

**WASHINGTON STATE
BAR ASSOCIATION**

**Board of Governors
Meeting Materials**

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

WASHINGTON STATE BAR ASSOCIATION

WSBA MISSION	
<p>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.</p>	
WSBA GUIDING PRINCIPLES	
<p>The WSBA will operate a well-managed association that supports its members and advances and promotes:</p> <ul style="list-style-type: none"> • Access to the justice system. <i>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.</i> • Diversity, equality, and cultural understanding throughout the legal community. <i>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.</i> • The public’s understanding of the rule of law and its confidence in the legal system. <i>Focus: Educate youth and adult audiences about the importance of the three branches of government and how they work together.</i> • A fair and impartial judiciary. • The ethics, civility, professionalism, and competence of the Bar. 	
MISSION FOCUS AREAS	PROGRAM CRITERIA
<p>Ensuring Competent and Qualified Legal Professionals</p> <ul style="list-style-type: none"> • Cradle to Grave • Regulation and Assistance <p>Promoting the Role of Legal Professionals in Society</p> <ul style="list-style-type: none"> • Service • Professionalism 	<ul style="list-style-type: none"> • 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	
<ul style="list-style-type: none"> • 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* October 24, 2018 9:00 am – 11:00 am
November 16, 2018	WSBA Conference Center Seattle, WA	BOG Meeting	October 25, 2018	October 31, 2018	
January 17-18, 2019	WSBA Conference Center Seattle, WA	BOG Meeting	December 20, 2018	January 2, 2019	December 20, 2018
March 7, 2019 March 8, 2019	Hotel RL Olympia, WA Temple of Justice	BOG Meeting BOG Meeting with Supreme Court	February 14, 2019	February 20, 2019	February 14, 2019
May 16-17, 2019	Hilton Garden Inn Yakima, WA	BOG Meeting	April 25, 2019	May 1, 2019	April 25, 2019
July 25, 2019 July 26-27, 2019	Courtyard by Marriott Richland, WA	BOG Retreat BOG Meeting	June 27, 2019	July 10, 2019	June 27, 2019
September 26-27, 2019 September 26, 2019	WSBA Conference Center Seattle, WA Sheraton	BOG Meeting WSBA APEX Awards Banquet	September 5, 2019	September 11, 2019	September 5, 2019

*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



Open Position
Immediate Past President



Terra Nevitt
Interim 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

Anthony David Gipe
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
 Courtyard by Marriott
 Richland, WA
 July 26-27, 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

FRIDAY, JULY 26, 2019

GENERAL INFORMATION 2

AGENDA 18

11:00 A.M. – 12:00 P.M.

WELCOME

PRESIDENT’S REPORT AND INTERIM EXECUTIVE DIRECTOR’S REPORT

MEMBER AND PUBLIC COMMENTS (guests’ issues of interest)

CONSENT CALENDAR (action)

- May 16-17, 2019, Minutes 24
- July 8, 2019, Special Meeting Minutes 36
- Appoint Chairs and Vice-Chairs to WSBA Committees and Boards..... 38

PRESENTATION OF LOCAL HERO AWARDS

12:00 P.M. – LUNCH WITH LIAISONS AND GUESTS

1:00 P.M. – 2:30 P.M.

LAW CLERK PROGRAM PRESENTATION - Ben Phillabaum, Chair 69

PROCESS AND SELECTION OF 2019-2020 WSBA TREASURER (action)..... 77

PERSONNEL COMMITTEE PROPOSED WSBA BOG NO RETALIATION POLICY – Governor Chris Meserve, Chair, and Felix Neals, Interim Director of Human Resources (**first reading**) 84

2:30 P.M. – BREAK

2:45 P.M. – 5:00 P.M.

- COMMITTEE ON PROFESSIONAL ETHICS (CPE) PROPOSED AMENDMENTS TO RPC 1.15A(h)(9) RE SAFEGUARDING PROPERTY** – Anne Seidel, CPE Member (phone), and Jeanne Marie Clavere, Professional Responsibility Counsel (phone) **(action)** 100
- PRO BONO AND PUBLIC SERVICE COMMITTEE PROPOSED PRO BONO MODEL POLICIES** – Paul Okner, Committee Co-Chair (phone); Diana Singleton, Access to Justice Manager (phone); and Kevin Plachy, Interim Director of Advancement **(first reading/potential action)** 103
- COUNCIL ON PUBLIC DEFENSE (CPD) PROPOSED APPELLATE GUIDELINES** – Travis Stearns, CPD Vice Chair (phone), and Kevin Plachy, Interim Director of Advancement **(first reading)** LM
- COMMITTEE ON WSBA MISSION PERFORMANCE AND REVIEW RECOMMENDATIONS** – President-elect Rajeev Majumdar, Chair, and Pam Inglesby, Bar Services Manager **(first reading)**LM
- CRITERIA FOR ADDING AND NAMING WSBA APEX AWARDS** – Governor Russell Knight, Chair, and Sara Niegowski, Chief Communications and Outreach Officer **(action)** 117

5:00 P.M. – RECESS

SATURDAY, JULY 27, 2019

8:00 A.M. – BREAKFAST WITH WASHINGTON LEADERSHIP INSTITUTE (WLI)

9:00 A.M. – 12:00 P.M.

- UPDATE RE ABA 2019 ANNUAL MEETING** – James Williams, Washington State Delegate to the American Bar Association (ABA) 123
- BUDGET AND AUDIT COMMITTEE PROPOSALS** – Governor/Treasurer Dan Bridges, and Terra Nevitt, Interim Executive Director **(first reading)**
 - Draft WSBA FY2020 Budget 135
 - Proposed Fiscal Policy Change re Cost Centers 195
 - Proposed Supplemental Audit Options 202
- DECISION RE FILLING VACANT DISTRICT 3 SEAT (potential action)**
- UPDATE FROM GOVERNORS RE COMMITTEE AND LIAISON ASSIGNMENTS**
- PROPOSALS RE BOARD UPDATES AND COMMUNICATIONS** – Sara Niegowski, Chief Communications and Outreach Officer **(first reading)** LM

- UPDATE FROM BOG MEMBERS OF THE WASHINGTON SUPREME COURT WSBA
STRUCTURE WORKGROUP** – Governors Dan Clark, Kyle Sciuchetti, and Paul Swegle

12:00 P.M. – LUNCH

1:00 P.M. – 3:00 P.M.

- BOG CIVIL LITIGATION RULES REVISION WORK GROUP CHARTER** – Governor/Treasurer
Dan Bridges (**first reading**) 210
- OPEN PUBLIC MEETINGS ACT (OPMA) POLICY DISCUSSION (first reading)**.....LM
- GOVERNOR ROUNDTABLE** (Governors’ issues of interest)
- ANNOUNCE BASIS FOR EXECUTIVE SESSION PURSUANT TO RCW 42.30.110(1)(i) (if needed)**
- INFORMATION**
 - Interim Executive Director’s Report 212
 - FY2019 Third Quarter Management Report..... 273
 - Diversity and Inclusion Events 281
 - Financial Statements
 - Financials as of May 31, 2019 283
 - Investment Update as of May 31, 2019..... 325
- PREVIEW OF SEPTEMBER 26-27, 2019, MEETING** 326

3:00 – ADJOURN

2019-2020 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 APEX 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
- FY2019 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 Annual 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
CPE Proposed Amendments to RPC 1.15A(h)(9) re Safeguarding Property	May 16-17, 2019	July 26-27, 2019
Criteria for Adding and Naming WSBA APEX Awards	May 16-17, 2019	July 26-27, 2019
Draft WSBA FY2020 Budget	July 26-27, 2019	Sept 26-27, 2019
Proposed Fiscal Policy Change re Cost Centers	July 26-27, 2019	Sept 26-27, 2019
Proposed Supplemental Audit Options	July 26-27, 2019	Sept 26-27, 2019
Committee on WSBA Mission Performance and Review Recommendations	July 26-27, 2019	Sept 26-27, 2019
Proposals re Board Updates and Communications	July 26-27, 2019	Sept 26-27, 2019
BOG Civil Litigation Rules Revision Work Group Charter	July 26-27, 2019	Sept 26-27, 2019

Pro Bono and Public Service Committee Proposed Pro Bono Model Policies	July 26-27, 2019	Sept 26-27, 2019
Personnel Committee Proposed WSBA BOG No Retaliation Policy	July 26-27, 2019	Sept 26-27, 2019
CPD Proposed Appellate Guidelines	July 26-27, 2019	Sept 26-27, 2019

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

BOARD OF GOVERNORS MEETING

Minutes
Yakima, WA
May 16-17, 2019

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Bill Pickett on Thursday, May 16, 2019, at 8:05 a.m., at the Hilton Garden Inn, Yakima, Washington. Governors in attendance were:

Dan W. Bridges
Daniel D. Clark
Peter J. Grabicki
Carla Higginson
Kim Hunter
Jean Y. Kang (phone)
Russell Knight
Christina A. Meserve
Athan P. Papailiou
Kyle D. Sciuchetti
Alec Stephens
Paul Swegle
Judge Brian Tollefson (ret.) (phone)

Also in attendance were President-elect Rajeev Majumdar, Interim Executive Director Terra Nevitt, General Counsel Julie Shankland, Chief Disciplinary Counsel Doug Ende, Chief Regulatory Counsel Jean McElroy, Director of Human Resources Frances Dujon-Reynolds, Chief Operations Officer Ann Holmes, Interim Director of Advancement Kevin Plachy, Chief Communications and Outreach Officer Sara Niegowski, and Executive Assistant Margaret Shane. Also present was Governor-elect Bryn Peterson.

INTERIM EXECUTIVE DIRECTOR'S REPORT

Interim Executive Director Nevitt referred the Board to her written report contained in the meeting materials. She congratulated and welcomed District 9 Governor-elect Bryn Peterson to

the meeting, advised that Governor Carla Higginson had been re-elected for a full three-year term, and noted that Governor-elect Tom McBride was not available to attend the meeting due to a previous commitment. She announced that Director of Human Resources Frances Dujon-Reynolds would be leaving the organization at the end of May to join the Girl Scouts of Western Washington and that Kevin Plachy had been appointed as Interim Director of Advancement. She concluded by sharing details of the Listening Tour and reported on input received to date.

PRESIDENT'S REPORT

President Pickett reported on the portion of the Listening Tour held the previous day in Yakima and advised that further events will be held in the near future in other parts of the state.

OPEN PUBLIC MEETINGS ACT (OPMA) TRAINING – Nancy Krier, Assistant Attorney General for Open Government

Assistant Attorney General Krier reviewed the background and purpose of the OPMA, and explained the applications, definitions, meeting types, public attendance, interruptions, disruptions, executive session requirements, violation penalties, risk management suggestions, and OPMA assistance and resources. She referred those in attendance to the website for further information at <https://youtu.be/9yTtVGToW1A>. She then fielded questions from those in attendance.

INSURANCE UPDATE – Judy Graf, Gallagher Area Vice President

Judy Graf, Area Vice President with Arthur J. Gallagher Risk Management Services, Inc., reported that Navigators declined to renew WSBA's Directors and Officers/Employment Practices Liability policy due to the number of recent claims. Gallagher is currently appealing this decision. If successful, WSBA should expect Navigators to condition renewal on much less favorable terms, including increased premiums, higher deductibles, a more onerous hammer clause, and potentially, exclusion of particular board members from coverage. However, WSBA will then be in a better position to procure this coverage on more favorable terms in the market. The new coverage year begins August 1. She expects to have coverage options to share with the Budget and Audit Committee in July.

INTERVIEW, SELECTION, AND SWEARING-IN OF WSBA 2018-2021 DISTRICT 1 GOVERNOR

The order of candidate interviews was determined by random draw prior to the meeting: Peter Arkison; Hunter Abell; Sunitha Anjilvel; Doug Shepherd (not present); and Karrin Klotz. After the interviews, Governor Swegle moved that the Board vote. Motion passed unanimously. Governors Bridges, Higginson, Hunter, Kang, Sciuchetti, Stephens, Swegle, and Tollefson voted for Sunitha Anjilvel. Governors Clark, Grabicki, Knight, Meserve, and Papailiou voted for Hunter Abell. Candidate Sunitha Anjilvel was announced as the District 1 Governor-elect. The Honorable David Elofson swore in Governor-elect Sunitha Anjilvel as the 2018-2021 District 1 Governor and she took her seat at the Board table.

WORKING WITH LIMITED LICENSE LEGAL TECHNICIANS (LLTs) IN THE COMMUNITY – Dianne Loepker, LLT and Cowlitz-Wahkiakum County Bar Association President; Kellie Dightman, LLT; and Sherri Farr, LLT (phone)

Ms. Loepker, Dightman, and Farr shared their background, their reasons for becoming LLTs, and their experiences in working both on their own and with attorneys, resulting in benefits to all involved, including the underserved in their communities.

INTERVIEW AND SELECTION OF 2019-2020 WSBA PRESIDENT-ELECT

The order of candidate interviews was determined by random draw prior to the meeting: Zachary Mosner; Kyle Sciuchetti; Alec Stephens. After the interviews, Governor Clark moved that the Board vote. Motion passed unanimously. Governor Bridges, Clark, Grabicki, Higginson, Hunter, Kang, Knight, Sciuchetti, Swegle, and Tollefson voted for Kyle Sciuchetti. Governors Anjilvel, Meserve, and Papailiou voted for Zachary Mosner. Governor Stephens voted for Alec Stephens. Governor Kyle Sciuchetti was announced as the 2019-2020 WSBA President-elect.

REPORT FROM ABA MIDYEAR MEETING – James Williams, Washington State Delegate to the American Bar Association (ABA)

President Pickett announced that Mr. Williams was not available to address the Board due to a last minute conflict and referred the Board to the information contained in the meeting materials.

INTERVIEW AND SELECTION OF 2019-2022 WSBA AT-LARGE (A) GOVERNOR

The order of candidate interviews was determined by random draw prior to the meeting: Vicki Lee Anne Parker; Drew Pollom; Sunitha Anjilvel, and Hunter Abell. Candidate Sunitha Anjilvel did not interview for the At-Large seat since she was previously selected for the District 1 Governor seat during the morning portion of this meeting. After the interviews, Governor Hunter moved that the Board vote. Motion passed unanimously. Governors Anjilvel, Bridges, Clark, Grabicki, Higginson, Hunter, Kang, Knight, Meserve, Papailiou, Sciuchetti, Stephens, Swegle, and Tollefson voted for Hunter Abell. Hunter Abell was announced as the 2019-2022 At-Large Governor-elect.

SERVICE PROJECT

President Pickett announced an optional Service Project at Northwest Harvest scheduled for the following day at the conclusion of the Board meeting and invited all those who would like to participate.

BOG COMMITTEE REPORT ON DIRECT STAKEHOLDER INPUT RE RECOMMENDATIONS FROM CIVIL LITIGATION RULES DRAFTING TASK FORCE – Governor/Treasurer Dan Bridges

Governor/Treasurer Bridges reviewed and explained comments received by the Committee from stakeholders. He then suggested that a smaller group be formed to review the rules once again, with stakeholders in the room, and with direction from the Board regarding what it would like to achieve. He suggested the smaller group consist of each of the Task Force subcommittee Chairs and one or two Governors. Interim Executive Director Nevitt suggested that a roster and charter be formulated and brought back to the Board for approval at its July 2019 meeting. It was the consensus of the Board to do so. In answer to Governor Stephens' inquiry, President Pickett confirmed that the proposed process was for the smaller committee to rework the rules, and the Board to vote to forward them to the Supreme Court so they could undergo the Supreme Court's process. President Pickett reminded the Board that the cost of civil litigation continues to escalate and urged the Board to move the rules on to the Supreme Court.

CRITERIA FOR ADDING AND NAMING WSBA APEX AWARDS – Governor Russell Knight, Chair, and Sara Niegowski, Chief Communications Officer

Governor Knight reviewed the background of this agenda item and advised that Governor Clark had suggested that the Award of Merit be renamed the Mary E. Fairhurst Award of Merit. Chief Operations Officer Niegowski referred the Board to the information contained in the meeting materials and advised that feedback was being sought from the Board regarding the suggested Criteria and the Guiding Principles, both for naming an award and for adding an award, and that this item would be on the July 2019 Board agenda for action. Discussion followed regarding adding “retiring an award;” naming an award after a person who was still alive; making “deceased” a favorable but not mandatory criteria; and not naming any awards after people.

UPDATE FROM BOG MEMBERS OF THE WASHINGTON SUPREME COURT WSBA STRUCTURE WORK GROUP – Governors Dan Clark, Kyle Sciuchetti, and Paul Swegle, and Governor-elect Hunter Abell

Governor Sciuchetti reviewed what had been presented and discussed at the first three meetings of the Structure Work Group and noted that the Work Group will be moving into a discussion among its members regarding the information received and how the information might apply to the WSBA. He noted that comments can be made to structureworkgroup@wsba.org. Governor Swegle encouraged people to get involved, read the comments, and submit comments of their own, and advised that the Work Group will be discussing information regarding the Nebraska and the California models. Discussion ensued regarding the low number of members participating in the Work Group discussions; sending a final draft of the Work Group report to all WSBA members and having a means for them to comment; emphasizing the Work Group during the Listening Tour; access being available to the Work Group meetings by phone, webcast, the WSBA website, and the Washington Supreme Court webpage; and encouraging members to engage with the process.

UPDATE RE WSBA BOG NO RETALIATION POLICY PERSONNEL COMMITTEE REVIEW PLAN – Governor Chris Meserve, Chair, and Frances Dujon-Reynolds, Director of Human Resources

Governor Meserve referred to the letter received from WSBA staff in the March 2019 Board meeting Late Late Materials and stated that the letter had been discussed in Personnel Committee meetings. She noted that the Personnel Committee can make some changes to the

policy that will incorporate staff concerns, but that much of the letter deals more with procedure than with policy. She noted that it is the Board's responsibility to deal with policy and the Executive Director's responsibility to deal with procedures, so the Personnel Committee will only be addressing policy issues. She advised that the Personnel Committee was also concerned about being in compliance with the Open Public Meetings Act (OPMA) and not drafting or working on anything that might be in violation of the OPMA, but noted that she was less concerned after the OPMA training the previous day. She concluded by stating that the redrafted policy will be before the Board for approval at a future meeting.

REPORT AND RECOMMENDATION RE INVESTMENT PORTFOLIO AND FACILITIES RESERVE FROM BUDGET AND AUDIT COMMITTEE – Governor/Treasurer Dan Bridges and Ann Holmes, Chief Operations Officer

Chief Operations Officer Holmes stated that the Budget & Audit Committee could make the decision to reallocate monies from investment gains in unrestricted funds to the facilities reserve fund since it was not a significant change, but Committee members felt it was important to run the recommendation by the Board for its input. Governor/Treasurer Bridges noted that it would be important to not make the Capital Reserve Fund too large and that the Board would need to approve the dollar amount to be transferred. Governor Clark moved to approve the recommendation to reallocate \$100,000 of investment gains from unrestricted funds to the facilities reserve fund. Motion passed unanimously. Governor Papailiou was not present for the vote. Governor Bridges then advised that the Budget & Audit Committee was discussing how costs are currently tracked in the various cost centers and that a recommendation may be brought before the Board at a later meeting to track differently.

SUGGESTED AMENDMENTS TO MANDATORY ARBITRATIONS RULES (MARs) PER WASHINGTON SUPREME COURT REQUEST – Stephanie Dikeakos, MARs Subcommittee Chair (phone)

Subcommittee Chair Dikeakos referred to the request from the Washington Supreme Court (Court) to review the MARs and explained the suggested amendments, which had been sent to stakeholders, resulting in a small amount of feedback. She requested that the Board approve the suggested amendments as requested by the Court. Concern was expressed regarding problems of separation of powers issues in Rule 7.1. Governor Grabicki moved that the Board write a letter

to the Court regarding concerns about the language under Rule 7.1 that requires a party, rather than counsel to the party, to sign the request for a trial de novo. Discussion ensued regarding support as well as concerns for the language in Rule 7.1; who would write the letter and who would sign the letter; OPMA concerns that this discussion was beyond the scope of what was set on the agenda for action; and tabling the decision until the next Board meeting in July. Subcommittee Chair Dikeakos urged the Board to act on the suggested amendments at this meeting as the Committee is attempting to effectuate legislation that took effect in September 2018, conforming the MARs to the already amended RCWs, and suggested the Board have a discussion with the Legislature regarding their concerns.

Discussion ensued regarding OPMA concerns and risks involved with the proposed draft letter not being reviewed by the Board in open public session; sending the suggested amendments to the Court and flagging that a letter from the Board would be forthcoming, then putting the proposed letter on the agenda for the July 2019 Board meeting; and the need to send both the proposed letter and the suggested amendments to the Court at the same time. Subcommittee Chair Dikeakos reminded the Board that the statutory amendments had already gone into effect, but the Rules were just sitting in limbo; the committee went to the stakeholders and did not receive any feedback on Rule 7.1; and Justice Johnson had asked that the Committee to reply by September 2018, but the Committee was unable to meet that deadline. Governor Higginson moved to amend Governor Grabicki's motion to approve the suggested amendments to the MARs and forward them to the Court with a letter expressing the Board's concerns re Rule 7.1, and that Governor Bridges draft a letter to give to Interim Executive Director Nevitt for her signature and forwarding to the Court. Motion passed 10-1-2. Governors Anjilvel, Bridges, Grabicki, Higginson, Hunter, Kang, Sciuchetti, Stephens, Swegle, and Tollefson voted yes. Governor Meserve voted no. Governors Clark and Knight abstained. Governor Papailiou declined to participate. Governor Grabicki's motion as amended passed 12-1. Governors Anjilvel, Bridges, Clark, Grabicki, Higginson, Hunter, Kang, Knight, Sciuchetti, Stephens, Swegle, and Tollefson voted yes. Governor Meserve voted no. Governor Papailiou declined to participate.

COMMITTEE ON PROFESSIONAL ETHICS (CPE) PROPOSED AMENDMENTS TO RPC 1.15A(h)(9) RE SAFEGUARDING PROPERTY – Ann Seidel, CPE Member (first reading)

CPE Member Seidel reviewed the background of the proposed amendments and explained the concerns regarding the Limited License Legal Technicians (LLLTs). She noted that the LLLT Board would likely be making a separate proposal, but that the LLLT Board did agree with the amendments proposed by the CPE as contained in the meeting materials. Discussion ensued regarding firms imposing internal requirements regarding who can sign trust account checks; and LLLTs currently having their own trust accounts since they operate under essentially the same rules as lawyers regarding trust accounts. No questions or concerns were expressed by the Board. President Pickett noted that this item would be on the agenda for the July 2019 Board meeting for action.

RECOMMENDATIONS FROM MANDATORY MALPRACTICE INSURANCE TASK FORCE – Hugh Spitzer, Chair (phone), and Doug Ende, Chief Disciplinary Officer

Chair Spitzer stated that it would be helpful for the Board to discuss specific alternatives as it works its way through the proposed alternatives and advised that he was available to answer any additional questions the Board may have. Discussion ensued regarding taking a straw vote to gauge the will of the Board; voting up or down at this meeting; the Board not redoing the work of the Task Force; and member comments being overwhelmingly opposed to mandatory malpractice insurance. Governor Bridges moved to approve the recommendations from the Mandatory Malpractice Insurance Task Force as contained in the meeting materials. Motion failed 5-9. Governors Anjilvel, Bridges, Grabicki, Papailiou, and Stephens voted yes. Governors Clark, Higginson, Hunter, Kang, Knight, Meserve, Sciuchetti, Swegle, and Tollefson voted no. Governor Meserve requested it be recorded that she had public protection concerns and that the Board should look at the South Dakota model.

Discussion ensued regarding developing a proposal based on a hybrid of the South Dakota and Illinois models and bringing it back to the Board for consideration. Interim Executive Director Nevitt suggested that it would be cleaner to bring this item to the Executive Committee to consider adding to the agenda for the July 2019 Board meeting. It was the consensus of the Board to do so. Governor Higgins asked that it be recorded that the Board should be done with this

item, she had reviewed the responses from the many members who were against mandatory malpractice insurance, and it was a solution looking for a problem.

LOCAL AND NATIONAL TRENDS IN COURT REPORTING – Phyllis Lykken and Liz Harvey, Central Court Reporting; Wendy Raymond, Washington Court Reporting Association (WCRA) President; and Brad Axel, WCRA Attorney

The presenters explained issues of concern to the WCRA; substantive issues coming to the profession that may affect both lawyers and their clients; concerning trends within the court reporting profession and the law profession; and non-condoning by the WCRA of contracting or digital recording as alternate methods of court reporting and proposed amendments to the RCWs and court rules to prohibit this practice. They suggested a liaison between the WSBA and the WCRA so issues could be addressed as they arise. President Pickett stated that there was a need to explore the suggestion of a cooperative liaison between WSBA and WCRA since reliability and integrity of the deposition process impacts the administration of justice. Governor Papailiou requested that it be recorded that Governors Bridges, Higginson, and Swegle were not in the room and wanted to be sure a quorum of the Board was present during the meeting.

DISCUSSION RE BOARD UPDATES AND COMMUNICATIONS – President Bill Pickett; Terra Nevitt, Interim Executive Director; and Sara Niegowski, Chief Communications and Outreach Officer

Chief Communications and Outreach Officer Niegowski stated that the purpose of this item is to ascertain what the Board wants to set as communication norms and expectations and how staff can help the Board be consistent in communication with WSBA members and with each other – what the Board’s goals are and what the systems look like to help accomplish those goals. She referred the Board to the information contained in the meeting materials and explained that they are a set of what is considered best organizational practices. She noted that good communication revolves around relationships and trust, and how the Board wants to show up in front of the membership and the public, which in turn impacts the organization’s credibility. She explained that staff attempt to be as factual as possible and support the Governors when they want to send their own information out, but that some things are non-negotiable. She stated that the official communications with members will always go through General Counsel and the official spokespersons of the Bar.

Discussion ensued regarding the importance of timely communications; supplying member email addresses to Governors for their individual communications; the potential for mishandling email lists; the potential for members overlooking email from Regulatory Services and getting suspended if they are flooded with other email from WSBA and Governors; the process currently being used for Governor communications to the members; and clearly noting when communications are from Governors rather than WSBA. Governor Grabicki proposed there be (1) a written agreement between each Governor and WSBA and that each Governor be given email addresses for his/her constituents to be used only for communications with those constituents with no promotion or advertising, including a disclaimer and indemnity that will go out in the form of an email from the Governor's email address, not WSBA's email address; (2) any Governor who wants to submit a draft to Sara can do so for links, and will not be subject to editing; and (3) WSBA will send out objective reports on a regular basis not subject to input or review by the Governors though it may be appropriate for the Communications staff to assist At-Large Governors regarding installation of email addresses. President Pickett asked Governor Grabicki to bring a proposal to the July 2019 Board meeting. Interim Executive Director Nevitt asked if it would be appropriate for staff to bring more than one proposal forward reflecting what was discussed at this meeting. It was the consensus of the Board to do so. Chief Communications and Outreach Office Niegowski advised that her review of Governor communications would not be limited to punctuation and grammar since incorrect information would need to be corrected and personal attacks eliminated. She noted that some of the most egregious information was being sent out by listserv. She emphasized that it is important how the Board members hold each other accountable and what it means to officially speak as a Governor and where that is done. She stated that there is a detrimental effect to the membership when they get all kinds of different messages from various senders.

CONSENT CALENDAR

Discussion ensued regarding whether giving monetary gifts as recommended by the Client Protection Fund Board violated the superior court's order in the Beauregard litigation ("Court Order"). Interim Executive Director Nevitt stated that staff had been evaluating how the Court

Order affects various responsibilities of the WSBA and it was determined that giving these gifts is not out of compliance with the Court Order. Governor Clark requested a scrivener's correction to the Minutes on page 403 of the meeting materials to reflect that Governor Higginson made the recommendation. It was agreed to do so. All items on the consent calendar passed 10-0-1. Governors Clark, Grabicki, Hunter, Kang, Knight, Meserve, Sciuchetti, Stephens, Swegle, and Tollefson voted yes. Governor Bridges abstained. Governors Anjilvel, Higginson, and Papailiou were not present for the vote.

GOVERNORS' ROUNDTABLE

Governor Swegle suggested *NWLawyer* be terminated, and possibly the blog as well, because *Janus* and *Fleck* are directed at that type of publication where political opinions can be found. A suggestion was made to replace the magazine with an online product that would not contain any political or philosophical content. Chief Communications & Outreach Officer Niegowski stated that the recent Keller arbitration decision found that *NWLawyer* was a good forum for members to use, that most Bars have a magazine where members can have a forum, and that the Board is asking staff to communicate with members, but suggesting the number one item members associate with the Bar and get value from, according to members, be terminated. She stated that an online magazine would be more expensive and that advertisers will not pay what they pay to advertise in a print magazine. Governor Stephens requested Chief Operations Officer Holmes and Chief Communications and Outreach Officer Niegowski provide the costs associated with the magazine. Further discussion ensued regarding stricter control over the content. Interim Executive Director Nevitt advised that GR 12 is the test currently applied, but it's not black and white, and suggested putting this item on a future agenda in order to have a conversation with the Board regarding how the test is applied so the Board understands the process.

President Pickett announced that Public Session was recessed at 2:30 pm for 30 minutes and the Board went into Executive Session to receive advice from Outside Counsel regarding current litigation matters. At 3:00 pm, it was announced that the Board would remain in Executive Session until 3:15 pm. Executive Session was adjourned at 3:15 pm and Public Session reconvened at 3:16 pm. Governor Grabicki moved that the Board follow Outside Counsel's advice

as stated during Executive Session. Motion passed 10-1. Governor Meserve asked that it be recorded that there is a Court Order that says if private correspondence exists, which under OPMA must be made public with regard to former Executive Director Littlewood's departure, it should be made public at once. Governors Anjilvel, Bridges, Clark, Hunter, Knight, Grabicki, Sciuchetti, Stephens, Swegle, and Tollefson voted yes. Governor Meserve voted no. Governors Higginson, Kang, and Papailiou were not present for the vote.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:20 p.m. on Friday, May 17, 2019.

Respectfully submitted,

Terra Nevitt
WSBA Interim Executive Director & Secretary

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS SPECIAL MEETING

Minutes
Seattle, WA
July 8, 2019

The Special Meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Bill Pickett (phone) on Monday, July 8, 2019, at 3:05 p.m..

Governors in attendance were:

Sunitha Anjilvel
Dan W. Bridges
Dan Clark
P. J. Grabicki
Carla Higginson (phone)
Kim Hunter (phone)
Russell Knight (phone)
Chris Meserve
Kyle D. Sciuchetti
Alec Stephens (phone)
Paul Swegle (phone)

Also in attendance were President-elect Rajeev Majumdar, Interim Executive Director Terra Nevitt (phone), General Counsel Julie Shankland, and Executive Assistant Margaret Shane. Governors Kang, Papailiou, and Tollefson were not present.

President Pickett announced that the Board would be meeting in Executive Session beginning at 3:11 pm as permitted by RCW 42.30.110(i) to discuss with legal counsel representing WSBA potential litigation to which WSBA is likely to become a party and that legal counsel would be present for the Executive Session discussion as required by the statute. He advised that no final action would be taken in Executive Session, which would end at 4:15 p.m., at which time the Board would resume Public Session. He noted that if Executive Session needed to be extended, he would make a public announcement of the time that Public Session would begin.

The Board went into Executive Session at 3:11 p.m. and resumed public session at 4:15 p.m.

REPORT ON AND ACTION RELATED TO EXECUTIVE SESSION

President Pickett reported that the Board met with legal counsel in Executive Session. Governor Bridges moved to follow the advice of Counsel as it relates to the Paula Littlewood matter. Motion passed unanimously. Governors Kang, Knight, Papailiou, and Tollefson were not present for the vote.

ADJOURNMENT

There being no further business, the Public Session meeting was adjourned at 3:29 p.m. on Thursday, April 18, 2019.

Respectfully submitted,

Terra Nevitt
WSBA Interim Executive Director & Secretary



TO: WSBA Board of Governors
FROM: Rajeev Majumdar, WSBA President-elect
RE: 2019-2020 Committee Chair Appointments
DATE: July 17, 2019

Action: Please appoint the 2019-20 WSBA committee and board chairs listed below.

The WSBA has a number of standing committees that are created and authorized by the BOG to study matters relating to the general purposes and business of the Bar which are of a continuous and recurring character. Pursuant to the WSBA Bylaws, IX(B)(1)(c), the President-elect annually selects the Chair or Vice Chair of each committee, with the BOG having the authority to accept or reject that selection. Below is my proposed slate of WSBA committee chairs for the 2019-20 year. The candidates' resumes are attached. All eligible members of the committees listed below were encouraged to apply for the Chair position.

Committee/Board	Recommended for Appointment
Character and Fitness Board	Chair: Jeremy Rogers* Vice-chair: Brent Williams-Ruth
Client Protection Board	Chair: Julian Bray
Committee on Professional Ethics	Chair: Don Curran**
Court Rules & Procedures Committee	Chair: Jefferson Coulter**
Editorial Advisory Committee	Chair: Ralph Flick**
Judicial Recommendation Committee	Chair: Michiko Fjeld* Vice-chair: Kenneth Henrickson
Law Clerk Board	Chair: Ben Phillabaum**
Legislative Committee	Chair: Kyle Sciuchetti
Pro Bono and Public Service Committee	Co-chair: Nick Larson**
WSBA Diversity Committee	Co-Chair: Laura Wulf

* Moving up from Vice-chair position

** Reappointment

JEREMY H. ROGERS

EDUCATION

WASHINGTON UNIVERSITY SCHOOL OF LAW, St. Louis, Missouri J.D., 2004
Notes Editor, *Washington University Law Quarterly* (Law Review)
Secretary, Black Law Students Association

BROWN UNIVERSITY, Providence, Rhode Island A.B., Political Science, 2001

O'DEA HIGH SCHOOL, Seattle, Washington Diploma, 1997

JUDICIAL CLERKSHIP

WASHINGTON SUPREME COURT, Olympia, Washington 8/2004 – 8/2005

Law Clerk for Chief Justice Gerry L. Alexander. Evaluated appellate briefs and researched issues to be argued before the Washington Supreme Court. Wrote prehearing memoranda, initial majority, dissenting, and concurring opinions for the Chief Justice. Supervised judicial externs.

LITIGATION EXPERIENCE

MIX SANDERS THOMPSON, PLLC, Seattle, Washington 3/2018 – Present

Attorney. Represent insured individuals and corporations in matters involving torts, nuisance, product liability, property rights, insurance disputes, and insurance coverage.

SMITH FREED EBERHARD, P.C., Seattle, Washington 10/2014 – 3/2018

Senior Counsel. Represented insured clients in civil matters as lead counsel. Aided clients in managing pre-litigation risks, claim investigations, insurance coverage analysis, and appellate matters.

MONTGOMERY SCARP, PLLC, Seattle, Washington 1/2010 – 9/2014

Associate Attorney. Represented railroad company client in matters filed under the Federal Employers' Liability Act. Defended client in administrative proceedings and employment discrimination actions.

FORSBERG & UMLAUF, P.S., Seattle, Washington 4/2007 – 1/2010

Associate Attorney. Defended insured clients in personal injury, products liability, construction defect and wrongful death lawsuits. Drafted briefs filed in state and federal appellate courts.

MCINTYRE & BARNES, PLLC, Seattle, Washington 9/2005 – 9/2006

Associate Attorney. Defended hospitals and professionals in medical malpractice litigation. Prepared briefing and argued matters on behalf of respondents before the Washington Court of Appeals.

SINDEL, SINDEL & NOBLE, P.C., Clayton, Missouri 5/2003 – 9/2003

Summer Associate. Wrote arguments for criminal appeals in Missouri state and federal courts.

LEGAL SERVICES OF EASTERN MISSOURI, INC. St. Louis, Missouri 1/2002 – 9/2002

Law Clerk. Assisted in representing over 90 indigent clients in St. Louis County family law matters. Drafted dissolution pleadings and requests for protective and/or restraining orders. Worked with other departments to coordinate services for victims of domestic violence and child abuse.

KING COUNTY PROSECUTING ATTORNEY'S OFFICE, Seattle, Washington 5/2000 – 9/2000

Intern. Analyzed and organized trial exhibits for the Felony and Homicide Trial Unit. Cataloged discovery materials. Attended pretrial hearings, trials, public inquests, and jury selections.

ADJUDICATIVE EXPERIENCE

SNOHOMISH COUNTY DISTRICT COURT, Everett, Washington 6/2017 – Present

Judge Pro Tempore. Preside over civil bench trials. Evaluate written motions consider oral argument, issue rulings, and enter judgments. Preside over criminal trial readiness docket, accept pleas, assess legal financial obligation fees, and impose sentences pursuant to jurisdictional guidelines.

KING COUNTY MANDATORY ARBITRATION DEPARTMENT, Seattle, Washington 5/2013 – Present

Arbitrator. Serve as an appointed arbitrator in civil matters. Consider motions regarding discovery disputes and issue rulings. Analyze prehearing documents, preside over contested hearings, accept testimony and evaluate evidence, and issue written decisions and awards.

BAR & COURT ADMISSIONS

State of Washington (Bar Number 36292)	2005
United States District Court, Western District of Washington	2005
United States District Court, Eastern District of Washington	2010
United States Court of Appeals, Ninth Circuit	2013
State of Oregon (Bar Number 160076)	2016
United States District Court of Oregon	2016

COMMUNITY & CIVIC EXPERIENCE

WSBA CHARACTER & FITNESS BOARD, Seattle, Washington 4/2017 – Present

Board Member, District 9. Examine voluminous record, question applicants and witnesses in confidential, evidentiary hearings. Write detailed analysis and recommendations to the Washington Supreme Court on whether applicants for membership to the WSBA meet the good moral character and fitness to practice law requirements set forth in the Admission to Practice Rules.

KING COUNTY PARTNERSHIP FOR YOUTH JUSTICE, Auburn, Washington 3/2017 – Present

Volunteer. Analyze files with other volunteers and meet youths in the King County Diversion Program. Listen to youths and their parents, and make collaborative recommendations to foster accountability and responsibility (e.g., community service, counseling, apologies, and/or restitution).

FBA–WESTERN WASHINGTON, LOCAL RULES COMMITTEE, Seattle, Washington 5/2016 - Present

Member. Work with committee members to edit, revise, and propose select provisions of the United States District Court, Western District of Washington’s Local Rules.

WSBA COURT RULES & PROCEDURES COMMITTEE, Seattle, Washington 10/2013 – 10/2015

Member. Discussed policy issues and worked on proposed to amendments to Washington State Court Rules and recommendations to the Board of Governors. Participated in subcommittee discussions regarding proposals and analyzed select rules for possible revision.

KCBA NEIGHBORHOOD LEGAL CLINIC, Kent, Washington 9/2006 – 1/2010

Attorney Volunteer. Consulted more than 75 indigent clients in matters ranging from domestic violence to workplace discrimination, and landlord-tenant disputes to personal injuries. Assisted clients in preparing or responding to legal documents.

SWEARER CENTER FOR PUBLIC SERVICE, Providence, Rhode Island 9/1999 – 5/2001

Student Staffer. Recruited student volunteers for public service opportunities with local organizations, schools, and governmental agencies. Placed volunteers in programs involving arts & society, language & literacy, health & development, youth & education, and advocacy & activism.

PUBLICATIONS & PRESENTATIONS

Author, *The Keotalah Decision: An Evolving Personal Liability Exposure for Claims Handlers*, Professional Times, Vol. 2, No. 1 (Summer 2018)

Author, *How to Avoid Overpaying for Defense Costs*, Claims Magazine, Vol. 66, No. 6 (June 2018)

Author, *Upholding Civility: A Lawyer’s Challenge & Obligation*, King County Bar Association Bar Bulletin, Vol. 35, No. 10 (June 2017)

Speaker, *Avenues of Reducing Exposure when Covering Autonomous Vehicles*, America’s Claims Event (ACE) Conference, Minneapolis, Minnesota (June 2016)

Author, *Self-Driving Cars: Who’s Liable when Software is Behind the Wheel*, Claims Magazine, Vol. 63, No. 12 (December 2015), *reprinted in* ERIC A. WIENING & DAVID D. THAMANN, PERSONAL AUTO POLICY COVERAGE GUIDE, at 212 (4th ed. 2016)

Author, *What’s Behind the Wall? Ethical Guidelines for Investigating Social Media Sites*, Claims Magazine, Vol. 63, No. 7 (July 2015)

Author, *Living on the Fat of the Land: How to Have Your Burger and Sue It Too*, 81 WASH. U. L.Q. 859 (2003)

BRENT WILLIAMS-RUTH

34585 – 56TH CT S; AUBURN, WA 98001
PHONE 425.830.5134 • E-MAIL SULAWJD01@HOTMAIL.COM

AREAS OF EXPERIENCE

- **Attorney, Campaigns, Business Development, and Fundraising:** For nearly twenty years, I have worked with people from all walks of life – from being a law school intern in the Juvenile Division of the King County Prosecutor's Office to Campaign Manager for a successful State House race, to raising money for non-profits that support public health and pro-bono legal work. My diverse background has exposed me to a great number of situations and people that provide me with empathy and compassion and a unfaltering belief in what is right

RELEVANT PROFESSIONAL EXPERIENCE

Attorney/Consultant

BWR Consulting, PLLC Seattle, WA

July 2015 - Present

- Concierge attorney focusing on small and medium-sized business and individual estate planning and probate serving Pierce and King County.
- Event consultant hired to produce events ranging from corporate/company events to public fundraising events for regional University.
- Campaign Manager for Representative Kristine Reeves, who became the first African American woman elected to the Washington House of Representatives since 1992, defeating incumbent in both the primary and general election.

Senior Associate Attorney

Scheer & Zehnder, LLP Seattle, WA

February 2013 – June 2015

- Serve as only one of two associates for coverage matters arising Washington, Alaska, and Oregon, including coverage counsel for \$80 million wildfire claim, asbestos claims, personal injury claims, and construction claims.
- Research complicated and novel coverage issues and issue corresponding opinion and recommendation letters, denial letters, reservation of rights letter
- Prepare presentations regarding various coverage related issued including consent judgments, claims handling, and cyber liability
- Respond to written discovery from opposing counsel, including reviewing client documents to determine responsive and/or privileged materials.

Associate Attorney

Lether & Associates, PLLC Seattle, WA

December 2011 – February 2013

- Participated in complex insurance coverage litigation matters with varying potential exposure including up to and in excess of \$30 million under Commercial General Liability policies.
- Drafted coverage opinion letters, denial letters, and reservation of rights letters
- Drafted summary judgment motions, declaratory judgment complaints and other pleadings associated with first and third party coverage litigation – including review and analysis of client materials in response to written discovery requests.

Review Center Attorney

Perkins Coie, LLP Seattle, WA

January 2011 – December 2011

- Conducted electronic document review and litigation support for the Commercial Litigation division. Cases involved WWII era asbestos claims, employment litigation, securities litigation, federal grand jury investigations, and international anti-trust litigation.

Associate Attorney

Cole, Lether, Wathen & Leid, P.C. Seattle, WA

February 2003 – October 2005

- Participated in first and third party insurance defense litigation matters ranging from construction defect, water intrusion to novel medical claims in personal injury suits
- Lead associate responsible for conducting discovery and production of documents on six construction related matters ranging from multi-million dollar municipal projects to private commercial properties and residential disputes
- Participated in jury trials as either second or third chair attorney with a focus on discovery, trial binders and exhibits.

Associate Attorney

Logue Law Offices Tacoma, WA

July 2002 – March 2003

- Handled workers compensation litigation with experience in Administrative hearings and Superior Court trials, including handling of all discovery matters with opposing counsel.

Student Representative/Marketing Coordinator

West Group, Inc. Seattle, WA

2000 – 2002

- Assisted with Advanced Legal Writing classes by teaching KeyCite Alert, West CiteLink, West Check
- Developed strong legal research skills while teaching others basic research techniques

Judicial Intern – Judge D. Gary Steiner

Pierce County Superior Court Tacoma, WA

May 2001 – September 2001

- Drafted orders for bench trials
- Researched and analyzed motions, in-trial objections, pre-trial rulings, and final judgments
- Researched legal issues for weekly motion docket
- Drafted written opinion on issue of first impression, upheld by Washington State Court of Appeals – 115 Wash.App. 874
- Drafted written opinion on issue of attorney fees in minor litigation, upheld by Washington Court of Appeals – 112 Wash.App. 818

ADDITIONAL EXPERIENCE

Event Director
WA

American Lung Association of the Northwest Seattle,

April 2008 - December 2010

- Managed and directed the two large scale annual fundraising events – a Walk/Run and an Urban Stairclimb
- Negotiated, drafted, and reviewed sponsorship contracts with corporate partners
- Lead efforts to recruit participants and donors to support designated events and the overall organization
- Recruited and lead community volunteer committee to support premier events

HuskyTron Liaison/Production Coordinator
WA

University of Washington Seattle,

January 2005 – September 2012

- Attended all home football games and coordinate with two others all non-game related activity within Husky Stadium

Director, New Business Development
WA

Fisher Communications Seattle,

February 2007 – December 2007

- Created, managed and executed all Non-Traditional Revenue (NTR) events and promotions for Fisher Radio Seattle
- Developed administrative tracking protocol to manage NTR projects and proposals

- Created dedicated web sites, TV, print, and radio advertising campaigns for NTR events to control and direct public messaging

Event Producer/Consultant **Toast to the Northwest - University of Washington** Seattle, WA

February 2005 – May 2008

- Solely responsible for the creation, production, coordination, organization, and implementation of a new wine festival and gala fundraising event for the Husky Marching Band
- Procured corporate partners, negotiated, drafted and reviewed all partnership contracts/agreements

PROFESSIONAL SERVICE

Washington Leadership Committee **Claims Litigation Management (CLM)** Seattle, WA

May 2012 – June 2015

- 2015 Washington CLM President
- 2014 Educational Director responsible for organizing and executing Northwest Regional mini-conference with a night social and a full day of educational panels on topics ranging from diversity in claims adjusting to coverage and cyber liability
- 2012-2013 Event Chair responsible for organizing networking and education events for insurance industry and defense counsel, including golf tournament, holiday party, and quarter-day continuing education seminar

EDUCATION

Juris Doctor **Seattle University School of Law** Seattle, WA
December 2001

- Member of Student Bar Association

Bachelor of Arts (Political Science) **University of Washington** Seattle, WA
March 1999

- At-Large Senator of the ASUW
- Worked with coalition of students from across state universities to address affirmative action initiative (I-200)

Associates of Arts **Tacoma Community College** Tacoma, WA
March 1997

- Cum Laude
- Elected Vice President of Legislation then elected President
- Ex-Officio member of the College Board of Trustees

REFERENCES

Hon. Richard McDermott (Ret.) – (206) 292.0441
 Hon. Nicole Gaines-Phelps – King County Superior Court – (206)963.8900
 Rep. Kristine Reeves (30th LD) – Washington House of Representatives (253) 347.9257
 Judge Faye Chess – Seattle Municipal Court (206) 684.8712
 Additional professional and client references available upon request

**Employment
History**

Tacoma Division Chief, February 2015 to present

Washington State Office of the Attorney General, Tacoma Division

- Responsible for supervision of all legal work in the Tacoma Division, including juvenile dependency, workers compensation, industrial safety and health, licensed care facility, and tort litigation. Also responsible for the administrative operation of the Tacoma Division.
- Participate in juvenile court civil subcommittee and represent the Attorney General's Office in community and court-related activities relating to juvenile practice in Pierce County and Kitsap County.
- Supervise and prepare annual performance reviews for three section chiefs and the Administrative Office Manager for the Tacoma Division.
- Participate as co-chair of Attorney General's Office Ethics Committee and the Attorney General's Leadership Team.

Senior Counsel/Section Chief, April 2012 to January 2015

Washington State Office of the Attorney General, Tacoma Division

- Advised and represented DCFS in all juvenile dependency matters in Pierce County and Kitsap County in all phases of litigation. Supervised assistant attorneys general handling licensed care facility advice and appeals.
- Participated in juvenile court civil subcommittee and represented the Attorney General's Office in community and court-related activities relating to juvenile practice in Pierce County and Kitsap County.
- Supervised and prepared annual performance reviews for team leaders practicing juvenile law in Pierce County and Kitsap County.
- Participated as member of Attorney General's Office Ethics Committee

Assistant Attorney General/Team Leader, 2005 to March 2012

Washington State Office of the Attorney General, Tacoma Division

- Advised and represented DCFS in juvenile dependency matters in Pierce County in all phases of litigation.
- Participated in juvenile court civil subcommittee and represented the Attorney General's Office in community and court-related activities relating to juvenile practice.
- Supervised and prepared annual performance reviews for assistant attorneys general practicing juvenile law.
- Participated as member of Attorney General's Office Ethics Committee.

Assistant Attorney General, 2000 to 2005

Washington State Office of the Attorney General, Tacoma Division

- Advised and represented DCFS in juvenile dependency matters and DLI in workers compensation cases and WISHA appeals in all phases of litigation.
- Served as back-up attorney for foster care/day care/adult family home/APS.

- Employment History**
(continued)
- Assistant Attorney General, 1999 to 2000**
Washington State Office of the Attorney General, Labor and Industries Division, Lacey
- Advised and represented DLI in workers compensation and WISHA appeals in all phases of litigation.
 - Ethics advisor for DLI.
 - Served as back-up program advisor for self-insurance section of DLI.
- Assistant Attorney General, 1996 to 1999**
Washington State Office of the Attorney General, Regional Services Division, Yakima
- Advised and represented DCFS in juvenile dependency matters in Yakima and Klickitat counties; advised DCFS in Kittitas county.
 - Advised and represented DLI in workers compensation appeals and DOL in license suspension/revocation actions in Central Washington in all phases of litigation.
 - Advised and represented Home and Community Services/APS.
- Attorney, 1995 to 1996**
Barker and Howard Law Firm, Wenatchee, WA
- Represented persons qualifying for public defense in all phases of criminal litigation in Chelan County District Court.
- Education**
- Seattle University School of Law, Seattle, WA**
Juris Doctor, cum laude, May 1995
- University of Washington, Seattle, WA**
Bachelor of Arts, English, August 1989
- Bar Admission**
- Washington State Bar Association
United States District Court, Eastern Division, Washington State
- Recognition**
- Distinguished Service Award, Tacoma-Pierce County Bar Association, 2018
Hunger Warrior Award, Lawyers Helping Hungry Children, November 2014
Marilyn Holzman Humanitarian Award, Tacoma-Pierce County Bar, 2012
Excellence Award, Attorney General's Office, 2011; 2013
Senior Counsel Designation, Attorney General's Office, 2009
Outstanding Employee Award, Attorney General's Office, 2006
Outstanding Team Award (Tacoma Termination Team), Attorney General's Office, 2003
Professionalism Award, Washington State Bar Association, Young Lawyers

Julian M. Bray

1106 North Tacoma Avenue, Tacoma, WA 98403 ▪ 253-627-4484 ▪ julianbray@clearwire.net

Division, 1999

Outstanding Team Award (Yakima Section), Attorney General's Office, 1998

**Community
Activities**

Client Protection Fund Board, Washington State Bar Association, 2018-
present

Special Disciplinary Counsel, Washington State Bar Association, 2014 to 2016

Disciplinary Board Member, Washington State Bar Association, 2011 to 2013

Character and Fitness Committee Member, Washington State Bar
Association, 2004 to 2007

Member/Chair, City of Tacoma Human Services Commission, 2004 to 2013

Vice-Chair & Chair, Lawyers Helping Hungry Children, Pierce County
Chapter, 2009 to present

Member/Chair, St. Leo Food Connection Commission, 2007 to 2016

Julian M. Bray

1106 North Tacoma Avenue, Tacoma, WA 98403 ■ 253-627-4484 ■ julianbray@clearwire.net

J. DONALD CURRAN

Delay, Curran, Thompson, Pontarolo & Walker, P.S.

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Spokane, WA 99201

United States

(509) 455-9500

jdcv1c2@msn.com

J. DONALD CURRAN Partner in the firm of Delay, Curran, Thompson, Pontarolo & Walker, P.S. His practice is plaintiff's personal injury, elder law, and representing lawyers with ethics and disciplinary problems; has served as President of the WSTLA (now WSAJ) and Spokane County Bar Association; is a former member of the WSBA Disciplinary Board and served as its Chair in 1987; is an invited member to the American College of Trial Lawyers (1983-2011) and, since 1993, has been and is now listed in The Best Lawyers in America and has been listed in Spokane's "Best Lawyers"; was elected to the WSBA Board of Governors in 1988-1991; is a past Chair of the WSBA Disciplinary Committee, Character & Fitness Committee, a member of the 2001 WSBA Task Force on Lawyer Discipline leading to the adoption of the ELCs; is a former member of the WSBA Professionalism Committee and Judicial Recommendation Committee; has served as a Hearing Officer in disciplinary cases; frequent speaker at ethics oriented continuing legal education seminars including chair of the annual WSBA Ethical Dilemma CLE; is a past chair of the WSBA Rules of Professional Conduct Committee. Chair, WSBA Committee on Professional Ethics 2017-2018; recipient WSBA Professionalism Award 2017.

Jefferson Coulter, J.D.

Legal Experience

Managing Attorney Northwest Justice Project, Spokane, WA 2014 - Present

- **Management**—Managed the delivery of legal services in Southeast Washington. Managed Pasco field office and Walla Walla satellite office. Developed, implemented, and monitored office workplans and staff performance plans. Directly supervised 3 attorneys and 2 legal assistants. Currently managing the Spokane and Colville satellite offices, directly supervising 10 attorneys and 4 legal staff.
- **Statewide Advocacy**—Collaborate with colleagues inside and outside of NJP on strategic advocacy for persons with disabilities, health care access, debt imprisonment, and the criminalization of mental illness and homelessness. Work on statewide plans for the delivery of civil legal aid, expanding access to isolated LGBTQ+ populations, and prioritizing treatment over incarceration in criminal justice involvement. Work on projects to identify and eliminate the structural preferential treatment of debt collectors. Provide leadership to NJP's Court Debt Strategic Advocacy Focus.
- **Spokane Engagement**—Collaborated with local providers to fund, design, and implement a medical legal partnership in Spokane. Currently collaborating with City of Spokane and a regional health foundation to implement a community bail fund to reduce the number of people in pre-trial detention based solely on ability to pay bail. Work with the Tennant's Union, Northwest Fair Housing Alliance, Disability Rights Washington, and I Did the Time to identify promising cases for development. Collaborate with Gonzaga University Legal Assistance on housing cases involving seniors and veterans.
- **Litigation**—Represent clients in civil court proceedings involving private and subsidized landlord-tenant, family law, education, income security, individual rights, court debt, and consumer protection matters. Successfully litigated appeals and original actions in state and federal courts. Represent clients in administrative proceedings in denial of benefits, termination of benefits, barriers to employment matters, and department of health proceedings.

Attorney Allen Brecke Law Offices, Kennewick, WA 2013 - 2014

- **Litigation**—Managed all phases of pre-trial discovery. Supervised attorneys and paralegals. Conducted depositions of defendants and medical experts. Prepared and argued discovery and summary judgment motions. Represented clients in superior and district courts, in mediation and arbitration. Prepared witnesses for trial. Negotiated settlements. Prepared trial materials, trial motions, and jury instructions.

Attorney Coulter Martin Smith PLLC, Seattle, WA 2008 - 2011

- **Litigation**—Represented clients in intellectual property, business and unfair competition matters in State and Federal courts. Track record of finding most cost-effective settlement or litigation strategy for each client. Successfully vacated patent injunctions, dismissed causes of action for trademark infringement, and obtained summary judgments in infringement, business tort, and predatory lending matters.
- **Discovery Management**—Worked with clients, colleagues and outside vendors to manage production, evaluation and use of discovery. Used technological solutions such as Concordance and CaseMap to evaluate discovery strengths, weaknesses, and omissions. Conducted discovery management conferences and discovery motions practice.

Attorney AXIOS Law Group PLLC, Seattle, WA 2004 - 2008

- **Litigation**—Provided representation in Washington and Federal courts. Represented clients in business, unfair competition, and consumer protection matters. Track record of finding most cost-effective settlement or litigation strategy for each client. Successfully argued before the Court of Appeals for the Federal Circuit in *A G Design v. Trainman Lantern Company* (Fed. Cir. 2007-1481).

- **Management**—Oversaw budgeting and accounting. Managed team of four associate attorneys, three paralegals, and four general and administrative staff members. Implemented uniform personnel, review, document management and retention policies.

Counsel Commerce One Global Services, Arlington, VA 2000 - 2002

- **Intellectual Property**—Advised on registration of copyrights, trademarks and protection of trade secrets. Educated clients on acquisition, use and protection of intellectual property through counseling, "brown bags" and writing articles for distribution. Managed intellectual property portfolio.
- **Corporate/Transactional**—Negotiated, structured and drafted e-commerce and technology agreements with clients. Advised project managers and executive management on contract interpretation.

Staff Attorney National Wildlife Federation, Reston, VA 1999 - 2000

- Responsible for all areas of licensing, trademarks and copyright.

Regulatory Experience

PAI Consulting, Alexandria, Virginia

Senior Regulatory Analyst 2011 – 2013

Regulatory Analyst 2002 – 2004

- **International Treaty Compliance** — Worked on a multi-year project to design a civil aviation regulatory framework for a foreign government.
- **Regulatory Drafting/Rulemaking** — Supported the Federal government by overseeing rulemaking projects enacting safety and training statutes. Provided regulatory analysis and drafting services to U.S. Government Agencies.
- **Project Management** — Drafted and produced proposals for private sector and government contracts. Served as primary point of contact on a number of large, multi-year contracts. Interacted with internal and external clients to facilitate ontime completion and efficient use of resources.

Education

J.D. 1998, Gonzaga University School of Law, Spokane, WA

B.A. 1996, West Virginia University, Morgantown, WV

Bar Admissions (Washington State)

Eastern and Western Districts of Washington, Ninth Circuit Court of Appeals, Federal Circuit Court of Appeals

Memberships

QLAW Foundation, Board Member; Chair of Clinic Expansion Committee

Washington State Bar Association

- Court Rules and Procedures Committee, Chair
- Subcommittee on Criminal Rules for Courts of Limited Jurisdiction, Chair
- Steering Committee for the Statewide Plan for the Delivery of Civil Legal Aid, Committee Member

NLADA, Fines and Fees Advisory Committee

Languages

Conversational French (B1) and Spanish (B2)

Professional Experience (continued)

June 2001-March 2003 **Guess?, Inc.** **Los Angeles, CA**

Corporate Counsel

Responsible for all corporate legal functions including securities, finance, Securities and Exchange Commission and New York Stock Exchange compliance. Served as Corporate secretary for the Board of Directors and primary liaison with external corporate counsel, the Securities and Exchange Commission and the New York Stock Exchange. Managed successful defense of shareholder class action litigation and unique securitization of royalty receivables.

September 1996 – June 2001 **Aames Financial Corporation** **Los Angeles, CA**

Counsel, Senior Counsel

Served in various positions with increasing responsibility within the Legal Department for publicly traded Company ranging from legal and mortgage loan compliance to securities and corporate administration. Developed expertise in structured finance and public corporate governance.

Teaching Experience

September 2016 – Present **Pacific Lutheran University** **Tacoma, WA**

Teaching five sections of undergraduate Business Law and Ethics (BUSA303) and one section of Legal, Ethical and Social Responsibility (BMBA510) during the 2016-2017 academic year as a visiting faculty and tenure-track beginning in the 2017-2018 academic year. Serving as chair of the Undergraduate Committee responsible for review of undergraduate curriculum in connection with accreditation.

March 2009 – Present **Tacoma Community College** **Tacoma, WA**
Adjunct Faculty—Corporate Education **Invista Performance Solutions** **Lakewood, WA**

Member of the Corporate Education Department responsible for teaching classes on-site with corporate partners in the areas of finance, strategy and business law.

March 2009 – 2014 **Brandman University** **Lacey, WA**
Adjunct Faculty

Taught multiple sections of Business Law, Organizational Leadership and Employment Law.

Teaching Experience (continued)

March 2009 – 2014

University of Phoenix

Tukwila, WA

Adjunct Faculty

Taught multiple sections of business law, introductory finance, economics, accounting and other business courses at undergraduate and graduate levels. Also served as Area Chair for business courses.

Summer 2010

Shoreline Community College

Shoreline, WA

Adjunct Faculty

Taught two sections of BUS210 (Business Law) in online format.

Courses Taught

Law and Ethics

Business Law and Ethics - BUSA303 (PLU, 2016-2017)

Constitutional Rights – POSU344 (Brandman)

Legal Issues in Human Resources – HRCU648 (Brandman)

Introduction to Law – POSU240 (Brandman)

Business Law – BUS201 (Shoreline)

Business Law – BUS415 (UOP)

Business Ethics – MGT344 (UOP)

Employment Law – MGT434 (UOP)

Business Law – LAW531 (UOP)

Accounting/Finance

Principles of Accounting – ACC300 (UOP)

Accounting for Decision Making – ACC400 (UOP)

Finance for Business – FIN370 (UOP)

Corporate Finance – FIN571 (UOP)

Personal Finance – FP120 (UOP)

Maximizing Shareholder Wealth – MBA540 (UOP)

Introduction to Finance for Corporate Clients (TCC/Invista)

Enterprise Risk – MBA560 (UOP)

Other

Practicum in Organizational Development – OLCU688 (Brandman)

Principles of Macroeconomics – ECO372 (UOP)

Introduction to Finance and Accounting – MBA503 (UOP)

State and Local Political Processes – POL215 (UOP)

Teamwork, Collaboration, and Conflict Resolution – SOC110 (UOP)

New Faculty Orientation instructor (UOP)

Education

June 2004	University of Southern California M.B.A. (Executive M.B.A. Program) Graduated with Honors	Los Angeles, CA
June 1994	Loyola Law School, Los Angeles J.D.	Los Angeles, CA
June 1991	California State University, Long Beach B.A., Economics	Long Beach, CA

Licenses

California State Bar Association (1995 – present)
Washington State Bar Association (2009 – present)
Washington Notary Public (2009 – present)

Community Service

Gig Harbor Mid-Day Rotary Club (President, 2011-2012)
Harbor Heights Elementary School Parent Teacher Association (President, 2011-2012)
Prison Pet Partnership Program (Director, Treasurer, 2011-2012)

Speaking Engagements

“State v. Nemetz: Inside the Jury Room”
Presented to Gig Harbor Mid Day Rotary (May 2016)
Gig Harbor Business Group (May 2016)
“Finance and Legal Basics for Independent Business Owners”
Presented to the Professional Photographers of Washington (2011)
“The Anatomy of the Subprime Meltdown: Excessive Leverage and the Mispricing of Risk”
Presented to Economic Summit (November 2008)
and to Tacoma Mortgage Broker Association (November 2008)
“The Due on Sale Clause”
Presented to the Real Estate Investment Association of Orange County (2008)
“All-Inclusive Trust Deeds”
Presented to the Real Estate Investment Association of Orange County (2007)
“What is ‘Securitization’?”
Presented to New Century Financial Corporation Training Program (2004)
“Predatory Lending and the Secondary Market: An Originator’s Perspective”
American Conference Institution (2004)

E. MICHIKO FJELD

Work

824 North Monroe
Spokane WA, 99201
Phone: 509-835-5957
Email: mfjeld@spokanecity.org

Home

217 W. 36th Avenue
Spokane, WA 99203
Phone: 509-869-4861
Email:
michiko.davis07@gmail.com

Qualification Summary:

Recognized as a community leader, legal advocate, dedicated public defender, and advocate of healthy living through conscious movement. Organized, focused, and persistent with excellent interpersonal and communication skills. Statewide perspective having been raised in Central Washington (Yakima), educated in Western Washington (Western Washington University), and currently residing in Eastern Washington (Spokane). Committed to social, economic, and environmental justice with an emphasis on Equal Access to Justice. Spokane Public School volunteer, and mentor to students of color and future attorneys. Longtime teacher of yoga for all ages, physical abilities, and economic backgrounds.

Educational Experience

Gonzaga University School of Law • Spokane, Washington

Jurist Doctorate, Cum Laude • May 2005

- **Diversity Scholarship**
- **Academic Achievement Scholarship**
- **Moot Court Counsel** • 2002-2005
- **Client Counseling Competition** • 1st Place
- **Jessup Cup International Moot Court Competition** • 2004-2005
- **Across Borders** • Gonzaga University School of Law International Legal Journal • *Editorial Staff*, 2003 – 2004 • *Editor of Special Events and Vested Member*, 2004-2005
- **Gonzaga Law's Chapter of Amnesty International** • 2002-2005

Fairhaven College • Bellingham, Washington

Bachelor of Liberal Arts • Law and Diversity • December, 1999

- **Minority Achievement Scholarship**

Work Experience

City of Spokane Public Defender's Office • Spokane, Washington

Assistant Public Defender • 2005- Present • Represent indigent criminal defendant • Write and argue appeals

Federal Defenders of Eastern Washington and Idaho • Spokane, Washington

Legal Intern • 2003-2005 • Managed cases • Legal research • Wrote and argued motions and appeals

University Legal Assistance • Spokane, Washington

RESUME 1

Legal Intern • 2002-2003 • Managed cases • Wrote and argued motions and appeals • Prepared a successful sentence commutation, argued before the Governor's Clemency and Pardons Board • Initiated a prisoner's rights case

Move More Spokane (formerly, Spokane Yoga Shala) • Spokane, Washington

Yoga Instructor • 2005- Present • Provide instruction in the practice of mindful movement

Volunteer Experience

Washington State Bar Association Judicial Recommendation Committee • Seattle, Washington

Committee Member • Review applications, check references, and meet with candidates seeking governor appointments to appellate courts

River Run • Spokane, Washington

Volunteer Coordinator • 2016 – present • Coordinate volunteers for annual foot race which benefits Spokane Public Schools A.P.P.L.E. students

The Alliance for a Greater Well-Being • Spokane, Washington

Secretary • 2010-2011 • Board Member

Washington Women Lawyers • Spokane, Washington

Public Defender Liason • 2009-2014 • Board Member

Center for Justice • Spokane, Washington

Volunteer Attorney • Representing indigent client on a criminal appeal

Street Law • Spokane, Washington

Volunteer Attorney • Free legal advice, information, and resources to community members

Womencare Shelter • Bellingham, Washington

Domestic Violence Advocate • 1997-1999 • Resident's advocate in a confidential shelter for women and children • Fundraising

Extracurricular Activities

Board member, Washington Women Lawyer's, Spokane Chapter (2009-2014)

Gonzaga Law alumni mentoring program (2012-present)

Volunteer, American Law & Justice Workshop for Refugees

Volunteer, Gonzaga Law – Brown bag discussion on criminal defense and prosecution (2012-present)

Volunteer, City of Spokane Public Schools (2014-present)

Fellowship and Award

2010 Graduate Fellow, WSBA Washington Leadership Institute, Certificate of Achievement

2013 John R. Clark Loan Repayment Assistance Program, inaugural recipient

Ken Henrikson kenneth.henrikson@kingcounty.gov
20646 Miller Bay Road NE
Poulsbo, WA. 98370-7722 Work: 206 477-7940 ext 750 Cell: 206 228 5693

Education:

U.C. Berkeley, 1970-76; approximately 5 to 6 years of credits, numerous majors.
Last Major: "Communications and Public Policy"
University of Alaska, Fairbanks, School of Business Administration 1981-4 completed BBA.
Business Management and Labor Relations;
University of Alaska, Fairbanks, MBA Coursework 1983-4
One year of completed work, but did not complete Master's thesis in time/Comprehensive Exams due to simultaneously attending Law School in Washington.
"Seattle University" (A.K.A. University of Puget Sound) School of Law, JD 1987

Teaching Experience:

Substitute Teacher K-12, 1981-3; Fairbanks, Alaska; North Star Borough School Dist. (During those years the minimum qualifications for Substitute Teaching in Fairbanks, AK, was 3 years college.)
Tutor; Criminal Law/Torts, 1985-6; Univ. of Puget Sound (Seattle U.)
Teaching assistant assigned to professors' Torts and Criminal Law courses and tutor its students individually and in groups. Develop parallel lesson plans.
Tutor in finance/economics/accounting for University of Alaska undergrad students, 1982-84,
Project Upward Bound; Alaska Native Services, Fairbanks, AK.

Training and Associations Related to Forensic Psychology, Mental Health Law:

A.T.S.A. W.A.T.S.A. S.O.C.C.P.N. memberships, Trainings and Treatment Conferences;
Treatment And Risk Assessment. 1,000 hours of education and hands-on training, mental health law, diagnoses, competency evaluation instruments, risk assessment, treatment models, community and institutional offender management, specific modes of therapy. Guardianship.

Some Presentations I gave related to malpractice reduction,
March, 2007: (In House) Prompt Identification of King County Contract defined "Complex Extraordinary Cases" meriting additional resources in our contract that lawyers had not requested.
Feb, 2007: Common attorney errors in scoring prior convictions erroneously in sentencing, documenting past mistakes that have cost many clients decades in prison.
April, 2007: Training for Investigators on applying elements of crimes to facts, and consequences (ineffective assistance) in failure to understand criminal law theory.
Washington Defender Association Annual Conference, Winthrop, WA
Criminal Law Theory Applied to Witness Interviews; Why investigators must know more about the elements of crimes than their attorneys typically know.
May, 2010: Jury Selection in S.V.P. Cases.
How jury selection is outcome determinative. Constitutionally required voir dire to detect causal challenges and to elicit disqualifying answers. The incremental effect of each voir dire mistake on the probability of lifetime civil commitment. Fatal v. Remediable juror bias, juror conflict of interest.
June, 2011: Drafting Legislative Proposals in the common interest of clients and stakeholders.
The drafting legislation to help clients and persuading opposing stakeholders that it is in their interest to support such legislation.
2014-15: Topics related to RCW 71.09 Civil Commitment and Sex Offender Treatment.

Legal Employment:

Rule 9 Intern KC Prosecutor and family court cases, (1986)
The Defender Association, Seattle. January 1987 to the present.
Seattle District and Municipal Court (1987-89, 1991, 1995-96, 2002-03), Adult Felony practice (1994-95, 2003-7), Juvenile Criminal and 13.40 Alternative Residential Placement and Youth at Risk (1989-1992, 1996-1998, 1999-2002), 13.34 Dependencies (1992-1994), 71.05 Civil Commitment (1994), Sexually Violent Predators Civil Commitment 2007-present.

Litigation: About 150 bench and/or jury trials in juvenile, misdemeanors, felonies, and civil, over the last 25 years. 13.34 Dependency Fact Finding and Termination Trials, Criminal Securities Fraud litigation. 2003-2007 practice limited to Homicides, Life w/o parole, insanity defense trial, and international extradition. Then 71.09 S.V.P. civil commitment. Some pro bono work in prisoner litigation and guardianship law. About 20 appellate cases throughout legal career in Division 1, Supreme Court, RALJ.

OTHER EMPLOYMENT

Post Office 1974-81, Honolulu, Oakland, California, and Fairbanks, Alaska. Traveling Carnival, Radio Announcer, Carpentry, Food Service, Farm Animal caretaker, misc. other.

VOLUNTEER ACTIVITIES

Pro Bono assistance in Habeas and other cases, labor law assistance at administrative hearings, employees facing discharge, school expulsions, appellate work throughout practice, other pro bono work and community work.

i.e. Assist inmates with ineffective trial counsel.

WSBA Corrections Committee, 1990's.

Work with D.O.C. to address legal issues in the corrections system.

WSBA Court Rules Committee, 4 years.

Screen proposed court rules and recommend to the Supreme Court.

WSBA and King County Bar Judicial Recommendation Committees.

Interview, investigate, and evaluate candidates for King County courts, Supreme Court and/or Court of Appeals over last 12 years off and on.

WSBA Legislative Committee, (around 5 years)/KCBA Public Policy Committee

Evaluate legislative proposals that affect the courts, justice system, and legal profession.

WSBA Character and Fitness Board member (3 years 2010-2013)

Hearing panel (monthly) to adjudicate whether disbarred attorneys should be re-admitted to practice, and whether prospective attorneys with character and fitness issues should be allowed to sit for the Bar Examination. In addition to hearings, requires writing findings.

Department of Corrections volunteer RFP panel, under RCW 72.09.190.

As part of a panel of five, Score RFP responses from law firms bidding to represent D.O.C. inmates under RCW 72.09.190, assist in drafting the RFP's, interview law firms and award inmate-representation contracts, about once a year or two from around 1998-2012.

Legislative Drafting:

Created and helped drafted bills related to Sexually Violent Predators and for access to courts by prison inmates and address stakeholders.

Collective Bargaining: 1977-81 American Postal Workers Union, Local 6, Fairbanks Alaska, Union officer & Shop Steward, negotiate local contracts and represent workers subject to discipline and other contract violations. 2001-2010. Local 925 TDA contract negotiations and represent attorneys and support staff as shop steward.

Ben Phillabaum

9023 N. Sundance
Spokane, WA 99208
(509) 220-6738
bphillabaum@gmail.com

Education: BA in Business Administration. Washington State University, Pullman WA; Completed Washington State APR 6 Law Clerk March 2014, successful completion of the July 2014 Bar Exam

Work Experience:

Associate Attorney

Phillabaum, Ledlin, Matthews, & Sheldon October 2014 – to Present

- Drafting, editing, and executing all manner of real estate transactions
- Drafting, editing, and execution of Will, Trusts, Probates, and associated planning
- Representing local financial institution in the collection of commercial and consumer debt

Law Clerk

Phillabaum, Ledlin, Matthews & Sheldon, PLLC March 2010 - October 2014

- Drafting pleadings as assigned
- Researching various issues
- Assisting firm attorneys with special projects
- Presenting Order's Ex Parte

Commercial Lender

Mountain West Bank February 2009 – March 2010

- Maintain and manage commercial loan portfolio of 10 Million dollars
- Met and maintained loan and deposit goals
- Analyzing credit and collateral for possible commercial loans
- Underwriting of commercial loans
- Meeting with customers to review financial statements

Credit Analyst

State Bank Northwest July 2008 – January 2009

- Analyzing credit and collateral for possible commercial loans
- Underwriting of commercial loans
- Meeting with customers to discuss financial statements banking needs
- Maintain & manage commercial loan portfolio
- Review of existing loans for possible modification, extension, or restructure
- Requesting and tracking of customers financial information
- Actively tracked and made recommendations for workout on classified credits and past dues accounts

Professional Involvement

- Member of the Washington State Bar Association October 2014 – Present
- Chairperson of the Washington State Bar Association Law Clerk Board 2017 – Present
- Licensed to practice before all State and Federal court in Washington and Idaho
- Licensed to practice in the Kalispel and Coeur d'Alene Tribal Courts
- Law Clerk Board Member October 2016 – present
- Member of the Spokane County Young Lawyers

Community Involvement

- Member of Rotary Club #21 2009 – Present

Kyle Sciuchetti's Biographical Statement

Kyle Sciuchetti currently serves as a Governor with the WSBA Board of Governors representing Southwest Washington. He is a partner with Miller Nash Graham & Dunn LLP where he maintains an active practice as outside counsel for businesses throughout Washington, Idaho and Oregon.

He is a former prosecutor with the City of Spokane. For 15 years, he served on the WSBA Legislative Committee, including the chair of the committee. He is a director for the Humane Society for Southwest Washington and past Chair of the Board of Directors for the Clark County Food Bank.

Born and raised in Spokane, Kyle received his undergraduate degrees in political science and psychology from the University of Washington and his law degree from Lewis & Clark Law School.

Kyle D. Sciuchetti

SUMMARY OF QUALIFICATIONS

I serve as outside counsel to many businesses throughout the Pacific Northwest. My practice includes civil litigation, with an emphasis in complex construction disputes and business disputes in Washington, Oregon and Idaho. I have significant trial experience representing owners, developers, trade associations, and businesses in state and federal court and before government agencies on the federal, state and local level.

WORK EXPERIENCE

MILLER NASH GRAHAM & DUNN LLP – Partner; Vancouver/Portland; 2019 to Present

- Advises businesses and manages the legal needs of a wide range of companies
- Significant experience representing construction professionals in business and litigation

BULLIVANT HOUSER BAILEY, PC - Attorney; Portland/Vancouver; 2007 to 2019

- Civil practice focusing on business in Washington, Oregon and Idaho
- Serves as outside counsel to businesses throughout Pacific Northwest
- Represents businesses in trial, arbitration, mediation and appeals

LANDYE BENNETT BLUMSTEIN, LLP - Attorney; Portland; 2003 to 2007

- Civil practice focused on business litigation, construction defect and products liability
- Counseled business clients in employment law, including employment and severance agreements
- Experienced in all levels of trial practice including motions practice, jury trials and appeals

HALL & HOLLAND - Attorney; Vancouver; 2001 to 2003

- Provided advice to business clients on real estate, contracts, lease agreements, corporate governance, purchase and sale agreements, employment litigation and other issues
- Negotiated use of U.S. Dept. of Energy power-line easement for operation of quarry conveyor

PUBLIC POWER COUNCIL, Inc. - Senior House Counsel; Portland; 1999 to 2001

- Represented Public Power Council in the United States Court of Appeals for the Ninth Circuit, U.S. district Court Western District of Washington and the U.S. District Court of Oregon
- Negotiated complex power sales agreements on behalf of member utilities
- Advised Executive Committee on wide range of issues including corporate structure, multi-million dollar purchase and sale agreements, litigation strategy and regulatory compliance

CITY of SPOKANE - Assistant City Attorney; Spokane; 1997 to 1999

- Prosecuted jury and bench trials in district court for the City of Spokane
- Managed full docket of cases requiring daily appearances in court

WASHINGTON STATE LEGISLATURE - Code Reviser's Office; Olympia; 1997

- Drafted over 500 bills, amendments and resolutions during the 1997 legislative session
- Counseled elected officials and business representatives on legislation concerning business, sales, construction law, real property issues and other matters

Kyle D. Sciuchetti

BAR ADMISSIONS

Washington State Bar Association – 1996
Oregon State Bar Association – 1996
Idaho State Bar Association – 2015
United States District Court, Western District of Washington – 1999
United States District Court, Eastern District of Washington – 2006
United States District Court, District of Oregon – 2000
United States District Court, District of Idaho – 2015
United States Court of Appeals for the Ninth Circuit – 2000
United States Supreme Court – 2000

PROFESSIONAL ACTIVITIES

Washington State Bar Association, Board of Governors, Governor, District 3 – 2017 to 2020
Board Member and Past President, Clark County Food Bank – 2007 to 2016
Board Member, Humane Society of Southwest Washington – 2006 to Present
Board Member, Clark County Animal Control Advisory Board – 2019 to Present
Washington State Bar Association Legislative Review Committee – 2003 to Present (Chair 2016 to 2018)
Washington State Bar Association Legislative Committee; Board of Governors – 2017 to Present (Chair)
Board Member, Committee on Mission Performance & Review, WSBA – 2017 to Present
Washington State Bar Association Liaison to Committee on Professional Ethics – 2017 to Present
Washington State Bar Association Liaison to Corporate Counsel Section – 2017 to Present
Washington State Bar Association Liaison to World Peace Through Law Section – 2017 to 2018
Metropolitan Business Association; Board of Directors – 2017 to Present
Washington State Bar Association; Practice of Law Committee – 1998 to 2001, 2002 to 2003
Oregon State Bar Association, Corporate Counsel Section – 2000 to 2001
Certificate of Appreciation, Bonneville Power Administration – 1996
American Bar Association, 1994 to Present
A.B.A. President/Representative, Lewis & Clark, Northwestern School of Law – 1995 to 1996
A.B.A. 12th Circuit Lieutenant Governor, Public Interest Division – 1994 to 1995
A.B.A. Membership Chair – 1994 to 1995

EDUCATION

J.D. – Lewis & Clark College, Northwestern School of Law; Portland, Oregon – 1996
Dean's Fellowship/Scholarship awarded for academic achievement
B.A. – Political Science, University of Washington; Seattle, Washington – 1992
Academic Honors, University of Washington
B.A. – Psychology, University of Washington; Seattle, Washington – 1992
Psi Chi, National Psychology Honors Society

REPORTED CASES

Kaiser Aluminum & Chemical v. Bonneville Power Admin., 261 F.3d 843 (9th Cir. 2001).

Waxman v. Waxman & Assoc., 224 Or.App. 499, 198 P.3d 445 (2008).

Abraham v. T. Henry Const., Inc., 230 Or. App. 564, 217 P.3d 212 (2009)

NICHOLAS CHRISTOPHER LARSON

nlarson@mpbf.com

EXPERIENCE

Partner, Murphy, Pearson, Bradley, & Feeney (MPBF), Seattle, WA

- Represent businesses, individuals, and government agencies in all phases of civil litigation, including drafting pleadings, preparing discovery, taking & defending depositions & negotiating settlements in professional liability, corporate, antitrust, environmental, public agency & insurance litigation; also represent and advise government agencies, professionals, executives, and businesses in civil and criminal proceedings, internal investigations, and corporate transactions (see http://www.mpbf.com/attorneys/larson_nicholas.php for more info)
- Supervise and manage associates, externs, and paralegals in civil litigation
- Admitted to practice in California and Washington State; the 9th Circuit & 5 Fed. Dist. Courts

Judicial Extern, United States District Court, Northern District of California

- Drafted orders for Judge William Alsup after reviewing and analyzing legal arguments and authority in motions, oppositions, and reply briefs filed in variety of actions before the Court

Senior Analyst, U.S. Government Accountability Office

- Managed a team of analysts evaluating federal public policy to help improve the performance and accountability of the U.S. Government - researched and drafted reports & testimony for Congress on national security, education, retirement, environment, and health care policy issues for 7 years

Public Affairs Assistant, Stanford University Office of Public Affairs, Stanford, CA

- Facilitated university PR campaigns working directly with VP of gov't & community affairs

EDUCATION

UNIVERSITY OF SAN FRANCISCO SCHOOL OF LAW

- Juris Doctor, *Magna Cum Laude*
- Editorial Board and Symposium Editor, *USF Law Review*, Volume 44
- Research Assistant & Fellow, *University of San Francisco Center for Law & Ethics*
- Member of McAuliffe Honor Society; CALI Award for Legal Ethics; *USF Law Dean's* Scholarship; *Agnes O'Brien Smith* Scholarship from Queen's Bench of San Francisco; *Douglas M. Raskin* Scholarship; *Arthur Zief, Jr.* Scholarship; and *Pro Bono Publico* Award (for pro bono work)
- Case Counsel, Moot Court Program; Coursework in Law & Economics at Boalt Hall School of Law

STANFORD UNIVERSITY

Master of Arts in **Psychology**

- Focus in Negotiation, Mediation, Conflict & Dispute Resolution with a Master's Thesis: *The Effects of Prior Cooperation & Co-Action on Responses in Ultimatum Bargaining*
- Teaching Assistant that led 4 sections; evaluated papers & exams - received highest TA rating

Bachelor of Arts in **Public Policy and Psychology**

- Public Policy Department Award for "Outstanding Contributions to University"
- *Psi Chi* National Psychology Honor Society
- Stanford Program at Oxford University (Brasenose College) - studied Political Psychology
- Stanford Program in D.C. - studied Economic Analysis of Law & interned at White House OMB
- Elected Senior Class President; Co-founder of the Stanford Pre-Law Society (SPLS)

COMMUNITY

Co-Chair, Washington State Bar Association Pro Bono & Community Service Committee

- Lead committee dedicated to enhancing a culture of legal service by promoting opportunities and best practices that encourage members to engage in pro bono and public service to help those in need

Co-Chair, Bar Assoc. of San Fran. Barristers Pro Bono & Community Service Committee

- Served two years as co-chair on committee dedicated to connecting attorneys, law firms, law students, and non-profit organizations to pro bono opportunities to give back to the community

Board Member, Past-President, Stanford Club of Washington State

- Organize community, educational, & social events for over 6,000 alumni in Puget Sound

SKILLS & INTERESTS

- Certified Mediator (Snohomish Dispute Resolution Center); Volunteer with Tax-Aid and Hopelink;
- KZSU (Stanford student radio - 90.1 FM) Men's and Women's Basketball Broadcaster

LAURA L. WULF

3121 North Gove Street Tacoma, Washington 98407 253-468-9700 lwulf@comcast.net

QUALIFICATION

- Results-oriented professional with a passion for fairness, impartiality, and rule of law.
- Noted for ability to objectively develop and adjudicate cases based upon law.
- Effective communicator able to clearly present complex information to diverse audiences.
- Track record of implementing new laws and procedures generated by changes in society, technology, and other areas.
- Regularly selected to teach seminars and mentor new attorneys in various aspects of the law.
- Strong combination of experience as an attorney and administrator within large and complex state departments.
- Proven ability to successfully and simultaneously manage multiple projects, assignments, and cases.
- Respected by colleagues, administrators, and other stakeholders for legal expertise, follow-up, and excellence.
- Dedicated participant in diversity activities in order to advance the legal profession.
- Ongoing training and experience as Judge Pro Tem as well as in dispute resolution and arbitration (see addendum)

LEGAL EXPERIENCE

Washington State Office of the Attorney General, 1992 to 2012, 2015 to Present

ASSISTANT ATTORNEY GENERAL – Labor and Personnel Division, Tacoma, 2015 to Present. Represent the Department of Social and Health Services, including Western State Hospital, the Office of Minority and Women’s Business Enterprises (OMWBE), the Washington Liquor and Cannabis Board, numerous community and technical colleges and Central Washington University on all matters related to employment and labor law. Perform detailed reviews on allegations of misconduct and determine option-based action plans. Confer with client representatives to develop strategies. Manage litigation and arbitration before appropriate administrative bodies. Prepare, interview, and examine witnesses prior to and during testimony. Prepare and submit written closing arguments. Have achieved in excess of 90% successful outcomes.

Have established positive working relationships among all stakeholders including union representatives and opposing counsel. Consistently commended by clients, arbitrators, and other stakeholders for exceptional legal knowledge, communication skills, and follow-through.

Regularly selected to mentor new attorneys at AGO and WSBA. Deliver well-attended presentations on ADA, reasonable accommodations, and employment issues.

Special Recognition

- “Excellence Award for Outstanding Contributions” (2017)

ASSISTANT ATTORNEY GENERAL, SECTION CHIEF – Labor and Personnel Division, Olympia, 2005 to 2012. Managed a team of up to eight attorneys located in Olympia and Spokane handling labor and employment issues. As a member of management team, actively participated in hiring process. Key clients included DSHS (lead counsel), Washington State Supreme Court, Administrative Office for the Courts, and AGO.

Played a key management role in anticipating, developing, and implementing emerging issues involving labor law as a result of full-scope collective bargaining for state employees. This included application of *just cause* principles in disciplinary actions. Additionally, trained staff and management on sexual harassment issues.

Served as lead counsel for advice and representation for the Family Child Care Collective Bargaining Agreement covering thousands of child care workers. Represented the Governor and OFM in multi-million dollar interest arbitration hearings comparable to complex civil litigation trials. Litigated cases before the Public Employment Relations Commission, the Personnel Resources Board, and several arbitrators.

Special Assignment and Recognition

- Chair of the Attorney Manager Training Committee.
- Received “Excellence Award for Outstanding Contributions” (2012).

ASSISTANT ATTORNEY GENERAL – Labor and Personnel Division, Olympia, 2000 to 2005. Advised clients and litigated cases before Personnel Appeals Board. Developed expertise in such burgeoning areas as Reasonable Accommodation under Washington Law Against Discrimination (WLAD), and the Americans with Disabilities Act (ADA).

Special Assignment and Recognition

- Authored desk book chapter on disability discrimination issues.
- Chair of Basic Litigation Skills Committee
- Chair of Attorney Training Committee

ASSISTANT ATTORNEY GENERAL – Agriculture and Health Division, Olympia, 1997 to 2000.

Provided legal advice and representation for Department of Health. Advised on and litigated cases involving the boarding home program, including several cases that were high profile garnering media attention. Effectively litigated motions in several Washington State Superior Courts. Advised on and litigated Certificate of Need cases involving the regulation of high profile health care services and building of health care facilities. Litigated medical malpractice-type cases before the Board of Denture Technology. Effectively argued *Charron, et al, v. Miyahara*, 950 P.2d 532 (1998) and negotiated settlement with Public Disclosure Commission.

Special Assignment and Recognition

- Appointed by Governor Gary Locke to Interagency Commission on State Employed Women.
- Recognized by Gov. Locke in “Results Washington” for work on implementation of rule regarding reporting of HIV/AIDS issues.

ASSISTANT ATTORNEY GENERAL – Social and Health Services Division, Olympia, 1992 to 1997. Represented Mental Health Division, Western State Hospital (WSH). Prosecuted routine and complex cases before the Pierce County Superior Court, including numerous jury trials. Handled high profile cases involving individuals found incompetent to stand trial on felony charges. Successfully civilly committed first person released from death row. Argued and won *In Re Detention of R.S.*, 124 Wn.2nd 766 (1994), before the Washington State Supreme Court. Advised WSH Superintendent and provided legal training for hospital staff and community mental health providers. Supervised coverage of Involuntary Treatment Act docket.

Special Assignment and Recognition

- Member of Mental Health section that received “Outstanding Team Award” (1993)

ADDITIONAL MANAGEMENT EXPERIENCE

Department of Social and Health Services, Tacoma, WA

ASSISTANT HUMAN RESOURCES DIRECTOR (2012-15)

ACTING SENIOR HUMAN RESOURCES DIRECTOR (2013-14)

ADMISSIONS

- Washington State Bar Association
- Tacoma-Pierce County Bar Association
- Admitted to Practice before the United States District Court for the Western and Eastern Districts of Washington and the United States Court of Appeals for the Ninth Circuit

EDUCATION

J.D., *Cum Laude*, Seattle University School of Law/University of Puget Sound (1990)

Lead Article Editor, *UPS Law Review*, Eikenberry, Johnson and Wulf, “Enforcing Washington Judgments in British Columbia: ‘Reciprocating State’ Status Will Make Enforcement Easier,” 13 U. Puget Sound L. Rev. 491 (1990)

B.A., University of Washington, Jackson School of International Studies (1984)

COMMUNITY SERVICE

- American Leadership Forum, Senior Fellow 2016-present
- Volunteer for “Color of Justice” August 2017, Pierce County Superior Court with Judge G. Helen Whitener
- WSBA Diversity Committee Member 2016-Present
- Volunteer, Tacoma-Pierce County Volunteer Legal Services 2014-present
- Tacoma-Pierce County YWCA, Board Member 2015-present, President elect 2017-18
- Tacoma-Pierce County City Club Board Member 2016
- Member, Washington Women Lawyers
- Out in Front Board- LGBTQ Leadership Organization, 2016-Present
- Washington Won’t Discriminate Volunteer 2016-2017, Canvasser in Tacoma to educate neighbors on issues involving transgender community members
- Paint Tacoma Beautiful, 2009, 2016-17
- Susan G. Komen 3 Day 60 Mile Walk, 2010 and 2011
- PTA President Sherman Elementary School, 2008-10

JUDICIAL EXPERIENCE

Tacoma Municipal Court 2015 to Present

JUDGE PRO TEM – Preside in criminal court handle arraignments, pleas and pre-hearing conferences. Preside over traffic court calendar which involves primarily pro se litigants. Presided over jury trial in December 2016. Attended training session with municipal court bench.

Lakewood Municipal Court 2015 to 2016

JUDGE PRO TEM – Presided over arraignments and scheduling pre-hearing conferences. Attended training with presiding judge.

ADMINISTRATIVE HEARINGS BOARD

Pierce County Personnel Review Board 2015 to 2017

BOARD MEMBER – Appointed by Pierce County Council. Served with four other members. Responsible for hearings on appeals by members of the Pierce County Career Service on a variety of personnel matters. Presided over three day hearing involving employee demotion. Worked with other Board members to render an impartial and fair decision. Elected as chair in January 2017.

MEDIATION EXPERIENCE

Pierce County Center for Dialog and Resolution 2014 to Present

Extensive training and practicum course resulting in becoming a certified mediator in March 2016. Volunteer to mediate cases primarily involving parenting plans. Routinely evaluated as being a fair and impartial mediator.

TRAINING

Washington Initiative for Diversity Judicial Institute Ongoing since 2017

Selected for training/mentoring program to prepare for a judicial position either by appointment or election. Focus on importance of diversity and inclusion on the bench.

King County District Court's Pro Tem Judge Training 7/22-24, 2014

Intensive training on all aspects of District Court jurisdiction including both criminal and civil matters.

JUDICIAL CLERKSHIP

Kitsap County Superior Court, Port Orchard, WA 1991 to 1992

Supervisor: Judge Karen Conley

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: July 18, 2019
RE: Law Clerk Program Presentation

DISCUSSION: Law Clerk Program Presentation.

Attached please find materials regarding the Law Clerk Program that Governor Dan Clark requested be included in the July 26-27, 2019, Board meeting materials to go along with Ben Phillabaum's presentation.



DISTRICT 4 GOVERNOR DANIEL D. CLARK
SUMMARY OF APR RULE 6 LAW CLERK PROGRAM

RULE 6 PROGRAM

Overview:

This written summary is to provide the Board of Governors with a summary of the program including general and admission requirements, required course curriculum, and with the hopeful attempt of providing more general and specific knowledge of the APR Rule 6 Law Clerk Program. This program is primarily administered by the Law Clerk Board, which consists of WSBA volunteers, some of which are past successful law clerk graduates which are now successful attorney members of WSBA. It is also ran by historically 1.10 to 1.25 FTE WSBA staff and a BOG Governor Liaison assigned to the Program.

General Requirements:

The Law Clerk program is an innovative program offered by the Washington State Bar Association pursuant to the Washington Supreme Court Admission and Practice Rule (APR 6). It is a four-year program designed to provide educational and practical experience through a combination of work and study and interaction with an experienced WSBA member that is active and in good standing. This program has been and is a viable alternative to the ever-increasing costs of a traditional law school.

Student Clerk Requirements:

An interested student "Clerk" applicant must be found to have been in good moral character, have a bachelor's degree and regular paid full-time employment within the geographic location of the State of Washington, with a lawyer or judge who has at least a minimum of ten (10) years of active experience and is willing to serve as the applicant's primary tutor. There is an alternative to this requirement that allows for a substitute member or member(s) to serve as the primary tutor for an applicant if the employer will consent to having the alternative tutor that would otherwise be eligible but the clerk does not work for them to serve as the tutor for the law clerk student. The reasoning for this is that if another mentor is willing to serve and the employer consents and ensures that there will be adequate safeguards to prevent confidential client disclosure, the Law Clerk Board has and will allow this.

Application Process:

There is an application packet that is required to be completed and returned to WSBA staff and the Law Clerk Board for review, along with a \$100 dollar application fee. The applications are due 60 days prior to the next Law Clerk Board meeting, which meets four (4) times a year to review applications, and current progress of currently enrolled students.

After receipt of the application, WSBA assigned an individual Law Clerk Board member, who are dedicated WSBA volunteers that meet with and interview the prospective Clerk and Mentor and ensure that they are actively working for an attorney and understand the requirements of the program. The Law Clerk Board member then makes a recommendation to the Law Clerk board for potential acceptance.

In certain circumstances, some students that have completed credits from a law school or other related do attempt to apply for "advanced standing" from the Rule 6 program. Such application is submitted and reviewed by the Rule 6 Law Clerk Board for consideration of granting of advance standing credit. Undergraduate and paralegal courses and employment experience are not allowed for consideration for any advance standing credit.

Enrollment:

Once the Law Clerk Board has determined that an applicant has been accepted into the program, a fee payment is required for each calendar year of \$2000. The Law Clerk Board and WSBA staff monitor participation in the program, but the law clerk and tutor study independently as they complete the courses of study.

One of the requirements of the program is that a minimum each week that the Clerk student work a minimum of 32 hours of work, performing the duties of a law clerk, including work and studying the particular course of study that the law student is working on. Part of this requirement, requires that the Law Clerk mentor devote at least three (3) hours each week of personal supervision to the law clerk, which should include discussion of the law and relevant cases and critical analysis and review of written assignments which are drafted and created by the Mentor and given to the Law Clerk as part of the studying of the particular subject area.

Typical Course Study:

The program is designed to last forty-eight (48) months or 4 years. Typically the program is designed for a law clerk student to study and successfully complete one (1) practice area every two months. The requirements of the program require that the 1L year, that the Law Clerk Student successfully complete the following course work:

1L Year:

- (Basic Legal Skills)
- Torts

- Contracts
- Agency/Partnership Law
- Civil Procedure
- Real Property

2L Year:

- Community Property
- Criminal Law
- Constitutional Law I
- Corporations
- Evidence
- Uniform Commercial Code (2, 3 & 9)

3L Year:

- Constitutional Law II
- Professional Responsibility
- Domestic Relations (Family Law)
- Wills, Estates, Trusts, Probate
- Conflicts of Laws
- Criminal Procedure

4L Year:

The Law Clerk chooses from six electives. The student can petition the board to take other areas of the law not listed but the recommended courses that a student and mentor will choose six from are listed as follows:

- Administrative Law
- Personal Federal Tax Law
- Land Use
- Labor Law
- Remedies
- Antitrust
- Creditor-Debtor Regulations
- Securities Regulation
- Legal Accounting
- International Law
- Insurance
- Consumer Protection
- Environmental Law
- Real Property Security
- American Indian Law
- Trial Practicum

- Elder and Disability Law

Monthly Examinations:

As part of the teaching the Law Clerk the law, a Mentor shall administer monthly exams to the Clerk. The Tutor Mentor is responsible for the content and administration of all monthly examinations. The tests are graded under a pass and fail basis. The student is responsible for obtaining a passing grade each month and if they do not do so, they have to repeat the months course until they do pass.

The Law Clerk Board will occasionally summons the Law Clerk student and Mentor Tutor in to talk to the Board if sufficient progress is not been achieved, and/or if untimely monthly reports are turned in by the Law Clerk and Mentor Tutor.

The program is designed to be completed in 4 years, but the program has a built in extra up to 2 year grace period to allow for extra time between subjects and/or for the Law Clerk student and/or Law Clerk Tutor Mentor to take breaks.

This extra grace period historically is one of the very unique but found to be very advantageous parts of the program. A law Clerk that has small children, and/or suffers from a sudden personal illness, can take off time and still ultimately complete the program v. traditional law school.

Book Reports:

In addition, the Law Clerk student is required to read law related books and conduct annual books reports as part of the understanding and learning of the law. Every law clerk is required to take the jurisprudence course, which is a four year reading program intended to familiarize the law clerk with legal history, philosophy, theory and biography. The course requires the law clerk student completing three (3) books each year, to be selected from a list approved by the Board. The law Clerk must submit a total of twelve (12) book reports, and it is scheduled to complete one report every 4 months. Early submission is acceptable. A clerk may not proceed with the next year of study until three book reports are submitted for the year.

The reports are from two to ten pages in length, must reflect the clerk's thoughts on the substance of the book and its implications for the legal profession or professional development as a law clerk. Graduate-level analysis and writing quality is expected.

Advantages of the Program:

Some of the common heard comments from graduates of the program are:

- It provides an alternative pathway for someone to become an Attorney that would not otherwise had been able to go to traditional law school.

- It provides for an ability for someone that has small kids and/or not the economic means to go to traditional law school to be able to do so since they can learn and work full time.
- It avoids massive student loans and ever-increasing student debt associated with traditional law school attendance.
- Some believe that they come out after passing the bar much more prepared and ready to practice law v. traditional law school because the law student has worked full time for at least four (4) years for an attorney in a law firm.
- Some believe that learning practical aspects of the law from an actual practicing attorney is much more valuable than a traditional law school education where several professors are academic types that may not even have ever passed a state bar, and/or actively practice law.
- It allows for real world life situations to happen, such as pregnancies of students, sick family members, taking additional time for tough subjects etc.

Criticism of Program:

Some uninformed members of the public and WSBA seem to think that the program somehow gives a free pass, or easier pathway for someone to become an attorney. This is a very common misperception, and the truth is that Law Clerk students

1. Have to have the same BA degree to start the Rule 6 Law Program that someone that went to traditional law school would have.
2. Have to actually go to four (4) years of law school course study, v. three (3) years for a traditional law school so one (1) extra year of studying the law and working in the legal profession.
3. They work in the law, are employed with a law firm, v. traditional law school where you can complete a J.D. Degree and pass the bar with never having worked a single minute for a law firm and/or as an attorney.
4. They have to pass monthly tests and course work and while the tests are somewhat on the honor system, the ultimate test and written materials are submitted to WSBA and the Law Clerk Board for review. Ultimately, any student and mentor that would "fudge" on the results, is only hurting the Law Clerk Student as they have to ultimately pass the bar exam.
5. They have to pass the same bar exam as a traditional law student. (ultimately approximately 9 out of 10 Law Clerk graduates ultimately pass the Washington State Bar Exam).

6. After passing the Washington State Bar Exam, they have to satisfy the same CLE annual requirements and are bound to the same RPCs as attorneys that went to law school.
7. The end result is that successful graduates that complete the Law Clerk Program and pass the Washington Bar are WSBA Attorney Members that are the same as each of us that graduated from a traditional law school.

What are some criticisms of the program from past graduate(s):

1. The program is not for everyone. Some feel that it is too difficult to stay self-motivated to do the program and essentially learn the law on your own while being employed full time.
2. Law Clerk Mentors will complain that the program requires extra time for them because they will have to draft and create tests, so having WSBA establish a "test brief bank" is one common request we hear.
3. Some Law Clerk students feel like they miss out on a "graduation" from the program. They also feel like they don't have the same social learning aspects with "study groups" as exist in law school. (As a way to help assist with this, there is a Facebook social media page for Law Clerk students to interact and connect with).

Other Thoughts:

The program does not award the successful applicant a Juris Doctor degree. As a result, the program is limited to candidates that want to practice law in Washington State. It does not give the successful graduate the automatic ability to take the bar exam in another state. Usually after a graduate passes the bar and then wants to apply for reciprocity with another State that Washington State has an agreement with.

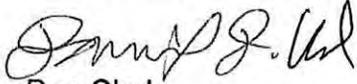
Overall, the program is seen as very successful. The graduates of the program have very close to the same bar success passage rate as traditional law students, and ultimately approximately 9 out of 10 graduates that successfully complete the program ultimately pass the Washington State Bar Exam and become attorneys.

Final Thoughts:

Given the ever-increasing need for attorneys to serve the public, given the ever increasing escalating costs of law school, which saddle new/young attorneys with massive student debt, the Law Clerk program really seems like something that the BOG and WSBA should be promoting. Unlike other innovative license types, the Law Clerk program actually produces attorneys that can practice law in any field, not only 1 specific practice field. The program has and continues to produce competent and good WSBA attorney members. The program also historically has been budget cost neutral in its cost center, so the program essentially pays for itself.

In any event, thank you for allowing the Rule 6 Law Clerk program Chair Ben Phillabaum, and Governor Dan Clark, the current Rule 6 Law Clerk Program Liaison to provide you a brief overview of the program. For more detailed information about the program, please refer to the WSBA website found here: <https://www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/law-clerk>

Respectfully,

A handwritten signature in black ink, appearing to read "Dan Clark".

Dan Clark
District 4 Governor

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: July 18, 2019
RE: Election of 2019-2020 WSBA Treasurer

ACTION: (1) Adopt process for electing a Treasurer that complies with the WSBA Bylaws and the OPMA. (2) Elect 2019-2020 WSBA Treasurer.

Pursuant to the WSBA Bylaws, the WSBA Treasurer is selected by the Board:

The treasurer shall be a current governor and shall be nominated and elected by the Board of Governors at the second to the last regularly scheduled Board meeting of the fiscal year.

The Bylaws do not set forth a specific procedure for electing the Treasurer. Below are three suggestions that would comply with the Open Public Meetings Act (OPMA).

1. Simple Majority

The Treasurer would be elected by a simple majority of the Governors by open voting in Public Session. In the event that no candidate receives a majority of the votes, the candidate receiving the least number of votes will be dropped from the slate and further open voting will take place during Public Session until a Treasurer is elected by a simple majority of the Governors.

2. Ranked Choice

The Treasurer would be elected by the Governors ranking all the candidates. If any candidate receives more than half of the first place votes, she/he would be the Treasurer. If no candidate receives more than half of the first place votes, then the candidate with the fewest number of votes would be eliminated. The second choice votes of those Governors who voted for the eliminated candidate would then be counted. This process is repeated until there is a candidate who receives more than half of the first place votes.

3. Runoff

The Treasurer would be elected by a simple majority of the Governors voting in Public Session. In the event that no candidate receives a majority of the votes, there will be a runoff election between the top two vote getters. The candidate receiving a majority of votes in the runoff will be the Treasurer.

WASHINGTON STATE
BAR ASSOCIATION

Board of Governors

Dan'L W. Bridges, Treasurer and Governor District 9

To : Board of Governors
Date : July 12, 2019
Re : Qualifications to be Treasurer

Arguably, any person qualified to be a Governor on the Board is qualified to be Treasurer. The real issue is the Board must decide what type of Treasurer it wants. There are two types of Treasurers: (1) those who do only the minimum required by the bylaws and (2) a Treasurer who is proactive.

To be clear, I believe every candidate running this year is qualified to be Treasurer. And, I believe every candidate running this year has some of the qualifications I identify below of a "proactive" Treasurer.

In terms of the minimum required by the bylaws, the core duties of the Treasurer are to chair the Budget and Audit meetings, interface with staff for presentation of information both at Budget and Audit meetings and Board of Governors meetings, and to review and approve certain staff reimbursements.

In terms of a proactive Treasurer however, the duties are much broader and the requirements much greater.

Like the President, the Treasurer serves at the will of the Board and should be working to help implement the values of the Board. Thus, perhaps the most important qualification is the Treasurer should share, and represent, the values of the Board. Everything WSBA does is determined by spending and that is determined by the budget. While the Treasurer has no unilateral authority on spending, if the Treasurer's policy values regarding programming and how we structure operations do not align with the Board's, the Board cannot rely the Treasurer will be examining issues consistent with the Board's goals.

The Treasurer is an officer of the Washington State Bar Association and has certain duties and authority independent of, and greater than, Governors. The authority to chair Budget and Audit meetings is the authority to set the agenda and determine what the committee considers and thus report to the Board, the Supreme Court, and the WSBA. Provided those issues relate to spending, arguably there is no limit to what the Budget and Audit committee may consider.

In terms of core competencies of a proactive Treasurer, a Treasurer should be well experienced in reading profit and loss statements and have some basic accounting knowledge. Although the Treasurer does not do the nuts and bolts of those issues, the ability to properly read and interpret cost centers and other budget information is critical. Related to this, and while perhaps not strictly required, I believe it a great benefit that the Treasurer can empathize with the great majority of our members who have to make payroll, pay rent, and keep their own doors open having done so his/herself. It is by empathy with those issues that a Treasurer can better understand the impact of WSBA's spending. I do not want to say that is a required litmus test because I do not want to say Governors who work for the government or are in-

house counsel would not make an excellent Treasurer – they may. I am only saying that having the context of actually having to “Budget and Audit” for their own firms, and an understanding of the impact of overhead on a personal basis, is an enormous benefit.

Further, and while this may have been more relevant last year but hopefully a little less as we take WSBA in a new direction, it is critical the Treasurer have sufficient backbone to raise issues that may be difficult to discuss, others may not want to discuss, and to push through resistance of stakeholders who (although they may be exercising good faith) are too close to an issue to bring to it the needed objectivity required of the Treasurer and the Budget and Audit committee in general. On this point the Treasurer must have the ability and willingness to subject themselves to personal risk and stand behind their beliefs regarding appropriate spending and programming. It is not sufficient to talk to talk, without walking the walk.

Given the importance of Budget and Audit meetings, it is critical that the Treasurer be capable of running a "good meeting." That requires the Treasurer to understand rules of procedure, be capable of putting their personal beliefs or even annoyances aside, and to realize they are the chair of the meeting and not the ruler of the meeting. The Treasurer gets to have an opinion and even engage in some amount of persuasion but they must not to treat their position as a bully pulpit.

Finally, a proactive Treasurer needs to show up and should have been showing up. This is not a position a proactive Treasurer can or should drop in on. Being present personally is critical to have the base of knowledge necessary. At Budget and Audit meetings we often review detailed information for which merely calling in by phone is no substitute. Being proactive requires more than being able to read cost centers. You need to know why they are like that, and how they interact with each other. That requires exposure to those issues over time.

Ultimately, if the Board wants a proactive Treasurer, the Board must be able to trust their Treasurer is willing to engage every day on the issues, ask the hard questions no one else is asking, is willing and able to put in an enormous amount of time both on their own and during meetings, and be able to trust the Treasurer will represent the policies values of the Board as the Treasurer serves the Board, not them self.



**2019-20 WSBA TREASURER CANDIDATE ANNOUCEMENT OF
DISTRICT 4 GOVERNOR DANIEL D. CLARK**

My fellow Governors,

Although not required by the current bylaw provisions, I would like to formally announce myself as an official candidate for the 2019-20 WSBA Treasurer Officer position. I would like to follow in the previous fine traditions of current Treasurer Dan Bridges, and former WSBA Treasurer(s) G. Kim Risenmay, and Jill Karmy, all of whom I've had the pleasure and honor to serve with on the Board of Governors the over the last two years as District 4 Governor.

I have spent my entire legal career daily involved in the Yakima County budgeting process and dealing with various financial matters. Yakima County is a very poor county v. other counties of the State. We routinely are forced to look at ways to do more with less and to stretch the revenue streams that we do have and routinely look at reductions of expenditures to maintain services to taxpayers. Having worked for Yakima County for almost seventeen (17) years definitely has taught me to be able to do more with less financially.

One thing that has taught me is the principle of something I had my mentor refer to me as "OPM" syndrome. "OPM meaning: "other people's money". The concept meaning that people are less prudent with expenditures of financial resources when it is "other people's money." I think about that principle every day at work when advising clients to try to make prudent and wise expenditures of taxpayers money. I believe OPM syndrome in connection with some past WSBA financial decisions also has historically impacted WSBA and it is something we all should try to activity fight on behalf of our members who are analogous to taxpayers.

If selected as our next Treasurer, I would like to take that same "anti-OPM" mentality and budget experience into WSBA and look for ways to reduce expenditures work with the Executive Management team to try to make WSBA more efficient, and certainly drill down deeper into various cost centers that currently require WSBA to subsidize by Attorney member license fees. It would be my ultimate goal, as I strongly believe it should be all of our goal to not raise member license fees over the next few years, while maintaining the current two (2) million dollar budget reserve threshold set by prior

BOGs. Raising member license fees should be an absolute last resort analogous to increasing taxes to taxpayers.

I have a proven track record of service on the BOG of conducting research, writing and budget financial statistical analysis. I have been successfully able to collaboratively work with almost all of you on various committees, projects, work groups, and/or "gangs of 3." I have and would continue be able to work collaboratively and respectfully with fellow Governors and WSBA staff in this important position.

I respectfully ask that you strongly consider casting your vote for me for 2019-20 Treasurer. In support of this humble request, I list below some of my Academic, Professional, and BOG qualifications for the position. I will wait to provide you my specific goals if selected Treasurer until the July 26, 2019 BOG meeting when we will hold the candidate interviews and election.

Respectfully,

Daniel D. Clark
District 4 Governor

Academic Qualifications to be Treasurer:

- Graduated Magna Cum Laude with BA Degree in Political Science from Central Washington University.
- Dean's Scholar Academic Award from the College of the Sciences from Central Washington University.
- Graduated Cum Laude, in top 1/3 of law class from Gonzaga School of Law.

Professional Qualifications to be Treasurer:

- Worked as attorney for the Yakima County Treasurer Ilene Thomson for approximately 14 years.
- Worked as attorney for the Yakima County Budget Director Craig Warner for approximately 14 years. Craig is also the current President of the Washington State Finance Officers Association. (WFOA).
- Worked as attorney for Yakima County Auditor(s) Corky Mattingly for 9 years and current Auditor Charles Ross for the last (5) plus.
- Directly responsible for annual Yakima County Budget allocation determinations of the Indirect Cost Plan for In-House and private outsourced legal services which are then allocated to various Yakima County Departments as part of a seventy-seven (77) million dollar annual budget.

- Routinely help advise various Yakima County Department Heads and Elected Officials with preparing their annual department budgets as part of a seventy-seven (77) million dollar annual budget.
- Extensive experience collaboratively and respectfully interacting with the State Auditor on audits of various Yakima County and other Governmental Clients. I have vast experience in reading audit reports, financial statements, management letters, and I've successfully had proposed findings reduced to management letters, and management letters reduced to informal exit interview recommendations.
- Responsible for all things financial for Yakima County, including but not limited to: Ad valorem property taxation, collection, and foreclosures, Tax Levies, Bonding, Contracts, Interlocal Agreement drafting and negotiation, and Utility tax franchise negotiations. I also am responsible for all wage assignments, levies, garnishments, and accord and satisfactions, as well as filing of Article 9 U.C.C. filings and all Bankruptcy defense litigations for Yakima County to attempt to collect ad valorem property taxes, security interests and legal financial obligations as creditor(s) in Chapter 7, 13 and 11 Bankruptcy proceedings.

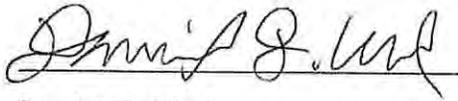
Current relevant BOG assignments:

- I currently am a member of the Budget and Audit Committee. I have attended every meeting either in person, or by telephonic participation since October 1, 2017. I "audited" and have attended every meeting for 2017-2018, and have been a voting member for 2018-2019.
- I am extremely knowledgeable of current and historical WSBA cost centers that have been subject to deficit spending by member license fees under the WSBA general fund. This is critically important with the departure of WSBA staff Ann Holmes and Tiffany Lynch.
- I a current BOG WSBA Structure Committee member and I have extensively studied the various cost centers within the FY 2019 current WSBA budget and the proposed FY 20 WSBA budget for their potential implications with the Fleck and Janus related litigations.
- I am a member of the BOG Personnel Committee, Executive Committee, and have proudly served as the Rule 6 Law Clerk Liaison for the 2017-18 and 2018-19 years.
- I believe I have a proven track record of hard work, reliability, and successful collaborative working relationships interacting with current, future, and past Governors and WSBA staff.

My promises if selected as WSBA Treasurer:

- I will work collaboratively and respectfully with the members of Budget and Audit to carry forth the mission of the Budget and Audit Committee for 2019-20.
- I will continue to work collaboratively and respectfully with the staff of WSBA.
- I will zealously look for ways to save member license fee money while maintaining robust WSBA services.
- I will work zealously to attempt to reduce deficit spending with the goal to make the LLLT program a budget neutral program.

Respectfully Submitted this 10th Day of July 2019,



Daniel D. Clark
District 4 Governor
WSBA #35901

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Chris Meserve, Chair – Personnel Committee
Felix Neals, Interim Director of Human Resources
DATE: July 8, 2019
RE: WSBA Board Of Governors No Retaliation Policy

First Reading: Proposed amended WSBA Board of Governors No Retaliation Policy

Subsequent to the adoption of the WSBA Board of Governors No Relation Policy on January 19, 2019, a letter from WSBA employees was submitted that outlined considerations for changes to the WSBA BOG No Retaliation Policy.

Based on this feedback, the Personnel Committee reviewed the employee recommendations and materials, compared the recommendations to the current policy, and made several revisions to incorporate language to address employee concerns. The committee voted unanimously in approval of this revised document and requests Board adoption of the amended policy.



WASHINGTON STATE BAR ASSOCIATION

WSBA Board of Governors

No Retaliation Policy

(Adopted by the Board of Governors January 18, 2019)

Purpose

The Washington State Bar Association (WSBA) is committed to providing a workplace that is free from all forms of discrimination, including sexual harassment or retaliation. WSBA's policies are y on sexual harassment is part of its overall efforts to provide a workplace free from discrimination and retaliation, pursuant to local, state and federal laws prohibiting discrimination based on age, race, color, creed/religion, national origin, honorably discharged veteran and military status, marital status, disability, sexual orientation, gender identity or expression, and sex, or any other characteristic that is protected by law. This policy is also part of WSBA's commitment to diversity and inclusion, and a workplace that is free from harassment, disrespect, and divisiveness.

Harassment and retaliation are forms of discrimination that violate Title VII of the Civil Rights Act of 1964, (as amended in 1991), the Washington State Law Against Discrimination, RCW 49.60, Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA). Sexual harassment and retaliation are prohibited by the Civil Rights Act of 1964, as amended in 1991, and the Washington State Law Against Discrimination, RCW 49.60.

WSBA encouragesThe 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 all forms of 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 the concerns, investigate them and take appropriate corrective action based on the findings of an independent investigation. ~~Retaliation. Retaliating~~ against a BOG member, ~~or~~ other WSBA volunteer, or WSBA employee who ~~brings brought~~ attention to inappropriate behavior harms the WSBA's trustworthiness and reliability, and interferes with the WSBA's ability to provide a safe work environment free from discrimination, harassment and retaliation. Retaliation harms the public interest by deterring others from reporting complaints.
2. Any kind of discriminatory behavior or 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"). Similarly, the WSBA employee handbook policy on "Standards of Conduct and Discipline" and "Sexual and Other Harassment Policy" also explicitly states that it applies. ~~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.~~ to interactions between WSBA employees, WSBA members and other non-employees who conduct business with the WSBA. Employees are subject to provisions as determined by the Executive Director

General Policy Provisions

Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Any form of harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Sexual or other prohibited discriminatory behavior will not be tolerated. Sexual harassment includes harassment on the basis of sex (including pregnancy, related medical conditions, and breastfeeding, gender identity or expression, sexual orientation, or any other category protected by applicable local, state or federal laws). Any person covered by this policy who engages in any form of sexual harassment, other prohibited discriminatory behavior, or retaliation will be subject to corrective action.

Volunteers and WSBA executives and managers will be subject to corrective action if they fail to take appropriate action when they receive a complaint of, observe, or otherwise become aware of sexual all forms of harassment.

The WSBA will strive to create a workplace free from disrespect, divisiveness, incivility, and inappropriate behavior. The WSBA has an obligation to investigate and conduct a prompt and thorough investigation that ensures a fair process for all parties, whenever WSBA receives a complaint about sexual any form of harassment, or otherwise becomes aware of possible sexual harassment. WSBA will keep the complaint and investigation confidential to the extent possible. When there is a determination that it is likely that sexual harassment has occurred, effective corrective action will be taken. All covered persons are required to cooperate with any internal investigation of sexual harassment or other discriminatory behavior.

Harassing behavior does not need to be illegal harassment in order for the WSBA to take corrective action. The WSBA will strive to create a workplace free from disrespect, divisiveness, incivility, and inappropriate behavior. Therefore, behavior that could create a harassing environment should the behavior continue or escalate will not be tolerated, and will subject to a thorough investigation and potentially lead to corrective action.

Retaliation is prohibited: The WSBA will not tolerate retaliation against anyone who reports or provides information about possible sexual harassment or other discriminatory behavior. 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. Anyone covered by this policy who engages in retaliatory harassment will be subject to corrective action.

Even if the alleged harassment does not rise to the level of a violation of law or of this Policy, the individual is protected from retaliation if the person who engaged in protected activity believed that the behavior was unlawful or a policy violation. However, someone who makes a complaint of harassment that they know is false may be subject to appropriate corrective action.

There will be no barriers to accessing the policy or participating in enforcement. The Board of Governors will receive training on this policy annually.

Sexual Harassment Definition

~~Sexual harassment is defined as unwelcome language or conduct of a sexual nature, or language or conduct that is because of sex, when:~~

- ~~• Such language or conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment (this can happen even if the complaining party is not the intended target of the sexual harassment);~~
- ~~• Such conduct is made either explicitly or implicitly a term or condition of employment;~~
~~or;~~
- ~~• Submission to or rejection of such conduct is used as the basis for employment decisions.~~

~~Sexual harassment includes, but is not limited to, derogatory comments, jokes, or statements; sexual advances; sexually explicit language or stories; or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person even when the harassment is not sexual in nature, but rather is~~

because of the person's gender. Sexual harassment can include language or conduct against a person of the same sex as the harasser.

Any sexually harassing conduct or language will be addressed under this policy, even if it is not a violation of the law. The list below is of examples of harassing behavior; however, it does not cover every type of harassment that will be considered to be a violation of this policy.

Examples of Language and Conduct that is Considered Prohibited Harassment

- Physical conduct including but not limited to: sexual assault; grabbing, poking, pressing or intentionally brushing up against another person's body; blocking someone's movement or invading their space; touching someone's breast, buttocks, or between their legs; or any other unwanted and intentional physical contact.
- Visual conduct including but not limited to: leering; sexual gestures; displaying of sexually suggestive objects, pictures, cartoons, posters, screen savers, or websites.
- Verbal conduct including but not limited to: sexually derogatory comments, epithets, slurs and jokes; verbal abuse of a sexual nature; graphic verbal comments about an individual's body; derogatory comments related to gender or stereotypical gender roles; subtle or obvious pressure for unwelcome sexual activities; sexually suggestive or obscene letters, notes, emails, or texts; conversations, stories, comments or jokes about a person's sexuality or sexual experience; unwelcome questions about a person's sexuality or gender identity or expression.
- Asking an employee or volunteer on a date multiple times if the request was unwelcome;
- Verbal abuse or joking concerning a person's gender characteristics such as vocal pitch, facial hair or the size or shape of a person's body.
- Offering an employment benefit (such as a raise, bonus, promotion, assistance with one's career or better working conditions) in exchange for sexual favors, or threatening an employment detriment (such as termination, demotion, worse working conditions, or disciplinary action) when a person refuses to engage in sexual activity.
- Sending sexually related, sexually derogatory, or sexually suggestive text messages, videos or messages via social media.

- Physical or verbal abuse concerning an individual's gender or the perception of the individual's gender.
- Making or threatening retaliatory action after receiving a negative response to sexual advances.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or expression, or the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's work, or equipment, or other interference with the individual's ability to perform the job;
 - Ignoring or ostracizing them;
 - Yelling or name calling.
- Degrading comments in the form of sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how persons of a specific sex should act or look.
- Other actions not listed above could constitute sexual harassment and/or a violation of this policy and be subject to corrective action.

Retaliation Definition

Retaliation is unlawful under federal, state and applicable local laws. The Washington State Law Against Discrimination (RCW 49.60) protects any individual who has engaged in "protected activity". Protected activity occurs when a person has:

- Made a complaint of sexual harassment, either internally, with an administrative anti-discrimination agency, or filed a lawsuit about harassment;
- Provided information, testified or assisted in a proceeding involving sexual harassment;
- Opposed sexual harassment by making an oral or informal complaint to management, or by simply informing a supervisor or management of harassment; or

- Reported that an employee has been sexually harassed.

Retaliation is any action that could discourage an employee from coming forward to make or support a sexual harassment claim. The action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence for reporting sent via social media).

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:

- ~~Threatening messages sent via text or social media~~
- ~~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.~~
- ~~Taking a purposefully unreasonable amount of time to investigate the complaint.~~

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 all forms of harassment or discrimination, or intervening to protect others[A1][A2] against the same.
- ~~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 and Investigation of 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. Any covered person who believes they have been the target of sexual-any form of harassment or other discriminatory behavior or witnesses sexual-harassment or other discriminatory behavior, is encouraged to follow WSBA’s reporting procedure to report the harassment.

The covered person does not need to confront the harasser in order for a complaint, investigation, and corrective action to take place. A covered person who experiences harassment may, if they choose to and can do so safely, inform the harassing person that such conduct is unwelcome and offensive and must stop.

Reports from volunteers or employees of misconduct or suspected violations by volunteers or other outside parties will be investigated thoroughly and those who report or participate in the investigation must be protected from retaliation. Reports of suspected violations by volunteers or other outside parties will be referred to the Executive Director who will work with the General Counsel and Director of Human Resources to arrange for an independent investigation.

Complaints may vary in kind and complexity. Investigative procedures depend on the nature and the extent of harassment and the context in which the alleged incidents occurred. Appropriate investigative procedures may include informal review or a formal investigation and every effort

will be made to conduct the investigation in a timely and sensitive matter. All volunteers and employees are expected to cooperate fully in all phases of the investigation process. The investigator will be encouraged to make recommendations for appropriate corrective action if there is a finding of a substantiated violation of this policy for consideration by the Board of Governors. When the investigation is completed, the Board of Governors will determine the appropriate action that will be taken with heavy reliance on the recommendations of the investigator. Complainants and the person(s) against whom the allegation was made shall be informed of the completion of the investigation and whether the allegations were substantiated. At no time shall the accused be present and involved in the board deliberations and decision-making regarding corrective action or steps towards resolution of the complaint.

Appropriate corrective~~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. The Board of Governors will consider the purpose of corrective action which is to end the harassment and to deter future harassment or retaliation, unless the complainant or the person against whom the allegation is made is a member of the Board of Governors, in which case the entire Board shall be recused from the process, and the complainant shall be referred to the Supreme Court. The Board of Governors will consider the purpose of corrective action which is to end the harassment and to deter future harassment or retaliation. The type of corrective action taken depends upon the severity of the harassment, the length of time the harassing behavior has been going on, the number of victims involved, and the harasser's history of past similar behavior and the power dynamics between the accused individual and the complainant.

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.

DRAFT

WASHINGTON STATE BAR ASSOCIATION

WSBA Board of Governors No Retaliation Policy

Purpose

The Washington State Bar Association (WSBA) is committed to providing a workplace that is free from all forms of discrimination, harassment or retaliation. WSBA's policies are part of its overall efforts to provide a workplace free from discrimination and retaliation, pursuant to local, state and federal laws prohibiting discrimination based on age, race, color, creed/religion, national origin, honorably discharged veteran and military status, marital status, disability, sexual orientation, gender identity or expression, and sex, or any other characteristic that is protected by law. This policy is also part of WSBA's commitment to diversity and inclusion, and a workplace that is free from harassment, disrespect, and divisiveness.

Harassment and retaliation are forms of discrimination that violate Title VII of the Civil Rights Act of 1964, (as amended in 1991), the Washington State Law Against Discrimination, RCW 49.60, Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

WSBA encourages employees and members of the Board of Governors ("BOG") and other volunteers to speak up about all forms of discrimination or harassment without fear of retaliation. 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 the concerns, investigate and take appropriate corrective action based on the findings of an independent investigation. Retaliation against a BOG member, other WSBA volunteer, or WSBA employee who brings attention to inappropriate behavior harms the WSBA's trustworthiness and reliability, and interferes with the WSBA's ability to provide a safe work environment free from discrimination, harassment and retaliation. Retaliation harms the public interest by deterring others from reporting complaints.

2. Any kind of discriminatory behavior or 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”). Similarly, the WSBA employee handbook policy on “Standards of Conduct and Discipline” and “Sexual and Other Harassment Policy” also explicitly states that it applies to interactions between WSBA employees, WSBA members and other non-employees who conduct business with the WSBA. Employees are subject to provisions as determined by the Executive Director

General Policy Provisions

Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Any form of harassment is unlawful. Any person covered by this policy who engages in any form of harassment, other prohibited discriminatory behavior, or retaliation will be subject to corrective action.

Volunteers and WSBA executives and managers will be subject to corrective action if they fail to take appropriate action when they receive a complaint of, observe, or otherwise become aware of all forms of harassment.

The WSBA will strive to create a workplace free from disrespect, divisiveness, incivility, and inappropriate behavior. The WSBA has an obligation to investigate and conduct a prompt and thorough investigation that ensures a fair process for all parties, whenever WSBA receives a complaint about any form of harassment, or otherwise becomes aware of possible harassment. WSBA will keep the complaint and investigation confidential to the extent possible. When there is a determination that it is likely that harassment has occurred, effective corrective action will be taken. All covered persons are required to cooperate with any internal investigation of harassment or other discriminatory behavior.

Retaliation is prohibited: The WSBA will not tolerate retaliation against anyone who reports or provides information about possible harassment or other discriminatory behavior.

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. Anyone covered by this policy who engages in retaliatory harassment will be subject to corrective action.

Even if the alleged harassment does not rise to the level of a violation of law or of this Policy, the individual is protected from retaliation if the person who engaged in protected activity believed that the behavior was unlawful or a policy violation. However, someone who makes a complaint of harassment that they know is false may be subject to appropriate corrective action.

There will be no barriers to accessing the policy or participating in enforcement. The Board of Governors will receive training on this policy annually.

Retaliation Definition

Retaliation is unlawful under federal, state and applicable local laws. The Washington State Law Against Discrimination (RCW 49.60) protects any individual who has engaged in “protected activity”. Protected activity occurs when a person has:

- Made a complaint of sexual harassment, either internally, with an administrative anti-discrimination agency, or filed a lawsuit about harassment;
- Provided information, testified or assisted in a proceeding involving sexual harassment;
- Opposed sexual harassment by making an oral or informal complaint to management, or by simply informing a supervisor or management of harassment; or
- Reported that an employee has been sexually harassed.

Retaliation is any action that could discourage an employee from coming forward to make or support a sexual harassment claim. The action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence for reporting sent via social media).

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.

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 all forms of harassment or discrimination, or intervening to protect others against the same.

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 and Investigation of 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. Any covered person who believes they have been the target of any form of harassment or other discriminatory behavior or witnesses harassment or other discriminatory behavior, is encouraged to follow WSBA’s reporting procedure to report the harassment.

The covered person does not need to confront the harasser in order for a complaint, investigation, and corrective action to take place. A covered person who experiences harassment may, if they choose to and can do so safely, inform the harassing person that such conduct is unwelcome and offensive and must stop.

Reports from volunteers or employees of misconduct or suspected violations by volunteers or other outside parties will be investigated thoroughly and those who report or participate in the investigation must be protected from retaliation. Reports of suspected violations by volunteers or other outside parties will be referred to the Executive Director who will work with the General Counsel and Director of Human Resources to arrange for an independent investigation.

Complaints may vary in kind and complexity. Investigative procedures depend on the nature and the extent of harassment and the context in which the alleged incidents occurred.

Appropriate investigative procedures may include informal review or a formal investigation and every effort will be made to conduct the investigation in a timely and sensitive matter. All volunteers and employees are expected to cooperate fully in all phases of the investigation process. The investigator will be encouraged to make recommendations for appropriate corrective action if there is a finding of a substantiated violation of this policy for consideration by the Board of Governors. When the investigation is completed, the Board of Governors will determine the appropriate action that will be taken with heavy reliance on the recommendations of the investigator. Complainants and the person(s) against whom the allegation was made shall be informed of the completion of the investigation and whether the allegations were substantiated. At no time shall the accused be present and involved in the board deliberations and decision-making regarding corrective action or steps towards resolution of the complaint.

Appropriate corrective 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. The Board of Governors will consider the purpose of corrective action which is to end the harassment and to deter future harassment or retaliation, unless the complainant or the person against whom the allegation is made is a member of the Board of Governors, in which case the entire Board shall be recused from the process, and the complainant shall be referred to the Supreme Court. The type of corrective action taken depends upon the severity of the harassment, the length of time the harassing behavior has been going on, the number of victims involved, and the harasser's history of past similar behavior and the power dynamics between the accused individual and the complainant.

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: WSBA President, President-Elect, and Board of Governors

From: J. Donald Curran, Chair, Committee on Professional Ethics
Jeanne Marie Clavere, Staff Liaison

Date: July 16, 2019

Re: Recommendation to Revise RPC 1.15A(h)(9)

ACTION REQUESTED: Approve proposed revision to RPC 1.15A(h)(9) to permit LLLTs to sign trust account checks without a second signature from a lawyer. Pursuant to the Board of Governors' approval this proposed revision will be submitted to the Supreme Court in accordance with GR 9.

The Committee on Professional Ethics (CPE) is recommending a revision to RPC 1.15A(h)(9) which currently limits who can be a signatory on a lawyer trust account. While it permits an LLLT to be a signatory, the second sentence of RPC 1.15A(h)(9) states: "If a lawyer is associated in a practice with one or more LLLT's, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm." The CPE recommends striking that sentence, thereby permitting an LLLT to be a signatory on a law firm's trust account without restrictions.

Before the 2006 RPC amendments, anyone could be a signatory on a trust account without restrictions, and law firms frequently included bookkeepers or other nonlawyer staff as signatories. The Ethics 2003 Committee proposed that RPC 1.15A only permit lawyers to be signatories to protect against theft by nonlawyers employed at law firms, and this change was made to the RPC. The rule was later amended to permit LLLTs to be signatories with the limitation noted above.

The CPE believes the requirement for a second signature by a lawyer on any instrument signed by an LLLT is not necessary and unduly limits an LLLT's ability to disburse funds from a trust account. Unlike nonlawyers, LLLTs are licensed legal professionals, so an LLLT stealing from a trust account would be subject to discipline. Additionally, the rule makes it more difficult for an LLLT to disburse funds to the LLLT's own clients because the LLLT has to obtain the signature of a lawyer on the check. At small firms, there may only be one lawyer authorized to sign and if that person is out of the office, the LLLT's clients may be unnecessarily delayed in receiving checks.

Another unintended consequence is that the rule creates a circumstance where if an LLLT is not in a law firm associated with lawyers, the LLLT would be authorized to sign a check alone, while an LLLT who is part of a firm associated with lawyers would not be permitted to do so.

Moreover, the CPE views the requirement for a lawyer to co-sign any check signed by an LLLT to be confusing and likely cause lawyers to unwittingly violate the rule. Lawyers may assume from the first sentence of the rule that when the LLLT is a signatory on the account as that term is generally understood, and they may overlook the requirement for dual signatures.

Because the Lawyer RPC and the LLLT RPC are closely aligned, the CPE communicated its concerns about the issue to the LLLT Board along with a suggested revision to fix the problem. On February 11, 2019, the LLLT Board approved a proposed amendment to the LLLT RPC which exactly parallels the proposed CPE amendment.

The LLLT board intends to send the corresponding LLLT RPC change to the Supreme Court as a proposed companion rule change to the proposed Lawyer RPC 1.15A(h)(9) revision. If any lawyer rule revision is inconsistent with the now approved LLLT Board proposed amendment, the LLLT board will likely find it necessary reconsider their proposed revision.

For these reasons, the CPE recommends proposing a rule revision to strike the second sentence of RPC 1.15A(h)(9), as set forth in the attached redlined version of the rule. Pursuant to the Board of Governors' approval this proposed revision will be submitted to the Supreme Court in accordance with GR 9.

Attachment:

- RPC 1.15A(h)(9) (Redline version)

Red-line of proposed revision to RPC 1.15(h)(9)

(h) A lawyer must comply with the following for all trust accounts:

....

(9) Only a lawyer admitted to practice law or an LLLT may be an authorized signatory on the account. ~~If a lawyer is associated in a practice with one or more LLLT's, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.~~

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: Board of Governors
From: Paul Okner, Co-Chair, Pro Bono and Public Service Committee
Date: July 10, 2019
Re: *Model Pro Bono Policies for Corporate In-House Legal Departments, Law Firms, and Government Agencies*

ACTION: Adopt the Pro Bono and Public Service Committee’s *Model Pro Bono Policies for Corporate In-House Legal Departments, Law Firms, and Government Agencies*.

The Pro Bono and Public Service Committee’s request for adoption of the *Model Pro Bono Policies for Corporate In-House Legal Departments, Law Firms, and Government Agencies (Model Policies)* will be on the Board of Governor’s (“Board”) agenda and in the meeting materials for the July meeting.

Legal Need and Background

The results from the 2015 Civil Legal Needs Study¹ were a harsh reminder that justice remains inaccessible to many low-income Washingtonians. In 2014, over 70% of low-income households faced at least one civil legal issue. Of those households about 76% of low-income individuals with civil legal issues were unable to receive legal assistance. It is critical for the legal profession to help address this disparity.

The WSBA Pro Bono and Public Service Committee² (“Committee”) works to enhance a culture of legal service by promoting opportunities and best practices that encourage WSBA members to engage in pro bono and public service, with a particular focus on services to people with low or moderate income.

In part, this mission is guided by the principles outlined in the Preamble to the Rules of Professional Conduct (RPCs): “A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, *all lawyers* should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel.”³ Further, in accordance with RPC 6.1, attorneys in Washington have “a professional responsibility to assist in the provision of legal services to those unable to pay... and should aspire to render at least 30 hours of pro bono publico service per year.”⁴ Pursuant to these values, the Pro Bono and Public Service Committee convened a Policy Workgroup (“Workgroup”) to develop model pro bono policies as a template for entities to develop an internal culture of pro bono and public service.

¹ https://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf

² <https://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/Pro-Bono-and-Public-Service-Committee>

³ https://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=RPC&ruleid=garpcpreamble

⁴ https://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=RPC&ruleid=garpc6.1

The underlying intent behind this project was to promote widespread adoption of policies to enhance the legal profession. Policies serve as a reminder to attorneys of their professional responsibility to provide pro bono work, offer clarity on what is expected and permitted of employees within an organization, and can demonstrate an institutional commitment to pro bono service.

These Model Policies further the purposes of General Rule 12.2(a) to promote an effective legal system accessible to all and to provide services to [WSBA]'s members and the public.

In 2016, the Workgroup members convened to collect and evaluate pro bono policies from the ABA, as well as law firms, government agencies, and legal departments nationwide. After evaluating model policies across the country and existing policies in Washington, the Workgroup began the drafting process. These initial drafts were shared, vetted, and revised by Workgroup members from 2018 and into 2019. Based upon feedback from the WSBA membership, the Workgroup ultimately developed three separate policies in recognition of the nuances of various organizations: law firms, government agencies, and in-house legal departments.

These policies were also distributed to various stakeholders (both individuals and groups) for input. For example, the law firm model policies were shared with attorneys at small, medium, and large size firms. They were also distributed through various list serve channels, such as the WSBA Solo and Small Firm Section list serve. The government policy was vetted by the Government Lawyer's Bar Association and shared with individual attorneys from agencies such as the Attorney General's Office. The corporate policy was reviewed by colleagues at in-house legal departments and circulated to the WSBA Corporate Counsel Section's list serve.

The Workgroup received substantial and meaningful feedback in response to these outreach efforts. For example, members of the Government Lawyers' Bar Association made important comments regarding early drafts' unrealistic expectations about hourly commitments and use of public funds. These comments were considered and incorporated into subsequent versions of the government agency policy. Similarly, representatives from the Association of Corporate Counsel provided revisions to the in-house policy that resulted in a more realistic stance on malpractice insurance and company oversight of pro bono activity.

The Workgroup presented the final version of these *Model Policies* and the Committee approved these by a unanimous vote with the understanding that these policies would then be reviewed by WSBA's Office of General Counsel before final presentation before the Board at their July meeting.

If the Board does vote in favor of adopting these *Model Policies*, the Pro Bono and Public Service Committee is committed to promulgating these policies across Washington through direct contact, publishing the policies in WSBA news and media sources, and by posting the policy templates on the WSBA website, in furtherance of the Committee's mission.

These proposed *Model Policies* are the result of a multi-year process that included extensive research, drafting, re-drafting, and stakeholder input. The Committee looks forward to presenting these policies at the July 2019 Board meeting.

Law Firm Pro Bono Policy

The Pro Bono and Public Service Committee of the Washington State Bar Association, working under the belief that every law firm can benefit from a clear policy encouraging pro bono work by its employees, has created the following template policy for law firms in Washington state. This document is intended to be a starting point for the creation and adoption of such a policy, with the expectation that each law firm will customize the template to best reflect its strengths and goals. All law firms are welcome to reach out to the Pro Bono and Public Service Committee for assistance with finalizing and adopting a policy, or with identifying opportunities for pro bono work for the organization's attorneys.

[Law Firm]
Pro Bono Policy
Adopted _____, _____.

Over two million Washington households face significant legal challenges in a given year, and many of them are unable to access or afford an attorney's assistance in navigating these problems. This disconnect is amplified for low-income families, who, according to a recent Washington State Civil Legal Needs Study, receive beneficial legal assistance in just 24% of the instances in which they may require it. Foreclosure, residential eviction, job loss, bankruptcy, divorce, and health care issues are just a few of the challenges affecting low and moderate-income residents of Washington, and an inability to pay for qualified legal help contributes to a troubling deprivation of justice for this significant portion of our society. Although the Washington legal community has a long tradition of providing pro bono services, more must be done to address the unmet needs.

[Firm Name] (the "Firm") believes that pro bono service is an essential component of every attorney's professional career, and that the Firm has an opportunity and an obligation to assist those with the greatest need. The Firm acknowledges that individual lawyers meet their professional obligations to perform public interest legal service in a variety of ways, and does not explicitly require lawyers to participate in pro bono projects. Nonetheless, the Firm believes that participation in pro bono activities is beneficial for the public interest, for the Firm, and for individuals employed by the Firm.

Pro Bono Aspirations

According to Washington's Rule of Professional Conduct (RPC) 6.1, "Every lawyer has a professional responsibility to assist in the provision of legal services to those unable to pay... and should aspire to render at least 30 hours of pro bono publico service per year." Washington State, the American Bar Association Model Rules of Professional Conduct, and many other states have gone even further, adopting a 50-hour goal of pro bono work per year. Lawyers who report a minimum of 50 hours or more of pro bono work to the Washington State Bar Association (WSBA) will receive commendation for such service. The Firm encourages all lawyers to dedicate a minimum of [30/50/___] hours per year to pro bono work.

Definition of Pro Bono

The Firm adopts the description for pro bono work outlined in Washington's Rule of Professional Conduct 6.1, which states that all attorneys should:

- a) provide legal services without fee or expectation of fee to:
 - i) persons of limited means or
 - ii) charitable, religious, civil, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and
- b) provide pro bono publico service through:
 - i) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, or charitable, religious, civil, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of

- standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;
- ii) delivery of legal services at a substantially reduced fee to persons of limited means; or
 - iii) participation in activities for improving the law, the legal system or the legal profession.

Pro Bono Service Oversight

Pro Bono Activities at the Firm are overseen by the Pro Bono Coordinator. The Pro Bono Coordinator's responsibilities include:

- reviewing potential conflicts of interest;
- approving pro bono cases and projects to be undertaken by the Firm;
- reviewing and authorizing reduced-fee or sliding scale billing arrangements for moderate means clients;
- coordinating cooperation among Firm lawyers and the use of Firm resources for pro bono cases and projects; and
- reviewing lawyer and staff billing and timekeeping associated with pro bono cases and projects.

Pro Bono Client Representation Standard

The Firm is committed to providing the same high quality of representation to all clients regardless of their ability to pay. The Firm's conflict of interest policy applies to all pro bono cases and projects. Pro bono cases and projects should be given the same staffing, attention, and resources as any other project. Attorneys should possess the knowledge and expertise required for success on any project, including pro bono cases and projects. Attorneys working on pro bono cases and projects outside their area of expertise should seek guidance, training, or supervision from attorneys with the requisite expertise.

Pro Bono Opportunities

The Firm encourages attorneys to consider participating in pro bono work via a qualified legal services provider ("QLSP") recognized by the WSBA. QLSPs are established programs that often offer fully integrated volunteer opportunities, including training, staffing and resources, MCLE credits, and in some cases malpractice coverage. Other examples of pro bono opportunities include teaching a pro bono CLE, serving on bar association boards or committees mentoring pro bono attorneys, advocating changing laws that impede access to justice for those of low or moderate means, advising an organization that serves communities experiencing poverty and inequities, or taking a case on a reduced-fee, sliding scale basis of a client of moderate means in the areas of family, consumer and housing law through the WSBA Moderate Means Program.

Credit for Pro Bono Service

The Firm will count, as credited "billable hours," up to **[number]** hours per calendar year spent on pro bono legal services upon prior approval by the Pro Bono Coordinator. While non-participation in pro bono cases and projects will not adversely affect Firm lawyers, participation in pro bono work may be used as a factor in evaluations, advancement, or bonuses. The Firm also recognizes participation in pro bono activities **[at Firm meetings and awards ceremonies, in its annual reports and newsletters, and/or with gift cards and donations]**.

[Optional Paragraph]

Benefits of Pro Bono Service

There are many benefits of doing pro bono work which include:

- helping to meet critical legal needs and gaining satisfaction by giving back to the community;
- building the attorney's legal skills and knowledge;
- networking with other attorneys and leaders to enhance individual professional development and to amplify the Firm's commitment to pro bono; and
- if the attorney does pro bono work through a QLSP recognized by the WSBA, the attorney can receive additional benefits including:
 - one CLE credit hour for every hour of pro bono work (maximum 24 per reporting period);
 - access to free online CLEs focused on pro bono topics;
 - training specific to the pro bono case or project; and
 - malpractice insurance for the pro bono case.

Model Corporate/In-House Legal Department Pro Bono Policy

The Pro Bono and Public Service Committee of the Washington State Bar Association, working under the belief that every organization can benefit from a clear policy encouraging pro bono work by its employees, has created the following template policy for corporate and in-house legal departments in Washington state. This document is intended to be a starting point for the creation and adoption of such a policy, with the expectation that each organization will customize the template to best reflect its strengths and goals. All organizations are welcome to reach out to the Pro Bono and Public Service Committee for assistance with finalizing and adopting a policy, or with identifying opportunities for pro bono work for the organization's attorneys.

[Corporate/In-House Legal Department]

Pro Bono Policy

Adopted _____, _____.

Over two million Washington households face significant legal challenges in a given year, and many of them are unable to access or afford an attorney's assistance in navigating these problems. This disconnect is amplified for low-income families, who, according to a recent [Washington State Civil Legal Needs Study](#), receive beneficial legal assistance in just 24% of the instances in which they may require it. Although the Washington legal community has a long tradition of providing pro bono services, more must be done to address the unmet needs.

[Company Name] ("Company") believes that pro bono service is an essential component of every attorney's professional career, and that Company's lawyers – like all attorneys – have an opportunity and an obligation to assist those with the greatest need for equal access to justice. The Company acknowledges that individual lawyers meet their professional obligations to perform pro bono and public interest legal services in a variety of ways, but does not explicitly require lawyers to participate in pro bono projects. Nonetheless, we believe that participation in pro bono activities is beneficial for the public interest, for the Company, and for individuals employed by the Company.

Pro Bono Aspirations

According to Washington's Rule of Professional Conduct (RPC) 6.1, "Every lawyer has a professional responsibility to assist in the provision of legal services to those unable to pay... and should aspire to render at least 30 hours of pro bono publico service per year." Washington State, the American Bar Association Model Rules of Professional Conduct, and many other states have gone even further, adopting a 50-hour goal of pro bono work per year. Lawyers who report a minimum of 50 hours or more of pro bono work to the Washington State Bar Association (WSBA) will receive commendation for such service. The Company encourages all lawyers to dedicate a minimum of [30/50/___] hours per year to pro bono work.

Definition of pro bono

The Company's legal department adopts the description for pro bono work outlined in Washington's Rule of Professional Conduct 6.1, which states that all attorneys should:

- a) provide legal services without fee or expectation of fee to:
 - i) persons of limited means or
 - ii) charitable, religious, civil, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and
- b) provide pro bono publico service through:
 - i) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, or charitable, religious, civil, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;
 - ii) delivery of legal services at a substantially reduced fee to persons of limited means; or
 - iii) participation in activities for improving the law, the legal system or the legal profession.

Pro Bono Service Oversight

Pro Bono activities at the Company are overseen by a Pro Bono Coordinator and/or Pro Bono Committee. Company Pro Bono oversight responsibilities include:

- reviewing potential conflicts of interest;
- reviewing and approving potential pro bono work to be undertaken by Company attorneys, where appropriate; and
- approving Company expenses associated with pro bono activities (e.g. pro bono clinic expenses).

Pro Bono Client Representation Standard

The Company expects its lawyers to provide the same high quality of representation to all clients, including pro bono clients. Pro bono work may be undertaken during the work week, so long as it does not interfere with other assigned responsibilities and Company policies. Individuals doing pro bono work may utilize Company legal assistants, secretaries, and other support staff in a manner consistent with their job responsibilities. Attorneys should possess the knowledge and expertise required for success on any project, including pro bono cases and projects. Attorneys working on pro bono projects outside their area of expertise should seek guidance, training, or supervision from attorneys with the requisite expertise, or request additional resources from a Pro Bono Coordinator or Committee.

Malpractice Insurance Coverage

Because pro bono activities may not fall within the scope of the Company's legal work, attorneys should not assume that the Company's malpractice coverage will apply to pro bono work. Before agreeing to undertake pro bono legal services, Company attorneys should determine whether the pro bono program or organization has a malpractice insurance policy that covers volunteer attorneys. If coverage is not provided, the individual attorney assumes responsibility for any malpractice liability.

Pro Bono Opportunities

The Company encourages attorneys to consider participating in pro bono work via a qualified legal services provider ("QLSP") recognized by the WSBA. QLSPs are established programs that often offer fully integrated volunteer opportunities, including training, staffing and resources, MCLE credits, and in some cases malpractice coverage. Other examples of pro bono opportunities include teaching a pro bono CLE, serving on bar association boards or committees mentoring pro bono attorneys, advocating changing laws that impede access to justice for those of low or moderate means, or advising an organization that serves communities experiencing poverty and inequities.

Recognition for Pro Bono Service

While non-participation in pro bono cases and projects will not adversely affect Company lawyers, the Company may recognize participation in pro bono activities [at company meetings and awards ceremonies, in its annual reports and newsletters, and/or with gift cards and donations].

[Optional Paragraph]

Benefits of Pro Bono Service

There are many benefits of doing pro bono work, which include:

- helping to meet critical legal needs and gaining satisfaction by giving back to the community;
- building the attorney's legal skills and knowledge;
- networking with other attorneys and leaders to enhance individual professional development; and
- if the attorney does pro bono work through a QLSP recognized by the WSBA, the attorney can receive additional benefits including:
 - one CLE credit hour for every hour of pro bono work (maximum 24 per reporting period);
 - access to free online CLEs focused on pro bono topics;
 - training specific to the pro bono case or project; and
 - malpractice insurance for the pro bono case.

Government Agency Pro Bono Policy

The Pro Bono and Public Service Committee of the Washington State Bar Association, working under the belief that every organization and government agency can benefit from a clear policy encouraging pro bono work by its employees, has created the following template policy for government agencies in Washington state. This document is intended to be a starting point for the creation and adoption of such a policy, with the expectation that each government agency will customize the template to best reflect its strengths and goals. All government agencies are welcome to reach out to the Pro Bono and Public Service Committee for assistance with finalizing and adopting a policy, or with identifying opportunities for pro bono work for the organization's attorneys.

[Government Agency]
Pro Bono Policy
Adopted _____, _____.

Over two million Washington households face significant legal challenges each year, and many of them are unable to access or afford an attorney's assistance in navigating these problems. This disconnect is amplified for low-income families, who, according to a recent Washington State Civil Legal Needs Study, receive beneficial legal assistance in just 24% of the instances in which they may require it.

Although the Washington legal community has a long tradition of providing pro bono services, more must be done to address the unmet needs. Government lawyers have a unique role to play in meeting this need. Government attorneys, as public servants, are committed to public service full-time. A majority of government attorneys work closely with or work on policies impacting the poor and marginalized. [Government Agency] (the "Agency") acknowledges that individual government lawyers meet their professional obligations to perform public interest legal service in a variety of ways and does not explicitly require government lawyers to participate in pro bono projects. Nonetheless, the Agency believes that participation in pro bono activities is beneficial for the public interest and that government attorneys bring unique expertise and experience from which the public will greatly benefit.

Pro Bono Aspirations

According to Washington's Rule of Professional Conduct (RPC) 6.1, "Every lawyer has a professional responsibility to assist in the provision of legal services to those unable to pay... and should aspire to render at least 30 hours of pro bono publico service per year." Washington State, the American Bar Association Model Rules of Professional Conduct, and many other states have gone even further, adopting a 50-hour goal of pro bono work per year. Lawyers who report a minimum of 50 hours or more of pro bono work to the Washington State Bar Association (WSBA) will receive commendation for such service. Given their unique circumstances, the Agency encourages all Agency lawyers to dedicate a minimum of [30/50/___] hours per year to pro bono work.

Definition of Pro Bono

The Agency adopts the description for pro bono work outlined in Washington's Rule of Professional Conduct 6.1, which states that all attorneys should:

- a) provide legal services without fee or expectation of fee to:
 - i) persons of limited means or
 - ii) charitable, religious, civil, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and
- b) provide pro bono publico service through:
 - i) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, or charitable, religious, civil, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;
 - ii) delivery of legal services at a substantially reduced fee to persons of limited means; or

- iii) participation in activities for improving the law, the legal system or the legal profession.

Pro Bono Opportunities

The Agency encourages Agency lawyers to consider participating in pro bono work via a qualified legal services provider (“QLSP”) recognized by the WSBA. QLSPs are established programs that often offer fully integrated volunteer opportunities, including training, staffing and resources, MCLE credits, and in some cases malpractice coverage. Other examples of pro bono opportunities include teaching a pro bono CLE, serving on bar association boards or committees mentoring pro bono attorneys, advocating changing laws that impede access to justice for those of low or moderate means, or advising an organization that serves communities experiencing poverty and inequities.

Use of Official Position or Public Office

Because the Agency is supported by public funds for the sole purpose of providing governmental legal services, Agency attorneys providing direct pro bono services to individuals must do so in their private capacities, on their own time, and without conflicting with the Agency’s work. Agency lawyers who provide direct pro bono legal services to individual clients:

- may not represent in any way that they are acting on behalf of the Agency, or in their official capacity;
- are responsible to make clear to clients and opposing parties and counsel that they are acting in their individual capacities as volunteers;
- may not use office resources including **[office letterhead, Agency or office business cards, agency e-mail system for communicating with clients or the courts]**, except as permitted by the Agency’s policy regarding de minimis use of office resources; and
- may not use Agency office space for meetings with clients or opposing counsel in a pro bono case unless the office space is a common area of a building not associated only with the Agency, or unless the use is permitted by the Agency’s policy regarding de minimis use of office space for pro bono activities.

Malpractice Insurance Coverage

Because pro bono activities are not within the scope of the public employment or duties of Agency attorneys, the Agency does not provide malpractice coverage for pro bono work. Before agreeing to undertake pro bono legal services, Agency attorneys should determine whether the pro bono program or organization has a malpractice insurance policy that covers volunteer attorneys. If coverage is not provided, the individual attorney assumes responsibility for any malpractice liability.

Pro Bono Service Oversight

Pro bono activities of Agency lawyers will be overseen by **[a designated pro bono coordinator, their applicable supervisor, or a selected Human Resources contact]**. In each pro bono project or engagement, Agency lawyers must:

- gain requisite approval from their applicable supervisor or contact prior to undertaking potential pro bono cases and projects;
- make a reasonable request for paid/excused leave or a flexible work schedule for pro bono activity that occurs during normal working hours;
- ensure that participation complies with the Agency’s conflict of interest policy; and

- agree to the Agency's policy regarding de minimis use of office resources for pro bono activities.

[Optional Paragraph]

Benefits of Pro Bono Service

There are many benefits of doing pro bono work which include:

- helping to meet critical legal needs and gaining satisfaction by giving back to the community;
- building the attorney's legal skills and knowledge;
- networking with other attorneys and leaders to enhance individual professional development; and
- if the attorney does pro bono work through a QLSP recognized by the WSBA, the attorney can receive additional benefits including:
 - one CLE credit hour for every hour of pro bono work (maximum 24 per reporting period);
 - access to free online CLEs focused on pro bono topics;
 - training specific to the pro bono case or project; and
 - malpractice insurance for the pro bono case.

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: WSBA Board of Governors

From: Governor Russell Knight, Chair of the APEX Awards Committee; Sanjay Walvekar, Outreach and Legislative Affairs Manager; and Sue Strachan Legal Community Outreach Specialist

Date: July 16, 2019

Re: APEX Awards categories and naming

Action: (1) Adopt criteria for naming APEX Awards, (2) Adopt criteria for evaluating requests to add or retire APEX Award categories, and (3) Honor Chief Justice Mary Fairhurst by renaming the Award of Merit or other public recognition as the Board of Governors deems appropriate

Background: The Washington State Bar Association annually recognizes luminaries of the Washington legal profession through its APEX (Acknowledging Professional Excellence) Awards. The awards are meant to illustrate and inspire legal professionals to advance WSBA's mission.

In addition to recommending recipients for each award, the APEX Awards Committee is responsible for receiving and responding to requests to name existing award categories after individuals and to add or retire award categories.

Discussion: Governor Clark asked the Committee to consider naming the Award of Merit, our highest award, after Chief Justice Mary Fairhurst. The APEX Awards Committee unanimously agrees Chief Justice Mary Fairhurst embodies the Award of Merit, although the Committee is making no recommendation about renaming the award at this time and is seeking advice of the entire Board of Governors. The Committee further recognizes that while Committee members change annually, the APEX Awards are a continuous hallmark of legal achievement meant to span far beyond a single board. For that reason, the Committee seeks to follow a uniform criteria for renaming awards.

In 2018, WSBA staff authored the attached documents offering criteria for naming APEX Awards and criteria for evaluating requests to add or retire APEX Award categories. The criteria have been revised following input from the Board of Governors in May 2019.

The Committee asks the Board of Governors to adopt the revised criteria for naming APEX Awards and evaluating requests to add or retire award categories. In addition, the Committee strongly encourages honoring Chief Justice Mary Fairhurst at the APEX Awards and asks the Board of Governors to discuss and approve an appropriate honor. Possible honors include renaming the Award of Merit, publically presenting the resolution unanimously passed in March 2019, or other honor as the Board of Governors may deem appropriate.

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Awards Committee

Process and Criteria to Name an Award in Honor of a Person

The Washington State Bar Association annually recognizes luminaries of the Washington legal profession through its APEX (Acknowledging Professional Excellence) Awards. The awards are meant to illustrate and inspire legal professionals to advance WSBA's mission.

In general, each award should be named for the aspect of the legal profession the award highlights, and not after an individual due to the potential subjectivity of the naming process, need to appeal broadly to nominees in each award category, and the possible diminishing of name recognition through the years. However, in exceptional cases, an award may be named after an individual who exemplifies the spirit of the award category and embodies the WSBA mission.

The APEX Awards Committee is responsible for receiving and responding to requests to name awards, screening the request using the criteria below, and making a recommendation to the Board of Governors, which will make the final decision.

Although no single factor is determinative, in order to accomplish the purpose of the APEX Awards and maintain consistency, the Board of Governors decision to approve a recommendation to name an APEX Award should be governed by the following criteria:

To name an APEX Award after an individual, the individual should:

- Be deceased.
- Be non-divisive.
- Be a legal "giant" known to, and significant to, the WSBA legal community—preferably across the state—generally considered an upstanding, recognizable name within the profession.
- Have an array of professional and personal achievements that epitomize the spirit and characteristics of the award category and are distinguished even among other leaders in his/her practice area.
- Have a personal story and/or philosophy that inspires WSBA members to follow in his/her footsteps.

Procedure for naming an APEX Award:

- The APEX Award should not be renamed until the following fiscal year if the Board of Governor's action is less than 9 months before the APEX Award ceremony, although the Board of Governors may act on less notice when it deems appropriate and if it is practical to do so
- Any WSBA member or group of members may make a recommendation to name an existing APEX Award after someone they believe meets the above criteria. The recommendation should be made in writing to the WSBA with more information about the nominee's qualifications and the level of membership outreach and support for the proposal.
- The APEX Awards Committee will determine whether the nominee meets all of the above criteria. It may be necessary for Committee members to consult with legal leaders in the area of the award category to make an informed decision.
- A quorum of the Committee must be present to vote on the recommendation, and 75 percent of Committee members present must vote in favor of the recommendation for it to pass to the Board of Governors.
- If the Committee moves forward with a recommendation to the Board of Governors, and the board votes in approval, committee members will make a good-faith effort to contact and seek input from the closet relatives and colleagues of the nominee.

Board of Governors Awards Committee

Process and Criteria to Add or Retire an APEX Award Categories

The Washington State Bar Association annually recognizes luminaries of the Washington legal profession through its APEX (Acknowledging Professional Excellence) Awards. The awards are meant to illustrate and inspire legal professionals to advance WSBA's mission. WSBA's goal is to maintain as few award categories as necessary to meaningful showcase different aspects of the WSBA's mission in action; each additional award has the potential to dilute the significance of the awards as a whole, thin out nominees across categories, and extend the ceremony length.

The APEX Awards Committee is responsible for receiving and responding to requests to add or retire award categories, screening the request using the criteria below, and making a recommendation to the Board of Governors, which will make the final decision.

Criteria for screening the viability of APEX Awards categories:

Any APEX Award category should:

- Meaningfully and uniquely showcase an aspect of the legal profession that advances the WSBA's mission and values.
- Not substantively duplicate any existing award category (i.e., could nominees for a prospective award category could readily fit into an existing award category for their achievements).
- Be expansive enough to reliably draw annual nominations from across the state and from many sectors of the legal community.

Procedures for naming an APEX Award:

- An APEX Award category will not be added or retired until the following fiscal year if the Board of Governor's action is less than 9 months before the APEX Award ceremony, although the Board of Governors may act on less notice when it deems appropriate and if it is practical to do so.
- Any WSBA member or group of members may make a recommendation to add or retire an APEX Award. The recommendation should be made in writing to the WSBA with accompanying information.
- The Awards Committee will determine whether the recommendation meets all of the above criteria. It may be necessary for Committee members to consult with legal leaders in the area of the award category to make an informed decision.
- A quorum of the Committee must be present to vote on the recommendation, and 75 percent of Committee members present must vote in favor of the recommendation for it to pass to the Board of Governors.



DISTRICT 4 GOVERNOR DANIEL D. CLARK

Request to Name the WSBA Award of Merit, The Mary E. Fairhurst Award of Merit.

My fellow Governors,

I would like to offer this written memorandum in support of my request of each of you that you please join me in wanting to support naming the current Apex Award of Merit, the Mary E. Fairhurst Award of Merit, in honor of the current Chief Justice of the Washington State Supreme Court.

The Award of Merit is described as:

“This award is the Bar’s highest honor and is given to an individual for a recent, singular achievement. The singular achievement may involve an individual who has displayed exceptional courage in the face of adversity, thus bringing credit to the legal profession. It is awarded to individuals only-both legal professionals and members of the public.”

When I look at this award, and the amazing accomplishments that Chief Justice Mary Fairhurst has done and continues to do over her entire career of public service, I can think of no other WSBA member that would be more deserving of having this award named after. The Apex Awards committee “unanimously agrees that Chief Justice Mary Fairhurst embodies the Award of Merit.” While the committee did not make any formal recommendation to approve renaming the award, I am strongly urging each of you to join me in voting to do so.

To date, the BOG and WSBA has not adopted any formal criteria for naming or renaming an Apex Award. There is a remaining criteria proposal that is on for potential action by the BOG at the July 2019 meeting. The proposed criteria to be potentially adopted lists in pertinent part the following prongs that must be met before a name should be named after someone. The person must be:

- “Be Deceased”
- “Be a legal “giant” known to, and significant to, the WSBA legal community, preferably across the state-generally considered an upstanding recognizable name within the profession.”

- “Have an array of professional and personal achievements that epitomize the spirit and characteristics of the award category and are distinguished even among other leaders in his/her practice area.”
- “Have a personal story and/or philosophy that inspires WSBA members to follow in his/her footsteps.”

The only criteria that Chief Justice Mary Fairhurst would not meet if the BOG adopts the proposed process would be that she is currently not deceased which is one of the proposed criteria as a condition precedent before an award is named after an individual.

I am respectfully requesting that this Board adopt the proposed Process and Criteria to Name an Award in Honor of a Person, but that in doing so, that we make an exception to establishing this criteria with regards to the Award of Merit, and my request that we rename the award after Chief Justice Fairhurst, and we present her with this honor at the 2019 Apex Awards.

In support of this request, I would argue that Chief Justice Fairhurst clearly meets all of the criteria for the award to be renamed after her except that she is still zealously living life to its fullest and continues to serve as a luminary for our profession! She also previous has won the award sought to be renamed after her, in 2011. Therefore, it seems highly appropriate to rename the award after her now.

Chief Justice Fairhurst clearly meets the other requirements of the proposed policy as listed above. She’s practiced law for more than thirty-four (34) years. She has dedicated and volunteered thousands of hours to WSBA, having previously served as President of the Washington State Bar Association as the second woman and first public-sector governmental attorney to hold this position. Prior, she served on the BOG, representing District 3, and has led many WSBA committees, Taskforces, and work groups, including most recently the current WSBA Structure work group to examine potential changes to the structure of WSBA in light of recent case law with First Amendment and Anti-trust potential implications for state bar associations.

She also has dedicated her entire legal career striving to carry out WSBA’s mission of serving the public. She has dedicated her career in public service, having previously served sixteen (16) years as an Assistant Attorney General with the A.G.’s office prior to being elected to the Supreme Court in 2002 and being named Chief Justice January 9, 2017.

She’s spent her career focusing her work on expansion of equity and inclusion and expanding opportunities for women and minorities in the legal profession and to ensure access to justice for all. She’s served as President of the Washington Women Lawyers organization, has served on the Washington State Supreme Court’s Gender and Justice Commission, Access to Justice Board and committees, and has won the WWL

President's Award, the Betty B. Fletcher Judge of the Year Award, the Pass the Torch Award, the LEGALS, P.S. Allies for Justice Award, and the Council for Public Legal Education's 2011 Judge William Nevins Award for distinguished public legal education.

She also has dedicated her entire legal career striving to carry out WSBA's mission of serving the public. She has dedicated her career in public service, having previously served sixteen (16) years as an Assistant Attorney General with the A.G.'s office prior to being elected to the Supreme Court in 2002 and being named Chief Justice January 9, 2017.

Additionally, as mentioned above, she is the 2011 winner of the Award of Merit. There are various other awards that I'm sure I'm leaving out that she's won, and/or will continue to win in her amazing career of public service.

Given the foregoing, she would clearly meet the other three criteria to have the award named after her. She is truly a legal giant and luminary in our profession. Her career accomplishments clearly epitomize the spirit and characteristics of the award category and are very distinguished. Finally, her accomplishments and character are certainly something that each of us should inspire to follow in her footsteps in regard to service to the public, to WSBA and to our fellow WSBA members.

So, I'm respectfully asking that this BOG make an exception to the potentially adopted policy that a name be awarded after someone that has to be deceased before we rename the award after them. I think given all that Mary Fairhurst has done, continues to do, and will continue to do in her legal career that it makes sense that we do so here.

Therefore, I truly urge each of my fellow Governors to support renaming the Award of Merit after Chief Justice Fairhurst. I think it would be a very appropriate action for the Board of Governors to take and it is something that I feel incredibly strong in, which is why I am respectfully requesting that each of you join me in supporting my request to rename the award after Mary.

Respectfully,

A handwritten signature in cursive script, appearing to read "Dan Clark", written over a horizontal line.

Dan Clark
District 4 Governor

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: July 18, 2019
RE: Update re American Bar Association (ABA) 2019 Annual Meeting

DISCUSSION: ABA 2019 Annual Meeting update.

Attached please find materials regarding the ABA 2019 Annual Meeting that James Williams, Washington State Delegate to the ABA, requested be included in the July 26-27, 2019, Board meeting materials. The Annual Meeting will be held August 8-13, 2019, in San Francisco, California.

From: Williams, James F. (Perkins Coie) [mailto:JWilliams@perkinscoie.com]
Sent: Monday, July 01, 2019 10:42 AM
To: Williams, James F. (Perkins Coie) <JWilliams@perkinscoie.com>
Subject: ABA Washington State Delegate Identification of Key Resolutions for Consideration at the 2019 San Francisco Annual Meeting

Dear Friends:

As your Washington State Delegate to the ABA House of Delegates (“HOD”), I write to inform you that the preliminary agenda for the August HOD meeting is available on the ABA’s website and in the email below. I would also like to highlight the following resolutions that will be debated:

10B [Advocates broadband infrastructure improvements for internet access in rural communities] Sponsored By COLORADO BAR ASSOCIATION MONTANA BAR ASSOCIATION TORT TRIAL & INSURANCE PRACTICE SECTION SOLO, SMALL FIRM AND GENERAL PRACTICE DIVISION STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES - Urges Congress, state, local, territorial, and tribal legislatures to enact legislation and appropriate adequate funding to ensure equal access to justice for Americans living in rural communities by assuring proper broadband access is provided throughout the United States. [Note: I have asked the WSBA Board of Governors to co-sponsor this resolution because it helps our rural communities in Washington].

114 [Advocates a uniform definition of consent for sexual assault cases and rejects burdening the victim with affirmative proof of resistance] Sponsored by COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE CRIMINAL JUSTICE SECTION CIVIL RIGHTS AND SOCIAL JUSTICE SECTION - Urges legislatures and courts to define consent in sexual assault cases as the assent of a person who is competent to give consent to engage in a specific act of sexual penetration, oral sex, or sexual contact, to provide that consent is expressed by words or action in the context of all the circumstances, and to reject any requirement that sexual assault victims have a legal burden of verbal or physical resistance.

115D [Advocates retaining US Justice Department regulations that limit the government’s ability to challenge members of the press] Sponsored by CIVIL RIGHTS AND SOCIAL JUSTICE SECTION - Urges the Department of Justice to retain—as a minimum threshold—existing policy protections, as codified at 28 C.F.R. § 50.10 (2016), that limit federal law enforcement in obtaining information from, or records of, members of the news media, and that limit federal law enforcement in questioning, arresting, or indicting members of the news media.

115G (Advocates equal treatment for vehicle loan financing and requires collection of race, gender and national origin to monitor compliance) – Sponsored by CIVIL RIGHTS AND SOCIAL JUSTICE SECTION STATE AND LOCAL GOVERNMENT LAW SECTION COMMISSION ON HOMELESSNESS AND POVERTY - Urges Congress to amend the Equal Credit Opportunity Act to require documentation and collection of the applicant’s race, gender or national origin for non-

mortgage credit transactions specifically for vehicle transactions and urges Congress and all state, local, territorial, and tribal legislative bodies and governmental agencies to adopt laws and policies that require an enhanced nondiscrimination compliance system for a vehicle loan.

116 (Advocates creation of courthouse policies that allow the use of cell phones) – Sponsored by LITIGATION SECTION - Urges courts, as well as their respective bar associations, to carefully review their policies on use and admittance of cellphones in courthouses, to ensure meaningful access to our judicial system, balancing the security risks posed by cellphone use with the needs of litigants, and in particular, those who are selfrepresented or of lower income. **[Note: I have asked the sponsor to broaden the resolution to include “needs of litigants and of jurors” because jurors are equally impacted by court rules that prohibit or limit access to cell phones]**

I am inclined to submit salmon slips in favor of these resolutions and to speak on the floor in favor of at least one. Please let me know if you have questions or input on these or any of the other resolutions.

Best regards,

James F. Williams
Washington State Delegate to the
ABA House of Delegates and Chair
of the Conference of State Delegates

SUMMARY OF RESOLUTIONS

AMERICAN BAR ASSOCIATION HOUSE OF DELEGATES 2019 ANNUAL MEETING SAN FRANCISCO, CALIFORNIA

REPORT # SUBJECT

- [10A](#) **NEW YORK STATE BAR ASSOCIATION
NEW YORK COUNTY LAWYERS ASSOCIATION
STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES
CENTER FOR INNOVATION
INTERNATIONAL LAW SECTION**
Encourages online providers of legal documents to adopt the ABA *Best Practice Guidelines for Online Legal Document Providers*.
- [10B](#) **COLORADO BAR ASSOCIATION
MONTANA BAR ASSOCIATION
TORT TRIAL & INSURANCE PRACTICE SECTION
SOLO, SMALL FIRM AND GENERAL PRACTICE DIVISION
STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES**
Urges Congress, state, local, territorial, and tribal legislatures to enact legislation and appropriate adequate funding to ensure equal access to justice for Americans living in rural communities by assuring proper broadband access is provided throughout the United States.
- [10C](#) **MARICOPA COUNTY BAR ASSOCIATION**
Urges all private and public universities and colleges to uphold the principles of free expression on university and college campuses to promote freedom of debate and thought, and to protect that freedom when others attempt to restrict it.
- [11-1](#) **CONSTITUTIONAL AMENDMENT**
Amends §1.2 to include the following language as one of the purposes of the Association: “to defend the right to life of all innocent human beings, including all those conceived but not yet born.”
- [11-2](#) **CONSTITUTIONAL AMENDMENT**
Amends §6.2(a)(1) to provide the U.S. Virgin Islands with a State Delegate, who pursuant to the existing language of §9.2 would automatically serve as a member of the Nominating Committee.

- [11-3](#) **CONSTITUTIONAL AMENDMENT**
Amends §6.4(a) to allow individuals who meet a state's definition of young lawyer to serve as a young lawyer member of the House of Delegates for that state.
- [11-4](#) **CONSTITUTIONAL AMENDMENT**
Amends §6.7(b) to allow the Law Student Division to increase their number of delegates in the House of Delegates from 3 to 6 delegates.
- [11-5](#) **CONSTITUTIONAL AMENDMENT**
Amends §6.8 to include the Electric Cooperative Bar Association (ECBA) as an affiliated organization of the American Bar Association (ABA) and be represented in the ABA House of Delegates accordingly.
- [11-6](#) **BYLAWS AMENDMENT**
Amends §31.7 to sunset the Standing Committee on Governmental Affairs.
- [11-7](#) **BYLAWS AMENDMENT**
Amends §31.7 to sunset the Standing Committee on the American Judicial System.
- [11-8](#) **BYLAWS AMENDMENT**
Amends §31.7 to change the number of members from 15 to 12 for the Standing Committee on Public Education and from 12 to 8 for the Advisory Commission to the Standing Committee.
- [11-9](#) **BYLAWS AMENDMENT**
Amends §§ 33.1 and 33.2 to change the language in order to normalize the work of the Board of Editors, and the appointed volunteer members to be able to provide their perspectives and guidance regarding the Journal.
- [100A](#) **NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY
GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION**
Encourages state, local and territorial jurisdictions that do not presently have a central panel system to establish this proven model of state administrative law adjudications.
- [100B](#) **NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY
GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION**
Encourages federal, state, and local governments to take all measures to maximize the ability of all Administrative Adjudicators to render decisions, freely, fairly, and independent of agency interference.

- [101](#) **NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS
CRIMINAL JUSTICE SECTION**
Urges Congress to make the ameliorative provisions of the First Step Act retroactive and urges the President and Attorney General to take action to implement the provisions of the Act.
- [102](#) **LAW STUDENT DIVISION**
Urges state, territorial, tribal courts and law schools to explore the feasibility of implementing a “Pro Bono Scholars”-style program in their respective jurisdictions to allow law students, in the final semester of their third year of law school, to obtain a full-time, externship placement providing supervised pro bono services and to allow these scholars to take the February Bar examination (if offered) during their final semester of law school.
- [103A](#) **COMMISSION ON LAW AND AGING
SENIOR LAWYERS DIVISION**
Urges Congress to repeal the statutory exclusion of dental care and dentures from Medicare and expressly add coverage of comprehensive dental and oral health services to the Medicare program.
- [103B](#) **COMMISSION ON LAW AND AGING
SENIOR LAWYERS DIVISION
REAL PROPERTY, TRUST AND ESTATE LAW SECTION**
Urges all lawyers who provide estate planning services to include counseling for advance care planning that comports with eight principles that were developed through the John A. Hartford Foundation funded project.
- [104](#) **CRIMINAL JUSTICE SECTION**
Urges Congress to enact legislation to resolve the current stalemate between state and federal law over marijuana regulation and to update federal marijuana policy.
- [105](#) **STANDING COMMITTEE ON GUN VIOLENCE
CRIMINAL JUSTICE SECTION
CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
JUDICIAL DIVISION**
Urges state, local, territorial, and tribal governments to enact statutes, rules or regulations and judges to promulgate policies to limit the possession of firearms in courthouses and judicial centers to only those persons necessary to ensure security.
- [106](#) **COMMISSION ON WOMEN IN THE PROFESSION**
Urges all legal employers to implement and maintain policies and practices to close the compensation gap between similarly situated male and female lawyers.

- [107](#) **STANDING COMMITTEE ON PROFESSIONAL REGULATION
YOUNG LAWYERS DIVISION
LITIGATION SECTION
STANDING COMMITTEE ON PUBLIC PROTECTION IN THE PROVISION OF
LEGAL SERVICES
STANDING COMMITTEE ON ETHICS AND PROFESSIONAL
RESPONSIBILITY
STANDING COMMITTEE ON PROFESSIONALISM
GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION
NATIONAL ORGANIZATION OF BAR COUNSEL**
Urges each state’s highest court, and those of each territory and tribe, to study and adopt jurisdictionally appropriate proactive management-based regulatory (PMBR) programs to enhance compliance with applicable rules of professional conduct and supplement existing disciplinary enforcement mechanisms.
- [108](#) **STANDING COMMITTEE ON SPECIALIZATION**
Grants reaccreditation to the Child Welfare Law program of the National Association of Counsel for Children, and the Family Trial Law and Criminal Trial Law programs of the National Board of Trial Advocacy.
- [109](#) **YOUNG LAWYERS DIVISION**
Seeks to ensure that children who live in poverty, high crime communities, or experience race based trauma, or related stress, receive the in-school service support needed to maintain or restore good health.
- [110A](#) **INTELLECTUAL PROPERTY LAW SECTION
LITIGATION SECTION**
Supports legislation creating the establishment of a Copyright Small Claims Program, with authority to adjudicate copyright small claims as a lower-cost, less-time-consuming alternative to federal court litigation of copyright claims.
- [110B](#) **INTELLECTUAL PROPERTY LAW SECTION**
Urges federal courts to interpret the clause “where the defendant has committed acts of infringement and has a regular and established place of business,” in the special venue statute, 28 U.S.C. § 1400(b) when applied to Abbreviated New Drug Application (ANDA) litigation under 35 U.S.C. § 271(e)(2) to mean a district in which the defendant who filed an ANDA application is anticipated to commit acts of infringement.
- [110C](#) **INTELLECTUAL PROPERTY LAW SECTION**
Supports the principle that a patentee may recover compensatory damages under 35 U.S.C. § 284 for acts abroad that arise from domestic infringement of a patent pursuant to 35 U.S.C. § 271(f).

- [111](#) **ENVIRONMENT, ENERGY, AND RESOURCES SECTION**
LAW STUDENT DIVISION
INTERNATIONAL LAW SECTION
SCIENCE & TECHNOLOGY LAW SECTION
Urges the United States Government, state, territorial, and tribal governments to take a leadership role in addressing the issue of climate change and urges Congress to enact and the President to sign appropriate climate change legislation.
- [112](#) **SCIENCE & TECHNOLOGY LAW SECTION**
Urges courts and lawyers to address the emerging ethical and legal issues related to the usage of artificial intelligence.
- [113A](#) **CENTER FOR HUMAN RIGHTS**
Urges business enterprises to implement, the guidance set forth in the report, “Shared Space Under Pressure: Business Support for Civic Freedoms and Human Rights Defenders: Guidance for Companies,” published jointly by the Business and Human Rights Resource Centre and the International Service for Human Rights in September 2018.
- [113B](#) **CENTER FOR HUMAN RIGHTS**
CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
Urges all governments to prioritize dignity rights in crafting, implementing, and enforcing laws, policies, regulations, and procedures.
- [113C](#) **CENTER FOR HUMAN RIGHTS**
CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
Urges the United States Government to enforce fully and consistently the Arms Export Control Act and the Foreign Assistance Act, particularly the Human rights provisions thereof.
- [114](#) **COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE**
CRIMINAL JUSTICE SECTION
CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
Urges legislatures and courts to define consent in sexual assault cases as the assent of a person who is competent to give consent to engage in a specific act of sexual penetration, oral sex, or sexual contact, to provide that consent is expressed by words or action in the context of all the circumstances, and to reject any requirement that sexual assault victims have a legal burden of verbal or physical resistance.

- [115A](#) **CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
NATIONAL NATIVE AMERICAN BAR ASSOCIATION
COMMISSION ON HOMELESSNESS AND POVERTY**
Urges Congress to ensure that the health care delivered by the Indian Health Service (IHS) is exempt from government shutdowns and federal budget sequestrations on par with the exemptions provided to the Veterans Health Administration.
- [115B](#) **CIVIL RIGHTS AND SOCIAL JUSTICE SECTION**
Urges Congress, states, and territories to enact legislation that would provide stronger remedies and protections against pay discrimination on the basis of sex (including gender and gender identity), race and ethnicity to help overcome the persistent barriers that continue to impede the achievement of pay equity.
- [115C](#) **CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
NATIONAL NATIVE AMERICAN BAR ASSOCIATION
CENTER FOR CHILDREN AND THE LAW
COMMISSION ON YOUTH AT RISK
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE**
Supports the constitutionality of the Indian Child Welfare Act (ICWA) in the effort to strengthen tribal jurisdiction over their child welfare system, uphold tribal kinship and set standards specific for American Indians/Alaska Natives child and youth placement.
- [115D](#) **CIVIL RIGHTS AND SOCIAL JUSTICE SECTION**
Urges the Department of Justice to retain—as a minimum threshold—existing policy protections, as codified at 28 C.F.R. § 50.10 (2016), that limit federal law enforcement in obtaining information from, or records of, members of the news media, and that limit federal law enforcement in questioning, arresting, or indicting members of the news media.
- [115E](#) **CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY**
Urges the United States Congress, and local, state, territorial and tribal governments to enact legislation or regulations that require all law enforcement entities to meet training standards set by the Commission on Police Officer and Standard Training (POST) similar to California’s legislation, AB 2504, Peace Officer Training.
- [115F](#) **CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
COMMISSION ON WOMEN IN THE PROFESSION**
Urges federal, state, local, territorial, and tribal governments to refrain from imposing upon reproductive healthcare providers requirements that are not medically necessary or have the purpose or effect of burdening women’s access to such services.

- [115G](#) **CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
STATE AND LOCAL GOVERNMENT LAW SECTION
COMMISSION ON HOMELESSNESS AND POVERTY**
Urges Congress to amend the Equal Credit Opportunity Act to require documentation and collection of the applicant's race, gender or national origin for non-mortgage credit transactions specifically for vehicle transactions and urges Congress and all state, local, territorial, and tribal legislative bodies and governmental agencies to adopt laws and policies that require an enhanced nondiscrimination compliance system for a vehicle loan.
- [115H](#) **CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
COMMISSION ON HOMELESSNESS AND POVERTY**
Urges the United States Government, and Governments around the world to promote the human right to a basic income by increasing the funding, development and implementation of basic income strategies to prevent infringement of this right.
- [116](#) **LITIGATION SECTION**
Urges courts, as well as their respective bar associations, to carefully review their policies on use and admittance of cellphones in courthouses, to ensure meaningful access to our judicial system, balancing the security risks posed by cellphone use with the needs of litigants, and in particular, those who are self-represented or of lower income.
- [117A](#) **HEALTH LAW SECTION**
Urges states, counties, tribal and local governments to enact legislation to ensure that any proceeds they receive from the current opioid litigation be used for remedying the harm resulting from the opioid epidemic.
- [117B](#) **HEALTH LAW SECTION**
Urges Congress to enact legislation to amend the Ethics in Patient Referrals Act of 1989 (commonly known as the Stark Law) to modernize the law and encourage the adoption of value-based payment arrangements and other coordinated care arrangements that will lower costs to the Medicare program and improve the quality of services to its beneficiaries.
- [118](#) **COMMISSION ON YOUTH AT RISK
CENTER ON CHILDREN AND THE LAW
COMMISSION ON HOMELESSNESS AND POVERTY
LITIGATION SECTION**
Emphasizes the right of parents and children to family integrity and family unity and the maintenance of family connectedness if a child does need to enter foster care.

- [119](#) **TASK FORCE ON GATEKEEPER REGULATION AND THE PROFESSION
SECTION OF BUSINESS LAW
SECTION OF REAL PROPERTY, TRUST & ESTATE LAW
CRIMINAL JUSTICE SECTION**
Provides that any legislation and related regulations to detect and combat money laundering and terrorist financing must be consistent with the eight fundamental principles outlined in the resolution.
- [120](#) **INTERNATIONAL LAW SECTION**
Urges the United States and other countries to take measures in response to the crimes committed against the Rohingya by the Burmese military.
- [121A](#) **COMMISSION ON IMMIGRATION**
Recommends that the Executive Office for Immigration Review amend 8 C.F.R. §1003.1(h) and establish, through rulemaking, standards and procedures for the Attorney General certification process.
- [121B](#) **COMMISSION ON IMMIGRATION**
Recommends that the Executive Office for Immigration Review create a presumption to extend the filing of an appeal to the Board of Immigration Appeals (BIA) for *pro se* applicants.
- [121C](#) **COMMISSION ON IMMIGRATION**
Recommends that the Executive Office for Immigration Review continue the implementation of an integrated, system-wide electronic filing and case management system nationwide, with adequate funding from Congress.
- [121D](#) **COMMISSION ON IMMIGRATION**
Recommends that the Department of Homeland Security (DHS) codify the core requirements of the 2009 Parole Directive into regulation.
- [121E](#) **COMMISSION ON IMMIGRATION**
Recommends that the Circuit Court of Appeals establish or expand pro bono programs to provide pro bono representation to *pro se* appellants to help efficiently resolve immigration cases.
- [121F](#) **COMMISSION ON IMMIGRATION**
Recommends that the Executive Office for Immigration Review amend regulations to eliminate the automatic termination of voluntary departure when an applicant petitions for judicial review under 8 C.F.R. §1240.26(i) and also to implement an automatic stay of removal or deportation pending judicial review by the U.S. Circuit Court of Appeals or the pendency of the appeal period.

[122](#)

STANDING COMMITTEE ON PARALEGALS

Grants approval to 3 programs, grants reapproval to 17 paralegal education programs, withdraws the approval of 8 programs at the request of the institutions, and extends the term of approval for 42 paralegal education programs.

[200](#)

STEERING COMMITTEE OF THE NOMINATING COMMITTEE

Revises the *Principles and Guidelines on the Election Process for Officers of the Association*.

[400A](#)

RESOLUTION WITH REPORT ON ARCHIVING

Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived.

[400B](#)

RESOLUTION WITH REPORT ON ARCHIVING

Recommends that certain Association policies that pertain to public issues that were adopted in 1999 which were previously considered for archiving but retained be archived.

WASHINGTON STATE
BAR ASSOCIATION

To: Budget and Audit Committee

From: Budget & Audit Committee

Re: Draft FY 2020 Budgets

Date: July 8, 2019

FISCAL CONTEXT

The WSBA budget is a policy document and management tool that allocates funds to fulfill our regulatory responsibilities, serve and protect the public, and support our members in maintaining success in the practice of law. Each year, we work to build a fiscally responsible budget designed to meet the needs of our members in a diverse, rapidly changing profession. We set budget parameters based on current and multi-year projections of revenues, expenses, and reserves.

This year, in light of potential structural change, the Committee determined that the FY20 budget would essentially support the status quo of programs, services, and operations. To that end, the FY20 draft budget advances WSBA's mission to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice. It enables WSBA to support members, and to advance and promote: (1) access to the justice system, (2) diversity, equity, and cultural understanding throughout the legal community, (3) the public's understanding of the rule of law and its confidence in the legal system, (4) a fair and impartial judiciary, and (5) the ethics, civility, professionalism, and competence of the Bar.

The FY20 draft budget also supports programs and services such as the following, which help assure competent and qualified legal professionals, and promote the role of legal professionals in society:

- Over 140 credit hours of free and low cost CLE programs, including the Legal Lunchbox series and New and Young Lawyer education programs
- Help from our confidential Ethics Line
- Career consultation, including Job Seekers Group
- Free legal research tools
- Mentorship programming
- Member Assistance consultation programming; and WSBAConnects, a 24/7 confidential statewide wellness benefit to help address issues related to mental health and addiction, career management, family, caregiving, daily living, health and well-being, and more

- Practice management consultation and resources to help achieve and maintain a successful law practice, including: ABA publications and retirement plans; professional liability insurance; and billing, document management, file sharing, conflict check, cloud practice management, merchant accounting, and other business systems
- Public Service training and programs (Moderate Means and Call to Duty)
- 29 practice sections and numerous WSBA committees, task forces, and panels
- Financial accommodations through the WSBA Hardship Option and Payment Plan

After providing a high level comparison of the FY20 draft and FY19 budgets, this memorandum takes a deeper look at the FY20 draft budget by fund (and fund reserves as applicable): (1) the General Fund; (2) the Capital Budget; (3) the Continuing Legal Education (CLE) Fund; and (4) the Client Protection Fund (CPF). In keeping with past practice, the memorandum also provides background information on (5) the Sections Fund budgets and the Per-Member Charge (Sections budgets are not due until July 12, and will be presented at the Committee’s next meeting). Budget details are included in appendices, including narratives on each cost center page in the budget to better facilitate the Committee’s review.

HOW THE FY20 DRAFT BUDGETS COMPARE TO THE FY19 BUDGET

General Fund Budget	FY19	FY20	Difference
• Revenue	\$20,222,324	\$20,818,314	\$595,990
• Expenses	\$20,323,940	\$21,379,234	\$1,055,294
• Net Income/(Loss)	(\$101,616)	(\$560,920)	\$459,304
• Projected Reserves	\$3,694,242	\$3,133,322	(\$560,920)
CLE Fund Budget	FY19	FY20	Difference
• Revenue	\$2,039,500	\$1,989,500	(\$50,000)
• Expenses	\$1,831,266	\$1,989,214	\$157,948
• Net Income/(Loss)	\$208,234	\$287	(\$207,947)
• Projected Reserves	\$812,359	\$821,646	\$287
Client Protection Fund Budget	FY19	FY20	Difference
• Revenue	\$992,500	\$1,023,000	\$30,500
• Expenses	\$668,210	\$648,686	(\$19,524)
• Net Income/(Loss)	\$324,290	\$374,314	\$50,024
• Projected Reserves	\$3,552,278	\$3,926,592	\$374,314

DRAFT FY20 BUDGETS

1. GENERAL FUND BUDGET AND RESERVES

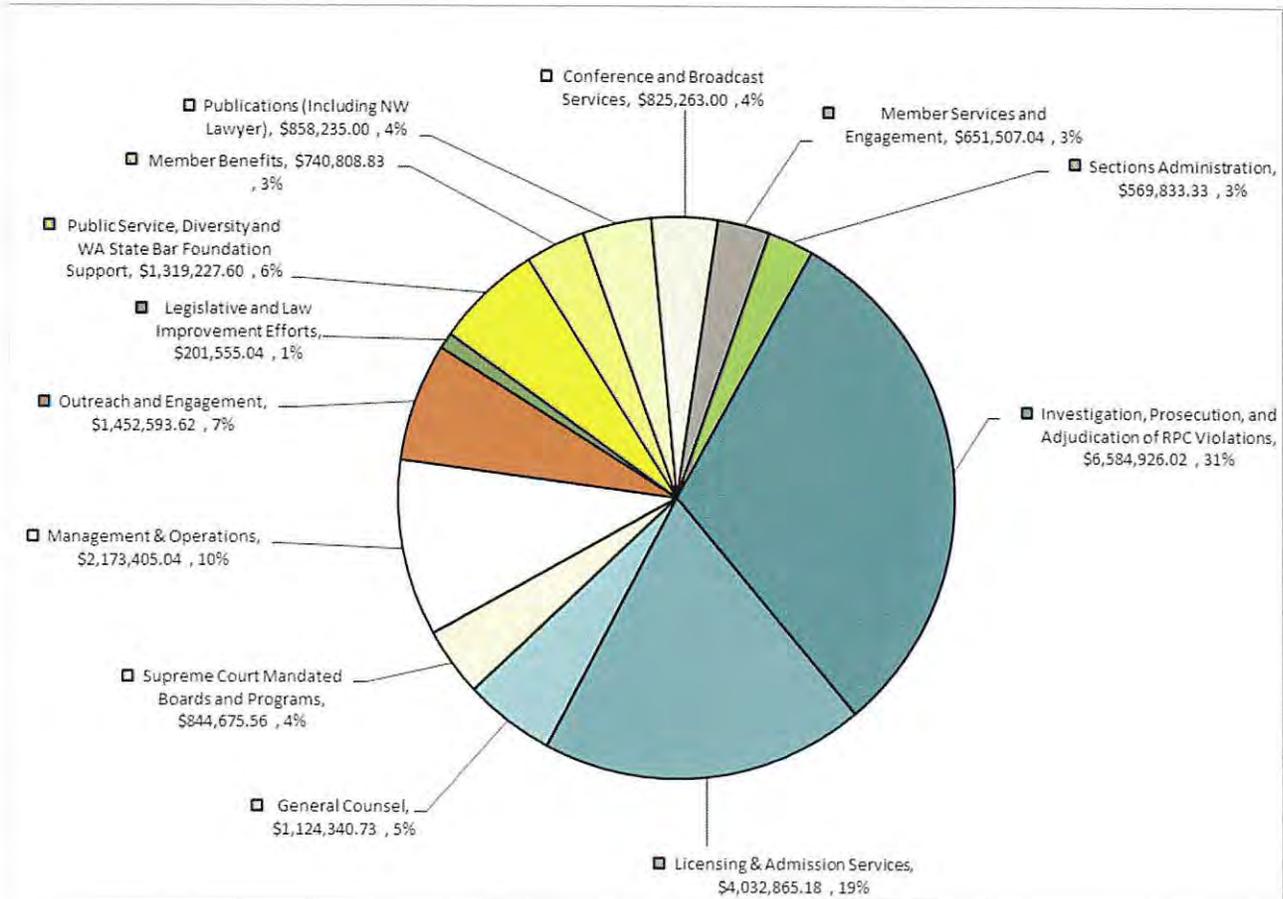
A. Overview

The General Fund is supported by license fees, consists of 31 cost centers, and supports the majority of the WSBA's work, including regulatory functions and most services to members and the public. The draft FY20 General Fund budget is built on lawyer license fees of \$458 and LPO/LLLT license fees of \$200, as previously deemed reasonable by the Supreme Court.

The General Fund Draft Budget assumes revenue of \$20,818,314 and expenses of \$21,379,234, with a budgeted net result of (\$560,920). WSBA-wide, FTE remain the same at 140.75 FTE. Assuming WSBA meets rather than exceeds expectations of both the FY19 budget and the FY20 Draft Budget presented, General Fund reserves are anticipated to be at least \$3.1 million at the end of FY20.

As you review General Fund cost center narratives and data, note that a net negative means that the cost center is supported by license fee revenues; a net positive means that it generates sufficient non-license fee revenues to support itself (*Attachment A*).

B. Draft FY20 General Fund Expenses by WSBA Programs and Services



C. How the FY20 Draft General Fund Budget Compares to the FY19 Budget

General Fund Budget Summary	FY19	FY20	Difference
• Revenue	\$20,222,324	\$20,818,314	\$595,990
• Expenses	\$20,323,940	\$21,379,234	\$1,055,294
• Net Income/(Loss)	(\$101,616)	(\$560,920)	\$459,304
• Projected reserves	\$3,694,242	\$3,133,322	(\$560,920)
Revenue Changes from FY19 Budget (\$20,000 or greater)			Budget Impact
• License fees: revenue at \$453 for .25 fiscal year; \$458 for .75 fiscal year, set in 2016			422,000
• Admissions Application Fees: increase based on expected continued increase in Motion and UBE transfer applications			100,000
• Pro Hac Vice: increase consistent with actual revenues			40,000
• Interest Income: increased to account for interest earned on investment portfolio funds transferred into money market account			30,000
• Gain/Loss on Investments: eliminated due to transfer of investment portfolio into money market account			(30,000)
• Variety of other revenue changes			33,990
Total Increase in Revenue from FY19			\$595,990
Expense Changes from FY19 Budget (\$20,000 or greater)			Budget Impact
• Professional Fees - Legal: increase based on expected continued increase in litigation costs			200,000
• Salaries for all funds: net of (1) 3% market salary pool; and (2) savings from hiring efficiencies (replacement hires at lower salaries)			191,491
• Rent: includes operating costs and adjustments for 2019 leasehold excise taxes			149,000
• BOG Meetings & Retreat: includes additional costs proposed for (1) extending all meetings to 2 full days and location changes (\$53,500); and (2) addition of 2 meetings (\$55,000)			108,500
• Insurance: anticipated increase in premiums			100,000
• Temporary Employees: increase due to additional temps for ODC, Diversity, MCLE, and CLE projects			74,250
• Human Resources Direct Expenses: additional cost for Executive Director recruitment			65,000
• Professional Fees - Audit: additional cost for proposed supplemental audit work			50,000
• Capital Labor: IT staff development of software projects in the capital budget, which can be capitalized as an asset when the project is complete. This changes depending on workload for the year. Reduction in this amount results in an increase in indirect expenses			47,800
• Retirement: costs based on percentage of increased gross salary; employer contribution rate increased by 0.03%			37,265
• Variety of other direct and indirect cost changes			31,988
Total Increase in Expense from FY19			\$1,055,294

E. FY20 Cost Center Changes

The Draft FY20 General Fund Budget reflects the Committee's direction as follows:

1. The BOG/OED cost center has been split into the BOG cost center and OED cost center, in order to better reflect these costs.
2. The LPO and LLLT cost centers now reflect the pre-FY18 methodology of accounting for all expenses associated with these licenses in these cost centers (rather than include revenues with the Licensing cost center and expenses in the Admissions cost center).

2. CAPITAL BUDGET

The FY20 Capital Budget includes the cost of purchasing, refreshing and/or replacing outdated hardware and software as needed to protect data security and will increase our efficiency. Capital labor costs involve in-house development, customization, and/or upgrading to systems and projects. Anticipated FY20 projects include the development and implementation of a coordinated Online Admissions Program, enhancement of the MCLE program, routine upgrade to WSBA' accounting software (Navision), and replacement of the Discipline records system (GILDA) in anticipation of rule changes. The Capital Budget also includes the cost of purchasing, refreshing and/or replacing hardware and equipment and leasehold improvements (*Attachment B*).

3. CLE FUND BUDGET AND RESERVES

The CLE Fund is a board-designated operating reserve, consisting of net income from the CLE activities, to cover net loss and extraordinary costs of CLE programs, products, and/or capital acquisitions as needed. The FY20 CLE Fund Budget consists of two cost centers: (1) CLE Seminars and Products; and (2) Deskbooks. The FY20 budget reflects: (1) slight decreases in revenue across the board in live seminars, sponsorships and MP3 and video product sales; and (2) the addition of profit sharing of seminar and on-demand product revenues with WSBA sections, as approved by the Board last year (*Attachment C*).

CLE COST CENTER SUMMARY	FY19	FY20	Difference
CLE Seminars and Products			
• Revenue	\$1,879,500	\$1,824,000	(\$55,500)
• Expenses	\$1,544,573	\$1,635,516	\$90,943
• Net Income/(Loss)	\$334,927	\$188,484	\$146,443
Deskbooks			
• Revenue	\$160,000	\$165,500	\$5,500
• Expenses	\$286,693	\$353,698	\$67,005
• Net Income/(Loss)	(\$126,693)	(\$188,198)	\$61,505
CLE COST CENTER TOTAL			
• Revenue	\$2,039,500	\$1,989,500	(\$50,000)
• Expenses	\$1,831,266	\$1,989,214	\$157,948
• Net Income/(Loss)	\$208,234	\$287	(\$207,948)
Projected Reserves	\$812,359	\$812,646	\$287

4. CLIENT PROTECTION FUND BUDGET AND RESERVES

The Client Protection Fund (CPF) is a legally-restricted fund created in 1995 by the Washington Supreme Court and WSBA to make gifts to compensate those financially victimized by lawyer dishonesty or failure to account for client funds or property. It is principally funded by an annual assessment on all active members and *pro hac vice* admissions as required by the Washington Supreme Court. The assessment has been \$30 since 2010. Last year, the Court determined that LLLTs (but not LPOs) should also pay the \$30 assessment. Expenses consist mainly of payouts to injured clients and CPF Board staff support. The maximum gift payout is \$150,000; CPF fund reserves are budgeted at **\$3,926,592** through the end of FY20 (*Attachment D*).

Client Protection Fund Budget	FY19	FY20	Difference
• Revenue	\$992,500	\$1,023,000	\$30,500
• Expenses	\$667,919	\$648,686	(\$19,233)
• Net Income/(Loss)	\$324,581	\$374,314	\$49,733
• Projected reserves	\$3,552,278	\$3,926,592	\$374,314

5. FY20 SECTION BUDGETS AND PER-MEMBER CHARGE

WSBA Sections are currently working on preparing their FY20 budgets and will be submitting them for review on July 12. Consistent with previous years, all Section budgets will be presented at the next Budget and Audit Committee meeting for review.

The Section Per-Member Charge, calculated each year as part of the annual budget process, is based on the WSBA's first draft of the budget for administrative costs associated with supporting WSBA Sections for the upcoming fiscal year. These costs include salaries and benefits, overhead, and general section administration expenses. The Per-Member Charge has been \$18.75 since FY16. The Per-Member Charge required to cover costs in FY19 is **\$23.48**. The Committee will need to decide whether or not to increase the Per-Member Charge. We will provide section leadership with a detailed memo explaining the Per-member Charge via email on June 30, 2019.

ATTACHMENTS

	A	Draft FY20 General Fund Budget
	B	Draft FY20 Capital Budget
	C	Draft FY20 CLE Budget
	D	Draft FY20 CPF Budget

ATTACHMENT A

Washington State Bar Association Budget Comparison Report

For the Period October 1, 2019 to September 30, 2020

	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
SALARIES & BENEFITS:				
SALARIES	11,868,980.00	12,060,469.00	191,489.00	1.6%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	(200,000.00)	-	0.0%
TEMPORARY EMPLOYEES	141,330.00	250,780.00	109,450.00	77.4%
EMPLOYEE ASSISTANCE PLAN	4,800.00	4,800.00	-	0.0%
EMPLOYEE SERVICE AWARDS	2,230.00	3,080.00	850.00	38.1%
FICA	879,000.00	887,000.00	8,000.00	0.9%
L&I INSURANCE	47,250.00	49,500.00	2,250.00	4.8%
WA STATE FAMILY MEDICAL LEAVE	-	17,500.00	17,500.00	
MEDICAL	1,590,000.00	1,580,000.00	(10,000.00)	-0.6%
RETIREMENT	1,494,000.00	1,527,000.00	33,000.00	2.2%
TRANSPORTATION ALLOWANCE	119,250.00	115,000.00	(4,250.00)	-3.6%
UNEMPLOYMENT INSURANCE	87,500.00	84,500.00	(3,000.00)	-3.4%
STAFF DEVELOPMENT-GENERAL	6,900.00	6,900.00	-	0.0%
CAPITAL LABOR	(188,800.00)	(141,000.00)	47,800.00	-25.3%
TOTAL SALARIES & BENEFITS:	15,852,440.00	16,245,529.00	393,089.00	2.5%
OVERHEAD:				
WORKPLACE BENEFITS	39,000.00	44,500.00	5,500.00	14.1%
HUMAN RESOURCES DIRECT EXPENSES	102,400.00	167,120.00	64,720.00	63.2%
MEETING SUPPORT EXPENSES	12,500.00	15,000.00	2,500.00	20.0%
RENT	1,802,000.00	1,951,000.00	149,000.00	8.3%
PROPERTY TAXES	14,000.00	12,000.00	(2,000.00)	-14.3%
FURNITURE, MAINTENANCE, LEASHOLD IMPROVEMENTS	35,200.00	35,000.00	(200.00)	-0.6%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	46,000.00	-	0.0%
FURNITURE & OFFICE EQUIPMENT DEPRECIATION	51,300.00	53,000.00	1,700.00	3.3%
COMPUTER HARDWARE DEPRECIATION	51,800.00	50,000.00	(1,800.00)	-3.5%
COMPUTER SOFTWARE DEPRECIATION	162,700.00	165,000.00	2,300.00	1.4%
INSURANCE	143,000.00	243,000.00	100,000.00	69.9%
PROFESSIONAL FEES-AUDIT	35,000.00	85,000.00	50,000.00	142.9%
PROFESSIONAL FEES-LEGAL	50,000.00	250,000.00	200,000.00	400.0%
TELEPHONE & INTERNET	47,000.00	47,000.00	-	0.0%
BANK FEES	35,400.00	34,000.00	(1,400.00)	-4.0%
POSTAGE	36,000.00	30,000.00	(6,000.00)	-16.7%
CONFERENCES & TRAINING	95,245.00	99,900.00	4,655.00	4.9%
RECORDS STORAGE	40,000.00	42,000.00	2,000.00	5.0%
PRODUCTION MAINTENANCE & SUPPLIES	12,000.00	12,000.00	-	0.0%
TECHNOLOGY DIRECT EXPENSES	667,610.00	667,610.00	-	0.0%
TOTAL OVERHEAD:	3,478,155.00	4,049,130.00	570,975.00	16.4%
TOTAL INDIRECT EXPENSES:	19,330,595.00	20,294,659.00	964,064.00	5.0%

The Indirect Expenses cost center includes amounts budgeted for employee salaries, benefits, and overhead. Salary expenses are allocated to cost centers based on the actual salaries of employees working in those cost centers. Benefits are allocated to cost centers based on a percentage of salaries (for example, if one cost center has 10% of WSBA's salary expense, it will be allocated 10% of the benefits expense).

This cost center also details overhead expenses such as rent, telephone, insurance, professional fees, office supplies, postage, maintenance, human resources, technology direct expenses, and other expenses that benefit WSBA as a whole. These expenses are allocated to each cost center based on the number of FTEs (full time equivalents) in that cost center and are reflected on the line "Overhead" in each cost center budget.

Washington State Bar Association Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

ACCESS TO JUSTICE	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
CONFERENCES & INSTITUTES	7,500.00	-	(7,500.00)	-100%
WORK STUDY GRANTS	-	2,100.00	2,100.00	
TOTAL REVENUE:	<u>7,500.00</u>	<u>2,100.00</u>	<u>(5,400.00)</u>	<u>-72%</u>
DIRECT EXPENSES:				
ATJ BOARD RETREAT	2,000.00	2,000.00	-	0%
LEADERSHIP TRAINING	2,000.00	2,000.00	-	0%
ATJ BOARD EXPENSE	24,000.00	24,000.00	-	0%
PUBLIC DEFENSE	7,000.00	7,000.00	-	0%
CONFERENCE/INSTITUTE EXPENSE	14,837.00	-	(14,837.00)	-100%
RECEPTION/FORUM EXPENSE	9,500.00	9,500.00	-	0%
STAFF TRAVEL/PARKING	3,500.00	2,700.00	(800.00)	-23%
STAFF MEMBERSHIP DUES	120.00	120.00	-	0%
TOTAL DIRECT EXPENSES:	<u>62,957.00</u>	<u>47,320.00</u>	<u>(15,637.00)</u>	<u>-25%</u>
INDIRECT EXPENSES:				
FTE	2.10	1.92	(0.18)	-9%
SALARY EXPENSE	160,817.00	151,471.00	(9,346.00)	-6%
BENEFIT EXPENSE	59,156.00	54,395.00	(4,761.00)	-8%
OVERHEAD	51,894.00	55,235.00	3,341.00	6%
TOTAL INDIRECT EXPENSES:	<u>271,867.00</u>	<u>261,101.00</u>	<u>(10,766.00)</u>	<u>-4%</u>
TOTAL ALL EXPENSES:	<u>334,824.00</u>	<u>308,421.00</u>	<u>(26,403.00)</u>	<u>-8%</u>
NET INCOME (LOSS):	<u>(327,324.00)</u>	<u>(306,321.00)</u>	<u>21,003.00</u>	

WSBA administers the Supreme Court-established Access to Justice Board and most of its initiatives and working committees. This cost center also includes staffing and other support for WSBA's Council on Public Defense. Overall, revenue and direct costs have decreased because the biennial Access to Justice Conference will not take place in FY20. Costs proposed in this budget include support for two ATJ Board regional meetings, implementation of the State Plan for the Coordinated Delivery of Civil Legal Aid to Low Income People, outreach on the anticipated updated Technology Principles and a Tech Justice Summit, continued membership in the WA Nonprofit Association in furtherance of the ATJ Board's goal to more meaningfully engage with community-based organizations and joint meetings with other justice partners like the Minority and Justice Commission.

Washington State Bar Association
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ADMINISTRATION	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	70,000.00	100,000.00	30,000.00	43%
GAIN/LOSS ON INVESTMENTS	30,000.00	-	(30,000.00)	-100%
TOTAL REVENUE:	<u>100,000.00</u>	<u>100,000.00</u>	<u>-</u>	<u>0%</u>
DIRECT EXPENSES:				
LAW LIBRARY	-	279.00	279.00	
STAFF TRAVEL/PARKING	4,200.00	4,200.00	-	0%
STAFF MEMBERSHIP DUES	685.00	950.00	265.00	39%
TOTAL DIRECT EXPENSES:	<u>4,885.00</u>	<u>5,429.00</u>	<u>544.00</u>	<u>11%</u>
INDIRECT EXPENSES:				
FTE	7.97	7.98	0.01	0%
SALARY EXPENSE	700,100.00	723,667.00	23,567.00	3%
BENEFIT EXPENSE	241,718.00	247,080.00	5,362.00	2%
OVERHEAD	196,951.00	229,571.00	32,620.00	17%
TOTAL INDIRECT EXPENSES:	<u>1,138,769.00</u>	<u>1,200,318.00</u>	<u>61,549.00</u>	<u>5%</u>
TOTAL ALL EXPENSES:	<u>1,143,654.00</u>	<u>1,205,747.00</u>	<u>62,093.00</u>	<u>5%</u>
NET INCOME (LOSS):	<u>(1,043,654.00)</u>	<u>(1,105,747.00)</u>	<u>(62,093.00)</u>	

Finance and Administration provides organizational support services, including accounting, financial reporting, investments, payroll, facilities maintenance, and general office administration. Revenue coded to this cost center is interest income on WSBA's cash and investments.

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ADMISSIONS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
EXAMSOFT REVENUE	35,000.00	35,000.00	-	0%
APPLICATION FEES	1,200,000.00	1,300,000.00	100,000.00	8%
SPECIAL ADMISSIONS	60,000.00	60,000.00	-	0%
RULE 9/LEGAL INTERN FEES	-	12,000.00	12,000.00	
LLLT EXAM FEES	7,500.00	-	(7,500.00)	-100%
LLLT WAIVER FEES	900.00	-	(900.00)	
LPO EXAMINATION FEES	24,000.00	-	(24,000.00)	-100%
TOTAL REVENUE:	1,327,400.00	1,407,000.00	79,600.00	6%
DIRECT EXPENSES:				
FACILITY, PARKING, FOOD	70,000.00	84,060.00	14,060.00	20%
EXAMINER FEES	35,000.00	35,000.00	-	0%
BOARD OF BAR EXAMINERS	25,000.00	30,000.00	5,000.00	20%
BAR EXAM PROCTORS	31,000.00	31,000.00	-	0%
CHARACTER & FITNESS BOARD EXP	20,000.00	20,000.00	-	0%
DISABILITY ACCOMMODATIONS	20,000.00	20,000.00	-	0%
CHARACTER & FITNESS INVESTIGATIONS	900.00	900.00	-	0%
LAW SCHOOL VISITS	1,000.00	1,600.00	600.00	60%
UBE EXAMINATIONS	130,000.00	135,000.00	5,000.00	4%
LLLT/LPO EXAM WRITING	28,355.00	-	(28,355.00)	
COURT REPORTERS	18,000.00	18,000.00	-	0%
ONLINE LEGAL RESEARCH	-	3,675.00	3,675.00	
LAW LIBRARY	-	1,116.00	1,116.00	
DEPRECIATION	17,776.00	26,900.00	9,124.00	51%
POSTAGE	4,000.00	4,000.00	-	0%
STAFF TRAVEL/PARKING	13,000.00	14,900.00	1,900.00	15%
STAFF MEMBERSHIP DUES	400.00	650.00	250.00	63%
SUPPLIES	2,500.00	2,500.00	-	0%
TOTAL DIRECT EXPENSES:	416,931.00	429,301.00	12,370.00	3%
INDIRECT EXPENSES:				
FTE	6.30	6.80	0.50	8%
SALARY EXPENSE	496,503.00	547,525.00	51,022.00	10%
BENEFIT EXPENSE	188,862.00	205,780.00	16,918.00	9%
OVERHEAD	155,683.00	195,624.00	39,941.00	26%
TOTAL INDIRECT EXPENSES:	841,048.00	948,929.00	107,881.00	13%
TOTAL ALL EXPENSES:	1,257,979.00	1,378,230.00	120,251.00	10%
NET INCOME (LOSS):	69,421.00	28,770.00	(40,651.00)	

The Supreme Court has delegated to WSBA administrative responsibility over admissions for lawyers, Limited License Legal Technicians (LLLTs), and Limited Practice Officers (LPOs). Each year, over 1,000 people take one of the Uniform Bar Exams offered in February and July in the Puget Sound area, and much smaller numbers take the licensing exams for LPOs and LLLTs, also offered twice a year. In addition, approximately 600 people are admitted through admission by motion and more than 100 through a UBE score transfer, and another several hundred are licensed to practice as house counsel.

This work unit reviews all admission applications for all license types, performs some aspects of the background checks on applicants, further investigates identified character and fitness issues for some applicants for review by Bar Counsel (up to several hundred each year), and supports the Character and Fitness Board in conducting hearings and making recommendations to the Supreme Court regarding whether to admit and license applicants for all license types (usually between 10 and 20 hearings each year). This work unit also works with the National Conference of Bar Examiners in administering and grading exams for lawyers and the Board of Bar Examiners for grading exams for lawyers. Work has begun to develop and implement a new online application program that can accommodate all of the different types of lawyer admission and licensing applications, rather than needing to use paper applications for many types of applications.

Revenue increases are consistent with historic trends. This year, revenue in this cost center does not include revenue from LPO and LLLT admission applications, but does include revenue from APR 9 Licensed Legal Intern applications. Direct expense budget includes all costs for the lawyer exams and the Boards.

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BOARD OF GOVERNORS	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	-	-	-	
DIRECT EXPENSES:				
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	60,000.00	-	0%
BOG MEETINGS	117,000.00	210,500.00	93,500.00	80%
BOG COMMITTEES' EXPENSES	30,000.00	30,000.00	-	0%
BOG RETREAT	-	15,000.00	15,000.00	
BOG CONFERENCE ATTENDANCE	49,000.00	44,000.00	(5,000.00)	-10%
BOG TRAVEL & OUTREACH	35,000.00	35,000.00	-	0%
ED TRAVEL & OUTREACH	5,000.00	-	(5,000.00)	-100%
CONSULTING SERVICES	-	5,000.00	5,000.00	
STAFF TRAVEL/PARKING	5,400.00	-	(5,400.00)	-100%
STAFF MEMBERSHIP DUES	2,131.00	400.00	(1,731.00)	-81%
TELEPHONE	1,000.00	-	(1,000.00)	-100%
TOTAL DIRECT EXPENSES:	304,531.00	399,900.00	95,369.00	31%
INDIRECT EXPENSES:				
FTE	2.45	1.00	(1.45)	-59%
SALARY EXPENSE	361,878.00	69,756.00	(292,122.00)	-81%
BENEFIT EXPENSE	107,757.00	26,638.00	(81,119.00)	-75%
OVERHEAD	60,543.00	28,768.00	(31,775.00)	-52%
TOTAL INDIRECT EXPENSES:	530,178.00	125,162.00	(405,016.00)	-76%
TOTAL ALL EXPENSES:	834,709.00	525,062.00	(309,647.00)	-37%
NET INCOME (LOSS):	(834,709.00)	(525,062.00)	309,647.00	

This cost center supports the president, the president-elect, the Board of Governors' work and meetings, and Board committees. The budget includes funding for Board meetings, Board committees, and governor travel and outreach (to local, specialty, and minority bar associations, committees, sections, etc.). In FY20, it also continues to earmark support for the Washington Leadership Institute.

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COMMUNICATION STRATEGIES	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
AWARDS DINNER	50,000.00	40,000.00	(10,000.00)	-20%
50 YEAR MEMBER TRIBUTE LUNCH	750.00	-	(750.00)	-100%
TOTAL REVENUE:	<u>50,750.00</u>	<u>40,000.00</u>	<u>(10,750.00)</u>	<u>-21%</u>
DIRECT EXPENSES:				
AWARDS DINNER	63,000.00	70,000.00	7,000.00	11%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	8,000.00	-	0%
COMMUNICATIONS OUTREACH	15,000.00	15,000.00	-	0%
SPEAKERS & PROGRAM DEVELOP	1,600.00	-	(1,600.00)	-100%
STAFF TRAVEL/PARKING	4,700.00	4,700.00	-	0%
STAFF MEMBERSHIP DUES	1,000.00	1,515.00	515.00	52%
SUBSCRIPTIONS	10,050.00	10,050.00	-	0%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	1,450.00	-	0%
TELEPHONE	-	325.00	325.00	
TOTAL DIRECT EXPENSES:	<u>104,800.00</u>	<u>111,040.00</u>	<u>6,240.00</u>	<u>6%</u>
INDIRECT EXPENSES:				
FTE	4.62	4.44	(0.18)	-4%
SALARY EXPENSE	312,393.00	310,102.00	(2,291.00)	-1%
BENEFIT EXPENSE	124,221.00	118,282.00	(5,939.00)	-5%
OVERHEAD	114,168.00	127,731.00	13,563.00	12%
TOTAL INDIRECT EXPENSES:	<u>550,782.00</u>	<u>556,115.00</u>	<u>5,333.00</u>	<u>1%</u>
TOTAL ALL EXPENSES:	<u>655,582.00</u>	<u>667,155.00</u>	<u>11,573.00</u>	<u>2%</u>
NET INCOME (LOSS):	<u>(604,832.00)</u>	<u>(627,155.00)</u>	<u>(22,323.00)</u>	

Communication Strategies is responsible for member, public, and internal communications; branding and reputation management; media and public relations; marketing; special events; and strategic communication tools aimed at improving member and public engagement and outreach (including content strategy for the WSBA website, WSBA's blog (NWSidebar), social media channels, and broadcast emails). The Communication Strategies Team works with all WSBA departments to support the communications and marketing of WSBA programs, services, and matters of interest to members and the public.

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CONFERENCE & BROADCAST SERVICES	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	-	-	-	
DIRECT EXPENSES:				
TRANSLATION SERVICES	3,500.00	5,500.00	2,000.00	57%
TOTAL DIRECT EXPENSES:	3,500.00	5,500.00	2,000.00	57%
INDIRECT EXPENSES:				
FTE	7.15	7.11	(0.04)	-1%
SALARY EXPENSE	429,625.00	439,469.00	9,844.00	2%
BENEFIT EXPENSE	174,080.00	175,752.00	1,672.00	1%
OVERHEAD	176,688.00	204,542.00	27,854.00	16%
TOTAL INDIRECT EXPENSES:	780,393.00	819,763.00	39,370.00	5%
TOTAL ALL EXPENSES:	783,893.00	825,263.00	41,370.00	5%
NET INCOME (LOSS):	(783,893.00)	(825,263.00)	(41,370.00)	

Conference and Broadcast Services is responsible for the Service Center, meeting facilities, mail and print services, and all other services on WSBA's public floor. In fiscal year 2018, WSBA supported almost 1,500 on-site meetings and events, and the Service Center handled over 45,000 communications with members and the public. This cost center also supports all non-CLE activities related to webcasting, webinars, and recorded products.

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DISCIPLINE	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
AUDIT REVENUE	3,200.00	2,500.00	(700.00)	-22%
RECOVERY OF DISCIPLINE COSTS	80,000.00	90,000.00	10,000.00	13%
DISCIPLINE HISTORY SUMMARY	13,000.00	14,000.00	1,000.00	8%
PRACTICE MONITOR FEES	-	4,000.00	4,000.00	
TOTAL REVENUE:	96,200.00	110,500.00	14,300.00	15%
DIRECT EXPENSES:				
COURT REPORTERS	55,000.00	35,000.00	(20,000.00)	-36%
OUTSIDE COUNSEL/AIC	2,000.00	1,000.00	(1,000.00)	-50%
LITIGATION EXPENSES	25,000.00	25,000.00	-	0%
DISABILITY EVALUATIONS	7,500.00	7,500.00	-	0%
ONLINE LEGAL RESEARCH	68,000.00	53,287.50	(14,712.50)	-22%
LAW LIBRARY	12,500.00	6,700.00	(5,800.00)	-46%
TRANSLATION SERVICES	1,500.00	1,000.00	(500.00)	-33%
PRACTICE MONITOR EXPENSE	-	4,000.00	4,000.00	
DEPRECIATION	7,123.00	2,300.00	(4,823.00)	-68%
PUBLICATIONS PRODUCTION	444.00	250.00	(194.00)	-44%
STAFF TRAVEL/PARKING	35,000.00	35,000.00	-	0%
STAFF MEMBERSHIP DUES	3,900.00	4,111.00	211.00	5%
TELEPHONE	2,300.00	2,300.00	-	0%
TOTAL DIRECT EXPENSES:	220,267.00	177,448.50	(42,818.50)	-19%
INDIRECT EXPENSES:				
FTE	36.88	36.93	0.05	0%
SALARY EXPENSE	3,556,329.00	3,676,010.00	119,681.00	3%
BENEFIT EXPENSE	1,196,316.00	1,211,817.00	15,501.00	1%
OVERHEAD	911,363.00	1,062,411.00	151,048.00	17%
TOTAL INDIRECT EXPENSES:	5,664,008.00	5,950,238.00	286,230.00	5%
TOTAL ALL EXPENSES:	5,884,275.00	6,127,686.50	243,411.50	4%
NET INCOME (LOSS):	(5,788,075.00)	(6,017,186.50)	(229,111.50)	

The Washington Supreme Court has exclusive responsibility for the lawyer, LPO, and LLLT discipline and disability systems in Washington. By court rule, the Supreme Court delegates regulatory authority to the WSBA through, in part, the Office of Disciplinary Counsel (ODC).

ODC is responsible for fielding communications from individuals with concerns about a lawyer, for reviewing, investigating, and prosecuting grievances about the ethical conduct of Washington lawyers, and for addressing issues involving a lawyer's alleged incapacity to practice law. ODC is also responsible for investigating and prosecuting ethical misconduct by LPOs and LLLTs upon referral from the corresponding regulatory board. More specifically, ODC identifies and dismisses grievances that do not allege unethical conduct, prosecutes violations of the Washington Supreme Court's Rules of Professional Conduct in matters that have been ordered to hearing by a review committee of the Disciplinary Board, and seeks transfers to disability-inactive status for licensees lacking the capacity to practice law. Some disciplinary matters are resolved by stipulation, some involving less serious misconduct may be diverted from discipline into the Diversion Program, while others are contested at a disciplinary hearing. If a hearing-level decision is appealed, disciplinary counsel briefs and argues the appeal to the applicable regulatory board and, in some cases, the Supreme Court. ODC also reviews trust account overdraft notices and conducts random examinations of trust account books and records, tracks and collects costs and expenses assessed against respondents in disciplinary proceedings, and monitors compliance with conditions of probation imposed in disciplinary matters.

To perform these functions, ODC employs disciplinary counsel, investigators, auditors, and a support staff of paralegals and administrative assistants; its expenses are primarily staff-related. Revenues consist primarily of recovery of discipline costs and expenses and service fees for providing discipline history summaries.

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DIVERSITY	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
DONATIONS	110,000.00	125,000.00	15,000.00	14%
SPONSORSHIP REVENUE	4,000.00	-	(4,000.00)	-100%
WORK STUDY GRANTS	10,374.00	10,374.00	-	0%
TOTAL REVENUE:	124,374.00	135,374.00	11,000.00	9%
DIRECT EXPENSES:				
COMMITTEE FOR DIVERSITY	5,000.00	6,000.00	1,000.00	20%
DIVERSITY EVENTS & PROJECTS	10,000.00	15,750.00	5,750.00	58%
INTERNAL DIVERSITY OUTREACH	200.00	200.00	-	0%
STAFF TRAVEL/PARKING	6,000.00	6,000.00	-	0%
STAFF MEMBERSHIP DUES	350.00	980.00	630.00	180%
TOTAL DIRECT EXPENSES:	21,550.00	28,930.00	7,380.00	34%
INDIRECT EXPENSES:				
FTE	4.05	3.87	(0.18)	-4%
SALARY EXPENSE	328,835.00	341,233.00	12,398.00	4%
BENEFIT EXPENSE	115,724.00	114,992.00	(732.00)	-1%
OVERHEAD	100,082.00	111,333.00	11,251.00	11%
TOTAL INDIRECT EXPENSES:	544,641.00	567,558.00	22,917.00	4%
TOTAL ALL EXPENSES:	566,191.00	596,488.00	30,297.00	5%
NET INCOME (LOSS):	(441,817.00)	(461,114.00)	(19,297.00)	

This cost center captures the cost of WSBA's staffing and programming to implement the statewide WSBA Diversity and Inclusion Plan. Activities supported by this cost center include equity and inclusion consultation for legal professionals and organizations, diversity centered research, community networking events held across the state, events to promote inclusion and provide opportunities for mentorship such as the Seattle University Law School ARC Reception, and outreach to and collaboration with Washington's minority bar associations (MBAs). This cost center also supports the WSBA Diversity Committee, development of three diversity-related CLE programs for the Legal Lunchbox and other educational events, like the Beyond the Dialogue Series. Direct costs have been reduced slightly in this cost center, while indirects have increased to reflect the investment of staff resources in delivering these programs. The diversity programs are supported by a \$125,000 grant from the Washington State Bar Foundation in FY20 (a \$15,000 increase over the FY19 budget).

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FOUNDATION	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	-	-	-	
DIRECT EXPENSES:				
SPECIAL EVENTS	5,000.00	5,000.00	-	0%
BOARD OF TRUSTEES	3,000.00	3,000.00	-	0%
CONSULTING SERVICES	3,000.00	3,000.00	-	0%
POSTAGE	500.00	500.00	-	0%
PRINTING & COPYING	800.00	900.00	100.00	13%
STAFF TRAVEL/PARKING	1,400.00	750.00	(650.00)	-46%
SUPPLIES	500.00	250.00	(250.00)	-50%
TOTAL DIRECT EXPENSES:	14,200.00	13,400.00	(800.00)	-6%
INDIRECT EXPENSES:				
FTE	1.15	1.05	(0.10)	-9%
SALARY EXPENSE	89,538.00	90,008.00	470.00	1%
BENEFIT EXPENSE	32,707.00	31,689.00	(1,018.00)	-3%
OVERHEAD	28,418.00	30,135.00	1,717.00	6%
TOTAL INDIRECT EXPENSES:	150,663.00	151,832.00	1,169.00	1%
TOTAL ALL EXPENSES:	164,863.00	165,232.00	369.00	0%
NET INCOME (LOSS):	(164,863.00)	(165,232.00)	(369.00)	

The Washington State Bar Foundation is the fundraising arm of the WSBA. This cost center reflects the staffing, operations, and administrative support WSBA provides to the Foundation in exchange for its fundraising services. The Foundation will contribute \$250,000 in revenue to WSBA's FY20 budget to support public service, diversity, and access to justice efforts within the Advancement Department cost centers. We continue to look for opportunities to reduce indirect and direct costs in this cost center to better reflect the actual cost of delivering this service.

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HUMAN RESOURCES	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	-	-	-	
DIRECT EXPENSES:				
STAFF TRAINING- GENERAL	30,000.00	30,000.00	-	0%
RECRUITING AND ADVERTISING	7,000.00	7,000.00	-	0%
PAYROLL PROCESSING	49,000.00	49,000.00	-	0%
SALARY SURVEYS	2,900.00	2,900.00	-	0%
CONSULTING SERVICES	10,000.00	75,000.00	65,000.00	650%
STAFF TRAVEL/PARKING	150.00	250.00	100.00	67%
STAFF MEMBERSHIP DUES	1,250.00	870.00	(380.00)	-30%
SUBSCRIPTIONS	2,100.00	2,100.00	-	0%
TRANSFER TO INDIRECT EXPENSE	(102,400.00)	(167,120.00)	(64,720.00)	63%
TOTAL DIRECT EXPENSES:	-	-	-	
INDIRECT EXPENSES:				
FTE	2.45	2.45	-	0%
SALARY EXPENSE	260,398.00	271,913.00	11,515.00	4%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	(200,000.00)	-	0%
BENEFIT EXPENSE	84,017.00	86,720.00	2,703.00	3%
OVERHEAD	60,543.00	70,482.00	9,939.00	16%
TOTAL INDIRECT EXPENSES:	204,958.00	229,115.00	24,157.00	12%
TOTAL ALL EXPENSES:	204,958.00	229,115.00	24,157.00	12%
NET INCOME (LOSS):	(204,958.00)	(229,115.00)	(24,157.00)	

The Human Resources Department handles all human resources functions, including recruitment and retention, compensation and benefits administration, employee relations, legal compliance, equal employment opportunity, employee on-boarding, ongoing employee training and development, performance management, and human resources policies and procedures. Expenses reflected here are solely for staffing (salaries, benefits, and overhead). Direct costs located in this cost center are allocated out to all cost centers through "Overhead" in the indirect expense allocation. Direct expenses include payroll processing, staff training, and recruiting costs.

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LAW CLERK PROGRAM	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
LAW CLERK FEES	162,000.00	172,000.00	10,000.00	6%
LAW CLERK APPLICATION FEES	4,000.00	2,700.00	(1,300.00)	-33%
TOTAL REVENUE:	<u>166,000.00</u>	<u>174,700.00</u>	<u>8,700.00</u>	<u>5%</u>
DIRECT EXPENSES:				
CHARACTER & FITNESS INVESTIGATIONS	100.00	100.00	-	0%
LAW CLERK BOARD EXPENSE	6,000.00	10,000.00	4,000.00	67%
LAW CLERK OUTREACH	5,000.00	3,000.00	(2,000.00)	-40%
STAFF TRAVEL/PARKING	-	600.00	600.00	
SUBSCRIPTIONS	250.00	250.00	-	0%
TOTAL DIRECT EXPENSES:	<u>11,350.00</u>	<u>13,950.00</u>	<u>2,600.00</u>	<u>23%</u>
INDIRECT EXPENSES:				
FTE	1.10	1.25	0.15	14%
SALARY EXPENSE	84,449.00	92,121.00	7,672.00	9%
BENEFIT EXPENSE	31,033.00	34,398.00	3,365.00	11%
OVERHEAD	27,183.00	35,960.00	8,777.00	32%
TOTAL INDIRECT EXPENSES:	<u>142,665.00</u>	<u>162,479.00</u>	<u>19,814.00</u>	<u>14%</u>
TOTAL ALL EXPENSES:	<u>154,015.00</u>	<u>176,429.00</u>	<u>22,414.00</u>	<u>15%</u>
NET INCOME (LOSS):	<u>11,985.00</u>	<u>(1,729.00)</u>	<u>(13,714.00)</u>	

The Law Clerk Program is now joined with LLLT and LPO licensing in the "Innovative Licensing Programs" work unit within RSD. This cost center captures the revenue and expenses for the APR 6 Law Clerk Program, which is a program of education that offers an alternative to law school by allowing Law Clerks to study law with a tutor/employer while working full time with the employer; the standard program is four years, the curriculum is essentially the same as a three year JD program curriculum, and Law Clerks must pass character and fitness review and pass the Bar exam to be eligible for admission and licensing as a lawyer. The Board hopes to expand the program through increased outreach and education about the program, and with improving employment situations, expansion of the number of participants may continue to be a possibility. RSD staff has been working to improve the data base at the heart of the program in order to provide improved services to the Law Clerks and tutors. RSD and Communications staff have been working to increase the outreach about and visibility of the program.

Revenues are generated from modest fees charged to the Law Clerks to participate in the program. Expenses are the costs to administer the Law Clerk program and the expenses incurred by the Law Clerk Board. This program has been slowly increasing in size and currently stands at about 84 clerk/tutor pairs around the state.

Washington State Bar Association
Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

LEGISLATIVE	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
RENT - OLYMPIA OFFICE	2,500.00	2,500.00	-	0%
CONTRACT LOBBYIST	5,000.00	5,000.00	-	0%
LOBBYIST CONTACT COSTS	1,000.00	-	(1,000.00)	-100%
LEGISLATIVE COMMITTEE	2,500.00	2,500.00	-	0%
BOG LEGISLATIVE COMMITTEE	250.00	-	-	0%
STAFF TRAVEL/PARKING	4,550.00	2,500.00	(2,050.00)	-45%
STAFF MEMBERSHIP DUES	450.00	450.00	-	0%
SUBSCRIPTIONS	2,000.00	2,000.00	-	0%
TELEPHONE	400.00	-	(400.00)	-100%
TOTAL DIRECT EXPENSES:	<u>18,650.00</u>	<u>15,200.00</u>	<u>(3,450.00)</u>	<u>-18%</u>
INDIRECT EXPENSES:				
FTE	1.10	1.10	-	0%
SALARY EXPENSE	80,340.00	82,883.00	2,543.00	3%
BENEFIT EXPENSE	27,893.00	30,676.00	2,783.00	10%
OVERHEAD	27,183.00	31,645.00	4,462.00	16%
TOTAL INDIRECT EXPENSES:	<u>135,416.00</u>	<u>145,204.00</u>	<u>9,788.00</u>	<u>7%</u>
TOTAL ALL EXPENSES:	<u>154,066.00</u>	<u>160,404.00</u>	<u>6,338.00</u>	<u>4%</u>
NET INCOME (LOSS):	<u>(154,066.00)</u>	<u>(160,404.00)</u>	<u>(6,338.00)</u>	

The Outreach and Legislative Affairs Manager and the Outreach and Legislative Affairs Coordinator work closely with WSBA leadership and sections to formulate positions on legislation, track relevant legislation during session and provide technical advice on bills and existing statutes to the Legislature. Reduced contract lobbyist, Olympia space rental, and staffing costs reflect reevaluation of legislative support needs.

**Washington State Bar Association
Budget Comparison Report**

For the Period from October 1, 2019 to September 30, 2020

LICENSING AND MEMBERSHIP RECORDS	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
STATUS CERTIFICATE FEES	22,000.00	22,000.00	-	0%
RULE 9/LEGAL INTERN FEES	11,000.00	-	(11,000.00)	-100%
INVESTIGATION FEES	22,000.00	22,700.00	700.00	3%
PRO HAC VICE	230,000.00	270,000.00	40,000.00	17%
MEMBER CONTACT INFORMATION	19,000.00	10,000.00	(9,000.00)	-47%
PHOTO BAR CARD SALES	350.00	300.00	(50.00)	-14%
TOTAL REVENUE:	304,350.00	325,000.00	20,650.00	7%
DIRECT EXPENSES:				
LICENSING FORMS	3,000.00	2,437.50	(562.50)	-19%
DEPRECIATION	13,812.00	13,850.00	38.00	0%
POSTAGE	29,000.00	19,500.00	(9,500.00)	-33%
TOTAL DIRECT EXPENSES:	45,812.00	35,787.50	(10,024.50)	-22%
INDIRECT EXPENSES:				
FTE	4.35	4.20	(0.15)	-3%
SALARY EXPENSE	395,080.00	386,870.00	(8,210.00)	-2%
BENEFIT EXPENSE	133,752.00	130,142.00	(3,610.00)	-3%
OVERHEAD	107,495.00	120,827.00	13,332.00	12%
TOTAL INDIRECT EXPENSES:	636,327.00	637,839.00	1,512.00	0%
TOTAL ALL EXPENSES:	682,139.00	673,626.50	(8,512.50)	-1%
NET INCOME (LOSS):	(377,789.00)	(348,626.50)	29,162.50	

All member and license types are tracked in one database and their annual license renewal processes are administered by this work group. This work group includes all activities associated with the collection of annual license fees; processing changes to a member's information on record with the WSBA; providing mailing and emailing lists for internal and external requesters consistent with WSBA policy, bylaws, and the Admission and Practice Rules; and maintaining the accuracy of the membership records database and transmitting it to the Supreme Court.

Revenues are generated from application fees for pro hac vice admissions, as well as limited sales of member contact information, member status certificates, investigation fees for status changes, and revenue from sales of photo bar cards. Expenses are primarily printing and postage costs for the annual license packets and compliance follow up, and all status changes. Revenue changes are consistent with historic trends; direct costs change with changes in printing and mailing costs. Licensing revenue and expenses for annual licensing of LLLTs and LPOs are now reflected in those cost centers.

**Washington State Bar Association
Budget Comparison Report**

For the Period from October 1, 2019 to September 30, 2020

LICENSING	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
LLLT LICENSE FEES	5,800.00	-	(5,800.00)	-100%
LICENSE FEES	15,778,000.00	16,200,000.00	422,000.00	3%
LPO LICENSE FEES	174,400.00	-	(174,400.00)	-100%
TOTAL REVENUE:	<u><u>15,958,200.00</u></u>	<u><u>16,200,000.00</u></u>	<u><u>241,800.00</u></u>	<u><u>2%</u></u>
DIRECT EXPENSES:				
TOTAL DIRECT EXPENSES:	<u><u>-</u></u>	<u><u>-</u></u>	<u><u>-</u></u>	
INDIRECT EXPENSES:				
TOTAL INDIRECT EXPENSES:	<u><u>-</u></u>	<u><u>-</u></u>	<u><u>-</u></u>	
TOTAL ALL EXPENSES:	<u><u>-</u></u>	<u><u>-</u></u>	<u><u>-</u></u>	
NET INCOME (LOSS):	<u><u>15,958,200.00</u></u>	<u><u>16,200,000.00</u></u>	<u><u>241,800.00</u></u>	

Most cost centers across WSBA are supported by license fee funds. The Licensing cost center tracks this revenue without any associated expenses. Increase in revenue is attributable to increased license fee rates for all members in FY20.

**Washington State Bar Association
Budget Comparison Report**

For the Period from October 1, 2019 to September 30, 2020

**LIMITED LICENSE LEGAL
TECHNICIAN**

	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
LLLT LICENSE FEES	-	7,550.00	7,550.00	
LLLT EXAM FEES	-	4,500.00	4,500.00	
INVESTIGATION FEES	-	300.00	300.00	
LLLT WAIVER FEES	-	300.00	300.00	
MEMBER LATE FEES	-	300.00	300.00	
TOTAL REVENUE:	<u>-</u>	<u>12,950.00</u>	<u>12,950.00</u>	
DIRECT EXPENSES:				
FACILITY, PARKING, FOOD	-	600.00	600.00	
LLLT BOARD	17,000.00	18,000.00	1,000.00	6%
LLLT OUTREACH	8,000.00	3,000.00	(5,000.00)	
LLLT EXAM WRITING	-	14,178.00	14,178.00	
LICENSING FORMS	-	2.50	2.50	
POSTAGE	-	20.00	20.00	
STAFF TRAVEL/PARKING	600.00	600.00	-	0%
TOTAL DIRECT EXPENSES:	<u>25,600.00</u>	<u>36,400.50</u>	<u>10,800.50</u>	<u>42%</u>
INDIRECT EXPENSES:				
FTE	1.55	1.34	(0.21)	-14%
SALARY EXPENSE	135,526.00	103,330.00	(32,196.00)	-24%
BENEFIT EXPENSE	41,762.00	37,843.00	(3,919.00)	-9%
OVERHEAD	38,303.00	38,406.00	103.00	0%
TOTAL INDIRECT EXPENSES:	<u>215,591.00</u>	<u>179,579.00</u>	<u>(36,012.00)</u>	<u>-17%</u>
TOTAL ALL EXPENSES:	<u>241,191.00</u>	<u>215,979.50</u>	<u>(25,211.50)</u>	<u>-10%</u>
NET INCOME (LOSS):	<u>(241,191.00)</u>	<u>(203,029.50)</u>	<u>38,161.50</u>	

All member and license types are tracked in one database and their annual license renewal processes are administered by this work group. This work group includes all activities associated with the collection of annual license fees; processing changes to a member's information on record with the WSBA; providing mailing and emailing lists for internal and external requesters consistent with WSBA policy, bylaws, and the Admission and Practice Rules; and maintaining the accuracy of the membership records database and transmitting it to the Supreme Court.

Revenues are generated from application fees for pro hac vice admissions, as well as limited sales of member contact information, member status certificates, investigation fees for status changes, and revenue from sales of photo bar cards. Expenses are primarily printing and postage costs for the annual license packets and compliance follow up, and all status changes. Revenue changes are consistent with historic trends; direct costs change with changes in printing and mailing costs. Licensing revenue and expenses for annual licensing of LLLTs and LPOs are now reflected in those cost centers.

Washington State Bar Association Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

LIMITED PRACTICE OFFICERS	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INVESTIGATION FEES	-	1,000.00	1,000.00	
LPO EXAMINATION FEES	-	26,000.00	26,000.00	
LPO LICENSE FEES	-	173,900.00	173,900.00	
LPO LATE LICENSE FEES	-	4,590.00	4,590.00	
ACCREDITED PROGRAM FEES	-	6,000.00	6,000.00	
MEMBER LATE FEES	-	900.00	900.00	
TOTAL REVENUE:	-	212,390.00	212,390.00	
DIRECT EXPENSES:				
FACILITY, PARKING, FOOD	-	6,890.00	6,890.00	
LPO EXAM WRITING	-	14,178.00	14,178.00	
ONLINE LEGAL RESEARCH	-	1,837.50	1,837.50	
LAW LIBRARY	-	279.00	279.00	
LICENSING FORMS	-	60.00	60.00	
LPO BOARD	3,000.00	3,000.00	-	0%
LPO OUTREACH	-	3,000.00	3,000.00	
POSTAGE	-	480.00	480.00	
PRINTING & COPYING	-	200.00	200.00	
STAFF TRAVEL/PARKING	-	100.00	100.00	
TOTAL DIRECT EXPENSES:	3,000.00	30,024.50	27,024.50	901%
INDIRECT EXPENSES:				
FTE	1.17	1.09	(0.08)	-7%
SALARY EXPENSE	99,089.00	86,688.00	(12,401.00)	-13%
BENEFIT EXPENSE	40,651.00	31,360.00	(9,291.00)	-23%
OVERHEAD	28,913.00	31,214.00	2,301.00	8%
TOTAL INDIRECT EXPENSES:	168,653.00	149,262.00	(19,391.00)	-11%
TOTAL ALL EXPENSES:	171,653.00	179,286.50	7,633.50	4%
NET INCOME (LOSS):	(171,653.00)	33,103.50	204,756.50	

The Limited Practice Officer (LPO) license type (APR 12), was created by the Supreme Court, and later delegated to the WSBA In 2002. LPOs are WSBA members; there are about 971 licensed LPOs, with 804 of them on Active status. This cost center is used to track all revenues and expenses associated with the Limited Practice Officer (LPO) license type.

This cost center includes all revenue from admission, licensing, and MCLE functions for LPOs, and all expenses related to admitting, licensing and annual license renewal (including MCLE reporting) for LPOs, and includes staffing and expenses related to the Limited Practice Board, which by court rule oversees the program. Also included are direct expenses for work with Ergometrics a professional testing company that assists WSBA and the LP Board in preparing LPO exams (similar to some parts of the assistance WSBA receives from the NCBE for the lawyer exams).

Washington State Bar Association Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

MANDATORY CONTINUING LEGAL EDUCATION	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
ACCREDITED PROGRAM FEES	540,000.00	534,000.00	(6,000.00)	-1%
FORM1 LATE FEE	150,000.00	150,000.00	-	0%
MEMBER LATE FEES	203,000.00	201,800.00	(1,200.00)	-1%
ANNUAL ACCREDITED SPONSOR FEES	43,000.00	43,000.00	-	0%
ATTENDANCE LATE FEES	85,000.00	85,000.00	-	0%
COMITY CERTIFICATES	29,000.00	29,000.00	-	0%
TOTAL REVENUE:	<u>1,050,000.00</u>	<u>1,042,800.00</u>	<u>(7,200.00)</u>	<u>-1%</u>
DIRECT EXPENSES:				
ONLINE LEGAL RESEARCH	-	1,837.50	1,837.50	
LAW LIBRARY	-	279.00	279.00	
MCLE BOARD EXPENSES	2,000.00	2,000.00	-	0%
DEPRECIATION	249,948.00	250,000.00	52.00	0%
STAFF MEMBERSHIP DUES	500.00	500.00	-	0%
TOTAL DIRECT EXPENSES:	<u>252,448.00</u>	<u>254,616.50</u>	<u>2,168.50</u>	<u>1%</u>
INDIRECT EXPENSES:				
FTE	4.90	4.65	(0.25)	-5%
SALARY EXPENSE	374,898.00	424,678.00	49,780.00	13%
BENEFIT EXPENSE	124,996.00	123,400.00	(1,596.00)	-1%
OVERHEAD	121,087.00	133,772.00	12,685.00	10%
TOTAL INDIRECT EXPENSES:	<u>620,981.00</u>	<u>681,850.00</u>	<u>60,869.00</u>	<u>10%</u>
TOTAL ALL EXPENSES:	<u>873,429.00</u>	<u>936,466.50</u>	<u>63,037.50</u>	<u>7%</u>
NET INCOME (LOSS):	<u>176,571.00</u>	<u>106,333.50</u>	<u>(70,237.50)</u>	

MCLE administration is a core regulatory function of the WSBA. This area processes requests for accreditation of all CLE programs for all license types, a total of about 20,000 accreditation requests per year, and tracks the earned credits and the CLE certifications and requirements of all individual members to ascertain whether they have completed their minimum continuing education requirements. Every year, approximately one-third of the active WSBA members are required to report their MCLE credits.

Revenue increases are consistent with historical trends. The cost center tracks direct expenses related to MCLE accreditation and compliance (except expenses related for LLLT and LPO MCLE, which are included in those cost centers this year), and is also used to track staffing and expenses related to the MCLE Board, which by court rule oversees the program for all license types.

Washington State Bar Association Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

MEMBER ASSISTANCE PROGRAM	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
DIVERSIONS	10,000.00	6,750.00	(3,250.00)	-33%
TOTAL REVENUE:	<u>10,000.00</u>	<u>6,750.00</u>	<u>(3,250.00)</u>	<u>-33%</u>
DIRECT EXPENSES:				
PROF LIAB INSURANCE	850.00	850.00	-	0%
PUBLICATIONS PRODUCTION	200.00	200.00	-	0%
STAFF MEMBERSHIP DUES	225.00	225.00	-	0%
TOTAL DIRECT EXPENSES:	<u>1,275.00</u>	<u>1,275.00</u>	<u>-</u>	<u>0%</u>
INDIRECT EXPENSES:				
FTE	0.90	0.90	-	0%
SALARY EXPENSE	84,582.00	87,698.00	3,116.00	4%
BENEFIT EXPENSE	34,402.00	35,067.00	665.00	2%
OVERHEAD	22,240.00	25,891.00	3,651.00	16%
TOTAL INDIRECT EXPENSES:	<u>141,224.00</u>	<u>148,656.00</u>	<u>7,432.00</u>	<u>5%</u>
TOTAL ALL EXPENSES:	<u>142,499.00</u>	<u>149,931.00</u>	<u>7,432.00</u>	<u>5%</u>
NET INCOME (LOSS):	<u>(132,499.00)</u>	<u>(143,181.00)</u>	<u>(10,682.00)</u>	

The Member Wellness Program is a confidential (APR 19) program whose goal is to help lawyers prevent and/or address psychological, emotional, addiction, family, health, stress, and other personal problems and provide education and services to foster member well-being. Services include assessment, short-term consultation, group services (e.g. for Job Seekers) and referral, follow-up, and training. MWP administers all Diversion Program respondent evaluations, and handles evaluation interviews, written reports, monitoring, and consultations with other treating professionals and ODC staff. MWP also provides judicial officer referrals for clinical service through the Judicial Assistance Services Program (JASP). Last year, MWP conducted approximately 200 consultations and gave presentations reaching 1,200 members.

Additionally, LAP makes assistance available to all WSBA members through a community partner, KEPRO, whose licensed professionals are available 24/7 assess, treat, and refer impaired lawyers. This program, known as WSBA Connects, provides members access to a suite of work/life integration services including financial counseling, family caregiver referral, and online resources and information to address a wide range of personal and work issues. Extended resources include a free, statewide MWP-trained peer advisor network, self-care website resources, and free or low cost work and wellness educational programming. Revenues come from Diversion Program fees; expenses are principally staff-related costs.

**Washington State Bar Association
Budget Comparison Report**

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MEMBER SERVICES AND ENGAGEMENT	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
ROYALTIES	30,000.00	42,500.00	12,500.00	42%
NMP PRODUCT SALES	70,000.00	70,000.00	-	0%
SPONSORSHIPS	1,200.00	800.00	(400.00)	-33%
SEMINAR REGISTRATIONS	30,000.00	15,000.00	(15,000.00)	-50%
TRIAL ADVOCACY PROGRAM	10,000.00	10,000.00	-	0%
TOTAL REVENUE:	141,200.00	138,300.00	(2,900.00)	-2%
DIRECT EXPENSES:				
WYLC OUTREACH EVENTS	2,500.00	2,500.00	-	0%
LENDING LIBRARY	5,500.00	5,500.00	-	0%
NMP SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	1,500.00	-	0%
WYL COMMITTEE	15,000.00	15,000.00	-	0%
OPEN SECTIONS NIGHT	4,400.00	3,000.00	(1,400.00)	
RURAL PLACEMENT PROGRAM	10,500.00	-	(10,500.00)	
TRIAL ADVOCACY PROGRAM	2,500.00	2,500.00	-	0%
RECEPTION/FORUM EXPENSE	4,000.00	4,000.00	-	0%
WYLC SCHOLARSHIPS/DONATIONS/GRANT	2,500.00	2,500.00	-	0%
YLL SECTION PROGRAM	1,100.00	1,100.00	-	0%
WYLC CLE COMPS	1,000.00	1,000.00	-	0%
STAFF TRAVEL/PARKING	4,500.00	2,500.00	(2,000.00)	-44%
STAFF MEMBERSHIP DUES	385.00	445.00	60.00	16%
SUBSCRIPTIONS	480.00	500.00	20.00	4%
CONFERENCE CALLS	200.00	300.00	100.00	50%
TOTAL DIRECT EXPENSES:	56,065.00	42,345.00	(13,720.00)	-24%
INDIRECT EXPENSES:				
FTE	3.98	4.24	0.26	7%
SALARY EXPENSE	296,941.00	326,272.00	29,331.00	10%
BENEFIT EXPENSE	110,321.00	119,762.00	9,441.00	9%
OVERHEAD	98,352.00	121,977.00	23,625.00	24%
TOTAL INDIRECT EXPENSES:	505,614.00	568,011.00	62,397.00	12%
TOTAL ALL EXPENSES:	561,679.00	610,356.00	48,677.00	9%
NET INCOME (LOSS):	(420,479.00)	(472,056.00)	(51,577.00)	

Member Services and Engagement coordinates and executes a range of projects, initiatives and programs that focus on mentorship, new members, and practice management. These activities are designed to support member competence, professionalism and strengthen community.

In FY19 this cost center will support the direct and indirect costs of: (1) developing a 24-credit Practice Primer Track, the annual Trial Advocacy Program, and a free financial/debt management seminar; (2) supporting 1 Open Sections Night, 4 MentorLink Mixers, the Young Lawyer Liaison Program (to Sections), 4 Public Service Incentive Awards (free CLEs), the Law School WSBA Representatives Program, the WSBA mentorship curriculum, ALPS Attorney Match, and mentorship programs offered by our community partners across the state; (3) supporting those in solo and small-firm practice and those going through practice transitions by continuing to offer free telephone consultations, maintaining a Lending Library, referrals to external consultant, offering discounts to practice management vendors, and promoting WSBA online guides; (4) supporting the Washington Young Lawyers Committee and the ABA YLD District Representative; (5) promoting the WSBA Health Insurance Exchange..

FY20 revenue includes rebates received for WSBA's Practice Management Discount Network, (products made available to WSBA members at a discount), CLE registration for live seminars, and sales of on-demand recorded products. Overall direct expenses for the cost center in FY20 are reduced from FY19.

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MEMBERSHIP BENEFITS	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SPONSORSHIPS	8,000.00	9,000.00	1,000.00	13%
INTERNET SALES	9,000.00	12,000.00	3,000.00	33%
TOTAL REVENUE:	<u>17,000.00</u>	<u>21,000.00</u>	<u>4,000.00</u>	<u>24%</u>
DIRECT EXPENSES:				
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	-	(500.00)	-100%
LEGAL LUNCHBOX SPEAKERS & PROGRAM DEVELOP	1,700.00	2,000.00	300.00	18%
WSBA CONNECTS	46,560.00	46,560.00	-	
CASEMAKER & FASTCASE	136,336.00	136,436.00	100.00	0%
TRANSCRIPTION SERVICES	-	1,500.00	1,500.00	
TOTAL DIRECT EXPENSES:	<u>185,096.00</u>	<u>186,496.00</u>	<u>1,400.00</u>	<u>1%</u>
INDIRECT EXPENSES:				
FTE	0.73	0.69	(0.04)	-5%
SALARY EXPENSE	54,366.00	53,322.00	(1,044.00)	-2%
BENEFIT EXPENSE	20,206.00	19,484.00	(722.00)	-4%
OVERHEAD	18,039.00	19,706.00	1,667.00	9%
TOTAL INDIRECT EXPENSES:	<u>92,611.00</u>	<u>92,512.00</u>	<u>(99.00)</u>	<u>0%</u>
TOTAL ALL EXPENSES:	<u>277,707.00</u>	<u>279,008.00</u>	<u>1,301.00</u>	<u>0%</u>
NET INCOME (LOSS):	<u>(260,707.00)</u>	<u>(258,008.00)</u>	<u>2,699.00</u>	

This cost center includes costs associated with programs benefiting WSBA's membership as a part of their annual license fee: (1) Casemaker and Fastcase, two free legal research tools; (2) Legal Lunch Box Series, a free monthly CLEs with attendance in excess of 20,000 in FY18; and (3) WSBA Connects, a confidential 24/7 member assistance program operated by Kepro, our community partner (see Member Wellness Program cost center narrative for a fuller description of this program). The cost center also includes the revenue for sponsorship and online sales associated with the Legal Lunchbox Series.

Washington State Bar Association
Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

NW LAWYER	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
DISPLAY ADVERTISING	297,500.00	297,500.00	-	0%
SUBSCRIPT/SINGLE ISSUES	350.00	350.00	-	0%
CLASSIFIED ADVERTISING	12,500.00	12,500.00	-	0%
GEN ANNOUNCEMENTS	17,500.00	17,500.00	-	0%
PROF ANNOUNCEMENTS	21,000.00	21,000.00	-	0%
JOB TARGET	112,500.00	112,500.00	-	0%
TOTAL REVENUE:	461,350.00	461,350.00	-	0%
DIRECT EXPENSES:				
GRAPHICS/ARTWORK	3,500.00	3,500.00	-	0%
EDITORIAL ADVIS COMMITTEE EXP	800.00	800.00	-	0%
BAD DEBT EXPENSE	2,000.00	2,000.00	-	0%
POSTAGE	89,000.00	89,000.00	-	0%
PRINTING & COPYING	250,000.00	250,000.00	-	0%
STAFF MEMBERSHIP DUES	135.00	615.00	480.00	356%
DIGITAL/ONLINE DEVELOPMENT	10,200.00	12,000.00	1,800.00	18%
TOTAL DIRECT EXPENSES:	355,635.00	357,915.00	2,280.00	1%
INDIRECT EXPENSES:				
FTE	2.25	2.55	0.30	13%
SALARY EXPENSE	177,211.00	206,395.00	29,184.00	16%
BENEFIT EXPENSE	70,006.00	79,825.00	9,819.00	14%
OVERHEAD	55,601.00	73,359.00	17,758.00	32%
TOTAL INDIRECT EXPENSES:	302,818.00	359,579.00	56,761.00	19%
TOTAL ALL EXPENSES:	658,453.00	717,494.00	59,041.00	9%
NET INCOME (LOSS):	(197,103.00)	(256,144.00)	(59,041.00)	

NWLawyer is the official publication of WSBA and serves as the primary method of print communication that is received by all WSBA members and is available to inactive and emeritus members on request. A digital online version is also available. The Editorial Advisory Committee provides oversight and guidance as needed. Authors are volunteers and are not paid for their contributions. Editing and production of NWLawyer is administered by the staff in the Communications and Outreach Department. NWLawyer revenues come from sales of advertisements (display ads, classified ads, professional ads, and announcements) and subscriptions (to nonmembers). Expenses include outside advertising sales management, printing, mailing services, postage, and some artwork. All design and layout, as well as much of the photography and artwork, are performed in-house. The overall increase in indirect costs reflects staff time devoted to bringing on a new, full-time editor. After vetting several options, WSBA entered into a contract with a professional advertising management company (SagaCity Media) in January 2018 for the express purpose of increasing ad sales revenue. The production team is working with SagaCity to set ad targets and diversify the types of ads included in the magazine to begin to make the magazine more cost-neutral. We have also contracted (as of June 2019) for an upgraded platform for the digital version of the magazine that will allow for additional online ads, producing an additional revenue stream.

**Washington State Bar Association
Budget Comparison Report**

For the Period from October 1, 2019 to September 30, 2020

OFFICE OF THE EXECUTIVE DIRECTOR	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	-	-	-	
DIRECT EXPENSES:				
ED TRAVEL & OUTREACH	-	5,000.00	5,000.00	
LAW LIBRARY	-	279.00	279.00	
STAFF TRAVEL/PARKING	-	5,400.00	5,400.00	
STAFF MEMBERSHIP DUES	-	1,700.00	1,700.00	
TELEPHONE	-	1,000.00	1,000.00	
TOTAL DIRECT EXPENSES:	-	13,379.00	13,379.00	
INDIRECT EXPENSES:				
FTE	-	1.45	1.45	
SALARY EXPENSE	-	247,104.00	247,104.00	
BENEFIT EXPENSE	-	71,244.00	71,244.00	
OVERHEAD	-	41,714.00	41,714.00	
TOTAL INDIRECT EXPENSES:	-	360,062.00	360,062.00	
TOTAL ALL EXPENSES:	-	373,441.00	373,441.00	
NET INCOME (LOSS):	-	(373,441.00)	(373,441.00)	

This cost center supports the Office of the Executive Director. The budget includes funding travel and outreach as well as other related expenses.

**Washington State Bar Association
Budget Comparison Report**

For the Period from October 1, 2019 to September 30, 2020

OFFICE OF GENERAL COUNSEL	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	-	-	-	
DIRECT EXPENSES:				
LITIGATION EXPENSES	-	500.00	500.00	
ONLINE LEGAL RESEARCH	-	11,025.00	11,025.00	
LAW LIBRARY	-	1,673.00	1,673.00	
COURT RULES COMMITTEE	2,000.00	3,000.00	1,000.00	50%
DISCIPLINE ADVISORY ROUNDTABLE	500.00	500.00	-	0%
CUSTODIANSHIP	2,500.00	2,500.00	-	0%
DEPRECIATION	3,336.00	3,336.00	-	0%
STAFF TRAVEL/PARKING	3,240.00	300.00	(2,940.00)	-91%
STAFF MEMBERSHIP DUES	1,500.00	1,500.00	-	0%
TOTAL DIRECT EXPENSES:	13,076.00	24,334.00	11,258.00	86%
INDIRECT EXPENSES:				
FTE	5.75	5.82	0.07	1%
SALARY EXPENSE	588,978.00	600,907.00	11,929.00	2%
BENEFIT EXPENSE	197,610.00	198,401.00	791.00	0%
OVERHEAD	142,092.00	167,431.00	25,339.00	18%
TOTAL INDIRECT EXPENSES:	928,680.00	966,739.00	38,059.00	4%
TOTAL ALL EXPENSES:	941,756.00	991,073.00	49,317.00	5%
NET INCOME (LOSS):	(941,756.00)	(991,073.00)	(49,317.00)	

The Office of General Counsel serves as counsel to WSBA and the Board of Governors. This office handles or oversees all litigation against WSBA, interpretations and changes to the WSBA bylaws, and other legal issues. It also handles public records requests, custodianship matters, the Client Protection Fund applications, investigation, and processing, and logistical support for Hearing Officers, Conflicts Review Counsel, and for the outside counsel appointed to represent incapacitated respondents in the lawyer discipline system. Staff in this office also supports various boards, committees, task forces, and workgroups, including the Client Protection Board, the Court Rules Committee, Discipline Selection Panel, and the Discipline Advisory Round Table.

**Washington State Bar Association
Budget Comparison Report**

For the Period from October 1, 2019 to September 30, 2020

OFFICE OF GENERAL COUNSEL DISCIPLINARY BOARD	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	-	-	-	
DIRECT EXPENSES:				
LAW LIBRARY	-	1,116.00	1,116.00	
DISCIPLINARY BOARD EXPENSES	10,000.00	10,000.00	-	0%
CHIEF HEARING OFFICER	33,000.00	33,000.00	-	0%
HEARING OFFICER EXPENSES	3,000.00	3,000.00	-	0%
HEARING OFFICER TRAINING	2,000.00	2,000.00	-	0%
OUTSIDE COUNSEL	55,000.00	55,000.00	-	0%
STAFF MEMBERSHIP DUES	500.00	200.00	(300.00)	-60%
TOTAL DIRECT EXPENSES:	103,500.00	104,316.00	816.00	1%
INDIRECT EXPENSES:				
FTE	1.45	1.55	0.10	7%
SALARY EXPENSE	110,578.00	104,449.00	(6,129.00)	-6%
BENEFIT EXPENSE	40,663.00	40,468.00	(195.00)	0%
OVERHEAD	35,832.00	44,591.00	8,759.00	24%
TOTAL INDIRECT EXPENSES:	187,073.00	189,508.00	2,435.00	1%
TOTAL ALL EXPENSES:	290,573.00	293,824.00	3,251.00	1%
NET INCOME (LOSS):	(290,573.00)	(293,824.00)	(3,251.00)	

The Disciplinary Board reviews stipulations to and hearing officer recommendations for suspension and disbarment, holds public oral arguments, and issues written recommendations to the Supreme Court in disciplinary matters. Four separate Review Committees made up of Disciplinary Board members review disciplinary counsel requests for public hearing, admonition, and interim suspension, and dismissals upon request. One assistant general counsel devotes approximately half of her time to this function, assisted by the Clerk to the Disciplinary Board, who handles a significant number of requests for public discipline information.

**Washington State Bar Association
Budget Comparison Report**

For the Period from October 1, 2019 to September 30, 2020

OUTREACH AND ENGAGEMENT	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	-	-	-	
DIRECT EXPENSES:				
ABA DELEGATES	4,500.00	5,600.00	1,100.00	24%
ANNUAL CHAIR MEETINGS	600.00	600.00	-	0%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	4,500.00	-	0%
BOG ELECTIONS	6,500.00	6,500.00	-	0%
BAR OUTREACH	10,000.00	11,600.00	1,600.00	16%
PROFESSIONALISM	2,000.00	2,000.00	-	0%
STAFF TRAVEL/PARKING	1,400.00	-	(1,400.00)	-100%
STAFF MEMBERSHIP DUES	1,152.00	825.00	(327.00)	-28%
CONFERENCE CALLS	200.00	-	(200.00)	-100%
TOTAL DIRECT EXPENSES:	30,852.00	31,625.00	773.00	3%
INDIRECT EXPENSES:				
FTE	2.73	2.73	-	0%
SALARY EXPENSE	224,397.00	231,494.00	7,097.00	3%
BENEFIT EXPENSE	79,186.00	81,898.00	2,712.00	3%
OVERHEAD	67,463.00	78,537.00	11,074.00	16%
TOTAL INDIRECT EXPENSES:	371,046.00	391,929.00	20,883.00	6%
TOTAL ALL EXPENSES:	401,898.00	423,554.00	21,656.00	5%
NET INCOME (LOSS):	(401,898.00)	(423,554.00)	(21,656.00)	

The Outreach and Engagement Division advances strategic bar initiatives by developing, supporting, and overseeing activities that build relationships with the general public; legal professionals; local, county, and specialty bars; policymakers/influencers, and other stakeholders. Outreach work aims to enhance volunteer recruitment, raise awareness and understanding of WSBA programs and priorities, create a sustainable stakeholder network, and leverage Board and staff as brand ambassadors and champions to influence their networks outside of WSBA.

Washington State Bar Association
Budget Comparison Report
For the Period from October 1, 2019 to September 30, 2020

PRACTICE LAW BOARD	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
DIRECT EXPENSES:				
PRACTICE OF LAW BOARD	16,000.00	16,000.00	-	0%
TOTAL DIRECT EXPENSES:	<u>16,000.00</u>	<u>16,000.00</u>	<u>-</u>	<u>0%</u>
INDIRECT EXPENSES:				
FTE	0.40	0.40	-	0%
SALARY EXPENSE	50,676.00	38,689.00	(11,987.00)	-24%
BENEFIT EXPENSE	13,502.00	13,065.00	(437.00)	-3%
OVERHEAD	9,885.00	11,507.00	1,622.00	16%
TOTAL INDIRECT EXPENSES:	<u>74,063.00</u>	<u>63,261.00</u>	<u>(10,802.00)</u>	<u>-15%</u>
TOTAL ALL EXPENSES:	<u>90,063.00</u>	<u>79,261.00</u>	<u>(10,802.00)</u>	<u>-12%</u>
NET INCOME (LOSS):	<u>(90,063.00)</u>	<u>(79,261.00)</u>	<u>10,802.00</u>	

The Practice of Law Board (POLB) is established by Supreme Court rule and administered by the WSBA to make recommendations to the Supreme Court regarding the practice of law, particularly with regard to the delivery of legal and law related services to the public. The POLB is also charged with educating the public about how to receive competent legal assistance. The POLB reviews allegations of the unauthorized practice of law (UPL) and refers matters for prosecution when appropriate.

**Washington State Bar Association
Budget Comparison Report**

For the Period from October 1, 2019 to September 30, 2020

PROFESSIONAL RESPONSIBILITY PROGRAM	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	-	-	-	
DIRECT EXPENSES:				
LAW LIBRARY	-	279.00	279.00	
CPE COMMITTEE	4,200.00	5,000.00	800.00	19%
STAFF TRAVEL/PARKING	2,000.00	4,000.00	2,000.00	100%
STAFF MEMBERSHIP DUES	500.00	375.00	(125.00)	-25%
TOTAL DIRECT EXPENSES:	6,700.00	9,654.00	2,954.00	44%
INDIRECT EXPENSES:				
FTE	1.65	1.55	(0.10)	-6%
SALARY EXPENSE	160,192.00	159,873.00	(319.00)	0%
BENEFIT EXPENSE	57,904.00	57,053.00	(851.00)	-1%
OVERHEAD	40,774.00	44,591.00	3,817.00	9%
TOTAL INDIRECT EXPENSES:	258,870.00	261,517.00	2,647.00	1%
TOTAL ALL EXPENSES:	265,570.00	271,171.00	5,601.00	2%
NET INCOME (LOSS):	(265,570.00)	(271,171.00)	(5,601.00)	

This program includes the ethics phone line, a resource for members to get answers to ethics questions before they take action; support for the Committee on Professional Ethics; and statewide educational ethics presentations. The Ethics Line provides ethics assistance in around 3,000 member calls a year, and Professional Responsibility Counsel is a frequent local (and occasionally national) speaker, making between 40 and 50 presentations a year on ethical issues of concern to our members. In FY17, WSBA staff completed a revamp of the Ethics Advisory Opinion database and search function to make it easier for people to find current, accurate ethics information on the WSBA website.

Washington State Bar Association Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

PUBLIC SERVICE PROGRAMS	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
DONATIONS	110,000.00	125,000.00	15,000.00	14%
PSP PRODUCT SALES	2,000.00	1,000.00	(1,000.00)	-50%
WORK STUDY GRANTS	-	2,100.00	2,100.00	
TOTAL REVENUE:	<u>112,000.00</u>	<u>128,100.00</u>	<u>16,100.00</u>	<u>14%</u>
DIRECT EXPENSES:				
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	2,000.00	-	0%
PUBLIC SERVICE EVENTS AND PROJECTS	20,500.00	25,000.00	4,500.00	22%
DONATIONS/SPONSORSHIPS	207,915.00	221,777.00	13,862.00	7%
STAFF TRAVEL/PARKING	2,000.00	2,000.00	-	0%
TOTAL DIRECT EXPENSES:	<u>232,415.00</u>	<u>250,777.00</u>	<u>18,362.00</u>	<u>8%</u>
INDIRECT EXPENSES:				
FTE	1.03	1.54	0.51	50%
SALARY EXPENSE	87,057.00	117,048.00	29,991.00	34%
BENEFIT EXPENSE	29,994.00	42,502.00	12,508.00	42%
OVERHEAD	25,453.00	44,303.00	18,850.00	74%
TOTAL INDIRECT EXPENSES:	<u>142,504.00</u>	<u>203,853.00</u>	<u>61,349.00</u>	<u>43%</u>
TOTAL ALL EXPENSES:	<u>374,919.00</u>	<u>454,630.00</u>	<u>79,711.00</u>	<u>21%</u>
NET INCOME (LOSS):	<u>(262,919.00)</u>	<u>(326,530.00)</u>	<u>(63,611.00)</u>	

Public Service Programs includes staffing and support for the WSBA Moderate Means Program, Call to Duty, the Powerful Communities Project, the Pro Bono and Public Service Committee, and other activities to promote pro bono and public service through WSBA and with our community partners. Much of this support is provided in the form of grant funding to the partners through the Powerful Communities Project and the Moderate Means Program. There is a small increase for the Moderate Means Program to cover the expenses associated with bifurcating the previously shared staff attorney position at Seattle University and University of Washington law schools; by having two different part-time people at each school, we will be able to serve more clients and improve the program overall. There is a small increase to redesign the pro bono portal for WSBA members to find pro bono opportunities; the current portal is out of date and needs significant improvements. Public Service Programs will continued to be supported by a grant of \$125,000 from the Washington State Bar Foundation.

Washington State Bar Association
Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

PUBLICATION AND DESIGN SERVICES	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	-	-	-	
DIRECT EXPENSES:				
IMAGE LIBRARY	4,680.00	4,680.00	-	0%
EQUIPMENT, HARDWARE & SOFTWARE	-	330.00	330.00	
STAFF MEMBERSHIP DUES	500.00	-	(500.00)	-100%
SUBSCRIPTIONS	83.00	262.00	179.00	216%
SUPPLIES	-	300.00	300.00	
TOTAL DIRECT EXPENSES:	5,263.00	5,572.00	309.00	6%
INDIRECT EXPENSES:				
FTE	1.22	1.09	(0.13)	-11%
SALARY EXPENSE	80,074.00	75,007.00	(5,067.00)	-6%
BENEFIT EXPENSE	31,380.00	28,805.00	(2,575.00)	-8%
OVERHEAD	30,148.00	31,357.00	1,209.00	4%
TOTAL INDIRECT EXPENSES:	141,602.00	135,169.00	(6,433.00)	-5%
TOTAL ALL EXPENSES:	146,865.00	140,741.00	(6,124.00)	-4%
NET INCOME (LOSS):	(146,865.00)	(140,741.00)	6,124.00	

Publication and Design Services is responsible for: (1) editing and oversight of WSBA publications (including but not limited to Deskbooks, Sections publications, and NWLawyer); (2) graphic design for WSBA projects, programs, events, and CLE marketing; and (3) shared oversight of, and set up of products on, the WSBA online store.

Washington State Bar Association
Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

SECTIONS ADMINISTRATION	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
REIMBURSEMENTS FROM SECTIONS	300,000.00	300,000.00	-	0%
TOTAL REVENUE:	<u>300,000.00</u>	<u>300,000.00</u>	<u>-</u>	<u>0%</u>
DIRECT EXPENSES:				
SECTION/COMMITTEE CHAIR MTGS	1,000.00	1,000.00	-	0%
DUES STATEMENTS	6,000.00	6,000.00	-	0%
STAFF TRAVEL/PARKING	1,200.00	1,200.00	-	0%
STAFF MEMBERSHIP DUES	125.00	125.00	-	0%
SUBSCRIPTIONS	372.00	372.00	-	0%
CONFERENCE CALLS	300.00	300.00	-	0%
MISCELLANEOUS	300.00	300.00	-	0%
TOTAL DIRECT EXPENSES:	<u>9,297.00</u>	<u>9,297.00</u>	<u>-</u>	<u>0%</u>
INDIRECT EXPENSES:				
FTE	4.25	4.24	(0.01)	0%
SALARY EXPENSE	297,955.00	303,468.00	5,513.00	2%
BENEFIT EXPENSE	112,039.00	114,639.00	2,600.00	2%
OVERHEAD	105,024.00	121,905.00	16,881.00	16%
TOTAL INDIRECT EXPENSES:	<u>515,018.00</u>	<u>540,012.00</u>	<u>24,994.00</u>	<u>5%</u>
TOTAL ALL EXPENSES:	<u>524,315.00</u>	<u>549,309.00</u>	<u>24,994.00</u>	<u>5%</u>
NET INCOME (LOSS):	<u>(224,315.00)</u>	<u>(249,309.00)</u>	<u>(24,994.00)</u>	

The WSBA has 29 sections and provides the administrative functions necessary to support them. Direct staff time and expenses related to administering the sections are included in this cost center. This cost center also supports the indirect costs of developing 70 credit hours of 'Mini CLEs' for Sections in FY19. Sections partially reimburse WSBA for the cost of supporting sections through a charge of \$18.75 per member (shown as revenue in this cost center and as an expense on each section's financial statement). Expenses are the costs associated with the preparation and mailing of the annual section dues invoices, the collection of section dues, and staff-related expenses for supporting the sections.

Washington State Bar Association
Budget Comparison Report
For the Period from October 1, 2019 to September 30, 2020

TECHNOLOGY	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	-	-	-	
DIRECT EXPENSES:				
COMPUTER HARDWARE	29,000.00	29,000.00	-	0%
COMPUTER SOFTWARE	29,000.00	29,000.00	-	0%
HARDWARE SERVICE & WARRANTIES	60,000.00	60,000.00	-	0%
SOFTWARE MAINTENANCE & LICENSING	270,000.00	270,000.00	-	0%
TELEPHONE HARDWARE & MAINTENANCE	10,000.00	10,000.00	-	0%
COMPUTER SUPPLIES	15,000.00	15,000.00	-	0%
THIRD PARTY SERVICES	143,000.00	143,000.00	-	0%
CONSULTING SERVICES	85,000.00	85,000.00	-	0%
STAFF TRAVEL/PARKING	2,500.00	2,500.00	-	0%
STAFF MEMBERSHIP DUES	110.00	110.00	-	0%
TELEPHONE	24,000.00	24,000.00	-	0%
TRANSFER TO INDIRECT EXPENSES	(667,610.00)	(667,610.00)	-	0%
TOTAL DIRECT EXPENSES:	-	-	-	
INDIRECT EXPENSES:				
FTE	12.10	12.10	-	0%
SALARY EXPENSE	1,059,680.00	1,090,382.00	30,702.00	3%
CAPITAL LABOR	(188,800.00)	(141,000.00)	47,800.00	-25%
BENEFIT EXPENSE	370,332.00	377,371.00	7,039.00	2%
OVERHEAD	299,010.00	348,096.00	49,086.00	16%
TOTAL INDIRECT EXPENSES:	1,540,222.00	1,674,849.00	134,627.00	9%
TOTAL ALL EXPENSES:	1,540,222.00	1,674,849.00	134,627.00	9%
NET INCOME (LOSS):	(1,540,222.00)	(1,674,849.00)	(134,627.00)	

This cost center includes the resources devoted to developing and maintaining WSBA's technology infrastructure and business applications. Expenses reflected here are solely for staffing (salaries, benefits, and overhead). Direct costs are allocated out to all cost centers through "Overhead" in the indirect expense allocation. Direct expenses are for hardware, software, and the ongoing maintenance necessary to support the WSBA's technology needs, data security and management, and disaster recovery work. Falling into these categories are application and database servers, network devices, switches and cabling equipment, workstations (desktops and laptops), printers, fax machines, telecommunications (phone switch and phone sets), and software. Software includes Microsoft Office products as well as other business applications (e.g., membership database, MCLE tracking system, Online Admissions software, Limited Practice Officer software, case management software, website management software, desktop publishing and graphics software, and accounting software).

ATTACHMENT B

**2020 WSBA BUDGET WORKSHEET
CAPITAL BUDGET**

	COST CENTER	UNIT COST	QTY	AMOUNT	USEFUL LIFE (YRS)	ESTIMATED IN SERVICE DATE	ANNUAL DEPRECIATION EXPENSE	BUDGET FY 2020
Capital Software								
GILDA System Replacement (Phase 2- project to finish in FY21)	DISC	144,000	1	144,000	5	Jan-21	28,800	0
Navision Accounting System Upgrade	General Indirects	28,000	1	28,000	5	Apr-20	5,600	2,800
Unassigned capital software needs for FY20	General Indirects	20,000	1	20,000	3	Oct-19	6,667	6,667
		192,000		192,000			41,067	9,467
Capital Labor								
MCLE Enhancements Phase 3 (project to finish in FY21)	MCLE	90,000	1	90,000	3	Nov-20	30,000	0
Online Admissions Program Phase 2	ADMISS	41,000	1	41,000	3	Feb-20	13,667	9,111
Personify Enhancements 2020	General Indirects	10,000	1	10,000	3	Jun-20	3,333	1,111
		141,000		141,000			47,000	10,222
Total				333,000			88,067	19,689
Capital Hardware								
Network Infrastructure Upgrades	General Indirects	20,000	1	20,000	5	Oct-19	4,000	4,000
Unassigned capital hardware needs for FY20	General Indirects	20,000	1	20,000	5	Oct-19	4,000	4,000
Total				40,000			8,000	8,000
Leasehold Improvements								
Leasehold Improvements for Miscellaneous Office Moves	General Indirects	10,000	1	10,000	7	Oct-19	1,379	1,379
Total				10,000			1,379	1,379
GRAND TOTAL				575,000			97,446	29,068

ATTACHMENT C

Washington State Bar Association
Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

CONTINUING LEGAL EDUCATION (CLE)	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SHIPPING & HANDLING	1,000.00	1,000.00	-	0%
SEMINAR REGISTRATIONS	876,000.00	860,000.00	(16,000.00)	-2%
SEMINAR-EXHIB/SPNSR/ETC	41,500.00	29,000.00	(12,500.00)	-30%
COURSEBOOK SALES	11,000.00	9,000.00	(2,000.00)	-18%
MP3 AND VIDEO SALES	950,000.00	925,000.00	(25,000.00)	-3%
TOTAL REVENUE:	1,879,500.00	1,824,000.00	(55,500.00)	-3%
DIRECT EXPENSES:				
COST OF SALES - COURSEBOOKS	1,200.00	200.00	(1,000.00)	-83%
A/V DEVELOP COSTS (RECORDING)	1,500.00	1,500.00	-	0%
ONLINE PRODUCT HOSTING EXPENSES	40,000.00	42,000.00	2,000.00	5%
SHIPPING SUPPLIES	100.00	-	(100.00)	-100%
POSTAGE & DELIVRY-COURSEBOOKS	500.00	500.00	-	0%
COURSEBOOK PRODUCTION	3,000.00	3,000.00	-	0%
POSTAGE - FLIERS/CATALOGS	10,685.00	12,000.00	1,315.00	12%
POSTAGE - MISCELLANEOUS	2,500.00	1,000.00	(1,500.00)	-60%
ACCREDITATION FEES	4,696.00	3,000.00	(1,696.00)	-36%
SEMINAR BROCHURES	20,770.00	21,000.00	230.00	1%
FACILITIES	223,500.00	234,000.00	10,500.00	5%
SPEAKERS & PROGRAM DEVELOP	68,100.00	62,000.00	(6,100.00)	-9%
SPLITS TO SECTIONS- SEMINARS	-	80,000.00	80,000.00	
CLE SEMINAR COMMITTEE	500.00	500.00	-	0%
BAD DEBT EXPENSE	600.00	600.00	-	0%
DEPRECIATION	5,540.00	5,820.00	280.00	5%
STAFF TRAVEL/PARKING	5,675.00	8,000.00	2,325.00	41%
STAFF MEMBERSHIP DUES	1,260.00	1,470.00	210.00	17%
SUPPLIES	3,650.00	2,000.00	(1,650.00)	-45%
TOTAL DIRECT EXPENSES:	393,776.00	478,590.00	84,814.00	22%
INDIRECT EXPENSES:				
FTE	9.72	9.31	(0.41)	-4%
SALARY EXPENSE	656,422.00	643,255.00	(13,167.00)	-2%
BENEFIT EXPENSE	254,178.00	245,839.00	(8,339.00)	-3%
OVERHEAD	240,197.00	267,832.00	27,635.00	12%
TOTAL INDIRECT EXPENSES:	1,150,797.00	1,156,926.00	6,129.00	1%
TOTAL ALL EXPENSES:	1,544,573.00	1,635,516.00	90,943.00	6%
NET INCOME (LOSS):	334,927.00	188,484.00	(146,443.00)	

The CLE cost center includes revenues and costs associated with CLE live seminars and on-demand seminars. Revenues include live seminar registrations, sponsorships, online sales of coursebooks, and sales of on-demand CLE seminars (both video and audio). Consistent with revenues, expenses reflect the cost of production of seminars and products. Revenue for live CLE participation has settled at current levels after a sharp decline in FY17 and FY18 and revenue for recorded products is holding steady at current levels as well. Beginning in FY19 the fiscal policy for sharing CLE revenue with Sections changed. Under the new policy, Sections and WSBA CLE will split live and on-demand seminar revenue after actual direct and indirect costs have been recouped. This policy shift will increase the overall splits to Sections as compared to the former policy which was based on live revenue only. As in FY19, WSBA CLE continues to look for opportunities to decrease direct and indirect costs. In FY17, Deskbooks were included in this cost center; they are now accounted for separately in the Deskbooks cost center.

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

CLE - PRODUCTS	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SHIPPING & HANDLING	1,000.00	1,000.00	-	0%
COURSEBOOK SALES	11,000.00	9,000.00	(2,000.00)	-18%
MP3 AND VIDEO SALES	950,000.00	925,000.00	(25,000.00)	-3%
TOTAL REVENUE:	962,000.00	935,000.00	(27,000.00)	-3%
DIRECT EXPENSES:				
COST OF SALES - COURSEBOOKS	1,200.00	200.00	(1,000.00)	-83%
A/V DEVELOP COSTS (RECORDING)	1,500.00	1,500.00	-	0%
ONLINE PRODUCT HOSTING EXPENSES	40,000.00	42,000.00	2,000.00	5%
SHIPPING SUPPLIES	100.00	-	(100.00)	-100%
POSTAGE & DELIVERY-COURSEBOOKS	500.00	500.00	-	0%
BAD DEBT EXPENSE	100.00	100.00	-	0%
DEPRECIATION	5,540.00	5,820.00	280.00	5%
STAFF TRAVEL/PARKING	-	2,000.00	2,000.00	
STAFF MEMBERSHIP DUES	410.00	620.00	210.00	51%
TOTAL DIRECT EXPENSES:	49,350.00	52,740.00	3,390.00	7%
INDIRECT EXPENSES:				
FTE	1.63	1.56	(0.07)	-4%
SALARY EXPENSE	98,425.00	103,267.00	4,842.00	5%
BENEFIT EXPENSE	40,026.00	39,532.00	(494.00)	-1%
OVERHEAD	40,280.00	44,878.00	4,598.00	11%
TOTAL INDIRECT EXPENSES:	178,731.00	187,677.00	8,946.00	5%
TOTAL ALL EXPENSES:	228,081.00	240,417.00	12,336.00	5%
NET INCOME (LOSS):	733,919.00	694,583.00	(39,336.00)	

Washington State Bar Association Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

CLE- SEMINARS	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SEMINAR REGISTRATIONS	876,000.00	860,000.00	(16,000.00)	-2%
SEMINAR-EXHIB/SPNSR/ETC	41,500.00	29,000.00	(12,500.00)	-30%
TOTAL REVENUE:	<u>917,500.00</u>	<u>889,000.00</u>	<u>(28,500.00)</u>	<u>-3%</u>
DIRECT EXPENSES:				
COURSEBOOK PRODUCTION	3,000.00	3,000.00	-	0%
POSTAGE - FLIERS/CATALOGS	10,685.00	12,000.00	1,315.00	12%
POSTAGE - MISCELLANEOUS	2,500.00	1,000.00	(1,500.00)	-60%
ACCREDITATION FEES	4,696.00	3,000.00	(1,696.00)	-36%
SEMINAR BROCHURES	20,770.00	21,000.00	230.00	1%
FACILITIES	223,500.00	234,000.00	10,500.00	5%
SPEAKERS & PROGRAM DEVELOP	68,100.00	62,000.00	(6,100.00)	-9%
SPLITS TO SECTIONS- SEMINARS	-	80,000.00	80,000.00	
CLE SEMINAR COMMITTEE	500.00	500.00	-	0%
BAD DEBT EXPENSE	500.00	500.00	-	0%
STAFF TRAVEL/PARKING	5,675.00	6,000.00	325.00	6%
STAFF MEMBERSHIP DUES	850.00	850.00	-	0%
SUPPLIES	3,650.00	2,000.00	(1,650.00)	-45%
TOTAL DIRECT EXPENSES:	<u>344,426.00</u>	<u>425,850.00</u>	<u>81,424.00</u>	<u>24%</u>
INDIRECT EXPENSES:				
FTE	8.09	7.75	(0.34)	-4%
SALARY EXPENSE	557,997.00	539,988.00	(18,009.00)	-3%
BENEFIT EXPENSE	214,152.00	206,307.00	(7,845.00)	-4%
OVERHEAD	199,917.00	222,954.00	23,037.00	12%
TOTAL INDIRECT EXPENSES:	<u>972,066.00</u>	<u>969,249.00</u>	<u>(2,817.00)</u>	<u>0%</u>
TOTAL ALL EXPENSES:	<u>1,316,492.00</u>	<u>1,395,099.00</u>	<u>78,607.00</u>	<u>6%</u>
NET INCOME (LOSS):	<u>(398,992.00)</u>	<u>(506,099.00)</u>	<u>(107,107.00)</u>	

Washington State Bar Association Budget Comparison Report

For the Period from October 1, 2019 to September 30, 2020

DESKBOOKS	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SHIPPING & HANDLING	2,000.00	2,500.00	500.00	25%
DESKBOOK SALES	80,000.00	100,000.00	20,000.00	25%
SECTION PUBLICATION SALES	3,000.00	3,000.00	-	0%
CASEMAKER ROYALTIES	75,000.00	60,000.00	(15,000.00)	-20%
TOTAL REVENUE:	160,000.00	165,500.00	5,500.00	3%
DIRECT EXPENSES:				
COST OF SALES - DESKBOOKS	50,000.00	60,000.00	10,000.00	20%
COST OF SALES - SECTION PUBLICATION	750.00	750.00	-	0%
SPLITS TO SECTIONS	1,000.00	1,000.00	-	0%
DESKBOOK ROYALTIES	1,000.00	1,000.00	-	0%
SHIPPING SUPPLIES	150.00	-	(150.00)	-100%
POSTAGE & DELIVERY-DESKBOOKS	2,000.00	2,500.00	500.00	25%
FLIERS/CATALOGS	3,000.00	3,000.00	-	0%
POSTAGE - FLIERS/CATALOGS	1,500.00	1,500.00	-	0%
COMPLIMENTARY BOOK PROGRAM	2,000.00	2,500.00	500.00	25%
ONLINE LEGAL RESEARCH	-	1,837.50	1,837.50	
BAD DEBT EXPENSE	100.00	100.00	-	0%
RECORDS STORAGE - OFF SITE	7,440.00	8,100.00	660.00	9%
STAFF MEMBERSHIP DUES	250.00	220.00	(30.00)	-12%
SUBSCRIPTIONS	-	150.00	150.00	
MISCELLANEOUS	200.00	-	(200.00)	-100%
TOTAL DIRECT EXPENSES:	69,390.00	82,657.50	13,267.50	19%
INDIRECT EXPENSES:				
FTE	2.05	2.25	0.20	10%
SALARY EXPENSE	117,663.00	148,307.00	30,644.00	26%
BENEFIT EXPENSE	48,981.00	58,004.00	9,023.00	18%
OVERHEAD	50,659.00	64,729.00	14,070.00	28%
TOTAL INDIRECT EXPENSES:	217,303.00	271,040.00	53,737.00	25%
TOTAL ALL EXPENSES:	286,693.00	353,697.50	67,004.50	23%
NET INCOME (LOSS):	(126,693.00)	(188,197.50)	(61,504.50)	

WSBA publishes a library of 18 Deskbook titles in substantive areas of Washington law such as family law and real property, as well as civil procedure and ethics; these Deskbooks are intensively researched and edited authoritative treatises that have been cited in over 250 Washington state and federal appellate court opinions. Included in the CLE cost center in FY17, this cost center includes revenues and expenses related to the development, publication, and sale of WSBA Deskbooks. Deskbook authors and editors are volunteers who are not paid for their contributions. Revenues are received from sales of Deskbooks (in print and online). Expenses include contract services for cite-checking, copyediting, creation of tables of authorities, indexing, and desktop publishing, as well as the costs of printing and binding.

ATTACHMENT D

Washington State Bar Association
Budget Comparison Report
For the Period from October 1, 2019 to September 30, 2020

CLIENT PROTECTION FUND	FISCAL 2019 BUDGET	FISCAL 2020 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
CPF RESTITUTION	3,000.00	3,000.00	-	0%
CPF MEMBER ASSESSMENTS	982,000.00	1,000,000.00	18,000.00	2%
INTEREST REVENUE	7,500.00	20,000.00	12,500.00	167%
TOTAL REVENUE:	<u>992,500.00</u>	<u>1,023,000.00</u>	<u>30,500.00</u>	<u>3%</u>
DIRECT EXPENSES:				
GIFTS TO INJURED CLIENTS	500,000.00	500,000.00	-	0%
CPF BOARD EXPENSES	3,000.00	3,000.00	-	0%
BANK FEES - WELLS FARGO	1,000.00	1,000.00	-	0%
TOTAL DIRECT EXPENSES:	<u>504,000.00</u>	<u>504,000.00</u>	<u>-</u>	<u>0%</u>
INDIRECT EXPENSES:				
FTE	1.25	1.18	(0.07)	-6%
SALARY EXPENSE	97,740.00	79,855.00	(17,885.00)	-18%
BENEFIT EXPENSE	35,581.00	30,884.00	(4,697.00)	-13%
OVERHEAD	30,889.00	33,947.00	3,058.00	10%
TOTAL INDIRECT EXPENSES:	<u>164,210.00</u>	<u>144,686.00</u>	<u>(19,524.00)</u>	<u>-12%</u>
TOTAL ALL EXPENSES:	<u>668,210.00</u>	<u>648,686.00</u>	<u>(19,524.00)</u>	<u>-3%</u>
NET INCOME (LOSS):	<u>324,290.00</u>	<u>374,314.00</u>	<u>50,024.00</u>	

The Washington Supreme Court and WSBA created this legally restricted fund in 1995 to compensate persons who are the victims of the dishonest taking of, or failure to account for, client funds or property by a lawyer. It does not cover malpractice claims or fee disputes.

The CPF is funded exclusively from the mandatory assessment of \$30 on active members, house counsel, and pro hac vice admissions. All payments are discretionary and must be approved by the CPF Board or, in the case of payments over \$25,000, by the Board of Governors, who serves as the trustees of the Fund. The maximum amount that can be awarded on any claim is \$150,000. The Supreme Court approved amendments to the Admission and Practice Rules to change the name from the Lawyers' Fund for Client Protection to the Client Protection Fund, and to provide that the actions of LLLTs will be included within the coverage provided by the CPF, effective September 1, 2017.

ATTACHMENT E

TIMELINE

June 27	• Budget & Audit reviews draft budget
July 27	• BOG reviews draft budget
September 5	• Budget & Audit reviews revised budget
September 26-27	• BOG approves final budget

WASHINGTON STATE BAR ASSOCIATION

Board of Governors

Dan W. Bridges, Treasurer and Governor District 9

July 9, 2019

Hon. Mary Fairhurst
Chief Justice
Washington State Supreme Court
415 – 12th Street West
Olympia, WA 98504

Re : The Cost And Performance Of
The Limited License Legal Technician Program

Dear Chief Fairhurst:

I and past WSBA Treasurers have been remiss by not periodically reporting on the fiscal status of the Limited License Legal Technician program. I suggest it is critical for the Court, the Board of Governors, and the WSBA to not simply consider the program's current status in a vacuum but to evaluate it in the context of the representations made by the program's proponents this Court relied on when creating it. Therefore, this report will both summarize the program's history and report on its fiscal status.

It bears saying I am not against the concept of a LLLT program. As WSBA Treasurer however I suggest it is appropriate to evaluate the program's scope and current administration to determine if it is (1) delivering on its goals, (2) is a good use of mandatory fees, and (3) requires modification, given the answers to (1) and (2). I am writing this to you but rely you will distribute this report to the Court.

I. OVERVIEW

The LLLT program is over \$2 million in debt and continues to go another \$250,000 deeper in debt every year. That is an objective fact not subject to debate. That is what our audited books show.

For \$2 million dollars spent over 7 years, there are only 35 actively licensed LLLTs and of those only 26 are "stand-alone" LLLTs as the program's proponents, and this Court's 2012 order, intended the program to provide.ⁱ

I support the concept of LLLT's as this court originally contemplated.

However, it is my opinion as Treasurer of the Washington State Bar Association, an Officer and Governor on the Board, and a 25 year member of the WSBA that unless material changes are made to the program – both in terms of its scope and administration – the program is doomed to fail. Worse, it exacts an opportunity cost that detracts from our other critical work. The LLLT program as presently constituted is not merely not achieving the program's goal of increasing access to justice, it is a material drag on access to justice by both its direct monetary expense and the enormous time and effort spent that could be directed elsewhere used to



actually achieve that end. Consider what we would have been able to do for access to justice if we spent \$2 million on WLI or simply sponsoring actual lawyers to staff free, family-law clinics over the past 7 years.

II. OBJECTIVE PERFORMANCE METRICS

In 2012, over the Board of Governors' objection, the Supreme Court created a new law license: Limited License Legal Technician (LLLT.) LLLTs' practice as originally proposed and ordered was very limited; they could, independent of a law firm, help fill out pre-approved divorce forms. Acknowledging the Board's and others' concerns, the Court implicitly acknowledged it was an experiment that may not work.ⁱⁱ

The Court ordered the program must be "self-sustaining" and "the ongoing cost of (it) will be borne by the (LLLTs) themselves."ⁱⁱⁱ That was important so (1) this was not yet another unfunded mandate that is in truth a broader societal issue but borne only by lawyers, and (2) it was not a drain on other critical programing.

The program promised it would be self-sufficient in 5 years. It is not.

As noted in the overview, 7 years later the program is over \$2 million in debt and goes \$250,000 further in debt each year.

To date the program has only 35 active LLLTs.

It has licensed 41. 4 have let their licenses go "inactive," 1 reports as "not practicing," and 1 is already suspended. However, it is speculation to assume the 35 with active licenses are practicing as LLLTs. Of those 35 active licenses, 2 list their offices as mail drops and a handful have no office, listing their home as their practice.^{iv} That is within the Rules but I suggest should not be ignored.

Also, saying there are 35 active LLLTs misses the point because of those, 9 are employed by firms.

The program's stated intention was to have LLLTs practice independently from law firms to provide service at a lower cost. That is the assumption the entire program is based on. The public and profession did not need LLLTs employed by law firms to facilitate non-lawyers, already working with a lawyer, to help select and fill out family law forms. They had already been doing that for years.

Instead, the point of the program was to detach that work from law firms to avoid the need for any attorney associated with it or billing at all. That was the mechanism the program said would allow those form driven services to be provided, unmoored from traditional law firms, to provide a large and ready pool of legal assistance to low-income citizens.

In reliance of that promise, this Court said it intended LLLTs be "stand-alone" practitioners or that they would "join non-profit organizations that provide social services with a family law component, e.g. domestic violence shelters; pro bono programs; specialized legal aid programs..."^v

Despite that, there is not a single LLLT employed by a "non-profit" or "social service" organization and of our 35 LLLTs, only 26 are "stand-alone" practioners.

Thus in terms of determining whether the program has met its stated goals 7 years later, I suggest the facts are objective and not subject to reasonable dispute: the program has not met a single stated goal. \$2 million in debt and rising \$250,000 each year is far from “self-sustaining.” And, only minting 26 “stand-alone” LLLTs, none of which are employed by a “non-profit” or “social service” organization, is not what the program said it would deliver.

III. THE PROGRAM IS NOT FUNCTIONING AS IT PROMISED THE COURT IN 2012

When the program was approved concerns were raised. I will not address the objection made by some, that LLLTs pose an unreasonable and subsidized competition against lawyers. Both personally and within my capacity as Treasurer, I find that argument wholly without merit or weight. It is not worthy of credence and I give it none. Saying that, I do not intend to impugn attorneys who made the argument who no doubt were expressing their sincerely held opinions. However, I want to particularly underscore that concern does not influence my analysis in any degree.

However, other concerns were raised over (1) non-lawyers practicing law even in a “limited” manner requiring them to identify nuances and risks lawyers with a J.D. occasionally miss, and (2) non-lawyers ever functioning as lawyers representing clients in court. Both concerns were founded in part on the fact the program does not even require a junior college degree to practice.^{vi} Provided a candidate has a paralegal certificate^{vii} and meets the other requirements they are granted a license. In 2023 an AA is required. Albeit even as to that, I rely I need not identify the differences between an AA and a JD.^{viii}

It appears the court in 2012 acknowledged those concerns were well founded, acknowledging LLLTs, “no matter how well trained within a discrete subject matter, will not have the breadth of substantive legal knowledge or requisite practice skills to apply professional judgment in a manner that can be consistently counted upon” in situations other than the exception drawn, which was largely limited to selecting and filling out pre-approved forms.^{ix}

To address that concern, proponents and the Court said LLLTs would not represent clients in court and strictly limited their scope of practice.

Despite promising LLLTs would not represent clients in court to gain approval, the program recently asked to do so; by a 5 to 4 vote the Court approved it May 2019. LLLTs may now “accompany and confer” with clients at depositions and court and “respond... to direct questions from the court.” APR 28(B)(2).

While I appreciate the APR also says LLLTs cannot “represent a client in court proceedings,” as a lawyer with substantial court experience I have difficulty reconciling that with allowing LLLTs to respond to “direct questions” from a Court. I suggest that is the *raison d’être* of being a lawyer. With the greatest of respect to this Court, as a practitioner I am left to ask myself whether I am “representing a client in court proceedings” when I “respond... to direct question from the Court.” I have always believed I am.

A second concern was cost. It is understood any program will have a ramp up period and I do not suggest a program is a failure if it runs a light deficit. We do great good by spending on some programs. However,

Hon. Mary Fairhurst
July 9, 2019
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here proponents promised the program would be self-sufficient from LLLT fees in five years. The Supreme Court relied on that to create the program, as cited above, ordering the program must be “self-sustaining” and “the ongoing cost of (it) will be borne by the (LLLTs) themselves.”

It would require approximately 1,250 LLLTs for the program to be “self-sustaining,” ignoring it will cost more to administer the program if we have more, e.g., assuming we can administer 1,250 for the same cost that we currently administer 35 for - which we cannot. But even making that assumption, it will require 100 years for the program to be cost neutral. And more critically, that ignores the millions spent to get it there in the meantime. I submit the program cannot claim to be “self-sustaining” or that the cost of it is being “borne by the LLLTs themselves” if it requires even 21 years and \$6 million to merely start breaking even; much less how long that will take even assuming an exponentially larger growth rate than it currently has.

Finally, I submit LLLTs are not providing low-income services and never will – at least not in any meaningful way. I submit the LLLT program acknowledges it has failed to assist low-income families by pivoting to now argue LLLTs are really for people of “moderate means.” I submit the numbers show even that is not happening.

As noted above, of the 35 licensed, 9 LLLTs work at law firms that already had staff selecting and filling out divorce forms but now can charge for a LLLT. That does not increase the availability of legal services (not to low-income or even moderate income citizens) and WSBA did not spend \$2 million to provide a few firms the ability to bill more.

For the LLLTs who try to provide stand-alone services for less, that is not a sustainable model. As a managing partner of a smallish firm myself, I can say with confidence that overhead drives fees. A law office – whether of a lawyer or LLLT – has to bill enough to keep their doors open. However, landlords, the phone company, etc., charge LLLTs the same as lawyers. The notion LLLTs can charge materially less than lawyers when their operating costs are the same as lawyers, is novel. Proponents of the program have never explained this assumption. Anecdotally, many are charging the same as lawyers in rural areas. That is not increasing service to even moderate means families.

Finally, the program has not been a good guardian of mandatory fees. It has functioned largely without oversight because the Board was told by past WSBA staff at the highest level we (the Board) could not question it as it is a Supreme Court program.

Without Board supervision, last year the LLLT program shifted over \$10,000 in fees the Board of Governors approved for two in-house LLLT business meetings at the WSBA office, to spend on a day and half “retreat” in the summer at Wenatchee. The Board was not consulted nor were we told; not before or even after the fact. That shifting of fees was facilitated by the fact that although the ATJ Board is required to break out in its budget the Board approves, money spent on in-house meetings versus retreats, previous high-level WSBA staff did not require that of the LLLT Board. Thus, it could shift that money without detection.^x

Additionally, the program has demanded that WSBA pay for two “bar exams” a year for LLLTs although we only have a small number sitting for the test at any one time. For each test WSBA must hire an outside

company to “write” a new one. The cost is the same if there is one test taker or 1,000. We spend nearly \$10,000 a test to write it, so 5 people can take it. Those are approximations but they are on the mark.

IV. THE ROAD AHEAD

I will not undertake here to report in any detail on the two failed attempts at expansion in trust and estates and debtor/bankruptcy law other than to identify them as such. However, to the extent it bears on my recommendation on how the program should be administered going forward, it bears saying based on my first hand observations, the program unreasonably minimized and disregarded input by trust and estates practitioners. Many lawyers attended our Board meeting in Spokane three years ago telling the chairperson of the program the pitfalls of having LLLTs practice in that complex area only to be met with derision and accusations they were being motivated by self-interest. This Court rejected the proposed expansion. More recently the program spent substantial time and mandatory WSBA fees planning an expansion into debtor/bankruptcy law giving no weight to the fact the Bankruptcy Court by Rule requires its practitioners to be licensed lawyers. When the program asked for an exception it was rejected; but only after WSBA spent substantial time staffing those meetings and spending member fees to fund the effort.

I am not against LLLTs as originally contemplated. However, I respectfully submit both this Court and WSBA must consider the objective facts. That task is complicated by the unfortunate dynamic that when a legitimate question is raised, the program’s more ardent proponents deflect such questions by calling this an “access to justice” issue as though that is a sufficient justification for the program’s current deficit and lack of performance. Further, given how the program is actually functioning, to date there has been no sufficient explanation as to why this is indeed an access to justice issue. I appreciate that is how the program was originally proposed. However, I have heard no support for that given how it has actually worked out. Not responding to basic and objective questions, and worse, accusing people raising these issues as being opposed to access to justice or worse, against minorities or merely monopolistic (all things I have been accused of) is not well taken and can no longer serve to justify or defend the program.

I do not question the personal motivation of LLLTs. I accept some low-income and moderate income citizens have been helped. However, we must make judgments based on actual data, not be influenced by personality, and evaluate the program as a whole. Anecdotes that a particular LLLT assisted a particular client cannot be the metric of success.

At over \$ 2 million after 7 years, providing only 26 “stand-alone” LLLTs, the program has not delivered on its promises. Saying that is not intended to be pejorative although those associated with the program will take it as such. It is simply an objective conclusion based on the objective facts.

I rhetorically ask: if the program told this Court in 2012 that after 7 years it would have only 26 “stand-alone” LLLTs for over \$2 million and would continue to need an additional \$250,000 each year while growing only 3 or 5 a year, would this Court have approved it.

If the answer is no, I respectfully say to you: you may not have known that in 2012, but you know it now. And knowing it now, I submit we must mutually determine what needs to be done.

Hon. Mary Fairhurst
July 9, 2019
Page 6

Worse, I fear the program is becoming a systemic perpetuation of gender bias. To date, all LLLTs are women. We should be enabling the path of women to law school, not diverting them to a program that has a dubious future.

As your Treasurer, I report the LLLT program as presently constituted is not viable and never will be. The economic forces compelling attorneys to charge what they charge, (what the program identifies as the barrier to access to justice), is the same for LLLTs as it is for lawyers. Rent is rent. Worse, this is an enormous opportunity cost of \$2 million to date and \$250,000 more yearly.

It is notable Justice Gonzales signed the 2012 order creating the program but recognized in dissent to the May 2019 expansion: “without any evidence of success,” the program continues to seek expansion and is of doubtful “financial sustainability” for either WSBA or “LLLTs themselves.”^{xi} As he also noted, the program never provided an actual plan for success regarding costs and still has not.

I assume current LLLTs are here to stay. However, as your Treasurer I submit it is not responsible to continue spending fees in this manner. Something must fundamentally change. I submit you cannot expect a different result, continuing to do the same thing.

If the program is not eliminated outright, its scope should return to its original 2012 form and the program folded into the LPO program which is another a license limited to selection and completion of pre-printed forms. It should not be an independent program without direct WSBA oversight as it is now. I accept the good intention of every single person involved with the program. However, I submit history shows the program’s current Board is too close to the issue to be the objective shepherd the program needs.

After 7 years and a quarter of a million dollars deeper in debt every year, what we need is oversight that is dispassionately objective. Having only advocates, and I submit vociferous advocates at that, run the program as they have untethered from WSBA is part of the reason we find ourselves where we are now.

Instead of acknowledging the challenges and shortcoming, the program constantly tries to change the goal line. For example, when it is observed that it is too hard to pass the educational requirements or hours of service requirement, the suggestion is made we should lower both. Yet, it was the program that created those and in reliance of that this Court found they were necessary “safeguards necessary to protect the public” and by necessity imposed “educational requirements (that) are rigorous.”^{xii}

That it is hard to achieve educational and service requirements both the LLLT Board and this Court found were necessarily “rigorous” but required to protect the public is not a reason to lower them. It is a reason to stop and appreciate the delivery of legal representation is not a trifling thing; it requires thousands of hours of education and work. If the program is having difficulty finding candidates, that is reason to give pause and consider whether a limited license to practice law as a concept is even feasible. As an aside, if the requirements necessary to protect the public are too rigorous for any but those 35 to have passed, I submit those 35 likely would have been successful in law school and WSBA and the public would have been further ahead in the provision of low-income services to have mentored and facilitated them to do so.

Hon. Mary Fairhurst
July 9, 2019
Page 7

Folding LLLTs into the LPO program and returning it to its original scope would salvage it. Because truly, that is what the program as contemplated was and should be. Like our LPOs who select and help complete escrow forms, LLLTs were promised and envisioned to help select and fill out family laws forms.

Further, before it is expanded into other substantive areas, it needs to prove it is fiscally viable in the area it is operating in now. Viability is not determined by having a few LLLTs after 7 years. It is proven by demonstrating both their practice, and as profession, it is sustainable in the long term. My impression is the program is seeking expansion for the sake of expansion to justify itself whereas it would do more in terms of actually fulfilling its original promise of low-income representation by facilitating the LLLTs we have in family law now, to success; whether that is as "stand-alone" LLLTs or employees of social or non-profit entities as the Court originally intended.

Albeit, if the program cannot demonstrate that viability soon, I suggest we must recognize that for what it is and act accordingly. This court acknowledged in 2012 the program may not work. Sound bites and bald assertions by the program's proponents that it is working, or that it will in the future while at the same time providing no concrete path to viability, are no response to the objective facts.

If the program cannot demonstrate viability in a time frame determined by the Court, this Court should enter an order accordingly. I urge this Court to set a firm time frame now. That is far more fair to the program than one day simply deciding it is not viable. Further, providing a firm milestone deadline will provide the program something concrete to work toward. Absent that, both the criteria of success and the time frame for meeting it will be perpetually moved as it has for the past 7 years.

For the final time: I am not against having a LLLT program. Further, the Board is not hostile to the program per se. However, the Board's role is to be an objective check-and-balance. My or the Board's raising basic issues of performance should not be viewed as a personal attack. That my (or other Board members) raising these issues however is more often than not viewed as exactly that, says much.

If you have questions, either individually or as a group, I welcome them at any time.

Thank you for your consideration.

Sincerely,

Treasurer and Governor District 9
Washington State Bar Association



Dan'L W. Bridges

cc: WSBA Board of Governors
Ms. Terra Nevitt, acting WSBA Executive Director
Mr. William Picket, President WSBA
Mr. Stephen Crossland, LLLT Board Chairperson

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- i This data is taken from the WSBA licensing web site and was current as of July 7, 2019.
- ii 2012 Order, 25700-A-1005, p. 9 (“There is simply no way to know the answer to this question without trying it.”)
- iii Id. at 11.
- iv This is based on researching every LLLT website and contact available at <https://www.mywsba.org/PersonifyEbusiness/Default.aspx?TabID=1536> and referencing their official address to Google maps. Of those 5, none could be reached by the phone. For 3 it was their home or personal cell. For 1, they advertised some other type of business on their voice announce.
- v Id. at 9.
- vi From APR 28(4)(A): “For the limited time between the date the Board begins to accept applications and December 31, 2023, the LLLT Board shall grant a waiver of the minimum associate-level degree requirement and/or the core curriculum education requirement set forth in APR (3) if an applicant meets the requirements set forth in Regulation 4(B).”
- vii There is no requirement of an AA to obtain a paralegal certificate at a variety of vocational colleges.
- viii To digress, I have heard some proponents of the program say that a ten year legal assistant knows more than a new lawyer and they as a new lawyer were turned loose to practice, knowing little to nothing, without oversight. That ignores the critical distinction that even a law lawyer, as green though they may be, has the benefit of 19 years of schooling, 3 of which were law school, and sat for and passed a 3 day bar exam. It is not a question of worth nor saying lawyers are better than secretaries. Each is human and has their worth. However, I submit it is not entirely intellectual honest for some proponents of the program to fail to acknowledge the educational difference and how that equips even a new lawyer to process and identify issues as well as the vetting and screening that 3 years of law school and passing the bar exam provide to cull through individuals not up to the challenge of the practice of law as a lawyer.
- ix Id. at 6 and 8 (“... (LLLTs will) not be able to represent clients in court...”)
- x I only learned of this shifting of mandatory fees after the fact by someone who attended the conference and related he was disturbed by both the spending and the outwardly stated shift of the program as expressed while away from WSBA’s offices. The LLLT Board openly discussed their goal was to provide “a living” for LLLTs; the notion of providing low-income services was being relegated to an ancillary side effect
- xi 2019 Order, 25700-A-1258.
- xii 2012 Order, p. 10

WASHINGTON STATE BAR ASSOCIATION

Board of Governors

Dan'L W. Bridges, Treasurer and Governor District 9

By email to steve@crosslandlaw.net and US Mail

Mr. Stephen Crossland
Chairperson, LLLT Board
P.O. Box 566
Cashmere, WA 98815-0566

July 10, 2019

Dear Mr. Crossland:

I would be grateful if you, or some person you appoint in your stead on behalf of the LLLT Board, attends the next WSBA Budget and Audit meeting on August 12. We will start at 1:30.

Please consider this both my respectful invitation and formal request as Treasurer that you or some person in your stead attend because we will have on our agenda for that meeting, a detailed discussion of fiscal policies and budgeting going forward as they relate to the LLLT Board.

I acknowledge the status of the LLLT Board as a Supreme Court created Board. To be clear: I have no intention on entertaining discussion at the Budget and Audit meeting of issues that would interfere with the LLLT's Board's duty under APR 28. That is not what our agenda item is about.

APR 28(C)(4) states "the Bar," e.g., the WSBA, "shall provide reasonably necessary administrative support" to the LLLT program. That begs the question of what is "reasonably necessary." APR 28(C)(4) provides no mechanism to determine that.

However, the Board of Governors under GR 12 and the Bar Act is responsible to supervise and ensure the reasonable expenditure of the members' mandatory fees at all levels of the WSBA. There is no exception taking Supreme Court created Boards out of the Board of Governor's jurisdiction in that regard. Therefore it is the Board of Governors, which under our bylaws has delegated more directly to the Budget and Audit Committee by its duty and authority to create and recommend a budget to the Board, that has a role in the determination of what "reasonably necessary" is. That is why I am asking for your assistance: I want to ensure we have the input of the LLLT Board and include it in that process as this will be rolled into our budget for this coming year.

Our committee's involvement in such matters has precedent. The Budget and Audit Committee has been active over the last two years advising and helping set goals for the Legal Foundation, an independent corporate entity, and its spending of WSBA mandatory fees. That involvement has been very helpful; not only for the Board but the Foundation. Over the last two years with more Budget and Audit involvement



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and advice, the Foundation has materially decreased its spending of mandatory WSBA fees while increasing the services rendered.

While I have no authority to speak for the Board of Governors and do not undertake to do so here, I can tell you personally as a Governor and the Treasurer of the Washington State Bar Association I take seriously my duty to the Court to facilitate the activities of all Supreme Court created Boards including the LLLT Board. However, I rely that you as a past President understand as well or better than anyone, the duty of the Board of Governors to oversee the reasonable expenditure of the members' mandatory fees and the role, duty, and authority of the Budget and Audit Committee within that framework.

I greatly look forward to speaking with you or whomever you appoint in your stead. And in that regard, all are welcome. Although I am asking you or someone you appoint to attend, our meetings are public and we look forward to the greatest participation possible. Any and all of the LLLT Board are welcome to attend.

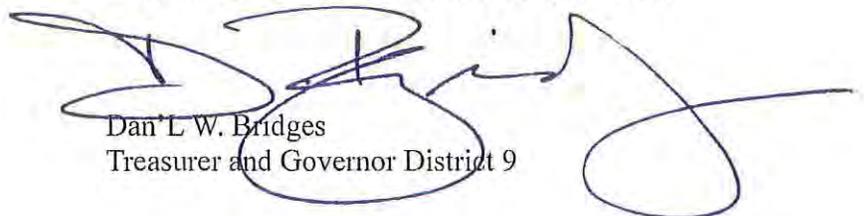
Having the LLLT Board's presence at our Budget and Audit meetings is long overdue. We should have been having these discussions for years to the benefit of both the LLLT Board and the WSBA in general. I look forward to starting this dialogue which I hope and intend to continue over time so we may mutually determine a way, if possible, to put the LLLT program on a firm, financial footing to benefit the program, WSBA, and the public at large.

If you would like to attend by Skype I believe we can arrange that. The meeting is scheduled to go to 4:30. If there is a time between 1:30 and 4:30 that would work better for you please let me know and we will accommodate you.

If you have questions or would like to speak in advance of the meeting I welcome your call.

Sincerely,

WASHINGTON STATE BAR ASSOCIATION



Dan L. W. Bridges
Treasurer and Governor District 9

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors

From: Budget and Audit Committee

Re: **First Reading:** Recommended Revision to Fiscal Policies and Procedures re Cost Centers

Date: June 27, 2019

First Reading: Recommended Revision to Fiscal Policies and Procedures re Cost Centers

The Budget Policies in Chapter 1 of the WSBA Fiscal Policies and Procedures Manual (Manual) are defined as “significant”, which means that any revision must be recommended by the Budget and Audit Committee and approved by the Board of Governors.

In order to increase budget transparency and facilitate the Board of Governors’ direct oversight of WSBA spending, the Budget and Audit Committee recommends the attached revisions to the Budget Policies in Chapter 1 of the Manual. The revisions will ensure that expenses and revenues arising from every program, committee, WSBA Board and Supreme Court Board, including the LLLT and LPO programs, are presented in separate cost centers. Proposed language also identifies how FTE should be allocated to the BOG and Executive Director cost centers.

The redlined, revised, and current versions of the Budget Policies in Chapter 1 of the WSBA Fiscal Policies and Procedures Manual are included as Attachments A, B, and C respectively.

ATTACHMENT A

Recommended Revisions to Fiscal Policies and Procedures re Cost Centers

Budget Policies and Process

Overall Philosophy

The WSBA should prepare an annual budget and establish its budget by function ("cost center") insofar as practical to permit subsequent cost-benefit analysis. The budget should be transparent so it is easy for the Board of Governors and members to see how the WSBA is spending its money.

The budget for each cost center should include its revenues, its direct expenses, and its share of the WSBA's overhead (indirect) expenses. By knowing the total cost of each program or function, the Board can make policy decisions about which programs should be supported by member license fees, which programs should be self-supporting, which programs should generate revenue for other WSBA functions or programs. To that end, all revenues and expenses arising from each program, committee, board (whether of the WSBA or as directed by the Supreme Court), the Limited License Legal Technician (LLLT) license type, and the Limited Practice Officer (LPO) license type shall be reflected in a cost center specific to it *provided however* that standing Board of Governor committees (for example, Budget and Audit Committee and Personnel Committee) shall be budgeted in the Board of Governors cost center. To the extent expenses are shared between cost centers, they shall be allocated in accord with standing practices with the intention of ensuring all costs incurred by unique cost centers are attributed to them. More specifically, that shall include, but is not limited to, all revenues and expenses (direct and indirect) being presented in separate cost centers for: (1) the Board of Governors; (2) the Executive Director; (3) the LLLT program; (4) the LPO program, and (5) all Supreme Court boards and committees

The only allocation of full time employee units to the Board of Governor cost center shall be the direct time of any administrative staff whose primary purpose is to assist the Board. The full cost of the position of Executive Director shall be reflected in that cost center without allocation to any other cost center and shall include an allocation in full time employee units the staff tasked to assist the Executive Director. Both the Board of Governors cost center and Executive Director cost center shall be allocated their pro rata share of enterprise expenses in accord with standing practices. Where those are shared enterprise expenses, they shall be clearly identified as such.

The budget should be a tool to plan for the coming year and help guide decision making. It is both a policy-making tool for the Board of Governors and provides the Board of Governors the ability to provide direct oversight over WSBA Spending. Additionally, it gives employees direction on how and where to spend its resources. In order to be a useful tool, the budget should not be a rigid document that can never be amended – it can and should be amended if necessary. The budget can be amended by the Board of Governors, Budget and Audit Committee or Executive Director via decisions made under the Fiscal Responsibilities Matrix.

WSBA should budget revenues and expenses as accurately as possible. Revenues should be realistic, but not overly conservative. Expenses should be estimated not on remote possibilities, but rather on historical spending patterns and actual planned expenses. There should be some flexibility in the budget to allow for contingencies and necessary adjustments.

Long-range Forecasting and Planning

The Chief Operations Officer may prepare long-range forecasts, prior to the annual budgeting process, to get an indication of the parameters around the upcoming annual budget; and whenever requested by the Board of Governors, usually for planning for license fee increases and as part of the long-range planning process. WSBA should annually update its long-range financial plan to anticipate the needs of a growing Bar, and so that, if increased funds become necessary, the Bar can plan logically and in advance on what additional funding will be required to meet such needs

ATTACHMENT A

Recommended Revisions to Fiscal Policies and Procedures re Cost Centers

Annual Budgeting Time Line/Process

- The budgeting process begins in April for the coming fiscal year (October 1 – September 30). The Chief Operations Officer and Associate Director of Finance request budgets from each Department Director, Section Chair, and liaison to the WSBA's various committees and boards. These individual budgets are compiled and reviewed by the Chief Operations Officer and the Executive Director.
- The Chief Operations Officer and Associate Director of Finance meet with department directors, employees, section leaders, etc. to conduct a thorough review of all budgets and comparison of budget figures to historical and year-to-date fiscal information.
- The Budget and Audit Committee reviews drafts of the entire WSBA budget (general fund, CLE, CPF, and sections) in June, July, and August, and provides guidance where necessary.
- The Board of Governors reviews a preliminary budget in July and approves the final entire WSBA budget at its last meeting of the fiscal year (September).

Capital Budget

A capital budget is prepared each year as part of the annual budget process. The capital budget forecasts capital purchases anticipated in the coming fiscal year that are over \$2,500 and have a useful life over 1 year (the depreciation for which is included in the expense budgets). The Board of Governors reviews a preliminary capital budget in July and approves the final capital budget with the entire WSBA budget at its last meeting of the fiscal year (September).

Cash Flow Budget

From time to time, when necessary, a cash flow budget may be prepared both to anticipate the timing and amount of cash and liquidity needs of the WSBA for the current year and the excess funds available for longer-term investments.

Additional Budget Requests

Department directors, committee/board employee liaisons, or section leaders who anticipate a need for funds in excess of their approved budget should make a request to the Chief Operations Officer, indicating the additional amount requested and the purpose of the additional funds. (Note: Sections are required to obtain approval from the WSBA Treasurer for any unbudgeted expense which totals either 25% or more of the section's annual expense budget or \$1,000 (whichever option is greater) – see Chapter 10 for details.) This request will be handled according to the Fiscal Responsibilities Matrix. If necessary, a request can be taken to the Budget and Audit Committee at its next meeting.

Ongoing Program Review

WSBA should anticipate both new initiatives and planning for potential termination or decreased funding for some older programs, depending on relevance for and needs of WSBA. WSBA should maintain a scheduled program review process for all non-regulatory WSBA programs.

ATTACHMENT B

Recommended Revised Fiscal Policies and Procedures re Cost Centers

Budget Policies and Process

Overall Philosophy

The WSBA should prepare an annual budget and establish its budget by function ("cost center") insofar as practical to permit subsequent cost-benefit analysis. The budget should be transparent so it is easy for the Board of Governors and members to see how the WSBA is spending its money.

The budget for each cost center should include its revenues, its direct expenses, and its share of the WSBA's overhead (indirect) expenses. By knowing the total cost of each program or function, the Board can make policy decisions about which programs should be supported by member license fees, which programs should be self-supporting, which programs should generate revenue for other WSBA functions or programs. To that end, all revenues and expenses arising from each program, committee, board (whether of the WSBA or as directed by the Supreme Court), the Limited License Legal Technician (LLLT) license type, and the Limited Practice Officer (LPO) license type shall be reflected in a cost center specific to it; **provided however**, that standing Board of Governor committees (for example, Budget and Audit Committee and Personnel Committee) shall be budgeted in the Board of Governors cost center. To the extent expenses are shared between cost centers, they shall be allocated in accord with standing practices with the intention of ensuring all costs incurred by unique cost centers are attributed to them. More specifically, that shall include but is not limited to all revenues and expenses (direct and indirect) being presented in separate cost centers for: (1) the Board of Governors; (2) the Executive Director; (3) the LLLT program; (4) the LPO program, and (5) all Supreme Court boards and committees

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The budget should be a tool to plan for the coming year and help guide decision making. It is both a policy-making tool for the Board of Governors and provides the Board of Governors the ability to provide direct oversight over WSBA Spending. Additionally, it gives employees direction on how and where to spend its resources. In order to be a useful tool, the budget should not be a rigid document that can never be amended – it can and should be amended if necessary. The budget can be amended by the Board of Governors, Budget and Audit Committee or Executive Director via decisions made under the Fiscal Responsibilities Matrix.

WSBA should budget revenues and expenses as accurately as possible. Revenues should be realistic, but not overly conservative. Expenses should be estimated not on remote possibilities, but rather on historical spending patterns and actual planned expenses. There should be some flexibility in the budget to allow for contingencies and necessary adjustments.

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ATTACHMENT B

Recommended Revised Fiscal Policies and Procedures re Cost Centers

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Ongoing Program Review

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ATTACHMENT C

Current Fiscal Policies and Procedures re Cost Centers

Budget Policies and Process

Overall Philosophy

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The budget should be a tool to plan for the coming year and help guide decision making. It is a policy-making tool for the Board of Governors, and gives employees direction on how and where to spend its resources. In order to be a useful tool, the budget should not be a rigid document that can never be amended – it can and should be amended if necessary. The budget can be amended by the Board of Governors, Budget and Audit Committee or Executive Director via decisions made under the Fiscal Responsibilities Matrix.

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The budget should be transparent so it is easy for the Board of Governors and members to see how the WSBA is spending its money.

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ATTACHMENT C

Current Fiscal Policies and Procedures re Cost Centers

Capital Budget

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Ongoing Program Review

WSBA should anticipate both new initiatives and planning for potential termination or decreased funding for some older programs, depending on relevance for and needs of WSBA. WSBA should maintain a scheduled program review process for all non-regulatory WSBA programs.

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
From: Budget and Audit Committee
Re: Supplemental Audit Options
Date: June 18, 2019

The Committee met with Mitch Hansen of Clark Nuber on April 25, 2019, to learn more about supplemental audit options. On May 7, Alec Stephens, Dan Clark, PJ Grabicki, Dan Bridges, and Ann Holmes had a follow up conference call with Hansen to examine the options more closely. The attached Scope of Work details those options and associated costs. The table below outlines the time involved in each phase of the audit options.

PHASE I - PLANNING AND OBTAINING BACKGROUND INFORMATION	1-3 weeks
PHASE II – PERFORM TESTING	2-4 weeks
PHASE III - REPORTING	2-3 weeks

Scope of Work and Methodology

Below is our proposed scope of work. This is only the starting point for our discussion to fine tune the procedures to fully meet your needs. These procedures will be modified as needed and agreed to during our planning meeting with you. Our work is divided into three phases: planning and obtaining background information; performing on-site testing; and reporting.

PHASE I - PLANNING AND OBTAINING BACKGROUND INFORMATION

A. Meet with Management and/or Board or Committee Members to:

1. Fine tune proposed scope of work. We will remove non-value added steps or steps not practical to do, change proposed procedures as needed to meet your needs, and add additional steps that we haven't contemplated that you would like performed.
2. Agree on timing of work on-site and delivery of reports.
3. Agree on form and content of final report.
4. Agree on timing and method of periodic updates.
5. Finalize engagement letter for services.

B. Obtain and Review Needed Information

1. Audited and internal financial statements
2. Trial balance for FY 2018.
3. Any prior reports related to WSBA management and accounting personnel.
4. WSBA accounting policies and procedures.
5. WSBA payroll register reports for each pay period from 2018.
6. Listing of WSBA employees with addresses.

C. Interview WSBA Accounting Staff

1. Discuss our understanding of policies and procedures as well as any concerns about inappropriate activity at WSBA.

PHASE II – PERFORM TESTING

A. Payroll Testing

1. For fiscal year 2018, we will:

- a. Obtain the year-end payroll register.
- b. For a sample of 10 staff we will:
 - i. Agree pay rate to authorized rate per personnel file.
 - ii. Re-compute pay, vacation, and deductions.
 - iii. Agree deductions to authorizations in personnel file.
 - iv. Review fringe benefits for reasonableness, compliance with policies, and agreement with personnel file documentation.
 - v. Agree any bonuses to proper authorizations.
 - vi. Summarize amount of vacation time used. If little to no vacation time is used, then discuss with others in the organization the reasonableness of these amounts.
 - vii. Recompute any vacation buyouts for each year and assess for reasonableness.
 - viii. If there are any employee loans, schedule out employee loans per employee and assess compliance with policies and procedures.
- c. Agree payroll per the payroll register to the amounts paid out of the payroll bank account.

B. Expense Report Testing

1. For fiscal year 2018, select 10 expense reports (including COO and Executive Director) for testing. Review expenses for reasonableness, compliance with policies, and proper support.
2. Review the cell phone policy and select a sample of 10 employees to determine if the staff are in compliance with this policy by looking at bills, credit card statements, and other supporting documentation.
3. Determine which WSBA staff have company credit cards.
 - a. Select two statements from fiscal year 2018 per card holder and review each for reasonableness, compliance with policies, and proper supporting documentation.

C. Fraudulent Disbursements Procedures

1. Select one bank statement from fiscal year 2018. Trace each item (checks, deposits, wire transfers) in the statement to supporting documentation (deposit slips, cancelled checks, etc.). For checks, trace payee to general ledger. For wire transfers, verify proper authorization and destination of funds.
2. With our data mining software, we are able to take a computer database, and perform a battery of tests on 100% of the transactions in that database. For example, we recently did this for a large local government, and in four of twelve tests performed on their credit card database, a

person committing fraud rose to the top of our exceptions list. We will use this software to look at the payroll and disbursement databases for fiscal year 2018. If issues are identified, we will then discuss with management how many years further we should look back.

Payroll Database

1. We will use our data mining software as well as other Computer Assisted Auditing Techniques (CAATs) to identify:
 - a. Gross salary by employee and withholdings (this can be further analyzed and compared against expectations and traced to approve pay rates).
 - b. Negative payroll amounts. This could indicate credits to payroll designed to offset excessive payments to an employee.
 - c. Positive or zero valued deductions. Can indicate manipulation of payroll deductions.
 - d. Number of payroll checks per employee (compare to number of pay periods). The number of checks per employee can identify employees writing additional payroll checks to themselves.
 - e. Total expense reimbursements - amount and count, if processed through payroll. Can identify excessive expense reimbursements.
 - f. Unusual addresses (e.g. out of state addresses or P.O. Boxes).
 - g. Multiple names to one address.
 - h. Bank account duplicates.
 - i. Employees listed in payroll not in the employee listing.
 - j. Duplicate employee listings.
 - k. Invalid social security numbers.
 - l. Employees or employee addresses in the Vendor Master File. Indicates employees set up as a vendor in the disbursement database.
 - m. Vacation time used. Look for employees with no vacation time used.

Credit Card Database

1. We will use our data mining software, as well as other Computer Assisted Auditing Techniques (CAATs) to identify:
 - a. Transactions processed on weekends. This can be an indicator of personal charges.
 - b. The top spenders and vendors used on weekends. This can indicate personal charges.

- c. Peak charge periods and review with management. Peak spending around Christmas or at the end of the budget cycle can be indications of issues.
 - d. Duplicate transactions for the same cardholder for the same amount on the same day. This can indicate charges broken into smaller amounts to avoid certain purchase authorization limits, duplicate purchases for person uses, or double submissions for reimbursement.
 - e. Recurring charges for the same amounts. This could indicate personal bills being charged.
 - f. Transactions with even \$50 and \$100 increments. This can be an indicator of gift cards or certificates being purchased which is a common source of fraud.
 - g. Cardholders that consistently came within \$1,000 of credit limits. Could be an indicator of fraud if someone has a large dollar volume but knows enough to stop before they hit the credit limit.
 - h. Vendors with the highest dollar volume. Do the vendors at the top of the list make sense to management? Could identify fictitious vendors.
 - i. Vendors with the highest transaction volume. Do the vendors at the top of the list make sense to management? Could identify fictitious vendors.
 - j. For Procurement Cards, most frequently and infrequently used Merchant Category Codes (MCC's).
 - k. For Procurement Cards, suspicious MCC's and/or vendors.
2. We will review the results with the **Committee** and agree on which exceptions to follow up on.

Accounts Payable Database

1. We will use our data mining software as well as other Computer Assisted Auditing Techniques (CAATs) to identify:
 - a. Total vendor payments sorted by number of checks and dollar amount. Could be an indicator of a fictitious vendor.
 - b. Checks on weekends. Could be an indicator of fraudulent checks.
 - c. Multiple checks of the same dollar amount to the same vendor. Could indicate checks split into smaller amounts to avoid check authorization limits.
 - d. Gaps in checks. An indicator of missing checks.
 - e. Duplicate checks. A potential indicator of fraudulent checks.

- f. Checks written to cash or blank payee (if a risk is determined, we can query for that risk similar to looking for all checks written to cash). Indicates internal controls needing improvement and possible fraudulent disbursements.
 - g. Matching employee addresses to vendor addresses. Indicates employees that may have also set themselves up as vendors in the accounting system.
 - h. Vendor address is a P.O. Box. Can be an indicator of fictitious vendors.
 - i. Vendor has more than one address. Can be an indicator of a fictitious vendor.
 - j. Matching vendor code from check register to vendor master file. Could indicate alterations to the accounting records.
 - k. Summary of checks to vendors that are written for amounts below dollar threshold, such as a dual signature threshold (this summary will allow you to drill down on the detail). Can indicate split purchases to avoid authorization limits on purchases.
2. We will review the results with the **Committee** and agree on which exceptions to follow up on.

Vendor File Database

1. We will use our data mining software as well as other Computer Assisted Auditing Techniques (CAATs) to identify:
- a. Employees or employee addresses in the Vendor Master File. Indicates employees set up as a vendor in the disbursement database.
 - b. Vendors that have more than one vendor file. Can indicate fictitious vendors.
 - c. Vendors with duplicate, non-standard tax ID's. Can indicate fictitious vendors.
 - d. Multiple vendors to the same address. Can indicate fictitious vendors.
2. We will review the results with **the Committee** and agree on which exceptions to follow up on.

D. Miscellaneous Items to Investigate

1. WSBA Travel for fiscal year 2018:
- a. Obtain a general ledger report showing details for the travel accounts for each year.
 - b. Select all items over **\$5,000**, and any under **\$5,000 that seem strange** for further testing. For each item selected, obtain supporting documentation and review for:
 - i. Reasonableness.
 - ii. Compliance with WSBA policies and procedures.
 - c. Report any areas of vulnerability and recommendations to address.

2. Use of WSBA funds by Board committees for fiscal year 2018:
 - a. Obtain a report showing board and committee expenses for fiscal years 2016-2018.
 - i. Obtain explanations for variances greater than \$25,000 from year to year.
 - b. For the three committees with the highest expenditures, obtain expense detail for fiscal year 2018 and select the 5 largest transactions to trace to supporting documentation and assess reasonableness and compliance with WSBA policies.
 - c. Report any areas of noncompliance or unusual items with any recommendations we might have to avoid issues in the future.

PHASE III - REPORTING

1. At the conclusion of fieldwork, hold a preliminary exit conference to discuss any possible findings and recommendations to ensure there have been no miscommunications or misunderstandings before committing anything to writing.
2. If desired, prepare a draft report with executive summary, background and scope, and findings and recommendations.
3. Present draft report to management and edit as necessary.
4. Prepare final report.
5. Present results to management and/or the Committee.
6. Determine next steps and/or follow up procedures needed, if any, based on our find.

The above is a comprehensive analysis targeting specific areas of concern. Options to consider would be to do all or a portion of these every 3 or 5 years, or do a portion of these each year on a rotational basis.

Fee Proposal and Proposed Project Schedule

We will bill for our services at our standard hourly rates. Our standard hourly rates for consulting and other services are:

Staff Level (Audit and Tax)	Rates
Associates	\$140 - \$190
Seniors	\$185 - \$225
Managers and Senior Managers	\$225 - \$350
Principals and Shareholders	\$350 - \$435

Proposed Options for Services with Associated Fee Estimates

Scope of Services Options	Estimated Cost for Year One
Year one do full scope of work to establish a clean baseline, then every 3-5 years consider repeating full scope or a portion of it.	\$50,000
Year one do data mining on all databases and expense report testing, then based on the results of that testing, consider the need to expand the scope. Repeat these same procedures every 3-5 years.	\$15,000
Year one do data mining on all databases and expense report testing. In 3-5 years alternate and do detailed transaction testing. Rotate back to data mining and expense report testing 3-5 years later, and continue rotation on this cycle.	\$15,000
Annually, do data mining on one database and alternate in cycle.	\$3,000

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: July 15, 2019
RE: BOG Civil Litigation Rules Revision Work Group Charter

ACTION: Approve proposed BOG Civil Litigation Rules Revision Work Group Charter.

Attached please find the proposed Charter for the formation of the BOG Civil Litigation Rules Revision Work Group. At its May 16-17, 2019, meeting, it was the consensus of the Board that a Charter be formulated and brought back to the Board for approval at its July, 26-27, 2019 meeting.



BOARD OF GOVERNORS CIVIL LITIGATION RULES REVISION WORK GROUP

(Adopted by the WSBA Board of Governors (DATE))

Charter Background

In November 2016, following a report from the Escalating Cost of Civil Litigation Task Force, the BOG created the Civil Litigation Rules Drafting Task Force (CLRTF) to review the recommendations of the BOG addressing the ECCL Task Force Report and determine whether amendments to Washington's Civil Rules are needed to implement the BOG's recommendations. In July and September 2018, the CLRTF presented a report to the BOG. The Board tabled action on the proposed rule amendments and created a work group to gather additional input, report back to the Board. Following consideration of the additional stakeholder input, the Board hereby creates this Civil Litigation Rules Revision Work Group to make changes to the proposed rule amendments based on the additional stakeholder input and report back to the Board of Governors. Under WSBA Bylaws Section IX(B)(2), the Board creates and authorizes a BOG Work Group (Work Group) with the specific purposes set forth in this charter.

Work Group Purpose

- Based on the additional stakeholder input received, determine which CLRTF Rule Drafts are recommended for Board approval without changes;
- Based on the additional stakeholder input received, determine which CLRTF Rule Drafts are recommended for changes;
- Modify the current proposed rule drafts based on the new stakeholder input presented to the BOG at the May 2019 Meeting;
- Submit a revised set of draft rules for BOG consideration at its September meeting.

Timeline

The Work Group will meet as soon as possible after the appointment of its members and shall use all due haste in presenting a recommended draft to the Board of Governors with a final version prepared as soon as possible. The Work Group is empowered to set its own meeting schedule with the instruction that its work should result in a draft and ultimately final version as quickly as possible.

Membership

This Work Group will consist of the following members:

- A WSBA member who is a member of the Board of Governors at the time of the creation of this Work Group shall serve as Chair;
- Chairs of the Subcommittees who proposed the original rules will be invited to join the Work Group but the Work Group will not fail for their lack of participation or unavailability: (Initial Case Schedules, chaired by Roger Wynne); (Individual Judicial Assignments and Pretrial Conferences, chaired by Hillary Evans Graber); (Early Discovery Conferences, chaired by Hon. John Ruhl); (Initial Disclosures, chaired by Hon. Rebecca Glasgow); (Cooperation, chaired by Jane Morrow); and (Mediation, chaired by Hon. Averil Rothrock);
- Stakeholders specific to the rules under consideration shall be asked to attend any meeting where the subject matter of those issues is up for discussion.
- Three members who are on the Board of Governors at time of the creation of this Work Group.

In accordance with WSBA Bylaws Section IX(B)(2)(a)-(b), selection of persons to be appointed to the task force and the chair will be made by the President with approval of the Board of Governors.

EXECUTIVE DIRECTOR'S REPORT

July 5, 2019

WSBA Listening Tour

WSBA's annual listening tour kicked off on May 15. Since that time we've held events across the state in Kennewick, Yakima, Kent, Bellevue, Tacoma, Chehalis, Longview, Vancouver, Spokane, Newport, Davenport, Ellensburg, and Wenatchee! Members are not shy about asking questions and providing feedback, and we appreciate the time that members have taken to meet with us. We are still hoping to get out to all regions of the state and additional locations are being scheduled for visits in August and September. It has been rewarding to meet members across Washington, and learn about the challenges attorneys face when helping clients in their communities and what more they want from this organization. As dates are firmed up we will reach out to the Governors in those regions to join us in meeting with members - where they live and work – to hear concerns and answer questions.

Supreme Court Structures Workgroup

Members of the Supreme Court Bar Structure Work Group held what may be their final meeting on July 17. The group was charged with reviewing the structure of the WSBA in light of recent case law with First Amendment and antitrust implications. At the July 17 meeting, the Work Group continued to discuss the information they've received to date and took up a number of motions related to the Work Group's recommendations to the Washington Supreme Court. The Work Group hopes to have its written recommendations in front of the Court for its September en banc and *may* meet once more in August to review the draft report. Over the last few meetings, the work group adopted the following recommendations: keep the current Bar structure and make some tweaks; make no fundamental changes to the six Supreme Court-created Boards; re-examine the 2014 Governance Task Force Report; have the BOG and WSBA staff adopt and execute a thorough *Keller* interpretation when calculating all future *Keller* deductions; and include public members on the BOG. Agendas, materials, notes, and videos are available on the [Work Group's page](#).

Executive Leadership Transitions

WSBA's Chief Operations Officer, Ann Holmes' last day was July 2, 2019. Ann served WSBA with excellence for seven years, overseeing our Finance and Administration and IT teams. As Chief Operations Officer, Ann also led many significant enterprise-wide projects during her tenure, including our disaster recovery team. There is no doubt that Ann leaves very big shoes to fill. At the same time, we are saying goodbye to Tiffany Lynch, our Associate Director of Finance who has accepted a great opportunity at a large non-profit. With these two roles to fill, we are taking the opportunity to restructure leadership of the department. We are currently recruiting for a Chief Financial Officer and will not be filling the Associate Director of Finance role. Once in place, the Chief Financial Officer will help determine what position is needed to ensure the continued smooth functioning of the team. First round interviews began on July 15, 2019.

Recruiting is also underway for a Director of Human Resources. We began first round interviews on July 15, 2019.

Volunteer Engagement

WSBA engages over 1,200 volunteers each year to carry out its mission. Volunteers are engaged in nearly every aspect of the organization, serving as CLE faculty, serving on regulatory boards like Character and Fitness and the Disciplinary Board, leading sections, and serving on WSBA's many committees and Boards, including the Board of Governors. Over the past three years, WSBA's Volunteer Engagement Team has been working to improve and streamline our processes for volunteer recruitment, onboarding, training, and appreciation.

Currently we are working to create a consistent onboarding process and develop orientation materials for all WSBA volunteers, including committee and board members, section leaders, CLE faculty, and many other positions. This onboarding process will include a welcome email to new volunteers, an in-person orientation customized for each volunteer position, and a set of materials and videos that all new volunteers will be asked to review and have the ability to re-review as needed during their term of service. The materials and videos will cover WSBA's mission, history, policies, and procedures related to volunteer activity, including our approach to equity and inclusion. We hope to roll out the videos in time for the new volunteer orientation in October 2019.

Another ongoing effort is "InVEST", a trimesterly gathering for all staff who work with volunteers in any capacity, to provide training, an opportunity to discuss relevant issues, and provide support. The goal of the project is to improve consistency in our volunteer engagement approach and strengthen our relationship with our volunteers. Topics we have covered include best practices in volunteer onboarding, volunteer recruitment, and working through difficult interactions. Our next topic will cover volunteer appreciation and transitions.

Finally, we are working on ways to strengthen WSBA's volunteer recognition efforts. Volunteer members work hard to carry out the WSBA mission, and we want to be sure to properly thank all of them for their service. Among other activities, we are developing a special volunteer section in an upcoming issue of *NWLawyer*.

Much of this work has been driven by the results of our first Volunteer Satisfaction Survey, conducted in the fall of 2017. (You can read an article about that survey in [NW Lawyer, Dec. 2018](#).) This fall we intend to conduct our second Volunteer Satisfaction Survey to help us understand the impact of our work to date and to help us set new goals for FY20.

Understanding the SROI of WSBA Programs & Activities

Several years ago, a member of the Board of Governors asked how we ascertain whether the programs and activities WSBA engages in have an adequate return on investment. It was likely not the first time that question was asked, and it certainly wasn't the last. Measuring the return on an investment for an entity like WSBA, whose mission and goals have little to do with profits and everything to do with having a positive impact for the public and the members of the profession, can be challenging. In the non-profit arena, this is often referred to as a *social* return on investment (SROI). Attached is an impact statement we developed for our free legal research tool, and we are in the process of updating it now

that Fastcase is fully onboard. We are also developing similar statements for many of our member benefit activities, including the Legal Lunchbox, Practice Management Assistance, and our Member Wellness Program. These statements are not intended as promotional tools, but as a candid statement of the costs that go into these activities, and the corresponding value derived from them, monetary and otherwise. The process we have used to develop these statements could be applied across the spectrum of WSBA programming and we hope it will be a valuable tool for the Board and the members.

Justice for All Initiative

The Access to Justice Board, in partnership with the Administrative Office of the Courts and the Supreme Court, is seeking a grant to further our statewide strategic planning through the Justice for All Initiative. This Initiative is a partnership of the National Center for State Courts and the Self-Represented Litigation Network, which aim for 100% meaningful access to courts for self-represented litigants. The grant offers support to engage in comprehensive and integrated strategic action planning. If selected, Washington would use the funding to inventory existing services for unrepresented litigants, identify what services and resources are needed, develop an action plan to identify systematic and collaborative efforts and resources to address unmet needs, and evaluate the planning process. Our request for funding has received the support of many organizations, including the Superior Court Judges' Association, the Office of Civil Legal Aid, JustLead Washington, Seattle Children's Hospital, and the Washington Medical-Legal Partnership, Washington Community Action Partnership, and 24 additional organizations. The National Center for State Courts will announce the awards in August 2019.

Legal Research SROI Dashboard (attached)

Litigation Update (attached)

Court Rules Update (attached)

Summary of WSBA Outreach Visits (attached)

Media Contacts Report (attached)

WSBA Demographics Report (attached)

Quarterly Discipline Report (attached)

Correspondence and Other Informational Items (attached)

Free Legal Research Tools

WSBA MEMBER BENEFITS DASHBOARD

GOAL

Support competency in the practice of law for:

- solo and small firms
- small government offices
- small in-house lawyers

by providing a high-quality legal research tool that would otherwise be a burdensome cost.



INVESTMENT - FY19

COST
\$114k



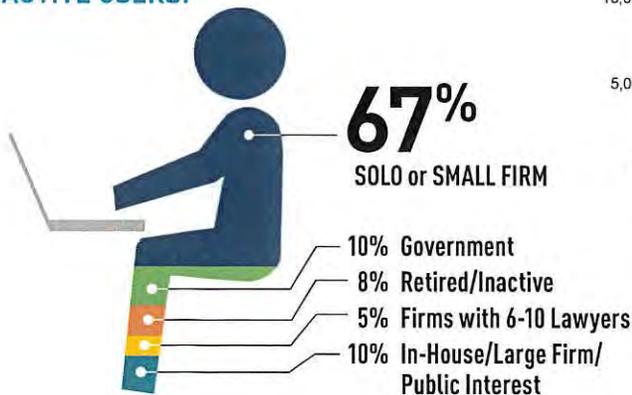
0.8%
OF MEMBER FEES

FTE*
.35

ENGAGEMENT

The legal research tool is an important benefit and is available to all members of the WSBA. This year, we analyzed the program and its effectiveness.

ACTIVE USERS:



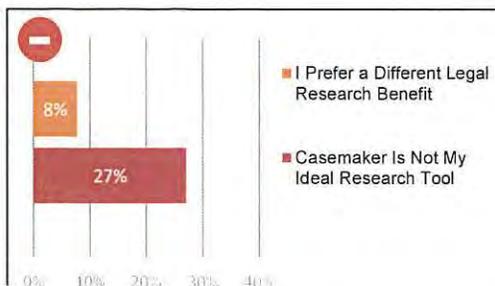
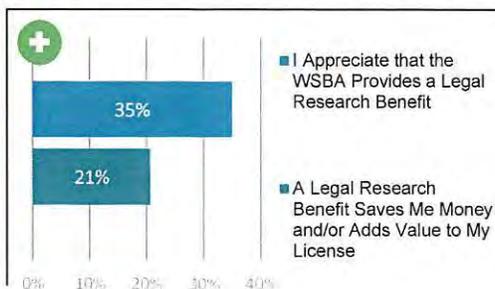
CASEMAKER - WSBA Member Usage



Registration rates are high. We estimate there are 13,567 WSBA members in our target audience, and 13,332 WSBA members have already registered to use Casemaker. However, usage rates are lower—1,875 members use the tool monthly and 5,546 members use the tool annually. This indicates that (1) most users do not use Casemaker every month and (2) some members stop utilizing the tool after registering. We have more work to do to understand the significance of this data.

RESULTS

MEMBERS WHO OFFERED COMMENTS ON CASEMAKER SATISFACTION SURVEY



87%
OF ACTIVE CASEMAKER USERS SATISFIED OR VERY SATISFIED

\$1,698

POTENTIAL SAVINGS PER USER*

*Based on the cost of alternative commercial products.

\$9.4M

POTENTIAL COMBINED ACTIVE USER SAVINGS

"Without Casemaker access through WSBA, I would not be able to practice law at all."

"It levels the playing field. Casemaker does great things for diversity law by opening equal quality access to legal research for all lawyers."

"I would use Casemaker more often but I find it to be non-intuitive and hence difficult to use."

This year we will focus on education and outreach to help members use the tool effectively. Member education will be especially important when Casemaker launches their new platform in 2019. These efforts may increase member use of the tool.

We also intend to introduce regular feedback opportunities through surveys of registered and active users. By aggregating user feedback, we will gain a better understanding of our members' legal research needs.

WASHINGTON STATE BAR ASSOCIATION

*People resources

WASHINGTON STATE BAR ASSOCIATION

Office of General Counsel

To: The President, President-elect, Immediate Past-President, and Board of Governors
 From: Julie Shankland, General Counsel
 Lisa Amatangel, Associate Director, OGC
 Date: July 16, 2019
 Re: Litigation Update

PENDING LITIGATION:

No.	Name	Brief Description	Status
1.	<i>Small v. WSBA</i> , No. 19-2-15762-3 (King Sup. Ct.)	Alleges discrimination and failure to accommodate disability.	WSBA has drafted an answer.
2.	<i>Beauregard v. WSBA</i> , No. 19-2-08028-1 (King Sup. Ct.)	Alleges violations of WSBA Bylaws (Section VII, B "Open Meetings Policy") and Open Public Meetings Act; challenges termination of former ED.	On 05/07/19, WSBA's Motion for Reconsideration of Preliminary Injunction was denied. On 05/10/19, WSBA filed a Notice of Direct Discretionary Review to the Washington Supreme Court, to which plaintiff has no objection. Discovery ongoing.
3.	<i>O'Hagan v. Johnson et al.</i> , No. 18-2-00314-25 (Pacific Sup. Ct.)	Allegations regarding plaintiff's experiences with legal system.	Motion to Dismiss heard on 04/19/19 and taken under advisement.
4.	<i>Hankerson v. WSBA</i> , No. 18-2-57839-6 (King Sup. Ct.)	Seeks further review of the dismissal of his grievance.	WSBA has not been served.
5.	<i>Scannell v. WSBA et al.</i> , No. 18-cv-05654-BHS (W.D. Wash.)	Challenges bar membership, fees, and discipline system in the context of plaintiff's run for the Washington Supreme Court.	On 01/18/19, the court granted WSBA and state defendants' motions to dismiss; plaintiff appealed. Plaintiff's opening brief was due 05/14/19; the Court granted an extension to 07/15/19.
6.	<i>Block v. WSBA et al.</i> , No. 18-cv-00907 (W.D. Wash.) (" <i>Block II</i> ")	See <i>Block I</i> (below).	On 03/21/19, 9th Cir. stayed <i>Block II</i> pending further action by the district court in <i>Block I</i> .
7.	<i>Eugster v. Supreme Court of Washington, et al.</i> , No. 18-2-01360-34 (Thurston Sup. Ct.)	Challenges bar membership, fees, discipline system.	Case remains stayed pending resolution of <i>Eastern District II</i> (below).
8.	<i>Eugster v. WSBA, et al.</i> , No 18201561-2, (Spokane Sup. Ct.)	Challenges dismissal of <i>Spokane County 1</i> (case no. 15-2-04614-9).	Motions to dismiss and for fees fully briefed; awaiting scheduling.



9.	<i>Block v. WSBA, et al.</i> , No. 15-cv-02018-RSM (W.D. Wash.) (" <i>Block I</i> ")	Alleges conspiracy among WSBA and others to deprive plaintiff of law license and retaliate for exercising 1st Amendment rights.	On 02/11/19, 9th Cir. affirmed dismissal of claims against WSBA and individual WSBA defendants; the Court also vacated pre-filing order and remanded this issue to the District Court. On 06/10/19, the District Court entered an order for plaintiff to show cause why the Court should not re-impose the vexatious litigant order; plaintiff has until 08/31/19 to respond.
10.	<i>Caruso v. Washington State Bar Association, et al.</i> , No. 2:17-cv-00003-RSM (W.D. Wash.) (" <i>Caruso</i> ").	Challenges bar membership, fees, and discipline (on behalf of other lawyers).	Dismissed for failure to state a claim; fee award and pre-filing order granted. 9th Cir. affirmed dismissal and fee award, vacated pre-filing order and remanded for entry of narrower order. Revised order entered on 04/29/19.
11.	<i>Eugster v. Littlewood, et al.</i> , No. 2:17-cv-00392-TOR (E.D. Wash.) (" <i>Eastern District II</i> ")	Challenges bar membership, fees discipline system, against WSBA and Washington Supreme Court.	Dismissed based on res judicata and failure to state a claim. Dismissal affirmed; plaintiff filed petition for rehearing on 04/02/19.
12.	<i>Eugster v. Littlewood, et al.</i> , No. 17204631-5 (Spokane Sup. Ct.)	Demand for member information in customized format.	Dismissed (GR 12.4 is exclusive remedy). Merits appeal briefing completed; awaiting disposition. Fee appeal stayed until superior court awards a specific amount of fees. Motion re fee amount heard and taken under advisement.
13.	<i>Eugster v. WSBA, et al.</i> , No. 18200542-1 (Spokane Sup. Ct.)	Alleges defamation and related claims based on briefing in <i>Caruso</i> (above).	Dismissed based on absolute immunity, collateral estoppel, failure to state a claim. Briefing complete on appeal and cross-appeal on fees. Awaiting disposition or oral argument.

WASHINGTON STATE BAR ASSOCIATION

To: The President, President-elect, Immediate Past-President, and Board of Governors
 From: Nicole Gustine, Assistant General Counsel
 Date: July 16, 2019
 Re: Court Rules Update

Please find the following report on the status of suggested court rules submitted by the Board of Governors and other entities to the Supreme Court. Changes from the last report are indicated in **bold, shaded, italicized text.**

SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA AND SUPREME COURT BOARDS ADMINISTERED BY WSBA TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
CrR 1.3, CrR 3.4¹, CrR 4.4, CrRLJ 4.4, CR 30	Proposed 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.	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. 6/6/19: The Court adopted the rules.
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 Mr. Stephen Dowdney recommended the suggested amendment to CrR 3.3 – Time for Trial.	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 submitted no later than April 30, 2019. 5/30/19: The Court declined to adopt the proposed amendment.
LLLT RPCs 1.0B, 1.5, 7.1, 7.2, 7.3, 7.4, and 7.5	The LLLT Board recommended the suggested amendments to LLLT RPC 1.0B – Additional 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	The suggested amendments were submitted to the Court to conform to the lawyer	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.

¹ The Court has not taken action on CrR 3.4.



SUGGESTED RULE AMENDMENTS SUBMITTED BY <u>WSBA AND SUPREME COURT BOARDS ADMINISTERED BY WSBA</u> TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
	Prospective Clients; LLLT RPC 7.4 – Communication of Fields of Practice and Specialization; and LLLT RPC 7.5 – Firm Names and Letterheads.	RPC amendments that were approved by the BOG on 3/8/18.	
RPCs 5.5, 7.1, 7.2, 7.3, 7.4, and 7.5	Proposed 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.	3/8/18: Approved submission to Court.	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.
GR 24	Proposed amendments to GR 24 – Definition of Practice of Law.	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. 4/4/19: The Court entered an order extending the comment period, with comments to be submitted no later than August 30, 2019.



SUGGESTED RULE AMENDMENTS SUBMITTED BY <u>OTHERS</u>		
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. <i>6/6/19: The Court adopted the rule.</i>
GR 7	The Administrative Office of the Courts suggested amendment to GR 7—Local Rules	<i>7/10/19: The Court adopted the rule.</i>
JuCR 7.7, CrRLJ 4.2(G)	The Pattern Forms Committee suggested amendments to JuCR 7.7—Statement of Juvenile on Plea of Guilty; CrRLJ 4.2(g)—Statement of Defendant on Plea of Guilty	<i>7/10/19: The Court adopted the rule.</i>
BJAR Preamble, BJAR 1, BJAR 2, BJAR 3, BJAR 4, BJAR 5	The Board for Judicial Administration, recommended amendments to BJAR Preamble, BJAR 1—Board for Judicial Administration, BJAR 2—Composition, BJAR 3—Operation, BJAR 4—Duties, and New Rule BJAR 5—Staff	<i>7/10/19: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than September 30, 2019.</i>
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 comments to be submitted no later than September 14, 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	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.

² [The Court has not taken an action on GR 38.](#)



SUGGESTED RULE AMENDMENTS SUBMITTED BY <u>OTHERS</u>		
	CrRLJ 4.11 – Recording Witness Interviews.	
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 3.1, CrRLJ 3.1, JuCR 9.3(a), GR 15	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.	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	The Tribal State Court Consortium recommended the suggested amendment to CR 82.5 – Tribal Court Jurisdiction.	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.



Summary of WSBA Outreach Visits
May 6, 2019 to July 10, 2019

1.	5-6-19	Washington Association of Prosecuting Attorneys (WAPA) Wenatchee, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Ethics: RPC 1.6 and 3.7" and "Ethics: RPC 1.2" during two sessions at this annual training for prosecutors.
2.	5-6-19	WSBA Mentorship Mixer Seattle, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar and Legal Community Outreach Specialist Sue Strachan served as table coaches for this luncheon and CLE.
3.	5-15-19	Washington Association of Prosecuting Attorneys (WAPA) Chelan, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "RPCs and Social Media" during a training for WAPA support staff.
4.	5-15-19	Bellingham Technical College Bellingham, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar staffed an Innovative Licensing Information table at this career fair.
5.	5-15-19	Benton-Franklin County Bar Kennewick, WA	WSBA President Bill Pickett, Interim Executive Director Terra Nevitt, and Legal Community Outreach Specialist Sue Strachan hosted this Listening Tour breakfast.
6.	5-15-19	Yakima County Bar Yakima, WA	WSBA President Bill Pickett, Interim Executive Director Terra Nevitt, District 4 Governor Dan Clark, District 10 Governor Chris Meserve, District 1 Governor Rajeev Majumdar, Chief Communications and Outreach Manager Sara Niegowski and Legal Community Specialist Sue Strachan hosted this Listening Tour reception.
7.	5-16-19	Desert Bar Association Hanford, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Ethics for In-House and Government Attorneys" at this monthly bar luncheon and CLE.
8.	5-17-19	Benton-Franklin County Bar Richland, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Ethical Concerns: Social Media and Marketing" at a Federal Civil Trail Practice Seminar.
9.	5-22-19	Newman DuWors LLP Seattle, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Conflicts of Interest" at this law firm CLE.

10.	5-31-19	American Bar Association Vancouver, BC	Doug Ende, Director of the Office of Disciplinary Counsel, presented "Mandatory Professional Responsibility Insurance: Remedy or Catastrophe" to the ABA National Conference on Professional Responsibility.
11.	6-4-19	Wayfind Seattle, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "The Ethics of Pro Bono and Moderate Means Client Representation" to this group of non-profit volunteer attorneys.
12.	6-5-19	Dennemeyer & Co Seattle, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Ethical Considerations for the In-House Counsel" at this law firm CLE.
13.	6-5-19	South King County Bar Kent, WA	WSBA President Bill Pickett, Interim Executive Director Terra Nevitt, District 8 Governor Kim Hunter and Legal Community Outreach Specialist Sue Strachan hosted this Listening Tour luncheon.
14.	6-5-19	East King County Bar Bellevue, WA	WSBA President Bill Pickett, Interim Executive Director Terra Nevitt, incoming District 9 Governor Bryn Peterson and Legal Community Outreach Specialist Sue Strachan hosted this Listening Tour reception.
15.	6-6-19	Tacoma-Pierce County Bar Tacoma, WA	WSBA President Bill Pickett, Interim Executive Director Terra Nevitt, District 6 Governor Brian Tollefson, At-Large Governor Russell Knight and Legal Community Outreach Specialist Sue Strachan hosted this Listening Tour breakfast.
16.	6-6-19	Lewis County Bar Chehalis, WA	WSBA President Bill Pickett, Interim Executive Director Terra Nevitt, District 3 Governor Kyle Sciuchetti and Legal Community Outreach Specialist Sue Strachan hosted this Listening Tour luncheon.
17.	6-6-19	Cowlitz-Wahkiakum County Bar Longview, WA	WSBA President Bill Pickett, Interim Executive Director Terra Nevitt, District 3 Governor Kyle Sciuchetti and Legal Community Outreach Specialist Sue Strachan hosted this Listening Tour reception.
18.	6-7-19	Clark County Bar Vancouver, WA	WSBA President Bill Pickett, Interim Executive Director Terra Nevitt, District 3 Governor Kyle Sciuchetti and Legal Community Outreach Specialist Sue Strachan hosted this Listening Tour luncheon.
19.	6-14-19 to 6-16-19	Access to Justice Conference Spokane, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar staffed a LLLT Information Table and also hosted a Listening Tour events with WSBA President Bill Pickett and Interim Executive Director Terra Nevitt.
20.	6-17-19	Snohomish County Bar Everett, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Ethics, Professionalism and Civility" at this monthly CLE for Family Law Section members.

21.	6-17-19	Spokane County Bar Spokane, WA	WSBA President Bill Pickett, Interim Executive Director Terra Nevitt, District 5 Governor P.J. Grabicki, incoming At-Large Governor Hunter Abell and Outreach and Legislative Affairs Manager Sanjay Walvekar hosted this Listening Tour breakfast.
22.	6-17-19	Pend Oreille County Bar Newport, WA	WSBA President Bill Pickett, Interim Executive Director Terra Nevitt, District 5 Governor P.J. Grabicki, incoming At-Large Governor Hunter Abell and Outreach and Legislative Affairs Manager Sanjay Walvekar hosted this Listening Tour luncheon.
23.	6-17-19	Lincoln County Bar Association Davenport, WA	WSBA President Bill Pickett, Interim Executive Director Terra Nevitt, District 5 Governor P.J. Grabicki, incoming At-Large Governor Hunter Abell and Outreach and Legislative Affairs Manager Sanjay Walvekar hosted this Listening Tour reception.
24.	6-19-19	Kittitas County Bar Ellensburg, WA	WSBA President Bill Pickett, Interim Executive Director Terra Nevitt and Chief Communications and Outreach Manager Sara Niegowski hosted this Listening Tour reception.
25.	6-20-19	Chelan-Douglas County Bar Wenatchee, WA	WSBA President Bill Pickett, Interim Executive Director Terra Nevitt hosted this Listening Tour luncheon.
26.	6-20-19	Washington Association of Prosecuting Attorneys (WAPA) Chelan, WA	Disciplinary Counsel Codee McDaniel presented "Overview of the Discipline System" at this annual conference.
27.	6-20-19	NALS of Greater Seattle Seattle, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Legal Ethics and Social Media" at this monthly luncheon CLE.
28.	6-26-19	University of Washington School of Law Seattle, WA	Disciplinary Counsel II Francesca D'Angelo presented "Overview of the Disciplinary System & How to Respond to a Grievance" to a Professional Responsibility Class.
29.	6-27-19	East King County Bar Association Bellevue, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Social Media & Your Law Practice" at this monthly CLE and luncheon.
30.	6-28-19	Clallam County Bar Association Port Angeles, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Conflicts of Interest in a Small Legal Community" at this monthly CLE and luncheon.
30.	7-10-19	University of Washington School of Law Seattle, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented the "WSBA Professionalism Presentation to law students in a Professional Responsibility class.

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: Board of Governors

From: Sara Niegowski, Chief Communications and Outreach Officer
Jennifer Olegario, Communication Strategies Manager

Date: July 15, 2019

Re: Summary of Media Contacts, May 1 – July 15, 2019

	Date	Reporter and Media Outlet	Inquiry
1.	5/21	Lyle Moran, Above the Law	Inquired about board action voting down mandatory malpractice insurance. Article published on 5/23.
2.	5/21	GeekWire	Opinion piece by Practice of Law Board member Michael Cherry appeared on GeekWire on May 24.
3.	5/28	MP McQueen, <i>National Law Journal/American Lawyer</i>	Inquired about which Washington state agencies oversee judicial conduct and sexual harassment
4.	5/29	Paula Wissel, KNKX (NPR affiliate)	Requested interview regarding GR 24 and 5/29 stakeholders meeting. Interviewed Practice of Law Board member Doug Walsh for radio and online story.
5.	5/30	Timothy Darragh, A.M. Best News/ <i>Best Week</i> (insurance industry publication)	Requested primer on malpractice insurance and WSBA's position. Sent recording of May Board meeting regarding board vote.
6.	6/14	Jefferson Robbins, iFiber One News Wenatchee	Sought further information regarding interim suspension of Wenatchee lawyer Julie Anderson.
7.	6/20	John Murph, <i>Washington Lawyer</i> (DC Bar publication)	Sought interview with LLLT board member regarding LLLT history, RPCs, new practice areas. LLLT Board chair Steve Crossland conducted the interview on 6/24.
8.	6/28	Andy Binion, <i>Kitsap Sun</i>	Had some questions about terminology in regards to a resignation in lieu of discipline, specifically if WSBA calls it a "legal license" to practice law.

9.	7/1	Asia Fields, <i>Seattle Times</i>	Asking about any complaints filed against Seattle lawyer James Egan and, if so, how that complaint was handled. (Note: no public discipline record.)
10.	7/3	Charles Wallace, freelance financial writer	Wanted text of complaint and associated records in regards to Off the Record (www.geekwire.com/2019/off-record-startup-helps-drivers-fight-tickets-wins-dispute-brought-traffic-attorneys/)

WSBA Member* Demographics Report 7/1/19 8:15:35 AM GMT-07:00

By Years Licensed		By Age		All	Active	By Practice Area		By Languages Spoken	
Under 6	8,592	21 to 30	1,870	1,870	1,791	Administrative-regulator	1,760	Afrikaans	6
6 to 10	5,411	31 to 40	9,197	9,197	8,235	Agricultural	180	Akan /twi	4
11 to 15	5,547	41 to 50	9,769	9,769	8,057	Animal Law	83	Albanian	2
16 to 20	4,651	51 to 60	8,687	8,687	6,851	Anltrust	229	American Sign Language	17
21 to 25	4,107	61 to 70	7,692	7,692	5,813	Appellate	1,247	Amharic	17
26 to 30	3,532	71 to 80	2,510	2,510	1,696	Aviation	132	Arabic	49
31 to 35	2,982	Over 80	579	579	126	Banking	339	Armenian	7
36 to 40	2,458	Total:		40,304	32,569	Bankruptcy	741	Bengali	10
41 and Over	3,024					Business-commercial	3,933	Bosnian	13
Total:	40,304					Cannabis	41	Bulgarian	12
		By Gender				Civil Litigation	871	Burmese	2
		Female			12,331	Civil Rights	800	Cambodian	6
		Male			17,063	Collections	406	Cantonese	99
		Non-Binary			9	Communications	171	Cebuano	5
		Not Listed			12	Constitutional	483	Chamorro	5
		Selected Mult Gender			10	Construction	1,011	Chaozhou/chiu Chow	1
		Transgender			1	Consumer	578	Chin	1
		Two-spirit			1	Contracts	3,236	Croatian	21
		Respondents			29,427	Corporate	2,691	Czech	6
		No Response			10,877	Criminal	2,948	Danish	19
		All Member Types			40,304	Debtor-creditor	722	Dari	4
						Disability	492	Dutch	23
						Dispute Resolution	1,039	Egyptian	2
						Education	397	Farsi/persian	62
						Elder	709	Fijian	1
						Employment	2,203	Finnish	7
						Entertainment	224	French	692
						Environmental	1,007	French Creole	1
						Estate Planning-probate	2,716	Fukienese	3
						Family	2,171	Ga/kwa	2
						Foreclosure	381	German	415
						Forfeiture	80	Greek	31
						General	2,233	Gujarati	14
						Government	2,271	Haitian Creole	2
						Guardianships	681	Hebrew	35
						Health	715	Hindi	90
						Housing	225	Hmong	1
						Human Rights	221	Hungarian	15
						Immigration-naturaliza	754	Ibo	4
						Indian	469	Icelandic	2
						Insurance	1,291	Ilocano	8
						Intellectual Property	1,655	Indonesian	11
						International	690	Italian	153
						Judicial Officer	354	Japanese	204
						Juvenile	663	Javanese	2
						Labor	876	Kannada/canares	4
						Landlord-tenant	961	Kapampangan	1
						Land Use	642	Khmer	1
						Legal Ethics	234	Kongo/kikongo	1
						Legal Research-writing	530	Korean	225
						Legislation	325	Lao	5
						Lgbtq	36	Latvian	6
						Litigation	3,502	Lithuanian	5
						Lobbying	140	Malay	4
						Malpractice	620	Malayalam	8
						Maritime	245	Mandarin	355
						Military	277	Marathi	6
						Municipal	725	Mongolian	2
						Non-profit-tax Exempt	469	Navajo	1
						Not Actively Practicing	1,846	Nepali	4
						Oil-gas-energy	163	Norwegian	35
						Patent-trademark-copyr	918	Not listed	39
						Personal Injury	2,556	Oromo	3
						Privacy And Data Securit	91	Other	1
						Real Property	1,993	Pashto	1
						Real Property-land Use	1,673	Persian	20
						Securities	571	Polish	31
						Sports	117	Portuguese	115
						Subrogation	79	Portuguese Creole	2
						Tax	973	Punjabi	57
						Torts	1,560	Romanian	20
						Traffic Offenses	452	Russian	224
						Workers Compensation	582	Samoan	7
								Serbian	19
								Serbo-croatian	12
								Sign Language	20
								Singhalese	2
								Slovak	2
								Somali	1
								Spanish	1,772
								Spanish Creole	3
								Swahili	4
								Swedish	52
								Tagalog	67
								Taihanese	4
								Taiwanese	20
								Tamil	11
								Telugu	3
								Thai	10
								Tigrinya	3
								Tongan	1
								Turkish	13
								Ukrainian	40
								Urdu	39
								Vietnamese	88
								Yoruba	10
								Yugoslavian	4

* Includes active attorneys, emeritus pro-bono, honorary, inactive attorneys, judicial, limited license legal technician (LLLT), and limited practice officer (LPO).

WSBA Member* Licensing Counts 7/1/19 8:14:00 AM GMT-07:00

Member Type	In WA State	All	By District		By State and Province		By WA County	By Admit Yr		
			All	Active						
Attorney - Active	26,126	32,569			Alabama	27	Adams	15	1940	3
Attorney - Emeritus	102	110			Alaska	197	Asotin	26	1941	1
Attorney - Honorary	371	418	0	3,186	2,355	197	Benton	386	1942	1
Attorney - Inactive	2,430	5,543	1	2,918	2,426	10	Chelan	258	1944	1
Judicial	617	645	2	2,118	1,701	353	Clallam	161	1945	1
LLLT - Active	37	37	3	2,092	1,775	18	Clark	855	1946	2
LLLT - Inactive	4	4	4	1,390	1,175	3	Columbia	6	1947	6
LPO - Active	802	813	5	3,216	2,604	25	Cowlitz	142	1948	7
LPO - Inactive	150	165	6	3,321	2,797	17	Douglas	30	1950	15
	30,639	40,304	7N	5,200	4,440	97	Ferry	15	1951	27
			7S	6,767	5,635	1,751	Franklin	55	1952	26
			8	2,241	1,890	238	Garfield	2	1953	25
			9	4,889	4,134	48	Grant	123	1954	27
			10	2,966	2,487	6	Grays Harbor	114	1955	20
						334	Island	149	1956	40
						243	Jefferson	106	1957	31
						84	King	16,400	1958	38
						15	Kitsap	785	1959	38
						142	Kittitas	91	1961	28
						424	Klickitat	24	1962	35
						159	Lewis	104	1963	32
						35	Lincoln	13	1964	36
						26	Mason	98	1965	55
						28	Okanogan	95	1966	60
						23	Pacific	29	1967	60
						52	Pend Oreille	15	1968	89
						15	Pierce	2,253	1969	101
						114	San Juan	75	1970	102
						84	Skagit	291	1971	108
						70	Skamania	18	1972	174
						92	Snohomish	1,561	1973	265
						6	Spokane	1,886	1974	254
						67	Stevens	53	1975	324
						162	Thurston	1,547	1976	393
						17	Wahkiakum	11	1977	391
						139	Walla Walla	113	1978	435
						10	Whatcom	572	1979	476
						60	Whitman	74	1981	519
						67	Yakima	447	1982	506
						251			1983	542
						75			1984	621
						9			1985	440
						6			1986	683
						1			1987	598
						69			1988	567
						25			1989	606
						15			1990	738
						2,647			1991	735
						76			1992	732
						4			1993	771
						1			1994	796
						14			1995	802
						1			1996	751
						27			1997	840
						7			1998	802
						55			1999	840
						350			2000	848
						183			2001	907
						18			2002	981
						270			2003	1,011
						1			2004	1,030
						30,639			2005	1,054
						1			2006	1,091
						7			2007	1,159
						43			2008	1,074
						21			2009	985
									2010	1,078
									2011	1,055
									2012	1,088
									2013	1,222
									2014	1,345
									2015	1,602
									2016	1,294
									2017	1,374
									2018	1,297
									2019	639

Misc Counts		
All License Types **	40,625	
All WSBA Members	40,304	
Members in Washington	30,639	40,304 33,419
Members in western Washington	25,271	
Members in King County	16,400	
Members in eastern Washington	3,727	
Active Attorneys in western Washington	21,553	
Active Attorneys in King County	14,394	
Active Attorneys in eastern Washington	3,093	
New/Young Lawyers	6,642	
MCLE Reporting Group 1	10,887	
MCLE Reporting Group 2	10,745	
MCLE Reporting Group 3	11,361	
Foreign Law Consultant	19	
House Counsel	292	
Indigent Representative	10	

By Section ***		
Administrative Law Section	239	275
Alternative Dispute Resolution Section	318	355
Animal Law Section	98	102
Antitrust, Consumer Protection and Unfair Business Practice	207	220
Business Law Section	1,263	1,281
Cannabis Law Section	100	65
Civil Rights Law Section	175	167
Construction Law Section	497	509
Corporate Counsel Section	1,094	1,112
Creditor Debtor Rights Section	469	501
Criminal Law Section	399	437
Elder Law Section	623	651
Environmental and Land Use Law Section	791	794
Family Law Section	1,023	1,142
Health Law Section	383	384
Indian Law Section	329	315
Intellectual Property Section	875	895
International Practice Section	228	240
Juvenile Law Section	160	185
Labor and Employment Law Section	997	1,000
Legal Assistance to Military Personnel Section	77	92
Lesbian, Gay, Bisexual, Transgender (LGBT) Law Section	104	109
Litigation Section	1,021	1,052
Low Bono Section	77	101
Real Property Probate and Trust Section	2,277	2,355
Senior Lawyers Section	240	251
Solo and Small Practice Section	876	983
Taxation Section	627	659
World Peace Through Law Section	109	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.

MEMO

To: Terra Nevitt, WSBA Interim Executive Director
From: Douglas J. Ende, WSBA Chief Disciplinary Counsel & Director of the Office of Disciplinary Counsel
Date: July 15, 2019
Re: Quarterly Discipline Report, 2nd Quarter (April – June 2019)

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 employees in 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. The report graphically depicts key discipline-system indicators for 2nd Quarter 2019. Note that all numbers and statistics herein are considered tentative/approximate. Final figures will be issued in the 2019 Discipline System Annual Report.

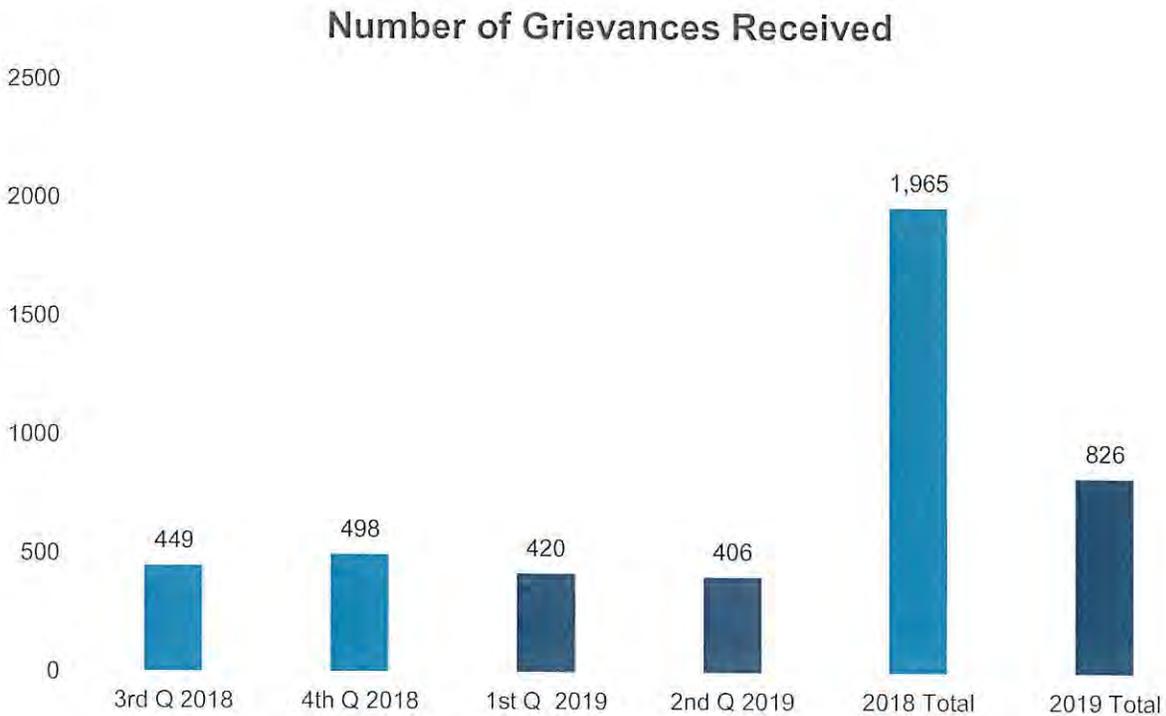
B. Recent Supreme Court Opinions & Other Accomplishments

- Since 2014, Rule 5.1(e) of the Washington Supreme Court’s Rules for Enforcement of Lawyer Conduct (ELC) has authorized either ODC or a lawyer who has been the subject of a grievance to file a motion with the Chair of the Disciplinary Board to declare a grievant vexatious. A vexatious grievant is "a person or entity who has engaged in a frivolous or harassing course of conduct that so departs from a reasonable standard of conduct as to render the grievant’s conduct abusive to the disciplinary system or participants in the disciplinary system." ELC 5.1(e)(1). A vexatious grievant order may restrain a person from filing grievances or pursuing other rights under the ELC. Although ODC initiates few such proceedings, it does so when an individual’s conduct is materially interfering with the orderly administration of the lawyer discipline system.

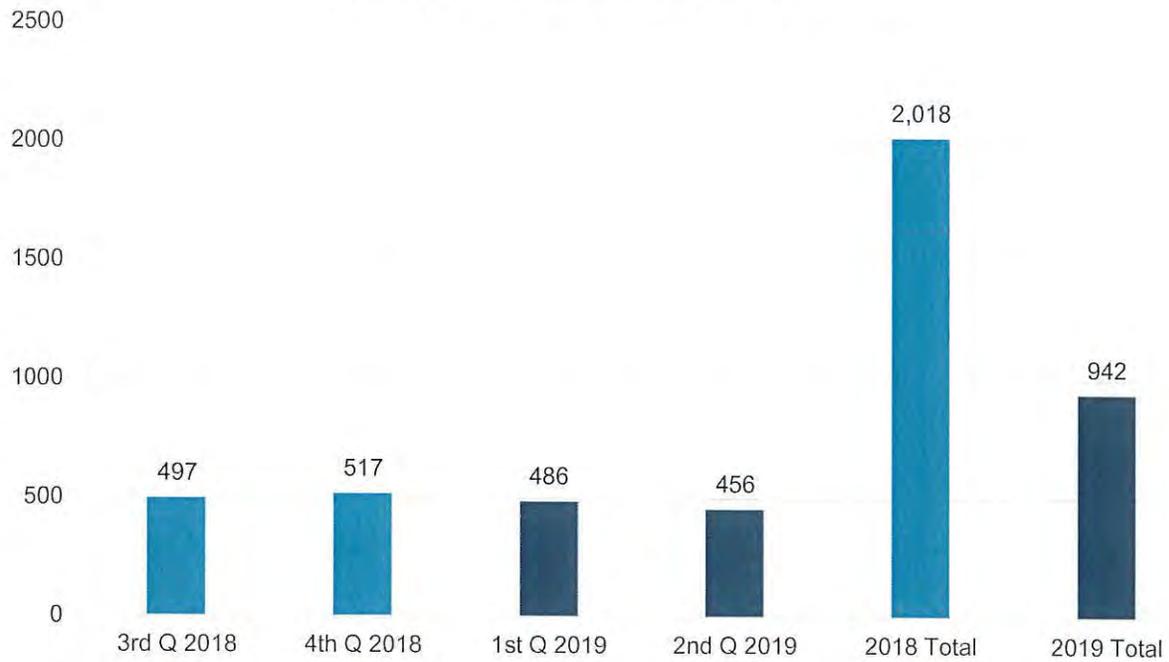
Between June 2017 and September 2018, Jeffrey Howerton of California filed 34 grievances against Washington lawyers, with 33 filed between March 2018 and September 2018. All appeared to be against lawyers who had never represented or had any connection to Howerton. The lawyers included current or former general counsel at large companies; federal, state, and local government lawyers; and elected officials. All basically alleged that the named lawyer was believed to be involved or conspiring with various persons or groups who are harassing Howerton online and attempting to steal

his intellectual property. ODC (and in one file a Special Disciplinary Counsel) dismissed these grievances and, in nearly all, Howerton requested review of the dismissal. In all of Howerton’s requests for review, a Review Committee affirmed the dismissal. Because of that number of meritless grievances, and because it appeared that Howerton would continue to file more, ODC on September 13, 2018, filed a vexatious grievant motion against Howerton. After the motion was filed, Howerton filed 76 more grievances in September and October 2018. On November 2, 2018, the Vice Chair of the Disciplinary Board entered orders declaring Howerton a vexatious grievant and prohibiting him from filing further grievances. The orders also provided that the Association need not process or take action on any pending grievance. In November 2018, December 2018, and January 2019, Howerton sought to petition the Washington Supreme Court for discretionary review of those orders and moved to waive the filing fee. In March 2019 and April 2019, the Court denied Howerton’s motion to waive the filing fee and dismissed his case when he did not pay the filing fee by the Court’s deadline. In June 2019, the Court denied Howerton’s additional motions seeking modification and reconsideration and advised Howerton that the case is now closed and any future filings will be placed in the closed file without action or acknowledgment.

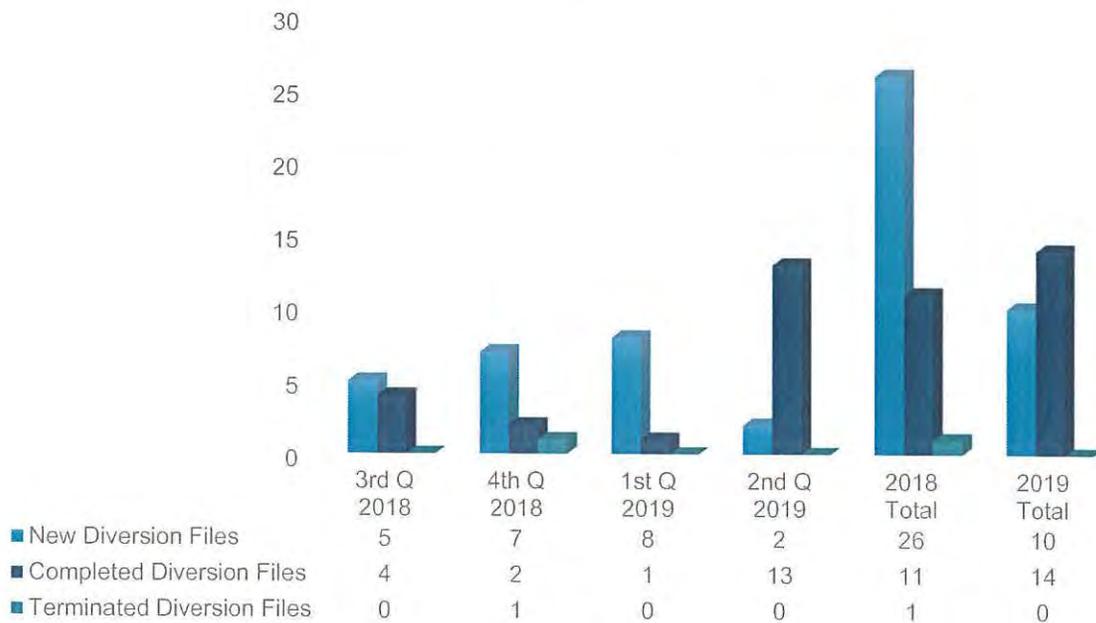
C. Grievances and Dispositions



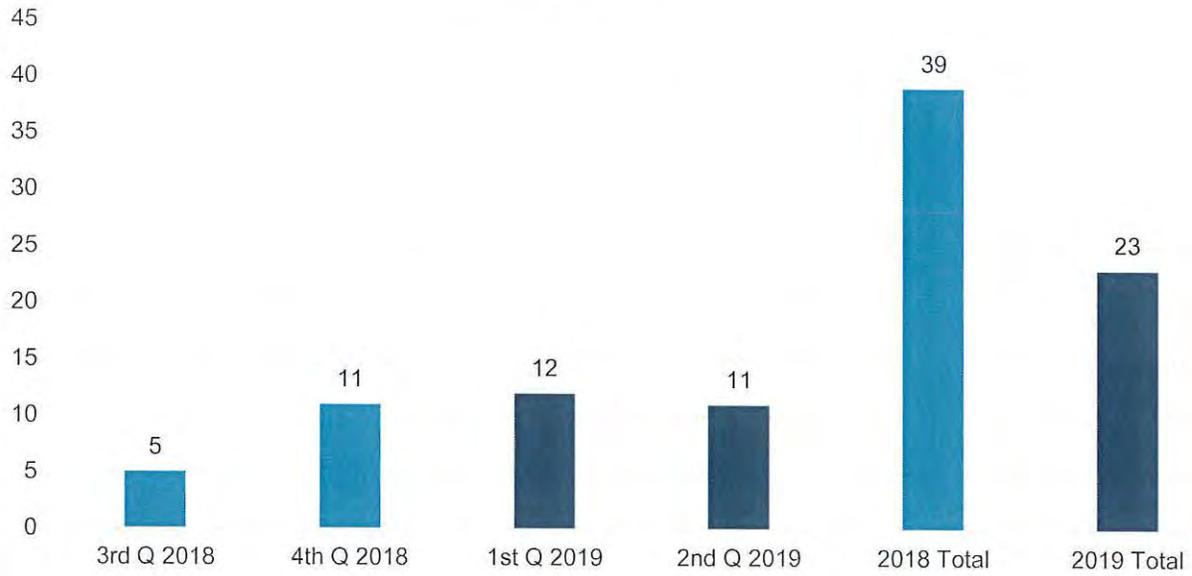
Number of Grievances Resolved



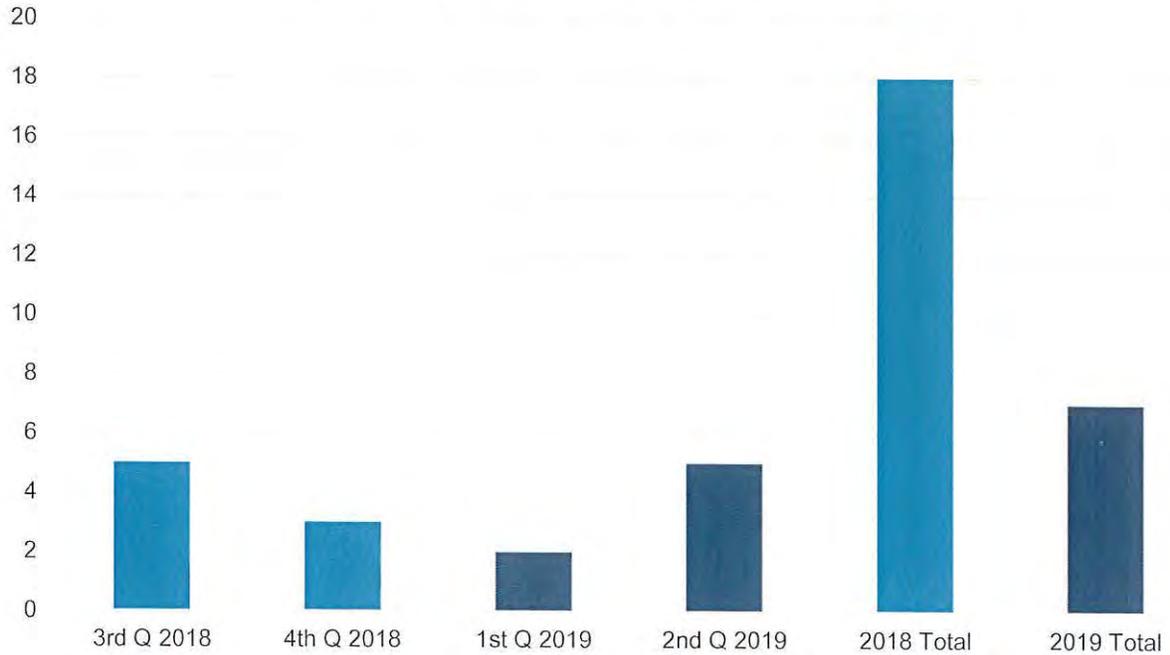
Diversion Statistics



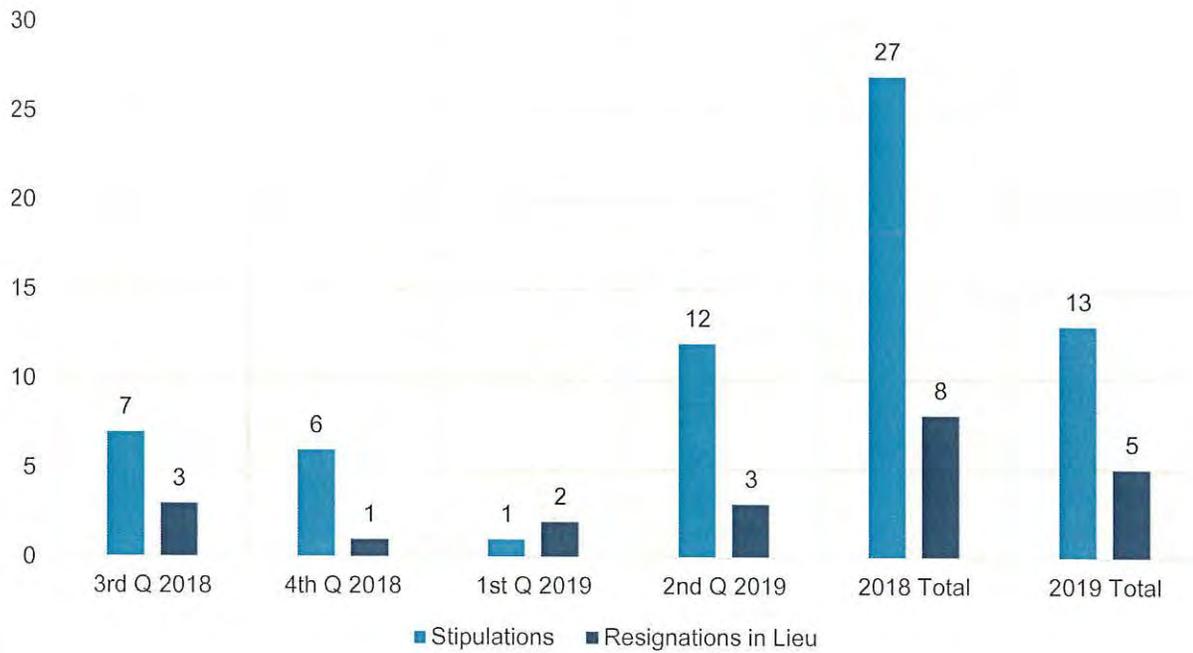
Formal Complaints Filed



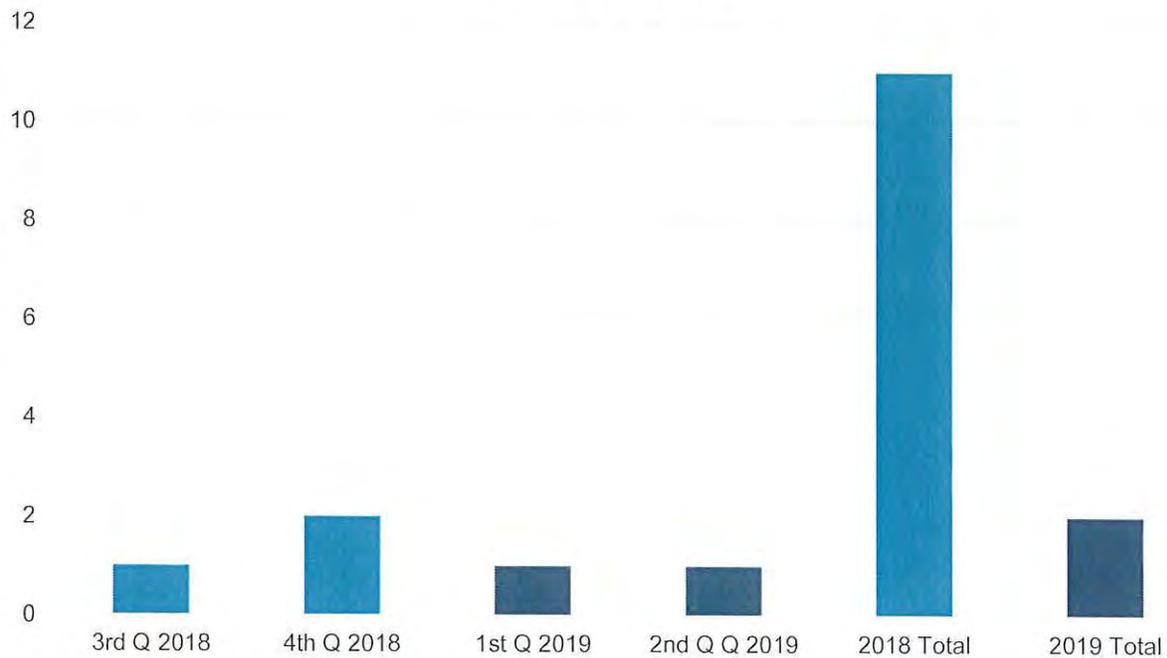
Reciprocal Discipline Files Opened



Stipulations and Resignations in Lieu

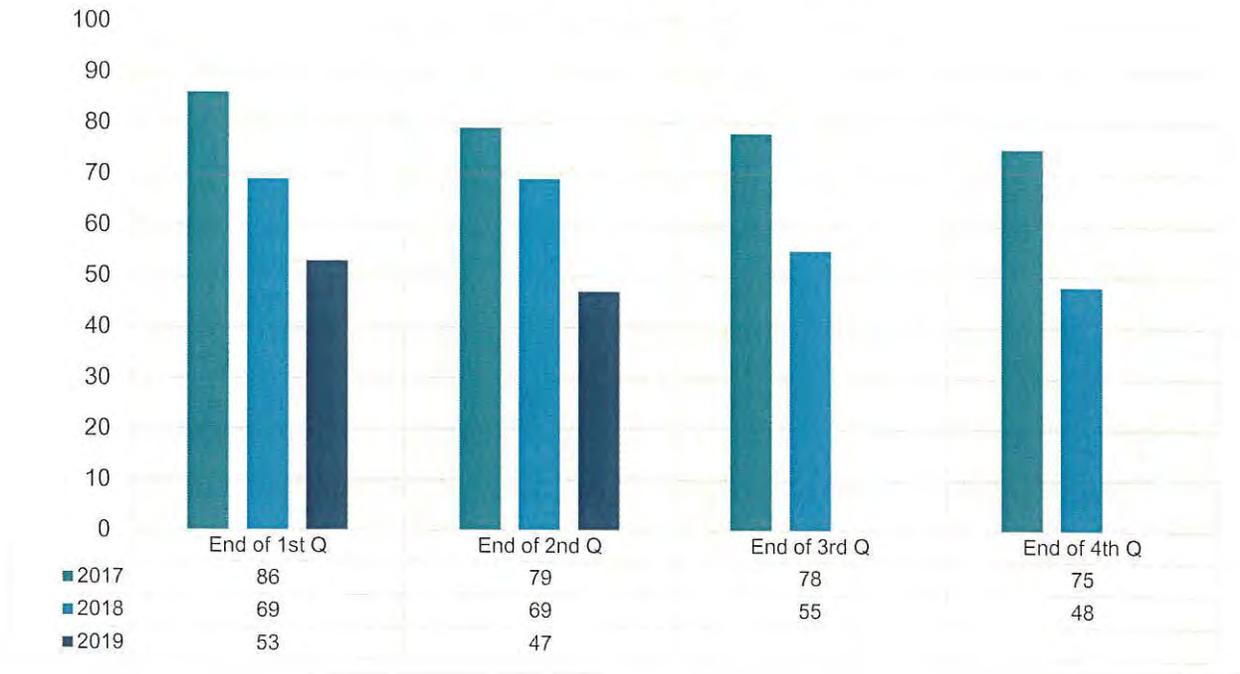


Hearings Held



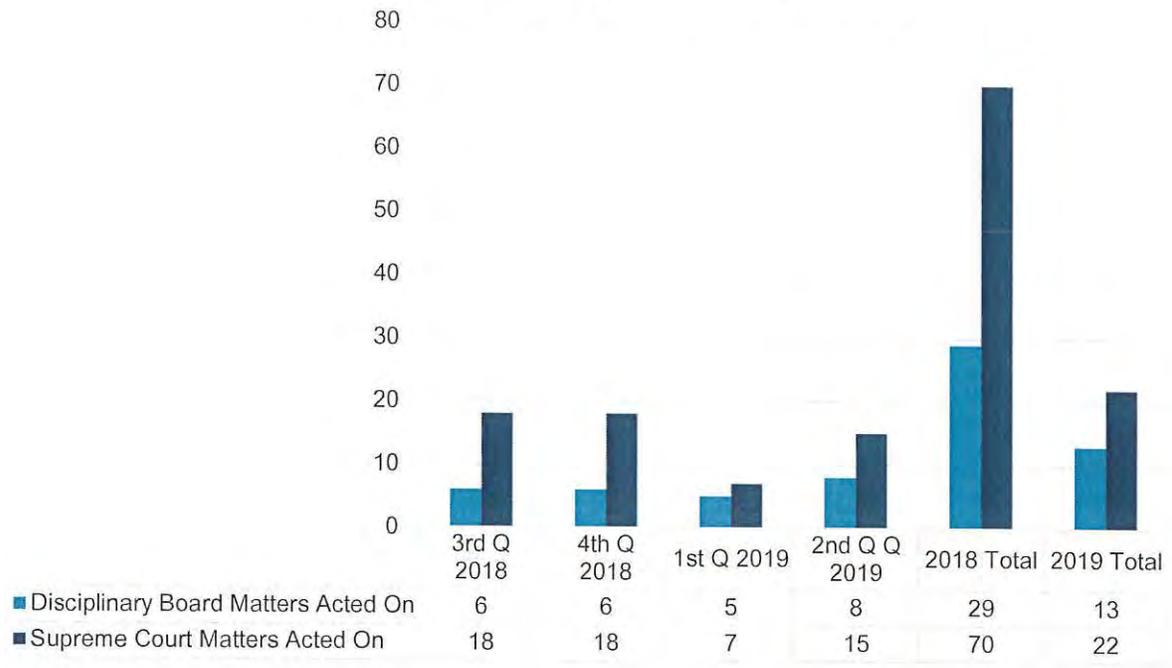
D. Pending Proceedings¹

Formal Proceedings Pending



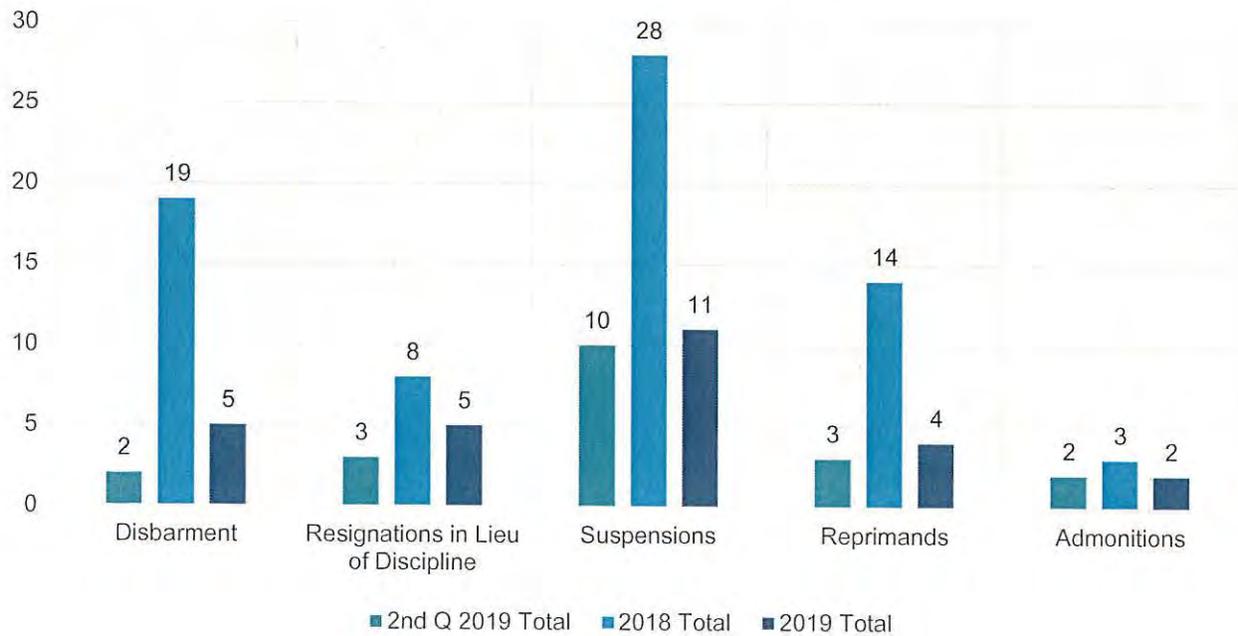
¹ In the second table in this section, the Disciplinary Board numbers reflect Board orders on stipulations and following review after an appeal of a hearing officer’s findings.

Matters Acted on by Reviewing Bodies



E. Final Disciplinary Actions

Final Disciplinary Actions



F. Disability Inactive Transfers

Disability Inactive Transfers	Quarter Total
3 rd Quarter 2018	2
4 th Quarter 2018	2
1 st Quarter 2019	0
2 nd Quarter 2019	0
2018 Total	8
2019 Total	0

G. Discipline Costs²

Quarterly Discipline Costs Collected	Total
3 rd Q 2018	\$12,552.77
4 th Q 2018	\$14,131.22
1 st Q 2019	\$17,386.49
2 nd Q 2019	\$21,801.04
2018 Total	\$75,784.40
2019 Total	\$39,187.53

² 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.

Washington State Chapter
American Immigration Lawyers Association



Chair:

Richard Rawson
Davis Wright Tremaine LLP
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Seattle WA 98101
Tel: (206) 757-8128
Fax: (206) 757-7128
Email: richardrawson@dwt.com

Vice Chair:

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Ryan Swanson & Cleveland
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Tel: (206) 654-2253
Fax: (206) 652-2953
Email: mavunkel@ryanlaw.com

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Fax: (206) 624-0394
Email: kyamamoto@cmlseattle.com

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Hanis Irvine Prothero, PLLC
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Email: fpurganan@hiplawfirm.com

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Fax: (866) 705-6146
Email: thorwardlaw@gmail.com

Program Chair:

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Law Offices of Carol L. Edward P.S.
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Immediate Past Chair:

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Lane Powell
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Seattle WA 98101
Tel: (206) 223-7000
Fax: (206) 223-7107
Email: miaoq@lanepowell.com

June 7, 2019

Executive Director Terra Nevitt
Washington State Bar Association
1325 4th Ave #600
Seattle, WA 98101

**Re: 2019-2020 Officers
American Immigration Lawyers Association, Washington Chapter**

Greetings:

We would like to take the opportunity to introduce you to the current officers of the Washington State Chapter of the American Immigration Lawyers Association (AILA).

Chair – Marsha Mavunkel (Seattle)
Vice Chair – Minda Thorward (Seattle)
Secretary – Brad Brown (Seattle)
Treasurer – Florian D. Purganan (Kent)
Membership Chair – Barbara Marcouiller (Seattle)
Program Chair – Diana Chamberlain (Bellevue)
Immediate Past Chair – Richard Rawson (Seattle)

AILA is a national organization of over 13,000 attorneys who practice and teach immigration law. We welcome you to contact us if we or our organization could be of assistance to you.

Best regards,

Brad Brown
Secretary

RECEIVED

JUN 10 2019

WASHINGTON STATE BAR ASSOCIATION
OFFICE OF THE EXECUTIVE DIRECTOR



June 10, 2019

Terra Nevitt
Interim Executive Director
Washington State Bar Association
1325 4th Ave Ste 600
Seattle, WA 98101-2539

Dear Terra Nevitt:

RE: Service on the Board for Judicial Administration

On behalf of the Board for Judicial Administration (BJA), we wish to express our sincere appreciation for your commitment to the judicial system and for your willingness to serve. The power of the judiciary to make administrative policy governing its operations is an essential element of its constitutional status as an equal branch of government. The Board for Judicial Administration was established to adopt policies and provide strategic leadership for the courts at large, enabling the judiciary to speak with one voice. Your membership is critical in meeting the purpose of the BJA.

We are looking forward to serving with you and providing you with the tools and information you need to make your membership meaningful. Please do not hesitate to let us know how we can improve the communication and collaboration within the BJA. The BJA Administrative Manager, Jeanne Englert, will schedule a time to meet with you individually to provide an orientation.

Sincerely,

A handwritten signature in black ink that reads "Mary E. Fairhurst".

Mary E. Fairhurst, Chair
Board for Judicial Administration

A handwritten signature in black ink that reads "Gregory Gonzales".

Gregory Gonzales, Member Chair
Board for Judicial Administration

cc: Jeanne Englert

WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director
Terra Nevitt, Interim Executive Director

June 26, 2019

BY EMAIL ONLY

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

Hon. Charles W. Johnson
Associate Chief Justice, Washington Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

RE: Suggested Rule Amendments to MARs and GR 1

Dear Chief Justice Fairhurst and Justice Johnson,

On May 23, 2018, the Supreme Court Rules Committee asked the WSBA Court Rules and Procedures Committee (Committee) to review the Mandatory Arbitration Rules (MAR) that were affected by the enactment of EHB 1128 – Civil Arbitration.

On May 17, 2019, the WSBA Board of Governors approved the suggested rule amendments for submission to the Court as they appear to be consistent with the language of EHB 1128. However, the Board engaged in a discussion expressing concern with the rule change and voted to advise the Court of that concern with this transmittal.

Board members who practice insurance defense explained it has long been a goal of the plaintiff's bar to require a defendant's personal signature on a trial de novo notice as a procedural means to block a defense trial de novo trial request filed against a favorable plaintiff's award. One Board member described a variety of such motions against de novo requests filed by his firm. Those motions were denied as the Rule does not require it.

While the tri-partite relationship between insurance carrier, defense counsel, and client is understood, and while the Board understands an attorney represents his or her client as their client and not the insurance company, the Board discussed the fact that Washington has long upheld the contractual right of insurance companies to make decisions on the defense of claims. As such, insurance companies as a matter of contract, generally speaking, have the right to determine whether to pursue a jury trial even if against the personal desire of an insured. Mandating that a defendant sign a de novo request turns that right on its head when an insured either does not want to sign or cannot be found to sign. The Board discussed that in that event, an insurance company may be within its right to deny coverage for a failure of cooperation under an insurance policy which would be a direct harm to the injured public by a loss of indemnification coverage to pay for a judgment.

While the Board acknowledges the Legislature's right to make law, the Board expressed its concern over the Legislature's attempt to dictate not merely the existence of a legal right (the existence of mandatory arbitration) but as EHB 1128 does to dictate to the judiciary the procedure by which the Courts administer the judicial process and whether that raises an issue of the separation of powers. The Board recognized that although the Legislature

is empowered to create the forum of Mandatory Arbitration, it may violate the separation of powers doctrine for the Legislature to dictate so specifically how the judicial process administering it is carried out.

Therefore, the Board voted to approve and pass on the proposed Rule amendments as it believed it was duty bound by the process to do so. However, the Board voted to express its concern over the issues raised above and asks the Court to given them consideration before implementing these proposed Rule changes. In that regard, the Board did not vote to ask the Court to reject the proposed changes but asks this Court consider the issues raised. ¹. The suggested amendments address the renaming of the MAR to Superior Court Civil Arbitration Rules (SCCAR) and effectuate the RCW Chapter 7.06 amendments. Enclosed please find the GR 9 cover sheets and text for the suggested amendments.

If you have any questions, please feel free to contact me, or direct them to Jefferson Coulter, Chair of the WSBA Court Rules and Procedures Committee, at Jeffersonc@NWJustice.org or (509) 324-9128.

Sincerely,



Terra Nevitt

Enclosures

cc: William D. Pickett, WSBA President
WSBA Board of Governors
Jefferson Coulter, Chair, WSBA Court Rules and Procedures Committee
Shannon Hinchcliffe, Administrative Officer for the Courts
Nicole Gustine, Staff Liaison, WSBA Court Rules and Procedures Committee

¹ MAR 7.2 is not included in this package because further vetting was requested and granted. The proposal will be submitted at a later time.

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

Office of the Executive Director
Terra Nevitt, Interim Executive Director

July 15, 2019

Stephen P. Dowdney Jr. #971036
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA 98520

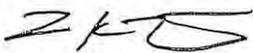
Dear Mr. Dowdney,

Thank you for your letter to Paula Littlewood dated June 11, 2019, regarding amendment to CrR 4.1/3.3. Ms. Littlewood is no longer with our organization, so I am replying in her stead.

I wanted you to know that your letter is being forwarded to the Council on Public Defense and to our Court Rules Committee.

Please let me know if I can be of further assistance.

Sincerely,

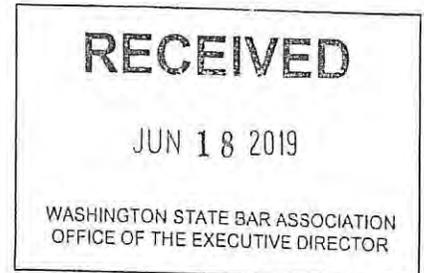


Terra Nevitt

The Washington State Bar Association
Paula C. Littlewood, Executive Director
1325 4th Ave, Suite 600
Seattle, WA, 98101-2539

6/11/19

Stephen P. Dowdney Jr. #971036
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, Wa, 98520



RE: AMENDMENT TO CrR 4.1/3.3

Ms. Littlewood,

My name is Stephen P. Dowdney Jr. I was the proponent in the General Rule 9 proposed amendment to CrR 3.3.

I had actually suggested a rule change to CrR 4.1., however your office had determined it was easier to change CrR 3.3.

I had disagreed with the 3.3 version as it was the Arraignment upon which issues were had....I objected to my commencement date at arraignment, after argument the court ruled that 4.1 stated a rule based speedy trial started from arraignment, despite I had been in jail quite awhile already. Before my stipulated facts trial I filed a motion to dismiss citing to CrR 4.1 was unconstitutional.

It is true, as mentioned by the Snohomish County Public Defenders Association there are also issues with delay in discovery, preserving evidence, even not having counsel.

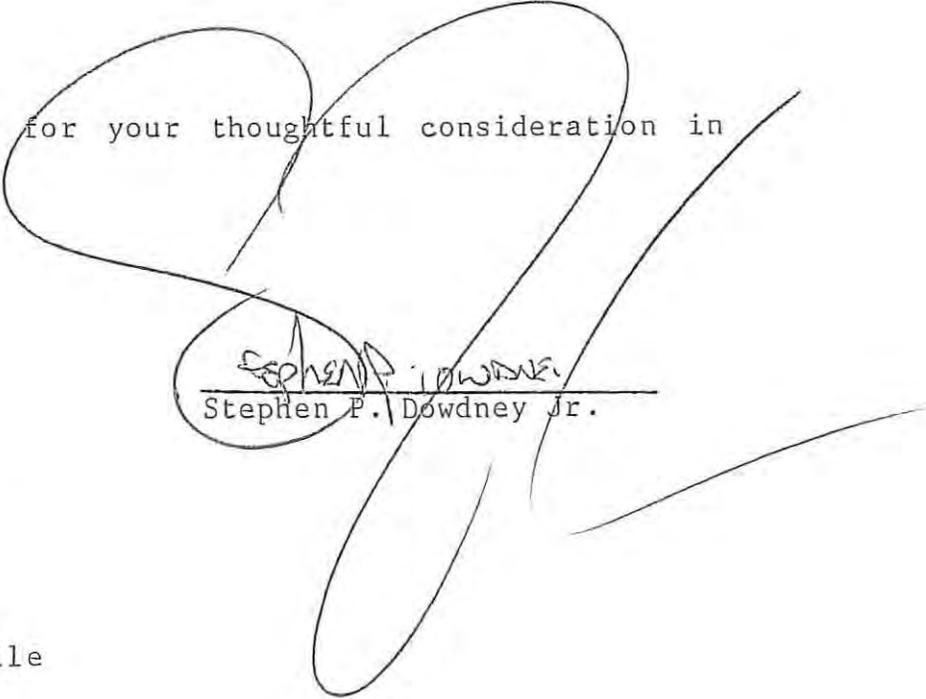
It should be noted that Snohomish County filed a "Criminal Complaint" formally charging me with felonies proscribed by statute in District Court and then even though I was Pro se, never allowed me to set foot in District Court. Ever. I was served my "Criminal Complaint" by having it slid under my cell door one night.

It appears that several individuals including law professors from U.W. and retired Judges feel the rule must be changed as well as Public Defenders and of course the Bar Association.

I would be happy to help in anyway that I can, as I do have an active case on this issue. I am on Direct Appeal still as I am filing a Writ of Cert to the US Supreme Court. My Direct appeal was dismissed as frivolous under Anders v California, my attorney was Neilson Broman & Koch who appear to file 95% of all Anders briefs in Washington.

Of course I have personal stake in the issue as I'm incarcerated, nevertheless, what Snohomish County is doing is nefarious beyond abusing the rule.

Thank you for your thoughtful consideration in this matter.



Stephen P. Dowdney Jr.

Cc: Dowdney file



Council of Legal Education

RECEIVED

JUN 10 2019

WASHINGTON STATE BAR ASSOCIATION
OFFICE OF THE EXECUTIVE DIRECTOR

When replying please quote

Ref. No: CLE/ EXAMS/GEN. VOL. 6/ (63)

Date: 16th May 2019

Mr. Bill Pickett
The President
Washington State Bar Association
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Dear Sir,

RE: REQUEST FOR CONSULTATION MEETING

The Council of Legal Education (Council) is a Government agency established by the Legal Education Act, No. 27 of 2012, Laws of Kenya to: regulate legal education and training in Kenya, license and supervise legal education providers, conduct the Bar Examination and advice the Government of Kenya on matters relating to legal education and training.

Council is in the process of developing the necessary policy and regulatory framework for the Bar Examination. In this regard, three (3) officers of the Council will be in the United States of America from 22nd June to 1st July 2019 for purposes of benchmarking with similar or related institutions and stakeholders.

Council kindly requests for a brief consultative meeting on **Monday, 24th June 2019 at 9 a.m. (0900 hours)** for a discussion on Bar Examination related processes.

- *Mandate and role of Washington State Bar Association*
- *Framework/structure of legal education, training and the legal profession in the USA and in Washington State*
- *Accreditation and licensing of legal education providers in the State*
- *Standards, regulations and policies in place*
- *Curriculum development and reforms of the Bar programme*
- *Admission requirements for the Bar examination*
- *Examination management*
- *Process of admission into the court system*

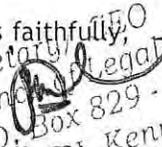
The following three (3) officers will attend the consultative meeting:

1. Mr. George Wafula - Manager, Examination Administration
2. Ms. Georgina Wabwire - Investigations Officer, Quality Assurance Compliance & Licensing Dept
3. Ms. Leah Macharia - Senior Examinations Officer

Mission
To promote quality legal education and training in Kenya through licensing, equating of foreign legal qualifications and harmonization of legal programmes

Vision
Assure quality and globally competitive legal education and training in Kenya

Hopefully, this request merits your most favourable consideration. Kindly confirm the suitability of the proposed date or any other for purposes of planning.

Yours faithfully,

Secretary,
Council of Legal Education
P.O. Box 829 - 00502, Karen
Nairobi, Kenya
**SECRETARY/CHIEF EXECUTIVE OFFICER
COUNCIL OF LEGAL EDUCATION**

From: Hinchcliffe, Shannon <Shannon.Hinchcliffe@courts.wa.gov>
Sent: Friday, June 7, 2019 12:23 PM
To: 'bill@wdpickett-law.com' <bill@wdpickett-law.com>; Terra Nevitt <terran@wsba.org>
Cc: 'jeffersonc@nwjustice.org' <jeffersonc@nwjustice.org>; Nicole Gustine <nicoleg@wsba.org>;
Jennings, Cindy <Cindy.Jennings@courts.wa.gov>
Subject: Court's action on proposed CrR 1.3, CrR 3.4, CrR 4.4, CrRLJ 4.4, and CR 30

Mr. Pickett and Ms. Nevitt,

I have attached the court's order which adopts CrR 1.3, CrR 4.4, CrRLJ 4.4, and CR 30 with a September 1, 2019 effective date. The court declined to adopt the proposed amendment to CrR 3.4. The Reporter of Decisions office suggested minor technical edits to the proposed rules which the court incorporated into their order. If you would like further detail about the specific edits, please let me know.

Shannon Hinchcliffe | Office of Legal Services and Appellate Court Support
Administrative Office of the Courts | P.O. Box 41174 | Olympia, WA 98504-1170
☎ (360) 357-2124 | ✉ shannon.hinchcliffe@courts.wa.gov | 🌐 www.courts.wa.gov

FILED
JUN - 6 2019
WASHINGTON STATE COURT

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE PROPOSED)
AMENDMENTS TO CrR 1.3, CrR 4.4, CrRLJ 4.4,)
AND CR 30)
_____)

ORDER

NO. 25700-A-1259

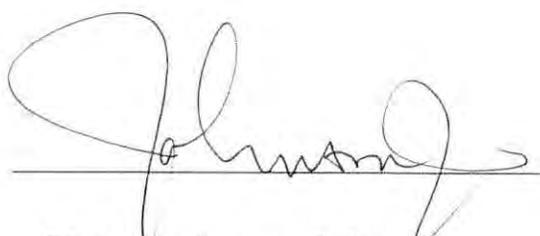
The Washington State Bar Association's Court Rules and Procedures Committee, having recommended the adoption of the proposed amendments to CrR 1.3, CrR 4.4, CrRLJ 4.4, and CR 30, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

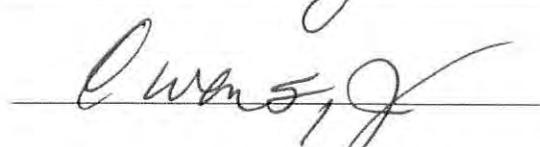
Now, therefore, it is hereby

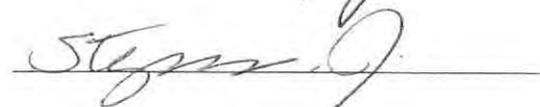
ORDERED:

- (a) That the proposed amendments as attached hereto are adopted.
- (b) That the proposed amendments will be published in the Washington Reports and will become effective September 1, 2019.

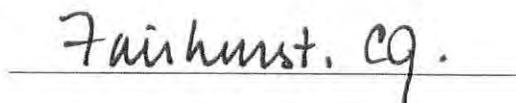
DATED at Olympia, Washington this 6th day of June, 2019.

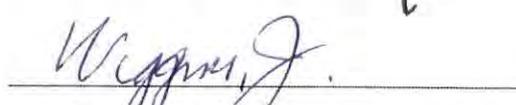


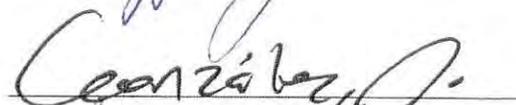
Madsen, J.


Lewis, J.


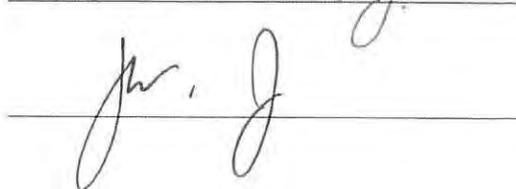
Stephens, J.



Fairhurst, C.J.


Wiggins, J.


Cavanaugh, J.


Gonzalez, J.


Jones, J.

SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)

CrR 1.3 - EFFECT

1 ~~Except as otherwise provided elsewhere in these rules, o~~On their effective date:

2 ~~(a) Any acts done before the effective date in any proceedings then pending or any~~
3 ~~action taken in any proceeding pending under rules of procedure in effect prior to the effective~~
4 ~~date of these rules and any constitutional right are not impaired by these rules.~~

5 ~~(b) These rules also apply to any proceedings in court then pending or thereafter~~
6 ~~commenced regardless of when the proceedings were commenced, except to the extent that in~~
7 ~~the opinion of the court, the former procedure should continue to be made applicable in a~~
8 ~~particular case in the interest of justice or because of infeasibility of application of the~~
9 ~~procedures of these rules.~~

SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)
CrR 4.4 – SEVERANCE OF OFFENSES AND DEFENDANTS

1 (a) [Unchanged.]

2 **(b) Severance of Offenses.** (1) The court, on application of the prosecuting attorney,
3 or on application of the defendant pursuant to ~~other than under~~ subsection (a), shall grant a
4 severance of offenses whenever before trial or during trial with consent of the defendant, the
5 court determines that severance will promote a fair determination of the defendant's guilt or
6 innocence of each offense.

7 **(c) Severance of Defendants.**

8 (1) A defendant's motion for severance on the ground that an out-of-court statement of
9 a codefendant referring to him is inadmissible against him shall be granted unless:
10

- 11 (i) the prosecuting attorney elects not to offer the statement in the case in chief; or
12 (ii) deletion of all references to the moving defendant will eliminate any prejudice
13 to him from the admission of the statement.

14 (2) The court, on application of the prosecuting attorney, or on application of the
15 defendant other than under subsection (c)(1)(i), should grant a severance of defendants
16 whenever:
17

18 (i) if before trial, it is deemed necessary to protect a defendant's rights to a speedy
19 trial, or it is deemed appropriate to promote a fair determination of the guilt or innocence of a
20 defendant; or

21 (ii) if during trial upon consent of the severed defendant, it is deemed necessary to
22 achieve a fair determination of the guilt or innocence of a defendant.
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SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)
CrR 4.4 – SEVERANCE OF OFFENSES AND DEFENDANTS

1 (3) When such information would assist the court in ruling on a motion for severance of
2 defendants, the court may order the prosecuting attorney to disclose any statements made by the
3 defendants which he intends to introduce in evidence at the trial.

4 (4) The assignment of a separate cause number to each defendant of those named on a
5 single charging document is not considered a severance. Should a defendant desire that the case
6 be severed, the defendant must move for severance.

7 **(d) – (e)** [Unchanged.]

8 Comment

9 [Unchanged.]
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SUGGESTED AMENDMENT
CRIMINAL RULES FOR COURTS OF LIMITED
JURISDICTION (CrRLJ)

CrRLJ 4.4 – SEVERANCE OF OFFENSES AND DEFENDANTS

1 **(a)** [Unchanged.]

2 **(b) Severance of Offenses.** The court, on application of the prosecuting authority, or
3 on application of the defendant pursuant to ~~other than under~~ subsection (a), shall grant a
4 severance of offenses whenever before trial or during trial with consent of the defendant, the
5 court determines that severance will promote a fair determination of the defendant's guilt or
6 innocence of each offense.
7

8 **(c) Severance of Defendants.**

9 (1) [Unchanged.]

10 (2) The court, on application of the prosecuting authority, or on the application of the
11 defendant other than under subsection (c)(1)(i), should grant a severance of defendants
12 whenever:

13 (i)-(ii) [Unchanged.]

14 (3) [Unchanged.]
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 (a) [Unchanged.]

2 (b) **Notice of Examination: General Requirements; Special Notice; Nonstenographic**
3 **Recording; Production of Documents and Things; Deposition of Organization; Video Tape**
4 **Recording.**

5 (1)-(7) [Unchanged.]

6 (8) ~~Videotaping~~ Video Recording of Depositions.

7 (A) Any party may ~~videotape~~ video record the deposition of any party or witness without
8 leave of court provided that written notice is served on all parties not less than 20 days before the
9 deposition date, and specifically states that the deposition will be ~~recorded on videotape~~ video
10 recorded. Failure to so state shall preclude the use of ~~videotape~~ video recording equipment at the
11 deposition, absent agreement of the parties or court order.

12 (B) No party may ~~videotape~~ video record a deposition within 120 days of the later of the
13 date of filing or service of the lawsuit, absent agreement of the parties or court order.

14 (C) On motion of a party made prior to the deposition, the court shall order that a
15 ~~videotape~~ video recorded deposition be postponed or begun subject to being continued, on such
16 terms as are just, if the court finds that the deposition is to be taken before the moving party has
17 had an adequate opportunity to prepare, by discovery deposition of the deponent or other means,
18 for cross examination of the deponent.

19 (D) Unless otherwise stipulated to by the parties, the expense of ~~videotaping~~ video
20 recording shall be borne by the noting party and shall not be taxed as costs. Any party, at that
21 party's expense, may obtain a copy of the ~~videotape~~ video recording.

22 (E) A stenographic record of the deposition shall be made simultaneously with the
23 ~~videotape~~ video recording at the expense of the noting party.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 (F) The area to be used for ~~videotaping~~ video recording testimony shall be suitable in
2 size, have adequate lighting and be reasonably quiet. The physical arrangements shall be fair to
3 all parties. The deposition shall begin by a statement on the record of: (i) the operator's name,
4 address and telephone number, (ii) the name and address of the operator's employer, (iii) the
5 date, time, and place of the deposition, (iv) the caption of the case, (v) the name of the deponent,
6 and (vi) the name of the party giving notice of the deposition. The officer before whom the
7 deposition is taken shall be identified and swear the deponent on camera. At the conclusion of
8 the deposition, it shall be stated on the record that the deposition is concluded. When more than
9 one ~~tape~~ storage device is used, to record the video recording, the operator shall announce on
10 camera the end of each ~~tape~~ separate storage device on which the video recording is preserved,
11 such as each tape or disk (if any) and the beginning of the next ~~tape~~ one.

12 (G) Absent agreement of the parties or court order, if all or any part of the ~~videotape~~
13 video recording will be offered at trial, the party offering it must order the stenographic record to
14 be fully transcribed at that party's expense. A party intending to offer a ~~videotaped~~ video
15 recording of a deposition in evidence shall notify all parties in writing of that intent and the parts
16 of the deposition to be offered within sufficient time for a stenographic transcript to be prepared,
17 and for objections to be made and ruled on before the trial or hearing. Objections to all or part of
18 the deposition shall be made in writing within sufficient time to allow for rulings on them and for
19 editing of the ~~tape~~ video recording. The court shall permit further designations of testimony and
20 objections as fairness may require. In excluding objectionable testimony or comments or
21 objections of counsel, the court may order that an edited copy of the ~~videotape~~ video recording
22 be made, or that the person playing the ~~tape~~ recording at trial suppress the objectionable portions
23 of the ~~tape~~ recording. In no event, however, shall the original ~~videotape~~ video recording be
24 affected by any editing process.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 (H) After the deposition has been taken, the operator of the ~~videotape~~ video recording
2 equipment shall ~~attach to~~ submit with the ~~videotape~~ video recording a certificate that the
3 recording is a correct and complete record of the testimony by the deponent. If the video
4 recording is stored exclusively on a computer or service (including cloud storage) and not on an
5 easily removable and portable storage device, the certificate shall so state and indicate measures
6 taken to preserve it. Unless otherwise agreed by the parties on the record, the operator shall
7 retain custody or control of the original ~~videotape~~ video recording. The custodian shall store it
8 under conditions that will protect it against loss, ~~or~~ destruction, or tampering, and shall preserve
9 as far as practicable the quality of the ~~tape~~ recording and the technical integrity of the testimony
10 and images it contains. The custodian of the original ~~videotape~~ video recording shall retain
11 custody of it until 6 months after final disposition of the action, unless the court, on motion of
12 any party and for good cause shown, orders that the ~~tape~~ recording be preserved for a longer
13 period.

14 (I) The use of ~~videotape~~ video recorded depositions shall be subject to rule 32.

15 (c)-(h) [Unchanged.]

**WASHINGTON STATE
BAR ASSOCIATION**

Board of Governors

William D. Pickett, President

June 10, 2019

Mr. Hugh D. Spitzer
University of Washington
School of Law
Box 353020
Seattle, WA 98195-3020

Dear Mandatory Malpractice Insurance Task Force Member:

On behalf of the Washington State Bar Association and its Board of Governors, I write to express our sincere gratitude for your efforts on the Mandatory Malpractice Insurance Task Force. The Task Force produced a truly informative, comprehensive, and noteworthy Report that generated a substantial amount of public discussion. Although the Board voted not to adopt the Task Force's primary recommendation, I believe the Report will be influential in shaping the profession's dialogue about this issue for years to come. Even now, the work of the Task Force is being looked to by other jurisdictions and referenced in articles by law professors with an academic interest in professional regulation. And I note that members of the Board of Governors have expressed interest in considering other public protection initiatives identified by the Task Force Report related to the financial responsibility of lawyers.

We appreciate your devoted service to the Association in volunteering your time on this year-long project, and I thank each of you for your thoughtful deliberation, careful consideration of the many comments received, and focus on developing a well-informed recommendation.

Thank you again, and please do not hesitate to contact me or any member of the Board to discuss the future of the Report and the Task Force's recommendations.

I further encourage you to continue to seek out opportunities to serve as a WSBA volunteer.

Sincerely,



William D. Pickett
President

WASHINGTON STATE
BAR ASSOCIATION

Board of Governors

William D. Pickett, President

June 10, 2019

Mr. John Bachofner
Jordan Ramis PC
1499 SE Tech Center Pl Ste 380
Vancouver, WA 98683-9575

Dear Mandatory Malpractice Insurance Task Force Member:

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Sincerely,



William D. Pickett
President

WASHINGTON STATE
BAR ASSOCIATION

Board of Governors

William D. Pickett, President

June 10, 2019

The Honorable Stan Bastian
United States Courthouse
P.O. Box 2706
Yakima, WA 98907-2706

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Sincerely,



William D. Pickett
President

**WASHINGTON STATE
BAR ASSOCIATION**

Board of Governors

William D. Pickett, President

June 10, 2019

Mr. Dan Bridges
McGaughey Bridges Dunlap PLLC
3131 Western Ave Ste 410
Seattle, WA 98121-1036

Dear Mandatory Malpractice Insurance Task Force Member:

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Sincerely,



William D. Pickett
President

WASHINGTON STATE
BAR ASSOCIATION

Board of Governors

William D. Pickett, President

June 10, 2019

Ms. Christy Carpenter

MyLLLT.com

2367 Tacoma Ave S

Tacoma, WA 98402-1409

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Sincerely,



William D. Pickett
President

WASHINGTON STATE
BAR ASSOCIATION

Board of Governors

William D. Pickett, President

June 10, 2019

Ms. Gretchen Gale

P.O. Box 213

Olympia, WA 98507-0213

Dear Mandatory Malpractice Insurance Task Force Member:

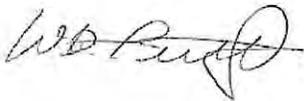
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Sincerely,



William D. Pickett
President

**WASHINGTON STATE
BAR ASSOCIATION**

Board of Governors

William D. Pickett, President

June 10, 2019

Mr. P.J. Grabicki
Randall Danskin PS
601 W Riverside Ave Ste 1500
Spokane, WA 99201-0653

Dear Mandatory Malpractice Insurance Task Force Member:

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William D. Pickett
President

WASHINGTON STATE
BAR ASSOCIATION

Board of Governors

William D. Pickett, President

June 10, 2019

Ms. Lucy Isaki
1001 2nd Ave W Apt 203
Seattle, WA 98119-3556

Dear Mandatory Malpractice Insurance Task Force Member:

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William D. Pickett
President

**WASHINGTON STATE
BAR ASSOCIATION**

Board of Governors

William D. Pickett, President

June 10, 2019

Mr. Mark A. Johnson
Johnson Flora Sprangers PLLC
2505 2nd Ave Ste 500
Seattle, WA 98121-1484

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William D. Pickett
President

**WASHINGTON STATE
BAR ASSOCIATION**

Board of Governors

William D. Pickett, President

June 10, 2019

Mr. Rob Karl
Sprague Israel Giles, Inc.
1501 4th Avenue Ste 730
Seattle, WA 98101

Dear Mandatory Malpractice Insurance Task Force Member:

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William D. Pickett
President

WASHINGTON STATE
BAR ASSOCIATION

Board of Governors

William D. Pickett, President

June 10, 2019

Ms. Kara Masters
Masters Law Group
241 Madison Ave N
Bainbridge Island, WA 98110-1811

Dear Mandatory Malpractice Insurance Task Force Member:

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President

WASHINGTON STATE
BAR ASSOCIATION

Board of Governors

William D. Pickett, President

June 10, 2019

Mr. Evan McCauley
Jeffers Danielson Sonn & Aylward PS
2600 Chester Kimm Rd
Wenatchee, WA 98801-8116

Dear Mandatory Malpractice Insurance Task Force Member:

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Sincerely,



William D. Pickett
President

WASHINGTON STATE
BAR ASSOCIATION

Board of Governors

William D. Pickett, President

June 10, 2019

Mr. Brad Ogura
Puget Sound Bank
10500 NE 8th St Ste 1500
Bellevue, WA 98004-4355

Dear Mandatory Malpractice Insurance Task Force Member:

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William D. Pickett
President

WASHINGTON STATE
BAR ASSOCIATION

Board of Governors

William D. Pickett, President

June 10, 2019

Ms. Suzanne Pierce
Davis Rothwell Earle & Xochihua
520 Pike St Ste 2500
Seattle, WA 98101-4083

Dear Mandatory Malpractice Insurance Task Force Member:

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William D. Pickett
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WASHINGTON STATE
BAR ASSOCIATION

Board of Governors

William D. Pickett, President

June 10, 2019

Ms. Brooke Pinkham
Seattle University School of Law
901 12th Ave
Sullivan Hall
Seattle, WA 98122-4411

Dear Mandatory Malpractice Insurance Task Force Member:

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WASHINGTON STATE
BAR ASSOCIATION

Board of Governors

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June 10, 2019

Mr. Todd Startzel
Kirkpatrick & Startzel PS
108 N Washington St Ste 201
Spokane, WA 99201-5001

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William D. Pickett
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WASHINGTON STATE
BAR ASSOCIATION

Board of Governors

William D. Pickett, President

June 10, 2019

Ms. Stephanie Wilson
Seattle University School of Law
901 12th Ave
Sullivan Hall 201-K
Seattle, WA 98122-4411

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**WASHINGTON STATE
BAR ASSOCIATION**

Board of Governors

William D. Pickett, President

June 10, 2019

Ms. Annie Yu
Pierce County Prosecutor's Office
930 Tacoma Ave. South
Tacoma, WA 98402

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WASHINGTON STATE BAR ASSOCIATION

TO: Board of Governors
FROM: Executive Management Team
DATE: July 17, 2019
RE: Q3 FY 2019 Management Report

INFORMATION: Q3 FY 2019 Management Report

Attached are annotated FY2019 Operational Priorities, which score the organization's progress through Q3 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	<p>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.</p> <p>Q2: Not reported in Q2.</p> <p>Q3: Not reported in Q3.</p>
<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	<p>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.</p> <p>Q2: Not reported in Q2.</p>
<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	<p>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.</p> <p>Q2: Drafting work continued; we expect to distribute comprehensive draft in Q3.</p> <p>Q3: Completion of comprehensive draft delayed owing to limitations on staff time during Q2 leadership transition. Comprehensive draft expected in Q4.</p>
<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	<p>Q1: Not reported in Q1.</p> <p>Q2: Consulting services contract in place with Affinity. Intensive meetings with consultant will begin in Q3 or Q4.</p> <p>Q3: Not reported in Q3.</p>
<ul style="list-style-type: none"> Continue to explore possible mechanisms for entity regulation in the State of Washington. 			X						<p>Q1: Not reported in Q1.</p> <p>Q2, Q3: Project on hold.</p>

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	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
<p>Q1: Not reported in Q1.</p> <p>Q2: In Q1 and Q2, we conducted research and drafted two practice management guides addressing cybersecurity and file retention. They are now in the review process. We have identified five additional guides for production in Q4.</p> <p>Q3: Not reported in Q3.</p>							
<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
<p>Q1: Not reported in Q1.</p> <p>Q2: To date, sales of CLEs developed in collaboration with WSBA Sections have exceeded expectations, which will result in higher revenue splits to sections. During the rollout of the revised fiscal policy, WSBA CLE estimated that splits to sections would increase from approximately \$57k under the old fiscal policy to approximately \$100k under the new policy. Projected splits to be paid in first quarter of FY20 for the programs that delivered in FY19 are \$80k. Note that programs delivering in FY19 have not yet realized the full potential of on-demand sales, which will be acquired over the three years they are available for purchase. Once programs begin to hit this three-year mark, we will expect the annual splits to meet or exceed the projected \$100k. Overall, the policy is yielding the expected results. The on-going evaluation in the first-year of rollout consists of monitoring actuals with projections. A robust fiscal evaluation and check-in with sections will take place in FY20 when on-demand sales data is further developed.</p> <p>Q3: Not reported in Q3.</p>							
<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
<p>Q1: Not reported in Q1.</p> <p>Q2: At the end of January, we launched the newest member benefit, Fastcase. Outreach included (1) an all member eBlast, (2) a press release, (3) a NW Lawyer article, (4) a Social Media "sock" campaign, (5) messaging through WSBA list serves, and (6) free live webinars to educate members on utilizing and adopting this new legal research tool. As of the end of Q2, WSBA members accessed and utilized Fastcase 2,851 times and approximately 746 members logged in each month during February and March. We also worked with Casemaker on beta testing Casemaker 4, its upgraded platform. We will work with Casemaker to develop and execute a similar outreach plan for the upgraded platform, which is tentatively planned for a spring launch. In Q2, 221 members accessed and used Casemaker for the first time (+23% from Q1), and on average 1,851 members logged into Casemaker each month (+3% from Q1).</p> <p>Q3: Not reported in Q3.</p>							

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	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
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					<p>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.</p> <p>Q2: Not reported in Q2.</p> <p>Q3: After considering feedback from stakeholders in the Alliance, Minority Bar Associations and equity and justice community, the team developed and launched the Powerful Communities Project. Through this Project, the WSBA will partner with organizations to implement the State Plan for the Coordinated Delivery of Civil Legal Aid to Low Income People, specifically reaching underserved and unrepresented communities. This Project will expand the work beyond the one-day-clinic model previously used as part of the Call to Duty Program's Day of Service and the Remote Legal Services Project. We have selected 14 different legal aid organizations to partner with in Q4. The Moderate Means Program staff is in the process of developing an attorney and client survey which will be used to inform program improvements; the staff is also in the process of developing protocols, law student training and outreach and onboarding to LLLTs to join as MMP legal professionals who receive referrals.</p>
<ul style="list-style-type: none"> Develop an equity toolkit for use by legal employers in the State of Washington. 	X	X	X				X	<p>Q1: Not reported in Q1.</p> <p>Q2: We have completed initial research for this project and are beginning a second iteration of our statewide mapping of equity and inclusion efforts to provide a comprehensive picture of gaps in service, training and education needs and any oversaturation.</p> <p>Q3: Not reported in Q3.</p>

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<ul style="list-style-type: none"> Institutionalize systems for reviewing policies, practices, procedures, and programs with a race equity lens. 	X							X	<p>Q1: Not reported in Q1.</p> <p>Q2: We continue to use the Race Equity Impact Analysis Tool developed in 2016, most recently to review and revise the Pre Admission Education Program (PREP) curriculum. We institutionalized training for all boards, committees, etc. on “Diversity in Decision-Making”, which asks entities to consider institutional racism and unconscious bias in its work and suggests specific strategies entities can undertake to improve equity. Two new project teams originated through the Operations Management Team are also addressing this priority. The first is reviewing WSBA procedures for vetting and selecting vendors and contractors from an equity lens. The second is an effort to institute better norms for engaging in dialogue and decision-making processes around difficult conversations and controversial decision points.</p> <p>Q3: Not reported in Q3.</p>

	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	<p>Q1: We strategically highlighted one or more member benefit, bar program, and/or bar service in every issue of <i>NWLawyer</i> magazine, 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> <p>Q2: We continued highlighting member benefits as described in Quarter 1. We also held a special campaign this quarter to promote the new Fastcase benefit. For Q1 FY19, out of 116 members surveyed, WSBA received an A- average grade for “providing high-quality professional programs and services.”</p> <p>Q3: We continued highlighting member benefits as described in Q1 and Q2. In Q3, we held a campaign for the launch of a new deskbook, Construction Law, and made special mention of the Lending Library across our social platforms. For Q2 FY19, out of 100 members randomly surveyed, WSBA received an A- average grade for “providing high-quality professional programs and services.”</p>

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<ul style="list-style-type: none"> Enhance collaboration with volunteers through standardized recruitment, training, management, and inclusion 	X	X	X			X	<p>Q1: Not reported in Q1.</p> <p>Q2: In Q1 and Q2 the Volunteer Engagement Team (VET) continued and completed projects carried over from last year: (1) VET is developing recommendations for improved and more consistent approaches to volunteer appreciation, which may include a volunteer ‘pop-up’ award similar to the Professionalism in Practice Award launched last year. (2) VET held a second collaboration session for employees that work with volunteers focused on volunteer recruitment. (3) VET finalized updates to WSBA’s Roles and Responsibilities Document, and distributed it to volunteers and staff liaisons to help address mismatched expectations and confusion. Later this year, VET plans to push out a second volunteer satisfaction survey to help determine the impact of these projects and the team’s future focus.</p> <p>Q3: Not reported in Q3.</p>
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	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
<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	<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> <p>Q2: During Q2 we (1) coordinated, hosted, and presented at a meeting of 13 MBAs; (2) paid for staff and diversity committee members to attend the annual events of KABAW, and LBAW; (3) met with the leadership of WADA, LBAW, QLAW, and KABAW; (4) partnered with nine MBAs on a Community Networking Event in Bellevue; (5) at the request of WADA and KABAW, surveyed the MBAs about their tax status; (6) polled MBAs to develop and then distributed a calendar of MBA annual events; (7) coordinated a joint effort of eight MBAs and the Diversity Committee to propose and comment on an MCLE rule change.</p> <p>Q3: In addition to regular outreach efforts to county bars through the listserv and other events, local county bar leaders and members were the key organizers in their communities to coordinate/advertise/attend the 2019 Listening Tour. In Q3, the Listening Tour made 14 stops spanning the state.</p>
<ul style="list-style-type: none"> Improve connections with the public through focused engagement and communications efforts 			X		■		X	<p>Q1: Not reported in Q1.</p> <p>Q2: Public-facing communication efforts this quarter include: representation at school career conferences and fairs regarding innovation license types and media releases and contacts regarding the Court Structure Work Group, Local Hero Awards, and proclamations regarding support of legal diversity and Chief Justice Mary Fairhurst.</p> <p>Q3: Not reported in Q3.</p>

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	1	2	3	1	2	3	4		
Organization & Infrastructure									
<ul style="list-style-type: none"> Foster an environment that promotes employee engagement and input 	X	X	X					X	<p>Q1: Not reported in Q1.</p> <p>Q2: All Employee meetings have been held to share organizational information with employees and answer questions about multiple issues impacting the organization. The Staff Advisory Forum for Employees meets monthly and has been discussing feedback from the employee group who has spoken to the BOG about the Anti-Retaliation policy, employee activities, discussion topics for the Random Acts of Pizza sessions and other issues at the WSBA.</p> <p>Q3: Not reported in Q3.</p>
<ul style="list-style-type: none"> Engage management in training and developmental opportunities 	X	X	X					X	<p>Q1: Not reported in Q1.</p> <p>Q2: We continue to offer the Management Culture and Norms orientation to all new managers as they join the organization. We also continue to offer Quarterly Management IQ/Leadership Development sessions; the last session held in November 2018 focused on teams and teamwork. Sessions are scheduled for 2019, and the first offering is on April 24, 2019 focused on new research around Feedback.</p> <p>Q3: Not reported in Q3.</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	<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> <p>Q2: Completed: (1) memory upgrade on all servers, (2) targeted phishing exercise, and (3) full internal penetration test. Initiated first phase of email filtering with new service provider.</p> <p>Q3: Implemented systems for email filtering, file integrity monitoring, and system event/ incident management; completed policy, procedure, and systems requirements to support PCI (Payment Card Industry) requirements; made enhancements to MCLE and CLE store to support 2019 certification; and finalized plan for deployment of contract management system. Note: WA Legal Link system on hold pending potentially structural change to WSBA.</p>

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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: July 1, 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
Wednesday, July 17	Mindfulness as a tool for better decision-making A monthly activity to explore how mindfulness can decrease bias and improve productivity and decision-making	FYI only	Robin N.
Thursday, July 18	Continuing the Conversation The differences for African Descendants of Slavery in the US and more recent Black Immigrants	FYI only	Robin N.
Monday, July 22	Difficult Conversations Project Team	FYI only	Robin N.
Aug TBD	Continuing the Conversation TBD	FYI only	Robin N.
Monday, Aug 26	Difficult Conversations Project Team	FYI only	Robin N.
Sept TBD	Continuing the Conversation TBD	FYI only	Robin N.
Wednesday, Sep 4	Quarterly Accessibility Team Meeting	FYI only	Robin N.
Monday, Sep 23	Difficult Conversations Project Team	FYI only	Robin N.



Washington State Minority Bar Association and other External Diversity Events			
When	What	How You Can Help	Who To Contact for More Info
Thursday, July 11	Pierce County Prosecutors Office - Implicit Bias and Microaggressions	FYI Only	Joy
Thursday, July 18	Pierce County Prosecutors Office - Implicit Bias and Microaggressions	FYI Only	Joy
Thursday, July 25	Seattle City Attorney's Office – Implicit Bias/Microaggressions CLE	FYI Only	Joy
Tuesday, July 30	Legal Lunchbox Diversity Themed CLE: Washington's General Rule 37: Eliminating Racial Bias in Jury Selection	View Webcast	Dana
Friday, August 23	Panel Speaker - Institute for Inclusion in the Legal Profession	FYI Only	Joy
Tuesday, Sept 10	Joint MBA Meeting	FYI Only	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

Kevin: kevinp@wsba.org or 206.727.8203

WASHINGTON STATE
BAR ASSOCIATION

Financial Reports

(Unaudited)

Year to Date May 31, 2019

Prepared by Tiffany Lynch, Associate Director for Finance

Submitted by

Ann Holmes, Chief Operations Officer

June 18, 2019

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 May 31, 2019

Date: June 17, 2019

	% of Year	Current Year % YTD	Current Year \$ Difference ¹	Prior Year YTD	Comments
Salaries	66.67%	66.55%/68.52% ²	\$13,511/\$215,780 ² (Under/Over budget)	67.93%	Slightly higher due to timing of expenses, expected to be on budget
Benefits	66.67%	63.96%	\$114,664 (Under budget)	65.44%	Expected to be on or slightly under budget
Other Indirect Expenses	66.67%	71.78%	\$177,997 (Over budget)	61.20%	Higher due to unanticipated expenses, expected to be over budget
Total Indirect Expenses	66.67%	68.11%	\$279,112 (Over budget)	66.16%	Expected to be on or slightly over budget

General Fund Revenues	66.67%	72.31%	\$1,140,436 (Over budget)	71.18%	Expected to be on or slightly over budget
General Fund Direct Expenses	66.67%	53.33%	\$336,809 (Under budget)	48.73%	Expected to be on or slightly under budget

CLE Revenue	66.67%	60.82%	\$119,321 (Under budget)	60.98%	Expected to be on budget
CLE Direct Expenses	66.67%	67.57%	\$4,179 (Over budget)	45.66%	Expected to be on budget
CLE Indirect Expenses	66.67%	67.32%	\$8,928 (Over budget)	66.96%	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 May 31, 2019 (8 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.

Washington State Bar Association Financial Summary
Year to Date as of May 31, 2019 66.67% 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	184,065	271,867	16,776	62,957	200,841	334,824	(200,841)	(327,324)
Administration	253,701	100,000	780,780	1,138,769	622	4,885	781,402	1,143,654	(527,701)	(1,043,654)
Admissions/Bar Exam	1,121,820	1,327,400	570,360	841,048	163,311	416,931	733,670	1,257,979	388,150	69,421
Board of Governors	-	-	428,687	530,178	180,655	304,531	609,342	834,709	(609,342)	(834,709)
Communications Strategies	860	50,750	372,426	550,782	37,292	104,800	409,718	655,582	(408,858)	(604,832)
Conference & Broadcast Services	-	-	541,259	780,393	4,729	3,500	545,988	783,893	(545,988)	(783,893)
Discipline	62,356	96,200	3,772,826	5,664,008	108,781	220,267	3,881,607	5,884,275	(3,819,250)	(5,788,075)
Diversity	141,716	120,374	368,838	544,641	12,828	21,550	381,666	566,191	(239,951)	(445,817)
Foundation	-	-	106,713	150,663	2,861	14,200	109,574	164,863	(109,574)	(164,863)
Human Resources	-	-	266,183	204,958	-	-	266,183	204,958	(266,183)	(204,958)
Law Clerk Program	159,855	166,000	94,743	142,665	3,779	11,350	98,523	154,015	61,332	11,985
Legislative	-	-	93,194	135,416	12,542	18,650	105,736	154,066	(105,736)	(154,066)
Licensing and Membership Records	289,262	304,350	432,448	636,327	29,138	45,812	461,586	682,139	(173,323)	(377,789)
Licensing Fees	10,876,575	15,958,200	-	-	-	-	-	-	10,876,575	15,958,200
Limited License Legal Technician	-	-	142,900	215,591	11,044	25,600	153,944	241,191	(153,944)	(241,191)
Limited Practice Officers	-	-	108,164	168,653	2,065	3,000	110,229	156,182	(110,229)	(171,653)
Mandatory CLE	894,632	1,050,000	428,846	620,981	167,887	252,448	596,733	873,429	277,899	176,571
Member Assistance Program	8,419	10,000	95,924	141,224	1,179	1,275	97,103	142,499	(88,684)	(132,499)
Member Benefits	18,240	17,000.00	61,414	92,611	144,882	185,096	206,296	277,707	(188,056)	(260,707)
Member Services & Engagement	122,263	141,200.00	333,993	505,614	16,486	56,065	350,479	561,679	(228,216)	(420,479)
NW Lawyer	242,688	461,350	195,253	302,818	233,307	355,635	428,560	658,453	(185,872)	(197,103)
Office of General Counsel	330	-	547,425	928,680	2,188	13,076	549,613	941,756	(549,283)	(941,756)
OGC-Disciplinary Board	-	-	115,815	187,073	50,125	103,500	165,940	290,573	(165,940)	(290,573)
Outreach and Engagement	-	-	251,431	371,046	13,638	30,852	265,069	401,898	(265,069)	(401,898)
Practice of Law Board	-	-	30,344	74,063	7,093	16,000	37,436	90,063	(37,436)	(90,063)
Professional Responsibility Program	-	-	175,108	258,870	4,794	6,700	179,902	265,570	(179,902)	(265,570)
Public Service Programs	139,475	112,000	85,264	142,504	107,080	232,415	192,343	374,919	(52,868)	(262,919)
Publication and Design Services	-	-	100,813	141,602	4,280	5,263	105,093	146,865	(105,093)	(146,865)
Sections Administration	290,794	300,000	349,639	515,018	7,601	9,297	357,240	524,315	(66,446)	(224,315)
Technology	-	-	1,110,919	1,540,222	-	-	1,110,919	1,540,222	(1,110,919)	(1,540,222)
Subtotal General Fund	14,621,985	20,222,324	12,145,771	17,798,285	1,346,961	2,525,855	13,492,733	20,323,940	1,129,253	(101,616)
Expenses using reserve funds	-	-	-	-	-	-	13,492,733	-	-	-
Total General Fund - Net Result from Operations	72.31%		68.24%		53.33%		66.39%		1,129,253	(101,616)
Percentage of Budget										
CLE-Seminars and Products	1,120,232	1,879,500	772,770	1,150,797	204,995	393,776	977,765	1,544,573	142,467	334,927
CLE - Deskbooks	120,114	160,000	148,224	217,303	107,962	69,390	256,186	286,693	(136,072)	(126,693)
Total CLE	1,240,346	2,039,500	920,995	1,368,100	312,958	463,166	1,233,951	1,831,266	6,395	208,234
Percentage of Budget	60.82%		67.32%		67.57%		67.38%			
Total All Sections	478,047	544,140	-	-	466,227	841,025	466,227	841,025	11,819	(296,885)
Client Protection Fund-Restricted	1,066,445	992,500	99,410	164,210	85,091	504,000	184,500	668,210	881,945	324,290
Management of Western States Bar Conference	67,858	68,200	-	-	57,617	62,800	57,617	62,800	10,241	5,400
Totals	17,474,681	23,866,664	13,166,176	19,330,595	2,268,852	4,396,646	15,435,028	23,727,241	2,039,653	139,423
Percentage of Budget	73.22%		68.11%		51.60%		65.05%			

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	4,109,932.72
Western States Bar Conference	8,340	13,740	18,581.01
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	604,125	812,359	610,520
Section Funds	1,160,343	863,458	1,172,162
Board-Designated Funds (General Fund):			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	450,000	450,000	550,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	1,845,858	1,744,242	2,875,111
Total General Fund Balance	3,795,858	3,694,242	4,925,110.81
Net Change in general Fund Balance		(101,616)	1,129,253
Total Fund Balance	8,796,654	8,936,077	10,836,307
Net Change in Fund Balance		139,423	2,039,653

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% 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	1,368,322.28	10,771,759.02	5,006,240.98	68.27%
LLT LICENSE FEES	5,800.00	600.02	4,512.80	1,287.20	77.81%
LPO LICENSE FEES	174,400.00	15,285.37	100,303.40	74,096.60	57.51%
TOTAL REVENUE:	15,958,200.00	1,384,207.67	10,876,575.22	5,081,624.78	68.16%

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% 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	0.00%
TOTAL REVENUE:	7,500.00	-	-	7,500.00	0.00%
DIRECT EXPENSES:					
ATJ BOARD RETREAT	2,000.00	-	-	2,000.00	0.00%
LEADERSHIP TRAINING	2,000.00	802.75	802.75	1,197.25	40.14%
ATJ BOARD EXPENSE	24,000.00	1,190.05	10,806.68	13,193.32	45.03%
STAFF TRAVEL/PARKING	3,500.00	619.78	1,752.73	1,747.27	50.08%
STAFF MEMBERSHIP DUES	120.00	-	100.00	20.00	83.33%
PUBLIC DEFENSE	7,000.00	96.74	1,489.26	5,510.74	21.28%
CONFERENCE/INSTITUTE EXPENSE	14,837.00	-	-	14,837.00	0.00%
RECEPTION/FORUM EXPENSE	9,500.00	-	1,824.47	7,675.53	19.20%
TOTAL DIRECT EXPENSES:	62,957.00	2,709.32	16,775.89	46,181.11	26.65%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.10 FTE)	160,817.00	13,408.44	108,736.51	52,080.49	67.62%
BENEFITS EXPENSE	59,156.00	4,569.39	38,117.45	21,038.55	64.44%
OTHER INDIRECT EXPENSE	51,894.00	5,193.64	37,210.78	14,683.22	71.71%
TOTAL INDIRECT EXPENSES:	271,867.00	23,171.47	184,064.74	87,802.26	67.70%
TOTAL ALL EXPENSES:	334,824.00	25,880.79	200,840.63	133,983.37	59.98%
NET INCOME (LOSS):	(327,324.00)	(25,880.79)	(200,840.63)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMINISTRATION					
REVENUE:					
INTEREST INCOME	70,000.00	35,413.27	159,925.80	(89,925.80)	228.47%
GAIN/LOSS ON INVESTMENTS	30,000.00	13,090.68	93,774.77	(63,774.77)	312.58%
TOTAL REVENUE:	100,000.00	48,503.95	253,700.57	(153,700.57)	253.70%
DIRECT EXPENSES:					
CREDIT CARD MERCHANT FEES	-	278.18	(2,777.47)	2,777.47	
STAFF TRAVEL/PARKING	4,200.00	350.00	2,800.00	1,400.00	66.67%
STAFF MEMBERSHIP DUES	685.00	-	599.17	85.83	87.47%
TOTAL DIRECT EXPENSES:	4,885.00	628.18	621.70	4,263.30	12.73%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.97 FTE)	700,100.00	58,542.64	483,088.12	217,011.88	69.00%
BENEFITS EXPENSE	241,718.00	18,683.10	156,340.43	85,377.57	64.68%
OTHER INDIRECT EXPENSE	196,951.00	19,728.93	141,351.31	55,599.69	71.77%
TOTAL INDIRECT EXPENSES:	1,138,769.00	96,954.67	780,779.86	357,989.14	68.56%
TOTAL ALL EXPENSES:	1,143,654.00	97,582.85	781,401.56	362,252.44	68.32%
NET INCOME (LOSS):	(1,043,654.00)	(49,078.90)	(527,700.99)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMISSIONS					
REVENUE:					
EXAM SOFT REVENUE	35,000.00	-	10,885.00	24,115.00	31.10%
BAR EXAM FEES	1,200,000.00	77,920.00	1,053,665.00	146,335.00	87.81%
RPC BOOKLETS	-	-	150.00	(150.00)	
SPECIAL ADMISSIONS	60,000.00	1,540.00	25,510.00	34,490.00	42.52%
LLLT EXAM FEES	7,500.00	550.00	2,910.00	4,590.00	38.80%
LLLT WAIVER FEES	900.00	-	300.00	600.00	33.33%
LPO EXAMINATION FEES	24,000.00	3,700.00	28,400.00	(4,400.00)	118.33%
TOTAL REVENUE:	1,327,400.00	83,710.00	1,121,820.00	205,580.00	84.51%
DIRECT EXPENSES:					
DEPRECIATION	17,776.00	-	-	17,776.00	0.00%
POSTAGE	4,000.00	287.00	3,084.97	915.03	77.12%
STAFF TRAVEL/PARKING	13,000.00	237.46	8,737.05	4,262.95	67.21%
STAFF MEMBERSHIP DUES	400.00	-	-	400.00	0.00%
SUPPLIES	2,500.00	-	379.02	2,120.98	15.16%
FACILITY, PARKING, FOOD	70,000.00	500.00	34,969.18	35,030.82	49.96%
EXAMINER FEES	35,000.00	-	10,000.00	25,000.00	28.57%
UBE EXMINATIONS	130,000.00	-	36,936.00	93,064.00	28.41%
BOARD OF BAR EXAMINERS	25,000.00	1,468.63	10,548.35	14,451.65	42.19%
BAR EXAM PROCTORS	31,000.00	-	14,369.75	16,630.25	46.35%
CHARACTER & FITNESS BOARD	20,000.00	2,013.43	11,053.90	8,946.10	55.27%
DISABILITY ACCOMMODATIONS	20,000.00	750.00	9,792.22	10,207.78	48.96%
CHARACTER & FITNESS INVESTIGATIONS	900.00	-	-	900.00	0.00%
LAW SCHOOL VISITS	1,000.00	-	659.12	340.88	65.91%
EXAM WRITING	28,355.00	-	14,175.00	14,180.00	49.99%
COURT REPORTERS	18,000.00	1,080.90	8,504.30	9,495.70	47.25%
PRINTING & COPYING	-	-	101.70	(101.70)	
TOTAL DIRECT EXPENSES:	416,931.00	6,337.42	163,310.56	253,620.44	39.17%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.30 FTE)	496,503.00	41,262.72	336,549.57	159,953.43	67.78%
BENEFITS EXPENSE	188,862.00	14,636.13	121,928.09	66,933.91	64.56%
OTHER INDIRECT EXPENSE	155,683.00	15,615.82	111,882.17	43,800.83	71.87%
TOTAL INDIRECT EXPENSES:	841,048.00	71,514.67	570,359.83	270,688.17	67.82%
TOTAL ALL EXPENSES:	1,257,979.00	77,852.09	733,670.39	524,308.61	58.32%
NET INCOME (LOSS):	69,421.00	5,857.91	388,149.61		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
BOG/OED					
REVENUE:					
<hr/>					
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
DIRECT EXPENSES:					
<hr/>					
STAFF TRAVEL/PARKING	5,400.00	170.52	2,420.52	2,979.48	44.82%
STAFF MEMBERSHIP DUES	2,131.00	-	925.00	1,206.00	43.41%
TELEPHONE	1,000.00	-	421.19	578.81	42.12%
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	-	60,000.00	-	100.00%
BOG MEETINGS	117,000.00	12,217.61	71,698.04	45,301.96	61.28%
BOG COMMITTEES' EXPENSES	30,000.00	1,655.61	11,780.45	18,219.55	39.27%
BOG CONFERENCE ATTENDANCE	49,000.00	2,639.05	18,482.41	30,517.59	37.72%
BOG TRAVEL & OUTREACH	35,000.00	2,816.02	12,437.68	22,562.32	35.54%
ED TRAVEL & OUTREACH	5,000.00	674.18	2,359.82	2,640.18	47.20%
BAR STRUCTURE WORKGROUP	-	44.58	129.98	(129.98)	
TOTAL DIRECT EXPENSES:	<u>304,531.00</u>	<u>20,217.57</u>	<u>180,655.09</u>	<u>123,875.91</u>	<u>59.32%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	361,878.00	44,117.14	313,611.03	48,266.97	86.66%
BENEFITS EXPENSE	107,757.00	9,111.28	71,621.50	36,135.50	66.47%
OTHER INDIRECT EXPENSE	60,543.00	6,065.08	43,454.26	17,088.74	71.77%
TOTAL INDIRECT EXPENSES:	<u>530,178.00</u>	<u>59,293.50</u>	<u>428,686.79</u>	<u>101,491.21</u>	<u>80.86%</u>
TOTAL ALL EXPENSES:	<u>834,709.00</u>	<u>79,511.07</u>	<u>609,341.88</u>	<u>225,367.12</u>	<u>73.00%</u>
NET INCOME (LOSS):	<u>(834,709.00)</u>	<u>(79,511.07)</u>	<u>(609,341.88)</u>		

Washington State Bar Association
Statement of Activities
For the Period from May 1, 2019 to May 31, 2019
66.67% 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	-	-	560.00	(560.00)	
TOTAL REVENUE:	50,750.00	-	860.00	49,890.00	1.69%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,700.00	350.00	2,800.00	1,900.00	59.57%
STAFF MEMBERSHIP DUES	1,000.00	-	1,060.00	(60.00)	106.00%
SUBSCRIPTIONS	10,050.00	365.36	6,938.99	3,111.01	69.04%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	-	406.36	1,043.64	28.02%
APEX DINNER	63,000.00	-	6,562.50	56,437.50	10.42%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	-	8,458.95	(458.95)	105.74%
COMMUNICATIONS OUTREACH	15,000.00	-	10,459.03	4,540.97	69.73%
SPEAKERS & PROGRAM DEVELOP	1,600.00	-	-	1,600.00	0.00%
EQUIPMENT, HARDWARE & SOFTWARE	-	-	384.25	(384.25)	
TELEPHONE	-	26.67	186.85	(186.85)	
CONFERENCE CALLS	-	-	34.74	(34.74)	
TOTAL DIRECT EXPENSES:	104,800.00	742.03	37,291.67	67,508.33	35.58%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.62 FTE)	312,393.00	26,026.62	212,574.10	99,818.90	68.05%
BENEFITS EXPENSE	124,221.00	9,338.48	77,938.11	46,282.89	62.74%
OTHER INDIRECT EXPENSE	114,168.00	11,433.02	81,913.78	32,254.22	71.75%
TOTAL INDIRECT EXPENSES:	550,782.00	46,798.12	372,425.99	178,356.01	67.62%
TOTAL ALL EXPENSES:	655,582.00	47,540.15	409,717.66	245,864.34	62.50%
NET INCOME (LOSS):	(604,832.00)	(47,540.15)	(408,857.66)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONFERENCE & BROADCAST SERVICES					
REVENUE:	<u> </u>				
TOTAL REVENUE:	<u> </u>				
DIRECT EXPENSES:	<u> </u>				
TRANSLATION SERVICES	3,500.00	853.20	4,729.40	(1,229.40)	135.13%
TOTAL DIRECT EXPENSES:	<u>3,500.00</u>	<u>853.20</u>	<u>4,729.40</u>	<u>(1,229.40)</u>	<u>135.13%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (7.15 FTE)	429,625.00	36,615.08	303,737.64	125,887.36	70.70%
BENEFITS EXPENSE	174,080.00	13,539.77	110,655.03	63,424.97	63.57%
OTHER INDIRECT EXPENSE	<u>176,688.00</u>	<u>17,707.23</u>	<u>126,866.37</u>	<u>49,821.63</u>	<u>71.80%</u>
TOTAL INDIRECT EXPENSES:	<u>780,393.00</u>	<u>67,862.08</u>	<u>541,259.04</u>	<u>239,133.96</u>	<u>69.36%</u>
TOTAL ALL EXPENSES:	<u>783,893.00</u>	<u>68,715.28</u>	<u>545,988.44</u>	<u>237,904.56</u>	<u>69.65%</u>
NET INCOME (LOSS):	<u>(783,893.00)</u>	<u>(68,715.28)</u>	<u>(545,988.44)</u>		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DISCIPLINE					
REVENUE:					
AUDIT REVENUE	3,200.00	170.00	1,192.50	2,007.50	37.27%
RECOVERY OF DISCIPLINE COSTS	80,000.00	6,656.08	51,087.00	28,913.00	63.86%
DISCIPLINE HISTORY SUMMARY	13,000.00	1,321.96	10,076.89	2,923.11	77.51%
TOTAL REVENUE:	96,200.00	8,148.04	62,356.39	33,843.61	64.82%
DIRECT EXPENSES:					
DEPRECIATION-SOFTWARE	7,123.00	328.00	6,337.56	785.44	88.97%
PUBLICATIONS PRODUCTION	444.00	-	211.25	232.75	47.58%
STAFF TRAVEL/PARKING	35,000.00	2,053.91	18,312.49	16,687.51	52.32%
STAFF MEMBERSHIP DUES	3,900.00	205.00	1,765.05	2,134.95	45.26%
TELEPHONE	2,300.00	186.40	1,491.68	808.32	64.86%
COURT REPORTERS	55,000.00	2,125.70	15,855.36	39,144.64	28.83%
OUTSIDE COUNSEL/AIC	2,000.00	-	37.49	1,962.51	1.87%
LITIGATION EXPENSES	25,000.00	2,327.83	13,666.55	11,333.45	54.67%
DISABILITY EXPENSES	7,500.00	2,975.00	5,475.00	2,025.00	73.00%
ONLINE LEGAL RESEARCH	68,000.00	5,569.61	39,270.18	28,729.82	57.75%
LAW LIBRARY	12,500.00	133.79	6,097.18	6,402.82	48.78%
TRANSLATION SERVICES	1,500.00	-	247.89	1,252.11	16.53%
CONFERENCE CALLS	-	-	12.84	(12.84)	
TOTAL DIRECT EXPENSES:	220,267.00	15,905.24	108,780.52	111,486.48	49.39%
INDIRECT EXPENSES:					
SALARY EXPENSE (36.88 FTE)	3,556,329.00	283,599.70	2,348,974.57	1,207,354.43	66.05%
BENEFITS EXPENSE	1,196,316.00	90,593.47	769,790.22	426,525.78	64.35%
OTHER INDIRECT EXPENSE	911,363.00	91,289.77	654,061.44	257,301.56	71.77%
TOTAL INDIRECT EXPENSES:	5,664,008.00	465,482.94	3,772,826.23	1,891,181.77	66.61%
TOTAL ALL EXPENSES:	5,884,275.00	481,388.18	3,881,606.75	2,002,668.25	65.97%
NET INCOME (LOSS):	(5,788,075.00)	(473,240.14)	(3,819,250.36)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% 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	582.75	4,215.75	6,158.25	40.64%
TOTAL REVENUE:	120,374.00	582.75	141,715.75	(21,341.75)	117.73%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	6,000.00	2,242.28	4,857.38	1,142.62	80.96%
STAFF MEMBERSHIP DUES	350.00	-	-	350.00	0.00%
COMMITTEE FOR DIVERSITY	5,000.00	768.75	3,746.88	1,253.12	74.94%
DIVERSITY EVENTS & PROJECTS	10,000.00	10.93	4,153.47	5,846.53	41.53%
INTERNAL DIVERSITY OUTREACH	200.00	-	70.24	129.76	35.12%
TOTAL DIRECT EXPENSE:	21,550.00	3,021.96	12,827.97	8,722.03	59.53%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.05 FTE)	328,835.00	24,978.56	222,091.67	106,743.33	67.54%
BENEFITS EXPENSE	115,724.00	8,961.47	74,822.36	40,901.64	64.66%
OTHER INDIRECT EXPENSE	100,082.00	10,038.78	71,924.35	28,157.65	71.87%
TOTAL INDIRECT EXPENSES:	544,641.00	43,978.81	368,838.38	175,802.62	67.72%
TOTAL ALL EXPENSES:	566,191.00	47,000.77	381,666.35	184,524.65	67.41%
NET INCOME (LOSS):	(445,817.00)	(46,418.02)	(239,950.60)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% 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	-	2,000.00	1,000.00	66.67%
PRINTING & COPYING	800.00	113.77	608.67	191.33	76.08%
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	42.81	240.26	2,759.74	8.01%
POSTAGE	500.00	-	-	500.00	0.00%
TOTAL DIRECT EXPENSES:	14,200.00	156.58	2,860.92	11,339.08	20.15%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.15 FTE)	89,538.00	9,576.30	65,095.79	24,442.21	72.70%
BENEFITS EXPENSE	32,707.00	2,564.68	21,138.44	11,568.56	64.63%
OTHER INDIRECT EXPENSE	28,418.00	2,858.26	20,478.35	7,939.65	72.06%
TOTAL INDIRECT EXPENSES:	150,663.00	14,999.24	106,712.58	43,950.42	70.83%
TOTAL ALL EXPENSES:	164,863.00	15,155.82	109,573.50	55,289.50	66.46%
NET INCOME (LOSS):	<u>(164,863.00)</u>	<u>(15,155.82)</u>	<u>(109,573.50)</u>		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
HUMAN RESOURCES					
REVENUE:					
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TOTAL REVENUE:	-	-	-	-	
<hr/>					
DIRECT EXPENSES:					
<hr/>					
STAFF TRAVEL/PARKING	150.00	-	220.00	(70.00)	146.67%
STAFF MEMBERSHIP DUES	1,250.00	-	778.00	472.00	62.24%
SUBSCRIPTIONS	2,100.00	-	1,799.30	300.70	85.68%
STAFF TRAINING- GENERAL	30,000.00	1,261.35	9,083.48	20,916.52	30.28%
RECRUITING AND ADVERTISING	7,000.00	66.05	2,547.90	4,452.10	36.40%
PAYROLL PROCESSING	49,000.00	3,318.08	31,266.29	17,733.71	63.81%
SALARY SURVEYS	2,900.00	220.20	2,510.30	389.70	86.56%
CONSULTING SERVICES	10,000.00	-	-	10,000.00	0.00%
TRANSFER TO INDIRECT EXPENSE	(102,400.00)	(4,865.68)	(48,205.27)	(54,194.73)	47.08%
TOTAL DIRECT EXPENSES:	-	-	-	-	
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INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	260,398.00	20,344.90	168,336.00	92,062.00	64.65%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	-	-	(200,000.00)	0.00%
BENEFITS EXPENSE	84,017.00	6,469.73	54,392.78	29,624.22	64.74%
OTHER INDIRECT EXPENSE	60,543.00	6,065.05	43,454.24	17,088.76	71.77%
TOTAL INDIRECT EXPENSES:	204,958.00	32,879.68	266,183.02	(61,225.02)	129.87%
TOTAL ALL EXPENSES:	204,958.00	32,879.68	266,183.02	(61,225.02)	129.87%
NET INCOME (LOSS):	(204,958.00)	(32,879.68)	(266,183.02)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% 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	5,644.00	157,955.00	4,045.00	97.50%
LAW CLERK APPLICATION FEES	4,000.00	300.00	1,900.00	2,100.00	47.50%
TOTAL REVENUE:	166,000.00	5,944.00	159,855.00	6,145.00	96.30%
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	1,142.44	3,656.80	2,343.20	60.95%
STAFF TRAVEL/PARKING	-	-	33.33	(33.33)	
LAW CLERK OUTREACH	5,000.00	-	89.09	4,910.91	1.78%
TOTAL DIRECT EXPENSES:	11,350.00	1,142.44	3,779.22	7,570.78	33.30%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.10 FTE)	84,449.00	6,319.84	55,322.06	29,126.94	65.51%
BENEFITS EXPENSE	31,033.00	2,397.97	19,941.87	11,091.13	64.26%
OTHER INDIRECT EXPENSE	27,183.00	2,718.84	19,479.48	7,703.52	71.66%
TOTAL INDIRECT EXPENSES:	142,665.00	11,436.65	94,743.41	47,921.59	66.41%
TOTAL ALL EXPENSES:	154,015.00	12,579.09	98,522.63	55,492.37	63.97%
NET INCOME (LOSS):	11,985.00	(6,635.09)	61,332.37		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LEGISLATIVE					
REVENUE:					
<hr/>					
TOTAL REVENUE:	-	-	-	-	
<hr/>					
DIRECT EXPENSES:					
<hr/>					
STAFF TRAVEL/PARKING	4,550.00	67.28	1,855.74	2,694.26	40.79%
STAFF MEMBERSHIP DUES	450.00	-	130.00	320.00	28.89%
SUBSCRIPTIONS	2,000.00	-	1,981.80	18.20	99.09%
TELEPHONE	400.00	-	-	400.00	0.00%
OLYMPIA RENT	2,500.00	-	1,143.12	1,356.88	45.72%
CONTRACT LOBBYIST	5,000.00	-	5,000.00	-	100.00%
LOBBYIST CONTACT COSTS	1,000.00	-	-	1,000.00	0.00%
LEGISLATIVE COMMITTEE	2,500.00	147.19	2,431.40	68.60	97.26%
BOG LEGISLATIVE COMMITTEE	250.00	-	-	250.00	0.00%
TOTAL DIRECT EXPENSES:	18,650.00	214.47	12,542.06	6,107.94	67.25%
<hr/>					
INDIRECT EXPENSES:					
SALARY EXPENSE (1.10 FTE)	80,340.00	6,705.76	54,201.67	26,138.33	67.47%
BENEFITS EXPENSE	27,893.00	2,338.45	19,513.05	8,379.95	69.96%
OTHER INDIRECT EXPENSE	27,183.00	2,718.80	19,479.50	7,703.50	71.66%
TOTAL INDIRECT EXPENSES:	135,416.00	11,763.01	93,194.22	42,221.78	68.82%
TOTAL ALL EXPENSES:	154,066.00	11,977.48	105,736.28	48,329.72	68.63%
NET INCOME (LOSS):	(154,066.00)	(11,977.48)	(105,736.28)		

Washington State Bar Association
Statement of Activities
For the Period from May 1, 2019 to May 31, 2019
66.67% 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	1,760.48	13,055.88	8,944.12	59.34%
RULE 9/LEGAL INTERN FEES	11,000.00	4,350.00	9,200.00	1,800.00	83.64%
INVESTIGATION FEES	22,000.00	3,800.00	20,400.00	1,600.00	92.73%
PRO HAC VICE	230,000.00	21,291.00	237,049.00	(7,049.00)	103.06%
MEMBER CONTACT INFORMATION	19,000.00	1,200.00	8,293.61	10,706.39	43.65%
PHOTO BAR CARD SALES	350.00	24.00	264.00	86.00	75.43%
TOTAL REVENUE:	304,350.00	32,425.48	288,262.49	16,087.51	94.71%
DIRECT EXPENSES:					
DEPRECIATION	13,812.00	1,150.00	9,204.00	4,608.00	66.64%
POSTAGE	29,000.00	1,026.80	17,493.10	11,506.90	60.32%
LICENSING FORMS	3,000.00	-	2,441.11	558.89	81.37%
TOTAL DIRECT EXPENSES:	45,812.00	2,176.80	29,138.21	16,673.79	63.60%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.35 FTE)	395,080.00	31,990.14	268,820.19	126,259.81	68.04%
BENEFITS EXPENSE	133,752.00	10,328.10	86,458.83	47,293.17	64.64%
OTHER INDIRECT EXPENSE	107,495.00	10,770.74	77,168.74	30,326.26	71.79%
TOTAL INDIRECT EXPENSES:	636,327.00	53,088.98	432,447.76	203,879.24	67.96%
TOTAL ALL EXPENSES:	682,139.00	55,265.78	461,585.97	220,553.03	67.67%
NET INCOME (LOSS):	(377,789.00)	(22,840.30)	(173,323.48)		

Washington State Bar Association
Statement of Activities
For the Period from May 1, 2019 to May 31, 2019
66.67% 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	98.34	431.49	168.51	71.92%
LLLT BOARD	17,000.00	267.97	8,204.54	8,795.46	48.26%
LLLT OUTREACH	8,000.00	-	2,407.66	5,592.34	30.10%
TOTAL DIRECT EXPENSES:	25,600.00	366.31	11,043.69	14,556.31	43.14%
INDIRECT EXPENSES:					
	_____	_____	_____	_____	_____
SALARY EXPENSE (1.55 FTE)	135,526.00	8,710.83	85,024.10	50,501.90	62.74%
BENEFITS EXPENSE	41,762.00	3,664.31	30,404.99	11,357.01	72.81%
OTHER INDIRECT EXPENSE	38,303.00	3,834.24	27,471.11	10,831.89	71.72%
TOTAL INDIRECT EXPENSES:	215,591.00	16,209.38	142,900.20	72,690.80	66.28%
TOTAL ALL EXPENSES:	241,191.00	16,575.69	153,943.89	87,247.11	63.83%
NET INCOME (LOSS):	(241,191.00)	(16,575.69)	(153,943.89)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% OF YEAR COMPLETE

	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	61.05	2,064.91	935.09	68.83%
TOTAL DIRECT EXPENSES:	<u>3,000.00</u>	<u>61.05</u>	<u>2,064.91</u>	<u>935.09</u>	<u>68.83%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.17 FTE)	99,089.00	7,462.31	64,973.43	34,115.57	65.57%
BENEFITS EXPENSE	40,651.00	2,698.68	22,462.25	18,188.75	55.26%
OTHER INDIRECT EXPENSE	28,913.00	2,893.13	20,728.19	8,184.81	71.69%
TOTAL INDIRECT EXPENSES:	<u>168,653.00</u>	<u>13,054.12</u>	<u>108,163.87</u>	<u>60,489.13</u>	<u>64.13%</u>
TOTAL ALL EXPENSES:	<u>171,653.00</u>	<u>13,115.17</u>	<u>110,228.78</u>	<u>61,424.22</u>	<u>64.22%</u>
NET INCOME (LOSS):	<u>(171,653.00)</u>	<u>(13,115.17)</u>	<u>(110,228.78)</u>		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% 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	49,500.00	430,145.00	109,855.00	79.66%
FORM 1 LATE FEES	150,000.00	15,850.00	140,537.50	9,462.50	93.69%
MEMBER LATE FEES	203,000.00	19,200.00	185,825.00	17,175.00	91.54%
ANNUAL ACCREDITED SPONSOR FEES	43,000.00	-	43,000.00	-	100.00%
ATTENDANCE LATE FEES	85,000.00	8,300.00	62,230.00	22,770.00	73.21%
COMITY CERTIFICATES	29,000.00	200.00	32,894.06	(3,894.06)	113.43%
TOTAL REVENUE:	1,050,000.00	93,050.00	894,631.56	155,368.44	85.20%
DIRECT EXPENSES:					
DEPRECIATION	249,948.00	20,843.00	166,567.00	83,381.00	66.64%
STAFF MEMBERSHIP DUES	500.00	-	500.00	-	100.00%
MCLE BOARD	2,000.00	155.71	820.18	1,179.82	41.01%
TOTAL DIRECT EXPENSES:	252,448.00	20,998.71	167,887.18	84,560.82	66.50%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.90 FTE)	374,898.00	25,975.18	261,196.39	113,701.61	69.67%
BENEFITS EXPENSE	124,996.00	9,717.95	80,740.66	44,255.34	64.59%
OTHER INDIRECT EXPENSE	121,087.00	12,130.12	86,908.49	34,178.51	71.77%
TOTAL INDIRECT EXPENSES:	620,981.00	47,823.25	428,845.54	192,135.46	69.06%
TOTAL ALL EXPENSES:	873,429.00	68,821.96	596,732.72	276,696.28	68.32%
NET INCOME (LOSS):	176,571.00	24,228.04	297,898.84		

Washington State Bar Association
Statement of Activities
For the Period from May 1, 2019 to May 31, 2019
66.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER ASSISTANCE PROGRAM					
REVENUE:					
DIVERSIONS	10,000.00	750.00	6,766.80	3,233.20	67.67%
SEMINAR REGISTRATIONS	-	49.00	1,372.00	(1,372.00)	
LAP GROUPS REVENUE	-	-	280.00	(280.00)	
TOTAL REVENUE:	10,000.00	799.00	8,418.80	1,581.20	84.19%
DIRECT EXPENSES:					
PUBLICATIONS PRODUCTION	200.00	-	127.86	72.14	63.93%
STAFF MEMBERSHIP DUES	225.00	226.00	226.00	(1.00)	100.44%
PROF LIAB INSURANCE	850.00	-	825.00	25.00	97.06%
TOTAL DIRECT EXPENSES:	1,275.00	226.00	1,178.86	96.14	92.46%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.90 FTE)	84,582.00	7,095.26	57,818.31	26,763.69	68.36%
BENEFITS EXPENSE	34,402.00	2,669.21	22,122.34	12,279.66	64.31%
OTHER INDIRECT EXPENSE	22,240.00	2,230.86	15,983.23	6,256.77	71.87%
TOTAL INDIRECT EXPENSES:	141,224.00	11,995.33	95,923.88	45,300.12	67.92%
TOTAL ALL EXPENSES:	142,499.00	12,221.33	97,102.74	45,396.26	68.14%
NET INCOME (LOSS):	(132,499.00)	(11,422.33)	(88,683.94)		

Washington State Bar Association
Statement of Activities
For the Period from May 1, 2019 to May 31, 2019
66.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER SERVICES & ENGAGEMENT					
REVENUE:					
ROYALTIES	30,000.00	8,724.40	33,983.37	(3,983.37)	113.28%
NMP PRODUCT SALES	70,000.00	1,644.00	64,042.64	5,957.36	91.49%
SPONSORSHIPS	1,200.00	-	725.00	475.00	60.42%
SEMINAR REGISTRATIONS	30,000.00	6,009.00	8,557.00	21,443.00	28.52%
TRIAL ADVOCACY PROGRAM	10,000.00	-	14,955.00	(4,955.00)	149.55%
TOTAL REVENUE:	141,200.00	16,377.40	122,263.01	18,936.99	86.59%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,500.00	-	241.49	4,258.51	5.37%
SUBSCRIPTIONS	480.00	15.00	784.60	(304.60)	163.46%
CONFERENCE CALLS	200.00	6.05	70.86	129.14	35.43%
YLL SECTION PROGRAM	1,100.00	-	740.00	360.00	67.27%
WYLC CLE COMPS	1,000.00	-	250.00	750.00	25.00%
WYLC OUTREACH EVENTS	2,500.00	-	516.93	1,983.07	20.68%
WYL COMMITTEE	15,000.00	90.99	1,163.16	13,836.84	7.75%
OPEN SECTIONS NIGHT	4,400.00	-	2,999.64	1,400.36	68.17%
RURAL PLACEMENT PROGRAM	10,500.00	16.76	16.76	10,483.24	0.16%
TRIAL ADVOCACY EXPENSES	2,500.00	-	2,347.00	153.00	93.88%
RECEPTION/FORUM EXPENSE	4,000.00	581.38	3,658.02	341.98	91.45%
WYLC SCHOLARSHIPS/DONATIONS/GRANT	2,500.00	-	835.90	1,664.10	33.44%
STAFF MEMBERSHIP DUES	385.00	-	-	385.00	0.00%
LENDING LIBRARY	5,500.00	108.90	2,065.02	3,434.98	37.55%
NMP SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	119.89	796.57	703.43	53.10%
TOTAL DIRECT EXPENSES:	56,065.00	938.97	16,485.95	39,579.05	29.41%
INDIRECT EXPENSES:					
SALARY EXPENSE (3.98 FTE)	296,941.00	24,586.12	192,087.02	104,853.98	64.69%
BENEFITS EXPENSE	110,321.00	8,541.74	71,230.06	39,090.94	64.57%
OTHER INDIRECT EXPENSE	98,352.00	9,864.45	70,675.55	27,676.45	71.86%
TOTAL INDIRECT EXPENSES:	505,614.00	42,992.31	333,992.63	171,621.37	66.06%
TOTAL ALL EXPENSES:	561,679.00	43,931.28	350,478.58	211,200.42	62.40%
NET INCOME (LOSS):	(420,479.00)	(27,553.88)	(228,215.57)		

Washington State Bar Association

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66.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBERSHIP BENEFITS					
REVENUE:					
SPONSORSHIPS	8,000.00	4,500.00	5,500.00	2,500.00	68.75%
INTERNET SALES	9,000.00	490.00	12,740.00	(3,740.00)	141.56%
TOTAL REVENUE:	17,000.00	4,990.00	18,240.00	(1,240.00)	107.29%
DIRECT EXPENSES:					
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	-	-	500.00	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	1,700.00	-	476.41	1,223.59	28.02%
WSBA CONNECTS	46,560.00	-	31,040.00	15,520.00	66.67%
CASEMAKER & FASTCASE	136,336.00	5,416.00	113,108.95	23,227.05	82.96%
CONFERENCE CALLS	-	-	256.53	(256.53)	
TOTAL DIRECT EXPENSES:	185,096.00	5,416.00	144,881.89	40,214.11	78.27%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.73 FTE)	54,366.00	4,466.46	35,320.39	19,045.61	64.97%
BENEFITS EXPENSE	20,206.00	1,576.32	13,107.58	7,098.42	64.87%
OTHER INDIRECT EXPENSE	18,039.00	1,812.57	12,986.51	5,052.49	71.99%
TOTAL INDIRECT EXPENSES:	92,611.00	7,855.35	61,414.48	31,196.52	66.31%
TOTAL ALL EXPENSES:	277,707.00	13,271.35	206,296.37	71,410.63	74.29%
NET INCOME (LOSS):	(260,707.00)	(8,281.35)	(188,056.37)		

Washington State Bar Association

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66.67% 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)	
DISPLAY ADVERTISING	297,500.00	25,581.50	101,639.30	195,860.70	34.16%
SUBSCRIPT/SINGLE ISSUES	350.00	-	57.36	292.64	16.39%
CLASSIFIED ADVERTISING	12,500.00	168.00	11,539.50	960.50	92.32%
GEN ANNOUNCEMENTS	17,500.00	1,201.20	2,438.80	15,061.20	13.94%
PROF ANNOUNCEMENTS	21,000.00	1,715.00	6,043.80	14,956.20	28.78%
JOB TARGET ADVERTISING	112,500.00	12,989.43	119,701.49	(7,201.49)	106.40%
TOTAL REVENUE:	461,350.00	41,655.13	242,687.84	218,662.16	52.60%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	2,000.00	-	(2,450.00)	4,450.00	-122.50%
POSTAGE	89,000.00	10,083.66	60,008.60	28,991.40	67.43%
PRINTING, COPYING & MAILING	250,000.00	26,814.60	171,040.40	78,959.60	68.42%
DIGITAL/ONLINE DEVELOPMENT	10,200.00	700.00	4,300.00	5,900.00	42.16%
GRAPHICS/ARTWORK	3,500.00	-	-	3,500.00	0.00%
EDITORIAL ADVISORY COMMITTEE	800.00	184.05	390.45	409.55	48.81%
STAFF MEMBERSHIP DUES	135.00	-	-	135.00	0.00%
SUPPLIES	-	-	17.79	(17.79)	
TOTAL DIRECT EXPENSES:	355,635.00	37,782.31	233,307.24	122,327.76	65.60%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.25 FTE)	177,211.00	15,102.04	118,711.17	58,499.83	66.99%
BENEFITS EXPENSE	70,006.00	5,431.52	36,583.56	33,422.44	52.26%
OTHER INDIRECT EXPENSE	55,601.00	5,577.08	39,957.97	15,643.03	71.87%
TOTAL INDIRECT EXPENSES:	302,818.00	26,110.64	195,252.70	107,565.30	64.48%
TOTAL ALL EXPENSES:	658,453.00	63,892.95	428,559.94	229,893.06	65.09%
NET INCOME (LOSS):	(197,103.00)	(22,237.82)	(185,872.10)		

Washington State Bar Association

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66.67% 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	145.97	1,727.76	272.24	86.39%
DISCIPLINE ADVISORY ROUNDTABLE	500.00	-	-	500.00	0.00%
CUSTODIANSHIPS	2,500.00	-	-	2,500.00	0.00%
LITIGATION EXPENSES	-	172.31	260.39	(260.39)	
TOTAL DIRECT EXPENSES:	13,076.00	318.28	2,188.15	10,887.85	16.73%
INDIRECT EXPENSES:					
SALARY EXPENSE (5.75 FTE)	588,978.00	38,636.98	323,851.87	265,126.13	54.99%
BENEFITS EXPENSE	197,610.00	14,429.94	121,430.27	76,179.73	61.45%
OTHER INDIRECT EXPENSE	142,092.00	14,256.41	102,142.47	39,949.53	71.88%
TOTAL INDIRECT EXPENSES:	928,680.00	67,323.33	547,424.61	381,255.39	58.95%
TOTAL ALL EXPENSES:	941,756.00	67,641.61	549,612.76	392,143.24	58.36%
NET INCOME (LOSS):	(941,756.00)	(67,641.61)	(549,282.76)		

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66.67% OF YEAR COMPLETE

	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	130.72	3,490.86	6,509.14	34.91%
CHIEF HEARING OFFICER	33,000.00	2,500.00	20,000.00	13,000.00	60.61%
HEARING OFFICER EXPENSES	3,000.00	-	134.43	2,865.57	4.48%
HEARING OFFICER TRAINING	2,000.00	-	-	2,000.00	0.00%
OUTSIDE COUNSEL	55,000.00	3,000.00	26,500.00	28,500.00	48.18%
TOTAL DIRECT EXPENSES:	103,500.00	5,630.72	50,125.29	53,374.71	48.43%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.45 FTE)	110,578.00	7,806.54	64,156.91	46,421.09	58.02%
BENEFITS EXPENSE	40,663.00	3,110.36	25,934.85	14,728.15	63.78%
OTHER INDIRECT EXPENSE	35,832.00	3,590.26	25,722.96	10,109.04	71.79%
TOTAL INDIRECT EXPENSES:	187,073.00	14,507.16	115,814.72	71,258.28	61.91%
TOTAL ALL EXPENSES:	290,573.00	20,137.88	165,940.01	124,632.99	57.11%
NET INCOME (LOSS):	(290,573.00)	(20,137.88)	(165,940.01)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% 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	-	39.92	1,360.08	2.85%
STAFF MEMBERSHIP DUES	1,152.00	-	-	1,152.00	0.00%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
ABA DELEGATES	4,500.00	-	2,970.84	1,529.16	66.02%
ANNUAL CHAIR MEETINGS	600.00	-	496.74	103.26	82.79%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	143.04	2,320.32	2,179.68	51.56%
BOG ELECTIONS	6,500.00	-	4,900.00	1,600.00	75.38%
BAR OUTREACH	10,000.00	1,875.74	2,910.44	7,089.56	29.10%
PROFESSIONALISM	2,000.00	-	-	2,000.00	0.00%
TOTAL DIRECT EXPENSES:	30,852.00	2,018.78	13,638.26	17,213.74	44.21%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.73 FTE)	224,397.00	18,729.30	151,091.12	73,305.88	67.33%
BENEFITS EXPENSE	79,186.00	6,204.38	51,890.56	27,295.44	65.53%
OTHER INDIRECT EXPENSE	67,463.00	6,762.18	48,448.99	19,014.01	71.82%
TOTAL INDIRECT EXPENSES:	371,046.00	31,695.86	251,430.67	119,615.33	67.76%
TOTAL ALL EXPENSES:	401,898.00	33,714.64	265,068.93	136,829.07	65.95%
NET INCOME (LOSS):	(401,898.00)	(33,714.64)	(265,068.93)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE OF LAW BOARD					
REVENUE:	<u> </u>				
TOTAL REVENUE:	<u> </u>				
DIRECT EXPENSES:	<u> </u>				
PRACTICE OF LAW BOARD	16,000.00	1,117.01	7,092.68	8,907.32	44.33%
TOTAL DIRECT EXPENSES:	<u>16,000.00</u>	<u>1,117.01</u>	<u>7,092.68</u>	<u>8,907.32</u>	<u>44.33%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (0.40 FTE)	50,676.00	1,588.54	14,547.22	36,128.78	28.71%
BENEFITS EXPENSE	13,502.00	1,030.15	8,803.78	4,698.22	65.20%
OTHER INDIRECT EXPENSE	<u>9,885.00</u>	<u>975.99</u>	<u>6,992.69</u>	<u>2,892.31</u>	<u>70.74%</u>
TOTAL INDIRECT EXPENSES:	<u>74,063.00</u>	<u>3,594.68</u>	<u>30,343.69</u>	<u>43,719.31</u>	<u>40.97%</u>
TOTAL ALL EXPENSES:	<u>90,063.00</u>	<u>4,711.69</u>	<u>37,436.37</u>	<u>52,626.63</u>	<u>41.57%</u>
NET INCOME (LOSS):	<u>(90,063.00)</u>	<u>(4,711.69)</u>	<u>(37,436.37)</u>		

Washington State Bar Association
Statement of Activities
For the Period from May 1, 2019 to May 31, 2019
66.67% OF YEAR COMPLETE

	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	-	1,396.13	603.87	69.81%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
CPE COMMITTEE	4,200.00	-	3,397.47	802.53	80.89%
TOTAL DIRECT EXPENSES:	6,700.00	-	4,793.60	1,906.40	71.55%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.65 FTE)	160,192.00	13,608.68	108,473.65	51,718.35	67.71%
BENEFITS EXPENSE	57,904.00	4,478.73	37,415.36	20,488.64	64.62%
OTHER INDIRECT EXPENSE	40,774.00	4,078.22	29,219.16	11,554.84	71.66%
TOTAL INDIRECT EXPENSES:	258,870.00	22,165.63	175,108.17	83,761.83	67.64%
TOTAL ALL EXPENSES:	265,570.00	22,165.63	179,901.77	85,668.23	67.74%
NET INCOME (LOSS):	(265,570.00)	(22,165.63)	(179,901.77)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% 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	(27,500.00)	125.00%
PSP PRODUCT SALES	2,000.00	-	1,975.00	25.00	98.75%
TOTAL REVENUE:	112,000.00	-	139,475.00	(27,475.00)	124.53%
DIRECT EXPENSES:					
DONATIONS/SPONSORSHIPS/GRANTS	207,915.00	5,480.57	105,531.50	102,383.50	50.76%
STAFF TRAVEL/PARKING	2,000.00	196.59	353.48	1,646.52	17.67%
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	88.36	1,032.29	967.71	51.61%
PUBLIC SERVICE EVENTS AND PROJECTS	20,500.00	-	162.27	20,337.73	0.79%
TOTAL DIRECT EXPENSES:	232,415.00	5,765.52	107,079.54	125,335.46	46.07%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.03 FTE)	87,057.00	6,075.10	47,666.30	39,390.70	54.75%
BENEFITS EXPENSE	29,994.00	2,315.53	19,366.35	10,627.65	64.57%
OTHER INDIRECT EXPENSE	25,453.00	2,544.55	18,230.89	7,222.11	71.63%
TOTAL INDIRECT EXPENSES:	142,504.00	10,935.18	85,263.54	57,240.46	59.83%
TOTAL ALL EXPENSES:	374,919.00	16,700.70	192,343.08	182,575.92	51.30%
NET INCOME (LOSS):	(262,919.00)	(16,700.70)	(52,868.08)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% OF YEAR COMPLETE

	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	-	79.98	3.02	96.36%
IMAGE LIBRARY	4,680.00	-	4,200.00	480.00	89.74%
TOTAL DIRECT EXPENSES:	5,263.00	-	4,279.98	983.02	81.32%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.22 FTE)	80,074.00	6,551.06	59,115.34	20,958.66	73.83%
BENEFITS EXPENSE	31,380.00	2,431.35	19,970.56	11,409.44	63.64%
OTHER INDIRECT EXPENSE	30,148.00	3,032.53	21,727.01	8,420.99	72.07%
TOTAL INDIRECT EXPENSES:	141,602.00	12,014.94	100,812.91	40,789.09	71.19%
TOTAL ALL EXPENSES:	146,865.00	12,014.94	105,092.89	41,772.11	71.56%
NET INCOME (LOSS):	(146,865.00)	(12,014.94)	(105,092.89)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% 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	1,762.50	290,793.75	9,206.25	96.93%
TOTAL REVENUE:	300,000.00	1,762.50	290,793.75	9,206.25	96.93%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,200.00	204.23	821.29	378.71	68.44%
SUBSCRIPTIONS	372.00	-	372.00	-	100.00%
CONFERENCE CALLS	300.00	38.22	231.88	68.12	77.29%
MISCELLANEOUS	300.00	-	-	300.00	0.00%
SECTION/COMMITTEE CHAIR MTGS	1,000.00	-	590.39	409.61	59.04%
DUES STATEMENTS	6,000.00	-	5,585.18	414.82	93.09%
STAFF MEMBERSHIP DUES	125.00	-	-	125.00	0.00%
TOTAL DIRECT EXPENSES:	9,297.00	242.45	7,600.74	1,696.26	81.75%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.25 FTE)	297,955.00	26,337.54	201,897.53	96,057.47	67.76%
BENEFITS EXPENSE	112,039.00	8,692.92	72,320.92	39,718.08	64.55%
OTHER INDIRECT EXPENSE	105,024.00	10,526.73	75,420.59	29,603.41	71.81%
TOTAL INDIRECT EXPENSES:	515,018.00	45,557.19	349,639.04	165,378.96	67.89%
TOTAL ALL EXPENSES:	524,315.00	45,799.64	357,239.78	167,075.22	68.13%
NET INCOME (LOSS):	(224,315.00)	(44,037.14)	(66,446.03)		

Washington State Bar Association
Statement of Activities
For the Period from May 1, 2019 to May 31, 2019
66.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
TECHNOLOGY					
REVENUE:					
<hr/>					
TOTAL REVENUE:					
	-	-	-	-	
DIRECT EXPENSES:					
<hr/>					
CONSULTING SERVICES	85,000.00	991.36	54,077.83	30,922.17	63.62%
STAFF TRAVEL/PARKING	2,500.00	-	-	2,500.00	0.00%
STAFF MEMBERSHIP DUES	110.00	-	-	110.00	0.00%
TELEPHONE	24,000.00	1,569.91	13,128.34	10,871.66	54.70%
COMPUTER HARDWARE	29,000.00	450.33	11,608.66	17,391.34	40.03%
COMPUTER SOFTWARE	29,000.00	4,086.93	14,268.13	14,731.87	49.20%
HARDWARE SERVICE & WARRANTIES	60,000.00	-	31,468.64	28,531.36	52.45%
SOFTWARE MAINTENANCE & LICENSING	270,000.00	75,556.25	197,274.63	72,725.37	73.06%
TELEPHONE HARDWARE & MAINTENANCE	10,000.00	-	137.35	9,862.65	1.37%
COMPUTER SUPPLIES	15,000.00	456.86	5,611.88	9,388.12	37.41%
THIRD PARTY SERVICES	143,000.00	743.00	108,549.70	34,450.30	75.91%
TRANSFER TO INDIRECT EXPENSES	(667,610.00)	(83,854.64)	(436,125.16)	(231,484.84)	65.33%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (12.10 FTE)	1,059,680.00	90,780.58	736,989.71	322,690.29	69.55%
BENEFITS EXPENSE	370,332.00	28,624.92	235,120.65	135,211.35	63.49%
CAPITAL LABOR & OVERHEAD	(188,800.00)	(9,435.36)	(75,965.37)	(112,834.63)	40.24%
OTHER INDIRECT EXPENSE	299,010.00	29,976.80	214,773.91	84,236.09	71.83%
TOTAL INDIRECT EXPENSES:	1,540,222.00	139,946.94	1,110,918.90	429,303.10	72.13%
TOTAL ALL EXPENSES:	1,540,222.00	139,946.94	1,110,918.90	429,303.10	72.13%
NET INCOME (LOSS):	(1,540,222.00)	(139,946.94)	(1,110,918.90)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% 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	101,414.00	466,459.40	409,540.60	53.25%
SEMINAR-EXHIB/SPNSR/ETC	41,500.00	-	1,500.00	40,000.00	3.61%
SHIPPING & HANDLING	1,000.00	18.00	295.14	704.86	29.51%
COURSEBOOK SALES	11,000.00	210.00	8,308.00	2,692.00	75.53%
MP3 AND VIDEO SALES	950,000.00	22,848.52	643,669.58	306,330.42	67.75%
TOTAL REVENUE:	1,879,500.00	124,490.52	1,120,232.12	759,267.88	59.60%
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	3,000.00	30.66	803.67	2,196.33	26.79%
POSTAGE - FLIERS/CATALOGS	10,685.00	86.23	6,448.43	4,236.57	60.35%
POSTAGE - MISC./DELIVERY	2,500.00	141.50	476.50	2,023.50	19.06%
DEPRECIATION	5,540.00	485.00	4,906.12	633.88	88.56%
ONLINE EXPENSES	40,000.00	3,601.92	29,609.07	10,390.93	74.02%
ACCREDITATION FEES	4,696.00	(36.00)	1,978.00	2,718.00	42.12%
SEMINAR BROCHURES	20,770.00	2,596.74	12,416.42	8,353.58	59.78%
FACILITIES	223,500.00	56,247.86	117,586.85	105,913.15	52.61%
SPEAKERS & PROGRAM DEVELOP	68,100.00	6,803.85	20,730.59	47,369.41	30.44%
SPLITS TO SECTIONS	-	-	3,784.24	(3,784.24)	
CLE SEMINAR COMMITTEE	500.00	30.27	122.66	377.34	24.53%
BAD DEBT EXPENSE	600.00	-	(523.00)	1,123.00	-87.17%
STAFF TRAVEL/PARKING	5,675.00	2,334.94	2,525.54	3,149.46	44.50%
STAFF MEMBERSHIP DUES	1,260.00	-	1,007.00	253.00	79.92%
SUPPLIES	3,650.00	109.93	296.10	3,353.90	8.11%
TELEPHONE	-	-	13.88	(13.88)	
COST OF SALES - COURSEBOOKS	1,200.00	11.61	1,284.70	(84.70)	107.06%
A/V DEVELOP COSTS (RECORDING)	1,500.00	466.82	466.82	1,033.18	31.12%
SHIPPING SUPPLIES	100.00	-	-	100.00	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	500.00	20.12	314.07	185.93	62.81%
POSTAGE - FLIERS/CATALOGS	-	-	746.95	(746.95)	
TOTAL DIRECT EXPENSES:	393,776.00	72,931.45	204,994.61	188,781.39	52.06%
INDIRECT EXPENSES:					
SALARY EXPENSE (9.72 FTE)	656,422.00	52,900.03	440,600.30	215,821.70	67.12%
BENEFITS EXPENSE	254,178.00	17,988.74	159,601.76	94,576.24	62.79%
OTHER INDIRECT EXPENSE	240,197.00	24,085.98	172,568.37	67,628.63	71.84%
TOTAL INDIRECT EXPENSES:	1,150,797.00	94,974.75	772,770.43	378,026.57	67.15%
TOTAL ALL EXPENSES:	1,544,573.00	167,906.20	977,765.04	566,807.96	63.30%
NET INCOME (LOSS):	334,927.00	(43,415.68)	142,467.08		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DESKBOOKS					
REVENUE:					
SHIPPING & HANDLING	2,000.00	684.00	3,061.86	(1,061.86)	153.09%
DESKBOOK SALES	80,000.00	17,763.86	84,557.34	(4,557.34)	105.70%
SECTION PUBLICATION SALES	3,000.00	195.00	2,960.00	40.00	98.67%
CASEMAKER ROYALTIES	75,000.00	6,668.76	29,534.73	45,465.27	39.38%
TOTAL REVENUE:	160,000.00	25,311.62	120,113.93	39,886.07	75.07%
DIRECT EXPENSES:					
COST OF SALES - DESKBOOKS	50,000.00	28,328.72	82,284.30	(32,284.30)	164.57%
COST OF SALES - SECTION PUBLICATION	750.00	-	507.26	242.74	67.63%
SPLITS TO SECTIONS	1,000.00	-	713.82	286.18	71.38%
DESKBOOK ROYALTIES	1,000.00	-	659.92	340.08	65.99%
SHIPPING SUPPLIES	150.00	-	-	150.00	0.00%
POSTAGE & DELIVER-DESKBOOKS	2,000.00	1,435.72	5,060.09	(3,060.09)	253.00%
FLIERS/CATALOGS	3,000.00	-	1,932.18	1,067.82	64.41%
POSTAGE - FLIERS/CATALOGS	1,500.00	-	-	1,500.00	0.00%
COMPLIMENTARY BOOK PROGRAM	2,000.00	341.72	3,024.84	(1,024.84)	151.24%
OBSOLETE INVENTORY	-	-	7,536.21	(7,536.21)	
BAD DEBT EXPENSE	100.00	-	-	100.00	0.00%
RECORDS STORAGE - OFF SITE	7,440.00	675.00	6,020.00	1,420.00	80.91%
STAFF MEMBERSHIP DUES	250.00	-	168.00	82.00	67.20%
MISCELLANEOUS	200.00	55.00	55.00	145.00	27.50%
TOTAL DIRECT EXPENSES:	69,390.00	30,836.16	107,961.62	(38,571.62)	155.59%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.05 FTE)	117,663.00	9,822.92	80,203.14	37,459.86	68.16%
BENEFITS EXPENSE	48,981.00	3,805.20	31,559.34	17,421.66	64.43%
OTHER INDIRECT EXPENSE	50,659.00	5,089.11	36,461.68	14,197.32	71.97%
TOTAL INDIRECT EXPENSES:	217,303.00	18,717.23	148,224.16	69,078.84	68.21%
TOTAL ALL EXPENSES:	286,693.00	49,553.39	256,185.78	30,507.22	89.36%
NET INCOME (LOSS):	(126,693.00)	(24,241.77)	(136,071.85)		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% 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	867.55	4,916.57	(1,916.57)	163.89%
CPF MEMBER ASSESSMENTS	982,000.00	8,292.50	1,011,672.50	(29,672.50)	103.02%
INTEREST INCOME	7,500.00	9,222.28	49,855.99	(42,355.99)	664.75%
TOTAL REVENUE:	992,500.00	18,382.33	1,066,445.06	(73,945.06)	107.45%
DIRECT EXPENSES:					
BANK FEES - WELLS FARGO	1,000.00	2,192.71	1,742.38	(742.38)	174.24%
GIFTS TO INJURED CLIENTS	500,000.00	26,499.00	82,699.00	417,301.00	16.54%
CPF BOARD EXPENSES	3,000.00	151.28	649.36	2,350.64	21.65%
TOTAL DIRECT EXPENSES:	504,000.00	28,842.99	85,090.74	418,909.26	16.88%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.25 FTE)	97,740.00	6,735.72	54,555.75	43,184.25	55.82%
BENEFITS EXPENSE	35,581.00	2,704.38	22,627.20	12,953.80	63.59%
OTHER INDIRECT EXPENSE	30,889.00	3,102.28	22,226.65	8,662.35	71.96%
TOTAL INDIRECT EXPENSES:	164,210.00	12,542.38	99,409.60	64,800.40	60.54%
TOTAL ALL EXPENSES:	668,210.00	41,385.37	184,500.34	483,709.66	27.61%
NET INCOME (LOSS):	324,290.00	(23,003.04)	881,944.72		

Washington State Bar Association
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For the Period from May 1, 2019 to May 31, 2019
66.67% 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	-	34,632.50	(1,632.50)	104.95%
OTHER ACTIVITIES REGISTRATION REVENUE	20,000.00	-	22,525.00	(2,525.00)	112.63%
WESTERN STATES BAR MEMBERSHIP DUES	3,200.00	-	3,000.00	200.00	93.75%
SPONSORSHIPS	12,000.00	-	7,700.00	4,300.00	64.17%
TOTAL REVENUE:	68,200.00	-	67,857.50	342.50	99.50%
DIRECT EXPENSES:					
FACILITIES	55,000.00	(3,516.92)	47,383.58	7,616.42	86.15%
SPEAKERS & PROGRAM DEVELOPMENT	1,000.00	501.23	501.23	498.77	50.12%
BANK FEES	-	-	1.00	(1.00)	
WSBC PRESIDENT TRAVEL	500.00	-	-	500.00	0.00%
OPTIONAL ACTIVITIES EXPENSE	3,500.00	-	6,952.30	(3,452.30)	198.64%
MARKETING EXPENSE	800.00	-	601.05	198.95	75.13%
STAFF TRAVEL/PARKING	2,000.00	900.00	2,177.35	(177.35)	108.87%
TOTAL DIRECT EXPENSES:	62,800.00	(2,115.69)	57,616.51	5,183.49	91.75%
INDIRECT EXPENSES:					
TOTAL INDIRECT EXPENSES:	-	-	-	-	
TOTAL ALL EXPENSES:	62,800.00	(2,115.69)	57,616.51	5,183.49	91.75%
NET INCOME (LOSS):	5,400.00	2,115.69	10,240.99		

Washington State Bar Association
Statement of Activities
For the Period from May 1, 2019 to May 31, 2019
66.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	472,490.00	2,840.00	441,333.12	31,156.88	93.41%
SEMINAR PROFIT SHARE	15,000.00	2,637.35	13,556.00	1,444.00	90.37%
INTEREST INCOME	1,900.00	-	-	1,900.00	0.00%
PUBLICATIONS REVENUE	4,000.00	-	2,747.95	1,252.05	68.70%
OTHER	50,750.00	760.00	20,409.75	30,340.25	40.22%
TOTAL REVENUE:	544,140.00	6,237.35	478,046.82	66,093.18	87.85%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	531,505.00	54,404.18	175,433.66	356,071.34	33.01%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	309,019.50	1,762.50	290,793.75	18,225.75	94.10%
TOTAL DIRECT EXPENSES:	840,524.50	56,166.68	466,227.41	374,297.09	55.47%
NET INCOME (LOSS):	(296,384.50)	(49,929.33)	11,819.41		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
INDIRECT EXPENSES:					
SALARIES	11,868,980.00	963,636.53	7,899,142.20	3,969,837.80	66.55%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	-	-	(200,000.00)	0.00%
TEMPORARY SALARIES	141,330.00	12,822.50	140,276.37	1,053.63	99.25%
CAPITAL LABOR & OVERHEAD	(188,800.00)	(9,435.36)	(75,965.37)	(112,834.63)	40.24%
EMPLOYEE ASSISTANCE PLAN	4,800.00	1,200.00	3,600.00	1,200.00	75.00%
EMPLOYEE SERVICE AWARDS	2,230.00	-	2,129.12	100.88	95.48%
FICA (EMPLOYER PORTION)	879,000.00	71,013.67	566,802.36	312,197.64	64.48%
L&I INSURANCE	47,250.00	-	19,980.39	27,269.61	42.29%
WA STATE FAMILY MEDICAL LEAVE (EMPLOYER PORTION)	-	1,381.52	7,203.17	(7,203.17)	
MEDICAL (EMPLOYER PORTION)	1,590,000.00	124,047.96	976,800.85	613,199.15	61.43%
RETIREMENT (EMPLOYER PORTION)	1,494,000.00	118,095.97	971,535.79	522,464.21	65.03%
TRANSPORTATION ALLOWANCE	119,250.00	425.00	107,458.20	11,791.80	90.11%
UNEMPLOYMENT INSURANCE	87,500.00	7,484.23	49,841.32	37,658.68	56.96%
STAFF DEVELOPMENT-GENERAL	6,900.00	-	604.39	6,295.61	8.76%
TOTAL SALARY & BENEFITS EXPENSE:	15,852,440.00	1,290,672.02	10,669,408.79	5,183,031.21	67.30%
WORKPLACE BENEFITS	39,000.00	2,960.07	35,800.82	3,199.18	91.80%
HUMAN RESOURCES POOLED EXP	102,400.00	4,865.68	48,205.27	54,194.73	47.08%
MEETING SUPPORT EXPENSES	12,500.00	1,422.28	9,752.12	2,747.88	78.02%
RENT	1,802,000.00	143,364.94	1,287,491.09	514,508.91	71.45%
PERSONAL PROP TAXES-WSBA	14,000.00	900.84	9,345.99	4,654.01	66.76%
FURNITURE, MAINT, LH IMP	35,200.00	-	14,566.41	20,633.59	41.38%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	3,721.55	36,115.01	9,884.99	78.51%
FURN & OFFICE EQUIP DEPRECIATION	51,300.00	4,242.00	33,654.78	17,645.22	65.60%
COMPUTER HARDWARE DEPRECIATION	51,800.00	3,978.00	30,799.00	21,001.00	59.46%
COMPUTER SOFTWARE DEPRECIATION	162,700.00	10,257.00	78,725.00	83,975.00	48.39%
INSURANCE	143,000.00	11,916.18	95,329.44	47,670.56	66.66%
PROFESSIONAL FEES-AUDIT	35,000.00	-	31,669.20	3,330.80	90.48%
PROFESSIONAL FEES-LEGAL	50,000.00	67,977.34	214,441.14	(164,441.14)	428.88%
TELEPHONE & INTERNET	47,000.00	396.44	25,248.03	21,751.97	53.72%
POSTAGE - GENERAL	36,000.00	2,362.20	16,557.56	19,442.44	45.99%
RECORDS STORAGE	40,000.00	528.86	28,937.65	11,062.35	72.34%
STAFF TRAINING	95,245.00	1,768.55	36,548.95	58,696.05	38.37%
BANK FEES	35,400.00	2,235.33	22,844.54	12,555.46	64.53%
PRODUCTION MAINTENANCE & SUPPLIES	12,000.00	1,815.55	4,609.64	7,390.36	38.41%
COMPUTER POOLED EXPENSES	667,610.00	83,854.64	436,125.16	231,484.84	65.33%
TOTAL OTHER INDIRECT EXPENSES:	3,478,155.00	348,567.45	2,496,766.80	981,388.20	71.78%
TOTAL INDIRECT EXPENSES:	19,330,595.00	1,639,239.47	13,166,175.59		

Washington State Bar Association

Statement of Activities

For the Period from May 1, 2019 to May 31, 2019

66.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
SUMMARY PAGE				
LICENSE FEES	15,958,200.00	1,384,207.67	10,876,575.22	5,081,624.78
ACCESS TO JUSTICE	(327,324.00)	(25,880.79)	(200,840.63)	(126,483.37)
ADMINISTRATION	(1,043,654.00)	(49,078.90)	(527,700.99)	(515,953.01)
ADMISSIONS/BAR EXAM	69,421.00	5,857.91	388,149.61	(318,728.61)
BOARD OF GOVERNORS	(834,709.00)	(79,511.07)	(609,341.88)	(225,367.12)
COMMUNICATIONS	(604,832.00)	(47,540.15)	(408,857.66)	(195,974.34)
CONFERENCE & BROADCAST SERVICES	(783,893.00)	(68,715.28)	(545,988.44)	(237,904.56)
DISCIPLINE	(5,788,075.00)	(473,240.14)	(3,819,250.36)	(1,968,824.64)
DIVERSITY	(445,817.00)	(46,418.02)	(239,950.60)	(205,866.40)
FOUNDATION	(164,863.00)	(15,155.82)	(109,573.50)	(55,289.50)
HUMAN RESOURCES	(204,958.00)	(32,879.68)	(266,183.02)	61,225.02
LAP	(132,499.00)	(11,422.33)	(88,683.94)	(43,815.06)
LEGISLATIVE	(154,066.00)	(11,977.48)	(105,736.28)	(48,329.72)
LICENSING AND MEMBERSHIP	(377,789.00)	(22,840.30)	(173,323.48)	(204,465.52)
LIMITED LICENSE LEGAL TECHNICIAN	(241,191.00)	(16,575.69)	(153,943.89)	(87,247.11)
LIMITED PRACTICE OFFICERS	(171,653.00)	(13,115.17)	(110,228.78)	(61,424.22)
MANDATORY CLE ADMINISTRATION	176,571.00	24,228.04	297,898.84	(121,327.84)
MEMBER BENEFITS	(260,707.00)	(8,281.35)	(188,056.37)	(72,650.63)
MEMBER SERVICES & ENGAGEMENT	(420,479.00)	(27,553.88)	(228,215.57)	(192,263.43)
NW LAWYER	(197,103.00)	(22,237.82)	(185,872.10)	(11,230.90)
OFFICE OF GENERAL COUNSEL	(941,756.00)	(67,641.61)	(549,282.76)	(392,473.24)
OGC-DISCIPLINARY BOARD	(290,573.00)	(20,137.88)	(165,940.01)	(124,632.99)
OUTREACH & ENGAGEMENT	(401,898.00)	(33,714.64)	(265,068.93)	(136,829.07)
PRACTICE OF LAW BOARD	(90,063.00)	(4,711.69)	(37,436.37)	(52,626.63)
PROFESSIONAL RESPONSIBILITY PROGRAM	(265,570.00)	(22,165.63)	(179,901.77)	(85,668.23)
PUBLICATION & DESIGN SERVICES	(146,865.00)	(12,014.94)	(105,092.89)	(41,772.11)
PUBLIC SERVICE PROGRAMS	(262,919.00)	(16,700.70)	(52,868.08)	(210,050.92)
LAW CLERK PROGRAM	11,985.00	(6,635.09)	61,332.37	(49,347.37)
SECTIONS ADMINISTRATION	(224,315.00)	(44,037.14)	(66,446.03)	(157,868.97)
TECHNOLOGY	(1,540,222.00)	(139,946.94)	(1,110,918.90)	(429,303.10)
CLE - PRODUCTS	733,919.00	3,126.93	490,729.92	243,189.08
CLE - SEMINARS	(398,992.00)	(46,542.61)	(348,262.84)	(50,729.16)
SECTIONS OPERATIONS	(296,384.50)	(49,929.33)	11,819.41	(308,203.91)
DESKBOOKS	(126,693.00)	(24,241.77)	(136,071.85)	9,378.85
CLIENT PROTECTION FUND	324,290.00	(23,003.04)	881,944.72	(557,654.72)
WESTERN STATES BAR CONFERENCE (No WSBA Funds)	5,400.00	2,115.69	10,240.99	(4,840.99)
INDIRECT EXPENSES	(19,330,595.00)	(1,639,239.47)	(13,166,175.59)	(6,164,419.41)
TOTAL OF ALL	19,190,671.50	1,703,550.11	11,126,522.43	8,064,149.07
NET INCOME (LOSS)	139,923.50	(64,310.64)	2,039,653.16	

**Washington State Bar Association
Analysis of Cash Investments
As of May 31, 2019**

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 678,271

Total

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.41%	\$ 5,463,583
UBS Financial Money Market	2.41%	\$ 585,841
Morgan Stanley Money Market	2.31%	\$ 2,975,287
Merrill Lynch Money Market	2.40%	\$ 1,944,096
Short Term Investments	Varies	\$ 4,230,000

General Fund Total \$ 15,877,079

Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 1,021,009

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.41%	\$ 3,332,594
Morgan Stanley Money Market	2.32%	\$ 105,503
Wells Fargo Investments	Varies	\$ -

Client Protection Fund Total \$ 4,459,106

Grand Total Cash & Investments \$ 20,336,185

**Washington State Bar Association
Analysis of Cash Investments
As of May 31, 2019**

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>
Mizrahi Tefahot Bank	2.30%	2.30%	3 months	6/12/2019	250,000.00
Customers Bank	2.30%	2.30%	3 months	6/14/2019	250,000.00
Fidelity Bank Atlanta	2.30%	2.30%	4 months	7/15/2019	250,000.00
Pacific Premier Bank	2.30%	2.30%	4 months	7/15/2019	250,000.00
City National Bank	2.40%	2.40%	6 months	7/18/2019	240,000.00
Stifel Bank & Trust	2.40%	2.40%	4 months	7/26/2019	250,000.00
Bank of Baroda	2.30%	2.30%	6 months	7/30/2019	250,000.00
Valley National Bank	2.30%	2.30%	6 months	7/30/2019	250,000.00
Old National Bank	2.35%	2.35%	6 months	8/15/2019	250,000.00
Banc of California	2.35%	2.35%	6 months	9/11/2019	250,000.00
Western Alliance Bank	2.30%	2.30%	6 months	9/16/2019	250,000.00
Citizens Bank Rhode Island	2.40%	2.40%	6 months	9/20/2019	250,000.00
Umpqua Bank	2.50%	2.50%	8 months	9/23/2019	250,000.00
Bank of NY Mellon	2.45%	2.45%	9 months	10/15/2019	250,000.00
UBS Bank	2.50%	2.50%	9 months	10/16/2019	240,000.00
Investors Bank	2.55%	2.55%	9 months	10/18/2019	250,000.00
US Bank National Association	2.45%	2.45%	9 months	11/6/2019	250,000.00

Total Short Term Investments- General Fund 4,230,000.00

Client Protection Fund

<u>Bank</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Term Mths</u>	<u>Maturity Date</u>	<u>Amount</u>
Total CPF					<u><u>-</u></u>

WASHINGTON STATE BAR ASSOCIATION

To: Budget and Audit Committee
Board of Governors

From: Tiffany Lynch, Associate Director for Finance

Re: Investment Update as of May 31, 2019

Date: June 14, 2019

As directed by the Board of Governors at their May 16th meeting, the Investment Portfolio funds were liquidated from the existing bond funds and transferred into a Federated Money Market account with our advisors at Morgan Stanley. At the time of transfer (May 17, 2019), there was an aggregate gain across all funds of \$42,288, or 1.3%:

TOTAL INCEPTION VALUE OF ALL FUNDS	\$3,228,015
TOTAL VALUE OF ALL FUNDS ON DATE OF TRANSFER (5/17/19)	\$3,270,303
GAIN/(LOSS) SINCE INCEPTION (\$ and %)	\$42,288, 1.31%

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 April and at the date of transfer (May 17, 2019):

INVESTMENT FUND	VALUE			
	Inception	Transfer of Gains	4/30/19 (Previously Reported)	5/17/19
Nuveen 3-7 year Municipal Bond Portfolio	\$500,000	(\$200,000) ¹	\$321,180	\$323,769
Lord Abbett & Company Short Term Duration Income Fund	\$628,015 ²	(\$100,000) ⁴	\$711,419	\$713,908
Guggenheim Total Return Bond Fund	\$1,050,000 ³	\$0	\$1,117,807	\$1,126,442
Virtus Multi-Sector Short Term Bond Fund	\$1,050,000 ³	\$0	\$1,102,583	\$1,106,184
Total	\$3,228,015	(\$300,000)	\$3,252,989	\$3,270,303

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.

⁴ Transfer of \$100,000 made on April 17, 2019.



**Board of Governors Meeting
 WSBA Conference Center
 Seattle, WA
 September 26-27, 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, SEPTEMBER 26, 2019

- GENERAL INFORMATION**..... XX
- AGENDA** XX

8:00 A.M. – 12:00 P.M.

- WELCOME**
- PRESIDENT’S REPORT AND INTERIM EXECUTIVE DIRECTOR’S REPORT**
- MEMBER AND PUBLIC COMMENTS** (guests’ issues of interest)
- FINAL WSBA FY2020 BUDGET** – Governor/Treasurer Dan Bridges, and Tiffany Lynch; Associate Director of Finance **(action)**..... XX
- WASHINGTON STATE BAR FOUNDATION (WSBF) ANNUAL MEETING** – Kristina Larry WSBF President, and Laura Sanford, Foundation Development Officer
 - Appoint Members to WSBF Board of Trustees **(action)** XX
- COMMITTEE ON WSBA MISSION PERFORMANCE AND REVIEW RECOMMENDATIONS** – Governor Rajeev Majumdar, Chair **(action)** XX
- 2020 KELLER DEDUCTION SCHEDULE** **(action)**..... XX
- SUGGESTIONS RE CHARACTER AND FITNESS PROCESS** – Tarra Simmons XX

12:00 P.M. – LUNCH WITH LIAISONS AND GUESTS (Local Hero Awards)

1:00 P.M. – 2:00 P.M.

- UPDATE FROM BOG MEMBERS OF THE WASHINGTON SUPREME COURT WSBA STRUCTURE WORKGROUP** – Governors Dan Clark, Kyle Sciuchetti, and Paul Swegle..... xx
- PERSONNEL COMMITTEE PROPOSED WSBA BOG NO RETALIATION POLICY** – Governor Chris Meserve, Chair, and Felix Neals, Interim Director of Human Resources **(action)**..... xx

- UPDATE FROM WASHINGTON YOUNG LAWYERS COMMITTEE (WYLC)
- ANNUAL DISCUSSION WITH DEANS OF WASHINGTON STATE LAW SCHOOLS

5:00 P.M. – RECESS

FRIDAY, SEPTEMBER 27, 2019

9:00 A.M. – 5:00 P.M.

- COUNCIL ON PUBLIC DEFENSE (CPD)**
 - Proposed Appellate Guidelines – Kevin Plachy, Director of Advancement **(action)** xx
 - Proposed Defender Resource Packet – Kevin Plachy, Director of Advancement **(first reading)**xx
- PRO BONO AND PUBLIC SERVICE COMMITTEE PROPOSED LETTER RE IMMIGRATION
DETENTION CENTERS** – Ian Munce, WSBA Member **(action)** xx
- PROPOSALS RE BOARD UPDATES AND COMMUNICATIONS** – Sara Neigowski, Chief
Communications and Outreach Officer **(action)** xx
- UPDATE FROM BOG CIVIL LITIGATION RULES REVISION WORK GROUP** xx
- CONSENT CALENDAR**..... xx
 - July 26-27, 2019, Public Session Minutes xx
- GOVERNOR ROUNDTABLE** (Governors’ issues of interest)
- ANNOUNCE BASIS FOR EXECUTIVE SESSION PURSUANT TO RCW 42.30.110(1)(i) (if needed)**
- INFORMATION**
 - Interim Executive Director’s Report xx
 - Demographics of WSBA Committee Applicants xx
 - ABA Annual Meeting Report..... xx
 - Chief Hearing Officer Annual Report xx
 - Professionalism Annual Report..... xx
 - Legal Foundation of Washington Annual Report xx
 - Diversity and Inclusion Events xx
 - Financial Statements
- PREVIEW OF NOVEMBER 22-23, 2019, MEETING** xx

2019-2020 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 APEX 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
- FY2019 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 Annual 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
Draft WSBA FY2020 Budget	July 26-27, 2019	Sept 26-27, 2019
Proposed Fiscal Policy Change re Cost Centers	July 26-27, 2019	Sept 26-27, 2019
Proposed Supplemental Audit Options	July 26-27, 2019	Sept 26-27, 2019
Committee on WSBA Mission Performance and Review Recommendations	July 26-27, 2019	Sept 26-27, 2019
Proposals re Board Updates and Communications	July 26-27, 2019	Sept 26-27, 2019
BOG Civil Litigation Rules Revision Work Group Charter	July 26-27, 2019	Sept 26-27, 2019
Pro Bono and Public Service Committee Proposed Pro Bono Model Policies	July 26-27, 2019	Sept 26-27, 2019
Personnel Committee Proposed WSBA BOG No Retaliation Policy	July 26-27, 2019	Sept 26-27, 2019
CPD Proposed Appellate Guidelines	July 26-27, 2019	Sept 26-27, 2019