

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

Board of Governors Meeting
Meeting Materials

January 13-14, 2022
WSBA Conference Center
Seattle, WA
Zoom and Teleconference



**Board of Governors Meeting
WSBA Offices, Seattle, WA
January 13-14, 2022**

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
ALL ITEMS ON THIS AGENDA ARE POTENTIAL ACTION ITEMS**

To participate: Join via Zoom or Call 1.888.788.0099

Thursday, January 13th , Meeting ID: 821 1056 4961 Passcode: 840338

<https://wsba.zoom.us/j/82110564961?pwd=SDRkalpWMG1lYkxNM1BHMVZTMjY3QT09>

Friday, January 14th , Meeting ID: 864 1651 0300 Passcode: 644664

<https://wsba.zoom.us/j/86416510300?pwd=ajBOWFNnT1FrMENUZlA2QVZ1Z0QT09>

THURSDAY, JANUARY 13, 2022

9:00 AM – CALL TO ORDER & WELCOME

CONSENT CALENDAR

A governor may request that an item be removed from the consent calendar without providing a reason and it will be discussed immediately after the consent calendar. The remaining items will be voted on *en bloc*.

- Approve November 4-5, 2021 Board of Governors meeting minutes..... 7
- Approve December 14, 2021 Board of Governors special meeting minutes..... 17
- Approve Recommendations of the Judicial Recommendations Committee..... 22
- Approve Amendments to the Environmental and Land Use Law Section’s Bylaws 23
- Approve Amendments to the Legal Assistance to Military Personnel Section’s Bylaws..... 34
- Approve Client Protection Board Recommendations 51

MEMBER AND PUBLIC COMMENTS (30 minutes reserved)

Overall publiccomment is limited to 30 minutes and each speaker is limited to 3 minutes. The President will provide an opportunity for public comment for those in the room and participating remotely. Public comment will also be permitted at the beginning of each agenda item at the President’s discretion.

STANDING REPORTS

PRESIDENT’S REPORT

EXECUTIVE DIRECTOR’S REPORT 52

REPORTS OF STANDING OR ONGOING BOG COMMITTEES

Committees may “pass” if they have nothing to report. Related agenda items will be taken up later on the agenda. Each committee is allocated, on average, 3-4 minutes.

- Executive Committee, Pres. Brian Tollefson, Chair
- APEX Awards Committee, Gov. Hunter Abell, Chair
- Personnel Committee, Gov. Carla Higginson, Chair
- Legislative Committee, Gov. Brent Williams-Ruth, Chair..... 70
- Nominations Review Committee, Gov. Lauren Boyd, Chair
- Diversity Committee, Gov. Sunitha Anjilvel, Co-Chair
- Long-Range Strategic Planning Council, Pres. Brian Tollefson, Chair
- Member Engagement Workgroup, Treas. Bryn Peterson and Gov. Francis Adewale, Co-Chairs
- Budget & Audit Committee, Treas. Bryn Peterson, Chair
- Equity & Disparity Workgroup, Gov. Alec Stephens, Chair
- Supreme Court Bar Licensure Task Force, Gov. Williams-Ruth, BOG Rep.
- TAXICAB, Immediate Past Pres. Kyle Sciuchetti

NEW BUSINESS

GOVERNOR ROUNDTABLE (Governors’ issues of interest)

AGENDA ITEMS & UNFINISHED BUSINESS

WSBA GOVERNOR ELECTION POLICY 72

- PROPOSED COMMENTS BY THE WSBA CIVIL RIGHTS SECTION**, Immediate Past Chair Tobin Klusty
- Comment on Proposed Changes to CrRLJ 3.4 – Presence of the Defendant..... LM
 - Comment on Proposed Changes to CrR 3.4 – Presence of the Defendant..... LM

PROPOSED REVISIONS TO THE MEMBER ENGAGEMENT COMMITTEE CHARTER, Gov. Francis Adewale, Gov. Bryn Peterson, and Director Advancement Kevin Plachy 75

12:00 PM – RECESS FOR LUNCH

COUNCIL ON PUBLIC DEFENSE’S PROPOSED STATEMENT ON THE STANDARD FOR INDIGENT DEFENSE, Chair Travis Stearns, Vice-Chair Jason Schwarz, Emeritus Member Bob Borchowitz..... 82

- PROCESS FOR ANALYZING AND RECOMMENDING TO THE SUPREME COURT OF WASHINGTON RE THE FUTURE OF WSBA**..... LM
- COMMITTEE ON PROFESSIONAL ETHICS’ PROPOSED AMENDMENT TO RPC 1.8(e)**, Chair Pam Anderson and Committee Member Monte Jewell..... 94
- BUDGET & AUDIT COMMITTEE ITEMS**, Treas. Bryn Peterson and Chief Financial Officer Jorge Perez
 - Approve Amendment to the Fiscal Policies and Procedures and FY22 Budget Amendment RE Officer Travel.....130
 - Approve Exception to the Fiscal Policies and Procedures and FY22 Budget Amendment RE Governor Travel.....132
- PROPOSED CHANGES TO WSBA ADMISSIONS POLICIES**, Chief Regulatory Counsel Renata Garcia... ..134

SPECIAL REPORTS

- VOLUNTEER ENGAGEMENT REPORT**, Volunteer Engagement Advisor Paris Eriksen.....LM

5:00 PM – RECESS

FRIDAY, JANUARY 14, 2022

9:00 AM – RESUME MEETING

TRAINING

- EXPERIENCES IN THE LEGAL SYSTEM: A VIEW FROM PRACTITIONERS AND COMMUNITIES**, Denise Diskin and Dana Savage LM

SPECIAL REPORTS

- ACCESS TO JUSTICE BOARD ANNUAL REPORT**, Gov. Francis Adewale, Member Terry Price, Member Esperanza Borboa, Member Judge Dave Keenan.....154
- PRACTICE OF LAW BOARD ANNUAL REPORT**, Chair Michael Cherry.....169
- ABA MID-YEAR MEETING PREVIEW**, WSBA ABA Representatives Rajeev Majumdar, Kyle Berti.....184

11:45 AM – ADJOURN FOR LUNCH & VIRTUAL PARTICIPATION IN THE KING COUNTY BAR ASSOCIATION’S 2022 ANNUAL REVEREND DR. MARTIN LUTHER KING JR. LUNCHEON

INFORMATION

- Committee on Professional Ethics Advisory Opinion RPC 4.2 (202201).....286
- WSBA Sections 2021 Annual Reports291
- Washington State Bar Foundation Treasurer’s Report410
- General Information.....416
- Financial Reports.....432

2021-2022 Board of Governors Meeting Issues

MARCH (Lacey)

Standing Agenda Items:

- ABA Mid-Year Meeting Report
- Legislative Report
- Supreme Court Meeting
- Office of Disciplinary Counsel Report (ED Report)
- Financials (Information)

MAY (Spokane)

Standing Agenda Items:

- Legislative Report/Wrap-up
- Interview/Selection of WSBA At-Large Governor
- Interview/Selection of the WSBA President-elect
- WSBA APEX Awards Committee Recommendations
- Financials (Information)
- Office of Disciplinary Counsel Report (ED Report)

JULY (Tacoma)

Standing Agenda Items:

- Draft WSBA FY2023 Budget
- WSBA Treasurer Election
- Court Rules and Procedures Committee Report and Recommendations
- WSBA Committee and Board Chair Appointments
- BOG Retreat
- Financials (Information)
- Office of Disciplinary Counsel Report (ED Report)

SEPTEMBER (Bellevue)

Standing Agenda Items:

- Final FY2022 Budget
- 2021 Keller Deduction Schedule
- WSBF Annual Meeting and Trustee Election
- ABA Annual Meeting Report
- Legal Foundation of Washington Annual Report
- Washington Law School Deans
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation
- Office of Disciplinary Counsel Report (ED Report)
- Financials (Information)

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING

Minutes

Silver Cloud Hotel, Ruston, WA

November 4-5, 2021

Call to Order and Welcome ([link](#))

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Brian Tollefson on Thursday, November 4, 2021 at 9:05 AM. Governors in attendance were:

Hunter Abell
Francis Adewale
Sunitha Anjilvel
Lauren Boyd
Pres. Elect Daniel D. Clark
Jordan Couch
Matthew Dresden
Carla Higginson
Tom McBride
Treas. Bryn Peterson
Brett Purtzer
Serena Sayani
Alec Stephens
Brent Williams-Ruth

Also in attendance were Immediate Past President Kyle Sciuchetti, Executive Director Terra Nevitt, General Counsel Julie Shankland, Chief Communications & Outreach Officer Sara Niegowski, Chief Disciplinary Counsel Doug Ende, Chief of Staff Ana LaNasa Selvidge, Member Services & Engagement Manager Julianne Unite, Executive Administrator Shelly Bynum, Broadcast Services Manager Rex Nolte, Director of Advancement Kevin Plachy, Chief Equity & Justice Officer Diana Singleton, Chief Financial Officer Jorge Perez, Director of Human Resources & Chief Culture Officer Glynnis Klinefelter Sio, Communications Strategy Manager Jennifer Olegario, Community Outreach Specialist Mike Kroner, Sections Program Coordinator Omar Abdulla, Past Pres. Rajeev Majumdar, WSBF Pres. Tracy Flood, Nancy Hawkins (Family Law Section), James E Macpherson (Washington Defense Trial Lawyers), Kari Petrasek, and Michael Cherry (Practice of Law Board).

Consent Calendar ([link](#))

Pres. Tollefson asked if there were any objections to the consent calendar. There being none, Gov. Dresden moved for approval. Motion passed unanimously. Govs. Clark and Higginson were not present for the vote.

Member & Public Comments ([link](#))

The Board heard public comment from Michelle Su of the Korean American Bar Association of Washington regarding collaboration with other Minority Bar Associations to ensure that diversity, equity, and inclusion is a priority of the Washington State Bar Association, including proposing accountability measures for members of the Board of Governors.

President's Report ([link](#))

Pres. Tollefson reported on his participation at the Northwest Bar Leaders meeting in Bozeman, MT in October where WSBA leaders met with other bar leaders from the region and discussed judicial independence among other topics. He reported on the officers' meeting with Washington State Governor Jay Inslee, where the officers updated him on issues impacting WSBA. He also reported on his meeting with Chief Justice González. He reported that they discussed the Court's request that WSBA engage in an open and inclusive process to develop recommendations for the Court on WSBA's structure in light of ongoing first amendment litigation. He also reported that the Chief Justice encouraged WSBA to comment on proposed court rule changes.

Executive Director's Report ([link](#))

Executive Director Terra Nevitt referred the Board to the findings of the Task Force on Race and Washington's Criminal Justice System's Research Working Group and the Gender and Justice Commission's report on how gender and race affect justice. She noted that both include data and findings that are relevant to WSBA's strategic goals to promote equity in the legal system and to promote access to justice and promote public confidence in our legal system. She deferred to Task Force member Gov. Anjilvel who noted the connection to WSBA's upcoming work to conduct a new demographic study and revise WSBA's Diversity & Inclusion Plan.

Director Nevitt also reported WSBA's transition to a hybrid workforce, noting that of approximately 140 employees, 76 have indicated a desire to work entirely remotely. She reported that WSBA will be looking to consolidate its use of space at Puget Sound Plaza.

Director Nevitt deferred to Chief of Sara Niegowski to report on the member engagement survey developed by the Member Engagement Committee to obtain real time feedback on the work of the bar and the new online platform for Bar News. Gov. Higginson inquired as to the history and background of the member engagement survey and whether it had been approved by the Board of Governors. Discussion followed, including clarification that this item had come to the Board,

including for budget approval; that the project had been worked on for a year with ample opportunity for governor input; and the value of the input that will be gathered.

Reports of Standing or Ongoing BOG Committees ([link](#))

Executive Committee. Pres. Tollefson reported that the Executive Committee met to review the agenda for this meeting and also discussed a change to the committee's approach in reviewing the work of WSBA entities.

APEX Awards Committee. Gov. Abell reminded the Board that the awards celebration will be held live and virtually on December 13.

Personnel Committee. Gov. Higginson reported that the committee met once and is working to schedule a second meeting. She noted that she will further discuss the substance of the first meeting during the Personnel Committee agenda item.

Legislative Committee. Deferred.

Nominations Review Committee. No report.

Diversity Committee. Gov. Anjilvel reported that the next meeting is November 8 and noted that all of the meetings are open. She described the four subcommittees, which are working respectively on WSBA's upcoming demographic study, updating WSBA's definition of diversity under the Bylaws, exploring the committee's structure under the Bylaws, and exploring collaboration with the Minority Bar Associations on a pipeline program. Gov. Anjilvel also reported on a meeting with Michelle Su on behalf of the Minority Bar Associations.

Long Range Strategic Planning Council. Pres. Tollefson reported on the makeup of the Council and reported on the Council's discussion on the issue of WSBA's physical space and next steps when the lease expires in 2026. Immediate Past Pres. Sciuchetti further reported on this topic and the options that his subcommittee is exploring, including purchasing a building, maintaining the current space, or renting elsewhere. He also highlighted some of the other issues the Council is exploring.

Member Engagement Workgroup. Treas. Peterson provided an overview of the mission of the workgroup.

Budget & Audit Committee. Treas. Peterson reported on the most recent of the meeting of committee, including a critical and productive look back at last year's budget process and

upcoming work on an investment strategy. He also noted that CFO Jorge Perez will be conducting a seminar in December for Board members to deepen their understanding of WSBA's financial statements.

Equity & Disparity Workgroup. Gov. Stephens explained the mission of the workgroup and forthcoming recommendations.

Supreme Court Bar Licensure Task Force. Gov. Williams-Ruth reported on the discussions at the most recent task force meeting. He noted that we are still at the beginning of this process and focused on gathering data and information for the subcommittees.

Second Read: Senior Lawyers Proposed Change to the WSBA Bylaws ([link](#))

Senior Lawyers Section Chair Eleanor Doermann summarized the proposed changes to Art. III and XI in order to give each section discretion to determine whether inactive members can be voting members of their section. She noted that they had conducted a poll among sections and almost all were in favor. She also noted the changes that had been made to the proposal since it was presented for first reading, including to clarify that the change only addresses the ability of these members to vote or hold office in a section and more clearly indicating which statuses this applies to, specifically inactive, disability inactive, and honorary. Discussion followed including support for the proposed change and a concern about allowing folks that are not in active status to serve as a chair or co-chair. Gov. Stephens moved for approval of the proposed changes.

Discussion continued including that we have insufficient volunteers; the wisdom of calling upon the time and talents of retired members; that the impact is limited in that it only applies to section and only provides discretion; that one of the groups identified is honorary members, which have already contributed to WSBA as active members for 50 years; that section memberships have declined and this may partially remedy this trend; that the leadership positions are a huge time investment and retired members may be better suited to donate their time; concern that the proposal is not sufficiently narrowly tailored and that opening this up will lead to opening it more broadly in the future and that volunteers should be those actively engaged in the profession; that it's unclear what the harm of this proposed change would be; clarification between the first and second read changes; that some other integrated bar associations have similar language as what is being proposed; that the section was responsive to the issues raised at first read; whether ageism plays a role in views of the issue; and the experience of the Senior Lawyers Section in using technology and adapting to the pandemic.

The Board took public comment from Nancy Hawkins that being in "active" membership is not synonymous with being a practicing an attorney and in support of the diversity that older lawyers that can't afford to pay the active license fee will bring.

There being no further discussion, the underlying motion passed 9-4. Gov. Boyd was not present for the vote.

2022 Legislative Priorities ([link](#))

Gov. McBride referenced the materials, including a confidential memo from General Counsel Shankland. He clarified that this is not a proposal to take a position on a particular piece of legislation and that the proposed criteria have been used by WSBA for many years. He noted that the document informs the legislature as to WSBA's position and it also informs the committee's decision making. He noted that decisions to oppose or support particular pieces of legislation come back to the full Board. Legislative Affairs Manager Sanjay Walvekar reiterated that background and the purpose of the priorities and requested adoption. Gov. Higginson moved for approval. Discussion followed, including that the committee's approach has not changed in light of first amendment litigation impacting integrated bar associations and that the rules that apply to WSBA have not yet changed and are only speculative. The motion to approve was moved again as it was ruled out of order by Pres. Tollefson. The motion passed unanimously. Gov. Boyd was not present for the vote.

Legislative Review Committee Recommendations ([link](#))

Legislative Review Committee Chair Brian Considine introduced the presenters for the two pieces of legislation being recommended for WSBA sponsorship.

Eric DeJong presented the work of his committee to keep Washington's Business Corporations Act up to date looking at model rules and other jurisdictions. He reported that the first set of changes relate to provisions in the Act that effect the establishment of record dates for various purposes. The proposed change would move these rules from a single section to the various statutes that substantively govern those corporate actions. The proposed changes also seek to clarify that record dates cannot be set retroactively. A second set of changes relate to the portion of the Act dealing with mergers and share exchanges for Washington corporations. Mr. DeJong noted that the most significant change is to add a "medium form merger provision," which is a type of business combination transaction that consists of a front end tender offer by a buyer, followed by a back end merger that can be affected without a shareholder vote, provided certain conditions are met. The goal of the change is to allow friendly business combinations to be expedited. He noted that this change was initially implemented in Delaware and was included in the 2016 version of the model rule. He also noted a related proposed change to clarify that it will give shareholders that are not in favor the ability to dissent. Mr. DeJong presented a variety of more technical changes as well several miscellaneous changes, including clarification that when shareholders are aggregating their ownership in order to call a special meeting, the demands

have to be received within 60 days of the first demand. Last change would clarify that shareholder lists can be provided electronically.

Discussion followed regarding the applicability of GR 12.2 and whether the advocacy could happen outside of the bar association; that these types of proposals have been brought annually for 4-5 years; that the issues are not social and political; that the legislators expect and appreciate this work; and the kind of legal and stakeholder review that occurs on these proposals.

Elisabeth McNeil provided an overview of the proposed changes to the Uniform Limited Partnership and LLLC statutes, which are largely to harmonize provisions between the two acts as well as some clean-up and technical changes. She also highlighted several specific proposed changes to the LLC Act, including addressing a discrepancy in the percentage of members needed to approve a conversion versus a merger to prevent avoidance of dissenters rights; to automatically admit a successor in interest as a default setting for single-member LLCs; adjusting the default setting to allow a member to withdraw from a LLC without being entitled to a return of their investments; and to allow LLCs to have members with no economic interest.

Gov. Purtzer moved for approval of the proposals. Discussion continued about the process followed for analysis; a desire for an executive session; that the materials include a confidential memo from General Counsel Shankland; and that the guidance and rules given to the committee have not yet changed. Gov. Higginson moved to go into executive session on the topic at 2PM this afternoon. Gov. Higginson's motion passed 13-1.

[Request to Support the Legal Foundation of Washington's Proposed Changes to RPC 1.15](#) ([link](#))

Legal Foundation of Washington Executive Director Caitlin Davis presented the proposed change to RPC 1.15. Committee on Professional Ethics Chair Pam Anderson clarified that the Committee took its direction from the Board at the last meeting, which was to work with LFW and Disciplinary Counsel to develop a draft rule for the Board's consideration. Committee member Prof. Brooks Holland presented a few highlights from the proposed rule. He notes that proposal expressly distinguishes between unclaimed and unidentified property. It would require that if after one year of diligent efforts to identify the owner of unidentified property, they cannot be identified, the funds must be remitted to LFW. He noted that unclaimed property would still be remitted to the Department of Revenue. He noted that the rule would provide that a lawyers reasonable and good faith judgement to remit the funds to LFW would protect them from discipline if later the remittance turns out to be erroneous. LFW would be responsible for the funds once remitted. He further noted that remitting funds to LFW does not provide a retroactive defense to any previous record keeping violations. Discussion followed, including that the rule addresses the duty of lawyers and not any third-party rights to claim funds; that there still appears to be a conflict with the statute; whether approaching the legislature would make more sense; concern that the

conflict would create liability for individual practitioners; whether the fact that the Supreme Court would take the action would likely influence the position of the Attorney General's office or the Department of Revenue; clarification that the intent would be to extend the rule to all licensed legal professionals; how LFW would address refunds; clarification that the current proposal would only affect licensed attorneys; and the companion amendment suggested by Chief Disciplinary Counsel Doug Ende. Gov. Adewale moved for adoption of the rule as proposed. It was clarified that the motion included the companion amendment to the ELCs proposed by Chief Ende. The Board took public comment from Nancy Hawkins as to whether the rule proposal would require reporting from LFW to disciplinary counsel and expressing concern about the Board receiving a confidential memo. It was clarified that there is no requirement for LFW to report things to WSBA. Discussion followed, including comments in favor of and in opposition to the motion. The motion to approve passed 7-5. Gov. Peterson abstained. Gov. Purtzer was not present for the vote.

Executive Session ([link](#))

Pres. Tollefson moved the Board into executive session at 2:00 PM for the purposes of receiving legal advice from counsel regarding potential litigation and to discuss legislative strategy. The executive session was ultimately extended to 3:15 PM.

Pres. Tollefson resumed public session at 3:15 PM and noted his desire to move forward on the underlying motion to approve the proposals of the Legislative Review Committee. The motion passed 11-2. Gov. Williams-Ruth abstained from the vote.

FY21 Listening Tour Report & Recommendations ([link](#))

Immediate Past Pres. Sciuchetti reported on the FY21 Listening Tour highlighting some of the updates provided and sharing his takeaways. He noted the discussions about rural practice, and some of the ideas shared, including use of the Rule 6 program to develop local attorneys. He noted that this information would be shared not only with the Board of Governors, but also with the Long Range Strategic Planning Council and the Small Town and Rural Committee. Discussion followed regarding the work of the STAR Committee as a response to some of the feedback; support for the Listening Tour and the connection it forges with the members; that the member outreach work should be centered in the Member Engagement Committee; that we also need to engage members in the I-5 corridor; that the Listening Tour should occur at the beginning of the year, rather than at the end of their term; and comments questioning the value of the Listening Tour.

Personnel Committee Proposal to Clarify WSBA Governance ([link](#))

Gov. Higginson noted that the Personnel Committee did not have any changes or a recommendation with regard to the proposal, that one governor had submitted written changes,

and that she had her own comments about the proposal as part of the discussion. Pres. Tollefson noted that at the last meeting the issue was tabled to November and clarified that the underlying motion to approve the proposal is still on the table. Discussion followed, including that the proposal has been in the works since March; that passing the proposal will not cause harm; comments in support of the motion; that guidelines already exist and the proposal is counterproductive; concern that the list of duties will be considered exhaustive, when it cannot be; that the work arises out of the climate survey and that considerable time has passed since then; the need to discuss the recommendation that individual governors not individually direct the work of staff; that not acting on the proposal timely underlines the issues identified by the climate survey; that not everyone understands what is in the proposal; that not all of the underlying documents are board-approved; the nature of the climate survey recommendations; lack of engagement on the topic; that if the Board wishes to maintain the status quo, it should take a vote to that effect; whether or not the climate survey results are stale; and that the document is useful and could be passed as non-exclusive and non-binding.

Gov. Stephens moved that the proposal be postponed indefinitely and the subject be taken up at the teambuilding retreat. Discussion followed, including that the discussion might be more comfortable to occur the retreat setting; concern that the motion would change the nature of the retreat; concern about delaying action; and that the Board meeting is the time to discuss the challenges. The Board heard public comment from former governor Tracy Flood regarding the responsibilities of governors and in opposition to the motion to postpone. Discussion followed including that the underlying issue is relationships; the need to be responsive; and that the proposal wouldn't be difficult to change in the future. Gov. Stephens withdrew his motion. Discussion followed. Gov. Williams-Ruth moved to add to the proposal "any issue that is not expressly delineated shall be determined by mutual agreement of the parties at issue. If agreement cannot be reached on any specific duty then it shall come to the next Board of Governors Meeting for discussion and action."

Gov. Stephens called the question. Motion to call the question passed unanimously with Gov. Higginson abstaining. The Gov. Williams-Ruth's motion to amend the proposal was restated and approved 9-2 with Govs. Clark, Peterson, and Stephens abstaining. Gov. Stephens moved to call the question on the underlying motion to approve. The motion to call the question passed 12-2. The underlying motion to approve the proposal, as amended, passed 11-2. Gov. Clark abstained from the vote.

Annual Anti-Harassment Training ([link](#))

Nate Bailey of Fischer Phillips conducted an MCLE-accredited training on the Board of Governors role in preventing harassment, including questions and answers with participants.

Annual Report of the Washington State Bar Foundation ([link](#))

Washington State Bar Foundation President Tracy Flood presented the Foundation's annual report. She highlighted the Powerful Communities grant project, which has extended across the state and the significant funds raised for the biennial Access to Justice Conference. She noted that 14% of members donate during the annual licensing campaign and highlighted the positive fundraising trends. Foundation Vice President Kinnon Williams highlighted the "what if" campaign to encourage giving by all members and urged Governors to contribute to the Foundation, at any level.

MCLE Board Report ([link](#))

MCLE Board Chair Todd Alberstone presented the Board's annual report. He summarized the purposes of the Board as set forth in the Admission to Practice Rules (APRs) to accredit courses and activities, consider member and sponsor petitions and appeals, and to suggest amendments to APR 11 and promulgate regulations. He noted that many of these activities are delegated to WSBA staff, as permitted by the rules, and highlighted the relationship between the Supreme Court created board and WSBA. Chair Alberstone highlighted current projects and activities including (1) exploring the possibility of providing MCLE credit to tutors under the Rule 6 Law Clerk program; (2) addressing the impact of the MCLE deadline extension due to COVID-19, which is expected to double the staff work and result in a significant increase in petitions and appeals; (3) developing regulations for the new MCLE requirement in the area of bias; (4) auditing courses; (5) increasing diversity on the MCLE Board; and (6) participating in the Task Force relating to the relationship between WSBA and Supreme Court Boards. Chair Alberstone also spoke to the Board's long-term goals. He noted that the Board of Governors can support the MCLE Board's work and mission through the provision of free and low-cost CLEs and by supporting the WSBA staff, which make the Board's work possible.

Council on Public Defense Matters ([link](#))

Council on Public Defense Chair Travis Stearns presented the Council's request to submit a letter in support of the Office of Public Defense's budget, which is seeking increased funds to address the *Blake* case, for staff increases, and for modest salary increases not requested in the prior year. Gov. Adewale moved for approval. The motion passed unanimously. Gov. Clark was not present for the vote.

Chair Stearns presented the second request of the Council to submit a comment on the Proposed New GR 41 and Amendments to CR 39 to ensure the parties have the ability to choose whether to hold hearings virtually. He noted that while there are many benefits of remote hearings, they may not be appropriate in every case. Discussion followed in support of ensuring that the defendant consents to a remote hearing. Gov. Stephens moved for approval. Motion passed unanimously. Gov. Clark was not present for the vote.

Email Security Training ([link](#))

IT Director Jon Dawson conducted an email security training for the Board of Governors. Discussion followed regarding support available for members regarding cybersecurity, including member benefits that are available for a discount and advice from the Practice Management Program, including consultation and educational resources.

Continuing the Conversation About WSBA's Structure ([link](#))

Gov. Boyd moved that there be a special meeting to discuss the bar structure topic. Discussion followed for and against the motion and suggested next steps, including requesting input from the original members of the workgroup, the members, and others; that the special meeting be an opportunity to listen to stakeholders; that the Member Engagement Workgroup to start educating and gathering input from members; and that the existing talking points be used to get the President talking to members. It was clarified that the intent of the motion is to have the special meeting before the regularly scheduled January BOG meeting. Gov. Williams-Ruth moved to amend the motion that the meeting be held before December 22. Discussion followed regarding the intent of the special meeting and it was clarified by the seconder that the intent was not make a decision, but to discuss the process for reaching a decision. There was further discussion about the timing of outreach and education, including public comment from Nancy Hawkins expressing concern about conducting outreach and seeking input at this time and noting that there is no emergency. Gov. Williams-Ruth's motion to amend passed 11-1. Govs. Clark and Sayani were not present for the vote.

Gov. Boyd clarified her motion to call a special meeting prior to December 22 for the purpose of discussing what the process is going to be for how to determine what our position is on the future structure of the bar. Discussion followed regarding the Bylaw provisions with regard to calling a special meeting and the impact of the motion in light of those provisions. The motion passed 11-2. Gov. Clark was not present for the vote.

Discussion followed regarding meeting logistics. Pres. Tollefsen said that he will work to schedule a full-day meeting in the Bar office during the first two weeks of December.

ADJOURNMENT

There being no further business, Pres. Tollefsen adjourned the meeting at 12:49 PM on Friday, November 5, 2021.

Respectfully submitted,

Terra Nevitt
WSBA Executive Director & Secretary

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS SPECIAL MEETING

Minutes

Held Virtually

December 14, 2021

Call to Order and Welcome ([link](#))

The special meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Brian Tollefson on Tuesday, December 14, 2021 at 12:03 PM. Governors in attendance were:

Hunter Abell
Sunitha Anjilvel
Lauren Boyd
Pres. Elect Daniel D. Clark
Jordan Couch
Matthew Dresden
Carla Higginson
Tom McBride
Treas. Bryn Peterson
Brett Purtzer
Serena Sayani
Alec Stephens
Brent Williams-Ruth

Also in attendance were Elly Baxter, Regulatory Services Counsel Cathy Biestek, Online Communications Specialist Noel Brady, Executive Administrator Shelly Bynum, Michael Cherry (Practice of Law Board), IT Director Jon Dawson, Chief Disciplinary Counsel Doug Ende, Volunteer Engagement Advisor Paris Eriksen, Chief Regulatory Counsel Renata Garcia, Tamara Garrison (Family Law Section), Chief Justice Steven González, M. Gordon, Practice Management Assistance Advisor Margeaux Green, Assistant General Counsel Nicole Gustine, Graphic Designer Jim Hanneman, Michael Harris, Nancy Hawkins (Family Law Section), Assistant General Counsel Thea Jennings, Director of Human Resources & Chief Culture Officer Glynnis Klinefelter Sio, Community Outreach Specialist Mike Kroner, Victoria L, Rajeev Majumdar, Jonathan McCoy, Sections Program Specialist Carolyn McGregor, Member Engagement Specialist Curtiss Melvin, Senior Legal Editor Margaret Morgan, Anna "Mickey" Mortiz, Executive Director Terra Nevitt, Chief Communications & Outreach Officer Sara Niegowski, Broadcast Services Manager Rex Nolte,

Sierra Ogasawara (LGBT Law Section), Chief Financial Officer Jorge Perez, Director of Advancement Kevin Plachy, Peder Punsalan-Teigen, Communications Specialist Collin Rigley, Parliamentarian G. Kim Risenmay, Immediate Past President Kyle Sciuchetti, General Counsel Julie Shankland, MCLE Manager Adelaine Shay, Chief Equity & Justice Officer Diana Singleton, Member Services & Engagement Manager Julianne Unite, Legislative Affairs Manager Sanjay Walvekar, Randy Winn (World Peace Through Law Section), and Barnaby Zall.

Pres. Tollefson welcomed Chief Justice González, who explained that the Washington Supreme Court is seeking WSBA's opinion regarding WSBA's structure and that the Court will engage in its own legal analysis with advice from the Assistant Attorney General that they work with. He noted that the Court has not decided and is asking WSBA to develop its own view, uninfluenced by the Court's view. The Chief Justice articulated three questions for WSBA to answer (1) Are there changes in the law that require changes to WSBA? (2) Even if changes aren't required, if there was a change, what would the new structure look like? (3) Regardless of any of the answers to those two questions, are there suggested changes as improvements? He noted that in answering these questions, the Court wants WSBA to consider a broad viewpoint – what is good for the public and what is good for the profession.

Discussion followed, including whether it would be reasonable to only answer the first question and wait until some future date to answer the other two questions; whether and when executive session is appropriate; the extent to which the 2019 report produced by the Washington Supreme Court Workgroup on WSBA Structure was sufficient or had been superseded by ongoing litigation; a suggestion that stakeholders need education before they can contribute to the conversation; the extent to which WSBA is being asked to conduct a risk assessment; a suggestion that WSBA consider how any changes to WSBA's structure might impact newer members of the bar; suggestions that the process include sections and as many people as possible; a perspective that WSBA should be proactive so as not to be caught "flat footed"; and a perspective that the proposal should consider how diversity and inclusion will be supported in any new structure.

Member & Public Comments ([link](#))

The Board took public comment from Sierra Ogasawara that stakeholders need adequate time to get fully informed and provide input; that communicating should include members outside of sections and that there should be time built-in to the process for that; and that there should be dedicated seats at the table for stakeholders.

Nancy Hawkins commented that that the process is destined for failure due to inadequate member participation in the decision making.

Tamara Garrison commented that there should be stakeholders at the table during the process.

The Board took public comment from Barnaby Zall who shared his view that these issues do need to be taken up given changes to conflict among the circuit courts.

Randy Winn commented that WSBA should make educating stakeholders a priority.

Continuing the Conversation About WSBA's Structure ([link](#))

Discussion continued, including support for a transparent process; the need to create time and mechanisms to expand on the education efforts already underway; a suggestion to invite stakeholders into the process as presenters; and acknowledgment that this is an important question and doesn't have to be rushed.

Immediate Past Pres. Sciuchetti presented his proposal set forth in the meeting materials and noted his suggested timeline, which is to complete work by the beginning of next year. He suggested reaching out to stakeholders given the importance of this question and noted that the Board of Governors is the decision-maker. Discussion followed, including the need for stakeholder education; a perspective that the legal landscape doesn't require changes and that WSBA shouldn't advocate for change; and a perspective that members may consider this activity a waste of time.

Gov. Higginson moved that the current bar structure remain unchanged and that the consideration of any different structure be deferred until after the United States Supreme Court has issued a ruling in the *McDonald* and *Shell* cases. Gov. Higginson noted the reasons for her motion, including that nothing mandates a change and any discussion of the best structure for WSBA should be separate from whether a structural change is legally required. Discussion followed, including a perspective that the motion is not responsive to the Washington Supreme Court's request; that a contingency plan would be prudent; that things have changed since the last analysis was conducted; and that the *Taylor* case (out of Michigan) is also pending. Gov. Higginson requested that her motion also reference the *Taylor* case. Discussion continued, including acknowledgement that the Court will ultimately make its own decision; that work based on speculation is not a prudent use of resources; that the proposal should not go forward without knowing the fiscal impact; that not deciding leaves stakeholders unclear on what work can be done; and that a process is required to answer the questions beyond risk analysis.

There was a suggestion that WSBA should consider what happens if the United States Supreme Court remands those cases rather than decides them. Gov. Higginson noted that the intent of the motion was to defer consideration of WSBA structure until there is a definitive disposition. She suggested changing the language of the motion to use the word "decision." As the second,

Gov. Purtzer agreed to the change. Discussion followed, including that the Washington Supreme Court has asked for this analysis and therefore it should be done; support for Past Pres. Sciuchetti's proposal with some minor revisions, including a tighter timeline; suggestion that a motion be made to maintain the status quo but advise sections that heightened scrutiny applies to ongoing WSBA activities while WSBA explores the structure issue and seeks member feedback; that the fiscal impact must be understood; concern that "business as usual" plus heightened scrutiny is incongruent; and that there are adequate resources in the unrestricted reserves.

Further clarification of the motion was sought, and it was restated that the current bar structure remains unchanged and that the consideration of any different structure be deferred until after the United States Supreme Court has issued a decision on all three of the pending cases, *McDonald*, *Shell* and *Taylor* cases.

Gov. Dresden moved to call the question. Gov. Higginson stated a desire to withdraw her motion. Parliamentarian Risenmay noted that strictly speaking the Board must vote on calling the question. Discussion followed. Gov. Dresden withdrew his motion to call the question with the agreement of the second.

Gov. Higginson moved that the current bar structure remain unchanged and that members be asked whether they feel they are being served by the current structure and if not what is their suggestion for how to change the structure to better serve the members.

The Board heard public comment from Nancy Hawkins in opposition to the motion and suggesting that there should be a memo defending WSBA's current structure and activities. Discussion followed, including a view that the motion is too narrow; about getting budget information; and that the Chief Justice also asked the Board to consider how WSBA will better serve the public. The motion failed 9-3. Gov. Clark was not present for the vote.

Gov. Boyd moved to adopt Past Pres. Sciuchetti's proposal with the following changes (1) include that WSBA will continue to act as it has in the meantime (2) that the work be completed by August 30, 2022; and (3) that the Board have no less than two hybrid meetings specifically set for the Board to interact with the public, with the members and with various entities, including but not limited to, sections and minority bar associations. Discussion followed, including support for prudent changes in the structure whether or not legally required; the difficulty that the California bar has experienced in the new structure, including increased expense; and support for the amendments and a suggestion that the Board may need more than two meetings to consider input.

Gov. Anjilvel called the question. The motion to call the question passed 8-2. The underlying motion passed unanimously.

Pres. Tollefson noted his intent to work with Past Pres. Sciuchetti and others that are interested to fill in any gaps in the proposal.

The Board heard public comment from Michael Cherry expressing concern about the lack of discussion of Court-appointed Boards, which will also be impacted. Gov. Williams-Ruth noted that he takes away from this decision that it is business as usual with legislation, if the GR 12.2 analysis has occurred. Chief Disciplinary Counsel Doug Ende noted that because of a history of meager public engagement, certain stakeholders have often been obliged to serve as surrogates for the public, particularly regulatory volunteers and regulatory staff. It was noted that the reference in the proposal to stakeholders was intended to be inclusive, not exclusive.

ADJOURNMENT

There being no further business, the meeting was adjourned by unanimous consent at 2:34 PM.

Respectfully submitted,

Terra Nevitt
WSBA Executive Director & Secretary

TO: WSBA Board of Governors
FROM: Michiko Fjeld, Chair, WSBA Judicial Recommendation Committee
CC: Sanjay Walvekar, Staff Liaison to the Judicial Recommendation Committee
DATE: January 13, 2022
RE: WSBA Judicial Recommendation Committee December 2, 2021 Interviews and Recommendations

ACTION: Approve the recommendations of the WSBA Judicial Recommendation Committee.

The WSBA Judicial Recommendation Committee met via Zoom on December 2, 2021 for the purpose of conducting interviews with three individuals interested in being considered for future openings on the Washington State Court of Appeals and the Washington Supreme Court. Per committee guidelines approved by the Board of Governors, the proceedings and records of the committee, including applicant names, committee discussions, and committee votes, are kept strictly confidential. The committee's recommendations are available in the Governor's materials via the WSBA BOX cloud-sharing service.

TO: WSBA Board of Governors

FROM: Kyler Danielson, Chair of ELUL Section, on behalf of the WSBA Environmental and Land Use Section Executive Committee
Carolyn MacGregor, Sections Program Specialist
Julianne Unite, WSBA Member Services and Engagement Manager

RE: WSBA Environmental and Land Use Law Section Bylaws Amendments

DATE: November 18, 2021

ACTION: Approve the WSBA Environmental and Land Use Law Section’s Proposed Bylaws Amendments

- Brief Summary/Purpose of the request
 - For years, the ELUL Section has interpreted its bylaws to have seven at-large positions, with two of the at-large positions appointed into Secretary and Treasurer roles. Three additional Executive Committee members serve as Chair, Chair Elect, and Immediate Past Chair.
 - WSBA staff noted earlier this year that the ELUL Bylaws did not adequately reflect the ELUL Section’s intentions and existing composition. For this reason, this amendment changes the ELUL Bylaws to reflect its current composition. Beginning in 2022, we will be reviewing our bylaws to consider whether additional changes should be made.
- Process under which the section discussed and voted to approve these amendments
 - In accordance with Article 7 of the Environmental and Land Use Law Section’s Bylaws, the ELUL Section executive committee met and approved the proposed bylaws amendments by a majority vote of the voting members once quorum was established on November 17, 2021.

Signed:



Kyler Danielson, Chair, Environmental and Land Use Law Section

Attachments:

- Redline version of the Environmental and Land Use Law Section Bylaws
- Clean version of the Environmental and Land Use Law Section Bylaws



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

ENVIRONMENTAL AND LAND USE LAW SECTION

Bylaws

As last amended and approved by the
Washington State Bar Association Board of Governors on July 27, 2017.

ARTICLE I. IDENTIFICATION

- 1.1 **Creation.** The Environmental and Land Use Law Section of the Washington State Bar, (the "Section") was established pursuant to the Bylaws of the Washington State Bar (the "Bar").
- 1.2 **Purposes.** The purposes of the Section shall be:
 - a. To provide a formal association of attorneys, other professionals, and law students who share a common focus and interest in the practice of environmental or land use law;
 - b. To provide the opportunity and forum for the interchange of ideas in the areas of environmental and land use law and the protection and enhancement of the quality of the environment;
 - c. To initiate, implement, and support projects that are relevant to environmental and land use law and that contribute to the protection and enhancement of the quality of the environment;
 - d. To support the profession of environmental and land use law by providing education and support to Bar members, the public and, in particular, those aspiring to practice law in this field; and
 - e. To undertake such other service as may be of benefit to the members, the legal profession, and the public.
- 1.3 **Limitations.** These bylaws have been adopted subject to applicable Washington statutes and court rules, and the Bylaws of the Bar.
- 1.4 **Principal Office.** The Principal Office of the Section shall be maintained in the offices of the Bar.
- 1.5 **Fiscal Year.** The fiscal year of the Section shall coincide with that of the Bar.

ARTICLE II. MEMBERSHIP

- 2.1 **Members.** Any of the following members in good standing may be enrolled as a voting member of the Section ("Voting Member") by paying annual Section dues:
- a. Active members of the Bar;
 - b. Emeritus Pro Bono members;
 - c. Judicial members;
 - d. House Counsel under APR 8(f);
 - e. Professors at a Washington law school (whether licensed in Washington or not); and
 - f. Any lawyer who is a full time lawyer in a branch of the military who is stationed in Washington, but not licensed in Washington.
- 2.2 **Subscribers.** Inactive members of the Bar and members of the public may be enrolled as subscribers of the Section ("Subscribers") by paying the annual Section dues. Law students may be enrolled as subscribers by paying the annual Section dues established by the Bar. Subscribers shall not have voting rights.
- 2.3 **The Membership.** Voting Members and Subscribers enrolled as provided in Section 2.1 and 2.2 shall constitute the membership of the Section.
- 2.4 **Dues.** Dues in the amount approved by the Board of Governors of the Bar shall be paid annually. Any person who fails to pay the annual dues shall cease to be a Voting Member or Subscriber, as applicable, of the Section.

ARTICLE III. MEETINGS OF THE MEMBERSHIP

- 3.1 **Annual Membership Meeting.** The annual meeting of the Section shall be held at a time and place designated by the executive committee to coincide with the Section midyear conference. Notice of the meeting shall be provided to the membership with the conference brochure and posted on the WSBA website.
- 3.2 **Quorum.** All Voting Members present at any meeting of the membership shall constitute a quorum for the transaction of business by the membership.
- 3.3 **Controlling Vote.** Action of the Section shall be by majority vote of the Voting Members present.
- 3.4 **Agenda.** The business to be transacted at the annual meeting shall include the nomination of candidates for At-Large executive committee members and the Chair-elect.
- 3.5 **Special Meetings.** Special meetings of the membership of the Section may be called by the Chair at such time and place as the executive committee may determine.

ARTICLE IV. THE EXECUTIVE COMMITTEE

- 4.1 **Powers and Duties.** The executive committee shall be vested with the powers and duties necessary for the administration of the affairs of the Section and perform duties assigned to it by the Board of Governors.
- 4.2 **Composition and Officers.** The executive committee shall be composed of the following persons:
- a. The Chair. The Chair shall preside at all meetings of the Section and of the executive committee. The Chair shall submit to the Board of Governors of the Bar an annual report of the work of the Section for the then-past year. The Chair shall perform such other duties as usually pertain to this office or as may be delegated by the executive committee.
 - b. The Chair-elect. Upon the Chair's death, resignation, or refusal to act, the Chair-elect shall perform the duties of the Chair for the remainder of the Chair's term. If the Chair is otherwise unable to act, the Chair-elect shall perform the duties of the Chair for as long as the Chair's disability continues. The Chair-elect shall also perform such other duties as may be delegated by the executive committee.
 - c. The Immediate Past-Chair (last retiring Chair). The Immediate Past-Chair shall perform such duties as may be delegated by the executive committee.
 - d. Secretary. The Secretary shall administer the meeting schedule of the executive committee, take minutes at each meeting of the Section and of the executive committee and provide approved minutes to the Bar for publication and record retention. In conjunction with the Chair and as authorized by the executive committee, the Secretary shall attend generally to the business of the Section.
 - e. Treasurer. The Treasurer shall keep a true record of all accounts of the Section, shall work with the Bar to ensure that the Section complies with Bar fiscal policies and procedures, shall work with the Bar to prepare the Section's annual budget, and shall review the Section's monthly financial statements for accuracy and comparison to budget. In conjunction with the Chair and as authorized by the executive committee, the Treasurer shall attend generally to the business of the Section. At the option of the executive committee, the offices of Secretary and Treasurer may be combined.
 - f. ~~Five~~ At-Large members. There shall be seven At-Large members. At-Large members shall perform such duties as may be delegated by the executive committee and may serve as Secretary or Treasurer by appointment of the executive committee pursuant to Section 5.1.
 - g. Young Lawyer Liaison. The Young Lawyer Liaison will be a person from the WSBA Young Lawyer Liaison program and shall be a member of the executive committee for the term as defined by the Washington Young Lawyers Committee (WYLC). The Young Lawyer Liaison shall perform duties as may be delegated by the executive committee as may fit the purpose of the WYLC.

- h. Newsletter Editor. The editor or editors of the ELUL Newsletter shall be non-voting *ex officio* members of the executive committee and shall perform the duties of editor and developer of the ELUL Newsletter and may perform other duties as agreed with the executive committee.
- 4.3 **Quorum; Controlling Vote.** A majority of the existing executive committee members, whether present in person, by telephone, or by videoconference, shall constitute a quorum. Action of the executive committee shall be by majority vote of the executive committee members present after a quorum has been established. Executive committee members may only vote by email in accordance with Article VII of the Bar Bylaws.
- 4.4 **Meetings.** The executive committee will have regularly scheduled meetings that are open to the public. All persons will be permitted to attend any meeting, except as otherwise provided in these bylaws, the Bar Bylaws or under court rules. Meetings may be held in person, by telephone conference or videoconference. The date, time, location, and any other information necessary to attend will be posted on the WSBA Section website a reasonable amount of time in advance of each meeting. Special meetings shall be held at such time and place as may be designated by the Chair or a majority of the executive committee.

ARTICLE V. ELECTIONS

- 5.1 **Elective Officers.** Each year the Voting Members shall elect a Chair-elect and the number of At-Large executive committee members as necessary to fill expiring terms and vacancies. The positions of Secretary and Treasurer shall not be separately elected, but appointed by the executive committee from the elected At-Large positions as necessary to fill those roles.
- 5.2 **Chair.** The Chair-elect shall automatically accede to the office of the Chair. In the event the office of the Chair-elect shall be vacant, then a Chair shall also be elected by the Voting Members. The Chair shall automatically accede to the office of Immediate Past Chair at the end of the Chair's term.
- 5.3 **Nominations.** The executive committee annually shall compile a list of Voting Members of the Section who are not currently members of the executive committee and who may serve on a nominating committee. The Immediate Past-Chair shall appoint a nominating committee consisting of not fewer than three persons from that list who are willing to serve on the nominating committee. The nominating committee shall make and report nominations at the annual meeting of the Section for the office of the Chair-elect and any open At-Large positions to succeed those whose terms will expire at the end of the current fiscal year. In formulating its report of nominations, the nominating committee shall maintain a view toward providing representation on the executive committee that reflects the geographic, practice-area, practice-type, ethnic, gender, and other factors of diversity of the membership.

Other nominations may be made from the floor at the annual meeting.

All candidates accepting the nomination of the nomination committee shall provide candidate statements to the Bar one week prior to the annual meeting. Candidates accepting a nomination from the floor of the annual meeting shall provide candidate statements to the Bar within three business days from the close of the midyear conference. All candidates shall apply through an

electronic application process administered by the Bar.

- 5.4 **Voting.** Nominations and elections for open executive committee positions shall be held in March, April or May each year. Elections will be conducted electronically, and will either be administered by the Bar or by the Section, which may develop its own equivalent electronic election process that complies with the Bar Bylaws. Successful candidates for At-Large positions will be those who receive the most votes and the second-most votes, etc. as necessary by the number of open positions.
- 5.5 **Term of Office.** All executive committee positions will begin October 1 each year. The offices of Chair-elect, Chair and Immediate Past-Chair shall each have a term of one year. The term for each At-large position shall be three years, staggered so that at least two shall expire each year. There is no limit to the number of terms that may be held.
- 5.6 **Interim Appointments.** In the event of a vacancy during the interim between annual elections, the executive committee shall appoint, by majority vote, a Voting member to fill the vacancy. When such a member is appointed to fill a vacancy in an unexpired term, the member will serve until next annual election when an individual will be elected to serve the remainder of the vacated term.

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The Chair shall appoint committees to perform such duties and exercise such powers as the executive committee may direct.

ARTICLE VII. AMENDMENTS

These bylaws may be amended by majority vote of the Voting Members present at any annual meeting of the Section or by majority vote of the voting executive committee members present at an executive committee meeting once a quorum is established. No amendment so adopted shall become effective until approved by the Board of Governors of the Bar.

First adopted on September 6, 1973, amended as approved by the Membership on October 14, 1999 (effective December 3, 1999), amended as approved by the Membership May 19, 2007 (effective July 27, 2007), amended as approved by the Membership May 2, 2014 (effective June 6, 2014), and amended as approved by the Executive Committee on June 6, 2017 (effective July 27, 2017).

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

ENVIRONMENTAL AND LAND USE LAW SECTION

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ARTICLE VII. AMENDMENTS

These bylaws may be amended by majority vote of the Voting Members present at any annual meeting of the Section or by majority vote of the voting executive committee members present at an executive committee meeting once a quorum is established. No amendment so adopted shall become effective until approved by the Board of Governors of the Bar.

First adopted on September 6, 1973, amended as approved by the Membership on October 14, 1999 (effective December 3, 1999), amended as approved by the Membership May 19, 2007 (effective July 27, 2007), amended as approved by the Membership May 2, 2014 (effective June 6, 2014), and amended as approved by the Executive Committee on June 6, 2017 (effective July 27, 2017).

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors

FROM: Paul B. Apple, Vice Chair on behalf of the WSBA Legal Assistance to Military Personnel (LAMP) Section Executive Committee Meeting Julianne Unite, WSBA Member Services and Engagement Manager
Carolyn MacGregor, WSBA Sections Program Specialist

RE: WSBA LAMP Bylaws Amendments

DATE: October 28, 2021

ACTION: Approve the WSBA LAMP Section’s Proposed Bylaws Amendments

- Brief Summary/Purpose of the request
 - The LAMP section is proposing amendments to Article V Section 1, Section 2, Section 3, Section 4 b-c., to remove the Chair Elect position from the executive committee and all references Chair Elect position within the Bylaws.
- Process under which the section discussed and voted to approve these amendments
 - In accordance with the Article VI of Sections 7, 8 and 9 of the LAMP Bylaws, these proposed bylaws amendments were approved by a majority vote of the executive committee met and approved the proposed bylaws amendments by a majority vote of the voting members once quorum was established on February 25, 2021.
- Stakeholder analysis/feedback, position was deemed non-essential by the LAMP Executive Committee.
- Financial impact/analysis, NONE
- Rule compliance, NO ISSUES
- Implementation implications, NONE



Paul B. Apple, Vice Chair
WSAB LAMP Section

Attachments:

- Redline version of the LAMP Section bylaws
- Clean version of the LAMP Section bylaws



WASHINGTON STATE BAR ASSOCIATION

LEGAL ASSISTANCE TO MILITARY PERSONNEL SECTION

Bylaws

As last amended and approved by the WSBA Board of Governors on ~~July 27, 2017~~

ARTICLE 1: NAME AND PURPOSE

Section 1: Name

This section shall be known as the Legal Assistance to Military Personnel Section (hereinafter referred to as the “section”) of the Washington State Bar Association [formerly the Legal Services to the Armed ForcesSection].

Section 2: Purpose

The purpose of this section shall be to benefit the members of the Washington State Bar Association and the general public by:

- 2.1. Promoting the objectives of the Washington State Bar Association with respect to military affairs.
- 2.2. Establishing and maintaining liaison between the Washington State Bar Association, the Armed Forces of the United States, and federal, state and local government agencies involved in military and veteran affairs in order to better serve the legal needs of the members and veterans of the Armed Forces of the United States and their dependents.
- 2.3. Providing information on matters affecting military licensed legal professionals, both active duty and reserve.
- 2.4. Encouraging continuing legal education to foster the ability to provide legal representation to military personnel, veterans and their dependents within the state of Washington.

ARTICLE II: MEMBERSHIP

Section 1: Members

Any member in good standing of the Washington State Bar Association is eligible to be a member of this section.

Section 2: Subscribers

Any other interested person is eligible to be a subscriber of this section. A subscriber of this section shall have the same privileges as a member of this section except those of holding elective office. In accordance with the bylaws of the Washington State Bar Association, law students may be enrolled as subscribers of the section.

Section 3: Enrollment

Any person eligible for membership or subscribership under this article shall be enrolled as such upon payment of the prescribed annual membership dues.

Section 4: Dis-enrollment

Any member or subscriber of this section who fails to pay the prescribed annual membership dues within sixty (60) days after the annual due date thereof will be dis-enrolled.

ARTICLE III: DUES

Section 1: Amount

Members shall pay in advance the annual membership dues approved by the Board of Governors of the Washington State Bar Association. The section membership dues for law students shall be set at a standard amount annually determined by the Board of Governors.

Section 2: Due Date

The due date for payment of the annual membership dues of this section shall be in accordance with the usual billing practices for sections of the Washington State Bar Association.

ARTICLE IV: MEETINGS

Section 1: Annual Meeting

The annual meeting of this section shall be held in such place and time as chosen by the executive committee.

Section 2: Other Meetings

Other meetings of this section may be held at such times and places and with such programs as shall be determined by the Chair of the executive committee of this section.

Section 3: Quorum

The voting Members of this section who are present or participating at any meeting of this section shall constitute a quorum for the transaction of business.

Section 4: Majority Vote

Upon any matter calling for a determination or vote by the members of this section, the vote of a simple majority of those voting members present or participating and voting at a meeting of this section shall be binding.

Section 5: Notice

Notice of all meetings of this section will be provided to all members of the section and will be posted on the Washington State Bar Association website.

ARTICLE V: OFFICERS

Section 1: Designation

The officers of this section shall consist of a Chair, ~~a Chair elect~~, a Vice Chair, a Secretary/Treasurer and a Historian. The Immediate Past Chair shall also continue to serve as an officer of the section.

Section 2: Term

Officers of this section shall be elected at each annual election of this section and shall hold office for a term of two (2) years beginning on October 1. This provision shall not apply to the position of Immediate Past Chair, whose status is determined by the succession of the Chair.

Section 3: Succession of Chair

~~The Chair elect of this section may, upon completion of his or her term as such, succeed to the office of Chair of this section for a term of two years.~~

Section 4: Duties

a. Chair: The Chair shall be the chief executive officer of this section; shall preside over all meetings of this section or of the executive committee; shall represent this section in dealing with the Washington State Bar Association and/or any other organizations or persons; shall formulate and present an annual report to the Washington State Bar Association on the work of this section; shall perform such other duties as may be authorized or directed by the membership or the executive committee of this section; and shall take all other actions and exercise all other prerogatives pertaining to the office of the Chair.

~~b. Chair Elect: The Chair elect shall be the Chair's deputy and shall preside over all meetings of this section or of the executive committee in the absence of the Chair; and shall perform such other duties as may be authorized or directed by the Chair or the executive committee of this section.~~

c. Vice Chair: The Vice Chair shall preside over all meetings of this section or of the executive committee in the absence of ~~both~~ the Chair ~~and the Chair elect~~; and shall perform such other duties as may be authorized or directed by the Chair or the executive committee of this section.

d. Secretary/Treasurer: The Secretary/Treasurer shall take minutes at each meeting of the section and executive committee, and provide approved minutes to the Washington State Bar Association for publication and record retention, work with the Washington State Bar Association to ensure that the

section complies with the Washington State Bar Association fiscal policies and procedures, work with the Washington State Bar Association to prepare the section's annual budget and review the section's monthly financial statements for accuracy and comparison to budget. The Secretary/Treasurer shall also perform such other duties as may be authorized or directed by the Chair or the executive committee of this section.

e. Historian: The Historian shall collect and maintain all historical data pertaining to meetings, seminars, and other activities of this section which shall include, but not be limited to, reports, minutes, announcements, pictures, seminar materials, pamphlets, etc. The Historian shall be charged with the responsibility of compiling, assembling, and displaying some or all such materials at the annual meeting or other meetings of this section and on such other occasions desired by the executive committee. The Historian shall perform such other duties as may be authorized or directed by the Chair or the executive committee of this section.

f. Immediate Past Chair: The Immediate Past Chair shall serve to ensure continuity in the section's activities and overall mission; assist the Chair in management and guidance of the section; and perform such other duties as may be authorized or directed by the membership or the executive committee of this section.

g. Legislative Chair: The Legislative Chair shall track proposed legislation and provide briefs on the progress to the executive committee. The Legislative Chair also shall advocate LAMP's position on policy and legislative matters after receiving approval from the LAMP Executive Committee and Washington State Bar Association Legislative Liaison, Legislative Committee, or Board of Governors as required by Washington State Bar Association policy and Bylaws. The Legislative Chair shall perform such other duties as may be authorized or directed by the Chair or the executive committee of this section.

Section 5: Compensation

No officer of this section shall receive any compensation from this section for his services but may be reimbursed for expenses according to existing policies of the Washington State Bar Association.

ARTICLE VI: EXECUTIVE COMMITTEE

Section 1: Members

The following persons shall be members of the executive committee of this section: all officers of this section, all former Chairs of this section, and up to seven other At-Large members who shall be appointed by the Chair as hereinafter provided.

Section 2: Term of At-Large Members

Appointed At-Large members of the executive committee shall be appointed by the Chair. At-Large members of the executive committee shall serve as such at the pleasure of the Chair and shall have the same privileges as a member thereof except that of voting.

Section 3: Ex-Officio Members

The following persons shall be *ex-officio* members of the executive committee: the President of the Washington State Bar Association, the President-elect of the Washington State Bar Association, the Washington State Bar Association Board of Governor's Liaison to the Legal Assistance to Military Personnel Section, and the senior active duty JAG officer of each of the Armed Forces in the State of Washington. An *ex-officio* member of the Executive Committee shall have the same privileges as a member thereof except that of voting.

Section 5: Removal

- a. Officers and elected executive committee members: Any member of the executive committee may be removed by a two-thirds majority vote of the executive committee. Grounds for removal include, but are not limited to, regular absence from executive committee meetings and events, failure to perform duties, unprofessional or discourteous conduct or whenever, in the executive committee's judgment, the executive committee member is not acting in the best interest of the section membership.

Section 6: Vacancies

The executive committee will appoint, by majority vote, members to fill vacancies on the executive committee, including officers. When a member is appointed to fill a vacancy in an unexpired term, the member will do so until the next annual election when an individual will be elected to serve the remainder of the vacated term. Vacancies in the office of Immediate Past Chair will not be filled in any formal manner. However, all section members who have served as Chair will be informed of the vacancy and invited to assist and advise the Chair in an *ex officio* role.

Section 7: Meetings

The executive committee shall hold not fewer than two meetings per year, such meetings to be held at such times and places as determined by the Chair of this section. All meetings shall be open and public and all persons shall be permitted to attend any meeting, except as otherwise provided in the bylaws of the Washington State Bar Association. A meeting may be held by electronic means (telephone or videoconference) provided public notice of the meeting is posted on the Washington State Bar Association website. The notice shall include contact information for any person to arrange access to the meeting or record thereof.

Section 8: Quorum

A majority of the voting members of the executive committee shall constitute a quorum for the transaction of business.

Section 9: Majority Vote

Upon any matter calling for a determination or vote by the executive committee, the vote of a majority of those voting members of the executive committee present and voting at a meeting of the executive committee, after a quorum is established, shall be binding.

Section 10: Notice

Notice of executive committee meetings will be provided to section members and subscribers and published on the Washington State Bar Association website.

Section 11: Duties

The executive committee shall have the general authority and responsibility for the conduct of the affairs of this section, subject to the provisions of these bylaws and the Bylaws of the Washington State Bar Association.

Section 12: Compensation

No member, *ex officio* member or associate member of the executive committee shall receive any compensation from this section for his or her services but may be reimbursed for expenses according to existing policies of the Washington State Bar Association.

ARTICLE VII: ELECTIONS

Section 1: Nomination

a. Nominating Committee: Nominations and elections for open executive committee positions will be held between March and May each year. The Chair or the executive committee of this section shall appoint a nominating committee consisting of no less than three section members, including one who is not currently a member of the executive committee. All applicants will apply through an electronic process administered by the Washington State Bar Association. The executive committee will also have an alternative process to allow for nominations to occur outside of the nominating committee process. The executive committee will approve a list of nominees for each open position.

b. Nominations from Floor: After receipt of the recommendation of the nominating committee, other nominations may be made from the floor of each annual meeting of this section for election of any member of this section to any officer position to be filled by election at such annual meeting of this section.

Section 2: Election

The Washington State Bar Association will administer the elections by electronic means and certify the results, unless the section develops its own equivalent electronic election process. In the event of a tie, the winner will be determined by a coin toss.

Section 3: Re-Election

Elected executive committee members may be reelected to succeed him/herself upon nomination by the nominating committee or nomination from the floor.

Section 4: Dual Office Holding

No person may hold more than one elective position at the same time in this section.

ARTICLE VIII: MISCELLANEOUS

Section 1: Effective Date of Bylaws

These bylaws shall become effective upon approval by the Board of Governors of the Washington State

Bar Association.

Section 2: Amendment of Bylaws

These bylaws may be amended by a vote of the members of this section or at an executive committee meeting by a majority vote of the voting executive committee members once a quorum is established. No amendment approved by the members of this section shall become effective until also approved by the Board of Governors of the Washington State Bar Association.

Section 3: Social and Political Advocacy

No positions may be taken by this section or its members in the name of this section except as allowed by the policies or the Bylaws of the Washington State Bar Association.

Section 4: Annual Report

When requested, the Chair shall file with the Executive Director of the Washington State Bar Association a concise report summarizing the activities of the current year and anticipated activities of the ensuing year.

Amendment History

Founding Bylaws

Approved by the Board of Governors of the Washington State Bar Association on April 2, 2004.

Amendment No. 1

Approved by the Board of Governors of the Washington State Bar Association on June 1, 2007. As submitted by Adam E. Torem, Chair, Legal Services to the Armed Forces Section (former name)/ Legal Assistance to Military Personnel (new name, per this amendment).

Amendment No. 2

Approved as amended by the WSBA Board of Governors on July 23, 2010. In accordance with the WSBA Bylaws, the approved amendments are specific to Article II. Membership, and Article III. Dues, acknowledging that law students may join the Section as non-voting associate members with membership dues determined by the Board of Governors on an annual basis.

Amendment No. 3

Approved by the WSBA Board of Governors on April 27, 2012. As submitted by the Legal Assistance to Military Personnel Section Chair.

Amendment No. 4

Approved by the WSBA Board of Governors on July 27, 2017.

WASHINGTON STATE BAR ASSOCIATION

LEGAL ASSISTANCE TO MILITARY PERSONNEL SECTION

Bylaws

As last amended and approved by the WSBA Board of Governors on
_____, 2021

ARTICLE 1: NAME AND PURPOSE

Section 1: Name

This section shall be known as the Legal Assistance to Military Personnel Section (hereinafter referred to as the “section”) of the Washington State Bar Association [formerly the Legal Services to the Armed Forces Section].

Section 2: Purpose

The purpose of this section shall be to benefit the members of the Washington State Bar Association and the general public by:

- 2.1. Promoting the objectives of the Washington State Bar Association with respect to military affairs.
- 2.2. Establishing and maintaining liaison between the Washington State Bar Association, the Armed Forces of the United States, and federal, state and local government agencies involved in military and veteran affairs in order to better serve the legal needs of the members and veterans of the Armed Forces of the United States and their dependents.
- 2.3. Providing information on matters affecting military licensed legal professionals, both active duty and reserve.
- 2.4. Encouraging continuing legal education to foster the ability to provide legal representation to military personnel, veterans and their dependents within the state of Washington.

ARTICLE II: MEMBERSHIP

Section 1: Members

Any member in good standing of the Washington State Bar Association is eligible to be a member of this section.

Section 2: Subscribers

Any other interested person is eligible to be a subscriber of this section. A subscriber of this section shall have the same privileges as a member of this section except those of holding elective office. In accordance with the bylaws of the Washington State Bar Association, law students may be enrolled as subscribers of the section.

Section 3: Enrollment

Any person eligible for membership or subscribership under this article shall be enrolled as such upon payment of the prescribed annual membership dues.

Section 4: Dis-enrollment

Any member or subscriber of this section who fails to pay the prescribed annual membership dues within sixty (60) days after the annual due date thereof will be dis-enrolled.

ARTICLE III: DUES

Section 1: Amount

Members shall pay in advance the annual membership dues approved by the Board of Governors of the Washington State Bar Association. The section membership dues for law students shall be set at a standard amount annually determined by the Board of Governors.

Section 2: Due Date

The due date for payment of the annual membership dues of this section shall be in accordance with the usual billing practices for sections of the Washington State Bar Association.

ARTICLE IV: MEETINGS

Section 1: Annual Meeting

The annual meeting of this section shall be held in such place and time as chosen by the executive committee.

Section 2: Other Meetings

Other meetings of this section may be held at such times and places and with such programs as shall be determined by the Chair of the executive committee of this section.

Section 3: Quorum

The voting Members of this section who are present or participating at any meeting of this section shall constitute a quorum for the transaction of business.

Section 4: Majority Vote

Upon any matter calling for a determination or vote by the members of this section, the vote of a simple majority of those voting members present or participating and voting at a meeting of this section shall be binding.

Section 5: Notice

Notice of all meetings of this section will be provided to all members of the section and will be posted on the Washington State Bar Association website.

ARTICLE V: OFFICERS

Section 1: Designation

The officers of this section shall consist of a Chair, a Vice Chair, a Secretary/Treasurer and a Historian. The Immediate Past Chair shall also continue to serve as an officer of the section.

Section 2: Term

Officers of this section shall be elected at each annual election of this section and shall hold office for a term of two (2) years beginning on October 1. This provision shall not apply to the position of Immediate Past Chair, whose status is determined by the succession of the Chair.

Section 3: Duties

a. Chair: The Chair shall be the chief executive officer of this section; shall preside over all meetings of this section or of the executive committee; shall represent this section in dealing with the Washington State Bar Association and/or any other organizations or persons; shall formulate and present an annual report to the Washington State Bar Association on the work of this section; shall perform such other duties as may be authorized or directed by the membership or the executive committee of this section; and shall take all other actions and exercise all other prerogatives pertaining to the office of the Chair.

b. Vice Chair: The Vice Chair shall preside over all meetings of this section or of the executive committee in the absence of the Chair and shall perform such other duties as may be authorized or directed by the Chair or the executive committee of this section.

c. Secretary/Treasurer: The Secretary/Treasurer shall take minutes at each meeting of the section and executive committee, and provide approved minutes to the Washington State Bar Association for publication and record retention, work with the Washington State Bar Association to ensure that the

section complies with the Washington State Bar Association fiscal policies and procedures, work with the Washington State Bar Association to prepare the section's annual budget and review the section's monthly financial statements for accuracy and comparison to budget. The Secretary/Treasurer shall also perform such other duties as may be authorized or directed by the Chair or the executive committee of this section.

d. Historian: The Historian shall collect and maintain all historical data pertaining to meetings, seminars, and other activities of this section which shall include, but not be limited to, reports, minutes, announcements, pictures, seminar materials, pamphlets, etc. The Historian shall be charged with the responsibility of compiling, assembling, and displaying some or all such materials at the annual meeting or other meetings of this section and on such other occasions desired by the executive committee. The Historian shall perform such other duties as may be authorized or directed by the Chair or the executive committee of this section.

e. Immediate Past Chair: The Immediate Past Chair shall serve to ensure continuity in the section's activities and overall mission; assist the Chair in management and guidance of the section; and perform such other duties as may be authorized or directed by the membership or the executive committee of this section.

f. Legislative Chair: The Legislative Chair shall track proposed legislation and provide briefs on the progress to the executive committee. The Legislative Chair also shall advocate LAMP's position on policy and legislative matters after receiving approval from the LAMP Executive Committee and Washington State Bar Association Legislative Liaison, Legislative Committee, or Board of Governors as required by Washington State Bar Association policy and Bylaws. The Legislative Chair shall perform such other duties as may be authorized or directed by the Chair or the executive committee of this section.

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No officer of this section shall receive any compensation from this section for his services but may be reimbursed for expenses according to existing policies of the Washington State Bar Association.

ARTICLE VI: EXECUTIVE COMMITTEE

Section 1: Members

The following persons shall be members of the executive committee of this section: all officers of this section, all former Chairs of this section, and up to seven other At-Large members who shall be appointed by the Chair as hereinafter provided.

Section 2: Term of At-Large Members

Appointed At-Large members of the executive committee shall be appointed by the Chair. At-Large members of the executive committee shall serve as such at the pleasure of the Chair and shall have the same privileges as a member thereof except that of voting.

Section 3: Ex-Officio Members

The following persons shall be *ex-officio* members of the executive committee: the President of the Washington State Bar Association, the President-elect of the Washington State Bar Association, the Washington State Bar Association Board of Governor's Liaison to the Legal Assistance to Military Personnel Section, and the senior active duty JAG officer of each of the Armed Forces in the State of Washington. An *ex-officio* member of the Executive Committee shall have the same privileges as a member thereof except that of voting.

Section 5: Removal

- a. Officers and elected executive committee members: Any member of the executive committee may be removed by a two-thirds majority vote of the executive committee. Grounds for removal include, but are not limited to, regular absence from executive committee meetings and events, failure to perform duties, unprofessional or discourteous conduct or whenever, in the executive committee's judgment, the executive committee member is not acting in the best interest of the section membership.

Section 6: Vacancies

The executive committee will appoint, by majority vote, members to fill vacancies on the executive committee, including officers. When a member is appointed to fill a vacancy in an unexpired term, the member will do so until the next annual election when an individual will be elected to serve the remainder of the vacated term. Vacancies in the office of Immediate Past Chair will not be filled in any formal manner. However, all section members who have served as Chair will be informed of the vacancy and invited to assist and advise the Chair in an *ex officio* role.

Section 7: Meetings

The executive committee shall hold not fewer than two meetings per year, such meetings to be held at such times and places as determined by the Chair of this section. All meetings shall be open and public and all persons shall be permitted to attend any meeting, except as otherwise provided in the bylaws of the Washington State Bar Association. A meeting may be held by electronic means (telephone or videoconference) provided public notice of the meeting is posted on the Washington State Bar Association website. The notice shall include contact information for any person to arrange access to the meeting or record thereof.

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Section 10: Notice

Notice of executive committee meetings will be provided to section members and subscribers and published on the Washington State Bar Association website.

Section 11: Duties

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a. **Nominating Committee**: Nominations and elections for open executive committee positions will be held between March and May each year. The Chair or the executive committee of this section shall appoint a nominating committee consisting of no less than three section members, including one who is not currently a member of the executive committee. All applicants will apply through an electronic process administered by the Washington State Bar Association. The executive committee will also have an alternative process to allow for nominations to occur outside of the nominating committee process. The executive committee will approve a list of nominees for each open position.

b. **Nominations from Floor**: After receipt of the recommendation of the nominating committee, other nominations may be made from the floor of each annual meeting of this section for election of any member of this section to any officer position to be filled by election at such annual meeting of this section.

Section 2: Election

The Washington State Bar Association will administer the elections by electronic means and certify the results, unless the section develops its own equivalent electronic election process. In the event of a tie, the winner will be determined by a coin toss.

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Section 4: Dual Office Holding

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ARTICLE VIII: MISCELLANEOUS

Section 1: Effective Date of Bylaws

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Bar Association.

Section 2: Amendment of Bylaws

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Section 3: Social and Political Advocacy

No positions may be taken by this section or its members in the name of this section except as allowed by the policies or the Bylaws of the Washington State Bar Association.

Section 4: Annual Report

When requested, the Chair shall file with the Executive Director of the Washington State Bar Association a concise report summarizing the activities of the current year and anticipated activities of the ensuing year.

Amendment History

Founding Bylaws

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Amendment No. 2

Approved as amended by the WSBA Board of Governors on July 23, 2010. In accordance with the WSBA Bylaws, the approved amendments are specific to Article II. Membership, and Article III. Dues, acknowledging that law students may join the Section as non-voting associate members with membership dues determined by the Board of Governors on an annual basis.

Amendment No. 3

Approved by the WSBA Board of Governors on April 27, 2012. As submitted by the Legal Assistance to Military Personnel Section Chair.

Amendment No. 4

Approved by the WSBA Board of Governors on July 27, 2017.

WASHINGTON STATE BAR ASSOCIATION

Office of General Counsel

Nicole Gustine, Assistant General Counsel

TO: WSBA Board of Governors
FROM: Nicole Gustine, Assistant General Counsel
DATE: December 23, 2021
RE: Confidentiality of Client Protection Board Recommendations

The Board of Governors (BOG) is responsible for approving gifts from the Client Protection Board. Per Court Rule, all of the materials, reports, and deliberations shall not be public. (APR 15 Procedural Regulations, Regulation 13(b)). As such, the recommendations are placed on the Consent Calendar. If discussion is requested by any Governor, it shall be taken up in Executive Session.

APR 15

CLIENT PROTECTION FUND PROCEDURAL REGULATIONS REGULATION 13. CONFIDENTIALITY

(a) Matters Which Are Public. On approved applications, the facts and circumstances which generated the loss, the Client Protection Board's recommendations to the Trustees with respect to payment of a claim, the amount of claim, the amount of loss as determined by the Client Protection Board, the name of the lawyer, LLLT, or LPO causing the loss, and the amount of payment authorized and made, shall be public.

(b) Matters Which Are Not Public. The Client Protection Board's file, including the application and response, supporting documentation, and staff investigative report, and deliberations of any application; the name of the applicant, unless the applicant consents; and the name of the lawyer, LLLT, or LPO unless the lawyer, LLLT, or LPO consents or unless the lawyer's, LLLT's, or LPO's name is made public pursuant to these rules and regulations, shall not be public.

The following report of CPB recommendations contains only pre-approved applications, and is therefore provided to you as a Trustee, confidentially. The report will not appear in the BOG meeting's public session materials. Please take the time to review the materials thoroughly prior to the BOG public session meeting.

Pursuant to ELC 3.4(l), the Chief Disciplinary Counsel has authorized the release of otherwise confidential disciplinary information to the Board of Governors for the purpose of reviewing and deciding on Client Protection Fund Board recommendations. The Board of Governors is advised of its obligation to maintain the confidentiality of these materials.

Please do not discuss any details regarding the matters, including the names or amounts related to the matter, at the public session meeting.



TO: WSBA Board of Governors
FROM: Executive Director Terra Nevitt
DATE: January 3, 2022
RE: Executive Director's Report

2022 Licensing

License renewal is now underway and must be completed by February 1, 2022. Members in the extended 2018-2021 or 2019-2021 reporting period must complete required MCLE credits by December 31, 2021 and certify by February 1, 2022. Those who miss the February 1, 2022 deadline may face administrative suspension. Due to the extended 2018-2021 reporting period the MCLE staff is processing a high volume of activity applications, certifications, calls, and emails. As of December 30, 2021, 9,885 licensed legal professionals were MCLE compliant, 4,493 certifications were pending review, and 6,721 licensed legal professionals had not yet submitted their MCLE certification.

In addition to mailing license packets to those who are not signed up for paperless license, we have also notified all members via email that licensing has begun. We opened online certification for MCLE credits early this year to help address the workload and pressure on the system of this double-reporting year. As I reported in November, this year we stopped including a credit card payment option on the paper license renewal forms as a security measure. Those who renew using a paper form that wish to make a credit card payment must do so online. Our online system also accepts EFT payments and members can always print an invoice and mail it in with a check.

Winter Licensing Exams

The February 2022 licensing exams will be administered in-person in accordance with the Health Safety Plan approved by the Supreme Court unless a public health authority issues an order that would prohibit administration of an in-person exam due to the health risks associated with COVID-19. As of today, 335 lawyer candidates are registered to sit for the bar exam and 108 LPO candidates are registered to sit for the LPO exam, both of which will take place at the Lynnwood Convention Center. Additionally, 13 LLLT candidates are registered to sit for the LLLT exam which will take place at the WSBA offices. This will be the second to last LLLT licensing exam given the sunset of the program.

Task Force 2.0's Juvenile Justice Subcommittee Presents Findings & Recommendations

In November, I shared a link to a [report](#) by the Research Working Group of the Task Force on Race and Washington's Criminal Justice System ("Task Force 2.0") – which was convened by the deans of Washington's three law school to pick-up where Task Force 1.0 left off in 2011. Task Force 2.0's Juvenile Justice Subcommittee has now published its

Report and Recommendations to Address Race in Washington's Juvenile Legal System: 2021 Report to the Washington Supreme Court. The Subcommittee's sobering finding is that 10 years since the Task Force first looked at the overrepresentation of youth of color at every stage of the juvenile justice process, little has changed and in some cases, race disproportionality has worsened. The report examines not only the issue of disproportionality, but also demonstrates its conclusion that the juvenile justice system is inherently harmful to young people. The Subcommittee sets forth recommendations "to fundamentally change how systems respond to the needs of young people." You can find the full report and recommendations at: https://digitalcommons.law.seattleu.edu/korematsu_center/118/. I commend you to read it and consider our role as we answer the call of the Washington Supreme Court to undo the on-going injustice of racism. Appreciation to Gov. Sunitha Anjilvel who has served as WSBA's representative to Task Force 2.0.

Compensation Study Update

In the fall of 2020, WSBA engaged Praxis HR to administer a Climate and Culture Survey to WSBA employees. Based on the results, Praxis HR issued recommendations to review and update our processes for promotions and reclassification, including criteria, compensation practices, and roles and responsibilities. As part of our response to these recommendations, in the summer of 2021 WSBA engaged the compensation consulting team at Arthur J. Gallagher & Co. to conduct a comprehensive compensation study. Our objective was to address the recommendations from the Climate and Culture survey while adhering to existing policy (Compensation Plan and Compensation Philosophy). Gallagher reviewed the job specifications for each position at WSBA and held meetings with each department director to discuss the classification criteria for each position. Consistent with existing policy, these positions were compared to positions in public sector organizations with a comparable size, budget, and location. Based on this information, Gallagher is now able to provide recommendations with respect to our salary structure and the classification of positions within job grades. The final report will be shared with the Board and WSBA employees, along with a memo detailing how I intend to update WSBA's approach to operationalizing the compensation policies in light of the data and recommendations provided by Gallagher. If any amendments to policy are recommended, I will bring those forth to the Board.

Annually, the Executive Director approves individual compensation adjustments using the overall compensation budget approved by the Board of Governors. These adjustments are customarily made in October but were put on hold this fiscal year so that they could be informed by data from the compensation study. Those adjustments — funded from the already-approved FY 2022 salary budget — will be made by the end of January and will be retroactive to October 1.

Appreciation is in order to Human Resources Director Glynnis Klinefelter, who applied her extensive expertise to this significant and time-consuming project, as well as to all of the WSBA employees for their patience. There is perhaps no more sensitive topic than compensation. I believe that the end result — a clear, equitable, competitive, and affordable compensation structure that maximizes WSBA's workforce talent and is transparent to all of WSBA's stakeholders — will prove this effort worthwhile and of significant benefit to WSBA.

Vaccination & Testing Procedures for Attendees at WSBA Events

In order to ensure consistent levels of safety for WSBA employees, volunteers and guests at in-person events, we have adopted vaccination/testing procedures for all attendees at WSBA in-person, indoor events that bring together individuals who are not subject to the WSBA employee and volunteer vaccination policies. You can find the procedures on the WSBA website [here](#). Note that these procedures do not apply to regulatory events and hearings, which are subject to their own rules and procedures.

CLE On-Demand Sales Through 1st Quarter FY22

Below is a breakdown of the on-demand sales for first quarter FY22 versus the same time period in FY18 to FY20. We expected to have strong results this year because of the double MCLE reporting group (due to the reporting waiver provided to members because of COVID), however the results were even better than anticipated, particularly given the increased free CLE programming provided to support members through COVID.

These results would not have been possible but for the CLE team’s work to pivot immediately to the remote delivery of CLEs and keep up production of live seminars throughout the pandemic. Without the development of a wide range of new and relevant live programming the on-demand inventory would not have been substantial enough to sustain this level of sales. We also have the resilience and dedication of our volunteer faculty and section leaders to thank because without them, the development of our CLE programming would not be possible.

	<u>FY22</u>	<u>FY20</u>	<u>FY19</u>	<u>FY18</u>
Oct	\$106,020.00	\$60,638.00	\$72,302.00	\$91,354.00
Nov	\$205,502.00	\$110,292.00	\$125,734.00	\$139,967.00
Dec	\$502,588.00	\$257,875.00	\$299,766.00	\$294,729.00
Total:	\$814,110.00	\$428,805.00	\$497,802.00	\$526,050.00

Attachments

- Third Quarter Discipline Report
- Litigation Report
- Media Report
- Demographics Report

MEMO

To: Terra Nevitt, WSBA Executive Director

From: Douglas J. Ende, WSBA Chief Disciplinary Counsel & Director of the Office of Disciplinary Counsel

Date: January 3, 2022

Re: Quarterly Discipline Report, 3rd Quarter (July – September 2021)

A. Introduction

The Washington Supreme Court’s exclusive responsibility to administer the systems for discipline of licensed legal professionals (including disability systems) is delegated by court rule to WSBA. See GR 12.2(b)(6). Staff and volunteers carrying out the functions delegated by the Rules for Enforcement of Lawyer Conduct (ELC) act under the Supreme Court’s authority. 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 professional misconduct and incapacity 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 3rd Quarter 2021. Note that all numbers and statistics herein are considered tentative/approximate. Final figures will be issued in the 2021 Discipline System Annual Report.

B. Public Dispositions & Other Information

• **Public Dispositions.**

James Egan - #28257, Three-month Suspension (stipulation), submitted court filings that asserted frivolous issues, embarrassed and burdened third parties, and made false statements concerning a judge.

Eric Hoort - #29360, Disbarment, violation of court order; false certification on request to voluntarily resign.

Melissa Huelsman - #30935, Reprimand (stipulation), lawyer failed to hold funds in trust and failed to keep required trust account records.

Melissa Jaffe - #46036, 120-day Suspension (stipulation), violations related to excessive fees, trust account irregularities, and business transactions with a client.

Paul Novack - #13880, Nine-month Suspension (stipulation), lawyer failed to hold funds in trust, failed to promptly pay funds to clients, failed to keep required trust account records, and failed to supervise nonlawyer staff.

Queta Romero - #38986, *30-day Suspension (stipulation)*, violations related to diligence, communication, and terminating representation.

Mara Snyder - #43474, *Resignation in Lieu of Discipline*, theft of client funds; abandonment of practice.

George Trejo, Jr. - #19758, *Reprimand (stipulation)*, disclosed confidential client information.

Robert Van Idour - #9701210, *18-month Suspension (stipulation)*, unauthorized practice of law by Idaho lawyer not admitted in Washington.

Rick Wathen - #25539, *Two Reprimands (stipulation)*, lawyer negligently engaged in a conflict of interest, dishonest conduct, and conduct prejudicial to the administration of justice.

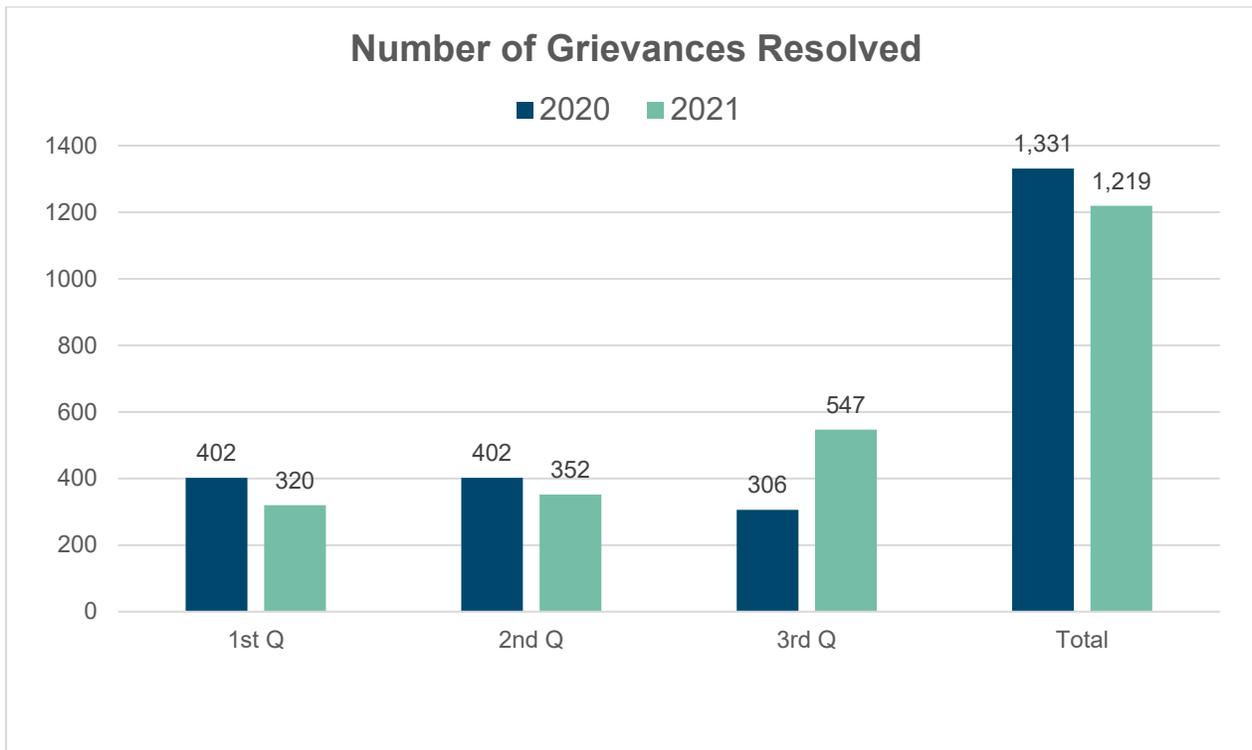
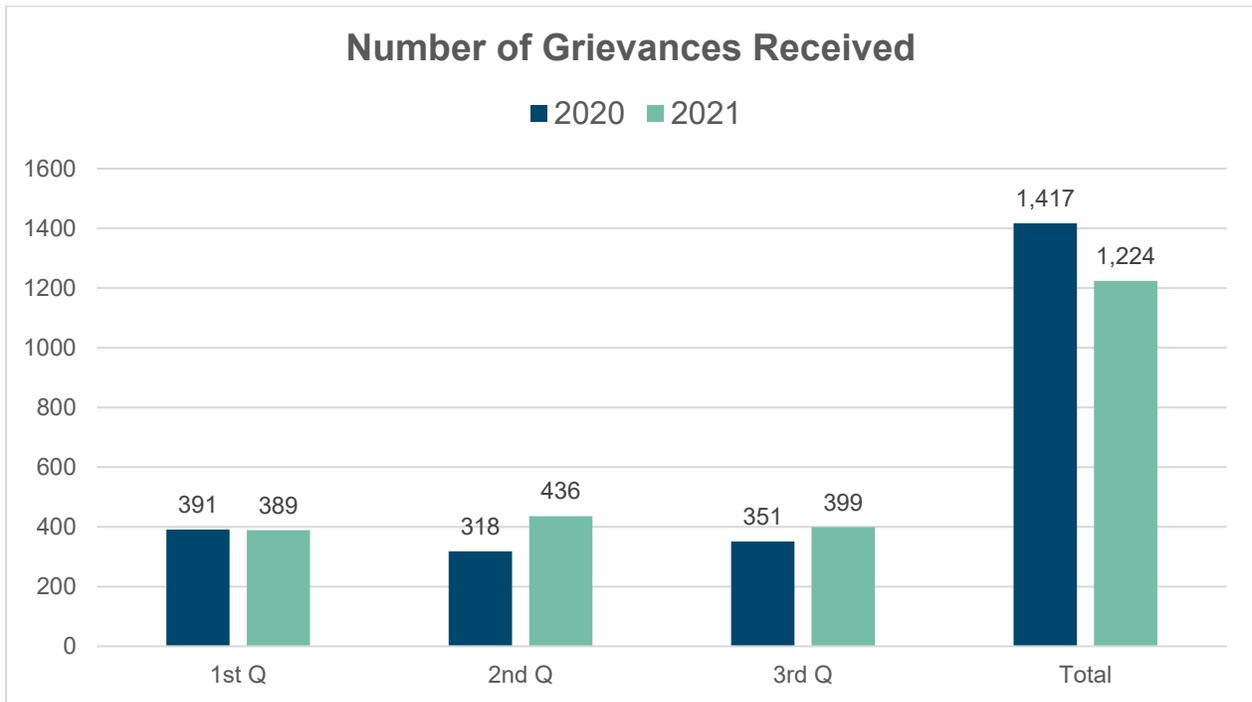
Tom Youngjohn - #24170, *Reprimand (stipulation)*, conflict of interest, sexual comments and advances towards client.

- **Hearings, Appeals, and Other Proceedings**

Two hearing were held this quarter and three are scheduled for the 4th Quarter. In the wake of the pandemic-era 2020-2021 reduction in the number in contested hearings, there has been a corresponding lull in the number of pending appeals and review proceedings before the Disciplinary Board and Supreme Court.

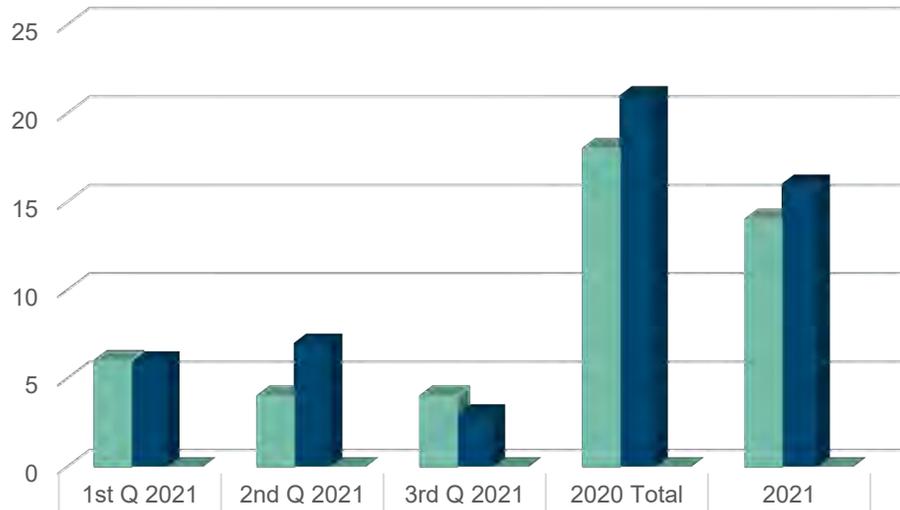
October 19, 2021, Disciplinary Counsel Ben Attanasio appeared before the Supreme Court to present an oral argument in Case No. 201,993-5, *In re Discipline of Geoffrey Colburn Cross* (“Synopsis: Did attorney knowingly violate Rules of Professional Conduct by revealing info related to client representation?”) This proceeding can be viewed on TVW at <https://www.tvw.org/watch/?eventID=2021101125>

C. Grievances and Dispositions¹



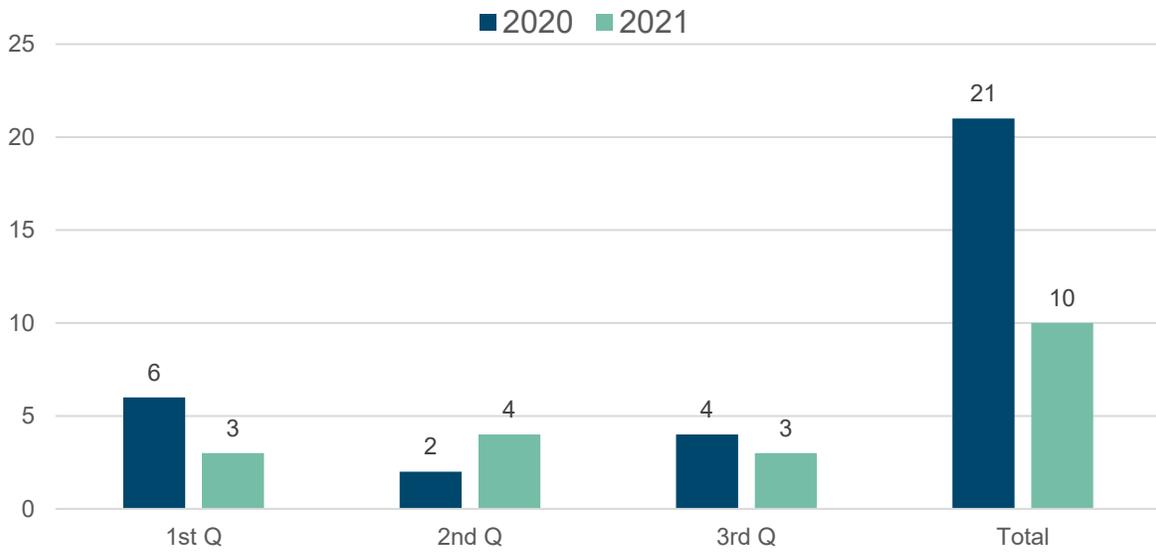
¹ These figures may vary from previous quarterly reports and statistical summaries owing to limitations on data availability at the time of issuance of these quarterly reports.

Diversion Statistics



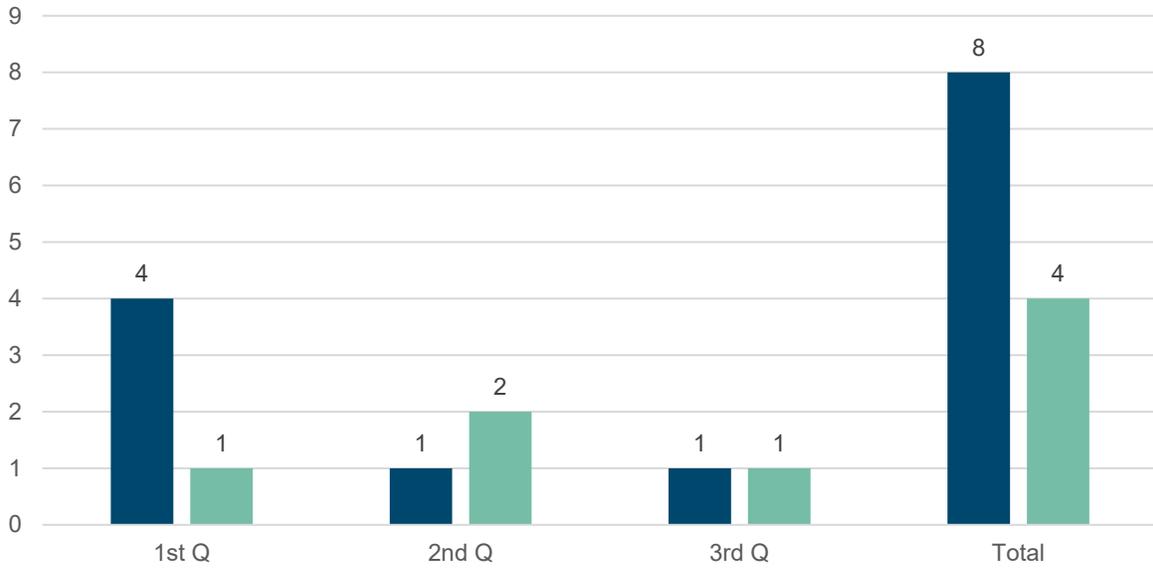
■ New Diversion Files	6	4	4	18	14
■ Completed Diversion Files	6	7	3	21	16
■ Terminated Diversion Files	0	0	0	0	0

Formal Complaints Filed



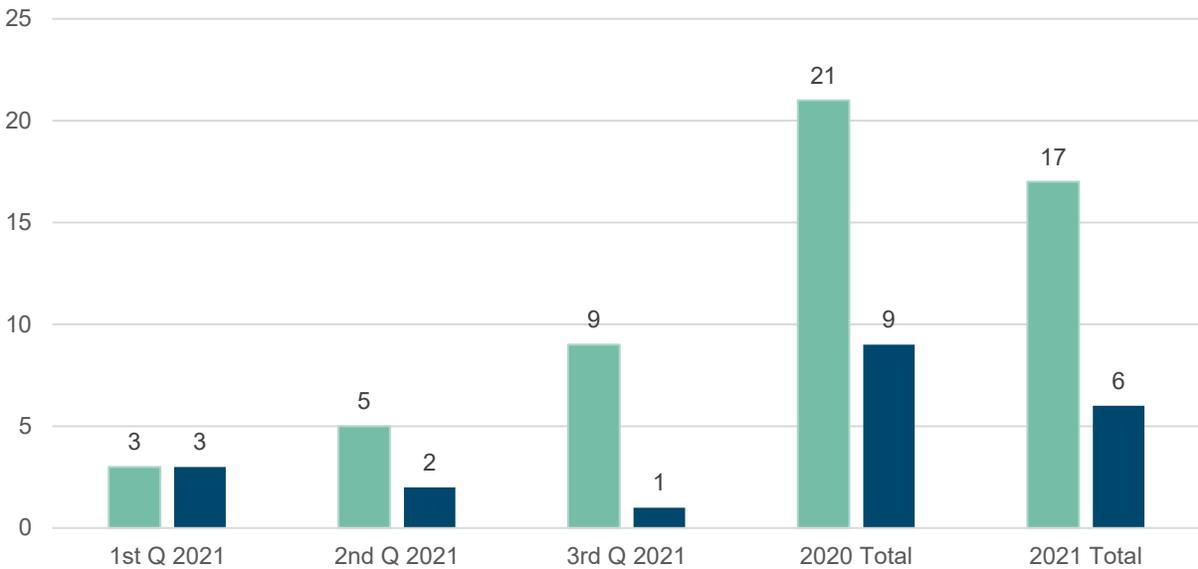
Reciprocal Discipline Files Opened

■ 2020 ■ 2021



Stipulations and Resignations in Lieu

■ Stipulation ■ Resignation in Lieu



Hearings Held	Quarter Total
1 st Quarter 2021	0
2 nd Quarter 2021	3
3 rd Quarter 2021	2 (one was a default)
4 th Quarter 2021	TBD
2020 Total	3
2021 Total	5

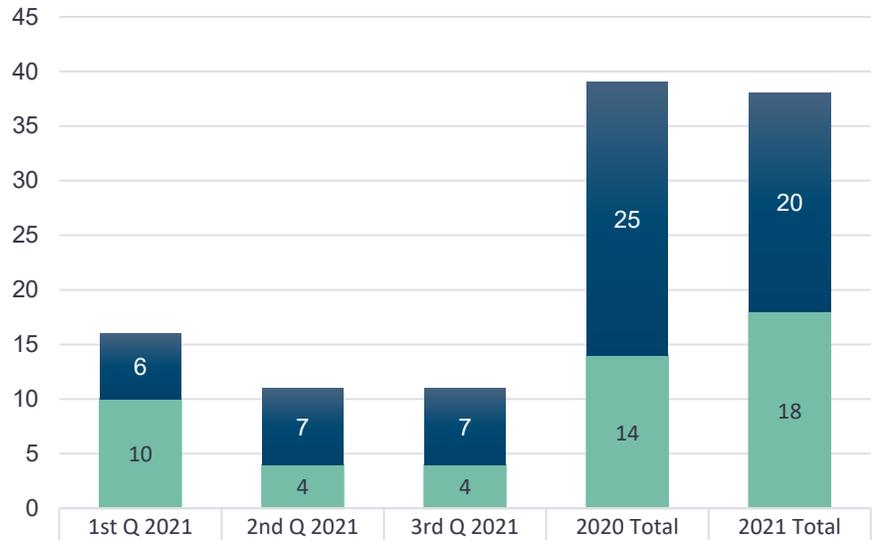
D. Pending Proceedings²

Open Proceedings	2020	2021
Ending 1 st Quarter	40	37
Ending 2 nd Quarter	40	38
Ending 3 rd Quarter	40	34
Ending 4 th Quarter	40	TBD

² 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

■ Disciplinary Board Matters Acted on ■ Supreme Court Matters Acted On

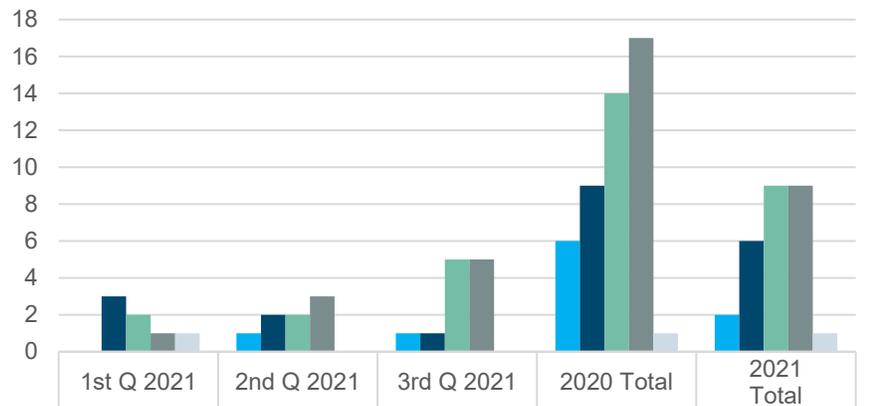


■ Supreme Court Matters Acted On	6	7	7	25	20
■ Disciplinary Board Matters Acted on	10	4	4	14	18

E. Final Disciplinary Actions

Final Disciplinary Actions

■ Disbarment ■ Resignation in Lieu of Discipline ■ Suspensions ■ Reprimands ■ Admonitions



■ Disbarment	0	1	1	6	2
■ Resignation in Lieu of Discipline	3	2	1	9	6
■ Suspensions	2	2	5	14	9
■ Reprimands	1	3	5	17	9
■ Admonitions	1	0	0	1	1

Total Discipline: 47 27

F. Disability Inactive Transfers

Disability Inactive Transfers	Quarter Total
1st Quarter 2021	3
2nd Quarter 2021	1
3rd Quarter 2021	0
4th Quarter 2021	TBD
2020 Total	7
2021 Total	4

G. Discipline Costs³

Quarterly Discipline Costs Collected	Total
1st Quarter 2021	\$30,648.71
2nd Quarter 2021	\$27,730.33
3rd Quarter 2021	\$20,087.96
4th Quarter 2021	TBD
2020 Total	\$93,512.44
2021 Total	\$78,467.00

³ The cost figures may vary from amounts indicated in previous quarterly reports, statistical summaries, and annual reports, owing to limitations on 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 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: December 21, 2021
 Re: Litigation Update

No.	Name	Brief Description	Status
1.	<i>Sangha v. Knapp et al</i> , No. 21-2-00-769-37 (Whatcom Sup. Ct.)	Addresses handling of letters of complaint.	Complaint filed 08/02/21; WSBA filed motion to dismiss on 08/24/21. WSBA's motion to dismiss granted 09/24/21. Notice of appeal received 11/22/21.
2.	<i>Block v. Scott et al</i> , No. 21-2-01394-31 (Snohomish Sup. Ct.) ("Block IV")	Alleges civil rights and public records violations.	Complaint filed 03/26/21. This matter was dismissed in part as of 08/12/21. WSBA Motion for Protective Order and to Quash Notice of Deposition and to Stay Deposition Pending Order to Quash filed on 11/09/21. Motion was heard and granted on 11/23/21. Motion to Dismiss noted for 12/17/21 will be rescheduled.
3.	<i>Block v. WSBA et al.</i> , No. 18-cv-00907 (W.D. Wash.) ("Block II")	See <i>Block I</i> (below).	<p>On 03/21/19, the Ninth Circuit stayed <i>Block II</i> pending further action by the district court in <i>Block I</i>. On 12/17/19, Block filed a status report with the Ninth Circuit informing the Court of the <i>Block I</i> Court's reimposition of the vexatious litigant pre-filing order against Block. On 06/18/20, the Ninth Circuit lifted the stay order and ordered the appellees who have not yet filed their answering briefs to do so by 08/17/20 (WSBA filed its answer brief before the stay order was entered). Block's reply was due 10/09/20, then extended to 12/28/20.</p> <p>Block filed a reply brief four months late along with a motion for extension of time. The Ninth Circuit Court denied Block's motion for an extension and declined to accept the reply brief. Block has filed a Motion for Reconsideration of the Order denying her motion for an extension. The Ninth Circuit set this matter for consideration without oral argument on 06/08/21. On 07/02/21, the Ninth Circuit</p>



			<p>affirmed the dismissal of Block II pursuant to the original vexatious litigant order.</p> <p>Block filed in the district court a Motion to Issue Indicative ruling and an amended version of the same motion, which was denied.</p> <p>Block filed a second notice of appeal in this matter (21-35261). Block's opening brief and excerpts of record were due 06/07/21. On 08/27/21, the Ninth Circuit denied the appellees' requests for dismissal of the appeal for failure to prosecute and set a new briefing schedule; Block's opening brief was due 09/22/21. On 09/29/21 Block filed a motion to stay the appeal or extend the deadline for her to file the opening brief by 90 days.</p> <p>On 09/09/21, Block filed a motion to vacate all decisions in this matter; WSBA filed an opposition on 09/20/21. This motion was denied on 09/28/21.</p> <p>Block appealed the order issued on 9/28/21. The amended notice of appeal was added to the earlier appeal in No. 21-35261</p>
4.	<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.	<p>On 02/11/19, 9th Cir. affirmed dismissal of claims against WSBA and individual WSBA defendants; the Court also vacated the pre-filing order and remanded this issue to the District Court. On 12/09/19, the United States Supreme Court denied plaintiff's Petition of Writ of Certiorari.</p> <p>On 12/13/19, the District Court reimposed the vexatious litigant pre-filing order against Block; Block filed a notice of appeal regarding this order on 01/14/20. Block filed an opening brief on 11/06/20; WSBA filed its answering brief on 01/07/21. Block's optional Reply Brief was due on 01/28/21. Block filed a reply brief</p>

			<p>on 04/26/21 along with a motion for extension. The Ninth Circuit set this matter for consideration without oral argument on 06/08/21. On 07/02/21 the Ninth Circuit affirmed the dismissal of Block II pursuant to the original vexatious litigant order.</p> <p>On 09/10/20, Block moved to vacate the vexatious litigant order; WSBA opposed the motion and it was denied. In response to the district court's denial of Block's motion to vacate, on 10/01/20, Block filed a motion for an indicative ruling on whether the district court would vacate the vexatious litigant order if the appellate court remanded the case for that purpose. WSBA opposed the motion. Block filed a reply on 10/16/20. This motion was denied.</p> <p>On 09/09/21, Block filed a motion to vacate all decisions in this matter; WSBA filed an opposition on 09/20/21. This motion was denied on 09/28/21.</p> <p>Block appealed the order issued on 9/28/21. The Ninth Circuit opened a new appeal (No. 21-35922) with the following briefing schedule: Block's opening brief due 1/5/22 and Appellees' answering brief due 2/7/22.</p>
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WASHINGTON STATE BAR ASSOCIATION

MEMO

To: WSBA Board of Governors

From: Jennifer Olegario, Communication Strategies Manager

CC: Sara Niegowski, Chief Communications and Outreach Officer

Date: Jan. 3, 2022

RE: **Summary of Media Contacts, Oct. 1-Dec. 31, 2021**

Date	Journalist and Media Outlet	Inquiry
Oct. 7	Chris Ingalls, KING5	Inquired about Robert R. Cole and Gregory L. Gilday, Law Office of Cole & Gilday P.C. Sent standard media response for inquiries regarding grievances/discipline.
Oct. 21	Delaney Gray, KREM (Spokane)	Sought legal expert to discuss WSU former coach Nick Rolovich's lawsuit against WSU for firing him for refusing to get the vaccine.
Dec. 15	Sally Charette, researcher for TV series "Station 19"	Inquired whether Guardians Ad Litem in Washington must be lawyers; also inquired whether there was a certification or licensing agency for them. Referred her to Washington Courts webpage.

Media Coverage

- ["8 Ways Lawyers are Getting Together Online this Year,"](#) JD Supra (Dec. 8)

News Releases/Statements

- [Passing of Former Chief Justice and Washington State Bar President Mary Fairhurst](#) (Dec. 29)
- [William G. Gates II, Legal Luminaries Celebrated at Washington State Bar Association APEX Awards](#) (Dec. 19)

By Years Licensed	
Under 6	8,345
6 to 10	6,268
11 to 15	5,423
16 to 20	4,949
21 to 25	4,096
26 to 30	3,769
31 to 35	3,036
36 to 40	2,374
41 and Over	3,577
Total:	41,837

By Age	All	Active
21 to 30	1,839	1,785
31 to 40	9,194	8,332
41 to 50	10,263	8,642
51 to 60	9,110	7,203
61 to 70	7,545	5,578
71 to 80	3,276	2,173
Over 80	610	175
Total:	41,837	33,888

By Gender	
Female	12,270
Male	16,306
Non-Binary	23
Not Listed	25
Selected Mult Gender	28
Transgender	1
Two-spirit	4
Respondents	28,657
No Response	13,180
All Member Types	41,837

By Disability	
Yes	1,265
No	19,920
Respondents	21,185
No Response	20,652
All Member Types	41,837

By Sexual Orientation	
Asexual	22
Gay, Lesbian, Bisexual, Pansexual, or Queer	562
Heterosexual	5,165
Not Listed	116
Selected multiple orientations	22
Two-spirit	5
Respondents	5,892
No Response	35,945
All Member Types	41,837

By Ethnicity	
American Indian / Native American / Alaskan Native	229
Asian-Central Asian	25
Asian-East Asian	273
Asian-South Asian	76
Asian-Southeast Asian	78
Asian—unspecified	1,044
Black / African American / African Descent	664
Hispanic / Latinx	711
Middle Eastern Descent	26
Multi Racial / Bi Racial	1,056
Not Listed	216
Pacific Islander / Native Hawaiian	62
White / European Descent	22,958
Respondents	27,418
No Response	14,419
All Member Types	41,837

Members in Firm Type	
Bank	36
Escrow Company	60
Government/ Public Sector	5,159
House Counsel	3,165
Non-profit	492
Title Company	121
Solo	5,085
Solo In Shared Office Or	1,224
2-5 Members in Firm	4,194
6-10 Members in Firm	1,646
11-20 Members in Firm	1,246
21-35 Members in Firm	761
36-50 Members In Firm	566
51-100 Members in Firm	600
100+ Members in Firm	1,846
Not Actively Practicing	1,977
Respondents	28,178
No Response	13,659
All Member Types	41,837

By Practice Area	
Administrative-regulator	2,267
Agricultural	239
Animal Law	114
Antitrust	318
Appellate	1,638
Aviation	183
Banking	426
Bankruptcy	851
Business-commercial	5,237
Cannabis	142
Civil Litigation	460
Civil Rights	1,076
Collections	492
Communications	217
Constitutional	645
Construction	1,355
Consumer	754
Contracts	4,264
Corporate	3,578
Criminal	3,680
Debtor-creditor	890
Disability	579
Dispute Resolution	1,244
Education	471
Elder	830
Employment	2,776
Entertainment	307
Environmental	1,262
Estate Planning-probate	3,274
Family	2,561
Foreclosure	445
Forfeiture	98
General	2,517
Government	2,865
Guardianships	778
Health	948
Housing	331
Human Rights	304
Immigration-naturaliza	1,000
Indian	567
Insurance	1,625
Intellectual Property	2,285
International	891
Judicial Officer	435
Juvenile	794
Labor	1,116
Landlord-tenant	1,216
Land Use	859
Legal Ethics	289
Legal Research-writing	830
Legislation	441
Lgbtq	89
Litigation	4,749
Lobbying	171
Malpractice	730
Maritime	307
Military	386
Municipal	892
Non-profit-tax Exempt	626
Not Actively Practicing	2,048
Oil-gas-energy	249
Patent-trademark-copyr	1,330
Personal Injury	3,178
Privacy And Data Securit	384
Real Property	2,639
Real Property-land Use	2,111
Securities	768
Sports	176
Subrogation	128
Tax	1,289
Torts	2,043
Traffic Offenses	579
Workers Compensation	695

By Languages Spoken	
Afrikaans	5
Akan /twi	6
Albanian	2
American Sign Language	18
Amharic	22
Arabic	48
Armenian	8
Bengali	13
Bosnian	14
Bulgarian	12
Burmese	3
Cambodian	5
Cantonese	109
Cebuano	7
Chamorro	5
Chaozhou/chiu Chow	1
Chin	1
Croatian	20
Czech	7
Danish	19
Dari	5
Dutch	23
Egyptian	2
Farsi/persian	70
Finnish	8
French	696
French Creole	1
Fukienese	3
Ga/kwa	2
German	407
Gikuyu/kikuyu	1
Greek	30
Gujarati	15
Haitian Creole	3
Hebrew	40
Hindi	104
Hmong	1
Hungarian	17
Ibo	4
Icelandic	2
Ilocano	9
Indonesian	12
Italian	166
Japanese	210
Javanese	1
Kannada/canases	5
Kapampangan	2
Khmer	2
Korean	239
Lao	5
Latvian	6
Lithuanian	4
Malay	4
Malayalam	8
Mandarin	399
Marathi	6
Mien	1
Mongolian	2
Navajo	1
Nepali	5
Norwegian	35
Not_listed	48
Oromo	4
Pashto	1
Persian	21
Polish	34
Portuguese	128
Portuguese Creole	1
Punjabi	70
Romanian	22
Russian	236
Samoan	7
Serbian	17
Serbo-croatian	13
Sign Language	19
Singhalese	2
Slovak	3
Spanish	1,845
Spanish Creole	4
Swahili	8
Swedish	52
Tagalog	70
Taihanese	5
Taiwanese	21
Tamil	11
Telugu	4
Thai	12
Tigrinya	4
Tongan	1
Turkish	16
Ukrainian	46
Urdu	45
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 1/4/22 8:41:08 AM GMT-08:00

Member Type	In WA State	All
Attorney - Active	26,721	33,888
Attorney - Emeritus	113	120
Attorney - Honorary	333	382
Attorney - Inactive	2,620	5,737
Judicial	638	667
LLLT - Active	66	66
LLLT - Inactive	4	5
LPO - Active	790	802
LPO - Inactive	151	170
	31,436	41,837

By District		
	All	Active
0	5,452	4,441
1	2,902	2,408
2	2,146	1,723
3	2,085	1,735
4	1,364	1,154
5	3,246	2,643
6	3,411	2,835
7N	4,921	4,201
7S	6,281	5,157
8	2,260	1,927
9	4,895	4,144
10	2,874	2,388
	41,837	34,756

By State and Province	
Alabama	28
Alaska	201
Alberta	10
Arizona	364
Arkansas	18
Armed Forces Americas	2
Armed Forces Europe, Middle East	26
Armed Forces Pacific	10
British Columbia	98
California	1,937
Colorado	278
Connecticut	50
Delaware	7
District of Columbia	360
Florida	291
Georgia	91
Guam	14
Hawaii	138
Idaho	492
Illinois	158
Indiana	47
Iowa	27
Kansas	30
Kentucky	36
Louisiana	47
Maine	14
Maryland	115
Massachusetts	85
Michigan	75
Minnesota	107
Mississippi	5
Missouri	69
Montana	170
Nebraska	21
Nevada	166
New Hampshire	12
New Jersey	67
New Mexico	78
New York	247
North Carolina	88
North Dakota	11
Northern Mariana Islands	6
Nova Scotia	1
Ohio	86
Oklahoma	37
Ontario	16
Oregon	2,753
Pennsylvania	77
Puerto Rico	6
Quebec	2
Rhode Island	15
South Carolina	29
South Dakota	9
Tennessee	54
Texas	407
Utah	192
Vermont	15
Virginia	282
Virgin Islands	2
Washington	31,436
Washington Limited License	1
West Virginia	7
Wisconsin	48
Wyoming	20

By WA County		By Admit Yr	
Adams	16	1946	1
Asotin	26	1947	2
Benton	408	1948	2
Chelan	259	1949	1
Clallam	166	1950	4
Clark	997	1951	13
Columbia	8	1952	18
Cowlitz	153	1953	15
Douglas	40	1954	21
Ferry	9	1955	9
Franklin	59	1956	31
Garfield	3	1957	20
Grant	130	1958	25
Grays Harbor	114	1959	28
Island	170	1960	27
Jefferson	121	1961	22
King	17,529	1962	27
Kitsap	847	1963	29
Kittitas	98	1964	30
Klickitat	30	1965	46
Lewis	121	1966	56
Lincoln	15	1967	54
Mason	101	1968	76
Okanogan	91	1969	88
Pacific	28	1970	89
Pend Oreille	13	1971	95
Pierce	2,457	1972	146
San Juan	95	1973	232
Skagit	294	1974	220
Skamania	21	1975	277
Snohomish	1,713	1976	333
Spokane	2,080	1977	338
Stevens	56	1978	371
Thurston	1,710	1979	405
Wahkiakum	11	1980	423
Walla Walla	118	1981	461
Whatcom	623	1982	441
Whitman	74	1983	486
Yakima	447	1984	1,081
		1985	544
		1986	748
		1987	708
		1988	623
		1989	688
		1990	861
		1991	833
		1992	812
		1993	910
		1994	869
		1995	814
		1996	792
		1997	903
		1998	886
		1999	902
		2000	902
		2001	904
		2002	990
		2003	1,048
		2004	1,083
		2005	1,108
		2006	1,185
		2007	1,261
		2008	1,094
		2009	973
		2010	1,071
		2011	1,054
		2012	1,085
		2013	1,218
		2014	1,353
		2015	1,590
		2016	1,312
		2017	1,390
		2018	1,310
		2019	1,367
		2020	1,564
		2021	1,417

Misc Counts	
All License Types **	42,225
All WSBA Members	41,837
Members in Washington	31,436
Members in western Washington	27,271
Members in King County	17,529
Members in eastern Washington	3,980
Active Attorneys in western Washington	23,248
Active Attorneys in King County	15,377
Active Attorneys in eastern Washington	3,324
New/Young Lawyers	6,431
MCLE Reporting Group 1	10,820
MCLE Reporting Group 2	11,453
MCLE Reporting Group 3	12,114
Foreign Law Consultant	19
House Counsel	359
Indigent Representative	10

By Section ***	All	Previous Year
Administrative Law Section	237	231
Alternative Dispute Resolution Section	316	310
Animal Law Section	82	88
Antitrust, Consumer Protection and Unfair Business Practice	197	199
Business Law Section	1,250	1,232
Cannabis Law Section	94	108
Civil Rights Law Section	181	165
Construction Law Section	520	503
Corporate Counsel Section	1,102	1,091
Creditor Debtor Rights Section	466	446
Criminal Law Section	385	367
Elder Law Section	627	639
Environmental and Land Use Law Section	801	765
Family Law Section	990	957
Health Law Section	390	390
Indian Law Section	331	318
Intellectual Property Section	865	865
International Practice Section	227	243
Juvenile Law Section	147	138
Labor and Employment Law Section	984	978
Legal Assistance to Military Personnel Section	79	66
Lesbian, Gay, Bisexual, Transgender (LGBT) Law Section	108	116
Litigation Section	1,043	1,003
Low Bono Section	85	120
Real Property Probate and Trust Section	2,315	2,249
Senior Lawyers Section	238	233
Solo and Small Practice Section	905	886
Taxation Section	628	613
World Peace Through Law Section	145	129

* 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 year (Jan 1). The Previous Year column is the total from the last day of the prior year (Dec 31). WSBA staff with complimentary membership are not included in the counts.

By Years Licensed	
Under 6	8,345
6 to 10	6,268
11 to 15	5,423
16 to 20	4,949
21 to 25	4,096
26 to 30	3,769
31 to 35	3,036
36 to 40	2,374
41 and Over	3,577
Total:	41,837

By Age	All	Active
21 to 30	1,839	1,785
31 to 40	9,194	8,332
41 to 50	10,263	8,642
51 to 60	9,110	7,203
61 to 70	7,545	5,578
71 to 80	3,276	2,173
Over 80	610	175
Total:	41,837	33,888

By Gender	
Female	12,270
Male	16,306
Non-Binary	23
Not Listed	25
Selected Mult Gender	28
Transgender	1
Two-spirit	4
Respondents	28,657
No Response	13,180
All Member Types	41,837

By Disability	
Yes	1,265
No	19,920
Respondents	21,185
No Response	20,652
All Member Types	41,837

By Sexual Orientation	
Asexual	22
Gay, Lesbian, Bisexual, Pansexual, or Queer	562
Heterosexual	5,165
Not Listed	116
Selected multiple orientations	22
Two-spirit	5
Respondents	5,892
No Response	35,945
All Member Types	41,837

By Ethnicity	
American Indian / Native American / Alaskan Native	229
Asian-Central Asian	25
Asian-East Asian	273
Asian-South Asian	76
Asian-Southeast Asian	78
Asian—unspecified	1,044
Black / African American / African Descent	664
Hispanic / Latinx	711
Middle Eastern Descent	26
Multi Racial / Bi Racial	1,056
Not Listed	216
Pacific Islander / Native Hawaiian	62
White / European Descent	22,958
Respondents	27,418
No Response	14,419
All Member Types	41,837

Members in Firm Type	
Bank	36
Escrow Company	60
Government/ Public Sector	5,159
House Counsel	3,165
Non-profit	492
Title Company	121
Solo	5,085
Solo In Shared Office Or	1,224
2-5 Members in Firm	4,194
6-10 Members in Firm	1,646
11-20 Members in Firm	1,246
21-35 Members in Firm	761
36-50 Members In Firm	566
51-100 Members in Firm	600
100+ Members in Firm	1,846
Not Actively Practicing	1,977
Respondents	28,178
No Response	13,659
All Member Types	41,837

By Practice Area	
Administrative-regulator	2,267
Agricultural	239
Animal Law	114
Antitrust	318
Appellate	1,638
Aviation	183
Banking	426
Bankruptcy	851
Business-commercial	5,237
Cannabis	142
Civil Litigation	460
Civil Rights	1,076
Collections	492
Communications	217
Constitutional	645
Construction	1,355
Consumer	754
Contracts	4,264
Corporate	3,578
Criminal	3,680
Debtor-creditor	890
Disability	579
Dispute Resolution	1,244
Education	471
Elder	830
Employment	2,776
Entertainment	307
Environmental	1,262
Estate Planning-probate	3,274
Family	2,561
Foreclosure	445
Forfeiture	98
General	2,517
Government	2,865
Guardianships	778
Health	948
Housing	331
Human Rights	304
Immigration-naturaliza	1,000
Indian	567
Insurance	1,625
Intellectual Property	2,285
International	891
Judicial Officer	435
Juvenile	794
Labor	1,116
Landlord-tenant	1,216
Land Use	859
Legal Ethics	289
Legal Research-writing	830
Legislation	441
Lgbtq	89
Litigation	4,749
Lobbying	171
Malpractice	730
Maritime	307
Military	386
Municipal	892
Non-profit-tax Exempt	626
Not Actively Practicing	2,048
Oil-gas-energy	249
Patent-trademark-copyr	1,330
Personal Injury	3,178
Privacy And Data Securit	384
Real Property	2,639
Real Property-land Use	2,111
Securities	768
Sports	176
Subrogation	128
Tax	1,289
Torts	2,043
Traffic Offenses	579
Workers Compensation	695

By Languages Spoken	
Afrikaans	5
Akan /twi	6
Albanian	2
American Sign Language	18
Amharic	22
Arabic	48
Armenian	8
Bengali	13
Bosnian	14
Bulgarian	12
Burmese	3
Cambodian	5
Cantonese	109
Cebuano	7
Chamorro	5
Chaozhou/chiu Chow	1
Chin	1
Croatian	20
Czech	7
Danish	19
Dari	5
Dutch	23
Egyptian	2
Farsi/persian	70
Finnish	8
French	696
French Creole	1
Fukienese	3
Ga/kwa	2
German	407
Gikuyu/kikuyu	1
Greek	30
Gujarati	15
Haitian Creole	3
Hebrew	40
Hindi	104
Hmong	1
Hungarian	17
Ibo	4
Icelandic	2
Ilocano	9
Indonesian	12
Italian	166
Japanese	210
Javanese	1
Kannada/canases	5
Kapampangan	2
Khmer	2
Korean	239
Lao	5
Latvian	6
Lithuanian	4
Malay	4
Malayalam	8
Mandarin	399
Marathi	6
Mien	1
Mongolian	2
Navajo	1
Nepali	5
Norwegian	35
Not_listed	48
Oromo	4
Pashto	1
Persian	21
Polish	34
Portuguese	128
Portuguese Creole	1
Punjabi	70
Romanian	22
Russian	236
Samoan	7
Serbian	17
Serbo-croatian	13
Sign Language	19
Singhalese	2
Slovak	3
Spanish	1,845
Spanish Creole	4
Swahili	8
Swedish	52
Tagalog	70
Taihanese	5
Taiwanese	21
Tamil	11
Telugu	4
Thai	12
Tigrinya	4
Tongan	1
Turkish	16
Ukrainian	46
Urdu	45
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).

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Sanjay Walvekar, Legislative Affairs Manager
DATE: December 28, 2021
RE: 2022 Legislative Session Report

The 2022 legislative session begins Monday, January 10, and is scheduled to adjourn on Thursday, March 10. Legislators will consider a variety of issues this session. However, the general focus of the 60-day “short” session is to refine bills passed during the first half of the 2021-2022 biennium.

The **2022 WSBA Legislative Agenda** is the main priority for the WSBA Legislative Affairs team in terms of legislative strategy. That agenda includes:

- **Supporting Bar-request legislative proposals initiated by WSBA Sections that are approved by the Board:** a legislative proposal from the Corporate Act Revision Committee and the Partnership & LLC Law Committee within the WSBA Business Law Section to clarify portions of the business corporations act and the limited liability corporations act, [SB 5489](#) (Sponsors: Pedersen, Padden).
- **Supporting non-Bar request legislative proposals approved by the Board under GR 12:** proposals that seek to create and promote access to justice for all Washington residents; enhance statewide civics education; provide funding for the state’s court system; and provide funding for civil legal aid services through general-fund state dollars.
- **Monitoring and taking appropriate action on legislative proposals:** proposals that would increase existing court user fees; alter court rules and/or the structure of the state’s judiciary branch; and other items of significance to the practice of law and administration of justice.

Non-WSBA request bills referred to relevant sections that are being monitored include:

- [SB 5548](#) (Pedersen, Wagoner): Concerning the uniform unregulated child custody transfer act (Family Law: monitoring).
- [HB 1710](#) (Shewmake): Establishing a Washington state cannabis commission (Cannabis Law: monitoring).
- [SB 5531](#) (Pedersen, Wilson, L.): Concerning the revised uniform unclaimed property act (Real Property, Probate and Trust: monitoring).

The draft 2022 session cutoff calendar includes important dates for legislative action:

- January 10: session convenes
- February 4: policy committee cutoff (house of origin)
- February 8: fiscal committee cutoff (house of origin)
- February 16: house of origin cutoff
- February 25: policy committee cutoff (opposite house)
- February 28: fiscal committee cutoff (opposite house)

- March 4: opposite house cutoff
- March 10: session concludes (Sine Die)

The WSBA Legislative Affairs team will continue to work with internal and external WSBA stakeholders on relevant issues and priorities. We look forward to a productive 2022 legislative session.

TO: WSBA Board of Governors
FROM: Terra Nevitt, Executive Director
DATE: January 4, 2022
RE: BOG Election Policy

ACTION/DISCUSSION : Discuss potential changes to BOG election policy in light of the ability of governors to serve two terms on the Board.

Election policy for the Board of Governors is set forth in the WSBA Bylaws, Article VI. In addition to these provisions, in April 2006, the Board approved an *Addendum to Governor Responsibilities* that set forth expectations for recruiting candidates for the Board. This policy placed much of the responsibility for recruiting on outgoing governors.

In April 2020, the WSBA Bylaws were amended to allow governors to serve a second three-year term on the Board. This change has called into question the role of “outgoing” governors that may contemplate running for a second term should be expected to play in recruiting candidates.

In light of this issue, President Tollefson has requested that the Board review its election policy.

Governor Responsibilities

Governors are the fiduciary of WSBA assets. These assets include cash and investments, the organization's good name and the organization's goodwill with members. Assets must be managed under a "good faith/prudent care/best interests" standard. Meeting this standard includes the exercise of sound business principles, attendance at meetings and the exercise of due diligence in making decisions affecting the organization's assets.

The office of governor is a three-year commitment from October through the end of September three years later. Governors may only serve one term unless the initial term is 18 months or less.

A director acts as part of a board. Anyone serving as a director of a corporation must be aware of what a director is – and isn't. As a body, a board of directors has considerable powers. In most corporations the board plays a substantial part in the beginning or end of any corporate activity, and the board appoints or removes corporate agents, executives, and officers. In contrast, an individual director, acting alone, has almost no power: rather each director exerts her or his power as one participating in the board of directors. **(Guidebook for Directors of Nonprofit Corporations)**

It is expected that a governor will:

- Participate in the New Governor Orientation Program.
- Attend six BOG meetings per year – generally all day Thursday through Friday morning.
- Be a member of two to three BOG committees and some special committees (serve as chair on some generally in the third year).
- On a rotating basis with other governors, attend various law-related events such as annual dinners, award events, special events, etc.
- Be a liaison and attend key meetings for three to five WSBA sections, standing committees and other boards or commissions as assigned by the president.
- Occasionally represent the WSBA for public speaking and appearances.
- Using WSBA electronic distribution groups, communicate periodically with constituents.
- Establish contact and maintain relationships with local bar associations in their congressional district.
- Be a WSBA-BOG liaison to minority or specialty bar association(s).
- Attend section and committee orientation meetings at the WSBA.
- Approve the hiring of the executive director.
- Assist with the recruitment and orientation for a replacement governor and president when in their district.
- Conduct leadership recruitment and recommend constituents for appointments.
- Appoint standing committee members annually.
- Maintain the confidentiality of information discussed in executive sessions.
- Refrain, as required by the WSBA bylaws, from endorsement of political candidates for offices reserved for lawyers.

Most governors find that they can meet these commitments in about 40 hours a month.

ADDENDUM to GOVERNOR RESPONSIBILITIES

Excerpt of the WSBA President and Governor Selection Task Force Report

(Adopted by the Board of Governors in April 2006)

- Assign to each Governor whose term is expiring and whose position will be filled by the election of a successor, the responsibility to chair a committee of not more than 5 persons to recruit 2 or more candidates to file for the position.
 - Diversity among committee members is desired, and might include, inter alia, former Governors from that district, local bar presidents or officers, and representatives of minority and specialty bars.
 - The outgoing Governor should be reminded by the Executive Director, or her delegate, of this responsibility not later than November 1 of the Governor's third year.
 - The outgoing Governor should report on the work of his or her recruiting committee at the January BOG meeting.
- Immediately upon receipt of the application, post on the WSBA website the name and district of each individual who files for election to the BOG.
- Make available to each candidate for the BOG, without charge and for a one-time use only, the ability to contact all members residing in the candidate's district by e-mail and by direct mail. For example, direct mail contact could be accomplished through providing address labels, or by including candidate flyers in the balloting material, while e-mail contact could be accomplished by WSBA forwarding candidate messages to all district members.
- Develop a description of the duties and responsibilities of a member of the BOG, the time commitment, representative issues that come before the Board for decision, and the rewards and satisfaction of service on the Board of Governors, and publicize the information to the WSBA membership prior to the deadline for each BOG election.
- Set up a direct outreach system to local and specialty bars to assist in recruiting candidates for the BOG.

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Francis Adewale, Co-Chair Member Engagement Workgroup
Bryn Petersen, Co-Chair Member Engagement Workgroup
DATE: December 22, 2021
RE: Changes to the Member Engagement Workgroup Charter

This is a request from the Member Engagement Workgroup to change the charter's purpose to represent the entities desire to operate on an ongoing basis and to change the entity to a Council instead of Workgroup.

Background:

The original Member Engagement Workgroup Charter was approved by the Board of Governors on July 27, 2018. The charter created a workgroup comprised of only Board members with a fairly specific purpose of creating a written plan and best practices for the Board of Governors to educate members about the work of the Board and propose best practices to engage with members. The workgroup had a limited time duration to complete its work.

In September, 2018 the Board approved a revision to the charter. The revision extended the workgroup indefinitely and changed the composition of the workgroup to include six governor and five non-governor members. The purpose was not changed.

In March, 2020 the Board approved another revision to the charter. That revision removed the reference to a timeline for the workgroup and changed the composition to seven voting members. At least three would need to be governors or officers of the Board of Governors. It also gave the Co-Chairs authority to appoint ad-hoc non-voting members to the workgroup.

Up until now the workgroup has been treated as a Board of Governors workgroup which means each year the President appoints governors (or non-governors if they are identified) to serve on the workgroup.

Our Proposal

If and when adopted, the proposed charter will clarify the purpose of the group, define term and change the name from a Workgroup to a Council.

Name Change:

The Member Engagement Workgroup shall henceforth be known as Member Engagement Council.

Purpose:

The Council shall seek to educate members in a proactive manner about WSBA's and Board of Governor's actions and work, seek input and involve members in decision-making process, build relationship between members and WSBA governance and ensure ongoing updates of members on WSBA processes and measurement. In carrying out these lefty goals, the council shall seek to create mutual understanding between the board and members, drive board priorities, form relationships with WSBA sections, specialty, minority and regional bars and share opportunities across regions of the state and members resident outside the geographical area of the state.

Term:

The Council shall exist in perpetuity subject to a decision of the board of governors upon fulfilment of its purpose.

Membership:

Per the proposed charter, the council shall consist of eleven voting members, six of which shall be BOG members and four non-bog members. One member could be a BOG member or WSBA member. The Council will be led by two Co-Chairs, one from the Eastern side of the state and the other from the Western side of the state. The Co-chairs and BOG members shall be appointed by the president in accordance with WSBA Bylaws. WSBA Members At Large will be appointed by the Board of Governors.

Action Requested

We respectfully ask the Board to approve the attached changes to the Member Engagement Workgroup Charter. Additionally we ask the Board to approve the appointment of Ailene Limric to the newly constituted Member Engagement Council. Ailene was a non-governor member who served on the workgroup last year and we would appreciate the opportunity to continue her service through the remainder of this fiscal year. We are also asking the Board for a temporary exception to the charter to allow eight Governors to serve on the Council through FY22.

Our intention is to continue the work of the Council as currently constituted and ask the Board to approve the process of allowing the current members to serve out their terms for the remainder of this fiscal year and undertake a full recruitment for the newly constituted Council next fiscal year.

We thank the Board for its consideration of our request.

Sincerely,

Francis Adewale, Co-Chair Member Engagement Workgroup
Bryn Petersen, Co-Chair Member Engagement Workgroup

Attachments

Redline of Most Recent Charter
Clean Version of Most Recent Charter Redline

WASHINGTON STATE BAR ASSOCIATION

Member Engagement ~~Work Group~~ Council CHARTER

(Adopted by the WSBA Board of Governors on July 27, 2018)

(Extended indefinitely by the WSBA Board of Governors on September 28, 2018)

(Amended by the WSBA Board of Governors March 19, 2020)

Background

The WSBA must rely on member involvement, feedback, and expertise to operate and meet its mission; as such, the Board of Governors must continually interface with members to create mutual understanding, drive priorities, form relationships, and share involvement opportunities. The Member Engagement Council will further this objective.

~~Governors would like a reliable way to gauge member engagement and sentiment and to continually improve WSBA's reputation and the reputation of the board.~~

~~Work Group Purpose~~ Member Engagement Council Purpose

The Council shall seek to educate members in a proactive manner about WSBA's and Board of Governor's actions and work, seek input and involve members in decision-making process, build relationship between members and WSBA governance and ensure ongoing updates of members on WSBA processes and measurement. In carrying out these lofty goals, the council shall seek to create mutual understanding between the board and members, drive board priorities, form relationships with WSBA sections, specialty, minority and regional bars and share opportunities across regions of the state and members resident outside the geographical area of the state.

The Council will serve as an advisory body to the Board of Governors as set forth in the WSBA Bylaws.

~~The work group shall create a written plan and best practices for governors to:~~

- ~~• Educate members in a proactive manner about WSBA's and the Board of Governors' actions and work.~~
- ~~• Involve members in the decision making process by informing them and asking for input on a regular basis.~~
- ~~• Involve members in a positive manner with WSBA governance.~~
- ~~• Involve governors on a one on one, relationship building basis with individuals who contact WSBA with concerns or feedback.~~
- ~~• Ensure ongoing updates to the Board of Governors about WSBA member engagement processes and measurement.~~

~~As part of the plan, work group members shall:~~

- ~~• Define "member engagement" and its role in the board's governance process; this may include outreach to other mandatory/unified bar associations to determine how they engage members and for what purposes.~~

- ~~Create an agreement with norms, values, and responsibilities for how governors will represent themselves, WSBA, and their fellow governors while conducting official outreach to members and the public.~~
- ~~Identify which board processes and decisions most need member input for the coming year and propose coordinated outreach efforts.~~
- ~~Determine how board member engagement efforts and goals should dovetail with WSBA member engagement efforts and goals already underway.~~

Member Engagement Council Membership Work Group Membership

The Council shall consist of eleven voting members constituted as follows:

- Two Co-Chairs – one of whom will be a Governor or Officer of the Board of Governors from the Eastern side of the state and one from the Western side of the state.
- Four current Governors or Officers of the Board of Governors.
- Four WSBA Members who are not a current Governor or Officer of the Board of Governors.
- One position could be either a WSBA Member or a Member of the Board of Governors.

Terms

- Co-Chairs: Two year term – subject to renewal by the President with the option to make the 2nd term a Co-Chair or a regular member
- Board or Officer of the Board of the Governors: One year term.
- WSBA Members At Large: Two year term.
- WSBA Member At Large or BOG position: Two year term.

For the initial staggering of terms, two of the At Large positions shall have two year terms and two At Large positions shall have three year terms. All subsequent terms will be for two-years as stated above.

Council members should not serve more than two consecutive terms. After two consecutive terms have been served, the Council members should not serve on the Council for at least one year before seeking to serve again.

~~The work group shall consist of seven voting members. At least three of the members will be current Governors or Officers of the Board of Governors. The Workgroup will be led by two Co-Chairs, one from the Eastern side of the state and the other from the Western side of the state. The Co-Chairs will have the authority to appoint Ex Officio members to the Workgroup in a number they deem necessary to further the goals of the Workgroup.~~

Nominations and Appointments

The Executive Director will designate WSBA staff liaison(s). Council members will be appointed in accordance with WSBA Bylaws Art. IX(C)(1-6) as follows:

- The WSBA President will nominate the Co-Chairs, one from the west side of the state and the other from the east side and the Governors or Officers of the Board of Governors, subject to approval by the Board of Governors.
- Nominations for WSBA Members At Large will be determined by a Nomination Team comprised of the Council Co-Chairs and the designated staff liaison.
- WSBA Members At Large will be appointed by the Board of Governors.

Voting Procedures

All Council members are eligible to vote.

Attendance Requirements

Council members who have three consecutive unexcused absences in any 12 month period will be considered to have resigned from the Council. The Council may seek a replacement member through the regular WSBA volunteer process, unless the absent member was nominated by the WSBA President. In that case the WSBA President will be asked to appoint a replacement. Council members may be excused for good cause by the Chair. Such an excuse should be sought prior to the meeting. The Executive Director will designate a WSBA staff liaison. In accordance with WSBA Bylaws Art. IX(B)(2)(e) and (f), the members and the chair of the work group will be appointed by the WSBA President subject to being accepted or rejected by the board.

WASHINGTON STATE BAR ASSOCIATION

Member Engagement Council CHARTER

(Adopted by the WSBA Board of Governors on July 27, 2018)

(Extended indefinitely by the WSBA Board of Governors on September 28, 2018)

(Amended by the WSBA Board of Governors March 19, 2020)

Background

The WSBA must rely on member involvement, feedback, and expertise to operate and meet its mission; as such, the Board of Governors must continually interface with members to create mutual understanding, drive priorities, seek feedback, form relationships, and share involvement opportunities. The Member Engagement Council will further this objective.

Member Engagement Council Purpose

The Council shall seek to educate members in a proactive manner about WSBA's and Board of Governor's actions and work, seek input and involve members in decision-making process, build relationship between members and WSBA governance and ensure ongoing updates of members on WSBA processes and measurement. In carrying out these lofty goals, the council shall seek to create mutual understanding between the board and members, drive board priorities, form relationships with WSBA sections, specialty, minority and regional bars and share opportunities across regions of the state and members resident outside the geographical area of the state.

The Council will serve as an advisory body to the Board of Governors as set forth in the WSBA Bylaws.

Member Engagement Council Membership

The Council shall consist of eleven voting members constituted as follows:

- Two Co-Chairs – one of whom will be a Governor or Officer of the Board of Governors from the Eastern side of the state and one from the Western side of the state.
- Four current Governors or Officers of the Board of Governors.
- Four WSBA Members who are not a current Governor or Officer of the Board of Governors.
- One position could be either a WSBA Member or a Member of the Board of Governors.

Terms

- Co-Chairs: Two year term – subject to renewal by the President with the option to make the 2nd term a Co-Chair or a regular member
- Board or Officer of the Board of the Governors: One year term.
- WSBA Members At Large: Two year term.
- WSBA Member At Large or BOG position: Two year term.

For the initial staggering of terms, two of the At Large positions shall have two year terms and two At Large positions shall have three year terms. All subsequent terms will be for two-years as stated above.

Council members should not serve more than two consecutive terms. After two consecutive terms have been served, the Council members should not serve on the Council for at least one year before seeking to serve again.

Nominations and Appointments

The Executive Director will designate WSBA staff liaison(s). Council members will be appointed in accordance with WSBA Bylaws Art. IX(C)(1-6) as follows:

- The WSBA President will nominate the Co-Chairs, one from the west side of the state and the other from the east side and the Governors or Officers of the Board of Governors, subject to approval by the Board of Governors.
- Nominations for WSBA Members At Large will be determined by a Nomination Team comprised of the Council Co-Chairs and the designated staff liaison.
- WSBA Members At Large will be appointed by the Board of Governors.

Voting Procedures

All Council members are eligible to vote.

Attendance Requirements

Council members who have three consecutive unexcused absences in any 12 month period will be considered to have resigned from the Council. The Council may seek a replacement member through the regular WSBA volunteer process, unless the absent member was nominated by the WSBA President. In that case the WSBA President will be asked to appoint a replacement. Council members may be excused for good cause by the Chair. Such an excuse should be sought prior to the meeting.

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Travis Stearns, Chair, Council on Public Defense
DATE: December 15, 2021
RE: Council on Public Defense Statement Regarding Public Defense Workloads

ACTION: Approve the attached *Public Defense Workloads Statement* for broad distribution to public defenders and administrators statewide

The Council on Public Defense (CPD) drafted attached *Public Defense Workloads Statement* as a tool to assist public defenders and administrators in bringing concerns to their funders about workloads exceeding capacity due to the pandemic.

The CPD has been discussing the impact of the COVID-19 pandemic on the public defense system statewide. The CPD's Standards Committee met with public defense directors from across the state to learn how the pandemic has been impacting their offices and the delivery of services. A key takeaway from the discussion revealed that the pandemic has contributed to increased caseloads. In March 2021, the Board of Governors approved a request from the CPD to distribute the attached advisory notice *Response to the Emergency Caused by Pandemic Driven: Increased Public Defender Caseloads* to bring attention to these issues with policy makers and funders.

The Office of Public Defense has also conducted surveys with public defenders statewide to learn about the impact of the pandemic on the delivery of services. The Office of Public Defense report [Defending Clients in the COVID-19 Environment: Survey Results from Private and Public Defense Counsel](#) provides survey results and analysis that further highlights how the pandemic is having an adverse effect on providing effective counsel as workloads grow beyond capacity.

It has become clear that public defense offices are struggling to keep up with the workloads, and that is having a detrimental effect on providing effective public defense counsel. The purpose of the Statement is to give public defenders a tool to talk with their funders and other leaders about the caseload issue and how it can be addressed. The CPD appreciates the Board's consideration of this request.

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

GR 12

This proposal is authorized by GR 12.2(a)(2)-promote an effective legal system, accessible to all. This statement does not take positions on political or social issues and is directly related to the administration of justice.

Potential Concerns for Discussion

The statements in this memo could be used to support claims or grievances against individual public defenders. This statement includes the following sentence: “As a result, open caseloads-in both number and complexity-now make demands that even experienced defenders cannot meet.” The statement goes on to state that workloads exceed an attorney’s capacity. The Board may wish to discuss whether the language of this statement, intended to assist public defender agencies, may provide support for ethical or civil claims against individual public defenders. Specifically, the Board may wish to discuss the consequences of approving this statement that might be submitted as evidence supporting a grievance or civil claim against public defenders. The Board may wish to consider seeking stakeholder input or sending this back for reconsideration of some of the language included in the statement. If the Board considers delaying action on this matter, it should seek input on timing constraints.

WSBA FISCAL ANALYSIS: *This request does not have a financial component and does not require a fiscal analysis.*

Attachments

- *Public Defense Workloads Statement (for action)*
- *Response to the Emergency Caused by Pandemic Driven: Increased Public Defender Caseloads (approved March 2021)*

Public Defense Workloads Statement

Proposed statement:

As the pandemic continues, public defense counsel across Washington increasingly have **workloads** that threaten their ability to provide effective representation, even if the number of cases they are assigned comports with the annual case assignment limits set by the Washington Supreme Court.

Washington's applicable court rule makes clear that lawyers should not "accept workloads that, by reason of their excessive size, interfere with the rendering of quality representation." CrR 3.1 Stds.¹ When defenders' workloads exceed their ability to provide effective representation, the attorneys should not be given, and should not accept, new clients until their workload has been reduced to a level that permits providing quality representation.

The pandemic has forced many courts to stop or severely limit trials. Public defense attorneys, now required to work remotely, have struggled to communicate with clients, many of whom do not have technology for secure online communication. Obtaining discovery has become time consuming. Pretrial offers from prosecutors to resolve cases without a trial have been far fewer as a result.

During the pandemic period, prosecutors have tended to prioritize the most serious charges when filing new cases, thereby increasing the complexity of public defense attorney workloads. Some prosecutors are filing lower-level felonies as misdemeanors, increasing the seriousness of attorneys' misdemeanor cases.

During that same period the rate at which cases get resolved has significantly decreased. Statewide, total criminal-case resolutions decreased by 33% in the Covid-19 period (March-December, 2020) compared to same period during the previous year.² The adverse impact of

¹ This is consistent with the [American Bar Association Standing Committee on Ethics and Professional Responsibility Formal Opinion 06-441, which states](#), "If workload prevents a lawyer from providing competent and diligent representation to existing clients, she must not accept new clients." The Formal Opinion also addresses the responsibility of those who supervise individual attorneys by stating that "lawyer supervisors must, working closely with the lawyers they supervise, monitor the workload of the supervised lawyers to ensure that the workloads do not exceed a level that may be competently handled by the individual lawyers." The Opinion concludes, "If a supervisor knows that a subordinate's workload renders the lawyer unable to provide competent and diligent representation and the supervisor fails to take reasonable remedial action, **the supervisor is responsible for the subordinate's violation of the Rules of Professional Conduct.**" (Emphasis added.)

² COVID-19 and Adult Criminal Justice: A Quantitative Look at Affected Systems, Washington State Institute for Public Policy, July, 2021, pp. 9-10, https://www.wsipp.wa.gov/ReportFile/1739/Wsipp_COVID-19-and-Adult-Criminal-Justice-A-Quantitative-Look-at-Affected-Systems_Report.pdf

delayed resolutions has resulted in increases in the seriousness of attorneys' caseloads. This impact is exacerbated by counties' current difficulty, and in some cases inability, to hire and retain experienced public defense attorneys.

As a result, **open caseloads – in both number and complexity - now make demands that even experienced defenders sometimes cannot meet.** When workload exceeds an attorney's capacity, then public defense attorneys and offices can request funding to hire additional attorneys, decline appointment to new cases, and work with others in the legal system to divert and/or reduce the number of cases in the system.

**Advisory Notice by the WSBA Council on Public Defense
Response to the Emergency Caused by Pandemic Driven Increased
Public Defender Caseloads**

Public defenders struggle to represent their clients because of a **combination of a** surge of newly filed cases, unresolved cases open for longer than average, backlogs of trials, and a push to re-open jury trials has resulted in overwhelming public defenders. Many lawyers have felony caseloads of over 100 open felonies.

Counties and Cities must provide public defense resources to address increased workloads and should address the backlog as a systemic issue.

Recommendations include:

- Using the newly available federal funds to increase defender resources.
- Meeting with public defense providers to reconsider the number of cases assigned to ensure adequate time to work on each case during this emergency.
- Working with courts, defenders, and prosecutors to consider creative alternatives.
- Comparing the open, unresolved case numbers with pre-pandemic caseloads.
- Respecting the defenders’ assessment of their workloads and the resources they need to have adequate time for each client.

Public defender caseloads continue to increase as cases take longer to resolve.

Felony case resolutions in 2020 were 28% less than in 2019. Simultaneously, many prosecutors chose to “hold” cases until the pandemic eased and are now filing them.¹ One county prosecutor had more than 700 cases holding to file.

County	Felony resolutions	Felony Filings
Benton	Decreased 31%	Decreased 4%
Cowlitz	Decreased 51%	Decreased 10%
King	Decreased 29%	Decreased 11%
Whatcom	Decreased 34%	Increased 4%

Courts suspended jury trials and deferred hearings. In many jurisdictions, many cases remain unresolved. This delay has increased workloads for defenders who struggle to represent new clients and meet their obligations for existing clients.

¹ Administrative Office of the Courts and King County Felony Filing and Case Resolution data



A recent survey by the Office of Public Defense documented the strain defenders across the state are experiencing. The report stated: “The COVID-related backlog of criminal and juvenile cases in the courts uniquely impacts defense attorneys.”²

Highlights include:

- 90% of the attorneys reported interviews and trials are more difficult.
- 69% spend more time per case during the pandemic.
- 90% report witness interviews and trial preparation are more difficult.
- 65% have seen their pending caseloads increase.
- 58% of respondents with felony caseloads have a higher percentage of serious or violent cases.

Survey responses included the following:

- “The volume of cases means less time for all of my clients. I find too that clients need more attention and contact during this time.”
- “We cannot resolve cases in a fair and efficient manner.”
- “The court flooded our dockets with the backlog of arraignments and pre-trials, which meant we were required to provide attorney coverage every day which left us little time to do other work such as research, or client meetings.”
- “Prosecutors keep filing non-violent cases and judges continue issuing warrants. Both actions make the case backlog worse, burden public defense, and increase the number of people in our courthouses and jails. Prosecutors need to take the lead in reducing cases in the system and being very bold about resolving the ones in the system.”

Public defenders must comply with their ethical obligations to provide diligent representation.³ If a lawyer has an excessive workload, “the lawyer should not accept new clients.” Washington’s Standards require the same. Public defense attorneys should not accept “workloads that, by reason of their excessive size, interfere with the rendering of quality representation.”⁴

² Defending Clients in the COVID-19 Environment: Survey Results from Private and Public Defense Counsel, Washington State Office of Public Defense; https://www.opd.wa.gov/documents/00847-2021_DefendingClients.pdf

³ Formal Opinion 06-441 *Ethical Obligations of Lawyers Who Represent Indigent Criminal Defendants When Excessive Caseloads Interfere with Competent and Diligent Representation*, American Bar Association Standing Committee on Ethics and Professional Responsibility https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_def_ethics_opinion_defender_caseloads_06_441.authcheckdam.pdf

⁴ Washington Supreme Court, Indigent Defense Standard 3.2 <https://www.opd.wa.gov/standards>

The conditions the federal court condemned and led to financial liability for municipalities in *Wilbur v. City of Mount Vernon*⁵ are happening again. Defenders have not been able to meet confidentially with in-custody clients or to conduct investigations consistently. These conditions seriously undermine the ability of the defenders to give each client the time and effort necessary to ensure constitutionally adequate representation. As the Federal Court noted, “actual innocence could conceivably go unnoticed and unchampioned.”⁶ Without additional resources, cities and counties could face tremendous financial liability because of the denial of effective representation to thousands of indigent clients.

Local efforts to address excessive public defense workload may include these and other systemic approaches:⁷

- Delay filing or diverting some cases to be resolved non-criminally.
- Reduce reliance on pre-trial incarceration.
- Reserve show cause and review hearings for the most serious allegations.
- Adjust case assignments.
- Increase public defense attorney and staff resources.

For public defense attorneys who are compensated per case or on a flat monthly fee, the contracted number of cases may exceed a reasonable workload because of a surge in cases and the backlog of pending cases. In that case, caseloads should be adjusted downward.

Local officials could review the Advisory Notice by WSBA Council on Public Defense on Implementation of the Standards for Indigent Defense During the Coronavirus Emergency.⁸

⁵ *Wilbur v. City of Mount Vernon*, 989 F. Supp. 2d 1122, 1124 (W.D. Wash. 2013).

⁶ *Wilbur v. City of Mount Vernon and City of Burlington*, 989 F. Supp. 2d 1122, 1126 (2013)

⁷ ABA Eight Guidelines of Public Defense Related to Excessive Workloads (2009).

https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_def_eight_guidelines_of_public_defense.pdf.

⁸ Available at https://www.opd.wa.gov/documents/00804-2020_WSBAnotice.pdf.

Advisory Notice by WSBA Council on Public Defense

**Implementation of the Standards for Indigent Defense
During the Coronavirus Emergency**

- **Coronavirus impact on public defense attorney workloads.**

COVID-19 and the restrictions imposed to limit exposure to the virus have dramatically altered how public defense attorneys can hold confidential meetings with clients, go to court safely, investigate, and prepare cases. Attorneys must ensure that their clients' due process rights are protected, but also must protect their clients, themselves, their staff, and their families from exposure to the novel Coronavirus.

As courts begin to resume hearings and trials, and as prosecutors start to file a backlog of cases, public defense attorneys face an increased volume of cases and an increased complexity in their work. For example, the public defense workload becomes more complicated when attorneys must utilize time-consuming telephone/video conferences for client meetings and court appearances, or when social distancing requirements hamper an attorney-client communication during in-person court activities.

These new conditions require courts and public defense attorneys to pay close attention to the Standards for Indigent Defense adopted by the Washington Supreme Court, which establish minimum requirements for public defense representation. *See* CrR 3.1 Stds, CrRLJ 3.1 Stds, and JuCR 9.2 Stds. Attorneys who represent persons in other assigned cases will also be impacted by the current crisis, including involuntary treatment commitment, 71.09 commitment, family defense, status cases, support enforcement, and appeals.

The purpose of this notice is to assist public defense agencies, contract and list appointed attorneys, courts, and local contracting authorities in interpreting and applying the Standards for Indigent Defense during the Coronavirus emergency and ongoing recovery efforts. Additional guidance can be found in the WSBA performance guidelines, WSBA Standards for Indigent Defense, Washington Defender Association Standards for Public Defense Services, and the pending involuntary treatment guidelines.



- **Applying the standards during the coronavirus emergency and recovery.**

The Standards for Indigent Defense identify numeric caseload limits and require that caseloads must be reduced to accommodate unusual circumstances or increased workload.

Consistent with obligations under these Standards, public defense agencies, courts, and contracting authorities, in consultation with public defense attorneys, should reconsider the number of cases assigned to ensure adequate time to work on each case during this emergency.

- **Reduced caseloads may be necessary to maintain compliance with the standards.**

Standard 3.2 establishes that public defense attorneys may not accept cases beyond their ability to provide quality representation to all their clients.

The caseload of public defense attorneys shall allow each lawyer to give each client the time and effort necessary to ensure effective representation. Neither defender organizations, county offices, contract attorneys, nor assigned counsel should accept workloads that, by reason of their excessive size, interfere with the rendering of quality representation. As used in this Standard, “quality representation” is intended to describe the minimum level of attention, care, and skill that Washington citizens would expect of their state’s criminal justice system.

Standard 3.3 limits the number of cases lawyers can handle and recognizes that if there is a “surge” of cases beyond normal expectations or if the cases assigned become more complex, the caseload must be reduced. The standards state that:

Caseload limits reflect the maximum caseloads for fully supported full-time defense attorneys for cases of average complexity and effort.

Caseload limits assume a reasonably even distribution of cases throughout the year.

Reasonably even distribution of cases throughout the year means that lawyers will not be assigned more than 1/12 of their annual maximum caseload in any given month. For felonies, this is 12 cases per month. For misdemeanors, it should be no more than 33 misdemeanor cases per month.

Standard 3.3 also requires that when the public defense workload becomes more difficult or time-consuming due to work circumstances, per-attorney caseloads should be reduced.

The increased complexity of practice in many areas will require lower caseload limits. The maximum caseload limit should be adjusted downward when the mix of case assignments is weighted toward offenses or case types that demand more investigation, legal research and writing, use of experts, use of social workers, or other expenditures of time and resources.

- **Attorneys should determine ability to handle caseload.**

Each attorney should evaluate and determine their capacity to provide quality representation to all clients within the typical numeric caseload limits. If an attorney determines that they are not able to provide quality representation within the typical caseload, they should be presumed to be correct, and the caseload should be adjusted.

In 2019, the Washington Supreme Court held that a lower court had abused its discretion when it sanctioned a public defender for seeking a time accommodation that the defender determined was necessary to comply with “his constitutional obligations and the Standards of Indigent Defense.” *State v. Graham*, 194 Wn.2d 965, 968, 454 P.3d 114 (2019). The Court credited the defender’s assessment of his own caseload and recognized that:

...where counsel needs an extension of time to fulfill his obligations of representation, it is appropriate to grant an extension without the imposition of sanctions. Recent cases have highlighted the constitutional importance of maintaining proper caseloads in indigent defense cases. *See, e.g., Wilbur v. City of Mount Vernon*, 989 F. Supp. 2d 1122, 1124 (W.D. Wash. 2013); *State v. A.N.J.*, 168 Wn.2d 91, 102, 225 P.3d 956 (2010).

Graham, 194 Wn.2d at 970.

The Court emphasized the importance of adhering to the Standards:

The Standards for Indigent Defense provide that the caseload of public defenders must allow each lawyer to give each client the time and effort necessary to ensure effective representation.

Graham, 194 Wn.2d at 969.

Options to address increased workload may include adjusting case assignments, increasing resources including additional public defenders and staff, as well as other systemic approaches, as presented in the appendix.

Some attorney contracts pay based on each case assigned or pay a flat monthly fee for a specific number of cases. In these situations, as courts resume hearings and trials, the contracted number of cases may exceed a reasonable workload because of a surge in cases and the backlog of pending cases. Defenders are also less able to resolve cases, complete investigations, and meet with clients in the way they would have before the coronavirus crisis. If the workload required to provide quality representation increases, because of delays and barriers in investigating cases and meeting with clients, the caseload should be adjusted downward. Basic contract principles require that when circumstances change significantly, the parties should be open to renegotiation and amendment of contracts. Public defense providers should accept fewer cases or be compensated additionally to hire more staff. Additional resources for public defender services may also be necessary to re-open courts for trial and disposition hearings.

- **Coronavirus funding and resources should be directed to public defense.**

Many local governments are receiving significant emergency funding from federal and state Coronavirus mitigation sources. These emergency resources can and should be used to support public defense services.

For example, CARES Act funding may be used to increase the number of public defense attorneys and staff to address surging workloads, as well as to provide personal protective equipment for public defense attorneys, staff, and clients. Emergency funding may also be used to provide new technology to public defense attorneys, their clients, and jails to facilitate effective participation in court-conducted hearings, permit confidential attorney-client communications and to allow for timely electronic filing of pleadings.

- **Appendix One**

In considering how to address the emergency, the American Bar Association's *Eight Guidelines of Public Defense Related to Excessive Workloads* (2009) should guide public defense providers, local governments, and the courts.

Possible systemic options to address coronavirus impacts on public defense workload.

- Contract with additional attorneys to spread out new case assignments more equitably.
- Charge low level, non-violent adult felony offenses as gross misdemeanors.
- Charge low level, non-violent misdemeanor and gross misdemeanor offenses as infractions.
- Increase the use of pre-filing diversion for adult criminal and juvenile offender cases.
- Enhance prosecutorial review of cases filed by law enforcement officers, to minimize the number of cases that might otherwise result in early dismissal.
- Continue to minimize the number of in-custody defendants.
- Reduce status hearings for pre-trial and compliance hearings.
- Allow counsel to waive their client's appearances for non-essential hearings.
- Expand diversion alternatives.
- Reduce the issuance of warrants for failures to appear and allow defendants and youth to appear for hearings remotely.
- Reserve show cause and probation review hearings for the most serious allegations.
- Encourage courts to accept ex-parte orders with electronic signatures in all non-testimonial matters.
- Request that courts that have not initiated remote hearings begin doing so to reduce backlog.
- Consult with the Washington State Office of Public Defense or experienced practitioners in how to implement the Standards.

TO: WSBA Board of Governors and Governors-Elect

FROM: Committee on Professional Ethics

DATE: December 14, 2021

RE: Proposed Amendment to RPC 1.8(e), Combining and Amending Washington Comments [10] & [21]; Adoption of Model ABA Comments [11] - [13]; and Renumbering Comments to RPC 1.8(e).

FIRST READING: One Proposed Amendment to RPC 1.8(e), Combining and Amending Washington Comments [10] & [21]; Adoption of Model ABA Comments [11] - [13]; and Renumbering Comments to RPC 1.8(e).

Background

On April 30, 2020, Chief Justice Debra Stephens asked for review of potential regulatory modifications to improve access to justice during the Covid-19 pandemic, including whether to amend 1.8(e) to permit attorneys to provide financial assistance to clients in limited circumstances. *See* Memo to WSBA President of WSBA Chief Disciplinary Counsel and Chief Regulatory Counsel (May 8, 2020) (attached hereto as Exhibit A) *and* Supplemental Memo to WSBA President of WSBA Chief Disciplinary Counsel (August 5, 2020) (attached hereto as Exhibit B).

The WSBA Office of Disciplinary Counsel, in a memo dated May 8, 2020 (Exhibit A), provided information regarding the complicated history of attempted modifications of this Rule. Furthermore, the Chief Disciplinary Counsel's August 5, 2020 memo to the WSBA President summarized updates regarding the developments in New York and at the American Bar Association which had changed the analytic landscape around the issue. *See Exhibit B.* Pursuant to a request by the WSBA Board of Governors then President Rajeev Majumdar on August 6, 2020, the CPE formed a subcommittee and studied the changes to ABA Model Rule 1.8(e) and commentary as well as the history of Washington RPC 1.8(e), the Washington revised Comment [10] and additional Washington Comment [21]. The CPE then consulted with key WSBA and public stakeholders including the Northwest Justice Project, Pro Bono Council of the Washington Alliance for Public Justice, and WSBA Chief Disciplinary Counsel.

Recommendation

The CPE concurs with the reasoning of the ABA Standing Committees on Ethics and Professional Responsibility and Legal Aid and Indigent Defendants as described in their August 2020 report.

(<https://www.americanbar.org/content/dam/aba/directories/policy/annual-2020/107-annual-2020.pdf>, last accessed December 7, 2021). The CPE concludes that a financial assistance exception in RPC 1.8(e) could serve to increase access to justice for the public and serve the public interest.

WSBA Ethics Advisory Opinion 1959 (attached hereto as Exhibit C) states that a lawyer may make a "bona fide gift" to a client with "true donative intent" without transgressing the restrictions of RPC 1.8(e). However, the CPE does not believe this Advisory Opinion is sufficient to provide clarity and protection against violating the Rule for civil legal aid attorneys representing indigent clients and wishing to pay for these clients' litigation costs or to provide

modest humanitarian assistance. RPC 1.8(e) has a broad prohibition against advancement or guarantee of financial assistance and does not explicitly carve out gifts from this prohibition.

Therefore, the CPE recommends appropriate changes to Washington RPC 1.8(e) and comments, (redlined and clean versions of which are below). These recommended changes differ from the new ABA Model Rule in the following key respects:

- The word “pro bono” as a modifier is removed from recommended Subsection (3) for lawyers representing clients through a non-profit legal service, public interest organization, law school clinical, or pro bono program to clarify that attorneys employed as staff in such programs are included in the rule together with private attorneys who are volunteering with such programs.
- Model Rule 1.8(e)(2) only allows for an attorney’s payment of litigation and court expenses in the case of an indigent client and pro bono representation. The CPE recommends that such payment be allowed in other non-profit contexts as well, for instance by staff attorneys of legal aid organizations, law school clinics, and others.
- Washington Comment [21] and Comment [10] [Washington Revision] are amended and combined into a new Comment [10] [Washington Revision] to clarify that the prohibition in Rule 1.8(e) is intended to prevent attorneys from influencing clients to pursue litigation primarily for the private financial gain or to advance other interests of the attorney. The CPE does not believe the public interest is served by discouraging litigants who lack resources from pursuing otherwise meritorious lawsuits.
- Washington Comment [21] and Comment [10] [Washington Revision] are also amended and combined into a new Comment [10] [Washington Revision] to preserve the original interpretation of RPC 1.8 that, other than in indigent client context, the client remains ultimately liable.
- The proposed Washington revised Comment [11] mirrors, with slight modifications, ABA Model Comment [11]. Proposed Washington Comment [12] and [13] have the same language as Model Rules of Professional Conduct RPC 1.8 Comments [12] and [13].

The CPE concludes that creating a clear, permissible financial assistance exception in RPC 1.8(e) will serve the public and their lawyers who want to ethically provide financial assistance to their clients within the parameters of RPC 1.8(e).

Attachments:

- Exhibit A: Memo to WSBA President of WSBA Chief Disciplinary Counsel and Chief Regulatory Counsel (May 8, 2020)
- Exhibit B: Supplemental Memo to WSBA President of WSBA Chief Disciplinary Counsel (August 5, 2020)
- Exhibit C: WSBA Ethics Advisory Opinion 1959 (2001)

REDLINE OF PROPOSED CHANGES

Proposed insertions (underlined) and deletions (~~struck through~~)

RPC 1.8 CONFLICT OF INTEREST: CURRENT CLIENTS: SPECIFIC RULES

...

(e) A lawyer shall not, while representing a client in connection with contemplated or pending litigation, advance or guarantee financial assistance to a client, except that:

(1) a lawyer may advance or guarantee the expenses of litigation, including court costs, expenses of investigation, expenses of medical examination, and costs of obtaining and presenting evidence, provided the client remains ultimately liable for such expenses; ~~and~~

(2) in matters maintained as class actions only, repayment of expenses of litigation may be contingent on the outcome of the matter; and

(3) a lawyer representing an indigent client pro bono, a lawyer representing an indigent client through a nonprofit legal services or public interest organization, and a lawyer representing an indigent client through a law school clinical or pro bono program may pay court costs and expenses of litigation on behalf of the client. The lawyer may also provide modest gifts to the indigent client for food, rent, transportation, medicine and other basic living expenses. The lawyer:

(i) may not promise, assure or imply the availability of such gifts prior to retention or as an inducement to continue the client-lawyer relationship after retention;

(ii) may not seek or accept reimbursement for these gifts from the client, a relative of the client or anyone affiliated with the client; and

(iii) may not publicize or advertise a willingness to provide such gifts to prospective clients.

Financial assistance under this Rule may be provided even if the representation is eligible for fees under a fee-shifting statute.

...

Financial Assistance

[10] [Washington revision] Except as otherwise provided in the Rules, lawyers may not subsidize lawsuits or administrative proceedings brought on behalf of their clients, including making or guaranteeing loans to their clients for living expenses, because to do so would encourage clients to pursue lawsuits that might not otherwise be brought and because such assistance gives lawyers too great a financial stake in the litigation. See Washington Comment [21]. Paragraph (e) of Washington's Rule differs in part from the Model Rule. Paragraphs (e)(1) and (2) is are based on former Washington RPC 1.8(e). The minor structural modifications to the general prohibition on providing financial assistance to a client do not represent a change in Washington law, and paragraph (e) is and are intended to preserve prior interpretations of the Rule and prior Washington practice.

[11] [Washington revision] For purposes of 1.8(e), the term "indigent" has its ordinary meaning and in addition includes definitions of eligibility used by nonprofit legal services providers, court-annexed pro bono programs, law school clinics and similar programs that operate to protect and expand public access to our courts and to legal representation. A lawyer representing an indigent client without fee, a lawyer representing an indigent client through a nonprofit legal services or public interest organization and a lawyer representing an indigent client through a law school clinical or pro bono program may give the client modest gifts. Gifts permitted under paragraph (e)(3) include modest contributions for food, rent, transportation, medicine and similar basic necessities of life. If the gift may have consequences for the client, including, e.g., for receipt of government benefits, social services, or tax liability, the lawyer should consult with the client about these. See Rule 1.4.

[12] The paragraph (e)(3) exception is narrow. Modest gifts are allowed in specific circumstances where it is unlikely to create conflicts of interest or invite abuse. Paragraph (e)(3) prohibits the lawyer from (i) promising, assuring or implying the availability of gifts prior to retention or as an inducement to continue the client-lawyer relationship after retention; (ii) seeking or accepting reimbursement from the client, a relative of the client or anyone affiliated with the client; and (iii) publicizing or advertising a willingness to provide gifts to prospective clients beyond court costs and expenses of litigation in connection with contemplated or pending litigation or administrative proceedings.

[13] Financial assistance, including modest gifts pursuant to paragraph (e)(3), may be provided even if the representation is eligible for fees under a fee-shifting statute. However, paragraph (e)(3) does not permit lawyers to provide assistance in other contemplated or pending litigation in which the lawyer may eventually recover a fee, such as contingent-fee personal injury cases or cases in which fees may be available under a contractual fee-shifting provision, even if the lawyer does not eventually receive a fee.

...

~~[21] Paragraph (e) of Washington's Rule differs in part from the Model Rule. Paragraphs (e)(1) and (2) is are based on former Washington RPC 1.8(e). The minor structural modifications to the general prohibition on providing financial assistance to a client do not represent a change in Washington law, and paragraph (e) is and are intended to preserve prior interpretations of the Rule and prior Washington practice. [Reserved.]~~

[No other changes are proposed in the comments to this Rule except renumbering subsequent comments and renumbering cross references in current RPC 1.8 Comment [19] and [29].]

PROPOSED CHANGES (CLEAN VERSION)

RPC 1.8 CONFLICT OF INTEREST: CURRENT CLIENTS: SPECIFIC RULES

...

(e) A lawyer shall not, while representing a client in connection with contemplated or pending litigation, advance or guarantee financial assistance to a client, except that:

(1) a lawyer may advance or guarantee the expenses of litigation, including court costs, expenses of investigation, expenses of medical examination, and costs of obtaining and presenting evidence, provided the client remains ultimately liable for such expenses;

(2) in matters maintained as class actions only, repayment of expenses of litigation may be contingent on the outcome of the matter; and

(3) a lawyer representing an indigent client pro bono, a lawyer representing an indigent client through a nonprofit legal services or public interest organization, and a lawyer representing an indigent client through a law school clinical or pro bono program may pay court costs and expenses of litigation on behalf of the client. The lawyer may also provide modest gifts to the indigent client for food, rent, transportation, medicine and other basic living expenses. The lawyer:

(i) may not promise, assure or imply the availability of such gifts prior to retention or as an inducement to continue the client-lawyer relationship after retention;

(ii) may not seek or accept reimbursement for these gifts from the client, a relative of the client or anyone affiliated with the client; and

(iii) may not publicize or advertise a willingness to provide such gifts to prospective clients.

Financial assistance under this Rule may be provided even if the representation is eligible for fees under a fee-shifting statute.

...

Financial Assistance

[10] [Washington revision] Except as otherwise provided in the Rules, lawyers may not subsidize lawsuits or administrative proceedings brought on behalf of their clients, including making or guaranteeing loans to their clients for living expenses, because such assistance gives lawyers too great a financial stake in the litigation. Paragraph (e) of Washington’s Rule differs in part from the Model Rule. Paragraphs (e)(1) and (2) are based on former Washington RPC 1.8(e) and are intended to preserve prior interpretations of the Rule and prior Washington practice.

[11] [Washington revision] For purposes of 1.8(e), the term “indigent” has its ordinary meaning and in addition includes definitions of eligibility used by nonprofit legal services providers, court-annexed pro bono programs, law school clinics and similar programs that operate to protect and expand public access to our courts and to legal representation. A lawyer representing an indigent client without fee, a lawyer representing an indigent client through a nonprofit legal services or public interest organization and a lawyer representing an indigent client through a law school clinical or pro bono program may give the client modest gifts. Gifts permitted under paragraph (e)(3) include modest contributions for food, rent, transportation, medicine and similar basic necessities of life. If the gift may have consequences for the client, including, e.g., for receipt of government benefits, social services, or tax liability, the lawyer should consult with the client about these. See Rule 1.4.

[12] The paragraph (e)(3) exception is narrow. Modest gifts are allowed in specific circumstances where it is unlikely to create conflicts of interest or invite abuse. Paragraph (e)(3) prohibits the lawyer from (i) promising, assuring or implying the availability of gifts prior to retention or as an inducement to continue the client-lawyer relationship after retention; (ii) seeking or accepting reimbursement from the client, a relative of the client or anyone affiliated with the client; and (iii) publicizing or advertising a willingness to provide gifts to prospective clients beyond court costs and expenses of litigation in connection with contemplated or pending litigation or administrative proceedings.

[13] Financial assistance, including modest gifts pursuant to paragraph (e)(3), may be provided even if the representation is eligible for fees under a fee-shifting statute. However, paragraph (e)(3) does not permit lawyers to provide assistance in other contemplated or pending litigation in which the lawyer may eventually recover a fee, such as contingent-fee personal injury cases or cases in which fees may be available under a contractual fee-shifting provision, even if the lawyer does not eventually receive a fee.

...

[21] [Reserved.]

[No other changes are proposed in the comments to this Rule except renumbering subsequent comments and renumbering cross references in current RPC 1.8 Comment [19] and [29].]

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA President Rajeev Majumdar
WSBA Executive Director Terra Nevitt

FROM: Douglas J. Ende, Chief Disciplinary Counsel
Jean K. McElroy, Chief Regulatory Counsel

RE: Inquiry Regarding Changes to MCLE Deadlines and Amendment to Rules of Professional Conduct During COVID-19 Pandemic

DATE: May 8, 2020

By email dated April 30, 2020, Chief Justice Debra Stephens inquired about potential modifications to regulatory rules that might assist lawyers and the public during the COVID-19 era of social distancing and business restrictions. Specifically, the Chief Justice mentioned (1) extending the MCLE compliance deadline (suggested by Steven Quigley) and (2) modifying RPC 1.8(e) to allow limited exemptions from the prohibition on providing financial assistance to a client (suggested by Brian Waid).

This memo is a preliminary analysis of each of those ideas.

I. Request to Extend the 2018-2020 MCLE Reporting Deadline

Although I have not seen Mr. Quigley's letter regarding extension of the **2018-2020 MCLE reporting period** compliance deadline of December 31, 2020, the following information might be helpful in considering that request. All MCLE reporting and certification can be completed online through the online MCLE system.

I want to start out by noting that the deadline for reporting MCLE credits for the **2017-2019 MCLE reporting period** was December 31, 2019. Suspensions for failing to meet MCLE requirements by that deadline would normally have resulted in a recommendation for suspension of non-compliant members being sent to the Court by approximately the date of this memorandum. For this 2017-2019 reporting period, however, the WSBA Board of Governors recommended, and the Washington Supreme Court ordered, an extension for WSBA to send the suspension recommendation to the Court until June 30, 2020. The rules and considerations described in this section of the memorandum apply to members in the 2017-2019 reporting period as well as to members in the 2018-2020 reporting period.

Washington's Admission and Practice Rule 11. Washington's Mandatory Continuing Legal Education (MCLE) rule is set forth in Admission and Practice (APR) 11. This rule describes the regulatory scheme for mandatory continuing legal education in Washington, including: establishing the MCLE Board (APR 11(d)); describing credit requirements (APR 11(c)); identifying activities that qualify to earn MCLE credit (APR 11(e) and (f)); methods for seeking approval of activities (APR 11(g)) and the standards to be applied (APR 11(h)) for accreditation; and reporting requirements and methods of seeking relief from the reporting requirements (APR 11(i)). No later than July 1 every year, WSBA MCLE staff notifies all legal professionals who are in the reporting period ending December 31 of that year that they are due to certify compliance, and WSBA MCLE staff provides information about how many credits have been earned to date. APR

11(i)(2). Because of this, members should never be surprised by their credit status when December 31 arrives.

How APR 11 Credit Requirements Differ from Many Other States' Requirements. As is made clear in APR 11(b)(6), the "reporting period" for earning the required MCLE credits is a three-year period. This is not true in every state; many states have one-year reporting periods. Having a three-year reporting period means that legal professionals in Washington have more time to spread out their MCLE credits and attendance.

Also, in Washington, **all** MCLE credits may be earned through remote, audio/visual means and or webinars; i.e., there is **no** requirement that any member attend a live, in-person seminar, or even a live webcast of a seminar. This, too, is different from the requirements in many other states, where some or all of a member's MCLE credits must be earned by attending live, in-person seminars or webcasts in real time.

Finally, Washington's reporting periods end on December 31st of the last year of the three-year period. Other states have reporting periods that end on different dates, with some ending in June, July, or August. Having a reporting period that ends soon after the COVID-19 pandemic and restrictions hit in a particular state would make it harder to be compliant in that state; Washington's later ending date provides additional time for members to earn their credits.

The Differences Described Above Matter In Light of COVID-19 Pandemic. The Washington rule distinctions described above, by themselves, should make a significant difference for how many members might actually need an extension of time to complete their requirements, past the current December 31, 2020, deadline for the reporting period.

- Because members have had a longer period in which to earn required CLE credits and have a reporting deadline date that will occur later in the year, there should be fewer people who find themselves in a credit crunch at the end of this year.
- Because members do not have to attend any seminars live and/or in-person, there is no need to be concerned for the personal safety of members needing to earn credits; all credits can be earned while the members are staying home and staying safe.

There Should Be Little Financial Impact From Earning Required Credits. Many members are experiencing changes in their financial positions due to COVID-19. There are many ways for members to earn required CLE credits even if the members' financial positions have been significantly impacted by the COVID-19 pandemic:

- Many accredited CLE sponsors and other organizations offer free and low-cost CLEs, and the number of organizations offering such CLEs and the number of CLE credits being offered by them, have significantly increased in light of COVID-19. The MCLE pages on the WSBA website direct WSBA members who might be experiencing financial difficulties to contact WSBA MCLE staff to ask for a list of accredited sponsors who offer free and low-cost CLEs. This information is routinely and freely provided to inquirers.
- WSBA CLE and partners have significantly increased the number of free and low cost CLEs they are offering, and they are currently offering [free and low cost CLEs related to the COVID-19 pandemic](#). In addition, WSBA CLE offers free CLEs monthly through the popular [Legal Lunchbox](#) webcast series; taking all of the available Legal Lunchbox offerings over the course of

three years provides an opportunity for every WSBA member to earn all of their required CLE credits for an entire reporting period for free.

- Members also can earn free CLE credits by providing [pro bono services](#) through a qualified legal services provider (APR 11(e)(7)), or by participating in a [structured mentoring program](#) (APR 11(e)(8)).

Individual Members Can File Petitions for Waivers or Extensions Based on Hardship. If individual members get to the end of their reporting period and still have not been able to complete their MCLE credits due to hardships caused by COVID-19 or other reasons, they may petition the MCLE Board for an extension or modification of the MCLE requirements. APR 11(i)(5). The MCLE Board considers many hardship petitions every reporting period.

Conclusion. Washington's Mandatory Continuing Legal Education Rule, APR 11, contains many provisions regarding earning and reporting MCLE credits, and provides a method for individuals to petition for relief if they are unable to complete those requirements due to a hardship (which could include COVID-19 related reasons). Because of these provisions, there appears to be no need at this time to provide for a blanket extension of the 2018-2020 reporting deadline beyond the current deadline of December 31, 2020.

II. Amending RPC 1.8(e) to Permit Financial Assistance to a Client

Washington's RPC 1.8(e), which is not identical to the ABA Model Rule, currently provides as follows:

(e) A lawyer shall not, while representing a client in connection with contemplated or pending litigation, advance or guarantee financial assistance to a client, except that:

- (1) a lawyer may advance or guarantee the expenses of litigation, including court costs, expenses of investigation, expenses of medical examination, and costs of obtaining and presenting evidence, provided the client remains ultimately liable for such expenses; and
- (2) in matters maintained as class actions only, repayment of expenses of litigation may be contingent on the outcome of the matter.

Financial Assistance

[10] [Washington revision] Lawyers may not subsidize lawsuits or administrative proceedings brought on behalf of their clients, including making or guaranteeing loans to their clients for living expenses, because to do so would encourage clients to pursue lawsuits that might not otherwise be brought and because such assistance gives lawyers too great a financial stake in the litigation. See Washington Comment [21].

Additional Washington Comments . . .

Financial Assistance

[21] Paragraph (e) of Washington's Rule differs from the Model Rule. Paragraph (e) is based on former Washington RPC 1.8(e). The minor structural modifications to the general prohibition

on providing financial assistance to a client do not represent a change in Washington law, and paragraph (e) is intended to preserve prior interpretations of the Rule and prior Washington practice.

According to Mr. Waid's email to the Chief Justice, "[s]ome Bar Associations are considering the possible relaxation of RPC 1.8(e) to allow limited exemptions from exposure to discipline for providing financial assistance to a client or their family during the COVID-19 emergency." While a superficially simple idea and perhaps appealing if everybody's doing it, "relaxing" RPC 1.8(e) to allow limited exemptions from the prohibition on providing financial assistance to a client opens up a Pandora's Box of issues.

Not Everybody Is Doing It. There appears to be no groundswell of jurisdictions exploring or acting on this issue. On May 1, 2020, Chief Disciplinary Counsel Ende sent out a listserv inquiry to the National Organization of Bar Counsel asking whether other jurisdictions are considering a COVID-19-oriented amendment to Rule 1.8(e). There were no affirmative responses, except for a reference to a proposal pending in New York.

The New York City Bar Association Proposal. There is a "humanitarian exception" proposal to amend Rule 1.8(e) pending in New York. It has been pending for some time. On April 24, 2020, the proponent, the New York City Bar Association, renewed its request for adoption of the amendment to allow lawyers to provide financial assistance to clients in need as a result of the COVID-19 pandemic. See the proposal [here](#). Note that the exception is expressly limited in its scope:

A lawyer providing legal services without fee, a not-for-profit legal services or public interest organization, a law school clinical program, a law school pro bono program, or a lawyer employed by or volunteering for such an organization or program, may provide financial assistance to indigent clients, provided that:

- (i) the lawyer, organization or program does not promise or assure financial assistance allowed under subparagraph (e)(4) to a prospective client before retention, or as an inducement to continue the lawyer-client relationship after retention, and
- (ii) the lawyer, organization or program does not publicize or advertise a willingness to provide such financial assistance to clients.

Recent ABA Exploration of a "Humanitarian Exception" to Rule 1.8(e). The ABA Standing Committee on Ethics and Professional Responsibility has been developing a "humanitarian exception" to Model Rule 1.8(e) analogous to the one pending in New York. It is still in a draft stage. The draft has not been well received by stakeholder ABA entities, and it is unclear when and whether it will go to the ABA House of Delegates. A copy of the proposal is attached.

Current Interpretation of Washington's RPC 1.8(e). It has long been Washington State's interpretation of RPC 1.8(e) that a lawyer may make a "bona fide gift" to a client with "true donative intent" without transgressing the restrictions of RPC 1.8(e). See [WSBA Ethics Advisory Opinion 1959](#). If that is the kind of financial assistance being contemplated by Mr. Waid, it should not be a problem for him or other similarly situated lawyers to proceed. Adding a comment to Rule 1.8 to that effect would perhaps do no harm (but see section of memo immediately below on Washington's troubled history).

Troubled History of Efforts to Amend Washington’s RPC 1.8(e). The last time Washington State attempted to amend Rule 1.8(e) to ease restrictions on financial assistance to clients by conforming Washington’s rule to the Model Rule, it triggered an unexpected rulemaking crisis. The amendment, adopted in 2006, would have permitted a client’s repayment of advanced costs to be contingent on the outcome of the matter; it would also have permitted lawyers to pay court costs and expenses of litigation on behalf of economically disadvantaged or indigent clients where those services were provided *pro bono publico*. In response to the rule revision, the Department of Revenue advised WSBA that it intended to eliminate the exclusion from gross income of reimbursements of litigation costs and expenses in contingent fee and indigent client cases for purposes of Washington’s Business and Occupation (B&O) tax. (Essentially the DoR concluded that the holding in Walthew, Warner, Keefe, Arron, Costello and Thompson v. State, Dept. of Revenue, 103 Wn.2d 183, 691 P.2d 559 (1984), was no longer applicable.) There was a hue and cry from practitioners over that development. When the Department began rulemaking on the issue, the WSBA and the Court reversed course and, on an emergency basis in 2007, changed the rule back to the former language to prevent that outcome. This intent is alluded to in Comment 21 to current RPC 1.8. In short, there are other considerations at stake, and we do not want inadvertently to upset the apple cart and go through that again.

Conclusion. If the Court wants to head in the direction suggested by Mr. Waid, it would be best to develop a proposal that includes a clear definition of permissible financial assistance and specify the relevant parameters and restrictions on it. A general exemption from the restriction on providing financial assistance to a client could have many foreseeable and unforeseeable adverse consequences, and it could be a trap for unwary lawyers who might enter into financial relationships with clients in violation of the RPC 1.8(a) prohibition on entering into a business transaction with a client or knowingly acquiring an ownership, possessory, security or other pecuniary interest adverse to a client. Without appropriate safeguards—and considering the 2006 Department of Revenue crisis—this idea might be a Pandora’s Box in the making.

ATTACHMENT

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AMERICAN BAR ASSOCIATION

STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY
STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENSE

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

RESOLVED, That the American Bar Association amend Rule 1.8(e) and related commentary of the ABA Model Rules of Professional Conduct as follows (insertions underlined and in blue, deletions ~~struck through and in red~~):

Model Rule 1.8: Current Clients: Specific Rules

(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

(1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter;

(2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client; and,

(3) a lawyer representing an indigent client pro bono, a lawyer representing an indigent client through a nonprofit legal services or public interest organization and a lawyer representing an indigent client through a law school clinical or pro bono program may provide financial assistance reasonably necessary to institute or maintain pending or contemplated litigation so long as the legal services are delivered at no fee to the indigent client and neither the lawyer, nor the program, nor the organization that offers the legal services:

(i) promises or assures financial assistance prior to retention or as an inducement to continue the client-lawyer relationship after retention;

(ii) seeks reimbursement or repayment for any financial assistance provided; and

(iii) publicizes or advertises a willingness to provide financial assistance to clients.

Financial assistance under this Rule may be provided even if the representation is eligible for fees under a fee-shifting statute.

45 ***

46 **Comment**

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48 **Financial Assistance**

49

50 [10] Lawyers may not subsidize lawsuits or administrative proceedings brought on behalf
51 of their clients, including making or guaranteeing loans to their clients for living expenses,
52 because to do so would encourage clients to pursue lawsuits that might not otherwise be
53 brought and because such assistance gives lawyers too great a financial stake in the
54 litigation. These dangers do not warrant a prohibition on a lawyer lending a client court
55 costs and litigation expenses, including the expenses of medical examination and the
56 costs of obtaining and presenting evidence, because these advances are virtually
57 indistinguishable from contingent fees and help ensure access to the courts. Similarly, an
58 exception allowing lawyers representing indigent clients to pay court costs and litigation
59 expenses regardless of whether these funds will be repaid is warranted.

60

61 [11] Paragraph (e)(3) provides another exception. It allows a lawyer representing an
62 indigent client without fee, a lawyer representing an indigent client through a nonprofit
63 legal services or public interest organization, and a lawyer representing an indigent client
64 through a law school clinical or pro bono program to provide reasonable financial
65 assistance beyond litigation expenses and court costs to help indigent clients meet basic
66 needs in connection with contemplated or pending litigation or administrative
67 proceedings. Financial assistance permitted under paragraph (e)(3) includes reasonable
68 contributions toward food, rent, transportation, medicine and similar necessities of life.

69

70 [12] Financial assistance may be provided pursuant to paragraph (e)(3) even if the
71 representation is eligible for fees under a fee-shifting statute. However, paragraph (e)(3)
72 does not permit lawyers, organizations, or programs to provide assistance in other
73 contemplated or pending litigation in which the lawyer may eventually recover a fee, such
74 as contingent-fee personal injury cases or cases in which fees may be available under a
75 contractual fee-shifting provision, even if the lawyer or organization or program does not
76 eventually receive a fee.

77

78 [13] The paragraph (e)(3) exception is narrow. Humanitarian acts are allowed in specific
79 circumstances where it is unlikely that the financial assistance would cause conflicts of
80 interest or invite abuse. Paragraph (e)(3) prohibits the lawyer, the program, and the
81 organization from (i) promising or assuring financial assistance prior to retention or as an
82 inducement to continue the client-lawyer relationship after retention, (ii) seeking
83 reimbursement or repayment of any financial assistance provided, and (iii) publicizing or
84 advertising a willingness to provide financial assistance to clients beyond court costs and
85 expenses of litigation in connection with contemplated or pending litigation.

86 [No other changes proposed in the commentary to this Rule except renumbering
87 succeeding paragraphs.]

AMERICAN BAR ASSOCIATION

**STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY
STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS**

REPORT TO THE HOUSE OF DELEGATES

REPORT

I. Introduction

“The legal system at its most fundamental level, is about access to justice.” ABA President Judy Perry Martinez, April 6, 2020¹

The Standing Committee on Ethics and Professional Responsibility (SCEPR) proposes adding a narrow humanitarian exception to Model Rule 1.8(e) that will increase access to justice for our most vulnerable citizens. Rule 1.8(e) forbids financial assistance for living expenses to clients who are represented in a pending or contemplated litigation or administrative proceedings. SCEPR’s proposal would *permit* financial assistance for living expenses only to indigent clients, only in the form of gifts not loans, only when the lawyer is working pro bono without fee to the client, and only where there is a need for help to pay for such items as medical treatment, food, rent, and transportation while the case is pending. Humanitarian exceptions, variously worded, appear in the rules of ten U.S. jurisdictions.

The proposal addresses a gap in the current rule. Currently, lawyers

- may provide financial assistance to any transactional client;
- may invest in a transactional client, subject to Rule 1.8(a); and
- may offer social hospitality to any litigation or transactional client as part of business development; and
- may advance the costs of litigation with repayment contingent on the outcome or no repayment if the client is indigent.

The only clients to whom a lawyer may not give money or things of value are those litigation clients who need help with the basic necessities of life.

Supporting a humanitarian exception to Rule 1.8(e), one pro bono lawyer wrote: “There are plenty of situations in which a small amount of money can make a huge difference for a client, whether for food, transportation, or clothes.”² Another wrote: “I

¹ *Coping with a Pandemic: ABA President Judy Perry Martinez*, Law360, April 6, 2020.

² Statement of Legal Services Corporation (“LSC”) Program Executive Director in connection with a Survey conducted by the National Legal Aid and Defender Association (NLADA) for the ABA Standing Committee on Legal Aid and Indigent Defense (“SCLAID”), on file with SCLAID (hereinafter, “SCLAID Survey”). See also, Philip G. Schrag, THE UNETHICAL ETHICS RULE: NINE WAYS TO FIX MODEL RULE OF PROFESSIONAL CONDUCT 1.8(E), 28 GEORGETOWN JOURNAL OF LEGAL ETHICS, 39, 40 (Model Rule 1.8(e) “is at odds with the legal profession’s goal of facilitating access to justice. [It] bars lawyers from

hate that helping a client . . . is against the rules.”³ And another: “Legal aid attorneys grapple with enough heartache and burdens that they should not also have to worry about whether a minor gift—an expression of care and support for a client in need—could violate the rule.”⁴

Rule 1.8 cmt. [10] gives two reasons for the prohibition against lawyers financially assisting litigation clients. First, it prevents lawyers from having “too great a financial stake in the litigation.” Second, allowing assistance would “encourage clients to pursue lawsuits that would not otherwise be brought.”

Regarding the first reason, because the assistance permitted by SCEPR’s proposal must be in the form of a gift, not a loan, there is no interest in recoupment that could affect the lawyer’s advice. Further, the amounts will often be small compared to the sums lawyers may now advance for litigation costs, which are repayable from a client’s recovery and therefore could affect the lawyer’s judgment.

Regarding the second reason—that financial assistance will “encourage... lawsuits that might not otherwise be brought”—in the limited circumstances the amendment describes, that outcome, if it occurs, furthers ABA Policy. By enabling the most financially vulnerable clients to vindicate their rights in court within the proposals restrictions, the amendment ensures equal justice under law, a core ABA mission.⁵

Support for this conclusion is found in legislation—for example, in civil rights and anti-discrimination statutes that empower courts to award counsel fees to the prevailing plaintiff. The policy behind this legislation is to facilitate access to courts, not discourage it.⁶ Lawyers in turn advance the legislative purpose if they can financially help their indigent clients with living expenses while a case is pending.

Support is also found in two Supreme Court opinions recognizing the social value of court access. In another context, Justice Hugo Black wrote “there can be no equal justice where the kind of trial a man gets depends on the amount of money he has.”⁷ Nor can there be equal justice when the ability to bring and prosecute a case—to get a trial at all—depends on the amount of money a client has.

assisting their low-income litigation clients with living expenses, such as food, shelter and medicine, though such clients may suffer or even die while waiting for a favorable litigation result.” The rule should be changed “[b]ecause of its indifference to the humanitarian or charitable impulses of lawyers and its harsh effect on indigent clients”).

³ Statement of LSC Program Executive Director in connection with the SCLAID Survey.

⁴ *Id.*

⁵ See ABA Mission Statement, https://www.americanbar.org/about_the_aba/aba-mission-goals/; Many ABA policies support equal justice. See, e.g., ABA Constitution Art. 10, sec. 10.1 (creation of the Civil Rights and Social Justice Section and Criminal Justice Section); ABA Constitution Art. 15 (creation of the ABA Fund for Justice and Education); ABA By-laws sec. 31.7 (creation of the SCLAID).

⁶ See *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983) (“The purpose of § 1988 is to ensure “effective access to the judicial process” for persons with civil rights grievances. H.R.Rep. No. 94-1558, p. 1H.R.Rep. No. 94-1558, p. 1 (1976)”).

⁷ *Griffin v. Illinois* 351 U.S. 12, 19 (1956).

Nearly thirty years later, Justice Byron White rejected the argument that restrictions on lawyer advertising were justified by the goal of not “stirring up litigation.” Justice White wrote:

But we cannot endorse the proposition that a lawsuit, as such, is an evil. Over the course of centuries, our society has settled upon civil litigation as a means for redressing grievances, resolving disputes, and vindicating rights when other means fail. There is no cause for consternation when a person who believes in good faith and on the basis of accurate information regarding his legal rights that he has suffered a legally cognizable injury turns to the courts for a remedy: “we cannot accept the notion that it is always better for a person to suffer a wrong silently than to redress it by legal action”. . . . That our citizens have access to their civil courts is not an evil to be regretted; rather, it is an attribute of our system of justice in which we ought to take pride.⁸

The amendment SCPR proposes is client-centric, focused on the most vulnerable populations, and protects the ability of indigent persons to gain access to justice where they might otherwise be foreclosed as a practical matter because of their poverty.

II. Support for this Proposal in the Nonprofit Community

SCEPR has received support from approximately sixty lawyers in nonprofit organizations and legal services and legal aid offices, the Legal Aid Society in NYC—an office of over 1200 lawyers, and clinical faculty at law schools nationwide.⁹ Further, in a letter to the ABA Board of Governors, the Association of Pro Bono Counsel (“APBCo”), a membership organization of nearly 250 partners, counsel, and practice group managers who run pro bono practices on primarily a full-time basis at more than 100 of the country’s largest law firms wrote:

APBCo supports the effort to modify the Model Rules and permit pro bono lawyers to help their indigent clients meet basic human necessities, such as food, rent, transportation and medicine during the course of the representation. In the context of pro bono representation, none of these kinds of charitable gifts present any concerns raised by the Model Rule, which is designed to prevent lawyers from providing financial assistance to clients in order to subsidize lawsuits or administrative proceedings in a way that encourages clients to pursue lawsuits that might not otherwise be brought and gives lawyers a specific financial stake in the litigation. Neither pro bono lawyers nor their firms profit from public interest representation;

⁸ *Zauderer v. Disciplinary Counsel*, 471 U.S. 626, 643 (1985) (*citing* *Bates v. State Bar of Arizona*, 433 U.S. 350, 376)

⁹ See emails dated April 10 and April 11, 2020 from Daniel L. Greenberg and Barbara S. Gillers to public interest lawyers and law school clinicians, and responses, on file with SCEPR.

the kinds of limited financial assistance contemplated by the proposed amendment will in no way violate the intended policy behind the Rule.¹⁰

III. Background

Model Rule 1.8(e) was adopted in 1983.¹¹ Its prohibition against financial assistance in connection with litigation is derived from the common law prohibitions against champerty and maintenance.¹² As originally defined, maintenance is “improperly stirring up litigation and strife by giving aid to one party to bring or defend a claim without just cause or excuse.”¹³ Champerty is “a specialized form of maintenance in which the person assisting another’s litigation becomes an interested investor because of a promise by the assisted person to repay the investor with a share of any recovery.”¹⁴

Payments or loans for litigation costs and expenses are allowed under the rule “because [they] are virtually indistinguishable from contingent fees and help ensure access to the courts.”¹⁵ Comment [10], which was added in 2001 on the recommendation of the Ethics 2000 Commission,¹⁶ makes clear that “court costs and litigation expenses [include] the expenses of medical examination and the costs of obtaining and presenting evidence”.¹⁷ Litigation expenses also typically include payments for experts, translators, court reporters, medical examinations connected to the merits or remedies, mailing, and photocopying.¹⁸ However, living expenses in connection with pending or contemplated litigation, e.g. for food, rent, and other basic necessities, were never permitted by the rule

¹⁰ See Letter, April 14, 2020, APBCo to the ABA Board of Governors, on file with SCEPR.

¹¹ Art Garwin, A LEGISLATIVE HISTORY: THE DEVELOPMENT OF THE ABA MODEL RULES OF PROFESSIONAL CONDUCT, 1982-2013 at 193 (2013).

¹² See Rule 1.8 cmt. [16] (paragraph (e) “has its basis in common law champerty and maintenance”); Cristina D. Lockwood, *Adhering to Professional Obligations: Amending ABA Model Rule of Professional Conduct 1.8(e) to Allow for Humanitarian Loans to Existing Clients*, 48 U.S.F. L.Rev. 457, 466 (“the restrictions in Rule 1.8(e) were adopted to protect the poor by incorporating rules against champerty and maintenance”) (2014); Utah State Bar, Eth. Ad. Op. No. 11-02 (2011), 2011 WL 6143436 (Rule 1.8(e) is “derived from the common law prohibition of champerty and maintenance”)(cite omitted); Michigan State Bar Ethics Opinion RI-14 (1989) (Rule 1.8(e) “is the result of the common law rules against champerty and maintenance”). See also, John Sahl, HELPING CLIENTS WITH LIVING EXPENSES: “NO GOOD DEED GOES UNPUNISHED”, 13 No. 2 Prof. Law. 1 (Winter 2002) (common law doctrines of champerty and maintenance influenced the ABA Rules against financial assistance to clients).

¹³ Stephen Gillers, REGULATION OF LAWYERS: PROBLEMS OF LAW AND ETHICS 30 (11TH ED. 2018) (quoting *In re Trepca Mines, Ltd.*, [1963] 3 All E.R. 351 (C.A.)); CHARLES W. WOLFRAM, MODERN LEGAL ETHICS (1986) § 8.13 (same).

¹⁴ S. Gillers, *supra* n.10 at 630 (“[c]hamperty [is] the unlawful maintenance of a suit, where a person without an interest in it agrees to finance the suit, in whole or in part, in consideration for receiving a portion of the proceeds of the litigation”) (quoting *Saladini v. Righellis*, 687 N.E.2d 1224 (Mass. 1997)); *In re Primus*, 436 U.S. 412, 424 n. 15 (1978) (champerty is “maintaining a suit in return for a financial interest in the outcome”; maintenance is “helping another prosecute a lawsuit”).

¹⁵ M.R. 1.8 cmt. [10].

¹⁶ See Garwin, *supra* n.8 at 207.

¹⁷ M.R. 1.8 cmt. [10].

¹⁸ NYC Op. 2019-6, 2019 WL 3987636 at 3.

because of concerns rooted in traditional common law prohibitions on champerty and maintenance.

Modern American applications of the doctrines of champerty and maintenance are varied and in some jurisdictions are quite limited.¹⁹ Moreover, courts and commentators have recognized that these doctrines “can be used abusively—to deny unpopular litigants access to the courts to vindicate constitutional rights. They can also make it harder for persons with even mundane claims to go to court”²⁰ Some bar committees have rejected the essential justification for the doctrines.²¹ The SCLAID Survey demonstrated that the prohibition on living expenses is especially harsh on indigent clients for whom even small financial burdens can pose significant barriers to initiating, participating in, and completing litigation.²² For all of these reasons, and those explained below, the prohibition on financial assistance should no longer apply in the limited circumstances and the types of representations covered by SCEPR’s proposal.

IV. Analysis

A. The Current Rule

Model Rule 1.8(e)(1) and (2) strictly limit financial assistance to clients in pending or contemplated litigation. Only court costs and litigation expenses are permitted. The Rule reads: “A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that: (1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and (2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.”²³

Comment [10] explains why Rule 1.8(e) permits financial assistance for litigation expenses and court costs only: “Lawyers may not subsidize lawsuits or administrative proceedings brought on behalf of their clients, including making or guaranteeing loans to their clients for living expenses, *because to do so would encourage clients to pursue lawsuits that might not otherwise be brought and because such assistance gives lawyers too great a financial stake in the litigation.*”²⁴ The Comment continues: “[L]ending a client court costs and litigation expenses, including the expenses of medical examination and the costs of obtaining and presenting evidence” is permitted “because these advances are virtually indistinguishable from contingent fees and help ensure access to the courts.

¹⁹ REPORT TO THE PRESIDENT BY THE NEW YORK CITY BAR ASSOCIATION WORKING GROUP ON LITIGATION FUNDING, February 28, 2020 at p.5-8 (“[t]he extent to which the United States has adopted and has continued to enforce prohibitions [based on champerty and maintenance] varies by jurisdiction”)(cites omitted).

²⁰ S.Gillers, *supra* n.10 at 631 (cites omitted).

²¹ See, e.g. Utah State Bar, Eth. Ad. Op.No. 11-02 , *supra* n.9 at 4, (2011), 2011 WL 6143436 (permitting “small charitable gifts” under Utah R.PC 1.8(e), which is “more permissive” than M.R. 1.8(e); observing that “[t]he original goal of not stirring up litigation is no longer a justification for [the rule]”)(cites omitted).

²² See, See Memo from SCLAID to the SCEPR dated June 14, 2016, on file with SCEPR (hereinafter, “SCLAID Memo”),

²³ Model Rule 1.8(e).

²⁴ M.R. 1.8 cmt. [10] (emphasis added).

Similarly, an exception allowing lawyers representing indigent clients to pay court costs and litigation expenses regardless of whether these funds will be repaid is warranted.”²⁵

B. The Proposal

SCEPR proposal adds a new exception, 1.8(e)(3). The new exception permits lawyers representing poor people pro bono or through certain organizations or programs (“pro bono lawyers”) to contribute to the living expenses of their indigent clients. The contributions must be reasonably necessary to permit the client to institute or maintain the litigation. The assistance is permitted even if the representation is eligible for an award of attorney’s fees under a fee-shifting statute, for example, the Civil Rights Attorney’s Fees Award Act.²⁶ The lawyer may not promise the assistance in advance, seek reimbursement, or advertise its availability. The new provision reads:

(3) a lawyer representing an indigent client pro bono, a lawyer representing an indigent client through a nonprofit legal services or public interest organization and a lawyer representing an indigent client through a law school clinical or pro bono program may provide financial assistance reasonably necessary to institute or maintain pending or contemplated litigation so long as the legal services are delivered at no fee to the indigent client and neither the lawyer, nor the program, nor the organization that offers the legal services:

(i) promises or assures financial assistance prior to retention or as an inducement to continue the client-lawyer relationship after retention;

(ii) seeks reimbursement or repayment for any financial assistance provided; and

(iii) publicizes or advertises a willingness to provide financial assistance to clients.

Financial assistance under this Rule may be provided even if the representation is eligible for fees under a fee-shifting statute.

SCEPR proposes new Comments [11], [12], and [13] to explain key elements of the new exception.

Comment [11]

New Comment [11] offers guidance on covered expenses, permitted amounts, and who besides the client may be aided. No definition of “indigent” is added. Below, this

²⁵ Id.

²⁶ 42 U.S.C.A. § 1988 (“[i]n any action or proceeding to enforce a provision of sections 1981, 1981a, 1982, 1983, 1985, and 1986 of this title, title IX of Public Law 92-318, the Religious Freedom Restoration Act of 1993, the Religious Land Use and Institutionalized Persons Act of 2000, title VI of the Civil Rights Act of 1964, or section 12361 of Title 34, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney’s fee as part of the costs [with exceptions]”).

Report first sets out the text of new Comment [11] and then discusses its key elements. The text reads:

[11] Paragraph (e)(3) provides another exception. It allows a lawyer representing an indigent client without fee, a lawyer representing an indigent client through a nonprofit legal services or public interest organization, and a lawyer representing an indigent client through a law school clinical or pro bono program to provide reasonable financial assistance beyond litigation expenses and court costs to help indigent clients meet basic needs in connection with contemplated or pending litigation or administrative proceedings. Financial assistance permitted under paragraph (e)(3) includes reasonable contributions toward food, rent, transportation, medicine and similar necessities of life.

Living Expenses

Comment [11] gives examples of permitted assistance: “reasonable contributions toward food, rent, transportation, medicine and similar necessities of life. ” This would include reasonable contributions for meals, clothing, transportation, housing and the like. Examples from SCLAID include small amounts for moving to avoid eviction, bus fare, meals, clothes to go to court, and groceries, including cleaning supplies and toilet paper.²⁷

Amounts

The Rule and the Comments permit contributions of “reasonable” amounts. This follows seven of the eleven jurisdictions that have already adopted a humanitarian exception.²⁸ The flexibility gives lawyers room to decide amounts based on the cost of

²⁷ See SCLAID Survey, *supra* n.2.

²⁸ See, D.C. Rule 1.8(d) (a lawyer may “pay or otherwise provide . . . financial assistance which is *reasonably necessary* to permit the client to institute or maintain the litigation or administrative proceedings”)(emphasis added); Minnesota Rule 1.8(e)(3) (a lawyer may guarantee a loan “*reasonably needed* to enable the client to withstand delay in litigation that would otherwise put substantial pressure on the client to settle a case because of financial hardship”; prohibits promises of assistance prior to retention and requires that client remain liable for repayment without regard to the outcome of the litigation)(emphasis added);)Mississippi Rule 1.8(2)(2)(permits a lawyer to advance (i) “*reasonable* and necessary” (a) “medical expenses associated with treatment for the injury giving rise to the litigation” and (b) “living expenses incurred”; client must be in “dire and necessitous circumstances”; other limitations and conditions apply)(emphasis added). Montana Rule 1.8(e)(3) (a lawyer may guarantee a loan from certain financial institutions “for the sole purpose of providing basic living expenses;” the loan must be “*reasonably needed* to enable the client to withstand delay in litigation that would otherwise put substantial pressure on the client to settle a case because of financial hardship;” client must remain liable for repayment without regard to the outcome; prohibits promises or advertisements before retention)(emphasis added); North Dakota Rule 1.8(e)(3) (a lawyer may guarantee a loan “*reasonably needed* to enable the client to withstand delay in litigation that would otherwise put substantial pressure on the client to settle a case because of financial hardship;” client must remain liable for repayment without regard to the outcome; no promise of assistance before retention)(emphasis added); Texas Rule 1.08(d)(1) (a lawyer may “advance or guarantee . . . *reasonably necessary* medical and living expenses, the repayment of which may be contingent on the outcome of the matter”)(emphasis added); Utah Rule 1.8(e)(2) (a lawyer representing an indigent client may “pay . . . minor expenses *reasonably connected* to the litigation”)(emphasis added).

living in their jurisdictions and other factors. Rent assistance and food costs in New York City, for example, would differ from that in a rural area. Lawyers routinely make judgments about reasonableness. See, e.g., M.R. 1.4(a)(2)(lawyers must “reasonably consult with the client about the means by which the client’s objectives are to be accomplished”); M.R. 1.4(a)(3) (lawyers must “keep the client reasonably informed about the status of the matter”); M.R. 1.4(a)(4)(lawyers must “promptly comply with reasonable requests for information”); M.R. 1.5 (lawyers must “not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses”); and M.R. 1.6 (limiting the disclosure of confidential information “to the extent the lawyer reasonably believes necessary”); see also, M.R. 1.0(h), (i) and (j)(defining “reasonable,” “reasonably,” “reasonable belief” and “reasonably should know”).

No Definition of “Indigent”

The new Rule and Comments do not add a definition for “indigent.” The word “indigent” has been in Rule 1.8(e) since 1983. It was also in the predecessor rule, DR 5-103(B). SCEPR is aware of no problems in applying this term. Further, the Model Rules already address obligations toward the indigent, the poor, and “persons of limited means.”²⁹ Additionally, SCEPR opinions address lawyers’ obligations toward the “indigent.”³⁰ Webster’s Dictionary defines (1) “indigent” as “suffering from indigence” and “impoverished” and (2) “indigence” as (3) “a level of poverty in which real hardship and deprivation are suffered and comforts of life are wholly lacking” and (4) “impoverished.” Synonyms include “needy, necessitous, and impoverished.”³¹ Finally, lawyers covered by the exception generally serve only the poor and the most economically disadvantaged.³²

New Comment [12]

²⁹ Cmt. [3] to Rule 6.1 provides: “Persons eligible for legal service [that meet Rule 6.1] are those who qualify for participation in programs funded by the [LSC] and those whose incomes and financial resources are slightly above guidelines utilized by such programs but, nevertheless, cannot afford counsel. Legal services can be rendered to individuals or to organizations such as homeless shelters, battered women’s centers and food pantries that serve those of limited means.”)

³⁰ See, e.g. Formal Opinion 06-441 *Ethical Obligations of Lawyers Who Represent Indigent Criminal Defendants When Excessive Caseloads Interfere with Competent and Diligent Representation* (2006)(discussing the ethical obligations of lawyers “who represent *indigent* persons”)(emphasis added).

³¹ See Roget’s International Thesaurus § 836.8 (3rd Edition). See also, The Compact Oxford English Dictionary, New Edition, Second Edition (1994) (“indigent” means “destitute,” “lacking in the necessities of life,” “in needy circumstances,” “characterized by poverty,” “poor,” “needy”).

³² See, e.g., LSC, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, An Updated Report of the LSC, September 2009 n.4 (LSC establishes maximum income levels for persons eligible for civil legal assistance . . . the maximum level is equivalent to 125 percent of the federal poverty guidelines”). For poverty guidelines, see <https://aspe.hhs.gov/poverty-guidelines> See also, https://www.americanbar.org/groups/legal_services/flh-home/flh-faq/ (clients of public defenders are “indigent”).

New Comment [12] underscores that contributions may be made even if the representation is eligible for fees under a fee-shifting statute but not in connection with contingent-fee personal injury cases or other specified matters. It reads:

[12] Financial assistance may be provided pursuant to paragraph (e)(3) even if the representation is eligible for fees under a fee-shifting statute. However, paragraph (e)(3) does not permit lawyers, organizations, or programs to provide assistance in other contemplated or pending litigation in which the lawyer may eventually recover a fee, such as contingent-fee personal injury cases or cases in which fees may be available under a contractual fee-shifting provision, even if the lawyer or organization or program does not eventually receive a fee.

Comment [13]

Comment [13] contains safeguards against conflicts and abuse by prohibiting lawyers from (i) using humanitarian assistance to lure clients, (ii) seeking reimbursement or repayment and (iii) advertising the availability of humanitarian assistance. It provides:

[13] The paragraph (e)(3) exception is narrow. Humanitarian acts are allowed in specific circumstances where it is unlikely that the financial assistance would cause conflicts of interest or invite abuse. Paragraph (e)(3) prohibits the lawyer, the program, and the organization from (i) promising or assuring financial assistance prior to retention or as an inducement to continue the client-lawyer relationship after retention, (ii) seeking reimbursement or repayment of any financial assistance provided, and (iii) publicizing or advertising a willingness to provide financial assistance to clients beyond court costs and expenses of litigation in connection with contemplated or pending litigation.

C. Proposed 1.8(e)(3) Does Not Present the Ethical Risks that 1.8(e)(1) and (2) Address

Policy Against “Encouraging Litigation”

As noted earlier, Model Rule 1.8(e) prohibits living expenses “*because [permitting them] would encourage clients to pursue lawsuits that might not otherwise be brought.*”³³

The proposed amendment could result in a poor client being able to bring and maintain a lawsuit that would not otherwise be brought or that would be settled quickly if brought because of the client’s financial circumstances. The Committee deems this a worthy objective. It reflects the view that it is not the proper office of the legal profession’s ethics rules to impede a poor client’s access to the courts, as the current rule does, where the conditions described in the proposal are present. Furthermore, as noted earlier, in public interest fee-shifting cases the proposal will reinforce the legislative goal of facilitating rather than impeding court access. It would frustrate that goal and achieve no

³³ M.R. 1.8(e) cmt. [10].

benefit if the amendment allowed financial assistance to indigent clients only if a lawyer were willing to forego a court-ordered fee under a fee-shifting statute.

Comment [10] is *not* addressed to the problem of frivolous litigation, as some analysts seem to suggest.³⁴ Other rules do that. Model Rule 3.1 makes clear that a lawyer “shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is basis in law and fact for doing so *that is not frivolous*. . . .”³⁵ Rule 11 of the Federal Rules of Civil Procedure requires lawyers to certify, *inter alia*, that court filings are not “presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation . . . [and that] claims, defenses, and other legal contentions are warranted by existing law or by a *nonfrivolous* argument for extending, modifying, or reversing existing law or for establishing new law.”³⁶ Many jurisdictions have similar court rules and other mechanisms to prevent frivolous litigation.³⁷

Whatever the relationship between financial assistance and frivolous litigation in other contexts, however, it is not credible that a lawyer working *without fee* would assist a poor client with living expenses that could not be recouped so that the lawyer could file a frivolous lawsuit.

No Compromise of the Lawyer’s Independent Judgment

Rule 1.8(e) forbids financial assistance for living expenses also to avoid conflicts between the interest of the lawyer and the interests of the client and to protect the lawyer’s independence. Living expenses are not allowed “*because such assistance gives lawyers too great a financial stake in the litigation.*”³⁸

Rule 1.8(e)(1), on the other hand, allows the lawyer to advance the costs of litigation with repayment contingent on the outcome of the matter. There is no cap on the amount of these expenses, which can amount to tens of thousands of dollars. Lawyers also may invest thousands of hours on a contingency matter which will be compensated only if there is a recovery. The profession tolerates these outlays of time and money, trusting that lawyers will honor their obligations to exercise independent professional

³⁴ See, Lockwood, *supra* n.9 at 472-474 (“the assertion [in Cmt. [10] is that] unlike the financing of litigation expenses, financing living expenses is somehow distinguishable from contingency fee financing and leads to frivolous litigation”); March 2018 Report by the Professional Responsibility Committee of the New York City Bar (hereinafter “City Bar Rpt.”) at 7 (NYRPC 1.8 cmt. [10], which is identical to M.R. 1.8 cmt. [10]), is aimed, in part, to curb frivolous litigation) <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/proposed-amendment-to-rule-18e-ny-rules-of-professional-conduct>. Lawyers will “support” plaintiffs, it is suggested, in order to get retained to bring cases that turn out to be frivolous. As shown in the text by reference to M.R. 1.8 cmt. [10] this is *not* the purpose of the prohibition in 1.8(e). It is not in the text. It is not in the Comment. Other Rules perform that function.

³⁵ M.R. 3.1 (emphasis added).

³⁶ FED.R.CIV.PRO 11 (emphasis added).

³⁷ See, e.g., NY Rules of the Chief Administrator of the Courts Part 130, Awards of Costs and Imposition of Financial Sanctions For Frivolous Conduct In Civil Litigation, 22 NYCRR 130-1.1.

³⁸ M.R. 1.8 cmt. [10](emphasis added).

judgment in the advice they give clients and not be influenced by their own financial concerns.

SCEPR's proposal presents none of these risks simply because loans to assist indigent clients are prohibited. Unlike in the exception for advancing the costs of litigation, lawyers have no interest in repayment of the financial help that could influence their advice to clients.

No Competition for Clients

Some opponents of expanding a lawyer's discretion to provide financial assistance under Rule 1.8(e) argue that lawyers will use this discretion to improperly compete for clients.³⁹ SCEPR's proposal avoids this problem because it prohibits advertising or publicizing the availability of financial assistance for living expenses. More importantly, however, pro bono lawyers simply don't compete for business. As stated by SCLAID: "Poverty lawyers and lawyers who provide pro bono service to clients in poverty are simply not competing for the business of their clients."⁴⁰

Other Impediments to Financial Assistance

There may be other laws or rules in American jurisdictions that will operate if financial assistance is allowed and provided. Among possible collateral consequences, some comments have mentioned tax law.⁴¹ The issue here, however, is solely whether the limitations in Rule 1.8(e) should be modified consistent with the goals of an American legal ethics document.

Financial assistance to transactional clients, social hospitality toward all clients as part of business development, and payment of litigation expenses that may or may not be recovered may all have collateral consequences under tax or other law. But in allowing each the only question is whether the activity creates the kind of dangers that should concern the Model Rules of Professional Conduct. The limited exception in the proposed amendment does not create those dangers.

V. The Need for ABA Leadership

³⁹ See, e.g., Sahl, *supra* n.13 at 5 ("[s]ome practitioners fear a competitive disadvantage in the marketplace for legal services if the profession permits lawyers to advance living expenses because only more established or affluent lawyers will offer such assistance")(cite omitted); Schrag, *supra* n.2 at 54 (a "thread that runs through the history of Rule 1.8(e) is the concern that lawyers might compete with each other for business through the generosity of the gifts or loan terms that they might offer their clients").

⁴⁰ SCLAID Memo *supra* n.2.

⁴¹ SCEPR asked Tom Callahan, Chair of the ABA Tax Section, about the tax consequences of the proposal. He told the Committee that the proposal appears to be a gift with true donative intent; that the gift should be neither income to the donee nor deductible by the donor for federal income tax purposes; and that there is an exclusion from gift taxes of up to \$15,000 per donee for 2020. Tom Callahan also indicated that the tax impact, if any, of state and local taxes has not been considered. Email exchange between Tom Callahan and SCEPR Chair Barbara S. Gillers, on file with SCEPR.

In all but eleven U.S. jurisdictions Rule 1.8(e) is identical or substantially similar to Model Rule 1.8(e).⁴² Ethics Committees generally interpret the prohibition strictly.⁴³ Courts generally discipline lawyers for providing clients with non-litigation expenses.⁴⁴ Only a handful of courts and ethics committees have approved financial assistance in small amounts beyond litigation expenses, even where the text of the rule would forbid it.⁴⁵

Of the jurisdictions that have adopted a humanitarian exception to Rule 1.8(e), nearly all go well beyond the modest amendment SCEPR proposes.⁴⁶ They permit, for example, advances and loans for basic needs and other living expenses. Reimbursement by the client is sometimes required. By contrast, SCEPR's proposal permits gifts only. No loans. No advances. No reimbursements.

SCEPR's proposal is modeled principally on the D.C. Rule but also on New Jersey Rule 1.8(e)(3), which addresses public interest and law school clinical representations specifically.

⁴² See ELLEN J. BENNETT & HELEN W. GUNNARSSON, ANNOTATED MODEL RULES OF PROFESSIONAL CONDUCT 47 (9th ed. 2019) at 173 (“[m]ost jurisdictions do not allow an exception for assisting indigent clients”).

⁴³ See NYC Op. 2019-6, *supra* n.15 at 2 (“routine medical care and living expenses do *not* qualify as expenses of litigation even if, in the absence of assistance, the client may be pressured to accept an unfavorable settlement”)(emphasis in original)(cites omitted); Conn. Eth. Op. 10, 2011 WL 13290336 (water bills; \$300 in advance rent to avoid eviction); Pennsylvania Informal Ethics Opinion 94-12 (1994) (bond for preliminary injunction); Arizona Ethics Opinion 95-01 (1995) (transportation costs); Illinois Ethics Op. 95-6 (1995) (medical care); South Carolina Ethics Op. 89-12 (1989) (medical treatment). But see N.C. Eth. Op. 7, 2001 WL 1949557 (occasional cab or bus fare or other transportation cost may be permitted as a litigation cost “when reasonable in light of the distance to be traveled”).

⁴⁴ See Schrag, *supra* n.2 at 59-61 (discussing “unforgiving” application of Rule 1.8(e)); Lawyer Disciplinary Bd. v. Nessel, 769 S.E.2d 484, 493 (W. Va. 2015) (prohibition on living expenses is absolute; no exception for “altruistic intent”); Matter of Cellino, 798 N.Y.S.2d 600 (4th Dept. 2005)(suspension for, among other violations, loaning a client money for the client’s son’s nursing and care and rehabilitation); *State ex rel. Oklahoma Bar Ass’n v. Smolen*, 17 P.3d 456 (2000) (suspending a lawyer for, among other violations, loaning a client \$1200 for living expenses); Maryland Attorney Grievance Comm’n v. Kandel, 563 A.2d 387 (Md. App. 1989) (discipline for advancing the cost of medical treatment and transportation to obtain the treatment).

⁴⁵ See, e.g., Fla. Bar v. Taylor, 648 So.2d 1190, 1192 (Fla 1994) (used clothing for child and \$200 for necessities approved as “act of humanitarianism”); Okla. Bar Ass’n, Ethics Op. 326 (2009) (“[n]ominal monetary gifts by a public defender to a death row inmate for prison system expenses”); Virginia State Bar Legal Ethics Op. 1830 (Va. 2006), 2006 WL 3289280 (“nominal amounts” to an incarcerated client to buy personal items or food at the jail commissary); Maryland Ethics Op. 2001-10 (2001) (a “de minimus gift” does not violate 1.8(e)); Arizona State Bar Ethics Op. 91-14 (1991) (loan for client’s daughter’s medical care prohibited but a gift for that purpose is permitted if the lawyer has a “charitable motivation”).

⁴⁶ In addition to the rules cited in footnote 28, see Alabama Rule 1.8(e)(lawyer may advance or guaranty emergency assistance; prohibits (i) making repayment may contingent on the outcome and (ii) promises or assurance of assistance before retention); California Rule 1.8.5 (permits a lawyer to pay a client’s personal or business expenses to third person, “from funds collected or to be collected for the client as a result of the representation” with the consent of the client: and “to pay the costs of prosecuting or defending a claim or action, or of otherwise protecting or promoting the interest of an indigent person in a matter in which the lawyer represents the client”); Louisiana Rule 1.8(e)(permits financial assistance in addition to court costs and litigation expenses to clients in “necessitous circumstances”; conditions and limitations apply); The New Jersey Rule is discussed in the text.

D.C. Rule 1.8(d) permits a lawyer to provide “financial assistance which is reasonably necessary to permit the client to institute or maintain the litigation or administrative proceedings.”⁴⁷ A Comment explains that “a lawyer may pay medical or living expenses of a client to the extent necessary to permit the client to continue the litigation. . . . The purpose of permitting such payments is to avoid situations in which a client is compelled by exigent financial circumstances to settle a claim on unfavorable terms in order to receive the immediate proceeds of settlement.”⁴⁸ However, even where a settlement is not possible, for example “in the case of an indigent in deportation proceedings . . . the potential consequences of homelessness, starvation, or medical inattention [while awaiting relief in the proceeding] are even more serious than having to accept artificially low financial compensation. The client may die while waiting for a court hearing, or may be unable to remain in communication with counsel, causing a winning case to become a losing one, or causing the client to be unable to participate in the hearing at all, with the result that the client would be ordered deported in absentia.”⁴⁹

New Jersey Rule of Professional Conduct 1.8(e) provides: “A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that . . . (e)(3) a legal services or public interest organization, a law school clinical or pro bono program, or an attorney providing qualifying pro bono service as defined in R. 1:21-11(a), may provide financial assistance to an indigent client whom the organization, program or attorney is representing without fee.”⁵⁰

Recently, the New York State Bar Association (NYSBA) House of Delegates unanimously approved a recommendation by the NYSBA Committee on Standards of Attorney Conduct (COSAC) and the City Bar Professional Responsibility Committee to adopt a humanitarian exception to NYRPC 1.8(e) similar to the one SCEPR proposes for the Model Rules.⁵¹

The ABA has been a leader in access to justice for decades. It should lead here, too, by changing an out-of-date rule that interferes with access to justice by the most vulnerable population and encouraging all American jurisdictions to adopt the new rule.

VI. Support Based on Bar Counsel Experience

⁴⁷ D.C. Rules of Prof'l Conduct R. 1.8(d).

⁴⁸ D.C. Rules of Prof'l Conduct R. 1.8(d) cmt. [9].

⁴⁹ Schrag *supra* n.2 at 46 (cite omitted). See also *id.* at 72 (“[a]t the very least, the ABA and the states should eliminate the ban on outright gifts by pro bono lawyers to meet the survival needs of their indigent clients . . .”).

⁵⁰ N.J. Rules of Court, Rule, 1:21-11(a) defines “qualifying pro bono service” to include legal assistance through a legal services or public interest organization and legal assistance through a law school clinical or pro bono program.

⁵¹ NYSBA Committee on Standards of Attorney Conduct Memorandum dated January 15, 2020, at 3-6 City Bar Rpt. *supra* n. 35.

SCEPR asked bar counsel for the eleven jurisdictions with some form of humanitarian exception about their experience implementing the provision. Two jurisdictions, D.C. and Louisiana, responded. Both have broader exceptions than the one SCEPR proposes. They permit loans for living expenses and apply in contingency matters. Chief Counsel for the Louisiana Attorney Disciplinary Board wrote that Louisiana's version of Rule 1.8(e), which has been in effect since 1976,

permits lawyers to advance monies to clients in necessitous circumstances. The Louisiana rule is not limited to non-profits and does not prohibit a lawyer from obtaining reimbursement, although it does not permit a lawyer to obtain reimbursement of interest for funds the lawyer advances directly . . . The Louisiana Office of Disciplinary Counsel has received very few complaints against lawyers concerning Rule 1.8(e) and (f). The complaints that have been lodged primarily involve how the lawyer calculated disbursement of funds from monetary recoveries resulting from a suit or settlement. Because you have informed me that the proposed ABA Rule prohibits any reimbursement of any necessitous circumstances advances, I do not anticipate that such a rule would lead to any complaints (such as the ones we have received) to a state's disciplinary counsel. Based upon my experience as the Chief Disciplinary Counsel in Louisiana, it is my belief that the rule discussed would not lead to an increase in disciplinary enforcement action nor increase the potential for harm to the public or to the legal profession.⁵²

Disciplinary Counsel for D.C. wrote:

We have had few if any complaints about lawyers violating Rule 1.8(d) [the D.C. analogue to M.R. 1.8(e)]. I can't represent that no one has ever complained because I don't have a way of checking every one of the approximately 1000 complaints we receive each year. Certainly, we have never brought a case based on a violation of that rule, and it has been mentioned in only three reported opinions, two of which are reciprocal matters from other states whose parallel rule is not as liberal as our Rule 1.8(d).⁵³

⁵² Letter, dated April 8, 2020, from Chief Disciplinary Counsel for the Louisiana Attorney Disciplinary Board Charles B. Plattsmier to SCEPR Member Michael H. Rubin, on file with SCEPR.

⁵³ Email dated April 8, 2020 from Hamilton P. Fox, Disciplinary Counsel in D.C. to SCEPR Member Thomas H. Mason, on file with SCEPR (citing the following reciprocal cases: *In re Schurtz*, 25 A.3d 905, 906-907 (D.C. 2011); *In re Edelstein*, 892 A.2d 1153, 1159 n.3 (D.C. 2006); *In re Wallace*, Board Docket No. 17-BD-001 at 10 n.6 (BPR HCR, March 16, 2018)). See also Sahl, *supra* n.13 at (DC's "permissive approach concerning lawyer advances for living expenses has existed for a 'long time and has not produced any official complaints.' Nor has the approach caused the bar any 'reason to be concerned.'") (citing the author's conversations with D.C. Bar Counsel); City Bar Rpt. *supra* n.35 at 10 ("the committee informally consulted bar regulators and academic ethicists in the jurisdictions which currently have a version of a 'humanitarian exception,' in order to assess whether those rules have led to any notable abuses or problems. Without exception, no one reported problems with a humanitarian exception in pro bono cases.").

VII. Support from the Pro Bono Community

Commentors have questioned whether the pro bono community supports adding a humanitarian exception to Rule 1.8(e). SCEPR's work in connection with this proposal shows that there is broad support in this community.⁵⁴ SCLAID is a cosponsor. ABA supporters include the Diversity and Inclusion Center and its constituent Goal III entities—the Coalition on Racial and Ethnic Justice; Commission on Disability Rights; Commission on Hispanic Legal Rights and Responsibilities; Commission on Racial and Ethnic Diversity in the Profession; Commission on Sexual Orientation and Gender Identity; Council for Diversity in the Educational Pipeline; and Commission on Women in the Profession, and the Standing Committee on Disaster Response & Preparedness. In addition, approximately sixty pro bono lawyers and law school clinicians nationwide, the Legal Aid Society of New York (an organization of more than 1200 lawyers), and APBCo support it.⁵⁵ Just recently— on Easter weekend and in response to SCEPR's Survey—one lawyer wrote:

Ethics rule 1.8, and its correlating rule under New York rules, has substantially hindered our ability to support clients: rather than supporting those in the most desperate of circumstances, we can only help clients with no pending or contemplated litigation. We urge the rule be amended to allow our ability to respond to our client's financial needs during this crisis.⁵⁶

Some lawyers outside the pro bono and legal services community have suggested that giving pro bono lawyers discretion to help their needy clients would create stress that might impair the client-lawyer relationship. SCEPR has seen no evidence from the pro bono community that this is true, and there are several approaches short of denying the discretion to the many pro bono lawyers who seek it. Lawyers and legal services organizations can adopt a policy against providing assistance with living expenses to any client. Alternatively, decisions can be made not by individual attorneys but by a central-decision maker according to rules and standards adopted by the organization.

VIII. Conclusion

For the foregoing reasons, the ABA should adopt SCEPR's amendment to Rule 1.8(e) permitting pro bono lawyers to provide financial assistance for living expenses to indigent clients.

Respectfully submitted,
Barbara S. Gillers, Chair, SCEPR
August 2020

⁵⁴ See Section II of this Report.

⁵⁵ *Id.*

⁵⁶ Email dated April 10, 2020, from Michael Pope, Executive Director of Youth Represent, to Daniel L. Greenberg and Barbara S. Gillers, on file with SCEPR.

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA President Rajeev Majumdar
WSBA Executive Director Terra Nevitt

FROM: Douglas J. Ende, Chief Disciplinary Counsel

RE: Supplemental information about possible amendment to RPC 1.8(e)

DATE: August 5, 2020

By email dated April 30, 2020, Chief Justice Debra Stephens inquired about potential modifications to regulatory rules that might assist lawyers and the public during the COVID-19 public health emergency. Among those potential modifications was a suggestion (made to the Court by lawyer Brian Waid) to amend RPC 1.8(e) to exempt lawyers from the prohibition on providing financial assistance to a client in limited circumstances.

By memo dated May 8, 2020, I provided an analysis of that proposal. The conclusion of that memo was as follows:

If the Court wants to head in the direction suggested by Mr. Waid, it would be best to develop a proposal that includes a clear definition of permissible financial assistance and specify the relevant parameters and restrictions on it. A general exemption from the restriction on providing financial assistance to a client could have many foreseeable and unforeseeable adverse consequences, and it could be a trap for unwary lawyers who might enter into financial relationships with clients in violation of the RPC 1.8(a) prohibition on entering into a business transaction with a client or knowingly acquiring an ownership, possessory, security or other pecuniary interest adverse to a client. Without appropriate safeguards—and considering the 2006 Department of Revenue crisis—this idea might be a Pandora’s Box in the making.

To date, no action has been taken by WSBA or the Court to amend RPC 1.8(e).

Since the May 2020 memo, there have been developments in New York and at the American Bar Association (ABA) that have changed the analytic landscape on this issue. What follows is an explanation of those subsequent developments.

Recap of May 2020 Memo

Washington’s RPC 1.8(e), which is not identical to the ABA Model Rule, currently provides as follows:

(e) A lawyer shall not, while representing a client in connection with contemplated or pending litigation, advance or guarantee financial assistance to a client, except that:

(1) a lawyer may advance or guarantee the expenses of litigation, including court costs, expenses of investigation, expenses of medical examination, and costs of obtaining and presenting evidence, provided the client remains ultimately liable for such expenses; and

(2) in matters maintained as class actions only, repayment of expenses of litigation may be contingent on the outcome of the matter.

Financial Assistance

[10] [Washington revision] Lawyers may not subsidize lawsuits or administrative proceedings brought on behalf of their clients, including making or guaranteeing loans to their clients for living expenses, because to do so would encourage clients to pursue lawsuits that might not otherwise be brought and because such assistance gives lawyers too great a financial stake in the litigation. See Washington Comment [21].

Additional Washington Comments . . .

Financial Assistance

[21] Paragraph (e) of Washington's Rule differs from the Model Rule. Paragraph (e) is based on former Washington RPC 1.8(e). The minor structural modifications to the general prohibition on providing financial assistance to a client do not represent a change in Washington law, and paragraph (e) is intended to preserve prior interpretations of the Rule and prior Washington practice.

The key points of my initial analysis were as follows:

- There appeared to be no recent groundswell of jurisdictions exploring or acting on this issue.
- A limited-scope “humanitarian exception” proposal to amend Rule 1.8(e) was pending in New York.
- The ABA Standing Committee on Ethics and Professional Responsibility had developed an exception to Model Rule 1.8(e) analogous to the one pending in New York, but it had not been well received by stakeholder ABA entities, and it was unclear when and whether it would go to the ABA House of Delegates.
- It has long been Washington State’s interpretation of RPC 1.8(e) that a lawyer may make a “bona fide gift” to a client with “true donative intent” without transgressing the restrictions of RPC 1.8(e). See [WSBA Ethics Advisory Opinion 1959](#).
- The last time Washington State attempted to amend Rule 1.8(e) to ease restrictions on financial assistance to clients by conforming Washington’s rule to the Model Rule, it triggered an unexpected rulemaking crisis when the Department of Revenue advised WSBA that it intended to eliminate the exclusion from gross income of reimbursements of litigation costs and expenses in contingent fee and indigent client cases for purposes of Washington’s Business and Occupation (B&O) tax. Following a hue and cry from practitioners when the Department began rulemaking on the issue, the WSBA and the Court reversed course and, on an emergency basis in 2007, changed the rule back to the former language to prevent that outcome. See Comment 21 to Washington RPC 1.8 (reproduced above).

Subsequent Developments

Since distribution of the May 2020 memo on this issue, there have been two developments related to the above key points. Those developments are as follows.

First, the “humanitarian exception” pending in New York was adopted with language similar—although not identical—to the proposed language. The amended rule went into effect on June 24, 2020, and New York’s Rule 1.8(e) was thus given a new subsection (4):

(4) A lawyer providing legal services without fee, a not-for-profit legal services or public interest organization, or a law school clinical or pro bono program, may provide financial assistance to indigent clients but may not promise or assure financial assistance prior to retention, or as an inducement to continue the lawyer-client relationship. Funds raised for any legal services or public interest organization for purposes of providing legal services will not be considered useable for providing financial assistance to indigent clients, and financial assistance referenced in this subsection may not include loans or any other form of support that causes the client to be financially beholden to the provider of the assistance.

See [Joint Order](#) of the Departments of the New York State Supreme Court, Appellate Division (June 24, 2020).

Second, on August 2, 2020, by a vote of 378 in favor and 16 opposed, the ABA House of Delegates adopted a “humanitarian exception” amendment to ABA Model Rule 1.8 based on a report and recommendation from the ABA Standing Committee on Ethics and Professional Responsibility and the ABA Standing Committee on Legal Aid and Indigent Defendants. The proposed draft reflected a substantial modification to the version being considered by ABA stakeholder entities in May 2020. The amended version adds a new subsection (3) to Model Rule 1.8(e), as follows:

(3) a lawyer representing an indigent client pro bono, a lawyer representing an indigent client through a nonprofit legal services or public interest organization and a lawyer representing an indigent client through a law school clinical or pro bono program may provide modest gifts to the client for food, rent, transportation, medicine and other basic living expenses if financial hardship would otherwise prevent the client from instituting or maintaining the proceedings or from withstanding delays that put substantial pressure on the client to settle. The legal services must be delivered at no fee to the indigent client and the lawyer:

- (i) may not promise, assure or imply the availability of such gifts prior to retention or as an inducement to continue the client-lawyer relationship after retention;
- (ii) may not seek or accept reimbursement from the client, a relative of the client or anyone affiliated with the client; and
- (iii) may not publicize or advertise a willingness to provide such financial assistance to clients.

Financial assistance under this Rule may be provided even if the representation is eligible for fees under a fee-shifting statute.

The full report, including the new comments 11, 12, and 13 to Model Rule 1.8, can be found here: [HR 107](#). According to the Report, similar exceptions, variously worded, already appear in the rules of eleven U.S. jurisdictions. See *generally*, Melissa Heelan Stanzione, [Lawyers Could Ethically Help With Rent, Food If Rule Change OK’d](#), BloombergLaw.com (July 28, 2020).

Conclusion

The ABA's adoption of an amendment to the Model Rule may change the national landscape on this issue. It will take some time to determine whether U.S. jurisdictions will adopt the Model Rule version or a variant of it.

Because ABA Model Rule 1.8(e)(3), unlike New York's new humanitarian exception, classifies the permissible financial assistance as "modest gifts" to indigent clients, it is not inconsistent with Washington State's interpretation of RPC 1.8(e) as permitting "bona fide gifts" made with "true donative intent." And the limited nature of such gifts may be such that it would not trigger scrutiny by the Department of Revenue, as was the case in 2006. More research and analysis on this point may be warranted. It would not be inappropriate to refer the issue to the WSBA Committee on Professional Ethics.

WASHINGTON STATE BAR ASSOCIATION

Advisory Opinion: 1959

Year Issued: 2001

RPC(s): RPC 1.8(e)

Subject: Making a gift to a client in litigation

The inquirer posed three questions to which the committee responded as follows:

Question 1: What are the limits, if any, on the lawyer's ability to use his or her own personal funds to give to the client a gift of money to address an emergency?

Answer: A lawyer may make a bona fide gift with true donative intent without violating RPC 1.8(e).

Question 2: What are the limits, if any, on the lawyer's ability to use his or her personal funds to loan the client money to address the emergency?

Answer: The lawyer may not make a loan to a client under RPC 1.8(e).

Question 3: Do any limits on the lawyer's ability to make a gift or a loan vary if the financial assistance has some relationship to the matter on which the lawyer is representing the client, e.g., the assistance is for rent when the lawyer is representing the client in a dispute with the landlord?

Answer: See answers to questions 1 and 2.

Advisory Opinions are provided for the education of the Bar and reflect the opinion of the Committee on Professional Ethics (CPE) or its predecessors. Advisory Opinions are provided pursuant to the authorization granted by the Board of Governors, but are not individually approved by the Board and do not reflect the official position of the Bar association. Laws other than the Washington State Rules of Professional Conduct may apply to the inquiry. The Committee's answer does not include or opine about any other applicable law other than the meaning of the Rules of Professional Conduct.

TO: WSBA Board of Governors
FROM: Budget and Audit Committee
DATE: December 29th, 2021
RE: **Amendment to Officer and Governor Travel Policy**

ACTION: Approve amendment to fiscal policy re reimbursement for officer travel to national conferences

Background

In November 2019, the above described policy was amended to add the Treasurer as an officer eligible for reimbursement for travel to national conferences. The amended/current policy reads as follows:

1. Officer Conferences

The President, President-elect, and Treasurer may attend two national conferences and the Western States Bar Conference. The President and President-elect may also attend the Northwest Bar Leaders meeting.

Amendment Defined

The proposed policy amendment would add the Immediate Past President as an officer authorized for reimbursement to attend two national conferences and the Western States Bar Conference. The revised policy would read as follows:

1. Officer Conferences (Edits Highlighted)

The President, President-elect, **Immediate Past President** and Treasurer may attend two national conferences and the Western States Bar Conference. The President, ~~and~~ President-elect and **Immediate Past President** may also attend the Northwest Bar Leaders meeting.

Fiscal Analysis

We are basing this fiscal analysis on the historical cost of trips to the Western States Bar Conference to a high cost destination (Hawaii) as a measure of a conservative estimate. We estimate the potential cost of this amendment to increase the travel and conference attendance expenses by \$3,500 annually. We are requesting an amendment to the FY22 Budget to allow for this amendment to be implemented.

Estimated Average Cost of Amendment

Hotel	\$	1,000
Lyft to Airport	\$	100
Airfare (est)	\$	2,000
Meals	\$	400
Total	\$	<u>3,500</u>

The total costs presented here are estimates based on historical, actual costs may vary based on Air Fair at the time of purchase.

TO: WSBA Board of Governors
FROM: Budget and Audit Committee
DATE: December 29th, 2021
RE: Exception to Governor Travel Policy

ACTION: Approve exception to fiscal policy re reimbursement for governor travel to national conferences

Background

With regard to reimbursement for governor travel to national conferences, current fiscal policy states:

1. Governor Conferences

Governors may attend one national or regional conference during their term of service on the Board of Governors.

Exception Defined

The exception sought is to permit Governors to attend the ABA midyear conference to be held in Seattle from February 9-14 *in addition* to the one national or regional conference they are permitted to attend during their term on the Board. This would permit Governors the opportunity to attend the 2022 Western States Bar Conference, or another national/regional conference and also allow us to take advantage and maximize participation of WSBA in the ABA midyear being held in Seattle.

Fiscal Analysis

The estimated fiscal impact of granting the policy exemption for Governors to attend the ABA Conference in Seattle is shown below:

The assumptions are based on 4 attendees confirmed and 4 tentative attendees for a total of 8 attendees.

<u>Meeting/Event</u>	<u>Location (Seattle)</u>	<u>Amount</u>	<u>Hotel Nights</u>	<u>Room Tax Rate</u>	<u>Room Plus Tax \$</u>	<u>Total</u>
ABA Midyear 8 attendees	Hotel TBD	\$ 189	16	24%	\$ 234	\$ 3,750
	Registration Fees*	\$ -	8		\$ -	
	Meals	\$ 213	8		\$	1,704
					\$	5,454

*There are no costs associated to Registration Fees

The total estimated fiscal impact for the exception to policy of 8 attendees to the Seattle ABA convention is \$5,454 a onetime expense in FY 22 for which we are requesting a budget amendment.

TO: WSBA Board of Governors
FROM: Terra Nevitt, Executive Director
Renata de Carvalho Garcia, Chief Regulatory Counsel
DATE: December 16, 2021
RE: Proposed Amendments to WSBA Admissions Policies

ACTION: Approve proposed amendments to the Admissions Policies of the Washington State Bar Association with an effective date of February 1, 2022.

Background

The Admissions Policies adopted by the Board of Governors supplement the Washington Supreme Court's Admission and Practice Rules (APR). Many of the policies are adopted because the Court has directed through court rule that the WSBA establish policies for various details regarding applications for the admission to the practice of law in Washington. See, for example, APR 3(i) which directs the Bar to prescribe the form and manner of the application, pay a fee set by the Board of Governors, and establish policies for refunds and transfers of applications. Other policies are adopted to ensure consistent administration and handling of all applications for admission and to provide direction to WSBA employees carrying out the organization's regulatory functions as delegated by the Court.

The Admissions Policies are not amended frequently. Usually a significant change in procedures, technology or exam format precipitates a review and the necessity to amend the policies. When a precipitating event occurs, all policies are reviewed and amended as necessary to be current with new or anticipated procedures. The policies were last amended in November 2020. Since then, it has become apparent that a deadline for applicants in the WSBA policies conflicts with a deadline imposed on the WSBA by the National Conference of Bar Examiners (NCBE). Thus, the need for amendments at this time. In addition, due to increased frequency of people petitioning for reinstatement after disbarment, we are taking this opportunity to clarify how the admissions policies apply to petitions for reinstatement under APR 25. Finally, we are proposing a policy to delete abandoned electronic applications.

Explanation of Changes

Reasonable Accommodation Requests. As noted above, the primary impetus for proposing amendments at this time is due to an applicant deadline that conflicts with a deadline imposed on the WSBA by the NCBE. The NCBE requires jurisdictions to place purchase orders for all exam materials six weeks (42 days) prior to the exam. Currently, we are requiring applicants who are requesting reasonable accommodations due to a disability to do so by 45 days prior to the exam. The three-day difference is not enough time for WSBA staff to analyze and evaluate the request and determine which exam materials are needed. In order to have an adequate amount of time to properly evaluate a request for reasonable accommodations and to determine

appropriate needs for exam materials, the proposed amendment would change the deadline to 80 days prior to the exam. By making this change, WSBA will avoid incurring NCBE fees for ordering exam materials late. In addition, minor edits are proposed to more accurately reflect the process of granting and acknowledging reasonable accommodations.

Petitions for Reinstatement after Disbarment. The WSBA has recently received a small surge in petitions for reinstatement after disbarment which are governed by APR 25. These petitions have resulted in an examination of the rules and policies that relate to petitions for reinstatement under APR 25. The proposed amendments clarify how the admissions policies apply to these petitions.

Abandoned Incomplete Applications. The WSBA has an online application portal. Some people create applications online and then, for whatever reason, fail to complete or submit the application for review. The proposed amendments would permit WSBA to delete all applications that are older than six months and that have not been submitted for review by the applicant. Deleting online application files will ensure that current information is submitted by an applicant and will keep the online database free of abandoned files.

Effective Date

Applicants may begin submitting applications for the Summer 2022 bar exam on February 1, 2022. Therefore, it is proposed that the amendments take effect on February 1, 2022.

WSBA RISK ANALYSIS:

GR 12

This proposal is authorized by GR 12 (a)(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] and (b)(4) [administer examinations and review applicants' character and fitness to practice law] and is not prohibited by GR 12.2(c)(2).

Concerns for Discussion

The changes to the rules appear to resolve rather than create concerns. No specific concerns are noted.

WSBA FISCAL ANALYSIS: There is no fiscal risk associated with these amendments. Making the dates earlier may impact in a non-significant way the collection of funds favorably by collecting them earlier. In addition, there may be a reduction of late fees paid for ordering tests as there is a longer lead time to solicit the exam. These impacts aren't material and pose no significant risk or benefit to the budget.

Attachments

1. Proposed Amendments to Admissions Policies – Blackline
2. Proposed Amendment to Admissions Policies – Clean

ADMISSIONS POLICIES OF THE WASHINGTON STATE BAR ASSOCIATION

Under the authority of, and consistent with, the Washington Supreme Court's Admission and Practice Rules (APR), the Board of Governors of the Washington State Bar Association (Bar) has adopted the following Admissions Policies in administering those rules. These policies apply to individuals seeking reinstatement under APR 25 or admission to the Bar as a lawyer, limited license legal technician (LLLT), limited practice officer (LPO), house counsel or foreign law consultant. These policies supplement APR 3-5, 8(f), 14 and 20-25. Any discrepancy or conflict between these policies and the ~~Admission and Practice Rules (APR)~~ is unintentional and will be resolved in favor of strict compliance with the APR.

Adopted July 1, 2012. Amended July 28, 2017, amendments effective September 1, 2017.
Amended November 14, 2020, amendments effective December 1, 2020.
Amended January 13, 2022, amendments effective February 1, 2022.



I. GENERAL PROVISIONS AND DEFINITIONS

A. Applications

Applications for admission to practice law in Washington must be completed and submitted online or as prescribed by the Bar's admissions staff. ~~Permission to submit an application in a paper format may be requested and granted for good cause shown.~~

B. Definitions

"Approved Law School" means a law school approved by the Board of Governors. Only those law schools approved, or provisionally approved, by the American Bar Association at the time the J.D. was conferred are approved by the Board of Governors. A list of ABA approved law schools is available on the ABA website.

"Attorney Applicant" means a person applying for admission as a lawyer under APR 3 or a person petitioning for reinstatement under APR 25 who, at the time of filing the application, has ever been admitted to practice law as a lawyer (or the equivalent for that jurisdiction) in any jurisdiction other than Washington.

"Foreign Law Consultant Applicant" means a person applying for licensure as a foreign law consultant under APR 14.

"General Applicant" means a person applying for admission as a lawyer under APR 3 who, at the time of filing the application, has never been admitted to practice law as a lawyer (or the equivalent for that jurisdiction) in any jurisdiction other than Washington, or a person petitioning for reinstatement under APR 25 who has been admitted to practice law in Washington only.

"House Counsel Applicant" means a person applying for licensure as a house counsel under APR 8(f).

"LLLT Applicant" means a person applying for admission as a limited license legal technician.

"LPO Applicant" means a person applying for admission, or petitioning for reinstatement under APR 25, as a limited practice officer.

II. APPLICATION REQUIREMENTS

A. Application Submission Policy

All applicants must submit electronically, within the filing deadlines specified below, the following:

- a completed application in the form required by the Bar including any required supplemental documentation;
- two Certificates of Good Moral Character, dated within 6 months prior to the application date and completed by two lawyers admitted to practice law in any U.S. jurisdiction or the foreign jurisdiction in which the applicant is admitted to practice law. For LLLT Applicants and LPO Applicants the certificates may be completed by LLLTs or LPOs admitted to practice in Washington; and

- an Authorization and Release form. The form must be signed and notarized within 6 months prior to the application date.

In addition, Attorney Applicants must submit:

- a Certificate of Good Standing from each jurisdiction in which the applicant has ever been admitted (including federal courts and tribal courts). Certificates of Good Standing (or similar document) for Attorney Applicants admitted to practice law must be issued by the admitting authority (e.g., State Bar or highest state court) in each jurisdiction where the applicant has been admitted. If the applicant is no longer admitted in the jurisdiction, the applicant must submit a letter from the jurisdiction that includes the dates of admission and status history. The certificate or letter must be signed and dated within 6 months prior to the application date.

All documents must be in English or accompanied by a certified English translation.

B. Application Filing Deadlines

Only applications for an exam (excluding petitions for reinstatement under APR 25) have a filing deadline. Applications for admission by exam are accepted beginning February 1 for the summer exam and September 1 for the winter exam. Filing deadlines for applications to take an examination are as follows:

Examination	Applications Accepted	First Deadline	Late Filing Deadline	Failed the Immediately Preceding Winter WA Exam Deadline With No Late Fee
Summer Exam	February 1	March 5	April 5	May 5
Winter Exam	September 1	October 5	November 5	N/A

The deadline will be the next business day when a deadline falls on a Saturday, Sunday or holiday.

Late filing requires payment of a late filing fee as provided in the fee schedule. No applications will be accepted after the late filing deadline except for applicants who failed the immediately preceding winter Washington exam and are applying for the following summer Washington exam; those applicants are not required to pay the late filing fee and the deadline will be May 5.

Applications, including payment, Authorization and Release form, and Certificates of Good Moral Character, must be submitted online by 11:59 P.M. (PST/PDT) the day of the deadline. Applications, authorization and release forms, or certificates of good moral character filed after the first deadline will incur a late filing fee. Applications with incomplete or missing payment, authorization and release forms or certificates of good moral character will not be processed and will be disqualified if not received by the final deadline.

Application that are not submitted within six months of starting the application online will be deleted.

The LLLT Board or Limited Practice Board may schedule exams at times other than the lawyer bar exams and set application deadlines for those exams. Any such exams and the corresponding application deadlines will be posted on the Bar’s website.

C. Other Deadlines

Request ADA accommodations	4580 days prior to first day of exam.
File all requested and/or additional items.....	18 days prior to first day of exam.
Character and fitness resolution.....	18 days prior to first day of exam.
Exam360 (laptop) registration	18 days prior to first day of exam.
Change of exam method.....	18 days prior to first day of exam.
Change of exam location.....	18 days prior to first day of exam.
Special requests for exam room	18 days prior to first day of exam.
Withdraw from exam with partial refund	18 days prior to first day of exam.
UBE Score Transfer Applications.....	No deadline, may apply at any time.
Admission by Motion Applications.....	No deadline, may apply at any time.
House Counsel Applicants.....	No deadline, may apply at any time.
Foreign Law Consultant Applicants	No deadline, may apply at any time.
Withdraw a non-exam application with partial refund.....	One year from date of application.

III. FEES

A. Fee Schedule

(1) General Applicants	\$585
Late Filing Fee (exam applicants only)	\$300
(2) Attorney Applicants	\$620
Late Filing Fee (exam applicants only)	\$300
(3) LLLT Applicants	\$300
Practice Area Exam Only	\$250
Professional Responsibility Exam Only.....	\$80
Late Filing Fee	\$150
(4) LPO Applicants.....	\$200
Late Filing Fee	\$100
(5) House Counsel Applicants.....	\$620
(6) Foreign Law Consultant Applicants.....	\$620

All bank card transactions are subject to a separate non-refundable transaction fee of 2.5%. There is no transaction fee for payments by electronic funds transfer or check.

For exam applicants, payments by check must be received or postmarked by the application deadline. Payments received or postmarked after the first deadline will incur a late filing fee as outlined in section II (B). Applications will not be accepted if payment is received or postmarked after the final deadline.

B. NCBE Investigation Fee

Applications for General Applicants applying under APR 3(b)(4)(B), House Counsel Applicants, Foreign Law Consultant Applicants, and all Attorney Applicants, except for applicants eligible for military spouse admission by motion under APR 3(c)(2), are referred to the National Conference of Bar Examiners (NCBE) for verification and investigation of the information in the application. Applicants are required to pay a nonrefundable investigation fee to the NCBE. See section V of these policies for all NCBE requirements.

C. Withdrawals and Refunds

For all applicants, the application fee includes a non-refundable administrative processing fee as set forth below. An exam applicant must withdraw an application at least 18 days prior to the date of the examination for a partial refund. Petitioners under APR 25 and all ~~At~~ other applicants must withdraw their applications no later than one year after filing the application to receive a partial refund. The Bar will issue a refund of the application fee less the administrative fee. Any late filing fees paid and any investigation costs are nonrefundable. No refunds will be issued for withdrawals or disqualifications made less than 18 days prior to the date of the exam. Exam applicants forfeit all fees if they do not show up for the exam.

The partial refund policy applies to applications that are disqualified.

Administrative Fee (nonrefundable portion of application fee):

General, Attorney, House Counsel and Foreign Law Consultant Applicants.....	\$300
LLLT Applicants.....	\$150
LPO Applicants.....	\$100

If there are extraordinary circumstances that prevent an applicant from taking the examination (e.g., a serious medical emergency, death in the immediate family, significant health problems, house fire), a written request must be delivered to the Bar within 18 days after the exam in order to receive a partial refund as set forth above. The Bar may require the applicant to submit supporting documentation for the request.

For good cause shown, Bar staff has discretion to change the application type upon request of the applicant and transfer any application fee already paid to the new application type.

IV. CHARACTER & FITNESS REVIEW

All applicants are subject to a character and fitness review prior to being admitted to practice law in Washington State. The responsibility for full disclosure rests entirely upon the applicant. Permission to sit for the examination or admission to practice law may be withheld pending a hearing before the Character and Fitness Board and a final determination by the Washington Supreme Court regarding whether the applicants have met their burden of proving that they are of good moral character, fit to practice law and have met the Essential Eligibility Requirements. See APR 20-24.3. Factors considered by Admissions staff and Bar Counsel when determining whether an applicant should be referred to the Character and Fitness Board are set forth in APR 21(a).

Washington requires resolution of all character and fitness issues at least 18 days prior to sitting for the exam. Exam applicants with unresolved character and fitness issues after this deadline will not be permitted to sit for the exam and will have their application transferred to the next exam. Applicants

may choose to withdraw from the exam and receive a partial refund if the request is made at least 18 days prior to the first day of the exam in lieu of transferring to the next exam. Therefore, applicants who disclose any information that may raise an issue of character or fitness are advised to file their applications early in the registration period. Early filing or providing information prior to the 18 day deadline does not guarantee all issues will be resolved 18 days prior to the exam.

All petitions for reinstatement under APR 25 are referred to the Character and Fitness Board for hearing, per APR 25.3(b). Petitioners will be assigned to the next available licensing exam only after receiving Washington Supreme Court approval of their petition.

V. NCBE REPORT REQUIREMENT

Applications for General Applicants applying under APR 3(b)(4)(B), House Counsel Applicants, Foreign Law Consultant Applicants, and all Attorney Applicants, except for applicants eligible for military spouse admission by motion under APR 3(c)(2), are referred to the National Conference of Bar Examiners (NCBE) for verification and investigation of the information in the application. Applicants who have an application that is referred to the NCBE will be contacted by the NCBE and required to pay an investigation fee and submit authorization and release forms directly to the NCBE. The Bar cannot finish processing applications until the report is received from the NCBE.

Applicants applying for an exam will not be allowed to sit for the exam if the Bar does not receive a report back from the NCBE at least 18 days prior to the first day of the exam; in that case, the application will be transferred to the next exam.

Applicants may choose to withdraw from the exam and receive a partial refund if the request is made at least 18 days prior to the first day of the exam in lieu of transferring to the next exam.

NCBE reports are valid for one calendar year from the date the Bar receives the completed report from the NCBE, after which a supplemental or new NCBE report will be required. See the NCBE website for additional information: <http://www.ncbex.org/character-and-fitness/jurisdiction/wa>.

VI. REASONABLE ACCOMMODATIONS UNDER THE ADA/WLAD

Any applicant ~~with a disability for which~~ requesting reasonable accommodation for a claimed disability is needed must request must ask for such accommodation through the online admissions site at least ~~45~~ 80 days prior to the examination date. Applicants requesting reasonable accommodations because of disabilities must provide appropriate documentation of the disability and specify the extent to which they are requesting that the standard testing procedures need to be modified. ~~The burden of proof is on the~~ The applicant is responsible for to show the demonstrating their need for any reasonable requested accommodations. The Bar reserves the right to make final judgment concerning testing accommodations and may have any submitted documentation reviewed by a ~~medical specialist, psychologist or learning disability~~ specialist. See the online admissions site for additional information regarding accommodations requests and required documentation.

Any reasonable accommodation may not compromise the integrity or security of the examination or affect the standards set for the examination. ~~The~~ After the Bar provides notice to an applicant of the exam accommodations granted that applicant, the ~~and any applicant granted accommodations~~ must

~~acknowledge that they read and understand, agree to and accept the terms and conditions of the accommodations granted~~ no less than 18 days prior to the first day of the examination.

VII. SPECIAL REQUESTS FOR THE EXAM ROOM

For good cause shown, applicants may be permitted to bring otherwise prohibited items into the exam room. Examples of items are: pillows/lumbar supports, ergonomic chairs, book stand, wrist rest, medication, external keyboard or mouse, and religious headgear. In addition, applicants may request a specific seating location in the exam room due to a medical condition.

The Bar will provide a room for nursing mothers upon request. Nursing mothers may use the nursing room before and after the exam, during breaks and during the exam. An applicant must be accompanied by a proctor if the nursing room is used during the exam session.

All special requests for an exam must be made on the online admissions site no less than 18 days prior to the first day of the exam. All requests must be supported (if applicable) by a doctor's note.

VIII. LAPTOP USE AND EXAM360 SOFTWARE

Applicants for an exam requesting to use a laptop computer for the written portions of the exam must register, pay for, and download software from ILG Exam360. Exam360 must be purchased and downloaded for each administration of the exam, even if used in the past. Fees paid to ILG Exam360 are nonrefundable and nontransferable. Laptop users must sign a waiver of liability on exam day. Applicants who do not purchase and download the software by 18 days prior to the exam will be required to handwrite the exam.

If an exam applicant's laptop fails prior to the exam, the applicant must contact ILG Exam360 to download Exam360 again.

IX. EXAMINATION PROVISIONS

A. Grading and Results for All Examinations

(1) All applicants for all exams are to abide by the Exam Security Policy as established by the Bar.

(2) Grading of examinations shall be anonymous. Graders shall be provided exam answers with only the applicant ID number to identify to whom the answer belongs. Names or other personal information that would identify an applicant is not provided to the graders. All information matching names and numbers of the applicants shall be kept in the custody of the Bar until all examinations have been graded and each examination has been given either a pass or fail grade by applicant number only.

(3) There is no review or appeal of final examination results. APR 4(b).

(4) The names of successful applicants will be posted on the Bar's website.

(5) Unsuccessful exam applicants may reapply and retake the exam in the same manner as any other applicant.

B. Lawyer Bar Examination

(1) All lawyer bar exam applicants must pass the Uniform Bar Exam prepared and coordinated by the National Conference of Bar Examiners. The UBE consists of Multistate Bar Exam (MBE), Multistate Essay Exam (MEE) and Multistate Performance Test (MPT) questions. The UBE is administered over two days in accordance with the procedures established by the NCBE.

(2) The Board of Bar Examiners is responsible for the grading of the MEE and MPT questions on the UBE. In order to assure fairness and uniformity in grading, the Board of Bar Examiners shall follow NCBE-prescribed standards for grading to be used by all graders. The Board of Bar Examiners shall, as soon as practicable and within any guidelines prepared by the NCBE, certify the scores on the MEE and MPT portions for all applicants who have taken the UBE.

(3) Upon completion of the grading and certification, the Bar shall cause each lawyer bar exam applicant to be notified of the result of the examination. All results shall be reported to the NCBE in accordance with procedures established by the NCBE. All scaled scores and the applicant's national percentile rank for the MBE will also be reported to the applicant's law school.

(4) All lawyer bar exam applicants will be provided with the scaled written (MEE+MPT) score, scaled MBE score, total scaled UBE score and their national percentile rank for the MBE. Unsuccessful lawyer bar exam applicants will receive copies of their written essay and performance test questions and answers and written raw scores. No other raw scores, results information or examination materials will be provided to the applicants.

C. Washington Law Component

All applicants qualifying for admission as a lawyer under APR 3 must pass the Washington Law Component (WLC). The WLC is comprised of online materials and an online multiple choice test based on areas or subjects of law that are specific to Washington State. The Board of Bar Examiners is responsible for the content of the WLC and shall publish the Washington state specific materials for applicants.

The WLC is self-administered by applicants and is available to applicants after submitting the application. There is no fee to take the WLC. The WLC is an open-book test. Applicants may take the WLC as many times as necessary to achieve the minimum pass score. There is a mandatory waiting period of 24 hours after failing to pass the WLC the first time. Subsequent fails of the WLC require a 72 hour waiting period before retaking the test. The WLC minimum pass score is 80% correct. If an applicant fails the UBE or withdraws from the UBE after taking the WLC, that applicant must retake the WLC after applying for the next UBE administration.

X. UBE SCORE TRANSFER APPLICANT PROVISIONS

UBE score transfer applicants must have a qualifying UBE score and must meet one of the qualifications for lawyer bar examination applicants as set forth in APR 3(b).

UBE score transfer applicants may apply in Washington as a UBE score transfer applicant while applying in a different UBE jurisdiction to take the UBE, with the intent of transferring a qualifying score from that

jurisdiction to Washington. The applicant must notify the Bar of the jurisdiction where the applicant will take the UBE.

Applicants are not permitted to apply at the same time for admission in Washington as both an applicant to take the UBE in Washington and an applicant seeking to transfer a UBE score to Washington.

ADMISSIONS POLICIES OF THE WASHINGTON STATE BAR ASSOCIATION

Under the authority of, and consistent with, the Washington Supreme Court’s Admission and Practice Rules (APR), the Board of Governors of the Washington State Bar Association (Bar) has adopted the following Admissions Policies in administering those rules. These policies apply to individuals seeking reinstatement under APR 25 or admission to the Bar as a lawyer, limited license legal technician (LLLT), limited practice officer (LPO), house counsel or foreign law consultant. These policies supplement APR 3-5, 8(f), 14 and 20-25. Any discrepancy or conflict between these policies and the APR is unintentional and will be resolved in favor of strict compliance with the APR.

Adopted July 1, 2012. Amended July 28, 2017, amendments effective September 1, 2017.
Amended November 14, 2020, amendments effective December 1, 2020.
Amended January 13, 2022, amendments effective February 1, 2022.



I. GENERAL PROVISIONS AND DEFINITIONS

A. Applications

Applications for admission to practice law in Washington must be completed and submitted online or as prescribed by the Bar's admissions staff.

B. Definitions

"Approved Law School" means a law school approved by the Board of Governors. Only those law schools approved, or provisionally approved, by the American Bar Association at the time the J.D. was conferred are approved by the Board of Governors. A list of ABA approved law schools is available on the ABA website.

"Attorney Applicant" means a person applying for admission as a lawyer under APR 3 or a person petitioning for reinstatement under APR 25 who, at the time of filing the application, has ever been admitted to practice law as a lawyer (or the equivalent for that jurisdiction) in any jurisdiction other than Washington.

"Foreign Law Consultant Applicant" means a person applying for licensure as a foreign law consultant under APR 14.

"General Applicant" means a person applying for admission as a lawyer under APR 3 who, at the time of filing the application, has never been admitted to practice law as a lawyer (or the equivalent for that jurisdiction) in any jurisdiction other than Washington, or a person petitioning for reinstatement under APR 25 who has been admitted to practice law in Washington only.

"House Counsel Applicant" means a person applying for licensure as a house counsel under APR 8(f).

"LLLT Applicant" means a person applying for admission as a limited license legal technician.

"LPO Applicant" means a person applying for admission, or petitioning for reinstatement under APR 25, as a limited practice officer.

II. APPLICATION REQUIREMENTS

A. Application Submission Policy

All applicants must submit electronically, within the filing deadlines specified below, the following:

- a completed application in the form required by the Bar including any required supplemental documentation;
- two Certificates of Good Moral Character, dated within 6 months prior to the application date and completed by two lawyers admitted to practice law in any U.S. jurisdiction or the foreign jurisdiction in which the applicant is admitted to practice law. For LLLT Applicants and LPO Applicants the certificates may be completed by LLLTs or LPOs admitted to practice in Washington; and

- an Authorization and Release form. The form must be signed and notarized within 6 months prior to the application date.

In addition, Attorney Applicants must submit:

- a Certificate of Good Standing from each jurisdiction in which the applicant has ever been admitted (including federal courts and tribal courts). Certificates of Good Standing (or similar document) for Attorney Applicants admitted to practice law must be issued by the admitting authority (e.g., State Bar or highest state court) in each jurisdiction where the applicant has been admitted. If the applicant is no longer admitted in the jurisdiction, the applicant must submit a letter from the jurisdiction that includes the dates of admission and status history. The certificate or letter must be signed and dated within 6 months prior to the application date.

All documents must be in English or accompanied by a certified English translation.

B. Application Filing Deadlines

Only applications for an exam (excluding petitions for reinstatement under APR 25) have a filing deadline. Applications for admission by exam are accepted beginning February 1 for the summer exam and September 1 for the winter exam. Filing deadlines for applications to take an examination are as follows:

Examination	Applications Accepted	First Deadline	Late Filing Deadline	Failed the Immediately Preceding Winter WA Exam Deadline With No Late Fee
Summer Exam	February 1	March 5	April 5	May 5
Winter Exam	September 1	October 5	November 5	N/A

The deadline will be the next business day when a deadline falls on a Saturday, Sunday or holiday.

Late filing requires payment of a late filing fee as provided in the fee schedule. No applications will be accepted after the late filing deadline except for applicants who failed the immediately preceding winter Washington exam and are applying for the following summer Washington exam; those applicants are not required to pay the late filing fee and the deadline will be May 5.

Applications, including payment, Authorization and Release form, and Certificates of Good Moral Character, must be submitted online by 11:59 P.M. (PST/PDT) the day of the deadline. Applications, authorization and release forms, or certificates of good moral character filed after the first deadline will incur a late filing fee. Applications with incomplete or missing payment, authorization and release forms or certificates of good moral character will not be processed and will be disqualified if not received by the final deadline.

Applications that are not submitted within six months of starting the application online will be deleted.

The LLLT Board or Limited Practice Board may schedule exams at times other than the lawyer bar exams and set application deadlines for those exams. Any such exams and the corresponding application deadlines will be posted on the Bar’s website.

C. Other Deadlines

Request ADA accommodations	80 days prior to first day of exam.
File all requested and/or additional items.....	18 days prior to first day of exam.
Character and fitness resolution.....	18 days prior to first day of exam.
Exam360 (laptop) registration	18 days prior to first day of exam.
Change of exam method.....	18 days prior to first day of exam.
Special requests for exam room	18 days prior to first day of exam.
Withdraw from exam with partial refund	18 days prior to first day of exam.
UBE Score Transfer Applications.....	No deadline, may apply at any time.
Admission by Motion Applications.....	No deadline, may apply at any time.
House Counsel Applicants	No deadline, may apply at any time.
Foreign Law Consultant Applicants	No deadline, may apply at any time.
Withdraw a non-exam application with partial refund.....	One year from date of application.

III. FEES

A. Fee Schedule

(1) General Applicants	\$585
Late Filing Fee (exam applicants only)	\$300
(2) Attorney Applicants	\$620
Late Filing Fee (exam applicants only)	\$300
(3) LLLT Applicants	\$300
Practice Area Exam Only	\$250
Professional Responsibility Exam Only.....	\$80
Late Filing Fee	\$150
(4) LPO Applicants	\$200
Late Filing Fee	\$100
(5) House Counsel Applicants.....	\$620
(6) Foreign Law Consultant Applicants.....	\$620

All bank card transactions are subject to a separate non-refundable transaction fee of 2.5%. There is no transaction fee for payments by electronic funds transfer or check.

For exam applicants, payments by check must be received or postmarked by the application deadline. Payments received or postmarked after the first deadline will incur a late filing fee as outlined in section II (B). Applications will not be accepted if payment is received or postmarked after the final deadline.

B. NCBE Investigation Fee

Applications for General Applicants applying under APR 3(b)(4)(B), House Counsel Applicants, Foreign Law Consultant Applicants, and all Attorney Applicants, except for applicants eligible for military spouse

admission by motion under APR 3(c)(2), are referred to the National Conference of Bar Examiners (NCBE) for verification and investigation of the information in the application. Applicants are required to pay a nonrefundable investigation fee to the NCBE. See section V of these policies for all NCBE requirements.

C. Withdrawals and Refunds

For all applicants, the application fee includes a non-refundable administrative processing fee as set forth below. An exam applicant must withdraw an application at least 18 days prior to the date of the examination for a partial refund. Petitioners under APR 25 and all other applicants must withdraw their applications no later than one year after filing the application to receive a partial refund. The Bar will issue a refund of the application fee less the administrative fee. Any late filing fees paid and any investigation costs are nonrefundable. No refunds will be issued for withdrawals or disqualifications made less than 18 days prior to the date of the exam. Exam applicants forfeit all fees if they do not show up for the exam.

The partial refund policy applies to applications that are disqualified.

Administrative Fee (nonrefundable portion of application fee):

General, Attorney, House Counsel and Foreign Law Consultant Applicants.....	\$300
LLLT Applicants.....	\$150
LPO Applicants.....	\$100

If there are extraordinary circumstances that prevent an applicant from taking the examination (e.g., a serious medical emergency, death in the immediate family, significant health problems, house fire), a written request must be delivered to the Bar within 18 days after the exam in order to receive a partial refund as set forth above. The Bar may require the applicant to submit supporting documentation for the request.

For good cause shown, Bar staff has discretion to change the application type upon request of the applicant and transfer any application fee already paid to the new application type.

IV. CHARACTER & FITNESS REVIEW

All applicants are subject to a character and fitness review prior to being admitted to practice law in Washington State. The responsibility for full disclosure rests entirely upon the applicant. Permission to sit for the examination or admission to practice law may be withheld pending a hearing before the Character and Fitness Board and a final determination by the Washington Supreme Court regarding whether the applicants have met their burden of proving that they are of good moral character, fit to practice law and have met the Essential Eligibility Requirements. See APR 20-24.3. Factors considered by Admissions staff and Bar Counsel when determining whether an applicant should be referred to the Character and Fitness Board are set forth in APR 21(a).

Washington requires resolution of all character and fitness issues at least 18 days prior to sitting for the exam. Exam applicants with unresolved character and fitness issues after this deadline will not be permitted to sit for the exam and will have their application transferred to the next exam. Applicants may choose to withdraw from the exam and receive a partial refund if the request is made at least 18 days prior to the first day of the exam in lieu of transferring to the next exam. Therefore, applicants

who disclose any information that may raise an issue of character or fitness are advised to file their applications early in the registration period. Early filing or providing information prior to the 18 day deadline does not guarantee all issues will be resolved 18 days prior to the exam.

All petitions for reinstatement under APR 25 are referred to the Character and Fitness Board for hearing, per APR 25.3(b). Petitioners will be assigned to the next available licensing exam only after receiving Washington Supreme Court approval of their petition.

V. NCBE REPORT REQUIREMENT

Applications for General Applicants applying under APR 3(b)(4)(B), House Counsel Applicants, Foreign Law Consultant Applicants, and all Attorney Applicants, except for applicants eligible for military spouse admission by motion under APR 3(c)(2), are referred to the National Conference of Bar Examiners (NCBE) for verification and investigation of the information in the application. Applicants who have an application that is referred to the NCBE will be contacted by the NCBE and required to pay an investigation fee and submit authorization and release forms directly to the NCBE. The Bar cannot finish processing applications until the report is received from the NCBE.

Applicants applying for an exam will not be allowed to sit for the exam if the Bar does not receive a report back from the NCBE at least 18 days prior to the first day of the exam; in that case, the application will be transferred to the next exam.

Applicants may choose to withdraw from the exam and receive a partial refund if the request is made at least 18 days prior to the first day of the exam in lieu of transferring to the next exam.

NCBE reports are valid for one calendar year from the date the Bar receives the completed report from the NCBE, after which a supplemental or new NCBE report will be required. See the NCBE website for additional information: <http://www.ncbex.org/character-and-fitness/jurisdiction/wa>.

VI. REASONABLE ACCOMMODATIONS UNDER THE ADA/WLAD

Any applicant requesting reasonable accommodation for a claimed disability must ask for such accommodation through the online admissions site at least 80 days prior to the examination date. Applicants requesting reasonable accommodations must provide appropriate documentation of the disability and specify the extent to which they are requesting that the standard testing procedures need to be modified. The applicant is responsible for demonstrating their need for any requested accommodations. The Bar reserves the right to make final judgment concerning testing accommodations and may have any submitted documentation reviewed by a specialist. See the online admissions site for additional information regarding accommodation requests and required documentation.

Any reasonable accommodation may not compromise the integrity or security of the examination or affect the standards set for the examination. After the Bar provides notice to an applicant of the exam accommodations granted that applicant, the applicant must acknowledge that they read and understand the accommodations granted no less than 18 days prior to the first day of the examination.

VII. SPECIAL REQUESTS FOR THE EXAM ROOM

For good cause shown, applicants may be permitted to bring otherwise prohibited items into the exam room. Examples of items are: pillows/lumbar supports, ergonomic chairs, book stand, wrist rest, medication, external keyboard or mouse, and religious headgear. In addition, applicants may request a specific seating location in the exam room due to a medical condition.

The Bar will provide a room for nursing mothers upon request. Nursing mothers may use the nursing room before and after the exam, during breaks and during the exam. An applicant must be accompanied by a proctor if the nursing room is used during the exam session.

All special requests for an exam must be made on the online admissions site no less than 18 days prior to the first day of the exam. All requests must be supported (if applicable) by a doctor's note.

VIII. LAPTOP USE AND EXAM360 SOFTWARE

Applicants for an exam requesting to use a laptop computer for the written portions of the exam must register, pay for, and download software from ILG Exam360. Exam360 must be purchased and downloaded for each administration of the exam, even if used in the past. Fees paid to ILG Exam360 are nonrefundable and nontransferable. Laptop users must sign a waiver of liability on exam day. Applicants who do not purchase and download the software by 18 days prior to the exam will be required to handwrite the exam.

If an exam applicant's laptop fails prior to the exam, the applicant must contact ILG Exam360 to download Exam360 again.

IX. EXAMINATION PROVISIONS

A. Grading and Results for All Examinations

(1) All applicants for all exams are to abide by the Exam Security Policy as established by the Bar.

(2) Grading of examinations shall be anonymous. Graders shall be provided exam answers with only the applicant ID number to identify to whom the answer belongs. Names or other personal information that would identify an applicant is not provided to the graders. All information matching names and numbers of the applicants shall be kept in the custody of the Bar until all examinations have been graded and each examination has been given either a pass or fail grade by applicant number only.

(3) There is no review or appeal of final examination results. APR 4(b).

(4) The names of successful applicants will be posted on the Bar's website.

(5) Unsuccessful exam applicants may reapply and retake the exam in the same manner as any other applicant.

B. Lawyer Bar Examination

(1) All lawyer bar exam applicants must pass the Uniform Bar Exam prepared and coordinated by the National Conference of Bar Examiners. The UBE consists of Multistate Bar Exam (MBE), Multistate Essay

Exam (MEE) and Multistate Performance Test (MPT) questions. The UBE is administered over two days in accordance with the procedures established by the NCBE.

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X. UBE SCORE TRANSFER APPLICANT PROVISIONS

UBE score transfer applicants must have a qualifying UBE score and must meet one of the qualifications for lawyer bar examination applicants as set forth in APR 3(b).

UBE score transfer applicants may apply in Washington as a UBE score transfer applicant while applying in a different UBE jurisdiction to take the UBE, with the intent of transferring a qualifying score from that jurisdiction to Washington. The applicant must notify the Bar of the jurisdiction where the applicant will take the UBE.

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DRAFT

2021 ACCESS TO JUSTICE BOARD ANNUAL REPORT



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Letter from the Chair

Dear Friends,

On behalf of the Access to Justice Board, I am elated to present the Board's 2021 Annual Report. Last year, we reported that the triple pandemic of COVID-19, racism and poverty cast a glaring light on the long-standing differences between those who have and those who have not. Despite the vaccination, a reckoning with racism, and increased funding for anti-poverty work, we remain in the triple pandemic.

Our response to all of these challenges went beyond sloganeering. The Board was inspired by the Washington Supreme Court's June 4, 2020, powerful anti-racism statement as a clarion Call to Action to the Alliance for Equal Justice to rededicate our commitment to race equity and to work shoulder-to-shoulder with Black, Indigenous and other Communities of Color (BIPOC) most harmed by racism. We challenged ourselves and the broader access to justice community to look to the communities who are furthest from power and directly impacted by the justice system for their guidance and direction.

We established a statewide Community Advisory Panel (CAP) made up of community-based leaders who have lived experiences of injustice and are engaged in equity and anti-racism work. CAP has helped keep the Board's work grounded in the reality of those impacted by systemic oppression. They will continue to help us hold ourselves accountable to dismantling the siloing of our law and justice system (civil, juvenile, criminal, and child welfare systems), which has historically harmed BIPOC communities.

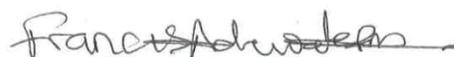
"Crisis and Reckoning: A Call to Dismantle Unjust Systems" was the theme for our 21st Access to Justice Conference, which took place virtually on August 11-13, 2021. Through the partnership of CAP and a dedicated planning committee, we met our goals of offering the most accessible and inclusive conference to date and creating a space that was community-informed and led. We prioritized hearing the voices of those with lived experience of injustice and made sure to compensate them fairly.

The Board and the Alliance members made tremendous inroads at our annual lobby day in Olympia. We had more funding for the poor and better policy out of this legislative year than at any other time, including lifting restrictions on state-funded aid to serve undocumented communities.

Our Volunteer Lawyer Programs are providing an invaluable service implementing much of the eviction right to counsel program created by the legislature and responding to the growing needs that the pandemic has created. Currently, our Delivery System Committee is working on a project to map the civil legal needs and services across the state, which will provide valuable metrics on resource needs.

The COVID-19 pandemic has also influenced how we think about accessibility and equity. As access to justice needs have grown this year, we created the COVID-19 Legal Needs Checklist to help people self-identify legal needs and direct them to legal resources. We shared this easy-to-navigate form, available in 31 languages, with providers and community partners across the state to share with the client communities they work with. The ATJ Technology Committee continues to look at the ways technology can both improve access and create barriers, particularly through the lens of the ATJ Technology Principles and a recently updated working ATJ Technology Justice Plan.

As the ATJ Board works to partner with the Alliance for Equal Justice to advance equity and justice in our community, we know that we also have internal work to ensure that we are walking our talk on equity and inclusion. We continue to look inward and find ways to grow in our equity commitments as a Board and as individuals. •



Francis Adewale, Chair
Access to Justice Board



Centering the Voices of Those Most Impacted by Oppression: Access to Justice Board Community Advisory Panel

THE WHY: Since its inception, the Access to Justice Board has embraced its role as a public leader and convener for the equity and justice community. In recent years, the ATJ Board has stayed responsive to client communities experiencing poverty, racism, and other forms of oppression. By centering racial equity in the 2018-present State Plan, and by issuing a **powerful racial justice statement** on the heels of uprisings spurred by the murder of George Floyd and countless others, the ATJ Board acknowledged the imperative to “address barriers that continue to prevent communities of color from accessing meaningful relief within the civil justice system” and “examine ways that our legal systems often overlap and reverberate in ways that amplify harm for communities of color.” In its statement, the ATJ Board committed to convening the Alliance for Equal Justice to develop a racial justice action plan. Keeping itself accountable to taking the lead from Black, Indigenous and People of Color, the Board held off on convening the Alliance and sought out the leadership and voices of the community who have been most impacted by systemic racism first.

“This is probably the most client/community-inclusive legal conference I have attended in the past +10 years as a lawyer. CONGRATS! Keep up this model.”

2021 ATJ Conference Attendee

OVERVIEW: With the support and leadership of JustLead Washington, the Community Advisory Panel (CAP) was formed to provide expertise, perspective, and guidance on how to most equitably pursue right relationships with our most impacted communities. In the fall of 2020, a core group of community leaders met and identified several strategies for how to proceed toward authentically engaging and eventually integrating community members in the core as aspects of the Access to Justice Board’s work. Since that initial meeting this core group of community advisors has met regularly to discuss the local impact of the criminal legal system on communities and to draft a series of unbreakable commitments that systems partners must begin to make in order to authentically pursue the right relationship with our state’s most impacted communities.

“It was great to have panels with people who had been directly impacted; very powerful. This should be a model for future conferences.”

2021 ATJ Conference Attendee

IMPACT FOR ATJ BOARD: From their first meeting, the Community Advisors were explicit that the people who are closest to the impact should be engaged from the onset of processes and decisions, not just as additional perspectives to consider once strategies or ideas have been developed. This feedback has served as a pivotal message that the ATJ Board has internalized throughout this past year.

The CAP was integral to the Access to Justice Conference planning and participation as they helped ensure the intentional integration of community voices, participation, and leadership in the conference. For the first time ever admission was free and community presenters were compensated. And overall, the conference planning committee’s intentionality around centering community voice was received as powerful. •

“Hearing from leaders in the legal system who work for justice for all in combination with leaders of groups with lived experience of injustice was very effective. I was especially impressed with the wisdom and guidance provided by some of the lived experience presenters.”

2021 ATJ Conference Attendee



Community Advisory Panel members discuss how we can move forward on anti-racism during the Access to Justice Conference.

(Left to right) Carol Mitchell, Karyn Kameroff, Marissa Perez, Angel Tomeo Sam, Michaela Brown

Walking our Race Equity Talk: The Access to Justice Board’s Internal Equity Work

Committed to delivering on the race equity goal in the [State Plan for the Coordinated Delivery of Civil Legal Aid to Low-Income People](#) and advancing the [Washington Race Equity & Justice Initiative \(“REJI”\)](#) commitments, the Access to Justice Board has been working to hold itself accountable to communities most impacted by structural, institutional, and interpersonal racism. Part of this work includes ensuring that the Board walks its race equity talk through its own internal culture and operations.

The Board set out in its [2020-2022 Priorities](#) a goal to “promote systemic and internal race equity practices, working toward a vision that race or color does not determine the availability and quality of services, fairness of outcomes, or opportunities for communities and individuals” and outlined several implementation strategies to achieve the goal. The strategies include providing tools for board members to do their own individual, personal race equity work and reflection, reviewing existing and new policies through a race-equity lens, and reviewing best practices for establishing and engaging community partners in genuine, open dialogue on race equity and encouraging their feedback on the Board’s work and its potential impact.

The Board approved its own internal race equity work plan for 2022. The plan outlines ambitious goals in three main areas: 1) board diversity and inclusion; 2) board culture, policies and communications; and 3) accountability to communities experiencing oppression.

To advance membership diversity, the Board convened a workgroup to update the job description of a Board member to include a demonstrated commitment to race equity and expanded its recruitment efforts to people from communities who have lived experience of structural and system oppression. The Board aims to expand its recruitment efforts by continuing to strengthen its relationships with marginalized communities.

The Board has been working to create an inclusive space at its board meetings by keeping its [community agreements](#) at the forefront and sending out evaluations after every board meeting to gauge whether board members feel they have a voice. The Board has also embedded race equity in its decision-making framework, asking how each decision the Board makes advances race equity and impacts communities of color. Further, the Board has been engaged in self and other-awareness over facilitated board retreats and plans to continue to work over this next year on personal and collective race equity work

Finally, the Board has been working to hold itself accountable to people closest to experiencing injustice through its work to form a Community Advisory Panel and inviting smaller legal aid organizations who are BIPOC-led and working to advance race equity. Recognizing that the internal race equity work is a marathon and not a sprint, the Board remains committed to the State Plan, the REJI Commitments and its own Call to Action. •

ATJ Board Internal Race Equity Work Plan Goals for 2022

1
board diversity
and inclusion

2
board culture,
policies and
communications

3
accountability
to communities
experiencing
oppression

2021 Access to Justice Conference

Crisis and Reckoning: A Call to Dismantle Unjust Systems

The 2021 Access to Justice Conference took place during a historic period for our nation and the access to justice community. The theme of this year's conference, "Crisis and Reckoning: A Call to Dismantle Unjust Systems" reflects this critical moment. The COVID-19 crisis and the national reckoning with systemic racism have both laid bare and deepened systemic inequities. Against the backdrop of these crises and the Washington State Supreme Court's call to root out systemic racism in the justice system, the conference planning committee recognized that the conference must center the perspectives of impacted communities, particularly people of color accessing Washington's legal system.

Centering community was a hallmark of the conference, from its program to its participants. With the support of generous sponsors, including the Legal Foundation of Washington and Office of Civil Legal Aid, the conference planning committee was able to financially compensate people presenting from their lived experience and offer free registration for community members and low-cost registration for attorneys seeking CLE credits. This, coupled with targeted outreach to community-based advocates, resulted in the highest-ever number of registrants and the greatest degree of community participation in any ATJ conference. Nearly half of the sessions were offered by non-legal community advocates, including sessions from the Black Prisoner's Caucus, Civil Survival, NAACP Youth Council, and the ATJ Community Advisory Panel. ▶

"It was a comprehensive overview of the impacts of discrimination embedded in our policies, laws and institution, with presentations by those with lived experience—very powerful."

2021 ATJ Conference Attendee

Gabriel Galanda, a member of the Round Valley Indian Tribes of California, opens the conference with a land acknowledgment, including a discussion on how we can promote and respect indigenous rights.



"Laser like focus on developing accountability to and partnerships with those communities most harmed by structural racism, who know best what must change, and who can leverage our law & justice system knowledge and access to effectuate that change."

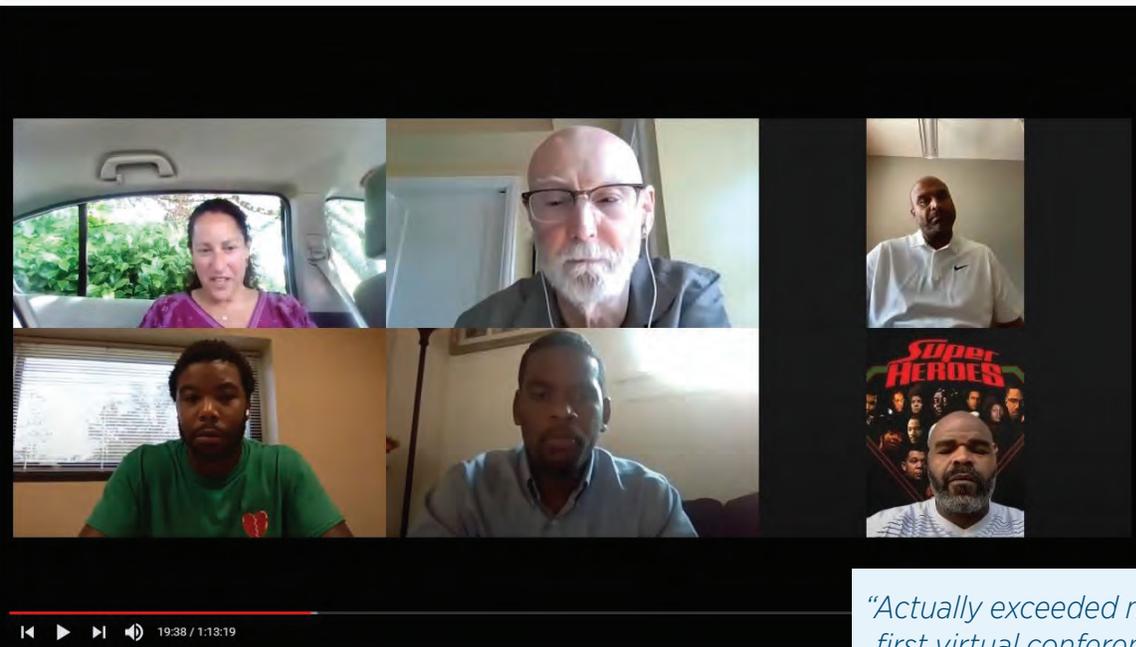
2021 ATJ Conference Attendee



The conference itself, despite being held virtually, offered a powerful opportunity to build community and accountability to impacted people and movements. The conference reinforced several messages critical to our work in these times: that our work as legal advocates must be in solidarity with and accountable to those communities most harmed by systemic oppression, that we must dismantle silos of legal practice, and call each other in to the hard work of dismantling oppression in our systems and organizations.

The success of this conference was made possible by the community who was willing to share their lived experience, the dedication and hard work of the conference planning committee including its co-chairs, Jaime Cuevas, Jr. and Vanessa Hernandez, and the partnership and support from the Washington State Bar Association and Foundation staff.

Many of the recorded conference sessions are available free to the public on the ATJ Board's YouTube page at https://www.youtube.com/channel/UC_kfyopU7JBYLQanPSDPZaQ/playlists.



The Monroe Black Prisoners Caucus leads the conference in a plenary conversation about the school to prison pipeline and their experience with reentry and reintegration into the community.

“Actually exceeded my expectation for the first virtual conference and real engagement of community voices.”

2021 ATJ Conference Attendee

2021 ATJ CONFERENCE BY THE NUMBERS:

1st Ever	Virtual Access to Justice Conference
A record breaking 781	Conference Registrations
36	Webinars
3	Days
4,686	Unique Logins
Over half of the 126 presenters	Shared From Their Lived Experience
93% of evaluation respondents	Would Recommend This Conference to Their Colleagues and Communities

Addressing the Growing Legal Needs from COVID-19

In 2020, the ATJ Board established a COVID-19 Response Work Group. The purpose of the work group was to communicate with Alliance providers and other task forces addressing COVID-19 issues to identify community needs and systemic issues, and to generate creative solutions to these problems. The work group learned that pandemic-related issues are numerous and intertwined. Housing stability, job loss and unemployment, access to healthcare and education, and increased domestic violence and sexual assault were all issues exacerbated by COVID-19. It also became clear that the pandemic is impossible to separate from the racial reckoning the nation is facing regarding systemic racial inequality, illustrated by the disproportionate impact of COVID-19 on Black, Indigenous, and People of Color (BIPOC) communities.

Recognizing that civil legal needs are swiftly growing, the COVID-19 Response Work Group created a COVID-19 Legal Needs Checklist. The checklist can be shared electronically or printed and distributed in hard copies and can be used by people living anywhere in the state. Our goal was to create an easy-to-navigate form that would help people identify problems where they could benefit from the assistance of a lawyer, and could be utilized by members of our community who don't have ready access to technology. The form includes a list of resources where people can seek legal assistance that best fits their issue and location. We are distributing this form out to social service providers and community organizations that are providing direct services to people in need.

The COVID-19 legal needs checklist, available in 31 languages, can be found online at: <http://allianceforequaljustice.org/for-the-alliance/covid19resources/>

It is apparent that the health and economic impacts of the pandemic will be long lasting so we believe this will continue to be a valuable resource for people even as we continue to try and keep the virus under control. The services provided by Alliance organizations will be more important than ever as our communities navigate toward recovery and adjust to the "new normal" of post-pandemic times. •



Ensuring Undocumented People Receive Access to Justice

In the spring of 2020, the Access to Justice Board's Delivery System Committee launched a subcommittee to examine the civil legal needs of undocumented immigrants, including the growing impact of the COVID-19 pandemic on access to justice. The subcommittee met regularly and conducted broad stakeholder outreach with service providers and immigrant rights advocates such as the Washington Immigrant Solidarity Network. In August 2020, the ATJ Board adopted the Delivery System Committee's [findings and recommendations on equitable legal aid access for undocumented communities](#). The first portion of findings focuses on the importance of increasing resources dedicated to serving undocumented communities. One primary recommendation calls out the critical goal of removing immigration status-based restrictions on state legal aid funding. The subcommittee provided key leadership in highlighting this recommendation, which triggered a groundswell of effort in the 2021 legislative session to change the Office of Civil Legal Aid (OCLA) statute (RCW 2.53.030(5) (g)). The passing of HB 1072, which removed the provision in OCLA's statute that denied access to state-funded legal aid services on the basis of immigration status, was a historical moment that all involved should be deeply proud of.

While the restriction was lifted, no money was appropriated to directly serve undocumented people. Undocumented people are included in time-limited COVID emergency funding, but no new money was provided for this population. It is imperative to create mechanisms to ensure that services reach undocumented people by tracking data. We must ensure that funds are allocated to serve this community who continues to be overlooked. It is not good enough to remove the restrictions without ensuring that the change is implemented through evidence-based measurements.

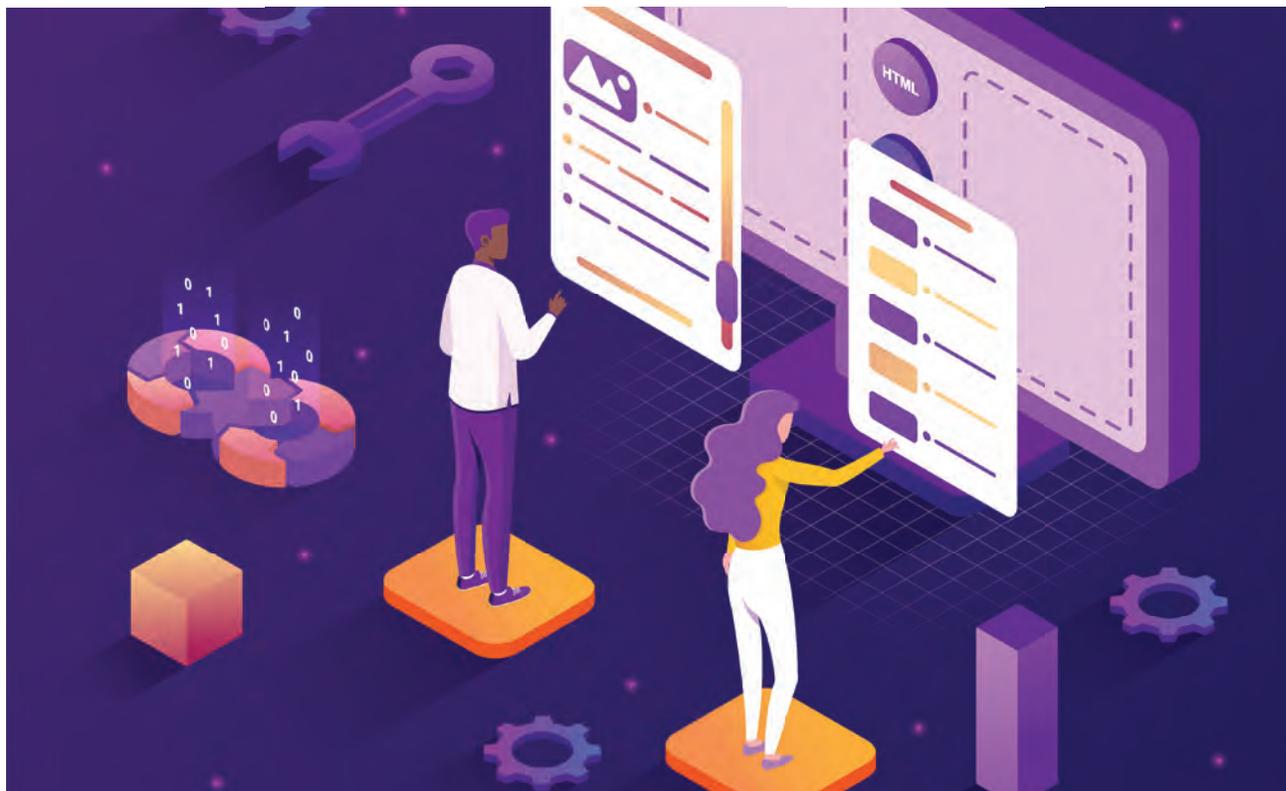
The subcommittee is reconvening to address these concerns and other next steps on how to ensure that undocumented people can access civil legal aid. Funding is very much central to true access to justice.

The findings and recommendations provided by the subcommittee are still alive and there is much more work to do. The ATJ Board remains committed to addressing the civil legal needs of undocumented communities. •



Brenda Rodriguez Lopez, Executive Director of the Washington Immigrant Solidarity Network (WAISN), explains the critical importance of serving undocumented communities during the ATJ Awards Ceremony. WAISN received the 2021 Access to Justice Community Leadership Award.

Using Technology to Dismantle Barriers



Over the last 16 years, the legal community in Washington State has created the [Access to Justice Technology Principles](#) (original one in 2004 and revised version in 2020) and a corresponding Access to Justice Technology Plan. The last fundamental revision to the Access to Justice Technology Plan occurred in 2006. Technology has changed dramatically since then and the possibilities offered by technology in terms of access to justice have fundamentally shifted in the intervening years. Following the approval of the revised Access to Justice Technology Principles in 2020, the ATJ Board's Technology Committee drafted a revised [Access to Justice Technology Plan](#) to identify current priority access to justice technology issues. The goal is for the Plan to be used by any group identifying priorities for improving technology use, and the ATJ Technology Committee will develop specific projects based on the plan.

The revised ATJ Technology Plan lays out a vision for incorporating technology into the justice system so it is more accessible. The vision reaffirms the “access” component of Access to Justice: the ability to partake in the justice system should not be denied by technological barriers. Rather, technological advancements by the courts and its justice partners should be used to improve the access of self-represented litigants.

The Technology Plan outlines the various kinds of barriers to accessing the justice system. While some of the barriers pre-date the technological issues, such as the difficulty conducting legal research for those who are unfamiliar with the books or the databases, each technological advance by the justice system possibly augments the “digital divide,” where those who have technology can benefit, and those without are left further and further behind.

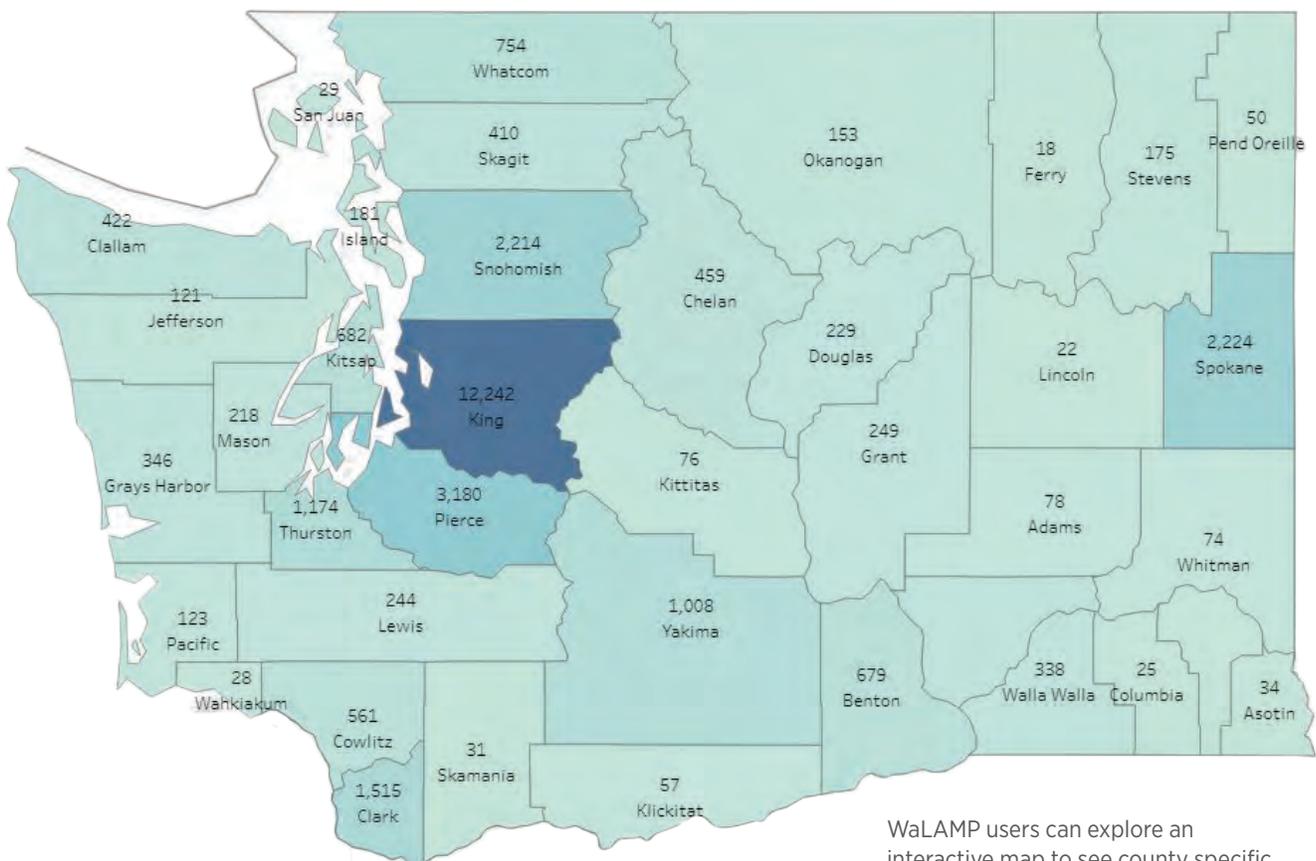
Further, the Technology Plan points out ways to overcome barriers. Educating client communities when an issue has a legal remedy, demonstrating how to find and pay for legal assistance, using simple technological fixes (text and email notifications, social media presence), and optimization for cell phones could go a long way to bridging the divide. The Plan also includes references to disaster planning in the pandemic, and consideration of the future of online algorithms that will be used to resolve problems without human involvement. Lastly, the Plan reminds us that access to justice is a fundamental right, and that technology should enable, not hinder, the exercise of that right. •

Washington Legal Aid Mapping Project

Over this last year, the Access to Justice Board’s Delivery System Committee has been working to survey the legal aid needs and legal aid services across Washington State. They created a work group called the Washington Legal Aid Mapping Project (WaLAMP), which is led by Michael Terasaki, of the Pro Bono Council and Will Livesley O’Neill of the Equal Justice Coalition.

WaLAMP collected details on the “inventory” of legal aid services currently offered in each county and collected demographics of clients served in each county. By placing the data on a map of the state and overlaying census and other income data, we are gaining new and valuable insights into the legal needs of Washingtonians who experience poverty. Preliminary work has already provided fascinating new information, and a full report is expected by the end of 2021.

While the initial phase of WaLAMP covers only the data from 2020, WaLAMP is being set up as an evergreen project where new annual data can be updated each year for more current insights into legal aid services and needs. •



WaLAMP users can explore an interactive map to see county specific demographic and service details.

A Transformational Year for the Pro Bono Council

Pro Bono Council Growth and Recognition

The mission of the Statewide Pro Bono Council is to further access to justice by supporting and advocating on behalf of the Volunteer Lawyer Programs (VLPs) in Washington State. As we enter the second year of the COVID-19 Pandemic, VLPs are continuing to capitalize on the efficient and scalable volunteer model while simultaneously bringing in dozens of new staff attorneys to the legal aid system under the new eviction “Right to Counsel” and other programs.



state have added more than 45 attorneys and support staff in total to prepare for court assigned eviction cases involving nonpayment of rent. While eviction defense has continued to be a focus, it wasn't the only area that experienced staffing increases. Many VLPs were also awarded local, county, and other nonprofit funding to extend outreach and increase staffed services in domestic violence, family law, and non-eviction housing issues.

“The pandemic created and exacerbated the growing demand for civil legal services, particularly among some of the most marginalized members of our communities. All attorneys should use their power and privilege to achieve things that will improve people’s lives.”

Andy Dugan, Executive Director of Skagit Legal Aid

Program Growth

Volunteer lawyer programs across the state grew significantly in staff over the last year to include additional staff attorneys as well as additional outreach staff to help penetrate hard to reach communities and to bridge the communications gap that emerged in the wake of COVID restrictions. As the natural home for much of the eviction right to counsel program, created this year by Senate Bill 5160, VLPs across the

Recognition for Good Work Done!

Pro Bono Council members were awarded not one, but two Washington State Bar Association Apex Awards in 2020! Thurston County Volunteer Legal Services, covering Thurston, Mason, Lewis, Grays Harbor, and Pacific Counties, received the Pro Bono and Public Service Award, and Clark County Volunteer Legal Services received the Legal Innovation Award for their “Latinx Legal Day,” which is a collaboration with Southwest Washington League of United Latin American Citizens, YWCA Clark County, and Latino Community Resource Group, and has served more than 650 clients since 2016. Additionally, Eloise Barshes, the Chelan-Douglas County Volunteer Attorney Services Executive Director, received the county bar association President’s Award “in recognition of excellence in facilitating civil legal aid in Chelan and Douglas counties and in promoting access to justice in our community.” •



Michael Terasaki, Washington Pro Bono Council Manager

Reflections from Michael Terasaki, Pro Bono Council Manager

My tenure staffing the Pro Bono Council began in early 2020, just after the dawn of the COVID-19 pandemic. As a result, I've had the privilege of getting to know the 16 program directors of the Pro Bono Council and the many cooperating participants of the Access to Justice Community via Zoom (as opposed to in person). When COVID restrictions finally relax, I look forward to finally meeting many of my coworkers in person. For now, it will continue to be my privilege to be able to support all the independent nonprofits of volunteer lawyer programs, and I remain in constant awe and admiration of the frontline volunteer attorneys, VLP staff, program directors and coordinators, and others who dedicate every working hour to inch us ever closer to equity and justice for all.

Sincerely,

Michael Terasaki

Pro Bono Council Highlights



Yakima Volunteer Attorney Services grew to include staff attorney and outreach staff.

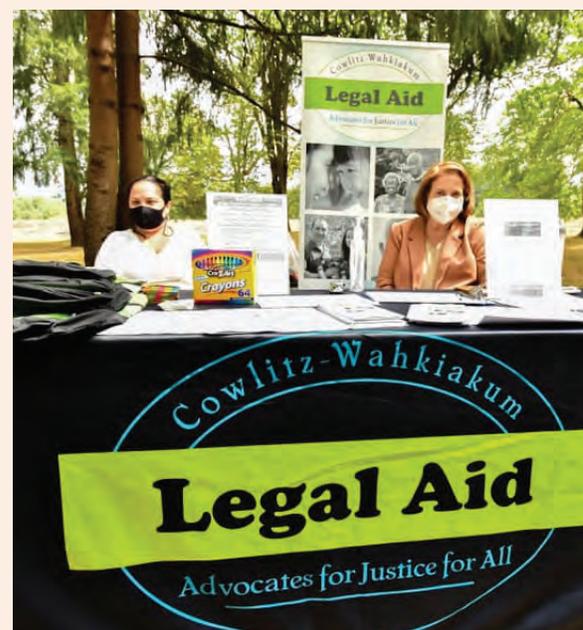
PRO BONO SERVICE NUMBERS

19,128 Hours	Attorney Services Provided to Low-Income Clients
15,799 Clients	Provided With No Cost Legal Services
2,113 Clients	Received Direct Representation

Chelan-Douglas Count Volunteer Attorney Services Executive Director Eloise Barshes receiving the bar association President’s Award “in recognition of your excellence in facilitating civil legal aid in Chelan and Douglas counties and in promoting access to justice in our community”.



Skagit Legal Aid director Andy Dugan tables at the county fair



The Equal Justice Coalition Leads on Public Investments

STATE FUNDING



During an unprecedented legislative session, where state lawmakers conducted all business virtually and developed a biennial budget to address the COVID-19 crisis, the Equal Justice Coalition effectively advocated to increase funding for front-line civil legal aid programs.

The Washington Legislature fully funded the Office of Civil Legal Aid (OCLA) proposal, as reflected in Governor Inslee's budget, to invest \$11M over the next two years to maintain and expand on the emergency COVID-related legal services OCLA funded at the beginning of the pandemic. This investment means that legal aid programs in the Alliance for Equal Justice will continue to provide client services around housing security, unemployment benefits, protection from domestic violence, and other legal needs exacerbated by COVID-19.

The EJC rallied the legal aid network, including Alliance program providers, Access to Justice Board members, volunteers, and community partners, to raise their voices in support of this critical funding. In February, EJC advocates held virtual meetings with dozens of legislators from across the state, including most members of the House Appropriations and Senate Ways & Means Committees who oversee the budget, during the first all-remote Equal Justice Lobby Days. By explaining the budget proposal and providing on-the-ground updates on how legal aid programs have served clients impacted by COVID-19, advocates helped ensure that full funding was granted.

LOCAL FUNDING



The EJC has worked throughout the pandemic with the network of Alliance partners in King County to secure the allocation of local emergency funding. Last year, the King County Council dedicated \$1M from its CARES Act resources to legal aid programs.

Building on that effort, local programs continued to meet virtually with County Council members and County staff to push for additional increases to meet the spike in client needs. The Council's biennial budget maintained key funding for civil legal aid, and after extensive EJC advocacy, the County Council allocated an additional \$2M for programs in their supplemental emergency budget in July.

FEDERAL FUNDING



For the second year in a row, the EJC organized virtual advocacy in support of increased federal funding for the Legal Services Corporation (LSC) instead of the usual trip to Washington, D.C. to lobby our state's Congressional delegation. Prominent legal advocates, including Washington Supreme Court Chief

Justice Steven C. González and Washington State Bar Association president Kyle Sciuchetti, met with members of Congress including Rep. Jaime Herrera Beutler, Rep. Rick Larsen, and Rep. Adam Smith in support of LSC's annual budget request and increased emergency investment in legal aid programs.

Washington's Congressional members are strongly supportive of civil legal aid and have helped champion LSC's recent budget increases and the inclusion of the agency in the CARES Act in 2020, more than \$1 million of which went to Northwest Justice Project (NJP), Washington's sole recipient of federal legal services funds.

While this year's federal emergency relief packages have not included dedicated funds for LSC, both President Biden's budget and the House of Representatives' appropriation proposal set aside \$600 million for legal aid in 2022, which would represent a 29% increase in federal investment and a significant boost to LSC's approximately \$7M annual grant to NJP. The bipartisan support for legal aid in Congress, including among Washington's delegation, should help preserve this increase in the final budget.

These public investments reflect our state leadership's commitment to access to justice, and recognize that civil legal aid will continue to play a key role in making sure our state's response to and recovery from the pandemic are fair and equitable. •



Leadership

2020-2021 ATJ Board Members

Francis Adewale, *Chair*

Esperanza Borboa

Judge Laura T. Bradley

Hon. Frederick P. Corbit

Hon. David S. Keenan

Lindy Laurence

Michelle Lucas

Salvador A. Mungia

Mirya Muñoz-Roach

Terry J. Price

Staff

Diana Singleton

Chief Equity and Justice Officer

Bonnie M. Sterken

Equity and Justice Specialist

Acknowledgements

The Access to Justice Board would not be able to accomplish its work without the dedication and support of its many committee volunteers.

The Board is grateful to the support and guidance of its standing committees over the past year

Committees and Chairs

Access to Justice Conference Planning Committee:

Jaime Cuevas, Jr. and Vanessa Hernandez

Delivery System Committee:

Francis Adewale and Merf Ehman

Equal Justice Coalition:

Kirsten Barron

Pro Bono Council:

Eloise Barshes and Elizabeth Fitzgearld

Rules Committee:

Hon. David Keenan and Chris Durban

Technology Committee:

Terry Price and Jordan Couch



ACCESS TO JUSTICE BOARD

1325 Fourth Avenue, Suite 600

Seattle, WA 98101-2539

Phone: 206-727-8205

<http://AllianceForEqualJustice.org>

Established by the Supreme Court of Washington

Administered by the Washington State Bar Association

Washington Supreme Court
Practice of Law Board
Annual Report for the Supreme Court

Fiscal Year 2021

Oct. 1, 2020, to Sept. 30, 2021

Michael Cherry

Chair, Washington Supreme Court Practice of Law Board

1.0 Executive Summary

Nov. 19, 2021

To the Justices of the Supreme Court,

Fiscal Year 2021—Oct. 1, 2020, to Sept. 30, 2021—was a year of planning for the Practice of Law Board. The Board worked on ensuring there is a plan for each of the Board's areas of responsibility under General Rule 25: Practice of Law Board (GR 25).

These plans are now in place:

Education: A Legal Checkup Plan will allow the Board to work with the Minority and County Bar Associations to develop a hard copy and online legal checkup to educate people on how to determine if they have a legal issue, and how to get competent legal services.

Innovation: A Legal Regulatory Lab (Sandbox) Blueprint will allow the Board to recommend to the Supreme Court for its approval a test bed for determining the correct regulation for online legal services and alternative business services.

Coordination: An unauthorized practice of law (UPL) database allows the measurement of complaints, and the Board is improving communication with the appropriate authorities to improve the Board's referral of complaints.

Although GR 25 does not specifically make diversity, equity, and inclusion a responsibility of the Board, the Board has created a plan to improve the diversity of the Board across several areas and is working toward being a diverse and inclusive Board which represents the people of Washington state.

But the Board can only plan for so long. Then it is time for the real work to begin. Therefore, Fiscal Year 2022 will hopefully see the Board act on the plans. As the Board moves forward, it will assess and measure results against the plans, and modify the plans as necessary to ensure it is educating the public on legal services, innovating new services, and appropriately addressing UPL.

The Board wants to thank the staff of the Washington State Bar Association, in particular Executive Director Nevitt, General Counsel Shankland, Assistant General Counsel Jennings, and Paralegal Jones. Without their assistance, the Board could not operate.

The Board wants to thank the Court staff, particularly Ms. Lipford and Ms. Vandervort for helping us communicate with the Court and schedule meetings, and to the Justices of the Supreme Court for being gracious and meeting with us several times throughout the year to offer guidance and direction.

Respectfully submitted,

/s/Michael Cherry, Chair, Practice of Law Board

2.0 Introduction

Washington Courts' Practice of Law Board ("**Board**"), with the assistance of the Washington State Bar Association ("**WSBA**"), is submitting this report to the Washington Supreme Court as the Board's report for fiscal year 2021, which ran from Oct. 1, 2020, through Sept. 31, 2021, as defined by General Rule 25: Practice of Law Board (GR 25).¹

Per GR 25, the Board is responsible for: educating the public about how to receive competent legal assistance (educate); considering and recommending to the Supreme Court new avenues for persons not currently authorized to practice law to provide legal- and law-related services (innovate); and receiving complaints alleging the unauthorized practice of law (UPL) in Washington by any person or entity (coordinate).

Although GR 25 does not define whether the report should cover the calendar or fiscal year, this report follows the WSBA fiscal year, as that aligns with the budget and recruitment process, which is part of the WSBA administration of the Board.

The Board submitted a similar, but different annual report to the WSBA. This is the last year the Board will be doing two such reports. Going forward, the Board will prepare a single annual report, following GR 25, which will be provided to the Supreme Court and WSBA.

During this fiscal year, the Board focused on formulating plans that both set goals and the methods and means to accomplish such goals and began to accurately measure the work of the Board. Although plans will need revision as work progresses toward goals, they provide continuity which the Board has sometimes lacked as it is staffed primarily by volunteers from the public and the legal community.

2.1 GR 25 Annual Report Requirements

Per GR 25(f) the Board is to file a written report and meet with the Court each year. The report must contain the following information:

- 1) Board roster, including any committees formed;
- 2) Board meeting agendas;
- 3) Short description of all UPL complaints received, the disposition of the complaint, and if applicable, the name of the agencies receiving the referral;
- 4) Progress report or copies of educational materials provided to the public;
- 5) Progress report on recommended new legal service providers or legal service delivery mechanisms;
- 6) Work plan for the fiscal year; and
- 7) Long-range work plan.

¹ See Washington Courts, General Rule 25, available at https://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=GR&ruleid=gagr25.

3.0 Board Roster

3.1 Overall Board (Fiscal Year 2021)

Per GR 25, the Board has 13 members. At least five Board members must be persons not currently authorized to practice law.

3.1.1 Chair

The current Chair of the Board is Michael Cherry. He is an active lawyer member of the WSBA.

3.1.2 Members Not Currently Authorized to Practice Law

These members of the Board are public members. They are not currently authorized to practice law.

Name	County
Pearl Gipson-Collier	Thurston
Brooks Goode	Spokane
Dr. David Sattler	Whatcom
Mir Tariq	King
Dr. Joseph Williams	King
Sonya Kraski (resigned 10/26/20)	Snohomish

3.1.3 Members Authorized to Practice Law

These members of the Board are authorized to practice law.

Name	County
Jeremy Burke	Douglas
Michele Carney	King
Drew Simshaw	Spokane
Gary Swearingen	King
Michael Terasaki	King
Amber Rushbanks (resigned 03/29/21)	Clark
Vacant	

3.1.4 Liaisons with Other Boards

Michelle Lucas was the liaison between the Access to Justice Board, Sunitha Anjilvel was the liaison with the WSBA Board of Governors, and Julie Shankland was the liaison with the WSBA Executive.

3.2 Overall Board (Fiscal Year 2022)

Per GR 25, the Board has 13 members. At least five Board members must be persons not currently authorized to practice law.

3.2.1 Chair

Michael Cherry will remain as Chair of the Board. He is an active lawyer member of the WSBA.

3.2.2 Members Not Currently Authorized to Practice Law

These members of the Board are public members. They are not currently authorized to practice law.

Name	County
Pearl Gipson-Collier	Thurston
Brooks Goode	Spokane
Dr. David Sattler	Whatcom
Mir Tariq	King

3.2.3 Members Authorized to Practice Law

These members of the Board are authorized to practice law.

Name	Bar
Jeremy Burke	Douglas
Drew Simshaw	Spokane
Michael Terasaki	King

3.2.1 Candidates Submitted to the Court for Approval

Dr. June Darling (Not Authorized), from Chelan County, Lesli Ashley (Authorized) from Spokane County, Sarah Bove (Authorized) and Kristina Larry (Authorized), both from King County have applied to be members of the Board and their applications are in process. If they are approved by the Court, then there will still be one vacancy for an authorized practitioner.

3.2.2 Liaisons with Other Boards

Judge Fred Corbit is the liaison between the Access to Justice Board, Governor Jordan Couch is the liaison with the WSBA Board of Governors, and Thea Jennings is the liaison with the WSBA Executive.

3.3 Sub-Committees

To facilitate implementation of the plans, sub-committees have been created:

3.3.1 Education—Legal Checkup

- Lesli Ashley (LLLT)
- Brooks Goode (Public)
- Dr. David Sattler (Public)
- Michael Terasaki (Lawyer).

3.3.2 Innovation—Legal Regulatory Lab

- Sara Bove (LLLT)
- Pearl Gipson-Collier (Public)
- Drew Simshaw (Lawyer)
- Mir Tariq (Public).

3.3.3 Coordination—UPL Referrals

- Jeremy Burke (Lawyer—Prosecutor)
- Dr. June Darling (Public).

3.3.4 Diversity and Inclusion

- Sara Bove (LLLT)
- Michael Terasaki (Lawyer).

4.0 Board Agendas

The Board holds monthly meetings. An agenda is circulated before each meeting and is published to the public, with the meeting dates on the Board page of the WSBA website.

4.1 Generic Agenda

The basic agenda for Board meetings is:

4.1.1 Minutes

Approval of the minutes of the previous meeting.

4.1.2 Operations

Recruitment and Onboarding—information related to recruitment and diversity, ensuring new members are included.

Equity and Disparity Workgroup—report on WSBA Equity and Disparity Workgroup from our liaison to the group (Mir Tariq).

4.1.3 Education

Legal Checkup—update on work on the Legal Checkup.

4.1.4 Innovation

Legal Regulatory Laboratory—update on the work on the lab.

4.1.5 Executive Session (Coordination)

If there is a UPL complaint to review, the Board meeting goes into executive session (Board members only) to determine the disposition of the complaint.

4.2 Monthly Agendas

The monthly agendas are posted on the WSBA website before each monthly meeting, and then replaced by the next monthly agenda. The Board minutes are available from the Board page of the WSBA website.

5.0 UPL Complaints

5.1 Overall Complaints

During fiscal year 2021, the Board received 19 complaints alleging UPL. This is a decrease of 10 complaints from the previous fiscal year.

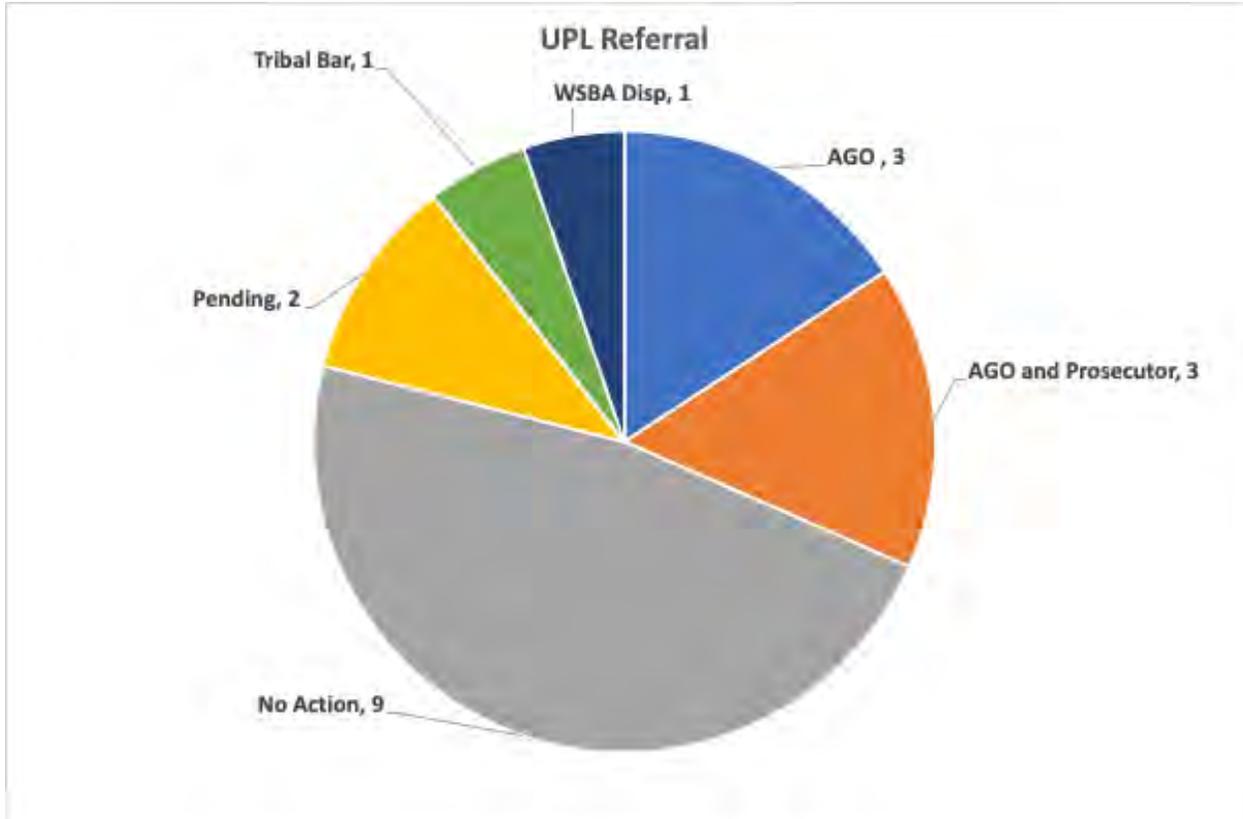
Nine complaints were closed without a referral to any agency because the Board felt they did not meet all the elements of UPL as defined by Revised Code of Washington (RCW) 2.48.180 and “General Rule 24: Practice of Law.”

Eight complaints were referred to the appropriate enforcement agencies follows:

- three complaints were referred to the Attorney General’s Office
- three complaints were referred to both the Attorney General’s Office and the appropriate prosecutor’s office
- one complaint was referred to a Tribal Bar Association
- one complaint was referred to WSBA’s Office of Disciplinary Counsel.

There were two complaints closed before Board review as one was merely an inquiry and a subsequent complainant did not file a complaint after inquiring.

Two complaints are deferred awaiting an opinion from the WSBA Office of General Counsel.



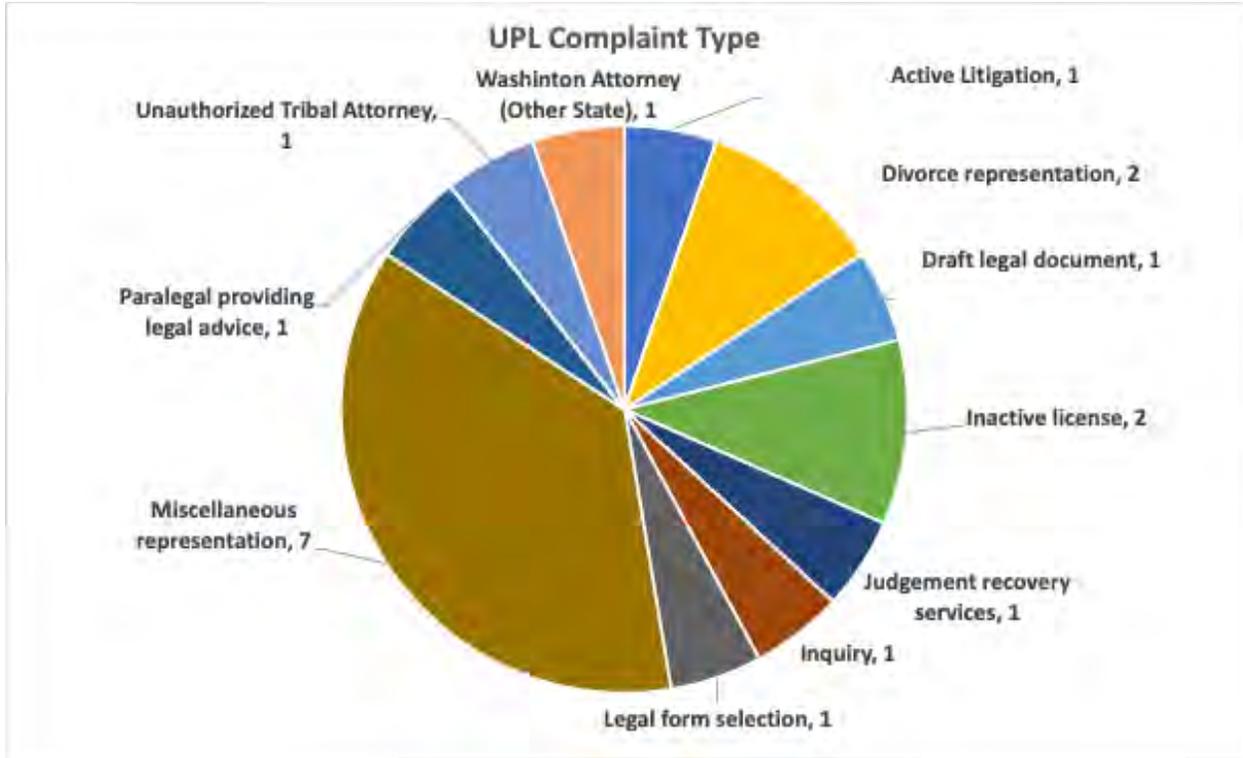
5.2 UPL Trends

Again, this year, UPL complaints spanned several categories.

This year the Board received several repeat complaints about a UPL matter, that is a second complainant made about a complaine that the Board had previously referred to an agency for action.

One such repeat complaine involved a “Constitutional” lawyer, advising people about non-compliance with government mandates and laws. This UPL involves offering legal advice while incorrectly relying on the Sixth Amendment right to counsel in federal prosecutions as bestowing the authority to provide legal advice.

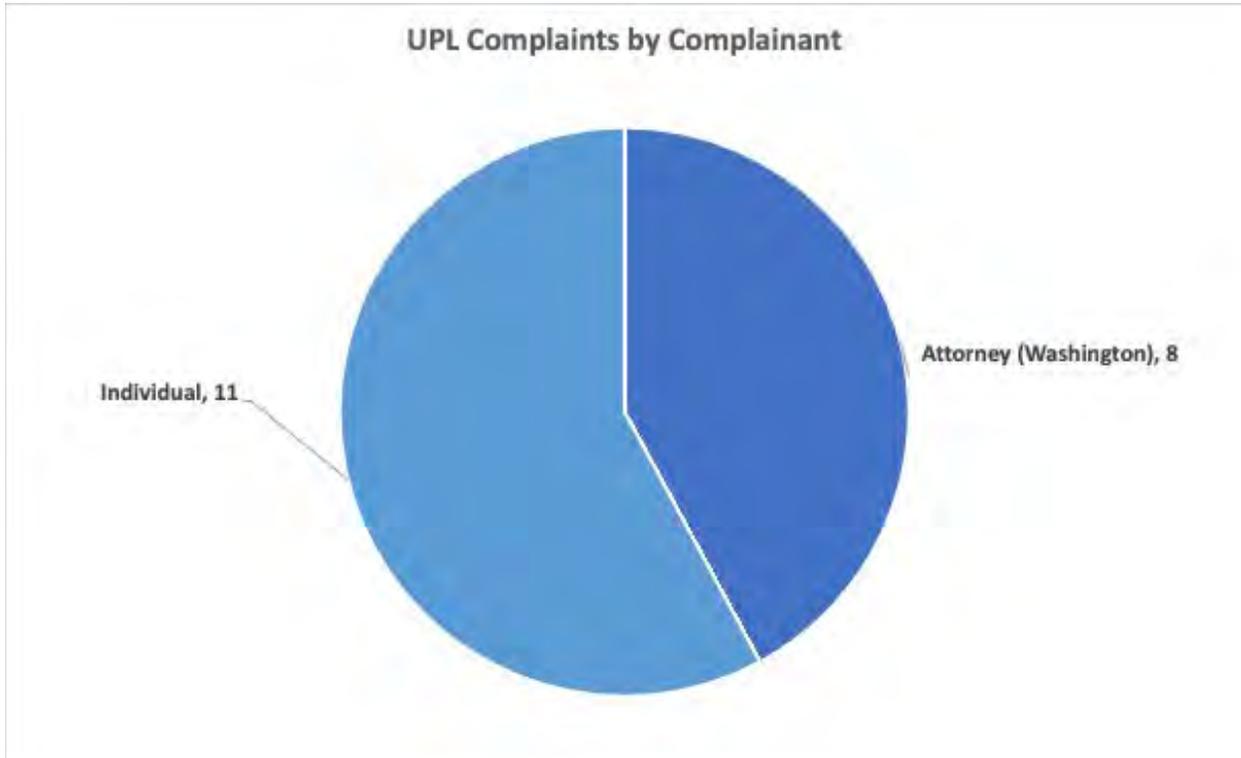
Other complaints involved pushing the bounds of mediation and the right of a lawyer to ghostwrite for a pro se litigant (extending the right to ghostwrite to a paralegal).



Two people against whom complaints were filed—one a lawyer whose assistants were allegedly providing legal advice and another a mediator providing divorce mediation—hired counsel to represent them in responding to the complaint, despite the Board having no investigative or other authority but to refer the matters to the appropriate enforcement agency.

5.3 UPL Process Improvements (Coordination)

This year did see more public (non-legal professional) complainants versus legal professional complainants. This is good because it is the public whom the Board is trying to protect by referring complaints for action.



To hopefully continue this trend, the Board, as part of its education responsibility, is improving information available to the public about UPL with a Frequently Asked Questions (FAQ) page and improved reporting form.

The Board will continue to address the responsibility to coordinate. The Board is improving relationships with the Attorney General’s Office (AGO) and with various county prosecutor’s offices.

The Board has added a county prosecutor as a member of the Board to assist us in understanding UPL from the prosecutor’s perspective. Finally, to further these goals, the Board has developed a diversity plan, outlined in a letter to the Supreme Court, to improve the diversity and inclusion of the Board.

6.0 Education

To address the responsibility to educate, the Board has prepared a plan for a Legal Checkup designed to help people determine if they have a legal issue and direct them to appropriate resources to address such issues.

The Board has created templates for the Legal Checkup and has looked for people to assist in creating the content. The Board contacted Seattle University School of Law and

Gonzaga University School of Law to see if externs were available to assist in generating content, but so far there has been no student interest.

7.0 New Legal Service Providers Innovation

To address the responsibility to innovate, the Board is preparing a blueprint for a Legal Regulatory Laboratory (formerly called a sandbox) to permit the testing and potential authorization of entities to provide online legal services or for authorized legal service practitioners (LPOs, LLLTs, and Lawyers) to use alternative business structures.

The Board is also drafting proposed Court orders to create such a laboratory and provide for entities proving they address access to justice without increasing risk of harm to the public to offer such legal services on an ongoing basis.

This laboratory is modeled on the Legal Regulatory Sandbox operating under the supervision of the Utah Supreme Court’s Office of Innovation.

8.0 Workplans

8.1 Educate

The current plan for the Legal Checkup is available to the public at https://www.wsba.org/docs/default-source/legal-community/committees/practice-of-law-board/wsba_polb_legal_checkup_background_and_plan_version_1_1_nov-9-2021.pdf?sfvrsn=8eb516f1_0.

8.2 Innovate

The current plan for the Legal Regulatory Laboratory is available to the public at: [https://www.wsba.org/docs/default-source/legal-community/committees/practice-of-law-board/2021-06-21-blueprint-\(v7\)-sent-to-court.pdf?sfvrsn=329d17f1_4](https://www.wsba.org/docs/default-source/legal-community/committees/practice-of-law-board/2021-06-21-blueprint-(v7)-sent-to-court.pdf?sfvrsn=329d17f1_4).

8.3 Coordinate

Although there is no formal plan for coordination with the appropriate authorities for UPL complaints, the Board plans to continue to work with the AGO and county prosecutors to improve the process, and to educate the public so they understand when and how to report UPL matters.

Information for the public, in the Legal Checkup, addresses how and when to make a UPL complaint.

8.4 Diversity and Inclusion

The Board began work to understand the Board’s baseline diversity across multiple factors and contacted members of the public and authorized legal practitioners to improve the diversity of the Board. Although WSBA resources on diversity helped the Board work on diversity through education and assistance, the lack of a diverse pool of volunteers is affecting the Board’s ability to fill vacant seats on the board with diverse candidates.

The Board conducted a voluntary demographic survey of its membership to identify gaps and needs to advance diversity and inclusion on the Board. The Board worked with the WSBA DEI team to draft the questions and responses in the survey.

Although not a plan per se, the Board's letter to the Supreme Court on this matter, available at https://www.wsba.org/docs/default-source/legal-community/committees/practice-of-law-board/polb_letter-to-sct-re-plb-diversity-plan_march-2021.pdf?sfvrsn=492c17f1_0 defines our efforts in this important area.

The Chair has involved all members of the Board in discussions and has circulated the plans to the members for input and comment.

To better solicit input and involvement of the members, sub-committees are allowing members to work on the matters of most interest to them—while still allowing people to contribute to all the work the Board does.

Board demographics which are supplied and collected by the WSBA during the annual recruitment process for Boards and committees and which were reported to the WSBA Board of Governors are shown in the chart on the following page.

Category	Sub-category	Response	
Disability	Yes	✓	
	No	✓	
	No Response	✓	
Ethnicity	American Indian Native American Alaskan Native	x	
	Asian	✓	
	Black African American African Descent	✓	
	Hispanic Latinx	x	
	Middle-Eastern Descent	x	
	Multi-racial Biracial	x	
	Pacific Islander Native Hawaiian	x	
	White European Descent	✓	
	Not Listed	x	
	No Response	x	
	Gender	Female	✓
		Male	✓
		Non-binary	x
Transgender		x	
Two-spirit		x	
Not Listed		✓	
No Response		x	
Sexual Orientation	Asexual	x	
	Gay Lesbian Bisexual Pansexual Or Queer	x	
	Heterosexual	✓	
	Two Spirit	x	
	Not Listed	✓	
	No Response	x	

Board demographics which are supplied and collected by the WSBA during the annual recruitment process for Boards and committees and which were reported to the WSBA Board of Governors are shown in the chart on the following page.

Category	Sub-category	Response
New or Young Lawyer	Yes	x
	No	x
Geographic	Congressional District 1	✓
	Congressional District 2	x
	Congressional District 3	x
	Congressional District 4	✓
	Congressional District 5	x
	Congressional District 6	x
	Congressional District 7S	x
	Congressional District 7N	x
	Congressional District 8	x
	Congressional District 9	x
	Congressional District 10	x
Other	✓	

9.0 Long-range Workplans

9.1 Educate

Continue work on the Legal Checkup, working with stakeholders including the public, the Minority and County Bar Associations. Update plan as necessary. Investigate the best way to bring the Legal Checkup to the Internet.

9.2 Innovate

Prepare a final version of the blueprint and prepare necessary orders for the Court to implement. Present to the Supreme Court for approval.

9.3 Coordinate

Continue to evaluate and refer complaints of UPL and educate the public on this issue. Work to ensure people know how to complain and that complaints are timely referred to the appropriate authority.

9.4 Diversity and Inclusion

Continue to work with WSBA staff to diversify the Board per the letter to the Supreme Court.

10.0 Budget

The annual budgeting process could include more communication with input from the Board. This matter is being discussed with Executive Director Nevitt and Board of Governor’s President Tollefson. The Board has been conservative in generating expenses, but it may need to spend money on better and focused technology.

For example, although the Board is working with WSBA staff to address the matter, the Board is concerned about placing the Board's information on the WSBA website. The information is virtually impossible for the public or legal providers to find as it is in an area related to volunteer recruitment rather than a place which allows the public to understand what the Board is responsible for and how it fulfills those responsibilities. If this cannot be changed, then the Board may need to create its own website.

Tools the Board are using, such as Box, may be inadequate for a collaborative Board to use. Therefore, the Board may need to investigate better tools that support online, collaboration (multiple people working in the same documents simultaneously).

For fiscal year 2021, the budget for the Board was \$9,000 in direct expenses and \$36,875 in indirect expenses. After a budget reforecast in the spring of 2021, the budget was revised as follows: direct expenses were budgeted at \$7,285 and indirect expenses at \$61,823.

11.0 Acknowledgments

The Board wants to acknowledge and thank Michele Carney, Gary Swearingen, and Dr. Joseph Williams for their service to the Board and the community.

The Board wants to acknowledge the hard work of paralegal Kyla Jones, attorney Thea Jennings, General Counsel Julie Shankland, Chief Equity and Justice Officer Diana Singleton, Chief Regulatory Counsel Renata de Carvalho Garcia, and Chief Disciplinary Counsel Doug Ende, Chief Communications and Outreach Officer Sara Niegowski, and Executive Director Terra Nevitt for their support of the Board, and their day-to-day contributions to our work. Without their assistance and guidance, the Board could not have put plans in place and begun work on such plans.

Governor Sunitha Anjilvel has also helped support the Board, especially in keeping the Board of Governors up to date on the Board's work and helping the Board understand diversity and inclusion.

The Board appreciates the time and guidance that the Justices of the Supreme Court have given the Board so we can do the work of the Board, so it represents the Court and the judiciary positively in the view of the public.

**AMERICAN BAR ASSOCIATION
HOUSE OF DELEGATES
2022 MIDYEAR MEETING**

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AMERICAN BAR ASSOCIATION
SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association House of Delegates concurs in the
2 action of the Council of the Section of Legal Education and Admissions to the Bar in
3 making amendments dated February 2022 to Standards 205, 303, 507, and 508 of the
4 *ABA Standards and Rules of Procedure for Approval of Law Schools*:
5
6 Standard 205: Non-Discrimination and Equality of Opportunity
7 Standard 303: Curriculum
8 Standard 507: Student Loan Programs
9 Standard 508: Student Support Services.

American Bar Association
Section of Legal Education and Admissions to the Bar
Revised Standards for Approval of Law Schools
February 2022

(Insertions underlined; deletions ~~struckthrough~~.)

1 **Standard 205: Non-Discrimination and Equality of Opportunity**

2 (a) A law school shall ~~not~~ adopt, publish, and adhere to a policy of non-discrimination
 3 that prohibits the use of admission policies or ~~take~~ other actions to preclude admission
 4 of applicants or retention of students on the basis of race, color, ethnicity, religion,
 5 national origin, gender, gender identity or expression, sexual orientation, age, ~~or~~
 6 disability, or military status.

7
 8 (b) A law school shall adopt, publish, and adhere to policies that foster and maintain
 9 equality of opportunity for students, faculty, and staff, without discrimination or
 10 segregation on the basis of race, color, ethnicity, religion, national origin, gender,
 11 gender identity or expression, sexual orientation, age, ~~or~~ disability, or military status.

12
 13 (c) This Standard does not prevent a law school from having a religious affiliation or
 14 purpose and ~~adopting and~~ applying policies of admission of students and employment
 15 of faculty and staff that directly relate to this affiliation or purpose so long as (1) notice
 16 of these policies has been given to applicants, students, faculty, and staff before their
 17 affiliation with the law school, and (2) the religious affiliation, purpose, or policies do not
 18 contravene any other Standard, including Standard 405(b) concerning academic
 19 freedom. These policies may provide a preference for persons adhering to the religious
 20 affiliation or purpose of the law school, but may not be applied to use admission policies
 21 or take other action to preclude admission of applicants or retention of students on the
 22 basis of race, color, ethnicity, religion, national origin, gender, gender identity or
 23 expression, sexual orientation, age, ~~or~~ disability, or military status. This Standard
 24 permits religious affiliation or purpose policies as to admission, retention, and
 25 employment only to the extent that these policies are protected by the United States
 26 Constitution. It is administered as though the First Amendment of the United States
 27 Constitution governs its application.

28
 29 (d) Non-discrimination and equality of opportunity in legal education includes equal
 30 employment opportunity. A law school shall communicate to every employer to whom
 31 it furnishes assistance and facilities for interviewing and other placement services the
 32 school's firm expectation that the employer will observe the principles of non-
 33 discrimination and equality of opportunity on the basis of race, color, ethnicity, religion,
 34 national origin, gender, gender identity or expression, sexual orientation, age, ~~and~~
 35 disability, or military status in regard to hiring, promotion, retention, and conditions of
 36 employment.

37
 38 *Interpretation 205-1*

39 *A law school may not require applicants, students, faculty, or employees to disclose*

300

40 *their sexual orientation, although they may provide opportunities for them to do so*
41 *voluntarily.*

42
43 *Interpretation 205-2*

44 *So long as a school complies with Standard 205(c), the prohibition concerning sexual*
45 *orientation and gender identity or expression does not require a religiously affiliated*
46 *school to act inconsistently with the essential elements of its religious values and*
47 *beliefs. For example, Standard 205(c) does not require a school to recognize or support*
48 *organizations whose purposes or objectives with respect to sexual orientation or*
49 *gender identity or expression conflict with the essential elements of the religious values*
50 *and beliefs held by the school.*

51
52 *Interpretation 205-3*

53 *Standard 205(d) applies to all employers, including government agencies and*
54 *religiously affiliated organizations, to which a school furnishes assistance and facilities*
55 *for interviewing and other placement services. However, this Standard does not require*
56 *a law school to implement its terms by excluding any employer unless that employer*
57 *discriminates unlawfully.*

58
59 *Interpretation 205-4*

60 *The denial by a law school of admission to a qualified applicant is treated as made upon*
61 *the basis of race, color, ethnicity, religion, national origin, gender, gender identity or*
62 *expression, sexual orientation, age, or disability, or military status if the basis of denial*
63 *relied upon is an admission qualification of the school that is intended to prevent the*
64 *admission of applicants on the basis of race, color, ethnicity, religion, national origin,*
65 *gender, gender identity or expression, sexual orientation, age, or disability, or military*
66 *status though not purporting to do so.*

67
68 *Interpretation 205-5*

69 *The denial by a law school of employment to a qualified individual is treated as made*
70 *upon the basis of race, color, ethnicity, religion, national origin, gender, gender identity*
71 *or expression, sexual orientation, age, or disability, or military status if the basis of denial*
72 *relied upon is an employment policy of the school that is intended to prevent the*
73 *employment of individuals on the basis of race, color, ethnicity, religion, national origin,*
74 *gender, gender identity or expression, sexual orientation, age, or disability, or military*
75 *status though not purporting to do so.*

76
77 *Interpretation 205-6*

78 *The requirements stated in Standards 205(a) and 205(b) that a law school adopt,*
79 *publish, and adhere to policies regarding non-discrimination and equality of opportunity*
80 *may be satisfied by adopting, publishing, and adhering to policies of a parent institution*
81 *that comply with this Standard.*

82
83 **Standard 303: Curriculum**

84 (a) A law school shall offer a curriculum that requires each student to satisfactorily
85 complete at least the following:

(1) one course of at least two credit hours in professional responsibility that includes substantial instruction in rules of professional conduct, and the values and responsibilities of the legal profession and its members;

(2) one writing experience in the first year and at least one additional writing experience after the first year, both of which are faculty supervised; and

(3) one or more experiential course(s) totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement, as defined in Standard 304.

(b) A law school shall provide substantial opportunities to students for:

(1) law clinics or field placement(s); ~~and~~

(2) student participation in pro bono legal services, including law-related public service activities; and

(3) the development of a professional identity.

(c) A law school shall provide education to law students on bias, cross-cultural competency, and racism:

(1) at the start of the program of legal education, and

(2) at least once again before graduation.

For students engaged in law clinics or field placements, the second educational occasion will take place before, concurrently with, or as part of their enrollment in clinical or field placement courses.

...

Interpretation 303-5

Professional identity focuses on what it means to be a lawyer and the special obligations lawyers have to their clients and society. The development of professional identity should involve an intentional exploration of the values, guiding principles, and well-being practices considered foundational to successful legal practice. Because developing a professional identity requires reflection and growth over time, students should have frequent opportunities for such development during each year of law school and in a variety of courses and co-curricular and professional development activities.

Interpretation 303-6

With respect to 303(a)(1), the importance of cross-cultural competency to professionally responsible representation and the obligation of lawyers to promote a justice system that provides equal access and eliminates bias, discrimination, and racism in the law should be among the values and responsibilities of the legal profession to which students are

300

131 introduced.

132

133 Interpretation 303-7

134 Standard 303(c)'s requirement that law schools provide education on bias, cross-cultural
135 competency, and racism may be satisfied by, among other things, the following:

136 (1) Orientation sessions for incoming students;

137 (2) Lectures on these topics;

138 (3) Courses incorporating these topics; or

139 (4) Other educational experiences incorporating these topics.

140

141 While law schools need not add a required upper-division course to satisfy this
142 requirement, law schools must demonstrate that all law students are required to
143 participate in a substantial activity designed to reinforce the skill of cultural competency
144 and their obligation as future lawyers to work to eliminate racism in the legal profession.

145

146 Interpretation 303-8

147 Standard 303 does not prescribe the form or content of the education on bias, cross-
148 cultural competency, and racism required by Standard 303(c).

149

150 **Standard 507: Student Loan Programs**

151 (a) A law school shall demonstrate reasonable steps to minimize student loan
152 defaults, including provision of debt counseling at the inception of a student's loan
153 obligations and again before graduation.

154

155 (b) A law school shall provide each admitted applicant information on resources related
156 to financial aid and student loan debt and the availability of individual student loan
157 counseling at the law school, the university of which it is a part, or from third party
158 sources. Such information shall also be posted on the law school's financial aid
159 webpage.

160

161 ...

162

163 Interpretation 507-2

164 For a law school not affiliated with a university or not receiving access to Title IV through
165 a university, the school's student loan cohort default rate is sufficient if it is not greater
166 than 10% for any of the three mostrecently published annual cohort default rates. Failure
167 to comply with Title IV of the Higher Education Act of 1965, as amended, or having a
168 student loan cohort default rate greater than the rate permitted by Title IV is cause for
169 review of a law school's compliance with the Standards. A school shall demonstrate that
170 it has resolved all areas of deficiency identified in financial or compliance audits, program
171 reviews, or other information provided by the United States Department of Education.

172

173 **Standard 508: Student Support Services**

174

175 A law school shall provide all its students, regardless of enrollment or scheduling option,
176 with

177

178 (a) Basic student services, including maintenance of accurate student records,
179 academic advising and counseling, financial aid and debt counseling, and career
180 counseling to assist students in making sound career choices and obtaining
181 employment-; and

182

183 (b) Information on law student well-being resources.

184

185 If a law school does not provide these student services in (a) directly, it shall demonstrate
186 that its students have reasonable access to such services from the university of which it
187 is a part or from other sources.

188

189 Interpretation 508-1

190 Law student well-being resources include information or services related to mental
191 health, including substance use disorders. Other law student well-being resources may
192 include information for students in need of critical services such as food pantries or
193 emergency financial assistance. Such resources encompass counseling services
194 provided in-house by the law school, through the university of which the law school is a
195 part, or by a lawyer assistance program. Law schools should strive to mitigate barriers
196 or stigma to accessing such services, whether within the law school or larger
197 professional community.

198

199 Interpretation 508-2

200 Reasonable access, at a minimum, involves informing law students and providing
201 guidance regarding relevant information and services, including assistance on where the
202 information and services can be found or accessed.

EXECUTIVE SUMMARY1. Summary of the Resolution.

Under Rule 45.9(b) of the Rules of Procedure of the House of Delegates, the resolution seeks concurrence in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2022 to Standards 205, 303, 507, and 508 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*. These amendment include, respectively, adding additional bases for non-discrimination in legal education; requiring law schools to provide education on bias, cross-cultural competency, and racism to law students well as substantial opportunities for law students to develop a professional identity; requiring law schools to provide information on resources related to financial aid and student loan debt and the availability of individual student loan counseling to admitted applicants; and requiring law schools to provide information on law student well-being resources.

2. Summary of the issue that the resolution addresses.

The resolution addresses Standards 205, 303, 507, and 508 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*. Amendments to Standards 507 and 508 codify the provision of information on financial aid and law student well-being resources. Amendments to Standards 205 and 303 broaden the bases for non-discrimination and require law schools to provide education on bias, cross-cultural competency, and racism to students.

3. Please explain how the proposed policy position will address the issue.

The proposals amend the 2021-2022 *ABA Standards and Rules of Procedure for Approval of Law Schools*.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None.

AMERICAN BAR ASSOCIATION
INTERNATIONAL LAW SECTION
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association adopts the International Law Section's
2 report, *FARA: Issues and Recommendations for Reform, Report of the Task Force on the*
3 *Foreign Agents Registration Act*, dated July 16, 2021, including the recommendations
4 contained in Section II of the Executive Summary of the report; and
5
6 FURTHER RESOLVED, that the American Bar Association urges Congress and the
7 Department of Justice to implement those recommendations.

EXECUTIVE SUMMARY1. Summary of the Resolution.

The resolution calls on the ABA to adopt the International Law Section's report, *FARA: Issues and Recommendations for Reform, Report of the Task Force on the Foreign Agents Registration Act*, dated July 16, 2021, including the recommendations contained in Section II of the Executive Summary of the report; and urge Congress and the Department of Justice to implement those recommendations.

2. Summary of the issue that the resolution addresses.

The Foreign Agents Registration Act is an antiquated and vague statute that is ill-suited to regulate foreign attempts to influence U.S. public opinion and policy-making.

3. Please explain how the proposed policy position will address the issue.

The recommendations contained in the Report would clarify the law and streamline enforcement efforts.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

N/A

AMERICAN BAR ASSOCIATION
YOUNG LAWYERS DIVISION
COMMISSION ON WOMEN IN THE PROFESSION

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association urges all bar admissions authorities, law
2 schools, bar associations, and legal employers to develop clear, specific, and uniform
3 written policies that provide reasonable and accessible accommodations to lactating
4 individuals, including:

- 5
- 6 a. Making such written policies publicly available and accessible online;
- 7
- 8 b. Providing reasonable and supportive accommodations to express milk, which
9 should include:
- 10
- 11 1. Sufficient and, if needed based on an individual's circumstances,
12 additional off-the-clock break time of at least 30 minutes every 3 hours;
- 13
- 14 2. A private or semi-private, secure, accessible space—not a restroom or
15 locker room—that is shielded from view of others and that includes
16 accessory materials needed, such as a chair or other space to sit, a table
17 or other flat surface, electrical outlet, sink, and a refrigerator or other
18 space to store a cooler; and
- 19
- 20 3. Clear directions or signage throughout the location to direct individuals
21 to the accommodation space.
- 22
- 23 c. In a law school or bar examination context, permitting examinees to bring their
24 pumping equipment and expressed milk into the examination room.

EXECUTIVE SUMMARY1. Summary of the Resolution.

The Resolution encourages bar admissions authorities, law schools, bar associations and legal employers to adopt clear and uniform policies allowing for accommodations for lactating individuals. Lactation spaces and lactation accommodations should be publicized and provided during the administration of the bar exam, law school exams, and CLE or other bar-sponsored events, as well as by legal employers. The lactation areas should: (1) be shielded from view and free from view and free from intrusion from the public; (2) have a door that can be locked; (3) include a place to sit, a table or other flat surface, and an electrical outlet; and (4) not be located in a restroom.

2. Summary of the issue that the resolution addresses.

This Resolution aims to provide law students, bar examinees, lawyers, and all other legal professionals who are lactating or nursing with clear policies regarding the accommodations available to them. Specifically, the Resolution seeks: (1) the adoption of such policies; (2) publication of such policies in a readily accessible space, such as online; and (3) and that the policy includes a clean, private lactation space. Lactating individuals must adhere to a strict feeding or pumping schedule to provide appropriate breastmilk for their child(ren) and to avoid physical and emotional hardships when faced with an insufficient ability to do so. No one should be forced to choose between their career goals and feeding their child, and this Resolution seeks to provide clear and simple accommodations to eliminate the need to make this choice and further reduce any stigma or inequity in the legal profession associated with breastfeeding.

3. Please explain how the proposed policy position will address the issue.

This policy will encourage all law schools, bar exam admissions authorities, bar associations, and legal employers to adopt lactation policies and provide clean, accessible, and private lactation spaces to those individuals in need.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

No minority or opposing views have been identified.

AMERICAN BAR ASSOCIATION
SECTION OF INTELLECTUAL PROPERTY LAW
SECTION OF INTERNATIONAL LAW
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association supports a definition of trade dress
2 utilitarian functionality turning on whether the claimed trade dress is essential to the use
3 or purpose of the associated good or service or affects its cost or quality; and
4
5 FURTHER RESOLVED, That the American Bar Association opposes the denial of trade
6 dress protection on the ground of utilitarian functionality solely because the claimed trade
7 dress or features of it are useful.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

This resolution calls for the Association to adopt policy supporting a determination of utilitarian functionality based on whether a claimed trade dress is *essential* to the use or purpose of the good or service sold under the trade dress or affects its cost or quality. This resolution opposes the Third Circuit’s recent decision that determines whether trade dress is functional based on whether it is merely “useful.”

2. Summary of the issue that the resolution addresses.

The Third Circuit’s recent opinion in *Ezaki Glico Kabushiki Kaisha v. Lotte International America Corp.* 986 F.3d 250 (3d Cir. 2021) (“*Glico*”), *as amended* (Mar. 10, 2021), *cert. denied*, No. 20-1817, 2021 WL 5043589 (U.S. Nov. 1, 2021), erroneously equates “functionality” with “usefulness” in the context of trade dress analysis. *Id.* at 263. The *Glico* court’s test for trade dress functionality is contrary to the view previously established by the Supreme Court and adopted by nine other circuit courts of appeals that a claimed trade dress is functional only if it is *essential* to the use or purpose of the good or service sold in connection with the claimed trade dress and not merely *useful*.

Defining “functional” as “useful” is problematic because almost every trade dress arguably has some use. Thus, *Glico* threatens to deny protection for trade dress that would be, and has been, found nonfunctional under the law of other circuits. It also creates a circuit split as to the appropriate test for trade dress functionality and, unless rectified, will inevitably result in forum shopping among litigants involved in trade dress infringement claims.

3. Please explain how the proposed policy position will address the issue.

The proposed policy position opposes the Third Circuit’s standard for determining whether trade dress is functional and therefore unprotectable. Consistent with well-established case law from the Supreme Court and other federal courts, the Resolution supports a uniform test for utilitarian functionality turning on whether the claimed trade dress is essential to, or affects the use or purpose of, the good or service sold in connection with the claimed trade dress.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None known at this time.

AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON PARALEGALS
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association approves the following paralegal
2 education programs: Austin Community College, Paralegal Program, Austin, TX and South
3 Puget Sound Community College, Paralegal Program, Olympia, WA;

4
5 FURTHER RESOLVED, That the American Bar Association reapproves the following
6 paralegal education programs: Fremont College, Paralegal Studies Program, Cerritos, CA;
7 Fullerton College, Paralegal Studies Program, Fullerton, CA; University of California, San
8 Diego, Paralegal Certificate Program, La Jolla, CA; Coastline Community College,
9 Paralegal Studies Program, Newport Beach CA; Clayton State University, Legal Studies
10 Program, Morrow, GA; Sullivan University, College of Legal Studies, Louisville, KY; Eastern
11 Kentucky University, Paralegal Program, Richmond, KY; Minnesota State University
12 Moorhead, Paralegal Program, Moorhead, MN; University of Providence, Paralegal and
13 Legal Studies Program, Great Falls, MT; College of Saint Mary, Legal Studies Program,
14 Omaha, NE; Mercy College, Legal Studies-Specialization in Paralegal Studies Program,
15 Dobbs Ferry, NY; Nassau Community College, Paralegal Program, Garden City, NY;
16 Westchester Community College, Paralegal Studies Program, Valhalla, NY; University of
17 Cincinnati, Paralegal Studies Program, Cincinnati, OH; Harrisburg Area Community
18 College, Paralegal Studies Program, Harrisburg, PA; Horry-Georgetown Technical
19 College, Legal Studies-Paralegal Program, Conway, SC; National American University,
20 Paralegal Studies Program, Rapid City, SD; Lamar State College, Paralegal Program, Port
21 Arthur, TX;

22
23 FURTHER RESOLVED, That the American Bar Association withdraws the approval of the
24 following paralegal education programs: Finger Lakes Community College, Paralegal &
25 Legal Studies Program, Canandaigua, NY; South University, Montgomery, Legal &
26 Paralegal Studies Program, Montgomery, AL; and Norwalk Community College, Legal
27 Assistant Program, Norwalk, CT; and

28
29 FURTHER RESOLVED, That the American Bar Association extends the terms of approval
30 until the August 2022 Annual Meeting of the House of Delegates for the following paralegal
31 education programs: Auburn University, Montgomery, Legal Studies Program,
32 Montgomery, AL; University of Alaska, Fairbanks, Paralegal Studies Program, Fairbanks,
33 AK; El Camino Community College, Paralegal Studies Program, Torrance, CA; National

34 University, Paralegal Studies Program, Los Angeles, CA; Pasadena City College,
35 Paralegal Studies Program, Pasadena, CA; Santa Ana College, Paralegal Studies
36 Program, Santa Ana, CA; University of California, Irvine, Paralegal Certificate Program,
37 Irvine, CA; University of California, Los Angeles, Paralegal Training Program, Los
38 Angeles, CA; Quinnipiac University, Legal Studies Program, Hamden, CT; Nova
39 Southeastern University, Paralegal Studies, Fort Lauderdale Davie, FL; Seminole State
40 College, Legal Assistant/Paralegal Program; Sanford, FL; University of North Georgia,
41 Paralegal Program, Gainesville, GA; William Rainey Harper College, Paralegal Studies
42 Program, Palatine, IL; Tulane University, General Legal Studies Program, New Orleans,
43 LA; Stevenson University, Legal Studies Program, Owings Mills, MD; Suffolk University,
44 Paralegal Studies Program, Boston, MA; Eastern Michigan University, Paralegal
45 Program, Ypsilanti, MI; Henry Ford College, Paralegal Studies Program, Dearborn, MI;
46 Missouri Western State University, Legal Studies Program, St. Joseph, MO; University of
47 Southern Mississippi, Legal Studies Program, Hattiesburg, MS; Missoula College,
48 Paralegal Studies Program, Missoula, MT; Metropolitan Community College, Paralegal
49 Program, Omaha, NE; Middlesex County College, Paralegal Studies Program, Edison,
50 NJ; Raritan Valley Community College, Paralegal Studies Program, Somerville, NJ;
51 Genesee Community College, Paralegal Studies Program, Batavia, NY; LIU Brooklyn,
52 Paralegal Studies Program, Brooklyn, NY; New York City College of Technology, Law
53 and Paralegal Studies, Brooklyn, NY; Suffolk County Community College, Paralegal
54 Studies Program, Selden, NY; Pitt Community College, Paralegal Technology Program,
55 Greenville, NC; Capital University Law School, Paralegal Program, Columbus, OH;
56 Sinclair Community College, Legal Studies Program, Dayton, OH; University of Toledo,
57 Paralegal Studies Program, Toledo, OH; Central Penn College, Paralegal Program,
58 Summerdale, PA; Manor College, Paralegal Program, Jenkintown, PA; Technical College
59 of the Low Country, Paralegal Program, Beaufort, SC; Walters State Community College,
60 Paralegal Studies Program, Morristown, TN; Dallas College, Paralegal Studies Program,
61 Dallas, TX; Wharton County Junior College, Paralegal Studies Program, Wharton, TX;
62 Spokane Community College, Paralegal Program, Spokane, WA; Mountwest Community
63 and Technical College, Paralegal Studies Program, Huntington, WV; Northeast
64 Wisconsin Technical College, Paralegal Program, Green Bay, WI; Casper College,
65 Paralegal Program, Casper, WY; Laramie County Community College, Paralegal Studies
66 Program, Cheyenne, WY.

EXECUTIVE SUMMARY

Submitting Entity: Standing Committee on Paralegals

Submitted By: Thomas E. McClure, Chair

1. Summary of the Resolution

This Resolution recommends that the House of Delegates grants approval of 2 programs, reapproval to 18 programs, withdraws the approval of 3 programs at the requests of the institutions, and extends the term of approval to 43 programs.

2. Summary of the issue which the Resolution Addresses

The programs recommended for reapproval in the enclosed report meet the Guidelines for the Approval of Paralegal Education Programs. The programs recommended for withdrawal of approval in the enclosed report have requested that approval be withdrawn.

3. Please Explain How the Proposed Policy Position will address the issue

The programs recommended for approval and reapproval in this report have followed the procedures required by the Association and are in compliance with the Guidelines for the Approval of Paralegal Education Programs.

4. Summary of Minority Views

No other positions on this resolution have been taken by other Association entities, affiliated organizations or other interested groups.

AMERICAN BAR ASSOCIATION**COMMISSION ON LAW AND AGING
HEALTH LAW SECTION
SENIOR LAWYERS DIVISION****REPORT TO THE HOUSE OF DELEGATES
RESOLUTION**

1 RESOLVED, That the American Bar Association urges Congress and the Centers for
2 Medicare and Medicaid Services (CMS) to take the following steps, with broad
3 interagency input, to ensure transparency and accountability for nursing home ownership
4 and management:
5

- 6 a. Establish a national system to audit ownership reports and enforce its requirement
7 that all nursing homes owned or operated by individuals, trustees, or corporations
8 need to fully and accurately report all ownership and operators, including all parent,
9 management, property companies, and all other related party entities; and
10
- 11 b. Redesign its regulatory and enforcement approach to include a focus on nursing home
12 chains within and across states, including adding the ability to CMS's Medicare
13 Nursing Home Compare website to present information not only for individual facilities
14 but also for all facilities with common ownership and within each chain organization;
15

16 FURTHER RESOLVED, That the American Bar Association urges state and territorial
17 legislatures and regulatory agencies to adopt policies and regulations to provide greater
18 pre-transaction transparency in the change of ownership or management of any nursing
19 home, through processes such as a public comment period.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

The resolution calls on Congress and the Centers for Medicare and Medicaid Services (CMS) to take certain actions to enhance the transparency and accountability of nursing home ownership and management through a national system to audit ownership reports to ensure that all owners are fully and accurately disclosed and by a greater focus on nursing home chains, including adding the ability to the Medicare Nursing Home Compare website to present information for all facilities with common ownership and within each chain organization.

2. Summary of the issue that the resolution addresses.

Nursing home companies have developed increasingly complex corporate ownership, management, and real estate structures, which has led to such homes lagging behind their less complex counterparts across a broad array of measures for quality and raising serious concerns about how the drive for profitability for investors is driving the operation of nursing homes. More than half of nursing homes are part of corporate chains. In addition, the growth and control of nursing homes by private equity companies has increased the need for more intensive scrutiny of ownership.

CMS has no mechanism to audit the accuracy and completeness of ownership reporting, nor has it adequately enforced its requirements to fully and accurately report the names of all the parent companies of the licensee and their related owners and corporations. While the majority of nursing homes are part of corporate chains, the CMS Nursing Home Compare website does not aggregate quality information on chains, leaving consumers with inadequate information.

Finally, changes in facility ownership and management which state survey and licensing agencies are responsible for approving are minimally reviewed, largely invisible to the public, and vary from state to state. There is a need for a transparent, public process of review and approval prior to changes in ownership and management.

3. Please explain how the proposed policy position will address the issue.

The first resolution clause addresses transparency in ownership and management, calling on Congress and CMS to establish a national system to audit ownership reports to ensure that all owners are fully and accurately disclosed, including all parent, management, and property companies, and all other related party entities.

The first resolution clause also calls for more regulatory and enforcement focus on nursing home chains within and across states and for CMS to add the ability to its Medicare Nursing Home Compare website to present information not only for

individual facilities but also for all facilities with common ownership and within each chain organization.

The second resolved clause urges state legislatures and regulatory agencies to adopt policies and regulations to provide greater pre-transaction transparency in the change of ownership or management of any nursing home, through processes such as a public comment period. These changes are primarily under the purview of state law and regulation, licensing in particular, and must be addressed by states.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None identified at this time.

AMERICAN BAR ASSOCIATION
COMMISSION ON LAW AND AGING
SECTION OF REAL PROPERTY, TRUST, AND ESTATE LAW
SENIOR LAWYERS DIVISION

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association adopts the Recommendations
2 of the Fourth National Guardianship Summit: Maximizing Autonomy and
3 Ensuring Accountability held in May 2021; and
4
5 FURTHER RESOLVED, That the American Bar Association urges courts, as well
6 as national, state, local, tribal and territorial law and policy-making bodies, to
7 incorporate the Recommendations when considering improvements to
8 guardianship laws, policies and practices.

EXECUTIVE SUMMARY1. Summary of the Resolution.

Adopts the recommendations of the Fourth National Guardianship summit and encourages incorporation of the recommendations by courts, legislatures, and policy makers in efforts to improve adult guardianship laws, policies and practices.

2. Summary of the issue that the resolution addresses.

Reform of guardianship law, policy and practice is a hot topic due to recent high-profile cases. The recommendations offer suggestions for changes that promote alternatives to guardianship, implementation of Uniform Laws, improvements in guardianship practice.

3. Please explain how the proposed policy position will address the issue.

The recommendations offer concepts developed by a wide-ranging group of professionals and thought law and policy makers to consider, as ways of stimulating conversation about changes that may be needed and possible solutions.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None have been identified.

AMERICAN BAR ASSOCIATION**STANDING COMMITTEE ON LEGAL ASSISTANCE FOR MILITARY PERSONNEL
COMMISSION ON DISABILITY RIGHTS****REPORT TO THE HOUSE OF DELEGATES****RESOLUTION**

1 RESOLVED, That the American Bar Association urges the U.S. Department of Defense,
2 the Administration and the Congress to review the processes and procedures used when
3 determining veterans' discharge upgrade petitions to ensure that veterans will not be
4 treated inconsistently with principles of fundamental fairness, including through the
5 recommendations set forth below;

6
7 FURTHER RESOLVED, That the American Bar Association urges the U.S. Department
8 of Defense to ensure that discharge review boards and boards for correction of military
9 records (Boards) correctly apply their presumption of regularity standard and provide
10 appropriate weight to the facts available to the Boards that were not available to the
11 government officials at the time of discharge, including those related to undiagnosed
12 health conditions (including mental health conditions) and their related impact on
13 behavior;

14
15 FURTHER RESOLVED, That the American Bar Association urges the U.S. Department
16 of Defense to update and create regulations to clarify liberal consideration of discharge
17 upgrade requests, issue new guidance on health conditions (including health conditions
18 related to or resulting from military sexual trauma), post-traumatic stress disorder, and
19 traumatic brain injury, and to expand the guidance to address intimate partner and
20 domestic violence;

21
22 FURTHER RESOLVED, That the American Bar Association urges the U.S. Department
23 of Defense to implement mechanisms ensuring transparent Board decisions, reporting of
24 Board decisions, and requiring that Boards seek legal opinions prior to issuing Board
25 decisions when a discharge upgrade petition presents a legal issue;

26
27 FURTHER RESOLVED, That the American Bar Association urges the U.S. Department
28 of Defense to promulgate regulations and applicable guidance that: (1) require Boards to
29 follow their own precedent; and (2) ensure that Boards uniformly apply applicable laws,
30 regulations, and U.S. Department of Defense guidance;

31

32 FURTHER RESOLVED, That the American Bar Association urges the U.S. Department
33 of Defense to examine instances where the Secretarial Review Authority (SRA) has
34 overturned Board decisions where the Board has granted relief to determine if the SRA's
35 decision was proper and limit the SRA's review authority consistent with principles of
36 fundamental fairness and U.S. Department of Defense memoranda;

37
38 FURTHER RESOLVED, That the American Bar Association urges the U.S. Department
39 of Defense, Administration and the Congress to ensure veterans have a right to be heard
40 by: (1) providing every veteran eligible for a discharge review by a Board the right to a
41 hearing to be held in-person or by videoconference; and (2) providing, except where
42 prohibited by law, immediate online access to all past and present Board and SRA
43 decisions in a text searchable-database; and

44
45 FURTHER RESOLVED, That the American Bar Association encourages the U.S.
46 Department of Defense to allow veterans who were previously denied discharge upgrade
47 petitions to have the opportunity for reconsideration based on the new processes and
48 revisions articulated above and allocate new and adequate funding to support the
49 recommendations described above.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

This Resolution urges the U.S. Department of Defense, the Administration, and Congress to review and update the processes and procedures used when determining veterans' discharge upgrade petitions to ensure that veterans seeking relief will not be treated inconsistently with principles of administrative law and fundamental fairness.

2. Summary of the issue that the resolution addresses.

Discharge upgrades are necessary for many veterans to ensure that they receive the full range of benefits to which they should otherwise be entitled. Historically, it was not well understood how post-traumatic stress, traumatic brain injury, and sexual assault trauma could give rise to conduct that would subsequently result in less than honorable discharge. This has left a large population of veterans without access to benefits due to a discharge status arising from these forms of injury.

3. Please explain how the proposed policy position will address the issue.

The proposed policy position sets forth a number of recommendations about how the discharge upgrade process could be improved to ease the burden on petitioners whose mental health injury was connected to conduct that resulted in a less than honorable discharge. These include (1) better recognition of the connection between the injuries and discharge; (2) establishing rebuttable presumptions based on such connection and consideration of mitigating factors; (3) creating specialized panels that deal specifically with petitions based on these conditions; and (4) exploring alternative means for the affected veteran population. The policy also calls for necessary funding to support these recommendations.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

No opposition is known at this time.

AMERICAN BAR ASSOCIATION

**COMMISSION ON HOMELESSNESS AND POVERTY
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
CRIMINAL JUSTICE SECTION
SECTION OF LITIGATION**

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, that the American Bar Association encourages federal, state, territorial,
2 tribal, and local governments to redesign policy and repurpose funding towards a wide
3 range of prevention approaches to dramatically reduce the number of youth experiencing
4 homelessness each year and enhance their safety, permanency, and well-being, as well
5 as reduce the disproportionate impact of homelessness on youth of color, indigenous
6 youth, and youth who identify as LGBTQ.

7
8 FURTHER RESOLVED, that the American Bar Association encourages the judiciary and
9 justice system to consider barriers to youth achieving stable family support, to work to
10 ease access to petition courts to review kinship and family custody matters that resolve
11 guardianship responsibilities, and to allow youth access to vital records and legal
12 identification for matters of education and receipt of public assistance;

13
14 FURTHER RESOLVED, that the American Bar Association encourages federal, state,
15 territorial, tribal, and local governments to adopt the following law, policies, or procedures:

- 16
17 1. Require child welfare, juvenile and adult legal systems, and inpatient and
18 residential mental health and substance use agencies to exit young people to a
19 safe and stable home;
- 20 2. Appoint clear responsibility within federal, state, territorial tribal, and local
21 government to address the prevention of youth homelessness among youths
22 served by any publicly funded system or program;
- 23 3. Ensure that schools, from middle school through postsecondary, have the capacity
24 and resources to identify the needs of youth on the verge of experiencing
25 homelessness, to offer necessary services for their learning success, and to make
26 referrals to appropriate community-based resources and organizations;
- 27 4. Ensure data systems are capable of tracking pathways into youth homelessness,
28 as well as measuring the efficacy of approaches to prevent youth homelessness;

- 29 5. Co-create planning between youth with lived expertise and community-based
- 30 organizations and initiatives to prevent, as opposed to mitigate, youth
- 31 homelessness as much as possible;
- 32 6. Improve policies to disrupt pathways into youth homelessness; and
- 33 7. Fund interventions that are intended to disrupt those pathways;

34
 35 FURTHER RESOLVED, That the American Bar Association encourages federal, state,
 36 territorial, tribal, and local governments to:

- 37 1. Make public funding streams flexible in order to test and support innovative
- 38 approaches to service delivery in child welfare, justice, education and other related
- 39 systems; and
- 40 2. Fund initiatives led by communities and youth and families with lived expertise to
- 41 prevent, as opposed to mitigate, youth homelessness as much as possible; and

42
 43 FURTHER RESOLVED that local bar associations and attorneys commit themselves to
 44 reviewing the ABA’s model state statutes that may be adopted by states to advance
 45 rights and resource that prevent youth from experiencing homelessness and may
 46 minimize the need for further litigation or direct representation.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

Encouraging governments to redesign policy and repurpose funding to prevent youth homelessness and adopt a variety of best practices; encouraging the judiciary to recognize and remove legal barriers to housing stability; and encouraging bar associations and attorneys to review model state statutes to facilitate understanding of the legal needs and structures related to youth homelessness.

2. Summary of the issue that the resolution addresses.

The resolution addresses the lack of focus on preventing youth homelessness.

3. Please explain how the proposed policy position will address the issue.

This resolution addresses this issue by allowing the ABA to advocate on behalf of policies, funding, and best practices which work to prevent young people from entering homelessness.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

The Commission on Homelessness and Poverty is not aware of existing opposition to this resolution.

AMERICAN BAR ASSOCIATION
CENTER FOR HUMAN RIGHTS
RULE OF LAW INITIATIVE
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
REPORT TO THE HOUSE OF DELEGATES
RESOLUTION

- 1 RESOLVED, That the American Bar Association urges the permanent members of the
2 United Nations Security Council (UNSC) to commit in principle to voluntary restraint in
3 exercising their veto power with respect to resolutions proposing measures to prevent
4 genocide, serious war crimes, ethnic cleansing, or crimes against humanity, or to bring to
5 justice persons accused of committing such crimes, consistent with the UN Charter and
6 applicable rules of international law.
7
- 8 FURTHER RESOLVED, That the American Bar Association urges Member States of the
9 United Nations, individually and collectively, in conformity with the UN Charter, to seek to
10 achieve the objectives of the General Assembly Declaration on Responsibility to Protect
11 populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as
12 set forth in General Assembly resolution 60/1.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

This Resolution addresses the problems posed by the use by permanent members of the United Nations Security Council (UNSC) of the veto power in connection with resolutions that address situations of genocide, crimes against humanity, and/or war crimes, and urges the UN General Assembly and its Members States to fulfill their Responsibility to Protect civilians from such atrocity crimes.

2. Summary of the issue that the resolution addresses.

Due to the use of the veto by permanent members of the UNSC of resolutions that address situations of genocide, crimes against humanity, and/or war crimes, actions to end and to prevent these situations are frequently not adopted by the UNSC.

3. Please explain how the proposed policy position will address the issue.

The policy position directly addresses the issue by i) recognizing the questions that are raised by international law developments and the use of the veto power by permanent members of the UNSC in connection with resolutions that address atrocity crimes; and ii) lending support to initiatives that urge those permanent members to commit to voluntarily refrain from using the veto for resolutions addressing atrocity crimes.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

Concerns of the International Law Section with the Resolution and Report have been addressed in the filed version. No other minority views or opposition were identified as of the filing deadline.

AMERICAN BAR ASSOCIATION**CENTER FOR HUMAN RIGHTS
RULE OF LAW INITIATIVE
SECTION OF INTERNATIONAL LAW****REPORT TO THE HOUSE OF DELEGATES****RESOLUTION**

1 RESOLVED, That the American Bar Association urges the United States and the
2 international community to prioritize efforts to combat kleptocracy in countries
3 where government institutions have been captured by corrupt actors, including
4 supporting the efforts of national justice sectors and anti-corruption personnel and
5 using existing sanction authorities against those who threaten justice-sector
6 personnel; and
7

8 FURTHER RESOLVED, That the American Bar Association urges Congress to
9 enact legislation: (1) establishing an inter-agency working group to combat
10 corruption and seize assets derived from corruption, such as the Counter-
11 Kleptocracy Act (H.R. 5209, 117th Congress; and (2) requiring U.S. companies
12 engaged in business operations in kleptocracies to conduct due diligence pursuant
13 to internationally recognized anti-corruption standards.

EXECUTIVE SUMMARY1. Summary of the Resolution.

The proposed resolution calls on the international community to prioritize combating kleptocracy and grand corruption globally by supporting local justice sector personnel and anti-corruption advocates and by utilizing available sanctions authorities against corrupt individuals.

2. Summary of the issue that the resolution addresses.

Kleptocracy threatens democratic governance and the rule of law. Threats against judges and other justice sector personnel seeking to combat corruption are increasingly common. Such high-level corruption also undermines U.S. interests by contributing to irregular migration, narcotics trafficking, and human rights violations.

3. Please explain how the proposed policy position will address the issue.

Anti-corruption advocates need support to continue to do their jobs in highly corrupt systems. Without strong support from the international community, many advocates will face mounting pressure until they are forced to stop their work or even leave their home country. Support ensures that corrupt actors know that the international community is watching their actions and may hold them accountable.

Sanctions are also a tool for holding corrupt officials accountable, especially when there is little chance that they will face consequences inside their own legal system. Kleptocrats are largely driven by personal financial gain. Sanctions prevent them from realizing that gain and are therefore a powerful tool in combating corruption.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None.

AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON LAWYER REFERRAL AND INFORMATION SERVICE
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association combines the Model Supreme Court
2 Rules Governing Lawyer Referral and Information Services and the Minimum Quality
3 Standards for Lawyer Referral into the Model Rules Governing Lawyer Referral and
4 Information Services and amend such rules to reflect modern practices (additions
5 underlined and deletions ~~struck through~~); and
6

7 FURTHER RESOLVED, That the American Bar Association encourages state, local,
8 territorial, and tribal supreme courts; state, local, territorial, tribal, and specialty bar
9 associations; and other state, local, territorial, and tribal legislative and/or regulatory
10 bodies to adopt these new Model Rules Governing Lawyer Referral and Information
11 Services.
12

44 Programs with client-oriented assistance, and to expect that the loyalty of the program
45 will lie with clients, and only secondarily with the participating lawyers.

46 The updated Model Rules Governing Lawyer Referral and Information Services (the
47 “Rules”) are intended to further the goal of providing the public with access to justice and
48 ensuring that LRIS Programs can keep pace with modern day realities. For example, the
49 updates are intended to embrace diversity efforts to help meet the needs of a diverse
50 public. The amendments also permit referrals to legal paraprofessionals where they are
51 allowed to practice under the rules of that jurisdiction. While the ABA does not have a
52 policy on legal paraprofessionals, the participation of legal paraprofessionals in LRIS
53 Programs is encouraged where they can practice. However, the Rules also provide that
54 if paraprofessional referrals are provided to the public, the LRIS program should do so in
55 a manner that clearly communicates to the public whether the referral is to a lawyer or to
56 a paraprofessional. Although the Rules are not intended to be read restrictively, the Rules
57 should not be interpreted as allowing LRIS Programs to exercise undue influence over
58 the legal services provided by public service-oriented lawyers and providers. The Rules
59 are designed to provide a level playing field for all programs, whether bar-sponsored or
60 private.

61 With the advent of private, for-profit referral services, the flow of information to the public
62 has increased, but questions have been raised about whether this information continues
63 to be objective and unbiased. In particular, concerns have been expressed about how the
64 determination is made about which lawyers receive referrals, whether there are any client
65 protections such as experience requirements, whether the lawyers receiving the referrals
66 have malpractice coverage, is there a process for addressing client complaints about the
67 service or the lawyers receiving the referral, and whether the legal services to which
68 clients are referred will be affordable. It is for this reason, as well as those reasons
69 articulated elsewhere in the Rules, that regulation is desirable. We strongly urge
70 legislatures or courts in each jurisdiction to adopt the Rules and, where the Rules have
71 not yet been adopted, we encourage LRIS Programs nonetheless to follow the Rules.

72 **Terminology**

73 A. “Aggrieved person” refers to a (a) person or entity that has obtained a referral or
74 information from a lawyer referral and information service and/or received legal
75 services from a lawyer [or legal paraprofessional] referred by the lawyer referral and
76 information service and believes that he, she, or it has suffered an injury as a result
77 of the lawyer referral and information service or member lawyer not following the
78 Rules or (b) a lawyer [or legal paraprofessional] who has sought to be a member of
79 a lawyer referral information service or is or was a member and believes that he or
80 she has suffered an injury as a result of the lawyer referral or information service or
81 a member lawyer not following the Rules.

82
83 B. Although the term “lawyer referral and information service” is used in these Rules, it
84 can be used interchangeably with such terms as “lawyer referral service,” “attorney
85 referral service,” “attorney referral and information service,” “legal referral service,”
86 and “legal referral and information service” as these terms have the same meaning.

87 All of these and similar terms may be used to refer only to services that conform to
88 these Rules.

89

90 C. [“Legal paraprofessional” refers to a person who is not admitted to practice law as a
91 lawyer but has, under the laws and rules of the jurisdiction where the person provides
92 legal services, qualified to provide such legal services.]

93

94 D. “Moderate means” refers to people or entities that have the ability to pay for the legal
95 services they seek, but have relatively limited resources from which to make those
96 payments.

97

98 E. “Panel” is a list of lawyers [and/or legal paraprofessionals] who are considered
99 qualified to provide a certain type of legal services.

100 **Rule 1: Who May Participate.**

101 Lawyers [and legal paraprofessionals] eligible to practice in this jurisdiction may
102 participate in a lawyer referral and information service that refers prospective clients to
103 them, but only if the service conforms to these Rules.

104 Commentary

105 1 A lawyer need not have a physical presence in the geographical area from which
106 the lawyer referral and information service receives client inquiries, but the lawyer referral
107 and information service must consider whether the lawyer or [legal paraprofessional] has
108 the appropriate means to deliver services to such clients.

109 2 [Jurisdictions are increasingly licensing and permitting legal paraprofessionals to
110 provide some types of legal services to the public. To the extent that legal
111 paraprofessionals are (or in the future become) licensed to provide legal services, lawyer
112 referral and information services should be able to provide referrals to such legal
113 paraprofessionals in addition to lawyers unless a jurisdiction’s legal paraprofessional
114 licensure does not establish a paraprofessional-client privilege sufficient to meet the
115 requirements of Rule 14. The rules that follow refer to both lawyers and legal
116 paraprofessionals on the assumption that the jurisdiction licenses and permits
117 paraprofessionals to provide certain types of legal services to the public. A lawyer referral
118 and information service may provide referrals to such licensed paraprofessionals, but it is
119 not required to do so. However, if a lawyer referral and information service determines
120 that it will provide referrals to such legal paraprofessionals in addition to lawyers, it should
121 do so in a manner that clearly communicates to the public whether the referral is to a
122 lawyer or to a paraprofessional.

123 **Rule 2: Public Interest Requirement.**

124 A lawyer referral and information service must be operated in the public interest for the
125 purpose of referring prospective clients to lawyers, [legal paraprofessionals,] pro bono

126 and public service legal programs, and governmental, consumer, social service or other
127 agencies that can provide the assistance the clients need in light of their financial
128 circumstances, spoken language, any disability, geographical convenience, and the
129 nature and complexity of their problems and providing the public with information
130 regarding legal and social services.

131 Commentary

132 1 The intent of this rule is to articulate the public service requirement for lawyer
133 referral and information services. While it does not preclude private services from
134 operating, this statement does establish the primacy of a public service intent. The lawyer
135 referral and information service should be operated for the benefit of all members of the
136 public. It should be readily accessible, and its existence should be made known to the
137 public to the greatest extent possible, including in alternative formats for people with
138 disabilities.

139 2 The lawyer referral mechanism was originally created to help the public identify the
140 best method, whether legal or non-legal, for resolving disputes and protecting important
141 rights. The wealthy had the means and ability to secure appropriate counsel; however, it
142 was harder for middle income and low-income persons to do the same. Lawyer referral
143 and information services are public-service oriented programs that should be designed to
144 fit those client needs.

145 3 As vital as lawyer [and legal paraprofessional] referral is, the information provided
146 by programs about, for example, lawyers, the legal system in general, the availability of
147 legal services, and the availability of consumer, governmental, social service and other
148 agencies that can address the client's problem, is an equally important public service.
149 Services should provide [both] lawyer [and legal paraprofessional] referrals and this type
150 of auxiliary legal information.

151 4 Lawyer referral and information services that are operated in the public interest are
152 designed to fill the legal information void in a responsible and unbiased manner, and often
153 at a reasonable cost. The public has come to rely on the objective nature of the assistance
154 provided by lawyer referral and information services.

155 **Rule 3: Operating as a Lawyer Referral Service.**

156 Only a service that conforms to these Rules may call itself a lawyer referral and
157 information service, lawyer referral service, attorney referral service, attorney referral and
158 information service, legal referral service, and legal referral and information service or
159 similar term, or operate for a direct or indirect purpose of referring potential clients to
160 particular lawyers [and legal paraprofessionals], whether or not the term "referral service"
161 is used.

162 . Commentary

163 1 This rule establishes more clearly that it encompasses any entity operating to
 164 make referrals to lawyers [or legal paraprofessionals], regardless of whether the entity
 165 uses the term “referral service.”

166 2 Before the rules on lawyer advertising were relaxed, lawyer referral and
 167 information services were operated primarily as a public service to provide informed
 168 access to the legal system. Because of widespread advertising of legal services and the
 169 exemption of lawyer referral and information services from the ordinary prohibitions
 170 against splitting fees with attorneys, it is important that a broad definition of lawyer referral
 171 and information service and lawyer referral service be used for regulatory purposes.

172 **Rule 4: Eligibility to Participate.**

173 A lawyer referral and information service must be open to all lawyers [and legal
 174 paraprofessionals] licensed and eligible to practice in this jurisdiction who have either a
 175 physical presence in or substantial connection to the geographical area served, and who:

- 176 (a) meet reasonable, objectively determinable experience requirements
 177 established by the service;
- 178 (b) pay reasonable registration and membership fees not to exceed an amount
 179 established by its lawyer referral and information service committee or other
 180 governing body to encourage widespread lawyer participation; and
- 181 (c) maintain in force a policy of errors and omissions insurance in an amount at
 182 least equal to the minimum established by its governing body.

183 Commentary

184 1 This rule is designed to limit panel membership to lawyers [and legal
 185 paraprofessionals] who are licensed and in good standing with their respective regulatory
 186 entity. It also notably requires that panel membership be open to all lawyers [and licensed
 187 legal paraprofessionals] who wish to join, provided that they are located in or have a
 188 substantial connection to the geographic area served and satisfy those requirements set
 189 forth therein. Requiring a presence in or connection to the geographical area is important
 190 for two reasons. First, most lawyer referral services are local, and staff can more easily
 191 verify experience requirements, obtain feedback, pursue dispute resolution procedures,
 192 and anticipate issues before they arise with lawyers who are based in or have a
 193 substantial connection to the area. Second, requiring such a presence or connection
 194 helps ensure accountability of the lawyers to the lawyer referral and information service
 195 and to their clients.

196 2 Under no circumstances should a service close a panel by selling or allocating
 197 designated geographical areas or areas of practice to a limited number of individuals
 198 based on their ability to pay a fee to the service. .

199 3 Where it can be demonstrated by objective criteria that unlimited panel
 200 membership undermines legitimate client interests due to historically limited referral
 201 potential, then a service may reasonably limit the number of lawyers [and/or legal
 202 paraprofessionals] enrolled on a panel, provided that such limitation is in the public
 203 interest and is not based in whole or in part upon the ability of the enrolled individuals to
 204 pay a fee to the lawyer referral service.

205 4 The purpose of subsection (a) is to mandate that each service requires member
 206 lawyers [and legal paraprofessionals] who are referred cases in particular subject matter
 207 areas to have an appropriate level of experience in these areas. The criteria to be used
 208 in determining such requirements are more fully set forth in the Commentary to Rule . 10.

209 5 Subsection (b) should be used in those jurisdictions that deem it appropriate, and
 210 where it is consistent with the rules of professional conduct and the statutory and
 211 decisional law of that jurisdiction.

212 6 ABA Model Rule of Professional Conduct 7.2 prohibits giving anything of value to
 213 one who recommends the lawyer's services except, among others, "the usual charges of
 214 a not-for-profit lawyer referral service ..." Many jurisdictions have interpreted this and
 215 other similar provisions in both court decisions and ethics opinions. These rules, decisions
 216 and opinions . should be reviewed when interpreting this rule.

217 7 The intent of subsection (c) is to ensure that, in the event errors are made by the
 218 member lawyer [or legal paraprofessional], the client has redress through the lawyer's or
 219 legal paraprofessional's insurance policy.

220 8 Only by requiring such insurance can clients' needs best be satisfied. In
 221 jurisdictions where referral services are not immune from lawsuits for negligent referral,
 222 this requirement will help protect the service from such lawsuits; in jurisdictions where
 223 such immunity exists, it ensures that clients may find redress against the principal
 224 negligent party, *i.e.*, the lawyer [or legal paraprofessional].

225 **Rule 5: Total Charges.**

226 The combined fees and expenses paid to a LRIS Program and a lawyer [or legal
 227 paraprofessional] to whom the client is referred must not exceed the total charges that
 228 the client would have incurred had no referral and information service been involved.

229 Commentary

230 1 The intent of this rule is to ensure that the client must not be economically
 231 disadvantaged in any respect because the client has decided to utilize a lawyer referral .
 232 and information service. Simply put, clients should not have to pay more for services
 233 obtained through the lawyer referral and information service than they would if they
 234 obtained the services on their own. Under no circumstances may a lawyer [or legal

235 paraprofessional] charge the client for a consultation fee or referral fee that the lawyer [or
236 legal paraprofessional] owes to the lawyer referral and information service.

237 **. Rule 6: Ownership Interest.**

238 No fee-generating referral may be made to any lawyer [or legal paraprofessional] who
239 has an ownership interest in, or who operates or is employed by, a lawyer referral and
240 information service, or who is associated with a law firm [or legal services firm] that has
241 an ownership interest in, operates, or is employed by, a lawyer referral and information
242 service.

243 Commentary

244 1 The intent of this rule is to prevent the temptation of using the referral and
245 information service to refer cases to oneself, rather than to serve the client's needs. The
246 important goal of unbiased referrals is thereby maintained.

247 2 Because the purpose of lawyer [or legal paraprofessional] referral is to provide
248 clients with the best option for a specific legal need, a referral and information service that
249 makes referrals to its owners or operators is in constant danger of, intentionally or
250 unintentionally, referring the most desirable cases in-house, without considering the
251 client's needs first. This potential for a conflict of interest between the lawyer referral and
252 information service and the clients' needs must be avoided. The rule provides the most
253 reliable method of maintaining unbiased referrals.

254 3 Service on a Board or lawyer referral and information service committee of a
255 sponsoring bar association should not, in and of itself, exclude a member lawyer [or legal
256 paraprofessional] from accepting referrals, provided the referral and information service
257 maintains adequate safeguards against preferential treatment of these lawyers [and legal
258 paraprofessionals], including ensuring that some portion of the Board or lawyer referral
259 service committee is comprised of lawyers [and legal paraprofessionals] who do not
260 receive referrals.

261 **Rule 7: Client Satisfaction.**

262 A lawyer referral and information service must periodically survey client satisfaction with
263 its operations and must investigate and take appropriate action with respect to client
264 complaints against lawyer [and legal paraprofessional] members, the service, and its
265 employees.

266 Commentary

267 1 The intent of this rule is to help ensure that the referral and information service is
268 truly meeting the needs of the public by requiring direct feedback from the users of the .
269 lawyer referral and information service. However, this rule does not mean that every client
270 must be included in a survey. It is recognized that in certain situations surveying some

271 clients may not be in the best interest of the clients, and that discretion should be used,
272 for example with domestic violence or health and substance abuse issues.

273 **Rule 8: System of Review.**

274 A lawyer referral and information service must establish and publish a procedure for (a)
275 admitting, suspending, or removing member lawyers [and legal paraprofessionals] from
276 its roll of panelists, and (b) addressing client complaints about the lawyer referral and
277 information service. Any member lawyer [or legal paraprofessional] adversely affected by
278 the decision of the service may appeal to its governing body.

279 Commentary

280 1 The intent of this rule is to require rules to ensure that, as a public service, providing
281 qualified and quality representation must be a priority of any . lawyer referral and
282 information service.

283 2 Without rigidly defining what the procedures must be, this provision acknowledges
284 the need for each referral and information service to establish procedures for admission,
285 suspension, and removal of member lawyers [and legal paraprofessionals] as well as
286 complaints about the lawyer referral and information service. These procedures must be
287 clearly articulated to assure the public that a mechanism exists for responding to client
288 complaints about member lawyers [or legal paraprofessionals] or the lawyer referral and
289 information service and potential instances of misconduct by member lawyers [or legal
290 paraprofessionals]; ensure due process for the clients and lawyers [and legal
291 paraprofessionals] involved; and protect the confidences of clients of those lawyers [and
292 legal paraprofessionals] and the lawyer referral and information service. This includes a
293 duty to investigate client complaints against member lawyers [and legal
294 paraprofessionals] and the lawyer information and referral service.

295 3 It is appropriate to have a separate process for complaints about the lawyer referral
296 and information service, which need not include an appeals procedure.

297 **Rule 9: Percentage Fees.**

298 An LRIS Program may, in addition to any consultation fee and referral fee, charge a fee
299 calculated as a percentage of legal fees earned by any member lawyer [or legal
300 paraprofessional] to whom the service has referred a matter. The income from any such
301 percentage fee must be used only to pay the reasonable operating expenses of the
302 service and to fund public service activities of the service or its sponsoring organization,
303 including the delivery of pro bono legal services.

304 Commentary

305 1 This section should be used in those jurisdictions that deem it appropriate, and
306 where it is consistent with the rules of professional conduct and the statutory and
307 decisional law of that jurisdiction.

308 2 The ABA Rules of Professional Conduct have long prohibited the division of fees
 309 for legal services. with non. . -lawyers. However, ABA Model Rule of Professional
 310 Conduct 5.4(a)(4) permits the sharing of court. -awarded legal fees in a matter with a
 311 nonprofit organization that referred the matter to the lawyer. Some jurisdictions may
 312 believe that this restriction on lawyer fee sharing is adequate to address the public interest
 313 involved. In other jurisdictions, where it is perceived that there is a need not only to
 314 regulate the practice of lawyers but also to regulate the business practices of lawyer
 315 referral and information services, additional regulation may be necessary.

316 3 Two ABA ethics opinions have approved financing of bar association sponsored
 317 lawyer referral and information services by charging a reasonable percentage of fees.
 318 See ABA Formal Ethics Opinion 291 (1956) and ABA Informal Ethics Opinion 1076
 319 (1968). Opinions in several jurisdictions have adopted similar reasoning in permitting
 320 payment of percentage fees to either bar sponsored or general non-profit lawyer referral
 321 and information services.

322 **Rule 10: Subject Matter Panels.**

323 A lawyer referral and information service must establish specific subject matter panels,
 324 eligibility for which must be determined on the basis of experience and other substantial
 325 objectively determinable criteria. A lawyer referral and information service may establish
 326 panels for clients with moderate means, panels whose members charge no fees, panels
 327 whose members handle limited scope representations, panels whose members handle
 328 alternative dispute resolution proceedings, and other specific panels . . . that respond to
 329 the diverse referral needs of the public.

330 Commentary

331 1 Panels must be organized by "subject matter" and to serve on a subject matter
 332 panel, attorneys must meet the experience and other substantial and objective criteria
 333 established by the lawyer referral and information service. ABA Model Rule of
 334 Professional Conduct 1.2(c) specifically allows limited scope representation if the
 335 limitation is reasonable and the client gives informed consent.

336 2 The importance of establishing meaningful subject matter requirements cannot be
 337 underestimated. It is inappropriate for a service to simply refer a caller to the next member
 338 lawyer [or legal paraprofessional] on the list without determining that the member lawyer
 339 [or legal paraprofessional] is qualified in the field of practice for which legal services are
 340 needed. Because the public relies on services to provide qualified legal representation
 341 that is better than what the client could obtain by guesswork, it is incumbent upon these
 342 services to ensure that their member lawyers [or legal paraprofessionals] have
 343 substantially more qualifications than mere bar membership [or other license to provide
 344 legal services].

345 3 "Experience" is not intended to mean "expertise" or "specialization," and it should
 346 not be defined merely by length of time in practice. . Rather, the goal is to ensure that

347 both the subject matter panels and the qualification standards meet the needs and
 348 reasonable expectations of the community served. In meeting these needs, consideration
 349 should also be given to the member lawyer's [or legal paraprofessional's] experience with
 350 particular types of matters, and to requiring a certain amount of recent actual experience.

351 4 Diversity of the lawyer [and legal paraprofessional] members that reflect the
 352 diversity of the public being served also is highly desirable.

353 5 Panels for clients with moderate means and whose panel members are lawyers
 354 with limited experience enable those that do not qualify for legal aid to afford a lawyer
 355 when they are unable to pay full market price for legal services. Panels specifically
 356 identified as "limited experience panels" or "moderate means panels" may include
 357 member lawyers [and/or legal paraprofessionals] without significant experience in a
 358 particular subject matter. However, the eligibility parameters for participation in these
 359 panels must be plainly defined and communicated to clients receiving referrals from those
 360 panels.

361 **Rule 11: Oversight.**

362 The operation of these Rules and compliance with their provisions must be supervised by
 363 the lawyer referral and information service's governing entity and/or regulatory body. The
 364 lawyer referral and information service's governing entity must develop and promulgate
 365 rules, regulations, procedures, and forms to discharge its obligations not inconsistent with
 366 these Rules and subject to approval by the jurisdiction's regulatory body.

367 Commentary

368 1 The intent of this rule is to establish the regulatory entities that are charged with
 369 overseeing LRIS Programs, and to allow these regulatory entities to adopt their own rules
 370 and regulations for oversight purposes. Not all lawyer referral and information services
 371 will be operated by a bar association and thus may not be overseen by a "committee."
 372 Therefore, we use the more inclusive term "governing body," which may include a bar
 373 association's committee on lawyer referral, or the board of a for-profit or not-for-profit
 374 organization as allowed by the jurisdiction.

375 2 Each jurisdiction will determine, based on its legislative, judicial, or bar regulatory
 376 authority over the practice of law, the composition of the regulatory entity that will oversee
 377 lawyer referral and information services.

378 **Rule 12: Reporting Requirements.**

379 A lawyer referral and information service must:

- 380 (a) demonstrate its compliance with these Rules before commencing
 381 operation;
 382 (b) update the materials filed with its governing body and/or regulatory agency
 383 within 30 days of any material change; and

- 384 (c) Annually file with its governing body and/or regulatory agency a report of its
 385 operations and finances during the previous fiscal year, demonstrating its
 386 continued compliance with these Rules.

387 **Rule 13: Exemptions.**

388 These Rules do not apply to:

- 389 (a) a group or prepaid legal plan, whether operated by a union, trust, mutual
 390 benefit or aid association, corporation, or other entity or person, that (i)
 391 provides unlimited or a specified amount of telephone advice or personal
 392 communication at no charge to the members or beneficiaries, other than a
 393 periodic membership or beneficiary fee, and (ii) furnishes or pays for legal
 394 services to its members or beneficiaries;
- 395 (b) a plan of prepaid legal services insurance authorized to operate in the
 396 jurisdiction;
- 397 (c) individual lawyer-to-lawyer or lawyer-to-legal paraprofessional referrals;
- 398 (d) lawyers jointly advertising their own services in a manner that discloses that
 399 such advertising is solely to solicit clients for themselves; or
- 400 (e) any pro bono legal assistance program that does not accept fees from
 401 lawyers or clients for referrals.

402 Commentary

403 1 These exclusions are all for services that are, like lawyer referral and information
 404 services, designed to promote the accessibility of legal services to the public.

405 2 Individual referrals from one lawyer to another [or to a legal paraprofessional] are
 406 part of the everyday practice of law. Many of these "referrals" are informal and involve no
 407 fee. If a referral fee is involved, the jurisdiction's relevant rules of professional conduct
 408 should be applied. See ABA Model Rule of Professional Conduct 1.5(e).

409 **Rule 14: Confidentiality.**

410 A disclosure of information to a lawyer referral and information service for the purpose of
 411 seeking legal assistance must be kept confidential by the lawyer referral and information
 412 service and should be protected as a privileged communication.

413 Commentary

414 1 Because a client discloses confidential information to a lawyer referral and
 415 information service for the sole purpose of seeking the assistance of a lawyer [or legal
 416 paraprofessional], the client's communication for that purpose should be maintained as
 417 confidential by the service (see ABA Model Rule of Professional Conduct 1.6).

607

418 2 Communications between a lawyer referral and information service and client of
419 that service should also be protected from disclosure by the attorney-client privilege. See
420 ABA House of Delegates Resolution 106 (2016), which calls for the adoption of rules or
421 enactment of legislation to establish an evidentiary privilege for lawyer referral and
422 information services and their clients for confidential communications between a client of
423 the service and the lawyer referral and information service when a client consults the
424 service for the purpose of retaining a lawyer or obtaining legal advice from a lawyer.

425 **Rule 15: Enforcement.**

426 The regulatory agency or any aggrieved person may seek an injunction to enjoin
427 violations of these Rules. In the event the injunction is granted, the petitioner is entitled
428 to reasonable costs and attorney's fees.

429 Commentary

430 1 The intent of this rule is to provide that anyone aggrieved, not merely the regulatory
431 agency, may move to enjoin unlawful operations of . . . a lawyer referral and information
432 service.

433 2 It is important to note that, while "any aggrieved person" may move to enjoin illegal
434 activity, typically the responsibility for enforcement should fall primarily on the regulatory
435 agency within that jurisdiction.

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AMERICAN BAR ASSOCIATION

440

STANDING COMMITTEE ON LAWYER REFERRAL AND INFORMATION SERVICE

441

442

443

**MODEL RULES GOVERNING
LAWYER REFERRAL AND INFORMATION SERVICES**444 **Preamble and Scope**

445 Lawyer referral and information services, also sometimes called lawyer referral services,
446 (collectively, “LRIS Programs”),¹ have been in operation in this country for more than 80
447 years, and were first established in response to requests by middle income people for
448 assistance in obtaining appropriate legal counsel. LRIS Programs increasingly have
449 played an important role in ensuring access to justice for the public at large, particularly
450 for those of moderate or limited means. The lawyer referral aspect of LRIS Programs is
451 designed to assist those who are able to pay – either at a full or a moderate rate – but
452 whose ability to locate appropriate legal representation is frustrated by a lack of
453 experience with the legal system, a lack of information about the type of service needed,
454 or a fear of the potential costs of seeing a lawyer. The information aspect of LRIS
455 Programs is designed to help both those who can and those who cannot afford to pay for
456 legal services.

457 LRIS Programs offer three important services to the public. First, they help clients
458 determine if their problem is truly of a legal nature by screening inquiries and referring
459 clients appropriately. In addition to referrals to lawyers, many referrals are also to
460 resources that do not involve lawyers or other legal service providers, such as social
461 service or governmental agencies. In a 2019 survey of LRIS Programs, it was reported
462 that 26 percent of all callers were referred elsewhere.² Second, LRIS Programs provide
463 clients with an unbiased referral to lawyers who have proven experience in the areas of
464 law appropriate to the clients’ needs. Although some programs have panels of lawyers
465 with limited experience, to be included in the primary referral pool, lawyers must exhibit a
466 minimum amount of experience in the field in which they elect to receive referrals. Third,
467 LRIS Programs also provide information about governmental and consumer agencies,
468 pro bono programs, pro se resources, courthouse information, or other legal service
469 providers that may assist clients. The public has come to equate the function of LRIS

¹ LRIS Programs are commonly referred to by a variety of other names as well, such as attorney referral services, attorney Referral and Information Services, legal referral services, and legal referral and information services, just to name a few. This definition is not intended to exclude any such entity because of its name.

² This survey was based on total calls during the 2018 fiscal year. The ABA Standing Committee on Lawyer Referral and Information Service conducts a biennial census of LRIS Programs and presents its findings during the Committee’s annual National Lawyer Referral Workshop.

470 Programs with client-oriented assistance, and to expect that the loyalty of the program
471 will lie with clients, and only secondarily with the participating lawyers.

472 The updated Model Rules Governing Lawyer Referral and Information Services (the
473 “Rules”) are intended to further the goal of providing the public with access to justice and
474 ensuring that LRIS Programs can keep pace with modern day realities. For example, the
475 updates are intended to embrace diversity efforts to help meet the needs of a diverse
476 public. The amendments also permit referrals to legal paraprofessionals where they are
477 allowed to practice under the rules of that jurisdiction. While the ABA does not have a
478 policy on legal paraprofessionals, the participation of legal paraprofessionals in LRIS
479 Programs is encouraged where they can practice. However, the Rules also provide that
480 if paraprofessional referrals are provided to the public, the LRIS program should do so in
481 a manner that clearly communicates to the public whether the referral is to a lawyer or to
482 a paraprofessional. Although the Rules are not intended to be read restrictively, the Rules
483 should not be interpreted as allowing LRIS Programs to exercise undue influence over
484 the legal services provided by public service-oriented lawyers and providers. The Rules
485 are designed to provide a level playing field for all programs, whether bar-sponsored or
486 private.

487 With the advent of private, for-profit referral services, the flow of information to the public
488 has increased, but questions have been raised about whether this information continues
489 to be objective and unbiased. In particular, concerns have been expressed about how the
490 determination is made about which lawyers receive referrals, whether there are any client
491 protections such as experience requirements, whether the lawyers receiving the referrals
492 have malpractice coverage, is there a process for addressing client complaints about the
493 service or the lawyers receiving the referral, and whether the legal services to which
494 clients are referred will be affordable. It is for this reason, as well as those reasons
495 articulated elsewhere in the Rules, that regulation is desirable. We strongly urge
496 legislatures or courts in each jurisdiction to adopt the Rules and, where the Rules have
497 not yet been adopted, we encourage LRIS Programs nonetheless to follow the Rules.

498 **Terminology**

499 A. “Aggrieved person” refers to a (a) person or entity that has obtained a referral or
500 information from a lawyer referral and information service and/or received legal
501 services from a lawyer [or legal paraprofessional] referred by the lawyer referral and
502 information service and believes that he, she, or it has suffered an injury as a result
503 of the lawyer referral and information service or member lawyer not following the
504 Rules or (b) a lawyer [or legal paraprofessional] who has sought to be a member of
505 a lawyer referral information service or is or was a member and believes that he or
506 she has suffered an injury as a result of the lawyer referral or information service or
507 a member lawyer not following the Rules.
508

509 B. Although the term “lawyer referral and information service” is used in these Rules, it
510 can be used interchangeably with such terms as “lawyer referral service,” “attorney
511 referral service,” “attorney referral and information service,” “legal referral service,”
512 and “legal referral and information service” as these terms have the same meaning.

513 All of these and similar terms may be used to refer only to services that conform to
514 these Rules.

515

516 C. [“Legal paraprofessional” refers to a person who is not admitted to practice law as a
517 lawyer but has, under the laws and rules of the jurisdiction where the person provides
518 legal services, qualified to provide such legal services.]

519

520 D. “Moderate means” refers to people or entities that have the ability to pay for the legal
521 services they seek, but have relatively limited resources from which to make those
522 payments.

523

524 E. “Panel” is a list of lawyers [and/or legal paraprofessionals] who are considered
525 qualified to provide a certain type of legal services.

526 **Rule 1: Who May Participate.**

527 Lawyers [and legal paraprofessionals] eligible to practice in this jurisdiction may
528 participate in a lawyer referral and information service that refers prospective clients to
529 them, but only if the service conforms to these Rules.

530 Commentary

531 1 A lawyer need not have a physical presence in the geographical area from which
532 the lawyer referral and information service receives client inquiries, but the lawyer referral
533 and information service must consider whether the lawyer or [legal paraprofessional] has
534 the appropriate means to deliver services to such clients.

535 2 [Jurisdictions are increasingly licensing and permitting legal paraprofessionals to
536 provide some types of legal services to the public. To the extent that legal
537 paraprofessionals are (or in the future become) licensed to provide legal services, lawyer
538 referral and information services should be able to provide referrals to such legal
539 paraprofessionals in addition to lawyers unless a jurisdiction’s legal paraprofessional
540 licensure does not establish a paraprofessional-client privilege sufficient to meet the
541 requirements of Rule 14. The rules that follow refer to both lawyers and legal
542 paraprofessionals on the assumption that the jurisdiction licenses and permits
543 paraprofessionals to provide certain types of legal services to the public. A lawyer referral
544 and information service may provide referrals to such licensed paraprofessionals, but it is
545 not required to do so. However, if a lawyer referral and information service determines
546 that it will provide referrals to such legal paraprofessionals in addition to lawyers, it should
547 do so in a manner that clearly communicates to the public whether the referral is to a
548 lawyer or to a paraprofessional.

549 **Rule 2: Public Interest Requirement.**

550 A lawyer referral and information service must be operated in the public interest for the
551 purpose of referring prospective clients to lawyers, [legal paraprofessionals,] pro bono

552 and public service legal programs, and governmental, consumer, social service or other
553 agencies that can provide the assistance the clients need in light of their financial
554 circumstances, spoken language, any disability, geographical convenience, and the
555 nature and complexity of their problems and providing the public with information
556 regarding legal and social services.

557 Commentary

558 1 The intent of this rule is to articulate the public service requirement for lawyer
559 referral and information services. While it does not preclude private services from
560 operating, this statement does establish the primacy of a public service intent. The lawyer
561 referral and information service should be operated for the benefit of all members of the
562 public. It should be readily accessible, and its existence should be made known to the
563 public to the greatest extent possible, including in alternative formats for people with
564 disabilities.

565 2 The lawyer referral mechanism was originally created to help the public identify the
566 best method, whether legal or non-legal, for resolving disputes and protecting important
567 rights. The wealthy had the means and ability to secure appropriate counsel; however, it
568 was harder for middle income and low-income persons to do the same. Lawyer referral
569 and information services are public-service oriented programs that should be designed to
570 fit those client needs.

571 3 As vital as lawyer [and legal paraprofessional] referral is, the information provided
572 by programs about, for example, lawyers, the legal system in general, the availability of
573 legal services, and the availability of consumer, governmental, social service and other
574 agencies that can address the client's problem, is an equally important public service.
575 Services should provide [both] lawyer [and legal paraprofessional] referrals and this type
576 of auxiliary legal information.

577 4 Lawyer referral and information services that are operated in the public interest are
578 designed to fill the legal information void in a responsible and unbiased manner, and often
579 at a reasonable cost. The public has come to rely on the objective nature of the assistance
580 provided by lawyer referral and information services.

581 **Rule 3: Operating as a Lawyer Referral Service.**

582 Only a service that conforms to these Rules may call itself a lawyer referral and
583 information service, lawyer referral service, attorney referral service, attorney referral and
584 information service, legal referral service, and legal referral and information service or
585 similar term, or operate for a direct or indirect purpose of referring potential clients to
586 particular lawyers [and legal paraprofessionals], whether or not the term "referral service"
587 is used.

588 Commentary

589 1 This rule establishes more clearly that it encompasses any entity operating to
 590 make referrals to lawyers [or legal paraprofessionals], regardless of whether the entity
 591 uses the term “referral service.”

592 2 Before the rules on lawyer advertising were relaxed, lawyer referral and
 593 information services were operated primarily as a public service to provide informed
 594 access to the legal system. Because of widespread advertising of legal services and the
 595 exemption of lawyer referral and information services from the ordinary prohibitions
 596 against splitting fees with attorneys, it is important that a broad definition of lawyer referral
 597 and information service and lawyer referral service be used for regulatory purposes.

598 **Rule 4: Eligibility to Participate.**

599 A lawyer referral and information service must be open to all lawyers [and legal
 600 paraprofessionals] licensed and eligible to practice in this jurisdiction who have either a
 601 physical presence in or substantial connection to the geographical area served, and who:

- 602 (a) meet reasonable, objectively determinable experience requirements
 603 established by the service;
- 604 (b) pay reasonable registration and membership fees not to exceed an amount
 605 established by its lawyer referral and information service committee or other
 606 governing body to encourage widespread lawyer participation; and
- 607 (c) maintain in force a policy of errors and omissions insurance in an amount at
 608 least equal to the minimum established by its governing body.

609 Commentary

610 1 This rule is designed to limit panel membership to lawyers [and legal
 611 paraprofessionals] who are licensed and in good standing with their respective regulatory
 612 entity. It also notably requires that panel membership be open to all lawyers [and licensed
 613 legal paraprofessionals] who wish to join, provided that they are located in or have a
 614 substantial connection to the geographic area served and satisfy those requirements set
 615 forth therein. Requiring a presence in or connection to the geographical area is important
 616 for two reasons. First, most lawyer referral services are local, and staff can more easily
 617 verify experience requirements, obtain feedback, pursue dispute resolution procedures,
 618 and anticipate issues before they arise with lawyers who are based in or have a
 619 substantial connection to the area. Second, requiring such a presence or connection
 620 helps ensure accountability of the lawyers to the lawyer referral and information service
 621 and to their clients.

622 2 Under no circumstances should a service close a panel by selling or allocating
 623 designated geographical areas or areas of practice to a limited number of individuals
 624 based on their ability to pay a fee to the service.

625 3 Where it can be demonstrated by objective criteria that unlimited panel
626 membership undermines legitimate client interests due to historically limited referral
627 potential, then a service may reasonably limit the number of lawyers [and/or legal
628 paraprofessionals] enrolled on a panel, provided that such limitation is in the public
629 interest and is not based in whole or in part upon the ability of the enrolled individuals to
630 pay a fee to the lawyer referral service.

631 4 The purpose of subsection (a) is to mandate that each service requires member
632 lawyers [and legal paraprofessionals] who are referred cases in particular subject matter
633 areas to have an appropriate level of experience in these areas. The criteria to be used
634 in determining such requirements are more fully set forth in the Commentary to Rule 10.

635 5 Subsection (b) should be used in those jurisdictions that deem it appropriate, and
636 where it is consistent with the rules of professional conduct and the statutory and
637 decisional law of that jurisdiction.

638 6 ABA Model Rule of Professional Conduct 7.2 prohibits giving anything of value to
639 one who recommends the lawyer's services except, among others, "the usual charges of
640 a not-for-profit lawyer referral service ..." Many jurisdictions have interpreted this and
641 other similar provisions in both court decisions and ethics opinions. These rules, decisions
642 and opinions should be reviewed when interpreting this rule.

643 7 The intent of subsection (c) is to ensure that, in the event errors are made by the
644 member lawyer [or legal paraprofessional], the client has redress through the lawyer's or
645 legal paraprofessional's insurance policy.

646 8 Only by requiring such insurance can clients' needs best be satisfied. In
647 jurisdictions where referral services are not immune from lawsuits for negligent referral,
648 this requirement will help protect the service from such lawsuits; in jurisdictions where
649 such immunity exists, it ensures that clients may find redress against the principal
650 negligent party, *i.e.*, the lawyer [or legal paraprofessional].

651 **Rule 5: Total Charges.**

652 The combined fees and expenses paid to a LRIS Program and a lawyer [or legal
653 paraprofessional] to whom the client is referred must not exceed the total charges that
654 the client would have incurred had no referral and information service been involved.

655 Commentary

656 1 The intent of this rule is to ensure that the client must not be economically
657 disadvantaged in any respect because the client has decided to utilize a lawyer referral
658 and information service. Simply put, clients should not have to pay more for services
659 obtained through the lawyer referral and information service than they would if they
660 obtained the services on their own. Under no circumstances may a lawyer [or legal

661 paraprofessional] charge the client for a consultation fee or referral fee that the lawyer [or
662 legal paraprofessional] owes to the lawyer referral and information service.

663 **Rule 6: Ownership Interest.**

664 No fee-generating referral may be made to any lawyer [or legal paraprofessional] who
665 has an ownership interest in, or who operates or is employed by, a lawyer referral and
666 information service, or who is associated with a law firm [or legal services firm] that has
667 an ownership interest in, operates, or is employed by, a lawyer referral and information
668 service.

669 Commentary

670 1 The intent of this rule is to prevent the temptation of using the referral and
671 information service to refer cases to oneself, rather than to serve the client's needs. The
672 important goal of unbiased referrals is thereby maintained.

673 2 Because the purpose of lawyer [or legal paraprofessional] referral is to provide
674 clients with the best option for a specific legal need, a referral and information service that
675 makes referrals to its owners or operators is in constant danger of, intentionally or
676 unintentionally, referring the most desirable cases in-house, without considering the
677 client's needs first. This potential for a conflict of interest between the lawyer referral and
678 information service and the clients' needs must be avoided. The rule provides the most
679 reliable method of maintaining unbiased referrals.

680 3 Service on a Board or lawyer referral and information service committee of a
681 sponsoring bar association should not, in and of itself, exclude a member lawyer [or legal
682 paraprofessional] from accepting referrals, provided the referral and information service
683 maintains adequate safeguards against preferential treatment of these lawyers [and legal
684 paraprofessionals], including ensuring that some portion of the Board or lawyer referral
685 service committee is comprised of lawyers [and legal paraprofessionals] who do not
686 receive referrals.

687 **Rule 7: Client Satisfaction.**

688 A lawyer referral and information service must periodically survey client satisfaction with
689 its operations and must investigate and take appropriate action with respect to client
690 complaints against lawyer [and legal paraprofessional] members, the service, and its
691 employees.

692 Commentary

693 1 The intent of this rule is to help ensure that the referral and information service is
694 truly meeting the needs of the public by requiring direct feedback from the users of the
695 lawyer referral and information service. However, this rule does not mean that every client
696 must be included in a survey. It is recognized that in certain situations surveying some

697 clients may not be in the best interest of the clients, and that discretion should be used,
698 for example with domestic violence or health and substance abuse issues.

699 **Rule 8: System of Review.**

700 A lawyer referral and information service must establish and publish a procedure for (a)
701 admitting, suspending, or removing member lawyers [and legal paraprofessionals] from
702 its roll of panelists, and (b) addressing client complaints about the lawyer referral and
703 information service. Any member lawyer [or legal paraprofessional] adversely affected by
704 the decision of the service may appeal to its governing body.

705 Commentary

706 1 The intent of this rule is to require rules to ensure that, as a public service, providing
707 qualified and quality representation must be a priority of any lawyer referral and
708 information service.

709 2 Without rigidly defining what the procedures must be, this provision acknowledges
710 the need for each referral and information service to establish procedures for admission,
711 suspension, and removal of member lawyers [and legal paraprofessionals] as well as
712 complaints about the lawyer referral and information service. These procedures must be
713 clearly articulated to assure the public that a mechanism exists for responding to client
714 complaints about member lawyers [or legal paraprofessionals] or the lawyer referral and
715 information service and potential instances of misconduct by member lawyers [or legal
716 paraprofessionals]; ensure due process for the clients and lawyers [and legal
717 paraprofessionals] involved; and protect the confidences of clients of those lawyers [and
718 legal paraprofessionals] and the lawyer referral and information service. This includes a
719 duty to investigate client complaints against member lawyers [and legal
720 paraprofessionals] and the lawyer information and referral service.

721 3 It is appropriate to have a separate process for complaints about the lawyer referral
722 and information service, which need not include an appeals procedure.

723 **Rule 9: Percentage Fees.**

724 An LRIS Program may, in addition to any consultation fee and referral fee, charge a fee
725 calculated as a percentage of legal fees earned by any member lawyer [or legal
726 paraprofessional] to whom the service has referred a matter. The income from any such
727 percentage fee must be used only to pay the reasonable operating expenses of the
728 service and to fund public service activities of the service or its sponsoring organization,
729 including the delivery of pro bono legal services.

730 Commentary

731 1 This section should be used in those jurisdictions that deem it appropriate, and
732 where it is consistent with the rules of professional conduct and the statutory and
733 decisional law of that jurisdiction.

734 2 The ABA Rules of Professional Conduct have long prohibited the division of fees
 735 for legal services with non-lawyers. However, ABA Model Rule of Professional Conduct
 736 5.4(a)(4) permits the sharing of court-awarded legal fees in a matter with a nonprofit
 737 organization that referred the matter to the lawyer. Some jurisdictions may believe that
 738 this restriction on lawyer fee sharing is adequate to address the public interest involved.
 739 In other jurisdictions, where it is perceived that there is a need not only to regulate the
 740 practice of lawyers but also to regulate the business practices of lawyer referral and
 741 information services, additional regulation may be necessary.

742 3 Two ABA ethics opinions have approved financing of bar association sponsored
 743 lawyer referral and information services by charging a reasonable percentage of fees.
 744 See ABA Formal Ethics Opinion 291 (1956) and ABA Informal Ethics Opinion 1076
 745 (1968). Opinions in several jurisdictions have adopted similar reasoning in permitting
 746 payment of percentage fees to either bar sponsored or general non-profit lawyer referral
 747 and information services.

748 **Rule 10: Subject Matter Panels.**

749 A lawyer referral and information service must establish specific subject matter panels,
 750 eligibility for which must be determined on the basis of experience and other substantial
 751 objectively determinable criteria. A lawyer referral and information service may establish
 752 panels for clients with moderate means, panels whose members charge no fees, panels
 753 whose members handle limited scope representations, panels whose members handle
 754 alternative dispute resolution proceedings, and other specific panels that respond to the
 755 diverse referral needs of the public.

756 Commentary

757 1 Panels must be organized by "subject matter" and to serve on a subject matter
 758 panel, attorneys must meet the experience and other substantial and objective criteria
 759 established by the lawyer referral and information service. ABA Model Rule of
 760 Professional Conduct 1.2(c) specifically allows limited scope representation if the
 761 limitation is reasonable and the client gives informed consent.

762 2 The importance of establishing meaningful subject matter requirements cannot be
 763 underestimated. It is inappropriate for a service to simply refer a caller to the next member
 764 lawyer [or legal paraprofessional] on the list without determining that the member lawyer
 765 [or legal paraprofessional] is qualified in the field of practice for which legal services are
 766 needed. Because the public relies on services to provide qualified legal representation
 767 that is better than what the client could obtain by guesswork, it is incumbent upon these
 768 services to ensure that their member lawyers [or legal paraprofessionals] have
 769 substantially more qualifications than mere bar membership [or other license to provide
 770 legal services].

771 3 "Experience" is not intended to mean "expertise" or "specialization," and it should
 772 not be defined merely by length of time in practice. Rather, the goal is to ensure that both

773 the subject matter panels and the qualification standards meet the needs and reasonable
 774 expectations of the community served. In meeting these needs, consideration should also
 775 be given to the member lawyer's [or legal paraprofessional's] experience with particular
 776 types of matters, and to requiring a certain amount of recent actual experience.

777 4 Diversity of the lawyer [and legal paraprofessional] members that reflect the
 778 diversity of the public being served also is highly desirable.

779 5 Panels for clients with moderate means and whose panel members are lawyers
 780 with limited experience enable those that do not qualify for legal aid to afford a lawyer
 781 when they are unable to pay full market price for legal services. Panels specifically
 782 identified as "limited experience panels" or "moderate means panels" may include
 783 member lawyers [and/or legal paraprofessionals] without significant experience in a
 784 particular subject matter. However, the eligibility parameters for participation in these
 785 panels must be plainly defined and communicated to clients receiving referrals from those
 786 panels.

787 **Rule 11: Oversight.**

788 The operation of these Rules and compliance with their provisions must be supervised by
 789 the lawyer referral and information service's governing entity and/or regulatory body. The
 790 lawyer referral and information service's governing entity must develop and promulgate
 791 rules, regulations, procedures, and forms to discharge its obligations not inconsistent with
 792 these Rules and subject to approval by the jurisdiction's regulatory body.

793 Commentary

794 1 The intent of this rule is to establish the regulatory entities that are charged with
 795 overseeing LRIS Programs, and to allow these regulatory entities to adopt their own rules
 796 and regulations for oversight purposes. Not all lawyer referral and information services
 797 will be operated by a bar association and thus may not be overseen by a "committee."
 798 Therefore, we use the more inclusive term "governing body," which may include a bar
 799 association's committee on lawyer referral, or the board of a for-profit or not-for-profit
 800 organization as allowed by the jurisdiction.

801 2 Each jurisdiction will determine, based on its legislative, judicial, or bar regulatory
 802 authority over the practice of law, the composition of the regulatory entity that will oversee
 803 lawyer referral and information services.

804 **Rule 12: Reporting Requirements.**

805 A lawyer referral and information service must:

- 806 (a) demonstrate its compliance with these Rules before commencing
 807 operation;
- 808 (b) update the materials filed with its governing body and/or regulatory agency
 809 within 30 days of any material change; and

- 810 (c) Annually file with its governing body and/or regulatory agency a report of its
 811 operations and finances during the previous fiscal year, demonstrating its
 812 continued compliance with these Rules.

813 **Rule 13: Exemptions.**

814 These Rules do not apply to:

- 815 (a) a group or prepaid legal plan, whether operated by a union, trust, mutual
 816 benefit or aid association, corporation, or other entity or person, that (i)
 817 provides unlimited or a specified amount of telephone advice or personal
 818 communication at no charge to the members or beneficiaries, other than a
 819 periodic membership or beneficiary fee, and (ii) furnishes or pays for legal
 820 services to its members or beneficiaries;
- 821 (b) a plan of prepaid legal services insurance authorized to operate in the
 822 jurisdiction;
- 823 (c) individual lawyer-to-lawyer or lawyer-to-legal paraprofessional referrals;
- 824 (d) lawyers jointly advertising their own services in a manner that discloses that
 825 such advertising is solely to solicit clients for themselves; or
- 826 (e) any pro bono legal assistance program that does not accept fees from
 827 lawyers or clients for referrals.

828 Commentary

829 1 These exclusions are all for services that are, like lawyer referral and information
 830 services, designed to promote the accessibility of legal services to the public.

831 2 Individual referrals from one lawyer to another [or to a legal paraprofessional] are
 832 part of the everyday practice of law. Many of these "referrals" are informal and involve no
 833 fee. If a referral fee is involved, the jurisdiction's relevant rules of professional conduct
 834 should be applied. See ABA Model Rule of Professional Conduct 1.5(e).

835 **Rule 14: Confidentiality.**

836 A disclosure of information to a lawyer referral and information service for the purpose of
 837 seeking legal assistance must be kept confidential by the lawyer referral and information
 838 service and should be protected as a privileged communication.

839 Commentary

840 1 Because a client discloses confidential information to a lawyer referral and
 841 information service for the sole purpose of seeking the assistance of a lawyer [or legal
 842 paraprofessional], the client's communication for that purpose should be maintained as
 843 confidential by the service (see ABA Model Rule of Professional Conduct 1.6).

607

844 2 Communications between a lawyer referral and information service and client of
845 that service should also be protected from disclosure by the attorney-client privilege. See
846 ABA House of Delegates Resolution 106 (2016), which calls for the adoption of rules or
847 enactment of legislation to establish an evidentiary privilege for lawyer referral and
848 information services and their clients for confidential communications between a client of
849 the service and the lawyer referral and information service when a client consults the
850 service for the purpose of retaining a lawyer or obtaining legal advice from a lawyer.

851 **Rule 15: Enforcement.**

852 The regulatory agency or any aggrieved person may seek an injunction to enjoin
853 violations of these Rules. In the event the injunction is granted, the petitioner is entitled
854 to reasonable costs and attorney's fees.

855 Commentary

856 1 The intent of this rule is to provide that anyone aggrieved, not merely the regulatory
857 agency, may move to enjoin unlawful operations of a lawyer referral and information
858 service.

859 2 It is important to note that, while "any aggrieved person" may move to enjoin illegal
860 activity, typically the responsibility for enforcement should fall primarily on the regulatory
861 agency within that jurisdiction.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

In furtherance of the Association's stated goals of advocacy for the profession, access to justice, and the enhancement of diversity, the Standing Committee on Lawyer Referral and Information Service has submitted a resolution consolidating the Minimum Quality Standards for Lawyer Referral and the Model Rules for Operating a Lawyer Referral Service into one comprehensive policy statement, and has amended that guidance to be consistent with the current operation of lawyer referral and information services and to allow for potential regulatory expansion. This includes:

- The inclusion of diversity goals;
- The ability to refer to legal paraprofessionals;
- The inclusion of a confidentiality privilege for communications between an LRIS Program and the individual seeking assistance;
- Relaxing physical presence requirements;
- Removal of minimum participation numbers for lawyer panels; and
- Legal malpractice insurance requirements for all participating lawyers.

2. Summary of the issue that the resolution addresses.

Currently, there is no comprehensive guidance that informs how lawyer referral and information service programs operate. In addition, what guidance exists is largely outdated. This resolution seeks to combine and modernize guidance for these programs that is consistent with current principles and operations. Further, as jurisdictions examine whether and how to draft regulations governing lawyer referral, it will provide model rules that can be adopted.

3. Please explain how the proposed policy position will address the issue.

This resolution aims to consolidate all guidance into one, easily accessible document that could potentially be the model for other jurisdictions looking to establish rules regarding lawyer referral. Further, it provides up-to-date guidance for those programs that voluntarily model their governance documents on the currently existing rules. Of the more than 230 known programs, approximately one quarter of the programs voluntarily abide by the current ABA rules. This resolution would assist in modernizing those operations.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

No minority or opposing view has been identified.

AMERICAN BAR ASSOCIATION
COMMISSION ON IMMIGRATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association urges the federal government to
2 take all appropriate measures to guarantee the continued evacuation to safety of
3 citizens of Afghanistan who worked for or collaborated with the United States of
4 America and to facilitate their prompt admission to the United States with
5 streamlined adjudication of their applications for status and related benefits;
6

7 FURTHER RESOLVED, That the American Bar Association also urges the federal
8 government to engage in efforts to facilitate the exit or evacuation of individuals at
9 risk under the Taliban rule as the result of their contributions to civil society,
10 including lawyers and judges, journalists, academics and educators, and
11 especially women and girls within those groups and to facilitate their prompt
12 admission to the United States with streamlined adjudication of their applications
13 for status and related benefits;
14

15 FURTHER RESOLVED, That the American Bar Association supports measures to
16 ensure that Afghan nationals paroled into the United States following their
17 evacuation or escape from Afghanistan under exigent circumstances should be
18 eligible to apply for lawful permanent resident status under criteria similar to those
19 applicable to individuals processed abroad and admitted as refugees, and further
20 encourages the incorporation of provisions for:

- 21 1. waiver of administrative and application fees;
- 22 2. eligibility for work authorization during the pendency of such
23 applications;
- 24 3. discretion to waive inadmissibility grounds; and
- 25 4. reasonable measures to expedite family reunification for immediate
26 relatives;
27

28 FURTHER RESOLVED, That the American Bar Association urges Congress, as
29 swiftly as possible, to authorize adequate appropriations to facilitate and
30 streamline the adjustment of status to lawful permanent residence for those
31 Afghans paroled into the United States based on urgent humanitarian grounds or
32 significant public benefit to this country; and

608

33

34 FURTHER RESOLVED, That the American Bar Association urges all relevant
35 federal agencies to take other appropriate steps to facilitate and support additional
36 humanitarian protections for Afghan nationals and to streamline the processing of
37 any immigration benefits available to them.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

The Resolution creates policy that will allow the ABA to advocate for legislative and administrative solutions for Afghans here in the United States and support efforts for those attempting to flee.

2. Summary of the issue that the resolution addresses.

Since the summer of 2021 tens of thousands of Afghan evacuees have sought refuge in the United States. The present immigration system does not effectively address the needs of this group. The resolution seeks to address various ways to meet the needs of this community from legislation that would provide a streamlined pathway to permanent residency to other administrative remedies that would provide protections.

3. Please explain how the proposed policy position will address the issue.

The Resolution will allow for advocacy on legislative and administrative options to meet the needs of Afghan evacuees.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None

AMERICAN BAR ASSOCIATION
COMMISSION ON IMMIGRATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association urges the federal government to
2 maintain and provide to all persons seeking protection from persecution or torture
3 an asylum system that affords them transparency, due process, access to counsel,
4 and a full and fair adjudication that comports with U.S. and international law; and
5
6 FURTHER RESOLVED, That the American Bar Association urges the Executive
7 Branch to abandon and not resume use of Section 265 of Title 42 of the U.S. Code
8 by the Department of Health and Human Services and the Department of
9 Homeland Security to block the entry of asylum seekers at the U.S. border, to expel
10 them from the country without access to the asylum process, or to place them in
11 danger by returning them to Mexico or their home countries in violation of its
12 international law obligation of non-refoulement.

EXECUTIVE SUMMARY1. Summary of the Resolution.

The resolution opposes the use of Section 265 of Title 42 of the U.S. Code to block and expel asylum seekers at the U.S. border because doing so prevents access to asylum with due process, leads to violations of the principle of non-refoulement to danger, and exposes asylum seekers to abuse. The resolution would therefore urge an end to the use of Section 265 of Title 42 of the U.S. Code to block and expel asylum seekers.

2. Summary of the issue that the resolution addresses.

The U.S. government has adopted a policy that allows immigration authorities to block and expel asylum seekers at the U.S. border pursuant to Section 265 of Title 42 of the U.S. Code, with the justification that this measure is necessary for control of the COVID-19 pandemic. However, the measure cannot in fact be justified on public health grounds, as exclusion of asylum seekers is not effective or necessary for containment of contagion. The Title 42 policy not only is unjustified on public health grounds but runs counter to U.S. and international law norms as well as existing ABA policies requiring full and fair access to asylum proceedings. The Title 42 policy causes grave harms to asylum seekers, which must be prevented. It blocks access to fair asylum proceedings conducted with due process guarantees, leads to violations of the principle of non-refoulement to danger, and exposes asylum seekers to abuse.

3. Please explain how the proposed policy position will address the issue.

The resolution will seek the end of the use of Title 42 to block and expel asylum seekers at the U.S. border.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None

AMERICAN BAR ASSOCIATION
COMMISSION ON IMMIGRATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association urges the Department of Homeland
2 Security, the Department of Justice, and the Department of Health and Human Services,
3 to identify and eradicate actual and perceived racial bias, discrimination, and xenophobia
4 in the enforcement of the Immigration and Nationality Act, 8 U.S.C. § 1101, *et. seq.* by:

- 5 1. developing and implementing policies and procedures, including ongoing
6 data collection, analysis, and other “best practices,” to identify and combat
7 racial bias and ethnic profiling in all agency decision-making;
- 8 2. incorporating anti-racism policies in personnel hiring, training, evaluation,
9 and promotion; and
- 10 3. developing appropriate accountability measures to ensure a thorough
11 review of and response to reports of discriminatory acts that occur in the
12 enforcement or administration of immigration laws and policies.

13
14 FURTHER RESOLVED, That the American Bar Association urges the Executive Branch
15 to convene an interagency Immigration Racial Task Force coordinated by the *Civil Rights*
16 *and Civil Liberties Divisions* within the Departments of Homeland Security, Justice, and
17 Health and Human Services that:

- 18 1. includes representatives from entities within these Departments who play
19 important roles in the enforcement and administration of immigration laws,
20 including, but not limited to operational, policy, legal, data management,
21 community outreach, training, ombudsman’s offices, and other critical
22 functions;
- 23 2. provides for the meaningful participation of and engagement with
24 stakeholders throughout the course of the Task Force’s term;
- 25 3. commissions studies to determine the existence and extent of racial
26 disparities in the various stages of immigration enforcement including, but
27 not limited to border enforcement, detention, prosecution, interior
28 enforcement, conduct of removal hearings, exercise of prosecutorial
29 discretion, and adjudication of benefits applications through interviews or
30 otherwise;
- 31 4. issues regular progress reports, made available to the public, on the Task
32 Force’s work, findings, and the results of the studies; and

33 5. makes specific recommendations to the Secretaries of each Department
34 and to the President intended to eliminate systemic racial discrimination and
35 unjustified racial disparities.
36

37 FURTHER RESOLVED, That the American Bar Association urges the Congressional
38 committees with jurisdiction over immigration agencies to incorporate a focus on racial
39 and ethnic bias, discrimination, and disparate outcomes in their oversight responsibilities,
40 and to demand accountability towards eliminating racial and ethnic bias in the
41 enforcement of the Immigration and Nationality Act, 8 U.S.C. § 1101, *et. seq.*

EXECUTIVE SUMMARY1. Summary of the Resolution.

The resolution seeks to eradicate actual and perceived racial bias, discrimination, and xenophobia in each federal agency charged with any aspect of immigration enforcement or adjudication pursuant to the Immigration and Nationality Act, 8 U.S.C. § 1101, *et. seq.*

2. Summary of the issue that the resolution addresses.

Through the collection of data and targeted measures that are aligned with the data analysis, this resolution attempts to urge the political branches to take steps towards the eradication of racism within the immigration system.

3. Please explain how the proposed policy position will address the issue.

Though the collect data this resolution seeks to eliminate the vestiges of racism, xenophobia, and discrimination in the enforcement of immigration laws and policies. Further, the resolution seeks to demand accountability towards eliminating racial and ethnic bias in the enforcement and implementation of the Immigration and Nationality Act, 8 U.S.C. § 1101, *et. seq.*

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None.

AMERICAN BAR ASSOCIATION
COALITION ON RACIAL AND ETHNIC JUSTICE
COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES
COMMISSION ON IMMIGRATION
SECTION ON CIVIL RIGHTS AND SOCIAL JUSTICE
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association urges federal agencies to follow
- 2 laws and adopt policies to ensure that all persons in each state, regardless of
- 3 immigration status, are included in the apportionment count used to redistribute
- 4 seats in the United States House of Representatives following each decennial
- 5 census.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

The American Bar Association urges all federal agencies and to follow laws and adopt policies to ensure that all persons in each state, regardless of immigration status, are included in the apportionment count used to redistribute seats in the United States House of Representatives following each decennial census.

2. Summary of the issue that the resolution addresses.

The resolution addresses the inclusion of all persons, regardless of immigration status, in the apportionment count used to redistribute seats in the United States House of Representatives following each decennial census.

3. Please explain how the proposed policy position will address the issue.

The resolution asks the ABA to support the view that the Constitution's direction that all "persons" be enumerated in the count used to reapportion the seats in the House of Representatives means that the apportionment count must include all persons residing in each state, including those who may lack lawful immigration status.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

The resolution advocates for the inclusion of all persons in the apportionment count. The states of Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, South Carolina, South Dakota and West Virginia have all expressed judicial opposition.

COREJ is not aware of any internal opposition to this resolution.

AMERICAN BAR ASSOCIATION**STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENSE
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
COMMISSION ON HOMELESSNESS AND POVERTY
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE****REPORT TO THE HOUSE OF DELEGATES****RESOLUTION**

- 1 RESOLVED, That the American Bar Association adopts the ABA Ten Guidelines for
2 Residential Eviction Laws, black letter and commentary, dated February 2022; and
3
4 FURTHER RESOLVED, That the American Bar Association urges all federal, state, local,
5 territorial, and tribal legislative, judicial, and other governmental bodies to implement the
6 ABA Ten Guidelines for Residential Eviction Laws.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

This Resolution adopts the ABA Ten Guidelines for Residential Eviction Laws and urges federal, state, local, territorial, and tribal legislative, judicial, and other governmental bodies to promulgate law and policy consistent with, and otherwise to adhere to, the Guidelines.

2. Summary of the issue that the resolution addresses.

The ABA Ten Guidelines for Residential Eviction Laws seek to establish a baseline set of standards, based on the latest data and demonstrated best practices, to directly address the adverse experiences and outcomes for tenants involved in residential evictions as well as to ensure that tenants facing eviction are afforded the fullest extent of due process to which they should be entitled when faced with the loss of shelter in a judicial proceeding.

3. Please explain how the proposed policy position will address the issue.

A policy position from the ABA will provide much needed leadership and guidance to federal, state, local, territorial, and tribal legislative, judicial, and other government bodies, and to advocates before those bodies, on how to best conduct residential eviction proceedings consistent with the principles of due process and fundamental fairness.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

To date, no minority views or opposition has been identified.

AMERICAN BAR ASSOCIATION
COMMISSION ON YOUTH AT RISK
COMMISSION ON DISABILITY RIGHTS
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
COMMISSION ON HOMELESSNESS AND POVERTY
CRIMINAL JUSTICE SECTION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
SECTION OF LITIGATION

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association urges federal, state, local,
2 territorial, and tribal legislatures to enact, and courts to enforce, laws establishing
3 a presumption of child presence in all dependency proceedings to ensure that:
4

5 (1) legal decisions and practices respect and value a child's unique identity,
6 including their racial, cultural, ethnic, linguistic, sexual orientation, and gender
7 identities;

8 (2) the child can express their individual needs and interests and
9 meaningfully engage in a case; and

10 (3) the child, in consultation with the child's attorney, has the sole right to
11 choose not to be present and reasons such as age, disability, scheduling conflicts,
12 lack of transportation, or perceived trauma which is not documented, are not used
13 to rebut the presumption.
14

15 FURTHER RESOLVED, That the American Bar Association urges courts to
16 support a presumption of child presence in dependency proceedings through
17 changes in court rules and policies;
18

19 FURTHER RESOLVED, That the American Bar Association urges children's
20 attorneys to safeguard and advocate for the presumption of presence, to confirm
21 prior to a hearing that the child's transportation to court has been secured, and to
22 thoroughly prepare the child to participate in their court proceedings; and
23

24 FURTHER RESOLVED, That the American Bar Association urges federal, state,
25 local, territorial, and tribal governments to work with individuals who have
26 experienced dependency cases as children to build an evidence base of trauma-
27 responsive best practices, and to provide ongoing training for judges and lawyers,

28 for engaging children in court and recognizing the fundamental dignity and
29 humanity of each child in dependency proceedings.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

This resolution calls for creation of a legal presumption that children involved in dependency (child welfare) cases are present and actively engaged in their own court and administrative settings unless a child, in consultation with counsel, has waived the right to be present. The resolution recommends that legislators establish a presumption of child presence in federal, state, territorial and tribal law, that judges support a presumption of presence in court policy, and that attorneys ensure that logistical obstacles such as scheduling conflicts, lack of transportation, perceived trauma, challenges to accessing technology, or school or work responsibilities are not permitted to rebut the presumption of presence. Finally, the resolution calls on child welfare stakeholders to build an evidence base of best practices for engaging children in court, including by partnering with individuals with lived experience in dependency court.

2. Summary of the issue that the resolution addresses.

This resolution builds on existing ABA dependency law policies that address the importance of children of all ages being part matters involving them and their family. This resolution goes further and calls for a presumption that children are present and participate unless they choose not to participate. Additionally, the resolution articulates specific guidance for attorneys and judges to promote effective implementation of this presumptive engagement of children and calls for building an evidence base of best practices by partnering with individuals with lived experience in dependency cases.

3. Please explain how the proposed policy position will address the issue.

This resolution identifies actions needed to ensure children's presence and meaningful participation in their dependency proceedings: laws and policies supporting presumptive presences and participation by children; specific actions by and support from attorneys for children; specific actions by and support from judges hearing dependency proceedings; coordinated actions among attorneys, judges, children, and other stakeholders; and creation of an evidence base of best practices that support child presence and engagement.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None have been identified.

AMERICAN BAR ASSOCIATION
NATIONAL BAR ASSOCIATION
CRIMINAL JUSTICE SECTION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
REPORT TO THE HOUSE OF DELEGATES

1 RESOLVED, that the American Bar Association urges federal, state, local, territorial and
2 tribal governments to refrain from using pretrial risk assessment tools unless the data
3 supporting the risk assessment is transparent, publicly disclosed, and validated to
4 demonstrate the absence of conscious or unconscious racial and economic bias;
5
6 FURTHER RESOLVED, That the American Bar Association urges federal, state, local,
7 territorial and tribal governments to recognize that an individual's criminal history as
8 reflected in risk assessment tools or pretrial release evaluations reflects structurally
9 biased application of laws, policies or practices, as well as conscious or unconscious
10 racial and economic bias on the part of law enforcement, prosecutor offices, and judges;
11
12 FURTHER RESOLVED, That the American Bar Association urges federal, state, local,
13 territorial and tribal governments to educate judges who make or review pretrial release
14 decisions that an individual's criminal history used in risk assessment tools or pretrial
15 evaluations reflects structurally biased application of laws, policies or practices, as well
16 as conscious or unconscious racial and economic bias on the part of law enforcement,
17 prosecutor offices, and judges;
18
19 FURTHER RESOLVED, the American Bar Association urges federal, state, local,
20 territorial and tribal governments to require the proponent of any pretrial risk assessment
21 tool or pretrial release evaluation in use or considered to publicly disclose the steps that
22 it has taken to eliminate from the assessment the effects of structurally biased application
23 of laws, policies or practices, as well as conscious or unconscious racial and economic
24 bias on the part of law enforcement, prosecutor offices, and judges, and
25
26 FURTHER RESOLVED, the American Bar Association urges federal, state, local,
27 territorial and tribal governments to require that pretrial risk assessment tools and pretrial
28 release evaluations be evaluated at six months intervals to determine whether they have
29 had an adverse racial or economic impact and, if so, to require modifications to address
30 such impact.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution advances the need to align court decisions on pretrial release from jail with the presumption of innocence by refraining from the use of risk assessment tools and pretrial release evaluations where data demonstrates continued conscious or unconscious racial and economic bias. The resolution recognizes that an individual's criminal history as reflected in risk assessment tools or pretrial release evaluations reflect structurally biased application of laws, policies or practices, as well as conscious or unconscious racial and economic bias on the part of law enforcement, prosecutor offices, and judges. The resolution urges that courts become aware of these criminal history deficiencies and work to develop risk assessment tools and pretrial release evaluations that are free from racial and economic bias by evaluating them at six months intervals to determine whether they have had an adverse racial or economic impact and, if so, to require modifications to address such impact.

2. Summary of the issue that the resolution addresses

Studies continue to show that poor people and people of color are detained prior to trial in far greater numbers than other people. Courts rely on risk assessment tools and pretrial release evaluations that reflect structurally biased applications of law, policies and practices, as well as conscious or unconscious racial and economic bias by all of the stakeholders in the criminal legal system.

3. Please explain how the proposed policy position will address the issue.

The proposed policy will encourage the criminal legal system to cease use of flawed risk assessment tools and pretrial release evaluations and to create tools and evaluations that are modified to diminish, and ultimately end, any adverse racial or economic impact.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

We are not aware of minority views or opposition either internal or external to the ABA.

AMERICAN BAR ASSOCIATION
NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association approves the Uniform College Athlete
- 2 Name, Image, or Likeness Act, promulgated by the National Conference of
- 3 Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to
- 4 adopt the specific substantive law suggested therein.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

That the American Bar Association approves the Uniform College Athlete Name, Image, or Likeness Act promulgated by the National Conference of Commissioners on Uniform State Laws in July 2021 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

2. Summary of the issue that the resolution addresses.

The Uniform College Athlete Name, Image, or Likeness Act creates a set of rules and restrictions to ensure that college athletes can benefit from the use of their name, image, or likeness without hurting their eligibility to compete as a college athlete and strikes a balance between providing more rights to college athletes while maintaining the integrity of intercollegiate sports. Provisions of the Act provide:

- (1) a mechanism for permitting college athletes to receive compensation for their name, image, or likeness rights;
- (2) parameters on the types of activity athletes can engage in to protect institutions;
- (3) parameters on the compensation athletes can receive to protect college athletes and institutions from misuse or abuse of name, image, or likeness deals;
- (4) limitations on institution, conference, and athletic association involvement;
- (5) a disclosure requirement for college athletes;
- (6) a mechanism for certifying and regulating agents;
- (7) a mechanism for certifying and regulating third parties who provide compensation to college athletes for the use of their name, image, or likeness;
- (8) a right of action for college athletes if their name, image, or likeness rights are violated; and
- (9) civil penalties for violations of the Act.

3. Please explain how the proposed policy position will address the issue.

Approval of the Uniform College Athlete Name, Image, or Likeness Act by the American Bar Association House of Delegates would demonstrate to states that the Act is an appropriate approach for addressing the issues described above.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None known.

AMERICAN BAR ASSOCIATION
NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association approves the Uniform Cohabitants'
- 2 Economic Remedies Act, promulgated by the National Conference of Commissioners on
- 3 Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific
- 4 substantive law suggested therein.

EXECUTIVE SUMMARY1. Summary of the Resolution.

That the American Bar Association approves the Uniform Cohabitants' Economic Remedies Act promulgated by the National Conference of Commissioners on Uniform State Laws in July 2021 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

2. Summary of the issue that the resolution addresses.

The Uniform Cohabitants' Economic Remedies Act provides a mechanism to address the division of cohabitants' property interests when the cohabitation ends. The Act does not create any special status for cohabitants. The Act enables cohabitants to exercise the usual rights of individual citizens of a state to contract with others and to bring equitable claims against others in appropriate circumstances by affirming the capacity of each cohabitant to contract with the other and to claim a contract or equitable remedy against the other. Such claims may proceed without regard to any intimate relationship that exists between the cohabitants and without subjecting them to hurdles that would not be imposed on litigants of similar claims. Significantly, the Act recognizes the value of non-sexual services, activities, and efforts of a party to the relationship as a basis for contractual and equitable claims. The Act has no effect on marriage or state law governing marriage. Marriage is a formal legal status that provides spouses with rights and remedies unavailable to cohabitants under the Act.

3. Please explain how the proposed policy position will address the issue.

Approval of the Uniform Cohabitants' Economic Remedies Act by the American Bar Association House of Delegates would demonstrate to states that the Act is an appropriate approach for addressing the issues described above.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None.

AMERICAN BAR ASSOCIATION
NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association approves the Uniform Community
- 2 Property Disposition at Death Act, promulgated by the National Conference of
- 3 Commissioners on Uniform State Laws, as an appropriate Act for non-community
- 4 property states desiring to adopt the specific substantive law suggested therein.

EXECUTIVE SUMMARY1. Summary of the Resolution.

The National Conference of Commissioners on Uniform State Laws (NCCUSL) requests approval of the Uniform Community Property Disposition at Death Act by the American Bar Association (ABA) House of Delegates.

2. Summary of the issue that the resolution addresses.

Over the course of their married lives, many couples will move from community property states to common law states, and vice versa. It stands to reason that many couples will own both community property and non-community property when the first spouse dies, causing potential problems for the estate administrator or probate court. The problem is exacerbated by the increasingly common use of community property trusts as part of a couple's estate plan.

3. Please explain how the proposed policy position will address the issue.

The Uniform Community Property Disposition at Death Act provides a set of default rules and procedures for administering estates containing both community property and non-community property. Unlike most current states' laws, the new uniform act also addresses nonprobate transfers of property and covers same-sex couples.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None known.

AMERICAN BAR ASSOCIATION
NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association approves the Uniform Personal Data
- 2 Protection Act, promulgated by the National Conference of Commissioners on Uniform
- 3 State Laws, as an appropriate Act for those states desiring to adopt the specific
- 4 substantive law suggested therein.

EXECUTIVE SUMMARY1. Summary of the Resolution.

That the American Bar Association approves the Uniform Personal Data Protection Act promulgated by the National Conference of Commissioners on Uniform State Laws in July 2021 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

2. Summary of the issue that the resolution addresses.

The Uniform Personal Data Protection Act, promulgated by the Uniform Law Commission in 2021, applies fair information practices to the collection and use of personal data from consumers by business enterprises. The act applies broadly to any entity that collects or maintains personal data but avoids the high compliance costs for businesses and the substantial enforcement costs for states associated with regulatory regimes modeled after the California Consumer Privacy Act and the European General Data Privacy Regulation. And the Act exempts small businesses unless they use personal data in a manner that a consumer would not expect. The Act also avoids the First Amendment concerns that arise from privacy laws that greatly restrict information without sufficient justification. By adapting a risk-based approach to privacy regulation, the Act protects all data subjects from harmful processing and also offers the flexibility for startups and established firms to innovate.

3. Please explain how the proposed policy position will address the issue.

Approval of the Uniform Personal Data Protection Act by the American Bar Association House of Delegates would demonstrate to states that the Act is an appropriate approach for addressing the issue described above.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None known.

AMERICAN BAR ASSOCIATION
NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association approves the Uniform Restrictive
- 2 Employment Agreement Act, promulgated by the National Conference of Commissioners
- 3 on Uniform State Laws, as an appropriate Act for those states desiring to adopt the
- 4 specific substantive law suggested therein.

EXECUTIVE SUMMARY1. Summary of the Resolution.

That the American Bar Association approves the Uniform Restrictive Employment Agreement Act promulgated by the National Conference of Commissioners on Uniform State Laws in July 2021 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

2. Summary of the issue that the resolution addresses.

The Uniform Restrictive Employment Agreement Act provides states with a defined framework for determining when restrictive covenants will be enforceable in employment contracts. Restrictive employment agreements often hinder worker mobility and limit economic growth in spite of serving other valid employment purposes. The Act's comprehensive approach to reform provides clarity and stability in an evolving area of state law that will help workers, entrepreneurs, and competition. The resolution brings clarity and stability to a critical area of state statutory law while promoting efficiency, mobility, and fairness in labor markets.

3. Please explain how the proposed policy position will address the issue.

Approval of the Uniform Restrictive Employment Agreement Act by the American Bar Association House of Delegates would demonstrate to the states that the Act is an appropriate approach for addressing the issues described above.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None known.

AMERICAN BAR ASSOCIATION
NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association approves the Uniform Unregulated Child
- 2 Custody Transfer Act, promulgated by the National Conference of Commissioners on
- 3 Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific
- 4 substantive law suggested therein.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

That the American Bar Association approves the Uniform Unregulated Child Custody Transfer Act promulgated by the National Conference of Commissioners on Uniform State Laws in July 2021 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

2. Summary of the issue that the resolution addresses.

The unregulated transfer of custody of children occurs in the shadows of child welfare oversight. While the extent of the practice is impossible to determine precisely, reported cases suggest that it occurs throughout the United States. The Uniform Unregulated Child Custody Transfer Act seeks to halt the unregulated transfer of children by prohibiting transfers of child custody that are performed without the necessary oversight that assure the new custodian is safe and appropriate for the child. The Act also seeks to prevent situations that lead to the unregulated transfer of child custody by requiring child-placing agencies in enacting states to provide prospective adoptive parents with important information and guidance regarding adoptions that have a heightened degree of risk for a disruption or dissolution. The Uniform Unregulated Child Custody Transfer Act provides a needed regulatory framework for prohibiting the practice and comprehensive requirements to minimize the risk of disruption in adoptions. The incidence of unregulated custody transfers is a matter of national concern. This Act provides enacting states with the tools to combat this issue.

3. Please explain how the proposed policy position will address the issue.

Approval of the Uniform Unregulated Child Custody Transfer Act by the American Bar Association House of Delegates would demonstrate to states that the Act is an appropriate approach for addressing the issues described above.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None known.

2022 ABA SEATTLE MIDYEAR MEETING
Schedule as of 01.04.2022
All meetings and events are in Pacific Time.

Event Name	Sponsor(s)	Date	Start Time	End Time	Time Zone	Location	Event Description
ABA Registration	American Bar Association	Wednesday, February 9, 2022	7:30 AM	5:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
JD Spring Leadership Meeting	Judicial Division	Wednesday, February 9, 2022	8:00 AM	11:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
A-E-F-C Pension Plan Administration Committee Meeting	Board of Governors	Wednesday, February 9, 2022	9:00 AM	11:00 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Subcommittee on Investments Meeting	Board of Governors	Wednesday, February 9, 2022	1:00 PM	3:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
JD Spring Leadership Meeting	Judicial Division	Wednesday, February 9, 2022	2:30 PM	5:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
ABF Fellows Registration	American Bar Foundation	Wednesday, February 9, 2022	3:00 PM	6:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
JD Standing Committee on Diversity Business Meeting	Judicial Division	Wednesday, February 9, 2022	4:00 PM	5:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
JD Standing Committee on Diversity Program	Judicial Division	Wednesday, February 9, 2022	6:00 PM	7:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
JD Standing Committee on Diversity Reception	Judicial Division	Wednesday, February 9, 2022	7:30 PM	8:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Friends of Bill	Lawyer Assistance Programs	Thursday, February 10, 2022	7:00 AM	8:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
ABA Registration	American Bar Association	Thursday, February 10, 2022	7:30 AM	5:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
ABF Fellows Registration	American Bar Foundation	Thursday, February 10, 2022	7:30 AM	5:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
IOLTA Workshops and Registration	Interest on Lawyers' Trust Accounts Co-Sponsor: National Association of IOLTA Programs	Thursday, February 10, 2022	7:45 AM	4:45 PM	Pacific Standard Time (PST)	Washington State Convention Center	
LP Continental Breakfast	Law Practice Division	Thursday, February 10, 2022	8:00 AM	9:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
LP Information Desk	Law Practice Division	Thursday, February 10, 2022	8:00 AM	4:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Judicial Clerkship Program	Pipeline Council Co-Sponsor: Judicial Division	Thursday, February 10, 2022	8:30 AM	6:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
JD Spring Leadership Meeting	Judicial Division	Thursday, February 10, 2022	9:00 AM	11:45 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
LP Publishing Board	Law Practice Division	Thursday, February 10, 2022	9:00 AM	12:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
CJS Committee Meeting	Criminal Justice Section	Thursday, February 10, 2022	9:00 AM	4:00 PM	Pacific Standard Time (PST)	Fairmont Olympic Hotel Seattle	
LP Executive Committee	Law Practice Division	Thursday, February 10, 2022	9:30 AM	12:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
NCBP Program Committee Meeting	National Conference of Bar Presidents	Thursday, February 10, 2022	10:00 AM	12:30 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
NCBP Registration	National Conference of Bar Presidents	Thursday, February 10, 2022	10:30 AM	5:30 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Board of Governors Luncheon	Board of Governors	Thursday, February 10, 2022	11:00 AM	12:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
GPSolo Law Student Outreach Event	Solo, Small Firm and General Practice Division	Thursday, February 10, 2022	12:00 PM	1:00 PM	Pacific Standard Time (PST)	Offsite Location TBD	
LP Lunch	Law Practice Division	Thursday, February 10, 2022	12:00 PM	1:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
BOG Finance Committee Meeting	Board of Governors	Thursday, February 10, 2022	12:00 PM	4:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
BOG Member Services Committee Meeting	Board of Governors	Thursday, February 10, 2022	12:00 PM	4:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
BOG Profession, Public Service & Diversity Committee Meeting	Board of Governors	Thursday, February 10, 2022	12:00 PM	4:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	

NCBP Council Meeting	National Conference of Bar Presidents	Thursday, February 10, 2022	12:30 PM	3:15 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
LP Joint Committee Content Creation Roundtable	Law Practice Division	Thursday, February 10, 2022	1:00 PM	2:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
LP Pop-up Meeting	Law Practice Division	Thursday, February 10, 2022	1:00 PM	2:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Standing Committee on Armed Forces Law (SCAFL) Business Meeting	Armed Forces Law	Thursday, February 10, 2022	1:00 PM	3:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
GPSolo Book Publications Board Meeting	Solo, Small Firm and General Practice Division	Thursday, February 10, 2022	1:00 PM	4:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
GPSolo Magazine Board Meeting	Solo, Small Firm and General Practice Division	Thursday, February 10, 2022	1:00 PM	4:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
NCALJ Model Rules Committee	Judicial Division	Thursday, February 10, 2022	1:30 PM	3:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
GPSolo Committee Meeting	Solo, Small Firm and General Practice Division	Thursday, February 10, 2022	2:00 PM	3:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
LP Strategy & Planning	Law Practice Division	Thursday, February 10, 2022	2:00 PM	3:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
LPT Board	Law Practice Division	Thursday, February 10, 2022	2:00 PM	3:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Southern Conference of Bar Presidents Plenary Session	State Bar of Texas	Thursday, February 10, 2022	2:00 PM	3:30 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
LP Professional Development Board	Law Practice Division	Thursday, February 10, 2022	3:00 PM	4:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
CWP Guided Conversations Session	Commission On Women In the Profession	Thursday, February 10, 2022	3:00 PM	5:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
NCBP Focus Group - Strategic Planning (By Invitation Only)	National Conference of Bar Presidents	Thursday, February 10, 2022	3:20 PM	4:20 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Southern Conference of Bar Presidents - Executive Directors Meeting	State Bar of Texas	Thursday, February 10, 2022	3:30 PM	4:30 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Southern Conference of Bar Presidents - Presidents and Past Presidents Meeting	State Bar of Texas	Thursday, February 10, 2022	3:30 PM	4:30 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Southern Conference of Bar Presidents - Presidents-Elect Meeting	State Bar of Texas	Thursday, February 10, 2022	3:30 PM	4:30 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Gender Issues in the Military: Roundtable Discussion	Armed Forces Law	Thursday, February 10, 2022	3:30 PM	5:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
GPSolo eReport Board Meeting	Solo, Small Firm and General Practice Division	Thursday, February 10, 2022	4:15 PM	5:15 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
GPSolo Long Range Planning Committee Meeting	Solo, Small Firm and General Practice Division	Thursday, February 10, 2022	4:15 PM	5:15 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
NCBP Thursday Plenary/Session	National Conference of Bar Presidents	Thursday, February 10, 2022	4:30 PM	5:30 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Friends of Bill	Lawyer Assistance Programs	Thursday, February 10, 2022	5:00 PM	6:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Social Networking with the Standing Committee on Armed Forces Law	Armed Forces Law	Thursday, February 10, 2022	5:00 PM	6:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
CJS Reception	Criminal Justice Section	Thursday, February 10, 2022	5:00 PM	7:00 PM	Pacific Standard Time (PST)	Fairmont Olympic Hotel Seattle	
LP Reception	Law Practice Division	Thursday, February 10, 2022	5:00 PM	7:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
GPSolo Networking Event Happy Hour for GPSolo Author Forum, Pro Bono & Public Service Committee, and Young Lawyers Committee	Solo, Small Firm and General Practice Division	Thursday, February 10, 2022	5:30 PM	6:30 PM	Pacific Standard Time (PST)	Pike's Brewing Company	This Happy Hour is open to GPSolo Author Forum, Pro Bono & Public Service Committee, and Young Lawyers Committee Members only.
NCBP Thursday Reception	National Conference of Bar Presidents	Thursday, February 10, 2022	5:30 PM	6:30 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Judicial Division Welcome Reception	Judicial Division	Thursday, February 10, 2022	6:00 PM	7:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Friends of Bill	Lawyer Assistance Programs	Friday, February 11, 2022	7:00 AM	8:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
NCBP Registration	National Conference of Bar Presidents	Friday, February 11, 2022	7:30 AM	3:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	

TIPS Information and Ticket Sales Desk	Tort Trial and Insurance Practice Section	Friday, February 11, 2022	7:30 AM	5:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
ABA Registration	American Bar Association	Friday, February 11, 2022	7:30 AM	5:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
ABF Fellows Registration	American Bar Foundation	Friday, February 11, 2022	7:30 AM	5:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
IOLTA Workshops and Registration	Interest on Lawyers' Trust Accounts Co-Sponsor: National Association of IOLTA Programs	Friday, February 11, 2022	7:45 AM	12:45 PM	Pacific Standard Time (PST)	Washington State Convention Center	
NCBP First Timers/NCBP 101	National Conference of Bar Presidents	Friday, February 11, 2022	8:00 AM	8:50 AM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
SLG The Urban Lawyer Advisory Board	Section of State and Local Government Law	Friday, February 11, 2022	8:00 AM	9:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Plaintiffs' Practice Standing Committee Meeting	Tort Trial and Insurance Practice Section	Friday, February 11, 2022	8:00 AM	9:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
LP Continental Breakfast	Law Practice Division	Friday, February 11, 2022	8:00 AM	9:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Military Lawyers Committee and ABA Standing Committee on Armed Forces Law (SCAFL) Joint Meeting	Solo, Small Firm and General Practice Division	Friday, February 11, 2022	8:00 AM	11:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Commission on Women in the Profession Business Meeting	Commission On Women In the Profession	Friday, February 11, 2022	8:00 AM	12:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
LP Information Desk	Law Practice Division	Friday, February 11, 2022	8:00 AM	12:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
TIPS Leadership Academy Session	Tort Trial and Insurance Practice Section	Friday, February 11, 2022	8:00 AM	2:15 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Board of Governors Meeting	Board of Governors	Friday, February 11, 2022	8:00 AM	5:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
TIPS Centralized Refreshments	Tort Trial and Insurance Practice Section	Friday, February 11, 2022	8:00 AM	5:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
YLD ABE Station	Young Lawyers Division	Friday, February 11, 2022	8:00 AM	5:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
YLD Assembly Delegate Certification	Young Lawyers Division	Friday, February 11, 2022	8:00 AM	5:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
YLD Information Desk	Young Lawyers Division	Friday, February 11, 2022	8:00 AM	5:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Strategic Planning Committee Meeting	Senior Lawyers Division	Friday, February 11, 2022	8:30 AM	9:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Administrative Law Judges Executive Committee (NCALJ)	Judicial Division	Friday, February 11, 2022	8:30 AM	10:30 AM	Pacific Standard Time (PST)	Washington State Convention Center	
Commission on Racial and Ethnic Diversity in the Profession Business Meeting	Commission On Racial and Ethnic Diversity In the Profession	Friday, February 11, 2022	8:30 AM	10:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Lawyers Conference Executive Committee	Judicial Division	Friday, February 11, 2022	8:30 AM	10:30 AM	Pacific Standard Time (PST)	Washington State Convention Center	
Specialized Court Judges Executive Committee	Judicial Division	Friday, February 11, 2022	8:30 AM	10:30 AM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS The Brief Editorial Board Meeting	Tort Trial and Insurance Practice Section	Friday, February 11, 2022	8:30 AM	10:30 AM	Pacific Standard Time (PST)	Washington State Convention Center	
Federal Trial Judges Executive Committee	Judicial Division	Friday, February 11, 2022	8:30 AM	11:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
State Trial Judges Executive Committee	Judicial Division	Friday, February 11, 2022	8:30 AM	11:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
Council for Diversity in the Educational Pipeline Business Meeting	Pipeline Council	Friday, February 11, 2022	8:30 AM	11:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
GPSolo Membership Board Meeting	Solo, Small Firm and General Practice Division	Friday, February 11, 2022	9:00 AM	10:00 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Rule of Law Panel Discussion	Rule of Law Initiative	Friday, February 11, 2022	9:00 AM	10:00 AM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
SLG POB Committee	Section of State and Local Government Law	Friday, February 11, 2022	9:00 AM	10:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Membership Committee Meeting	Tort Trial and Insurance Practice Section	Friday, February 11, 2022	9:00 AM	10:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	

NCBP Friday Welcome/Plenary	National Conference of Bar Presidents	Friday, February 11, 2022	9:00 AM	10:40 AM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
SOC Membership Committee Meeting	Section Officers Conference	Friday, February 11, 2022	9:00 AM	11:00 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
SIC Election Law Business Meeting	Election Law	Friday, February 11, 2022	9:00 AM	11:00 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Center for Human Rights Board Meeting	Center for Human Rights	Friday, February 11, 2022	9:00 AM	12:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Hispanic Commission Business Meeting	Hispanic Legal Rights and Responsibilities	Friday, February 11, 2022	9:00 AM	12:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
International Law Section Council Meeting	Section of International Law	Friday, February 11, 2022	9:00 AM	12:00 PM	Pacific Standard Time (PST)	Fairmont Olympic Hotel Seattle	
LP LTRC	Law Practice Division	Friday, February 11, 2022	9:00 AM	12:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Standing Committee on Lawyer Referral and Information Service Business Meeting	Standing Committee on Lawyer Referral and Information Service	Friday, February 11, 2022	9:00 AM	12:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Standing Committee on Legal Aid and Indigent Defense Business Meeting	Standing Committee On Legal Aid and Indigent Defendants	Friday, February 11, 2022	9:00 AM	12:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
SIC on CLE Mid-Year Business Meeting	ABACLE	Friday, February 11, 2022	9:00 AM	12:00 PM	Pacific Standard Time (PST)	Perkins Coie LLP	
Commission on Immigration Business Meeting	Immigration	Friday, February 11, 2022	9:00 AM	4:00 PM	Pacific Standard Time (PST)	Perkins Coie LLP	
Judicial Clerkship Program	Pipeline Council Co-Sponsor: Judicial Division	Friday, February 11, 2022	9:00 AM	6:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
GPSolo Author Forum: Being an ABA Author	Solo, Small Firm and General Practice Division	Friday, February 11, 2022	9:30 AM	10:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
LP Magazine Board	Law Practice Division	Friday, February 11, 2022	9:30 AM	12:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
SLD Book Board Meeting	Senior Lawyers Division	Friday, February 11, 2022	9:45 AM	10:45 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
SLG Land Use Committee Meeting	Section of State and Local Government Law	Friday, February 11, 2022	10:00 AM	11:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Section Conference Task Force Meeting	Tort Trial and Insurance Practice Section	Friday, February 11, 2022	10:00 AM	11:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
RPTE Officers' Meeting	Section of Real Property, Trust and Estate Law	Friday, February 11, 2022	10:00 AM	4:00 PM	Pacific Standard Time (PST)	Fairmont Olympic Hotel Seattle	
GPSolo Diversity Board Meeting	Solo, Small Firm and General Practice Division	Friday, February 11, 2022	10:15 AM	11:15 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
NCBP Sponsor Break	National Conference of Bar Presidents	Friday, February 11, 2022	10:40 AM	11:00 AM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
GPSolo Author Forum: How To's of ABA Publishing	Solo, Small Firm and General Practice Division	Friday, February 11, 2022	10:45 AM	11:45 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
ABA/TIPS Committee Meeting	Tort Trial and Insurance Practice Section	Friday, February 11, 2022	11:00 AM	12:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Bar Staff Discussion Room	National Conference of Bar Presidents	Friday, February 11, 2022	11:00 AM	12:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
NCBP Concurrent Workshop I	National Conference of Bar Presidents	Friday, February 11, 2022	11:00 AM	12:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
SLD Voice of Experience Board Meeting	Senior Lawyers Division	Friday, February 11, 2022	11:00 AM	12:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
SLG All Committees Meeting	Section of State and Local Government Law	Friday, February 11, 2022	11:00 AM	12:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Law Practice & Legal Department Management Task Force Meeting	Tort Trial and Insurance Practice Section	Friday, February 11, 2022	11:00 AM	12:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
YLD Council Meeting	Young Lawyers Division	Friday, February 11, 2022	11:00 AM	2:15 PM	Pacific Standard Time (PST)	Washington State Convention Center	
NCBP Concurrent Workshop II	National Conference of Bar Presidents	Friday, February 11, 2022	11:00 AM	5:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Board of Governors Luncheon	Board of Governors	Friday, February 11, 2022	12:00 PM	1:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	

NBCP Awards Luncheon	National Conference of Bar Presidents	Friday, February 11, 2022	12:00 PM	1:10 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Keith E. Nelson Memorial Military Law Luncheon	Solo, Small Firm and General Practice Division Co-Sponsors: Armed Forces Law; Law and National Security Advisory Committee; Legal Assistance for Military Personnel; Young Lawyers Division	Friday, February 11, 2022	12:00 PM	1:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
SOC Chairs & Chairs-Elect Luncheon	Section Officers Conference	Friday, February 11, 2022	12:00 PM	1:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
LP Lunch & Council	Law Practice Division	Friday, February 11, 2022	12:00 PM	2:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
ILS Leadership Meeting Room	Section of International Law	Friday, February 11, 2022	12:00 PM	6:00 PM	Pacific Standard Time (PST)	Fairmont Olympic Hotel Seattle	
Diversity and Inclusion Center Business Meeting	Diversity and Inclusion Center	Friday, February 11, 2022	12:30 PM	3:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
JD Nominating Committee	Judicial Division	Friday, February 11, 2022	1:00 PM	2:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
CLE: The Lawyers' Role in Law Enforcement Assisted Diversion (LEAD) Programs	Criminal Justice Section	Friday, February 11, 2022	1:00 PM	2:30 PM	Pacific Standard Time (PST)	Fairmont Olympic Hotel Seattle	Law Enforcement Assisted Diversion (LEAD) is a nationally recognized promising practice in which law enforcement and prosecutors divert people who have unmet behavioral health needs from the formal criminal justice system. Applying a public health framework, LEAD programs allow law enforcement and prosecutors to work closely with participants who are referred into a trauma-informed, intensive case-management program to ensure that all contacts going forward, including new criminal prosecution for other offenses, are coordinated to maximize the opportunity for behavioral change. LEAD originated in Seattle, WA, and has been replicated by dozens of jurisdictions across the country. This program will provide an overview of the LEAD program and will then explore the lawyers' role in these programs and strategies for ensuring the success of these and similar alternative incarceration programs. COMPLIMENTARY CLE
NBCP Friday Afternoon Plenary	National Conference of Bar Presidents	Friday, February 11, 2022	1:20 PM	2:20 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
SLD Experience Magazine Editorial Board Meeting	Senior Lawyers Division	Friday, February 11, 2022	1:30 PM	2:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
TIPS National Trial Academy Meeting	Tort Trial and Insurance Practice Section	Friday, February 11, 2022	1:30 PM	2:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Council Meeting	Tort Trial and Insurance Practice Section	Friday, February 11, 2022	1:30 PM	3:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Roundtable on Model Rule Amendments	Center for Professional Responsibility	Friday, February 11, 2022	1:30 PM	4:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
GPSolo Author Forum: ABA Author Spotlight	Solo, Small Firm and General Practice Division	Friday, February 11, 2022	1:45 PM	2:45 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
GPSolo Executive Committee Meeting	Solo, Small Firm and General Practice Division	Friday, February 11, 2022	2:00 PM	3:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
YLD Scholars Meeting	Young Lawyers Division	Friday, February 11, 2022	2:00 PM	3:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
ABF Fellows CLE Research Seminar	American Bar Foundation	Friday, February 11, 2022	2:00 PM	3:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Standing Committee on the Delivery of Legal Services - Louis M. Brown Award Discussion	Delivery of Legal Services	Friday, February 11, 2022	2:00 PM	4:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
YLD Disaster Legal Services Committee Meeting	Young Lawyers Division	Friday, February 11, 2022	2:00 PM	4:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Standing Committee on the Federal Judiciary Meeting (Executive Session - Committee Members Only)	Governmental Affairs Office	Friday, February 11, 2022	2:00 PM	5:00 PM	Pacific Standard Time (PST)	Fairmont Olympic Hotel Seattle	
LP Pop-up Meeting	Law Practice Division	Friday, February 11, 2022	2:15 PM	4:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
LP Nominating Committee	Law Practice Division	Friday, February 11, 2022	2:15 PM	5:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
NBCP Sponsor Break	National Conference of Bar Presidents	Friday, February 11, 2022	2:20 PM	2:50 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
SLD Nominating Committee Meeting	Senior Lawyers Division	Friday, February 11, 2022	2:45 PM	4:45 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	

NCBP Concurrent Workshop IIA	National Conference of Bar Presidents	Friday, February 11, 2022	2:50 PM	3:50 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
NCBP Concurrent Workshop IIB	National Conference of Bar Presidents	Friday, February 11, 2022	2:50 PM	3:50 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
NCBP Work and Refresh Room	National Conference of Bar Presidents	Friday, February 11, 2022	2:50 PM	3:50 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Credentials and Admissions	ABA House of Delegates	Friday, February 11, 2022	3:00 PM	4:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
SLG Content Advisory Board	Section of State and Local Government Law	Friday, February 11, 2022	3:00 PM	4:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Scope & Correlation Committee Meeting	Tort Trial and Insurance Practice Section	Friday, February 11, 2022	3:00 PM	4:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
CLE: The Rittenhouse Trial: Implicit Bias in Plain View	Criminal Justice Section	Friday, February 11, 2022	3:00 PM	4:30 PM	Pacific Standard Time (PST)	Fairmont Olympic Hotel Seattle	The Kyle Rittenhouse trial divided public opinion in many ways. The trial served as a proxy battle between different political ideologies. The Rittenhouse case, was, however, more than just politics. Hidden in plain view was an example of the implicit bias that plagues much of the criminal justice system. This panel will take an in-depth look at how implicit bias played a role in the outcome of the case, as well as how implicit bias is present in many aspects of routine courtroom process. Attendees will be challenged to take a critical view of their own courtroom practices in an effort to overcome their own implicit biases.
JD Ethics Committee	Judicial Division	Friday, February 11, 2022	3:30 PM	4:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	COMPLIMENTARY CLE
Jury Commission Meeting	American Jury Co-Sponsors: Criminal Justice Section; Judicial Division; Section of Litigation; Tort Trial and Insurance Practice Section	Friday, February 11, 2022	3:30 PM	5:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
JD Tribal Courts Council	Judicial Division	Friday, February 11, 2022	4:00 PM	5:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
NCBP Metro Bar and Affinity Bar Roundtables	National Conference of Bar Presidents	Friday, February 11, 2022	4:00 PM	5:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
NCBP State Bar Roundtables	National Conference of Bar Presidents	Friday, February 11, 2022	4:00 PM	5:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
TIPS Diversity in the Profession Committee	Tort Trial and Insurance Practice Section	Friday, February 11, 2022	4:00 PM	5:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Outreach to Young Lawyers Standing Committee	Tort Trial and Insurance Practice Section	Friday, February 11, 2022	4:00 PM	5:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Technology & New Media Committee Meeting	Tort Trial and Insurance Practice Section	Friday, February 11, 2022	4:00 PM	5:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
CLE: Ethical Red Flags in the Public Sector (TICKETED CLE)	Government and Public Sector Lawyers Division	Friday, February 11, 2022	4:00 PM	5:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	Realistic ethics hypothetical scenarios will be dramatized by the faculty, followed by an engaging discussion of the issues presented. Topics include: organization as a client, special conflicts of interest for former and current government lawyers, trial publicity, and responsibilities of partners, managers, and supervisory lawyers. Program faculty includes Jeanne Marie Clavere, Professional Responsibility Counsel, Washington State Bar Association. TICKETED CLE: \$50.00
Present and Power Speaker Series Wine and Cheese Reception (TICKETED EVENT)	Solo, Small Firm and General Practice Division	Friday, February 11, 2022	4:00 PM	5:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	COMPLIMENTARY EVENT
SOC Business Meeting	Co-Sponsors: Law Practice Division Section Officers Conference	Friday, February 11, 2022	4:00 PM	5:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
CPR Coordinating Council	Center for Professional Responsibility	Friday, February 11, 2022	4:00 PM	6:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Friends of Bill	Lawyer Assistance Programs	Friday, February 11, 2022	5:00 PM	6:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Fellows Meeting	Tort Trial and Insurance Practice Section	Friday, February 11, 2022	5:00 PM	6:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Joint Reception: Spirit of Excellence Honorees/Alexander Award Presentation	Pipeline Council	Friday, February 11, 2022	6:00 PM	8:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
ABF Fellows Opening Reception	American Bar Foundation	Friday, February 11, 2022	6:30 PM	8:00 PM	Pacific Standard Time (PST)	Museum of History and Industry (MOHAI)	
Standing Committee on the Federal Judiciary Reception and Dinner (By Invitation Only)	Governmental Affairs Office	Friday, February 11, 2022	6:30 PM	9:00 PM	Pacific Standard Time (PST)	Fairmont Olympic Hotel Seattle	

RPTE Officers' Dinner	Section of Real Property, Trust and Estate Law	Friday, February 11, 2022	6:30 PM	9:30 PM	Pacific Standard Time (PST)	Aerlume	
State & Local Government Dinner	Section of State and Local Government Law	Friday, February 11, 2022	7:00 PM	9:30 PM	Pacific Standard Time (PST)	Offsite Location TBD	
TIPS Past Chair & Council Dinner with Leadership Academy (Invitation Only)	Tort Trial and Insurance Practice Section	Friday, February 11, 2022	7:00 PM	10:00 PM	Pacific Standard Time (PST)	Offsite Location TBD	
Friends of Bill	Lawyer Assistance Programs	Saturday, February 12, 2022	7:00 AM	8:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
YLD Assembly Delegate Certification	Young Lawyers Division	Saturday, February 12, 2022	7:00 AM	8:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
YLD Information Desk	Young Lawyers Division	Saturday, February 12, 2022	7:00 AM	12:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
CoLAP Business Meeting	Lawyer Assistance Programs	Saturday, February 12, 2022	7:00 AM	4:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
ILS Leadership Meeting Room	Section of International Law	Saturday, February 12, 2022	7:00 AM	6:00 PM	Pacific Standard Time (PST)	Fairmont Olympic Hotel Seattle	
Administrative Law Judges Business Meeting (NCALJ)	Judicial Division	Saturday, February 12, 2022	7:30 AM	9:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Federal Trial Judges Business Meeting	Judicial Division	Saturday, February 12, 2022	7:30 AM	9:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Kentucky Delegation Breakfast	Kentucky Bar Association	Saturday, February 12, 2022	7:30 AM	9:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	Meeting of the Kentucky Bar Association officers and delegates of the ABA House of Delegates to discuss important legal issues involving our state and the nation as well as meet the candidates for various ABA offices.
Specialized Court Judges Business Meeting	Judicial Division	Saturday, February 12, 2022	7:30 AM	9:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
State Trial Judges Business Meeting	Judicial Division	Saturday, February 12, 2022	7:30 AM	9:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
TIPS Leadership Academy Session & Caucus	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	7:30 AM	1:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
ABF Fellows Registration	American Bar Foundation	Saturday, February 12, 2022	7:30 AM	5:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Centralized Refreshments	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	7:30 AM	5:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Information and Ticket Sales Desk	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	7:30 AM	5:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
ABA Registration	American Bar Association	Saturday, February 12, 2022	7:30 AM	5:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
YLD Diversity Dialogue Breakfast	Young Lawyers Division	Saturday, February 12, 2022	7:45 AM	8:45 AM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Content Management Standing Committee	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	8:00 AM	9:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Planning for 2021 & 2022 with Gary Gassman for Fall, Midyear, Section Conference & Annual Meeting	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	8:00 AM	9:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
Council of Appellate Staff Attorneys Business Meeting	Judicial Division	Saturday, February 12, 2022	8:00 AM	10:00 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
YLD ABE Station	Young Lawyers Division	Saturday, February 12, 2022	8:00 AM	5:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Judicial Clerkship Program	Pipeline Council Co-Sponsor: Judicial Division	Saturday, February 12, 2022	8:00 AM	6:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
CLE: Reconciling the Past and Planning for the Future: The Use of Racial Impact Assessments in Land Use Planning and Zoning	Section of State and Local Government Law	Saturday, February 12, 2022	8:15 AM	9:15 AM	Pacific Standard Time (PST)	Washington State Convention Center	Communities across the country are starting to adopt a new form of impact assessment for land use planning and regulation. Racial impact assessment is a new tool to supplement environmental impact assessment and health impact assessment. This panel will explore this developing area of land use planning and decision making. Moderator: Patricia E. Salkin, Senior Vice President, Academic Affairs Touro College; University System Provost, Graduate and Professional Divisions Touro College, New York, NY
House Committee on Rules and Calendar Executive Session	ABA House of Delegates; Rules and Calendar	Saturday, February 12, 2022	8:30 AM	9:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	COMPLIMENTARY CLE

SLD Breakfast	Senior Lawyers Division	Saturday, February 12, 2022	8:30 AM	9:00 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Lawyers Conference Business Meeting	Judicial Division	Saturday, February 12, 2022	8:30 AM	10:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
TIPS Book Publishing Board Meeting	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	8:30 AM	10:30 AM	Pacific Standard Time (PST)	Washington State Convention Center	
GPSLD Council Meeting	Government and Public Sector Lawyers Division	Saturday, February 12, 2022	8:30 AM	12:30 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
NCBP Saturday Breakfast	National Conference of Bar Presidents	Saturday, February 12, 2022	8:45 AM	9:30 AM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
GPSolo Council Meeting	Solo, Small Firm and General Practice Division	Saturday, February 12, 2022	9:00 AM	10:00 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
TIPS Long Range Planning Committee Meeting	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	9:00 AM	10:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Practice Renewal & Reintegration Task Force Meeting	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	9:00 AM	10:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
House Committee on Rules and Calendar Open Hearing	ABA House of Delegates; Rules and Calendar	Saturday, February 12, 2022	9:00 AM	11:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
SIC Gun Violence Business Meeting	Gun Violence	Saturday, February 12, 2022	9:00 AM	11:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
ROLI Midyear Board Meeting (EXECUTIVE SESSION)	Rule of Law Initiative	Saturday, February 12, 2022	9:00 AM	12:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
RPTe Executive Committee Meeting	Section of Real Property, Trust and Estate Law	Saturday, February 12, 2022	9:00 AM	12:00 PM	Pacific Standard Time (PST)	Fairmont Olympic Hotel Seattle	
SLD Council Meeting	Senior Lawyers Division	Saturday, February 12, 2022	9:00 AM	12:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Standing Committee on Technology and Information Systems	Technology and Information Systems	Saturday, February 12, 2022	9:00 AM	12:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Standing Committee on the Delivery of Legal Services Business Meeting	Delivery of Legal Services	Saturday, February 12, 2022	9:00 AM	12:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Standing Committee on Professional Regulation	Center for Professional Responsibility	Saturday, February 12, 2022	9:00 AM	1:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Standing Committee on Ethics and Professional Responsibility	Center for Professional Responsibility	Saturday, February 12, 2022	9:00 AM	3:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
CJS Standards Committee Meeting	Criminal Justice Section	Saturday, February 12, 2022	9:00 AM	5:00 PM	Pacific Standard Time (PST)	Fairmont Olympic Hotel Seattle	
CLE: Restoring Taken Land	Section of State and Local Government Law	Saturday, February 12, 2022	9:30 AM	10:30 AM	Pacific Standard Time (PST)	Washington State Convention Center	<p>This panel will discuss the process and cost of restoring land, which was taken without due process .</p> <p>https://www.everycrsreport.com/reports/RL34628.html https://www.theguardian.com/us-news/2021/oct/01/bruces-beach-returned-100-years-california</p> <p>Moderator: Katharine Kinsman, Editor, State and Local Law News, Santa Ynez, CA</p> <p>COMPLIMENTARY CLE</p>
NCBP Saturday Plenary/Wrap-Up Discussions	National Conference of Bar Presidents	Saturday, February 12, 2022	9:30 AM	12:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Steering Committee of the Nominating Committee	ABA House of Delegates	Saturday, February 12, 2022	10:00 AM	11:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Law in Public Service Committee Meeting	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	10:00 AM	11:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
Judges' Journal Editorial Board	Judicial Division	Saturday, February 12, 2022	10:00 AM	12:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Standing Committee on the Federal Judiciary Meeting (Executive Session - Committee Members Only)	Governmental Affairs Office	Saturday, February 12, 2022	10:00 AM	4:00 PM	Pacific Standard Time (PST)	Fairmont Olympic Hotel Seattle	
YLD Assembly	Young Lawyers Division	Saturday, February 12, 2022	10:00 AM	4:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	

CLE: The Impact of Implicit Bias in the Courtroom	Section of State and Local Government Law	Saturday, February 12, 2022	10:45 AM	11:45 AM	Pacific Standard Time (PST)	Washington State Convention Center	The panelists will explore the responsibilities and expectations of judges during the lifecycle of a trial, including jury selection, courtroom management, and sentencing. Moderator: C. Elisia Frazier, Managing Deputy City Attorney, City of Atlanta Department of Law COMPLIMENTARY CLE
House Committee on Rules and Calendar Executive Session	ABA House of Delegates; Rules and Calendar	Saturday, February 12, 2022	11:00 AM	11:30 AM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Finance Committee Meeting	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	11:00 AM	12:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Solo & Small Firm Task Force Meeting	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	11:00 AM	12:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Leadership Academy Luncheon Caucus	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	12:00 PM	1:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Spirit Of Excellence Awards (TICKETED EVENT)	Commission On Racial and Ethnic Diversity In the Profession	Saturday, February 12, 2022	12:00 PM	2:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	The Spirit of Excellence Awards celebrate the efforts and accomplishments of lawyers who work to promote a more racially and ethnically diverse legal profession. Awards are presented to the lawyers who excel in their professional settings; who personify excellence on the national and international level; and who have demonstrated a commitment to racial and ethnic diversity in the legal professional. TICKETED EVENT: \$150.00 Your ticket is a charitable donation, made through the ABA Fund for Justice and Education, and is tax-deductible to the full extent allowed by law.
TIPS Outreach to Law Students Committee Meeting	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	1:00 PM	2:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS TortSource Editorial Board Meeting	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	1:00 PM	2:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS The Law Journal Editorial Board Meeting	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	1:00 PM	3:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Leadership Academy Task Force Meeting	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	1:30 PM	2:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
TIPS Revenue Enhancement Committee Meeting	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	1:30 PM	2:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
LSD Council Meeting	Law Student Division	Saturday, February 12, 2022	1:30 PM	4:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Resolution and Impact Committee Meeting	ABA House of Delegates	Saturday, February 12, 2022	2:00 PM	3:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Issues of Concern to the Legal Profession	ABA House of Delegates	Saturday, February 12, 2022	2:00 PM	3:30 PM	Pacific Standard Time (PST)	Perkins Coie LLP	
ABA Representatives and Observers to the United Nations (Executive Session)	ABA Representatives and Observers to the United Nations	Saturday, February 12, 2022	2:00 PM	4:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Standing Committee on Pro Bono and Public Service Meeting	Pro Bono and Public Service	Saturday, February 12, 2022	2:00 PM	4:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Standing Committee on Publishing Oversight (SCOPO) Meeting	Publishing Oversight	Saturday, February 12, 2022	2:00 PM	4:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	The Standing Committee on Publishing Oversight (SCOPO) oversees and guides the work of ABA Publishing and works collaboratively with ABA entities to support their publishing efforts in all publishing media, including books, periodicals, digital content, and audio versions. SCOPO's focus includes ABA publishing strategy, publishing operations (including content acquisitions, editorial standards, production, marketing, publication analytics, content licensing, contract management, and reporting of financial performance), publishing as member value content, and publishing as a source of nondues revenue for the ABA and its entities.
Business Law Section Officers Meeting	Business Law Section	Saturday, February 12, 2022	2:00 PM	5:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Standing Committee on Constitution and Bylaws Open Hearing	ABA House of Delegates; Constitution and Bylaws	Saturday, February 12, 2022	2:15 PM	2:45 PM	Pacific Standard Time (PST)	Washington State Convention Center	

Shame of Chicago, Episode III	Section of State and Local Government Law	Saturday, February 12, 2022	2:30 PM	3:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	THE COLOR TAX: THE ORIGINS OF THE MODERN-DAY RACIAL WEALTH GAP World War II came to an end. The government aimed to grow the middle class with affordable housing, giving families a chance to build wealth. While families were approved for safe, equity-building mortgages. But redlining ensured that black citizens were ineligible for federally insured loans. Speculators drew up predatory contracts that charged 2-3 times the value of a home's worth with no chance to build equity. And if a single payment was missed? The family would lose everything – plundering black wealth and widening a gap that still exists today.
JD Council and Business Meeting	Judicial Division	Saturday, February 12, 2022	2:30 PM	4:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Standing Committee on Meetings & Travel	Meetings and Travel	Saturday, February 12, 2022	2:30 PM	4:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Coalition on Racial and Ethnic Justice Business Meeting	Coalition on Racial and Ethnic Justice	Saturday, February 12, 2022	2:30 PM	5:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
TIPS Section Council Meeting	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	2:30 PM	5:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Standing Committee on Constitution and Bylaws Executive Session	ABA House of Delegates; Constitution and Bylaws	Saturday, February 12, 2022	2:45 PM	3:15 PM	Pacific Standard Time (PST)	Washington State Convention Center	
YLD Fellows Board Meeting	Young Lawyers Division	Saturday, February 12, 2022	3:00 PM	4:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
CLE: Shame of Chicago	Section of State and Local Government Law	Saturday, February 12, 2022	3:15 PM	4:15 PM	Pacific Standard Time (PST)	Washington State Convention Center	COMPLIMENTARY CLE
Committee on SCOPE and Correlation of Work	ABA House of Delegates	Saturday, February 12, 2022	3:30 PM	5:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Committee on Technology and Communication	ABA House of Delegates	Saturday, February 12, 2022	4:00 PM	5:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Presidential Appointments Committee Meeting	Office of the President	Saturday, February 12, 2022	4:00 PM	5:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
YLD Fellows Debate & Reception	Young Lawyers Division	Saturday, February 12, 2022	4:00 PM	6:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
CLE: Ethics Jeopardy! Where Knowing the Questions is Half the Game	Section of State and Local Government Law	Saturday, February 12, 2022	4:30 PM	5:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	Government law is fraught with opportunities for both the public agency lawyer and the private vendor or service provider lawyer to violate ethical standards. Using game-show style series of questions and answers, players will compete to answer tough questions about ethics that come up in everyday work situations. Through this format, contestants as well as the audience can test their knowledge of ethics. Audience participation will also be encouraged. COMPLIMENTARY CLE
Friends of Bill	Lawyer Assistance Programs	Saturday, February 12, 2022	5:00 PM	6:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Stonewall Award Reception	Sexual Orientation and Gender Identity	Saturday, February 12, 2022	5:30 PM	7:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Tennessee Reception	Tennessee Bar Association	Saturday, February 12, 2022	6:00 PM	7:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
TIPS/YLD Networking Reception (TICKETED EVENT)	Tort Trial and Insurance Practice Section	Saturday, February 12, 2022	6:00 PM	7:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	TICKETED EVENT: \$50.00 Complimentary for TIPS and YLD Members Only.
Specialized Court Judges Awards Dinner	Judicial Division	Saturday, February 12, 2022	6:00 PM	8:00 PM	Pacific Standard Time (PST)	Offsite Location TBD	
ABF 66th Annual Fellows Awards Reception and Banquet	American Bar Foundation	Saturday, February 12, 2022	6:00 PM	10:00 PM	Pacific Standard Time (PST)	The Rainier Club	
Friends of Bill	Lawyer Assistance Programs	Sunday, February 13, 2022	7:00 AM	8:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
JD Past Chairs Breakfast	Judicial Division	Sunday, February 13, 2022	7:00 AM	8:00 AM	Pacific Standard Time (PST)	Offsite Location TBD	
Board of Governors Goal III Members-at-Large	ABA House of Delegates	Sunday, February 13, 2022	7:30 AM	8:30 AM	Pacific Standard Time (PST)	Washington State Convention Center	
Tennessee Delegation Breakfast	Tennessee Bar Association	Sunday, February 13, 2022	7:30 AM	9:00 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
ABA Registration	American Bar Association	Sunday, February 13, 2022	7:30 AM	5:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	

Appellate Judges Executive Committee Meeting	Judicial Division	Sunday, February 13, 2022	8:00 AM	10:00 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Nominating Committee Business Meeting & Coffee with the Candidates Forum	ABA House of Delegates	Sunday, February 13, 2022	9:00 AM	10:30 AM	Pacific Standard Time (PST)	Washington State Convention Center	
CJS Standards Committee Meeting	Criminal Justice Section	Sunday, February 13, 2022	9:00 AM	12:00 PM	Pacific Standard Time (PST)	Fairmont Olympic Hotel Seattle	
Appellate Judges Education Institute	Judicial Division	Sunday, February 13, 2022	10:00 AM	12:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
SOGI Midyear Business Meeting	Sexual Orientation and Gender Identity	Sunday, February 13, 2022	10:00 AM	2:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Nominating Committee Voting Session	ABA House of Delegates	Sunday, February 13, 2022	10:30 AM	11:30 AM	Pacific Standard Time (PST)	Washington State Convention Center	
ABF Fellows State Chair Workshop and Luncheon	American Bar Foundation	Sunday, February 13, 2022	11:00 AM	1:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Nominating Committee Executive Session	ABA House of Delegates	Sunday, February 13, 2022	11:30 AM	12:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Women's Caucus	Commission On Women In the Profession	Sunday, February 13, 2022	1:00 PM	3:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Conference of Section and Division Delegates Meeting	Conference of Section and Division Delegates	Sunday, February 13, 2022	1:30 PM	3:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Caucus of Young Lawyer Delegates to the ABA House	Young Lawyers Division	Sunday, February 13, 2022	3:00 PM	4:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
LGBTQ+ Caucus	Sexual Orientation and Gender Identity	Sunday, February 13, 2022	3:00 PM	4:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Racial & Ethnic Diversity Caucus of the ABA House Of Delegates	Commission On Racial and Ethnic Diversity In the Profession	Sunday, February 13, 2022	3:00 PM	5:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	The Caucus is the home for lawyers of color who belong to the House and other House members who share our interest and passion for matters of diversity, equity and inclusion. Our Caucus is among the largest in the House of Delegates and it is important that our collective voice continue to be heard.
Judicial Division House of Delegates Meeting	Judicial Division	Sunday, February 13, 2022	4:00 PM	5:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
California Delegation Caucus Meeting	California Delegation	Sunday, February 13, 2022	4:00 PM	6:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
ABF Life Fellows Champagne Toast	American Bar Foundation	Sunday, February 13, 2022	5:00 PM	6:00 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Friends of Bill	Lawyer Assistance Programs	Sunday, February 13, 2022	5:00 PM	6:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
House of Delegates Select Committee	ABA House of Delegates	Sunday, February 13, 2022	5:00 PM	6:00 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Wisconsin ABA Delegation Meeting	State Bar of Wisconsin	Sunday, February 13, 2022	5:00 PM	6:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Ohio State Bar Association Reception in Honor of HOD Chair Barbara J. Howard	Ohio State Bar Association	Sunday, February 13, 2022	8:30 PM	10:30 PM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
ABF Fellows Sing-Along	American Bar Foundation	Sunday, February 13, 2022	9:00 PM	11:59 PM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Friends of Bill	Lawyer Assistance Programs	Monday, February 14, 2022	7:00 AM	8:00 AM	Pacific Standard Time (PST)	Washington State Convention Center	
Minnesota Caucus	Minnesota State Bar Association	Monday, February 14, 2022	7:00 AM	8:00 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Georgia Delegation Breakfast Meeting	State Bar of Georgia	Monday, February 14, 2022	7:00 AM	8:15 AM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Litigation Section House of Delegates Breakfast	Section of Litigation	Monday, February 14, 2022	7:00 AM	8:15 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
New Jersey State Bar Association Delegates Breakfast	New Jersey State Bar Association	Monday, February 14, 2022	7:00 AM	8:15 AM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Louisiana State Bar Association Delegation Breakfast	Louisiana State Bar Association	Monday, February 14, 2022	7:00 AM	8:30 AM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
Ohio Delegation Caucus Breakfast	Ohio State Bar Association	Monday, February 14, 2022	7:00 AM	8:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Illinois Delegation Caucus Breakfast (Invitation Only)	Illinois State Bar Association	Monday, February 14, 2022	7:00 AM	9:00 AM	Pacific Standard Time (PST)	Grand Hyatt Seattle	An invitation only caucus breakfast for members of the Illinois delegation to the ABA House of Delegates.
Pennsylvania Delegation Breakfast Caucus	Pennsylvania Bar Association	Monday, February 14, 2022	7:00 AM	9:00 AM	Pacific Standard Time (PST)	Grand Hyatt Seattle	

Florida Bar Caucus Meeting	The Florida Bar	Monday, February 14, 2022	7:30 AM	8:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
Indiana Delegation Breakfast	Indiana State Bar Association	Monday, February 14, 2022	7:30 AM	8:30 AM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
MSBA Delegation Meeting	Maryland State Bar Association	Monday, February 14, 2022	7:30 AM	8:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
New England Bar Association Breakfast	Connecticut Bar Association; Maine State Bar Association; Massachusetts Bar Association; New Hampshire Bar Association; Rhode Island Bar Association; Vermont Bar Association	Monday, February 14, 2022	7:30 AM	8:30 AM	Pacific Standard Time (PST)	Grand Hyatt Seattle	
NY Delegation Breakfast Meeting	New York State Bar Association	Monday, February 14, 2022	7:30 AM	8:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	
State Bar of Michigan Delegation Meeting	State Bar of Michigan	Monday, February 14, 2022	7:30 AM	8:30 AM	Pacific Standard Time (PST)	Sheraton Grand Seattle	Meeting with the Michigan Delegates to the House of Delegates.
Western "Small States" Caucus	Western "Small States" Caucus: Alaska Bar Association; Colorado Bar Association; Hawaii State Bar Association; Idaho State Bar; Kansas Bar Association; Montana Bar Association; New Mexico State Bar; North Dakota State Bar Association LRS; Oklahoma Bar Association; Oregon State Bar; South Dakota; State Bar of Arizona; Utah State Bar; Washington State Bar Association; Wyoming State Bar	Monday, February 14, 2022	7:30 AM	8:30 AM	Pacific Standard Time (PST)	Grand Hyatt Seattle	House of Delegates Western "Small States" Caucus for the states of Alaska, Arizona, Colorado, Idaho, Hawaii, Kansas, Montana, New Mexico, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming.
ABA Registration	American Bar Association	Monday, February 14, 2022	7:30 AM	5:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
House of Delegates Meeting	ABA House of Delegates	Monday, February 14, 2022	8:30 AM	5:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
HOD Program: The Challenges of Partisan Redistricting – Does Gerrymandering Pose a Threat to Our Democracy?	ABA House of Delegates	Monday, February 14, 2022	11:00 AM	12:00 PM	Pacific Standard Time (PST)	Washington State Convention Center	<p>Committee on Issues of Concern to the Legal Profession presents: "The Challenges of Partisan Redistricting – Does Gerrymandering Pose a Threat to Our Democracy?"</p> <ul style="list-style-type: none"> - Why is Redistricting important? - What is the status of litigation arising out of reapportionment efforts stemming from the 2020 census? - What is left of the Voting Rights Act after the Supreme Court's decision in <i>Rucho</i>? - Are there states that have designed systems through independent commissions or other mechanisms that promote fair Redistricting? - Has gerrymandering affected the ability of political parties to control state legislatures, not just Congress? - Where are Redistricting issues heading in the future? - Do Redistricting issues pose a threat to our democracy? - What role can lawyers and the organized bar play in these issues? <p>Join us on Monday, February 14, 2022 at 11:00 a.m. PST during the House of Delegates Meeting. We hope that this program will provide perspective and address the different views of this very hot topic.</p> <p>Moderator: Dean Joanne Epps, Senior Advisor to the President, Temple University Professor of Law</p> <p>Panelists: Erwin Chemerinsky, Dean of the University of California at Berkeley School of Law Kathay Feng, National Redistricting Director Philip J. Strach, Partner, Nelson Mullins Professor Sam Wang, Princeton University</p>
House Committee on Rules & Calendar Luncheon	Rules and Calendar	Monday, February 14, 2022	12:00 PM	1:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	
Human Rights Luncheon: A Celebration of Llew Pritchard! (TICKETED EVENT)	Center for Human Rights	Monday, February 14, 2022	12:00 PM	1:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	<p>Llew Pritchard: ABA legend, bon vivant, friend to all, and founding member of the ABA Center for Human Rights. As a longtime leader in (among other entities) the House of Delegates, the Civil Rights Section, the Rule of Law Initiative, and the Center itself, Llew's contributions to the ABA's human rights and rule of law work are legion and ongoing. At this Human Rights Luncheon, we have a rare opportunity to celebrate Llew, his work, and his friendship in his beloved Seattle. Join us!</p> <p>TICKETED EVENT: \$100.00 (Proceeds will support the Center's work.)</p>
Luncheon for Delegates who are Members of LEL	Section of Labor and Employment Law	Monday, February 14, 2022	12:00 PM	1:30 PM	Pacific Standard Time (PST)	Washington State Convention Center	

TO: WSBA Board of Governors and Governors-Elect
FROM: Pam Anderson, Chair, Committee on Professional Ethics
Jeanne Marie Clavere, Staff Liaison
DATE: December 10, 2021
RE: New Advisory Opinion 202201

INFORMATION ONLY: New Advisory Opinion 202201 regarding when a lawyer’s email “Replies All” and includes another lawyer’s client.

The Committee on Professional Ethics (CPE) approved an advisory opinion regarding the ethical considerations under RPC 4.2 when a lawyer “replies all” to an email from another lawyer that had included the other lawyer’s client as a “cc.” A subcommittee of the CPE studied the issue for several months, researched opinions from other states and spoke with practitioners in several practice areas as it developed the opinion. The CPE believes the new opinion, focusing on the array of considerations when lawyers communicate with each other and include clients in those communications, will be of real use to practitioners.

Opinion RPC 4.2 Lawyer's Email "Reply All," Including Another Lawyer's Client

Advisory Opinion 202201

Year Issued: 2022

RPC: RPC 4.2

SUMMARY: If a lawyer emails a second lawyer with a copy to the first lawyer's own client, and if the second lawyer "replies all," whether the second lawyer violates the prohibition against communications to another lawyer's client without that lawyer's consent depends on the relevant facts and circumstances. Based on various factors, the second lawyer must make a good faith determination as to whether the lawyer who sent the initial communication had provided implied consent to a "reply all" responsive electronic communication.

Facts: Lawyer A initiates communication and sends an email to Lawyer B with a copy (cc) to Lawyer A's own client. When responding, Lawyer B "replies all," and in doing so simultaneously communicates with both Lawyer A and Lawyer A's client.

Issue presented: Does Lawyer B violate RPC 4.2 when Lawyer B "replies all" and includes Lawyer A's client in the communication without obtaining express prior consent from Lawyer A?

Short answer: It is the opinion of the Committee on Professional Ethics that "Reply All" may be allowed if consent can be implied by the facts and circumstances, but express consent is the prudent approach.

Rule:

RPC 4.2

Discussion:

RPC 4.2 prohibits a lawyer in the course of representing a client, from communicating about the subject matter of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the person's lawyer or is authorized to do so by law or court order. Accordingly, it would be inconsistent with RPC 4.2 for a lawyer to initiate an email to another lawyer and that lawyer's client without obtaining prior consent from that second lawyer.

The purpose of RPC 4.2 is to protect a client from overreaching by other lawyers who are participating in a matter, from interference by those lawyers with the client-lawyer relationship,

and from the uncounseled disclosure of information relating to a representation. RPC 4.2 Comment [1]. Consent to communicate about a matter with a represented person can be expressly granted by a client's lawyer. It also can be implied by the prior course of conduct among the lawyers in a matter, it can be inferred from a client's lawyer's participation in relevant communications, and it can be inferred from other facts and circumstances.

It would be inconsistent with RPC 4.2 for Lawyer A to initiate an email to Lawyer B and Lawyer B's client without obtaining prior consent from Lawyer B. Accordingly, the fact that Lawyer A copies her own client on an electronic communication to which Lawyer B is replying does not by itself permit Lawyer B to "reply all" without Lawyer A's consent. Rule 4.2 does not state that the consent of the other lawyer must be "expressly" given, but the best practice is to obtain express consent.

Whether consent may be "implied" in a particular situation requires an evaluation of all the facts and circumstances surrounding the representation, including how the communication was initiated and by whom; the prior course of conduct between the lawyers involved; the nature of the matter and whether it is transactional or adversarial; the formality of the communications; and the extent to which a communication from Lawyer B to Lawyer A's client might interfere with the client-lawyer relationship.

The Restatement of the Law Governing Lawyers provides that an opposing lawyer's consent to communication with her client "may be implied rather than express." Restatement (Third) of the Law Governing Lawyers § 99 comment j. Several bar ethics committees have examined this issue and concluded that while consent to "reply to all" communications may sometimes be inferred from the facts and circumstances, it is prudent to secure express consent from opposing counsel. Opinions from other states that reflect this view include, South Carolina Bar Ethics Advisory Opinion 18-04; North Carolina State Bar 2012 Formal Ethics Opinion 7; California Standing Comm. on Prof'l Responsibility & Conduct, Formal Op. 2011-181; and Assn. of the Bar of the City of NY Comm. on Prof'l and Judicial Ethics, Formal Op. 2009-1.

There are situations where prior consent might be implied by the totality of the facts and circumstances. One relevant fact is whether Lawyer A, initiating an electronic communication, cc'd her own client. But other factors should be considered before Lawyer B can reasonably rely on implied consent from Lawyer A.

- One important factor is the prior course of conduct of the lawyers and their clients in the matter. If the lawyers involved have routinely cc'd their clients on communications, in most circumstances they should be able to rely on that past practice in future communications of a similar type. In particular, the responding Lawyer B should be able to rely on the past practice of Lawyer A.
- The type of communication is a related factor. Emails and texts are often used as a substitute for oral communications, and the context of an electronic communication is important. For example, if a series of emails and texts among lawyers and their clients

takes the character of an active discussion among parties within a room, the “conversation” may not be different from a face-to-face conversation in which the lawyers are able to adequately protect the interests of their clients.

- A related factor is the number of persons Lawyer A cc'd on her initial communication. If Lawyer A sent an email solely to Lawyer B, with a copy to Lawyer A's client, then Lawyer B should avoid “replying all” because the only other recipient other than Lawyer A is Lawyer A's client (who should be readily identifiable in the address bar). However, if Lawyer A sends an email to multiple recipients, including her client as a “cc” among others, Lawyer B may be unaware that Lawyer A's client is on the list and it may be unreasonable to expect Lawyer B to search through all the individuals on the cc list to determine if Lawyer A's client is present. Further, if the recipients of Lawyer A's cc's are not visible to Lawyer B, the latter will not be able to know that a person on a cc list is a client of Lawyer A; in answering the email, Lawyer B should not be treated as having communicated with a client of Lawyer A without express prior consent.
- An important factor is the nature of the matter. It is common in some transactional fields of law for both lawyers and clients routinely to cc other lawyers and clients in certain communications related to a transaction, for example circulating revised documents among a transaction team comprised of multiple parties and their lawyers. Absent other circumstances, Lawyer B can rely on that past course of conduct among the lawyers and others involved in a transaction. Nevertheless, the best practice is to raise the issue early in the transaction and gain common consent among the lawyers and their clients—preferably confirmed in writing.
- Lawyers in adversarial matters should always avoid communicating with other lawyers' clients without express permission. Because of the contentious nature of adversarial proceedings, there is a greater risk that such communications could interfere with other lawyers' relationships with their clients and serve to harm those clients' interests. This is of special importance in criminal cases, and prosecutors should always seek express consent from defense counsel before knowingly cc'ing the defendant.

Considering the intent of RPC 4.2, together with the above factors and other relevant facts and circumstances, Lawyer B must make a good faith determination whether Lawyer A has provided implied consent to a “reply all” responsive electronic communication from Lawyer A. Under no circumstances may Lawyer B respond solely to Lawyer A's client without Lawyer A's prior consent.

Because of the ease with which “reply all” electronic communications may be sent, the potential for interference with the client-lawyer relationship, and the potential for inadvertent waiver by the client of the attorney-client privilege, it is advisable for a lawyer sending an electronic communication and who wants to ensure that her client does not receive any electronic communication responses from the receiving lawyer or parties, to forward the electronic communication separately to her client. Sending a blind copy to the client on the original electronic communication is a potential option; however, because of differences in how various email applications handle bcc commands and replies, it is prudent for a lawyer instead to

separately forward an electronic communication to the client. A lawyer also may expressly state to the recipients of the electronic communication, including opposing counsel, that consent is not granted to copy the client on a responsive electronic communication.

To avoid a possible incorrect assumption of implied consent, the prudent practice is for all counsel involved in a matter to establish at the outset a procedure for determining under what circumstances the lawyers involved may “reply all” when a represented party is copied on an electronic communication.

WASHINGTON STATE BAR ASSOCIATION

TO: Terra Nevitt, Executive Director

FROM: Kevin Plachy, Director of Advancement
 Julianne Unite, Member Services and Engagement Manager
 Carolyn MacGregor, Sections Program Specialist
 Omar Abdulla, Sections Program Coordinator
 Chelle Gegax, Member Services and Engagement Administrative Assistant

RE: WSBA Sections 2021 Annual Summary Memo & Section Annual Reports

DATE: December 28, 2021

Washington State Bar Association (“WSBA” or “Bar”) Sections are entities of the Bar created and tasked to carry on the work of the WSBA and further their purposes as defined in individual section bylaws. Approximately one-quarter of all WSBA members belong to one or more of the WSBA’s 29 sections.¹ Each year, section executive committees (also referred to as “section leaders” collectively) and WSBA staff work together to increase and improve the benefits and support available to section members. Sections generally rely on membership dues, CLE registration revenue, and publication royalties to fund their activities. Per the WSBA Bylaws XI.K, each WSBA section is required to submit an annual report to the WSBA Executive Director.

Section Membership Numbers Over The Years²



¹ Based on [December 1, 2021 WSBA Member Demographic Reports](#) and December 21, 2021 data from WSBA Regulatory Services Department.

² Based on December 21, 2021 data from WSBA Regulatory Services Department.

Summary of WSBA Sections for 2021 (January 1, 2021 – December 31, 2021):

- **15,760** section memberships.³
- **Over 370** section leader volunteers across all 29 sections.⁴
- **\$30** average dues amount to join a section in 2021 (range \$20-\$40). Current law student rate is \$18.75⁵ (as of October 1, 2021). Law student rate was \$18.18 (January 1-September 30, 2021).

In FY2021, WSBA sections provided the following member benefits⁶:

- **83** section-sponsored educational programs with WSBA: CLE seminars (21) and mini-CLEs (62).⁷
- **\$57,200** awarded in scholarships donations and/or grants.⁸
- **7-10** law school/student and new lawyer outreach events/benefits.
- **Over 100** legislative bills reviewed/drafted.
- **23** newsletters produced.
- **20** receptions or forums (non-CLE).
- **11** awards given.

Sections Team: Internal Highlights & Goals in 2021

The “Sections Team” is comprised of 2.68 WSBA FTEs dedicated to the support and success of the 29 WSBA Sections through close partnership with section executive committees. In addition, several other staff members/departments throughout WSBA provide section-related support at different times, including staff from finance/accounting, CLE, legislative, and communications.

The Sections Team focused its activities on achieving the following goals:

- Provided guidance on WSBA policies and procedures pertaining to sections.
- Supported activities to foster sustainable sections.
- Provided valuable benefits to members.
- Supported a pipeline of future leaders.
- Facilitated collaboration between sections and other WSBA programs/efforts.
- Assisted with section member recruiting efforts.

The Sections Team highlights during FY2021 include:

- Hosted the first ever virtual-only Fall Section Leaders Orientation in November 2020, which included various speakers including WSBA President Kyle Sciuchetti, Interim Executive Director Terra Nevitt, and other WSBA staff leadership. The orientation also included breakout sessions facilitated by section leaders and staff on a variety of topics in which section leaders indicated interest like CLEs, Mini-CLEs, event planning, and member recruitment.

³ Based on [December 1, 2021 WSBA Member Demographic Reports](#). Section memberships range between 79 – 2,322 members.

⁴ Based on committee member totals pulled from Personify for FY21. Does not include BOG liaisons.

⁵ The law student rate mirrors the per-member charge for a given fiscal year.

⁶ Unless otherwise cited, all information was gathered from the completed FY2021 annual reports received from section executive committees.

⁷ Based on data obtained from WSBA-CLE and accounting team on December 28, 2021.

⁸ Based on year-to-date actual scholarships/donations/grant expense budget line in the September 2021 Monthly Financial Reports.

WASHINGTON STATE BAR ASSOCIATION

- Presented the annual Spring Section Leaders Meeting virtually in April 2021, inviting WSBA staff from various teams to join in presenting on WSBA updates and CLE support for remote programming.
- Assisted sections and provided staff support for sections that held virtual events (e.g., receptions, panels, and roundtables).
- Continued monthly publication of the *Sections Bulletin*. The *Bulletin* is intended to provide section leaders with up-to-date information regarding WSBA matters; best practice tips; supplemental resources regarding leadership, diversity, and educational development; and to connect sections with existing and relevant WSBA programs.
- Provided individualized support to executive committees, including but not limited to: design and implementation of member surveys; virtual and in-person event planning; financial and data analysis; and facilitation of section newsletter review and production.
- Completed a successful budgeting process, including review of budget histories and follow-up with sections before budgets were submitted to the Budget & Audit Committee.
- Engaged in ongoing collaboration with CLE, Legislative, Communications, and Finance staff to update materials and processes related to sections.
- Maintained and updated the online “Volunteer Toolbox,” including section leader meeting recordings/materials, new tools, and resources to help section leaders implement their activities (e.g., templates, meeting tools, and policies).
- Worked closely with IT staff and section officers to administer section executive committee elections for all 29 sections.

Sections Team: Internal Goals for FY2022

The primary foci for the Sections Team in FY2022 will be supporting section member recruitment; using improved communications and tools for virtual meetings and events; continuing to refine the section elections process; exploring innovative member benefit ideas; promoting collaboration among sections; fostering relationships between sections and the Board of Governors; and continuing engagement with section leaders through the annual spring update session and fall orientation programming, with the addition of occasional virtual discussion forums.

WSBA FY2021 Section Annual Reports

Included with this memo are the FY2021 sections annual reports submitted by 28 out of 29 section executive committees. Of note, for several years prior to FY2021, section annual reports were submitted based on section membership year (Jan.-Dec.), as opposed to fiscal year. Starting in FY2021 and going forward, section annual reports will be on a fiscal year to be more consistent and in alignment with annual reports submitted by WSBA committees, boards, and other entities.

WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Antitrust, Consumer Protection & Unfair Business Practice Section
Chair or Co-Chairs:	Danica Noble & Eric J. Weiss
Staff Liaison: <i>(include name, job title, and department if known)</i>	Eleen Trang, Carolyn MacGregor
Board of Governors Liaison:	Tom McBride
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
To provide a forum for members of the Washington State Bar Association to exchange information and ideas and to develop and conduct educational programs regarding public and private aspects of trade regulation law, including antitrust, consumer protection, and unfair business practices.	
Strategy to Fulfill Purpose:	
The Antitrust, Consumer Protection, and Unfair Business Practices Section is primarily devoted to keeping its members informed about significant developments in the field of trade-regulation and consumer law. The section hosts CLEs covering matters of interest in the areas of consumer protection, antitrust, and unfair business practices and has published resource materials of interest to its members. The Committee considers proposed legislation addressing these areas of law. Members may participate in quarterly executive committee meetings. The Section administers scholarships for law students interested in careers addressing antitrust and consumer protection.	

How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?		
By encouraging interest, quality, and comradery in the practice of antitrust, consumer protection, and unfair business practice law in Washington.		
2020-2021 Entity Accomplishments:		
The section held a Mini-CLE virtually and sponsored a writing competition that awarded financial scholarships to several law students in Washington.		
Looking Ahead: 2021-2022 Top Goals & Priorities:		
1	Hold at least one Mini-CLE	
2	Award several scholarships to students studying law in Washington through a writing competition	
3	Host annual law student “Antitrust Day” to promote the practice and the section	
4	Publish newsletter	
5	Enhance and broaden community outreach	
Please report how this entity is addressing diversity, equity, and inclusion: <i>How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?</i>		
The executive committee regularly welcomes visitors to its meetings, and the executive committee provides the public opportunities to add to the agenda before meetings, during the meetings, and after the meetings. Contributions are widely solicited from throughout the legal community. Additionally, to promote interest in our section and in antitrust and consumer protection generally, we have long-standing events at law schools that expose students to these practice areas and make practitioners available for questions. Our executive committee members also meet with interested students and legal professionals who want to learn more about antitrust and consumer protection.		
Please describe the relationship with WSBA staff and the Board of Governors. <i>For example:</i>		
<ul style="list-style-type: none"> • <i>Quality of WSBA staff support/services</i> • <i>Involvement with Board of Governors, including assigned BOG liaison</i> • <i>Ideas you have on ways WSBA can continue to strengthen/support your entity.</i> 		
WSBA representatives have been responsive and helpful. To promote attendance, the Section encourages the WSBA to provide reminders (automated or otherwise) to registrants 24–48 hours before events (e.g., CLE). Calendar invitations may also be helpful.		
	0	Newsletters/publications produced

<p>SECTIONS ONLY: Please quantify your section's 2020-2021 member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	1	Mini-CLEs produced
	0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
	0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
	0	Receptions/forums hosted or co-hosted
	Three \$500 scholarships awarded through law-school writing competitions	Recognitions/Awards given
	We hold an annual law student "Antitrust Day" to promote the practice and the section (tabled in 2021)	New Lawyer Outreach events/benefits
	Click or tap here to enter text.	Other (please describe):

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	13 (including Young Lawyer Liaison)
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	197
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	7 (including Young Lawyer Liaison)
How many current volunteer position vacancies for this entity?	0
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$3,693
Direct Expenses:	\$110

<i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	
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ⁱ The Access to Justice Board (not regulatory, but applicable to the distinction herein) and Regulatory Boards (Disciplinary Board, LLLT Board, Limited Practice Board, MCLE Board and Practice of Law Board) are not required by Bylaws or Court Rule submit an annual report to WSBA. However, as part of the administration of monitoring of Regulatory Boards, the Boards listed herein typically provide an annual report to the Court and WSBA should be provided this same report an annual basis.

WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Administrative Law Section
Chair or Co-Chairs:	Eileen Keiffer
Staff Liaison: <i>(include name, job title, and department if known)</i>	Eleen Trang, Sections Program Specialist & Carolyn MacGregor, Sections Program Specialist
Board of Governors Liaison:	Brett Purtzer
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
The purpose of the Administrative Law Section is to seek participation of all interested members of the Bar to benefit section members, their clients, and the general public by: Exchanging ideas and sharing knowledge in administrative law, including the Washington Administrative Procedure Act, Public Records Act, and Open Public Meetings Act, through CLEs, publications, meetings, and other means of communication; Initiating and implementing common projects; Improving and facilitating the administration of justice in administrative law through the review of pending legislation and regulations, the development of proposed statutes, and the promotion of uniformity in legislation and administration; and providing other services that may benefit section members, the legal profession, and the public.	
Strategy to Fulfill Purpose:	
The Section's Diversity Outreach Committee actively solicits and recruits individuals to join the Administrative Law Section through recruiting events; The Section's Nominating Committee actively	

solicits and recruits individuals to join the Section' Executive Committee when openings arise; the Section's CLE Committee routinely hosts and puts on Mini-CLEs concerning various topics in administrative law; the Section's Legislation Legislative Committee tracks pending legislation, writes articles on legislative activity and agency actions, and where appropriate gives feedback back to the WSBA Legislative Liaison on pending legislation of concern to the section; the Section's Newsletter Committee publishes a Newsletter that includes articles on administrative law, advertises events like the Section's Homan Award presentation and upcoming CLEs, and case updates; the Homan Award solicits and reviews nominations for the Homan Award and awards it to individuals who have shown a strong dedication and commitment to administrative law through their actions and accomplishments; and the Section's Publications and Practice Manual Committee ensures that the Section's Public Records Act Deskbook and Administrative Law Practice Manual are updated regularly and published.

How does the entity's purpose help further the mission of the WSBA "to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice"?

The exchange of ideas and sharing of knowledge via publications the Section produces (The Public Records Act (PRA) Deskbook & Administrative Law Practice Manual), the CLEs it sponsors and puts on, and the Newsletter it publishes with articles and case law summaries, and proposed legislation and agency actions and best practices it tracks, provide current knowledge on administrative law to the public and members of the Bar. In totality, this serves to better the practice of administrative law in this state through both knowledge and awareness, which aids members of the Bar in championing justice on behalf of their clients and general public.

2020-2021 Entity Accomplishments:

Held Regular Executive Committee Meetings on October 19, 2020; November 16, 2020; December 14, 2020; January 25, 2021; February 22, 2021; March 22, 2021; April 19, 2021; May 17, 2021; June 14, 2021; July 12, 2021; August 16, 2021; and September 13, 2021. And held a Special Executive Committee Meeting on August 27, 2021, to consider whether to authorize Section's Legislative Committee members to make comments on behalf of the Section with regards to the Board of Registration for Professional Engineers and Land Surveyors and other agency rulemakings involving public records indexing, and to obtain required permissions from WSBA (which they did). The Section awarded the Frank Homan award for 2020 and 2021 to two recipients, Richard Potter and John Gray respectively. The Section held a Zoom reception on December 14, 2021, for the 2020 recipient. The Section is planning an in-person reception at Mercato's in December 2021 for the 2021 Award recipient. During the 2021 legislative session, Richard Potter, the Section's Legislative Committee Chair, provided ongoing input on bills and legislation related to Public Records Act, Administrative Procedure Act, Open Public Meetings Act, the Office of Administrative Hearings, and other codes affecting administrative agency procedures, hearings, rulemakings, appeals, and judicial review. In total, he reviewed sixty (60) bills (not including companion bills) during the 2021 legislative session. He also attended WSBA legislative training, in conjunction with John Gray commented on the Board of Registration for Professional Engineers and Land Surveyors rulemaking on public records indexing and attended an online hearing regarding the same on September 16, 2021 (following running this by Sanjay Walvekar, WSBA's Legislative Affairs Manager, and getting his approval), and wrote an article entitled "Recap of 2021 Legislative Session," for the Section's Summer/Fall 2021 Newsletter (Volume 37, No. 2). The Section's Newsletter Committee published this newsletter, which included the aforementioned article, an article addressing the 2021 Homan Award recipient, advertisements for upcoming mini-CLEs, and case law summaries regarding administrative law. The Section hosted 7 Mini-CLEs, including 12/14/20 ("Retaining, Disclosing, Redacting & Requesting HIPAA Protected Healthcare Information under the Public Records Act (PRA)"; 2/25/21 "Paid Family Medical Leave"; 4/22/21 "Typography/Readability in Administrative Orders"; 6/21/21 "Open Public Meetings Act

(OPMA) Update and Effect of Pandemic on OPMA Issues”; 7/29/21 “Standard of Proof in Licensing Cases,” 8/26/21 “101 Cell Site Leasing for Municipal Attorneys & Small Cell Deployment in the 5G Area.” The Section also co-hosted 2/18/21 CLE put on by Office of Administrative Hearings (OAH) “Due Process & Administrative Hearings in a time of COVID.” In its June 14, 2021, executive committee meeting, the committee considered and approved the FY 2022 Budget for the Section. After the Section’s Treasurer Katy Hatfield responded to suggested edits to the Budget from the WSBA, the Board of Governors approved the budget in November 2021. The Section also convened a Nominations Committee which recruited and considered applications from applicants to join the Section’s Executive Committee for the upcoming fiscal and fill at-large and officer positions for FY 22, and successful elections for such positions were held and concluded on June 20, 2021.

Looking Ahead: 2021-2022 Top Goals & Priorities:

1	Produce mini-CLEs monthly or every other month (while in COVID restrictions, shifting back to in-person CLEs once we can gather again)
2	Update 2-4 chapters of the Administrative Law Practice Manual
3	Launch the mentoring program
4	Select Homan Award Recipient
5	Publish 3 Newsletters

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

The Administrative Law Section is involved in all areas of administrative law of interest to Washington lawyers, including Washington State administrative law, federal administrative law, tribal administrative law, and interstate compact administrative law. We recognize that most attorneys in Washington practice some type of administrative law, even if they never directly apply the Washington Administrative Procedure Act. The Section welcomes anyone as a member who has an interest in administrative law. Our members include: Assistant attorneys general; Public agency in-house attorneys; City attorneys (on private contract as well as municipal employees); County prosecutors; Private practitioners who represent clients subject to government regulation; Judicial officials; and Administrative Law Judges. The Section’s Executive Committee strives to recruit members and board members from historically underrepresented backgrounds, LGBT attorneys, young/new attorneys, and attorneys from all over the state. The Section’s Diversity and Outreach co-chairs have focused primarily on both creating awareness within the Section leadership about bias, equality and equity while developing a mentorship program that is designed to provide guidance and support to new and underrepresented attorneys as they begin their practice in administrative law. Instead of working directly with minority bar associations, we are focused on developing a Section that is inclusive and supportive of minorities in the practice area which we hope will foster a diverse population for the practice in the future. In addition, the Section tries to recruit attorneys for the Section Executive Committee and sub-committees who have been practicing for a broad range of years, including attorneys who are planning for retirement and attorneys who have just begun their careers. We encourage all board and committee members—including new attorneys—to serve in all

leadership positions, including as Section officers and Committee chairs. The Section's Young Lawyer Liaison is a voting member of the Section's Executive Committee, and past Young Lawyer Liaisons have gone on to other leadership roles, including President.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

We regularly communicated with our Section liaisons, Eleen Trang and Carolyn MacGregor, who respond quickly and either have the information we need or can direct us to the person who can help. The WSBA staff liaisons routinely attended monthly Section meetings when invited. The liaisons are especially good with coordinating with the Section's graphic designer for its Newsletter and ensuring that WSBA legal counsel review content in draft Newsletters and ensure it is good to publish. The quality of service has been great. We also interacted with WSBA staff regarding legislation that pertains to administrative law.

SECTIONS ONLY: Please quantify your section's 2020-2021 member benefits:

For example:

- *\$3000 Scholarships, donations, grants awarded;*
- *4 mini-CLEs produced*

1	Newsletters/publications produced
7	Mini-CLEs produced
0, due to COVID pandemic	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
0, due to COVID pandemic	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
1 Homan Award Reception via Zoom for recipient Richard Potter	Receptions/forums hosted or co-hosted
1 Homan Award to 2020 recipient Richard Potter & 1 Homan Award Nomination and Vote for 2021 recipient John Gray	Recognitions/Awards given
1 participated with Gonzaga University and other WSBA Sections by hosting a remote	New Lawyer Outreach events/benefits

	networking event for current law students and alumni	
	60	Bills Tracked During the 2021 Legislative Session
Entity Detail Report: To Be Completed by WSBA Staff		
Size of Entity:	15 (including Young Lawyer Liaison)	
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	238	
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	9	
How many current volunteer position vacancies for this entity?	0	
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$20,048	
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$1,509	

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WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Alternative Dispute Resolution Section
Chair or Co-Chairs:	Mel Simburg
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor
Board of Governors Liaison:	Alec Stephens, Jr.
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
Promoting Informed Use and Best Practices for ADR in Washington	
Strategy to Fulfill Purpose:	
Our goals: (1) provide resources; (2) educate members of the bar and the public; and (3) address issues relating to the growth and development of alternative dispute resolution services in the State of Washington.	
How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?	
Educating members of the Bar and the public about ADR serves to bring awareness to nonlitigation methods of resolving disputes. These methods can be more efficient, less expensive, faster, allow party control of the process, provide for the use of experts in the subject matter as decision-makers,	

and allow privacy in the dispute resolution process. We also serve members of the Bar by bringing CLE opportunities in ADR subjects and procedures, by holding networking events, and by providing channels to communicate with other Section Members and with other ADR professionals or interested parties. We also monitor legislation and comment on legislation to further ensure the integrity and utility of ADR processes.

2020-2021 Entity Accomplishments:

Toward the end of the 2020 fiscal year, we organized a Legal Lunchbox WSBA CLE presentation on Online Dispute Resolution that attracted over 2000 attendees. That webinar remains available as a WSBA On Demand offering. Then, through a series of workshops, we helped attendees get comfortable using Zoom and related videoconferencing tools, with a focus on navigating confidentiality and ethics issues that arise in online practice. As more trainings became available through third parties, we shifted to providing regular, free online best practices forums in which attendees share experiences and improvised solutions to unexpected calamities, both technological and technically in terms of procedures and documents tailored for online practice. Drawing on relationships with legal and dispute resolution organizations in British Columbia and California, WSBA members now can access free online best practices forums every month.

We provided input on the legislative process reviewing for adoption in Washington the Uniform Family Law Arbitration Act, and held a Q&A online with our Section Members, with two members of the Uniform Law Commission, the Chair and the Reporter of the Drafting Committee.

The Executive Committee has collaborated with the three law schools in Washington on involving practitioners with students and law school programs/competitions on ADR. We participated in the Gonzaga Law School Outreach Event in October 2020. We have helped the law schools promote their negotiation and ADR competitions and find guest judges for the events.

We sent a survey to Section Members to learn what they value and want most from our Section. The responses have guided us to provide more learning and networking opportunities. We have organized a “Happy Hour Northwest” Zoom interactive substantive and networking event that takes place the first Thursday evening of each month. We have opened up our Listserv to be unmonitored and available to all ADR Section Members to post directly, and are trying to provide more content and discussions on the Listserv. In that regard, we are regularly circulating on the Listserv information about ADR activities, presentations, and conferences.

In January 2021 we cooperated with the RPPT Section on a forum addressing “Mandatory Eviction Mediation Legislation.” We held our annual Executive Committee Retreat by web conference in September 2021. We focused on (i) our Mission Statement, (2) ExCom Group Dynamics, (3) Communication, and (4) Diversity, Equity and Inclusion. The Retreat resulted in several action items, including planning a facilitated conversation about DEI for January 2022.

The University of Washington, our primary partner in the Northwest Dispute Resolution Conference, pulled out of future conferences. We reorganized the conference approach and in October 2021 held a successful online conference with several partners outside the State of Washington, including participants from British Columbia, entitled “Northwest Collaborative Futures Conference: Deconstructing Artificial Borders.”

The ADR Section is collaborating on the repeat presentation of a WSBA-CLE presentation on Arbitrator Ethics, which will take place on December 1, 2021. And we are supporting

the International Practice Section on a CLE to take place December 8, 2021 entitled “Tips to Resolving Disputes Cross Border.”

Looking Ahead: 2021-2022 Top Goals & Priorities:

1	Outreach to Section Members and beyond our Section.
2	Integrate DEI into our outreach, in addition to age and geographic diversity.
3	Improve communications by addressing our website and Listserv uses and potential changes.
4	Continue cooperation with other organizations to present a major Northwest Dispute Resolution Conference annually and other ADR CLEs and networking opportunities.
5	Click or tap here to enter text.

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

We have scheduled a facilitated conversation on DEI for our Executive Committee, to take place in January 2022.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

We have enjoyed close communications with and great support from our WSBA staff liaison and other WSBA personnel. They have helped us accomplish our projects and helped us negotiate WSBA filings and permissions. Our new BOG liaison has attended his first ExCom meeting, which was not the case for previous BOB liaisons. We have learned that the earlier we involve WSBA staff in our planning processes the better. Our staff liaison does attend our monthly meetings when she can.

SECTIONS ONLY: Please quantify your section’s 2020-2021 member benefits:

For example:

- *\$3000 Scholarships, donations, grants awarded;*
- *4 mini-CLEs produced*

We post content and blogs on our website. We are expanding use of our listserv.

Newsletters/publications produced

Monthly “Happy Hour” web conferences.

Mini-CLEs produced

	We are cooperating on one half-day and one 1.5-hour CLE to take place in December 2021.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
	In October 2021 we held a two-day CLE with multiple sponsoring organizations.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
	Two forums in January 2021 with the RPPT Section on The Eviction Moratorium and Pending Legislation.	Receptions/forums hosted or co-hosted
	Click or tap here to enter text.	Recognitions/Awards given
	We have cooperated with the law schools on events and ADR competitions.	New Lawyer Outreach events/benefits
	Click or tap here to enter text.	Other (please describe):

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	14
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	317
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	7 (includes Young Lawyer Liaison)
How many current volunteer position vacancies for this entity?	1
FY21 Revenue (\$):	\$8,466

For Sections Only: <i>As of September 30, 2021</i>	
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$240

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WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Animal Law Section for the Washington State Bar
Chair or Co-Chairs:	Gemma Zanowski (Chair), Leila Arefi-Pour (Chair Elect)
Staff Liaison: <i>(include name, job title, and department if known)</i>	Click or tap here to enter text.
Board of Governors Liaison:	Serena Sayani
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
The purpose of the Section shall be to seek the participation of all interested members of the Bar and other interested non-bar members. By providing a forum for members to exchange ideas, study, and understand laws, regulations and case law pertaining to all areas of animal law. By providing full-day, half-day and mini CLEs for the benefit of section members, other interested members of the Bar and other interested non-Bar members; by sending representatives from the Section to speak at and participate in the annual Animal Law Summit; and by holding regular meetings to conduct the business of the Section. By publishing and furnishing to members of the section written materials and documents subject to approval by the Bar and/or the Continuing Legal Education Committee of the Bar to further the objectives of the Section. By providing an animal law list serve to members. By publishing informational pamphlets to the public on legal issues pertaining to animals. By undertaking such other service consistent with these and the Bar’s Bylaws, and applicable rules and policies, as may be of benefit to the members, the legal profession, and the public. By acting as a liaison between the Bar, its Board of Governors, Animal Law Sections of other States, counties, and cities	

Strategy to Fulfill Purpose:	
Hosting CLE's, networking with law schools and other state's bars, providing support to legal professionals in their animal law related questions, holding regular meetings, publishing informational pamphlets, etc.	
How does the entity's purpose help further the mission of the WSBA "to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice"?	
Animal law is an area of law that reaches out and touches every area of law. At some point in time, all attorneys, no matter what their practice area, will have an animal law case come across their desk. The animal law section's purpose helps further the WSBA's mission by supporting legal professionals with animal law information and educational opportunities so that attorneys can provide adequate representation in their animal law cases. Further, the Animal Law Section also has a passion for advancing the rights of animals and ensuring that their suffering does not go without justice.	
2020-2021 Entity Accomplishments:	
The Animal Law Section held a 2020 Animal Law CLE which covered animal in transportation such as rail, air, water, and highway travel and the laws surrounding animals in those modes of transportation. Covid has thrown a wrench in our advocacy; however, we are working on modifications for the coming year so that we can continue our service to the WSBA, our members, legal professionals in Washington, and animals.	
Looking Ahead: 2021-2022 Top Goals & Priorities:	
1	CLE's
2	Networking with law school animal law chapters
3	Newsletter.
4	Click or tap here to enter text.
5	Click or tap here to enter text.
Please report how this entity is addressing diversity, equity, and inclusion: <i>How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?</i>	
Our board members come from various economic and ethnic backgrounds.	
Please describe the relationship with WSBA staff and the Board of Governors. <i>For example:</i>	
<ul style="list-style-type: none"> • <i>Quality of WSBA staff support/services</i> • <i>Involvement with Board of Governors, including assigned BOG liaison</i> • <i>Ideas you have on ways WSBA can continue to strengthen/support your entity.</i> 	
Click or tap here to enter text.	

SECTIONS ONLY: Please quantify your section's 2020-2021 member benefits: <i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Click or tap here to enter text.	Newsletters/publications produced
	Click or tap here to enter text.	Mini-CLEs produced
	Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
	Once CLE produced.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
	Click or tap here to enter text.	Receptions/forums hosted or co-hosted
	Click or tap here to enter text.	Recognitions/Awards given
	Click or tap here to enter text.	New Lawyer Outreach events/benefits
	Click or tap here to enter text.	Other (please describe):

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	7
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	81
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	1
How many current volunteer position vacancies for this entity?	4 (including one Young Lawyer Liaison position)
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$1,667
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$6

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WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Business Law Section
Chair or Co-Chairs:	Diane Lourdes Dick
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor
Board of Governors Liaison:	Bryn Peterson
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
The purpose of the Section is to benefit the members of the Section and their clients: (a) by encouraging research and study, and the development of best practices, in the area of business law in the State of Washington, and sharing these efforts through continuing legal education where possible and appropriate; (b) by participating in the development of state legislation and regulations in order to improve and facilitate the administration of justice in the area of business law; and (c) by undertaking such other services relating to the area of business law as may be of benefit to members of the Section, members of the Bar, and the greater public.	
Strategy to Fulfill Purpose:	
We spent a considerable amount of time this year restructuring the Section to best meet the current and future needs of our members. First, we formed a new Young Business Lawyers Committee to provide social and networking opportunities for new and young business lawyers in Washington. We hope that this new committee will benefit our newest members by providing some much-needed	

opportunities for human connection; looking into the future, we hope it will help to grow our membership and nurture future leaders. We also repurposed our existing Law of Commerce in Cyberspace Committee into a Privacy and Data Security Law Committee. We are very excited to pass the baton to a new generation of lawyers working at the intersection of business and technology and we look forward to seeing the committee develop initiatives focused on this exciting and dynamic practice area. Finally, we conducted a member survey this spring to gather insights to help shape our programming over the next few years.

How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?

The Section seeks to promote professionalism among our members by helping to build and foster personal relationships among business attorneys across the state and by providing a forum for the discussion and exchange of ideas leading to the improvement of the laws relating to these areas of law.

2020-2021 Entity Accomplishments:

In May, we conducted our first-ever virtual annual meeting, which included a free CLE program on privacy law. We had over 240 people in attendance. It was a wonderful way to update members on section initiatives and provide an opportunity to learn about an important area of substantive law that increasingly impacts business lawyers and their clients. The Securities Committee’s annual co-sponsored program, the Northwest Securities Institute, was also held virtually in May under the supervision of the Oregon State Bar Association. Meanwhile, the Section has continued its tradition of strong legislative involvement, with the active review of numerous proposed bills throughout the legislative session. Specifically, the Section supported proposals by the Partnerships and LLC Law Committee and Corporate Act Revisions Committee for legislation updating various provisions of the LLC Act, the Uniform Limited Partnership Act, and the Washington Business Corporation Act.

Looking Ahead: 2021-2022 Top Goals & Priorities:

1	Continue the Section’s strong tradition of legislative participation.
2	Use insights from our recent member survey to determine whether, how, and to what extent we should proceed with virtual programming initiatives during the pandemic.
3	Continue to improve upon the programming initiatives from recent years, including the new format of the mid-year meeting and collaborative programming with the Corporate Counsel Section.
4	Continue the publication of our semi-annual newsletter and improve the content and member benefits on our WSBA-hosted website.
5	Actively recruit more members to participate in the Section.

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

Even as compared to other segments of the legal profession, the business law bar is historically lacking in diversity. The Section has tried to promote a culture of diversity, equity, and inclusion, particularly with respect to the constitution of our executive committee. Women and racial and ethnic minorities currently represent almost 50% of our executive committee. We continue to actively solicit minority bar associations for their involvement within the Section. We have also sought out opportunities to participate in business law-tailored events in the community that focus on the inclusion and participation of underrepresented segments of the business law bar.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

We believe the Section’s relationship with the WSBA staff and governors has been fruitful. The WSBA staff has always been willing to help. We appreciate the lengths to which the WSBA staff always goes to acknowledge the contributions of the section leaders, we appreciate the WSBA leadership’s willingness to consider questions of section support and autonomy, and we appreciate the WSBA’s willingness to revisit the financial terms of CLE programming.

SECTIONS ONLY: Please quantify your section’s 2020-2021 member benefits:

For example:

- *\$3000 Scholarships, donations, grants awarded;*
- *4 mini-CLEs produced*

2 per year	Newsletters/publications produced
1	Mini-CLEs produced
Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
1	Receptions/forums hosted or co-hosted
Click or tap here to enter text.	Recognitions/Awards given
Click or tap here to enter text.	New Lawyer Outreach events/benefits
Click or tap here to enter text.	Other (please describe):

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:

22 (includes Young Lawyer Liaison)

Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	1,253
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	24 (includes Young Lawyer Liaison)
How many current volunteer position vacancies for this entity?	0
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$24,809
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member- Charge.</i>	\$12

ⁱ The Access to Justice Board (not regulatory, but applicable to the distinction herein) and Regulatory Boards (Disciplinary Board, LLLT Board, Limited Practice Board, MCLE Board and Practice of Law Board) are not required by Bylaws or Court Rule submit an annual report to WSBA. However, as part of the administration of monitoring of Regulatory Boards, the Boards listed herein typically provide an annual report to the Court and WSBA should be provided this same report an annual basis.

WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Cannabis Law Section
Chair or Co-Chairs:	Sativa Rasmussen
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor
Board of Governors Liaison:	Brett Purtzer
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
The purposes of the Section shall be to: A. provide continuing legal and other education for its members in areas of common interest to legal professionals interested in cannabis law; B. provide opportunities for Section members to become better acquainted with other legal professionals with similar interests; C. provide services including education and networking for students interested in one of the fastest growing new practices of law; D. provide a forum for the exchange of ideas and discussion about issues of common interest to Section members; E. provide advice to the Bar, as requested, on proposed legislation, court rules, and other matters; F. provide resources and education to legislators and regulators; and G. undertake such other services that may be of benefit to the public and the Bar	
Strategy to Fulfill Purpose:	

The Section aims to fulfill its stated purpose through the mechanisms outlined above (e.g., hosting continuing legal educations seminars and other networking opportunities, as well as providing information and resources to its members and the legal community).

How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?

The Section’s purpose is directly aligned with the mission of the WSBA. Through the Section’s hosting of educational programs and networking events and its provision of informational materials and resources, the Section is serving both the public and the members of the Bar to the benefit of the legal profession as a whole.

2020-2021 Entity Accomplishments:

In 2021, the Section has continued to focus on growing our membership as well as being a resource for our current members. For example, we held a very well-attended virtual mini-CLE in conjunction with the Civil Rights Section which was focused on the evolution of conscious altering substances in the US and the disproportionate impact such laws have had on minorities. We also published a newsletter for our members and we continue to build out our repository of resources with regular updates made on our Section page.

Looking Ahead: 2021-2022 Top Goals & Priorities:

- | | |
|----------|---|
| 1 | Increase Membership and Awareness |
| 2 | Education (Mini-CLEs, half and full day CLEs, publications, etc.) |
| 3 | Enhancing Collegiality with Other Sections |
| 4 | Recruit New, Diverse Members to the Executive Committee and the Section |
| 5 | Increase Engagement of Current Members |

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

The Section has and continues to engage lawyers from diverse backgrounds. We are proud to have several members of the Executive Committee who are women, people of color and under the age of thirty/over the age of 60. This diversity of opinions and viewpoints helps contribute to better decision-making and a culture of inclusion. Additionally, one of our goals for the coming year is to continue to increase diversity on the Committee and within the Section in an effort to make both as representative of the legal professions as possible.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

So far, we have had tremendous support from the WSBA and specifically our Section Liaison, Carolyn MacGregor, as we attempt to bring this fledgling section to a fully functioning section that is representative of the WSBA.

SECTIONS ONLY: Please quantify your section's 2020-2021 member benefits: <i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	1	Newsletters/publications produced
	1	Mini-CLEs produced
	Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
	Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
	2	Receptions/forums hosted or co-hosted
	Click or tap here to enter text.	Recognitions/Awards given
	Click or tap here to enter text.	New Lawyer Outreach events/benefits
	Click or tap here to enter text.	Other (please describe):

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	7
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	94
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	3 (includes Young Lawyer Liaison)
How many current volunteer position vacancies for this entity?	0
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$1,707
Direct Expenses:	\$0

<i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	
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ⁱ The Access to Justice Board (not regulatory, but applicable to the distinction herein) and Regulatory Boards (Disciplinary Board, LLLT Board, Limited Practice Board, MCLE Board and Practice of Law Board) are not required by Bylaws or Court Rule submit an annual report to WSBA. However, as part of the administration of monitoring of Regulatory Boards, the Boards listed herein typically provide an annual report to the Court and WSBA should be provided this same report an annual basis.

WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Civil Rights Law Section
Chair or Co-Chairs:	Laura E. Sierra, Chair (2021/2022); Tobin S. Klusty, Past Chair (2020/2021)
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor, Sections Program Specialist
Board of Governors Liaison:	Alec Stephens
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
The mission of the Civil Rights Law Section (CRLS) is to educate and advocate for civil liberties and equal rights in the context of civil rights law and the legal issues of Washington State residents, with particular focus on those who have traditionally been denied such rights and equal treatment under the law including, but not limited to, racial, ethnic, or religious minorities; elderly; gay, lesbian, bisexual or transgendered; immigrants; mentally or physically disabled; impoverished; and homeless. The section also focuses on issues involving civil liberties including freedom of speech, freedom from state-promulgated religion, and privacy rights.	
Strategy to Fulfill Purpose:	

To fulfill its purpose, the CRLS: (1) sponsors CLEs on civil rights law; (2) provides a forum for activities with civil rights organizations throughout the state; (3) provides a network for communications with the civil rights organizations throughout the State; (4) submits to the Board of Governors or other appropriate Bar entity, recommendations concerning proposed legislation or court rules that impact legal practice in the area of civil rights; and (5) recognizes and honors individuals and organization advancing civil rights in the State of Washington.

How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?

Our Section’s mission is to educate and advocate for civil liberties and equal rights in the context of civil rights law and legal issues of Washington State residents. In pursuit of this mission, we believe that anti-racism, racial equity, and community-centered lawyering are central to the fair administration of justice and to advancing and protecting the civil rights of all people. The Section’s activities, as listed above, are all aimed at serving the public and members of the bar to champion justice and ensure that the legal profession acts with integrity on civil rights issues including implicit and explicit bias.

2020-2021 Entity Accomplishments:

For 2020-2021, the CRLS: reviewed legislative bills that either directly or indirectly impacted civil rights; submitted comments for four (4) of legislative bills: HB 1090 (a bill prohibiting persons, businesses, and state and local governments from operating private detention facilities or from utilizing contracts with private detention facilities, with some exceptions), HB 1202 (a bill providing a cause of action for persons injured in person or property in Washington by law enforcement acting under the color of authority), HB 1078 (bill aimed at restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement under the jurisdiction of the department of corrections) and HR 2576 (a bill to prohibit the contracting of private detention centers), co-sponsored “The War on Drugs: A Domestic and International Driving Force of Mass Incarceration” CLE in conjunction with WSBA’s World Peace Through Law Sections , “What Would Marcus Garvey Do: Community Policing in the Black Lives Matter Era” CLE in conjunction with the Reverend Harriett G. Walden, Founder for Mothers for Police Accountability and was community partner with the Holocaust Center for Humanity in presenting a CLE titled “The Crime of Complicity: Law and the Bystander from the Holocaust to Today.” The CRLS also produced a number of mini-CLEs including “Why is it so difficult to vote in the Unites States? 21st Century Disenfranchisement” lead by a former CRLS Chair awarded 5 recognitions/awards. From a community engagement perspective, the CRLS Legislative Research Committee hosted a virtual get together with the greater community and the CRLS hosted a facilitated discussion with Advocates for Immigrants in Detention Northwest (AIDNW), and participated in career advice session with Gonzaga law students.

Looking Ahead: 2021-2022 Top Goals & Priorities:

- | | |
|----------|--|
| 1 | Continue holding the WSBA accountable for systemic racism and push for civil rights, equity, diversity and inclusion to the BOG and within WSBA. |
|----------|--|

2	Offer and promote more CLEs addressing policies and practices that enforce civil rights protections, including systemic changes that recognize traditionally marginalized communities.
3	Grow our membership and increase networking opportunities so that we can connect with other advocates in the community dedicated to the same mission.
4	Follow and support legislation that leads to the end of mass incarceration.
5	Educate our membership on local and national civil rights matters via newsletters, listserv, and volunteer opportunities.

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

Our Section is dedicated to enhancing diversity amongst ourselves and the WSBA as a whole. In 2020, our Section arranged for JustLead trainers to instruct Executive Committee members at the annual retreat on mindfulness techniques necessary to build racial equity awareness and promote selfcare. This year, we will seek to engage in a similar training, even if more informally. Moreover, for the 2021 session, the CRLS developed a Values Statement that outlines our collective commitments (that will also be followed this year) as follows: We commit to the following actions as we pursue our Section’s mission during the 2021 session:

- To actively challenge and confront our open and implicit biases.
 - To actively challenge others’ open and implicit biases.
 - To amplify the voices of those challenging open and implicit biases.
 - To reach out to and build sustainable relationships with marginalized communities.
 - To continue our support and partnership with Minority Bar Associations.
 - To seek opportunities to educate the BOG on the issues of anti-racism.
 - To bring representation into our Section and the BOG from historically marginalized communities.
 - To promote ethical accountability by equipping the profession to identify and appropriately report biased, discriminatory, and prejudicial conduct in violation of the Rules of Professional Conduct and the Code of Judicial Conduct.
 - To hold CLEs on racial equity and justice.
 - To advocate for legislatively expanding civil liberties by educating and lobbying our legislators.
 - To actively divest from white supremacist culture through our own individual and collective actions. White supremacy includes, but is not limited to, the following characteristics: perfectionism, individualism, sense of urgency, defensiveness, worship of the written word, power hoarding, either/or thinking, paternalism, and fear of open conflict.
- Our Section is also committed to the Washington Race Equity & Justice Initiative, which is an effort to “coordinate and grow a sustainable statewide community of legal and justice system partners in Washington State who can more effectively and collaboratively work toward eradicating racially biased policies, practices, and systems.” Three of our members

including our current Chair are actively participating in this initiative with the goal of ensuring that Sections and members can advocate for issues that improve access to justice in a equitable and inclusive way. The CRLS is currently working together with other sections and advocates in line with this commitment.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

We continue to be highly appreciative of the support we have received from the WSBA, especially from our liaison Carolyn McGregor. We are also very grateful to have had Alec Stephens as our BOG liaison. Alec is a pioneer for civil rights that we all look up to. He has a wealth of knowledge about the WSBA and civil rights that enhanced the services we were able to provide to our members. He is also selfless – using his experience only to better the community he serves. As part of the Washington Race Equity & Justice Initiative, three of our members, including our current chair are on the GR12 Subcommittee and are actively working with the WSBA General Counsel and other members to update the interpretation and approach to GR12 to better align with the stated goals of the Bar.

SECTIONS ONLY: Please quantify your section’s 2020-2021 member benefits:

For example:

- *\$3000 Scholarships, donations, grants awarded;*
- *4 mini-CLEs produced*

See 2020-2021 Entity Accomplishments above for a detailed account of the CRLS’ events and activities.

Click or tap here to enter text.	Newsletters/publications produced
1	Mini-CLEs produced
1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
2	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
2	Receptions/forums hosted or co-hosted
5	Recognitions/Awards given
2	New Lawyer Outreach events/benefits
Click or tap here to enter text.	Other (please describe):

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:

10 (including Young Lawyer Liaison)

Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	181
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	2
How many current volunteer position vacancies for this entity?	1 (Young Lawyer Liaison position)
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$6,242
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member- Charge.</i>	\$1,918

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WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Construction Section
Chair or Co-Chairs:	Colm P. Nelson
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor
Board of Governors Liaison:	Serena Sayani
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
Our bylaws provide the following: “The purposes of this Section are to promote the education of Washington State Bar Association members in laws, regulations, and administrative and court decisions affecting such procurement and construction, the sound development of relevant laws and regulations, to cooperate in that endeavor with the American Bar Association and its sections and to promote the objects of the Washington State Bar Association (hereinafter referred to as ‘WSBA’).”	
Strategy to Fulfill Purpose:	
To keep our members engaged and up to speed on current issues in our industry, we host CLEs, forums, and a writing competition for law students. We also provide Section members updated legal materials including jury instructions, contracts, and a desk book.	
How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?	

Through the Section, our members are provided opportunities to become educated on the latest hot topics in the industry and provide a higher quality of service to their clients.

2020-2021 Entity Accomplishments:

Writing Competition for Law Students

This year's winner, Raymond Cleveland, who also happened to be last year's winner (well done, Raymond), received a \$2,500 prize and his article was published in the Section's newsletter. Contestants were asked to answer this question: *In Washington, is a liability limitation in a design professional or consultant contract enforceable to limit liability concerning tort claims arising independent of the contract?* This is a somewhat gray and evolving area of the law, challenging contestants to refine their argumentative skills and abilities to research and write.

Road Trip CLE (virtual), Anatomy of Construction Projects

This full-day CLE was presented in conjunction with the Thurston County Bar Association and provided a construction law 101 seminar for practitioners, covering initial contract drafting, project administration, claims, and dispute resolution mechanics. Prior to Covid-19, the Council has tried to present annually an in-person construction-related CLE in a different location within the state in order to better serve all our members.

Mid-Year CLE (virtual), Navigating a Financially Troubled Project During Uncertain Times

This was a full-day seminar presented by an outstanding faculty of judges and lawyers, touching upon various aspects of troubled projects, from Covid-19 disruptions to bankruptcy. The CLE also included an hour of ethics credit. There was great turnout with over 108 attendees. Many also attended the virtual social wine event following the CLE. Those who registered in advance received a delivery of wine to enjoy while listening to a sommelier present on French wines.

Design-Build Contracts

This year the Council created design-build contracts for residential construction. They will be available to members sometime in 2022.

Newsletter

We typically publish a quarterly newsletter on current topics in Washington construction, including a case law update.

Looking Ahead: 2021-2022 Top Goals & Priorities:

- | | |
|----------|--|
| 1 | Winter Forum: We are currently looking for locations to have an in-person event for members in an iconic/unique building in Seattle. In years past, we have had a guest speaker for one hour (of CLE credit), followed by a dinner where we have a welcome opportunity to catch up with members outside of the office/court room/board room. |
| 2 | Road Trip CLE: We intend to continue this event in a different location of the state and already have topics and locations in mind. This year, the event may have an in-person option. |
| 3 | Mid-Year CLE: Planning for this event has started and we look forward to great turnout again. |

4	Law Student Engagement: We have decided to suspend the writing competition and explore new ways to spend competition prize money, all in an effort to inspire student interest in the Section. We plan to make a decision on how to expand this outreach in early 2022.
5	Mentor / Mentee. The Section hasn't had a formal mentee / mentor program, and we are exploring creating one this year.

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

The Construction Law Section continues to engage lawyers from diverse backgrounds. We are proud to have several members on the executive council who are women, people of color, and people who are under 40 or over 60. We value a culture of inclusion. To encourage engagement and interaction, this year we discounted our Mid-Year CLE price for new lawyers, government lawyers, and small firms.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

Click or tap here to enter text.

SECTIONS ONLY: Please quantify your section's 2020-2021 member benefits:

For example:

- *\$3000 Scholarships, donations, grants awarded;*
- *4 mini-CLEs produced*

2	Newsletters/publications produced
1	Mini-CLEs produced
1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
1	Receptions/forums hosted or co-hosted
1	Recognitions/Awards given
Click or tap here to enter text.	New Lawyer Outreach events/benefits

	1	Other (please describe): Jury instructions, contract forms, etc.
Entity Detail Report: To Be Completed by WSBA Staff		
Size of Entity:	17 (including Young Lawyer Liaison)	
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	522	
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	8 (including Young Lawyer Liaison)	
How many current volunteer position vacancies for this entity?	0	
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$20,002	
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$3,691	

ⁱ The Access to Justice Board (not regulatory, but applicable to the distinction herein) and Regulatory Boards (Disciplinary Board, LLLT Board, Limited Practice Board, MCLE Board and Practice of Law Board) are not required by Bylaws or Court Rule submit an annual report to WSBA. However, as part of the administration of monitoring of Regulatory Boards, the Boards listed herein typically provide an annual report to the Court and WSBA should be provided this same report an annual basis.

WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Corporate Counsel Section
Chair or Co-Chairs:	Joel Emans
Staff Liaison: <i>(include name, job title, and department if known)</i>	Treasurer – Beth St. Clair; Secretary – Kat Stryker
Board of Governors Liaison:	Bryn Peterson
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
The purposes of the Section shall be to: (a) provide continuing legal and other education for its members in areas of common interest to lawyers serving as corporate counsel; (b) provide opportunities for Section members to become better acquainted with other attorneys with similar interests; (c) provide a forum for the exchange of ideas and discussion about issues of common interest to Section members; (d) provide advice to the Bar, as requested, on proposed legislation, Bar rules and other matters; and (e) undertake such other services that may be of benefit to the public and the Bar	
Strategy to Fulfill Purpose:	
Host events; network; publish CLEs; listen to our members	
How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?	

Yes		
2020-2021 Entity Accomplishments:		
Our two mini-CLEs has 208, and then 350 attendees respectively.		
Looking Ahead: 2021-2022 Top Goals & Priorities:		
1	Community Building with a focus on Diversity and Inclusion	
2	Expand our membership	
3	Co-Offer an event with one other Section	
4	Attract new members to our executive committee	
5	Click or tap here to enter text.	
<p>Please report how this entity is addressing diversity, equity, and inclusion: <i>How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?</i></p>		
<p>As one example, we discuss how our panels and events can reflect diversity and be more inclusive.</p>		
<p>Please describe the relationship with WSBA staff and the Board of Governors. <i>For example:</i></p> <ul style="list-style-type: none"> • <i>Quality of WSBA staff support/services</i> • <i>Involvement with Board of Governors, including assigned BOG liaison</i> • <i>Ideas you have on ways WSBA can continue to strengthen/support your entity.</i> 		
<p>They are great.</p>		
<p>SECTIONS ONLY: Please quantify your section's 2020-2021 member benefits: <i>For example:</i></p> <ul style="list-style-type: none"> • <i>\$3000 Scholarships, donations, grants awarded;</i> • <i>4 mini-CLEs produced</i> 	<p>Many list-serv blasts to our members</p>	<p>Newsletters/publications produced</p>
	<p>2 mini CLEs produced, one in January and one in May</p>	<p>Mini-CLEs produced</p>
	<p>1 full-day CLE seminar hosted on 12/03</p>	<p>Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA</p>
		<p>Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i>-WSBA entity</p>

	Click or tap here to enter text.	Receptions/forums hosted or co-hosted
	See Grants below	Recognitions/Awards given
	One of the mini CLEs was directed at new attorneys and learning soft-skills	New Lawyer Outreach events/benefits
	\$5,000 given to several local non-profit orgs during our annual grant program	Other (please describe):

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	19 (including Young Lawyer Liaison)
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	1,102
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	8
How many current volunteer position vacancies for this entity?	0
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$28,473
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$6,444

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WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	CREDITOR DEBTOR RIGHTS
Chair or Co-Chairs:	William F. Malaier, Jr.
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor
Board of Governors Liaison:	Matthew Dresden
Purpose of Entity:	
<i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
Provide continuing legal education programs on topics of interest to the section membership with the purpose of devoting revenue generated from said programs to debt related legal clinics or debt related education organizations; Provide communication amongst members of the section; Review and comment on proposed creditor-debtor legislation.	
Strategy to Fulfill Purpose:	
See above	
How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?	

See above	
2020-2021 Entity Accomplishments:	
1) Provide grant funding of \$5,000.00 to various low income legal clinics across Washington; 2) Provide quality CLE programs, including co-sponsorship of the annual Northwest Bankruptcy Institute (NWBI); 3) Review and comment on proposed creditor-debtor related legislation referred to section executive committee by the WSBA lobbyist; 4) Publication of the section's semi-annual newsletter; and 5) Maintain active discussions amongst section members via the section's list serve.	
Looking Ahead: 2021-2022 Top Goals & Priorities:	
1	Continue high quality legal education seminar presentations, including co-sponsorship of Northwest Bankruptcy Institute (with Oregon State Bar).
2	Continue grant programs that provide low income persons access to creditor debtor related legal assistance.
3	Review and comment when appropriate on proposed creditor-debtor related legislation.
4	Publication of section newsletter.
5	Improve and continue list serve discussions amongst section membership.
Please report how this entity is addressing diversity, equity, and inclusion: <i>How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?</i>	
<p>The Creditor Debtor Section's Executive Committee is aware of the need to be inclusive in all our activities. We are inherently diverse in that some of us represent creditors, some of us represent debtors, and others represent both. As lawyers, our primary objective is to address the substantive areas of the law and substantive legal problems facing our clients. As lawyers, it is our nature to judge others on the basis of their behavior and not on their race, color, creed or other inappropriate criteria. What is more difficult to discern and avoid are the more subtle forms of discriminatory habits we have developed over our lives which can result in implicit bias. We strive to take positive steps to deal with those issues and the Section welcomes any member of the Bar that is interested in a substantive area of practice that we are involved with. We also strive to embrace the cultural differences that make interaction amongst us more interesting. The Section has not utilized the services of the WSBA Diversity Specialist and have not had any contact with or from that person. The Executive Committee continues to keep its focus on the issues of diversity and inclusion, together with the issue of avoiding inappropriate discrimination in our activities.</p>	

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

1) The Section receives excellent support from the Bar staff. 2) Board of Governors: The Section has not been directly involved with the Board of Governors, but welcomes its relationship with our assigned BOG liaison. 3) Ideas: In light of the issues raised in connection with Sections workgroup during the past year, it is our hope that the BOG will include Section executive committee members in their efforts to address issues that arise and which affect the Sections. The Section members and their respective executive committees are some of the best supporters of the WSBA and should be viewed by the BOG and the WSBA staff as resources that benefit the WSBA as a whole.

SECTIONS ONLY: Please quantify your section's 2020-2021 member benefits:

For example:

- *\$3000 Scholarships, donations, grants awarded;*
- *4 mini-CLEs produced*

1	Newsletters/publications produced
0	Mini-CLEs produced
1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
0	Receptions/forums hosted or co-hosted
1	Recognitions/Awards given
1	New Lawyer Outreach events/benefits
\$5,000.00	Other (please describe): Grant awarded to debt-related legal clinics

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	13
Membership Size: (for Sections Only) (As of September 30, 2021)	467

Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	9 (including Young Lawyer Liaison)
How many current volunteer position vacancies for this entity?	1 (Young Lawyer Liaison position)
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$11,594
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$5,252

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WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Criminal Law Section
Chair or Co-Chairs:	C. Dale Slack
Staff Liaison: <i>(include name, job title, and department if known)</i>	Click or tap here to enter text.
Board of Governors Liaison:	Alec Stephens
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
The purpose of the Section shall be to seek the participation of interested members of the Bar including prosecutors, defense counsel, law professors, and law enforcement professionals in order to benefit such members, their clients and the general public: a. By providing the opportunity and forum for the interchange of ideas in the areas of criminal law and procedure, including corrections, penology, juvenile offenses, and the criminal justice system generally. b. By initiating and implementing common projects. c. By review of pending legislation and development of proposed statutory enactments to improve and to facilitate the administration of justice within the Section's area of interest. d. By undertaking such other service as may be of benefit to the members, the legal profession and the public. In order to facilitate the purpose of this Section, participation in the Section by members of the Bar who are engaged in prosecution and defense shall be encouraged.	
Strategy to Fulfill Purpose:	

The Criminal Law Section seeks to engage members in twice-yearly CLE events (one mini-CLE and the Criminal Justice Institute, a two-day event) designed to foster participation by both defense and prosecution. Members of the Criminal Law Section also organize outreach events to law schools to encourage those serious about dedicating themselves to the profession to work in an ethical, professional, and cordial manner. The section distributes an annual caselaw update curated by a senior, distinguished member of the judiciary to ensure that members have the resources to stay up-to-date on changes in the law.

How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?

The Criminal Law Section seeks to create collaborative and cordial relationships between defense attorneys and prosecutors through events and message boards, and encourage cooperation between all criminal practitioners to strive for a criminal justice system that accomplishes Justice for All. The executive committee frequently provides input on proposed criminal law legislation in a “bipartisan” manner, with an eye to bettering the system for all stakeholders.

2020-2021 Entity Accomplishments:

Criminal Justice Institute, caselaw updates to members

Looking Ahead: 2021-2022 Top Goals & Priorities:

- | | |
|----------|--|
| 1 | Organize mini-CLE and CJI |
| 2 | Find creative ways to host social professional events for networking and fellowship |
| 3 | Expand member communication and engagement through social media |
| 4 | Discuss expansion of CLE offerings and publications |
| 5 | Encourage greater participation by members through encouraging input and opening channels to communication with the Executive Committee |

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

We maintain liaison with minority sections and groups within the WSBA and our membership is open to all practitioners interested in criminal law. In the coming year, as hopefully we can increase in-person events, we hope to work with other sections focused on under-represented groups of attorneys to ensure that our collaborative and cordial spirit can be enhanced by the addition of traditionally under-represented attorneys.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*

- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

Our section has been very lucky to have a history of excellent, invested, and helpful liaisons from the Bar. Even when disagreements occur, we have always found that we can discuss those disagreements and receive help from the Bar. Unresolved issues have generally been related to CLE costs, and not any policy or political issues.

SECTIONS ONLY: Please quantify your section's 2020-2021 member benefits:

For example:

- *\$3000 Scholarships, donations, grants awarded;*
- *4 mini-CLEs produced*

1	Newsletters/publications produced
0	Mini-CLEs produced
1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
0	Receptions/forums hosted or co-hosted
0	Recognitions/Awards given
0	New Lawyer Outreach events/benefits
Click or tap here to enter text.	Other (please describe): Scholarships to CJI

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	13
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	385
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	6
How many current volunteer position vacancies for this entity?	1 (Young Lawyer Liaison position)
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$11,053

Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$0
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WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Elder Law Section
Chair or Co-Chairs:	Miriam Ayoub
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor, Section Program Specialist
Board of Governors Liaison:	Carla Higginson
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	

(1) Improve WSBA members' understanding of the legal needs of older adults in Washington; (2) Create a cooperative structure through which WSBA members can work together to better understand Elder Law issues and effective problem solving approaches; (3) Provide legal assistance to older adults in Washington; (4) Serve as a liaison between the WSBA, BOG, Section members and other organizations serving older adults; and (5) Facilitate opportunities for research, advocacy and publications in the field of Elder Law.

Strategy to Fulfill Purpose:

The Elder Law Section: (1) hosts regular CLE programs on issues impacting older adults; (2) monitors legislation impacting older adults and shares information with members; (3) maintains an active listserv for section members to collaborate and consult on elder law issues; (4) holds monthly meetings for the executive committee that include the WSBA staff liaison and BOG liaison;

and (5) sponsors a summer intern to provide legal assistance to low-income seniors at a nonprofit legal aid organization.

How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?

The Section provides legal education, advice and consultation, and legislative updates with members. The Section sponsors a legal intern to provide free legal services at a nonprofit legal services organization.

2020-2021 Entity Accomplishments:

The Elder Law Section: (1) hosted regular CLE programs (at least 2x/year) on issues impacting older adults; (2) monitored legislation impacting older adults, shared information with members, and provided comment to the legislature when necessary; (3) maintained an active listserv for section members to collaborate and consult on elder law issues; (4) held monthly meetings for the executive committee that included the WSBA staff liaison and BOG liaison; and (5) sponsored a summer intern to provide legal assistance to low-income seniors at a nonprofit legal aid organization.

Looking Ahead: 2021-2022 Top Goals & Priorities:

- 1 Provide educational opportunities for Section members
- 2 Maintain an active Section listserv for mentorship, collaboration and consultation
- 3 Sponsor a legal intern at a non-profit legal aid organization
- 4 Monitor legislation impacting older adults and engage Section members in legislative information-sharing and comment when appropriate
- 5 Collaborate with WSBA, BOG and Washington State Bar Foundation to achieve goals

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

The Section sponsors a legal intern to work with a Washington legal services organization. Internships at legal services organizations are traditionally unpaid, which means the intern must have a separate source of income or support to participate. Therefore, these internships are not available to many students and disproportionately unavailable to BIPOC students. Sponsorship by the Section opens the opportunity to all students and encourages a more diverse and inclusive pool of applicants. In addition, the Section leadership has regular discussion about strategies for making the Section open and available to all WSBA members in an effort to create a more diverse and inclusive Section.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- Quality of WSBA staff support/services

- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

The Section has a good working relationship with liaisons from WSBA, BOG and Washington State Bar Foundation. Our liaisons have been very involved in Section activities and business and extremely helpful to Section leaders.

SECTIONS ONLY: Please quantify your section's 2020-2021 member benefits: <i>For example:</i> <ul style="list-style-type: none"> • <i>\$3000 Scholarships, donations, grants awarded;</i> • <i>4 mini-CLEs produced</i> 	0	Newsletters/publications produced
	0	Mini-CLEs produced
	2	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
	0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
	On hold due to COVID-19	Receptions/forums hosted or co-hosted
	0	Recognitions/Awards given
	On hold due to COVID-19	New Lawyer Outreach events/benefits
	0	Other (please describe):

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	16 (including Young Lawyer Liaison)
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	628
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	12 (including Young Lawyer Liaison)
How many current volunteer position vacancies for this entity?	0
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$33,805
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-</i>	\$510

October 1, 2020 – September 30, 2021 (FY21)

<i>Charge.</i>	
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WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Environmental and Land Use Law Section
Chair or Co-Chairs:	Pat Spurgin (2020-2021); Kyler Danielson (2021-2022)
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor, Sections Program Specialist
Board of Governors Liaison:	Dan Clark
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
<p>The ELUL Section is a formal association of attorneys, other professionals, and law students who share a common focus and interest in the practice of environmental and land use law. Our Section represents a diverse membership with individuals, drawn from law firms, solo practice, government, private industry, and public interest groups, who often represent different sides of an issue, but who are all committed to civil and professional cooperation for the benefit, protection, and enhancement of our communities and Washington State. Accordingly, our Section endeavors to continually and regularly provide opportunities and forums for the interchange of ideas surrounding environmental and land use law.</p>	

Strategy to Fulfill Purpose:

ELUL section activities fulfill the Section’s purpose in the following ways:

- We support the environmental and land use bar’s need to maintain current understanding of legal developments by hosting educational (CLE) events and gatherings for lawyers, law students, and professionals to provide opportunities for communication and collaboration. Our CLEs often include individuals with differing opinions on issues, to show various sides of land use or environmental issues and legal positions. Our networking events strive to engage members in a fun and casual manner so that the person behind the client is known. Our educational events also frequently include a “view from the bench,” which provides practitioners with insight into what our court and administrative judges need and wish to see to effect justice.
- We provide opportunities for our membership to discuss and debate current issues through the use of our website (blog), social media accounts (Facebook and LinkedIn), and our email ListSERV.
- We share information about bills in the Washington Legislature that are relevant to environmental and land use law, to keep our members up-to-date on relevant bills as a resource to further collaboration and discussion.
- To ensure that law students can contribute and learn through the section, we co-host a social event for the students with law students and practitioners. We also support law student internships/fellowships with scholarships. Not only does this expose students to the field, but it promotes involvement by attorneys and furthers civility and professionalism by creating an environment of inclusion and open communication.
- Finally, we offer social events designed to support camaraderie and the Bar’s professional networking needs.

How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?

The ELUL Section furthers WSBA’s mission to serve the public and members of the bar by supporting communication and collaboration between them. In practice, the ELUL Section supports this communication through our newsletter and events, which are open anyone – members and the general public. We also provide email updates on legislative bills, which are shared as a member benefit.

The ELUL Section ensures integrity of the legal profession by providing formal spaces for educational opportunities and civil discourse on ethics and environmental and land use legal issues. Due to our membership’s strong disagreements on legal issues, professionalism is essential to our Section’s continued success in supporting communication and collaboration. Our educational events also frequently include a “view from the bench” to provide opportunities for the court and administrative judges to share insights with practitioners.

Finally, we champion justice by our dedication to uplift law students. In practice, this effort is clear through our scholarship grants for students who take unpaid legal internships in environmental or land use law and our continued efforts to provide students with opportunities to learn from lawyers

and professionals. It is also clear through our decision to cohost an event with the Civil Rights Section in 2020 that was specifically focused on environmental justice.

2020-2021 Entity Accomplishments:

Typically, ELUL’s main event is a three-day Midyear Conference and Membership Meeting held each spring. The ELUL Section also typically holds an in-person mini-CLE that includes ethics credit.

Due to COVID-19 concerns, the 2021 Midyear Conference and December mini-CLE were converted to a one-day webcast and webinars.

This year the Section continued providing articles with its user-friendly on-line newsletter and social media.

We have also continued to provide legislative updates this past legislative session with targeted environmental and land use bill information sent to members by the list-serve so members can keep up with the ever-changing legislative sessions. Given the diversity of membership, the Section does not take positions on any particular bill.

For our soon-to-be and young lawyers, we have typically held annual networking receptions in both Seattle and Spokane. This year—again because of COVID-19 concerns—we experimented a networking session using an online meeting platform. We once again were deeply appreciative of the number of practicing attorneys who took time out of their busy schedules to network and encourage those new to the field for the online event.

Finally, this year we were able to substantially increase our highly successful grant program that awards funds to students who participate in activities that further their interest and commitment to the practice of environmental or land use law. Due to the increased number and amount of grants offered, we had a significantly higher number of applicants than the previous year.

Looking Ahead: 2021-2022 Top Goals & Priorities:

1	Maintain our record of providing events and CLEs to our membership using the appropriate delivery platform (in light of state and local health and safety recommendations)
2	Identify and improve opportunities for networking and communicating with Section membership
3	Endeavor to increase membership and diversity in the Section in terms of individual attributes, practice areas, and geographic location, among others, potentially through additional partnerships with other organizations or WSBA Sections.
4	Continue efforts to provide pertinent and timely legal issues analyses through online platforms.
5	Maintain fiscal and financial responsibility, which will allow continued development of programming as well as additional outreach and grants.

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

The ELUL Section provides law student scholarships/grants to students working on an unpaid internship position each year. This year, we significantly increased the number and amount of the grants to provide additional support for new members of the profession.

Additionally, our 2021 law student networking event was co-hosted with WSBA’s Civil Rights Law Section and the AGO’s Environmental Protection Division. Discussion at the event focused on environmental justice as a celebration of Earth Day.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

We have established good working relationships and appreciated the role served by the WSBA staff member and BOG liaison assigned to our section. WSBA staff has been particularly helpful in addressing financial issues and requirements and in innovating our CLE approaches in the face of the current public health issues in Washington. We include WSBA staff on our meeting and event invitations, and regularly communicate any updates for our Section.

Overall, we are interested in upgrading the level of communications between the Board of Governors and the committee. A written update from the BOG regarding information relevant to the Sections would be useful.

SECTIONS ONLY: Please quantify your section’s 2020-2021 member benefits:

For example:

- *\$3000 Scholarships, donations, grants awarded;*
- *4 mini-CLEs produced*

5	Newsletters/publications produced
2	Mini-CLEs produced
1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
1	Receptions/forums hosted or co-hosted
	Recognitions/Awards given
1	New Lawyer Outreach events/benefits

	3	Other (please describe):
	Numerous!	Scholarships rewarded (\$3,000 each)
		Legislative bills reviewed and reported to membership

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	10 (including Young Lawyer Liaison)
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	803
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	3
How many current volunteer position vacancies for this entity?	0
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$37,456
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$11,923

ⁱ The Access to Justice Board (not regulatory, but applicable to the distinction herein) and Regulatory Boards (Disciplinary Board, LLLT Board, Limited Practice Board, MCLE Board and Practice of Law Board) are not required by Bylaws or Court Rule submit an annual report to WSBA. However, as part of the administration of monitoring of Regulatory Boards, the Boards listed herein typically provide an annual report to the Court and WSBA should be provided this same report an annual basis.

WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	WSBA Health Law Section
Chair or Co-Chairs:	Lori Oliver, Chair
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor
Board of Governors Liaison:	
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
As set forth in the Health Law Section (HLS) Bylaws approved by the WSBA Board of Governors on July 27, 2017, the purposes of the HLS are: to further the knowledge of section members and the WSBA in the areas of law involving both federal and local health care; to form an available working unit to assist in the activities of the WSBA; and to otherwise further the interests of the WSBA and the legal professional as a whole.	
Strategy to Fulfill Purpose:	
The HLS engages in a wide variety of educational activities to engage and provide support to members of the WSBA who practice health law or otherwise work within the healthcare field. We use the HLS list serve to share information on professional opportunities and various time-sensitive updates.	

How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?

The HLS offers thoughtful educational programs to discuss complex ethics issues in healthcare and works to advance equity in the delivery of healthcare through advice to clients and serves the public through raising awareness of important issues that affect the delivery of patient care. This past year, we offered programming on unique legal issues and challenges arising for certain underserved and/or vulnerable populations and how to further equitable treatment (e.g., disability etiquette and LGBTQ+ reimbursement for gender affirming care).

2020-2021 Entity Accomplishments:

Key Accomplishments: The Collaboration Committee participated in Section Leader meetings as a collaboration pathway. Generally, if a packaged offer was presented (e.g., do you want to collaborate on this particular CLE we’ve already created), the response was overwhelmingly positive and significantly increased CLE promotion across the WSBA/listserv mediums, which in turn promoted fuller CLE attendance. The Scholarships and Grants Committee worked to develop a recurring scholarship/grant program for law students and/or new lawyers to attend an American Health Lawyer or similar conference. The proposal is under review by the larger WSBA. In connection with the S&G Committee’s efforts to engage law students/new lawyers, the section hosted a panel event about building a health law practice. The Education Committee focused on virtual webinars this past year; prior years were largely in-person programming. Topics this past year included the following: Parenting in Lifeboat multi-series; Workforce shortage and strategies to overcome those barriers; Disability Rights; Gender Affirming Care: Federal and State Updates on insurance coverage and payment of gender affirming care for transgender people; the Ethics of Internal Investigations; Disability Language and Etiquette; CQIP: Protecting your QI and Peer Review; Value-Based Care: Compliant Collaboration and Accountability; and Workers Compensation Hot Topics.

Looking Ahead: 2021-2022 Top Goals & Priorities:

- | | |
|----------|---|
| 1 | Planning for and offering a health law fundamental CLE Series |
| 2 | Continuing to offer web-based webinars on emerging issues |
| 3 | Hosting a health law practice webinar with a panel of practitioners engaged in all aspects of health law |
| 4 | Continue to build membership and create networking opportunities |
| 5 | Host a volunteer opportunity when PHE guidance permits |

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

The Health Law Section addresses geographic diversity through the members of our executive committee, and our concerted efforts to host events throughout the state, especially virtually. HLS membership has broad practice diversity, with members representing physicians, medical examiners,

hospitals, patients, medical device companies, and telemedicine. Through our Collaborations Committee, the Health Law Section actively seeks out meaningful intersections with other areas of law and develops relationships with other WSBA and WSBA section leaders to create programming and other opportunities designed to advance the evolution of the practice of law and maximize our collective contribution to the greater good. Members of the HLS are actively supporting their clients navigate legal issues and remove barriers to diversity, equity and inclusion and addressing social determinants of health that create barriers to care.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

HLS has a good relationship with the WSBA and are able to access information relatively quickly when it is an issue that has been answered/managed previously. Engaging in activity that other sections have not yet done is a slower process. We do not have regular attendance by BOG liaisons.

SECTIONS ONLY: Please quantify your section’s 2020-2021 member benefits:

For example:

- *\$3000 Scholarships, donations, grants awarded;*
- *4 mini-CLEs produced*

0	Newsletters/publications produced
15	Mini-CLEs produced
0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
1	Receptions/forums hosted or co-hosted
0	Recognitions/Awards given
1	New Lawyer Outreach events/benefits
Click or tap here to enter text.	Other (please describe):

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	9
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	390

Number of Applicants for FY22 <i>(October 1, 2021 – September 30, 2022)</i>	9 (including Young Lawyer Liaison)
How many current volunteer position vacancies for this entity?	0
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$12,272
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$1,554

ⁱ The Access to Justice Board (not regulatory, but applicable to the distinction herein) and Regulatory Boards (Disciplinary Board, LLLT Board, Limited Practice Board, MCLE Board and Practice of Law Board) are not required by Bylaws or Court Rule submit an annual report to WSBA. However, as part of the administration of monitoring of Regulatory Boards, the Boards listed herein typically provide an annual report to the Court and WSBA should be provided this same report an annual basis.

WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	WSBA Indian Law Section
Chair or Co-Chairs:	Danielle Bargala Sanchez
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor
Board of Governors Liaison:	Hunter Abell
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
As described in our Bylaws, the Indian Law Section’s purpose is to seek the participation of all interested members of the Bar, and of county and local bar associations, in order to benefit such members, their clients and the general public.	
Strategy to Fulfill Purpose:	
Our strategy to fulfill this purpose is also in our Bylaws: (a) By providing the opportunity for exchange of ideas in the area of Indian law; to further the development of this area of the law; to communicate useful information pertaining to Indian law to members of the Bar; and to improve the application of justice in this field, all in conformity with the Bylaws of the Bar; (b) By initiating and implementing common projects; (c) By review of pending legislation and development of proposed statutory enactments to improve and to facilitate the	

administration of justice within the Section's area of interest; (d) By undertaking such other service as may be of benefit to the members, the legal profession and the public.

How does the entity's purpose help further the mission of the WSBA "to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice"?

The ILS works each year to ensure that members interested in Indian Law have opportunities to further their knowledge and network together. Indigenous communities are often underserved, so championing justice is at the core of every Indian Law attorney's work. ILS allows those attorneys to network together and learn for the purpose of serving those communities.

2020-2021 Entity Accomplishments:

In 2021, we were able to hold our annual CLE virtually which went very well. The CLE had 82 registrants. The ILS also provided \$10,000 to the Northwest Indian Bar Association to help fund law school student scholarships including bar study scholarships. The ILS also made a donation in the amount of \$2,000.00 to Chief Seattle Club, which is a Native-led housing and human services organization that serves urban Native people.

Looking Ahead: 2021-2022 Top Goals & Priorities:

- | | |
|----------|--|
| 1 | Successfully host a virtual CLE |
| 2 | Expand Mentorship opportunities |
| 3 | Fund scholarships for young Native students |
| 4 | Host at least one in-person event, depending on the health of the State |
| 5 | Publish annual Newsletter |

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

Diversity is part and parcel of the ILS mission. Native attorneys are often drawn to Indian law and frequently take leadership roles in the Section. For instance, the current Chair and Chair-Elect are both members of a tribe and at least three at-large members are members of a tribe. We welcome members of other under-represented groups as well.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

Both our WSBA staff liaison and our BOG liaison attend meetings where possible. They are also both responsive to email questions, and have always provided support when asked.

SECTIONS ONLY: Please quantify your section's 2020-2021 member benefits: <i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Click or tap here to enter text.	Newsletters/publications produced
	Click or tap here to enter text.	Mini-CLEs produced
	1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
	Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
	Click or tap here to enter text.	Receptions/forums hosted or co-hosted
	Click or tap here to enter text.	Recognitions/Awards given
	Click or tap here to enter text.	New Lawyer Outreach events/benefits
	\$10,000 in scholarships, donations, grants awarded	Other (please describe):

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	14
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	332
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	7
How many current volunteer position vacancies for this entity?	1 (Young Lawyer Liaison position)
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$10,382
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$10,087

ⁱ The Access to Justice Board (not regulatory, but applicable to the distinction herein) and Regulatory Boards (Disciplinary Board, LLLT Board, Limited Practice Board, MCLE Board and Practice of Law Board) are not required by Bylaws or Court Rule submit an annual report to WSBA. However, as part of the administration of monitoring of Regulatory Boards, the Boards listed herein typically provide an annual report to the Court and WSBA should be provided this same report an annual basis.

WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Intellectual Property Section
Chair or Co-Chairs:	Brooke W. Quist
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor
Board of Governors Liaison:	Bryn Peterson
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
Pursuant to Section 1.01 of the IP Section’s bylaws: In general, the Section strives to promote the practice of intellectual property law, including by promoting the participation of, and furthering the knowledge of, all interested members of the Bar and of other state and local bar associations, as to intellectual property law, in order to benefit the Section members, their clients and the general public.	
Strategy to Fulfill Purpose:	
To that end, the Section may: (A) Provide the opportunity and forum for the interchange of ideas and education in areas of law relating to intellectual property rights, including patents, trademarks, copyrights, trade secrets and unfair competition, including without limitation: (1) Sponsoring and providing continuing legal education events; preparing and publishing a Section newsletter and website; and providing assistance and financial support as to the activities of other organizations that promote the purposes, goals, or activities of the Section; (2) Promoting the understanding of	

intellectual property laws through outreach activities to new Section members and law students, including by providing financial support to law students attending law schools in Washington State; (3) Promoting Section members through intellectual property-related networking, referrals, speakers' panels and press contacts; (B) Promote cooperation between sections within the Bar and between the Bar and other groups having common interests in the proper development and administration of the law relating to intellectual property rights; (C) Review, comment on, and make recommendations related to pending legislation and propose statutory enactments to improve and to facilitate the administration of justice within the Section's area of interest; (D) Promote the development of industry and the useful arts by encouraging the establishment, maintenance, respect for and utilization of intellectual property rights that fairly balance the limited monopoly enjoyed by the owner of intellectual property rights with the benefit to society derived from the creation of useful subject matter protectable by those rights; (E) Assist in familiarizing other members of the Bar with intellectual property law; and (F) Undertake such other service as may be of benefit to the Section members, the profession and the general public.

How does the entity's purpose help further the mission of the WSBA "to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice"?

The WSBA IP Section encourages ethics, civility, professionalism, and competence in its membership and provides CLEs with ethics presentations to promote the same.

2020-2021 Entity Accomplishments:

1) Put on the WSBA IP Section's 26th Annual IP Institute CLE, included nationally recognized IP practitioners, specifically the acting Director of the U.S. Patent and Trademark Office, Drew Hirshfeld, and two Federal Judges, Chief Judge Stark of the District of Delaware and Justice Donato of the Northern District of California; 2) Put on an IP Timely Topics CLE (involving regionally prominent practitioners); 3) Put on an IP Licensing CLE (involving regionally prominent practitioners); 4) Put on a Mini-CLE in Eastern Washington on IP issues; 5) Provided grant to WLA for expansion of intellectual property in the arts; 6) Provided scholarships to law students at the University of Washington, Seattle University, and Gonzaga University, based on demonstrated interest in Intellectual Property law, as assessed by their respective law schools

Looking Ahead: 2021-2022 Top Goals & Priorities:

1	Provide high quality but affordable CLEs to attorneys interested in IP-focused issues.
2	Continue to grow Section membership.
3	Provide outreach to law students and new lawyers with respect to education and IP Section activities/benefits.
4	Provide scholarships to law students who show a demonstrated interest in IP law.
5	Provide networking opportunities for Section members, including new annual dinner and networking event.

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

The WSBA Section strives to nominate a slate of potential board member candidates from all backgrounds, ethnicities, geographies, and business structures to promote diversity and inclusion. The Section also strives to host CLEs with speakers from all backgrounds, ethnicities, and business structures. The WSBA IP Section does not discriminate in its membership. People of all backgrounds, geographic locations, and business structures (e.g., in-house, solo, general practice, boutique law firms, non IP law-practicing attorneys, and law students) are treated equitably and afforded the same opportunities to participate in all section activities.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

The WSBA Section has a great relationship with the WSBA staff and the Board of Governors. The WSBA Section appreciates the support that it receives from the WSBA staff and the Board of Governors.

SECTIONS ONLY: Please quantify your section’s 2020-2021 member benefits:

For example:

- *\$3000 Scholarships, donations, grants awarded;*
- *4 mini-CLEs produced*

0	Newsletters/publications produced
1	Mini-CLEs produced
3	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
0	Receptions/forums hosted or co-hosted
0	Recognitions/Awards given
0	New Lawyer Outreach events/benefits
\$8,500	Other (please describe): Scholarships, donations, grants awarded

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	10 (including Young Lawyer Liaison)
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	865
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	6
How many current volunteer position vacancies for this entity?	0
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$29,362
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member- Charge.</i>	\$10,112

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WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	International Practice Section
Chair or Co-Chairs:	Carly Chan
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn McGregor
Board of Governors Liaison:	Matthew Dresden
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
The International Practice Section is broadly focused on the practice of law internationally, which includes the study legal developments in various jurisdictions and practice areas including immigration, business, tax, trade, intellectual property, privacy, and international dispute resolution, as well as providing a community for our members connect with and support each other. Our members represent a wide variety of backgrounds and practices, including full-time and part-time practitioners, government, business, non-profit, foreign lawyers, academia, internationally-focused law students, retired professionals, and those who are simply intellectually interested.	
Strategy to Fulfill Purpose:	
The International Practice Section’s strategy has been three-pronged: education, mentorship, and community/communication. We recruit speakers for and host CLEs on a wide variety of topics relating to the practice of international law and collaborate with other sections on CLEs. CLEs are not only educational, but also provide our members with an opportunity to meet foreign lawyers and to	

connect with each other. We provide a mentorship program that matches practicing lawyers with law school students interested in the international practice of law to assist with their professional development. Finally, we communicate with our members through our section website and listserve, and encourage our members to connect with each other through the listserve and our networking receptions.

How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?

The International Practice Section provides professional development and educational services for members of the Bar. Our educational services help ensure that attendees are informed and up to date on legal developments, which contributes to maintaining the integrity of the legal profession.

2020-2021 Entity Accomplishments:

1. The IPS awarded a \$1,000 scholarship to our 2021-2022 Huneke Fellow, University of Washington 3L Abby Jiang. 2. The IPS held a virtual Spring Event that included a 1.5 hour panel discussion on China. 3. The IPS subsidized discounted section membership fees during 2020-21 to alleviate the financial hardship COVID has placed on our members. 4. The IPS made 12 credits’ worth of mini CLEs available at no additional cost to Section members. 5. The IPS continues to administer a foreign lawyer/law student mentoring program.

Looking Ahead: 2021-2022 Top Goals & Priorities:

1	Continuing plans and execution of monthly mini-CLEs
2	Connecting members by creating lively online environment via listserv
3	Support for law students through mentorship program
4	Collaboration with other section(s) through a joint event
5	Click or tap here to enter text.

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

The IPS endeavors to address diversity, equity, and inclusion on multiple levels: within our membership, on our Executive Committee, in our educational programming, and in our partnerships with other entities. Membership Demographics – the IPS, by its nature, attracts a diverse array of foreign-born practitioners, as well as foreign lawyers, international law students and members whose clients operate in countries and cultures around the world. Board Demographics – the IPS has placed a priority on having gender equity and ethnic diversity on the Executive Committee, as well as having EC members with diverse employment: small firms, midsize firms, big firms, nonprofits, in-house counsel, and academia. Education and Training – the IPS’s annual programming includes a Foreign Lawyers and International Law Students Reception, which celebrates and promotes the diversity of

our legal community, both locally and globally. Our CLE programming often includes a cultural education component, i.e., understanding the technical area of law as well as the cultural context as it applies to a particular country or region, which often includes a discussion of the prevailing values in that country or region and how they may differ from those in the U.S. on subjects of fairness, due process, equality, diversity and custom. Finally, we have made a conscious effort to include geographic diversity in our CLE programming, with speakers from the Middle East, Asia, Europe, and South America. Collaboration and Partnership – the IPS partners with law schools, other sections, international bar organizations, and business groups in leveraging its programming to increase participation and interaction among practitioners from diverse backgrounds and cultures.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

Support from the WSBA staff has been excellent. Carolyn McGregor and other WSBA staff were extremely helpful helping us to navigate compliance with WSBA rules and regulations as well as implementing a membership fees discount. We have been privileged to have Matthew Dresden as our BOG liaison, who is also a member of our section. Matthew regularly communicates with the IPS chair, and attends our regular meetings and provides us with detailed updates on the BOG’s activities.

SECTIONS ONLY: Please quantify your section’s 2020-2021 member benefits:

For example:

- *\$3000 Scholarships, donations, grants awarded;*
- *4 mini-CLEs produced*

Click or tap here to enter text.	Newsletters/publications produced
12	Mini-CLEs produced
Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
2	Receptions/forums hosted or co-hosted
\$1,000 scholarship	Recognitions/Awards given
Click or tap here to enter text.	New Lawyer Outreach events/benefits
Click or tap here to enter text.	Other (please describe):

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	17 (including Young Lawyer Liaison)
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	227
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	6
How many current volunteer position vacancies for this entity?	0
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$8,503
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member- Charge.</i>	\$2,186

ⁱ The Access to Justice Board (not regulatory, but applicable to the distinction herein) and Regulatory Boards (Disciplinary Board, LLLT Board, Limited Practice Board, MCLE Board and Practice of Law Board) are not required by Bylaws or Court Rule submit an annual report to WSBA. However, as part of the administration of monitoring of Regulatory Boards, the Boards listed herein typically provide an annual report to the Court and WSBA should be provided this same report an annual basis.

WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Juvenile Law Section
Chair or Co-Chairs:	Jill Malat
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor
Board of Governors Liaison:	Brett Purtzer
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
The Section will provide a forum to discuss issues of concern and act as an agent of change to improve the law and practice related to civil and criminal matters involving children and youth in Washington State. This Section welcomes advocates from all interested disciplines and a variety of fields of law, including juvenile justice, child welfare and those who represent youth in civil legal practice.	
Strategy to Fulfill Purpose:	

¹The Access to Justice Board (not regulatory, but applicable to the distinction herein) and Regulatory Boards (Disciplinary Board, LLLT Board, Limited Practice Board, MCLE Board and Practice of Law Board) are not required by Bylaws or Court Rule submit an annual report to WSBA. However, as part of the administration of monitoring of Regulatory Boards, the Boards listed herein typically provide an annual report to the Court and WSBA should be provided this same report an annual basis.

To draw more participation with the section we will focus primarily on providing relevant CLE content to draw interest in the section.

How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?

We provide an opportunity for attorneys with interest in juvenile legal issues to discuss and educate improvements in the law that increase equity and access to justice.

2020-2021 Entity Accomplishments:

The section spent much of the year examining potential CLE topics for future webinars. The section updated meeting format to be a web-based video conference. Provided opportunity for comment on proposed legislation. Other activities were limited by COVID.

Looking Ahead: 2021-2022 Top Goals & Priorities:

1	Increased attendance at section meetings
2	Fill vacancies in Executive Committee
3	Provide at least 3 CLEs
4	Better define roles of executive committee positions
5	update by-laws

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

We are delivering a CLE in December addressing the impact of transracial placements in foster care.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

The section has support from the WSBA for updating our section page, coordinating communication, and facilitating webinar CLEs.

SECTIONS ONLY: Please quantify your section’s 2020-2021 member benefits:	0	Newsletters/publications produced
<i>For example:</i>	0	Mini-CLEs produced

<ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
	0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
	0	Receptions/forums hosted or co-hosted
	0	Recognitions/Awards given
	0	New Lawyer Outreach events/benefits
	0	Other (please describe):

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	12 (including Young Lawyer Liaison)
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	147
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	6
How many current volunteer position vacancies for this entity?	4 (including one Young Lawyer Liaison position)
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$3,705
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$64

WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Labor and Employment Law Section
Chair or Co-Chairs:	Tina Aiken
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor
Board of Governors Liaison:	Bryn Peterson
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
The purpose of the Section shall be to seek the participation of all interested members of the Bar including plaintiff's and defense counsel from both the public and private sectors and state and local bar associations to benefit such members, their clients, and the general public.	
Strategy to Fulfill Purpose:	
The Section provides a forum for members to exchange ideas in all areas of labor and employment law, it hosts an annual CLE and business meeting, and it undertakes such other service as may be of benefit to the members, the legal profession, and the public.	
How does the entity's purpose help further the mission of the WSBA "to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice"?	

The Section coordinates events that keep practitioners informed on the latest developments in employment law, which promotes competency and ethical practice in the Bar.

2020-2021 Entity Accomplishments:

Our Section coordinates events that keep members informed on the latest developments in labor and employment law, which promotes competency and ethical practice in the Bar. The Section also provides a forum for members to exchange ideas about this area of the law. In past years, our Section has hosted an annual CLE and three or four mini-CLEs each year. However, the uncertainty surrounding COVID-related restrictions resulted in fewer seminars this past year. Like other sections, our Section pivoted from hosting in-person seminars to a virtual education format at the beginning of the pandemic. These virtual CLEs have been well-attended. In November 2020, our Section’s annual CLE was entirely virtual and well attended despite not having the in-person draw. As in the past, we strove for interactive panel discussions and speakers from around the state, to feature the breadth and depth of all the various perspectives in our Section. In April 2021, our Section hosted a webinar mini-CLE that provided practical guidance on navigating COVID-19 vaccination in the workplace. In addition, our Section sponsored a summer grant program for law students from law schools within the State. The summer grant program provides a stipend to students working in labor or employment law during the summer in Washington for a government entity, non-profit, or union. One student is selected from the University of Washington, Seattle University, and Gonzaga University. Our Section’s portion of the grant is \$5,000 per student, and each school contributes an additional amount toward their student’s stipend.

Looking Ahead: 2021-2022 Top Goals & Priorities:

1	Plan and host the Section annual CLE
2	Plan and host 3-4 mini CLEs
3	Plan and host monthly virtual meetings on current labor and/or employment law issues
4	Sponsor a summer grant program for law students from law schools within the State
5	Plan and implement networking opportunities for young lawyers and law students

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

Our Section seeks to increase the diversity of its membership and CLE speakers. We strive to provide speaking and other leadership and development opportunities to those from historically underrepresented backgrounds. This is an emphasis in all our planning and outreach activities.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*

- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

The WSBA staff has been essential in organizing and assisting with /providing support for our virtual format CLEs – we have required staff’s assistance with managing and using the ON24 platform

SECTIONS ONLY: Please quantify your section’s 2020-2021 member benefits:

For example:

- *\$3000 Scholarships, donations, grants awarded;*
- *4 mini-CLEs produced*

Click or tap here to enter text.	Newsletters/publications produced
1	Mini-CLEs produced: Webinar CLE presentation on Vaccine Mandates
1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA: Annual Full-Day Section CLE
Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
1	Receptions/forums hosted or co-hosted
2	Recognitions/Awards given: Two \$5,000 grants awarded to law students
1	New Lawyer Outreach events/benefits
Ongoing	Other (please describe): Section List Serve to provide Section Members a means of communicating with other practitioners in the Labor & Employment area

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	13 (including Young Lawyer Liaison)
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	985
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	6 (including Young Lawyer Liaison)

How many current volunteer position vacancies for this entity?	3
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$45,216
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$11,604

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WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Legal Assistance to Military Personnel Section
Chair or Co-Chairs:	Stephen Carpenter
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor
Board of Governors Liaison:	Hunter Abell
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
<p>To benefit members of the Washington State Bar Association (WSBA) and the general public by:</p> <ul style="list-style-type: none"> • Establishing liaisons between the WSBA, the Armed Forces of the United States, and federal, state and local government agencies involved in military and veteran affairs. • Encouraging continuing legal education to assist legal representation of and advocacy for military personnel, veterans and their dependents within Washington State. • Providing information on matters affecting military licensed legal professionals, both active duty and reserve. • Promoting WSBA objectives with respect to military affairs by serving the needs of the members and veterans of the Armed Forces of the United States and their dependents. 	
Strategy to Fulfill Purpose:	
Click or tap here to enter text.	

How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?

Click or tap here to enter text.

2020-2021 Entity Accomplishments:

- As advisory member of the AGO’s Military & Veteran Legal Assistance Committee, participated in providing guidance on training opportunities for volunteer attorneys representing veteran and active duty personnel in civilian courts. And assist the AG’s OMLVA help attorneys reach-out to veteran’s and active duty members.
- Organized, hosted, and participated in a mini-CLE training events for military and civilian attorneys (Pre-COVID-19 Lockdown).

Looking Ahead: 2021-2022 Top Goals & Priorities:

- | | |
|----------|--|
| 1 | Continue to Assist the Washington State Attorney General’s Office Legal Assistance to Veteran’s and Military Personnel Division |
| 2 | Host no less than quarterly Mini-CLEs that have value to our members and, in general, help military and civilian attorneys provide legal services to military personnel, veterans, and their families. |
| 3 | Evaluate and implement training methods to improve accessibility for LAMP members/military attorneys throughout Washington state. |
| 4 | Develop LAMP priorities of mission and Coordinate with Local JAG Offices regarding Orientation Days (Recruitment) |
| 5 | Coordinate with Other Bar Sections, ABA and Law Schools (e.g., Solo Practice) |

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

As stated in our 2021 Annual report, LAMP strives to increase women and minority participation in our section and particularly in leadership positions. The veteran and military population we advocate for is very diverse and includes people from all walks of life and sexual orientations coming from all parts of the 54 states and territories. Current and past executive board comprises members of historically disadvantaged groups, such veterans, women, non-Christian religious denominations, and non-white ethnicities.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

- The WSBA leadership and administrative staff has actively supported LAMP efforts to provide legal assistance to our returning military personnel, veterans, and families impacted by the long war overseas.
- Despite the COVID-19 Lockdown, LAMP has actively coordinated/co-hosted several Mini-CLE events, whenever possible this past year, and provided salient comments to help WSBA understand our section membership goals and needs moving forward.

<p>SECTIONS ONLY: Please quantify your section's 2020-2021 member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> \$3000 Scholarships, donations, grants awarded; 4 mini-CLEs produced 	Chair's corner/social media	Newsletters/publications produced
	5	Mini-CLEs produced (Examining ZOOM Options / Several are accessible on the LAMP Website)
	Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
	Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
	Click or tap here to enter text.	Receptions/forums hosted or co-hosted
	1	Recognitions/Awards given (Sharon Powell)
	Click or tap here to enter text.	New Lawyer Outreach events/benefits
	3	Other (please describe): Created "Chair's Corner" on LAMP Website, and Created LAMP FaceBook page (Social media)

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	9 (including Young Lawyer Liaison)
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	78

Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	3 (including Young Lawyer Liaison)
How many current volunteer position vacancies for this entity?	1
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$1,905
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$459

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WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	LGBT Law Section
Chair or Co-Chairs:	Kelsey Kittleson
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor; Eleen Trang
Board of Governors Liaison:	Brent Williams-Ruth
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
The LGBT Law Section strives to: (1) support understanding among WSBA members of the legal needs of lesbian, gay, bisexual, and transgender residents of Washington; (2) assist LGBTQ+ residents and those who represent them; (3) better understand how their legal needs can be met; (4) support research, education, and collaboration by section members on issues of sexual orientation and gender identification; (5) promote the study of LGBTQ+ law and report on changing law and regulations as they affect LGBTQ+ people and communities; (6) assist in legislative work undertaken within the scope of GR 12; and (7) act as a liaison between the WSBA, its Board of Governors, LGBTQ+ organizations, and the public.	
Strategy to Fulfill Purpose:	
The Section fulfills this purpose through direct community engagement opportunities, including mentorship, social opportunities, and networking opportunities. In the prior year, the groundwork has been laid for additional involvement with other community-focused organizations to promote	

further collaboration on social and networking events, as well as mentorship events. Further, the section provides at least one CLE annually, and at this time, has engaged in planning for several smaller CLEs on a quarterly or bi-monthly basis.

How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?

The Section’s involvement in research and presentation on changing areas of LGBTQ+-specific law promotes continuing knowledge development/sharing and community-specific competence within the legal community – thereby promoting ethical and professional practice, which has an immediate effect on justice for the community and community members as litigants, educators, counsel, judges, and members of the profession generally. The Section further promotes respect and civility within the legal community and between judges, lawyers, staff, and clients. The Section’s educational programming includes discussions of best practices to ensure we are meeting the needs of all LGBTQ+ Washingtonians, including addressing implicit and explicit bias and homophobic and transphobic behavior and language in the courtroom. In addition, at our annual meeting each year we strive to discuss issues of professionalism that members may have come in contact with over the past year, ensuring that we are consistently serving our members’ needs and addressing membership concerns. We also devote a significant portion of our educational programming to address respectful and inclusive language that further promotes the overall integrity and inclusivity of the profession.

2020-2021 Entity Accomplishments:

Over FY 2020-2021, the Section has significantly increased our communications and contacts with other community-focused/specific organizations. For example, our social committee researched and started a direct contact program, whereby the Section is reaching out to community-focused organizations at colleges and law schools throughout Washington State, which should promote further involvement and collaboration with students/student organizations, and later, new attorneys. Further, various of our board members have been in contact with members of the QLaw Association and Foundation to discuss ways to collaborate on research, mentorship, and social opportunities. We co-hosted a CLE in May with the Health Law Section. The Section has also moved all meetings to the Zoom platform, which has enabled further participation across Washington.

Looking Ahead: 2021-2022 Top Goals & Priorities:

1	Host one half-day CLE and two lunch-hour/mini CLEs.
2	Co-host either a CLE or social event with other Sections and/or community organizations.
3	Further develop and implement a mentorship/cross-collaboration mentorship network or program.
4	Continue to work to establish ongoing relationships with colleges and universities throughout Washington State.
5	Review and amend Section By-Laws as appropriate/needed.

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

The Section is focused on serving lawyers and legal professionals who serve the LGBTQ+ community, which in itself is a very diverse community comprising individuals and families from various racial, ethnic, religious, national origin, gender, and socioeconomic backgrounds. Our efforts over the past year continued to focus on better serving Section members outside the Seattle area, as well as those in Seattle. In FY 2020-2021, the Section took steps to actively ensure that we were contacting not only our current membership, but also other community organizations and sources for prospective members, to ensure ongoing inclusion. We continue to encourage members of the WSBA of all backgrounds to consider joining our section, as well as our section's Executive Committee!

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

The Section appreciates the ongoing, strong relationship with the WSBA staff/Staff Liaison and Board of Governors/BOG Liaison. The monthly Section meetings have included informative updates on broader issues facing the WSBA, as well as the potential impact of these issues on the Section membership, as well as the legal profession within Washington. We look forward to further collaboration and information sharing in the coming year, particularly around issues shared by the BOG, as well as CLE planning and presenting.

SECTIONS ONLY: Please quantify your section's 2020-2021 member benefits:

For example:

- *\$3000 Scholarships, donations, grants awarded;*
- *4 mini-CLEs produced*

0	Newsletters/publications produced
0	Mini-CLEs produced
1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
0	Receptions/forums hosted or co-hosted
0	Recognitions/Awards given
0	New Lawyer Outreach events/benefits
0	Other (please describe):

Entity Detail Report: To Be Completed by WSBA Staff	
Size of Entity:	11 (including Young Lawyer Liaison)
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	108
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	5 (including Young Lawyer Liaison)
How many current volunteer position vacancies for this entity?	0
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$2,713
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member- Charge.</i>	\$132

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WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Litigation Section
Chair or Co-Chairs:	Susan C. Nelson
Staff Liaison: <i>(include name, job title, and department if known)</i>	Click or tap here to enter text.
Board of Governors Liaison:	Jordan Couch
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
The Litigation Section strives to be the voice of civil litigators practicing in Washington State. The Section is involved in a wide range of activities that interest those who handle civil matters in superior or federal courts. Activities include review and formal input concerning legislation and rule making, annual midyear trial skills seminar and support for litigation skills training.	
Strategy to Fulfill Purpose:	
Continue with current programs focused on litigation skills, professionalism, diversity and mentorship.	

How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?

By focusing on core fundamentals of professionalism and diversity while pursuing justice for our clients.

2020-2021 Entity Accomplishments:

Support of WSBA’s Trial Advocacy Program. Review and comment on legislative bills relevant to the section and its membership. Scholarship and/or grant programs at all three WA Law Schools, including becoming the title sponsor of SU Law’s inaugural Motions Competition and hosting a litigator’s panel for UW Law’s students in conjunction with Litigation Section’s scholarship/grant program. Continuation of mentorship program, including recruitment and pairing of experienced litigators as mentors and law students/young attorneys as mentees.

Looking Ahead: 2021-2022 Top Goals & Priorities:

1	Support of WSBA’s Trial Advocacy Program
2	Review and comment on legislative bills relevant to the section and its members
3	Scholarship and/or grant programs at all three WA Law Schools
4	Continuation of mentorship program, including recruitment and pairing of experienced litigators as mentors and law students/young attorneys as mentees.
5	Educational events – annual Trial Skill CLE seminar

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

We actively ensure that our CLE programs include diverse speakers/presenters. We try to ensure both practice, geographic, and ethnic diversity on our Executive Committee. We will continue to promote diversity within our section leadership and in the presenters and speakers at section programs and identify outreach opportunities to increase diversity in our membership and leadership

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

WSBA Staff has been wonderful to work with and responsive when we have questions. Staff has also been helpful in assisting our section in complying with WSBA requirements. In the past, BOG Liaison was engaged, participated and was most helpful in providing insight and outreach for the BOG to our section. This year Jordan Couch has been engaged and provided necessary information for our section to follow developments within the Bar Association as a whole.

SECTIONS ONLY: Please quantify your section’s 2020-2021 member benefits:

For example:

- *\$3000 Scholarships, donations, grants awarded;*
- *4 mini-CLEs produced*

0	Newsletters/publications produced
0	Mini-CLEs produced
1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
0	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
0	Receptions/forums hosted or co-hosted
\$6,000	Scholarships, donations, grants arranged for WA Law Schols
3	Law School outreach events/benefits coordinated
2	Other (please describe): Mentor Program; Listserve. Unable to host Annual Reception/Dinner for Supreme Court.

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	9 (including Young Lawyer Liaison)
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	1045
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	2
How many current volunteer position vacancies for this entity?	1
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$32,211
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member- Charge.</i>	\$2,111

ⁱ The Access to Justice Board (not regulatory, but applicable to the distinction herein) and Regulatory Boards (Disciplinary Board, LLLT Board, Limited Practice Board, MCLE Board and Practice of Law Board) are not required by Bylaws or Court Rule submit an annual report to WSBA. However, as part of the administration of monitoring of Regulatory Boards, the Boards listed herein typically provide an annual report to the Court and WSBA should be provided this same report an annual basis.

WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Low bono
Chair or Co-Chairs:	Sart Rowe
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor
Board of Governors Liaison:	Bret Purtzer
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
The underlying purpose of “low bono” is to increase the availability of legal representation and legal services to clients of moderate means. Clients of moderate means are individuals who have a need or a want for legal representation or legal services, but who cannot qualify for pro bono legal assistance and who typically cannot afford the cost of traditional law firm representation or legal services. These individuals comprise the majority of those seeking resolution of, or planning for, legal issues and legal matters. The Low Bono Section is a community of lawyers, other legal professionals, and law students committed to identifying solutions, creating systems, and developing projects to increase the overall availability and affordability of legal representation and legal services.	
Strategy to Fulfill Purpose:	

See Bylaws 2.1 Developing and providing resources for members, regardless of field or area of practice, who are dedicated and committed to providing low bono legal services, defined as legal and law-related services provided with the intent to increase accessibility of legal services for people of moderate financial means. 2.2 Providing a forum and opportunity for education, training, and sharing of forms, practice tips, client counseling techniques, alternative forms of conflict resolution, and other resources to and among members of the Section. 2.3 Developing “best practices” and “alternative practices” for providing competent, current, efficient and economical professional services while being mindful of the clients’ moderate means.

How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?

The Low Bono Section provides a forum and opportunity for education, training, sharing of forms, practice tips, client counseling techniques, and alternative techniques for conflict resolution. The section provides its members with free mentorship opportunities, discounted admission to low-bono-oriented CLEs, networking and referral opportunities with other low bono professionals, leadership development opportunities, and more.

2020-2021 Entity Accomplishments:

1. Set up new listserv on Groups.io and invited all section members to join.
2. Reviewed several dozen legislative bills.
3. Publicly supported SB 5160; this was the first time the Section utilized the full legislative process to publish its support of a bill.
4. Formed several new committees, including Student, Social Media/Outreach, Collaboration, and Newsletter.
5. Student Committee planned and hosted an online Q&A Forum for people interested in Low Bono practices, using Facebook and Twitter to advertise.
6. Developed Diversity Plan to increase Section’s member diversity.
7. Published four “Access to Justice Champions” newsletters, with articles written by lawyers, LLLTs, law students, and King County Law Library.
8. Increased Section membership by over 70% from previous year.
9. Increased social media use, and dramatically increased user engagement.
10. Published interviews of low bono professionals on Facebook page.
11. Continued to cultivate relationships with Seattle University School of Law, the University of Washington School of Law, Gonzaga University School of Law, the Moderate Means Program, and the Access to Justice Institute.
12. Maintained a vibrant low bono section community during COVID-19! Held virtual monthly meetings with social hours afterwards.
13. Commented publicly in support of proposed GR 40 (Informal Domestic Relations Trials) and presented to BOG.
14. Commented publicly in support of continuing the LLLT license program.
15. Co-hosted CLE with Solo and Small Practice Section on generational differences.
16. Co-hosted CLE with Business Section on Low bono an small firms

Looking Ahead: 2021-2022 Top Goals & Priorities:

- | | |
|----------|---|
| 1 | Continue to increase membership, with a focus on diversity and inclusion. |
|----------|---|

2	Present quarterly mini-CLEs and one or more special events centered around low bono practice, and work to increase collaboration with other sections.
3	Publish a quarterly newsletter with articles written by a wide variety of authors, primarily focused on low bono principles and practices.
4	Increase law student and young lawyer/LLLT membership and participation.
5	Increase visibility and awareness of Low Bono Section through outreach efforts.

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

Our Executive Committee continues to encourage participation by a diverse group of people. Starting in spring of 2021, all meetings were held remotely. The meeting link is published with the agenda and shared on the section’s listserv and our WSBA webpage. It is now vastly easier for anyone interested in attending our meetings to do so, and we have had increased participation by members located outside of Seattle. We hold our Executive Committee meetings at a later hour of the day, typically on the third Tuesday of the month (which is changing to the second Wednesday for 2022), to encourage more people to participate, including members with small children who may have trouble meeting during workday hours. We continue to host socials after these meetings and invite all Section Members to the meetings and to the post-meeting socials.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

Click or tap here to enter text.

SECTIONS ONLY: Please quantify your section’s 2020-2021 member benefits:

For example:

- *\$3000 Scholarships, donations, grants awarded;*
- *4 mini-CLEs produced*

4	Newsletters/publications produced
2	Mini-CLEs produced
Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
1	Receptions/forums hosted or co-hosted

	Click or tap here to enter text.	Recognitions/Awards given
	Click or tap here to enter text.	New Lawyer Outreach events/benefits
	Click or tap here to enter text.	Other (please describe):

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	5
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	85
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	6 (including Young Lawyer Liaison)
How many current volunteer position vacancies for this entity?	1 (Young Lawyer Liaison position)
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$9,963
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$352

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WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Real Property, Probate and Trust
Chair or Co-Chairs:	Tiffany R. Gorton October 2021-October 2022
Staff Liaison: <i>(include name, job title, and department if known)</i>	Click or tap here to enter text.
Board of Governors Liaison:	Brent Williams-Ruth
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
The purpose of the Section is to: a. Assist our members in achieving the highest standards of competence, professionalism, and ethics in their practices, b. Assist the Legislature in the enactment and improvement of the laws affecting real property, probate, trusts, and estates and to assist the Judiciary in the just administration of those laws, c. Support the WSBA with regard to those matters which concern the practice of law in the areas of real property, probate, trusts and estates, and d. Otherwise serve our members by helping them realize their professional goals.	
Strategy to Fulfill Purpose:	
For FY 2021-2022, the RPPT Section will continue to work with the WSBA to engage and educate members and lawyers in general with high quality CLEs and timely newsletter articles and opportunities for members and lawyers in the community to get involved with education, legislation	

and other members of the legal community. The Section will continue to work closely with legislative leaders, the Section’s legislative subcommittee and executive committee to ensure that the laws affecting real property, probate, trusts and estate continue to evolve with the practice and provide a good framework for practitioners and meet the needs of the state’s general population.

How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?

Through member engagement and education, the RPPT Section provides opportunities for mentoring and practical support for its members and Washington lawyers in general with an emphasis on providing timely resources for the ever-changing practice of law, working on legislation to address access to justice issues and developing the next generation of practitioners.

2020-2021 Entity Accomplishments:

The RPPT Section (and the WSBA leaders and other section leaders) worked together throughout the pandemic to continue to provide some normalcy to the practice of law and to maintain its consistent goal of delivering high-quality CLEs during a time when the practice was rapidly changing. The Section pivoted immediately with the shutdown to participate in free online seminars to ensure that practitioners had the resources needed to continue to serve their clients in a world that was completely different, seemingly overnight. This pandemic-centric education included working closely with the WSBA coronavirus task force to ensure that members had resources and were quickly educated following the various proclamations from the Governor, including accelerating effectiveness of legislation effecting the practice area too allow practitioners to continue to serve their clients. This included putting together spring seminar in April 2020 regarding best practices for estate planners during COVID 19. In addition, the Section hosted, virtually, its annual Midyear Meetings in June 2020 and June 2021 as well as its annual fall probate and trust seminar and real property seminar both in December 2020. Section leaders and members also worked together with WSBA leaders and legislators on multiple legislative subcommittees to assist with the review, comment and drafting of the Omnibus Bill that was passed in 2021. The RPPT Section also published four (4) high-quality newsletters by our dedicated group of lawyers who sit on our Newsletter Committee. The RPPT Section continues to engage new and young lawyers through the Fellow Program and fosters those relationships and mentors the newer practitioners who frequently serve as executive committee members for the Section following completion of their service as Fellows.

Looking Ahead: 2021-2022 Top Goals & Priorities:

- | | |
|----------|--|
| 1 | Continue to work closely with legislators and WSBA staff to assist in changes to laws relating to the areas of real property, probate, trusts and estates. |
| 2 | Continue mentoring and engaging new and young lawyers through the Fellows program, offering scholarships to the Midyear and opportunities for participation as seminar speakers and newsletter authors. |
| 3 | Continue to lead practitioners by providing resources in a changing and dynamic practice area. |

4 Continue to maintain high standards and produce high-quality, relevant CLE programs and newsletter articles for the education and benefit of members, practitioners and Washingtonians.

5 Continue to work closely with WSBA leaders and staff to ensure a robust partnership for the benefit of Washington lawyers and the public.

Please report how this entity is addressing diversity, equity, and inclusion:
How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

Diversity continues to be an important issue to RPPT and the RPPT is intentional in ensuring that diversity is a top priority in leadership and engagement for CLEs and newsletter articles. When recruiting individuals to serve on the RPPT executive committee, join the Section, serve as seminar speakers and newsletter authors, RPPT makes significant efforts to be inclusive. As a result of these efforts RPPT is doing very well in maintaining diversity in areas it can control: gender, age, ethnicity, small firm/large firm, geography.

Please describe the relationship with WSBA staff and the Board of Governors.
For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

We have consistently worked close with the WSBA staff, including new relationships as a result of changing roles within the WSBA. In this FY, we worked particularly closely with the WSBA leadership and staff on the coronavirus task force to ensure that practitioners had the resources they needed in light of the quick changes to our practices in light of the pandemic. We are thrilled to be working with Brent Williams-Ruth as our BOG liaison as he has been very engaged with the Section and has helped the Section stay abreast of important BOG decisions and the work they are doing.

SECTIONS ONLY: Please quantify your section’s 2020-2021 member benefits: <i>For example:</i> <ul style="list-style-type: none"> • <i>\$3000 Scholarships, donations, grants awarded;</i> • <i>4 mini-CLEs produced</i> 	4	Newsletters/publications produced
	Click or tap here to enter text.	Mini-CLEs produced
	4	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
	Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity

	Click or tap here to enter text.	Receptions/forums hosted or co-hosted
	Click or tap here to enter text.	Recognitions/Awards given
	Click or tap here to enter text.	New Lawyer Outreach events/benefits
	Click or tap here to enter text.	Other (please describe):

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	14 (including Young Lawyer Liaison)
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	2,322
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	6
How many current volunteer position vacancies for this entity?	1
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$129,243
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$9,296

ⁱ The Access to Justice Board (not regulatory, but applicable to the distinction herein) and Regulatory Boards (Disciplinary Board, LLLT Board, Limited Practice Board, MCLE Board and Practice of Law Board) are not required by Bylaws or Court Rule submit an annual report to WSBA. However, as part of the administration of monitoring of Regulatory Boards, the Boards listed herein typically provide an annual report to the Court and WSBA should be provided this same report an annual basis.

WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Senior Lawyers Section
Chair or Co-Chairs:	Eleanor Doermann
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn McGregor
Board of Governors Liaison:	Jordan Couch
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
Strategy to Fulfill Purpose:	
Provide educational offerings and section news to membership	
How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?	
Article II of the Bylaws of the Senior Lawyers Section states that “the purpose of this Section shall be to benefit members of the Washington State Bar Association (WSBA) and the general public, by:” The following subsections spell out specifically how this purpose is to be accomplished. Subsection 2.1 provides for programs that will promote the interests of members 55 years of age and older. Subsection 2.2 seeks to advance the opportunity and forum for members to exchange ideas and engage in educational, social and related activities geared to promoting the same common interests. Subsection 2.3 states the broadest goal of	

undertaking other services consistent with the Bylaws and other applicable rules that will benefit members of the legal profession and the public. Article III of the Bylaws spells out eligibility for membership. This is pertinent to defining who are the members of the Section referred to above. Under Section 3.1, to enroll as a voting member of the Section, the attorney must be an “Active member of the Washington State Bar Association 55 years of age and older or who has been in practice in any jurisdiction for 25 years.” Such an enrollee may be granted voting membership upon request and payment of annual Section dues. Section 3.1 also provides for inactive members who may be members of the WSBA, law students and subscribers. Annual dues of members are established by the Section’s Executive Committee, subject to approval of the WSBA Board of Governors, and the dues of subscribers are determined and approved by the WSBA Board of Governors.

2020-2021 Entity Accomplishments:

ANNUAL CLE EVENT

A major event sponsored and carried out by the Senior Lawyer Section is its annual CLE seminar, an all-day program usually held in the last week of April or the first week of May. It is well-attended usually by 100 or more attorneys from around the state. The all-day program usually offers 7.0 CLE credits (including a 1.0 ethics credit).

The 2020 event could not be held due to the pandemic. It has been tentatively rescheduled for May 2021. This will be reviewed at the next meeting of the Executive Committee.

MINI-CLEs

The Senior Lawyers Section as produced three mini-LE’s during this pandemic era:

- Kurt Balmer presented “Impact on Legal Ethics of Emerging Expectations Regarding Gender, Sex, and Race” on October 30, 2020, with 105 attendees.
- Sarah Wixson presented “Got Food? How Law and Technology Will Impact What is on Your Plate” on January 22, 2021.
- Miriam Korngold presented “Strategies for Successfully Representing Asylum Seekers” on April 9, 2021.

The Mini-CLE’s have been popular and have resulted in an increase in Section membership.

COMMUNICATIONS SUBCOMMITTEE

The Senior Lawyers Section has transitioned from its traditional print version of its newsletter, “Life Begins” to a new electronic format. We also utilize the Section list-serve to provide information and updates to our members. The Section is working on how we can best utilize electronic communication to stay connected with our membership, as well as non-member senior lawyers who might be interested in our programming and/or consider membership.

OTHER

We continue to investigate the dramatic changes in senior lawyer programs taking place in several major states designed to meet the expanding interests of those reaching retirement age – changes designed to avoid total extinction of these programs for senior lawyers. Our section faces some of the same challenges that suggest broadening our programs and membership.

Looking Ahead: 2021-2022 Top Goals & Priorities:

1 Click or tap here to enter text. **TASK FORCE:** The Task Force was instituted by our executive committee a few years ago to look into what other major bar associations might be doing to expand their senior lawyer programs. It has not been easy obtaining reliable information given that access to these programs is limited to designated members of whatever state bar is being reviewed. The coronavirus threat poses new challenges that our section also needs to evaluate and address.

2 **EXPANDED PUBLICATIONS:** We have embarked on transmitting our publications electronically. These publications reach a wider audience of lawyers who potentially have interest in what our section has to offer – and might join our section.

3

4 **BROADENED CLE PROGRAMS:** Our annual CLEs have always been outstanding in the programs and speakers offered. However, participation has steadily dwindled in recent years. This suggests addressing a broader audience of attorneys and structure the programs accordingly. At the same time, we have expanded to mini-CLEs and they are proving most successful. The pandemic presents new challenges for all of these programs.

5 **OUTREACH TO OTHERS:** The focus of our section has always been senior lawyers. However, we are broadening our mission to include support and dealings with young lawyers. We have periodically had a liaison from the Young Lawyers Division participating on our Executive Committee.
INVOLVEMENT IN BAR POLICY AND DECISIONS: As a section, we have interest and seek participation in the overall administration of the bar and its sections. We strive to have members of our executive committee attend BOG meetings to extend ideas and positions and also participate in special programs and activities involving the various sections. The Section has just made a successful proposal to the BOG regarding Bylaws amendments regarding participation of non-active WSBA members in Section voting and governance, which is currently being forwarded to the Supreme Court for final approval.

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to

promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

Senior Lawyer Section members are now mostly lawyers who have retired or are about to reach that point in their practice. They are mostly white males, since that was the makeup of the bar when they commenced practice. The legal profession has of course gone through dramatic change over the years and now, looking at all the lawyers who have reached seniors status, the make-up is much broader and diverse than the present makeup of our section. A primary goal of our section is to expand its membership to all lawyers now in the senior category – to include the huge generation of Baby Boomers and diversity of lawyers of every race, sexual orientation, religion and culture. Our goal is to address the ongoing changes that formulate the make-up of all senior lawyer members of our state bar.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

Senior Lawyers Section receives excellent support from WSBA staff. Carolyn McGregor is our staff liaison. Kevin Plachy and Julianne Unite played pivotal roles in assisting us with our most recent initiative to modify Bylaws as they pertain to Section participation of non-active members. Tom McBride has been an excellent and responsive BOG liaison during the past year, and we look forward to working with Jordan Couch this year.

SECTIONS ONLY: Please quantify your section’s 2020-2021 member benefits:

For example:

- *\$3000 Scholarships, donations, grants awarded;*
- *4 mini-CLEs produced*

2		Newsletters/publications produced
3		Mini-CLEs produced
	Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
	Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
	Click or tap here to enter text.	Receptions/forums hosted or co-hosted
	Click or tap here to enter text.	Recognitions/Awards given
	Click or tap here to enter text.	New Lawyer Outreach events/benefits

	Click or tap here to enter text.	Other (please describe):
Entity Detail Report: To Be Completed by WSBA Staff		
Size of Entity:	11	
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	240	
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	13	
How many current volunteer position vacancies for this entity?	1 (Young Lawyer Liaison position)	
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$8,726	
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$929	

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WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	Solo and Small Practice Section
Chair or Co-Chairs:	Shashi Vijay, Chair (2021-22)
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor
Board of Governors Liaison:	Jordan Couch
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
<i>To help solo and small practice attorneys ethically conduct a profitable, satisfying business by acting as a clearing house for qualified law practice management and technology information.</i>	
Strategy to Fulfill Purpose:	
<i>The Section fulfills its mission by providing practice management tools, mentorship, CLEs, podcasts, and resources – many of this free of cost to all our members.</i>	
How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?	
<i>Our CLE’s help lawyers run the business end of their practices ethically and efficiently which in turn fosters better relations with other counsel and the courts. In particular, effective use of technology</i>	

helps lawyers meet their obligations, manage trust accounts and manage communications with clients and opposing counsel. On our list-serve, members frequently solicit advice and share experiences regarding legal issues and how to deal with opposing counsel, courts and staff.

2020-2021 Entity Accomplishments:

•Maintained our membership close to 1000 members, which in turn enhances the value of our list serve. •Produced 4 mini CLEs which are free to our members. Each of them have been excellently received and had great feedback from our members. •We exceeded our budget projections with our mini-CLE’s. We have found mini-CLE’s to be more successful in reaching Section members, with attendance far exceeding the attendance we might get from a full-day CLE. •Produced the Solo & Small Firm Conference in partnership with WSBA and sponsored a reception. •Continually enhanced content on our WSBA web pages. •Hosted a couple member events.

Looking Ahead: 2021-2022 Top Goals & Priorities:

1	Continue to increase diversity on the EC
2	Co-sponsor a networking event with another section and/or minority bar association
3	Continue to help restore the annual WSBA Solo & Small Firm Conference into the premier solo and small firm networking event it was before
4	Co-sponsor CLE’s or other events at law schools or with other legal groups (i.e. WSAJ, WWL, KCBA)
5	Continue to work on creating a mentorship program to help recruit and train young/new lawyers and through MAMAS and the Joint Mentorship Program

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

Our membership is as diverse as WSBA membership. We recruit minorities to serve on the EC. We also plan to invite some minority bar associations to provide liaisons to our EC. Note: At least three of our existing EC members are also members of minority bar associations. Diversity is always one of our goals when selecting speakers for our CLE and webinars.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

WSBA staff are responsive to our requests for help. Our goal is to foster a productive, collaborative relationship with WSBA staff focusing on what we can do within the existing administrative structure. We will continue to push where we believe bureaucracy is

unnecessarily hampering the work of the sections. We also have a decent working relationship with our BOG liaison.

<p>SECTIONS ONLY: Please quantify your section's 2020-2021 member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Podcasts and Conference materials constantly updated on members' site	Newsletters/publications produced
	6	Mini-CLEs produced
	WSBA virtual annual conference held on July 30-31st, 2021	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
	n/a	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
	Mariners game held on 7/23 with attendance of 12-15 folks; Additionally hosted several zoom roundtables to assist members all over the state to informally discuss covid challenges and solutions (this was an outreach model which many other sections and bars copied)	Receptions/forums hosted or co-hosted
	4 scholarships were awarded at the annual CLE	Recognitions/Awards given
	The zoom roundtables and mentorship programs, including the mentorlink mixers	New Lawyer Outreach events/benefits

	pre covid have attracted several new lawyers	
	1 CLE co-hosted with the Low Bono Section	Other (please describe):
Entity Detail Report: To Be Completed by WSBA Staff		
Size of Entity:	9 (including Young Lawyer Liaison)	
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	904	
Number of Applicants for FY22 <i>(October 1, 2021 – September 30, 2022)</i>	4	
How many current volunteer position vacancies for this entity?	0	
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$25,854	
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$7,352	

¹ The Access to Justice Board (not regulatory, but applicable to the distinction herein) and Regulatory Boards (Disciplinary Board, LLLT Board, Limited Practice Board, MCLE Board and Practice of Law Board) are not required by Bylaws or Court Rule submit an annual report to WSBA. However, as part of the administration of monitoring of Regulatory Boards, the Boards listed herein typically provide an annual report to the Court and WSBA should be provided this same report an annual basis.

WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	WSBA Taxation Section
Chair or Co-Chairs:	Claire Taylor
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor
Board of Governors Liaison:	Click or tap here to enter text.
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
The purposes of the Section are to further the knowledge of the members and the Bar in areas of the law involving federal, state, and local taxation, and to assist in the activities of WSBA and further the interests of the legal profession.	
Strategy to Fulfill Purpose:	
We strive to host events providing member benefit, whether for networking, for further continued legal education on a variety of tax topics, by offering scholarships, and furthering relationships among private practitioners and government attorneys.	
How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?	

We work to provide CLEs for all members on a variety of topics, we support the tax clinics with donations which furthers representation for low income taxpayers in WA and helps provide training for LLM students, we encourage member volunteer work with the federal tax clinics, and we continue to sponsor the Tax Section scholarship to promote opportunities for law students seeking to practice in the tax field in Washington. The structure of the Tax Section also encourages collaboration, with the co-chair model, and partnering government practitioners with private practitioners on both the state and federal side.

2020-2021 Entity Accomplishments:

The Taxation Section established a new Diversity, Equity, and Inclusion Chair Position and Committee for the Executive Council; we successfully operated subcommittees during the COVID-19 pandemic; we revised the mission statements and goals for all Taxation Section committees, which are now finalized and ready for the Taxation Section’s website; the Taxation Section awarded a \$5,000 scholarship to a student pursuing an LLM degree; the Taxation Section sponsored a virtual outreach event for young lawyers with a panel of experienced tax practitioners sharing their career paths and nature of their practices. Sub-committees held a variety of discussions on topics ranging from international tax updates to estate and gift new and proposed legislation, etc.

Looking Ahead: 2021-2022 Top Goals & Priorities:

- | | |
|----------|---|
| 1 | Increase engagement with Section members by holding networking events (hopefully in-person in 2022) |
| 2 | Provide Section members with mini-CLEs and other CLE opportunities regarding emerging issues and practical topics |
| 3 | Sponsor DEI-focused CLE for Taxation Section members |
| 4 | Encourage young tax attorneys in law school or pursuing LLMS by providing stipends to fund unpaid summer internship/externship work in tax positions |
| 5 | Increase pro bono service and involvement in low income taxpayer clinics and explore other avenues for similar service. |

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

The Taxation Section created a new Executive Council position for a Diversity, Equity, and Inclusion committee chair. We have two new co-chairs and they are in the process of creating a CLE for Taxation Section members, and an event for the Tax Section EC. We encourage young lawyers and any Tax Section members to apply for and participate in the Tax Section committees and events.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*

- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

We have had limited interaction with the BOG liaison but have felt supported by the WSBA staff who are available to answer questions and provide guidance.

SECTIONS ONLY: Please quantify your section's 2020-2021 member benefits:

For example:

- *\$3000 Scholarships, donations, grants awarded;*
- *4 mini-CLEs produced*

Click or tap here to enter text.	Newsletters/publications produced
3	Mini-CLEs produced
Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
1	Receptions/forums hosted or co-hosted (Virtual)
1	Recognitions/Awards given (Scholarship--\$5,000)
1	New Lawyer Outreach events/benefits (Virtual)
Click or tap here to enter text.	Other (please describe): Donations to low income taxpayer clinics (\$2,000 each)

**Entity Detail Report:
To Be Completed by WSBA Staff**

Size of Entity:	23
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	628
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	22 (including Young Lawyer Liaison)
How many current volunteer position vacancies for this entity?	0
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$9,837

Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$1,724
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ⁱ The Access to Justice Board (not regulatory, but applicable to the distinction herein) and Regulatory Boards (Disciplinary Board, LLLT Board, Limited Practice Board, MCLE Board and Practice of Law Board) are not required by Bylaws or Court Rule submit an annual report to WSBA. However, as part of the administration of monitoring of Regulatory Boards, the Boards listed herein typically provide an annual report to the Court and WSBA should be provided this same report an annual basis.

WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

Name of Entity:	World Peace Through Law Section
Chair or Co-Chairs:	Randall Winn, Chair Elect
Staff Liaison: <i>(include name, job title, and department if known)</i>	Carolyn MacGregor, Sections Program Specialist
Board of Governors Liaison:	Brent Williams-Ruth
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
The World Peace Through Law Section of the Washington State Bar Association seeks to promote the rule of law and peaceful resolution of disputes among states and peoples, and to foster education on international laws and human rights.	
Strategy to Fulfill Purpose:	
Provide or support educational opportunities such as CLE and non-CLE programs; provide or support fora for sharing information about and discussing law, peace, and human rights; and support other efforts to study and promote law, peace, and human rights.	
How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?	

Our purpose is to serve the public and members of the Bar by informing and reminding Bar members of the need and the means to protect human rights worldwide through the rule of law.

2020-2021 Entity Accomplishments:

Produced monthly mini-CLE programs, plus a half-day CLE and a full-day CLE; held panel discussions focused on diversity and equity; provided grants to support education as a human right. We also partnered with other WSBA sections (Animal Law, Civil Rights, and International Practice) to produce CLEs that would appeal to those sections as well as ours.

Looking Ahead: 2021-2022 Top Goals & Priorities:

- | | |
|----------|---|
| 1 | Produce mini-CLEs accessible online |
| 2 | Provide information and discussions concerning law, peace, and human rights |
| 3 | Within the rules of WSBA, support efforts to promote the rule of law, peace, and human rights |
| 4 | Click or tap here to enter text. |
| 5 | Click or tap here to enter text. |

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

We seek input from our entire membership through our listserve. This past year, our Executive Committee intentionally included CLEs and other programs that highlighted populations from, and attorneys serving, underrepresented backgrounds. For example, our June CLE focused on the contributions of minority bar associations in Washington, and we co-sponsored a half-day CLE with the Civil Rights Section to examine the war on drugs and its disparate impacts on Black and Brown communities. We held “listen in” panel sessions which focused on impacts on underrepresented communities. We awarded a grant to the nonprofit organization University Beyond Bars, to assist their work of creating educational equity for incarcerated persons.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

We’ve had a good relationship with WSBA staff – they are responsive and professional, and we could not accomplish our goals without them. Our BOG liaison, Brent Williams-Ruth, has been an engaged and supportive member of our executive committee. We also appreciated the BOG’s careful consideration of our request to sign onto a national resolution regarding

detention of immigrant children. We hope that the current level of staff support for sections will continue.

SECTIONS ONLY: Please quantify your section's 2020-2021 member benefits:

For example:

- \$3000 Scholarships, donations, grants awarded;
- 4 mini-CLEs produced

We regularly use our member listserve to advise our members of upcoming events and CLEs. We do not publish a newsletter.

Newsletters/publications produced

11

Mini-CLEs produced

2

Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA

Click or tap here to enter text.

Co-sponsored half-day, full-day and/or multi-day CLE seminars with *non*-WSBA entity

Held "Listen In" sessions on "Environmental Racism" and "LGBTQ and Race"

Receptions/forums hosted or co-hosted

\$1000 grant to University Beyond Bars to support their educational work with incarcerated populations
\$200 grant to Common Good Foundation to support conference on international environmental crimes

Recognitions/Awards given

New Lawyer Outreach events/benefits

Signed onto a Resolution by the Center for Human Rights and the

Other (please describe):

	Constitution addressing the treatment of detained immigrant children.	
Entity Detail Report: To Be Completed by WSBA Staff		
Size of Entity:	8 (including Young Lawyer Liaison)	
Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	145	
Number of Applicants for FY22 Positions <i>(October 1, 2021 – September 30, 2022)</i>	4 (including Young Lawyer Liaison)	
How many current volunteer position vacancies for this entity?	4 (including one Young Lawyer Liaison position)	
FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	\$6,212	
Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	\$2,220	

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To: Washington State Bar Association Board of Governors
Washington State Bar Foundation Trustees

From: Richard Bird, Treasurer

Date: January 3, 2022

Re: Treasurer's Report, Year Ending September 30, 2021

Attached are the audited financial statements for the Washington State Bar Foundation (WSBF) for the fiscal year 2021. The WSBA provides staffing, office space and technical support to the Foundation in order for the Foundation to fulfill its mission to support WSBA programs that promote diversity within the legal profession and enhance the public's access to, and understanding of, the justice system. This support includes the time and expertise of WSBA's Controller, who keeps the Foundation's books.

WSBF Cash Fund Balances

For the WSBF Cash Fund balances as of September 30, 2021, please see the attached financial statement dated November 16, 2021.

Notes and Comments

The Foundation recognized FY21 revenue of \$484,155, which was \$35,085 more (almost 8% higher) than the prior year. The Foundation's FY22¹ allocation of \$315,000 for WSBA programs represents a \$50,000 increase over the previous year – with \$265,000 paid directly to WSBA and \$50,000 held back to pay FY22 Powerful Communities Project grantees directly. Indirect costs (staffing/operating provided by WSBA as in-kind support) totaled \$122,904, representing a decrease of \$17,414 (14%) from FY20, due primarily to consolidation of staff responsibilities.

While Program Expenses for WSBA programs on the attached financial statement appear lower than last year (\$238,000 as compared to \$260,000), this is mainly due to the fact that starting in FY21 the Powerful Communities Project grants (which totaled \$27,000 in FY21) were paid to grantees directly by the Foundation, so that amount was not disbursed to WSBA.

Despite the challenges of COVID, WSBA members were more generous than ever with gifts to WSBF during licensing. Additionally, sponsorships for the 2021 Access to Justice Conference totaled \$53,000, far exceeding goals set by the Conference Fundraising Subcommittee (which was staffed by the Foundation).

Conclusion

In the eleven years since the first professional staff dedicated solely to the Foundation was hired, the Foundation has continued to seek operational efficiencies while expanding its support of WSBA programs. Its financial systems and policies appear appropriate to its current capacity; execution of and updates to the Fund Development and Disbursement Policy will continue to ensure that the Foundation fulfills its mission and that donor intent is fulfilled.

¹ Funds raised in the previous year are disbursed to WSBA and WSBA grantees for the coming fiscal year.



Advancing WSBA's Vision of a Just Washington

To: Terra Nevitt
From: Maggie Yu, Controller
Re: Foundation Financial Statements as of September 30, 2021
Date: November 16, 2021

Attached are the audited financial statements for the Washington State Bar Foundation as of September 30, 2021.

**WSBF Fund Balances¹
As of September 30, 2021**

Fund Name	Cash	Committed Funds	Available Funds
ELUL Midyear Scholarship Fund	793	(793)	0
McMahon	8,352	0	8,352
Moderate Means	100	0	100
Peter Greenfield Internship	1,558	0	1,558
Powerful Communities Project	5,777	0	5,777
WSBA Justice & Diversity Opportunities	1,005	0	1,005
ATJ/ATJ Conference	46,911	0	46,911
Unrestricted	<u>323,160</u>	<u>0</u>	<u>323,160</u>
Total Fund Balances	<u>\$387,656</u>	<u>(793)</u>	<u>\$386,863</u>

¹ Excludes fixed assets (\$14,400 in artwork).

WSBA Foundation
Statement of Activities (Profit & Loss)
 October 2020 through September 2021

	Oct '20 - Sep 21
Ordinary Income/Expense	
Income	
Contributions & Grants Income	
Corporate	20,749
Foundations & Nonprofits	27,349
Government	7,200
Individuals/Private Donors	301,592
Other	500
Total Contributions & Grants Income	357,391
In Kind Donations	
WSBA Staff Time	119,562
WSBA Expenses	3,342
Total In Kind Donations	122,904
Miscellaneous Income	3,783
Total Income	484,077
Expense	
Donor Database Expense	2,388
In Kind Expenses	
WSBA Staff Support	119,562
WSBA Expenses	3,342
Total In Kind Expenses	122,904
Bank Service Charges	126
Credit Card Fees	69
Dues	360
Insurance	1,822
Interest Expense	38
Licenses and Permits	50
Miscellaneous	3,833
Program Expense	
Diversity	2,050
Powerful Communities Project	12,400
WSBA Justice & Div. Opportunity	3,995
WSBA Funding	238,000
Peter Greenfield Scholarship	8,000
Total Program Expense	264,445
Total Expense	396,034
Net Ordinary Income	88,043
Other Income/Expense	
Other Income	
Interest Income	78
Other Income	33,200
Total Other Income	33,278
Other Expense	
Other Expenses	47,800
Total Other Expense	47,800
Net Other Income	-14,522
Net Income	73,521

WSBA Foundation
Balance Sheet
As of September 30, 2021

	<u>Sep 30, 21</u>
ASSETS	
Current Assets	
Checking/Savings	
Wells Fargo Checking	55,304.13
Wells Fargo Heritage Money Mkt	332,354.68
Total Checking/Savings	<u>387,658.81</u>
Total Current Assets	387,658.81
Fixed Assets	
Artwork	14,400.00
Total Fixed Assets	<u>14,400.00</u>
TOTAL ASSETS	<u>402,058.81</u>
LIABILITIES & EQUITY	
Equity	
Increase/Decrease Fund Balance	328,537.48
Net Income	73,521.33
Total Equity	<u>402,058.81</u>
TOTAL LIABILITIES & EQUITY	<u>402,058.81</u>

	Powerful Communities Project (Restricted Funds)	Call To Duty (Restricted Funds)	ELIJAH MUHAMMAD SCHOLARSHIP F... (Restricted Funds)	New Leader Education (Restricted Funds)	Tax Section Scholarships (Restricted Funds)	WSBA Justice & Diversity O... (Restricted Funds)	Diversity (Restricted Funds)	Minority Mentor Program (Restricted Funds)	Peer-Graded Internship P... (Restricted Funds)	ATAJAZZ Conference (Restricted Funds)	McMahon (Restricted Funds)	Phyllis Diller Scholarship F... (Restricted Funds)	WJ General Support (Restricted Funds)	Total Restricted Funds	Unrestricted Funds	TOTAL
Ordinary Income/Expenses																
Revenue																
Contributions & Grants Income	18,177.13	3,180.00	8,194.00	50.00	30,100.00	21,200.28	45,343.12	2,800.00	35,700.38	47,010.85	13,486.96	33,480.00	58,451.22	310,000.00	2,111,972.43	2,471,052.33
In-Kind Donations	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,724,203.72	1,724,203.72
Miscellaneous Income	0.00	0.00	0.00	0.00	1,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,100.00	17,056.14	20,056.14
Total Income	18,177.13	3,180.00	8,194.00	50.00	31,100.00	21,200.28	45,343.12	2,800.00	35,700.38	47,010.85	13,486.96	33,480.00	58,451.22	312,100.00	2,134,232.28	2,491,308.47
Expenses																
Board/Advisors Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6,864.00
In-Kind Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,724,203.72
Bank Service Charges	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,337.25
Check Card Fees	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,783.00
Fees	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10,120.25
Guest Taken by Third Party	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	861.71
Insurance	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,000.00
Interest Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	340.94
IT/IT Systems	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,207.18
Licenses and Permits	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	770.00
Meals & Entertainment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	18,611
Miscellaneous	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6,132.29
Office Supplies	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,294.85
Printing	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	14.26
Professional Fees	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,019.50
Program Expenses	12,400.00	3,180.00	7,901.00	50.00	31,700.00	25,044.42	45,343.90	2,760.00	34,000.00	1,000.00	9,200.00	37,000.00	58,169.72	287,797.04	1,765,791.29	2,053,588.33
Telephone	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	69.17
Total Expenses	12,400.00	3,180.00	7,901.00	50.00	31,700.00	25,044.42	45,343.90	2,760.00	34,000.00	1,000.00	9,200.00	37,000.00	58,169.72	287,797.04	1,765,791.29	2,053,588.33
Net Ordinary Income	6,777.13	0.00	293.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	368,441.99	437,720.14
Other Activities/Expenses																
Other Income	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,021.07	3,579.43	0.00	7,600.50	14,204.88	21,824.44
Interest Income	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	18,000.00	33,200.00	51,200.00
Total Other Income	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,021.07	3,579.43	0.00	25,600.50	47,404.88	73,024.44
Other Expenses																
Other Expenses	14,000.00	0.00	0.00	0.00	0.00	0.00	180.94	0.00	0.00	0.00	0.00	0.00	0.00	14,180.94	40,000.00	54,180.94
Total Other Expenses	14,000.00	0.00	0.00	0.00	0.00	0.00	180.94	0.00	0.00	0.00	0.00	0.00	0.00	14,180.94	40,000.00	54,180.94
Net Other Income	-1,000.00	0.00	0.00	0.00	0.00	0.00	4,819.16	0.00	0.00	0.00	4,021.07	3,579.43	0.00	11,419.56	17,404.88	28,824.44
Net Income	5,777.13	0.00	293.00	0.00	0.00	0.00	5,238.16	0.00	0.00	0.00	4,021.07	3,579.43	0.00	16,019.56	197,846.99	266,644.58

WASHINGTON STATE BAR ASSOCIATION

WSBA MISSION

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

WSBA GUIDING PRINCIPLES

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

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

MISSION FOCUS AREAS

Ensuring Competent and Qualified Legal Professionals

- Cradle to Grave
- Regulation and Assistance

Promoting the Role of Legal Professionals in Society

- Service
- Professionalism

PROGRAM CRITERIA

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

2016 – 2018 STRATEGIC GOALS

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

GR 12
REGULATION OF THE PRACTICE OF LAW

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

[Adopted effective September 1, 2017.]

GR 12.1
REGULATORY OBJECTIVES

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

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

[Adopted effective September 1, 2017.]

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

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

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

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

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

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

- (11) Maintain a system for accrediting programs of continuing legal education;
- (12) Conduct examinations of legal professionals' trust accounts;
- (13) Maintain a fund for client protection in accordance with the Admission and Practice Rules;
- (14) Maintain a program for the aid and rehabilitation of impaired members;
- (15) Disseminate information about the organization's activities, interests, and positions;
- (16) Monitor, report on, and advise public officials about matters of interest to the organization and the legal profession;
- (17) Maintain a legislative presence to inform members of new and proposed laws and to inform public officials about the organization's positions and concerns;
- (18) Encourage public service by members and support programs providing legal services to those in need;
- (19) Maintain and foster programs of public information and education about the law and the legal system;
- (20) Provide, sponsor, and participate in services to its members;
- (21) Hire and retain employees to facilitate and support its mission, purposes, and activities, including in the organization's discretion, authorizing collective bargaining;
- (22) Establish the amount of all license, application, investigation, and other related fees, as well as charges for services provided by the Washington State Bar Association, and collect, allocate, invest, and disburse funds so that its mission, purposes, and activities may be effectively and efficiently discharged. The amount of any license fee is subject to review by the Supreme Court for reasonableness and may be modified by order of the Court if the Court determines that it is not reasonable;

(23) Administer Supreme-Court-created boards in accordance with General Rule 12.3.

(c) Activities Not Authorized. The Washington State Bar Association will not:

- (1) Take positions on issues concerning the politics or social positions of foreign nations;
- (2) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice; or
- (3) Support or oppose, in an election, candidates for public office.

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

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

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

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

GR 12.4
WASHINGTON STATE BAR ASSOCIATION ACCESS TO
RECORDS

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

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

(c) Definitions.

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

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

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

(d) Bar Records--Right of Access.

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

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

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

(B) Specific information and records regarding

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

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

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

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

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

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

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

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

(3) Persons Who Are Subjects of Records.

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

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

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

(e) Bar Records--Procedures for Access.

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

(2) Charging of Fees.

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

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

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

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

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

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

(h) Review of Records Decisions.

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

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

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

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

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

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

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

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

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

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

(j) Effective Date of Rule.

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

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

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

**GR 12.5
IMMUNITY**

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

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

2021-2022
WSBA BOARD OF GOVERNORS MEETING SCHEDULE

MEETING DATE	LOCATION	POTENTIAL ISSUES / SOCIAL FUNCTION	AGENDA ITEMS DUE FOR EXEC COMMITTEE MTG	EXECUTIVE COMMITTEE MTG 9:00 am–12:00 pm	BOARD BOOK MATERIALS DEADLINE
November 4-5, 2021	Silver Cloud Hotel Tacoma Point Ruston Waterfront Ruston, WA	BOG Meeting	October 1, 2021	October 8, 2021	October 18, 2021
January 13-14, 2022	WSBA Conference Center Seattle, WA	BOG Meeting MLK Luncheon Jan. 14	November 29, 2021	December 6, 2021	December 27, 2021
March 10-11, 2022	St. Martin’s University Lacey, WA Temple of Justice	BOG Meeting BOG Meeting with Supreme Court	January 28, 2022	February 4, 2022	February 21, 2022
May 19-20, 2022	The Davenport Grand Spokane, WA	BOG Meeting	April 11, 2022	April 18, 2022	May 2, 2022
July 13-15, 2022	Tacoma Convention Center Tacoma, WA	BOG Retreat BOG Meeting	June 6, 2022	June 13, 2022	June 27, 2022
September 22-23, 2022	Courtyard Marriott Bellevue, WA	BOG Meeting	August 15, 2022	August 22, 2022	September 5, 2022

The Board Book Material Deadline is the final due date for submission of materials for the respective Board meeting. Please notify the Executive Director's office in advance of possible late materials. Refer to 1305 BOG Action Procedure on how to bring agenda items to the Board.

This information can be found online at: <https://www.wsba.org/about-wsba/who-we-are/board-of-governors>



WSBA Board of Governors CONGRESSIONAL DISTRICT MAP



Brian Tollefson
President-Elect



Dan Clark
President-Elect



Kyle Sciuchetti
Immediate Past
President



Bryn Peterson
Treasurer



Terra Nevitt
Executive Director
& Secretary

2021-2022



Sunitha Anjilvel
Governor District 1



Carla Higginson
Governor District 2



Brett Purtzer
Governor District 6



Matthew Dresden
Governor District 7-North



Serena Sayani
Governor District 7-South



Brent Williams-Ruth
Governor District 8



Bryn Peterson
Governor District 9



Thomas A. McBride
Governor District 10



Lauren Boyd
Governor District 3



Francis Adewale
Governor District 5



Dan Clark
Governor District 4



Hunter Abell
Governor At-Large



Jordan Couch
Governor At-Large



Alec Stephens
Governor At-Large

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

phone: 206.386.4721
e-mail: adgipeWSBA@gmail.com

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

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

Financial Reports

(Audited)

Year to Date September 30, 2021

Prepared by Maggie Yu, Controller
Submitted by
Jorge Perez, Chief Financial Officer
December 3, 2021

Washington State Bar Association Financial Summary
Compared to Fiscal Year 2021 Budget
For the Period from September 1, 2021 to September 30, 2021

Category	Actual Revenues	Reforecasted Revenues	Actual Indirect Expenses	Reforecasted Indirect Expenses	Actual Direct Expenses	Reforecasted Direct Expenses	Actual Total Expenses	Reforecasted Total Expenses	Actual Net Result	Reforecasted Net Result
Access to Justice	-	-	216,050	212,533	45,600	53,204	261,650	265,737	(261,650)	(265,737)
Administration	4,577	6,786	1,058,167	1,099,780	12,646	15,140	1,070,812	1,114,920	(1,066,235)	(1,108,134)
Admissions/Bar Exam	1,184,222	1,115,296	809,484	843,354	233,318	268,696	1,042,802	1,112,050	141,420	3,246
Advancement FTE	-	-	229,514	239,496	-	-	229,514	239,496	(229,514)	(239,496)
Bar News	583,112	457,200	337,006	353,019	391,375	447,864	728,381	800,883	(145,269)	(343,683)
Board of Governors	-	-	210,800	215,830	227,938	199,698	438,738	415,528	(438,738)	(415,528)
Communications Strategies	2,808	-	439,397	461,876	70,011	71,302	509,408	533,177	(506,600)	(533,177)
Communications Strategies FTE	-	-	217,277	224,154	-	-	217,277	224,154	(217,277)	(224,154)
Covid 19	-	-	-	-	(945)	-	(945)	-	945	-
Discipline	127,875	96,337	5,591,047	5,757,972	112,507	149,655	5,703,554	5,907,627	(5,575,679)	(5,811,290)
Diversity	135,000	135,374	290,717	278,750	3,076	22,440	293,793	301,190	(158,793)	(165,816)
Foundation	-	-	119,562	125,210	3,341.89	5,000	122,904	130,210	(122,904)	(130,210)
Human Resources	-	-	471,049	385,934	-	-	471,049	385,934	(471,049)	(385,934)
Law Clerk Program	186,801	213,668	100,986	108,864	279	1,374	101,265	110,238	85,536	103,430
Legislative	-	-	133,728	121,266	28,408	28,767	162,136	150,033	(162,136)	(150,033)
Licensing and Membership Records	461,925	352,086	568,364	592,011	22,057	23,909	590,421	615,920	(128,496)	(263,834)
Licensing Fees	16,729,236	16,318,268	-	-	-	-	-	-	16,729,236	16,318,268
Limited License Legal Technician	30,828	28,054	111,240	126,595	6,787.50	7,825	118,027	134,420	(87,199)	(106,367)
Limited Practice Officers	200,975	200,770	67,381	78,920	14,824	15,089	82,206	94,010	118,770	106,760
Mandatory CLE	961,010	839,250	455,078	511,743	144,835	147,237	599,914	658,980	361,096	180,271
Member Assistance Program	11,301	9,000	95,563	127,000	1,051.00	1,075	96,614	128,075	(85,313)	(119,075)
Member Benefits	16,158	13,000	131,860	141,432	179,171	185,996	311,031	327,428	(294,873)	(314,428)
Member Services & Engagement	98,777	67,250	438,188	462,869	12,345	23,907	450,534	486,776	(351,757)	(419,526)
Office of General Counsel	747	27.00	858,960.71	906,308	23,666.15	23,813.82	882,626.86	930,122	(881,880)	(930,095)
Office of the Executive Director	-	-	624,034	637,848	51,690	100,465	675,724	738,313	(675,724)	(738,313)
OGC-Disciplinary Board	-	-	162,102	168,809	79,308	130,133	241,410	298,942	(241,410)	(298,942)
Outreach and Engagement	-	-	219,174	257,936	2,395	33,454	221,569	291,390	(221,569)	(291,390)
Practice of Law Board	-	-	57,639	61,823	-	7,825	57,639	69,649	(67,639)	(69,649)
Professional Responsibility Program	-	-	281,215	291,439	1,096	5,736	282,311	297,175	(282,311)	(297,175)
Public Service Programs	103,000	103,000	135,517	135,981	231,917	237,993	367,434	373,974	(264,434)	(270,974)
Publication and Design Services	-	-	96,104	100,900	4,300	5,069	100,404	105,969	(100,404)	(105,969)
Regulatory Services FTE	-	-	384,547	405,650	-	-	384,547	405,650	(384,547)	(405,650)
Sections Administration	213,088	272,000	266,806	291,946	6,353	7,620	273,159	299,566	(60,071)	(27,566)
Service Center	-	-	661,215	674,133	7,069	8,500	668,284	682,633	(668,284)	(682,633)
Technology	-	-	1,751,307	1,711,290	-	-	1,751,307	1,711,290	(1,751,307)	(1,711,290)
Subtotal General Fund	21,051,439	20,227,365	17,591,078	18,112,672	1,916,420	2,228,785	19,507,499	20,341,457	1,543,939.80	(114,092)
Expenses using reserve funds	-	-	-	-	-	-	19,507,499	-	-	-
Total General Fund - Net Result from Operations									1,543,939.80	(114,092)
Percentage of Budget	104.07%		97.12%		85.98%		95.90%			
CLE-Seminars and Products	1,408,577	1,212,529	947,728	1,012,798	119,401	264,864	1,067,129	1,277,662	341,448	(65,133)
CLE- Deskbooks	178,150	140,500	210,891	220,190	129,156	111,939	340,047	332,129	(161,897)	(191,629)
Total CLE	1,586,727	1,353,029	1,158,620	1,232,988	248,557	376,803	1,407,176	1,609,791	179,551	(256,762)
Percentage of Budget	117.27%		93.97%		65.96%		87.41%			
Total All Sections	607,937	585,779	-	-	309,304	865,167	309,304	865,167	298,634	(279,388)
Client Protection Fund-Restricted	506,141	533,402	151,116	158,569	501,909	493,353	653,025	651,922	(146,884)	(118,520)
Totals	23,752,244	22,699,575	18,900,814	19,504,229	2,976,189	3,964,108	21,877,003	23,468,336	1,875,240	(768,761)
Percentage of Budget	104.64%		96.91%		75.08%		93.22%			

Summary of Fund Balances:	Fund Balances Sept. 30, 2020	2021 Budgeted Fund Balances	Fund Balances Year to date
Restricted Funds:			
Client Protection Fund	4,193,130	4,074,610	4,046,246
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	469,241	212,479	648,792
Section Funds	1,210,209	930,821	1,508,843
Board-Designated Funds (General Fund):			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	550,000	550,000	1,050,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	3,478,234	3,364,142	4,522,174
Total General Fund Balance	5,528,234	5,414,142	7,072,174
Net Change in general Fund Balance		(114,092)	1,543,940
Total Fund Balance	11,400,814.00	10,632,053	13,276,054
Net Change In Fund Balance		(768,761)	1,875,240

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2021 to September 30, 2021

100.00% OF YEAR COMPLETE

	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
LICENSE FEES									
REVENUE:									
LICENSE FEES	1,289,180	1,405,037	115,857	16,318,268	16,729,236	410,968	16,318,268	(410,968)	102.52%
TOTAL REVENUE:	1,289,180	1,405,037	115,857	16,318,268	16,729,236	410,968	16,318,268	(410,968)	102.52%

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2021 to September 30, 2021
100.00% OF YEAR COMPLETE

	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
ACCESS TO JUSTICE									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
ATJ BOARD RETREAT	-	-	-	2,000	1,200	800	2,000	800	60.00%
LEADERSHIP TRAINING	250	-	250	2,000	973	1,027	2,000	1,027	48.65%
ATJ BOARD EXPENSE	2,250	2,840	(590)	18,000	11,906	6,094	18,000	6,094	66.15%
PUBLIC DEFENSE	550	4,000	(3,450)	4,400	4,000	400	4,400	400	90.92%
CONFERENCE/INSTITUTE EXPENSE	3,350	17,804	(14,454)	26,804	18,020	8,784	26,804	8,784	67.23%
RECEPTION/FORUM EXPENSE	-	9,500	(9,500)	-	9,500	(9,500)	-	(9,500)	
TOTAL DIRECT EXPENSES:	6,400	34,144	(27,744)	53,204	45,600	7,604	53,204	7,604	85.71%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.60 FTE)	9,657	9,949	(292)	118,095	130,760	(12,665)	118,095	(12,665)	110.72%
BENEFITS EXPENSE	3,811	3,292	518	44,212	43,167	1,046	44,212	1,046	97.63%
OTHER INDIRECT EXPENSE	6,255	3,780	2,475	50,225	42,123	8,102	50,225	8,102	83.87%
TOTAL INDIRECT EXPENSES:	19,723	17,022	2,701	212,533	216,050	(3,517)	212,533	(3,517)	101.65%
TOTAL ALL EXPENSES:	26,123	51,166	(25,043)	265,737	261,650	4,087	265,737	4,087	98.46%
NET INCOME (LOSS):	(26,123)	(51,166)	(25,043)	(265,737)	(261,650)	4,087	(265,737)	(4,087)	98.46%

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2021 to September 30, 2021
100.00% OF YEAR COMPLETE

	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
ADMINISTRATION									
REVENUE:									
INTEREST INCOME	500	(165)	(665)	6,786	4,577	(2,209)	6,786	2,209	67.45%
TOTAL REVENUE:	500	(165)	(665)	6,786	4,577	(2,209)	6,786	2,209	67.45%
DIRECT EXPENSES:									
CONSULTING SERVICES	2,804	4,069	(1,265)	11,000	11,000	0	11,000	-	100.00%
STAFF TRAVEL/PARKING	350	279	71	4,140	1,646	2,494	4,140	2,494	39.75%
TOTAL DIRECT EXPENSES:	3,154	4,348	(1,194)	15,140	12,646	2,495	15,140	2,494	83.52%
INDIRECT EXPENSES:									
SALARY EXPENSE (6.92 FTE)	55,093	51,622	3,471	681,431	678,672	2,759	681,430.99	2,759	99.60%
BENEFITS EXPENSE	17,267	14,956	2,311	200,848	196,478	4,371	200,848	4,371	97.82%
OTHER INDIRECT EXPENSE	27,054	16,425	10,629	217,501	183,017	34,483	217,501	34,483	84.15%
TOTAL INDIRECT EXPENSES:	99,414	83,002	16,411	1,099,780	1,058,167	41,613	1,099,780	41,613	96.22%
TOTAL ALL EXPENSES:	102,568	87,351	15,217	1,114,920	1,070,812	44,108	1,114,920	44,108	96.04%
NET INCOME (LOSS):	(102,068)	(87,516)	14,552	(1,108,134)	(1,066,235)	41,899	(1,108,134)	(41,899)	96.22%

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2021 to September 30, 2021
100.00% OF YEAR COMPLETE

	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
ADMISSIONS									
REVENUE:									
EXAM SOFT REVENUE	-	6,591	6,591	-	6,591	6,591	-	(6,591)	
BAR EXAM FEES	-	(620)	(620)	1,059,321	1,113,661	54,340	1,059,321	(54,340)	105.13%
RULE 9/LEGAL INTERN FEES	-	700	700	11,192	12,400	1,208	11,192	(1,208)	110.79%
RPC BOOKLETS	-	-	-	-	5	5	-	(5)	
SPECIAL ADMISSIONS	-	(320)	(320)	44,783	51,565	6,782	44,783	(6,782)	115.15%
TOTAL REVENUE:	-	6,351	6,351	1,115,296	1,184,222	68,926	1,115,296	(68,926)	106.18%
DIRECT EXPENSES:									
POSTAGE	150	123	27	1,219	529	690	1,219	690	43.43%
STAFF TRAVEL/PARKING	766	-	766	2,500	651	1,849	2,500	1,849	26.03%
STAFF MEMBERSHIP DUES	400	(250)	650	800	400	400	800	400	50.00%
SUPPLIES	83	-	83	1,607	940	667	1,607	667	58.51%
FACILITY, PARKING, FOOD	781	-	781	20,000	18,151	1,849	20,000	1,849	90.76%
EXAMINER FEES	-	-	-	26,000	26,000	-	26,000	-	100.00%
UBE EXMINATIONS	-	81,761	(81,761)	121,000	107,662	13,338	121,000	13,338	88.98%
BAR EXAM PROCTORS	-	-	-	(133)	150	(283)	(133)	(283)	-113.08%
CHARACTER & FITNESS BOARD	-	-	-	1,000	12	988	1,000	988	1.22%
DISABILITY ACCOMMODATIONS	-	-	-	9,491	8,385	1,106	9,491	1,106	88.35%
CHARACTER & FITNESS INVESTIGATIONS	-	-	-	306	242	64	306	64	79.02%
LAW SCHOOL VISITS	750	-	750	750	-	750	750	750	0.00%
ILG EXAM FEES	-	-	-	50,000	43,100	6,900	50,000	6,900	86.20%
COURT REPORTERS	1,250	1,373	(123)	13,711	8,139	5,572	13,711	5,572	59.36%
DEPRECIATION-SOFTWARE	1,898	1,969	(71)	16,950	15,123	1,827	16,950	1,827	89.22%
CONFERENCE CALLS	-	-	-	-	23	(23)	-	(23)	
ONLINE LEGAL RESEARCH	304	615	(311)	3,345	3,678	(333)	3,345	(333)	109.94%
LAW LIBRARY	13	11	2	150	133	17	150	17	88.47%
TOTAL DIRECT EXPENSES:	6,396	85,601	(79,205)	268,696	233,318	35,378	268,696	35,378	86.83%
INDIRECT EXPENSES:									
SALARY EXPENSE (6.55 FTE)	39,774	46,151	(6,377)	463,780	467,496	(3,716)	463,780	(3,716)	100.80%
BENEFITS EXPENSE	14,976	12,911	2,065	172,719	169,139	3,580	172,719	3,580	97.93%
OTHER INDIRECT EXPENSE	25,998	15,512	10,486	206,855	172,850	34,006	206,855	34,005	83.56%
TOTAL INDIRECT EXPENSES:	80,748	74,574	6,174	843,354	809,484	33,869	843,354	33,869	95.98%
TOTAL ALL EXPENSES:	87,145	160,176	(73,031)	1,112,050	1,042,802	69,248	1,112,050	69,248	93.77%
NET INCOME (LOSS):	(87,145)	(153,825)	(66,680)	3,246	141,420	138,173	3,246	(138,173)	4356.53%

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2021 to September 30, 2021

100.00% OF YEAR COMPLETE

	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
ADVANCEMENT FTE									
INDIRECT EXPENSES:									
SALARY EXPENSE (1.15 FTE)	13,398	11,879	1,519	161,593	158,214	3,379	161,593	3,379	97.91%
BENEFITS EXPENSE	3,591	3,134	457	41,728	40,797	931	41,728	931	97.77%
OTHER INDIRECT EXPENSE	4,496	2,737	1,758	36,175	30,503	5,672	36,175	5,672	84.32%
TOTAL INDIRECT EXPENSES:	21,485	17,750	3,734	239,496	229,514	9,983	239,496	9,983	95.83%
NET INCOME (LOSS):	(21,485)	(17,750)	3,734	(239,496)	(229,514)	9,983	(239,496)	(9,983)	95.83%

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2021 to September 30, 2021
100.00% OF YEAR COMPLETE

	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
BAR NEWS									
REVENUE:									
ROYALTIES	92	-	(92)	2,000	5,064	3,064	2,000	(3,064)	253.19%
DISPLAY ADVERTISING	30,213	37,028	6,815	300,000	353,462	53,462	300,000	(53,462)	117.82%
SUBSCRIPT/SINGLE ISSUES	27	-	(27)	200	72	(128)	200	128	36.06%
CLASSIFIED ADVERTISING	1,093	818	(275)	7,500	2,586	(4,914)	7,500	4,914	34.48%
GEN ANNOUNCEMENTS	1,025	887	(138)	7,500	5,687	(1,813)	7,500	1,813	75.82%
PROF ANNOUNCEMENTS	2,344	2,085	(259)	20,000	18,637	(1,363)	20,000	1,363	93.18%
JOB TARGET ADVERTISING	13,583	15,155	1,573	120,000	197,604	77,604	120,000	(77,604)	164.67%
TOTAL REVENUE:	48,377	55,973	7,597	457,200	583,112	125,912	457,200	(125,912)	127.54%
DIRECT EXPENSES:									
BAD DEBT EXPENSE	63	-	63	500	-	500	500	500	0.00%
POSTAGE	10,710	22,646	(11,937)	95,000	95,962	(962)	95,000	(962)	101.01%
PRINTING, COPYING & MAILING	29,399	24,806	4,594	250,000	222,285	27,714	250,000	27,714	88.91%
DIGITAL/ONLINE DEVELOPMENT	1,044	850	194	11,000	11,114	(114)	11,000	(114)	101.04%
GRAPHICS/ARTWORK	31	-	31	250	-	250	250	250	0.00%
OUTSIDE SALES EXPENSE	8,556	865	7,691	90,000	62,014	27,986	90,000	27,986	68.90%
EDITORIAL ADVISORY COMMITTEE	63	-	63	500	-	500	500	500	0.00%
STAFF MEMBERSHIP DUES	123	-	123	615	-	615	615	615	0.00%
TOTAL DIRECT EXPENSES:	49,987	49,167	820	447,864	391,375	56,489	447,864	56,489	87.39%
INDIRECT EXPENSES:									
SALARY EXPENSE (2.83 FTE)	16,743	15,253	1,490	202,757	201,977	780	202,757	780	99.62%
BENEFITS EXPENSE	5,298	4,539	760	61,402	60,225	1,177	61,402	1,177	98.08%
OTHER INDIRECT EXPENSE	11,051	6,713	4,338	88,860	74,805	14,056	88,860	14,056	84.18%
TOTAL INDIRECT EXPENSES:	33,092	26,505	6,587	353,019	337,006	16,013	353,019	16,012	95.46%
TOTAL ALL EXPENSES:	83,080	75,672	7,408	800,883	728,381	72,502	800,883	72,502	90.95%
NET INCOME (LOSS):	(34,703)	(19,699)	15,004	(343,683)	(145,269)	198,414	(343,683)	(198,414)	42.27%

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	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
BOARD OF GOVERNOR									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
BOG MEETINGS	16,000	57,416	(41,416)	89,114	152,910	(63,796)	89,114	(63,796)	171.59%
BOG COMMITTEES' EXPENSES	1,500	10	1,490	4,635	538	4,097	4,635	4,097	11.60%
BOG RETREAT	-	1,393	(1,393)	15,253	20,787	(5,534)	15,253	(5,534)	136.28%
BOG CONFERENCE ATTENDANCE	-	-	-	6,988	596	6,392	6,988	6,392	8.53%
BOG TRAVEL & OUTREACH	1,325	159	1,166	11,535	3,914	7,621	11,535	7,621	33.93%
LEADERSHIP TRAINING	4,167	17,988	(13,821)	33,333	20,059	13,274	33,333	13,274	60.18%
BOG ELECTIONS	-	-	-	28,840	29,134	(294)	28,840	(294)	101.02%
PRESIDENT'S DINNER	10,000	-	10,000	10,000	-	10,000	10,000	10,000	0.00%
TOTAL DIRECT EXPENSES:	32,991	76,965	(43,974)	199,698	227,938	(28,240)	199,698	(28,240)	114.14%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.75 FTE)	9,783	10,618	(836)	119,377	124,052	(4,674)	119,377	(4,674)	103.92%
BENEFITS EXPENSE	3,579	3,075	504	41,504	40,631	873	41,504	873	97.90%
OTHER INDIRECT EXPENSE	6,842	4,139	2,703	54,949	46,117	8,831	54,949	8,831	83.93%
TOTAL INDIRECT EXPENSES:	20,203	17,833	2,371	215,830	210,800	5,030	215,830	5,030	97.67%
TOTAL ALL EXPENSES:	53,195	94,798	(41,603)	415,528	438,738	(23,210)	415,528	(23,210)	105.59%
NET INCOME (LOSS):	(53,195)	(94,798)	(41,603)	(415,528)	(438,738)	(23,210)	(415,528)	23,210	105.59%

Washington State Bar Association
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100.00% OF YEAR COMPLETE

	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
CONTINUING LEGAL EDUCATION (CLE)									
REVENUE:									
SEMINAR REGISTRATIONS	66,923	95,974	29,050	650,398	819,545	169,147	650,398	(169,147)	126.01%
SEMINAR-EXHIB/SPNSR/ETC	-	55,504	55,504	5,000	61,654	56,654	5,000	(56,654)	1233.08%
SHIPPING & HANDLING	83	27	(56)	741	281	(460)	741	460	37.96%
SEMINAR SPLITS W/ CLE	-	(101,660)	(101,660)	-	(101,660)	(101,660)	-	101,660	-
COURSEBOOK SALES	362	230	(132)	4,000	3,437	(563)	4,000	563	85.93%
MP3 AND VIDEO SALES	24,868	62,022	37,154	552,390	625,320	72,930	552,390	(72,930)	113.20%
TOTAL REVENUE:	92,237	112,097	19,860	1,212,529	1,408,577	196,048	1,212,529	(196,048)	116.17%
DIRECT EXPENSES:									
COURSEBOOK PRODUCTION	63	-	63	500	-	500	500	500	0.00%
POSTAGE - FLIERS/CATALOGS	70	-	70	1,500	-	1,500	1,500	1,500	0.00%
DEPRECIATION	-	105	(105)	3,188	3,182	6	3,188	6	99.81%
ONLINE EXPENSES	4,000	4,033	(33)	46,559	46,922	(363)	46,559	(363)	100.78%
ACCREDITATION FEES	-	476	(476)	2,772	2,756	16	2,772	16	99.42%
FACILITIES	12,000	5,486	6,514	64,700	40,420	24,280	64,700	24,280	62.47%
TRANSACTION SERVICES	176	-	176	1,500	2,937	(1,437)	1,500	(1,437)	195.76%
SPEAKERS & PROGRAM DEVELOP	500	5	495	6,026	2,798	3,229	6,026	3,229	46.42%
SPLITS TO SECTIONS	-	-	-	115,000	3,611	111,389	115,000	111,389	3.14%
HONORARIA	838	11,820	(10,983)	6,700	14,999	(8,299)	6,700	(8,299)	223.87%
CLE SEMINAR COMMITTEE	13	-	13	100	-	100	100	100	0.00%
BAD DEBT EXPENSE	54	(494)	548	433	(494)	928	433	928	-114.06%
STAFF TRAVEL/PARKING	1,250	-	1,250	10,073	73	10,000	10,073	10,000	0.73%
STAFF MEMBERSHIP DUES	121	-	121	2,305	1,336	969	2,305	969	57.97%
SUBSCRIPTIONS	-	-	-	-	334	(334)	-	(334)	-
SUPPLIES	83	-	83	667	-	667	667	667	0.00%
CONFERENCE CALLS	4	-	4	33	-	33	33	33	0.00%
COST OF SALES - COURSEBOOKS	125	18	107	1,069	234	835	1,069	835	21.87%
A/V DEVELOP COSTS (RECORDING)	167	-	167	1,333	-	1,333	1,333	1,333	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	42	24	18	405	294	111	405	111	72.68%
TOTAL DIRECT EXPENSES:	19,505	21,473	(1,968)	264,864	119,401	145,463	264,864	145,463	45.08%
INDIRECT EXPENSES:									
SALARY EXPENSE (8.42 FTE)	45,871.65	37,068	8,804	551,283	516,979	34,304	551,283	34,304	93.78%
BENEFITS EXPENSE	18,340	15,847	2,492	210,621	208,514	2,106	210,621	2,106	99.00%
OTHER INDIRECT EXPENSE	31,293	19,945	11,348	250,895	222,235	28,659	250,895	28,659	88.58%
TOTAL INDIRECT EXPENSES:	95,504	72,859	22,645	1,012,798	947,728	65,070	1,012,798	65,070	93.58%
TOTAL ALL EXPENSES:	115,009	94,332	20,677	1,277,662	1,067,129	210,533	1,277,662	210,533	83.52%
NET INCOME (LOSS):	(22,772)	17,765	40,537	(65,133)	341,448	406,582	(65,133)	(406,581)	-524.23%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
COMMUNICATION STRATEGIES									
REVENUE:									
50 YEAR MEMBER TRIBUTE LUNCH	-	-	-	-	500	500	-	(500)	
WSBA LOGO MERCHANDISE SALES	-	113	113	-	2,308	2,308	-	(2,308)	
TOTAL REVENUE:	-	113	113	-	2,808	2,808	-	(2,808)	
DIRECT EXPENSES:									
STAFF TRAVEL/PARKING	392	225	167	4,123	3,255	869	4,123	869	78.94%
STAFF MEMBERSHIP DUES	99	-	99	1,169	515	654	1,169	654	44.07%
SUBSCRIPTIONS	254	256	(2)	2,751	3,441	(690)	2,751	(690)	125.07%
DIGITAL/ONLINE DEVELOPMENT	67	-	67	533	545	(12)	533	(12)	102.20%
APEX DINNER	1,933	37,530	(35,597)	25,000	38,367	(13,367)	25,000	(13,367)	153.47%
50 YEAR MEMBER TRIBUTE LUNCH	1,875	(797)	2,672	15,000	10,438	4,562	15,000	4,562	69.59%
COMMUNICATIONS OUTREACH	2,083	1,747	337	18,632	12,258	6,374	18,632	6,374	65.79%
TELEPHONE	25	88	(63)	559	932	(373)	559	(373)	166.80%
CONFERENCE CALLS	25	-	25	201	-	201	201	201	0.00%
MISCELLANEOUS	417	-	417	3,333	260	3,073	3,333	3,073	7.80%
TOTAL DIRECT EXPENSES:	7,169	39,049	(31,879)	71,302	70,011	1,290	71,302	1,290	98.19%
INDIRECT EXPENSES:									
SALARY EXPENSE (3.80 FTE)	21,354	19,453	1,901	260,171	258,405	1,766	260,171	1,766	99.32%
BENEFITS EXPENSE	7,088	6,069	1,020	82,285	80,768	1,517	82,285	1,517	98.16%
OTHER INDIRECT EXPENSE	14,869	8,995	5,875	119,420	100,224	19,196	119,420	19,196	83.93%
TOTAL INDIRECT EXPENSES:	43,312	34,516	8,796	461,876	439,397	22,479	461,876	22,479	95.13%
TOTAL ALL EXPENSES:	50,481	73,565	(23,083)	533,177	509,408	23,769	533,177	23,769	95.54%
NET INCOME (LOSS):	(50,481)	(73,452)	(22,970)	(533,177)	(506,600)	26,577	(533,177)	(26,577)	95.02%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
COMMUNICATION STRATEGIES FTE									
INDIRECT EXPENSES:									
SALARY EXPENSE (1.00 FTE)	12,462	11,359	1,103	149,913	148,975	937	149912.82	937	99.37%
BENEFITS EXPENSE	3,695	3,236	458	42,790	41,793	997	42,790	997	97.67%
OTHER INDIRECT EXPENSE	3,910	2,379	1,531	31,451	26,508	4,942	31,451	4,942	84.29%
TOTAL INDIRECT EXPENSES:	20,067	16,975	3,092	224,154	217,277	6,877	224,154	6,877	96.93%
NET INCOME (LOSS):	(20,067)	(16,975)	3,092	(224,154)	(217,277)	6,877	(224,154)	(6,877)	96.93%

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	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
CLIENT PROTECTION FUND									
REVENUE:									
CPF RESTITUTION	92	1,244	1,152	9,662	137,971	128,309	9,662	(128,309)	1427.99%
CPF MEMBER ASSESSMENTS	24,700	4,320	(20,380)	515,540	363,280	(152,260)	515,540	152,260	70.47%
INTEREST INCOME	833	381	(453)	8,200	4,890	(3,310)	8,200	3,311	59.63%
TOTAL REVENUE:	25,625	5,945	(19,680)	533,402	506,141	(27,261)	533,402	27,261	94.89%
DIRECT EXPENSES:									
BANK FEES - WELLS FARGO	26	148	(122)	1,395	2,011	(616)	1,395	(616)	144.14%
GIFTS TO INJURED CLIENTS	102,907	430,272	(327,366)	490,880	499,637	(8,757)	490,880	(8,757)	101.78%
CPF BOARD EXPENSES	71	7	64	877	61	817	877	817	6.91%
STAFF MEMBERSHIP DUES	-	200	(200)	200	200	-	200	-	100.00%
TOTAL DIRECT EXPENSES:	103,003	430,627	(327,624)	493,352	501,909	(8,556)	493,353	(8,556)	101.73%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.23 FTE)	7,091	6,460	631	85,746	85,357	389	85,746	389	99.55%
BENEFITS EXPENSE	2,953	2,551	401	34,234	33,441	794	34,234	794	97.68%
OTHER INDIRECT EXPENSE	4,809	2,900	1,908	38,589	32,318	6,271	38,589	6,271	83.75%
TOTAL INDIRECT EXPENSES:	14,853	11,912	2,941	158,569	151,116	7,453	158,569	7,453	95.30%
TOTAL ALL EXPENSES:	117,856	442,539	(324,683)	651,922	653,025	(1,103)	651,922	(1,103)	100.17%
NET INCOME (LOSS):	(92,231)	(436,594)	(344,363)	(118,520)	(146,884)	(28,364)	(118,520)	28,364	123.93%

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	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
DESKBOOKS									
REVENUE:									
LEXIS/NEXIS ROYALTIES	1,500	9,396	7,896	12,000 #	9,396 #	(2,604)	12,000	2,604	78.30%
FASTCASE ROYALTIES	250	-	(250)	2,000 #	- #	(2,000)	2,000	2,000	0.00%
SHIPPING & HANDLING	97	-	(97)	2,500	2,122	(378)	2,500	378	84.87%
DESKBOOK SALES	1,812	16,705	14,892	74,000	100,363	26,363	74,000	(26,363)	135.63%
SECTION PUBLICATION SALES	189	-	(189)	10,000	9,890	(110)	10,000	110	98.90%
CASEMAKER ROYALTIES	2,335	16,608	14,272	40,000	56,379	16,379	40,000	(16,379)	140.95%
TOTAL REVENUE:	6,183	42,708	36,525	140,500	178,150	37,650	140,500	(37,650)	126.80%
DIRECT EXPENSES:									
COST OF SALES - DESKBOOKS	2,226	11,768	(9,542)	48,875	67,685	(18,810)	48,875	(18,810)	138.49%
COST OF SALES - SECTION PUBLICATION	36	553	(517)	2,800	4,008	(1,208)	2,800	(1,208)	143.15%
SPLITS TO SECTIONS	715	182	533	7,500	4,026	3,474	7,500	3,474	53.68%
DESKBOOK ROYALTIES	45	-	45	500	199	301	500	301	39.87%
POSTAGE & DELIVER-DESKBOOKS	127	-	127	3,000	3,167	(167)	3,000	(167)	105.55%
FLIERS/CATALOGS	(0)	-	(0)	2,507	2,507	(0)	2,507	(0)	100.01%
ONLINE LEGAL RESEARCH	171	307	(137)	1,672	1,839	(167)	1,672	(167)	109.98%
POSTAGE - FLIERS/CATALOGS	117	-	117	937	936	1	937	1	99.92%
OBSOLETE INVENTORY	2,945	(1,451)	4,396	35,343	33,073	2,270	35,343	2,270	93.58%
BAD DEBT EXPENSE	13	-	13	100	-	100	100	100	0.00%
RECORDS STORAGE - OFF SITE	625	-	625	8,100	11,500	(3,400)	8,100	(3,400)	141.98%
STAFF MEMBERSHIP DUES	44	-	44	220	30	190	220	190	13.64%
MISCELLANEOUS	25	-	25	200	-	200	200	200	0.00%
SUBSCRIPTIONS	-	-	-	185	185	-	185	0	99.98%
TOTAL DIRECT EXPENSES:	7,088	11,360	(4,271)	111,939	129,156	(17,217)	111,939	(17,217)	115.38%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.52 FTE)	10,472	9,542	931	127,744	126,954	790	127,743.6	790	99.38%
BENEFITS EXPENSE	3,834	3,320	514	44,636	43,630	1,006	44,636	1,006	97.75%
OTHER INDIRECT EXPENSE	5,943	3,617	2,325	47,810	40,307	7,503	47,810	7,503	84.31%
TOTAL INDIRECT EXPENSES:	20,248	16,479	3,769	220,190	210,891	9,299	220,190	9,299	95.78%
TOTAL ALL EXPENSES:	27,337	27,839	(502)	332,129	340,047	(7,918)	332,129	(7,918)	102.38%
NET INCOME (LOSS):	(21,153)	14,870	36,023	(191,629)	(161,897)	29,732	(191,629)	(29,732)	84.48%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
DISCIPLINE									
REVENUE:									
COPY FEES	-	-	-	60	-	(60)	60	60	0.00%
AUDIT REVENUE	107	-	(107)	1,277	1,275	(2)	1,277	2	99.84%
RECOVERY OF DISCIPLINE COSTS	6,278	6,585	307	80,000	107,513	27,513	80,000	(27,513)	134.39%
DISCIPLINE HISTORY SUMMARY	1,166	1,290	1,290	15,000	19,087	4,087	15,000	(4,087)	127.24%
TOTAL REVENUE:	7,551	7,875	1,491	96,337	127,875	31,538	96,337	(31,538)	132.74%
DIRECT EXPENSES:									
PUBLICATIONS PRODUCTION	31	-	31	250	181	69	250	69	72.24%
STAFF TRAVEL/PARKING	2,917	1,027	1,890	20,587	11,138	9,449	20,587	9,449	54.10%
STAFF MEMBERSHIP DUES	250	553	(303)	5,080	4,893	187	5,080	187	96.32%
TELEPHONE	185	165	21	2,200	2,203	(3)	2,200	(3)	100.16%
COURT REPORTERS	2,765	-	2,765	27,500	19,144	8,356	27,500	8,356	69.62%
OUTSIDE COUNSEL/AIC	375	-	375	3,000	500	2,500	3,000	2,500	16.67%
LITIGATION EXPENSES	1,972	2,021	(49)	17,500	10,674	6,826	17,500	6,826	60.99%
DISABILITY EXPENSES	938	-	938	7,500	4,900	2,600	7,500	2,600	65.33%
ONLINE LEGAL RESEARCH	5,006	8,912	(3,906)	53,288	53,367	(79)	53,288	(79)	100.15%
LAW LIBRARY	1,138	45	1,094	12,000	5,007	6,993	12,000	6,993	41.72%
TRANSLATION SERVICES	94	-	94	750	500	250	750	250	66.67%
TOTAL DIRECT EXPENSES:	15,671	12,722	2,949	149,655	112,507	37,148	149,655	37,148	75.18%
INDIRECT EXPENSES:									
SALARY EXPENSE (37.00 FTE)	307,373	258,025	49,348	3,571,125	3,570,835	290	3,571,125	290	99.99%
BENEFITS EXPENSE	94,240	81,688	12,552	1,057,652	1,042,667	14,984	1,057,652	14,984	98.58%
OTHER INDIRECT EXPENSE	144,653	87,730	56,923	1,129,195	977,545	151,651	1,129,195	151,651	86.57%
TOTAL INDIRECT EXPENSES:	546,266	427,443	118,823	5,757,972	5,591,047	166,925	5,757,972	166,925	97.10%
TOTAL ALL EXPENSES:	561,937	440,165	121,772	5,907,627	5,703,554	204,073	5,907,627	204,073	96.55%
NET INCOME (LOSS):	(554,386)	(432,290)	122,096	(5,811,290)	(5,575,679)	235,611	(5,811,290)	(235,611)	95.95%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
DIVERSITY									
REVENUE:									
DONATIONS	(1,250)	-	1,250	125,000	135,000	10,000	125,000	(10,000)	108.00%
WORK STUDY GRANTS	1,297	-	(1,297)	10,374	-	(10,374)	10,374	10,374	0.00%
TOTAL REVENUE:	47	-	(47)	135,374	135,000	(374)	135,374	374	99.72%
DIRECT EXPENSES:									
STAFF MEMBERSHIP DUES	58	-	58	290	-	290	290	290	0.00%
COMMITTEE FOR DIVERSITY	610	152	458	4,900	454	4,446	4,900	4,446	9.27%
DIVERSITY EVENTS & PROJECTS	2,063	1,070	992	17,250	2,621	14,629	17,250	14,629	15.20%
TOTAL DIRECT EXPENSES:	2,731	1,222	1,509	22,440	3,076	19,364	22,440	19,364	13.71%
INDIRECT EXPENSES:									
SALARY EXPENSE (2.46 FTE)	15,483	16,728	(1,245)	150,814	164,848	(14,034)	150,814	(14,034)	109.31%
BENEFITS EXPENSE	5,747	4,974	774	59,610	60,869	(1,260)	59,610	(1,260)	102.11%
OTHER INDIRECT EXPENSE	9,227	5,833	3,393	68,326	65,000	3,326	68,326	3,326	95.13%
TOTAL INDIRECT EXPENSES:	30,457	27,535	2,921	278,750	290,717	(11,968)	278,750	(11,968)	104.29%
TOTAL ALL EXPENSES:	33,188	28,758	4,430	301,190	293,793	7,397	301,190	7,397	97.54%
NET INCOME (LOSS):	(33,141)	(28,758)	4,383	(165,816)	(158,793)	7,023	(165,816)	(7,023)	95.76%

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	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
FOUNDATION									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
CONSULTING SERVICES	-	-	-	3,000	3,000	-	3,000	-	100.00%
PRINTING & COPYING	450	-	450	450	-	450	450	450	0.00%
STAFF TRAVEL/PARKING	100	-	100	100	-	100	100	100	0.00%
SUPPLIES	-	-	-	150	-	150	150	150	0.00%
SPECIAL EVENTS	-	-	-	-	50	(50)	-	(50)	
BOARD OF TRUSTEES	-	17	(17)	1,000	181	819	1,000	819	18.13%
POSTAGE	300	111	189	300	111	189	300	189	36.87%
TOTAL DIRECT EXPENSES:	850	127	723	5,000	3,342	1,658	5,000	1,658	66.84%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.00 FTE)	6,443	5,870	573	77,954	77,443	511	77,954	511	99.34%
BENEFITS EXPENSE	1,369	1,155	213	15,805	15,610	195	15,805	195	98.77%
OTHER INDIRECT EXPENSE	3,910	2,379	1,531	31,451	26,509	4,942	31,451	4,942	84.29%
TOTAL INDIRECT EXPENSES:	11,721	9,405	2,317	125,210	119,562	5,648	125,210	5,648	95.49%
TOTAL ALL EXPENSES:	12,571	9,532	3,039	130,210	122,904	7,306	130,210	7,306	94.39%
NET INCOME (LOSS):	(12,571)	(9,532)	3,039	(130,210)	(122,904)	7,306	(130,210)	(7,306)	94.39%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
HUMAN RESOURCES									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
STAFF TRAVEL/PARKING	26	32	(6)	697	50	647	697	647	7.11%
STAFF MEMBERSHIP DUES	48	-	48	193	-	193	193	193	0.00%
SUBSCRIPTIONS	245	-	245	3,399	610	2,788	3,399	2,788	17.96%
STAFF TRAINING- GENERAL	24,791	-	24,791	25,000	1,524	23,476	25,000	23,476	6.10%
RECRUITING AND ADVERTISING	583	48	535	18,580	17,965	615	18,580	615	96.69%
PAYROLL PROCESSING	4,081	3,269	812	49,000	44,991	4,009	49,000	4,009	91.82%
SALARY SURVEYS	242	-	242	1,933	-	1,933	1,933	1,933	0.00%
CONSULTING SERVICES	89,300	35,915	53,385	112,500	98,448	14,052	112,500	14,052	87.51%
CONFERENCE CALLS	-	-	-	-	13	(13)	-	(13)	
TRANSFER TO INDIRECT EXPENSE	(119,316)	(39,264)	(80,053)	(211,302)	(163,602)	(47,700)	(211,302)	(47,700)	77.43%
TOTAL DIRECT EXPENSES:	-	-	-	0	-	0	-	-	
INDIRECT EXPENSES:									
SALARY EXPENSE (3.00 FTE)	22,351	21,831	521	219,525	301,481	(81,956)	219,525	(81,956)	137.33%
BENEFITS EXPENSE	8,607	7,482	1,125	86,960	90,406	(3,446)	86,960	(3,446)	103.96%
OTHER INDIRECT EXPENSE	9,225	7,104	2,121	79,450	79,162	287	79,450	287	99.64%
TOTAL INDIRECT EXPENSES:	40,183	36,417	3,767	385,934	471,049	(85,115)	385,934	(85,115)	122.05%
TOTAL ALL EXPENSES:	40,183	36,417	3,767	385,934	471,049	(85,115)	385,934	(85,115)	122.05%
NET INCOME (LOSS):	(40,183)	(36,417)	3,767	(385,934)	(471,049)	(85,115)	(385,934)	85,115	122.05%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
LAW CLERK PROGRAM									
REVENUE:									
LAW CLERK FEES	6,285	-	(6,285)	209,637	183,001	(26,636)	209,637	26,636	87.29%
LAW CLERK APPLICATION FEES	231	700	469	4,031	3,800	(231)	4,031	231	94.27%
TOTAL REVENUE:	6,516	700	(5,816)	213,668	186,801	(26,867)	213,668	26,867	87.43%
DIRECT EXPENSES:									
SUBSCRIPTIONS	-	-	-	250	-	250	250	250	0.00%
CHARACTER & FITNESS INVESTIGATIONS	20	-	20	100	-	100	100	100	0.00%
LAW CLERK BOARD EXPENSE	-	-	-	624	279	344	624	344	44.78%
STAFF TRAVEL/PARKING	52	-	52	300	-	300	300	300	0.00%
LAW CLERK OUTREACH	100	-	100	100	-	100	100	100	0.00%
TOTAL DIRECT EXPENSES:	172	-	172	1,374	279	1,094	1,374	1,094	20.33%
INDIRECT EXPENSES:									
SALARY EXPENSE (0.90 FTE)	5,282	5,238	44	60,364	57,457	2,908	60,364	2,908	95.18%
BENEFITS EXPENSE	1,896	1,631	265	20,663	19,926	737	20,663	737	96.43%
OTHER INDIRECT EXPENSE	3,519	2,118	1,400	27,837	23,603	4,233	27,837	4,233	84.79%
TOTAL INDIRECT EXPENSES:	10,697	8,988	1,709	108,864	100,986	7,878	108,864	7,878	92.76%
TOTAL ALL EXPENSES:	10,869	8,988	1,882	110,238	101,265	8,972	110,238	8,972	91.86%
NET INCOME (LOSS):	(4,354)	(8,288)	(3,934)	103,430	85,536	(17,895)	103,430	17,895	82.70%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
LEGISLATIVE									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
STAFF TRAVEL/PARKING	-	377	(377)	400	377	23	400	23	94.20%
STAFF MEMBERSHIP DUES	-	-	-	-	40	(40)	-	(40)	
SUBSCRIPTIONS	-	-	-	1,982	1,982	-	1,982	-	100.00%
CONTRACT LOBBYIST	-	-	-	26,000	26,000	-	26,000	-	100.00%
LEGISLATIVE COMMITTEE	250	-	250	260	10	250	260	250	3.77%
BOG LEGISLATIVE COMMITTEE	25	-	25	125	-	125	125	125	0.00%
TOTAL DIRECT EXPENSES:	275	377	(102)	28,767	28,408	358	28,767	358	98.75%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.00 FTE)	6,212	11,920	(5,708)	66,209	79,156	(12,948)	66,209	(12,948)	119.56%
BENEFITS EXPENSE	2,632	2,281	351	26,705	28,063	(1,359)	26,705	(1,359)	105.09%
OTHER INDIRECT EXPENSE	3,910	2,379	1,531	28,353	26,509	1,844	28,353	1,844	93.50%
TOTAL INDIRECT EXPENSES:	12,754	16,581	(3,827)	121,266	133,728	(12,462)	121,266	(12,462)	110.28%
TOTAL ALL EXPENSES:	13,029	16,957	(3,929)	150,033	162,136	(12,104)	150,033	(12,104)	108.07%
NET INCOME (LOSS):	(13,029)	(16,957)	(3,929)	(150,033)	(162,136)	(12,104)	(150,033)	12,104	108.07%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
LICENSING & MEMBERSHIP RECORDS									
REVENUE:									
STATUS CERTIFICATE FEES	1,700	2,125	425	26,115	29,729	3,614	26,115	(3,614)	113.84%
INVESTIGATION FEES	1,986	3,200	1,214	22,399	22,600	201	22,399	(201)	100.90%
PRO HAC VICE	22,900	25,190	2,290	299,074	403,956	104,882	299,074	(104,882)	135.07%
MEMBER CONTACT INFORMATION	589	-	(589)	4,211	5,328	1,116	4,211	(1,116)	126.51%
PHOTO BAR CARD SALES	33	48	15	286	312	26	286	(26)	109.04%
TOTAL REVENUE:	27,209	30,563	3,354	352,086	461,925	109,839	352,086	(109,839)	131.20%
DIRECT EXPENSES:									
DEPRECIATION	-	-	-	1,151	1,151	-	1,151	0	99.98%
POSTAGE	1,168	(38)	1,206	19,913	18,061	1,852	19,913	1,852	90.70%
LICENSING FORMS	-	-	-	2,845	2,845	-	2,845	-	100.00%
TOTAL DIRECT EXPENSES:	1,168	(38)	1,206	23,909	22,057	1,852	23,909	1,852	92.25%
INDIRECT EXPENSES:									
SALARY EXPENSE (3.80 FTE)	27,862	25,387	2,475	346,778	345,258	1,520	346,778	1,520	99.56%
BENEFITS EXPENSE	10,588	9,383	1,205	125,888	122,883	3,005	125,888	3,005	97.61%
OTHER INDIRECT EXPENSE	9,958	8,995	963	119,345	100,224	19,121	119,345	19,121	83.98%
TOTAL INDIRECT EXPENSES:	48,408	43,765	4,643	592,011	568,364	23,646	592,011	23,647	96.01%
TOTAL ALL EXPENSES:	49,575	43,726	5,849	615,919	590,421	25,499	615,920	25,499	95.86%
NET INCOME (LOSS):	(22,366)	(13,163)	9,203	(263,834)	(128,496)	135,338	(263,834)	(135,338)	48.70%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
LIMITED LICENSE LEGAL TECHNICIAN PROGRAM									
REVENUE:									
SEMINAR REGISTRATIONS	282	-	(282)	2,319	796	(1,523)	2,319	1,523	34.33%
LLLT LICENSE FEES	858	1,060	202	9,985	9,508	(477)	9,985	477	95.22%
LLLT LATE LICENSE FEES	-	-	-	-	275	275	-	(275)	
INVESTIGATION FEES	20	-	(20)	100	-	(100)	100	100	0.00%
LLLT EXAM FEES	-	-	-	15,650	19,950	4,300	15,650	(4,300)	127.48%
LLLT WAIVER FEES	-	-	-	-	300	300	-	(300)	
TOTAL REVENUE:	1,160	1,060	(100)	28,054	30,828	2,775	28,054	(2,775)	109.89%
DIRECT EXPENSES:									
LLLT BOARD	817	-	817	2,450	-	2,450	2,450	2,450	0.00%
LLLT EXAM WRITING	-	-	-	5,375	6,788	(1,413)	5,375	(1,413)	126.28%
TOTAL DIRECT EXPENSES:	817	-	817	7,825	6,788	1,038	7,825	1,038	86.74%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.00 FTE)	7,126	6,020	1,105	71,517	58,150	13,366	71,517	13,366	81.31%
BENEFITS EXPENSE	2,666	2,318	347	27,070	26,581	489	27,070	489	98.19%
OTHER INDIRECT EXPENSE	3,714	2,379	1,335	28,009	26,508	1,500	28,009	1,500	94.64%
TOTAL INDIRECT EXPENSES:	13,505	10,718	2,788	126,595	111,240	15,355	126,595	15,355	87.87%
TOTAL ALL EXPENSES:	14,322	10,718	3,604	134,420	118,027	16,393	134,420	16,393	87.80%
NET INCOME (LOSS):	(13,162)	(9,658)	3,504	(106,367)	(87,199)	19,168	(106,367)	(19,168)	81.98%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
LIMITED PRACTICE OFFICERS									
REVENUE:									
INVESTIGATION FEES	80	200	120	1,000	1,400	400	1,000	(400)	140.00%
LPO EXAMINATION FEES	-	-	-	23,700	25,900	2,200	23,700	(2,200)	109.28%
LPO LICENSE FEES	14,279	14,518	239	172,435	169,835	(2,600)	172,435	2,600	98.49%
LPO LATE LICENSE FEES	727	-	(727)	3,635	3,840	205	3,635	(205)	105.65%
TOTAL REVENUE:	15,086	14,718	(368)	200,770	200,975	206	200,770	(206)	100.10%
DIRECT EXPENSES:									
EXAM WRITING	-	-	-	9,750	9,750	-	9,750	-	100.00%
ONLINE LEGAL RESEARCH	171	307	(137)	1,672	1,839	(167)	1,672	(167)	109.98%
LAW LIBRARY	439	268	170	3,663	3,231	432	3,663	432	88.21%
LPO BOARD	-	-	-	4	4	-	4	-	100.00%
TOTAL DIRECT EXPENSES:	609	576	34	15,089	14,824	265	15,089	265	98.24%
INDIRECT EXPENSES:									
SALARY EXPENSE (0.50 FTE)	4,305	4,875	(570)	42,705	39,197	3,508	42,705	3,508	91.78%
BENEFITS EXPENSE	1,750	1,498	251	16,426	15,112	1,314	16,426	1,314	92.00%
OTHER INDIRECT EXPENSE	2,932	1,173	1,759	19,789	13,073	6,716	19,789	6,716	66.06%
TOTAL INDIRECT EXPENSES:	8,986	7,546	1,440	78,920	67,381	11,539	78,920	11,539	85.38%
TOTAL ALL EXPENSES:	9,596	8,122	1,474	94,010	82,206	11,804	94,010	11,804	87.44%
NET INCOME (LOSS):	5,490	6,596	1,106	106,760	118,770	12,010	106,760	(12,010)	111.25%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
MEMBER ASSISTANCE PROGRAM									
REVENUE:									
DIVERSIONS	-	1,500	1,500	9,000	11,301	2,301	9,000	(2,301)	125.57%
TOTAL REVENUE:	-	1,500	1,500	9,000	11,301	2,301	9,000	(2,301)	125.57%
DIRECT EXPENSES:									
STAFF MEMBERSHIP DUES	-	-	-	225	226	(1)	225	(1)	100.44%
PROFLIAB INSURANCE	106	-	106	850	825	25	850	25	97.06%
TOTAL DIRECT EXPENSES:	106	-	106	1,075	1,051	24	1,075	24	97.77%
INDIRECT EXPENSES:									
SALARY EXPENSE (0.50 FTE)	10,233	3,490	6,743	70,680	52,309	18,371	70,680	18,371	74.01%
BENEFITS EXPENSE	4,641	3,993	648	31,862	30,182	1,680	31,862	1,680	94.73%
OTHER INDIRECT EXPENSE	5,864	1,173	4,691	24,459	13,073	11,386	24,459	11,386	53.45%
TOTAL INDIRECT EXPENSES:	20,739	8,657	12,082	127,000	95,563	31,437	127,000	31,437	75.25%
TOTAL ALL EXPENSES:	20,845	8,657	12,188	128,075	96,614	31,461	128,075	31,461	75.44%
NET INCOME (LOSS):	(20,845)	(7,157)	13,688	(119,075)	(85,313)	33,762	(119,075)	(33,762)	71.65%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
MEMBERSHIP BENEFITS									
REVENUE:									
SPONSORSHIPS	375	5,500	5,125	3,000	5,500	2,500	3,000	(2,500)	183.33%
INTERNET SALES	539	1,054	514	6,667	7,865	1,197	6,667	(1,198)	117.96%
MP3 SALES	288	147	(141)	3,333	2,793	(540)	3,333	540	83.80%
TOTAL REVENUE:	1,202	6,701	5,498	13,000	16,158	3,157	13,000	(3,158)	124.29%
DIRECT EXPENSES:									
TRANSCRIPTION SERVICES	300	-	300	1,500	-	1,500	1,500	1,500	0.00%
CONFERENCE CALLS	63	-	63	500	-	500	500	500	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	125	-	125	1,000	1,321	(321)	1,000	(321)	132.12%
WSBA CONNECTS	3,395	4,280	(885)	46,560	46,960	(400)	46,560	(400)	100.86%
CASEMAKER & FASTCASE	5,432	10,832	(5,400)	136,436	130,890	5,546	136,436	5,546	95.94%
TOTAL DIRECT EXPENSES:	9,315	15,112	(5,797)	185,996	179,171	6,825	185,996	6,825	96.33%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.16 FTE)	7,505	6,346	1,159	80,368	78,090	2,278	80,368	2,278	97.17%
BENEFITS EXPENSE	2,452	2,092	359	24,064	23,266	798	24,064	798	96.68%
OTHER INDIRECT EXPENSE	5,122	2,738	2,384	36,999	30,503	6,497	36,999	6,497	82.44%
TOTAL INDIRECT EXPENSES:	15,078	11,176	3,902	141,432	131,860	9,573	141,432	9,573	93.23%
TOTAL ALL EXPENSES:	24,393	26,288	(1,895)	327,428	311,031	16,397	327,428	16,397	94.99%
NET INCOME (LOSS):	(23,191)	(19,587)	3,603	(314,428)	(294,873)	19,555	(314,428)	(19,555)	93.78%

Washington State Bar Association
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	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
MANDATORY CONTINUING LEGAL EDUCATION									
REVENUE:									
ACCREDITED PROGRAM FEES	40,000	43,800	3,800	497,600	559,700	62,100	497,600	(62,100)	112.48%
FORM 1 LATE FEES	17,000	13,805	(3,195)	190,200	221,455	31,255	190,200	(31,255)	116.43%
MEMBER LATE FEES	150	(300)	(450)	2,700	6,196	3,496	2,700	(3,496)	229.49%
ANNUAL ACCREDITED SPONSOR FEES	(63)	-	63	41,750	42,250	500	41,750	(500)	101.20%
ATTENDANCE LATE FEES	6,500	6,471	(29)	94,000	115,221	21,221	94,000	(21,221)	122.58%
COMITY CERTIFICATES	105	(50)	(155)	13,000	16,187	3,187	13,000	(3,187)	124.52%
TOTAL REVENUE:	63,693	63,726	33	839,250	961,010	121,759	839,250	(121,759)	114.51%
DIRECT EXPENSES:									
DEPRECIATION	7,447	5,346	2,101	143,045	142,864	181	143,045	181	99.87%
STAFF MEMBERSHIP DUES	-	-	-	500	-	500	500	500	0.00%
ONLINE LEGAL RESEARCH	152	307	(155)	1,672	1,839	(167)	1,672	(167)	109.98%
LAW LIBRARY	13	11	2	150	133	17	150	17	88.47%
MCLE BOARD	-	-	-	650	-	650	650	650	0.00%
STAFF TRAVEL/PARKING	6	-	6	50	-	50	50	50	0.00%
STAFF TRAINING	-	-	-	1,170	-	1,170	1,170	1,170	0.00%
TOTAL DIRECT EXPENSES:	7,619	5,664	1,954	147,237	144,835	2,402	147,237	2,402	98.37%
INDIRECT EXPENSES:									
SALARY EXPENSE (4.80 FTE)	24,131	24,650	(519)	269,761	251,982	17,779	269,761	17,779	93.41%
BENEFITS EXPENSE	10,255	8,775	1,480	106,179	102,873	3,306	106,179	3,306	96.89%
OTHER INDIRECT EXPENSE	18,766	8,995	9,771	135,803	100,224	35,579	135,803	35,579	73.80%
TOTAL INDIRECT EXPENSES:	53,151	42,420	10,732	511,743	455,078	56,664	511,743	56,664	88.93%
TOTAL ALL EXPENSES:	60,770	48,084	12,686	658,980	599,914	59,066	658,980	59,066	91.04%
NET INCOME (LOSS):	2,923	15,642	12,719	180,271	361,096	180,825	180,271	(180,825)	200.31%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
MEMBER SERVICES & ENGAGEMENT									
REVENUE:									
ROYALTIES	3,940.01	900.00	(3,040.01)	49,249.99	68,276.26	19,026.27	49,250.00	(19,026.26)	138.63%
NMP PRODUCT SALES	1,435	1,311	(124)	18,000	30,476	12,476	18,000	(12,476)	169.31%
SEMINAR REGISTRATIONS	(910)	-	910	(0)	25	25	-	(25)	
TOTAL REVENUE:	4,465	2,211	(2,254)	67,250	98,777	31,527	67,250	(31,527)	146.88%
DIRECT EXPENSES:									
STAFF TRAVEL/PARKING	-	-	-	1,000	1,037	(37)	1,000	(37)	103.71%
SUBSCRIPTIONS	24	17	7	250	191	59	250	59	76.30%
TRANSCRIPTION SERVICES	188	-	188	1,500	750	750	1,500	750	50.00%
CONFERENCE CALLS	13	-	13	100	-	100	100	100	0.00%
YLL SECTION PROGRAM	695	-	695	1,500	800	700	1,500	700	53.33%
WYLC CLE COMPS	250	-	250	1,000	-	1,000	1,000	1,000	0.00%
WYLC OUTREACH EVENTS	500	207	293	1,500	397	1,103	1,500	1,103	26.46%
WYL COMMITTEE	-	544	(544)	8,000	3,716	4,284	8,000	4,284	46.46%
TRIAL ADVOCACY EXPENSES	-	-	-	900	-	900	900	900	0.00%
RECEPTION/FORUM EXPENSE	300	-	300	667	67	600	667	600	9.99%
WYLC SCHOLARSHIPS/DONATIONS/GRANT	5,000	-	5,000	5,000	4,977	23	5,000	23	99.54%
STAFF MEMBERSHIP DUES	61	-	61	490	225	265	490	265	45.92%
LENDING LIBRARY	910	76	834	2,000	186	1,814	2,000	1,814	9.28%
TOTAL DIRECT EXPENSES:	7,940	843	7,097	23,907	12,345	11,561	23,907	11,561	51.64%
INDIRECT EXPENSES:									
SALARY EXPENSE (4.13 FTE)	25,689	20,311	5,379	250,160	239,105	11,055	250,160	11,055	95.58%
BENEFITS EXPENSE	9,405	8,079	1,326	90,502	90,144	358	90,502	358	99.60%
OTHER INDIRECT EXPENSE	17,319	9,777	7,542	122,207	108,939	13,268	122,207	13,268	89.14%
TOTAL INDIRECT EXPENSES:	52,414	38,167	14,247	462,869	438,188	24,681	462,869	24,681	94.67%
TOTAL ALL EXPENSES:	60,354	39,009	21,344	486,776	450,534	36,242	486,776	36,242	92.55%
NET INCOME (LOSS):	(55,888)	(36,798)	19,090	(419,526)	(351,757)	67,769	(419,526)	(67,769)	83.85%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
OFFICE OF THE EXECUTIVE DIRECTOR									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	-
DIRECT EXPENSES:									
WASHINGTON LEADERSHIP INSTITUTE	11,000	46,958	(35,958)	88,000	46,958	41,042	88,000	41,042	53.36%
ABA DELEGATES	417	1,600	(1,183)	3,334	2,474	859	3,334	859	74.22%
SECTION/COMMITTEE CHAIR MTGS	500	-	500	500	-	500	500	500	0.00%
VOLUNTEER SUPPORT	5,000	-	5,000	5,000	1,969	3,031	5,000	3,031	39.38%
ED TRAVEL & OUTREACH	417	-	417	3,333	36	3,297	3,333	3,297	1.08%
LAW LIBRARY	-	11	(11)	150	133	17	150	17	88.47%
STAFF TRAVEL/PARKING	-	-	-	98	53	45	98	45	53.86%
STAFF MEMBERSHIP DUES	-	-	-	50	67	(17)	50	(17)	133.34%
TOTAL DIRECT EXPENSES:	17,333	48,569	(31,236)	100,465	51,690	48,775	100,465	48,775	51.45%
INDIRECT EXPENSES:									
SALARY EXPENSE (3.00 FTE)	34,907	32,867	2,040	418,546	416,670	1,875	418,546	1,875	99.55%
BENEFITS EXPENSE	10,043	9,552	491	125,070	128,202	(3,132)	125,070	(3,132)	102.50%
OTHER INDIRECT EXPENSE	11,729	7,104	4,624	94,232	79,162	15,070	94,232	15,070	84.01%
TOTAL INDIRECT EXPENSES:	56,678	49,523	7,156	637,848	624,034	13,814	637,848	13,814	97.83%
TOTAL ALL EXPENSES:	74,012	98,092	(24,081)	738,313	675,724	62,589	738,313	62,589	91.52%
NET INCOME (LOSS):	(74,012)	(98,092)	(24,081)	(738,313)	(675,724)	62,589	(738,313)	(62,589)	91.52%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
OFFICE OF GENERAL COUNSEL									
REVENUE:									
COPY FEES	-	-	-	27	117	90	27	(90)	432.78%
RECORDS REQUEST FEES	-	-	-	-	630	630	-	(630)	
TOTAL REVENUE:	-	-	-	27	747	720	27	(720)	100.00%
DIRECT EXPENSES:									
DEPRECIATION	139	-	139	1,112	-	1,112	1,112	1,112	0.00%
STAFF TRAVEL/PARKING	8	-	8	417	-	417	417	417	0.00%
STAFF MEMBERSHIP DUES	-	(200)	200	1,525	525	1,000	1,525	1,000	34.43%
ONLINE LEGAL RESEARCH	912	1,844	(932)	10,034	11,033	(999)	10,034	(999)	109.95%
LAW LIBRARY	-	22	(22)	1,780	1,958	(178)	1,780	(178)	110.02%
COURT RULES COMMITTEE	296	-	296	1,195	56	1,139	1,195	1,139	4.68%
DISCIPLINE ADVISORY ROUNDTABLE	94	-	94	375	-	375	375	375	0.00%
CUSTODIANSHIPS	584	-	584	7,209	10,094	(2,885)	7,209	(2,885)	140.02%
LITIGATION EXPENSES	21	-	21	167	-	167	167	167	0.00%
TOTAL DIRECT EXPENSES:	2,054	1,666	388	23,814	23,666	148	23,814	148	99.38%
INDIRECT EXPENSES:									
SALARY EXPENSE (6.38 FTE)	48,745	44,419	4,326	547,919	520,833	27,087	547,919	27,087	95.06%
BENEFITS EXPENSE	16,382	14,240	2,142	172,844	169,636	3,208	172,844	3,208	98.14%
OTHER INDIRECT EXPENSE	23,630	15,121	8,509	185,545	168,492	17,052	185,545	17,052	90.81%
TOTAL INDIRECT EXPENSES:	88,757	73,781	14,977	906,308	858,961	47,347	906,308	47,347	94.78%
TOTAL ALL EXPENSES:	90,811	75,447	15,364	930,122	882,627	47,495	930,122	47,495	94.89%
NET INCOME (LOSS):	(90,811)	(75,447)	15,364	(930,095)	(881,880)	48,215	(930,095)	(48,215)	94.82%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
STAFF MEMBERSHIP DUES	-	-	-	100	21	79	100	79	20.83%
LAW LIBRARY	81	67	14	909	802	107	909	107	88.22%
DISCIPLINARY BOARD EXPENSES	259	-	259	1,274	485	789	1,274	789	38.10%
CHIEF HEARING OFFICER	3,012	2,500	512	32,524	30,000	2,524	32,524	2,524	92.24%
HEARING OFFICER EXPENSES	5,715	-	5,715	40,005	-	40,005	40,005	40,005	0.00%
HEARING OFFICER TRAINING	80	-	80	321	-	321	321	321	0.00%
OUTSIDE COUNSEL	5,321	4,000	1,321	55,000	48,000	7,000	55,000	7,000	87.27%
TOTAL DIRECT EXPENSES:	14,467	6,567	7,901	130,133	79,308	50,824	130,133	50,824	60.94%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.30 FTE)	7,840	7,142	698	95,676	96,048	(373)	95,676	(373)	100.39%
BENEFITS EXPENSE	2,787	2,400	387	32,235	31,556	679	32,235	679	97.89%
OTHER INDIRECT EXPENSE	5,082	3,096	1,986	40,898	34,497	6,401	40,898	6,401	84.35%
TOTAL INDIRECT EXPENSES:	15,709	12,638	3,071	168,809	162,102	6,707	168,809	6,707	96.03%
TOTAL ALL EXPENSES:	30,177	19,205	10,972	298,942	241,410	57,532	298,942	57,532	80.75%
NET INCOME (LOSS):	(30,177)	(19,205)	10,972	(298,942)	(241,410)	57,532	(298,942)	(57,532)	80.75%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
OUTREACH & ENGAGEMENT									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
STAFF TRAVEL/PARKING	117	-	117	700	-	700	700	700	0.00%
STAFF MEMBERSHIP DUES	230	-	230	1,152	-	1,152	1,152	1,152	0.00%
ABA DELEGATES	741	-	741	5,600	-	5,600	5,600	5,600	0.00%
ANNUAL CHAIR MEETINGS	40	-	40	200	-	200	200	200	0.00%
JUDICIAL RECOMMENDATIONS COMMITTEE	438	-	438	3,500	-	3,500	3,500	3,500	0.00%
BAR OUTREACH	2,723	156	2,567	22,302	2,395	19,907	22,302	19,907	10.74%
TOTAL DIRECT EXPENSES:	4,288	156	4,132	33,454	2,395	31,059	33,454	31,059	7.16%
INDIRECT EXPENSES:									
SALARY EXPENSE (2.00 FTE)	12,859	2,501	10,358	146,626	114,061	32,565	146,626	32,565	77.79%
BENEFITS EXPENSE	4,776	4,128	648	51,627	52,459	(832)	51,627	(832)	101.61%
OTHER INDIRECT EXPENSE	7,819	4,725	3,094	59,683	52,654	7,029	59,683	7,029	88.22%
TOTAL INDIRECT EXPENSES:	25,455	11,355	14,100	257,936	219,174	38,763	257,936	38,763	84.97%
TOTAL ALL EXPENSES:	29,743	11,510	18,232	291,390	221,569	69,821	291,390	69,821	76.04%
NET INCOME (LOSS):	(29,743)	(11,510)	18,232	(291,390)	(221,569)	69,821	(291,390)	(69,821)	76.04%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
PRACTICE OF LAW BOARD									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
PRACTICE OF LAW BOARD	1,538	-	1,538	7,825	-	7,825	7,825	7,825	0.00%
TOTAL DIRECT EXPENSES:	<u>1,538</u>	<u>-</u>	<u>1,538</u>	<u>7,825</u>	<u>-</u>	<u>7,825</u>	<u>7,825</u>	<u>7,825</u>	<u>0.00%</u>
INDIRECT EXPENSES:									
SALARY EXPENSE (0.48 FTE)	3,746	3,414	333	38,767	44,579	(5,811)	38,767	(5,811)	114.99%
BENEFITS EXPENSE	1,139	969	170	10,782	9,066	1,716	10,782	1,716	84.08%
OTHER INDIRECT EXPENSE	1,889	358	1,531	12,274	3,994	8,280	12,274	8,280	32.54%
TOTAL INDIRECT EXPENSES:	<u>6,775</u>	<u>4,741</u>	<u>2,034</u>	<u>61,823</u>	<u>57,639</u>	<u>4,184</u>	<u>61,823</u>	<u>4,184</u>	<u>93.23%</u>
TOTAL ALL EXPENSES:	<u>8,313</u>	<u>4,741</u>	<u>3,572</u>	<u>69,649</u>	<u>57,639</u>	<u>12,010</u>	<u>69,649</u>	<u>12,010</u>	<u>82.76%</u>
NET INCOME (LOSS):	<u>(8,313)</u>	<u>(4,741)</u>	<u>3,572</u>	<u>(69,649)</u>	<u>(57,639)</u>	<u>12,010</u>	<u>(69,649)</u>	<u>(12,010)</u>	<u>82.76%</u>

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
PROFESSIONAL RESPONSIBILITY PROGRAM									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
STAFF TRAVEL/PARKING	250	-	250	2,000	-	2,000	2,000	2,000	0.00%
STAFF MEMBERSHIP DUES	31	-	31	500	500	-	500	-	100.00%
LAW LIBRARY	54	45	9	608	537	72	608	72	88.23%
CPE COMMITTEE	424	-	424	2,627	60	2,568	2,627	2,568	2.27%
TOTAL DIRECT EXPENSES:	759	45	714	5,736	1,096	4,640	5,736	4,640	19.11%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.69 FTE)	14,269	13,003	1,266	172,521	172,738	(217)	172,521	(217)	100.13%
BENEFITS EXPENSE	5,682	4,959	722	65,754	63,812	1,942	65,754	1,942	97.05%
OTHER INDIRECT EXPENSE	6,617	4,008	2,608	53,164	44,665	8,499	53,164	8,499	84.01%
TOTAL INDIRECT EXPENSES:	26,567	21,971	4,597	291,439	281,215	10,224	291,439	10,224	96.49%
TOTAL ALL EXPENSES:	27,326	22,015	5,311	297,175	282,311	14,864	297,175	14,864	95.00%
NET INCOME (LOSS):	(27,326)	(22,015)	5,311	(297,175)	(282,311)	14,864	(297,175)	(14,864)	95.00%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
PUBLIC SERVICE PROGRAMS									
REVENUE:									
DONATIONS & GRANTS	-	-	-	103,000.00	103,000.00	-	103,000.00	-	100.00%
TOTAL REVENUE:	-	-	-	103,000	103,000	-	103,000	-	100.00%
DIRECT EXPENSES:									
DONATIONS/SPONSORSHIPS/GRANTS	29,024	89,597	(60,572)	232,193	231,693	500	232,193	500	99.78%
PRO BONO & PUBLIC SERVICE COMMITTEE	246	178	68	2,000	224	1,776	2,000	1,776	11.22%
PRO BONO CERTIFICATES	475	-	475	3,800	-	3,800	3,800	3,800	0.00%
TOTAL DIRECT EXPENSES:	29,746	89,775	(60,029)	237,993	231,917	6,076	237,993	6,076	97.45%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.00 FTE)	6,704	8,258	(1,554)	76,345	81,645	(5,301)	76,345	(5,301)	106.94%
BENEFITS EXPENSE	2,658	2,294	365	27,845	27,363	482	27,845	482	98.27%
OTHER INDIRECT EXPENSE	4,300	2,379	1,922	31,792	26,508	5,283	31,792	5,283	83.38%
TOTAL INDIRECT EXPENSES:	13,662	12,931	732	135,981	135,517	464	135,981	464	99.66%
TOTAL ALL EXPENSES:	43,408	102,705	(59,297)	373,974	367,434	6,540	373,974	6,540	98.25%
NET INCOME (LOSS):	(43,408)	(102,705)	(59,297)	(270,974)	(264,434)	6,540	(270,974)	(6,540)	97.59%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
PUBLICATION & DESIGN SERVICES									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	-
DIRECT EXPENSES:									
EQUIPMENT, HARDWARE & SOFTWARE	25	-	25	200	-	200	200	200	0.00%
SUBSCRIPTIONS	17	-	17	333	200	133	333	133	60.00%
SUPPLIES	13	-	13	100	-	100	100	100	0.00%
IMAGE LIBRARY	84	-	84	4,436	4,100	336	4,436	336	92.43%
TOTAL DIRECT EXPENSES:	138	-	138	5,069	4,300	769	5,069	769	84.83%
INDIRECT EXPENSES:									
SALARY EXPENSE (0.87 FTE)	4,529	4,142	386	54,789	54,795	(6)	54,789	(6)	100.01%
BENEFITS EXPENSE	1,625	1,391	234	18,811	18,432	379	18,811	379	97.98%
OTHER INDIRECT EXPENSE	3,401	2,053	1,348	27,301	22,877	4,424	27,301	4,424	83.80%
TOTAL INDIRECT EXPENSES:	9,555	7,587	1,969	100,900	96,104	4,797	100,900	4,797	95.25%
TOTAL ALL EXPENSES:	9,694	7,587	2,107	105,969	100,404	5,565	105,969	5,565	94.75%
NET INCOME (LOSS):	(9,694)	(7,587)	2,107	(105,969)	(100,404)	5,565	(105,969)	(5,565)	94.75%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
REGULATORY SERVICES FTE									
INDIRECT EXPENSES:									
SALARY EXPENSE (2.70 FTE)	21,863	19,769	2,094	246,007	227,339	18,668	246007.48	18,668	92.41%
BENEFITS EXPENSE	6,970	6,080	890	83,964	86,034	(2,070)	83,964	(2,070)	102.47%
OTHER INDIRECT EXPENSE	9,383	6,387	2,995	75,679	71,173	4,506	75,679	4,506	94.05%
TOTAL INDIRECT EXPENSES:	38,216	32,237	5,979	405,650	384,547	21,103	405,650	21,104	94.80%
NET INCOME (LOSS):	(38,216)	(32,237)	5,979	(405,650)	(384,547)	21,103	(405,650)	(21,104)	94.80%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
SERVICE CENTER									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
TRANSLATION SERVICES	801	1,586	(785)	8,500	7,069	1,431	8,500	1,431	83.16%
TOTAL DIRECT EXPENSES:	<u>801</u>	<u>1,586</u>	<u>(785)</u>	<u>8,500</u>	<u>7,069</u>	<u>1,431</u>	<u>8,500</u>	<u>1,431</u>	<u>83.16%</u>
INDIRECT EXPENSES:									
SALARY EXPENSE (5.71 FTE)	27,735	26,002	1,733	344,039	341,158	2,881	344,039	2,881	99.16%
BENEFITS EXPENSE	11,778	10,166	1,612	141,933	142,850	(917)	141,933	(917)	100.65%
OTHER INDIRECT EXPENSE	22,323	15,904	6,420	188,161	177,207	10,954	188,161	10,954	94.18%
TOTAL INDIRECT EXPENSES:	<u>61,837</u>	<u>52,072</u>	<u>9,765</u>	<u>674,133</u>	<u>661,215</u>	<u>12,918</u>	<u>674,133</u>	<u>12,918</u>	<u>98.08%</u>
TOTAL ALL EXPENSES:	<u>62,638</u>	<u>53,658</u>	<u>8,980</u>	<u>682,633</u>	<u>668,284</u>	<u>14,349</u>	<u>682,633</u>	<u>14,349</u>	<u>97.90%</u>
NET INCOME (LOSS):	<u>(62,638)</u>	<u>(53,658)</u>	<u>8,980</u>	<u>(682,633)</u>	<u>(668,284)</u>	<u>14,349</u>	<u>(682,633)</u>	<u>(14,349)</u>	<u>97.90%</u>

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
SECTIONS ADMINISTRATION									
REVENUE:									
REIMBURSEMENTS FROM SECTIONS	3,385	(70,429)	(73,814)	272,000	213,088	(58,912)	272,000	58,912	78.34%
TOTAL REVENUE:	3,385	(70,429)	(73,814)	272,000	213,088	(58,912)	272,000	58,912	78.34%
DIRECT EXPENSES:									
STAFF TRAVEL/PARKING	167	-	167	500	-	500	500	500	0.00%
SUBSCRIPTIONS	-	-	-	410	410	-	410	-	100.00%
CONFERENCE CALLS	11	-	11	100	8	92	100	92	8.42%
MISCELLANEOUS	60	-	60	300	-	300	300	300	0.00%
SECTION/COMMITTEE CHAIR MTGS	-	-	-	250	-	250	250	250	0.00%
DUES STATEMENTS	-	-	-	5,935	5,935	-	5,935	-	100.00%
STAFF MEMBERSHIP DUES	25	-	25	125	-	125	125	125	0.00%
TOTAL DIRECT EXPENSES:	263	-	263	7,620	6,353	1,267	7,620	1,267	83.38%
INDIRECT EXPENSES:									
SALARY EXPENSE (2.68 FTE)	13,309	7,434	5,875	157,225	143,712	13,513	157,225	13,513	91.41%
BENEFITS EXPENSE	5,233	4,486	746	53,672	52,284	1,388	53,672	1,388	97.41%
OTHER INDIRECT EXPENSE	10,478	6,355	4,123	81,049	70,810	10,239	81,049	10,239	87.37%
TOTAL INDIRECT EXPENSES:	29,019	18,276	10,743	291,946	266,806	25,140	291,946	25,140	91.39%
TOTAL ALL EXPENSES:	29,283	18,276	11,007	299,566	273,159	26,407	299,566	26,407	91.19%
NET INCOME (LOSS):	(25,898)	(88,705)	(62,807)	(27,566)	(60,071)	(32,506)	(27,566)	32,506	217.92%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
SECTIONS OPERATIONS									
REVENUE:									
SECTION DUES	8,993	(110,257)	(119,250)	439,445	333,786	(105,660)	439,445	105,659	75.96%
SEMINAR PROFIT SHARE	6,473	-	(6,473)	98,364	125,087	26,723	98,364	(26,723)	127.17%
CLE SECTIONS SPLITS PROJECTION	-	101,660	101,660	-	101,660	101,660	-	(101,660)	
INTEREST INCOME	341	422	82	1,470	422	(1,048)	1,470	1,048	28.73%
PUBLICATIONS REVENUE	981	182	(799)	6,000	5,375	(625)	6,000	625	89.59%
OTHER	4,116	185	(3,931)	40,500	41,607	1,107	40,500	(1,107)	102.73%
TOTAL REVENUE:	20,904	(7,807)	(28,712)	585,779	607,937	22,158	585,779	(22,158)	103.78%
DIRECT EXPENSES:									
DIRECT EXPENSES OF SECTION ACTIVITIES	103,426	19,574	83,852	584,594	96,216	488,379	584,594	488,378	16.46%
REIMBURSEMENT TO WSBA FOR INDIRECT I	5,631	(70,429)	76,061	280,573	213,088	67,485	280,573	67,485	75.95%
TOTAL DIRECT EXPENSES:	109,057	(50,856)	159,913	865,167	309,304	555,864	865,167	555,863	35.75%
NET INCOME (LOSS):	(88,153)	43,048	131,201	(279,388)	298,634	578,022	(279,388)	(578,022)	-106.89%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
TECHNOLOGY									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	-
DIRECT EXPENSES:									
CONSULTING SERVICES	10,905	8,816	2,089	110,000	86,417	23,583	110,000	23,583	78.56%
STAFF TRAVEL/PARKING	208	105	103	1,667	154	1,513	1,667	1,513	9.24%
STAFF MEMBERSHIP DUES	-	-	-	450	-	450	450	450	0.00%
TELEPHONE	2,320	1,538	782	22,000	20,548	1,452	22,000	1,452	93.40%
COMPUTER HARDWARE	7,465	18,533	(11,068)	60,000	62,233	(2,233)	60,000	(2,233)	103.72%
COMPUTER SOFTWARE	6,978	482	6,496	80,000	66,643	13,356	80,000	13,357	83.30%
HARDWARE SERVICE & WARRANTIES	4,257	7,538	(3,281)	40,000	38,632	1,368	40,000	1,368	96.58%
SOFTWARE MAINTENANCE & LICENSING	25,620	22,172	3,448	366,000	319,212	46,788	366,000	46,788	87.22%
TELEPHONE HARDWARE & MAINTENANCE	1,382	-	1,382	7,000	2,003	4,997	7,000	4,997	28.61%
COMPUTER SUPPLIES	1,127	185	942	10,000	2,673	7,327	10,000	7,327	26.73%
THIRD PARTY SERVICES	14,010	6,319	7,691	130,000	102,280	27,720	130,000	27,720	78.68%
TRANSFER TO INDIRECT EXPENSES	(74,272)	(65,688)	(8,584)	(827,117)	(700,797)	(126,320)	(827,117)	(126,320)	84.73%
TOTAL DIRECT EXPENSES:	-	-	-	(0)	-	(0)	-	-	-
INDIRECT EXPENSES:									
SALARY EXPENSE (12.00 FTE)	102,320	82,785	19,535	1,118,256	1,053,258	64,999	1,118,256	64,999	94.19%
BENEFITS EXPENSE	34,149	29,573	4,576	366,046	360,253	5,792	366,046	5,792	98.42%
CAPITAL LABOR & OVERHEAD	(28,681)	(6,469)	(22,212)	(130,000)	20,420	(150,420)	(130,000)	(150,420)	-15.71%
OTHER INDIRECT EXPENSE	39,976	28,483	11,493	356,988	317,375	39,613	356,988	39,613	88.90%
TOTAL INDIRECT EXPENSES:	147,765	134,372	13,393	1,711,290	1,751,307	(40,016)	1,711,290	(40,017)	102.34%
TOTAL ALL EXPENSES:	147,765	134,372	13,393	1,711,290	1,751,307	(40,016)	1,711,290	(40,017)	102.34%
NET INCOME (LOSS):	(147,765)	(134,372)	13,393	(1,711,290)	(1,751,307)	(40,016)	(1,711,290)	40,017	102.34%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
INDIRECT EXPENSES:									
SALARIES	995,780.44	889,935	105,846	11,495,260	11,418,620	76,641	11,495,260	76,640	99.33%
TEMPORARY SALARIES	15,575	1,848	13,727	127,971	61,369	66,602	127,971	66,602	47.96%
CAPITAL LABOR & OVERHEAD	(28,681)	(6,469)	(22,212)	(130,000)	20,420	(150,420)	(130,000)	(150,420)	-15.71%
EMPLOYEE ASSISTANCE PLAN	472	1,607	(1,135)	5,376	6,432	(1,056)	5,376	(1,056)	119.63%
EMPLOYEE SERVICE AWARDS	228	820	(593)	1,820	2,745	(925)	1,820	(925)	150.82%
FICA (EMPLOYER PORTION)	60,548	72,159	(11,611)	741,809	825,019	(83,210)	741,809	(83,210)	111.22%
L&I INSURANCE	13,240	-	13,240	50,169	33,735	16,433	50,169	16,433	67.24%
WA STATE FAMILY MEDICAL LEAVE (EMPLC)	1,464	1,407	57	16,871	16,268	603	16,871	603	96.43%
FCRA LEAVE (EMPLOYER PORTION)	-	-	-	-	3,410	(3,410)	-	(3,410)	-
MEDICAL (EMPLOYER PORTION)	135,753	121,006	14,746	1,473,510	1,423,444	50,066	1,473,510	50,066	96.60%
PARKING BENEFITS	-	-	-	24,112	17,672	6,440	24,112	6,440	73.29%
RETIREMENT (EMPLOYER PORTION)	129,045	98,825	30,219	1,459,748	1,350,056	109,691	1,459,748	109,691	92.49%
TRANSPORTATION ALLOWANCE	-	(1,400)	1,400	(23,777)	24,486	(48,263)	(23,777)	(48,263)	-102.98%
UNEMPLOYMENT INSURANCE	3,358	4,095	(737)	68,766	65,843	2,922	68,766	2,922	95.75%
STAFF DEVELOPMENT-GENERAL	525	-	525	4,200	414	3,786	4,200	3,786	9.86%
TOTAL SALARY & BENEFITS EXPENSE:	1,327,307	1,183,833	143,474	15,315,834	15,269,933	45,901	15,315,834	45,901	99.70%
WORKPLACE BENEFITS	3,250	9,491	(6,241)	27,748	19,748	8,000	27,748	8,000	71.17%
HUMAN RESOURCES POOLED EXP	120,620	39,264	81,357	219,125	163,602	55,523	219,125	55,523	74.66%
MEETING SUPPORT EXPENSES	1,250	298	952	5,485	2,822	2,664	5,485	2,664	51.44%
RENT	150,669	149,945	724	1,975,334	1,906,721	68,613	1,975,334	68,613	96.53%
PERSONAL PROP TAXES-WSBA	534	527	7	9,121	6,550	2,571	9,121	2,571	71.81%
FURNITURE, MAINT, LH IMP	8,421	5,846	2,575	30,000	18,362	11,638	30,000	11,638	61.21%
OFFICE SUPPLIES & EQUIPMENT	5,031	2,481	2,550	44,000	17,567	26,433	44,000	26,433	39.93%
FURN & OFFICE EQUIP DEPRECIATION	4,294	4,095	199	52,285	53,015	(730)	52,285	(730)	101.40%
COMPUTER HARDWARE DEPRECIATION	4,315	2,850	1,465	46,773	35,748	11,026	46,773	11,026	76.43%
COMPUTER SOFTWARE DEPRECIATION	11,091	9,072	2,019	131,925	117,168	14,757	131,925	14,757	88.81%
INSURANCE	18,810	19,762	(952)	225,718	227,553	(1,835)	225,718	(1,835)	100.81%
PROFESSIONAL FEES-AUDIT	-	5,885	(5,885)	32,000	37,885	(5,885)	32,000	(5,885)	118.39%
PROFESSIONAL FEES-LEGAL	23,183	(7,548)	30,730	250,000	115,050	134,950	250,000	134,950	46.02%
TELEPHONE & INTERNET	5,428	11,337	(5,909)	63,000	87,931	(24,931)	63,000	(24,931)	139.57%
POSTAGE - GENERAL	2,333	1,316	1,017	23,586	13,531	10,055	23,586	10,055	57.37%
RECORDS STORAGE	2,500	1,830	670	26,504	22,651	3,853	26,504	3,853	85.46%
STAFF TRAINING	3,074	427	2,647	45,772	22,082	23,690	45,772	23,690	48.24%
BANK FEES	4,708	2,703	2,006	62,251	48,391	13,860	62,251	13,860	77.74%
PRODUCTION MAINTENANCE & SUPPLIES	1,696	624	1,072	18,056	9,709	8,347	18,056	8,347	53.77%
COMPUTER POOLED EXPENSES	83,685	65,688	17,997	899,711	704,796	194,915	899,711	194,915	78.34%
TOTAL OTHER INDIRECT EXPENSES:	454,892	325,893	128,999	4,188,395	3,630,881	557,514	4,188,395	557,514	86.69%
TOTAL INDIRECT EXPENSES:	1,782,199	1,509,725	272,474	19,504,229	18,900,814	603,415	19,504,229	603,415	96.91%

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR	% USED OF ANNUAL REFORECAST
COVID 19									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
COVID 19	-	-	-	-	(945)	945	-	945	
TOTAL DIRECT EXPENSES:	-	-	-	-	(945)	945	-	945	
INDIRECT EXPENSES:									
TOTAL INDIRECT EXPENSES:	-	-	-	-	-	-	-	-	
TOTAL ALL EXPENSES:	-	-	-	-	(945)	945	-	945	
NET INCOME (LOSS):	-	-	-	-	945	945	-	(945)	

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	FISCAL 2021 REFORECAST CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE REFORECAST	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 ANNUAL REFORECAST	REMAINING BALANCE OF YEAR
ACCESS TO JUSTICE	(26,123)	(51,166)	(25,043)	(265,737)	(261,650)	4,087	(265,737)	(4,087)
ADMINISTRATION	(102,068)	(87,516)	14,552	(1,108,134)	(1,066,235)	41,899	(1,108,134)	(41,899)
ADMISSIONS/BAR EXAM	(87,145)	(153,825)	(66,680)	3,246	141,420	138,173	3,246	(138,173)
ADVANCEMENT FTE	(21,485)	(17,750)	3,734	(239,496)	(229,514)	9,983	(239,496)	(9,983)
BAR NEWS	(34,703)	(19,699)	15,004	(343,683)	(145,269)	198,414	(343,683)	(198,414)
BOARD OF GOVERNORS	(53,195)	(94,798)	(41,603)	(415,528)	(438,738)	(23,210)	(415,528)	23,210
CLE - PRODUCTS	4,017	45,362	41,346	324,958	410,831	85,873	324,958	(85,873)
CLE - SEMINARS	(26,789)	(27,598)	(809)	(390,091)	(69,383)	320,708	(390,091)	(320,708)
CLIENT PROTECTION FUND	(92,231)	(436,594)	(344,363)	(118,520)	(146,884)	(28,364)	(118,520)	28,364
COMMUNICATIONS	(50,481)	(73,452)	(22,970)	(533,177)	(506,600)	26,577	(533,177)	(26,577)
COMMUNICATIONS FTE	(20,067)	(16,975)	3,092	(224,154)	(217,277)	6,877	(224,154)	(6,877)
DESKBOOKS	(21,153)	14,870	36,023	(191,629)	(161,897)	29,732	(191,629)	(29,732)
DISCIPLINE	(554,386)	(432,290)	122,096	(5,811,290)	(5,575,679)	235,611	(5,811,290)	(235,611)
DIVERSITY	(33,141)	(28,758)	4,383	(165,816)	(158,793)	7,023	(165,816)	(7,023)
FOUNDATION	(12,571)	(9,532)	3,039	(130,210)	(122,904)	7,306	(130,210)	(7,306)
HUMAN RESOURCES	(40,183)	(36,417)	3,767	(385,934)	(471,049)	(85,115)	(385,934)	85,115
LAW CLERK PROGRAM	(4,354)	(8,288)	(3,934)	103,430	85,536	17,895	103,430	17,895
LEGISLATIVE	(13,029)	(16,957)	(3,929)	(150,033)	(162,136)	(12,104)	(150,033)	12,104
LICENSE FEES	1,289,180	1,405,037	115,857	16,318,268	16,729,236	410,968	16,318,268	(410,968)
LICENSING AND MEMBERSHIP	(22,366)	(13,163)	9,203	(263,834)	(128,496)	135,338	(263,834)	(135,338)
LIMITED LICENSE LEGAL TECHNICIAN	(13,162)	(9,658)	3,504	(106,367)	(87,199)	19,168	(106,367)	(19,168)
LIMITED PRACTICE OFFICERS	5,490	6,596	1,106	106,760	118,770	12,010	106,760	(12,010)
MANDATORY CLE ADMINISTRATION	2,923	15,642	12,719	180,271	361,096	180,825	180,271	(180,825)
MEMBER ASSISTANCE PROGRAM	(20,845)	(7,157)	13,688	(119,075)	(85,313)	33,762	(119,075)	(33,762)
MEMBER BENEFITS	(23,191)	(19,587)	3,603	(314,428)	(294,873)	19,555	(314,428)	(19,555)
MEMBER SERVICES & ENGAGEMENT	(55,888)	(36,798)	19,090	(419,526)	(351,757)	67,769	(419,526)	(67,769)
OFFICE OF GENERAL COUNSEL	(90,811)	(75,447)	15,364	(930,095)	(881,880)	48,215	(930,095)	(48,215)
OFFICE OF THE EXECUTIVE DIRECTOR	(74,012)	(98,092)	(24,081)	(738,313)	(675,724)	62,589	(738,313)	(62,589)
OGC-DISCIPLINARY BOARD	(30,177)	(19,205)	10,972	(298,942)	(241,410)	57,532	(298,942)	(57,532)
OUTREACH & ENGAGEMENT	(29,743)	(11,510)	18,232	(291,390)	(221,569)	69,821	(291,390)	(69,821)
PRACTICE OF LAW BOARD	(8,313)	(4,741)	3,572	(69,649)	(57,639)	12,010	(69,649)	(12,010)
PROFESSIONAL RESPONSIBILITY PROGRAM	(27,326)	(22,015)	5,311	(297,175)	(282,311)	14,864	(297,175)	(14,864)
PUBLIC SERVICE PROGRAMS	(43,408)	(102,705)	(59,297)	(270,974)	(264,434)	6,540	(270,974)	(6,540)
PUBLICATION & DESIGN SERVICES	(9,694)	(7,587)	2,107	(105,969)	(100,404)	5,565	(105,969)	(5,565)
REGULATORY SERVICES FTE	(38,216)	(32,237)	5,979	(405,650)	(384,547)	21,103	(405,650)	(21,104)
SECTIONS ADMINISTRATION	(25,898)	(88,705)	(62,807)	(27,566)	(60,071)	(32,506)	(27,566)	32,506
SECTIONS OPERATIONS	(88,153)	43,048	131,201	(279,388)	298,634	578,022	(279,388)	(578,022)
SERVICE CENTER	(62,638)	(53,658)	8,980	(682,633)	(668,284)	14,349	(682,633)	(14,349)
TECHNOLOGY	(147,765)	(134,372)	13,393	(1,711,290)	(1,751,307)	(40,016)	(1,711,290)	40,017
COVID 19	-	-	-	-	945	945	-	(945)
INDIRECT EXPENSES	(1,782,199)	(1,509,725)	272,474	(19,504,229)	(18,900,814)	603,415	(19,504,229)	(603,415)
TOTAL OF ALL	(2,485,297)	(2,227,421)	257,877	(20,272,991)	(17,025,574)	3,247,418	(20,272,990)	(3,247,416)
NET INCOME (LOSS)	(703,098)	(717,695)	(14,597)	(768,762)	1,875,240	2,644,002	(768,761)	(2,644,002)

**Washington State Bar Association
Analysis of Cash Investments
As of September 30, 2021**

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 635,921

Total

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	0.01%	\$ 7,477,983
UBS Financial Money Market	0.00%	\$ 1,081,110
Morgan Stanley Money Market	0.01%	\$ 3,354,218
Merrill Lynch Money Market	0.01%	\$ 1,983,657

General Fund Total \$ 14,532,889

Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 310,634

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	0.01%	\$ 4,407,367
Morgan Stanley Money Market	0.00%	\$ 106,915

Client Protection Fund Total \$ 4,824,916

Grand Total Cash & Investments \$ 19,357,805