeal and proceed as the client wishes.

Guideline 15. Obligations of Counsel to Appellate Attorney

Counsel should be available to appellate counsel to answer questions and issues regarding the appeal and provide privileged information and documents requested by appellate counsel, to the extent authorized by the client.

Guideline 16. Continuity of Representation

Counsel should make every effort to represent the client for the duration of the commitment process. Even if the client is transferred out of the jurisdiction, CR 71 provides the attorney may not withdraw without an order from the court.

If counsel is not able to continue to represent the client, then counsel shall work to ensure a smooth transition to new counsel when possible. Steps to provide a smooth transition shall include:

- advising the client about the process for the client's transfer to a different hospital;

- move the court pursuant to CR 71 for an order allowing counsel to withdraw and appointment of new counsel;
- advise the client how to contact substituted counsel; and
- to the extent permitted by the client, providing the substituted counsel with privileged information and documents counsel received when representing the client.

WASHINGTON STATE BAR ASSOCIATION

TO: The President, President-Elect, and Board of Governors
FROM: Jean McElroy, Chief Regulatory Counsel
DATE: January 3, 2019
RE: Review of suggested amendment to APR 3(c), and submission to Washington Supreme Court as part of a comment on a published proposed amendment to APR 3 (*Action Requested*)

ACTION REQUESTED: The Board of Governors is asked to review and approve submission by Chief Regulatory Counsel of a comment on the published proposed amendments to Admission and Practice Rule (APR) 3 regarding the admission to practice of military spouses.

Background: The Military Spouse J.D. Network (the Network) has been attempting, with varying degrees of success, to achieve changes in state lawyer admission rules and policies across the country. They are seeking to ease the admission requirements for people with J.D.s who are married to active duty military personnel and are seeking admission to practice law in a state when their spouses get transferred to that state. Chief Regulatory Counsel had been in contact with representatives from the Network previously regarding their interest and drafts of rules that they had prepared for consideration. In addition, Chief Regulatory Counsel and WSBA admissions staff had been reviewing other states' military spouse admission rules, and drafting possible amendments to Washington's Admission and Practice Rules (APR) to try to arrive at a suitable rule that fits within WSBA's regulatory system and still achieves the Network's stated goals.

The rule amendments the Network is seeking would apply to only a very small number of applicants in Washington per year – probably fewer than 10 per year, and most likely fewer than that. This is because Washington's APR are broad enough that they cover most applicants who currently have a J.D. and are seeking licensing in Washington based on a bar exam or on their licensing in another state. Washington currently offers the Uniform Bar Exam (UBE) and accepts transfers of passing UBE scores attained in other states in the previous three years, and Washington permits admission by motion for applicants licensed in another state and engaged in the active practice of law for three out of the previous five years. Washington also has rules that provide a pathway for admission of applicants who obtained a J.D. from a non-ABA accredited law school or who obtained their legal education and license in a non-U.S. jurisdiction.

Staff had notified the Military Spouse J.D. Network of its intended solution to this admission issue, nonetheless, the Military Spouse J.D. Network submitted its suggested amendments to the Washington Supreme Court. In a departure from the Court's recent previous

process for APR amendments suggested by people or entities other than WSBA, it appears that the Court published the proposed amendments for comment without first requesting WSBA's feedback on the draft.

The proposed amendments published for comment (Attachment 2) are very lengthy, and create some administrative issues for Washington because they do not fit easily into our existing regulatory setup. They also would create an entirely new applicant type, which would complicate our online application processing. In addition, several of the provisions in the proposed amendments address matters covered in Washington's admission applications and the character and fitness reviews (APR 20-24) that apply to all applicants for admission by motion.

For these reasons, Chief Regulatory Counsel proposes to submit a comment containing different suggested rule amendments, for consideration by the Court in connection with the published proposed amendments. The suggested amendments Counsel seeks to submit would meet the Network's stated purposes, yet are shorter, more easily administered by WSBA, more readily understandable by applicants, and do not recite or repeat character and fitness related considerations that apply to all applicants. The approach set forth in Attachment 1 would amend the admission by motion rule (APR 3(c)) to cover military spouses and admit them as members of the Washington Bar, rather than add to APR 3 an entirely new section (j), new method of seeking admission, and a new type of temporary license. See Attachment 1 for the suggested amendments to APR 3(c).

Pursuant to WSBA Bylaws Art. IV § E.4., Chief Regulatory Counsel is permitted to represent the Bar in the court as necessary to perform Counsel's job function. In the exercise of caution, however, Counsel is requesting that the Board of Governors review the attached suggested amendments and approve their submission to the Court by way of Counsel's comment on the currently published proposed amendments to APR 3.

ATTACHMENTS:

1. WSBA suggested amendments to APR 3(c), admission by motion rule, to cover military spouses.
2. Proposed amendments to APR 3, adding a section 3(j), published by the Washington Supreme Court for comment.

FILED
OCT 31 2018
WASHINGTON STATE
SUPREME COURT

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF SUGGESTED AMENDMENT)
TO APR 3)
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ORDER

NO. 25700-A-1244

The Military Spouse J.D. Network (MSJDN), having recommended the suggested amendment to APR 3, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as attached hereto is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2019.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2019. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

Page 2
ORDER
IN THE MATTER OF SUGGESTED AMENDMENT TO APR 3

DATED at Olympia, Washington this 31st day of October, 2018.

For the Court

Fairhurst. CJ
CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Change to the ADMISSION TO PRACTICE RULES

APR 3— APPLICANTS FOR ADMISSION TO PRACTICE LAW

Submitted by Military Spouse J.D. Network

A. **Name of Proponent:** Military Spouse J.D. Network

B. **Spokesperson:** Elizabeth Jamison, Esq.

C. **Purpose:**

The proposed rule seeks to accommodate military spouse attorneys while supporting their spouses' military service. It achieves this purpose by modifying licensure requirements for military spouse attorneys who reside in the state due to military orders.

D. **Hearing:** A hearing is not requested.

E. **Expedited Consideration:** Expedited Consideration is not requested.

See Supporting Documentation: Proposed Rule: Revisions to Washington License Requirements in Support of Military Spouse Attorneys, July 2018.

APR 3
APPLICANTS FOR ADMISSION TO PRACTICE LAW

(a) – (i) [Unchanged]

(j) Lawyer Admission for Attorney-Spouses of Active Duty Military Personnel Stationed Within the State

- (1) Due to the unique mobility requirements of military families who support the defense of our nation, an attorney who is the spouse of an active duty servicemember of the United States Uniformed Services, as defined by the United States Department of Defense, and is stationed within this jurisdiction may obtain a license to practice law without examination pursuant to the terms of this rule. To qualify under this provision, a military spouse must not be eligible for admission by motion or Uniform Bar Examination (UBE) score transfer.
- (2) Requirements. An applicant under this rule must:
 - (A) Have been admitted to practice law in another U.S. state, territory, or the District of Columbia;
 - (B) Hold a J.D. or LL.B. degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association at the time the applicant matriculated or graduated;
 - (C) Establish that the applicant is currently a member in good standing in all jurisdictions where admitted;
 - (D) Establish that the applicant is not currently subject to attorney discipline or the subject of a pending disciplinary matter in any jurisdiction;
 - (E) Establish that the applicant possesses the character and fitness to practice law in this jurisdiction;
 - (F) Reside, or intend within the next six months to reside, in this jurisdiction as a spouse of a member of the United States Uniformed Services;
 - (G) Not have failed this jurisdiction's bar examination within five years of the date of filing an application under this rule;
 - (H) Not have been previously denied admission to the practice of law in this jurisdiction; and
 - (I) Certify that the applicant has read and is familiar with this jurisdiction's Rules of Professional Conduct;

- (J) Complete the WSBA sponsored reinstatement course within one year from the date of admission.
- (3) Procedure. WSBA may require such information from an applicant under this rule as is authorized for any applicant for admission to practice law—except any information specifically excluded by this rule—and may make such investigations, conduct such hearings, and otherwise process applications under this rule as if made pursuant to this jurisdiction’s rules governing application for admission without examination. Upon a showing that strict compliance with the provisions of this section would cause the applicant unnecessary hardship, the Bar may in its discretion waive or vary the application of such provisions and permit the applicant to furnish other evidence in lieu thereof.
- (4) Time and Manner for Admission. If after such investigation as the Bar may deem appropriate, it concludes that the applicant possesses the qualifications required of all other applicants for admission to practice law in this jurisdiction, the applicant shall be licensed to practice law and enrolled as a member of the bar of this jurisdiction. WSBA shall promptly act upon any application filed under this rule.
- (5) Rights and Obligations. Except as provided in this rule, attorneys licensed under this rule shall be entitled to all privileges, rights, and benefits will be subject to all duties, obligations, and responsibilities of active members of the bar of this jurisdiction, including all ethical, legal, and continuing legal education obligations.
- (6) Discipline. Attorneys admitted under this rule shall be subject to the jurisdiction of the courts and agencies of this jurisdiction with respect to the laws and rules of this jurisdiction governing the conduct and discipline of attorneys, to the same extent as all other members of the bar of this jurisdiction.
- (7) Fee Waiver. The requisite application fees charged by this jurisdiction will be waived for all applicants seeking admission under this rule.
- (8) Termination. The license to practice law under this rule shall be limited by the earliest of the following events:
- (A) The servicemember separates or retires from the United States Uniformed Services;
- (B) The military spouse attorney ceases to be a dependent as defined by the Department of Defense (or, for the Coast Guard when it is not operating as a service in the Navy, by the Department of Homeland Security);
- (C) The servicemember is permanently transferred outside the jurisdiction pursuant to military orders, except that if the servicemember has been assigned to an unaccompanied or remote assignment with no dependents authorized, the military

spouse attorney may continue to practice pursuant to the provisions of this rule until the servicemember is assigned to a location with dependents authorized;

- (D) The military spouse attorney permanently relocates to another jurisdiction for reasons other than the servicemember's permanent transfer outside of the jurisdiction;
- (E) The military spouse attorney is admitted to the general practice of law in Washington State under any other rule;
- (F) The military spouse attorney requests termination; or
- (G) The military spouse attorney fails to meet annual licensing requirements for an active member of the State Bar.

In the event that any of the events listed in this paragraph occur, the attorney licensed under this rule shall notify WSBA of the event in writing within sixty (60) days of the date upon which the event occurs and upon such notification, the license shall be terminated. If the event occurs because the servicemember is deceased or disabled, the attorney shall notify WSBA within one hundred eighty (180) days of the date upon which the event occurs.

- (9) Mandatory Disclosures. Each attorney admitted to practice under this rule shall report to WSBA, within thirty (30) days:
 - (A) Any change in bar membership status in any jurisdiction of the United States or in any foreign jurisdiction where the attorney has been admitted to the practice of law; or
 - (B) The imposition of any permanent or temporary professional disciplinary sanction by any federal or state court or agency.
- (10) An attorney's authority to practice under this rule shall be suspended when the attorney is suspended or disbarred in any jurisdiction of the United States, or by any federal court or agency, or by any foreign nation before which the attorney has been admitted to practice.
- (11) Record. WSBA shall maintain a record of all attorneys admitted under this rule.

SUGGESTED AMENDMENTS TO APR 3 (Blackline)

1 TITLE

2 ADMISSION AND PRACTICE RULES (APR)

3 RULE 3. APPLICANTS FOR ADMISSION TO PRACTICE LAW

4 (a) – (b)

5 No change.

6 (c) Lawyer Admission by Motion.

7 (1) Lawyers admitted to practice law in other states or territories of the United States or the
8 District of Columbia are not required to sit for the lawyer bar examination if they:

9 ~~(1)~~(A) file a certificate from that jurisdiction certifying the lawyer's admission to
10 practice, and the date thereof, and current good standing or the equivalent; and

11 ~~(2)~~(B) present satisfactory proof of active legal experience for at least three of the five
12 years immediately preceding the filing of the application.

13 (2) Military Spouse Admission by Motion. A lawyer admitted to practice law in another state or
14 territory of the United States or the District of Columbia who is the spouse of an active duty
15 service member of the United States Uniformed Services, as defined by the United States
16 Department of Defense, is not required to sit for the lawyer bar examination if the applicant
17 meets the following requirements:

18 (A) the applicant's spouse is stationed in Washington or will be stationed in Washington
19 within six months of filing the application, and the applicant resides or will reside in
20 Washington as the spouse of that member of the United States Uniformed Services
21 within six months of filing the application;

22 (B) the applicant does not qualify for admission by motion under APR 3(c)(1);

23 (C) the applicant does not qualify for admission by UBE score transfer under APR 3(d);

24 (D) the applicant files a certificate from each jurisdiction in which the applicant is
25 admitted certifying the applicant's admission to practice and the date thereof, and
26 current good standing or the equivalent; and

SUGGESTED AMENDMENTS TO APR 3 (Blackline)

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(E) the applicant has no lawyer disciplinary sanctions or pending lawyer disciplinary or incapacity matters in any jurisdiction in which the applicant has been admitted.

(d) – (i)

No change.

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors

From: Budget and Audit Committee

Re: Recommended Revised Policy on President and President-elect Travel to and Attendance at National/Regional Events

Date: January 10, 2019

ACTION: Approve recommended revised policy on President and President-elect travel for attendance at National/Regional Events.

At its November 13th meeting, the Budget and Audit Committee requested that fiscal policies be updated to reflect the Board's policy change regarding President and President-elect Travel to National/Regional Events consistent with the FY 2019 Budget funding. On January 10, 2019, the Committee unanimously approved, and recommends that the Board approve, revised policy language.

Below is the current policy as set forth in WSBA Fiscal Policies and Procedures Manual, Chapter 6, Section IV.C.1, with recommended revisions in redline:

1. Officer Conferences

*The President and President-elect are each is-budgeted to attend one National Conference of Bar Presidents meeting, the Bar Leaders Institute in Chicago, and the Western States Bar Conference.
~~The President-elect is budgeted to attend the Bar Leaders Institute in Chicago, the Western States Bar Conference, and one National Conference of Bar Presidents meeting.~~*

**WASHINGTON STATE
BAR ASSOCIATION**

Office of the Executive Director
Paula C. Littlewood, Executive Director

MEMO

TO: Board of Governors

DATE: January 11, 2019

RE: Recommendation on Section Representatives to Washington Supreme Court Structures Work Group

Action: Rank section applications for recommendation to the Washington Supreme Court for the Court's Workgroup on the WSBA Structure.

Consistent with composition of the Washington Supreme Court's Workgroup on the WSBA Structure, three members of the Workgroup are to come from WSBA's sections. These members are to be selected by the Supreme Court in consultation with the BOG.

At its November 2018 meeting, the BOG recommended to the Supreme Court that the three members be selected, one each, from a large, medium and small size section. Consistent with this recommendation, the Court has asked that the BOG rank applicants within each section size (large, medium and small).

Included here are the applications from WSBA section members for the Workgroup as well as a table showing the size of the section(s) they are members of.

Supreme Court Workgroup on the WSBA Structure

The Supreme Court is convening a Workgroup on the WSBA structure. The Chief Justice, as chair, with 10 members will serve on the Workgroup.

Composition of Workgroup:

- 1 member from the Supreme Court -- Chief Justice, Mary Fairhurst, Chair
- 3 members from the WSBA Board of Governors (BOG)—can be either officers and/or BOG members (BOG selects)
- 3 members from the WSBA Sections—can be either chairs and/or members of the Sections (Supreme Court, in consultation with BOG, selects from applications)
- 3 members from the Supreme Court appointed boards that WSBA administers—can be either members and/or chairs (Supreme Court selects from applications)
- 1 public member (Supreme Court selects from applications)

Charter:

To review and assess WSBA structure in light of (1) recent case law with First Amendment and antitrust implications; (2) recent reorganizations by other state Bar associations and/or groups and their reasoning; and (3) the additional responsibilities of the WSBA due to its administration of Supreme Court appointed boards.

The Workgroup, as desired or needed, will invite input (which could be information or opinions) from those with subject matter expertise on issues involved in review, assessment and potential recommendations.

Based on this review and assessment, the Workgroup will make a recommendation to the Supreme Court as to future structure, for example, whether to maintain the status quo; divide into 2 organizations—one mandatory and one voluntary; or do some sort of hybrid where still one organization but perhaps with 2 governing bodies—one for the mandatory and one for the voluntary responsibilities. There may be additional suggestions that the Workgroup suggests or considers.

Expectations: The Workgroup will receive and share knowledge and have open, collaborative, respectful conversations. Meetings will be open to the public.

Anticipated duration: 6 to 8 months. Meetings every 3 to 4 weeks once Workgroup members identified. First meeting of Workgroup will be in January 2019.

For members applying for positions the Supreme Court selects, applications should be sent to the Supreme Court, Attention: C.J. Mary Fairhurst, PO Box 40929, Olympia, WA 98504. In the application, indicate the reason for your interest, pertinent background and which category of Workgroup membership applies. Deadline for applications is December 7, 2018. In making its selections, the court will be looking for diversity in all its aspects.

Dated: November 9, 2018

**WASHINGTON STATE
B A R A S S O C I A T I O N**

Office of the Executive Director
Paula C. Littlewood, Executive Director

December 5, 2018

Hon. Mary E. Fairhurst
Chief Justice, Washington Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

RE: Representatives on Supreme Court WSBA Structure Work Group

Dear Chief Justice Fairhurst,

Consistent with the Supreme Court's correspondence regarding the formation of a WSBA Structure Work Group, at its November 16, 2018, meeting, the WSBA Board of Governors selected its three members to serve on the Work Group: Dan Clark (1st year from District 4); Kyle Sciuchetti (2nd year from District 3); and Paul Swegle (2nd year from District 7 North).

Also consistent with the correspondence regarding the Court's appointment of three members from WSBA Sections in consultation with the Board, the Board voted to recommend that the Court consider selecting a member from a large-size section, a medium-size section, and a small-size section. WSBA would be happy to help sort the applications from interested section members into these three categories. Once that is accomplished, the Board will hold a special meeting to decide which applicants to recommend to the Court for the Court's consideration. If the Court would prefer another process, please let us know.

In the meantime, if you have any questions, please don't hesitate to contact me.

Sincerely,



Paula C. Littlewood

cc: WSBA Board of Governors

The Supreme Court
State of Washington

MARY E. FAIRHURST
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2053
E-MAIL MARY.FAIRHURST@COURTS.WA.GOV

MEMORANDUM

TO: Bill Pickett, WSBA President
Paula Littlewood, WSBA Executive Director

FROM: Chief Justice Mary E. Fairhurst

DATE: January 4, 2019

RE: Selecting WSBA Structure Workgroup – Section Members

The court is getting ready to move forward to appoint members of the WSBA Structure Workgroup and would like to hear the Board of Governor's recommendations as to the appointment of the three Section members. Attached are copies of the applicants' letters (who identified at least as a Section representative) and any additional materials they submitted.

The court looks forward to receiving the Board's recommendations as to Section member representatives on the WSBA Structure Workgroup at your earliest convenience. Thank you.

SUPREME COURT WORKGROUP ON WSBA STRUCTURE

SECTION REPRESENTATIVES (corrected on January 10, 2019)

NAME	EMPLOYER/AREA/ DIVERSITY	CATEGORY	REASON APPLIED	BACKGROUND PROVIDED	RESUME/LETTER OF SUPPORT	WSBA-PROVIDED SECTION INFO ¹
						<i>S = Small; M = Medium; L = Large</i>
Abell, Hunter M.** ¹	Williams Kastner/ Seattle (from Ferry County rural)	Litigation & Admin Law, Indian Law Sections	Yes	Yes	Resume; e-mail of support	Litigation Section (L) Admin Law Section (S)
Davison, Zachary E.	Perkins Coie/Seattle Young lawyer perspective	Young Lawyers and Business and Litigation Sections	Yes	Yes	Yes	Business Law Section (L) Litigation Section (L)
Farley, Eileen	Former public defender/Seattle	Crim. Law Section	Yes	Yes	Resume	Criminal Law Section (M)
Hawkins, Nancy	Sole practitioner / Seattle (62 year old, Caucasian, lesbian)	Family Law Section	Yes	Yes	No	Family Law Section (L) Solo & Small Practice Section (L) Elder Law Section (M)
Hunter, Kim E.	Sole practitioner/ Kent	Crim. Law Section; “was an elected representative of all medium sized sections of the BAR” see letter	Yes	Yes	Resume	Criminal Law (M) Solo & Small Practice Section (L)
Gibbs, G. Geoffrey	Anderson Hunter Law Firm / Everett	Family Law Section; RPPT Section	No	Yes	Resume	Family Law Section (L) Real Property Probate and Trust Section (L)

1. If applicant has ** by their name, they indicated that they are eligible to participate in the Workgroup in two different categories. Their name will be located in both categories.

Gipe, Anthony David	Sole practitioner / Seattle	Belongs to 3 sections does not identify which ones	No	No	No	Family Law Section (L) Lesbian, Gay, Bisexual, Transgender Law Section (S) Civil Rights Law Section (S)
Johnson, Mark	Johnson Flora Sprangers/Seattle	Solo and Small Firm Section	Yes	Yes	No	Solo & Small Practice Section (L)
Johnson, Richard L.	LeSourd & Patten/Seattle	Taxation Section (mid-size)	Yes	No	No	Taxation Section (M)
Kaplan, John S.	Perkins Coie/Seattle	Creditor Debtor Section	Yes	Some	CV from firm website	Creditor Debtor Rights Section (M)
Larson, Linda R.	Nossaman LLP/ Seattle	Land Use & Environmental Section	Yes	Yes	Resume	Environmental and Land Use Law Section (M) Alternative Dispute Resolution Section (M)
Madsen, Hillary	Columbia Legal Services staff attorney and lobbyist/Seattle	Juvenile Law; Statute Law Committee	Yes	Some	No	Juvenile Law Section (S)
McComb, Devin P.	Perkins Coie/Seattle	RPPT Section (selected by Section to be rep)	Yes	Yes	Support letter	Real Property Probate and Trust Section (L)
McKinley, Sands	McKinley Irvin / Seattle / Not currently practicing	Section (does not ID which one)	Yes	Yes	No	Family Law Section (L)
Satagaj, Thomas J.	Seed IP Law Group/Seattle	Intell. Property Section	Yes	Some	No	Intellectual Property Section (L)
Ward, Lawrence**	Dorsey Whitney/ Seattle	International Practice Section	Yes	Yes	Resume	Business Law Section (L) International Practice Section (S)
Winn, Randall**	IRS/Seattle (not currently practicing law)	World Peace Through Law Section (small)	Yes	Yes	Support Letter	World Peace Through Law Section (S)

ⁱ Section membership based on 2018 data. We are currently in the middle of licensing for 2019, including renewal of section membership. Sections are categorized as small (0-299 members), medium (300-849 members), or large (850+ members) using FY18 membership size and based on the same ranges as were used for the WSBA Section Policy Workgroup.

December 6, 2018

00900.0505

RECEIVED

DEC 13 2018

WASHINGTON STATE
SUPREME COURT

SENT VIA REGULAR U.S. MAIL AND EMAIL

Washington State Supreme Court
ATTN: Chief Justice Mary Fairhurst
PO Box 40929
Olympia, WA 98504
Email c/o: Cindy.Phillips@courts.wa.gov

Re: Application for 2019 Workgroup on WSBA Structure

Dear Chief Justice Fairhurst:

I respectfully offer my services as a Section representative or public representative to the Supreme Court Workgroup on the WSBA Structure ("Workgroup").¹ This application outlines my background and provides additional information on my interest.

As indicated by the enclosed CV, I am a member at Williams Kastner & Gibbs, PLLC in Seattle. Before practicing at Williams Kastner, I served as a Judge Advocate in the U.S. Navy JAG Corps where I deployed to Iraq and Guantanamo Bay, Cuba. I am currently a Commander in the U.S. Navy Reserve. I am a native of Ferry County in rural Eastern Washington where I was raised on a ranch, and currently serve as a Judge Pro Tem for the Ferry County District Court. My practice also involves service as a Judge on the Quinault Tribal Court of Appeals and the Round Valley Tribal Court of Appeals. I am married to my wife, Sara, and am the proud father of two daughters, Libby (5) and Wynie (3).

I have long been interested in WSBA functions and leadership, serving previously as Chair of the WSBA Professionalism Committee and the WSBA Indian Law Section. Additionally, I was awarded the 2015 WSBA Courageous Award, and ran as a candidate for the WSBA Board of Governors in 2018. I have been fortunate to interact with the professionals at the WSBA for many years on a variety of issues, and believe that I can meaningfully contribute to the Workgroup's discussions. My recent candidacy for the Board of Governors was animated, in part, by many of the issues you identified in your September 21, 2018 letter to the WSBA leadership. I am currently a member of the WSBA Litigation Section and Administrative Law Section.

¹ Based on my review of available Workgroup information, it is unclear to me whether the public member of the Workgroup is expected to be a non-attorney. If that is the case, I request to be considered as one of the three Section representatives.

December 6, 2018

Page 2

My interest in the Workgroup stems from my deep concern about the public's perceived lack of trust and confidence in institutions in general, and the legal profession, in particular. At a time when public confidence in many national institutions is dangerously low, it is incumbent upon all of us who care about the legal profession to do what we can to promote and defend the rule of law, separation of powers, and the independence of the judiciary. *Janus v. AFSCME*, No. 16-1466, 585 U.S. ___ raises important questions about the relationship of the WSBA to its members and, by extension, the relationship of the WSBA to the public. I believe that a vital consideration of the Workgroup as it considers the future organizational structure of the WSBA should be the impact of any reorganization on the trust between the public and members of the legal profession.

Finally, I believe that my participation will contribute a diverse voice to the discussion. As a native of Eastern Washington who practices in downtown Seattle, I have a unique statewide perspective that may be helpful in the Workgroup's deliberations. Additionally, my military background may inform deliberations as they impact the roughly 90,000 active duty and reservist personnel who live in Washington, along with their family members and dependents. Finally, my past leadership in the Indian Law Section will help inform the Workgroup as to any proposed reorganizational impact on developing tribal judicial systems and bar associations, as well as on the Sections in general.

Thank you for your consideration.

Very truly yours,

WILLIAMS, KASTNER & GIBBS PLLC



Hunter M. Abell
Attorney at Law
(206) 233-2885
habell@williamskastner.com

Encl.

HMA/dsl

HUNTER MAGNUSON ABELL

18318 32nd Ave. SE
Bothell, WA 98012
habell@williamskastner.com
(509) 994-7567

EMPLOYMENT:

Williams, Kastner & Gibbs, PLLC

Member, Seattle, WA, November 2010 – Present. Represent hundreds of clients before state, federal, and tribal courts or administrative tribunals. Representative matters: 1) Represent large tribe in multi-million dollar casino and hotel expansion; 2) Represent tribe in drafting and implementation of Revenue Allocation Plan; 3) Represent former CEO in tribal gaming agency licensing case; 4) Represent multiple claimants in *Keepseagle v. Vilsack* claims process; and 5) Represent Tribal Council member in high-stakes criminal prosecution related to official conduct.

United States Navy Judge Advocate General's (JAG) Corps

U.S. Navy/U.S. Navy Reserve, April 2003 – Present. Commander (O-5) in USNR. Deployed to Baghdad, Iraq in 2007-2008, Guantanamo Bay, Cuba, in 2014 –2015. Executive Officer for Preliminary Hearings Unit.

Quinault Indian Nation – Court of Appeals Chief Justice, March 2011 – Present.

Hoh Indian Tribe – Court of Appeals Associate Justice, January 2015 – Present.

Round Valley Indian Tribe – Court of Appeals Associate Justice, January 2015 – Present.

EDUCATION:

Georgetown University Law Center, Washington, DC

Masters of Law (LLM) *With Distinction* May 2006; GPA: 3.67
Individual Study - Constitutional Law with National Security Certificate

Gonzaga University School of Law, Spokane, WA

Juris Doctorate (JD) *Cum Laude*, May 2005; GPA: 3.34, top 15% of class
Student Government, S.B.A. President
Gonzaga Law Review, Associate Editor

The College of William & Mary, Williamsburg, VA

Bachelor of Arts (BA) in Government, May 2002; GPA: 3.2
Student Government, Vice President for Liaison Affairs
Honor Council, Justice

AWARDS AND RECOGNITION:

2017 Puget Sound Business Journal “40 Under 40” Award – Award presented by the *Puget Sound Business Journal* to recognize rising business leaders under the age of 40.

2016 Rising Star Award – Award presented by *Super Lawyers* magazine to top 2.5% of Washington attorneys younger than the age of 40.

2015 WSBA Courageous Award – Award presented for “exceptional courage in the face of adversity, thus bringing credit to the legal profession.”

Defense Meritorious Service Medal – July 2015. Medal presented upon successful completion of service as Chief of Military Justice at Joint Task Force Guantanamo, Guantanamo Bay, Cuba.

Joint Service Commendation Medal – May 2008. Medal presented upon successful completion of service as Liaison Officer to Central Criminal Court of Iraq, Baghdad, Iraq.

Gonzaga University School of Law Commencement Speech – May 2005. Selected to deliver commencement address on theme of “Attorneys of Honor, Faith, and Courage.”

PRESENTATIONS AND PUBLICATIONS:

WSBA Indian Law Section CLE, Chair, 2014. Coordinate speakers on developments in federal Indian law, sovereign immunity, and gaming matters.

PROFESSIONAL ACTIVITIES:

Gonzaga University School of Law Board of Advisors – Member, 2012-Present.

WSBA Indian Law Section – Chair, 2013-2014.

WSBA Professionalism Committee – Chair, 2012-2013.

CIVIC PARTICIPATION:

Canyon Hills Community Church – Member, 2010-Present.

Seattle Navy League – Board Member, 2016-Present.

PERSONAL:

Married (Sara) with two daughters (Libby and Wynnie). Avid hiker, hunter, waterskiier, and history buff.

Phillips, Cindy

From: Fairhurst, Justice Mary
Sent: Sunday, December 9, 2018 5:37 PM
To: Michael J. Cherry
Subject: Re: Supreme Court Committee on Future of the Bar

Thanks Michael. Mary

Sent from my iPhone

On Dec 9, 2018, at 4:59 PM, Michael J. Cherry <mikech@lexquiro.com> wrote:

Justice Fairhurst,

Over the last few weeks I have spoken to the sections I work with to encourage individuals to apply for your committee on the future of the bar. Two individuals contacted me, and I encouraged them to apply. One is Mr. Lawrence Ward; the other is Mr. Hunter Abell. Mr. Abell ran against me in the first district and would have been a great governor. Mr. Abell was one the JAG officers at the Apex meeting supporting their friend who won the award but was still serving overseas. Mr. Abell spoke about the issues facing mandatory bars during the campaign, so I know he has been following the subject for some time.

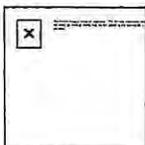
I know you will have excellent candidates and I know many people have discussed what may be appropriate criteria. I know there is some talk about representation from big, medium, and large suggestions. Because I am the liaison for the Indian Law section, please consider someone from this section as they represent an often-underrepresented population for legal services, and they often work in the more rural rather than urban portions of our state. I believe Mr. Abell has been a member of this section.

I hope I am not being presumptuous. I know you will select the best individuals for this committee, I just wanted to ensure I was representing the attorney's in my district and within the committees on which I serve.

Finally, I would like to offer that if there is anything that I can do to assist please reach out to me. I am not asking for a seat at the table or a vote as the Board of Governors is well represented. Rather, if my technical, organizational, and research skills can assist you with any of the administrative matters of the committee, please let me know. I know this committee will take considerable time and pressure your already full calendar and I am willing to help in any way that I can.

Yours truly,

Michael Cherry



Michael John Cherry | Governor, District One
Washington State Bar Association
(425) 765-8977
mikech@lexquiro.com

NOTICE: This e-mail may contain privileged or other confidential information. If you receive it in error, please advise the sender by reply e-mail and immediately delete the e-mail and any attachments without copying or disclosing the contents. Thank you.

December 4, 2018

Chief Justice Mary E. Fairhurst
Washington State Supreme Court
415 - 12th Avenue SW
Olympia, WA 98501

Zachary E. Davison
ZDavison@perkinscoie.com
D +1 206 359 6739
F +1 206 359 7739

RECEIVED

DEC 11 2018

WASHINGTON STATE
SUPREME COURT

Dear Justice Fairhurst:

This letter initiates my application to serve as a Sections representative on the Washington Supreme Court Workgroup conducting a structural review of the Washington State Bar Association (WSBA). Both my bar service and professional experience underpin my desire to participate in the Workgroup and uniquely qualify me to serve in this role.

For the past year and a half, I have been the King County representative on the Washington Young Lawyers Committee (WYLC). I currently serve on the WYLC's Bylaws and Governance Subcommittee, which prepares proposed bylaw changes to the Board of Governors that affect new and young lawyer constituents. The subcommittee is specifically focused on analyzing how pending litigation and the *Janus* decision will influence WSBA governance.

Through my bar service, I have become acutely aware of the challenges confronting the legal profession and the potential implications of *Janus*, its progeny, and the lawsuits pending around the country regarding the legal status of state bar associations. I have also witnessed firsthand many issues facing the Board of Governors, analyzed ways to address those issues, and gained insights that will position me to add value to the Workgroup's efforts to improve the WSBA's structure and deliver a comprehensive recommendation to the Board of Governors.

I have also been a member of WSBA's Business and Litigation Sections since being admitted to the bar. In my legal practice, I routinely represent clients in an array of business disputes pending in both Washington State and federal courts. My diverse litigation experience, coupled with my status as a new and young lawyer, enables me to bring fresh and practical perspectives to difficult issues that the Workgroup will encounter.

Justice Fairhurst
December 4, 2018
Page 2

For these reasons, I respectfully submit this application to participate in the Workgroup and look forward to another opportunity to serve members of the WSBA. Please let me know if you have any questions or need any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Zachary E. Davison'.

Zachary E. Davison

ZED

Enclosure

Professional Biography



ZACHARY E. DAVISON | ASSOCIATE

SEATTLE
1201 Third Avenue, Suite 4900
Seattle, WA
+1.206.359.6739
ZDavison@perkinscoie.com

Zachary Davison is a business litigator who focuses on securities and cross-border commercial disputes. His experience spans multiple industries and includes defending companies and their directors and officers in securities class actions, contract and business tort cases, and regulatory enforcement actions. Zach also counsels clients on various pre-dispute matters, including drafting and revising Foreign Corrupt Practice Act (FCPA) compliance programs, revising Investment Advisers Act registration filings, and responding to information requests in connection with SEC examinations and DOJ investigations.

In helping clients resolve matters involving complex accounting, securities and other financial issues, Zach often draws on his background working as an accountant, during which time he passed the Uniform Certified Public Accountant Examination.

PROFESSIONAL LEADERSHIP

- World Affairs Council, Fellow, 2018 - 2019

COMMUNITY INVOLVEMENT

- WSBA Young Lawyers Committee, Member, 2017 - Present
- College Success Foundation, Mentor, 2015 - 2017
- Kids In Need of Defense (KIND), Volunteer Attorney, 2014 - 2017

RELATED EMPLOYMENT

- Dorsey & Whitney LLP, Seattle, WA, Summer Associate, 2013; Associate, 2014 - 2017
- Judicial Extern for the Hon. Paul Crotty, United States District Court, Southern District of New York, New York, NY, 2012
- Judicial Intern for the Honorable Barbara Kapnick, New York Supreme Court Commercial Division, New York, NY, 2012

CLERKSHIPS

- Hon. Thomas Zilly, U.S. District Court for the Western District of Washington, 2017 - 2018

EXPERIENCE

COMMERCIAL LITIGATION

CROSS-BORDER CONTRACT DISPUTE*

U.S. District Court for the District of Oregon

Represented foreign technology company in cross-border dispute. Obtained pre-discovery dismissal of all claims.

INTERNATIONAL FINANCING DISPUTE*

U.S. Court of Appeals for the Ninth Circuit

Represented foreign distributor seeking to enforce a foreign money judgment. Summary judgment affirmed on appeal.

INTERNATIONAL FINANCING DISPUTE*

U.S. District Court for the Western District of Washington

Represented foreign bank in cross-border dispute seeking to enforce a security guarantee.

PURCHASE ORDER DISPUTE*

U.S. District Court for the Eastern District of Washington

Represented leading electronic manufacturing services company in dispute arising from the manufacture of technology products.

LENDING PRACTICES DISPUTE*

King County Superior Court (Washington); Washington Court of Appeals, Div. I

Obtained summary judgment dismissal of claims against financial institution. Affirmed on appeal.

SECURITIES LITIGATION

ASSET SALE DISPUTE*

Snohomish County Superior Court (Washington); Washington Court of Appeals, Div. I

Represented startup company and its principals in litigation arising from asset sale. Achieved favorable result on appeal resulting in voluntary dismissal of all claims.

STOCK MARKET MANIPULATION*

U.S. District Court for the Southern District of Florida

Defended investment management firm and its director in class action arising from alleged stock market manipulation. Successfully opposed class certification resulting in voluntary dismissal.

FALSE FINANCIAL STATEMENTS INVESTIGATION*

Represented publicly traded company in investigation arising from restatements and possible expense misclassifications.

STOCK MARKET MANIPULATION INVESTIGATION*

Represented venture capital firm and its principal in investigation arising from alleged "pump and dump" scheme.

ASSET VALUATION*

Counseled investment adviser in examination by the OCIE.

*Prior firm experience

AREAS OF FOCUS

PRACTICES

- Business Litigation
- Litigation

BAR AND COURT ADMISSIONS

- Washington
- U.S. District Court for the Eastern District of Washington
- U.S. District Court for the Western District of Washington
- U.S. Court of Appeals for the Ninth Circuit

EDUCATION

- New York Law School, J.D., *magna cum laude*, 2014, Executive Editor, *New York Law School Law Review*
- Western Washington University, B.A., Accounting, 2009

Eileen Farley

RECEIVED

DEC 11 2018

WASHINGTON STATE
SUPREME COURT

December 7, 2018

The Honorable Mary Fairhurst
Chief Justice
Washington Supreme Court
P.O. Box 40929
Olympia, WA 98504

Re: *Janus* Work Group-Sections Representative Member

Dear Chief Justice Fairhurst:

I am applying to join the work group reviewing how the Washington State Bar Association should be structured in light of the *Janus* and *Keller* decisions.

I am fortunate to be a member of a bar association that has recommended standards, adopted by the Washington Supreme Court, to strengthen the representation provided to indigent Washington residents charged with crimes. My wish to serve arises from the significance of a response to *Janus* and *Keller*, and how potential changes may affect constitutionally mandated indigent defense, an issue of importance to the bar and the public.

My experience includes serving as the Public Defense Supervisor appointed by United States District Court Judge Robert Lasnik in *Wilbur v Mount Vernon, et.al*, C11-1100RSL (W.D.Wash.); court-approved appointment as Executive Director of Northwest Defenders Association, after the 65-employee public defense agency was placed in receivership; and representing clients in state and federal court who had been charged with crimes.

I am an emeritus member and immediate past Chair of the WSBA Council on Public Defense and a member of the Criminal Law Section. While I was Chair my priorities included broadening the Council to include members from urban and rural parts of the State, completing the Juvenile Performance Guidelines, which the Supreme Court has adopted, and developing Performance Guidelines for attorneys representing clients during involuntary commitment proceedings. I previously served as member, and later Chair, of the Washington Defender Association Board of Directors. My resume with further details of my experience is attached.

Very truly yours,


Eileen Farley
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Seattle, WA 98105
206-719-8951
efarley-mtvb@outlook.com

Eileen Farley
4616 25th Ave NE
No. 164
Seattle, WA 98105
206-719-8951

Employment

March 2014-June 2017

Court-Designated Public Defense Supervisor
Wilbur v. Mt. Vernon, No. C11-1100RSL (W.D.Wash.)
Work with cities of Mount Vernon and Burlington, Washington and Mountain Law, the cities' public defense firm, and the contract attorney panel to strengthen public defense services and access to counsel.

July 2013-March 2014

Director, Northwest Defenders Division, King County Department of Public Defense
Oversaw operation of 60+ attorneys and staff providing legal representation to approximately 5,000 indigent clients per year. Staff attorneys represented adults and juveniles charged with felony and misdemeanor offenses, parents and children in Dependency proceedings, and respondents in family support contempt motions. Oversaw transition of legal services provided by Northwest Defenders Association (NDA), a Washington not-for-profit corporation, to King County while resolving NDA's outstanding obligations.

October 2002-June 2013

Executive Director of Northwest Defenders Association

Appointed Interim Executive Director by Jeff Robinson, who became NDA's court appointed Receiver after NDA was sued because of alleged misconduct by previous management. Interim appointment confirmed by Superior Court and later made permanent by Board of Directors after NDA emerged from Receivership.

Accomplishments included improving NDA's quality of service, building financial systems, developing a sustainable budget, resolving complex labor issues, strengthening hiring and training, renegotiating lease and obligations, and updating IT infrastructure. Built NDA into strong and well regarded public defense law firm. Honored with Washington Association of Criminal Defense Lawyers President's Award for work on behalf of public defense.

1990-2002

Judge pro tempore in King County Superior Court. Accepted by prosecution and defense as judge for criminal trials and plea calendars

Judge pro tempore in King County District Court. (Appointed by the District Court, now Superior Court Judge Laura Inveen). Presided over criminal trials, jail calendar, and small claims court.

Judge pro tempore in Seattle Municipal Court. (Appointed by Mayor Norm Rice.) Presided over criminal trials, jail calendar, and mental health court.

1986-1990

Attorney, Finegold and Zulauf

Assisted in representation of clients in federal court criminal and grand jury proceedings, including in the U.S. District Court for the Western District of Washington, U.S. District Court for Oregon, U.S. District Court for Alaska, and U.S. District Court for Colorado.

1984-86

Private practice. With Lloyd Shorett provided public defense services in Winslow Municipal Court, Poulsbo Municipal Court and Poulsbo District Court. Represented private clients in Kitsap County Superior Court.

1981-1984

Staff Attorney, The Defender Association

Represented respondents in Involuntary Treatment Act proceedings and in Seattle Municipal Court.

Present Professional Activities

Member, Interpreter Committee, nominated by Justice Steven Gonzalez (appointment confirmed by Supreme Court Administrative Committee).

Emeritus Member, Washington State Bar Association Committee on Public Defense (appointment confirmed by the Washington State Bar Association Board of Governors).

Past Professional Activities

Core member of coalition challenging the routine acceptance of nonjudicial detainer requests made by Immigration Custom Enforcement (ICE). Coalition members included Northwest Immigrant Rights Project, King County Coalition against Domestic Violence, OneAmerica, Puget Sound Alliance, and Washington Defender Association among others. After our two year effort, involving outreach to King County Council members and the King County Executive, the Council adopted an ordinance restricting acceptance of ICE detainer requests to serious criminal convictions.

Member, Washington State Bar Association Rules Committee

Member, Washington State Sentencing Guidelines Commission (appointed by Governor Booth

Gardner). As a Commission member wrote, with Judge Anne Ellington, state "work crew" legislation proposed by the Commission and enacted by the Washington State Legislature.

Member, Board of Directors, Washington Defender Association (WDA)

President, WDA Board of Directors 2011-2012

Board of Directors, Washington Women Lawyers, (WWL) King County Chapter

Co-chair, with Colleen Kinerk, WWL State Judicial Evaluation Committee

Co-author, with Judge Linda Portnoy, Washington Criminal Practice in Courts of Limited Jurisdiction, 1st and 2nd editions. (Judge Portnoy is sole author of the Third Edition.)

Speaker at numerous Continuing Legal Education Seminars.

Education

Juris Doctor, University of California at Davis School of Law

Bachelor of Arts, cum laude, University of Washington

NANCY HAWKINS
ATTORNEY AT LAW
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FAX (206) 781-7014

RECEIVED
NOV 28 2018
WASHINGTON STATE
COURT REPORTERS

November 19, 2018

Chief Justice Mary Fairhurst
The Supreme Court
P. O. Box 40929
Olympia, WA 98504

Re: WSBA Structural Work Group

Dear Justice Fairhurst:

I would like to be considered for one of the section representative slots on the WSBA Structural Work Group. I am the liaison to the Board of Governors from the Family Law Section but I understand that my role, if selected, would be to provide input relative to all sections, not just Family Law. In any event, I am a long time member of the Family Law Section and have, at times, also been a member of other sections. I am also an interested WSBA member.

I have a good handle on the perspectives of a number of sections through my attendance at section leader training events. Besides the comments during those training sessions, I have talked with many people from other sections during social portions of those meetings. I have also met with a number of section members at various other events. I have also been an active reader and participant in the Solo Section list serve and the Family Law Section list serve.

Through my 36 (almost 37) years as an attorney, I have worked diligently to resolve differences between parties primarily in hotly contested family law matters. While the WSBA issues can be emotional and contested at times, they are really nothing close to legal disputes over beloved children and life savings. While an advocate for my clients, I have also learned to listen to all sides in order to try and come up with constructive approaches to difficult situations. With regard to WSBA issues, I have my opinions at times, but I try to come to them after thoughtful preparation. I try my best not to reject suggestions from one person merely because I disagreed with that person on another topic. I would do so on the Structural Work Group as well.

The issues facing the WSBA are serious ones and they must be approached in that manner. Decisions made must be made for the right reasons. Certainly, structure issues must be addressed but not with a knee-jerk move to bifurcation or a knee-jerk "unified and mandatory or bust" approach. The structure issues and any resolution of them cannot be a way to achieve staff changes and they cannot be a way to achieve BOG changes. If I am selected for this workgroup, I will focus on the structural issues

Justice Mary Fairhurst
Re: WSBA Structural Workgroup
November 19, 2018
Page 2

and challenges and try to provide constructive input. I will be disciplined in my efforts so as to maintain that focus and not let side issues detract me from being constructive.

I am aware of the significant time and effort that this workgroup will require. I commit to attend all meetings of the workgroup and I commit to fulfill any responsibilities given to me to work on between meetings.

To provide you with some of my background, I graduated from the University of Puget Sound Law School in 1981 and was admitted to the Washington State Bar in 1982. I am also admitted to practice in the Federal courts in the State of Washington. In addition to being a member of the Family Law sections of the Washington State Bar Association and the King County Bar Association. I am a former chair of the King County Bar Association's Family Law Section's Legislative Committee and a former chair of the King County Bar Association's Family Law Section itself. I have spoken at numerous continuing legal education seminars on the subject of family law. I am a chapter author for the Washington State Bar Association's Family Law Deskbook.

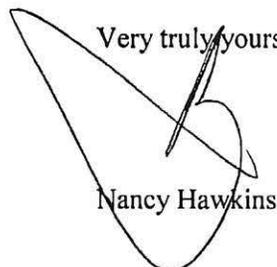
Outside of the law, I spent about 15 years in leadership roles within the National Organization for Women (NOW) and another 15 years or so in leadership roles within the Northwest Womens Law Center (now Legal Voice).

I have spent the last 15 years or so volunteering at and coordinating one of the King County Bar Association's Neighborhood Legal Clinics.

I have received several awards over the years including the 1993 Cynthia Gillespie Award from the Northwest Women's Law Center, 2001 GSBA Businesswoman of the Year Award and the 2016 WSBA Family Law Section Attorney of the Year.

As far as diversity goes, I am a 62 (soon to be 63 year old) Caucasian lesbian from Seattle.

Very truly yours,



Nancy Hawkins

From: [Kim Hunter](#)
To: [Mary E. Fairhurst \(J. M. Fairhurst@courts.wa.gov\)](mailto:M.Fairhurst@courts.wa.gov)
Subject: from Governor Hunter
Date: Saturday, December 8, 2018 10:19:00 AM
Attachments: [Application.pdf](#)

Justice Fairhurst -

Please pardon the use of email, but the WSBA Structure Group is important to me. I believe I may have mailed my application without my cover letter, I have enclosed it.
Thank you for your patience and understanding.

Best Regards,

Kim

Kim E. Hunter
Attorney at Law, Governor for the WSBA Board of Governors District 8
13036 SE Kent Kangley RD
#455
Kent, WA 98030
253-709-5050
Fx253-397-3520
kim@khuntrerlaw.com

"Character is what you are in the dark."
Dwight L. Moody

"Character is higher than intellect..A great soul will be strong to live, as well as to think."
Ralph Waldo Emerson

KIM E. HUNTER

13036 SE Kent Kangley Rd #455
Kent, WA 98030
(253) 709-5050
fax (253) 397-3520
kim@khunterlaw.com

EDUCATION:

- Juris Doctorate – Gonzaga University School of Law Spokane, WA. 2002
- MBA City University - Marketing Seattle, WA 1998
- BA with Bio-Medical History and Ethics, Dean’s List 9 quarters - University of Washington – 1981

WORK EXPERIENCE:

Law Offices of Kim E. Hunter, PLLC Attorney – Private Practice Criminal Defense **6/2004-present**
Covington, WA
 Misdemeanor cases, DV, DUI, DWLS, Theft, Traffic Court Appearances: Hearings, Trials, Reviews
 Civil; Anti-harassment, Protection orders, etc. Assisted Clients with resolution
 Prepared Motions, Pleadings, Orders
 Appeals, Wills,

Law Offices of Kim E. Hunter, PLLC Conflict Attorney: Municipalities **6/2004-present**
Municipal Courts covered:
Des Moines, Federal Way, Renton, Auburn, SeaTac
 Took Over for Public Defender cases:
 Misdemeanor cases, DV, DUI, DWLS, Theft, Traffic Court Appearances: Hearings, Trials, Reviews
 Assisted Clients with contract resolution
 Prepared Motions, Pleadings, Orders

Tucker & Stein, P.S. Associate Attorney – Public Defender **3/2003-6/2004**
Bellevue, WA

- Handled Misdemeanor cases, DUI, DWLS, Theft, Traffic
- Court Appearances: Hearings, Trials, Reviews
- Handled large caseload for the City of Redmond/Bellevue etc.
- Assisted Clients with resolution
- Prepared Motions, Pleadings, Orders
- Civil; Anti-harassment, Protection orders,

Gonzaga Center for Law and Justice Legal Intern – Criminal Defense/Family Law **2001-2002**
Spokane, WA
Innocence Project/Civil Law

- Handled Misdemeanor cases, DUI, DWLS, Theft, Traffic
- Court Appearances
- Prepared Motions, Pleadings, Orders
- Assisted Clients with resolution
- Supervised 3 Interns
- Also handled Family Law issues

Spokane County Prosecutor’s Office Legal Intern – Restorative Justice **2001**
Spokane, WA

- Conducted Site Council Sessions for Restorative Justice
- Court Appearances for Program
- Prepared Files for processing
- Supervised Site Council Staff

AWARDS, EXTRACURRICULAR ACTIVITIES

- Rising Star Super Lawyer for 2009, 2010, 2011, 2012, 2013, 2014
- Super Lawyer 2015, 2016, 2017, 2018
- AVVO Super Lawyer 10/10
- Washington State Bar Member in Good Standing
- King County Bar Association Member
- South King County Bar Member
- Washington Defender's Association Member
- Pro Bono Award WA State Bar for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017
- WA State Bar Criminal Law Section Board Member 2007-present –
- Chair for the Criminal Law Section of the Washington State Bar 2014, Chair elect for 2018
- WA State Bar Elected for Section Workgroup Committee 2014, 2015, 2016
- Member WA state bar, Washington Association of Criminal Defense Lawyers (WACDL)
- National College of DUI Defense member 2005-present
- National Association of Criminal Defense Lawyers member
- Solo and Small Practice Member 2004 - present
- WACDL Board of Governors 2004-2006
- Co-chair of the Criminal Justice Institute 2010, 2012, 2013, 2014, 2015, 2016, 2017
- Speaker for Criminal Justice Institute, "The Psychology of Juries, 2016"
- Speaker for CLE, 2014 "Domestic Violence updates"
- Speaker for Seattle GYN Society, "Domestic Violence from the Defense perspective, 2014"

2016-present

- Board of Bar Examiners (BOG Liaison);; Legal Education Committee (Bog liaison) Criminal Law Executive Committee (BOG liaison); Criminal Law Section Executive Team (chair – elect) Solo and Small Practice section Executive Committee (BOG Liaison) Disciplinary Board (BOG Liaison)
- Washington State Bar Associations Board of governors elected by the 8th WA Congressional District.
 - Meow Auction Participant
 - Feral Spay and Neuter Volunteer
 - Advocats volunteer feeder
 - Covington Chamber of Commerce Auction participant

• **LAW SCHOOL ACTIVITIES**

- 2001-2002 Gonzaga National Trial Team
- Student Bar Association Secretary
- Phi Delta Phi Secretary and Member
- Negotiation Competition, Nov. 1999 – 4th pl
- Founder Student Animal Legal Defense Fund
- 911 Fundraising Chair 2001, 2002
- Negotiation Competition, Nov. 1999 – 4th pl
- Quarter-Finalist – Linden Cup 2001
- Site Council Supervisor – PA Office
- Mentor program Coordinator 2000, 2001
- Dean's Honor Code Council & Dean's Council

Law Offices of Kim E. Hunter, PLLC

caring, competent criminal defense

13036 SE Kent Kangley Rd, #455
Kent, WA 98030
ph 253-709-5050 fx 253-397-3520
kim@khunterlaw.com

I, Kim Hunter, am a criminal defense attorney and was an elected representative of all medium sized sections of the BAR. I am interested in working on the Structure Workgroup that is being formed this year. Having been the Chair of the Criminal Law Section (medium section group) and a member for 15years, I have seen changes in the practice of law, the operation of the BoG, and the reactions by the Bar to both. Now on the Board of Governors, and with first-hand observation of how of the Sections, Membership and the Bar itself evolve to the constant fluctuations in leadership and policy. This allows me to have a particularly knowledgeable background in all aspects of governance, membership and operation of the Washington State Bar Association.

The ultimate resolution of Janus may mean some drastic changes in the structure of the Bar. I believe we need to approach this in constructive manner, but most importantly we must keep the members in mind; to alleviate any concerns or fears; we must listen to and connect with each of the sections, as the sections have the best connections with their members. We must explore every option and be ready to implement that resolution that would best serve our membership and the health of the Washington State Br Association, while being compliant with the ultimate Janus decision.

I would be honored to serve in such a capacity.

Kim E. Hunter



KIM E. HUNTER
 13036 SE Kent Kangley Rd #455
 (mailing address)
 Kent, WA 98030
 (253) 709-5050
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 kim@khunterlaw.com

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 DEC 13 2011
 WASHINGTON SUPREME COURT

EDUCATION:

- Juris Doctorate – Gonzaga University School of Law Spokane, WA. 2002
- MBA City University - Marketing Seattle, WA 1998
- BA with Bio-Medical History and Ethics, Dean's List - University of Washington – 1981

WORK EXPERIENCE:

<p>Law Offices of Kim E. Hunter, PLLC Kent, WA</p>	<p><u>Pro Tem Judge City of Kent</u></p>	<p>2017-present</p>
<p>Law Offices of Kim E. Hunter, PLLC Kent, WA Misdemeanor cases, DV, DUI, DWLS, Theft, Traffic Court Appearances: Hearings, Trials, Reviews Civil; Anti-harassment, Protection orders, etc.</p>	<p><u>Attorney – Private Practice Criminal Defense</u></p>	<p>6/2004-present</p>
<p>Law Offices of Kim E. Hunter, PLLC Municipal Courts covered: Des Moines, Federal Way, Renton, Auburn, SeaTac Took Over for Public Defender cases: Misdemeanor cases, DV, DUI, DWLS, Theft, Traffic Court Appearances: Hearings, Trials, Reviews</p>	<p><u>Conflict Attorney: Municipalities</u></p>	<p>6/2004-present</p>
<p>Tucker & Stein, P.S. Bellevue, WA</p> <ul style="list-style-type: none"> • Handled Misdemeanor cases, DUI, DWLS, Theft, Traffic • Court Appearances: Hearings, Trials, Reviews • Responsible for large caseload for the City of Redmond/Bellevue etc. 	<p><u>Associate Attorney – Public Defender</u></p>	<p>3/2003-6/2004</p>
<p>Gonzaga Center for Law and Justice Spokane, WA</p> <ul style="list-style-type: none"> • Handled Misdemeanor cases, DUI, DWLS, Theft, Traffic • Court Appearances • Prepared Motions, Pleadings, Orders 	<p><u>Legal Intern – Criminal Defense/Family Law Innocence Project/Civil Law</u></p>	<p>2001-2002</p>
<p>Spokane County Prosecutor's Office Spokane, WA</p> <ul style="list-style-type: none"> • Conducted Site Council Sessions for Restorative Justice • Court Appearances for Program 	<p><u>Legal Intern – Restorative Justice</u></p>	<p>2001</p>
	<ul style="list-style-type: none"> • Assisted Clients with resolution • Prepared Motions, Pleadings, Orders • Civil; Anti-harassment, Protection orders, 	
	<ul style="list-style-type: none"> • Assisted Clients with resolution • Supervised 3 Interns • Also handled Family Law issues 	
	<ul style="list-style-type: none"> • Prepared Files for processing • Supervised Site Council Staff 	

AWARDS, EXTRACURRICULAR ACTIVITIES

- Washington State Bar Association (WSBA) Board of Governors (BOG)– Governor District 8
- WSBA Budget and Audit Committee – Budget and Expenditures for the Bar Association
- WSBA CLE Board - Responsibilities include Budget, and oversight of Continuing Legal Education
- WSBA District and Municipal Court Judges Association Bar Liaison – meet with Judge monthly over issues of significance to the Municipal and District Court Bench
- WSBA Member Engagement Workgroup – strives to improve communications with the BOG and the attorney membership
- WSBA Sections Workgroup member – Sections for each type of law – works to improve relations and curriculum to benefit lawyer members
- WSBA Disciplinary Committee Liaison
- WSBA – Solo and Small Practice Liaison
- Kent Chamber of Commerce Member
- Rising Star Super Lawyer for 2009, 2010, 2011, 2012, 2013, 2014
- Super Lawyer 2015, 2016, 2017, 2018
- AVVO Super Lawyer 10/10 rating “pro” designation
- Washington State Bar Member in Good Standing
- King County Bar Association Member
- South King County Bar Member
- Washington Defender’s Association Member
- Pro Bono Award WA State Bar for 2005- 2017 inclusive
- WA State Bar Criminal Law Section Board Member 2007-present
- Chair for the Criminal Law Section of the Washington State Bar 2014, Chair elect for 2018
- WA State Bar Elected for Section Committee 2014, 2015, 2016
- Member WA state bar, Washington Association of Criminal Defense Lawyers (WACDL)
- National College of DUI Defense member 2005-present
- National Association of Criminal Defense Lawyers member
- Solo and Small Practice Section Member 2004 - present
- WACDL Board of Governors 2004-2006
- Co-chair of the Criminal Justice Institute 2010, 2012, 2013, 2014, 2015, 2016
- Speaker for Criminal Justice Institute, The Psychology of Juries, 2016
- Speaker for CLE, 2014 Domestic Violence updates
- Speaker for Seattle GYN Society, Domestic Violence from the Defense perspective, 2014
 - Meow Auction Participant
 - Feral Spay and Neuter Volunteer
 - Advocats volunteer feeder and participant/member
 - Covington Chamber of Commerce Auction participant

LAW SCHOOL ACTIVITIES

- | | |
|---|--|
| • 2001-2002 Gonzaga National Trial Team | • Quarter-Finalist – Linden Cup 2001 |
| • Student Bar Association Secretary | • Site Council Supervisor – PA Office |
| • Phi Delta Phi Secretary and Member | • Mentor program Coordinator 2000, 2001 |
| • Negotiation Competition, Nov. 1999 – 4th pl | • Negotiation Competition, Nov. 1999 – 4th |
| • Founder Student Animal Legal Defense Fund | • Dean’s Honor Code Council & Dean’s Council |
| • 911 Fundraising Chair 2001, 2002 | |

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SARA E. BLAGG
JEFFREY H. CAPELATO
GLENN PAUL CARPENTER
BRADFORD N. CATTLE
THOMAS R. COLLINS
JOHN A. FOLLIS
NICOLE FRANKLIN
G. GEOFFREY GIBBS

IAN JOHNSON
CHRISTOPHER J. KNAPP
C. MICHAEL KVISTAD
JORDAN STEPHENS
LAURIE UMMEL
JEFFREY C. WISHKO
O. D. ANDERSON (1892-1961)
JAMES P. HUNTER (1915-1988)

November 15, 2018

RECEIVED
NOV 19 2018
WASHINGTON STATE
SUPREME COURT

Supreme Court of the State of Washington
Attn: Chief Justice Mary Fairhurst
P. O. Box 40929
Olympia, WA
98504

Re: Section Representative
WSBA Future Work Group

Dear Justice Fairhurst:

This letter will serve as an expression of my interest in serving on the Work Group addressing the future of the Washington State Bar Association. I am currently a member of the Family Law Section and the Real Property Probate & Trust sections and have been for many years. I have not only attended meetings of the leaders of these sections but have participated as a presenter in numerous CLE's sponsored by them. Although my resume is appended, I will also highlight a few aspects of my interest and background.

- My past service to WSBA has included election and service as a member of the Board of Governors and as WSBA Treasurer.
- Service on the WSBA Committee for Diversity (2007 – 2010)
- WSBA Liaison to the Civil Rights Section, SCJA and DMCJA
- Chair, Taskforce to Revise Rules for Enforcement of Lawyer Conduct (2008-2012)
- Member, Taskforce to Revise Rules of Professional Conduct

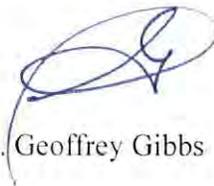
During my term as Governor, I visited every local bar association in my district (2nd District) on multiple occasions and maintain membership not only in the Snohomish County Bar Association (of which I am a Past President and Board member) but the Skagit County Bar Association. I have also had the opportunity to interact with the leadership of bar associations elsewhere in the country and have maintained contacts in those states including Montana, California, Texas, Arizona, British Columbia and other jurisdictions.

Martha Fairhurst
November 15, 2018
Page 2

If selected to serve, I would join the Work Group with an open mind and without a pre-conceived goal or agenda. My interest is in maintaining an effective and strong bar association for all of our members, for the Court and for the public. I have the time available to fully commit to the process.

Respectfully,

ANDERSON HUNTER LAW FIRM, P.S.

A handwritten signature in blue ink, appearing to read "G. Gibbs", with a stylized flourish extending from the bottom left.

G. Geoffrey Gibbs

ANDERSON HUNTER LAW FIRM, P.S.

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EVERETT, WASHINGTON 98201
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NICOLE FRANKLIN
G. GEOFFREY GIBBS

IAN JOHNSON
CHRISTOPHER J. KNAPP
C. MICHAEL KVISTAD
JORDAN STEPHENS
LAURIE UMMEL
JEFFREY C. WISHKO
O.D. ANDERSON (1892-1961)
JAMES P. HUNTER (1915-1988)

G. GEOFFREY GIBBS

CURRENT PRACTICE

Currently a shareholder in the firm of *Anderson Hunter*, my practice emphasizes largely courtroom and trial practice principally in Snohomish, Skagit San Juan and Island Counties along with occasional matters in King County. These matters encompass not only family law and boundary line disputes, but encompass a broad range of civil litigation. I am routinely asked to serve as mediator on a range of Superior Court cases. In addition, I currently continue to serve in the following capacities:

Judge *Pro Tem*, Snohomish County Superior Court
Commissioner *Pro Tem*, Snohomish County Superior Court
Arbitrator, Snohomish County Superior Court

Prior professional service includes the following:

Member, WSBA Family Law Section Executive Committee
Chair, Taskforce to Revise Rules for Enforcement of Lawyer Conduct (2008 – 2012)
Treasurer, Washington State Bar Association (2009-2010)
Governor, Washington State Bar Association (2nd District) (2007-2010)
(During the 3-year term, served as liaison to the SCJA and DMCJA)
Chair, WSBA Budget & Audit Committee (2009-2010)
Chair, WSBA Investment Committee (2008-2009)
WSBA Committee on Diversity (2007 – 2010)
Board Member, Washington State Bar Foundation (2008-2010)
Member and Liaison, WSBA Civil Rights Section (2008)

President - Snohomish County Bar Association (2005-2006)
Trustee – Snohomish County Bar Association
SCBA Liaison to WSBA Board of Governors
Rules for Professional Conduct Committee., WSBA (multiple terms)

AWARDS

“Clerk’s Choice Award”, 2004
“Pro Tem Jurist” Award”, 2005 Clerk’s Choice
“Clerk’s Choice Award – Civil/Family Law Attorney” 2006
“Clerk’s Choice Award – Civil/Family Law Attorney” 2009

(The nominees for the above awards are selected by the Superior Court Clerk’s operations staff and those voting to make the selection are all the Superior Court Clerks, Court Reporters, Bailiffs and Law Clerks.)

OTHER AFFILIATIONS

Maritime Law Association of the United States (Elected in 1990)
National Association of Distinguished Counsel (Elected 2015)

PRIOR PRACTICE & EMPLOYMENT

Before joining Anderson Hunter, I was a senior partner in the firm of Ogden, Murphy & Wallace (formerly Ogden, Ogden & Murphy), having joined that firm in 1976. This practice encompassed not only "insurance defense" trial work but representation of major corporations related to governmental affairs as well as numerous other corporate issues, including admiralty, international shipping and contracts, commercial lease negotiations, real estate foreclosures, applications and transfers of various types of permits and regulatory licenses at all levels. Also included were corporate mergers and acquisitions involving both major national and northwest companies including issues related to the new plant closure laws, termination of franchises, etc.

My practice has also included numerous issues before Congress, regulatory agencies and state legislatures, representing as "lead counsel" major corporations and trade associations, including Alaska Airlines, BP, Virginia Mason Hospital, Washington Society of Certified Public Accountants, Washington Library Association, Securities Industry Association and Washington State Association of Broadcasters. I also served as Regional Counsel for the United States Brewers Association, managing outside counsel, advertising and public relations agencies as well as directly handling legal issues for the association and its corporate members. Supplementing this position, I also served as Chairman of Northwest Brewers Association, Washington Brewer Institute and Chairman of Industry for a Quality Environment. My past experience also includes service as Special Counsel to the *Washington State Legislative Transportation Committee* in 1975-77, specifically retained on federal and state constitutional issues relating to the marine transportation of oil and energy siting. Early in my practice and in the far distant past, I served as an Assistant Prosecuting Attorney in Gallatin County, Montana.

EDUCATIONAL BACKGROUND

LL.M.	Law & Marine Affairs University of Washington (1976)
J.D.	School of Law University of Montana (1975)
B.S.	Economics Montana State University (1971)

BAR ADMISSIONS & MEMBERSHIPS

State of Washington (admitted 1975)
State of Montana (admitted 1975)
U.S. Court of Appeals (9th Circuit)
U. S. District Courts for Washington
U. S. District Courts for Montana
Washington State Bar Association
Montana State Bar Association
Snohomish County Bar Association
Skagit County Bar Association

PUBLISHED ARTICLES & PAPERS

CLAM AND MUSSEL HARVESTING INDUSTRIES IN WASHINGTON STATE, a report to the 47th Legislature, State of Washington, under a grant of the Oceanographic Commission of Washington.

MANAGEMENT OF THE NORTH PACIFIC FISHERIES UNDER A 200-MILE EXCLUSIVE ECONOMIC ZONE, University of Washington (1976)

JURISDICTIONAL AUTHORITY OF A STATE LEGISLATURE TO REGULATE THE MARINE TRANSPORTATION OF ALASKA CRUDE OIL AND SITING OF ENERGY FACILITIES, University of Washington Press for the Legislative Transportation Committee, State of Washington.

MEDICAL - LEGAL SCREENING PANELS, Montana Law Review (1975)

Various "*INFORMAL ETHICS OPINIONS*", Washington State Bar Association, Rules of Professional Conduct Committee (2000 - 2003)

"THE NEW RULES OF PROFESSIONAL CONDUCT", CLE – Snohomish County Bar Association (presented in December 2006).

"ETHICS IN DAILY PRACTICE", CLE – Snohomish County Bar Association (presented in December 2007).

OTHER ACTIVITIES

I am a past member and past Board Member of the *North Snohomish Rotary*. I am actively involved in fund-raising for the *Providence Hospital Foundation*, *YMCA*, *Snohomish County Bar Association* (and *Snohomish County Legal Services*) and *Junior Achievement of Puget Sound*. In the past, I have served the *Greater Seattle Chamber of Commerce* as a member of the Government Affairs Council and as Chairman of its Legislative Committee. I have also served as a Board member of the *Ocean Resource and Conservation Association* and numerous other civic and charitable organizations.

ANTHONY DAVID GIPE
1001 FOURTH AVENUE, SUITE 4400
SEATTLE WA 98154
206-389-1647

November 15, 2018

RECEIVED
NOV 20
WASHINGTON
SUPREME COURT

Chief Justice Mary Fairhurst
Washington Supreme Court
415 12th St W.
PO Box 40929
Olympia WA 98504

Re: WSBA Governance & New Workgroup

To Chief Justice Fairhurst:

I am writing to request consideration for appointment to the Court's working group on reviewing the WSBA structure, which is due to commence its work in early 2019.

You and your fellow justices are very familiar with my work and experience in governance within the WSBA, and my experience with organizational structure and leadership over the years. In addition, I have the historical knowledge of working within the WSBA and other bar associations on difficult issues with governance and accountability. Finally, I am currently a member of three of the WSBA sections, in addition to my past leadership roles within WSBA.

I understand the composition of this working group is very important to its success. If I can be of service and value to the efforts it would be my pleasure to serve.

Respectfully Submitted,



ANTHONY DAVID GIPE
WSBA President, 2014-15



JOHNSON FLORA SPRANGERS PLLC

Mark Johnson
Michael Sprangers
Donovan Flora (Ret)

RECEIVED
DEC 6 - 2018
WASHINGTON

Sent via USPS

November 26, 2018

The Supreme Court
Attention: C.J. Mary Fairhurst
PO Box 40929
Olympia, WA 98504

Dear Chief Justice Fairhurst:

As a member of the WSBA's Solo and Small Firm Practice Section, I would appreciate being considered to be one of the three section representatives to the Court's WSBA Structure Work Group.

I have been a member in good standing of the WSBA since October 1978. I am an elected Fellow in the American College of Trial Lawyers. I was president of the WSBA from September 2008-September 2009. Prior to my term as president I served three years on the WSBA Board of Governors and was the Bar's treasurer. I have chaired two task forces for the WSBA: the Character and Fitness Task Force and the Flat Fees Task Force. I am currently a member of the Mandatory Malpractice Insurance Task Force and I also serve as a trustee on the board of the Legal Foundation of Washington.

The structure of the WSBA is the most important issue that our profession has faced since I entered practice forty years ago. As someone, like you, who has devoted thousands of hours to WSBA governance I would welcome the opportunity to participate in a respectful and thorough process analyzing the future of our Bar.

Best Regards,

Mark Johnson

LESOURD & PATTEN, P.S.

ATTORNEYS AT LAW

2401 ONE UNION SQUARE • 600 UNIVERSITY STREET • SEATTLE, WASHINGTON 98101-4121
TELEPHONE: (206) 624-1040 • FACSIMILE: (206) 223-1099 • WWW.LESOURD.COM

RICHARD L. JOHNSON
DIRECT LINE: (206) 357-5084
EMAIL: rjohnson@lesourd.com

RECEIVED

DEC 11 2018

WASHINGTON STATE

SUPERIOR COURT

December 7, 2018

The Supreme Court
Attention: C.J. Mary Fairhurst
PO Box 40929
Olympia, WA 98504

Re: Application to Supreme Court Work Group on WSBA Structure

Dear Chief Justice Fairhurst,

I am applying for a Section representative seat on the Supreme Court's work group to review and assess WSBA's structure.

Currently, I am the chair of the WSBA Taxation Section, a mid-sized section with about 665 members, which puts us at number 11 out of 29 sections by membership size. I have also served in various other roles on the executive committee during the last seven years.

Currently, there is an air of discord between the various sections and the WSBA, and I often hear section leaders and members call for bifurcation. In 2018, total section membership dropped for the first time since 2009. And based on the WSBA survey, one of the primary reasons for not renewing section membership was the high cost and lack of value. Over the last few years, section leaders have grown frustrated by the WSBA's high member charge, red tape and administrative burden, which make it difficult for sections to provide benefits to their members.

Splitting the sections from the Bar is a monumental decision that would impact all attorneys. This is a good opportunity to evaluate the benefits the Bar brings to the sections and vice versa. I would come to the work group with the perspective of an active mid-sized section and with an open mind.

Thank you for your consideration.

Sincerely,



Richard L. Johnson

RLJ/ndh

22659\000\62335_ltr

December 6, 2018

John S. Kaplan
JKaplan@perkinscoie.com
D +1.206.359.8408
F +1.206.359.9408**VIA OVERNIGHT MAIL**The Supreme Court,
Attention: C.J. Mary Fairhurst
415 12th Ave SW
Olympia, WA 98501-2314**Re: Work Group on Structural Review of WSBA**

Dear Chief Justice Fairhurst:

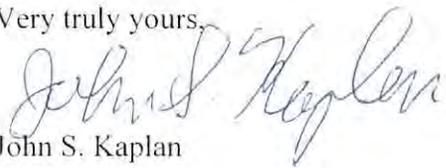
I write to my express my interest in serving as a Section representative of the work group you are forming to conduct a comprehensive review of the Washington State Bar Association structure. I have been on the executive committee of the WSBA Creditor Debtor Section for 2 years. In that capacity, I have seen examples of things that work and do not work with respect to communications regarding the sections and the WSBA administration. I have also witnessed a number of acrimonious communications regarding bar business.

I would approach the working group without any particular agenda or an "axe to grind." My interest is seeing that the WSBA members' best interests are preserved, whether changes are made due to mandatory legal requirements, best practices learned from other states, or generally in the interests of promoting efficiency and effectiveness.

As a well-respected bankruptcy lawyer, I am a thoughtful consensus-builder. I practice at a large law firm, where I serve many clients who are in-house attorneys. I am also married to a solo practitioner. I am very active in the King County and state bankruptcy bar, including through service on the executive committee of the Creditor Debtor Section, whose constituency is largely solo and small firm practitioners. Therefore, I feel like I have a pulse on members of the bar practicing in large firms, small or solo firms, and in-house capacities.

My c.v. from my firm's website is attached. I am happy to provide references, from former board service or otherwise, upon request.

Very truly yours,


John S. Kaplan

Professional Biography



JOHN S. KAPLAN | PARTNER

SEATTLE
1201 Third Avenue, Suite 4900
Seattle, WA
+1.206.359.8408
JKaplan@perkinscoie.com

Bankruptcy and insolvency law attorney John Kaplan has represented all major constituents in bankruptcy, receivership, and real and personal property foreclosure matters. His clients have included Chapter 11 debtors, trustees, and secured and unsecured creditors. John's counsel to premier global clients in national bankruptcies has helped him earn recognition as *Best Lawyers* "Lawyer of the Year" 2018 in Bankruptcy Litigation in Seattle. John represents leading business clients in areas related to bankruptcy claims, contract assumption and termination, and other commercial transactions and litigation matters.

John advocates for clients in complex bankruptcy matters involving high stakes and challenging legal issues. His experience includes the heavily contested Chapter 11 trustee appointment in *In re Hawaiian Airlines Inc.*, as well as reported decisions by the U.S. Court of Appeals for the Ninth Circuit in *In re Birthing Fisheries Inc.* and *In re TreeSource Industries, Inc.*

John has represented secured lenders —CMBS and otherwise—in single asset real estate bankruptcies, receiverships and foreclosures. He also represents borrowers in out-of-court restructurings, creditor compositions and secured loan transactions.

John is ranked by *Chambers USA* as a leading business lawyer and serves as an executive committee member of the Creditor/Debtor Section of the Washington State Bar Association as well as a mediator with the Thomas T. Glover Mediation Program.

PROFESSIONAL RECOGNITION

- Named the *Best Lawyers*' Seattle "Litigation - Bankruptcy, Lawyer of the Year," 2018
- Listed in *Seattle Metropolitan Magazine*, "Best Lawyers in Seattle," 2011
- Listed in *The Best Lawyers in America* - Bankruptcy and Creditor-Debtor Rights Law/Insolvency and Reorganization Law; Litigation - Bankruptcy, 2011 - present
- Ranked by *Chambers USA* as one of "America's Leading Business Lawyers," 2010 - 2018
- Listed in *Washington Law & Politics*, "Rising Stars of Washington Law," 1999 - 2003
- Peer Review Rated AV in *Martindale-Hubbell*
(AV®, BV® and CV® are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies.)

PROFESSIONAL LEADERSHIP

- American Bankruptcy Institute
- Turnaround Management Association
- Washington State Bar Association, Creditor/Debtor Section, Executive Committee Member
- King County Bar Association, Bankruptcy Section
- CENTS (Consumer Education and Training Services), President, 2010 - 2012, Fundraising Chair, 2004 - 2010, Board of Directors, 2000 - present
- Thomas T. Glover Mediation Panel, Mediator
- Federal Bar Association

CLERKSHIPS

- Hon. Daniel Moore, Jr., Supreme Court of Alaska, 1993 - 1994

EXPERIENCE

BANKRUPTCY CASES – DEBTOR & TRUSTEE REPRESENTATION

IN RE KIKO USA, INC.

U.S. Bankruptcy Court for the District of Delaware
Representation of U.S. subsidiary of Italian-based global cosmetics company as Chapter 11 debtor in possession. Obtained confirmation of Chapter 11 plan of reorganization within 5 months, providing for continued U.S. operations while rejecting non-viable leases.

IN RE NATURAL MOLECULAR TESTING CORPORATION

U.S. Bankruptcy Court for the Western District of Washington
Representation of Chapter 11 trustee with respect to a molecular testing laboratory that was accused of overbilling Medicare by \$90 million. Achieved settlement with Center for Medicare and Medicaid, sold various estate assets, and prosecuted over 40 adversary proceedings for fraudulent transfers and/or preferences.

IN RE PRECISION AIRMOTIVE LLC

U.S. Bankruptcy Court for the Western District of Washington
Representation of Chapter 11 debtor in possession with high-stakes product liability claims through confirmation of plan of reorganization.

IN RE TREESOURCE INDUSTRIES, INC.

U.S. Court of Appeals for the Ninth Circuit
U.S. Bankruptcy Court for the Western District of Washington
Representation of Chapter 11 debtor in possession for multistate publicly traded forest products company in successful liquidation of lumber mill operations through plan confirmation. In reported decision within case, obtained affirmance of ruling that lessee's obligations did not arise until lease was rejected in bankruptcy, resulting in unsecured claim rather than administrative expense claim. 363 F.3d 994 (9th Cir. 2004).

IN RE BC NORTHWEST, L.P.

U.S. Bankruptcy Court for the Western District of Washington
Representation of debtor in possession for Boston Market franchisee in Washington, Oregon and Idaho during controlled wind down.

COMMITTEE REPRESENTATIONS

IN RE DONALD J. SIMPLOT

U.S. Bankruptcy Court for the District of Idaho
Representation of bank and creditors' committee member.

IN RE THE KOBOS COMPANY

U.S. Bankruptcy Court for the District of Oregon
Representation of creditors' committee.

SIGNIFICANT CREDITOR REPRESENTATIONS

IN RE POTENTIAL DYNAMIX LLC

U.S. Bankruptcy Court for the District of Arizona
Representation of Amazon Services, LLC in obtaining summary judgment with respect to termination of bankruptcy debtor as third-party seller.

IN RE HAWAIIAN AIRLINES INC.

U.S. Bankruptcy Court for the District of Hawaii
Representation of Boeing and affiliates in a heavily contested motion for appointment of a Chapter 11 trustee based on mismanagement and malfeasance related to CEO and majority owner's stock repurchase prior to insolvency. Motion granted following trial.

IN RE HITCHCOCK INDUSTRIES INC.

U.S. Bankruptcy Court for the District of Minnesota
Representation of The Boeing Company as counter-party to executory contracts.

IN RE IMMEDICA, INC.

U.S. Bankruptcy Court for the District of New Jersey
Representation of doctor who invented and licensed product to the debtor and obtained multimillion-dollar settlement for rejection of his license agreement related to medical devices.

IN RE LACY HENRY

U.S. Bankruptcy Court for the Eastern District of North Carolina
Representation of energy equipment manufacturer in multiparty adversary proceeding regarding stalled cogeneration projects in which general contractor's shareholder was alleged to have misappropriated funds and asserted various counterclaims. Obtained favorable settlement on eve of trial.

IN RE ANNE MARIE KREIDLER

U.S. Bankruptcy Court for the Western District of Washington
Representation of lender in mortgage reformation adversary proceeding, resulting in favorable settlement and high-claim payment.

PREFERENCE DEFENSES

Representation of numerous clients in defense of preference adversary proceedings, both locally and nationally.

LANDLORD REPRESENTATIONS

Representation of various landlord clients in national retail bankruptcy cases.

MEDIATION

Served as mediator of numerous cases as member of the Thomas T. Glover Mediation Panel for the U.S. Bankruptcy Court for the Western District of Washington. Successfully mediated all cases to settlement prior to trial.

REPRESENTATIVE SINGLE ASSET BANKRUPTCY CASES

IN RE PATCO INVESTMENTS, INC.

U.S. Bankruptcy Court for the Western District of Washington
Representation of secured lender in hotel bankruptcy case. Obtained favorable claim treatment under consensual plan of reorganization.

IN RE COI MIDWEST

U.S. Bankruptcy Court for the Central District of California
Representation of first position secured lender in single asset real estate case. Obtained payment of claim upon sale of property in favorable settlement of litigation claim components.

IN RE TOSCANA, LLC

U.S. Bankruptcy Court for the Western District of Washington
Representation of secured lender in single asset real estate case. Achieved settlement and client obtained possession of property.

IN RE LONGHOUSE ASSOCIATES INC.

King County Superior Court (Washington)
U.S. Bankruptcy Court for the Western District of Washington
Representation of secured lender in a single asset real estate case. Achieved dismissal of bankruptcy case, appointment of state court receiver, summary judgment allowing defeasance prepayment premium, and full payment of creditors' claim.

IN RE E. HOPP, LLC

U.S. Bankruptcy Court for the Western District of Washington
Representation of secured lender in single asset real estate case. Obtained favorable plan treatment.

RECEIVERSHIPS & NON-BANKRUPTCY LITIGATION

SECURED LENDER REAL ESTATE RECEIVERSHIPS

Representation of secured lenders in more than 75 real estate receiverships throughout Washington, with loan balances ranging up to \$35 million.

MORTGAGE REPURCHASE LITIGATION

Representation of CMBS special servicer in mortgage repurchase litigation in New York State Court against loan originator.

RECEIVERSHIP OF ISSAQUAH GROUP, LLC

King County Superior Court (Washington)
Representation of general receiver in successful completion of constructions and full sell-out of condominium project.

RECEIVERSHIP OF DIRECT LENDING GROUP, INC.

King County Superior Court (Washington)
Representation of general receiver in wind down of hard-money lender.

RECEIVERSHIP OF MIRROR SOFTWARE CORPORATION

King County Superior Court (Washington)
Representation of receiver in Mirror Software Corporation receivership. Completed successful sale of assets.

REPORTED DECISIONS

IN RE TREESOURCE INDUSTRIES, INC.

U.S. Court of Appeals for the Ninth Circuit
U.S. Bankruptcy Court for the Western District of Washington
Representation of debtor-in-possession for multistate forest products company in successful liquidation of lumber mill operations. Obtained affirmance of ruling that lessor's obligations did not arise until lease was rejected in bankruptcy, resulting in unsecured claim. 363 F.3d 994 (9th Cir. 2004).

IN RE BIRTING FISHERIES INC.

U.S. Bankruptcy Appellate Panel of the Ninth Circuit
Unanimous affirmance of bankruptcy court order refusing to enjoin enforcement of a Norwegian judgment alleged to be in conflict with confirmed Chapter 11 plan. 300 B.R. 489 (B.A.P. 9th Cir. 2003).

NEWS

08.20.2018

Best Lawyers® 2019 Recognizes 277 Perkins Coie Attorneys
Press Releases

Perkins Coie is proud to announce that 277 of its attorneys were selected by their peers for inclusion in the 2019 edition

of *The Best Lawyers in America*®.

05.03.2018

Perkins Coie Named Among Top Firms in 2018 Chambers USA

Press Releases

Perkins Coie is proud to announce that it has again been ranked by Chambers & Partners, publishers of *Chambers USA: America's Leading Lawyers for Business*, as one of the top law firms in the United States. For 2018, the firm is recognized in 51 practice areas and 130 individual attorneys were also recognized.

08.15.2017

Best Lawyers® 2018 Recognizes 281 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 281 of its attorneys were selected by their peers for inclusion in the 2018 edition of *The Best Lawyers In America*®.

08.15.2017

35 Perkins Coie Attorneys Named 2018 Lawyers of the Year by Best Lawyers®

Press Releases

Perkins Coie is proud to announce that 35 of its attorneys have been named 2018 Lawyers of the Year by Best Lawyers®.

05.26.2017

Perkins Coie Named Among Top Firms In 2017 Chambers USA

Press Releases

Perkins Coie is proud to announce that it has again been ranked by Chambers & Partners, publishers of *Chambers USA: America's Leading Lawyers for Business*, as one of the top law firms in the United States. For 2017, the firm is recognized in 40 practice areas and 131 individual attorneys were recognized.

08.15.2016

Best Lawyers® 2017 Recognizes 252 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 252 of its attorneys were selected by their peers for inclusion in the 2017 edition of *The Best Lawyers In America*®, the oldest and most respected peer-review publication in the legal profession.

05.27.2016

Perkins Coie Named Among Top Firms in 2016 Chambers USA

Press Releases

Perkins Coie is proud to announce that it has again been ranked by Chambers & Partners, publishers of *Chambers USA: America's Leading Lawyers for Business*, as one of the top law firms in the United States. For 2016, the firm is recognized in 37 practice areas and 127 individual attorneys were recognized.

08.17.2015

Best Lawyers® 2016 Recognizes 245 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 245 of its attorneys were selected by their peers for inclusion in the 2016 edition of *The Best Lawyers In America*®, the oldest and most respected peer-review publication in the legal profession; a more than 10 percent increase over the 221 firm attorneys recognized by *Best Lawyers* in the 2015 edition.

05.19.2015

Perkins Coie Named Among Top Firms in 2015 Chambers USA

Press Releases

Perkins Coie is proud to announce that it has again been ranked by Chambers & Partners, publishers of *Chambers USA: America's Leading Lawyers for Business*, as one of the top law firms in the United States.

08.18.2014

Best Lawyers® 2015 Recognizes 221 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 221 of its attorneys were selected by their peers for inclusion in the 2015 edition of *The Best Lawyers In America*®, the oldest and most respected peer-review publication in the legal profession.

08.21.2013

Best Lawyers 2014 Recognizes 206 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 206 of its attorneys were selected by their peers for inclusion in the 2014 edition of *The Best Lawyers In America*®.

09.12.2012

197 Perkins Coie Lawyers Recognized In 2013 Best Lawyers

Press Releases

Perkins Coie is proud to announce that 197 of its attorneys were selected by their peers for inclusion in the 2013 edition of *The Best Lawyers in America*®. Thirty-five attorneys were listed this year for the first time, representing a 22 percent increase in the number of Perkins Coie attorneys who appeared in the 2012 edition.

08.31.2011

The Best Lawyers in America Recognizes 163 Perkins Coie Lawyers

Press Releases

Perkins Coie is proud to announce that 163 of its attorneys throughout the country were selected by their peers for inclusion in the 2012 edition of *The Best Lawyers in America*® (Copyright 2011 by Woodward/White, Inc., of Aiken, S.C.).

03.01.2011

Perkins Coie Named Among Top Firms in Chambers USA 2011

Press Releases

Perkins Coie proudly announces that once again it has been ranked by Chambers & Partners, publishers of Chambers USA: America's Leading Lawyers for Business, as a top law firm in the United States.

08.13.2010

The Best Lawyers in America Recognizes 143 Perkins Coie Lawyers

Press Releases

Perkins Coie is proud to announce that 143 of its attorneys throughout the country were selected by their peers for inclusion in the 2011 edition of *The Best Lawyers in America* (Copyright 2010 by Woodward/White, Inc., of Aiken, S.C.).

PUBLICATIONS

11.27.2018

Patent Licensee's Rights Are Perishable in Chapter 7 Bankruptcy

Updates

The U.S. Court of Appeals for the Fifth Circuit recently reminded bankruptcy trustees, creditors and asset buyers that patent licenses have a limited "shelf life" in Chapter 7 liquidations.

10.10.2018

A Plaintiff's Bankruptcy Created a Pathway to Settlement

Updates

The U.S. Court of Appeals for the Ninth Circuit recently reminded litigants that a plaintiff's bankruptcy can benefit a defendant by providing an alternative settlement path.

11.07.2016

Ninth Circuit Overturns Entz-White Lumber; Avoiding Default Interest Via Cure Through Chapter 11 Plan No Longer Valid

Updates

In the case of *Pacifica L 51, LLC v. New Investments, Inc. (In re New Investments, Inc.)*, 9th Cir. November 4, 2016, the U.S. Court of Appeals for the Ninth Circuit held that a Chapter 11 debtor could not avoid paying default interest to an over-secured creditor by retroactively curing the default under a plan of reorganization.

05.18.2016

Supreme Court Rules Exception to Bankruptcy Discharge for Fraud Claims Extends to Fraudulent Transfer Liability

Updates

The U.S. Supreme Court ruled that the exception to bankruptcy discharge for debts incurred through actual fraud applies to debts imposed for fraudulent transfer liability.

02.10.2015

Supreme Court of Washington Clarifies Guarantor Liability for Deficiency Judgments

Updates

The Supreme Court of Washington has upheld a lender's right to pursue a deficiency judgment against a guarantor following a nonjudicial foreclosure of collateral under Washington's Deed of Trust Act.

05.29.2012

Eleventh Circuit Decision Highlights Fraudulent Transfer Risks when Subsidiary Satisfies Debt of Parent Updates

In a much-watched case coming out of Florida, on May 15, 2012, the U.S. Court of Appeals for the Eleventh Circuit reinstated a bankruptcy court judgment (which had been reversed by the district court) avoiding liens on assets of debtor-subidiaries and providing for the lender-beneficiaries' disgorgement of \$421 million that had been paid to the lenders. As a result of the decision, lenders who make loans to troubled borrowers and accept payoffs of loans from troubled borrowers may bear an increased burden in investigating the sources of funds that are used for the payoff and expected to be used for future loan repayments.

AREAS OF FOCUS

PRACTICES

- Bankruptcy & Restructuring
- Corporate Law
- Litigation
- Real Estate Workouts
- Financial Transactions

BAR AND COURT ADMISSIONS

- Washington

EDUCATION

- Duke University School of Law, J.D., with high honors, 1993
- The University of Pennsylvania, B.S., Economics, *cum laude*, 1987

HIGHLIGHTS





ATTORNEYS AT LAW

601 Union Street
Suite 5305
Seattle, WA 98101
T 206.395.7630

Linda R. Larson
D 206.395.7633
llarson@nossaman.com

December 3, 2018

Washington Supreme Court
Attention: Chief Justice Mary Fairhurst
P.O. Box 40929
Olympia, Washington 98504

RECEIVED
DEC 14 2018
WASHINGTON STATE
SUPREME COURT

Re: Work group on structural review of WSBA

Dear Chief Justice Fairhurst:

I am writing to apply as a Sections representative to the work group for the structural review of the Washington State Bar Association. I am a member of the Land Use and Environmental Section.

I have been a member of the Washington State Bar Association for almost 40 years and have watched with dismay the recent controversies and acrimony that appear to have engulfed the organization. In addition to being a long time member of the bar, I have substantial experience in leading nonprofit organizations that may be of use to the work group. For example, as a member of the board of directors for Crosscut LLC, I led the board and employees in the decision to reformulate the organization as a nonprofit from a for-profit enterprise. Similarly, for Public Radio International, first as chair and then as a director, I assisted the organization in strategic planning which ultimately led to two mergers with other nonprofit organizations.

If this experience would be helpful, I would welcome the chance to assist. A copy of my resume is attached.

Very truly yours,

A handwritten signature in blue ink that reads 'Linda R. Larson'.

Linda R. Larson
Nossaman LLP

LRL:lr
Enc.

LINDA R. LARSON
NOSSAMAN LLP
601 Union Street Suite 5305
Seattle, Washington 98101
Office Phone: (206) 395-7633
llarson@nossaman.com

PROFESSIONAL EXPERIENCE

Nossaman LLP, Seattle

Partner

- Environmental and natural resource law. Practice encompasses regulatory compliance advice, permitting, and litigation for public and private clients. Deep subject matter expertise in water pollution, storm water management, fisheries, site remediation and endangered species issues.
- WSBA section member, Environmental and Land Use Law

Private law practice in Seattle

1981-2016

National Oceanic & Atmospheric Administration, Washington D.C.

1979-1981

- Special Assistant to the Deputy Administrator; Staff Attorney in General Counsel's Office with responsibility for coastal zone management and satellite programs.

U.S. Senate Appropriations Committee, Washington D.C.

1978-1979

- Staff Counsel and Aide to Senator Warren G. Magnuson. Staffed subcommittee with responsibility for appropriations for the Departments of State, Justice and Commerce.

EDUCATION

- Mediation Training, Strauss Institute for Dispute Resolution, Pepperdine University School of Law (2011)
- J.D., University of Washington School of Law (1978)
 - *Washington Law Review*, Moot Court Honor Board
- B.A., *magna cum laude*, *With Distinction in History*, Phi Beta Kappa, University of Washington (1975)

SELECTED CIVIC AND BOARD SERVICE

Commissioner, King County Charter Review Commission
2018 - present

Board of Directors, Public Radio International, Minneapolis (Board Chair 2009-2011).
2001- present

Board of Directors, Forterra (Finance Committee Co-chair)
2016 - present

Board of Directors, Museum of History and Industry (Treasurer/Finance Committee Chair).
2011 - January 2017

Board of Directors, Crosscut LLC
2007 - 2009

Board of Trustees, Seattle Public Library
1997-2006

- Served as President of the Board (2002 and 2003) and Chair of Facilities Committee (1999 to 2006) during implementation of \$290.7 million Libraries for All capital program which replaced the Central Library and renovated or built 27 branch libraries.

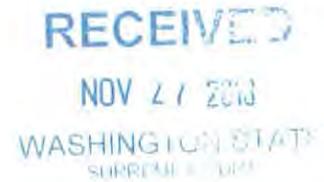
Nominating Committee, Totem Girl Scout Council Board of Directors
2001-2004

Board of Directors, Ronald McDonald Children's Charities of Western Washington
1993-1998

Board of Trustees, Seattle Children's Museum (President 1990-1991).
1987-1991

City of Seattle Landmarks Preservation Board (Vice Chair and Member).
1983-1989

Hillary Madsen
2511 W Montlake Pl E
Seattle, WA 98112



November 29, 2018

Chief Justice Mary Fairhurst
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504

RE: Application to the Supreme Court work group to review WSBA's structure

Dear Chief Justice Mary Fairhurst:

Please consider my application, as a section representative, to the Supreme Court work group to review the WSBA's structure. I am interested in the work group for several reasons. First, I am motivated by importance of regulating lawyers to protect the public. As a staff attorney and registered lobbyist for Columbia Legal Services, I have seen too many examples of attorneys violating trust placed in them by their clients. Second, I am passionate about improving the quality and accessibility of legal services available to the people of Washington. Third, I have followed the political efforts of the WSBA through my frequent interactions with WSBA representatives during the legislative session. Finally, I have been honored to serve as a Section member and leader so I have developed opinions on how to organize attorneys.

My background as a registered lobbyist and staff attorney for Columbia Legal Services will help the work group. It has not escaped my attention that a significant majority of members of the Board of Governors come from solo or small, private law firms with just a few litigators from large firms and two members with a government practice. No one works for a legal aid organization. No one appears to have a government affairs practice representing clients before the state legislature and state agencies. I can speak to the unique nature of my practice and provide insight into the ways the WSBA structure and regulations impact my work.

Personally, I have noticed the years in practice among members of the Board of Governors skews higher, perhaps twenty years or more of practice. I graduated from law

Chief Justice Mary Fairhurst

November 29, 2018

Page 2

school in 2007 during the Great Recession; many of my classmates could not find work and left the profession so I appreciate the pressures confronting an organization whose mission includes bolstering the careers of its members. I am close enough to graduation to remember the frustration of my years in early practice.

A longtime section member, I served on the Juvenile Law Section Executive Committee as a board member for two years, filling the role of Legislative Liaison. I am now serving the WSBA as representative to the Statute Law Committee. In my community, I am a mentor with the IF Project, a program for women being released from prison, and a board member for the Children's Alliance, a nonprofit organization advocating for public policy to keep children safe and healthy. I am also a member of Social Venture Partners and, in my spare time, I enjoy volunteering on political campaigns.

Healthy discussions require friction and debate; that's the way smart people with innovative insights make real change happen. Yet there is a fine line when discussion turns into conflict and feedback gets personal. I want the important mission of this work group to review and assess the WSBA structure to reflect the best of our creative impulses as attorneys, to respect the profundity of our chosen careers, and to increase transparency within our community.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Hillary Madsen". The signature is stylized with a large, sweeping initial "H" and a long horizontal line extending to the right.

Hillary Madsen

Devin McComb
DMcComb@perkinscoie.com
D +1.206.359.3260
E +1.206.359.4260

December 7, 2018

Chief Justice Mary Fairhurst
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504

RECEIVED
DEC 13 2018
WASHINGTON STATE
SUPREME COURT

Re: Supreme Court Workgroup on WSBA Structure

Dear Chief Justice Fairhurst:

I am writing in application for a position on the Supreme Court's Workgroup on WSBA Structure. I am a member of the Real Property Probate & Trust Section and have served on its Executive Committee for the last 2 years. I respectfully request that you select me as one of three (3) members from WSBA sections for service in this very important effort. I believe that my involvement with RPPT's leadership team along with my knowledge, skills and experience as a member of that section (as well as a partner at Perkins Coie LLP and active member of the broader WSBA community) will add important perspective and help in the review and assessment of WSBA's structure.

Within the RPPT Executive Committee, I serve as a Real Property Council Director and CLE coordinator. This role has encouraged a deep and lasting commitment to service to my fellow lawyers (both in the Section and otherwise). We have enjoyed remarkable success in providing interesting, essential and - somewhat unique among WSBA sections - profitable continuing legal education. In organizing these CLEs and the Mid-Year meeting, I have developed broad relationships with members of the RPPT section, WSBA's largest section statewide, and those contacts are important elements of my application. As a member of the Workgroup, I will call upon a wide and diverse range of colleagues for input on issues that will be evaluated. Additionally, coordinating WSBA CLE's has familiarized me with the finances of RPPT section and the monetary costs and benefits of our current WSBA structure. It goes without saying that both as an individual and as a section member, I have found our section's relationship with WSBA and our WSBA Section Liaison rewarding and beneficial.

I also currently serve as a Councilmember for the Pike Place Market Preservation & Development Authority, and participate in open, public meetings on a regular basis. Those meetings require an extremely thick skin, and a willingness to engage in thoughtful and respectful discussion of all manner of important topics. I have always felt one of my greatest

attributes as a Councilmember is my ability to listen carefully, to speak honestly and to foster an environment where all viewpoints and people are treated with respect and concern. When I considered both your September 21, 2018 letter, and my observations from attending presentations and Board of Governors meetings discussing the WSBA Structure, I became confident that my ability to work collaboratively and positively, especially in situations of importance like this, would be a positive addition to the Workgroup as we make the best recommendation to the Supreme Court.

I am hopeful that you will receive numerous applications for the positions on the Workgroup, as I think it is impossible to overstate the importance of the questions being considered regarding the structure of the WSBA. The RPPT Section Executive Committee is committed to helping the Supreme Court, WSBA leadership and BOG reach a decision that will ensure the continued success and growth of our State Bar. I volunteered to (and was unanimously selected/endorsed by) the leadership of the RPPT Section, which I hope illustrates the degree of excitement and engagement that I will bring to the Workgroup if selected. I have many years of legal practice ahead of me, and my ability to listen, communicate with a broad section of WSBA membership, and to work collaboratively with all people and perspectives would be a great addition to the Workgroup and help ensure its success.

Respectfully,

A handwritten signature in blue ink that reads "Devin McComb". The signature is written in a cursive, slightly slanted style.

Devin P. McComb

Enclosures



WASHINGTON STATE BAR ASSOCIATION

Real Property, Probate and Trust Section

December 7, 2018

Chief Justice Mary Fairhurst
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504

RE: Letter of Support for Devin McComb to the Supreme Court
Workgroup on WSBA Structure

Dear Chief Justice Fairhurst:

I am the chair of the WSBA Real Property, Probate and Trust Section and I write this letter in support of Devin McComb's application to serve on the Supreme Court Workgroup on WSBA Structure. This letter endorses Devin as an individual and also as a representative of the WSBA RPPT Section.

RPPT is the largest section of our state Bar Association, with approximately 2,500 members. We include a diverse array of lawyers practicing across two distinct yet related practice groups. Our members include lawyers from every corner of the state, lawyers who focus on high rise condo projects and lawyers who serve the needs of our agricultural community, lawyers who provide pro bono service at will-drafting clinics and low-income tenant foundations, litigators and transactional lawyers alike. We consistently generate the highest revenues of any WSBA Section which allows us to do extensive programming for the benefit of our members. We produce four Newsletters each year, packed with subject matter content and relevant membership information. We produce four full day CLEs each year in addition to our three-day midyear meeting which includes both educational content and opportunities for professional development and mentoring. We have incredibly active legislative committees that review and comment on legislation before and during session as well as regularly draft proposed legislation. Uniquely, we host our own website and list serves for communication with and among our members. We are the only section to create and maintain a Fellows Program, annually bringing two newly licensed lawyers onto our executive committee for two year terms during which they organize outreach to the law schools and new lawyer community while developing personal leadership skills and CLE presenter capabilities. The Fellows are additional to the WSBA Young Lawyer Liaison we welcome each year.

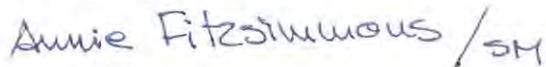
In addition to the enormous benefit our section creates for our members and for WSBA, we have a productive and respectful relationship with WSBA and its staff. The RPPT Executive Committee is populated with "team players". Our immediate past chair, RoseMary Reed, was a member of the WSBA Sections Task Force convened under the WSBA presidency of Anthony Gipe. I served on the Supreme Court Task Force, chaired by Justice Gonzalez, that reviewed the Unauthorized Practice of Law Board. We work successfully with WSBA staff to administer our section and to annually produce 40+ hours of CLE specifically for our membership, more education than is offered by any other section. We work with the WSBA Legislative Liaison and testify at

Legislative hearings throughout each Legislative session, informing lawmakers regarding the subject matter of important legislative efforts.

RPPT will continue to play a leading role in whatever structural form WSBA assumes. We have provided enormous benefit to the Bar, to our members, to the citizens of our state and to the Court and we intend to continue doing so. Devin is uniquely qualified to represent RPPT and to serve on the workgroup. He was elected to the RPPT Executive Committee two years ago and has served faithfully and productively. He values the benefits provided by WSBA sections to the legal community and the citizens we serve and he understands the commitment of time and resources necessary to make sections work. Moreover, he has committed to ongoing representation on the RPPT Executive Committee, if elected by the membership, so he can assist the section, WSBA and the Court with the completion of any structural changes deemed necessary by the Court.

The RPPT executive committee unanimously elected Devin to serve as our section's ambassador for application to the Supreme Court Workgroup. RPPT respectfully requests that you place Devin on the Workgroup so that the RPPT section, through him, may continue to share our experiences and commitment to service as the Court and WSBA answer important questions and work through a transformative time for our state's legal community.

Very Truly Yours,

A handwritten signature in blue ink that reads "Annie Fitzsimmons / SM". The signature is written in a cursive style.

Annie T. Fitzsimmons
Chair, WSBA Real Property Probate and Trust Section



McKINLEY IRVIN
FAMILY LAW

RECEIVED

NOV 29 2018

WASHINGTON STATE
SUPREME COURT

November 27, 2018

The Supreme Court
Attention: C.J. Mary Fairhurst
PO Box 40929
Olympia, WA 98504

RE: I am applying for a Section representative seat on your committee for exploring the future structure of the WSBA

Dear Chief Justice Fairhurst:

The reason for my interest. I am interested in a seat on your committee because currently the WSBA

1. is not effectively serving the interests of its members or the public.
2. as a result, the vast majority of WSBA membership are at best apathetic toward the WSBA, and at worst openly hostile to it, with those who are hostile rapidly increasing in number, and
3. poor results will not change until the root problem is identified and a sensible change is engineered to cause different and better results.

At the same time, powerful and deeply invested business interests from outside the traditional legal profession are and will continue disrupting the social contract between the legal profession and society through market forces and the law itself, while legal regulatory bodies and their Court overseers grasp for elusive means to bridge the so-called *access to justice* gap, despite society's unwillingness to fund it.

The marketplace, the law, and regulators combine to form two sliding vice grip jaws, and the screw is slowly ratcheting tighter. Lawyers and their association representatives sit between the two sliding jaws and have little or no control over the ratcheting. Thus, fundamental interests among new market entrants, bar regulators, the Court, and lawyers do not align, which is why we have arrived at this moment. Properly structuring the bar is

a necessary step forward in discovering better opportunities and solving even bigger problems.

My pertinent background information.

- I am the founder of one of the largest family law firms in the country, McKinley Irvin. <https://www.mckinleyirvin.com>
- I no longer personally practice law and haven't for 20 years. I spend the majority of my time leading my firm, solving big problems, and pursuing new opportunities, which most often requires innovating new ways of doing things differently and better, with an eye toward the future, meeting the needs of many, and planning for both long-term intended and unintended consequences.
- I try to communicate in an objective, thoughtful, and diplomatic manner. However, I always communicate frankly and honestly in an effort to move things forward and get things done.
- I am familiar with the different ways bar associations form and function in various states.
- I've spent a great deal of personal time studying the regulatory changes in the legal profession both here and abroad, specifically the changes in the British legal system, along with the events preceding and following those changes. My studies include a three-week summer course in 2014 at Westminster Law School, London, England, entitled *21st Century Law Practice*.
- I have presented the following
 - <https://www.youtube.com/watch?v=CnLMv7iBOWw> Reinvent Law talk given at Westminster Law School, London England, June 2014.
 - <https://www.mckinleyirvin.com/family-law-blog/2014/december/on-the-future-of-law-comments-on-the-aba-futures/> As submitted to the ABA Commission on the Future of Legal Services, 2014. I also spoke before the committee in 2014.
 - <https://www.tacoma.uw.edu/politics-philosophy-public-affairs-pppa/article/uw-tacoma-2015-innovate-law-challenge>
- I spent a great deal of time during the period of 2014 - 2015 personally familiarizing myself with the WSBA's inner workings, including participation on the WSBA Future of Law committee during Patrick Palace's time as President.

- I am familiar with the antitrust and First Amendment litigation activity against bar and other associations over the past several years.
- I'd be both interested and honored to serve on your committee if the sincere goal is to move the WSBA forward with smart, fair, and realistic change.

Sincerely,
McKINLEY IRVIN

A handwritten signature in blue ink, appearing to be 'Sands McKinley', written in a cursive style.

Sands McKinley
Founder

sands@mckinleyirvin.com



December 5, 2018

Thomas J. Satagaj
Direct Line: (206) 694-4866
TomS@SeedIP.com

RECEIVED
DEC 12
WASHINGTON

C.J. Mary Fairhurst
PO Box 40929
Olympia, WA 98504

Seed Intellectual Property Law Group (IP)

Re: Application for a position on the Supreme Court Workgroup of the WSBA Structure

Dear Chief Justice,

Please consider my application for a position on the Supreme Court Workgroup of the WSBA Structure as a member from the WSBA Sections.

As a patent attorney, I have been a member of the Intellectual Property (IP) Section for four years, and I am the IP Section's 2019 Chair. I have been working in private practice at Seed IP Law Group since 2006. Seed IP is a Seattle boutique law firm with about 50 attorneys, all practicing in intellectual property.

I am level-headed, civic minded, and interested in participating in the Workgroup as a voice for the approximately 1000 members of the IP section. In its November meeting, the IP Section formed a sub-committee to study this matter, which I am leading. We have already communicated with the IP Section members and have received feedback from several.

If brought into the Workgroup, I pledge careful and active consideration for each proposal raised, along with respect for all members and the ideas they bring. I further pledge to support the work and decisions of the Workgroup.

Your earnest consideration is sought, and I look forward to hearing back from you.

Best regards,

Thomas J. Satagaj

address: 701 Fifth Avenue
Suite 5400
Seattle, WA 98104
telephone: 206 622 4900
facsimile: 206 682 6031
website: SeedIP.com

LAWRENCE A. WARD
Partner
(206) 903-8817
FAX (206) 299-5163
ward.lawrence@dorsey.com

December 6, 2018

RECEIVED
DEC 11 2018
WASHINGTON STATE
SUPREME COURT

Supreme Court
Attention: C.J. Mary Fairhurst
PO Box 40929
Olympia, WA 98504

Dear C.J. Fairhurst:

I am a partner at Dorsey & Whitney LLP based in Seattle. Please accept my application to serve on the Supreme Court Workgroup on the WSBA Structure.

My practice focuses on U.S. national security law, including U.S. export control laws, U.S. economic sanctions, foreign direct investment in the United States and related filings with the Committee on Foreign Investment in the United States, and anti-corruption/anti-bribery laws. (I've attached a copy of my Firm biography for additional background on my practice and my qualifications.) Given my practice area, I have been a member of the WSBA's International Practice Section (IPS). Although I originally was a passive member in the IPS, I have served on the Executive Committee of the IPS since 2017. I am applying to the Workgroup for one of the three positions from the WSBA Sections or for the one public position.

When I moved to Seattle over ten years ago, I became actively involved with the King County Bar Association (KCBA) and served on the Young Lawyer's Division (YLD) Board of Directors. During my tenure on the YLD Board, I served one year as Vice Chair and one year as Chair. During my time on the YLD Board, I had the good fortune to be mentored by then-Judge (now Justice) Mary Yu.

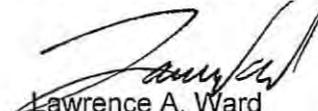
Justice Yu has continued to encourage me to give back to our legal community through service to the Bar. Over the years, I have continued my service to the KCBA and have extended my service to the WSBA through my involvement with the IPS. Through programs like the IPS's formal mentoring program and through assisting with CLE programming for the IPS, it seems that I have gained more than I have given. It is in that spirit of giving back that I am interested in serving on the Workgroup.

December 6, 2018
Page 2

If you have any questions about my application, please do not hesitate to let me know.
Thank you for your consideration of my application.

Sincerely,

DORSEY & WHITNEY LLP



Lawrence A. Ward
Partner

LW:cs

Enc.



Lawrence Ward

Partner
Dorsey & Whitney LLP
Columbia Center
701 Fifth Avenue, Suite 6100
Seattle, WA 98104-7043
P +1 (206) 903-8817
F +1 (206) 299-5163
ward.lawrence@dorsey.com

Overview

ITAR, EAR, OFAC, CFIUS, NISPOM, FCPA... AS AN INTERNATIONAL BUSINESS ATTORNEY, LARRY HELPS CLIENTS NAVIGATE THE COMPLEX ALPHABET SOUP OF U.S. NATIONAL SECURITY LAW AND INTERNATIONAL TRADE COMPLIANCE.

Larry helps government contractors, aerospace and defense, mining, technology, manufacturing, retail, service, hospitality, biotech and other companies involved in international trade understand and comply with various complicated U.S. regulatory schemes in a cost-effective manner so that they can avoid the monetary, criminal and other penalties and reputational damage faced when those regulations are violated. Larry advises clients ranging from small emerging companies to large public corporations and international professional associations. As a former appointed member of the U.S. State Department's Defense Trade Advisory Group (DTAG), Larry has built important connections with U.S. Government and industry leaders, which further bolsters his ability to provide practical compliance insight to his clients.

Larry helps clients build and refine compliance programs, train employees, classify products for export purposes, apply for export licenses and classification requests from the U.S. Government and structure internal safeguards for dealing with classified federal government information. When something goes wrong, he helps companies internally investigate potential violations of the law and strategize how best to disclose violations to the U.S. Government. Larry also helps clients in building international relationships with various third parties by drafting and negotiating agency and distribution agreements, manufacturing agreements, intellectual property licenses, franchise agreements and other commercial contracts. Before those relationships are even built, he often helps clients craft due diligence programs and assists with vetting of potential foreign partners to ensure that the risks of violations of export control and international business ethics, anti-bribery and anti-corruption laws is low.

When the business stakes are highest and a client is involved in transactional activity, Larry provides export control due diligence. He also helps foreign buyers and U.S. targets navigate important regulatory issues associated with foreign investment in the United States when U.S. national security is implicated through the transaction.

Larry advises clients on compliance matters related to U.S. export controls and national security law and regularly represents clients before:

- the U.S. Commerce Department on matters involving the Export Administration Regulations (EAR);
- the U.S. State Department on matters involving the International Traffic in Arms Regulations (ITAR);
- the U.S. Treasury Department on matters involving the economic sanctions administered by the Office of Foreign Assets Control (OFAC);
- the U.S. Energy Department and the Nuclear Regulatory Commission on matters involving energy and nuclear exports;
- the Committee on Foreign Investment in the United States (CFIUS) on regulatory issues associated with foreign investment in the United States;
- the U.S. Defense Department's Defense Security Service (DSS) on compliance with the National Industrial Security Program Operating Manual (NISPOM) and with plans to mitigate foreign ownership, control and influence (FOCI); and
- the U.S. Justice Department and Securities and Exchange Commission on matters involving the Foreign Corrupt Practices Act (FCPA).

Representative Transactions

International Trade

Export Control Matters

- Prepared export control policies for various clients, ranging from an international engineering professional society to a Fortune 100 international manufacturing company
- Prepared and delivered export control training programs for various clients, including a nuclear technology company, chemical company and multiple defense contractors
- Led export control due diligence of a fabless communications semiconductor company's acquisition of a leading provider of 4G wireless platform solutions
- Developed FCPA compliance program and third-party agent questionnaire for an international fuel cell company

CFIUS Reviews

- Represented a Chinese leading short-distance personal transportation vehicle maker based in Beijing in its acquisition of the world's leading provider of personal electric transportation known for its two-wheeled, self-balancing, battery-powered electric vehicles in review by CFIUS
- Represented a U.S. provider of cybersecurity solutions in its sale of various sensitive assets to a French owned defense contractor
- Represented publicly held global provider of broadband communications network infrastructure products and related services in its acquisition by a foreign diversified manufacturing and services holding company
- Represented Canadian company with U.S. holdings engaged in the mining and production of uranium in its acquisition by a Russian state-owned company in review and investigation by CFIUS

- Represented Canadian company in its acquisition of two U.S. companies engaged in uranium mining and exploration in review by CFIUS
- Represented Canadian utility infrastructure equipment and services company in its acquisition of a privately held water and wastewater utility services company in review by CFIUS
- Represented U.S. space operations and ground network services provider in its acquisition by a Swedish state-owned space systems company in review and investigation by CFIUS

Admissions

- Washington
- California

Industries & Practices

- Aviation
- Banking Financial Institutions
- Energy Natural Resources
- Food, Beverage Agribusiness
- Healthcare
- Mining
- China
- Sustainability
- Government Enforcement Corporate Investigations
- Government Contracts Counseling Litigation
- International Trade
- Mergers Acquisitions
- National Security Law
- Technology Commerce
- Electric Power
- Oil Gas
- FinTech
- Development Infrastructure
- Technology

Honors

- Appointed to the Defense Trade Advisory Group (DTAG)
- Recognized as a "40 Under 40" honoree by the Puget Sound Business Journal, 2013
- Listed as a "Rising Star" by Washington Super Lawyers, 2013-2015

Education

- University of Notre Dame Law School (J.D., 2003),

Dean's List; Dean's Award for Outstanding Academic Achievement in Trial Advocacy; Legislative Reform Editor, *Journal of Legislation*; Treasurer, Student Bar Association

- University of Notre Dame (M.Ed., 2000), Highest Honors; Distinguished Portfolio
- University of Notre Dame (B.A., 1998), Dean's List, Class of 1998 Service Award

Professional Activities

- Defense Trade Advisory Group (DTAG) for the U.S. Department of State, Former Appointed Member
- Export Controls and Economic Sanctions Committee of the ABA Section of International Law, Steering Group Member and "Year in Review" Co-Editor
- Washington District Export Council, Member
- Pacific Northwest Defense Coalition (PNDC), Member

Civic and Community Activities

- Treehouse, Board Member, 2013 to Present
- Wayfind, Board Member, 2012 to Present
- Washington State Bar Association, International Practice Section, Member
- St. Joseph School, School Commission Member

Events and Speaking Engagements

- Dorsey & Whitney LLP Anti-Corruption 2018 Conference, July 16, 2018
- Seminar Playback: Dorsey & Whitney LLP Anti-Corruption 2018 Conference, July 16, 2018
- Webinar Playback: M&A in Asia: Beyond the Trends, November 15, 2017 (U.S.) and November 16, 2017 (HONG KONG & CHINA)
- Anti-Corruption, Compliance and Trade Sanctions Seminar, January 19, 2017
- Recent Developments with CFIUS, July 17, 2013
- Franchise Business Network (FBN): Keys to Successful Franchise Relations, November 13, 2007 - November 13, 2007

Select Presentations

- Presenter, "Structuring Your Classification Approach: Determining Jurisdiction," PNDC's Export Compliance Summit: EAR & ITAR, December 7-8, 2017
- Presenter, "The Impact of Regulatory Changes on the M&A Market: Focus on Economic Sanctions, Export Control Laws, FCPA, and CFIUS," 11th Annual M&A Seminar (The Seminar Group), November 1, 2017
- Presenter, Webinar "Introduction to the U.S. Export Administration Regulations (EAR)," PNDC Webinar, October 12, 2017
- Presenter, "US Economic Sanctions and Russia, Doing Business in Today's Russia: Practical Considerations for Minnesota Companies," Sept. 26, 2017

- Presenter, "Export Control Compliance in the Oil & Gas Industry," Strafford Webinar (CLE), Sept. 12, 2017
- Presenter, "Legal Due Diligence for Your Exporting Business," Pacific Northwest Export Controls Conference (PNECC), Seattle University School of Law, July 27, 2017
- Presenter, "International Trade Compliance," 9th Annual Northwest Export Conference: Exporting and the New Administration – Compliance and Opportunities, Export Finance Assistance Center of Washington (EFACW), July 25, 2017
- Co-presenter, "Section 734.13(b) of the EAR: How to Satisfy the 'Deemed Export' Rule, Foreign National Screening and Form I-129 Requirements amid Conflicting Foreign Privacy and Human Rights Laws," ACI's EAR Boot Camp on May 23-24, 2017
- Co-presenter, "Labor & Employment Lawyers: What they should all know about U.S. Export Controls and Sanctions" Dorsey Video Training Program, April 28, 2017
- Presenter, "U.S. Economic Sanctions and Non-U.S. Companies," BA-HR Programme: Anti-Corruption, Compliance and Trade Sanctions Seminar, January 19, 2017
- Presenter, "Practical Tips For Responding to Export Control Concerns at all Stages of your Company's Growth," 2016 Export Controls Conference: Evolving Controls for a Changing World, Seattle, Washington, July 28, 2016
- Co-presenter, "Structuring Your USML Classification Approach: Understanding the "Order of Review" Post Reform, Determining ITAR Jurisdiction, and Submitting a Commodity Jurisdiction Request," ACI's 14th ITAR Boot Camp, Chicago, Illinois, May 25, 2016
- Co-presenter, "U.S. Economic Sanctions Programs and Recent Changes Impacting What Banks Can Do in Cuba and Iran," Dorsey Bank Counsel Roundtable, April 27, 2016
- Presenter, "Overview of U.S. Economic Sanctions and their Impact on Exporters," Pacific Northwest Defense Coalition (PNDC) – Defense Export Compliance & Opportunities Conference, Seattle, Washington, April 21, 2016
- Presenter, "Important Developments on US Iranian Economic Sanctions," ABA Sanctions Year in Review, Washington, DC, February 2, 2016
- Presenter, "Enforcement Cases and What to do if Something Has Gone Wrong," PNDC ITAR Summit, Portland, Oregon, December 9-10, 2015
- Co-presenter, "International Traffic in Arms Regulations (ITAR) Update," PNDC Lunch & Learn, Seattle, Washington, September 30, 2015
- Presenter, "Export Violations in the Post-ECR Environment," 2015 Export Controls Conference, Seattle, Washington, July 29-30, 2015
- Co-presenter, "Navigating Ukraine-Related Sanctions: Meeting the Latest U.S. and E.U. Sanctions," Strafford CLE, June 9, 2015
- Presenter, "U.S. National Security Laws and Their Impact on Classified Contractors," DSS CI & FBI Strategic Counterintelligence Partnership with Defense Industrial Base - 2nd Annual Conference, Anchorage, Alaska, May 7, 2015
- Co-presenter, "When and How to Submit a CJ Instead of Conducting a Self-Determination: How to Prepare the Request and What to Do after Receiving a DDTC and DTSA Determination," ACI's 13th ITAR Boot Camp, San Diego, California, February 24-25, 2015
- Presenter, "Russia/Ukraine-related sanctions," ABA Sanctions YIR Event, Washington, DC, January 29, 2015

- Presenter, "Impact of U.S. Export Control Laws on Immigration Filings," Dorsey Breakfast Briefing, January 27, 2015
- Presenter, "2014 Enforcement Matters and What to do When Something Has Gone Wrong," PNDC ITAR Summit, Portland, Oregon, January 8, 2015
- Panelist, "What BIS and DDTC Expect from Your Technology Control Plan: How to Incorporate and Implement New IT Management, Security and Training Procedures that will Impress the Agencies," American Conference Institute's 8th Forum on International Technology Transfers & Deemed Export Compliance, San Francisco, California, September 2014
- Co-panelist, "OFAC Ukraine-Related Sanctions: Overcoming Compliance Challenges, Meeting Evolving U.S. and EU Sanctions," Strafford CLE, September 2014
- Presenter, "Internal Investigations and Voluntary Self-Disclosures," Microsoft Export Controls 2014 Conference, Redmond, Washington, July 10, 2014
- Co-presenter, "Ensuring Your Company's Success Through Compliance with the U.S. Foreign Corrupt Practices Act," PNDC ITAR Summit, Portland, Oregon, January 30, 2014
- Presenter, "Recent Enforcement Cases and What to Do if Something has Gone Wrong," PNDC ITAR Summit, Portland, Oregon, January 30, 2014
- Co-presenter, "Establishing & Maintaining an Effective Export Controls Compliance Program," PNDC ITAR Summit, Portland, Oregon, January 29, 2014
- Presenter, "2013 U.S. Export Controls Year in Review," ABA Section of International Law, Washington, DC, January 2014
- Panel Moderator, "Stay Private or Take Our A&D Company Public?" Orange County Aerospace and Defense Forum, Costa Mesa, California, November 2013
- Panelist, "Export Control Reform and Industry," ICE Seattle Export Control Seminar, October 2013
- Presenter, "An Overview of Export Controls under the U.S. Department of Commerce," ICE Seattle Export Control Seminar, October 2013
- Presenter, "Recent FCPA Developments and Conducting Internal Investigations," WSBA International Law Section CLE, Seattle, Washington, September 2013
- Panel Moderator, "Is Your A&D Company Part of the \$500B Yearly CYBER Loss?" Orange County Aerospace and Defense Forum, Costa Mesa, California, August 2013
- Presenter, "Recent Developments with CFIUS," Dorsey U CLE Program, July 2013
- Presenter, "Nuts and Bolts of Export Controls: Dealing with the Regulations," Pacific Northwest Defense Coalition and U.S. Commercial Service, Portland Oregon, January 2013
- Presenter, "Overview of the Foreign Corrupt Practices Act," Pacific Northwest Defense Coalition and U.S. Commercial Service, Portland Oregon, January 2013
- Presenter, "How U.S. Export Control and Related Laws and Regulations May Change during the Next Four Years," Orange County Aerospace and Defense Forum, Costa Mesa, California, December 2012
- Presenter, "The Impact of Deemed Exports in the University and Research Institute Setting," Export Council of Oregon and U.S. Commercial Service, Portland, Oregon, November 2011 and December 2012
- Presenter, "Fundamentals of U.S. Export Control Laws," WSBA International Law Section CLE, Seattle, Washington, September 2012
- Presenter, "U.S. Export Controls," Montana World Trade Center, Bozeman, Montana, May 2012

- Presenter, "Overview of the U.S. Foreign Corrupt Practices Act," U.S. Commercial Service and Pacific Northwest Defense Coalition, Portland, Oregon, January 2012
- Presenter, "Legal Considerations for International Business," Montana World Trade Center ExporTech, Missoula, Montana, April 2011
- Presenter, "Basic Considerations for Selling and Sourcing in International Agreements," International Trade Alliance New-to-Export Seminar, Seattle, Washington and Tukwila, Washington, March, August and September 2011
- Presenter, "Foreign Investments and Acquisitions in the United States: Dealing with CFIUS," Dorsey U CLE Program, February 2011

Articles

- [US Sanctions On Iran: Does The JCPOA Work For Everyone?](#), November 13, 2018
- [U.S. Reimposes Economic Sanctions On Iran](#), November 2, 2018
- [CFIUS Announces Pilot Program: Mandatory Declaration Filings in Connection with Certain Transactions](#), October 23, 2018
- [Greater Scrutiny on Foreign Inbound Investments: Update on the Foreign Investment Risk Review Modernization Act of 2018](#), August 15, 2018
- [U.S. House of Representatives Passes Russia Sanctions Bill](#), July 26, 2017
- [Trump Administration's First Major Statement On Foreign Trade Affects Agriculture](#), March 7, 2017
- [Did Iran violate its agreement with the US? Depends on who you ask](#), February 6, 2017
- [The New AML Regulations and Their Impact on Banks—Increased Compliance for Lending Transactions with Legal Entities](#), June 7, 2016
- [Another New Day in Cuba: The Obama Administration Further Loosens U.S. Sanctions](#), March 17, 2016
- [Another Shoe Drops: More Changes to the U.S. Cuban Sanctions from the White House](#), February 3, 2016
- [Moving Forward with Iran: An Update on U.S. Business Interests and the Iran Nuclear Settlement](#), January 28, 2016
- [U.S. Business Interests and the 2015 Iran Nuclear Settlement: A Critical First Appraisal](#), July 24, 2015
- [Obama Administration Announces Historic Easing of Economic Sanctions Against Cuba](#), December 19, 2014
- Regular contributing author and co-editor for the annual publication, "Export Controls and Economic Sanctions, The Year in Review," published by the American Bar Association, 2014-2017
- [Practical Guidance for Dealing with OFAC's Recently Released Ukraine Related Sanctions Regulations and the EU's Ukraine Sanctions](#), May 16, 2014
- [Dorsey Partner Larry Ward Comments on Proposed Smithfield Sale](#), September 9, 2013
- [Dorsey Partners Larry Ward and Nelson Dong Review Obama Administration's Export Control Reform](#), July 2013
- [The Ralls Case: Warning Sign For International Investments In U.S.](#), November 14, 2012
- [Iran Sanctions Legislation Imposes New Public Company Disclosures](#), November 8, 2012
- ["International Academic Travel and U.S. Export Controls"](#), NACUANOTES, August 28, 2009
- [Seattle](#),

News & Press Mentions

- [Dorsey Partner Larry Ward Remarks on FIRREA and Impact to Tesla](#), August 14, 2018
- [Dorsey Partner Larry Ward Comments on CFIUS' Chinese Deal Reviews](#), July 25, 2018
- [Dorsey Partner Larry Ward Comments on CFIUS and Tariffs](#), June 26, 2018
- [Dorsey Wins 12th Annual M&A Advisor Turnaround Award](#), December 21, 2017
- [Dorsey Partner Larry Ward Comments on Chinese Offshore Investment](#), September 27, 2017
- [Dorsey Partner Larry Ward Discusses N Korea Sanctions](#), September 21, 2017
- [Dorsey Partner Larry Ward Comments on Chinese Acquisition](#), September 14, 2017
- [Dorsey Partner Larry Ward Weighs in on North Korea Sanctions](#), August 7, 2017
- [Dorsey Partner Larry Ward Discusses Russian Sanctions](#), August 3, 2017
- [Dorsey Partner Larry Ward Comments on Sanctions Bill to White House](#), August 2017
- [Dorsey Partner Larry Ward Comments on Russian Energy Sanctions](#), July 26, 2017
- [Dorsey Partner Larry Ward Comments on Anti-Russia Sanctions](#), July 9, 2017
- [Dorsey Partner Larry Ward Discusses Trump's Cuba Policy Changes](#), June 16, 2017
- [Dorsey Partner Larry Ward Comments on Anti-Russia Bill](#), June 16, 2017
- [Dorsey Partner Larry Ward Remarks on New Iran Sanctions](#), May 27, 2017
- [Dorsey Partner Larry Ward Remarks on US and JCPOA](#), May 18, 2017
- [Dorsey Partner Larry Ward Remarks on Trump's Iran Sanctions](#), February 3, 2017
- [Dorsey Partner Larry Ward Comments on Trump Lifting Russian Sanctions](#), December 29, 2016
- [Dorsey Partner Larry Ward Remarks on Trump's China Animus](#), December 14, 2016
- [Dorsey Partner Larry Ward Discusses Tillerson's Secretary of State Nomination](#), December 14, 2016
- [Dorsey Partner Larry Ward Discusses House Vote to Prevent Aircraft Sales to Iran](#), November 21, 2016
- [Dorsey Partner Larry Ward Comments on Cuban Economic Embargo](#), November 19, 2016
- [Dorsey Partner Larry Ward Comments on Ban Lifted on Cuban Goods](#), October 14, 2016
- [Dorsey Partner Larry Ward Discusses OFAC Approving Boeing Airplane Sales to Iran](#), September 28, 2016
- [Dorsey Partner Larry Ward Remarks on Boeing to Sell Passenger Jets to Iran](#), June 15, 2016
- [Dorsey Partner Larry Ward Remarks on N Korea UN Nuclear Sanctions](#), March 7, 2016
- [Dorsey Partner Larry Ward Discusses Latest US Sanctions Against Korea](#), February 20, 2016
- [Dorsey Partner Larry Ward Discusses US Sanctions on North Korea](#), January 14, 2016
- [Dorsey Partner Larry Ward Discusses US Sanctions Against Ukraine](#), December 23, 2015
- [Dorsey Partner Larry Ward Discusses CFIUS - Ralls Settlement](#), November 6, 2015
- [Dorsey Partner Larry Ward Comments on US-China Cyber Sanctions](#), September 2, 2015
- [Dorsey Partner Larry Ward Discusses Benefits of Iran Sanctions Relief](#), July 29, 2015
- [Dorsey & Whitney Represents Entone in Acquisition by Amino](#), July 22, 2015
- [Dorsey Partner Larry Ward Remarks on US Lifting Iran Sanctions](#), July 17, 2015
- [Super Lawyers Recognizes 13 Dorsey Lawyers in Seattle](#), June 12, 2015
- [Partner Larry Ward Remarks on G-7 Summit](#), June 5, 2015
- [Dorsey Partner Larry Ward Remarks on Removing Cuba from Terrorist List](#), May 29, 2015
- [Dorsey Represents Tekmira Pharmaceuticals on OnCore Biopharma Merger Agreement](#), January 11, 2015

- [Dorsey Partner Larry Ward Discusses Easing of US Embargo on Cuba](#), December 18, 2014
- [Dorsey Partner Larry Ward Appointed to the Defense Trade Advisory Group \(DTAG\)](#), June 18, 2014
- [Super Lawyers Recognizes 20 Dorsey Lawyers in Seattle](#), June 13, 2014
- Dorsey Partner Larry Ward Remarks on Export Control Compliance for Universities in *LA Daily Journal*, February 4, 2014
- [Dorsey Congratulates Partner Larry Ward on Being Named to 40 Under 40](#), July 22, 2013
- [12 lawyers in the Firm's Seattle office named Super Lawyers™ and six named Rising Stars by Washington Super Lawyers](#), July 9, 2013
- [Dorsey Names Nine New Partners](#), November 21, 2012

Washington State Supreme Court
Attention: C.J. Mary Fairhurst
PO Box 40929
Olympia, WA 98504

RECEIVED
DEC 12 2018
WASHINGTON STATE
SUPREME COURT

Application to Supreme Court Workgroup on the WSBA Structure (Small Section Member)

December 3, 2018

Dear Chief Justice Fairhurst,

Please appoint me to the Supreme Court's Workgroup on the WSBA Structure as an experienced member of a small WSBA section (World Peace Through Law.)

For over a decade, I have served in the leadership of that Section, as Chair, Secretary/Treasurer, Newsletter Editor and Board Member. In 2007, I led the section in cooperating with the LAMP Section to recruit, train and support over 60 WSBA members providing pro bono assistance to families of National Guard members when they were deployed to Iraq. This year I produced (with the superb assistance of WSBA's staff) a year-long bimonthly series of webcast CLEs, serving Section members and the public around the globe (our November speaker presented from his office in Tobago!) Previously I served on WSBA's Pro Bono and Legal Aid Committee, drafting our first statewide map of Qualified Legal Service Providers. I also served on WSBA's CLE Committee when, under the leadership of then-president Jan Eric Petersen, we assisted with converting WSBA's MCLE Compliance procedures from paper to web.

I am employed by the Internal Revenue Service and so may not practice law. When I retire in 2020 will return to writing pro bono appeals to the Court of Appeals for Veterans Claims. Meanwhile, I serve in Section leadership and publish 4freeCLE - the blog of free Continuing Legal Education (established 2009).

In reviewing and assessing WSBA's structure, I can offer a point of view from a small Section. I feel we need carefully to consider potential organizational and financial difficulties should it be necessary to divorce WSBA's license board and professional organization functions. This may especially impact smaller sections and functions that support equal access to justice. If this divorce must be done, it must be done well.

A professional organization is more like a small business than a part of government. Most small businesses fail. It would be sad were WSBA's successor professional organization to fail, not only for its own sake, but for the sake of the many charitable works WSBA currently does that a licensing board might not do. Because of the incandescent importance of maintaining and improving both those works and the professional organization, I ask to be assigned a full share of the work of the Workgroup.

Sincerely

Randall Winn, WSBA # 25833
9018 13th Ave SW
Seattle, WA 98106



December 1, 2018

Anna "Mickey" Moritz
PO Box 2343
Woodinville, WA 98072

C.J. Mary Fairhurst
PO Box 40929
Olympia, WA 98504



Dear Chief Justice Fairhurst,

I am writing on behalf of the World Peace Through Law ("WPTL") Section executive committee to endorse the selection of Randall Winn as a Section representative on the Supreme Court's Workgroup on WSBA Structure. The WPTL Section greatly appreciates that the Court is appointing Section representatives to the Workgroup and providing opportunities for meaningful input from Sections regarding the configuration of the Washington State Bar. We also appreciate that you plan to include a section representative from a small, medium and large section. As a small section, we are aware that our needs differ in important aspects from larger sections.

In reviewing the existing structure, case law, and potential future changes in configuration of the organization, it is my strong belief that Randall Winn would be an asset to the Workgroup. Randall Winn is Immediate Past Chair of the WPTL section. As the current Chair, I have had the opportunity to work with Randall over the last year. I have been impressed by Randall's calm, thoughtful approach to issues. Randall has been involved in WPTL section leadership since 2007 and served on various WSBA committees prior to that. Thus, he has a depth of understanding for the historical dynamics of the organization.

Not only has Randall served on committees and our Section over the years, but he has also worked with WSBA staff. Our Section has an active event calendar: we put on mini-CLEs monthly to bimonthly, with several larger events as well. Randall produced all of our webinars in the last year, and in doing so worked extensively with WSBA staff. Staff have been outstanding; we simply could not function as a section without such amazing support. Randall can speak directly to aspects of staff support given that he has worked with them on numerous occasions.

It is my firm belief that Randall Winn would be an excellent, impartial member of the Court's Workgroup. I urge you to consider appointing him as a "small" Section representative.

Thank you for your consideration, and please do not hesitate to contact me if you have any questions at (425) 780-0245 or atmoritz@gmail.com.

Sincerely,

A handwritten signature in blue ink that reads "Anna Moritz". The signature is fluid and cursive.

Anna "Mickey" Moritz
Chair, World Peace Through Law Section
Bar # 49157

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Frances Dujon-Reynolds
DATE: January 7, 2019
RE: WSBA Board of Governors No Retaliation Policy

Action Requested: Adopt the proposed WSBA Board of Governors No Retaliation Policy

At the September 2018 Board of Governors meeting the Personnel Committee shared a draft of a BOG No Retaliation Policy with the BOG for review and comment. The BOG provided input to the Personnel Committee and the committee met again in November 2018 to further consider and refine the draft policy for presentation for first reading of the policy at the November 2018 BOG meeting. Based on the feedback from the BOG meeting, the Personnel Committee made some minor edits to the policy and now requests the BOG adoption of the policy.

WSBA No Retaliation Policy

Purpose

The Washington State Bar Association (“WSBA”) is firmly committed to maintaining a safe environment that encourages its employees and members of the Board of Governors (“BOG”) and other volunteers to speak up about sexual discrimination or other harassment without fear of retaliation. To that end, and to prevent victimization and other retaliatory behavior towards those who report such conduct to appropriate individuals, the WSBA adopts a No Retaliation Policy. This Policy is important for many reasons, including:

1. When reports of concerns of discriminatory or harassing conduct, or retaliatory action are made, the WSBA must consider them and take appropriate action. Retaliating against a BOG member or other WSBA volunteer, or WSBA employee who brought attention to inappropriate behavior harms the WSBA’s trustworthiness and reliability. Retaliation harms the public interest by deterring others from reporting complaints.
2. Any kind of retaliatory action, whether intentional or unintentional, may expose the WSBA to a serious legal risk.

Scope

This Policy applies to all WSBA employees and prospective, current, or former BOG members and other WSBA volunteers (BOG members and other WSBA volunteers hereinafter collectively referred to as “volunteers”). WSBA Employees are subject to provisions under the employee handbook policy on “Standards of Conduct and Discipline” and “Sexual and Other Harassment Policy” as determined by the Executive Director.

Policy

The WSBA prohibits any form of retaliation against or intimidation of WSBA employees or volunteers who report good-faith concerns of discriminatory, harassing, illegal or dishonest conduct or who participate in investigations or other proceedings related to such a report, even if the WSBA ultimately concludes that the report cannot be substantiated or that no violation of law, regulation or WSBA policy has occurred.

Retaliation Definition

Retaliation includes any kind of negative action against a current or former volunteer or employee who has reported actual or potential violations of equal opportunity laws or regulations (protected activity). These adverse actions create a hostile, threatening or uncomfortable environment for a person who reported alleged inappropriate conduct or participated in an investigation. Examples of retaliatory actions can occur outside of an employment relationship and may include, but are not limited to:

- Disparaging the person to others or in the media.
- Taking actions not directly related to employment or volunteer role/status or by causing the individual harm.
- Termination or illegal retraction of compensation and benefits.
- Exclusion from events or meetings.
- Any other action that might deter reasonable individuals from engaging in protected activity.

Activity protected by this Policy includes but is not limited to:

- Complaints about workplace harassment or discrimination;
- Notice of intent to file a lawsuit or charge, even if the filing is not ultimately made;
- Participation in a pending investigation of misconduct or violations; and
- Resisting sexual advances or intervening to protect others.

The WSBA will not interfere with the rights of employees or volunteers to speak out about or disclose conduct violating this policy. When possible, the WSBA encourages open communication in accordance with our “Guiding Communication Principles” and “Conflict Resolution Practices Policy.”

Reporting Complaints

Volunteers may file complaints with the President of the WSBA, the Chair of the BOG Personnel Committee or the Executive Director. WSBA employees may file complaints internally to their immediate supervisor, the Director of Human Resources or the Executive Director. Reports from volunteers or employees of misconduct or suspected violations will be investigated thoroughly and those who report or participate in the investigation must be protected from retaliation.

Appropriate action will be taken against a volunteer who is found to have engaged in prohibited harassing or retaliatory conduct, up to and including removal from the volunteer position as determined in accordance with the WSBA Bylaws and/or Washington Supreme Court rules.

Filing False Reports

False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate action.

All WSBA employees and volunteers are required to cooperate with investigations undertaken in response to a complaint under this policy. In particular, among other things, WSBA employees and volunteers are required to make themselves available to investigators immediately upon request, be forthcoming and truthful with investigators, and provide complete and accurate information. Failing to cooperate with an investigation may also be grounds for removal from a volunteer position. WSBA Employees are subject to the policies and procedures in the employee handbook.

Date: January 11, 2019

To: Board of Governors

**From: District 2 Governor Carla J. Higginson, District 4 Governor Daniel D. Clark.
District 5 Governor P.J. Grabicki & District 7N Governor Paul Swegle.**

Re: STATUS OF PROPOSED LITIGATION POLICY

The Board of Governors held a special meeting December 17, 2018 to discuss and adopt a litigation policy. General Counsel Julie Shankland, and special outside legal counsel Suzanne Michael indicated at the December 17, 2018 special meeting that they had various legal concerns over adopting either of the two policies that had been presented for consideration.

During the meeting, a majority of the BOG could not agree on a policy, and a motion was passed appointing a committee consisting of Governor Carla Higginson, Governor Daniel Clark, and Governor P.J. Grabicki, to work together to try to establish a recommended policy for the Board's consideration. At the meeting, it was also indicated that any other Governor that wanted to work with this group could do so and Governor Paul Swegle expressed interest in serving on the committee.

In response to concerns expressed by Ms. Shankland at the December 17, 2018 special meeting, Governor Grabicki sent an email to Ms. Shankland dated December 22, 2018 requesting that she provide her legal concerns and recommendations in writing regarding the proposed litigation policy. To date, no response or further guidance has been provided.

Governor Clark sent a similar email dated December 22, 2018 to Ms. Shankland, Ms. Littlewood, President Pickett and outside legal counsel Suzanne Michael requesting that they each provide feedback to the two policies that had been submitted to the BOG for consideration at the December 17, 2018 meeting. To date, no response has been given, and no further guidance or suggestions have been provided.

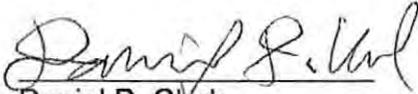
In the interim, Governor Grabicki has circulated via email on January 2, 2019, a proposed updated language version of a potential draft policy. To date, none of the Board of Governors have offered additional red-line suggested changes or comments.

Due to waiting for WSBA staff to provide additional requested information, the holidays, and the January 7, 2018 Special Executive Meeting, the committee has yet to meet to see if consensus can be reached regarding an agreed policy draft for consideration by the Board.

As a result, a majority of the committee are hereby respectfully requesting the following actions at the January meeting:

1. A majority vote to table this discussion until the March 2019 meeting to allow for additional time for the Committee to meet to discuss and potentially come back with one recommended policy for consideration and potential adoption by the Board at the March 2019 meeting.
2. For direction by the Board to the Committee, if they are unable to come to a consensus agreement on one policy before the March meeting, to prepare and submit two or more versions of a draft policy or policies to the entire Board of Governors for consideration at the March 2019 meeting.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daniel D. Clark".

Daniel D. Clark
District 4, Governor

Board of Governors Meeting
WSBA Conference Center
Seattle, WA
January 17-18, 2019

How the Consent Calendar Operates: The items listed below are proposed for approval on the Consent Calendar. Following introductions in the Public Session, the President will ask the Board if they wish to discuss any matter on the Consent Calendar. If they do, the item will come off the Consent Calendar and be included for discussion under First Reading/Action Items on the regular agenda. If no discussion is requested, a Consent Calendar approval form will be circulated for each Governor’s signature.

Consent Calendar Approval

- a. November 16, 2018, Public Session Minutes161
- b. December 17, 2018, Special Meeting Public Session Minutes169

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING

Public Session Minutes

Seattle, WA

November 16, 2018

The Public Session of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Bill Pickett on Friday, November 16, 2018, at 11:50 a.m. at the WSBA Conference Center, Seattle, Washington. Governors in attendance were:

Dan W. Bridges
Michael John Cherry
Daniel D. Clark
Peter J. Grabicki
Carla Higginson
Jean Y. Kang
Russell Knight
Christina A. Meserve
Athan P. Papailiou
Kyle D. Sciuchetti
Alec Stephens
Paul Swegle
Judge Brian Tollefson (ret.)

Also in attendance were President-elect Rajeev Majumdar, Executive Director Paula Littlewood, General Counsel Julie Shankland, Chief Disciplinary Counsel Doug Ende, Chief Regulatory Counsel Jean McElroy, Director of Advancement/Chief Development Officer Terra Nevitt, Chief Communications and Outreach Officer Sara Niegowski, and Executive Assistant Margaret Shane. Governor Hunter was not present for the Public Session meeting.

REPORT ON EXECUTIVE SESSION

President Pickett reported that the Board heard the Litigation Report from General Counsel Shankland.

PRESIDENT'S REPORT

President Pickett reported that he, the Officers, Executive Director Littlewood, and General Counsel Shankland attended the annual meeting with the Supreme Court, and that he, President-elect Majumdar, and Executive Director Littlewood attended the annual Northwest Bars Leadership meeting. He advised that the main topic at both meetings was Bar structure as a result of the *Janus* decision, and advised that the Washington Supreme Court will be forming a WSBA Structure Work Group. He recognized the Washington Leadership Institute (WLI) Fellows attending the meeting and advised that they would present their 2018 Community Service Project during lunch.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Littlewood reported that the Service Awards celebration for staff who have been at the WSBA for 5, 10, 15, 20, 25, and 30 years was held this week and that among the staff being recognized there was a combined total of 200 years of service to the Bar and the people of the State of Washington. She announced that there is a specific webpage related to the structures conversation being built that will contain all relevant information in one place. She concluded by stating that she recently attended a conference on lawyer regulation.

MEMBER AND PUBLIC COMMENTS

Nancy Hawkins noted that it was helpful to receive the BOG materials earlier in order to have adequate time to review them and asked about the internal Structure Group. President Pickett replied that the Board will discuss the BOG Structure Group moving forward in relation to the letter received from the Washington Supreme Court regarding the formation of its WSBA Structure Work Group.

CONSENT CALENDAR

- a. September 27-28, 2018, Public Session Minutes

APPOINT CHAIR TO WSBA LEGISLATIVE REVIEW COMMITTEE

Governor Sciuchetti moved to approve the appointment to the WSBA Legislative Review Committee as contained in the meeting materials. Motion passed unanimously.

MANDATORY MALPRACTICE INSURANCE TASK FORCE CHARTER EXTENSION

Governor Grabicki moved to approve the extension of the Mandatory Malpractice Insurance Task Force Charter as contained in the meeting materials to authorize the Task Force to report to the Board at the March 7, 2019, Board meeting. Motion passed 11-2.

WASHINGTON STATE BAR FOUNDATION – Ken Masters, President (phone), and Terra Nevitt, Director of Advancement/Chief Development Officer

Annual Report and Treasurer’s Report

Chair Masters thanked the WSBA staff for their support and dedication. He reported that the Foundation has refocused its energies on raising funds for the WSBA diversity and inclusion programs and that it contributed \$275,000 to those programs this year, exceeding its FY18 goal. Director Nevitt referred the Board to the Foundation’s Annual Report and Treasurer’s Report contained in the meeting materials and reviewed the background of the Foundation and its relationship to WSBA. In answer to an inquiry regarding the cost of raising funds, she explained that the net contribution to WSBA this year was \$120,000 after taking WSBA’s costs into consideration, and that it was a significant increase over FY16 and FY17.

Trustee Appointment

Governor Grabicki moved to approve the appointment of Tracy Flood to the Board of Trustees for the Foundation as contained in the meeting materials. Motion passed unanimously. Governor Swegle was not present for the vote.

2018-2019 LEGISLATIVE PRIORITIES – Governor Kyle Sciuchetti, BOG Legislative Committee Chair, and Sanjay Walvekar, Outreach and Legislative Affairs Manager

Chair Sciuchetti presented the 2018-2019 Legislative Priorities and explained that they are similar to past years with the addition of soliciting input from Sections. Governor Meserve

moved to adopt the 2018-2019 Legislative Priorities as contained in the meeting materials. Motion passed unanimously. Governor Swegle was not present for the vote.

2018-2019 LEGISLATIVE COMMITTEE RECOMMENDATIONS – Taud Hume, Legislative Review Committee Chair (phone); Michael Hutchings, Business Law Section’s Corporate Act Revision Committee Member; and Sanjay Walvekar, Outreach and Legislative Affairs Manager

Committee Member Hutchings explained and the makeup and work of the Committee and stated that the goal of the Committee is to stay apprised of changes in corporate law happening throughout the country. He advised that the amendments being recommended focus on preemptive rights, cumulative voting for directors, and a test to determine whether a corporation needs to obtain shareholder approval when it decides to sell its assets. Chair Hume advised that the Committee discussed GR 12 and decided that the recommendations do meet the GR 12 test. Governor Stephens moved to approve the 2018-2019 Legislative Committee Recommendations as contained in the meeting materials. Motion passed unanimously.

BOG NO RETALIATION POLICY – Governor Chris Meserve, Personnel Committee Chair

Chair Meserve explained that she was giving an interim report from the Personnel Committee. She explained that the Committee members are appointed by the WSBA President, and that the Committee conducts an annual evaluation of the Executive Director and is the touchpoint for significant personnel action. She advised that the Committee is not asking for approval at this meeting of the No Retaliation Policy contained in the meeting materials as it has only had one meeting and would like more time to consider the Policy. She noted that comments and suggestions are welcome. A suggestion was made to circulate the Policy in Word so redlines could be submitted to the Committee. In answer to a comment regarding the effectiveness of the Committee with the Executive Director sitting on it, Executive Director Littlewood explained that the Executive Director is not present during evaluation discussions and that the Committee does many things other than evaluating the Executive Director such as consideration of significant personnel action and drafting a policy such as that before the Board at this meeting. She offered to supply the Personnel Committee charter.

COUNCIL ON PUBLIC DEFENSE (CPD) LETTER OF SUPPORT FOR OFFICE OF PUBLIC DEFENSE (OPD) 2019 BUDGET REQUEST – Daryl Rodrigues, CPD Chair

Chair Rodrigues explained the importance for adequate funding in order to attract attorneys to do the much needed work and advised that the letter is a continuation of support that has been provided in the past. Governor Stephens moved to approve the CPD letter of support for the OPD 2019 budget request as contained in the meeting materials. Motion passed unanimously.

PERFORMANCE GUIDELINES FOR ATTORNEYS REPRESENTING RESPONDENTS IN CIVIL COMMITMENT PROCEEDINGS – Eileen Farley, CPD Member (first reading)

CPD Member Farley referred the Board to the information contained in the meeting materials. She explained the requirements and the standards, and described the process used by CPD. She noted that there has been a great deal of discussion of this neglected practice area and that there was no opposition, only concerns regarding duration and scope of representation. In reply to concerns raised regarding mental health courts, especially in rural areas, CPD Member Farley explained that these Guidelines do not apply to mental health courts, but to civil commitment proceedings which are held in just 13 counties in Washington state. She noted that the Guidelines will be revised if proceedings are eventually held in other jurisdictions. She advised that currently there are no performance guidelines, case load recommendations, or practitioner certifications in this area. President Pickett advised the Board that this item will be on the January Board meeting agenda for action. CPD member Farley asked that any comments be routed to Bonnie Sterken at WSBA so they can be consolidated.

UPDATE RE FASTCASE AS AN ADDITIONAL MEMBER BENEFIT – Governor Michael Cherry, and Terra Nevitt, Director of Advancement/Chief Development Officer

Governor Cherry advised that, if added, Fastcase would be in addition to Casemaker and that the recommendation has approval from the Budget and Audit Committee. Officer Nevitt reviewed the background and explained the member research conducted by staff. She noted that approval of this request would require a budget amendment of \$58,432. She advised that the Budget and Audit Committee also recommended adding the Docket Alarm feature, which would not occur until FY2020 and would therefore not impact the current budget, but would be an additional cost of approximately \$40,000 annually thereafter. Despite the recommendation

from the Budget and Audit Committee, she recommended that the BOG delay making a decision to bring on Docket Alarm. She shared that since the Budget and Audit meeting she had learned more information about Docket Alarm that was driving this recommendation. She noted that Docket Alarm is a recently acquired product by Fastcase and would not be available until the second or third quarter of 2019. She clarified that we did not need to make a commitment now to bring the product on line later. She also clarified what specific benefit members would get from adding Docket Alarm. Governor Meserve requested that the “Snapshot of the Existing Legal Research Benefit” contained on page 66 of the Board materials for this meeting be shared with the membership in *NWLawyer*. Governor Grabicki moved to add Fastcase to current member benefits and amend the budget by \$60,000. Motion passed 12-0-1. Governor Papailiou requested that his abstention be recorded in the Minutes.

SENIOR LAWYERS SECTION AMENDED BUDGET – Governor Dan Bridges, Treasurer

Treasurer Bridges reviewed the background and explained the request for the budget amendment by the Senior Lawyers Section, and noted that the Budget and Audit Committee approved recommending the request to the Board. Governor Clark moved to approve the Senior Lawyers Section amended budget request as contained in the meeting materials. Motion passed unanimously.

UPDATE FROM BUDGET AND AUDIT COMMITTEE – Governor Dan Bridges, Treasurer

Treasurer Bridges reviewed the Investment Report and the Financial Statements, and advised that less was spent and more was received than budgeted in FY2018, resulting in a budget surplus of approximately \$400,000. He reported that the recent Budget and Audit Committee meeting was well attended and that goals were reviewed and discussed. He noted that it is his desire to do a comprehensive review of spending and to consider outside help in order to do so.

President Pickett advised that he recommends doing a stipend for future Bar Presidents. He explained that serving as Bar President has devastating consequences to an individual’s practice during their term of service because of the time and attention commitment required. In

addition, he noted that it is difficult to get members to run for President because they feel they cannot afford it.

GOVERNOR ROUNDTABLE

Washington Supreme Court WSBA Structure Work Group

President Pickett advised that the Board would be discussing the three Board members to be seated on the Supreme Court WSBA Structure Work Group. Discussion ensued regarding one Board member from each class; including a representative from a rural area; and methods for the three Board members to report back to the entire Board and seek the Board's input, face-to-face rather than email. Governors Bridges, Clark, Grabicki, Sciuchetti, and Swegle expressed interest in serving on the Supreme Court WSBA Structure Work Group. Governor Cherry noted on behalf of Governor Hunter that she was also interested in serving. It was the consensus of the Board to submit three names each via secret ballot. President Pickett stated that he, Executive Director Littlewood, and General Counsel Shankland would tabulate the ballots and advise the Board of the outcome. After the first round, President Pickett announced that Governor Clark and Governor Sciuchetti received the highest number of votes, but the votes on the remaining three names were too close to call. A second round was held, resulting in a tie between Governor Bridges and Governor Swegle. A third round resulted in Governor Swegle being named as the third Board representative on the Washington Supreme Court WSBA Structure Work Group.

Discussion ensued regarding Sections representation on the Supreme Court WSBA Structure Work Group. Governor Grabicki moved that the Board write an advisory letter to the Court with the recommendation that the court consider choosing a member from a large, a medium, and a small Section. Motion passed 12-0-1. Governor Papailiou requested that his abstention be recorded in the Minutes. President Pickett noted that the Board now has three representatives and that the entire Board does not need to be involved. Executive Director Littlewood explained that staff will help the Chief divide the Sections into small, medium, and large and advised that the Board will either need to delegate to the three representatives to advise who should be chosen, or there will need to be a Special Meeting of the Board in order for the Board

to choose. Governor Stephens requested that some feedback be given to the Court so it will understand that there is a need to be respectful regarding how the Sections operate, and that it be made clear to the Sections that the Section seats are Court appointments. Executive Director Littlewood noted that the notice has been disseminated and applications will go to the Chief, so there is nothing to be done at this time. It was the consensus of the Board that a special meeting be held once the list of interested Section applicants has been completed.

Board of Governors (BOG) Structure Group

President Pickett requested input regarding the future of the BOG Structure Group. Discussion ensued regarding further meetings of the Group since the Sections only participated in one meeting; and further meetings being a waste of people's time since the Court is forming its own committee. President Pickett stated that he would not continue the ad hoc meetings. He explained that he was asked to add two Board members to supplement an ongoing staff dialogue, then many more people started attending. It was noted that if the Group continues, it would double-task the WSBA executive staff since they will be staffing the Chief's Work Group; that some key members of the Group will not want to continue; and since the Chief's Work Group will be held in public meetings at WSBA, anyone can attend and will likely have opportunities to comment. Suggestions were made to revisit the BOG Structure Group once the Supreme Court Structure Work Group is meeting, and to hold an open forum listening session to get clarity on what the Bar's preferred future would be.

ADJOURNMENT

There being no further business, the Public Session portion of the meeting was adjourned at 4:20 p.m. on Friday, November 16, 2018.

Respectfully submitted,

Paula C. Littlewood
WSBA Executive Director & Secretary

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS SPECIAL MEETING

Public Session Minutes

Seattle, WA

December 17, 2018

The Special Meeting Public Session of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Bill Pickett on Monday, December 17, 2018, at 12:00 p.m. at the WSBA Conference Center, Seattle, Washington. Governors in attendance were:

Michael John Cherry
Daniel D. Clark (phone)
Peter J. Grabicki
Carla Higginson
Kim E. Hunter
Jean Y. Kang
Russell Knight (phone)
Christina A. Meserve
Athan P. Papailiou
Kyle D. Sciuchetti
Alec Stephens
Paul Swegle
Judge Brian Tollefson (ret.)

Also in attendance were President-elect Rajeev Majumdar (phone), Executive Director Paula Littlewood, General Counsel Julie Shankland, Chief Disciplinary Counsel Doug Ende, Chief Regulatory Counsel Jean McElroy, Chief Operations Officer Ann Holmes (phone), Director of Advancement/Chief Development Officer Terra Nevitt, Chief Communications and Outreach Officer Sara Niegowski, and Executive Assistant Margaret Shane.

President Pickett welcomed everyone in attendance. The Board and guests introduced themselves. He then explained the background and authority set forth in the WSBA Bylaws for

calling Special Meetings, and asked the Board for individual verbal confirmation of whether they had requested this Special Meeting. Governors Cherry, Grabicki, Higginson, Hunter, Knight, Swegle, and Tollefson confirmed that they called this Special Meeting.

CONSIDERATION OF PROPOSED PROCESS FOR LITIGATION MATTERS

Discussion ensued about the multiple draft litigation process proposals before the Board. There were three proposed processes presented to the Board for consideration: (1) the process contained in the December 12, 2018, memo, which had been posted to the BOG webpage as public session materials for this meeting; (2) the process amended by Governors Clark and Grabicki and posted to the BOG webpage as late materials shortly before the meeting; and (3) the process amended by Governor Cherry that was distributed by Governor Higginson at the meeting.

Governor Grabicki explained the background of the first two proposals: one in Public Session Materials (#1 in paragraph above) and one in Late Materials (#2 in paragraph above), and noted that the original proposal in the Public Session Materials contained major flaws in that it did not take into account the fact that the Board has no role in the areas of admissions, licensing, discipline, and character and fitness. A second process, contained in Late Materials, was being proposed to address these flaws. Governor Tollefson moved to adopt a third proposed process drafted by Governor Higginson with amendments by Governor Cherry (#3 in paragraph above), which was then distributed at the meeting by Governor Higginson. Governor Tollefson clarified that the proposed process in his motion refers to the version distributed at the meeting by Governor Higginson (#3 in paragraph above). President Pickett asked if the process distributed at the meeting had been sent to the membership for review and the reply was no. He then asked the Board which version of the proposed process the Board would like to discuss at this meeting and noted that he hoped the Board would work with a version that had been available for review by the membership prior to the meeting. Governor Higginson moved to amend Governor Tollefson's motion to have the Board adopt the version of the proposed process that was posted on the WSBA website in conjunction with the announcement of this Special Meeting (#1 in paragraph above). Governor Tollefson clarified that the version Governor

Higginson was referring to in her motion is the version included with the cover memo dated December 12, 2018, and posted to the WSBA webpage as public session materials.

Governor Papailiou stated that the Board should not proceed to adopt any version of the proposed process without advice and consultation with outside counsel. He then requested the names of those who authored the December 12, 2018, version and Governor Stephens joined in the request so that he would know who to direct his questions to. Governor Higginson declined to reveal the names of the authors and stated that, with the consent of the Governors who gave notice of this Special Meeting, she would be the point person to respond to any questions the Board might have regarding the proposed process. Those Governors gave their consent. Governor Papailiou noted that, if the proposed process is approved, it would be the first time the Board would involve itself in litigation matters at such a level and requested an explanation of the motivation and timing of the proposed process. Governor Higginson explained that she had noticed that the Board had not been consulted about the litigation process or been told information in a timely matter, in particular in regard to selection of counsel, and as such the Board had not been allowed to do its job. When asked whether the proposed process was one that would be intended to apply to dealing with litigation on an ongoing basis, or whether it would be meant to intervene in current pending matters, Governor Higginson replied that the process was meant to address litigation on an ongoing basis, but the Board would decide by majority vote whether the process would apply to current pending matters. Governor Papailiou again asked for the names of the authors of the proposed process, and Governor Higginson again declined to reveal the names. Discussion ensued regarding whether the proposed process, if adopted, would violate the Washington Supreme Court's direction not to amend the WSBA Bylaws; the rarity of a Board being involved in a day-to-day process of litigation matters for an entity and whether the Board has the expertise to do so; and the desire to clarify the process by which the Board is involved in litigation.

Governor Meserve asked why the Board's usual timeline and process for proposed matters was not being followed in order to serve the membership and adhere to the Board's stated goal regarding transparency: publication, comment, discussion at first reading, then action at a later

meeting, rather than rushing through to a resolution at this meeting resulting in a substantive change in the way the Board conducts its business. Governor Higginson replied that a short timeline and change in procedure are imperative as the Board is in the midst of several issues that are moving forward and the Board needs to start acting as a Board since it is under increased scrutiny by the public regarding how it is doing its job and because of the continuing lack of understanding between the Board and staff regarding handling litigation and potential litigation matters. Governor Meserve then stated that it appears the goal is not so much an overarching process in respect to litigation on a regular basis, but an attempt to get involved in pending claims that have been the topic of discussion in the press, including a claim for \$1 million by a sitting member and Treasurer of the Board, as well as allegations involving misconduct by a member of the Board, and to influence the course of that litigation by the proposed process. Governor Higginson replied that Governor Meserve's statement was not correct and that whatever the Board decides as a majority would be applied to current pending matters as well as all litigation matters.

Governor Stephens went on record to state that this would be the worst time to try to enact this proposed process as the decision maker is wrapped up in the issue as opposed to the process. He voiced concerns regarding how much of litigation matters the Board would be taking on and stated that the Board hears a litigation report at every Board meeting, but very few questions have ever been asked concerning litigation matters. He noted that he has served on boards of other public agencies and that those board members refrain from getting in the weeds so they can focus properly on policy issues and hold their executive responsible on a day-to-day basis and receive reports from their executive. He noted that the Board is being held up as a client, but it sounds like the Board is directing counsel, and he wondered how the proposed process fits in with the role of General Counsel. He expressed concern that the proposed process was ill considered and ill timed. He stated that if the Board adopts the proposed process, the next step would be to get engaged in current pending litigation and the Board would be doing so without all the details being worked through. He concluded by stating that there was no rush to adopt the proposed process.

Governor Tollefson stated that the Board is supposed to act in the best interest of all members of the Bar and the public and have overall responsibility for the budget; the President is the chief spokesperson and is supposed to take action to execute the policies established by the Board; if there was a litigation policy in place, the Board would have heard about it by now; the Executive Director is supposed to handle the day-to-day matters of the Bar as listed in the WSBA Bylaws; however, managing potential and existing litigation are not defined as one of the Executive Director's day-to-day tasks in the WSBA Bylaws, although performing other duties as the Board assigns is listed. He concluded by stating that the Board is adopting a process that it is supposed to adopt, and that it should have already been adopted, so the President can do the job of a President and the Executive Director can do the job of an Executive Director.

Governor Swegle stated that the fact there is pending litigation is the reason to push the proposed process forward expeditiously. He explained that some of the Board felt that decisions and information had not been put before the Board quickly and transparently enough and that no input was solicited from the Board on decisions. He noted that the Board is supposed to be the ultimate authority over the Bar, except for the Supreme Court, but that several Board members have not felt that way for a while. He noted that the Board would have the ability to look at more run-of-the-mill cases and decide it does not need to be involved, but with more significant matters, especially conflicts of interest, it was important for the Board to help direct and make decisions about that litigation. In answer to an inquiry regarding how that would work when the Board is sued, Governor Swegle replied that he did not see an issue with that scenario as the Board is the ultimate authority, but the Board may need to recuse itself from some cases and that decision could be handled on a case-by-case basis.

Governor Grabicki expressed concerns regarding the proposed process: (1) it includes areas in which the Board cannot be involved and so should be carved out such as admissions, character and fitness, discipline, and licensing; (2) it does not do enough to recognize the role of the insurer; (3) it needs to be subject to provisions of any applicable insurance policy; (4) it does not deal with delegation regarding litigation; (5) it is too broad regarding case management; and (6) it gets too much in the weeds; i.e., the Board will not be choosing either a mediator or the

terms of mediation. He commended the authors for taking the first steps of drafting, and suggested that the proposed process be reworked to encompass his concerns.

President Pickett expressed concern that the proposed process was being brought forth in the midst of potential pending litigation against a Board member, and so would look protectionist. In reply to concerns raised regarding a conflict of interest because President Pickett and the Executive Director attended the mediation for a claim against the Bar and now there is a claim against the Board, as well as concerns that the Board had not been receiving information about the mediation, President Pickett replied that the Board was fully informed and discussed the mediation at a previous board meeting and selected Governor Tollefson to attend the mediation along with himself, Executive Director Littlewood and General Counsel Shankland, and that it was the consensus of the Board to move forward. In addition, the Board was fully informed at numerous meetings that there was a process being followed and the Board was fully informed after the mediation. He noted that no conflict of interest was mentioned at the Board's Emergency Meeting.

Governor Meserve asked General Counsel Shankland whether the creation of the proposed committee and the adoption of the proposed process violate the directive from the Washington Supreme Court to stop all Bylaw amendments for the time being. General Counsel Shankland responded that, in her opinion, adoption of the proposed process would violate the Washington Supreme Court's directive as well as multiple WSBA Bylaws. She explained that at the time the directive was issued, one of the proposed Bylaw amendments (now held in abeyance) was to have the General Counsel report to the Board and it appears that the Board is now attempting to accomplish that same end by saying it is adopting a policy or a process rather than a Bylaw amendment, and she stated that she did not see any authority from the Court to allow the Board to do so. In addition, she stated that the proposed process violates WSBA Bylaws article IV(b)(5) that delineates the Executive Director's responsibility for day to day operations of the Bar. Day to day operations include tasks such as insurance contracts and litigation. Articles IV(A) and VIII(A)(1) state that the Board adopts policies, differentiating between policy and operational matters. Final Board actions are subject to referendum. This

makes sense for policy decisions, but does not make sense for and it would be out of the operational decisions. If the Board is involved in day to day operations decisions, this could break the entire structure of the WSBA Bylaws—and certainly represents a change in the Bylaws which is prohibited by the Court’s letter. Article IV(C) states that Board committees are to be appointed by the President and that these committees are to make recommendations to the Board, not make decisions. In addition, the proposed process violates Articles IV(b)(1), IV(e)(1), and IV(e)(4), effectively shutting the Bar out of these communications and representations. In addition, Article VII(b)(7)(a)(4) states when Executive Session is appropriate. Committees of individual board members are not legal counsel for the Bar and any discussions in the committee may not qualify for Executive Session, attorney-client privilege may not apply, and the Executive Session Minutes could then be discoverable. She concluded by suggesting that the Board consult with the Washington Supreme Court before moving forward to adopt the proposed process.

Governor Meserve moved to table action until the January 17-18, 2019, Board meeting, and to send a letter to the Court inquiring whether the proposed process would be in violation of the Court’s directive. Discussion ensued, but Governor Higginson interrupted and insisted the Board follow *Robert’s Rules of Order*, which state that no discussion can be held on a motion to table. Executive Director Littlewood referred to the grid regarding *Robert’s Rules of Order* motions that are in the front of Board materials at every meeting and explained that there are two different forms of tabling and that tabling to a time certain is debatable.

Comments from guests included potential conflict of interest if the Washington Supreme Court gets involved in WSBA litigation; confusion over why the Board is trying to take on lawyer duties when it considers itself the client; the possibility of losing insurance coverage if the Board gets too involved in litigation matters; and the importance of cooperating with any insurance carrier.

President-elect Majumdar stated that the Board had not exercised its full fiduciary authority over the past two years and that the Board should be overseeing litigation matters. He

suggested adopting an interim process and then tweaking it in the future if necessary. Governor Swegle stated that the Supreme Court's directive usurping large chunks of Board authority should be limited narrowly to the language of the letter and that he had no concern if the Board takes action and the Court decides to revisit this and further limit the authority of the Governors. He stated that the Board cannot be hamstrung and if that is the case, then disband the Board. Governor Higginson stated that she is strongly opposed to the motion on the table that calls for waiting until the Board hears from the Court, and that she disagrees with General Counsel Shankland's completely wrong analysis of the Bylaws. She stated that the proposed process is not an amendment to the Bylaws, but is simply a litigation process no different from any that a board would have, and that the Board is not recognized as the governing body of this organization and should be. President Pickett clarified that Governor Meserve's motion was to table action until the January 17-18, 2019, Board meeting. Discussion ensued regarding which proposed process to discuss and vote on; not voting on any proposed processes due to timing and the appearance of self-dealing; obtaining advice of coverage counsel prior to voting on any proposed process; taking the time for more thoughtful drafting and discussion prior to voting; and the appearance of attempting to influence current potential litigation. In response to an inquiry, General Counsel Shankland clarified that if the motion to table passes, no further work can be done on the proposed process to which the motion refers; however, inquiry can be made of the Washington Supreme Court regarding whether the proposed process is an attempt to circumvent its directive regarding the WSBA Bylaws, and continue the discussion at the Board's January 17-18, 2019, meeting, or submit a new proposed process for discussion at the January Board meeting. Governor Meserve's motion to table action until the January 17-18, 2019, Board meeting failed 6-7.

At this point Governor Tollefson clarified that he accepted Governor Higginson's earlier motion to amend as a friendly amendment, making the pending motion one to approve the process identified in the December 12, 2018 memo. Concern was expressed by Board members and guests that the discussion regarding the proposed process was confusing and lacked transparency. Governor Tollefson stated that if a process was not adopted at this meeting, the

organization would be like a rudderless ship. He urged the Board to adopt the proposed process and then tweak it in the future if necessary since there was no current process in place.

Governor Papailiou reiterated his concern that the same Board members who refused to appear for special meetings and emergency meetings called by President Pickett in order to keep board members informed about litigation matters are the same Governors pushing to pass the proposed process, which would result in the Board being much more involved in litigation matters, including current potential litigation mentioned earlier in this meeting. Governor Grabicki urged the Board not to adopt the proposed process or they would surely once again hear from the Washington Supreme Court and the Board would not like the message.

General Counsel Shankland stated that there is currently a process in place: the Board receives written litigation reports at every meeting and has few, if any, questions; and the Board was contacted for special and emergency meetings to provide it with copies of documents that have been received at the WSBA offices. She emphasized that the Board has known about the potential litigation, has known about the process, has known that counsel was appointed, and has known that counsel attended the mediation with President Pickett, Governor Tollefson, and herself. She noted that it was not clear to her why the Board was in a hurry to adopt the proposed process. In addition, she voiced concerns that the proposed process includes blinding the organization to communications with its own insurer about its own litigation and its own defense counsel. She emphasized that the client is the organization, not the Board, as stated in RPC 1.13. She reiterated her concern that the Board, with fiduciary duties to the organization, would rush into the kind of process set forth in the proposed process when the Board would have another meeting in one month. She stated that it appears that at least a cloud has been put over the Board's actions now where members and others could question the actual motive of the Board and, if the Board wants to adopt a process, why would the Board do so under such a cloud?

Governor Cherry moved to amend that Governors Clark, Grabicki, Higginson, and other interested Governors who choose to do so, take feedback from this meeting and amend the December 12, 2018, proposed process, circulate it among the Board, the membership, and General Counsel Shankland for comment, and bring it back for consideration at the Board's January 17-18, 2019, meeting. He clarified his amendment to include deleting discipline, licensing, and admissions from the proposed process.

Governor Higginson expressed concern that if action on the proposed process is not taken at this meeting, then by default the Board would continue on the current path and would not have any way to comment or weigh in on any new claim that might be filed. President Pickett stated that Governor Higginson's comment was incorrect in that the Board would continue to be informed and have the ability to comment and/or ask questions; Governor Tollefson would continue to be involved; and the Personnel Committee would continue to be involved. Governor Higginson clarified that the Board is informed, but has no ability to weigh in on anything new that might come before the Board. She noted that the WSBA Bylaws say that the Board has the authority, which it seems to have delegated to other people, and the Board reserves the right to continue to act. She concluded by stating that she is asking that the Board exercise its authority. Governor Cherry's motion passed 7-6.

ADJOURNMENT

There being no further business, the Public Session portion of the meeting was adjourned at 2:00 p.m. on Monday, December 17, 2018.

Respectfully submitted,

Paula C. Littlewood
WSBA Executive Director & Secretary

EXECUTIVE DIRECTOR'S REPORT

January 11, 2019

WSBA Staff Raise \$4,370 for Seattle Milk Fund!

The WSBA staff held their annual fundraiser in early December and raised a total of \$4,370 for the charity Seattle Milk Fund. Seattle Milk Fund provides child care grants and family support to low-income, full-time students at approved King, Pierce, and Snohomish County colleges and universities. Funds were raised through a combination of jeans sticker sales, amazing staff-baked goods, and pledges on staff who performed karaoke songs for their colleagues. At the end of the day, generous staff pledges funded three performances. Thanks to everyone who participated this year and made the festivities so successful once again for this charity!

Ongoing Member Perception Survey

Fall-quarter results are in, and the Member Perception Survey report will be posted for membership (www.wsba.org/for-legal-professionals/member-support/surveys) by the time of the Board meeting on January 17 (hard copies will be provided to governors). We completed calls to 116 members. A quick snapshot:

- The demographics included a good mix of different practice type and sizes, Congressional districts, and ages. Respondents self-reported as predominantly White/Caucasian (95 percent).
- 56 percent of respondents had a positive perception of WSBA, 34 percent had a neutral perception, and 10 percent had a negative perception.
- 77 percent of respondents were satisfied with their level of engagement with WSBA, 15 percent were unsure, and 8 percent were not satisfied. 80 percent reported understanding the many ways to be engaged.
- The predominant sources of WSBA information for members are *NWLawyer* and WSBA email.
- We got high marks (an A or B) by the vast majority for upholding high-quality standards (91 percent); providing high-quality CLEs (91 percent); and supporting diversity and inclusion in the legal profession (89 percent). For all mission-related questions, our scores of D or F were between 1 and 8 respondents (1 to 7 percent). The highest "I don't know" responses—indicating we need to provide more information—were for "providing high-quality professional programs and services" (34 percent), "helping members expand access to justice in their communities" (34 percent), and "preparing the legal profession for changes in the future" (29 percent).
- NOTE: In December, we also completed our two-question, online perception survey that was open to all members (i.e., opt-in). Out of 703 respondents, 89 percent reported yes to "Do you know how to access professional resources and benefits provided by WSBA?" and 55 percent had a positive or neutral perception of the organization.



Background: This survey is ongoing, with at least 105 call completed (90 percent confidence level, 8 percent margin of error) each quarter to randomly selected members. The goal is to better understand members' perception of WSBA's services and programs, to show trends over time, and to improve operations and communications.

Update on Ongoing Work to Coordinate the Discipline System

With the "blessing" by the Supreme Court in June 2017 for the concept of a coordinated discipline system for all license types that includes both paid adjudicators and volunteer adjudicators, rule drafting by WSBA staff from the Office of Disciplinary Counsel, the Regulatory Services Department, and the Office of General Counsel continues.

The purpose of the drafting group, which meets every week, is to manifest the Supreme-Court approved concept for a coordinated system in the form of a workable set of rules, with the following primary objectives: (1) to merge the procedures for the three license types into a single system; (2) to include designated regulatory hearings within the adjudicative component of the system; (3) to professionalize in part the adjudicative component of the system in an entity to be known as the Office of the Regulatory Adjudicator (ORA) while preserving a meaningful adjudicative role for volunteers; and (4) to improve the efficiency, effectiveness, and clarity of the procedural rules to the extent possible.

At the time of the last update in September 2018, the regulatory Chiefs and I had just met with our regulatory entities about the status of the project (C&F Board, LP Board, LLLT Board, MCLE Board, Disciplinary Board, and DART) and gathered additional feedback.

The team continues to work towards preparation of a single-document comprehensive draft of all the rules for circulation internally and to designated stakeholder representatives, who will meet with the team and share feedback and suggestions. Although we had anticipated preparation of the comprehensive draft in December, the complexity of the project and interruptions to the team's meeting schedule in Q4 has delayed completion. We still anticipate submitting suggested rules to the Supreme Court for the 2019 GR 9 cycle.

Executive Director Activity Report (attached)

WSBA Demographics Report (attached)

Correspondence and Other Informational Items (attached)

Summary of WSBA Outreach Visits (attached)

Media Contacts Report (attached)

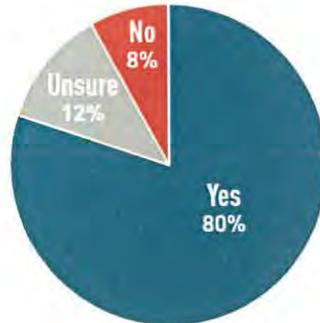
Update on Various Court Rules (attached)

Quarterly Discipline Report (attached)

What is your perception of the WSBA?



Do you know the ways you can be involved with the WSBA?



What is your main source of information about the WSBA?



WSBA REPORT CARD		FY18 Q3-Q4	FY19 Q1	FY19
How members grade the WSBA	✓ Upholding high-quality standards for Washington's legal profession	A	A	
	✓ Providing high-quality CLEs	A	A	
	✓ Supporting diversity and inclusion in the legal profession	A	A	
	✓ Providing high-quality professional programs and services	A-	A-	
	✓ Helping members expand access to justice in their communities	B+	A-	
	✓ Preparing the legal profession for changes in the future	B+	B+	

Sample comments and themes:

Amazing! When I call with questions someone always answers, and they are very helpful.

I'd like more virtual meetings. It is hard for those of east of the mountains to participate in person.

The WSBA is inclusive. I am a solo practitioner and always feel included, even though I am not a "big law firm".

Member Survey Participants

SIZE OF LAW FIRM			
Solo	18	100+	5
2-5	22	Govt/Public	25
6-10	11	In-house	11
11-20	8	Other	12
21-100	4		

MEMBER'S CONGRESSIONAL DISTRICT					
District 1	3	District 5	12	District 8	6
District 2	5	District 6	15	District 9	16
District 3	8	District 7S	23	District 10	4
District 4	5	District 7N	15	Out-of-state	4

Explanation of member survey

This phone survey will be conducted each quarter by randomly selecting members from the full membership and conducting 10-minute phone calls with them.

The goal for each quarter is to speak to 105 different members. 105 members constitutes a statistically significant sample. Our response rate for Q1 was 11%.

WSBA Outreach Highlights

Events Map Q1 FY19



Select Highlights from Q1

Every quarter, WSBA aims to host an outreach event in each of Washington's ten Congressional districts.

Events

	Q3-Q4 FY18	Q1 FY19	FY19 Total
▶ WSBA Ambassadorship	55	14	-
* Diversity & Inclusion	38	1	-
★ Professional Programs	11	3	-
◇ Access To Justice/Public Service	21	-	-
+ Ethics/Professional Education	30	19	-

WSBA Call Center Volume Q1 FY19*



*Other groups and teams at WSBA have significant numbers of direct contacts with members that are not reflected in the call center volume.

ACTIVITY REPORT
Paula C. Littlewood
November 16, 2018 – January 18, 2019

Current Service on Boards and Committees

Local: University of Washington School of Law Leadership Council, Executive Committee Member; University of Washington School of Law Public Interest Law Association Board of Advisors.

National: Institute for the Advancement of the American Legal System (IAALS) Board of Advisors.

International: International Institute of Law Association Chief Executives (IILACE), Vice President.

Meetings with Other WSBA and External Constituents

Legal Community Leaders	8
New Lawyers and Law Students	1

WSBA- and BOG-Related Meetings:

BOG Emergency Executive Session Meeting	November 23
BOG Emergency Executive Session Meeting	December 3
BOG Emergency Executive Session Meeting	January 7
BOG Executive Committee Meeting	December 20
BOG Legislative Committee Meeting and Primer	December 20
BOG Meeting	January 17-18
BOG Personnel Committee Meeting	December 17
BOG President Weekly Calls	9
BOG Special Meeting	December 17
Budget & Audit Committee Meeting	Jan 10
Entity Regulation Meeting	November 27
Other	7

Staff-Related Meetings:

All-Manager Meeting	Dec 13
All-Staff Meeting	2
Coffees with New Staff	1
Executive Management Team Meetings	7
S.A.F.E. (Staff Advocacy Forum for Employees)	2
Washington Legal Link Project Meeting	2
Weeklies with Staff Direct Reports	34
Winter Fundraiser	December 19
Other	1

National/International-Related Meetings:

International Institute of Law Association Chief Executives (IILACE) Executive Committee Conference Calls	2
Western States Bar Conference	4
Association of Professional Responsibility Lawyers Panel Conference Call	Nov 19

Organizational Events

Washington Supreme Court Swearing-In	Jan 14
KCBA Martin Luther King Luncheon	Jan 18

WSBA Member* Licensing Counts 1/9/19 2:55:13 PM GMT-08:00

Member Type	In WA State	All	By District		By State and Province		By WA County		By Admit Yr		
			All	Active							
Attorney - Active	26,198	32,652			Alabama	29	Adams	15	1940	3	
Attorney - Emeritus	106	112			Alaska	197	Asotin	24	1941	2	
Attorney - Honorary	353	398	0	3,172	2,357	Alberta	8	Benton	357	1942	1
Attorney - Inactive	2,393	5,481	1	3,007	2,506	Arizona	350	Chelan	240	1944	1
Judicial	615	843	2	2,070	1,668	Arkansas	14	Clallam	153	1945	1
LLLT - Active	35	35	3	2,136	1,812	Armed Forces Americas	5	Clark	776	1946	2
LLLT - Inactive	4	4	4	1,385	1,166	Armed Forces Europe, Middle East	27	Columbia	7	1947	6
LPO - Active	805	818	5	3,219	2,613	Armed Forces Pacific	19	Cowlitz	132	1948	8
LPO - Inactive	141	154	6	3,300	2,775	British Columbia	102	Douglas	28	1950	16
	30,650	40,297	7N	5,227	4,476	California	1,734	Ferry	14	1951	27
			7S	8,815	5,677	Colorado	240	Franklin	52	1952	27
			8	2,217	1,891	Connecticut	47	Garfield	2	1953	25
			9	4,851	4,120	Delaware	5	Grant	108	1954	27
			10	2,898	2,444	District of Columbia	341	Grays Harbor	102	1955	20
				40,297	33,505	Florida	237	Island	137	1956	40
						Georgia	89	Jefferson	91	1957	31
						Guam	16	King	15,079	1958	39
						Hawaii	146	Kitsap	734	1959	38
						Idaho	418	Kittitas	81	1960	31
						Illinois	154	Klickitat	23	1961	29
						Indiana	39	Lewis	95	1962	35
						Iowa	28	Lincoln	13	1963	33
						Kansas	27	Mason	96	1964	40
						Kentucky	24	Okanogan	96	1965	56
						Louisiana	53	Pacific	27	1966	61
						Maine	13	Pend Oreille	18	1967	81
						Maryland	113	Pierce	2,123	1968	94
						Massachusetts	86	San Juan	70	1969	104
						Michigan	70	Skagit	276	1970	109
						Minnesota	96	Skagit	276	1971	116
						Mississippi	4	Skamania	18	1972	186
						Missouri	66	Snohomish	1,479	1973	277
						Montana	167	Spokane	1,685	1974	273
						Nebraska	17	Stevens	46	1975	334
						Nevada	136	Thurston	1,447	1976	405
						New Hampshire	9	Wahkiakum	8	1977	401
						New Jersey	66	Walla Walla	109	1978	454
						New Mexico	66	Whatcom	554	1979	492
						New York	242	Whitman	71	1980	510
						North Carolina	74	Yakima	412	1981	542
						North Dakota	9			1982	521
						Northern Mariana Islands	6			1983	555
						Nova Scotia	1			1984	634
						Ohio	69			1985	451
						Oklahoma	27			1986	696
						Ontario	15			1987	608
						Oregon	2,649			1988	580
						Pennsylvania	71			1989	615
						Puerto Rico	2			1990	753
						Quebec	1			1991	749
						Rhode Island	16			1992	742
						Saskatchewan	1			1993	780
						South Carolina	28			1994	808
						South Dakota	7			1995	816
						Tennessee	55			1996	761
						Texas	349			1997	852
						Utah	179			1998	807
						Vermont	20			1999	844
						Virginia	270			2000	859
						Virgin Islands	1			2001	921
						Washington	30,850			2002	1,001
						West Virginia	7			2003	1,023
						Wisconsin	42			2004	1,041
						Wyoming	18			2005	1,067
										2006	1,098
										2007	1,172
										2008	1,091
										2009	996
										2010	1,086
										2011	1,055
										2012	1,101
										2013	1,236
										2014	1,359
										2015	1,622
										2016	1,315
										2017	1,393
										2018	1,303

Misc Counts		All	Active
All License Types **		40,605	
All WSBA Members		40,297	
Members in Washington		30,650	
Members in western Washington		23,397	
Members in King County		15,079	
Members in eastern Washington		3,401	
Active Attorneys in western Washington		19,916	
Active Attorneys in King County		13,229	
Active Attorneys in eastern Washington		2,795	
New/Young Lawyers		6,326	
MCLE Reporting Group 1		10,473	
MCLE Reporting Group 2		10,986	
MCLE Reporting Group 3		11,605	
Foreign Law Consultant		19	
House Counsel		279	
Indigent Representative		10	

By Section ***	All	Previous Year
Administrative Law Section	86	277
Alternative Dispute Resolution Section	117	359
Animal Law Section	35	102
Antitrust, Consumer Protection and Unfair Business Practice	91	221
Business Law Section	507	1,287
Cannabis Law Section	26	66
Civil Rights Law Section	59	169
Construction Law Section	232	515
Corporate Counsel Section	485	1,116
Creditor Debtor Rights Section	192	509
Criminal Law Section	142	441
Elder Law Section	272	656
Environmental and Land Use Law Section	308	799
Family Law Section	379	1,151
Health Law Section	184	388
Indian Law Section	130	316
Intellectual Property Section	334	899
International Practice Section	96	243
Juvenile Law Section	50	186
Labor and Employment Law Section	460	1,002
Legal Assistance to Military Personnel Section	27	92
Lesbian, Gay, Bisexual, Transgender (LGBT) Law Section	44	110
Litigation Section	402	1,059
Low Bono Section	21	101
Real Property Probate and Trust Section	933	2,364
Senior Lawyers Section	108	260
Solo and Small Practice Section	344	987
Taxation Section	259	660
World Peace Through Law Section	41	98

* Per WSBA Bylaws 'Members' include active attorney, emeritus pro-bono, honorary, inactive attorney, judicial, limited license legal technician (LLLT), and limited practice officer (LPO) license types.

** All license types include active attorney, emeritus pro-bono, foreign law consultant, honorary, house counsel, inactive attorney, indigent representative, judicial, LPO, and LLLT.

*** The values in the All column are reset to zero at the beginning of the WSBA fiscal year (Oct 1). The Previous Year column is the total from the last day of the fiscal year (Sep 30). WSBA staff with complimentary membership are not included in the counts.

WSBA Member* Demographics Report 1/9/19 2:56:15 PM GMT-08:00

By Years Licensed		By Age		All	Active
Under 6	8,447	21 to 30	1,980	1,909	
6 to 10	5,419	31 to 40	9,130	8,202	
11 to 15	5,655	41 to 50	9,749	8,053	
16 to 20	4,572	51 to 60	8,708	6,882	
21 to 25	4,117	61 to 70	7,755	5,868	
26 to 30	3,566	71 to 80	2,409	1,612	
31 to 35	3,018	Over 80	566	126	
36 to 40	2,524				
41 and Over	2,979				
Total: 40,297			40,297	32,652	

By Disability		By Gender	
Yes	1,017	Female	12,211
No	19,500	Male	17,172
		Selected Mult Gend	3
Respondents	20,517	Respondents	29,386
No Response	10,911	No Response	10,911
All Member Types	40,297	All Member Types	40,297

By Sexual Orientation	
Asexual	8
Gay, Lesbian, Bisexual, Pansexual, or Queer	104
Heterosexual	1,182
Not Listed	18
Selected multiple orientations	8
Two-spirit	1
Respondents	1,321
No Response	38,976
All Member Types	40,297

By Ethnicity	
American Indian / Native America	250
Asian-Central Asian	13
Asian-East Asian	62
Asian-South Asian	13
Asian-Southeast Asian	14
Asian—unspecified	1,340
Black / African American / African	638
Hispanic / Latinx	689
Middle Eastern Descent	7
Multi Racial / Bi Racial	845
Not Listed	181
Pacific Islander / Native Hawaiian	61
White / European Descent	23,922
Respondents	28,035
No Response	12,262
All Member Types	40,297

Members in Firm Type	
Bank	5
Escrow Company	7
Government/ Public Secto	4,373
House Counsel	2,517
Non-profit	60
Title Company	11
Solo	5,186
Solo In Shared Office Or	1,555
2-5 Lawyers In Firm	4,182
6-10 Lawyers In Firm	1,783
11-20 Lawyers In Firm	1,269
21-35 Lawyers In Firm	791
36-50 Lawyers In Firm	576
51-100 Lawyers In Firm	586
100+ Lawyers In Firm	1,829
Not Actively Practicing	324
Respondents	25,054
No Response	15,243
All Member Types	40,297

By Practice Area	
Administrative-regulator	1,974
Agricultural	200
Animal Law	89
Antitrust	249
Appellate	1,361
Aviation	139
Banking	382
Bankruptcy	900
Business-commercial	4,330
Cannabis	13
Civil Litigation	4,446
Civil Rights	894
Collections	512
Communications	200
Constitutional	526
Construction	1,123
Consumer	666
Contracts	3,550
Corporate	2,917
Criminal	3,265
Debtor-creditor	852
Disability	598
Dispute Resolution	1,208
Education	429
Elder	840
Employment	2,419
Entertainment	266
Environmental	1,117
Estate Planning-probate	3,039
Family	2,564
Foreclosure	476
Forfeiture	86
General	2,635
Government	2,467
Guardianships	816
Health	814
Housing	282
Human Rights	275
Immigration-naturaliza	849
Indian	522
Insurance	1,456
Intellectual Property	1,784
International	763
Judicial Officer	380
Juvenile	813
Labor	981
Landlord-tenant	1,150
Land Use	706
Legal Ethics	266
Legal Research-writing	608
Legislation	354
Lgbtq	17
Litigation	3,862
Lobbying	160
Malpractice	691
Maritime	259
Military	314
Municipal	816
Non-profit-tax Exempt	515
Not Actively Practicing	1,746
Oil-gas-energy	178
Patent-trademark-copyr	1,014
Personal Injury	2,869
Privacy And Data Securit	54
Real Property	2,116
Real Property-land Use	2,031
Securities	641
Sports	134
Subrogation	82
Tax	1,056
Torts	1,792
Traffic Offenses	593
Workers Compensation	643

By Languages Spoken	
Afrikaans	6
Akan /twi	4
Albanian	2
American Sign Language	14
Amharic	17
Arabic	53
Armenian	6
Bengali	11
Bosnian	11
Bulgarian	13
Burmese	2
Cambodian	6
Cantonese	96
Cebuano	3
Chamorro	5
Chaozhou/chiu Chow	1
Chin	3
Croatian	22
Czech	6
Danish	18
Dari	4
Dutch	24
Egyptian	2
Farsi/persian	61
Fijian	1
Finnish	7
French	707
French Creole	3
Fukienese	5
Ga/kwa	2
German	432
Greek	28
Gujarati	15
Haitian Creole	2
Hebrew	38
Hindi	90
Hmong	1
Hungarian	15
Ibo	4
Icelandic	2
Ilocano	9
Indonesian	12
Italian	151
Japanese	211
Javanese	1
Kannada/canares	4
Khmer	1
Kongo/kikongo	1
Korean	237
Lao	6
Latvian	6
Lithuanian	4
Malay	4
Malayalam	9
Mandarin	347
Marathi	6
Mongolian	2
Navajo	1
Nepali	4
Nonwegian	37
Not_listed	34
Oromo	3
Other	23
Pashto	1
Persian	22
Polish	33
Portuguese	121
Portuguese Creole	1
Punjabi	58
Romanian	19
Russian	233
Samoan	9
Serbian	20
Serbo-croatian	11
Sign Language	22
Singhalese	2
Slovak	2
Somali	1
Spanish	1,804
Spanish Creole	9
Swahili	4
Swedish	53
Tagalog	68
Taishanese	2
Taiwanese	21
Tamil	11
Telugu	3
Thai	15
Tigrinya	3
Tongan	1
Turkish	12
Ukrainian	40
Urdu	39
Vietnamese	89
Yoruba	10
Yugoslavian	4

* Includes active attorneys, emeritus pro-bono, honorary, inactive attorneys, judicial, limited license legal technician (LLLT), and limited practice officer (LPO).



FRANKLIN COUNTY

OFFICE OF PUBLIC DEFENSE

LARRY W. ZEIGLER
OFFICE OF PUBLIC DEFENSE MANAGER

November 7, 2018

RECEIVED

Katrin Johnson
Public Defense Services Manager
Washington State Office of Public Defense
PO Box 40957, Olympia, WA 98504-0957

NOV 13 2018

WSBA OFFICE OF
DISCIPLINARY COUNSEL

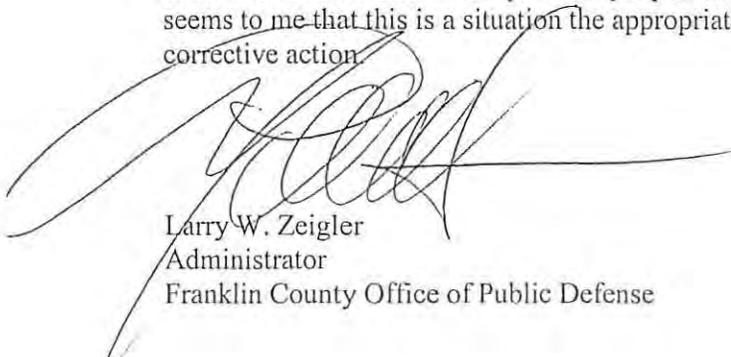
Re: Public Defense Standards

Dear Katrin,

It strikes me that enough time has now passed for those of us who are administering public defense systems to at least evaluate and report the situation that has necessarily developed from adoption of the defense standards. While the original purpose was obviously to raise the overall standards I fear that its primary effect has been to close the field of public defense to far too many qualified young lawyers who might otherwise find entry.

The fundamental flaw in the standards is the requirement for actual trial attendance in the company of those who are certified. The primary problem here is that most if not all cities and counties, simply lack the necessary funding to compensate such people for their attendance. The system bars them effectively from a realistic prospect of entry.

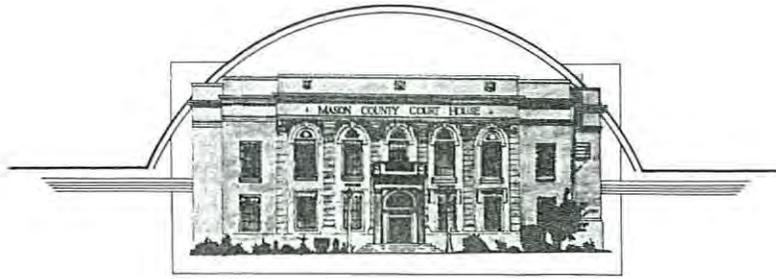
A law school graduate who passes the bar examination is eligible to practice both civil and criminal law in our courts provided he or she is lucky enough to either find employment in a private firm, or is able to open their own practice. An aspiring public defender, however, must now navigate an almost insurmountable hurdle in order to practice criminal defense in a public defense system. The only reason that seems to support the imposition of such a discriminatory and arbitrary classification between similarly situated attorneys is the fact that one is a public defender while the other is not. If passing the bar exam grants entry I'm wondering if the Supreme Court, OPD and the WSBA might not consider a written certification examination centered on the practice of criminal law? Inadvertently we have literally closed the door to otherwise qualified people and created an ever declining pool of potential hires. It seems to me that this is a situation the appropriate agencies should address immediately in order to take corrective action.



Larry W. Zeigler
Administrator
Franklin County Office of Public Defense

cc: file; WSBA; WA State Supreme Court

187



NOV 21 2018

MASON COUNTY DISTRICT COURT

P.O. BOX "O" (360) 427-9670
SHELTON, WASHINGTON 98584

November 16, 2018

Washington State Bar Association
1325 Fourth Ave., Suite 600
Seattle, WA. 98101-2539

To whom it may concern:

Judge Meadows and Judge Elect George Steele would like to remind you that all current appointments and oaths for Judge Pro-tem will be null and void effective January 1, 2019.

If you are interested in continuing and/or becoming a Judge Pro-tem for Mason County District Court, please submit a letter of interest to the Court for review by the incoming Judge.

Sincerely,

Patsy Robinson
Administrator

The Supreme Court
State of Washington

CHARLES W. JOHNSON
JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2020
FACSIMILE (360) 357-2103
E-MAIL J.C.JOHNSON@COURTS.WA.GOV

November 28, 2018

Hon. Paul Bastine, Ret., Chair
Practice of Law Board
806 South Raymond Road
Spokane Valley, WA 99206-3530

DEC 03 2018

Dear Judge Bastine:

The Washington Supreme Court voted to adopt the recommended changes to GR 25—Practice of Law Board and Appendix GR 25—Practice of Law Board Regulations at the November 28, 2018 en banc administrative conference. During the review process and before adoption, we found errors in the submission so the proposal we adopted was a corrected version.

For your information, I am enclosing the court's order adopting the reformatted version with a clean copy of the adopted rule attached. I am also enclosing a copy of the Reporter of Decisions' raw edits so you can see how many edits had to be made. (Normally the Reporter of Decisions reviews after adoption and before publication but this time we asked them to do before adoption.) The Rules Committee will be reviewing future submissions to determine whether the submission can be accepted as submitted, or if technical errors require corrections. We are willing to work with you, your Board, and the Board's staff to ensure your submissions are complete and accurate.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles W. Johnson".

Charles W. Johnson, Chair
Supreme Court Rules Committee

Enclosures

cc: ✓ Ms. Paula Littlewood, WSBA Executive Director
Ms. Julie Shankland, Staff Liaison to Practice of Law Board
Shannon Hinchcliffe, Office of Legal and Appellate Court Services, Manager

7-1
NOV 28 2018
COURT REPORTER
COURT REPORTER

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE PROPOSED)
AMENDMENTS TO GR 25—PRACTICE OF LAW)
BOARD, AND RESCIND PRACTICE OF LAW)
BOARD REGULATIONS)
)
)
)
)
_____)

ORDER
NO. 25700-A-1254

The Practice of Law Board, having recommended the expeditious adoption of the proposed amendments to GR 25—Practice of Law Board, and Rescind Practice of Law Board Regulations, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

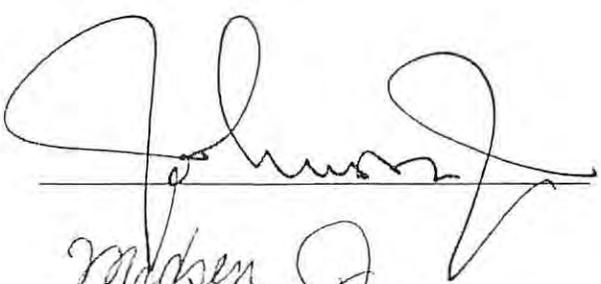
ORDERED:

- (a) That the proposed amendments as attached hereto are adopted.
- (b) That pursuant to the emergency provisions of GR 9(j)(1), the proposed amendments will be published expeditiously in the Washington Reports and will become effective upon publication.

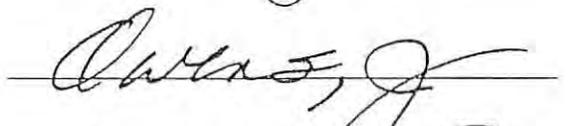
ORDER

IN THE MATTER OF THE PROPOSED AMENDMENTS TO GR 25—PRACTICE OF LAW BOARD, AND RESCIND PRACTICE OF LAW BOARD REGULATIONS

DATED at Olympia, Washington this 28th day of November, 2018.



Madsen, J.



Owen, J.

Fairhurst, C.J.

Wiggins, J.

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
GR 25 – PRACTICE OF LAW BOARD

1 (a) ~~Purpose.~~ Board. ~~The purpose of this rule is to create a Practice of Law Board in~~
2 ~~order to promote expanded access to affordable and reliable legal and law related services,~~
3 ~~expand public confidence in the administration of justice, make recommendations regarding the~~
4 ~~circumstances under which nonlawyers may be involved in the delivery of certain types of legal~~
5 ~~and law related services, enforce rules prohibiting individuals and organizations from engaging~~
6 ~~in unauthorized legal and law related services that pose a threat to the general public, and to~~
7 ~~ensure that those engaged in the delivery of legal services in the state of Washington have the~~
8 ~~requisite skills and competencies necessary to serve the public.~~

10 (b) ~~Appointment.~~ ~~The Practice of Law Board shall consist~~ of 13 members, at least
11 ~~four of whom shall be nonlawyers. The appointments shall be made~~ appointed and actively
12 supervised by the Supreme Court after considering nominations from the Practice of Law Board
13 and the Board of Governors of the Washington State Bar Association and other interested people
14 and organizations. A minimum of five Board members must be persons not currently authorized
15 to practice law. The Board members shall ~~may~~ be appointed to ~~staggered~~ three-year terms of
16 ~~three years and no member may serve more than two consecutive full three-year terms. Any~~
17 ~~vacancies shall~~ may be filled for the unexpired term. The Supreme Court shall may annually
18 ~~designate a chair and vice-chair, who shall~~ must be members of the Board.

20 (e ~~b~~) ~~Powers~~ Responsibilities of the Practice of Law Board. The Practice of Law
21 Board's functions are to:

22 (1) ~~Advisory Opinions.~~ ~~On request of any person, or in connection with the~~
23 ~~consideration of any complaint or any investigation made on its own initiative, the Board may~~
24 ~~render advisory opinions relating to the authority of nonlawyers to perform legal and law related~~
25 ~~services.~~

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
GR 25 – PRACTICE OF LAW BOARD

1 ~~services and arrange for their publication. No opinion shall be rendered if, to the Board's~~
2 ~~knowledge, the subject matter either involves or might affect a case or controversy pending in~~
3 ~~any court. An advisory opinion shall be issued by the Board in writing and shall be transmitted to~~
4 ~~the person making the inquiry. At the direction of the Board, an opinion may be published in the~~
5 ~~Washington State Bar News. Published opinions shall not, insofar as practicable, identify the~~
6 ~~party or parties making an inquiry, or the complainant or respondent.~~

8 (1) Educate the public about how to receive competent legal assistance;

9 (2-4) Consider and Recommendations to the Supreme Court Regarding the Provision
10 of Legal and Law-Related Services by Non-Lawyers. On request of the Supreme Court or any
11 person or organization, or on its own initiative, the Board may recommend new avenues for that
12 nonlawyers persons not currently authorized to practice law to provide legal and law-related
13 services be authorized to engage in certain defined activities that might otherwise constitute the
14 practice of law as defined in GR 24. Recommendations must be forwarded to the Washington
15 State Bar Board of Governors for consideration and comment at least 90 days before
16 transmission to the Supreme Court. Upon approval of such recommendations by the Supreme
17 Court, pursuant to the procedures set out in GR 9, those who meet the requirements and comply
18 with applicable regulatory and licensing provisions shall be deemed to be engaged in the
19 authorized practice of law. In forwarding a recommendation that nonlawyers be authorized to
20 engage in certain legal or law-related activities that constitute the practice of law as defined in
21 GR 24, the Board shall determine whether regulation under authority of the Supreme Court
22 (including the establishment of minimum and uniform standards of competency, conduct, and
23 continuing education) is necessary to protect the public interest. Any Recommendations that
24
25

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
GR 25 – PRACTICE OF LAW BOARD

1 ~~nonlawyers be authorized to engage in the limited provision of legal or law-related services shall~~
2 must be accompanied by a determination:

3 (A) that access to affordable and reliable legal and law-related services consistent
4 with protection of the public will be enhanced by ~~permitting nonlawyers to engage in the defined~~
5 ~~activities set forth in the recommendation~~ authorizing the recommended legal service provider or
6 legal service delivery model;

8 (B) that the defined activities outlined in the recommendation can be reasonably and
9 competently provided by skilled and trained ~~nonlawyers~~ legal service providers;

10 (C) that if the public interest requires regulation under ~~authority of the Supreme~~
11 ~~Court~~ authority, such regulation considers any regulatory objectives in GR 12 et seq. and is
12 tailored to promote access to affordable legal and law-related services while ensuring that those
13 whose important rights are at stake can reasonably rely on the quality, skill and ability of these
14 ~~nonlawyers~~ the authorized legal service providers who will provide such services;

16 (D) that, to the extent that the activities authorized will involve the handling of
17 client trust funds, provision has been made to ensure that such funds are handled in a manner
18 consistent with ~~RPC 1.15A and APR 12.1~~, all applicable court rules, including the requirement
19 that such funds be placed in interest-bearing accounts, with interest paid to the Legal Foundation
20 of Washington; and

21 (E) that the recommended program, including the costs of regulation, is financially
22 self-supporting within a reasonable period of time if any, ~~can be effectively underwritten within~~
23 ~~the context of the proposed regulatory regime.~~

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
GR 25 – PRACTICE OF LAW BOARD

1 ~~Recommendations to authorize nonlawyers to engage in the limited practice of law~~
2 ~~pursuant to this section shall be forwarded to the Washington State Board of Governors for~~
3 ~~consideration and comment before transmission to the Supreme Court. Upon approval of such~~
4 ~~recommendations by the Supreme Court pursuant to the procedures set out in GR 9, those who~~
5 ~~meet the requirements and comply with applicable regulatory and licensing provisions shall be~~
6 ~~deemed to be engaged in the authorized practice of law.~~

7
8 ~~(2 3) *Complaints.* The Board may receive shall have jurisdiction over and shall inquire~~
9 ~~into and consider complaints alleging the unauthorized practice of law in Washington by any~~
10 ~~person or entity. The Board will review and may refer complaints that allege harm to the public~~
11 ~~interest to appropriate enforcement agencies. Upon referring a matter to law enforcement or~~
12 ~~other agency, the Board may notify the complainant of such action in writing, in accordance with~~
13 ~~the procedures outlined in this rule.~~

14
15 ~~(3) *Investigation.* The Board may, on its own initiative, and without any complaint~~
16 ~~being made to it, investigate any condition or situation of which it becomes aware that may~~
17 ~~involve the unauthorized practice of law.~~

18 ~~(d c) *Expenses of the Practice of Law Board Funding and Administration.* The~~
19 ~~Practice of Law Board shall be supported through annual commitments from the Washington~~
20 ~~State Bar Association and through a portion of other licensing fees established by the Supreme~~
21 ~~Court for nonlawyers authorized to engage in the regulated practice of law. The Board shall must~~
22 ~~be funded, administered and staffed by the Washington State Bar in accordance with GR 12 et~~
23 ~~seq. which shall pay all expenses reasonably and necessarily incurred by the Board, pursuant to a~~
24 ~~budget approved by the Board of Governors. Members of the Board members shall not be are~~

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
GR 25 – PRACTICE OF LAW BOARD

1 ~~not~~ compensated for their services, but ~~shall be~~ are reimbursed for their necessary expenses
2 incurred in connection with the Board in a manner consistent with the ~~Association~~Bar's
3 reimbursement policies.

4 ~~(e)~~ (d) **Records.** All ~~records of the Board~~ records shall must be filed and maintained at
5 the principal office of the ~~Association~~ Bar. GR 12.4 applies to access to Board records. All
6 Board records, including unauthorized practice of law complaints are public documents except:

7 (1) Information made confidential by GR 22 and GR 31;

8 (2) Information made confidential by other statutes, court rules, or legal authority, such
9 as unredacted police reports, medical records, confidential disciplinary information, or
10 copies of sealed pleadings.

11 ~~(f)~~ **Procedure.**

12 (e) Meetings and Procedures. The Board may meet as necessary to complete its
13 business. Meetings may be held in person or by videoconference and/or teleconference. All
14 meetings of the Board and its designated committees are open and public, unless the Board meets
15 in Executive Session.

16 (1) Executive Session. The Board may meet in Executive Session on matters within the
17 Board's scope of work and consistent with the Bar Bylaws.

18 (2) Quorum. A majority of the Board shall constitute a quorum. ~~The chairperson of the~~
19 ~~Board may appoint temporary members of the Board or a committee when a member is~~
20 ~~disqualified or unable to function on a specific matter for good cause.~~

21 ~~(4)~~ (3) **Committees.** The Board may establish such committees as the membership may
22 ~~deem necessary and appropriate to the performance of its assigned tasks.~~

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
GR 25 – PRACTICE OF LAW BOARD

1 ~~(3) *Action by Board.* The full jurisdiction and authority of the Board, as provided in~~
2 ~~this rule, may be exercised by a committee, except that (1) no advisory opinion may be given~~
3 ~~without the approval of a majority of the Board; (2) no determination of the unauthorized~~
4 ~~practice of law by a respondent and referral of a matter to a law enforcement or other agency~~
5 ~~may be made without the approval of a majority of the Board; and (3) the action of a committee~~
6 ~~on any matter shall be subject to review and the approval or disapproval of the Board.~~

8 ~~(4) *Voting.* Each member shall be entitled to one vote on each matter submitted to a~~
9 ~~vote at a meeting.~~

10 ~~(4) *Formal Complaint Procedure.*~~

11 ~~(A) *Preliminary Investigation.* The investigation or review of a complaint shall be~~
12 ~~promptly instituted by the Board or by a member thereof designated by the chair of the Board. If~~
13 ~~a complaint has been filed, the investigating member shall interview the complainant and~~
14 ~~respondent and shall conduct such further investigation as is deemed appropriate.~~

15 ~~(B) *Report and Written Agreement.* Upon the conclusion of an investigation of a~~
16 ~~complaint, a report shall be made to the Board. If, after consideration of the report, the Board~~
17 ~~concludes that there has been no unauthorized practice of law, the complaint shall be dismissed~~
18 ~~and the Board shall so notify the complainant and the respondent in writing and shall close the~~
19 ~~file in the matter. If the Board concludes that there has been unauthorized practice of law, the~~
20 ~~Board shall attempt to persuade the respondent to enter into a written agreement to refrain from~~
21 ~~such conduct in the future. The written agreement may include a stipulation to penalties in the~~
22 ~~event of continued violation.~~

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
GR 25 – PRACTICE OF LAW BOARD

1 ~~(C) Pending Controversy. The Board may defer investigation if, to the Board's~~
2 ~~knowledge, the conduct complained of is the subject matter of or might affect a case or~~
3 ~~controversy pending in any court.~~

4 ~~(D) Informal Disposition. The Board may attempt to arrive at an amicable disposition~~
5 ~~of any matter within its jurisdiction with the respondent. At any time during the pendency of a~~
6 ~~matter before it, the Board may conduct an informal conference with the respondent. At the~~
7 ~~Board's discretion, an electronic recording or written transcription of the proceeding may be~~
8 ~~made. A respondent subject to an informal conference may be represented by counsel. After a~~
9 ~~finding by the Board of the unauthorized practice of law, the Board shall endeavor to have the~~
10 ~~respondent enter into a written agreement to refrain in the future from such conduct. If the~~
11 ~~respondent declines to enter into a written agreement pursuant to this rule, the Board shall refer~~
12 ~~the matter to an appropriate law enforcement or other agency in accordance with this rule.~~

13 ~~(g) **Petitions for Review:**~~

14 ~~(1) *Notice.* Within 20 days after an opinion is published, or within 30 days after any~~
15 ~~final action of the Board other than the publication of any opinion, any aggrieved member of the~~
16 ~~bar, bar association, person or entity may seek review thereof by serving on the Board a notice of~~
17 ~~petition for review by the Supreme Court and by filing the original notice with the Clerk of the~~
18 ~~Supreme Court. The notice shall set forth the petitioner's name and address and, if represented,~~
19 ~~the name and address of counsel. The notice shall designate the action of the Board sought to be~~
20 ~~reviewed and shall concisely state the manner in which the petitioner is aggrieved.~~

21 ~~(2) *Procedure.* Petitions for review to the Supreme Court shall comply with the Rules~~
22 ~~for Appellate Procedure.~~

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
GR 25 – PRACTICE OF LAW BOARD

1 ~~(3) *Final Determination.* The final determination of a petition for review may be~~
2 ~~either by written opinion or by order of the Supreme Court and shall state whether the opinion or~~
3 ~~the action of the Board is affirmed, reversed or modified or shall provide for such other final~~
4 ~~disposition as is appropriate.~~

5 ~~(h) **Referral to Enforcement Agency.**~~

6 ~~(1) *Referral.* When the Board concludes from its preliminary investigation, or from~~
7 ~~the failure of an informal conference as provided in these rules, that an amicable disposition of~~
8 ~~any matter within its jurisdiction cannot be effected with the respondent, it shall, based upon the~~
9 ~~nature of the complaint, the relief sought, and the facts as then known, refer the matter to the law~~
10 ~~enforcement or other agency the Board determines is best suited to conduct an investigation and~~
11 ~~any prosecution of such matter.~~

12 ~~(2) *Contents of File.* Upon making a determination that an amicable disposition of a~~
13 ~~matter cannot be effected, and that the matter should be referred to a particular law enforcement~~
14 ~~or other agency, the Board shall send such agency the original complaint, response, evidence or~~
15 ~~other proof, investigative report and, if an informal conference has been conducted, a transcript~~
16 ~~of such proceedings. The Board shall retain copies of all such documents for its file.~~

17 ~~(3) *Notice to Complainant.* Upon referring a matter to a law enforcement or other~~
18 ~~agency, the Board shall notify the complainant of such action in writing.~~

19 ~~(f) **Annual Report.** The Board must file a written report and meet with the court each~~
20 ~~year. The report must contain the following information:~~

21 ~~(1) Board Roster, including any committees formed;~~

22 ~~(2) Board meeting agendas;~~

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
GR 25 – PRACTICE OF LAW BOARD

1 (3) Short description of all unauthorized practice of law complaints received; whether
2 the board closed, referred, or deferred the complaint; and the name of the agencies receiving the
3 referral;

4 (4) Progress report or copies of educational materials provided to the public;

5 (5) Progress report on recommended new legal service providers or legal service
6 delivery mechanisms;

7 (6) Work plan for the fiscal year;

8 (7) Long range work plan.

9 **(i g) Immunity from Suit.**

10 (1) The members and staff of the Board shall be absolutely immune from suit, whether
11 legal or equitable in nature, for any conduct in the performance of their official duties.

12 (2) Persons who bring allegations to the Board concerning any individual or entity ~~to~~
13 ~~the Board~~ shall be immune from suit, whether legal or equitable in nature, for all
14 communications to the Board or to its staff.

15 **(j h) Regulations.** The Board may adopt regulations pertinent to these powers
16 responsibilities subject to the approval of the Supreme Court. Proposed Regulations should be
17 provided to the Washington State Bar Board of Governors for informational purposes.

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21 [Adopted effective September 1, 2001; September 1, 2006.]

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

REGULATION 1. — PURPOSE

~~The purpose of these regulations is to establish procedures for the Practice of Law Board (POL Board) in order to carry out its purposes and exercise its powers pursuant to General Rule 25 (GR 25).~~

REGULATION 2. PRACTICE OF LAW

~~General Rule 24 (GR 24), Definition of the Practice of Law, including any amendments, provides the framework by which the POL Board will carry out its purposes and exercise its powers as set forth in GR 25.~~

REGULATION 3. ESTABLISHMENT OF THE BOARD

~~**A. Board Members.** The POL Board shall consist of 13 members (Member[s]) appointed by the Supreme Court of the State of Washington (Supreme Court) at least four of whom shall be nonlawyer Washington residents and the remainder of whom shall be lawyers licensed to practice law in Washington. Appointments to the POL Board shall be made by the Supreme Court after considering nominations from the WSBA Board of Governors (WSBA Board) and any other interested people or organizations.~~

~~**B. Member Terms.** The Members shall initially be appointed to staggered terms of one to three years. Thereafter, appointments shall be for three-year terms. No Member may serve more than two consecutive three-year terms.~~

~~**C. Resignation.** A member may resign from the POL Board by letter addressed to the POL Board and the Supreme Court with resignation to be effective two days following the date of the letter or any effective date thereafter which may be specified in the letter.~~

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RULES OF GENERAL APPLICATION (GR)
APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

1 ~~D. Vacancies. A membership vacancy shall be deemed to occur on the resignation~~
2 ~~of a Member or upon declaration of a vacancy by the Supreme Court following any request to~~
3 ~~the Supreme Court by the POL Board for the reasons set forth in section O below, or if a~~
4 ~~Member has three consecutive unexcused absences from regular POL Board meetings or is not~~
5 ~~present at more than a majority of the POL Board meetings during any 12-month period as~~
6 ~~determined by the chairperson. A membership vacancy shall be filled by the Supreme Court~~
7 ~~for the unexpired term.~~

9 ~~E. Administration of Board. The Washington State Bar Association (WSBA), in~~
10 ~~consultation with the POL Board, shall provide the POL Board with an administrator (Board~~
11 ~~Administrator) and any additional staff support as designated by the Executive~~
12 ~~Director of the WSBA. The Board Administrator shall not be entitled to vote on POL Board~~
13 ~~matters.~~

14 ~~F. Funding and Expenses. The POL Board shall prepare an annual budget to be~~
15 ~~submitted for approval and on a schedule set by the WSBA Board of Governors. The WSBA~~
16 ~~shall pay all expenses reasonably and necessarily incurred by the POL Board pursuant to the~~
17 ~~budget and the expense policy of the WSBA. Funding for the POL Board shall be provided by~~
18 ~~annual commitments from the WSBA and through a portion of other licensing fees established~~
19 ~~by the Supreme Court.~~

20 ~~G. Officers. The Supreme Court shall annually designate a chairperson and a vice-~~
21 ~~chairperson from among the POL Board membership.~~
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SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)

APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

1 ~~H.—Regular Meetings.~~ The POL Board shall meet as necessary to complete its
2 business not less than once per year as determined by the POL Board or upon call of the
3 chairperson.

4 ~~I.—Regular Meeting / Agenda Notice.~~ The POL Board may file with the Code
5 Reviser a schedule of the time and place of regularly scheduled meetings in January of each
6 year for publication in the Washington State Register. The POL Board shall post an agenda for
7 each regular meeting on the Administrative Office of the Courts website or the WSBA website
8 at least seven days prior to the meeting.

9 ~~J.—Special Meetings.~~ A special meeting of the POL Board may be called at any
10 time by the chairperson or by a majority of the POL Board membership by delivering written
11 notice personally, by mail, or by e-mail to each Member at least two business days before the
12 time of such meeting and by providing notice of the special meeting to the public on the
13 Administrative Office of the Courts website or the WSBA website.

14 ~~K.—Voting.~~ Each Member shall be entitled to one vote on each matter submitted to a
15 vote at a meeting of the POL Board. A majority vote of the Members present at a meeting at
16 which a quorum exists shall, unless a greater vote is required by other provisions of these
17 regulations or by GR 25, decide any issue submitted.

18 ~~L.—Quorum.~~ A majority of the Members shall constitute a quorum. The
19 chairperson may appoint temporary members of the POL Board (or any designated committee)
20 from among former members of the POL Board when a Member is disqualified or unable to
21 function on a specific matter, for good cause. If less than a quorum is present at a meeting, a
22 majority of the Members present may adjourn the meeting and continue it to a later date and
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SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)

APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

1 ~~time upon notice. At any reconvened meeting at which a quorum is present, any business may~~
2 ~~be transacted which might have been transacted at the adjourned meeting. Members present at~~
3 ~~a properly called meeting may continue to transact business until adjournment, notwithstanding~~
4 ~~the withdrawal of Members leaving less than a quorum.~~

5
6 ~~M. — Action by Communication Equipment. The Members or any designated~~
7 ~~committee may participate in a meeting of the POL Board or such designated committee by~~
8 ~~means of a conference phone or similar communications equipment by which all persons~~
9 ~~participating in the meeting can hear each other at the same time, and participation by such~~
10 ~~means will constitute presence in person at a meeting.~~

11
12 ~~N. — Action Without a Meeting. Any action required or permitted to be taken at a~~
13 ~~POL Board meeting in Executive Session may be taken without a meeting if a written consent~~
14 ~~setting forth the action taken or to be taken is signed by each of the Members. Any such written~~
15 ~~consent (including facsimile and digital signatures) shall be inserted in the minute book as if it~~
16 ~~were the minutes of a POL Board meeting in Executive Session. Further, such consent shall~~
17 ~~have the same force and effect as a unanimous vote, and may be stated as such in any~~
18 ~~document filed for the public record.~~

19
20 ~~O. — Removal of a Member. The POL Board may request the Supreme Court to~~
21 ~~declare a membership vacancy with respect to any Member whose removal from the POL~~
22 ~~Board would, upon a two-thirds vote of the POL Board excluding the affected Member, be in~~
23 ~~the best interest of the POL Board; however, such action may only be taken by the POL Board~~
24 ~~at a regular or special meeting following notice of such proposed action.~~

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

1 ~~P.—Committees.~~ The POL Board may establish such committees as the POL Board
2 deems necessary and appropriate with each committee (designated committee) having a
3 specified function determined by the POL Board and having the full jurisdiction and authority
4 of the POL Board as provided in GR 25, except that: 1) no advisory opinion may be issued
5 without the approval of the POL Board; 2) no determination of the unauthorized practice of
6 law by a respondent and referral of a matter to a law enforcement or other
7 agency may be made without the approval of the POL Board; and 3) the action of a designated
8 committee on any matter shall be subject to review and approval/disapproval of the POL
9 Board. The chairperson shall designate a committee chair for each designated committee to
10 serve for a one-year term.

12 ~~Q.—Records.~~ The Board Administrator shall maintain minutes of the POL Board
13 and its designated committees, deliberations, recommendations, and decisions. All records of
14 the POL Board and its committees shall be filed and maintained at the principal office of the
15 WSBA.

17 ~~R.—Open Meeting and Records.~~ All records, files, meetings and proceedings of the
18 POL Board and its designated committees shall be open and public, except that the POL Board
19 may meet in executive session and records and files may be made confidential where the
20 preservation of confidentiality is desirable or where public disclosure might result in the
21 violation of individual rights or in unwarranted private or personal harm. All discussions of
22 particular complaints and investigations will be held in Executive Session. Nothing in these
23 regulations shall be construed to deny access to relevant information by professional licensing
24 or discipline agencies, or other law enforcement authorities, as the Board shall authorize.

SUGGESTED AMENDMENT
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APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

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2 ~~S.—Public Participation.~~ The chairperson or the chair of any designated committee
3 may allow for public participation at any meeting. Members of the public who wish to address
4 the POL Board or a designated committee at any meeting shall be required to provide contact
5 information on a form provided for that purpose and shall be required to comply with any time
6 limitation deemed appropriate by the chairperson or the designated committee chair.
7

8 ~~T.—Letterhead.~~ Use of POL Board letterhead shall be limited to official business of
9 the POL Board and specifically shall not be used in connection with any political campaign or
10 to support or oppose any public issue unless the POL Board has taken a position on the issue;
11 to support or oppose any political candidate; or for personal or charitable purposes.
12

REGULATION 4. CONFLICT OF INTEREST.

13 ~~A.—In General.~~ A Member who has or has had a lawyer/client relationship or
14 financial relationship with, or who is an immediate family member of, a person or entity who is
15 a complainant or the subject of a matter before the POL Board shall not participate in the
16 investigation or deliberation on any matter involving that complainant, person, or entity. No
17 WSBA employee shall participate in deliberation on any matter which is pending in, or likely
18 to be referred to, the WSBA attorney disciplinary system or bar admission.
19

20 ~~B.—Disclosure.~~ A Member with a past or present relationship, other than that as
21 provided in section A above, with a person or entity who is the complainant or subject of a
22 matter before the POL Board, shall disclose such relationship to the POL Board and, if the
23 POL Board deems it appropriate, that Member shall not participate in any action relating to
24 that matter.
25

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

~~REGULATION 5. ADVISORY OPINIONS.~~

1
2 ~~A. Requests for Advisory Opinions.~~ Any person may request an advisory opinion
3 from the POL Board relating to the authority of a non-lawyer to perform legal and law-related
4 services. Such requests shall be in writing in a form and in a manner prescribed by the POL
5 Board and signed by the person requesting the opinion.

6
7 ~~B. Board-Initiated Advisory Opinions.~~ The POL Board may render advisory
8 opinions relating to the authority of non-lawyers to perform legal and law-related services in
9 connection with the consideration of any complaint or in any investigation made on its own
10 initiative relating to the unauthorized practice of law by any person or entity.

11 ~~C. Notice of Request.~~ The POL Board may give notice to any person or entity,
12 either personally or by publication, of any pending request for an advisory opinion or pending
13 POL Board-initiated advisory opinion, and invite written comments regarding the pending
14 advisory opinion.

15
16 ~~D. Pending Controversy.~~ The POL Board may not render an advisory opinion in
17 any matter that, to its knowledge, is the subject of or might affect a case or controversy
18 pending in any court or administrative [attorney disciplinary] proceeding.

19 ~~E. Public Hearing.~~ The POL Board may conduct a public hearing at a date and
20 time and in a manner set by the POL Board, designed to make it accessible to interested parties
21 as determined by the Board, on any request for an advisory opinion or a POL Board-initiated
22 advisory opinion.

23
24 ~~F. POL Board Action.~~ Upon receipt of a proper request for an advisory opinion,
25 the POL Board may issue an advisory opinion or proposed advisory opinion, or may decline to

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

1 ~~issue an advisory opinion. If the POL Board issues an advisory opinion, it shall be in writing~~
2 ~~and shall be transmitted to the person making the request, or in the case of a POL Board~~
3 ~~initiated advisory opinion, it may be transmitted to any person(s) determined by the POL Board~~
4 ~~for whose benefit or detriment the advisory opinion was issued.~~

5
6 ~~**G. — Publication of Advisory Opinions.** The POL Board may arrange for the~~
7 ~~publication of advisory opinions in the Washington State Bar News. Opinions so published~~
8 ~~shall not, insofar as practicable, identify the party or parties making the inquiry, the~~
9 ~~complainant or the respondent.~~

10 ~~**H. — Petitions for Review.** Petitions for review of any advisory opinion issued by the~~
11 ~~POL Board shall conform with Regulation 7 below.~~

~~**REGULATION 6. COMPLAINTS.**~~

12
13 ~~**A. — Filing Complaints.** Complaints alleging the unauthorized or unlicensed practice~~
14 ~~of law shall be submitted to the POL Board, in writing, in a form and manner prescribed by the~~
15 ~~POL Board.~~

16
17 ~~**B. — Investigation.** The POL Board may, on its own initiative and without any~~
18 ~~complaint being made to it, investigate any condition, situation or activity involving the~~
19 ~~unauthorized or unlicensed practice of law of which it becomes aware in the same manner as if~~
20 ~~a complaint had been made under section A above.~~

21 ~~**C. — Initial Review of Complaints.** Upon receipt of a complaint, the Board~~
22 ~~Administrator shall conduct an initial review to determine whether it is within the jurisdiction~~
23 ~~of the POL Board or may be subject to deferral. If not within the jurisdiction of the POL~~
24 ~~Board or if it is subject to deferral, the Board administrator shall advise the complainant that~~
25

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1 ~~the matter will not be opened as a complaint, and the reasons. The complainant may submit~~
2 ~~additional information. All such items will be placed on the next POL Board agenda for~~
3 ~~review and any action deemed appropriate by the POL Board. If the complaint is deemed to be~~
4 ~~within the jurisdiction of the POL Board and not subject to deferral, the complaint will be~~
5 ~~opened for investigation.~~

6
7 **D. Request for Response.** ~~If a complaint is opened for investigation, a copy shall~~
8 ~~be send to the respondent with a request to respond within 20 days, and with notice that if the~~
9 ~~respondent does not respond, the complaint shall be considered without a response.~~

10 **E. Report and Written Agreement.** ~~The complainant and respondent shall be~~
11 ~~interviewed and such other and further review or investigation may be conducted as is deemed~~
12 ~~appropriate. A written report and recommendation will be submitted to the Board, by~~
13 ~~transmitting it to the Board Administrator and the Members. All Members shall have one week~~
14 ~~(5 working days) to submit comments respecting the report by transmitting them to the Board~~
15 ~~Administrator and the Members. If the report recommends dismissal of the complaint and~~
16 ~~there are no adverse comments from the Members within the comment period, the report and~~
17 ~~recommendation shall be deemed adopted by the POL Board and the chairperson shall~~
18 ~~immediately notify the complainant and the respondent, in writing, of the dismissal and the~~
19 ~~matter shall be closed. If one or more Members disagree with the recommendation for~~
20 ~~dismissal, the matter shall be placed on the agenda of the next meeting of the POL Board for~~
21 ~~action by the POL Board. If the report concludes that there has been an unauthorized or~~
22 ~~unlicensed practice of law, the matter shall be placed on the agenda of the next POL Board~~
23 ~~meeting for action.~~

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APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

1 ~~F. — POL Board Review. — If upon POL Board review of a report and~~
2 ~~recommendation, the POL Board concludes that there has been no unauthorized or unlicensed~~
3 ~~practice of law, the complaint shall be dismissed and the chairperson shall so notify the~~
4 ~~complainant and the respondent, in writing, and shall close the file. — If the POL Board~~
5 ~~concludes that there has been unauthorized or unlicensed practice of law, the POL Board shall~~
6 ~~proceed in the following manner:~~

7
8 ~~(1) The POL Board shall attempt through the Chairperson or his or her designee to~~
9 ~~persuade the respondent to enter into a written agreement to refrain from the objectionable~~
10 ~~conduct in the future. Such written agreement shall be prepared by the Chairperson or his or~~
11 ~~her designee and may include a stipulation as to penalties in the event of continued~~
12 ~~unauthorized or unlicensed practice of law which is the subject matter of the agreement or~~
13 ~~violation of other terms of the agreement.~~

14
15 ~~(2) — If the respondent will not enter into a written agreement as set forth in (1)~~
16 ~~above, the POL Board may attempt to arrive at any other satisfactory disposition as determined~~
17 ~~by the POL Board. In attempting to arrive at a satisfactory disposition, the POL Board may, at~~
18 ~~a regular or special POL Board meeting, or by a designated committee, conduct an informal~~
19 ~~conference with the respondent, which conference may, in the discretion of the chairperson or~~
20 ~~designated committee chair, be recorded electronically or reported by a certified court reporter.~~
21 ~~At such informal conference, the respondent may be represented by counsel, but the informal~~
22 ~~conference shall not be public, nor shall rules of evidence apply. If the informal conference~~
23 ~~was held by a designated committee, the chair shall render a report, in writing, to the POL~~
24 ~~Board at the next POL Board meeting for action. — If the POL Board determines that the~~
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1 respondent has engaged in the unauthorized or unlicensed practice of law, the POL Board shall
2 endeavor to have the respondent enter into a written agreement to refrain from the
3 objectionable conduct in the future, in the same manner as provided in (1) above. If, however,
4 the respondent declines to enter into a written agreement, the POL Board may refer the matter
5 to the appropriate law enforcement or other agency in accordance with GR 25(h).

6
7 ~~**G. Pending Controversy.**~~ Notwithstanding the foregoing, the POL Board may
8 defer an investigation in any matter that, to its knowledge, is the subject of or might affect a
9 case or controversy pending in any court or administrative [attorney disciplinary] proceeding.

10 ~~**H. Notice of Board Action.**~~

11 (1) ~~*Notice to Parties.*~~ The chairperson shall provide notice to any complainant who
12 has not been previously notified of dismissal and each respondent, other than a respondent who
13 has entered into a written agreement, of POL Board action with respect to the complaint or
14 self-initiated investigation within ten days of POL Board action. All such notices of POL
15 Board action shall inform the recipients of the right to petition for review by the Supreme
16 Court as prescribed in GR 25(g).

17
18 (2) ~~*Publication of Notice.*~~ The POL Board may, in its discretion, publish notice of
19 Board action on a complaint alleging the unauthorized practice of law in the Washington State
20 Bar News, on the WSBA website, or elsewhere as it deems appropriate. The Board
21 Administrator has discretion in drafting notices for publication, and they should include
22 sufficient information to adequately inform the public of the reasons for the Board's action and
23 conclusions.
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SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

~~REGULATION 7. PETITIONS FOR REVIEW.~~

~~Petitions for review from any action of the POL Board to the Supreme Court shall comply with GR 25(g).~~

~~REGULATION 8. RECOMMENDATIONS TO THE SUPREME COURT.~~

~~**A. In General.** On the request of the Supreme Court or any person or organization, or on its own initiative, the POL Board may recommend that nonlawyers be authorized to engage in certain defined activities that otherwise constitute the practice of law as defined in GR 24.~~

~~**B. Public Hearing.** The POL Board may, in its discretion, conduct a public hearing upon such notice and at a date, time and in a manner as determined by the POL Board on any self initiated action or request for a recommendation to the Supreme Court.~~

~~**C. Recommendation.** Any recommendation forwarded by the POL Board to the Supreme Court that nonlawyers be authorized to engage in certain legal or law related activities that constitute the practice of law as defined in GR 24 shall set forth the determining factors required by GR 25(e)(4), and any additional factors the POL Board deems relevant.~~

~~**D. Transmittal of Recommendation to the Board of Governors.** Any recommendation from the POL Board pursuant to this Regulation 8 shall be submitted to the WSBA Board of Governors for consideration and comment before transmission to the Supreme Court. The recommendation of the POL Board with comments by the WSBA Board, if any, shall be transmitted to the Supreme Court as provided in GR 25(e)(4). The WSBA Board of Governors may affirm the recommendation of the POL Board or recommend that it be modified or rejected.~~

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~~[Approved effective December 2, 2004; Amended effective September 1, 2005.]~~

**GR 9 COVER SHEET
DRAFT**

Suggested Amendment

General Rule 25

Submitted by the Practice of Law Board

A. Name of Proponent:

Practice of Law Board

Staff Liaison/Contact

Julie Shankland, Senior Assistant General Counsel

Washington State Bar Association

1325 Fourth Avenue, Suite 600

Seattle, WA 98101-2539 (Phone: 206-727-8280)

B. Spokespersons:

Hon. Paul Bastine, ret. , Chair

Practice of Law Board

806 S. Raymond Rd.

Spokane Valley, WA 99206-3530 (Phone 509-844-2954)

C. Purpose:

General Rule (GR) 25 sets out the purposes, responsibilities and operating procedures for the Practice of Law Board. GR 25 was adopted effective September 1, 2001, to establish a Board to implement the Definition of the Practice of Law. In July 2015, the Court issued an order modifying the Practice of Law Board's purposes, responsibilities and procedures. The proposed changes conform GR 25 to the Court's July 2015 Order.

The Board also requests that the Court rescind the Practice of Law Board Regulations. The current Regulations were adopted prior to the Court's 2015 Order. The content of the Regulations was included in the proposed GR 25. The Board will determine whether new Regulations are needed.

Board Size and Membership: The proposed changes increase the required number of Board members not currently authorized to practice law from four to five. The total number of Board members is unchanged at 13.

Board Responsibilities: The proposed rule changes conform the Board's functions to those listed in the Court's July 2015 Order. The Board has a new responsibility to educate the public about how to receive competent legal assistance.

The Board maintains its responsibility to consider and recommend to the Court new avenues for persons not currently authorized to practice law to provide legal and law-related services that might otherwise constitute the practice of law. The proposed rule codifies the current practice of forwarding any recommendations in this area to the WSBA Board of Governors for consideration and comment at least 90 days prior to transmission to the Court. This section of the proposed rule also requires the Board to consider the GR 12.1 Regulatory Objectives when developing these recommendations.

The Board's role in unauthorized practice of law complaints is narrowed, consistent with the Court's July 2015 Order. The proposed rule states that the Board may receive complaints alleging unauthorized practice of law, will review the complaints, and may refer complaints that allege harm to the public interest to appropriate enforcement agencies. The proposed rule, consistent with the Court's July 2015 Order, eliminates the Board's responsibility to investigate unauthorized practice of law complaints and make determinations whether specific conduct constitutes the unauthorized practice of law.

The proposed rule eliminates the Board's role in issuing advisory opinions. Current GR 25 permits requests for advisory opinions "relating to the authority of a nonlawyer to perform legal and law-related services." The rule also permits petitions for review of advisory opinions. Issuing opinions regarding who can and cannot perform legal and law-related services is a decision better suited for the Court instead of the Practice of Law Board. Opinions of the Practice of Law Board, the majority of whom are practicing attorneys, presents a heightened risk of anticompetitive activity. Thus, Board advisory opinions would need active court supervision, including some form of review and approval. The active supervision procedure would interfere with a later petition for review process. Although advisory opinions are not included in GR 25, the Board can receive questions from the Court at any time.

Board Records: The proposed rule clarifies that Board records, including unauthorized practice of law complaints are public and subject to GR 12.4.

Annual Report: To assist the Court in actively supervising the Board's activities, the proposed rule requires the Board to submit an annual report to the Court.

Regulations: The proposed rule maintains the Board's authority to adopt regulations subject to the Court's approval. The proposed rule adds a provision requiring proposed board regulations to be provided to the WSBA Board of Governors for informational purposes.

D. Hearing:

A hearing is not recommended.

E. Expedited Consideration:

Expedited consideration is requested. The Practice of Law Board believes the Rule should be consistent with the Court Order as soon as possible.

Supporting Material:

The Board sent the proposed GR 25 changes to stakeholders, including the Access to Justice Board, LLLT Board, and WSBA Board of Governors. In response to comments received, the Board clarified the appointment process, eliminated the advisory opinion process and removed the word "nonlawyer." Most comments received supported the conforming changes to the rule.

Attachments:

GR 25 Proposed Redline

GR 25 Proposed-Clean

July 2015 Court Order Reconstituting Practice of Law Board

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2010

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
GR 25 - PRACTICE OF LAW BOARD

1 (a) ~~Purpose.~~ Board. The purpose of this rule is to create a Practice of Law Board in
2 order to promote expanded access to affordable and reliable legal and law-related services,
3 expand public confidence in the administration of justice, make recommendations regarding the
4 circumstances under which non-lawyers may be involved in the delivery of certain types of legal
5 and law-related services, enforce rules prohibiting individuals and organizations from engaging
6 in unauthorized legal and law-related services that pose a threat to the general public, and to
7 ensure that those engaged in the delivery of legal services in the state of Washington have the
8 requisite skills and competencies necessary to serve the public.

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10 (b) ~~Appointment.~~ The Practice of Law Board shall consist of 13 members, at least
11 four of whom shall be non-lawyers. The appointments shall be made appointed and actively
12 supervised by the Supreme Court after considering nominations from the Practice of Law Board
13 and the Board of Governors of the Washington State Bar Association and other interested people
14 and organizations. A minimum of five Board members must be persons not currently authorized
15 to practice law. The Board members shall ~~may~~ be appointed to staggered ^{with three} 3-year terms of ^{with three} 3 years
16 and no member may serve more than ^{two} 2 consecutive full ^{three} 3-year terms. Any ~~Vacancies~~ shall
17 ~~may~~ be filled for the unexpired term. The Supreme Court shall ~~may~~ annually designate a chair
18 and vice-chair, who shall must be members of the Board.

20 (e) ~~Powers~~ Responsibilities of the Practice of Law Board. The Practice of Law
21 Board's functions are to:

22 (1) ~~Advisory Opinions.~~ On request of any person, or in connection with the
23 consideration of any complaint or any investigation made on its own initiative, the Board ~~shall~~
24 render advisory opinions relating to the authority of non-lawyers to perform legal and law-
25

may

we'll add new (2) in entirety
and delete (4) in entirety
for less confusion

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
GR 25 - PRACTICE OF LAW BOARD

1 related services and arrange for their publication. No opinion shall be rendered if, to the Board's
2 knowledge, the subject matter either involves or might affect a case or controversy pending in
3 any court. An advisory opinion shall be issued by the Board in writing and shall be transmitted to
4 the person making the inquiry. At the direction of the Board, an opinion may be published in the
5 add italic ~~Washington State Bar News~~. Published opinions shall not, insofar as practicable, identify the
6 party or parties making an inquiry, or the complainant or respondent.

(1) Educate the public about how to receive competent legal assistance;

9 (2) ^{ERC} Consider and ^{add italic} recommendations to the Supreme Court Regarding the Provision of
10 Legal and Law-Related Services by Non-Lawyers. ^{add italic} On request of the Supreme Court or any
11 person or organization, or on its own initiative, the Board may recommend new avenues for that
12 non-lawyers persons not currently authorized to practice law to provide legal and law-related
13 services be authorized to engage in certain defined activities that might otherwise constitute the
14 practice of law as defined in GR 24. Recommendations to authorize non-lawyers to engage in

16 the limited practice of law pursuant to this section shall must be forwarded to the Washington
17 State Bar Board of Governors for consideration and comment at least 90 days before
18 transmission to the Supreme Court. Upon approval of such recommendations by the Supreme
19 Court, pursuant to the procedures set out in GR 9, those who meet the requirements and comply
20 with applicable regulatory and licensing provisions shall be deemed to be engaged in the
21 authorized practice of law. In forwarding a recommendation that non-lawyers be authorized to
22 engage in certain legal or law-related activities that constitute the practice of law as defined in
23 GR 24, the Board shall determine whether regulation under authority of the Supreme Court
24 (including the establishment of minimum and uniform standards of competency, conduct, and

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
GR 25 – PRACTICE OF LAW BOARD

1 continuing education) is necessary to protect the public interest. Any ~~recommendations that~~
2 ~~non-lawyers be authorized to engage in the limited provision of legal or law-related services~~
3 shall must be accompanied by a determination:

4 (A) that access to affordable and reliable legal and law-related services consistent
5 with protection of the public will be enhanced by ~~permitting non-lawyers to engage in the~~
6 ~~defined activities set forth in the recommendation~~ authorizing the recommended legal service
7 provider or legal service delivery model;

8 (B) that the defined activities outlined in the recommendation can be reasonably and
9 competently provided by skilled and trained ~~non-lawyers~~ legal service providers;

10 (C) if the public interest requires regulation under ~~authority of the Supreme Court~~
11 authority, such regulation considers any regulatory objectives in GR 12 et seq. and is tailored to
12 promote access to affordable legal and law-related services while ensuring that those whose
13 important rights are at stake can reasonably rely on the quality, skill and ability of those ~~non-~~
14 lawyers the authorized legal service providers who will provide such services;

15 (D) that, to the extent that the activities authorized will involve the handling of
16 client trust funds, provision has been made to ensure that such funds are handled in a manner
17 consistent with ~~RPC 1.15A and APR 12.1~~, all applicable court rules, including the requirement
18 that such funds be placed in interest ^{hyphen} bearing accounts, with interest paid to the Legal Foundation
19 of Washington; and

20 (E) that the recommended program, including the costs of regulation, is financially
21 self-supporting within a reasonable period of time ^{new} (if any, can be effectively underwritten within
22 the context of the proposed regulatory regime. ~~Recommendations to authorize non-lawyers to~~

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SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
GR 25 – PRACTICE OF LAW BOARD

1 ~~engage in the limited practice of law pursuant to this section shall be forwarded to the~~
2 ~~Washington State Board of Governors for consideration and comment before transmission to the~~
3 ~~Supreme Court. Upon approval of such recommendations by the Supreme Court pursuant to the~~
4 ~~procedures set out in GR 9, those who meet the requirements and comply with applicable~~
5 ~~regulatory and licensing provisions shall be deemed to be engaged in the authorized practice of~~
6 ~~law.~~

7
8 ~~(2) Complaints. The Board may receive~~ ^{remove w/} ~~shall have jurisdiction over and shall inquire~~
9 ~~into and consider complaints alleging the unauthorized practice of law in Washington by any~~
10 ~~person or entity. The Board will review and may refer complaints that allege harm to the public~~
11 ~~interest to appropriate enforcement agencies. Upon referring a matter to law enforcement or~~
12 ~~other agency, the Board may notify the complainant of such action in writing, in accordance with~~
13 ~~the procedures outlined in this rule.~~

14
15 ~~(3) Investigation. The Board may, on its own initiative, and without any complaint~~
16 ~~being made to it, investigate any condition or situation of which it becomes aware that may~~
17 ~~involve the unauthorized practice of law.~~

18 ~~(d) Expenses of the Practice of Law Board Funding and Administration. The~~
19 ~~Practice of Law Board shall be supported through annual commitments from the Washington~~
20 ~~State Bar Association and through a portion of other licensing fees established by the Supreme~~
21 ~~Court for non-lawyers authorized to engage in the regulated practice of law. The Board shall~~
22 ~~must be funded, administered and staffed by the Washington State Bar in accordance with GR 12~~
23 ~~et seq. which~~ ^{add w/} ~~The Bar shall pay all expenses reasonably and necessarily incurred by the Board~~
24 ~~pursuant to a budget approved by the Board of Governors. Members of the Board~~ ~~members shall~~

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
GR 25 – PRACTICE OF LAW BOARD

1 ~~not be~~ are not compensated for their services, but ~~shall be~~ are reimbursed for their necessary
2 expenses incurred in connection with the Board in a manner consistent with the ~~Association~~ Bar's
3 reimbursement policies.

4 ~~(e)~~ (d) **Records.** All ~~records of the Board~~ records shall ~~must~~ be filed and maintained at
5 the principal office of the ~~Association~~ Bar. GR 12.4 applies to access to Board records. All
6 Board records, including unauthorized practice of law complaints are public documents except:

7 (1) Information made confidential by GR 22 and GR 31;

8 (2) Information made confidential by other statutes, court rules, or legal authority, such
9 as unredacted police reports, medical records, confidential disciplinary information, or
10 copies of sealed pleadings.

11 ~~(f)~~ (g) **Procedures.**

12 ~~(e)~~ (c) **Meetings and Procedures.** The Board may meet as necessary to complete its
13 business. Meetings may be held in person or by videoconference and/or teleconference. All
14 meetings of the Board and its designated committees are open and public, unless the Board meets
15 in Executive Session.

16 (1) Executive Session. The Board may meet in Executive Session on matters within the
17 Board's scope of work and consistent with the Bar Bylaws.

18 (2) Quorum. A majority of the Board shall constitute a quorum. ~~The chairperson of the~~
19 ~~Board may appoint temporary members of the Board or a committee when a member is~~
20 ~~disqualified or unable to function on a specific matter for good cause.~~

21 ~~(1)~~ (3) **Committees.** The Board may establish such committees as the membership may
22 deem necessary and appropriate to the performance of its assigned tasks.

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SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
GR 25 – PRACTICE OF LAW BOARD

1 ~~(3) Action by Board.~~ The full jurisdiction and authority of the Board, as provided in
2 ^{17aL} this rule, may be exercised by a committee, except that (1) no advisory opinion may be given
3 without the approval of a majority of the Board, (2) no determination of the unauthorized
4 practice of law by a respondent and referral of a matter to a law enforcement or other agency
5 may be made without the approval of a majority of the Board; and (3) the action of a committee
6 on any matter shall be subject to review and the approval or disapproval of the Board.

7
8 (4) Voting. Each member shall be entitled to one vote on each matter submitted to a
9 vote at a meeting.

10 ~~(4) Formal Complaint Procedure.~~

11 ^{17aD} (A) ~~Preliminary Investigation.~~ The investigation or review of a complaint shall be
12 promptly instituted by the Board or by a member thereof designated by the chair of the Board. If
13 a complaint has been filed, the investigating member shall interview the complainant and
14 respondent and shall conduct such further investigation as is deemed appropriate.

15
16 ~~(B) Report and Written Agreement.~~ Upon the conclusion of an investigation of a
17 complaint, a report shall be made to the Board. If, after consideration of the report, the Board
18 concludes that there has been no unauthorized practice of law, the complaint shall be dismissed
19 and the Board shall so notify the complainant and the respondent in writing and shall close the
20 file in the matter. If the Board concludes that there has been unauthorized practice of law, the
21 Board shall attempt to persuade the respondent to enter into a written agreement to refrain from
22 such conduct in the future. The written agreement may include a stipulation to penalties in the
23 event of continued violation.
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SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
GR 25 - PRACTICE OF LAW BOARD

1 (C) ~~Pending Controversy.~~ ~~The Board may defer investigation if, to the Board's~~
2 ~~knowledge, the conduct complained of is the subject matter of or might affect a case or~~
3 ~~controversy pending in any court.~~

4 (D) ~~Informal Disposition.~~ ~~The Board may attempt to arrive at an amicable disposition~~
5 ~~of any matter within its jurisdiction with the respondent. At any time during the pendency of a~~
6 ~~matter before it, the Board may conduct an informal conference with the respondent. At the~~
7 ~~Board's discretion, an electronic recording or written transcription of the proceeding may be~~
8 ~~made. A respondent subject to an informal conference may be represented by counsel. After a~~
9 ~~finding by the Board of the unauthorized practice of law, the Board shall endeavor to have the~~
10 ~~respondent enter into a written agreement to refrain in the future from such conduct. If the~~
11 ~~respondent declines to enter into a written agreement pursuant to this rule, the Board shall refer~~
12 ~~the matter to an appropriate law enforcement or other agency in accordance with this rule.~~

14 (e) Petitions for Review, *bold*

15 (1) Notice, *ital* Within 20 days after an opinion is published, or within 30 days after any
16 final action of the Board other than the publication of any opinion, any aggrieved member of the
17 bar, bar association, person or entity may seek review thereof by serving on the Board a notice of
18 petition for review by the Supreme Court and by filing the original notice with the Clerk of the
19 Supreme Court. The notice shall set forth the petitioner's name and address and, if represented,
20 the name and address of counsel. The notice shall designate the action of the Board sought to be
21 reviewed and shall concisely state the manner in which the petitioner is aggrieved.

22 (2) Procedure, *ital* Petitions for review to the Supreme Court shall comply with the Rules
23 for Appellate Procedure.

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
GR 25 – PRACTICE OF LAW BOARD

1 ~~(3) Final Determination~~—The final determination of a petition for review may be either
2 ^{it is} by written opinion or by order of the Supreme Court and shall state whether the opinion or the
3 action of the Board is affirmed, reversed or modified or shall provide for such other final
4 disposition as is appropriate.

5 ~~(h) Referral to Enforcement Agency~~ ^{is to}

6 ~~(1) Referral~~—When the Board concludes from its preliminary investigation, or from
7 ^{it is} the failure of an informal conference as provided in these rules, that an amicable disposition of
8 any matter within its jurisdiction cannot be effected with the respondent, it shall, based upon the
9 nature of the complaint, the relief sought, and the facts as then known, refer the matter to the law
10 enforcement or other agency the Board determines is best suited to conduct an investigation and
11 any prosecution of such matter.

12 ~~(2) Contents of File~~—Upon making a determination that an amicable disposition of a
13 ^{it is} matter cannot be effected, and that the matter should be referred to a particular law enforcement
14 or other agency, the Board shall send such agency the original complaint, response, evidence or
15 other proof, investigative report and, if an informal conference has been conducted, a transcript
16 of such proceedings. The Board shall retain copies of all such documents for its file.

17 ~~(3) Notice to Complainant~~—Upon referring a matter to a law enforcement or other
18 ^{it is} agency, the Board shall notify the complainant of such action in writing.

19 (D) Annual Report. The Board must file a written report and meet with the Court each
20 year. The report must contain the following information:

21 (1) Board Roster, including any committees formed;

22 (2) Board meeting agendas;

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
GR 25 - PRACTICE OF LAW BOARD

1 (3) Short description of all unauthorized practice of law complaints received; whether
2 the board closed, referred⁷ or deferred the complaint; and the name of the agencies receiving the
3 referral;

4 (4) Progress report or copies of educational materials provided to the public;

5 (5) Progress report on recommended new legal service providers or legal service
6 delivery mechanisms;

7 (6) Work plan for the fiscal year;

8 (7) Long range work plan.

9 (i g) Immunity from Suit.

10 (1) The members and staff of the Board shall be absolutely immune from suit, whether
11 legal or equitable in nature, for any conduct in the performance of their official duties.

12 (2) Persons who bring allegations to the Board concerning any individual or entity ~~to~~
13 ~~the Board~~ shall be immune from suit, whether legal or equitable in nature, for all
14 communications to the Board or to its staff.

15 (j h) Regulations. The Board may adopt regulations pertinent to these powers
16 responsibilities subject to the approval of the Supreme Court. Proposed Regulations should be
17 provided to the Washington State Bar Board of Governors for informational purposes.

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21 [Adopted effective September 1, 2001; September 1, 2006.]
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SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

REGULATION 1. — PURPOSE

The purpose of these regulations is to establish procedures for the Practice of Law Board (POL Board) in order to carry out its purposes and exercise its powers pursuant to General Rule 25 (GR 25).

REGULATION 2. PRACTICE OF LAW

General Rule 24 (GR 24), Definition of the Practice of Law, including any amendments, provides the framework by which the POL Board will carry out its purposes and exercise its powers as set forth in GR 25.

REGULATION 3. ESTABLISHMENT OF THE BOARD

A. Board Members. The POL Board shall consist of 13 members (Member[s]) appointed by the Supreme Court of the State of Washington (Supreme Court) at least four of whom shall be non-lawyer Washington residents and the remainder of whom shall be lawyers licensed to practice law in Washington. Appointments to the POL Board shall be made by the Supreme Court after considering nominations from the WSBA Board of Governors (WSBA Board) and any other interested people or organizations.

B. Member Terms. The Members shall initially be appointed to staggered terms of one to three years. Thereafter, appointments shall be for three year terms. No Member may serve more than two consecutive three year terms.

C. Resignation. A member may resign from the POL Board by letter addressed to the POL Board and the Supreme Court with resignation to be effective two days following the date of the letter or any effective date thereafter which may be specified in the letter.

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

1 ~~D. Vacancies. A membership vacancy shall be deemed to occur on the resignation~~
2 ~~of a Member or upon declaration of a vacancy by the Supreme Court following any request to~~
3 ~~the Supreme Court by the POL Board for the reasons set forth in section O below, or if a~~
4 ~~Member has three consecutive unexcused absences from regular POL Board meetings or is not~~
5 ~~present at more than a majority of the POL Board meetings during any 12-month period as~~
6 ~~determined by the chairperson. A membership vacancy shall be filled by the Supreme Court~~
7 ~~for the unexpired term.~~

9 ~~E. Administration of Board. The Washington State Bar Association (WSBA), in~~
10 ~~consultation with the POL Board, shall provide the POL Board with an administrator (Board~~
11 ~~Administrator) and any additional staff support as designated by the Executive~~
12 ~~Director of the WSBA. The Board Administrator shall not be entitled to vote on POL Board~~
13 ~~matters.~~

14 ~~F. Funding and Expenses. The POL Board shall prepare an annual budget to be~~
15 ~~submitted for approval and on a schedule set by the WSBA Board of Governors. The WSBA~~
16 ~~shall pay all expenses reasonably and necessarily incurred by the POL Board pursuant to the~~
17 ~~budget and the expense policy of the WSBA. Funding for the POL Board shall be provided by~~
18 ~~annual commitments from the WSBA and through a portion of other licensing fees established~~
19 ~~by the Supreme Court.~~

20 ~~G. Officers. The Supreme Court shall annually designate a chairperson and a vice-~~
21 ~~chairperson from among the POL Board membership.~~

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

1 ~~H. — Regular Meetings. The POL Board shall meet as necessary to complete its~~
2 ~~business not less than once per year as determined by the POL Board or upon call of the~~
3 ~~chairperson.~~

4 ~~I. — Regular Meeting / Agenda Notice. The POL Board may file with the Code~~
5 ~~Reviser a schedule of the time and place of regularly scheduled meetings in January of each~~
6 ~~year for publication in the Washington State Register. The POL Board shall post an agenda for~~
7 ~~each regular meeting on the Administrative Office of the Courts website or the WSBA website~~
8 ~~at least seven days prior to the meeting.~~

9 ~~J. — Special Meetings. A special meeting of the POL Board may be called at any~~
10 ~~time by the chairperson or by a majority of the POL Board membership by delivering written~~
11 ~~notice personally, by mail, or by e-mail to each Member at least two business days before the~~
12 ~~time of such meeting and by providing notice of the special meeting to the public on the~~
13 ~~Administrative Office of the Courts website or the WSBA website.~~

14 ~~K. — Voting. Each Member shall be entitled to one vote on each matter submitted to a~~
15 ~~vote at a meeting of the POL Board. A majority vote of the Members present at a meeting at~~
16 ~~which a quorum exists shall, unless a greater vote is required by other provisions of these~~
17 ~~regulations or by GR 25, decide any issue submitted.~~

18 ~~L. — Quorum. A majority of the Members shall constitute a quorum. The~~
19 ~~chairperson may appoint temporary members of the POL Board (or any designated committee)~~
20 ~~from among former members of the POL Board when a Member is disqualified or unable to~~
21 ~~function on a specific matter, for good cause. If less than a quorum is present at a meeting, a~~
22 ~~majority of the Members present may adjourn the meeting and continue it to a later date and~~
23 ~~majority of the Members present may adjourn the meeting and continue it to a later date and~~
24 ~~majority of the Members present may adjourn the meeting and continue it to a later date and~~
25 ~~majority of the Members present may adjourn the meeting and continue it to a later date and~~

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

1 ~~time upon notice. At any reconvened meeting at which a quorum is present, any business may~~
2 ~~be transacted which might have been transacted at the adjourned meeting. Members present at~~
3 ~~a properly called meeting may continue to transact business until adjournment, notwithstanding~~
4 ~~the withdrawal of Members leaving less than a quorum.~~

5 ~~**M. Action by Communication Equipment.** The Members or any designated~~
6 ~~committee may participate in a meeting of the POL Board or such designated committee by~~
7 ~~means of a conference phone or similar communications equipment by which all persons~~
8 ~~participating in the meeting can hear each other at the same time, and participation by such~~
9 ~~means will constitute presence in person at a meeting.~~

10 ~~**N. Action Without a Meeting.** Any action required or permitted to be taken at a~~
11 ~~POL Board meeting in Executive Session may be taken without a meeting if a written consent~~
12 ~~setting forth the action taken or to be taken is signed by each of the Members. Any such written~~
13 ~~consent (including facsimile and digital signatures) shall be inserted in the minute book as if it~~
14 ~~were the minutes of a POL Board meeting in Executive Session. Further, such consent shall~~
15 ~~have the same force and effect as a unanimous vote, and may be stated as such in any~~
16 ~~document filed for the public record.~~

17 ~~**O. Removal of a Member.** The POL Board may request the Supreme Court to~~
18 ~~declare a membership vacancy with respect to any Member whose removal from the POL~~
19 ~~Board would, upon a two-thirds vote of the POL Board excluding the affected Member, be in~~
20 ~~the best interest of the POL Board; however, such action may only be taken by the POL Board~~
21 ~~at a regular or special meeting following notice of such proposed action.~~

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

1 ~~P. Committees. The POL Board may establish such committees as the POL Board~~
2 ~~deems necessary and appropriate with each committee (designated committee) having a~~
3 ~~specified function determined by the POL Board and having the full jurisdiction and authority~~
4 ~~of the POL Board as provided in GR 25, except that: 1) no advisory opinion may be issued~~
5 ~~without the approval of the POL Board; 2) no determination of the unauthorized practice of~~
6 ~~law by a respondent and referral of a matter to a law enforcement or other~~
7 ~~agency may be made without the approval of the POL Board; and 3) the action of a designated~~
8 ~~committee on any matter shall be subject to review and approval/disapproval of the POL~~
9 ~~Board. The chairperson shall designate a committee chair for each designated committee to~~
10 ~~serve for a one-year term.~~

12 ~~Q. Records. The Board Administrator shall maintain minutes of the POL Board~~
13 ~~and its designated committees, deliberations, recommendations, and decisions. All records of~~
14 ~~the POL Board and its committees shall be filed and maintained at the principal office of the~~
15 ~~WSBA.~~

17 ~~R. Open Meeting and Records. All records, files, meetings and proceedings of the~~
18 ~~POL Board and its designated committees shall be open and public, except that the POL Board~~
19 ~~may meet in executive session and records and files may be made confidential where the~~
20 ~~preservation of confidentiality is desirable or where public disclosure might result in the~~
21 ~~violation of individual rights or in unwarranted private or personal harm. All discussions of~~
22 ~~particular complaints and investigations will be held in Executive Session. Nothing in these~~
23 ~~regulations shall be construed to deny access to relevant information by professional licensing~~
24 ~~or discipline agencies, or other law enforcement authorities, as the Board shall authorize.~~

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

1
2 ~~S. Public Participation.~~ The chairperson or the chair of any designated committee
3 may allow for public participation at any meeting. Members of the public who wish to address
4 the POL Board or a designated committee at any meeting shall be required to provide contact
5 information on a form provided for that purpose and shall be required to comply with any time
6 limitation deemed appropriate by the chairperson or the designated committee chair.
7

8 ~~T. Letterhead.~~ Use of POL Board letterhead shall be limited to official business of
9 the POL Board and specifically shall not be used in connection with any political campaign or
10 to support or oppose any public issue unless the POL Board has taken a position on the issue;
11 to support or oppose any political candidate; or for personal or charitable purposes.
12

REGULATION 4. CONFLICT OF INTEREST.

13 ~~A. In General.~~ A Member who has or has had a lawyer/client relationship or
14 financial relationship with, or who is an immediate family member of, a person or entity who is
15 a complainant or the subject of a matter before the POL Board shall not participate in the
16 investigation or deliberation on any matter involving that complainant, person, or entity. No
17 WSBA employee shall participate in deliberation on any matter which is pending in, or likely
18 to be referred to, the WSBA attorney disciplinary system or bar admission.
19

20 ~~B. Disclosure.~~ A Member with a past or present relationship, other than that as
21 provided in section A above, with a person or entity who is the complainant or subject of a
22 matter before the POL Board, shall disclose such relationship to the POL Board and, if the
23 POL Board deems it appropriate, that Member shall not participate in any action relating to
24 that matter.
25

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

REGULATION 5. ADVISORY OPINIONS.

1
2 ~~A. Requests for Advisory Opinions.~~ Any person may request an advisory opinion
3 from the POL Board relating to the authority of a non-lawyer to perform legal and law-related
4 services. Such requests shall be in writing in a form and in a manner prescribed by the POL
5 Board and signed by the person requesting the opinion.

6
7 ~~B. Board Initiated Advisory Opinions.~~ The POL Board may render advisory
8 opinions relating to the authority of non-lawyers to perform legal and law-related services in
9 connection with the consideration of any complaint or in any investigation made on its own
10 initiative relating to the unauthorized practice of law by any person or entity.

11 ~~C. Notice of Request.~~ The POL Board may give notice to any person or entity,
12 either personally or by publication, of any pending request for an advisory opinion or pending
13 POL Board initiated advisory opinion, and invite written comments regarding the pending
14 advisory opinion.

15
16 ~~D. Pending Controversy.~~ The POL Board may not render an advisory opinion in
17 any matter that, to its knowledge, is the subject of or might affect a case or controversy
18 pending in any court or administrative [attorney disciplinary] proceeding.

19 ~~E. Public Hearing.~~ The POL Board may conduct a public hearing at a date and
20 time and in a manner set by the POL Board, designed to make it accessible to interested parties
21 as determined by the Board, on any request for an advisory opinion or a POL Board initiated
22 advisory opinion.

23
24 ~~F. POL Board Action.~~ Upon receipt of a proper request for an advisory opinion,
25 the POL Board may issue an advisory opinion or proposed advisory opinion, or may decline to

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)

APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

1 ~~issue an advisory opinion. If the POL Board issues an advisory opinion, it shall be in writing~~
2 ~~and shall be transmitted to the person making the request, or in the case of a POL Board~~
3 ~~initiated advisory opinion, it may be transmitted to any person(s) determined by the POL Board~~
4 ~~for whose benefit or detriment the advisory opinion was issued.~~

5
6 ~~G. — Publication of Advisory Opinions. The POL Board may arrange for the~~
7 ~~publication of advisory opinions in the Washington State Bar News. Opinions so published~~
8 ~~shall not, insofar as practicable, identify the party or parties making the inquiry, the~~
9 ~~complainant or the respondent.~~

10 ~~H. — Petitions for Review. Petitions for review of any advisory opinion issued by the~~
11 ~~POL Board shall conform with Regulation 7 below.~~

REGULATION 6. COMPLAINTS.

12
13 ~~A. — Filing Complaints. Complaints alleging the unauthorized or unlicensed practice~~
14 ~~of law shall be submitted to the POL Board, in writing, in a form and manner prescribed by the~~
15 ~~POL Board.~~

16
17 ~~B. — Investigation. The POL Board may, on its own initiative and without any~~
18 ~~complaint being made to it, investigate any condition, situation or activity involving the~~
19 ~~unauthorized or unlicensed practice of law of which it becomes aware in the same manner as if~~
20 ~~a complaint had been made under section A above.~~

21 ~~C. — Initial Review of Complaints. Upon receipt of a complaint, the Board~~
22 ~~Administrator shall conduct an initial review to determine whether it is within the jurisdiction~~
23 ~~of the POL Board or may be subject to deferral. If not within the jurisdiction of the POL~~
24 ~~Board or if it is subject to deferral, the Board administrator shall advise the complainant that~~
25

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)

APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

1 the matter will not be opened as a complaint, and the reasons. The complainant may submit
2 additional information. All such items will be placed on the next POL Board agenda for
3 review and any action deemed appropriate by the POL Board. If the complaint is deemed to be
4 within the jurisdiction of the POL Board and not subject to deferral, the complaint will be
5 opened for investigation.

6
7 **D. Request for Response.** If a complaint is opened for investigation, a copy shall
8 be sent to the respondent with a request to respond within 20 days, and with notice that if the
9 respondent does not respond, the complaint shall be considered without a response.

10 **E. Report and Written Agreement.** The complainant and respondent shall be
11 interviewed and such other and further review or investigation may be conducted as is deemed
12 appropriate. A written report and recommendation will be submitted to the Board, by
13 transmitting it to the Board Administrator and the Members. All Members shall have one week
14 (5 working days) to submit comments respecting the report by transmitting them to the Board
15 Administrator and the Members. If the report recommends dismissal of the complaint and
16 there are no adverse comments from the Members within the comment period, the report and
17 recommendation shall be deemed adopted by the POL Board and the chairperson shall
18 immediately notify the complainant and the respondent, in writing, of the dismissal and the
19 matter shall be closed. If one or more Members disagree with the recommendation for
20 dismissal, the matter shall be placed on the agenda of the next meeting of the POL Board for
21 action by the POL Board. If the report concludes that there has been an unauthorized or
22 unlicensed practice of law, the matter shall be placed on the agenda of the next POL Board
23 meeting for action.
24
25

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)

APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

1 ~~F. — POL Board Review. — If upon POL Board review of a report and~~
2 ~~recommendation, the POL Board concludes that there has been no unauthorized or unlicensed~~
3 ~~practice of law, the complaint shall be dismissed and the chairperson shall so notify the~~
4 ~~complainant and the respondent, in writing, and shall close the file. — If the POL Board~~
5 ~~concludes that there has been unauthorized or unlicensed practice of law, the POL Board shall~~
6 ~~proceed in the following manner:~~

7
8 ~~(1) The POL Board shall attempt through the Chairperson or his or her designee to~~
9 ~~persuade the respondent to enter into a written agreement to refrain from the objectionable~~
10 ~~conduct in the future. Such written agreement shall be prepared by the Chairperson or his or~~
11 ~~her designee and may include a stipulation as to penalties in the event of continued~~
12 ~~unauthorized or unlicensed practice of law which is the subject matter of the agreement or~~
13 ~~violation of other terms of the agreement.~~

14
15 ~~(2) — If the respondent will not enter into a written agreement as set forth in (1)~~
16 ~~above, the POL Board may attempt to arrive at any other satisfactory disposition as determined~~
17 ~~by the POL Board. — In attempting to arrive at a satisfactory disposition, the POL Board may, at~~
18 ~~a regular or special POL Board meeting, or by a designated committee, conduct an informal~~
19 ~~conference with the respondent, which conference may, in the discretion of the chairperson or~~
20 ~~designated committee chair, be recorded electronically or reported by a certified court reporter.~~
21 ~~At such informal conference, the respondent may be represented by counsel, but the informal~~
22 ~~conference shall not be public, nor shall rules of evidence apply. If the informal conference~~
23 ~~was held by a designated committee, the chair shall render a report, in writing, to the POL~~
24 ~~Board at the next POL Board meeting for action. — If the POL Board determines that the~~

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

1 respondent has engaged in the unauthorized or unlicensed practice of law, the POL Board shall
2 endeavor to have the respondent enter into a written agreement to refrain from the
3 objectionable conduct in the future, in the same manner as provided in (1) above. If, however,
4 the respondent declines to enter into a written agreement, the POL Board may refer the matter
5 to the appropriate law enforcement or other agency in accordance with GR 25(h).

6
7 ~~G. Pending Controversy.~~ Notwithstanding the foregoing, the POL Board may
8 defer an investigation in any matter that, to its knowledge, is the subject of or might affect a
9 case or controversy pending in any court or administrative [attorney disciplinary] proceeding.

10 **H. Notice of Board Action.**

11 ~~(1) Notice to Parties.~~ The chairperson shall provide notice to any complainant who
12 has not been previously notified of dismissal and each respondent, other than a respondent who
13 has entered into a written agreement, of POL Board action with respect to the complaint or
14 self-initiated investigation within ten days of POL Board action. All such notices of POL
15 Board action shall inform the recipients of the right to petition for review by the Supreme
16 Court as prescribed in GR 25(g).

17
18 ~~(2) Publication of Notice.~~ The POL Board may, in its discretion, publish notice of
19 Board action on a complaint alleging the unauthorized practice of law in the Washington State
20 Bar News, on the WSBA website, or elsewhere as it deems appropriate. The Board
21 Administrator has discretion in drafting notices for publication, and they should include
22 sufficient information to adequately inform the public of the reasons for the Board's action and
23 conclusions.
24
25

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

REGULATION 7. PETITIONS FOR REVIEW.

1
2 Petitions for review from any action of the POL Board to the Supreme Court shall comply with
3 GR 25(g).

REGULATION 8. RECOMMENDATIONS TO THE SUPREME COURT.

4
5 **A. In General.** On the request of the Supreme Court or any person or organization,
6 or on its own initiative, the POL Board may recommend that non-lawyers be authorized to
7 engage in certain defined activities that otherwise constitute the practice of law as defined in
8 GR 24.

9
10 **B. Public Hearing.** The POL Board may, in its discretion, conduct a public hearing
11 upon such notice and at a date, time and in a manner as determined by the POL Board on any
12 self initiated action or request for a recommendation to the Supreme Court.

13
14 **C. Recommendation.** Any recommendation forwarded by the POL Board to the
15 Supreme Court that non-lawyers be authorized to engage in certain legal or law-related
16 activities that constitute the practice of law as defined in GR 24 shall set forth the determining
17 factors required by GR 25(c)(4), and any additional factors the POL Board deems relevant.

18 **D. Transmittal of Recommendation to the Board of Governors.** Any
19 recommendation from the POL Board pursuant to this Regulation 8 shall be submitted to the
20 WSBA Board of Governors for consideration and comment before transmission to the
21 Supreme Court. The recommendation of the POL Board with comments by the WSBA Board,
22 if any, shall be transmitted to the Supreme Court as provided in GR 25(c)(4). The WSBA
23 Board of Governors may affirm the recommendation of the POL Board or recommend that it
24 be modified or rejected.
25

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
APPENDIX GR 25 – PRACTICE OF LAW BOARD REGULATIONS

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[Approved effective December 2, 2004; Amended effective September 1, 2005.]

The Supreme Court
State of Washington

MARY E. FAIRHURST
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2053
E-MAIL MARY.FAIRHURST@COURTS.WA.GOV

November 30, 2018

Salvador A. Mungia, Chair
Access to Justice Board
1325 Fourth Avenue, Ste. 600
Seattle, WA 98101-2539

Re: FY19 Access to Justice Board Funding from the Supreme Court

Dear Sal:

At its November 28, 2018 en banc conference, the court unanimously approved the Access to Justice Board's proposed expenditures of the FY19 funding from the court. The justices appreciate all of the efforts of the Board and look forward to receiving updates on the Board's projects in 2019.

Please let me know if you have any questions. Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Mary".

MARY E. FAIRHURST
Chief Justice

cc: Ramsey Radwan, AOC
Paula Littlewood, WSBA Executive Dir.
Diana Singleton, ATJ Manager

**WASHINGTON STATE
BAR ASSOCIATION**

Office of the Executive Director
Paula C. Littlewood, Executive Director

December 10, 2018

Senator Christine Rolfes, Chair
Senate Ways and Means Committee
311 J.A. Cherberg Building
P.O. Box 40466
Olympia, WA 98504-0466

Representative Timm Ormsby, Chair
House Appropriations Committee
222A John L. O'Brien Building
P.O. Box 40600
Olympia, WA 98504-0600

Dear Chair Rolfes and Chair Ormsby,

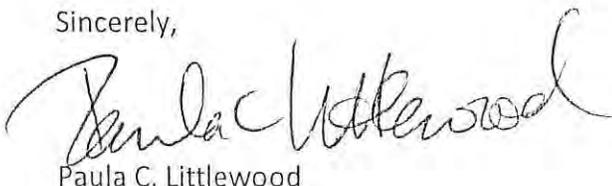
The Washington State Bar Association (WSBA) Council on Public Defense urges you to support the Washington State Office of Public Defense (OPD) biennial budget request for \$11 million to address seriously lagging compensation for state OPD contract attorneys. The requested funding will help slow high turnover among attorneys representing indigent parents in dependency and termination proceedings and indigent clients on appeal.

A recently updated study by an independent business consultant found that OPD contract attorneys earn, on average, \$30,000 a year less than other publicly funded attorneys in Washington. OPD must be able to offer competitive compensation in order to meet the state's obligation to provide indigent clients a constitutionally adequate level of representation.

The WSBA Council on Public Defense unites members of the public and private defense bar, the bench, elected officials, prosecutors, and the public to address new and recurring issues impacting the public defense system. The Council, by a supermajority, voted to support the Office of Public Defense request because its members are familiar with the significant disparity in pay, the resulting turnover in counsel for parents and for clients seeking review in the court of appeals, and the harmful delays this turnover causes parents, children, defendants, and victims. This position has been approved through the WSBA's legislative and court rule comment policy and the position is solely that of the Council on Public Defense.

The Council respectfully requests inclusion of the requested \$11 million for OPD contract attorney compensation in the Legislature's upcoming 2019-2021 biennial operating budget.

Sincerely,



Paula C. Littlewood

cc: Bill Pickett, President, Washington State Bar Association
Kyle Scuichetti, Governor, Washington State Bar Association
Joanne Moore, Director, Washington State Office of Public Defense
Senator David Frockt, Vice Chair, Senate Ways and Means Committee
Senator John Braun, Ranking Minority Member, Senate Ways and Means Committee
Representative June Robinson, Vice Chair, House Appropriations Committee
Representative Bruce Chandler, Ranking Minority Member, House Appropriations Committee

The Supreme Court
State of Washington

MARY E. FAIRHURST
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2053
E-MAIL MARY.FAIRHURST@COURTS.WA.GOV

December 13, 2018

Honorable Charles J. Delaurenti, II
King County District Court
PO Box 792
Renton, WA 98057-0792

Re: Modification to judicial membership of WSBA

Dear Judge  Delaurenti:

First, congratulations on 36 years as a district court judge--that is an incredibly long time to serve the people of King County. Thank you.

Second, you asked about the WSBA judicial membership category and the proposal to change it. I checked with the WSBA and what I learned is that WSBA staff have been working on a proposal to change WSBA's Bylaws to allow judicial members who retire to change to a new inactive status—"Inactive Retired Judicial"—which would carry the same basic licensing requirements as inactive membership: that is, a \$200 annual fee, no MCLE requirements, and no ability to practice law. It is the Executive Director's understanding that this proposal is being circulated among the DMCJA members for review and was being positively received. The WSBA has been working with Judge Marcine Anderson. The WSBA is waiting to receive official feedback from DMCJA before presenting this proposal to the Board of Governors. Right now the Supreme Court has put a hold on any WSBA Bylaw changes until the WSBA Structure Committee, a committee convened by the court, makes its recommendation.

Executive Director Littlewood commented that if the RCW requires district court judges to be in active status, then the proposed bylaw change would not help. If they only need to be in some status with the WSBA, then it would seem to cover them. So it may be that the issue you raise might relate more to the RCW and the requirements of individual courts with respect to pro tem work.

Although I recognize that this is not the answer you were seeking, I hope the information is helpful to you. Thanks again for writing and for your service.

Very truly yours,

A handwritten signature in black ink that reads "Mary E. Fairhurst". The signature is written in a cursive style with a long horizontal stroke at the end.

MARY E. FAIRHURST
Chief Justice

cc: Paula Littlewood, WSBA Executive Director

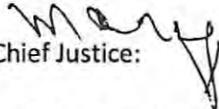
RECEIVED
NOV 09 2018
WASHINGTON STATE

The Honorable Mary E. Fairhurst
Chief Justice
Washington State Supreme Court
Temple of Justice
PO Box 40929
Olympia, WA. 98504-0929

Re: Modification to Judicial Membership of WSBA

November 6, 2018.

Dear Chief Justice:



This is a follow up of our brief conversation from the 50 Year Member luncheon on October 24, 2018, in Seattle.

As a current district court judge, 36 years, and retiring this year I find that the WSBA has changed the category for judicial membership. It previously allowed for me to retain judicial status but retired. I was still considered an active member of the bar so I could pro tem. The current rule reads that as soon as I retire I lose my judicial category.

To be able to pro tem in district court I currently have to ask to be transferred to active membership within 10 days of my last day on the bench or I am placed in inactive status. To move into active status, I must pay \$100 investigation fee, attend a one day class, and ask the bar to accept my judicial education credits which they may or may not accept.

The RCW for District Court pro tems requires that you be an active member of the Bar which we previously were while the Superior Court RDCW does not. Now I find that I must transfer to active status even though I have no intention of resuming full practice, opening an IOLTA account or obtaining insurance.

There is a proposal that would allow me to remain as a judicial member as a retired Judge so long as I complied with Judicial CJE's and pay whatever membership fee the bar set.

I would hope that you concur and urge the WSBA to pass this by consent prior to 12/28/2018.

I won't list my activities with the Judiciary for the last 36 years but I feel this modification which is before the WSBA should be passed by consent agenda.

Should you have any additional questions, I would be happy to respond.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Delaurenti, II". The signature is fluid and cursive, with a horizontal line at the end.

Charles J. Delaurenti, II
Judge,
King County District Court
PO Box 792
Renton, WA. 98057-0792

**WASHINGTON STATE
BAR ASSOCIATION**

Office of the Executive Director
Paula C. Littlewood, Executive Director

December 21, 2018

VIA ELECTRONIC AND FIRST CLASS MAIL

Hon. Mary E. Fairhurst
Chief Justice, Washington Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, Washington 98504-0929

Hon. Charles W. Johnson
Associate Chief Justice, Washington Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

RE: Withdraw Request for Newly Revised Technology Principles as Court Rules

Dear Chief Justice Fairhurst and Justice Johnson,

We are writing about the request the ATJ Board made on October 15, 2018, for the Court to review the updated technology principles as rules. The ATJ Board would like to withdraw its request at this time and submit a request for the Court to review the technology updates as principles early next year.

The ATJ Board is in the midst of soliciting additional feedback on the technology updates and has reached out to many court-related associations and hopes to receive feedback over the next couple of months. The ATJ Board will also be offering a webinar on January 25th to give stakeholders an opportunity to learn more about the technology updates and share their feedback. The ATJ Board will consider all feedback and potentially make revisions to the technology updates submitted earlier. The ATJ Board then plans to request that the Court adopt the revised technology updates as principles.

The ATJ Board still hopes that technology principles will one day become court rules. However, the Board knows that will take time and does not want to delay having updated technology principles in place.

If you have any questions, please feel free to contact us by directing them to Diana Singleton, Access to Justice Manager and WSBA staff to the ATJ Board, at dianas@wsba.org or 206-727-8205.

Sincerely,



Paula C. Littlewood
Executive Director, WSBA



Salvador Mungia
Chair, Access to Justice Board

cc: William D. Pickett, President, WSBA
Diana Singleton, Access to Justice Manager, WSBA
Shannon Hinchcliffe, Administrative Office of the Courts

The Supreme Court

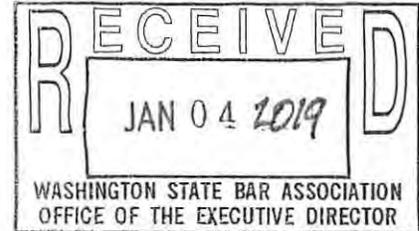
State of Washington

MARY E. FAIRHURST
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2053
E-MAIL MARY.FAIRHURST@COURTS.WA.GOV

December 31, 2018



Mr. Stephen Crossland
Chair, Limited License Legal Technician Board
Crossland Law Offices
305 Aplets Way
Cashmere, WA 98815-0566

Re: Limited License Legal Technician Board

Dear Steve:

I brought your request to have the Limited License Legal Technician (LLLT) Board meet more regularly with the court or to have a small committee/liaison of the Supreme Court meet with the LLLT Board. The court asked me to respond that the LLLT Board can request a meeting whenever necessary and also, since they are administrative matters, the LLLT Board or Board members can speak to any justice at any time.

Very truly yours,

A handwritten signature in cursive script that reads "Mary".

MARY E. FAIRHURST
Chief Justice

cc: Paula Littlewood, WSBA Executive Director ✓

The Supreme Court
State of Washington

CHARLES W. JOHNSON
JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2020
FACSIMILE (360) 357-2103
E-MAIL J.C.JOHNSON@COURTS.WA.GOV

January 8, 2019

Ms. Paula Littlewood
Executive Director
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Dear Ms. Littlewood:

Recently, the Washington Supreme Court ordered GR 24—Definition of Practice of Law published for comment with the comment period ending April 30, 2019. Upon the Supreme Court Rules Committee's review of the proposed amendment, members expressed concerns that proposed GR 24(b)(12) is lengthy and may require its own subsection. The committee is requesting that the proponents review the structure of the proposed rule during the comment period to determine whether restructuring of the proposed amendment is prudent.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Charles W. Johnson".

Charles W. Johnson, Chair
Supreme Court Rules Committee

cc: William D. Pickett, President, WSBA
Hon. Paul Bastine (Ret.), Chair, Practice of Law Board
Julie Shankland, Staff Liaison, Practice of Law Board

**WASHINGTON STATE
BAR ASSOCIATION**

Office of the Executive Director
Paula C. Littlewood, Executive Director

January 10, 2019

Hon. Charles W. Johnson
Associate Chief Justice
Washington Supreme Court
PO Box 40929
Olympia, WA 98501-2314

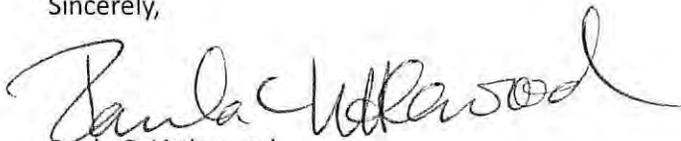
Re: Integration of ABA Model Rules with WA RPCs and Comment 13 to RPC 4.2

Dear Justice Johnson,

Enclosed please find a copy of two letters from Don Curran, Committee on Professional Ethics (CPE) Chair. The first letter is in response to your letter dated December 3, 2018, regarding integration of ABA Model Rules (adopted August 2018) with Washington RPCs related to lawyer advertising. The second letter is the CPE's response to your letter dated November 30, 2018, that requested input from the CPE on Comment 13 to RPC 4.2.

Please let me know if you have any questions or need additional information.

Sincerely,



Paula C. Littlewood

cc: William D. Pickett, WSBA President
Don Curran, CPE Chair
Jeanne Marie Clavere, CPE WSBA Staff Liaison

Delay, Curran, Thompson, Pontarolo & Walker, P.S.

Attorneys at Law

601 West Main, Suite 1212 • Spokane, WA 99201-0635
Phone (509) 455-9500, Toll-Free Number 1-800-572-0933
Fax (509) 623-1446

Smith Tower, 506 2nd Ave., 25th Floor • Seattle, WA 98104
Phone (206) 343-8535

All Correspondence to Spokane Office

JOSEPH P. DELAY
J. DONALD CURRAN
ROBERT H. THOMPSON
MICHAEL J. PONTAROLO
MICHAEL J. WALKER**
•
NICHOLAS J. PONTAROLO**
•
CLARENCE A. BOLING (1928-1977)

**Admitted in Washington & Idaho

January 2, 2019

Ms. Paula Littlewood, Executive Director
Washington State Bar Assn.
1325 Fourth Ave., Ste. 600
Seattle, WA 98101-2539

Re: Integration of ABA Model Rules (adopted August 2018) with WA RPC and in lawyer advertising rules published for comment

Dear Paula:

This is in response to Justice Charles W. Johnson's letter to you dated December 3, 2018 seeking confirmation that the Committee on Professional Ethics (CPE) was aware of the ABA's August 2018 action to adopt specific changes to the Model Rules and that the recent action does not require the CPE's further consideration of the proposed amendments to the Washington RPCs.

The CPE was aware of the ABA work in this regard and took it into account. The CPE, however, favored the modified version of the Association of Professional Responsibility Lawyers (APRL) 2015 report and 2016 supplemental report proposals, which were ultimately forwarded to the Supreme Court and which the court published for public comment earlier this month. The ABA and WSBA versions are both rooted – with modifications in each – in the original APRL proposals. The CPE is not seeking any reconsideration of its proposal.

The first two sentences of the Comment to proposed RPC 7.3, Comment 12, are no longer correct. Attached is the new, revised language made necessary because the ABA removed the labeling requirement for solicitation from Model Rule 7.3 in August, 2018, which was after the CPE proposed rule was forwarded to the court. In

Ms. Paula Littlewood
January 2, 2019
Page 2

addition, the ABA moved the provision about prepaid or group legal service plans from (d) to (e) in Model Rule 7.3 in the August revisions.

Sincerely,



J. DONALD CURRAN

JDC:lwe

cc: Jeanne Marie Clavere
Mark Fucile
Darlene Neumann

SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE 7 – INFORMATION ABOUT LEGAL SERVICES

1 judgment in employing a lawyer” extends to an individual with diminished capacity who
2 cannot adequately act in the individual’s own interest, and the provisions of Rule 1.14 may
3 provide guidance in evaluating “the physical, emotional or mental” state of the subject.
4

5 ~~[11] Those in need of legal representation often seek assistance in finding a lawyer through~~
6 ~~a lawyer referral service. Washington adopted paragraph (a)(3) in order to facilitate~~
7 ~~communication between lawyers and potential clients who have specifically requested a~~
8 ~~referral from a not-for-profit lawyer referral service. Under this paragraph, a lawyer receiving~~
9 ~~such a referral may contact the potential client directly by in-person, live telephone, or real-~~
10 ~~time electronic contact to discuss possible representation. Under Rule 5.1, Rule 5.3, and Rule~~
11 ~~8.4(a), the solicitation restrictions that apply to the lawyer’s own acts or conduct also extend~~
12 ~~to acts or conduct by employees, agents, or any third persons acting on the lawyer’s behalf.~~

13 **Proposed RPC 7.3, cmt. [12] (revision based on ABA revisions in August 2018):**

14 ~~[12] Washington did not adopt paragraph (c) of the Model Rule relating to labeling of~~
15 ~~communications with prospective clients and solicitations. A specific labeling requirement~~
16 ~~is unnecessary in light of the prohibitions in Rule 7.1 and Rule 7.3(a)(1) against false or~~
17 ~~misleading communications regarding the lawyer or the lawyer’s services and in solicitations~~
18 ~~of professional employment. Washington also has not adopted paragraph (d) of the Model~~
19 ~~Rule creating a safe harbor for in-person and telephonic solicitations in the context of a~~
20 ~~prepaid or group legal services plan because solicitations of professional employment by any~~
21 ~~means and in all contexts are permitted subject to the exceptions contained in paragraphs~~
22 ~~(a)(1) – (4). In addition, prior provisions and comments under Rule 7.3 in Washington~~
23 ~~relating to in-person, telephonic, or real-time electronic solicitations in the context of~~
24 ~~referrals from a third party or a lawyer referral service have been removed because~~
25 ~~solicitations by any means in this context are permitted subject to the exceptions contained~~
26 ~~in paragraphs (a)(1) – (4) of this Rule.~~

Delay, Curran, Thompson, Pontarolo & Walker, P.S.

Attorneys at Law

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All Correspondence to Spokane Office

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MICHAEL J. WALKER**
•
NICHOLAS J. PONTAROLO**
•
CLARENCE A. BOLING (1928-1977)

**Admitted in Washington & Idaho

January 2, 2019

Ms. Paula Littlewood, Executive Director
Washington State Bar Assn.
1325 Fourth Ave., Ste. 600
Seattle, WA 98101-2539

Re: Comment 13 to RPC 4.2

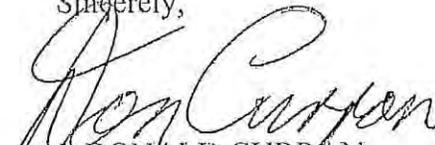
Dear Paula:

At its December 21st meeting, the Committee on Professional Ethics (CPE) reviewed the letter of Eric Marks dated October 16, 2018. Mr. Marks raised concerns as to how the proposed Comment 13 to RPC 4.2 – Communication with Person Represented by a Lawyer – would apply to transactional practice and litigation. Mr. Marks recommends that the proposed Comment 13 expressly state that it covers matters of conflict and litigation and does not include transactional work.

The committee was of the view that the proposed Comment 13 conforms to the holding of *In re Disciplinary Proceeding Against Haley*, 156 Wash. 2d 324, 334, 126 P.3d 1262, 1266-67 (2006) in which it held generally that RPC 4.2(a) does apply to pro se lawyers. Haley's infraction did occur in the context of litigation, but there is no indication in the opinion that the court intended to so limit its holding.

The CPE does not recommend the proposal of Mr. Marks.

Sincerely,


J. DONALD CURRAN

JDC:lwe

cc: Jeanne Marie Clavere
Tom Andrews
Darlene Neumann

The Supreme Court
State of Washington

CHARLES W. JOHNSON
JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2020
FACSIMILE (360) 357-2103
E-MAIL J.C.JOHNSON@COURTS.WA.GOV

December 3, 2018

Ms. Paula Littlewood
Executive Director
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

DEC 06 2018

Dear Ms. Littlewood:

The Supreme Court Rules Committee received a submission from the American Bar Association (ABA) Center for Professional Responsibility requesting the court integrate changes to the Washington Rules of Professional Conduct (RPCs) based on changes to the Model Rules of Professional Conduct adopted by the ABA in August 2018. The ABA changes are related primarily to lawyer advertising and streamlining communication.

As you are aware, the Supreme Court recently ordered the Washington State Bar Association's proposed amendments to RPCs 5.5 and 7.1-7.5 published for comment in January 2019, with the comment period ending April 30, 2019. The GR 9 cover sheet for these proposed amendments refers to action based on the Association of Professional Responsibility Lawyers (APRL)'s 2015 report and 2016 supplemental report. The committee would like to confirm that the WSBA Committee on Professional Ethics (CPE) is aware of the ABA's August 2018 action to adopt specific changes to the model rules, and that the recent action does not require their further consideration of the proposed amendments to Washington's RPCs. The committee looks forward to reviewing the CPE's response.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles W. Johnson".

Charles W. Johnson
Chair, Supreme Court Rules Committee

Enclosures

cc: Jeanne Marie Clavere, WSBA Professional Responsibility Counsel
William D. Pickett, WSBA President

2018 – 2019

AMERICAN BAR ASSOCIATION

Center for Professional Responsibility
Policy Implementation Committee
321 N. Clark Street
Chicago, IL 60610
Phone: (312) 988-5310
Mary.mcdermott@americanbar.org

John S. Gleason, CHAIR
Burns, Figa & Will, P.C.
Greenwood Village, CO

October 25, 2018

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Honorable Mary E. Fairhurst
Chief Justice
Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Re: Recent amendments to Rules 7.1 – 7.5 of the ABA Model Rules of Professional Conduct

Dear Chief Justice Fairhurst:

I write to report on recent amendments to the ABA Model Rules of Professional Conduct regarding lawyer advertising and hope that your Court will review these changes and consider integrating them into your state's rules of professional conduct. Members of the ABA Center for Professional Responsibility Policy Implementation Committee, which I chair, are available to meet in person and via telephone to discuss these amendments with you, your court, and any committee of the court, bar association, or disciplinary office reviewing these issues. A clean copy of ABA Model Rules of Professional Conduct 7.1 – 7-3 as well as a copy of the redline version of the proposal are enclosed.

At the August ABA House of Delegates Annual Meeting, amendments to the ABA Model Rules of Professional Conduct were adopted that revise Rules 7.1 through 7.5. Importantly, revised Rules 7.2 and 7.3 continue to prohibit both paying for a recommendation and most in-person solicitation. Additionally, the black letter of Model Rule 7.1 has not been amended. A lawyer may not make a false or misleading communication about the lawyer or the lawyers services. Generally, the amendments adopted streamline provisions regarding how lawyers communicate about their services. Specifically, these amendments:

- Combine provisions on communications concerning a lawyer's services that were addressed separately in Model Rule 7.4 (specialization) and Rule 7.5 (firm names) into revised Rule 7.2, now titled Communications Concerning a Lawyer's Services: Specific Rules, and the Comments of Rule 7.1, respectively.
- Amend Rule 7.2 to permit nominal thank you gifts under certain conditions. A nominal gift is permissible only when it is not expected or received as payment for the recommendation.
- Amend Rule 7.2 (b) to allow lawyers to give something "of value" to employees or lawyers in the same firm. As to lawyers, this new language in Rule 7.2 (b) reflects the common and legitimate practice of rewarding lawyers in the same firm for generating business. This is not a change; it is a clarification of existing rules. As to employees, lawyers should be permitted to give nominal gifts to non-lawyers, e.g. paralegals who may refer friends or family members to a firm, marketing personnel and others. Rule 5.4 continues to protect against any improper fee sharing. Rule 7.3 protects against solicitation by, for example, "runners," which are also prohibited by other rules, e.g. Rule 8.4(a).

RECEIVED

OCT 30 2018

WASHINGTON STATE
SUPERIOR COURT

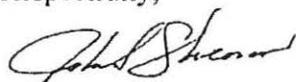
- In new paragraph 7.2 (d) [formerly paragraph (c)] the term “office address” is changed to “contact information” to address technological advances in how a lawyer may be contacted and how advertising information may be presented. Examples of contact information are added in new Comment [12]. All “communications” about a lawyer’s services must include the firm name (or lawyer’s name) and some contact information (street address, telephone number, email, or website address).
- Amend Rule 7.3 to include a definition of solicitation in the black letter and define it as “a communication initiated by or on behalf of a lawyer or law firm that is directed to a specific person the lawyer knows or reasonably should know needs legal services in a particular matter and that offers to provide, or reasonably can be understood as offering to provide, legal services for that matter.”
- Amend Rule 7.3 so that it no longer prohibits real-time electronic solicitation because real-time electronic communication includes texts and Tweets. These forms of communication are more like a written communication, which allow the reader to pause before responding and creates less pressure to immediately respond or to respond at all, unlike a direct interpersonal encounter.
- Amend Rule 7.3 to allow a lawyer to solicit by live, person-to-person contact another person who routinely uses for business purposes the type of legal services offered by the lawyer. Previously the only exceptions were if the recipient of the solicitation was another lawyer, a family member, a close personal friend, or someone with whom the lawyer had a prior professional relationship.
- Amend Rule 7.3 to eliminate the labeling requirement for targeted mailings, but continue to prohibit any solicitation that involves coercion, duress or harassment, or when the recipient of the solicitation has made known to the lawyer the desire not to be solicited.

The proposal to amend the advertising rules was brought to the ABA House of Delegates by the ABA Standing Committee on Ethics and Professional Responsibility after more than two years of study and public hearings. The impetus for the Ethics Committee’s work was two reports issued by the Association of Professional Responsibility Lawyers (APRL) on lawyer advertising.

Please do not hesitate to contact Mary McDermott, Education and Policy Implementation Counsel at the ABA Center for Professional Responsibility regarding any information or assistance we can provide. Mary.mcdermott@americanbar.org

We will be emailing copies of this letter and the enclosures to your State Bar Association President, State Bar Association Executive Director, lawyer disciplinary agency head, and the ABA state delegate from your jurisdiction so that they are aware of our invitation to assist in the study, and possible adoption by your jurisdiction, of these Model Rule amendments.

Thank you for your consideration.
Respectfully,



John S. Gleason, Chair
Center for Professional Responsibility
Policy Implementation Committee

MODEL RULE 7.1: COMMUNICATIONS CONCERNING A LAWYER'S SERVICES

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

Comment

[1] This Rule governs all communications about a lawyer's services, including advertising. Whatever means are used to make known a lawyer's services, statements about them must be truthful.

[2] Misleading truthful statements are prohibited by this Rule. A truthful statement is misleading if it omits a fact necessary to make the lawyer's communication considered as a whole not materially misleading. A truthful statement is misleading if a substantial likelihood exists that it will lead a reasonable person to formulate a specific conclusion about the lawyer or the lawyer's services for which there is no reasonable factual foundation. A truthful statement is also misleading if presented in a way that creates a substantial likelihood that a reasonable person would believe the lawyer's communication requires that person to take further action when, in fact, no action is required.

[3] A communication that truthfully reports a lawyer's achievements on behalf of clients or former clients may be misleading if presented so as to lead a reasonable person to form an unjustified expectation that the same results could be obtained for other clients in similar matters without reference to the specific factual and legal circumstances of each client's case. Similarly, an unsubstantiated claim about a lawyer's or law firm's services or fees, or an unsubstantiated comparison of the lawyer's or law firm's services or fees with those of other lawyers or law firms, may be misleading if presented with such specificity as would lead a reasonable person to conclude that the comparison or claim can be substantiated. The inclusion of an appropriate disclaimer or qualifying language may preclude a finding that a statement is likely to create unjustified expectations or otherwise mislead the public.

[4] It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. Rule 8.4(c). See also Rule 8.4(e) for the prohibition against stating or implying an ability to improperly influence a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law.

[5] Firm names, letterhead and professional designations are communications concerning a lawyer's services. A firm may be designated by the names of all or some of its current members, by the names of deceased members where there has been a succession in the firm's identity or by a trade name if it is not false or misleading. A lawyer or law firm also may be designated by a distinctive website address, social media username or comparable professional designation that is not misleading. A law firm name or designation is misleading if it implies a connection with a government agency, with a deceased lawyer who was not a former member of the firm, with a lawyer not associated with the firm or a predecessor firm, with a nonlawyer or with a public or charitable legal services organization. If a firm uses a trade name that includes a geographical name such as "Springfield Legal Clinic," an express statement explaining that it is not a public legal aid organization may be required to avoid a misleading implication.

August 20, 2018

[6] A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction.

[7] Lawyers may not imply or hold themselves out as practicing together in one firm when they are not a firm, as defined in Rule 1.0(c), because to do so would be false and misleading.

[8] It is misleading to use the name of a lawyer holding a public office in the name of a law firm, or in communications on the law firm's behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

**RULE 7.2: COMMUNICATIONS CONCERNING
A LAWYER'S SERVICES: SPECIFIC RULES**

(a) A lawyer may communicate information regarding the lawyer's services through any media.

(b) A lawyer shall not compensate, give or promise anything of value to a person for recommending the lawyer's services except that a lawyer may:

(1) pay the reasonable costs of advertisements or communications permitted by this Rule;

(2) pay the usual charges of a legal service plan or a not-for-profit or qualified lawyer referral service;

(3) pay for a law practice in accordance with Rule 1.17;

(4) refer clients to another lawyer or a nonlawyer professional pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the lawyer, if:

(i) the reciprocal referral agreement is not exclusive; and

(ii) the client is informed of the existence and nature of the agreement;
and

(5) give nominal gifts as an expression of appreciation that are neither intended nor reasonably expected to be a form of compensation for recommending a lawyer's services.

(c) A lawyer shall not state or imply that a lawyer is certified as a specialist in a particular field of law, unless:

(1) the lawyer has been certified as a specialist by an organization that has been approved by an appropriate authority of the state or the District of Columbia or a U.S. Territory or that has been accredited by the American Bar Association; and

(2) the name of the certifying organization is clearly identified in the communication.

(d) Any communication made under this Rule must include the name and contact information of at least one lawyer or law firm responsible for its content.

August 20, 2018

Comment

[1] This Rule permits public dissemination of information concerning a lawyer's or law firm's name, address, email address, website, and telephone number; the kinds of services the lawyer will undertake; the basis on which the lawyer's fees are determined, including prices for specific services and payment and credit arrangements; a lawyer's foreign language ability; names of references and, with their consent, names of clients regularly represented; and other information that might invite the attention of those seeking legal assistance.

Paying Others to Recommend a Lawyer

[2] Except as permitted under paragraphs (b)(1)-(b)(5), lawyers are not permitted to pay others for recommending the lawyer's services. A communication contains a recommendation if it endorses or vouches for a lawyer's credentials, abilities, competence, character, or other professional qualities. Directory listings and group advertisements that list lawyers by practice area, without more, do not constitute impermissible "recommendations."

[3] Paragraph (b)(1) allows a lawyer to pay for advertising and communications permitted by this Rule, including the costs of print directory listings, on-line directory listings, newspaper ads, television and radio airtime, domain-name registrations, sponsorship fees, Internet-based advertisements, and group advertising. A lawyer may compensate employees, agents and vendors who are engaged to provide marketing or client development services, such as publicists, public-relations personnel, business-development staff, television and radio station employees or spokespersons and website designers.

[4] Paragraph (b)(5) permits lawyers to give nominal gifts as an expression of appreciation to a person for recommending the lawyer's services or referring a prospective client. The gift may not be more than a token item as might be given for holidays, or other ordinary social hospitality. A gift is prohibited if offered or given in consideration of any promise, agreement or understanding that such a gift would be forthcoming or that referrals would be made or encouraged in the future.

[5] A lawyer may pay others for generating client leads, such as Internet-based client leads, as long as the lead generator does not recommend the lawyer, any payment to the lead generator is consistent with Rules 1.5(e) (division of fees) and 5.4 (professional independence of the lawyer), and the lead generator's communications are consistent with Rule 7.1 (communications concerning a lawyer's services). To comply with Rule 7.1, a lawyer must not pay a lead generator that states, implies, or creates a reasonable impression that it is recommending the lawyer, is making the referral without payment from the lawyer, or has analyzed a person's legal problems when determining which lawyer should receive the referral. See Comment [2] (definition of "recommendation"). See also Rule 5.3 (duties of lawyers and law firms with respect to the conduct of nonlawyers); Rule 8.4(a) (duty to avoid violating the Rules through the acts of another).

[6] A lawyer may pay the usual charges of a legal service plan or a not-for-profit or qualified lawyer referral service. A legal service plan is a prepaid or group legal service plan or a

similar delivery system that assists people who seek to secure legal representation. A lawyer referral service, on the other hand, is any organization that holds itself out to the public as a lawyer referral service. Qualified referral services are consumer-oriented organizations that provide unbiased referrals to lawyers with appropriate experience in the subject matter of the representation and afford other client protections, such as complaint procedures or malpractice insurance requirements. Consequently, this Rule only permits a lawyer to pay the usual charges of a not-for-profit or qualified lawyer referral service. A qualified lawyer referral service is one that is approved by an appropriate regulatory authority as affording adequate protections for the public. See, e.g., the American Bar Association's Model Supreme Court Rules Governing Lawyer Referral Services and Model Lawyer Referral and Information Service Quality Assurance Act.

[7] A lawyer who accepts assignments or referrals from a legal service plan or referrals from a lawyer referral service must act reasonably to assure that the activities of the plan or service are compatible with the lawyer's professional obligations. Legal service plans and lawyer referral services may communicate with the public, but such communication must be in conformity with these Rules. Thus, advertising must not be false or misleading, as would be the case if the communications of a group advertising program or a group legal services plan would mislead the public to think that it was a lawyer referral service sponsored by a state agency or bar association.

[8] A lawyer also may agree to refer clients to another lawyer or a nonlawyer professional, in return for the undertaking of that person to refer clients or customers to the lawyer. Such reciprocal referral arrangements must not interfere with the lawyer's professional judgment as to making referrals or as to providing substantive legal services. See Rules 2.1 and 5.4(c). Except as provided in Rule 1.5(e), a lawyer who receives referrals from a lawyer or nonlawyer professional must not pay anything solely for the referral, but the lawyer does not violate paragraph (b) of this Rule by agreeing to refer clients to the other lawyer or nonlawyer professional, so long as the reciprocal referral agreement is not exclusive and the client is informed of the referral agreement. Conflicts of interest created by such arrangements are governed by Rule 1.7. Reciprocal referral agreements should not be of indefinite duration and should be reviewed periodically to determine whether they comply with these Rules. This Rule does not restrict referrals or divisions of revenues or net income among lawyers within firms comprised of multiple entities.

Communications about Fields of Practice

[9] Paragraph (c) of this Rule permits a lawyer to communicate that the lawyer does or does not practice in particular areas of law. A lawyer is generally permitted to state that the lawyer "concentrates in" or is a "specialist," practices a "specialty," or "specializes in" particular fields based on the lawyer's experience, specialized training or education, but such communications are subject to the "false and misleading" standard applied in Rule 7.1 to communications concerning a lawyer's services.

[10] The Patent and Trademark Office has a long-established policy of designating lawyers practicing before the Office. The designation of Admiralty practice also has a long historical tradition associated with maritime commerce and the federal courts. A lawyer's communications about these practice areas are not prohibited by this Rule.

August 20, 2018

[11] This Rule permits a lawyer to state that the lawyer is certified as a specialist in a field of law if such certification is granted by an organization approved by an appropriate authority of a state, the District of Columbia or a U.S. Territory or accredited by the American Bar Association or another organization, such as a state supreme court or a state bar association, that has been approved by the authority of the state, the District of Columbia or a U.S. Territory to accredit organizations that certify lawyers as specialists. Certification signifies that an objective entity has recognized an advanced degree of knowledge and experience in the specialty area greater than is suggested by general licensure to practice law. Certifying organizations may be expected to apply standards of experience, knowledge and proficiency to ensure that a lawyer's recognition as a specialist is meaningful and reliable. To ensure that consumers can obtain access to useful information about an organization granting certification, the name of the certifying organization must be included in any communication regarding the certification.

Required Contact Information

[12] This Rule requires that any communication about a lawyer or law firm's services include the name of, and contact information for, the lawyer or law firm. Contact information includes a website address, a telephone number, an email address or a physical office location.

MODEL RULE 7.3: SOLICITATION OF CLIENTS

(a) “Solicitation” or “solicit” denotes a communication initiated by or on behalf of a lawyer or law firm that is directed to a specific person the lawyer knows or reasonably should know needs legal services in a particular matter and that offers to provide, or reasonably can be understood as offering to provide, legal services for that matter.

(b) A lawyer shall not solicit professional employment by live person-to-person contact when a significant motive for the lawyer’s doing so is the lawyer’s or law firm’s pecuniary gain, unless the contact is with a:

(1) lawyer;

(2) person who has a family, close personal, or prior business or professional relationship with the lawyer or law firm; or

(3) person who routinely uses for business purposes the type of legal services offered by the lawyer.

(c) A lawyer shall not solicit professional employment even when not otherwise prohibited by paragraph (b), if:

(1) the target of the solicitation has made known to the lawyer a desire not to be solicited by the lawyer; or

(2) the solicitation involves coercion, duress or harassment.

(d) This Rule does not prohibit communications authorized by law or ordered by a court or other tribunal.

(e) Notwithstanding the prohibitions in this Rule, a lawyer may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the lawyer that uses live person-to-person contact to enroll members or sell subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan.

Comment

[1] Paragraph (b) prohibits a lawyer from soliciting professional employment by live person-to-person contact when a significant motive for the lawyer’s doing so is the lawyer’s or the law firm’s pecuniary gain. A lawyer’s communication is not a solicitation if it is directed to the general public, such as through a billboard, an Internet banner advertisement, a website or a television commercial, or if it is in response to a request for information or is automatically generated in response to electronic searches.

August 20, 2018

[2] “Live person-to-person contact” means in-person, face-to-face, live telephone and other real-time visual or auditory person-to-person communications where the person is subject to a direct personal encounter without time for reflection. Such person-to-person contact does not include chat rooms, text messages or other written communications that recipients may easily disregard. A potential for overreaching exists when a lawyer, seeking pecuniary gain, solicits a person known to be in need of legal services. This form of contact subjects a person to the private importuning of the trained advocate in a direct interpersonal encounter. The person, who may already feel overwhelmed by the circumstances giving rise to the need for legal services, may find it difficult to fully evaluate all available alternatives with reasoned judgment and appropriate self-interest in the face of the lawyer’s presence and insistence upon an immediate response. The situation is fraught with the possibility of undue influence, intimidation, and over-reaching.

[3] The potential for overreaching inherent in live person-to-person contact justifies its prohibition, since lawyers have alternative means of conveying necessary information. In particular, communications can be mailed or transmitted by email or other electronic means that do not violate other laws. These forms of communications make it possible for the public to be informed about the need for legal services, and about the qualifications of available lawyers and law firms, without subjecting the public to live person-to-person persuasion that may overwhelm a person’s judgment.

[4] The contents of live person-to-person contact can be disputed and may not be subject to third-party scrutiny. Consequently, they are much more likely to approach (and occasionally cross) the dividing line between accurate representations and those that are false and misleading.

[5] There is far less likelihood that a lawyer would engage in overreaching against a former client, or a person with whom the lawyer has a close personal, family, business or professional relationship, or in situations in which the lawyer is motivated by considerations other than the lawyer’s pecuniary gain. Nor is there a serious potential for overreaching when the person contacted is a lawyer or is known to routinely use the type of legal services involved for business purposes. Examples include persons who routinely hire outside counsel to represent the entity; entrepreneurs who regularly engage business, employment law or intellectual property lawyers; small business proprietors who routinely hire lawyers for lease or contract issues; and other people who routinely retain lawyers for business transactions or formations. Paragraph (b) is not intended to prohibit a lawyer from participating in constitutionally protected activities of public or charitable legal-service organizations or bona fide political, social, civic, fraternal, employee or trade organizations whose purposes include providing or recommending legal services to their members or beneficiaries.

[6] A solicitation that contains false or misleading information within the meaning of Rule 7.1, that involves coercion, duress or harassment within the meaning of Rule 7.3 (c)(2), or that involves contact with someone who has made known to the lawyer a desire not to be solicited by the lawyer within the meaning of Rule 7.3(c)(1) is prohibited. Live, person-to-person contact of individuals who may be especially vulnerable to coercion or duress is ordinarily not appropriate, for example, the elderly, those whose first language is not English, or the disabled.

August 20, 2018

[7] This Rule does not prohibit a lawyer from contacting representatives of organizations or groups that may be interested in establishing a group or prepaid legal plan for their members, insureds, beneficiaries or other third parties for the purpose of informing such entities of the availability of and details concerning the plan or arrangement which the lawyer or lawyer's firm is willing to offer. This form of communication is not directed to people who are seeking legal services for themselves. Rather, it is usually addressed to an individual acting in a fiduciary capacity seeking a supplier of legal services for others who may, if they choose, become prospective clients of the lawyer. Under these circumstances, the activity which the lawyer undertakes in communicating with such representatives and the type of information transmitted to the individual are functionally similar to and serve the same purpose as advertising permitted under Rule 7.2.

[8] Communications authorized by law or ordered by a court or tribunal include a notice to potential members of a class in class action litigation.

[9] Paragraph (e) of this Rule permits a lawyer to participate with an organization which uses personal contact to enroll members for its group or prepaid legal service plan, provided that the personal contact is not undertaken by any lawyer who would be a provider of legal services through the plan. The organization must not be owned by or directed (whether as manager or otherwise) by any lawyer or law firm that participates in the plan. For example, paragraph (e) would not permit a lawyer to create an organization controlled directly or indirectly by the lawyer and use the organization for the person-to-person solicitation of legal employment of the lawyer through memberships in the plan or otherwise. The communication permitted by these organizations must not be directed to a person known to need legal services in a particular matter, but must be designed to inform potential plan members generally of another means of affordable legal services. Lawyers who participate in a legal service plan must reasonably assure that the plan sponsors are in compliance with Rules 7.1, 7.2 and 7.3 (c).

The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association.

REVISED 101

AMERICAN BAR ASSOCIATION

**STANDING COMMITTEE ON ETHICS AND PROFESSIONAL
RESPONSIBILITY**

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association amends Rules 7.1 through 7.5 and
- 2 Comments of the ABA Model Rules of Professional Conduct as follows (insertions
- 3 underlined, deletions ~~struck through~~):

The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association.

REVISED 101

Rules 7.1 through 7.5 and Comments of the ABA Model Rules of Professional Conduct (August 2018)

1 Model Rule 7.1: Communications Concerning A Lawyer's Services

2
3 A lawyer shall not make a false or misleading communication about the lawyer or
4 the lawyer's services. A communication is false or misleading if it contains a
5 material misrepresentation of fact or law, or omits a fact necessary to make the
6 statement considered as a whole not materially misleading.

7 8 Comment

9
10 [1] This Rule governs all communications about a lawyer's services, including advertising.
11 ~~permitted by Rule 7.2.~~ Whatever means are used to make known a lawyer's services,
12 statements about them must be truthful.

13
14 ~~[2] Truthful statements that are Mmisleading truthful statements are also prohibited by~~
15 ~~this Rule. A truthful statement is misleading if it omits a fact necessary to make the~~
16 ~~lawyer's communication considered as a whole not materially misleading. A truthful~~
17 ~~statement is also-misleading if there is a substantial likelihood exists that it will lead a~~
18 ~~reasonable person to formulate a specific conclusion about the lawyer or the lawyer's~~
19 ~~services for which there is no reasonable factual foundation. A truthful statement is also~~
20 ~~misleading if presented in a way that creates a substantial likelihood that a reasonable~~
21 ~~person would believe the lawyer's communication requires that person to take further~~
22 ~~action when, in fact, no action is required.~~

23
24 ~~[3] It is misleading for a communication to provide information about a lawyer's fee without~~
25 ~~indicating the client's responsibilities for costs, if any. If the client may be responsible for~~
26 ~~costs in the absence of a recovery, a communication may not indicate that the lawyer's~~
27 ~~fee is contingent on obtaining a recovery unless the communication also discloses that~~
28 ~~the client may be responsible for court costs and expenses of litigation. See Rule 1.5(c).~~

29
30 ~~[3][4] An advertisement A communication that truthfully reports a lawyer's achievements~~
31 ~~on behalf of clients or former clients may be misleading if presented so as to lead a~~
32 ~~reasonable person to form an unjustified expectation that the same results could be~~
33 ~~obtained for other clients in similar matters without reference to the specific factual and~~
34 ~~legal circumstances of each client's case. Similarly, an unsubstantiated claim about a~~
35 ~~lawyer's or law firm's services or fees, or an unsubstantiated comparison of the lawyer's~~
36 ~~or law firm's services or fees with the services or fees those of other lawyers or law firms,~~
37 ~~may be misleading if presented with such specificity as would lead a reasonable person~~
38 ~~to conclude that the comparison or claim can be substantiated. The inclusion of an~~
39 ~~appropriate disclaimer or qualifying language may preclude a finding that a statement is~~
40 ~~likely to create unjustified expectations or otherwise mislead the public.~~

The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association.

REVISED 101

41
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43 fraud, deceit or misrepresentation. Rule 8.4(c). See also Rule 8.4(e) for the prohibition
44 against stating or implying an ability to improperly influence improperly a government
45 agency or official or to achieve results by means that violate the Rules of Professional
46 Conduct or other law.

47
48 [5][6] Firm names, letterhead and professional designations are communications
49 concerning a lawyer's services. A firm may be designated by the names of all or some of
50 its current members, by the names of deceased members where there has been a
51 succession in the firm's identity or by a trade name if it is not false or misleading. A lawyer
52 or law firm also may be designated by a distinctive website address, social media
53 username or comparable professional designation that is not misleading. A law firm name
54 or designation is misleading if it implies a connection with a government agency, with a
55 deceased lawyer who was not a former member of the firm, with a lawyer not associated
56 with the firm or a predecessor firm, with a nonlawyer or with a public or charitable legal
57 services organization. If a firm uses a trade name that includes a geographical name such
58 as "Springfield Legal Clinic," an express statement explaining that it is not a public legal
59 aid organization may be required to avoid a misleading implication.

60
61 [6][7] A law firm with offices in more than one jurisdiction may use the same name or other
62 professional designation in each jurisdiction.

63
64 [7][8] Lawyers may not imply or hold themselves out as practicing together in one firm
65 when they are not a firm, as defined in Rule 1.0(c), because to do so would be false and
66 misleading.

67
68 [8][9] It is misleading to use the name of a lawyer holding a public office in the name of a
69 law firm, or in communications on the law firm's behalf, during any substantial period in
70 which the lawyer is not actively and regularly practicing with the firm.

71 72 **Rule 7.2: Advertising Communications Concerning a Lawyer's Services: Specific** 73 **Rules**

74
75 ~~(a) Subject to the requirements of Rules 7.1 and 7.3, a~~ **A** lawyer may advertise
76 communicate information regarding the lawyer's services through written,
77 ~~recorded or electronic communication, including public~~ any ~~media.~~

78
79 ~~(b) A lawyer shall not compensate, give or promise anything of value to a person~~
80 ~~who is not an employee or lawyer in the same law firm~~ for recommending the
81 lawyer's services except that a lawyer may:

82
83 (1) pay the reasonable costs of advertisements or communications permitted
84 by this Rule;

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85
86 (2) pay the usual charges of a legal service plan or a not-for-profit or qualified
87 lawyer referral service. ~~A qualified lawyer referral service is a lawyer referral~~
88 ~~service that has been approved by an appropriate regulatory authority;~~

89
90 (3) pay for a law practice in accordance with Rule 1.17; and

91
92 (4) refer clients to another lawyer or a nonlawyer professional pursuant to an
93 agreement not otherwise prohibited under these Rules that provides for the other
94 person to refer clients or customers to the lawyer, if:

95
96 (i) the reciprocal referral agreement is not exclusive; and

97
98 (ii) the client is informed of the existence and nature of the agreement;
99 and

100
101 (5) give nominal gifts as an expression of appreciation that are neither
102 intended nor reasonably expected to be a form of compensation for
103 recommending a lawyer's services.

104
105 (c) A lawyer shall not state or imply that a lawyer is certified as a specialist in a
106 particular field of law, unless:

107
108 (1) the lawyer has been certified as a specialist by an organization that has
109 been approved by an appropriate authority of the state or the District of
110 Columbia or a U.S. Territory or that has been accredited by the American Bar
111 Association; and

112
113 (2) the name of the certifying organization is clearly identified in the
114 communication.

115
116 (d) Any communication made under pursuant to this Rule must shall include the
117 name and office address contact information of at least one lawyer or law firm
118 responsible for its content.

119 120 Comment

121
122 [1] ~~To assist the public in learning about and obtaining legal services, lawyers should be~~
123 ~~allowed to make known their services not only through reputation but also through~~
124 ~~organized information campaigns in the form of advertising. Advertising involves an active~~
125 ~~quest for clients, contrary to the tradition that a lawyer should not seek clientele. However,~~
126 ~~the public's need to know about legal services can be fulfilled in part through advertising.~~
127 ~~This need is particularly acute in the case of persons of moderate means who have not~~
128 ~~made extensive use of legal services. The interest in expanding public information about~~

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129 ~~legal services ought to prevail over considerations of tradition. Nevertheless, advertising~~
130 ~~by lawyers entails the risk of practices that are misleading or overreaching.~~

131

132 [1] [2] This Rule permits public dissemination of information concerning a lawyer's or law
133 firm's name, ~~or firm name,~~ address, email address, website, and telephone number; the
134 kinds of services the lawyer will undertake; the basis on which the lawyer's fees are
135 determined, including prices for specific services and payment and credit arrangements;
136 a lawyer's foreign language ability; names of references and, with their consent, names
137 of clients regularly represented; and other information that might invite the attention of
138 those seeking legal assistance.

139

140 [3] ~~Questions of effectiveness and taste in advertising are matters of speculation and~~
141 ~~subjective judgment. Some jurisdictions have had extensive prohibitions against~~
142 ~~television and other forms of advertising, against advertising going beyond specified facts~~
143 ~~about a lawyer, or against "undignified" advertising. Television, the Internet, and other~~
144 ~~forms of electronic communication are now among the most powerful media for getting~~
145 ~~information to the public, particularly persons of low and moderate income; prohibiting~~
146 ~~television, Internet, and other forms of electronic advertising, therefore, would impede the~~
147 ~~flow of information about legal services to many sectors of the public. Limiting the~~
148 ~~information that may be advertised has a similar effect and assumes that the bar can~~
149 ~~accurately forecast the kind of information that the public would regard as relevant. But~~
150 ~~see Rule 7.3(a) for the prohibition against a solicitation through a real-time electronic~~
151 ~~exchange initiated by the lawyer.~~

152

153 [4] ~~Neither this Rule nor Rule 7.3 prohibits communications authorized by law, such as~~
154 ~~notice to members of a class in class action litigation.~~

155

156 **Paying Others to Recommend a Lawyer**

157

158 [2] [5] Except as permitted under paragraphs (b)(1)-(b)(4)(5), lawyers are not permitted
159 to pay others for recommending the lawyer's services. ~~or for channeling professional work~~
160 ~~in a manner that violates Rule 7.3. A communication contains a recommendation if it~~
161 ~~endorses or vouches for a lawyer's credentials, abilities, competence, character, or other~~
162 ~~professional qualities. Directory listings and group advertisements that list lawyers by~~
163 ~~practice area, without more, do not constitute impermissible "recommendations."~~

164

165 [3] Paragraph (b)(1) ~~however,~~ allows a lawyer to pay for advertising and communications
166 permitted by this Rule, including the costs of print directory listings, on-line directory
167 listings, newspaper ads, television and radio airtime, domain-name registrations,
168 sponsorship fees, Internet-based advertisements, and group advertising. A lawyer may
169 compensate employees, agents and vendors who are engaged to provide marketing or
170 client development services, such as publicists, public-relations personnel, business-
171 development staff, television and radio station employees or spokespersons and website
172 designers.

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173
174 [4] Paragraph (b)(5) permits nominal gifts as might be given for holidays, or other ordinary
175 social hospitality. A gift is prohibited if offered or given in consideration of any promise,
176 agreement or understanding that such a gift would be forthcoming or that referrals would
177 be made or encouraged in the future.

178
179 ~~Paragraph (b)(5) permits lawyers to give nominal gifts as an expression of~~
180 ~~affection or to a person in recommending the lawyer's services or referring a~~
181 ~~person to him. The gift may not be more than a token gift as might be given for~~
182 ~~social or family hospitality. A gift is prohibited if offered or given in~~
183 ~~consideration of any promise, agreement or understanding that such a gift would be~~
184 ~~forthcoming or that referrals would be made or encouraged in the future.~~

185
186 [5] Moreover, a lawyer may pay others for generating client leads, such as Internet-
187 based client leads, as long as the lead generator does not recommend the lawyer, any
188 payment to the lead generator is consistent with Rules 1.5(e) (division of fees) and 5.4
189 (professional independence of the lawyer), and the lead generator's communications are
190 consistent with Rule 7.1 (communications concerning a lawyer's services). To comply
191 with Rule 7.1, a lawyer must not pay a lead generator that states, implies, or creates a
192 reasonable impression that it is recommending the lawyer, is making the referral without
193 payment from the lawyer, or has analyzed a person's legal problems when determining
194 which lawyer should receive the referral. See Comment [2] (definition of
195 "recommendation"). See also Rule 5.3 (duties of lawyers and law firms with respect to the
196 conduct of nonlawyers); Rule 8.4(a) (duty to avoid violating the Rules through the acts of
197 another.

198
199 [6] A lawyer may pay the usual charges of a legal service plan or a not-for-profit or
200 qualified lawyer referral service. A legal service plan is a prepaid or group legal service
201 plan or a similar delivery system that assists people who seek to secure legal
202 representation. A lawyer referral service, on the other hand, is any organization that holds
203 itself out to the public as a lawyer referral service. Such Qualified referral services are
204 understood by the public to be consumer-oriented organizations that provide unbiased
205 referrals to lawyers with appropriate experience in the subject matter of the representation
206 and afford other client protections, such as complaint procedures or malpractice
207 insurance requirements. Consequently, this Rule only permits a lawyer to pay the usual
208 charges of a not-for-profit or qualified lawyer referral service. A qualified lawyer referral
209 service is one that is approved by an appropriate regulatory authority as affording
210 adequate protections for the public. See, e.g., the American Bar Association's Model
211 Supreme Court Rules Governing Lawyer Referral Services and Model Lawyer Referral
212 and Information Service Quality Assurance Act. ~~(requiring that organizations that are~~
213 identified as lawyer referral services (i) permit the participation of all lawyers who are
214 licensed and eligible to practice in the jurisdiction and who meet reasonable objective
215 eligibility requirements as may be established by the referral service for the protection of
216 the public; (ii) require each participating lawyer to carry reasonably adequate malpractice

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217 insurance; (iii) ~~act reasonably to assess client satisfaction and address client complaints;~~
218 ~~and (iv) do not make referrals to lawyers who own, operate or are employed by the referral~~
219 ~~service.)~~

220
221 [7] A lawyer who accepts assignments or referrals from a legal service plan or referrals
222 from a lawyer referral service must act reasonably to assure that the activities of the plan
223 or service are compatible with the lawyer's professional obligations. ~~See Rule 5.3.~~ Legal
224 service plans and lawyer referral services may communicate with the public, but such
225 communication must be in conformity with these Rules. Thus, advertising must not be
226 false or misleading, as would be the case if the communications of a group advertising
227 program or a group legal services plan would mislead the public to think that it was a
228 lawyer referral service sponsored by a state agency or bar association. ~~Nor could the~~
229 ~~lawyer allow in-person, telephonic, or real-time contacts that would violate Rule 7.3.~~

230
231 [8] A lawyer also may agree to refer clients to another lawyer or a nonlawyer professional,
232 in return for the undertaking of that person to refer clients or customers to the
233 lawyer. Such reciprocal referral arrangements must not interfere with the lawyer's
234 professional judgment as to making referrals or as to providing substantive legal services.
235 See Rules 2.1 and 5.4(c). Except as provided in Rule 1.5(e), a lawyer who receives
236 referrals from a lawyer or nonlawyer professional must not pay anything solely for the
237 referral, but the lawyer does not violate paragraph (b) of this Rule by agreeing to refer
238 clients to the other lawyer or nonlawyer professional, so long as the reciprocal referral
239 agreement is not exclusive and the client is informed of the referral agreement. Conflicts
240 of interest created by such arrangements are governed by Rule 1.7. Reciprocal referral
241 agreements should be of indefinite duration and should be reviewed periodically to
242 determine whether they comply with these Rules. This Rule does not restrict referrals or
243 divisions of revenues or net income among lawyers within firms comprised of multiple
244 entities.

245 246 Communications about Fields of Practice

247
248 [9] Paragraph (a) of this Rule permits a lawyer to communicate that the lawyer does or
249 does not practice in particular areas of law. A lawyer is generally permitted to state that
250 the lawyer "concentrates in" or is a "specialist," practices a "specialty," or "specializes in"
251 particular fields based on the lawyer's experience, specialized training or education, but
252 such communications are subject to the "false and misleading" standard applied in Rule
253 7.1 to communications concerning a lawyer's services.

254
255 [10] The Patent and Trademark Office has a long-established policy of designating
256 lawyers practicing before the Office. The designation of Admiralty practice also has a long
257 historical tradition associated with maritime commerce and the federal courts. A lawyer's
258 communications about these practice areas are not prohibited by this Rule.

259

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260 [11] This Rule permits a lawyer to state that the lawyer is certified as a specialist in a field
261 of law if such certification is granted by an organization approved by an appropriate
262 authority of a state, the District of Columbia or a U.S. Territory or accredited by the
263 American Bar Association or another organization, such as a state supreme court or a
264 state bar association, that has been approved by the authority of the state, the District of
265 Columbia or a U.S. Territory to accredit organizations that certify lawyers as specialists.
266 Certification signifies that an objective entity has recognized an advanced degree of
267 knowledge and experience in the specialty area greater than is suggested by general
268 licensure to practice law. Certifying organizations may be expected to apply standards of
269 experience, knowledge and proficiency to ensure that a lawyer's recognition as a
270 specialist is meaningful and reliable. To ensure that consumers can obtain access to
271 useful information about an organization granting certification, the name of the certifying
272 organization must be included in any communication regarding the certification.

Required Contact Information

273
274
275
276 [12] This Rule requires that any communication about a lawyer or law firm's services
277 include the name of, and contact information for, the lawyer or law firm. Contact
278 information includes a website address, a telephone number, an email address or a
279 physical office location.

Model Rule 7.3: Solicitation of Clients

280
281
282
283 (a) "Solicitation" or "solicit" denotes a communication initiated by or on behalf of
284 a lawyer or law firm that is directed to a specific person the lawyer knows or
285 reasonably should know needs legal services in a particular matter and that offers
286 to provide, or reasonably can be understood as offering to provide, legal services
287 for that matter.

288
289 (a) (b) A lawyer shall not solicit professional employment by live person-to-person
290 contact-in-person, live telephone or real-time electronic contact solicit professional
291 employment when a significant motive for the lawyer's doing so is the lawyer's or
292 law firm's pecuniary gain, unless the person contacted is with a:

293
294 (1) is a lawyer; or

295
296 (2) person who has a family, close personal, or prior business or
297 professional relationship with the lawyer or law firm; or

298
299 (3) person who routinely uses for business purposes the type of legal
300 services offered by the lawyer is known by the lawyer to be an experienced
301 user of the type of legal services involved for business matters.
302

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303 ~~(b)(c)~~ A lawyer shall not solicit professional employment by written, recorded or
304 ~~electronic communication or by in person, telephone or real-time electronic~~
305 ~~contact even when not otherwise prohibited by paragraph (a), if:~~

306
307 (1) the target of the solicitation has made known to the lawyer a desire not
308 to be solicited by the lawyer; or

309
310 (2) the solicitation involves coercion, duress or harassment.

311
312 ~~(c) Every written, recorded or by electronic communication from a lawyer soliciting~~
313 ~~professional employment from anyone known to be in need of legal services in a~~
314 ~~particular matter shall include the words "Advertising Material" on the outside~~
315 ~~envelope, if any, and at the beginning and ending of any recorded or electronic~~
316 ~~communication, unless the recipient of the communication is a person specified in~~
317 ~~paragraphs (a)(1) or (a)(2).~~

318
319 (d) This Rule does not prohibit communications authorized by law or ordered by a
320 court or other tribunal.

321
322 ~~(d)(e)~~ Notwithstanding the prohibitions in this Rule paragraph (a), a lawyer may
323 participate with a prepaid or group legal service plan operated by an organization
324 not owned or directed by the lawyer that uses in person or telephone live person-
325 to-person contact to solicit enroll memberships or sell subscriptions for the plan
326 from persons who are not known to need legal services in a particular matter
327 covered by the plan.

328 329 Comment

330
331 [1] ~~A solicitation is a targeted communication initiated by the lawyer that is directed to a~~
332 ~~specific person and that offers to provide, or can reasonably be understood as offering to~~
333 ~~provide, legal services. In contrast, a Paragraph (b) prohibits a lawyer from soliciting~~
334 ~~professional employment by live person-to-person contact when a significant motive for~~
335 ~~the lawyer's doing so is the lawyer's or the law firm's pecuniary gain. A lawyer's~~
336 ~~communication is typically does not constitute a solicitation if it is directed to the general~~
337 ~~public, such as through a billboard, an Internet banner advertisement, a website or a~~
338 ~~television commercial, or if it is in response to a request for information or is automatically~~
339 ~~generated in response to electronic Internet searches.~~

340
341 [2] "Live person-to-person contact" means in-person, face-to-face, live telephone and
342 other real-time visual or auditory person-to-person communications such as Skype or
343 FaceTime, where the person is subject to a direct personal encounter without time for
344 reflection. Such person-to-person contact does not include chat rooms, text messages or
345 other written communications that recipients may easily disregard. There is a A potential
346 for abuse overreaching exists when a solicitation involves a lawyer, seeking pecuniary

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347 ~~gain, direct in-person, live telephone or real-time electronic contact~~ solicits a person by a
348 ~~lawyer with someone known to be in need of legal services.~~ These ~~This~~ forms of contact
349 subjects a person to the private importuning of the trained advocate in a direct
350 interpersonal encounter. The person, who may already feel overwhelmed by the
351 circumstances giving rise to the need for legal services, may find it difficult to fully evaluate
352 fully all available alternatives with reasoned judgment and appropriate self-interest in the
353 face of the lawyer's presence and insistence upon ~~being retained immediately~~ an
354 immediate response. The situation is fraught with the possibility of undue influence,
355 intimidation, and over-reaching.

356
357 [3] ~~This~~ The potential for abuse overreaching inherent in live person-to-person contact
358 ~~direct in-person, live telephone or real-time electronic solicitation~~ justifies its prohibition,
359 particularly since lawyers have alternative means of conveying necessary information. ~~to~~
360 ~~those who may be in need of legal services.~~ In particular, communications can be mailed
361 or transmitted by email or other electronic means that ~~do not involve real-time contact~~
362 and do not violate other laws. ~~governing solicitations.~~ These forms of communications
363 and ~~solicitations~~ make it possible for the public to be informed about the need for legal
364 services, and about the qualifications of available lawyers and law firms, without
365 subjecting the public to live person-to-person ~~direct in-person, telephone or real-time~~
366 ~~electronic persuasion~~ that may overwhelm a person's judgment.

367
368 [4] ~~The use of general advertising and written, recorded or electronic communications to~~
369 ~~transmit information from lawyer to the public, rather than direct in-person, live telephone~~
370 ~~or real-time electronic contact, will help to assure that the information flows cleanly as~~
371 ~~well as freely. The contents of advertisements and communications permitted under Rule~~
372 ~~7.2 can be permanently recorded so that they cannot be disputed and may be shared~~
373 ~~with others who know the lawyer. This potential for informal review is itself likely to help~~
374 ~~guard against statements and claims that might constitute false and misleading~~
375 ~~communications, in violation of Rule 7.1. The contents of~~ live person-to-person ~~direct~~
376 ~~in-person live telephone or real-time electronic contact~~ can be disputed and may not be
377 subject to third-party scrutiny. Consequently, they are much more likely to approach (and
378 occasionally cross) the dividing line between accurate representations and those that are
379 false and misleading.

380
381 [5] There is far less likelihood that a lawyer would engage in ~~abusive practices~~
382 overreaching against a former client, or a person with whom the lawyer has a close
383 personal, or family, business or professional relationship, or in situations in which the
384 lawyer is motivated by considerations other than the lawyer's pecuniary gain. Nor is there
385 a serious potential for abuse overreaching when the person contacted is a lawyer or is
386 known to be an experienced user of routinely use the type of legal services involved for
387 business purposes. For instance, an "experienced user" of legal services for business
388 matters may include those who hire outside counsel to represent the entity; entrepreneurs
389 who regularly engage business, employment law or intellectual property lawyers; small
390 business proprietors who hire lawyers for lease or contract issues; and other people who

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391 ~~retain lawyers for business transactions or formations. Examples include persons who~~
392 ~~conduct the business, or who represent the entity, entrepreneurs who regularly engage~~
393 ~~in business, and who are not subject to fiduciary duties. Such persons and entities~~
394 ~~who regularly employ the lawyer to resolve contract issues and other matters and~~
395 ~~regularly retain lawyers for business transactions or formations. Consequently,~~
396 ~~the general prohibition in Rule 7.3(a) and the requirements of Rule 7.3(c) are not~~
397 ~~applicable in those situations. Also, Paragraph (a) is not intended to prohibit a lawyer from~~
398 ~~participating in constitutionally protected activities of public or charitable legal-service~~
399 ~~organizations or bona fide political, social, civic, fraternal, employee or trade~~
400 ~~organizations whose purposes include providing or recommending legal services to their~~
401 ~~members or beneficiaries.~~

402

403 [6] ~~But even permitted forms of solicitation can be abused. Thus, any A solicitation that~~
404 ~~which contains false or misleading information which is false or misleading within the~~
405 ~~meaning of Rule 7.1, that which involves coercion, duress or harassment within the~~
406 ~~meaning of Rule 7.3(b)(c)(2), or that which involves contact with someone who has made~~
407 ~~known to the lawyer a desire not to be solicited by the lawyer within the meaning of Rule~~
408 ~~7.3(b)(c)(1) is prohibited. Moreover, if after sending a letter or other communication as~~
409 ~~permitted by Rule 7.2 the lawyer receives no response, any further effort to communicate~~
410 ~~with the recipient of the communication may violate the provisions of Rule 7.3(b). Live,~~
411 ~~person-to-person contact of individuals who may be especially vulnerable to coercion or~~
412 ~~duress is ordinarily not appropriate, for example, the elderly, those whose first language~~
413 ~~is not English, or the disabled.~~

414

415 [7] This Rule is does ~~not intended to~~ prohibit a lawyer from contacting representatives of
416 organizations or groups that may be interested in establishing a group or prepaid legal
417 plan for their members, insureds, beneficiaries or other third parties for the purpose of
418 informing such entities of the availability of and details concerning the plan or
419 arrangement which the lawyer or lawyer's firm is willing to offer. This form of
420 communication is not directed to people who are seeking legal services for themselves.
421 Rather, it is usually addressed to an individual acting in a fiduciary capacity seeking a
422 supplier of legal services for others who may, if they choose, become prospective clients
423 of the lawyer. Under these circumstances, the activity which the lawyer undertakes in
424 communicating with such representatives and the type of information transmitted to the
425 individual are functionally similar to and serve the same purpose as advertising permitted
426 under Rule 7.2.

427

428 [8] ~~The requirement in Rule 7.3(c) that certain communications be marked "Advertising~~
429 ~~Material" does not apply to communications sent in response to request so potential~~
430 ~~clients or their spokespersons or sponsors. General announcements by lawyers,~~
431 ~~including changes in personnel or office location do not constitute communications~~
432 ~~soliciting professional employment from a client known to be in need of legal services~~
433 ~~within the meaning of this Rule.~~

434

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435 [8] Communications authorized by law or ordered by a court or tribunal include a notice
436 to potential members of a class in class action litigation.
437

438 [9] Paragraph ~~(d)~~ (e) of this Rule permits a lawyer to participate with an organization which
439 uses personal contact to ~~solicit~~ enroll members for its group or prepaid legal service plan,
440 provided that the personal contact is not undertaken by any lawyer who would be a
441 provider of legal services through the plan. The organization must not be owned by or
442 directed (whether as manager or otherwise) by any lawyer or law firm that participates in
443 the plan. For example, paragraph ~~(d)~~(e) would not permit a lawyer to create an
444 organization controlled directly or indirectly by the lawyer and use the organization for the
445 ~~in-person or telephone~~ person-to-person solicitation of legal employment of the lawyer
446 through memberships in the plan or otherwise. The communication permitted by these
447 organizations ~~also~~ must not be directed to a person known to need legal services in a
448 particular matter, but ~~is to~~ must be designed to inform potential plan members generally
449 of another means of affordable legal services. Lawyers who participate in a legal service
450 plan must reasonably assure that the plan sponsors are in compliance with Rules 7.1, 7.2
451 and 7.3~~(b)~~(c). See ~~8.4(a)~~.

452
453 ~~Rule 7.4 Communication of Fields of Practice and Specialization (Deleted in 2018.)~~
454

455 ~~(a) A lawyer may communicate the fact that the lawyer does or does not practice in~~
456 ~~particular fields of law.~~
457

458 ~~(b) A lawyer admitted to engage in patent practice before the United States Patent~~
459 ~~and Trademark Office may use the designation "Patent Attorney" or a substantially~~
460 ~~similar designation.~~
461

462 ~~(c) A lawyer engaged in Admiralty practice may use the designation "Admiralty,"~~
463 ~~"Proctor in Admiralty" or a substantially similar designation.~~
464

465 ~~(d) A lawyer shall not state or imply that a lawyer is certified as a specialist in a~~
466 ~~particular field of law, unless:~~
467

468 ~~(1) the lawyer has been certified as a specialist by an organization that has~~
469 ~~been approved by an appropriate state authority or that has been accredited~~
470 ~~by the American Bar Association; and~~
471

472 ~~(2) the name of the certifying organization is clearly identified in the~~
473 ~~communication.~~
474

475 **Comment**
476

477 ~~[1] Paragraph (a) of this Rule permits a lawyer to indicate areas of practice in~~
478 ~~communications about the lawyer's services. If a lawyer practices only in certain fields, or~~

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479 will not accept matters except in a specified field or fields, the lawyer is permitted to so
480 indicate. A lawyer is generally permitted to state that the lawyer is a "specialist," practices
481 a "specialty," or "specializes in" particular fields, but such communications are subject to
482 the "false and misleading" standard applied in Rule 7.1 to communications concerning a
483 lawyer's services.

484

485 [2] Paragraph (b) recognizes the long-established policy of the Patent and Trademark
486 Office for the designation of lawyers practicing before the Office. Paragraph (c)
487 recognizes that designation of Admiralty practice has a long historical tradition associated
488 with maritime commerce and the federal courts.

489

490 [3] Paragraph (d) permits a lawyer to state that the lawyer is certified as a specialist in a
491 field of law if such certification is granted by an organization approved by an appropriate
492 state authority or accredited by the American Bar Association or another organization,
493 such as a state bar association, that has been approved by the state authority to accredit
494 organizations that certify lawyers as specialists. Certification signifies that an objective
495 entity has recognized an advanced degree of knowledge and experience in the specialty
496 area greater than is suggested by general licensure to practice law. Certifying
497 organizations may be expected to apply standards of experience, knowledge and
498 proficiency to insure that a lawyer's recognition as a specialist is meaningful and reliable.
499 In order to insure that consumers can obtain access to useful information about an
500 organization granting certification, the name of the certifying organization must be
501 included in any communication regarding the certification.

502

503 **Rule 7.5 Firm Names And Letterheads (Deleted in 2018.)**

504

505 (a) A lawyer shall not use a firm name, letterhead or other professional designation that
506 violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does not
507 imply a connection with a government agency or with a public or charitable legal services
508 organization and is not otherwise in violation of Rule 7.1.

509

510 (b) A law firm with offices in more than one jurisdiction may use the same name or other
511 professional designation in each jurisdiction, but identification of the lawyers in an office
512 of the firm shall indicate the jurisdictional limitations on those not licensed to practice in
513 the jurisdiction where the office is located.

514

515 (c) The name of a lawyer holding a public office shall not be used in the name of a law
516 firm, or in communications on its behalf, during any substantial period in which the lawyer
517 is not actively and regularly practicing with the firm.

518

519 (d) Lawyers may state or imply that they practice in a partnership or other organization
520 only when that is the fact.

521

522 **Comment**

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523

524 ~~[1] A firm may be designated by the names of all or some of its members, by the names~~
525 ~~of deceased members where there has been a continuing succession in the firm's identity~~
526 ~~or by a trade name such as the "ABC Legal Clinic." A lawyer or law firm may also be~~
527 ~~designated by a distinctive website address or comparable professional designation.~~
528 ~~Although the United States Supreme Court has held that legislation may prohibit the use~~
529 ~~of trade names in professional practice, use of such names in law practice is acceptable~~
530 ~~so long as it is not misleading. If a private firm uses a trade name that includes a~~
531 ~~geographical name such as "Springfield Legal Clinic," an express disclaimer that it is a~~
532 ~~public legal aid agency may be required to avoid a misleading implication. It may be~~
533 ~~observed that any firm name including the name of a deceased partner is, strictly~~
534 ~~speaking, a trade name. The use of such names to designate law firms has proven a~~
535 ~~useful means of identification. However, it is misleading to use the name of a lawyer not~~
536 ~~associated with the firm or a predecessor of the firm, or the name of a nonlawyer.~~

537

538 ~~[2] With regard to paragraph (d), lawyers sharing office facilities, but who are not in fact~~
539 ~~associated with each other in a law firm, may not denominate themselves as, for example,~~
540 ~~"Smith and Jones," for that title suggests that they are practicing law together in a firm.~~

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REPORT

LAWYER ADVERTISING RULES FOR THE 21st CENTURY

I. Introduction

The American Bar Association is the leader in promulgating rules for regulating the professional conduct of lawyers. For decades, American jurisdictions have adopted provisions consistent with the Model Rules of Professional Conduct, relying on the ABA's expertise, knowledge, and guidance. In lawyer advertising, however, a dizzying number of state variations exist. This breathtaking variety makes compliance by lawyers who seek to represent clients in multiple jurisdictions unnecessarily complex, and burdens bar regulators with enforcing prohibitions on practices that are not truly harmful to the public.¹ This patchwork of advertising rules runs counter to three trends that call for simplicity and uniformity in the regulation of lawyer advertising.

First, lawyers in the 21st century increasingly practice across state and international borders. Clients often need services in multiple jurisdictions. Competition from inside and outside the profession in these expanded markets is fierce. The current web of complex, contradictory, and detailed advertising rules impedes lawyers' efforts to expand their practices and thwart clients' interests in securing the services they need. The proposed rules will free lawyers and clients from these constraints without compromising client protection.

Second, the use of social media and the Internet—including blogging, instant messaging, and more—is ubiquitous now.² Advancing technologies can make lawyer advertising easy, inexpensive, and effective for connecting lawyers and clients. Lawyers can use innovative methods to inform the public about the availability of legal services. Clients can use the new technologies to find lawyers. The proposed amendments will facilitate these connections between lawyers and clients, without compromising protection of the public.

Finally, trends in First Amendment and antitrust law suggest that burdensome and unnecessary restrictions on the dissemination of accurate information about legal

¹ Center for Professional Responsibility Jurisdictional Rules Comparison Charts, *available at* https://www.americanbar.org/groups/professional_responsibility/policy/rule_charts.html.

² See Association of Professional Responsibility Lawyers 2015 Report of the Regulation of Lawyer Advertising Committee (2015) [hereinafter APRL 2015 Report], https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/aprl_june_22_2015%20report.authcheckdam.pdf at 18-19 ("According to a Pew Research Center 2014 Social Media Update, for the 81% of American Adults who use the Internet: 52% of online adults now use two or more social media sites; 71% are on Facebook; 70% engage in daily use; 56% of all online adults 65 and older use Facebook; 23% use Twitter; 26% use Instagram; 49% engage in daily use; 53% of online young adults (18-29) use Instagram; and 28% use LinkedIn.").

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services may be unlawful. The Supreme Court announced almost forty years ago that lawyer advertising is commercial speech protected by the First Amendment. Advertising that is false, misleading and deceptive may be restricted, but many other limitations have been struck down.³

Antitrust law may also be a concern. For nearly 20 years, the Federal Trade Commission (FTC) has actively opposed lawyer regulation where the FTC believed it would, for example, restrict consumer access to factually accurate information regarding the availability of lawyer services. The FTC has reminded regulators in Alabama, Arizona, Florida, Indiana, Louisiana, New Jersey, New Mexico, New York, Ohio, Tennessee, and Texas that overly broad advertising restrictions may reduce competition, violate federal antitrust laws, and impermissibly restrict truthful information about legal services.⁴

The Standing Committee on Ethics and Professional Responsibility (SCEPR) is proposing amendments to ABA Model Rules 7.1 – 7.5 that respond to these trends. It is hoped the U.S. jurisdictions will follow the ABA's lead to eliminate compliance confusion and promote consistency in lawyer advertising rules. As amended, the rules will provide lawyers and regulators nationwide with models that continue to protect clients from false and misleading advertising, but free lawyers to use expanding and innovative technologies to communicate the availability of legal services and enable bar regulators to focus on truly harmful conduct. The amended rules will also increase consumer access to accurate information about the availability of legal services and, thereby, expand access to legal services.

II. Brief Summary of the Changes

The principal amendments:

- Combine provisions on false and misleading communications into Rule 7.1 and its Comments.
- Consolidate specific provisions on advertising into Rule 7.2, including requirements for use of the term "certified specialist".

³ For developments in First Amendment law on lawyer advertising, see APRL June 2015 Report, *supra* note 2, at 7-18.

⁴ The recent decision in *North Carolina State Board of Dental Examiners v. F.T.C.*, 135 S. Ct. 1101 (2015) may be a warning. The Court found that the Board of Dental Examiners exclusion of non-dentists from providing teeth whitening services was anti-competitive and an unfair method of competition in violation of the Federal Trade Commission Act. The Court determined that a controlling number of the board members were "active market participants" (i.e., dentists), and there was no state entity supervision of the decisions of the non-sovereign board. Many lawyer regulatory entities are monitoring the application of this precedent as the same analysis might be applicable to lawyers. See also, ABA Center for Professional Responsibility, *FTC Letters Regarding Lawyer Advertising* (2015), http://www.americanbar.org/groups/professional_responsibility/resources/professionalism/professionalism_ethics_in_lawyer_advertising/FTC_lawyerAd.html.

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- Permit nominal “thank you” gifts under certain conditions as an exception to the general prohibition against paying for recommendations.
- Define solicitation as “a communication initiated by or on behalf of a lawyer or law firm that is directed to a specific person the lawyer knows or reasonably should know needs legal services in a particular matter and that offers to provide, or reasonably can be understood as offering to provide, legal services for that matter.”
- Prohibit live, person-to-person solicitation for pecuniary gain with certain exceptions.
- Eliminate the labeling requirement for targeted mailings but continue to prohibit targeted mailings that are misleading, involve coercion, duress or harassment, or that involve a target of the solicitation who has made known to the lawyer a desire not to be solicited.

III. Discussion of the Proposed Amendments

A. Rule 7.1: Communications Concerning a Lawyer’s Services

Rule 7.1 remains unchanged; however, additional guidance is inserted in Comment [2] to explain that truthful information may be misleading if consumers are led to believe that they must act when, in fact, no action is required. ~~New Comment [3] provides that communications that contain information about a lawyer’s fee must also include information about the client’s responsibility for costs to avoid being labeled as a misleading communication.~~

In Comment ~~[4]~~^[3], SCEPR recommends replacing “advertising” with “communication” to make the Comment consistent with the title and scope of the Rule. SCEPR expands the guidance in Comment [4] by explaining that an “unsubstantiated claim” may also be misleading. SCEPR also recommends in Comment [5] that lawyers review Rule 8.4(c) for additional guidance.

Comments ~~[6]~~^[5] through ~~[9]~~^[8] have been added by incorporating the black letter concepts from current Rule 7.5. Current Rule 7.5(a) restates and incorporates Rule 7.1, and then provides examples of misleading statements. SCEPR has concluded that Rule 7.1, with the guidance of new Comments [6] through [9], better addresses the issues.

B. Rule 7.2: Communications Concerning a Lawyer’s Services: Specific Rules

Specific Advertising Rules: Specific rules for advertising are consolidated in Rule 7.2, similar to the current structure of Rule 1.8, which provides for specific conflict situations.

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SCEPR recommends amendments to Rule 7.2(a) parallel to its recommendations for changes to Comments to Rule 7.1, specifically replacing the term "advertising" with "communication" and replacing the identification of specific methods of communication with a general statement that any media may be used.

Gifts for Recommendations: Rule 7.2(b) continues the existing prohibition against giving "anything of value" to someone for recommending a lawyer. New subparagraph (b)(5), however, contains an exception to the general prohibition. This subparagraph permits lawyers to give a nominal gift to thank the person who recommended the lawyer to the client. The new provision states that such a nominal gift is permissible only where it is not expected or received as payment for the recommendation. The new words "compensate" and "promise" emphasize these limitations: the thank you gift cannot be promised in advance and must be no more than a token item, i.e. not "compensation."

~~SCEPR's amendments to Rule 7.2(b) allow lawyers to give something "of value" to employees or lawyers in the same firm. As to lawyers, this new language in Rule 7.2(b) simply reflects the common and legitimate practice of rewarding lawyers in the same firm for generating business. This is not a change; it is a clarification of existing rules. As to employees, SCEPR has concluded that lawyers ought to be permitted to give nominal gifts to non-lawyers, e.g. paralegals who may refer friends or family members to a firm, marketing personnel and others. Rule 5.4 continues to protect against any improper fee sharing. Rule 7.3 protects against solicitation by, for example, so-called "runners," which are also prohibited by other rules, e.g. Rule 8.4(a).~~

SCEPR recommends deleting the second sentence Rule 7.2(b)(2) because it is redundant. Comment [6] has the same language.

Specialization: Provisions of Rule 7.4 regarding certification are moved to Rule 7.2(c) and Comments. SCEPR acknowledges suggestions offered by the Standing Committee on Specialization, which shaped revisions to Rule 7.4. Based on these and other recommendations, the prohibition against claiming certification as a specialist is moved to new subdivision (c) of Rule 7.2 as a specific requirement. Amendments also clarify which entities qualify to certify or accredit lawyers. The remaining provisions of Rule 7.4 are moved to Comments [9] through [11] of Rule 7.2. Finally, Comment [9] adds guidance on the circumstances under which a lawyer might properly claim specialization by adding the phrase "based on the lawyer's experience, specialized training or education."

Contact Information: In provision 7.2(d) [formerly subdivision (c)] the term "office address" is changed to "contact information" to address technological advances on how a lawyer may be contacted and how advertising information may be presented. Examples of contact information are added in new Comment [12]. All "communications" about a lawyer's services must include the firm name (or lawyer's name) and some contact information (street address, telephone number, email, or website address).

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Changes to the Comments: Statements in Comments [1] and [3] justifying lawyer advertising are deleted. Advertising is constitutionally protected speech and needs no additional justification. These Comments provide no additional guidance to lawyers.

New Comment [2] explains that the term “recommendations” does not include directories or other group advertising in which lawyers are listed by practice area.

New language in Comment [3] clarifies that lawyers who advertise on television and radio may compensate “station employees or spokespersons” as reasonable costs for advertising. These costs are well in line with other ordinary costs associated with advertising that are listed in the Comment, i.e. “employees, agents and vendors who are engaged to provide marketing or client development services.”

New Comment [4] explains what is considered nominal, including ordinary social hospitality. It also clarifies that a gift may not be given based on an agreement to receive recommendations or to make future recommendations. These small and token gifts are not likely to result in the harms addressed by the rule: that recommendation sources might interfere with the independent professional judgment of the lawyer, interject themselves into the lawyer-client relationship, or engage in prohibited solicitation to gain more recommendations for which they might be paid.

Comment [6] continues to address lawyer referral services, which remain limited to qualified entities approved by an appropriate regulatory authority. Description of the ABA Model Supreme Court Rules Governing Lawyer Referral Services is omitted from Comment [6] as superfluous.

The last sentence in Comment [7] is deleted because it is identical to the second sentence in Comment [7] (“Legal services plans and lawyer referral services may communicate with the public, *but such communication must be in conformity with these Rules.*”) (Emphasis added.).

C. Rule 7.3: Solicitation of Clients

The black letter of the current Rules does not define “solicitation;” the definition is contained in Comment [1]. For clarity, a definition is added as new paragraph (a). The definition of solicitation is adapted from Virginia’s definition. A solicitation is:

a communication initiated by or on behalf of a lawyer or law firm that is directed to a specific person the lawyer knows or reasonably should know needs legal services in a particular matter and that offers to provide, or reasonably can be understood as offering to provide, legal services for that matter.

Paragraph (b) continues to prohibit direct, in-person solicitation for pecuniary gain, but clarifies that the prohibition applies solely to live person-to-person contact. Comment

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[2] provides examples of prohibited solicitation including in-person, face-to-face, telephone, and real-time visual or auditory person-to-person communication ~~such as Skype or FaceTime or other face-to-face communications~~. Language added to Comment [2] clarifies that a prohibited solicitation does not include chat rooms, text messages, or any other written communications to which recipients would not feel undue pressure to respond.

The Rule no longer prohibits real-time electronic solicitation because real-time electronic communication includes texts and Tweets. These forms of communication are more like a written communication, which allows the reader to pause before responding and creates less pressure to immediately respond or to respond at all, unlike a direct interpersonal encounter.

Exceptions to live person-to-person solicitation are slightly broadened in Rule 7.3(b)(2). Persons with whom a lawyer has a business relationship—in addition to or separate from a professional relationship—may be solicited because the potential for overreaching by the lawyer is reduced.

Exceptions to prohibited live person-to-person solicitation are slightly broadened in Rule 7.3(b)(3) to include ~~person who routinely uses for business purposes the type of legal services offered by the lawyer.~~ ~~“experienced users of the type of legal services involved for business matters.”~~ Similarly, Comment [5] to Rule 7.3 is amended to explain that the potential for overreaching, which justifies the prohibition against in-person solicitation, is unlikely to occur when the solicitation is directed toward experienced users of the legal services in a business matter.

The amendments retain Rule 7.3(c)(1) and (2), which prohibit solicitation of any kind when a target has made known his or her desire not to be solicited, or the solicitation involves coercion, duress, or harassment. These restrictions apply to both live in-person and written solicitations. Comment [6] identifies examples of persons who may be most vulnerable to coercion or duress, such as the elderly, those whose first language is not English, or the disabled.

After much discussion, SCEPR is recommending deletion of the requirement that targeted written solicitations be marked as “advertising material.” Agreeing with the recommendation of the Standing Committee on Professionalism and the Standing Committee on Professional Discipline’s suggestion to review both Oregon’s rules and Washington State’s proposed rules, which do not require such labeling, SCEPR has concluded that the requirement is no longer necessary to protect the public. Consumers have become accustomed to receiving advertising material via many methods of paper and electronic delivery. Advertising materials are unlikely to mislead consumers due to the nature of the communications. SCEPR was presented with no evidence that consumers are harmed by receiving unmarked mail solicitations from lawyers, even if the solicitations are opened by consumers. If the solicitation itself or its contents are

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misleading, that harm can and will be addressed by Rule 7.1's prohibition against false and misleading advertising.

The statement that the rules do not prohibit communications about legal services authorized by law or by court order is moved from Comment [4] of Rule 7.2 to new paragraph (d) of Rule 7.3.

Amendments were made to Rule 7.3(e) to make the prohibition language consistent with the solicitation prohibition and to reflect the reality that prepaid and group legal service plans enroll members and sell subscriptions to wide range of groups. They do not engage in solicitation as defined by the Rules.

New Comment [8] to Rule 7.3 adds class action notices as an example of a communication that is authorized by law or court order.

IV. SCEPR's Process and Timetable

The amendments were developed during two years of intensive study by SCEPR, after SCEPR received a proposal from the Association of Professional Responsibility Lawyers (APRL) in 2016.⁵ Throughout, SCEPR's process has been transparent, open, and welcoming of comments, suggestions, revisions, and discussion from all quarters of the ABA and the profession. SCEPR's work included the formation of a broad-based working group, posting drafts for comment on the website of the Center for Professional Responsibility, holding public forums at the Midyear Meetings in February 2017 and February 2018, conducting a webinar in March 2018, and engaging in extensive outreach seeking participation and feedback from ABA and state entities and individuals.⁶

A. Development of Proposals by the Association of Professional Responsibility Lawyers (APRL) – 2013 - 2016

In 2013, APRL created a Regulation of Lawyer Advertising Committee to analyze and study lawyer advertising rules. That committee studied the ABA Model Rules and various state approaches to regulating lawyer advertising and made recommendations aimed at bringing rationality and uniformity to the regulation of lawyer advertising and disciplinary enforcement. APRL's committee consisted of former and current bar regulators, law school professors, authors of treatises on the law of lawyering, and lawyer-experts in the field of professional responsibility and legal ethics. Liaisons to the

⁵ APRL's April 26, 2016 Supplemental Report can be accessed here: https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/aprl_april_26_2016%20report_authcheckdam.pdf.

⁶ Written comments were received through the CPR website. SCEPR studied them all. Those comments are available here: https://www.americanbar.org/groups/professional_responsibility/committees_commissions/ethicsandprofessionalresponsibility/mrpc_rule71_72_73_74_75/modelrule7_1_7_5comments.html.

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committee from the ABA Center for Professional Responsibility and the National Organization of Bar Counsel (“NOBC”) provided valuable advice and comments.

The APRL committee obtained, with NOBC’s assistance, empirical data derived from a survey sent to bar regulators regarding the enforcement of current advertising rules. That committee received survey responses from 34 of 51 U.S. jurisdictions.

APRL’s 2014 survey of U.S. lawyer regulatory authorities showed:

- Complaints about lawyer advertising are rare;
- People who complain about lawyer advertising are predominantly other lawyers and not consumers;
- Most complaints are handled informally, even where there is a provable advertising rule violation;
- Few states engage in active monitoring of lawyer advertisements; and
- Many cases in which discipline has been imposed involve conduct that would constitute a violation of ABA Model Rule 8.4(c).

APRL issued reports in June 2015 and April 2016⁷ proposing amendments to Rules 7.1 through 7.5 to streamline the regulations while maintaining the enforceable standard of prohibiting false and misleading communications.

In September 2016 APRL requested that SCEPR consider its proposals for amendments to the Model Rules.

B. ABA Public Forum – February 2017

On February 3, 2017 SCEPR hosted a public forum at the ABA 2017 Midyear Meeting to receive comments about the APRL proposals. More than a dozen speakers testified, and written comments were collected from almost 20 groups and individuals.⁸

C. Working Group Meetings and Reports – 2017

In January 2017, SCEPR’s then chair Myles Lynk appointed a working group to review the APRL proposals. The working group, chaired by SCEPR member Wendy Wen Yun Chang, included representatives from Center for Professional Responsibility (“CPR”) committees: Client Protection, Ethics and Professional Responsibility, Professional Discipline, Professionalism, and Specialization. Liaisons from the National Conference of

⁷ Links to both APRL reports are available at:

https://www.americanbar.org/groups/professional_responsibility/committees_commissions/ethicsandprofessionalresponsibility/mrpc_rule71_72_73_74_75.html.

⁸ Written submissions to SCEPR are available at:

https://www.americanbar.org/groups/professional_responsibility/committees_commissions/ethicsandprofessionalresponsibility/mrpc_rule71_72_73_74_75/modelrule7_1_7_5comments.html.

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Bar Presidents, the ABA Solo, Small Firm and General Practice Division, NOBC, and APRL were also appointed.

Chang provided SCEPR with two memoranda summarizing the various suggestions received for each advertising rule and, where applicable, identified recommendations from the working group.

D. SCEPR December 2017 Draft

After reviewing the Chang memoranda and other materials SCEPR drafted proposed amendments to Model Rules 7.1 through 7.5, and Model Rule 1.0 (terminology), which were presented to all ABA CPR Committees at the October 2017 Leadership Conference. SCEPR then further modified the proposed changes to the advertising rules based in part on the suggestions and comments of CPR Committees. In December 2017, SCEPR released for comment and circulated to ABA entities and outside groups a new Working Draft of proposed amendments to Model Rules 7.1-7.5.

E. ABA Public Forum – February 2018

In February 2018, the SCEPR hosted another public forum at the 2018 Midyear Meeting, to receive comments about the revised proposals.⁹ The proposed amendments were also posted on the ABA CPR website and circulated to state bar representatives, NOBC, and APRL. Thirteen speakers appeared. Twenty-seven written comments were submitted. SCEPR carefully considered all comments and further modified its proposals.¹⁰

On March 28, 2018, SCEPR presented a free webinar to introduce and explain the Committee's revised recommendations. More than 100 people registered for the forum, and many favorable comments were received.¹¹

⁹ Speakers included George Clark, President of APRL; Mark Tuft, Chair, APRL Subcommittee on Advertising; Charlie Garcia and Will Hornsby, ABA Division for Legal Services; Bruce Johnson; Arthur Lachman; Karen Gould, Executive Director of the Virginia State Bar; Dan Lear, AVVO; Matthew Driggs; and Elijah Marchbanks.

¹⁰ All Comments can be found here:

https://www.americanbar.org/groups/professional_responsibility/committees_commissions/ethicsandprofessionalresponsibility/mrpc_rule71_72_73_74_75/modelrule7_1_7_5comments.html. The full transcript of the Public Forum can be accessed here:

https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/public_hearing_transcript_complete.authcheckdam.pdf.

¹¹ An MP3 recording of the webinar can be accessed here:

https://www.americanbar.org/content/dam/aba/multimedia/professional_responsibility/advertising_rules_webinar.authcheckdam.mp3. A PowerPoint of the webinar is also available:

https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/webinar_advertising_powerpoint.authcheckdam.pdf.

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V. The Background and History of Lawyer Advertising Rules Demonstrates Why the Proposed Rules are Timely and Necessary

A. 1908 – A Key Year in the Regulation of Lawyer Advertising

Prior to the ABA's adoption of the Canons of Professional Ethics in 1908, legal advertising was virtually unregulated. The 1908 Canons changed this landscape; the Canons contained a total ban on attorney advertising. This prohibition stemmed partially from an explosion in the size of the legal profession that resulted in aggressive attorney advertising, which was thought to diminish ethical standards and undermine the public's perception of lawyers.¹² This ban on attorney advertising remained for approximately six decades, until the Supreme Court's decision in 1977 in *Bates v. Arizona*.¹³

B. Attorney Advertising in the 20th Century

Bates established that lawyer advertising is commercial speech and entitled to First Amendment protection. But the Court also said that a state could prohibit false, deceptive, or misleading ads, and that other regulation may be permissible.

Three years later, in *Central Hudson*,¹⁴ the Supreme Court explained that regulations on commercial speech must "directly advance the [legitimate] state interest involved" and "[i]f the governmental interest could be served as well by a more limited restriction . . . the excessive restrictions cannot survive."¹⁵

In the years that followed, the Supreme Court applied the *Central Hudson* test to strike down a number of regulations on attorney-advertising.¹⁶ The Court reviewed issues such as the failure to adhere to a state "laundry list" of permitted content in direct mail advertisements,¹⁷ a newspaper advertisement's use of a picture of a Dalkon Shield intrauterine device in a state that prohibited all illustrations,¹⁸ and an attorney's letterhead that included his board certification in violation of prohibition against referencing expertise.¹⁹ The court's decisions in these cases reinforced the holding in *Bates*: a state may not constitutionally prohibit commercial speech unless the regulation advances a

¹² Robert F. Boden, *Five Years After Bates: Lawyer Advertising in Legal and Ethical Perspective*, 65 MARQ. L. REV. 547, 549 (1982). Mylene Brooks, *Lawyer Advertising: Is There Really A Problem*, 15 LOY. L.A. ENT. L. REV. 1, 6-9 (1994). See also APRL 2015 Report, *supra* note 2.

¹³ *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977).

¹⁴ *Central Hudson Gas & Elec. Corp. v. Pub. Service Comm'n of N.Y.*, 447 U.S. 557 (1980).

¹⁵ 447 U.S. at 564.

¹⁶ See APRL 2015 Report, *supra* note 2, at 9-18, for a discussion of these cases.

¹⁷ *In re R.M.J.*, 455 U.S. 191, 197 (1982).

¹⁸ *Zauderer v. Office of Disciplinary Counsel*, 471 U.S. 626, 647 (1985).

¹⁹ *Peel v. Attorney Registration & Disciplinary Comm'n*, 496 U.S. 91, 93-94 (1990).

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substantial state interest, and no less restrictive means exists to accomplish the state's goal.²⁰

C. Solicitation

Unlike advertising, in-person solicitation is subject to heightened scrutiny. In *Ohralik v. Ohio State Bar Ass'n*, the Supreme Court upheld an Ohio regulation prohibiting lawyers from in-person solicitation for pecuniary gain. The Court declared: "[T]he State—or the Bar acting with state authorization—constitutionally may discipline a lawyer for soliciting clients in-person, for pecuniary gain, under circumstances likely to pose dangers that the State has a right to prevent."²¹ The Court added: "It hardly need be said that the potential for overreaching is significantly greater when a lawyer, a professional trained in the art of persuasion, personally solicits an unsophisticated, injured, or distressed lay person."²² The Court concluded that a prophylactic ban is constitutional given the virtual impossibility of regulating in-person solicitation.²³

Ohralik's blanket prohibition on in-person solicitation does not extend to targeted letters. The U.S. Supreme Court held in *Shapero v. Kentucky Bar Ass'n*,²⁴ that a state may not prohibit a lawyer from sending truthful solicitation letters to persons identified as having legal problems. The Court concluded that targeted letters were comparable to print advertising, which can easily be ignored or discarded.

D. Commercial Speech in the Digital Age

The *Bates*-era cases preceded the advent of the Internet and social media, which have revolutionized attorney advertising and client solicitation. Attorneys are posting, blogging, and Tweeting at minimal cost. Their presence on websites, Facebook, LinkedIn, Twitter, and blogs increases exponentially each year. Attorneys are reaching out to a public that has also become social media savvy.

²⁰ *In re R.M.J.*, 455 U.S. 191, 197 (1982); *Zauderer v. Office of Disciplinary Counsel*, 471 U.S. 626, 647 (1985); *Peel v. Attorney Registration & Disciplinary Comm'n*, 496 U.S. 91, 93-94 (1990).

²¹ *Ohralik v. Ohio State Bar Ass'n*, 436 U.S. 447, 449 (1978).

²² *Id.* at 464-65.

²³ *Id.* at 465-467.

²⁴ 486 U.S. 466 (1988). *But see, Florida Bar v. Went For It, Inc.*, 515 U.S. 618 (1995). The Supreme Court has upheld (in a 5 to 4 decision) a Florida Bar rule banning targeted direct mail solicitation to personal injury accident victims or their families for 30 days. The court found that the timing and intrusive nature of the targeted letters was an invasion of privacy; and, when coupled with the negative public perception of the legal profession, the Florida rule imposing a 30 day "cooling off" period materially advanced a significant government interest. This decision, however, does not support a prophylactic ban on targeted letters, only a restriction as to their timing. *But see, Ficker v. Curran*, 119 F.3d 1150 (4th Cir. 1997), in which Maryland's 30-day ban on direct mail in traffic and criminal defense cases was found unconstitutional, distinguishing *Went for It*, because criminal and traffic defendants need legal representation, time is of the essence, privacy concerns are different, and criminal defendants enjoy a 6th amendment right to counsel.

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More recent cases, while relying on the commercial speech doctrine, exemplify digital age facts. A 2010 case involves a law firm's challenge to New York's 2006 revised advertising rules, which prohibited the use of "the irrelevant attention-getting techniques unrelated to attorney competence, such as style and advertising gimmicks, puffery, wisps of smoke, blue electrical currents, and special effects, and... the use of nicknames, monikers, mottos, or trade names implying an ability to obtain results in a matter."²⁵ The U.S. Court of Appeals for the Second Circuit found New York's regulation to be unconstitutional as a categorical ban on commercial speech. The speech was not likely to be misleading.²⁶ The court noted that prohibiting *potentially misleading* commercial speech might fail the *Central Hudson* test.²⁷ The court concluded that even assuming that New York could justify its regulations under the first three prongs of the *Central Hudson* test, an absolute prohibition generally fails the prong requiring that the regulation be narrowly fashioned.²⁸

In 2011, the Fifth Circuit reached a similar conclusion, ruling that many of Louisiana's 2009 revised attorney advertising regulations contained absolute prohibitions on commercial speech, rendering the regulations unconstitutional due to a failure to comply with the least restrictive means test in *Central Hudson*.²⁹ The Fifth Circuit applied the *Central Hudson* test to attorney advertising regulations.³⁰ Although paying homage to a state's substantial interest in ensuring the accuracy of information in the commercial marketplace and the ethical conduct of its licensed professionals, the Fifth Circuit relied

²⁵ *Alexander v. Cahill*, 598 F.3d 79, 84-86 (2d Cir. 2010). The court commented, "Moreover, the sorts of gimmicks that this rule appears designed to reach—such as Alexander & Catalano's wisps of smoke, blue electrical currents, and special effects—do not actually seem likely to mislead. It is true that Alexander and his partner are not giants towering above local buildings; they cannot run to a client's house so quickly that they appear as blurs; and they do not actually provide legal assistance to space aliens. But given the prevalence of these and other kinds of special effects in advertising and entertainment, we cannot seriously believe—purely as a matter of 'common sense'—that ordinary individuals are likely to be misled into thinking that these advertisements depict true characteristics. Indeed, some of these gimmicks, while seemingly irrelevant, may actually serve 'important communicative functions: [they] attract [] the attention of the audience to the advertiser's message, and [they] may also serve to impart information directly.'" (Citations omitted.).

²⁶ *Alexander v. Cahill*, 598 F.3d 79, at 96.

²⁷ *Id.*

²⁸ *Id.* Note that the court did uphold the moratorium provisions that prevent lawyers from contacting accident victims for a certain period of time.

²⁹ *Pub. Citizen, Inc. v. La. Attorney Disciplinary Bd.*, 632 F.3d 212, 229 (5th Cir. 2011). Note that the court did uphold the regulations that prohibited promising results, that prohibited use of monikers or trade names that implied a promise of success, and that required disclaimers on advertisements that portrayed scenes that were not actual or portrayed clients who were not actual clients. The court distinguished its holding from New York's in *Cahill* by indicating that the Bar had produced evidence in the form of survey results that supported the requirement that the regulation materially advanced the government's interest in protecting the public.

³⁰ *Pub. Citizen, Inc. v. La. Attorney Disciplinary Bd.*, 632 F.3d 212 (5th Cir. 2011).

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on the Supreme Court's decision in *Zauderer* to conclude that the dignity of attorney advertising does not fit within the substantial interest criteria.³¹

[T]he mere possibility that some members of the population might find advertising embarrassing or offensive cannot justify suppressing it. The same must hold true for advertising that some members of the bar might find beneath their dignity.³²

Florida also revised its attorney advertising rules in light of the digital age evolution of attorney advertising and the commercial speech doctrine. Nonetheless, some of Florida's rules and related guidelines have failed constitutional challenges. For example, in *Rubenstein v. Florida Bar* the Eleventh Circuit declared Florida Bar's prohibition on advertising of past results to be unconstitutional because the guidelines prohibited any such advertising on indoor and outdoor displays, television, or radio.³³ The state's underlying regulatory premise was that these "specific media . . . present too high a risk of being misleading." This total ban on commercial speech again did not survive constitutional scrutiny.³⁴

Finally, in *Searcy v. Florida Bar*, a federal court enjoined The Florida Bar from enforcing its rule requiring an attorney to be board certified before advertising expertise in an area of law.³⁵ The Searcy law firm challenged the regulation as a blanket prohibition on commercial speech, arguing board certification is not available in all areas of practice, including the firm's primary mass torts area of expertise.

VII. Conclusion

Trends in the profession, the current needs of clients, new technology, increased competition, and the history and law of lawyer advertising all demonstrate that the current patchwork of complex and burdensome lawyer advertising rules is outdated for the 21st Century. SCEPR's proposed amendments improve Model Rules 7.1 through 7.5 by responding to these developments. Once amended, the Rules will better serve the bar and the public by expanding opportunities for lawyers to use modern technology to advertise their services, increasing the public's access to accurate information about the availability of legal services, continue the prohibition against the use of false and misleading communications, and protect the public by focusing the resources of

³¹ *Id.* at 220.

³² *Id.* citing *Zauderer v. Office of Disciplinary Counsel*, 471 U.S. 626, 648 (1985).

³³ *Rubenstein v. Fla. Bar*, 72 F. Supp. 3d 1298 (S.D. Fla. 2014).

³⁴ *Id.* at 1312.

³⁵ *Searcy v. Fla. Bar*, 140 F. Supp. 3d 1290, 1299 (N.D. Fla. 2015). Summary Judgment Order available at:

[http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/E8E7FDDE9DBB8DE385257ED5004ABB95/\\$FILE/Searcy%20Order%20on%20Merits.pdf?OpenElement](http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/E8E7FDDE9DBB8DE385257ED5004ABB95/$FILE/Searcy%20Order%20on%20Merits.pdf?OpenElement)

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regulators on truly harmful conduct. The House of Delegates should proudly adopt these amendments.

Respectfully submitted,

Barbara S. Gillers, Chair
Chair, Standing Committee on Ethics and Professional Responsibility
August, 2018

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GENERAL INFORMATION FORM

Submitting Entity: Standing Committee on Ethics and Professional Responsibility

Submitted By: Barbara S. Gillers, Chair

1. Summary of Resolution. The SCEPR recommends amendments to Model Rules 7.1 through 7.5 and their related Comments. These amendments:

- Streamline and simplify the rules while adhering to constitutional limitations on restricting commercial speech, protecting the public, and permitting lawyers to use new technologies to inform consumers accurately and efficiently about the availability of legal services.
- Combine the provisions on false and misleading communications into Rule 7.1 and its Comments. The black letter of Rule 7.1 remains unchanged. Provisions of Rule 7.5, which largely relate to misleading communications, are moved into Comments to Rule 7.1.
- Consolidate specific rules for advertising into Rule 7.2, change "office address" to "contact information" (to accommodate technological advances) and delete unrelated or superfluous provisions. Provisions of Rule 7.4 regarding certification are moved to Rule 7.2(c) and its Comments. Lawyer referral services remain limited to qualified entities approved by an appropriate regulatory authority.
- Add a new subparagraph to Rule 7.2(b) as an exception to the general provision against paying for recommendations. The new provision would permit only nominal "thank you" gifts and contains other restrictions.
- Define solicitation as "a communication initiated by or on behalf of a lawyer or law firm that is directed to a specific person the lawyer knows or reasonably should know needs legal services in a particular matter and that offers to provide, or reasonably can be understood as offering to provide, legal services for that matter." Live person-to-person solicitation is prohibited. This includes in-person, face-to-face, telephone, and real-time visual or auditory person-to-person communication such as Skype or FaceTime.
- Broaden slightly the exceptions in Rule 7.3(b)(2) and (3) to permit live person-to-person solicitation of ~~qualified~~ "experienced users of the type of legal services involved for business matters," and of "persons with whom a lawyer has a business relationship". Additional Comments offers guidance on the new terms.
- Eliminate the requirement to label targeted mailings as "Advertising", but prohibit targeted mailings that are misleading, involve coercion, duress, or harassment, or

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where the target of the solicitation has made known to the lawyer a desire not to be solicited.

2. Approval by Submitting Entity

The SCEPR approved this recommendation on April 11, 2018.

3. Has this or a similar Resolution been submitted to the House or Board previously?

Yes. All amendments to the ABA Model Rules of Professional Conduct must be approved by the House of Delegates.

4. What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?

Adoption of this resolution would result in amendments to the ABA Model Rules of Professional Conduct. Goal II of the Association—to improve our profession by promoting ethical conduct—would be advanced by the adoption of this resolution.

5. If this is a late Report, what urgency exists which requires action at this meeting of the House?

N/A

6. Status of Legislation (if applicable).

N/A

7. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.

The Center for Professional Responsibility will publish amendments to the ABA Model Rules of Professional Conduct and Comments. The Policy Implementation Committee of the Center for Professional Responsibility has in place the procedures and infrastructure to successfully implement any policies that are adopted by the House of Delegates.

8. Cost to the Association (both indirect and direct costs):

None.

9. Disclosure of interest:

N/A.

10. Referrals.

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In February 2017, SCEPR hosted a public forum when it received from the Association of Professional Responsibility Lawyers (APRL) a proposal to amend the lawyer advertising rules. Invitations to attend and comment were extended to ABA entities including:

- Bar Activities and Services
- Client Protection
- Delivery of Legal Services
- Election Law
- Group and Prepaid Legal Services
- Lawyers Referral and Information Services
- Lawyers' Professional Liability
- Legal Aid and Indigent Defendants
- Pro Bono and Public Service
- Professional Discipline
- Professionalism
- Public Education
- Specialization
- Technology and Information Services
- Bioethics and the Law
- Commission on Disability Rights
- Commission on Domestic and Sexual Violence
- Hispanic Legal Rights and Responsibilities
- Commission on Homelessness and Poverty
- Commission on Immigration
- Commission on Law and Aging
- Commission on Lawyer Assistance Programs
- Center for Racial and Ethnic Diversity
- Commission on Sexual Orientation and Gender Identity
- Commission on Women in the Profession
- Administrative Law and Regulatory Practice
- Antitrust Law
- Business Law Section
- Civil Rights and Social Justice
- Criminal Justice Section
- Section of Dispute Resolution
- Section of Environment, Energy and Resources
- Section of Family Law
- Government and Public Sector Lawyers Division
- Health Law Section
- Infrastructure and Regulated Industries Section
- Intellectual Property Law
- Section of International Law
- Judicial Division
- Labor and Employment Law

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Law Practice Division
Law Student Division
Section of Litigation
Section of Public Contract Law
Real Property, Trust and Estate Law
Science and Technology Law
State and Local Govt. Law
Section of Taxation
TTIPS
YLD
Forum on Communications Law
Forum on Construction Law
Forum on Entertainment and Sports Industries
Franchising
Solo Small Firm GP

In December 2017, SCEPR released a Working Draft of its proposal to amend the Model Rules regulating lawyer advertising. Information released also included instructions on how to comment in writing and about the February 2018 public forum the Committee was to host. This was emailed to the state bar associations, state disciplinary agencies and the ethics committees of the following ABA entities:

Antitrust Law
Business Law
Criminal Justice
Dispute Resolution
Environment, Energy and Resources
Family Law
Government and Public Sector Lawyers Division
Health Law
Intellectual Property
International Law
Judicial Division
Labor and Employment Law
Law Practice Division
Litigation
Real Property, Trust and Estate Law
Senior Lawyers
Solo, Small Firm, and General Practice
State and Local Govt. Law
Tort Trial and Insurance Practice
Young Lawyers Division

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SCEPR also made its work available to the press and the public. Many news articles about its work appeared in the Lawyers' Manual on Professional Conduct, the ABA Journal, and other legal news outlets.

In February 2018, SCEPR hosted a Public Forum at the Midyear Meeting in Vancouver. More than 50 people attended, many spoke, and many written comments were received. A transcript of the proceedings and all the Comments were posted on the Committee's website.

In March 2018, SCEPR hosted a free webinar on the revisions it made to its proposal to amend the Model Rules. Information was emailed to members of the ABA House of Delegates, state bars, state regulators, and other groups.

11. Contact Name and Address Information. (Prior to the meeting contact person information.)

Barbara S. Gillers, Chair, Standing Committee on Ethics
and Professional Responsibility
New York University School of Law
40 Washington Square South, Room 422
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W: 212-992-6364
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Dennis Rendleman
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321 North Clark Street, 20th Floor
Chicago, IL 60654
T: 312.988.5307
C: 312.753.9518
Dennis.Rendleman@americanbar.org

12. Contact Name and Address Information. (Who will present the report to the House? Please include name, address, telephone number, cell phone number and e-mail address.)

Barbara S. Gillers, Chair, Standing Committee on Ethics
and Professional Responsibility
New York University School of Law
40 Washington Square South, Room 422
New York, New York 10012

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EXECUTIVE SUMMARY

1. Summary of Resolution.

The Resolution proposes changes to Model Rules 7.1 through 7.5, known as the lawyer advertising rules. The changes highlight the American Bar Association's long-standing leadership in promulgating rules for the professional conduct of lawyers generally, and in the rules governing lawyer advertising in particular.

A dizzying number of state variations in the rules governing lawyer advertising exist. There are vast departures from the Model Rules and numerous differences between jurisdictions. These differences cause compliance confusion among intra-state and interstate lawyers and firms, time-consuming and expensive litigation, and enforcement uncertainties for bar regulators. At the same time, changes in the law on commercial speech, trends in the profession including increased cross-border practice and intensified competition from inside and outside the profession, and technological advances demand greater uniformity, more simplification, and focused enforcement.

As amended the rules will provide lawyers and regulators nationwide with models that protect clients from false and misleading advertising, free lawyers to use expanding and innovative technologies for advertising, and enable bar regulators to focus on truly harmful conduct. The amended rules will also increase consumer access to accurate information about the availability of legal services and, thereby, expand access to legal services.

2. Summary of the issues which the Resolution addresses.

The Resolution addresses at least five issues. First, the Resolution addresses the overwhelming variation in the rules governing lawyer advertising by promoting simplified, targeted, and more uniform regulation in this area. Second, the Resolution addresses changes in the profession resulting from increased competition from inside and outside the profession and from increased cross-border practice. Lawyers who serve clients across jurisdictions and clients who need service across jurisdictions will benefit from the proposed changes. Third, the Resolution frees bar regulators to focus on truly harmful conduct: advertising that is misleading, harassing, and coercive. Fourth, the Resolution will increase access to legal services by freeing lawyers and clients to connect via ever-expanding technologies. Finally, the Resolution responds to developments in First Amendment law governing commercial speech and antitrust concerns.

3. An explanation of how the proposed policy position will address the issue.

At least three policies inform the Resolution. First, lawyers and clients should be free to use advancing technology to provide the public with greater access to legal services. Second, lawyer advertising rules should focus on truly harmful conduct: false, deceptive,

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and misleading statements, harassment, coercion, and invasions of privacy, freeing lawyers of unnecessary restrictions. Finally, bar regulators should be able to concentrate their limited enforcement resources on truly harmful conduct.

4. A summary of any minority views or opposition internal and/or external to the ABA which have been identified.

Minority opposition has been received from two state bar associations: the Illinois State Bar Association and the New Jersey State Bar Association. There was also opposition, but only on two amendments, from the Connecticut Bar Association Standing Committee on Professional Ethics (the "Connecticut Ethics Committee"). The two amendments opposed by the Connecticut Ethics Committee are: (i) eliminating the labeling requirement and (ii) permitting nominal gifts for recommendations.

That said, proposals to change the Model Rules of Professional Conduct typically generate diverse comments rooted in dissimilar philosophical and drafting approaches. The comments received by SCEPR throughout this process followed that pattern; they reflected divergent approaches toward lawyer advertising. Generally, however, the minority views fell into two categories.

One group of minority views argued that SCEPR's proposals do not remove enough restrictions on lawyer communications with the public regarding legal services and the availability of legal services. In this group are states and individuals—within and outside the ABA—who argue that the Model Rules should prohibit only false or misleading communications.

The other group thought the opposite was true—that SCEPR's proposals went too far in lifting regulatory constraints on lawyers. In this group are a handful of individuals and state bar associations that oppose, for example, (i) lifting limitations on communicating with experienced users of legal services in business matters, (ii) permitting nominal gifts for recommendations, and (iii) removing the labelling requirement on targeted mail. Some of these commenters also opposed the simple restructuring of current provisions on firm names and claims about specialization.

SCEPR considered all of these, as well as other comments. After significant study, debate, deliberation, and work, SCEPR concluded that its proposals represent the right mix of regulations to protect the public from false, misleading, and harassing conduct while freeing lawyers to use innovative technologies to communicate accurate information about the availability of legal services, enabling clients to find lawyers using those technologies, and focusing regulators on truly harmful conduct.

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF SUGGESTED)
AMENDMENTS TO RULES OF PROFESSIONAL)
CONDUCT (RPCs) 5.5, 7.1, 7.2, 7.3, 7.4, AND 7.5)
)
)
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_____)

ORDER

NO. 25700-A-1247

FILED
NOV - 9 2018
[Signature]
THE SUPREME COURT

The Washington State Bar Association, having recommended the suggested amendments to Rules of Professional Conduct (RPCs) 5.5, 7.1, 7.2, 7.3, 7.4, and 7.5, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2019.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2019. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

ORDER
IN THE MATTER OF SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL
CONDUCT (RPCs) 5.5, 7.1, 7.2, 7.3, 7.4, AND 7.5

DATED at Olympia, Washington this 9th day of November, 2018.

For the Court

Fairhurst, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendments to RULES OF PROFESSIONAL CONDUCT

Rules 5.5, 7.1, 7.2, 7.3, 7.4, 7.5

A. Proponent:

Washington State Bar Association
1325 4th Ave, Suite 600
Seattle WA 98101-2539

B. Spokespersons:

William D. Pickett, President
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Jeanne Marie Clavere, Professional Responsibility Counsel
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C. Purpose:

I. OVERVIEW

In June 2015, the Association of Professional Responsibility Lawyers (APRL)¹ issued a groundbreaking report following a two-year study of the regulation of lawyer advertising in the United States. Taking into account constitutional and antitrust concerns, technology change, globalization, and the impact of overregulation, the report

¹ APRL is a national professional association of attorneys who provide advice and services in all aspects of legal ethics, including private practitioners who defend lawyers in discipline matters, lawyers who provide ethics and risk management services, and law faculty in the area of legal ethics. Information about APRL is available at <https://aprl.net/>.

concluded that the rules of professional conduct governing lawyer advertising are outdated and unworkable in the current legal environment. The report recommended substantial reform of the American Bar Association's Model Rules of Professional Conduct (ABA Model Rules) relating to lawyer communications and advertising.²

In early 2016, the WSBA Board of Governors (BOG) convened a workgroup to evaluate the APRL Report and report to the BOG regarding possible amendments to the rules governing lawyer advertising and communications in Title 7 of Washington's Rules of Professional Conduct (RPC). After considering the workgroup's analysis and recommendation, the BOG referred the issue to the WSBA Committee on Professional Ethics to develop a proposal for regulatory reform of Washington's ethics rules governing lawyer advertising and communications. The accompanying suggested amendments – designed to simplify the regulation of lawyer advertising, promote innovation in legal marketing, and improve access to legal services – are the culmination of this effort.

II. BACKGROUND

A. Impact of the APRL Report

APRL's 2015 Report and 2016 Supplemental Report were broadly disseminated and presented nationally to groups focused on ethics and lawyer regulation, including to the National Organization of Bar Counsel, the ABA National Conference on Professional

² In the 2015 Report, APRL reserved consideration of the ABA Model Rules related to direct solicitation of clients and referrals. APRL's Regulation of Lawyer Advertising Committee subsequently reconvened to consider those issues, and APRL issued a Supplemental Report on April 26, 2016. Both the 2015 Report and the 2016 Supplemental Report are available at <https://aprl.net/public-statements/>.

Responsibility, the ABA Standing Committee on Ethics and Professional Responsibility, and the ABA Center for Professional Responsibility Fall Leadership Conference.

In light of the APRL Reports, the ABA Standing Committee on Ethics and Professional Responsibility (SCEPR) formed a workgroup to draft and recommend potential amendments to the ABA Model Rules to the ABA House of Delegates. The ABA SCEPR workgroup took written commentary on the APRL proposal and convened a public forum at the February 2017 ABA Mid-Year Meeting in Miami.³ At the end of 2017, the workgroup released a working draft of amendments based on the APRL proposal. The workgroup hosted a well-attended second public forum at the February 2018 ABA Mid-year Meeting in Vancouver, British Columbia with thirteen speakers and about 65 attendees present. Twenty-seven written comments were accepted in the comment period to March 1, 2018, and the workgroup further modified its proposals. In late March, SCEPR presented a free webinar to introduce and explain the revised recommendations. More than 100 people registered for the forum and many favorable comments were received. Interest in the Standing Committee's work remains high and the trend is favorable to the changes. The Standing Committee plans to present its report and recommendation to amend the Model Rules to the ABA House of Delegates at the ABA Annual meeting in August 2018.

On April 17, 2017, the Virginia Supreme Court became the first state supreme court to revise its rules of professional conduct using the recommended APRL reforms as a template. It has been reported to the proponent that committees have been formed in

³ A summary of the public forum is available at <http://www.americanbar.org/publications/youraba/2017/march-2017/aba-standing-committee-on-ethics-and-professional-responsibility.html>.

North Carolina and Maryland to review the APRL recommendations. Two other jurisdictions have reformed their Title 7 rules consistent with (although not as a result of) the APRL recommendations. On February 7, 2018, the Oregon Supreme Court adopted amendments to Oregon Rules of Professional Conduct 7.3 essentially identical to the amendment suggested here for Washington's RPC. Furthermore, many Title 7 rules in the District of Columbia mirror the principles recommended by APRL.

B. Substance of the APRL Proposal

The APRL proposal recommends both substantive and procedural amendments to the ABA Model Rules of Professional Conduct, seeking greater simplicity and uniformity nationally. In short, the APRL Reports propose that the ABA Model Rules focus specifically on false and deceptive advertisements rather than impose complex technical requirements seeking to prohibit potentially misleading, distasteful, or unprofessional communications, and that discipline in this area be reserved for conduct that would otherwise violate Model Rule 8.4(c) (conduct involving fraud, deception, deceit, or misrepresentation).

The draft APRL amendments retain the core language of Model Rule 7.1 (prohibiting false or misleading communications about a lawyer or the lawyer's services), while deleting Rules 7.4 and 7.5 and most of Rule 7.2. Much of the commentary to the deleted rules migrated to the comments to Rule 7.1 to provide guidance and direction to lawyers in interpreting how to avoid "false and misleading communications."

With respect to solicitation and referrals, the 2016 APRL Supplemental Report proposes a modified Rule 7.2 that combines elements of current Model Rules 7.2 and 7.3. The

modified Rule 7.2 would include a definition of solicitation in the black letter of the rule, and the general ban on solicitation would be limited to in-person and telephone contacts (not including real time electronic contact), with listed exceptions. The proposal also migrates the provision on prepaid and group legal services plans to Rule 7.2 and retains, in modified form, the prohibition in current Rule 7.2 on giving anything of value to a person for recommending the lawyer's services, with listed exceptions.

III. WSBA REVIEW OF THE APRL PROPOSAL

In early 2016, the BOG formed the Advertising Workgroup to analyze whether the APRL proposal would be viable and appropriate in Washington, the ways in which the proposal might need to be modified in light of Washington's existing Title 7 RPC, and the extent to which the APRL proposal might be improved upon to address issues of over-regulation of advertising.

The consensus of the Advertising Workgroup, as stated in its February 2017 report to the BOG, was that (1) the APRL proposal represented a viable model for regulatory reform of ethics rules governing lawyer advertising and communications, (2) that work could begin on how to adapt the proposal for Washington State, and (3) that there was no reason to delay consideration of potential amendments.

In light of the widespread favorable reception of the APRL Report, the consistency of the APRL proposal with established enforcement practices in Washington State, and the desirability of prompt action in the area of regulatory reform, the Advertising Workgroup proposed that the BOG commence the process of review and revision of Washington's RPC.

The BOG agreed with the workgroup's recommendation and on March 9, 2017, voted to direct the Committee on Professional Ethics (CPE) to: (1) evaluate, and as appropriate draft, potential amendments to Washington's Title 7 RPC in light of the APRL proposal, and (2) report its recommendation to the Board of Governors.

In March 2017 pursuant to the BOG's request, the CPE formed a subcommittee composed of CPE members and several members of the Advertising Workgroup to draft proposed rule amendments to Title 7. The subcommittee proposals were presented to and reviewed by the CPE over the course of several meetings and adopted at the October and December 2017 CPE meetings. After a first reading in January 2018, on March 8, 2018, the BOG approved the CPE recommendations for submission to the Court under GR 9.

IV. EXPLANATION OF RECOMMENDED CHANGES

These suggested amendments would (1) revise RPC 7.1 and 7.3 and their accompanying comments, (2) delete and reserve RPC 7.2, 7.4, and 7.5, and (3) relocate to RPC 5.5 provisions currently in RPC 7.5(b).

A. Communications Regarding Lawyer Services

The suggested amendments simplify the Title 7 rules while maintaining the core concept that communications regarding a lawyer's services must not be false or misleading. This core concept is expressed in RPC 7.1, which remains unchanged.

Ancillary concepts related to (1) the communication of fields of practice and specialization, and (2) firm names, currently expressed in RPC 7.4 and 7.5 respectively, are incorporated into RPC 7.1 by moving the comments from RPC 7.4 and 7.5 to RPC

7.1 as new comments [5]-[13]. Black letter Rules 7.4 and 7.5 are removed and reserved. New comment [8] would make it clear that a lawyer is generally permitted to indicate a specialization, as long as the communication is consistent with the "false or misleading" standard of Rule 7.1.

The only other material difference from the APRL proposal is to reflect the existence in Washington of LLLTs in the comments, including the relocation of "Additional Washington Comments (3-4)" from RPC 7.5 to Additional Washington Comments (12-13) to RPC 7.1.

B. Advertising

The "Advertising" rule, RPC 7.2 is removed and reserved. The historical basis for having a separate rule was based on traditional restrictions on lawyer advertising that were virtually extinguished when the ABA Model Rules replaced the former ABA Model Code of Professional Responsibility in 1983. The provision in paragraph (b) of current RPC 7.2(b) for "referral fees" is moved to RPC 7.3, the solicitation rule, as discussed below.

C. Solicitation

The solicitation rule, RPC 7.3(a), has been simplified consistent with the policies discussed in APRL's 2016 Supplemental Report, though the suggested amendments to RPC 7.3 go further by eliminating the current distinction between written solicitation (generally permissible subject to specific prohibitions) and solicitation "by in-person, live telephone, or real-time electronic contract" (generally impermissible but subject to safe harbor exceptions). The suggested RPC 7.3 revision recognizes that solicitation is generally permissible irrespective of form; instead, the rule focuses on prohibiting those

solicitations that are unwanted or abusive in defined ways, e.g., where the solicitation is false or misleading, where the lawyer knows that the individual could not exercise reasonable judgment in employing the lawyer, or where the solicitation involves coercion, duress, or harassment. In addition, the suggested revision deletes and reserves paragraph (d), relating to authorized solicitations by prepaid or group legal services plans. Since in-person or telephone solicitation would no longer be generally prohibited, this provision would be unnecessary.

On April 17, 2017, the Virginia Supreme Court became the first state to adopt the APRL solicitation reforms. The Oregon Supreme Court simplified its solicitation rule even further when, on February 7, 2018, it issued an Amended Order adopting a version of the general solicitation rule which limits solicitation restrictions to abusive or unwanted communications “by any means.”

D. Law Firms with Offices in Multiple Jurisdictions

Current RPC 7.5(b) appears to be the only place in the rules that provides a justification for permitting out-of-state law firms to open branch offices here and allowing Washington-based law firms to open offices in other jurisdictions. Black letter law would ordinarily prohibit multijurisdictional arrangements involving otherwise unlicensed individuals unless the arrangement is specifically authorized by law. See RCW 2.48.180(2)(b), (2)(c), (2)(d), (2)(e); RPC 5.5(b)(1) (a lawyer not admitted in Washington may not establish an office here for the practice of law “except as authorized by these Rules or other law”); see also Hazard, Hodes & Jarvis, *The Law of Lawyering* §63.06 (4th ed. 2015) (explaining that RPC 7.5(b), which “is chiefly

concerned with the manner in which multistate firms present themselves to the public,” implicitly endorses the existence of such firms; “Without such an understanding, a single firm could not *have* ‘offices in more than one jurisdiction’”). The unauthorized practice statute makes this clear as well. See RCW 2.48.180(7) (in a prosecution for unauthorized practice of law under the Washington statute, “it is a defense if proven by the defendant by a preponderance of the evidence that, at the time of the offense, the conduct alleged was authorized by the rules of professional conduct or the admission to practice rules, or Washington business and professions licensing statutes or rules”).

Because RPC 7.5 would be repealed under the rule changes being recommended, it is suggested that a new paragraph be included in RPC 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice of Law) to clarify that when lawyers practice in firms having offices in more than one jurisdiction, the business structure does not itself constitute a violation of the Rules of Professional Conduct and the Washington unauthorized practice statute. New comments would be added to RPC 5.5 (Comment [22]) and RPC 7.1 (Comment [14]) explaining why this rule change is being made. References to RPC 7.5 in comments [4] and [21] to RPC 5.5 are removed.

In addition, two technical corrections are suggested in Comments [5] and [14] of RPC 5.5 to clarify that those comments are Washington revisions. Finally, as an additional technical correction, two instances of the phrase “to prospective clients” are deleted from Comment [21] to conform the comment to the ABA Model Rule.

E. Compensation for Recommending Lawyer Services (“Referral Fees”)

The suggested amendments would move the “referral fee” provisions from RPC 7.2(b) to paragraph (b) of the solicitation rule, RPC 7.3, to reflect the historical justification for regulating referral fees as a prohibited form of solicitation (i.e., unseemly “running” or “ambulance chasing”). See Hazard, Hodes, & Jarvis, *The Law of Lawyering, supra*, at §60.05 (4th ed. 2015) (“Ordinarily, paying for a recommendation of a lawyer’s services is a form of solicitation, and thus is prohibited by Model Rule 7.3. [Model] Rule 7.2(b), however, provides several commonsense exceptions to govern situations in which money does indeed change hands in exchange for a recommendation of services, but where the evils of direct contact solicitation are not present.”). The one material difference from the APRL proposal is that the suggested rule reflects the existence in Washington of LLLTs in paragraph (b)(4).

Adopting this version of the referral fee rule would change or clarify the Washington rule on referral fees as follows:

- The rule is revised to expressly permit referral fee payments to lawyers and employees in the same firm to address, as noted in the APRL report, the reality that lawyers in the same firm routinely pay a portion of earned fees on a matter to the “originating” lawyer in the firm;
- Paragraph (b)(1) is changed to clarify that payments for online group directories or advertising platforms are permitted payments for advertising;

- Paragraph (b)(4) is changed to permit reciprocal referral arrangements with other professionals (in addition to lawyers and LLLTs), consistent with the current ABA Model Rule and the APRL proposal.
- Paragraph (b)(5) was added to include an additional exception for nominal gifts that are neither intended nor reasonably expected to be a form of compensation for recommending a lawyer's services.

V. CONFORMING THE LIMITED LICENSE LEGAL TECHNICIAN RULES OF PROFESSIONAL CONDUCT

If the suggested amendments to the lawyer advertising rules are adopted, the proponent recommends that the corresponding LLLT Rules of Professional Conduct be simultaneously amended so the two rule sets are in conformity. The LLLT Board is submitting suggested amendments to the LLLT RPC consistent with these suggested amendments.

D. Hearing:

A hearing is not requested.

E. Expedited Consideration:

Expedited consideration is not requested.

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1 | **RPC 7.1 COMMUNICATIONS CONCERNING A LAWYER'S SERVICES**

2 |
3 | A lawyer shall not make a false or misleading communication about the lawyer or the
4 | lawyer's services. A communication is false or misleading if it contains a material
5 | misrepresentation of fact or law, or omits a fact necessary to make the statement considered
6 | as a whole not materially misleading.

7 |
8 | **Comment**

9 | [1] [Washington revision] This Rule governs all communications about a lawyer's services,
10 | ~~including advertising permitted by Rule 7.2.~~ Whatever means are used to make known a
11 | lawyer's services, statements about them must be truthful.

12 |
13 | [2] Truthful statements that are misleading are also prohibited by this Rule. A truthful
14 | statement is misleading if it omits a fact necessary to make the lawyer's communication
15 | considered as a whole not materially misleading. A truthful statement is also misleading if
16 | there is a substantial likelihood that it will lead a reasonable person to formulate a specific
17 | conclusion about the lawyer or the lawyer's services for which there is no reasonable
18 | factual foundation.

19 |
20 | [3] An advertisement that truthfully reports a lawyer's achievements on behalf of clients or
21 | former clients may be misleading if presented so as to lead a reasonable person to form an
22 | unjustified expectation that the same results could be obtained for other clients in similar
23 | matters without reference to the specific factual and legal circumstances of each client's
24 | case. Similarly, an unsubstantiated comparison of the lawyer's services or fees with the
25 | services or fees of other lawyers may be misleading if presented with such specificity as
26 | would lead a reasonable person to conclude that the comparison can be substantiated. The

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1 inclusion of an appropriate disclaimer or qualifying language may preclude a finding that a
2 statement is likely to create unjustified expectations or otherwise mislead the public.

3
4 [4] [Washington revision] It is professional misconduct for a lawyer to engage in conduct
5 involving dishonesty, fraud, deceit or misrepresentation. Rule 8.4(c). See also Rule 8.4(e)
6 for the prohibition against stating or implying an ability to influence improperly a
7 government agency or official or to achieve results by means that violate the Rules of
8 Professional Conduct or other law.

9
10 Additional Washington Comments (5-14)

11
12 [5] To assist the public in learning about and obtaining legal services, lawyers should be
13 allowed to make known their services not only through reputation but also through
14 organized information campaigns in the form of advertising. Advertising involves an active
15 quest for clients, contrary to the tradition that a lawyer should not seek clientele. However,
16 the public's need to know about legal services can be fulfilled in part through advertising.
17 This need is particularly acute in the case of persons of moderate means who have not
18 made extensive use of legal services. The interest in expanding public information about
19 legal services ought to prevail over considerations of tradition. Nevertheless, advertising by
20 lawyers entails the risk of practices that are misleading or overreaching.

21
22 [6] This Rule permits public dissemination of information concerning a lawyer's name or
23 firm name, address, email address, website, and telephone number; the kinds of services the
24 lawyer will undertake; the basis on which the lawyer's fees are determined, including prices
25 for specific services and payment and credit arrangements; a lawyer's foreign language
26

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1 ability; names of references and, with their consent, names of clients regularly represented;
2 and other information that might invite the attention of those seeking legal assistance.

3
4 [7] Questions of effectiveness and taste in advertising are matters of speculation and
5 subjective judgment. Some jurisdictions have had extensive prohibitions against television
6 and other forms of advertising, against advertising going beyond specified facts about a
7 lawyer, or against "undignified" advertising. Television, the Internet, and other forms of
8 electronic communication are now among the most powerful media for getting information
9 to the public, particularly persons of low and moderate income; prohibiting television,
10 Internet, and other forms of electronic advertising, therefore, would impede the flow of
11 information about legal services to many sectors of the public. Limiting the information
12 that may be advertised has a similar effect and assumes that the bar can accurately forecast
13 the kind of information that the public would regard as relevant.

14
15 *Areas of Expertise/Specialization*

16 [8] A lawyer may indicate areas of practice in communications about the lawyer's services.
17 If a lawyer practices only in certain fields, or will not accept matters except in a specified
18 field or fields, the lawyer is permitted to so indicate. A lawyer is generally permitted to
19 state that the lawyer is a "specialist," practices a "specialty," or "specializes in" particular
20 fields, but such communications are subject to the "false and misleading" standard applied
21 in Rule 7.1 to communications concerning a lawyer's services. A lawyer may state that the
22 lawyer is certified as a specialist in a field of law if such certification is granted by an
23 organization approved by an appropriate state authority or accredited by the American Bar
24 Association or another organization, such as a state bar association, that has been approved
25 by the state authority to accredit organizations that certify lawyers as specialists.
26 Certification signifies that an objective entity has recognized an advanced degree of

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1 knowledge and experience in the specialty area greater than is suggested by general
2 licensure to practice law. Certifying organizations may be expected to apply standards of
3 experience, knowledge and proficiency to insure that a lawyer's recognition as a specialist
4 is meaningful and reliable. In order to insure that consumers can obtain access to useful
5 information about an organization granting certification, the name of the certifying
6 organization must be included in any communication regarding the certification.

7
8 [9] In advertising concerning an LLLT's services, an LLLT is required to communicate the
9 fact that the LLLT has a limited license in the particular fields of law for which the LLLT
10 is licensed and must not state or imply that the LLLT has broader authority to practice than
11 is in fact the case. See LLLT RPC 7.1(b). When lawyers and LLLTs are associated in a
12 firm, lawyers with managerial or pertinent supervisory authority must take measures to
13 assure that the firm's communications conform with these obligations. See Rule 5.10.

14 15 *Firm Names*

16 [10] A firm may be designated by the names of all or some of its members, by the names of
17 deceased members where there has been a continuing succession in the firm's identity or by
18 a trade name such as the "ABC Legal Clinic." A lawyer or law firm may also be designated
19 by a distinctive website address or comparable professional designation. Although the
20 United States Supreme Court has held that legislation may prohibit the use of trade names
21 in professional practice, use of such names in law practice is acceptable so long as it is not
22 misleading. If a private firm uses a trade name that includes a geographical name such as
23 "Springfield Legal Clinic," an express disclaimer that it is a public legal aid agency may be
24 required to avoid a misleading implication. It may be observed that any firm name
25 including the name of a deceased partner is, strictly speaking, a trade name. The use of
26 such names to designate law firms has proven a useful means of identification. However, it

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1 is misleading to use the name of a lawyer or LLLT not associated with the firm or a
2 predecessor of the firm, or the name of an individual who is neither a lawyer nor an LLLT.
3

4 [11] Lawyers or LLLTs sharing office facilities, but who are not in fact associated with
5 each other in a law firm, may not denominate themselves as, for example, "Smith and
6 Jones," for that title suggests that they are practicing law together in a firm.
7

8 [12] When lawyers and LLLTs are associated with each other in a law firm, the firm may
9 be designated using the name of a member LLLT if the name is not otherwise in violation
10 of this Rule.
11

12 [13] Lawyers or LLLTs practicing out of the same office who are not partners, shareholders
13 of a professional corporation, or members of a professional limited liability company or
14 partnership may not join their names together. Lawyers or LLLTs who are not 1) partners,
15 shareholders of a professional corporation, or members of a professional limited liability
16 company or partnership, or 2) employees of a sole proprietorship, partnership, professional
17 corporation, or members of a professional limited liability company or partnership or other
18 organization, or 3) in the relationship of being "Of Counsel" to a sole proprietorship,
19 partnership, professional corporation, or members of a professional limited liability
20 company or partnership or other organization, must have separate letterheads, cards and
21 pleading paper, and must sign their names individually at the end of all pleadings and
22 correspondence and not in conjunction with the names of other lawyers or LLLTs.
23

24 [14] A law firm with offices in more than one jurisdiction may use the same name or other
25 professional designation in each jurisdiction. See Rule 5.5(f) and Comment [22]. In order
26 to avoid misleading the public, when lawyers or LLLTs are identified as practicing in a

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1 particular office, the firm should indicate the jurisdictional limitations on those not licensed
2 to practice in the jurisdiction where the office is located.

3
4 **RPC 7.2 ADVERTISING [RESERVED.]**

5 ~~— (a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services~~
6 ~~through written, recorded or electronic communication, including public media.~~

7 ~~— (b) A lawyer shall not give anything of value to a person for recommending the~~
8 ~~lawyer's services, except that a lawyer may~~

9 ~~— (1) pay the reasonable cost of advertisements or communications permitted by this~~
10 ~~Rule;~~

11 ~~— (2) pay the usual charges of a legal service plan or a not-for-profit lawyer referral~~
12 ~~service;~~

13 ~~— (3) pay for a law practice in accordance with Rule 1.17; and~~

14 ~~— (4) refer clients to another lawyer or LLLT pursuant to an agreement not otherwise~~
15 ~~prohibited under these Rules that provides for the other person to refer clients or customers~~
16 ~~to the lawyer, if~~

17 ~~— (i) the reciprocal referral agreement is not exclusive, and~~

18 ~~— (ii) the client is informed of the existence and nature of the agreement.~~

19 ~~— (c) Any communication made pursuant to this Rule shall include the name and office~~
20 ~~address of at least one lawyer or law firm responsible for its content.~~

21
22 **Comment**

23 ~~[1] To assist the public in learning about and obtaining legal services, lawyers should be~~
24 ~~allowed to make known their services not only through reputation but also through~~
25 ~~organized information campaigns in the form of advertising. Advertising involves an active~~
26 ~~quest for clients, contrary to the tradition that a lawyer should not seek clientele. However,~~

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1 | ~~the public's need to know about legal services can be fulfilled in part through advertising.~~
2 | ~~This need is particularly acute in the case of persons of moderate means who have not~~
3 | ~~made extensive use of legal services. The interest in expanding public information about~~
4 | ~~legal services ought to prevail over considerations of tradition. Nevertheless, advertising by~~
5 | ~~lawyers entails the risk of practices that are misleading or overreaching.~~

6 |
7 | ~~[2] This Rule permits public dissemination of information concerning a lawyer's name or~~
8 | ~~firm name, address, email address, website, and telephone number; the kinds of services the~~
9 | ~~lawyer will undertake; the basis on which the lawyer's fees are determined, including prices~~
10 | ~~for specific services and payment and credit arrangements; a lawyer's foreign language~~
11 | ~~ability; names of references and, with their consent, names of clients regularly represented;~~
12 | ~~and other information that might invite the attention of those seeking legal assistance.~~

13 |
14 | ~~[3] Questions of effectiveness and taste in advertising are matters of speculation and~~
15 | ~~subjective judgment. Some jurisdictions have had extensive prohibitions against television~~
16 | ~~and other forms of advertising, against advertising going beyond specified facts about a~~
17 | ~~lawyer, or against "undignified" advertising. Television, the Internet, and other forms of~~
18 | ~~electronic communication are now among the most powerful media for getting information~~
19 | ~~to the public, particularly persons of low and moderate income; prohibiting television,~~
20 | ~~Internet, and other forms of electronic advertising, therefore, would impede the flow of~~
21 | ~~information about legal services to many sectors of the public. Limiting the information~~
22 | ~~that may be advertised has a similar effect and assumes that the bar can accurately forecast~~
23 | ~~the kind of information that the public would regard as relevant. But see Rule 7.3(a) for the~~
24 | ~~prohibition against a solicitation of a possible client through a real-time electronic~~
25 | ~~exchange initiated by the lawyer.~~

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1 ~~[4] Neither this Rule nor Rule 7.3 prohibits communications authorized by law, such as~~
2 ~~notice to members of a class in class action litigation.~~

3 4 *Paying Others to Recommend a Lawyer*

5 ~~[5] [Washington revision] Except as permitted under paragraphs (b)(1) (b)(4), lawyers are~~
6 ~~not permitted to pay others for recommending the lawyer's services or for channeling~~
7 ~~professional work in a manner that violates Rule 7.3. A communication contains a~~
8 ~~recommendation if it endorses or vouches for a lawyer's credentials, abilities, competence,~~
9 ~~character, or other professional qualities. Paragraph (b)(1), however, allows a lawyer to pay~~
10 ~~for advertising and communications permitted by this Rule, including the costs of print~~
11 ~~directory listings, on-line directory listings, newspaper ads, television and radio airtime,~~
12 ~~domain name registrations, sponsorship fees, Internet based advertisements, and group~~
13 ~~advertising. A lawyer may compensate employees, agents and vendors who are engaged to~~
14 ~~provide marketing or client development services, such as publicists, public relations~~
15 ~~personnel, business development staff and website designers. Moreover, a lawyer may pay~~
16 ~~others for generating client leads, such as Internet based client leads, as long as the lead~~
17 ~~generator does not recommend the lawyer, any payment to the lead generator is consistent~~
18 ~~with Rules 1.5(e) (division of fees) and 5.4 (professional independence of the lawyer), and~~
19 ~~the lead generator's communications are consistent with Rule 7.1 (communications~~
20 ~~concerning a lawyer's services). To comply with Rule 7.1, a lawyer must not pay a lead~~
21 ~~generator that states, implies, or creates a reasonable impression that it is recommending~~
22 ~~the lawyer, is making the referral without payment from the lawyer, or has analyzed a~~
23 ~~person's legal problems when determining which lawyer should receive the referral. See~~
24 ~~also Rule 5.3 (duties of lawyers and law firms with respect to the conduct of nonlawyers);~~
25 ~~Rule 8.4(a) (duty to avoid violating the Rules through the acts of another). For the~~
26

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1 definition of nonlawyer for the purposes of Rule 5.3, see Washington Comment [5] to Rule
2 5.3.

3
4 ~~[6] [Washington revision] A lawyer may pay the usual charges of a legal service plan or a~~
5 ~~not for profit lawyer referral service. A legal service plan is a prepaid or group legal~~
6 ~~service plan or a similar delivery system that assists people who seek to secure legal~~
7 ~~representation. A lawyer referral service, on the other hand, is any organization that holds~~
8 ~~itself out to the public as a lawyer referral service. Such referral services are understood by~~
9 ~~the public to be consumer oriented organizations that provide unbiased referrals to lawyers~~
10 ~~with appropriate experience in the subject matter of the representation and afford other~~
11 ~~client protections, such as complaint procedures or malpractice insurance requirements.~~
12 ~~Consequently, this Rule only permits a lawyer to pay the usual charges of a not for profit~~
13 ~~lawyer referral service.~~

14
15 ~~[7] A lawyer who accepts assignments or referrals from a legal service plan or referrals~~
16 ~~from a lawyer referral service must act reasonably to assure that the activities of the plan or~~
17 ~~service are compatible with the lawyer's professional obligations. See Rule 5.3. Legal~~
18 ~~service plans and lawyer referral services may communicate with the public, but such~~
19 ~~communication must be in conformity with these Rules. Thus, advertising must not be false~~
20 ~~or misleading, as would be the case if the communications of a group advertising program~~
21 ~~or a group legal services plan would mislead the public to think that it was a lawyer referral~~
22 ~~service sponsored by a state agency or bar association. Nor could the lawyer allow in-~~
23 ~~person, telephonic, or real-time contacts that would violate Rule 7.3.~~

24
25 ~~[8] [Washington revision] A lawyer also may agree to refer clients to another lawyer in~~
26 ~~return for the undertaking of that person to refer clients or customers to the lawyer. Such~~

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1 ~~reciprocal referral arrangements must not interfere with the lawyer's professional judgment~~
2 ~~as to making referrals or as to providing substantive legal services. See Rules 2.1 and~~
3 ~~5.4(e). Except as provided in Rule 1.5(e), a lawyer who receives referrals from a lawyer~~
4 ~~must not pay anything solely for the referral, but the lawyer does not violate paragraph (b)~~
5 ~~of this Rule by agreeing to refer clients to the other lawyer, so long as the reciprocal~~
6 ~~referral agreement is not exclusive and the client is informed of the referral agreement.~~
7 ~~Conflicts of interest created by such arrangements are governed by Rule 1.7. Reciprocal~~
8 ~~referral agreements should not be of indefinite duration and should be reviewed~~
9 ~~periodically to determine whether they comply with these Rules. This Rule does not restrict~~
10 ~~referrals or divisions of revenues or net income among lawyers within firms comprised of~~
11 ~~multiple entities.~~

13 **Additional Washington Comment (9)**

14 ~~[9] That portion of Model Rule 7.2(b)(4) that allows lawyers to enter into reciprocal~~
15 ~~referral agreements with nonlawyer professionals was not adopted. A lawyer may agree to~~
16 ~~refer clients to an LLLT in return for the undertaking of that person to refer clients to the~~
17 ~~lawyer. The guidance provided in Comment [8] to this Rule is also applicable to reciprocal~~
18 ~~referral arrangements between lawyers and LLLTs. Under LLLT-RPC 1.5(e), however, an~~
19 ~~LLLT may not enter into an arrangement for the division of a fee with a lawyer who is not~~
20 ~~in the same firm as the LLLT.~~

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1 RPC 7.3 SOLICITATION OF CLIENTS

2
3 (a) A lawyer shall not directly or through a third person, by in person, live telephone, or
4 real-time electronic contact may solicit professional employment from a possible client
5 when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless
6 the person contacted:

7 (1) is a lawyer or an LLLT or the solicitation is false or misleading;

8 (2) has a family, close personal, or prior professional relationship with the lawyer or
9 the lawyer knows or reasonably should know that the physical, emotional, or mental state
10 of the subject of the solicitation is such that the person could not exercise reasonable
11 judgment in employing a lawyer;

12 (3) has consented to the contact by requesting a referral from a not-for-profit lawyer
13 referral service, the subject of the solicitation has made known to the lawyer a desire not to
14 be solicited by the lawyer; or

15 (4) the solicitation involves coercion, duress, or harassment.

16 (b) A lawyer shall not solicit professional employment from a client by written, recorded or
17 electronic communication or by in person, telephone or real-time electronic contact even
18 when not otherwise prohibited by paragraph (a), if compensate, or give or promise anything
19 of value to, a person who is not an employee or lawyer in the same law firm for the purpose
20 of recommending or securing the services of the lawyer or law firm, except that a lawyer
21 may;

22 (1) the target of the solicitation has made known to the lawyer a desire not to be
23 solicited by the lawyer; or pay the reasonable cost of advertisements or communications
24 permitted by Rule 7.1, including online group advertising;

25 (2) the solicitation involves coercion, duress or harassment, pay the usual charges of a
26 legal service plan or a not-for-profit lawyer referral service;

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- 1 (3) pay for a law practice in accordance with Rule 1.17;
2 (4) refer clients to another lawyer or LLLT or other nonlawyer professional pursuant
3 to an agreement not otherwise prohibited under these Rules that provides for the other
4 person to refer clients or customers to the lawyer, if:
5 (i) the reciprocal referral agreement is not exclusive, and
6 (ii) the client is informed of the existence and nature of the agreement;
7 (5) give nominal gifts that are neither intended nor reasonably expected to be a form
8 of compensation for recommending a lawyer's services.
9 (c) [Reserved.]
10 (d) ~~Notwithstanding the prohibitions in paragraph (a), a lawyer may participate with a~~
11 ~~prepaid or group legal service plan operated by an organization not owned or directed by~~
12 ~~the lawyer that uses in-person or telephone contact to solicit memberships or subscriptions~~
13 ~~for the plan from persons who are not known to need legal services in a particular matter~~
14 ~~covered by the plan.~~[Reserved.]

15
16 **Comment**

17 [1] [Washington revision] A solicitation is a targeted communication initiated by ~~the~~ or on
18 behalf of a lawyer that is directed to a specific person and that offers to provide, or can
19 reasonably be understood as offering to provide, legal services. Solicitations can include
20 in-person, written, telephonic, and electronic communications. In contrast, a lawyer's
21 communication typically does not constitute a solicitation if it is directed to the general
22 public, such as through a billboard, an Internet banner advertisement, a website or a
23 television commercial, or if it is in response to a request for information or is automatically
24 generated in response to Internet searches.
25
26

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1 [2] ~~[Reserved.] There is a potential for abuse when a solicitation involves direct in-person,~~
2 ~~live telephone or real-time electronic contact by a lawyer with someone known to need~~
3 ~~legal services. These forms of contact subject a person to the private importuning of the~~
4 ~~trained advocate in a direct interpersonal encounter. The person, who may already feel~~
5 ~~overwhelmed by the circumstances giving rise to the need for legal services, may find it~~
6 ~~difficult fully to evaluate all available alternatives with reasoned judgment and appropriate~~
7 ~~self interest in the face of the lawyer's presence and insistence upon being retained~~
8 ~~immediately. The situation is fraught with the possibility of undue influence, intimidation,~~
9 ~~and over-reaching.~~

10
11 [3] ~~[Reserved.] This potential for abuse inherent in direct in-person, live telephone or real-~~
12 ~~time electronic solicitation justifies its prohibition, particularly since lawyers have~~
13 ~~alternative means of conveying necessary information to those who may be in need of legal~~
14 ~~services. In particular, communications can be mailed or transmitted by email or other~~
15 ~~electronic means that do not involve real time contact and do not violate other laws~~
16 ~~governing solicitations. These forms of communications and solicitations make it possible~~
17 ~~for the public to be informed about the need for legal services, and about the qualifications~~
18 ~~of available lawyers and law firms, without subjecting the public to direct in-person,~~
19 ~~telephone or real-time electronic persuasion that may overwhelm a person's judgment.~~

20
21 [4] ~~[Reserved.] The use of general advertising and written, recorded or electronic~~
22 ~~communications to transmit information from lawyer to the public, rather than direct in-~~
23 ~~person, live telephone or real-time electronic contact, will help to assure that the~~
24 ~~information flows cleanly as well as freely. The contents of advertisements and~~
25 ~~communications permitted under Rule 7.2 can be permanently recorded so that they cannot~~
26 ~~be disputed and may be shared with others who know the lawyer. This potential for~~

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1 | ~~informal review is itself likely to help guard against statements and claims that might~~
2 | ~~constitute false and misleading communications, in violation of Rule 7.1. The contents of~~
3 | ~~direct in-person, live telephone or real-time electronic contact can be disputed and may not~~
4 | ~~be subject to third party scrutiny. Consequently, they are much more likely to approach~~
5 | ~~(and occasionally cross) the dividing line between accurate representations and those that~~
6 | ~~are false and misleading.~~

7 |
8 | ~~[5] [Reserved. Washington revision] There is far less likelihood that a lawyer would~~
9 | ~~engage in abusive practices against a former client, or a person with whom the lawyer has~~
10 | ~~close personal or family relationship, or in situations in which the lawyer is motivated by~~
11 | ~~considerations other than the lawyer's pecuniary gain. Nor is there a serious potential for~~
12 | ~~abuse when the person contacted is a lawyer or an LLLT. Consequently, the general~~
13 | ~~prohibition in Rule 7.3(a) is not applicable in those situations. Also, paragraph (a) is not~~
14 | ~~intended to prohibit a lawyer from participating in constitutionally protected activities of~~
15 | ~~public or charitable legal service organizations or bona fide political, social, civic,~~
16 | ~~fraternal, employee or trade organizations whose purposes include providing or~~
17 | ~~recommending legal services to its members or beneficiaries.~~

18 |
19 | ~~[6] [Reserved.] But even permitted forms of solicitation can be abused. Thus, any~~
20 | ~~solicitation which contains information which is false or misleading within the meaning of~~
21 | ~~Rule 7.1, which involves coercion, duress or harassment within the meaning of Rule~~
22 | ~~7.3(b)(2), or which involves contact with someone who has made known to the lawyer a~~
23 | ~~desire not to be solicited by the lawyer within the meaning of Rule 7.3(b)(1) is prohibited.~~
24 | ~~Moreover, if after sending a letter or other communication as permitted by Rule 7.2 the~~
25 | ~~lawyer receives no response, any further effort to communicate with the recipient of the~~
26 | ~~communication may violate the provisions of Rule 7.3(b).~~

SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE 7 – INFORMATION ABOUT LEGAL SERVICES

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~~[7] [Reserved] This Rule is not intended to prohibit a lawyer from contacting representatives of organizations or groups that may be interested in establishing a group or prepaid legal plan for their members, insured, beneficiaries, or other third parties for the purpose of informing such entities of the availability of and details concerning the plan or arrangement which the lawyer or lawyer's firm is willing to offer. This form of communication is not directed to people who are seeking legal services for themselves. Rather, it is usually addressed to an individual acting in a fiduciary capacity seeking a supplier of legal services for others who may, if they choose, become prospective clients of the lawyer. Under these circumstances, the activity which the lawyer undertakes in communicating with such representatives and the type of information transmitted to the individual are functionally similar to and serve the same purpose as advertising permitted under Rule 7.2.~~

~~[8] [Reserved.]~~

~~[9] [Reserved.] Paragraph (d) of this Rule permits a lawyer to participate with an organization which uses personal contact to solicit members for its group or prepaid legal service plan, provided that the personal contact is not undertaken by any lawyer who would be a provider of legal services through the plan. The organization must not be owned by or directed (whether as manager or otherwise) by any lawyer or law firm that participates in the plan. For example, paragraph (d) would not permit a lawyer to create an organization controlled directly or indirectly by the lawyer and use the organization for the in-person or telephone solicitation of legal employment of the lawyer through memberships in the plan or otherwise. The communication permitted by these organizations also must not be directed to a person known to need legal services in a particular matter, but is to be~~

SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE 7 – INFORMATION ABOUT LEGAL SERVICES

1 designed to inform potential plan members generally of another means of affordable legal
2 services. Lawyers who participate in a legal service plan must reasonably assure that the
3 plan sponsors are in compliance with Rules 7.1, 7.2 and 7.3(b). See 8.4(a).

4 5 **Additional Washington Comments (10 - 1416)**

6 [10] ~~A lawyer who receives a referral from a third party should exercise caution in~~
7 ~~contacting the prospective client directly by in-person, live telephone, or real-time~~
8 ~~electronic contact. Such contact is generally prohibited by this Rule unless the prospective~~
9 ~~client has asked to be contacted by the lawyer. A prospective client may request such~~
10 ~~contact through a third party. Prior to initiating contact with the prospective client,~~
11 ~~however, the lawyer should confirm with the source of the referral that the prospective~~
12 ~~client has indeed made such a request. Similarly, when making referrals to other lawyers,~~
13 ~~the referring lawyer should discuss with the prospective client whether he or she wishes to~~
14 ~~be contacted directly. While all communications about a lawyer's services are subject to~~
15 ~~the general prohibition against false or misleading communication in Rule 7.1, in-person~~
16 ~~solicitation can create problems because of the particular circumstances in which the~~
17 ~~solicitation takes place, and those circumstances are, therefore, appropriately regulated.~~
18 ~~Paragraph (a) of this Rule prohibits solicitation in circumstances or through means that are~~
19 ~~not conducive to intelligent, rational decisions. Unwanted solicitations (after the subject has~~
20 ~~informed the lawyer not to make contact) or solicitations involving coercion, duress, or~~
21 ~~harassment are specifically prohibited. Such circumstances and means could be the~~
22 ~~harassment of early morning or late-night telephone calls to a potential client to solicit legal~~
23 ~~work, repeated calls at any time of day, solicitation of an accident victim or the victim's~~
24 ~~family shortly after the accident or while the victim is still in medical distress (particularly~~
25 ~~where a lawyer seeks professional employment by in-person or other real-time contact in~~
26 ~~such circumstances), or solicitation of vulnerable subjects, such as persons facing~~

SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE 7 – INFORMATION ABOUT LEGAL SERVICES

1 incarceration, or their family members, in or near a courthouse. The prohibition on
2 solicitation of a subject who cannot “exercise reasonable judgment in employing a lawyer”
3 extends to an individual with diminished capacity who cannot adequately act in the
4 individual’s own interest, and the provisions of Rule 1.14 may provide guidance in
5 evaluating “the physical, emotional or mental” state of the subject.

6
7 ~~[11] Those in need of legal representation often seek assistance in finding a lawyer through~~
8 ~~a lawyer referral service. Washington adopted paragraph (a)(3) in order to facilitate~~
9 ~~communication between lawyers and potential clients who have specifically requested a~~
10 ~~referral from a not for profit lawyer referral service. Under this paragraph, a lawyer~~
11 ~~receiving such a referral may contact the potential client directly by in-person, live~~
12 ~~telephone, or real-time electronic contact to discuss possible representation. Under Rule~~
13 5.1, Rule 5.3, and Rule 8.4(a), the solicitation restrictions that apply to the lawyer’s own
14 acts or conduct also extend to acts or conduct by employees, agents, or any third persons
15 acting on the lawyer’s behalf.

16
17 [12] Washington did not adopt paragraph (c) of the Model Rule relating to labeling of
18 ~~communications with prospective clients and solicitations.~~ A specific labeling requirement
19 is unnecessary in light of the prohibitions in Rule 7.1 and Rule 7.3(a)(1) against false or
20 misleading communications regarding the lawyer or the lawyer’s services and in
21 solicitations of professional employment. Washington also has not adopted paragraph (d)
22 of the Model Rule creating a safe harbor for in-person and telephonic solicitations in the
23 context of a prepaid or group legal services plan because solicitations of professional
24 employment by any means and in all contexts are permitted subject to the exceptions
25 contained in paragraphs (a)(1) – (4). In addition, prior provisions and comments under Rule
26 7.3 in Washington relating to in-person, telephonic, or real-time electronic solicitations in

SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE 7 – INFORMATION ABOUT LEGAL SERVICES

1 the context of referrals from a third party or a lawyer referral service have been removed
2 because solicitations by any means in this context are permitted subject to the exceptions
3 contained in paragraphs (a)(1) – (4) of this Rule.

4 *Paying Others to Recommend a Lawyer*

5 [13] The phrase "directly or through a third person" in paragraph (a) was retained from
6 former Washington RPC 7.3(a). Paragraph (b) of this Rule was derived from former
7 Washington RPC 7.2(b).

8
9 ~~[14] The phrase "prospective client" in Rule 7.3(a) has been replaced with the phrase~~
10 ~~"possible client" because the phrase "prospective client" has become a defined phrase~~
11 ~~under Rule 1.18 with a different meaning. This is a departure from the ABA Model Rule~~
12 ~~which has dispensed altogether with the phrase "from a prospective client" in this rule. The~~
13 ~~rule is not intended to preclude lawyers from in person conversations with friends, relatives~~
14 ~~or other professionals (i.e. intermediaries) about other friends, relatives, clients or patients~~
15 ~~who may need or benefit from the lawyer's services, so long as the lawyer is not asking or~~
16 ~~expecting the intermediary to engage in improper solicitation. See RPC 8.4(a) which~~
17 ~~prohibits improper solicitation "through the acts of another." Absent limitation of~~
18 ~~prohibited in person communications to "possible clients" there is danger that lawyers~~
19 ~~might mistakenly infer that the kind of benign conversations with non-client intermediaries~~
20 ~~described above are precluded by this rule. Except as permitted under paragraphs (b)(1)-~~
21 ~~(b)(5), lawyers are not permitted to pay others for recommending the lawyer's services or~~
22 ~~for channeling professional work in a manner that violates RPC 7.1 or RPC 7.3. A~~
23 ~~communication contains a recommendation if it endorses or vouches for a lawyer's~~
24 ~~credentials, abilities, competence, character, or other professional qualities. Paragraph~~
25 ~~(b)(1), however, allows a lawyer to pay for advertising and solicitations permitted by RPC~~
26 ~~7.1 and this Rule, including the costs of print directory listings, online directory listings,~~

SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE 7 – INFORMATION ABOUT LEGAL SERVICES

1 newspaper ads, television and radio airtime, domain-name registrations, sponsorship fees,
2 Internet-based advertisements, and group advertising. A lawyer may compensate
3 employees, agents and vendors who are engaged to provide marketing or client-
4 development services, such as publicists, public-relations personnel, business-development
5 staff and website designers, as long as the employees, agents and vendors do not direct or
6 regulate the lawyer’s professional judgment (see Rule 5.4(c)). Moreover, a lawyer may pay
7 others for generating client leads, such as Internet-based client leads, as long as the lead
8 generator does not recommend the lawyer, any payment to the lead generator is consistent
9 with RPC 1.5(e) (division of fees) and 5.4 (professional independence of the lawyer), and
10 the lead generator’s communications are consistent with RPC 7.1 (communications
11 concerning a lawyer's services). To comply with RPC 7.1, a lawyer must not pay a lead
12 generator that states, implies, or creates a reasonable impression that it is recommending
13 the lawyer, is making the referral without payment from the lawyer, or has analyzed a
14 person’s legal problems when determining which lawyer should receive the referral. See
15 also Rule 5.3 (duties of lawyers and law firms with respect to the conduct of nonlawyers);
16 RPC 8.4(a) (duty to avoid violating the rules through the acts of another). For the
17 definition of nonlawyer for the purposes of Rule 5.3, see Washington Comment [5] to Rule
18 5.3.

19
20 [15] A lawyer may pay the usual charges of a legal service plan or a not-for-profit lawyer
21 referral service. A legal service plan is a prepaid or group legal service plan or a similar
22 delivery system that assists people who seek to secure legal representation. A lawyer
23 referral service, on the other hand, is any individual or entity that operates for the direct or
24 indirect purpose of referring potential clients to lawyers, regardless of whether the term
25 “referral service” is used. The “usual charges” of a legal service plan or not-for-profit
26 lawyer referral service are fees that are openly promulgated and uniformly applied. Not-

SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE 7 – INFORMATION ABOUT LEGAL SERVICES

1 for-profit lawyer referral services are understood by the public to be consumer-oriented
2 organizations that provide unbiased referrals to lawyers with appropriate experience in the
3 subject matter of the representation and afford other client protections, such as complaint
4 procedures or malpractice insurance requirements.

5
6 [16] A lawyer also may agree to refer clients to another lawyer or LLLT or other
7 nonlawyer professional in return for the undertaking of that person to refer clients or
8 customers to the lawyer. Such reciprocal referral arrangements must not interfere with the
9 lawyer's professional judgment as to making referrals or as to providing substantive legal
10 services. See Rules 2.1 and 5.4(c). Except as provided in Rule 1.5(e), a lawyer who
11 receives referrals from a lawyer or LLLT or other nonlawyer professional must not pay
12 anything solely for the referral, but the lawyer does not violate this Rule by agreeing to
13 refer clients to the other lawyer or LLLT or other nonlawyer professional, so long as the
14 reciprocal referral agreement is not exclusive and the client is informed of the referral
15 agreement. Conflicts of interest created by such arrangements are governed by Rule 1.7.
16 Reciprocal referral agreements should not be of indefinite duration and should be reviewed
17 periodically to determine whether they comply with these Rules. This Rule does not restrict
18 referrals or divisions of revenues or net income among lawyers within firms comprised of
19 multiple entities. Under LLLT RPC 1.5(e), however, an LLLT may not enter into an
20 arrangement for the division of a fee with a lawyer who is not in the same firm as the
21 LLLT.

22
23
24 ~~RPC 7.4 COMMUNICATION OF FIELDS OF PRACTICE AND~~
25 ~~SPECIALIZATION[RESERVED.]~~
26

SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE 7 – INFORMATION ABOUT LEGAL SERVICES

1 — (a) A lawyer may communicate the fact that the lawyer does or does not practice in
2 particular fields of law.

3 — (b) A lawyer admitted to engage in patent practice before the United States Patent and
4 Trademark Office may use the designation "Patent Attorney" or a substantially similar
5 designation.

6 — (c) A lawyer engaged in Admiralty practice may use the designation "Admiralty,"
7 "Proctor in Admiralty" or substantially similar designation.

8 — (d) A lawyer shall not state or imply that a lawyer is a specialist in a particular field
9 of law, except upon issuance of an identifying certificate, award, or recognition by a group,
10 organization, or association, a lawyer may use the terms "certified", "specialist", "expert",
11 or any other similar term to describe his or her qualifications as a lawyer or his or her
12 qualifications in any subspecialty of the law. If the terms are used to identify any
13 certificate, award, or recognition by any group, organization, or association, the reference
14 must:

15 — (1) be truthful and verifiable and otherwise comply with Rule 7.1;

16 — (2) identify the certifying group, organization, or association; and

17 — (3) the reference must state that the Supreme Court of Washington does not recognize
18 certification of specialties in the practice of law and that the certificate, award, or
19 recognition is not a requirement to practice law in the state of Washington.

20
21 **Comment**

22 [1] [Washington revision] Paragraph (a) of this Rule permits a lawyer to indicate areas of
23 practice in communications about the lawyer's services. If a lawyer practices only in certain
24 fields, or will not accept matters except in a specified field or fields, the lawyer is permitted
25 to so indicate.

26 —

SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE 7 – INFORMATION ABOUT LEGAL SERVICES

1 ~~[2] Paragraph (b) recognizes the long established policy of the Patent and Trademark~~
2 ~~Office for the designation of lawyers practicing before the Office. Paragraph (e) recognizes~~
3 ~~that designation of Admiralty practice has a long historical tradition associated with~~
4 ~~maritime commerce and the federal courts.~~

5 _____
6 ~~[3] [Reserved.]~~

7
8 ~~Additional Washington Comment (4-5)~~

9 ~~[4] Statements indicating that the lawyer is a "specialist," practices a "specialty,"~~
10 ~~"specializes in" particular fields, and the like, are subject to the limitations set forth in~~
11 ~~paragraph (d). The provisions of paragraph (d) were taken from former Washington RPC~~
12 ~~7.4(b).~~

13
14 ~~[5] In advertising concerning an LLLT's services, an LLLT is required to communicate the~~
15 ~~fact that the LLLT has a limited license in the particular fields of law for which the LLLT~~
16 ~~is licensed and must not state or imply that the LLLT has broader authority to practice than~~
17 ~~is in fact the case. See LLLT RPC 7.4(a); see also LLLT RPC 7.2(e) (advertisements must~~
18 ~~include the name and office address of at least one responsible LLLT or law firm). When~~
19 ~~lawyers and LLLTs are associated in a firm, lawyers with managerial or pertinent~~
20 ~~supervisory authority must take measures to assure that the firm's communications~~
21 ~~conform with these obligations. See Rule 5.10.~~

22
23 ~~**RPC 7.5 FIRM NAMES AND LETTERHEADS**~~[RESERVED.]

24 ~~_____ (a) A lawyer shall not use a firm name, letterhead or other professional designation~~
25 ~~that violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does~~

SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE 7 – INFORMATION ABOUT LEGAL SERVICES

1 not imply a connection with a government agency or with a public or charitable legal
2 services organization and is not otherwise in violation of Rule 7.1.

3 ~~— (b) A law firm with offices in more than one jurisdiction may use the same name or~~
4 ~~other professional designation in each jurisdiction, but identification of the lawyers or~~
5 ~~LLTs in an office of the firm shall indicate the jurisdictional limitations on those not~~
6 ~~licensed to practice in the jurisdiction where the office is located.~~

7 ~~— (c) The name of a lawyer or LLLT holding a public office shall not be used in the~~
8 ~~name of a law firm, or in communications on its behalf, during any substantial period in~~
9 ~~which the lawyer or LLLT is not actively and regularly practicing with the firm.~~

10 ~~— (d) Lawyers may state or imply that they practice in a partnership or other~~
11 ~~organization only when that is a fact.~~

12 13 **Comment**

14 ~~[1] [Washington revision] A firm may be designated by the names of all or some of its~~
15 ~~members, by the names of deceased members where there has been a continuing succession~~
16 ~~in the firm's identity or by a trade name such as the "ABC Legal Clinic." A lawyer or law~~
17 ~~firm may also be designated by a distinctive website address or comparable professional~~
18 ~~designation. Although the United States Supreme Court has held that legislation may~~
19 ~~prohibit the use of trade names in professional practice, use of such names in law practice~~
20 ~~is acceptable so long as it is not misleading. If a private firm uses a trade name that~~
21 ~~includes a geographical name such as "Springfield Legal Clinic," an express disclaimer that~~
22 ~~it is a public legal aid agency may be required to avoid a misleading implication. It may be~~
23 ~~observed that any firm name including the name of a deceased partner is, strictly speaking,~~
24 ~~a trade name. The use of such names to designate law firms has proven a useful means of~~
25 ~~identification. However, it is misleading to use the name of a lawyer or LLLT not~~
26

SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE 7 – INFORMATION ABOUT LEGAL SERVICES

1 associated with the firm or a predecessor of the firm, or the name of an individual who is
2 neither a lawyer nor an LLLT.

3
4 [2] ~~[Washington revision]~~ With regard to paragraph (d), lawyers or LLLTs sharing office
5 facilities, but who are not in fact associated with each other in a law firm, may not
6 denominate themselves as, for example, "Smith and Jones," for that title suggests that they
7 are practicing law together in a firm.

8 9 ~~Additional Washington Comment (3-4)~~

10 [3] ~~When lawyers and LLLTs are associated with each other in a law firm, the firm may be~~
11 ~~designated using the name of a member LLLT if the name is not otherwise in violation of~~
12 ~~Rule 7.1, this Rule, or LLLT RPC 7.5. See also Washington Comment [4] to the Rule.~~

13
14 [4] ~~Lawyers or LLLTs practicing out of the same office who are not partners, shareholders~~
15 ~~of a professional corporation, or members of a professional limited liability company or~~
16 ~~partnership may not join their names together. Lawyers or LLLTs who are not 1) partners,~~
17 ~~shareholders of a professional corporation, or members of a professional limited liability~~
18 ~~company or partnership, or 2) employees of a sole proprietorship, partnership, professional~~
19 ~~corporation, or members of a professional limited liability company or partnership or other~~
20 ~~organization, or 3) in the relationship of being "Of Counsel" to a sole proprietorship,~~
21 ~~partnership, professional corporation, or members of a professional limited liability~~
22 ~~company or partnership or other organization, must have separate letterheads, cards and~~
23 ~~pleading paper, and must sign their names individually at the end of all pleadings and~~
24 ~~correspondence and not in conjunction with the names of other lawyers or LLLTs. (The~~
25 ~~provisions of this Comment were taken from former Washington RPC 7.5(d).)~~

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SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE 5 – LAW FIRMS AND ASSOCIATIONS

1 | **RPC 5.5 UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL**
2 | **PRACTICE OF LAW**

3 |
4 | (a) – (e) Unchanged.

5 |
6 | (f) Paragraph (b)(1) of this Rule does not prohibit a law firm with offices in multiple
7 | jurisdictions from establishing and maintaining an office in this jurisdiction even if some of
8 | the lawyers that are members of the firm or are otherwise employed or retained by or
9 | associated with the law firm are not authorized to practice law in this jurisdiction.

10 |
11 | **Comment**

12 | [1] – [3] Unchanged.

13 |
14 | [4] [Washington revision] Other than as authorized by law or this Rule, a lawyer who is not
15 | admitted to practice generally in this jurisdiction violates paragraph (b) if the lawyer
16 | establishes an office or other systematic and continuous presence in this jurisdiction for the
17 | practice of law. Presence may be systematic and continuous even if the lawyer is not
18 | physically present here. Such a lawyer must not hold out to the public or otherwise
19 | represent that the lawyer is admitted to practice law in this jurisdiction. See also Rules 7.1
20 | and ~~7.5(b)~~ Washington Comment [14] to Rule 7.1.

21 |
22 | [5] [Washington revision] There are occasions in which a lawyer admitted to practice in
23 | another United States jurisdiction, and not disbarred or suspended from practice in any
24 | jurisdiction, may provide legal services on a temporary basis in this jurisdiction under
25 | circumstances that do not create an unreasonable risk to the interests of their clients, the
26 | public or the courts. Paragraph (c) identifies four such circumstances. The fact that conduct

SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE 5 – LAW FIRMS AND ASSOCIATIONS

1 is not so identified does not imply that the conduct is or is not authorized. With the
2 exception of paragraph (d)(2), this Rule does not authorize a U.S. or foreign lawyer to
3 establish an office or other systematic and continuous presence in this jurisdiction without
4 being admitted to practice generally or as house counsel under APR 8(f) here.

5
6 [6] – [13] Unchanged.

7
8 [14] [Washington revision] Paragraphs (c)(3) and (c)(4) require that the services arise out
9 of or be reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is
10 admitted. A variety of factors evidence such a relationship. The lawyer's client may have
11 been previously represented by the lawyer, or may be resident in or have substantial
12 contacts with the jurisdiction in which the lawyer is admitted. The matter, although
13 involving other jurisdictions, may have a significant connection with that jurisdiction. In
14 other cases, significant aspects of the lawyer's work might be conducted in that jurisdiction
15 or a significant aspect of the matter may involve the law of that jurisdiction. The necessary
16 relationship might arise when the client's activities or the legal issues involve multiple
17 jurisdictions, such as when the officers of a multinational corporation survey potential
18 business sites and seek the services of their lawyer in assessing the relative merits of each.
19 In addition, the services may draw on the lawyer's recognized expertise developed through
20 the regular practice of law on behalf of clients in matters involving a particular body of
21 federal, nationally-uniform, foreign, or international law. Lawyers desiring to provide pro
22 bono legal services on a temporary basis in Washington following determination by the
23 Supreme Court that an emergency affecting the justice system, as a result of a natural or
24 other major disaster, has occurred, who are not otherwise authorized to practice law in
25 Washington, as well as lawyers from another affected jurisdiction who seek to practice law
26 temporarily in Washington, but who are not otherwise authorized to practice law in

SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE 5 – LAW FIRMS AND ASSOCIATIONS

1 Washington, should consult Admission to Practice Rule 27 on Provision of Legal Services
2 Following Determination of Major Disaster.

3
4 [15] – [20] Unchanged.

5
6 [21] Washington revision Paragraphs (c) and (d) do not authorize communications
7 advertising legal services to ~~prospective clients~~ in this jurisdiction by lawyers who are
8 admitted to practice in other jurisdictions. Whether and how lawyers may communicate the
9 availability of their services to ~~prospective clients~~ in this jurisdiction is governed by Rules
10 7.1 to 7.5.

11
12 Additional Washington Comment (22)

13 [22] Paragraph (f) is derived from former Rule 7.5(b), which permitted law firms with
14 offices in more than one jurisdiction to use the same name or other professional designation
15 in each jurisdiction, and is intended to maintain authorization in the Rules of Professional
16 Conduct for the presence of multijurisdictional law firms in Washington for purposes of
17 RCW 2.48.180(7).

The Supreme Court
State of Washington

CHARLES W. JOHNSON
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November 30, 2018

Ms. Paula Littlewood
Executive Director
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Dear Ms. Littlewood:

The Supreme Court Rules Committee is still in the process of reviewing the proposed amendment to Rule of Professional Conduct (RPC) 4.2—Communication with Person Represented by a Lawyer. The committee received a comment from Mr. Eric Marks on October 16, 2018, which raised concerns related to how the proposed amendments would apply to transactional practice and litigation. The Rules Committee requests the Washington State Bar Association Committee on Professional Ethics (CPE) review the enclosed comment and provide feedback.

This matter is scheduled to be discussed by the court on February 6, 2019. The committee looks forward to reviewing the CPE's response.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles W. Johnson".

Charles W. Johnson
Chair, Supreme Court Rules Committee

Enclosures

cc: Jeanne Marie Clavere, WSBA Professional Responsibility Counsel
William D. Pickett, WSBA President

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Tuesday, October 16, 2018 10:32 AM
To: Tracy, Mary
Subject: FW: Proposed Amendment to RPC4.2
Attachments: RPC4.2.doc

From: Erik Marks [mailto:erik@egmrealestate.com]
Sent: Tuesday, October 16, 2018 10:21 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Amendment to RPC4.2

I write in regard to the proposed amendment to RPC 4.2 (copy attached for reference), which the Washington State Bar Association submitted to the Supreme Court under a GR9 cover sheet earlier this year. I understand that the comment period for the proposed amendment expired on April 30, 2018. I have a compelling concern, that does not seem to have been addressed among the 3 comments that were received during the official comment period, and so I am submitting my comment even though the deadline for comments has expired.

My concern is that the proposed amendment does not differentiate between transactional practice, and litigation. Because the proposed amendment does not differentiate, it would seem to include transactional work within its net, and as such can lead to some unintended results. My suggestion is to expressly state that Comment 13 covers matters of conflict and litigation, and does not include transactional work.

I speak from the position of being a transactional attorney for 25 years, and concurrently engaged in business enterprises.

In the course of my business work (not as attorney), I necessarily interact on a regular basis, with persons I know to be represented, without acquiring the consent of their counsel. For example, if a business I run receives a proposed form of Contract from a supplier, I will review the proposed form of Contract and provide comments on it back to the business-contact (i.e. non-lawyer) who sent it to me. Often that business-contact will tell me that they are going to "submit the comments to legal for review." At that point I know the business-contact is represented, but I will continue to negotiate the terms of the Contract with the business-contact. If I were forced to obtain express approval from the supplier's legal department, in order to be able to negotiate the form of Contract with the business-contact, I would be placed at a substantial disadvantage in completing the transaction in the ordinary course of business. While the granting of such consent might seem routine, when you are talking about large companies with established procedures and remote legal departments, the request for consent risks rumpling feathers, threatening relationships and substantial delay in finalization of the mutually desired supply Contract.

Thank you for accepting this comment for the file, even though it is acknowledged to have been submitted after the deadline. I see that the proposed amendment to RPC 4.2 has not yet been adopted, so I am optimistic that perhaps it will be given further consideration at a future date, at which time my comment can be considered.

Sincerely,
Erik Marks
WSBA 23458

--

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cell: 206-612-8653

erik@eqmrealestate.com

SUGGESTED AMENDMENT TO RPC 4.2
COMMUNICATION WITH PERSON REPRESENTED BY A LAWYER

Additional Washington Comments (10 – ~~12~~ 13)

[10] – [12] Unchanged.

[13] A lawyer who is representing himself or herself in a matter in which he or she is personally involved (“a pro se lawyer”) is “representing a client” in the matter and so is prohibited by this rule from communicating about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order. *In re Disciplinary Proceeding Against Haley*, 156 Wn.2d 324, 333–39, 126 P.3d 1262, 1266–69 (2006). On the other hand, a lawyer who is personally involved in a matter and has retained another lawyer to represent him or her is not “representing a client,” and is permitted to communicate directly with another person the lawyer knows to be represented in the matter without the consent of the other lawyer, provided the represented lawyer is not acting as cocounsel.

From: James Davenport [mailto:jhdavenportllc@gmail.com]

Sent: Monday, November 19, 2018 8:39 AM

To: Bill Pickett <Bill@wdpickett-law.com>

Cc: Scott Snyder <Scott@wdpickett-law.com>

Subject: WSBA Organization

Bill,

As I have become aware of the WSBA's election to offer health insurance to its members, it has become clear to me that which I did not fully comprehend when I met with you in your office last month, i.e. that the Bar is both a licensing agency and a membership benefits organization. You explained that this was not the case in other states. I can see why members of the bar would want to have benefits, like health insurance, made available to them. That's what everyone wants. That's why people join the American Automobile Association or the American Association for Retired Persons. But I am concerned that the costs of providing these membership amenities depend upon the payment of bar dues, which should in my mind be dedicated to the professional standard of competency of practice (tough admission standards, tough enforcement of standards of practice). This leads me to the conclusion that the commingled-purpose bar association be severed into two organizations, one for professional licensing, the other as a benefits organization. This way, those interested in benefits can exclusively fund the organization that provides them.

Thanks for listening, and thanks again for your hospitality in your office previously and invitation to remain in contact.

Jim Davenport

--

Jim Davenport
PO Box 297
Buena, WA 98921
(509)969 2141

**Summary of WSBA Outreach Visits
November 2, 2018 to December 31, 2018**

1.	11-8-18	Wayfind Seattle, WA	Professional Responsibility Counsel Jeanne Marie Clavere participated in an "Ethics and Nonprofits" panel discussion.
2.	11-8-18	Highline College Des Moines, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar and LLLT Jennifer Ortega presented information on the LLLT license to Highland College students.
3.	11-15-18	Olympia, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar and WSBA Diversity and Public Service staff met with members at a Mentorlink Mixer in Olympia.
4.	11-19-18	Kirkland, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar met with Washington State Representative Roger Goodman as part of WSBA's ongoing connection with member-legislators.
5.	11-19-18	Kennewick, WA	Legal Community Outreach Specialist Sue Strachan met with Janell Waters of NJP to discuss WSBA programs and services.
6.	11-19-18	Benton-Franklin County Bar Association Kennewick, WA	Legal Community Outreach Specialist Sue Strachan met with members of the Executive Committee of the Benton-Franklin County Bar.
7.	11-28-18	ELAP Bellevue, WA	Professional Responsibility Counsel Jeanne Marie Clavere gave a presentation on ethics – "The Ethics of Pro Bono and Moderate Means Representation" at this CLE luncheon.
8.	12-4-18	William L. Dwyer Inn of Court at Seattle University Seattle, WA	Professional Responsibility Counsel Jeanne Marie Clavere gave a presentation on ethics – "Generational Differences and the RPCs".
9.	12-4-18	Seattle, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar met with Washington State Senator David Frockt as part of WSBA's ongoing connection with member-legislators.
10.	12-5-18	PUDA Marysville, WA	Professional Responsibility Counsel Jeanne Marie Clavere gave a presentation on ethics – "Ethics in Litigation" at a CLE.
11.	12-6-18	East King County Bar Association Bellevue, WA	Director of the Office of Disciplinary Counsel Doug Ende presented "21 st Century Ethics: The Crucial issues" at this annual ethics CLE.
12.	12-6-18	WA State Department of Financial Institutions Tumwater, WA	Disciplinary Counsel Codee McDaniel presented "An Overview of Disciplinary System and RPCs Applicable to Government Lawyers".

13.	12-7-18	Island County VLP Coupeville, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Civility and Professionalism" at an ethics CLE.
14.	12-7-18	Seattle University School of Law Seattle, WA	Director of the Office of Disciplinary Counsel Doug Ende presented "Ethics Hypotheticals".
15.	12-10-18	AILA Seattle, WA	Sr. Auditor Cheryl Heuett presented "Credit Cards and Trust Accounts" at this annual CLE.
16.	12-11-18	MAMAS Seattle, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Conflicts of Interest" at a CLE.
17.	12-11-18	Betts Patterson Law Firm Seattle, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Conflicts of Interest" at a law firm CLE.
18.	12-13-18	Seattle, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar, Chief Communications Officer Sara Niegowski, WSBA President Bill Pickett, and Communications Strategies Manager Jennifer Olegario met with over 15 external stakeholders to discuss shared goals and strategies for the upcoming 2019 legislative session.
19.	12-14-18	WA Defender Association Seattle, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Confidentiality: Social Media, List Serves and Other Communication" at this conference and CLE.
20.	12-18-18	Seattle, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar met with Washington State Representative Roger Goodman and representatives of the Family Law Executive Committee and the Alternative Dispute Resolution Section to discuss potential legislation for the 2019 legislative session.

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: Board of Governors

From: Sara Niegowski, Chief Communications and Outreach Officer
Jennifer Olegario, Communication Strategies Manager

Date: Jan. 4, 2019

Re: Summary of Media Contacts, Nov. 1-Dec. 31, 2018

	Date	Reporter and Media Outlet	Inquiry
1.	11/21/18	Jim Brunner, <i>Seattle Times</i>	Re: SeaTac mayor Michael Siefkes (whether he voluntarily resigned from ALL US jurisdictions)
2.	11/20/18	Lewis Kamb, <i>Seattle Times</i>	Re: Personnel tort claim
3.	11/26/18	Philip Ferolito, <i>Yakima Herald-Republic</i>	Profile piece on Bill Pickett
4.	11/28/18	Sean Robinson, <i>Tacoma News Tribune</i>	Inquired about Stipulation to Admonition regarding Mark Lindquist
5.	11/29/18	Ron Day, Law360	Sought facts, figures info to support anecdotal evidence that Seattle has become a top draw for lawyers
6.	11/30/18	Amina Al-Sadi, KUOW/NPR	Inquired about status of bar complaint against Rob McKenna
7.	12/4/18	Alexis Krell, <i>Tacoma News Tribune</i>	Sought comment for how common or unusual it is for an attorney to be arrested for contempt of court by failing to appear in a Grays Harbor court
8.	12/6/18	Aebra Coe, Law360	Sought analysis re: Fleck v. Wetch
9.	12/11/18	Chris Shaw, KOMO-TV	Inquired about status of Mark Lindquist's hearing
10.	12/19/18	Denver Pratt, <i>Bellingham Herald</i>	Sought more information aside from notifications of La Rocco disbarment and Vis suspension

WASHINGTON STATE BAR ASSOCIATION

To: The President, President-elect, Immediate Past-President, and Board of Governors
 From: Nicole Gustine, Assistant General Counsel
 Date: January 2, 2019
 Re: Court Rules Update

This is the regular report on the status of suggested court rules submitted by the Board of Governors and other entities to the Supreme Court. Any changes from the last report are indicated in **bold**, **shaded**, **italicized text**.

SUGGESTED RULE AMENDMENTS SUBMITTED BY <u>WSBA</u> TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
GR 24	<i>Proposed amendments to GR 24 – Definition of Practice of Law.</i>	9/28/18: Submitted to BOG as Information.	11/28/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.
CrR 1.3, CrR 3.4, CrR 4.4, CrRLJ 4.4, CR 30	<i>The Washington State Bar Association recommended the suggested amendments to CrR 1.3 – Effect; CrR 3.4 – Presence of the Defendant; CrR 4.4 – Severance of Offenses and Defendants; CrRLJ 4.4 – Severance of Offenses and Defendants; and CR 30 – Depositions Upon Oral Examination.</i>	9/28/18: Approved submission to Court.	11/28/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.
LLLT RPCs 1.0B, 1.5, 7.1, 7.2, 7.3, 7.4, and 7.5	<i>The LLLT Board recommended the suggested amendments to LLLT RPC 1.0B – Additional</i>	The suggested amendments were submitted to the Court to	11/9/18: The Court entered an order to publish the proposed amendments for



SUGGESTED RULE AMENDMENTS SUBMITTED BY <u>WSBA</u> TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
	<i>Terminology; LLLT RPC 1.5 – Fees; LLLT RPC 7.1 – Communications Concerning an LLLT’s Services; LLLT RPC 7.2 – Advertising; LLLT RPC 7.3 – Direct Contact with Prospective Clients; LLLT RPC 7.4 – Communication of Fields of Practice and Specialization; and LLLT RPC 7.5 – Firm Names and Letterheads.</i>	<i>conform to the lawyer RPC amendments that were approved by the BOG on 3/8/18.</i>	<i>comment, with comments to be submitted no later than April 30, 2019.</i>
<i>RPCs 5.5, 7.1, 7.2, 7.3, 7.4, and 7.5</i>	<i>The Washington State Bar Association recommended the suggested amendments to RPC 5.5 – Unauthorized Practice of Law; Multijurisdictional Practice of Law; RPC 7.1 – Communications Concerning a Lawyer’s Service; RPC 7.2 – Advertising; RPC 7.3 – Solicitation of Clients; RPC 7.4 – Communication of Fields of Practice and Specializations; and RPC 7.5 – Firm Names and Letterheads.</i>	<i>3/8/18: Approved submission to Court.</i>	<i>11/9/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.</i>
CrR 3.3 – Time for Trial	The Washington State Bar Association Counsel on Public Defense, in response to the Supreme Court Rules Committee Referral of a request by	9/27/18: Approved submission to Washington Supreme Court Rules Committee.	10/31/18: The Court entered an order to publish the proposed amendments for comment, with comments to be



SUGGESTED RULE AMENDMENTS SUBMITTED BY <u>WSBA</u> TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
	Mr. Stephen Dowdney recommended the suggested amendment to CrR 3.3 – Time for Trial.		submitted no later than April 30, 2019.
IN THE MATTER OF SUGGESTED AMENDMENTS TO APR 28—LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS; APR 28 APPENDIX—REGULATION 2 PRACTICE AREAS—SCOPE OF PRACTICE AUTHORIZED BY LIMITED LICENSE LEGAL TECHNICIAN RULE; APR 28 APPENDIX REGULATION 3—EDUCATION REQUIREMENTS FOR LLLT APPLICANTS AND APPROVAL OF EDUCATION PROGRAMS; OF THE APR 28 LIMITED LICENSE LEGAL TECHNICIAN BOARD; RULES OF PROFESSIONAL CONDUCT (RPC) 1.0B—ADDITIONAL WASHINGTON TERMINOLOGY; RPC 1.17—SALE OF LAW PRACTICE; RPC 4.3—DEALING WITH A PERSON NOT REPRESENTED BY A LAWYER; RPC 5.8—MISCONDUCT INVOLVING LAWYERS AND LLLTs NOT ACTIVELY LICENSED TO PRACTICE LAW; RPC 8.1—BAR ADMISSION AND DISCIPLINARY MATTERS; AND LLLT RULES OF PROFESSIONAL CONDUCT (LLLTPC) LLLT RPC 1.0B—ADDITIONAL TERMINOLOGY; LLLT RPC 1.2—SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LLLT; LLLT RPC 1.5—FEES; LLLT RPC 1.8 CONFLICT OF INTEREST: CURRENT CLIENTS: SPECIFIC RULES; LLLT RPC 1.15A—SAFEGUARDING POLICY; LLLT RPC 1.16—DECLINING OR TERMINATING REPRESENTATION; LLLT RPC 1.7 SALE OF A LAW PRACTICE; LLLT RPC 2.3 [RESERVED]; LLLT RPC 3.1—ADVISING AND ASSISTING CLIENTS IN PROCEEDINGS BEFORE A TRIBUNAL; LLLT RPC 3.6-3.9 [RESERVED]; LLLT RPC 4.1—TRUTHFULNESS IN STATEMENTS TO OTHERS; LLLT RPC 4.2—COMMUNICATION WITH PERSON REPRESENTED BY LAWYER; LLLT RPC 4.3—DEALING WITH PERSON NOT REPRESENTED BY LAWYER; LLLT RPC 5.4—PROFESSIONAL INDEPENDENCE OF A LLLT; LLLT RPC 5.5 UNAUTHORIZED PRACTICE OF LAW; LLLT RPC 8.1—LICENSING, ADMISSION, AND DISCIPLINARY MATTERS; LLLT RPC 8.4—MISCONDUCT	The Washington State Bar Association Limited License Legal Technician Board recommended amendments to APR 28—Limited Practice Rule for Limited License Legal Technicians; APR 28 Appendix; Rules of Professional Conduct (RPC); and LLLT Rules of Professional Conduct (LLLTPCs).	1/19/18: Submitted to BOG as Information.	6/7/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than September 14, 2018. 11/1/18: The Court adopted the rules. 11/26/18: Amended Order: Rescinding Order and republishing for comment due to formatting errors, with comments to be submitted no later than February 1, 2019
GR 25	Proposed amendments to GR 25 – Practice of Law Board, and Rescind Practice of Law Board	1/19/18: Submitted to BOG as Information.	6/7/18: The Court entered an order to publish the proposed



SUGGESTED RULE AMENDMENTS SUBMITTED BY <u>WSBA</u> TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
	Regulations.		amendments for comment, with comments to be submitted no later than September 14, 2018. 11/28/18: The Court adopted the rule.
RPC 1.7, RPC 1.15A, RPC 4.2 ¹	Proposed amendments to RPC 1.7 – Conflict of Interest: Current Clients; RPC 1.15A – Safeguarding Property; and RPC 4.2 – Communication with Person Not Represented by a Lawyer.	9/6/17: Approved submission to Court.	11/8/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2018. 6/7/18: The Court adopted RPC 1.7 and RPC 1.15A.

¹ [The Court has not taken an action on RPC 4.2.](#)



SUGGESTED RULE AMENDMENTS SUBMITTED BY <u>OTHERS</u>		
CrR 3.1, CrRLJ 3.1, JuCR 9.3(a), GR 15	<i>The Washington Defender Association recommended the suggested amendments to CrR 3.1 – Right to and Assignment of Lawyer; CrRLJ 3.1 – Right to and Assignment of Lawyer; JuCR 9.3(a) – Right to Appointment of Experts in Juvenile Offense Proceedings; and GR 15 – Destruction, Sealing, and Redaction of Court Records.</i>	11/28/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019
CR 82.5	<i>The Tribal State Court Consortium recommended the suggested amendment to CR 82.5 – Tribal Court Jurisdiction.</i>	11/28/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019
APR 3	The Military Spouse J.D. Network (MSJDN) recommended the suggested amendment to APR 3 – Applications for Admission to Practice Law.	10/31/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.
CJC 2.9	The Superior Court Judges' Association recommended the suggested amendment to CJC 2.9 – Ex Parte Communications.	10/10/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than December 24, 2018.
CrR 4.7, CrRLJ 4.7, CrR 3.7, CrR 3.8, CrR 3.9, CrR 4.11, CrRLJ 3.7, CrRLJ 3.8, CrRLJ 3.9, CrRLJ 4.11	The Washington Association of Criminal Defense Lawyers recommended the suggested amendments to CrR 4.7 – Discovery; CrRLJ 4.7 – Discovery; suggested New CrR 3.7 – Recording Interrogations; CrR 3.8 – Recording Eyewitness Identification Procedure; CrR 3.9 – In-Court Eyewitness Identification; CrR 4.11 – Recording Witness Interviews; CrRLJ 3.7 – Recording Interrogations; CrRLJ 3.8 – Recording Eyewitness Identification Procedure; CrRLJ 3.9 – In-Court Eyewitness Identification; and CrRLJ 4.11 – Recording Witness Interviews.	7/11/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.
New GR 38²	The Superior Court Judges' Association recommended the suggested new GR 38 – Prohibition of Bias.	6/7/18: The Court entered an order to publish the proposed amendments for comment, with

² [The Court has not taken an action on GR 38.](#)



SUGGESTED RULE AMENDMENTS SUBMITTED BY <u>OTHERS</u>		
		comments to be submitted no later than September 14, 2018.



WASHINGTON STATE
BAR ASSOCIATION
Office of Disciplinary Counsel

MEMO

To: Paula Littlewood, WSBA Executive Director
From: Douglas J. Ende, WSBA Chief Disciplinary Counsel & Director of the Office of Disciplinary Counsel
Date: January 7, 2019
Re: Quarterly Discipline Report, 4th Quarter (October – December 2018)

A. Introduction

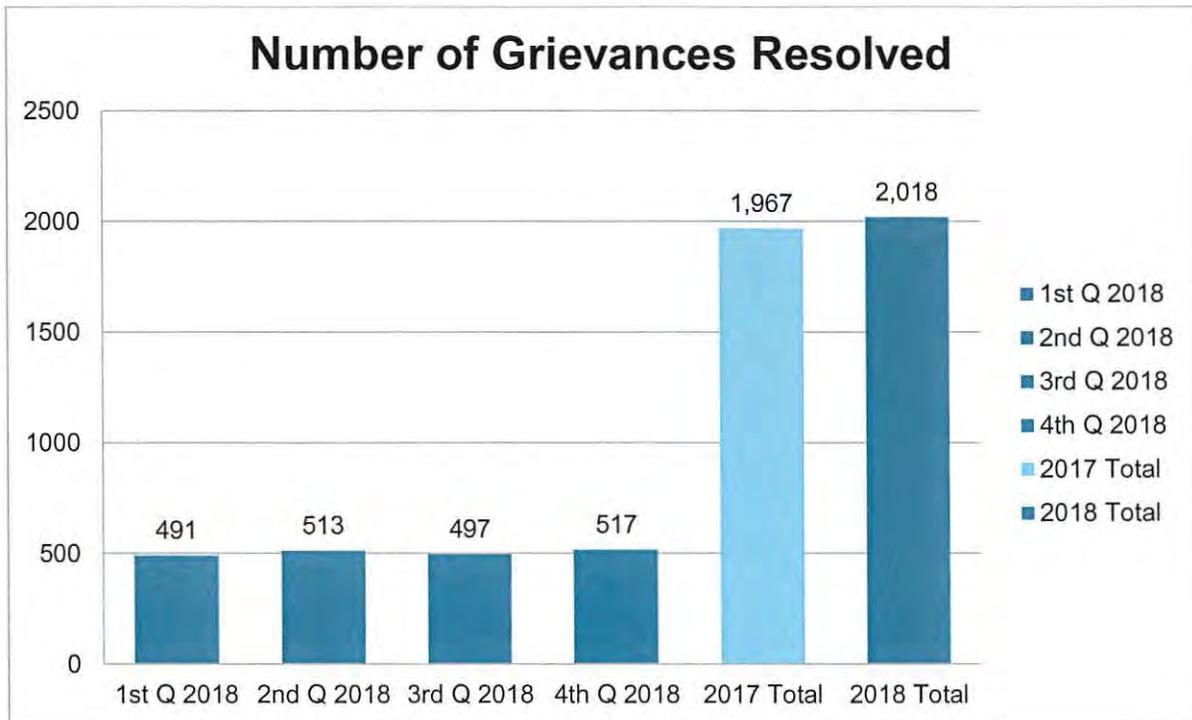
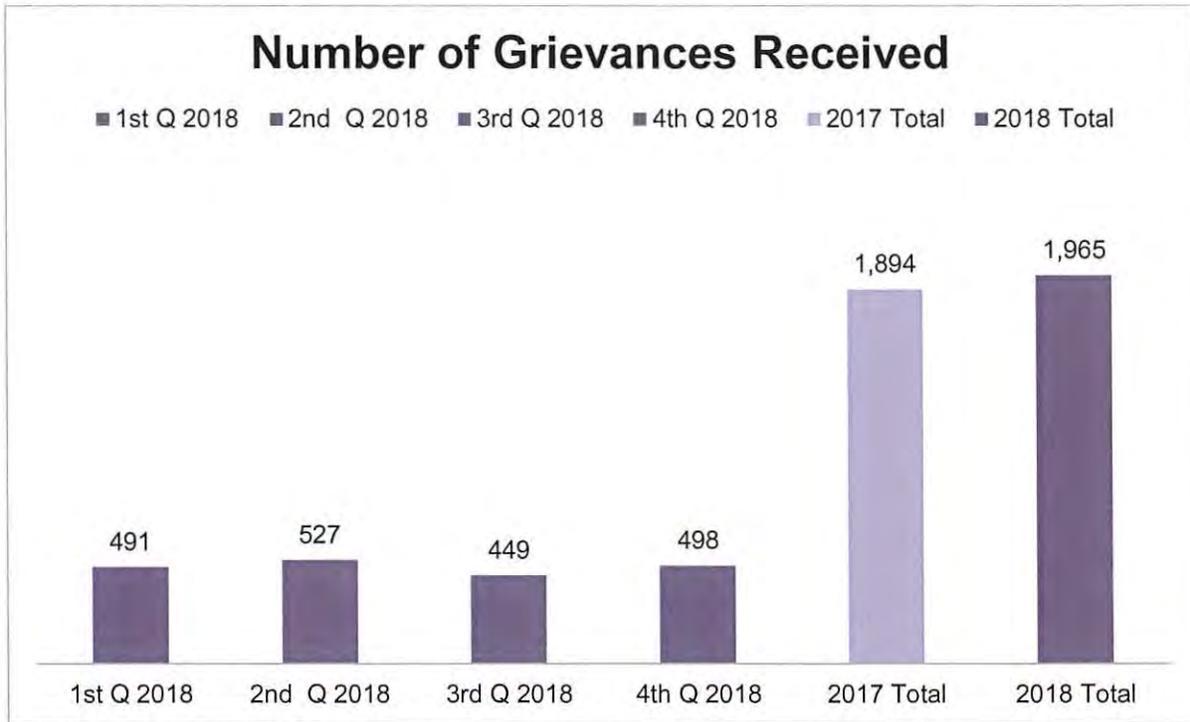
The Washington Supreme Court's exclusive responsibility to administer the lawyer discipline and disability system is delegated by court rule to WSBA. See GR 12.2(b)(6). The investigative and prosecutorial function is discharged by the lawyers and staff of the Office of Disciplinary Counsel (ODC), which is responsible for investigating allegations and evidence of lawyer misconduct and disability and prosecuting violations of the Washington Supreme Court's Rules of Professional Conduct.

The Quarterly Discipline Report provides a periodic overview of the functioning of the Office of Disciplinary Counsel within the context of the discipline system as a whole. The report graphically depicts key discipline-system indicators for 4th Quarter 2018. Note that all numbers and statistics herein are considered tentative/approximate. Final figures will be issued in the 2018 Discipline System Annual Report.

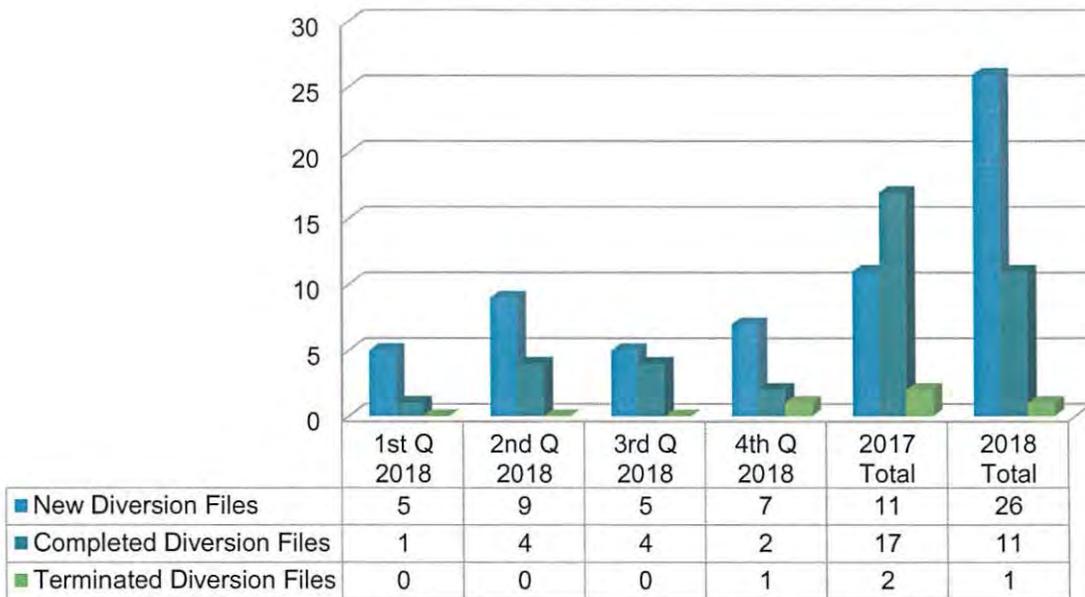
B. Recent Supreme Court Opinions & Other Accomplishments

- **In re Russell James Jensen.** On November 29, 2018, the Washington Supreme Court issued an opinion in *In re Disciplinary Proceeding Against Russell James Jensen*.
- **Annual Summary of Speaking Engagements.** Attached to this report as Appendix 1 is ODC's annual summary of speaking engagements. In 2018, ODC lawyers and auditors appeared as speakers in 35 programs around the state, at national conferences, and in webinars and webcasts, educating approximately 1,490 lawyers, law students, and legal professionals on topics of legal ethics, trust account recordkeeping and compliance, and the lawyer discipline system.

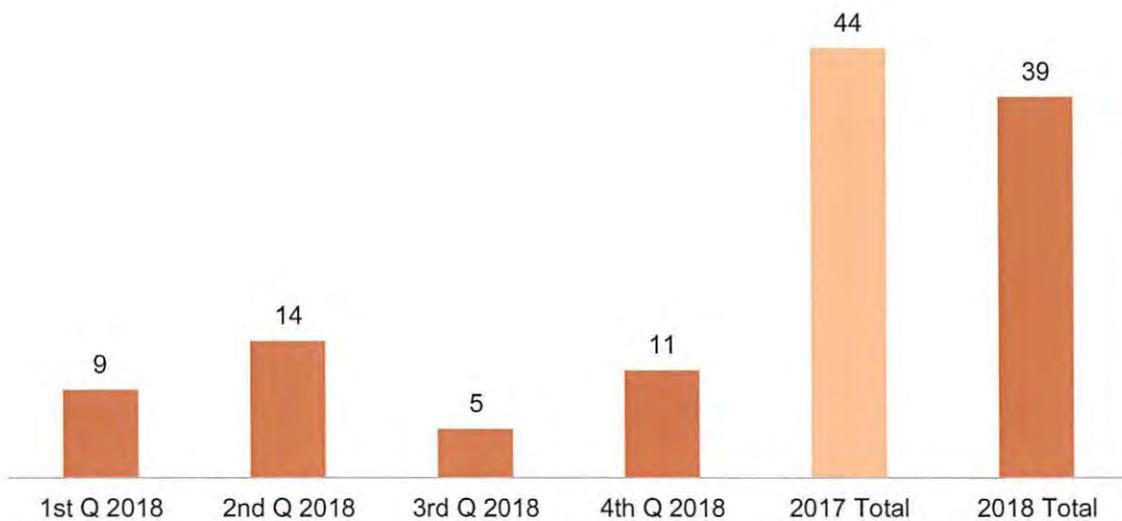
C. Grievances and Dispositions

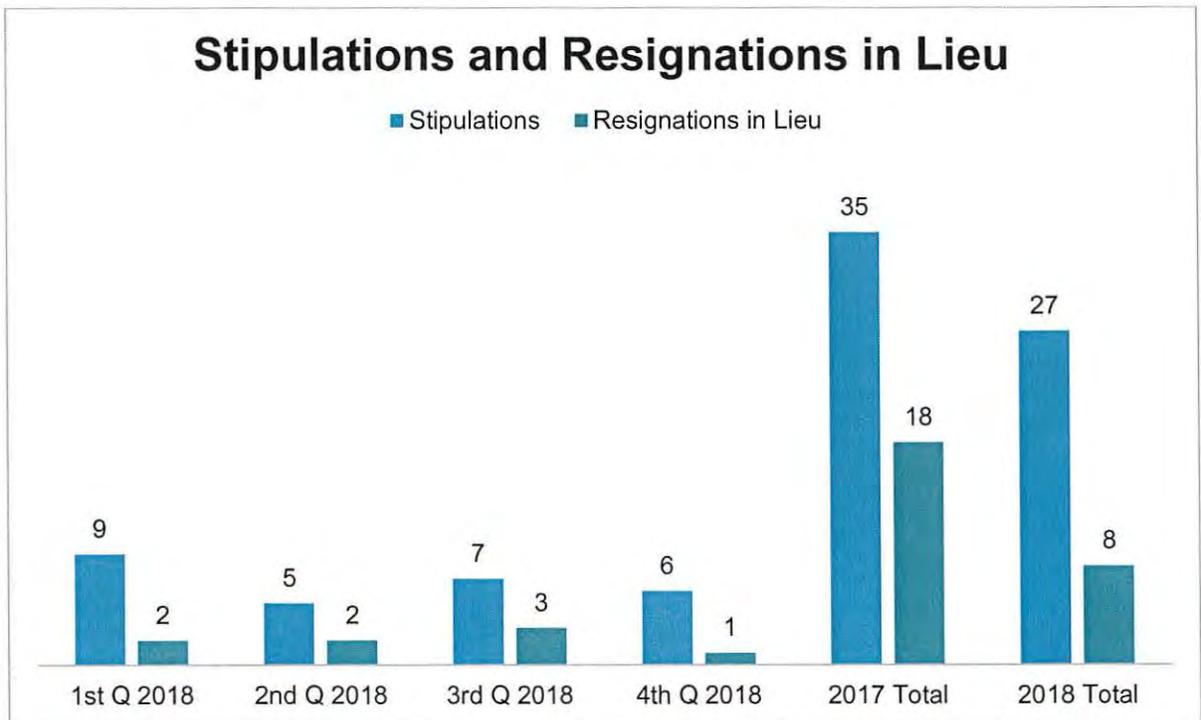
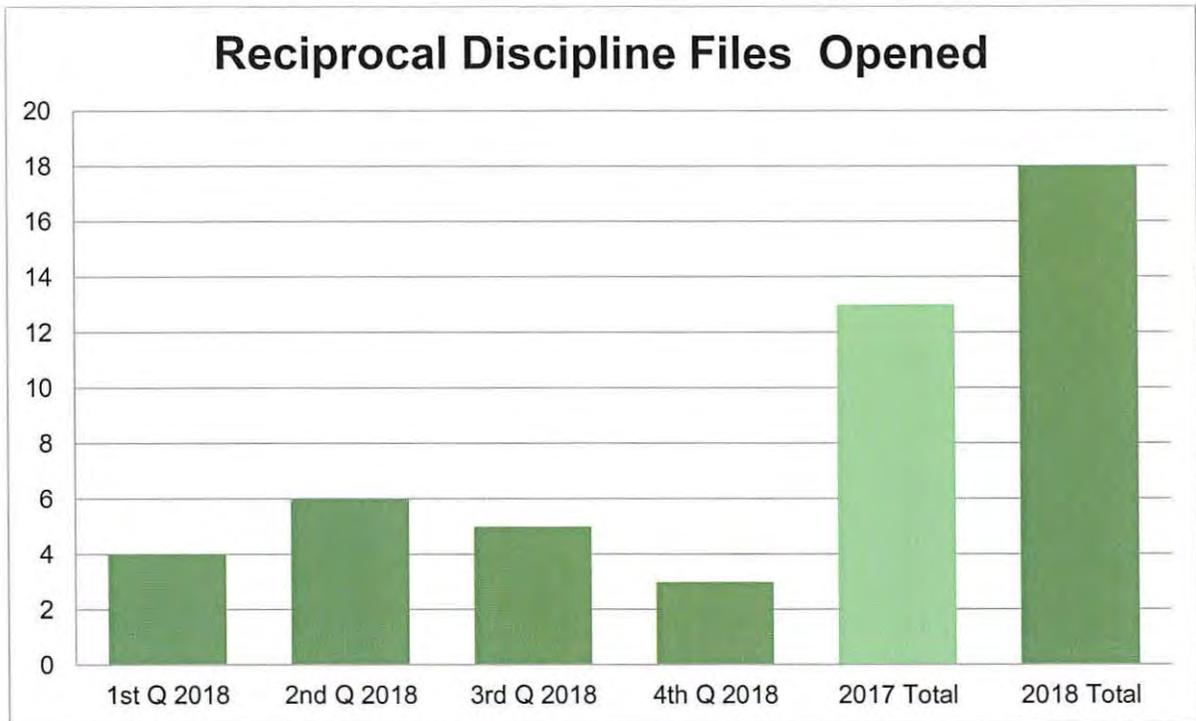


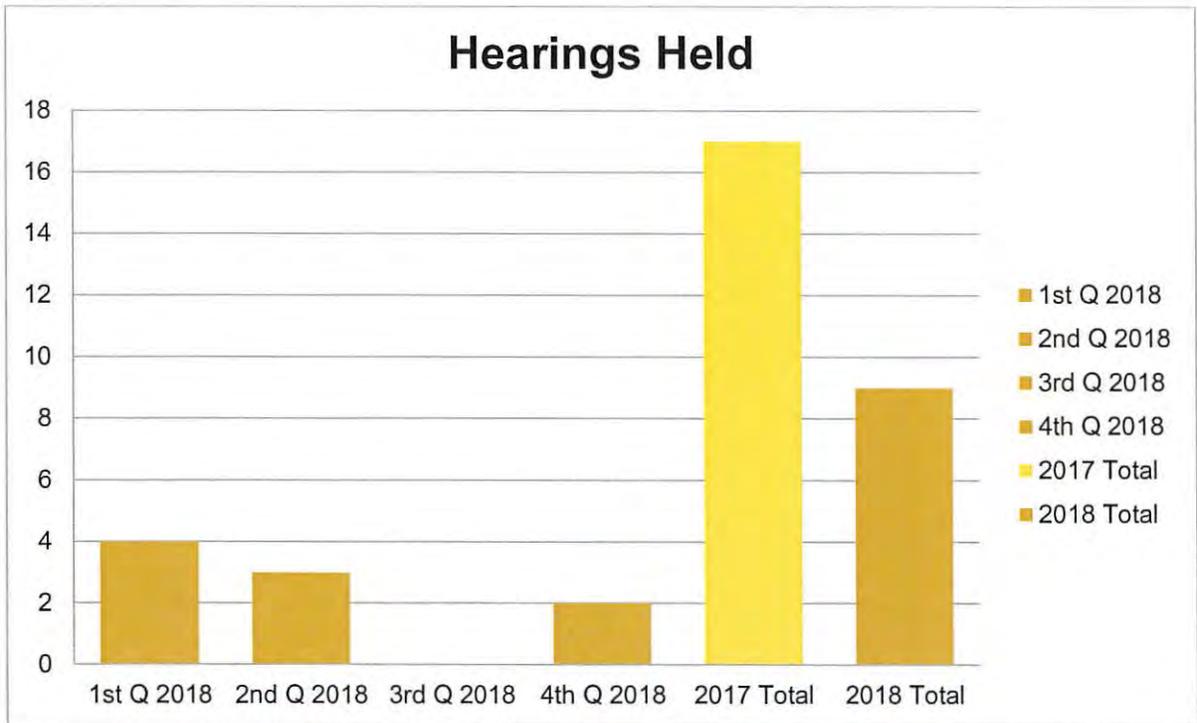
Diversion Statistics



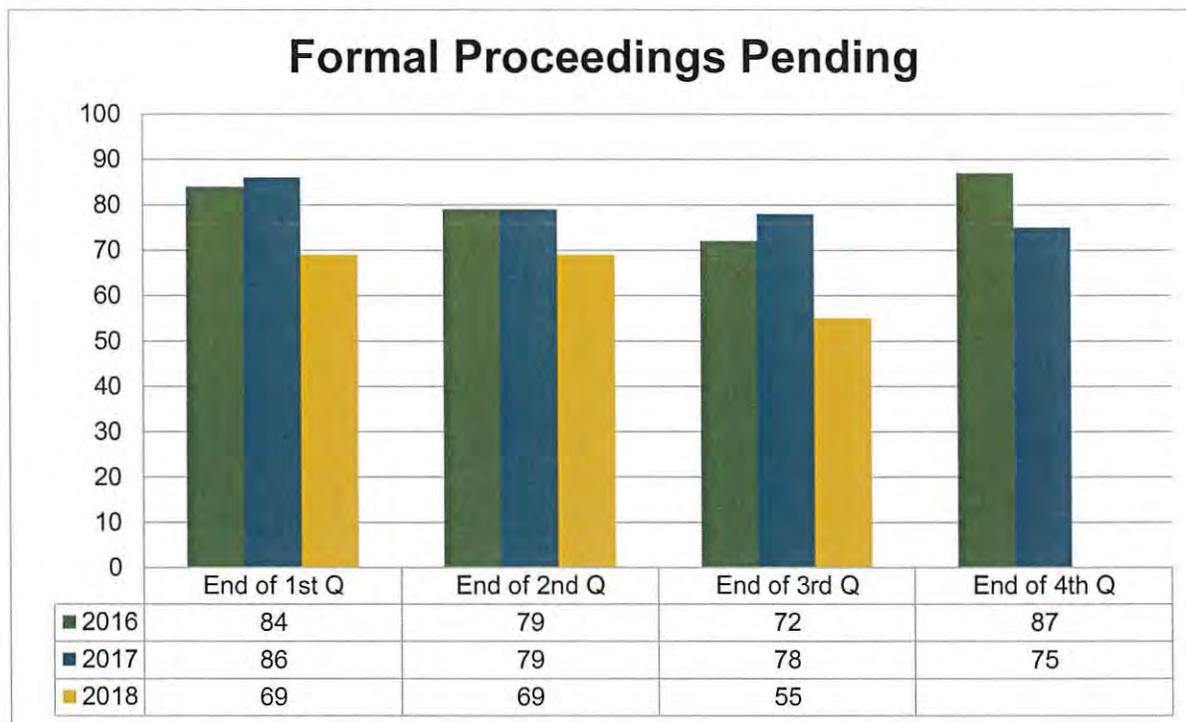
Formal Complaints Filed







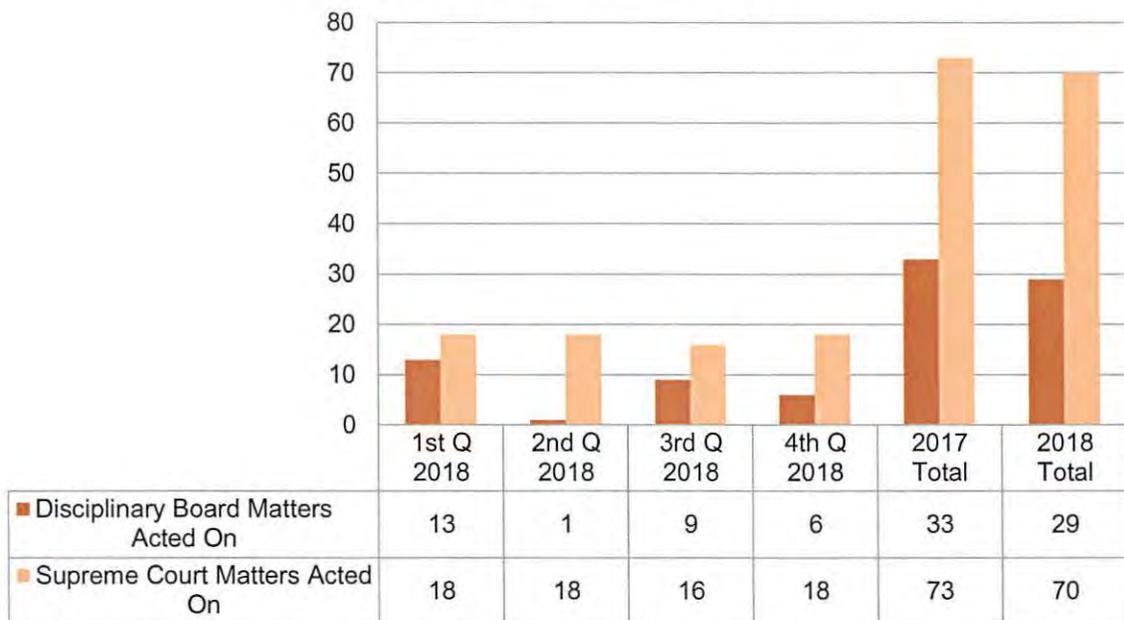
D. Pending Proceedings^{1 2}



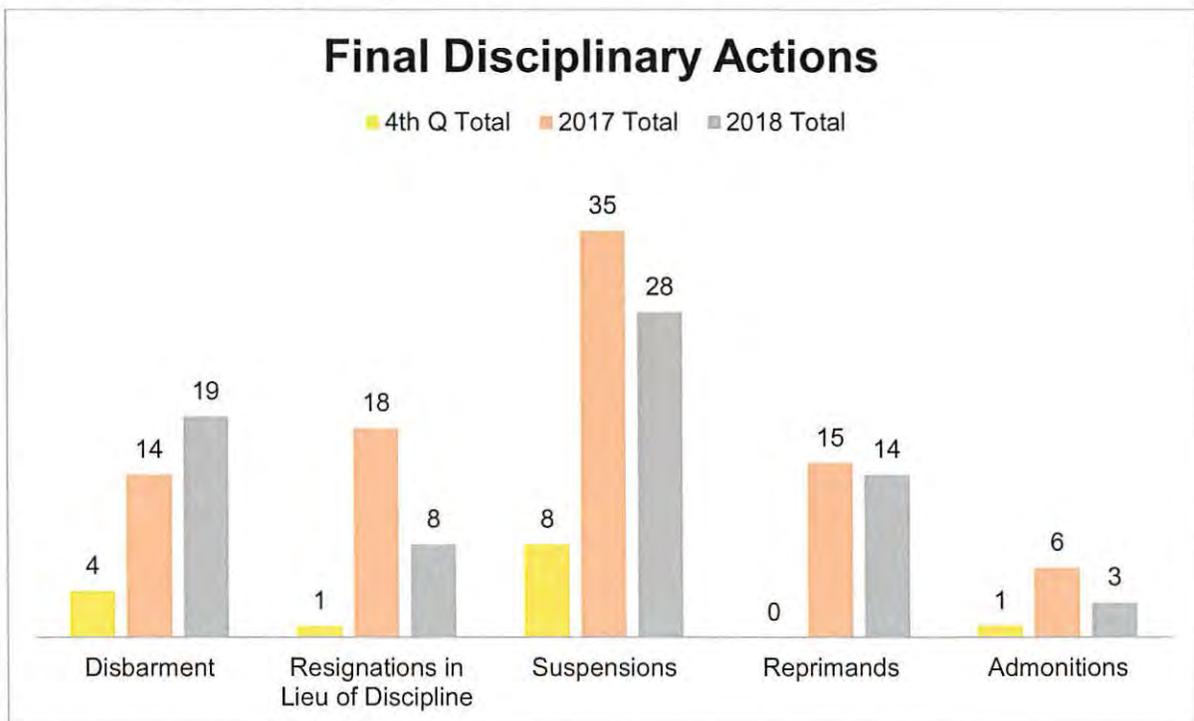
¹ The number of formal proceedings pending at the end of the fourth quarter was not yet available at the time of the issuance of this quarterly report. This number will be reflected in the next quarterly report.

² The Disciplinary Board numbers reflect Board orders on stipulations and following review after an appeal of a hearing officer’s findings.

Appellate Proceedings



E. Final Disciplinary Actions



F. Disability Inactive Transfers

Disability Inactive Transfers	Quarter Total
1 st Quarter 2018	3
2 nd Quarter 2018	1
3 rd Quarter 2018	2
4 th Quarter 2018	2
2017 Total	3
2018 Total	8

G. Discipline Costs³

Quarterly Discipline Costs Collected	Total
1 st Q 2018	\$22,562.64
2 nd Q 2018	\$26,537.77
3 rd Q 2018	\$12,552.77
4 th Q 2018	Pending ⁴
2017 TOTAL	\$100,939.52
2018 Total	Pending

³ The cost figures may vary from amounts indicated in previous quarterly reports, statistical summaries, and annual reports, owing to discrepancies in the data available at the time of issuance of these quarterly reports and the final cost figures available after Accounting closes the monthly books.

⁴ Both the fourth quarter and 2018 year-end totals for costs collected were not yet available at the time of the issuance of this report. These numbers will be reflected in the next quarterly report.

QUARTERLY DISCIPLINE REPORT

APPENDIX 1

ODC 2018 Law-Related Speaking Engagements
(Excluding Internal Presentations/Trainings)

#	2018 Date	Presenter	Location	Approx. Audience Size	Sponsor	Name of Program	Topic
1.	Jan. 17	Sachia Stonefeld Powell	Tacoma, WA	15-20	City of Tacoma	The Disciplinary Process: A View from the Trenches	Lawyer Discipline System
2.	Jan. 26	Joanne Abelson & Douglas Ende	Seattle	50	Seattle U Law School	Essentials of Persuasion: Appellate Legal Writing in Washington and Beyond	Techniques for managing the unethical conduct of others
3.	Feb. 1	Douglas Ende	Vancouver, B.C.	30	National Org. of Bar Counsel	NOBC Mid-Year Meeting	Use of professional adjudicators in discipline systems
4.	Feb. 2	Craig Bray	Vancouver, B.C.	10	National Org. of Bar Counsel	NOBC Mid-Year Meeting	Litigation Skills: Direct Examination
5.	Feb. 20	Tracy Sambrano	Seattle, WA	15-20	Seattle Select Attorneys	CLE	Avoiding Pitfalls in Handling Client Funds
6.	Feb. 23	Francesca D'Angelo	Spokane	45	Spokane County Bar Association	9 th Annual Indian Law Conference	Ethics and Social Media
7.	March 8	Tracy Sambrano	Seattle	50	WSBA	Readmissions/Refresher Ethics	Avoiding Pitfalls in Handling Client Funds
8.	March 9	Douglas Ende	Chicago (remote appearance)	35	American Bar Association	ABA TechShow Summit	Reinventing the Legal Profession (Basics of Entity Regulation)
9.	March 15	Rita Swanson	Seattle	35	SU/AILA	2018 NW Regional Immigration Law Conference	Fees and trust accounts
10.	March 15	Douglas Ende	Seattle	15	Practice of Law Board	Board Meeting	Overview of Entity Regulation
11.	March 20	Kirsten Schimpff & Joanne Abelson	Seattle		WSBA	Hearing Officer Training	Overview of the Discipline System – Intake and Investigation/Prosecution
12.	March 28	Douglas Ende	SeaTac	30	Administrative Office of the Courts	Judicial Campaign Forum	Lawyer Compliance Under RPC and CJC
13.	April 2	Douglas Ende	Seattle	60	S.U. Law School	Professional Responsibility Class	Overview of Discipline System
14.	April 3	Francesca D'Angelo & Emily Krueger	Seattle	35	University Of Washington Law School	Professional Responsibility Class	Overview of the Disciplinary System and Best Practices for Responding to a Grievance
15.	April 18	Douglas Ende	Seattle	35	WSBA Cannabis Law Section	Mini-CLE	Cannabis Law Ethics
16.	April 19	Tracy Sambrano	Seattle	40	SU/Low Bono Section/ATJ I	Mini-CLE	Avoiding Pitfalls in Handling Client Funds
17.	June 15	Debra Slater and Natalea Skvir	Seattle	104	Alliance for Equal Justice	Summer Intern Orientation	Overview of Disciplinary System and Confidentiality
18.	June 22	Francesca D'Angelo	Seattle	20	University of Washington Law School	Professional Responsibility Class	Overview of the Disciplinary System
19.	June 22	Douglas Ende	Seattle	12	Washington Leadership Institute	WLI Session VI – Ethical Challenges in Leadership	21 st Century Ethics: The Crucial Issues
20.	August 20	Natalea Skvir and Debra Slater	Seattle	Recorded	WSBA	Ethics School	Fees and Fee Agreements
21.	August 20	Ben Attanasio	Seattle	Recorded	WSBA	Ethics School	Diligence and Communication
22.	August 20, 2018	Cheryl M. Heuett	Seattle	Recorded	WSBA	Ethics School/CLE for sale	Trust Accounts

#	2018 Date	Presenter	Location	Approx. Audience Size	Sponsor	Name of Program	Topic
23.	Sept. 5	Sachia Stonefeld Powell (with Natasha Averill and Debra Healy)	Federal Building	40	NW Procurement Fraud Working Group	TBD	Working together
24.	Sept. 19	Thea Jennings	Seattle	60	S.U. Law School	Legal Research & Writing I Class (two classes joined)	Overview of the WSBA and the Disciplinary System
25.	Sept. 19	Douglas Ende Kirsten Schimpff	Seattle	75	WSBA	Ethics, Professionalism, and Civility	Panel presentation
26.	Sept. 26	Francesca D'Angelo	Seattle	86	Seattle U Law School	Free Ethics CLE and Externship Fair	Ethics and Social Media
27.	Sept 28	Francesca D'Angelo	Seattle	90	Federal Bar Association	Eastern District of Washington District Conference and CLE	Making the Case with Tweets, Snaps and Facebook Posts (Panel)
28.	Oct 18	Kathy Jo Blake	Seattle	90	Seattle U	Professor Duras's Ethics Class of 2L and 3Ls	Overview of the Disciplinary System
29.	Oct 25	Tracy Sambrano Rita Swanson	Seattle	90	Seattle U	Professor Dura's Ethics Class of 2L and 3Ls	Overview of Trust Accounting Rules
30.	Oct 26	Cheryl Heuett	Tacoma	60	Tacoma-Pierce County Family Law	Love Stinks	Trust accounts and Fee agreements
31.	Dec. 6	Doug Ende	Bellevue	50	East King County Bar Ass'n	Annual Ethics CLE	21 st Century Ethics: The Crucial Issues
32.	Dec. 6	Codee McDaniel	Tumwater	30	WA State Department of Financial Institutions	Ethics Violations and Their Aftermath: An Overview of the Discipline System	Overview of Disciplinary System and RPCs Applicable to Government Lawyers
33.	Dec. 7	Doug Ende	Seattle	75	Seattle University School of Law	Ethics with Strait and Boerner 2018	Ethics Hypotheticals
34.	December 10	Cheryl Heuett	Seattle	50	AILA	Annual Mini-CLE	Credit Cards and Trust Accounts
35.	Dec. 14	Doug Ende	Seattle	60	WSBA CLE	The Law of Lawyering	Recent ABA Ethics Opinions, Including Advance Conflicts Waivers

WASHINGTON STATE
BAR ASSOCIATION

MEMO

To: Board of Governors
From: Executive Management Team
Date: January 10, 2019
Re: Q1 FY 2019 Management Report

INFORMATION: Q1 FY 2019 Management Report

Attached are annotated FY2019 Operational Priorities, which score the organization's progress through Q1 in achieving FY2019 priorities that are linked to WSBA's Mission Focus area and Strategic Goals.

Also attached is the Organizational Context Chart, which provides background information about WSBA from FY2004 through FY2018, including data and trends related to Members, Regulatory Functions, Engagement & Outreach, Member Benefits & Professional Development, Operations, and Milestones.



MISSION FOCUS AREAS:

ENSURING COMPETENT AND QUALIFIED LEGAL PROFESSIONALS | PROMOTING THE ROLE OF LEGAL PROFESSIONALS IN SOCIETY

	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
Regulation & Licensing								
<ul style="list-style-type: none"> Develop and initiate phased implementation of fully integrated online MCLE reporting and certification system for legal professionals. 	X		X				X	Q1: The MCLE and IT teams successfully launched Phase 1, which involved developing requirements and implementing a new online reporting system for LPOs, to incorporate rule changes to their reporting periods and credit requirements.
<ul style="list-style-type: none"> Develop and prepare to implement the first phase of the updated Online Admissions Program system, which is designed to track to recent rule changes and to move all application types and processing into the online system. 	X		X				X	Q1: Requirements writing by the RSD and IT teams is well underway for this project, which will move all aspects of the admission, licensing, and status change applications online.
<ul style="list-style-type: none"> Complete initial draft of coordinated discipline system rules, vet with stakeholders, present to BOG, and submit suggested rules to Supreme Court. 			X	X	X	X	X	Q1: The intensive FY18 rule drafting work conducted by the WSBA staff workgroup (Office of Disciplinary Counsel, Regulatory Services Department, and Office of General Counsel) continued during FY19 Q1. It is anticipated that a comprehensive draft will be distributed to stakeholder review groups in FY19 Q2.
<ul style="list-style-type: none"> Research and analyze replacement options for WSBA's discipline records system (GILDA), in anticipation of rule changes. 			X		X		X	Q1: Not reported in Q1.
<ul style="list-style-type: none"> Continue to explore possible mechanisms for entity regulation in the State of Washington. 			X		X		X	Q1: Not reported in Q1.

* **2016-18 Strategic Goals:** (1) Equip members with skills for the changing profession. (2) Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession. (3) Explore and pursue regulatory innovation, and advocate to enhance the public's access to legal services.



	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
Member Benefits & Professional Development								
<ul style="list-style-type: none"> Update and add additional WSBA practice management guides. 	X				X		X	Q1: Not reported in Q1.
<ul style="list-style-type: none"> Implement and evaluate new revenue-sharing models of collaboration with WSBA sections on continuing legal education delivery in order to respond to market trends. 	X				X		X	Q1: Not reported in Q1.
<ul style="list-style-type: none"> Rollout second legal research tool (Fastcase) and Casemaker's updated platform and collaborate with vendors to raise awareness of these member benefits among WSBA members including education and training. 	X				X		X	Q1: Not reported in Q1.
Public Service & Diversity/Inclusion								
<ul style="list-style-type: none"> Evaluate WSBA's public service portfolio and deepen our partnership with the Alliance for Equal Justice. 	X	X	X				X	Q1: Beginning with Q4 of FY2018 we have combined our work supporting the Access to Justice Board and pro bono and public service portfolio into one team to foster greater connections between these bodies of work. During Q1 that team welcomed a new Public Service Specialist, Paige Hardy. Paige is an attorney with experience managing pro bono programs. During the quarter Paige and WSBA's Pro Bono & Public Service Committee connected with partners in the Alliance for Equal Justice including the Washington State Pro Bono Council, Washington's Race Equity and Justice Initiative, the Access to Justice Board, and the Seattle Area Pro Bono Coordinators. The team is currently evaluating our public service portfolio for improved effectiveness and efficiency, including the Moderate Means Program, the Call to Duty Program, and the Remote Legal Services Project we piloted last year with a grant to support a legal clinic put on by LBAW.
<ul style="list-style-type: none"> Develop an equity toolkit for use by legal employers in the State of Washington. 	X	X	X		X		X	Q1: Not reported in Q1.
<ul style="list-style-type: none"> Institutionalize systems for reviewing policies, practices, procedures, and programs with a race equity lens. 		X			X		X	Q1: Not reported in Q1.

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	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
Engagement & Outreach								
<ul style="list-style-type: none"> Enhance member awareness and increase engagement in member benefits, bar programs, and services 	X	X	X		X	X	X	<p>Q1: We strategically highlighted one or more member benefit, bar program, and/or bar service in every issue of <i>Northwest Lawyer</i>, the Take Note biweekly email to members, and quarterly outreach speaking points. A benefit/program/service is also continually featured on the WSBA homepage and blog. We held special campaigns throughout the fall to promote member access to a private insurance pool, a new member benefit. Out of 700 member respondents, 89 percent answered yes to “Do you know how to access professional resources and benefits provided by WSBA?” in an online perception survey in December.</p>
<ul style="list-style-type: none"> Enhance collaboration with volunteers through standardized recruitment, training, management, and inclusion 	X	X	X		X		X	<p>Q1: Not reported in Q1.</p>
<ul style="list-style-type: none"> Coordinate outreach to all local, minority and specialty bars that ensures ongoing/meaningful connections with WSBA during the year 		X			X	X	X	<p>Q1: We began systematic quarterly tracking of WSBA outreach to local/minority/specialty bars and members to ensure a meaningful presence throughout the state. In addition, our external diversity team and/or members of the WSBA Diversity Committee attended the annual events of VABA, WWL, FLOW, MAMAS, and ABAW; met with the new leadership of MELAW; and reached out to all MBAs to schedule outreach meetings for Q2.</p>
<ul style="list-style-type: none"> Improve connections with the public through focused engagement and communications efforts 			X		X		X	<p>Q1: Not reported in Q1.</p>
Organization & Infrastructure								
<ul style="list-style-type: none"> Foster an environment that promotes employee engagement and input 	X	X	X		X		X	<p>Q1: Not reported in Q1.</p>
<ul style="list-style-type: none"> Engage management in training and developmental opportunities 	X	X	X		X		X	<p>Q1: Not reported in Q1.</p>
<ul style="list-style-type: none"> Implement enhanced data and system security measures; develop and rollout WA Legal Link (membership directory); rollout contract management system. 	X	X	X		X	X	X	<p>Q1: Reconfigured network to further restrict access to sensitive payment information. Enhanced security for remote access by instituting dual user authentication requirement for IT team. Finalizing WA Legal Link requirements.</p>

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2004-2018 ORGANIZATIONAL CONTEXT CHART

MEMBERS		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018
Lawyers:	Total / Median Age ¹	29,199 / 47	30,061 / 47	30,963 / 48	31,912 / 48	32,635 / 48	33,444 / 49	34,034 / 49	34,554 / 49	35,023 / 49	35,477 / 50	36,296 / 50	37,373 / 50	38,162 / 48	38,540 / 50	38,739 / 49
	Active / Median Age	24,449 / 46	25,186 / 47	25,912 / 47	26,781 / 47	27,398 / 47	27,880 / 47	28,520 / 48	28,815 / 48	29,190 / 48	29,731 / 48	30,487 / 48	31,437 / 48	31,998 / 48	32,189 / 48	32,847 / 48
	Inactive / Median Age	3,671 / 48	3,740 / 49	3,875 / 50	3,920 / 50	4,001 / 51	4,279 / 51	4,208 / 52	4,416 / 52	4,676 / 53	4,626 / 53	4,695 / 54	4,834 / 55	5,073 / 55	5,224 / 55	5,387 / 56
	Voluntary Resign. / Median Age	204 / 50	168 / 52	181 / 53	246 / 56	277 / 58	255 / 58	391 / 57	405 / 62	440 / 60	454 / 63	488 / 63	524 / 63	605 / 64	596 / 66	642 / 65
	Pro Hac Vice	data unavailable	380	517	480	488	506	481	664	623	624	590	638	365	532	584
Limited Practice Officers:	1,250	1,300	1,349	1,403	1,370	1,291	1,207	1,130	1,069	1,027	1,003	988	963	950	974	
Limited License Legal Technicians:												Introduced 2015	3	16	24	38
Section Members:		8,236	8,324	8,132	8,739	7,747	7,770	9,497	9,815	9,861	9,968	10,196	10,150	10,617	10,819	10,156
Volunteers:	Positions ⁴						data unavailable	1,151	1,039	912	895	827	850	784	827	827
	CLE Volunteers												data unavailable	614	562	621
	Public Service ⁵									1,036	1,194	815	759	862	899	949
	Pro Bono Hours (lawyers / hrs. reported on license form)			data unavailable	4,831 / 286,562	4,226 / 296,776	5,415 / 359,728	5,639 / 371,578	3,905 / 282,575	3,712 / 261,402	4,370 / 280,176	5,515 / 351,935	6,051 / 362,846	4,795 / 327,933	4,902 / 345,525	3,667 / 269,748
REGULATORY FUNCTIONS		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018
Lawyer Admissions:	All applicants	1,765	1,772	1,821	1,771	1,736	1,674	1,739	1,713	1,694	1,855	2,091	1,956	1,751	1,875	1,761
	Admissions (by exam / motion / transfer)	939 / 248 / 0	987 / 270 / 0	951 / 263 / 0	1,116 / 302 / 0	973 / 243 / 0	982 / 235 / 0	948 / 249 / 0	926 / 229 / 0	932 / 246 / 0	880 / 292 / 9	1,023 / 393 / 65	893 / 726 / 87	833 / 559 / 96	750 / 530 / 105	645 / 535 / 139
Licensing: (calendar year)	MCLE Form 1: ^{1V}	17,399	15,675	15,777	16,313	18,104	20,041	18,472	19,147	19,536	19,002	19,794	19,330	21,954	22,098	20,086
	Hardship Exemptions							Introduced FY11	169	130	140	115	107	115	101	94
	Payment Plan									Introduced FY13	46	61	59	54	65	60
Discipline: (calendar year)	Consumer Affairs ^Y	13,575	11,525	11,379	11,646	11,379	10,360	7,851	6,409	5,098	8,503	6,608	6,694	5,952	5,311	4,669
	Grievances	1,938	1,935	1,847	2,029	1,904	1,769	2,144	2,156	2,329	2,228	2,165	2,081	1,830	1,894	1,965
	Divisions	32	74	69	63	43	22	38	42	34	30	32	28	15	11	26
	Actions Imposed (total / disbarments / suspensions)	76 / 19 / 24	83 / 13 / 32	69 / 23 / 26	73 / 25 / 26	81 / 18 / 26	62 / 16 / 20	93 / 26 / 24	74 / 28 / 18	85 / 32 / 21	95 / 32 / 31	71 / 23 / 34	74 / 19 / 27	70 / 21 / 31	88 / 32 / 35	72 / 12 / 28
Random Exams: Lawyers / calendar year	69	54	78	40	6	59	100	45	20	0	0	121	79	80	78	
Rule 9 Interns:	497	376	413	424	479	393	397	432	464	405	378	322	312	282	285	
Law Clerks:	36	49	47	42	41	44	49	57	60	60	67	71	72	95	81	
Client Protection Fund:(applications/ payments ⁶)	84 / \$313,721	47 / \$147,247	66 / \$468,696	34 / \$539,789	43 / \$899,672*	33 / \$449,050	78 / \$554,270	72 / \$1,003,458*	39 / \$378,574	45 / \$423,508	44 / \$337,160	59 / \$495,218	44 / \$253,228	47 / \$439,273	46 / \$926,434	
Unauthorized Practice Law:	Complaints (filed / dismissed)	46/19	37/4	41/13	32/10	34/20	54/18	60/19	61/31	43/15	62/28	52 / 34	no data ⁶	44 / 149 ⁶	30/10	28 / 9
	Referral / Deferral Letters ⁶	9 / 15 / 0	17 / 14 / 1	6 / 2 / 2	9 / 4 / 1	9 / 13 / 3	16 / 8 / 1	11 / 5 / 2	17 / 3 / 7	9 / 8 / 2	10 / 11 / 0	4 / 4 / 0	29 / 3*	16/0	8 / 1	
ENGAGEMENT & OUTREACH		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018
Programming:	Decoding the Law (programs / participation)													Introduced FY17	6 / 467	2 / 185
	Diversity & Inclusion (events & presentations / participation) ⁶										Introduced FY14	14 / 567	17 / 672	19 / 864	20 / 694	72 / 1,466
	Mentorship (events / participation) ⁶													Introduced FY17	5 / 131	8 / 186
	New Member Program Participation ⁶ ⁶													data unavailable	209	155
Service Center	Calls / emails ⁶	90,850	*76,152			data unavailable	*76,188	70,774	62,340	49,957	46,474 / 17,319	45,093 / 20,540	38,588 / 21,187	35,828 / 17,970	32,771 / 16,202	35,261 / 10,244
Website ⁶ :	wsba.org site visits							data unavailable	3,628,474	3,447,088	3,697,123	3,512,168	3,527,824	3,184,834	4,609,299	data unavailable
	wsba.org home page visits							data unavailable	1,379,144	1,305,263	1,235,479	1,166,862	1,100,229	1,560,284	1,895,773	data unavailable
	Lawyer Directory visits							data unavailable	1,769,558	1,613,296	1,520,793	1,354,613	1,238,116	1,392,694	1,153,615	data unavailable
	Job Target (site visits/postings)								Introduced FY12	60,795 / 112	185,099 / 357	351,102 / 465	340,660 / 544	307,296 / 632	229,367 / 481	data unavailable
Social Media:	Facebook (likes / impressions)								Introduced FY12	450	859	1,378	1,741	2,115	2,429	5,100
	Twitter (followers / impressions)									Introduced FY13	1,443	1,905	2,389	3,059	3,488	3,827
	NWSidebar (subscribers / visits per month)									Introduced FY13	258 / 7,462	415 / 8,042	493 / 8,530	659 / 8,686	637 / 8,457	703 / 8,983

2004-2018 ORGANIZATIONAL CONTEXT CHART

MEMBER BENEFITS & PROF. DEV.		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018		
Ethics Outreach:	Calls / presentations					data unavailable	2,133	2,795	3,629	3,370	3,147	3,241 / 35	2,939 / 34	2,803 / 35	2,594 / 38	2,786 / 49		
	Consultations ^{***}									data unavailable	101	41 ^{***}	100	82	100	214		
Practice Management Assistance:	Lending Library															265 / 185		
	Presentations / attendees ^{***}								data unavailable	27 / 1,235	28 / 1,010	27 / 557 / 4,784	29 / 746 / 4,589	17 / 418	3 / 55	7 / 227		
	Practice Management Discounts ^{**}											data unavailable	639	1,084	888	to be provided		
Member Wellness Program:	Consultations								data unavailable	688	765	212	172	298	194	181		
	Presentations / attendees								data unavailable	11 / 640	15 / 850	12 / 591	4 / 4,250	9 / 5,495	6 / 1,238	8 / 3,917		
	Member Assistance Program											introduced FY14	15 / 43	34 / 53	39 / 55	51 / 63		
	Consults ^{***}												data unavailable	5,104	5,350	4,335		
Legal Research (CaseMaker): Users ^{***}																		
Malpractice Insurance (ALPS): Firms / Members													introduced FY15	307 / 616	492 / 921	581 / 1,034		
CLE Seminars:	Programs / credits offered	116	118 / 697.75	122 / 717.75	120 / 649.50	112 / 657.75	129 / 658.25	107 / 632.25	110 / 645.75	101 / 662.25	79 / 518	60 / 409.25	54 / 402.75	58 / 389.25	72 / 365.5	73 / 401		
	In-person attendees ^{***}	5,287 / 11,047	5,170 / 9,868	5,942 / 11,566	5,501 / 10,252	5,885 / 10,848	5,382 / 9,934	4,087 / 8,778	1,593 / 6,879	1,870 / 6,430	1,909 / 5,423	2,126 / 4,648	2,541 / 4,335	1,336 / 2,918	1,675 / 2,455	1,992 / 2,259		
	Webcast attendees ^{***}						introduced FY2009	658 / 666	2,182 / 2,196	4,682 / 4,723	4,479 / 4,508	4,202 / 4,221	2,833 / 2,841	2,827 / 2,836	2,955 / 2,972	1,399 / 1,402	1,224 / 1,512	
Legal Lunchbox: ^{***}	Programs / credits offered												introduced FY14	12 / 16.25	12 / 18	12 / 18		
	Attendees (unduplicated / total)													6,785 / 14,837	7,007 / 22,025	5,220 / 17,079	6,030 / 20,103	6,507 / 23,581
New Member Education:	Programs / credits offered								introduced FY11	3 / 14.75	3 / 16.75	4 / 29.0	9 / 41.75	7 / 33.25	8 / 56			
	Attendees (in-person / webcast)									479 / 34	116 / 100	163 / 98	213 / 460	188 / 1,045 ^{***}	171 / 709	152 / 451	120 / 371	
On-Demand Seminars:	Programs / credits offered									data unavailable	67 / 384.25	52 / 297.5	48 / 366.75	61 / 305.00	69 / 301.25	78 / 394.75		
	On-Demand programs sold / credit hours delivered	1,124 / NA	1,535 / NA	2,957 / NA	4,050 / NA	4,622 / NA	5,639 / NA	5,697 / NA	4,825 / NA	6,087 / NA	5,909 / NA	6,624 / NA	6,518 / 21,895.25	6,498 / 23,821.25	6,413 / 25,930.25	7,160 / 28,507		
	Desk books (including on-line Desk Books) / course books	211 / 147	695 / 795	1,828 / 983	1,432 / 893	492 / 829	864 / 674	970 / 627	949 / 511	713 / 443	700 / 474	546 / 443	936 / 288	850 / 524	396 (285) / 231	284 (332) / 165		
Mini CLEs:	Programs / credits offered	3 / 3.5	13 / 30.5	21 / 41.5	26 / 52.5	35 / 72.5	57 / 110.75	37 / 50.5	41 / 57	36 / 67.75	41 / 86.5	43 / 105	39 / 52.25	54 / 60	36 / 46.25	46 / 60		
	Attendees	79	665	847	989	1,254	1,572	1,245	1,327	1,196	1,591	1,854	2,451	2,528	1,787	3,580		
OPERATIONS		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018		
Budgeted FTE		123.9	126.0	134.3	138	140.75	142.87	144.12	146.1	143.9	140.7	139.95	145.95	144.45	141.9	141.15		
Turnover		20%	data unavailable	15%	12%	19%	7%	8%	12%	18% ^{***}	14%	18%	22%	16%	16%	13%		
Lawyer License Fees:	Active Lawyer Fee	\$375	\$383	\$391	\$399	\$407	\$415	\$450	\$450	\$450	\$325	\$325	\$325	\$385	\$385	\$449		
	CPF Assessment	\$13	\$13	\$13	\$15	\$15	\$15	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30		
	Keller Deduction (amount / % taking deduction)	\$1.94 (10%)	\$3.70 (11%)	\$2.14 (10%)	\$3.80 (10%)	\$3.15 (10%)	\$3.45 (9%)	\$3.95 (13%)	\$4.40 (14%)	\$6.00 (17%)	\$6.40 (17%)	\$4.70 (16%)	\$4.40 (13%)	\$3.50 (14%)	\$2.50 (14%)	\$2.50 (17%)		
	Limited Practice Officer License Fee:	\$85	\$85	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110		
	Limited Legal License Technician License Fee:												introduced 2015	\$175	\$175	\$175		
# Donations to WSBF / WSBF grant to WSBA:										NA	127 / \$110,000	5,160 / \$275,136	3,172 / \$207,125	3,072 / \$162,600	3,165 / \$186,750	4,131 / \$200,000		
General Fund	Budgeted	\$11,835,371	\$12,429,364	\$13,157,970	\$13,840,420	\$14,935,591	\$15,251,745	\$16,594,854	\$16,991,025	\$17,112,690	\$15,137,529	\$14,562,325	\$14,757,180	\$16,420,637	\$16,890,224	\$18,913,199		
	Actual	\$12,043,769	\$13,218,235	\$13,980,849	\$14,611,383	\$14,612,599	\$15,071,222	\$17,077,440	\$17,308,336	\$17,797,242	\$15,349,822	\$15,335,749	\$15,266,002	\$16,937,121	\$17,584,851	\$19,614,585		
General Fund	Budgeted	\$11,592,829	\$12,429,304	\$13,157,487	\$14,717,511	\$15,190,916	\$17,202,812	\$16,184,798	\$16,667,875	\$16,934,743	\$15,594,088	\$16,562,819	\$17,904,053	\$18,757,977	\$18,887,569	\$19,645,474		
	Actual	\$11,051,897	\$12,069,956	\$13,077,385	\$14,011,799	\$14,795,034	\$16,559,591	\$15,520,074	\$16,028,974	\$16,323,442	\$15,097,982	\$16,493,451	\$17,966,538	\$18,121,119	\$18,139,636	\$19,182,478		
General Fund Net Income/(Loss):	Budgeted	\$242,542	\$60	\$483	(\$87,091)	(\$255,325)	(\$1,951,067)	\$410,058	\$323,150	\$177,947	(\$456,559)	(\$2,000,489)	(\$3,146,873)	(\$2,337,340)	(\$1,997,345)	(\$732,275)		
	Actual	\$991,873	\$1,148,279	\$903,464	\$599,584	(\$182,435)	(\$1,488,369)	\$1,557,366	\$1,279,362	\$1,473,800	\$251,840	(\$1,157,702)	(\$2,700,536)	(\$1,183,998)	(\$554,785)	\$432,107		
General Fund Balance:		\$2,724,324	\$3,920,348	\$4,823,814	\$5,423,398	\$5,240,962	\$4,434,586	\$5,991,957	\$7,271,320	\$8,745,117	\$8,960,772	\$7,803,070	\$5,102,534	\$3,918,536	\$3,363,751	\$3,795,858		
Continuing Legal Education Fund Balance:		\$1,436,141	\$1,585,026	\$1,954,241	\$1,991,838	\$1,947,887	\$1,079,796	\$1,408,491	\$1,351,464	\$1,341,266	\$1,192,124	\$458,415	\$53,090	\$456,568	\$485,582	\$604,125		
Sections Fund Balance:		\$832,805	\$780,129	\$878,817	\$896,930	\$805,101	\$711,521	\$677,666	\$773,328	\$904,933	\$1,028,539	\$1,074,417	\$1,229,705	\$1,212,637	\$1,197,726	\$1,160,342		
Client Protection Fund Balance:		\$632,477	\$821,669	\$796,155	\$699,239	\$231,804	\$184,640	\$434,823	\$261,318	\$791,399	\$1,213,602	\$1,746,010	\$2,144,289	\$2,646,222	\$3,242,299	\$3,227,988		
TOTAL FUND BALANCES:		\$5,625,747	\$7,107,172	\$8,453,027	\$9,011,405	\$8,225,754	\$6,410,543	\$8,512,937	\$9,657,430	\$11,782,715	\$12,395,037	\$11,081,912	\$8,540,731	\$8,244,922	\$8,308,990	\$8,788,313		

2004-2018 ORGANIZATIONAL CONTEXT CHART

MILESTONES	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018
<p>WLI founded</p> <p>TIMSS Member Database</p> <p>Campaign for Equal Justice created</p> <p>Alliance for Equal Justice created</p> <p>Supreme Court adopts Access to Justice Technology Principles</p> <p>New Section: Legal Assistance to Military Personnel (LAMP)</p>	<p>Case Maker offered to members</p>	<p>New Mission Statement & Guiding Principles</p> <p>ABA Report on Discipline System</p> <p>New Character & Fitness rules</p> <p>New Sections: Juvenile Law and Sexual Orientation and Gender Identification Issues (SOGLI)</p> <p>ADR Program, LAP & LOMAP Committees Sunsetting</p>	<p>New Executive Director</p> <p>Mandatory reporting of insurance requirements</p> <p>WSBA move to Puget Sound Plaza</p>	<p>2008-2011 Strategic Goals adopted</p> <p>Program Reviews</p> <p>Application fees increase</p> <p>Online MCLE tracking</p>	<p>Live webcasting</p> <p>Limited Practice Officer rules/online tracking</p> <p>mywsba.org revamped</p> <p>\$1.5M gift to Law Fund</p> <p>New Section: Civil Rights Law</p>	<p>New WSBF mission statement, 2010-2013 Strategic Goals adopted; Comprehensive WSBA Bylaw changes</p> <p>Program Reviews</p> <p>Online licensing rolled out</p> <p>Online filing of grievances implemented</p> <p>CLE Conference Center opened</p> <p>Law Fund check off begins</p> <p>Home Foreclosure Program initiated</p> <p>DART introduced</p> <p>Spokane Bar Exam offered through FY2012</p>	<p>Mission Focus Areas adopted</p> <p>Licensing: Hardship exemption added</p> <p>WSBA.org redesigned</p> <p>Moderate Means Program initiated</p> <p>CPLC becomes independent 501(c)(3)</p> <p>Job Target Introduced</p> <p>Initial Membership Demographic Study Completed</p>	<p>Member Referendum</p> <p>Listening Tours introduced</p> <p>Formation of Governance Task Force</p> <p>Online admissions rolled out</p> <p>Job Target Introduced</p>	<p>2013-2015 Strategic Goals adopted</p> <p>First UBE</p> <p>LLLT Rule adopted by Supreme Court</p> <p>Licensing: Payment Plan introduced/ WSBF check-off added</p> <p>Job Target enhanced (Practice Transition Opportunities & Contract Lawyer)</p> <p>Home Foreclosure Project transferred to Northwest Justice Project</p> <p>Diversity Plan adopted</p> <p>CLE model evaluation begins</p> <p>NWSidebar introduced</p> <p>Disaster Recovery Plan revised</p> <p>YLC integration</p> <p>WLI to UW Law School</p> <p>BOG Diversity Committee and Committee for Diversity Merged</p> <p>Equal Justice Community Leadership Academy founded</p>	<p>Quarterly Dashboards introduced</p> <p>Amendments to ELCs and APRs</p> <p>Document Management System launched</p> <p>GR12.4 – public records</p> <p>Legal Lunchbox introduced</p> <p>CLE Portfolio Realignment</p> <p>Migrated to single platform for all recorded products (video, MP3, coursebooks)</p> <p>Call to Duty Program launched</p> <p>First Responders Will Clinic becomes independent 501(c)(3)</p> <p>New Section: Low Bono</p> <p>Disaster Recovery: Recovery Site established; First Table Top Exercise</p> <p>New Professionalism Plan implemented</p>	<p>Board Governance Task Force and Self-Evaluation</p> <p>Amendments to MCLE rules</p> <p>LLLT: first licenses issued and RPCs adopted</p> <p>Implemented WSBA intranet</p> <p>New LOMAP delivery system model and expanded member benefits</p> <p>Implemented MentorLink</p> <p>Phase 2 of membership study; Diversity literature review & intersectionality report</p> <p>Puget Sound Plaza lease renewal and WSBA facilities renovation</p>	<p>2016-2018 Strategic Goals adopted</p> <p>ECCL Policy Decisions</p> <p>Amendments to APRs</p> <p>Amendments to WSBA Bylaws</p> <p>Amendments to Character & Fitness rules</p> <p>Sections policies</p> <p>MCLE system upgrade</p> <p>Website Redesign</p> <p>Webinar capacity launched</p> <p>CLE Faculty Database</p> <p>ATJ / CPD summits</p>	<p>WSBA Bylaw Amendments adopted; LLLTs and LPOs Members of WSBA</p> <p>Coordinated Admission and Licensing Rules adopted; began coordinated system implementation</p> <p>Supreme Court adoption of GR 12.1 Regulatory Objectives</p> <p>Phase 2 of new MCLE system</p> <p>Redesigned WSBA.org</p> <p>Decoding the Law Launched</p> <p>CLE Faculty Database</p> <p>ATJ / CPD summits</p> <p>Practice Primers Launched</p> <p>New benefit delivery model and system implemented as LOMAP renamed Practice Management Assistance Program</p>	<p>Supreme Court 9.21.18 directive re WSBA Bylaw Amendments</p> <p>Implemented coordinated admission and licensing systems for legal professionals</p> <p>Launched redesigned WSBA.org</p> <p>Revised CLE revenue sharing model in collaboration with sections</p> <p>Rolled out Paperless AP System</p> <p>Membership data management platform upgraded</p> <p>Launched WSBA Health Insurance Exchange</p> <p>Implemented Member Perception Survey</p> <p>Statewide diversity training for Attorney General's Office</p>	

- ¹ Includes Active, Emeritus, Honorary, Inactive and Judicial members.
- ² Includes section executive committee members; and members of WSBA committees, regulatory boards, Supreme Court boards, panels, and task forces.
- ³ Reflects number of participants in WSBA Public Service programs: (1) Home Foreclosure Legal Aid Project (FY2009-FY2013: helped low to moderate income homeowners save their homes from foreclosure; this work was transferred to the Northwest Justice Project in 2013); (2) Moderate Means Program (FY2011-present: helps clients in the 200-400% of Federal Poverty level with family, consumer, and housing problems; and (3) Call to Duty Initiative (FY2016-present: informs and involves volunteer attorneys in meeting the legal needs of veterans and their families).
- ⁴ An MCLE Form 1 is an application for approval of MCLE credits (filed by sponsors and members). This figure does not include ~2,000 forms per year that are returned or reprocessed because incomplete or incorrect.
- ⁵ Years 2004-2012 include oral contacts only, not e-mail communications. Year 2013 includes oral contacts and e-mail communications. Starting in calendar year 2015, this figure includes all Spanish language contacts with Consumer Affairs.
- ⁶ Asterisk indicates prorated payout of authorized awards.
- ⁷ The Washington Supreme Court suspended this Board from November 2014 through July 2015. The Board was reconstituted and resumed operation in FY16.
- ⁸ The Court suspended the Board on November 11, 2014 and reconstituted the Board on July 8, 2015. The reconstituted Board reviewed cases that were put on hold during the suspension.
- ⁹ First figure represents number of Cease & Desist letters issued without referral to prosecutor or ODC; second represents number of letters issued and referred to prosecutor; third represents number of letters issued and referred to ODC. The Court reconstituted the Board on July 8, 2015 and the reconstituted Board only dismisses or refers cases.
- ¹⁰ This figure represents referrals only. The Board does not issue cease and desist letters.
- ¹¹ This figure excludes diversity-focused Legal Lunchbox programming, which in FY18 reached an additional 4,077 participants. Presentations grew significantly in FY18 as we increased our focus on providing on-site education and consultation to legal employers.
- ¹² The WSBA mentorship program was introduced in FY15, and ongoing events (Mentorship Mixers) were launched in FY17. The data captures the number of mixers and the number of attendees. Note that the attendance data for FY18 is for only 5 of the 8 events held that year.
- ¹³ This figure represents total participation in new member programming, including Open Sections Night, the Young Lawyer Liaison to Sections Program, and the development teams for new member education.
- ¹⁴ Until FY13, WSBA tracked total Service Center contacts; beginning in FY13, data was tracked by type of contact (calls and email). Incomplete data in FY05 and FY09 years marked with *; full year was calculated using average monthly data.
- ¹⁵ FY18 analytics measurement data unavailable due to technical difficulties following launch of redesigned website. Those issues have been resolved, and FY19 data is being tracked.
- ¹⁶ Includes assistance by consultation, phone inquiry, and email inquiry.
- ¹⁷ WSBA moved away from paid one-on-one consultations as part of the plan to expand accessibility of Practice Management Assistance (PMA) services to more members. In addition to greater outreach through webcast programming, WSBA offers free phone consultations for up to 30 minutes.
- ¹⁸ First figure represents number of presentations; second represents attendees at Practice Management Assistance (PMA) presentations *excluding* Legal Lunchbox seminars presented by the PMA team; third represents total attendees at PMA presentations, *including* Legal Lunchbox seminars presented by PMA.
- ¹⁹ WSBA has a dynamic practice assistance network through which members may receive discounts on law practice tools. The data reflects the aggregate number of subscriptions to all of the tools offered in a given year since FY13. Offerings change over time, and include or have included: automated docketing systems; legal forms; ABA retirement funds; daily Washington case reports; writing software; ABA books for Bars; electronic time billing, file sharing, client conflict checking and client billing software; and receptionist services.
- ²⁰ First figure represents clients provided counseling; second figure represents number of sessions provided.
- ²¹ Figure reflects the average number of active users each quarter of that year.
- ²² First figure represents unduplicated member registrants for in-person attendance; second figure represents total registrants for in-person attendance (including non-members).
- ²³ First figure represents unduplicated member registrants for webcast attendance; second figure represents total webcast registrants (including non-members).
- ²⁴ Includes unduplicated / total attendees at 10 live webcasts for credit and 2 months of on demand seminars. Credits provided through the series are adequate to meet minimum MCLE requirements.
- ²⁵ Webcast participation increased in FY15 due to two seven-part series (Beverage Law and Advising Startups) offered only via webcast.
- ²⁶ Includes Referendum layoffs.
- ²⁷ WSBA reserves – net assets – are identified by fund, and are either Board-designated or legally restricted. There are three Board-designated funds: (1) General Fund reserves, funded by WSBA annual operating income, and designated to cover unanticipated losses in the event of an emergency, support future facility needs, and cover net loss and extraordinary costs of WSBA functions, services, and operations; (2) CLE Fund reserves, funded by income from CLE seminars and products, and designated to cover net loss and extraordinary costs of CLE activities; and (3) Sections Fund reserves, consisting of the collective net income or loss of all WSBA sections, and designated to cover to cover net loss and extraordinary costs of section activities. The Client Protection Fund is a legally restricted fund, created by the Washington Supreme Court and WSBA to compensate victims of the dishonest taking of, or failure to account for, client funds or property by a lawyer.

**POTENTIAL AGENDA ITEMS FOR THE 2019 MIDYEAR MEETING
OF THE HOUSE OF DELEGATES OF THE AMERICAN BAR ASSOCIATION**

NOTE: This list includes issues that may be presented for consideration at the 2019 Midyear Meeting or a future meeting of the House of Delegates. Please remember that, with the exception of state and local bar associations, the filing deadline for submission of Resolutions with Reports by Association entities and affiliated organizations is **Wednesday, November 14, 2018.**

FAMILY LAW

1. **Model Act Governing Assisted Reproductive Technology**

Proposes the Model Act Governing Assisted Reproductive Technology [2019] to replace the Model Act Governing Assisted Reproductive Technology [2008] previously approved by the House of Delegates. Social, legal, and medical advancements in the area of assisted reproductive technologies (“ART”) require modernization of the Model Act [2008]. The Model Act updates the language throughout the Act to be neutral as to gender and sexual-orientation to insure equal treatment of those children born through assisted reproduction to same-sex couples, significantly updates surrogacy and surrogacy parentage provisions to track with current practice and best practices guidelines, and updates provisions addressing the rights of donor conceived children to access information about their gamete (sperm or egg) donor. **Section of Family Law**. Contacts: Anita Ventrelli, Esq., Schiller, DuCanto & Fleck, LLP, 200 N. LaSalle Street, Suite 3000, Chicago, IL 60601-1098, Phone: 312/609-5506, E-mail: aventrelli@sdfllaw.com; Scott Friedman, Esq., Friedman & Mirman Co., L.P.A., 1320 Dublin Rd., Columbus, OH 43215, Phone: 614/221-0090, E-mail: SFriedman@friedmanmirman.com; Richard Vaughn, Esq., International Fertility Law Group, 5757 Wilshire Blvd., Suite 645, Los Angeles, CA 90036-3651, Phone: 323/331-9343, E-mail: Rich@IFLG.net; Cynthia Swan*, Phone: 312/988.5619, E-mail: cynthia.swan@americanbar.org.

GUN VIOLENCE

2. **Guns in Classrooms**

Urges opposition to laws that would authorize teachers, principals, or other school personnel to possess a firearm in, or in the vicinity of, a public, parochial, or private school, and to oppose use of federal funds to provide firearms training or to purchase firearms for teachers, principals, or other school personnel. **Standing Committee on Gun Violence**. Contacts: Josh Harris, 1239 Crease St., Philadelphia, PA 19125-3901, Phone: 646/621-4164, E-mail: jh@harrislegal.info; Sharon L. Terrill**, Phone: 202/662-1970, E-mail: sharon.terryll@americanbar.org.

*American Bar Association, Chicago Office, 321 N. Clark Street, Chicago, IL 60654

**American Bar Association, Washington Office, 1050 Connecticut Avenue, NW, Washington, DC 20036

3. Guns in the Courtroom

Urges state, local, territorial, and tribal governments to enact statutes, rules, or regulations and judges promulgate policies to limit the possession of firearms in court houses and judicial centers, including common areas within the buildings as well as grounds immediately adjacent to the justice complex, to those charged with courtroom and judicial center security or active law enforcement officers, unless they are a party to the action pending before the court. All persons permitted to carry firearms in the courtroom, courthouse or judicial center, should be required annually complete a minimum number of hours for training in firearm safety. **Standing Committee on Gun Violence**. Contacts: Joshu Harris, 1239 Crease St., Philadelphia, PA 19125-3901, Phone: 646/621-4164, E-mail: jh@harrislegal.info; Sharon L. Terrill**, Phone: 202/662-1970, E-mail: sharon.terrill@americanbar.org.

4. NICS Self-Reporting

To reduce the risk of suicides and other deadly incidents, this resolution urges that individuals be allowed to: 1) voluntarily submit their names into databases used for gun background checks, and 2) remove themselves from those systems. **Standing Committee on Gun Violence**. Contacts: Joshu Harris, 1239 Crease St., Philadelphia, PA 19125-3901, Phone: 646/621-4164, E-mail: jh@harrislegal.info; Sharon L. Terrill**, Phone: 202/662-1970, E-mail: sharon.terrill@americanbar.org.

JUDICIAL DIVISION

5. Guidelines for the Use of Special Masters

Urges an acceptable part of judicial administration in complex litigation and in other cases that create particular needs that a special master might satisfy, for courts and the parties to consider using a special master and to consider using special masters not only after particular issues have developed, but at the outset of litigation and urges that courts weigh the benefits against potential costs; outline and support increased awareness of the wide-range of functions special masters can perform; emphasize selection in a manner that promotes confidence in the process and the choice of special master; discuss the elements the referral order should and can include; recommend the development of local rules for selecting, training and evaluating special masters, including rules designed to facilitate the selection of special masters from a diverse pool of potential candidates; urge the creation of educational programs on the use of special masters; and recommend the consideration of modifications of laws, rules or practices necessary to achieve these ends, including amending Bankruptcy Rule 9031 to permit courts responsible for cases under the Bankruptcy Code to use special masters in the same way as they are used in other federal cases. **Judicial Division**. Contacts: Merrill Hirsh, FCI Arb, HirshADR PLLC, Law Office of Merrill Hirsh PLLC, 2837 Northampton St., NW, Washington, D.C. 20015, Phone: 202/448-9020, E-mail: merril@merrilhirsh.com; Rick Bien, Partner, Lathrop Gage LLP, 2345 Grand Blvd., Suite 2200, Kansas City, MO 64108-2618, Phone:

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816/460-5520 , E-mail: rbien@lathroppage.com; Felice Schur*, Phone: 312/988-5105, E-mail: felice.schur@americanbar.org.

YOUNG LAWYERS

6. Parental Leave

Urges federal, state, local, territorial, and tribal courts to promote full and equal opportunity and participation in the legal profession and the justice system, to facilitate efficient litigation proceedings, and to protect a litigant's right to be represented by counsel of its choosing, by adopting a Parental Leave Rule in substantially. **Young Lawyers Division**. Contacts: Anthony Palermo, Holland & Knight, LLP, 100 North Tampa Street, Suite 4100, Tampa, Florida 33602, Phone: 812/227-6320, E-mail: Anthony.palermo@hklaw.com; Logan Murphy, Hill Ward Henderson, 3700 Bank of America Plaza, 101 East Kennedy Boulevard, Tampa, FL 33602, Phone: 813/222-8701, Fax: 813/221-2900, E-mail: logan.murphy@hwlaw.com; Dana Hrelc, Horton, Dowd, Bartschi & Levesque, P.C., 90 Gillett Street, Hartford, CT 06105, Phone: 860/522-8338, Fax: 860-728-0401, E-mail: dhrelc@hdblfirm.com.

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**American Bar Association, Washington Office, 1050 Connecticut Avenue, NW, Washington, DC 20036

C L I E N T P R O T E C T I O N F U N D



Trustees' Annual Report: Fiscal Year 2018

LAWYERS' INDEMNITY FUND EST. 1960 • CLIENT PROTECTION FUND EST. 1994



WASHINGTON STATE BAR ASSOCIATION
1325 Fourth Avenue, Suite 600, Seattle, WA 98101-2539
206-727-8200

PURPOSE OF THE CLIENT PROTECTION FUND

“The purpose of this rule is to create a Client Protection Fund, to be maintained and administered as a trust by the Washington State Bar Association (WSBA), in order to promote public confidence in the administration of justice and the integrity of the legal profession. [...] Funds accruing and appropriated to the Fund may be used for the purpose of relieving or mitigating a pecuniary loss sustained by any person by reason of the dishonesty of, or failure to account for money or property entrusted to, any member of the WSBA as a result of or directly related to the member’s practice of law (as defined in GR 24), or while acting as a fiduciary in a matter directly related to the member’s practice of law. Such funds may also, through the Fund, be used to relieve or mitigate like losses sustained by persons by reason of similar acts of an individual who was at one time a member of the WSBA but who was at the time of the act complained of under a court ordered suspension.”

Admission and Practice Rules 15(a) and (b).

WASHINGTON STATE BAR ASSOCIATION
CLIENT PROTECTION FUND, FISCAL YEAR 2018

FY 2018 TRUSTEES	
William Pickett, President	Yakima
Rajeev Majumdar, President-elect	Blaine
G. Kim Risenmay	Redmond
Dan Bridges	Seattle
Daniel Clark	Yakima
James Doane	Issaquah
Angela Hayes, Client Protection Board Liaison	Spokane
Carla Higginson	Friday Harbor
Kim Hunter	Kent
Jean Kang	Seattle
Christina Meserve	Olympia
Athan Papailiou	Seattle
Kyle Sciuchetti	Portland
Alec Stephens	Seattle
Paul Swegle	Seattle
Hon. Brian Tollefson, Ret.	Tacoma

FY 2018 CLIENT PROTECTION BOARD	
Efrem Krisher, Chair	Bellevue
Pamela Anderson	Olympia
Chach Duarte White	Mercer Island
Tracy Flood	Port Orchard
Beverly Fogle	Seattle
Matthew Honeywell	Seattle
Carol Hunter	Spokane
Dana Laverty	Covington
Gloria Ochoa-Bruck	Spokane
Daniel Rogers	Shoreline
Carrie Umland	University Place
Todd Wildermuth	Seattle

WSBA STAFF TO THE CLIENT PROTECTION BOARD	
Nicole Gustine	Assistant General Counsel; CPF Liaison/Secretary
Brenda Jackson	CPF Analyst

WASHINGTON STATE BAR ASSOCIATION
CLIENT PROTECTION FUND, FISCAL YEAR 2018

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I. HISTORY AND ESTABLISHMENT OF THE CLIENT PROTECTION FUND

Washington is fortunate to have a history of maintaining a stable, well-funded Client Protection Fund (CPF) that is strongly supported by the Washington Supreme Court and the Washington State Bar Association. Washington was one of the first states to establish what was then called a Lawyers' Indemnity Fund in 1960. Since that time, the lawyers of this state have compensated victims of the few dishonest lawyers who have misappropriated or failed to account for client funds or property.

The current CPF was established by the Washington Supreme Court in 1994 at the request of the WSBA by the adoption of [Rule 15](#) of the Admission to Practice Rules (APR), now called the Admission and Practice Rules. Prior to the adoption of that rule, the WSBA had voluntarily maintained a clients' security or indemnity fund out of the Bar's general fund. Similar funds are maintained in every jurisdiction in the United States, as well as Canada, Australia, New Zealand, and other countries.

The CPF helps accomplish important goals shared by our Court and WSBA members – client protection, public confidence in the administration of justice, and maintaining the integrity of the legal profession. Under APR 15, CPF payments are gifts, not entitlements. A \$30 annual assessment from lawyers licensed in Washington finances all CPF gifts; no public funds are involved. Currently, all WSBA members on active status, all lawyers with *pro hac vice* admissions, in-house counsel lawyers, house counsel, and foreign law consultants and Limited Licensed Legal Technicians (LLLTs), effective January 1, 2019, make these contributions. The following chart shows the experience of the past 10 years as the WSBA membership has increased.

Client Protection Fund Applications 2008-2018

Fiscal Year	# Of Lawyers	# Of Lawyers With Approved Applications	# Of Applications Received	# Of Applications Approved ¹	Gifts Approved
2009	27,819	13	80	33	\$449,050
2010	28,534	23	161	78	\$554,270
2011	28,676	15	179	72	\$1,002,683
2012	29,184	17	137	39	\$378,574
2013	29,682	18	130	45	\$423,508
2014	31,495	14	141	44	\$337,160
2015	31,335	20	79	59	\$495,218
2016	32,969	16	56	44	\$253,228
2017	33,357	19	72	47	\$439,273
2018	33,858 ¹	18	119	46	\$926,434

¹ Through December 31, 2018, the assessment was only paid by lawyers on Active status, *pro hac vice*, in-house counsel, house counsel, and foreign law consultants. Effective January 1, 2019, the assessment will also be paid by Limited Licensed Legal Technicians (LLLTs).

II. FUND PROCEDURES

The CPF is governed by [Admission and Practice Rule \(APR\) 15](#) and Procedural Rules adopted by the Board of Governors and approved by the Supreme Court. These can be found at:

http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=APR&ruleid=gaapr15

http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=APR&ruleid=gaapr15p

Administration: The members of the Board of Governors of the WSBA serve during their terms of office as Trustees for the CPF. The Trustees appoint and oversee the Board, comprised of 11 lawyers and 2 community representatives. This Board is authorized to consider all CPF claims, make CPF reports and recommendations to the Trustees, submit an annual report on Board activities to the Trustees, and make such other reports and publicize Board activities as the Court or the Trustees may deem advisable. Two WSBA staff members help Board members ensure the smooth functioning of the Board's work: WSBA Client Protection Fund Analyst Brenda Jackson performs a wide variety of tasks to help members of the public and the Board in the processing and analyzing of CPF claims. WSBA Assistant General Counsel Nicole Gustine acts as WSBA staff liaison to the Board, provides legal advice to the Board and also serves as Secretary to the Board.

Application: Anyone who files a grievance with the WSBA that alleges a dishonest taking of, or failure to account for, funds or property by a Washington member, in connection with that member's practice of law, can receive an application form for the CPF. An applicant to the Fund must also file a disciplinary grievance against the member with the Office of Disciplinary Counsel, unless the member is disbarred or deceased. Because most applications involve members who are the subject of disciplinary grievances and proceedings, action on Fund applications normally awaits resolution of the disciplinary process.² This means that some applicants wait years for the discipline process to be complete before the Board reviews their application.

Eligibility: In order to be eligible for payment, an applicant must show by a clear preponderance of the evidence that he or she has suffered a loss of money or property through the dishonest acts of, or failure to account by, a Washington member. Dishonesty includes, in addition to theft, embezzlement, and conversion, the refusal to return unearned fees as required by Rule 1.16 of the Rules of Professional Conduct.

² Fund Rule 6(h). In addition, Rule 3.4(i) of the Rules for Enforcement of Lawyer Conduct provides that otherwise confidential information obtained during the course of a disciplinary investigation may be released to the Client Protection Fund concerning applications pending before it. Such information is to be treated as confidential by the Board and Trustees.

The Fund is not available to compensate for member malpractice or professional negligence. It also cannot compensate for loan, investment, or other business transactions unrelated to the member's practice of law.

When an application is received, it is initially reviewed to determine whether it appears eligible for recovery from the Fund. If the application is ineligible on its face, the applicant is advised of the reasons for its ineligibility. If the application passes the initial intake process and appears potentially eligible for payment, Fund staff investigates the application. When the application is ripe for consideration by the Board, a report and recommendation is prepared by Fund staff.

Board and Trustee Review: On applications for less than \$25,000, or where the recommendation for payment is less than \$25,000, the Board's decision is final. Board recommendations on applications where the applicant seeks more than \$25,000, or where the Board recommends payment of more than \$25,000, are reviewed by the Trustees.

The maximum gift amount is \$150,000. There is no limit on the aggregate amount that may be paid on claims regarding a single member. Any payments from the Fund are gifts and are at the sole discretion of the Fund Board and Trustees.

Legal Fees: Members may not charge a fee for assisting with an application to the Fund, except with the consent and approval of the Trustees.

Assignment of Rights and Restitution: As part of accepting a gift from the Fund, applicants are required to sign a subrogation agreement for the amount of the gift. The Fund attempts to recover its payments from the members or former members on whose behalf gifts are made, when possible; however, recovery is generally successful only when it is a condition of a criminal sentencing, or when a member petitions for reinstatement to the Bar after disbarment³. To date, the Fund (and its predecessors) has recovered approximately \$409,637.

Difficult Claims: One of the more difficult claim areas for the Board and Trustees involves fees paid to a member for which questionable service was performed. The Board is not in a position to evaluate the quality of services provided, or to determine whether the fee charged was reasonable, therefore, an application can generally be denied as a fee dispute. (The denial may also include other bases, such as malpractice or negligence.) However, where it appears that there is a pattern of conduct which establishes that a lawyer knew or should have known at the time the lawyer accepted fees from a client that the lawyer would be unable to perform the service for which he or she was employed, or the lawyer simply performs no service of value to the client, and does not return unearned fees, the Board has concluded that such conduct may be either dishonesty or failure to account within the context

³ Admission to Practice Rule 25.1(d) provides that no disbarred lawyer may petition for reinstatement until amounts paid by the Fund to indemnify against losses caused by the conduct of the disbarred lawyer have been repaid to the Fund, or a payment agreement has been reached.

of the purposes of the Fund, and will consider such applications. Similarly, if a member withdraws from representing a client or abandons a client's case without refunding any unearned fee, the Board may conclude that the lawyer has engaged in dishonest conduct or has failed to account for client funds.

Another difficult claim area concerns loans or investments made to or through members. In instances where there is an existing client/LLP relationship through which the member learns of his or her client's financial information, persuades the client to loan money or to invest with the member without complying with the disclosure and other requirements of RPC 1.8,⁴ and does not return the client's funds as agreed, the Board may consider that a dishonest act for purposes of the Fund.

⁴ In relevant part, RPC 1.8 provides:

- (a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:
 - (1) the transaction and terms on which the member acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client;
 - (2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and
 - (3) the client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.
- (b) A member shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by these Rules.

III. FINANCES

The Fund is financed by an assessment as described above. The Fund is maintained as a trust, separate from other funds of the WSBA. In addition, interest on those funds accrues to the Fund, and any restitution paid by lawyers is added to the Fund balance. The Fund is self-sustaining; administrative costs of the Fund, such as Board expenses and Bar staff support, are paid from the Fund.

	Fund beginning balance ⁵	Fund revenues received	Board expenses and overhead ⁶	Restitution received	Gifts recognized for payment
FY 2012 Pending applications at start of fiscal year: \$2,421,848	\$261,318	\$893,487	\$27,654	\$5,942	\$326,800
FY 2013 Pending applications at start of fiscal year: \$1,615,062	\$791,399	\$914,547	\$72,430	\$10,674	\$416,870
FY 2014 Pending applications at start of fiscal year: \$1,814,266	\$1,213,602	\$949,965	\$70,196	\$3,668	\$339,161
FY 2015 Pending applications at start of fiscal year: \$1,229,864	\$1,746,010	\$990,037	\$90,315	\$3,703	\$490,357
FY 2016 Pending applications at start of fiscal year: \$13,203,653	\$2,144,289	\$1,001,198	\$129,553	\$2,970	\$371,452 ⁷
FY 2017 Pending applications at start of fiscal year: \$1,463,914	\$2,646,222	\$1,024,954	\$113,672	\$3,709	\$318,584
FY 2018 Pending application at start of fiscal year: \$2,045,175	\$3,242,299	\$1,040,498	\$166,969	\$28,255	\$917,051 ⁸

⁵ It is important for the Fund to maintain a sufficient balance to meet anticipated future needs. It is impossible to predict from year to year how many meritorious claims will be made by injured applicants.

⁶ Board expenses and overhead include WSBA staff time to administer the Fund, including processing of applications, helping members of the public, investigating claims, and making recommendations to the Board. Expenses and overhead have increased since 2012 as more resources have been allocated to eliminate backlogs, update systems, and improve processes, which have resulted in claims being resolved more efficiently and expeditiously.

⁷ The amount of gifts recognized in the FY 2016 financial statements are overstated by \$115,000 due to a duplicate recording of approved gifts. This was corrected in 2017 and explains the substantial difference between the amounts listed for FY 2016 and FY 2017 under this column as compared with the "Gifts Approved" column on page 2.

⁸ The amount of gifts recognized in the FY 2018 financial statements are understated by \$9,383 due to CPF gifts that were never claimed and have expired in FY 2018.

IV. BOARD AND TRUSTEE MEETINGS AND ACTIVITIES

Board: The Client Protection Board met four times this past fiscal year: November 6, 2017; February 5, 2018; May 7, 2018; and August 6, 2018. The Board considered 79 applications to the Fund involving 39 lawyers, and approved 46 applications involving 18 lawyers.

Fund Trustees: The Trustees reviewed the Board's recommendations on applications for more than \$25,000, or for payment of more than \$25,000, and approved the 2018 Annual Report for submission to the Supreme Court pursuant to APR 15(g).

Other Activities: On September 6, 2018, the Supreme Court ordered that effective in WSBA 2019 license year, LLLTs be required to pay a \$30 assessment to the CPF and LPOs shall not be required to pay a CPF assessment.

Public Information: The Client Protection Fund maintains a website at <http://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/Client-Protection-Fund> that provides information about the Fund, its procedures, and an application form that can be downloaded. The Fund information is also available in Spanish, but applications and materials must be submitted in English.

V. APPLICATIONS AND PAYMENTS

At the beginning of FY 2018, there were 58 pending applications to the Fund. During FY 2018, 119 additional applications were received. The Board and Trustees acted on 79 applications concerning 39 lawyers and approved 46 applications concerning 18 lawyers. The total amount in approved payments is \$926,434. A summary of Board and Trustee actions is shown below:

Applications Pending as of October 1, 2017	58⁹
Applications Received During FY 2018	119
Applications Acted Upon by Board and Trustees	79
Applications Carried Over to FY 2019	98

Applications Approved for Payment in FY 2018	46
Applications approved for payment arose from the lawyer's dishonest acts such as theft or conversion, failure to return or account for unearned legal fees, and investments or loans with lawyers.	

Applications Denied in FY 2018	33
Applications were denied for reasons such as fee disputes, no evidence of dishonesty, alleged malpractice, restitution already paid in full, no attorney client relationship, and other reasons.	

⁹ Applications received or pending are still in investigation, not yet ripe, or temporarily stayed. All approved applications receive initial payments of up to \$5,000, with the balance reserved for possible proration against 75% of the Fund balance at fiscal year-end.

APPROVED APPLICATIONS

ATTORNEY	Number of Applications Approved	Dollar Amount of Applications Approved	Page Number
Bergstedt, A. Spencer, WSBA #19825	2	\$4,453	10
Chafetz, Nicole, WSBA #20761	2	\$12,000	11
Crowley, John, WSBA #19868	16	\$186,250	12-15
Davis, Erica, WSBA #30035	1	\$600	16
Elkin, Craig, WSBA #14608	1	\$4,666	16
Funchess, Amy, WSBA #37436	1	\$125	16
Harrison, Mitch, WSBA #43040	3	\$23,500	17
Holcomb, James, WBSA #1695	1	\$122,521	18
Johnson, Holly, WSBA #32784	1	\$150,000	18
Love, Zenovia, WSBA #45989	2	\$9,914	19
Morris, Ernest, WSBA #32201	2	1,900	19
Morriss, Roy Earl, WSBA # 34969	5	\$6,500	20
Neal, Christopher, WSBA #33339	4	\$379,879	21-22
Noonan, Catherine, WSBA #30765	1	\$8,523	23
Nourse, Brent, WSBA #32790	1	\$7,716	23
Reed, David, WSBA #24663	1	\$5,000	23
Walberg, Lorn, WSBA #32730	1	\$2,500	24
Wylie, Nathaniel, WSBA #29238	1	\$387	24
	TOTAL:	\$926,434	

The following summarizes the gifts and recommendations made by the Board:

Bergstedt, A. Spencer, #19825 – SUSPENDED

Applicant 16-044 – Decision: \$1,300 Approved

In December 2015, Applicant hired Bergstedt to represent her in a bankruptcy proceeding, paying \$1,500. Bergstedt did not deposit the funds into his trust account. Thereafter, Applicant made repeated unsuccessful attempts to contact Bergstedt. Bergstedt responded to Applicant's inquiries once, stating that he was working on the case, but in reality he never filed the bankruptcy. Applicant requested a refund, with no return response. Bergstedt was ordered to make restitution payments but discontinued doing so after paying only \$200. The Board approved payment of \$1,300.

Applicant 18-026 – Decision: \$3,153 Approved

In June 2014, Applicant hired Bergstedt to represent him in a bankruptcy and in adversarial proceedings, paying a flat fee of \$3,500 and a \$350 filing fee, which Bergstedt did not deposit into his trust account. In July 2015, Bergstedt filed the bankruptcy petition and applied for an installment plan for the bankruptcy filing fee. Bergstedt paid the initial installment of the payment plan when he filed the petition and the other installment payments were returned because of insufficient funds. Applicant paid the remainder of the filing fee and the insufficient fund fee himself. Thereafter, it became difficult for Applicant to contact Bergstedt. In October 2015, Applicant terminated Bergstedt's representation and hired new counsel. In January 2016, the bankruptcy judge ordered Bergstedt to disgorge all attorney fees, filing fee and insufficient fund transaction fee and to send the funds to Applicant's new counsel. Bergstedt only sent Applicant \$400 of the attorney fees, and a refund for the filing fee and insufficient fund fee. The Board approved payment of \$3,153.

Chafetz, Nicole, #20761 – RESIGNED IN LIEU OF DISCIPLINE**Applicant 18-046 – Decision: \$4,000 Approved**

In April 2017, Applicant hired Chafetz to represent him in a Child Protective Services (CPS) allegation, paying \$4,000. Applicant met with Chafetz one time and had a couple of telephone conversations. In August 2017, Chafetz abandoned her law firm and legal practice, Chafetz never performed any work on Applicant's matter and never returned the unearned fees. The Board approved payment of \$4,000.

Applicant 18-047 – Decision: \$8,000 Approved

In July 2016, Applicant hired Chafetz to represent her in a family law matter, paying \$8,000. That same month, Applicant filed a temporary protection order that Chafetz was supposed to extend. In September 2016, Chafetz failed to appear at the hearing to extend the protection order. As a result, Applicant lost custody of her children. In February 2017, Chafetz felt bad for her prior conduct and agreed to represent Applicant in a Child Protection Service (CPS) and dependency case. In February 2017, Chafetz became a law firm partner. In April 2017, Chafetz gave Applicant's case to a new associate in the firm and that associate discovered that no work had ever been performed. In August 2017, Chafetz abandoned her law firm and legal practice. The law firm stepped in on a pro bono basis. The Board approved payment of \$8,000.

Crowley, John, #19868 – RESIGNED IN LIEU OF DISCIPLINE

Applicant 15-026 – Decision: \$2,750 Approved

In May 2012, Applicant hired Crowley to represent him in resolving a criminal matter prior to an arrest warrant being issued. Applicant paid Crowley \$5,500. Crowley was difficult to contact and made no efforts to resolve the matter. A warrant was eventually issued for Applicant's arrest, but Crowley did not inform Applicant. Without Applicant's knowledge Crowley requested a hearing to quash the warrant, but then failed to appear at the hearing. Applicant terminated Crowley's representation and Crowley's office returned half of the unearned \$5,500 fee. The Board approved payment of \$2,750.

Applicant 18-001 – Decision: \$9,500 Approved

In September 2016, Applicant hired Crowley to represent him in a criminal matter. Applicant paid Crowley \$9,500. Crowley met with Applicant in jail twice, and appeared in court three times, but was otherwise unavailable, difficult to reach, sent substitutes to court appearances, or made multiple continuance requests. Applicant discovered that a warrant for his arrest was issued because Crowley failed to appear at a court date. Crowley performed minimal work of no value to the client. The Board approved payment of \$9,500.

Applicant 18-004 – Decision: \$3,000 Approved

In August 2015, Applicant hired Crowley to represent her in a criminal matter. Applicant paid Crowley \$4,000, but only has proof of \$3,000 in payment. Thereafter, it became difficult for Applicant to communicate with Crowley. Crowley sent Applicant a letter regarding a Declaration in Support of Motion to Withdraw Guilty Plea. Crowley instructed Applicant to review, sign and return the declaration to him, which she did. Crowley never filed the Motion to Withdraw Guilty Plea he prepared, and there is no evidence he performed any other useful legal services. Applicant made several attempts to contact Crowley for a refund, with no return response. The Board approved payment of \$3,000.

Applicant 18-009 – Decision: \$15,000 Approved

In March 2017, Applicant hired Crowley to represent him in a criminal matter. Applicant paid Crowley \$15,000. Applicant met with Crowley only one time. Crowley missed three of Applicant's court dates. Applicant sent Crowley a termination letter and requested a refund, with no return response. Crowley did not perform any work in Applicant's case and never returned the unearned fee. The Board approved payment of \$15,000.

Crowley, John *(continued)*

Applicant 18-029 – Decision: \$23,500 Approved

In September 2014, Applicant hired Crowley to represent him on two criminal matters paying a flat fee of \$23,500. Thereafter, Crowley failed to perform the initial work on the case and became difficult to contact. Crowley also failed to appear at meetings, court hearings, and often sent substitute counsel to court dates. Applicant expressed that he did not approve of substitute counsel, but Crowley continued to send others on his behalf. In May 2016, Applicant sent a letter to Crowley to terminate his representation and to request a refund of the unearned fees. Crowley did not respond. Applicant hired new counsel who discovered that Applicant's client file was incomplete and that Crowley did not perform substantive work. The Fund Board approved payment of \$23,500.

Applicant 18-030 – Decision: \$6,500 Approved

In June 2016, Applicant hired Crowley to represent him in a criminal matter. Applicant paid Crowley \$6,500. Applicant made repeated unsuccessful attempts to get in contact with Crowley. Crowley filed nothing of value in Applicant's matter other than a Notice of Appeal. Crowley failed to respond to the Court, and Applicant's case was dismissed for abandonment. Crowley never returned the unearned fee. The Board approved payment of \$6,500.

Applicant 18-032 – Decision: \$15,000 Approved

In September 2014, Applicant hired the Crowley Law Firm to represent him on an appeal of a criminal matter, paying \$15,000. Applicant was incarcerated and alleged that Crowley only came to meet with him one time. Applicant later had a few phone calls with Crowley that lasted only a few minutes. Thereafter, Crowley became difficult for Applicant's family to contact and he failed to show up for visits to meet with Applicant. Applicant did not know the status of his case and later learned that Crowley never filed the appeal. The Fund approved payment of \$15,000.

Applicant 18-033 – Decision: \$20,000 Approved

In October 2016, Applicant hired Crowley to represent him in a criminal matter. Applicant paid Crowley \$20,000. A year later Applicant contacted Crowley, because he received a court Summons. Crowley and Applicant met to discuss the summons. Crowley told Applicant he would not be present in court and instructed Applicant to plead not guilty. Applicant contacted Crowley after court, and Crowley told him he would get back to him. That was Applicant's last communications with Crowley. Applicant obtained a public defender because Crowley was unreliable. He learned from the Public Defender's office that Crowley resigned in lieu of discipline. The Board approved payment of \$20,000.

Crowley, John *(continued)*

Applicant 18-037 – Decision: \$30,000 Approved

In February 2017, Applicant hired Crowley to represent him in a criminal matter, paying him a total of \$31,000. Crowley appeared in court late at the first hearing and appeared by phone at a few other non-substantive court dates. Thereafter, it became difficult for Applicant to contact Crowley. Crowley had a court date scheduled for August 9, 2017, but cancelled. At the rescheduled court date of October 2, 2017, Applicant was informed by the court that Crowley had resigned in lieu of discipline. The Board approved payment of \$30,000.

Applicant 18-038 – Decision: \$15,000 Approved

In June 2015, Applicant hired Crowley to represent him in a criminal matter. Applicant paid Crowley \$10,000 for pre-trial work and \$15,000 for trial services. During Crowley's representation, it was often difficult to reach him. Crowley did not inform Applicant of important matters relating to his case, and procrastinated on conveying a plea bargain offer. Eventually, Applicant hired new counsel and sent Crowley a letter to terminate his representation. Applicant requested that a refund of \$15,000 be sent to his new counsel, since the matter did not go to trial. Applicant never received a refund. The Board approved payment of \$15,000.

Applicant 18-052 – Decision: \$9,500 Approved

In August 2017, Applicant's father hired Crowley to represent her in a criminal matter. Applicant's father paid Crowley \$9,500. Crowley visited Applicant in jail once, and promised to work on seeking her pre-trial release to a treatment facility. Crowley did not appear for the court date, but rather sent a substitute. Applicant's Public Defender was present and informed the court that Crowley had filed for a substitution of counsel hours prior. After repeated failed attempts to reach Crowley, Applicant sent an email terminating representation and requesting a refund. Crowley did not perform any work and did not return the unearned fee. The Board approved payment of \$9,500.

Applicant 18-053 – Decision: \$7,500 Approved

In June 2017, Applicant hired Crowley to represent her in a potential criminal matter, paying \$7,500. In the following week, it became difficult to contact Crowley, resulting in Applicant hiring a new lawyer. Applicant contacted Crowley from a different phone line and he answered. Applicant told Crowley she had a new lawyer, terminated his representation, and requested a refund. Crowley stated that he had already spoken to the new lawyer and would issue a refund. Crowley never sent the refund. The Board approved payment of \$7,500.

Crowley, John *(continued)*

Applicant 18-057 – Decision: \$9,500 Approved

In May 2016, Applicant hired Crowley to represent her in a criminal matter paying \$9,500. Thereafter and throughout the course of the representation months would go by with no contact with Crowley. In September 2016, Applicant was arrested and Crowley sent substitute counsel to appear at Applicant’s bail hearing. Crowley became unreachable again. In March 2017, Applicant terminated Crowley’s representation and requested a refund. Crowley reassured Applicant that he would take care of her and she stayed. In September 2017, Applicant was informed that Crowley had resigned in lieu of discipline. Applicant hired new counsel who discovered that Crowley did not perform any work of value and what substantive work had been done was done by Applicant herself. The Board approved payment of \$9,500.

Applicant 18-067 – Decision: \$1,000 Approved

In August 2017, Applicant hired Crowley to represent him in a criminal matter. Applicant paid Crowley \$1,000. Thereafter, Applicant made repeated unsuccessful attempts to get in contact with Crowley. Crowley never worked on the case, never communicated with Applicant after taking his money, and never returned the unearned fee. The Board approved payment of \$1,000.

Applicant 18-071 – Decision: \$3,500 Approved

In August 2017, Applicant hired Crowley to represent him in a criminal matter. Applicant paid Crowley a fee of \$3,500. After accepting the fee and cashing the check, Crowley told Applicant that he could not represent him, and referred him to another attorney. Crowley told Applicant that he would send Applicant’s new attorney a check for the \$3,500 fee. Crowley never did so. Applicant made repeated unsuccessful attempts to get in contact with Crowley. Crowley never returned the unearned fee. The Board approved payment of \$3,500.

Applicant 18-076 – Decision: \$15,000 Approved

In August 2016, Applicant hired Crowley to represent him in an alleged assault matter, prior to charges being filed. Crowley met with Applicant and his parents one time, and advised them of the possibilities if Applicant were charged with a crime. Borrowing funds from his grandmother, Applicant and paid Crowley \$15,000 and signed a fee agreement. After the initial meeting, Applicant never saw Crowley again. Applicant made repeated unsuccessful attempts to get in contact with Crowley. Applicant sent Crowley a certified letter requesting a refund, but the letter was “returned to sender.” Crowley did nothing to earn the fee, and never returned the unearned fee. The Board approved payment of \$15,000.

Davis, Erica, #30035 –SUSPENDED**Applicant 17-056 – Decision: \$600 Approved**

In December 2015, Applicant hired Davis to prepare dissolution documents, paying \$600. Applicant later met with Davis to sign the documents and paid an additional \$315 to cover filing fees. Davis never filed the paperwork. Applicant attempted to recover her documents and filing fee from Davis, but never received a response. Applicant had to start over with the help of a courthouse facilitator. The Board approved payment of \$600.

Elkin, Craig, #14608 – ACTIVE**Applicant 17-052 – Decision: \$4,665.50 Approved**

In 2014, Applicant hired Elkins to represent him in filing a wrongful foreclosure lawsuit against Bank of America, paying \$7,000. Elkins closed his practice having performed no work on Applicant's case. Applicant and Elkins entered a settlement under which Elkins agreed to pay Applicant \$3,500. Elkins failed to comply. Applicant then obtained a small claims court judgement for \$3,531.46 against Elkins. Elkins never paid the judgment. Applicant hired a lawyer on a contingent basis to recover the judgment award. Applicant will recover \$2,334.50 after deducting his new lawyer's fee. The Board approved payment of \$4,665.50.

Funchess, Amy, #37436 – RESIGNED IN LIEU OF DISCIPLINE**Applicant 17-054 – Decision: \$125.00 Approved**

During the period of July 2012 to October 2013, Applicant hired Funchess to represent him on various debt collection matters paying different flat fees payments for those services. Funchess performed minimal work and obtained minimal to no results. In October 2012, Applicant paid Funchess an advance fee of \$125 to pay a third party to investigate a bank account for collection purposes. Funchess deposited the funds into her general account, used the funds for other purposes, and never had the bank account investigated. The Board approved payment of \$125.

Harrison, Mitch, #43040 – RESIGNED IN LIEU OF DISCIPLINE

Applicant 17-021 – Decision: \$8,000 Approved

In March 2015, Applicant hired Harrison to represent him in a criminal matter, paying a flat fee of \$8,000. Applicant contacted Harrison by phone and email to check to progress of his matter, and Harrison informed Applicant that he was working on it. Thereafter, Harrison ceased communication with Applicant. Applicant made an attempt to contact Harrison to inform him of the new trial date, with no return response. In June 2016, Applicant sent Harrison a termination letter requesting a refund of the \$8,000 unearned fee. Harrison failed to respond to the request. The Board approved payment of \$8,000.

Applicant 17-038 – Decision: \$5,500 Approved

In November 2014, Applicant hired Harrison to represent him in a number of legal matters relating to a criminal conviction, paying a flat fee of \$5,500. Harrison scheduled a hearing, which he later failed to appear, resulting in a default order. Harrison performed no work of value on behalf of his client, which caused more harm to Applicant. Harrison failed to adequately communicate with Applicant, missed crucial deadlines; and did not read, amend, and assess the quality of the motion to reconsider prior to submission as requested by Applicant. The Board approved payment of \$5,500.

Applicant 17-064 – Decision: \$10,000 Approved

In June 2015, Applicant hired Harrison to represent him in filing a personal restraint petition (PRP) in a criminal conviction and prison sentence. Applicant paid Harrison \$10,000. Harrison filed the PRP with the Washington Court of Appeals, but did not pay the filing fee or file a fee waiver. The court clerk gave Harrison a deadline to pay the filing fee or file a statement of finances. Harrison failed to respond. The court also notified Harrison of errors in the PRP he filed, and gave him a deadline to make corrections to avoid a motion to dismiss. Again, Harrison failed to respond or file a corrected PRP. Later, the court notified Harrison of the date for a hearing on the motion for dismissal, but Harrison did not respond. Applicant's PRP was dismissed as abandoned. The court then notified Harrison of a deadline to file a motion to modify the court's decision. Once again, Harrison failed to respond or file a motion to modify and the court terminated appellate review. Harrison's limited work on the PRP was of no value to Applicant. The Board approved payment of \$10,000.

Holcomb, James, #1695 – DECEASED**Applicant 17-065 – Decision: \$122,521.39 Approved**

In 2010, while suspended from practice, Holcomb agreed to assist Applicant in obtaining private disability insurance policy benefits. No fee agreement was signed. Within days of submitting the claims, Holcomb received notice from the insurance company that benefits would be paid on Applicant's claim. The insurer sent Holcomb two checks representing Applicant's disability benefits. Holcomb retained 20% of the checks for legal fees, which amounted to \$122,521.39. Holcomb later claimed that the 20% was his contingent fee, even though he was suspended from practicing law, he had no written contingent fee agreement with Applicant for the claims, and appeared to have performed little to no work of value. Applicant filed a civil suit against Holcomb for return of the fees. The court found that there was no enforceable fee agreement and that Applicant was entitled to summary judgment awarding him all of the contingent fees previously paid to Holcomb, *i.e.*, \$122,521.39. Holcomb appealed the judgment to the Washington Court of Appeals, but died before he filed an opening brief. He did not return the fees, and the appeal was abandoned. The Board approved payment of \$122,521.39

Johnson, Holly, #32784 – RESIGNED IN LIEU OF DISCIPLINE**Applicant 18-018 – Decision \$150,000 Approved**

In 2014, Applicant hired Johnson to serve as an escrow in a business transaction between Applicant and an Investor, paying a \$500 fee. Under the agreement Applicant was to deposit \$430,000 in escrow while the Investor obtained \$3,885,000 from a third-party investor to fund the making of a movie. Once the escrow transaction was complete, Johnson was to release the escrow funds, including the \$3,885,000 to Applicant. In June 2015, Applicant deposited the \$430,000 in a Chase Bank account that Applicant believed to be an escrow account, but it was Johnson's business account. Johnson converted almost all of the \$430,000. The Investor was unable to obtain the \$3,885,000 from the third-party investor. Applicant hired counsel to demand his \$430,000 back from Johnson after she failed to return it. Johnson spoke with Applicant's attorney several times, but never returned the funds. When the Office of Disciplinary Counsel investigated the matter, Johnson denied that she had ever received funds from Applicant, which was false. In September 2017, Johnson agreed to pay restitution in the amount of \$430,000 in her resignation form. Johnson never made a payment. The Board approved payment of \$150,000.

Love, Zenovia, #45989 – DISBARRED**Applicant 18-035 – Decision: \$8,414.07 Approved**

In July 2015, Applicant hired Love to represent her in a personal injury matter on a contingent fee basis. Love obtained a settlement in the amount of \$25,000. After depositing the funds in to her trust account, Love paid some bill, but never distributed the balance of the proceeds to Applicant. Love performed the work of obtaining the settlement earning \$8,325, and paid \$8,260.93 in medical bills. This leaves a balance of \$8,414.07 that Love converted for her own use. The Board approved payment of \$8,414.07

Applicant 18-063 – Decision: \$1,500 Approved

In June 2017, Applicant hired Love to represent her in a family law matter, paying \$1,500. Love assisted Applicant in completing the necessary paperwork and met her at the courthouse for an ex parte hearing, but did not enter the courtroom. Applicant appeared without counsel and was informed that Love was disbarred. Applicant hired new counsel, who sent Love a letter requesting a refund of the \$1,500 fee. A refund was never issued. In taking on Applicant's case, new counsel discovered that Love performed minimal work and does not believe Love advanced the client's case or that any work of value was performed. The Board approved payment of \$1,500.

Morris, Ernest, #32201 – DISBARRED**Applicant 17-006 – Decision: \$1,500 Approved**

In May 2014, Applicant hired Morris to represent her minor child in a federal lawsuit for an assault by a school district employee, paying a flat fee of \$1,500. Applicant attempted to contact Morris to check on the status of the case, with no return response. Morris never filed the lawsuit and never returned the unearned fee. The Board approved payment of \$1,500.

Applicant 17-024 – Decision: \$ 400 Approved

In June 2015, Applicant hired Morris to represent her in a student conduct matter, paying a flat fee of \$400. Thereafter, Applicant received no further communication from Morris despite repeated attempts to check the status of the case. Court records revealed that though Morris prepared and filed the petition, he did not serve the petition and the matter was dismissed for his failure to take any further action. Morris failed to perform any work of value to the client and in his disbarment proceeding was ordered to pay restitution to the Applicant in the amount of \$400. The Board approved payment of \$400.

Morriss, Roy Earl, #34969 – RESIGNED IN LIEU OF DISCIPLINE**Applicant 15-056 – Decision: \$1,000 Approved**

In February 2015, Applicant hired Morriss to write letters to Snohomish County government officials and to assist a homeowners' group concerned about the Pilchuck River erosion. Applicant paid Morriss an advance fee of \$1,000. Thereafter, Applicant made repeated unsuccessful attempts to contact Morriss. In April 2015, Applicant sent Morriss a termination letter and requested a refund, with no return response. Morriss never wrote the letter to the government officials and never returned the unearned fee. The Board approved payment of \$1,000.

Applicant 16-021 – Decision: \$2,000 Approved

April 2012, Applicant hired Morriss to help resolve a property dispute with her neighbor, paying an advance fee of \$2,000. Morriss drafted and submitted a letter to Applicant's neighbor. In the months that followed, Applicant tried to contact Morriss to get an update on her case. Morriss eventually managed to respond to each of the emails from Applicant. But when Applicant asked for an accounting, Morriss failed to provide such information despite saying he would "get to work on that," or "the information and funds you request are now in the mail." Morriss never sent Applicant an accounting of the fees or a refund. The Board approved payment of \$2,000.

Applicant 17-063 – Decision: \$1,000 Approved

In October 2014, Applicants hired Morriss to represent them in a real property matter, paying \$1,000. When the Applicants tried to contact Morriss, they received no return response. Morriss did not perform any work. The Applicants had to hire a new lawyer who also tried to communicate with Morriss to terminate his representation and to request a refund of the \$1,000 fee. Morriss did not respond to the Applicants' new lawyer and did not issue a refund. The Board approved payment of \$1,000.

Applicant 17-066 – Decision: \$2,000 Approved

In January 2015, Applicant hired Morriss to represent her in a real property litigation matter against her neighbor, paying \$2,000. Thereafter, it became difficult for Applicant to communicate with Morriss. Morriss never filed the lawsuit, did not perform any work and has not returned the unearned fees. The Board approved payment of \$2,000.

Applicant 18-007 – Decision: \$500.00 Approved

In February 2015, Applicants hired Morriss to write a letter to their neighbor regarding a property boundary dispute, paying \$500. Thereafter, the Applicants tried to reach Morriss by phone with no return response. Morriss never wrote the letter and never refunded the unearned fee. The Board approved payment of \$500.

Neal, Christopher, #33339 – DISBARRED**Applicant 16-037 – Decision: \$142,600.14 Approved**

In March 2011, Applicant hired Neal to assist in selling an auto business and real estate property. There was no fee agreement and no fee was paid. A Power of Attorney (POA) granted Neal the authority to execute documents relating to the sale of the business, but Applicant never signed it (Neal appears to have forged Applicant's signature on the document). No POA was prepared or signed for the sale of the real property. Neal used the POA to effectuate the sale of both the business and the real property. The property was sold for \$400,000, with the terms including a promissory note for \$395,000 payable in monthly installments. At the same time, the business was sold for \$100,000. The terms of that sale involved a \$14,583.05 down payment, with five additional payments of \$14,583.05 to be made. Neal never informed Applicant of the sales or the terms of the sales. Neal instructed Applicant to forward monthly payments received from the buyers to him to pay "legal fees" and "debts" supposedly associated with the auto business. In all, Neal received \$142,600.14 in payments, which he converted for his own use. The Board approved payment of \$142,600.14.

Applicant 17-053 – Decision: \$150,000 Approved

In 2014, Applicant hired Neal to prepare and file income tax returns for the years 2007 to 2014. Applicant paid Neal \$2,000. When Applicant met with Neal to sign the returns he was told that he owed \$65,000 in back taxes. Neal told Applicant to make payment by cashier's check payable to "Columbia Consulting" and that he would transmit the payment from that account to the IRS. Applicant followed Neal's instruction. Neal deposited funds in a business account at Bank of America. Later, Neal told Applicant that he owed \$27,815 for 2015 taxes. Applicant again gave Neal a cashier's check payable to "Columbia Consulting." Later, Neal told Applicant that he owed \$430,000 in back taxes for 2010, 2011, 2012 and 2013. Applicant decided to pay \$170,000 (the amount owed excluding interest and penalties), once again paying by cashier's check payable to Columbia Consulting. Neal never made any payments to the IRS on behalf of Applicant and converted the funds for personal use. Applicant repeatedly visited Neal's office, but he was never there. By 2016 Applicant received notice from the IRS that he owed over \$305,000 in back taxes. Restitution of \$262,815 was ordered. The Board approved payment of \$150,000.

Neal, Christopher *(continued)*

Applicant 17-058 – Decision: \$65,708 Approved

Applicant hired Neal to prepare and file his personal and corporate taxes for the years 2013 and 2014. After completing the 2013 return, Neal told Applicant that he had a \$61,924 overpayment. He suggested that Applicant leave those funds with Neal for payment of the following year's taxes. Applicant did so. Applicant later found out that Neal inserted his office address in place of Applicant's home address on the return. Applicant received a \$3,784 refund for that year. Applicant hired Neal to prepare his 2015 taxes, which Neal never filed. Later that year, Applicant learned that Neal was being investigated for misappropriating client funds. In September 2017, the Benton County Prosecutor charged Neal with theft of \$65,708 of Applicant's funds. The Board approved payment of \$65,708.

Applicant 18-023 – Decision: \$21,571 Approved

In 2013, Applicant hired Neal to assist him with business and tax matters. Neal prepared and filed tax returns for the years 2009 to 2012. For 2013 taxes, Neal told Applicant to write a check payable to Christopher Neal Law and/or Columbia Consulting so that Neal could then forward tax payment to the IRS. Applicant wrote a check for \$6,256 payable to "Law Office of Chris Neal" for his 2013 taxes. He wrote another check payable to Neal for \$5,293 for his 2014 taxes, and yet another for \$8,532 for his 2015 taxes. Neal never filed the 2013, 2014 and 2015 tax returns, although he did prepare them. Neal did not pay the amounts owed by Applicant to the IRS; instead he converted those funds for his own use. Applicant also paid Neal \$440 to prepare and file his 2013 return, \$550 for his 2014 return and \$500 for his 2015 return. Since these returns were never filed, these fees were unearned. The Board approved payment of \$21,571.

Noonan, Catherine, #30765 – DISBARRED**Applicant 17-036 – Decision: \$8,522.88 Approved**

In January 2012, Applicant hired Noonan to represent him in a personal injury matter. Noonan obtained a settlement in the amount of \$29,000, out of which she earned a total of \$10,703.67 in fees and expenses. \$9,773.45 was disbursed to Applicant. Noonan converted the remaining funds for her own use and never paid the related medical bills. Restitution in the amount of \$8,522.88 was ordered, but Noonan never paid the restitution. The Board approved payment of \$8,522.88.

Nourse, Brent, #32790 – RESIGNED IN LIEU OF DISCIPLINE**Applicant 18-028 – Decision: \$7,716 Approved**

In April 2014, Applicants hired Nourse to represent them in a dispute with a building contractor, paying a total of \$25,716. During the representation, Nourse lied to the Applicants repeatedly, by falsely stating that he filed their lawsuit, attended mediation in the case which was unsuccessful, and that two subsequent mediations were cancelled at the last minute. He prepared two documents falsely representing that an arbitrator had entered an award in the Applicants' favor. One of the documents stated they had been awarded \$2,250,000. Nourse assured the Applicants that they would get the award when a judge approved it. He then created a fake judge's order stating that "judgement shall be entered in favor of Plaintiff's [sic] . . . in the amount of \$2,250,000 with interest bearing 12% per annum." In April 2017, the Applicants contacted another lawyer in Nourse's law firm, and learned that Nourse had left the firm. The lawyer discovered that Nourse had defrauded the Applicants. In November 2017, the Applicants hired new counsel and sued Nourse and his law partners and obtained a settlement. To reimburse the Applicants for the fees they had to pay new counsel to recover the fees that Nourse dishonestly took from them, the Board approved payment of \$7,716.

Reed, David, #24663 – DISABILITY INACTIVE**Applicant 17-069 – Decision: \$5,000 Approved**

In April 2010, Applicant hired Reed to represent him in a personal injury matter on a one-third contingent fee agreement basis. In July 2014, Reed obtained a settlement in the amount of \$32,500. Reed paid Applicant the proceeds of the settlement, but held onto \$5,000 to see if he could get the medical bills reduced. Thereafter, it became difficult for Applicant to communicate with Reed. Reed never paid the medical expenses, and never disbursed the \$5,000 to Applicant. The Board approved payment of \$5,000.

Walberg, Lorn, #32730 – DISBARRED**Applicant 17-007 – Decision: \$2,500 Approved**

In June 2015, Applicant hired Walberg to represent her in a housing dispute concerning her home paying a \$2,500 “non-contingent retainer,” and signed a fee agreement. Applicant attempted to contact Walberg regarding moving forward with the lawsuit, with no return response. After four months of attempting to contact Walberg, Applicant requested a refund, still with no return response. Walberg never returned the unearned fee. The Board approved payment of \$2,500.

Wylie, Nathaniel, #29238 – DECEASED**Applicant 17-047 – Decision: \$386.80 Approved**

In July 2016, Applicant hired Wylie to represent him in a criminal matter, paying a flat fee of \$20,000, plus \$1,000 for investigation costs. Wylie passed away in the midst of working on the case. Applicant provided billing statements from the investigation costs, showing that costs totaled \$613.20. However, there were no billing statements to establish what portion of fees Wylie earned prior to his death. The Board approved payment of \$386.80.

APPENDIX – Fund Balance Sheet

Statement of Financial Position

ASSETS	Audited As of September 30, 2018
Wells Fargo Checking Account	\$798,155
Accrued Interest Receivable	-
Wells Fargo Money Market	3,286,476
Wells Fargo Investments	-
Morgan Stanley Money Market	104,080
TOTAL ASSETS	\$4,188,711
LIABILITIES AND NET ASSETS	
Approved gifts to injured clients payable	802,490
Liability to WSBA general fund	155,395
Net Assets	3,227,988
TOTAL LIABILITIES AND NET ASSETS	\$4,188,711

Statement of Activities

REVENUE	Audited As of September 30, 2018
Restitution	\$28,255
Member Assessment	995,336
Interest	45,162
TOTAL REVENUE	\$1,068,753
EXPENSES	
Gifts to Injured Clients	\$917,051
CPF Board	1,740
Misc.	(957)
Indirect (overhead)	165,229
TOTAL EXPENSE	\$1,083,063
Net Income (Expense)	\$(14,310)

Statement of Changes in Net Assets

Balance at September 30, 2017	\$3,242,299
Net Income for the 12 months end September 30, 2018	(14,310)
Balance at September 30, 2018	\$3,227,988

MEMO

To: WSBA Board of Governors

From: Taud Hume, WSBA Legislative Review Committee Chair; Sanjay Walvekar, WSBA Outreach and Legislative Affairs Manager

Date: December 21, 2018

Re: Summary of 2018 WSBA Legislative Review Committee Activity

The WSBA Legislative Review Committee (Committee) convened meetings on October 11, November 13, and December 13, 2018 to discuss two legislative proposals and recommend a formal WSBA position to the Board of Governors (BOG) for the 2019 legislative session. A summary of the Committee's 2018 activity is below.

WSBA Sponsorship Requested

- Proposed amendments to the Washington Business Corporation Act provisions regarding preemptive rights, cumulative voting, and approval of asset sales to align with Model Business Corporation Act. Committee recommended sponsorship unanimously. **BOG voted to sponsor proposal on November 16, 2018.**

No Action Requested

- Proposed amendment to RCW 51.52.120 updating the current statute to allow attorneys who represent injured workers before the Board of Industrial Insurance Appeals to be paid with alternative fee structures. Committee voted unanimously to table the proposal as it was not clear that the proposed legislation originated from a "Bar entity" as defined in the WSBA bylaws and whether the proposal is permitted or governed by the WSBA Legislation and Court Rule Comment Policy. The Committee seeks further guidance on these issues.

WASHINGTON STATE BAR ASSOCIATION

MEMO

TO: WSBA Board of Governors
FROM: Sanjay Walvekar, WSBA Outreach and Legislative Affairs Manager
DATE: January 4, 2019
RE: 2019 Legislative Session Report

The following information is provided for the Board's information regarding the 2019 legislative session.

OVERVIEW: The 2019 legislative session begins Monday, January 14, and is scheduled to adjourn on Sunday, April 28. Legislators will consider a variety of issues this session, including funding for mental health, tax reform strategies, and access to affordable housing across the state.

The **2019 WSBA Legislative Agenda** is the main priority for the WSBA Office of Legislative Affairs in terms of legislative strategy. The agenda includes:

- **Supporting Bar-request legislative proposals initiated by WSBA Sections that are approved by the Board:** a legislative proposal from the Corporate Act Revision Committee within the WSBA Business Law Section to modernize the business corporations act to better reflect current corporate business practices, create process efficiencies, and potentially attract corporations to conduct future business in Washington, [SB 5003](#) (Sponsors: Pedersen, Padden).
- **Supporting non-Bar request legislative proposals approved by the Board under GR 12:** proposals that seek to create and promote access to justice for all Washington residents; enhance statewide civics education; provide funding for the state's court system; and provide funding for civil legal aid services through general-fund state dollars.
- **Monitoring and taking appropriate action on legislative proposals:** proposals that would increase existing court user fees; alter court rules and/or the structure of the state's judiciary branch; and other items of significance to the practice of law and administration of justice.

Non-WSBA request bills referred to relevant sections that are being monitored include:

- [HB 1052](#) (Walsh): Concerning agency rule-making authority (Administrative Law: monitoring with concerns).

- [HB 1005](#) (Appleton): Regarding foreclosure and distraint sales of manufactured/mobile or park model homes (Creditor Debtor Rights: monitoring with concerns).
- [HB 1015](#) (Jenkin): Concerning actions arising out of real estate appraisal activity (Real Property, Probate and Trust: monitoring).

Other issues being monitored this session include courthouse security funding, legal financial obligations, efforts to repeal Washington's death penalty statute, and potential changes to the judicial branch and criminal justice system, such as expanding the authority of commissioners of courts of limited jurisdiction, and modifying the requirements for pretrial release programs.

The draft 2019 session cutoff calendar includes important dates for legislative action:

- January 14: session convenes
- February 22: policy committee cutoff (house of origin)
- March 1: fiscal committee cutoff (house of origin)
- March 13: house of origin cutoff
- April 3: policy committee cutoff (opposite house)
- April 9: fiscal committee cutoff (opposite house)
- April 17: oppose house cutoff
- April 28: session concludes (Sine Die)

Mandatory Malpractice Task Force – Work Status Report as of January 1, 2019

On September 28, 2017, the Board of Governors established the Mandatory Malpractice Insurance Task Force and adopted a Charter to guide the Task Force's work. The Charter asked the Task Force to focus on the nature and the consequences of uninsured lawyers, to examine current mandatory malpractice insurance systems, and to gather information and comments from WSBA members and other interested parties. The Charter also charged the Task Force with determining whether to recommend mandatory malpractice insurance in Washington, developing a model that might work best in this state, and then drafting rules to implement that model.

The Task Force has 17 members including lawyers from a variety of practice areas and law firm sizes, a federal judge, an LLLT, industry professionals, and members of the public. Since January 2018, the Task Force has conducted monthly meetings. We were charged with finalizing our recommendations by January 2019. At its November 2018 meeting, the Board of Governors extended the Task Force's reporting deadline to March 2019.

The Task Force has made a substantial effort to hear from WSBA members. As of December 1, 2018, we received more than 580 written comments, both solicited and unsolicited. We sponsored informational articles and progress reports in *NW Lawyer* and through other forms of direct communication with members. On October 16, 2018, the Task Force held an open forum for lawyers with an interest in the topic, and heard from 18 people, testifying both in person and through telephonic testimony. We have also continued to receive additional comments from WSBA members, and those comments have been circulated to all Task Force members.

Through the autumn of 2018, the Task Force continued to gather information about the impact of uninsured lawyers on clients, the character of the apparent problem, and the best approach to dealing with that issue. The Task Force members have reached consensus on their recommendations, including suggestions on substantial exemptions from the recommended requirement. During the past few meetings we have focused on drafting, redrafting, and editing a report to the Board of Governors.

The Task Force expects to complete the drafting process and transmit its final report to the Board of Governors in February so that the BOG members have substantial time to carefully review and consider the report's findings and recommendations.

-- Hugh Spitzer, Chair, Mandatory Malpractice Insurance Task Force

WASHINGTON STATE BAR ASSOCIATION

TO: Board of Governors
FROM: Joy Williams, WSBA Diversity and Public Service Programs Manager
 Robin Nussbaum, WSBA Inclusion & Equity Specialist
RE: Diversity and Inclusion Events
DATE: January 3, 2019

WSBA Diversity and Inclusion Events

Education, Collaboration, and Partnership

Working closely with staff, volunteers and community partners throughout the legal community is foundational to the successful implementation of the diversity plan. WSBA participates in and provides a variety of opportunities to increase cross-cultural competency, awareness and engagement. Your participation communicates WSBA's commitment to representation and involvement in advancing inclusion.

Diversity & Inclusion Events for WSBA Staff and Volunteers			
When	What	How You Can Help	Who To Contact for More Info
Tuesday, January 15	Continuing the Conversation What's the different between trans gender and trans-age or trans-race?	FYI only	Robin N.
Saturday, February 2	Presentation: Diversity in Decision-Making Solo & Small Practice Section	FYI only	Robin N.
Tuesday, February 5	Presentation: Diversity in Decision-Making Pro Bono and Public Service Committee	FYI only	Robin N.
Saturday, February 9	Presentation: Diversity in Decision-Making WYLC	FYI only	Robin N.
Wednesday, February 13	Continuing the Conversation The effects of trauma and retraumatization	FYI only	Robin N.
Friday, March 1	Presentation: Diversity in Decision-Making Disciplinary Board	FYI only	Robin N.



Washington State Minority Bar Association and other Diversity Events			
When	What	How You Can Help	Who To Contact for More Info
Friday, January 11	In-Person Resume Review for 1L Diversity Fellowship applicants at UW	FYI only	Joy or Dana
Friday, January 11	CASA new volunteer training - Cultural Competency	FYI only	Joy or Dana
Friday, January 11	AGO – Micro-aggression/Implicit Bias	FYI only	Joy
Wednesday, January 23	Race Equity justice initiative (REJI) - Webinar	FYI only	Joy
Thursday, January 24 th	Mock Interviews for IL Diversity Fellowship Applicants at SU	FYI only	Joy or Dana
Tuesday, January 29	Foley Mansfield – Micro-aggression/Implicit Bias	FYI only	Joy
Thursday, February 7 th	KABAW Annual Event	Attend if in the area	Joy or Dana
Thursday, February 7 th	Stoel Rives – Psycho Drama Implicit Bias Training	FYI only	Joy
Thursday, February 21	Networking Event - Bellevue	Attend if in the area	Joy or Dana

Contact Information

Joy: joyw@wsba.org or 206.733.5952

Dana: danab@wsba.org or 206.733.5945

Robin: robinn@wsba.org or 206.727.8322

Margaret: margarets@wsba.org or 206.727.8244

Frances: francesd@wsba.org or 206.727.8222

Terra: terran@wsba.org or 206.727.8282

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Ann Holmes, Chief Operations Officer
Tiffany Lynch, Associate Director for Finance

Re: Results through September 30, 2018 (100% of fiscal year)

Date: January 7, 2019

As part of the year-end review of WSBA financials, we have an attached itemized list of General Fund budget variances for both revenue and expense categories. The WSBA General Fund assumed a budgeted net loss of (\$732,275) for FY 2018. The actual results are a net gain of \$432,107; \$1,164,382 better than anticipated. Below is a narrative that highlights the major variances and background regarding year-end results.

REVENUE AND EXPENSE ANALYSIS

General Fund Revenues

General Fund revenues are over budget in a variety of areas. In total, General Fund revenues are \$701,386 over budget or 103.71% of what was anticipated. Key areas follow:

- *Licensing revenue* is over budget at 102.26% (\$341,008). We experienced higher active memberships and late fee revenue than budgeted.
- *Interest Income* is over budget at 470.04% (\$92,510). Interest income is generated from WSBA's cash balances and CDs, which have performed better than expected.
- *New Member Programs (aggregate)* revenue is over budget at 169.02% (\$89,918) due to higher than anticipated seminar registrations and recorded product sales.
- *Pro Hac Vice revenue* came in 142.10% (\$88,419) over budget, which is due to the increased presence of companies headquartered outside of Washington that engage lawyers from other states to handle cases in Washington.
- *Mandatory CLE (aggregate)* revenue is over budget at 107.81% (\$59,413) from higher accredited program fees and late fees, which can be difficult to predict.

Indirect Expenses

Indirect expenses are under or over budget in a variety of areas. In total, Indirect expenses are (\$201,057) under budget or 98.96% of what was anticipated. Key areas follow:

Salaries for regular employees are slightly under budget at 99.14%. *Overall salary expense (regular staff, temporary staff, and capital labor)* is slightly over budget at 101.0% due to the additional unanticipated temporary staffing needs for project coordination in multiple departments and lower than anticipated capital labor offset for software development. *Employee benefits* are under budget at 97.38%, due to lower costs for retirement and taxes caused by lower than budgeted salaries for regular employees and lower than anticipated unemployment insurance rates.

Other Indirect Expenses are below budget at 94.13%. Items such as *rent, insurance, bank fees, professional fees-audit, and human resources direct expenses* are on target; *workplace benefits, meeting support expenses, office supplies and equipment, and records storage* are slightly over budget, and remaining expenses are under budget. A few outliers include: *Depreciation (Software, Hardware, and Leasehold Improvements)* at 70.68% of budget reflects fewer capital items being purchased than anticipated; *Property Taxes* at 151.17% of budget due to higher tax rates than anticipated; and *Professional Fees - Legal* at 331.24% of budget due to unanticipated investigations and higher than anticipated expenses for litigation matters.

General Fund Direct Expenses

Direct expenses are under budget in a variety of areas. In total, Direct Expenses are (\$261,722) under budget or 89.49% of what was anticipated. Key areas follow:

- *Software Maintenance & Licensing (Technology)* expenses were under budget by (\$62,312) because of the timing of license renewal payments that will be made in FY19 instead of FY18 for a number of software licenses and funds for additional Microsoft licenses as needed.
- *Third Party Services (Technology)* expenses were under budget by (\$29,224). The budget included funds for an online community management software (Higher Logic); however, the project has been postponed to a future date.
- *Hardware Service & Warranties (Technology)* expenses were under budget by (\$25,139). Cost savings are from the discontinuation of services no longer needed and negotiated fee reductions for existing services.
- *Court Reporters & Litigation Expenses* in the Discipline cost center came in under budget by (\$53,418). These expenses are difficult to predict since they are incurred based on the needs of each case and where they are in the discipline process.
- *Northwest Lawyer* expenses for *Printing, Copying, & Mailing* were under budget by (\$42,123) due to payment timing.
- *Legislative expenses (aggregate)* were under budget by (\$17,917) because: (1) staff travel, telephone, and Legislative Committee costs were lower than budgeted; and (2) Contract Lobbyist expenses were not incurred. In FY18, WSBA only had one request bill to shepherd through the

process; in addition, tracking of bills this year focused on legislation that sections indicated an interest in and those relevant to our mission.

- *Outside Counsel (OGCDB)* expenses were under budget by (\$15,250), which is consistent with our expectation built throughout the year. (These expenses are different and separate from outside counsel fees budgeted under indirect expenses, which have already exceeded budget this year.) These costs are based on the number of contracted outside counsel needed for disciplinary board cases, which varies each year.

Continuing Legal Education (CLE)

Overall total CLE assumed a budgeted loss of (\$14,509). The final results for FY 2018 was a surplus of \$118,543.

Overall CLE revenue of \$2,050,445 came in slightly higher than budget by \$18,210 (100.90%). Seminar revenue was over budget due to higher than anticipated registrations and sponsorships, while Product sales came in slightly under budget mainly due to lower coursebook sales. Deskbook sales revenue was lower than budget by (\$32,634). Sales are predominantly tied to the number of new publications released within the year, which were lower due to the availability of staffing resources.

CLE Indirect expenses finished the year very close to on budget at 100.38% (\$5,160 over). CLE Direct expenses are below budget by (\$120,002) which is 82.15% of what was anticipated. Throughout the year, changes to CLE marketing materials and production (seminar brochures) resulted in cost savings for printing and mailing. In addition, expenses for facilities rentals were lower than anticipated.

Client Protection Fund (CPF)

The CPF budgeted for a surplus of \$425,687 for FY 2018. Actual results were a net loss of (\$14,310); \$439,997 more in expense than anticipated. Revenue came in over budget by \$76,253, from higher revenue for interest income, restitution payments, and member assessments. Total CPF direct expenses came in over budget by \$514,834, the majority of which is related to Gifts to Injured Clients, which are hard to predict and depend on the amounts awarded to individuals by the CPF Board and Board of Governors. Indirect expenses came in \$1,416 higher than budget.

WSBA
 Significant Variances in Budget to Actual Revenue and Expenses
 General Fund- FY 2018

FY18 Budgeted Loss	\$ (732,275)
FY 18 Actual Surplus	\$ 432,107

<i>Revenue: Over or (Under) Projected Amounts</i>	<i>Budget</i>	<i>Actual</i>	<i>Dollar Difference</i>	<i>Percentage Difference</i>
License Fees	\$ 15,068,125	\$ 15,409,133	\$ 341,008	2.26%
Interest Income	\$ 25,000	\$ 117,510	\$ 92,510	370.04%
New Member Programs (aggregate)	\$ 53,200	\$ 143,118	\$ 89,918	169.02%
Pro Hac Vice	\$ 210,000	\$ 298,419	\$ 88,419	42.10%
Mandatory CLE revenue (aggregate)	\$ 761,000	\$ 820,413	\$ 59,413	7.81%
Royalties (Practice Management Assistance)	\$ 15,000	\$ 41,259	\$ 26,259	175.06%
Other line-item variances	\$ 2,780,874	\$ 2,784,734	\$ 3,860	0.14%
		Net surplus revenue	\$ 701,386	

<i>Indirect Expenses: Over or (Under) Projected Amounts</i>	<i>Budget</i>	<i>Actual</i>	<i>Difference</i>	<i>Percentage Difference</i>
Salaries	\$ 11,232,739	\$ 11,344,606	\$ 111,867	1.00%
Benefits (taxes & insurance)	\$ 1,017,300	\$ 941,053	\$ (76,247)	-7.50%
Benefits (retirement)	\$ 1,439,735	\$ 1,396,556	\$ (43,179)	-3.00%
Benefits (misc/other)	\$ 132,220	\$ 120,506	\$ (11,714)	-8.86%
Benefits (medical)	\$ 1,445,000	\$ 1,470,631	\$ 25,631	1.77%
Net savings from salaries and benefits (all funds)			\$ 6,358	
Other indirect expenses (Computer Pooled Expense)	\$ 645,660	\$ 489,470	\$ (156,190)	-24.19%
Other indirect expenses (Computer Software Depreciation)	\$ 154,000	\$ 95,991	\$ (58,009)	-37.67%
Other indirect expenses (Staff Training & Conferences)	\$ 92,200	\$ 52,392	\$ (39,808)	-43.18%
Other indirect expense (Professional Fees- Legal)	\$ 50,000	\$ 165,620	\$ 115,620	231.24%
Other line-item variances in other Indirect Expenses	\$ 2,485,676	\$ 2,423,007	\$ (62,669)	-2.52%
Net overage from other indirect expenses (all funds)			\$ (201,057)	
Plus CLE & CPF fund variances	\$ 1,538,280	\$ 1,544,856	\$ (6,576)	
		Total net savings in indirect expenses	\$ (201,275)	

<i>Direct Expenses: Over or (Under) Projected Amounts</i>	<i>Budget</i>	<i>Actual</i>	<i>Difference</i>	<i>Percentage Difference</i>
Software Maintenance & Licensing (IT)	\$ 270,000	\$ 207,688	\$ (62,312)	-23.08%
Court Reporters & Litigation (Discipline)	\$ 110,000	\$ 56,582	\$ (53,418)	-48.56%
Printing, Copy, Mailing (NW Lawyer)	\$ 250,000	\$ 207,877	\$ (42,123)	-16.85%
Third Party Services (IT)	\$ 74,050	\$ 44,826	\$ (29,224)	-39.47%
Hardware Service & Warranties (IT)	\$ 47,000	\$ 21,861	\$ (25,139)	-53.49%
Legislative (aggregate)	\$ 24,700	\$ 6,783	\$ (17,917)	-72.54%
Outside Counsel (Disciplinary Board)	\$ 55,000	\$ 39,750	\$ (15,250)	-27.73%
Other line-item variances	\$ 1,658,474	\$ 1,642,135	\$ (16,339)	-0.99%
		Total net savings in direct expenses	\$ (261,722)	

Total reduction in budgeted deficit \$ 1,164,383



WSBA Financial Reports

(Audited)

Year to Date September 30, 2018

Prepared by Tiffany Lynch, Associate Director for Finance

Submitted by

Ann Holmes, Chief Operations Officer

December 20, 2018

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Tiffany Lynch, Associate Director for Finance

Re: Key Financial Benchmarks for the Fiscal Year to Date (YTD) through September 30, 2018

Date: December 20, 2018

	% of Year	Current Year % YTD	Current Year \$ Difference ¹	Prior Year YTD	Comments
Salaries	100.00%	99.14%/101.00% ²	\$111,867 (Over budget)	98.58%	Over budget (Lower capital labor and higher temporary employees)
Benefits	100.00%	97.38%	\$105,509 (Under budget)	96.41%	Under budget (Open positions and lower unemployment insurance rates)
Other Indirect Expenses	100.00%	94.13%	\$201,057 (Under budget)	92.80%	Under budget (IT cost savings and depreciation)
Total Indirect Expenses	100.00%	98.96%	\$194,699 (Under budget)	97.04%	Under budget overall

General Fund Revenues	100.00%	103.71%	\$701,386 (Over budget)	104.11%	Over budget (Higher license fees, pro hac vice, MCLE, interest income)
General Fund Direct Expenses	100.00%	89.49%	\$261,722 (Under budget)	89.39%	Under budget (Lower program spending)

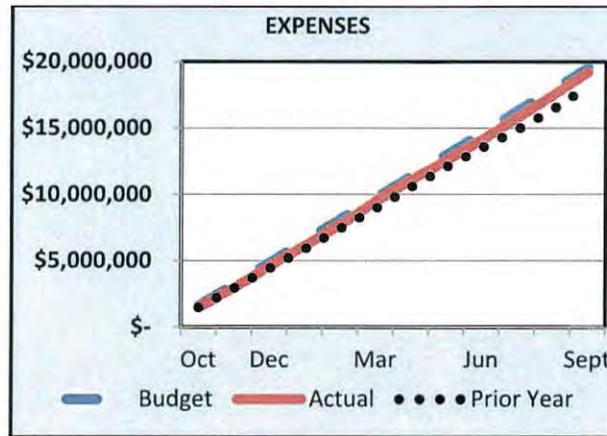
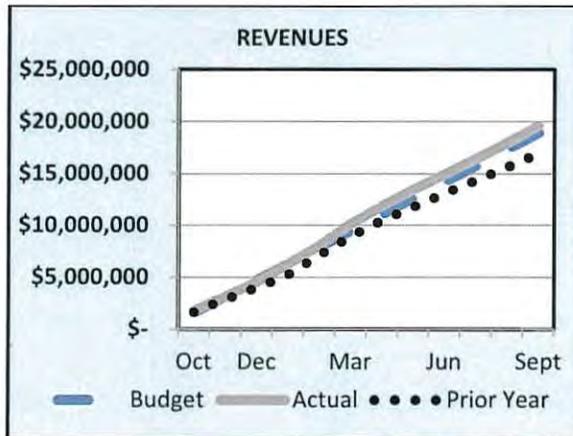
CLE Revenue	100.0%	100.90%	\$18,210 (Over budget)	77.16%	Over budget (Higher seminar registrations)
CLE Direct Expenses	100.00%	82.15%	\$120,002 (Under budget)	66.13%	Under budget (Seminar cost savings)
CLE Indirect Expenses	100.00%	100.38%	\$5,160 (Over budget)	96.41%	Over budget (Higher salaries and benefits)

¹ Dollar difference is calculated based on pro-rated budget (amended by the BOG on March 8, 2018) figures (total annual budget figures divided by 12 months) minus actual revenue and expense amounts as of September 30, 2018 (12 months into the fiscal year).

² The first figure represents salaries expense for regular employees. The second figure represents salaries expense for regular and temporary staff with offsets from allowance for open positions and capital labor & overhead.

KEY FINANCIAL BENCHMARKS THROUGH September 30, 2018 (100.00% of the year)

GENERAL FUND *(Supports regulatory functions and most services to members and the public)*



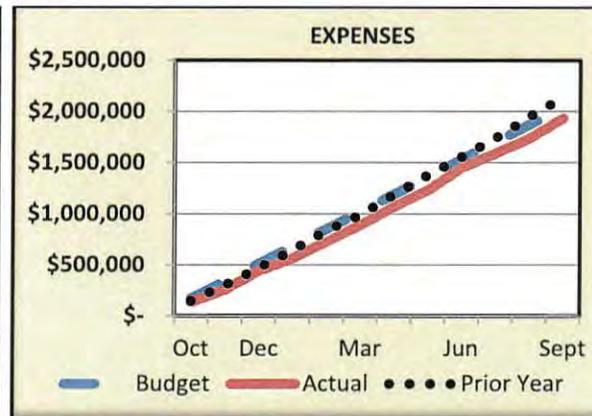
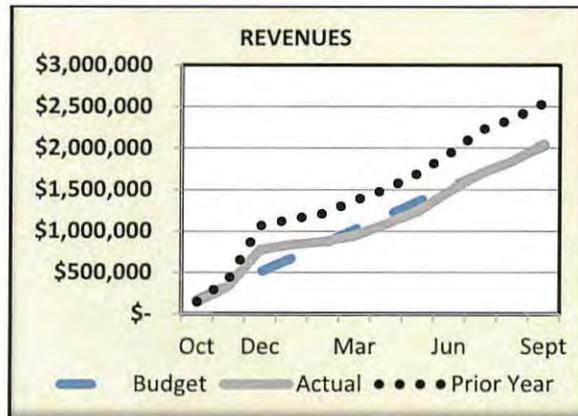
REVENUES: The majority of revenues collected for FY 2018 are from license fees, which came in **2.26%** better than budget. Additional items that were higher than budget include interest income, New Member Programs revenue, *pro hac vice* and mandatory continuing legal education fees.

EXPENSES: Indirect expenses (salaries, benefits, overhead) finished the year slightly under budget at **98.83%** mainly due to lower than anticipated technology and depreciation expenses. Direct expenses remained under budget at **89.49%** as anticipated.

NET RESULT: FY 2018 finished the year better than budgeted.

	<u>FY18 Budget</u>	<u>FY18 Actuals</u>	<u>Variance</u>
Revenues	\$18,913,199	\$19,614,585	\$701,386
Expenses	<u>\$19,645,474</u>	<u>\$19,182,478</u>	\$462,996
Profit/(Loss)	<u>(\$732,275)</u>	<u>\$432,107</u>	\$1,164,382

CLE FUND



REVENUES: Actual revenue came in slightly over budget at **100.90%** due to higher seminar registrations and sponsorships.

EXPENSES: Indirect expenses finished the year slightly over budget at **100.38%** due to higher than expected salaries and benefits. Direct expenses were lower than budget at **82.15%** from cost savings on marketing materials and facilities.

NET RESULT: For FY 2018 the CLE fund finished the year better than budgeted.

	<u>FY18 Budget</u>	<u>FY18 Actuals</u>	<u>Variance</u>
Revenues	\$2,032,235	\$2,050,445	\$18,210
Expenses	<u>\$2,046,744</u>	<u>\$1,931,902</u>	\$114,842
Profit/(Loss)	<u>(\$14,509)</u>	<u>\$118,543</u>	\$133,052

CLIENT PROTECTION FUND

REVENUES: Actual revenues for FY 2018 came in **\$76,253** or **7.68%** ahead of budget.

EXPENSES: Actual expenses finished the year over budget by **\$516,250 (191.08%)** as the amount of gifts to injured clients came in higher than anticipated.

NET RESULT: The Client Protection Fund came in **\$439,997** over budget for FY 2018.

FUND BALANCE: The FY 2018 year end fund balance for the Client Protection Fund was \$3,227,988 versus a budget of \$3,667,986.

SECTIONS OPERATIONS

REVENUES: Overall revenue for Sections Operations was **\$4,954 (0.81%)** higher than budget mainly from interest income on section fund balances, mini-CLE, and seminar profit splits.

EXPENSES: Actual direct expenses finished the year **\$247,814 (72.57%)** below budget driven by lower than anticipated expenses for seminars/mini-CLEs, special projects, scholarships/donations/grants, executive committees, and membership and recruiting.

NET RESULT: For the year, Sections Operations finished the year **\$252,768** better than budget.

FUND BALANCE: The FY 2018 year end fund balance for Sections Operations was \$1,160,343 versus a budget of \$907,575.

WASHINGTON STATE BAR ASSOCIATION
STATEMENTS OF FINANCIAL POSITION (Audited)
SEPTEMBER 30, 2018

ASSETS	General	CLE	Sections	CPF	Western States Bar Conference	TOTAL
Cash & cash equivalents	221,994.53	155,257.57	217,036.48		19,631.90	613,920.48
Investments- money market + CDs	4,338,052.70		1,000,000.00			5,338,052.70
Investments- equities/bond funds	3,264,336.24					3,264,336.24
Restricted Cash				798,154.85		798,154.85
Restricted Investments- money market + CDs				3,390,556.12		3,390,556.12
Due to/from GF-CPF	155,395.02			(155,395.02)		-
Due to/from GF-WSBC	42,791.88				(42,791.88)	-
<i>Receivables</i>						
Accounts Receivable	11,540.02	2,955.01	35.00			14,530.03
A/R Misc	133,292.12	794.00				134,086.12
Accrued Interest Receivables	2,950.71					2,950.71
Allowance for Bad Debt	(3,348.00)					(3,348.00)
OP Backorders		8,533.50				8,533.50
CLE inventory		387,539.26				387,539.26
Deferred seminar costs		1,637.27				1,637.27
Prepaid expenses	241,039.69	96,359.90	2,306.49		31,500.00	371,206.08
Property & equipment, net	1,592,558.36					1,592,558.36
TOTAL ASSETS	10,000,603.27	653,076.51	1,219,377.97	4,033,315.95	8,340.02	15,914,713.72
LIABILITIES						
Accounts payable	635,927.07	16,418.81	46,868.45			699,214.33
Accounts payable-year end/misc	14,946.22		430.54			15,376.76
Refunds payable	1,071.23	39.60				1,110.83
CPF committed gifts				802,490.28		802,490.28
Accrued expenses	509,187.10	47,785.04	11,736.93	2,837.23		571,546.30
Future rent obligations	1,029,869.11					1,029,869.11
Unearned seminar/other revenue		(15,291.69)				(15,291.69)
Deferred licensing fees	3,861,422.81					3,861,422.81
Other deferred revenue	104,451.86					104,451.86
Deferred grant revenue	47,869.89					47,869.89
LAW Fund/WSBF Contributions						-
BOG Special Fund						-
TOTAL LIABILITIES	6,204,745.29	48,951.76	59,035.92	805,327.51	-	7,118,060.48
FUND BALANCE	3,795,857.98	604,124.75	1,160,342.05	3,227,988.44	8,340.02	8,796,653.24
check	-	-	-	-	-	-
Allocation of Fund Balances						
Restricted Funds:						
CPF Fund				3,227,988.44		3,227,988.44
Western States Bar Conference					8,340.02	8,340.02
Board-Designated Funds:						
CLE Fund		604,124.75				604,124.75
Section Fund			1,160,342.05			1,160,342.05
Operating Reserve Fund	1,500,000.00					1,500,000.00
Facilities Reserve Fund	450,000.00					450,000.00
Unrestricted Fund Balance	1,845,857.98					1,845,857.98
Total Fund Balance	3,795,857.98	604,124.75	1,160,342.05	3,227,988.44	8,340.02	8,796,653.24

Washington State Bar Association Financial Summary
Year to Date as of September 30, 2018 100.00% of Year
Compared to Fiscal Year 2018 Budget

Category	Actual Revenues	Budgeted Revenues	Actual Indirect Expenses	Budgeted Indirect Expenses	Actual Direct Expenses	Budgeted Direct Expenses	Actual Total Expenses	Budgeted Total Expenses	Actual Net Result	Budgeted Net Result
Access to Justice	-	-	257,558	259,434	38,616	51,600	296,174	311,034	(206,174)	(311,034)
Administration	133,785	55,000	1,077,559	1,081,774	2,412	3,045	1,079,971	1,084,819	(946,186)	(1,029,819)
Admissions/Bar Exam	1,304,910	1,327,400	793,979	788,834	375,035	392,117	1,169,013	1,180,951	135,897	146,449
Board of Governors	-	-	541,615	522,727	273,076	280,080	814,691	802,807	(814,691)	(802,807)
Communications Strategies	34,219	44,750	516,144	533,961	98,144	103,440	614,288	637,401	(580,069)	(592,651)
Conference & Broadcast Services	-	-	745,992	736,233	5,707	4,700	751,699	740,933	(751,699)	(740,933)
Discipline	104,920	130,300	5,413,896	5,474,703	193,886	256,826	5,607,782	5,731,529	(5,502,862)	(5,601,229)
Diversity	105,564	100,374	411,295	420,525	22,410	25,250	433,705	445,775	(328,141)	(345,401)
Foundation	-	-	149,515	151,053	5,560	17,600	155,075	168,653	(155,075)	(168,653)
Human Resources	-	-	380,715	271,830	-	-	380,715	271,830	(380,715)	(271,830)
Law Clerk Program	128,150	112,000	111,440	111,678	5,605	4,350	117,045	116,028	11,105	(4,028)
Legislative	-	-	82,517	126,743	6,783	24,700	89,300	151,443	(89,300)	(151,443)
Licensing and Membership Records	375,221	284,700	658,376	660,794	45,511	45,956	703,888	706,790	(328,667)	(422,090)
Licensing Fees	15,409,133	15,068,125	-	-	-	-	-	-	15,409,133	15,068,125
Limited License Legal Technician	-	-	233,294	234,401	21,834	25,600	255,129	260,001	(255,129)	(260,001)
Limited Practice Officers	-	-	157,265	159,464	2,825	3,000	160,090	156,182	(160,090)	(162,464)
Mandatory CLE	820,413	781,000	635,503	540,324	243,013	238,444	778,516	778,768	41,897	(17,768)
Member Assistance Program	12,595	10,000	127,391	132,743	1,002	1,500	128,393	134,243	(115,797)	(124,243)
Member Benefits	11,115	-	42,703	42,808	115,064	123,760	167,767	166,568	(146,652)	(166,568)
Mentorship Program	-	-	101,980	106,393	7,878	11,225	109,855	117,618	(109,855)	(117,618)
New Member Program	143,118	53,200	254,448	262,549	23,173	35,780	277,621	298,329	(134,503)	(245,129)
NW Lawyer	577,759	538,350	214,127	225,207	380,594	434,500	594,721	659,707	(16,962)	(121,357)
Office of General Counsel	520	-	707,900	811,295	6,378	13,296	714,276	824,591	(713,756)	(824,591)
OGC-Disciplinary Board	-	-	191,253	203,346	84,549	103,500	275,803	306,846	(275,803)	(306,846)
Outreach and Engagement	-	-	367,152	364,777	18,329	22,750	385,481	387,527	(385,481)	(387,527)
Practice Management Assistance	41,304	15,000.00	202,166	208,292	1,139	5,850	203,305	214,142	(162,000)	(199,142)
Practice of Law Board	-	-	101,398	103,433	18,208	15,200	119,606	118,633	(119,606)	(118,633)
Professional Responsibility Program	-	-	259,856	278,623	8,788	6,300	268,644	284,923	(268,644)	(284,923)
Public Service Programs	106,141	105,000	189,600	227,477	210,249	224,615	399,849	452,092	(293,708)	(347,092)
Publication and Design Services	-	-	159,027	158,281	4,100	4,100	163,127	162,381	(162,381)	(162,381)
Sections Administration	305,719	308,000	442,276	464,658	7,641	10,100	449,916	475,058	(144,158)	(167,058)
Technology	-	-	1,527,036	1,491,590	-	-	1,527,036	1,491,590	(1,527,036)	(1,491,590)
Subtotal General Fund	19,614,585	18,913,199	16,954,975	17,156,250	2,227,502	2,489,224	19,182,478	19,645,474	(432,107)	(732,275)
Expenses using reserve funds	-	-	-	-	-	-	-	-	0	-
Total General Fund - Net Result from Operations	-	-	-	-	-	-	19,182,478	-	432,107	(732,275)
Percentage of Budget	103.71%	-	98.83%	-	89.49%	-	97.64%	-	-	-
CLE-Seminars and Products	1,921,199	1,862,235	1,134,808	1,128,154	485,656	577,582	1,620,461	1,705,736	300,739.0	156,499
CLE - Deskbooks	129,246	170,000	244,821	246,313	66,619	94,695	311,441	341,008	(182,195.3)	(171,008)
Total CLE	2,050,445	2,032,235	1,379,627	1,374,467	552,275	672,277	1,931,902	2,046,744	118,542.7	(14,509)
Percentage of Budget	100.90%	-	100.38%	-	82.16%	-	94.39%	-	-	-
Total All Sections	618,165	613,210	-	-	655,549	903,363	655,549	903,363	(37,384.0)	(290,152)
Client Protection Fund-Restricted	1,068,753	992,500	165,229	163,813	917,834	403,000	1,083,063	566,813	(14,310.4)	425,687
Management of Western States Bar Conference (No WSBA Funds)	43,050	49,900	-	-	54,342	46,860	54,342	46,860	(11,291.9)	3,040
Totals	23,394,997	22,601,044	18,499,831	18,694,530	4,407,502	4,514,723.50	22,907,334	23,209,254	487,663.6	(608,209)
Percentage of Budget	103.51%	-	98.96%	-	97.63%	-	98.70%	-	-	-

Summary of Fund Balances:	Fund Balances Sept. 30, 2017	2018 Budgeted Fund Balances	Fund Balances Year to Date
Restricted Funds:			
Client Protection Fund	3,242,299	3,667,986	3,227,988
Western States Bar Conference	19,632	22,672	8,340
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	485,582	471,073	604,125
Section Funds	1,197,726	907,574	1,160,342
Board-Designated Funds (General Fund):			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	200,000	200,000	450,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	1,663,751	931,476	1,845,858
Total General Fund Balance	3,363,751	2,631,476	3,795,858
Net Change in general Fund Balance	-	(732,275)	432,107
Total Fund Balance	8,308,990	7,700,781	8,796,653
Net Change in Fund Balance	-	(608,209)	487,664

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2018 to September 30, 2018

100.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSE FEES					
REVENUE:					
LICENSE FEES	14,953,000.00	1,301,154.79	15,294,156.85	(341,156.85)	102.28%
LLLT LICENSE FEES	6,125.00	668.71	5,616.25	508.75	91.69%
LPO LICENSE FEES	109,000.00	9,110.33	109,359.98	(359.98)	100.33%
TOTAL REVENUE:	15,068,125.00	1,310,933.83	15,409,133.08	(341,008.08)	102.26%

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2018 to September 30, 2018
100.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ACCESS TO JUSTICE					
REVENUE:	_____	_____	_____	_____	_____
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
ATJ BOARD RETREAT	2,000.00	-	2,290.20	(290.20)	114.51%
LEADERSHIP TRAINING	2,000.00	-	802.00	1,198.00	40.10%
ATJ BOARD EXPENSE	24,000.00	5,855.28	20,912.13	3,087.87	87.13%
ATJ BOARD COMMITTEES EXPENSE	3,000.00	81.88	2,742.40	257.60	91.41%
STAFF TRAVEL/PARKING	2,700.00	476.42	1,305.04	1,394.96	48.33%
PUBLIC DEFENSE	8,400.00	876.50	5,188.62	3,211.38	61.77%
RECEPTION/FORUM EXPENSE	9,500.00	1,743.34	5,375.65	4,124.35	56.59%
TOTAL DIRECT EXPENSES:	51,600.00	9,033.42	38,616.04	12,983.96	74.84%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.10 FTE)	152,813.00	12,215.41	154,309.86	(1,496.86)	100.98%
BENEFITS EXPENSE	55,627.00	4,553.27	55,124.13	502.87	99.10%
OTHER INDIRECT EXPENSE	50,994.00	4,623.62	48,124.04	2,869.96	94.37%
TOTAL INDIRECT EXPENSES:	259,434.00	21,392.30	257,558.03	1,875.97	99.28%
TOTAL ALL EXPENSES:	311,034.00	30,425.72	296,174.07	14,859.93	95.22%
NET INCOME (LOSS):	(311,034.00)	(30,425.72)	(296,174.07)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2018 to September 30, 2018
100.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMINISTRATION					
REVENUE:					
INTEREST INCOME	25,000.00	(10,638.72)	117,509.90	(92,509.90)	470.04%
GAIN/LOSS ON INVESTMENTS	30,000.00	(4,008.13)	16,275.38	13,724.62	54.25%
TOTAL REVENUE:	55,000.00	(14,646.85)	133,785.28	(78,785.28)	243.25%
DIRECT EXPENSES:					
CREDIT CARD MERCHANT FEES	-	458.04	(1,741.59)	1,741.59	
STAFF TRAVEL/PARKING	2,500.00	(307.84)	3,588.16	(1,088.16)	143.53%
STAFF MEMBERSHIP DUES	545.00	-	565.00	(20.00)	103.67%
TOTAL DIRECT EXPENSES:	3,045.00	150.20	2,411.57	633.43	79.20%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.88 FTE)	663,826.00	50,682.88	676,805.11	(12,979.11)	101.96%
BENEFITS EXPENSE	226,598.00	18,309.45	220,531.34	6,066.66	97.32%
OTHER INDIRECT EXPENSE	191,350.00	17,315.26	180,222.91	11,127.09	94.18%
TOTAL INDIRECT EXPENSES:	1,081,774.00	86,307.59	1,077,559.36	4,214.64	99.61%
TOTAL ALL EXPENSES:	1,084,819.00	86,457.79	1,079,970.93	4,848.07	99.55%
NET INCOME (LOSS):	(1,029,819.00)	(101,104.64)	(946,185.65)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2018 to September 30, 2018
100.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMISSIONS					
REVENUE:					
EXAM SOFT REVENUE	35,000.00	23,765.00	34,685.00	315.00	99.10%
BAR EXAM FEES	1,200,000.00	38,490.00	1,189,393.60	10,606.40	99.12%
RPC BOOKLETS	-	-	866.22	(866.22)	
SPECIAL ADMISSIONS	60,000.00	2,780.00	43,965.00	16,035.00	73.28%
LLLT EXAM FEES	7,500.00	300.00	4,450.00	3,050.00	59.33%
LLLT WAIVER FEES	900.00	300.00	450.00	450.00	50.00%
LPO EXAMINATION FEES	24,000.00	4,400.00	31,100.00	(7,100.00)	129.58%
TOTAL REVENUE:	1,327,400.00	70,035.00	1,304,909.82	22,490.18	98.31%
DIRECT EXPENSES:					
DEPRECIATION	2,222.00	-	-	2,222.00	0.00%
POSTAGE	4,000.00	1,271.69	3,940.88	59.12	98.52%
STAFF TRAVEL/PARKING	10,240.00	233.89	16,066.28	(5,826.28)	156.90%
STAFF MEMBERSHIP DUES	400.00	-	616.00	(216.00)	154.00%
SUPPLIES	1,000.00	6.01	3,920.19	(2,920.19)	392.02%
FACILITY, PARKING, FOOD	66,000.00	-	81,011.11	(15,011.11)	122.74%
EXAMINER FEES	35,000.00	9,250.00	34,500.00	500.00	98.57%
UBE EXMINATIONS	130,000.00	31.00	115,429.00	14,571.00	88.79%
BOARD OF BAR EXAMINERS	25,000.00	(6,656.29)	29,434.93	(4,434.93)	117.74%
BAR EXAM PROCTORS	30,000.00	-	27,122.50	2,877.50	90.41%
CHARACTER & FITNESS BOARD	20,000.00	2,086.93	15,506.48	4,493.52	77.53%
DISABILITY ACCOMMODATIONS	20,000.00	-	12,987.93	7,012.07	64.94%
CHARACTER & FITNESS INVESTIGATIONS	900.00	66.24	3,265.15	(2,365.15)	362.79%
LAW SCHOOL VISITS	1,000.00	73.56	497.31	502.69	49.73%
EXAM WRITING	28,355.00	-	21,000.00	7,355.00	74.06%
COURT REPORTERS	18,000.00	2,588.37	9,323.86	8,676.14	51.80%
PRINTING & COPYING	-	-	412.94	(412.94)	
TOTAL DIRECT EXPENSES:	392,117.00	8,951.40	375,034.56	17,082.44	95.64%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.20 FTE)	463,690.00	49,807.13	485,976.43	(22,286.43)	104.81%
BENEFITS EXPENSE	174,590.00	13,761.23	166,213.97	8,376.03	95.20%
OTHER INDIRECT EXPENSE	150,554.00	13,622.52	141,788.24	8,765.76	94.18%
TOTAL INDIRECT EXPENSES:	788,834.00	77,190.88	793,978.64	(5,144.64)	100.65%
TOTAL ALL EXPENSES:	1,180,951.00	86,142.28	1,169,013.20	11,937.80	98.99%
NET INCOME (LOSS):	146,449.00	(16,107.28)	135,896.62		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2018 to September 30, 2018
100.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
BOG/OED					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,700.00	485.00	5,099.00	(399.00)	108.49%
STAFF MEMBERSHIP DUES	1,880.00	-	1,981.00	(101.00)	105.37%
TELEPHONE	1,000.00	62.98	884.09	115.91	88.41%
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	-	60,000.00	-	100.00%
BOG MEETINGS	115,000.00	14,005.57	144,182.07	(29,182.07)	125.38%
BOG COMMITTEES' EXPENSES	30,000.00	3,448.01	28,291.77	1,708.23	94.31%
BOG CONFERENCE ATTENDANCE	17,500.00	-	7,859.16	9,640.84	44.91%
BOG TRAVEL & OUTREACH	45,000.00	2,380.05	21,129.65	23,870.35	46.95%
ED TRAVEL & OUTREACH	5,000.00	239.72	3,649.05	1,350.95	72.98%
TOTAL DIRECT EXPENSES:	280,080.00	20,621.33	273,075.79	7,004.21	97.50%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	357,754.00	42,692.71	381,379.75	(23,625.75)	106.60%
BENEFITS EXPENSE	105,480.00	8,607.07	104,036.35	1,443.65	98.63%
OTHER INDIRECT EXPENSE	59,493.00	5,399.38	56,198.64	3,294.36	94.46%
TOTAL INDIRECT EXPENSES:	522,727.00	56,699.16	541,614.74	(18,887.74)	103.61%
TOTAL ALL EXPENSES:	802,807.00	77,320.49	814,690.53	(11,883.53)	101.48%
NET INCOME (LOSS):	(802,807.00)	(77,320.49)	(814,690.53)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2018 to September 30, 2018
100.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
COMMUNICATION STRATEGIES					
REVENUE:					
APEX LUNCH/DINNER	44,000.00	30,577.96	32,552.96	11,447.04	73.98%
50 YEAR MEMBER TRIBUTE LUNCH	750.00	-	550.00	200.00	73.33%
WSBA LOGO MERCHANDISE SALES	-	415.86	1,115.86	(1,115.86)	
TOTAL REVENUE:	44,750.00	30,993.82	34,218.82	10,531.18	76.47%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	2,640.00	-	4,136.27	(1,496.27)	156.68%
STAFF MEMBERSHIP DUES	1,700.00	-	1,032.50	667.50	60.74%
SUBSCRIPTIONS	10,050.00	38.52	6,766.93	3,283.07	67.33%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	10.00	845.00	605.00	58.28%
APEX DINNER	63,000.00	47,922.12	71,093.04	(8,093.04)	112.85%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	(800.00)	8,104.98	(104.98)	101.31%
BAR OUTREACH	-	178.33	178.33	(178.33)	
COMMUNICATIONS OUTREACH	15,000.00	410.31	5,821.77	9,178.23	38.81%
SPEAKERS & PROGRAM DEVELOP	1,600.00	-	-	1,600.00	0.00%
TELEPHONE	-	26.59	79.85	(79.85)	
CONFERENCE CALLS	-	85.24	85.24	(85.24)	
TOTAL DIRECT EXPENSES:	103,440.00	47,871.11	98,143.91	5,296.09	94.88%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.68 FTE)	305,254.00	25,827.21	304,137.54	1,116.46	99.63%
BENEFITS EXPENSE	115,063.00	9,656.07	104,776.78	10,286.22	91.06%
OTHER INDIRECT EXPENSE	113,644.00	10,302.27	107,229.42	6,414.58	94.36%
TOTAL INDIRECT EXPENSES:	533,961.00	45,785.55	516,143.74	17,817.26	96.66%
TOTAL ALL EXPENSES:	637,401.00	93,656.66	614,287.65	23,113.35	96.37%
NET INCOME (LOSS):	(592,651.00)	(62,662.84)	(580,068.83)		

Washington State Bar Association
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100.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONFERENCE & BROADCAST SERVICES					
REVENUE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL REVENUE:	<u> -</u>	<u> -</u>	<u> -</u>	<u> -</u>	<u> -</u>
DIRECT EXPENSES:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
STAFF TRAVEL/PARKING	1,200.00	75.00	525.00	675.00	43.75%
TRANSLATION SERVICES	3,500.00	584.60	5,182.40	(1,682.40)	148.07%
TOTAL DIRECT EXPENSES:	<u style="text-align: right;">4,700.00</u>	<u style="text-align: right;">659.60</u>	<u style="text-align: right;">5,707.40</u>	<u style="text-align: right;">(1,007.40)</u>	<u style="text-align: right;">121.43%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (7.15 FTE)	400,338.00	38,422.00	417,643.46	(17,305.46)	104.32%
BENEFITS EXPENSE	162,272.00	13,609.09	164,383.63	(2,111.63)	101.30%
OTHER INDIRECT EXPENSE	173,623.00	15,732.65	163,964.47	9,658.53	94.44%
TOTAL INDIRECT EXPENSES:	<u style="text-align: right;">736,233.00</u>	<u style="text-align: right;">67,763.74</u>	<u style="text-align: right;">745,991.56</u>	<u style="text-align: right;">(9,758.56)</u>	<u style="text-align: right;">101.33%</u>
TOTAL ALL EXPENSES:	<u style="text-align: right;">740,933.00</u>	<u style="text-align: right;">68,423.34</u>	<u style="text-align: right;">751,698.96</u>	<u style="text-align: right;">(10,765.96)</u>	<u style="text-align: right;">101.45%</u>
NET INCOME (LOSS):	<u style="text-align: right;">(740,933.00)</u>	<u style="text-align: right;">(68,423.34)</u>	<u style="text-align: right;">(751,698.96)</u>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DISCIPLINE					
REVENUE:					
AUDIT REVENUE	2,300.00	42.50	4,360.00	(2,060.00)	189.57%
RECOVERY OF DISCIPLINE COSTS	115,000.00	2,763.00	84,660.88	30,339.12	73.62%
DISCIPLINE HISTORY SUMMARY	13,000.00	1,249.35	15,898.91	(2,898.91)	122.30%
TOTAL REVENUE:	130,300.00	4,054.85	104,919.79	25,380.21	80.52%
DIRECT EXPENSES:					
DEPRECIATION-SOFTWARE	17,028.00	858.00	10,300.00	6,728.00	60.49%
PUBLICATIONS PRODUCTION	330.00	-	221.98	108.02	67.27%
STAFF TRAVEL/PARKING	39,460.00	1,142.35	31,788.43	7,671.57	80.56%
STAFF MEMBERSHIP DUES	3,308.00	-	3,101.00	207.00	93.74%
TELEPHONE	2,800.00	185.92	2,211.44	588.56	78.98%
COURT REPORTERS	65,000.00	3,950.10	36,170.70	28,829.30	55.65%
OUTSIDE COUNSEL/AIC	2,000.00	-	-	2,000.00	0.00%
LITIGATION EXPENSES	30,000.00	1,621.13	19,203.78	10,796.22	64.01%
DISABILITY EXPENSES	15,000.00	-	1,207.60	13,792.40	8.05%
ONLINE LEGAL RESEARCH	66,900.00	11,154.51	66,936.04	(36.04)	100.05%
LAW LIBRARY	12,000.00	7,697.11	19,995.91	(7,995.91)	166.63%
TRANSLATION SERVICES	3,000.00	-	2,748.88	251.12	91.63%
TOTAL DIRECT EXPENSES:	256,826.00	26,609.12	193,885.76	62,940.24	75.49%
INDIRECT EXPENSES:					
SALARY EXPENSE (36.89 FTE)	3,436,749.00	269,373.50	3,430,342.46	6,406.54	99.81%
BENEFITS EXPENSE	1,142,156.00	94,976.96	1,139,283.40	2,872.60	99.75%
OTHER INDIRECT EXPENSE	895,798.00	81,114.75	844,270.13	51,527.87	94.25%
TOTAL INDIRECT EXPENSES:	5,474,703.00	445,465.21	5,413,895.99	60,807.01	98.89%
TOTAL ALL EXPENSES:	5,731,529.00	472,074.33	5,607,781.75	123,747.25	97.84%
NET INCOME (LOSS):	(5,601,229.00)	(468,019.48)	(5,502,861.96)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DIVERSITY					
REVENUE:					
DONATIONS	90,000.00	-	97,500.00	(7,500.00)	108.33%
SEMINAR REGISTRATIONS	-	-	275.00	(275.00)	
WORK STUDY GRANTS	10,374.00	1,732.50	5,593.88	4,780.12	53.92%
SPONSORSHIPS	-	2,194.90	2,194.90	(2,194.90)	
TOTAL REVENUE:	100,374.00	3,927.40	105,563.78	(5,189.78)	105.17%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	8,000.00	(79.65)	4,774.92	3,225.08	59.69%
STAFF MEMBERSHIP DUES	350.00	181.00	497.00	(147.00)	142.00%
COMMITTEE FOR DIVERSITY	6,200.00	1,341.75	4,934.65	1,265.35	79.59%
DIVERSITY EVENTS & PROJECTS	10,000.00	8.80	12,038.35	(2,038.35)	120.38%
INTERNAL DIVERSITY OUTREACH	200.00	-	-	200.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	500.00	-	-	500.00	0.00%
PRINTING & COPYING	-	-	165.35	(165.35)	
TOTAL DIRECT EXPENSE:	25,250.00	1,451.90	22,410.27	2,839.73	88.75%
INDIRECT EXPENSES:					
SALARY EXPENSE (3.21 FTE)	255,821.00	20,240.35	251,269.72	4,551.28	98.22%
BENEFITS EXPENSE	86,756.00	7,171.24	86,708.69	47.31	99.95%
OTHER INDIRECT EXPENSE	77,948.00	7,044.01	73,316.42	4,631.58	94.06%
TOTAL INDIRECT EXPENSES:	420,525.00	34,455.60	411,294.83	9,230.17	97.81%
TOTAL ALL EXPENSES:	445,775.00	35,907.50	433,705.10	12,069.90	97.29%
NET INCOME (LOSS):	(345,401.00)	(31,980.10)	(328,141.32)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
FOUNDATION					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	3,000.00	-	2,906.40	93.60	96.88%
PRINTING & COPYING	1,500.00	-	908.25	591.75	60.55%
STAFF TRAVEL/PARKING	1,500.00	-	389.07	1,110.93	25.94%
STAFF MEMBERSHIP DUES	600.00	(25.00)	-	600.00	0.00%
SUPPLIES	500.00	4.29	102.55	397.45	20.51%
SPECIAL EVENTS	5,000.00	268.29	280.20	4,719.80	5.60%
BOARD OF TRUSTEES	5,000.00	505.52	973.24	4,026.76	19.46%
GRAPHIC DESIGN	500.00	-	-	500.00	0.00%
TOTAL DIRECT EXPENSES:	17,600.00	753.10	5,559.71	12,040.29	31.59%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.20 FTE)	89,200.00	7,832.41	90,294.84	(1,094.84)	101.23%
BENEFITS EXPENSE	32,713.00	2,630.33	31,766.92	946.08	97.11%
OTHER INDIRECT EXPENSE	29,140.00	2,637.64	27,453.31	1,686.69	94.21%
TOTAL INDIRECT EXPENSES:	151,053.00	13,100.38	149,515.07	1,537.93	98.98%
TOTAL ALL EXPENSES:	168,653.00	13,853.48	155,074.78	13,578.22	91.95%
NET INCOME (LOSS):	(168,653.00)	(13,853.48)	(155,074.78)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
HUMAN RESOURCES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	150.00	-	69.50	80.50	46.33%
STAFF MEMBERSHIP DUES	1,188.00	-	1,161.00	27.00	97.73%
SUBSCRIPTIONS	1,938.00	200.00	2,312.92	(374.92)	119.35%
STAFF TRAINING- GENERAL	29,400.00	1,964.31	29,004.95	395.05	98.66%
RECRUITING AND ADVERTISING	7,000.00	238.99	4,527.12	2,472.88	64.67%
PAYROLL PROCESSING	55,000.00	4,485.86	46,158.61	8,841.39	83.92%
SALARY SURVEYS	2,900.00	-	949.60	1,950.40	32.74%
THIRD PARTY SERVICES	22,500.00	(6,812.25)	28,487.25	(5,987.25)	126.61%
TRANSFER TO INDIRECT EXPENSE	(120,076.00)	(76.91)	(112,670.95)	(7,405.05)	93.83%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (2.48 FTE)	251,079.00	20,024.27	243,762.55	7,316.45	97.09%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
BENEFITS EXPENSE	80,529.00	6,621.25	80,108.26	420.74	99.48%
OTHER INDIRECT EXPENSE	60,222.00	5,461.45	56,844.62	3,377.38	94.39%
TOTAL INDIRECT EXPENSES:	271,830.00	32,106.97	380,715.43	(108,885.43)	140.06%
TOTAL ALL EXPENSES:	271,830.00	32,106.97	380,715.43	(108,885.43)	140.06%
NET INCOME (LOSS):	(271,830.00)	(32,106.97)	(380,715.43)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAW CLERK PROGRAM					
REVENUE:					
LAW CLERK FEES	110,000.00	-	124,950.00	(14,950.00)	113.59%
LAW CLERK APPLICATION FEES	2,000.00	700.00	3,200.00	(1,200.00)	160.00%
TOTAL REVENUE:	112,000.00	700.00	128,150.00	(16,150.00)	114.42%
DIRECT EXPENSES:					
SUBSCRIPTIONS	250.00	250.00	500.00	(250.00)	200.00%
CHARACTER & FITNESS INVESTIGATIONS	100.00	-	-	100.00	0.00%
LAW CLERK BOARD EXPENSE	4,000.00	27.81	5,104.87	(1,104.87)	127.62%
TOTAL DIRECT EXPENSES:	4,350.00	277.81	5,604.87	(1,254.87)	128.85%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.85 FTE)	67,292.00	7,803.63	68,981.12	(1,689.12)	102.51%
BENEFITS EXPENSE	23,746.00	1,926.92	23,079.87	666.13	97.19%
OTHER INDIRECT EXPENSE	20,640.00	1,861.85	19,378.80	1,261.20	93.89%
TOTAL INDIRECT EXPENSES:	111,678.00	11,592.40	111,439.79	238.21	99.79%
TOTAL ALL EXPENSES:	116,028.00	11,870.21	117,044.66	(1,016.66)	100.88%
NET INCOME (LOSS):	(4,028.00)	(11,170.21)	11,105.34		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LEGISLATIVE					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	8,000.00	344.74	1,842.41	6,157.59	23.03%
STAFF MEMBERSHIP DUES	450.00	-	-	450.00	0.00%
SUBSCRIPTIONS	2,000.00	-	1,981.80	18.20	99.09%
TELEPHONE	3,000.00	-	240.11	2,759.89	8.00%
OLYMPIA RENT	2,500.00	-	1,918.33	581.67	76.73%
CONTRACT LOBBYIST	5,000.00	-	-	5,000.00	0.00%
LOBBYIST CONTACT COSTS	1,000.00	-	291.81	708.19	29.18%
LEGISLATIVE COMMITTEE	2,500.00	-	267.75	2,232.25	10.71%
BOG LEGISLATIVE COMMITTEE	250.00	-	240.79	9.21	96.32%
TOTAL DIRECT EXPENSES:	24,700.00	344.74	6,783.00	17,917.00	27.46%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.00 FTE)	75,380.00	2,672.69	38,606.36	36,773.64	51.22%
BENEFITS EXPENSE	27,080.00	1,812.41	20,978.77	6,101.23	77.47%
OTHER INDIRECT EXPENSE	24,283.00	2,203.18	22,931.57	1,351.43	94.43%
TOTAL INDIRECT EXPENSES:	126,743.00	6,688.28	82,516.70	44,226.30	65.11%
TOTAL ALL EXPENSES:	151,443.00	7,033.02	89,299.70	62,143.30	58.97%
NET INCOME (LOSS):	(151,443.00)	(7,033.02)	(89,299.70)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSING & MEMBERSHIP RECORDS					
REVENUE:					
STATUS CERTIFICATE FEES	22,000.00	1,190.36	19,068.39	2,931.61	86.67%
RULE 9/LEGAL INTERN FEES	11,000.00	450.00	12,650.00	(1,650.00)	115.00%
INVESTIGATION FEES	20,000.00	1,000.00	22,500.00	(2,500.00)	112.50%
PRO HAC VICE	210,000.00	26,940.00	298,419.00	(88,419.00)	142.10%
MEMBER CONTACT INFORMATION	21,000.00	2,930.65	22,163.63	(1,163.63)	105.54%
PHOTO BAR CARD SALES	700.00	-	420.00	280.00	60.00%
TOTAL REVENUE:	284,700.00	32,511.01	375,221.02	(90,521.02)	131.80%
DIRECT EXPENSES:					
DEPRECIATION	11,496.00	1,151.00	12,659.00	(1,163.00)	110.12%
POSTAGE	31,500.00	170.27	30,804.41	695.59	97.79%
LICENSING FORMS	3,000.00	-	2,048.00	952.00	68.27%
TOTAL DIRECT EXPENSES:	45,996.00	1,321.27	45,511.41	484.59	98.95%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.65 FTE)	410,886.00	37,505.78	416,606.78	(5,720.78)	101.39%
BENEFITS EXPENSE	136,992.00	11,207.21	135,509.10	1,482.90	98.92%
OTHER INDIRECT EXPENSE	112,916.00	10,209.13	106,260.25	6,655.75	94.11%
TOTAL INDIRECT EXPENSES:	660,794.00	58,922.12	658,376.13	2,417.87	99.63%
TOTAL ALL EXPENSES:	706,790.00	60,243.39	703,887.54	2,902.46	99.59%
NET INCOME (LOSS):	(422,090.00)	(27,732.38)	(328,666.52)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED LICENSE LEGAL TECHNICIAN PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	600.00	-	96.00	504.00	16.00%
LLLT BOARD	17,000.00	53.14	18,346.95	(1,346.95)	107.92%
LLLT OUTREACH	8,000.00	750.00	3,391.52	4,608.48	42.39%
TOTAL DIRECT EXPENSES:	25,600.00	803.14	21,834.47	3,765.53	85.29%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.75 FTE)	142,602.00	14,870.17	148,118.92	(5,516.92)	103.87%
BENEFITS EXPENSE	49,304.00	4,016.31	45,125.43	4,178.57	91.52%
OTHER INDIRECT EXPENSE	42,495.00	3,847.87	40,049.68	2,445.32	94.25%
TOTAL INDIRECT EXPENSES:	234,401.00	22,734.35	233,294.03	1,106.97	99.53%
TOTAL ALL EXPENSES:	260,001.00	23,537.49	255,128.50	4,872.50	98.13%
NET INCOME (LOSS):	(260,001.00)	(23,537.49)	(255,128.50)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED PRACTICE OFFICERS					
REVENUE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL REVENUE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
DIRECT EXPENSES:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
LPO BOARD	3,000.00	293.41	2,824.73	175.27	94.16%
TOTAL DIRECT EXPENSES:	<u style="text-align: right;">3,000.00</u>	<u style="text-align: right;">293.41</u>	<u style="text-align: right;">2,824.73</u>	<u style="text-align: right;">175.27</u>	<u style="text-align: right;">94.16%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.16 FTE)	97,589.00	10,074.30	97,759.29	(170.29)	100.17%
BENEFITS EXPENSE	33,707.00	2,743.90	33,021.48	685.52	97.97%
OTHER INDIRECT EXPENSE	<u>28,168.00</u>	<u>2,544.52</u>	<u>26,484.37</u>	<u>1,683.63</u>	<u>94.02%</u>
TOTAL INDIRECT EXPENSES:	<u style="text-align: right;">159,464.00</u>	<u style="text-align: right;">15,362.72</u>	<u style="text-align: right;">157,265.14</u>	<u style="text-align: right;">2,198.86</u>	<u style="text-align: right;">98.62%</u>
TOTAL ALL EXPENSES:	<u style="text-align: right;">162,464.00</u>	<u style="text-align: right;">15,656.13</u>	<u style="text-align: right;">160,089.87</u>	<u style="text-align: right;">2,374.13</u>	<u style="text-align: right;">98.54%</u>
NET INCOME (LOSS):	<u style="text-align: right;">(162,464.00)</u>	<u style="text-align: right;">(15,656.13)</u>	<u style="text-align: right;">(160,089.87)</u>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANDATORY CONTINUING LEGAL EDUCATION					
REVENUE:					
ACCREDITED PROGRAM FEES	282,000.00	31,900.00	298,950.00	(16,950.00)	106.01%
FORM 1 LATE FEES	100,000.00	12,495.00	141,085.00	(41,085.00)	141.09%
MEMBER LATE FEES	203,000.00	(8,275.00)	201,260.00	1,740.00	99.14%
ANNUAL ACCREDITED SPONSOR FEES	27,000.00	250.00	29,750.00	(2,750.00)	110.19%
ATTENDANCE FEES	60,000.00	2,680.00	50,107.00	9,893.00	83.51%
ATTENDANCE LATE FEES	60,000.00	6,055.00	70,910.00	(10,910.00)	118.18%
COMITY CERTIFICATES	29,000.00	350.33	28,351.00	649.00	97.76%
TOTAL REVENUE:	761,000.00	45,455.33	820,413.00	(59,413.00)	107.81%
DIRECT EXPENSES:					
DEPRECIATION	235,944.00	20,675.00	241,657.00	(5,713.00)	102.42%
STAFF MEMBERSHIP DUES	500.00	-	500.00	-	100.00%
MCLE BOARD	2,000.00	80.30	856.06	1,143.94	42.80%
TOTAL DIRECT EXPENSES:	238,444.00	20,755.30	243,013.06	(4,569.06)	101.92%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.80 FTE)	311,815.00	23,163.30	316,725.84	(4,910.84)	101.57%
BENEFITS EXPENSE	113,165.00	8,549.30	109,933.09	3,231.91	97.14%
OTHER INDIRECT EXPENSE	115,344.00	10,457.44	108,844.36	6,499.64	94.36%
TOTAL INDIRECT EXPENSES:	540,324.00	42,170.04	535,503.29	4,820.71	99.11%
TOTAL ALL EXPENSES:	778,768.00	62,925.34	778,516.35	251.65	99.97%
NET INCOME (LOSS):	(17,768.00)	(17,470.01)	41,896.65		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2018 to September 30, 2018
100.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER ASSISTANCE PROGRAM					
REVENUE:					
DIVERSIONS	10,000.00	1,500.00	12,080.00	(2,080.00)	120.80%
LAP GROUPS REVENUE	-	-	515.00	(515.00)	
TOTAL REVENUE:	10,000.00	1,500.00	12,595.00	(2,595.00)	125.95%
DIRECT EXPENSES:					
PUBLICATIONS PRODUCTION	200.00	-	-	200.00	0.00%
STAFF MEMBERSHIP DUES	350.00	-	226.00	124.00	64.57%
CONFERENCE CALLS	100.00	-	-	100.00	0.00%
PROF LIAB INSURANCE	850.00	-	775.50	74.50	91.24%
TOTAL DIRECT EXPENSES:	1,500.00	-	1,001.50	498.50	66.77%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.87 FTE)	79,821.00	6,359.66	80,659.21	(838.21)	101.05%
BENEFITS EXPENSE	31,796.00	2,203.12	26,706.74	5,089.26	83.99%
OTHER INDIRECT EXPENSE	21,126.00	1,923.90	20,024.68	1,101.32	94.79%
TOTAL INDIRECT EXPENSES:	132,743.00	10,486.68	127,390.63	5,352.37	95.97%
TOTAL ALL EXPENSES:	134,243.00	10,486.68	128,392.13	5,850.87	95.64%
NET INCOME (LOSS):	(124,243.00)	(8,986.68)	(115,797.13)		

Washington State Bar Association
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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBERSHIP BENEFITS					
REVENUE:					
MP3 SALES	-	49.00	1,421.00	(1,421.00)	
DIGITAL VIDEO SALES	-	196.00	5,194.00	(5,194.00)	
SEMINAR REVENUE-OTHER	-	-	4,500.00	(4,500.00)	
TOTAL REVENUE:	-	245.00	11,115.00	(11,115.00)	
DIRECT EXPENSES:					
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	-	-	500.00	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	1,700.00	31.80	1,332.22	367.78	78.37%
WSBA CONNECTS	46,560.00	3,880.00	38,800.00	7,760.00	83.33%
CASEMAKER	75,000.00	6,261.21	74,931.74	68.26	99.91%
TOTAL DIRECT EXPENSES:	123,760.00	10,173.01	115,063.96	8,696.04	92.97%
INDIRECT EXPENSES:					
INDIRECT EXPENSES:	23,718.00	1,948.95	24,117.71	(399.71)	101.69%
SALARY EXPENSE (0.40 FTE)	9,377.00	792.85	9,542.23	(165.23)	101.76%
BENEFITS EXPENSE	9,713.00	868.89	9,043.43	669.57	93.11%
OTHER INDIRECT EXPENSE					
TOTAL INDIRECT EXPENSES:	42,808.00	3,610.69	42,703.37	104.63	99.76%
TOTAL ALL EXPENSES:	166,568.00	13,783.70	157,767.33	8,800.67	94.72%
NET INCOME (LOSS):	(166,568.00)	(13,538.70)	(146,652.33)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2018 to September 30, 2018
100.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MENTORSHIP PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	2,000.00	-	831.45	1,168.55	41.57%
SUBSCRIPTIONS	125.00	141.50	141.50	(16.50)	113.20%
CONFERENCE CALLS	100.00	-	10.34	89.66	10.34%
MENTORSHIP PROGRAM EXPENSES	2,500.00	-	526.72	1,973.28	21.07%
RECEPTION/FORUM EXPENSE	6,500.00	266.32	6,365.51	134.49	97.93%
TOTAL DIRECT EXPENSES:	11,225.00	407.82	7,875.52	3,349.48	70.16%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.90 FTE)	61,746.00	4,916.75	58,453.92	3,292.08	94.67%
BENEFITS EXPENSE	22,792.00	1,894.57	22,855.22	(63.22)	100.28%
OTHER INDIRECT EXPENSE	21,855.00	1,985.94	20,670.70	1,184.30	94.58%
TOTAL INDIRECT EXPENSES:	106,393.00	8,797.26	101,979.84	4,413.16	95.85%
TOTAL ALL EXPENSES:	117,618.00	9,205.08	109,855.36	7,762.64	93.40%
NET INCOME (LOSS):	(117,618.00)	(9,205.08)	(109,855.36)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NEW MEMBER PROGRAM					
REVENUE:					
NMP PRODUCT SALES	15,000.00	1,651.00	86,697.05	(71,697.05)	577.98%
SPONSORSHIPS	1,200.00	-	1,095.00	105.00	91.25%
SEMINAR REGISTRATIONS	20,000.00	-	42,993.21	(22,993.21)	214.97%
TRIAL ADVOCACY PROGRAM	17,000.00	-	12,332.25	4,667.75	72.54%
TOTAL REVENUE:	53,200.00	1,651.00	143,117.51	(89,917.51)	269.02%
DIRECT EXPENSES:					
YLL SECTION PROGRAM	1,500.00	236.00	1,029.17	470.83	68.61%
CLE COMPS	1,500.00	-	-	1,500.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	-	1,257.56	742.44	62.88%
STAFF MEMBERSHIP DUES	30.00	-	70.00	(40.00)	233.33%
ONLINE EXPENSES	2,250.00	-	-	2,250.00	0.00%
SEMINAR BROCHURES	1,500.00	-	-	1,500.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	212.81	1,224.94	275.06	81.66%
NEW LAWYER OUTREACH EVENTS	3,000.00	501.77	584.82	2,415.18	19.49%
NEW LAWYERS COMMITTEE	15,000.00	1,934.90	9,327.45	5,672.55	62.18%
OPEN SECTIONS NIGHT	3,000.00	-	5,176.87	(2,176.87)	172.56%
TRIAL ADVOCACY PROGRAM	2,500.00	-	2,757.17	(257.17)	110.29%
SCHOLARSHIPS/DONATIONS/GRANT	2,000.00	-	1,744.93	255.07	87.25%
TOTAL DIRECT EXPENSES:	35,780.00	2,885.48	23,172.91	12,607.09	64.76%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.20 FTE)	152,719.00	13,307.31	147,136.08	5,582.92	96.34%
BENEFITS EXPENSE	56,408.00	4,711.92	56,926.98	(518.98)	100.92%
OTHER INDIRECT EXPENSE	53,422.00	4,840.82	50,384.94	3,037.06	94.31%
TOTAL INDIRECT EXPENSES:	262,549.00	22,860.05	254,448.00	8,101.00	96.91%
TOTAL ALL EXPENSES:	298,329.00	25,745.53	277,620.91	20,708.09	93.06%
NET INCOME (LOSS):	(245,129.00)	(24,094.53)	(134,503.40)		

Washington State Bar Association
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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NORTHWEST LAWYER					
REVENUE:					
ROYALTIES	-	-	1,148.80	(1,148.80)	
DISPLAY ADVERTISING	400,000.00	123,606.00	357,926.25	42,073.75	89.48%
SUBSCRIPT/SINGLE ISSUES	350.00	-	215.82	134.18	61.66%
CLASSIFIED ADVERTISING	100,000.00	37,548.65	189,942.67	(89,942.67)	189.94%
GEN ANNOUNCEMENTS	15,000.00	3,588.00	11,418.00	3,582.00	76.12%
PROF ANNOUNCEMENTS	23,000.00	5,334.00	17,107.50	5,892.50	74.38%
TOTAL REVENUE:	538,350.00	170,076.65	577,759.04	(39,409.04)	107.32%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	6,000.00	1,950.00	(532.00)	6,532.00	-8.87%
POSTAGE	89,000.00	9,404.00	87,400.74	1,599.26	98.20%
PRINTING, COPYING & MAILING	250,000.00	79,470.79	207,877.13	42,122.87	83.15%
DIGITAL/ONLINE DEVELOPMENT	10,200.00	1,500.00	5,000.00	5,200.00	49.02%
GRAPHICS/ARTWORK	3,500.00	-	882.80	2,617.20	25.22%
OUTSIDE SALES EXPENSE	75,000.00	39,758.40	79,428.90	(4,428.90)	105.91%
EDITORIAL ADVISORY COMMITTEE	800.00	49.29	535.97	264.03	67.00%
TOTAL DIRECT EXPENSES:	434,500.00	132,132.48	380,593.54	53,906.46	87.59%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.80 FTE)	129,203.00	14,115.82	129,116.13	86.87	99.93%
BENEFITS EXPENSE	52,295.00	2,738.20	43,669.66	8,625.34	83.51%
OTHER INDIRECT EXPENSE	43,709.00	3,971.96	41,341.49	2,367.51	94.58%
TOTAL INDIRECT EXPENSES:	225,207.00	20,825.98	214,127.28	11,079.72	95.08%
TOTAL ALL EXPENSES:	659,707.00	152,958.46	594,720.82	64,986.18	90.15%
NET INCOME (LOSS):	(121,357.00)	17,118.19	(16,961.78)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL					
REVENUE:					
COPY FEES	-	-	519.65	(519.65)	
TOTAL REVENUE:	-	-	519.65	(519.65)	
DIRECT EXPENSES:					
DEPRECIATION	556.00	-	-	556.00	0.00%
STAFF TRAVEL/PARKING	3,240.00	-	2,903.72	336.28	89.62%
STAFF MEMBERSHIP DUES	1,500.00	597.00	1,009.00	491.00	67.27%
COURT RULES COMMITTEE	4,000.00	-	1,219.32	2,780.68	30.48%
DISCIPLINE ADVISORY ROUNDTABLE	1,500.00	35.15	35.15	1,464.85	2.34%
CUSTODIANSHIPS	2,500.00	-	1,142.89	1,357.11	45.72%
LITIGATION EXPENSES	-	-	65.60	(65.60)	
TOTAL DIRECT EXPENSES:	13,296.00	632.15	6,375.68	6,920.32	47.95%
INDIRECT EXPENSES:					
SALARY EXPENSE (5.41 FTE)	507,852.00	28,246.40	430,350.76	77,501.24	84.74%
BENEFITS EXPENSE	172,072.00	11,793.39	153,847.81	18,224.19	89.41%
OTHER INDIRECT EXPENSE	131,371.00	11,884.83	123,701.32	7,669.68	94.16%
TOTAL INDIRECT EXPENSES:	811,295.00	51,924.62	707,899.89	103,395.11	87.26%
TOTAL ALL EXPENSES:	824,591.00	52,556.77	714,275.57	110,315.43	86.62%
NET INCOME (LOSS):	(824,591.00)	(52,556.77)	(713,755.92)		

Washington State Bar Association
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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD					
REVENUE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL REVENUE:	<u> -</u>	<u> -</u>	<u> -</u>	<u> -</u>	<u> </u>
DIRECT EXPENSE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
STAFF MEMBERSHIP DUES	500.00	-	328.20	171.80	65.64%
DISCIPLINARY BOARD EXPENSES	10,000.00	1,455.41	9,780.81	219.19	97.81%
CHIEF HEARING OFFICER	33,000.00	2,500.00	30,333.60	2,666.40	91.92%
HEARING OFFICER EXPENSES	3,000.00	24.00	3,019.90	(19.90)	100.66%
HEARING OFFICER TRAINING	2,000.00	-	1,014.95	985.05	50.75%
OUTSIDE COUNSEL	55,000.00	3,000.00	39,750.00	15,250.00	72.27%
DISCIPLINARY SELECTION PANEL	-	-	321.66	(321.66)	
TOTAL DIRECT EXPENSES:	<u style="text-align: right;">103,500.00</u>	<u style="text-align: right;">6,979.41</u>	<u style="text-align: right;">84,549.12</u>	<u style="text-align: right;">18,950.88</u>	<u style="text-align: right;">81.69%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.60 FTE)	119,426.00	7,176.74	115,236.35	4,189.65	96.49%
BENEFITS EXPENSE	45,067.00	3,312.92	39,520.27	5,546.73	87.69%
OTHER INDIRECT EXPENSE	38,853.00	3,506.53	36,496.85	2,356.15	93.94%
TOTAL INDIRECT EXPENSES:	<u style="text-align: right;">203,346.00</u>	<u style="text-align: right;">13,996.19</u>	<u style="text-align: right;">191,253.47</u>	<u style="text-align: right;">12,092.53</u>	<u style="text-align: right;">94.05%</u>
TOTAL ALL EXPENSES:	<u style="text-align: right;">306,846.00</u>	<u style="text-align: right;">20,975.60</u>	<u style="text-align: right;">275,802.59</u>	<u style="text-align: right;">31,043.41</u>	<u style="text-align: right;">89.88%</u>
NET INCOME (LOSS):	<u style="text-align: right;">(306,846.00)</u>	<u style="text-align: right;">(20,975.60)</u>	<u style="text-align: right;">(275,802.59)</u>		

Washington State Bar Association
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100.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OUTREACH & ENGAGEMENT					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF TRAVEL/PARKING	400.00	18.00	18.00	382.00	4.50%
STAFF MEMBERSHIP DUES	300.00	-	219.00	81.00	73.00%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
ABA DELEGATES	4,500.00	2,084.40	5,021.83	(521.83)	111.60%
ANNUAL CHAIR MEETINGS	600.00	-	624.09	(24.09)	104.02%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	15.72	4,136.33	363.67	91.92%
BOG ELECTIONS	6,500.00	-	6,688.29	(188.29)	102.90%
BAR OUTREACH	5,000.00	-	1,621.71	3,378.29	32.43%
PROFESSIONALISM	750.00	-	-	750.00	0.00%
TOTAL DIRECT EXPENSES:	22,750.00	2,118.12	18,329.25	4,420.75	80.57%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.83 FTE)	218,297.00	22,497.37	225,417.88	(7,120.88)	103.26%
BENEFITS EXPENSE	77,759.00	6,883.17	77,137.88	621.12	99.20%
OTHER INDIRECT EXPENSE	68,721.00	6,206.17	64,595.93	4,125.07	94.00%
TOTAL INDIRECT EXPENSES:	364,777.00	35,586.71	367,151.69	(2,374.69)	100.65%
TOTAL ALL EXPENSES:	387,527.00	37,704.83	385,480.94	2,046.06	99.47%
NET INCOME (LOSS):	(387,527.00)	(37,704.83)	(385,480.94)		

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100.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE MANAGEMENT ASSISTANCE					
REVENUE:					
ROYALTIES	15,000.00	725.88	41,259.27	(26,259.27)	275.06%
LAW OFFICE IN A BOX SALES	-	-	45.00	(45.00)	
TOTAL REVENUE:	15,000.00	725.88	41,304.27	(26,304.27)	275.36%
DIRECT EXPENSE:					
STAFF TRAVEL/PARKING	2,000.00	-	273.63	1,726.37	13.68%
STAFF MEMBERSHIP DUES	500.00	25.00	25.00	475.00	5.00%
CONFERENCE CALLS	100.00	1.10	121.62	(21.62)	121.62%
LIBRARY MATERIALS/RESOURCES	1,000.00	-	77.83	922.17	7.78%
WSBA MEMBER BENEFITS OPEN HOUSE	2,250.00	-	640.69	1,609.31	28.48%
TOTAL DIRECT EXPENSES:	5,850.00	26.10	1,138.77	4,711.23	19.47%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.50 FTE)	128,060.00	10,038.06	124,310.77	3,749.23	97.07%
BENEFITS EXPENSE	43,808.00	3,609.74	43,619.09	188.91	99.57%
OTHER INDIRECT EXPENSE	36,424.00	3,289.28	34,235.91	2,188.09	93.99%
TOTAL INDIRECT EXPENSES:	208,292.00	16,937.08	202,165.77	6,126.23	97.06%
TOTAL ALL EXPENSES:	214,142.00	16,963.18	203,304.54	10,837.46	94.94%
NET INCOME (LOSS):	(199,142.00)	(16,237.30)	(162,000.27)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE OF LAW BOARD					
REVENUE:	_____	_____	_____	_____	_____
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:	_____	_____	_____	_____	_____
TRANSLATION SERVICES	200.00	-	-	200.00	0.00%
PRACTICE OF LAW BOARD	15,000.00	3,259.46	18,208.22	(3,208.22)	121.39%
TOTAL DIRECT EXPENSES:	15,200.00	3,259.46	18,208.22	(3,008.22)	119.79%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.65 FTE)	66,165.00	4,830.77	66,514.32	(349.32)	100.53%
BENEFITS EXPENSE	21,484.00	1,613.64	20,026.80	1,457.20	93.22%
OTHER INDIRECT EXPENSE	15,784.00	1,427.42	14,857.09	926.91	94.13%
TOTAL INDIRECT EXPENSES:	103,433.00	7,871.83	101,398.21	2,034.79	98.03%
TOTAL ALL EXPENSES:	118,633.00	11,131.29	119,606.43	(973.43)	100.82%
NET INCOME (LOSS):	(118,633.00)	(11,131.29)	(119,606.43)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PROFESSIONAL RESPONSIBILITY PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,800.00	535.05	2,971.22	(1,171.22)	165.07%
STAFF MEMBERSHIP DUES	500.00	-	366.00	134.00	73.20%
CPE COMMITTEE	4,000.00	906.79	5,450.38	(1,450.38)	136.26%
TOTAL DIRECT EXPENSES:	6,300.00	1,441.84	8,787.60	(2,487.60)	139.49%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.89 FTE)	169,758.00	12,526.93	161,469.61	8,288.39	95.12%
BENEFITS EXPENSE	62,970.00	4,564.56	55,107.31	7,862.69	87.51%
OTHER INDIRECT EXPENSE	45,895.00	4,158.14	43,279.31	2,615.69	94.30%
TOTAL INDIRECT EXPENSES:	278,623.00	21,249.63	259,856.23	18,766.77	93.26%
TOTAL ALL EXPENSES:	284,923.00	22,691.47	268,643.83	16,279.17	94.29%
NET INCOME (LOSS):	(284,923.00)	(22,691.47)	(268,643.83)		

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100.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLIC SERVICE PROGRAMS					
REVENUE:					
DONATIONS & GRANTS	95,000.00	-	102,500.00	(7,500.00)	107.89%
PSP PRODUCT SALES	10,000.00	137.00	3,641.00	6,359.00	36.41%
TOTAL REVENUE:	105,000.00	137.00	106,141.00	(1,141.00)	101.09%
DIRECT EXPENSES:					
DONATIONS/SPONSORSHIPS/GRANTS	207,915.00	25,584.01	204,032.50	3,882.50	98.13%
POSTAGE	500.00	-	-	500.00	0.00%
PRINTING & COPYING	500.00	-	-	500.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	-	646.01	1,353.99	32.30%
CONFERENCE CALLS	200.00	-	6.66	193.34	3.33%
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	61.17	903.76	1,096.24	45.19%
PUBLIC SERVICE EVENTS AND PROJECTS	11,500.00	54.57	4,660.04	6,839.96	40.52%
TOTAL DIRECT EXPENSES:	224,615.00	25,699.75	210,248.97	14,366.03	93.60%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.77 FTE)	136,436.00	4,914.80	106,211.93	30,224.07	77.85%
BENEFITS EXPENSE	48,060.00	3,112.57	43,015.88	5,044.12	89.50%
OTHER INDIRECT EXPENSE	42,981.00	3,878.87	40,372.47	2,608.53	93.93%
TOTAL INDIRECT EXPENSES:	227,477.00	11,906.24	189,600.28	37,876.72	83.35%
TOTAL ALL EXPENSES:	452,092.00	37,605.99	399,849.25	52,242.75	88.44%
NET INCOME (LOSS):	(347,092.00)	(37,468.99)	(293,708.25)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2018 to September 30, 2018
100.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLICATION & DESIGN SERVICES					
REVENUE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL REVENUE:	<u> -</u>	<u> -</u>	<u> -</u>	<u> -</u>	<u> </u>
DIRECT EXPENSES:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
IMAGE LIBRARY	4,100.00	-	4,100.00	-	100.00%
TOTAL DIRECT EXPENSES:	<u>4,100.00</u>	<u>-</u>	<u>4,100.00</u>	<u>-</u>	<u>100.00%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.39 FTE)	90,187.00	9,270.32	93,877.77	(3,690.77)	104.09%
BENEFITS EXPENSE	34,341.00	2,597.78	33,173.78	1,167.22	96.60%
OTHER INDIRECT EXPENSE	33,753.00	3,072.07	31,975.17	1,777.83	94.73%
TOTAL INDIRECT EXPENSES:	<u>158,281.00</u>	<u>14,940.17</u>	<u>159,026.72</u>	<u>(745.72)</u>	<u>100.47%</u>
TOTAL ALL EXPENSES:	<u>162,381.00</u>	<u>14,940.17</u>	<u>163,126.72</u>	<u>(745.72)</u>	<u>100.46%</u>
NET INCOME (LOSS):	<u>(162,381.00)</u>	<u>(14,940.17)</u>	<u>(163,126.72)</u>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	308,000.00	1,031.25	305,718.75	2,281.25	99.26%
TOTAL REVENUE:	308,000.00	1,031.25	305,718.75	2,281.25	99.26%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,200.00	-	715.69	484.31	59.64%
SUBSCRIPTIONS	300.00	-	372.00	(72.00)	124.00%
CONFERENCE CALLS	300.00	-	241.01	58.99	80.34%
MISCELLANEOUS	300.00	-	225.71	74.29	75.24%
SECTION/COMMITTEE CHAIR MTGS	2,000.00	-	828.73	1,171.27	41.44%
DUES STATEMENTS	6,000.00	-	5,257.54	742.46	87.63%
TOTAL DIRECT EXPENSES:	10,100.00	-	7,640.68	2,459.32	75.65%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.00 FTE)	266,847.00	21,364.10	253,294.77	13,552.23	94.92%
BENEFITS EXPENSE	100,979.00	8,367.02	97,577.50	3,401.50	96.63%
OTHER INDIRECT EXPENSE	97,132.00	8,781.71	91,403.44	5,728.56	94.10%
TOTAL INDIRECT EXPENSES:	464,958.00	38,512.83	442,275.71	22,682.29	95.12%
TOTAL ALL EXPENSES:	475,058.00	38,512.83	449,916.39	25,141.61	94.71%
NET INCOME (LOSS):	(167,058.00)	(37,481.58)	(144,197.64)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
TECHNOLOGY					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	110,000.00	29,300.44	107,619.87	2,380.13	97.84%
STAFF TRAVEL/PARKING	2,500.00	-	-	2,500.00	0.00%
STAFF MEMBERSHIP DUES	110.00	-	45.00	65.00	40.91%
TELEPHONE	24,000.00	1,847.13	18,744.43	5,255.57	78.10%
COMPUTER HARDWARE	29,000.00	2,213.85	33,371.46	(4,371.46)	115.07%
COMPUTER SOFTWARE	29,000.00	165.14	14,954.14	14,045.86	51.57%
HARDWARE SERVICE & WARRANTIES	47,000.00	2,349.42	25,138.91	21,861.09	53.49%
SOFTWARE MAINTENANCE & LICENSING	270,000.00	27,496.23	207,687.90	62,312.10	76.92%
TELEPHONE HARDWARE & MAINTENANCE	26,000.00	3,253.46	22,339.89	3,660.11	85.92%
COMPUTER SUPPLIES	34,000.00	5,995.21	14,742.40	19,257.60	43.36%
THIRD PARTY SERVICES	74,050.00	1,152.25	44,826.05	29,223.95	60.53%
TRANSFER TO INDIRECT EXPENSES	(645,660.00)	(73,773.13)	(489,470.05)	(156,189.95)	75.81%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (12.10 FTE)	1,036,073.00	83,127.04	1,012,775.60	23,297.40	97.75%
BENEFITS EXPENSE	355,694.00	29,146.10	346,881.55	8,812.45	97.52%
CAPITAL LABOR & OVERHEAD	(194,000.00)	(8,007.36)	(109,943.48)	(84,056.52)	56.67%
OTHER INDIRECT EXPENSE	293,823.00	26,593.51	277,322.11	16,500.89	94.38%
TOTAL INDIRECT EXPENSES:	1,491,590.00	130,859.29	1,527,035.78	(35,445.78)	102.38%
TOTAL ALL EXPENSES:	1,491,590.00	130,859.29	1,527,035.78	(35,445.78)	102.38%
NET INCOME (LOSS):	(1,491,590.00)	(130,859.29)	(1,527,035.78)		

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100.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLE - PRODUCTS					
REVENUE:					
SHIPPING & HANDLING	1,000.00	45.00	853.97	146.03	85.40%
COURSEBOOK SALES	17,000.00	1,278.00	10,720.24	6,279.76	63.06%
MP3 AND VIDEO SALES	950,000.00	42,298.14	949,389.03	610.97	99.94%
TOTAL REVENUE:	968,000.00	43,621.14	960,963.24	7,036.76	99.27%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	100.00	-	399.00	(299.00)	399.00%
DEPRECIATION	8,580.00	632.00	5,706.00	2,874.00	66.50%
STAFF MEMBERSHIP DUES	575.00	-	-	575.00	0.00%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
COST OF SALES - COURSEBOOKS	1,190.00	125.61	995.84	194.16	83.68%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	840.12	659.88	56.01%
ONLINE PRODUCT HOSTING EXPENSES	40,000.00	3,468.24	40,657.27	(657.27)	101.64%
SHIPPING SUPPLIES	100.00	-	-	100.00	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	2,000.00	69.50	377.75	1,622.25	18.89%
STAFF TRAVEL/PARKING	-	-	1,396.04	(1,396.04)	
TOTAL DIRECT EXPENSES:	54,245.00	4,295.35	50,372.02	3,872.98	92.86%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.53 FTE)	101,549.00	8,122.13	108,995.37	(7,446.37)	107.33%
BENEFITS EXPENSE	38,315.00	3,187.45	38,557.82	(242.82)	100.63%
OTHER INDIRECT EXPENSE	37,153.00	3,351.35	34,881.88	2,271.12	93.89%
TOTAL INDIRECT EXPENSES:	177,017.00	14,660.93	182,435.07	(5,418.07)	103.06%
TOTAL ALL EXPENSES:	231,262.00	18,956.28	232,807.09	(1,545.09)	100.67%
NET INCOME (LOSS):	736,738.00	24,664.86	728,156.15		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLE - SEMINARS					
REVENUE:					
SEMINAR REGISTRATIONS	864,735.00	137,148.75	924,065.98	(59,330.98)	106.86%
SEMINAR-EXHIB/SPNSR/ETC	29,500.00	17,170.00	36,170.00	(6,670.00)	122.61%
TOTAL REVENUE:	894,235.00	154,318.75	960,235.98	(66,000.98)	107.38%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	500.00	124.00	124.00	376.00	24.80%
DEPRECIATION	2,035.00	-	-	2,035.00	0.00%
STAFF TRAVEL/PARKING	3,000.00	92.40	6,015.35	(3,015.35)	200.51%
STAFF MEMBERSHIP DUES	975.00	-	-	975.00	0.00%
SUPPLIES	2,000.00	74.31	1,707.90	292.10	85.40%
SEMINAR ONLINE DELIVERY EXPENSES	42,000.00	-	40,612.03	1,387.97	96.70%
COURSEBOOK PRODUCTION	4,000.00	906.35	2,406.63	1,593.37	60.17%
POSTAGE - FLIERS/CATALOGS	30,000.00	2,527.96	12,960.34	17,039.66	43.20%
POSTAGE - MISC./DELIVERY	2,500.00	-	570.00	1,930.00	22.80%
ACCREDITATION FEES	3,550.00	214.00	5,775.00	(2,225.00)	162.68%
SEMINAR BROCHURES	55,000.00	88.34	23,335.44	31,664.56	42.43%
FACILITIES	250,000.00	20,229.67	228,069.67	21,930.33	91.23%
SPEAKERS & PROGRAM DEVELOP	58,000.00	5,726.31	53,460.34	4,539.66	92.17%
SPLITS TO SECTIONS	51,777.00	40,715.44	59,597.38	(7,820.38)	115.10%
SPLITS TO CO-SPONSORS	7,500.00	-	-	7,500.00	0.00%
HONORARIA	10,000.00	-	500.00	9,500.00	5.00%
CLE SEMINAR COMMITTEE	500.00	-	149.50	350.50	29.90%
TOTAL DIRECT EXPENSES:	523,337.00	70,698.78	435,283.58	88,053.42	83.17%
INDIRECT EXPENSES:					
SALARY EXPENSE (8.41 FTE)	540,263.00	45,753.89	552,044.33	(11,781.33)	102.18%
BENEFITS EXPENSE	206,655.00	17,181.72	207,830.12	(1,175.12)	100.57%
OTHER INDIRECT EXPENSE	204,219.00	18,494.42	192,496.11	11,722.89	94.26%
TOTAL INDIRECT EXPENSES:	951,137.00	81,430.03	952,370.56	(1,233.56)	100.13%
TOTAL ALL EXPENSES:	1,474,474.00	152,128.81	1,387,654.14	86,819.86	94.11%
NET INCOME (LOSS):	(580,239.00)	2,189.94	(427,418.16)		

Washington State Bar Association

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100.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONTINUING LEGAL EDUCATION (CLE)					
REVENUE:					
SEMINAR REGISTRATIONS	864,735.00	137,148.75	924,065.98	(59,330.98)	106.86%
SEMINAR-EXHIB/SPNSR/ETC	29,500.00	17,170.00	36,170.00	(6,670.00)	122.61%
SHIPPING & HANDLING	1,000.00	45.00	853.97	146.03	85.40%
COURSEBOOK SALES	17,000.00	1,278.00	10,720.24	6,279.76	63.06%
MP3 AND VIDEO SALES	950,000.00	42,298.14	949,389.03	610.97	99.94%
TOTAL REVENUE:	1,862,235.00	197,939.89	1,921,199.22	(58,964.22)	103.17%
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	4,000.00	906.35	2,406.63	1,593.37	60.17%
POSTAGE - FLIERS/CATALOGS	30,000.00	2,527.96	12,960.34	17,039.66	43.20%
POSTAGE - MISC./DELIVERY	2,500.00	-	570.00	1,930.00	22.80%
DEPRECIATION	10,615.00	632.00	5,706.00	4,909.00	53.75%
ONLINE EXPENSES	82,000.00	3,468.24	81,269.30	730.70	99.11%
ACCREDITATION FEES	3,550.00	214.00	5,775.00	(2,225.00)	162.68%
SEMINAR BROCHURES	55,000.00	88.34	23,335.44	31,664.56	42.43%
FACILITIES	250,000.00	20,229.67	228,069.67	21,930.33	91.23%
SPEAKERS & PROGRAM DEVELOP	58,000.00	5,726.31	53,460.34	4,539.66	92.17%
SPLITS TO SECTIONS	51,777.00	40,715.44	59,597.38	(7,820.38)	115.10%
SPLITS TO CO-SPONSORS	7,500.00	-	-	7,500.00	0.00%
HONORARIA	10,000.00	-	500.00	9,500.00	5.00%
CLE SEMINAR COMMITTEE	500.00	-	149.50	350.50	29.90%
BAD DEBT EXPENSE	600.00	124.00	523.00	77.00	87.17%
STAFF TRAVEL/PARKING	3,000.00	92.40	6,015.35	(3,015.35)	200.51%
STAFF MEMBERSHIP DUES	1,550.00	-	-	1,550.00	0.00%
SUPPLIES	2,000.00	74.31	1,707.90	292.10	85.40%
COST OF SALES - COURSEBOOKS	1,190.00	125.61	995.84	194.16	83.68%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	840.12	659.88	56.01%
SHIPPING SUPPLIES	100.00	-	-	100.00	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	2,000.00	69.50	377.75	1,622.25	18.89%
STAFF TRAVEL/PARKING	-	-	1,396.04	(1,396.04)	0.00%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSES:	577,582.00	74,994.13	485,655.60	91,926.40	84.08%
INDIRECT EXPENSES:					
SALARY EXPENSE (9.94 FTE)	641,812.00	53,876.02	661,039.70	(19,227.70)	103.00%
BENEFITS EXPENSE	244,970.00	20,369.17	246,387.94	(1,417.94)	100.58%
OTHER INDIRECT EXPENSE	241,372.00	21,845.77	227,377.99	13,994.01	94.20%
TOTAL INDIRECT EXPENSES:	1,128,154.00	96,090.96	1,134,805.63	(6,651.63)	100.59%
TOTAL ALL EXPENSES:	1,705,736.00	171,085.09	1,620,461.23	85,274.77	95.00%
NET INCOME (LOSS):	156,499.00	26,854.80	300,737.99		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DESKBOOKS					
REVENUE:					
SHIPPING & HANDLING	4,000.00	117.00	2,290.91	1,709.09	57.27%
DESKBOOK SALES	100,000.00	5,273.00	67,365.53	32,634.47	67.37%
SECTION PUBLICATION SALES	6,000.00	225.00	4,467.50	1,532.50	74.46%
CASEMAKER ROYALTIES	60,000.00	4,138.59	55,121.58	4,878.42	91.87%
TOTAL REVENUE:	170,000.00	9,753.59	129,245.52	40,754.48	76.03%
DIRECT EXPENSES:					
COST OF SALES - DESKBOOKS	70,000.00	4,358.13	53,294.29	16,705.71	76.13%
COST OF SALES - SECTION PUBLICATION	1,000.00	68.77	808.03	191.97	80.80%
SPLITS TO SECTIONS	2,000.00	640.85	2,784.55	(784.55)	139.23%
DESKBOOK ROYALTIES	1,000.00	341.99	756.86	243.14	75.69%
SHIPPING SUPPLIES	250.00	-	-	250.00	0.00%
POSTAGE & DELIVER-DESKBOOKS	3,000.00	163.87	618.96	2,381.04	20.63%
FLIERS/CATALOGS	5,000.00	-	50.00	4,950.00	1.00%
POSTAGE - FLIERS/CATALOGS	2,500.00	-	-	2,500.00	0.00%
COMPLIMENTARY BOOK PROGRAM	2,000.00	-	-	2,000.00	0.00%
OBSOLETE INVENTORY	-	-	842.50	(842.50)	
BAD DEBT EXPENSE	100.00	-	-	100.00	0.00%
RECORDS STORAGE - OFF SITE	7,440.00	620.00	7,440.00	-	100.00%
STAFF MEMBERSHIP DUES	205.00	-	-	205.00	0.00%
MISCELLANEOUS	200.00	-	24.26	175.74	12.13%
TOTAL DIRECT EXPENSES:	94,695.00	6,193.61	66,619.45	28,075.55	70.35%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.15 FTE)	140,713.00	11,018.65	141,760.38	(1,047.38)	100.74%
BENEFITS EXPENSE	53,392.00	4,460.01	53,967.95	(575.95)	101.08%
OTHER INDIRECT EXPENSE	52,208.00	4,716.67	49,093.05	3,114.95	94.03%
TOTAL INDIRECT EXPENSES:	246,313.00	20,195.33	244,821.38	1,491.62	99.39%
TOTAL ALL EXPENSES:	341,008.00	26,388.94	311,440.83	29,567.17	91.33%
NET INCOME (LOSS):	(171,008.00)	(16,635.35)	(182,195.31)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLIENT PROTECTION FUND					
REVENUE:					
CPF RESTITUTION	3,000.00	404.30	28,255.34	(25,255.34)	941.84%
CPF MEMBER ASSESSMENTS	982,000.00	7,740.00	995,335.80	(13,335.80)	101.36%
INTEREST INCOME	7,500.00	5,301.19	45,161.68	(37,661.68)	602.16%
TOTAL REVENUE:	992,500.00	13,445.49	1,068,752.82	(76,252.82)	107.68%
DIRECT EXPENSES:					
BANK FEES - WELLS FARGO	1,000.00	(59.66)	(957.11)	1,957.11	-95.71%
GIFTS TO INJURED CLIENTS	400,000.00	811,557.71	917,051.21	(517,051.21)	229.26%
CPF BOARD EXPENSES	2,000.00	314.48	1,740.30	259.70	87.02%
TOTAL DIRECT EXPENSES:	403,000.00	811,812.53	917,834.40	(514,834.40)	227.75%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.35 FTE)	95,818.00	5,994.70	100,086.06	(4,268.06)	104.45%
BENEFITS EXPENSE	35,213.00	2,878.26	34,350.09	862.91	97.55%
OTHER INDIRECT EXPENSE	32,782.00	2,978.99	30,792.67	1,989.33	93.93%
TOTAL INDIRECT EXPENSES:	163,813.00	11,851.95	165,228.82	(1,415.82)	100.86%
TOTAL ALL EXPENSES:	566,813.00	823,664.48	1,083,063.22	(516,250.22)	191.08%
NET INCOME (LOSS):	425,687.00	(810,218.99)	(14,310.40)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANAGEMENT OF WESTERN STATES BAR CONFERENCE (NO WSBA FUNDS)					
REVENUE:					
REGISTRATION REVENUE	25,500.00	-	22,950.00	2,550.00	90.00%
OTHER ACTIVITIES REGISTRATION REVENUE	13,000.00	-	10,150.00	2,850.00	78.08%
WESTERN STATES BAR MEMBERSHIP DUES	2,400.00	-	2,250.00	150.00	93.75%
SPONSORSHIPS	9,000.00	-	7,700.00	1,300.00	85.56%
TOTAL REVENUE:	49,900.00	-	43,050.00	6,850.00	86.27%
DIRECT EXPENSES:					
FACILITIES	40,000.00	-	48,916.53	(8,916.53)	122.29%
SPEAKERS & PROGRAM DEVELOPMENT	1,400.00	-	500.94	899.06	35.78%
BANK FEES	560.00	-	170.07	389.93	30.37%
WSBC PRESIDENT TRAVEL	500.00	-	457.40	42.60	91.48%
OPTIONAL ACTIVITIES EXPENSE	1,500.00	-	1,719.91	(219.91)	114.66%
MARKETING EXPENSE	600.00	-	764.29	(164.29)	127.38%
STAFF TRAVEL/PARKING	2,300.00	-	1,812.71	487.29	78.81%
TOTAL DIRECT EXPENSES:	46,860.00	-	54,341.85	(7,481.85)	115.97%
INDIRECT EXPENSES:					
TOTAL INDIRECT EXPENSES:	-	-	-	-	-
TOTAL ALL EXPENSES:	46,860.00	-	54,341.85	(7,481.85)	115.97%
NET INCOME (LOSS):	3,040.00	-	(11,291.85)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2018 to September 30, 2018
100.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	484,380.00	2,215.00	465,048.75	19,331.25	96.01%
SEMINAR PROFIT SHARE	78,934.45	40,715.44	77,790.03	1,144.42	98.55%
INTEREST INCOME	1,371.00	19,838.43	19,838.43	(18,467.43)	1447.00%
PUBLICATIONS REVENUE	4,000.00	640.85	5,316.17	(1,316.17)	132.90%
OTHER	44,525.00	7,230.67	50,171.34	(5,646.34)	112.68%
TOTAL REVENUE:	613,210.45	70,640.39	618,164.72	(4,954.27)	100.81%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	584,980.00	49,992.81	349,830.02	235,149.98	59.80%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	318,382.50	1,031.25	305,718.75	12,663.75	96.02%
TOTAL DIRECT EXPENSES:	903,362.50	51,024.06	655,548.77	247,813.73	72.57%
NET INCOME (LOSS):	(290,152.05)	19,616.33	(37,384.05)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2018 to September 30, 2018
100.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
INDIRECT EXPENSES:					
SALARIES	11,450,929.00	947,478.13	11,352,439.72	98,489.28	99.14%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
TEMPORARY SALARIES	95,810.00	1,260.00	102,109.26	(6,299.26)	106.57%
CAPITAL LABOR & OVERHEAD	(194,000.00)	(8,007.36)	(109,943.48)	(84,056.52)	56.67%
EMPLOYEE ASSISTANCE PLAN	4,800.00	-	4,800.00	-	100.00%
EMPLOYEE SERVICE AWARDS	2,010.00	-	1,205.39	804.61	59.97%
FICA (EMPLOYER PORTION)	862,300.00	68,174.71	834,567.75	27,732.25	96.78%
L&I INSURANCE	47,000.00	9,781.30	38,360.51	8,639.49	81.62%
MEDICAL (EMPLOYER PORTION)	1,445,000.00	122,147.40	1,470,630.56	(25,630.56)	101.77%
RETIREMENT (EMPLOYER PORTION)	1,439,735.00	121,867.72	1,396,556.20	43,178.80	97.00%
TRANSPORTATION ALLOWANCE	118,500.00	280.00	110,650.40	7,849.60	93.38%
UNEMPLOYMENT INSURANCE	108,000.00	2,949.87	68,125.08	39,874.92	63.08%
STAFF DEVELOPMENT-GENERAL	6,910.00	1,308.53	3,850.41	3,059.59	55.72%
TOTAL SALARY & BENEFITS EXPENSE:	15,266,994.00	1,267,240.30	15,273,351.80	(6,357.80)	100.04%
WORKPLACE BENEFITS	39,000.00	3,822.13	44,112.75	(5,112.75)	113.11%
HUMAN RESOURCES POOLED EXP	120,076.00	76.91	112,670.95	7,405.05	93.83%
MEETING SUPPORT EXPENSES	10,000.00	1,674.45	12,896.98	(2,896.98)	128.97%
RENT	1,750,000.00	143,973.58	1,746,463.05	3,536.95	99.80%
PERSONAL PROP TAXES-WSBA	11,000.00	5,917.77	16,628.62	(5,628.62)	151.17%
FURNITURE, MAINT, LH IMP	35,200.00	(8,486.49)	28,739.44	6,460.56	81.65%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	1,102.65	48,016.74	(2,016.74)	104.38%
FURN & OFFICE EQUIP DEPRECIATION	51,000.00	3,700.31	42,752.31	8,247.69	83.83%
COMPUTER HARDWARE DEPRECIATION	57,000.00	3,379.00	46,439.07	10,560.93	81.47%
COMPUTER SOFTWARE DEPRECIATION	154,000.00	10,092.91	95,991.04	58,008.96	62.33%
INSURANCE	140,000.00	12,161.11	139,224.99	775.01	99.45%
PROFESSIONAL FEES-AUDIT	35,000.00	637.50	31,567.30	3,432.70	90.19%
PROFESSIONAL FEES-LEGAL	50,000.00	46,315.39	165,619.68	(115,619.68)	331.24%
TELEPHONE & INTERNET	49,000.00	3,490.82	41,959.43	7,040.57	85.63%
POSTAGE - GENERAL	42,000.00	2,118.16	27,621.88	14,378.12	65.77%
RECORDS STORAGE	40,000.00	2,785.70	41,965.00	(1,965.00)	104.91%
STAFF TRAINING	92,200.00	-	52,391.69	39,808.31	56.82%
BANK FEES	35,400.00	1,612.67	32,609.51	2,790.49	92.12%
PRODUCTION MAINTENANCE & SUPPLIES	25,000.00	852.78	9,338.89	15,661.11	37.36%
COMPUTER POOLED EXPENSES	645,660.00	73,773.13	489,470.05	156,189.95	75.81%
TOTAL OTHER INDIRECT EXPENSES:	3,427,536.00	309,000.48	3,226,479.37	201,056.63	94.13%
TOTAL INDIRECT EXPENSES:	18,694,530.00	1,576,240.78	18,499,831.17		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2018 to September 30, 2018
100.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
SUMMARY PAGE				
LICENSE FEES	15,068,125.00	1,310,933.83	15,409,133.08	(341,008.08)
ACCESS TO JUSTICE	(311,034.00)	(30,425.72)	(296,174.07)	(14,859.93)
ADMINISTRATION	(1,029,819.00)	(101,104.64)	(946,185.65)	(83,633.35)
ADMISSIONS/BAR EXAM	146,449.00	(16,107.28)	135,896.62	10,552.38
BOARD OF GOVERNORS	(802,807.00)	(77,320.49)	(814,690.53)	11,883.53
COMMUNICATIONS	(592,651.00)	(62,662.84)	(580,068.83)	(12,582.17)
CONFERENCE & BROADCAST SERVICES	(740,933.00)	(68,423.34)	(751,698.96)	10,765.96
DISCIPLINE	(5,601,229.00)	(468,019.48)	(5,502,861.96)	(98,367.04)
DIVERSITY	(345,401.00)	(31,980.10)	(328,141.32)	(17,259.68)
FOUNDATION	(168,653.00)	(13,853.48)	(155,074.78)	(13,578.22)
HUMAN RESOURCES	(271,830.00)	(32,106.97)	(380,715.43)	108,885.43
LAP	(124,243.00)	(8,986.68)	(115,797.13)	(8,445.87)
LEGISLATIVE	(151,443.00)	(7,033.02)	(89,299.70)	(62,143.30)
LICENSING AND MEMBERSHIP	(422,090.00)	(27,732.38)	(328,666.52)	(93,423.48)
LIMITED LICENSE LEGAL TECHNICIAN	(260,001.00)	(23,537.49)	(255,128.50)	(4,872.50)
LIMITED PRACTICE OFFICERS	(162,464.00)	(15,656.13)	(160,089.87)	(2,374.13)
MANDATORY CLE ADMINISTRATION	(17,768.00)	(17,470.01)	41,896.65	(59,664.65)
MEMBER BENEFITS	(166,568.00)	(13,538.70)	(146,652.33)	(19,915.67)
MENTORSHIP PROGRAM	(117,618.00)	(9,205.08)	(109,855.36)	(7,762.64)
NEW MEMBER PROGRAM	(245,129.00)	(24,094.53)	(134,503.40)	(110,625.60)
NW LAWYER	(121,357.00)	17,118.19	(16,961.78)	(104,395.22)
OFFICE OF GENERAL COUNSEL	(824,591.00)	(52,556.77)	(713,755.92)	(110,835.08)
OGC-DISCIPLINARY BOARD	(306,846.00)	(20,975.60)	(275,802.59)	(31,043.41)
OUTREACH & ENGAGEMENT	(387,527.00)	(37,704.83)	(385,480.94)	(2,046.06)
PRACTICE OF LAW BOARD	(118,633.00)	(11,131.29)	(119,606.43)	973.43
PRACTICE MANAGEMENT ASSISTANCE	(199,142.00)	(16,237.30)	(162,000.27)	(37,141.73)
PROFESSIONAL RESPONSIBILITY PROGRAM	(284,923.00)	(22,691.47)	(268,643.83)	(16,279.17)
PUBLICATION & DESIGN SERVICES	(162,381.00)	(14,940.17)	(163,126.72)	745.72
PUBLIC SERVICE PROGRAMS	(347,092.00)	(37,468.99)	(293,708.25)	(53,383.75)
LAW CLERK PROGRAM	(4,028.00)	(11,170.21)	11,105.34	(15,133.34)
SECTIONS ADMINISTRATION	(167,058.00)	(37,481.58)	(144,197.64)	(22,860.36)
TECHNOLOGY	(1,491,590.00)	(130,859.29)	(1,527,035.78)	35,445.78
CLE - PRODUCTS	736,738.00	24,664.86	728,156.15	8,581.85
CLE - SEMINARS	(580,239.00)	2,189.94	(427,418.16)	(152,820.84)
SECTIONS OPERATIONS	(290,152.05)	19,616.33	(37,384.05)	(252,768.00)
DESKBOOKS	(171,008.00)	(16,635.35)	(182,195.31)	11,187.31
CLIENT PROTECTION FUND	425,687.00	(810,218.99)	(14,310.40)	439,997.40
WESTERN STATES BAR CONFERENCE (No WSBA Funds)	3,040.00	-	(11,291.85)	14,331.85
INDIRECT EXPENSES	(18,694,530.00)	(1,576,240.78)	(18,499,831.17)	(194,698.83)
TOTAL OF ALL	19,302,739.05	2,471,047.83	18,012,167.59	1,290,571.46
NET INCOME (LOSS)	(608,209.05)	(894,807.05)	487,663.58	

Washington State Bar Association
 Analysis of Cash Investments
 As of September 30, 2018

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 589,120

Total

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.02%	\$ 1,839,082
UBS Financial Money Market	2.06%	\$ 1,053,765
Morgan Stanley Money Market	1.97%	\$ 26,141
Merrill Lynch Money Market	2.09%	\$ 1,913,208
Long Term Investments	Varies	\$ 3,270,193
Short Term Investments	Varies	\$ 500,000
General Fund Total		\$ 9,191,509

Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 798,155

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.02%	\$ 3,286,476
Morgan Stanley Money Market	1.97%	\$ 104,080
Wells Fargo Investments	Varies	\$ -
Lawyers' Fund for Client Protection Total		\$ 4,188,711

Grand Total Cash & Investments **\$ 13,380,220**

Washington State Bar Association
 Analysis of Cash Investments
 As of September 30, 2018

Long Term Investments- General Fund

<u>UBS Financial Long Term Investments</u>	<u>Value as of 9/30/2018</u>
Nuveen 3-7 year Municipal Bond Portfolio	\$ 306,693.24

<u>Morgan Stanley Long Term Investments</u>	<u>Value as of 9/30/2018</u>
Lord Abbett Short Term Duration Income Fund	\$ 789,808.83
Guggenheim Total Return Bond Fund	\$ 1,097,384.06
Virtus Multi-Sector Short Term Bond Fund	\$ 1,076,307.25
	<u>\$ 2,963,500.14</u>

Total Long Term Investments- General Fund 3,270,193.38

Short Term Investments- General Fund

<u>Bank</u>	<u>Interest</u>			<u>Maturity Date</u>	<u>Amount</u>
	<u>Rate</u>	<u>Yield</u>	<u>Term</u>		
Washington Federal Interest	1.65%	1.65%	240 days	10/12/2018	250,000.00
BNY Mellon	1.65%	1.65%	270 Days	10/30/2018	250,000.00

Total Short Term Investments- General Fund 500,000.00

Client Protection Fund

<u>Bank</u>	<u>Interest</u>			<u>Maturity Date</u>	<u>Amount</u>
	<u>Rate</u>	<u>Yield</u>	<u>Mths</u>		

Total CPF -



WSBA Financial Reports

(Unaudited)

Year to Date October 31, 2018

Prepared by Tiffany Lynch, Associate Director for Finance

Submitted by

Ann Holmes, Chief Operations Officer

December 20, 2018

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Tiffany Lynch, Associate Director for Finance

Re: Key Financial Benchmarks for the Fiscal Year to Date (YTD) through October 31, 2018

Date: December 20, 2018

	% of Year	Current Year % YTD	Current Year \$ Difference ¹	Prior Year YTD	Comments
Salaries	8.33%	8.22%/8.44% ²	\$11,855 (Over budget)	8.28%	Slightly higher actual spending for seasonal temporary employees, expected to be on budget
Benefits	8.33%	7.56%	\$32,629 (Under budget)	7.51%	Expected to be on budget
Other Indirect Expenses	8.33%	10.25%	\$66,802 (Over budget)	7.93%	Slightly higher due to timing of expenses, expected to be on budget
Total Indirect Expenses	8.33%	8.57%	\$46,028 (Over budget)	8.05%	Expected to be on budget

General Fund Revenues	8.33%	9.84%	\$305,200 (Over budget)	9.31%	Expected to be on budget
General Fund Direct Expenses	8.33%	6.46%	\$47,323 (Under budget)	4.19%	Expected to be on or slightly under budget

CLE Revenue	8.33%	4.58%	\$76,470 (Under budget)	7.18%	Expected to be on budget
CLE Direct Expenses	8.33%	3.92%	\$20,431 (Under budget)	3.34%	Expected to be on budget
CLE Indirect Expenses	8.33%	8.63%	\$4,089 (Over budget)	8.16%	Expected to be on budget

¹ Dollar difference is calculated based on pro-rated budget figures (total annual budget figures divided by 12 months) minus actual revenue and expense amounts as of October 31, 2018 (1 month into the fiscal year).

² The first figure represents salaries expense for regular employees. The second figure represents salaries expense for regular and temporary staff with offsets from allowance for open positions and capital labor & overhead.

Balance Sheet
October, 2018
8.33% OF YEAR COMPLETE

ASSETS	General, CLE, and Sections Funds	CPF	BOG Special Fund	Western States Bar Conference	TOTAL
Cash & cash equivalents	1,046,447.41			8,339.05	1,054,786.46
Investments- money market + CDs	3,846,159.86				3,846,159.86
Investments- equities/bond funds	3,248,221.88				3,248,221.88
Restricted Cash	-	789,292.00	-		789,292.00
Restricted Investments- money market + CDs		3,396,855.84			3,396,855.84
Due to/from GF-CPF	165,509.56	(165,509.56)			-
Due to/from GF-WSBC	32,329.94			(32,329.94)	-
<i>Receivables</i>					
Accounts Receivable	(1,865.52)				(1,865.52)
A/R Misc	75,668.59			-	75,668.59
Allowance for Bad Debt	(1,398.00)				(1,398.00)
OP Backorders	8,447.71				8,447.71
CLE inventory	404,533.68				404,533.68
Deferred seminar costs	1,630.25				1,630.25
Prepaid expenses	248,872.35			31,500.00	280,372.35
Other inventory	(0.03)				(0.03)
Property & equipment, net	1,558,868.23				1,558,868.23
TOTAL ASSETS	10,633,425.91	4,020,638.28	-	7,509.11	14,661,573.30
LIABILITIES					
Accounts payable	458,129.12				458,129.12
Accounts payable-year end/misc	8,307.64				8,307.64
Refunds payable	1,090.83				1,090.83
CPF committed gifts		786,890.28			786,890.28
Accrued expenses	537,058.21				537,058.21
Future rent obligations	1,037,181.40				1,037,181.40
Unearned seminar/other revenue	22,938.31				22,938.31
Deferred licensing fees	2,631,113.47				2,631,113.47
Other deferred revenue	89,410.80				89,410.80
Deferred grant revenue	47,869.89				47,869.89
BOG Special Fund	-		-		-
TOTAL LIABILITIES	4,833,099.67	786,890.28	-	-	5,619,989.95
FUND BALANCE					
GENERAL FUND BALANCE	4,096,947				4,096,947.04
CLE FUND BALANCE	561,315				561,315.30
CPF FUND BALANCE		3,233,748			3,233,748.00
WSBC FUND BALANCE				7,509	7,509.11
SECTIONS FUND BALANCE	1,142,064				1,142,063.90
TOTAL FUND BALANCE	5,800,326.24	3,233,748.00	-	7,509.11	9,041,583.35
TOTAL LIABILITIES AND FUND BALANCE	10,633,425.91	4,020,638.28	-	7,509.11	14,661,573.30
BALANCE	-	-		-	-

Washington State Bar Association Financial Summary
Year to Date as of October 31, 2018 8.33% of Year
Compared to Fiscal Year 2019 Budget

Category	Actual Revenues	Budgeted Revenues	Actual Indirect Expenses	Budgeted Indirect Expenses	Actual Direct Expenses	Budgeted Direct Expenses	Actual Total Expenses	Budgeted Total Expenses	Actual Net Result	Budgeted Net Result
Access to Justice	-	7,500	23,241	271,867	3,770	62,957	27,011	334,824	(27,011)	(327,324)
Administration	(7,382)	100,000	95,696	1,188,769	240	4,885	95,936	1,143,654	(103,318)	(1,043,654)
Admissions/Bar Exam	225,765	1,327,400	71,450	841,048	4,868	416,931	76,318	1,257,979	149,447	69,421
Board of Governors	-	-	47,564	530,178	65,589	304,531	113,152	834,709	(113,152)	(834,709)
Communications Strategies	720	50,750	47,502	550,782	8,585	104,800	56,087	655,582	(55,367)	(604,832)
Conference & Broadcast Services	-	-	64,848	780,393	557	3,500	65,405	783,893	(65,405)	(783,893)
Discipline	5,773	96,200	479,090	5,664,008	8,068	220,267	487,158	5,884,275	(481,385)	(5,788,075)
Diversity	138,183	120,374	45,620	544,641	1,755	21,550	47,375	566,191	90,808	(445,817)
Foundation	-	-	13,165	150,663	42	14,200	13,208	164,863	(13,208)	(164,863)
Human Resources	-	-	32,917	204,958	-	-	32,917	204,958	(32,917)	(204,958)
Law Clerk Program	2,000	166,000	12,155	142,665	0	11,350	12,155	154,015	(10,155)	11,985
Legislative	-	-	11,619	135,416	488	18,650	12,107	154,066	(12,107)	(154,066)
Licensing and Membership Records	44,107	304,350	53,186	636,327	12,615	45,812	65,801	682,139	(21,694)	(377,789)
Licensing Fees	1,312,815	15,958,200	-	-	-	-	-	-	1,312,815	15,958,200
Limited License Legal Technician	-	-	18,702	215,591	2,424	25,600	21,127	241,191	(21,127)	(241,191)
Limited Practice Officers	-	-	13,846	168,653	712	3,000	14,558	156,182	(14,558)	(171,853)
Mandatory CLE	101,805	1,050,000	53,763	620,981	20,851	252,448	74,614	873,429	27,191	176,571
Member Assistance Program	-	10,000	12,008	141,224	0	1,275	12,008	142,499	(12,008)	(132,499)
Member Benefits	882	17,000.00	7,886	92,611	5,557	125,095	13,444	217,707	(12,562)	(200,707)
Member Services & Engagement	6,195	141,200.00	43,141	505,614	2,638	58,065	45,779	561,679	(39,684)	(420,479)
NW Lawyer	20,619	461,350	26,381	302,818	9,122	355,635	35,483	658,453	(14,864)	(157,103)
Office of General Counsel	330	-	69,332	928,680	733	13,076	70,065	941,756	(69,735)	(941,756)
OIG-Disciplinary Board	-	-	14,586	187,073	6,342	103,500	20,927	290,573	(20,927)	(290,573)
Outreach and Engagement	-	-	31,680	371,046	925	30,852	32,605	401,898	(32,605)	(401,898)
Practice of Law Board	-	-	3,866	74,063	1,081	16,000	4,946	90,063	(4,946)	(90,063)
Professional Responsibility Program	-	-	21,971	258,870	829	6,700	22,800	265,570	(22,800)	(265,570)
Public Service Programs	137,608	112,000	9,312	142,504	328	232,415	9,640	374,919	127,968	(282,919)
Publication and Design Services	-	-	14,061	141,602	4,100	5,263	18,161	148,865	(18,161)	(148,865)
Sections Administration	975	300,000	45,470	515,018	520	9,297	45,990	524,315	(45,015)	(224,315)
Technology	-	-	142,527	1,540,222	-	-	142,527	1,540,222	(142,527)	(1,540,222)
Subtotal General Fund	1,990,394	20,222,324	1,526,566	17,798,285	162,739	2,465,655	1,689,305	20,263,940	301,089	(41,616)
Expenses using reserve funds	-	-	-	-	-	-	1,689,305	-	-	-
Total General Fund - Nat Result from Operations	-	-	-	-	-	-	-	-	301,089	(41,616)
Percentage of Budget	8.84%	-	8.58%	-	6.60%	-	8.34%	-	-	-
CLE-Seminars and Products	85,948	1,879,500	98,668	1,150,797	15,249	393,776	113,917	1,544,573	(28,069)	334,927
CLE - Deskbooks	7,640	160,000	19,464	217,303	2,917	69,390	22,381	286,693	(14,740)	(126,693)
Total CLE	93,488	2,039,500	118,132	1,368,100	18,166	463,166	136,297	1,831,266	(42,810)	208,234
Percentage of Budget	4.58%	-	6.63%	-	3.92%	-	7.44%	-	-	-
Total All Sections	5,915	541,590	-	-	24,164	841,737	24,194	841,737	(18,279)	(300,147)
Client Protection Fund-Restricted	19,517	992,500	12,623	164,210	1,134	504,000	13,757	668,210	5,760	324,290
Management of Western States Bar Conference (No WSBA Funds)	-	68,200	-	-	831	62,800	831	62,800	(831)	5,400
Totals	2,109,314	23,864,114	1,657,320.28	19,330,595	207,063	4,337,358	1,864,384	23,667,953	244,930	196,161
Percentage of Budget	8.84%	-	8.57%	-	4.77%	-	7.88%	-	-	-

	Fund Balances Sept. 30, 2018	2019 Budgeted Fund Balances	Fund Balances Year to date
Summary of Fund Balances:			
Restricted Funds:			
Client Protection Fund	3,227,988	3,552,278	3,233,748
Western States Bar Conference	8,340	13,740	7,509.11
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	604,125	812,359	561,315
Section Funds	1,160,343	860,196	1,142,064
Board-Designated Funds (General Fund):			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	450,000	450,000	450,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	1,845,858	1,804,242	2,146,947
Total General Fund Balance	3,795,858	3,754,242	4,096,947
Net Change in general Fund Balance	-	(41,616)	301,089
Total Fund Balance	8,796,654	8,992,815	9,041,584
Net Change in Fund Balance	-	196,161	244,930

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2018 to October 31, 2018

8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSE FEES					
REVENUE:					
LICENSE FEES	15,778,000.00	1,303,083.62	1,303,083.62	14,474,916.38	8.26%
LLLT LICENSE FEES	5,800.00	697.88	697.88	5,102.12	12.03%
LPO LICENSE FEES	174,400.00	9,033.03	9,033.03	165,366.97	5.18%
TOTAL REVENUE:	15,958,200.00	1,312,814.53	1,312,814.53	14,645,385.47	8.23%

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2018 to October 31, 2018
8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ACCESS TO JUSTICE					
REVENUE:					
CONFERENCES & INSTITUTES	7,500.00	-	-	7,500.00	0%
TOTAL REVENUE:	7,500.00	-	-	7,500.00	0%
DIRECT EXPENSES:					
PRO BONO & LEGAL AID COMMITTEE	-	78.81	78.81	(78.81)	
ATJ BOARD RETREAT	2,000.00	-	-	2,000.00	0.00%
LEADERSHIP TRAINING	2,000.00	-	-	2,000.00	0.00%
ATJ BOARD EXPENSE	24,000.00	2,191.63	2,191.63	21,808.37	9.13%
STAFF TRAVEL/PARKING	3,500.00	44.52	44.52	3,455.48	1.27%
STAFF MEMBERSHIP DUES	120.00	-	-	120.00	0.00%
PUBLIC DEFENSE	7,000.00	315.51	315.51	6,684.49	4.51%
CONFERENCE/INSTITUTE EXPENSE	14,837.00	-	-	14,837.00	0.00%
RECEPTION/FORUM EXPENSE	9,500.00	1,139.54	1,139.54	8,360.46	12.00%
TOTAL DIRECT EXPENSES:	62,957.00	3,770.01	3,770.01	59,186.99	5.99%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.10 FTE)	160,817.00	13,430.20	13,430.20	147,386.80	8.35%
BENEFITS EXPENSE	59,156.00	4,490.59	4,490.59	54,665.41	7.59%
OTHER INDIRECT EXPENSE	51,894.00	5,320.14	5,320.14	46,573.86	10.25%
TOTAL INDIRECT EXPENSES:	271,867.00	23,240.93	23,240.93	248,626.07	8.55%
TOTAL ALL EXPENSES:	334,824.00	27,010.94	27,010.94	307,813.06	8.07%
NET INCOME (LOSS):	(327,324.00)	(27,010.94)	(27,010.94)		

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2018 to October 31, 2018
8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMINISTRATION					
REVENUE:					
INTEREST INCOME	70,000.00	8,732.44	8,732.44	61,267.56	12.47%
GAIN/LOSS ON INVESTMENTS	30,000.00	(16,114.36)	(16,114.36)	46,114.36	-53.71%
TOTAL REVENUE:	100,000.00	(7,381.92)	(7,381.92)	107,381.92	-7.38%
DIRECT EXPENSES:					
CREDIT CARD MERCHANT FEES	-	(404.66)	(404.66)	404.66	
STAFF TRAVEL/PARKING	4,200.00	350.00	350.00	3,850.00	8.33%
STAFF MEMBERSHIP DUES	685.00	294.17	294.17	390.83	42.94%
TOTAL DIRECT EXPENSES:	4,885.00	239.51	239.51	4,645.49	4.90%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.97 FTE)	700,100.00	57,113.31	57,113.31	642,986.69	8.16%
BENEFITS EXPENSE	241,718.00	18,373.58	18,373.58	223,344.42	7.60%
OTHER INDIRECT EXPENSE	196,951.00	20,209.45	20,209.45	176,741.55	10.26%
TOTAL INDIRECT EXPENSES:	1,138,769.00	95,696.34	95,696.34	1,043,072.66	8.40%
TOTAL ALL EXPENSES:	1,143,654.00	95,935.85	95,935.85	1,047,718.15	8.39%
NET INCOME (LOSS):	(1,043,654.00)	(103,317.77)	(103,317.77)		

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2018 to October 31, 2018
8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMISSIONS					
REVENUE:					
EXAM SOFT REVENUE	35,000.00	-	-	35,000.00	0.00%
BAR EXAM FEES	1,200,000.00	211,460.00	211,460.00	988,540.00	17.62%
SPECIAL ADMISSIONS	60,000.00	2,445.00	2,445.00	57,555.00	4.08%
LLLT EXAM FEES	7,500.00	1,810.00	1,810.00	5,690.00	24.13%
LLLT WAIVER FEES	900.00	150.00	150.00	750.00	16.67%
LPO EXAMINATION FEES	24,000.00	9,900.00	9,900.00	14,100.00	41.25%
TOTAL REVENUE:	1,327,400.00	225,765.00	225,765.00	1,101,635.00	17.01%
DIRECT EXPENSES:					
DEPRECIATION	17,776.00	-	-	17,776.00	0.00%
POSTAGE	4,000.00	556.97	556.97	3,443.03	13.92%
STAFF TRAVEL/PARKING	13,000.00	350.00	350.00	12,650.00	2.69%
STAFF MEMBERSHIP DUES	400.00	-	-	400.00	0.00%
SUPPLIES	2,500.00	-	-	2,500.00	0.00%
FACILITY, PARKING, FOOD	70,000.00	-	-	70,000.00	0.00%
EXAMINER FEES	35,000.00	-	-	35,000.00	0.00%
UBE EXMINATIONS	130,000.00	-	-	130,000.00	0.00%
BOARD OF BAR EXAMINERS	25,000.00	268.18	268.18	24,731.82	1.07%
BAR EXAM PROCTORS	31,000.00	-	-	31,000.00	0.00%
CHARACTER & FITNESS BOARD	20,000.00	1,971.29	1,971.29	18,028.71	9.86%
DISABILITY ACCOMMODATIONS	20,000.00	-	-	20,000.00	0.00%
CHARACTER & FITNESS INVESTIGATIONS	900.00	-	-	900.00	0.00%
LAW SCHOOL VISITS	1,000.00	615.12	615.12	384.88	61.51%
EXAM WRITING	28,355.00	-	-	28,355.00	0.00%
COURT REPORTERS	18,000.00	1,106.80	1,106.80	16,893.20	6.15%
TOTAL DIRECT EXPENSES:	416,931.00	4,868.36	4,868.36	412,062.64	1.17%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.30 FTE)	496,503.00	41,082.40	41,082.40	455,420.60	8.27%
BENEFITS EXPENSE	188,862.00	14,371.11	14,371.11	174,490.89	7.61%
OTHER INDIRECT EXPENSE	155,683.00	15,996.19	15,996.19	139,686.81	10.27%
TOTAL INDIRECT EXPENSES:	841,048.00	71,449.70	71,449.70	769,598.30	8.50%
TOTAL ALL EXPENSES:	1,257,979.00	76,318.06	76,318.06	1,181,660.94	6.07%
NET INCOME (LOSS):	69,421.00	149,446.94	149,446.94		

Washington State Bar Association
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For the Period from October 1, 2018 to October 31, 2018
8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
BOG/OED					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	5,400.00	450.00	450.00	4,950.00	8.33%
STAFF MEMBERSHIP DUES	2,131.00	-	-	2,131.00	0.00%
TELEPHONE	1,000.00	75.66	75.66	924.34	7.57%
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	60,000.00	60,000.00	-	100.00%
BOG MEETINGS	117,000.00	57.77	57.77	116,942.23	0.05%
BOG COMMITTEES' EXPENSES	30,000.00	1,532.42	1,532.42	28,467.58	5.11%
BOG CONFERENCE ATTENDANCE	49,000.00	1,105.90	1,105.90	47,894.10	2.26%
BOG TRAVEL & OUTREACH	35,000.00	1,716.50	1,716.50	33,283.50	4.90%
ED TRAVEL & OUTREACH	5,000.00	650.33	650.33	4,349.67	13.01%
TOTAL DIRECT EXPENSES:	304,531.00	65,588.58	65,588.58	238,942.42	21.54%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	361,878.00	33,195.34	33,195.34	328,682.66	9.17%
BENEFITS EXPENSE	107,757.00	8,155.59	8,155.59	99,601.41	7.57%
OTHER INDIRECT EXPENSE	60,543.00	6,212.78	6,212.78	54,330.22	10.26%
TOTAL INDIRECT EXPENSES:	530,178.00	47,563.71	47,563.71	482,614.29	8.97%
TOTAL ALL EXPENSES:	834,709.00	113,152.29	113,152.29	721,556.71	13.56%
NET INCOME (LOSS):	(834,709.00)	(113,152.29)	(113,152.29)		

Washington State Bar Association
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For the Period from October 1, 2018 to October 31, 2018
8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
COMMUNICATION STRATEGIES					
REVENUE:					
APEX LUNCH/DINNER	50,000.00	-	-	50,000.00	0.00%
50 YEAR MEMBER TRIBUTE LUNCH	750.00	300.00	300.00	450.00	40.00%
WSBA LOGO MERCHANDISE SALES	-	420.00	420.00	(420.00)	
TOTAL REVENUE:	50,750.00	720.00	720.00	50,030.00	1.42%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,700.00	350.00	350.00	4,350.00	7.45%
STAFF MEMBERSHIP DUES	1,000.00	295.00	295.00	705.00	29.50%
SUBSCRIPTIONS	10,050.00	64.77	64.77	9,985.23	0.64%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	10.00	10.00	1,440.00	0.69%
APEX DINNER	63,000.00	-	-	63,000.00	0.00%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	7,542.56	7,542.56	457.44	94.28%
COMMUNICATIONS OUTREACH	15,000.00	322.21	322.21	14,677.79	2.15%
SPEAKERS & PROGRAM DEVELOP	1,600.00	-	-	1,600.00	0.00%
TOTAL DIRECT EXPENSES:	104,800.00	8,584.54	8,584.54	96,215.46	8.19%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.62 FTE)	312,393.00	26,326.26	26,326.26	286,066.74	8.43%
BENEFITS EXPENSE	124,221.00	9,464.44	9,464.44	114,756.56	7.62%
OTHER INDIRECT EXPENSE	114,168.00	11,711.49	11,711.49	102,456.51	10.26%
TOTAL INDIRECT EXPENSES:	550,782.00	47,502.19	47,502.19	503,279.81	8.62%
TOTAL ALL EXPENSES:	655,582.00	56,086.73	56,086.73	599,495.27	8.56%
NET INCOME (LOSS):	(604,832.00)	(55,366.73)	(55,366.73)		

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2018 to October 31, 2018
8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONFERENCE & BROADCAST SERVICES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
TRANSLATION SERVICES	3,500.00	556.95	556.95	2,943.05	15.91%
TOTAL DIRECT EXPENSES:	3,500.00	556.95	556.95	2,943.05	15.91%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.15 FTE)	429,625.00	33,432.51	33,432.51	396,192.49	7.78%
BENEFITS EXPENSE	174,080.00	13,277.31	13,277.31	160,802.69	7.63%
OTHER INDIRECT EXPENSE	176,688.00	18,138.52	18,138.52	158,549.48	10.27%
TOTAL INDIRECT EXPENSES:	780,393.00	64,848.34	64,848.34	715,544.66	8.31%
TOTAL ALL EXPENSES:	783,893.00	65,405.29	65,405.29	718,487.71	8.34%
NET INCOME (LOSS):	(783,893.00)	(65,405.29)	(65,405.29)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DISCIPLINE					
REVENUE:					
AUDIT REVENUE	3,200.00	191.25	191.25	3,008.75	5.98%
RECOVERY OF DISCIPLINE COSTS	80,000.00	4,185.42	4,185.42	75,814.58	5.23%
DISCIPLINE HISTORY SUMMARY	13,000.00	1,396.05	1,396.05	11,603.95	10.74%
TOTAL REVENUE:	96,200.00	5,772.72	5,772.72	90,427.28	6.00%
DIRECT EXPENSES:					
DEPRECIATION-SOFTWARE	7,123.00	859.00	859.00	6,264.00	12.06%
PUBLICATIONS PRODUCTION	444.00	211.25	211.25	232.75	47.58%
STAFF TRAVEL/PARKING	35,000.00	2,300.88	2,300.88	32,699.12	6.57%
STAFF MEMBERSHIP DUES	3,900.00	1,425.00	1,425.00	2,475.00	36.54%
TELEPHONE	2,300.00	185.92	185.92	2,114.08	8.08%
COURT REPORTERS	55,000.00	1,707.00	1,707.00	53,293.00	3.10%
OUTSIDE COUNSEL/AIC	2,000.00	-	-	2,000.00	0.00%
LITIGATION EXPENSES	25,000.00	1,267.02	1,267.02	23,732.98	5.07%
DISABILITY EXPENSES	7,500.00	-	-	7,500.00	0.00%
ONLINE LEGAL RESEARCH	68,000.00	108.10	108.10	67,891.90	0.16%
LAW LIBRARY	12,500.00	-	-	12,500.00	0.00%
TRANSLATION SERVICES	1,500.00	-	-	1,500.00	0.00%
CONFERENCE CALLS	-	4.16	4.16	(4.16)	
TOTAL DIRECT EXPENSES:	220,267.00	8,068.33	8,068.33	212,198.67	3.66%
INDIRECT EXPENSES:					
SALARY EXPENSE (36.88 FTE)	3,556,329.00	294,701.65	294,701.65	3,261,627.35	8.29%
BENEFITS EXPENSE	1,196,316.00	90,874.66	90,874.66	1,105,441.34	7.60%
OTHER INDIRECT EXPENSE	911,363.00	93,513.38	93,513.38	817,849.62	10.26%
TOTAL INDIRECT EXPENSES:	5,664,008.00	479,089.69	479,089.69	5,184,918.31	8.46%
TOTAL ALL EXPENSES:	5,884,275.00	487,158.02	487,158.02	5,397,116.98	8.28%
NET INCOME (LOSS):	(5,788,075.00)	(481,385.30)	(481,385.30)		

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8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DIVERSITY					
REVENUE:					
DONATIONS	110,000.00	137,500.00	137,500.00	(27,500.00)	125.00%
WORK STUDY GRANTS	10,374.00	682.50	682.50	9,691.50	6.58%
TOTAL REVENUE:	120,374.00	138,182.50	138,182.50	(17,808.50)	114.79%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	6,000.00	629.42	629.42	5,370.58	10.49%
STAFF MEMBERSHIP DUES	350.00	-	-	350.00	0.00%
COMMITTEE FOR DIVERSITY	5,000.00	301.77	301.77	4,698.23	6.04%
DIVERSITY EVENTS & PROJECTS	10,000.00	823.52	823.52	9,176.48	8.24%
INTERNAL DIVERSITY OUTREACH	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSE:	21,550.00	1,754.71	1,754.71	19,795.29	8.14%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.05 FTE)	328,835.00	26,529.64	26,529.64	302,305.36	8.07%
BENEFITS EXPENSE	115,724.00	8,807.20	8,807.20	106,916.80	7.61%
OTHER INDIRECT EXPENSE	100,082.00	10,283.27	10,283.27	89,798.73	10.27%
TOTAL INDIRECT EXPENSES:	544,641.00	45,620.11	45,620.11	499,020.89	8.38%
TOTAL ALL EXPENSES:	566,191.00	47,374.82	47,374.82	518,816.18	8.37%
NET INCOME (LOSS):	(445,817.00)	90,807.68	90,807.68		

Washington State Bar Association
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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
FOUNDATION					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	3,000.00	-	-	3,000.00	0.00%
PRINTING & COPYING	800.00	-	-	800.00	0.00%
STAFF TRAVEL/PARKING	1,400.00	11.99	11.99	1,388.01	0.86%
SUPPLIES	500.00	-	-	500.00	0.00%
SPECIAL EVENTS	5,000.00	-	-	5,000.00	0.00%
BOARD OF TRUSTEES	3,000.00	30.33	30.33	2,969.67	1.01%
POSTAGE	500.00	-	-	500.00	0.00%
TOTAL DIRECT EXPENSES:	14,200.00	42.32	42.32	14,157.68	0.30%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.15 FTE)	89,538.00	7,752.72	7,752.72	81,785.28	8.66%
BENEFITS EXPENSE	32,707.00	2,485.26	2,485.26	30,221.74	7.60%
OTHER INDIRECT EXPENSE	28,418.00	2,927.86	2,927.86	25,490.14	10.30%
TOTAL INDIRECT EXPENSES:	150,663.00	13,165.84	13,165.84	137,497.16	8.74%
TOTAL ALL EXPENSES:	164,863.00	13,208.16	13,208.16	151,654.84	8.01%
NET INCOME (LOSS):	<u>(164,863.00)</u>	<u>(13,208.16)</u>	<u>(13,208.16)</u>		

Washington State Bar Association
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8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
HUMAN RESOURCES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	150.00	220.00	220.00	(70.00)	146.67%
STAFF MEMBERSHIP DUES	1,250.00	-	-	1,250.00	0.00%
SUBSCRIPTIONS	2,100.00	47.88	47.88	2,052.12	2.28%
STAFF TRAINING- GENERAL	30,000.00	539.00	539.00	29,461.00	1.80%
RECRUITING AND ADVERTISING	7,000.00	241.05	241.05	6,758.95	3.44%
PAYROLL PROCESSING	49,000.00	3,637.70	3,637.70	45,362.30	7.42%
SALARY SURVEYS	2,900.00	-	-	2,900.00	0.00%
TRANSFER TO INDIRECT EXPENSE	(102,400.00)	(4,685.63)	(4,685.63)	(97,714.37)	4.58%
CONSULTING SERVICES	10,000.00	-	-	10,000.00	0.00%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	260,398.00	20,327.11	20,327.11	240,070.89	7.81%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	-	-	(200,000.00)	0.00%
BENEFITS EXPENSE	84,017.00	6,377.24	6,377.24	77,639.76	7.59%
OTHER INDIRECT EXPENSE	60,543.00	6,212.80	6,212.80	54,330.20	10.26%
TOTAL INDIRECT EXPENSES:	204,958.00	32,917.15	32,917.15	172,040.85	16.06%
TOTAL ALL EXPENSES:	204,958.00	32,917.15	32,917.15	172,040.85	16.06%
NET INCOME (LOSS):	(204,958.00)	(32,917.15)	(32,917.15)		

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2018 to October 31, 2018
8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAW CLERK PROGRAM					
REVENUE:					
LAW CLERK FEES	162,000.00	2,000.00	2,000.00	160,000.00	1.23%
LAW CLERK APPLICATION FEES	4,000.00	-	-	4,000.00	0.00%
TOTAL REVENUE:	166,000.00	2,000.00	2,000.00	164,000.00	1.20%
DIRECT EXPENSES:					
SUBSCRIPTIONS	250.00	-	-	250.00	0.00%
CHARACTER & FITNESS INVESTIGATIONS	100.00	-	-	100.00	0.00%
LAW CLERK BOARD EXPENSE	6,000.00	-	-	6,000.00	0.00%
LAW CLERK OUTREACH	5,000.00	-	-	5,000.00	0.00%
TOTAL DIRECT EXPENSES:	11,350.00	-	-	11,350.00	0.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.10 FTE)	84,449.00	7,012.98	7,012.98	77,436.02	8.30%
BENEFITS EXPENSE	31,033.00	2,357.28	2,357.28	28,675.72	7.60%
OTHER INDIRECT EXPENSE	27,183.00	2,785.05	2,785.05	24,397.95	10.25%
TOTAL INDIRECT EXPENSES:	142,665.00	12,155.31	12,155.31	130,509.69	8.52%
TOTAL ALL EXPENSES:	154,015.00	12,155.31	12,155.31	141,859.69	7.89%
NET INCOME (LOSS):	11,985.00	(10,155.31)	(10,155.31)		

Washington State Bar Association
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8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LEGISLATIVE					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,550.00	(200.52)	(200.52)	4,750.52	-4.41%
STAFF MEMBERSHIP DUES	450.00	-	-	450.00	0.00%
SUBSCRIPTIONS	2,000.00	-	-	2,000.00	0.00%
TELEPHONE	400.00	-	-	400.00	0.00%
OLYMPIA RENT	2,500.00	-	-	2,500.00	0.00%
CONTRACT LOBBYIST	5,000.00	-	-	5,000.00	0.00%
LOBBYIST CONTACT COSTS	1,000.00	-	-	1,000.00	0.00%
LEGISLATIVE COMMITTEE	2,500.00	688.34	688.34	1,811.66	27.53%
BOG LEGISLATIVE COMMITTEE	250.00	-	-	250.00	0.00%
TOTAL DIRECT EXPENSES:	18,650.00	487.82	487.82	18,162.18	2.62%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.10 FTE)	80,340.00	6,705.76	6,705.76	73,634.24	8.35%
BENEFITS EXPENSE	27,893.00	2,128.35	2,128.35	25,764.65	7.63%
OTHER INDIRECT EXPENSE	27,183.00	2,785.05	2,785.05	24,397.95	10.25%
TOTAL INDIRECT EXPENSES:	135,416.00	11,619.16	11,619.16	123,796.84	8.58%
TOTAL ALL EXPENSES:	154,066.00	12,106.98	12,106.98	141,959.02	7.86%
NET INCOME (LOSS):	(154,066.00)	(12,106.98)	(12,106.98)		

Washington State Bar Association
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For the Period from October 1, 2018 to October 31, 2018
8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSING & MEMBERSHIP RECORDS					
REVENUE:					
STATUS CERTIFICATE FEES	22,000.00	1,730.33	1,730.33	20,269.67	7.87%
RULE 9/LEGAL INTERN FEES	11,000.00	250.00	250.00	10,750.00	2.27%
INVESTIGATION FEES	22,000.00	2,400.00	2,400.00	19,600.00	10.91%
PRO HAC VICE	230,000.00	37,652.00	37,652.00	192,348.00	16.37%
MEMBER CONTACT INFORMATION	19,000.00	2,075.00	2,075.00	16,925.00	10.92%
PHOTO BAR CARD SALES	350.00	-	-	350.00	0.00%
TOTAL REVENUE:	304,350.00	44,107.33	44,107.33	260,242.67	14.49%
DIRECT EXPENSES:					
DEPRECIATION	13,812.00	1,151.00	1,151.00	12,661.00	8.33%
POSTAGE	29,000.00	9,310.19	9,310.19	19,689.81	32.10%
LICENSING FORMS	3,000.00	2,154.03	2,154.03	845.97	71.80%
TOTAL DIRECT EXPENSES:	45,812.00	12,615.22	12,615.22	33,196.78	27.54%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.35 FTE)	395,080.00	31,990.14	31,990.14	363,089.86	8.10%
BENEFITS EXPENSE	133,752.00	10,163.02	10,163.02	123,588.98	7.60%
OTHER INDIRECT EXPENSE	107,495.00	11,033.08	11,033.08	96,461.92	10.26%
TOTAL INDIRECT EXPENSES:	636,327.00	53,186.24	53,186.24	583,140.76	8.36%
TOTAL ALL EXPENSES:	682,139.00	65,801.46	65,801.46	616,337.54	9.65%
NET INCOME (LOSS):	(377,789.00)	(21,694.13)	(21,694.13)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2018 to October 31, 2018

8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED LICENSE LEGAL TECHNICIAN PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	600.00	-	-	600.00	0.00%
LLLT BOARD	17,000.00	956.43	956.43	16,043.57	5.63%
LLLT OUTREACH	8,000.00	1,467.78	1,467.78	6,532.22	18.35%
TOTAL DIRECT EXPENSES:	25,600.00	2,424.21	2,424.21	23,175.79	9.47%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.55 FTE)	135,526.00	11,176.24	11,176.24	124,349.76	8.25%
BENEFITS EXPENSE	41,762.00	3,598.49	3,598.49	38,163.51	8.62%
OTHER INDIRECT EXPENSE	38,303.00	3,927.64	3,927.64	34,375.36	10.25%
TOTAL INDIRECT EXPENSES:	215,591.00	18,702.37	18,702.37	196,888.63	8.67%
TOTAL ALL EXPENSES:	241,191.00	21,126.58	21,126.58	220,064.42	8.76%
NET INCOME (LOSS):	(241,191.00)	(21,126.58)	(21,126.58)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED PRACTICE OFFICERS					
REVENUE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL REVENUE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
DIRECT EXPENSES:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
LPO BOARD	3,000.00	711.74	711.74	2,288.26	23.72%
TOTAL DIRECT EXPENSES:	<u style="text-align: right;">3,000.00</u>	<u style="text-align: right;">711.74</u>	<u style="text-align: right;">711.74</u>	<u style="text-align: right;">2,288.26</u>	<u style="text-align: right;">23.72%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.17 FTE)	99,089.00	8,226.80	8,226.80	90,862.20	8.30%
BENEFITS EXPENSE	40,651.00	2,655.57	2,655.57	37,995.43	6.53%
OTHER INDIRECT EXPENSE	<u>28,913.00</u>	<u>2,963.57</u>	<u>2,963.57</u>	<u>25,949.43</u>	<u>10.25%</u>
TOTAL INDIRECT EXPENSES:	<u style="text-align: right;">168,653.00</u>	<u style="text-align: right;">13,845.94</u>	<u style="text-align: right;">13,845.94</u>	<u style="text-align: right;">154,807.06</u>	<u style="text-align: right;">8.21%</u>
TOTAL ALL EXPENSES:	<u style="text-align: right;">171,653.00</u>	<u style="text-align: right;">14,557.68</u>	<u style="text-align: right;">14,557.68</u>	<u style="text-align: right;">157,095.32</u>	<u style="text-align: right;">8.48%</u>
NET INCOME (LOSS):	<u style="text-align: right;">(171,653.00)</u>	<u style="text-align: right;">(14,557.68)</u>	<u style="text-align: right;">(14,557.68)</u>		

Washington State Bar Association

Statement of Activities

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8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANDATORY CONTINUING LEGAL EDUCATION					
REVENUE:					
ACCREDITED PROGRAM FEES	540,000.00	68,200.00	68,200.00	471,800.00	12.63%
FORM 1 LATE FEES	150,000.00	23,125.00	23,125.00	126,875.00	15.42%
MEMBER LATE FEES	203,000.00	1,500.00	1,500.00	201,500.00	0.74%
ANNUAL ACCREDITED SPONSOR FEES	43,000.00	500.00	500.00	42,500.00	1.16%
ATTENDANCE LATE FEES	85,000.00	7,430.00	7,430.00	77,570.00	8.74%
COMITY CERTIFICATES	29,000.00	1,050.01	1,050.01	27,949.99	3.62%
TOTAL REVENUE:	1,050,000.00	101,805.01	101,805.01	948,194.99	9.70%
DIRECT EXPENSES:					
DEPRECIATION	249,948.00	20,674.00	20,674.00	229,274.00	8.27%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
MCLE BOARD	2,000.00	176.99	176.99	1,823.01	8.85%
TOTAL DIRECT EXPENSES:	252,448.00	20,850.99	20,850.99	231,597.01	8.26%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.90 FTE)	374,898.00	31,803.78	31,803.78	343,094.22	8.48%
BENEFITS EXPENSE	124,996.00	9,533.68	9,533.68	115,462.32	7.63%
OTHER INDIRECT EXPENSE	121,087.00	12,425.59	12,425.59	108,661.41	10.26%
TOTAL INDIRECT EXPENSES:	620,981.00	53,763.05	53,763.05	567,217.95	8.66%
TOTAL ALL EXPENSES:	873,429.00	74,614.04	74,614.04	798,814.96	8.54%
NET INCOME (LOSS):	176,571.00	27,190.97	27,190.97		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER ASSISTANCE PROGRAM					
REVENUE:					
DIVERSIONS	10,000.00	-	-	10,000.00	0.00%
TOTAL REVENUE:	10,000.00	-	-	10,000.00	0.00%
DIRECT EXPENSES:					
PUBLICATIONS PRODUCTION	200.00	-	-	200.00	0.00%
STAFF MEMBERSHIP DUES	225.00	-	-	225.00	0.00%
PROF LIAB INSURANCE	850.00	-	-	850.00	0.00%
TOTAL DIRECT EXPENSES:	1,275.00	-	-	1,275.00	0.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.90 FTE)	84,582.00	7,113.04	7,113.04	77,468.96	8.41%
BENEFITS EXPENSE	34,402.00	2,610.15	2,610.15	31,791.85	7.59%
OTHER INDIRECT EXPENSE	22,240.00	2,285.16	2,285.16	19,954.84	10.28%
TOTAL INDIRECT EXPENSES:	141,224.00	12,008.35	12,008.35	129,215.65	8.50%
TOTAL ALL EXPENSES:	142,499.00	12,008.35	12,008.35	130,490.65	8.43%
NET INCOME (LOSS):	(132,499.00)	(12,008.35)	(12,008.35)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER SERVICES & ENGAGEMENT					
REVENUE:					
ROYALTIES	30,000.00	2,872.89	2,872.89	27,127.11	9.58%
NMP PRODUCT SALES	70,000.00	3,322.00	3,322.00	66,678.00	4.75%
SPONSORSHIPS	1,200.00	-	-	1,200.00	0.00%
SEMINAR REGISTRATIONS	30,000.00	-	-	30,000.00	0.00%
TRIAL ADVOCACY PROGRAM	10,000.00	-	-	10,000.00	0.00%
TOTAL REVENUE:	141,200.00	6,194.89	6,194.89	135,005.11	4.39%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,500.00	-	-	4,500.00	0.00%
SUBSCRIPTIONS	480.00	769.60	769.60	(289.60)	160.33%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
YLL SECTION PROGRAM	1,100.00	-	-	1,100.00	0.00%
WYLC CLE COMPS	1,000.00	-	-	1,000.00	0.00%
WYLC OUTREACH EVENTS	2,500.00	-	-	2,500.00	0.00%
WYL COMMITTEE	15,000.00	398.13	398.13	14,601.87	2.65%
OPEN SECTIONS NIGHT	4,400.00	-	-	4,400.00	0.00%
RURAL PLACEMENT PROGRAM	10,500.00	-	-	10,500.00	0.00%
TRIAL ADVOCACY EXPENSES	2,500.00	-	-	2,500.00	0.00%
RECEPTION/FORUM EXPENSE	4,000.00	-	-	4,000.00	0.00%
WYLC SCHOLARSHIPS/DONATIONS/GRANT	2,500.00	-	-	2,500.00	0.00%
STAFF MEMBERSHIP DUES	385.00	-	-	385.00	0.00%
LENDING LIBRARY	5,500.00	1,466.00	1,466.00	4,034.00	26.65%
NMP SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	4.16	4.16	1,495.84	0.28%
TOTAL DIRECT EXPENSES:	56,065.00	2,637.89	2,637.89	53,427.11	4.71%
INDIRECT EXPENSES:					
SALARY EXPENSE (3.98 FTE)	296,941.00	24,646.16	24,646.16	272,294.84	8.30%
BENEFITS EXPENSE	110,321.00	8,390.35	8,390.35	101,930.65	7.61%
OTHER INDIRECT EXPENSE	98,352.00	10,104.74	10,104.74	88,247.26	10.27%
TOTAL INDIRECT EXPENSES:	505,614.00	43,141.25	43,141.25	462,472.75	8.53%
TOTAL ALL EXPENSES:	561,679.00	45,779.14	45,779.14	515,899.86	8.15%
NET INCOME (LOSS):	(420,479.00)	(39,584.25)	(39,584.25)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBERSHIP BENEFITS					
REVENUE:					
MP3 SALES	-	98.00	98.00	(98.00)	
SPONSORSHIPS	8,000.00	-	-	8,000.00	0.00%
INTERNET SALES	9,000.00	784.00	784.00	8,216.00	8.71%
TOTAL REVENUE:	17,000.00	882.00	882.00	16,118.00	5.19%
DIRECT EXPENSES:					
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	-	-	500.00	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	1,700.00	13.69	13.69	1,686.31	0.81%
WSBA CONNECTS	46,560.00	-	-	46,560.00	0.00%
CASEMAKER	76,336.00	5,416.00	5,416.00	70,920.00	7.09%
CONFERENCE CALLS	-	127.69	127.69	(127.69)	
TOTAL DIRECT EXPENSES:	125,096.00	5,557.38	5,557.38	119,538.62	4.44%
INDIRECT EXPENSES:					
INDIRECT EXPENSES:	54,366.00	4,484.42	4,484.42	49,881.58	8.25%
SALARY EXPENSE (0.73 FTE)	20,206.00	1,545.18	1,545.18	18,660.82	7.65%
BENEFITS EXPENSE	18,039.00	1,856.71	1,856.71	16,182.29	10.29%
OTHER INDIRECT EXPENSE					
TOTAL INDIRECT EXPENSES:	92,611.00	7,886.31	7,886.31	84,724.69	8.52%
TOTAL ALL EXPENSES:	217,707.00	13,443.69	13,443.69	204,263.31	6.18%
NET INCOME (LOSS):	(200,707.00)	(12,561.69)	(12,561.69)		

Washington State Bar Association

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8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NORTHWEST LAWYER					
REVENUE:					
ROYALTIES	-	1,267.59	1,267.59	(1,267.59)	
DISPLAY ADVERTISING	297,500.00	-	-	297,500.00	0.00%
SUBSCRIPT/SINGLE ISSUES	350.00	36.00	36.00	314.00	10.29%
CLASSIFIED ADVERTISING	12,500.00	2,409.85	2,409.85	10,090.15	19.28%
GEN ANNOUNCEMENTS	17,500.00	-	-	17,500.00	0.00%
PROF ANNOUNCEMENTS	21,000.00	-	-	21,000.00	0.00%
JOB TARGET ADVERTISING	112,500.00	16,905.51	16,905.51	95,594.49	15.03%
TOTAL REVENUE:	461,350.00	20,618.95	20,618.95	440,731.05	4.47%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	2,000.00	(1,950.00)	(1,950.00)	3,950.00	-97.50%
POSTAGE	89,000.00	10,235.96	10,235.96	78,764.04	11.50%
PRINTING, COPYING & MAILING	250,000.00	-	-	250,000.00	0.00%
DIGITAL/ONLINE DEVELOPMENT	10,200.00	700.00	700.00	9,500.00	6.86%
GRAPHICS/ARTWORK	3,500.00	-	-	3,500.00	0.00%
EDITORIAL ADVISORY COMMITTEE	800.00	136.26	136.26	663.74	17.03%
STAFF MEMBERSHIP DUES	135.00	-	-	135.00	0.00%
TOTAL DIRECT EXPENSES:	355,635.00	9,122.22	9,122.22	346,512.78	2.57%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.25 FTE)	177,211.00	16,994.37	16,994.37	160,216.63	9.59%
BENEFITS EXPENSE	70,006.00	3,653.54	3,653.54	66,352.46	5.22%
OTHER INDIRECT EXPENSE	55,601.00	5,712.95	5,712.95	49,888.05	10.27%
TOTAL INDIRECT EXPENSES:	302,818.00	26,360.86	26,360.86	276,457.14	8.71%
TOTAL ALL EXPENSES:	658,453.00	35,483.08	35,483.08	622,969.92	5.39%
NET INCOME (LOSS):	(197,103.00)	(14,864.13)	(14,864.13)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL					
REVENUE:					
COPY FEES	-	330.00	330.00	(330.00)	
TOTAL REVENUE:	-	330.00	330.00	(330.00)	
DIRECT EXPENSES:					
DEPRECIATION	3,336.00	-	-	3,336.00	0.00%
STAFF TRAVEL/PARKING	3,240.00	-	-	3,240.00	0.00%
STAFF MEMBERSHIP DUES	1,500.00	200.00	200.00	1,300.00	13.33%
COURT RULES COMMITTEE	2,000.00	532.83	532.83	1,467.17	26.64%
DISCIPLINE ADVISORY ROUNDTABLE	500.00	-	-	500.00	0.00%
CUSTODIANSHIPS	2,500.00	-	-	2,500.00	0.00%
TOTAL DIRECT EXPENSES:	13,076.00	732.83	732.83	12,343.17	5.60%
INDIRECT EXPENSES:					
SALARY EXPENSE (5.75 FTE)	588,978.00	39,780.06	39,780.06	549,197.94	6.75%
BENEFITS EXPENSE	197,610.00	14,948.55	14,948.55	182,661.45	7.56%
OTHER INDIRECT EXPENSE	142,092.00	14,603.66	14,603.66	127,488.34	10.28%
TOTAL INDIRECT EXPENSES:	928,680.00	69,332.27	69,332.27	859,347.73	7.47%
TOTAL ALL EXPENSES:	941,756.00	70,065.10	70,065.10	871,690.90	7.44%
NET INCOME (LOSS):	(941,756.00)	(69,735.10)	(69,735.10)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
DISCIPLINARY BOARD EXPENSES	10,000.00	841.61	841.61	9,158.39	8.42%
CHIEF HEARING OFFICER	33,000.00	2,500.00	2,500.00	30,500.00	7.58%
HEARING OFFICER EXPENSES	3,000.00	-	-	3,000.00	0.00%
HEARING OFFICER TRAINING	2,000.00	-	-	2,000.00	0.00%
OUTSIDE COUNSEL	55,000.00	3,000.00	3,000.00	52,000.00	5.45%
TOTAL DIRECT EXPENSES:	103,500.00	6,341.61	6,341.61	97,158.39	6.13%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.45 FTE)	110,578.00	7,810.15	7,810.15	102,767.85	7.06%
BENEFITS EXPENSE	40,663.00	3,097.87	3,097.87	37,565.13	7.62%
OTHER INDIRECT EXPENSE	35,832.00	3,677.70	3,677.70	32,154.30	10.26%
TOTAL INDIRECT EXPENSES:	187,073.00	14,585.72	14,585.72	172,487.28	7.80%
TOTAL ALL EXPENSES:	290,573.00	20,927.33	20,927.33	269,645.67	7.20%
NET INCOME (LOSS):	(290,573.00)	(20,927.33)	(20,927.33)		

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2018 to October 31, 2018
8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OUTREACH & ENGAGEMENT					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF TRAVEL/PARKING	1,400.00	-	-	1,400.00	0.00%
STAFF MEMBERSHIP DUES	1,152.00	-	-	1,152.00	0.00%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
ABA DELEGATES	4,500.00	-	-	4,500.00	0.00%
ANNUAL CHAIR MEETINGS	600.00	479.10	479.10	120.90	79.85%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	23.36	23.36	4,476.64	0.52%
BOG ELECTIONS	6,500.00	-	-	6,500.00	0.00%
BAR OUTREACH	10,000.00	422.47	422.47	9,577.53	4.22%
PROFESSIONALISM	2,000.00	-	-	2,000.00	0.00%
TOTAL DIRECT EXPENSES:	30,852.00	924.93	924.93	29,927.07	3.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.73 FTE)	224,397.00	18,729.30	18,729.30	205,667.70	8.35%
BENEFITS EXPENSE	79,186.00	6,023.37	6,023.37	73,162.63	7.61%
OTHER INDIRECT EXPENSE	67,463.00	6,926.92	6,926.92	60,536.08	10.27%
TOTAL INDIRECT EXPENSES:	371,046.00	31,679.59	31,679.59	339,366.41	8.54%
TOTAL ALL EXPENSES:	401,898.00	32,604.52	32,604.52	369,293.48	8.11%
NET INCOME (LOSS):	(401,898.00)	(32,604.52)	(32,604.52)		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2018 to October 31, 2018

8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE OF LAW BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
PRACTICE OF LAW BOARD	16,000.00	1,080.77	1,080.77	14,919.23	6.75%
TOTAL DIRECT EXPENSES:	16,000.00	1,080.77	1,080.77	14,919.23	6.75%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.40 FTE)	50,676.00	1,794.87	1,794.87	48,881.13	3.54%
BENEFITS EXPENSE	13,502.00	1,071.06	1,071.06	12,430.94	7.93%
OTHER INDIRECT EXPENSE	9,885.00	999.77	999.77	8,885.23	10.11%
TOTAL INDIRECT EXPENSES:	74,063.00	3,865.70	3,865.70	70,197.30	5.22%
TOTAL ALL EXPENSES:	90,063.00	4,946.47	4,946.47	85,116.53	5.49%
NET INCOME (LOSS):	(90,063.00)	(4,946.47)	(4,946.47)		

Washington State Bar Association
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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PROFESSIONAL RESPONSIBILITY PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	2,000.00	-	-	2,000.00	0.00%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
CPE COMMITTEE	4,200.00	829.31	829.31	3,370.69	19.75%
TOTAL DIRECT EXPENSES:	6,700.00	829.31	829.31	5,870.69	12.38%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.65 FTE)	160,192.00	13,391.12	13,391.12	146,800.88	8.36%
BENEFITS EXPENSE	57,904.00	4,402.05	4,402.05	53,501.95	7.60%
OTHER INDIRECT EXPENSE	40,774.00	4,177.54	4,177.54	36,596.46	10.25%
TOTAL INDIRECT EXPENSES:	258,870.00	21,970.71	21,970.71	236,899.29	8.49%
TOTAL ALL EXPENSES:	265,570.00	22,800.02	22,800.02	242,769.98	8.59%
NET INCOME (LOSS):	(265,570.00)	(22,800.02)	(22,800.02)		

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2018 to October 31, 2018
8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLIC SERVICE PROGRAMS					
REVENUE:					
DONATIONS & GRANTS	110,000.00	137,500.00	137,500.00	(27,500.00)	125.00%
PSP PRODUCT SALES	2,000.00	108.00	108.00	1,892.00	5.40%
TOTAL REVENUE:	112,000.00	137,608.00	137,608.00	(25,608.00)	122.86%
DIRECT EXPENSES:					
DONATIONS/SPONSORSHIPS/GRANTS	207,915.00	-	-	207,915.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	17.00	17.00	1,983.00	0.85%
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	311.36	311.36	1,688.64	15.57%
PUBLIC SERVICE EVENTS AND PROJECTS	20,500.00	-	-	20,500.00	0.00%
TOTAL DIRECT EXPENSES:	232,415.00	328.36	328.36	232,086.64	0.14%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.03 FTE)	87,057.00	4,428.76	4,428.76	82,628.24	5.09%
BENEFITS EXPENSE	29,994.00	2,276.33	2,276.33	27,717.67	7.59%
OTHER INDIRECT EXPENSE	25,453.00	2,606.52	2,606.52	22,846.48	10.24%
TOTAL INDIRECT EXPENSES:	142,504.00	9,311.61	9,311.61	133,192.39	6.53%
TOTAL ALL EXPENSES:	374,919.00	9,639.97	9,639.97	365,279.03	2.57%
NET INCOME (LOSS):	(262,919.00)	127,968.03	127,968.03		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2018 to October 31, 2018

8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLICATION & DESIGN SERVICES					
REVENUE:	<u> </u>				
TOTAL REVENUE:	<u> -</u>				
DIRECT EXPENSES:	<u> </u>				
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
SUBSCRIPTIONS	83.00	-	-	83.00	0.00%
IMAGE LIBRARY	4,680.00	4,100.00	4,100.00	580.00	87.61%
TOTAL DIRECT EXPENSES:	<u>5,263.00</u>	<u>4,100.00</u>	<u>4,100.00</u>	<u>1,163.00</u>	<u>77.90%</u>
INDIRECT EXPENSES:	<u> </u>				
SALARY EXPENSE (1.22 FTE)	80,074.00	8,614.25	8,614.25	71,459.75	10.76%
BENEFITS EXPENSE	31,380.00	2,339.89	2,339.89	29,040.11	7.46%
OTHER INDIRECT EXPENSE	30,148.00	3,106.38	3,106.38	27,041.62	10.30%
TOTAL INDIRECT EXPENSES:	<u>141,602.00</u>	<u>14,060.52</u>	<u>14,060.52</u>	<u>127,541.48</u>	<u>9.93%</u>
TOTAL ALL EXPENSES:	<u>146,865.00</u>	<u>18,160.52</u>	<u>18,160.52</u>	<u>128,704.48</u>	<u>12.37%</u>
NET INCOME (LOSS):	<u>(146,865.00)</u>	<u>(18,160.52)</u>	<u>(18,160.52)</u>		

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2018 to October 31, 2018
8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	300,000.00	975.00	975.00	299,025.00	0.33%
TOTAL REVENUE:	300,000.00	975.00	975.00	299,025.00	0.33%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,200.00	80.59	80.59	1,119.41	6.72%
SUBSCRIPTIONS	372.00	-	-	372.00	0.00%
CONFERENCE CALLS	300.00	78.70	78.70	221.30	26.23%
MISCELLANEOUS	300.00	-	-	300.00	0.00%
SECTION/COMMITTEE CHAIR MTGS	1,000.00	360.87	360.87	639.13	36.09%
DUES STATEMENTS	6,000.00	-	-	6,000.00	0.00%
STAFF MEMBERSHIP DUES	125.00	-	-	125.00	0.00%
TOTAL DIRECT EXPENSES:	9,297.00	520.16	520.16	8,776.84	5.59%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.25 FTE)	297,955.00	26,162.82	26,162.82	271,792.18	8.78%
BENEFITS EXPENSE	112,039.00	8,524.03	8,524.03	103,514.97	7.61%
OTHER INDIRECT EXPENSE	105,024.00	10,783.16	10,783.16	94,240.84	10.27%
TOTAL INDIRECT EXPENSES:	515,018.00	45,470.01	45,470.01	469,547.99	8.83%
TOTAL ALL EXPENSES:	524,315.00	45,990.17	45,990.17	478,324.83	8.77%
NET INCOME (LOSS):	(224,315.00)	(45,015.17)	(45,015.17)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
TECHNOLOGY					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	85,000.00	17,585.56	17,585.56	67,414.44	20.69%
STAFF TRAVEL/PARKING	2,500.00	-	-	2,500.00	0.00%
STAFF MEMBERSHIP DUES	110.00	-	-	110.00	0.00%
TELEPHONE	24,000.00	1,413.79	1,413.79	22,586.21	5.89%
COMPUTER HARDWARE	29,000.00	1,842.61	1,842.61	27,157.39	6.35%
COMPUTER SOFTWARE	29,000.00	-	-	29,000.00	0.00%
HARDWARE SERVICE & WARRANTIES	60,000.00	24,523.11	24,523.11	35,476.89	40.87%
SOFTWARE MAINTENANCE & LICENSING	270,000.00	75,750.42	75,750.42	194,249.58	28.06%
TELEPHONE HARDWARE & MAINTENANCE	10,000.00	-	-	10,000.00	0.00%
COMPUTER SUPPLIES	15,000.00	387.10	387.10	14,612.90	2.58%
THIRD PARTY SERVICES	143,000.00	14,639.50	14,639.50	128,360.50	10.24%
TRANSFER TO INDIRECT EXPENSES	(667,610.00)	(136,142.09)	(136,142.09)	(531,467.91)	20.39%
TOTAL DIRECT EXPENSES:	-	0.00	0.00	(0.00)	
INDIRECT EXPENSES:					
SALARY EXPENSE (12.10 FTE)	1,059,680.00	89,520.14	89,520.14	970,159.86	8.45%
BENEFITS EXPENSE	370,332.00	28,143.38	28,143.38	342,188.62	7.60%
CAPITAL LABOR & OVERHEAD	(188,800.00)	(5,843.49)	(5,843.49)	(182,956.51)	3.10%
OTHER INDIRECT EXPENSE	299,010.00	30,706.94	30,706.94	268,303.06	10.27%
TOTAL INDIRECT EXPENSES:	1,540,222.00	142,526.97	142,526.97	1,397,695.03	9.25%
TOTAL ALL EXPENSES:	1,540,222.00	142,526.97	142,526.97	1,397,695.03	9.25%
NET INCOME (LOSS):	(1,540,222.00)	(142,526.97)	(142,526.97)		

Washington State Bar Association
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8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLE - PRODUCTS					
REVENUE:					
SHIPPING & HANDLING	1,000.00	27.00	27.00	973.00	2.70%
COURSEBOOK SALES	11,000.00	1,186.00	1,186.00	9,814.00	10.78%
MP3 AND VIDEO SALES	950,000.00	70,832.56	70,832.56	879,167.44	7.46%
TOTAL REVENUE:	962,000.00	72,045.56	72,045.56	889,954.44	7.49%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	100.00	-	-	100.00	0.00%
DEPRECIATION	5,540.00	633.00	633.00	4,907.00	11.43%
STAFF MEMBERSHIP DUES	410.00	335.00	335.00	75.00	81.71%
COST OF SALES - COURSEBOOKS	1,200.00	103.24	103.24	1,096.76	8.60%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	-	1,500.00	0.00%
ONLINE PRODUCT HOSTING EXPENSES	40,000.00	3,454.12	3,454.12	36,545.88	8.64%
SHIPPING SUPPLIES	100.00	-	-	100.00	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	500.00	23.94	23.94	476.06	4.79%
TOTAL DIRECT EXPENSES:	49,350.00	4,549.30	4,549.30	44,800.70	9.22%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.63 FTE)	98,425.00	8,325.67	8,325.67	90,099.33	8.46%
BENEFITS EXPENSE	40,026.00	3,059.34	3,059.34	36,966.66	7.64%
OTHER INDIRECT EXPENSE	40,280.00	4,141.89	4,141.89	36,138.11	10.28%
TOTAL INDIRECT EXPENSES:	178,731.00	15,526.90	15,526.90	163,204.10	8.69%
TOTAL ALL EXPENSES:	228,081.00	20,076.20	20,076.20	208,004.80	8.80%
NET INCOME (LOSS):	733,919.00	51,969.36	51,969.36		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLE - SEMINARS					
REVENUE:					
SEMINAR REGISTRATIONS	876,000.00	13,802.00	13,802.00	862,198.00	1.58%
SEMINAR-EXHIB/SPNSR/ETC	41,500.00	-	-	41,500.00	0.00%
TOTAL REVENUE:	917,500.00	13,802.00	13,802.00	903,698.00	1.50%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	500.00	-	-	500.00	0.00%
STAFF TRAVEL/PARKING	5,675.00	45.60	45.60	5,629.40	0.80%
STAFF MEMBERSHIP DUES	850.00	672.00	672.00	178.00	79.06%
SUPPLIES	3,650.00	-	-	3,650.00	0.00%
COURSEBOOK PRODUCTION	3,000.00	6.96	6.96	2,993.04	0.23%
POSTAGE - FLIERS/CATALOGS	10,685.00	511.15	511.15	10,173.85	4.78%
POSTAGE - MISC./DELIVERY	2,500.00	70.00	70.00	2,430.00	2.80%
ACCREDITATION FEES	4,696.00	(48.00)	(48.00)	4,744.00	-1.02%
SEMINAR BROCHURES	20,770.00	3,317.11	3,317.11	17,452.89	15.97%
FACILITIES	223,500.00	3,204.68	3,204.68	220,295.32	1.43%
SPEAKERS & PROGRAM DEVELOP	68,100.00	2,882.35	2,882.35	65,217.65	4.23%
CLE SEMINAR COMMITTEE	500.00	37.85	37.85	462.15	7.57%
TOTAL DIRECT EXPENSES:	344,426.00	10,699.70	10,699.70	333,726.30	3.11%
INDIRECT EXPENSES:					
SALARY EXPENSE (8.09 FTE)	557,997.00	46,300.02	46,300.02	511,696.98	8.30%
BENEFITS EXPENSE	214,152.00	16,310.16	16,310.16	197,841.84	7.62%
OTHER INDIRECT EXPENSE	199,917.00	20,530.77	20,530.77	179,386.23	10.27%
TOTAL INDIRECT EXPENSES:	972,066.00	83,140.95	83,140.95	888,925.05	8.55%
TOTAL ALL EXPENSES:	1,316,492.00	93,840.65	93,840.65	1,222,651.35	7.13%
NET INCOME (LOSS):	(398,992.00)	(80,038.65)	(80,038.65)		

Washington State Bar Association

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8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONTINUING LEGAL EDUCATION (CLE)					
REVENUE:					
SEMINAR REGISTRATIONS	876,000.00	13,802.00	13,802.00	862,198.00	1.58%
SEMINAR-EXHIB/SPNSR/ETC	41,500.00	-	-	41,500.00	0.00%
SHIPPING & HANDLING	1,000.00	27.00	27.00	973.00	2.70%
COURSEBOOK SALES	11,000.00	1,186.00	1,186.00	9,814.00	10.78%
MP3 AND VIDEO SALES	950,000.00	70,832.56	70,832.56	879,167.44	7.46%
TOTAL REVENUE:	1,879,500.00	85,847.56	85,847.56	1,793,652.44	4.57%
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	3,000.00	6.96	6.96	2,993.04	0.23%
POSTAGE - FLIERS/CATALOGS	10,685.00	511.15	511.15	10,173.85	4.78%
POSTAGE - MISC./DELIVERY	2,500.00	70.00	70.00	2,430.00	2.80%
DEPRECIATION	5,540.00	633.00	633.00	4,907.00	11.43%
ONLINE EXPENSES	40,000.00	3,454.12	3,454.12	36,545.88	8.64%
ACCREDITATION FEES	4,696.00	(48.00)	(48.00)	4,744.00	-1.02%
SEMINAR BROCHURES	20,770.00	3,317.11	3,317.11	17,452.89	15.97%
FACILITIES	223,500.00	3,204.68	3,204.68	220,295.32	1.43%
SPEAKERS & PROGRAM DEVELOP	68,100.00	2,882.35	2,882.35	65,217.65	4.23%
CLE SEMINAR COMMITTEE	500.00	37.85	37.85	462.15	7.57%
BAD DEBT EXPENSE	600.00	-	-	600.00	0.00%
STAFF TRAVEL/PARKING	5,675.00	45.60	45.60	5,629.40	0.80%
STAFF MEMBERSHIP DUES	1,260.00	1,007.00	1,007.00	253.00	79.92%
SUPPLIES	3,650.00	-	-	3,650.00	0.00%
COST OF SALES - COURSEBOOKS	1,200.00	103.24	103.24	1,096.76	8.60%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	-	1,500.00	0.00%
SHIPPING SUPPLIES	100.00	-	-	100.00	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	500.00	23.94	23.94	476.06	4.79%
TOTAL DIRECT EXPENSES:	393,776.00	15,249.00	15,249.00	378,527.00	3.87%
INDIRECT EXPENSES:					
SALARY EXPENSE (9.72 FTE)	656,422.00	54,625.69	54,625.69	601,796.31	8.32%
BENEFITS EXPENSE	254,178.00	19,369.50	19,369.50	234,808.50	7.62%
OTHER INDIRECT EXPENSE	240,197.00	24,672.66	24,672.66	215,524.34	10.27%
TOTAL INDIRECT EXPENSES:	1,150,797.00	98,667.85	98,667.85	1,052,129.15	8.57%
TOTAL ALL EXPENSES:	1,544,573.00	113,916.85	113,916.85	1,430,656.15	7.38%
NET INCOME (LOSS):	334,927.00	(28,069.29)	(28,069.29)		

Washington State Bar Association

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8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DESKBOOKS					
REVENUE:					
SHIPPING & HANDLING	2,000.00	90.00	90.00	1,910.00	4.50%
DESKBOOK SALES	80,000.00	2,700.00	2,700.00	77,300.00	3.38%
SECTION PUBLICATION SALES	3,000.00	450.00	450.00	2,550.00	15.00%
CASEMAKER ROYALTIES	75,000.00	4,400.22	4,400.22	70,599.78	5.87%
TOTAL REVENUE:	160,000.00	7,640.22	7,640.22	152,359.78	4.78%
DIRECT EXPENSES:					
COST OF SALES - DESKBOOKS	50,000.00	1,973.01	1,973.01	48,026.99	3.95%
COST OF SALES - SECTION PUBLICATION	750.00	78.04	78.04	671.96	10.41%
SPLITS TO SECTIONS	1,000.00	-	-	1,000.00	0.00%
DESKBOOK ROYALTIES	1,000.00	-	-	1,000.00	0.00%
SHIPPING SUPPLIES	150.00	-	-	150.00	0.00%
POSTAGE & DELIVER-DESKBOOKS	2,000.00	77.70	77.70	1,922.30	3.89%
FLIERS/CATALOGS	3,000.00	-	-	3,000.00	0.00%
POSTAGE - FLIERS/CATALOGS	1,500.00	-	-	1,500.00	0.00%
COMPLIMENTARY BOOK PROGRAM	2,000.00	-	-	2,000.00	0.00%
BAD DEBT EXPENSE	100.00	-	-	100.00	0.00%
RECORDS STORAGE - OFF SITE	7,440.00	620.00	620.00	6,820.00	8.33%
STAFF MEMBERSHIP DUES	250.00	168.00	168.00	82.00	67.20%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSES:	69,390.00	2,916.75	2,916.75	66,473.25	4.20%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.05 FTE)	117,663.00	10,520.29	10,520.29	107,142.71	8.94%
BENEFITS EXPENSE	48,981.00	3,730.43	3,730.43	45,250.57	7.62%
OTHER INDIRECT EXPENSE	50,659.00	5,213.04	5,213.04	45,445.96	10.29%
TOTAL INDIRECT EXPENSES:	217,303.00	19,463.76	19,463.76	197,839.24	8.96%
TOTAL ALL EXPENSES:	286,693.00	22,380.51	22,380.51	264,312.49	7.81%
NET INCOME (LOSS):	(126,693.00)	(14,740.29)	(14,740.29)		

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2018 to October 31, 2018
8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLIENT PROTECTION FUND					
REVENUE:					
CPF RESTITUTION	3,000.00	197.15	197.15	2,802.85	6.57%
CPF MEMBER ASSESSMENTS	982,000.00	13,020.00	13,020.00	968,980.00	1.33%
INTEREST INCOME	7,500.00	6,299.72	6,299.72	1,200.28	84.00%
TOTAL REVENUE:	992,500.00	19,516.87	19,516.87	972,983.13	1.97%
DIRECT EXPENSES:					
BANK FEES - WELLS FARGO	1,000.00	(68.47)	(68.47)	1,068.47	-6.85%
GIFTS TO INJURED CLIENTS	500,000.00	1,200.00	1,200.00	498,800.00	0.24%
CPF BOARD EXPENSES	3,000.00	2.40	2.40	2,997.60	0.08%
TOTAL DIRECT EXPENSES:	504,000.00	1,133.93	1,133.93	502,866.07	0.22%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.25 FTE)	97,740.00	6,735.72	6,735.72	91,004.28	6.89%
BENEFITS EXPENSE	35,581.00	2,709.21	2,709.21	32,871.79	7.61%
OTHER INDIRECT EXPENSE	30,889.00	3,177.80	3,177.80	27,711.20	10.29%
TOTAL INDIRECT EXPENSES:	164,210.00	12,622.73	12,622.73	151,587.27	7.69%
TOTAL ALL EXPENSES:	668,210.00	13,756.66	13,756.66	654,453.34	2.06%
NET INCOME (LOSS):	324,290.00	5,760.21	5,760.21		

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2018 to October 31, 2018

8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANAGEMENT OF WESTERN STATES BAR CONFERENCE (NO WSBA FUNDS)					
REVENUE:					
REGISTRATION REVENUE	33,000.00	-	-	33,000.00	0.00%
OTHER ACTIVITIES REGISTRATION REVENUE	20,000.00	-	-	20,000.00	0.00%
WESTERN STATES BAR MEMBERSHIP DUES	3,200.00	-	-	3,200.00	0.00%
SPONSORSHIPS	12,000.00	-	-	12,000.00	0.00%
TOTAL REVENUE:	68,200.00	-	-	68,200.00	0.00%
DIRECT EXPENSES:					
FACILITIES	55,000.00	-	-	55,000.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	1,000.00	-	-	1,000.00	0.00%
BANK FEES	-	1.00	1.00	(1.00)	
WSBC PRESIDENT TRAVEL	500.00	-	-	500.00	0.00%
OPTIONAL ACTIVITIES EXPENSE	3,500.00	-	-	3,500.00	0.00%
MARKETING EXPENSE	800.00	52.04	52.04	747.96	6.51%
STAFF TRAVEL/PARKING	2,000.00	777.87	777.87	1,222.13	38.89%
TOTAL DIRECT EXPENSES:	62,800.00	830.91	830.91	61,969.09	1.32%
INDIRECT EXPENSES:					
TOTAL INDIRECT EXPENSES:	-	-	-	-	
TOTAL ALL EXPENSES:	62,800.00	830.91	830.91	61,969.09	1.32%
NET INCOME (LOSS):	5,400.00	(830.91)	(830.91)		

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2018 to October 31, 2018
8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	471,440.00	1,360.00	1,360.00	470,080.00	0.29%
SEMINAR PROFIT SHARE	15,000.00	-	-	15,000.00	0.00%
INTEREST INCOME	1,900.00	-	-	1,900.00	0.00%
PUBLICATIONS REVENUE	4,000.00	-	-	4,000.00	0.00%
OTHER	49,250.00	4,555.00	4,555.00	44,695.00	9.25%
TOTAL REVENUE:	541,590.00	5,915.00	5,915.00	535,675.00	1.09%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	533,005.00	23,218.93	23,218.93	509,786.07	4.36%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	308,232.00	975.00	975.00	307,257.00	0.32%
TOTAL DIRECT EXPENSES:	841,237.00	24,193.93	24,193.93	817,043.07	2.88%
NET INCOME (LOSS):	(299,647.00)	(18,278.93)	(18,278.93)		

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2018 to October 31, 2018
8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
INDIRECT EXPENSES:					
SALARIES	11,868,980.00	975,059.60	975,059.60	10,893,920.40	8.22%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	-	-	(200,000.00)	0.00%
TEMPORARY SALARIES	141,330.00	11,098.40	11,098.40	130,231.60	7.85%
CAPITAL LABOR & OVERHEAD	(188,800.00)	(5,843.49)	(5,843.49)	(182,956.51)	3.10%
EMPLOYEE ASSISTANCE PLAN	4,800.00	-	-	4,800.00	0.00%
EMPLOYEE SERVICE AWARDS	2,230.00	1,160.00	1,160.00	1,070.00	52.02%
FICA (EMPLOYER PORTION)	879,000.00	70,034.88	70,034.88	808,965.12	7.97%
L&I INSURANCE	47,250.00	-	-	47,250.00	0.00%
MEDICAL (EMPLOYER PORTION)	1,590,000.00	121,193.44	121,193.44	1,468,806.56	7.62%
RETIREMENT (EMPLOYER PORTION)	1,494,000.00	124,774.69	124,774.69	1,369,225.31	8.35%
TRANSPORTATION ALLOWANCE	119,250.00	355.00	355.00	118,895.00	0.30%
UNEMPLOYMENT INSURANCE	87,500.00	2,430.25	2,430.25	85,069.75	2.78%
STAFF DEVELOPMENT-GENERAL	6,900.00	-	-	6,900.00	0.00%
TOTAL SALARY & BENEFITS EXPENSE:	15,852,440.00	1,300,262.77	1,300,262.77	14,552,177.23	8.20%
WORKPLACE BENEFITS	39,000.00	3,966.57	3,966.57	35,033.43	10.17%
HUMAN RESOURCES POOLED EXP	102,400.00	4,685.63	4,685.63	97,714.37	4.58%
MEETING SUPPORT EXPENSES	12,500.00	1,628.39	1,628.39	10,871.61	13.03%
RENT	1,802,000.00	145,694.40	145,694.40	1,656,305.60	8.09%
PERSONAL PROP TAXES-WSBA	14,000.00	1,613.93	1,613.93	12,386.07	11.53%
FURNITURE, MAINT, LH IMP	35,200.00	353.42	353.42	34,846.58	1.00%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	6,760.27	6,760.27	39,239.73	14.70%
FURN & OFFICE EQUIP DEPRECIATION	51,300.00	3,700.00	3,700.00	47,600.00	7.21%
COMPUTER HARDWARE DEPRECIATION	51,800.00	3,452.00	3,452.00	48,348.00	6.66%
COMPUTER SOFTWARE DEPRECIATION	162,700.00	9,764.00	9,764.00	152,936.00	6.00%
INSURANCE	143,000.00	11,916.18	11,916.18	131,083.82	8.33%
PROFESSIONAL FEES-AUDIT	35,000.00	3,750.00	3,750.00	31,250.00	10.71%
PROFESSIONAL FEES-LEGAL	50,000.00	-	-	50,000.00	0.00%
TELEPHONE & INTERNET	47,000.00	4,196.50	4,196.50	42,803.50	8.93%
POSTAGE - GENERAL	36,000.00	2,276.04	2,276.04	33,723.96	6.32%
RECORDS STORAGE	40,000.00	6,062.20	6,062.20	33,937.80	15.16%
STAFF TRAINING	95,245.00	7,712.57	7,712.57	87,532.43	8.10%
BANK FEES	35,400.00	2,194.66	2,194.66	33,205.34	6.20%
PRODUCTION MAINTENANCE & SUPPLIES	12,000.00	1,188.66	1,188.66	10,811.34	9.91%
COMPUTER POOLED EXPENSES	667,610.00	136,142.09	136,142.09	531,467.91	20.39%
TOTAL OTHER INDIRECT EXPENSES:	3,478,155.00	357,057.51	357,057.51	3,121,097.49	10.27%
TOTAL INDIRECT EXPENSES:	19,330,595.00	1,657,320.28	1,657,320.28		

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2018 to October 31, 2018
8.33% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
SUMMARY PAGE				
LICENSE FEES	15,958,200.00	1,312,814.53	1,312,814.53	14,645,385.47
ACCESS TO JUSTICE	(327,324.00)	(27,010.94)	(27,010.94)	(300,313.06)
ADMINISTRATION	(1,043,654.00)	(103,317.77)	(103,317.77)	(940,336.23)
ADMISSIONS/BAR EXAM	69,421.00	149,446.94	149,446.94	(80,025.94)
BOARD OF GOVERNORS	(834,709.00)	(113,152.29)	(113,152.29)	(721,556.71)
COMMUNICATIONS	(604,832.00)	(55,366.73)	(55,366.73)	(549,465.27)
CONFERENCE & BROADCAST SERVICES	(783,893.00)	(65,405.29)	(65,405.29)	(718,487.71)
DISCIPLINE	(5,788,075.00)	(481,385.30)	(481,385.30)	(5,306,689.70)
DIVERSITY	(445,817.00)	90,807.68	90,807.68	(536,624.68)
FOUNDATION	(164,863.00)	(13,208.16)	(13,208.16)	(151,654.84)
HUMAN RESOURCES	(204,958.00)	(32,917.15)	(32,917.15)	(172,040.85)
LAP	(132,499.00)	(12,008.35)	(12,008.35)	(120,490.65)
LEGISLATIVE	(154,066.00)	(12,106.98)	(12,106.98)	(141,959.02)
LICENSING AND MEMBERSHIP	(377,789.00)	(21,694.13)	(21,694.13)	(356,094.87)
LIMITED LICENSE LEGAL TECHNICIAN	(241,191.00)	(21,126.58)	(21,126.58)	(220,064.42)
LIMITED PRACTICE OFFICERS	(171,653.00)	(14,557.68)	(14,557.68)	(157,095.32)
MANDATORY CLE ADMINISTRATION	176,571.00	27,190.97	27,190.97	149,380.03
MEMBER BENEFITS	(200,707.00)	(12,561.69)	(12,561.69)	(188,145.31)
MEMBER SERVICES & ENGAGEMENT	(420,479.00)	(39,584.25)	(39,584.25)	(380,894.75)
NW LAWYER	(197,103.00)	(14,864.13)	(14,864.13)	(182,238.87)
OFFICE OF GENERAL COUNSEL	(941,756.00)	(69,735.10)	(69,735.10)	(872,020.90)
OGC-DISCIPLINARY BOARD	(290,573.00)	(20,927.33)	(20,927.33)	(269,645.67)
OUTREACH & ENGAGEMENT	(401,898.00)	(32,604.52)	(32,604.52)	(369,293.48)
PRACTICE OF LAW BOARD	(90,063.00)	(4,946.47)	(4,946.47)	(85,116.53)
PROFESSIONAL RESPONSIBILITY PROGRAM	(265,570.00)	(22,800.02)	(22,800.02)	(242,769.98)
PUBLICATION & DESIGN SERVICES	(146,865.00)	(18,160.52)	(18,160.52)	(128,704.48)
PUBLIC SERVICE PROGRAMS	(262,919.00)	127,968.03	127,968.03	(390,887.03)
LAW CLERK PROGRAM	11,985.00	(10,155.31)	(10,155.31)	22,140.31
SECTIONS ADMINISTRATION	(224,315.00)	(45,015.17)	(45,015.17)	(179,299.83)
TECHNOLOGY	(1,540,222.00)	(142,526.97)	(142,526.97)	(1,397,695.03)
CLE - PRODUCTS	733,919.00	51,969.36	51,969.36	681,949.64
CLE - SEMINARS	(398,992.00)	(80,038.65)	(80,038.65)	(318,953.35)
SECTIONS OPERATIONS	(299,647.00)	(18,278.93)	(18,278.93)	(281,368.07)
DESKBOOKS	(126,693.00)	(14,740.29)	(14,740.29)	(111,952.71)
CLIENT PROTECTION FUND	324,290.00	5,760.21	5,760.21	318,529.79
WESTERN STATES BAR CONFERENCE (No WSBA Funds)	5,400.00	(830.91)	(830.91)	6,230.91
INDIRECT EXPENSES	(19,330,595.00)	(1,657,320.28)	(1,657,320.28)	(17,673,274.72)
TOTAL OF ALL	19,133,934.00	1,412,390.17	1,412,390.17	17,721,543.83
NET INCOME (LOSS)	196,661.00	244,930.11	244,930.11	

**Washington State Bar Association
Analysis of Cash Investments
As of October 31, 2018**

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 1,042,795

Total

Investments

	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.20%	\$ 841,936
UBS Financial Money Market	2.19%	\$ 1,054,926
Morgan Stanley Money Market	2.12%	\$ 26,187
Merrill Lynch Money Market	2.00%	\$ 1,916,302
Long Term Investments	Varies	\$ 3,255,031
Short Term Investments	Varies	\$ -

General Fund Total \$ 8,137,176

Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 789,292

Investments

	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.20%	\$ 3,292,604
Morgan Stanley Money Market	1.86%	\$ 104,251
Wells Fargo Investments	Varies	\$ -

Client Protection Fund Total \$ 4,186,148

Grand Total Cash & Investments \$ 12,323,324

**Washington State Bar Association
Analysis of Cash Investments
As of October 31, 2018**

Long Term Investments- General Fund

UBS Financial Long Term Investments
Nuveen 3-7 year Municipal Bond Portfolio

Value as of 10/31/2018
\$ 303,880.95

Morgan Stanley Long Term Investments
Lord Abbett Short Term Duration Income Fund
Guggenheim Total Return Bond Fund
Virtus Multi-Sector Short Term Bond Fund

Value as of 10/31/2018
\$ 788,634.84
\$ 1,089,481.06
\$ 1,073,033.96
\$ 2,951,149.86

Total Long Term Investments- General Fund 3,255,030.81

Short Term Investments- General Fund

Bank

<u>Interest Rate</u>	<u>Yield</u>	<u>Term</u>	<u>Maturity Date</u>	<u>Amount</u>
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Total Short Term Investments- General Fund -

Client Protection Fund

Bank

<u>Interest Rate</u>	<u>Yield</u>	<u>Term Mths</u>	<u>Maturity Date</u>	<u>Amount</u>
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Total CPF -



WSBA Financial Reports

(Unaudited)

Year to Date November 30, 2018

Prepared by Tiffany Lynch, Associate Director for Finance

Submitted by

Ann Holmes, Chief Operations Officer

December 20, 2018

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Tiffany Lynch, Associate Director for Finance

Re: Key Financial Benchmarks for the Fiscal Year to Date (YTD) through November 30, 2018

Date: December 20, 2018

	% of Year	Current Year % YTD	Current Year \$ Difference ¹	Prior Year YTD	Comments
Salaries	16.67%	16.35%/16.63% ²	\$4,728 (Under budget)	16.66%	Expected to be on budget
Benefits	16.67%	14.89%	\$75,098 (Under budget)	15.16%	Expected to be on budget
Other Indirect Expenses	16.67%	18.96%	\$79,888 (Over budget)	14.90%	Slightly higher due to timing of expenses, expected to be on budget
Total Indirect Expenses	16.67%	16.67%	\$62 (Over budget)	16.01%	Expected to be on budget

General Fund Revenues	16.67%	18.07%	\$284,436 (Over budget)	16.67%	Expected to be on budget
General Fund Direct Expenses	16.67%	10.92%	\$145,135 (Under budget)	9.04%	Expected to be on or slightly under budget

CLE Revenue	16.67%	15.28%	\$28,284 (Under budget)	16.44%	Expected to be on budget
CLE Direct Expenses	16.67%	9.99%	\$30,905 (Under budget)	5.03%	Expected to be on budget
CLE Indirect Expenses	16.67%	16.85%	\$2,519 (Over budget)	16.17%	Expected to be on budget

¹ Dollar difference is calculated based on pro-rated budget figures (total annual budget figures divided by 12 months) minus actual revenue and expense amounts as of November 30, 2018 (2 months into the fiscal year).

² The first figure represents salaries expense for regular employees. The second figure represents salaries expense for regular and temporary staff with offsets from allowance for open positions and capital labor & overhead.

Balance Sheet
November, 2018
16.67% OF YEAR COMPLETE

ASSETS	General, CLE, and Sections Funds	CPF	Western States Bar Conference	TOTAL
Cash & cash equivalents	1,029,956.31		8,339.05	1,038,295.36
Investments- money market + CDs	4,849,016.06			4,849,016.06
Investments- equities/bond funds	3,257,151.71			3,257,151.71
Restricted Cash	-	793,974.60		793,974.60
Restricted Investments- money market + CDs		3,402,779.05		3,402,779.05
Due to/from GF-CPF	70,299.37	(70,299.37)		-
Due to/from GF-WSBC	32,329.94		(32,329.94)	
<i>Receivables</i>				
Accounts Receivable	46,531.49			46,531.49
A/R Misc	42,559.29		-	42,559.29
Allowance for Bad Debt	(924.00)			(924.00)
OP Backorders	8,533.50			8,533.50
CLE inventory	399,961.89			399,961.89
Deferred seminar costs	1,630.25			1,630.25
Prepaid expenses	425,775.26		31,500.00	457,275.26
Other inventory	(0.04)			(0.04)
Property & equipment, net	1,519,089.45			1,519,089.45
TOTAL ASSETS	<u>11,681,910.48</u>	<u>4,126,454.28</u>	<u>7,509.11</u>	<u>15,815,873.87</u>
LIABILITIES				
Accounts payable	337,363.02			337,363.02
Refunds payable	1,110.83			1,110.83
CPF committed gifts		778,390.28		778,390.28
Accrued expenses	736,867.22			736,867.22
Future rent obligations	1,044,493.69			1,044,493.69
Unearned seminar/other revenue	67,928.31			67,928.31
Deferred licensing fees	3,277,910.61			3,277,910.61
Other deferred revenue	103,188.62			103,188.62
Deferred grant revenue	47,869.89			47,869.89
LAW Fund/WSBF Contributions	90,869.75			90,869.75
BOG Special Fund	-			-
TOTAL LIABILITIES	<u>5,707,601.94</u>	<u>778,390.28</u>	<u>-</u>	<u>6,485,992.22</u>
FUND BALANCE				
GENERAL FUND BALANCE	4,208,299			4,208,299
CLE FUND BALANCE	638,899			638,899
CPF FUND BALANCE		3,348,064		3,348,064.00
WSBC FUND BALANCE			7,509.11	7,509.11
SECTIONS FUND BALANCE	1,127,112			1,127,112
TOTAL FUND BALANCE	<u>5,974,308.54</u>	<u>3,348,064.00</u>	<u>7,509.11</u>	<u>9,329,882</u>
TOTAL LIABILITIES AND FUND BALANCE	<u>11,681,910.48</u>	<u>4,126,454.28</u>	<u>7,509.11</u>	<u>15,815,873.87</u>
BALANCE	-	-	-	-

Washington State Bar Association Financial Summary
Year to Date as of November 30, 2018 16.67% of Year
Compared to Fiscal Year 2019 Budget

Category	Actual Revenues	Budgeted Revenues	Actual Indirect Expenses	Budgeted Indirect Expenses	Actual Direct Expenses	Budgeted Direct Expenses	Actual Total Expenses	Budgeted Total Expenses	Actual Net Result	Budgeted Net Result
Access to Justice	-	7,500	45,554	271,867	2,275	62,957	47,829	334,824	(47,829)	(327,324)
Administration	4,681	100,000	187,591	1,138,769	(4,266)	4,885	183,325	1,143,654	(178,644)	(1,043,654)
Admissions/Bar Exam	377,135	1,327,400	140,107	841,048	13,326	416,931	154,034	1,257,979	223,101	69,421
Board of Governors	-	-	89,384	530,178	74,096	304,531	163,480	834,709	(163,480)	(834,709)
Communications Strategies	860	50,750	95,658	550,782	13,068	104,800	108,726	655,582	(107,866)	(604,832)
Conference & Broadcast Services	-	-	127,208	780,393	912	3,500	128,118	783,893	(128,118)	(783,893)
Discipline	11,811	96,200	937,909	5,664,008	23,805	220,267	961,714	5,884,275	(949,503)	(5,788,075)
Diversity	138,183	120,374	90,071	544,641	4,015	21,550	94,086	566,191	44,097	(445,817)
Foundation	-	-	25,576	150,663	537	14,200	26,114	164,863	(26,114)	(164,863)
Human Resources	-	-	65,465	204,958	-	-	65,465	204,958	(65,465)	(204,958)
Law Clerk Program	3,025	166,000	23,831	142,665	418	11,350	24,249	154,015	(21,224)	11,985
Legislative	-	-	22,750	135,416	1,163	18,650	23,913	154,066	(23,913)	(154,066)
Licensing and Membership Records	67,023	304,350	104,407	636,327	13,888	45,812	118,293	682,139	(51,269)	(377,789)
Licensing Fees	2,600,782	15,958,200	-	-	-	-	-	2,600,782	15,958,200	-
Limited License Legal Technician	-	-	36,709	215,591	3,867	25,600	40,576	241,191	(40,576)	(241,191)
Limited Practice Officers	-	-	27,173	168,653	712	3,000	27,885	166,182	(27,885)	(171,653)
Mandatory CLE	232,456	1,050,000	100,565	620,981	41,526	252,448	142,091	873,429	90,365	176,571
Member Assistance Program	1,517	10,000	23,592	141,224	0	1,275	23,592	142,499	(22,076)	(132,499)
Member Benefits	3,626	17,000.00	15,074	92,611	18,733	185,096	33,808	277,707	(30,182)	(260,707)
Member Services & Engagement	30,914	141,200.00	81,186	505,614	2,899	50,065	84,084	561,079	(53,170)	(420,479)
NW Lawyer	42,871	461,350	60,159	302,818	39,176	355,635	89,335	658,453	(46,465)	(197,103)
Office of General Counsel	330	-	134,777	928,680	733	13,078	135,510	941,756	(135,180)	(941,756)
OGC-Disciplinary Board	-	-	28,531	187,073	11,890	103,500	40,420	290,573	(40,420)	(290,573)
Outreach and Engagement	-	-	62,136	371,046	2,261	30,852	64,398	401,898	(64,398)	(401,898)
Practice of Law Board	-	-	7,540	74,063	2,524	16,000	10,070	90,063	(10,070)	(90,063)
Professional Responsibility Program	-	-	43,190	268,870	856	6,700	44,046	265,570	(44,046)	(265,570)
Public Service Programs	137,736	112,000	19,788	142,504	1,268	232,415	21,056	374,919	116,680	(262,919)
Publication and Design Services	-	-	26,945	141,602	4,100	5,263	31,045	146,865	(31,045)	(146,865)
Sections Administration	1,894	300,000	83,499	515,018	1,018	9,297	84,517	524,315	(82,623)	(224,315)
Technology	-	-	270,606	1,540,222	-	-	270,606	1,540,222	(270,606)	(1,540,222)
Subtotal General Fund	3,854,823	20,222,324	2,966,984	17,798,285	275,399	2,525,655	3,242,383	20,323,940	412,441	(101,616)
Expenses using reserve funds	-	-	-	-	-	-	-	-	-	-
Total General Fund - Net Result from Operations									412,441	(101,616)
Percentage of Budget	18.07%		16.67%		10.90%		15.95%			
CLE-Seminars and Products	296,560	1,879,500	193,216	1,150,797	35,977	393,776	220,193	1,544,573	67,367	334,927
CLE - Deskbooks	15,073	160,000	37,354	217,303	10,312	69,390	47,666	286,693	(32,592)	(126,693)
Total CLE	311,633	2,039,500	230,570	1,368,100	46,289	463,166	276,859	1,831,266	34,774	208,234
Percentage of Budget	15.28%		16.85%		9.89%		15.12%			
Total All Sections	11,689	544,140	-	-	44,920	841,025	44,920	841,025	(33,231)	(296,885)
Client Protection Fund-Restricted	145,963	992,500	24,883	164,210	1,204	504,000	25,887	668,210	120,076	324,290
Management of Western States Bar Conference (No WSBA Funds)	-	68,200	-	-	831	62,800	631	62,800	(631)	5,400
Totals	4,124,107	23,866,664	3,222,237	19,330,595	368,642	4,368,646	3,590,879	23,727,241	533,228	139,423
Percentage of Budget	17.28%		16.67%		8.38%		15.13%			

Summary of Fund Balances:	Fund Balances Sept. 30, 2018	2019 Budgeted Fund Balances	Fund Balances Year to date
Restricted Funds:			
Client Protection Fund	3,227,988	3,552,278	3,348,064
Western States Bar Conference	8,340	13,740	7,509.11
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	604,125	812,359	638,899
Section Funds	1,160,343	863,458	1,127,112
Board-Designated Funds (General Fund):			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	450,000	450,000	450,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	1,845,858	1,744,242	2,258,299
Total General Fund Balance	3,795,858	3,894,242	4,208,299
Net Change in general Fund Balance		(101,616)	412,441
Total Fund Balance	8,798,854	8,936,077	9,329,882
Net Change In Fund Balance		139,423	533,228

Washington State Bar Association

Statement of Activities

For the Period from November 1, 2018 to November 30, 2018

16.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSE FEES					
REVENUE:					
LICENSE FEES	15,778,000.00	1,278,366.84	2,581,450.46	13,196,549.54	16.36%
LLLT LICENSE FEES	5,800.00	675.57	1,373.45	4,426.55	23.68%
LPO LICENSE FEES	174,400.00	8,904.61	17,937.64	156,462.36	10.29%
TOTAL REVENUE:	<u>15,958,200.00</u>	<u>1,287,947.02</u>	<u>2,600,761.55</u>	<u>13,357,438.45</u>	<u>16.30%</u>

Washington State Bar Association
Statement of Activities
For the Period from November 1, 2018 to November 30, 2018
16.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ACCESS TO JUSTICE					
REVENUE:					
CONFERENCES & INSTITUTES	7,500.00	-	-	7,500.00	0%
TOTAL REVENUE:	7,500.00	-	-	7,500.00	0%
DIRECT EXPENSES:					
PRO BONO & LEGAL AID COMMITTEE	-	-	78.81	(78.81)	
ATJ BOARD RETREAT	2,000.00	-	-	2,000.00	0.00%
LEADERSHIP TRAINING	2,000.00	-	-	2,000.00	0.00%
ATJ BOARD EXPENSE	24,000.00	(355.58)	1,836.05	22,163.95	7.65%
STAFF TRAVEL/PARKING	3,500.00	-	44.52	3,455.48	1.27%
STAFF MEMBERSHIP DUES	120.00	-	-	120.00	0.00%
PUBLIC DEFENSE	7,000.00	-	315.51	6,684.49	4.51%
CONFERENCE/INSTITUTE EXPENSE	14,837.00	-	-	14,837.00	0.00%
RECEPTION/FORUM EXPENSE	9,500.00	(1,139.54)	-	9,500.00	0.00%
TOTAL DIRECT EXPENSES:	62,957.00	(1,495.12)	2,274.89	60,682.11	3.61%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.10 FTE)	160,817.00	13,430.20	26,860.40	133,956.60	16.70%
BENEFITS EXPENSE	59,156.00	4,364.91	8,855.50	50,300.50	14.97%
OTHER INDIRECT EXPENSE	51,894.00	4,518.40	9,838.54	42,055.46	18.96%
TOTAL INDIRECT EXPENSES:	271,867.00	22,313.51	45,554.44	226,312.56	16.76%
TOTAL ALL EXPENSES:	334,824.00	20,818.39	47,829.33	286,994.67	14.28%
NET INCOME (LOSS):	(327,324.00)	(20,818.39)	(47,829.33)		

Washington State Bar Association
Statement of Activities
For the Period from November 1, 2018 to November 30, 2018
16.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMINISTRATION					
REVENUE:					
INTEREST INCOME	70,000.00	3,133.40	11,865.84	58,134.16	16.95%
GAIN/LOSS ON INVESTMENTS	30,000.00	8,929.83	(7,184.53)	37,184.53	-23.95%
TOTAL REVENUE:	100,000.00	12,063.23	4,681.31	95,318.69	4.68%
DIRECT EXPENSES:					
CREDIT CARD MERCHANT FEES	-	(4,855.29)	(5,259.95)	5,259.95	
STAFF TRAVEL/PARKING	4,200.00	350.00	700.00	3,500.00	16.67%
STAFF MEMBERSHIP DUES	685.00	-	294.17	390.83	42.94%
TOTAL DIRECT EXPENSES:	4,885.00	(4,505.29)	(4,265.78)	9,150.78	-87.32%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.97 FTE)	700,100.00	56,897.20	114,010.51	586,089.49	16.28%
BENEFITS EXPENSE	241,718.00	17,833.45	36,207.03	205,510.97	14.98%
OTHER INDIRECT EXPENSE	196,951.00	17,163.85	37,373.30	159,577.70	18.98%
TOTAL INDIRECT EXPENSES:	1,138,769.00	91,894.50	187,590.84	951,178.16	16.47%
TOTAL ALL EXPENSES:	1,143,654.00	87,389.21	183,325.06	960,328.94	16.03%
NET INCOME (LOSS):	(1,043,654.00)	(75,325.98)	(178,643.75)		

Washington State Bar Association
Statement of Activities
For the Period from November 1, 2018 to November 30, 2018
16.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMISSIONS					
REVENUE:					
EXAM SOFT REVENUE	35,000.00	-	-	35,000.00	0.00%
BAR EXAM FEES	1,200,000.00	144,990.00	356,450.00	843,550.00	29.70%
SPECIAL ADMISSIONS	60,000.00	2,480.00	4,925.00	55,075.00	8.21%
LLLT EXAM FEES	7,500.00	-	1,810.00	5,690.00	24.13%
LLLT WAIVER FEES	900.00	-	150.00	750.00	16.67%
LPO EXAMINATION FEES	24,000.00	3,900.00	13,800.00	10,200.00	57.50%
TOTAL REVENUE:	1,327,400.00	151,370.00	377,135.00	950,265.00	28.41%
DIRECT EXPENSES:					
DEPRECIATION	17,776.00	-	-	17,776.00	0.00%
POSTAGE	4,000.00	137.26	694.23	3,305.77	17.36%
STAFF TRAVEL/PARKING	13,000.00	350.00	700.00	12,300.00	5.38%
STAFF MEMBERSHIP DUES	400.00	-	-	400.00	0.00%
SUPPLIES	2,500.00	-	-	2,500.00	0.00%
FACILITY, PARKING, FOOD	70,000.00	5,750.00	5,750.00	64,250.00	8.21%
EXAMINER FEES	35,000.00	-	-	35,000.00	0.00%
UBE EXMINATIONS	130,000.00	-	-	130,000.00	0.00%
BOARD OF BAR EXAMINERS	25,000.00	15.44	283.62	24,716.38	1.13%
BAR EXAM PROCTORS	31,000.00	-	-	31,000.00	0.00%
CHARACTER & FITNESS BOARD	20,000.00	1,831.50	3,802.79	16,197.21	19.01%
DISABILITY ACCOMMODATIONS	20,000.00	-	-	20,000.00	0.00%
CHARACTER & FITNESS INVESTIGATIONS	900.00	-	-	900.00	0.00%
LAW SCHOOL VISITS	1,000.00	-	615.12	384.88	61.51%
EXAM WRITING	28,355.00	-	-	28,355.00	0.00%
COURT REPORTERS	18,000.00	973.90	2,080.70	15,919.30	11.56%
TOTAL DIRECT EXPENSES:	416,931.00	9,058.10	13,926.46	403,004.54	3.34%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.30 FTE)	496,503.00	41,082.40	82,164.80	414,338.20	16.55%
BENEFITS EXPENSE	188,862.00	13,989.82	28,360.93	160,501.07	15.02%
OTHER INDIRECT EXPENSE	155,683.00	13,585.49	29,581.68	126,101.32	19.00%
TOTAL INDIRECT EXPENSES:	841,048.00	68,657.71	140,107.41	700,940.59	16.66%
TOTAL ALL EXPENSES:	1,257,979.00	77,715.81	154,033.87	1,103,945.13	12.24%
NET INCOME (LOSS):	69,421.00	73,654.19	223,101.13		

Washington State Bar Association
Statement of Activities
For the Period from November 1, 2018 to November 30, 2018
16.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
BOG/OED					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	5,400.00	450.00	900.00	4,500.00	16.67%
STAFF MEMBERSHIP DUES	2,131.00	400.00	400.00	1,731.00	18.77%
TELEPHONE	1,000.00	74.29	149.95	850.05	15.00%
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	-	60,000.00	-	100.00%
BOG MEETINGS	117,000.00	3,427.79	3,485.56	113,514.44	2.98%
BOG COMMITTEES' EXPENSES	30,000.00	2,549.10	4,081.52	25,918.48	13.61%
BOG CONFERENCE ATTENDANCE	49,000.00	366.60	1,472.50	47,527.50	3.01%
BOG TRAVEL & OUTREACH	35,000.00	1,035.83	2,752.33	32,247.67	7.86%
ED TRAVEL & OUTREACH	5,000.00	204.05	854.38	4,145.62	17.09%
TOTAL DIRECT EXPENSES:	304,531.00	8,507.66	74,096.24	230,434.76	24.33%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	361,878.00	28,679.64	61,874.98	300,003.02	17.10%
BENEFITS EXPENSE	107,757.00	7,863.87	16,019.46	91,737.54	14.87%
OTHER INDIRECT EXPENSE	60,543.00	5,276.54	11,489.32	49,053.68	18.98%
TOTAL INDIRECT EXPENSES:	530,178.00	41,820.05	89,383.76	440,794.24	16.86%
TOTAL ALL EXPENSES:	834,709.00	50,327.71	163,480.00	671,229.00	19.59%
NET INCOME (LOSS):	(834,709.00)	(50,327.71)	(163,480.00)		

Washington State Bar Association
Statement of Activities
For the Period from November 1, 2018 to November 30, 2018
16.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
COMMUNICATION STRATEGIES					
REVENUE:					
APEX LUNCH/DINNER	50,000.00	-	-	50,000.00	0.00%
50 YEAR MEMBER TRIBUTE LUNCH	750.00	-	300.00	450.00	40.00%
WSBA LOGO MERCHANDISE SALES	-	140.00	560.00	(560.00)	
TOTAL REVENUE:	50,750.00	140.00	860.00	49,890.00	1.69%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,700.00	350.00	700.00	4,000.00	14.89%
STAFF MEMBERSHIP DUES	1,000.00	-	295.00	705.00	29.50%
SUBSCRIPTIONS	10,050.00	36.31	101.08	9,948.92	1.01%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	-	10.00	1,440.00	0.69%
APEX DINNER	63,000.00	-	-	63,000.00	0.00%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	331.54	7,874.10	125.90	98.43%
COMMUNICATIONS OUTREACH	15,000.00	3,355.17	3,677.38	11,322.62	24.52%
SPEAKERS & PROGRAM DEVELOP	1,600.00	-	-	1,600.00	0.00%
EQUIPMENT, HARDWARE & SOFTWARE	-	384.25	384.25	(384.25)	
TELEPHONE	-	26.68	26.68	(26.68)	
TOTAL DIRECT EXPENSES:	104,800.00	4,483.95	13,068.49	91,731.51	12.47%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.62 FTE)	312,393.00	28,992.01	55,318.27	257,074.73	17.71%
BENEFITS EXPENSE	124,221.00	9,217.02	18,681.46	105,539.54	15.04%
OTHER INDIRECT EXPENSE	114,168.00	9,946.53	21,658.02	92,509.98	18.97%
TOTAL INDIRECT EXPENSES:	550,782.00	48,155.56	95,657.75	455,124.25	17.37%
TOTAL ALL EXPENSES:	655,582.00	52,639.51	108,726.24	546,855.76	16.58%
NET INCOME (LOSS):	(604,832.00)	(52,499.51)	(107,866.24)		

Washington State Bar Association
Statement of Activities
For the Period from November 1, 2018 to November 30, 2018
16.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONFERENCE & BROADCAST SERVICES					
REVENUE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL REVENUE:	<u> -</u>	<u> -</u>	<u> -</u>	<u> -</u>	<u> -</u>
DIRECT EXPENSES:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TRANSLATION SERVICES	3,500.00	355.50	912.45	2,587.55	26.07%
TOTAL DIRECT EXPENSES:	<u style="text-align: right;">3,500.00</u>	<u style="text-align: right;">355.50</u>	<u style="text-align: right;">912.45</u>	<u style="text-align: right;">2,587.55</u>	<u style="text-align: right;">26.07%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (7.15 FTE)	429,625.00	34,804.70	68,237.21	361,387.79	15.88%
BENEFITS EXPENSE	174,080.00	12,147.85	25,425.16	148,654.84	14.61%
OTHER INDIRECT EXPENSE	<u>176,688.00</u>	<u>15,404.98</u>	<u>33,543.50</u>	<u>143,144.50</u>	<u>18.98%</u>
TOTAL INDIRECT EXPENSES:	<u style="text-align: right;">780,393.00</u>	<u style="text-align: right;">62,357.53</u>	<u style="text-align: right;">127,205.87</u>	<u style="text-align: right;">653,187.13</u>	<u style="text-align: right;">16.30%</u>
TOTAL ALL EXPENSES:	<u style="text-align: right;">783,893.00</u>	<u style="text-align: right;">62,713.03</u>	<u style="text-align: right;">128,118.32</u>	<u style="text-align: right;">655,774.68</u>	<u style="text-align: right;">16.34%</u>
NET INCOME (LOSS):	<u style="text-align: right;"><u>(783,893.00)</u></u>	<u style="text-align: right;"><u>(62,713.03)</u></u>	<u style="text-align: right;"><u>(128,118.32)</u></u>		

Washington State Bar Association
Statement of Activities
For the Period from November 1, 2018 to November 30, 2018
16.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DISCIPLINE					
REVENUE:					
AUDIT REVENUE	3,200.00	42.50	233.75	2,966.25	7.30%
RECOVERY OF DISCIPLINE COSTS	80,000.00	4,850.80	9,036.22	70,963.78	11.30%
DISCIPLINE HISTORY SUMMARY	13,000.00	1,145.12	2,541.17	10,458.83	19.55%
TOTAL REVENUE:	96,200.00	6,038.42	11,811.14	84,388.86	12.28%
DIRECT EXPENSES:					
DEPRECIATION-SOFTWARE	7,123.00	858.00	1,717.00	5,406.00	24.11%
PUBLICATIONS PRODUCTION	444.00	-	211.25	232.75	47.58%
STAFF TRAVEL/PARKING	35,000.00	2,207.48	4,508.36	30,491.64	12.88%
STAFF MEMBERSHIP DUES	3,900.00	-	1,425.00	2,475.00	36.54%
TELEPHONE	2,300.00	186.46	372.38	1,927.62	16.19%
COURT REPORTERS	55,000.00	1,824.63	3,531.63	51,468.37	6.42%
OUTSIDE COUNSEL/AIC	2,000.00	-	-	2,000.00	0.00%
LITIGATION EXPENSES	25,000.00	2,130.74	3,397.76	21,602.24	13.59%
DISABILITY EXPENSES	7,500.00	2,500.00	2,500.00	5,000.00	33.33%
ONLINE LEGAL RESEARCH	68,000.00	5,581.61	5,689.71	62,310.29	8.37%
LAW LIBRARY	12,500.00	448.11	448.11	12,051.89	3.58%
TRANSLATION SERVICES	1,500.00	-	-	1,500.00	0.00%
CONFERENCE CALLS	-	-	4.16	(4.16)	
TOTAL DIRECT EXPENSES:	220,267.00	15,737.03	23,805.36	196,461.64	10.81%
INDIRECT EXPENSES:					
SALARY EXPENSE (36.88 FTE)	3,556,329.00	291,281.08	585,982.73	2,970,346.27	16.48%
BENEFITS EXPENSE	1,196,316.00	88,117.23	178,991.89	1,017,324.11	14.96%
OTHER INDIRECT EXPENSE	911,363.00	79,420.64	172,934.02	738,428.98	18.98%
TOTAL INDIRECT EXPENSES:	5,664,008.00	458,818.95	937,908.64	4,726,099.36	16.56%
TOTAL ALL EXPENSES:	5,884,275.00	474,555.98	961,714.00	4,922,561.00	16.34%
NET INCOME (LOSS):	(5,788,075.00)	(468,517.56)	(949,902.86)		

Washington State Bar Association
Statement of Activities
For the Period from November 1, 2018 to November 30, 2018
16.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DIVERSITY					
REVENUE:					
DONATIONS	110,000.00	-	137,500.00	(27,500.00)	125.00%
WORK STUDY GRANTS	10,374.00	-	682.50	9,691.50	6.58%
TOTAL REVENUE:	120,374.00	-	138,182.50	(17,808.50)	114.79%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	6,000.00	326.32	955.74	5,044.26	15.93%
STAFF MEMBERSHIP DUES	350.00	-	-	350.00	0.00%
COMMITTEE FOR DIVERSITY	5,000.00	753.22	1,054.99	3,945.01	21.10%
DIVERSITY EVENTS & PROJECTS	10,000.00	1,180.90	2,004.42	7,995.58	20.04%
INTERNAL DIVERSITY OUTREACH	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSE:	21,550.00	2,260.44	4,015.15	17,534.85	18.63%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.05 FTE)	328,835.00	27,158.58	53,688.22	275,146.78	16.33%
BENEFITS EXPENSE	115,724.00	8,558.28	17,365.48	98,358.52	15.01%
OTHER INDIRECT EXPENSE	100,082.00	8,733.55	19,016.82	81,065.18	19.00%
TOTAL INDIRECT EXPENSES:	544,641.00	44,450.41	90,070.52	454,570.48	16.54%
TOTAL ALL EXPENSES:	566,191.00	46,710.85	94,085.67	472,105.33	16.62%
NET INCOME (LOSS):	(445,817.00)	(46,710.85)	44,096.83		

Washington State Bar Association
Statement of Activities
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16.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
FOUNDATION					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	3,000.00	-	-	3,000.00	0.00%
PRINTING & COPYING	800.00	494.90	494.90	305.10	61.86%
STAFF TRAVEL/PARKING	1,400.00	-	11.99	1,388.01	0.86%
SUPPLIES	500.00	-	-	500.00	0.00%
SPECIAL EVENTS	5,000.00	-	-	5,000.00	0.00%
BOARD OF TRUSTEES	3,000.00	-	30.33	2,969.67	1.01%
POSTAGE	500.00	-	-	500.00	0.00%
TOTAL DIRECT EXPENSES:	14,200.00	494.90	537.22	13,662.78	3.78%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.15 FTE)	89,538.00	7,515.06	15,267.78	74,270.22	17.05%
BENEFITS EXPENSE	32,707.00	2,408.78	4,894.04	27,812.96	14.96%
OTHER INDIRECT EXPENSE	28,418.00	2,486.63	5,414.49	23,003.51	19.05%
TOTAL INDIRECT EXPENSES:	150,663.00	12,410.47	25,576.31	125,086.69	16.98%
TOTAL ALL EXPENSES:	164,863.00	12,905.37	26,113.53	138,749.47	15.84%
NET INCOME (LOSS):	(164,863.00)	(12,905.37)	(26,113.53)		

Washington State Bar Association
Statement of Activities
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16.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
HUMAN RESOURCES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	150.00	-	220.00	(70.00)	146.67%
STAFF MEMBERSHIP DUES	1,250.00	219.00	219.00	1,031.00	17.52%
SUBSCRIPTIONS	2,100.00	106.92	154.80	1,945.20	7.37%
STAFF TRAINING- GENERAL	30,000.00	465.00	1,004.00	28,996.00	3.35%
RECRUITING AND ADVERTISING	7,000.00	133.41	374.46	6,625.54	5.35%
PAYROLL PROCESSING	49,000.00	3,429.16	7,066.86	41,933.14	14.42%
SALARY SURVEYS	2,900.00	-	-	2,900.00	0.00%
TRANSFER TO INDIRECT EXPENSE	(102,400.00)	(4,353.49)	(9,039.12)	(93,360.88)	8.83%
CONSULTING SERVICES	10,000.00	-	-	10,000.00	0.00%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	260,398.00	21,098.48	41,425.59	218,972.41	15.91%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	-	-	(200,000.00)	0.00%
BENEFITS EXPENSE	84,017.00	6,172.79	12,550.03	71,466.97	14.94%
OTHER INDIRECT EXPENSE	60,543.00	5,276.51	11,489.31	49,053.69	18.98%
TOTAL INDIRECT EXPENSES:	204,958.00	32,547.78	65,464.93	139,493.07	31.94%
TOTAL ALL EXPENSES:	204,958.00	32,547.78	65,464.93	139,493.07	31.94%
NET INCOME (LOSS):	(204,958.00)	(32,547.78)	(65,464.93)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAW CLERK PROGRAM					
REVENUE:					
LAW CLERK FEES	162,000.00	625.00	2,625.00	159,375.00	1.62%
LAW CLERK APPLICATION FEES	4,000.00	400.00	400.00	3,600.00	10.00%
TOTAL REVENUE:	166,000.00	1,025.00	3,025.00	162,975.00	1.82%
DIRECT EXPENSES:					
SUBSCRIPTIONS	250.00	-	-	250.00	0.00%
CHARACTER & FITNESS INVESTIGATIONS	100.00	-	-	100.00	0.00%
LAW CLERK BOARD EXPENSE	6,000.00	418.33	418.33	5,581.67	6.97%
LAW CLERK OUTREACH	5,000.00	-	-	5,000.00	0.00%
TOTAL DIRECT EXPENSES:	11,350.00	418.33	418.33	10,931.67	3.69%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.10 FTE)	84,449.00	7,012.98	14,025.96	70,423.04	16.61%
BENEFITS EXPENSE	31,033.00	2,296.90	4,654.18	26,378.82	15.00%
OTHER INDIRECT EXPENSE	27,183.00	2,365.34	5,150.39	22,032.61	18.95%
TOTAL INDIRECT EXPENSES:	142,665.00	11,675.22	23,830.53	118,834.47	16.70%
TOTAL ALL EXPENSES:	154,015.00	12,093.55	24,248.86	129,766.14	15.74%
NET INCOME (LOSS):	11,985.00	(11,068.55)	(21,223.86)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LEGISLATIVE					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,550.00	104.91	(95.61)	4,645.61	-2.10%
STAFF MEMBERSHIP DUES	450.00	-	-	450.00	0.00%
SUBSCRIPTIONS	2,000.00	-	-	2,000.00	0.00%
TELEPHONE	400.00	-	-	400.00	0.00%
OLYMPIA RENT	2,500.00	-	-	2,500.00	0.00%
CONTRACT LOBBYIST	5,000.00	-	-	5,000.00	0.00%
LOBBYIST CONTACT COSTS	1,000.00	-	-	1,000.00	0.00%
LEGISLATIVE COMMITTEE	2,500.00	570.02	1,258.36	1,241.64	50.33%
BOG LEGISLATIVE COMMITTEE	250.00	-	-	250.00	0.00%
TOTAL DIRECT EXPENSES:	18,650.00	674.93	1,162.75	17,487.25	6.23%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.10 FTE)	80,340.00	6,705.76	13,411.52	66,928.48	16.69%
BENEFITS EXPENSE	27,893.00	2,059.79	4,188.14	23,704.86	15.02%
OTHER INDIRECT EXPENSE	27,183.00	2,365.32	5,150.37	22,032.63	18.95%
TOTAL INDIRECT EXPENSES:	135,416.00	11,130.87	22,750.03	112,665.97	16.80%
TOTAL ALL EXPENSES:	154,066.00	11,805.80	23,912.78	130,153.22	15.52%
NET INCOME (LOSS):	(154,066.00)	(11,805.80)	(23,912.78)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSING & MEMBERSHIP RECORDS					
REVENUE:					
STATUS CERTIFICATE FEES	22,000.00	1,462.21	3,192.54	18,807.46	14.51%
RULE 9/LEGAL INTERN FEES	11,000.00	350.00	600.00	10,400.00	5.45%
INVESTIGATION FEES	22,000.00	2,100.00	4,500.00	17,500.00	20.45%
PRO HAC VICE	230,000.00	18,858.00	56,510.00	173,490.00	24.57%
MEMBER CONTACT INFORMATION	19,000.00	133.89	2,208.89	16,791.11	11.63%
PHOTO BAR CARD SALES	350.00	12.00	12.00	338.00	3.43%
TOTAL REVENUE:	304,350.00	22,916.10	67,023.43	237,326.57	22.02%
DIRECT EXPENSES:					
DEPRECIATION	13,812.00	1,150.00	2,301.00	11,511.00	16.66%
POSTAGE	29,000.00	109.36	9,419.55	19,580.45	32.48%
LICENSING FORMS	3,000.00	11.51	2,165.54	834.46	72.18%
TOTAL DIRECT EXPENSES:	45,812.00	1,270.87	13,886.09	31,925.91	30.31%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.35 FTE)	395,080.00	31,990.14	63,980.28	331,099.72	16.19%
BENEFITS EXPENSE	133,752.00	9,859.74	20,022.76	113,729.24	14.97%
OTHER INDIRECT EXPENSE	107,495.00	9,370.39	20,403.47	87,091.53	18.98%
TOTAL INDIRECT EXPENSES:	636,327.00	51,220.27	104,406.51	531,920.49	16.41%
TOTAL ALL EXPENSES:	682,139.00	52,491.14	118,292.60	563,846.40	17.34%
NET INCOME (LOSS):	(377,789.00)	(29,575.04)	(51,269.17)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED LICENSE LEGAL TECHNICIAN PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	600.00	60.33	60.33	539.67	10.06%
LLLT BOARD	17,000.00	1,298.07	2,254.50	14,745.50	13.26%
LLLT OUTREACH	8,000.00	84.19	1,551.97	6,448.03	19.40%
TOTAL DIRECT EXPENSES:	25,600.00	1,442.59	3,866.80	21,733.20	15.10%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.55 FTE)	135,526.00	11,176.24	22,352.48	113,173.52	16.49%
BENEFITS EXPENSE	41,762.00	3,494.93	7,093.42	34,668.58	16.99%
OTHER INDIRECT EXPENSE	38,303.00	3,335.71	7,263.35	31,039.65	18.96%
TOTAL INDIRECT EXPENSES:	215,591.00	18,006.88	36,709.25	178,881.75	17.03%
TOTAL ALL EXPENSES:	241,191.00	19,449.47	40,576.05	200,614.95	16.82%
NET INCOME (LOSS):	(241,191.00)	(19,449.47)	(40,576.05)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED PRACTICE OFFICERS					
REVENUE:	_____	_____	_____	_____	_____
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:	_____	_____	_____	_____	_____
LPO BOARD	3,000.00	-	711.74	2,288.26	23.72%
TOTAL DIRECT EXPENSES:	3,000.00	-	711.74	2,288.26	23.72%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.17 FTE)	99,089.00	8,226.80	16,453.60	82,635.40	16.60%
BENEFITS EXPENSE	40,651.00	2,583.32	5,238.89	35,412.11	12.89%
OTHER INDIRECT EXPENSE	28,913.00	2,516.95	5,480.52	23,432.48	18.96%
TOTAL INDIRECT EXPENSES:	168,653.00	13,327.07	27,173.01	141,479.99	16.11%
TOTAL ALL EXPENSES:	171,653.00	13,327.07	27,884.75	143,768.25	16.24%
NET INCOME (LOSS):	(171,653.00)	(13,327.07)	(27,884.75)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANDATORY CONTINUING LEGAL EDUCATION					
REVENUE:					
ACCREDITED PROGRAM FEES	540,000.00	53,500.00	121,700.00	418,300.00	22.54%
FORM I LATE FEES	150,000.00	19,600.00	42,725.00	107,275.00	28.48%
MEMBER LATE FEES	203,000.00	(800.00)	700.00	202,300.00	0.34%
ANNUAL ACCREDITED SPONSOR FEES	43,000.00	42,250.00	42,750.00	250.00	99.42%
ATTENDANCE LATE FEES	85,000.00	10,150.00	17,580.00	67,420.00	20.68%
COMITY CERTIFICATES	29,000.00	5,950.56	7,000.57	21,999.43	24.14%
TOTAL REVENUE:	1,050,000.00	130,650.56	232,455.57	817,544.43	22.14%
DIRECT EXPENSES:					
DEPRECIATION	249,948.00	20,675.00	41,349.00	208,599.00	16.54%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
MCLE BOARD	2,000.00	-	176.99	1,823.01	8.85%
TOTAL DIRECT EXPENSES:	252,448.00	20,675.00	41,525.99	210,922.01	16.45%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.90 FTE)	374,898.00	26,965.53	58,769.31	316,128.69	15.68%
BENEFITS EXPENSE	124,996.00	9,282.93	18,816.61	106,179.39	15.05%
OTHER INDIRECT EXPENSE	121,087.00	10,553.04	22,978.63	98,108.37	18.98%
TOTAL INDIRECT EXPENSES:	620,981.00	46,801.50	100,564.55	520,416.45	16.19%
TOTAL ALL EXPENSES:	873,429.00	67,476.50	142,090.54	731,338.46	16.27%
NET INCOME (LOSS):	176,571.00	63,174.06	90,365.03		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER ASSISTANCE PROGRAM					
REVENUE:					
DIVERSIONS	10,000.00	1,516.80	1,516.80	8,483.20	15.17%
TOTAL REVENUE:	10,000.00	1,516.80	1,516.80	8,483.20	15.17%
DIRECT EXPENSES:					
PUBLICATIONS PRODUCTION	200.00	-	-	200.00	0.00%
STAFF MEMBERSHIP DUES	225.00	-	-	225.00	0.00%
PROF LIAB INSURANCE	850.00	-	-	850.00	0.00%
TOTAL DIRECT EXPENSES:	1,275.00	-	-	1,275.00	0.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.90 FTE)	84,582.00	7,095.26	14,208.30	70,373.70	16.80%
BENEFITS EXPENSE	34,402.00	2,548.01	5,158.16	29,243.84	14.99%
OTHER INDIRECT EXPENSE	22,240.00	1,940.80	4,225.96	18,014.04	19.00%
TOTAL INDIRECT EXPENSES:	141,224.00	11,584.07	23,592.42	117,631.58	16.71%
TOTAL ALL EXPENSES:	142,499.00	11,584.07	23,592.42	118,906.58	16.56%
NET INCOME (LOSS):	(132,499.00)	(10,067.27)	(22,075.62)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER SERVICES & ENGAGEMENT					
REVENUE:					
ROYALTIES	30,000.00	8,592.83	11,465.72	18,534.28	38.22%
NMP PRODUCT SALES	70,000.00	16,126.64	19,448.64	50,551.36	27.78%
SPONSORSHIPS	1,200.00	-	-	1,200.00	0.00%
SEMINAR REGISTRATIONS	30,000.00	-	-	30,000.00	0.00%
TRIAL ADVOCACY PROGRAM	10,000.00	-	-	10,000.00	0.00%
TOTAL REVENUE:	141,200.00	24,719.47	30,914.36	110,285.64	21.89%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,500.00	93.08	93.08	4,406.92	2.07%
SUBSCRIPTIONS	480.00	-	769.60	(289.60)	160.33%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
YLL SECTION PROGRAM	1,100.00	-	-	1,100.00	0.00%
WYLC CLE COMPS	1,000.00	-	-	1,000.00	0.00%
WYLC OUTREACH EVENTS	2,500.00	-	-	2,500.00	0.00%
WYL COMMITTEE	15,000.00	49.99	448.12	14,551.88	2.99%
OPEN SECTIONS NIGHT	4,400.00	-	-	4,400.00	0.00%
RURAL PLACEMENT PROGRAM	10,500.00	-	-	10,500.00	0.00%
TRIAL ADVOCACY EXPENSES	2,500.00	-	-	2,500.00	0.00%
RECEPTION/FORUM EXPENSE	4,000.00	-	-	4,000.00	0.00%
WYLC SCHOLARSHIPS/DONATIONS/GRANT	2,500.00	-	-	2,500.00	0.00%
STAFF MEMBERSHIP DUES	385.00	-	-	385.00	0.00%
LENDING LIBRARY	5,500.00	117.55	1,583.55	3,916.45	28.79%
NMP SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	-	4.16	1,495.84	0.28%
TOTAL DIRECT EXPENSES:	56,065.00	260.62	2,898.51	53,166.49	5.17%
INDIRECT EXPENSES:					
SALARY EXPENSE (3.98 FTE)	296,941.00	21,303.60	45,949.76	250,991.24	15.47%
BENEFITS EXPENSE	110,321.00	8,159.13	16,549.48	93,771.52	15.00%
OTHER INDIRECT EXPENSE	98,352.00	8,581.91	18,686.65	79,665.35	19.00%
TOTAL INDIRECT EXPENSES:	505,614.00	38,044.64	81,185.89	424,428.11	16.06%
TOTAL ALL EXPENSES:	561,679.00	38,305.26	84,084.40	477,594.60	14.97%
NET INCOME (LOSS):	(420,479.00)	(13,585.79)	(53,170.04)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBERSHIP BENEFITS					
REVENUE:					
MP3 SALES	-	1,029.00	1,127.00	(1,127.00)	
SPONSORSHIPS	8,000.00	-	-	8,000.00	0.00%
INTERNET SALES	9,000.00	1,715.00	2,499.00	6,501.00	27.77%
TOTAL REVENUE:	17,000.00	2,744.00	3,626.00	13,374.00	21.33%
DIRECT EXPENSES:					
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	-	-	500.00	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	1,700.00	-	13.69	1,686.31	0.81%
WSBA CONNECTS	46,560.00	7,760.00	7,760.00	38,800.00	16.67%
CASEMAKER & FASTCASE	136,336.00	5,416.00	10,832.00	125,504.00	7.95%
CONFERENCE CALLS	-	-	127.69	(127.69)	
TOTAL DIRECT EXPENSES:	185,096.00	13,176.00	18,733.38	166,362.62	10.12%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.73 FTE)	54,366.00	4,113.02	8,597.44	45,768.56	15.81%
BENEFITS EXPENSE	20,206.00	1,498.18	3,043.36	17,162.64	15.06%
OTHER INDIRECT EXPENSE	18,039.00	1,576.91	3,433.62	14,605.38	19.03%
TOTAL INDIRECT EXPENSES:	92,611.00	7,188.11	15,074.42	77,536.58	16.28%
TOTAL ALL EXPENSES:	277,707.00	20,364.11	33,807.80	243,899.20	12.17%
NET INCOME (LOSS):	(260,707.00)	(17,620.11)	(30,181.80)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NORTHWEST LAWYER					
REVENUE:					
ROYALTIES	-	-	1,267.59	(1,267.59)	
DISPLAY ADVERTISING	297,500.00	-	-	297,500.00	0.00%
SUBSCRIPT/SINGLE ISSUES	350.00	36.00	72.00	278.00	20.57%
CLASSIFIED ADVERTISING	12,500.00	2,389.35	4,799.20	7,700.80	38.39%
GEN ANNOUNCEMENTS	17,500.00	-	-	17,500.00	0.00%
PROF ANNOUNCEMENTS	21,000.00	-	-	21,000.00	0.00%
JOB TARGET ADVERTISING	112,500.00	19,826.40	36,731.91	75,768.09	32.65%
TOTAL REVENUE:	461,350.00	22,251.75	42,870.70	418,479.30	9.29%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	2,000.00	-	(1,950.00)	3,950.00	-97.50%
POSTAGE	89,000.00	-	10,235.96	78,764.04	11.50%
PRINTING, COPYING & MAILING	250,000.00	30,053.96	30,053.96	219,946.04	12.02%
DIGITAL/ONLINE DEVELOPMENT	10,200.00	-	700.00	9,500.00	6.86%
GRAPHICS/ARTWORK	3,500.00	-	-	3,500.00	0.00%
EDITORIAL ADVISORY COMMITTEE	800.00	-	136.26	663.74	17.03%
STAFF MEMBERSHIP DUES	135.00	-	-	135.00	0.00%
TOTAL DIRECT EXPENSES:	355,635.00	30,053.96	39,176.18	316,458.82	11.02%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.25 FTE)	177,211.00	15,437.37	32,431.74	144,779.26	18.30%
BENEFITS EXPENSE	70,006.00	3,508.86	7,162.40	62,843.60	10.23%
OTHER INDIRECT EXPENSE	55,601.00	4,851.94	10,564.89	45,036.11	19.00%
TOTAL INDIRECT EXPENSES:	302,818.00	23,798.17	50,159.03	252,658.97	16.56%
TOTAL ALL EXPENSES:	658,453.00	53,852.13	89,335.21	569,117.79	13.57%
NET INCOME (LOSS):	(197,103.00)	(31,600.38)	(46,464.51)		

Washington State Bar Association
Statement of Activities
For the Period from November 1, 2018 to November 30, 2018
16.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL					
REVENUE:					
COPY FEES	-	-	330.00	(330.00)	
TOTAL REVENUE:	-	-	330.00	(330.00)	
DIRECT EXPENSES:					
DEPRECIATION	3,336.00	-	-	3,336.00	0.00%
STAFF TRAVEL/PARKING	3,240.00	-	-	3,240.00	0.00%
STAFF MEMBERSHIP DUES	1,500.00	-	200.00	1,300.00	13.33%
COURT RULES COMMITTEE	2,000.00	-	532.83	1,467.17	26.64%
DISCIPLINE ADVISORY ROUNDTABLE	500.00	-	-	500.00	0.00%
CUSTODIANSHIPS	2,500.00	-	-	2,500.00	0.00%
TOTAL DIRECT EXPENSES:	13,076.00	-	732.83	12,343.17	5.60%
INDIRECT EXPENSES:					
SALARY EXPENSE (5.75 FTE)	588,978.00	38,553.64	78,333.70	510,644.30	13.30%
BENEFITS EXPENSE	197,610.00	14,488.41	29,436.96	168,173.04	14.90%
OTHER INDIRECT EXPENSE	142,092.00	12,402.85	27,006.51	115,085.49	19.01%
TOTAL INDIRECT EXPENSES:	928,680.00	65,444.90	134,777.17	793,902.83	14.51%
TOTAL ALL EXPENSES:	941,756.00	65,444.90	135,510.00	806,246.00	14.39%
NET INCOME (LOSS):	(941,756.00)	(65,444.90)	(135,180.00)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD					
REVENUE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL REVENUE:	<u> -</u>	<u> -</u>	<u> -</u>	<u> -</u>	<u> -</u>
DIRECT EXPENSE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
DISCIPLINARY BOARD EXPENSES	10,000.00	47.94	889.55	9,110.45	8.90%
CHIEF HEARING OFFICER	33,000.00	2,500.00	5,000.00	28,000.00	15.15%
HEARING OFFICER EXPENSES	3,000.00	-	-	3,000.00	0.00%
HEARING OFFICER TRAINING	2,000.00	-	-	2,000.00	0.00%
OUTSIDE COUNSEL	55,000.00	3,000.00	6,000.00	49,000.00	10.91%
TOTAL DIRECT EXPENSES:	<u>103,500.00</u>	<u>5,547.94</u>	<u>11,889.55</u>	<u>91,610.45</u>	<u>11.49%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.45 FTE)	110,578.00	7,806.54	15,616.69	94,961.31	14.12%
BENEFITS EXPENSE	40,663.00	3,015.00	6,112.87	34,550.13	15.03%
OTHER INDIRECT EXPENSE	<u>35,832.00</u>	<u>3,123.46</u>	<u>6,801.16</u>	<u>29,030.84</u>	<u>18.98%</u>
TOTAL INDIRECT EXPENSES:	<u>187,073.00</u>	<u>13,945.00</u>	<u>28,530.72</u>	<u>158,542.28</u>	<u>15.25%</u>
TOTAL ALL EXPENSES:	<u>290,573.00</u>	<u>19,492.94</u>	<u>40,420.27</u>	<u>250,152.73</u>	<u>13.91%</u>
NET INCOME (LOSS):	<u><u>(290,573.00)</u></u>	<u><u>(19,492.94)</u></u>	<u><u>(40,420.27)</u></u>		

Washington State Bar Association
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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OUTREACH & ENGAGEMENT					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF TRAVEL/PARKING	1,400.00	-	-	1,400.00	0.00%
STAFF MEMBERSHIP DUES	1,152.00	-	-	1,152.00	0.00%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
ABA DELEGATES	4,500.00	-	-	4,500.00	0.00%
ANNUAL CHAIR MEETINGS	600.00	17.64	496.74	103.26	82.79%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	1,300.19	1,323.55	3,176.45	29.41%
BOG ELECTIONS	6,500.00	-	-	6,500.00	0.00%
BAR OUTREACH	10,000.00	17.80	440.27	9,559.73	4.40%
PROFESSIONALISM	2,000.00	-	-	2,000.00	0.00%
TOTAL DIRECT EXPENSES:	30,852.00	1,335.63	2,260.56	28,591.44	7.33%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.73 FTE)	224,397.00	18,729.30	37,458.60	186,938.40	16.69%
BENEFITS EXPENSE	79,186.00	5,843.73	11,867.10	67,318.90	14.99%
OTHER INDIRECT EXPENSE	67,463.00	5,882.99	12,809.91	54,653.09	18.99%
TOTAL INDIRECT EXPENSES:	371,046.00	30,456.02	62,135.61	308,910.39	16.75%
TOTAL ALL EXPENSES:	401,898.00	31,791.65	64,396.17	337,501.83	16.02%
NET INCOME (LOSS):	(401,898.00)	(31,791.65)	(64,396.17)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE OF LAW BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
PRACTICE OF LAW BOARD	16,000.00	1,443.28	2,524.05	13,475.95	15.78%
TOTAL DIRECT EXPENSES:	16,000.00	1,443.28	2,524.05	13,475.95	15.78%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.40 FTE)	50,676.00	1,802.08	3,596.95	47,079.05	7.10%
BENEFITS EXPENSE	13,502.00	1,028.79	2,099.85	11,402.15	15.55%
OTHER INDIRECT EXPENSE	9,885.00	849.08	1,848.85	8,036.15	18.70%
TOTAL INDIRECT EXPENSES:	74,063.00	3,679.95	7,545.65	66,517.35	10.19%
TOTAL ALL EXPENSES:	90,063.00	5,123.23	10,069.70	79,993.30	11.18%
NET INCOME (LOSS):	(90,063.00)	(5,123.23)	(10,069.70)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PROFESSIONAL RESPONSIBILITY PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	2,000.00	-	-	2,000.00	0.00%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
CPE COMMITTEE	4,200.00	26.70	856.01	3,343.99	20.38%
TOTAL DIRECT EXPENSES:	6,700.00	26.70	856.01	5,843.99	12.78%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.65 FTE)	160,192.00	13,395.14	26,786.26	133,405.74	16.72%
BENEFITS EXPENSE	57,904.00	4,276.06	8,678.11	49,225.89	14.99%
OTHER INDIRECT EXPENSE	40,774.00	3,548.01	7,725.55	33,048.45	18.95%
TOTAL INDIRECT EXPENSES:	258,870.00	21,219.21	43,189.92	215,680.08	16.68%
TOTAL ALL EXPENSES:	265,570.00	21,245.91	44,045.93	221,524.07	16.59%
NET INCOME (LOSS):	<u>(265,570.00)</u>	<u>(21,245.91)</u>	<u>(44,045.93)</u>		

Washington State Bar Association
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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLIC SERVICE PROGRAMS					
REVENUE:					
DONATIONS & GRANTS	110,000.00	-	137,500.00	(27,500.00)	125.00%
PSP PRODUCT SALES	2,000.00	128.00	236.00	1,764.00	11.80%
TOTAL REVENUE:	112,000.00	128.00	137,736.00	(25,736.00)	122.98%
DIRECT EXPENSES:					
DONATIONS/SPONSORSHIPS/GRANTS	207,915.00	-	-	207,915.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	32.85	49.85	1,950.15	2.49%
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	-	311.36	1,688.64	15.57%
PUBLIC SERVICE EVENTS AND PROJECTS	20,500.00	906.33	906.33	19,593.67	4.42%
TOTAL DIRECT EXPENSES:	232,415.00	939.18	1,267.54	231,147.46	0.55%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.03 FTE)	87,057.00	6,045.60	10,474.36	76,582.64	12.03%
BENEFITS EXPENSE	29,994.00	2,217.17	4,493.50	25,500.50	14.98%
OTHER INDIRECT EXPENSE	25,453.00	2,213.72	4,820.24	20,632.76	18.94%
TOTAL INDIRECT EXPENSES:	142,504.00	10,476.49	19,788.10	122,715.90	13.89%
TOTAL ALL EXPENSES:	374,919.00	11,415.67	21,055.64	353,863.36	5.62%
NET INCOME (LOSS):	(262,919.00)	(11,287.67)	116,680.36		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLICATION & DESIGN SERVICES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
SUBSCRIPTIONS	83.00	-	-	83.00	0.00%
IMAGE LIBRARY	4,680.00	-	4,100.00	580.00	87.61%
TOTAL DIRECT EXPENSES:	5,263.00	-	4,100.00	1,163.00	77.90%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.22 FTE)	80,074.00	7,963.14	16,577.39	63,496.61	20.70%
BENEFITS EXPENSE	31,380.00	2,283.25	4,623.14	26,756.86	14.73%
OTHER INDIRECT EXPENSE	30,148.00	2,638.26	5,744.64	24,403.36	19.05%
TOTAL INDIRECT EXPENSES:	141,602.00	12,884.65	26,945.17	114,656.83	19.03%
TOTAL ALL EXPENSES:	146,865.00	12,884.65	31,045.17	115,819.83	21.14%
NET INCOME (LOSS):	(146,865.00)	(12,884.65)	(31,045.17)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	300,000.00	918.75	1,893.75	298,106.25	0.63%
TOTAL REVENUE:	300,000.00	918.75	1,893.75	298,106.25	0.63%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,200.00	125.77	206.36	993.64	17.20%
SUBSCRIPTIONS	372.00	372.00	372.00	-	100.00%
CONFERENCE CALLS	300.00	-	78.70	221.30	26.23%
MISCELLANEOUS	300.00	-	-	300.00	0.00%
SECTION/COMMITTEE CHAIR MTGS	1,000.00	-	360.87	639.13	36.09%
DUES STATEMENTS	6,000.00	-	-	6,000.00	0.00%
STAFF MEMBERSHIP DUES	125.00	-	-	125.00	0.00%
TOTAL DIRECT EXPENSES:	9,297.00	497.77	1,017.93	8,279.07	10.95%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.25 FTE)	297,955.00	20,562.38	46,725.20	251,229.80	15.68%
BENEFITS EXPENSE	112,039.00	8,308.83	16,832.86	95,206.14	15.02%
OTHER INDIRECT EXPENSE	105,024.00	9,158.09	19,941.25	85,082.75	18.99%
TOTAL INDIRECT EXPENSES:	515,018.00	38,029.30	83,499.31	431,518.69	16.21%
TOTAL ALL EXPENSES:	524,315.00	38,527.07	84,517.24	439,797.76	16.12%
NET INCOME (LOSS):	(224,315.00)	(37,608.32)	(82,623.49)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
TECHNOLOGY					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	85,000.00	11,200.00	28,785.56	56,214.44	33.87%
STAFF TRAVEL/PARKING	2,500.00	-	-	2,500.00	0.00%
STAFF MEMBERSHIP DUES	110.00	-	-	110.00	0.00%
TELEPHONE	24,000.00	1,398.98	2,812.77	21,187.23	11.72%
COMPUTER HARDWARE	29,000.00	(463.08)	1,379.53	27,620.47	4.76%
COMPUTER SOFTWARE	29,000.00	-	-	29,000.00	0.00%
HARDWARE SERVICE & WARRANTIES	60,000.00	-	24,523.11	35,476.89	40.87%
SOFTWARE MAINTENANCE & LICENSING	270,000.00	21,129.93	96,880.35	173,119.65	35.88%
TELEPHONE HARDWARE & MAINTENANCE	10,000.00	-	-	10,000.00	0.00%
COMPUTER SUPPLIES	15,000.00	4,317.02	4,704.12	10,295.88	31.36%
THIRD PARTY SERVICES	143,000.00	33,202.25	47,841.75	95,158.25	33.46%
TRANSFER TO INDIRECT EXPENSES	(667,610.00)	(70,785.10)	(206,927.19)	(460,682.81)	31.00%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (12.10 FTE)	1,059,680.00	92,702.28	182,222.42	877,457.58	17.20%
BENEFITS EXPENSE	370,332.00	27,310.41	55,453.79	314,878.21	14.97%
CAPITAL LABOR & OVERHEAD	(188,800.00)	(18,012.96)	(23,856.45)	(164,943.55)	12.64%
OTHER INDIRECT EXPENSE	299,010.00	26,079.34	56,786.28	242,223.72	18.99%
TOTAL INDIRECT EXPENSES:	1,540,222.00	128,079.07	270,606.04	1,269,615.96	17.57%
TOTAL ALL EXPENSES:	1,540,222.00	128,079.07	270,606.04	1,269,615.96	17.57%
NET INCOME (LOSS):	(1,540,222.00)	(128,079.07)	(270,606.04)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLE - PRODUCTS					
REVENUE:					
SHIPPING & HANDLING	1,000.00	36.00	63.00	937.00	6.30%
COURSEBOOK SALES	11,000.00	779.00	1,965.00	9,035.00	17.86%
MP3 AND VIDEO SALES	950,000.00	125,517.13	196,349.69	753,650.31	20.67%
TOTAL REVENUE:	962,000.00	126,332.13	198,377.69	763,622.31	20.62%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	100.00	(399.00)	(399.00)	499.00	-399.00%
DEPRECIATION	5,540.00	632.00	1,265.00	4,275.00	22.83%
STAFF MEMBERSHIP DUES	410.00	-	335.00	75.00	81.71%
COST OF SALES - COURSEBOOKS	1,200.00	75.44	178.68	1,021.32	14.89%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	-	1,500.00	0.00%
ONLINE PRODUCT HOSTING EXPENSES	40,000.00	3,581.50	7,035.62	32,964.38	17.59%
SHIPPING SUPPLIES	100.00	-	-	100.00	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	500.00	33.04	56.98	443.02	11.40%
COST OF SALES - DESKBOOKS	-	(2,051.05)	(2,051.05)	2,051.05	
TOTAL DIRECT EXPENSES:	49,350.00	1,871.93	6,421.23	42,928.77	13.01%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.63 FTE)	98,425.00	8,304.08	16,629.75	81,795.25	16.90%
BENEFITS EXPENSE	40,026.00	2,973.55	6,032.89	33,993.11	15.07%
OTHER INDIRECT EXPENSE	40,280.00	3,517.66	7,659.55	32,620.45	19.02%
TOTAL INDIRECT EXPENSES:	178,731.00	14,795.29	30,322.19	148,408.81	16.97%
TOTAL ALL EXPENSES:	228,081.00	16,667.22	36,743.42	191,337.58	16.11%
NET INCOME (LOSS):	733,919.00	109,664.91	161,634.27		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLE - SEMINARS					
REVENUE:					
SEMINAR REGISTRATIONS	876,000.00	84,380.00	98,182.00	777,818.00	11.21%
SEMINAR-EXHIB/SPNSR/ETC	41,500.00	-	-	41,500.00	0.00%
TOTAL REVENUE:	917,500.00	84,380.00	98,182.00	819,318.00	10.70%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	500.00	(124.00)	(124.00)	624.00	-24.80%
STAFF TRAVEL/PARKING	5,675.00	49.00	94.60	5,580.40	1.67%
STAFF MEMBERSHIP DUES	850.00	-	672.00	178.00	79.06%
SUPPLIES	3,650.00	186.17	186.17	3,463.83	5.10%
COURSEBOOK PRODUCTION	3,000.00	40.50	47.46	2,952.54	1.58%
POSTAGE - FLIERS/CATALOGS	10,685.00	936.23	1,447.38	9,237.62	13.55%
POSTAGE - MISC./DELIVERY	2,500.00	-	70.00	2,430.00	2.80%
ACCREDITATION FEES	4,696.00	16.00	(32.00)	4,728.00	-0.68%
SEMINAR BROCHURES	20,770.00	1,011.18	4,328.29	16,441.71	20.84%
FACILITIES	223,500.00	15,125.42	18,330.10	205,169.90	8.20%
SPEAKERS & PROGRAM DEVELOP	68,100.00	1,615.82	4,498.17	63,601.83	6.61%
CLE SEMINAR COMMITTEE	500.00	-	37.85	462.15	7.57%
TOTAL DIRECT EXPENSES:	344,426.00	18,856.32	29,556.02	314,869.98	8.58%
INDIRECT EXPENSES:					
SALARY EXPENSE (8.09 FTE)	557,997.00	46,499.87	92,799.89	465,197.11	16.63%
BENEFITS EXPENSE	214,152.00	15,816.07	32,126.23	182,025.77	15.00%
OTHER INDIRECT EXPENSE	199,917.00	17,436.77	37,967.54	161,949.46	18.99%
TOTAL INDIRECT EXPENSES:	972,066.00	79,752.71	162,893.66	809,172.34	16.76%
TOTAL ALL EXPENSES:	1,316,492.00	98,609.03	192,449.68	1,124,042.32	14.62%
NET INCOME (LOSS):	(398,992.00)	(14,229.03)	(94,267.68)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONTINUING LEGAL EDUCATION (CLE)					
REVENUE:					
SEMINAR REGISTRATIONS	876,000.00	84,380.00	98,182.00	777,818.00	11.21%
SEMINAR-EXHIB/SPNSR/ETC	41,500.00	-	-	41,500.00	0.00%
SHIPPING & HANDLING	1,000.00	36.00	63.00	937.00	6.30%
COURSEBOOK SALES	11,000.00	779.00	1,965.00	9,035.00	17.86%
MP3 AND VIDEO SALES	950,000.00	125,517.13	196,349.69	753,650.31	20.67%
TOTAL REVENUE:	1,879,500.00	210,712.13	296,559.69	1,582,940.31	15.78%
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	3,000.00	40.50	47.46	2,952.54	1.58%
POSTAGE - FLIERS/CATALOGS	10,685.00	936.23	1,447.38	9,237.62	13.55%
POSTAGE - MISC./DELIVERY	2,500.00	-	70.00	2,430.00	2.80%
DEPRECIATION	5,540.00	632.00	1,265.00	4,275.00	22.83%
ONLINE EXPENSES	40,000.00	3,581.50	7,035.62	32,964.38	17.59%
ACCREDITATION FEES	4,696.00	16.00	(32.00)	4,728.00	-0.68%
SEMINAR BROCHURES	20,770.00	1,011.18	4,328.29	16,441.71	20.84%
FACILITIES	223,500.00	15,125.42	18,330.10	205,169.90	8.20%
SPEAKERS & PROGRAM DEVELOP	68,100.00	1,615.82	4,498.17	63,601.83	6.61%
CLE SEMINAR COMMITTEE	500.00	-	37.85	462.15	7.57%
BAD DEBT EXPENSE	600.00	(523.00)	(523.00)	1,123.00	-87.17%
STAFF TRAVEL/PARKING	5,675.00	49.00	94.60	5,580.40	1.67%
STAFF MEMBERSHIP DUES	1,260.00	-	1,007.00	253.00	79.92%
SUPPLIES	3,650.00	186.17	186.17	3,463.83	5.10%
COST OF SALES - DESKBOOKS	-	(2,051.05)	(2,051.05)	2,051.05	
COST OF SALES - COURSEBOOKS	1,200.00	75.44	178.68	1,021.32	14.89%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	-	1,500.00	0.00%
SHIPPING SUPPLIES	100.00	-	-	100.00	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	500.00	33.04	56.98	443.02	11.40%
TOTAL DIRECT EXPENSES:	393,776.00	20,728.25	35,977.25	357,798.75	9.14%
INDIRECT EXPENSES:					
SALARY EXPENSE (9.72 FTE)	656,422.00	54,803.95	109,429.64	546,992.36	16.67%
BENEFITS EXPENSE	254,178.00	18,789.62	38,159.12	216,018.88	15.01%
OTHER INDIRECT EXPENSE	240,197.00	20,954.43	45,627.09	194,569.91	19.00%
TOTAL INDIRECT EXPENSES:	1,150,797.00	94,548.00	193,215.85	957,581.15	16.79%
TOTAL ALL EXPENSES:	1,544,573.00	115,276.25	229,193.10	1,315,379.90	14.84%
NET INCOME (LOSS):	334,927.00	95,435.88	67,366.59		

Washington State Bar Association
Statement of Activities
For the Period from November 1, 2018 to November 30, 2018
16.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DESKBOOKS					
REVENUE:					
SHIPPING & HANDLING	2,000.00	72.00	162.00	1,838.00	8.10%
DESKBOOK SALES	80,000.00	5,835.00	8,535.00	71,465.00	10.67%
SECTION PUBLICATION SALES	3,000.00	225.00	675.00	2,325.00	22.50%
CASEMAKER ROYALTIES	75,000.00	1,300.94	5,701.16	69,298.84	7.60%
TOTAL REVENUE:	160,000.00	7,432.94	15,073.16	144,926.84	9.42%
DIRECT EXPENSES:					
COST OF SALES - DESKBOOKS	50,000.00	6,583.83	8,556.84	41,443.16	17.11%
COST OF SALES - SECTION PUBLICATION	750.00	39.02	117.06	632.94	15.61%
SPLITS TO SECTIONS	1,000.00	-	-	1,000.00	0.00%
DESKBOOK ROYALTIES	1,000.00	-	-	1,000.00	0.00%
SHIPPING SUPPLIES	150.00	-	-	150.00	0.00%
POSTAGE & DELIVER-DESKBOOKS	2,000.00	96.95	174.65	1,825.35	8.73%
FLIERS/CATALOGS	3,000.00	-	-	3,000.00	0.00%
POSTAGE - FLIERS/CATALOGS	1,500.00	-	-	1,500.00	0.00%
COMPLIMENTARY BOOK PROGRAM	2,000.00	-	-	2,000.00	0.00%
BAD DEBT EXPENSE	100.00	-	-	100.00	0.00%
RECORDS STORAGE - OFF SITE	7,440.00	675.00	1,295.00	6,145.00	17.41%
STAFF MEMBERSHIP DUES	250.00	-	168.00	82.00	67.20%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSES:	69,390.00	7,394.80	10,311.55	59,078.45	14.86%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.05 FTE)	117,663.00	9,822.92	20,343.21	97,319.79	17.29%
BENEFITS EXPENSE	48,981.00	3,639.88	7,370.31	41,610.69	15.05%
OTHER INDIRECT EXPENSE	50,659.00	4,427.43	9,640.47	41,018.53	19.03%
TOTAL INDIRECT EXPENSES:	217,303.00	17,890.23	37,353.99	179,949.01	17.19%
TOTAL ALL EXPENSES:	286,693.00	25,285.03	47,665.54	239,027.46	16.63%
NET INCOME (LOSS):	(126,693.00)	(17,852.09)	(32,592.38)		

Washington State Bar Association

Statement of Activities

For the Period from November 1, 2018 to November 30, 2018

16.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLIENT PROTECTION FUND					
REVENUE:					
CPF RESTITUTION	3,000.00	162.60	359.75	2,640.25	11.99%
CPF MEMBER ASSESSMENTS	982,000.00	120,360.00	133,380.00	848,620.00	13.58%
INTEREST INCOME	7,500.00	5,923.21	12,222.93	(4,722.93)	162.97%
TOTAL REVENUE:	992,500.00	126,445.81	145,962.68	846,537.32	14.71%
DIRECT EXPENSES:					
BANK FEES - WELLS FARGO	1,000.00	(57.30)	(125.77)	1,125.77	-12.58%
GIFTS TO INJURED CLIENTS	500,000.00	-	1,200.00	498,800.00	0.24%
CPF BOARD EXPENSES	3,000.00	127.27	129.67	2,870.33	4.32%
TOTAL DIRECT EXPENSES:	504,000.00	69.97	1,203.90	502,796.10	0.24%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.25 FTE)	97,740.00	6,735.72	13,471.44	84,268.56	13.78%
BENEFITS EXPENSE	35,581.00	2,625.62	5,334.83	30,246.17	14.99%
OTHER INDIRECT EXPENSE	30,889.00	2,698.91	5,876.71	25,012.29	19.03%
TOTAL INDIRECT EXPENSES:	164,210.00	12,060.25	24,682.98	139,527.02	15.03%
TOTAL ALL EXPENSES:	668,210.00	12,130.22	25,886.88	642,323.12	3.87%
NET INCOME (LOSS):	324,290.00	114,315.59	120,075.80		

Washington State Bar Association
Statement of Activities
For the Period from November 1, 2018 to November 30, 2018
16.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANAGEMENT OF WESTERN STATES BAR CONFERENCE (NO WSBA FUNDS)					
REVENUE:					
REGISTRATION REVENUE	33,000.00	-	-	33,000.00	0.00%
OTHER ACTIVITIES REGISTRATION REVENUE	20,000.00	-	-	20,000.00	0.00%
WESTERN STATES BAR MEMBERSHIP DUES	3,200.00	-	-	3,200.00	0.00%
SPONSORSHIPS	12,000.00	-	-	12,000.00	0.00%
TOTAL REVENUE:	68,200.00	-	-	68,200.00	0.00%
DIRECT EXPENSES:					
FACILITIES	55,000.00	-	-	55,000.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	1,000.00	-	-	1,000.00	0.00%
BANK FEES	-	-	1.00	(1.00)	
WSBC PRESIDENT TRAVEL	500.00	-	-	500.00	0.00%
OPTIONAL ACTIVITIES EXPENSE	3,500.00	-	-	3,500.00	0.00%
MARKETING EXPENSE	800.00	-	52.04	747.96	6.51%
STAFF TRAVEL/PARKING	2,000.00	-	777.87	1,222.13	38.89%
TOTAL DIRECT EXPENSES:	62,800.00	-	830.91	61,969.09	1.32%
INDIRECT EXPENSES:					
TOTAL INDIRECT EXPENSES:	-	-	-	-	
TOTAL ALL EXPENSES:	62,800.00	-	830.91	61,969.09	1.32%
NET INCOME (LOSS):	5,400.00	-	(830.91)		

Washington State Bar Association
Statement of Activities
For the Period from November 1, 2018 to November 30, 2018
16.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	471,440.00	1,455.00	2,815.00	468,625.00	0.60%
SEMINAR PROFIT SHARE	15,000.00	-	-	15,000.00	0.00%
INTEREST INCOME	1,900.00	-	-	1,900.00	0.00%
PUBLICATIONS REVENUE	4,000.00	-	-	4,000.00	0.00%
OTHER	49,250.00	4,318.75	8,873.75	40,376.25	18.02%
TOTAL REVENUE:	541,590.00	5,773.75	11,688.75	529,901.25	2.16%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	533,005.00	19,807.35	43,026.28	489,978.72	8.07%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	308,232.00	918.75	1,893.75	306,338.25	0.61%
TOTAL DIRECT EXPENSES:	841,237.00	20,726.10	44,920.03	796,316.97	5.34%
NET INCOME (LOSS):	(299,647.00)	(14,952.35)	(33,231.28)		

Washington State Bar Association
Statement of Activities
For the Period from November 1, 2018 to November 30, 2018
16.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
INDIRECT EXPENSES:					
SALARIES	11,868,980.00	965,826.74	1,940,886.34	9,928,093.66	16.35%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	-	-	(200,000.00)	0.00%
TEMPORARY SALARIES	141,330.00	4,062.00	15,160.40	126,169.60	10.73%
CAPITAL LABOR & OVERHEAD	(188,800.00)	(18,012.96)	(23,856.45)	(164,943.55)	12.64%
EMPLOYEE ASSISTANCE PLAN	4,800.00	1,200.00	1,200.00	3,600.00	25.00%
EMPLOYEE SERVICE AWARDS	2,230.00	200.00	1,360.00	870.00	60.99%
FICA (EMPLOYER PORTION)	879,000.00	64,687.60	134,722.48	744,277.52	15.33%
L&I INSURANCE	47,250.00	-	-	47,250.00	0.00%
MEDICAL (EMPLOYER PORTION)	1,590,000.00	120,497.45	241,690.89	1,348,309.11	15.20%
RETIREMENT (EMPLOYER PORTION)	1,494,000.00	121,075.19	245,849.88	1,248,150.12	16.46%
TRANSPORTATION ALLOWANCE	119,250.00	355.00	710.00	118,540.00	0.60%
UNEMPLOYMENT INSURANCE	87,500.00	1,777.32	4,207.57	83,292.43	4.81%
STAFF DEVELOPMENT-GENERAL	6,900.00	315.72	315.72	6,584.28	4.58%
TOTAL SALARY & BENEFITS EXPENSE:	15,852,440.00	1,261,984.06	2,562,246.83	13,290,193.17	16.16%
WORKPLACE BENEFITS	39,000.00	2,841.24	6,807.81	32,192.19	17.46%
HUMAN RESOURCES POOLED EXP	102,400.00	4,353.49	9,039.12	93,360.88	8.83%
MEETING SUPPORT EXPENSES	12,500.00	803.83	2,432.22	10,067.78	19.46%
RENT	1,802,000.00	152,639.25	298,333.65	1,503,666.35	16.56%
PERSONAL PROP TAXES-WSBA	14,000.00	1,613.93	3,227.86	10,772.14	23.06%
FURNITURE, MAINT, LH IMP	35,200.00	181.67	535.09	34,664.91	1.52%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	5,966.48	12,726.75	33,273.25	27.67%
FURN & OFFICE EQUIP DEPRECIATION	51,300.00	3,699.78	7,399.78	43,900.22	14.42%
COMPUTER HARDWARE DEPRECIATION	51,800.00	3,454.00	6,906.00	44,894.00	13.33%
COMPUTER SOFTWARE DEPRECIATION	162,700.00	9,310.00	19,074.00	143,626.00	11.72%
INSURANCE	143,000.00	11,916.18	23,832.36	119,167.64	16.67%
PROFESSIONAL FEES-AUDIT	35,000.00	1,825.60	5,575.60	29,424.40	15.93%
PROFESSIONAL FEES-LEGAL	50,000.00	12,021.90	12,021.90	37,978.10	24.04%
TELEPHONE & INTERNET	47,000.00	3,570.36	7,766.86	39,233.14	16.53%
POSTAGE - GENERAL	36,000.00	1,859.03	4,135.07	31,864.93	11.49%
RECORDS STORAGE	40,000.00	4,979.25	11,041.45	28,958.55	27.60%
STAFF TRAINING	95,245.00	7,344.03	15,056.60	80,188.40	15.81%
BANK FEES	35,400.00	2,737.81	4,932.47	30,467.53	13.93%
PRODUCTION MAINTENANCE & SUPPLIES	12,000.00	1,029.35	2,218.01	9,781.99	18.48%
COMPUTER POOLED EXPENSES	667,610.00	70,785.10	206,927.19	460,682.81	31.00%
TOTAL OTHER INDIRECT EXPENSES:	3,478,155.00	302,932.28	659,989.79	2,818,165.21	18.98%
TOTAL INDIRECT EXPENSES:	19,330,595.00	1,564,916.34	3,222,236.62		

Washington State Bar Association
Statement of Activities
For the Period from November 1, 2018 to November 30, 2018
16.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
SUMMARY PAGE				
LICENSE FEES	15,958,200.00	1,287,947.02	2,600,761.55	13,357,438.45
ACCESS TO JUSTICE	(327,324.00)	(20,818.39)	(47,829.33)	(279,494.67)
ADMINISTRATION	(1,043,654.00)	(75,325.98)	(178,643.75)	(865,010.25)
ADMISSIONS/BAR EXAM	69,421.00	73,654.19	223,101.13	(153,680.13)
BOARD OF GOVERNORS	(834,709.00)	(50,327.71)	(163,480.00)	(671,229.00)
COMMUNICATIONS	(604,832.00)	(52,499.51)	(107,866.24)	(496,965.76)
CONFERENCE & BROADCAST SERVICES	(783,893.00)	(62,713.03)	(128,118.32)	(655,774.68)
DISCIPLINE	(5,788,075.00)	(468,517.56)	(949,902.86)	(4,838,172.14)
DIVERSITY	(445,817.00)	(46,710.85)	44,096.83	(489,913.83)
FOUNDATION	(164,863.00)	(12,905.37)	(26,113.53)	(138,749.47)
HUMAN RESOURCES	(204,958.00)	(32,547.78)	(65,464.93)	(139,493.07)
LAP	(132,499.00)	(10,067.27)	(22,075.62)	(110,423.38)
LEGISLATIVE	(154,066.00)	(11,805.80)	(23,912.78)	(130,153.22)
LICENSING AND MEMBERSHIP	(377,789.00)	(29,575.04)	(51,269.17)	(326,519.83)
LIMITED LICENSE LEGAL TECHNICIAN	(241,191.00)	(19,449.47)	(40,576.05)	(200,614.95)
LIMITED PRACTICE OFFICERS	(171,653.00)	(13,327.07)	(27,884.75)	(143,768.25)
MANDATORY CLE ADMINISTRATION	176,571.00	63,174.06	90,365.03	86,205.97
MEMBER BENEFITS	(260,707.00)	(17,620.11)	(30,181.80)	(230,525.20)
MEMBER SERVICES & ENGAGEMENT	(420,479.00)	(13,585.79)	(53,170.04)	(367,308.96)
NW LAWYER	(197,103.00)	(31,600.38)	(46,464.51)	(150,638.49)
OFFICE OF GENERAL COUNSEL	(941,756.00)	(65,444.90)	(135,180.00)	(806,576.00)
OGC-DISCIPLINARY BOARD	(290,573.00)	(19,492.94)	(40,420.27)	(250,152.73)
OUTREACH & ENGAGEMENT	(401,898.00)	(31,791.65)	(64,396.17)	(337,501.83)
PRACTICE OF LAW BOARD	(90,063.00)	(5,123.23)	(10,069.70)	(79,993.30)
PROFESSIONAL RESPONSIBILITY PROGRAM	(265,570.00)	(21,245.91)	(44,045.93)	(221,524.07)
PUBLICATION & DESIGN SERVICES	(146,865.00)	(12,884.65)	(31,045.17)	(115,819.83)
PUBLIC SERVICE PROGRAMS	(262,919.00)	(11,287.67)	116,680.36	(379,599.36)
LAW CLERK PROGRAM	11,985.00	(11,068.55)	(21,223.86)	33,208.86
SECTIONS ADMINISTRATION	(224,315.00)	(37,608.32)	(82,623.49)	(141,691.51)
TECHNOLOGY	(1,540,222.00)	(128,079.07)	(270,606.04)	(1,269,615.96)
CLE - PRODUCTS	733,919.00	109,664.91	161,634.27	572,284.73
CLE - SEMINARS	(398,992.00)	(14,229.03)	(94,267.68)	(304,724.32)
SECTIONS OPERATIONS	(299,647.00)	(14,952.35)	(33,231.28)	(266,415.72)
DESKBOOKS	(126,693.00)	(17,852.09)	(32,592.38)	(94,100.62)
CLIENT PROTECTION FUND	324,290.00	114,315.59	120,075.80	204,214.20
WESTERN STATES BAR CONFERENCE (No WSBA Funds)	5,400.00	-	(830.91)	6,230.91
INDIRECT EXPENSES	(19,330,595.00)	(1,564,916.34)	(3,222,236.62)	(16,108,358.38)
TOTAL OF ALL	19,193,934.00	1,276,618.04	2,689,008.21	16,504,925.79
NET INCOME (LOSS)	136,661.00	288,298.30	533,228.41	

**Washington State Bar Association
Analysis of Cash Investments
As of November 30, 2018**

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 1,021,448

Total

Investments

	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.25%	\$ 1,844,060
UBS Financial Money Market	2.26%	\$ 1,056,135
Morgan Stanley Money Market	2.16%	\$ 26,233
Merrill Lynch Money Market	2.20%	\$ 1,919,765
Long Term Investments	Varies	\$ 3,259,975
Short Term Investments	Varies	\$ -

General Fund Total \$ 9,127,616

Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 793,975

Investments

	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.25%	\$ 3,298,366
Morgan Stanley Money Market	1.88%	\$ 104,413
Wells Fargo Investments	Varies	\$ -

Client Protection Fund Total \$ 4,196,754

Grand Total Cash & Investments \$ 13,324,370

**Washington State Bar Association
Analysis of Cash Investments
As of November 30, 2018**

Long Term Investments- General Fund

<u>UBS Financial Long Term Investments</u>	<u>Value as of 11/30/2018</u>
Nuveen 3-7 year Municipal Bond Portfolio	\$ 307,788.46

<u>Morgan Stanley Long Term Investments</u>	<u>Value as of 11/30/2018</u>
Lord Abbett Short Term Duration Income Fund	\$ 789,239.82
Guggenheim Total Return Bond Fund	\$ 1,093,581.16
Virtus Multi-Sector Short Term Bond Fund	\$ 1,069,365.79
	<u>\$ 2,052,186.77</u>

Total Long Term Investments- General Fund 3,259,975.23

Short Term Investments- General Fund

<u>Bank</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Term</u>	<u>Maturity Date</u>	<u>Amount</u>
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Total Short Term Investments- General Fund -

Client Protection Fund

<u>Bank</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Term Mths</u>	<u>Maturity Date</u>	<u>Amount</u>
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Total CPF -

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Tiffany Lynch, Associated Director for Finance

Re: Investment Update as of October 31, 2018 and November 30, 2018

Date: December 26, 2018

WSBA's investments consist of short and long term bond portfolios, and are managed by our advisors at Morgan Stanley and UBS Financial. There has been no change in the makeup of the portfolio since the last report. As of November 30, there is an aggregate gain across all funds of \$31,960, or 0.99%:

TOTAL INCEPTION VALUE OF ALL FUNDS	\$3,228,015
TOTAL VALUE OF ALL FUNDS AS OF 11/30/18	\$3,259,975
GAIN/(LOSS) SINCE INCEPTION (\$ and %)	\$31,960, 0.99%

The chart below details value by fund at inception, transfers of portfolio gains above \$100,000 to the WSBA's general fund operating accounts per the Budget and Audit Committee's June 2016 direction, end of month for the periods September through November, and Gain/(Loss) from November 30, 2017 to November 30, 2018:

INVESTMENT FUND	VALUE					GAIN/(LOSS) 11/30/17 – 11/30/18
	Inception	Transfer of Gains	9/30/18 (Previously Reported)	10/31/18	11/30/18	
Nuveen 3-7 year Municipal Bond Portfolio	\$500,000	(\$200,000) ¹	\$306,693	\$303,881	\$307,788	\$1,190
Lord Abbett & Company Short Term Duration Income Fund	\$628,015 ²	\$0	\$789,809	\$788,635	\$789,240	\$7,350
Guggenheim Total Return Bond Fund	\$1,050,000 ³	\$0	\$1,097,384	\$1,089,481	\$1,093,581	\$2,794
Virtus Multi-Sector Short Term Bond Fund	\$1,050,000 ³	\$0	\$1,076,307	\$1,073,034	\$1,069,366	(\$7,154)
Total	\$3,228,015	(\$200,000)	\$3,270,193	\$3,255,031	\$3,259,975	\$4,180

¹ Transfer of \$200,000 made on November 22, 2017.

² Inception value is based on original amount of \$1,428,015 (\$500,000 original purchase price of Lord Abbett, plus \$599,995 Legg Mason fund transferred on May 9, 2014, plus \$328,000 liquidation of Hays Advisory Fund on March 3, 2015) minus \$800,000 that was redistributed evenly to Guggenheim and Virtus on September 19, 2017.

³ Inception value is \$1,050,000 based on original purchase price is \$650,000 plus \$400,000 re-distributed from Lord Abbett on Sept 19, 2017.



Board of Governors Meeting
Hotel RL
Olympia, WA
March 7, 2019

WSBA Mission: To serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

THURSDAY, March 7, 2019

GENERAL INFORMATION XX

1. AGENDA XX

8:00 A.M.

2. EXECUTIVE SESSION

- a. Approve January 17-18, 2018, Executive Session Minutes (action)..... E-xx
- b. President’s and Executive Director’s Reports
- c. Litigation Report – Julie Shankland..... E-xx

11:30 A.M. – PUBLIC SESSION

- Welcome
- Report on Executive Session
- President’s Report and Executive Director’s Report
- Consideration of Consent Calendar*

MEMBER AND PUBLIC COMMENTS

This time period is for guests to raise issues of interest.

OPERATIONAL

3. **FIRST READING/ACTION CALENDAR**

- a. Request for BOG Support of Diversity Committee Statement of Solidarity – Governor Alec Stephens (action)..... XX

12:30 P.M. – LUNCH WITH LIAISONS AND GUESTS

* See Consent Calendar. Any items pulled from the Consent Calendar will be scheduled at the President’s discretion. The WSBA is committed to full access and participation by persons with disabilities to Board of Governors meetings. If you require accommodation for these meetings, please contact Kara Ralph at karar@wsba.org or 206.239.2125. 559

2:00 P.M.

- b. BOG Civil Litigation Rules Committee Report..... XX
- c. Approve Recommendations from Mandatory Malpractice Insurance Task Force – Hugh Spitzer, Chair, and Doug Ende, Chief Disciplinary Counsel (**first reading**)..... XX
- d. Update from Washington Supreme Court WSBA Structure Work Group BOG Members – Governors Dan Clark, Kyle Sciuchetti, and Paul Swegle XX
- e. Update from Budget and Audit Committee – Governor Dan Bridges, Treasurer

GOVERNOR ROUNDTABLE

This time period is for Board members to raise new business and issues of interest.

OPERATIONAL (continued)

- 4. **CONSENT CALENDAR**..... XX
 - a. January 17-18, 2018, Public Session Minutes..... XX
- 5. **INFORMATION**
 - a. Executive Director’s Report XX
 - b. ABA Midyear Meeting Report..... XX
 - c. Legislative Report..... XX
 - d. Diversity and Inclusion Events XX
 - e. Financial Statements
- 6. **PREVIEW OF MAY 16-17, 2019, MEETING** XX

2018-2019 Board of Governors Meeting Issues

NOVEMBER (Seattle)

Standing Agenda Items:

- Access to Justice Board Annual Report (Information)
- Financials
- FY2018 Fourth Quarter Management Report
- 2018-2019 Legislative Priorities
- 2018-2019 Legislative Review Committee Recommendations
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- Outside Appointments (if any)
- Washington Leadership Institute (WLI) Fellows Report
- WSBA Practice Sections Annual Reports (ED Report Information)
- WSBF Annual Report

JANUARY (Seattle)

Standing Agenda Items:

- ABA Midyear Meeting Sneak Preview
- Client Protection Fund (CPF) Annual Report
- Financials
- FY2018 Audited Financial Statements
- FY2019 First Quarter Management Report
- Legislative Session Report
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- Outside Appointments (if any)

MARCH (Olympia)

Standing Agenda Items:

- ABA Mid-Year Meeting Report
- Financials
- Legislative Report
- Outside Appointments (if any)
- Supreme Court Meeting

March 2018 Agenda Items:

- BOG Civil Litigation Rules Committee Report
- Mandatory Malpractice Insurance Final Report

May (Yakima)

Standing Agenda Items:

- BOG Election Interview Time Limits (Executive Session)
- Financials
- FY2019 Second Quarter Management Report
- Interview/Selection of WSBA At-Large Governor
- Interview/Selection of the WSBA President-elect
- Legislative Report/Wrap-up
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- Outside Appointments (if any)
- WSBA Awards Committee Recommendations (Executive Session)

JULY (Richland)

Standing Agenda Items:

- ATJ Board Report
- BOG Retreat
- Court Rules and Procedures Committee Report and Recommendations
- Financials
- Draft WSBA FY2020 Budget
- FY2018 Third Quarter Management Report
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- WSBA Committee and Board Chair Appointments
- WSBA Mission Performance and Review (MPR) Committee Update
- WSBA Treasurer Election

SEPTEMBER (Seattle)

Standing Agenda Items:

- 2020 Keller Deduction Schedule
- ABA Annual Meeting Report
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation (Executive Session)
- Financials
- Final FY2020 Budget
- Legal Foundation of Washington and LAW Fund Report
- Washington Law School Deans
- WSBA Annual Awards Dinner
- WSBF Annual Meeting and Trustee Election

Board of Governors – Action Timeline

Description of Matter/Issue	First Reading	Scheduled for Board Action
Request for BOG Support of Diversity Committee Statement of Solidarity	Jan 17-18, 2019	March 7, 2019
Recommendations from Mandatory Malpractice Insurance Task Force	Jan 17-18, 2019	March 7, 2019