

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

Board of Governors Meeting
Late Late Materials

March 19, 2020
WSBA Conference Center
Seattle, Washington

BOARD OF GOVERNORS MEETING
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March 19, 2020
Seattle, WA

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Interim Executive Director Performance Assessment FY2020	LLM-3
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WASHINGTON STATE BAR ASSOCIATION

Washington State Bar Association Interim Executive Director Performance Assessment Questionnaire

Evaluation Period: April 2019 – February 2020

This questionnaire is designed to help you assess the performance of the Interim Executive Director during the evaluation period and to facilitate discussion with the Board of Governors. Consider the Interim Executive Director’s competencies for each of the goals identified. Select the most accurate rating for each using the scale below based upon your observation, considering the elements identified for that competency area. If you have not observed performance for a particular competency, please mark “Not Observed.” A “Comments” field appears below each section if there is a desire to include additional information.

1 = Did not achieve minimum expectations	2 = Demonstrated progress towards expectations	3 = Achieved Expectations	4 = Exceeded Expectations	5= Demonstrated Exceptional Performance
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INTERIM EXECUTIVE DIRECTOR ASSESSMENT

How satisfied are you that the Interim Executive Director:

1. **Successfully orchestrated and managed the execution of the Budget reforecast process within the prescribed timeline.**

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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Comments:

2. **Successfully orchestrated and managed the execution of the Supplemental audit process within the prescribed timeline.**

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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Comments:

3. Worked effectively with the Board, including implementing board policies, maintaining good communications and creating a professional environment.

(Providing vision and leadership to the Board through discernment of issues and presenting creative solutions for the Board's consideration; Demonstrates knowledge and respect for the roles, responsibilities, authority, and relationships of the BOG; assists, and interacts with BOG to achieve goals and objectives and to help define and solve problems; promotes harmony in BOG relations and is open and willing to take on new duties and responsibilities).

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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Comments:

4. Demonstrated Leadership in engagement with the Communities served by the WSBA.

(Serves as an effective spokesperson. Represents the organization well to its key Stakeholder Groups (public, members, Sections, Councils, Committees & Commissions; public officials, other nonprofits, government agencies and other relevant organizations); effectively establishes, maintains and cultivates effective working relationships with organizations and individuals in the legal community; has a robust outreach strategy to ensure conduits for member feedback; ensures that communication vehicles are developed and utilized well)

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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Comments:

5. Demonstrated Effective Leadership of the Executive Management team and staff.

(Led staff in maintaining a climate of excellence, accountability and respect; seeks, evaluates and acts upon opportunities for innovation to change, grow and improve; creates an environment that accepts and respects individual and cultural differences; values, develops, and encourages the unique contributions and addresses the concerns of diverse groups and individual s).

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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Comments:

6. Created and maintained a positive working relationship with the Supreme Court.

(Developed and implemented a comprehensive approach to enhancing relations between the WSBA and the Supreme Court, individually and as a group. Continued to work in partnership with the BOG).

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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Comments:

7. Successfully managed the transition from the previous WSBA leadership and Executive Team with the following key stakeholder groups:

a. WSBA Employees;

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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b. BOG;

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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c. Executive team;

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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d. Supreme Court;

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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e. Other stakeholder groups

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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Comments:

8. Provided relevant updates to the BOG associated with open litigation and the Open Public meetings Act:

Assessment of Results	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> N/O
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Comments:

TO: WSBA Board of Governors
FROM: Jean McElroy, Chief Regulatory Counsel
DATE: March 18, 2020
RE: Extension of Suspension Recommendation Date – ACTION

ACTION: Discussion and action on proposed extension of suspension recommendation date for members who are currently late in complying with license fee and MCLE certification requirements, due to the coronavirus emergency.

BACKGROUND

This item is on the agenda for Action.

The WSBA member licensing and MCLE certification deadline for this year was Monday, February 3, 2020. (The annual deadline is February 1st [see WSBA Bylaws Art.III.I.3], but because February 1st fell on a weekend this year, the actual compliance deadline was the following Monday the 3rd. See WSBA Bylaws Art.II.D.) License fee payments and MCLE certifications were due on that date. Members who didn't comply by the deadline with those requirements had a late fee assessed, pursuant to WSBA Bylaws and the MCLE rules. Since the deadline, WSBA staff has been reminding and attempting to work with members to assist them in completing all licensing requirements.

Pursuant to WSBA Bylaws Art. III.J. and Admission and Practice Rule (APR) 17(b)¹, as a final step in the pre-suspension process, WSBA staff are required to send 60 days' written notice by certified mail to the non-compliant members informing them of the deadline and also notifying them that the Washington Supreme Court will enter an order suspending them from the practice of law for failure to complete all licensing requirements. That certified letter has been sent, and the 60 day deadline date for sending the suspension recommendation to the Court is May 5, 2020.

As the Board knows, the period of time encompassed within the compliance period for members has seen the emergence and rapid expansion of the novel coronavirus. Both the Governor of Washington state and the President of the United States have declared the coronavirus situation to be an emergency requiring significant restrictions on activities and personal interactions in order to limit the rapid spread of the coronavirus. In turn, the restrictions put in place have had serious effects on the functioning of personal life, businesses, and the economy in Washington State and the country.

¹ APR 17(b) Notice and Order of Suspension. The Bar shall provide at least 60 days written notice of intent to seek suspension to a lawyer, LLLT, or LPO at the lawyer's, LLLT's, or LPO's address of record with the Bar. The Bar shall establish notice procedures consistent with this rule. A lawyer, LLLT, or LPO shall have a right to submit proof that the grounds for the suspension do not exist or no longer exist. After such notice the Court may enter an order suspending the lawyer, LLLT, or LPO from practice.

WSBA members and others in Washington State have been and continue to be affected by the coronavirus restrictions in place, and it is expected that such restrictions may expand. In recent days, when WSBA staff have communicated with members, some members have inquired whether the WSBA will take any actions, including possibly an extension of time before recommending suspension, due to the coronavirus.

In light of this background, the Board of Governors is asked to consider whether to allow members an extension of time until June 30th to complete all licensing requirements, with the understanding that the deadline could be reconsidered at a later date if the situation grows worse. If the Board decides to take this action, the Board should also request the Court to approve such action, given the interplay between the WSBA Bylaws and the APR.

There is some limited precedent for the Board taking such action. Last year, when the Federal government was shut down for an extended period of time, preventing many members from being able to make their required licensing payments, the Board approved a waiver of late fees for those members who were unable to make their license fee payments on time due to the shutdown. The Board requested the Supreme Court to approve this waiver, which the Court did.

At this time, there is no recommendation to waive the license fees owed, the license fee late fees, or the MCLE late fees.² The recommendation instead is simply to extend to June 30, 2020, the deadline on which a suspension recommendation will be sent to the Court. Members who complete all licensing requirements and payments before that date will not be included in the recommendation sent to the Court.

PROPOSED ACTION

- 1) Approve June 30, 2020, as the date on which WSBA staff will send to the Washington Supreme Court recommendations for the suspension of members' licenses to practice law for failure to complete licensing requirements.
- 2) Provide that the June 30, 2020, date may be reconsidered and extended by the Board, if necessary, in light of future developments surrounding the coronavirus and related actions.
- 3) Request that the Supreme Court approve the June 30, 2020, date (and possible extension of that date in appropriate circumstances) for the transmission of the suspension recommendation and entry of the suspension order by the Court.

² The outstanding licensing fees and all late fees total about \$480,000.