

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

**Board of Governors Meeting**  
**Meeting Materials**

**May 19-20, 2023**  
**Hilton Garden Inn Yakima Downtown**  
**Yakima, WA**  
**Zoom and Teleconference**



**Board of Governors Meeting  
Hilton Garden Inn, Yakima, WA  
May 19-20, 2023**

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

**ALL ITEMS ON THIS AGENDA ARE POTENTIAL ACTION ITEMS**

**To participate call 1.888.788.0099**

**Friday, May 19<sup>th</sup> : Meeting ID: 839 0260 6783 Passcode: 846380**

<https://wsba.zoom.us/j/83902606783?pwd=eHVpWmc1a21oUnI3b0xtKzRHNUFkQT09>

**Saturday, May 20<sup>th</sup> : Meeting ID: 884 3708 5780 Passcode: 528199**

<https://wsba.zoom.us/j/88437085780?pwd=UWxUajNwckdVdVJveUJGRVhXakVsdz09>

**FRIDAY, MAY 19, 2023**

**9:00 AM – CALL TO ORDER & WELCOME**

**CONSENT CALENDAR**

☐ **9:00 AM 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 March 3-4, 2023, Board of Governors meeting minutes ..... 5
- Approve the Judicial Recommendation Committee Recommendations ..... 10
- Approve 2023 APEX Award Nominations ..... 11

**MEMBER & PUBLIC COMMENT**

☐ **MEMBER AND PUBLIC COMMENTS**

Overall public comment 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** ..... 12

☐ **EXECUTIVE DIRECTOR’S REPORT** ..... 16

**SPECIAL PRESENTATIONS**

☐ **JUSTICE IN AGING PRESENTATION (CLE ACCREDITED)** Equity Advocacy Justice in Aging Managing Director Denny Chan..... 95

**PRESIDENT-ELECT ELECTION**

☐ **CANDIDATE INTERVIEWS**..... 122

☐ **ELECTION**

**AGENDA ITEMS & UNFINISHED BUSINESS**

- ☐ **IDENTIFYING KEY PERFORMANCE INDICATORS FOR WSBA PROGRAM REVIEW**

**12:00 PM – RECESS FOR LUNCH AND LOCAL HERO PRESENTATION**

**SPECIAL PRESENTATIONS**

☐ **SMALL TOWN AND RURAL COMMITTEE PRESENTATION**, Committee Chair Gov. Kari Petrusek and Member Merf Ehman ..... 134

☐ **YAKIMA ATTORNEY SHORTAGE**, Yakima Bench-Bar Committee Chair Sarah Wixson and Yakima County Superior Court Hon. Kevin Naught

☐ **MEMBER WELLNESS PROGRAM PRESENTATION** Member Wellness Council Co-Chair Francis Adewale, Member Wellness Program Manager Dan Crystal, Member Wellness Co-Chair Matthew Dresden, EVP Alps and President of the Institute for Lawyer Well Bering Chris Newbold, and Advancement Director Kevin Plachy.....139

**AGENDA ITEMS & UNFINISHED BUSINESS**

- ☐ **DISCUSSION OF PROPOSED CHANGES TO THE WSBA BYLAWS**, Gov. Alec Stephens .....263, 373
- **ELECTION OF WSBA PRESIDENT**
  - **QUORUM REQUIREMENTS FOR WSBA ENTITIES**
  - **LOCATIONS OF MEETINGS OF THE BOARD OF GOVERNORS**

**5:00 PM – RECESS**

**SATURDAY, MAY 20, 2023**

**9:00 AM – RESUME MEETING**

**NEW BUSINESS**

- ☐ **GOVERNOR ROUNDTABLE**

**AGENDA ITEMS & UNFINISHED BUSINESS**

- ☐ **FIRST READ: RECOMMENDATIONS FROM THE LONG-RANGE STRATEGIC PLANNING COUNCIL**
- **FUTURE OF WSBA SPACE** Deputy Executive Director Dua Abudiab and Executive Director Terra Nevitt.....235
  - **CONVERTING DESKBOOKS TO A MEMBER BENEFIT** Rajeev Majumdar and Chief Communications and Outreach Officer Sara Niegowski .....245, 379
  - **2023 LRSPC ANNUAL REPORT - DRAFT** .....376

**MEETING REVIEW**

- ☐ **MEETING FEEDBACK**

**12:00 PM – ADJOURN**

**INFORMATION**

- Monthly Financial Reports, Unaudited ..... 265
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# WASHINGTON STATE BAR ASSOCIATION

## BOARD OF GOVERNORS MEETING MINUTES

Olympia, WA

March 3-4, 2023

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 Dan Clark on Friday, March 3, at 2:09 PM. Governors in attendance were:

Francis Adewale  
Sunitha Anjilvel  
Lauren Boyd  
Jordan Couch  
Matthew Dresden  
Kevin Fay  
Erik Kaeding  
Nam Nguyen  
Kari Petrasek  
Brett Purtzer  
Mary Rathbone  
Serena Sayani  
Alec Stephens  
Brent Williams-Ruth

Also in attendance were President-Elect Hunter Abell, Deputy Executive Director Dua Abudiab, Committee on Professional Ethics Chair Pam Anderson, Rick Bartholomew, Executive Administrator Shelly Bynum, Practice of Law Board Chair Michael Cherry, Professional Responsibility Counsel Jeanne Marie Clavere, Chief Disciplinary Counsel Doug Ende, Volunteer Engagement Advisor Paris Eriksen, Family Law Section Liaison Nancy Hawkins, Brooks Holland, Rajeev Majumdar, Outreach Specialist Mike Kroner, SanNi Lemonidis, Director of Finance Tiffany Lynch, Sections Program Specialist Carolyn MacGregor, Executive Director Terra Nevitt, Chief Communications Officer Sara Niegowski, Broadcast Services Manager Rex Nolte, TAXICAB Chair Kyle Sciuchetti, Sophia Palmer, Equity and Disparity Workgroup Chair Laura Sierra, General Counsel Julie Shankland, Vanna Sing, Chief Equity & Justice Officer Diana Singleton, Human Resources Director and Chief Culture Officer Glynnis Klinefelter Sio, Immediate Past President Brian Tollefson, Member Services and Engagement Manager Julianne Unite, DEI Council Co-Chair Raina Wagner and Utah State Bar Executive Director Elizabeth Wright.

#### Budget & Audit Retreat (Part 1 [link](#), Part 2 [link](#))

The Board watched a video about the WSBA budget process and Treasurer Adewale presented the retreat objectives. Discussion followed including about the philosophy and size of the unrestricted reserves, the future of the WSBA offices, and licensing fees. An ideation session followed with Governors suggesting new programs and services, and governor priorities for the FY24 budget. Within that session, Director Lynch provided a financial comparison of budget scenarios both with and without the projected use of reserve funds. Next steps were discussed, which included WSBA staff preparing information for the Board to consider as part of the budgeting process.

#### Consent Calendar ([link](#))

Pres. Clark asked if anyone wished to remove an item from the consent calendar. Gov. Fay moved for approval. There was no discussion. Motion passed unanimously. Govs Couch, Dresden and Stephens were not present for the vote.

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

There was no public comment.

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

Pres. Clark referred to his written report.

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

Director Nevitt referred to her written report and provided an update on WSBA program review, including the proposed scope of review. No concerns were raised.

#### Governor Roundtable ([link](#))

Gov. Williams-Ruth shared some of the feedback he received regarding the Bar licensure Task Force. He reported that the Task Force will be creating a centralized feedback method to encourage constructive dialogue.

#### Update: Task Force Administering Xenial Involvement with Supreme Court Boards Proposed Policy for WSBA's Administration of Supreme Court Boards ([link](#))

Task Force Chair Kyle Sciuchetti presented a first read of the TAXICAB proposal to clarify how to operationalize GR 12.3, which delegates authority to the WSBA to administer certain Supreme Court created boards and committees. Director Nevitt commented that the goal of the proposal is to make the WSBA's relationship and authority clearer as it relates to administration of Supreme Court boards. Family Law Section representative Nancy Hawkins said they oppose the proposal as it appears to benefit the Supreme Court boards to the detriment of other WSBA entities. Pres. Clark recommended that the item be presented at the August Board meeting for second read and possible action.

#### Second Reading: Proposed change to Member At-Large Governor eligibility requirements in WSBA Bylaws ([link](#))

Diversity Equity and Inclusion (DEI) Council Member SanNi M-K Lemonidis and DEI Council Co-Chair Raina Wagner presented a bylaw amendment proposing changes to the eligibility requirements for the at-large

seats on the Board of Governors. The presenters commented that the proposed change is not to the WSBA's overall definition of diversity, but only as it applies to eligibility for the at-large Board seats that are designated to be filled by members with lived experiences in a historically underrepresented group. Gov. Williams Ruth moved to adopt the proposal as presented, and also made a motion amend to add geography to the eligibility categories. Discussion followed regarding rural representation, the definition of being geographically diverse, and that the issue of geographic diversity is distinct from addressing representation of historically marginalized groups. The Board also heard public comment on the topic. Motion to amend failed 1-12. Gov. Dresden was not present for the vote. Motion to approve the proposal passed 12-1. Gov. Dresden was not present for the vote.

#### Gathering Input on the Equity and Disparity Workgroup's Proposed Amendments to GR 12.2 ([link](#))

The Equity and Disparity Workgroup Chair Gov Stephens presented a high-level overview of the workgroup's proposed amendments. He commented that the first read would be at the June Board meeting, that the Washington Supreme Court will put the proposal through its own public-feedback process, that the workgroup made extensive outreach to various stakeholders and that they plan to solicit more feedback from all members.

Subcommittee Chair Laura Sierra detailed the subcommittee goal to identify and amend court rules that impede equity and exacerbate disparity in the courts and legal system. Discussion followed regarding how the WSBA legal counsel has been involved in the work, how this is an effort to better define what bar activities are germane per the Keller Analysis, the benefits of having clarify from the Washington Supreme Court about what work is appropriate for the bar association, and a desire not to conflate what is permissive with regulatory versus non-regulatory activities.

#### Approve the Committee on Professional Ethics' Proposed Amendments to RPC 1.5(e), 5.4 and 7.3 ([link](#))

CPE Chair Pam Anderson presented proposed amendments that will clarify the rules about when a lawyer can pay a fee to a lawyer referral service. Clarifying these arrangements as permissible will facilitate access to justice. An example provided was that the referral fees often fund legal service programs for underserved populations in counties where there is a fee sharing arrangement. CPE Member Brooks Holland provided some historical context as the proposal was previously approved by the Board and sent to the Supreme Court, but not acted upon. Gov. Fay moved to approve the amendment as proposed. Motion passed unanimously. Gov.'s Couch and Dresden were not present for the vote.

#### Special Presentation: Legal Regulatory Innovation ([link](#))

Utah State Bar Executive Director Elizabeth Wright provided information about Utah's Regulatory Sandbox, where non-lawyer entities can provide legal services under close observation to ensure they are serving the public and protecting the consumer. Executive Director Wright detailed the history of the program, how the program is funded and program goals.

Executive Director Terra Nevitt referred Board members to written materials about a similar program in Arizona.

Practice of Law Board Chair Michael Cherry presented an overview of the proposal being considered to bring data-driven legal regulatory reform to Washington. Discussion followed including about entity

participation, the regulation of program participants, how reform will address access to justice, and the ability to recruit volunteers to provided oversight. The Board also discussed the importance of answering the Supreme Court's request to provide input on the POLB's regulatory reform proposal.

Gov. Williams-Ruth moved to send a letter to the Washington Supreme Court to support moving forward with the Practice of Law Board's exploration of its regulatory reform proposal with the goal of answering our many questions about the logistics and details; and to ask the Court to keep the Board of Governors involved in the process. Discussion followed regarding the risks of being seen to endorse the POLB's plan; clarification that the motion is meant to keep the process going and to get answers to the Board's questions; support for sending nothing at this time; concern about spontaneous deregulation if the Court does nothing; concerns about unfunded mandates; and concern about the optics of if the Board shuts down legal market participants.

Gov. Fay made a friendly motion asking the letter to include the Board's reservations about the cost of regulation. He withdrew the motion after further discussion. President Clark offered a proposed compromise, sending the letter with endorsement of moving forward but noting all the concerns raised by Governors. The original motion passed 6-5. Govs Couch, Dresden, and Rathbone were not present for the vote.

#### Meeting Feedback ([link](#))

Gov. Purtzer commented that this was his first meeting where the Board has had a truly spirited discussion and applauded the group for their efforts. Pres. Elect Abell thanked Gov. Nguyen for his hospitality in his home city. Gov. Stephens thanked the staff for their support and was thankful for the opportunity to engage with the Supreme Court. Pres. Clark recognized Gov. Stephens for being the longest serving governor in WSBA history. Gov. Adewale expressed his deep appreciation for the WSBA staff that supported the Budget & Audit retreat.

#### **ADJOURNMENT** ([link](#))

There being no further business, Pres. Clark adjourned the meeting at 4:50 PM on Saturday, March 4, 2023.

Respectfully submitted,

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Terra Nevitt  
WSBA Executive Director & Secretary



**Board of Governors Meeting – Motions List**  
**Seattle, WA**  
**March 3-4, 2023**

1. Motion to approve the Consent Calendar. Motion passed unanimously. Gov.'s Couch, Dresden and Stephens were not present for the vote.
2. Motion to adopt the proposed new definition of diversity in WSBA Bylaws specifically as it relates to the At-Large Governor position. Motion passed 12-1. Gov. Dresden was not present for the vote.
3. Motion to amend the DEI Council's amendment to add geography to the definition of diversity in WSBA Bylaws specifically as it relates to the At-Large Governor position. Motion failed 1-12. Gov. Dresden was not present for the vote
4. Motion to approve the Committee on Professional Ethics' Proposed Amendments to RPC 1.5(e), 5.4 and 7.3 [to clarify the rules about when a lawyer can pay a fee to a lawyer referral service] Motion passed unanimously. Gov.'s Couch and Dresden were not present for the vote.
5. Motion to approve sending a letter to the Washington Supreme Court to support moving forward with the Practice of Law Board's exploration of its regulatory reform proposal with the goal of answering our many questions about the logistics and details; and to ask the Court to keep the Board of Governors involved in the process. Motion passed 6-5. Gov's Couch, Dresden and Rathbone were not present for the vote.

# WASHINGTON STATE BAR ASSOCIATION

**TO:** WSBA Board of Governors

**FROM:** Susan Brye, Chair, WSBA Judicial Recommendation Committee; Sanjay Walvekar, Staff Liaison to the Judicial Recommendation Committee

**CC:** Terra Nevitt, Executive Director

**DATE:** April 11, 2023

**RE:** WSBA Judicial Recommendation Committee March 23, 2023 Interviews and Recommendations

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

The WSBA Judicial Recommendation Committee met via Zoom on March 23, 2023 for the purpose of conducting interviews with five individuals interested in being considered for future openings on the Washington State Court of Appeals. 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 cloud-sharing service.



**TO:** WSBA Board of Governors

**FROM:** Immediate Past President Brian Tollefson, WSBA Awards Committee

**CC:** Sara Niegowski, WSBA Chief Communications and Outreach Officer  
Jennifer Olegario, WSBA Communications and Outreach Manager  
Michael Kroner, WSBA Staff Liaison to Awards Committee

**DATE:** April 18, 2023

**RE:** Recommendations for 2023 WSBA APEX Awards

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**ACTION: Approve the 2023 APEX Award nominations as presented by the WSBA Awards Committee, the Washington State Bar Foundation, and the Access to Justice Board.**

The WSBA Awards Committee reviewed the nominations for the 2023 APEX Awards and prepared a slate of recommended recipients for approval by the Board of Governors. The Committee's recommendations are available in the following confidential materials.

Immediate Past President Tollefson served as Chair for President-Elect Abell, who recused himself from the review process.

**May 4, 2023**  
**President's Report Update**  
**May BOG meeting 2023**

Below are some of the pertinent activities that I have been involved in during the last couple of months as WSBA President. I'm very proud and excited to be a part of the amazing collaborative work between the Board of Governors and WSBA staff in carrying out the mission of WSBA.

- **Appreciation of Governors & Officers:** I wanted to truly thank each and every current WSBA Governor and Officer for volunteering their time and doing an outstanding job of representing the Board of Governors. In my humble opinion, we are having a great FY 23, and we could not do so without each and every Governor and Officer's hard work. Please take a moment to thank each Governor and Officer for their hard work in volunteering on behalf of the Washington State Bar Association!
- **Collaborative Efforts with Executive Director Terra Nevitt:** I have been very appreciative of the strong and collaborative working relationship that I have enjoyed so far into FY 23 with Executive Director Terra Nevitt. I very much have appreciated our respectful and collaborative working relationship to work towards achieving the Board of Governors strategic goals during FY 23. I'm very excited about core groundwork that is being established that I hope will carry forth into FY 24 and future BOG years with the good faith goals to improve governance of our organization and make the volunteer experience on the Board of Governors much more enjoyable, not only for WSBA volunteers, but also for WSBA staff and other stakeholders that routinely interact with the Board of Governors.
- **March Meeting Recap:** At the Executive Committee meeting on April 7, we went over March BOG meeting feedback survey results. Executive Director Nevitt and I are committed to trying to constantly examine Governor and Executive Leadership Team survey feedback in making this a better overall volunteer experience for all with our BOG meetings.
- **BLI Training:** In March I attended the American Bar Association's Bar Leaders Institute Training. I attended this 3-day training held annually in Chicago, along with Immediate Past President Brian Tollefson, President-Elect Hunter Abell and Executive Director Terra Nevitt. The sessions addressed a range of subjects related to communications, governance, and DEI aimed at supporting bar association leaders in their roles. We also had the invaluable opportunity to meet

with colleagues from similarly sized and structured organizations to share challenges and opportunities.

- **March Meeting with the State Supreme Court.** I collaborated with Executive Director Nevitt, the other Officers, and Chief Justice Gonzalez to plan the agenda for the March 3<sup>rd</sup> meeting with the Court. Overall, it was a very successful, collaborative, and interactive meeting between the Court and the Board of Governors. This was also our first in person meeting with the Court since March 2019, as Covid-19 prevented an in person with the Court in March 2020, 2021 and 2022.
- **March Officer Meeting with Governor Inslee:** Also on March 3<sup>rd</sup> the FY 23 Board of Governors Officers, including Executive Director Terra Nevitt had a very productive annual meeting with Governor Jay Inslee. Governor Inslee raised a concern with the time it takes for opinions to be rendered at the Appellate and Supreme Court levels. Executive Director Nevitt and I relayed the concerns of Governor Inslee to Chief Justice Gonzalez.
- **Western States Bar Conference:** From March 29 to April 1 I represented WSBA and the Board of Governors as FY 23 President at the 2023 Western States Bar Conference. This an annual conference brings together bar leaders from approximately 15 state bar associations in the western part of the United States. This year's Conference was held in San Diego, California. I attended the conference with Executive Director Terra Nevitt, Treasurer Francis Adewale, and Governor Brett Purtzer. This year's theme was "Waves of Change: Bar Leadership, Lawyering and Governance".

In my strong opinion, Western States is by far and away the best national bar conference that WSBA officers and the BOG attends. Not only the are the sessions relevant and useful, but one of my favorite features is the "Roll Call" when each state reports on their accomplishments and new initiatives. I always learn a lot from these reports and enjoy getting to share the important work you all help the Washington State Bar Association to accomplish.

- **MBA Correspondence:** I am working with Executive Director Nevitt, Chief Communications Officer Niegowski, Chief Equity & Justice Officer Singleton, Governor Anjilvel, and President-Elect Abell in drafting a letter to be sent to the Minority Bar Associations to provide updates on the BOG's commitment to DEI issues and to invite them to future collaborative events to be held with the BOG during the remainder of FY 23 and hopefully into FY 24, FY 25 and beyond.
- **Appointment of FY 23 BOG Social Chair(s):** I have appointed Chief Communications oOfficer Sara Niegowski to be the staff liaison for an FY 23

Social Chair for the BOG. Governor Kari Petrasek volunteered to be the FY 23 Governor Social Chair and I have appointed her to serve in this position for the remainder of the FY 23 Board year. This was a recommendation from our trainer in January. It's my intent that both will work with Executive Director Nevitt and I as WSBA President in planning more "fun" events during the Board meetings, and to better utilize our time together to make this more of an enjoyable experience for all.

- **Court Funding letter:** I signed a letter of support for funding for the Courts that was approved by the BOG Legislative Committee.
- **Elections Board:** Pursuant to the Bylaws, I appointed an election board to oversee the Board of Governor elections for FY 24. I appointed former Treasurer & Governor G. Kim Risenmay, former Governor Russell Knight, Former Governor Carla Higginson, Former Governor and President-Elect Hunter Abell, and Immediate Past President Brian Tollefson to be the Board. They will work with Paris Ericksen to oversee and ensure the integrity of the election. Thank you to each of these appointed representatives for their service.
- **Long Range Strategic Planning Council:** The FY 23 recommendations from the Long Range Strategic Planning Council are scheduled for first read presentation to the Board of Governors at the May BOG meeting. This is the first time since the inception of the Council that it has met its Charter deadline regarding producing a written report to the Board of Governors.

Governors Sunitha Anjilvel and Francis Adewale are working with Council member Doug Ende, and Executive Director Terra Nevitt as a sub-committee to suggest some revisions to the current charter. The goal is to clarify the scope and purpose of the Council, as well improve its effectiveness in helping the Board to engage in long-range planning.

- **STAR Committee:** I am excited to report that I plan to attend the WSBA Star Committee's meeting in Yakima, Washington scheduled for May 6, 2023.
- **WSBA 50 Year celebration:** On July 24, 2023 the WSBA will honor and celebrate members that have reached the significant milestone of 50 years of active licensing. More details to come on this event, which will be held in Seattle.
- **June BOG Retreat:** I'm working with Executive Director Nevitt and President-Elect Hunter Abell in planning the FY 24 BOG retreat which will take place in June 2023 in Vancouver. President-Elect Abell will be leading this retreat. We are all excited and proud to announce that Mr. John Phelps has been retained to facilitate the retreat in June.

It remains a tremendous honor to serve as the current FY 23 WSBA President. The above is a brief summary of various things that I've been working on as President.

I'm very proud of the continued respectful collaboration that I have with Executive Director Nevitt, and the WSBA Executive Leadership Team. Thank you and please let me know if you have any questions. You can reach me at (509) 969-4731 or via email at [Danclarkbog@yahoo.com](mailto:Danclarkbog@yahoo.com)

Respectfully,

Daniel D. Clark  
FY 23 WSBA President  
WSBA #35901

**TO:** WSBA Board of Governors  
**FROM:** Executive Director Terra Nevitt  
**DATE:** May 1, 2023  
**RE:** Executive Director's Report

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#### 2023 Licensing Update

WSBA's first year of paperless licensing was a huge success! We mailed just 22 license packets (compared to 14,392 last year) and six of those members ultimately renewed online. About 70% of members paid online (we still accept checks) compared with 65% last year. At the beginning of March, we mailed 1,636 certified Presuspension Notices. In addition to the written notice, we also contacted about 1,000 members by phone and email to remind them to renew their license. Later this week we will be sending the Court a recommendation for the administrative suspension of those who have not complied with license renewal requirements.

#### Winter Exams

Exam results were released to examinees on April 8 and pass lists were posted on the WSBA website on April 9. Out of the 264 candidates who sat for the bar exam, 47% passed, which is a lower percentage than the past two February exams (63% in 2021 and 51% in 2022) but similar to February 2020 which was 47.6%. It is worth noting that the minimum passing score for the 2021 and 2022 February exams were set by the Court at 266, while the February 2023 bar exam marked the return to a passing score of 270. Aside from any impact caused by the change in minimum passing score, these results are consistent with national trends. NCBE announced that the national mean scaled score decreased 1.5 points compared to the February 2022 exam. There are likely many factors at play, including the number of repeat applicants and the impact of COVID-19 on learning. You can find more information about nation trends on the NCBE website: [NCBE Announces National Mean for February 2023 MBE - NCBE \(ncbex.org\)](https://www.ncbex.org/2023/02/ncbe-announces-national-mean-for-february-2023-mbe/).

The LPO exam pass rate also decreased when compared to previous exams. Out of the 67 candidates who sat for the LPO exam, 22% passed compared to 32% in July 2022. For additional LPO exam statistics, please visit our website: [LPO Exam Results \(wsba-uat.azurewebsites.net\)](https://wsba-uat.azurewebsites.net/).

#### Second Quarter FY23 Financial Report

The second quarter of current fiscal year ended on March 31, 2023. With 50% of the year complete, the General Fund is outperforming the budget and has a net income of \$1,546,958. The attached report details the major variances and provides estimates as we continue through the year.

#### Board Elections Update

The application deadline for the governor at large position closed at 5pm on April 17. We received four applications. The DEI Council interviewed all four on Friday, April 21 and decided to advance three individuals for inclusion on the

ballot: Tom Ahearne, Nancy Hawkins and Kim Sandher. The position will be elected by all active eligible WSBA members. The election will begin on May 15 and conclude at 5:00pm PST on June 1.

The application deadline for President-elect also closed at 5pm on April 17. We received one application from Governor Sunitha Anjilvel. Governor Anjilvel will be interviewed by the full Board at the May meeting. More information can be found your meeting materials.

For any Board members interested in serving as the FY24 Treasurer, please note that nominations may be taken from the floor at the August meeting but submitting materials in advance is also welcome. If you would like to submit materials for consideration as Treasurer, please note the July 24 materials deadline.

#### Fastcase vLex Merger: What Does it Mean for WSBA?

Fastcase, the free legal research tool that WSBA makes available to members, has merged with vLex, another legal research company. The newly combined entity will be known as vLex Group, and its products will retain the name of vLex in global markets and Fastcase in the U.S. The goal of the new company is to improve legal research accuracy, efficiency, and affordability through AI tools that streamline research, tracking, writing, and filing documents for the legal industry. The company will be supported by investments from Oakley Capital and Bain Capital Credit, enabling it to expand its global reach and accelerate the development of its legal AI lab. The companies plan to use their combined financial strength to increase growth and continue investing in AI technology for the legal industry. In the short-term there will be no impact to functionality of the Fastcase research tool or the member's experience. As the merger progresses, functionality and benefits will improve. WSBA is working closely with Fastcase to create communication plans and resources associated with any planned changes that will be made available to members well in advance.

#### Western States Bar Conference: Key Takeaways

In late March I attended the Western States Bar Conference in San Diego, along with Pres. Dan Clark, Treas. Francis Adewale, Gov. Brett Purtzer and Past Pres. Brian Tollefson. The theme of this year's conference was "Waves of Change: Bar Leadership, Lawyering and Governance". As a participant in Washington's Bar Licensure Task Force, I found the session on *Changes in Lawyer Admissions* to be helpful. For anyone wishing to better understand the issues surrounding lawyer admissions, there were several resources cited during the session that I would recommend, including (1) [Building a Better Bar](#), IAALS (2020); (2) [Analyzing First-Time Bar Exam Passage on UBE in New York State](#), AccessLex Institute (2021) and (3) [Shaping the Bar: The Future of Attorney Licensing](#), Joan Howarth. Another particularly prescient session highlighted legal service innovations of the kind that could be evaluated using the Practice of Law Board's proposal for Data-Driven Regulatory Reform. I had the chance to ask the panelists from [Nuttall, Brown and Couuts](#), [Courtroom 5](#), and [TurnSign](#) whether they would be interested in participating in an innovative regulatory scheme like those in Arizona and Utah. All three had different responses, highlighting the range of actors in this space and the different approaches they are likely to take. One key takeaway, however, is that for a company that seeks nationwide impact, state-by-state regulatory innovation is of limited utility. We also had a session on strategic governance led by John Phelps who facilitate our Board-Exec Team retreat in November and will be joining us again to facilitate our June retreat where I expect he will share some similar themes. In the meantime,

you can read a couple of the articles he shared about purpose-driven leadership [here](#). Finally, Chris Newbold of ALPS and the National Task Force on Lawyer Well-Being facilitated a panel on lawyer well-being initiatives. Chris will be presenting on this topic to the Board in May.

#### Development of Goals for FY24: Survey Results

As we approach the June planning retreat, the work to develop goals for next year has already begun. In April members of the Board and Executive Leadership Team participated in a survey to gather attitudes towards this year's goals and the extent to which they should remain goals in FY24, as well as begin the process of identifying the challenges and opportunities currently facing WSBA. There were 19 participants in the survey, which represents a participation rate of 68%.

#### *This Year's Goals*

There was generally strong agreement that each of the goals will need to carry over into next year because the topics remain a high priority and there is more work to be done to further the goal. Note that if we maintain all of these goals into next year, we will have limited capacity to add new goals without diminishing our ability to invest time and resources into successful outcomes.

#### *Challenges & Opportunities Facing WSBA*

The biggest themes revolved around innovation, making connections, and access to justice. Many respondents identified **technology**, including AI and other legal innovation as both an opportunity and a threat that WSBA should be paying attention. The **unauthorized practice of law** was also identified as a concern. Relatedly, many suggested a need for **regulatory innovation** to address cross-border practice, allow for legal innovation, and to operate in a more data-driven way. Another theme was the need and opportunity for WSBA to **build relationships**, including with the **public** whom many respondents identified as having a **lack of confidence in the legal system** as well as a **lack of access to justice**. Lesser themes included addressing a long-term approach to strategic planning, budgeting and license fees, a desire to focus on volunteerism, and concern that too much time is spent on social justice issues and accepting blame for society problems not created by legal professionals. As we consider our priorities for next year, we should consider the extent to which they effectively address these themes.

#### Attachments

FY23 Second Quarter Financial Update  
FY23 Second Quarter Budget Reallocations  
Client Protection Fund FY22 Annual Report  
ABA Delegation Presentation – Midyear Meeting  
Litigation Report  
Media Report  
Member Demographics Report



# WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors  
Budget and Audit Committee

From: Tiffany Lynch, Director of Finance

Subject: FY 2023 Second Quarter Financial Update

Date: April 18, 2023

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## **GENERAL FUND**

The March 31, 2023 financials mark the end of the second quarter of fiscal year 2023. With 50% of the year complete, the General Fund is outperforming against budget resulting from higher revenue and lower direct expenses than budgeted. Indirect expenses are generally on target. General Fund net income is \$1,546,958 as of March 31, 2023. Below is a narrative which highlights major variances and budget categories for the quarter, and corresponding estimates for the remainder of the year.

## **REVENUE**

Total revenue is over budget at 55% (\$1,112,191) which includes the following areas of note:

- a. *Interest Income* is over budget for the year by \$300,469 (1,256%). This revenue source has grown due to higher than anticipated interest rates on money market funds and investment of available cash in certificates of deposit (CD) and treasuries which was not originally incorporated in the budget. We expect to continue to earn revenue throughout the year at an even higher rate as we continue to increase our investments in CDs and treasuries in the coming months.
- b. *Bar Exam Fees* are ahead of budget by \$232,610 (19%) due to timing of the collection of fees for the winter exam (completed) and the summer exam (now in early stages of application fee collection). This is on track with our expectations of this revenue source. Fees for the summer exam will continue to be collected from now until May.
- c. *Law Clerk Fees* revenue is at budget for the year. This revenue source collects most of its fees from December through February, so we do not anticipate much additional revenue through the end of the fiscal year.
- d. *Recovery of Discipline Costs* is under budget by \$25,839 (26%). Revenue collected is difficult to predict as the amount and timing of collections is dependent upon individual action largely outside the control of WSBA.
- e. *Mandatory CLE* revenue is ahead of budget by \$229,925 (20%). The amount of fees collected in the first half of the fiscal year tends to be higher than budget due to reporting deadlines. We anticipate that revenue collection will slow down in the remaining months of the year, but will likely either meet or exceed the total annual budget.
- f. *Licensing Fees* are on budget at 50%. The bulk of fees are collected in January and pro-rated on a monthly basis, and the budget assumes an even timing distribution of revenue between each

month. As we progress further into the fiscal year, we will collect additional revenue from late fees (assessed after February 1<sup>st</sup>) and fees for newly admitted members. We expect overall license fees to remain on or come in slightly higher than budget.

- g. *Reimbursement from Sections* revenue is over budget by \$60,144 (21%). This revenue is derived from the per-member charge that reimburses WSBA for the cost of administering Sections. The budget is based on estimated section membership. We anticipate that there will continue to be additional revenue throughout the year as membership increases during the Section mid-year season.

## **EXPENSES**

Total expenses are under budget by 3% (\$715,367), which includes the following areas of note:

- a. *Direct Expenses* are under budget by 19% (\$497,349). Direct program costs such as board/council/taskforce meetings, event expenses, supplies, staff travel, etc. vary depending on the timing of activities and WSBA typically increases spending in these areas in the second half of the fiscal year.
- b. *Indirect Expenses* are under budget by 1% (\$218,018).
  - i. Salaries, Taxes, & Benefits had a combined savings of \$87,635. The largest amount of savings is attributed to unfilled positions for salaries, medical, and retirement contributions, as well as increased capital labor for WSBA software development projects. Areas trending above budget include temporary staffing salaries (timing due use of seasonal employees for licensing renewals), employer taxes for FICA and WA State Family Medical (costs will likely continue to run over budget through the rest of the year due to underbudgeting), and unemployment insurance (resulting from higher-than-expected rate increase).
  - ii. Other Indirect Expenses had a combined savings of \$130,383 mainly due to lower cost YTD for legal fees and timing of expenses paid for technology department costs (IT pooled expenses) and depreciation. Rent expense is running higher than budget due to an annual payment for leasehold excise taxes, however remaining months of rent should fall back in line with the total budget for the year.

## **CONTINUING LEGAL EDUCATION (CLE)**

The CLE fund includes CLE Seminars, CLE Products, and Deskbook cost centers which collectively have budgeted a surplus of \$217,235 for FY 2023. March 31, 2023 results reflect an actual surplus of \$336,939. Revenue is higher than budget by 4% (\$81,571) due to higher product sales from seasonal trends caused by year-end MCLE reporting requirements and a successful winter products sale held during the second quarter of the fiscal year. Expenses are under budget by 9% (\$146,751), mostly due to timing of direct expenses that have not been incurred yet for seminars held later in the fiscal year.

## **CLIENT PROTECTION FUND (CPF)**

The Client Protection Fund (CPF) budgeted a surplus of \$45,788 for FY 2023. Actual results as of March 31, 2023 reflect a surplus of \$658,329. Revenue from member assessments is collected as part of the attorney license renewal period (November-February) and is at budget for the year. Interest income was not budgeted and has earned \$103,944 and will continue to earn interest through the rest of the fiscal year. Overall expenses are under budget by 40% (\$199,755), mainly due to direct expenses for Gifts to Injured Clients which are paid out towards the end of the fiscal year.

## **SECTIONS FUND**

The Sections Operations cost center represents the collective total of financial activity for all 29 sections. Sections budgeted a loss of (\$254,951) for FY 2023. Actual results as of March 31, 2023 reflect a surplus of \$159,502, mainly related to higher than anticipated section dues revenue and timing of programming and Section activities which are planned throughout the year at different times.

# WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors  
Budget and Audit Committee

From: Terra Nevitt, Executive Director

Date: February 13, 2023

Subject: FY 2023 Budget Reallocations

## Background

WSBA Fiscal Policies allows the Executive Director to approve the reallocation of budgeted and unbudgeted expenditures within certain limitations. Specifically, the policy states:

*“The Executive Director approves and reports to the Board of Governors about certain unbudgeted expenses, including reallocations of budgeted expenditures where the intent is similar or varies slightly; unbudgeted expenditures that are fully offset by unbudgeted revenue or a reallocation of budgeted expenditures up to 5% of the approved operating budget to address operational, regulatory or programmatic needs; and necessary and prudent expenditures to implement WSBA’s Disaster Recovery Plan or to maintain WSBA’s operations. Per occurrence limit is \$215,000.00. Prior to taking action the Executive Director must notify the President and after taking action must report the reallocation of funds to the Board. Reallocations may not affect the annual budget’s bottom line.”*

For FY 2023, the WSBA’s annual operating budget is \$25,719,395 and the Executive Director’s limit for reallocation is up to \$1,285,696.75 (5%).

## FY23 Budget Reallocations

Below are reallocations approved by the Executive Director which total \$114,000 in budgeted expenses (0.44% of total budget). Consistent with the policy, President Clark was notified of the reallocations on February 7, 2023.

1. *Technology upgrades to WSBA Hearing Room to allow for hybrid meetings*- This expense was not included in the FY23 capital budget but has been identified as a critical need. The cost is estimated at \$50,000 which will be reallocated from the Leasehold Improvements Capital Budget of \$125,000.
2. *The Online Legal Research*- When preparing the budget for FY23, the budget for Online Legal Research was moved to include it as an indirect expense of \$50,000 (rather than a direct expense). Unfortunately, due to a software error, the expenses were not included in the approved budget. Therefore, we are reallocating \$50,000 from the Professional Fees-Legal budget (\$250,000) to Online Legal Research.
3. *Consulting Services (BOG)*- The Executive Director evaluation was an unbudgeted project for FY22 and it was unclear until late into the budgeting process if the project would be completed in FY22 or FY23, therefore the costs were not included in the FY23 budget. We estimate \$5,000 for remaining costs in FY23, which will be covered by excess unbudgeted interest income revenue in the Finance cost center,

which is budgeted for \$26,000 but as of December 31, 2022 has earned a total of \$113,689.

4. *Membership Survey Platform-* WSBA engages with a company to provide a platform to survey our membership. The annual cost is \$12,000, made in quarterly payments budgeted under BOG Travel and Outreach in the BOG cost center. We underbudgeted this line item at \$4,000 and will reallocate the remaining \$8,000 needed from BOG Committees Expenses (\$4,000) and excess unbudgeted interest income revenue in the Finance cost center (\$4,000) which is budgeted at \$26,000, but as of December 31, 2022 has earned a total of \$113,689.
5. *Client Protection Fund Board Expenses-* No funds were included in the FY23 budget but we expect a total of \$1,000 for 4 meetings which will be combination of in person and virtual. Additionally, there was no budget included for Interest Income which, as of December, has income of \$45,049.12 and we assume a total of at least \$90,000 for the year, if not more. This unbudgeted revenue will cover the unbudgeted expenses.

Other Informational Item(s):

1. At the beginning of the fiscal year a restructuring of the Equity and Justice Department was made, and one staff position (1.0 FTE) was moved from the Diversity cost center into the Human Resources cost center. As a result, we began reflecting the actual staffing costs under the Human Resources cost center but up until now have not adjusted the budget to reflect the transition. Therefore, beginning with the January 2023 financials, the budget will be updated for this transfer between cost centers. There is no change to the actual position or work being performed by the staff person, therefore the purpose of the expense remains in line with the original budget and is not included above as a reallocation.

# C L I E N T   P R O T E C T I O N   F U N D



## Trustees' Annual Report: Fiscal Year 2022

LAWYERS' INDEMNITY FUND EST. 1960 • CLIENT PROTECTION FUND EST. 1994



### **WASHINGTON STATE BAR ASSOCIATION**

1325 Fourth Avenue, Suite 600, Seattle, WA 98101-2539  
206-727-8200

## **PURPOSE OF THE CLIENT PROTECTION FUND**

*“The purpose of this rule is to create a Client Protection Fund, to be maintained and administered as a trust by the Washington State Bar Association (WSBA), in order to promote public confidence in the administration of justice and the integrity of the legal profession. [...] Funds accruing and appropriated to the Fund may be used for the purpose of relieving or mitigating a pecuniary loss sustained by any person by reason of the dishonesty of, or failure to account for money or property entrusted to, any member of the WSBA as a result of or directly related to the member's practice of law, or while acting as a fiduciary in a matter directly related to the member's practice of law. Such funds may also, through the Fund, be used to relieve or mitigate like losses sustained by persons by reason of similar acts of an individual who was at one time a member of the WSBA but who was at the time of the act complained of under a court ordered suspension.”*

Admission and Practice Rules 15(a) and (b).

**WASHINGTON STATE BAR ASSOCIATION**  
**CLIENT PROTECTION FUND, FISCAL YEAR 2022**

<b>FY 2022 TRUSTEES</b>	
Hon. Brian Tollefson, Ret., President	Tacoma
Kyle Sciuchetti, Immediate Past-President	Vancouver
Daniel Clark	Yakima
Bryn Peterson	Mercer Island
Francis Adewale	Spokane
Hunter Abell	Seattle
Sunitha Anjilvel	Redmond
Lauren Boyd	Vancouver
Jordan Couch	University Place
Matthew Dresden	Seattle
Carla Higginson, Client Protection Board Liaison	Friday Harbor
Tom McBride	Olympia
Brett Purtzer	Tacoma
Serena Sayani	Seattle
Alec Stephens	Seattle
Brent Williams-Ruth	Federal Way

<b>FY 2022 CLIENT PROTECTION BOARD</b>	
Carrie Umland, Chair	University Place
Luis Beltrán	Tacoma
Andrew Benjamin	Seattle
Efrem Krisher	Bellevue
Dana Laverty	Covington
Sarah Moen	Seattle
Gloria Ochoa-Bruck	Spokane
Daniel Rogers	Shoreline
Mark Stiefel	Kirkland
Page Ulrey	Seattle
Danielle Wright	Tacoma

<b>WSBA STAFF TO THE CLIENT PROTECTION BOARD</b>	
Nicole Gustine	Assistant General Counsel; CPF Liaison/Secretary
Brenda Jackson	CPF Analyst



WASHINGTON STATE BAR ASSOCIATION  
CLIENT PROTECTION FUND, FISCAL YEAR 2022

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## I. HISTORY AND ESTABLISHMENT OF THE CLIENT PROTECTION FUND

Washington is fortunate to have a history of maintaining a stable Client Protection Fund (CPF) that is strongly supported by the Washington Supreme Court and the Washington State Bar Association (WSBA). Washington was one of the first states to establish what was then called a Lawyers' Indemnity Fund in 1960. Since that time, WSBA members have compensated victims of the few dishonest members who have misappropriated or failed to account for client funds or property.

The current CPF was established by the Washington Supreme Court in 1994 at the request of the WSBA by the adoption of [Rule 15](#) of the Admission to Practice Rules (APR), now called the Admission and Practice Rules. Prior to the adoption of that rule, the WSBA had voluntarily maintained a clients' security or indemnity fund out of the Bar's general fund. Similar funds are maintained in every jurisdiction in the United States, as well as Canada, Australia, New Zealand, and other countries.

The CPF helps accomplish important goals shared by the Court and the WSBA – client protection, public confidence in the administration of justice, and maintaining the integrity of the legal profession. Under APR 15, CPF payments are gifts, not entitlements. An annual assessment from certain members licensed in Washington finances all CPF gifts. Gifts are not financed by public funds.

On January 8, 2021, the Court approved the WSBA Board of Governor's (BOG's) recommendation to reduce the CPF assessment from \$25 to \$20, effective January 1, 2022, for the calendar years 2022 and 2023. On November 21, 2022, the Court approved the BOG's recommendation to reduce the CPF assessment for the 2024 calendar year from \$20 to \$15.

Currently, WSBA lawyers on active status, lawyers with *pro hac vice* admissions, in-house counsel lawyers, house counsel, foreign law consultants, and Limited Licensed Legal Technicians (LLLTs) pay an annual assessment to the Fund. The following chart shows the experience of the past 10 years.

## Client Protection Fund Applications 2013-2022

Fiscal Year	# Of Members <sup>1</sup>	# Of Members With Approved Applications	# Of Applications Received	# Of Applications Approved	Gifts Approved
2013	29,682	18	130	45	\$423,508
2014	31,495	14	141	44	\$337,160
2015	31,335	20	79	59	\$495,218
2016	32,969	16	56	44	\$253,228
2017	33,357	19	72	47	\$439,273
2018	33,858	18	119	46	\$926,434
2019	34,388	18	61	48	\$419,488
2020	34,905	16	57	33	\$586,266
2021	34,839	18	107	29	\$491,737
2022	33,121	13	49	33	\$587,815

<sup>1</sup> Through December 31, 2018, only lawyers on Active status, pro hac vice, in-house counsel, house counsel, and foreign law consultants paid the assessment. Effective January 1, 2019, Limited Licensed Legal Technicians (LLLTs), also paid the assessment.

## II. FUND PROCEDURES

The CPF is governed by [Admission and Practice Rule \(APR\) 15](http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=APR&ruleid=gaa-pr15) and Procedural Rules adopted by the Board of Governors and approved by the Supreme Court. These can be found at [http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.display&group=ga&set=APR&ruleid=gaa-pr15](http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=APR&ruleid=gaa-pr15)

**Administration:** The members of the Board of Governors of the WSBA serve during their terms of office as Trustees for the CPF. The Trustees appoint and oversee the Board, comprised of 11 lawyers and 2 community representatives. This Board has the authorization to consider all CPF claims, make CPF reports and recommendations to the Trustees, submit an annual report on Board activities to the Trustees, and make such other reports and publicize Board activities as the Court or the Trustees may deem advisable. Two WSBA staff members help the Board ensure the smooth functioning of its work. WSBA Client Protection Fund Analyst Brenda Jackson performs a wide variety of tasks to help members of the public and the Board in the processing and analyzing of CPF claims. WSBA Assistant General Counsel Nicole Gustine acts as WSBA staff liaison to the Board, provides legal advice to the Board, and serves as Secretary to the Board.

**Application:** Clients of WSBA members that allege a dishonest taking of, or failure to account for, funds or property by a WSBA member, in connection with that member's practice of law, can apply for a gift from the CPF. To be eligible, clients must file a disciplinary grievance against the member with the Office of Disciplinary Counsel, unless the member has resigned in lieu of discipline; is disbarred, or deceased. Because most applications involve members who are the subject of disciplinary grievances and proceedings, action on Fund applications normally awaits resolution of the disciplinary process.<sup>2</sup> This means that some applicants wait years for the discipline process to be complete before the Board reviews their application. However, to help expedite the application process, application review is in the order that an applicant filed their grievance (if applicable). Otherwise, an application is processed and reviewed in the order of receipt.

**Eligibility:** To be eligible for payment, an applicant must show by a clear preponderance of the evidence that he or she has suffered a loss of money or property through the dishonest acts of, or failure to account by, a WSBA member. Dishonesty includes, in addition to theft, embezzlement, and conversion, the refusal to return unearned fees as required by Rule 1.16 of the Rules of Professional Conduct.

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<sup>2</sup> APR 15 Regulation 6(h). In addition, Rule 3.4(i) of the Rules for Enforcement of Lawyer Conduct provides that otherwise confidential information obtained during the course of a disciplinary investigation may be released to the Client Protection Fund concerning applications pending before it. Such information is to be treated as confidential by the Board and Trustees.

**The Fund is not available to compensate for member malpractice or professional negligence. It also cannot compensate for loan, investment, or other business transactions unrelated to the member's practice of law.**

When an application is received, it is initially reviewed to determine whether it appears eligible for recovery from the Fund. If the application is ineligible on its face, the applicant is advised of the reasons for its ineligibility. If the application passes the initial intake process and appears potentially eligible for payment, Fund staff investigates the application. When the application is ripe for consideration by the Board, a report and recommendation is prepared by Fund staff.

**Board and Trustee Review:** On applications for less than \$25,000, or where the recommendation for payment is less than \$25,000, the Board's decision is final. Board recommendations on applications where the applicant seeks more than \$25,000, or where the Board recommends payment of more than \$25,000 or involving payment of more than \$25,000 be made to applicants regarding any one licensed legal professional, are reviewed by the Trustees.

The maximum gift amount is \$150,000. There is no limit on the aggregate amount that may be paid on claims regarding a single member. Any payments from the Fund are gifts and are at the sole discretion of the Fund Board and Trustees.

**Legal Fees:** Members may not charge a fee for assisting with an application to the Fund, except with the consent and approval of the Trustees.

**Assignment of Rights and Restitution:** As part of accepting a gift from the Fund, applicants are required to sign a subrogation agreement for the gift. The Fund attempts to recover its payments from the members or former members on whose behalf gifts are made, when possible; however, recovery is generally successful only when it is a condition of a criminal sentencing, or when a member petitions for reinstatement to the Bar after disbarment.<sup>3</sup> To date, the Fund (and its predecessors) has recovered approximately \$580,212.

**Difficult Claims:** One of the more difficult claim areas for the Board and Trustees involves fees paid to a member for which questionable service was performed. The Board is not in a position to evaluate the quality of services provided, or to determine whether the fee charged was reasonable, therefore, an application can generally be denied as a fee dispute. (The denial may also include other bases, such as malpractice or negligence.) However, where it appears that there is a pattern of conduct which establishes that a member knew or should have known at the time the member accepted fees from a client that the member would be unable to perform the service for which he or she was employed, or the member simply performs no service of value to the client, and does not return unearned fees, the Board has concluded that such conduct may be either dishonesty or failure to account within the context of the purposes of the Fund, and will consider such applications. Similarly, if a member withdraws from representing a client or abandons a client's case without refunding any unearned fee, the Board may conclude that the

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<sup>3</sup> Admission and Practice Rule 25.1(d) provides that no disbarred lawyer may petition for reinstatement until amounts paid by the Fund to indemnify against losses caused by the conduct of the disbarred lawyer have been repaid to the Fund, or a payment agreement has been reached.

member has engaged in dishonest conduct or has failed to account for client funds.

Another difficult claim area concerns loans or investments made to or through members. In instances where there is an existing client/LLP relationship through which the member learns of his or her client's financial information, persuades the client to loan money or to invest with the member without complying with the disclosure and other requirements of RPC 1.8,<sup>4</sup> and does not return the client's funds as agreed, the Board may consider that a dishonest act for purposes of the Fund.

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<sup>4</sup> In relevant part, RPC 1.8 provides:

- (a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:
  - (1) the transaction and terms on which the member acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client;
  - (2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and
  - (3) the client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.
- (b) A member shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by these Rules.

### III. FINANCES

The Fund is financed by an assessment as described above. The Fund is maintained as a trust, separate from other funds of the WSBA. In addition, interest on those funds accrues to the Fund, and any restitution paid by members is added to the Fund balance. The Fund is self-sustaining; administrative costs of the Fund, such as Board expenses and WSBA staff support, are paid from the Fund.

Year	Pending applications at start of fiscal year:	Fund beginning balance <sup>5</sup>	Fund revenues received	Board expenses and overhead <sup>6</sup>	Restitution received	Gifts recognized for payment
<b>FY 2013</b>	<b>\$1,615,062</b>	\$791,399	\$914,547	\$72,430	\$10,674	\$416,870
<b>FY 2014</b>	<b>\$1,814,266</b>	\$1,213,602	\$949,965	\$70,196	\$3,668	\$339,161
<b>FY 2015</b>	<b>\$1,229,864</b>	\$1,746,010	\$990,037	\$90,315	\$3,703	\$490,357
<b>FY 2016</b>	<b>\$13,203,653</b>	\$2,144,289	\$1,001,198	\$129,553	\$2,970	\$371,452 <sup>7</sup>
<b>FY 2017</b>	<b>\$1,463,914</b>	\$2,646,222	\$1,024,954	\$113,672	\$3,709	\$318,584
<b>FY 2018</b>	<b>\$2,045,175</b>	\$3,242,299	\$1,040,498	\$166,969	\$28,255	\$917,051 <sup>8</sup>
<b>FY 2019</b>	<b>\$3,206,880</b>	\$3,227,988	\$1,110,963	\$146,618	\$8,347	\$379,818
<b>FY 2020</b>	<b>\$3,342,227</b>	\$3,816,143	\$1,099,237	\$141,514	\$15,351	\$591,449 <sup>9</sup>
<b>FY 2021</b>	<b>\$4,690,958</b>	\$4,193,130	\$368,170	\$151,055	\$137,971	\$499,637
<b>FY 2022</b>	<b>\$4,252,961</b>	\$4,046,246	\$740,321	\$162,100	\$8,906	587,815

<sup>5</sup> It is important for the Fund to maintain a sufficient balance to meet anticipated future needs. It is impossible to predict from year to year how many meritorious claims injured applicants will make.

<sup>6</sup> Board expenses and overhead include WSBA staff time to administer the Fund, including processing of applications, helping members of the public, investigating claims, and making recommendations to the Board. Expenses and overhead have increased since 2012 for resources allocated to eliminate backlogs, update systems, and improve processes, which have resulted in claims being resolved more efficiently and expeditiously.

<sup>7</sup> The amount of gifts recognized in the FY 2016 financial statements overstates by \$115,000 due to a duplicate recording of approved gifts, correct in FY 2017. This explains the substantial difference between the amounts listed for FY 2016 and FY 2017 under this column as compared with the "Gifts Approved" column on page 2.

<sup>8</sup> The amount of gifts recognized in the FY 2018 financial statements understates by \$9,383 due to unclaimed CPF gifts that expired in FY 2018.

<sup>9</sup> The amount of gifts recognized in the FY 2020 financial statements overstates by \$5,183, due to interest owed to an applicant and a payment voided in FY 2021. This explains the difference between the amounts listed for FY 2020 under this column as compared with the "Gifts Approved" column on page 2.

#### IV. BOARD AND TRUSTEE MEETINGS AND ACTIVITIES

**Board:** The Client Protection Board met four times this past fiscal year: November 15, 2021; February 14, 2022; May 9, 2022, and August 8, 2022. The Board considered 58 applications to the Fund involving 27 lawyers and approved 33 applications involving 13 lawyers.

**Fund Trustees:** The Trustees reviewed the Board's recommendations on applications for more than \$25,000, or for payment of more than \$25,000, and approved the 2022 Annual Report for submission to the Supreme Court pursuant to APR 15(g).

**Public Information:** The Client Protection Fund maintains a website at: <https://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/client-protection-board> that provides information about the Fund, its procedures, and a downloadable application form. The Fund information is also available in Spanish, but currently, applications and materials must be submitted in English.



## V. APPLICATIONS AND PAYMENTS

At the beginning of FY 2022, there were 147 pending applications to the Fund. During FY 2022, the Fund received 49 additional applications. The Board and Trustees acted on 58 applications concerning 27 lawyers and approved 33 applications concerning 13 lawyers. The total amount in approved payments is \$587,815. Shown below is a summary of Board and Trustee actions.

<b>Applications Pending as of October 1, 2022</b>	<b>147<sup>10</sup></b>
<b>Applications Received During FY 2022</b>	<b>49</b>
<b>Applications Acted Upon by Board and Trustees</b>	<b>58</b>
<b>Applications Carried Over to FY 2023</b>	<b>138</b>

<b>Applications Approved for Payment in FY 2022</b>	<b>33</b>
Applications approved for payment arose from the member's dishonest acts such as theft or conversion, failure to return or account for unearned legal fees, and investments or loans with members.	

<b>Applications Denied in FY 2022</b>	<b>25</b>
Application denials are for reasons such as fee disputes, no evidence of dishonesty, alleged malpractice, restitution already paid in full, no attorney client relationship, and other reasons.	

<sup>10</sup> Applications received or pending are still in investigation, not yet ripe, or temporarily stayed. All approved applications receive initial payments of up to \$5,000, with the balance reserved for possible proration against 75% of the Fund balance at fiscal year-end.

## APPROVED APPLICATIONS

ATTORNEY	Number of Applications Approved	Dollar Amount of Applications Approved	Page Number
Behrends, Clinton, WSBA #45371	1	\$7,500	
Crowley, John, WSBA #19868	2	\$20,000	
Furness, Matthew, WSBA #43649	1	\$13,500	
Gessel, Raymond, WSBA #13787	1	\$1,573	
Jakeman, David, WSBA #39332	3	\$9,000	
La Rocco, Robert, WSBA #42536	1	\$8,000	
Liebman, Daniel, WSBA #41498	1	\$9,750	
Meade, Marica, WSBA #11122	1	\$133,382	
Moote, Peter, WSBA #6098	1	\$17,465	
Placide, Carlene, WSBA #28824	1	\$10,000	
Smith, Jill, WSBA #41162	3	\$15,650	
Snyder, Mara, WSBA #43474	16	\$339,495	
Turner, Harold, WSBA #33341	1	\$2,500	
TOTAL:		\$587,815	

The following summarizes the gifts and recommendations made by the Board:

### **BEHRENDTS, CLINTON, #45371 – RESIGNED IN LIEU OF DISCIPLINE**

**APPLICANT: 20-049 – Decision: \$7,500**

In June 2019, Applicant hired Behrendts to represent her in a dissolution matter, paying a flat fee of \$7,500. On July 2, 2019, while Behrendts was away on vacation, opposing counsel informed Applicant of a court hearing the following day. Subsequently, Behrendts had to fly back for the hearing, charging Applicant \$4,000 for doing so. Behrendts put together the parenting plan and had to revise it several times. Applicant was not sure if Behrendts ever filed the parenting plan. From October 22, 2019, to November 9, 2019, it became difficult for Applicant to contact Behrendts; he did not respond to emails, calls, or texts. On November 10, 2019, Behrendts sent Applicant the parenting plan forms and told her to contact him in a few months to check the status of the parenting plan and to start the dissolution. On January 1, 2020, when Applicant contacted Behrendts as he instructed, he informed her that he was not going to move forward in her case because of her lack of contact. Applicant reminded Behrendts of his instructions and he continued the representation. On February 6, 2020, Behrendts closed his office. On February 19, 2020, Behrendts informed Applicant that he was not going to be able to complete her case. He told her to come to his office on February 21, 2020, to pick up her file and a check for a partial refund of \$7,500. Thereafter, Applicant never heard from Behrendts again. Applicant never received the partial refund and according to court records, Behrendts filed the parenting plan, but ended the representation before he filed the petition for dissolution.

*The Board approved payment of \$7,500.*

### **CROWLEY, JOHN, #19868 – RESIGNED IN LIEU OF DISCIPLINE**

**APPLICANT: 19-009 – Decision: \$15,000**

On March 12, 2016, Applicant hired Crowley to represent him in a criminal matter paying \$15,000. Applicant met with Crowley one time to discuss the case. Crowley agreed to represent Applicant on post-conviction matters, including appeals, personal restraint petitions, vacating convictions, and any other legal services. Thereafter, Applicant was unable to contact Crowley. Applicant called Crowley from someone else's cell phone, and he answered. When Crowley realized it was the Applicant on the phone, he told him that he would get back to him. Applicant never heard from Crowley again. In the beginning of 2017, Applicant hired new counsel. On July 17, 2018, Applicant sent Crowley a letter terminating his service and notifying him that new counsel had been hired. This letter was returned in the mail.

*The Board approved a gift of \$15,000.*

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**APPLICANT: 20-014 – Decision: \$5,000**

In March 2017, Applicant hired Crowley to represent her in a potential criminal matter, paying

a total of \$9,500. Applicant was being investigated for alleged involvement in a murder and subsequently facing a Child Protection Service (CPS) case. The extent of the work Crowley performed was calling the police to inform them of his representation of Applicant. Thereafter, it became difficult for Applicant to reach Crowley. Ultimately, she did not face any charges. Crowley never returned the unearned fee. The Board previously approved payment of \$4,500 on Applicant's initial request for \$9,500 and denied the balance of Applicant's claim because she lacked documentation of the \$5,000 payment. In 2022, Applicant requested a reconsideration of her prior claim to the Fund, because she obtained a copy of the \$5,000 payment to Crowley.

*The Board approved a gift of \$5,000.*

### **FURNESS, MATTHEW, #43649 – SUSPENDED**

#### **APPLICANT: 20-018 – Decision: \$13,500**

In May 2014, Applicant hired Furness to represent her in an immigration matter, paying a flat fee of \$3,900. Applicant was detained after entering the United States in April 2014. Furness and Applicant signed two fee agreements, one for representation for a request for supervised release and one for representation on all aspects of Applicant's immigration and removal proceedings before the immigration court. On July 16, 2014, Furness filed an asylum application on Applicant's behalf. On October 9, 2014, Applicant was released on a \$7,500 bond. The immigration court set a Master Calendar hearing for March 8, 2016. Furness did not appear at the Master Calendar hearing. Instead, he sent substitute counsel, who requested that the case be transferred from Seattle to Dallas, Texas. The immigration court granted the request. On March 17, 2016, the immigration court mailed a Notice of Hearing to Furness, informing him that Applicant's hearing had been set for May 23, 2016, in Dallas, Texas. When the Applicant contacted Furness's office to request information, Furness's assistant told her not to contact the office anymore and that she would be notified of any future court dates. In the meantime, Applicant informed Furness to contact her by email or telephone, because she would be traveling and unable to check the mail. On March 25, 2016, an Associate in Furness's office mailed a copy of the Notice of Hearing to the Applicant. The Applicant did not receive the notice, nor did she have any other contact with Furness. On May 23, 2016, neither Furness nor Applicant appeared at the hearing in Dallas. The Court ordered Applicant to be removed in absentia, because of her failure to appear. Her \$7,500 bond was forfeited. Furness states that the Associate was assigned to Applicant's immigration case and was supposed to handle the hearing. The Associate denied that she was responsible for appearing at Applicant's hearing. The Associate stated that when she reminded Furness of the court date, he said he would take care of it. Thereafter, the Applicant paid an additional \$15,000 for Furness's representation. The Applicant eventually terminated representation and hired new counsel.

*The Board approved a gift of \$13,500.*

## **GESSEL, RAYMOND, #13787 – DISBARRED**

### **APPLICANT: 19-012 – Decision: \$1,573**

Applicant hired Gessel to represent her as the Personal Representative of an Estate. A beneficiary who owed money to the Estate wrote a check to Gessel, with instructions to deposit it into the Estate account. The check was never deposited into the account. Applicant is seeking recovery from the Fund.

*The Board approved a gift of \$1,573.*

## **JAKEMAN, DAVID, #39332 – RESIGNED IN LIEU OF DISCIPLINE**

### **APPLICANT: 20-051 – Decision: \$2,000**

In May 2015, Applicant hired Jakeman to represent her husband in an immigration matter, paying a total of \$5,000. After receiving the payment, Jakeman failed to complete the work. In February 2016, Applicant cancelled the contract and requested a refund, as she and her husband had separated. In March 2016, Jakeman informed Applicant that he could not issue a refund to her without her husband's consent. In September 2016, Applicant and her husband were divorced, and the court awarded Applicant the fees paid to Jakeman. Applicant has never received the funds from Jakeman.

*The Board approved a gift of \$2,000.*

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### **APPLICANT: 20-053 – Decision: \$3,000**

In October 2018, Applicant hired Jakeman to represent him in an immigration matter, paying \$3,000. Jakeman's firm, Beacon Immigration, was supposed to prepare Applicant's asylum application and attend his asylum interview. Counsel did file the asylum application, but they did not accompany him to the asylum interview. In October 2020, Applicant received a termination of service letter due to Beacon Immigration's bankruptcy. On November 7, 2020, Applicant requested a refund of unearned fees, which he never received.

*The Board approved a gift of \$3,000.*

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### **APPLICANT: 20-057 – Decision: \$4,000**

In February 2017, Applicant hired Jakeman to represent him, and his wife, in their immigration matters, paying \$4,000. Applicant and his wife were seeking to register permanent residence or adjust status I-485. Jakeman completed the applications incorrectly, resulting in their rejection. Applicant hired new counsel, who uncovered Jakeman's errors. Counsel stated that, "as far as he could tell, Jakeman did not perform any work of value on this case..."

*The Board approved a gift of \$4,000.*

## **LA ROCCO, ROBERT, #42536 – DISBARRED**

### **APPLICANT 18-110 – Decision: \$8,000**

On December 19, 2014, Applicant hired La Rocco to represent him in a family law matter, paying \$8,000. Applicant wanted to obtain a DNA test to confirm the paternity of his daughter. La Rocco told Applicant that he would need a Guardian Ad Litem even though he was not pursuing custody or his visitation rights. Applicant called La Rocco to check the status of his case. La Rocco made various excuses as to why the case was not moving forward and promised that he would call Applicant back. La Rocco never called back and continued to make statements to lead Applicant on, but nothing happened with the case. Applicant went to see if he could talk to La Rocco in person, but found his office closed and vacated. La Rocco never filed anything with the court on Applicant's case. Applicant was advised by the court to file a WSBA grievance.

*The Board approved a gift of \$8,000*

## **LIEBMAN, DANIEL, #41498 – INTERIM SUSPENSION – DISABILITY**

### **APPLICANT: 20-024 – Decision: \$9,750**

In or around March 2018, Applicant hired Liebman to represent her in a family law matter, paying \$9,750. The scope of Liebman's representation was to file a Qualified Domestic Relations Order (QDRO), a Show Cause Motion for contempt, attorney's fees, back child support, and to request updated financial information for imputed income. Over the course of the representation, it became difficult to reach Liebman. Applicant's primary form of communication was to exchange emails with Liebman's paralegals and a Limited Licensed Legal Technician (LLLT). Many of the emails consisted of status updates. In Liebman's initial email to Applicant, he stated that he drafted the QDRO. Applicant states that she never received any work product. In Liebman's response, he states that work product was provided, and a debt is not owed. However, an Odyssey court record search exhibits that Liebman never filed the QDRO, nor did he perform any other work in Applicant's matter.

*The Board approved a gift of \$9,750*

## **MEADE, MARCIA, #11122 – RESIGN IN LIEU OF DISCIPLINE**

### **APPLICANT: 19-042 – Decision: \$133,382**

On October 12, 2014, Applicant hired Meade to represent him and his wife in a personal injury matter on a contingent fee basis. In May 2016, Meade obtained a settlement for \$325,000. Meade convinced Applicant to leave the money in her trust account, so that she could disburse funds to him as needed. Meade disbursed funds to pay for the Applicant's travel costs, and other expenses. However, she also converted funds for her own use. It often became difficult for the Applicants to contact Meade. Meade would not respond to the Applicant's emails or phone calls

regarding an accounting of their settlement funds, or requests that money be wired to Applicant's bank for other personal expenses. Applicant hired a lawyer to get his settlement proceeds from Meade. Even after receiving a demand letter, she still did not release the funds. Applicant was advised to file a WSBA Grievance and Client Protection Fund application. Meade could not document her disbursement of Applicant's personal injury settlement funds and had converted the funds for her own use. Though originally approved for a gift of \$150,000, the gift was reduced by \$16,618.47, the amount Applicant was awarded and received in a bankruptcy settlement against Ms. Meade.

*The Board approved a gift of \$133,382*

### **MOOTE, PETER, #6098 – RESIGN IN LIEU OF DISCIPLINE**

#### **APPLICANT: 21-016 – Decision: \$17,465.27**

On April 6, 2001, Applicant hired Moote to represent him in a Department of Labor and Industry (L&I) claim, on a contingent fee basis. Applicant's work injury caused him to lose his job and as he was unable to pay rent, he experienced homelessness. From April 2001 to June 2003, Applicant made attempts to contact Moote to check the status of his case, with no return response. In June 2003, Applicant contacted Moote's office to express Applicant's discontent with Moote's service and lack of communication. He learned that his L&I claim had been approved and that he was entitled to benefits. Applicant received \$8,300 from the settlement and Moote informed him that he would not be receiving any further payment for his injury. In 2009, Applicant obtained Social Security benefits, which allowed him to find a residence. In May 2021, Applicant hired counsel to represent him in reopening his L&I claim. In June 2021, Applicant was informed that Moote had been convicted of fraud and that from February 23, 2002, through October 16, 2003, Moote received a total of \$38,628.59 from L&I on Applicant's behalf. After deducting the contingent fee of \$12,863.32, the proceed due to Applicant was \$25,765.27, of which Applicant had only received \$8,300.

*The Board approved a gift of \$17,465.27.*

### **PLACIDE, CARLENE, #28824 – DISBARRED**

#### **APPLICANT: 19-023 – Decision: \$10,000**

On February 11, 2017, Applicant, an employer, hired Placide to represent his company in an employee immigration matter, paying \$10,000. The Applicant paid the \$10,000 legal fee to Placide's business bank account. Placide told Applicant that she mailed the EB-1 petition to USCIS along with the \$700 check he gave her for the processing fee. Thereafter, it became difficult for Applicant to reach Placide. Applicant attempted to check the status of the petition and to request a tracking number, with no response. When Placide finally responded, she said there was no tracking number because she mailed it by regular mail, but that it had not been returned. Once again, it became difficult to contact Placide. In November 2017, Applicant hired new counsel to determine if USCIS received the petition. USCIS told counsel that without a

tracking number, they would be unable to verify receipt of the application. The employee never received a USCIS receipt notice, and Applicant's check to USCIS for the filing fee was not cashed. The Board determined that Placide performed no work of value.

*The Board approved a gift of \$10,000.*

## **SMITH, JILL, #41162 – DISBARRED**

### **APPLICANT: 19-029 – Decision: \$2,000**

In September 2011, Applicant hired Smith to file a quiet title action, paying a flat fee of \$6,000 plus a one-third contingent fee based on the gross settlement amount, minus the \$6,000 flat fee. In January 2015, Smith obtained a settlement for \$50,000. Smith deposited the funds into her general account, where she negligently miscalculated the proceed amount, resulting in her keeping \$2,000, which she was not entitled to keep. Smith never refunded the unearned fee.

*The Board approved a gift of \$2,000*

### **Applicant: 19-039 – Decision: \$5,150**

In July 2012, Applicant hired Smith to represent him in a mortgage loan modification, paying a flat fee of \$3,000. During the representation, Smith would discuss certain courses of action, but later change course. Smith was difficult to reach, and this became a pattern over the course of representation. In January 2015, Applicant found a Notice of Default and Trustee Sale posted on his door. Smith had taken no action to prevent Applicant's property from foreclosure. Smith referred Applicant to mediation, informing him that her attendance would be an additional fee. Thereafter, Smith became unreachable and did not help Applicant prepare for mediation. The mediation temporarily stopped foreclosure proceedings for several months. Smith advised Applicant to write TILA rescission letters according to a sample letter used by her other clients. Then she disappeared again. Applicant asked Smith what action she had taken to stop the Trustee Sale, and she told him that they needed to enforce a lawsuit in federal court to make the rescission letters effective. Smith had not mentioned this before. This action would require Applicant to enter a new retainer of \$8,500. Smith offered \$2,000 credit toward the new retainer.

Applicant entered the new retainer agreement for the TILA Rescission lawsuit, on a contingent fee basis, paying \$1,300 towards the flat fee of \$6,500. While Smith still showed no signs of performing any work, she advised Applicant to file a Chapter 13 Bankruptcy. Smith referred Applicant to a bankruptcy lawyer. Applicant filed the bankruptcy and stopped the sale. Applicant paid \$400 and Smith informed him that she would be filing for the necessary TRO. Later that month, Applicant reached out to Smith to give her the status of his bankruptcy. Smith did not respond. In April 2016, Applicant reached out to Smith again to ask if she filed the TILA TRO. In Smith's response, she told Applicant to check with his bankruptcy attorney about filing Chapter 7 to keep the house, as she had yet to file the TILA TRO.

Smith's behavior in Applicant's matter was similar to her conduct in other matters for which she was disciplined. On December 26, 2018, Smith was suspended by the WSBA for three-years. Smith did not inform Applicant of her suspension, nor did she refund Applicant for unearned



fees.

It appears that Smith did little to no work of value. Applicant provided proof of payment made to Smith in the amount of \$5,150.

*The Board approved a gift of \$5,150.*

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**Applicant: 20-050 – Decision: \$8,500**

In January 2018, Applicant consulted with Smith to represent him in a potential foreclosure. Smith agreed to take Applicant's case for a flat fee of \$8,500, assuring Applicant that there would be no additional charges unless there was a need for an appeal. Applicant paid a \$200 consultation fee, a down payment of \$2,000, and made a payment arrangement for the balance of \$6,300. Smith agreed to the arrangement, and Applicant completed the payment. Thereafter, Applicant did not hear from Smith. On April 27, 2018, Applicant found a Notice of Default and Intent to Accelerate posted on his door. Smith began asking Applicant questions and requesting information related to his case, which led him to believe she was performing work on his complaint. Applicant sent Smith the requested information and documents, and Smith sent Applicant a drafted complaint, which lacked information pertaining to his matter. Smith finally produced a complaint that correctly represented Applicant's situation and grievances; Applicant acknowledged the receipt and sent Smith a check for the filing fees. Smith emailed Applicant to inform him that the complaint had been filed with the court and the Summons and Complaint would be served but did not provide Applicant with a case number or a copy of the filed documents. Applicant did not hear from Smith for two months. On November 20, 2019, Smith informed Applicant of her withdrawal from his case. Applicant still had no documents or case number. Applicant made several attempts to contact Smith to get an accounting of the funds, with no return response. Applicant's case was dismissed without prejudice, as he was unaware that there was a Motion to Dismiss his complaint.

*The Board approved payment of \$8,500*

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**SNYDER, MARA, #43474 – RESIGN IN LIEU OF DISCIPLINE**

**APPLICANT: 21-019 – Decision: \$4,500**

On July 17, 2020, Applicant hired Snyder to represent her in a family law matter, paying \$4,500. Thereafter, Applicant was informed that Snyder abandoned her practice. Applicant says she paid for services that she never received. According to Snyder's client ledger, Applicant's trust account balance was \$3787.50, however, Snyder performed no work of value.

*The Board approved a gift of \$4,500.*

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**APPLICANT: 21-020 – Decision: \$2,186**

In early 2020, Applicant hired Snyder to represent her in a family law matter, paying \$7,517.08. Snyder was performing work in Applicant's case. During representation, Applicant was informed that Snyder abandoned her practice. According to Snyder's client ledger, Applicant's trust account balance was \$2,186.23.

*The Board approved a gift of \$2,186.23*

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**APPLICANT: 21-021 – Decision: \$5,613**

In January 2020, Applicant hired Snyder to represent him in a family law matter, paying \$11,314. Applicant acknowledges that Snyder performed a significant amount of work on his matter. In November 2020, Applicant paid an additional \$5,000 to make sure there were funds to complete his case. In April 2021, Applicant was informed that Snyder had abandoned her practice. According to Snyder's client ledger, Applicant's trust account balance was \$5,613.

*The Board approved a gift of \$5,613.*

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**APPLICANT: 21-022 – Decision: \$500**

In November 2020, Applicant hired Snyder to represent him in a family law matter, paying \$500.00. In March 2021, Applicant was notified of Snyder's disciplinary actions and that she had abandoned her practice. According to Snyder's client ledger, Applicant's trust account balance was \$500.00.

*The Board approved a gift of \$500.*

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**APPLICANT: 21-023 – Decision: \$4,500**

In July 2020, Applicant hired Snyder to represent him in a family law matter, paying \$4,500. Thereafter, it became difficult to contact Snyder. When Applicant did get in contact with Snyder, she would provide excuses, with no evidence of work performed on the case. On February 12, 2021, Snyder told Applicant that she was trying to schedule a mediation, but the mediation never took place. Applicant later discovered that Snyder abandoned her practice. Snyder performed no work of value on Applicant's case. According to Snyder's client ledger, Applicant's trust account balance was \$1,184.

*The Board approved a gift of \$4,500.*

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**APPLICANT: 21-024 – Decision: \$7,025**

On July 1, 2019, Applicant hired Snyder to represent him in recovering the travel expenses associated with long distance travel to visit his son in Massachusetts. Applicant paid a total of \$7,325, which included a non-refundable consultation fee of \$300. Throughout the course of Snyder's representation, Applicant and Snyder would have meetings to discuss the case. However, Snyder made no progress on Applicant's case. On February 5, 2020, following a hearing, the commissioner made a ruling. However, the ruling was never entered. Applicant and Snyder had discussed the need to apply for reconsideration as soon as the hearing was scheduled. Snyder wanted to do additional research prior to scheduling a hearing and filing for reconsideration. This resulted in over a year of the same cycle of phone calls and meetings with no progress in Applicant's case. Snyder eventually began to miss meetings and phone calls before she abandoned her practice. Snyder performed no work of value and according to Snyder's client ledger there was a trust account balance of \$1,553.01 in Applicant's case. Applicant has no evidence that any work was performed.

*The Board approved a gift of \$7,025.*

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**APPLICANT: 21-025 – Decision: \$6,000**

On November 3, 2020, Applicant hired Snyder to represent him in a family law matter, paying \$6,000. Applicant received invoices for services said to have been rendered. Applicant never saw the work product for the charges. The only work Applicant is aware of Snyder performing is filing a Notice of Appearance. Throughout the course of the representation, Applicant, his mother, and another lawyer made several attempts to contact Snyder, with no response. According to Snyder's client ledger, Applicant's trust account balance was \$3,543.85. However, Snyder performed no work of value.

*The Board approved a gift of \$6,000.*

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**APPLICANT: 21-027 – Decision: \$3,500**

In September 2020, Applicant hired Snyder to represent him in a family law matter, paying \$3,500. Applicant hired Snyder to modify the wording on his child support order. He was not seeking a full modification or to modify the child support. In March 2021, Applicant received an email from Snyder requesting financial information for the last twelve months. Thereafter, Applicant made attempts to contact Snyder because he had questions regarding the request. Applicant never received a response. Applicant did not feel that he needed to provide financial information when he was only seeking to modify the wording and the custodial parent was not seeking a support modification. Applicant later learned that Snyder abandoned her practice and received an invoice with a balance of \$2,937, which is also reflected on Snyder's client ledger. Snyder performed no work of value and did not refund the balance in the trust account.

*The Board approved a gift of \$3,500.*

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**APPLICANT: 21-030 – Decision: \$4,189.70**

In January 2021, Applicant hired Snyder to represent her in a family law matter, paying \$5,300. Applicant signed a fee agreement for a \$300 availability retainer and an advance-fee trust deposit of \$5,000. On January 27, 2021, Snyder promised to create and share the parenting plan, but failed to do so. Thereafter, it became difficult to contact Snyder. After several attempts to contact Snyder, Applicant went to her office and discovered that Snyder's office was empty. Applicant continued to try to call Snyder until her voicemail box was full. Applicant went to the courthouse to file a notice and declaration to terminate Snyder's representation. Snyder was not heard from again, and she did not return the unearned fee.

*The Board approved a gift of \$4,189.70.*

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**APPLICANT: 21-031 – Decision: \$146,175.53**

In May 2019, Applicant hired Snyder to represent him in a family law matter, paying \$5,000. The dissolution trial was set, but was continued several times. Snyder asked Applicant to pay an additional \$19,500 into trust for trial preparation. On February 26, 2021, Snyder failed to appear at a mediation. The mediator told Applicant that Snyder had missed three mediations that week. The mediator also told Applicant that there was a settlement conference scheduled for March 1, 2021. Snyder never informed Applicant of the settlement conference. Applicant appeared at the settlement conference with no representation. Applicant received an invoice from Snyder

dated February 16, 2021, due on February 17, 2021, the date Snyder closed her office.

According to Snyder's client ledger, Applicant's trust account balance was \$15,145.27. In July 2019, Applicant and his ex-wife sold community property. The proceeds of the sale totaled \$322,060.52, which was transferred to Snyder's trust account to be distributed later. On August 28, 2019, Snyder wrote separate checks to Applicant and Wife for \$30,000 each as partial distribution, leaving a balance of \$262,060.52 in trust (\$131,030.26 for each). Snyder did not distribute the funds to the Applicant and his ex wife. Applicant's ex-wife filed a separate claim to the Fund for her portion of the community property sale proceeds.

*The Board approved a gift of \$146,175.53.*

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**APPLICANT: 21-036 – Decision: \$2,869**

In early 2021, Applicant hired Snyder to represent him in a family law matter, paying \$3,000. Snyder submitted the initial paperwork to the court. Applicant sent Snyder an email with updated documents, with no return response. Applicant received a bill, showing a positive balance of \$2,539 in his account. Applicant called Snyder's office for an update on his case and found that her voicemail was full. Applicant followed with an email and all emails bounced back as undeliverable. Applicant went to Snyder's office, and it appeared closed. The neighboring tenant told Applicant that Snyder had not been to her office for a few weeks. As Applicant looked for new counsel to cover an upcoming hearing, he discovered that the Bellingham courts were aware of Snyder's disappearance.

*The Board approved a gift of \$2,869.*

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**APPLICANT: 21-037 – Decision: \$6,500**

In January 2021, Applicant hired Snyder to represent her in a family law matter, paying \$6,500. Applicant signed a fee agreement for a \$300 availability retainer and an advance-fee trust deposit of \$6,500. Applicant provided Snyder with an extensive amount of documentation, including original documents. Applicant and Snyder met once over a Zoom video conference to discuss the case. On February 15, 2021, Snyder informed Applicant of a meeting on February 25, 2021, with an arbitrator and opposing counsel. Snyder failed to appear for the meeting and became difficult to contact. Snyder's voicemail was full, and emails were undeliverable. Later, Applicant received an invoice from Snyder showing a credit balance of \$6,272.35. Applicant never heard from Snyder again and she did not refund the unearned fee.

*The Board approved a gift of \$6,500.*

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**APPLICANT: 21-038 – Decision: \$10,000**

On November 20, 2020, Applicant hired Snyder to represent her in a family law matter, paying \$10,000. Applicant and Snyder spoke once on FaceTime in November 2020. Initially, Applicant was not ready for Snyder to file the dissolution with the court. Applicant later contacted Snyder to set up a meeting to advise Snyder to file. Conference calls were set up for February 2, February 10, and February 17, 2021, but Snyder cancelled each time. When Applicant sent Snyder an email, it bounced back. Later, Applicant received an invoice from Snyder showing a credit balance of \$9,586; although Snyder performed no work of value. Applicant never heard from Snyder again and she did not refund the unearned fee.

*The Board approved a gift of \$10,000.*

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**APPLICANT: 21-039 – Decision: \$4,404.70**

In January 2021, Applicant hired Snyder to represent him in a family law matter, paying \$5,300. Applicant signed a fee agreement for a \$300 availability retainer and an advance-fee trust deposit of \$5,000. After a few weeks into representation, it became difficult to contact Snyder, who stopped responding to Applicant's emails and phone calls. Snyder never filed the dissolution, nor did she perform any work of value. Applicant received an invoice from Snyder showing a trust account credit balance of \$4,404.70. Applicant never heard from Snyder again and Snyder did not return unearned fees.

*The Board approved a gift of \$4,404.70*

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**APPLICANT: 21-040 – Decision: \$499.55**

In June 2020, Applicant hired Snyder to represent him in a family law matter. Applicant stated that Snyder performed the work and earned the fees. When Applicant was informed that Snyder abandoned her practice, he later received an invoice with a balance of \$499.55 in Snyder's trust account, which is also reflected on Snyder's client ledger.

*The Board approved a gift of \$499.55*

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**APPLICANT: 22-046 – Decision: \$131,030**

In May 2019, Snyder represented Applicant's husband in their dissolution matter. In the divorce, the Applicant and husband sold their community property. The proceed of the sale totaled \$322,060.52, which was transferred to Snyder's trust account to be distributed to the Parties. On August 28, 2019, Snyder wrote separate checks to each party for \$30,000 each as partial distribution, leaving a balance of \$262,060.52 in trust (\$131,030.26 for each). Snyder did not distribute the funds to the Applicant or ex-husband. The Client Protection Board approved Applicant's ex-husband's application to the Fund, with the condition that Applicant file a separate claim to the Fund. The Board approved payment for Applicant's portion of the community property sale proceeds.

*The Board approved a gift of \$131,030*

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**TURNER, HAROLD, #33341 – SUSPENDED**

**APPLICANT: 20-036 – Decision: \$2,500**

In November 2018, Applicant hired Turner to represent him in a family law matter, paying a flat fee of \$2,500. Turner agreed to appear with Applicant at a child support modification hearing set for November 13, 2018. Turner and Applicant agreed to meet again on November 9, 2018, prior to the hearing, Applicant asked Turner if he would draft a trust for him. Turner agreed to draft a basic trust, along with the other work for the discussed flat fee. The court continued the November 13, 2018 hearing to January 4, 2019. On January 4, 2019, Turner appeared at a telephonic hearing, but did not speak a word on Applicant's behalf. The judge entered an order

modifying child support. Thereafter, it became difficult for Applicant to contact Turner. Turner did no further work on the child support matter and did not draft the trust. On May 28, 2019, Applicant sent an email and a certified letter to Turner terminating the representation and requesting a full refund of fees. The certified letter was returned unclaimed, and Turner did not refund any part of the \$2,500.

*The Board approved payment of \$2,500*

## APPENDIX – Fund Balance Sheet

### Statement of Financial Position

<b>ASSETS</b>		Audited As of September 30, 2022
Wells Fargo Checking Account		\$376,657
Accrued Interest Receivable		-
Wells Fargo Money Market		4,433,256
Wells Fargo Investments		-
Morgan Stanley Money Market		107,479
<b>TOTAL ASSETS</b>		<b>\$4,917,393</b>
<b>LIABILITIES AND NET ASSETS</b>		
Approved gifts to injured clients payable		705,248
Liability to WSBA general fund		148,643
Net Assets		4,063,501
<b>TOTAL LIABILITIES AND NET ASSETS</b>		<b>\$4,917,393</b>

### Statement of Activities

<b>REVENUE</b>		Audited As of September 30, 2022
Restitution		8,906
Member Assessment		704,366
Interest		35,955
<b>TOTAL REVENUE</b>		<b>\$749,227</b>
<b>EXPENSES</b>		
Gifts to Injured Clients		566,947
CPF Board		390
Misc.		2,145
Indirect (overhead)		162,490
<b>TOTAL EXPENSE</b>		<b>\$731,972</b>
Net Income (Expense)		17,256

### Statement of Changes in Net Assets

Balance on September 30, 2020	4,046,246
Net Income as of September 30, 2022	17,256
<b>Balance on September 30, 2022</b>	<b>\$4,063,501</b>

# WASHINGTON STATE BAR ASSOCIATION

## WSBA ABA Delegation

**TO:** WSBA Board of Governors  
**FROM:** Rajeev D. Majumdar, WSBA Delegate to ABA House of Delegates  
**DATE:** May 1, 2023  
**RE:** ABA Mid-Year House of Delegates Meeting

**DISCUSSION :** Review of Issues on the Floor of the ABA House of Delegates

Dear WSBA Board of Governors,

Please find attached primary materials:

1. The Daily Journal from the Meeting, summarizing actions; and
2. A report from the ABA Select Committee to the House of Delegates.

And, the following supplementary materials:

1. ABA Article on LSAT Requirement
2. ABA Article on Supreme Court Code of Ethics

Most important to know, aside from the substantive reports attached, is how influential *Washington* Lawyers were at this meeting. When a deliberative governing body has over 500 members, and only a few days to do business, it is a major effort and achievement to obtain privileges to speak on the floor of the house, and Attorneys from Washington was well represented on the floor. The WSBA Delegation is just one of the ways our great state and its lawyers are represented – we are also represented by section delegates, county bar delegates, our State delegate, and of course your own Gov. Kari Petrusek who is an at-large delegate.

- Washington State Delegate, James Williams spoke on the floor in opposition to Resolution 300, which recommended removing LSAT admission requirements, and the motion failed (**See LSAT Article**).
- Neal Black, a King County Delegate moved the resolution and spoke on the floor in support of resolution 400, which passed and asked the U.S. Supreme Court to adopt a code of ethics like other Federal Judges; James Williams also spoke in favor (**See Supreme Court Code of Ethics Article**).
- Justin Bingham, delegate as Chair of the ABA Criminal Justice Section moved the resolution and spoke on the floor in favor of resolution 501, which adopts the Ten Principles to Achieve Gender Equity in the Criminal Legal Profession, which passed.
- Justin Bingham also spoke on the floor in favor of Resolution 502, which urges all governmental entities and organizations to eliminate the use of stigmatizing and inhumane labels to refer to people who are or have been involved in the criminal legal system, which passed.
- Sara Sandford, delegate from the ABA's International Law Section, spoke on the floor in favor of Resolution 503, which urges all jurisdictions that issue apostilles in the United States, who have not yet implemented



e-Apostilles and e-Registers to proceed with such implementation in order to reduce costs and facilitate cross-border commerce, which passed.

- Sara Sandford also moved the resolution and spoke on the floor in favor of resolution 507, which condemns laws, restrictions, and other measures placed on civil society actors that are inconsistent with international law, which passed.

Thank you for your service and support on behalf of the WSBA Delegation: John Felleisen, Kinnon Williams, Kyle Berti, Lisa Dickinson, Rajeev Majumdar, Amit Ranade, Kyle Sciuchetti, and Austin Hatcher (Alternate). If you have questions I would be happy to answer.

Warmly,



Rajeev D. Majumdar, WSBA #39753

**AMERICAN BAR ASSOCIATION  
HOUSE OF DELEGATES**

**2023 MIDYEAR MEETING  
FEBRUARY 6, 2023**

**DAILY JOURNAL**

<b>REPORT NO.</b>	<b>SUBMITTED BY</b>	<b>SHORT TITLE</b>	<b>ACTION</b>
600	Commission on Law and Aging Section of Civil Rights and Social Justice Senior Lawyers Division Criminal Justice Section	Urges creation of policies and practices to improve the treatment of persons living with dementia who are involved in the criminal justice system.	Approved
601	Standing Committee on Paralegals	Grants approval to two programs, reapproval to 14 programs, withdraws the approval of seven programs at the requests of the institutions, and extends the term of approval for 51 programs.	Approved
602	Standing Committee on Specialization	Grants reaccreditation to the Medical Professional Liability program of the American Board for Professional Liability Attorneys, the Elder Law program of the National Elder Law Foundation, and the Privacy Law program of the International Association of Privacy Professionals, and recommends extending the term of accreditation of the Legal Professional Liability Law program of the American Board of Professional Liability Attorneys until the adjournment of the House of Delegates meeting in August 2023.	Approved

**AMERICAN BAR ASSOCIATION  
HOUSE OF DELEGATES**

**2023 MIDYEAR MEETING  
FEBRUARY 6, 2023**

**DAILY JOURNAL**

603	Standing Committee on Gun Violence Section of Civil Right and Social Justice	Urges federal, state, local, territorial, and tribal governments to enact statutes, rules and regulations that would make it unlawful for any person, other than law enforcement, to possess firearms on property owned, operated, or controlled by any public or private institute of higher education; and in states that do not make it unlawful for any person, other than law enforcement, to possess firearms on property owned, operated, or controlled by any public institute of higher education, authorize such institutions of higher education to restrict or regulate the concealed or open carry of firearms on their campuses.	Approved
604	Cybersecurity Legal Task Force Antitrust Law Section Tort Trial and Insurance Practice Section Science and Technology Law Section Standing Committee on Law and National Security	Urges organizations that design, develop, deploy, and use artificial intelligence ("AI") systems and capabilities to follow certain guidelines and urges Congress, federal executive agencies, the Courts, and State legislatures and regulators, to follow these guidelines in legislation, legal decisions, and standards pertaining to AI.	Approved

**AMERICAN BAR ASSOCIATION  
HOUSE OF DELEGATES**

**2023 MIDYEAR MEETING  
FEBRUARY 6, 2023**

**DAILY JOURNAL**

605	Coalition on Racial and Ethnic Justice Section of Civil Rights and Social Justice	Urges all federal, state, local, territorial, and tribal legislative bodies, and governmental agencies to adopt laws and policies that ensure that state separation-of-powers principles, established in state constitutions, and the structures to support those principles, apply with full force to state regulation of the elections of members of Congress.	Approved
606	Commission on Sexual Orientation and Gender Identity Section of Civil Rights and Social Justice	Encourages state, territorial and tribal bar licensing entities to eliminate from applications required for admission to the bar any questions that ask about sexual orientation or gender identity and to eliminate processes that could lead to unintended disclosure of sexual orientation or gender identity without explicit consent from the applicant.	Approved
300	Section of Legal Education and Admissions to the Bar	Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2023 to Standards 501 and 503 of the <i>ABA Standards and Rules of Procedure for Approval of Law Schools</i> .	Did Not Concur

**AMERICAN BAR ASSOCIATION  
HOUSE OF DELEGATES**

**2023 MIDYEAR MEETING  
FEBRUARY 6, 2023**

**DAILY JOURNAL**

500	Section of Administrative Law and Regulatory Practice	Reaffirms 82A123, opposing federal agencies adopting standards of practice to govern the professional conduct of attorneys on the basis that those attorneys represent clients subject to the agencies' regulation, and supports Recommendation 2021-9 of the Administrative Conference of the United States, which provides best practices for agencies, if they choose to adopt rules necessary to maintain order in or to assure the integrity of their adjudicative proceedings.	Approved as Revised*
501	Criminal Justice Section	Urges the American Bar Association to adopt the <i>Ten Principles to Achieve Gender Equity in the Criminal Legal Profession</i> .	Approved
502	Criminal Justice Section	Urges all governmental entities and organizations to eliminate the use of stigmatizing and inhumane labels to refer to people who are or have been involved in the criminal legal system.	Approved

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\* See attached.

**AMERICAN BAR ASSOCIATION  
HOUSE OF DELEGATES**

**2023 MIDYEAR MEETING  
FEBRUARY 6, 2023**

**DAILY JOURNAL**

503	Business Law Section	Urges the Secretaries of State, and all Competent Authorities that issue apostilles in the United States, who have not yet implemented the e-APP program, which includes e-Apostilles and e-Registers, to proceed with such implementation in order to reduce costs and facilitate cross-border commerce.	Approved as Revised*
504	Section of Intellectual Property Law	Adopts policy supporting a determination that the display right should be treated as distinct and separate from the other exclusive rights granted copyright holders under the Copyright Act, particularly the rights of reproduction and distribution.	Withdrawn
505	Section of Litigation International Law Section	Adopts the American Bar Association Best Practices for Remote Depositions, dated February 2023.	Approved

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\* See attached.

**AMERICAN BAR ASSOCIATION  
HOUSE OF DELEGATES**

**2023 MIDYEAR MEETING  
FEBRUARY 6, 2023**

**DAILY JOURNAL**

506	International Law Section Center for Human Rights ABA Representatives and Observers to the United Nations	Condemns the unlawful invasion of Ukraine by the Russian Federation; urges the Russian Federation to: (i) respect the law of war; and (ii) immediately cease hostilities; urges the United Nations Secretary General to develop a comprehensive set of proposals for ensuring accountability by legal and physical persons; urges the United Nations General Assembly to: (i) establish a registry of claims and evidence of damages caused by the Russian Federation; and (ii) request all states to maintain the status of any assets of the Russian Federation or its citizens that have been frozen until all claims are resolved.	Approved as Revised*
507	International Law Section Center for Human Rights Section of Civil Rights and Social Justice ABA Representatives and Observers to the United Nations	Condemns laws, restrictions, and other measures placed on civil society actors that are inconsistent with international law.	Approved

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\* See attached.

**AMERICAN BAR ASSOCIATION  
HOUSE OF DELEGATES**

**2023 MIDYEAR MEETING  
FEBRUARY 6, 2023**

**DAILY JOURNAL**

508	International Law Section Criminal Justice Section Section of Environment, Energy and Resources Tort Trial and Insurance Practice Section	Urges all Parties to the United Nations Convention against Transnational Organized Crime to adopt a wildlife crime protocol that would: (1) define the term “wildlife crime”; (2) identify the measures that Parties would be called upon to adopt in their domestic laws to prevent and combat wildlife crime; and (3) identify measures that would enhance cooperative global enforcement efforts to prevent and combat wildlife crime.	Approved
509	Tort Trial and Insurance Practice Section	Urges Congress and the United States Department of Agriculture to incentivize the safeguarding of the environment, human health, food safety, animal welfare and farmers by providing natural disaster preparedness training and guidance to farmers and other animal producers who seek federal government payments including, but not limited to, those through the Livestock Indemnity Program.	Approved
510	Section of Civil Rights and Social Justice Commission on Homelessness and Poverty	Urges federal, state, local, territorial, and tribal governments to amend existing laws and/or enact new laws to provide a refundable personal income tax credit for qualified lower-income renters and tenants.	Withdrawn



**AMERICAN BAR ASSOCIATION  
HOUSE OF DELEGATES**

**2023 MIDYEAR MEETING  
FEBRUARY 6, 2023**

**DAILY JOURNAL**

511	Section of Civil Rights and Social Justice Center for Human Rights Coalition on Racial and Ethnic Justice Commission on Sexual Orientation and Gender Identity	Opposes all federal, state, local, territorial, and tribal legislation, regulation, and agency policy that attempts to impose medical or surgical intervention on minors with intersex traits (also known as variations in sex characteristics) without the minor's informed consent.	Approved
512	Section of Civil Rights and Social Justice Center for Human Rights Coalition on Racial and Ethnic Justice Commission on Sexual Orientation and Gender Identity Senior Lawyers Division	Opposes governmental actions and policies that unreasonably interfere with a person's abilities to direct their own health care, including their right to refuse unwanted medical treatment and their legally authorized substitute decisionmakers' rights to refuse medical treatment on their behalf.	Approved
513	Section of Civil Rights and Social Justice Center for Human Rights Coalition on Racial and Ethnic Justice Commission on Sexual Orientation and Gender Identity Criminal Justice Section Senior Lawyers Division	Opposes federal, state, local, territorial, or tribal legislation and regulations that restrict the right of any individual to travel interstate to access medical care.	Approved

**AMERICAN BAR ASSOCIATION  
HOUSE OF DELEGATES**

**2023 MIDYEAR MEETING  
FEBRUARY 6, 2023**

**DAILY JOURNAL**

514	Section of Civil Rights and Social Justice Coalition on Racial and Ethnic Justice Commission on Sexual Orientation and Gender Identity National Asian Pacific American Bar Association International Law Section Senior Lawyers Division	Condemns antisemitism and proposes certain ameliorating measures to combat it.	Approved as Revised*
515	Young Lawyers Division	Urges members of the judiciary to implement policies supporting the participation of junior lawyers in courtroom proceedings, including junior lawyers who contributed to drafting, by allowing multiple attorneys to argue for a party.	Approved
700	National Conference of Commissioners on Uniform State Laws	Approves the Uniform Alcohol Direct-Shipping Compliance Act promulgated by the National Conference of Commissioners on Uniform State Laws as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.	Withdrawn
701	National Conference of Commissioners on Uniform State Laws	Approves the Uniform Commercial Code 2022 Amendments promulgated by the National Conference of Commissioners on Uniform State Laws as appropriate for those states desiring to adopt the specific substantive law suggested therein.	Approved

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\* See attached.

**AMERICAN BAR ASSOCIATION  
HOUSE OF DELEGATES**

**2023 MIDYEAR MEETING  
FEBRUARY 6, 2023**

**DAILY JOURNAL**

702	National Conference of Commissioners on Uniform State Laws	Approves the Uniform Electronic Estate Planning Documents Act promulgated by the National Conference of Commissioners on Uniform State Laws as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.	Approved
703	National Conference of Commissioners on Uniform State Laws	Approves the Uniform Telehealth Act promulgated by the National Conference of Commissioners on Uniform State Laws as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.	Withdrawn
704	Working Group on Beneficial Ownership International Law Section Section of Real Property, Trust & Estate Law Standing Committee on Professional Regulation Standing Committee on Ethics and Professional Responsibility	Supports reasonable and appropriate legislation and related regulations to ensure that adequate, accurate, and timely entity beneficial ownership information can be obtained or accessed in a timely fashion by authorized government authorities and financial institutions for detecting, deterring, and combating money laundering, terrorist financing, corruption, kleptocracy, human rights violations, including human trafficking, forced labor and modern slavery, and U.S. national security violations.	Approved

**AMERICAN BAR ASSOCIATION  
HOUSE OF DELEGATES**

**2023 MIDYEAR MEETING  
FEBRUARY 6, 2023**

**DAILY JOURNAL**

400	King County Bar Association	Urges the Supreme Court of the United States to adopt a code of judicial ethics binding on justices of the Supreme Court of the United States that is comparable to the Code of Conduct for United States Judges adopted by the Judicial Conference of the United States.	Approved
401	New York State Bar Association	Supports the adoption of a bench card addressing best practices for judges in “using LGBTQ+ inclusive language and pronouns” to endorse the use of LGBTQ+ inclusive language and pronouns in the courtroom.	Approved
402	Virgin Islands Bar Association	Urges federal, state, local, territorial, and tribal governments to remove racial and ethnic bias symbols of the Confederate States of America and depictions of Confederate leaders from areas accessible to jurors, litigants, attorneys, witnesses, and the general public in courthouses, courtrooms, and from the exterior of any government facilities in which judicial proceedings are held.	Approved

**AMERICAN BAR ASSOCIATION**  
**SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE**  
**REPORT TO THE HOUSE OF DELEGATES**  
**RESOLUTION**

1 RESOLVED, That the American Bar Association reaffirms its 1982 policy (82A123) that  
2 opposes , except as expressly provided in existing legislation, federal agencies adopting  
3 standards of practice governing the professional conduct of attorneys who represent  
4 clients subject to the administrative procedures of or regulation by those agencies, except  
5 agency standards that are in conformity with formal disciplinary action against an attorney  
6 by a court in a jurisdiction where the attorney is admitted to practice or agency standards  
7 that affect an attorney's participation in a particular agency proceeding, as immediately  
8 necessary to maintain order in or assure the integrity of the proceeding; and  
9

10 FURTHER RESOLVED, That the American Bar Association supports Recommendation  
11 2021-9 of the Administrative Conference of the United States (Regulation of  
12 Representatives in Agency Adjudicative Proceedings), ~~which provides best practices for~~  
13 ~~agencies, if they choose to adopt rules necessary to maintain order in or to assure the~~  
14 ~~integrity of their adjudicative proceedings. to the extent that its specific recommendations~~  
15 ~~(1) address an attorney's participation in an agency adjudicative proceeding, as~~  
16 ~~immediately necessary to maintain order in or assure the integrity of that proceeding, and~~  
17 ~~(2) are consistent with the ABA Model Rules of Professional Conduct.~~

Deletions struck through; additions underlined.

**AMERICAN BAR ASSOCIATION**  
**BUSINESS LAW SECTION**  
**REPORT TO THE HOUSE OF DELEGATES**  
**RESOLUTION**

1 RESOLVED, That the American Bar Association urges the Secretaries of State, and all  
2 Competent Authorities that issue apostilles in the United States, who have not yet  
3 implemented the e-APP program, which includes e-Apostilles and e-Registers, to proceed  
4 with such implementation in order to reduce costs and facilitate cross-border commerce  
5 [and other public document verification.](#)

Deletions struck through; additions underlined

**AMERICAN BAR ASSOCIATION**  
**INTERNATIONAL LAW SECTION**  
**CENTER FOR HUMAN RIGHTS**  
**ABA REPRESENTATIVES AND OBSERVERS TO THE UNITED NATIONS**  
**REPORT TO THE HOUSE OF DELEGATES**  
**RESOLUTION**

**RESOLVED**, that the American Bar Association condemns the Russian Federation's (1) unlawful invasion of Ukraine in direct violation of the prohibition of the use of force against the territorial integrity and political independence of another nation as set forth in Article 2(4) of the Charter of the United Nations; (2) the purported annexation of Ukrainian territory; (3) threat of use of nuclear weapons, its violations of the law of war, including international humanitarian law; (4), commission of crimes against humanity, genocide, and aggression; and (5) violations of international human rights law;

**FURTHER RESOLVED**, that the ABA urges the Russian Federation to respect its obligations under international law, including the Charter of the United Nations, the law of war (such as international humanitarian law, the Geneva Conventions of 1949 and Additional Protocol I thereto of 1977), international human rights law, and customary international law, as well as obligations governing the use of nuclear weapons, and further condemns all violations of these obligations;

**FURTHER RESOLVED**, that the ABA urges the Russian Federation ~~immediately~~ to cease immediately hostilities against Ukraine, and ~~to comply with the United Nations Charter and General Assembly Resolutions ES-11/1, GA-ES-11/2, ES-11/4, and ES-11/5; for the establishment of a mechanism for achieving a peaceful resolution of the conflict through political dialogue, negotiation, mediation, and other peaceful means;~~

**FURTHER RESOLVED**, that the ABA urges the United Nations General Assembly to request the Secretary General of the United Nations to develop a comprehensive set of proposals for ensuring accountability by legal and physical persons responsible for war crimes, crimes against humanity, the crime of genocide, and the crime of aggression, including, but not limited to, the following possible measures:

- (1) The establishment of tribunals, both international and hybrid, with international and domestic components, as it may deem appropriate, including the option of negotiating an agreement with the Government of Ukraine to create an independent special tribunal for Ukraine on the crime of aggression;

# Revised 506

(2) The establishment of fact-finding bodies;

(3) The creation of commissions of truth and reconciliation; and

(4) Such other mechanisms, as appropriate, to remedy, reconcile, and assure accountability for violations of international law.

**FURTHER RESOLVED**, that the ABA urges the United Nations General Assembly to promptly establish a registry of claims and evidence of damage caused by the Russian Federation's illegal invasion of Ukraine, after consulting the government of Ukraine and other relevant governments; and

**FURTHER RESOLVED**, that the ABA urges the United Nations General Assembly to request all states to maintain the status of the Russian Federation's assets and any other assets that are frozen by states as a result of the invasion, including central bank funds, pending a resolution of the claims against the Russian Federation caused by its invasion of Ukraine.

Deletions struck through; additions underlined.



**AMERICAN BAR ASSOCIATION**  
**SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE**  
**COALITION ON RACIAL AND ETHNIC JUSTICE**  
**COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY**  
**NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION**  
**INTERNATIONAL LAW SECTION**  
**SENIOR LAWYERS DIVISION**  
**REPORT TO THE HOUSE OF DELEGATES**

**RESOLUTION**

1 RESOLVED, That the American Bar Association urges federal, state, local, territorial, and  
2 tribal governments in the United States to condemn antisemitism, ~~as referred to in The~~  
3 ~~International Holocaust Remembrance Alliance's (IHRA) working definition of~~  
4 ~~antisemitism, encouraged for use by other governments and international organizations~~  
5 ~~by the U.S. Department of State: "Antisemitism is a certain perception of Jews, which~~  
6 ~~may be expressed as hatred toward Jews. Rhetorical and physical manifestations of~~  
7 ~~antisemitism are directed toward Jewish or non-Jewish individuals and/or their property,~~  
8 ~~toward Jewish community institutions and religious facilities";~~  
9

10 FURTHER RESOLVED, That the American Bar Association urges federal, state, local,  
11 territorial, and tribal governments in the United States to support legislation which  
12 combats and condemns antisemitism, such as H. Res. 1125 (May 18, 2022) and  
13 S.Res.252 (June 14, 2021);  
14

15 FURTHER RESOLVED, That the American Bar Association urges the United States and  
16 all other United Nations member states to adopt legislation and to pursue policies and  
17 measures that condemn and eliminate antisemitism;  
18

19 FURTHER RESOLVED, That the American Bar Association should take a leadership role  
20 in opposing antisemitism, both in the United States and around the world, and use its best  
21 efforts to:

- 22 1. Condemn all antisemitic attitudes and actions, whether intentionally  
23 discriminatory or that have the effect of being discriminatory;
- 24 2. Advocate for governments at all levels to take all reasonable steps to improve  
25 the physical security of Jewish institutions and organizations, including by using  
26 existing tools such as increasing funding for the Nonprofit Security Grant

# Revised 514

- 27 Program of the Department of Homeland Security, to keep at-risk houses of  
28 worship, schools, and community centers safer from antisemitic violence;  
29 3. Encourage laws, policies and training that build the capacity of the legal  
30 community, government agencies and officials, law enforcement and the public  
31 at large to research, understand and counter antisemitism;  
32 4. Encourage and collaborate with attorneys and other bar associations to  
33 advocate against antisemitism in the profession and the community;  
34 5. Provide, and encourage other bar associations to provide, training and  
35 education, to give people the knowledge and tools necessary to identify,  
36 prevent, respond to, and remedy antisemitism, including by providing support  
37 to victims of antisemitism; and  
38 6. Call on social media platforms to institute stronger and more significant efforts  
39 to identify, measure and address online antisemitism;  
40  
41 FURTHER RESOLVED, That nothing in this resolution is intended to diminish or infringe  
42 upon any right protected by the First Amendment to the United States Constitution; and  
43  
44 FURTHER RESOLVED, That nothing in this resolution is intended to diminish or infringe upon any right  
45 detailed in Article 19 and Article 20 of the Universal Declaration of Human Rights.

Deletions struck through; additions underlined.

## **MEMORANDUM**

**TO:** Members of the House of Delegates

**FROM:** Select Committee of the ABA House of Delegates

**SUBJECT:** 2023 Midyear Meeting of the American Bar Association and Meeting of the House of Delegates

**DATE:** February 16, 2023

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### **REPORT ON THE ABA MIDYEAR MEETING**

The 84th Midyear Meeting of the American Bar Association (“ABA”) was held February 1-6, 2023. A variety of programs were sponsored by committees, sections, divisions, and affiliated organizations. The House of Delegates met for one day.

The Nominating Committee hosted a Candidates Forum on Sunday, February 5, 2023. The following candidates seeking nomination at the 2024 Midyear Meeting gave speeches to the Nominating Committee and to the members of the Association, followed by a question/answer session: Jonathan Cole of Tennessee and William D. Johnston of Delaware, candidates for Chair of the House of Delegates for the 2024-2026 term, and Michelle Behnke of Wisconsin, candidate for President-Elect for the 2024-2025 term.

### **HOUSE OF DELEGATES**

The House of Delegates of the American Bar Association (the “House”) met on Monday, February 6, 2023. Palmer Gene Vance, II of Kentucky presided as Chair of the House of Delegates. He welcomed the House members to the first in-person Midyear Meeting since 2020. Chair Vance also acknowledged that the meeting was being held on the ancestral land of several Tribal nations, and he further recognized that New Orleans today is a community of many diverse people who live and work in the city.

The Marine Corp Jesuit ROTC from Jesuit High School of New Orleans presented the colors. The invocation for the House was delivered by Darrel J. Papillion, Louisiana State Delegate. Louisiana Governor John Bel Edwards, who is also a lawyer, provided a video welcome to House members.

The Chair of the House Committee on Credentials and Admissions, Karol Corbin Walker of New Jersey, welcomed the new members of the House and moved that the signed roster be approved as the permanent roster for this meeting of the House. The motion was **approved**.

Laura V. Farber of California, Chair of the Committee on Rules and Calendar, provided a report on the Final Calendar for the House, which included three resolutions recently filed by state, local, and territorial bar associations. She stated that all

supplemental materials for the House, as well as Board of Governors Reports 177, 177A and 177B, were sent electronically and posted on the House's webpage. Farber moved to adopt the final calendar and to approve the list of individuals who sought privileges of the floor. Both motions were **approved**. Ms. Farber noted that the deadline for submission of Resolutions with Reports for the 2023 Annual Meeting is May 9, 2023, and the deadline for Informational Reports is June 9, 2023. She encouraged House members to consult with the House Drafting Committee prior to submitting resolutions.

Ms. Farber also referred to the consent calendar, noting that two resolutions had been removed from the consent calendar by the deadline for doing so, which was 4:00 p.m. on Saturday, February 4, 2023. Later in the day, Ms. Farber moved the items remaining on the consent calendar. The motion was **approved**.

Secretary Pauline A. Weaver of California moved that the proposed Summary of Action for the House for the 2022 Annual Meeting be adopted as the official record of the House. The motion was **approved**. Secretary Weaver gave the report on actions of the Board of Governors, referring to Reports 177, 177A, and 177B. Secretary Weaver recognized the members of the House who had passed away since the last House meeting, and they were honored with a moment of silence.

For more details of the House meeting, see the following two-part report of the House session. The first part of the report provides a synopsis of the speeches and reports made to the House. The second part provides a summary of the action on the resolutions presented to the House.

## **I. SPEECHES AND REPORTS MADE TO THE HOUSE OF DELEGATES**

### **Statement by the Chair of the House of Delegates**

Chair Vance expressed appreciation for those who serve on House committees and the talented staff who support the work of the House. He also thanked the ABA Media Relations and Strategic Communications team for informing ABA members, the legal community, and the general public about developments in the House.

Chair Vance encouraged House members to participate in Law Day, and he played for the House historical recordings from Justice Thurgood Marshall and Mickey Mantle promoting Law Day. He also urged House members to review the ABA's 2022 impact report detailing the ABA's public service work at home and abroad, which is available at [ambar.org/impact2022](http://ambar.org/impact2022).

Chair Vance acknowledged the success of ABA Free Legal Answers, which was launched by the Standing Committee on Pro Bono and Public Service in 2016. This national pro bono legal advice portal provides low- and modest-means individuals with access to quality legal advice from pro bono attorneys. So far, the program has responded to more than 250,000 civil legal questions submitted online. He encouraged House members to join the 12,000 attorneys who have volunteered for the program by visiting [www.abafreelegalanswers.org](http://www.abafreelegalanswers.org).

## **Statement by the ABA President**

ABA President Deborah Enix-Ross of New York spoke to the House of Delegates, addressing the question, “How are we doing?” She said that while we have no shortage of work before us, the 2022 Impact Report demonstrates that the ABA’s public service impact is stronger than ever.

Ms. Enix-Ross said she was grateful to Chief Justice Loretta H. Rush, President of the Conference of Chief Justices, for speaking to the House, and to the Conference of Chief Justices for inviting Ms. Enix-Ross to speak at their conference. She said this will be “an opportunity to share how the American bench and bar can collaborate and work together to improve our justice system.”

Ms. Enix-Ross recognized the work of our members who lead ABA entities, develop policies and best practices, and produce the programs and publications that help us be better lawyers. She said our members also “strengthen and leverage connections between the ABA and state, local, affinity, and specialty bar associations.”

The ABA’s work, Ms. Enix-Ross said, is “especially important in this era of combative polarization, which poisons our body politic and corrodes confidence in our courts and systems of law.”

She believes that “Americans can come together to solve problems,” but she said it is not always clear how to do so. Ms. Enix-Ross said there is a dire need for public education about our legal and justice systems. The ABA’s Cornerstones of Democracy Commission has identified state and local bar programs that focus on those areas. Ms. Enix-Ross said that collaboration is crucial and noted that for the first time, the ABA Board of Governors invited the President of the Federalist Society to speak about civics, civility, and collaboration, and Ms. Enix-Ross will reciprocate at that association’s upcoming meeting. She said our continued work to promote those themes will help “secure the health and vibrancy of democracy.”

Ms. Enix-Ross discussed several other ABA projects that have had a positive impact on our society, including the poll worker volunteer project that sent attorneys to polling places and the work of ProBAR, a pro bono asylum representation project on the Texas/Mexico border. She said that the ABA’s work in the legislative sphere has also had a significant impact, such as the ABA’s support for legislation to protect federal judges from harm and its successful opposition to legislation that would have regulated lawyers and law firms as financial institutions. She encouraged House members to attend ABA Day on March 27-29, 2023, in Washington, D.C., where the top priority will be to educate new members of Congress about the need to fund the Legal Services Corporation. She noted that the ABA’s Disaster Legal Services program and the ABA Free Legal Answers portal help fill the justice gap that is not filled by legal services.

She said that our impact is also strong in the criminal justice sphere. For instance, the ABA’s studies that document under-resourced state public defender systems present

a sobering call to action as we celebrate the 60th anniversary of *Gideon v. Wainwright*. Ms. Enix-Ross also noted that concerns about police brutality led the ABA to create the ABA Legal Education Police Practices Consortium, which works through sixty law schools to help “police departments develop policies that are free of bias, uphold the rule of law, and protect the safety and security of all.”

Ms. Enix-Ross emphasized the need to continue to promote diversity, equity, and inclusion. She noted that the Fall 2022 incoming law school class was the most diverse on record, with thirty-seven percent of students identifying as racially or ethnically diverse. She said one of the most rewarding parts of the year has been working with law students, and she plans to visit all six law schools at historically Black colleges and universities.

Ms. Enix-Ross complimented the ABA staff and thanked retiring Executive Director Jack Rives for his thirteen years of service. In closing, she said we can be proud that the ABA’s work has a tremendous impact on the legal profession, our legal and justice systems, our clients, and the world. She said to continue having that impact, we need to encourage civil and civic engagement, demonstrate passion for our positions with tolerance of opposing viewpoints, promote open discussion that aims to increase understanding between those with differing views on polarizing issues, and encourage peaceful protest.

### **Remarks by the President of the Conference of Chief Justices**

The Honorable Loretta H. Rush, Chief Justice of the Supreme Court of Indiana and President of the Conference of Chief Justices (CCJ), provided remarks on the state of the state courts. She noted that the CCJ is going through a time of change, with twelve new chief justices appointed in the last couple of months. She said the CCJ is a thriving organization that is dedicated to promoting impartial and independent courts.

Chief Justice Rush addressed three issues for state courts: how to embrace new technology, how to respond to the national mental health and substance use disorder crisis, and how to increase public trust in the judicial system.

Chief Justice Rush recognized how new technology has changed the courts, including the introduction of efilings, virtual hearings, and online mediation programs. The CCJ will be publishing a report this spring that addresses how to best use technology in a way that is fair to all court users. She recognized that increasing numbers of court users are comfortable using technology to appear in court.

Chief Justice Rush said that the state court justice system faces significant challenges given the prevalence of litigants with mental illness, substance use disorders, and other behavioral health issues. She said the criminal justice system has become a primary entry point for those struggling with mental illness, and it affects civil courts as well. She explained that seventy percent of people in jail suffer from serious mental illness, substance use disorders, or both. The CCJ and the Conference of State Court Administrators created a national task force to examine mental health and substance use disorder issues, and that task force created a report and resources to assist judges. The

task force designed trainings, bench cards and other resources, and it identified best practices and policy recommendations. The task force's 2022 report is available online at <https://www.ncsc.org/behavioralhealth>.

Chief Justice Rush noted that a recent survey found that sixty percent of people have confidence in the state courts, but that number is falling. She said, "We must respond, and we need your help." She explained that public trust is our currency and that "it is imperative that we operate a justice system that bolsters that currency." She said the ABA's civics education is a positive step, and the CCJ also has several programs designed to improve confidence in the courts. Chief Justice Rush said the CCJ is committed to procedures and practices to improve access to the courts, such as twenty-four-hour access to the courts, electronic filing, online dispute resolution, text message reminders, eviction diversion programs, criminal justice reform, and diversity, equity, and fairness initiatives.

### **Statement by the ABA Treasurer**

ABA Treasurer Kevin L. Shepherd of Maryland spoke to the House about the finances of the Association. He recognized several positive developments, including a significant increase in grants, especially international grants, and slightly lower operating costs than expected. He also said that we should celebrate our success in managing the Association's pension obligation, noting that in 2016, our pension liability was \$95 million, and that number is now less than \$7 million.

Despite these positive results, Mr. Shepherd said that we continue to be challenged by extreme volatility in the financial markets, which has resulted in investment losses in FY2022. He said we must be disciplined in how we use our investments. We have \$157.9 million in net assets, including \$15.7 million in restricted assets, \$32.9 million in unrestricted assets for operations, and \$109 million in unrestricted assets that reside in our sections, divisions, and forums.

In closing, Mr. Shepherd recognized the hard work of the finance staff, led by the CFO Bill Phelan, and Executive Director Jack Rives.

### **Statement by the ABA Executive Director**

In his 26th and final address to the House of Delegates as Executive Director of the American Bar Association, Jack L. Rives of Illinois offered remarks on the current state of the Association and some of the transformative changes he has observed over the past 13 years. He noted the ABA has superb leadership among its members and staff, and he has been proud to serve as our Executive Director.

Mr. Rives said that from the beginning of his tenure, he knew the ABA must focus on membership. When he began to serve in 2010, the Association spoke of 400,000 members, but 40 percent of that number were law students and others who paid no dues, and some others received discounted rates. Now, after eliminating free memberships and discounts for individually billed members, the ABA has 167,000 dues-paying members.

We have a much-improved member experience, including our CLE library at no additional cost for members, and sensible price points for dues. We remain the world's largest voluntary association of lawyers. He noted the introduction of a paywall has brought in more dues-paying members who want access to the ABA's valuable content.

Mr. Rives noted that the changes to the membership model implemented four and a half years ago have stopped the loss of dues-paying members, but membership has not rebounded as had been projected. As a result, the ABA is working on additional plans to generate dues and non-dues revenue, with a particular emphasis on retention of existing members. The ABA has also reduced general operations expenses significantly in recent years. Adjusted for inflation, the Association's general operations spending is \$69 million less than it was ten years ago. We brought in significant revenue by selling our building in Washington, D.C., and we have reduced our space requirements by more than 40 percent in both our Chicago headquarters and D.C. office.

Mr. Rives noted the ABA has entered a promising new era with our grants. This year, the Association will receive more than \$100 million in grant revenue, compared with \$37 million when he began serving in 2010. He also observed that today less than 40 percent of ABA staff is funded by general operations, compared to about 75 percent ten years ago. This change helps us to fund our most important priorities.

Looking to the future, Mr. Rives identified six issues the Association will need to address in the years ahead. First, the ABA must determine whether we can increase membership to 250,000 or so paying members, as had been projected when we moved to the new model. If not, the Association must make further changes to operations. Second, Mr. Rives said we need to continue to study whether our Sections, Divisions, and Forums are organized and funded optimally, noting that it can be confusing for members, especially new members, when they try to access the benefits of our entities. Third, he encouraged the ABA to evaluate its governance rules and determine whether they allow the ABA to be sufficiently nimble. He noted that much of the way the Association conducts business has not changed in 50 years or more, and that can hinder our ability to address challenges effectively in today's fast-paced world. Next, Mr. Rives urged the Association to lead in technology, saying it was essential for the ABA to shape the impact of technological changes to the legal profession. He stressed the ABA must work to ensure advances in AI within the legal profession conform with the highest ethical and professional standards. Fifth, Mr. Rives noted the importance of retaining our professional staff in today's competitive marketplace, while breaking down silos and promoting collaboration among ABA entities. Finally, he encouraged the ABA to be a big tent where all attorneys, including young lawyers and those across the political spectrum, are welcome under our Four Goals.

Mr. Rives concluded his speech noting his service with the ABA was an extraordinary and inspiring experience. He has been proud of the accomplishments the Association achieved thanks to our dedicated, talented staff and members. He predicted the future of the ABA will remain bright as we build on recent progress in pursuit of our mission to defend liberty and pursue justice.



## **Report of the Nominating Committee**

The Nominating Committee met on Sunday, February 5, 2023. Robert L. Rothman of Georgia, Chair of the Steering Committee of the Nominating Committee, reported on the following nominations for the terms indicated:

### **CANDIDATE FOR OFFICER OF THE ASSOCIATION**

#### **President-Elect (2023-2024 Term)**

William R. Bay of Missouri

#### **Secretary (2023-2026 Term)**

Marvin S.C. Dang of Hawaii

### **MEMBERS OF THE BOARD OF GOVERNORS FOR THE 2023-2026 TERM**

#### **DISTRICT MEMBERS-AT-LARGE**

District 1: Thomas W. Lyons, III of Rhode Island  
District 2: Thomas Christopher Rombach of Michigan  
District 4: Tracy A. Giles of Virginia  
District 6: Samuel Lester Tate, III of Georgia  
District 12: Frank X. Neuner, Jr. of New Orleans  
District 19: Beverly A. Carroll of South Carolina

#### **SECTION MEMBERS-AT-LARGE**

##### **Business Law**

Lucian T. Pera of Tennessee

##### **Infrastructure and Regulated Industries Law**

Linda L. Randell of Connecticut

##### **Intellectual Property Law**

Theodore H. Davis, Jr. of Georgia

##### **Young Lawyer Member-at-Large**

Christopher S. Jennison of Maryland

### **GOAL III MEMBERS-AT-LARGE**

#### Minority Member-at-Large

Victor M. Marquez of California

#### Woman Member-at-Large

Eileen Sullivan of Arizona

### **Remarks by ABA President-Elect Nominee**

President-Elect Nominee William R. Bay of Missouri expressed appreciation to his family, friends, bar association colleagues, and his law firm Thompson Coburn for their support. He said that over the last three years, he has had the opportunity to look at the future of the practice of law through the Practice Forward Initiative. Mr. Bay said the transformation of the practice of law has been eye-opening and that these are challenging days for our country, our communities, our profession, and our association. He said the biggest challenge may be change itself.

Mr. Bay said we need to be the voice of the profession, but even more importantly, we need to be the home of the profession. To be that home, every lawyer needs to feel welcome and valued regardless of whether we agree on politics or issues of the day. We must be a place where every lawyer can find a place to serve the public, pay one price to easily access content and a network of lawyers with similar interests, and provide input on the tools and the standards in the areas of ethics, rule of law, and substantive areas of the law. Mr. Bay said we need to be a place where lawyers can reshape the practice of law in the areas of diversity, equity, and inclusion. He also highlighted the ABA's role in debating resolutions that affect the rule of law.

Mr. Bay said it is important that even if we disagree, we value the bonds we share. As we look at potential changes in the ABA, we must simplify and transform to meet the needs of new generations of who view the profession and our association differently than we do. Mr. Bay said we must provide content and opportunities to serve without demanding an understanding of the ABA's internal structure. He explained, "Traditions, structures and methods must evolve," including broadening leadership and shortening the track for meaningful involvement. He said we must learn to communicate in different ways.

In closing, Mr. Bay said that although we will not always agree on everything, he is "certain that we are stronger together when we embrace and welcome every attorney to our home, and we focus on what unites us instead of what divides us." He said lawyers share a bond and he closed by emphasizing the important work we have to do to prepare our association for new generations of lawyers and to welcome everyone home.

## **II. RESOLUTIONS VOTED ON BY THE HOUSE**

A brief summary of the action taken on resolutions brought before the House follows. The resolution numbers are noted in brackets.

[600] On behalf of the Commission on Law and Aging, Louraine C. Arkfeld of Arizona moved Resolution 600 urging the creation of policies and practices to improve the treatment of persons living with dementia who are involved in the criminal justice system. The resolution was **adopted**.

[601] The House **approved by consent** Resolution 601 from the Standing Committee on Paralegals granting approval to two programs, reapproval to 14 programs, withdraws the approval of seven programs at the requests of the institutions, and extends the term of approval for 51 programs.

[602] The House **approved by consent** Resolution 602 from the Standing Committee on Specialization granting reaccreditation to the Medical Professional Liability program of the American Board for Professional Liability Attorneys, the Elder Law program of the National Elder Law Foundation, and the Privacy Law program of the International Association of Privacy Professionals, and recommends extending the term of accreditation of the Legal Professional Liability Law program of the American Board of Professional Liability Attorneys until the adjournment of the House of Delegates meeting in August 2023.

[603] On behalf of the Standing Committee on Gun Violence, Monte Frank of Connecticut moved Resolution 603, urging federal, state, local, territorial, and tribal governments to enact statutes, rules and regulations that would make it unlawful for any person, other than law enforcement, to possess firearms on property owned, operated, or controlled by any public or private institute of higher education; and in states that do not make it unlawful for any person, other than law enforcement, to possess firearms on property owned, operated, or controlled by any public institute of higher education, authorize such institutions of higher education to restrict or regulate the concealed or open carry of firearms on their campuses. Mark I. Schickman of California and Margaret J. Finerty of New York spoke in favor of the resolution. The resolution was **adopted**.

[604] On behalf of the Cybersecurity Legal Task Force, Lucy L. Thompson of the District of Columbia moved Resolution 604, urging organizations that design, develop, deploy, and use artificial intelligence (“AI”) systems and capabilities to follow certain guidelines and urges Congress, federal executive agencies, the Courts, and State legislatures and regulators, to follow these guidelines in legislation, legal decisions, and standards pertaining to AI. Laurel G. Bellows of Illinois and Albert C. Harvey of Tennessee spoke in favor of the resolution. The resolution was **adopted**.

[605] On behalf of the Section of Civil Rights and Social Justice, Mark I. Schickman of California moved Resolution 605 urging all federal, state, local, territorial, and tribal legislative bodies, and governmental agencies to adopt laws and policies that ensure that state separation-of-powers principles, established in state constitutions, and the

structures to support those principles, apply with full force to state regulation of the elections of members of Congress. Thomas A. Saenz of California and William K. Weisenberg of Ohio spoke in favor of the resolution. The resolution was **adopted**.

[606] On behalf of the Commission on Sexual Orientation and Gender Identity, Wesley D. Bizzell of the District of Columbia moved Resolution 606, encouraging state, territorial and tribal bar licensing entities to eliminate from applications required for admission to the bar any questions that ask about sexual orientation or gender identity and to eliminate processes that could lead to unintended disclosure of sexual orientation or gender identity without explicit consent from the applicant. Nathan Bruemmer of Florida spoke in favor of the resolution. The resolution was **adopted**.

[300] On behalf of the Section of Legal Education and Admissions to the Bar, Antonio Garcia Padilla of Puerto Rico moved Resolution 300, concurring in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2023 to Standards 501 and 503 of the ABA Standards and Rules of Procedure for Approval of Law Schools. Joseph K. West of the District of Columbia, Josephine M. Bahn of the District of Columbia, Hilarie Bass of Florida, Craig Boise of New York, Scott Bales of Arizona, and Patricia Lee Refo of Arizona spoke in favor of the resolution. James F. Williams of Washington, Angela Winfield of Illinois, Emilio E. Varanini of California, Elizabeth Kronk Warner of Utah, Susanne Gilliam of New Hampshire, and Paulette Brown of New Jersey spoke in opposition to the resolution. The resolution was **not approved**.

[500] On behalf of the Section of Administrative Law and Regulatory Practice Renee M. Landers of Massachusetts moved Resolution 500 as revised, reaffirming 82A123, opposing federal agencies adopting standards of practice to govern the professional conduct of attorneys on the basis that those attorneys represent clients subject to the agencies' regulation, and supports Recommendation 2021-9 of the Administrative Conference of the United States, which provides best practices for agencies, if they choose to adopt rules necessary to maintain order in or to assure the integrity of their adjudicative proceedings. The resolution was **adopted as revised**.

[501] On behalf of the Criminal Justice Section Justin Bingham of Washington moved Resolution 501 urging the American Bar Association to adopt the *Ten Principles to Achieve Gender Equity in the Criminal Legal Profession*. Carla Laroche of Virginia, Maryam Ahranjani of New Mexico, Elizabeth Kelley of Washington, and Sherry Levin Wallach of New York spoke in favor of the resolution. The resolution was **adopted**.

[502] On behalf of the Criminal Justice Section, Stephen A. Saltzburg of the District of Columbia moved Resolution 502, urging all governmental entities and organizations to eliminate the use of stigmatizing and inhumane labels to refer to people who are or have been involved in the criminal legal system. The resolution was **adopted**.

[503] On behalf of the Business Law Section, Paul (Chip) L. Lion of California moved Resolution 503 as revised, urging the Secretaries of State, and all Competent Authorities that issue apostilles in the United States, who have not yet implemented the e-APP program, which includes e-Apostilles and e-Registers, to proceed with such implementation in order to reduce costs and facilitate cross-border commerce. The resolution was **adopted as revised**.

[504] On behalf of the Section of Intellectual Property Law, Theodore H. Davis, Jr. of Georgia withdrew Resolution 504, adopting policy supporting a determination that the display right should be treated as distinct and separate from the other exclusive rights granted copyright holders under the Copyright Act, particularly the rights of reproduction and distribution. The resolution was **withdrawn**.

[505] On behalf of the Section of Litigation, Jeffrey Greenbaum moved Resolution 505, adopting the American Bar Association Best Practices for Remote Depositions, dated February 2023. Steven M. Richman of New Jersey spoke in favor of the resolution. The resolution was **adopted**.

[506] On behalf of the International Law Section, Steven M. Richman of New Jersey moved Resolution 506 as revised, condemning the unlawful invasion of Ukraine by the Russian Federation; urges the Russian Federation to: (i) respect the law of war; and (ii) immediately cease hostilities; urges the United Nations Secretary General to develop a comprehensive set of proposals for ensuring accountability by legal and physical persons; urges the United Nations General Assembly to: (i) establish a registry of claims and evidence of damages caused by the Russian Federation; and (ii) request all states to maintain the status of any assets of the Russian Federation or its citizens that have been frozen until all claims are resolved. Sherry Levin Wallach of New York and Michael S. Greco of Massachusetts spoke in favor of the resolution. The resolution was **adopted as revised**.

[507] On behalf of the International Law Section, Sara P. Sanford of Washington moved Resolution 507, condemning laws, restrictions, and other measures placed on civil society actors that are inconsistent with international law. Mark I. Schickman of California of Calif spoke in favor of the resolution. The resolution was **adopted**.

[508] On behalf of the International Law Section, Steven M. Richman of New Jersey moved Resolution 508, urging all Parties to the United Nations Convention against Transnational Organized Crime to adopt a wildlife crime protocol that would: (1) define the term “wildlife crime”; (2) identify the measures that Parties would be called upon to adopt in their domestic laws to prevent and combat wildlife crime; and (3) identify measures that would enhance cooperative global enforcement efforts to prevent and combat wildlife crime. Beth Whittenbury of California spoke in favor of the resolution. The resolution was **adopted**.

[509] On behalf of the Tort Trial and Insurance Practice Section, Daina Bray of Connecticut moved Resolution 509, urging Congress and the United States Department of Agriculture to incentivize the safeguarding of the environment, human health, food safety, animal welfare and farmers by providing natural disaster preparedness training and guidance to farmers and other animal producers who seek federal government payments including, but not limited to, those through the Livestock Indemnity Program. The resolution was **adopted**.

[510] On behalf of the Section of Civil Rights and Social Justice, Wendy K. Mariner of Massachusetts withdrew Resolution 510, urging federal, state, local, territorial, and tribal governments to amend existing laws and/or enact new laws to provide a refundable personal income tax credit for qualified lower-income renters and tenants. The resolution was **withdrawn**.

[511] On behalf of the Section of Civil Rights and Social Justice, Mark I. Schickman of California moved Resolution 511, opposing all federal, state, local, territorial, and tribal legislation, regulation, and agency policy that attempts to impose medical or surgical intervention on minors with intersex traits (also known as variations in sex characteristics) without the minor's informed consent or assent, and urges licensed professionals not to conduct or propose medical or surgical intervention on minors with intersex traits until the minor requests the proposed care, understands the impact of the proposed care as well as alternatives, is provided with affirming psychosocial supports, and gives informed consent or assent, except when immediate life-threatening circumstances require emergency intervention. Beth Whittenbury of California and Brenda Robinson of California spoke in favor the resolution. The resolution was **adopted**.

[512] On behalf of the Section of Civil Rights and Social Justice, Wendy K. Mariner of Massachusetts moved Resolution 512, opposing governmental actions and policies that unreasonably interfere with a person's abilities to direct their own health care, including their right to refuse unwanted medical treatment and their legally authorized substitute decisionmakers' rights to refuse medical treatment on their behalf. Mark D. Agrast of the District of Columbia and Wendy C. Shiba of California spoke in favor of the resolution. The resolution was **adopted**.

[513] On behalf of the Section of Civil Rights and Social Justice, Wendy K. Mariner of Massachusetts moved Resolution 513, opposing federal, state, local, territorial, or tribal legislation and regulations that restrict the right of any individual to travel interstate to access medical care. Ruthe Ashley of California spoke in favor of the resolution. The resolution was **adopted**.

[514] On behalf of the Section of Civil Rights and Social Justice Mark I. Schickman of California moved Resolution 514 as revised, condemning antisemitism and proposes certain ameliorating measures to combat it. Steven M. Richman of New Jersey, Robert N. Weiner of the District of Columbia, Mark H. Alcott of New York, Mark D. Agrast of the District of Columbia, and Wendy C. Shiba of California spoke in favor of the resolution.

The resolution was **adopted as revised**.

[515] On behalf of the Young Lawyers Division, Rene Morency of Missouri moved Resolution 515, urging members of the judiciary to implement policies supporting the participation of junior lawyers in courtroom proceedings, including junior lawyers who contributed to drafting, by allowing multiple attorneys to argue for a party. Janis van Meerveld of Louisiana and Danielle L. Borel of Louisiana spoke in favor of the resolution. The resolution was **adopted**.

[700] On behalf of the National Conference of Commissioners on Uniform State Laws, Lisa R. Jacobs of Pennsylvania withdrew Resolution 700 approving the Uniform Alcohol Direct-Shipping Compliance Act promulgated by the National Conference of Commissioners on Uniform State Laws as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The resolution was **withdrawn**.

[701] The House **approved by consent** Resolution 701 approving the Uniform Commercial Code 2022 Amendments promulgated by the National Conference of Commissioners on Uniform State Laws as appropriate for those states desiring to adopt the specific substantive law suggested therein.

[702] The House **approved by consent** Resolution 702 approving the Uniform Electronic Estate Planning Documents Act promulgated by the National Conference of Commissioners on Uniform State Laws as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

[703] On behalf of the National Conference of Commissioners on Uniform State Laws, Lisa R. Jacobs of Pennsylvania withdrew Resolution 703 approving the Uniform Telehealth Act promulgated by the National Conference of Commissioners on Uniform State Laws as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The resolution was **withdrawn**.

[704] On behalf of the Working Group on Beneficial Ownership, Robert M. Carlson of Montana moved Resolution 704, supporting reasonable and appropriate legislation and related regulations to ensure that adequate, accurate, and timely entity beneficial ownership information can be obtained or accessed in a timely fashion by authorized government authorities and financial institutions for detecting, deterring, and combating money laundering, terrorist financing, corruption, kleptocracy, human rights violations, including human trafficking, forced labor and modern slavery, and U.S. national security violations. Steven M. Richman of New Jersey, Kevin L. Shepherd of Maryland, Lynda Shely of Arizona, Paul (Chip) L. Lion of California, and William K. Weisenberg of Ohio spoke in favor of the resolution. The resolution was **adopted**.

[400] On behalf of the King County Bar Association, James F. Williams of Washington moved Resolution 400, urging the Supreme Court of the United States to adopt a code of judicial ethics binding on justices of the Supreme Court of the United States that is comparable to the Code of Conduct for United States Judges adopted by the Judicial Conference of the United States. Richard N. Bien of Missouri moved to postpone



indefinitely for further study. Joseph B. Bluemel of Wyoming and Peter M. Reyes, Jr. of Minnesota spoke in favor of the motion to postpone indefinitely. Lucian T. Pera of Tennessee, Stephen A. Saltzburg of the District of Columbia, Patricia Lee Refo of Arizona, and Mary L. Smith of Illinois spoke in opposition to the motion to postpone indefinitely. The motion to postpone indefinitely was **not approved**. The resolution was **adopted**.

[401] On behalf of the New York State Bar Association, Sherry Levin Wallach of New York moved Resolution 401, supporting the adoption of a bench card addressing best practices for judges in “using LGBTQ+ inclusive language and pronouns” to endorse the use of LGBTQ+ inclusive language and pronouns in the courtroom. Wesley D. Bizzell of the District of Columbia and Thomas Prol of New Jersey spoke in favor of the resolution. The resolution was **adopted**.

[402] On behalf of the Virgin Islands Bar Association, Shari N. D’Andrade of the Virgin Islands moved Resolution 402, urging federal, state, local, territorial, and tribal governments to remove racial and ethnic bias symbols of the Confederate States of America and depictions of Confederate leaders from areas accessible to jurors, litigants, attorneys, witnesses, and the general public in courthouses, courtrooms, and from the exterior of any government facilities in which judicial proceedings are held. The resolution was **adopted**.

### **Closing Business**

Chair Vance recognized Stephen J. Curley of Connecticut, who moved the Host Resolution for this meeting. The resolution was **approved**.

Chair Vance recognized members of the Colorado delegation to invite members of the House to the 2023 Annual Meeting in Denver, Colorado.

At the conclusion of the meeting, Chair Vance recognized Laura V. Farber of California, who moved the House adjourn sine die. The motion was **approved**.



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MIDYEAR MEETING

## Admissions test requirement for ABA-accredited law schools will remain in place for now

BY STEPHANIE FRANCIS WARD ([HTTPS://WWW.ABAJOURNAL.COM/AUTHORS/20/](https://www.abajournal.com/authors/20/))

FEBRUARY 6, 2023, 12:42 PM CST

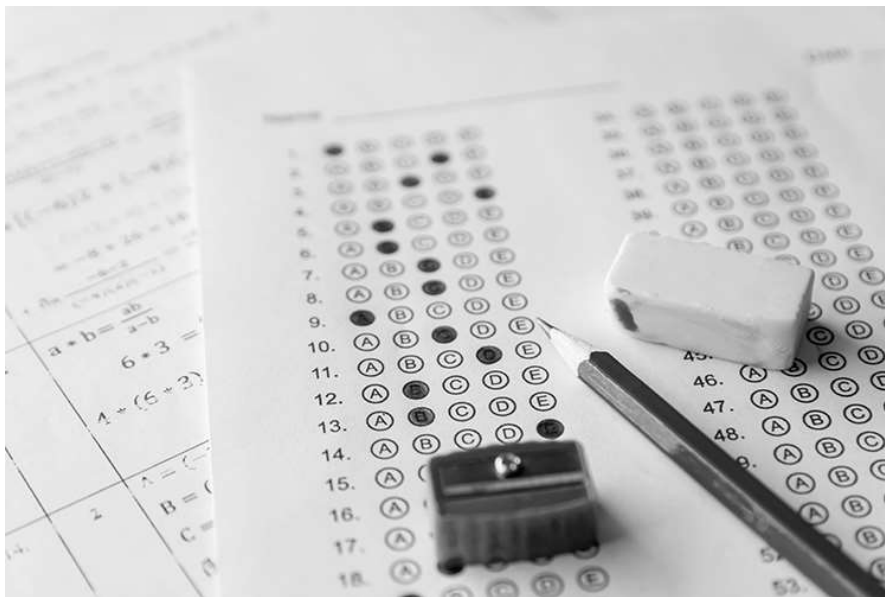
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A proposed revision to a law school accreditation standard that removes an entrance exam requirement was rejected Monday by the ABA House of Delegates, at the organization's midyear meeting in New Orleans.

Resolution  
300

*Image from Shutterstock.*

([https://www.americanbar.org/news/reporter\\_resources/midyear-meeting-2023/house-of-delegates-resolutions/300](https://www.americanbar.org/news/reporter_resources/midyear-meeting-2023/house-of-delegates-resolutions/300)) was brought by the ABA's Section of Legal Education and Admissions to the Bar and called for cutting the test requirement in Standard 503. A similar measure, which suggested cutting the standard all together, was brought by the section in August 2018

([https://www.abajournal.com/news/article/plan\\_to\\_drop\\_law\\_school\\_entry\\_exam\\_requirement\\_withdrawn\\_before\\_house\\_vote](https://www.abajournal.com/news/article/plan_to_drop_law_school_entry_exam_requirement_withdrawn_before_house_vote)), but withdrawn shortly before the House gathered.

“The Council is disappointed in the House of Delegates’ vote on Resolution 300. It will consider next steps at the Council meeting on Feb. 17, consistent with ABA rules and procedures,” Bill Adams, managing director of ABA Accreditation and Legal Education, said in a statement.

Under ABA rules, proposed revisions to the accreditation standards and rules are sent to the House for concurrence up to two times, but the council has the final decision on matters related to law school education.

Many spoke in favor and against the resolution, but for the most part, all agreed on one thing—their position would help diversity in legal education.

While law schools can now use the GRE as an entrance exam, many still use the LSAT. Joseph West, chair of the council of the ABA Section of Legal Education and Admissions to the Bar, noted that the LSAT has been used for some time, yet diversity in the profession remains abysmal.

“The council is not eliminating or prohibiting the admissions test; it can’t do so. It’s simply allowing each law school to decide if it wants to use it. I will note that nearly all medical schools require an admissions test, even though it is not required,” said West, a partner and the chief diversity officer at Duane Morris.

Craig Boise, dean of Syracuse University College of Law, told the House that admissions tests don’t predict law student success as much as many think. He also is a member of the Legal Ed council.

“I do want this kind of flexibility as a law school dean,” he said.

Angela Winfield, the Law School Admission Council’s vice president and chief diversity officer, spoke against the resolution. Citing LSAC data, she said that for Black law school applicants who had undergraduate GPAs between 3.0 and 3.24 and did not submit LSAT scores, the group had a 15% acceptance rate. White applicants in the same category had a 35% acceptance rate.

For Black and white law school applicants with that GPA range with LSAT scores in the 145 to 149 range, the acceptance rate was 52%, according to Winfield.

Paulette Brown, a former ABA president, spoke against the resolution as well. Now retired, she spent much of her work as a lawyer in private practice doing diversity and inclusion work.

She was initially unsure about what she thought of the resolution.

“When I hear the word ‘flexibility,’ the hair goes up on my neck. When you talk about flexibility that means subjectivity. When you introduce subjectivity into any process, it provides too much opportunity for mischief,” said Brown, adding that subjectivity is how “unconscious bias creeps in.”

### **Follow along with the ABA Journal’s coverage of the 2023 ABA Midyear Meeting here**

(<https://www.abajournal.com/topic/midyear+meeting>).

Additionally, during notice and comment for the proposed revision, more than 55 deans of ABA-accredited law schools sent a letter

([https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/comments/2022/june/22-sept-comment-various-deans.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/comments/2022/june/22-sept-comment-various-deans.pdf)) to the council, arguing that removing a law school admissions test could increase school’s reliance on grade point averages and “other criteria that are potentially more infused with bias.”

Discourse around Standard 503 has been plentiful. Initially, it required all ABA-accredited law schools to use the Law School Admission Council’s Law School Admission Test. In 2016, the University of Arizona James E. Rogers College of Law received a variance

([https://www.abajournal.com/magazine/article/one\\_law\\_school\\_experiments\\_with\\_accepting\\_the\\_gre\\_for\\_admissions](https://www.abajournal.com/magazine/article/one_law_school_experiments_with_accepting_the_gre_for_admissions)) to accept the Graduate Record Examination, in addition to the LSAT.

A handful of other schools followed suit

([https://www.abajournal.com/news/article/soon\\_law\\_school\\_applicants\\_can\\_take\\_more\\_lsat\\_exams](https://www.abajournal.com/news/article/soon_law_school_applicants_can_take_more_lsat_exams)), and the council of Legal Ed in 2018 brought a resolution to cut Standard 503. It was met with opposition from the Young Lawyers Division and the Minority Network, a group of law school admissions professionals, and was withdrawn shortly before the House vote was scheduled.

(<https://www.abajournal.com/news/article/starting-now-the-gre-can-replace-the-lsat-in-law-school-admissions>) to be used as an entrance exam, in addition to the LSAT. That addressed an application of the standard, not a revision, and did not require concurrence from the House, according to Bill Adams, ABA managing director of accreditation and legal education.

"We are committed to working with the ABA and the entire legal education community to reconsider these issues and find shared ways to continue to expand access and diversity," she said.

“We are pleased with the outcome of the vote by the American Bar Association’s House of Delegates today against the revisions to Standards 501 and 503. With this, we look forward to continuing to support law schools in their effort to recruit, retain and educate the law students of tomorrow,” the organization wrote in a statement.

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85

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MIDYEAR MEETING

## Supreme Court justices should follow binding code of ethics, ABA House says

BY AMANDA ROBERT ([HTTPS://WWW.ABAJOURNAL.COM/AUTHORS/64780/](https://www.abajournal.com/authors/64780/))

FEBRUARY 6, 2023, 7:38 PM CST

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The U.S. Supreme Court should adopt a binding code of ethics for its justices that is akin to the code of conduct the Judicial Conference of the United States adopted for other federal judges, the House of Delegates said after a spirited debate at the

*Image from Shutterstock.*

2023 ABA Midyear Meeting in New Orleans on Monday.

Resolution 400 ([https://www.americanbar.org/news/reporter\\_resources/midyear-meeting-2023/house-of-delegates-resolutions/400/](https://www.americanbar.org/news/reporter_resources/midyear-meeting-2023/house-of-delegates-resolutions/400/)), which was submitted by the King County Bar Association in Seattle, also urges all other bar associations to pass their own resolutions calling for the Supreme Court to adopt a code of judicial ethics that is binding on its justices.

James Williams, the Washington state delegate to the House of Delegates, introduced the resolution, saying it could be “the most consequential that we will have a conversation about during this House.” He contended the American people need to know that the legal system—at its highest level—has some code that governs their conduct.

“How do we explain to them when they find out that every lawyer in this room, every judge in this room, every lawyer and every judge across the United States of America has a code of conduct, but the United States Supreme Court does not?” Williams said. “How do you explain to the American people when they discover that every part of our government structure, all the other agencies, have codes of conduct, but the United States Supreme Court does not?”

Williams also argued the resolution is vital to the legal profession and the Supreme Court itself.

“This resolution is about protecting the Supreme Court,” he said. “It is about bolstering the court’s reputation and its credibility with the American people and within this profession.”

While Supreme Court justices must adhere to some ethical requirements set by federal statute, they are not bound by any rules that include “the full sweep of basic ethical principles” that apply to other judges, the report accompanying the resolution says.

Members of the federal judiciary are covered by the Code of Conduct for United States Judges

(<https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>), which was originally based on the ABA’s Model Code of Judicial Conduct

([https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_code\\_of\\_judicial\\_conduct/?login](https://www.americanbar.org/groups/professional_responsibility/publications/model_code_of_judicial_conduct/?login)). Every state has adopted some version of the model code.

Richard Bien, a Judicial Division delegate to the House of Delegates, made a motion to postpone Resolution 400 indefinitely—not because he disagreed that Supreme Court justices should have a code of conduct but because he said several entities needed more time to consider the resolution and report. In addition to the Judicial Division, he said this included the Standing Committee on Professionalism and Standing Committee on Professional Regulation.

“None of the proponents for this motion believe there should not be a code of conduct. It is consequential. It is significant. And it needs to be done in the best way that the ABA can do it,” said Bien, adding the resolution had only been circulating for two weeks.

### **Follow along with the ABA Journal’s coverage of the 2023 ABA Midyear Meeting here**

(<https://www.abajournal.com/topic/midyear+meeting>).

Judge Joseph Bluemel, chair of the Standing Committee on Ethics and Professional Responsibility’s Judges Advisory Committee, agreed that the resolution should be postponed. He invoked the words of ABA President Deborah Enix-Ross, saying House members should approach the issue with “civics, civility and collaboration.”

“Really, it comes down to postponing it for six months so we can sit here and actually talk about this,” said Bluemel, a judge of the Third Judicial District Court in Wyoming. “Let’s collaborate, let’s take the time ... I submit to all of you that this is a situation where we need to sit down and figure out what does it mean when you say it’s going to be binding on all justices?”

The motion to postpone the measure ultimately failed.

Several ABA leaders spoke in favor of the resolution, including past ABA President Patricia Lee Refo. She argued the House shouldn’t wait six months to consider the resolution because Congress is considering the issue now.

“There was legislation introduced in the last Congress on this issue, and we could not speak at all,” Refo said. “We are expecting legislation to be introduced as early as this week on this issue, and in the absence of the passage of this resolution, we will be on the sidelines, unable to speak a word about a topic that is center to the core of who we are, what we do and why we gather here twice a year.”



# 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: May 1, 2023  
 Re: Litigation Update

No.	Name	Brief Description	Status
1.	<i>Schlecht v. WSBA</i> , No. 23-2-05082-7-KNG (King County Sup. Court)	Alleges improper handling of plaintiff's records requests.	On 4/24/23, the WSBA filed a Motion to Dismiss. A hearing on the Motion to Dismiss is noted for 5/26/23.
2.	<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, the Ninth Circuit 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 ("<i>Block I – Appeal II</i>"). Block filed an opening brief in Block I – Appeal II 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 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</p>



			<p>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 09/28/21. The Ninth Circuit opened a new appeal (9<sup>th</sup> Cir. No. 21-35922), “Block I – Appeal III”, in which Block’s opening brief was due 01/05/22. Block filed an untimely motion to extend the time to file her opening brief; WSBA opposed the motion on 02/07/22. Block filed an opening brief in Block I – Appeal III on 3/3/22. WSBA’s answering brief was due 5/4/22. After two extensions, Block filed a reply brief on 6/27/22.</p> <p>Update since last report: None (the appeal briefing is complete and we await further instructions from the Court of Appeals).</p>
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# WASHINGTON STATE BAR ASSOCIATION

## MEMO

**To:** Board of Governors

**From:** Jennifer Olegario, Communications and Outreach Manager and Sara Niegowski, Chief Communications Officer

**Date:** April 17, 2023

**Re:** Summary of Media Contacts, Feb. 11-April 17, 2023

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Date	Journalist and Media Outlet	Inquiry
Feb. 23	Avalon Zoppo, Law.com/National Law Journal	Sought comment regarding proposal to eliminate local bar admission requirements in U.S. district courts.
March 1	Jim Brunner, <i>The Seattle Times</i>	Inquired about grievances for Virginia Shogren. Sent standard media response.
March 6	Gus Garcia-Roberts, <i>The Washington Post</i>	Public records request for Margaret Diamond Christopher.
March 22	Matthew Smith, <i>The Daily News</i> (Longview)	Inquired about Andra Ruth Blondin.
March 27	Kate Smith, <i>Walla Walla Union-Bulletin</i>	Inquired about legal ethics for victim shaming as it affects survivors of domestic violence, sexual assault and other kinds of abuse, in both the criminal justice system and in the media.
March 29	Nina Shapiro, <i>The Seattle Times</i>	Inquired about individual grievance for disbarred attorney Christina S. Denison. Said we have no public information.
April 13	Matthew Esnayra, <i>The Daily News</i> (Longview)	Inquired about suspension of Andra Ruth Blondin (see coverage below).

### Media Coverage

- ["Former Chehalis, Toledo, Winlock City Attorney Permanently Resigned License to Practice in Washington,"](#) The Chronicle/The Daily News, Feb. 25

- "State must bolster poorly funded public defense system," Everett Herald April 1.
- "State suspends license of Longview attorney, former Cowlitz County Court commissioner," The Daily News, April 15.

# WSBA Member\* Licensing Counts 5/1/23 12:16:42 PM GMT-07:00

Member Type	In WA State	All
Attorney - Active	26,240	33,671
Attorney - Honorary	433	124
Attorney - Inactive	2,691	487
Attorney - Pro Bono	117	5,914
Judicial	644	675
LLLT - Active	79	79
LLLT - Inactive	6	7
LPO - Active	726	739
LPO - Inactive	178	195
	31,114	41,891

Misc Counts	
All License Types **	42,291
All WSBA Members	41,891
Members in Washington	31,114
Members in western Washington	26,920
Members in King County	17,253
Members in eastern Washington	3,877
Active Attorneys in western Washington	22,771
Active Attorneys in King County	15,034
Active Attorneys in eastern Washington	3,187
New/Young Lawyers	6,491
MCLE Reporting Group 1	11,577
MCLE Reporting Group 2	11,135
MCLE Reporting Group 3	11,463
Foreign Law Consultant	21
House Counsel	369
Indigent Representative	10

By Section ***	All	Previous Year
Administrative Law Section	225	254
Animal Law Section	78	92
Antitrust, Consumer Protection and Unfair Business Practice	188	194
Business Law Section	1,173	1,239
Civil Rights Law Section	171	177
Construction Law Section	480	500
Corporate Counsel Section	1,020	1,091
Creditor Debtor Rights Section	445	459
Criminal Law Section	338	385
Dispute Resolution Section	283	322
Elder Law Section	589	603
Environmental and Land Use Law Section	751	769
Family Law Section	948	1,007
Health Law Section	365	395
Indian Law Section	327	328
Intellectual Property Section	813	863
International Practice Section	236	244
Juvenile Law Section	132	143
Labor and Employment Law Section	978	986
Legal Assistance to Military Personnel Section	73	81
Lesbian, Gay, Bisexual, Transgender (LGBT) Law Section	97	122
Liquor, Cannabis, and Psychedelics Law Section	73	71
Litigation Section	1,000	1,026
Low Bono Section	66	77
Real Property Probate and Trust Section	2,201	2,267
Senior Lawyers Section	199	216
Solo and Small Practice Section	840	886
Taxation Section	606	623
World Peace Through Law Section	120	136

\* 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 District		
	All	Active
0	5,098	3,850
1	2,963	2,468
2	2,181	1,752
3	2,100	1,747
4	1,373	1,152
5	3,273	2,662
6	3,446	2,839
7N	4,956	4,246
7S	6,307	5,191
8	2,335	2,001
9	4,970	4,190
10	2,889	2,391
	41,891	34,489

By State and Province	
Alabama	27
Alaska	189
Alberta	9
Arizona	383
Arkansas	21
Armed Forces Americas	2
Armed Forces Europe, Middle East	21
Armed Forces Pacific	10
British Columbia	94
California	2,060
Colorado	299
Connecticut	44
Delaware	11
District of Columbia	360
Florida	288
Georgia	91
Guam	14
Hawaii	146
Idaho	508
Illinois	194
Indiana	49
Iowa	33
Kansas	33
Kentucky	50
Louisiana	44
Maine	16
Maryland	127
Massachusetts	94
Michigan	75
Minnesota	109
Mississippi	5
Missouri	78
Montana	173
Nebraska	17
Nevada	165
New Hampshire	16
New Jersey	59
New Mexico	78
New York	283
North Carolina	97
North Dakota	9
Northern Mariana Islands	6
Nova Scotia	2
Ohio	90
Oklahoma	49
Ontario	16
Oregon	2,758
Pennsylvania	78
Puerto Rico	6
Quebec	2
Rhode Island	18
South Carolina	31
South Dakota	11
Tennessee	63
Texas	451
Utah	190
Vermont	14
Virginia	277
Virgin Islands	2
Washington	31,114
Washington Limited License	1
West Virginia	7
Wisconsin	50
Wyoming	20

By WA County	
Adams	16
Asotin	26
Benton	397
Chelan	258
Cllallam	160
Clark	992
Columbia	7
Cowlitz	132
Douglas	39
Ferry	9
Franklin	60
Garfield	3
Grant	123
Grays Harbor	113
Island	149
Jefferson	118
King	17,253
Kitsap	850
Kittitas	96
Klickitat	24
Lewis	109
Lincoln	14
Mason	93
Okanogan	85
Pacific	31
Pend Oreille	12
Pierce	2,451
San Juan	97
Skagit	291
Skamania	19
Snohomish	1,723
Spokane	2,031
Stevens	50
Thurston	1,719
Wahkiakum	10
Walla Walla	120
Whatcom	610
Whitman	67
Yakima	440

By Admit Yr	
1946	1
1947	2
1948	2
1949	1
1950	4
1951	12
1952	17
1953	13
1954	20
1955	9
1956	27
1957	20
1958	24
1959	27
1960	21
1961	21
1962	24
1963	27
1964	30
1965	44
1966	53
1967	50
1968	65
1969	79
1970	83
1971	89
1972	132
1973	210
1974	193
1975	239
1976	286
1977	299
1978	322
1979	353
1980	378
1981	402
1982	389
1983	436
1984	1,022
1985	509
1986	685
1987	670
1988	593
1989	643
1990	818
1991	788
1992	780
1993	884
1994	828
1995	785
1996	771
1997	873
1998	862
1999	887
2000	881
2001	883
2002	953
2003	1,015
2004	1,054
2005	1,084
2006	1,160
2007	1,231
2008	1,077
2009	954
2010	1,053
2011	1,038
2012	1,055
2013	1,197
2014	1,325
2015	1,564
2016	1,289
2017	1,352
2018	1,280
2019	1,336
2020	1,524
2021	1,398
2022	1,492
2023	357

By Years Licensed	
Under 6	8,391
6 to 10	6,530
11 to 15	5,310
16 to 20	5,060
21 to 25	4,162
26 to 30	3,632
31 to 35	2,916
36 to 40	2,294
41 and Over	3,595
<b>Total:</b>	<b>41,890</b>

By Age	All	Active
21 to 30	1,756	1,693
31 to 40	9,049	8,120
41 to 50	10,507	8,856
51 to 60	9,279	7,300
61 to 70	7,159	5,287
71 to 80	3,484	2,255
Over 80	657	160
<b>Total:</b>	<b>41,891</b>	<b>33,671</b>

By Practice Area	
Administrative-regulator	2,307
Agricultural	233
Animal Law	106
Antitrust	320
Appellate	1,643
Aviation	186
Banking	433
Bankruptcy	796
Business-commercial	5,242
Cannabis	162
Civil Litigation	238
Civil Rights	1,105
Collections	462
Communications	204
Constitutional	664
Construction	1,348
Consumer	774
Contracts	4,346
Corporate	3,673
Criminal	3,550
Debtor-creditor	857
Disability	560
Dispute Resolution	1,244
Education	490
Elder	805
Employment	2,816
Entertainment	326
Environmental	1,262
Estate Planning-probate	3,146
Family	2,490
Foreclosure	425
Forfeiture	89
General	2,443
Government	2,908
Guardianships	768
Health	989
Housing	340
Human Rights	327
Immigration-naturaliza	1,003
Indian	565
Insurance	1,595
Intellectual Property	2,304
International	917
Judicial Officer	462
Juvenile	773
Labor	1,139
Landlord-tenant	1,154
Land Use	887
Legal Ethics	298
Legal Research-writing	873
Legislation	462
Lgbtq	111
Litigation	4,839
Lobbying	173
Malpractice	721
Maritime	305
Military	378
Municipal	907
Non-profit-tax Exempt	667
Not Actively Practicing	2,052
Oil-gas-energy	266
Patent-trademark-copyr	1,339
Personal Injury	3,114
Privacy And Data Securit	504
Real Property	2,672
Real Property-land Use	2,090
Securities	789
Sports	188
Subrogation	132
Tax	1,286
Torts	2,020
Traffic Offenses	548
Workers Compensation	677

By Languages Spoken	
Afrikaans	6
Akan /twi	6
Albanian	2
American Sign Language	23
Amharic	23
Arabic	48
Armenian	9
Bengali	12
Bosnian	15
Bulgarian	13
Burmese	3
Cambodian	6
Cantonese	108
Cebuano	8
Chamorro	5
Chaozhou/chiu Chow	1
Chin	1
Croatian	20
Czech	7
Danish	19
Dari	6
Dutch	23
Egyptian	2
Estonian	1
Farsi/persian	69
Finnish	8
French	669
French Creole	2
Fukienese	4
Ga/kwa	2
German	399
Gikuyu/kikuyu	1
Greek	34
Gujarati	17
Haitian Creole	3
Hebrew	38
Hindi	107
Hmong	1
Hungarian	17
Ibo	4
Icelandic	2
Ilocano	9
Indonesian	13
Italian	165
Japanese	215
Kannada/canares	4
Kapampangan	2
Khmer	3
Korean	254
Kurdish/kurmanji	1
Lao	5
Latvian	6
Lithuanian	6
Malay	5
Malayalam	8
Mandarin	426
Marathi	6
Mien	1
Mongolian	1
Navajo	1
Nepali	4
Norwegian	36
Not_listed	55
Oromo	4
Pashto	1
Persian	23
Polish	36
Portuguese	133
Portuguese Creole	1
Punjabi	70
Romanian	23
Russian	232
Samoan	7
Serbian	16
Serbo-croatian	12
Sign Language	20
Sinhalese	2
Slovak	3
Spanish	1,879
Spanish Creole	2
Swahili	9
Swedish	52
Tagalog	74
Taishanese	4
Taiwanese	27
Tamil	10
Telugu	4
Thai	14
Tigrinya	5
Tongan	2
Turkish	17
Ukrainian	46
Urdu	47
Vietnamese	94
Yoruba	10
Yugoslavian	3

By Ethnicity	
American Indian / Native American / Alaskan Native	221
Asian-Central Asian	27
Asian-East Asian	334
Asian-South Asian	98
Asian-Southeast Asian	107
Asian—unspecified	972
Black / African American / African Descent	673
Hispanic / Latinx	718
Middle Eastern Descent	39
Multi Racial / Bi Racial	1,149
Not Listed	241
Pacific Islander / Native Hawaiian	63
White / European Descent	22,198
<b>Respondents</b>	<b>26,840</b>
<b>No Response</b>	<b>15,051</b>
<b>All Member Types</b>	<b>41,891</b>

By Sexual Orientation	
Asexual	25
Gay, Lesbian, Bisexual, Pansexual, or Queer	774
Heterosexual	6,492
Not Listed	152
Selected multiple orientations	32
Two-spirit	3
<b>Respondents</b>	<b>7,478</b>
<b>No Response</b>	<b>34,413</b>
<b>All Member Types</b>	<b>41,891</b>

By Disability	
Yes	1,373
No	19,803
<b>Respondents</b>	<b>21,176</b>
<b>No Response</b>	<b>20,715</b>
<b>All Member Types</b>	<b>41,891</b>

By Gender	
Female	10,663
Gender Non-Confirmin	6
Genderqueer	6
Male	14,369
Man	1,358
Non-Binary	37
Not Listed	59
Selected Mult Gender	42
Transgender	1
Two-spirit	4
Woman	1,467
<b>Respondents</b>	<b>28,012</b>
<b>No Response</b>	<b>13,879</b>
<b>All Member Types</b>	<b>41,891</b>

Members in Firm Type	
Bank	38
Escrow Company	62
Government/ Public Secto	5,131
House Counsel	3,308
Non-profit	606
Title Company	127
Solo	4,992
Solo In Shared Office Or	1,131
2-5 Members in Firm	4,063
6-10 Members in Firm	1,593
11-20 Members in Firm	1,263
21-35 Members in Firm	745
36-50 Members In Firm	564
51-100 Members in Firm	599
100+ Members in Firm	1,833
Not Actively Practicing	2,475
<b>Respondents</b>	<b>28,530</b>
<b>No Response</b>	<b>13,361</b>
<b>All Member Types</b>	<b>41,891</b>

\* Includes active attorneys, emeritus pro-bono, honorary, inactive attorneys, judicial, limited license legal technician (LLLT), and limited practice officer (LPO).

**Advancing Equity in Aging through Law & Policy: Barriers & Opportunities**  
**Denny Chan, Justice in Aging**  
**May 19, 2023**

**Presenter Biography:**

Denny Chan serves as the Managing Director of Justice in Aging's Equity Advocacy team. In this role, he is responsible for developing and leading Justice in Aging's Strategic Initiative on Advancing Equity, with a primary focus on race equity for older adults of color. He joined Justice in Aging as an attorney on the health team in 2014 and is based in Sacramento, CA. The son of working-class Chinese immigrant parents, Denny has worked significantly on non-discrimination, language access, and healthcare delivery reform issues for low-income older adults and brings all of these experiences to his advocacy. He previously served as a rotating law clerk for the US District Court in Los Angeles and participated in the Fulbright English Teaching Program as a fellow in Macau, China. Denny is a graduate of the University of California, Irvine School of Law. He received his BA from the University of Michigan.

**Additional Reference Resources:**

<https://justiceinaging.org/wp-content/uploads/2021/03/Advancing-Equity-Framework.pdf>

<https://justiceinaging.org/wp-content/uploads/2022/09/Racial-Disparities-in-Nursing-Facilities.pdf>

<https://justiceinaging.org/wp-content/uploads/2022/10/Improving-Language-Access-for-SSI-Social-Security-Beneficiaries.pdf>



# Advancing Equity in Aging through Law & Policy: Barriers & Opportunities

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Denny Chan  
Managing Director, Equity Advocacy

May 19, 2023



Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources.

**Since 1972 we've focused our efforts primarily on** fighting for people who have been marginalized and excluded from justice, such as women, people of color, LGBTQ+ individuals, and people with limited English proficiency.

Want to receive Justice in Aging trainings and materials?

*Join Our Network!*

Go to [justiceinaging.org](http://justiceinaging.org) and hit **"Sign up"** or send an email to [info@justiceinaging.org](mailto:info@justiceinaging.org).



# Justice in Aging's Commitment to Advancing Equity

To achieve Justice in Aging, we must:

- Advance equity for low-income older adults in economic security, health care, housing, and elder justice initiatives.
- Address the enduring harms and inequities caused by systemic racism and other forms of discrimination that uniquely impact low-income older adults in marginalized communities.
- Recruit, support, and retain a diverse staff and board, including race, ethnicity, gender, gender identity and presentation, sexual orientation, disability, age, and economic class.

# Grandma and Me





# Chapter 1: Massive Inequities<sup>101</sup>

# The Problem

Massive inequities in how we age based on systemic discrimination.

Two ways systemic discrimination impact older adults.

- Ageism
- Racism and other forms of systemic discrimination

# Ageism

- Robert N Butler, MD in “Ageism: Another Form of Bigotry” (1969): Ageism reflects a deep seated uneasiness on the part of the young and middle-aged – a personal revulsion to and distaste for growing old, disease, and disability, and fear of powerlessness, uselessness, and death.

# Ageism

[HOME](#) > [POLITICS](#)

**Our government has never been older than it is today. Here are the costs, benefits, and dangers of a US led by old people.**

Matt Turner, Jordan Parker Erb, and Dave Levinthal Sep 16, 2022, 4:45 AM





# Ageism

## ***‘Our Bubble Has Been Burst’: Older Storm Victims Face an Uncertain Future***

Retirees displaced by Hurricane Ian confront a wrenching situation: At their age, remaking the lives they loved so much in Florida may not be possible.

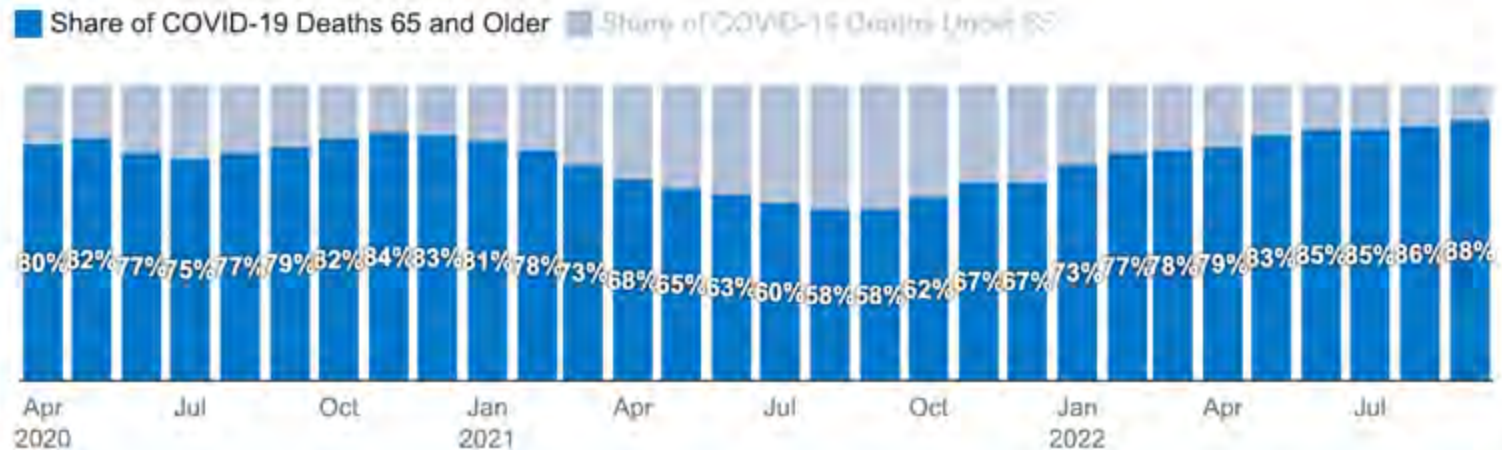


After seeing their home in Fort Myers, Fla., ravaged by Hurricane Ian, Del and Jane Compton are planning to move back to Louisville, Ky. Callaghan O'Hare for The New York Times

# Ageism

Figure 2

## People 65 and Older Account for a Much Larger Share of COVID-19 Deaths Than Those Under 65



NOTE: KFF analysis of CDC Provisional COVID-19 Death Counts by Sex and Age, as of the week ending October 1, 2022.

PNG

KFF



# Ageism in Policy

- Life-cycle considerations should be used as a tiebreaker if there are not enough resources to provide to all patients within a priority group, with **priority going to younger patients**. It is a valuable goal to give individuals equal opportunity to pass through the stages of life. **This does not rely on considerations of one's intrinsic worth or social utility. Rather, younger individuals receive priority because they have had the least opportunity to live through life's stages.** When individuals are asked to consider situations of absolute scarcity of life-sustaining resources, **most believe younger patients should be prioritized over older ones.**

# Ageism

- 1/5 adults over the age of 50+ experience discrimination in healthcare.
- The discrimination for 1 year of ageism costs the healthcare system \$63 billion.

# Intersectionality

- Legal theory from scholar Kimberlé Crenshaw
- Describes the relationships between social categories and the people and concepts that can fall into more than one

# Intersectional Discrimination

- Higher rates of admission into nursing facilities among people of color
- LGBTQ+ nursing facility residents experience discrimination and going “back in the closet”

# Intersectional Discrimination

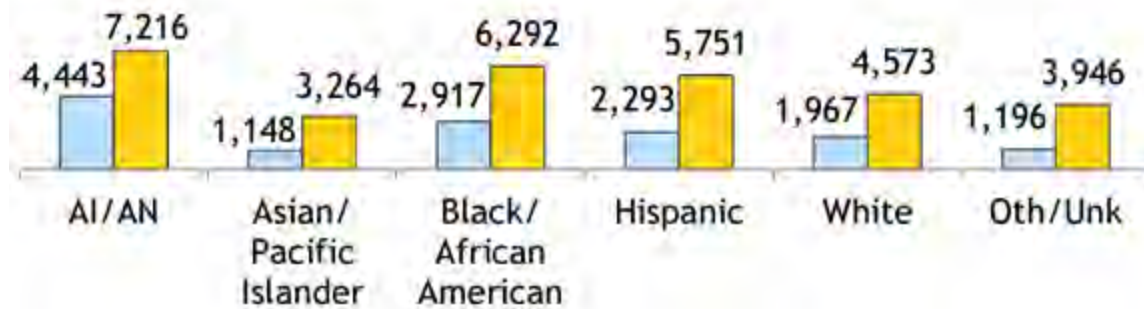
- Women typically make less money than men, which generates less available income and savings in retirement compared to men.
  - **Black women's lifetime loss of earnings** totaled nearly \$1 million
  - Latina women \$1.1 million

# Intersectional Discrimination

- Black older adults have higher rates of diabetes, heart disease and stroke. They also have higher rates of disability relative to white older adults.

# Intersectional Discrimination

- COVID-19 Hospitalizations per 100k Medicare Beneficiaries



# Intersectional Discrimination

- 1/4 Black and Latino older adults (60+) report not being taken seriously by health professionals because of their race.
- More than a quarter of older adults said they did not get care or treatment because of discrimination.



# Everyday Impact

HEALTH

## Without a ride, many in need have no shot at coronavirus vaccine

By Jenni Bergal

March 22, 2021 at 9:00 a.m. EDT

ECONOMY

## California rolled out websites and apps to fight COVID-19 – did they work?



BY GRACE GEDYE  
NOVEMBER 9, 2021





## Chapter 2: Opportunities through Policy <sup>116</sup>

# Civil Rights



# Safety Net Programs



# Recommendations

- Enhancing and Strengthening Safety Net Programs
- Building a Home & Community Based Services (HCBS) Infrastructure
- Strengthening Anti-Discrimination Protections

# Recommendations

- Data to Advance Equity
- Community Outreach & Education



# Questions?

Denny Chan

[dchan@justiceinaging.org](mailto:dchan@justiceinaging.org)



**TO:** Board of Governors  
**FROM:** Terra Nevitt, Executive Director  
Paris Eriksen, Volunteer Engagement Advisor  
**DATE:** April 19, 2023  
**RE:** WSBA President-elect Candidate Interview & Selection Process

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**ACTION:** Elect the 2023-2024 President-elect officer position of the Board of Governors, for a one-year term beginning upon the incumbent President-elect becoming President.

This year, the WSBA received one applicant submission for the President-elect officer position on the WSBA Board of Governors; Sunitha Anjilvel, whose candidate materials follow this memo.

**Interview Process:**

Although there is only one candidate, it is organizational practice for uncontested candidates for president-elect to be interviewed and formally elected by the Board of Governors. To that end, the candidate interview will take place the morning of Friday, May 19. The candidate will be interviewed in public session and permitted fifteen minutes total to introduce themselves and to answer questions. Governors may use the pool of interview questions provided but are not limited to these questions.

**Voting Process:**

After the interview, and pursuant to the Bylaws, Board members will be asked to indicate their choice through secret paper ballot. Those not present for the vote may communicate their vote via a confidential call. Proxy voting is not permitted. All votes will be kept secret and made available only to three persons appointed by the President, one of which is the Executive Director. Results will be announced immediately following the election.

**Relevant WSBA Bylaws:**

***D. ELECTIONS BY BOARD OF GOVERNORS***

***1. Office of President-Elect.***

*The BOG will elect an Active lawyer member of the Washington State Bar Association to serve as President-elect. The election shall take place during a BOG meeting not later than the 38th week of each fiscal year, and will be by secret written ballot. The President-elect will take office upon the incumbent President-elect becoming President or upon vacancy of the office of President-elect.*

*If at the time of election, no President-elect in the preceding three years was an individual whose primary place of business was located in Eastern Washington, the President-elect must be an individual whose primary place of business is located in Eastern Washington. For purposes of these Bylaws, "Eastern Washington" is defined as that area east of the Cascade mountain range generally known as Eastern Washington. In any year where the President-*



*elect must be an individual from Eastern Washington and no qualifying application is received within the timeframe allowed, the President will advise the BOG, and the BOG, at any regular meeting or special meeting called for that purpose, will establish procedures to re-open and extend the application period or otherwise address the issue. Such action by the BOG may include waiver of any geographic limitation for the year in question.*

### **3. Election Procedures**

*Elections of At Large Governors, President and President-elect elections, and any other elections held by the BOG under these Bylaws, except elections for the position of Treasurer, are conducted as follows:*

- a. Notice of the position will be advertised in the Bar's official publication and on the Bar's website no less than 30 days before the filing deadline and must include the closing date and time for filing candidate applications.*
- b. Following expiration of the closing date and time identified, all candidate names will be posted publicly.*
- c. The BOG may appoint a committee to recommend candidates to the BOG from all who have submitted their applications for a position in a timely manner.*
- d. All recommended candidates, or others as determined at the discretion of the BOG, will be interviewed in public session of the BOG's meeting. Candidates who are competing for the same position must not be present for each other's interviews.*
- e. Discussion of the candidates will be in public session but candidates will be asked by the President not to be present.*
- f. Election of candidates will be conducted by secret written ballot.*
- g. If no candidate for a given position receives a majority of the votes cast, the two candidates receiving the highest number of votes will be voted on in a run-off election. In the event of a tie for the second highest vote total, all candidates who are tied will participate in the run-off election along with the candidate who received the most votes. The candidate with the most votes in the run-off will be deemed the winner.*
- h. Ballots will be tallied by three persons designated by the President, one of whom will be the Executive Director.*
- i. Proxy votes are not allowed; however, a Governor who participated in the interview and discussion process by electronic means may cast a vote telephonically via a confidential phone call with the Executive Director and the other persons designated by the President to count the ballots.*
- j. The elected candidate will be announced publicly following the vote. However, the vote count will not be announced and all ballots will be immediately sealed to both the BOG and the public and remain in the custody of the Executive Director for 90 days, when they will be destroyed.*

### **Attachments:**

Pool of Interview Questions

Candidate Materials for Sunitha Anjilvel

# WASHINGTON STATE BAR ASSOCIATION

## WSBA President-elect Candidate Pool of Interview Questions

### Background

1. Why do you want to serve in this role?
2. How will you fit your service into your personal, work, and other commitments?
3. What motivates you as an individual?
4. What are some of your prior board leadership experiences?

### Interest and Commitment

5. What makes the WSBA mission meaningful to you and experience(s) do you have that is related to WSBA's mission?
6. What interests you most about our organization?
7. What three adjectives or short phrases do you think best characterize this organization?
8. What is your understanding of the role of the WSBA Board of Governors and the role of WSBA President?

### Skills and Expertise

9. What qualities make a great WSBA President?
10. What would you suggest your unique contribution to be?
11. What is the most difficult problem that a board you have been on has had to deal with and what did you learn from that experience?

### Current Topics and Member Engagement

12. How could you serve as a link between the organization and the legal community?
13. What initiatives (current or yet to be contemplated) do you think the Board should focus on to help serve the public and its members?
14. On June 4, 2020, our Washington Supreme Court issued a letter in response to the growing public outcry for social justice and call upon the legal profession to take individual and collective action towards addressing issues of racism in our legal system. In what ways can the WSBA act in response to this call to action?
15. As a board member, what would you do to promote diversity, equity, and inclusion on the Board itself and in the profession as a whole?

# Anjilvel Law Group

7345 164th Ave NE, Suite 145-419, Redmond, WA 98052  
(206) 855-3154 [info@amlawseattle.com](mailto:info@amlawseattle.com) [www.amlawseattle.com](http://www.amlawseattle.com)

## Letter of Interest – WSBA Board of Governors President-elect

I am writing to express my interest in becoming the 2023 President-elect for the Board of Governors of the Washington State Bar Association. As a current Governor for Congressional District 1 and someone with extensive experience working with Bar-related entities, I am confident in my ability to serve effectively in this role.

I am grateful for the institutional knowledge that I have acquired in the last four years about the practical operations of the Board and the Bar Association, including the sections, committees, councils and Boards. I also feel privileged to have been directly involved in some major advancement initiatives of the Bar Association, through the STAR committee, the Member Engagement Council, and the DEI Council (of which I am co-chair) to name a few.

As we approach a critical juncture in the legal profession in the State of Washington, I believe that my leadership can facilitate further positive change. The rapid rise of technology, shifting demographics, the needs of underserved rural communities, access to justice, and diversity, equity, and inclusion are just a few of the challenges that we face. We also must be ever mindful of maintaining a responsible budget as we are financial stewards for our members. I am committed to working with my fellow Governors and the Executive Team of WSBA to address these challenges, and to always ensure that our decisions are in the best interest of our constituents.

I believe that differing points of view on Bar issues are to be expected, and I see my colleagues on the Board as thought leaders who engage in dynamic thinking to assess the needs of our members. As President, I would encourage healthy discourse and facilitate respectful discussions during BOG meetings. Additionally, I recognize the importance of being an ambassador for the Bar Association, and I am committed to deepening and strengthening connections between our BOG and the communities we serve.

As a court-created Association, our work often involves approval by our Supreme Court. I am committed to facilitating clear channels of communication between the bench and the bar on policy issues.

Lastly, I pledge to work collaboratively with the Executive Director, the team she leads, along with staff at the Bar Association. I recognize the solid foundation that they provide to support our complicated, interconnected infrastructure and I am excited to work with them.

I am honored to have this opportunity to serve the legal profession and the communities it serves as President of the Board of Governors of the Washington State Bar Association. Thank you for considering my candidacy.

Sincerely,



Sunitha Anjilvel

Dated 4/7/2023



[Sunitha Anjilvel](#) has been a member of the WSBA Board of Governors since 2019. She has practiced family law in the Pacific Northwest since 2008. Since her first admission to practice in 1990, Anjilvel has practiced in a variety of courts in Canada, California, and Washington in family law, criminal law, and civil litigation. In 2005, she served as director of a bipartisan campaign to support a redistricting reform initiative on California's statewide ballot. She has a B.A. from McGill University and a J.D. from Dalhousie Law School. She is licensed to practice law in Washington and California.

## SUNITHA B. ANJILVEL

Dynamic attorney with thirty years of experience as a litigator in family law, criminal law and civil litigation in a variety of courts in Washington State, California, and Newfoundland, Canada. Strong commitment to social justice and civil rights. Unique background managing high profile ballot initiative campaign in California working with diverse stakeholders on redistricting reform.

### EXPERIENCE

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#### **ATTORNEY AT LAW**

May 2015-Present

*Anjilvel Law Group, Seattle, Washington*

Handle complex family law, estate planning and guardianship cases providing full-service representation as well as unbundled representation to clients in need. Handled limited number of civil rights cases.

- Provide representation for clients in high conflict cases in family law involving complex property settlements and issues surrounding children, parenting plans, modifications, third party custody, de facto parentage, child support.
- Litigated multiple complex family law trials with successful outcomes.
- Participated in numerous mediation settlements, achieving resolution and avoiding trial to the benefit of the parties.
- Handled civil rights cases involving issues relating to discrimination based on race and gender orientation.
- Represented mother of deceased at a three-day inquest before a jury investigating police misconduct.

#### **SENIOR ASSOCIATE ATTORNEY**

August 2014-April 2015

*Engel Law Group, Seattle, Washington*

Handled cases involving family law issues in Washington courts.

- Represented clients in family law including separation, divorce, child custody matters, modification of parenting plans and non-parental custody actions.
- Took two complex cases to trial, obtaining successful outcomes for clients.
- Represented clients at ALJ hearings involving child support.

#### **ATTORNEY AT LAW**

June 2008-August 2014

*Law Office of Sunitha Anjilvel, Redmond, Washington*

Handled cases involving criminal, family, and civil law issues in Washington courts.

- Represented clients in family law including separation and divorce. Drafted marital property settlement agreements and negotiated complex division of matrimonial assets and liabilities.
- Child custody matters including drafting of parenting plans, negotiating terms, and litigating on both initiating and defending domestic violence actions in Superior Court.
- Represented client and prevailed before ALJ regarding unemployment benefit denial.

#### **ATTORNEY AT LAW**

1995-2007

*Law Office of Sunitha Anjilvel, West Hollywood, California*

Handled a variety of cases involving criminal, family, and civil law issues in California courts.

- Drafted and argued complex civil litigation motions.
- Litigated civil rights anti-discrimination cases involving gender discrimination.

- Consultant to CEO of business technology enterprise.
- Represented clients charged with felonies and misdemeanors.
- Litigated issues relating to divorce, custody, and child and spousal support matters in family courts.

### ***SUPERVISING DIRECTOR***

2005

*Californians for Fair Redistricting, Los Angeles, California*

Managed non-profit multi-partisan organization which raised over \$800,000 to support California ballot initiative relating to legislative redistricting reform.

- Ensured organization's compliance with applicable campaign finance laws.
- Worked with a variety of stakeholders to raise money and public awareness regarding ballot issue.
- Supervised organization of fundraisers, worked on publicity campaigns, developed and implemented strategies to get vote out. Acted as liaison to form network of radically different partisan groups in support of the proposition.

### ***STAFF ATTORNEY***

1990-1993

*Newfoundland Legal Aid Commission, Marystown, Newfoundland*

Independently handled a large caseload of underrepresented clients (200+ open files a year) in adult and juvenile criminal law, family law and administrative law matters.

- Worked as criminal Duty Counsel in circuit courts across Newfoundland and Labrador as court appointed counsel. Made numerous appearances in the Supreme Court of Newfoundland as attorney of record in criminal indictable (felony) matters.
- Defended clients in complex cases involving government wiretaps and complex constitutional law issues. Did jury trials, criminal appeals, and sentence hearings.
- Represented clients in divorce, child custody, visitation and child welfare cases.
- Did Worker's Compensation and Social Assistance Benefits appeals at administrative hearings.

## **VOLUNTEER ACTIVITIES**

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### ***GOVERNOR FOR CONGRESSIONAL DISTRICT ONE***

2019 -present

*Board of Governors, Washington State Bar Association*

Serving second term as Governor of WSBA

### ***APPOINTED CO-CHAIR***

2019-present

*Diversity Equity and Inclusion Council, Washington State Bar Association*

Appointed to WSBA entity that addresses issues of inclusion and diversity in the statewide legal community.

### ***MEMBER OF BOARD OF DIRECTORS***

2019-2022

*Domestic Relations Attorneys of Washington*

Elected to three-year term on board of association comprising over 600 family law attorneys across Washington State.

### ***VOLUNTEER ATTORNEY/MENTOR***

2019

*Snohomish County Legal Services*

Mentored IP attorney so that she could effectively represent pro bono family law clients.

***VOLUNTEER ATTORNEY***

2013

*Kinship Care Project, King County Bar Association*

Represented client through Kinship Care program of KCBA involving third party custody actions.

***VOLUNTEER LEAD ATTORNEY***

2010

*Northwest Justice Immigrant Rights Project*

- Supervised two UW law students in successfully obtaining a U visa for a client who acquired legal status in the country.

***MEMBER OF PR SUBCOMMITTEE OF THE KCBA PRO BONO SERVICES COMMITTEE***

2009-2010

*King County Bar Association*

- Member of standing committee that develops policy and oversees operations of the Bar's pro bono legal services program.
- Developed website/blog **Pro Bono Dicta** to educate lawyers and encourage members of the Washington State Bar to provide pro bono services to those in need.

***PRO BONO ATTORNEY, VOLUNTEER ATTORNEYS FOR PERSONS LIVING WITH HIV/AIDS (VAPWA)***

2009

*Bailey-Boushay House, Seattle*

- Drafted wills, advanced health care directives, and durable powers of attorney for persons living with HIV and AIDS.

**EDUCATION**

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**Dalhousie University**, Halifax, Nova Scotia*JD, 1990***McGill University**, Montreal, Quebec*BA, Philosophy, 1985***BAR MEMBERSHIPS**

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Washington State Bar, (active)

State Bar of California, (active)

Newfoundland Law Society, Newfoundland Canada, 1990 (inactive)

**LANGUAGES**

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Fluent in French, proficient in Spanish



# WHATCOM LAW GROUP

A PROFESSIONAL SERVICES CORPORATION

Roger L. Ellingson, JD  
Rajeev D. Majumdar, MAIS, MPA, JD  
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(360) 332-6677  
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April 7, 2023

c/o: [barleaders@wsba.org](mailto:barleaders@wsba.org)  
WSBA Board of Governors  
Washington State Bar Association  
1325 Fourth Avenue, Suite 600  
Seattle, WA 98101-2539

**Re: Sunitha Anjilvel – Candidate for WSBA President-elect**

Dear WSBA Board of Governors:

I am writing this letter in support of Ms. Sunitha Anjilvel's candidacy to be President-elect, and eventually President, of the WSBA.

As a former Governor and former WSBA President, I well understand that you have a weighty decision before you. As an avid watcher of the WSBA, I have observed that the most effective presidents have been those that could see the big picture and understand the perceptions of outside parties. Many people are qualified to be the organizing chair of BoG meetings, but not everyone is qualified to carry forward and sell the policies of the BoG to all of the external parties, including the Supreme Court, the public, the staff, and the membership at large. Sunitha superlatively has the capacity to both build and convey vision. She also has the perceptive abilities needed to advise the BoG as to the best path forward in negotiating the challenges our profession and our state will face in the coming years.

I have known Sunitha since 2019, first meeting her at the BoG meeting of her appointment to the BoG. For all of the time that I have known her, she has faithfully served the WSBA by actively and seriously engaging in her duties as a governor, including overseeing a lengthy community-input driven process to transform the Diversity Committee into a council. Assuming you have seen Sunitha's resume, you will note on it more diverse jurisdictional experience and practice areas than any lawyer I know. Her exposure to the regulation of law in three very different jurisdictions over her 33 year career has imparted to her a calm and patient perspective that helps her in identifying problems and working with others to find solutions.

Sunitha has continuously put the time and energy in to better our profession, and not unimportantly- she is a person who understands how the profession is different for small firms and solo practitioners. It is not in my active memory the last time we had a full time family law attorney

✉ PO Box 1258, Blaine, WA 98231

289 H Street, Blaine, WA 98230 | 2417 Main Street, Ferndale, WA 98248





Whatcom Law Group, P.S.

To: WSBA BoG

Page 2 of 2

as our Bar President,<sup>1</sup> and we have never had a woman of color become president of our bar association; that kind of representation and the perspective it brings to leadership table is important.

The WSBA is our organization- and we deserve the best in leadership; Sunitha would help us achieve that as a bar association.

Please feel free to call with any questions or concerns.

Sincerely,

Rajeev D, Majumdar  
WSBA# 39753

RDM

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<sup>1</sup> However, I asked staff members and Chief Ende identified President Lowell K. Halverson who served **32 years ago**, from 1990 to 1991.



Kyle D. Sciuchetti  
kyle.s@millernash.com  
360.619.7033 (direct)

April 17, 2023

**VIA EMAIL**

***barleaders@wsba.org***

Board of Governors  
Washington State Bar Association  
1325 Fourth Avenue, Suite 600  
Seattle, WA 98101

Subject: Letter in support of Sunitha Anjilvel as President-Elect of the WSBA

To my colleagues on the Board of Governors,

I write this letter in support of Governor Sunitha Anjilvel's candidacy to become President-Elect of the Washington State Bar Association. I am honored to do so and offer my support without hesitation. I know she will make an excellent President.

I met Governor Anjilvel for the first time in Yakima when I was elected by the Board of Governors to serve as President-Elect of the WSBA in 2019. That same day, Governor Anjilvel was elected by the Board of Governors to serve as District 1 Governor. We celebrated together, and then devoted ourselves over the next three years to working with the staff and volunteers of the WSBA on the many important matters that confronted our bar association. Her compassion, perseverance, diligence, tenacity and intellect are unparalleled. She finds common ground when others have given up. She tirelessly devotes herself to making the organization better for the members and the public. Through her leadership, she has positively impacted this association as Governor and will continue to enhance the organization as its next President.

When it was my turn as WSBA President to select Governors to fill the many liaison positions with committees, boards, sections and councils, I knew that Governor Anjilvel would excel at any assignment. She accepted every appointment, no matter how difficult. She not only reached out to these groups, she contributed in meaningful ways, dedicating her own energy

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and talents toward ensuring the integrity of the legal profession and championing justice along the way. She does it every day of her life in her practice and her volunteer work. While I speak only for myself and not Miller Nash or any other member of the bar association, I have come to admire everything she is as a person and an attorney.

I can think of no better person to lead this organization as President-Elect and then President of the WSBA for the 2024-2025 term. She will bring with her vitality, honesty, selflessness and dedication to leading and improving this organization. And, the WSBA will be better for it.

Sincerely,



Kyle D. Sciuchetti  
President Washington State Bar Association, 2020-2021

cc: Terra Nevitt (via email at [terran@wsba.org](mailto:terran@wsba.org))

**TO:** WSBA Board of Governors  
**CC:** Terra Nevitt, Executive Director  
**FROM:** Kari Petrasek, Chair, STAR Committee  
**DATE:** May 1, 2023  
**RE:** Update on the STAR Committee to the WSBA Board of Governors

---

**REPORT:** Update on the work of the WSBA Small Town and Rural (STAR) Committee.

#### Background

The STAR Committee Charter was approved by the Board of Governors on April 17, 2021.

The charter outlined the scope of work of the STAR Committee in three areas delineated as follows:

**1. Community Education and Outreach**

Coordinated efforts to educate members and potential members about the unique needs, opportunities, and benefits of a rural practice. This can include, but should not be limited to, comprehensive information on WSBA's website, features in WSBA publications, presentations at high schools, law schools and community colleges. Meetings and events, such as a summit or symposium, to highlight the issue, convene interested stakeholders to share their concerns and strategize on possible solutions.

**2. Pipeline and Placement Program(s)**

Develop WSBA programming, or WSBA supported/partnered programming designed to build a pipeline of practitioners in rural areas as well as an incentive program to encourage members to explore a rural practice on a time-limited or multi-year timeframe. This role should explore a possible collaboration or strategic overlap with WSBA existing and future mentorship program(s). In particular, this role will require extensive strategic planning and identification of external stakeholder support and additional funding sources. Coordinate with law schools and other stakeholders regarding economic incentives to practice in rural areas.

**3. Job Opportunities and Clearinghouse**

Utilize existing and future WSBA resources to support and highlight job opportunities in rural communities. This role should include making it easier, and perhaps more cost-effective, to add job postings to WSBA's service. Develop a clearing house to assist retiring members with succession planning and the buying/selling of a practice.

#### FY2022 Laid the Foundation for the STAR Committee's Work

The STAR Committee began its work in FY22. Following the initial meeting, the STAR Committee organized into three subcommittees reflecting the three areas of Charter emphasis outlined above. Having done so, the STAR Committee proceeded to debate and adopt a Strategic Plan designed to provide near-term, mid-term, and long-term goals. The STAR Committee also researched and addressed the definition of "rural" and worked with WSBA staff to identify

content for a rural-themed edition of the WSBA Bar News. Finally, the STAR Committee worked with WSBA staff to create an opportunity for no cost advertising for rural job postings on the WSBA website.

Over the course of the inaugural year, the STAR Committee met with various members of the WSBA and members of the public, including, but not limited to, Madeleine Shojai and Beatrice Lucas from the Washington Attorney General's Office of Military and Veteran Legal Assistance.

#### FY2023 Goals and Accomplishments

The STAR Committee has established its goals for the year and approached the work we do with an eye towards the three areas delineated in the charter.

**Community Education and Outreach** – We hosted a rural practice networking event on November 15, 2022 that had 64 attendees. On the same date, the Governor's office declared November 15 Rural Practice Day thanks to the dedicated work of a few of our Committee members. The STAR Committee also worked with the WSBA Communications Department to devote the November 2022 issue of the *Bar News* to rural practice. On April 12, 2023, we presented a Rural Practice CLE with 1,243 people in attendance. In order to get a better understanding of the needs of rural practitioners and organizations, we have planned a local outreach event on May 6 in Yakima. We will be meeting with stakeholders in that region and obtaining feedback from them, having an interactive discussion about practice concerns in rural areas, as well as educating them about the work the STAR Committee is doing. We feel that interacting with attorneys in rural areas can help us to better focus on the needs of those communities. While in Yakima on May 6, we will also be having a monthly Committee meeting where we will be talking about future outreach and education plans.

**Pipeline and Placement Program(s)** –With the Gonzaga Law School taking the lead, a rural practice job fair was held virtually on March 31 with 43 employers posting 50 positions and 34 applicants submitting 110 applications. Notice for this job fair was sent to students at all three Washington law schools, as well as out to the general WSBA membership. (See attached flyer.) Due to the huge success and positive comments from this event, we are looking at doing at least one more job fair this calendar year, and at least two per year in the coming years, with possibly one job fair in-person at Gonzaga. The subcommittee focusing on this topic researched alternative programs in other jurisdictions and will be continuing our discussion at our May meeting, and future meetings, about potential placement programs (internships) for law students to take part in after their 2L year.

**Job Opportunities and Clearinghouse** – In addition to the rural practice job fair mentioned above, the STAR Committee has worked with WSBA to implement and expand low-cost alternatives to post job announcements for organizations in rural communities on the WSBA Career Center. Firms who advertise job postings for rural practice areas are able to do so for free for 30 days. As of March 8, 2023, 19 different firms/organizations have taken advantage of this great discount 28 times.

#### Conclusion

In this Committee's second year, we have accomplished quite a lot. We look forward to continuing to educate the WSBA membership about the many wonderful job opportunities that exist in rural communities as well as look for additional ways to collaborate with employers and potential employees in order to make it easier for them to connect. We plan on having more outreach events and job fairs next year to keep the momentum going. If you have any thoughts or suggestions for this Committee about additional programs or outreach events, please contact me.



# RURAL PRACTICE:

## Small Towns, Big Opportunities

A big opportunity for Washington State legal employers with offices more than 40 miles from Spokane, Seattle/Tacoma, or Vancouver/Portland urban areas:

## VIRTUAL HIRING EVENT MARCH 31, 2023

You may recruit for both law students and attorneys through this free event.

### Employer Registration is now open!

1. Visit [law-gonzaga.12twenty.com/hire](http://law-gonzaga.12twenty.com/hire) to sign in or create a ZagLAW account.
2. Go to OCI and Job Listings and select "Register for OCI".
3. Complete the registration form and submit.
4. Follow the prompts to complete a job posting and submit.
5. Register by February 15, 2023 at 5 pm to participate

**EMPLOYERS:**  
Register and  
post your open  
position(s) by  
**Feb 15, 2023**

### Questions about the event?

- ▶ Attend the Employer Registration drop-in Zoom information session on Thursday, February 9 from 12 noon – 1:00 p.m. <https://gonzaga.zoom.us/j/3731215820>
- ▶ Additional Questions? Email [lawcareers@gonzaga.edu](mailto:lawcareers@gonzaga.edu)

Career fair will open to job applicants on  
February 9, 2023. Instructions  
forthcoming.

This event is hosted by Gonzaga University School of Law, in partnership with the WSBA Small Town & Rural Practice Committee, Seattle University School of Law, and University of Washington School of Law.

# The Rural Practice Shortage in Washington and the WSBA's Response

**WSBA CLE  
23444 WEB**



**Wednesday, April 12, 2023**

## **Tuition:**

Free

**1.5 CLE credits**

1.5 - Other

## **Washington State Bar Association**

1325 Fourth Avenue, Suite 600  
Seattle, WA 98101

## **Webcast**

## **DESCRIPTION:**

In 2022, Governor Inslee proclaimed November 15th as Rural and Small Town Practice Day. Join us for a free CLE to learn about the history leading up to the proclamation, the challenges to the practice of law in a rural setting, and how you can help.

## **CO-CHAIRS:**

Kathryn Burke – Ferry County Prosecutor's Office, Republic  
Rusty McGuire – McGuire, DeWulf, Kragt & Johnson, P.S.,  
Davenport

## **Schedule**

**11:45 a.m. Webcast Sign-In Opens**

**12:00 noon Welcome and Introductions**

Kari Petrasek – Petrasek Law PLLC, Mukilteo

**12:05 p.m. Identifying the Challenge**

Explore the challenges of providing legal services outside densely populated communities. Learn how the WSBA created a team and the methods used to discover the unique needs and circumstances of a rural practice. Examine actions taken by WSBA and members of the legal profession to address the challenges.

Hunter Abell – Williams Kastner, Seattle

Kevin Plachy – Washington State Bar Association, Seattle

**1:05 p.m. Exploring a Rural Practice**

Hear from rural practitioners what it's like practicing in a smaller community. What are the challenges, the benefits? What future action can legal professionals and the WSBA do to continue to address the challenges?

Kathryn Burke – Ferry County Prosecutor's Office, Republic

Rusty McGuire – McGuire, DeWulf, Kragt & Johnson, P.S.,  
Davenport

Hunter Abell – Williams Kastner, Seattle

**1:35 p.m. Complete online evaluations • Adjourn**

## REGISTRATION

**ONLINE ▶** Go to [www.wsba.org](http://www.wsba.org) and enter **23444** in the search box. Payment by credit card.

**BY PHONE ▶** Call **800-945-9722** or **206-443-9722** with credit card and registration/order form in hand. Our service provider will charge you a separate, non-refundable transaction fee of 2.5% on all bank card transactions.

**BY MAIL ▶** Please fill out this registration form and mail to WSBA seven business days prior to the program along with your check payable to WSBA. Credit card payments by mail or fax are no longer accepted.

Name ..... WSBA # .....

Address .....

City ..... State ..... Zip .....

Phone ..... Email .....

☐ Please omit my name from the networking list made available to exhibitors and/or attendees.

Registrations received less than 48 hours before a seminar are not guaranteed a coursebook or other presentation materials on-site.

If special accommodations are needed, please email [cle@wsba.org](mailto:cle@wsba.org) or call toll-free at **1-800-945-9722**.

## PRICING AND PAYMENT

☐ **#23444 WEB, attend online via webcast 4/12/23**

☐ FREE

OFFICE USE ONLY      Date ..... Check # ..... Total .....



**TO:** WSBA Board of Governors  
**CC:** Terra Nevitt, Executive Director  
**FROM:** Francis Adewale, Co-Chair, WSBA Member Engagement Council  
Matthew Dresden, Co-Chair, WSBA Member Engagement Council  
**DATE:** April 20, 2023  
**RE:** **Member Engagement Council's Recommendations for Member Well-Being**

---

**[DISCUSSION]:** The WSBA Member Engagement Council recommends to the Board of Governors:

- Add member well-being as a goal for consideration at the upcoming goal-setting retreat; and
- Work to create a council or task force to study member well-being, which would report to the Board of Governors and would remain connected to the Member Engagement Council.

President Clark directed the Member Engagement Council to consider the topic of member well-being and make recommendations for possible action by the Board of Governors. At its January 27, 2023 meeting, the Member Engagement Council spoke with Kevin Plachy, WSBA Advancement Department Director, Dan Crystal, WSBA Member Wellness Program Manager, and Bree Buchanan, Krill Strategies LLC Senior Advisor and Past President of the Institute for Well-Being in Law and Co-Chair of the National Task Force on Lawyer Well Being.

After a thorough presentation by, and conversation with, the Member Wellness Program staff (Dan Crystal and Kevin Plachy) and Bree Buchanan, the Member Engagement Council voted to make the following recommendations to the Board of Governors:

- Add member well-being to the Board of Governor's goals that are adopted in June, 2023.
- Work to create a council or task force to study the issue of member well-being and report back to the Board of Governors. A proposed charter would come back to the Board for approval at a later date.
- In creating the new entity focused on member well-being, keep the work of the task force/council connected to the Member Engagement Council (i.e. well-bring task force/council provide periodic updates to the MEC).

Thank you for your consideration.

#### Attachments

Attachment A: *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*, The Institute for Well-Being in Law, 2017

# WSBA MEMBER WELLNESS PROGRAM OVERVIEW AND INSTITUTE FOR WELL-BEING IN LAW PRESENTATION TO WSBA BOARD OF GOVERNORS & RECOMMENDATIONS FROM THE WSBA MEMBER ENGAGEMENT COUNCIL



Chris Newbold, President of Institute for Well Being in Law

Dan Crystal, Member Wellness Program Manager

Kevin Plachy, Advancement Department Director

Francis Adewale, WSBA Treasurer and Co-Chair of WSBA Member Engagement Council

Matthew Dresden, WSBA Governor and Co-Chair of WSBA Member Engagement Council

# LAWYER WELL-BEING PRESENTATION

- History of the WSBA Member Wellness Program
- Current Member Wellness Program offerings
- How a task force or council would benefit the WSBA legal profession and expand the reach of the WSBA Member Wellness Program
- Presentation about the national landscape of lawyer well-being presented by Chris Newbold.
- Recommendations from the Member Engagement Council concerning the WSBA Member Wellness Program presented by Co-Chairs Treasurer Francis Adewale and Governor Matthew Dresden.

# OUR HISTORY

- Formed in 1992 – Part of Legal Services Department (included Member Wellness (then LAP), Practice Management and Professional Responsibility) – there were approximately 8 staff across the 3 program areas (4 attributed directly to member wellness)
- Dan Crystal joined in 2008.
  - Program focused on providing in-depth services to members – (i.e. deep service for relatively few members...approximately 100 members received deep ongoing clinical services)
  - This was geographically limited to members within commuting distance to the WSBA offices.
- 2012-following statewide referendum, reduced staffing to 3
- 2015-reduced to the Program Manager (Dan) and created EAP contract with Wellspring and then KEPRO for WSBA Connects.
  - KEPRO offered three free counseling sessions with a licensed provider to any member in a given fiscal year.
  - This move was seen as a way to scale the program while saving on staffing cost. Took the model from in-depth treatment services for members to consultation and refer model.
  - This also opened up access to counseling services to all members throughout the state (which wasn't easily available before).
- 2021-Added additional staff – MWP Clinical and Outreach Lead – a licensed mental health provider with program management skills
  - Eliminated the contract with KEPRO and brought counseling/consults in house (we provide three sessions per member per year)
  - Implemented a Telehealth platform to continue services to members throughout the state (not geographically bound as it was before).

## OUR HISTORY, CONT...

- 2020-Member Wellness began transition to the Advancement Department

- Goal was to better align the work with PMA (which was already part of ADV) and eventually the Professional Responsibility Program (which became a part of ADV in late 2021). Currently the Member Wellness, Practice Management Assistance and Professional Responsibility Program are all part of the Advancement Department.
- Added additional staff in 2021 – MWP Clinical and Outreach Lead – a licensed mental health provider with program management skills
- Began work in exploring options for a task force or member wellness committee/council.

## CURRENT PROGRAM OFFERINGS

- Counseling Sessions – three sessions per member/per episode of care with a licensed mental health professional and refer. Opportunity for follow-up if warranted.
- Groups for anxiety, mental health and career guidance as well as wellness-based offerings.
- Delivery of Continuing Education, Other Presentations, and Development of Educational Resources
- Peer Advisors, Work & Wellness Day
- Communications: Newsletter, Website Updates, YouTube Channel, Blog Articles
- Outreach: Attorneys AA Groups, Judicial Assistance Services Program, Law Firms, Law Schools
- Diversion Program

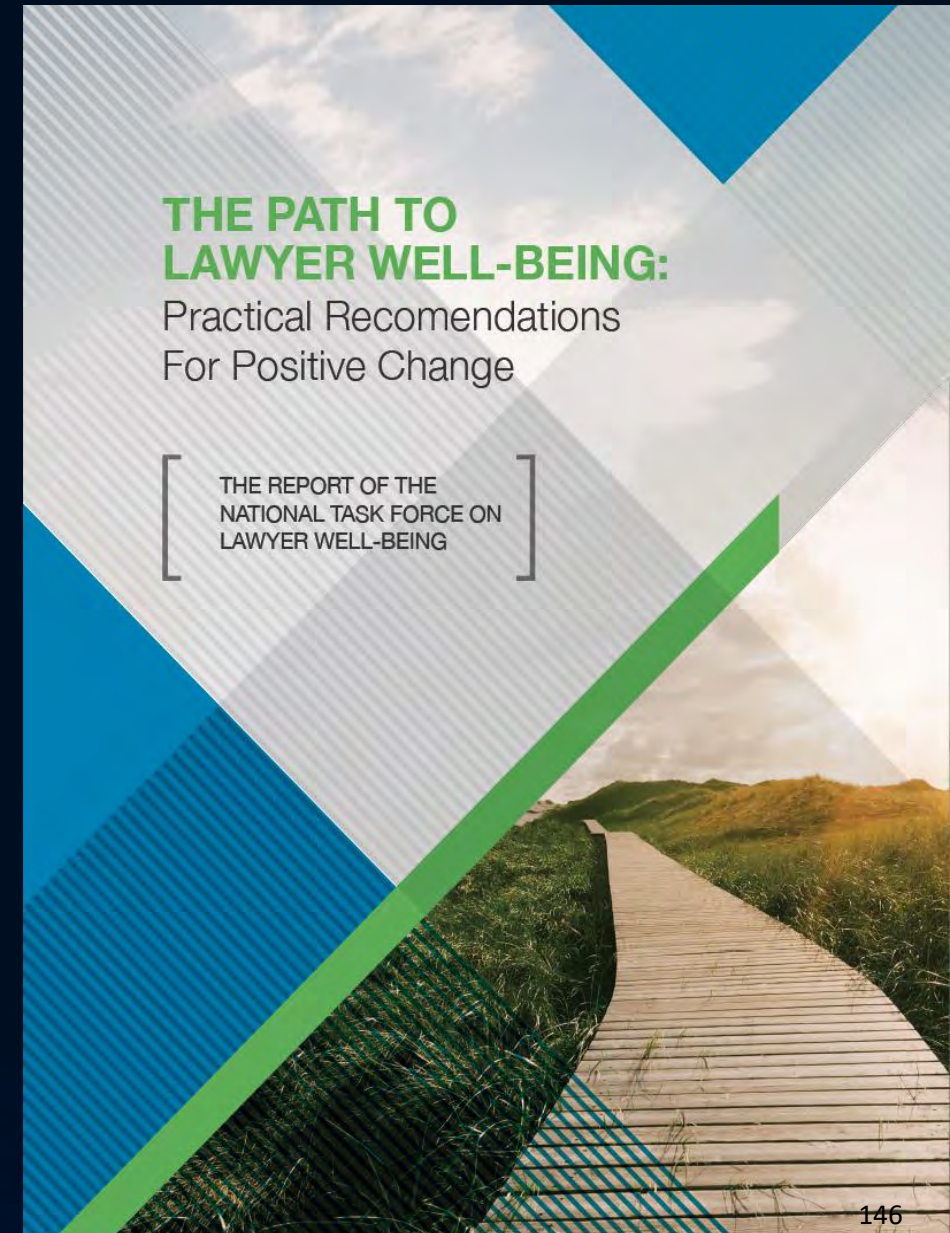
## WHY A TASK FORCE OR WELLNESS COUNCIL?

- National movement organized by the ABA's Commission on Lawyers Assistance Programs (COLAP)
- In 2017 the National Taskforce on Lawyer Wellbeing issued *The Path to Lawyer Wellbeing* with 44 recommendations for legal institutions.
- Recommendations include Bar Associations, LAPs, ODC, Character & Fitness Committees, Law Schools, Law Firms, Liability Insurance Providers, Judicial Assistance Services Program, and more.
- WSBA MWP would utilize a task force to initially study the legal landscape in WA and make recommendations about:
  - How to institutionalize wellness as a priority within the WA legal profession (i.e. assist law firms, solo practices, and other legal organizations with best practices for wellness policies and procedures within their organizations)
  - Provide model policies and procedures
  - Essentially to broaden the reach of the program by recruiting mental health professionals, members of the WSBA and judiciary who are passionate about wellness to work within the broader profession to elevate wellness as a priority statewide.



# The Lawyer Well-Being Movement and the Opportunity at Hand for State Bar Associations

Prepared for the Washington State Bar Association  
Board of Governors  
May 19, 2023







# Chris Newbold, Esq.

Executive Vice President  
ALPS Malpractice Insurance

President  
Institute for Well-Being in Law

- Co-author, 2016 catalyst report, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*
- Prior to IWIL Founding, Co-Chair, National Task Force on Lawyer Well-Being
- Member, ABA Working Group to Advance Well-Being in the Legal Profession
- Co-Host, *The Path to Well-Being in Law* podcast

# Behavioral Health of the Legal Profession Post-Pandemic

- 30% lawyers experiencing hazardous drinking (up 50% since 2016)
- Numerous studies showing rate of burnout at approx. 50%
- 1 in 4 women are contemplating leaving the legal profession due to mental health, burnout, stress (17% of men)
- Youngest lawyers continue to suffer the most distress; behavioral health issues will be an area that needs attention for a long while

# “The Path to Lawyer Well-Being: Practical Recommendations for Positive Change,” 2016

- Focused on impairment (treating and preventing) *and* well-being
- 44 recommendations directed at changing culture of legal profession as a whole and among each stakeholder group
- Addressed to legal stakeholders\* and not individual lawyers:
  - Judges
  - Regulators
  - Legal Employers
  - Law Schools
  - Bar Associations
  - Professional Liability Carriers
  - Lawyers Assistance Programs

\*state task force committee structure



# Three Reasons for WSBA to Take Action

## Member Engagement / Organizational effectiveness:

- It's good for member, particularly your core small firms and solo practitioners, who otherwise lack community!
- Member engagement in this cause is high
- Burnout, loss of productivity, malpractice claims are diminished
- Demonstrates good will and RELEVANCE of State Bar to its members

## Ethical integrity and professionalism:

- It's good for clients!
- Key element in competence and fitness to practice; essential to regulatory concerns

## Humanitarian reasons:

- It's good for lawyers and their families!

# General Recommendation: **Acknowledge the Problems and Take Responsibility**

In order to transform passive denial to proactive support for change:

- Every sector must work to advance lawyer well-being.
- Every one of us must take a leadership role within our sphere of influence.

# General Recommendation: **Partner With Lawyer Assistance Programs**

- Lawyer assistance programs are experts and indispensable partners in educating and empowering the profession to address the well-being crisis.
- Partner with - and ensure stable and sufficient funding for - lawyer/member assistance programs.

# General Recommendation: Promote **Diversity, Equity, and Inclusion**

- Acknowledge the integral link between DEI and well-being (without DEI there is only limited WB for diverse members of the profession)
- Adopt initiatives that will promote inclusion and belonging, and will diminish micro-aggressions and other interactions that diminish WB
- Consider meaningful mentoring programs and affinity groups among bars and legal employers

# State by State Task Force Implementation (32)

## Supreme Court Initiatives

- Virginia – 2017\*
- Vermont – 2017\*
- Colorado – 2018\*
- Illinois – 2018
- Massachusetts – 2018\*
- West Virginia – 2018
- Nebraska – 2019
- Utah – 2018\*
- Arkansas – 2019\*
- Kansas – 2019
- Minnesota – 2019
- Hawaii – 2019\*
- Montana – 2019
- Pennsylvania – 2020
- New Mexico – 2020
- New York – 2020\*
- Michigan – 2022

## State Bar Initiatives

- Georgia – ongoing committee
- Florida – ongoing committee
- Tennessee – ongoing committee
- Connecticut – 2018
- Texas – 2018\*
- Alabama – 2018
- Indiana – 2019
- Kentucky – 2020
- Oklahoma – 2020
- Wisconsin – 2020
- Missouri- 2020
- Idaho – 2020
- Wyoming - 2022
- Maine – 2022
- Missouri - 2022

**\*Task Force Report released**



# Utah Task Force on Lawyer and Judge Well-Being

- In 2019, launched a permanent standing Well-Being Committee for the Legal Profession (WCLP) co-lead by lawyer/bar leader and supreme court justice
- Hired an executive director (half-time) for the WCLP (Martha Knudson)
- Completed a well-being study of Utah lawyers and staff, using the data to inform initiatives
- Expanded the definition of what constitutes credit for mandatory professionalism CLE to include well-being, diversity & inclusion, and law practice management topics
- Well-being programming and CLE's are regularly offered through the Utah Bar
- The WCLP's programming includes:
  - website with free evidence-based well-being materials ([wellbeing.utahbar.org](https://wellbeing.utahbar.org))
  - monthly well-being podcast through the Utah Bar's e-bulletin, and
  - social media outreach

# New Mexico Well-Being Committee

- Launched in early 2020 with subcommittees; lead by state bar LAP and disciplinary counsel
- Campaign launched in 2021 called “What a Healthy Lawyer Looks Like:”
  - monthly podcasts
  - bar bulletin articles
  - support groups
- “JWell Now” formed to focus on judicial well-being content and education (funding acquired for judicial wellness coordinator)

# Best Practices for State Well-Being Task Force

- A joint effort by the state bar and supreme court
- Using the Task Force Report as a guideline, a review of well-being practices/policies is conducted of each stakeholder group
- Focus is on improving those aspects of the profession's culture that are detrimental to well-being of members
- Work of changing the culture is done by leaders of the stakeholder groups, not by individual lawyers
- A final report by the task force is best but not essential
- The task force should provide for an ongoing FUNDED entity that will implement recommendations and whose work will be periodically reviewed
- Important: all work is done in coordination with the state's LAP with a goal of increasing support for the LAP (\$\$)



Institute For  
**Well-Being In Law**

## Who We Are

- THINKTANK dedicated to the betterment of the legal profession
- Focusing on a holistic approach to promoting well-being and addressing behavioral health disorders
- Through advocacy, research, education, technical assistance, and stakeholder partnerships, we are leading a culture shift in law to establish health and well-being as core centerpieces of professional success.

## What We Do

- Biennial Conference
- Annual Well-Being Week in Law
- Thought Leader Policy Roundtables
- **State Well-Being in Law Task Force Support**
- Research & Advocacy
- [www.lawyerwellbeing.net](http://www.lawyerwellbeing.net)



- Chris Newbold
- cnewbold@alpsinsurance.com
- (406) 728-3113

**Thank you!**

**QUESTIONS?**

## MEMBER ENGAGEMENT COUNCIL

- In January 2023, Bree Buchanan (Past President of the Institute For Lawyer Wellbeing), Dan Crystal and Kevin Plachy delivered a similar presentation as today to the Member Engagement Council.
- After receiving the presentation, the Council asked questions and engaged in a discussion about how WSBA could best support the work of Member Wellness in Washington.
- The Member Engagement Council voted to make three recommendations to the Board of Governors.

## TASK FORCE CHAIRS

Bree Buchanan  
James C. Coyle

## ENTITIES REPRESENTED:

ABA LAW PRACTICE DIVISION  
ABA CPR PROFESSIONALISM  
ABA/HAZELDEN STUDY  
APRL  
ALPS  
CoLAP  
CONFERENCE OF CHIEF JUDGES  
NCBE  
NOBC

## TASK FORCE MEMBERS:

Anne Brafford  
Don Campbell  
Josh Camson  
Charles Gruber  
Terry Harrell  
David Jaffee  
Tracy Kepler  
Patrick Krill  
Chief Justice Donald Lemons  
Sarah Myers  
Chris Newbold  
Jayne Reardon  
Judge David Shaheed  
Lynda Shely  
William Slease

## STAFF ATTORNEY:

Jonathan White

# NATIONAL TASK FORCE ON LAWYER WELL-BEING

Creating a Movement To Improve  
Well-Being in the Legal Profession

August 14, 2017

Enclosed is a copy of *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* from the National Task Force on Lawyer Well-Being. The Task Force was conceptualized and initiated by the ABA Commission on Lawyer Assistance Programs (CoLAP), the National Organization of Bar Counsel (NOBC), and the Association of Professional Responsibility Lawyers (APRL). It is a collection of entities within and outside the ABA that was created in August 2016. Its participating entities currently include the following: ABA CoLAP; ABA Standing Committee on Professionalism; ABA Center for Professional Responsibility; ABA Young Lawyers Division; ABA Law Practice Division Attorney Wellbeing Committee; The National Organization of Bar Counsel; Association of Professional Responsibility Lawyers; National Conference of Chief Justices; and National Conference of Bar Examiners. Additionally, CoLAP was a co-author of the 2016 ABA CoLAP and Hazelden Betty Ford Foundation's study of mental health and substance use disorders among lawyers and of the 2016 Survey of Law Student Well-Being.

To be a good lawyer, one has to be a healthy lawyer. Sadly, our profession is falling short when it comes to well-being. The two studies referenced above reveal that too many lawyers and law students experience chronic stress and high rates of depression and substance use. These findings are incompatible with a sustainable legal profession, and they raise troubling implications for many lawyers' basic competence. This research suggests that the current state of lawyers' health cannot support a profession dedicated to client service and dependent on the public trust.

The legal profession is already struggling. Our profession confronts a dwindling market share as the public turns to more accessible, affordable alternative legal service providers. We are at a crossroads. To maintain public confidence in the profession, to meet the need for innovation in how we deliver legal services, to increase access to justice, and to reduce the level of toxicity that has allowed mental health and substance use disorders to fester among our colleagues, we have to act now. Change will require a wide-eyed and candid assessment of our members' state of being, accompanied by courageous commitment to re-envisioning what it means to live the life of a lawyer.



This report's recommendations focus on five central themes: (1) identifying stakeholders and the role each of us can play in reducing the level of toxicity in our profession, (2) eliminating the stigma associated with help-seeking behaviors, (3) emphasizing that well-being is an indispensable part of a lawyer's duty of competence, (4) educating lawyers, judges, and law students on lawyer well-being issues, and (5) taking small, incremental steps to change how law is practiced and how lawyers are regulated to instill greater well-being in the profession.

The members of this Task Force make the following recommendations after extended deliberation. We recognize this number of recommendations may seem overwhelming at first. Thus we also provide proposed state action plans with simple checklists. These help each stakeholder inventory their current system and explore the recommendations relevant to their group. We invite you to read this report, which sets forth the basis for why the legal profession is at a tipping point, and we present these recommendations and action plans for building a more positive future. We call on you to take action and hear our clarion call. The time is now to use your experience, status, and leadership to construct a profession built on greater well-being, increased competence, and greater public trust.

Sincerely,

Bree Buchanan, Esq.  
Task Force Co-Chair  
Director  
Texas Lawyers Assistance Program  
State Bar of Texas

James C. Coyle, Esq.  
Task Force Co-Chair  
Attorney Regulation Counsel  
Colorado Supreme Court

*"Lawyers, judges and law students are faced with an increasingly competitive and stressful profession. Studies show that substance use, addiction and mental disorders, including depression and thoughts of suicide—often unrecognized—are at shockingly high rates. As a consequence the National Task Force on Lawyer Well-being, under the aegis of CoLAP (the ABA Commission on Lawyer Assistance programs) has been formed to promote nationwide awareness, recognition and treatment. This Task Force deserves the strong support of every lawyer and bar association."*

*David R Brink\**  
*Past President*  
*American Bar Association*

\* David R. Brink (ABA President 1981-82) passed away in July 2017 at the age of 97. He tirelessly supported the work of lawyer assistance programs across the nation, and was a beacon of hope in the legal profession for those seeking recovery.

# THE PATH TO LAWYER WELL-BEING:

Practical Recommendations  
For Positive Change

[ THE REPORT OF THE  
NATIONAL TASK FORCE ON  
LAWYER WELL-BEING ]

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18. Provide Well-Being Programming for Judges and Staff.
19. Monitor for Impaired Lawyers and Partner with Lawyer Assistance Programs.

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  - 36.2 Create Educational Materials to Support Individual Well-Being and "Best Practices" for Legal Organizations.
  - 36.3 Train Staff to Be Aware of Lawyer Assistance Program Resources and Refer Members.
- 37. Sponsor Empirical Research on Lawyer Well-Being as Part of Annual Member Surveys.
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- 8.2 Stress.
- 8.3 Resilience & Optimism.
- 8.4 Mindfulness Meditation.
- 8.5 Rejuvenation Periods to Recover from Stress.
- 8.6 Physical Activity.
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- 8.8 Control & Autonomy.
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- 8.13 Additional Topics.

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#### Appendix to Recommendation 9:

#### Guide and Support The Transition of Older Lawyers.

### Appendix D / p. 59

#### Appendix to Recommendation 25:

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#### Task Force Member Biographies and Acknowledgments

# THE PATH TO LAWYER WELL-BEING:

## Practical Recommendations For Positive Change

Although the legal profession has known for years that many of its students and practitioners are languishing, far too little has been done to address it. Recent studies show we can no longer continue to ignore the problems. In 2016, the American Bar Association (ABA) Commission on Lawyer Assistance Programs and Hazelden Betty Ford Foundation published their study of nearly 13,000 currently-practicing lawyers [the “Study”]. It found that between 21 and 36 percent qualify as problem drinkers, and that approximately 28 percent, 19 percent, and 23 percent are struggling with some level of depression, anxiety, and stress, respectively.<sup>1</sup> The parade of difficulties also includes suicide, social alienation, work addiction, sleep deprivation, job dissatisfaction, a “diversity crisis,” complaints of work-life conflict, incivility, a narrowing of values so that profit predominates, and negative public perception.<sup>2</sup> Notably, the Study found that younger lawyers in the first ten years of practice and those working in private firms experience the highest rates of problem drinking and depression. The budding impairment of many of the future generation of lawyers should be alarming to everyone. Too many face less productive, less satisfying, and more troubled career paths.

Additionally, 15 law schools and over 3,300 law students participated in the Survey of Law Student Well-Being, the results of which were released in 2016.<sup>3</sup> It found

that 17 percent experienced some level of depression, 14 percent experienced severe anxiety, 23 percent had mild or moderate anxiety, and six percent reported serious suicidal thoughts in the past year. As to alcohol use, 43 percent reported binge drinking at least once in the prior two weeks and nearly one-quarter (22 percent) reported binge-drinking two or more times during that period. One-quarter fell into the category of being at risk for alcoholism for which further screening was recommended.

The results from both surveys signal an elevated risk in the legal community for mental health and substance use disorders tightly intertwined with an alcohol-based social culture. The analysis of the problem cannot end there, however. The studies reflect that the majority of lawyers and law students do not have a mental health or substance use disorder. But that does not mean that they’re thriving. Many lawyers experience a “profound ambivalence” about their work,<sup>4</sup> and different sectors of the profession vary in their levels of satisfaction and well-being.<sup>5</sup>

Given this data, lawyer well-being issues can no longer be ignored. Acting for the benefit of lawyers who are functioning below their ability and for those suffering due to substance use and mental health disorders, the National Task Force on Lawyer Well-Being urges our profession’s leaders to act.

<sup>1</sup>P. R. Krill, R. Johnson, & L. Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46 (2016).

<sup>2</sup>A. M. Brafford, *Building the Positive Law Firm: The Legal Profession At Its Best* (August 1, 2014) (Master’s thesis, Univ. Pa., on file with U. Pa. Scholarly Commons Database), available at [http://repository.upenn.edu/mapp\\_capstone/62/](http://repository.upenn.edu/mapp_capstone/62/).

<sup>3</sup>J. M. Organ, D. Jaffe, & K. Bender, *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. LEGAL EDUC. 116 (2016).

<sup>4</sup>See D. L. Chambers, *Overstating the Satisfaction of Lawyers*, 39 LAW & SOC. INQUIRY 1 (2013).

<sup>5</sup>J. M. Organ, *What Do We Know About the Satisfaction/Dissatisfaction of Lawyers? A Meta-Analysis of Research on Lawyer Satisfaction and Well-Being*, 8 U. ST. THOMAS L. J. 225 (2011); L. S. Krieger & K. M. Sheldon, *What Makes Lawyers Happy? Transcending the Anecdotes with Data from 6200 Lawyers*, 83 GEO. WASH. L. REV. 554 (2015).

## REASONS TO TAKE ACTION

We offer three reasons to take action: organizational effectiveness, ethical integrity, and humanitarian concerns.

**First**, lawyer well-being contributes to organizational success—in law firms, corporations, and government entities. If cognitive functioning is impaired as explained above, legal professionals will be unable to do their best work. For law firms and corporations, lawyer health is an important form of human capital that can provide a competitive advantage.<sup>6</sup>

For example, job satisfaction predicts retention and performance.<sup>7</sup> Gallup Corporation has done years of research showing that worker well-being in the form of engagement is linked to a host of organizational success factors, including lower turnover, high client satisfaction,



### Reasons to Improve Attorney Well-Being

- ✓ Good for business
- ✓ Good for clients
- ✓ The right thing to do

and higher productivity and profitability. The Gallup research also shows that few organizations fully benefit from their human capital because most employees (68 percent) are not engaged.<sup>8</sup> Reducing turnover is especially important for law firms, where turnover rates can be high. For example, a 2016 survey by Law360 found that over 40 percent of lawyers reported that they were likely or very likely to leave their current law firms in the next year.<sup>9</sup> This high turnover rate for law firms is expensive—with estimated costs for larger firms of \$25 million every year.<sup>10</sup> In short, enhancing lawyer health and well-being is good business and makes sound financial sense.

**Second**, lawyer well-being influences ethics and professionalism. Rule 1.1 of the ABA's Model Rules of Professional Conduct requires lawyers to “provide competent representation.” Rule 1.3 requires diligence in client representation, and Rules 4.1 through 4.4 regulate working with people other than clients. Minimum competence is critical to protecting clients and allows lawyers to avoid discipline. But it will not enable them to live up to the aspirational goal articulated in the Preamble to the ABA's Model Rules of Professional Conduct, which calls lawyers to “strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service.”

Troubled lawyers can struggle with even minimum competence. At least one author suggests that 40 to 70 percent of disciplinary proceedings and malpractice claims against lawyers involve substance use or depression, and often both.<sup>11</sup> This can be explained, in part, by declining mental capacity due to these conditions. For example, major depression is associated

<sup>6</sup>C. Keyes & J. Grzywacz, *Health as a Complete State: The Added Value in Work Performance and Healthcare Costs*, 47 J. OCCUPATIONAL & ENVTL. MED. 523 (2005).

<sup>7</sup>T. A. Judge & R. Klinger, *Promote Job Satisfaction through Mental Challenge*, in HANDBOOK OF PRINCIPLES OF ORGANIZATIONAL BEHAV. (E. A. Locke ed., 2009).

<sup>8</sup>J. K. HARTE, F. L. SCHMIDT, E. A. KILLHAM, & J. W. ASPLUND, Q12 META-ANALYSIS, GALLUP CONSULTING (2006), [https://strengths.gallup.com/private/resources/q12meta-analysis\\_flyer\\_gen\\_08%2008\\_bp.pdf](https://strengths.gallup.com/private/resources/q12meta-analysis_flyer_gen_08%2008_bp.pdf); see also Brafford, *supra* note 2, for a summary of studies linking engagement and other positive employee states to business success factors.

<sup>9</sup>C. Violante, *Law360's 2016 Lawyer Satisfaction Survey: By the Numbers*, Law360, Sept. 4, 2016, <https://www.law360.com/articles/833246/law360-s-2016-lawyer-satisfaction-survey-by-the-numbers>.

<sup>10</sup>M. Levin & B. MacEwen, *Assessing Lawyer Traits & Finding a Fit for Success Introducing the Sheffield Legal Assessment* (2014) (unpublished), available at <http://therightprofile.com/wp-content/uploads/Attorney-Trait-Assessment-Study-Whitepaper-from-The-Right-Profile.pdf> (discussing associate turnover statistics and estimated cost of turnover in large law firms).

<sup>11</sup>D. B. Marlowe, *Alcoholism, Symptoms, Causes & Treatments*, in STRESS MANAGEMENT FOR LAWYERS 104-130 (Amiram Elwork ed., 2d ed., 1997) (cited in M. A. Silver, *Substance Abuse, Stress, Mental Health and The Legal Profession*, NEW YORK STATE LAW. ASSISTANT TRUST (2004), available at <http://www.nylat.org/documents/courseinbox.pdf>).

with impaired executive functioning, including diminished memory, attention, and problem-solving. Well-functioning executive capacities are needed to make good decisions and evaluate risks, plan for the future, prioritize and sequence actions, and cope with new situations. Further, some types of cognitive impairment persist in up to 60 percent of individuals with depression even after mood symptoms have diminished, making prevention strategies essential.<sup>12</sup> For alcohol abuse, the majority of abusers (up to 80 percent) experience mild to severe cognitive impairment.<sup>13</sup> Deficits are particularly severe in executive functions, especially in problem-solving, abstraction, planning, organizing, and working memory—core features of competent lawyering.

**Third,** from a humanitarian perspective, promoting well-being is the right thing to do. Untreated mental health and substance use disorders ruin lives and careers. They affect too many of our colleagues. Though our profession prioritizes individualism and self-sufficiency, we all contribute to, and are affected by, the collective legal culture. Whether that culture is toxic or sustaining is up to us. Our interdependence creates a joint responsibility for solutions.

## DEFINING “LAWYER WELL-BEING”

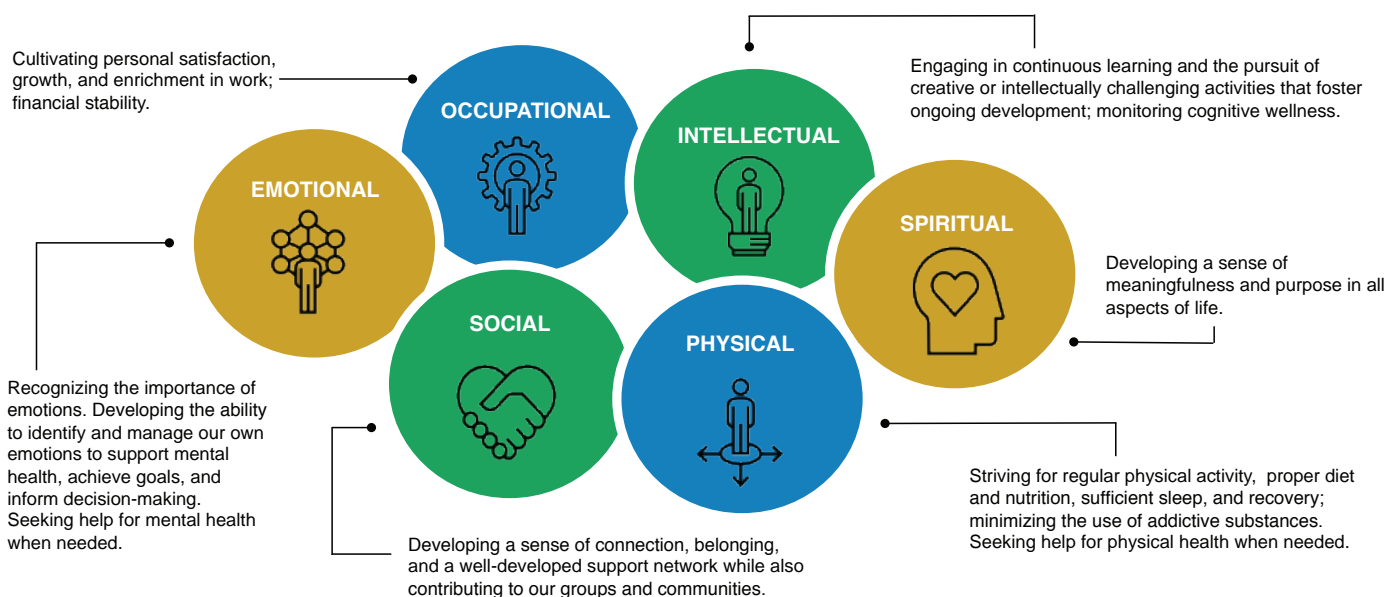
We define lawyer well-being as a continuous process whereby lawyers seek to thrive in each of the following areas: emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or greater purpose in life, physical health, and social connections with others. Lawyer well-being is part of a lawyer’s

### *“Well-Being”: A Continuous process toward thriving across all life dimensions.*

ethical duty of competence. It includes lawyers’ ability to make healthy, positive work/life choices to assure not only a quality of life within their families and communities, but also to help them make responsible decisions for their clients. It includes maintaining their own long term well-being. This definition highlights that complete health

#### Defining Lawyer Well-Being

A continuous process in which lawyers strive for thriving in each dimension of their lives:



<sup>12</sup>P. L. Rock, J. P. Roiser, W. J. Riedel, A. D. Blackwell, *A Cognitive Impairment in Depression: A Systematic Review and Meta-Analysis*, 44 PSYCHOL. MED. 2029 (2014); H. R. Snyder, *Major Depressive Disorder is Associated with Broad Impairments on Neuropsychological Measures of Executive Function: A Meta-Analysis and Review*, 139 PSYCHOL. BULL. 81 (2013).

<sup>13</sup>C. Smeraldi, S. M. Angelone, M. Movalli, M. Cavicchioli, G. Mazza, A. Notaristefano, & C. Maffei, *Testing Three Theories of Cognitive Dysfunction in Alcohol Abuse*, 21 J. PSYCHOPATHOLOGY 125 (2015).<sup>14</sup>The WHO’s definition of “health” can be found at: <http://www.who.int/about/mission/en>. The definition of “mental health” can be found at: [http://www.who.int/features/factfiles/mental\\_health/en/](http://www.who.int/features/factfiles/mental_health/en/).



is not defined solely by the absence of illness; it includes a positive state of wellness.

To arrive at this definition, the Task Force consulted other prominent well-being definitions and social science research, which emphasize that well-being is not limited to: (1) an absence of illness, (2) feeling happy all the time, or (3) intra-individual processes—context matters. For example, the World Health Organization (WHO) defines “health” as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.” It defines “mental health” as “a state of well-being in which every individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community.”<sup>14</sup>

Social science research also emphasizes that “well-being” is not defined solely by an absence of dysfunction; but nor is it limited to feeling “happy” or filled with positive emotions. The concept of well-being in social science research is multi-dimensional and includes, for example, engagement in interesting activities, having close relationships and a sense of belonging, developing confidence through mastery, achieving goals that matter to us, meaning and purpose, a sense of autonomy and control, self-acceptance, and personal growth. This multi-dimensional approach underscores that a positive state of well-being is not synonymous with feeling happy or experiencing positive emotions. It is much broader.

Another common theme in social science research is that well-being is not just an intra-personal process: context powerfully influences it.<sup>15</sup> Consistent with this view, a study of world-wide survey data found that five factors constitute the key elements of well-being: career, social relationships, community, health, and finances.<sup>16</sup>

The Task Force chose the term “well-being” based on the view that the terms “health” or “wellness” connote only physical health or the absence of illness. Our definition of “lawyer well-being” embraces the multi-dimensional

concept of mental health and the importance of context to complete health.

## OUR CALL TO ACTION

The benefits of increased lawyer well-being are compelling and the cost of lawyer impairment are too great to ignore. There has never been a better or more important time for all sectors of the profession to get serious about the substance use and mental health of ourselves and those around us. The publication of this report, in and of itself, serves the vital role of bringing conversations about these conditions out in the open. In the following pages, we present recommendations for many stakeholders in the legal profession including the judiciary, regulators, legal employers, law schools, bar associations, lawyers’ professional liability carriers, and lawyer assistance programs. The recommendations revolve around five core steps intended to build a more sustainable culture:

- (1) Identifying stakeholders and the role that each of us can play in reducing the level of toxicity in our profession.
- (2) Ending the stigma surrounding help-seeking behaviors. This report contains numerous recommendations to combat the stigma that seeking help will lead to negative professional consequences.
- (3) Emphasizing that well-being is an indispensable part of a lawyer’s duty of competence. Among the report’s recommendations are steps stakeholders can take to highlight the tie-in between competence and well-being. These include giving this connection formal recognition through modifying the Rules of Professional Conduct or their comments to reference well-being.
- (4) Expanding educational outreach and programming on well-being issues. We need to educate lawyers, judges, and law students on well-being issues. This includes instruction in recognizing mental health and

<sup>14</sup>The WHO’s definition of “health” can be found at: <http://www.who.int/about/mission/en>. The definition of “mental health” can be found at: [http://www.who.int/features/factfiles/mental\\_health/en/](http://www.who.int/features/factfiles/mental_health/en/)

<sup>15</sup>E.g., I. Prilleltensky, S. Dietz, O. Prilleltensky, N. D. Myers, C. L. Rubenstein, Y. Jin, & A. McMahon, *Assessing Multidimensional Well-Being: Development and Validation of the I COPPE Scale*, 43 J. CMTY. PSYCHOL. 199 (2015).

<sup>16</sup>T. RATH & J. HARTEY, WELL-BEING: THE FIVE ESSENTIAL ELEMENTS (2010).

substance use disorders as well as navigating the practice of law in a healthy manner. To implement this recommendation effectively, more resources need to be devoted to promoting well-being.

- (5) Changing the tone of the profession one small step at a time. This report contains a number of small-scale recommendations, such as allowing lawyers to earn continuing legal education (CLE) credit for well-being workshops or de-emphasizing alcohol at bar association social events. These small steps can start the process necessary to place health, resilience, self-care, and helping others at the forefront of what it means to be a lawyer. Collectively, small steps can lead to transformative cultural change in a profession that has always been, and will remain, demanding.

Historically, law firms, law schools, bar associations, courts, and malpractice insurers have taken a largely hands-off approach to these issues. They have dealt with them only when forced to because of impairment that can no longer be ignored. The dedication and hard work of lawyer assistance programs aside, we have not done enough to help, encourage, or require lawyers to be, get, or stay well. However, the goal of achieving increased lawyer well-being is within our collective reach. The time to redouble our efforts is now.

## RECOMMENDATIONS

Below, the Task Force provides detailed recommendations for minimizing lawyer dysfunction, boosting well-being, and reinforcing the importance of well-being to competence and excellence in practicing law. This section has two main parts. Part I provides general recommendations for all stakeholders in the legal community. Part II provides recommendations tailored to a specific stakeholder: (1) judges, (2) regulators, (3) legal employers, (4) law schools, (5) bar associations, (6) lawyers' professional liability carriers, and (7) lawyer assistance programs.



*“None of us got where we are solely by pulling ourselves up by our bootstraps. We got there because somebody bent down and helped us pick up our boots.” — Thurgood Marshall*

**F**irst, we recommend strategies for all stakeholders in the legal profession to play a part in the transformational process aimed at developing a thriving legal profession.

### 1. ACKNOWLEDGE THE PROBLEMS AND TAKE RESPONSIBILITY.

Every sector of the legal profession must support lawyer well-being. Each of us can take a leadership role within our own spheres to change the profession’s mindset from passive denial of problems to proactive support for change. We have the capacity to make a difference.

*For too long, the legal profession has turned a blind eye to widespread health problems.*

For too long, the legal profession has turned a blind eye to widespread health problems. Many in the legal profession have behaved, at best, as if their colleagues’ well-being is none of their business. At worst, some appear to believe that supporting well-being will harm professional success. Many also appear to believe that lawyers’ health problems are solely attributable to their own personal failings for which they are solely responsible.

As to the long-standing psychological distress and substance use problems, many appear to believe that the establishment of lawyer assistance programs—a

necessary but not sufficient step toward a solution—has satisfied any responsibility that the profession might have. Lawyer assistance programs have made incredible strides; however, to meaningfully reduce lawyer distress, enhance well-being, and change legal culture, all corners of the legal profession need to prioritize lawyer health and well-being. It is not solely a job for lawyer assistance programs. Each of us shares responsibility for making it happen.

### 2. USE THIS REPORT AS A LAUNCH PAD FOR A PROFESSION-WIDE ACTION PLAN.

All stakeholders must lead their own efforts aimed at incorporating well-being as an essential component of practicing law, using this report as a launch pad. Changing the culture will not be easy. Critical to this complex endeavor will be the development of a National Action Plan and state-level action plans that continue the effort started in this report. An organized coalition will be necessary to plan, fund, instigate, motivate, and sustain long-term change. The coalition should include, for example, the Conference of Chief Justices, the National Organization of Bar Counsel, the Association of Professional Responsibility Lawyers, the ABA, state bar associations as a whole and specific divisions (young lawyers, lawyer well-being, senior lawyers, etc.), the Commission on Lawyer Assistance Programs, state lawyer assistance programs, other stakeholders that have contributed to this report, and many others.

### 3. LEADERS SHOULD DEMONSTRATE A PERSONAL COMMITMENT TO WELL-BEING.

Policy statements alone do not shift culture. Broad-scale change requires buy-in and role modeling from top

<sup>17</sup>E. SCHEIN, ORGANIZATIONAL CULTURE AND LEADERSHIP (2010); R. R. Sims & J. Brinkmann, *Leaders As Moral Role Models*, 35 J. BUS. ETHICS 327 (2002).

leadership.<sup>17</sup> Leaders in the courts, regulators' offices, legal employers, law schools, and bar associations will be closely watched for signals about what is expected. Leaders can create and support change through their own demonstrated commitment to core values and well-being in their own lives and by supporting others in doing the same.<sup>18</sup>

#### 4. FACILITATE, DESTIGMATIZE, AND ENCOURAGE HELP-SEEKING BEHAVIORS.

All stakeholders must take steps to minimize the stigma of mental health and substance use disorders because the stigma prevents lawyers from seeking help.

Research has identified multiple factors that can hinder seeking help for mental health conditions: (1) failure to recognize symptoms; (2) not knowing how to identify or access appropriate treatment or believing it to be a hassle to do so; (3) a culture's negative attitude about such conditions; (4) fear of adverse reactions by others whose opinions are important; (5) feeling ashamed; (6) viewing help-seeking as a sign of weakness, having a strong preference for self-reliance, and/or having a tendency toward perfectionism; (7) fear of career repercussions; (8) concerns about confidentiality; (9) uncertainty about the quality of organizationally-provided therapists or otherwise doubting that treatment will be effective; and (10) lack of time in busy schedules.<sup>19</sup>

The Study identified similar factors. The two most common barriers to seeking treatment for a substance use disorder that lawyers reported were not wanting others to find out they needed help and concerns regarding privacy or confidentiality. Top concerns of law students in the Survey of Law Student Well Being were fear of jeopardizing their academic standing or admission to the practice of law, social stigma, and privacy concerns.<sup>21</sup>

Research also suggests that professionals with hectic, stressful jobs (like many lawyers and law students) are more likely to perceive obstacles for accessing treatment, which can exacerbate depression. The result of these barriers is that, rather than seeking help early, many wait until their symptoms are so severe that they interfere with daily functioning. Similar dynamics likely apply for aging lawyers seeking assistance.

Removing these barriers requires education, skill-building, and stigma-reduction strategies. Research shows that the most effective way to reduce stigma is through direct contact with someone who has personally experienced a relevant disorder. Ideally, this person should be a practicing lawyer or law student (depending on the audience) in order to create a personal connection that lends credibility and combats stigma.<sup>22</sup> Viewing video-taped narratives also is useful, but not as effective as in-person contacts.

The military's "Real Warrior" mental health campaign can serve as one model for the legal profession. It is designed to improve soldiers' education about mental health disorders, reduce stigma, and encourage help-seeking. Because many soldiers (like many lawyers) perceive seeking help as a weakness, the campaign also has sought to re-frame help-seeking as a sign of strength that is important to resilience. It also highlights cultural values that align with seeking psychological help.<sup>23</sup>

#### 5. BUILD RELATIONSHIPS WITH LAWYER WELL-BEING EXPERTS.

##### 5.1. Partner With Lawyer Assistance Programs.

All stakeholders should partner with and ensure stable and sufficient funding for the ABA's Commission on Lawyer Assistance Programs (CoLAP) as well as

<sup>18</sup>L. M. Sama & V. Shoaf, *Ethical Leadership for the Professions: Fostering a Moral Community*, 78 J. BUS. ETHICS 39 (2008).

<sup>19</sup>T. W. Britt, T. M. Greene-Shortridge, S. Brink, Q. B. Nguyen, J. Rath, A. L. Cox, C. W. Hoge, C. A. Castro, *Perceived Stigma and Barriers to Care for Psychological Treatment: Implications for Reactions to Stressors in Different Contexts*, 27 J. SOC. & CLINICAL PSYCHOL. 317 (2008); S. Ey, K. R. Henning, & D. L. Shaw, *Attitudes and Factors Related to Seeking Mental Health Treatment among Medical and Dental Students*, 14 J. C. STUDENT PSYCHOTHERAPY 23 (2000); S. E. Hanisch, C. D. Twomey, A. H. Szeto, U. W. Birner, D. Nowak, & C. Sabariego, *The Effectiveness of Interventions Targeting the Stigma of Mental Illness at the Workplace: A Systematic Review*, 16 BMC PSYCHIATRY 1 (2016); K. S. Jennings, J. H. Cheung, T. W. Britt, K. N. Goguen, S. M. Jeffers, A. L. Peasley, & A. C. Lee, *How Are Perceived Stigma, Self-Stigma, and Self-Reliance Related to Treatment-Seeking? A Three-Path Model*, 38 PSYCHIATRIC REHABILITATION J. 109 (2015); N. G. Wade, D. L. Vogel, P. Armistead-Jehle, S. S. Meit, P. J. Heath, H. A. Strass, *Modeling Stigma, Help-Seeking Attitudes, and Intentions to Seek Behavioral Healthcare in a Clinical Military Sample*, 38 PSYCHIATRIC REHABILITATION J. 135 (2015).

<sup>20</sup>Krill, Johnson, & Albert, *supra* note 1, at 50.

<sup>21</sup>Organ, Jaffe, & Bender, *supra* note 3, at 141.

<sup>22</sup>P. W. Corrigan, S. B. Morris, P. J. Michaels, J. D. Rafacz, & N. Rüsch, *Challenging the Public Stigma of Mental Illness: a Meta-Analysis of Outcome Studies*, 63 PSYCHIATRIC SERV. 963 (2012).

<sup>23</sup>Wade, Vogel, Armistead-Jehle, Meit, Heath, Strass, *supra* note 19. The Real Warrior website can be found at [www.realwarriors.net](http://www.realwarriors.net).



for state-based lawyer assistance programs. ABA CoLAP and state-based lawyer assistance programs are indispensable partners in efforts to educate and empower the legal profession to identify, treat, and prevent conditions at the root of the current well-being crisis, and to create lawyer-specific programs and access to treatment.<sup>24</sup> Many lawyer assistance programs employ teams of experts that are well-qualified to help lawyers, judges, and law students who experience physical or mental health conditions. Lawyer assistance programs' services are confidential, and many include prevention, intervention, evaluation, counseling, referral to professional help, and on-going monitoring. Many cover a range of well-being-related topics including substance use and mental health disorders, as well as cognitive impairment, process addictions, burnout, and chronic stress. A number also provide services to lawyer discipline and admissions processes (e.g., monitoring and drug and alcohol screening).<sup>25</sup>

Notably, the Study found that, of lawyers who had reported past treatment for alcohol use, those who had used a treatment program specifically tailored to legal professionals reported, on average, significantly lower scores on the current assessment of alcohol use.<sup>26</sup> This at least suggests that lawyer assistance programs, which are specifically tailored to identify and refer lawyers to treatment providers and resources, are a better fit than general treatment programs.

Judges, regulators, legal employers, law schools, and bar associations should ally themselves with lawyer assistance programs to provide the above services. These stakeholders should also promote the services of state lawyer assistance programs. They also should emphasize the confidential nature of those services to reduce barriers to seeking help. Lawyers are reluctant

to seek help for mental health and substance use disorders for fear that doing so might negatively affect their licenses and lead to stigma or judgment of peers.<sup>27</sup> All stakeholders can help combat these fears by clearly communicating about the confidentiality of lawyer assistance programs.

We also recommend coordinating regular meetings with lawyer assistance program directors to create solutions to the problems facing the profession. Lawyer assistance programs can help organizations establish confidential support groups, wellness days, trainings, summits, and/or fairs. Additionally, lawyer assistance programs can serve as a resource for speakers and trainers on lawyer well-being topics, contribute to publications, and provide guidance to those concerned about a lawyer's well-being.

## **5.2. Consult Lawyer Well-Being Committees and Other Types of Well-Being Experts.**

We also recommend partnerships with lawyer well-being committees and other types of organizations and consultants that specialize in relevant topics. For example, the American Bar Association's Law Practice Division established an Attorney Well-Being Committee in 2015. A number of state bars also have well-being committees including Georgia, Indiana, Maryland, South Carolina, and Tennessee.<sup>28</sup> The Florida Bar Association's Young Lawyers Division has a Quality of Life Committee "for enhancing and promoting the quality of life for young lawyers."<sup>29</sup> Some city bar associations also have well-being initiatives, such as the Cincinnati Bar Association's Health and Well-Being Committee.<sup>30</sup> These committees can serve as a resource for education, identifying speakers and trainers, developing materials, and contributing to publications. Many high-quality consultants are also available on well-being subjects.

<sup>24</sup>The ABA Commission on Lawyer Assistance Programs' (CoLAP) website provides numerous resources, including help lines and a directory of state-based law assistant programs. See [http://www.americanbar.org/groups/lawyer\\_assistance.html](http://www.americanbar.org/groups/lawyer_assistance.html).

<sup>25</sup>COMM'N ON LAWYER ASSISTANCE PROGRAMS, AM. BAR ASS'N, 2014 COMPREHENSIVE SURVEY OF LAWYER ASSISTANCE PROGRAMS 34-37 (2014).

<sup>26</sup>Krill, Johnson, & Albert, *supra* note 1, at 50.

<sup>27</sup>*Id.* at 51.

<sup>28</sup>The State Bar of Georgia, "Lawyers Living Well," <https://www.gabar.org/wellness/>; The Indiana State Bar Association Wellness Committee, <https://inbar.site-ym.com/members/group.aspx?id=134020>; Maryland State Bar Association Wellness Committee, <http://www.msba.org/Wellness/default.aspx>; South Carolina Bar Lawyer Wellness Committee, <http://discussions.scbar.org/public/wellness/index.html>; Tennessee Bar Association Attorney Well Being Committee, <http://www.tba.org/committee/attorney-well-being-committee>.

<sup>29</sup>The Fla. Bar Ass'n, Young Lawyers Division, Committees, Quality of Life, <https://flayld.org/board-of-governors/committees/> (last visited June 8, 2017).

<sup>30</sup>Cincinnati Bar Ass'n Health and Well-Being Committee, <http://www.cincybar.org/groups/health-and-well-being.php> (last visited June 28, 2017).





Care should be taken to ensure that they understand the particular types of stress that affect lawyers.

## 6. FOSTER COLLEGIALLY AND RESPECTFUL ENGAGEMENT THROUGHOUT THE PROFESSION.

We recommend that all stakeholders develop and enforce standards of collegiality and respectful engagement. Judges, regulators, practicing lawyers, law students, and professors continually interact with each other, clients, opposing parties, staff, and many others.<sup>31</sup> Those interactions can either foment a toxic culture that contributes to poor health or can foster a respectful culture that supports well-being. Chronic incivility is corrosive. It depletes energy and motivation, increases burnout, and inflicts emotional and physiological damage. It diminishes productivity, performance, creativity, and helping behaviors.<sup>32</sup>

Civility appears to be declining in the legal profession. For example, in a 1992 study, 42 percent of lawyers and 45 percent of judges believed that civility and professionalism among bar members were significant problems. In a 2007 survey of Illinois lawyers, 72 percent of respondents categorized incivility as a serious or moderately serious problem<sup>33</sup> in the profession. A recent study of over 6,000 lawyers found that lawyers did not generally have a positive view of lawyer or judge professionalism.<sup>34</sup> There is evidence showing that

women lawyers are more frequent targets of incivility and harassment.<sup>36</sup> Legal-industry commentators offer a host of hypotheses to explain the decline in civility.<sup>37</sup> Rather than continuing to puzzle over the causes, we acknowledge the complexity of the problem and invite further thinking on how to address it.

## *Incivility appears to be on the rise.*

As a start, we recommend that bar associations and courts adopt rules of professionalism and civility, such as those that exist in many jurisdictions.<sup>38</sup> Likewise, law firms should adopt their own professionalism standards.<sup>39</sup> Since rules alone will not change culture, all stakeholders should devise strategies to promote wide-scale, voluntary observance of those standards. This should include an expectation that all leaders in the profession be a role model for these standards of professionalism.

Exemplary standards of professionalism are inclusive. Research reflects that organizational diversity and inclusion initiatives are associated with employee well-being, including, for example, general mental and physical health, perceived stress level, job satisfaction, organizational commitment, trust, work engagement,

<sup>31</sup>See C. B. Preston & H. Lawrence, *Incentivizing Lawyers to Play Nice: A National Survey on Civility Standards and Options for Enforcement*, 48 U. MICH. J.L. REFORM 701 (2015); AM. BAR ASS'N RESOL. 108 (August 2011), [http://www.americanbar.org/content/dam/aba/administrative/dispute\\_resolution/civility.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/dispute_resolution/civility.authcheckdam.pdf); AM. BAR ASS'N RESOL. 105B (August 2014), [http://www.americanbar.org/news/reporter\\_resources/aba-2014-annual-meeting/2014-annual-meeting-house-of-delegates-resolutions/105b.html](http://www.americanbar.org/news/reporter_resources/aba-2014-annual-meeting/2014-annual-meeting-house-of-delegates-resolutions/105b.html).

<sup>32</sup>J. E. Dutton & E. D. Heaphy, *The Power of High-Quality Connections*, in *POSITIVE ORGANIZATIONAL SCHOLARSHIP: FOUNDATIONS OF A NEW DISCIPLINE* 263-278 (K. S. Cameron, J. E. Dutton, & R. E. Quinn eds., 2003); C. M. Pearson & C. L. Porath, *On the Nature, Consequences and Remedies of Workplace Incivility: No Time for "Nice"? Think Again*, 19 ACAD. OF MGMT. EXECUTIVE 7 (2005); B. M. Walsh, V. J. Magley, D. W. Reeves, K. A. Davies-Schrlis, M. D. Marmet, & J. A. Gallus, *Assessing Workgroup Norms for Civility: The Development of the Civility Norms Questionnaire-Brief*, 27 J. BUS. PSYCHOL. 407 (2012).

<sup>33</sup>S. S. DAICOFF, *LAWYER, KNOW THYSELF: A PSYCHOLOGICAL ANALYSIS OF PERSONALITY STRENGTHS AND WEAKNESSES* (2004).

<sup>34</sup>D. E. Campbell, *Raise Your Right Hand and Swear to Be Civil: Defining Civility As An Obligation of Professional Responsibility*, 47 GONZ. L. REV. 99 (2012); see also IL. SUP. CT. COMM'N ON PROFESSIONALISM, *Survey on Professionalism, A Study of Illinois Lawyers 2007 & Survey on Professionalism, A Study of Illinois Lawyers 2014* (2007 & 2014); L. Brodoff & T. M. Jaasko-Fisher, *WSBA Civility Study*, NW LAWYER, Dec. 2016/Jan. 2017, at 22, available at [http://nwlawyer.wsba.org/nwlawyer/dec\\_2016\\_jan\\_2017?pg=22#pg22](http://nwlawyer.wsba.org/nwlawyer/dec_2016_jan_2017?pg=22#pg22).

<sup>35</sup>Krieger & Sheldon, *supra* note 5.

<sup>36</sup>L. M. Cortina, K. A. Lonsway, V. J. Magley, L. V. Freeman, L. L. Collinsworth, M. Hunter, & L. F. Fitzgerald, *What's Gender Got to Do with It? Incivility in the Federal Courts*, 27 LAW & SOC. INQUIRY 235 (2002); see also L. M. Cortina, D. Kabat-Farr, E. A. Leskinen, M. Huerta, & V. J. Magley, *Selective Incivility as Modern Discrimination in Organizations: Evidence and Impact*, 30 J. MGMT. 1579 (2013).

<sup>37</sup>E.g., Campbell, *supra* note 34; A. T. Kronman, *THE LOST LAWYER* (1993); J. Smith, *Lawyers Behaving Badly Get a Dressing Down from Civility Cops*, WALL ST. J., Jan. 27, 2013, at A1; Walsh, Magley, Reeves, Davies-Schrlis, Marmet, & Gallus, *supra* note 32.

<sup>38</sup>Examples of professionalism codes can be found on the ABA Center for Professional Responsibility's website: [https://www.americanbar.org/groups/professional\\_responsibility/committees\\_commissions/standingcommitteeonprofessionalism2/professionalism\\_codes.html](https://www.americanbar.org/groups/professional_responsibility/committees_commissions/standingcommitteeonprofessionalism2/professionalism_codes.html); see also AM. BAR ASS'N RESOL. 108 (2011), available at [http://www.americanbar.org/content/dam/aba/directories/policy/2011\\_am\\_108.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/directories/policy/2011_am_108.authcheckdam.pdf).

<sup>39</sup>See C. B. Preston & H. Lawrence, *Incentivizing Lawyers to Play Nice: A National Survey on Civility Standards and Options for Enforcement*, 48 U. MICH. J.L. REFORM 701 (2015).



perceptions of organizational fairness, and intentions to remain on the job.<sup>40</sup> A significant contributor to well-being is a sense of organizational belongingness, which has been defined as feeling personally accepted, respected, included, and supported by others. A weak sense of belonging is strongly associated with depressive symptoms.<sup>41</sup> Unfortunately, however, a lack of diversity and inclusion is an entrenched problem in the legal profession.<sup>42</sup> The issue is pronounced for women and minorities in larger law firms.<sup>43</sup>

## 6.1. Promote Diversity and Inclusivity.

Given the above, we recommend that all stakeholders urgently prioritize diversity and inclusion. Regulators and bar associations can play an especially influential role in advocating for initiatives in the profession as a whole and educating on why those initiatives are important to individual and institutional well-being. Examples of relevant initiatives include: scholarships, bar exam grants for qualified applicants, law school orientation programs that highlight the importance of diversity and inclusion, CLE programs focused on diversity in the legal profession, business development symposia for women- and minority-owned law firms, pipeline programming for low-income high school and college students, diversity clerkship programs for law students, studies and reports on the state of diversity within the state's bench and bar, and diversity initiatives in law firms.<sup>44</sup>

## 6.2. Create Meaningful Mentoring and Sponsorship Programs.

Another relevant initiative that fosters inclusiveness and respectful engagement is mentoring. Research has shown that mentorship and sponsorship can aid well-being and career progression for women and diverse professionals. They also reduce lawyer isolation.<sup>46</sup> Those who have participated in legal mentoring report a stronger sense of personal connection with others in the legal community, restored enthusiasm for the legal profession, and more resilience—all of which benefit both mentors and mentees.<sup>47</sup> At least 35 states and the District of Columbia sponsor formal mentoring programs.<sup>48</sup>

## 7. ENHANCE LAWYERS' SENSE OF CONTROL.

Practices that rob lawyers of a sense of autonomy and control over their schedules and lives are especially harmful to their well-being. Research studies show that high job demands paired with a lack of a sense of control breeds depression and other psychological disorders.<sup>49</sup> Research suggests that men in jobs with such characteristics have an elevated risk of alcohol abuse.<sup>50</sup> A recent review of strategies designed to prevent workplace depression found that those designed to improve the perception of control were among the

<sup>40</sup>E.g., M. M. Barak & A. Levin, *Outside of the Corporate Mainstream and Excluded from the Work Community: A Study of Diversity, Job Satisfaction and Well-Being*, 5 COMM., WORK & FAM. 133 (2002); J. Hwang & K. M. Hopkins, *A Structural Equation Model of the Effects of Diversity Characteristics and Inclusion on Organizational Outcomes in the Child Welfare Workforce*, 50 CHILD. & YOUTH SERVS. REV. 44 (2015); see generally G. R. Ferris, S. R. Daniels, & J. C. Sexton, *Race, Stress, and Well-Being in Organizations: An Integrative Conceptualization*, in THE ROLE OF DEMOGRAPHICS IN OCCUPATIONAL STRESS AND WELL-BEING 1-39 (P. L. Perrewé, C. C. Rosen, J. B. Halbesleben, P. L. Perrewé eds., 2014).

<sup>41</sup>W. D. Cockshaw & I. M. Shochet, *The Link Between Belongingness and Depressive Symptoms: An Exploration in the Workplace Interpersonal Context*, 45 AUSTRAL. PSYCHOL. 283 (2010); W. D. Cockshaw, I. M. Shochet & P. L. Obst, *Depression and Belongingness in General and Workplace Contexts: A Cross-Lagged Longitudinal Investigation*, 33 J. SOC. & CLINICAL PSYCHOL. 448 (2014).

<sup>42</sup>D. L. Rhode, *Law Is The Least Diverse Profession in The Nation. And Lawyers Aren't Doing Enough to Change That*, WASH. POST, *Post Everything*, May 27, 2015, available at [https://www.washingtonpost.com/posteverything/wp/2015/05/27/law-is-the-least-diverse-profession-in-the-nation-and-lawyers-arent-doing-enough-to-change-that/?utm\\_term=.a79ad124eb5cl](https://www.washingtonpost.com/posteverything/wp/2015/05/27/law-is-the-least-diverse-profession-in-the-nation-and-lawyers-arent-doing-enough-to-change-that/?utm_term=.a79ad124eb5cl); see also Aviva Culyer, *Diversity in the Practice of Law: How Far Have We Come?*, G.P. SOLO, Sept./Oct. 2012, available at [http://www.americanbar.org/publications/gp\\_solo/2012/september\\_october/diversity\\_practice\\_law\\_how\\_far\\_have\\_we\\_come.html](http://www.americanbar.org/publications/gp_solo/2012/september_october/diversity_practice_law_how_far_have_we_come.html).

<sup>43</sup>L. S. RIKLEEN, NAT'L ASSOC. WOMEN LAWYERS, REPORT OF THE NINTH ANNUAL NAWL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS (2015), available at <http://www.nawl.org/2015nawlsurvey>; S. A. SCHARFL, R. LIEBENBERG, & C. AMALFE, NAT'L ASSOC. WOMEN LAWYERS, REPORT OF THE EIGHTH ANNUAL NAWL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS (2014), available at <http://www.nawl.org/p/bl/et/blogid=10&blogid=56>; see also FLA. BAR ASS'N YOUNG LAW. DIVISION COMM'N ON WOMEN, <https://flayld.org/commission-on-women/>.

<sup>44</sup>See C. U. Stacy, *Trends and Innovations Boosting Diversity in the Law and Beyond*, L. PRAC. TODAY, March 14, 2016, available at <http://www.lawpracticetoday.org/article/trends-and-innovations-boosting-diversity-in-the-law-and-beyond>; IL. SUP. CT. COMM'N ON PROFESSIONALISM, DIVERSITY & INCLUSION TOOLKIT, <https://www.2civility.org/programs/cle/cle-resources/diversity-inclusion>.

<sup>45</sup>Ferris, Daniels, & Sexton, *supra* note 40; A. Ramaswami, G. F. Dreher, R. Bretz, & C. Wiethoff, *The Interactive Effects of Gender and Mentoring on Career Attainment: Making the Case for Female Lawyers*, 37 J. CAREER DEV. 692 (2010).

<sup>46</sup>R. NERISON, LAWYERS, ANGER, AND ANXIETY: DEALING WITH THE STRESSES OF THE LEGAL PROFESSION (2010).

<sup>47</sup>D. A. Cotter, *The Positives of Mentoring*, YOUNG LAW. DIV., AM. BAR ASS'N (2017), available at [http://www.americanbar.org/publications/tyl/topics/mentoring/the\\_positives\\_mentoring.html](http://www.americanbar.org/publications/tyl/topics/mentoring/the_positives_mentoring.html); M. M. Heekin, *Implementing Psychological Resilience Training in Law Incubators*, 1 J. EXPERIENTIAL LEARNING 286 (2016).

<sup>48</sup>Of the 35 programs, seven are mandatory (GA, NV, NM, OR, SC, UT, and WY) and some are approved for CLE credits. See the American Bar Association for more information: [http://www.americanbar.org/groups/professional\\_responsibility/resources/professionalism/mentoring.html](http://www.americanbar.org/groups/professional_responsibility/resources/professionalism/mentoring.html).

<sup>49</sup>J-M Woo & T. T. Postolache, *The Impact of Work Environment on Mood Disorders and Suicide: Evidence and Implications*, 7 INT'L J. DISABILITY & HUMAN DEV. 185 (2008); J. M. Griffin, R. Fuhrer, S. A. Stansfeld, & M. Marmot, *The Importance of Low Control at Work and Home on Depression and Anxiety: Do These Effects Vary by Gender and Social Class?*, 54 SOC. SCI. & MED. 783 (2002).

<sup>50</sup>A. J. Crum, P. Salovey, & S. Achor, *Rethinking Stress: The Role of Mindsets in Determining the Stress Response*, 10 J. PERSONALITY & SOC. PSYCHOL. 716 (2013).



most effective.<sup>51</sup> Research confirms that environments that facilitate control and autonomy contribute to optimal functioning and well-being.<sup>52</sup>

We recommend that all stakeholders consider how long-standing structures of the legal system, organizational norms, and embedded expectations might be modified to enhance lawyers' sense of control and support a healthier lifestyle. Courts, clients, colleagues, and opposing lawyers all contribute to this problem. Examples of the types of practices that should be reviewed include the following:

- Practices concerning deadlines such as tight deadlines for completing a large volume of work, limited bases for seeking extensions of time, and ease and promptness of procedures for requesting extensions of time;
- Refusal to permit trial lawyers to extend trial dates to accommodate vacation plans or scheduling trials shortly after the end of a vacation so that lawyers must work during that time;
- Tight deadlines set by clients that are not based on business needs;
- Senior lawyer decision-making in matters about key milestones and deadlines without consulting other members of the litigation team, including junior lawyers;
- Senior lawyers' poor time-management habits that result in repeated emergencies and weekend work for junior lawyers and staff;
- Expectations of 24/7 work schedules and of prompt response to electronic messages at all times; and
- Excessive law school workload, controlling teaching styles, and mandatory grading curves.

## 8. PROVIDE HIGH-QUALITY EDUCATIONAL PROGRAMS ABOUT LAWYER DISTRESS AND WELL-BEING.

All stakeholders should ensure that legal professionals receive training in identifying, addressing, and supporting fellow professionals with mental health and substance use disorders. At a minimum, training should cover the following:

- The warning signs of substance use or mental health disorders, including suicidal thinking;
- How, why, and where to seek help at the first signs of difficulty;
- The relationship between substance use, depression, anxiety, and suicide;
- Freedom from substance use and mental health disorders as an indispensable predicate to fitness to practice;
- How to approach a colleague who may be in trouble;
- How to thrive in practice and manage stress without reliance on alcohol and drugs; and
- A self-assessment or other check of participants' mental health or substance use risk.

As noted above, to help reduce stigma, such programs should consider enlisting the help of recovering lawyers who are successful members of the legal community. Some evidence reflects that social norms predict problem drinking even more so than stress.<sup>53</sup> Therefore, a team-based training program may be most effective because it focuses on the level at which the social norms are enforced.<sup>54</sup>

Given the influence of drinking norms throughout the profession, however, isolated training programs are not sufficient. A more comprehensive, systemic campaign is likely to be the most effective—though certainly the most challenging.<sup>55</sup> All stakeholders will be critical players in such an aspirational goal. Long-term strategies should consider scholars' recommendations to incorporate mental health and substance use disorder training into broader health-promotion programs to help skirt the stigma that may otherwise deter attendance.

<sup>51</sup>S. Joyce, M. Modini, H. Christensen, A. Mykletun, R. Bryant, P. B. Mitchell, & S. B. Harvey, *Workplace Interventions for Common Mental Disorders: A Systematic Meta-Review*, 46 PSYCHOL. MED. 683, 693 (2016).

<sup>52</sup>Y.-L. Su & J. Reeve, *A Meta-Analysis of the Effectiveness of Intervention Programs Designed to Support Autonomy*, 23 EDUC. PSYCHOL. REV. 159 (2011).

<sup>53</sup>D. C. Hodgins, R. Williams, & G. Munro, *Workplace Responsibility, Stress, Alcohol Availability and Norms as Predictors of Alcohol Consumption-Related Problems Among Employed Workers*, 44 SUBSTANCE USE & MISUSE 2062 (2009).

<sup>54</sup>C. Kolar & K. von Treuer, *Alcohol Misuse Interventions in the Workplace: A Systematic Review of Workplace and Sports Management Alcohol Interventions*, 13 INT'L J. MENTAL HEALTH ADDICTION 563 (2015); e.g., J. B. Bennett, W. E. K. Lehman, G. S. Reynolds, *Team Awareness for Workplace Substance Abuse Prevention: The Empirical and Conceptual Development of a Training Program*, 1 PREVENTION SCI. 157 (2000).

<sup>55</sup>Kolar & von Treuer, *supra* note 54.





Research also suggests that, where social drinking has become a ritual for relieving stress and for social bonding, individuals may resist efforts to deprive them of a valued activity that they enjoy. To alleviate resistance based on such concerns, prevention programs should consider making “it clear that they are not a temperance movement, only a force for moderation,” and that they are not designed to eliminate bonding but to ensure that drinking does not reach damaging dimensions.<sup>56</sup>

Additionally, genuine efforts to enhance lawyer well-being must extend beyond disorder detection and treatment. Efforts aimed at remodeling institutional and organizational features that breed stress are

## *Well-being efforts must extend beyond detection and treatment and address root causes of poor health.*

crucial, as are those designed to cultivate lawyers’ personal resources to boost resilience. All stakeholders should participate in the development and delivery of educational materials and programming that go beyond detection to include causes and consequences of distress. These programs should be eligible for CLE credit, as discussed in Recommendation 20.3. **Appendix B** to this report offers examples of well-being-related educational content, along with empirical evidence to support each example.

## 9. GUIDE AND SUPPORT THE TRANSITION OF OLDER LAWYERS.

Like the general population, the lawyer community is aging and lawyers are practicing longer.<sup>57</sup> In the Baby Boomer generation, the oldest turned 62 in 2008, and the youngest will turn 62 in 2026.<sup>58</sup> In law firms, one estimate indicates that nearly 65 percent of equity partners will retire over the next decade.<sup>59</sup> Senior lawyers can bring much to the table, including their wealth of experience, valuable public service, and mentoring of new lawyers. At the same time, however, aging lawyers have an increasing risk for declining physical and mental capacity. Yet few lawyers and legal organizations have sufficiently prepared to manage transitions away from the practice of law before a crisis occurs. The result is a rise in regulatory and other issues relating to the impairment of senior lawyers. We make the following recommendations to address these issues:



### Planning Transition of Older Lawyers

1. Provide education to detect cognitive decline.
2. Develop succession plans.
3. Create transition programs to respectfully aid retiring professionals plan for their next chapter.

<sup>56</sup>R. F. Cook, A. S. Back, J. Trudeau, & T. McPherson, *Integrating Substance Abuse Prevention into Health Promotion Programs in the Workplace: A Social Cognitive Intervention Targeting the Mainstream User*, in PREVENTING WORKPLACE SUBSTANCE ABUSE: BEYOND DRUG TESTING TO WELLNESS 97 (W. K. Lehman, J. B. Bennett eds., 2003).

<sup>57</sup>A recent American Bar Association report reflected that, in 2005, 34 percent of practicing lawyers were age fifty-five or over, compared to 25 percent in 1980. See LAWYER DEMOGRAPHICS, A.B.A. SEC. OF LEGAL EDUC. & ADMISSIONS TO THE BAR (2016), available at [http://www.americanbar.org/content/dam/aba/administrative/market\\_research/lawyer-demographics-tables-2016.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/market_research/lawyer-demographics-tables-2016.authcheckdam.pdf).

<sup>58</sup>E. A. McNickle, A Grounded Theory Study of Intrinsic Work Motivation Factors Influencing Public Utility Employees Aged 55 and Older as Related to Retirement Decisions (2009) (doctoral dissertation, Capella University) (available from ProQuest Dissertations and Theses Database).

<sup>59</sup>M. P. Shannon, *A Short Course in Succession Planning*, 37 L. PRAC. MAG. (2011), available at [http://www.americanbar.org/publications/law\\_practice\\_magazine/2011/may\\_june/a\\_short\\_course\\_in\\_succession\\_planning.html](http://www.americanbar.org/publications/law_practice_magazine/2011/may_june/a_short_course_in_succession_planning.html).



**First**, all stakeholders should create or support programming for detecting and addressing cognitive decline in oneself and colleagues.

**Second**, judges, legal employers, bar associations, and regulators should develop succession plans, or provide education on how to do so, to guide the transition of aging legal professionals. Programs should include help for aging members who show signs of diminished cognitive skills, to maintain their dignity while also assuring they are competent to practice.<sup>60</sup> A model program in this regard is the North Carolina Bar Association's Senior Lawyers Division.<sup>61</sup>

**Third**, we recommend that legal employers, law firms, courts, and law schools develop programs to aid the transition of retiring legal professionals. Retirement can enhance or harm well-being depending on the individual's adjustment process.<sup>62</sup> Many lawyers who are approaching retirement age have devoted most of their adult lives to the legal profession, and their identities often are wrapped up in their work. Lawyers whose self-esteem is contingent on their workplace success are likely to delay transitioning and have a hard time adjusting to retirement.<sup>63</sup> Forced retirement that deprives individuals of a sense of control over the exit timing or process is particularly harmful to well-being and long-term adjustment to retirement.<sup>64</sup>

To assist stakeholders in creating the programming to guide and support transitioning lawyers, the Task Force sets out a number of suggestions in **Appendix C**.

## 10. DE-EMPHASIZE ALCOHOL AT SOCIAL EVENTS.

Workplace cultures or social climates that support alcohol consumption are among the most consistent predictors of employee drinking. When employees drink

together to unwind from stress and for social bonding, social norms can reinforce tendencies toward problem drinking and stigmatize seeking help. On the other hand, social norms can also lead colleagues to encourage those who abuse alcohol to seek help.<sup>65</sup>

In the legal profession, social events often center around alcohol consumption (e.g., "Happy Hours," "Bar Reviews," networking receptions, etc.). The expectation of drinking is embedded in the culture, which may contribute to over-consumption. Legal employers, law schools, bar associations, and other stakeholders that plan social events should provide a variety of alternative non-alcoholic beverages and consider other types of activities to promote socializing and networking. They should strive to develop social norms in which lawyers discourage heavy drinking and encourage others to seek help for problem use.

## 11. UTILIZE MONITORING TO SUPPORT RECOVERY FROM SUBSTANCE USE DISORDERS.

Extensive research has demonstrated that random drug and alcohol testing (or "monitoring") is an effective way of supporting recovery from substance use disorders and increasing abstinence rates. The medical profession has long relied on monitoring as a key component of its treatment paradigm for physicians, resulting in long-term recovery rates for that population that are between 70-96 percent, which is the highest in all of the treatment outcome literature.<sup>66</sup> One study found that 96 percent of medical professionals who were subject to random drug tests remained drug-free, compared to only 64 percent of those who were not subject to mandatory testing.<sup>67</sup> Further, a national survey of physician health programs found that among medical professionals who completed their prescribed treatment requirements (including monitoring), 95 percent were licensed and actively

<sup>60</sup>See generally W. SLEASE ET AL., NOBC-APRL-COLAP SECOND JOINT COMMITTEE ON AGING LAWYERS, FINAL REPORT (2014), available at [http://www.americanbar.org/content/dam/aba/administrative/lawyer\\_assistance/ls\\_colap\\_nobc\\_aprl\\_colap\\_second\\_joint\\_committee\\_aging\\_lawyers.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_nobc_aprl_colap_second_joint_committee_aging_lawyers.authcheckdam.pdf).

<sup>61</sup>Senior Lawyers Division, N. C. Bar Ass'n, <https://www.ncbar.org/members/divisions/senior-lawyers/>.

<sup>62</sup>N. Houliort, C. Fernet, R. J. Vallerand, A. Laframboise, F. Guay, & R. Koestner, *The Role of Passion for Work and Need for Satisfaction in Psychological Adjustment to Retirement*, 88 J. VOCATIONAL BEHAVIORS 84 (2015).

<sup>63</sup>*Id.*

<sup>64</sup>E. Dingemans & K. Henkens, *How Do Retirement Dynamics Influence Mental Well-Being in Later Life? A 10-Year Panel Study*, 41 SCANDINAVIAN J. WORK, ENV'T & HEALTH 16 (2015); A. M. Muratore & J. K. Earl, *Improving Retirement Outcomes: The Role of Resources, Pre-Retirement Planning and Transition Characteristics*, 35 AGEING & SOC. 2100 (2015).

<sup>65</sup>J. B. Bennett, C. R. Patterson, G. S. Reynolds, W. L. Wiitala, & W. K. Lehman, *Team Awareness, Problem Drinking, and Drinking Climate: Workplace Social Health Promotion in a Policy Context*, 19 AM. J. HEALTH PROMOTION 103 (2004).

<sup>66</sup>R. L. DuPont, A. T. McLellan, W. L. White, L. Merlo & M. S. Gold, *Setting the Standard for Recovery: Physicians Health Programs Evaluation Review*, 36 J. SUBSTANCE ABUSE TREATMENT 159 (2009).

<sup>67</sup>J. Shore, *The Oregon Experience with Impaired Physicians on Probation: An Eight Year Follow-Up*, 257 J. AM. MED. ASS'N 2931 (1987).



working in the health care field at a five year follow-up after completing their primary treatment program.<sup>68</sup> In addition, one study has found that physicians undergoing monitoring through physician health programs experienced lower rates of malpractice claims.<sup>69</sup>

Such outcomes are not only exceptional and encouraging, they offer clear guidance for how the legal profession could better address its high rates of substance use disorders and increase the likelihood of positive outcomes. Although the benefits of monitoring have been recognized by various bar associations, lawyer assistance programs, and employers throughout the legal profession, a uniform or “best practices” approach to the treatment and recovery management of lawyers has been lacking. Through advances in monitoring technologies, random drug and alcohol testing can now be administered with greater accuracy and reliability—as well as less cost and inconvenience—than ever before. Law schools, legal employers, regulators, and lawyer assistance programs would all benefit from greater utilization of monitoring to support individuals recovering from substance use disorders.

## 12. BEGIN A DIALOGUE ABOUT SUICIDE PREVENTION.

It is well-documented that lawyers have high rates of suicide.<sup>70</sup> The reasons for this are complicated and varied, but some include the reluctance of attorneys to ask for help when they need it, high levels of depression amongst legal professionals, and the stressful nature of the job.<sup>71</sup> If we are to change these statistics, stakeholders need to provide education and take action. Suicide, like mental health or substance use disorders, is a highly stigmatized topic. While it is an issue that touches many of us, most people are uncomfortable discussing suicide. Therefore, stakeholders must make a concerted effort towards suicide prevention to demonstrate to the legal community that we are not

afraid of addressing this issue. We need leaders to encourage dialogue about suicide prevention.

One model for this is through a “Call to Action,” where members of the legal community and stakeholders from lawyer assistance programs, the judiciary, law firms, law schools, and bar associations are invited to attend a presentation and community discussion about the issue.



## Call to Action

- ✓ **Organize “Call to Action” events to raise awareness.**
- ✓ **Share stories of those affected by suicide.**
- ✓ **Provide education about signs of depression and suicidal thinking.**
- ✓ **Learn non-verbal signs of distress.**
- ✓ **Collect and publicize available resources.**

When people who have been affected by the suicide of a friend or colleague share their stories, other members of the legal community begin to better understand the impact and need for prevention.<sup>72</sup> In addition, stakeholders can schedule educational presentations that incorporate information on the signs and symptoms of suicidal thinking along with other mental health/

<sup>68</sup>R. L. DuPont, A. T. McLellan, G. Carr, M. Gendel, & G. E. Skipper, *How Are Addicted Physicians Treated? A National Survey of Physician Health Programs*, 37 J. SUBSTANCE ABUSE TREATMENT 1 (2009).

<sup>69</sup>E. Brooks, M. H. Gendel, D. C. Gundersen, S. R. Early, R. Schirmacher, A. Lembitz, & J. H. Shore, *Physician Health Programs and Malpractice Claims: Reducing Risk Through Monitoring*, 63 OCCUPATIONAL MED. 274 (2013).

<sup>70</sup>R. Flores & R. M. Arce, *Why Are Lawyers Killing Themselves?*, CNN, Jan. 20, 2014, <http://www.cnn.com/2014/01/19/us/lawyer-suicides/>. If you or someone you know is experiencing suicidal thinking, please seek help immediately. The National Suicide Prevention Lifeline can be reached at 1-800-273-8255, <https://suicidepreventionlifeline.org>.

<sup>71</sup>*Id.*

<sup>72</sup>The Colorado Lawyer Assistance Program sponsored one such Call to Action on January 21, 2016, in an effort to generate more exposure to this issue so the legal community better understands the need for dialogue and prevention.



substance use disorders. These can occur during CLE presentations, staff meetings, training seminars, at law school orientations, bar association functions, etc. Stakeholders can contact their state lawyer assistance programs, employee assistance program agencies, or health centers at law schools to find speakers, or referrals for counselors or therapists so that resources are available for family members of lawyers, judges, and law students who have taken their own life.

It's important for all stakeholders to understand that, while lawyers might not tell us that they are suffering, they will show us through various changes in behavior and communication styles. This is so because the majority of what we express is non-verbal.<sup>73</sup> Becoming better educated about signs of distress will enable us to take action by, for example, making health-related inquiries or directing them to potentially life-saving resources.

### 13. SUPPORT A LAWYER WELL-BEING INDEX TO MEASURE THE PROFESSION'S PROGRESS.

We recommend that the ABA coordinate with state bar associations to create a well-being index for the legal profession that will include metrics related to lawyers, staff, clients, the legal profession as a whole, and the broader community. The goal would be to optimize the well-being of all of the legal profession's stakeholders.<sup>74</sup> Creating such an index would correspond with a growing worldwide consensus that success should not be measured solely in economic terms. Measures of well-

being also have an important role to play in defining success and informing policy.<sup>75</sup> The index would help track progress on the transformational effort proposed in this report. For law firms, it also may help counter-balance the "profits per partner metric" that has been published by *The American Lawyer* since the late 1980s, and which some argue has driven the profession away from its core values. As a foundation for building the well-being index, stakeholders could look to, for example, criteria used in *The American Lawyer's* Best Places to Work survey, or the Tristan Jepson Memorial Foundation's best practice guidelines for promoting psychological well-being in the legal profession.<sup>76</sup>

<sup>73</sup>ALBERT MEHRABIAN, SILENT MESSAGES: IMPLICIT COMMUNICATION OF EMOTIONS AND ATTITUDES (1972).

<sup>74</sup>See R. E. FREEMAN, J. S. HARRISON, & A. WICKS, MANAGING FOR STAKEHOLDERS: SURVIVAL, REPUTATION, AND SUCCESS (2007); J. MACKEY & R. SISODIA, CONSCIOUS CAPITALISM: LIBERATING THE HEROIC SPIRIT OF BUSINESS (2014).

<sup>75</sup>L. Fasolo, M. Galetto, & E. Turina, *A Pragmatic Approach to Evaluate Alternative Indicators to GDP*, 47 QUALITY & QUANTITY 633 (2013); WORLD HAPPINESS REPORT (J. Helliwell, R. Layard, & J. Sachs eds., 2013), available at [http://unsdsn.org/wp-content/uploads/2014/02/WorldHappinessReport2013\\_online.pdf](http://unsdsn.org/wp-content/uploads/2014/02/WorldHappinessReport2013_online.pdf); G. O'Donnell, *Using Well-Being as a Guide to Public Policy*, in WORLD HAPPINESS REPORT.

<sup>76</sup>The Tristan Jepson Memorial Foundation's Guidelines are available at [http://tjmf.client.fatbeehive.com.au/wp/wp-content/uploads/TJMFmentalHealthGuidelines\\_A4\\_140427.pdf](http://tjmf.client.fatbeehive.com.au/wp/wp-content/uploads/TJMFmentalHealthGuidelines_A4_140427.pdf).





*“A tree with strong roots laughs at storms.” — Malay Proverb*

Judges occupy an esteemed position in the legal profession and society at large. For most, serving on the bench is the capstone of their legal career. The position, however, can take a toll on judges’ health and well-being. Judges regularly confront contentious, personal, and vitriolic proceedings. Judges presiding over domestic relations dockets make life-changing decisions for children and families daily.<sup>77</sup> Some report lying awake at night worrying about making the right decision or the consequences of that decision.<sup>78</sup> Other judges face the stress of presiding over criminal cases with horrific underlying facts.<sup>79</sup>

Also stressful is the increasing rate of violence against judges inside and outside the courthouse.<sup>80</sup> Further, many judges contend with isolation in their professional lives and sometimes in their personal lives.<sup>81</sup> When a judge is appointed to the bench, former colleagues who were once a source of professional and personal support can become more guarded and distant.<sup>82</sup> Often, judges do not have feedback on their performance. A number take the bench with little preparation, compounding the sense of going it alone.<sup>83</sup> Judges also cannot “take off the robe” in every day interactions outside the courthouse because of their elevated status in society, which can contribute to social isolation.<sup>84</sup> Additional stressors include re-election in certain jurisdictions.<sup>85</sup> Limited judicial resources coupled with time-intensive, congested dockets are a pronounced problem.<sup>86</sup> More recently, judges have reported a sense of diminishment

in their estimation among the public at large.<sup>87</sup> Even the most astute, conscientious, and collected judicial officer can struggle to keep these issues in perspective.

We further recognize that many judges have the same reticence in seeking help out of the same fear of embarrassment and occupational repercussions that lawyers have. The public nature of the bench often heightens the sense of peril in coming forward.<sup>88</sup> Many judges, like lawyers, have a strong sense of perfectionism and believe they must display this perfectionism at all times.<sup>89</sup> Judges’ staff can act as protectors or enablers of problematic behavior. These are all impediments to seeking help. In addition, lawyers, and even a judge’s colleagues, can be hesitant to report or refer a judge whose behavior is problematic for fear of retribution.

In light of these barriers and the stressors inherent in the unique role judges occupy in the legal system, we make the following recommendations to enhance well-being among members of the judiciary.

#### 14. COMMUNICATE THAT WELL-BEING IS A PRIORITY.

The highest court in each state should set the tone for the importance of the well-being of judges. Judges are not immune from suffering from the same stressors as lawyers, and additional stressors are unique to work as a jurist.

<sup>77</sup>A. Resnick, K. Myatt, & P. Marotta, *Surviving Bench Stress*, 49 FAM. CT. REV. 610, 610-11 (2011).

<sup>78</sup>*Id.* at 611-12.

<sup>79</sup>M. K. Miller, D. M. Flores, & A. N. Dolezilek, *Addressing the Problem of Courtroom Stress*, 91 JUDICATURE 60, 61, 64 (2007); J. Chamberlain & M. Miller, *Evidence of Secondary Traumatic Stress, Safety Concerns, and Burnout Among a Homogeneous Group of Judges in a Single Jurisdiction*, 37 J. AM. ACAD. PSYCHIATRY L. 214, 215 (2009).

<sup>80</sup>Miller, Flores, & Dolezilek, *supra* note 79, at 60-61; see also T. FAUTSKO, S. BERSON, & S. SWENSEN, NAT’L CTR. FOR STATE CTS., STATUS OF COURT SECURITY IN STATE COURTS – A NATIONAL PERSPECTIVE (2013), available at [http://ncsc.contentdm.oclc.org/cdm/ref/collection/facilities/id/184#img\\_view\\_container](http://ncsc.contentdm.oclc.org/cdm/ref/collection/facilities/id/184#img_view_container).

<sup>81</sup>I. Zimmerman, *Helping Judges in Distress*, 90 JUDICATURE 10, 13 (2006).

<sup>82</sup>*Id.*

<sup>83</sup>C. Bremer, *Reducing Judicial Stress Through Mentoring*, 87 JUDICATURE 244-45 (2004).

<sup>84</sup>Resnick, Myatt, & Marotta, *supra* note 77, at 610.

<sup>85</sup>*Id.* at 610-11; Zimmerman, *supra* note 81, at 11-12.

<sup>86</sup>Resnick, Myatt, Marotta, *supra* note 77, at 610.

<sup>87</sup>*Judges Are Feeling Less Respected*, NAT’L JUDICIAL C. (2017), available at <http://www.judges.org/judges-feeling-less-respected/>.

<sup>88</sup>S. KRAUSS, N. STEK, W. DRESSEL, AM. BAR ASS’N COMM’N ON LAW. ASSISTANCE PROGRAMS, HELPING JUDGES, MODULE 1 – OVERVIEW OF A JUDICIAL ASSISTANCE PROGRAM (2010); Zimmerman, *supra* note 81, at 13.

<sup>89</sup>R. L. Childers, *Got Stress? Using CoLAP and Its New Judicial Assistance Project*, JUDGES JOURNAL (2006); Chamberlain & Miller, *supra* note 79, at 220.



## 15. DEVELOP POLICIES FOR IMPAIRED JUDGES.

It is essential that the highest court and its commission on judicial conduct implement policies and procedures for intervening with impaired members of the judiciary. For example, the highest court should consider adoption of policies such as a Diversion Rule for Judges in appropriate cases. Administrative and chief judges also should implement policies and procedures for intervening with members of the judiciary who are impaired in compliance with Model Rule of Judicial Conduct 2.14. They should feel comfortable referring members to judicial or lawyer assistance programs. Educating judicial leaders about the confidential nature of these programs will go a long way in this regard. Judicial associations and educators also should promote CoLAP's judicial peer support network, as well as the National Helpline for Judges Helping Judges.<sup>90</sup>

## 16. REDUCE THE STIGMA OF MENTAL HEALTH AND SUBSTANCE USE DISORDERS.

As reflected in Recommendation 4, the stigma surrounding mental health and substance use disorders poses an obstacle to treatment. Judges are undisputed leaders in the legal profession. We recommend they work to reduce this stigma by creating opportunities for open dialogue. Simply talking about these issues helps combat the unease and discomfort that causes the issues to remain unresolved. In a similar vein, we encourage judges to participate in the activities of lawyer assistance programs, such as volunteering as speakers and serving as board members. This is a powerful way to convey to lawyers, law students, and other judges the importance of lawyer assistance programs and to encourage them to access the programs' resources.

## 17. CONDUCT JUDICIAL WELL-BEING SURVEYS.

This report was triggered in part by the Study and the Survey of Law Student Well-Being. No comparable research has been conducted of the judiciary. We recommend that CoLAP and other concerned entities conduct a broad-based survey of the judiciary to

determine the state of well-being and the prevalence of issues directly related to judicial fitness such as burnout, compassion fatigue, mental health, substance use disorders and help-seeking behaviors.

## 18. PROVIDE WELL-BEING PROGRAMMING FOR JUDGES AND STAFF.

Judicial associations should invite lawyer assistance program directors and other well-being experts to judicial conferences who can provide programming on topics related to self-care as well as resources available to members of the judiciary experiencing mental health or



- ✓ Design well-being education specifically for judges.
- ✓ Connect judges for support and mentoring.
- ✓ Publish well-being resources tailored to judges.

substance use disorders. Topics could include burnout, secondary traumatic stress, compassion fatigue, strategies to maintain well-being, as well as identification of and intervention for mental health and substance use disorders.

Judicial educators also should make use of programming that allows judges to engage in mutual support and sharing of self-care strategies. One such example is roundtable discussions held as part of judicial conferences or establishing a facilitated mentoring

<sup>90</sup>The ABA-sponsored National Helpline for Judges Helping Judges is 1-800-219-6474.



program or mentoring circle for judicial members. We have identified isolation as a significant challenge for many members of the judiciary. Roundtable discussions and mentoring programs combat the detrimental effects of this isolation.<sup>91</sup>

Judicial associations and educators also should develop publications and resources related to well-being, such as guidebooks. For example, a judicial association could create wellness guides such as “A Wellness Guide for Judges of the California State Courts.” This sends the signal that thought leaders in the judiciary value well-being.

## **19. MONITOR FOR IMPAIRED LAWYERS AND PARTNER WITH LAWYER ASSISTANCE PROGRAMS**

Judges often are among the first to detect lawyers suffering from an impairment. Judges know when a lawyer is late to court regularly, fails to appear, or appears in court under the influence of alcohol or drugs. They witness incomprehensible pleadings or cascading requests for extensions of time. We believe judges have a keen pulse on when a lawyer needs help. With the appropriate training, judges’ actions can reduce client harm and save a law practice or a life. We make the following recommendations tailored to helping judges help the lawyers appearing before them.

Consistent with Recommendation 5.1, judges should become familiar with lawyer assistance programs in their state. They should learn how best to make referrals to the program. They should understand the confidentiality protections surrounding these referrals. Judges also should invite lawyer assistance programs to conduct educational programming for lawyers in their jurisdiction using their courtroom or other courthouse space.

Judges, for example, can devote a bench-bar luncheon at the courthouse to well-being and invite representatives of the lawyers assistance program to the luncheon.

Judicial educators should include a section in bench book-style publications dedicated to lawyer assistance programs and their resources, as well as discussing how to identify and handle lawyers who appear to have mental health or substance use disorders. Further, judges and their staff should learn the signs of mental health and substance use disorders, as well as strategies for intervention, to assist lawyers in their courtrooms who may be struggling with these issues. Judges can also advance the well-being of lawyers who appear before them by maintaining courtroom decorum and de-escalating the hostilities that litigation often breeds.

<sup>90</sup>The ABA-sponsored National Helpline for Judges Helping Judges is 1-800-219-6474.

<sup>91</sup>For more information on judicial roundtables, see AM. BAR ASS’N COMM’N ON LAW. ASSISTANCE PROGRAMS, JUDICIAL ROUNDTABLES, available at [https://www.americanbar.org/content/dam/aba/administrative/lawyer\\_assistance/ls\\_colap\\_Judicial\\_Roundtable\\_Protocols.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_Judicial_Roundtable_Protocols.authcheckdam.pdf).





*“You can do what I cannot do. I can do what you cannot do.  
Together we can do great things.” — Mother Teresa*

**R**egulators play a vital role in fostering individual lawyer well-being and a professional culture that makes it possible. We broadly define “regulators” to encompass all stakeholders who assist the highest court in each state in regulating the practice of law.<sup>92</sup>

This definition includes lawyers and staff in regulatory offices; volunteer lawyer and non-lawyer committee, board, and commission members; and professional liability lawyers who advise law firms and represent lawyers in the regulatory process.

Courts and their regulators frequently witness the conditions that generate toxic professional environments, the impairments that may result, and the negative professional consequences for those who do not seek help. Regulators are well-positioned to improve and adjust the regulatory process to address the conditions that produce these effects. As a result, we propose that the highest court in each state set an agenda for action and send a clear message to all participants in the legal system that lawyer well-being is a high priority.

## *Transform the profession’s perception of regulators from police to partner.*

To carry out the agenda, regulators should develop their reputation as partners with practitioners. The legal profession often has a negative perception of regulators,

who typically appear only when something has gone awry. Regulators can transform this perception by building their identity as partners with the rest of the legal community rather than being viewed only as its “police.”

Most regulators are already familiar with the 1992 Report of the Commission on Evaluation of Disciplinary Enforcement—better known as the “McKay Commission Report.”<sup>93</sup> It recognized and encouraged precisely what we seek to do through this report: to make continual improvements to the lawyer regulation process to protect the public and assist lawyers in their professional roles. Accordingly, we offer the following recommendations to ensure that the regulatory process proactively fosters a healthy legal community and provides resources to rehabilitate impaired lawyers.

### **20. TAKE ACTIONS TO MEANINGFULLY COMMUNICATE THAT LAWYER WELL-BEING IS A PRIORITY.**

#### **20.1. Adopt Regulatory Objectives That Prioritize Lawyer Well-Being.**

In 2016, the Conference of Chief Justices adopted a resolution recommending that each state’s highest court consider the ABA’s proposed Model Regulatory Objectives.<sup>94</sup> Among other things, those objectives sought to encourage “appropriate preventive or wellness programs.” By including a wellness provision, the ABA recognized the importance of the human element in the practice of law: To accomplish all other listed objectives, the profession must have healthy, competent lawyers. The Supreme Court of Colorado already has adopted

<sup>92</sup>See AM. BAR ASS’N RESOL. 105 (February 2016).

<sup>93</sup>AM BAR ASS’N COMM’N ON EVALUATION OF DISCIPLINARY ENFORCEMENT, LAWYER REGULATION FOR A NEW CENTURY: REPORT OF THE COMMISSION ON EVALUATION OF DISCIPLINARY ENFORCEMENT (1992), available at [http://www.americanbar.org/groups/professional\\_responsibility/resources/report\\_archive/mckay\\_report.html](http://www.americanbar.org/groups/professional_responsibility/resources/report_archive/mckay_report.html).

<sup>94</sup>RESOL. 105, *supra* note 92.



a version of the ABA's Regulatory Objectives. In doing so, it recommended proactive programs offered by the Colorado Lawyer Assistance Program and other organizations to assist lawyers throughout all stages of their careers to practice successfully and serve their clients.<sup>95</sup> The Supreme Court of Washington also recently enacted regulatory objectives.<sup>96</sup>

We recommend that the highest court in each U.S. jurisdiction follow this lead. Each should review the ABA and Colorado regulatory objectives and create its own objectives that specifically promote effective lawyer assistance and other proactive programs relating to well-being. Such objectives will send a clear message that the court prioritizes lawyer well-being, which influences competent legal services. This, in turn, can boost public confidence in the administration of justice.

## **20.2. Modify the Rules of Professional Conduct to Endorse Well-Being As Part of a Lawyer's Duty of Competence.**

ABA Model Rule of Professional Conduct 1.1 (Competence) states that lawyers owe a duty of competence to their clients. "Competent" representation is defined to require "the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."<sup>97</sup> We recommend revising this Rule and/or its Comments to more clearly include lawyers' well-being in the definition of "competence."

One alternative is to include language similar to California's Rule of Professional Conduct 3-110, which defines "competence" to include the "mental, emotional, and physical ability reasonably necessary" for the representation.<sup>98</sup> A second option is to amend the Comments to Rule 1.1 to clarify that professional competence requires an ability to comply with all of the Court's essential eligibility requirements (see Recommendation 21.2 below).

Notably, we do not recommend discipline solely for a

lawyer's failure to satisfy the well-being requirement or the essential eligibility requirements. Enforcement should proceed only in the case of actionable misconduct in the client representation or in connection with disability proceedings under Rule 23 of the ABA Model Rules for Disciplinary Enforcement. The goal of the proposed amendment is not to threaten lawyers with discipline for poor health but to underscore the importance of well-being in client representations. It is intended to remind lawyers that their mental and physical health impacts clients and the administration of justice, to reduce stigma associated with mental health disorders, and to encourage preventive strategies and self-care.

## **20.3. Expand Continuing Education Requirements to Include Well-Being Topics.**

We recommend expanding continuing education requirements for lawyers and judges to mandate credit for mental health and substance use disorder programming and allow credit for other well-being-related topics that affect lawyers' professional capabilities.

In 2017, the ABA proposed a new Model Continuing Legal Education (MCLE) Rule that recommends mandatory mental health programming. The Model Rule requires lawyers to earn at least one credit hour every three years of CLE programming that addresses the prevention, detection, and/or treatment of "mental health and substance use disorders." We recommend that all states adopt this provision of the Model Rule. Alternatively, states could consider authorizing ethics credit (or other specialized credits) for CLE programs that address these topics. California and Illinois are examples of state bars that already have such requirements.<sup>99</sup>

The ABA's new Model Rule also provisionally recommends that states grant CLE credit for "Lawyer Well-Being Programming." The provision encompasses a broader scope of topics than might fall under a narrow definition of mental health and substance use

<sup>95</sup>Washington Courts, Suggested Amendments to General Rules (2017), [http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.proposedRuleDisplay&ruleId=549](http://www.courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplay&ruleId=549).

<sup>97</sup>MODEL RULES PROF. CONDUCT R. 1.1 (2017), available at [https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/rule\\_1\\_1\\_competence.html](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_1_competence.html).

<sup>98</sup>CAL. RULES PROF'L CONDUCT R. 3-110, available at <http://www.calbar.ca.gov/Attorneys/Conduct-Discipline/Rules/Rules-of-Professional-Conduct/Current-Rules/Rule-3-110>.

<sup>99</sup>See RULES OF THE STATE BAR OF CAL., Title 2, Div. 4, R. 2.72 (2017); ILL. SUP. CT. R. 794(d)(1) (2017).



disorders. Tennessee is one example of a pioneering state that authorizes credit for a broad set of well-being topics. Its CLE Regulation 5H authorizes ethics and professionalism credit for programs that are designed, for example, to: enhance optimism, resilience, relationship skills, and energy and engagement in their practices; connect lawyers with their strengths and values; address stress; and to foster cultures that support outstanding professionalism.<sup>100</sup> We recommend that regulators follow Tennessee's lead by revising CLE rules to grant credit for similar topics.

#### **20.4. Require Law Schools to Create Well-Being Education for Students as An Accreditation Requirement.**

In this recommendation, the Task Force recognizes the ABA's unique role as accreditor for law schools through the Council of the Section of Legal Education and Admissions to the Bar of the ABA.<sup>101</sup> The Task Force recommends that the Council revise the Standards and Rules of Procedure for Approval of Law Schools to require law schools to create well-being education as a criterion for ABA accreditation. The ABA should require law schools to publish their well-being-related resources on their websites. These disclosures can serve as resources for other law schools as they develop and improve their own programs. Examples of well-being education include a mandatory one credit-hour course on well-being topics or incorporating well-being topics in to the professional responsibility curriculum.

A requirement similar to this already has been implemented in the medical profession for hospitals that operate residency programs. Hospitals that operate Graduate Medical Education programs to train residents must comply with the Accreditation Council for Graduate Medical Education (ACGME) Program Requirements. The ACGME requires hospitals to "be committed to and

responsible for . . . resident well-being in a supportive educational environment."<sup>102</sup> This provision requires that teaching hospitals have a documented strategy for promoting resident well-being and, typically, hospitals develop a wellness curriculum for residents.

### **21. ADJUST THE ADMISSIONS PROCESS TO SUPPORT LAW STUDENT WELL-BEING.**

To promote law student well-being, regulations governing the admission to the practice of law should facilitate the treatment and rehabilitation of law students with impairments.

#### **21.1. Re-Evaluate Bar Application Inquiries About Mental Health History.**

Most bar admission agencies include inquiries about applicants' mental health as part of fitness evaluations for licensure. Some critics have contended that the deterrent effect of those inquiries discourages persons in need of help from seeking it. Not everyone agrees with that premise, and some argue that licensing of professionals necessarily requires evaluation of all risks that an applicant may pose to the public. Over the past several decades, questions have evolved to be more tightly focused and to elicit only information that is current and germane. There is continuing controversy over the appropriateness of asking questions about mental health at all. The U.S. Department of Justice has actively encouraged states to eliminate questions relating to mental health, and some states have modified or eliminated such questions.<sup>103</sup> In 2015, the ABA adopted a resolution that the focus should be directed "on conduct or behavior that impairs an applicant's ability to practice law in a competent, ethical, and professional manner."<sup>104</sup> We recommend that each state follow the ABA and more closely focus on such conduct or behavior rather than any diagnosis or treatment history.

<sup>100</sup>TENN. COMM'N ON CONTINUING LEGAL EDUC., REG. 5H (2008), available at <http://www.cletrn.com/images/Documents/Regulations2013.04.16.pdf>.

<sup>101</sup>See AM. BAR ASS'N, ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2016-2017, available at [https://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/Standards/2016\\_2017\\_aba\\_standards\\_and\\_rules\\_of\\_procedure.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2016_2017_aba_standards_and_rules_of_procedure.authcheckdam.pdf).

<sup>102</sup>ACCREDITATION COUNSEL FOR GRADUATE MEDICAL EDUCATION, CGME COMMON PROGRAM REQUIREMENTS, § VI.A.2, available at [https://www.acgme.org/Portals/0/PFAssets/ProgramRequirements/CPRs\\_07012016.pdf](https://www.acgme.org/Portals/0/PFAssets/ProgramRequirements/CPRs_07012016.pdf)

<sup>103</sup>D. Hudson, *Honesty Is the Best Policy for Character and Fitness Screenings*, A.B.A. J., June 1, 2016, available at [http://www.abajournal.com/magazine/article/honesty\\_is\\_the\\_best\\_policy\\_for\\_character\\_and\\_fitness\\_screenings](http://www.abajournal.com/magazine/article/honesty_is_the_best_policy_for_character_and_fitness_screenings).

<sup>104</sup>AM. BAR ASS'N RESOL. 102 (August 2015).



## 21.2. Adopt Essential Eligibility Admission Requirements.

Promoting lawyer well-being includes providing clear eligibility guidelines for lawyers with mental or physical impairments. Regulators in each state should adopt essential eligibility requirements that affirmatively state the abilities needed to become a licensed lawyer. Their purpose is to provide the framework for determining whether or not an individual has the required abilities, with or without reasonable accommodations.

At least fourteen states have essential eligibility requirements for admission to practice law.<sup>105</sup> These requirements help the applicant, the admissions authority, and the medical expert understand what is needed to demonstrate fitness to practice law. Essential eligibility requirements also aid participants in lawyer disability and reinstatement proceedings, when determinations must be made of lawyers' capacity to practice law.

## 21.3. Adopt a Rule for Conditional Admission to Practice Law With Specific Requirements and Conditions.

Overly-rigid admission requirements can deter lawyers and law students from seeking help for substance use and mental health disorders. To alleviate this problem, states should adopt conditional admission requirements, which govern applicants for admission to the practice of law who have successfully undergone rehabilitation for substance use or another mental disorder, but whose period of treatment and recovery may not yet be sufficient to ensure continuing success.<sup>106</sup> Conditional admission programs help dismantle the stigma of mental health and substance use disorders as "scarlet letters." Especially for law students, they send a meaningful message that even in the worst circumstances, there is

# *Rigid admission requirements can deter help-seeking.*

hope: seeking help will not block entry into their chosen profession.

## 21.4. Publish Data Reflecting Low Rate of Denied Admissions Due to Mental Health Disorders and Substance Use.

At present, no state publishes data showing the number of applications for admission to practice law that are actually denied or delayed due to conduct related to substance use and other mental health disorders. From informal discussions with regulators, we know that a low percentage of applications are denied. Publication of this data might help alleviate law students' and other applicants' fears that seeking help for such disorders will inevitably block them from practicing law. Accordingly, we recommend that boards of bar examiners collect and publish such data as another means of encouraging potential applicants to seek help immediately and not delay until after their admission.

## 22. ADJUST LAWYER REGULATIONS TO SUPPORT WELL-BEING.

### 22.1. Implement Proactive Management-Based Programs (PMBP) That Include Lawyer Well-Being Components.

PMBP programs encourage best business practices and provide a resource-based framework to improve lawyers' ability to manage their practice. Such programs

<sup>105</sup>See, e.g., SUP. CT. OF OHIO, OFF. OF BAR ADMISSIONS, OHIO ESSENTIAL ELIGIBILITY REQUIREMENTS; available at [http://www.supremecourt.ohio.gov/AttySvcs/admissions/pdf/ESSENTIAL\\_ELIGIBILITY\\_REQUIREMENTS.pdf](http://www.supremecourt.ohio.gov/AttySvcs/admissions/pdf/ESSENTIAL_ELIGIBILITY_REQUIREMENTS.pdf); MINN. RULES FOR ADMISSION TO THE BAR, RULE 5, available at [https://www.revisor.leg.state.mn.us/court\\_rules/rule.php?type=pr&subtype=admi&id=5](https://www.revisor.leg.state.mn.us/court_rules/rule.php?type=pr&subtype=admi&id=5); COLO. R. CIV. PROC. 208.1(5), available at [http://www.coloradosupremecourt.com/Future%20Lawyers/FAQ\\_CharacterFitness.asp](http://www.coloradosupremecourt.com/Future%20Lawyers/FAQ_CharacterFitness.asp); WASH. ADMISSION AND PRACTICE RULES, RULE 20(e), available at [http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.display&group=ga&set=APR&ruleid=gaapr](http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=APR&ruleid=gaapr); IDAHO BAR COMM'N RULE 201. Other states to adopt essential eligibility requirements include Florida, Illinois, Kentucky, Massachusetts, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming.

<sup>106</sup>About a quarter of all jurisdictions already have conditional admission rules for conduct resulting from substance use or other mental disorders. See 2016 NAT'L CONF. OF BAR EXAMINERS, COMPREHENSIVE GUIDE TO BAR ADMISSIONS REQUIREMENTS, Chart 2: Character and Fitness Determinations (2016). Those states include Arizona, Connecticut, Florida, Idaho, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Oregon, Puerto Rico, Rhode Island, South Dakota, Tennessee, Texas, West Virginia, Wisconsin and Wyoming. Additionally, Guam allows conditional admission for conduct related to substance abuse.



are designed to alleviate practice stress, improve lawyer-client relationships, and enhance career satisfaction.<sup>107</sup> Further, PMBP programs allow regulators to engage with the profession in a service-oriented, positive manner, reducing the anxiety, fear, and distrust that often accompanies lawyers' interactions with regulators.<sup>108</sup> Transforming the perception of regulators so that they are viewed as partners and not only as police will help combat the culture of stress and fear that has allowed mental health and substance use disorders to proliferate.

## **22.2. Adopt A Centralized Grievance Intake System to Promptly Identify Well-Being Concerns.**

We recommend that regulators adopt centralized intake systems. These allow expedited methods for receipt and resolution of grievances and help reduce the stress associated with pending disciplinary matters. With specialized training for intake personnel, such systems also can result in faster identification of and possible intervention for lawyers struggling with substance use or mental health disorders.<sup>109</sup>

## **22.3. Modify Confidentiality Rules to Allow One-Way Sharing of Lawyer Well-Being Related Information From Regulators to Lawyer Assistance Programs.**

Regulators' information-sharing practices can contribute to the speed of help to lawyers in need. For example, admissions offices sometimes learn that applicants are suffering from a substance use or other mental health disorder. Other regulators may receive similar information during investigations or prosecutions of lawyer regulation

matters that they consider to be confidential information. To facilitate help for lawyers suffering from such disorders, each state should simplify its confidentiality rules to allow admissions offices and other regulators to share such information immediately with local lawyer assistance programs.

Allowing this one-way flow of information can accelerate help to lawyers who need it. To be clear, the recommended information sharing would be one-way. As always, the lawyer assistance programs would be precluded from sharing any information with any regulators or others.

## **22.4. Adopt Diversion Programs and Other Alternatives to Discipline That Are Proven Successful in Promoting Well-Being.**

Discipline does not make an ill lawyer well. We recommend that regulators adopt alternatives to formal disciplinary proceedings that rehabilitate lawyers with impairments. Diversion programs are one such alternative, and they have a direct and positive impact

*Discipline does not make an ill lawyer well.*

on lawyer well-being. Diversion programs address minor lawyer misconduct that often features an underlying mental health or substance use disorder.<sup>110</sup> When lawyers enter a diversion program, they agree to follow

<sup>107</sup>S. Fortney & T. Gordon, *Adopting Law Firm Management Systems to Survive and Thrive: A Study of the Australian Approach to Management-Based Regulation*, 10 U. ST. THOMAS L. J. 152 (2012).

<sup>108</sup>L. Terry, *The Power of Lawyer Regulators to Increase Client & Public Protection Through Adoption of a Proactive Regulation System*, 20 LEWIS & CLARK L. REV. 717 (2016).

<sup>109</sup>The American Bar Association's Model Rules for Lawyer Disciplinary Enforcement, Rule 1, defines a Central Intake Office as the office that "receive[s] information and complaints regarding the conduct of lawyers over whom the court has jurisdiction" and determines whether to dismiss the complaint or forward it to the appropriate disciplinary agency. The Model Rules for Lawyer Disciplinary Enforcement are available at [http://www.americanbar.org/groups/professional\\_responsibility/resources/lawyer\\_ethics\\_regulation/model\\_rules\\_for\\_lawyer\\_disciplinary\\_enforcement.html](http://www.americanbar.org/groups/professional_responsibility/resources/lawyer_ethics_regulation/model_rules_for_lawyer_disciplinary_enforcement.html).

<sup>110</sup>Title 6 of Washington's Rules for Enforcement of Lawyer Conduct provides an excellent overview of when diversion is appropriate and procedures for diversion. It is available through the Washington State Courts website at [http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.list&group=ga&set=ELC](http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=ga&set=ELC). Some of the many jurisdictions to adopt such programs are Arizona, Colorado, the District of Columbia, Florida, Illinois, Iowa, Kansas, Louisiana, New Hampshire, New Jersey, Oklahoma, Oregon, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming.



certain conditions to continue practicing law. Those conditions can include training, drug or alcohol testing, peer assistance, and treatment. Monitoring plays a central role in ensuring compliance with the diversion agreement and helps lawyers successfully transition back to an unconditional practice of law and do so healthy and sober. By conditioning continued practice on treatment for an underlying mental health disorder or substance use disorder, diversion agreements can change a lawyer's life.

In addition, probation programs also promote wellness. Lawyer misconduct that warrants a suspension of a lawyer's license may, under certain circumstances, qualify for probation. In most jurisdictions, the probation period stays the license suspension and lawyers may continue practicing under supervision and specified conditions that include training, testing, monitoring, and treatment. Once again, this places a lawyer facing a mental health or substance use crisis on the path to better client service and a lifetime of greater well-being and sobriety.

### **23. ADD WELL-BEING-RELATED QUESTIONS TO THE MULTISTATE PROFESSIONAL RESPONSIBILITY EXAM (MPRE).**

A 2009 survey reflected that 22.9 percent of professional responsibility/legal ethics professors did not cover substance use and addiction at all in their course, and 69.8 percent addressed the topic in fewer than two hours.<sup>111</sup> Notwithstanding the pressure to address myriad topics in this course, increased attention must be

given to reduce these issues among our law students. The National Conference of Bar Examiners should consider adding several relevant questions to the MPRE, such as on the confidentiality of using lawyer assistance programs, the frequency of mental health and substance use disorders, and the tie-in to competence and other professional responsibility issues.<sup>112</sup> Taking this step underscores both the importance of the topic and the likelihood of students paying closer attention to that subject matter in their course. In addition, professional responsibility casebook authors are encouraged to include a section devoted to the topic, which will in turn compel instructors to teach in this area.

<sup>111</sup>A. M. PERLMAN, M. RAYMOND & L. S. TERRY, A SURVEY OF PROFESSIONAL RESPONSIBILITY COURSES AT AMERICAN LAW SCHOOLS IN 2009, <http://www.legalethicsforum.com/files/pr-survey-results-final.pdf>.

<sup>112</sup>See Krill, Johnson, & Albert, *supra* note 1, for the ABA Commission on Lawyer Assistance Programs and Hazelden Betty Ford Foundation Study; Organ, Jaffe, Bender, *supra* note 3, for *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*.







*“Self-care is not selfish. You cannot serve from an empty vessel.” — Eleanor Brown*

Legal employers, meaning all entities that employ multiple practicing lawyers, can play a large role in contributing to lawyer well-being. While this is a broad and sizable group with considerable diversity, our recommendations apply fairly universally. A specific recommendation may need to be tailored to address the realities particular to each context, but the crux of each recommendation applies to all.

## 24. ESTABLISH ORGANIZATIONAL INFRASTRUCTURE TO PROMOTE WELL-BEING.

### 24.1. Form A Lawyer Well-Being Committee.

Without dedicated personnel, real progress on well-being strategies will be difficult to implement and sustain.<sup>113</sup> Accordingly, legal employers should launch a well-being initiative by forming a Lawyer Well-Being Committee or appointing a Well-Being Advocate. The advocate or committee should be responsible for evaluating the work environment, identifying and addressing policies and procedures that create the greatest mental distress among employees, identifying how best to promote a positive state of well-being, and tracking progress of well-being strategies. They should prepare key milestones, communicate them, and create accountability strategies.<sup>114</sup> They also should develop strategic partnerships with lawyer assistance programs and other well-being experts and stay abreast of developments in the profession and relevant literature.

### 24.2. Assess Lawyers' Well-Being.

Legal employers should consider continually assessing the state of well-being among lawyers and staff and

whether workplace cultures support well-being. An assessment strategy might include an anonymous survey conducted to measure lawyer and staff attitudes and beliefs about well-being, stressors in the firm that significantly affect well-being, and organizational support for improving well-being in the workplace. Attitudes are formed not only by an organization's explicit messages but also implicitly by how leaders and lawyers actually behave. Specifically related to the organizational climate for support for mental health or substance use disorders, legal employers should collect information to ascertain, for example, whether lawyers:

- Perceive that you, their employer, values and supports well-being.
- Perceive leaders as role modeling healthy behaviors and empathetic to lawyers who may be struggling.
- Can suggest improvements to better support well-being.
- Would feel comfortable seeking needed help, taking time off, or otherwise taking steps to improve their situation.
- Are aware of resources available to assist their well-being.
- Feel expected to drink alcohol at organizational events.
- Feel that substance use and mental health problems are stigmatized.
- Understand that the organization will reasonably accommodate health conditions, including recovery from mental health disorders and addiction.

<sup>113</sup>Companies with dedicated wellness personnel achieve, on average, a 10 percent higher rate of employee participation. See OPTUM HEALTHCARE, WELLNESS IN THE WORKPLACE 2012: AN OPTUM RESEARCH UPDATE (Resource Center for Health & Wellbeing White Paper 2012), available at <https://broker.uhc.com/assets/wellness-in-the-workplace-2012-WP.pdf>.

<sup>114</sup>For guidance on developing their own strategic plan, Well-Being Committees could look to the Tristan Jepson Memorial Foundation's best practice guidelines for promoting psychological well-being in the legal profession, see *supra* note 76. They might also consider creating an information hub to post all well-being related resources. Resources could include information about the growing number of mental health apps. See, e.g., R. E. Silverman, *Tackling Workers' Mental Health, One Text at a Time*, WALL ST. J., July 19, 2016, available at <https://www.wsj.com/articles/tackling-workers-mental-health-one-text-at-a-time-1468953055>; B. A. Clough & L. M. Casey, *The Smart Therapist: A Look to the Future of Smartphones and eHealth Technologies in Psychotherapy*, 46 PROF. PSYCHOL. RES. & PRAC. 147 (2015).

As part of the same survey or conducted separately, legal employers should consider assessing the overall state of lawyers' well-being. Surveys are available to measure concepts like depression, substance use, burnout, work engagement, and psychological well-being. The Maslach Burnout Inventory (MBI) is the most widely used burnout assessment. It has been used to measure burnout among lawyers and law students.<sup>115</sup> Programs in the medical profession have recommended a bi-annual distribution of the MBI.<sup>116</sup>

Legal employers should carefully consider whether internal staff will be able to accurately conduct this type of assessment or whether hiring an outside consultant would be advisable. Internal staff may be more vulnerable to influence by bias, denial, and misinterpretation.

## 25. ESTABLISH POLICIES AND PRACTICES TO SUPPORT LAWYER WELL-BEING.

Legal employers should conduct an in-depth and honest evaluation of their current policies and practices that relate to well-being and make necessary adjustments. This evaluation should seek input from all lawyers and staff in a safe and confidential manner, which creates transparency that builds trust. **Appendix D** sets out example topics for an assessment.

Legal employers also should establish a confidential reporting procedure for lawyers and staff to convey concerns about their colleagues' mental health or substance use internally, and communicate how lawyers and staff can report concerns to the appropriate disciplinary authority and/or to the local lawyer assistance program. Legal employers additionally should establish a procedure for lawyers to seek confidential help for themselves without being

penalized or stigmatized. CoLAP and state lawyer assistance programs can refer legal employers to existing help lines and offer guidance for establishing an effective procedure that is staffed by properly-trained people.<sup>117</sup> We note that the ABA and New York State Bar Association have proposed model law firm policies for handling lawyer impairment that can be used for guidance.<sup>118</sup> The ABA has provided formal guidance on managing lawyer impairment.<sup>119</sup>

### 25.1. Monitor For Signs of Work Addiction and Poor Self-Care.

Research reflects that about a quarter of lawyers are workaholics, which is more than double that of the 10 percent rate estimated for U.S. adults generally.<sup>120</sup> Numerous health and relationship problems, including depression, anger, anxiety, sleep problems, weight gain, high blood pressure, low self-esteem, low life satisfaction, work burnout, and family conflict can develop from work addiction. Therefore, we recommend that legal employers monitor for work addiction and avoid rewarding extreme behaviors that can ultimately harm their health. Legal employers should expressly encourage lawyers to make time to care for themselves and attend to other personal obligations. They may also want to consider promoting physical activity to aid health and cognitive functioning.

### 25.2. Actively Combat Social Isolation and Encourage Interconnectivity.

As job demands have increased and budgets have tightened, many legal employers have cut back on social activities. This could be a mistake. Social support from colleagues is an important factor for coping with stress and preventing negative consequences like burnout.<sup>121</sup> Socializing helps individuals recover from work demands

<sup>115</sup>See, e.g., S. E. Jackson, J. A. Turner, & A. P. Brief, *Correlates of Burnout Among Public Service Lawyers*, 8 J. ORG. BEHAV. 339 (1987); see also R. Durr, *Creating 'Whole Lawyers': Wellness, Balance, and Performance Excellence At Northwestern University School of Law*, NW. SCH. OF L. (2015), available at [http://www.americanbar.org/content/dam/aba/events/professional\\_responsibility/2015/May/Conference/Materials/8\\_wellbeing\\_program\\_catalog\\_2014\\_2015%204%203%2015%20version.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/events/professional_responsibility/2015/May/Conference/Materials/8_wellbeing_program_catalog_2014_2015%204%203%2015%20version.authcheckdam.pdf).

<sup>116</sup>J. Eckleberry-Hunt, A. Van Dyke, D. Lick, & J. Tucciarone, *Changing the Conversation from Burnout to Wellness: Physician Well-being in Residency Training Programs*, 1 J. GRADUATE MED. EDUC. 225 (2009). The MBI is available at <http://www.mindgarden.com/117-maslach-burnout-inventory>.

<sup>117</sup>CoLAP's website provides help-line information and a directory of state-based lawyer assistance programs: [http://www.americanbar.org/groups/lawyer\\_assistance.html](http://www.americanbar.org/groups/lawyer_assistance.html).

<sup>118</sup>AM. BAR ASS'N RESOL. 118, MODEL LAW FIRM/LEGAL DEPARTMENT IMPAIRMENT POLICY & GUIDELINES (Aug. 1990), available at <https://www.texasbar.com/AM/Template.cfm?Section=Employers1&Template=/CM/ContentDisplay.cfm&ContentID=15131>; NEW YORK STATE BAR ASSOCIATION LAWYER ASSISTANCE COMMITTEE MODEL POLICY, N. Y. STATE BAR ASS'N (2010), available at [https://www.nassaubar.org/UserFiles/Model\\_Policy.pdf](https://www.nassaubar.org/UserFiles/Model_Policy.pdf).

<sup>119</sup>AM. BAR ASS'N FORMAL OPINION 03-429 (2003), available at [http://www.americanbar.org/content/dam/aba/migrated/cpr/clientpro/03\\_429.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/cpr/clientpro/03_429.authcheckdam.pdf).

<sup>120</sup>Brafford, *supra* note 2.

<sup>121</sup>C. Maslach, W. B. Schaufeli, & M. P. Leiter, *Job Burnout*, 52 ANN. REV. OF PSYCHOL. 397, 415 (2001); T. Reuter & R. Schwarzer, *Manage Stress at Work Through Preventive and Proactive Coping*, in Locke, *supra* note 7.



and can help stave off emotional exhaustion.<sup>122</sup> It inhibits lawyers feeling isolated and disconnected, which helps with firm branding, messaging, and may help reduce turnover. We recommend deemphasizing alcohol at such events.

## 26. PROVIDE TRAINING AND EDUCATION ON WELL-BEING, INCLUDING DURING NEW LAWYER ORIENTATION.

We recommend that legal employers provide education and training on well-being-related topics and recruit experts to help them do so. A number of law firms already offer well-being related programs, like meditation, yoga sessions, and resilience workshops.<sup>123</sup> We also recommend orientation programs for new lawyers that incorporate lawyer well-being education and training.<sup>124</sup> Introducing this topic during orientation will signal its importance to the organization and will start the process of developing skills that may help prevent well-being problems. Such programs could:

- Introduce new lawyers to the psychological challenges of the job.<sup>125</sup>
- Reduce stigma surrounding mental health problems.
- Take a baseline measure of well-being to track changes over time.
- Provide resilience-related training.
- Incorporate activities focused on individual lawyers' interests and strengths, and not only on organizational expectations.<sup>126</sup>

Further, law firms should ensure that all members and staff know about resources, including lawyer assistance

programs, that can assist lawyers who may experience mental health and substance use disorders. This includes making sure that members and staff understand confidentiality issues pertaining to those resources.

### 26.1. Emphasize a Service-Centered Mission.

At its core, law is a helping profession. This can get lost in the rush of practice and in the business aspects of law. Much research reflects that organizational cultures that focus chiefly on materialistic, external rewards can damage well-being and promote a self-only focus. In fact, research shows that intrinsic values like relationship-

*Work cultures that constantly emphasize competitive, self-serving goals can harm lawyer well-being.*

development and kindness are stifled in organizations that emphasize extrinsic values like competition, power, and monetary rewards.<sup>127</sup> Work cultures that constantly emphasize competitive, self-serving goals will continually trigger competitive, selfish behaviors from lawyers that harm organizations and individual well-being. This can be psychologically draining. Research of Australian lawyers found that 70 percent reported that the practice of law is bottom-line driven.<sup>128</sup> Lawyers who reported that the practice of law was primarily about generating profits were more likely to be depressed.<sup>129</sup> This affects the

<sup>122</sup>M. J. Tews, J. W. Michel, & K. Stafford, *Does Fun Pay? The Impact of Workplace Fun on Employee Turnover and Performance*, 54 CORNELL HOSPITALITY QUARTERLY, 370 (2013).

<sup>123</sup>E.g., C. Bushey, *Kirkland & Ellis to Offer Wellness Training to All U.S. Lawyers*, CRAIN'S CHICAGO BUS., May 2, 2016, available at <http://www.chicagobusiness.com/article/20160502/NEWS04/160509972/kirkland-ellis-to-offer-wellness-training-to-all-u-s-lawyers>; N. Rodriguez, *What the Army Can Teach BigLaw about Bouncing Back*, LAW360, Feb. 17, 2017, [https://www.law360.com/in-depth/articles/891995?nl\\_pk=972d8116-f9f0-4582-a4c6-0ab3cf4a034c&utm\\_source=newsletter&utm\\_medium=email&utm\\_campaign=in-depth](https://www.law360.com/in-depth/articles/891995?nl_pk=972d8116-f9f0-4582-a4c6-0ab3cf4a034c&utm_source=newsletter&utm_medium=email&utm_campaign=in-depth) (identifying Goodwin Procter LLP, O'Melveny & Myers LLP, Morgan Lewis & Bockius LLP, Fish & Richardson PC, Drinker Biddle & Reath LLP, Quarles & Brady LLP, and Neal Gerber & Eisenberg LLP as having hosted resilience workshops).

<sup>124</sup>See A. M. Saks, & J. A. Gruman, *Organizational Socialization and Positive Organizational Behaviour: Implications for Theory, Research, and Practice*, 28 CANADIAN J. ADMIN. SCI. 14 (2011).

<sup>125</sup>See generally J. P. Wanous & A. E. Reichers, *New Employee Orientation Programs*, 10 HUMAN RESOURCE MGMT. REV. 435 (2000), available at <http://homepages.se.edu/cvonbergen/files/2013/01/New-Employee-Orientation-Programs.pdf>.

<sup>126</sup>See D. M. Cable, F. Gino, & B. R. Staats, *Reinventing Employee Onboarding*, M.I.T. SLOAN MGMT. REV. (2013), available at <http://sloanreview.mit.edu/article/reinventing-employee-onboarding>.

<sup>127</sup>T. Kasser, *Materialistic Values and Goals*, 67 ANN. REV. OF PSYCHOL. 489 (2015); T. Kasser, *Teaching about Values and Goals: Applications of the Circumplex Model to Motivation, Well-Being, and Prosocial Behavior*, 41 TEACHING PSYCHOL. 365 (2014).

<sup>128</sup>A. J. Bergin & N. L. Jimmieson, *Australian Lawyer Well-Being: Workplace Demands, Resources and the Impact of Time-Billing Targets*, 21 PSYCHIATRY, PSYCHOL. & L. 427 (2014).

<sup>129</sup>A. D. Joudrey & J. E. Wallace, *Leisure as a Coping Resource: A Test of the Job Demand-Control-Support Model*, 62 HUMAN RELATIONS 195 (2009).

<sup>130</sup>A. Hansen, Z. Byrne, & C. Kiersch, *How Interpersonal Leadership Relates to Employee Engagement*, 29 J. MANAGERIAL PSYCHOL. 953 (2014).





bottom line since poor mental health can cause disability and lost productivity.

Consequently, we recommend that legal employers evaluate what they prioritize and value, and how those values are communicated. When organizational values evoke a sense of belonging and pride, work is experienced as more meaningful.<sup>130</sup> Experiencing work as meaningful is the biggest contributor to work engagement—a form of work-related well-being.<sup>131</sup>

## **26.2. Create Standards, Align Incentives, and Give Feedback.**

Contextual factors (i.e., the structure, habits, and dynamics of the work environment) play an enormous role in influencing behavior change. Training alone is almost never enough. To achieve change, legal employers will need to set standards, align incentives, and give feedback about progress on lawyer well-being topics.<sup>132</sup>

Currently, few legal employers have such structural supports for lawyer well-being. For example, many legal employers have limited or no formal leader development programs, no standards set for leadership skills and competencies, and no standards for evaluating leaders' overall performance or commitment to lawyer well-being. Additionally, incentive systems rarely encourage leaders to develop their own leadership skills or try to enhance the well-being of lawyers with whom they work. In law firms especially, most incentives are aligned almost entirely toward revenue growth, and any feedback is similarly narrow. To genuinely adopt lawyer well-being as a priority, these structural and cultural issues will need to be addressed.

<sup>130</sup>A. Hansen, Z. Byrne, & C. Kiersch, *How Interpersonal Leadership Relates to Employee Engagement*, 29 J. MANAGERIAL PSYCHOL. 953 (2014).

<sup>131</sup>A. M. BRAFFORD, POSITIVE PROFESSIONALS: CREATING HIGH-PERFORMING, PROFITABLE FIRMS THROUGH THE SCIENCE OF ENGAGEMENT. (American Bar Association, forthcoming November 2017.); D. R. May, R. L. Gilson, & L. M. Harter, *The Psychological Conditions of Meaningfulness, Safety and Availability and the Engagement of the Human Spirit at Work*, 77 J. OCCUPATIONAL & ORGANIZATIONAL PSYCHOL. 11 (2004).

<sup>132</sup>R. A. NOE, EMPLOYEE TRAINING AND DEVELOPMENT (McGraw-Hill 2013).





*“Well-being is a combination of feeling good as well as actually having meaning, good relationships, and accomplishment.” — Martin Seligman*

Law students start law school with high life satisfaction and strong mental health measures. But within the first year of law school, they experience a significant increase in anxiety and depression.<sup>133</sup> Research suggests that law students are among the most dissatisfied, demoralized, and depressed of any graduate student population.<sup>134</sup>

The 2016 Survey of Law Student Well-Being found troublesome rates of alcohol use, anxiety, depression, and illegal drug use at law schools across the country.

***42% of students needed help for poor mental health but only about half sought it out.***

Equally worrisome is students' level of reluctance to seek help for those issues. A large majority of students (about 80 percent) said that they were somewhat or very likely to seek help from a health professional for alcohol, drug, or mental health issues, but few actually did.<sup>135</sup> For example, while 42 percent thought that they had needed help for mental health problems in the prior year, only about half of that group actually received counseling from a health professional.<sup>136</sup> Only four percent said they had ever received counseling for alcohol or drug issues—even though a quarter were at risk for problem drinking.<sup>137</sup>

The top factors that students reported as discouraging them from seeking help were concerns that it would threaten their bar admission, job, or academic status; social stigma; privacy concerns; financial reasons; belief that they could handle problems on their own; and not having enough time. Students' general reluctance to seek help may be one factor explaining why law student wellness has not changed significantly since the last student survey in the 1990s.<sup>138</sup> It appears that recommendations stemming from the 1993 survey either were not implemented or were not successful.<sup>139</sup>

The Survey of Law Student Well-Being did not seek to identify the individual or contextual factors that might be contributing to students' health problems. It is important to root out such causes to enable real change. For example, law school graduates cite heavy workload, competition, and grades as major law school stressors.<sup>140</sup> Others in the legal community have offered additional insights about common law school practices, which are discussed below. Law school well-being initiatives should not be limited to detecting disorders and enhancing student resilience. They also should include identifying organizational practices that may be contributing to the problems and assessing what changes can be made to support student well-being. If legal educators ignore the impact of law school stressors, learning is likely to be suppressed and illness may be intensified.<sup>141</sup>

The above reflects a need for both prevention strategies to address dysfunctional drinking and misuse of substances as well as promotion strategies that identify aspects of legal education that can be revised to support

<sup>133</sup>L. S. Krieger, *Institutional Denial About the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence*, 52 J. LEGAL EDUC. 112, 113-15 (2002).

<sup>134</sup>A. A. Patthoff, *This is Your Brain on Law School: The Impact of Fear-Based Narratives on Law Students*, 2015 UTAH L. REV. 391, 424 (2015).

<sup>135</sup>Organ, Jaffe, & Bender, *supra* note 3, at 143.

<sup>136</sup>*Id.* at 140.

<sup>137</sup>*Id.*

<sup>138</sup>ASS'N AM. L. SCH. SPECIAL COMM. ON PROBLEMS OF SUBSTANCE ABUSE IN THE L. SCHS. (1993).

<sup>139</sup>*Id.* at vi-vii.

<sup>140</sup>R. A. Lasso, *Is Our Students Learning? Using Assessments to Measure and Improve Law School Learning and Performance*, 15 BARRY L. REV. 73, 79 (2010).

<sup>141</sup>Patthoff, *supra* note 134, at 424.

well-being. The recommendations below offer some ideas for both.

## 27. CREATE BEST PRACTICES FOR DETECTING AND ASSISTING STUDENTS EXPERIENCING PSYCHOLOGICAL DISTRESS.

### *Ignoring law school stressors can suppress learning and intensify illness.*

Law schools should develop best practices for creating a culture in which all associated with the school take responsibility for student well-being. Faculty and administrators play an important role in forming a school's culture and should be encouraged to share responsibility for student well-being.

#### **27.1. Provide Training to Faculty Members Relating to Student Mental Health and Substance Use Disorders.**

Faculty have significant sway over students but generally students are reluctant to approach them with personal problems, especially relating to their mental health. Students' aversion to doing so may be exacerbated by a perception that faculty members must disclose information relating to students' competence to practice to the state bar. To help remove uncertainty and encourage students to ask for help, law schools should consider working with lawyer assistance programs on training faculty on how to detect students in trouble, how to have productive conversations with such students, what and when faculty need to report information relating to such students, as well as confidentiality surrounding these services.<sup>142</sup> Students should be educated about

faculty's reporting requirements to add clarity and reduce student anxiety when interacting with faculty.

Additionally, faculty members should be encouraged to occasionally step out of their formal teaching role to convey their respect and concern for students, to acknowledge the stressors of law school, and to decrease stigma about seeking help for any health issues that arise. Faculty should consider sharing experiences in which students confronted similar issues and went on to become healthy and productive lawyers.

To support this recommendation, deans of law schools must be engaged. The well-being of future lawyers is too important to relegate to student affairs departments. For faculty to take these issues seriously, it must be clear to them that deans value the time that faculty spend learning about and addressing the needs of students outside the classroom. With the full backing of their deans, deans of students should provide training and/or information to all faculty that includes talking points that correspond to students' likely needs—e.g., exam scores, obtaining jobs, passing the bar, accumulating financial debt, etc. Talking points should be offered only as a guideline. Faculty should be encouraged to tailor conversations to their own style, voice, and relationship with the student.

Law schools should consider inviting law student and lawyer well-being experts to speak at faculty lunches, colloquia, and workshops to enhance their knowledge of this scholarship.<sup>143</sup> Such programming should include not just faculty but teaching assistants, legal writers, peer mentors, and others with leadership roles in whom law students may seek to confide. Many of these experts are members of the Association of American Law Schools section on Balance in Legal Education.<sup>144</sup> Their scholarship is organized in an online bibliography divided into two topics: Humanizing the Law School Experience and Humanizing the Practice of Law.<sup>145</sup>

<sup>142</sup>See Organ, Jaffe, & Bender, *supra* note 3, at 153. At American University Washington College of Law, as but one example likely among many, the dean of students invites faculty no less than every other year to meet with the University Counseling director and D.C. Bar Lawyer Assistance Program manager to discuss trends, highlight notable behaviors, discuss how to respond to or refer a student, and the importance of tracking attendance.

<sup>143</sup>See J. Bibbelhausen, K. M. Bender, R. Barrett, *Reducing the Stigma: The Deadly Effect of Untreated Mental Illness and New Strategies for Changing Outcomes in Law Students*, 41 WM. MITCHELL L. REV. 918 (2015).

<sup>144</sup>Balance in Legal Educ. Sec., Ass'n Am. L. Sch., [https://memberaccess.aals.org/eweb/dynamicpage.aspx?webcode=ChpDetail&chp\\_cst\\_key=9fb324e8-e515-4fd3-b6db-a1723feeb799](https://memberaccess.aals.org/eweb/dynamicpage.aspx?webcode=ChpDetail&chp_cst_key=9fb324e8-e515-4fd3-b6db-a1723feeb799).

<sup>145</sup>*Id.* at Bibliography.



### 27.2. Adopt a Uniform Attendance Policy to Detect Early Warning Signs of Students in Crisis.

While law students may occasionally miss class due to personal conflicts, their repeated absence often results from deteriorating mental health.<sup>146</sup> Creating a system to monitor for chronic absences can help identify students for proactive outreach. Consequently, law schools should adhere to a consistent attendance policy that includes a timely reporting requirement to the relevant law school official. Absent such a requirement, deans of students may be left with only a delayed, reactive approach.

If faculty members are reluctant to report student absences, a system can be created to ensure that a report cannot be traced to the faculty member. Several law schools have adopted “care” networks or random check-ins whereby someone can report a student as potentially needing assistance.<sup>147</sup> In these programs, the identity of the person who provided the report is kept confidential.

Certain models on this issue include the American University Washington College of Law, which implements random “check-in” outreach, emailing students to visit the Student Affairs office for brief conversations. This method allows for a student about whom a concern has been raised to be folded quietly into the outreach.<sup>148</sup> Georgetown Law School allows anyone concerned about a student to send an email containing only the student’s name, prompting relevant law school officials to check first with one another and then investigate to determine if a student meeting is warranted.<sup>149</sup> The University of Miami School of Law uses an online protocol for a student to self-report absences in advance, thus enabling the dean of students to follow up as appropriate if personal problems are indicated.<sup>150</sup>

### 27.3. Provide Mental Health and Substance Use Disorder Resources.

Law schools should identify and publicize resources so that students understand that there are resources available to help them confront stress and well-being crises. They should highlight the benefits of these resources and that students should not feel stigmatized for seeking help. One way to go about this is to have



## Develop Student Resources

- ✓ Create and publicize well-being resources designed for students.
- ✓ Counter issues of stigma.
- ✓ Include mental health resources in every course syllabus.
- ✓ Organize wellness events.
- ✓ Develop a well-being curriculum.
- ✓ Establish peer mentoring.

every course syllabus identify the law school’s mental health resources. The syllabus language should reflect an understanding that stressors exist.<sup>151</sup> Law schools also can hold special events, forums, and conversations that coincide with national awareness days, such as mental health day and suicide prevention day.

<sup>146</sup>See Organ, Jaffe, & Bender, *supra* note 3, at 152.

<sup>147</sup>*Id.*

<sup>148</sup>*Id.*

<sup>149</sup>*Id.*

<sup>150</sup>*Id.*

<sup>151</sup>One example of such a provision is: “Mental Health Resources: Law school is a context where mental health struggles can be exacerbated. If you ever find yourself struggling, please do not hesitate to ask for help. If you wish to seek out campus resources, here is some basic information: [Website]. [Law School Name] is committed to promoting psychological wellness for all students. Our mental health resources offer support for a range of psychological issues in a confidential and safe environment. [Phone; email; address; hotline number].”



Developing a well-being curriculum is an additional way to convey that resources are available and that the law school considers well-being a top priority. Northwestern University's Pritzker School of Law has accomplished the latter with well-being workshops, mindfulness and resilience courses, and meditation sessions as part of a larger well-being curriculum.<sup>152</sup>

Another noteworthy way to provide resources is to establish a program where law students can reach out to other law students who have been trained to intervene and help refer students in crisis. Touro Law School established a "Students Helping Students" program in 2010 where students volunteer to undergo training to recognize mental health problems and refer students confronting a mental health crisis.<sup>153</sup>

## **28. ASSESS LAW SCHOOL PRACTICES AND OFFER FACULTY EDUCATION ON PROMOTING WELL-BEING IN THE CLASSROOM.**

Law school faculty are essential partners in student well-being efforts. They often exercise powerful personal influence over students, and their classroom practices contribute enormously to the overall law school experience. Whether faculty members exercise their influence to promote student well-being depends, in part, on support of the law school culture and priorities. To support their involvement, faculty members should be invited into strategic planning to develop workable ideas. Framing strategies as helping students develop into healthy lawyers who possess grit and resilience may help foster faculty buy-in. Students' mental resilience can be viewed as a competitive advantage during their job searches and as support along their journeys as practicing lawyers toward sustainable professional and personal identities.

Educating law school faculty on how classroom practices can affect student well-being is one place to start the process of gaining faculty buy-in. For example, law professor Larry Krieger and social scientist Kennon

Sheldon identified potential culprits that undercut student well-being, including hierarchical markers of worth such as comparative grading, mandatory curves, status-seeking placement practices, lack of clear and timely feedback, and teaching practices that are isolating and intimidating.<sup>154</sup>

## ***Evaluate classroom practices for their impact on student well-being.***

Because organizational practices so significantly influence student well-being, we recommend against focusing well-being efforts solely on detecting dysfunction and strengthening students' mental toughness. We recommend that law schools assess their classroom and organizational practices, make modifications where possible, and offer faculty programming on supporting student well-being while continuing to uphold high standards of excellence. Harmful practices should not be defended solely on the ground that law school has always been this way. Teaching practices should be evaluated to assess whether they are necessary to the educational experience and whether evidence supports their effectiveness.

## **29. EMPOWER STUDENTS TO HELP FELLOW STUDENTS IN NEED.**

As noted above, students often are reluctant to seek mental health assistance from faculty members. Empowering students to assist each other can be a helpful alternative. One suggestion is to create a peer mentoring program that trains student mentors to provide support to fellow students in need. The ideal mentors would be students who are themselves in

<sup>152</sup>Northwestern Law's well-being curriculum can be found at <http://www.law.northwestern.edu/law-school-life/student-services/wellness/curriculum/>.

<sup>153</sup>TOURO L. SCH. STUDENTS HELPING STUDENTS (2017), available at <https://www.tourolaw.edu/uploads/Students%20Helping%20Students%20Spring17.pdf>.

<sup>154</sup>See K. M. Sheldon & L. S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory*, 33 PERSONALITY & SOC. PSYCH. BULL. 883 (2007); K. M. Sheldon & L. S. Krieger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being*, 22 BEHAV. SCI. & THE LAW 261 (2004).





recovery. They should be certified by the local lawyer assistance program or another relevant organization and should be covered by the lawyer assistance program's confidentiality provisions. Peer mentors should not have a direct reporting obligation to their law school dean of students. This would help ensure confidentiality in the peer mentoring relationship and would foster trust in the law school community.<sup>155</sup>

### **30. INCLUDE WELL-BEING TOPICS IN COURSES ON PROFESSIONAL RESPONSIBILITY.**

Mental health and substance use should play a more prominent role in courses on professional responsibility, legal ethics, or professionalism. A minimum of one class session should be dedicated to the topic of substance use and mental health issues, during which bar examiners and professional responsibility professors or their designee (such as a lawyer assistance program representative) appear side-by-side to address the issues. Until students learn from those assessing them that seeking assistance will not hurt their bar admission prospects, they will not get the help they need.

### **31. COMMIT RESOURCES FOR ONSITE PROFESSIONAL COUNSELORS.**

Law schools should have, at a minimum, a part-time, onsite professional counselor. An onsite counselor provides easier access to students in need and sends a symbolic message to the law school community that seeking help is supported and should not be stigmatized. Although the value of such a resource to students should justify the necessary budget, law schools also could explore inexpensive or no-cost assistance from lawyer assistance programs. Other possible resources may be available from the university or private sector.

### **32. FACILITATE A CONFIDENTIAL RECOVERY NETWORK.**

Law schools should consider facilitating a confidential network of practicing lawyers in recovery from substance

use to connect with law students in recovery. Law students are entering a new community and may assume that there are few practicing lawyers in recovery. Facilitating a confidential network will provide an additional support network to help students manage the challenges of law school and maintain health. Lawyers Concerned for Lawyers is an example of a legal peer assistance group that exists in many regions that may be a confidential network source.

### **33. PROVIDE EDUCATION OPPORTUNITIES ON WELL-BEING-RELATED TOPICS.**

#### **33.1. Provide Well-Being Programming During the 1L Year.**

We agree with the Survey of Law Student Well-Being report's recommendation that law schools should incorporate well-being topics into student orientation.<sup>156</sup> We recommend that during 1L orientation, law schools should include information about student well-being and options for dealing with stress. Communications should convey that seeking help is the best way to optimize their studies and to ensure they graduate and move successfully into law practice. Other vulnerable times during which well-being-related programming would be particularly appropriate include the period before fall final exams, the period when students receive their first set of law school grades (usually at the start of spring semester), and the period before spring final exams. The Task Force commends Southwestern Law School's IL "Peak Performance Program" and its goal of helping new law students de-stress, focus, and perform well in law school.<sup>157</sup> This voluntary program is the type of programming that can have a transformative effect on law student well-being.

#### **33.2. Create A Well-Being Course and Lecture Series for Students.**

To promote a culture of well-being, law schools should create a lecture series open to all students and a course designed to cover well-being topics in depth. Well-being

<sup>155</sup>The University of Washington School of Law offers a "Peer Support Program" that includes peer counseling, that offers stress management resources, and support for multicultural engagement. More information on the program can be found at <https://www.law.uw.edu/wellness/resources/>.

<sup>156</sup>Organ, Jaffe, & Bender, *supra* note 3, at 148.

<sup>157</sup>Southwestern Law School, Mindfulness, Peak Performance, and Wellness Programs, <http://www.swlaw.edu/student-life/support-network/mindfulness-peak-performance-and-wellness-programs>.



has been linked to improved academic performance, and, conversely, research reflects that well-being deficits connect to impaired cognitive performance. Recent research also has found that teaching well-being skills enhances student performance on standardized tests, and improves study habits, homework submission,



## Effects of Student Well-Being

- ✓ **Better academic performance and cognitive functioning**
- ✓ **Enhanced test performance**
- ✓ **Improved study habits and homework quality**
- ✓ **Long-term academic success**

grades, and long-term academic success, as well as adult education attainment, health, and wealth.<sup>158</sup> A well-being course can, for example, leverage research findings from positive psychology and neuroscience to explore the intersection of improved well-being, enhanced performance, and enriched professional identity development for law students and lawyers. Further knowledge of how to maintain well-being can enhance competence, diligence, and work

relationships—all of which are required by the ABA's Model Rules of Professional Conduct. The content of a well-being course could be guided by education reform recommendations. **Appendix E** provides content suggestions for such a course.

### 34. DISCOURAGE ALCOHOL-CENTERED SOCIAL EVENTS.

Although the overwhelming majority of law students are of legal drinking age, a law school sends a strong message when alcohol-related events are held or publicized with regularity. Students in recovery and those thinking about it may feel that the law school does not take the matter seriously and may be less likely to seek assistance or resources. A law school can minimize the alcohol provided; it can establish a policy whereby student organizations cannot use student funds for the purchase of alcohol.<sup>159</sup> Events at which alcohol is not the primary focus should be encouraged and supported. Further, law school faculty should refrain from drinking alcohol at law school social events.

### 35. CONDUCT ANONYMOUS SURVEYS RELATING TO STUDENT WELL-BEING.

Recommendation 24 for legal employers suggests regular assessment of lawyer well-being. That same Recommendation applies in the law school context.

<sup>158</sup>A. Adler & M. E. P. Seligman, *Using Wellbeing for Public Policy: Theory, Measurement, and Recommendations*, 6 INT'L J. WELLBEING, 1, 17 (2016); M. A. White & A. S. Murray, *Building a Positive Institution*, in EVIDENCE-BASED APPROACHES IN POSITIVE EDUC. IN SCHS.: IMPLEMENTING A STRATEGIC FRAMEWORK FOR WELL-BEING IN SCHS. 1, 8 (M. A. White & A. S. Murray eds., 2015).

<sup>159</sup>At a minimum, permission should be sought from the dean of students to serve alcohol at school-sponsored, school-located events, so administration is aware. Off-campus events should be only on a cash basis by the establishment. Professional networking events, and on campus events should be focused on the program or speaker, and not on drink specials or offers of free alcohol. Publicity of these events should avoid mention of discounted drink specials that could detract from the professional networking environment. In all instances, providing alcohol should be limited to beer and wine. Open bars not regulated by drink tickets or some other manner of controlling consumption should not be permitted.





*“When we look at what has the strongest statistical relationship to overall [life satisfaction], the first one is your career well-being, or the mission, purpose and meaning of what you’re doing when you wake up each day.” — Tom Rath*

**B**ar associations are organized in a variety of ways, but all share common goals of promoting members’ professional growth, quality of life, and quality of the profession by encouraging continuing education, professionalism (which encompasses lawyer competence, ethical conduct, eliminating bias, and enhancing diversity), pro bono and public service. Bar members who are exhausted, impaired, disengaged, or overly self-interested will not live up to their full potential as lawyers or positive contributors to society. Below are recommendations for bar associations to foster positive change in the well-being of the legal community which, in turn, should benefit lawyers, bar associations, and the general public.

### **36. ENCOURAGE EDUCATION ON WELL-BEING TOPICS IN COORDINATION AND IN ASSOCIATION WITH LAWYER ASSISTANCE PROGRAMS.**

#### **36.1. Sponsor High-Quality CLE Programming on Well-Being-Related Topics.**

In line with Recommendation 8, bar associations should develop and regularly offer educational programming on well-being-related topics. Bar leadership should recommend that all sections adopt a goal of providing at least one well-being related educational opportunity at all bar-sponsored events, including conferences, section retreats, and day-long continuing legal education events.

#### **36.2. Create Educational Materials to Support Individual Well-Being and “Best Practices” for Legal Organizations.**

We recommend that bar associations develop “best practice” model policies on well-being-related topics, for example practices for responding to lawyers in distress, succession planning, diversity and inclusion, mentoring practices, work-life balance policies, etc.

#### **36.3 Train Staff to Be Aware of Lawyer Assistance Program Resources and Refer Members.**

Educating bar association staff regarding lawyer assistance programs’ services, resources, and the confidentiality of referrals is another way to foster change in the legal community. Bar association staff can further promote these resources to their membership. A bar association staff member may be the person who coordinates a needed intervention for a lawyer facing a mental health or substance use crisis.

### **37. SPONSOR EMPIRICAL RESEARCH ON LAWYER WELL-BEING AS PART OF ANNUAL MEMBER SURVEYS.**

Many bar associations conduct annual member surveys. These surveys offer an opportunity for additional research on lawyer well-being and awareness of resources. For example, questions in these surveys can gauge awareness of support networks either in law firms or through lawyer assistance programs. They can survey lawyers on well-being topics they would like to see addressed in bar journal articles, at bar association events, or potentially through continuing legal education courses. The data gathered can inform bar associations’ outreach and educational efforts.

### 38. LAUNCH A LAWYER WELL-BEING COMMITTEE.

We recommend that bar associations consider forming Lawyer Well-Being Committees. As noted in Recommendation 5.2, the ABA and a number of state bar associations already have done so. Their work supplements lawyer assistance programs with a more expansive approach to well-being. These committees typically focus not only on addressing disorders and ensuring competence to practice law but also on optimal functioning and full engagement in the profession. Such committees can provide a valuable service to members by, for example, dedicating attention to compiling resources, high-quality speakers, developing and compiling educational materials and programs, serving as a clearinghouse for lawyer well-being information, and partnering with the lawyer assistance program, and other state and national organizations to advocate for lawyer well-being initiatives.

The South Carolina Bar's Lawyer Wellness Committee, launched in 2014 and featuring a "Living Above the Bar" website, is a good model for well-being committees. In 2016, the ABA awarded this Committee the E. Smythe Gambrell Professionalism Award, which honors excellence and innovation in professionalism programs.<sup>160</sup>

### 39. SERVE AS AN EXAMPLE OF BEST PRACTICES RELATING TO LAWYER WELL-BEING AT BAR ASSOCIATION EVENTS.

Bar associations should support members' well-being and role model best practices in connection with their own activities and meetings. This might include, for example, organizing functions to be family-friendly, scheduling programming during times that do not interfere with personal and family time, offering well-being-related activities at events (e.g., yoga, fun runs, meditation, providing coffee or juice bars, organizing Friends of Bill/support group meetings), providing well-being-related education and training to bar association leaders, and including related programming at conferences and other events. For instance, several bar associations around the country sponsor family-friendly fun runs, such as the Maricopa County Bar Association annual 5k Race Judicata.

<sup>160</sup>The South Carolina Bar's lawyer well-being website is available at <http://discussions.scbar.org/public/wellness/index.html>.





*"If any organism fails to fulfill its potentialities, it becomes sick." — William James*

**L**awyers' professional liability (LPL) carriers have a vested interest from a loss prevention perspective to encourage lawyer well-being. Happier, healthier lawyers generally equate to better risks. Better risks create stronger risk pools. Stronger risk pools enjoy lower frequency and often less severe claims. Fewer claims increases profitability. For lawyers, the

***Happier, healthier lawyers equate to better risk, fewer claims, and greater profitability.***

stronger the performance of the risk pool, the greater the likelihood of premium reduction. Stakeholders interested in lawyer well-being would be well-served to explore partnerships with lawyers' professional liability carriers, many of whom enjoy bar-related origins with their respective state bar and as members of the National Association of Bar-Related Insurance Carriers (or NABRICOs). Even commercial carriers active in the lawyers' malpractice market enjoy important economic incentives to support wellness initiatives, and actively assess risks which reflect on the likelihood of future claims.<sup>161</sup> Below are several recommendations for LPL carriers to consider in their pursuit of improving lawyer well-being.

#### **40. ACTIVELY SUPPORT LAWYER ASSISTANCE PROGRAMS.**

In certain jurisdictions, lawyers' professional liability carriers are amongst the most important funders of lawyer assistance programs, appreciating that an ounce of prevention is worth a pound of cure. An impaired or troubled attorney who is aided before further downward spiral harms the lawyer's ability to engage in high-quality professional services can directly prevent claims. Thus, LPL carriers are well-served to understand lawyer assistance program needs, their impact, and how financial and marketing support of such programs can be a worthy investment. At the same time, where appropriate, lawyer assistance programs could prepare a case for support to LPL carriers on how their activities affect attorneys, much like a private foundation examines the impact effectiveness of grantees. If the case for support is effectively made, support may follow.

#### **41. EMPHASIZE WELL-BEING IN LOSS PREVENTION PROGRAMS.**

Most LPL carriers, as a means of delivering value beyond just the promise of attorney protection in the event of an error or omission, are active in developing risk management programs via CLE, law practice resources, checklists, and sample forms designed to reduce the susceptibility of an attorney to a claim. These resources often center on topics arising from recent claims trends, be it law practice management tips, technology traps, professionalism changes, or ethical infrastructure challenges. LPL carriers should consider paying additional attention to higher level attorney wellness issues, focusing on how such programs promote the emotional and physical foundations from which lawyers can thrive in legal service delivery. Bar associations are increasingly exploring well-being programs as a member benefit, and LPL carriers could be helpful in providing financial support or thought leadership in the development of such programs.

<sup>161</sup>Examples of LPL carriers serving the market from the commercial side include CNA, AON, Liberty Mutual, Hartford, among others.

## **42. INCENTIVIZE DESIRED BEHAVIOR IN UNDERWRITING LAW FIRM RISK.**

The process of selecting, structuring, and pricing LPL risk is part art, part science. Underwriters, in addition to seeking core LPL information such as area of practice, claim frequency, claim severity, firm size, firm longevity and firm location, are also working to appreciate and understand the firm's complete risk profile. The more effectively a firm can illustrate its profile in a positive manner, the more desirable a firm will be to a carrier's risk pool. Most states permit carriers flexibility in applying schedule rating credits or debits to reflect the individual risk characteristics of the law firm. LPL carriers should more actively explore the application of lawyer well-being premium credits, much like they currently do for internal risk management systems, documented attorney back-up systems, and firm continuity.

## **43. COLLECT DATA WHEN LAWYER IMPAIRMENT IS A CONTRIBUTING FACTOR TO CLAIMS ACTIVITY.**

LPL carriers traditionally track claims based on area of practice or the nature of the error. LPL carriers do

not ordinarily track when substance abuse, stress, depression, or mental health are suspected to be contributing factors to the underlying claim. This is primarily due to the fact that most LPL claims adjusters, usually attorneys by trade, lack sufficient (or usually any) clinical training to make such a determination. That being said, anecdotal evidence suggests the impact is substantial. Thus, LPL carriers should consider whether a "common sense" assessment of instances where attorney impairment is suspected to be a contributing factor to the underlying claim. Such information would be helpful to lawyer assistance programs and as an important data point for what bar counsel or disciplinary units similarly see when investigating bar grievances. LPL carriers are in a prime position to collect data, share such data when appropriate, and assess the manner in which lawyer impairment has a direct correlation to claims activity.





*“It is under the greatest adversity that there exists the greatest potential for doing good, both for oneself and others.” — Dalai Lama*

**B**ecause lawyer assistance programs are so well-positioned to play a pivotal role in lawyer well-being, they should be adequately funded and organized to ensure that they can fulfill their potential.

## *Lawyer assistance programs should be supported to fulfill their full potential.*

This is not consistently the case. While a lawyer assistance program exists in every state, according to the 2014 Comprehensive Survey of Lawyer Assistance Programs their structures, services, and funding vary widely. Lawyer assistance programs are organized either as agencies within bar associations, as independent agencies, or as programs within the state’s court system.<sup>162</sup> Many operate with annual budgets of less than \$500,000.<sup>163</sup> About one quarter operate without any funding and depend solely on volunteers.<sup>164</sup> The recommendations below are designed to equip lawyer assistance programs to best serve their important role in lawyer well-being.

### **44. LAWYERS ASSISTANCE PROGRAMS SHOULD BE APPROPRIATELY ORGANIZED AND FUNDED.**

#### **44.1 Pursue Stable, Adequate Funding.**

Lawyer assistance programs should advocate for stable, adequate funding to provide outreach, screening, counseling, peer assistance, monitoring, and preventative education. Other stakeholders should ally themselves with lawyer assistance programs in pursuit of this funding.

#### **44.2 Emphasize Confidentiality.**

Lawyer assistance programs should highlight the confidentiality of the assistance they provide. The greatest concern voiced by lawyer assistance programs in the most recent CoLAP survey was under-utilization of their services stemming from the shame and fear of disclosure that are bound up with mental health and substance use disorders.<sup>165</sup> Additionally, lawyer assistance programs should advocate for a supreme court rule protecting the confidentiality of participants in the program, as well as immunity for those making good faith reports, volunteers, and staff.

#### **44.3 Develop High-Quality Well-Being Programming.**

Lawyer assistance programs should collaborate with other organizations to develop and deliver programs on the topics of lawyer well-being, identifying and treating substance use and mental health disorders, suicide prevention, cognitive impairment, and the like.<sup>166</sup> They should ensure that all training and other education efforts emphasize the availability of resources and the

<sup>162</sup>2014 COMPREHENSIVE SURVEY OF LAWYER ASSISTANCE PROGRAMS, *supra* note 25, at 3.

<sup>163</sup>*Id.* at 5.

<sup>164</sup>*Id.* at 27.

<sup>165</sup>*Id.* at 49-50.

<sup>166</sup>Accommodating adult learning should inform program development. The Illinois Supreme Court Commission on Professionalism offers a number of resources through its “Strategies for Teaching CLE” web page, <https://www.2civility.org/programs/cle/cle-resources/strategies-for-teaching-cle/>. See also K. TAYLOR & C. MARIENAU, FACILITATING LEARNING WITH THE ADULT BRAIN IN MIND: A CONCEPTUAL AND PRACTICAL GUIDE (2016); M. Silverthorn, *Adult Learning: How Do We Learn?*, ILL. SUP. CT. COMM’N ON PROFESSIONALISM, Dec. 4, 2014, <https://www.2civility.org/adult-learning/>.

confidentiality of the process.

Lawyer assistance programs should evaluate whether they have an interest in and funding to expand their programming beyond the traditional focus on treatment of alcohol use and mental health disorders. Some lawyer assistance programs already have done so. The 2014 Comprehensive Survey of Lawyer Assistance Programs reflects that some well-resourced lawyer assistance programs include services that, for example, address transition and succession planning, career counseling, anger management, grief, and family counseling.<sup>167</sup> Increasingly, lawyer assistance programs are expanding their services to affirmatively promote well-being (rather than seeking only to address dysfunction) as a means of preventing prevalent impairments.

This expansion is consistent with some scholars' recommendations for Employee Assistance Programs that encourage engagement in a broader set of prevention and health-promotion strategies. Doing so could expand the lawyer assistance programs' net to people who are in need but have not progressed to the level of a disorder. It also could reach people who may participate in a health-promotion program but would avoid a prevention program due to social stigma.<sup>168</sup> Health-promotion approaches could be incorporated into traditional treatment protocols. For example, "Positive Recovery" strategies strive not only for sobriety but also for human flourishing.<sup>169</sup> Resilience-boosting strategies have also been proposed for addiction treatment.<sup>170</sup>

#### 44.4 Lawyer Assistance Programs' Foundational Elements.

All lawyer assistance programs should include the following foundational elements to provide effective leadership and services to lawyers, judges, and law students:

- A program director with an understanding of the legal profession and experience addressing mental health conditions, substance use disorders, and wellness issues for professionals;
- A well-defined program mission and operating policies and procedures;
- Regular educational activities to increase awareness and understanding of mental health and substance use disorders;
- Volunteers trained in crisis intervention and assistance;
- Services to assist impaired members of the legal profession to begin and continue recovery;
- Participation in the creation and delivery of interventions;
- Consultation, aftercare services, voluntary and diversion monitoring services, referrals to other professionals, and treatment facilities; and
- A helpline for individuals with concern about themselves or others.<sup>171</sup>

<sup>167</sup>2014 COMPREHENSIVE SURVEY OF LAWYER ASSISTANCE PROGRAMS, *supra* note 25, at 13.

<sup>168</sup>R. F. Cook, A. S. Back, J. Trudeau, & T. McPherson, *Integrating Substance Abuse Prevention into Health Promotion Programs in the Workplace: A Social Cognitive Intervention Targeting the Mainstream User*, in PREVENTING WORKPLACE SUBSTANCE ABUSE: BEYOND DRUG TESTING TO WELLNESS 97-133 (J. B. Bennett, W. K. Lehman eds., 2003).

<sup>169</sup>J. Z. POWERS, POSITIVE RECOVERY DAILY GUIDE: THRIVE IN RECOVERY (2015).

<sup>170</sup>T. Alim, W. Lawson, A. Neumeister, et al., *Resilience to Meet the Challenge of Addiction: Psychobiology and Clinical Considerations*, 34 ALCOHOL RESEARCH: CURRENT REVIEWS 506 (2012).

<sup>171</sup>See AM. BAR ASS'N, MODEL LAWYER ASSISTANCE PROGRAM (Revised 2004), available at [http://www.americanbar.org/content/dam/aba/administrative/lawyer\\_assistance/ls\\_colap\\_model\\_lawyer\\_assistance\\_program.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_model_lawyer_assistance_program.authcheckdam.pdf); AM. BAR ASS'N, GUIDING PRINCIPLES FOR A LAWYER ASSISTANCE PROGRAM (1991), available at [http://www.americanbar.org/content/dam/aba/administrative/lawyer\\_assistance/ls\\_colap\\_guiding\\_principles\\_for\\_assistance.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_guiding_principles_for_assistance.authcheckdam.pdf).





*"It always seems impossible until it's done." — Nelson Mandela*

AThis Report makes a compelling case that the legal profession is at a crossroads. Our current course, one involving widespread disregard for lawyer well-being and its effects, is not sustainable. Studies cited above show that our members suffer at alarming rates from conditions that impair our ability to function at levels compatible with high ethical standards and public expectations. Depression, anxiety, chronic stress, burnout, and substance use disorders exceed those of many other professions. We have ignored this state of affairs long enough. To preserve the public's trust and maintain our status as a self-regulating profession, we must truly become "our brothers' and sisters' keepers," through a strong commitment to caring for the well-being of one another, as well as ourselves.

The members of the National Task Force for Lawyer Well-Being urge all stakeholders identified in this report to take action. To start, please review the State Action Plan and Checklist that follows in **Appendix A**. If you are a leader in one of these sectors, please use your authority to call upon your cohorts to come together and develop

a plan of action. Regardless of your position in the legal profession, please consider ways in which you can make a difference in the essential task of bringing about a

***We have the capacity  
to create a better  
future for our lawyers.***

culture change in how we, as lawyers, regard our own well-being and that of one another.

As a profession, we have the capacity to face these challenges and create a better future for our lawyers that is sustainable. We can do so—not in spite of—but in pursuit of the highest professional standards, business practices, and ethical ideals.

<sup>1</sup>P. R. Krill, R. Johnson, & L. Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46 (2016).

<sup>2</sup>A. M. Brafford, *Building the Positive Law Firm: The Legal Profession At Its Best* (August 1, 2014) (Master's thesis, Univ. Pa., on file with U. Pa. Scholarly Commons Database), available at [http://repository.upenn.edu/mapp\\_capstone/62/](http://repository.upenn.edu/mapp_capstone/62/).

<sup>3</sup>J. M. Organ, D. Jaffe, & K. Bender, *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. LEGAL EDUC. 116 (2016).

<sup>4</sup>See D. L. Chambers, *Overstating the Satisfaction of Lawyers*, 39 LAW & SOC. INQUIRY 1 (2013).

<sup>5</sup>J. M. Organ, *What Do We Know About the Satisfaction/Dissatisfaction of Lawyers? A Meta-Analysis of Research on Lawyer Satisfaction and Well-Being*, 8 U. ST. THOMAS L. J. 225 (2011); L. S. Krieger & K. M. Sheldon, *What Makes Lawyers Happy? Transcending the Anecdotes with Data from 6200 Lawyers*, 83 GEO. WASH. L. REV. 554 (2015).



## National Task Force on Lawyer Well-Being State Action Plan & Checklist

*Chief Justice (or Designee) "To Do List"*

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### Gather all stakeholders

(Identify leaders in the jurisdiction with an interest in and commitment to well-being issues. Bring these leaders together in a Commission on Lawyer Well-Being. The attached list of potential stakeholder representatives offers guidance.)

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### Review the Task Force Report

Have Commission members familiarize themselves with the Task Force Report. It provides concrete recommendations for how to address lawyer well-being issues.

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### Do an inventory of recommendations

(Next, assess which recommendations can be implemented in the jurisdiction. This includes an assessment of the leadership and resources required to implement these recommendations.)

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### Create priorities

(Each jurisdiction will have its own priorities based on the inventory of recommendations. Which ones are the most urgent? Which ones will create the most change? Which ones are feasible?)

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### Develop an action plan

(Having inventoried the recommendations and prioritized them, now is the time to act. What does that path forward look like? Who needs to be involved? How will progress be measured?)

## National Task Force on Lawyer Well-Being State Action Plan & Checklist

### *Checklist for Gathering the Stakeholders*

Item 1 of the Plan above recommends the gathering of stakeholders as a first step. The National Task Force suggests the Chief Justice of each state create a Commission on Lawyer Well-Being in that state and appoint representatives from each stakeholder group to the Commission. Below is a checklist of potential stakeholder representatives the Chief Justice may consider in making appointments.

#### **JUDICIAL**

- ☐ Supreme Court Chief Justice or designated representative
- ☐ Other judge representatives

#### **LAWYER ASSISTANCE PROGRAM (LAP)**

- ☐ LAP Director
- ☐ Clinical director
- ☐ Lawyer representative to the LAP

#### **LAW SCHOOLS**

- ☐ Dean representative
- ☐ Faculty representative
- ☐ Law student representative

#### **REGULATORS**

- ☐ Admissions (or Board of Law Examiners) representative
- ☐ Mandatory CLE program representative
- ☐ CLE provider representative
- ☐ Regulation/Bar/Disciplinary Counsel representative

#### **BAR ASSOCIATIONS**

- ☐ Bar president
- ☐ Bar president-elect
- ☐ Executive director
- ☐ Young lawyer division representative
- ☐ Specialty bar representative

#### **LAW FIRMS**

- ☐ Sole practitioner
- ☐ Small firm representative (2-5 lawyers)
- ☐ Medium firm representative (6-15 lawyers)
- ☐ Large firm representative (16+ lawyers)
- ☐ In-house counsel representative
- ☐ Non-traditional lawyer representative

#### **ALLIES**

- ☐ ASAM representative (addiction psychiatrist)
- ☐ Organizational/behavioral psychologist
- ☐ Members of the public

## Appendix to Recommendation 8: Example Educational Topics About Lawyer Distress and Well-Being

Recommendation 8 advises stakeholders to provide high-quality education programs and materials on causes and consequences of lawyer distress and well-being. Below is a list of example educational topics for such programming with empirical support.

### 8.1 Work Engagement vs. Burnout

The work engagement-burnout model can serve as a general organizing framework for stakeholders' efforts to boost lawyer well-being and curb dysfunction. Work engagement is a kind of work-related well-being. It includes high levels of energy and mental resilience, dedication (which includes a sense of meaningfulness, significance, and challenge), and frequently feeling positively absorbed in work.<sup>172</sup> Work engagement contributes to, for example, mental health, less stress and burnout, job satisfaction, helping behaviors, reduced turnover, performance, and profitability.<sup>173</sup>

Burnout is essentially the opposite of engagement. It is a stress response syndrome that is highly correlated with depression and can have serious psychological and physiological effects. Workers experiencing burnout feel emotionally and physically exhausted, cynical about the value of their activities, and uncertain about their capacity to perform well.<sup>174</sup>

The work engagement-burnout model proposes the idea of a balance between resources and demands: Engagement arises when a person's resources (i.e., positive individual, job, and organizational factors, like autonomy, good leadership, supportive colleagues, feedback, interesting work, optimism, resilience) outweigh demands (i.e., draining aspects of the job, like work overload and conflicting demands). But when excessive demands or a lack of recovery from demands tip the scale, workers are in danger of burnout. Disengagement, alienation, and turnover become likely. Resources contribute to engagement; demands feed burnout. Using this framework as a guide, stakeholders should develop lawyer well-being strategies that focus on increasing individual and organizational resources and decreasing demands when possible.<sup>175</sup>

The incidence of burnout vs. work engagement in the legal profession is unknown but has been well-studied in the medical profession. Research has found that 30-40 percent of licensed physicians, 49 percent of medical students, and 60 percent of new residents meet the definition of burnout, which is associated with an increased risk of depression, substance use, and suicidal thinking.<sup>176</sup> Burnout also undermines professionalism and quality of patient care by eroding honesty, integrity, altruism, and self-regulation.<sup>177</sup>

The medical profession's work on these issues can serve as a guide for the legal profession. It has conducted

<sup>172</sup>W. B. Schaufeli, *What is Engagement?*, in *EMPLOYEE ENGAGEMENT IN THEORY AND PRACTICE* (C. Truss, K. Alfes, R. Delbridge, A. Shantz, & E. Soane eds., 2013).

<sup>173</sup>C. Bailey, A. Madden, K. Alfes, & L. Fletcher, *The Meaning, Antecedents and Outcomes of Employee Engagement: A Narrative Synthesis*, 19 INT'L J. MGMT. REV. 19 (2017); BRAFFORD, *supra* note 131; GALLUP, INC., *ENGAGEMENT AT WORK: ITS EFFECT ON PERFORMANCE CONTINUES IN TOUGH ECONOMIC TIMES* (2013), available at <http://www.gallup.com/services/176657/engagement-work-effect-performance-continues-tough-economic-times.aspx>.

<sup>174</sup>Maslach, Schaufeli, & Leiter, *supra* note 121.

<sup>175</sup>A. B. Bakker & E. Demerouti, *Job Demands-Resources Theory: Taking Stock and Looking Forward*, J. OCCUPATIONAL HEALTH PSYCHOL. (2016), advance online publication available at <http://dx.doi.org/10.1037/ocp0000056>; A. B. Bakker, *Top-Down and Bottom-Up Interventions to Increase Work Engagement*, in *AM. PSYCHOL. ASS'N HANDBOOK OF CAREER INTERVENTION: VOL. 2. APPLICATIONS* 427-38 (P. J. Hartung, M. L. Savickas, & W. B. Walsh eds., 2015); BRAFFORD, *supra* note 131.

<sup>176</sup>L. Dyrbye, T. Shanafelt, *Physician Burnout: A Potential Threat to Successful Health Care Reform*, 305 J. AM. MED. ASS'N 2009 (2009); L. Dyrbye & T. Shanafelt, *A Narrative Review of Burnout Experienced by Medical Students and Residents*, 50 MED. EDUC. 132 (2016); J. J. Hakanen & W. B. Schaufeli, *Do Burnout and Work Engagement Predict Depressive Symptoms and Life Satisfaction? A Three-Wave Seven-Year Prospective Study*, 141 J. AFFECTIVE DISORDERS 415 (2012).

<sup>177</sup>Dyrbye & Shanafelt, *supra* note 176; T. L. Schwenk, *Resident Depression: The Tip of a Graduate Medical Education Iceberg*, 314 J. AM. MED. ASS'N 2357 (2015).

hundreds of studies, has identified many individual and organizational contributors to burnout, and has proposed wellness strategies and resilience programs.<sup>178</sup> Bi-annually, the American Medical Association (AMA) co-sponsors an International Conference on Physician Health. The September 2016 conference was held in Boston with the theme, “Increasing Joy in Medicine.” The conference included 70 presentations, workshops, and plenary speaker sessions on a wide variety of well-being topics over a three-day period (See AMA website).

## 8.2 Stress

Stress is inevitable in lawyers’ lives and is not necessarily unhealthy.<sup>179</sup> Mild to moderate levels of stress that are within our capability can present positive challenges that result in a sense of mastery and accomplishment.<sup>180</sup> Much of our daily stress is governed by our beliefs about our coping abilities.<sup>181</sup> When stress is perceived as a positive, manageable challenge, the stress response actually can enable peak performance.<sup>182</sup> For example, in a study of a New Zealand law firm, researchers found that lawyers who frequently experience positive challenge reported the highest levels of work engagement. The researchers also found that, where lawyers felt overburdened by work, they were more likely to experience burnout.<sup>183</sup>

This finding highlights the importance of positive challenge but also its paradoxical effect: Challenge contributes to work-related well-being, but it also can lead to negative

consequences like burnout when it becomes overwhelming. Stressors that pose the greatest risk of harm are those that are uncontrollable, ambiguous, unpredictable, and chronic that we perceive as exceeding our ability to cope.<sup>184</sup> Such stressors increase the rise of (or exacerbate) depression, anxiety, burnout, alcohol abuse, and physical conditions such as cardiovascular, inflammatory, and other illnesses that can affect lawyers’ health and capacity to practice.<sup>185</sup> For example, in a 2004 study of North Carolina lawyers, more than half had elevated levels of perceived stress, and this was the highest predictor of depression of all factors in the study.<sup>186</sup>

Stress also is associated with cognitive decline, including impaired attention, concentration, memory, and problem-solving.<sup>187</sup> Stress also can harm one’s ability to establish strong relationships with clients and is associated with relational conflict, which can further undermine lawyers’ ability to competently represent and interact with clients. Both personal and environmental factors in the workplace contribute to stress and whether it positively fuels performance or impairs mental health and functioning.<sup>188</sup> Research reflects that organizational factors more significantly contribute to dysfunctional stress responses than individual ones, and that the most effective prevention strategies target both.<sup>189</sup>

## 8.3 Resilience & Optimism

The American Psychological Association defines resilience

<sup>178</sup>E.g., J. Brennan & A. McGrady, *Designing and Implementing a Resiliency Program for Family Medicine Residents*, 50 INT’L J. PSYCHIATRY MED. 104 (2015); J. Eckleberry-Hunt, A. Van Dyke, D. Lick, & J. Tucciarone, *Changing the Conversation from Burnout to Wellness: Physician Well-Being in Residency Training Programs*, 1 J. GRADUATE MED. EDUC. 225 (2009); R. M. Epstein & M. S. Krasner, *Physician Resilience: What It Means, Why It Matters, and How to Promote It*, 88 ACAD. MED. 301 (2013); A. Nedrow, N. A. Steckler, & J. Hardman, *Physician Resilience and Burnout: Can You Make the Switch?* 20 FAMILY PRAC. MGMT. 25 (2013).

<sup>179</sup>A. ELWORK, *STRESS MANAGEMENT FOR LAWYERS* (2007).

<sup>180</sup>K. M. Keyes, M. L. Hatzenbuehler, B. F. Grant, & D. S. Hasin, *Stress and Alcohol: Epidemiologic Evidence*, 34 ALCOHOL RES.: CURRENT REV. 391 (2012).

<sup>181</sup>J. B. Avey, F. Luthans, & S. M. Jensen, *Psychological Capital: A Positive Resource for Combating Employee Stress and Turnover*, 48 HUMAN RES. MGMT. 677 (2009).

<sup>182</sup>BRAFFORD, *supra* note 131; Crum, Salovey, Achor, *supra* note 50; K. McGonigal, *THE UPSIDE OF STRESS: WHY STRESS IS GOOD FOR YOU, AND HOW TO GET GOOD AT IT* (2015).

<sup>183</sup>V. Hopkins & D. Gardner, *The Mediating Role of Work Engagement and Burnout in the Relationships Between Job Characteristics and Psychological Distress Among Lawyers*, 41 N. Z. J. PSYCHOL. 59 (2012).

<sup>184</sup>R. M. Anthenelli, *Overview: Stress and Alcohol Use Disorders Revisited*, 34 ALCOHOL RES.: CURRENT REV. 386 (2012).

<sup>185</sup>E.g., S. M. Southwick, G. A. Bonanno, A. S. Masten, C. Panter-Brick, & R. Yehuda, *Resilience Definitions, Theory, and Challenges: Interdisciplinary Perspectives*, 5 EUR. J. PSYCHOTRAUMATOLOGY 1 (2014); M. R. Frone, *Work Stress and Alcohol Use*, 23 ALCOHOL RES. & HEALTH 284 (1999); C. Hammen, *Stress and Depression*, 1 ANN. REV. CLINICAL PSYCHOL. 293 (2005); Keyes, Hatzenbuehler, Grant, & Hasin, *supra* note 180; J. Wang, *Work Stress as a Risk Factor for Major Depressive Episode(s)*, 35 PSYCHOL. MED. 865 (2005); J-M Woo & T. T. Postolache, *The Impact of Work Environment on Mood Disorders and Suicide: Evidence and Implications*, 7 INT’L J. DISABILITY & HUMAN DEV. 185 (2008).

<sup>186</sup>M. H. Howerton, *The Relationship Between Attributional Style, Work Addiction, Perceived Stress, and Alcohol Abuse on Depression in Lawyers in North Carolina* (2004) (doctoral dissertation, Univ. of N.C. at Charlotte) (available from ProQuest Dissertations and Theses database).

<sup>187</sup>B. S. McEwen, & R. M. Sapolsky, *Stress and Cognitive Function*, 5 CURRENT OPINION IN NEUROBIOLOGY 205–216 (1995); L. Schwabe & O. T. Wolf, *Learning Under Stress Impairs Memory Formation*, 93 NEUROBIOLOGY OF LEARNING & MEMORY 183 (2010); S. Shapiro, J. Astin, S. Bishop, & M. Cordova, *Mindfulness-Based Stress Reduction and Health Care Professionals: Results from a Randomized Controlled Trial*, 12 INT’L J. STRESS MGMT. 164 (2005).

<sup>188</sup>J. C. QUICK, T. A. WRIGHT, J. A. ADKINS, D. L. NELSON, & J. D. QUICK, *PREVENTIVE STRESS MANAGEMENT IN ORGANIZATIONS* (2013).

<sup>189</sup>Maslach, Schaufeli, & Leiter, *supra* note 121.

as a process that enables us to bounce back from adversity in a healthy way. It also has been defined as a “process to harness resources to sustain well-being”<sup>190</sup>—a definition that connects resilience to the resource-balancing framework of the work engagement-burnout model discussed above. Our capacity for resilience derives from a host of factors, including genetics and childhood experiences that influence the neurobiology of our stress response—specifically, whether the stress response is both activated and terminated efficiently.<sup>191</sup>

But resilience also derives from a collection of psychological, social, and contextual factors—many of which we can change and develop. These include, for example, optimism, confidence in our abilities and strengths (self-efficacy), effective problem-solving, a sense of meaning and purpose, flexible thinking, impulse control, empathy, close relationships and social support, and faith/spirituality.<sup>192</sup> A model for developing many of these psychological and social competencies is provided by the U.S. Army’s Master Resilience Training program.<sup>193</sup> As noted above, the medical profession also has designed resilience programs for physicians and residents that can serve as guides, and researchers have offered additional strategies.<sup>194</sup>

Among the most important of the personal competencies is optimistic explanatory style, which is a habit of thought that allows people to put adverse events in a rational context and not be overwhelmed by catastrophic thinking. The principal strategy for building optimistic explanatory style is by teaching cognitive reframing based on cognitive-behavioral therapy research.<sup>195</sup> The core of the technique is to teach people to monitor and dispute their automatic

negative self-talk. Neurobiology scholars recently have argued that this capacity is so important to our regulation of stress that it constitutes the cornerstone of resilience.<sup>196</sup>

This skill can benefit not only practicing lawyers but also law students.<sup>197</sup> Stanford Law, for example, has offered a 3-hour course teaching cognitive framing that has been popular and successful.<sup>198</sup> Lawyer assistance programs also could benefit from learning this and other resilience strategies, which have been used in addiction treatment.<sup>199</sup>

Aside from individual-level skills and strengths, developing “structural resilience” also is important, if not more important. This requires leaders to develop organizations and institutions that are resource-enhancing to help give people the wherewithal to realize their full potential.<sup>200</sup> Individual resilience is highly dependent on the context in which people are embedded. This means that initiatives to foster lawyer well-being should take a systemic perspective.

## 8.4 Mindfulness Meditation

Mindfulness meditation is a practice that can enhance cognitive reframing (and thus resilience) by aiding our ability to monitor our thoughts and avoid becoming emotionally overwhelmed. A rapidly growing body of research on meditation has shown its potential for help in addressing a variety of psychological and psychosomatic disorders, especially those in which stress plays a causal role.<sup>201</sup> One type of meditative practice is mindfulness—a technique that cultivates the skill of being present by focusing attention on your breath and detaching from your thoughts or feelings. Research has found that mindfulness can reduce rumination, stress, depression, and anxiety.<sup>202</sup> It

<sup>190</sup> Southwick, Bonanno, Masten, Panter-Brick, & Yehuda, *supra* note 185.

<sup>191</sup> Alim, Lawson, & Neumeister, et al., *supra* note 170.

<sup>192</sup> K. J. Reivich, M. E. P. Seligman, & S. McBride, *Master Resilience Training in the U.S. Army*, 66 AM. PSYCHOLOGIST 25 (2011); C. D. Schetter & C. Dolbier, *Resilience in the Context of Chronic Stress and Health in Adults*, 5 SOC. PERSONAL PSYCHOL. COMPASS 634 (2011).

<sup>193</sup> *Id.*; R. R. SINCLAIR, & T. A. BRITT, BUILDING PSYCHOLOGICAL RESILIENCE IN MILITARY PERSONNEL: THEORY AND PRACTICE (2013).

<sup>194</sup> C. COOPER, J. FLINT-TAYLOR, & M. PEARN, BUILDING RESILIENCE FOR SUCCESS: A RESOURCE GUIDE FOR MANAGERS AND ORGANIZATIONS (2013); I. T. Robertson, C. L. Cooper, M. Sarkar, & T. Curran, *Resilience Training in the Workplace from 2003 to 2014: A Systematic Review*, 88 J. OCCUPATIONAL & ORG. PSYCHOL. 533 (2015).

<sup>195</sup> *Id.*

<sup>196</sup> R. Kalisch, M. B. Muler, & O. Tuschler, *A Conceptual Framework for the Neurobiological Study of Resilience*, 27 BEHAV. & BRAIN SCI. 1 (2014).

<sup>197</sup> C. Rosen, *Creating the Optimistic Classroom: What Law Schools Learn from Attribution Style Effects*, 42 MCGEORGE L. REV. 319 (2011).

<sup>198</sup> Stanford Law Professor Joe Bankman’s use of cognitive behavioral therapy concepts are described on the school’s website: <http://news.stanford.edu/2015/04/07/bank-man-law-anxiety-040715>. He has posted relevant materials to educate other law schools how to teach this skill: <http://www.colorado.edu/law/sites/default/files/Bankman%20-%20Materials%20for%20Anxiety%20Psychoeducation%20Course.pdf>.

<sup>199</sup> Alim, Lawson, & Neumeister, *supra* note 170.

<sup>200</sup> BRAFFORD, *supra* note 131; Southwick, Bonanno, Masten, Panter-Brick, & Yehuda, *supra* note 185.

<sup>201</sup> R. Walsh & S. L. Shapiro (2006), *The Meeting of Meditative Disciplines and Western Psychology*, 61 AM. PSYCHOL. 227 (2006).

<sup>202</sup> E.g., S. G. Hoffman, A. T. Sawyer, A. A. Witt, & D. Oh, *The Effect of Mindfulness-Based Therapy on Anxiety and Depression: A Meta-Analytic Review*, 78 J. CONSULTING & CLINICAL PSYCHOL. 169 (2010); R. Teper, Z. V. Segal, & M. Inzlicht, *Inside the Mindful Mind: How Mindfulness Enhances Emotion Regulation Through Improvements in Executive Control*, 22 CURRENT DIRECTIONS IN PSYCHOL. SCI. 449



also can enhance a host of competencies related to lawyer effectiveness, including increased focus and concentration, working memory, critical cognitive skills, reduced burnout, and ethical and rational decision-making.<sup>203</sup> Multiple articles have advocated for mindfulness as an important practice for lawyers and law students.<sup>204</sup> Evidence also suggests that mindfulness can enhance the sense of work-life balance by reducing workers' preoccupation with work.<sup>205</sup>

## 8.5 Rejuvenation Periods to Recover From Stress

Lawyers must have downtime to recover from work-related stress. People who do not fully recover are at an increased risk over time for depressive symptoms, exhaustion, and burnout. By contrast, people who feel recovered report greater work engagement, job performance, willingness to help others at work, and ability to handle job demands.<sup>206</sup> Recovery can occur during breaks during the workday, evenings, weekends, vacations, and even microbreaks when transitioning between projects.<sup>207</sup> And the quality of employees' recovery influences their mood, motivation, and job performance.

Researchers have identified four strategies that are most effective for recovering from work demands: (1) psychological detachment (mentally switching off from work), (2) mastery experiences (challenges and learning experiences), (3) control (spending time off as we choose), and (4) relaxation.<sup>208</sup> Falling into the second category is physical activity (exercise and sports), which may be an

especially effective form of recovery for people performing mentally demanding work—like lawyers. This is so because low-effort activities (e.g., watching TV) may actually increase subjective feelings of fatigue.<sup>209</sup>

Quality sleep is critically important in the recovery process.<sup>210</sup> Sleep deprivation has been linked to a multitude of health problems that decay the mind and body, including depression, cognitive impairment, decreased concentration, and burnout. Cognitive impairment associated with sleep-deprivation can be profound. For example, a study of over 5,000 people showed that too little sleep was associated with a decline over a five year-period in cognitive functioning, including reasoning, vocabulary, and global cognitive status. Research on short-term effects of sleep deprivation shows that people who average four hours of sleep per night for four or five days develop the same cognitive impairment as if they had been awake for 24 hours—which is the equivalent of being legally drunk.<sup>211</sup> Given lawyers' high risk for depression, it is worth noting evidence that sleep problems have the highest predictive value for who will develop clinical depression.<sup>212</sup>

## 8.6 Physical Activity

Many lawyers' failure to prioritize physical activity is harmful to their mental health and cognitive functioning. Physical exercise is associated with reduced symptoms of anxiety and low energy. Aerobic exercise has been found to be as effective at improving symptoms of depression

<sup>203</sup>A. P. Jha, E. A. Stanley, W. L. Kiyonaga, & L. Gelfand, *Examining the Protective Effects of Mindfulness Training on Working Memory Capacity and Affective Experience*, 10 EMOTION 56 (2010); D. Levy, J. Wobbrock, A. W. Kaszniak, & M. Ostergren, *The Effects of Mindfulness Meditation Training on Multitasking in a High-Stress Environment*, *Proceedings of Graphics Interface Conference* (2012), available at <http://faculty.washington.edu/wobbrock/pubs/gi-12.02.pdf>; M. D. Mrazek, M. S. Franklin, D. T. Phillips, B. Baird, & J. W. Schooler, *Mindfulness Training Improves Working Memory Capacity and GRE Performance While Reducing Mind Wandering*, 24 PSYCHOL. SCI. 776 (2013); N. E. Ruedy & M. E. Schweizer, *In the Moment: The Effect of Mindfulness on Ethical Decision Making*, 95 J. BUS. ETHICS 73 (2010); F. Zeidan, S. K. Johnson, B. J. Diamond, Z. David, & P. Goolkasian, *Mindfulness Meditation Improves Cognition: Evidence of Brief Mental Training*, 19 CONSCIOUSNESS & COGNITION 597 (2010).

<sup>204</sup>E.g., W. S. Blatt, *What's Special About Meditation? Contemplative Practice for American Lawyers*, 7 HARV. NEGOT. L. REV. 125 (2002); Peter H. Huang, *How Improving Decision-Making and Mindfulness Can Improve Legal Ethics and Professionalism*, 21 J. L. BUS. & ETHICS 35 (2014).

<sup>205</sup>A. Michel, C. Bosch, & M. Rexroth, *Mindfulness as a Cognitive-Emotional Segmentation Strategy: An Intervention Promoting Work-Life Balance*, 87 J. OCCUPATIONAL & ORGANIZATIONAL PSYCHOL. 733 (2014).

<sup>206</sup>See, e.g., C. Fritz, A. M. Ellis, C. A. Demsky, B. C. Lin, & F. Gueros, *Embracing Work Breaks: Recovery from Work Stress*, 42 ORG. DYNAMICS 274 (2013); N. P. Rothbard & S. V. Patil, *Being There: Work Engagement and Positive Organizational Scholarship*, in THE OXFORD HANDBOOK OF POSITIVE ORGANIZATIONAL SCHOLARSHIP 56-68 (K. S. Cameron & G. M. Spreitzer eds., Oxford University Press 2012).

<sup>207</sup>S. Sonnentag, C. Niessen, & A. Neff, *Recovery: Nonwork Experiences that Promote Positive States*, in Cameron & Spreitzer, *supra* note 206.

<sup>208</sup>BRAFFORD, *supra* note 131; V. C. Hahn, C. Binnewies, S. Sonnentag, & E. J. Mojza, *Learning How to Recover from Job Stress: Effects of a Recovery Training Program on Recovery, Recovery-Related Self-Efficacy, and Well-Being*, 16 J. OCCUPATIONAL HEALTH PSYCHOL. 202 (2011).

<sup>209</sup>J. W. Rook & F. R. H. Zijlstra, *The Contribution of Various Types of Activities to Recovery*, 15 EUROPEAN J. WORK & ORGANIZATIONAL PSYCHOL. 218 (2006).

<sup>210</sup>M. Soderstrom, J. Jeding, M. Ekstedt, A. Perski, & T. Akerstedt, *Insufficient Sleep Predicts Clinical Burnout*, 17 J. OCCUPATIONAL HEALTH PSYCHOL. 175 (2012).

<sup>211</sup>J. E. Ferrie, M. J. Shipley, T. N. Akbaraly, M. G. Marmot, M. Kivimaki, & A. Singh-Manoux, *Change in Sleep Duration and Cognitive Function: Findings from the Whitehall II Study*, 34 SLEEP 565-73 (2011); B. Fryer, *Sleep Deficit: The Performance Killer*, HARV. BUS. REV., Oct. 2006, available at <http://hbr.org/2006/10/sleep-deficit-the-performance-killer>; S. Maxon, *How Sleep Deprivation Decays the Mind and Body*, THE ATLANTIC, December 2013, available at <http://www.theatlantic.com/health/archive/2013/12/how-sleep-deprivation-decays-the-mind-and-body/282395>.

<sup>212</sup>P. L. Franzen, & D. J. Buysse, *Sleep Disturbances and Depression: Risk Relationships for Subsequent Depression and Therapeutic Implications*, 10 DIALOGUES IN CLINICAL NEUROSCIENCE 473 (2008).

as antidepressant medication and psychotherapy.<sup>213</sup> In a review of strategies for preventing workplace depression, researchers found that interventions to increase physical activity were among the most effective.<sup>214</sup>

Research also shows that physical exercise improves brain functioning and cognition. Physical activity, which stimulates new cell growth in the brain, can offset the negative effects of stress, which causes brain atrophy. Greater amounts of physical activity (particularly aerobic) have been associated with improvements in memory, attention, verbal learning, and speed of cognitive processing.<sup>215</sup> A growing body of evidence reflects that regular aerobic activity in middle age significantly reduces the risk of developing dementia and, in older age, can slow the progression of cognitive decline of those who already are diagnosed with Alzheimer's disease.<sup>216</sup>

## 8.7 Leader Development and Training

Leader development and training is critically important for supporting lawyer well-being and optimal performance. Low-quality leadership is a major contributor to stress, depression, burnout, and other mental and physical health disorders.<sup>217</sup> Even seemingly low-level incivility by leaders can have a big impact on workers' health and motivation. Research found harmful effects from leaders, for example, playing favorites; criticizing unfairly; and failing to provide information, listen to problems, explain goals, praise good work, assist with professional development,

and show that they cared. On the other hand, positive leadership styles contribute to subordinates' mental health, work engagement, performance, and job satisfaction.<sup>218</sup> Many studies confirm that positive leader behaviors can be trained and developed.<sup>219</sup> Training is important for all levels of lawyers who supervise others. This is so because leaders with the most direct contact with subordinates have the most significant impact on their work experience.<sup>220</sup> Subordinates' immediate leader drives almost 70 percent of their perceptions of the workplace.<sup>221</sup>

## 8.8 Control and Autonomy

As noted in Recommendation 7, feeling a lack of control over work is a well-established contributor to poor mental health, including depression and burnout. A sense of autonomy is considered to be a basic psychological need that is foundational to well-being and optimal functioning.<sup>222</sup> Research confirms that leaders can be trained to be more autonomy-supportive.<sup>223</sup> Other organizational practices that can enhance a sense of autonomy include, for example, structuring work to allow for more discretion and autonomy and encouraging lawyers to craft aspects of their jobs to the extent possible to best suit their strengths and interests.<sup>224</sup>

The benefits of autonomy-support are not limited to manager-subordinate relationships for legal employers. Research reflects that law students with autonomy-supportive professors and school cultures have higher well-being and performance.<sup>225</sup> Lawyer-client relationships also

<sup>213</sup>J.-H. Chu, J. Buckworth, T. E. Kirby, & C. F. Emery, *Effect of Exercise Intensity on Depressive Symptoms in Women*, 2 MENTAL HEALTH AND PHYSICAL ACTIVITY 37 (2009); M. P. Herring, M. L. Jacob, C. Suveg, & P. J. O'Connor, *Effects of Short-Term Exercise Training on Signs and Symptoms of Generalized Anxiety Disorder*, 4 MENTAL HEALTH & PHYSICAL ACTIVITY 71 (2011).

<sup>214</sup>S. Joyce, M. Modini, H. Christensen, A. Mykletun, R. Bryant, P. B. Mitchell, & S. B. Harvey, *Workplace Interventions for Common Mental Disorders: A Systematic Meta-Review*, 46 PSYCHOL. MED. 683 (2016).

<sup>215</sup>A. Kandola, J. Hendrikse, P. J. Lucassen, & M. Yücel, *Aerobic Exercise as A Tool to Improve Hippocampal Plasticity and Function in Humans: Practical Implications for Mental Health Treatment*, 10 FRONTIERS IN HUMAN NEUROSCIENCE 373 (2016).

<sup>216</sup>*Id.*; J. E. Ahlskog, Y. E. Geda, N. R. Graff-Radford, & R. C. Petersen, *Physical Exercise as a Preventive or Disease-Modifying Treatment of Dementia and Brain Aging*, 86 MAYO CLINIC PROC. 876 (2011).

<sup>217</sup>BRAFFORD, *supra* note 131; R. J. BURKE AND K. M. PAGE, RESEARCH HANDBOOK ON WORK AND WELL-BEING (2017); W. Lin, L. Wang, & S. Chen, *Abusive Supervision and Employee Well-Being: The Moderating Effect of Power Distance Orientation*, 62 APPLIED PSYCHOL.: AN INT'L REV 308 (2013); E. K. Kelloway, N. Turner, J. Barling, & C. Loughlin, *Transformational Leadership and Employee Psychological Well-Being: The Mediating Role of Employee Trust in Leadership*, 26 WORK & STRESS 39 (2012).

<sup>218</sup>E.g., A. Amankwaa & O. Anku-Tsede, *Linking Transformational Leadership to Employee Turnover: The Moderating Role of Alternative Job Opportunity*, 6 INT'L J. BUS. ADMIN. 19 (2015); J. Perko, U. Kinnunen, & T. Feldt, *Transformational Leadership and Depressive Symptoms Among Employees: Mediating Factors*, 35 LEADERSHIP & ORG. DEV. J. 286 (2014); M. Y. Ghadi, M. Fernando, & P. Caputi, *Transformational Leadership and Work Engagement*, 34 LEADERSHIP & ORG. DEV. J. 532 (2013).

<sup>219</sup>E.g., B. J. Avolio & B. M. Bass, *You Can Drag a Horse to Water, But You Can't Make It Drink Except When It's Thirsty*, 5 J. LEADERSHIP STUDIES 1 (1998); K. E. Kelloway, J. Barling, & J. Helleur, *Enhancing Transformational Leadership: The Roles of Training and Feedback*, 21 LEADERSHIP & ORG. DEV. J. 145 (2000).

<sup>220</sup>D. J. Therkelsen & C. L. Fiebich, *The Supervisor: The Linchpin of Employee Relations*, 8 J. COMM. MGMT. 120 (2003).

<sup>221</sup>R. Beck & J. Harter, *Managers Account for 70% of Variance in Employee Engagement*, GALLUP BUS. J., April 21, 2015, available at <http://www.gallup.com/businessjournal/182792/managers-account-variance-employee-engagement.aspx>.

<sup>222</sup>BRAFFORD, *supra* note 131; Y.-L. Su & J. Reeve, *A Meta-Analysis of the Effectiveness of Intervention Programs Designed to Support Autonomy*, 23 EDUC. PSYCHOL. REV. 159 (2011).

<sup>223</sup>*Id.*

<sup>224</sup>See G. R. Slemp & D. A. Vella-Brodrick, *Optimising Employee Mental Health: The Relationship Between Intrinsic Need Satisfaction, Job Crafting, and Employee Well-Being*, 15 J. HAPPINESS STUDIES 957 (2014); D. T. Ong & V. T. Ho, *A Self-Determination Perspective of Strengths Use at Work: Examining Its Determinant and Performance Implications*, 11 J. POSITIVE PSYCHOL. 15 (2016).

<sup>225</sup>E.g., Sheldon & Krieger, *supra* note 5; see also G. F. Hess, *Collaborative Course Design: Not My Course, Not Their Course, But Our Course*, 47 WASHBURN L.J. 367 (2008).



can be enhanced by autonomy-supportive behaviors by both parties. Lawyers respect client autonomy by, for example, taking full account of their perspectives, not interrupting, affording choice, offering information respectfully, providing a rationale for recommendations, sharing power in decision-making (when appropriate), and accepting clients' decisions.<sup>226</sup> In the medical profession, this model of client-centered care has been found to result in better outcomes, patient satisfaction, and diminished risk of malpractice lawsuits.<sup>227</sup>

## 8.9 Conflict Management

Our legal system is adversarial—it's rooted in conflict. Even so, lawyers generally are not trained on how to constructively handle conflict and to adapt tactics based on context—from necessary work-related conflicts to inter-personal conflicts with clients, opposing counsel, colleagues, or loved ones.<sup>228</sup> Conflict is inevitable and can be both positive and negative.<sup>229</sup> But chronic, unmanaged conflict creates physical, psychological, and behavioral stress. Research suggests that conflict management training can reduce the negative stressful effects of conflict and possibly produce better, more productive lawyers.<sup>230</sup>

## 8.10 Work-Life Conflict

The stress of chronic work-life conflict can damage well-being and performance.<sup>231</sup> A study of a New Zealand law firm found that work-life conflict was the strongest predictor of lawyer burnout.<sup>232</sup> Similarly, a study of Australian lawyers found that preoccupation with work was the strongest predictor of depression.<sup>233</sup> Research in the medical profession repeatedly has found that work-life

conflict contributes to burnout.<sup>234</sup> A large scale study across a variety of occupations found that reports of work-life conflict increased the odds of poor physical health by 90 percent.<sup>235</sup> On the other hand, work-life balance (WLB) benefits workers and organizations.<sup>236</sup>

WLB is a complex topic, but research provides guidance on how to develop a WLB-supportive climate. Adopting a formal policy that endorses flexibility is a threshold requirement. Such policies foster the perception of organizational support for flexibility, which is even more important to workers' experience of WLB than actual benefit use. Policies should not be restricted to work-family concerns and any training should emphasize support for the full range of work-life juggling issues. Narrow family-focused policies can create feelings of resentment by workers who have valued non-family commitment.

WLB initiatives cannot end with formal policies or people will doubt their authenticity and fear using them. For example, nearly all large firms report having a flexible schedule policy.<sup>237</sup> But a recent survey of law firm lawyers found that use of flexibility benefits was highly stigmatizing.<sup>238</sup> To benefit from WLB initiatives, organizations must develop a WLB-supportive climate. Research has identified multiple factors for doing so: (1) job autonomy, (2) lack of negative consequences for using WLB benefits, (3) level of perceived expectation that work should be prioritized over family, and (5) supervisor support for WLB. By far, the most important factor is the last. Supervisors communicate their support for WLB by, for example, creatively accommodating non-work-related needs, being empathetic with juggling efforts, and role modeling WLB behaviors.<sup>239</sup>

<sup>226</sup>G. C. Williams, R. M. Frankel, T. L. Campbell, & E. L. Deci, *Research on Relationship-Centered Care and Healthcare Outcomes from the Rochester Biopsychosocial Program: A Self-Determination Theory Integration*, 18 FAMILIES, SYS. & HEALTH 79 (2000).

<sup>227</sup>*Id.*; see also C. White, *The Impact of Motivation on Customer Satisfaction Formation: A Self-Determination Perspective*, 49 EUROPEAN J. MARKETING 1923 (2015).

<sup>228</sup>M. T. Colatrella, *A Lawyer for All Seasons: The Lawyer as Conflict Manager*, 49 SAN DIEGO L. REV. 93 (2012).

<sup>229</sup>A. Elwork & G. A. H. Benjamin, *Lawyers in Distress*, 23 J. PSYCHIATRY & L. 205 (1995).

<sup>230</sup>D. L. Haraway & W. M. Haraway, *Analysis of the Effect of Conflict-Management and Resolution Training on Employee Stress at a Healthcare Organization*, 83 HOSPITAL TOP-ICS 11 (2005); see also Colatrella, *supra* note 228.

<sup>231</sup>BRAFFORD, *supra* note 131; D. A. MAJOR & R. BURKE, *HANDBOOK OF WORK-LIFE INTEGRATION AMONG PROFESSIONALS: CHALLENGES AND OPPORTUNITIES* (2013).

<sup>232</sup>Hopkins & Gardner, *supra* note 183.

<sup>233</sup>A. D. Joudrey & J. E. Wallace, *Leisure As A Coping Resource: A Test of the Job Demand-Control-Support Model*, 62 HUMAN RELATIONS 195 (2009).

<sup>234</sup>E.g., E. Amofo, N. Hanabali, A. Patel, & P. Singh, *What Are the Significant Factors Associated with Burnout in Doctors?*, 65 OCCUPATIONAL MED. 117 (2015).

<sup>235</sup>J. Goh, J. Pfefer, & S. A. Zenios, *Workplace Stressors & Health Outcomes: Health Policy for the Workplace*, 1 BEHAV. SCI. & POL'Y. 43 (2015).

<sup>236</sup>Major & Burke, *supra* note 231; S. L. Munn, *Unveiling the Work-Life System: The Influence of Work-Life Balance on Meaningful Work*

<sup>237</sup>Press Release, *National Association for Law Placement, NALP Press Release on Part-Time Schedules* (Feb. 21, 2013), [http://www.nalp.org/part-time\\_feb2013](http://www.nalp.org/part-time_feb2013).

<sup>238</sup>K. M. Managan, E. Giglia, & L. Rowen, *Why Lawyers Leave Law Firms and What Firms Can Do About It*, L. PRAC. TODAY, April 14, 2016, <http://www.lawpracticetoday.org/article/why-lawyers-leave-law-firms-and-what-firms-can-do-about-it>.

<sup>239</sup>L. B. Hammer, E. E. Kossek, N. L. Yragui, T. E. Bodner, & G. C. Hanson, *Development and Validation of Multidimensional Measure of Family Supportive Supervisor Behaviors (FSSB)*, 35 J. MGMT. 837 (2009); L. B. Hammer, S. E. Van Dyck, & A. M. Ellis, *Organizational Policies Supportive of Work-Life Integration*, in Major & Burke, *supra* note 231; E. E. Kossek, S. Pichler, T. Bodner, & L. B. Hammer, *Workplace Social Support and Work-Family Conflict: A Meta-Analysis Clarifying the Influence of General and Work-Family-Specific Supervisor and Organizational Support*, 64 PERSONNEL PSYCHOL. 289 (2011).

To support WLB, bar associations and regulators should work with legal employers to develop best practices and relevant training. Regulators and judges should consider whether any of their practices and policies can be modified to better support lawyer WLB.

### 8.11 Meaning and Purpose

Research has found that feeling that our lives are meaningful is important for physical and psychological wellness. It provides a buffer against stress.<sup>240</sup> For example, meaning in life is associated with a reduced risk of anxiety, depression, substance use, suicidal ideation, heart attack, and stroke; slower cognitive decline in Alzheimer's patients; and lower overall mortality for older adults.<sup>241</sup>

For many lawyers, an important part of building a meaningful life is through meaningful work. Experiencing our work as meaningful means that we believe that our work matters and is valuable. A large body of research shows that meaningfulness plays an important role in workplace well-being and performance.<sup>242</sup> Evidence suggests that the perception of meaningfulness is the strongest predictor of work engagement.<sup>243</sup>

Meaningfulness develops when people feel that their work corresponds to their values. Organizations can enhance the experience of fit and meaningfulness by, for example, fostering a sense of belonging; designing and framing

work to highlight its meaningful aspects; and articulating compelling goals, values, and beliefs.<sup>244</sup>

These same principles apply in law school. Studies in the college context have found that the majority of students want their educational experiences to be meaningful and to contribute to a life purpose.<sup>245</sup> One study measured “psychological sense of community,” which was proposed as a foundation for students to find greater meaning in their educational experience. It was the strongest predictor of academic thriving in the study.<sup>246</sup> Deterioration of law students’ sense of meaning may contribute to their elevated rate of psychological distress. Research reflects that, over the course of law school, many students disconnect from their values and become emotionally numb.<sup>247</sup>

### 8.12. Substance Use and Mental Health Disorders

Recommended content for training on substance use and mental disorders is outlined above in Recommendation 8 in the body of this report.

### 8.13. Additional Topics

Many topics are possible for programming aimed at boosting work engagement and overall well-being (through resource-development) and curbing stress and burnout (by limiting demands) or otherwise promoting lawyer well-being. Additional topics to consider include: psychological

<sup>240</sup>BRAFFORD, *supra* note 131; P. Halama, *Meaning in Life and Coping. Sense of Meaning as a Buffer Against Stress*, in MEANING IN POSITIVE AND EXISTENTIAL PSYCHOLOGY 239-50 (A. Batthyany and P. Russo-Netzer eds., 2014).

<sup>241</sup>E. S. Kim, J. K. Sun, N. Park, C. Peterson, *Purpose in Life and Reduced Incidence of Stroke in Older Adults: The Health and Retirement Study*, 74 J. PSYCHOSOMATIC RES. 427 (2013); M. F. Steger, A. R. Fitch-Martin, J. Donnelly, & K. M. Rickard, *Meaning in Life and Health: Proactive Health Orientation Links Meaning in Life to Health Variables Among American Undergraduates*, 16 J. HAPPINESS STUDIES 583 (2015); M. F. Steger, P. Frazier, S. Oishi, M. Kaler, *The Meaning in Life Questionnaire: Assessing the Presence of and Search for Meaning in Life*, 53 J. COUNSELING PSYCHOL. 80 (2006).

<sup>242</sup>E.g., S. Albrecht, *Meaningful Work: Some Key Questions for Research and Practice*, in FLOURISHING IN LIFE, WORK AND CAREERS: INDIVIDUAL WELLBEING AND CAREER EXPERIENCES (R. J. Burke, K. M. Page, & C. Cooper eds., 2015); B. D. Rosso, K. H. Dekas, & A. Wrzesniewski, *On the Meaning of Work: A Theoretical Integration and Review*, 30 RES. IN ORGANIZATIONAL BEHAV. 91 (2010).

<sup>243</sup>D. R. May, R. L. Gilson, & L. M. Harter, *The Psychological Conditions of Meaningfulness, Safety and Availability and the Engagement of the Human Spirit at Work*, 77 J. OCCUPATIONAL & ORGANIZATIONAL PSYCHOL. 11 (2004); P. Fairlie, *Meaningful Work, Employee Engagement, and Other Key Employee Outcomes: Implications for Human Resource Development*, 13 ADVANCED IN DEVELOPING HUMAN RESOURCES 508 (2011).

<sup>244</sup>BRAFFORD, *supra* note 131; M. G. Pratt & B. E. Ashforth, *Fostering Meaningfulness*, in Cameron, Dutton, & Quinn, *supra* note 32; D. J. Cleavenger & T. P. Munyon, *It's How You Frame It: Transformational Leadership and the Meaning of Work*, 56 BUS. HORIZONS 351 (2013); W. Kahn & S. Fellows, *Employee Engagement and Meaningful Work*, in PURPOSE AND MEANING IN THE WORKPLACE 105-26 (B. J. Dik, Z. S. Byrne, & M. F. Steger eds., 2013).

<sup>245</sup>S. J. DeWitz, M. L. Woolsey, W. B. Walsh, *College Student Retention: An Exploration of the Relationship Between Self-Efficacy Beliefs, and Purpose in Life among College Students*, 50 J. C. STUDENT DEV. 19 (2009); HIGHER EDUC. RES. INST., *THE SPIRITUAL LIFE OF COLLEGE STUDENTS* (2005), available at [http://spirituality.ucla.edu/docs/reports/Spiritual\\_Life\\_College\\_Students\\_Full\\_Report.pdf](http://spirituality.ucla.edu/docs/reports/Spiritual_Life_College_Students_Full_Report.pdf); see also J. K. Coffey, L. Wray-Lake, D. Mashek, & B. Branand, *A Longitudinal Examination of a Multidimensional Well-Being Model in College and Community Samples*, 17 J. HAPPINESS STUDIES 187 (2016).

<sup>246</sup>Eric James McIntosh, *Thriving in College: The Role of Spirituality and Psychological Sense of Community in Students of Color* (2012) (unpublished Ph.D. dissertation, Azusa Pacific University).

<sup>247</sup>Sheldon & Krieger, *supra* note 154.

capital (composed of optimism, self-efficacy, hope, and resilience),<sup>248</sup> psychological hardiness (composed of commitment, control, and challenge),<sup>249</sup> stress mindset,<sup>250</sup> growth mindset,<sup>251</sup> grit,<sup>252</sup> effort-reward balance,<sup>253</sup> transformational leadership,<sup>254</sup> self-determination theory,<sup>255</sup> strengths-based management,<sup>256</sup> emotional intelligence and regulation,<sup>257</sup> organizational fairness,<sup>258</sup> nutrition,<sup>259</sup> interpersonal skills,<sup>260</sup> and political skills.<sup>261</sup>

<sup>248</sup>E.g., Avey, Luthans, & Jensen, *supra* note 181.

<sup>249</sup>S. R. Maddi, S. Kahn, & K. L. Maddi, *The Effectiveness of Hardiness Training*, 50 CONSULTING PSYCHOL. J.: PRAC. & RES. 78 (1998).

<sup>250</sup>Crum, Salovey, Achor, *supra* note 50; McGonigal, *supra* note 182.

<sup>251</sup>C. S. DWECK, MINDSET: THE NEW PSYCHOLOGY OF SUCCESS (2008).

<sup>252</sup>A. DUCKWORTH, GRIT: THE POWER OF PASSION AND Perseverance (2016).

<sup>253</sup>A. Allisey, J. Rodwell, & A. Noblet, *Personality and the Effort-Reward Imbalance Model of Stress: Individual Differences in Reward Wensitivity*, 26 WORK & STRESS 230 (2012).

<sup>254</sup>M. Y. Ghadi, M. Fernando, & P. Caputi, *Transformational Leadership and Work Engagement*, 34 LEADERSHIP & ORG. DEV. J. 532 (2013).

<sup>255</sup>Krieger & Sheldon, *supra* note 5.

<sup>256</sup>D. O. Clifton & J. K. Harter, *Investing in Strengths*, in Cameron, Dutton, & Quinn, *supra* note 32.

<sup>257</sup>C. Miao, R. H., Humphrey, & S. Qian, *Leader Emotional Intelligence and Subordinate Job Satisfaction: A Meta-Analysis of Main, Mediator, and Moderator Effects*, 102 PERSONALITY AND INDIVIDUAL DIFFERENCES 13 (2016); K. Thory, *Teaching Managers to Regulate Their Emotions Better: Insights from Emotional Intelligence Training and Work-Based Application*, 16 HUMAN RESOURCE DEV. INT'L 4 (2013); R. E. Riggio, *Emotional Intelligence and Interpersonal Competencies*, in SELF-MANAGEMENT AND LEADERSHIP DEVELOPMENT 160-82 (M. G. Rothstein, R. J. Burke eds., 2010).

<sup>258</sup>J. Greenberg, *Positive Organizational Justice: From Fair to Fairer—and Beyond*, in EXPLORING POSITIVE RELATIONSHIPS AT WORK: BUILDING A THEORETICAL AND RESEARCH FOUNDATION 159-78 (J. E. Dutton & B. R. Ragins eds., 2007).

<sup>259</sup>T. RATH, EAT, MOVE, SLEEP (2013).

<sup>260</sup>J. Mencl, A. J. Wefald, & K. W. van Ittersum, *Transformational Leader Attributes: Interpersonal Skills, Engagement, and Well-Being*, 37 LEADERSHIP & ORG. DEV. J. 635 (2016).

<sup>270</sup>*Id.*; C. C. Rosen & D. C. Ganster, *Workplace Politics and Well-Being: An Allostatic Load Perspective*, in IMPROVING EMPLOYEE HEALTH AND WELL-BEING 3-23 (A. M. Rossi, J. A. Meurs, P. L. Perrewa eds., 2014); Ferris, Daniels, & Sexton, *supra* note 40.

## Appendix to Recommendation 9: Guide and Support The Transition of Older Lawyers.

Recommendation 9 advised stakeholders to create programs for detecting and addressing cognitive decline in lawyers, develop succession plans for aging lawyers, and develop reorientation programs to support lawyers facing retirement. Such initiatives and programs may include the following:

- Gathering demographic information about the lawyer population, including years in practice, the nature of the practice, the size of the firm in which the lawyer's practice is conducted, and whether the lawyer has engaged in any formal transition or succession planning for the lawyer's practice;
- Working with medical professionals to develop educational programs, checklists, and other tools to identify lawyers who may be experiencing incapacity issues;
- Developing and implementing educational programs to inform lawyers and their staff members about incapacity issues, steps to take when concerns about a lawyer's incapacity are evident, and the importance of planning for unexpected practice interruptions or the cessation of practice;
- Developing succession or transition planning manuals and checklists, or planning ahead guidelines for lawyers to use to prepare for an unexpected interruption or cessation of practice;<sup>262</sup>
- Enacting rules requiring lawyers to engage in succession planning;
- Providing a place on each lawyer's annual license renewal statement for the lawyer to identify whether the lawyer has engaged in succession and transition planning and, if so, identifying the person, persons or firm designated to serve as a successor;
- Enacting rules that allow senior lawyers to continue to practice in a reduced or limited license or emeritus capacity, including in pro bono and other public service representation;
- Enacting disability inactive status and permanent retirement rules for lawyers whose incapacity does not warrant discipline, but who, nevertheless, should not be allowed to practice law;
- Developing a formal, working plan to partner with Judges and Lawyer Assistance Programs to identify, intervene, and assist lawyers demonstrating age-related or other incapacity or impairment.<sup>263</sup>
- Developing "re-orientation" programs to proactively engage lawyers in transition planning with topics to include:
  - financial planning;
  - pursuing "bridge" or second careers;
  - identity transformation;
  - developing purpose in life;
  - cognitive flexibility;
  - goal-setting;
  - interpersonal connection;
  - physical health;
  - self-efficacy;
  - perceived control, mastery, and optimism.<sup>264</sup>

<sup>262</sup>See, e.g., N. M. SUP. CT. LAW. SUCCESSION & TRANSITION COMM. SUCCESSION PLANNING HANDBOOK FOR N. M. LAW. (2014), available at <http://www.nmbar.org/NmbarDocs/forMembers/Succession/SuccessionHandbook.pdf>; W. VA. STATE BAR, SUCCESSION PLANS, available at <http://wvbar.org/wp-content/uploads/2012/04/succession.pdf>; WASH. STATE BAR ASS'N, SUCCESSION PLANNING, available at <http://www.wsba.org/Resources-and-Services/Ethics/Succession-Planning>.

<sup>263</sup>See generally W. Slease, et al., *supra* note 60.

<sup>264</sup>See, e.g., S. D. Asebedo & M. C. Seay, *Positive Psychological Attributes and Retirement Satisfaction*, 25 J. FIN. COUNSELING & PLANNING 161 (2014); Dingemans & Hengkens, *supra* note 64; Houliort, Fernet, Vallerand, Laframboise, Guay, & Koestner, *supra* note 62; Muratore & Earl, *supra* note 64.

## *Appendix to Recommendation 25:*

### *Topics for Legal Employers' Audit of Well-Being Related Policies and Practices*

Legal employers should consider topics like the following as part of their audits of current policies and practices to evaluate whether the organization adequately supports lawyer well-being.

#### **MENTAL HEALTH & SUBSTANCE USE DISORDERS**

- Is there a policy regarding substance use, mental health, and impairment? If so, does it need updating?
- Does the policy explain lawyers' ethical obligations relating to their own or colleagues' impairment?
- Is there a leave policy that would realistically support time off for treatment?
- Are there meaningful communications about the importance of well-being?
- Do health plans offered to employees include coverage for mental health and substance use disorder treatment?

#### **LAW PRACTICE MANAGEMENT PRACTICES AFFECTING LAWYER WELL-BEING**

- **Assessment of Well-Being:** Is there a regular practice established to assess work engagement, burnout, job satisfaction, turnover intentions, psychological well-being, or other indicators of well-being and to take action on the results?
- **Orientation Practices:** Are orientation practices established to set new lawyers up for success, engagement, and well-being?
- **Work-Life Balance-Related Policies & Practices:** Is there a policy that allows flexibility and an organizational climate that supports it? Is it a practice to recognize lawyers and staff who demonstrate a high standard of well-being?
- **Diversity/Inclusion-Related Policies & Practices:** Diversity and inclusion practices impact lawyer well-being. Are policies and practices in place with a specific mission that is adequately funded?<sup>265</sup>
- **24/7 Availability Expectations:** Do practices allow lawyers time for sufficient rejuvenation? Are response-time expectations clearly articulated and reasonable? Is there an effort to protect time for lawyers to recover from work demands by regulating work-related calls and emails during evenings, weekends, and vacations?<sup>266</sup>

<sup>265</sup>For example, a 2015 report found that most larger firms have some type of diversity training (80 percent) and all participating firms reported having a women's affinity group. But the report also found that affinity groups were "woefully underfunded" and lacking clear goals and missions. See L. S. RIKLEEN, REPORT OF THE NINTH ANNUAL NAWL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS, NAT'L ASSOC. OF WOMEN LAWYERS FOUND. (2015), available at <http://www.nawl.org/2015nawlsurvey>.

<sup>266</sup>For example, McDonald's and Volkswagen—along with one in four U.S. companies—have agreed to stop sending emails to employees after hours. See Fritz, Ellis, Demsky, Lin, & Guros, *supra* note 206. In in the highly-demanding world of law, firms should consider the possibility of establishing new norms for lawyers that limit after-hours emails and calls to actual emergencies—especially to associates who have less work-related autonomy and, thus, are at a higher risk for fatigue and burnout.



- **Billing Policies & Practices:** Do billing practices encourage excessive work and unethical behavior?<sup>267</sup>
- **Compensation Practices:** Are compensation practices fair? And are they perceived as fair? Do they follow standards of distributive (fair outcome), procedural (fair process), interpersonal (treating people with dignity and respect), and informational (transparency) fairness? Perceived unfairness in important practices can devastate well-being and motivation. For example, a large-scale study found that people were 50 percent more likely to have a diagnosed health condition if they perceived unfairness at work.<sup>268</sup> Further, high levels of interpersonal and informational fairness should not be ignored—they can reduce the negative effect of less fair procedures and outcomes.<sup>269</sup>
- **Performance Appraisal Practices:** Are performance appraisal practices fair and perceived as fair? Are observations about performance regularly noted to use in the review? Do multiple raters contribute? Are they trained on the process and to reduce common biases?<sup>270</sup> Is feedback given in a two-way communication? Is specific, timely feedback given regularly, not just annually? Is feedback empathetic and focused on behavior not the person's worth? Is good performance and progress toward goals

regularly recognized? Is goal-setting incorporated?<sup>271</sup> Is performance feedback balanced and injected with positive regard and respect to improve likelihood of acceptance?<sup>272</sup> Are lawyers asked to describe when they feel at their best and the circumstances that contribute to that experience?<sup>273</sup> Carefully managing this process is essential given evidence that bungled performance feedback harms well-being and performance.

- **Vacation Policies & Practices:** Is there a clear vacation policy? Does the organizational culture encourage usage and support detachment from work? In their study of 6,000 practicing lawyers, law professor Larry Krieger and psychology professor Kennon Sheldon found that the number of vacation days taken was the strongest predictor of well-being among all activities measured in the study. It was a stronger predictor of well-being even than income level.<sup>274</sup> This suggests that legal employers should encourage taking of vacation—or at least not discourage or unreasonably interfere with it.

<sup>267</sup>ABA COMM'N ON BILLABLE HOURS, AM. BAR ASS'N, THE CORROSIVE IMPACT OF EMPHASIS ON BILLABLE HOURS (2001-2002), available at [http://ilta.personifycloud.com/webfiles/productfiles/914311/FMPG4\\_ABABillableHours2002.pdf](http://ilta.personifycloud.com/webfiles/productfiles/914311/FMPG4_ABABillableHours2002.pdf).

<sup>268</sup>J. Goh, J. Pfefer, & S. A. Zenios, *Workplace Stressors & Health Outcomes: Health Policy for the Workplace*, 1 BEHAV. SCI. & POL'Y. 43 (2015); see also R. M. Herr, A. Loerbrooks, J. A. Bosch, M. Seegel, M. Schneider, & B. Schmidt, *Associations of Organizational Justice with Tinnitus and the Mediating Role of Depressive Symptoms and Burn-out—Findings from a Cross-Sectional Study*, 23 INT'L J. BEHAV. MED. 190 (2016).

<sup>269</sup>J. Greenberg, *Promote Procedural and Interactional Justice to Enhance Individual and Organizational Outcomes*, in Locke, *supra* note 7, 255-71; T. R. Tyler & E. A. Lind, *A Relational Model of Authority in Groups*, in *Advances in Experimental Social Psychology* 115-91 (M. P. Zanna ed., 1st ed., 1992).

<sup>270</sup>F. Luthans & A. Stajkovic, *Provide Recognition for Performance Improvement*, in Locke, *supra* note 7, 239-53.

<sup>271</sup>A. N. Kluger, & N. DeNisi, *The Effects of Feedback Interventions on Performance: A Historical Review, a Meta-Analysis, and a Preliminary Feedback Intervention Theory*, 119 PSYCHOL. BULL. 254 (1996).

<sup>272</sup>O. Bouskila-Yam & A. N. Kluger, *Strengths-Based Performance Appraisal and Goal Setting*, 21 HUMAN RES. MGMT. REV. 137 (2011).

<sup>273</sup>A. N. Kluger & D. Nir, *The Feedforward Interview*, 20 HUMAN RESOURCES MGMT. REV. 235 (2010).

<sup>274</sup>Krieger & Sheldon, *supra* note 5.

## Appendix to Recommendation 33.2: Creating a Well-Being Course and Lecture Series for Law Students

Recommendation 33.2 suggests that law schools design a lecture series dedicated to well-being topics. In 2007, the Carnegie Foundation for the Advancement of Teaching issued a report titled *Educating Lawyers: Preparation for the Profession of Law* (referred to as the “Carnegie Report”). The Carnegie Report describes three “apprenticeships” in legal education: (1) the intellectual apprenticeship, where students acquire a knowledge base; (2) the practice apprenticeship, where students learn practical legal skills; and (3) the professional identity apprenticeship, where students cultivate the attitudes and values of the legal profession.<sup>275</sup> The 2016 *Foundations for Practice Report* by the Institute for the Advancement of the American Legal System recommends that law schools teach character attributes including courtesy, humility, respect, tact, diplomacy, sensitivity, tolerance, and compassion; and self-care and self-regulation skills such as positivity and managing stress; exhibiting flexibility, adaptability, and resilience during challenging circumstances; and decision-making under pressure. A well-being course can address the *Foundations for Practice Report* recommendations while helping law students develop a professional identity that encompasses

a commitment to physical and mental well-being.

Appendix B includes topics that could be incorporated into a well-being course for law students. The list below includes additional topics and provides suggested student readings in the footnotes:

- Basic Wellbeing and Stress Reduction;<sup>277</sup>
- Cognitive Well-being and Good Nutrition;<sup>278</sup>
- Restorative Practices, such as Mindfulness, Meditation, Yoga, and Gratitude;<sup>279</sup>
- The Impact of Substances such as Caffeine, Alcohol, Nicotine, Marijuana, Adderall, Ritalin, Cocaine, and Opiates on Cognitive Function;<sup>280</sup>
- “Active bystander” training that educates students about how to detect when their fellow students may be in trouble with respect to mental health disorders, suicidal thinking, or substance use and what action to take;
- Cultivating a Growth Mindset;<sup>281</sup>
- Improving Pathway (strategies for identifying goals and plans for reaching them) and Agency (sustaining motivation to achieve objectives) Thinking;<sup>282</sup>

<sup>275</sup>SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW, CARNEGIE FOUND. FOR THE ADVANCEMENT OF TEACHING (2007).

<sup>276</sup>A. Gerkman & L. Cornett, *Foundations for Practice: The Whole Lawyer and the Character Quotient*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. 30, 33 (2016), available at <http://iaals.du.edu/foundations/reports/whole-lawyer-and-character-quotient>.

<sup>277</sup>See L. S. KRIEGER, THE HIDDEN SOURCES OF LAW SCHOOL STRESS: AVOIDING THE MISTAKES THAT CREATE UNHAPPY AND UNPROFESSIONAL LAWYERS (2014); D. S. Austin, *Killing Them Softly: Neuroscience Reveals How Brain Cells Die from Law School Stress and How Neural Self-Hacking Can Optimize Cognitive Performance*, 59 LOY. L. REV. 791, 828-37 (2013); M. Silver, *Work & Well-Being*, in LEARNING FROM PRACTICE: A TEXT FOR EXPERIENTIAL LEGAL EDUCATION (L. Wortham, A. Scheer, N. Maurer, & S. L. Brooks eds., 2016).

<sup>278</sup>D. S. Austin, *Food for Thought: The Neuroscience of Nutrition to Fuel Cognitive Performance*, OR. L. REV. (forthcoming 2017), available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2808100](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2808100).

<sup>279</sup>Austin, *supra* note 277, at 837-847; see S. L. Rogers, *Mindfulness and the Importance of Practice*, 90 FLA. B. J. (April 2016); see S. L. Rogers, *Mindfulness in Law*, in THE WILEY-BLACKWELL HANDBOOK OF MINDFULNESS (A. Le, C. Ngoumen & E. Langer eds., 2014); see T. K. Brostoff, *Meditation for Law Students: Mindfulness Practice as Experiential Learning*, 41 L. & PSYCHOL. REV. (forthcoming 2017), online at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2836923](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2836923); see J. CHO & K. GIFFORD, THE ANXIOUS LAWYER: AN 8-WEEK GUIDE TO A JOYFUL AND SATISFYING LAW PRACTICE THROUGH MINDFULNESS AND MEDITATION (2016); see G. MUMFORD, THE MINDFUL ATHLETE: SECRETS TO PURE PERFORMANCE (2015); M. Silver, *supra* note 277.

<sup>280</sup>See D. S. Austin, *Drink Like a Lawyer: The Neuroscience of Substance Use and its Impact on Cognitive Wellness*, 15 NEV. L.J. 826 (2015).

<sup>281</sup>D. S. Austin, *Positive Legal Education: Flourishing Law Students and Thriving Law Schools*, 77 MD. L. REV. at 22-25 (forthcoming 2018), abstract available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2928329](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2928329); see C. S. DWECK, MINDSET: THE NEW PSYCHOLOGY OF SUCCESS (2008).

<sup>282</sup>Austin, *supra* note 280, at 826-27.



- Enhancing Emotion Regulation;<sup>283</sup>
- Fostering Optimism and Resilience;<sup>284</sup>
- Preparing for a Satisfying Legal Career;<sup>285</sup>
- Developing Strong Lawyering Values, such as Courage, Willpower, and Integrity;<sup>286</sup>
- Work Life Balance in the Law;<sup>287</sup> and
- Lawyers as Leaders.<sup>288</sup>

Many resources for teaching well-being skills are available to legal educators in the online AALS Balance in Legal Education Bibliography.<sup>289</sup> Expert guest speakers can be found in the AALS Balance in Legal Education section,<sup>290</sup> and at local lawyer assistance programs and lawyer well-being committees.

<sup>283</sup>See S. Daicoff, *Lawyer Personality Traits and their Relationship to Various Approaches to Lawyering*, in THE AFFECTIVE ASSISTANCE OF COUNSEL: PRACTICING LAW AS A HEALING PROFESSION 79 (M. A. Silver ed., 2007); see D. S. Austin & R. Durr, *Emotion Regulation for Lawyers: A Mind is a Challenging Thing to Tame*, 16 WYO. L. REV. 826 (2015); M. A. Silver, *Supporting Attorneys' Personal Skills*, 78 REV. JUR. U.P.R. 147 (2009).

<sup>284</sup>See S. KEEVA, TRANSFORMING PRACTICES: FINDING JOY AND SATISFACTION IN THE LEGAL LIFE (10th ed., 2011); see S. ACHOR, THE HAPPINESS ADVANTAGE: THE SEVEN PRINCIPLES OF POSITIVE PSYCHOLOGY THAT FUEL SUCCESS AND PERFORMANCE AT WORK (2010); see S. ACHOR, BEFORE HAPPINESS: THE 5 HIDDEN KEYS TO ACHIEVING SUCCESS, SPREADING HAPPINESS, AND SUSTAINING POSITIVE CHANGE (2013); see A. DUCKWORTH, GRIT: THE POWER OF PASSION AND PERSEVERANCE (2016).

<sup>285</sup>See L. S. KRIEGER, A DEEPER UNDERSTANDING OF YOUR CAREER CHOICES: SCIENTIFIC GUIDANCE FOR A FULFILLING LIFE AND CAREER (2007); see N. LEVIT & D. O. LINDER, THE HAPPY LAWYER: MAKING A GOOD LIFE IN THE LAW (2010); see P. H. Huang & R. Swedloff, *Authentic Happiness and Meaning at Law Firms*, 58 SYRACUSE L. REV. 335 (2008); M. Silver, *supra* note 260.

<sup>286</sup>See D. O. LINDER & N. LEVIT, THE GOOD LAWYER: SEEKING QUALITY IN THE PRACTICE OF LAW (2014); see G. Duhaime, *Practicing on Purpose: Promoting Personal Wellness and Professional Values in Legal Education*, 28 TOURO L. REV. 1207 (2012).

<sup>287</sup>L. L. Cooney, *Walking the Legal Tightrope: Solutions for Achieving a Balanced Life in Law*, 47 SAN DIEGO L. REV. 421 (2010).

<sup>288</sup>See P. H. Huang, *Can Practicing Mindfulness Improve Lawyer Decision-Making, Ethics, and Leadership?*, 55 HOUSTON L. REV. (forthcoming 2017), abstract available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2907513](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2907513); Austin, *supra* note 281, at 44-49.

<sup>289</sup>See AALS, *supra* note 145.

<sup>290</sup>See AALS, *supra* note 144.

## BIOGRAPHIES OF TASK FORCE MEMBERS AND TASK FORCE REPORT AUTHORS AND EDITORS

The Report of the National Task Force on Lawyer Well-Being was primarily authored and edited by the Task Force members, whose biographies are below. The Task Force members were assisted in the creation of the Report by a team that included liaisons, contributing authors, peer reviewers, and individuals who contributed in a variety of other important capacities. Their biographies also are provided below.

### BREE BUCHANAN (CO-CHAIR, EDITOR, AUTHOR)

Bree Buchanan, J.D., is Director of the Texas Lawyers Assistance Program of the State Bar of Texas. She serves as co-chair of the National Task Force on Lawyer Wellbeing and is an advisory member of the ABA Commission on Lawyers Assistance Programs (CoLAP). Ms. Buchanan is also the appointed chair of CoLAP for 2017-2018.

Ms. Buchanan, upon graduation from the University of Texas School of Law, practiced in the public and private sector with a focus on representing both adult and child victims of family violence. She worked on public policy initiatives and systems change at both the state and federal level as the Public Policy Director for the Texas Council on Family Violence and the National Domestic Violence Hotline. After this position, Ms. Buchanan was appointed Clinical Professor and Co-Director of the Children's Rights Clinic at the University of Texas School of Law.

Ms. Buchanan is a frequent speaker at CLE programs for national organizations, as well as for state and local bar entities. She is a graduate student at the Seminary of the Southwest where she is pursuing a Masters in Spiritual Direction, and is the proud parent of a senior at New York University. Ms. Buchanan tends to her own well-being by

engaging in a regular meditation practice, rowing, staying connected to 12-Step recovery, and being willing to ask for help when she needs it.

### JAMES C. COYLE (CO-CHAIR, EDITOR, AUTHOR)

Jim Coyle is Attorney Regulation Counsel for the Colorado Supreme Court. Mr. Coyle oversees attorney admissions, attorney registration, mandatory continuing legal and judicial education, attorney discipline and diversion, regulation of the unauthorized practice of law, and inventory counsel matters. Mr. Coyle has been a trial attorney with the Office of Disciplinary Counsel or successor Office of Attorney Regulation Counsel since 1990. Prior to that, he was in private practice. He served on the National Organization of Bar Counsel (NOBC) board of directors from 2014 – 2016. Mr. Coyle was on the Advisory Committee to the ABA Commission on Lawyer Assistance Programs and is now a member of the Commission for the 2017 – 2018 term.

Mr. Coyle is active in promoting proactive regulatory programs that focus on helping lawyers throughout the stages of their careers successfully navigate the practice of law and thus better serve their clients. This includes working on and co-hosting the first ABA Center for Professional Responsibility (CPR)/NOBC/Canadian Regulators Workshops on proactive, risk-based regulatory programs, in Denver in May 2015, in Philadelphia in June 2016, and St. Louis in June 2017; participating in the NOBC Program Committee and International Committee, including as Chair of the Entity Regulation Subcommittee, now known as the Proactive Management-Based Programs Committee; and prior service on the NOBC Aging Lawyers and Permanent Retirement subcommittees. Mr. Coyle tends to his own well-being through gardening, exercise, and dreaming about retirement.

## ANNE BRAFFORD (EDITOR-IN-CHIEF, AUTHOR)

Anne Brafford served as the Editor-in-Chief for the Task Force Report on Lawyer Well-Being. Anne is the Chairperson of the American Bar Association Law Practice Division's Attorney Well-Being Committee. She is a founding member of Aspire, an educational and consulting firm for the legal profession ([www.aspire.legal](http://www.aspire.legal)). In 2014, Anne left her job as an equity partner at Morgan, Lewis & Bockius LLP after 18 years of practice to focus on thriving in the legal profession. Anne has earned a Master's degree in Applied Positive Psychology (MAPP) from the University of Pennsylvania and now is a PhD student in positive organizational psychology at Claremont Graduate University (CGU). Anne's research focuses on lawyer thriving and includes topics like positive leadership, resilience, work engagement, meaningful work, motivation, and retention of women lawyers. She also is an Assistant Instructor in the MAPP program for Dr. Martin Seligman and, for two years, was a Teaching Assistant at CGU for Dr. Mihaly Csikszentmihalyi, the co-founders of positive psychology. Look for her upcoming book to be published this fall by the American Bar Association's Law Practice Division called *Positive Professionals: Creating High-Performing, Profitable Firms Through The Science of Engagement*. It provides practical, science-backed advice on boosting work engagement for lawyers. Anne can be reached at [abracford@aspire.legal](mailto:abracford@aspire.legal), [www.aspire.legal](http://www.aspire.legal).

## JOSH CAMSON (EDITOR, AUTHOR)

Josh Camson is a criminal defense attorney with Camson Law, LLC in Collegeville, Pennsylvania. He is a member of the Pennsylvania Bar Association Ethics Committee and the ABA Standing Committee on Professionalism. He is a former long-time staff writer for Lawyerist.com, a law practice management blog and the former editor of BitterLawyer.com, a comedy site for lawyers and law students.

## CHARLES GRUBER (AUTHOR)

Charles A. Gruber is a solo practitioner in Sandy, Utah. He is a graduate of the University of Texas Law School. He is licensed to practice law in Utah and California. His areas of practice are personal injury, medical malpractice, and legal malpractice.

A former attorney with the Utah State Bar Office of Professional Conduct, Mr. Gruber represents and advises attorneys on ethics issues. A former member of the NOBC,

he currently is a member of APRL. He serves on the Board of Utah Lawyers Helping Lawyers. Utah Lawyers Helping Lawyers is committed to rendering confidential assistance to any member of the Utah State Bar whose professional performance is or may be impaired because of mental illness, emotional distress, substance abuse or any other disabling condition or circumstance.

Mr. Gruber tends to his own well being by trying to remember and follow the suggestions of the 11th step of the 12 Steps.

As we go through the day we pause, when agitated or doubtful, and ask for the right thought or action. We constantly remind ourselves we are no longer running the show, humbly saying to ourselves many times each day "They will be done". We are then in much less danger of excitement, fear, anger, worry, self-pity, or foolish decisions. We become much more efficient. We do not tire so easily, for we are not burning up energy foolishly as we did when we were trying to arrange life to suit ourselves. Big Book pg. 87-88.

## TERRY HARRELL (AUTHOR)

Terry Harrell completed her undergraduate degree in psychology at DePauw University in 1986 and completed her law degree at Maurer School of Law in 1989. Following law school she practiced law with Ice Miller and then clerked for Judge William I. Garrard on the Indiana Court of Appeals.

In 1993 she completed her Master of Social Work Degree (MSW) at Indiana University. Terry is a Licensed Clinical Social Worker (LCSW), a Licensed Clinical Addictions Counselor (LCAC) in Indiana, and has a Master Addictions Counselor certification from NAADAC. In 1992 Terry began working for Midtown Community Mental Health Center. While there she worked in a variety of areas including inpatient treatment, crisis services, adult outpatient treatment, wrap around services for severely emotionally disturbed adolescents, and management. In 2000 Terry began working as the Clinical Director for JLAP and in 2002 became the Executive Director.

From 2007 through 2010 Terry served on the Advisory Committee to the American Bar Association's Commission on Lawyer Assistance Programs (CoLAP).

She served from 2010 through 2013 as a commissioner on CoLAP. She is past Chair of the Senior Lawyer Assistance Subcommittee for CoLAP and an active member of the CoLAP National Conference Planning Committee. In August 2014 Terry became the first ever LAP Director to be appointed Chair of the ABA Commission on Lawyer Assistance Programs. Locally, Terry is a member of the Indiana State Bar Association and is active with the Professional Legal Education Admission and Development Section, the Planning Committee for the Solo Small Firm Conference, and the Wellness Committee.

### DAVID B. JAFFE (AUTHOR)

David Jaffe is Associate Dean for Student Affairs at American University Washington College of Law. In his work on wellness issues among law students over the last decade, he has served on the D.C. Bar Lawyer Assistance Program including as its chair, and continues to serve on the ABA Commission on Lawyer Assistance Programs (CoLAP) as co-chair of the Law School Assistance Committee. Jaffe co-authored “Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns”, reporting the results of a survey he co-piloted in 2014. He also produced the “Getting Health, Staying Healthy” video that is used as a resource in many Professional Responsibility classes around the country, and is responsible for modernizing the “Substance Abuse & Mental Health Toolkit for Law Students and Those Who Care About Them”.

Jaffe has presented frequently on law student wellness, including to the National Conference of Bar Examiners, the ABA Academic Deans, the ABA Young Lawyers Division, CoLAP, AALS, the D.C. Bar, and NALSAP. He received the 2015 CoLAP Meritorious Service Award in recognition of his commitment to improving the lives of law students, and the 2009 Peter N. Kutulakis Award from the AALS Student Services Section for outstanding contributions to the professional development of law students. Jaffe states that he seeks self-care each day by being in the moment with each of his two daughters.

### TRACY L. KEPLER (AUTHOR)

Tracy L. Kepler is the Director of the American Bar

Association’s Center for Professional Responsibility (CPR), providing national leadership in developing and interpreting standards and scholarly resources in legal and judicial ethics, professional regulation, professionalism and client protection. In that role, she manages and coordinates the efforts of 18 staff members and 13 entities including five ABA Standing Committees (Ethics, Professionalism, Professional Regulation, Client Protection, and Specialization), the ABA/BNA Lawyers’ Manual on Professional Conduct, the Center’s Coordinating Council and other Center working committees.

From 2014-2016, Ms. Kepler served as an Associate Solicitor in the Office of General Counsel for the U.S. Patent & Trademark Office (USPTO), where she concentrated her practice in the investigation, prosecution and appeal of patent/trademark practitioner disciplinary matters before the Agency, U.S. District Courts and Federal Circuit, provided policy advice on ethics and discipline related matters to senior management, and drafted and revised Agency regulations. From 2000-2014, she served as Senior Litigation Counsel for the Illinois Attorney Registration and Disciplinary Commission (ARDC), where she investigated and prosecuted cases of attorney misconduct.

From 2009-2016, Ms. Kepler served in various capacities, including as President, on the Board of the National Organization of Bar Counsel (NOBC), a non-profit organization of legal professionals whose members enforce ethics rules that regulate the professional conduct of lawyers who practice law in the United States and abroad. Ms. Kepler also taught legal ethics as an Adjunct Professor at American University’s Washington College of Law. Committed to the promotion and encouragement of professional responsibility throughout her career, Ms. Kepler has served as the Chair of the CPR’s CLE Committee and its National Conference Planning Committee, and is a frequent presenter of ethics related topics to various national, state and local organizations. She has also served as the NOBC Liaison to the ABA CPR Standing Committees, and to the ABA Commission on Lawyer Assistance Programs (CoLAP), where she was a Commission member, a member of its Advisory Committee, the Chair of its Education and Senior Lawyer Committees, and also a member of its National Conference Planning Committee. Ms. Kepler also participates as a

faculty member for the National Institute of Trial Advocacy (NITA) trial and deposition skills programs, and served as the Administrator of the NOBC-NITA Advanced Advocates Training Program from 2011-2015. She is a graduate of Northwestern University in Evanston, Illinois, and received her law degree from New England School of Law in Boston, Massachusetts.

### PATRICK KRILL (AUTHOR)

A leading authority on the addiction and mental health problems of lawyers, Patrick is the founder of Krill Strategies, a behavioral health consulting firm exclusively for the legal profession. Patrick is an attorney, licensed and board certified alcohol and drug counselor, author, and advocate. His groundbreaking work in the field of attorney behavioral health includes initiating and serving as lead author of the first and only national study on the prevalence of attorney substance use and mental health problems, a joint undertaking of the American Bar Association Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation that was published in *The Journal of Addiction Medicine*.

Patrick is the former director of the Hazelden Betty Ford Foundation's Legal Professionals Program, where he counseled many hundreds of legal professionals from around the country who sought to better understand and overcome the unique challenges faced on a lawyer's road to recovery. He has authored more than fifty articles related to addiction and mental health, and has been quoted in dozens of national and regional news outlets, including the *New York Times*, *Wall Street Journal*, *Washington Post*, *Chicago Tribune*, and countless legal industry trade publications and blogs. As a frequent speaker about addiction and its intersection with the law, Patrick has taught multiple graduate-level courses in addiction counseling, and has spoken, lectured, or conducted seminars for over one hundred organizations throughout the United States, including professional and bar associations, law firms, law schools, and corporations.

Patrick maintains his own wellbeing by prioritizing his personal relationships and exercising daily. Whether it be hiking, yoga, or weight lifting, his secret to managing stress is a dedication to physical activity. Patrick can be reached at [patrick@prkrill.com](mailto:patrick@prkrill.com), [www.prkrill.com](http://www.prkrill.com).

### CHIEF JUSTICE DONALD W. LEMONS, SUPREME COURT OF VIRGINIA (AUTHOR)

Chief Justice Donald W. Lemons received his B.A. from the University of Virginia in 1970. Before entering law school, he served as a Probation Officer in Juvenile and Domestic Relations Court. In 1976, he earned his J.D. from the University of Virginia School of Law. From 1976 until 1978, he served as Assistant Dean and Assistant Professor of Law at the University of Virginia School of Law. Thereafter, he entered the private practice of the law in Richmond, Virginia. Chief Justice Lemons has served at every level of the court system in Virginia. He served as a substitute judge in General District Court and in Juvenile and Domestic Relations Court. In 1995, he was elected by the General Assembly to be a Judge in the Circuit Court of the City of Richmond. While serving in that capacity, Chief Justice Lemons started one of the first Drug Court dockets in Virginia. He was then elected by the General Assembly to serve as a Judge on the Court of Appeals of Virginia. In 2000, he was elected by the General Assembly as a Justice of the Supreme Court of Virginia. In 2014, the Justices of the Supreme Court of Virginia elected Justice Lemons to serve as the next Chief Justice, following the retirement of Chief Justice Cynthia D. Kinser on December 31, 2014. Chief Justice Lemons is also the Distinguished Professor of Judicial Studies at the Washington and Lee University School of Law, serves on the Board of Directors for the Conference of Chief Justices, is the former President of the American Inns of Court (2010 – 2014), and an Honorary Benchler of Middle Temple in London. He is married to Carol Lemons, and they have three children and six grandchildren. He and Carol reside in beautiful Nelson County, Virginia, in the foothills of the Blue Ridge Mountains.

### SARAH MYERS (AUTHOR)

Sarah Myers is the Clinical Director of the Colorado Lawyer Assistance Program. She received her B.A. from the University of Richmond in Virginia, her M.A. from Naropa University in Boulder, Colorado, and her J.D. at the University of Denver in Colorado. She is a Colorado licensed attorney, licensed marriage and family therapist, and licensed addiction counselor. Ms. Myers is also a licensed post-graduate level secondary teacher, certified trauma and abuse psychotherapist, and certified LGTBQ



therapist. She has over 18 years of experience as a professor and teacher, psychotherapist, clinical supervisor, and program director.

Ms. Myers specializes in stress management, psychoneuroimmunology, and psychoeducation, topics that she presents to thousands of judges, lawyers, and law students each year. In addition, she has authored hundreds of articles on wellness concepts such as compassion fatigue, professional burnout, mental health support, and life-enhancing techniques for the legal community. Ms. Myers strives to “practice what she preaches” for self-care, which includes: simple meditation throughout the day to relax her nervous system, using humor and laughter to cope with difficult situations or personalities, cultivating positive relationships with friends and family, and engaging in hobbies such as gardening, caring for numerous pets (including a koi pond), yoga, learning new things, and reading science fiction and fantasy novels.

### CHRIS L. NEWBOLD (AUTHOR)

Chris Newbold is Executive Vice President of ALPS Corporation and ALPS Property & Casualty Company. In his role as Executive Vice President, Mr. Newbold oversees bar association relations, strategic and operational planning, risk management activities amongst policyholders, human resources, and non-risk related subsidiary units. Internally at ALPS, Mr. Newbold has developed leading conceptual models for strategic planning which have driven proven results, ensured board and staff accountability, focused organizational energies, embraced change, integrated budgeting and human resource functions into the process and enabled a common vision for principal stakeholders. Externally, Mr. Newbold is a nationally-recognized strategic planning facilitator in the bar association and bar foundations worlds, conducts risk management seminars on best practices in law practice management and is well-versed in captive insurance associations and other insurance-related operations.

Mr. Newbold received his law degree from the University of Montana School of Law in 2001, and holds a bachelor's degree from the University of Wisconsin-Madison. Following his graduation from law school, he served one year as a law clerk for the Honorable Terry N. Triewiler of the Montana Supreme Court. He began his career at ALPS

as President and Principal Consultant of ALPS Foundation Services, a non-profit fundraising and philanthropic management consulting firm. Mr. Newbold is currently a member of the State Bar of Montana, the American Bar Association, and is involved in a variety of charitable activities. Mr. Newbold resides in Missoula, Montana, with his wife, Jennifer, and their three children, Cameron (11), Mallory (9) and Lauren (5).

### JAYNE REARDON (EDITOR, AUTHOR)

Jayne Reardon is the Executive Director of the Illinois Supreme Court Commission on Professionalism. A tireless advocate for professionalism, Jayne oversees programs and initiatives to increase the civility and professionalism of attorneys and judges, create inclusiveness in the profession, and promote increased service to the public. Jayne developed the Commission's successful statewide Lawyer-to-Lawyer Mentoring Program which focuses on activities designed to explore ethics, professionalism, civility, diversity, and wellness in practice settings. She spearheaded development of an interactive digital and social media platform that connects constituencies through blogs, social networking sites and discussion groups. A frequent writer and speaker on topics involving the changing practice of law, Jayne asserts that embracing inclusiveness and innovation will ensure that the profession remains relevant and impactful in the future. Jayne's prior experience includes many successful years of practice as a trial lawyer, committee work on diversity and recruiting issues, and handling attorney discipline cases as counsel to the Illinois Attorney Registration and Disciplinary Commission Review Board.

Jayne graduated from the University of Notre Dame and the University of Michigan Law School. She is active in numerous bar and civic organizations. She serves as Chair of the American Bar Association's Standing Committee on Professionalism and is a Steering Committee member of the National Lawyer Mentoring Consortium. Jayne also is active in the ABA Consortium of Professionalism Initiatives, Phi Alpha Delta Legal Fraternity, Illinois State Bar Association, Women's Bar Association of Illinois, and the Chicago Bar Association. Jayne lives in Park Ridge, Illinois, with her husband and those of her four children who are not otherwise living in college towns and beyond.

## HON. DAVID SHAHEED (AUTHOR)

David Shaheed became the judge in Civil Court 1, Marion County, Indiana, in August, 2007. Prior to this assignment, Judge Shaheed presided over Criminal Court 14, the Drug Treatment Diversion Court and Reentry Court. The Indiana Correctional Association chose Shaheed as 2007 Judge of the Year for his work with ex-offenders and defendants trying to recover from substance abuse.

Judge Shaheed has worked as a judicial officer in the Marion County Superior Court since 1994 starting as a master commissioner and being appointed judge by Governor Frank O'Bannon in September 1999. As a lawyer, Judge Shaheed was Chief Administrative Law Judge for the Indiana Unemployment Appeals Division; Legal Counsel to the Indiana Department of Workforce Development and served as Counsel to the Democratic Caucus of the Indiana House of Representatives in 1995. He was also co-counsel for the Estate of Michael Taylor, and won a 3.5 million dollar verdict for the mother of a sixteen year-old youth who was found shot in the head in the back seat of a police car.

Judge Shaheed is an associate professor for the School of Public and Environmental Affairs (SPEA) at Indiana University in Indianapolis. He is also a member of the ABA Commission on Lawyers Assistance Programs (CoLAP). Judge Shaheed was on the board of directors for Seeds of Hope, (a shelter for women in recovery), and former officer for the Indiana Juvenile Justice Task Force and the Interfaith Alliance of Indianapolis.

## LYNDA C. SHELLEY (EDITOR, AUTHOR)

Lynda C. Shely, of The Shely Firm, PC, Scottsdale, Arizona, provides ethics advice to over 1400 law firms in Arizona and the District of Columbia on a variety of topics including conflicts of interest, fees and billing, trust account procedures, lawyer transitions, multi-jurisdictional practice, ancillary businesses, and ethics requirements for law firm advertising/marketing. She also assists lawyers in responding to initial Bar charges, performs law office risk management reviews, and trains law firm staff in ethics requirements. Lynda serves as an expert witness and frequently presents continuing legal education programs around the country. Prior to opening her own firm, she was the Director of Lawyer Ethics for the State Bar of Arizona. Prior to moving to Arizona, Lynda was an intellectual property associate with Morgan, Lewis & Bockius in Washington, DC.

Lynda received her BA from Franklin & Marshall College in Lancaster, PA and her JD from Catholic University in Washington, DC. Lynda was the 2015-2016 President of the Association of Professional Responsibility Lawyers. She serves on several State Bar of Arizona Committees, and as a liaison to the ABA Standing Committee on Ethics and Professional Responsibility. She is an Arizona Delegate in the ABA House of Delegates. Lynda has received several awards for her contributions to the legal profession, including the 2007 State Bar of Arizona Member of the Year award, the Scottsdale Bar Association's 2010 Award of Excellence, and the 2015 AWLA, Maricopa Chapter, Ruth V. McGregor award. She is a prior chair of the ABA Standing Committee on Client Protection and a past member of the ABA's Professionalism Committee and Center for Professional Responsibility Conference Planning Committee. Lynda was the 2008-2009 President of the Scottsdale Bar Association. She has been an adjunct professor at all three Arizona law schools, teaching professional responsibility.

## WILLIAM D. SLEASE (AUTHOR)

William D. Slease is Chief Disciplinary Counsel for the New Mexico Supreme Court Disciplinary Board. In addition to his duties as Chief Disciplinary Counsel, he serves as an adjunct professor at the University of New Mexico School of Law where he has taught employment law, ethics and trial practice skills. He currently chairs the Supreme Court of the State of New Mexico's Lawyer's Succession and Transition Committee which has developed a comprehensive set of materials for lawyers to use in identifying and responding to incapacities that affect lawyers' abilities to practice law. He is a member and the 2016-17 President of the National Organization of Bar Counsel and previously served as the Chair of the NOBC-APRL-CoLAP Second Joint Committee on Aging Lawyers charged with studying and making recommendations for addressing the so-called "senior tsunami" of age-impaired lawyers. Bill takes care of his own wellness by spending time with his family, and by fishing for trout in the beautiful lakes and streams of New Mexico.



## TASK FORCE LIAISONS

### LINDA ALBERT

Linda Albert is a Licensed Clinical Social Worker and a Certified Alcohol and Drug Counselor. She received her Master's Degree from UW-Madison in Science and Social Work. Linda has worked over the past 34 years as an administrator, consultant, trainer, program developer and psychotherapist in a variety of settings including providing services to impaired professionals.

Linda served on the ABA Commission on Lawyer Assistance Programs heading up the Research section. She co-facilitated a research project on compassion fatigue and legal professionals resulting in two peer reviewed publications and multiple articles. She is co-author of the ABA, Hazelden Betty Ford collaborative national research study on the current rates of substance use, depression and anxiety within the legal community. Linda has done multiple presentations for conferences at the local, state and national level. She loves her work and is driven by the opportunity to make a positive contribution to the lives of the individuals and the fields of practice she serves. Currently Linda is employed by The Psychology Center in Madison, Wisconsin, where she works as a professional trainer, consultant, and psychotherapist.

### DONALD CAMPBELL

Donald D. Campbell is a shareholder at Collins Einhorn Farrell in suburban Detroit, Michigan. Don's practice focuses on attorney grievance defense, judicial grievance matters, and legal malpractice defense. He has extensive experience in counseling and advising lawyers and judges regarding professional ethics. He is an adjunct professor of law at the University of Detroit School of Law, where he has taught professional responsibility and a seminar in business law and ethics. Prior to joining the Collins Einhorn firm, Don served as associate counsel with the Michigan Attorney Grievance Commission, the Michigan Supreme Court's arm for the investigation and prosecution of lawyer misconduct. He also previously served as an assistant prosecuting attorney in Oakland County, Michigan. He currently serves as the President of the Association of Professional Responsibility Lawyers (see APRL.net). Don tends to his well-being by cheering for the Detroit Lions (and he has been about as successful).

### ERICA MOESER

Erica Moeser has been the president of the National Conference of Bar Examiners since 1994. She is a former chairperson of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, and has served as a law school site evaluator, as a member of the Section's Accreditation and Standards Review Committees, and as the co-chairperson of the Section's Bar Admissions Committee. She served as the director of the Board of Bar Examiners of the Supreme Court of Wisconsin from 1978 until joining the Conference. Ms. Moeser holds the following degrees: B.A., Tulane University, 1967; M.S., the University of Wisconsin, 1970; and J.D., the University of Wisconsin, 1974. She was admitted to practice law in Wisconsin in January 1975. Ms. Moeser holds honorary degrees from three law schools. Ms. Moeser has taught Professional Responsibility as an adjunct at the University of Wisconsin Law School. She was elected to membership in the American Law Institute in 1992.

In 2013 Ms. Moeser received the Kutak Award, honoring "an individual who has made significant contributions to the collaboration of the academy, the bench, and the bar," from the ABA Section of Legal Education and Admissions to the Bar.

## ACKNOWLEDGEMENTS

### PAUL BURGOYNE, TERRY HARRELL, AND LYNDA SHELLEY

The Task Force gratefully acknowledges the contributions of Paul Burgoyne, immediate past president of the National Organization of Bar Counsel and Deputy Chief Disciplinary Counsel, The Disciplinary Board of the Supreme Court of Pennsylvania, as well as Terry Harrell, President of the ABA Commission on Lawyer Assistance Programs (ABA CoLAP), and Lynda Shely, past president of the Association of Professional Responsibility Lawyers (APRL), for their formal endorsement of the Task Force's formation in the spring of 2016 on behalf of their respective organizations.

### JONATHAN WHITE (AUTHOR, EDITOR)

Jonathan White is the Task Force Staff Attorney and also served as a contributing author and editor to the Report. Mr. White is a staff attorney at the Colorado Supreme Court

Office of Attorney Regulation Counsel. He is the day-to-day project manager for the Colorado Supreme Court Advisory Committee's Proactive Management-Based Program (PMBP) Subcommittee. The subcommittee is developing a program to help Colorado lawyers better serve their clients through proactive practice self-assessments. The self-assessments also promote compliance with the Colorado Rules of Professional Conduct. Mr. White rejoined the Office of Attorney Regulation Counsel in November 2016 after previously working for the office as a law clerk in 2009 and 2010.

Mr. White practiced civil defense litigation for several years before rejoining the Office of Attorney Regulation Counsel. Mr. White also served as a judicial law clerk to the Honorable Christopher Cross and the Honorable Vincent White of the Douglas County District Court in Castle Rock, Colorado. He is a 2010 graduate of the University of Colorado Law School. While in law school, he was an articles editor for the Colorado Journal of International Environmental Law & Policy. The Journal published his note, "Drilling in Ecologically and Environmentally Troubled Waters: Law and Policy Concerns Surrounding Development of Oil Resources in the Florida Straits," in 2010. In 2009, fellow law students selected him to receive the annual Family Law Clinic Award in recognition of his work in the law school's clinical program.

Mr. White received his B.A. from Middlebury College in 2003. He recently volunteered as a reading tutor to elementary school students in the Denver Public Schools during the 2015-2016 academic year.

### ED BRAFFORD, GRAPHIC DESIGNER

Edward Brafford donated his skills and talents to design the layout for the Task Force Report. Mr. Brafford designs for The Firefly Creative LLC ([www.thefireflycreative.com](http://www.thefireflycreative.com)) and can be reached at [Ed@tffcreative.com](mailto:Ed@tffcreative.com).

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### DEBRA AUSTIN, PH.D.

Dr. Austin is a law professor and lawyer wellbeing advocate. She writes and speaks about how neuroscience and positive psychology research can help law students, lawyers, and judges improve their wellbeing and

performance. Her seminal work, *Killing Them Softly*, shines a bright light on lawyer depression, substance abuse, and suicide, and its application of neuroscience to the chronic stresses of law school and law practice depicts how law students and lawyers suffer cognitive damage that impairs them from doing precisely what their studies and practices require. *Drink Like a Lawyer* uses neuroscience research to demonstrate how self-medication with substances like alcohol, marijuana, and study drugs impairs law student and lawyer thinking. *Food for Thought* examines neuroscience research that explores the relationship between diet and increased risk of cognitive damage, such as dementia and Alzheimer's disease, and describes optimal nutrition habits that build and maintain a healthy lawyer brain. *Positive Legal Education* proposes a new field of inquiry and a new method of training lawyer leaders that will enhance lawyer effectiveness and wellbeing. Dr. Austin's presentations connect lawyer wellbeing to performance and ethical obligations, and they are accredited for general and ethics CLE in multiple states.

Dr. Austin teaches at the University of Denver Sturm College of Law. She received her Bachelor of Music Education from University of Colorado; her J.D. from University of San Francisco; and her Ph.D. in Education from University of Denver. She received the William T. Driscoll Master Educator Award in 2001. To maintain her wellbeing, Dr. Austin meditates, practices yoga, and cycles on the beautiful trails around Colorado.

### HON. ROBERT L. CHILDERS

Judge Childers was the presiding judge of Division 9 of the Circuit Court of Tennessee for the 30th Judicial District from 1984 to 2017. He is a past president of the Tennessee Judicial Conference and the Tennessee Trial Judges Association. He has also served as a Special Judge of the Tennessee Supreme Court Workers' Compensation Panel and the Tennessee Court of Appeals. He served on the ABA Commission on Lawyer Assistance Programs (CoLAP) from 1999 to 2011, including serving as Chair of the Commission from 2007-2011. He is a founding member, past president and Master of the Bench of the Leo Bearman Sr. Inn of Court. The Memphis Bar Association recognized Judge Childers in 1986, 1999, and 2006 as Outstanding Judge of the Year, and he was recognized by the MBA Family Law Section in 2006. He was recognized as Outstanding

Judge of the Year by the Shelby County (TN) Deputy Sheriffs Association in 1990. He received the Judge Wheatcraft Award from the Tennessee Coalition Against Domestic and Sexual Violence for outstanding service in combating domestic violence in 2001. He has received the Distinguished Alumnus Award from the University of Memphis (2002), the Justice Frank F. Drowota III Outstanding Judicial Service Award from the Tennessee Bar Association (2012), and the Excellence in Legal Community Leadership Award from the Hazelden Foundation (2012). In 2017 he received the William M. Leech Jr. Public Service Award from the Fellows of the Tennessee Bar Association Young Lawyers Division.

Judge Childers is currently serving as president of the University of Memphis Alumni Association. He has been a faculty member at the National Judicial College at the University of Nevada-Reno, the Tennessee Judicial Conference Judicial Academy, and a lecturer at the Cecil C. Humphreys School of Law at the University of Memphis. He has also been a frequent lecturer and speaker at CLE seminars and before numerous schools, civic, church and business groups in Tennessee and throughout the nation.

## COURTNEY WYLIE

Courtney recently joined the professional development team at Drinker Biddle & Reath LLP. In this position, she designs and implements programs for the firm's attorneys on leadership, professionalism, and lawyer well-being topics. Prior to joining DBR, Courtney Wylie worked at the University of Chicago Law School as the Associate Director of Student Affairs & Programs. In this position, she was primarily responsible for the Keystone Leadership and Professional Program and the Kapnick Leadership Development Initiative. Before that Courtney worked in both the private and public sector as an attorney.

Courtney is the current appointed ABA Young Lawyer's Division Liaison to the Commission on Lawyer Assistance Programs (COLAP) and an appointed Advisory Committee Member of (COLAP). Though an initial skeptic regarding meditation and exercise, she now makes an effort to make it part of her daily practice to remain healthy, positive, focused, and centered. She similarly regularly lectures on the importance of self-care for attorneys and law students.

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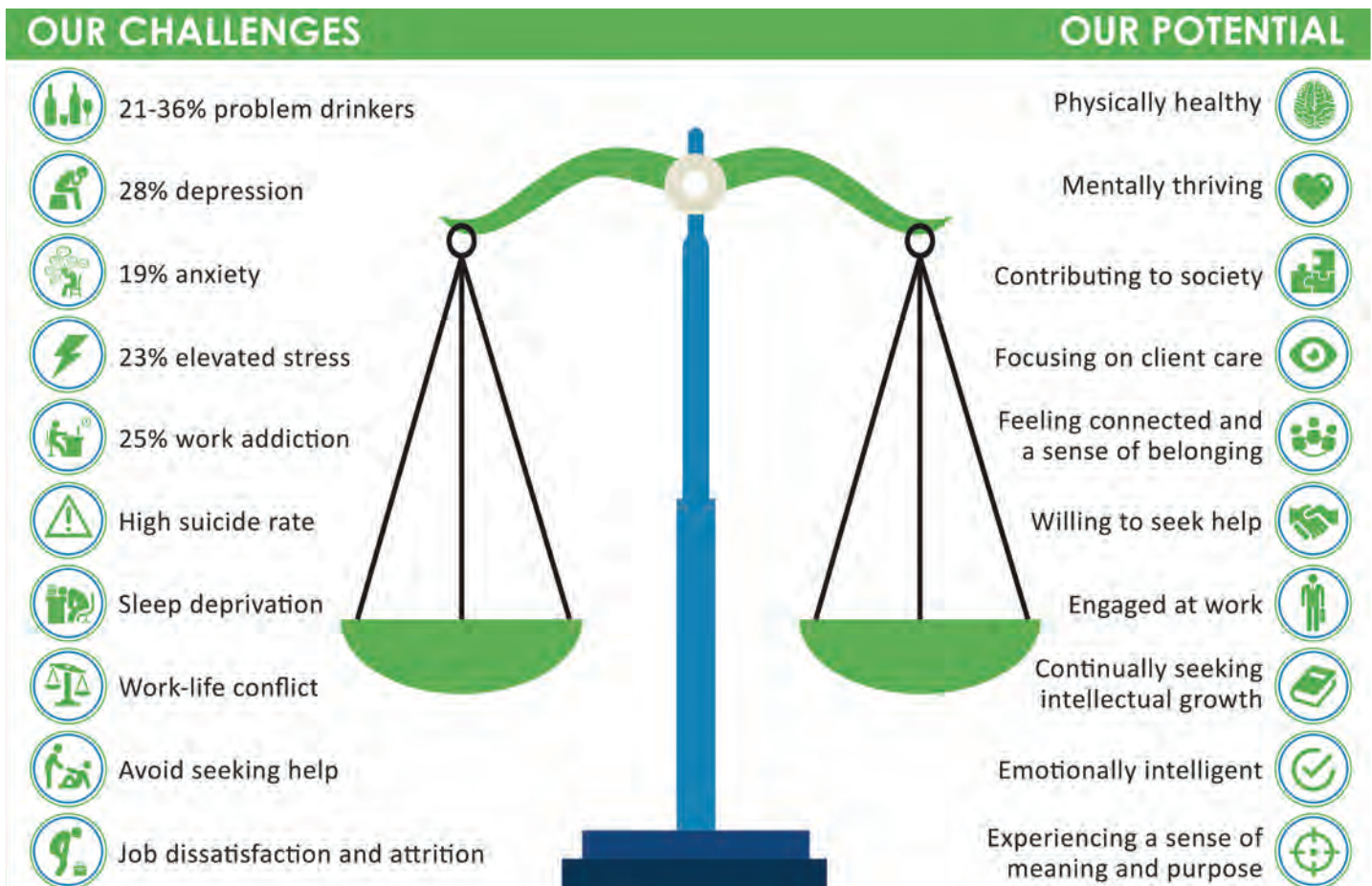
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## THE PATH TO LAWYER WELL-BEING:

Practical Recommendations  
For Positive Change

**TO:** Board of Governors & its Budget & Audit Committee's Facilities Sub-Committee

**FROM:** Long-Range Strategic Planning Council (LRSPC)

*Drafted by:* Rajeev D. Majumdar, LRSPC Member  
Kyle Sciuchetti, LRSPC Member

*Staff Coordination:* Dua Abudiab, Deputy Executive Director

**DATE:** March 3, 2023

**RE:** LRSPC Recommendation and Analyses for the Long-Term Future of WSBA Facilities  
- The Acquisition of Real Property & a Commitment to a Statewide Presence

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The Long-Range Strategic Planning Council (LRSPC) met on Monday, January 23, 2023, and by unanimous vote (with abstentions) approved a final proposal and recommendations for the WSBA. We ask the Board of Governors to adopt the recommendations as outlined, and direct the staff of the WSBA to execute on this vision – putting the WSBA on a path of long term financial and member-oriented service success.

This proposal was four years in the making, and one of the bases for creating the WSBA's Long Range Strategic WSBA Planning Council.

It is also the result of months of contested vision competition and wrestling by the LRSPC. It would not be unfair to say, that this project has great interest from everyone, and each council member had a strong and unique vision for how the WSBA should achieve the end goal of a home for the WSBA. The BoG may face the same issue, with strong individual opinions wanting to control the final product. In the end however, and as a result of the compromise from all of the competing visions, was a unanimous recommendation by representatives from a diverse set of values. We are united in wanting the best long-term result for the WSBA, and encourage the BoG to adopt this policy as is – knowing that as a long-term plan there is time to make course corrections – but the destination will never be attained unless the first step is taken.

### **History and Background**

The WSBA has repeatedly over its history attempted to manifest the coherence, finances, and organization to acquire a headquarters it controls as an asset. One of the earliest attempts was in the 1950s.

In highlighting the work of the Board of Governors at its annual meeting/convention in Spokane, President A.J. Schweppe (1954-55) wrote, "The matter of the association's owning its own headquarters building was suggested and urged by retiring President F.A. Kern (1953-54), who started the ball rolling with a personal contribution of \$1,000." In his Report of the President, Kern related how he recently read an article in the American Law Review describing how other bar associations in the United States

had taken steps to own their headquarters' building and that many were successful in reaching their goal. Kern wrote, "After I read that article it occurred to me what a wonderful thing it would be, if we here in the State of Washington put up our own home; to not have to go from pillar to post and rent a place and then stay there for a few years and then to move on. ..."

... Kern wrote, "You might ask 'What are the advantages in our Association owning its own home?' Well, you have asked yourself the same question, when you decided to secure for yourself a home; a home to suit your family needs and for your enjoyment. No more moving. All betterments and additions resulting in improving your own property. All summed up in 'Be it ever so humble there is no place like home.'" <sup>1</sup>

In 1957 the WSBA established the Washington State Bar Foundation (WSBF) in anticipation of a bequest of real estate to benefit the WSBA and with the intent to raise funds for the development of such a property. While the bequest never manifested itself and the WSBF does not currently serve that role,<sup>2</sup> the attempt to muster the diligence and organization to achieve this goal by the BoG has repeatedly been attempted.

The path laid out below leaves room for both offramps as well as building capacity and experience before jumping immediately into a statewide presence. This path has only been made possible by the BoG, which has doggedly and with commitment been setting aside funds since 2017. This project will support demands by members for: minimizing WSBA membership costs and fees in the long term; the provision of member services; and greater member engagement with the bar, as revealed by 2021 Member Perception Survey.

This current proposal is the WSBA's most complete and comprehensive effort to date to create an executable vision, and when paired with the BoG's efforts to continue to set aside funds earmarked for facilities, now totaling \$2,700,000, the WSBA can succeed as outlined below.

### **LRSPC's Policy Recommendation**

The LRSPC is recommending, that the BoG adopt the following policy and direct the WSBA staff to execute on this vision, subject to future course corrections, as well as advice, budget proposals, and planning from staff and the B&A Facilities Committee as the years go on:

1. Based on a desire to insulate the WSBA's costs and member's dues from future unknown economic swings and shocks;
2. Based on the data collected and reviewed by the LRSPC;
3. Based on a statewide member-service-oriented satellite-office model that staff and members could use across Washington's geography;
4. Based on a desire to increase statewide member engagement; and
5. Based on the improvement of technology to allow for a decentralized and flexible workforce.

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<sup>1</sup> Sciuchetti, "A Home of Our Own," Washington State Bar News, April 2021 (citation omitted); attached as **Exhibit A**.

<sup>2</sup> WSBF was reorganized in 1980 as a 501(c)(3), and since 2013 its current mission has been to support public service and diversity programs at the WSBA, and serves as fiscal agent for select Section scholarships.



That the WSBA do the following, in order to pursue a long-term financially beneficial economic model of owning its own building which can physically enable the WSBA and its staff to serve the members, the future members, and the public across the state:

1. The WSBA, prior to the end of our lease at our current headquarters:
  - a. Reduce our footprint at our current lease if possible; and
  - b. **Plan** to purchase a building in King County, the central hub of six counties where most of our members reside, if it is in the long-term interests of WSBA so we can move into said building by the end of our lease.
2. The WSBA plan to establish a foothold in Spokane through either renting or buying in the next 2 years with a goal of owning space in Spokane within 5 years.
3. Based on lessons learned from the above experiences regarding Spokane and Seattle, the WSBA plan to establish a foothold in two other areas of the State through either renting or buying in the next 5 years with a goal of owning space in those locations in 10 years.
4. Based on lessons learned from the above experiences, the WSBA will identify additional locations within 10 years for a goal of expansion in 15 years to better serve the members, the public, and staff needs.

### **Fiscal Analysis**<sup>3</sup>

<b>Option</b>	<b>One-Time Expenses</b>	<b>Ongoing Expenses (over 5 years)</b>	<b>Total<sup>6</sup></b>	<b>Average Annual Budget<sup>7</sup></b>
No change to existing lease	\$0	\$11,824,000	\$11,824,000	\$2,365,000
1 Downsize existing space	\$217,000	\$6,421,000	\$6,638,000	\$1,309,000
2 Downsize existing space AND lease in Spokane <sup>8</sup>	\$1,292,000	\$9,271,000	\$10,563,000	\$2,084,000
3 Downsize existing space AND buy in Spokane	\$1,867,000	\$9,339,000	\$11,206,000	\$2,097,000
4 Lease outside of Seattle in King County	\$2,486,000	\$6,243,000	\$8,729,000	\$1,696,000
5 Lease outside of Seattle in King County AND lease in Spokane	\$3,561,000	\$9,093,000	\$12,654,000	\$2,471,000

<sup>3</sup> Relevant to Above Final Proposal, additional data regarding Olympia included in full table included below.

6	Lease outside of Seattle in King County AND buy in Spokane	\$4,136,000	\$9,161,000	\$13,297,000	\$2,484,000
7	Buy outside of Seattle in King County	\$5,186,000	\$4,688,000	\$9,874,000	\$1,385,000
8	Buy outside of Seattle in King County AND lease in Spokane	\$6,261,000	\$7,539,000	\$13,800,000	\$2,160,000
9	Buy outside of Seattle in King County AND buy in Spokane	\$6,836,000	\$7,607,000	\$14,443,000	\$2,174,000
10	Lease in Olympia	\$2,486,000	\$4,138,000	\$6,624,000	\$1,696,000
11	Lease in Olympia AND lease in Spokane	\$3,561,000	\$6,989,000	\$10,550,000	\$2,242,000
12	Lease in Olympia AND buy in Spokane	\$4,136,000	\$7,056,000	\$11,192,000	\$2,255,000
13	Buy in Olympia	\$3,745,350	\$3,817,000	\$7,562,350	\$1,211,000
14	Buy in Olympia AND lease in Spokane	\$4,820,350	\$6,668,000	\$11,488,350	\$1,756,000
15	Buy in Olympia AND buy in Spokane	\$5,395,350	\$6,736,000	\$12,131,350	\$1,770,000

As has been presented to the BoG directly by our consultants Adam Chapman and Clay Nielson and to the LRPC, it is not financially feasible for the WSBA to acquire a building in downtown Seattle.

### **Legal Analysis**

General Counsel Julie Shankland conducted a thorough legal analysis on September 20, 2021. The full analysis can be found in **Exhibit B**. The following is a summary of that legal analysis.

#### **1) Can the WSBA purchase and own real property?**

Yes. RCW 2.48.010 specifically authorizes the WSBA to acquire, hold, encumber, and dispose of real property “necessary for the purpose of carrying into effect and promoting the objects of the said Association.” The process that the WSBA would be required to follow to purchase real property would depend on which state agency statutes apply to the WSBA. This issue will need to be considered if the BOG decides to purchase a building and may include partnering with the WSBF.

#### **2) Can the WSBA finance a real property transaction?**

Yes. The WSBA can likely take a loan from a financial institution. The WSBA can likely enter into a lease-purchase agreement, so long as the terms do not violate the state constitutional prohibition on gifts of public funds. The WSBA cannot issue bonds.

### **Equity Analysis**

#### **1) Physical Accessibility**

Although current WSBA offices are legally considered ADA-accessible, accessing our current WSBA spaces still presents many challenges for people that use wheelchairs and mobility aids. When considering any new space, we should identify and center the people who have the most barriers to accessing the WSBA's physical offices and intentionally engage with those groups to influence our decision making and planning.

## **2) Digital Accessibility**

WSBA should consider technology and digital access in its decisions about the WSBA office spaces. Specifically, we should ensure that building spaces allow for hybrid/remote support, and that conference and meeting spaces are conducive to full inclusion of WSBA members, staff, and members of the public who are accessing meetings remotely.

## **3) Geographical Location**

In considering geographical location, the WSBA should consider the economic impact on people who access our space(s) including: 1) cost to get to the location and for parking; and 2) proximity to public transportation hubs. Given that staff and many members are located within the Puget Sound region and that Seattle is the biggest transit hub, WSBA should consider spaces nearby larger municipalities which likely have better public transportation access.

## **4) Impact on Staff**

The building changes should also consider impact on staff, many of whom live in King County. If relocation to an area outside of King County is pursued, the WSBA should ensure that this does not cause a reduction in compensation rates for staff members. In addition, the experience of staff and the ability to make the space inclusive should also be considered (e.g., gender-inclusive bathroom spaces, private spaces for nursing parents).

## **5) WSBA Member Impact**

In light of the increasing number of members who have moved to a virtual law practice, there may be an increase in the need or desire to use WSBA space for occasional client meetings or meeting with other members. If the WSBA wants to continue to offer members this benefit, the WSBA should consider whether there may be access needs specific to this purpose in making final plans.

## **6) Outreach and Further Outreach**

The WSBA's Member Engagement Council has discussed the building idea with several county bar leaders and members during meetings over the last year in Island, King, Kitsap, Pierce, San Juan, Skagit, Snohomish, and Whatcom Counties, following the BoG's travel path. There has not been a strong feeling or consensus among this group—generally, they recognize the importance of having an office in the Seattle area. Members on the west side of the state in remote areas but within a two hour drive of Seattle said it would be nice but not important to have a WSBA office near them. We will likely get more diverse perspectives as our outreach moves to more distant members as the BoG travels further afield in 2023 and 2024. As ultimate plans are laid down, and to work towards inclusion and belonging, the WSBA should continue to engage in authentic community outreach and engagement, especially with members, staff and the public who may be most impacted by the location of and access to WSBA building space.

## **Executive Summary of Background Information:**

The following is an executive level summary of additional information, assumptions, and considerations gathered relating to the recommendations that the drafters thought would be helpful the BoG.

### **1(a) Footprint Reduction for Next Lease**

Currently, WSBA leases three and one-half floors of the Puget Sound Plaza in downtown Seattle at an annual cash expense of \$2.7M, which makes up a little over 10% of WSBA's annual expense budget.

This space comprises:

- 155 private offices and workstations
- 10 internal meetings rooms
- 6 workrooms
- 9 storage rooms
- 3 kitchenettes
- 1 kitchen/lunchroom

The meeting and event space on the 6<sup>th</sup> floor consists of 11 rooms including the Conference Center, Hearing Room, 4 conference rooms, and 5 small meeting rooms.

#### **Space Needs – Employee Workspace<sup>4</sup>**

WSBA shifted to a hybrid work environment and most employees work effectively from home. Reduction of our physical footprint accounts for:

- 85 remote employees
- 10 on-site employees
- 44 hybrid employees

About 23 employees are on-site each day. Nearly 60% of employees are entirely remote so we can reduce our workspace by 60%, while still allowing for growth and modest shifts in employee schedules.

#### **Space Needs – WSBA Programs, Volunteers, Members, Community Partners**

Pre-pandemic, WSBA's public space on the 6<sup>th</sup> floor annually hosted over 1,500 meetings and events (WSBA and related organizations). Many meetings/events did not have a videoconferencing component/capacity and now they all do.

The need for in-person meeting and event space will eventually return to or approach pre-pandemic levels and nearly all will be hybrid.

<b><i>Requirements for WSBA Space</i></b>	<b>Pre-Pandemic</b>	<b>New</b>
<i>Square Footage</i>	50,807	25,000 to 35,000
<i>Private Offices &amp; Workspaces</i>	155	62 <sup>1</sup>
<i>Internal Meeting Rooms &amp; Collaboration Space</i>	10	3-4
<i>Small Meeting Rooms &amp; Guest Offices</i>	5	2
<i>Conference Rooms</i>	4	3-4

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<sup>4</sup> As of 11/23/2022

Hearing Room  
Conference Center  
Kitchen & Break Space  
Storage Space  
Workrooms  
Large Event Space  
Parking

1	1-2 <sup>2</sup>
1	1-2 <sup>3</sup>
4	2
TBD	TBD <sup>4</sup>
6	2-3
0	TBD <sup>5</sup>
Limited paid parking	Free parking preferred

## 1b) Plan to Purchase in King County

### Location Considerations

WSBA has been in downtown Seattle since it was codified as a unified bar in 1933. It's been in its current space, at Puget Sound Plaza since December 2006. Greatest WSBA membership concentrations are as follows:

- 55% in King County
- 8% Pierce County
- 7% Spokane County
- 6% Thurston County
- 5% Snohomish County

### Employee Considerations

WSBA employees predominantly reside in King County:

- 77% King County
- 11% Snohomish County
- 4% Kitsap County
- 4% Pierce County
- 4% Whatcom, Skagit, Thurston, and Yakima Counties

### Member, Volunteer, and Legal Community Considerations

Given the high concentration of members in King County, it is important that WSBA maintain a presence in the area, particularly for the purposes of disciplinary investigations and hearings, participation in which is not voluntary. At the same time, it could be valuable to have presence in the east side of the state for disciplinary hearings for members in that region.

### Drawbacks of WSBA's current location in downtown Seattle include:

- high cost of rent
- high cost of parking
- lack of available parking
- commute difficulties for non-local members, volunteers, and employees
- perception that WSBA is "Seattle-centric"

As we consider a headquarters outside of downtown Seattle, ease of access (including access to public transportation and availability of parking) by members, volunteers, and employees should be a **key** consideration.

### Buying vs. Leasing – Fiscal Analysis

When considering purchasing property, it is assumed that WSBA would finance a loan to purchase a building. We consulted with our bankers at Wells Fargo who provided baseline information regarding the lending process, requirements, and considerations. The amount that an organization would qualify for lending is based on a variety of factors, such as annual projected cash flow available to service the loan, the specific property to be purchased (market

value, location, age of the building, environment, etc.), and whether the building is owner occupied or would have renters.

Our bankers noted that current market conditions have shifted, and interest rates are rising, and that the underwriting process for office buildings has been more heavily scrutinized because of the uncertainty in the market of employees returning to in-person work. Additionally, WSBA's real estate brokers from JLL have provided market updates indicating that building purchase prices have yet to reflect market adjustments for the increase in remote workers and corresponding influx of office space available and rent rates will likely drop as well.

In terms of the cost to own and operate a building versus leasing, generally leases require the tenant to pay a portion of operating costs based on its percentage of occupancy in the building. In terms of the cost to own and operate a building versus leasing, generally leases require the tenant to pay a portion of operating costs based on its percentage of occupancy in the building. These costs are similar between leasing and owning the building for things like insurance, taxes, and utilities as well as the replacement of building components that wear out over time such as HVAC systems, roof, and parking lot resurfacing that are passed on to a tenant through a triple net lease.

While these costs can vary greatly depending on the building, on average the annual cost for these types of building improvements are \$5-\$8/sq ft/year in Spokane, and \$7-\$10/sq ft/year in Seattle. Additionally, it would be advisable for WSBA to maintain a balance in the Facilities Reserve to handle any unforeseen repairs/replacements in addition to planned items. Lenders may also require WSBA to have a certain amount of reserves in order to satisfy loan requirements (depending on the condition of the building/property).

#### Current market conditions impacting strategic assumptions

In considering the cost of future WSBA space, we evaluated 15 scenarios. In evaluating these scenarios, we made the following assumptions:

- **25-year amortization @ 6%** interest rate for all loans
- **5-year lease terms**, with a 3% increase in base rent rate annually
- **Maximum loan amount:** \$5.3M
- **25% down payment** or difference between purchase price and maximum loan amount
- **Average cost of buildings in King County** that fit our needs is \$8M. Based on our estimated loan amount of \$5.3M, our down payment needed would be \$2.7M (variance between building purchase price and loan amount)
- **Average cost of buildings in Spokane** that fit our needs is \$2.3M. Assuming we finance this purchase, our down payment needed would be \$575K (using the 25% requirement)
- **Average cost of buildings in Olympia** that fit our needs is \$5,037,000. Assuming we finance this purchase, our down payment needed would be \$3,777,750 (using the 25% requirement).
- **Annual increase of 4%** to taxes and operating costs
- **Estimated square footage:** 12,000 sq ft for Spokane, 27,000 sq ft for King County outside of Seattle, 27,000 sq ft for Olympia and 27,468 for current space in PSP
- **Assumes two additional FTEs** in options with the addition of a second location in Spokane.

Expenses are considered in two categories:

- 1) **One-time expenses** (moving, furniture/equipment, leasehold improvements, technology, down-payments). Estimated one-time costs range between \$217,000 and \$6.8M
- 2) **Ongoing expenses** (base rent or loan payments, operating cost, building replacement, taxes, and additional staffing for a second location). Estimated ongoing expenses for a 5-year period range from \$6.2M to \$9.3M.

## 2), 3), and 4)      *Foothold in Spokane our Second Location, and the Future*

### Spokane

Adding one or more additional satellite offices could help WSBA to improve engagement with members, volunteers, and communities across the state; address the perception that the organization is “Seattle-centric;” and provide a base for some of our activities, including disciplinary, regulatory and member service oriented activities.

Spokane County has the highest concentration of lawyers, which is not a location bordering King County (Spokane County has the 3<sup>rd</sup> highest concentration overall – see data above).

A satellite office should include a space to conduct disciplinary hearings, depositions, and interviews, as well as a conference center, conference rooms, office spaces, and the potential for a courtroom. Such an office could be a venue for BOG meetings and outreach events, and for other entities that meet around the state, including the Access to Justice Board and the New and Young Lawyers Committee. This office could also be a place for volunteers and members to host or participate in WSBA meetings and CLEs and a meeting and event space for local bar associations, minority bar associations, legal aid organizations and other related entities. Alongside these benefits, additional offices will be a significant investment in rent, staff, and time that should not be considered lightly.

With the addition of a second location, there will be a need for some staff presence to manage the daily operations of the facility and to provide support and resources to membership locally. We anticipate the need for at least two additional staff (Service Center Representative and Outreach Specialist). Additional staff might be needed if the building was owned and/or if there was a plan to rent out a significant portion of our space to manage facilities, rentals, and security.

### Fiscal analysis to rent and buy in Spokane

*See also* fiscal data in above section.

### The Future

The policy LRPC is asking the WSBA to adopt assumes that the same principles and goals being met by an expansion to Spokane can be served by eventual further expansion, in expansion tranches of satellite offices in 10 and 15 years respectively.



It is anticipated that the experience we obtain from Spokane will inform the WSBA on this course of action, and whether our work in Spokane will meet the policy goals it hopes to achieve. Given the long-range nature of the vision, the Director of Finance has advised that fiscal analysis at this point is not needed, and will be needed to be done closer in time to where the WSBA might consider those steps, informed by their experiences in Spokane and King County. Further planning will be guided by the WSBA Board of Governor's Budget and Audit's Committee's Facilities Subcommittee.

At this point, while there were many suggestions, the LRPC is not identifying specific locations aside from expressing the goal of being geographically diverse mid-sized cities and to serve lawyer populations not near Seattle and Spokane. It is anticipated that any expansion would require 2 FTEs and additional onetime and ongoing costs, which will be something that the WSBA will examine as we move forward in regard to further guidance from the membership, the BoG's Budget & Audit Committee's Facilities Subcommittee, and the varied markets, as well as the WSBA's experience. Various cities had been proposed and discussed, including Olympia, Bellingham, Vancouver, Enumclaw, Yakima and the Tri-Cities.

### **Special Thanks**

The drafters would like to acknowledge the enormous amount of work done over years by the staff of the WSBA in putting together this summary and all of the background work and data collection and analysis over the last several years. Including, but not limited to, and hopefully not ungraciously and unintentionally omit those who should be listed in alphabetical order:

**Adelaine Shay**, MCLE Manager; **Ana Selvidge**, Former Chief of Staff; **Bobby Henry**, Associate Director for Regulatory Services; **Bonnie Sterken**, Equity and Justice Lead, Access to Justice; **David Esterby**, Senior Network Administrator; **Diana Singleton**, Chief Equity and Justice Officer; **Doug Ende**, Chief Disciplinary Counsel and Director of the Office of Disciplinary Counsel; **Dua Abudiab**, Deputy Executive Director; **Glynnis Klinefelter Sio**, Human Resources Director and Chief Culture Officer; **Jennifer Olegario**, Communication Strategies Manager; **Jon Burke**, Innovative Licensing Manager & Regulatory Counsel; **Jon Dawson**, IT Director; **Julie Shankland**, General Counsel; **Kevin Plachy**, Director of Advancement; **Laura Sanford**, Foundation Development Officer; **Michael Kroner**, Outreach Specialist; **Michael Paugh**, Facilities and Operations Manager; **Nicholas Mejia**, Equity and Justice Programs Coordinator; **Ramana Pendyala**, RSD Admissions Specialist II; **Renata de Carvalho Garcia**, Chief Regulatory Counsel & Director of Regulatory Services Department; **Saleena Salango**, Equity and Justice Lead; **Sara Niegowski**, Chief Communications and Outreach Officer; **Shelly Wick**, Membership/Systems Manager; **Szilvia Szilágyi**, Public Records Counsel; **Terra Nevitt**, Executive Director; **Thea Jennings**, Assistant General Counsel; **Tiffany Lynch**, Director of Finance.

WASHINGTON STATE  
BAR ASSOCIATION

Long Range Planning Council

**TO:** WSBA Board of Governors  
**CC:** Terra Nevitt, Executive Director  
**FROM:** Long-Range Strategic Planning Council (LRSPC)

*Drafted by:* Rajeev D. Majumdar, LRSPC Member

*Staff Coordination:* Sara Niegowski, Chief Communications and Outreach Officer

**DATE:** April 17, 2023  
**RE:** WSBA Deskbooks can and should be offered as a free member benefit

**ACTION:** The Long Range Strategic Planning Council requests the Board of Governors adopt its recommendation to make online access to all WSBA Deskbooks a free member benefit.

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## Introduction

The Long-Range Strategic Planning Council (LRSPC) voted on Monday, February 27, 2023, to approve a final proposal and recommendation for the WSBA to offer free online access to all WSBA Deskbooks for members once the WSBA's contract with LexisNexis and Fastcase end; the LRSPC confirmed that decision on April 17, 2023 after reviewing this memo. We ask the Board of Governors to adopt the recommendation as outlined, and direct the staff of the WSBA to execute on this vision – putting the WSBA on a path of long term member-oriented support and resource provision. This memo outlines the free-Deskbook-access model, which the LRSPC recommends the Board approve for implementation; this memo also includes more current and in-depth legal and fiscal analyses from staff, completed once the LRSPC decided to move this proposal forward for Board action. This proposal does not contemplate ending physical Deskbooks. The benefit would begin roughly around 11/24/24.

An underlying premise of this proposal is “**value as the measure of member services.**” In long range planning, the WSBA needs to be measuring outcomes by what our members get from these services, not exclusively the dollar value. Our robust member services should focus on meeting the needs of members, including substantive law resources and additional support for both solo/small firm, new, and rural members. We have the tools to do this with our currently produced Deskbooks. Our bar association expends significant resources on fostering its longstanding and highly valued tradition of cultivating volunteer expertise, comparative case law, and practice primers, yet our membership at large does not have free access to our work product.

By way of comparison, a much smaller bar, the Oregon State Bar, provides all members free online access to its 48 BarBooks™ titles online. The WSBA only produces 23 Deskbook titles and offers them online via a partnership with Fastcase (previously Casemaker) only to members who pay money (other exceptions noted below).

The WSBA's Deskbooks are recognized as authoritative sources on Washington law and have been cited by Washington appellate courts in over 250 opinions. Full of practice tips, forms, and checklists, these resources are valuable to both practitioners and our judicial members. Access would greatly improve the practice of law in our state.

Yet the cost to an individual member to be able to freely look through all of these WSBA produced resources is exorbitant, and we want a membership that is competent and has access to the best understanding and thought as to the law and how to practice it—information that we already spend time and resources cultivating every year. That information is worth thousands of dollars and should be available to every member as a benefit of being a member. **It would cost the WSBA about \$14.85 per member per year to do this,<sup>1</sup> plus an estimated one-time cash expenditure for e-conversion of \$44,000.00, as well as a one-time asset write-off of existing physical copies.**

The action required should be approved and planned for this year, as it appears that contracts with Fastcase and Lexis Nexis need to be terminated to transition Deskbooks to a member benefit, and the staff will need time to prepare for and implement the transition to be ready at the termination of existing contracts. The earliest date to both contracts would terminate is 11/17/2024, and in order to meet that the WSBA would need to terminate the Fastcase contract this year by giving a 90-day written notice prior to **September 2, 2023**, followed by a 120-day termination notice for Lexis Nexis, which must be provided before **May 21, 2024**.

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<sup>1</sup> Assuming no growth of membership, and a membership of ~40,970, and annual cost of \$608,232.00.

This proposal has been explored and developed since November 2021 by LRSPC with staff assistance. The LRSPC met with several key groups to provide more insight into current and potential Deskbook reach/use/distribution models; this included law librarians representing academic, public, and private-firm libraries in the Puget Sound region; representatives from the Oregon State Bar; and WSBA Deskbook staff.

## **LRSPC's Policy Recommendation for Adoption**

The LRSPC recommends that the Board of Governors adopt the following Deskbook distribution model and direct the WSBA staff to execute on this vision, subject to future course corrections, as well as advice, budget proposals, and planning from staff as the years go on:

1. Based on the data collected and reviewed by the LRSPC and additional analyses provided in this memo;
2. Based on a goal to provide actual tangible and meaningful value for our members;
3. Based on a goal to have an educated and trained legal community in Washington to better serve the public;
4. Based on a goal of being able to support members no matter where they are located, or what size firm or agency they may be in;
5. Based on a goal of giving the members access to intellectual resources their association already spends effort on putting together;
6. Based on a goal to increase statewide member engagement; and
7. Based on the improvement of technology since Deskbooks first were introduced to allow for this type of distribution and instant updates.

That the WSBA do the following, in order to better serve the members, the future members, and the public across the state:

1. Plan, budget for, and be prepared to provide *free* online access to all WSBA Deskbook materials to the membership at the end of our current contracts with vendors offering Deskbooks as a business model; we should expect this switch to free member access will be the norm going forward on a continual basis.
2. The transition would not take place until at least November of 2024; this will account for budgetary planning in the general fund (which could include a license fee increase), current contracts in place with Deskbook vendors (which we hope to maintain good relationships with as we determine how to continue to produce online and—potentially—print editions), and staffing necessary to transition editing and production functions back in-house.

## **History and Background of WSBA Deskbooks**

"In the early spring of 1972, the Continuing Legal Education Committee of the Washington State Bar Association determined to undertake the preparation and publication of a series of deskbooks for Washington lawyers, such as those being produced in the states of California, Oregon, and others." This is the preface to the 1977 first edition of the *Washington Community Property Deskbook* by the late Spokane County Superior Court Judge George T. Shields, who served as editor-in-chief. The editorial board for this project included University of Washington School of Law

Professors Harry M. Cross and John C. Huston and Washington Supreme Court Justice Robert F. Brachtenbach [The 2023 fifth edition of this deskbook went to the printer on March 15, 2023].

In the spring of 1977, the WSBA CLE Committee appointed Perkins Coie partner Edward (“Ted”) W. Kuhrau as editor-in-chief to undertake the preparation and publication of the *Washington Real Property Deskbook*; when it was published in 1979, this two-volume work represented the largest deskbook undertaking by the WSBA. In his preface, Ted noted that:

[t]hose who have labored on this project have done so despite the fact that all of their efforts have been without any credit toward the Washington State Bar Association’s mandatory continuing legal education requirements. Hopefully, at some early date, the Board of Continuing Legal Education rules will be modified so as to permit continuing legal education credit for legal literature published by the bar association, if future such efforts are to be encouraged and recognized.

And fortunately, the rules were changed to allow contributors to report CLE credit for writing and editing Deskbooks (as “scholarly publications”) once the Deskbook was published.

The second edition, published in 1986, doubled in size to four volumes. In his preface, Ted noted:

The first edition of the deskbook has been cited three times by the Washington Supreme Court and six times by the Court of Appeals. Recognition of the Deskbook by the courts of our state has to be the highest accolade the Deskbook can receive and should be a source of satisfaction to all those who have participated in the effort to write, edit, and publish this work.

The third edition, published in 1997, more than doubled again, to nine volumes. Reflecting in the preface that the *Washington Real Property Deskbook* “has consumed almost a professional lifetime for me,” Ted noted that it had been cited 15 times by the Washington Supreme Court and 28 times by the Washington Court of Appeals. A fourth edition was published in 2009 and supplemented in 2014, and the fifth edition is currently in the editorial stage.

The *Washington Appellate Practice Handbook* was first published in 1980 as part of a nationwide project by the American Bar Association’s Appellate Handbook Committee. The first edition was chosen by the ABA Committee as a model for other states to follow.<sup>2</sup>

The *Washington Commercial Law Deskbook* was published in 1982; the *Washington Partnership Law and Practice Handbook* in 1984; *Washington Consumer Protection, Antitrust and Unfair Business Practices Law Developments* in 1984; the three-volume *Washington Motor Vehicle Accident* series in 1988; the *Washington Family Law Deskbook* in 1989; and the *Washington Civil Procedure Deskbook* in 1992.

Until 1994, the WSBA staff who oversaw production of deskbooks were the seminar developers in the CLE Department, to the extent that they had capacity outside of their main focus on CLEs. In 1994, the WSBA hired its first full-time editor to oversee deskbooks.

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<sup>2</sup> Interesting historical note: Acknowledgments in the 1998 supplement to this deskbook include now-Washington Supreme Court Justice Raquel Montoya-Lewis for work in preparing the tables of authorities.

The 46-year history of WSBA Deskbooks summarized above represents a member-created and sustained legacy, with deep roots and deep respect among practitioners. Authors and editors report their willingness to volunteer in such a significant way because of the importance of continuing the legacy and updating their shared knowledge. The Washington Law Library blog recently extolled (with “giddiness”) the release of the updated *Family Law Deskbook* by quoting one of its editors: “The Deskbook is really a mentoring resource,” particularly important during times such as the pandemic when opportunities have been reduced for practitioners to gather to discuss ideas.

## **Impact of Deskbooks**

The WSBA’s Deskbooks are recognized as authoritative sources on Washington law and have been cited by Washington appellate courts in over 250 opinions. Full of practice tips, forms, and checklists, these resources are valuable to both practitioners and the judiciary.

In developing these materials, the LRSPC met with several key groups to provide more insight into current and potential Deskbook reach/use/distribution models; this included law librarians representing academic, public, and private-firm libraries in the Puget Sound region; representatives from the Oregon State Bar; and WSBA Deskbook staff.

Below are copies of the slides from the FY22 member perception survey, showing members’ perception and awareness of Deskbooks as a member resource, showing high levels of valuation:

## **MEAN RANK: MEMBER BENEFITS AND RESOURCES**

<b>Resource / Benefit</b>	<b>Mean Rank</b>	<b>Not Important at All / Not Very Important / Somewhat Important / Important / Very Important</b>	<b>NOT AWARE</b>
Ethics Line	3.69	10% / 10% / 18% / 27% / 33%	2%
On-Demand CLEs	3.53	11% / 13% / 21% / 25% / 30%	1%
Free Legal Research Tool ( <a href="#">Fastcase</a> )	3.47	18% / 12% / 18% / 17% / 27%	8%
<b>Deskbooks</b>	<b>3.46</b>	<b>16% / 11% / 19% / 25% / 24%</b>	<b>5%</b>
Live Remote CLEs	3.36	12% / 15% / 24% / 26% / 23%	1%
Legal Lunchbox	3.44	15% / 17% / 17% / 21% / 26%	4%
Free Health Counseling and Consultations	3.22	21% / 17% / 14% / 23% / 19%	6%
WA State Bar News Magazine	3.13	10% / 18% / 32% / 28% / 12%	0%
Job Seeking and Career Assistance	3.00	24% / 18% / 17% / 22% / 13%	6%
Law Firm Guides and Templates	2.95	29% / 17% / 17% / 16% / 8%	13%
Member Wellness Program	2.93	26% / 19% / 19% / 19% / 7%	10%
Practice Management Consultations	2.86	31% / 19% / 17% / 13% / 5%	15%



On August 11, 2022, Oregon State Bar Director of Legal Publications, Linda Kruschke, spoke to LRSPC about the Oregon State Bar's decision to make access to its Bar Books (analogous to WSBA Deskbooks) free to members and the financial and logistical impacts of that decision. Director Kruschke said the free-access Bar Books has been overwhelmingly well received by members, though less than half actually access the books. Council members asked if it would be possible, given member sentiment, to go back to a pay-for-access model. Director Kruschke said that it would be nearly impossible to go back given the popularity of the service, and described concerns about the continuity of funding for BarBooks now that they compete in the general fund against other costs and priorities and the funding fluctuates. WSBA staff have also expressed concerns about the BoG going to a free model and then years down the road reversing course noting Oregon's opinion that would be extremely challenging to reverse course.

In a meeting with a wide swath of law librarians in Washington in June 2022, several themes emerged: The WSBA Deskbooks are a valuable, venerated, and much-used resource. Law librarians report that they rely on the Deskbooks to serve both members of the public and legal profession. Their wish is for greater public access; they would prefer resources go into content and publication (updates) as opposed to free access for members, and were concerned that there would be a cost to the public.<sup>3</sup> The librarians also conveyed that people like digital access but prefer the digital resources when available. They would very much like to partner with a service like OverDrive to make the titles available for digital check out.

## **Current State of Affairs**

The WSBA gathers experts together and produces the following Deskbook resources, which are updated from time to time.

The WSBA currently has 15 Deskbook titles available in its library (\* indicates new titles added since 1994):

1. *Estate Planning, Probate, and Trust Administration in Washington* (2020)(2 volumes)\*
2. *The Law of Lawyering in Washington* (2012)\*
3. *Public Records Act Deskbook: Washington's Public Disclosure and Open Public Meetings Laws* (2d ed. 2014 & Supp. 2020)\*
4. *Shareholder Litigation in Washington State* (2014; second edition in editorial stage)\*
5. *Washington Appellate Practice Deskbook* (4<sup>th</sup> ed. 2016)(2 volumes)
6. *Washington Business Corporation Act (RCW 23B)*(5<sup>th</sup> ed. 2016)
7. *Washington Civil Procedure Deskbook* (3d ed. 2014)(3 volumes)
8. *Washington Community Property Deskbook* (5<sup>th</sup> ed. 2023 at printer)
9. *Washington Construction Law Deskbook* (2019)\*
10. *Washington Ethics Deskbook* (2d ed. 2020)\*
11. *Washington Family Law Deskbook* (3d ed. 2022)
12. *Washington Law of Wills and Intestate Succession* (3d. ed. 2018)\*
13. *Washington Partnership and LLC Deskbook* (3d ed. 2020)
14. *Washington Probate Procedure and Tax Manual with Forms* (2009)\*
15. *Washington Real Property Deskbook* (4<sup>th</sup> ed. 2009 & Supps. 2014-2016)(7 volumes)

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<sup>3</sup> Nothing in the proposal before the BoG suggests changing access costs for law libraries.



Currently out of print: 3-volumes *Washington Motor Vehicle Accident* series (2009).

WSBA offers online Deskbook through two providers, Fastcase and LexisNexis:

**A. Fastcase.** WSBA licensed its Deskbooks for online distribution to Casemaker in 2014. With the 2020 merger of Casemaker and Fastcase, the Deskbooks continue to be available through Fastcase, via a contract that runs through December 2023.

- As of September 2022, there were fewer than 100 members subscribed to one or more deskbooks online through Fastcase.
- The price for a member to acquire every Deskbook online through them is: \$1,500 per year.
- There is a “discount” price available to solo practitioners and new lawyers of: \$1,200 per year.
- There is also “enterprise” pricing, based on number of attorneys in a firm; the larger the firm the cheaper the product, getting as cheap as \$192 per user at 50 attorneys:

Product	Current annual subscription prices on Fastcase
“All-Publications” library	
2-5 attorneys	\$2,000 per year
6-10 attorneys	\$3,600 per year
11-20 attorneys	\$6,000 per year
21-50 attorneys	\$9,600 per year
51+ attorneys	\$14,400 per year

**B. LexisNexis.** In November 2020, the WSBA entered into a contractual agreement with LexisNexis that runs through November 2023.

- Lexis Nexis’ offers purchases of individual electronic versions of deskbook volumes; these are not subscriptions, and they range from \$50 for the Law of Lawyering in Washington State to \$1,399 for the comprehensive Washington Real Property Deskbook set (seven volumes).
- Lexis Nexus also offers all of the Deskbooks to its subscribers to its LN Research platform.
- LexisNexis also took the existing inventory of physical WSBA Deskbooks (estimated value \$263,264, still carried as an asset on WSBA’s books) in March 2021 and placed it in their warehouse. See below in the Financial Analysis for more information about transition costs if we terminate the contract.

**C. Free Provision.** There are currently four ways to get free online access to Deskbooks:

- Washington Law Schools—3 of 3 have arranged for access.
- Washington Public Law Libraries—12 of the 30 Public Law Libraries have arranged for access.
- Washington Qualified Legal Service Providers—10 of the 57 QLSPs have arranged for access.

- Authors and editors of Deskbooks get complimentary online access.

## **Assumptions for Proposal**

- We expect to maintain some print function, such as for law libraries and offices that want printed books. One way to do this, modeled after Oregon, is to take pre-orders and print only that number; any smaller print run will result in a higher cost and price. On-demand printing may be an option.
- The online version of free Deskbooks will be as high quality as what is currently offered, including links to primary law, useable forms, and adaptability to update.
- The Deskbook cost center would likely move from the CLE fund to the general fund, meaning expenses will be supported by license fees.
- Deskbooks as a “market” product will lose its commercial value—both for potential publishing partnerships (that is, we will pay the full price for production) and for members, who are not likely to easily transition back to a paying model. All existing physical Deskbook inventory (currently held by LexisNexis) will no longer be sold for retail value.
- This proposal affects the distribution model for Deskbooks; it does not alter (speed up) the editorial model, which would continue to rely on more expert staffing as well as a heavy lift to volunteer editors and authors.
- Providing Deskbooks to members may reduce some level of malpractice, but it is impossible to theoretically quantify in advance.

## **Fiscal Matters**

### **Current WSBA Revenue Arrangements**

- **Print:** Since entering into a contractual arrangement with LexisNexis (LN) in November 2020, the WSBA online store links to Washington “microsite” on LN site, <https://store.lexisnexis.com/site/wsba>, for purchases of WSBA Deskbooks. Existing inventory of WSBA Deskbooks (estimated value \$263,264, still carried as an asset on WSBA’s books) was transferred in March 2021 to LN warehouse. All future print editions of and updates to WSBA Deskbooks were predicated to be printed and warehoused, and order fulfillment handled, by LN. The current list prices of the books range from \$125 to \$599.
  - *Royalties to WSBA: 45% of each sale of existing WSBA inventory; 35% of each sale of Deskbooks manufactured/printed by LN.*
- **eBook:** This new format for WSBA Deskbooks became available for the first time in FY2021 pursuant to the LN contract referenced above.
  - *Royalties to WSBA: 50% of each eBook sale.*
- **Online:**
  - Through LN - *Royalties to WSBA: 22%*
  - Through Fastcase - *Royalties to WSBA: 70%*

### **Hard Numbers**

**Note:** The “Deskbooks” cost center is in Advancement; shortfalls in “Deskbooks” net revenue have historically been subsidized by CLE and/or CLE reserves.

**Revenue from print & eBook sales of deskbooks FY2018 – FY2021**

- Print: GL for print is Desk 43100 [renamed in 2021 from Deskbook sales to LN print sales]
  - FY2018: 129,246
  - FY2019: 157,844
  - FY2020: 220,594
  - FY2021: 178,150
  - FY2022: 126,421
- eBooks revenue only (launched in FY2021): GL for eBooks is Desk 43455, job code: LN eBook sales
  - FY2021: 7,105
  - FY2022: See footnote 4.

**Revenue from licensing online distribution of WSBA deskbooks FY2018 – FY202**

- Casemaker [FY2018 – mid-FY2021; GL is Desk 43525]
  - FY2018: 55,122
  - FY2019: 39,121
  - FY2020: 52,812
  - FY2021: 56,379
  - FY2022: 28,933
- Fastcase [FY2021; GL is Desk 43525]
  - FY2021: 56,379
  - FY2022: N/A
- LN [launched in FY2021. GL is Desk 43455, job code: LN online royalties]
  - FY2021: 2,291
  - FY2022: See footnote 4.<sup>4</sup>

**Deskbooks direct expenses FY2018 – FY2021:**

- FY2018: 66,619
- FY2019: 227,867 (100,000 in obsolete inventory written off)
- FY2020: 127,572
- FY2021: 129,156
- FY2022: 34,951

**Deskbooks revenue minus direct expenses FY2018 – FY2021:**

- FY2018: 62,627

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<sup>4</sup> Total FY22 for both LexisNexis streams are represented in budget code 43455 and total as: \$63,653.25 + 3,802.55 (FY22 rev rec'd in FY23) = \$67,455.80

- FY2019: (-70,023)
- FY2020: 93,022
- FY2021: 48,994
- FY2022: 91,471

**Deskbooks indirect expenses FY2018 – FY2021:**

- FY2018: 244,821
- FY2019: 219,876
- FY2020: 220,950
- FY2021: 210,891
- FY2022: 208,568

**Deskbooks net revenue (revenue minus direct and indirect expenses) FY2018 – FY2021:**

- FY2018: (-182,195)
- FY2019: (-289,899)
- FY2020: (-127,928)
- FY2021: (-161,897)
- FY2022: (-117,097)

**Costs of Warehousing Deskbooks Not Currently Carried by the WSBA, having been transferred to LN via 2020 – 2023 contract:**

- Warehousing (\$675/month previously paid by WSBA for offsite storage)

**Potential Fiscal Impacts**

**Costs to be reabsorbed by WSBA to produce online Deskbooks product in-house (by WSBA staff or outsourced):**

- Pre-press editorial work (Without LN, we would have to take back creation of tables of authorities and indexing, which we have in the past outsourced to contract copyeditor and professional indexing company.)
- Conversion of print Word manuscripts, via formatting and xml tagging, to online version
- Licensing of search engine
- Licensing access to primary law database to link cited authorities to

**Potential effects on future Fastcase and LN contracts of making online version of Deskbooks free:**

- Would Fastcase or LN want to continue to try to sell a product (and share revenue from those sales with WSBA) when that product is available to its core audience (WSBA members) for free? Probably not.
- Would LN want to continue to incur the expenses of printing and warehousing WSBA Deskbooks if print sales fall off sharply in the face of the online version being free? Possibly.

**In the absence of a contract with LN for printing/order fulfillment/marketing, WSBA would have to reabsorb the following costs (in-house or outsourced) of print Deskbooks:**

- Printing of binders, tabs, and contents (Assuming much smaller demand for print if online is free, we would be looking at essentially “on-demand” printing, which we have never been able to do because of the high cost of small print runs on commercial presses.
- Warehousing of inventory (has historically required paying for rental of offsite warehouse space, as no space in WSBA offices – which will remain the case, especially if WSBA office footprint is reduced)
- Order fulfillment (processing orders; shipping) and customer service
- Maintaining/updating WSBA online store with Deskbook releases
- Marketing (we stopped doing print marketing (flyers, catalogs) years ago, as the costs were too high)

### **Staff Fiscal Analysis**

**Background.** Since at least 2017, the Budget and Audit Committee has expressed a strong desire for the Deskbook Cost center to operate with a business model that approaches cost neutrality and, better, profitability for the CLE fund. This interest has been balanced with the overall goal of keeping deskbooks affordable for members and free for mission-critical groups such as QLSPS and public law libraries (part of the reason why the deskbook cost center is nested in the CLE fund is to provide some coverage to allow for free books and to shelter prices). In November 2020, after much negotiating and logistical conversations, we entered into a contract with LexisNexis that allowed us to drastically shift our cost/revenue outlook while maintaining pricing commensurate with historic pricing. LexisNexis took over the printing, warehousing, sales, marketing, and order fulfillment of the WSBA’s printed deskbooks and brought a new product to market (eBooks). As part of the transition, we shipped the remainder of our deskbooks in a Seattle warehouse to the LexisNexis warehouse in Maryland, to be sold as LexisNexis fulfills orders. We are still mid-execution of that initial contract with LexisNexis, and we are seeing positive signs in our financial statements and projections that this partnership is doing what the Budget and Audit Committee has long directed—closing the gap toward profitability. Simultaneously, we have worked closely with Fastcase as it acquired Casemaker, our provider of online subscription access to our deskbooks. Fastcase has spent a considerable amount of staff time and expense to convert our deskbooks to its platform in an accurate and user-friendly format.

Moving forward, it is not impossible to undo these contracts, but—from a financial and relationship perspective—it will be very difficult to go back to a working partnership to produce the deskbook products. Such a decision will, essentially, devalue deskbooks as members expect and receive free online access. If we look into the future of the deskbook cost center, the current model shows the cost line approaching and (hopefully) surpassing neutrality into profitability; the free member-benefit model shows the cost line growing each year. The bottom line: From a financial perspective, one of the most important assumptions of moving to a free member-benefit model is that the Deskbook Team *will not be able to meet expectations* if future boards desire to return to a business model.

**Analysis.** The recommendation for Deskbooks includes two types of costs for consideration:

- **Transition Costs:** One-time costs in the first year of transition from current model to proposed model. Total estimated cost of \$307,264 for the following:

- **Inventory:** The current model includes physical deskbook inventory from two sources: (1) WSBA-produced physical deskbooks that were originally shipped to LexisNexis for inventory storage and sales as part of our current contract, and (2) LexisNexis printed deskbooks (beginning in 2021).

We assume that switching to a free deskbook model would result in little to no market for buyers to purchase the existing physical inventory. If the inventory is not sellable, WSBA-produced deskbooks costs **would be written-off**, resulting in an expense for the full value of the inventory in the first year of transition to the new model. The current book value of the WSBA-produced inventory is \$263,264.

For any inventory that LexisNexis has printed during the term of the agreement, the WSBA may purchase some or all of it at 70% of then-current list prices, plus shipping and handling and taxes. LexisNexis will thereafter destroy any remaining inventory unpurchased. Current list prices of the books ranges from \$125 to \$599. It is possible that WSBA would want to purchase some of the remaining inventory to fulfill buyer needs during the transition, but it is possible that we could work with LexisNexis to continue to make those books available after our contract ends and point buyers to LexisNexis for purchase.

- **Platform Conversion:** WSBA would incur costs to convert manuscripts of existing deskbook volumes as part of the transition to the proposed model. The estimated cost for conversion is \$44,000.
- **Annual Recurring Costs:** This is the estimated cost to provide members with the proposed benefit each year and includes direct costs for producing the deskbook such as contract editorial support and an online hosting platform, and indirect costs for staff to support to produce deskbooks in house. The current model includes 1.65 FTE to support existing operations and the proposed model would require the addition of 2.5 FTE for a total of 4.15 FTE. The current estimated annual recurring cost is \$608,232 for year 1.

**The total estimated cost for implementation in year 1 is approximately \$915,500.<sup>5</sup> Future ongoing costs begin at a base of \$608,232, however it is reasonable to expect a rise in costs each year between 2 to 4%.<sup>6</sup>**

## Legal Analysis by Office of the General Counsel

Transitioning deskbooks to a member benefit requires:

- (1) Termination of the existing agreements with Lexis Nexis and FastCase;
- (2) Understanding that Lexis Nexis, FastCase, and the deskbook authors all retain some rights;
- (3) Consideration that this severing of contracts may be difficult and expensive to reverse or modify when working with these vendors in the future.

<sup>5</sup> This includes a \$263,264 write off as opposed to a cash expenditure, and the annual ongoing costs.

<sup>6</sup> This includes inflation and expected step-increases in salary of employees per the normal course.

## Contract Termination Dates and Residual Rights

### Lexis Nexis Contract:

- Contract Term: Initial three-year term with automatic one-year extension unless written notice provided 180 days in advance. Contract was effective 11/17/2020.
- Termination Notice Date: 5.21.2023 (note this is the Sunday after the BOG meeting).
- Residual Rights: Continued use of materials on hand (desk books may show up in sales literature); LN has a perpetual license to make permitted use of the material to comply with their-party distributor agreements and provide access to subscribers who rights were established prior to termination of the contract.

### FastCase Contract:

- Contract Term: Contract amended in 2020 to add Deskbooks and expires 12.1.2023 with automatic one-year extension unless written notice provided 90 days in advance.
- Termination Notice Date: 9.2.2023
- Residual Rights: Continue to provide WSBA Deskbooks to subscribers until the end of the subscription period, but not accept any new subscriptions.

### Deskbook Author Contracts:

- Terms: Authors transfer exclusive right to publish and sell to WSBA
- Retained rights: Nonexclusive license to publish and distribute copies of the author's chapters to the author's clients, as part of seminar materials used for client development (with WSBA permission)

## Implications

It appears that both contracts need to be terminated to transition Deskbooks to a member benefit. The earliest date to terminate both contracts is 11/17/2024 based on the staggered termination notice dates. To meet this 11/17/2024 date, WSBA would terminate the Fastcase contract this year by giving written notice prior to September 2, 2023. The Lexis Nexis termination notice must be provided before May 21, 2024.

There will be some issues with residual rights provided to members whose subscriptions extend beyond the transition date. These WSBA members will receive the current Deskbook products through their subscriptions and the updates and any new Deskbooks as a member benefit. So, for a period of time, some members would need to look in two places to find the up-to-date Deskbook materials.

Given that WSBA would be terminating these contracts after a relatively short period of time and that both Lexis Nexis and FastCase performed work on their end, it might be difficult to negotiate favorable terms in the future if the BOG decided to revert back to the current external publishing arrangement.

## Equity

### Equity Projections

The WSBA has made commitments to advancing equity and inclusion both internally and externally in furtherance of its mission and GR 12.2. The WSBA's mission is to serve the public and members of the Bar, to ensure integrity of the profession and to champion justice. As directed by General Rule 12.2, the WSBA works to promote



diversity and equality in the courts and the legal profession and promote an effective legal system accessible to all. This project takes a step towards:

- Better equipping and supporting WSBA members to serve the public, especially those who cannot access justice because of poverty or other forms of marginalization, which big law firms (with the resources to acquire deskbooks) do not traditionally serve.
- Advancing a legal profession that is diverse and inclusive for members and prospective members especially those who are underrepresented in the legal profession, by allowing equal access to research and forms put together by the volunteers.
- Supporting the WSBA to operate in ways that align with its stated values of justice, diversity, inclusion, and equity – by making this a member resource not dependent on connections or resources, aside from membership in the bar association.

Some considerations in regard to examining this from an equity lens pursuant to BoG policy are as follows:

- **IMPACTED GROUPS:**
  - *The general WSBA membership:* This group will be directly impacted. We want a membership that is competent and has access to the best understanding and thought as to the law and how to practice it. That information is worth thousands of dollars and would be available to every member as a benefit of being a member.
  - *WSBA staff:* This group will be directly impacted. This would require work on the part of the staff and the hiring of additional FTEs to take over some outsourced tasks and maintenance.
  - *Subgroups of WSBA membership will be directly impacted:* rural practitioners, solo and small firm practitioners, small non-profit employees, and legal professionals from marginalized and underrepresented communities not traditionally part of big institutional law firms, will gain access to resources previously restricted to wealthier groups and those with access to law libraries.
  - *Members of the public in need of legal services:* The public in general will be impacted directly, and especially the public served by the subgroups of the WSBA membership that would be most directly impacted; this is because it will increase the resources available to, and general levels of competence and preparedness among, legal practitioners, all of which serve the public in some way.
- **PROCESS:** The Council's Charter is designed to have a makeup that reaches a broad cross section of the membership and includes staff input. Additionally, the Council brought in outside parties to speak to the effects on the public, including law librarians, and the Oregon State Bar's experiences. It is expected that this memo will be reviewed by section leaders, who will come to give input at the BoG meeting, including outreach already made to the Indian Law Section, the Practice of Law Board, and the Small & Solo Practice section in particular. As ultimate plans are laid down, and to work towards inclusion and belonging, the WSBA should continue to engage in authentic community outreach and engagement, especially with members, staff and the public who may be most impacted attorney access.
- **OUTCOMES:** The desired outcome is to ensure that the resources the WSBA puts together becomes accessible to all of our members, regardless of background or resources, so that they may

better serve the public in the most competent and educated way possible.

- *EVALUATION*: Evaluating the impact of the action, including unintended consequences and disparities among impacted groups will likely be carried out through the WSBA member perception survey which is an ongoing data sampling methodology that cross references data extensively.
- *FUTURE LEARNING*: Ideally, the WSBA will be able to track rates of usage and access to see what resources are in highest demand and take feedback from different sections and groups within the bar to evaluate the success of the project in reaching groups who previously did not have access to these tools. Low utilization rate may require communications and education outreach.

### Staff Equity Analysis

Offering member-wide access to the WSBA desk books sounds like a great benefit for those who utilize it, but requires a not-insignificant increase in member fees. Based on preliminary fiscal analyses, this would incur an \$8-11 increase membership-wide, an almost 3% increase on licensing fees. This could disproportionately burden members with limited means who this proposal aims to benefit.

Knowing that it can be challenging to increase fees and other funding needs at the WSBA, the Long Range Strategic Planning Committee should carefully consider whether increasing fees in this amount to prioritize member-wide desk book access will best ensure the WSBA is fulfilling its mission and delivering on strategic planning goals. We recommend that the Committee perform a larger analysis of the needs of members, identify more upstream issues that cause inequities in access, and collaborate with the groups that experience the greatest barriers to accessing WSBA resources to develop solutions.

Should the Long Range Strategic Planning Council choose to proceed with this proposal, we recommend the Committee seek membership-wide input and conduct targeted outreach to the member groups who currently experience the most barriers to accessing the desk books. These might include (but are not limited to) the Solo and Small Firm Section, New and Young and Lawyers Committee, Minority Bar Associations, and Qualified Legal Services Providers. We suggest that the Committee be transparent that the member-wide access to the desk books will require increasing fees across the entire membership.

Alternative solutions that might have less of a significant fiscal impact could include 1) ensuring those who already have free access know how to access it and/or 2) potentially expanding free or discounted access to targeted groups with the largest needs (e.g., new and young members, solo practitioners). This may solve the immediate need of accessibility without creating such a large impact on licensing fees.

### Special Thanks

Actual drafting was primarily the compilation of many materials, minutes, and resources compiled by WSBA staff. The drafter would like to acknowledge the enormous amount of work done over years by the staff of the WSBA in putting together this summary and all the background work and data collection and analysis over the last several years.

Of the many contributors, the true heavy lifters in this project have been: **Margaret Morgan**, Senior Legal Editor, **Tiffany Lynch**, Director of Finance, and **Maggie Yu**, Controller.

Additional thanks to: **Ana Selvidge**, Former Chief of Staff; **Bonnie Sterken**, Equity and Justice Lead, Access to Justice; **Diana Singleton**, Chief Equity and Justice Officer; **Laura Sanford**, Foundation Development Officer; **Doug Ende**, Chief Disciplinary Counsel and Director of the Office of Disciplinary Counsel; **Julie Shankland**, General Counsel; **Nicholas Mejia**, Equity and Justice Programs Coordinator; **Saleena Salango**, Equity and Justice Lead; **Sara Niegowski**, Chief Communications and Outreach Officer; **Terra Nevitt**, Executive Director; **Szilvia Szilágyi**, Assistant General Counsel.

# WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors

From: Budget and Audit Committee

Subject: Long Range Strategic Planning Council Recommendations for WSBA Facilities and Deskbooks

Date: April 28, 2023

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The Budget and Audit Committee met on April 28, 2023 and reviewed two recommendations from the Long Range Strategic Planning Council. Non-Committee Board of Governors members attended the meeting and participated in the discussion. The Committee did not take action on the recommendations and agreed to provide a summary of the discussion for the Board to take into consideration in their decision-making process.

## **WSBA Facilities**

- Timing of the recommendation to purchase a building and ability to accumulate enough funds to execute purchase by the end of WSBA's current lease at Puget Sound Plaza in December 2026.
- Current finances include \$2.7 million in Facilities Reserve Fund and \$3.4 million in unrestricted funds. These are the funds that would be available for purchasing a building, but there are other significant needs for unrestricted funds such as a planned FY24 budget deficit tied to flat license fee rate of \$458 in 2024 and other recommendations (Deskbooks, Legal Link, etc.) that would require additional funding.
- Concerns surrounding owning a building including the long-term costs to maintain, hiring staff, lack of expertise in managing/owning property, and implications of commercial loans on financial flexibility.
- Benefits of renting include ability to adapt to changing business needs tied to space. Specifically, remote work is relatively new and there could be shifts in workforce needs as WSBA gets accustomed to the "new normal".
- Benefits of owning a building are the long-term savings for the organization and investment which also comes at a considerable cost in the immediate.
- Understanding and agreement that WSBA should work towards developing a plan to save up funds to provide ultimate flexibility when the time comes to making a decision about facilities.
- The "why" behind purchasing a building and assumptions being made regarding member appreciation for a statewide presence through establishment of satellite office locations has not been sufficiently explained and articulated to those who will bear the burden of paying for it.
- Suggestion to adjust language in the recommendation to allow for lease with option to buy should be included.

- For satellite offices, would prefer to start with renting space (rather than buying immediately) to ensure that location is successful before investing and consultation with regional bars in these locations should be front ended.
- Inherent financial risk in moving to alternate location related to unanticipated costs especially locations where WSBA have fewer members. Majority of WSBA members are in King County and that should be of prime consideration in any decision.
- Existing location includes technology set up and investments that suit WSBA's needs.
- Pricing of commercial office space has not reduced to be in line with influx in availability of office space for rent.
- The Board should listen to professional advice from the Facilities Subcommittee and others with knowledge in commercial real estate so as to avoid making emotional decision not grounded in facts and data.

### **Deskbooks**

- Overwhelming majority of committee members are opposed to immediate implementation of this recommendation in this budget cycle.
- Implementation of this recommendation too quickly could cause unnecessary financial loss and damage to existing vendor relationships that have an impact on other areas of WSBA's member services.
- Need for member engagement to determine if there is a desire for this benefit. Board should work with Member Engagement Council to solicit members input via surveys, polls, etc.
- Consideration of the high level of details that need to be understood to implement a successful transition to a new model.
- Appreciation for Deskbooks and desire to provide it as a member benefit should be grounded on members needs. For example, there are many members that practice in criminal law who do not need this benefit.
- Recognition that past Board/Budget and Audit Committees tasked WSBA with reducing losses for Deskbooks and they have been successful with the current contract model.
- If this becomes a free member benefit, it is a long-term (permanent decision) and not able to be "undone".
- Consideration for reducing the one-time expense of inventory write-off by taking a measured approach to implementation over time.
- Concerns about implementing recommendation in FY24.
- Cost of supporting this recommendation would likely require an increase in license fees and members should be made aware of it.
- Concern that this option might be overbroad to meet the problem (concern about members who might not be able to afford)—other possible options should be explored to provide this benefit on a grant basis. For example, legal practitioners engaged in access to justice but cannot afford the cost. This could be managed through LFW with funding from Bar Foundation.

**TO:** WSBA Board of Governors  
**CC:** Terra Nevitt, Executive Director  
**FROM:** Governor Alec Stephens  
**DATE:** May 1, 2023  
**RE:** Discussion of three possible Bylaw or Policy Changes

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**DISCUSSION:** This is for discussion only. Based on feedback, Bylaw or Policy changes may be presented for First Read in June or August.

**ISSUE 1: A Bylaw change to have the President-Elect elected by the active licensed legal professional membership of WSBA, with advisory ratings prepared/conducted by the Board of Governors.**

Currently, the BOG elects the President-Elect (WSBA Bylaws Article IV.A.2). Should the Bylaws be changed to require that the active WSBA membership elect the President-Elect with an advisory rating or list of qualifications determined by the BOG?

**ISSUE 2: A Bylaw revision to allow committees to have working sessions in lieu of formal actions if a quorum is not present.**

Currently a meeting is defined as a meeting at which action is contemplated. Action includes receipt of member information, deliberations, discussions, considerations, reviews, evaluations, and final action. My observation is that an increasing number of meetings are cancelled, or volunteers travel to a meeting that cannot happen due to lack of quorum. This leads to volunteer frustration and work delay.

**ISSUE 3: A new Bylaw or Policy that in each fiscal year a minimum of 3 in-person or hybrid BOG meetings will be held in King County; 2 of which will be at WSBA headquarters in Seattle (or alternatively near WSBA offices if there is not space in WSBA Offices) and the 3rd meeting in King County (which may include WSBA Offices, but could also include other sites such as Seattle U and University of Washington law schools or another city in King County such as Bellevue, Renton or Tukwila).**

The Bylaws state only that regular meetings of the BOG will be held at “such times and locations as the President may designate.” (WSBA Bylaw Article VII.C.1) All Board of Governors meetings are now hybrid allowing both in person and remote participation.

### Questions for Discussion

1. What are the problems that this change would solve?
2. What are the benefits that this change would bring?
3. Describe how the changes will directly or indirectly impact the following groups and will they be involved in the drafting of the changes?
  - a. WSBA membership overall
  - b. Subgroups of WSBA membership, e.g. sections and legal professionals from underrepresented or marginalized groups
  - c. WSBA staff
  - d. Members of the public in need of legal services
4. Are there options or alternatives to this solution?
5. What are the risks created by this solution?
6. What are the unintended consequences of this solution, including specifically whether there is a potential for disparate impacts on certain groups of people?
7. Do we need additional data, input, or other feedback before moving forward with this?
8. What is the next step and the timeline for these proposed changes?



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

# **Financial Reports**

**(Unaudited)**

**Year to Date February 28, 2023**

**Prepared by**  
**Maggie Yu, Controller**

**Submitted by**  
**Tiffany Lynch, Director of Finance**  
**March 17, 2023**

# WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors  
Budget and Audit Committee

From: Terra Nevitt, Executive Director; Tiffany Lynch, Director of Finance; Maggie Yu, Controller

Re: Key Financial Benchmarks for the Preliminary Fiscal Year to Date (YTD) through February 28, 2023  
As % of Completion to Annual Budget

	% of Year	Current Year % YTD	Current Year \$ Difference Favorable/(Unfavorable)	Prior Year YTD	Comments
Total Salaries & Benefits	42%	41%	\$123,658	42%	Favorable to budget due to vacant positions and higher capital labor.
Other Indirect Expenses*	42%	40%	\$74,671	42%	Favorable to budget due to timing of payments.
Total Indirect Expenses	42%	41%	\$198,328	42%	Favorable to budget resulting from a combination of reasons described above.

General Fund Revenues	42%	45%	\$830,858	46%	Favorable to budget due to high interest income, product sales, seminar registrations for member services & engagement and new member education, MCLE payments, and law clerk fees due to timing of collection
General Fund Indirect Expenses	42%	41%	\$180,211	42%	Favorable to budget as described under indirect expenses above.
General Fund Direct Expenses	42%	23%	\$491,422	20%	Favorable to budget due to timing of program activities and meetings/events.
General Fund Net	42%	227%	\$1,502,490	1,503%	Favorable to budget for the reasons described above.

CLE Revenue	42%	45%	\$67,014	59%	Favorable to budget due to higher product sales.
CLE Direct Expenses	42%	14%	\$103,985	7%	Favorable to budget due to timing of scheduled seminar expense payments.
CLE Indirect Expenses	42%	40%	\$15,943	42%	Favorable to budget as described under indirect expenses above
CLE Net	42%	128%	\$186,941	213%	Favorable to budget for the reasons described above.

\*Workplace benefits, Human Resources, meeting support, rent, taxes, furniture & maintenance, office supplies, depreciation, insurance, equipment, professional fees (legal & audit), internet & telephone, postage, storage, bank fees, Technology

Washington State Bar Association Financial Summary  
Compared to Fiscal Year 2023 Budget  
For the Period from February 1, 2023 to February 28, 2023

Category	Actual Revenues	Budgeted Revenues	Actual Indirect Expenses	Budgeted Indirect Expenses	Actual Direct Expenses	Budgeted Direct Expenses	Actual Total Expenses	Budgeted Total Expenses	Actual Net Result	Budgeted Net Result
Access to Justice	-	-	97,436	237,082	31,516	121,820	128,952	358,902	(128,952)	(358,902)
Admissions/Bar Exam	591,170	1,362,940	379,354	892,773	73,663	411,079	453,017	1,303,852	138,153	59,088
Advancement FTE	-	-	144,390	354,465	198	8,100	144,588	362,565	(144,588)	(362,565)
Bar News	224,466	602,700	136,918	332,507	145,795	363,460	282,713	695,967	(58,247)	(93,267)
Board of Governors	-	-	81,489	191,700	83,159	371,900	164,648	563,600	(164,648)	(563,600)
Character & Fitness Board	-	-	57,269	139,623	869	27,000	58,138	166,623	(58,138)	(166,623)
Communications Strategies	113	3,500	277,589	674,814	4,623	116,015	282,212	790,829	(282,099)	(787,329)
Communications Strategies FTE	-	-	100,866	243,400	-	-	100,866	243,400	(100,866)	(243,400)
Discipline	30,780	119,000	2,348,229	6,007,729	45,282	206,999	2,393,511	6,214,728	(2,362,732)	(6,095,728)
Diversity	135,000	135,000	84,674	240,734	22,785	121,535	107,460	362,269	27,540	(227,269)
Finance	247,311	26,000	444,296	1,080,720	1,853	13,500	446,149	1,094,220	(198,838)	(1,068,220)
Foundation	-	-	59,796	147,147	3,049	5,650	62,845	152,797	(62,845)	(152,797)
Human Resources	-	-	244,074	424,625	-	-	244,074	424,625	(244,074)	(424,625)
Law Clerk Program	185,233	188,200	55,913	138,099	2,537	8,900	58,450	146,999	126,783	41,201
Legislative	-	-	95,536	242,681	9,063	26,783	104,600	269,464	(104,600)	(269,464)
Legal Lunchbox	19,208	23,000	20,181	51,117	551	1,500	20,733	52,617	(1,525)	(29,617)
Licensing and Membership Records	166,502	452,200	262,407	622,311	6,558	19,651	268,965	641,962	(102,463)	(189,762)
Licensing Fees	6,988,143	17,053,467	-	-	-	-	0	-	6,988,143	17,053,467
Limited License Legal Technician	5,500	29,722	34,780	85,248	1,131	15,500	35,911	100,748	(30,411)	(71,026)
Limited Practice Officers	86,394	195,088	40,178	99,305	6,368	21,042	46,546	120,347	39,848	74,741
Mandatory CLE	666,025	1,125,250	335,784	714,329	4,811	67,015	340,595	781,344	325,430	343,906
Member Wellness Program	3,000	7,500	81,373	234,719	796	2,800	82,169	237,519	(79,169)	(230,019)
Member Services & Engagement	14,800	11,800	122,722	302,978	2,257	39,500	124,980	342,478	(110,180)	(330,678)
Mini CLE	-	-	46,635	114,412	-	-	46,635	114,412	(46,635)	(114,412)
New Member Education	78,629	85,000	38,654	95,269	-	1,600	38,654	96,869	39,975	(11,869)
Office of General Counsel	-	963	390,448	1,038,134	2,725	19,400	393,173	1,057,534	(393,173)	(1,056,571)
Office of the Executive Director	-	-	224,648	568,259	11,081	128,775	235,729	697,034	(235,729)	(697,034)
OGC-Disciplinary Board	-	-	90,611	217,139	33,391	112,000	124,003	329,139	(124,003)	(329,139)
Practice of Law Board	-	-	25,796	63,355	1,630	12,000	27,426	75,355	(27,426)	(75,355)
Practice Management Assistance	32,806	50,000	54,290	133,033	72,966	73,400	127,256	206,433	(94,451)	(156,433)
Professional Responsibility Program	-	-	93,716	151,321	1,307	2,250	95,023	153,571	(95,023)	(153,571)
Public Service Programs	130,000	130,000	83,668	219,329	31,624	266,928	115,293	486,257	14,707	(356,257)
Publication and Design Services	-	-	49,140	119,175	4,200	4,612	53,340	123,787	(53,340)	(123,787)
Regulatory Services FTE	-	-	211,725	536,908	-	23,550	211,725	560,458	(211,725)	(560,458)
Sections Administration	347,392	290,543	119,229	290,746	470	7,850	119,699	298,596	227,693	(8,053)
Service Center	-	-	291,490	703,381	2,739	10,300	294,229	713,681	(294,229)	(713,681)
Volunteer Engagement	-	-	42,242	97,639	3,857	17,850	46,098	115,489.27	(46,098)	(115,489)
Technology	-	-	803,411	1,996,602	-	-	803,411	1,996,602	(803,411)	(1,996,602)
Subtotal General Fund	9,952,471	21,891,872	8,070,959	19,802,808	612,855	2,650,264	8,683,814	22,453,072	1,268,657	(561,199)
Expenses using reserve funds									-	-
Total General Fund - Net Result from Operations									1,268,657	(561,199)
Percentage of Budget	45%		0		23%		39%			
CLE-Seminars and Products	812,211	1,653,725	434,737	1,079,536	47,942	307,219	482,679	1,386,755	329,532	266,970
CLE - Deskbooks	44,272	241,000	91,798	222,410	4,550	68,325	96,348	290,735	(52,076)	(49,735)
Total CLE	856,483	1,894,725	526,535	1,301,946	52,492	375,544	579,027	1,677,490	277,456	217,235
Percentage of Budget	45%		0		14%		35%			
Total All Sections	561,503	649,695	-	-	393,537	904,646	393,537	904,646	167,966	(254,951)
Client Protection Fund-Restricted	769,034	730,000	73,622	181,912	36,200	502,300	109,822	684,212	659,212	45,788
Totals	12,139,491	25,166,292	8,671,116	21,286,666	1,095,083	4,432,754	9,766,199	25,719,419	2,373,291	(553,127)
Percentage of Budget	48%		0		25%		38%			

Summary of Fund Balances:	Fund Balances Sept. 30, 2022	2023 Budgeted Fund Balances	Fund Balances Year to date
Restricted Funds:			
Client Protection Fund	4,063,501	4,109,289	4,722,714
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	1,042,049	1,259,284	1,319,505
Section Funds	1,802,650	1,547,699	1,970,616
Board-Designated Funds (General Fund):			
Operating Reserve Fund	2,000,000	2,000,000	2,000,000
Facilities Reserve Fund	1,000,000	1,000,000	2,700,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	5,713,268	5,152,068	5,281,924
Total General Fund Balance	8,713,268	8,152,068	9,981,924
Net Change in Total General Fund Balance		(561,199)	1,268,657
Total Fund Balance	15,621,468	15,068,341	17,994,759
Net Change In Fund Balance		(553,127)	2,373,291

**Washington State Bar Association  
Analysis of Cash Investments  
As of February 28, 2023**

**Checking & Savings Accounts**

**General Fund**

**Checking**

<b><u>Bank</u></b>	<b><u>Account</u></b>	<b><u>Amount</u></b>
Wells Fargo	General	\$ 958,401

Total

<b><u>Investments</u></b>	<b><u>Rate</u></b>	<b><u>Amount</u></b>
Wells Fargo Money Market	0.31%	\$ 14,644,690
UBS Financial Money Market	0.19%	\$ 1,094,833
Morgan Stanley Money Market	0.34%	\$ 3,430,554
Merrill Lynch Money Market	0.36%	\$ 2,024,222
CDs/Treasuries	see list	\$ 5,235,246

**General Fund Total \$ 27,387,945**

**Client Protection Fund**

**Checking**

<b><u>Bank</u></b>	<b><u>Amount</u></b>
Wells Fargo	\$ 234,529

<b><u>Investments</u></b>	<b><u>Rate</u></b>	<b><u>Amount</u></b>
Wells Fargo Money Market	0.36%	\$ 4,602,262
Morgan Stanley Money Market	0.32%	\$ 109,071

**Client Protection Fund Total \$ 4,945,862**

**Grand Total Cash & Investments \$ 32,333,808**

**Washington State Bar Association  
Analysis of Cash Investments  
As of February 28, 2023**

**General Fund**

<b><u>Bank</u></b>	<b><u>Yield</u></b>	<b><u>Term Months</u></b>	<b><u>Trade Date</u></b>	<b><u>Settle Date</u></b>	<b><u>Maturity Date</u></b>	<b><u>Amount</u></b>
FFCB	4.75%	12	2/1/2023	2/2/2023	1/18/2024	241,148
FAMCA	4.75%	6	2/1/2023	2/2/2023	8/3/2023	246,738
Fairfield County Bank	4.65%	9	2/1/2023	2/3/2023	11/3/2023	250,000
Townebank	4.65%	12	2/1/2023	2/8/2023	2/8/2024	250,000
Mill Yard Bank	4.65%	12	2/1/2023	2/9/2023	2/9/2024	250,000
DFC	4.75%	11	2/1/2023	2/2/2023	12/14/2023	252,332
FHLBDN	4.75%	12	2/10/2023	2/13/2023	2/2/2024	250,325
FHLB	4.75%	9	2/10/2023	2/13/2023	11/7/2023	250,484
FHDN	4.75%	11	2/10/2023	2/13/2023	1/11/2024	239,533
DFC	4.80%	1	2/9/2023	2/10/2023	3/16/2023	262,665
FHLBD	4.72%	7	2/9/2023	2/10/2023	8/30/2023	247,690
JP Morgan Chase Bank	4.95%	11	2/22/2023	2/28/2023	1/31/2024	250,000
Independent Bank	4.75%	9	2/22/2023	2/24/2023	11/24/2023	250,000
Customers Bank	4.80%	1	2/22/2023	2/24/2023	3/16/2023	250,000
WebBank	5.00%	1	2/22/2023	2/27/2023	3/16/2023	250,000

<b>Total</b>	<b><u><u>5,235,246</u></u></b>
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**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2023 to February 28, 2023  
**42% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LICENSE FEES</b>						
<b>REVENUE:</b>						
LICENSE FEES	17,053,467	1,641,058	6,988,143	10,065,324	41%	117,468
<b>TOTAL REVENUE:</b>	<b>17,053,467</b>	<b>1,641,058</b>	<b>6,988,143</b>	<b>10,065,324</b>	<b>41%</b>	<b>(117,468)</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2023 to February 28, 2023  
**42% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>ACCESS TO JUSTICE</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>
<b>DIRECT EXPENSES:</b>						
SURVEYS	100	-	-	100	0%	42
ATJ BOARD RETREAT	2,000	-	2,130	(130)	107%	(1,297)
LEADERSHIP TRAINING	2,000	-	-	2,000	0%	833
ATJ BOARD EXPENSE	78,400	8,244	23,961	54,439	31%	8,706
STAFF TRAVEL/PARKING	3,000	-	50	2,950	2%	1,200
STAFF CONFERENCE & TRAINING	1,675	-	75	1,600	4%	623
PUBLIC DEFENSE	4,000	-	810	3,190	20%	856
CONFERENCE/INSTITUTE EXPENSE	23,145	3,989	3,989	19,156	17%	5,655
RECEPTION/FORUM EXPENSE	7,500	-	500	7,000	7%	2,625
<b>TOTAL DIRECT EXPENSES:</b>	<b>121,820</b>	<b>12,233</b>	<b>31,516</b>	<b>90,304</b>	<b>26%</b>	<b>19,243</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.64 FTE)	138,139	11,463	58,063	80,076	42%	(505)
BENEFITS EXPENSE	48,192	4,311	19,079	29,113	40%	1,001
OTHER INDIRECT EXPENSE	50,751	5,551	20,294	30,457	40%	852
<b>TOTAL INDIRECT EXPENSES:</b>	<b>237,082</b>	<b>21,325</b>	<b>97,436</b>	<b>139,646</b>	<b>41%</b>	<b>1,348</b>
<b>TOTAL ALL EXPENSES:</b>	<b>358,902</b>	<b>33,558</b>	<b>128,952</b>	<b>229,950</b>	<b>36%</b>	<b>20,591</b>
<b>NET INCOME (LOSS):</b>	<b>(358,902)</b>	<b>(33,558)</b>	<b>(128,952)</b>	<b>(229,950)</b>	<b>36%</b>	<b>20,591</b>



**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2023 to February 28, 2023  
**42% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>ADMISSIONS</b>						
<b>REVENUE:</b>						
EXAM SOFTWARE REVENUE	27,000	-	-	27,000	0%	(11,250)
BAR EXAM FEES	1,253,000	135,740	577,405	675,595	46%	55,322
RULE 9/LEGAL INTERN FEES	12,000	150	1,600	10,400	13%	(3,400)
SPECIAL ADMISSIONS	70,940	620	12,165	58,775	17%	(17,393)
<b>TOTAL REVENUE:</b>	<b>1,362,940</b>	<b>136,510</b>	<b>591,170</b>	<b>771,770</b>	<b>43%</b>	<b>23,278</b>
<b>DIRECT EXPENSES:</b>						
POSTAGE	750	-	245	505	33%	68
STAFF TRAVEL/PARKING	23,000	6,891	6,919	16,081	30%	2,664
STAFF MEMBERSHIP DUES	600	-	150	450	25%	100
SUPPLIES	2,750	18	187	2,563	7%	959
FACILITY, PARKING, FOOD	101,000	22,557	22,557	78,443	22%	19,526
EXAMINER FEES	36,000	8,500	11,000	25,000	31%	4,000
UBE EXMINATIONS	123,000	-	-	123,000	0%	51,250
BOARD OF BAR EXAMINERS	18,850	7,535	7,535	11,315	40%	319
BAR EXAM PROCTORS	39,000	-	-	39,000	0%	16,250
DISABILITY ACCOMMODATIONS	27,000	11,387	13,387	13,613	50%	(2,137)
CHARACTER & FITNESS INVESTIGATIONS	2,000	-	-	2,000	0%	833
LAW SCHOOL VISITS	1,700	23	229	1,471	13%	480
DEPRECIATION-SOFTWARE	24,929	2,038	10,188	14,741	41%	199
STAFF CONFERENCE & TRAINING	10,500	-	1,266	9,234	12%	3,109
<b>TOTAL DIRECT EXPENSES:</b>	<b>411,079</b>	<b>58,949</b>	<b>73,663</b>	<b>337,416</b>	<b>18%</b>	<b>97,620</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (6.75 FTE)	512,745	42,756	216,837	295,909	42%	(3,193)
BENEFITS EXPENSE	171,146	17,833	79,045	92,101	46%	(7,735)
OTHER INDIRECT EXPENSE	208,882	22,868	83,472	125,410	40%	3,562
<b>TOTAL INDIRECT EXPENSES:</b>	<b>892,773</b>	<b>83,457</b>	<b>379,354</b>	<b>513,419</b>	<b>42%</b>	<b>(7,365)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,303,852</b>	<b>142,406</b>	<b>453,017</b>	<b>850,835</b>	<b>35%</b>	<b>90,255</b>
<b>NET INCOME (LOSS):</b>	<b>59,088</b>	<b>(5,896)</b>	<b>138,153</b>	<b>(79,065)</b>	<b>234%</b>	<b>113,533</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2023 to February 28, 2023  
**42% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>ADVANCEMENT FTE</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>		<u>-</u>
<b>DIRECT EXPENSES:</b>						
STAFF CONFERENCE & TRAINING	8,100	-	198	7,902	2%	3,177
<b>TOTAL DIRECT EXPENSES:</b>	<u>8,100</u>	<u>-</u>	<u>198</u>	<u>7,902</u>	<u>2%</u>	<u>3,177</u>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.88 FTE)	233,777	19,482	96,066	137,711	41%	1,341
BENEFITS EXPENSE	62,511	5,608	25,136	37,375	40%	911
OTHER INDIRECT EXPENSE	<u>58,178</u>	<u>6,361</u>	<u>23,188</u>	<u>34,989</u>	<u>40%</u>	<u>1,052</u>
<b>TOTAL INDIRECT EXPENSES:</b>	<u>354,465</u>	<u>31,451</u>	<u>144,390</u>	<u>210,076</u>	<u>41%</u>	<u>3,304</u>
<b>TOTAL ALL EXPENSES:</b>	<u>362,565</u>	<u>31,451</u>	<u>144,588</u>	<u>217,978</u>	<u>40%</u>	<u>6,481</u>
<b>NET INCOME (LOSS):</b>	<u>(362,565)</u>	<u>(31,451)</u>	<u>(144,588)</u>	<u>(217,978)</u>	<u>40%</u>	<u>6,481</u>

**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2023 to February 28, 2023  
**42% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>BAR NEWS</b>						
<b>REVENUE:</b>						
ROYALTIES	-	(24)	-	-		-
DISPLAY ADVERTISING	400,000	45,000	174,000	226,000	44%	7,333
SUBSCRIPT/SINGLE ISSUES	200	-	-	200	0%	(83)
CLASSIFIED ADVERTISING	2,500	973	5,127	(2,627)	205%	4,085
JOB TARGET ADVERTISING	200,000	16,355	45,339	154,661	23%	(37,994)
<b>TOTAL REVENUE:</b>	<b>602,700</b>	<b>62,304</b>	<b>224,466</b>	<b>378,234</b>	<b>37%</b>	<b>(26,659)</b>
<b>DIRECT EXPENSES:</b>						
POSTAGE	110,000	12,065	46,869	63,131	43%	(1,035)
PRINTING, COPYING & MAILING	250,000	24,902	98,152	151,848	39%	6,015
DIGITAL/ONLINE DEVELOPMENT	1,000	571	571	429	57%	(154)
GRAPHICS/ARTWORK	100	-	-	100	0%	42
STAFF CONFERENCE & TRAINING	2,000	-	-	2,000	0%	833
STAFF MEMBERSHIP DUES	135	-	-	135	0%	56
SUBSCRIPTIONS	225	-	203	22	90%	(109)
<b>TOTAL DIRECT EXPENSES:</b>	<b>363,460</b>	<b>37,538</b>	<b>145,795</b>	<b>217,665</b>	<b>40%</b>	<b>5,647</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (2.23 FTE)	209,396	17,485	87,641	121,755	42%	(392)
BENEFITS EXPENSE	54,103	4,932	21,686	32,417	40%	857
OTHER INDIRECT EXPENSE	69,008	7,559	27,591	41,417	40%	1,162
<b>TOTAL INDIRECT EXPENSES:</b>	<b>332,507</b>	<b>29,976</b>	<b>136,918</b>	<b>195,589</b>	<b>41%</b>	<b>1,627</b>
<b>TOTAL ALL EXPENSES:</b>	<b>695,967</b>	<b>67,514</b>	<b>282,713</b>	<b>413,255</b>	<b>41%</b>	<b>7,274</b>
<b>NET INCOME (LOSS):</b>	<b>(93,267)</b>	<b>(5,210)</b>	<b>(58,247)</b>	<b>(35,020)</b>	<b>62%</b>	<b>(19,386)</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2023 to February 28, 2023  
**42% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>BOARD OF GOVERNORS</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>
<b>DIRECT EXPENSES:</b>						
BOG MEETINGS	205,000	1,790	38,913	166,087	19%	46,504
BOG COMMITTEES' EXPENSES	3,000	84	88	2,912	3%	1,162
BOG RETREAT	50,000	-	19,542	30,458	39%	1,292
BOG CONFERENCE ATTENDANCE	43,000	4,144	4,144	38,856	10%	13,773
BOG TRAVEL & OUTREACH	14,000	5,143	11,766	2,234	84%	(5,933)
LEADERSHIP TRAINING	20,000	-	4,367	15,633	22%	3,966
BOG ELECTIONS	26,900	-	-	26,900	0%	11,208
PRESIDENT'S DINNER	10,000	-	-	10,000	0%	4,167
CONSULTING SERVICES	-	-	4,339	(4,339)		(4,339)
<b>TOTAL DIRECT EXPENSES:</b>	<b>371,900</b>	<b>11,161</b>	<b>83,159</b>	<b>288,741</b>	<b>22%</b>	<b>71,799</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.40 FTE)	112,271	9,279	50,022	62,249	45%	(3,243)
BENEFITS EXPENSE	36,105	3,228	14,179	21,927	39%	865
OTHER INDIRECT EXPENSE	43,324	4,736	17,288	26,036	40%	763
<b>TOTAL INDIRECT EXPENSES:</b>	<b>191,700</b>	<b>17,244</b>	<b>81,489</b>	<b>110,211</b>	<b>43%</b>	<b>(1,614)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>563,600</b>	<b>28,404</b>	<b>164,648</b>	<b>398,952</b>	<b>29%</b>	<b>70,185</b>
<b>NET INCOME (LOSS):</b>	<b>(563,600)</b>	<b>(28,404)</b>	<b>(164,648)</b>	<b>(398,952)</b>	<b>29%</b>	<b>70,185</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2023 to February 28, 2023  
**42% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>CHARACTER &amp; FITNESS BOARD</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
CHARACTER & FITNESS BOARD EXP	12,000	-	-	12,000	0%	5,000
COURT REPORTERS	15,000	-	869	14,131	6%	5,381
<b>TOTAL DIRECT EXPENSES:</b>	<b>27,000</b>	<b>-</b>	<b>869.00</b>	<b>26,131</b>	<b>3%</b>	<b>10,381</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.75 FTE)	90,551	7,462	37,797	52,754	42%	(68)
BENEFITS EXPENSE	25,863	2,262	10,132	15,731	39%	644
OTHER INDIRECT EXPENSE	23,209	2,540	9,340	13,869	40%	330
<b>TOTAL INDIRECT EXPENSES:</b>	<b>139,623</b>	<b>12,264</b>	<b>57,269</b>	<b>82,354</b>	<b>41%</b>	<b>907</b>
<b>TOTAL ALL EXPENSES:</b>	<b>166,623</b>	<b>12,264</b>	<b>58,138</b>	<b>108,485</b>	<b>35%</b>	<b>11,288</b>
<b>NET INCOME (LOSS):</b>	<b>(166,623)</b>	<b>(12,264)</b>	<b>(58,138)</b>	<b>(108,485)</b>	<b>35%</b>	<b>11,288</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2023 to February 28, 2023  
**42% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>LAW CLERK PROGRAM</b>						
<b>REVENUE:</b>						
LAW CLERK FEES	185,000	36,667	184,333	667	100%	107,250
LAW CLERK APPLICATION FEES	3,200	200	900	2,300	28%	(433)
<b>TOTAL REVENUE:</b>	<b>188,200</b>	<b>36,867</b>	<b>185,233</b>	<b>2,967</b>	<b>98%</b>	<b>106,816</b>
<b>DIRECT EXPENSES:</b>						
SUBSCRIPTIONS	250	-	-	250	0%	104
CHARACTER & FITNESS INVESTIGATIONS	100	-	-	100	0%	42
LAW CLERK BOARD EXPENSE	8,000	936	2,537	5,463	32%	796
LAW CLERK OUTREACH	550	-	-	550	0%	229
<b>TOTAL DIRECT EXPENSES:</b>	<b>8,900</b>	<b>936</b>	<b>2,537</b>	<b>6,363</b>	<b>29%</b>	<b>1,171</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.98 FTE)	82,442	6,885	33,993	48,449	41%	358
BENEFITS EXPENSE	25,330	2,246	9,871	15,459	39%	683
OTHER INDIRECT EXPENSE	30,327	3,301	12,049	18,277	40%	587
<b>TOTAL INDIRECT EXPENSES:</b>	<b>138,099</b>	<b>12,432</b>	<b>55,913</b>	<b>82,186</b>	<b>40%</b>	<b>1,628</b>
<b>TOTAL ALL EXPENSES:</b>	<b>146,999</b>	<b>13,367</b>	<b>58,450</b>	<b>88,549</b>	<b>40%</b>	<b>2,799</b>
<b>NET INCOME (LOSS):</b>	<b>41,201</b>	<b>23,499</b>	<b>126,783</b>	<b>(85,581)</b>	<b>308%</b>	<b>109,616</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2023 to February 28, 2023  
**42% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>CONTINUING LEGAL EDUCATION (CLE)</b>						
<b>REVENUE:</b>						
SEMINAR REGISTRATIONS	850,000	38,026	252,173	597,827	30%	(101,993)
SEMINAR REVENUE-OTHER	20,000	-	1,500	18,500	8%	(6,833)
SEMINAR SPLITS W/ CLE	(133,375)	-	-	(133,375)	0%	55,573
SHIPPING & HANDLING	100	-	54	46	54%	12
COURSEBOOK SALES	7,000	-	490	6,510	7%	(2,427)
MP3 AND VIDEO SALES	910,000	27,972	557,993	352,007	61%	178,827
<b>TOTAL REVENUE:</b>	<b>1,653,725</b>	<b>65,998</b>	<b>812,211</b>	<b>841,514</b>	<b>49%</b>	<b>(53,254)</b>
<b>DIRECT EXPENSES:</b>						
COURSEBOOK PRODUCTION	1,000	-	-	1,000	0%	417
POSTAGE - FLIERS/CATALOGS	5,000	-	-	5,000	0%	2,083
DEPRECIATION	1,309	279	1,395	(86)	107%	(850)
ONLINE EXPENSES	53,000	4,050	19,463	33,537	37%	2,620
ACCREDITATION FEES	3,000	-	2,844	156	95%	(1,594)
SEMINAR BROCHURES	20,000	-	-	20,000	0%	8,333
FACILITIES	165,200	2,000	21,185	144,015	13%	47,648
DISABILITY ACCOMMODATIONS	4,000	-	-	4,000	0%	1,667
SPEAKERS & PROGRAM DEVELOP	32,000	-	2,877	29,123	9%	10,456
HONORARIA	1,200	-	-	1,200	0%	500
CLE SEMINAR COMMITTEE	200	-	-	200	0%	83
STAFF TRAVEL/PARKING	15,000	-	104	14,896	1%	6,146
STAFF CONFERENCE & TRAINING	2,370	-	-	2,370	0%	988
STAFF MEMBERSHIP DUES	1,700	-	-	1,700	0%	708
COST OF SALES - COURSEBOOKS	690	-	40	650	6%	247
A/V DEVELOP COSTS (RECORDING)	1,250	-	-	1,250	0%	521
POSTAGE & DELIVERY-COURSEBOOKS	-	-	34	(34)		(34)
STAFF TRAVEL/PARKING	300	-	-	300	0%	125
<b>TOTAL DIRECT EXPENSES:</b>	<b>307,219</b>	<b>6,329</b>	<b>47,942</b>	<b>259,277</b>	<b>16%</b>	<b>80,066</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (8.13 FTE)	596,422	51,508	246,118	350,304	41%	2,391
BENEFITS EXPENSE	220,069	20,017	88,119	131,950	40%	3,577
OTHER INDIRECT EXPENSE	263,045	27,552	100,501	162,545	38%	9,102
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,079,536</b>	<b>99,077</b>	<b>434,737</b>	<b>644,798</b>	<b>40%</b>	<b>15,069</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,386,755</b>	<b>105,406</b>	<b>482,679</b>	<b>904,075</b>	<b>35%</b>	<b>95,135</b>
<b>NET INCOME (LOSS):</b>	<b>266,970</b>	<b>(39,408)</b>	<b>329,532</b>	<b>(62,561)</b>	<b>123%</b>	<b>218,294</b>



**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2023 to February 28, 2023  
**42% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET FAVORABLE/(UNFAVORABLE)	YEAR TO DATE VARIANCE
<b>COMMUNICATION STRATEGIES FTE</b>						
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.00 FTE)	168,213	13,983	70,833	97,381	42%	(744)
BENEFITS EXPENSE	44,241	3,883	17,635	26,605	40%	798
OTHER INDIRECT EXPENSE	30,946	3,397	12,399	18,547	40%	495
TOTAL INDIRECT EXPENSES:	<b>243,400</b>	<b>21,262</b>	<b>100,866</b>	<b>142,533</b>	<b>41%</b>	<b>550</b>
NET INCOME (LOSS):	<b>(243,400)</b>	<b>(21,262)</b>	<b>(100,866)</b>	<b>(142,533)</b>	<b>41%</b>	<b>550</b>

**Washington State Bar Association**  
Statement of Activities  
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**42% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>COMMUNICATION STRATEGIES</b>						
<b>REVENUE:</b>						
SPONSORSHIPS	1,000	-	-	1,000	0%	(417)
50 YEAR MEMBER PLAQUE	2,500	-	113	2,387	5%	(928)
<b>TOTAL REVENUE:</b>	<b>3,500</b>	<b>-</b>	<b>113</b>	<b>3,387</b>	<b>3%</b>	<b>(1,345)</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	3,395	594	990	2,405	29%	425
STAFF MEMBERSHIP DUES	1,120	-	-	1,120	0%	467
SUBSCRIPTIONS	4,000	139	695	3,305	17%	972
APEX DINNER	47,000	-	-	47,000	0%	19,583
50 YEAR MEMBER TRIBUTE LUNCH	20,000	-	-	20,000	0%	8,333
BAR OUTREACH	18,000	-	-	18,000	0%	7,500
COMMUNICATIONS OUTREACH	15,000	-	1,121	13,879	7%	5,129
STAFF CONFERENCE & TRAINING	7,500	-	1,817	5,683	24%	1,308
<b>TOTAL DIRECT EXPENSES:</b>	<b>116,015</b>	<b>733</b>	<b>4,623</b>	<b>111,392</b>	<b>4%</b>	<b>43,717</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (5.20 FTE)	387,612	32,602	162,301	225,311	42%	(796)
BENEFITS EXPENSE	126,285	11,611	50,850	75,435	40%	1,768
OTHER INDIRECT EXPENSE	160,917	17,653	64,438	96,479	40%	2,611
<b>TOTAL INDIRECT EXPENSES:</b>	<b>674,814</b>	<b>61,866</b>	<b>277,589</b>	<b>397,225</b>	<b>41%</b>	<b>3,584</b>
<b>TOTAL ALL EXPENSES:</b>	<b>790,829</b>	<b>62,599</b>	<b>282,212</b>	<b>508,617</b>	<b>36%</b>	<b>47,300</b>
<b>NET INCOME (LOSS):</b>	<b>(787,329)</b>	<b>(62,599)</b>	<b>(282,099)</b>	<b>(505,230)</b>	<b>36%</b>	<b>45,955</b>

**Washington State Bar Association**  
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**42% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>CLIENT PROTECTION FUND</b>						
<b>REVENUE:</b>						
CPF RESTITUTION	40,000	728	3,448	36,552	9%	(13,219)
CPF MEMBER ASSESSMENTS	690,000	43,680	680,000	10,000	99%	392,500
INTEREST INCOME	-	19,702	85,587	(85,587)		85,587
<b>TOTAL REVENUE:</b>	<b>730,000</b>	<b>64,110</b>	<b>769,034</b>	<b>(39,034)</b>	<b>105%</b>	<b>464,868</b>
<b>DIRECT EXPENSES:</b>						
BANK FEES - WELLS FARGO	2,100	193	964	1,136	46%	(89)
GIFTS TO INJURED CLIENTS	500,000	20,229	34,852	465,148	7%	173,481
CPF BOARD EXPENSES	-	128	383	(383)		(383)
STAFF MEMBERSHIP DUES	200	-	-	200	0%	83
<b>TOTAL DIRECT EXPENSES:</b>	<b>502,300</b>	<b>20,550</b>	<b>36,200</b>	<b>466,100</b>	<b>7%</b>	<b>173,092</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.23 FTE)	104,797	8,667	43,899	60,898	42%	(234)
BENEFITS EXPENSE	37,207	3,281	14,530	22,677	39%	973
OTHER INDIRECT EXPENSE	39,907	4,162	15,193	24,715	38%	1,436
<b>TOTAL INDIRECT EXPENSES:</b>	<b>181,912</b>	<b>16,110</b>	<b>73,622</b>	<b>108,290</b>	<b>40%</b>	<b>2,175</b>
<b>TOTAL ALL EXPENSES:</b>	<b>684,212</b>	<b>36,660</b>	<b>109,822</b>	<b>574,390</b>	<b>16%</b>	<b>175,267</b>
<b>NET INCOME (LOSS):</b>	<b>45,788</b>	<b>27,450</b>	<b>659,212</b>	<b>(613,425)</b>	<b>1440%</b>	<b>640,134</b>

**Washington State Bar Association**  
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**42% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>DESKBOOKS</b>						
<b>REVENUE:</b>						
DESKBOOK SALES	150,000	15,022	21,478	128,522	14%	(41,022)
LEXIS/NEXIS ROYALTIES	35,000	10,985	14,787	20,213	42%	204
SECTION PUBLICATION SALES	6,000	950	1,445	4,556	24%	(1,056)
FASTCASE ROYALTIES	50,000	-	6,563	43,438	13%	(14,271)
<b>TOTAL REVENUE:</b>	<b>241,000</b>	<b>26,956</b>	<b>44,272</b>	<b>196,728</b>	<b>18%</b>	<b>(56,145)</b>
<b>DIRECT EXPENSES:</b>						
COST OF SALES - DESKBOOKS	65,000	3,956	3,956	61,044	6%	23,127
COST OF SALES - SECTION PUBLICATION	1,500	594	594	906	40%	31
SPLITS TO SECTIONS	300	-	-	300	0%	125
DESKBOOK ROYALTIES	300	-	-	300	0%	125
STAFF CONFRENCES & TRAINING	1,000	-	-	1,000	0%	417
STAFF MEMBERSHIP DUES	225	-	-	225	0%	94
<b>TOTAL DIRECT EXPENSES:</b>	<b>68,325</b>	<b>4,550</b>	<b>4,550</b>	<b>63,775</b>	<b>7%</b>	<b>23,919</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.50 FTE)	132,287	12,115	56,716	75,571	43%	(1,597)
BENEFITS EXPENSE	41,948	3,750	16,571	25,377	40%	907
OTHER INDIRECT EXPENSE	48,175	5,071	18,511	29,665	38%	1,563
<b>TOTAL INDIRECT EXPENSES:</b>	<b>222,410</b>	<b>20,936</b>	<b>91,798</b>	<b>130,613</b>	<b>41%</b>	<b>873</b>
<b>TOTAL ALL EXPENSES:</b>	<b>290,735</b>	<b>25,486</b>	<b>96,348</b>	<b>194,388</b>	<b>33%</b>	<b>24,792</b>
<b>NET INCOME (LOSS):</b>	<b>(49,735)</b>	<b>1,470</b>	<b>(52,076)</b>	<b>2,340</b>	<b>105%</b>	<b>(31,352)</b>

# Washington State Bar Association

Statement of Activities

For the Period from February 1, 2023 to February 28, 2023

**42% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>DISCIPLINE</b>						
<b>REVENUE:</b>						
AUDIT REVENUE	1,000	128	531	469	53%	115
RECOVERY OF DISCIPLINE COSTS	100,000	5,730	22,209	77,791	22%	(19,457)
DISCIPLINE HISTORY SUMMARY	18,000	1,530	8,039	9,961	45%	539
<b>TOTAL REVENUE:</b>	<b>119,000</b>	<b>7,388</b>	<b>30,780</b>	<b>88,220</b>	<b>26%</b>	<b>(18,804)</b>
<b>DIRECT EXPENSES:</b>						
DEPRECIATION-SOFTWARE	45,835	-	-	45,835	0%	19,098
PUBLICATIONS PRODUCTION	200	-	169	31	84%	(86)
STAFF TRAVEL/PARKING	20,000	1,679	3,182	16,818	16%	5,152
STAFF MEMBERSHIP DUES	7,610	300	1,695	5,915	22%	1,476
TELEPHONE	2,359	315	1,574	785	67%	(591)
COURT REPORTERS	60,000	2,030	24,469	35,531	41%	531
OUTSIDE COUNSEL/AIC	1,500	-	-	1,500	0%	625
LITIGATION EXPENSES	25,000	715	4,520	20,480	18%	5,897
DISABILITY EXPENSES	9,000	24	24	8,976	0%	3,726
TRANSLATION SERVICES	1,200	-	-	1,200	0%	500
STAFF CONFERENCE & TRAINING	33,295	8,198	9,649	23,646	29%	4,224
PRACTICE MONITOR EXPENSE	1,000	-	-	1,000	0%	417
<b>TOTAL DIRECT EXPENSES:</b>	<b>206,999</b>	<b>13,261</b>	<b>45,282</b>	<b>161,717</b>	<b>22%</b>	<b>40,968</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (37.80 FTE)	3,764,781	284,088	1,443,398	2,321,382	38%	125,260
BENEFITS EXPENSE	1,073,208	98,465	437,004	636,204	41%	10,166
OTHER INDIRECT EXPENSE	1,169,740	128,166	467,827	701,913	40%	19,564
<b>TOTAL INDIRECT EXPENSES:</b>	<b>6,007,729</b>	<b>510,719</b>	<b>2,348,229</b>	<b>3,659,500</b>	<b>39%</b>	<b>154,991</b>
<b>TOTAL ALL EXPENSES:</b>	<b>6,214,728</b>	<b>523,980</b>	<b>2,393,511</b>	<b>3,821,217</b>	<b>39%</b>	<b>195,959</b>
<b>NET INCOME (LOSS):</b>	<b>(6,095,728)</b>	<b>(516,593)</b>	<b>(2,362,732)</b>	<b>(3,732,996)</b>	<b>39%</b>	<b>177,155</b>

# Washington State Bar Association

Statement of Activities

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42% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>DIVERSITY</b>						
<b>REVENUE:</b>						
DONATIONS	135,000	-	135,000	-	100%	78,750
<b>TOTAL REVENUE:</b>	<b>135,000</b>	<b>-</b>	<b>135,000</b>	<b>-</b>	<b>100%</b>	<b>78,750</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	2,000	514	514	1,486	26%	319
STAFF MEMBERSHIP DUES	360	-	90	270	25%	60
COMMITTEE FOR DIVERSITY	3,800	453	953	2,847	25%	631
DIVERSITY EVENTS & PROJECTS	39,250	1,298	2,253	36,997	6%	14,101
SURVEYS	16,500	9,500	9,500	7,000	58%	(2,625)
STAFF CONFERENCE & TRAINING	5,000	-	100	4,900	2%	1,983
CONSULTING SERVICES	54,625	-	9,375	45,250	17%	13,385
<b>TOTAL DIRECT EXPENSE:</b>	<b>121,535</b>	<b>11,765</b>	<b>22,785</b>	<b>98,750</b>	<b>19%</b>	<b>27,854</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.69 FTE)	144,941	11,391	34,072	110,869	24%	26,320
BENEFITS EXPENSE	43,533	3,815	22,653	20,879	52%	(4,515)
OTHER INDIRECT EXPENSE	52,260	5,741	27,949	24,311	53%	(6,174)
<b>TOTAL INDIRECT EXPENSES:</b>	<b>240,734</b>	<b>20,947</b>	<b>84,674</b>	<b>156,059</b>	<b>35%</b>	<b>15,631</b>
<b>TOTAL ALL EXPENSES:</b>	<b>362,269</b>	<b>32,712</b>	<b>107,460</b>	<b>254,809</b>	<b>30%</b>	<b>43,486</b>
<b>NET INCOME (LOSS):</b>	<b>(227,269)</b>	<b>(32,712)</b>	<b>27,540</b>	<b>(254,809)</b>	<b>-12%</b>	<b>122,236</b>

**Washington State Bar Association**  
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	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>FINANCE</b>						
<b>(Previously ADMINISTRATION cost center)</b>						
<b>REVENUE:</b>						
INTEREST INCOME	26,000	80,668	247,311	(221,311)	951%	236,478
<b>TOTAL REVENUE:</b>	<b>26,000</b>	<b>80,668</b>	<b>247,311</b>	<b>(221,311)</b>	<b>951%</b>	<b>236,478</b>
<b>DIRECT EXPENSES:</b>						
CONSULTING SERVICES	10,000	-	-	10,000	0%	4,167
STAFF TRAVEL/PARKING	3,000	970	1,168	1,832	39%	82
STAFF CONFERENCE & TRAINING	500	-	-	500	0%	208
STAFF MEMBERSHIP DUES	-	-	685	(685)		(685)
<b>TOTAL DIRECT EXPENSES:</b>	<b>13,500</b>	<b>970</b>	<b>1,853</b>	<b>11,647</b>	<b>14%</b>	<b>3,772</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (6.92 FTE)	661,642	63,135	275,509	386,134	42%	176
BENEFITS EXPENSE	205,235	18,681	82,871	122,364	40%	2,643
OTHER INDIRECT EXPENSE	213,844	23,538	85,917	127,927	40%	3,185
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,080,720</b>	<b>105,354</b>	<b>444,296</b>	<b>636,424</b>	<b>41%</b>	<b>6,004</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,094,220</b>	<b>106,324</b>	<b>446,149</b>	<b>648,071</b>	<b>41%</b>	<b>9,776</b>
<b>NET INCOME (LOSS):</b>	<b>(1,068,220)</b>	<b>(25,656)</b>	<b>(198,838)</b>	<b>(869,382)</b>	<b>19%</b>	<b>246,254</b>



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	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>FOUNDATION</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>
<b>DIRECT EXPENSES:</b>						
CONSULTING SERVICES	3,000	-	3,000	-	100%	(1,750)
PRINTING & COPYING	450	-	-	450	0%	188
STAFF TRAVEL/PARKING	700	-	-	700	0%	292
SUPPLIES	150	-	24	126	16%	38
BOARD OF TRUSTEES	750	-	25	725	3%	288
POSTAGE	300	-	-	300	0%	125
STAFF CONFERENCE & TRAINING	300	-	-	300	0%	125
<b>TOTAL DIRECT EXPENSES:</b>	<b>5,650</b>	<b>-</b>	<b>3,049</b>	<b>2,601</b>	<b>54%</b>	<b>(695)</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.05 FTE)	96,359	7,846	39,748	56,611	41%	401
BENEFITS EXPENSE	18,295	1,657	7,125	11,170	39%	498
OTHER INDIRECT EXPENSE	32,493	3,540	12,922	19,570	40%	616
<b>TOTAL INDIRECT EXPENSES:</b>	<b>147,147</b>	<b>13,044</b>	<b>59,796</b>	<b>87,352</b>	<b>41%</b>	<b>1,516</b>
<b>TOTAL ALL EXPENSES:</b>	<b>152,797</b>	<b>13,044</b>	<b>62,845</b>	<b>89,953</b>	<b>41%</b>	<b>821</b>
<b>NET INCOME (LOSS):</b>	<b>(152,797)</b>	<b>(13,044)</b>	<b>(62,845)</b>	<b>(89,953)</b>	<b>41%</b>	<b>821</b>

# Washington State Bar Association

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**42% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>HUMAN RESOURCES</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	700	-	-	700	0%	292
STAFF MEMBERSHIP DUES	800	-	458	342	57%	(125)
SUBSCRIPTIONS	500	-	1,348	(848)	270%	(1,139)
STAFF TRAINING- GENERAL	15,000	90	1,886	13,114	13%	4,364
RECRUITING AND ADVERTISING	6,600	1,124	3,208	3,392	49%	(458)
PAYROLL PROCESSING	50,000	5,017	21,504	28,496	43%	(670)
SALARY SURVEYS	1,500	-	-	1,500	0%	625
CONSULTING SERVICES	2,000	-	-	2,000	0%	833
TRANSFER TO INDIRECT EXPENSE	(77,100)	(6,231)	(28,403)	(48,697)	37%	(3,722)
<b>TOTAL DIRECT EXPENSES:</b>	-	-	-	-		-
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (4.00 FTE)	380,554	31,320	158,484	222,069	42%	80
ALLOWANCE FOR OPEN POSITIONS	(200,000)	-	-	(200,000)	0%	(83,333)
BENEFITS EXPENSE	120,251	11,000	42,989	77,263	36%	7,116
OTHER INDIRECT EXPENSE	123,820	13,587	42,601	81,219	34%	8,991
<b>TOTAL INDIRECT EXPENSES:</b>	<b>424,625</b>	<b>55,907</b>	<b>244,074</b>	<b>180,551</b>	<b>57%</b>	<b>(67,147)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>424,625</b>	<b>55,907</b>	<b>244,074</b>	<b>180,551</b>	<b>57%</b>	<b>(67,147)</b>
<b>NET INCOME (LOSS):</b>	<b>(424,625)</b>	<b>(55,907)</b>	<b>(244,074)</b>	<b>(180,551)</b>	<b>57%</b>	<b>(67,147)</b>

# Washington State Bar Association

Statement of Activities

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42% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
LEGISLATIVE						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	3,133	-	-	3,133	0%	1,305
STAFF MEMBERSHIP DUES	450	-	-	450	0%	188
JUD RECOMMEND COMMITTEE	2,250	-	-	2,250	0%	938
SUBSCRIPTIONS	2,000	-	1,985	16	99%	(1,151)
TELEPHONE	-	48	237	(237)		(237)
CONTRACT LOBBYIST	15,000	2,500	5,000	10,000	33%	1,250
LEGISLATIVE COMMITTEE	1,250	-	-	1,250	0%	521
BOG LEGISLATIVE COMMITTEE	300	-	-	300	0%	125
STAFF CONFERENCE & TRAINING	2,400	-	1,842	558	77%	(842)
TOTAL DIRECT EXPENSES:	26,783	2,548	9,063	17,720	34%	2,096
INDIRECT EXPENSES:						
SALARY EXPENSE (1.70 FTE)	147,316	12,424	57,578	89,738	39%	3,804
BENEFITS EXPENSE	42,758	3,867	17,003	25,754	40%	813
OTHER INDIRECT EXPENSE	52,607	5,741	20,955	31,652	40%	964
TOTAL INDIRECT EXPENSES:	242,681	22,032	95,536	147,145	39%	5,581
TOTAL ALL EXPENSES:	269,464	24,580	104,600	164,864	39%	7,677
NET INCOME (LOSS):	(269,464)	(24,580)	(104,600)	(164,864)	39%	7,677

# Washington State Bar Association

Statement of Activities

For the Period from February 1, 2023 to February 28, 2023

**42% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LICENSING &amp; MEMBERSHIP RECORDS</b>						
<b>REVENUE:</b>						
STATUS CERTIFICATE FEES	27,000	2,475	12,275	14,725	45%	1,025
INVESTIGATION FEES	21,000	900	10,600	10,400	50%	1,850
PRO HAC VICE	400,000	38,014	142,438	257,562	36%	(24,229)
MEMBER CONTACT INFORMATION	4,000	95	1,045	2,955	26%	(622)
PHOTO BAR CARD SALES	200	12	144	56	72%	61
<b>TOTAL REVENUE:</b>	<b>452,200</b>	<b>41,496</b>	<b>166,502</b>	<b>285,698</b>	<b>37%</b>	<b>(21,915)</b>
<b>DIRECT EXPENSES:</b>						
DEPRECIATION	1,151	-	-	1,151	0%	480
POSTAGE	16,500	-	2,407	14,093	15%	4,468
LICENSING FORMS	2,000	-	2,401	(401)	120%	(1,568)
SUPPLIES - BAR CARDS	-	-	1,750	(1,750)		(1,750)
<b>TOTAL DIRECT EXPENSES:</b>	<b>19,651</b>	<b>-</b>	<b>6,558</b>	<b>13,093</b>	<b>33%</b>	<b>1,630</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (3.83 FTE)	379,520	34,197	165,147	214,374	44%	(7,013)
BENEFITS EXPENSE	124,269	11,202	49,936	74,333	40%	1,843
OTHER INDIRECT EXPENSE	118,521	12,965	47,324	71,197	40%	2,060
<b>TOTAL INDIRECT EXPENSES:</b>	<b>622,311</b>	<b>58,364</b>	<b>262,407</b>	<b>359,904</b>	<b>42%</b>	<b>(3,111)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>641,962</b>	<b>58,364</b>	<b>268,965</b>	<b>372,997</b>	<b>42%</b>	<b>(1,481)</b>
<b>NET INCOME (LOSS):</b>	<b>(189,762)</b>	<b>(16,868)</b>	<b>(102,463)</b>	<b>(87,299)</b>	<b>54%</b>	<b>(23,396)</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2023 to February 28, 2023  
**42% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>LIMITED LICENSE LEGAL TECHNICIAN PROGRAM</b>						
<b>REVENUE:</b>						
SEMINAR REGISTRATIONS	12,000	-	-	12,000	0%	(5,000)
LLLT LICENSE FEES	16,622	1,241	5,267	11,355	32%	(1,659)
LLLT LATE LICENSE FEES	1,100	133	133	967	12%	(325)
INVESTIGATION FEES	-	-	100	(100)		100
<b>TOTAL REVENUE:</b>	<b>29,722</b>	<b>1,374</b>	<b>5,500</b>	<b>24,222</b>	<b>19%</b>	<b>(6,884)</b>
<b>DIRECT EXPENSES:</b>						
LLLT BOARD	15,000	-	1,131	13,869	8%	5,119
LLLT EDUCATION	500	-	-	500	0%	208
<b>TOTAL DIRECT EXPENSES:</b>	<b>15,500</b>	<b>-</b>	<b>1,131</b>	<b>14,369</b>	<b>7%</b>	<b>5,327</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.53 FTE)	51,548	4,250	21,527	30,021	42%	(48)
BENEFITS EXPENSE	17,299	1,489	6,618	10,681	38%	590
OTHER INDIRECT EXPENSE	16,401	1,818	6,636	9,765	40%	198
<b>TOTAL INDIRECT EXPENSES:</b>	<b>85,248</b>	<b>7,557</b>	<b>34,780</b>	<b>50,468</b>	<b>41%</b>	<b>740</b>
<b>TOTAL ALL EXPENSES:</b>	<b>100,748</b>	<b>7,557</b>	<b>35,911</b>	<b>64,837</b>	<b>36%</b>	<b>6,067</b>
<b>NET INCOME (LOSS):</b>	<b>(71,026)</b>	<b>(6,183)</b>	<b>(30,411)</b>	<b>64,837</b>	<b>43%</b>	<b>(817)</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2023 to February 28, 2023  
**42% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LIMITED PRACTICE OFFICERS</b>						
<b>REVENUE:</b>						
INVESTIGATION FEES	500	-	100	400	20%	(108)
MEMBER LATE FEES	-	450	1,650	(1,650)		1,650
LPO EXAMINATION FEES	28,300	2,200	16,100	12,200	57%	4,308
LPO LICENSE FEES	164,750	13,689	67,194	97,556	41%	(1,452)
LPO LATE LICENSE FEES	988	1,350	1,350	(362)	137%	938
LPO LICENSE FEES - REINSTATES	550	-	-	550	0%	(229)
<b>TOTAL REVENUE:</b>	<b>195,088</b>	<b>17,689</b>	<b>86,394</b>	<b>108,694</b>	<b>44%</b>	<b>5,107</b>
<b>DIRECT EXPENSES:</b>						
FACILITY, PARKING, FOOD	9,000	2,168	2,168	6,832	24%	1,582
EXAM WRITING	9,000	4,200	4,200	4,800	47%	(450)
LPO BOARD	1,792	-	-	1,792	0%	747
LPO OUTREACH	1,000	-	-	1,000	0%	417
PRINTING & COPYING	250	-	-	250	0%	104
<b>TOTAL DIRECT EXPENSES:</b>	<b>21,042</b>	<b>6,368</b>	<b>6,368</b>	<b>14,674</b>	<b>30%</b>	<b>2,400</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.68 FTE)	57,874	4,772	23,971	33,904	41%	144
BENEFITS EXPENSE	20,388	1,769	7,825	12,563	38%	670
OTHER INDIRECT EXPENSE	21,043	2,296	8,382	12,661	40%	386
<b>TOTAL INDIRECT EXPENSES:</b>	<b>99,305</b>	<b>8,838</b>	<b>40,178</b>	<b>59,128</b>	<b>40%</b>	<b>1,200</b>
<b>TOTAL ALL EXPENSES:</b>	<b>120,347</b>	<b>15,206</b>	<b>46,546</b>	<b>73,802</b>	<b>39%</b>	<b>3,599</b>
<b>NET INCOME (LOSS):</b>	<b>74,741</b>	<b>2,483</b>	<b>39,848</b>	<b>34,892</b>	<b>53%</b>	<b>8,706</b>

# Washington State Bar Association

Statement of Activities

For the Period from February 1, 2023 to February 28, 2023

**42% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>MANDATORY CONTINUING LEGAL EDUCATION</b>						
<b>REVENUE:</b>						
ACCREDITED PROGRAM FEES	550,000	60,100	278,200	271,800	51%	49,033
FORM 1 LATE FEES	220,000	22,600	111,250	108,750	51%	19,583
MEMBER LATE FEES	190,000	79,775	153,725	36,275	81%	74,558
ANNUAL ACCREDITED SPONSOR FEES	38,250	-	38,250	-	100%	22,313
ATTENDANCE LATE FEES	98,000	6,200	59,150	38,850	60%	18,317
COMITY CERTIFICATES	29,000	1,375	25,450	3,550	88%	13,366
<b>TOTAL REVENUE:</b>	<b>1,125,250</b>	<b>170,050</b>	<b>666,025</b>	<b>459,225</b>	<b>59%</b>	<b>197,170</b>
<b>DIRECT EXPENSES:</b>						
DEPRECIATION	59,565	595	4,061	55,504	7%	20,758
STAFF MEMBERSHIP DUES	500	-	500	-	100%	(292)
MCLE BOARD	2,000	-	-	2,000	0%	833
STAFF TRAVEL/PARKING	50	-	-	50	0%	21
STAFF CONFERENCE & TRAINING	4,900	250	250	4,650	5%	1,792
<b>TOTAL DIRECT EXPENSES:</b>	<b>67,015</b>	<b>845</b>	<b>4,811</b>	<b>62,204</b>	<b>7%</b>	<b>23,112</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (4.88 FTE)	437,860	45,470	225,116	212,744	51%	(42,674)
BENEFITS EXPENSE	125,455	11,458	50,247	75,209	40%	2,026
OTHER INDIRECT EXPENSE	151,014	16,553	60,421	90,593	40%	2,501
<b>TOTAL INDIRECT EXPENSES:</b>	<b>714,329</b>	<b>73,481</b>	<b>335,784</b>	<b>378,545</b>	<b>47%</b>	<b>(38,147)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>781,344</b>	<b>74,326</b>	<b>340,595</b>	<b>440,749</b>	<b>44%</b>	<b>(15,035)</b>
<b>NET INCOME (LOSS):</b>	<b>343,906</b>	<b>95,724</b>	<b>325,430</b>	<b>18,476</b>	<b>95%</b>	<b>182,136</b>



**Washington State Bar Association**  
Statement of Activities  
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**42% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>MEMBER SERVICES &amp; ENGAGEMENT TEAM</b>						
<b>REVENUE:</b>						
ROYALTIES	10,800	-	4,800	6,000	44%	300
NMP PRODUCT SALES	65,000	2,449	16,408	48,592	25%	(10,675)
DIGITAL VIDEO SALES	14,000	784	19,208	(5,208)	137%	13,375
SPONSORSHIPS	10,000	-	10,000	-	100%	5,833
SEMINAR REGISTRATIONS	8,000	-	62,221	(54,221)	778%	58,888
TRIAL ADVOCACY PROGRAM	12,000	-	-	12,000	0%	(5,000)
<b>TOTAL REVENUE:</b>	<b>119,800</b>	<b>3,233</b>	<b>112,637</b>	<b>7,163</b>	<b>94%</b>	<b>62,720</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	1,700	-	-	1,700	0%	708
STAFF CONFERENCE & TRAINING	250	-	164	86	66%	(60)
SMALL TOWN AND RURAL COMMITTEE	3,000	-	-	3,000	0%	1,250
PRINTING & COPYING	1,200	-	1,300	(100)	108%	(800)
NEW LAWYER OUTREACH	1,000	-	-	1,000	0%	417
YLL SECTION PROGRAM	1,500	465	545	955	36%	80
WYLC CLE COMPS	1,000	-	-	1,000	0%	417
WYLC OUTREACH EVENTS	1,500	-	-	1,500	0%	625
SPEAKERS & PROGRAM DEVELOP	1,500	-	551	949	37%	74
WYL COMMITTEE	12,000	-	-	12,000	0%	5,000
OPEN SECTIONS NIGHT	3,500	-	-	3,500	0%	1,458
TRIAL ADVOCACY EXPENSES	1,500	-	-	1,500	0%	625
RECEPTION/FORUM EXPENSE	3,000	-	-	3,000	0%	1,250
WYLC SCHOLARSHIPS/DONATIONS/GRANT	5,000	-	-	5,000	0%	2,083
STAFF MEMBERSHIP DUES	850	-	150	700	18%	204
LENDING LIBRARY	4,000	38	99	3,901	2%	1,568
NMP SPEAKERS & PROGRAM DEVELOPMENT	100	-	-	100	0%	42
<b>TOTAL DIRECT EXPENSES:</b>	<b>42,600</b>	<b>503</b>	<b>2,809</b>	<b>39,791</b>	<b>7%</b>	<b>14,941</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (4.64 FTE)	311,600	26,507	128,598	183,002	41%	1,236
BENEFITS EXPENSE	108,835	9,721	42,317	66,518	39%	3,031
OTHER INDIRECT EXPENSE	143,340	15,692	57,278	86,062	40%	2,447
<b>TOTAL INDIRECT EXPENSES:</b>	<b>563,775</b>	<b>51,920</b>	<b>228,192</b>	<b>335,583</b>	<b>40%</b>	<b>6,714</b>
<b>TOTAL ALL EXPENSES:</b>	<b>606,375</b>	<b>52,422</b>	<b>231,001</b>	<b>375,374</b>	<b>38%</b>	<b>21,655</b>
<b>NET INCOME (LOSS):</b>	<b>(486,575)</b>	<b>(49,189)</b>	<b>(118,364)</b>	<b>(368,211)</b>	<b>24%</b>	<b>84,376</b>

# Washington State Bar Association

Statement of Activities  
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**42% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET FAVORABLE/(UNFAVORABLE)	YEAR TO DATE VARIANCE
<b>MEMBER WELLNESS PROGRAM</b>						
<b>REVENUE:</b>						
DIVERSIONS	7,500	-	3,000	4,500	40%	(125)
<b>TOTAL REVENUE:</b>	<b>7,500</b>	<b>-</b>	<b>3,000</b>	<b>4,500</b>	<b>40%</b>	<b>(125)</b>
<b>DIRECT EXPENSES:</b>						
STAFF MEMBERSHIP DUES	500	-	-	500	0%	208
MEMBER WELLNESS COUNCIL	800	-	-	800	0%	333
STAFF CONFERENCE & TRAINING	300	-	275	25	92%	(150)
SUBSCRIPTIONS	1,200	110	521	680	43%	(21)
<b>TOTAL DIRECT EXPENSES:</b>	<b>2,800</b>	<b>110</b>	<b>796</b>	<b>2,004</b>	<b>28%</b>	<b>371</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.48 FTE)	133,673	10,392	41,165	92,508	31%	14,532
BENEFITS EXPENSE	55,402	4,892	21,873	33,529	39%	1,211
OTHER INDIRECT EXPENSE	45,645	5,023	18,336	27,309	40%	683
<b>TOTAL INDIRECT EXPENSES:</b>	<b>234,719</b>	<b>20,307</b>	<b>81,373</b>	<b>153,346</b>	<b>35%</b>	<b>16,426</b>
<b>TOTAL ALL EXPENSES:</b>	<b>237,519</b>	<b>20,417</b>	<b>82,169</b>	<b>155,350</b>	<b>35%</b>	<b>16,797</b>
<b>NET INCOME (LOSS):</b>	<b>(230,019)</b>	<b>(20,417)</b>	<b>(79,169)</b>	<b>(150,850)</b>	<b>34%</b>	<b>16,672</b>

**Washington State Bar Association**  
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**42% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>OFFICE OF THE EXECUTIVE DIRECTOR</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>
<b>DIRECT EXPENSES:</b>						
LEADERSHIP TRAINING	20,000	-	-	20,000	0%	8,333
WASHINGTON LEADERSHIP INSTITUTE	80,000	-	-	80,000	0%	33,333
ED TRAVEL & OUTREACH	5,000	175	1,097	3,903	22%	986
BAR LEADERS CONFERENCE	12,000	363	8,477	3,523	71%	(3,477)
STAFF TRAVEL/PARKING	1,500	89	470	1,030	31%	155
STAFF CONFERENCE & TRAINING	8,925	352	352	8,573	4%	3,367
STAFF MEMBERSHIP DUES	1,000	-	335	665	34%	82
SURVEY	350	-	350	-	100%	(204)
<b>TOTAL DIRECT EXPENSES:</b>	<b>128,775</b>	<b>978</b>	<b>11,081</b>	<b>117,694</b>	<b>9%</b>	<b>42,576</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (2.00 FTE)	402,379	34,224	157,889	244,491	39%	9,769
BENEFITS EXPENSE	103,989	9,175	41,963	62,026	40%	1,366
OTHER INDIRECT EXPENSE	61,891	6,793	24,797	37,094	40%	991
<b>TOTAL INDIRECT EXPENSES:</b>	<b>568,259</b>	<b>50,192</b>	<b>224,648</b>	<b>343,611</b>	<b>40%</b>	<b>12,126</b>
<b>TOTAL ALL EXPENSES:</b>	<b>697,034</b>	<b>51,170</b>	<b>235,729</b>	<b>461,305</b>	<b>34%</b>	<b>54,702</b>
<b>NET INCOME (LOSS):</b>	<b>(697,034)</b>	<b>(51,170)</b>	<b>(235,729)</b>	<b>461,305</b>	<b>34%</b>	<b>54,702</b>

# Washington State Bar Association

Statement of Activities

For the Period from February 1, 2023 to February 28, 2023

**42% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>OFFICE OF GENERAL COUNSEL</b>						
<b>REVENUE:</b>						
RECORDS REQUEST FEES	963	-	-	963	0%	(401)
<b>TOTAL REVENUE:</b>	<b>963</b>	<b>-</b>	<b>-</b>	<b>963</b>	<b>0%</b>	<b>(401)</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	500	-	28	472	6%	180
STAFF MEMBERSHIP DUES	1,150	-	1,050	100	91%	(571)
COURT RULES COMMITTEE	1,000	-	-	1,000	0%	417
CUSTODIANSHIPS	8,150	-	10	8,140	0%	3,386
WILLS	2,000	-	-	2,000	0%	833
LITIGATION EXPENSES	200	-	-	200	0%	83
STAFF CONFERENCE & TRAINING	6,400	1,637	1,637	4,763	26%	1,030
<b>TOTAL DIRECT EXPENSES:</b>	<b>19,400</b>	<b>1,637</b>	<b>2,725</b>	<b>16,675</b>	<b>14%</b>	<b>5,358</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (6.17 FTE)	656,837	46,243	237,078	419,759	36%	36,605
BENEFITS EXPENSE	188,816	17,178	76,534	112,282	41%	2,139
OTHER INDIRECT EXPENSE	192,481	21,050	76,836	115,645	40%	3,364
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,038,134</b>	<b>84,472</b>	<b>390,448</b>	<b>647,686</b>	<b>38%</b>	<b>42,108</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,057,534</b>	<b>86,109</b>	<b>393,173</b>	<b>664,361</b>	<b>37%</b>	<b>47,466</b>
<b>NET INCOME (LOSS):</b>	<b>(1,056,571)</b>	<b>(86,109)</b>	<b>(393,173)</b>	<b>(663,398)</b>	<b>37%</b>	<b>47,065</b>

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**42% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>
<b>DIRECT EXPENSE:</b>						
STAFF MEMBERSHIP DUES	100	-	-	100	0%	42
DISCIPLINARY BOARD EXPENSES	4,000	-	-	4,000	0%	1,667
CHIEF HEARING OFFICER	30,000	2,500	12,500	17,500	42%	-
HEARING OFFICER EXPENSES	17,500	-	891	16,609	5%	6,400
HEARING OFFICER TRAINING	400	-	-	400	0%	167
OUTSIDE COUNSEL	60,000	4,000	20,000	40,000	33%	5,000
<b>TOTAL DIRECT EXPENSES:</b>	<b>112,000</b>	<b>6,500</b>	<b>33,391</b>	<b>78,609</b>	<b>30%</b>	<b>13,275</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.40 FTE)	133,790	12,625	57,471	76,319	43%	(1,725)
BENEFITS EXPENSE	40,026	3,578	15,853	24,173	40%	825
OTHER INDIRECT EXPENSE	43,324	4,736	17,288	26,036	40%	763
<b>TOTAL INDIRECT EXPENSES:</b>	<b>217,139</b>	<b>20,939</b>	<b>90,611</b>	<b>126,528</b>	<b>42%</b>	<b>(137)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>329,139</b>	<b>27,439</b>	<b>124,003</b>	<b>205,137</b>	<b>38%</b>	<b>13,139</b>
<b>NET INCOME (LOSS):</b>	<b>(329,139)</b>	<b>(27,439)</b>	<b>(124,003)</b>	<b>(205,137)</b>	<b>38%</b>	<b>13,139</b>

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**42% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>PRACTICE OF LAW BOARD</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
PRACTICE OF LAW BOARD	12,000	721	1,630	10,370	14%	3,370
<b>TOTAL DIRECT EXPENSES:</b>	<b>12,000</b>	<b>721</b>	<b>1,630</b>	<b>10,370</b>	<b>14%</b>	<b>3,370</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.45 FTE)	35,965	2,966	15,013	20,952	42%	(28)
BENEFITS EXPENSE	13,465	1,141	5,020	8,444	37%	590
OTHER INDIRECT EXPENSE	13,925	1,579	5,763	8,163	41%	40
<b>TOTAL INDIRECT EXPENSES:</b>	<b>63,355</b>	<b>5,686</b>	<b>25,796</b>	<b>37,559</b>	<b>41%</b>	<b>602</b>
<b>TOTAL ALL EXPENSES:</b>	<b>75,355</b>	<b>6,407</b>	<b>27,426</b>	<b>47,929</b>	<b>36%</b>	<b>3,972</b>
<b>NET INCOME (LOSS):</b>	<b>(75,355)</b>	<b>(6,407)</b>	<b>(27,426)</b>	<b>(47,929)</b>	<b>36%</b>	<b>3,972</b>

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	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>PRACTICE MANAGEMENT ASSISTANCE</b>						
<b>REVENUE:</b>						
ROYALTIES	50,000	16,259	32,806	17,195	66%	11,972
<b>TOTAL REVENUE:</b>	<b>50,000</b>	<b>16,259</b>	<b>32,806</b>	<b>17,195</b>	<b>66%</b>	<b>11,972</b>
<b>DIRECT EXPENSE:</b>						
STAFF MEMBERSHIP DUES	150	-	-	150	0%	63
FASTCASE	73,000	-	72,966	34	100%	(42,550)
STAFF CONFERENCE & TRAINING	250	-	-	250	0%	104
<b>TOTAL DIRECT EXPENSES:</b>	<b>73,400</b>	<b>-</b>	<b>72,966</b>	<b>434</b>	<b>99%</b>	<b>(42,383)</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.95 FTE)	80,135	6,594	33,399	46,736	42%	(9)
BENEFITS EXPENSE	23,499	2,095	9,191	14,309	39%	600
OTHER INDIRECT EXPENSE	29,398	3,205	11,700	17,698	40%	549
<b>TOTAL INDIRECT EXPENSES:</b>	<b>133,033</b>	<b>11,895</b>	<b>54,290</b>	<b>78,743</b>	<b>41%</b>	<b>1,140</b>
<b>TOTAL ALL EXPENSES:</b>	<b>206,433</b>	<b>11,895</b>	<b>127,256</b>	<b>79,177</b>	<b>62%</b>	<b>(41,243)</b>
<b>NET INCOME (LOSS):</b>	<b>(156,433)</b>	<b>4,364</b>	<b>(94,451)</b>	<b>(61,982)</b>	<b>60%</b>	<b>(29,271)</b>



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<b>PROFESSIONAL RESPONSIBILITY PROGRAM</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	750	-	354	396	47%	(41)
STAFF MEMBERSHIP DUES	500	-	500	-	100%	(292)
CPE COMMITTEE	1,000	186	453	547	45%	(37)
<b>TOTAL DIRECT EXPENSES:</b>	<b>2,250</b>	<b>186</b>	<b>1,307</b>	<b>943</b>	<b>58%</b>	<b>(369)</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.10 FTE)	91,667	11,294	57,213	34,454	62%	(19,018)
BENEFITS EXPENSE	37,219	5,047	22,882	14,337	61%	(7,374)
OTHER INDIRECT EXPENSE	22,435	3,732	13,621	8,814	61%	(4,273)
<b>TOTAL INDIRECT EXPENSES:</b>	<b>151,321</b>	<b>20,073</b>	<b>93,716</b>	<b>57,606</b>	<b>62%</b>	<b>(30,665)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>153,571</b>	<b>20,258</b>	<b>95,023</b>	<b>58,549</b>	<b>62%</b>	<b>(31,035)</b>
<b>NET INCOME (LOSS):</b>	<b>(153,571)</b>	<b>(20,258)</b>	<b>(95,023)</b>	<b>(58,549)</b>	<b>62%</b>	<b>(31,035)</b>

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	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>PUBLIC SERVICE PROGRAMS</b>						
<b>REVENUE:</b>						
DONATIONS & GRANTS	130,000	-	130,000	-	100%	75,833
<b>TOTAL REVENUE:</b>	<b>130,000</b>	<b>-</b>	<b>130,000</b>	<b>-</b>	<b>100%</b>	<b>75,833</b>
<b>DIRECT EXPENSES:</b>						
DONATIONS/SPONSORSHIPS/GRANTS	260,828	-	31,168	229,661	12%	77,511
STAFF TRAVEL/PARKING	1,500	-	-	1,500	0%	625
SURVEYS	100	-	-	100	0%	42
PRO BONO & PUBLIC SERVICE COMMITTEE	1,500	-	-	1,500	0%	625
STAFF CONFERENCE & TRAINING	1,000	-	-	1,000	0%	417
PRO BONO CERTIFICATES	2,000	-	457	1,543	23%	377
<b>TOTAL DIRECT EXPENSES:</b>	<b>266,928</b>	<b>-</b>	<b>31,624</b>	<b>235,304</b>	<b>12%</b>	<b>79,596</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.62 FTE)	128,588	4,989	47,545	81,042	37%	6,033
BENEFITS EXPENSE	40,609	3,658	16,041	24,569	40%	880
OTHER INDIRECT EXPENSE	50,132	5,502	20,082	30,050	40%	806
<b>TOTAL INDIRECT EXPENSES:</b>	<b>219,329</b>	<b>14,148</b>	<b>83,668</b>	<b>135,660</b>	<b>38%</b>	<b>7,719</b>
<b>TOTAL ALL EXPENSES:</b>	<b>486,257</b>	<b>14,148</b>	<b>115,293</b>	<b>370,964</b>	<b>24%</b>	<b>87,314</b>
<b>NET INCOME (LOSS):</b>	<b>(356,257)</b>	<b>(14,148)</b>	<b>14,707</b>	<b>(370,964)</b>	<b>-4%</b>	<b>163,148</b>

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<b>PUBLICATION &amp; DESIGN SERVICES</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF CONFERENCE & TRAINING	350	-	-	350	0%	146
SUBSCRIPTIONS	162	-	100	62	62%	(32)
IMAGE LIBRARY	4,100	-	4,100	-	100%	(2,392)
<b>TOTAL DIRECT EXPENSES:</b>	<b>4,612</b>	<b>-</b>	<b>4,200</b>	<b>412</b>	<b>91%</b>	<b>(2,278)</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.89 FTE)	72,143	5,982	30,650	41,493	42%	(590)
BENEFITS EXPENSE	19,491	1,724	7,489	12,001	38%	632
OTHER INDIRECT EXPENSE	27,542	3,014	11,002	16,540	40%	474
<b>TOTAL INDIRECT EXPENSES:</b>	<b>119,175</b>	<b>10,720</b>	<b>49,140</b>	<b>70,035</b>	<b>41%</b>	<b>516</b>
<b>TOTAL ALL EXPENSES:</b>	<b>123,787</b>	<b>10,720</b>	<b>53,340</b>	<b>70,447</b>	<b>43%</b>	<b>(1,762)</b>
<b>NET INCOME (LOSS):</b>	<b>(123,787)</b>	<b>(10,720)</b>	<b>(53,340)</b>	<b>(70,447)</b>	<b>43%</b>	<b>(1,762)</b>

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	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>REGULATORY SERVICES FTE</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF CONFERENCE & TRAINING	23,550	-	-	23,550	0%	9,813
<b>TOTAL DIRECT EXPENSES:</b>	<b>23,550</b>	<b>-</b>	<b>-</b>	<b>23,550</b>	<b>0%</b>	<b>9,813</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (2.70 FTE)	349,467	28,956	136,542	212,925	39%	9,069
BENEFITS EXPENSE	103,888	9,283	41,829	62,059	40%	1,458
OTHER INDIRECT EXPENSE	83,553	9,138	33,354	50,199	40%	1,460
<b>TOTAL INDIRECT EXPENSES:</b>	<b>536,908</b>	<b>47,377</b>	<b>211,725</b>	<b>325,183</b>	<b>39%</b>	<b>11,987</b>
<b>TOTAL ALL EXPENSES:</b>	<b>560,458</b>	<b>47,377</b>	<b>211,725</b>	<b>348,733</b>	<b>38%</b>	<b>21,799</b>
<b>NET INCOME (LOSS):</b>	<b>(560,458)</b>	<b>(47,377)</b>	<b>(211,725)</b>	<b>(348,733)</b>	<b>38%</b>	<b>21,799</b>

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	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET FAVORABLE/(UNFAVORABLE)	YEAR TO DATE VARIANCE
<b>SERVICE CENTER</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	-	792	792	(792)		(792)
TRANSLATION SERVICES	8,200	561	1,947	6,253	24%	1,469
STAFF CONFERENCE & TRAINING	2,100	-	-	2,100	0%	875
<b>TOTAL DIRECT EXPENSES:</b>	<b>10,300</b>	<b>1,353</b>	<b>2,739</b>	<b>7,561</b>	<b>27%</b>	<b>1,552</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (5.71 FTE)	383,690	31,866	163,391	220,299	43%	(3,520)
BENEFITS EXPENSE	142,992	13,102	57,375	85,617	40%	2,205
OTHER INDIRECT EXPENSE	176,699	19,376	70,724	105,975	40%	2,900
<b>TOTAL INDIRECT EXPENSES:</b>	<b>703,381</b>	<b>64,344</b>	<b>291,490</b>	<b>411,891</b>	<b>41%</b>	<b>1,585</b>
<b>TOTAL ALL EXPENSES:</b>	<b>713,681</b>	<b>65,697</b>	<b>294,229</b>	<b>419,451</b>	<b>41%</b>	<b>3,137</b>
<b>NET INCOME (LOSS):</b>	<b>(713,681)</b>	<b>(65,697)</b>	<b>(294,229)</b>	<b>(419,451)</b>	<b>41%</b>	<b>3,137</b>

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	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>SECTIONS ADMINISTRATION</b>						
<b>REVENUE:</b>						
REIMBURSEMENTS FROM SECTIONS	290,543	14,280	347,392	(56,849)	120%	226,332
<b>TOTAL REVENUE:</b>	<b>290,543</b>	<b>14,280</b>	<b>347,392</b>	<b>(56,849)</b>	<b>120%</b>	<b>226,332</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	750	-	14	736	2%	299
SUBSCRIPTIONS	350	-	-	350	0%	146
SECTION/COMMITTEE CHAIR MTGS	1,000	-	456	544	46%	(39)
DUES STATEMENTS	5,000	-	-	5,000	0%	2,083
STAFF CONFERENCE & TRAINING	500	-	-	500	0%	208
STAFF MEMBERSHIP DUES	250	-	-	250	0%	104
<b>TOTAL DIRECT EXPENSES:</b>	<b>7,850</b>	<b>-</b>	<b>470</b>	<b>7,380</b>	<b>6%</b>	<b>2,801</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (2.58 FTE)	149,581	13,153	62,982	86,599	42%	(657)
BENEFITS EXPENSE	61,326	5,581	24,290	37,036	40%	1,262
OTHER INDIRECT EXPENSE	79,839	8,755	31,957	47,883	40%	1,310
<b>TOTAL INDIRECT EXPENSES:</b>	<b>290,746</b>	<b>27,488</b>	<b>119,229</b>	<b>171,517</b>	<b>41%</b>	<b>1,915</b>
<b>TOTAL ALL EXPENSES:</b>	<b>298,596</b>	<b>27,488</b>	<b>119,699</b>	<b>178,898</b>	<b>40%</b>	<b>4,716</b>
<b>NET INCOME (LOSS):</b>	<b>(8,053)</b>	<b>(13,209)</b>	<b>227,693</b>	<b>(235,746)</b>	<b>-2827%</b>	<b>231,049</b>

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<b>SECTIONS OPERATIONS</b>						
<b>REVENUE:</b>						
SECTION DUES	440,225	23,188	553,456	(113,231)	126%	370,029
SEMINAR PROFIT SHARE	147,470	-	-	147,470	0%	(61,446)
INTEREST INCOME	13,120	-	-	13,120	0%	(5,467)
PUBLICATIONS REVENUE	2,000	822	822	1,178	41%	(11)
OTHER	46,880	-	7,225	39,655	15%	(12,308)
<b>TOTAL REVENUE:</b>	<b>649,695</b>	<b>24,010</b>	<b>561,503</b>	<b>88,192</b>	<b>86%</b>	<b>290,797</b>
<b>DIRECT EXPENSES:</b>						
DIRECT EXPENSES OF SECTION ACTIVITIES	632,503	1,147	46,145	586,358	7%	217,398
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	272,143	14,280	347,392	(75,249)	128%	(233,999)
<b>TOTAL DIRECT EXPENSES:</b>	<b>904,646</b>	<b>15,427</b>	<b>393,537</b>	<b>511,109</b>	<b>44%</b>	<b>(16,601)</b>
<b>NET INCOME (LOSS):</b>	<b>(254,951)</b>	<b>8,583</b>	<b>167,966</b>	<b>(422,917)</b>	<b>-66%</b>	<b>274,196</b>



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	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET FAVORABLE/(UNFAVORABLE)</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>TECHNOLOGY</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>
<b>DIRECT EXPENSES:</b>						
CONSULTING SERVICES	110,000	17,163	55,660	54,341	51%	(9,826)
STAFF TRAVEL/PARKING	2,000	-	104	1,896	5%	729
STAFF MEMBERSHIP DUES	450	-	-	450	0%	188
TELEPHONE	95,000	6,885	33,163	61,837	35%	6,420
COMPUTER HARDWARE	65,000	509	33,443	31,557	51%	(6,360)
COMPUTER SOFTWARE	310,000	51,892	106,091	203,909	34%	23,075
HARDWARE SERVICE & WARRANTIES	60,000	-	38,377	21,623	64%	(13,377)
SOFTWARE MAINTENANCE & LICENSING	380,000	123	140,837	239,163	37%	17,497
COMPUTER SUPPLIES	2,000	-	-	2,000	0%	833
THIRD PARTY SERVICES	40,000	3,208	10,285	29,715	26%	6,382
STAFF CONFERENCE & TRAINING	10,000	-	-	10,000	0%	4,167
TRANSFER TO INDIRECT EXPENSES	(1,074,450)	(79,780)	(417,960)	(656,490)	39%	(29,728)
<b>TOTAL DIRECT EXPENSES:</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (13.00 FTE)	1,434,416	110,566	603,103	831,314	42%	(5,429)
BENEFITS EXPENSE	439,894	39,862	178,410	261,484	41%	4,879
CAPITAL LABOR & OVERHEAD	(280,000)	(20,961)	(138,934)	(141,066)	50%	(22,268)
OTHER INDIRECT EXPENSE	402,292	44,062	160,832	241,459	40%	6,789
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,996,602</b>	<b>173,528</b>	<b>803,411</b>	<b>1,193,191</b>	<b>40%</b>	<b>(16,028)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,996,602</b>	<b>173,528</b>	<b>803,411</b>	<b>1,193,191</b>	<b>40%</b>	<b>(16,028)</b>
<b>NET INCOME (LOSS):</b>	<b>(1,996,602)</b>	<b>(173,528)</b>	<b>(803,411)</b>	<b>(1,193,191)</b>	<b>40%</b>	<b>28,507</b>

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<b>VOLUNTEER ENGAGEMENT</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>
<b>DIRECT EXPENSES:</b>						
STAFF MEMBERSHIP DUES	350	-	140	210	40%	6
STAFF CONFERENCE & TRAINING	2,500	-	450	2,050	18%	592
ABA DELEGATES	15,000	884	3,267	11,733	22%	2,983
<b>TOTAL DIRECT EXPENSES:</b>	<b>17,850</b>	<b>884</b>	<b>3,857</b>	<b>13,993</b>	<b>22%</b>	<b>3,581</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.60 FTE)	59,415	4,922	27,195	32,220	46%	(2,439)
BENEFITS EXPENSE	19,657	1,695	7,538	12,119	38%	652
OTHER INDIRECT EXPENSE	18,567	2,057	7,509	11,058	40%	227
<b>TOTAL INDIRECT EXPENSES:</b>	<b>97,639</b>	<b>8,675</b>	<b>42,242</b>	<b>55,398</b>	<b>43%</b>	<b>(1,559)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>115,489</b>	<b>9,558</b>	<b>46,098</b>	<b>69,391</b>	<b>40%</b>	<b>(1,559)</b>
<b>NET INCOME (LOSS):</b>	<b>(115,489)</b>	<b>(9,558)</b>	<b>(46,098)</b>	<b>(69,391)</b>	<b>40%</b>	<b>2,022</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2023 to February 28, 2023  
**42% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>INDIRECT EXPENSES:</b>						
SALARIES	13,113,765	1,053,214	5,281,050	7,832,715	40%	183,019
ALLOWANCE FOR OPEN POSITIONS	(200,000)	-	-	(200,000)	0%	(83,333)
TEMPORARY SALARIES	200,627	30,645	123,017	77,610	61%	(39,422)
CAPITAL LABOR & OVERHEAD	(280,000)	(20,961)	(138,934)	(141,066)	50%	(22,268)
EMPLOYEE ASSISTANCE PLAN	4,800	1,200	2,800	2,000	58%	(800)
EMPLOYEE SERVICE AWARDS	2,038	150	1,050	988	52%	(201)
FICA (EMPLOYER PORTION)	806,675	79,994	370,683	435,992	46%	(34,568)
L&I INSURANCE	62,000	-	13,790	48,210	22%	12,043
WA STATE FAMILY MEDICAL LEAVE (EMPI	18,000	2,309	9,224	8,776	51%	(1,724)
MEDICAL (EMPLOYER PORTION)	1,701,951	144,440	669,183	1,032,768	39%	39,964
RETIREMENT (EMPLOYER PORTION)	1,356,286	108,891	535,016	821,270	39%	30,103
TRANSPORTATION ALLOWANCE	65,045	27,892	31,325	33,720	48%	(4,223)
UNEMPLOYMENT INSURANCE	65,206	9,219	26,637	38,569	41%	533
<b>TOTAL SALARY &amp; BENEFITS EXPENSE:</b>	<b>16,916,394</b>	<b>1,436,993</b>	<b>6,924,840</b>	<b>9,991,553</b>	<b>41%</b>	<b>79,122</b>
WORKPLACE BENEFITS	45,980	1,215	11,679	34,301	25%	7,479
HUMAN RESOURCES POOLED EXP	77,100	6,231	28,403	48,697	37%	3,722
MEETING SUPPORT EXPENSES	10,000	1,064	1,968	8,032	20%	2,199
RENT	2,131,247	338,659	971,396	1,159,851	46%	(83,376)
PERSONAL PROP TAXES-WSBA	6,650	412	2,302	4,348	35%	469
FURNITURE, MAINT, LH IMP	25,300	2,205	3,078	22,222	12%	7,464
OFFICE SUPPLIES & EQUIPMENT	18,000	1,610	7,956	10,044	44%	(456)
FURN & OFFICE EQUIP DEPRECIATION	96,357	4,956	25,860	70,497	27%	14,288
COMPUTER HARDWARE DEPRECIATION	45,354	3,117	16,571	28,783	37%	2,326
COMPUTER SOFTWARE DEPRECIATION	99,251	2,805	24,059	75,192	24%	17,296
INSURANCE	272,643	22,025	110,126	162,517	40%	3,475
WORK HOME FURNITURE & EQUIP	14,000	-	1,863	12,137	13%	3,970
PROFESSIONAL FEES-AUDIT	50,000	3,815	30,365	19,635	61%	(9,532)
PROFESSIONAL FEES-LEGAL	200,000	22	19,803	180,197	10%	63,531
ONLINE LEGAL RESEARCH	50,000	523	20,189	29,811	40%	645
TELEPHONE & INTERNET	33,600	3,190	6,211	27,389	18%	7,789
POSTAGE - GENERAL	24,000	1,752	5,609	18,391	23%	4,391
RECORDS STORAGE	30,000	778	10,484	19,516	35%	2,016
BANK FEES	51,000	4,250	26,591	24,409	52%	(5,341)
PRODUCTION MAINTENANCE & SUPPLIES	15,340	-	3,804	11,536	25%	2,587
COMPUTER POOLED EXPENSES	1,074,450	79,780	417,960	656,490	39%	29,728
<b>TOTAL OTHER INDIRECT EXPENSES:</b>	<b>4,370,272</b>	<b>478,410</b>	<b>1,746,276</b>	<b>2,623,996</b>	<b>40%</b>	<b>74,671</b>
<b>TOTAL INDIRECT EXPENSES:</b>	<b>21,286,666</b>	<b>1,915,403</b>	<b>8,671,116</b>	<b>12,615,550</b>	<b>41%</b>	<b>198,328</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2023 to February 28, 2023  
**42% OF YEAR COMPLETE**

<b>SUMMARY PAGE</b>	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>
ACCESS TO JUSTICE	(358,902)	(33,558)	(128,952)	(229,950)
ADMISSIONS/BAR EXAM	59,088	(5,896)	138,153	(79,065)
ADVANCEMENT FTE	(362,565)	(31,451)	(144,588)	(217,978)
BAR NEWS	(93,267)	(5,210)	(58,247)	(35,020)
BOARD OF GOVERNORS	(563,600)	(28,404)	(164,648)	(398,952)
CLE - PRODUCTS	686,086	7,962	477,667	208,418
CLE - SEMINARS	(419,115)	(47,370)	(148,136)	(270,979)
CLIENT PROTECTION FUND	45,788	27,450	659,212	(613,425)
CHARACTER & FITNESS BOARD	(166,623)	(12,264)	(58,138)	(108,485)
COMMUNICATIONS	(787,329)	(62,599)	(282,099)	(505,230)
COMMUNICATIONS FTE	(243,400)	(21,262)	(100,866)	(142,533)
DESKBOOKS	(49,735)	1,470	(52,076)	2,340
DISCIPLINE	(6,095,728)	(516,593)	(2,362,732)	(3,732,996)
DIVERSITY	(227,269)	(32,712)	27,540	(254,809)
FINANCE	(1,068,220)	(25,656)	(198,838)	(869,382)
FOUNDATION	(152,797)	(13,044)	(62,845)	(89,953)
HUMAN RESOURCES	(424,625)	(55,907)	(244,074)	(180,551)
LAW CLERK PROGRAM	41,201	23,499	126,783	(85,581)
LEGISLATIVE	(269,464)	(24,580)	(104,600)	(164,864)
LEGAL LUNCHBOX	(29,617)	(3,776)	(1,525)	(28,092)
LICENSE FEES	17,053,467	1,641,058	6,988,143	10,065,324
LICENSING AND MEMBERSHIP	(189,762)	(16,868)	(102,463)	(87,299)
LIMITED LICENSE LEGAL TECHNICIAN	(71,026)	(6,183)	(30,411)	(40,615)
LIMITED PRACTICE OFFICERS	74,741	2,483	39,848	34,892
MANDATORY CLE ADMINISTRATION	343,906	95,724	325,430	18,476
MEMBER WELLNESS PROGRAM	(230,019)	(20,417)	(79,169)	(150,850)
MINI CLE	(114,412)	(10,298)	(46,635)	(67,777)
MEMBER SERVICES & ENGAGEMENT	(330,678)	(29,007)	(110,180)	(220,498)
NEW MEMBER EDUCATION	(11,869)	(6,108)	39,975	(51,844)
OFFICE OF GENERAL COUNSEL	(1,056,571)	(86,109)	(393,173)	(663,398)
OFFICE OF THE EXECUTIVE DIRECTOR	(697,034)	(51,170)	(235,729)	(461,305)
OGC-DISCIPLINARY BOARD	(329,139)	(27,439)	(124,003)	(205,137)
PRACTICE OF LAW BOARD	(75,355)	(6,407)	(27,426)	(47,929)
PRACTICE MANAGEMENT ASSISTANCE	(156,433)	4,364	(94,451)	(61,982)
PROFESSIONAL RESPONSIBILITY PROGRAM	(153,571)	(20,258)	(95,023)	(58,549)
PUBLIC SERVICE PROGRAMS	(356,257)	(14,148)	14,707	(370,964)
PUBLICATION & DESIGN SERVICES	(123,787)	(10,720)	(53,340)	(70,447)
REGULATORY SERVICES FTE	(560,458)	(47,377)	(211,725)	(348,733)
SECTIONS ADMINISTRATION	(8,053)	(13,209)	227,693	(235,746)
SECTIONS OPERATIONS	(254,951)	8,583	167,966	(422,917)
SERVICE CENTER	(713,681)	(65,697)	(294,229)	(419,451)
TECHNOLOGY	(1,996,602)	(173,528)	(803,411)	(1,193,191)
VOLUNTEER EDUCATION	(115,489)	(9,558)	(46,098)	(69,391)
INDIRECT EXPENSES	21,286,666	1,915,403	8,671,116	12,615,550
<b>TOTAL OF ALL</b>	<b>(20,733,539)</b>	<b>(2,193,214)</b>	<b>(11,044,408)</b>	<b>(9,689,131)</b>
<b>NET INCOME (LOSS)</b>	<b>(553,127)</b>	<b>277,810</b>	<b>2,373,291</b>	<b>(2,926,418)</b>

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

# **Financial Reports**

**(Unaudited)**

**Year to Date March 31, 2023**

**Prepared by**  
**Maggie Yu, Controller**

**Submitted by**  
**Tiffany Lynch, Director of Finance**  
**April 18, 2023**

# WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors  
Budget and Audit Committee

From: Terra Nevitt, Executive Director; Tiffany Lynch, Director of Finance; Maggie Yu, Controller

Re: Key Financial Benchmarks for the Preliminary Fiscal Year to Date (YTD) through March 31, 2023  
As % of Completion to Annual Budget

	% of Year	Current Year % YTD	Current Year \$ Difference Favorable/(Unfavorable)	Prior Year YTD	Comments
Total Salaries & Benefits	50%	49%	\$91,481	51%	Favorable to budget due to vacant positions and higher capital labor.
Other Indirect Expenses*	50%	49%	\$149,605	49%	Favorable to budget due to timing of payments.
Total Indirect Expenses	50%	49%	\$241,085	51%	Favorable to budget resulting from a combination of reasons described above. Expected to be on budget for year.

General Fund Revenues	50%	55%	\$1,112,191	56%	Favorable to budget due to high interest income, product sales, seminar registrations for member services & engagement and new member education, MCLE payments, and timing of bar exam, law clerk fees, and Foundation donation collection. Expected to be favorable to budget.
General Fund Indirect Expenses	50%	49%	\$218,018	51%	Favorable to budget as described under indirect expenses above. Expected to be on budget.
General Fund Direct Expenses	50%	31%	\$497,349	29%	Favorable to budget due to timing of program activities and meetings/events. Expected to be favorable to budget.
General Fund Net	50%	276%	\$1,827,558	1,763%	Favorable to budget for the reasons described above. Expected to be favorable to budget.

CLE Revenue	50%	54%	\$81,571	64%	Favorable to budget due to higher product sales. Expected to be on budget.
CLE Direct Expenses	50%	16%	\$126,497	10%	Favorable to budget due to timing of scheduled seminar expense payments. Expected to be on budget.
CLE Indirect Expenses	50%	48%	\$20,254	50%	Favorable to budget as described under indirect expenses above and expected to be on budget.
CLE Net	50%	155%	\$228,322	210%	Favorable to budget for the reasons described above. Expected to be on budget.

\*Workplace benefits, Human Resources, meeting support, rent, taxes, furniture & maintenance, office supplies, depreciation, insurance, equipment, professional fees (legal & audit), internet & telephone, postage, storage, bank fees, Technology

**Washington State Bar Association Financial Summary**  
**Compared to Fiscal Year 2023 Budget**  
**For the Period from March 1, 2023 to March 31, 2023**

Category	Actual Revenues	Budgeted Revenues	Actual Indirect Expenses	Budgeted Indirect Expenses	Actual Direct Expenses	Budgeted Direct Expenses	Actual Total Expenses	Budgeted Total Expenses	Actual Net Result	Budgeted Net Result
Access to Justice	-	-	116,851	237,082	46,278	121,820	163,129	358,902	(163,129)	(358,902)
Admissions/Bar Exam	877,295	1,362,940	446,041	892,773	154,709	411,079	600,750	1,303,852	276,545	59,088
Advancement FTE	-	-	174,425	354,465	198	8,100	174,623	362,565	(174,623)	(362,565)
Bar News	283,928	602,700	164,045	332,507	179,811	363,460	343,855	695,967	(59,927)	(93,267)
Board of Governors	-	-	99,246	191,700	118,342	371,900	217,588	563,600	(217,588)	(563,600)
Character & Fitness Board	-	-	68,712	139,623	869	27,000	69,581	166,623	(69,581)	(166,623)
Communications Strategies	113	3,500	331,911	674,814	6,450	116,015	338,361	790,829	(338,248)	(787,329)
Communications Strategies FTE	-	-	120,984	243,400	-	-	120,984	243,400	(120,984)	(243,400)
Discipline	34,641	119,000	2,820,629	6,007,729	50,352	206,999	2,870,981	6,214,728	(2,836,340)	(6,095,728)
Diversity	135,000	135,000	103,735	240,734	30,456	121,535	134,191	362,269	809	(227,269)
Finance	326,469	26,000	536,105	1,080,720	2,537	13,500	538,642	1,094,220	(212,174)	(1,068,220)
Foundation	-	-	71,523	147,147	3,057	5,650	74,579	152,797	(74,579)	(152,797)
Human Resources	-	-	295,641	424,625	-	-	295,641	424,625	(295,641)	(424,625)
Law Clerk Program	189,233	188,200	66,940	138,099	4,162	8,900	71,102	146,999	118,131	41,201
Legislative	-	-	115,381	242,681	11,735	26,783	127,117	269,464	(127,117)	(269,464)
Legal Lunchbox	19,698	23,000	24,173	51,117	551	1,500	24,725	52,617	(5,027)	(29,617)
Licensing and Membership Records	212,358	452,200	315,537	622,311	20,406	19,651	335,943	641,962	(123,585)	(189,762)
Licensing Fees	8,461,301	17,053,467	-	-	-	-	0	-	8,461,301	17,053,467
Limited License Legal Technician	6,780	29,722	41,370	85,248	1,976	15,500	43,345	100,748	(36,565)	(71,026)
Limited Practice Officers	106,486	195,088	47,925	99,305	8,176	21,042	56,100	120,347	50,386	74,741
Mandatory CLE	792,550	1,125,250	402,762	714,329	5,407	67,015	408,169	781,344	384,381	343,906
Member Wellness Program	3,000	7,500	100,478	234,719	906	2,800	101,384	237,519	(98,384)	(230,019)
Member Services & Engagement	16,000	11,800	147,105	302,978	3,742	39,500	150,847	342,478	(134,847)	(330,678)
Mini CLE	-	-	55,718	114,412	-	-	55,718	114,412	(55,718)	(114,412)
New Member Education	79,782	85,000	46,179	95,269	-	1,600	46,179	96,869	33,603	(11,869)
Office of General Counsel	-	963	467,137	1,038,134	2,828	19,400	469,965	1,057,534	(469,965)	(1,056,571)
Office of the Executive Director	-	-	272,677	568,259	14,943	128,775	287,620	697,034	(287,620)	(697,034)
OGC-Disciplinary Board	-	-	108,174	217,139	39,891	112,000	148,065	329,139	(148,065)	(329,139)
Practice of Law Board	-	-	30,869	63,355	1,953	12,000	32,821	75,355	(32,821)	(75,355)
Practice Management Assistance	32,806	50,000	64,957	133,033	72,966	73,400	137,924	206,433	(105,118)	(156,433)
Professional Responsibility Program	-	-	112,445	151,321	1,307	2,250	113,752	153,571	(113,752)	(153,571)
Public Service Programs	130,000	130,000	95,860	219,329	31,624	266,928	127,484	486,257	2,516	(356,257)
Publication and Design Services	-	-	58,699	119,175	4,200	4,612	62,899	123,787	(62,899)	(123,787)
Regulatory Services FTE	-	-	267,451	536,908	74	23,550	267,525	560,458	(267,525)	(560,458)
Sections Administration	350,687	290,543	142,439	290,746	470	7,850	142,909	298,596	207,778	(8,053)
Service Center	-	-	349,493	703,381	3,491	10,300	352,984	713,681	(352,984)	(713,681)
Volunteer Engagement	-	-	50,142	97,639	3,918	17,850	54,059	115,489.27	(54,059)	(115,489)
Technology	-	-	949,626	1,996,602	-	-	949,626	1,996,602	(949,626)	(1,996,602)
<b>Subtotal General Fund</b>	<b>12,058,127</b>	<b>21,891,872</b>	<b>9,683,386</b>	<b>19,802,808</b>	<b>827,783</b>	<b>2,650,264</b>	<b>10,511,170</b>	<b>22,453,072</b>	<b>1,546,958</b>	<b>(561,199)</b>
Expenses using reserve funds	-	-	-	-	-	-	-	-	-	-
<b>Total General Fund - Net Result from Operations</b>									<b>1,546,958</b>	<b>(561,199)</b>
<b>Percentage of Budget</b>	<b>55%</b>		<b>49%</b>		<b>31%</b>		<b>47%</b>			
CLE-Seminars and Products	975,617	1,653,725	521,058	1,079,536	56,298	307,219	577,355	1,386,755	398,261	266,970
CLE - Deskbooks	53,316	241,000	109,662	222,410	4,977	68,325	114,639	290,735	(61,323)	(49,735)
Total CLE	1,028,933	1,894,725	630,719	1,301,946	61,275	375,544	691,994	1,677,490	336,939	217,235
<b>Percentage of Budget</b>	<b>54%</b>		<b>48%</b>		<b>16%</b>		<b>41%</b>			
Total All Sections	568,762	649,695	-	-	409,261	904,646	409,261	904,646	159,502	(254,951)
Client Protection Fund-Restricted	797,865	730,000	88,142	181,912	51,395	502,300	139,536	684,212	658,329	45,788
<b>Totals</b>	<b>14,453,687</b>	<b>25,166,292</b>	<b>10,402,247</b>	<b>21,286,666</b>	<b>1,349,714</b>	<b>4,432,754</b>	<b>11,751,961</b>	<b>25,719,419</b>	<b>2,701,726</b>	<b>(553,127)</b>
<b>Percentage of Budget</b>	<b>57%</b>		<b>49%</b>		<b>30%</b>		<b>46%</b>			

Summary of Fund Balances:	Fund Balances Sept. 30, 2022	2023 Budgeted Fund Balances	Fund Balances Year to date
<b>Restricted Funds:</b>			
Client Protection Fund	4,063,501	4,109,289	4,721,830.21
<b>Board-Designated Funds (Non-General Fund):</b>			
CLE Fund Balance	1,042,049	1,259,284	1,378,987.50
Section Funds	1,802,650	1,547,699	1,962,151.08
<b>Board-Designated Funds (General Fund):</b>			
Operating Reserve Fund	2,000,000	2,000,000	2,000,000.00
Facilities Reserve Fund	1,000,000	1,000,000	2,700,000.00
<b>Unrestricted Funds (General Fund):</b>			
Unrestricted General Fund	5,713,268	5,152,068	5,560,225.04
<b>Total General Fund Balance</b>	<b>8,713,268</b>	<b>8,152,068</b>	<b>10,260,225.04</b>
<b>Net Change in Total General Fund Balance</b>		<b>(561,199)</b>	<b>1,546,957.51</b>
<b>Total Fund Balance</b>	<b>15,621,468</b>	<b>15,068,341</b>	<b>18,323,193.83</b>
<b>Net Change In Fund Balance</b>		<b>(553,127)</b>	<b>2,701,726.32</b>



**Washington State Bar Association  
Analysis of Cash Investments  
As of March 31, 2023**

**Checking & Savings Accounts**

**General Fund**

**Checking**

<b><u>Bank</u></b>	<b><u>Account</u></b>	<b><u>Amount</u></b>
Wells Fargo	General	\$ 821,334

Total

<b><u>Investments</u></b>	<b><u>Rate</u></b>	<b><u>Amount</u></b>
Wells Fargo Money Market	0.50%	\$ 10,547,650
UBS Financial Money Market	0.20%	\$ 1,097,025
Morgan Stanley Money Market	0.36%	\$ 3,443,047
Merrill Lynch Money Market	0.34%	\$ 2,031,197
CDs/Treasuries	see list	\$ 8,222,581

**General Fund Total \$ 26,162,835**

**Client Protection Fund**

**Checking**

<b><u>Bank</u></b>	<b><u>Amount</u></b>
Wells Fargo	\$ 160,432

<b><u>Investments</u></b>	<b><u>Rate</u></b>	<b><u>Amount</u></b>
Wells Fargo Money Market	0.47%	\$ 3,217,532
Morgan Stanley Money Market	0.37%	\$ 109,474
CDs/Treasuries	see list	\$ 1,495,088

**Client Protection Fund Total \$ 4,982,526**

**Grand Total Cash & Investments \$ 31,145,360**

**Washington State Bar Association  
Analysis of Cash Investments  
As of March 31, 2023**

**General Fund**

<b><u>Bank</u></b>	<b><u>Yield</u></b>	<b><u>Term Months</u></b>	<b><u>Trade Date</u></b>	<b><u>Settle Date</u></b>	<b><u>Maturity Date</u></b>	<b><u>Amount</u></b>
Beal Bank USA CD	2.80%	9	7/28/2022	8/10/2022	5/10/2023	250,000.00
State Bank of India NY CD	3.10%	12	7/28/2022	8/8/2022	8/8/2023	250,000.00
Ally bank	4.50%	6	12/5/2022	12/8/2022	6/8/2023	250,000.00
Wells Fargo bank	4.70%	9	12/15/2022	12/23/2022	9/25/2023	250,000.00
SOFI Bank	4.55%	9	1/13/2023	1/23/2023	10/23/2023	250,000.00
US Treasury Bill	4.65%	9	1/11/2023	1/12/2023	7/13/2023	244,331.46
FFCB	4.75%	12	2/1/2023	2/2/2023	1/18/2024	241,147.50
FAMCA	4.75%	6	2/1/2023	2/2/2023	8/3/2023	246,737.78
Fairfield County Bank	4.65%	9	2/1/2023	2/3/2023	11/3/2023	250,000.00
Townebank	4.65%	12	2/1/2023	2/8/2023	2/8/2024	250,000.00
Mill Yard Bank	4.65%	12	2/1/2023	2/9/2023	2/9/2024	250,000.00
DFC	4.75%	11	2/1/2023	2/2/2023	12/14/2023	252,332.00
FHLBDN	4.75%	12	2/10/2023	2/13/2023	2/2/2024	250,324.86
FHLB	4.75%	9	2/10/2023	2/13/2023	11/7/2023	250,484.17
FHDN	4.75%	11	2/10/2023	2/13/2023	1/11/2024	239,532.78
FHLBD	4.72%	7	2/9/2023	2/10/2023	8/30/2023	247,690.00
JP Morgan Chase Bank	4.95%	11	2/22/2023	2/28/2023	1/31/2024	250,000.00
Independent Bank	4.75%	9	2/22/2023	2/24/2023	11/24/2023	250,000.00
Morgan Stanley Bank	5.06%	6	3/9/2023	3/9/2023	9/18/2023	250,000.00
Morgan Stanley Private Bank	5.06%	6	3/9/2023	3/9/2023	9/18/2023	250,000.00
Bank of Hope	5.25%	9	3/14/2023	3/24/2023	12/26/2023	250,000.00
Citizens Bank	5.15%	9	3/14/2023	3/22/2023	12/22/2023	250,000.00
NEXBank	5.25%	9	3/14/2023	3/22/2023	12/20/2023	250,000.00
Barclays bank	5.10%	6	3/14/2023	3/22/2023	9/22/2023	250,000.00
Fifth Third Bank	5.10%	6	3/14/2023	3/21/2023	9/21/2023	250,000.00
Valley Natl Bank	5.15%	6	3/14/2023	3/17/2023	9/18/2023	250,000.00
Hancock Whitney Bank	5.35%	9	3/17/2023	3/23/2023	12/26/2023	250,000.00
Flagstar Bank	5.15%	6	3/17/2023	3/30/2023	10/2/2023	250,000.00
Crossfirst Bank	5.20%	9	3/17/2023	3/24/2023	12/26/2023	250,000.00
American Commercial bank	5.10%	6	3/23/2023	4/5/2023	10/5/2023	250,000.00
Comerica bank	5.10%	6	3/23/2023	3/30/2023	10/2/2023	250,000.00
Webster bank	5.00%	6	3/23/2023	3/29/2023	9/29/2023	250,000.00
Customer Bank Phoenixville	5.20%	12	3/28/2023	3/30/2023	3/28/2024	250,000.00
Zions BankCorp	5.30%	9	3/28/2023	3/31/2023	12/29/2023	250,000.00

**Total                      8,222,581**

**Client Fund Protection Fund**

<b><u>Bank</u></b>	<b><u>Yield</u></b>	<b><u>Term Months</u></b>	<b><u>Trade Date</u></b>	<b><u>Settle Date</u></b>	<b><u>Maturity Date</u></b>	<b><u>Amount</u></b>
Western Alliance Bank	5.00%	12	3/1/2023	3/9/2023	3/8/2024	250,000.00
US T Note	4.95%	11	3/1/2023	3/2/2023	1/31/2024	245,088.27
Capstar Bank	4.80%	9	3/1/2023	3/3/2023	12/4/2023	250,000.00
Washinton Trst Westerly	4.80%	6	3/1/2023	3/8/2023	9/8/2023	250,000.00
Renasant Bank Tupel	5.10%	6	3/17/2023	3/22/2023	9/22/2023	250,000.00
Bremer Bank	5.10%	6	3/17/2023	3/22/2023	9/22/2023	250,000.00

**Total                      1,495,088.27**

# Washington State Bar Association

Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>LICENSE FEES</b>						
<b>REVENUE:</b>						
LICENSE FEES	17,053,467	1,473,159	8,461,301	8,592,165	50%	65,432
<b>TOTAL REVENUE:</b>	<b>17,053,467</b>	<b>1,473,159</b>	<b>8,461,301</b>	<b>8,592,165</b>	<b>50%</b>	<b>(65,432)</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from March 1, 2023 to March 31, 2023  
**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>ACCESS TO JUSTICE</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
SURVEYS	100	-	-	100	0%	50
ATJ BOARD RETREAT	2,000	-	2,130	(130)	107%	(1,130)
LEADERSHIP TRAINING	2,000	-	-	2,000	0%	1,000
ATJ BOARD EXPENSE	78,400	4,762	28,723	49,677	37%	10,477
STAFF TRAVEL/PARKING	3,000	-	50	2,950	2%	1,450
STAFF CONFERENCE & TRAINING	1,675	-	75	1,600	4%	763
PUBLIC DEFENSE	4,000	-	810	3,190	20%	1,190
CONFERENCE/INSTITUTE EXPENSE	23,145	10,000	13,989	9,156	60%	(2,417)
RECEPTION/FORUM EXPENSE	7,500	-	500	7,000	7%	3,250
<b>TOTAL DIRECT EXPENSES:</b>	<b>121,820</b>	<b>14,762</b>	<b>46,278</b>	<b>75,542</b>	<b>38%</b>	<b>14,632</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.64 FTE)	138,139	11,873	69,936	68,203	51%	(866)
BENEFITS EXPENSE	48,192	4,141	23,221	24,971	48%	875
OTHER INDIRECT EXPENSE	50,751	3,401	23,695	27,056	47%	1,680
<b>TOTAL INDIRECT EXPENSES:</b>	<b>237,082</b>	<b>19,415</b>	<b>116,851</b>	<b>120,230</b>	<b>49%</b>	<b>1,689</b>
<b>TOTAL ALL EXPENSES:</b>	<b>358,902</b>	<b>34,177</b>	<b>163,129</b>	<b>195,772</b>	<b>45%</b>	<b>16,322</b>
<b>NET INCOME (LOSS):</b>	<b>(358,902)</b>	<b>(34,177)</b>	<b>(163,129)</b>	<b>(195,772)</b>	<b>45%</b>	<b>16,322</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from March 1, 2023 to March 31, 2023  
**50% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>ADMISSIONS</b>						
<b>REVENUE:</b>						
EXAM SOFTWARE REVENUE	27,000	-	-	27,000	0%	(13,500)
BAR EXAM FEES	1,253,000	281,705	859,110	393,890	69%	232,610
RULE 9/LEGAL INTERN FEES	12,000	400	2,000	10,000	17%	(4,000)
SPECIAL ADMISSIONS	70,940	4,020	16,185	54,755	23%	(19,285)
<b>TOTAL REVENUE:</b>	<b>1,362,940</b>	<b>286,125</b>	<b>877,295</b>	<b>485,645</b>	<b>64%</b>	<b>195,825</b>
<b>DIRECT EXPENSES:</b>						
POSTAGE	750	216	461	289	61%	(86)
STAFF TRAVEL/PARKING	23,000	709	7,628	15,372	33%	3,872
STAFF MEMBERSHIP DUES	600	-	150	450	25%	150
SUPPLIES	2,750	-	187	2,563	7%	1,188
FACILITY, PARKING, FOOD	101,000	23,007	45,564	55,436	45%	4,936
EXAMINER FEES	36,000	1,500	12,500	23,500	35%	5,500
UBE EXMINATIONS	123,000	32,208	32,208	90,792	26%	29,292
BOARD OF BAR EXAMINERS	18,850	4,636	12,171	6,679	65%	(2,746)
BAR EXAM PROCTORS	39,000	16,132	16,132	22,868	41%	3,368
DISABILITY ACCOMMODATIONS	27,000	851	14,238	12,762	53%	(738)
CHARACTER & FITNESS INVESTIGATIONS	2,000	-	-	2,000	0%	1,000
LAW SCHOOL VISITS	1,700	-	229	1,471	13%	621
DEPRECIATION-SOFTWARE	24,929	2,037	12,225	12,704	49%	240
STAFF CONFERENCE & TRAINING	10,500	(250)	1,016	9,484	10%	4,234
<b>TOTAL DIRECT EXPENSES:</b>	<b>411,079</b>	<b>81,046</b>	<b>154,709</b>	<b>256,370</b>	<b>38%</b>	<b>50,830</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (6.75 FTE)	512,745	35,724	252,560	260,185	49%	3,812
BENEFITS EXPENSE	171,146	17,137	96,183	74,963	56%	(10,610)
OTHER INDIRECT EXPENSE	208,882	13,826	97,298	111,584	47%	7,143
<b>TOTAL INDIRECT EXPENSES:</b>	<b>892,773</b>	<b>66,687</b>	<b>446,041</b>	<b>446,732</b>	<b>50%</b>	<b>345</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,303,852</b>	<b>147,734</b>	<b>600,750</b>	<b>703,102</b>	<b>46%</b>	<b>51,176</b>
<b>NET INCOME (LOSS):</b>	<b>59,088</b>	<b>138,391</b>	<b>276,545</b>	<b>(217,457)</b>	<b>468%</b>	<b>247,001</b>

# Washington State Bar Association

## Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>ADVANCEMENT FTE</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF CONFERENCE & TRAINING	8,100	-	198	7,902	2%	3,852
<b>TOTAL DIRECT EXPENSES:</b>	<b>8,100</b>	<b>-</b>	<b>198</b>	<b>7,902</b>	<b>2%</b>	<b>3,852</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.88 FTE)	233,777	20,818	116,883	116,894	50%	5
BENEFITS EXPENSE	62,511	5,417	30,553	31,958	49%	703
OTHER INDIRECT EXPENSE	58,178	3,801	26,990	31,188	46%	2,099
<b>TOTAL INDIRECT EXPENSES:</b>	<b>354,465</b>	<b>30,036</b>	<b>174,425</b>	<b>180,040</b>	<b>49%</b>	<b>2,807</b>
<b>TOTAL ALL EXPENSES:</b>	<b>362,565</b>	<b>30,036</b>	<b>174,623</b>	<b>187,942</b>	<b>48%</b>	<b>6,659</b>
<b>NET INCOME (LOSS):</b>	<b>(362,565)</b>	<b>(30,036)</b>	<b>(174,623)</b>	<b>(187,942)</b>	<b>48%</b>	<b>6,659</b>

# Washington State Bar Association

Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>BAR NEWS</b>						
<b>REVENUE:</b>						
DISPLAY ADVERTISING	400,000	45,000	219,000	181,000	55%	19,000
SUBSCRIPT/SINGLE ISSUES	200	-	-	200	0%	(100)
CLASSIFIED ADVERTISING	2,500	351	5,478	(2,978)	219%	4,228
JOB TARGET ADVERTISING	200,000	14,111	59,450	140,550	30%	(40,550)
<b>TOTAL REVENUE:</b>	<b>602,700</b>	<b>59,462</b>	<b>283,928</b>	<b>318,772</b>	<b>47%</b>	<b>(17,422)</b>
<b>DIRECT EXPENSES:</b>						
POSTAGE	110,000	11,977	58,846	51,154	53%	(3,846)
PRINTING, COPYING & MAILING	250,000	21,489	119,641	130,359	48%	5,359
DIGITAL/ONLINE DEVELOPMENT	1,000	550	1,121	(121)	112%	(621)
GRAPHICS/ARTWORK	100	-	-	100	0%	50
STAFF CONFERENCE & TRAINING	2,000	-	-	2,000	0%	1,000
STAFF MEMBERSHIP DUES	135	-	-	135	0%	68
SUBSCRIPTIONS	225	-	203	22	90%	(90)
<b>TOTAL DIRECT EXPENSES:</b>	<b>363,460</b>	<b>34,016</b>	<b>179,811</b>	<b>183,649</b>	<b>49%</b>	<b>1,919</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (2.23 FTE)	209,396	17,856	105,497	103,899	50%	(799)
BENEFITS EXPENSE	54,103	4,700	26,386	27,717	49%	665
OTHER INDIRECT EXPENSE	69,008	4,570	32,161	36,847	47%	2,343
<b>TOTAL INDIRECT EXPENSES:</b>	<b>332,507</b>	<b>27,127</b>	<b>164,045</b>	<b>168,463</b>	<b>49%</b>	<b>2,209</b>
<b>TOTAL ALL EXPENSES:</b>	<b>695,967</b>	<b>61,143</b>	<b>343,855</b>	<b>352,112</b>	<b>49%</b>	<b>4,128</b>
<b>NET INCOME (LOSS):</b>	<b>(93,267)</b>	<b>(1,680)</b>	<b>(59,927)</b>	<b>(33,340)</b>	<b>64%</b>	<b>(13,294)</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from March 1, 2023 to March 31, 2023  
**50% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>BOARD OF GOVERNORS</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>		<u>-</u>
<b>DIRECT EXPENSES:</b>						
BOG MEETINGS	205,000	21,773	60,686	144,314	30%	41,814
BOG COMMITTEES' EXPENSES **	3,000	56	145	2,855	5%	1,355
BOG RETREAT	50,000	-	19,542	30,458	39%	5,458
BOG CONFERENCE ATTENDANCE	43,000	7,452	11,595	31,405	27%	9,905
BOG TRAVEL & OUTREACH **	14,000	178	11,944	2,056	85%	(4,944)
LEADERSHIP TRAINING	20,000	-	4,367	15,633	22%	5,633
BOG ELECTIONS	26,900	3,920	3,920	22,980	15%	9,530
PRESIDENT'S DINNER	10,000	-	-	10,000	0%	5,000
CONSULTING SERVICES **	-	1,804	6,143	(6,143)		(6,143)
<b>TOTAL DIRECT EXPENSES:</b>	<u><b>371,900</b></u>	<u><b>35,183</b></u>	<u><b>118,342</b></u>	<u><b>253,558</b></u>	<u><b>32%</b></u>	<u><b>67,608</b></u>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.40 FTE)	112,271	11,811	61,833	50,438	55%	(5,698)
BENEFITS EXPENSE	36,105	3,082	17,261	18,844	48%	791
OTHER INDIRECT EXPENSE	43,324	2,864	20,152	23,172	47%	1,510
<b>TOTAL INDIRECT EXPENSES:</b>	<u><b>191,700</b></u>	<u><b>17,757</b></u>	<u><b>99,246</b></u>	<u><b>92,454</b></u>	<u><b>52%</b></u>	<u><b>(3,396)</b></u>
<b>TOTAL ALL EXPENSES:</b>	<u><b>563,600</b></u>	<u><b>52,940</b></u>	<u><b>217,588</b></u>	<u><b>346,012</b></u>	<u><b>39%</b></u>	<u><b>64,212</b></u>
<b>NET INCOME (LOSS):</b>	<u><b>(563,600)</b></u>	<u><b>(52,940)</b></u>	<u><b>(217,588)</b></u>	<u><b>(346,012)</b></u>	<u><b>39%</b></u>	<u><b>64,212</b></u>

*\*\*Budget reallocations apply to this line item. For details, see FY23 Budget Reallocations memo(s) included in the Board of Governors meeting materials.*



# Washington State Bar Association

Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>CHARACTER &amp; FITNESS BOARD</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
CHARACTER & FITNESS BOARD EXP	12,000	-	-	12,000	0%	6,000
COURT REPORTERS	15,000	-	869	14,131	6%	6,631
<b>TOTAL DIRECT EXPENSES:</b>	<b>27,000</b>	<b>-</b>	<b>869.00</b>	<b>26,131</b>	<b>3%</b>	<b>12,631</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.75 FTE)	90,551	7,619	45,417	45,134	50%	(141)
BENEFITS EXPENSE	25,863	2,185	12,317	13,546	48%	614
OTHER INDIRECT EXPENSE	23,209	1,638	10,979	12,231	47%	626
<b>TOTAL INDIRECT EXPENSES:</b>	<b>139,623</b>	<b>11,443</b>	<b>68,712</b>	<b>70,910</b>	<b>49%</b>	<b>1,099</b>
<b>TOTAL ALL EXPENSES:</b>	<b>166,623</b>	<b>11,443</b>	<b>69,581</b>	<b>97,041</b>	<b>42%</b>	<b>13,730</b>
<b>NET INCOME (LOSS):</b>	<b>(166,623)</b>	<b>(11,443)</b>	<b>(69,581)</b>	<b>(97,041)</b>	<b>42%</b>	<b>13,730</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from March 1, 2023 to March 31, 2023  
**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LAW CLERK PROGRAM</b>						
<b>REVENUE:</b>						
LAW CLERK FEES	185,000	4,000	188,333	(3,333)	102%	95,833
LAW CLERK APPLICATION FEES	3,200	-	900	2,300	28%	(700)
<b>TOTAL REVENUE:</b>	<b>188,200</b>	<b>4,000</b>	<b>189,233</b>	<b>(1,033)</b>	<b>101%</b>	<b>95,133</b>
<b>DIRECT EXPENSES:</b>						
SUBSCRIPTIONS	250	-	-	250	0%	125
CHARACTER & FITNESS INVESTIGATIONS	100	-	-	100	0%	50
LAW CLERK BOARD EXPENSE	8,000	1,625	4,162	3,838	52%	(162)
LAW CLERK OUTREACH	550	-	-	550	0%	275
<b>TOTAL DIRECT EXPENSES:</b>	<b>8,900</b>	<b>1,625</b>	<b>4,162</b>	<b>4,738</b>	<b>47%</b>	<b>288</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.98 FTE)	82,442	6,887	40,880	41,562	50%	341
BENEFITS EXPENSE	25,330	2,145	12,016	13,315	47%	650
OTHER INDIRECT EXPENSE	30,327	1,996	14,045	16,281	46%	1,118
<b>TOTAL INDIRECT EXPENSES:</b>	<b>138,099</b>	<b>11,027</b>	<b>66,940</b>	<b>71,158</b>	<b>48%</b>	<b>2,109</b>
<b>TOTAL ALL EXPENSES:</b>	<b>146,999</b>	<b>12,652</b>	<b>71,102</b>	<b>75,896</b>	<b>48%</b>	<b>2,397</b>
<b>NET INCOME (LOSS):</b>	<b>41,201</b>	<b>(8,652)</b>	<b>118,131</b>	<b>(76,929)</b>	<b>287%</b>	<b>97,530</b>

**Washington State Bar Association**  
Statement of Activities  
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**50% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>CONTINUING LEGAL EDUCATION (CLE)</b>						
<b>REVENUE:</b>						
SEMINAR REGISTRATIONS	850,000	74,372	326,545	523,455	38%	(98,455)
SEMINAR REVENUE-OTHER	20,000	-	1,500	18,500	8%	(8,500)
SEMINAR SPLITS W/ CLE	(133,375)	-	-	(133,375)	0%	66,688
SHIPPING & HANDLING	100	18	72	28	72%	22
COURSEBOOK SALES	7,000	260	750	6,250	11%	(2,750)
MP3 AND VIDEO SALES	910,000	88,756	646,749	263,251	71%	191,749
<b>TOTAL REVENUE:</b>	<b>1,653,725</b>	<b>163,406</b>	<b>975,617</b>	<b>678,108</b>	<b>59%</b>	<b>(40,267)</b>
<b>DIRECT EXPENSES:</b>						
COURSEBOOK PRODUCTION	1,000	-	-	1,000	0%	500
POSTAGE - FLIERS/CATALOGS	5,000	-	-	5,000	0%	2,500
DEPRECIATION	1,309	279	1,674	(365)	128%	(1,020)
ONLINE EXPENSES	53,000	4,116	23,579	29,421	44%	2,921
ACCREDITATION FEES	3,000	(60)	2,784	216	93%	(1,284)
SEMINAR BROCHURES	20,000	-	-	20,000	0%	10,000
FACILITIES	165,200	6,164	27,349	137,851	17%	55,251
DISABILITY ACCOMMODATIONS	4,000	-	-	4,000	0%	2,000
SPEAKERS & PROGRAM DEVELOP	32,000	(2,422)	455	31,545	1%	15,545
HONORARIA	1,200	-	-	1,200	0%	600
CLE SEMINAR COMMITTEE	200	-	-	200	0%	100
STAFF TRAVEL/PARKING	15,000	251	355	14,645	2%	7,145
STAFF CONFERENCE & TRAINING	2,370	-	-	2,370	0%	1,185
STAFF MEMBERSHIP DUES	1,700	-	-	1,700	0%	850
COST OF SALES - COURSEBOOKS	690	28	68	622	10%	277
A/V DEVELOP COSTS (RECORDING)	1,250	-	-	1,250	0%	625
POSTAGE & DELIVERY-COURSEBOOKS	-	-	34	(34)		(34)
STAFF TRAVEL/PARKING	300	-	-	300	0%	150
<b>TOTAL DIRECT EXPENSES:</b>	<b>307,219</b>	<b>8,356</b>	<b>56,298</b>	<b>250,921</b>	<b>18%</b>	<b>97,312</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (8.13 FTE)	596,422	50,592	296,710	299,711	50%	1,500
BENEFITS EXPENSE	220,069	19,172	107,291	112,778	49%	2,744
OTHER INDIRECT EXPENSE	263,045	16,556	117,056	145,989	45%	14,466
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,079,536</b>	<b>86,320</b>	<b>521,058</b>	<b>558,478</b>	<b>48%</b>	<b>18,710</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,386,755</b>	<b>94,676</b>	<b>577,355</b>	<b>809,399</b>	<b>42%</b>	<b>116,022</b>
<b>NET INCOME (LOSS):</b>	<b>266,970</b>	<b>68,730</b>	<b>398,261</b>	<b>(131,291)</b>	<b>149%</b>	<b>264,776</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from March 1, 2023 to March 31, 2023  
**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>COMMUNICATION STRATEGIES FTE</b>						
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.00 FTE)	168,213	14,280	85,113	83,101	51%	(1,006)
BENEFITS EXPENSE	44,241	3,784	21,419	22,822	48%	701
OTHER INDIRECT EXPENSE	30,946	2,054	14,452	16,493	47%	1,021
TOTAL INDIRECT EXPENSES:	<b>243,400</b>	<b>20,118</b>	<b>120,984</b>	<b>122,416</b>	<b>50%</b>	<b>716</b>
NET INCOME (LOSS):	<b>(243,400)</b>	<b>(20,118)</b>	<b>(120,984)</b>	<b>(122,416)</b>	<b>50%</b>	<b>716</b>

# Washington State Bar Association

Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>COMMUNICATION STRATEGIES</b>						
<b>REVENUE:</b>						
SPONSORSHIPS	1,000	-	-	1,000	0%	(500)
50 YEAR MEMBER PLAQUE	2,500	-	113	2,387	5%	(1,137)
<b>TOTAL REVENUE:</b>	<b>3,500</b>	<b>-</b>	<b>113</b>	<b>3,387</b>	<b>3%</b>	<b>(1,637)</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	3,395	396	1,386	2,009	41%	312
STAFF MEMBERSHIP DUES	1,120	714	714	406	64%	(154)
SUBSCRIPTIONS	4,000	139	834	3,166	21%	1,166
APEX DINNER	47,000	-	-	47,000	0%	23,500
50 YEAR MEMBER TRIBUTE LUNCH	20,000	-	-	20,000	0%	10,000
BAR OUTREACH	18,000	495	495	17,505	3%	8,505
COMMUNICATIONS OUTREACH	15,000	83	1,204	13,796	8%	6,296
STAFF CONFERENCE & TRAINING	7,500	-	1,817	5,683	24%	1,933
<b>TOTAL DIRECT EXPENSES:</b>	<b>116,015</b>	<b>1,827</b>	<b>6,450</b>	<b>109,565</b>	<b>6%</b>	<b>51,557</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (5.20 FTE)	387,612	32,582	194,883	192,729	50%	(1,077)
BENEFITS EXPENSE	126,285	11,067	61,917	64,368	49%	1,225
OTHER INDIRECT EXPENSE	160,917	10,674	75,111	85,806	47%	5,347
<b>TOTAL INDIRECT EXPENSES:</b>	<b>674,814</b>	<b>54,322</b>	<b>331,911</b>	<b>342,903</b>	<b>49%</b>	<b>5,496</b>
<b>TOTAL ALL EXPENSES:</b>	<b>790,829</b>	<b>56,149</b>	<b>338,361</b>	<b>452,468</b>	<b>43%</b>	<b>57,053</b>
<b>NET INCOME (LOSS):</b>	<b>(787,329)</b>	<b>(56,149)</b>	<b>(338,248)</b>	<b>(449,081)</b>	<b>43%</b>	<b>55,417</b>

# Washington State Bar Association

Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>CLIENT PROTECTION FUND</b>						
<b>REVENUE:</b>						
CPF RESTITUTION	40,000	794	4,241	35,759	11%	(15,759)
CPF MEMBER ASSESSMENTS	690,000	9,680	689,680	320	100%	344,680
INTEREST INCOME **	-	18,357	103,944	(103,944)		103,944
<b>TOTAL REVENUE:</b>	<b>730,000</b>	<b>28,831</b>	<b>797,865</b>	<b>(67,865)</b>	<b>109%</b>	<b>432,865</b>
<b>DIRECT EXPENSES:</b>						
BANK FEES - WELLS FARGO	2,100	195	1,159	941	55%	(109)
GIFTS TO INJURED CLIENTS	500,000	15,000	49,852	450,148	10%	200,148
CPF BOARD EXPENSES **	-	-	383	(383)		(383)
STAFF MEMBERSHIP DUES	200	-	-	200	0%	100
<b>TOTAL DIRECT EXPENSES:</b>	<b>502,300</b>	<b>15,195</b>	<b>51,395</b>	<b>450,905</b>	<b>10%</b>	<b>199,755</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.23 FTE)	104,797	8,850	52,749	52,049	50%	(350)
BENEFITS EXPENSE	37,207	3,154	17,684	19,523	48%	920
OTHER INDIRECT EXPENSE	39,907	2,516	17,709	22,198	44%	2,245
<b>TOTAL INDIRECT EXPENSES:</b>	<b>181,912</b>	<b>14,520</b>	<b>88,142</b>	<b>93,770</b>	<b>48%</b>	<b>2,814</b>
<b>TOTAL ALL EXPENSES:</b>	<b>684,212</b>	<b>29,714</b>	<b>139,536</b>	<b>544,676</b>	<b>20%</b>	<b>202,570</b>
<b>NET INCOME (LOSS):</b>	<b>45,788</b>	<b>(884)</b>	<b>658,329</b>	<b>(612,541)</b>	<b>1438%</b>	<b>635,435</b>

\*\*Budget reallocations apply to this line item. For details, see FY23 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

# Washington State Bar Association

## Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>DESKBOOKS</b>						
<b>REVENUE:</b>						
DESKBOOK SALES	150,000	-	21,478	128,522	14%	(53,522)
LEXIS/NEXIS ROYALTIES	35,000	-	14,787	20,213	42%	(2,713)
SECTION PUBLICATION SALES	6,000	-	1,445	4,556	24%	(1,556)
FASTCASE ROYALTIES	50,000	9,044	15,607	34,393	31%	(9,393)
<b>TOTAL REVENUE:</b>	<b>241,000</b>	<b>9,044</b>	<b>53,316</b>	<b>187,684</b>	<b>22%</b>	<b>(67,184)</b>
<b>DIRECT EXPENSES:</b>						
COST OF SALES - DESKBOOKS	65,000	-	3,956	61,044	6%	28,544
COST OF SALES - SECTION PUBLICATION	1,500	-	594	906	40%	156
SPLITS TO SECTIONS	300	207	207	93	69%	(57)
DESKBOOK ROYALTIES	300	92	92	208	31%	58
STAFF CONFERENCES & TRAINING	1,000	-	-	1,000	0%	500
POSTAGE & DELIVER-DESKBOOKS	-	90	90	(90)		(90)
STAFF MEMBERSHIP DUES	225	-	-	225	0%	113
SUBSCRIPTIONS	-	39	39	(39)		(39)
<b>TOTAL DIRECT EXPENSES:</b>	<b>68,325</b>	<b>427</b>	<b>4,977</b>	<b>63,348</b>	<b>7%</b>	<b>29,185</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.50 FTE)	132,287	11,203	67,919	64,368	51%	(1,776)
BENEFITS EXPENSE	41,948	3,595	20,166	21,782	48%	808
OTHER INDIRECT EXPENSE	48,175	3,066	21,577	26,599	45%	2,511
<b>TOTAL INDIRECT EXPENSES:</b>	<b>222,410</b>	<b>17,864</b>	<b>109,662</b>	<b>112,748</b>	<b>49%</b>	<b>1,543</b>
<b>TOTAL ALL EXPENSES:</b>	<b>290,735</b>	<b>18,292</b>	<b>114,639</b>	<b>176,096</b>	<b>39%</b>	<b>30,728</b>
<b>NET INCOME (LOSS):</b>	<b>(49,735)</b>	<b>(9,247)</b>	<b>(61,323)</b>	<b>11,588</b>	<b>123%</b>	<b>(36,455)</b>

# Washington State Bar Association

Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>DISCIPLINE</b>						
<b>REVENUE:</b>						
AUDIT REVENUE	1,000	170	701	299	70%	201
RECOVERY OF DISCIPLINE COSTS	100,000	1,952	24,161	75,839	24%	(25,839)
DISCIPLINE HISTORY SUMMARY	18,000	1,740	9,779	8,221	54%	779
<b>TOTAL REVENUE:</b>	<b>119,000</b>	<b>3,862</b>	<b>34,641</b>	<b>84,359</b>	<b>29%</b>	<b>(24,859)</b>
<b>DIRECT EXPENSES:</b>						
DEPRECIATION-SOFTWARE	45,835	-	-	45,835	0%	22,918
PUBLICATIONS PRODUCTION	200	-	169	31	84%	(69)
STAFF TRAVEL/PARKING	20,000	926	4,108	15,892	21%	5,892
STAFF MEMBERSHIP DUES	7,610	-	1,695	5,915	22%	2,110
TELEPHONE	2,359	315	1,889	470	80%	(709)
COURT REPORTERS	60,000	1,885	26,354	33,646	44%	3,646
OUTSIDE COUNSEL/AIC	1,500	-	-	1,500	0%	750
LITIGATION EXPENSES	25,000	561	5,081	19,919	20%	7,419
DISABILITY EXPENSES	9,000	-	24	8,976	0%	4,476
TRANSLATION SERVICES	1,200	-	-	1,200	0%	600
STAFF CONFERENCE & TRAINING	33,295	1,383	11,032	22,263	33%	5,615
PRACTICE MONITOR EXPENSE	1,000	-	-	1,000	0%	500
<b>TOTAL DIRECT EXPENSES:</b>	<b>206,999</b>	<b>5,070</b>	<b>50,352</b>	<b>156,647</b>	<b>24%</b>	<b>53,147</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (37.80 FTE)	3,764,781	300,341	1,743,740	2,021,041	46%	138,651
BENEFITS EXPENSE	1,073,208	94,567	531,571	541,637	50%	5,033
OTHER INDIRECT EXPENSE	1,169,740	77,492	545,319	624,421	47%	39,551
<b>TOTAL INDIRECT EXPENSES:</b>	<b>6,007,729</b>	<b>472,400</b>	<b>2,820,629</b>	<b>3,187,100</b>	<b>47%</b>	<b>183,235</b>
<b>TOTAL ALL EXPENSES:</b>	<b>6,214,728</b>	<b>477,470</b>	<b>2,870,981</b>	<b>3,343,747</b>	<b>46%</b>	<b>236,383</b>
<b>NET INCOME (LOSS):</b>	<b>(6,095,728)</b>	<b>(473,608)</b>	<b>(2,836,340)</b>	<b>(3,259,388)</b>	<b>47%</b>	<b>211,524</b>



# Washington State Bar Association

## Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

### 50% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>DIVERSITY</b>						
<b>REVENUE:</b>						
DONATIONS	135,000	-	135,000	-	100%	67,500
<b>TOTAL REVENUE:</b>	<b>135,000</b>	<b>-</b>	<b>135,000</b>	<b>-</b>	<b>100%</b>	<b>67,500</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	2,000	221	735	1,265	37%	265
STAFF MEMBERSHIP DUES	360	-	90	270	25%	90
COMMITTEE FOR DIVERSITY	3,800	-	953	2,847	25%	947
DIVERSITY EVENTS & PROJECTS	39,250	2,750	5,003	34,247	13%	14,622
SURVEYS	16,500	-	9,500	7,000	58%	(1,250)
STAFF CONFERENCE & TRAINING	5,000	500	600	4,400	12%	1,900
CONSULTING SERVICES	54,625	4,200	13,575	41,050	25%	13,738
<b>TOTAL DIRECT EXPENSE:</b>	<b>121,535</b>	<b>7,671</b>	<b>30,456</b>	<b>91,079</b>	<b>25%</b>	<b>30,312</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.69 FTE)	144,941	11,954	46,026	98,915	32%	26,445
BENEFITS EXPENSE	43,533	3,636	26,289	17,244	60%	(4,523)
OTHER INDIRECT EXPENSE	52,260	3,471	31,420	20,840	60%	(5,290)
<b>TOTAL INDIRECT EXPENSES:</b>	<b>240,734</b>	<b>19,060</b>	<b>103,735</b>	<b>136,999</b>	<b>43%</b>	<b>16,632</b>
<b>TOTAL ALL EXPENSES:</b>	<b>362,269</b>	<b>26,731</b>	<b>134,191</b>	<b>228,078</b>	<b>37%</b>	<b>46,944</b>
<b>NET INCOME (LOSS):</b>	<b>(227,269)</b>	<b>(26,731)</b>	<b>809</b>	<b>(228,078)</b>	<b>0%</b>	<b>114,444</b>

# Washington State Bar Association

Statement of Activities  
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**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>FINANCE</b>						
(Previously ADMINISTRATION cost center)						
<b>REVENUE:</b>						
INTEREST INCOME **	26,000	79,157	326,469	(300,469)	1256%	313,469
<b>TOTAL REVENUE:</b>	<b>26,000</b>	<b>79,157</b>	<b>326,469</b>	<b>(300,469)</b>	<b>1256%</b>	<b>313,469</b>
<b>DIRECT EXPENSES:</b>						
CONSULTING SERVICES	10,000	-	-	10,000	0%	5,000
STAFF TRAVEL/PARKING	3,000	684	1,852	1,148	62%	(352)
STAFF CONFERENCE & TRAINING	500	-	-	500	0%	250
STAFF MEMBERSHIP DUES	-	-	685	(685)		(685)
<b>TOTAL DIRECT EXPENSES:</b>	<b>13,500</b>	<b>684</b>	<b>2,537</b>	<b>10,963</b>	<b>19%</b>	<b>4,213</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (6.92 FTE)	661,642	59,612	335,121	326,521	51%	(4,300)
BENEFITS EXPENSE	205,235	17,965	100,836	104,398	49%	1,781
OTHER INDIRECT EXPENSE	213,844	14,231	100,148	113,696	47%	6,774
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,080,720</b>	<b>91,809</b>	<b>536,105</b>	<b>544,615</b>	<b>50%</b>	<b>4,255</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,094,220</b>	<b>92,493</b>	<b>538,642</b>	<b>555,578</b>	<b>49%</b>	<b>8,468</b>
<b>NET INCOME (LOSS):</b>	<b>(1,068,220)</b>	<b>(13,336)</b>	<b>(212,174)</b>	<b>(856,046)</b>	<b>20%</b>	<b>321,936</b>

\*\*Budget reallocations apply to this line item. For details, see FY23 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

# Washington State Bar Association

Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>FOUNDATION</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
CONSULTING SERVICES	3,000	-	3,000	-	100%	(1,500)
PRINTING & COPYING	450	-	-	450	0%	225
STAFF TRAVEL/PARKING	700	-	-	700	0%	350
SUPPLIES	150	-	24	126	16%	51
BOARD OF TRUSTEES	750	-	25	725	3%	350
POSTAGE	300	8	8	292	3%	142
STAFF CONFERENCE & TRAINING	300	-	-	300	0%	150
<b>TOTAL DIRECT EXPENSES:</b>	<b>5,650</b>	<b>8</b>	<b>3,057</b>	<b>2,593</b>	<b>54%</b>	<b>(232)</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.05 FTE)	96,359	8,040	47,788	48,571	50%	392
BENEFITS EXPENSE	18,295	1,547	8,672	9,623	47%	476
OTHER INDIRECT EXPENSE	32,493	2,140	15,063	17,430	46%	1,184
<b>TOTAL INDIRECT EXPENSES:</b>	<b>147,147</b>	<b>11,727</b>	<b>71,523</b>	<b>75,624</b>	<b>49%</b>	<b>2,051</b>
<b>TOTAL ALL EXPENSES:</b>	<b>152,797</b>	<b>11,735</b>	<b>74,579</b>	<b>78,218</b>	<b>49%</b>	<b>1,819</b>
<b>NET INCOME (LOSS):</b>	<b>(152,797)</b>	<b>(11,735)</b>	<b>(74,579)</b>	<b>(78,218)</b>	<b>49%</b>	<b>1,819</b>

# Washington State Bar Association

## Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>HUMAN RESOURCES</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	700	-	-	700	0%	350
STAFF MEMBERSHIP DUES	800	-	458	342	57%	(58)
SUBSCRIPTIONS	500	-	1,348	(848)	270%	(1,098)
STAFF TRAINING- GENERAL	15,000	45	1,931	13,069	13%	5,569
RECRUITING AND ADVERTISING	6,600	-	3,208	3,392	49%	92
PAYROLL PROCESSING	50,000	3,982	25,486	24,514	51%	(486)
SALARY SURVEYS	1,500	-	-	1,500	0%	750
CONSULTING SERVICES	2,000	-	-	2,000	0%	1,000
TRANSFER TO INDIRECT EXPENSE	(77,100)	(4,027)	(32,430)	(44,670)	42%	(6,120)
<b>TOTAL DIRECT EXPENSES:</b>	-	-	-	-		-
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (4.00 FTE)	380,554	32,762	191,247	189,307	50%	(970)
ALLOWANCE FOR OPEN POSITIONS	(200,000)	-	-	(200,000)	0%	(100,000)
BENEFITS EXPENSE	120,251	10,591	53,579	66,672	45%	6,547
OTHER INDIRECT EXPENSE	123,820	8,215	50,816	73,005	41%	11,094
<b>TOTAL INDIRECT EXPENSES:</b>	<b>424,625</b>	<b>51,568</b>	<b>295,641</b>	<b>128,984</b>	<b>70%</b>	<b>(83,329)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>424,625</b>	<b>51,568</b>	<b>295,641</b>	<b>128,984</b>	<b>70%</b>	<b>(83,329)</b>
<b>NET INCOME (LOSS):</b>	<b>(424,625)</b>	<b>(51,568)</b>	<b>(295,641)</b>	<b>(128,984)</b>	<b>70%</b>	<b>(83,329)</b>

\*\*Budget reallocation of indirect expenses from DIV to HR

# Washington State Bar Association

Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LEGISLATIVE</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	3,133	124	124	3,009	4%	1,443
STAFF MEMBERSHIP DUES	450	-	-	450	0%	225
JUD RECOMMEND COMMITTEE	2,250	-	-	2,250	0%	1,125
SUBSCRIPTIONS	2,000	-	1,985	16	99%	(985)
TELEPHONE	-	48	285	(285)		(285)
CONTRACT LOBBYIST	15,000	2,500	7,500	7,500	50%	-
LEGISLATIVE COMMITTEE	1,250	-	-	1,250	0%	625
BOG LEGISLATIVE COMMITTEE	300	-	-	300	0%	150
STAFF CONFERENCE & TRAINING	2,400	-	1,842	558	77%	(642)
<b>TOTAL DIRECT EXPENSES:</b>	<b>26,783</b>	<b>2,672</b>	<b>11,735</b>	<b>15,048</b>	<b>44%</b>	<b>1,656</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.70 FTE)	147,316	12,684	70,261	77,054	48%	3,397
BENEFITS EXPENSE	42,758	3,691	20,694	22,064	48%	685
OTHER INDIRECT EXPENSE	52,607	3,471	24,426	28,181	46%	1,877
<b>TOTAL INDIRECT EXPENSES:</b>	<b>242,681</b>	<b>19,845</b>	<b>115,381</b>	<b>127,299</b>	<b>48%</b>	<b>5,959</b>
<b>TOTAL ALL EXPENSES:</b>	<b>269,464</b>	<b>22,517</b>	<b>127,117</b>	<b>142,347</b>	<b>47%</b>	<b>7,615</b>
<b>NET INCOME (LOSS):</b>	<b>(269,464)</b>	<b>(22,517)</b>	<b>(127,117)</b>	<b>(142,347)</b>	<b>47%</b>	<b>7,615</b>

# Washington State Bar Association

Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LICENSING &amp; MEMBERSHIP RECORDS</b>						
<b>REVENUE:</b>						
STATUS CERTIFICATE FEES	27,000	2,750	15,025	11,975	56%	1,525
INVESTIGATION FEES	21,000	2,100	12,700	8,300	60%	2,200
PRO HAC VICE	400,000	40,762	183,200	216,800	46%	(16,800)
MEMBER CONTACT INFORMATION	4,000	244	1,289	2,711	32%	(711)
PHOTO BAR CARD SALES	200	-	144	56	72%	44
<b>TOTAL REVENUE:</b>	<b>452,200</b>	<b>45,856</b>	<b>212,358</b>	<b>239,842</b>	<b>47%</b>	<b>(13,742)</b>
<b>DIRECT EXPENSES:</b>						
DEPRECIATION	1,151	-	-	1,151	0%	576
POSTAGE	16,500	13,848	16,254	246	99%	(8,004)
LICENSING FORMS	2,000	-	2,401	(401)	120%	(1,401)
SUPPLIES - BAR CARDS	-	-	1,750	(1,750)		(1,750)
<b>TOTAL DIRECT EXPENSES:</b>	<b>19,651</b>	<b>13,848</b>	<b>20,406</b>	<b>(755)</b>	<b>104%</b>	<b>(10,580)</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (3.83 FTE)	379,520	34,482	199,628	179,892	53%	(9,868)
BENEFITS EXPENSE	124,269	10,810	60,746	63,523	49%	1,389
OTHER INDIRECT EXPENSE	118,521	7,839	55,163	63,358	47%	4,098
<b>TOTAL INDIRECT EXPENSES:</b>	<b>622,311</b>	<b>53,130</b>	<b>315,537</b>	<b>306,774</b>	<b>51%</b>	<b>(4,382)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>641,962</b>	<b>66,978</b>	<b>335,943</b>	<b>306,019</b>	<b>52%</b>	<b>(14,962)</b>
<b>NET INCOME (LOSS):</b>	<b>(189,762)</b>	<b>(21,122)</b>	<b>(123,585)</b>	<b>(66,177)</b>	<b>65%</b>	<b>(28,704)</b>

# Washington State Bar Association

Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LIMITED LICENSE LEGAL TECHNICIAN PROGRAM</b>						
<b>REVENUE:</b>						
SEMINAR REGISTRATIONS	12,000	-	-	12,000	0%	(6,000)
LLLT LICENSE FEES	16,622	1,280	6,547	10,075	39%	(1,764)
LLLT LATE LICENSE FEES	1,100	-	133	967	12%	(417)
INVESTIGATION FEES	-	-	100	(100)		100
<b>TOTAL REVENUE:</b>	<b>29,722</b>	<b>1,280</b>	<b>6,780</b>	<b>22,942</b>	<b>23%</b>	<b>(8,081)</b>
<b>DIRECT EXPENSES:</b>						
LLLT BOARD	15,000	845	1,976	13,024	13%	5,524
LLLT EDUCATION	500	-	-	500	0%	250
<b>TOTAL DIRECT EXPENSES:</b>	<b>15,500</b>	<b>845</b>	<b>1,976</b>	<b>13,524</b>	<b>13%</b>	<b>5,774</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.53 FTE)	51,548	4,056	25,583	25,965	50%	191
BENEFITS EXPENSE	17,299	1,434	8,052	9,247	47%	598
OTHER INDIRECT EXPENSE	16,401	1,099	7,735	8,666	47%	466
<b>TOTAL INDIRECT EXPENSES:</b>	<b>85,248</b>	<b>6,589</b>	<b>41,370</b>	<b>43,879</b>	<b>49%</b>	<b>1,255</b>
<b>TOTAL ALL EXPENSES:</b>	<b>100,748</b>	<b>7,434</b>	<b>43,345</b>	<b>57,403</b>	<b>43%</b>	<b>7,029</b>
<b>NET INCOME (LOSS):</b>	<b>(71,026)</b>	<b>(6,154)</b>	<b>(36,565)</b>	<b>57,403</b>	<b>51%</b>	<b>(1,052)</b>

# Washington State Bar Association

Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LIMITED PRACTICE OFFICERS</b>						
<b>REVENUE:</b>						
INVESTIGATION FEES	500	100	200	300	40%	(50)
MEMBER LATE FEES	-	1,350	3,000	(3,000)		3,000
LPO EXAMINATION FEES	28,300	4,900	21,000	7,300	74%	6,850
LPO LICENSE FEES	164,750	13,293	80,486	84,264	49%	(1,889)
LPO LATE LICENSE FEES	988	450	1,800	(812)	182%	1,306
LPO LICENSE FEES - REINSTATES	550	-	-	550	0%	(275)
<b>TOTAL REVENUE:</b>	<b>195,088</b>	<b>20,093</b>	<b>106,486</b>	<b>88,601</b>	<b>55%</b>	<b>8,942</b>
<b>DIRECT EXPENSES:</b>						
FACILITY, PARKING, FOOD	9,000	-	2,168	6,832	24%	2,332
EXAM WRITING	9,000	-	4,200	4,800	47%	300
LPO BOARD	1,792	1,808	1,808	(16)	101%	(912)
LPO OUTREACH	1,000	-	-	1,000	0%	500
PRINTING & COPYING	250	-	-	250	0%	125
<b>TOTAL DIRECT EXPENSES:</b>	<b>21,042</b>	<b>1,808</b>	<b>8,176</b>	<b>12,866</b>	<b>39%</b>	<b>2,345</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.68 FTE)	57,874	4,660	28,631	29,244	49%	306
BENEFITS EXPENSE	20,388	1,699	9,524	10,864	47%	670
OTHER INDIRECT EXPENSE	21,043	1,388	9,771	11,272	46%	751
<b>TOTAL INDIRECT EXPENSES:</b>	<b>99,305</b>	<b>7,747</b>	<b>47,925</b>	<b>51,380</b>	<b>48%</b>	<b>1,728</b>
<b>TOTAL ALL EXPENSES:</b>	<b>120,347</b>	<b>9,555</b>	<b>56,100</b>	<b>64,247</b>	<b>47%</b>	<b>4,073</b>
<b>NET INCOME (LOSS):</b>	<b>74,741</b>	<b>10,538</b>	<b>50,386</b>	<b>24,355</b>	<b>67%</b>	<b>13,016</b>



# Washington State Bar Association

Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>MEMBER SERVICES &amp; ENGAGEMENT TEAM</b>						
<b>REVENUE:</b>						
ROYALTIES	10,800	1,200	6,000	4,800	56%	600
NMP PRODUCT SALES	65,000	1,153	17,561	47,439	27%	(14,939)
DIGITAL VIDEO SALES	14,000	490	19,698	(5,698)	141%	12,698
SPONSORSHIPS	10,000	-	10,000	-	100%	5,000
SEMINAR REGISTRATIONS	8,000	-	62,221	(54,221)	778%	58,221
TRIAL ADVOCACY PROGRAM	12,000	-	-	12,000	0%	(6,000)
<b>TOTAL REVENUE:</b>	<b>119,800</b>	<b>2,843</b>	<b>115,480</b>	<b>4,320</b>	<b>96%</b>	<b>55,580</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	1,700	-	-	1,700	0%	850
STAFF CONFERENCE & TRAINING	250	-	164	86	66%	(39)
SMALL TOWN AND RURAL COMMITTEE	3,000	-	-	3,000	0%	1,500
PRINTING & COPYING	1,200	-	1,300	(100)	108%	(700)
NEW LAWYER OUTREACH	1,000	-	-	1,000	0%	500
YLL SECTION PROGRAM	1,500	-	545	955	36%	205
WYLC CLE COMPS	1,000	-	-	1,000	0%	500
WYLC OUTREACH EVENTS	1,500	250	250	1,250	17%	500
SPEAKERS & PROGRAM DEVELOP	1,500	-	551	949	37%	199
WYL COMMITTEE	12,000	1,178	1,178	10,822	10%	4,822
OPEN SECTIONS NIGHT	3,500	-	-	3,500	0%	1,750
TRIAL ADVOCACY EXPENSES	1,500	-	-	1,500	0%	750
RECEPTION/FORUM EXPENSE	3,000	-	-	3,000	0%	1,500
WYLC SCHOLARSHIPS/DONATIONS/GRANT	5,000	-	-	5,000	0%	2,500
STAFF MEMBERSHIP DUES	850	-	150	700	18%	275
LENDING LIBRARY	4,000	56	154	3,846	4%	1,846
NMP SPEAKERS & PROGRAM DEVELOPMENT	100	-	-	100	0%	50
<b>TOTAL DIRECT EXPENSES:</b>	<b>42,600</b>	<b>1,484</b>	<b>4,293</b>	<b>38,307</b>	<b>10%</b>	<b>17,007</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (4.64 FTE)	311,600	26,260	154,858	156,742	50%	942
BENEFITS EXPENSE	108,835	9,235	51,551	57,284	47%	2,866
OTHER INDIRECT EXPENSE	143,340	9,488	66,766	76,574	47%	4,904
<b>TOTAL INDIRECT EXPENSES:</b>	<b>563,775</b>	<b>44,982</b>	<b>273,175</b>	<b>290,600</b>	<b>48%</b>	<b>8,713</b>
<b>TOTAL ALL EXPENSES:</b>	<b>606,375</b>	<b>46,467</b>	<b>277,468</b>	<b>328,907</b>	<b>46%</b>	<b>25,720</b>
<b>NET INCOME (LOSS):</b>	<b>(486,575)</b>	<b>(43,624)</b>	<b>(161,988)</b>	<b>(324,587)</b>	<b>33%</b>	<b>81,300</b>

# Washington State Bar Association

## Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>MEMBER WELLNESS PROGRAM</b>						
<b>REVENUE:</b>						
DIVERSIONS	7,500	-	3,000	4,500	40%	(750)
<b>TOTAL REVENUE:</b>	<b>7,500</b>	<b>-</b>	<b>3,000</b>	<b>4,500</b>	<b>40%</b>	<b>(750)</b>
<b>DIRECT EXPENSES:</b>						
STAFF MEMBERSHIP DUES	500	-	-	500	0%	250
MEMBER WELLNESS COUNCIL	800	-	-	800	0%	400
STAFF CONFERENCE & TRAINING	300	-	275	25	92%	(125)
SUBSCRIPTIONS	1,200	110	631	569	53%	(31)
<b>TOTAL DIRECT EXPENSES:</b>	<b>2,800</b>	<b>110</b>	<b>906</b>	<b>1,894</b>	<b>32%</b>	<b>494</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.48 FTE)	133,673	11,327	52,492	81,181	39%	14,345
BENEFITS EXPENSE	55,402	4,741	26,614	28,788	48%	1,087
OTHER INDIRECT EXPENSE	45,645	3,037	21,373	24,272	47%	1,449
<b>TOTAL INDIRECT EXPENSES:</b>	<b>234,719</b>	<b>19,105</b>	<b>100,478</b>	<b>134,241</b>	<b>43%</b>	<b>16,881</b>
<b>TOTAL ALL EXPENSES:</b>	<b>237,519</b>	<b>19,215</b>	<b>101,384</b>	<b>136,135</b>	<b>43%</b>	<b>17,375</b>
<b>NET INCOME (LOSS):</b>	<b>(230,019)</b>	<b>(19,215)</b>	<b>(98,384)</b>	<b>(131,635)</b>	<b>43%</b>	<b>16,625</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from March 1, 2023 to March 31, 2023  
**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>NEW MEMBER EDUCATION</b>						
<b>REVENUE:</b>						
NMP PRODUCT SALES	65,000	1,153	17,561	47,439	27%	(14,939)
SEMINAR REGISTRATIONS	8,000	-	62,221	(54,221)	778%	58,221
TRIAL ADVOCACY PROGRAM	12,000	-	-	12,000	0%	(6,000)
<b>TOTAL REVENUE:</b>	<b>85,000</b>	<b>1,153</b>	<b>79,782</b>	<b>5,218</b>	<b>94%</b>	<b>37,282</b>
<b>DIRECT EXPENSES:</b>						
TRIAL ADVOCACY EXPENSES	1,500	-	-	1,500	0%	750
SPEAKERS & PROGRAM DEVELOPMENT	100	-	-	100	0%	50
<b>TOTAL DIRECT EXPENSES:</b>	<b>1,600</b>	<b>-</b>	<b>-</b>	<b>1,600</b>	<b>0%</b>	<b>800</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.78 FTE)	53,555	4,482	26,879	26,676	50%	(102)
BENEFITS EXPENSE	17,577	1,452	8,104	9,472	46%	684
OTHER INDIRECT EXPENSE	24,137	1,591	11,195	12,942	46%	873
<b>TOTAL INDIRECT EXPENSES:</b>	<b>95,269</b>	<b>7,525</b>	<b>46,179</b>	<b>49,090</b>	<b>48%</b>	<b>1,456</b>
<b>TOTAL ALL EXPENSES:</b>	<b>96,869</b>	<b>7,525</b>	<b>46,179</b>	<b>50,690</b>	<b>48%</b>	<b>2,256</b>
<b>NET INCOME (LOSS):</b>	<b>(11,869)</b>	<b>(6,372)</b>	<b>33,603</b>	<b>(45,472)</b>	<b>-283%</b>	<b>39,538</b>

# Washington State Bar Association

## Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>OFFICE OF THE EXECUTIVE DIRECTOR</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
LEADERSHIP TRAINING	20,000	-	-	20,000	0%	10,000
WASHINGTON LEADERSHIP INSTITUTE	80,000	-	-	80,000	0%	40,000
ED TRAVEL & OUTREACH	5,000	183.14	1,280	3,720	26%	1,220
BAR LEADERS CONFERENCE	12,000	20.00	8,497	3,503	71%	(2,497)
STAFF TRAVEL/PARKING	1,500	520.00	990	510	66%	(240)
STAFF CONFERENCE & TRAINING	8,925	3,139.34	3,491	5,434	39%	972
STAFF MEMBERSHIP DUES	1,000	-	335	665	34%	165
SURVEY	350	-	350	-	100%	(175)
<b>TOTAL DIRECT EXPENSES:</b>	<b>128,775</b>	<b>3,862.48</b>	<b>14,943</b>	<b>113,832</b>	<b>12%</b>	<b>49,444</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (2.00 FTE)	402,379	34,944.12	192,833	209,547	48%	8,357
BENEFITS EXPENSE	103,989	8,976.90	50,940	53,049	49%	1,055
OTHER INDIRECT EXPENSE	61,891	4,107.45	28,905	32,986	47%	2,041
<b>TOTAL INDIRECT EXPENSES:</b>	<b>568,259</b>	<b>48,028.47</b>	<b>272,677</b>	<b>295,582</b>	<b>48%</b>	<b>11,453</b>
<b>TOTAL ALL EXPENSES:</b>	<b>697,034</b>	<b>51,890.95</b>	<b>287,620</b>	<b>409,414</b>	<b>41%</b>	<b>60,897</b>
<b>NET INCOME (LOSS):</b>	<b>(697,034)</b>	<b>(51,890.95)</b>	<b>(287,620)</b>	<b>409,414</b>	<b>41%</b>	<b>60,897</b>

# Washington State Bar Association

Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>OFFICE OF GENERAL COUNSEL</b>						
<b>REVENUE:</b>						
RECORDS REQUEST FEES	963	-	-	963	0%	(482)
<b>TOTAL REVENUE:</b>	<b>963</b>	<b>-</b>	<b>-</b>	<b>963</b>	<b>0%</b>	<b>(482)</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	500	-	28	472	6%	222
STAFF MEMBERSHIP DUES	1,150	-	1,050	100	91%	(475)
COURT RULES COMMITTEE	1,000	-	-	1,000	0%	500
CUSTODIANSHIPS	8,150	103	113	8,037	1%	3,962
WILLS	2,000	-	-	2,000	0%	1,000
LITIGATION EXPENSES	200	-	-	200	0%	100
STAFF CONFERENCE & TRAINING	6,400	-	1,637	4,763	26%	1,563
<b>TOTAL DIRECT EXPENSES:</b>	<b>19,400</b>	<b>103</b>	<b>2,828</b>	<b>16,572</b>	<b>15%</b>	<b>6,872</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (6.17 FTE)	656,837	47,421	284,498	372,339	43%	43,920
BENEFITS EXPENSE	188,816	16,541	93,075	95,741	49%	1,333
OTHER INDIRECT EXPENSE	192,481	12,727	89,563	102,918	47%	6,677
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,038,134</b>	<b>76,689</b>	<b>467,137</b>	<b>570,997</b>	<b>45%</b>	<b>51,930</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,057,534</b>	<b>76,792</b>	<b>469,965</b>	<b>587,569</b>	<b>44%</b>	<b>58,802</b>
<b>NET INCOME (LOSS):</b>	<b>(1,056,571)</b>	<b>(76,792)</b>	<b>(469,965)</b>	<b>(586,606)</b>	<b>44%</b>	<b>58,321</b>

# Washington State Bar Association

## Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSE:</b>						
STAFF MEMBERSHIP DUES	100	-	-	100	0%	50
DISCIPLINARY BOARD EXPENSES	4,000	-	-	4,000	0%	2,000
CHIEF HEARING OFFICER	30,000	2,500	15,000	15,000	50%	-
HEARING OFFICER EXPENSES	17,500	-	891	16,609	5%	7,859
HEARING OFFICER TRAINING	400	-	-	400	0%	200
OUTSIDE COUNSEL	60,000	4,000	24,000	36,000	40%	6,000
<b>TOTAL DIRECT EXPENSES:</b>	<b>112,000</b>	<b>6,500</b>	<b>39,891</b>	<b>72,109</b>	<b>36%</b>	<b>16,109</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.40 FTE)	133,790	11,265	68,736	65,054	51%	(1,841)
BENEFITS EXPENSE	40,026	3,434	19,286	20,740	48%	727
OTHER INDIRECT EXPENSE	43,324	2,864	20,152	23,172	47%	1,510
<b>TOTAL INDIRECT EXPENSES:</b>	<b>217,139</b>	<b>17,562</b>	<b>108,174</b>	<b>108,966</b>	<b>50%</b>	<b>396</b>
<b>TOTAL ALL EXPENSES:</b>	<b>329,139</b>	<b>24,062</b>	<b>148,065</b>	<b>181,075</b>	<b>45%</b>	<b>16,505</b>
<b>NET INCOME (LOSS):</b>	<b>(329,139)</b>	<b>(24,062)</b>	<b>(148,065)</b>	<b>(181,075)</b>	<b>45%</b>	<b>16,505</b>

# Washington State Bar Association

## Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>PRACTICE OF LAW BOARD</b>						
REVENUE:						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
PRACTICE OF LAW BOARD	12,000	323	1,953	10,047	16%	4,047
<b>TOTAL DIRECT EXPENSES:</b>	<b>12,000</b>	<b>323</b>	<b>1,953</b>	<b>10,047</b>	<b>16%</b>	<b>4,047</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.45 FTE)	35,965	3,025	18,038	17,926	50%	(56)
BENEFITS EXPENSE	13,465	1,093	6,113	7,352	45%	619
OTHER INDIRECT EXPENSE	13,925	955	6,717	7,208	48%	246
<b>TOTAL INDIRECT EXPENSES:</b>	<b>63,355</b>	<b>5,072</b>	<b>30,869</b>	<b>32,486</b>	<b>49%</b>	<b>809</b>
<b>TOTAL ALL EXPENSES:</b>	<b>75,355</b>	<b>5,395</b>	<b>32,821</b>	<b>42,534</b>	<b>44%</b>	<b>4,856</b>
<b>NET INCOME (LOSS):</b>	<b>(75,355)</b>	<b>(5,395)</b>	<b>(32,821)</b>	<b>(42,534)</b>	<b>44%</b>	<b>4,856</b>

# Washington State Bar Association

## Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

### 50% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>PRACTICE MANAGEMENT ASSISTANCE</b>						
<b>REVENUE:</b>						
ROYALTIES	50,000	-	32,806	17,195	66%	7,806
<b>TOTAL REVENUE:</b>	<b>50,000</b>	<b>-</b>	<b>32,806</b>	<b>17,195</b>	<b>66%</b>	<b>7,806</b>
<b>DIRECT EXPENSE:</b>						
STAFF MEMBERSHIP DUES	150	-	-	150	0%	75
FASTCASE	73,000	-	72,966	34	100%	(36,466)
STAFF CONFERENCE & TRAINING	250	-	-	250	0%	125
<b>TOTAL DIRECT EXPENSES:</b>	<b>73,400</b>	<b>-</b>	<b>72,966</b>	<b>434</b>	<b>99%</b>	<b>(36,266)</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.95 FTE)	80,135	6,733	40,132	40,004	50%	(64)
BENEFITS EXPENSE	23,499	1,997	11,188	12,312	48%	562
OTHER INDIRECT EXPENSE	29,398	1,938	13,638	15,760	46%	1,061
<b>TOTAL INDIRECT EXPENSES:</b>	<b>133,033</b>	<b>10,667</b>	<b>64,957</b>	<b>68,076</b>	<b>49%</b>	<b>1,559</b>
<b>TOTAL ALL EXPENSES:</b>	<b>206,433</b>	<b>10,667</b>	<b>137,924</b>	<b>68,509</b>	<b>67%</b>	<b>(34,707)</b>
<b>NET INCOME (LOSS):</b>	<b>(156,433)</b>	<b>(10,667)</b>	<b>(105,118)</b>	<b>(51,315)</b>	<b>67%</b>	<b>(26,902)</b>



# Washington State Bar Association

## Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>PROFESSIONAL RESPONSIBILITY PROGRAM</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	750	-	354	396	47%	21
STAFF MEMBERSHIP DUES	500	-	500	-	100%	(250)
CPE COMMITTEE	1,000	-	453	547	45%	47
<b>TOTAL DIRECT EXPENSES:</b>	<b>2,250</b>	<b>-</b>	<b>1,307</b>	<b>943</b>	<b>58%</b>	<b>(182)</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.10 FTE)	91,667	11,534	68,747	22,920	75%	(22,914)
BENEFITS EXPENSE	37,219	4,939	27,821	9,398	75%	(9,211)
OTHER INDIRECT EXPENSE	22,435	2,256	15,877	6,558	71%	(4,659)
<b>TOTAL INDIRECT EXPENSES:</b>	<b>151,321</b>	<b>18,729</b>	<b>112,445</b>	<b>38,876</b>	<b>74%</b>	<b>(36,784)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>153,571</b>	<b>18,729</b>	<b>113,752</b>	<b>39,820</b>	<b>74%</b>	<b>(36,966)</b>
<b>NET INCOME (LOSS):</b>	<b>(153,571)</b>	<b>(18,729)</b>	<b>(113,752)</b>	<b>(39,820)</b>	<b>74%</b>	<b>(36,966)</b>

# Washington State Bar Association

Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>PUBLIC SERVICE PROGRAMS</b>						
<b>REVENUE:</b>						
DONATIONS & GRANTS	130,000	-	130,000	-	100%	65,000
<b>TOTAL REVENUE:</b>	<b>130,000</b>	<b>-</b>	<b>130,000</b>	<b>-</b>	<b>100%</b>	<b>65,000</b>
<b>DIRECT EXPENSES:</b>						
DONATIONS/SPONSORSHIPS/GRANTS	260,828	-	31,168	229,661	12%	99,247
STAFF TRAVEL/PARKING	1,500	-	-	1,500	0%	750
SURVEYS	100	-	-	100	0%	50
PRO BONO & PUBLIC SERVICE COMMITTEE	1,500	-	-	1,500	0%	750
STAFF CONFERENCE & TRAINING	1,000	-	-	1,000	0%	500
PRO BONO CERTIFICATES	2,000	-	457	1,543	23%	543
<b>TOTAL DIRECT EXPENSES:</b>	<b>266,928</b>	<b>-</b>	<b>31,624</b>	<b>235,304</b>	<b>12%</b>	<b>101,840</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.62 FTE)	128,588	5,376	52,922	75,666	41%	11,372
BENEFITS EXPENSE	40,609	3,489	19,529	21,080	48%	775
OTHER INDIRECT EXPENSE	50,132	3,326	23,409	26,723	47%	1,657
<b>TOTAL INDIRECT EXPENSES:</b>	<b>219,329</b>	<b>12,191</b>	<b>95,860</b>	<b>123,469</b>	<b>44%</b>	<b>13,805</b>
<b>TOTAL ALL EXPENSES:</b>	<b>486,257</b>	<b>12,191</b>	<b>127,484</b>	<b>358,773</b>	<b>26%</b>	<b>115,644</b>
<b>NET INCOME (LOSS):</b>	<b>(356,257)</b>	<b>(12,191)</b>	<b>2,516</b>	<b>(358,773)</b>	<b>-1%</b>	<b>180,644</b>

**Washington State Bar Association**  
Statement of Activities  
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**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>PUBLICATION &amp; DESIGN SERVICES</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF CONFERENCE & TRAINING	350	-	-	350	0%	175
SUBSCRIPTIONS	162	-	100	62	62%	(19)
IMAGE LIBRARY	4,100	-	4,100	-	100%	(2,050)
<b>TOTAL DIRECT EXPENSES:</b>	<b>4,612</b>	<b>-</b>	<b>4,200</b>	<b>412</b>	<b>91%</b>	<b>(1,894)</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.89 FTE)	72,143	6,106	36,756	35,387	51%	(684)
BENEFITS EXPENSE	19,491	1,630	9,120	10,371	47%	626
OTHER INDIRECT EXPENSE	27,542	1,822	12,824	14,718	47%	947
<b>TOTAL INDIRECT EXPENSES:</b>	<b>119,175</b>	<b>9,559</b>	<b>58,699</b>	<b>60,476</b>	<b>49%</b>	<b>888</b>
<b>TOTAL ALL EXPENSES:</b>	<b>123,787</b>	<b>9,559</b>	<b>62,899</b>	<b>60,888</b>	<b>51%</b>	<b>(1,006)</b>
<b>NET INCOME (LOSS):</b>	<b>(123,787)</b>	<b>(9,559)</b>	<b>(62,899)</b>	<b>(60,888)</b>	<b>51%</b>	<b>(1,006)</b>

# Washington State Bar Association

## Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>REGULATORY SERVICES FTE</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF CONFERENCE & TRAINING	23,550	-	-	23,550	0%	11,775
STAFF TRAVEL/PARKING	-	74	74	(74)		(74)
<b>TOTAL DIRECT EXPENSES:</b>	<b>23,550</b>	<b>74</b>	<b>74</b>	<b>23,476</b>	<b>0%</b>	<b>11,701</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (2.70 FTE)	349,467	41,189	177,731	171,736	51%	(2,998)
BENEFITS EXPENSE	103,888	9,012	50,841	53,047	49%	1,103
OTHER INDIRECT EXPENSE	83,553	5,525	38,879	44,674	47%	2,898
<b>TOTAL INDIRECT EXPENSES:</b>	<b>536,908</b>	<b>55,726</b>	<b>267,451</b>	<b>269,457</b>	<b>50%</b>	<b>1,003</b>
<b>TOTAL ALL EXPENSES:</b>	<b>560,458</b>	<b>55,800</b>	<b>267,525</b>	<b>292,933</b>	<b>48%</b>	<b>12,704</b>
<b>NET INCOME (LOSS):</b>	<b>(560,458)</b>	<b>(55,800)</b>	<b>(267,525)</b>	<b>(292,933)</b>	<b>48%</b>	<b>12,704</b>

# Washington State Bar Association

## Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>SERVICE CENTER</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	-	396	1,188	(1,188)		(1,188)
TRANSLATION SERVICES	8,200	356	2,303	5,897	28%	1,797
STAFF CONFERENCE & TRAINING	2,100	-	-	2,100	0%	1,050
<b>TOTAL DIRECT EXPENSES:</b>	<b>10,300</b>	<b>752</b>	<b>3,491</b>	<b>6,809</b>	<b>34%</b>	<b>1,659</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (5.71 FTE)	383,690	33,783	197,174	186,516	51%	(5,329)
BENEFITS EXPENSE	142,992	12,505	69,880	73,112	49%	1,616
OTHER INDIRECT EXPENSE	176,699	11,715	82,439	94,260	47%	5,910
<b>TOTAL INDIRECT EXPENSES:</b>	<b>703,381</b>	<b>58,003</b>	<b>349,493</b>	<b>353,888</b>	<b>50%</b>	<b>2,198</b>
<b>TOTAL ALL EXPENSES:</b>	<b>713,681</b>	<b>58,754</b>	<b>352,984</b>	<b>360,697</b>	<b>49%</b>	<b>3,857</b>
<b>NET INCOME (LOSS):</b>	<b>(713,681)</b>	<b>(58,754)</b>	<b>(352,984)</b>	<b>(360,697)</b>	<b>49%</b>	<b>3,857</b>

# Washington State Bar Association

## Statement of Activities

For the Period from March 1, 2023 to March 31, 2023

**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>SECTIONS ADMINISTRATION</b>						
<b>REVENUE:</b>						
REIMBURSEMENTS FROM SECTIONS	290,543	3,295	350,687	(60,144)	121%	205,416
<b>TOTAL REVENUE:</b>	<b>290,543</b>	<b>3,295</b>	<b>350,687</b>	<b>(60,144)</b>	<b>121%</b>	<b>205,416</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	750	-	14	736	2%	361
SUBSCRIPTIONS	350	-	-	350	0%	175
SECTION/COMMITTEE CHAIR MTGS	1,000	-	456	544	46%	44
DUES STATEMENTS	5,000	-	-	5,000	0%	2,500
STAFF CONFERENCE & TRAINING	500	-	-	500	0%	250
STAFF MEMBERSHIP DUES	250	-	-	250	0%	125
<b>TOTAL DIRECT EXPENSES:</b>	<b>7,850</b>	<b>-</b>	<b>470</b>	<b>7,380</b>	<b>6%</b>	<b>3,455</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (2.58 FTE)	149,581	12,608	75,590	73,991	51%	(799)
BENEFITS EXPENSE	61,326	5,309	29,600	31,727	48%	1,063
OTHER INDIRECT EXPENSE	79,839	5,293	37,250	42,589	47%	2,670
<b>TOTAL INDIRECT EXPENSES:</b>	<b>290,746</b>	<b>23,210</b>	<b>142,439</b>	<b>148,307</b>	<b>49%</b>	<b>2,934</b>
<b>TOTAL ALL EXPENSES:</b>	<b>298,596</b>	<b>23,210</b>	<b>142,909</b>	<b>155,687</b>	<b>48%</b>	<b>6,389</b>
<b>NET INCOME (LOSS):</b>	<b>(8,053)</b>	<b>(19,915)</b>	<b>207,778</b>	<b>(215,831)</b>	<b>-2580%</b>	<b>211,804</b>

**Washington State Bar Association**  
Statement of Activities  
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**50% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>SECTIONS OPERATIONS</b>						
<b>REVENUE:</b>						
SECTION DUES	440,225	5,198	558,653	(118,428)	127%	338,541
SEMINAR PROFIT SHARE	147,470	-	-	147,470	0%	(73,735)
INTEREST INCOME	13,120	-	-	13,120	0%	(6,560)
PUBLICATIONS REVENUE	2,000	207	1,029	971	51%	29
OTHER	46,880	1,855	9,080	37,800	19%	(14,360)
<b>TOTAL REVENUE:</b>	<b>649,695</b>	<b>7,259</b>	<b>568,762</b>	<b>80,933</b>	<b>88%</b>	<b>243,915</b>
<b>DIRECT EXPENSES:</b>						
DIRECT EXPENSES OF SECTION ACTIVITIES	632,503	12,429	58,574	573,929	9%	257,678
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	272,143	3,295	350,687	(78,544)	129%	(214,616)
<b>TOTAL DIRECT EXPENSES:</b>	<b>904,646</b>	<b>15,724</b>	<b>409,261</b>	<b>495,385</b>	<b>45%</b>	<b>43,062</b>
<b>NET INCOME (LOSS):</b>	<b>(254,951)</b>	<b>(8,465)</b>	<b>159,502</b>	<b>(414,452)</b>	<b>-63%</b>	<b>286,977</b>

# Washington State Bar Association

## Statement of Activities

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### 50% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>TECHNOLOGY</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
CONSULTING SERVICES	110,000	21,614	77,274	32,727	70%	(22,274)
STAFF TRAVEL/PARKING	2,000	60	164	1,836	8%	836
STAFF MEMBERSHIP DUES	450	-	-	450	0%	225
TELEPHONE	95,000	6,726	39,889	55,111	42%	7,611
COMPUTER HARDWARE	65,000	149	33,593	31,407	52%	(1,093)
COMPUTER SOFTWARE	310,000	11,381	117,473	192,527	38%	37,527
HARDWARE SERVICE & WARRANTIES	60,000	-	38,377	21,623	64%	(8,377)
SOFTWARE MAINTENANCE & LICENSING	380,000	14,701	155,538	224,462	41%	34,462
COMPUTER SUPPLIES	2,000	-	-	2,000	0%	1,000
THIRD PARTY SERVICES	40,000	4,090	14,375	25,625	36%	5,625
STAFF CONFERENCE & TRAINING	10,000	-	-	10,000	0%	5,000
TRANSFER TO INDIRECT EXPENSES	(1,074,450)	(58,722)	(476,682)	(597,768)	44%	(60,543)
<b>TOTAL DIRECT EXPENSES:</b>	-	-	-	-		-
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (13.00 FTE)	1,434,416	112,902	716,005	718,412	50%	1,204
BENEFITS EXPENSE	439,894	38,539	216,949	222,945	49%	2,998
CAPITAL LABOR & OVERHEAD	(280,000)	(31,866)	(170,801)	(109,199)	61%	(30,801)
OTHER INDIRECT EXPENSE	402,292	26,640	187,473	214,819	47%	13,673
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,996,602</b>	<b>146,215</b>	<b>949,626</b>	<b>1,046,976</b>	<b>48%</b>	<b>(12,926)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,996,602</b>	<b>146,215</b>	<b>949,626</b>	<b>1,046,976</b>	<b>48%</b>	<b>(12,926)</b>
<b>NET INCOME (LOSS):</b>	<b>(1,996,602)</b>	<b>(146,215)</b>	<b>(949,626)</b>	<b>(1,046,976)</b>	<b>48%</b>	<b>48,675</b>



**Washington State Bar Association**  
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**50% OF YEAR COMPLETE**

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>VOLUNTEER ENGAGEMENT</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF MEMBERSHIP DUES	350	-	140	210	40%	35
STAFF CONFERENCE & TRAINING	2,500	-	450	2,050	18%	800
ABA DELEGATES	15,000	61	3,328	11,672	22%	4,172
<b>TOTAL DIRECT EXPENSES:</b>	<b>17,850</b>	<b>61</b>	<b>3,918</b>	<b>13,932</b>	<b>22%</b>	<b>5,007</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.60 FTE)	59,415	5,023	32,218	27,197	54%	(2,510)
BENEFITS EXPENSE	19,657	1,633	9,171	10,486	47%	658
OTHER INDIRECT EXPENSE	18,567	1,244	8,753	9,815	47%	531
<b>TOTAL INDIRECT EXPENSES:</b>	<b>97,639</b>	<b>7,900</b>	<b>50,142</b>	<b>47,498</b>	<b>51%</b>	<b>(1,322)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>115,489</b>	<b>7,961</b>	<b>54,059</b>	<b>61,430</b>	<b>47%</b>	<b>(1,322)</b>
<b>NET INCOME (LOSS):</b>	<b>(115,489)</b>	<b>(7,961)</b>	<b>(54,059)</b>	<b>(61,430)</b>	<b>47%</b>	<b>3,685</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from March 1, 2023 to March 31, 2023  
**50% OF YEAR COMPLETE**

	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>INDIRECT EXPENSES:</b>						
SALARIES	13,113,765	1,089,238	6,370,288	6,743,477	49%	186,594
ALLOWANCE FOR OPEN POSITIONS	(200,000)	-	-	(200,000)	0%	(100,000)
TEMPORARY SALARIES	200,627	24,963	147,980	52,647	74%	(47,666)
CAPITAL LABOR & OVERHEAD	(280,000)	(31,866)	(170,801)	(109,199)	61%	30,801
EMPLOYEE ASSISTANCE PLAN	4,800	-	2,800	2,000	58%	(400)
EMPLOYEE SERVICE AWARDS	2,038	260	1,310	728	64%	(291)
FICA (EMPLOYER PORTION)	806,675	81,729	452,412	354,263	56%	(49,074)
L&I INSURANCE	62,000	15,014	28,804	33,196	46%	2,196
WA STATE FAMILY MEDICAL LEAVE (EMPLOYI	18,000	2,347	11,571	6,429	64%	(2,571)
MEDICAL (EMPLOYER PORTION)	1,701,951	144,778	813,960	887,991	48%	37,015
RETIREMENT (EMPLOYER PORTION)	1,356,286	107,875	642,891	713,395	47%	35,252
TRANSPORTATION ALLOWANCE	65,045	420	31,745	33,300	49%	778
UNEMPLOYMENT INSURANCE	65,206	7,118	33,755	31,451	52%	(1,152)
<b>TOTAL SALARY &amp; BENEFITS EXPENSE:</b>	<b>16,916,394</b>	<b>1,441,876</b>	<b>8,366,716</b>	<b>8,549,678</b>	<b>49%</b>	<b>91,481</b>
WORKPLACE BENEFITS	45,980	2,270	13,949	32,031	30%	9,041
HUMAN RESOURCES POOLED EXP	77,100	4,027	32,430	44,670	42%	6,120
MEETING SUPPORT EXPENSES	10,000	1,257	3,225	6,775	32%	1,775
RENT	2,131,247	149,221	1,120,617	1,010,630	53%	(54,994)
PERSONAL PROP TAXES-WSBA	6,650	442	2,744	3,906	41%	581
FURNITURE, MAINT, LH IMP	25,300	2,505	5,583	19,717	22%	7,067
OFFICE SUPPLIES & EQUIPMENT	18,000	1,522	9,478	8,522	53%	(478)
FURN & OFFICE EQUIP DEPRECIATION	96,357	4,813	30,673	65,684	32%	17,505
COMPUTER HARDWARE DEPRECIATION	45,354	3,577	20,148	25,206	44%	2,529
COMPUTER SOFTWARE DEPRECIATION	99,251	3,916	27,975	71,276	28%	21,651
INSURANCE	272,643	22,025	132,151	140,492	48%	4,170
WORK HOME FURNITURE & EQUIP	14,000	-	1,863	12,137	13%	5,137
PROFESSIONAL FEES-AUDIT	50,000	-	30,365	19,635	61%	(5,365)
PROFESSIONAL FEES-LEGAL **	200,000	25,726	45,528	154,472	23%	54,472
ONLINE LEGAL RESEARCH **	50,000	1,809	21,998	28,002	44%	3,002
TELEPHONE & INTERNET	33,600	2,530	8,741	24,859	26%	8,059
POSTAGE - GENERAL	24,000	762	6,370	17,630	27%	5,630
RECORDS STORAGE	30,000	1,092	11,577	18,423	39%	3,423
BANK FEES	51,000	3,147	29,737	21,263	58%	(4,237)
PRODUCTION MAINTENANCE & SUPPLIES	15,340	(109)	3,695	11,645	24%	3,975
COMPUTER POOLED EXPENSES	1,074,450	58,722	476,682	597,768	44%	60,543
<b>TOTAL OTHER INDIRECT EXPENSES:</b>	<b>4,370,272</b>	<b>289,256</b>	<b>2,035,531</b>	<b>2,334,741</b>	<b>47%</b>	<b>149,605</b>
<b>TOTAL INDIRECT EXPENSES:</b>	<b>21,286,666</b>	<b>1,731,131</b>	<b>10,402,247</b>	<b>10,884,418</b>	<b>49%</b>	<b>241,085</b>

**\*\*Budget reallocations apply to this line item. For details, see FY23 Budget Reallocations memo(s) included in the Board of Governors meeting materials.**

**Washington State Bar Association**  
Statement of Activities  
For the Period from March 1, 2023 to March 31, 2023  
**50% OF YEAR COMPLETE**

<b>SUMMARY PAGE</b>	<b>FISCAL 2023 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>
ACCESS TO JUSTICE	(358,902)	(34,177)	(163,129)	(195,772)
ADMISSIONS/BAR EXAM	59,088	138,391	276,545	(217,457)
ADVANCEMENT FTE	(362,565)	(30,036)	(174,623)	(187,942)
BAR NEWS	(93,267)	(1,680)	(59,927)	(33,340)
BOARD OF GOVERNORS	(563,600)	(52,940)	(217,588)	(346,012)
CLE - PRODUCTS	686,086	71,029	548,697	137,389
CLE - SEMINARS	(419,115)	(2,299)	(150,435)	(268,680)
CLIENT PROTECTION FUND	45,788	(884)	658,329	(612,541)
CHARACTER & FITNESS BOARD	(166,623)	(11,443)	(69,581)	(97,041)
COMMUNICATIONS	(787,329)	(56,149)	(338,248)	(449,081)
COMMUNICATIONS FTE	(243,400)	(20,118)	(120,984)	(122,416)
DESKBOOKS	(49,735)	(9,247)	(61,323)	11,588
DISCIPLINE	(6,095,728)	(473,608)	(2,836,340)	(3,259,388)
DIVERSITY	(227,269)	(26,731)	809	(228,078)
FINANCE	(1,068,220)	(13,336)	(212,174)	(856,046)
FOUNDATION	(152,797)	(11,735)	(74,579)	(78,218)
HUMAN RESOURCES	(424,625)	(51,568)	(295,641)	(128,984)
LAW CLERK PROGRAM	41,201	(8,652)	118,131	(76,929)
LEGISLATIVE	(269,464)	(22,517)	(127,117)	(142,347)
LEGAL LUNCHBOX	(29,617)	(3,502)	(5,027)	(24,590)
LICENSE FEES	17,053,467	1,473,159	8,461,301	8,592,165
LICENSING AND MEMBERSHIP	(189,762)	(21,122)	(123,585)	(66,177)
LIMITED LICENSE LEGAL TECHNICIAN	(71,026)	(6,154)	(36,565)	(34,461)
LIMITED PRACTICE OFFICERS	74,741	10,538	50,386	24,355
MANDATORY CLE ADMINISTRATION	343,906	58,951	384,381	(40,475)
MEMBER WELLNESS PROGRAM	(230,019)	(19,215)	(98,384)	(131,635)
MINI CLE	(114,412)	(9,083)	(55,718)	(58,694)
MEMBER SERVICES & ENGAGEMENT	(330,678)	(24,667)	(134,847)	(195,831)
NEW MEMBER EDUCATION	(11,869)	(6,372)	33,603	(45,472)
OFFICE OF GENERAL COUNSEL	(1,056,571)	(76,792)	(469,965)	(586,606)
OFFICE OF THE EXECUTIVE DIRECTOR	(697,034)	(51,891)	(287,620)	(409,414)
OGC-DISCIPLINARY BOARD	(329,139)	(24,062)	(148,065)	(181,075)
PRACTICE OF LAW BOARD	(75,355)	(5,395)	(32,821)	(42,534)
PRACTICE MANAGEMENT ASSISTANCE	(156,433)	(10,667)	(105,118)	(51,315)
PROFESSIONAL RESPONSIBILITY PROGRAM	(153,571)	(18,729)	(113,752)	(39,820)
PUBLIC SERVICE PROGRAMS	(356,257)	(12,191)	2,516	(358,773)
PUBLICATION & DESIGN SERVICES	(123,787)	(9,559)	(62,899)	(60,888)
REGULATORY SERVICES FTE	(560,458)	(55,800)	(267,525)	(292,933)
SECTIONS ADMINISTRATION	(8,053)	(19,915)	207,778	(215,831)
SECTIONS OPERATIONS	(254,951)	(8,465)	159,502	(414,452)
SERVICE CENTER	(713,681)	(58,754)	(352,984)	(360,697)
TECHNOLOGY	(1,996,602)	(146,215)	(949,626)	(1,046,976)
VOLUNTEER EDUCATION	(115,489)	(7,961)	(54,059)	(61,430)
INDIRECT EXPENSES	21,286,666	1,731,131	10,402,247	10,884,418
<b>TOTAL OF ALL</b>	<b>(20,733,539)</b>	<b>(2,059,566)</b>	<b>(13,103,974)</b>	<b>(7,629,565)</b>
<b>NET INCOME (LOSS)</b>	<b>(553,127)</b>	<b>328,435</b>	<b>2,701,726</b>	<b>(3,254,853)</b>

# 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.]*

**2022-2023**  
**WSBA BOARD OF GOVERNORS MEETING SCHEDULE**

MEETING DATE	LOCATION	POTENTIAL ISSUES / SOCIAL FUNCTION	AGENDA ITEMS DUE FOR EXEC COMMITTEE MTG	EXECUTIVE COMMITTEE MTG 8:00 am - 9:30 am	BOARD BOOK MATERIALS DEADLINE
October 22, 2022	Virtual Meeting	Goal Setting Retreat	n/a	n/a	n/a
November 5, 2022	Hotel Bellwether Bellingham, WA	BOG Meeting Team Building Retreat Nov. 4	September 30, 2022	October 7, 2022	October 17, 2022
January 13-14, 2023	WSBA Conference Center Seattle, WA	BOG Meeting MLK Luncheon Jan. 13	December 5, 2022	December 12, 2022	December 27, 2022
March 3-4, 2023	Supreme Court Temporary Facility Tumwater, WA  Heritage Room Olympia, WA	Meeting w/Supreme Court Mar. 3  Budget and Audit Retreat Mar. 3 BOG Meeting	January 20, 2023	January 27, 2023	February 13, 2023
May 19-20, 2023	Hilton Garden Inn Yakima, WA	BOG Meeting	March 31, 2023	April 7, 2023	April 17, 2023
June 23-24, 2023	Heathman Lodge Vancouver, WA	BOG Meeting Mid-Year Retreat Jun. 22	May 19, 2023	May 24, 2023	June 5, 2023
August 11-12, 2023	Courtyard Columbia Point Richland, WA	BOG Meeting	July 7, 2023	July 14, 2023	July 24, 2023
September 8-9, 2023	Historic Davenport Hotel Spokane, WA	BOG Meeting	August 7, 2023	August 14, 2023	August 21, 2023

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 policy 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



**Dan Clark**  
President



**Hunter Abell**  
President-Elect



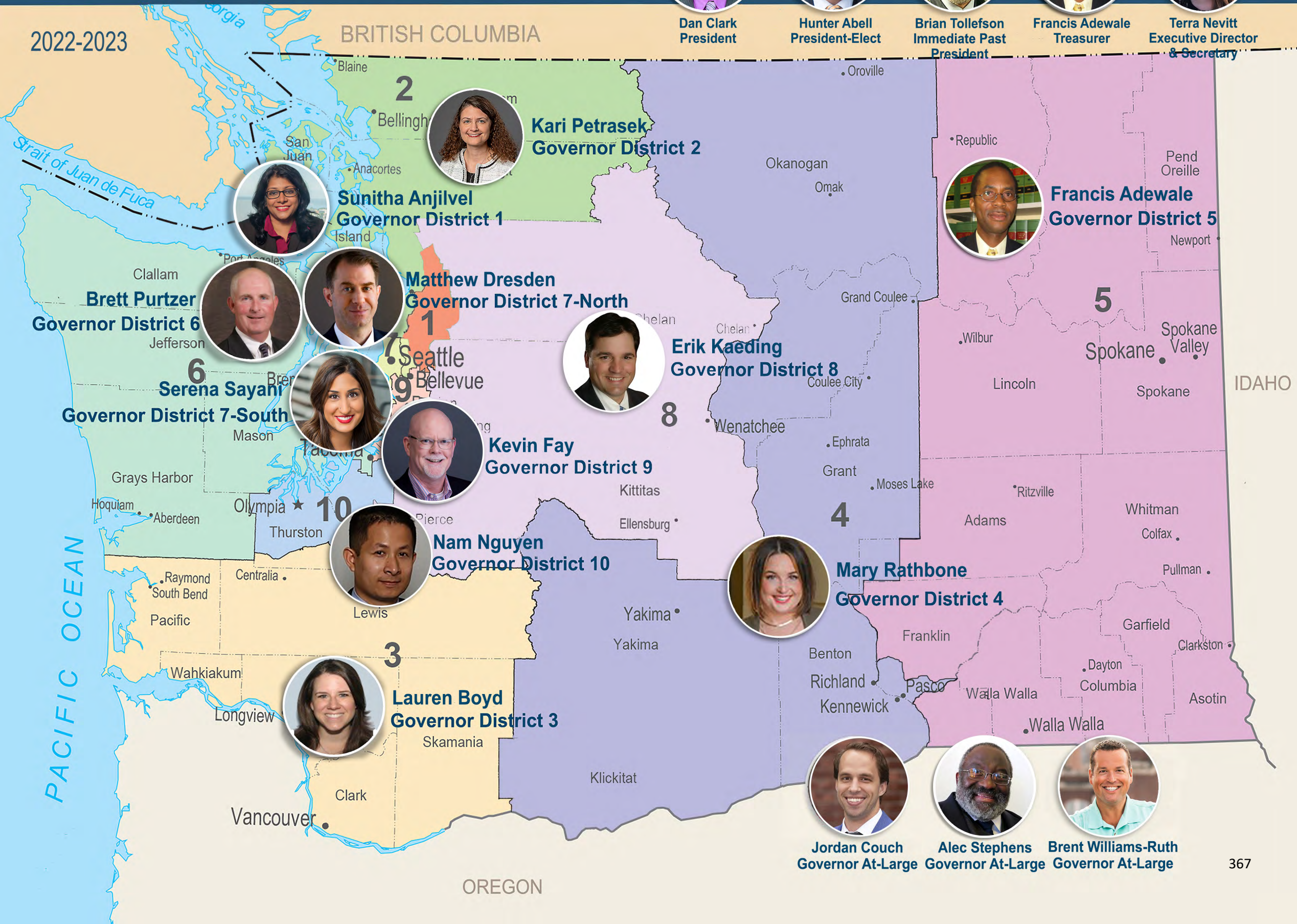
**Brian Tollefson**  
Immediate Past President



**Francis Adewale**  
Treasurer



**Terra Nevitt**  
Executive Director & Secretary





## **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 <sup>1</sup>	Yes	Majority
2. Adjourn	Closes the meeting	No	Yes	No	No	Majority
3. Recess	Establishes a brief break	No	Yes	No <sup>2</sup>	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 <sup>3</sup>
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 <sup>4</sup>	No	Majority
12. Amend a motion or resolution (primary amendment)	Proposes a change to a main motion	No	Yes	Yes <sup>4</sup>	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*



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## 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](mailto: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*

**MAY 12, 2023**

**To: Board of Governors**

**From: FY 23 President Daniel D. Clark**

**Re: Written Comments re: Proposed BOG Agenda Discussion Items Re: WSBA  
BOG Meeting Location & President-Elect Potential WSBA Bylaw Amendments**

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### **INTRODUCTION:**

The following are my written comments regarding two of the three proposed discussion items to potential future WSBA bylaw amendments and/or written policy adoption(s). Due to my stuttering disability, and a concern with not wanting to offer too much information during service as chair of the Board meetings, I wanted to put in written form for the Board materials, my individual thoughts as a WSBA member, and member of the Board of Governors as current WSBA President.

### **Proposed Bylaw Amendment WSBA Meeting Locations:**

Since 2017, we have had the following meetings on the central or eastern side of the state of Washington:

- Spokane, April 2021, May 2022, and September 2023.
- Yakima, May 2019, and May 2023
- Tri-Cities, May 2019, and August 2023.

Since 2017, the Board has traveled to other areas of the state of Washington that aren't Seattle or Olympia:

- Vancouver, July 2018, September 2021, June 2023.
- Bellingham, January 2018, November 2022
- Alderbrook, July 2017
- Tacoma November 2021, July 2022.
- Bellevue September 2022.

Other than that, even but for the Covid-19 pandemic causing cancellation of some of our in person meetings in FY 2020 and FY 2021, it must be noted that none of the meetings that were cancelled were planned to take place in central and/or eastern Washington.

The reality is, that had former WSBA President William D. Pickett, and myself this year as FY 23 President, not scheduled meetings in District 4, where we both served as District 4 Governor and WSBA President, the Board of Governors very likely would not have come to either Yakima and/or the Tri-Cities in the last several years.

Additionally, FY 22 WSBA President Brian Tollefson had two (2) meetings in Tacoma which is his home town, and one (1) in Bellevue in connection with also hosting the FY 22 President's reception. No other meetings in Tacoma have been scheduled or held during the 2017 to present time period.

It appears that there is a concern and criticism regarding the meeting geographic schedule for FY 23. I am happy to accept any criticism of any Governor and/or member regarding the intentional choices I made. FY 23, is an "E.W." Year under our bylaws, meaning that the FY 23 WSBA President was required to primarily reside and practice in Central and/or Eastern Washington, east of the Cascade Mountains. I proudly am serving as the current WSBA President, and due to this fact, and the fact that as former District 4 Governor and Treasurer, numerous members from the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Congressional Districts have complained about not having Board meetings in their areas, I chose to have WSBA travel to different locations. I did not request the Board to have meetings out of State as previous WSBA Presidents have. I did not request we stay at venues that were outside of our normal budget allocations for meetings.

This year, three (3) of the seven (7) meetings are on the east of the Cascades. Yakima, Tri-Cities and Spokane. Again, I did so intentionally, as this is a E.W. bylaw year and I am also a lifelong E.W. member.

Future WSBA years, likely will not have this level or number of BOG meetings in central and E.W. happen. It is my personal belief that we do not believe that we need a bylaw change and/or a written policy regarding this. If there is a need for one, I strongly believe it should be to prohibit out of state Washington State Board of Governor meetings and require that Board of Governor meetings be held within the State of Washington. I do not believe that there is a need for a bylaw change and/or a formal written policy regarding this. I am reasonably confident that future WSBA Presidents likely will not have 3 of the 7 meetings in central and eastern Washington in the future.

### **Proposal for WSBA President Member Wide Election:**

Former Governor Chris Meserve brought forth a proposal to the Board of Governors in January 2018 at the Bellingham meeting. Former WSBA President Brad Furlong, discussed creating a work group to explore this potential idea regarding changing how the current WSBA President-Elect candidate is selected. To my knowledge, the work group never materialized, as former FY 2017 WSBA President Furlong resigned in March 2018 due to health issues.

If there is a majority of the Board that believes it a good use of time to explore this idea, it may be advisable to ask staff to provide some additional examination of this idea, or for the Board to look to establish a work group on this.

I have several individual good faith concerns regarding this potential change. It very well could benefit WSBA members that are more financially wealthy to be able to run a regular public election type campaign where paid advertising and political campaigning events are help, fund raising, and campaign donations become the routine. Our current bylaws have zero restrictions regarding this, and/or any guidance. It would seem reasonable, if the Board wished to move forward with a bylaw change regarding this, that considerations be made to its impact on equity, and potential geographic diversity of future WSBA President-Elects. It would also seem reasonable that such bylaw change also include financial campaign spending transparency etc.

It would seem if we were going to move to this material change, that some consideration should likely be made into some sort of a candidate screening entity that would be able to ensure that a candidate that is set forth to the full membership for election had understandings and commitment to DEI issues, ATJ issues, WSBA governance issues, and at least a competent knowledge of the mission and function of the Board of Governors.

If the Board were going to look to adopt a bylaw clarification or change regarding the WSBA President-Elect position, I would recommend it be to clarify if a sitting Governor can serve as WSBA President-Elect in a dual capacity, and/or to potentially establish term limits, or a time limit, as we have with Governors that are now allowed to serve two terms, and then must have a time period break in between service before eligible to re-apply to serve. It may be advisable to put in the bylaws a prohibition from past WSBA President's from serving multiple terms, and/or multiple terms within a certain period of time.

#### **SUMMARY & CONCLUSION:**

It's my hope that the above information is useful in the BOG's discussion, analysis and debate in potentially moving forward with both of these agenda discussion items. Thank you for taking the time to read.

Respectfully Submitted,

Daniel D. Clark  
FY 23 WSBA President  
WSBA #35901

# Long Range Strategic Planning Council 2023 Annual Report DRAFT

May 5, 2023

## INTRODUCTION

On behalf of the LRSPC, I am pleased to present the Council's first preliminary annual report—a pioneer in what we hope and expect will evolve in coming years to serve as the foundation for Board's annual strategic planning cycle.

By way of background, the Board of Governors in 2021 re-envisioned and re-charted its Long Range Planning Committee as the Long Range Strategic Planning Council (LRSPC). After several years of little to no long-range, strategic vision as a leadership body, the Board tasked the LRSPC with making recommendations of organizational goals and objectives, as well as policy-level changes necessary for implementation, in alignment with the Board's annual strategic planning and budgeting process. The LRSPC's charter requires the Council to submit an annual report to the Board setting forth its recommendations no later than August 1 each year, with a preliminary draft with recommendations and fiscal projections due in May. [The complete charter is available online.](#)

At the outset of this report, I want to acknowledge that our inaugural years have included pivotal conversations about our purpose and process. Is this a Council that is like a thinktank that generates moonshots—ambitious and innovative ideas—that are recommended to the Board for more logistical and financial exploration? Or does this Council concentrate on shepherding the established Board goals by measuring progress and deciding when to add or remove initiatives? These can be conflicting philosophies, with concerns about stifling innovation versus whipsawing the organization's prioritization of resources. This initial report represents a mix of these various philosophies, with ideas arising from individual Council members, member feedback, staff endeavors, the Board's March budget retreat, and a national scan of trends facing bars.

The Council officially took action to recommend moving forward three initiatives to the entire Board of Governors in FY23; they have Council-wide agreement that the Board ought to adopt them or affirmatively move forward with financial and logistical exploration to make an informed decision about whether to adopt. Following these three initiatives is a list of topics that the LRSPC discussed but did not act on; this list is for your information and to help you understand some of our continuing conversations.

Looking ahead, we would like to flag for the Board an important step in our ongoing learning and evolution: We have formed a subgroup to recommend charter revisions that will center the LRSPC's work more clearly and effectively in the realm of strategic planning, which involves multi-year goals and priorities; we look forward to bringing those recommendations and back to the Board to have a conversation about how we, as a leadership body, continue to hone what is arguably our most important task—to define the WSBA's vision for the future and to plot measurable, steady, well-resourced goals to get there.

The long-range strategic planning process has not been without challenges, but it has certainly been an opportunity to rise above the more day-to-day conversations and think at a bigger and more exciting level about our state bar association. Thank you for coming along on the journey, through this report and the continued conversations about long-range planning at the Board table.

—President Dan Clark, LRSP Chair

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## FY2023 COMPOSITION

- CHAIR Dan Clark, President
  - Hunter Abell, President-Elect
  - Francis Adewale, Treasurer
  - Brian Tollefson, Immediate-Past President
  - Bryn Peterson, Governor
  - Lauren Boyd, Governor
  - Doug Ende, Chief Disciplinary Counsel
  - Rajeev Majumdar, Former President
  - Kyle Sciuchetti, Former President
  - Sunitha Anjilvel, Governor
  - Matthew Dresden, Governor
  - Alec Stephens, Governor
  - Executive Director Terra Nevitt, Ex Officio (non voting)
- 

## RECOMMENDATIONS

### Three Initiatives Approved by the LRSPC to Move Forward to the Board of Governors

- **Long-Range Facility Planning.** The LRSPC recommends a specific course of action—in a nutshell, to purchase a building in King County and establish a trial satellite office in Spokane—as we near the end of the current office-space lease downtown.
  - Pathway forward: This recommendation will come to the Board in May 2023 as the preferred path forward for current Goal 4; this is not for action but for the Board to decide what further exploration is needed to make a decision. The LRSPC advises and assumes this focus area will remain in 2024.
- **Deskbooks as a Free Member Benefit.** The LRSPC recommends that the Board transition the WSBA deskbooks from a business model to a free, online benefit for all members. The LRSPC has explored this possibility for more than a year and believes there is value moving ahead.
  - Pathway forward: The LRSPC will present information to the Board at the May 2023 meeting. The LRSPC’s exploration has included in-depth conversations with public law librarians (a top user of deskbooks), deskbook staff, and a representative from the Oregon State Bar, who oversees that jurisdiction’s free online BarBooks (similar to deskbooks) production. The LRSPC recommends the Board take this up for further exploration, adopting the proposal contingent on complete fiscal, legal, and equity analyses and a realistic timeframe for transition.
- **Washington Legal Link.** This is a project to create an opt-in directory with the dual goal of providing the public a user-friendly pathway to find a legal practitioner and WSBA’s membership a marketing tool. Focus groups have shown this would be a much-welcomed service for both the public and legal practitioners.
  - Pathway forward: The Board heard an initial presentation about Washington Legal Link at its January 2023 meeting. The Board agreed it wanted to move forward gathering more information and provided a list of questions to be answered. The proposal will return to the Board in summer 2023 with a fiscal, legal, and equity analysis. The Board can decide whether to move forward by including the project in the FY24 budget.

### Ideas and Initiatives in Ongoing Discussion (Not Acted Upon)

- **Member Wellness.** Should there be a strategic examination of WSBA’s delivery of member wellness services? This could include creating a task force to study, engage with members, and provide a report with how to best move forward.
  - What’s happening: The Board will hear a member wellness presentation at its May 2023 meeting; based on that information, the Board can move forward immediately with a decision or take up the issue as part of its 2024 strategic goal-setting cycle.



- **Stability in the License Fee.** As a philosophy and policy, should long-term goal planning be tied to long-term financial planning? Should the Board adopt some sort of budget philosophy that includes a stabilization factor—such as growth to at least accommodate inflation each year—to ensure members do not face a significant jump in the license fee in years to come, in order to maintain (let alone expand) programs and services?
- **Legal Innovation in Bar Licensure and Practice.** How should the Board be involved and/or take a stance in this national and global conversation? How will the WSBA support or involve itself in efforts such as the Practice of Law Board’s Data-Driven Legal Regulatory Reform and the Washington Supreme Court’s Bar Licensure Task Force?
  - What’s happening? At the behest of the Chief Justice, plans are underway for the Supreme Court, WSBA, and the Practice of Law Board to host a virtual summit on the topic of legal regulatory reform. The purpose of the summit would be to present information on the threats and opportunities with respect to the practice of law, technology, and regulatory reform; to develop a shared understanding of the nature and scope of the problem that we are trying to solve; and evaluate a variety of solutions to the problem. The goal of the summit is to provide the space to fully grapple with a complex and important topic, while developing broad buy-in for whatever action (or inaction) is ultimately taken.
- **Support for Rural Practice.** Can the WSBA explore opportunities to provide stipends for law school students to intern in qualifying rural and small-town firms?
  - What’s happening? This is an idea for the STAR Committee to explore, analyze, sponsor, make a budget recommendation.

**MAY 12, 2023**

**To: Board of Governors**

**From: FY 23 President Daniel D. Clark**

**Re: FINANCIAL FORECAST ANALYSIS MEMORANDUM  
OF CURRENT L.R.S.P.C. “FREE” DESKBOOK PROPOSAL.**

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**INTRODUCTION:**

The Long Range Strategic Planning Council is recommending that the Board support a proposal for “Free Deskbooks” to all membership. This proposal is before the Board for its initial discussion and potential further action or examination. In the following, I will provide a good faith analysis of the individual startup and annual costs over a fifteen (15) year period for this proposal.

It is my intent of providing this additional financial information to the Board of Governors for the Board and membership to have what I believe is more detailed financial information for its consideration when evaluating the proposal before it. Some of this information was prepared by WSBA financial staff and shared with the Board of Governors Budget and Audit Committee after the LRSPC memorandum in the Board materials was prepared. Some is my own analysis as former two-time WSBA Treasurer and a five (5) year member of Budget and Audit as former District 4 Governor. It is my intent as Chair of the LRSPC and FY 23 WSBA President for this Board to help provide the Board with what I believe is relevant financial information to illustrate what the financial commitment will be in this proposed decision before the Board.

It must be noted that proposal is not “free” to the members, and if ultimately adopted by the Board it will require a significant financial commitment to start and then ongoing financial annual costs to implement. Looking at the costs over the first five years, these costs alone would require the Board to use substantially all of the WSBA’s current unrestricted fund balance. In the alternative, it would require the Board to adopt a fairly significant license fee increase to have this proposed free member benefit remain a revenue cost neutral budget impact to the organization.

The following is a summary of the total costs of the proposal over the next 15 years, and the ultimate necessary impact of needed increase to the active attorney member license fee:

<b>Years</b>	<b>Annual Yearly cost</b>	<b>Total Cost over 15 year period</b>	<b>15 Year per active attorney annual charge</b>
<b>1-15</b>	<b>\$832,417.67</b>	<b>\$12,486,265.09</b>	<b>\$24.72</b>

## **ANALYSIS OF CURRENT DESKBOOK PROPOSAL:**

### **Current Proposal Five Year Fiscal Analysis from Tiffany Lynch:**

The following is a five year fiscal analysis of the current deskbook proposal prepared by WSBA Financial Budget Director Tiffany Lynch and included in the most recent Budget and Audit materials regarding the proposed free desk book suggestion from the Long Range Strategic Planning Council:

<b>Year</b>	<b>Annual Cost</b>	<b>One-time cost</b>	<b>Total Cost</b>	<b>\$ Per Member</b>
Year 1	\$608,232	\$307,264	\$915,496	\$22.35
Year 2	\$626,479		\$626,479	\$15.29
Year 3	\$645,273		\$645,273	\$15.75
Year 4	\$664,632		\$664,632	\$16.22
Year 5	\$684,570		\$684,570	\$16.71
Total Over 5 years	\$3,229,186	\$307,264	\$3,536,450	\$86.32

The per member cost is calculated by WSBA staff based on a total member count of 40,970 and assumes a 3 percent increase to support inflation and expected step increases for salaries. Dividing the per member charge over a five (5) year period equates to a proposed license fee increase of \$17.26 a year over the next five (5) years to pay for this “free benefit” current proposal.

As will be shown below, I do not believe that is the most accurate way to calculate the cost that would be passed on the members that actually would have their fees increased to pay for this free benefit.

### **15 YEAR DESKBOOK PROPOSAL FINANCIAL COST FORECAST & ANALYSIS:**

While I greatly appreciate WSBA staff’s forecast and analysis of the current deskbook proposal over 5 years, I somewhat disagree with some of the parameters that were used in the forecasting model. It would be my professional opinion from seven years of service on the Board of Governors, including five as a member of Budget and Audit and the former two time WSBA Treasurer, that a more reasonable number to use for annual increases of staff salary & benefits, and potential additions, promotional opportunities of the staff hired to do this proposal etc, would be more accurately reflected at a four (4) percent annual growth v. three (3) percent with adjustments and movement within the current WSBA compensation grid.

Additionally, I believe it inappropriate to base the per member charge on total WSBA members, as the reality is that we would not pass on a fee increase and have not historically to judicial members, and inactive members. A much more realistic figure to

base the per member charge on would be the total active attorney's that would benefit from this and likely have their fees directly raised as a result of this "free" benefit. **The total active attorney membership count as of May 1, 2023 is 33,671 total members.** This is a more accurate "per member" charge of what increases to the license fee would be raised to pay for the current proposal.

The following would be a fifteen (15) year break down with a four (4) percent on average annual yearly raise for salary, benefits, cola and step increases for the current and new proposed staff for this program and the per active attorney member charge which would be whom would end up receiving the license fee increase (historically we do not pass increases on to inactive, honorary, pro bono, or judicial members, so they should not be included here in the per member charge in my opinion).

Year	Annual Cost	One Time Cost	Total Cost	\$ Per Member Active
Year 1	\$608,233.00	\$307,264	\$915,496.00	\$27.19
Year 2	\$632,562.32		\$632,562.32	\$18.79
Year 3	\$657,864.81		\$657,864.81	\$19.53
Year 4	\$684,179.40		\$684,179.40	\$20.32
Year 5	\$711,546.16		\$711,546.16	\$21.13
Total Over 5 Years	\$3,294,385.69	\$307,264	\$3,601,649.69	\$106.97

Total per active attorney member cost over 5 years, \$21.39 per year, and \$720,329.94 each year during first five years to implement.

If we took this calculation and expanded it over years 6 to 10, we see even a more significant overall annual and total cost:

Year	Annual Cost	One Time Cost	Total Cost	\$ Per Member Active
Year 6	\$740,008.01		\$740,008.01	\$21.98
Year 7	\$769,608.33		\$769,608.33	\$22.86
Year 8	\$800,392.66		\$800,392.66	\$23.77
Year 9	\$832,408.37		\$832,408.37	\$24.72
Year 10	\$865,704.70		\$865,704.70	\$25.71
Total Over 6-10 Years	\$4,008,122.07		\$4,008,122.07	\$119.04

***Total 10 Year Costs of Deskbook Proposal:***

<b>Year</b>	<b>Annual Cost</b>	<b>One Time Cost</b>	<b>Total Cost</b>	<b>\$ Per Member Active</b>
Year 1-5	\$3,294,385.69	\$307,264	\$3,601,649.69	\$106.97
Year 6-10	\$4,008,122.07		\$4,008,122.07	\$119.04
<b>Total 10 year</b>	<b>\$7,302,507.76</b>	<b>\$307,264</b>	<b>\$7,609,771.76</b>	<b>\$226.00</b>

\$ 22.60 per year over 10 years would need to be increased to WSBA active attorney member license fees to cover the costs of this “free” proposed member benefit.  
\$760,977.18 annual budget cost.

Taking this forecast out another 5 years, for years 11-15 we would see the following:

<b>Year</b>	<b>Annual Cost</b>	<b>One Time Cost</b>	<b>Total Cost</b>	<b>\$ Per Member Active</b>
Year 11	\$900,332.89		\$900,332.89	\$26.74
Year 12	\$936,346.20		\$936,346.20	\$27.80
Year 13	\$973,800.05		\$973,800.05	\$28.92
Year 14	\$1,012,752.05		\$1,012,752.05	\$30.08
Year 15	\$1,053,262.14		\$1,053,262.14	\$31.28
<b>Total Over 5 Years</b>	<b>\$4,876,493.33</b>		<b>\$4,876,493.33</b>	<b>\$144.83</b>

Total per active attorney member annual cost \$28.97 over years 11-15. Total Budget Annual Cost years 11-15 \$975,298.67

***TOTAL 15 Year cost of proposed free deskbook program & increase to active member license fees:***

<b>Year</b>	<b>Annual Cost</b>	<b>One Time Cost</b>	<b>Total Cost</b>	<b>\$ Per Member Active</b>
Year 1-5	\$3,294,385.69	\$307,264	\$3,601,649.69	\$106.97
Year 6-10	\$4,008,122.07		\$4,008,122.07	\$119.04
Year 11-15	\$4,876,493.33		\$4,876,493.33	\$144.83
<b>Totals</b>	<b>\$12,179,001.09</b>		<b>\$12,486,265.09</b>	<b>\$370.83</b>

Total per active member license fee increase over 15 years is \$24.72 per year. Total Yearly cost including implementation costs \$832,417.67 a year over 15 year period.

<b>Years</b>	<b>Annual Year cost</b>	<b>Total Cost</b>	<b>15 Year per active attorney annual charge</b>
<b>1-15</b>	<b>\$832,417.67</b>	<b>\$12,486,265.09</b>	<b>\$24.72</b>

These fees would continue to increase each year by approximately 4 percent, and once WSBA offers this as a free member benefit, it is very unlikely that future Board of Governors could or would cease to offer this benefit.

I wanted the Board to have this information to be able to illustrate that whatever decision the Board of Governors makes on this that it is a significant expenditure and change from current business practices of WSBA.

#### **Additional Financial Consideration Information:**

- The current proposal would allow for all WSBA members to have free access to all of the currently offered deskbooks. Proponents for this proposal point to it currently being offered as a member benefit in Oregon by the OSB. It should be noted in Oregon, that only 1/3 of the members actually take part of the benefit offered. It should also be noted that Oregon's license fee is \$210 dollars more than WSBA's current active attorney license fee.
- A significant portion of WSBA members currently primarily or exclusively practice criminal law. There are no current WSBA deskbook that covers this legal practice area. There are several other areas of the law where no current WSBA deskbook exist. A lot of members may not use or benefit from this proposal.
- Opponents to the proposal believe it is very overbroad and cost prohibitive. Adoption of this proposal turns what is a revenue cost neutral offering for our members that are allowed to purchase individual deskbooks for a few hundred dollars a year, into over a \$832,417.67 financial expenditure of WSBA over the next fifteen (15) years.
- It is my understanding that the member engagement council will be proposing to want to engage in additional member outreach and solicitation of input regarding this proposal.

#### **Other Competing Future Financial Expenditures:**

This proposal must be considered by the Board of Governors in connection with other current and potential future expenditures and financial commitments by the FY 23 Board of Governors. Just looking into FY 24 and FY 25, we likely will see significant financial budget requests for the following current or future projects which include and are not limited to the following:

- Efforts to Increase Member Wellness services which may include requests for more WSBA FTE's, a Member Wellness Council, and potential Contracts to offer more free member wellness programs and benefits to members.

- Potential costs of implementing and new ongoing annual costs of operating the POLB Regulatory Lab, “Sandbox” program.
- Potential costs of implementing and new ongoing annual costs of operating the recommendations of the Bar Licensure Taskforce.
- Potential costs of buying and/or leasing a new WSBA Office space in King County.
- Potential costs of buying and/or leasing additional WSBA office(s) in Spokane, Vancouver, Bellingham, and potentially other areas of the state such as Yakima etc.
- Potential additional WSBA staff requests for WSBA operations by the Executive Director to help better serve the public and membership in achieving WSBA’s current mission statement and priorities.

All of these currently known and what always historically is annual new exciting ideas and proposals will cost additional funds to implement. As the current proposal amongst itself will result over the next five years of completely depleting WSBA’s current unrestricted fund balance, implementing this proposal will force the Board to significantly raise member license fees.

***The BOG has publicly numerous times made a commitment to members not to raise license fees through the end of 2026.*** While it is the BOG’s prerogative to set annual license fees, and the Board will be considering and making recommendations to the Washington Supreme Court later this summer regarding the 2025 license fees, if the BOG chooses to recommend to the Court to raise active attorney member license fees, doing so with a fee increase before 2027, I truly fear will have negative consequences on member engagement and volunteering at WSBA. Some members will consider this a bait and switch from numerous previous statements and commitments from previous Board of Governors and Officers.

#### **Other Potential Alternatives for the Board’s Potential Consideration:**

Ultimately the decision regarding this proposal is up to the Board of Governors. In lieu of doing what is currently being proposed, if a majority of the Board of Governors believes that this is a worthy financial expenditure it may be advisable and wise for the BOG to consider doing the following prior to a final commitment:

1. Tasking staff and the member engagement council and sections to report back to the BOG with if this is truly something that members want, if they’re willing to have their license fees increased by \$20-25 dollars a year to accomplish, and how many overall members want all deskbook access v. partial v. none?
2. Polling members and other stakeholders for potential other options that are less broad in scope and would result in a much lower financial ongoing annual impact to WSBA.

3. Potentially working with staff to identify an appropriate annual cost to allocate to a fund that would be contracted with a 501c3 entity that could receive and evaluate applications for members for providing free deskbooks. This could be the Washington Legal Foundation, the Legal Foundation of Washington, and/or another entity that could provide stipends to members that truly are in financial need to be able to purchase these deskbooks from Lexis/Nexis and Fastcase under our current contracts.

An example, if the Board made an annual financial commitment of say for example, \$100,000 annually for various scholarships to members in need, we would save substantially and still achieve the goal of wanting to provide free deskbooks to those that truly cannot afford it.

This alternative would seem to accomplish the positive aspects of the proposal to provide more tools for WSBA members to practice law more productively, but also save several millions of dollars over the next 15 years. Examining some sort of a path forward under this scenario would allow for the Board to ease into this potential permanent member benefit and to then examine how many of our members applied for potential scholarships/vouchers v. what is currently being proposed. It would also ultimately be substantially less annual and overall financial costs to implement.

4. Potentially exploring a contract modification with our business partners to lower the existing costs of deskbooks for our members to purchase at a discounted rate for those that do not have the financial means to purchase them for their practices.
5. Other potential alternatives that would reduce the overall annual costs of this proposal.

### **SUMMARY & CONCLUSION:**

I wanted the BOG to have the full costs of this proposal over the next 15 years. Given the many other current proposals for new and expansions of existing programs within WSBA that will also have significant costs, WSBA exploring potentially moving from its current location and buying a building, and/or buildings in other areas around the state, and anticipating that each year we continue to see new program proposals, I believe examination of this proposal must take place within the context of examining existing and immediate and long range expenditures of WSBA.

Thank you for taking the time to read this supplemental financial material and I hope that it assists each of you in individually, and the Board collectively in making your decision regarding future steps if any on the proposal of potential free desk books for members. The potential financial expenditure is significant, so I wanted the Board to



have this additional financial information and analysis to help aid in best supporting its decision-making process.

Respectfully Submitted,

Daniel D. Clark  
FY 23 WSBA President  
WSBA #35901