

WASHINGTON STATE
BAR ASSOCIATION

BOARD OF GOVERNORS MEETING

September 14, 2025

Meeting Materials

Seattle, WA
Zoom and Teleconference



**Board of Governors Meeting
WSBA Headquarters, Seattle,
WA November 14, 2025**

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 by Zoom or Teleconference:

Meeting ID: 859 9184 7252 Passcode: 325981

<https://wsba.zoom.us/j/85991847252?pwd=JhVz8iOrt7PmEsjqf6hYWANLZlaFKq.1>

To participate by phone, call +1 253-205-0468

FRIDAY, NOVEMBER 14, 2025

9:00 AM – CALL TO ORDER & WELCOME

☐ **WELCOME & CALL TO ORDER**

EXECUTIVE SESSION

☐ **DISCUSS PROPOSED CHANGES TO THE JUDICIAL RECOMMENDATIONS COMMITTEE QUESTIONS**

☐ **RECEIVE & DISCUSS LEGAL ADVICE RE LITIGATION INVOLVING MANDATORY BAR ASSOCIATIONS, THE KELLER DEDUCTION, AND LEGISLATIVE STRATEGY**

MEMBER & PUBLIC COMMENT

☐ **MEMBER AND PUBLIC COMMENTS**

CONSENT CALENDAR

☐ **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 September 26-27, 2025, Board of Governors Meeting Minutes5
- Approve Proposed Amendments to Admissions Policies Re Implementation of The NextGen Bar Exam in July 202611
- Approve Proposed Amendments to the STAR Council Charter25

- Approve Council on Public Defense Letter of Support for the Office of Public Defense 2026 Supplemental Budget Request173

STANDING REPORTS

- ☐ **PRESIDENT’S REPORT**
- ☐ **EXECUTIVE DIRECTOR’S REPORT**35, 172

AGENDA ITEMS & UNFINISHED BUSINESS

- ☐ **PROPOSED CHANGES TO THE JUDICIAL RECOMMENDATION COMMITTEE INTERVIEW QUESTIONS**37
- ☐ **2027 License Fees**, Treasurer Nam Nguyen and Director of Finance Tiffany Lynch39

12:00 PM – RECESS FOR LUNCH

LEGAL EDUCATION DISCUSSION

- ☐ **DISCUSSION WITH LAW SCHOOL DEANS AND LAW CLERK BOARD LEADERSHIP**, Law Clerk Board Chair Christel Casey, University of Washington School of Law Dean Tamara Lawson, Gonzaga University School of Law Dean Jacob Rooksby, and Seattle University School of Law Dean Anthony Varona

AGENDA ITEMS & UNFINISHED BUSINESS CONTINUED

- ☐ **FY26 LEGISLATIVE PRIORITIES**, BOG Legislative Committee Chair Alain Villeneuve and Legislative Affairs Manager Sanjay Walvekar.....44
- ☐ **GOVERNANCE COMMITTEE RECOMMENDATIONS**
 - **First Read: Proposed Amendments to WSBA Bylaws Art. IV.D and Conflict of Interest Policy**, Governance Committee Chair Gov. Kevin Fay48
 - **Proposal to Sunset the WSBA CLE Committee**, Governance Committee Chair Gov. Kevin Fay; Advancement Department Director Kevin Plachy; and Education Programs Manager Shanthi Raghu.....71
- ☐ **ADMISSIONS & LICENSING RECOMMENDATIONS**, Chief Regulatory Counsel Renata Garcia
 - **Considerations for Federal Employees Impacted by Government Shutdown**178
 - **Pass Score for Nextgen UBE and Suggested Amendments to APR 4(d)(1)**180

TRAINING

- ☐ **ANNUAL ANTI-HARASSMENT TRAINING**

GOVERNOR ROUNDTABLE

- ☐ **GOVERNOR ROUNDTABLE**

MEETING FEEDBACK

☐ MEETING FEEDBACK: Rose, Thorns & Bud

5:00 PM – ADJOURN

INFORMATION

- Committee on Professional Ethics New Advisory Opinion Re Fee Division Contracts with Departing Lawyers74
- Committee on Professional Ethics New Advisory Opinion Re Blake Ethics Issues82
- Committee on Professional Ethics New Advisory Opinion Re AI Tools in Law Practice88
- Monthly Financial Reports, Unaudited107
- General Information153

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING MINUTES

Seattle, WA

September 26-27, 2025

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 Sunitha Anjilvel on Friday, September 26, at 9:03 a.m. Governors in attendance were:

Matthew Dresden

Tom Ahearne

Kevin Fay

Kristina Larry

Todd Bloom

Nam Nguyen

Allison Widney

Jordan Couch

Kari Petrasek

Emily Arneson

Parvin Price

Alain Villeneuve

Chris Bhang

Mary Rathbone

Officers and Executive Staff in attendance were: President Sunitha Anjilvel, President-Elect Francis Adewale, Immediate Past President Dan Clark, Executive Director Terra Nevitt, Chief Communications and Outreach Officer Sara Niegowski, Director of Finance Tiffany Lynch, Chief Disciplinary Counsel Doug Ende, Chief Regulatory Counsel Renata Garcia, Director of Advancement Kevin Plachy, Chief Equity & Justice Officer Diana Singleton, General Counsel Laurie Powers, Deputy Director Dua Abudiab, and HR Director & Chief Culture Officer Glynnis Klinefelter Sio.

Also in attendance were Alec Stevens, Andie Anderson, Angela Bugni, Aqua Fetch, Aziza Ozgoren, Betsylew Miale-Gix, Bobby Henry, Brenda Jackson, Brent Williams-Ruth, Carolyn MacGregor, Catherine Schur, Chris Fox, Craig Shank, Christell Casey, Debra Green, Isaac Tobis, Jason Schwartz, Jenny Durkan, Joe Gouge, Jonathan Nomamiukor, Josh Field, Julianne Unite, Katherine Skinner, Kimberly Loges, Laura Lemire, Margeaux Green, Nancy Hawkins, Nicole Gustine, Patrick Palace, Rex Nolte, Sanjay Walveker, Sarah Pendleton, Shelly Bynum, and Steve Crossland.

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

President Anjilvel opened the session for member and public comments. Alec Stevens requested the removal of a bylaw amendment from the consent calendar for further discussion. Brent Williams-Ruth expressed gratitude to outgoing President Anjilvel and past President Dan Clark for their service and requested follow-up on the Bar Licensure Task Force proposals with respect to the character and fitness process, which are pending with the Washington State Supreme Court. Nancy Hawkins expressed concerns regarding proposed amendments to GR 12.4 and their potential impact on transparency.

Consent Calendar ([link](#))

Gov. Mary Rathbone requested removal from the consent calendar of amendments to the WSBA Bylaws regarding license fee exemptions. Gov. Kevin Fay moved to approve the consent calendar. The motion passed unanimously.

Amendments to the WSBA Bylaws

The Board discussed the proposed amendments to the WSBA Bylaws regarding license fee exemptions based on financial need, which had been removed from the consent calendar. Gov. Jordan Couch moved to approve the proposed amendments. The motion passed unanimously.

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

President Anjilvel gave a brief update, expressing her gratitude to the Board and staff, and reflecting on the milestones of her presidency.

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

Executive Director Terra Nevitt provided her written report and highlighted key operational updates.

FY26 Budget: Final Draft ([link](#))

Treasurer Kari Petrasek and Director of Finance Tiffany Lynch presented the final draft of the FY26 budget (version 1). The budget includes a 1.9% projected revenue increase and a 2.7% reduction in indirect expenses, achieved primarily through an increase in attorney license fees, reduced FTEs, and lower retirement contribution rates. It also includes a reduction to license fee revenue to account for recent bylaw amendments approved for exemptions based on financial need. The Board discussed inclusion of section budgets and a request to approve dues increases for the Business Law, Health Law, and Labor & Employment Law Sections. Gov. Petrasek moved to approve FY26 Budget as presented. The motion passed unanimously.

WSBA Reserve Fund Recommendations ([link](#))

Director of Finance Tiffany Lynch presented recommendations for the WSBA Reserve Funds. The recommendations included reallocating \$460,000 from the unrestricted reserve to the Special Projects and Innovation Fund, designating \$300,000 for successor activities to the Moderate Means Program and

\$160,000 for the Regulatory Reform Cost Center and Alternative Pathways to Practice. Gov. Petrasek moved to approve the reserve fund recommendations as presented. The motion passed unanimously.

Final Report of the Legal Technology Task Force ([link](#))

The Task Force chair Jenny Durkan, member Craig Shank, practice management advisor Margeaux Green, and Director of Advancement Kevin Plachy presented the final report of the Legal Technology Task Force. The report outlined ten key points and numerous recommendations, focusing on enhancing competence, capacity, and trust within the legal community. The Board discussed the necessity for lawyers to adapt to technological changes, the role of the WSBA in supporting this transition, and the importance of integrating technology into legal education. Gov. Couch moved to approve all recommendations and to assign the Executive Committee to delegate the responsibilities for next steps. The motion passed unanimously.

Update on Implementation of the WSBA Standards for Indigent Defense Services ([link](#))

Jason Schwartz, past Chair of the Council on Public Defense, updated the Board on adoption and implementation of WSBA caseload standards. The Washington Supreme Court adopted provisional orders with a 10-year implementation timeline, diverging from the three-year schedule established by the WSBA standards. The Board discussed challenges for rural jurisdictions, the impact on private indigent defense contracts, and data needs for future evaluation.

Executive Session ([link](#))

At 11:39 a.m., the Board entered executive session to receive legal advice regarding legislative activity. The session concluded at 12:15 p.m.

Client Protection Board Annual Report ([link](#))

Assistant General Counsel Nicole Gustine and CPF Specialist Brenda Jackson presented the Client Protection Board's annual report, noting that over \$436,000 was paid out in claims and describing upcoming rule changes pending Supreme Court approval, including raising the maximum gift amount and initial payment threshold. The Board discussed payment terminology and comparative jurisdictional practices.

Update on Implementation of Pathways to Licensure ([link](#))

Chair Zaida Rivera and Assistant General Counsel Catherine Schur updated the Board on progress towards implementing experiential licensure pathways as alternatives to the traditional bar exam. The implementation committee has been actively working since November 2024. Two subcommittees were formed to develop core competencies and supervised practice guidelines. The goal is to propose rules to the Washington Supreme Court by spring 2026, with the first cohort starting in summer 2027. The Board discussed the need for public education and the urgency of addressing the current attorney shortage.

WSBF Annual Meeting ([link](#))

The annual meeting of the Washington State Bar Foundation was called to order by President Brian Anderson. He highlighted that WSBF approved granting \$265,000 to the WSBA for public service, pro bono, and equity programs, as well as funds for Powerful Communities grants.

Approve FY26 Trustee Appointments

President Anderson presented the proposed slate of trustees for FY26. Gov. Nam Nguyen moved to approve Board of Trustees. The motion passed unanimously.

Approve Proposed Changes to the WSBF Bylaws

President Anderson presented proposed WSBF Bylaw changes focusing on simplifying language, aligning with WSBA definitions, and allowing past trustees to return to service. Gov. Nguyen moved to approve proposed Bylaw changes. The motion passed unanimously.

Proposed Changes to the Legislative and Court Rule Comment Policy ([link](#))

Legislative affairs manager Sanjay Walvekar presented proposed changes to the legislative and court rule comment policy, aiming to consolidate procedures, shift the responsibility for legal risk analysis, and clarify technical advice provisions. The Board discussed the policy's implications for sections and Supreme Court boards. Gov. Couch moved to approve proposed changes. The motion passed unanimously with one abstention.

Law Clerk Board Suggested Amendments to APR 6 and Related Regulations ([link](#))

Law Clerk Board member Christell Casey presented recommendations to amend APR 6 to expand access to the program by reducing the experience requirement for tutors and increasing the number of clerks a tutor can supervise at a time. The Board discussed the potential for further reducing the experience requirement to align with the Washington Bar Licensure Task Force proposal and the importance of addressing attorney shortages in rural areas. Gov. Petrasek moved to approve the suggested amendments as presented for submission to the Court. The motion passed unanimously.

Law Clerk Board Additional Suggested Amendments to Program Regulations ([link](#))

Law Clerk Board member Christell Casey introduced additional amendments to program regulations to accommodate remote and hybrid work arrangements, expand textbook selection criteria, and ensure consistency in program requirements. Discussion followed, including reservations about remote supervision and the need to address legal deserts and the reality of virtual court appearances. Gov. Petrasek moved to approve additional suggested amendments to program regulations. The motion passed unanimously.

Presentation Regarding New GR 12.2 ([link](#))

Alec Stevens presented the background on GR 12.2, which was amended effective September 1, 2025. He discussed implications for Board processes, particularly in providing clearer guidance for legislative proposals, and highlighted the work of the Equity and Disparity Workgroup. The Board discussed the scope of certain provisions.

Swearing In of FY26 Governors and Officers ([link](#))

Supreme Court Justice Mary Yu administered oaths to the incoming officers and reelected governors. President Anjivel recognized retiring Justice Yu for her distinguished service and contributions to WSBA.

Second Day

The meeting reconvened at 9:01 a.m.

Executive Session ([link](#))

At 9:03 a.m., the Board entered executive session to receive legal advice regarding the Keller deduction and to evaluate the Executive Director. The session concluded at 10:45 a.m.

2026 Keller Deduction ([link](#))

Upon returning from executive session, Gov. Petrasek moved to approve the 2026 Keller deduction. The motion passed unanimously with one abstention. Gov. Fay and Gov. Dresden were not present.

FY26-29 Strategic Plan ([link](#))

President-Elect Adewale and Executive Director Nevitt presented a 3-year strategic plan for the WSBA, focusing on continuity across access to justice, technology, culture, and governance policy areas. The Board discussed the importance of culture, technological impacts, and the need for clear metrics of success, with a focus on public and member perceptions. Gov. Villeneuve moved to approve the FY26-29 strategic plan. The motion passed unanimously. Gov. Fay was not present.

Governor Roundtable ([link](#))

Outgoing President Anjivel expressed appreciation for Board and staff contributions and suggested the creation of a work group to address the ongoing access-to-justice gap. Discussion followed with the Board expressing unanimous support to receive a proposal to form a work group in collaboration with the Access to Justice Board to pursue community-based solutions. Updates were also provided on the STAR Council's rural will clinic and additional outreach efforts.

Adjournment

There being no further business, President Anjivel adjourned the meeting at 11:35 a.m. on September 27, 2025.

Respectfully submitted,

Terra Nevitt
WSBA Executive Director & Secretary



**Board of Governors Meeting – Motions List
Walla Walla, WA
July 18, 2025**

1. Approve the consent calendar, excluding the bylaw amendment regarding license fee exemption. Passed unanimously.
2. Approve the proposed bylaw amendment regarding license fee exemption. Passed unanimously.
3. Approve the FY26 budget. Passed unanimously.
4. Approve Reserve Fund recommendations. Passed unanimously.
5. Approve recommendations of the Legal Tech Task Force, delegating assignment of responsibilities to the Executive Committee. Passed unanimously.
6. Approve Board of Trustees roster for WSBF. Passed unanimously.
7. Approve WSBF bylaw changes. Passed unanimously.
8. Approve proposed changes to Legislative and Court Rule Comment Policy. Passed with one abstention.
9. Approve Law Clerk Board amendments to APR 6 and related regulations. Passed unanimously.
10. Approve Law Clerk Board additional suggested amendments to the program regulations. Passed unanimously.
11. Approve 2026 Keller deduction. Passed with one abstention.
12. Approve WSBA strategic plan direction for FY26. Passed unanimously.

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Renata Garcia de Carvalho, Chief Regulatory Counsel
Bobby Henry, Associate Director for Regulatory Services
DATE: October 14, 2025
RE: Proposed Amendments to WSBA Admissions Policies

ACTION: Review and adopt the proposed amendments to the WSBA Admissions Policies needed for administration of the NextGen Bar Exam in July 2026. Applications for the exam will be accepted starting February 1, 2026.

Background

The WSBA Admissions Policies adopted by the Board of Governors supplement the Washington Supreme Court's Admission and Practice Rules (APR). Many of the policies are adopted because the Court has directed through court rule that the WSBA establish policies for various details regarding applications for the admission to the practice of law in Washington. See, e.g., APR 3(i). The Washington Supreme Court adopted the NextGen Bar Exam beginning with the July 2026 administration. Applications for the July 2026 NextGen exam are accepted beginning February 1, 2026. Therefore, it is necessary to amend the policies at this time to conform with new procedures and policies relating to the NextGen Bar Exam and to be able to communicate these policies to persons preparing to apply for the NextGen Bar Exam.

Explanation of changes

Application Fees

There are significant changes to the application fee schedule. The amounts of the application fees for admissions were recently increased. As part of the process for determining the new fee amounts, WSBA staff was under the impression that the National Conference of Bar Examiners (NCBE) would be collecting a separate exam fee from the applicants for the bar exam. The amount of the bar exam application fee paid to the WSBA was determined based on that assumption. However, for various reasons, that assumption turned out to be incorrect. The WSBA must collect the NCBE exam fee from applicants and pay the NCBE after the exam is administered. Because of this, the policies now reflect a "WSBA application fee" and a separate "NCBE Exam Fee". The total amount bar exam applicants will pay is unchanged; it is only the payment process which is different. Instead of applicants paying the NCBE directly for the exam fee, they will pay the WSBA and the WSBA will then pass the exam fees collected through to the NCBE.

NCBE Exam Fee Refunds

The NCBE is allowing applicants to withdraw without an exam fee up to four days prior to the bar exam. Therefore, there are some changes to the withdrawal and refund policies to allow for the WSBA to refund the NCBE Exam Fee paid by applicants. The partial refund policy for the WSBA application fee remains unchanged.

Technology Fee

There is a Technology Fee that bar exam applicants must pay; however, it is completely handled through the NCBE. We note the Technology Fee in the policies because it must be paid in order to sit for the bar exam.

NCBE Investigation Fee

The section on the NCBE Investigation Fee was re-written to better clarify which applicants are required to pay the NCBE investigation fee and have their applications submitted to the NCBE for investigation. Identical changes were made to the NCBE Report Requirement section in addition to clarifying the consequences of an applicant failing to comply with the NCBE requirements.

Laptop Policy

The NextGen Bar Exam is administered via laptop computer only. Therefore, a new laptop policy is included. This, again, is a process that is done through the applicant's NCBE account and is noted in the policies only because it is required to sit for the bar exam.

No Late Arrival Policy

A new policy, as mandated by the NCBE in its Conditions of Use for the NextGen Bar Exam, is that all applicants must be seated prior to the start of oral exam instructions. Late arrivals will not be permitted to sit for the bar exam. This policy is in place as a security precaution because the bar exam is administered, and the content downloaded, online at the exam site.

Bar Exam Results

At this time, except for the final scaled bar exam score, the NCBE has not notified jurisdictions about any additional bar exam results information that will be provided to applicants. However, the policies are written in such a manner as to allow the WSBA to provide additional information to the applicants and the applicants' law schools should the NCBE authorize the release of additional exam results information.

UBE Score Transfer

Under section X relating to UBE Score Transfer applications, the first provision requiring compliance with one of the qualifications under APR 3(b) was found by staff to be an additional requirement not provided for under the rule for UBE Score Transfer qualifications. See APR 3(d). Accordingly, that provision must be removed from the policies as it is in conflict with the APR.

Effect on Applications

Finally, there is a new section at the end to define the effect these policies have on applications for the bar exam. The amended policies will apply to applicants for the July 2026 and future bar exams, while the current policies will apply to prior bar exam applications, including for the February 2026 bar exam which will not be administered until after the start of accepting applications for the NextGen bar exam on February 1, 2026.

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

The risk analysis is included in Confidential Materials in the BOG Box.

WSBA FISCAL ANALYSIS: This section is to be completed by the Finance Department, with input from the proposing entity or individual.

The fiscal impact to WSBA resulting from the recommendation includes the amount of staff time used to draft the recommendation, incorporate any approved changes to relevant records, communication of changes to stakeholders, and execute the payment collection and refund processes. The staff time that would be allocated to this work is included in the overall duties of existing WSBA staff and would not require additional staff or allocation of resources from other internal sources. Before the recent fee increase, the WSBA collected application fees and forwarded them to the NCBE, as well as administer refund requests. As explained earlier, the initial plan was for applicants to pay the NCBE directly, bypassing the WSBA. Despite the update to the fee collection and refund processes, the WSBA's workload remains unchanged between the current exam and the NextGen exam.

WSBA EQUITY ANALYSIS: This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.

The proposed changes to admissions policy are primarily intended to remain compliant with NCBE requirements for administering the NextGen bar exam, over which WSBA has limited discretion. The admissions team at WSBA may consider developing a plan to educate future bar applicants about these significant changes to admissions policies and practices and collecting data (whether quantitative or qualitative) about the impact of these changes on communities who may already experience barriers to scheduling and completing the bar exam.

Attachments

1. Proposed Amendments to Admissions Policies, markup copy

WASHINGTON STATE BAR ASSOCIATION

PROPOSED AMENDMENTS TO ADMISSIONS POLICIES OF THE WASHINGTON STATE BAR ASSOCIATION

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

Adopted July 1, 2012. Amended July 28, 2017, amendments effective September 1, 2017.

Amended November 14, 2020, amendments effective December 1, 2020.

Amended January 13, 2022, amendments effective February 1, 2022.

Amended June 9, 2023, amendments effective September 1, 2023.

Amended July 15, 2024, by Court order, amendments effective September 1, 2024.

Correction approved March 21, 2025.

Correction on August 12, 2025, to section X in compliance with APR 3(d).

Amended and correction approved November 14, 2025, amendments effective February 1, 2026.



I. GENERAL PROVISIONS AND DEFINITIONS

A. Applications

Applications for admission to practice law in Washington must be completed and submitted online or as prescribed by the Bar's admissions staff.

B. Definitions

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

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

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

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

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

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

II. APPLICATION REQUIREMENTS

A. Application Submission Policy

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

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

In addition, Attorney Applicants must submit:

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

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

B. Exam Application Filing Deadlines

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

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

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

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

Applications, including payment, must be submitted online by 11:59 P.M. (PST/PDT) the day of the deadline. Applications, or payments, submitted after the first deadline will incur a late filing fee.

Exam applications not submitted by the late filing deadline will be deleted.

C. Non-Exam Application Deadlines

Applications without a filing deadline (non-exam applications and petitions for reinstatement under APR 25) that are incomplete or missing payments, authorization and release forms, or certificates of good moral character will be disqualified within if not remedied by 60 days from the submission date. When an application is disqualified for this reason, the applicant will receive a partial refund as set forth in Section III.CG.

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

CD. Other Deadlines

Request testing accommodations	80 days prior to first day of exam.
File all requested and/or additional items.....	18 days prior to first day of exam.
Character and fitness resolution.....	18 days prior to first day of exam.
Exam360 (laptop) registration	18 days prior to first day of exam.
Change of exam method.....	18 days prior to first day of exam.
Special requests for exam room	18 days prior to first day of exam.
Pay Technology Fee via NCBE Account	4 days prior to first day of exam.
Withdraw from exam with partial refund of WSBA application fee.....	18 days prior to first day of exam.
Withdraw from bar exam with NCBE Exam Fee refund only.....	4 days prior to first day of exam.

E. Other Non-Exam Deadlines

UBE Score Transfer Applications.....	No deadline, may apply at any time.
Admission by Motion Applications	No deadline, may apply at any time.
House Counsel Applications.....	No deadline, may apply at any time.
Foreign Law Consultant Applications.....	No deadline, may apply at any time.
Petitions for Reinstatement (after disbarment) under APR 25	No deadline; see APR 25 et. seq.
Withdraw a non-exam application with partial refund	One year from date of application.

III. FEES

Fee Schedule

(1) General Applicants (Bar Exam and UBE Score Transfer)	\$595
Late Filing Fee (exam applicants only)	\$300
(2) Attorney Applicants (Bar Exam and UBE Score Transfer)	\$645
Late Filing Fee (exam applicants only)	\$300
(3) LPO Applicants	\$200
Late Filing Fee.....	\$100
(4) Admission by Motion Applicants.....	\$970
(5) House Counsel Applicants.....	\$970
(6) Foreign Law Consultant Applicants	\$970

A. Application Fee Schedule

1) Bar Exam Applications

- a. WSBA Application Fee
 - i. General Applicants..... \$595
 - ii. Attorney Applicants \$645
- b. NCBE Exam Fee See Section C below
- c. Technology Fee See Section D below

- d. NCBE Investigation Fee See Section E below
- e. Late Filing Fee (See II.B above) \$300
- 2) UBE Score Transfer Applications
 - a. WSBA Application Fee
 - i. General Applicants..... \$595
 - ii. Attorney Applicants \$645
 - b. NCBE Investigation Fee See Section E below
- 3) LPO Exam Applications
 - a. LPO Applicants \$200
 - b. Late Filing Fee (See II.B above) \$100
- 4) Admission by Motion Applicants \$970 + NCBE Investigation Fee
- 5) House Counsel Applicants..... \$970 + NCBE Investigation Fee
- 6) Foreign Law Consultant Applicants \$970 + NCBE Investigation Fee

B. WSBA Application Fee

All applicants must pay a WSBA application fee and, if applicable, a late filing fee as set forth in the fee schedule above. The WSBA application fee and late filing fee will be collected when submitting the application. Additional fees may be required as set forth in Sections C – E below.

C. NCBE Exam Fee

The WSBA will collect from each bar exam applicant an exam fee as assessed to the WSBA by the National Conference of Bar Examiners (NCBE). The NCBE exam fee will be collected when submitting the application. The NCBE exam fee is refundable if an applicant withdraws their application for the bar exam no later than 4:00 p.m. PT the Friday prior to the first day of the exam.

D. Technology Fee

All bar exam applicants are required to pay a Technology Fee through their NCBE account. The Technology Fee pays for the Internet Testing Systems (ITS) exam software which all bar exam applicants must purchase and download no later than four (4) days prior to the first day of the exam. The Technology Fee is refundable through the applicant’s NCBE account if the applicant withdraws from the exam by 4:00 p.m. PT the Friday prior to the first day of the exam.

E. NCBE Investigation Fee

The following applications are referred to the NCBE for verification and investigation of the information in the application: UBE Score Transfer Applications by General Applicants with a foreign law degree who do not have an ABA JD or did not complete Washington’s Law Clerk Program; Bar Exam Applications by General Applicants applying under APR 3(b)(4)(B); House Counsel Applications; Foreign Law Consultant Applications; and all applications by Attorney Applicants, except for applications for military spouse admission by motion under APR 3(c)(2). These applicants are required to pay a nonrefundable [investigation fee](#) to the NCBE. See Section V of these policies for all NCBE requirements.

F. Forms of Payment and Payment Deadlines

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

For exam applicants, payments by check must be received or postmarked by the application deadline. Payments received or postmarked after the first deadline will incur a late filing fee. Applications will not be accepted if payment is received or postmarked after the late filing deadline.

For exam applicants, if ~~an application fee paid~~ payment by EFT or check is declined, then applicants will have one additional opportunity to resubmit payment within five business days from notification of the declined payment. If payment is not resubmitted within the five business days, a late fee will be assessed for applications submitted by the first deadline. If the late filing deadline has passed and payment is not resubmitted within five business days from the notification of the declined payment, then the application will not be accepted.

~~B.~~ NCBE Investigation Fee

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

~~C.G.~~ Withdrawals and Refunds

For all applicants, the WSBA application fee includes a non-refundable administrative processing fee as set forth below. An exam applicant must withdraw an application at least 18 days prior to the date of the examination for a partial refund of the WSBA application fee. Petitioners under APR 25 and all other applicants must withdraw their applications no later than one year after filing the application to receive a partial refund of the WSBA application fee. The Bar will issue a refund of the WSBA application fee less the administrative fee. The partial refund policy applies to applications that are disqualified. Any late filing fees paid, and any investigation costs are nonrefundable. For exam applications, no refunds of the WSBA application fee will be issued for withdrawals or disqualifications made less than 18 days prior to the date of the exam. A bar exam applicant will receive a refund of only the NCBE Exam Fee if the application is withdrawn by 4:00 p.m. PT the Friday before the first day of the exam. ~~For all other applications, no refunds will be issued for withdrawals or disqualifications made later than one year after filing the application.~~ Exam applicants forfeit all fees if they do not show up for the exam. Exam applicants cannot transfer their applications or application fees to a different exam.

For all other applications, no refunds will be issued for withdrawals or disqualifications made later than one year after filing the application.

Administrative Fee (nonrefundable portion of WSBA application fee):

General, Attorney, <u>Motion</u> , House Counsel, and Foreign Law Consultant Applicants	\$400
LPO Applicants	\$100

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

~~D. Change of Application Type~~

~~For good cause shown, Bar staff has discretion to change the application type upon request of the applicant and apply any application fee already paid to the new application type. An example situation would be changing a House Counsel application to an Admission by Motion application.~~

IV. CHARACTER & FITNESS REVIEW

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

Washington requires resolution of all character and fitness issues at least 18 days prior to sitting for the exam. Exam applicants with unresolved character and fitness issues after this deadline will not be permitted to sit for the exam and will have their application transferred to the next exam. Applicants may choose to withdraw from the exam and receive a partial refund if the request is made at least 18 days prior to the first day of the exam in lieu of transferring to the next exam. Therefore, applicants who disclose any information that may raise an issue of character or fitness are advised to file their applications early in the registration period. Early filing or providing information prior to the 18-day deadline does not guarantee all issues will be resolved 18 days prior to the exam.

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

V. NCBE REPORT REQUIREMENT

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

The following applications are referred to the NCBE for verification and investigation of the information in the application: UBE Score Transfer Applications by General Applicants with a foreign law degree who do not have an ABA JD or did not complete Washington’s Law Clerk Program; Bar Exam Applications by General Applicants applying under APR 3(b)(4)(B), House Counsel Applications, Foreign Law Consultant Applications, and all applications by Attorney Applicants, except for applications for military spouse admission by motion under APR 3(c)(2). Applicants who have an application that is referred to the NCBE will be contacted by the NCBE and required to pay an investigation fee and submit authorization and release forms directly to the NCBE. The Bar cannot finish processing applications until the report is received from the NCBE. If the NCBE terminates work on an application because of the applicant’s failure to comply with NCBE requirements, the WSBA may disqualify the application.

Applicants applying for an exam will not be allowed to sit for the exam if the Bar does not receive a complete report back from the NCBE at least 18 days prior to the first day of the exam; in that case, the application will be transferred to the next exam. These Applicants may choose to withdraw from the exam and receive a partial refund if the request is made at least 18 days prior to the first day of the exam in lieu of transferring to the next exam. Any refunds due will be made according to the Withdrawal and Refunds provision in Section III.G.

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

VI. REQUESTS FOR TESTING ACCOMMODATIONS

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

Any testing accommodation may not compromise the integrity or security of the examination or affect the standards set for the examination. After the Bar provides notice to an applicant of the testing accommodations granted to that applicant, the applicant must acknowledge that they read and understand the accommodations granted no less than 18 days prior to the first day of the examination.

VII. SPECIAL REQUESTS FOR THE EXAM ROOM

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

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

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

VIII. LAPTOP USE AND TECHNOLOGY FEE REQUIRED FOR BAR EXAM ~~EXAM360 SOFTWARE~~

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

A laptop computer is required for all applicants sitting for the bar exam. Applicants for the bar exam must pay a Technology Fee and download ITS exam software through their NCBE account. The ITS exam software must be purchased and downloaded for each administration of the exam, even if used in the past. Applicants must sign a waiver of liability from ITS and the NCBE. Applicants who do not pay the Technology Fee and download the software by 4:00 p.m. PT the Friday before the first day of the exam will not be permitted to sit for the exam. There is no handwriting option available for the NextGen UBE.

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

IX. EXAMINATION PROVISIONS

A. Exam Security Policies & Exam Site

All applicants for all exams are to abide by the Exam Security Policy and any other exam policies or procedures established by the Bar, the NCBE, or the Washington Supreme Court.

Only applicants, WSBA staff, WSBA volunteers with permission from staff, proctors, WSBA vendors, and exam site staff and vendors are permitted at the exam site. The only exception is for representatives from law schools ~~representatives~~ and WSBA approved programs who may be present in designated areas during the lunch break or at the end of the second day of the bar exam. Law school representatives should notify WSBA in advance and follow instructions from the WSBA. No pets are allowed at the exam site. ~~Certified Service~~ animals may be approved as part of a testing accommodations request.

Applicants must be seated in the exam room prior to the start of exam instructions. Applicants arriving late or who are not in their assigned seat in the exam room at the start of oral instructions will not be permitted to sit for the exam.

B. Grading and Results for All Examinations

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

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

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

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

C. Lawyer Bar Examination

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

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

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

(4) All lawyer bar exam applicants will be provided with ~~the scaled written (MEE+MPT) score, scaled MBE score, total scaled UBE score and their national percentile rank for the MBE~~ their final official scaled UBE score and any exam information the NCBE authorizes the Bar to share with applicants; and that same results information will be shared with the applicant's law school. Unsuccessful lawyer bar exam applicants will receive ~~copies of their written essay and performance test questions and answers and written raw scores~~ any additional materials authorized by the NCBE to be provided to applicants. No other raw scores, results information, or examination materials will be provided to the applicants.

D. Washington Law Component

All applicants qualifying for admission as a lawyer under APR 3 and APR 25 must pass the Washington Law Component (WLC). The WLC is comprised of online materials and an online multiple-choice test based on areas or subjects of law that are specific to Washington State. The Board of Bar Examiners is responsible for the content of the WLC and shall publish the Washington state specific materials for applicants.

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

X. UBE SCORE TRANSFER APPLICANT PROVISIONS

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

UBE score transfer applicants must have a qualifying UBE score.

UBE score transfer applicants may apply in Washington as a UBE score transfer applicant while applying in a different UBE jurisdiction to take the UBE, with the intent of transferring a qualifying score from that jurisdiction to Washington. The applicant must notify the Bar of the jurisdiction where the applicant will take the UBE.

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

XI. EFFECT ON BAR EXAM APPLICATIONS AND APR 25 PETITIONS FOR REINSTATEMENT SUBMITTED PRIOR TO FEBRUARY 1, 2026

These Admissions Policies shall not apply to bar exam applications submitted prior to February 1, 2026, or to APR 25 petitions for reinstatement where the applicant or petitioner sat for the bar exam prior to 2026; instead, such bar exam applications and petitions shall be governed by the policies dated September 1, 2024. If an applicant or petitioner for reinstatement later sits for a bar exam in 2026 or later, then these policies shall apply to the application or petition.

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Kari Petrasek, Chair of the STAR Council
DATE: October 7, 2025
RE: Amend the WSBA Small Town and Rural (STAR) Council Charter to Update the “Young Lawyer” to “New Member” Position

CONSENT: Approve the STAR Council Charter Amendment to Change the “Young Lawyer” Position to “New Member”

Background

At the July 2025 WSBA Board of Governors (BOG) meeting, the BOG unanimously approved proposed amendments to Article XII (and related Articles) from the Washington Young Lawyers Committee (NKA Washington New Members Committee), to change the name and definition of “Young Lawyer” to “New Member.” September 2025, the Washington Supreme Court approved the proposed WSBA Bylaws amendments, with an effective date of October 1, 2025. On September 24, 2025, the STAR Council voted to approve an amendment to the Council’s Charter to rename the “Young Lawyer” position to “New Member.”

Conclusion

The STAR Council respectfully requests the BOG to approve the Charter amendments changing the “Young Lawyer” seat to “New Member” to be consistent with WSBA Bylaws.

Attachments

STAR Council Amendment to Change “Young Lawyer” to “New Member” – Redline

STAR Council Amendment to Change “Young Lawyer” to “New Member” – Clean

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

Provided separately as confidential materials.

WSBA FISCAL ANALYSIS: *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The fiscal impact to WSBA resulting from the proposed amendment is limited to the amount of staff time used to draft the proposal, incorporate the approved changes to relevant records, and communication of changes to stakeholders. The staff time that would be allocated to this work is included in the overall duties of existing WSBA staff and would not require additional staff or allocation of resources from other internal sources.

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

The proposed action codifies the approved name change to New Members which fosters inclusion and promotes more equitable outcomes. There are no equity concerns with this proposed action.

CHARTER

Small Town and Rural Council

Adopted: April 17, 2021. Amended July 17, 2021; September 7, 2024; November 14, 2025.

Purpose

As an advisory entity to the WSBA Board of Governors, the Small Town and Rural (STAR) Council is committed to strengthen and support the practice of law in the rural communities throughout Washington state. Members of the STAR Council will work to ensure that the practice of law in rural communities is present, growing, and thriving.

Practitioners in rural communities are few and far between. Additionally, many of these practitioners are nearing retirement without a clear plan of succession for their clients, leaving a void of access to legal representation and counsel. The STAR Council will guide policy & program development, serves as ambassadors between the WSBA and these communities, explore and advocate for creative and innovative solutions, and regularly assess the legal landscape in rural communities to determine if WSBA policy, advocacy and program development require further resource for sustainability and improvements.

The STAR Council aligns with the authorized activities outlined in General Rule 12. More specifically, GR 12.1 (a) articulates the Washington Supreme Court’s regulatory objective to provide, in part, “meaningful access to justice. . .” while GR 12.1(d) strives for “affordable and accessible legal services.” In addition, the STAR Council aligns with the authorized activities outlined in GR 12.2, in particular by providing “services to members and the public,” and “fostering collegiality among its members and goodwill between the legal profession and the public.”

Further, the STAR Council furthers the WSBA mission to serve the public and the members of the Bar by providing focused attention on the unique needs of residents and members in rural areas both by improving access to legal practitioners in rural communities and outreach and development of a pipeline of younger rural residents to pursue a legal career and serve their communities.

Definition of “Rural”

For the purpose of the STAR Council and reflective of Washington’s unique geographic and sociogeographic landscape, the definition of “rural” is as follows:

Based on the definitions produced by the U.S. Department of Agriculture Economic Research Service (ERS) and an overview of Washington county population, we focused on counties with populations of less than 50,000 and more than 2,500. These areas are considered ‘urban nonmetro areas not part of larger labor markets’ by ERS. As part of the working definition, and for ease, we have termed these counties as ‘rural.’ Based upon WA county population data, we’ve pursued a hypothesis that counties with 30,000 or more are rural, but likely adjacent to a labor market and perhaps have a varying set of circumstances that may differ from counties that are less than 30,000.

This definition will serve as the “per se” definition of rural. The STAR Council has the authority to change this definition based on specific programming objectives.

Composition

The member appointment process will follow the process for WSBA Committees. Members of the STAR Council should have demonstrated experience and/or interest in a thriving legal practice in Washington's rural communities. The STAR Council will consist of 13 members and are outlined as:

- Chair (voting member)
- 2 Current or Former WSBA Board of Governors Members (voting members)
- 1 Active WSBA Member At Large (voting member)
- 4 Active WSBA Members from rural communities - see above for definition of "rural" (voting members)
- 1 Active WSBA ~~Young Lawyer~~New Member, as defined in WSBA Bylaws (voting member)
- 3 Law School Representatives (voting members, must be currently employed with a WA Law School which is not currently represented on the Committee.)
- 1 Active WSBA Lawyer Member currently employed with a Qualified Legal Service Provider (QLSP) (voting member).

WSBA Staff Liaison: Member Services and Engagement Manager or staff member in the Advancement Department, non-voting.

Board of Governor Liaison: as assigned annually, non-voting.

Terms

- Chair: two-year term
- Members: three-year term

Initial Committee Terms

In FY21, the first appointments to the STAR Council were effectuated in a staggered rotation of STAR Council members. Therefore, the following terms were in place for the first appointment cycle only. All subsequent terms should adhere to the term limits stated above. STAR Council members serving an initial term less than three years, should be considered an incomplete term. Therefore, the member is eligible to serve two subsequent complete three-year terms per WSBA Bylaws.

- 2 Active WSBA Members
1 member with two-year term, 1 member with three-year term.
- 4 Active WSBA Members from rural communities (see above for definition)
1 member with one-year term, 1 member with two years term, 2 members with three-years term.
- 3 Law School Representatives (voting, must be currently employed with a WA Law School)
1 member with one-year term, 1 member with two-years term, 1 member with three-years term.

The following positions will begin as a standard term as set forth in this charter.

- Chair
- 1 Active WSBA ~~New/Young Lawyer~~ Member
- 1 Active WSBA Lawyer Member currently employed with a Qualified Legal Service Provider (QLSP).

Scope of Work

The scope of the STAR Council's work will focus on what the WSBA is uniquely positioned to do in supporting a sustaining and thriving environment for the practice of law and increase access to justice in Washington's rural communities. The STAR Council will work with all relevant and interested stakeholders to collaborate where needed. The provision of direct legal services and civil legal aid to the public is outside the scope of the STAR Council.

Measures of Success

- Increased awareness of the issues and possible solutions to address any gap in practicing members in rural communities.
- A sustainable pipeline of legal practitioners in rural communities.
- Increased numbers of legal practitioners in rural communities.
- The establishment of funding for programs and initiatives for the practice of law in rural communities.

STAR Council Roles

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

CHARTER
Small Town and Rural Council

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.

Committee Evaluation

The STAR Council should conduct an assessment within five years from the date of Board of Governors' initial approval of the STAR Committee by 1) conducting a survey of rural practitioners to provide stakeholder feedback regarding the impact of this Council to effectuate change in these areas, 2) assessing the scope of work to reflect impact and progress in this area and align with trends in the greater legal community, and 3) earnestly examining if the Council is necessary to continue the scope of work.

CHARTER

Small Town and Rural Council

Adopted: April 17, 2021. Amended July 17, 2021; September 7, 2024; November 14, 2025.

Purpose

As an advisory entity to the WSBA Board of Governors, the Small Town and Rural (STAR) Council is committed to strengthen and support the practice of law in the rural communities throughout Washington state. Members of the STAR Council will work to ensure that the practice of law in rural communities is present, growing, and thriving.

Practitioners in rural communities are few and far between. Additionally, many of these practitioners are nearing retirement without a clear plan of succession for their clients, leaving a void of access to legal representation and counsel. The STAR Council will guide policy & program development, serves as ambassadors between the WSBA and these communities, explore and advocate for creative and innovative solutions, and regularly assess the legal landscape in rural communities to determine if WSBA policy, advocacy and program development require further resource for sustainability and improvements.

The STAR Council aligns with the authorized activities outlined in General Rule 12. More specifically, GR 12.1 (a) articulates the Washington Supreme Court’s regulatory objective to provide, in part, “meaningful access to justice. . .” while GR 12.1(d) strives for “affordable and accessible legal services.” In addition, the STAR Council aligns with the authorized activities outlined in GR 12.2, in particular by providing “services to members and the public,” and “fostering collegiality among its members and goodwill between the legal profession and the public.”

Further, the STAR Council furthers the WSBA mission to serve the public and the members of the Bar by providing focused attention on the unique needs of residents and members in rural areas both by improving access to legal practitioners in rural communities and outreach and development of a pipeline of younger rural residents to pursue a legal career and serve their communities.

Definition of “Rural”

For the purpose of the STAR Council and reflective of Washington’s unique geographic and sociogeographic landscape, the definition of “rural” is as follows:

Based on the definitions produced by the U.S. Department of Agriculture Economic Research Service (ERS) and an overview of Washington county population, we focused on counties with populations of less than 50,000 and more than 2,500. These areas are considered ‘urban nonmetro areas not part of larger labor markets’ by ERS. As part of the working definition, and for ease, we have termed these counties as ‘rural.’ Based upon WA county population data, we’ve pursued a hypothesis that counties with 30,000 or more are rural, but likely adjacent to a labor market and perhaps have a varying set of circumstances that may differ from counties that are less than 30,000.

This definition will serve as the “per se” definition of rural. The STAR Council has the authority to change this definition based on specific programming objectives.

Composition

The member appointment process will follow the process for WSBA Committees. Members of the STAR Council should have demonstrated experience and/or interest in a thriving legal practice in Washington's rural communities. The STAR Council will consist of 13 members and are outlined as:

- Chair (voting member)
- 2 Current or Former WSBA Board of Governors Members (voting members)
- 1 Active WSBA Member At Large (voting member)
- 4 Active WSBA Members from rural communities - see above for definition of "rural" (voting members)
- 1 Active WSBA New Member, as defined in WSBA Bylaws (voting member)
- 3 Law School Representatives (voting members, must be currently employed with a WA Law School which is not currently represented on the Committee.)
- 1 Active WSBA Lawyer Member currently employed with a Qualified Legal Service Provider (QLSP) (voting member).

WSBA Staff Liaison: Member Services and Engagement Manager or staff member in the Advancement Department, non-voting.

Board of Governor Liaison: as assigned annually, non-voting.

Terms

- Chair: two-year term
- Members: three-year term

Initial Committee Terms

In FY21, the first appointments to the STAR Council were effectuated in a staggered rotation of STAR Council members. Therefore, the following terms were in place for the first appointment cycle only. All subsequent terms should adhere to the term limits stated above. STAR Council members serving an initial term less than three years, should be considered an incomplete term. Therefore, the member is eligible to serve two subsequent complete three-year terms per WSBA Bylaws.

- 2 Active WSBA Members
1 member with two-year term, 1 member with three-year term.
- 4 Active WSBA Members from rural communities (see above for definition)
1 member with one-year term, 1 member with two years term, 2 members with three-years term.
- 3 Law School Representatives (voting, must be currently employed with a WA Law School)
1 member with one-year term, 1 member with two-years term, 1 member with three-years term.

The following positions will begin as a standard term as set forth in this charter.

- Chair
- 1 Active WSBA New Member
- 1 Active WSBA Lawyer Member currently employed with a Qualified Legal Service Provider (QLSP).

Scope of Work

The scope of the STAR Council's work will focus on what the WSBA is uniquely positioned to do in supporting a sustaining and thriving environment for the practice of law and increase access to justice in Washington's rural communities. The STAR Council will work with all relevant and interested stakeholders to collaborate where needed. The provision of direct legal services and civil legal aid to the public is outside the scope of the STAR Council.

Measures of Success

- Increased awareness of the issues and possible solutions to address any gap in practicing members in rural communities.
- A sustainable pipeline of legal practitioners in rural communities.
- Increased numbers of legal practitioners in rural communities.
- The establishment of funding for programs and initiatives for the practice of law in rural communities.

STAR Council Roles

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

CHARTER
Small Town and Rural Council

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.

Committee Evaluation

The STAR Council should conduct an assessment within five years from the date of Board of Governors' initial approval of the STAR Committee by 1) conducting a survey of rural practitioners to provide stakeholder feedback regarding the impact of this Council to effectuate change in these areas, 2) assessing the scope of work to reflect impact and progress in this area and align with trends in the greater legal community, and 3) earnestly examining if the Council is necessary to continue the scope of work.

TO: WSBA Board of Governors
FROM: Executive Director Terra Nevitt
DATE: October 23, 2025
RE: Executive Director's Report

The Entity Regulation Pilot Project has Officially Begun

WSBA is set to make history with the launch of the Entity Regulation Pilot Project. The initiative, authorized by the Washington Supreme Court in December 2024, aims to explore new legal-service delivery models to bridge the access-to-justice gap. For the first time in state history, businesses and nonprofits can seek authorization to offer legal services through the WSBA-managed application portal, which opened on October 21, 2025. Applicants will propose to test innovative legal service models that can increase the public's access to legal service, without significant risk of public harm, that would not be possible under our current regulatory framework. Specific tests will be authorized by the Washington Supreme Court and closely supervised by WSBA and the Practice of Law Board. The Pilot Project will gather data over ten years to consider whether permanent regulatory changes are appropriate. More information is available on the [WSBA website](#). Please email entityregulationpilot@wsba.org with questions.

First in the Nation Study of Disability Access to the Courts

On September 10, 2025, the Washington State Supreme Court hosted its Disability Task Force's Symposium at the Temple of Justice. The full-day event featured stories and learnings from the Task Force's statewide review of disability access in Washington courts. There are many takeaways that are relevant to WSBA. The study was unique in that it was grounded in Disability Justice principles as opposed to an emphasis on legal compliance. You can watch the symposium and review the report [here](#).

Attachments

Q4 FY25 Budget Reallocations

[Member Demographics Report](#)

[Litigation Report](#) (confidential)

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Terra Nevitt, Executive Director

Date: October 14, 2025

Subject: FY 2025 Budget Reallocations for Q4

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. Reallocations may not affect the annual budget's bottom line. The Executive Director must report reallocation of funds to the President on a monthly basis and to the Board on a quarterly basis. It is expected that the Executive Director will consult with the President on reallocations that may be considered sensitive or controversial in nature, prior to execution."

Immediate Past President Anjilvel was notified that there were no approved reallocations for the month of July on August 8, and the month of August on September 5. President Adewale was notified of the September reallocation on October 13.

For FY 2025, the WSBA's annual operating budget is \$28,250,284 and the Executive Director's limit for reallocation is up to \$1,412,514 (5%). The total amount of funds reallocated from October 1 through September 30 are \$183,434 (0.65% of annual operating budget).

FY25 Budget Reallocations for Q4

BOG Meetings- The expenses for WSBA Board of Governors meetings are expected to exceed budget due to higher than anticipated expenses for the July 2025 meeting in Walla Walla. A total of \$9,000 is needed and can be reallocated from BOG Travel and Outreach in the BOG cost center which will come in under budget at year-end.

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: WSBA Judicial Recommendation Committee; Sanjay Walvekar, WSBA Legislative Affairs Manager
DATE: October 20, 2025
RE: WSBA Judicial Recommendation Committee Interview Question Updates

ACTION: Approve the updated list of Judicial Recommendation Committee interview questions.

The Judicial Recommendation Committee (JRC) Guidelines require the JRC to maintain a list of permissible interview questions that may be asked during candidate interviews for judicial ratings. The JRC's process has been to select questions from this list to create an interview that is tailored to each candidate, meaning different candidates may be asked different pre-approved questions.

The JRC Guidelines also direct WSBA General Counsel and Human Resources to conduct a periodic review of the JRC's list of permissible interview questions. After conducting their review of the interview questions, WSBA General Counsel advised that, as a best practice, the interview process should apply the same standards to all applicants by asking the same set of interview questions to each applicant.

JRC leadership created a process to survey JRC members on their preferred interview questions and to give members the opportunity to provide feedback. JRC leadership reviewed the survey results and compiled an updated list of interview questions, which were then reviewed by WSBA General Counsel. JRC members have also provided feedback to General Counsel and the JRC BOG Liaisons.

Per committee guidelines approved by the Board of Governors, the proceedings and records of the committee are kept strictly confidential. The committee's recommendations are available in the Governor's materials via the WSBA cloud-sharing service.

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

WSBA FISCAL ANALYSIS: *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The fiscal impact to the WSBA resulting from the proposed action is primarily limited to the amount of staff time used to review the interview questions, provide administrative support to draft materials for approval, and incorporate the approved changes to relevant records. The staff time allocated to this work is included in the overall duties of existing WSBA staff and does not require additional staff or allocation of resources from other internal sources.

WSBA EQUITY ANALYSIS: *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

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

To: Board of Governors

From: Budget and Audit Committee

Re: 2027 License Fees

Date: October 20, 2025

ACTION: Adopt the Budget and Audit Committee’s recommendation regarding 2027 license fees as noted below.

BACKGROUND

License fees are determined by the Board of Governors (BOG) and reviewed for reasonableness by the Washington Supreme Court. Since 2012, license fees have been set annually. The full active lawyer fee for 2026 is \$468, a \$10 increase from the 2025 rate of \$458, which had been unchanged for six years. In FY 2025, the BOG approved the establishment of a [License Fee Policy](#) aimed at creating a consistent method for adjusting fees in alignment with an annual market measure based on an industry benchmark. This approach ensures that fee changes are more closely tied to actual increases in business costs, while also allowing flexibility to adjust fees based on reserve availability and evolving programmatic needs.

RECOMMENDATION

At their October 20, 2025 meeting, the Budget and Audit Committee reviewed **Attachment A**. After consideration of the information and discussion, the Committee voted to recommend to the Board of Governors that the full active license fee rate for 2027 increase by a net total of \$7 to \$475. When following the steps outlined in the license fee policy, the initial fee increase after applying the Washington L&I COLA of 6.75% is \$32 which is reduced by \$25 (reflecting the use of existing unrestricted reserves), for a net total increase of \$7. The motion was approved unanimously (5-0).

Below is a list of all attorney license fee types and recommended fees for 2027.

License Type	License Fee	\$ Change from 2026
Active Lawyer- Admitted prior to 2023	\$475.00	\$7.00
Active Lawyer- Admitted 2023 or 2024	\$237.50	\$3.50
New Admittee Lawyer- 100%	\$475.00	\$7.00
New Admittee Lawyer- 50%	\$237.50	\$3.50
New Admittee Lawyer- 25%	\$118.75	\$1.75
Inactive Lawyer/Pro Bono Status	\$200.00	No Change
Judicial	\$50.00	No Change
Foreign Law Consultant	\$475.00	\$7.00
Housel Counsel	\$475.00	\$7.00
Emeritus	\$200.00	No Change
Pro Hac Vice	\$475.00	\$475.00

WASHINGTON STATE BAR ASSOCIATION

To: Budget and Audit Committee

From: Tiffany Lynch, Director of Finance
Terra Nevitt, Executive Director

cc: Executive Leadership Team

Re: 2027 License Fees

Date: October 17, 2025

BACKGROUND

License fees are determined by the Board of Governors (BOG) and reviewed for reasonableness by the Washington Supreme Court. Since 2012, license fees have been set annually. The full active lawyer fee for 2026 is \$468, a \$10 increase from the 2025 rate of \$458, which had been unchanged for five years.

In FY 2025, the BOG approved the establishment of a [License Fee Policy](#) aimed at creating a consistent method for adjusting fees in alignment with an annual market measure based on an industry benchmark. This approach ensures that fee changes are more closely tied to actual increases in business costs, while also allowing flexibility to adjust fees based on reserve availability and evolving programmatic needs. Although the 2026 license fee was set before the policy's establishment, it was developed using the same principles. For instance, the Washington State L&I Cost-of-Living Adjustment (COLA) for 2024 of 5.9% was applied to the existing license fee of \$458, resulting in a \$27 increase. However, this amount was partially offset by reserves totaling \$17, leading to a net increase of \$10.

APPLICATION OF LICENSE FEE POLICY

The policy outlines a 3-step process for developing a proposed license fee:

Step 1: An effective license fee increase will be developed based on membership trends and application of an industry benchmark (defined currently as the Cost-of-Living Adjustment (COLA) for Washington State L&I). This is considered the *status quo effective license fee*.

- ❖ The Washington State L&I COLA for 2025 is 6.75%. When applied to the 2026 license fee of \$468, it results in an increase of \$32.
- ❖ **The status quo effective license fee is \$500.**

Step 2: Identify desired program shifts and their impact on the effective license fee.

- ❖ We have prepared fiscal projections for FY27 through FY29, estimating programming and operational needs (see *Projections and Determining Status Quo Actual License Fee Change* section below). However, certain items with potential fiscal impacts, such as the fee structure for the Alternative Pathways and results of implementation of Entity Regulation, currently lack concrete information or historical data, which results in less certainty in projections.

Step 3: The effective license fee can be adjusted up or down based on the level of required reserves set by policy, as well as the level of reserves available. This is considered the *status quo actual license fee change*.

- ❖ The General Fund has multiple reserves including operating, facilities, special projects/innovation, and license fee stability reserve funds, for which the Board designates specific dollar amounts to support the work of the WSBA. Any undesignated amounts are allocated to the unrestricted reserve fund. WSBA's General Fund reserves have remained healthy, with consistent additions to the unrestricted reserve each year since 2017. WSBA Fiscal Policies require a minimum of \$2M in total General Fund reserves at all times. The chart below provides historical information on General Fund reserve balances.

FISCAL YEAR	TOTAL GENERAL FUND RESERVES	OPERATING RESERVE	FACILITIES RESERVE	OTHER RESERVES*	UNRESTRICTED RESERVE
2017	\$ 3,363,751	\$ 1,500,000	\$ 200,000	\$ -	\$ 1,663,751
2018	\$ 3,795,858	\$ 1,500,000	\$ 450,000	\$ -	\$ 1,845,858
2019	\$ 4,736,537	\$ 1,500,000	\$ 550,000	\$ -	\$ 2,686,537
2020	\$ 5,528,234	\$ 1,500,000	\$ 550,000	\$ -	\$ 3,478,234
2021	\$ 7,072,174	\$ 1,500,000	\$ 1,050,000	\$ -	\$ 4,522,174
2022	\$ 8,713,268	\$ 2,000,000	\$ 1,000,000	\$ -	\$ 5,713,268
2023	\$ 9,849,489	\$ 2,000,000	\$ 2,700,000	\$ -	\$ 5,149,489
2024	\$ 10,126,349	\$ 2,500,000	\$ 207,286	\$ 400,000	\$ 7,019,063
2025 Projected	\$ 9,831,055	\$ 2,500,000	\$ 151,038	\$ 597,914	\$ 6,582,103**
2026 Budget	\$ 8,913,751	\$ 2,500,000	\$ 301,038	\$ 60,397	\$ 6,052,316

*Other Reserves consist of: Capital Reserve and Board Program Reserve from 2012-2016; License Fee Stability Fund and Special Projects & Innovation Fund beginning 2023

**Unrestricted reserves in the amount of \$460,000 were reallocated to the Special Projects and Innovation Fund in September 2025. Without reallocation, the unrestricted reserves are projected to increase based on FY 2025 performance.

PROJECTIONS & DETERMINING STATUS QUO ACTUAL LICENSE FEE CHANGE

To establish baseline fiscal impact, we updated fiscal projections assuming no change in the current fee structure or amount of \$468 for full fee active attorney from 2026 to 2029. This helps provide a timeline for the use of our unrestricted reserves and potential increase in future license fees. The chart below shows the estimated use of unrestricted reserves assuming WSBA meets projected budget expectations, and alternatively if WSBA outperforms the budget by \$600,000 annually. This provides an estimated range of unrestricted reserve balances from the most conservative (meeting budget expectations) to a balance that considers historical performance. Included in the chart is the **"Effective License Fee,"** which represents the fee that would need to be charged if no reserves are used, resulting in a break-even budget. The effective license fee from FY 2026 to FY 2029 increases each year due to the corresponding growth in net losses and is limited to increases in the number of attorney licenses. The increases range from 3-5% annually (and an average of 4%), which is in line with the annual increase in expenses of approximately 4%.

LICENSE FEES & RESERVE BALANCES 2025-2029										
Fiscal Year	License Fee Rates	Effective License Fee	Total General Fund Revenue	Total General Fund Expenses	Net Income/(Loss)	Total General Fund Reserves	Operating Reserve	Facilities Reserve	Other Reserves	Unrestricted Reserves
PROJECTIONS										
FY 2025 Est.	\$458	\$466	\$ 23,620,572	\$ 23,915,867	\$ (295,295)	\$ 9,831,054	\$ 2,500,000	\$ 151,037	\$ 597,914	\$ 6,582,103
FY 2026	\$458/\$468	\$492	\$ 23,485,538	\$ 24,402,842	\$ (917,304)	\$ 8,913,750	\$ 2,500,000	\$ 301,037	\$ 60,397	\$ 6,052,316
FY 2027	\$468	\$512	\$ 23,630,745	\$ 25,299,292	\$ (1,668,547)	\$ 7,245,203	\$ 2,500,000	\$ 451,037	\$ 60,397	\$ 4,233,769
FY 2028	\$468	\$537	\$ 23,945,082	\$ 26,556,675	\$ (2,611,593)	\$ 4,633,610	\$ 2,500,000	\$ 601,037	\$ 60,397	\$ 1,472,176
FY 2029	\$468	\$550	\$ 24,201,241	\$ 27,365,558	\$ (3,164,317)	\$ 1,469,293	\$ 2,500,000	\$ 751,037	\$ 60,397	\$ (1,842,141)
PROJECTIONS w/\$600K offset										
FY 2026	\$458/\$468	\$476	\$ 23,485,538	\$ 24,402,842	\$ (317,304)	\$ 9,513,750	\$ 2,500,000	\$ 301,037	\$ 60,397	\$ 6,652,316
FY 2027	\$468	\$496	\$ 23,630,745	\$ 25,299,292	\$ (1,068,547)	\$ 8,445,203	\$ 2,500,000	\$ 451,037	\$ 60,397	\$ 5,433,769
FY 2028	\$468	\$521	\$ 23,945,082	\$ 26,556,675	\$ (2,011,593)	\$ 6,433,610	\$ 2,500,000	\$ 601,037	\$ 60,397	\$ 3,272,176
FY 2029	\$468	\$535	\$ 24,201,241	\$ 27,365,558	\$ (2,564,317)	\$ 3,869,293	\$ 2,500,000	\$ 751,037	\$ 60,397	\$ 557,859

The 2027 effective license fee ranges from \$496 to \$512, based on budget performance assumptions. The calculated **status quo effective license fee of \$500** is not significantly far off from this range, supporting the continued use of the COLA as the industry benchmark.

Projections indicate WSBA has sufficient reserves to support a net loss in FY 2027 without raising fees. However, when the BOG set the 2026 fee and adopted the license fee policy, the majority preferred smaller incremental increases over time while utilizing reserves, rather than depleting reserves initially and implementing more substantial fee increases later. The chart below provides options for the **2027 status quo license fee change** modeling various combinations of fee increases and reserve utilization to assist the Budget and Audit Committee in making an informed recommendation.

2027							
Base Fee	COLA Adjustment Rate	COLA \$ Increase	Fee Offset from Reserves	Status Quo License Fee Change	Adjusted Fee	Projected Use of Unrestricted Reserves	Remaining Balance of Unrestricted Reserves
\$468	6.75%	\$32	(\$27)	\$5	\$473	\$1.53M	\$4.3M
			(\$22)	\$10	\$478	\$1.4M	\$4.5M
			(\$17)	\$15	\$483	\$1.26M	\$4.63M
			(\$12)	\$20	\$488	\$1.13M	\$4.77M
			(\$7)	\$25	\$493	\$996K	\$4.9M

When evaluating the long-term effects of incremental license fee increases, various combinations can be modeled. We have chosen to present four different scenarios for fees over a three-year period (2027 to 2029), each demonstrating a range of possible outcomes.

Scenario 1: Fee increases of \$5 in 2027, \$10 in 2028, and \$15 in 2029

In this scenario, if actual results align with projections, the fee increases would be insufficient to cover costs by 2029, resulting in a negative unrestricted reserve balance of (\$322,150). However, should WSBA outperform the budget by \$600,000 annually, it would maintain healthy reserves amounting to \$2.07 million in 2029.

Fiscal Year	License Fee Rates	Effective License Fee	Total General Fund Revenue	Total General Fund Expenses	Net Income/(Loss)	Total General Fund Reserves	Unrestricted Reserves
PROJECTIONS							
FY 2026	\$458/\$468	\$492	\$ 23,485,538	\$ 24,402,842	\$ (917,304)	\$ 8,913,750	\$ 6,052,316
FY 2027	\$468/\$473	\$514	\$ 23,765,282	\$ 25,299,292	\$ (1,534,010)	\$ 7,379,740	\$ 4,368,306
FY 2028	\$473/\$483	\$540	\$ 24,388,963	\$ 26,556,675	\$ (2,167,712)	\$ 5,212,028	\$ 2,050,594
FY 2029	\$483/\$498	\$556	\$ 25,142,814	\$ 27,365,558	\$ (2,222,744)	\$ 2,989,284	\$ (322,150)
PROJECTIONS w/\$600K offset							
FY 2026	\$458/\$468	\$476	\$ 23,485,538	\$ 24,402,842	\$ (317,304)	\$ 9,513,750	\$ 6,652,316
FY 2027	\$468/\$473	\$498	\$ 23,765,282	\$ 25,299,292	\$ (934,010)	\$ 8,579,740	\$ 5,568,306
FY 2028	\$473/\$483	\$524	\$ 24,388,963	\$ 26,556,675	\$ (1,567,712)	\$ 7,012,028	\$ 3,850,594
FY 2029	\$483/\$498	\$540	\$ 25,142,814	\$ 27,365,558	\$ (1,622,744)	\$ 5,389,284	\$ 2,077,850

Scenario 2: Fee increases of \$10 annually

In this scenario, if actual results align with projections, the fee increases would be adequate to cover costs by 2029, although they could result in a minimal balance available in unrestricted reserves of \$34,093. However, if WSBA outperforms the budget by \$600,000 annually, there would be healthy reserves available by 2029 (\$2.4 million).

Fiscal Year	License Fee Rates	Effective License Fee	Total General Fund Revenue	Total General Fund Expenses	Net Income/(Loss)	Total General Fund Reserves	Unrestricted Reserves
PROJECTIONS							
FY 2026	\$458/\$468	\$492	\$ 23,485,538	\$ 24,402,842	\$ (917,304)	\$ 8,913,750	\$ 6,052,316
FY 2027	\$468/\$478	\$515	\$ 23,899,818	\$ 25,299,292	\$ (1,399,474)	\$ 7,514,276	\$ 4,502,842
FY 2028	\$478/\$488	\$540	\$ 24,566,235	\$ 26,556,675	\$ (1,990,440)	\$ 5,523,836	\$ 2,362,402
FY 2029	\$488/\$498	\$555	\$ 25,187,249	\$ 27,365,558	\$ (2,178,309)	\$ 3,345,527	\$ 34,093
PROJECTIONS w/\$600K offset							
FY 2026	\$458/\$468	\$476	\$ 23,485,538	\$ 24,402,842	\$ (317,304)	\$ 9,513,750	\$ 6,652,316
FY 2027	\$468/\$478	\$499	\$ 23,899,818	\$ 25,299,292	\$ (799,474)	\$ 8,714,276	\$ 5,702,842
FY 2028	\$478/\$488	\$525	\$ 24,566,235	\$ 26,556,675	\$ (1,390,440)	\$ 7,323,836	\$ 4,162,402
FY 2029	\$488/\$498	\$539	\$ 25,187,249	\$ 27,365,558	\$ (1,578,309)	\$ 5,745,527	\$ 2,434,093

Scenario 3: Fee increases of \$10 in 2027, \$15 in 2028, and \$15 in 2029

In this scenario, if actual results align with projections, the fee increases would be adequate to cover costs by 2029, while also leaving an available balance in unrestricted reserves of \$481,255. Should WSBA outperform the budget by \$600,000 annually, there would be substantial reserves amounting to \$2.88 million by 2029.

Fiscal Year	License Fee Rates	Effective License Fee	Total General Fund Revenue	Total General Fund Expenses	Net Income/(Loss)	Total General Fund Reserves	Unrestricted Reserves
PROJECTIONS							
FY 2026	\$458/\$468	\$492	\$ 23,485,538	\$ 24,402,842	\$ (917,304)	\$ 8,913,750	\$ 6,052,316
FY 2027	\$468/\$478	\$515	\$ 23,899,818	\$ 25,299,292	\$ (1,399,474)	\$ 7,514,276	\$ 4,502,842
FY 2028	\$478/\$493	\$542	\$ 24,699,540	\$ 26,556,675	\$ (1,857,135)	\$ 5,657,141	\$ 2,495,707
FY 2029	\$493/\$508	\$557	\$ 25,501,106	\$ 27,365,558	\$ (1,864,452)	\$ 3,792,689	\$ 481,255
PROJECTIONS w/\$600K offset							
FY 2026	\$458/\$468	\$476	\$ 23,485,538	\$ 24,402,842	\$ (317,304)	\$ 9,513,750	\$ 6,652,316
FY 2027	\$468/\$478	\$499	\$ 23,899,818	\$ 25,299,292	\$ (799,474)	\$ 8,714,276	\$ 5,702,842
FY 2028	\$478/\$493	\$526	\$ 24,699,540	\$ 26,556,675	\$ (1,257,135)	\$ 7,457,141	\$ 4,295,707
FY 2029	\$493/\$508	\$541	\$ 25,501,106	\$ 27,365,558	\$ (1,264,452)	\$ 6,192,689	\$ 2,881,255

Scenario 4: No fee increase in 2027; increase of \$15 in 2028, and \$20 in 2029

In this scenario, if actual results align with projections, the fee increases would be insufficient to cover costs by 2029, resulting in a negative unrestricted reserve balance of (\$365,942). However, should WSBA outperform the budget by \$600,000 annually, it would maintain healthy reserves amounting to \$2.03 million in 2029.

Fiscal Year	License Fee Rates	Effective License Fee	Total General Fund Revenue	Total General Fund Expenses	Net Income/(Loss)	Total General Fund Reserves	Unrestricted Reserves
PROJECTIONS							
FY 2026	\$458/\$468	\$492	\$ 23,485,538	\$ 24,402,842	\$ (917,304)	\$ 8,913,750	\$ 6,052,316
FY 2027	\$468	\$512	\$ 23,630,745	\$ 25,299,292	\$ (1,668,547)	\$ 7,245,203	\$ 4,233,769
FY 2028	\$468/\$483	\$541	\$ 24,344,997	\$ 26,556,675	\$ (2,211,678)	\$ 5,033,525	\$ 1,872,091
FY 2029	\$483/\$503	\$557	\$ 25,277,525	\$ 27,365,558	\$ (2,088,033)	\$ 2,945,492	\$ (365,942)
PROJECTIONS w/\$600K offset							
FY 2026	\$458/\$468	\$476	\$ 23,485,538	\$ 24,402,842	\$ (317,304)	\$ 9,513,750	\$ 6,652,316
FY 2027	\$468	\$496	\$ 23,630,745	\$ 25,299,292	\$ (1,068,547)	\$ 8,445,203	\$ 5,433,769
FY 2028	\$468/\$483	\$525	\$ 24,344,997	\$ 26,556,675	\$ (1,611,678)	\$ 6,833,525	\$ 3,672,091
FY 2029	\$483/\$503	\$542	\$ 25,277,525	\$ 27,365,558	\$ (1,488,033)	\$ 5,345,492	\$ 2,034,058

RECOMMENDATION

The Budget and Audit Committee is responsible for recommending the annual license fee to the BOG. We ask the Committee to review the information provided, reflect on the reasons for establishing the license fee policy, and consider how this policy can guide decision-making to determine an appropriate recommended fee.

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Alain Villeneuve, BOG Legislative Committee Chair; Sanjay Walvekar, WSBA Legislative Affairs Manager
DATE: October 15, 2025
RE: 2026 WSBA Legislative Priorities

ACTION: Approve the 2026 Legislative Priorities for the upcoming legislative session, including a proclamation supporting a study of the impacts of disparate local court rules, funding, and technology.

Background

Each year, the BOG Legislative Committee (BLC) Chair and the WSBA Legislative Affairs team propose legislative priorities for consideration and approval by the BOG. Most of these priorities are longstanding, and the priorities document is primarily used to inform legislators of the WSBA's focus areas during the legislative session.

The WSBA and its entities are allowed to engage in the legislative process to inform members of new and proposed laws and to inform public officials about the organization's positions and concerns (GR 12.2).

The 2026 WSBA Legislative Priorities seek to make improvements to the practice of law and administration of justice that ultimately benefit both members of the public as well as legal professionals across the state. Sections and committees of WSBA currently present legislative amendment proposals to the BLC, articulating an interest relating to an issue of importance. One of the 2026 priorities of the BLC is to propose a "Committee Legislative Proposal" process to the BOG for approval. This process would help entities present such demands by describing the ways in which a proposal is a consensus of interest; advances the public interest; identifies problems, solutions, and alternative pathways; and details the technical nature of the proposed amendment and impacts on constituencies and the practice of law.

The genesis of these priorities is tied directly to the WSBA Guiding Principles and GR 12.2. These include supporting access to justice and a fair and impartial judiciary as well as increasing public understanding of Washington's justice system.

The 2026 Priorities also seek to study the inefficiencies and inequities created by disparate local court rules, funding, and technology. The reasons and urgency for this priority are contained in a proclamation, included in these materials for your consideration and approval. The BOG approved this proclamation in anticipation of last year's legislative session. The BLC unanimously approved the proclamation and legislative priority again this year, which will authorize the WSBA to support a bill to study the impacts of disparate local court rules, funding, and technology.

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

The risk analysis for the 2026 Legislative Proposal is included in the confidential BOG Box with the materials for the Executive Session.

WSBA FISCAL ANALYSIS: *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The fiscal impact to WSBA resulting from the proposed recommended action is primarily limited to the amount of staff time used to develop and support the approved priorities. The staff time that would be allocated to this work is included in the overall duties of existing WSBA staff and would not require additional staff or allocation of resources from other internal sources. If it is determined that WSBA is to lead efforts for the supported study, there likely be potential expenses associated (such as consulting services for administering surveys). Beyond that, it is possible that future proposed legislation resulting from the 2026 legislative priorities (if approved) could have additional fiscal impact on the WSBA, however we are unable to determine the extent of the impact at this point without additional information that is unavailable at this time.

WSBA EQUITY ANALYSIS: *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

The purpose of the equity analyses is to understand how entities incorporated an equity lens into proposed action items. The memo submitted includes proposed legislative priority areas and a project to identify procedures for WSBA entities and members of the public to provide input that can shape the WSBA's legislative agenda in the future. This is an opportunity for the BLC to develop comprehensive frameworks, tools, and procedures that help to apply an equity lens. This can include developing tools that require the BLC to assess and center those most impacted by the proposed policies, and other analyses that demonstrate due diligence to mitigate unintended consequences of proposed policies or procedures, particularly on communities that are marginalized and underserved by the legal system. Should the BOG approve these, we recommend the BLC consult with the Equity and Justice Team to identify strategies for embedding equity into decisions and procedures.

Attachments

2026 WSBA Legislative Priorities

November 8, 2024 WSBA Proclamation

2026 WSBA Legislative Priorities

- Support Bar-request legislative proposals initiated by WSBA Sections that are approved by the Board.
- Support non-Bar request legislative proposals approved by the Board that seek to:
 - Create and promote access to justice for all Washington residents;
 - Enhance statewide civics education;
 - Provide funding for the state’s court system; and
 - Provide funding for civil legal aid and public defense services.
- Monitor and take appropriate action on legislative proposals that would:
 - Increase existing court user fees;
 - Alter court rules and/or the structure of the state’s judicial branch; and
 - Other items of significance to the practice of law and administration of justice.
- Study the inefficiencies and inequities created by local court rules, funding, and technology as outlined in the October 2024 WSBA Proclamation adopted by the Board of Governors.

WASHINGTON STATE BAR ASSOCIATION

Proclamation: Study Needed to Learn More about Inefficiencies and Inequities Created by Local Court Rules, Funding, and Technology

WHEREAS, WSBA leaders have for years received direct feedback from members across the state who want the WSBA to take action to address inefficiencies and inequities resulting from disparate local court rules, funding, and technology in Washington state;

WHEREAS, these testimonies relay occurrences of harm to Washingtonians seeking legal help who encounter barriers navigating disparate local court rules or incur increased costs for legal practitioners to navigate these systems;

WHEREAS, these testimonies relay occurrences of harm to specific groups of Washingtonians, such as those living in rural areas or in poverty, who may be inequitably impacted by courts' disparate adoption of technology to create remote filing, record sharing, processes, procedures, and hearings;

WHEREAS, these testimonies relay occurrences of harm to Washingtonians seeking legal help because disparate local rules and adoption of technology make it difficult for lawyers—including those engaging in pro bono and legal aid work—to practice in multiple jurisdictions, exacerbating Washington's "legal deserts;"

WHEREAS, these testimonies relay occurrences of harm to Washingtonians seeking legal help, who may encounter inequitable outcomes due to disparate funding levels and standards from jurisdiction to jurisdiction;

WHEREAS, WSBA leaders seek to understand and support city and county leaders, who have expressed significant and urgent concerns with their ability to fund and implement the WSBA's new Standards for Indigent Defense, which derive from a Constitutional mandate;

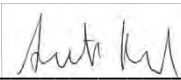
WHEREAS, WSBA leaders recognize that disparate funding between the state's court systems can cause inequitable and inconsistent means for jurisdictions to implement and uphold best legal practices and standards, in general;

WHEREAS, potential solutions to these issues warrant further study, including data-collection from WSBA members to better understand the impact to the public and profession of disparate local rules, technology, and funding between Washington's court systems;

WHEREAS, one of the express purposes of the WSBA is to promote an effective legal system, accessible to all, and to serve as a statewide voice to the public and to the branches of government on matters relating to the legal profession;

WHEREAS, through its stated purpose, the WSBA is uniquely suited to convene stakeholders statewide and promote effective solutions to benefit the legal profession, the justice system, and the public;

NOW, THEREFORE, we, the WSBA Board of Governors, advocate for a comprehensive approach to study and understand the inefficiencies and inequities created by local court rules, technology, and funding, which will include convening and meaningfully engaging many stakeholders across Washington state, especially those in rural areas; and we stand ready to support solutions resulting from the study.



Sunitha Anjilvel, President, WSBA Board of Governors

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: WSBA Board of Governors Governance Committee
Governor Kevin Fay, Governance Committee Chair
DATE: October 24, 2025
RE: Amendments to WSBA Bylaws, Art. IV.D and Board of Governors Conflict of Interest Policy

FIRST READ: First read of amendments proposed by the Governance Committee to WSBA Bylaws, Art. IV.D, addressing political activity by WSBA’s governors and officers, and the BOG’s Conflict of Interest Policy.

In March 2025, the WSBA Board of Governors created a Governance Committee charged with regularly reviewing the organization’s Bylaws and policies for consistency, accuracy, and efficiency. In FY25, Governance Committee members included Governors Parvin Price and Matthew Dresden, Immediate Past President Dan Clark, then-President-elect Francis Adewale, and Committee Chair Kevin Fay. The Committee convened beginning in June 2025.

At the recommendation of WSBA’s General Counsel, the Committee prioritized revising the WSBA Bylaws governing the political activity of governors and officers and the BOG’s conflict of interest policy to better suit the needs of WSBA and the BOG. After significant research and debate, the Committee voted at its September 10, 2025 meeting to recommend the updates to the policies included with this memorandum. The Committee presents these proposed amendments, summarized below, for first read.

I. Recommended Changes to WSBA Bylaws, Art. IV.D, Political Activity

The Governance Committee determined changes were needed to Article IV.D of the WSBA Bylaws, which governs the political activities of WSBA governors and officers, because the current provisions were overly restrictive. Article IV.D presently limits political activity undertaken by the BOG when it is acting as an agent of WSBA (Art. IV.D.1) and the political activity of individual governors and officers (Art. IV.D.2, 3, & 4). The degree to which governors and officers may publicly support or oppose candidate and issues varies somewhat depending on the position the person holds on the BOG (Art. IV.D.2, 3, & 4). Prohibitions on taking a position on a candidate or issue extend to the use of the governor or officer’s name, contribution of funds, and participation in a campaign in support or opposition of the candidate or issue.

The Governance Committee recommends the following changes to this section of Article IV:

- **Replace references to GR 12.1 with GR 12.2 in Art. IV.D.1.** Article IV.D.1 states that the BOG, when acting on behalf of WSBA, may not publicly support or oppose candidates for public office or take a position on an issue submitted to the voters or pending before the legislature unless the BOG determines the matter to be within the scope of GR 12.1 and votes to adopt a position on the matter. The recommended amendments retain these limitations on the activities of the BOG but replace references to GR 12.1 with GR 12.2. GR 12.1 sets out the objectives of the Washington Supreme Court in regulating the practice of law in Washington. GR 12.2 states the purposes, authorized activities, and prohibited activities of WSBA. Because GR 12.1 addresses the Court's objectives while GR 12.2 focuses on WSBA's purposes and activities, GR 12.2 appears to be the more appropriate rule for the BOG to consider in this context.
- **Loosen restrictions on individual political activity.** As presently drafted, Articles IV.D.2, 3, and 4 impose significant limitations on the individual political activity of WSBA governors and officers. The President and President-elect may not publicly support or oppose any candidate for public office and may not take a side on any issue being submitted to voters or before the legislature unless authorized by the BOG. Governors, officers, and the Executive Director are required to limit their public support or opposition for candidates for Washington public office if the office holder must be an attorney. Governors, officers, and the Executive Director may take positions on candidates or issues but must not state or imply they are representing the Bar, unless authorized to do so.

The recommended amendments would instead permit governors and officers of the Bar to engage in political activity in their individual capacities provided they (i) refrain from stating or implying they are acting in their capacity as a representative of the Bar and (ii) make an appropriate disclaimer if necessary.

- **Consolidate Art. IV.D.2, 3, and 4 into a single provision.** Articles IV.D.2, 3, and 4 currently create varying levels of limitations on political participation based on the position the person holds on the BOG. The recommended amendments replace the varying levels of political activity with a single standard applicable to all governors and officers. Therefore, separate sections for distinct BOG positions are no longer needed.
- **In addition to Bar letterhead, limit the use of Bar logos, artwork, and other intellectual property to official business.** Article IV.D.5 states that Bar letterhead may only be used for official business of the Bar and may not be used for personal or charitable purposes, in connection with a political campaign or candidate, or to support or oppose a public issue on which the BOG has not taken a position. This provision, however, omits several other common ways in which the Bar may be identified in its communications. For that reason, the recommended amendments add Bar logos, artwork, and other intellectual property to this section.

II. Recommended Changes to Board of Governors Conflict-of-Interest Policy

Next, the Governance Committee revised the Board of Governors' Conflict-of-Interest Policy to streamline the policy and make it more useable. The current policy sets out a procedure for handling financial conflicts of interest that may arise during BOG business. This policy is wordy, convoluted, and potentially could be interpreted to ask

BOG members to disclose conflicts of which they may not even be aware. To resolve these issues, the Committee recommends the following changes:

- **Include a conflict-of-interest provision in the WSBA Bylaws.** Presently the WSBA Bylaws include no provisions addressing conflicts of interest. Given the importance of a fair, independent process for BOG decisions, the Committee recommends adding a provision addressing conflicts of interest to WSBA's governing document. This provision makes explicit that BOG members have fiduciary duties to act in the organization's best interests and not to use their position for personal gain. The provision directs the BOG to adopt a more detailed conflict-of-interest policy, and that governors and officers will annually attest to their receipt of the policy and disclose known conflicts. The inclusion of this provision in the Bylaws enshrines the key principles in the Bylaws, which typically should not require frequent amending, while the separate conflict-of-interest policy sets out the specific processes for handling conflicts and can be more readily amended if needed.
- **Streamline conflict disclosure process and annual disclosure form.** The current conflict-of-interest policy is dense, making it difficult to locate important provisions. For instance, the present policy is unnecessarily wordy because it does not consolidate definitions into key terminology and imbeds definitions in the body of the policy. The policy also includes some provisions, such as procedures for disclosing corporate opportunities, that are perhaps good practice in a corporate setting but are less applicable for a policymaking organization like WSBA.

The recommended policy, therefore, retains but streamlines the essential elements of the existing conflict-of-interest policy, including procedures for making annual and ongoing disclosures, handling discussion and voting on matters where there is a conflict, and retroactive disclosures. Similarly, the recommended amendments simplify the annual disclosure form to simply ask for disclosure of conflicts of which the person may be aware at that time. The amended policy also includes a separate definition section to improve readability.

- **Apply the conflict-of-interest policy to Bar entities to which the BOG has delegated final decision-making authority.** As presently drafted, the conflict-of-interest policy applies only to members of the WSBA Board of Governors and the disclosure and meeting processes only address matters before the Board of Governors. The BOG, however, may delegate final decision-making power to other entities, for instance to the BOG Legislative Committee. In addition, members of BOG-created entities do not necessarily need to be BOG members. These entities may be authorized to take final action on behalf of WSBA, but they are not covered by the current conflict of interest policy. The recommended amendments address this gap by applying the policy to these "BOG Delegated Entities" in addition to WSBA governors and officers.
- **Address competing interests beyond financial conflicts of interest.** The existing conflict-of-interest policy takes a limited view of the circumstances constituting a conflict of interest. The current policy exclusively covers conflicts of interest arising from a financial interest in a transaction, arrangement, or other action to which WSBA is a party, such as ownership of a business with which WSBA is negotiating a contract.

Competing interests may arise, however, without the potential for financial gain. For example, a person sitting on the boards of two organizations that are applying for the same grant may find themselves with competing loyalties to each organization even if they do not stand to benefit financially. Particularly in public interest settings, the best practice is generally to take a multidimensional approach to conflicts of interest.¹ Moreover, opportunities for improper personal gain can occur outside the context of a board meeting, such as through the use of organization resources or receipt of gifts.

The recommended amendments incorporate this more holistic understanding of conflicts, first, by defining conflicts of interests as both financial and other material interests and focusing on the effect of these interests, namely that they would impair or appear to impair the person's ability to independently or objectively act on behalf of WSBA.

In addition, the revised policy directly addresses several circumstances that may occur outside BOG meetings, such as (i) using the organization's resources for personal use, (ii) acceptance of gifts, and (iii) providing legal advice or representation to individuals in proceedings adverse to WSBA.

- **Include a remedy provision.** Finally, the current conflict of interest policy includes no remedy for failure to abide by the policy. The recommended amendments add a provision to note that failure to comply with the policy may be grounds for corrective action as permitted by the WSBA Bylaws.

The Governance Committee looks forward to the BOG's consideration of these revisions and any input the BOG may have to offer.

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

The risk analysis is included in Confidential Materials in the BOG Box.

WSBA FISCAL ANALYSIS: *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The fiscal impact to WSBA resulting from the proposed amendments are limited to the amount of staff time used to draft proposed language, incorporate the approved changes to relevant records, and communication of changes to stakeholders. The staff time that would be allocated to this work is included in the overall duties of existing WSBA staff and would not require additional staff or allocation of resources from other internal sources.

WSBA EQUITY ANALYSIS: *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

The purpose of the equity analyses is to understand how entities incorporated an equity lens into proposed action items. Applying an equity lens can include identifying and centering those most impacted by the proposed actions and a demonstration of due diligence to mitigate unintended consequences. It is unclear from the provided materials how an equity lens was applied in the development of these policies.

¹ See, e.g. Blue Avocado, Nonprofit Conflict Of Interest: A 3-Dimensional View (last visited Oct. 7, 2025), <https://blueavocado.org/leadership-and-management/nonprofit-conflict-of-interest-a-3-dimensional-view/>.

The changes related to the political activity of individual governors and officers will clarify what political activities are considered permissible, which do not appear to present any equity concerns.

It is unclear whether the committee conducted research about effective, fair, and ethical multiple interest policies on nonprofit boards in the development of the proposed policy. The proposed changes note the potential for nuanced instances in which board members or officers hold loyalties to other organizations, something that is common with boards for nonprofit organizations and quasi-governmental agencies, but it's unclear how these issues will be handled or resolved within the policy. These may be clarified with subsequent work to update the proposed bylaws, and the BOG may benefit from researching and developing hypothetical scenarios for these types of conflicts of interest.

Attachments

Suggested amendments to WSBA Bylaws, Art. IV.D, mark up

Suggested amendments to WSBA Bylaws, Art. IV.D, clean copy

Suggested WSBA Bylaws, Art. IV.F, Conflicts of Interest

Suggested amendments to Board of Governors Conflict of Interest Policy, mark up

Suggested amendments to Board of Governors Conflict of Interest Policy, clean copy

Amendments to WSBA Bylaws, Art. IV.D,
Political Activity

Mark-up & Clean Copies

IV. GOVERNANCE

A. – C. [Unchanged]

D. POLITICAL ACTIVITY

1. Board of Governors

- a. The BOG acting as a board must not publicly support or oppose, in any election, any candidate for public office.
- b. The BOG acting as a board must not take a side or position publicly or authorize any officer or the Executive Director to take a side or position publicly on any issue being submitted to the voters or pending before the legislature, unless the matter is considered in public session at a meeting of the BOG with advance notice to the Bar's membership, and the following requirements are met:
 - 1) The BOG first votes to determine whether the issue is within the scope of GR 12.~~42~~2; and
 - 2) If the BOG determines that the matter is within the scope of GR 12.~~42~~2, then the BOG will vote to determine what position, if any, to adopt on the issue.
- c. The restriction applies fully to prohibit:
 - 1) the use of the name or logo of the Bar;
 - 2) the contribution of funds, facility use, or Bar staff time; and
 - 3) participation or support to any degree in the candidate's campaign, or the campaign on either side of the issue.
- d. The restriction does not apply to matters that are exclusively related to the administration of the Bar's functions or to any issue put to a vote of the Bar's membership.

Notice of any BOG position or authorization to the President or Executive Director to take a position must be published on the Bar's website as soon as possible after the meeting at which the final action is taken.

~~2. President and President-elect~~

~~The President and President-elect must not publicly support or oppose, in an election, any candidate for public office. This restriction applies fully to prohibit:~~

- ~~a. the use of the President's and President-elect's name,~~
- ~~b. the contribution of funds, or~~
- ~~c. participation or support to any degree in the candidate's campaign.~~

~~Further, the President and President-elect must not take a side publicly on any issue being submitted to the voters, pending before the legislature or otherwise in the public domain except when specifically authorized or instructed by the BOG to do so on a matter relating to the function or purposes of the Bar.~~

~~3. Governors, otherand Officers, and Executive Director~~

~~Governors, other officers, and the Executive Director must not publicly support or oppose, in an election, any candidate for public elective office in the State of Washington the prerequisites for which include being an attorney, except where the candidate is a member of that person's immediate family. This restriction applies fully to prohibit:~~

- ~~a. the use of the Governor's, officer's, or Executive Director's name,~~
- ~~b. the contribution of funds, or~~
- ~~c. participation or support to any degree in the candidate's campaign.~~

~~The term "immediate family" as used in this Article includes a sibling, parent, spouse, domestic partner, child and the child of a spouse or domestic partner.~~

~~4. Other~~

Governors and officers of the Bar have constitutional rights to speak and participate in political activity in their individual capacities. However, if any officer, Governor or officer, or the Executive Director supports or opposes any candidate for public office or any issue being submitted to the voters, pending before the legislature, or otherwise in the public domain as permitted in this Article, then that person must not state or imply that he or she is they are acting on behalf of the Bar in his or her their capacity as officer, a Governor or officer-Executive Director of the Bar unless specifically authorized to do so by the BOG, making appropriate disclaimers when needed.

53. Letterhead and Communications

Use of The Bar's letterhead, logos, artwork, and other intellectual property may be used only for limited to official business of the Bar and specifically must not be used for personal or charitable purposes, or in connection with any political campaign, or to support or oppose any political candidate, or Bar letterhead or must not be used to support or oppose any public issue unless the BOG has taken a position on the issue.

IV. GOVERNANCE

A. – C. [Unchanged]

D. POLITICAL ACTIVITY

1. Board of Governors

- a. The BOG acting as a board must not publicly support or oppose, in any election, any candidate for public office.
- b. The BOG acting as a board must not take a side or position publicly or authorize any officer or the Executive Director to take a side or position publicly on any issue being submitted to the voters or pending before the legislature, unless the matter is considered in public session at a meeting of the BOG with advance notice to the Bar's membership, and the following requirements are met:
 - 1) The BOG first votes to determine whether the issue is within the scope of GR 12.2;
and
 - 2) If the BOG determines that the matter is within the scope of GR 12.2, then the BOG will vote to determine what position, if any, to adopt on the issue.
- c. The restriction applies fully to prohibit:
 - 1) the use of the name or logo of the Bar;
 - 2) the contribution of funds, facility use, or Bar staff time; and
 - 3) participation or support to any degree in the candidate's campaign, or the campaign on either side of the issue.
- d. The restriction does not apply to matters that are exclusively related to the administration of the Bar's functions or to any issue put to a vote of the Bar's membership.

Notice of any BOG position or authorization to the President or Executive Director to take a position must be published on the Bar's website as soon as possible after the meeting at which the final action is taken.

2. Governors and Officers

Governors and officers of the Bar have constitutional rights to speak and participate in political activity in their individual capacities. However, if any Governor or officer supports or opposes any candidate for public office or any issue being submitted to the voters, pending before the legislature, or otherwise in the public domain, that person must not state or imply that they are acting on behalf of the Bar in their capacity as a Governor or officer of the Bar unless specifically authorized to do so by the BOG, making appropriate disclaimers when needed.

3. Letterhead and Communications

The Bar's letterhead, logos, artwork, and other intellectual property may be used only for official business of the Bar and must not be used for personal or charitable purposes, in connection with any political campaign, to support or oppose any political candidate, or to support or oppose any public issue unless the BOG has taken a position on the issue.

Proposed Art. IV.F, WSBA Bylaws, Conflicts of Interest

F. CONFLICTS OF INTEREST

Members of the Board of Governors and WSBA officers have fiduciary duties to act in WSBA's best interests and must not use their Bar positions for improper personal and financial gain. Governors and WSBA officers, therefore, should avoid improper conflicts between their personal, professional, and business interests and the interests of the Bar. In furtherance of this responsibility, the Board of Governors will adopt policies for the disclosure of conflicts of interest. On an annual basis, Governors and WSBA officers must acknowledge receipt of the conflict-of-interest policy and disclose any known conflicts.

Amendments to Board of Governors
Conflict of Interest Policy
Mark-up & Clean Copies

302 Board of Governors Conflict of Interest Policy

Adopted: July 27, 2007. Amended Month D, YYYY.

Purpose and Statement of Policy:

The Washington State Bar Association (“WSBA”) and the WSBA Board of Governors (“BOG”) are accountable to both WSBA members and the public for the responsible and proper use of WSBA’s resources and the pursuit of its mission. WSBA Governors and Officers have fiduciary duties to act in WSBA’s best interests and may not improperly use their position for their own personal benefit.

~~The Board of Governors~~ This Conflict of Interest Policy is intended to ~~protect the interests of the Washington State Bar Association~~ ensure compliance with these fiduciary duties when ~~it~~ WSBA is contemplating entering into a transaction, arrangement, or other an action that might benefit the private interest of an Covered Person (as defined below). ~~Officer or Governor of the WSBA. The proper leadership of the WSBA depends upon members of the Board of Governors (including the Officers) who give of their time and knowledge for the benefit of the WSBA and its goals. Governors have a duty of loyalty to the WSBA, which requires them to exercise their powers in the interest of the WSBA, and not in their own interests or those of another person or entity.~~

~~Governors bring varied backgrounds and interests to the work of the WSBA and may have interests that are in conflict with those of the WSBA. The existence of an actual or potential conflict of interest should be addressed by full disclosure of the conflict to the Board of Governors. The Governor having the conflict should withdraw from any discussion or vote on any matter in which the conflict is involved.~~

~~The Board of Governors of the WSBA accordingly resolves as follows:~~

Definitions

BOG Delegated Entity: An entity to which the BOG has delegated final decision-making powers.

Conflict of Interest: A situation in which a Covered Person or Immediate Family Member (as defined below) has a financial or other material interest that impairs, or would be reasonably considered to impair, the Covered Person’s independence or objectivity in the discharge of their duties to WSBA.

Covered Person: A WSBA Governor, Officer, or member of a BOG Delegated Entity.

Immediate Family Member: A sibling, parent, spouse, domestic partner, or child (including adopted children) of either (1) a Covered Person or (2) the spouse or domestic partner of a Covered Person.

Interested Covered Person: A Covered Person with a Conflict of Interest regarding a matter before the BOG.

Procedures:Policy:

1. ~~Duty to Disclose:~~ It is the duty of each Covered Person~~Officer and Governor~~ to be conscious of any actual or potential conflicts of interest ~~between that Officer or Governor and the Association, and to act with candor and care in such a situation. An Officer or Governor must disclose to the Board of Governors, before the Board takes any action on the matter, the nature and extent of any direct, indirect or potential conflict of interest that the Officer or Governor, or any member of his or her~~

immediate family may have, whether individually, through business relationships or transactions, or through investment relationships or transactions.

2. Within 30 days of initial election or appointment, and annually thereafter, each Covered Person must complete, sign, and submit to the WSBA Executive Director a Conflict of Interest Affirmation and Disclosure Form in which they (a) agree to abide by the policy, and (b) disclose any conflicts of interest of which they are aware.
3. Covered Persons shall have a continuing obligation to disclose in good faith any actual or potential Conflicts of Interest that arise after submission of the annual form. An Interested Covered Person shall make such disclosures before discussion and vote on any relevant matter before the BOG or a BOG Delegated Entity. The BOG or BOG Delegated Entity may seek information from the Interested Covered Person before discussing the matter, but the Interested Covered Person may not be present during the discussion and vote, nor shall the Interested Covered Person count toward quorum. If a Covered Person is uncertain whether a Conflict of Interest exists, they must seek guidance from the WSBA President and Executive Director.
4. If a Covered Person becomes aware that the BOG or a BOG Delegated Entity has taken an action without knowledge of a relevant, undisclosed Conflict of Interest, the Covered Person must promptly inform the BOG and the BOG will determine as soon as practicable whether reexamination of the matter is necessary.
5. Disclosure of a Conflict of Interest and recusal must be noted in the minutes of the meeting.

~~For purposes of this policy, the term "immediate family" includes the following: (1) an Officer's or Governor's spouse or domestic partner; (2) a child of an Officer or Governor or of an Officer's or Governor's spouse or domestic partner; and (3) other dependent relatives of an Officer or Governor or of an Officer's or Governor's spouse or domestic partner if living in his or her household. Conflicts of interest that require disclosure include, but are not limited to, (a) any ownership or financial interest in any entity with which the WSBA has a transaction, arrangement or other action, (2) any compensation arrangement with the WSBA or with any entity or individual with which the WSBA has a transaction, arrangement or other action, and (3) any potential ownership or financial interest in, or compensation arrangement with, any entity or individual with which the WSBA is negotiating a transaction, arrangement or other action. An Officer's or Governors' disclosure shall be noted in the minutes of the Board meeting and made a part of the records of the WSBA.~~

- ~~2. Meeting Procedure: The Board of Governors shall provide a disinterested review of the matter that is the subject of a conflict of interest. An Officer or Governor having a conflict of interest should absent himself or herself from any discussion of the matter, should not use his or her personal influence with respect to the matter, and should abstain from casting any vote. To the extent that the remaining members of the Board determine that the Officer or Governor can provide information that may be useful, the Officer or Governor having a conflict may provide that information to the Board and answer pertinent questions from the other members of the Board before the Board casts its vote. An Officer or Governor having a conflict of interest shall not be~~

~~counted as present for the purpose of determining whether a quorum is established, even if permitted by law. The Officer's or Governor's absence from the discussion and vote of the Board, and the establishment of the quorum without counting that Officer or Governor, shall be noted in the minutes of the Board meeting and made a part of the records of the WSBA.~~

- ~~3. Due Diligence: This policy is not intended to prohibit or restrain the WSBA from entering into transactions with an Officer or Governor or person or entity in which an Officer or Governor has an interest. Those transactions should be approved, however, only in circumstances where the approval process is scrupulously disinterested and fair, and where the best interest of the WSBA is the clear and overriding consideration leading to the approval. If any Officer or Governor discovers that the Board has acted on a proposal in ignorance of an undisclosed conflict of interest, the Officer or Governor should promptly disclose the matter to the entire Board, and the Board should promptly re-examine the matter using the procedures outlined in this policy.~~
- ~~4. Corporate Opportunity: Before an Officer or Governor enters into a transaction which he or she reasonably should know may be of interest to the WSBA, the Officer or Governor should disclose the transaction to the Board in sufficient detail, and with adequate advance notice, that the Board has adequate information and time to allow it to act or decline to act with respect to the transaction.~~
- ~~5. Annual Statements: Each year each Officer and Governor shall complete and deliver to the President a disclosure statement in the form approved from time to time. By executing the statement each Officer and Governor shall acknowledge his or her knowledge of this policy, and disclose any conflicts of interest that the Officer or Governor may have, or be likely to have, with the WSBA. All Officers' and Governors' disclosures shall be made a part of the records of the WSBA.~~
6. Covered Persons will not use their position to direct WSBA staff, resources, or property for their personal use.
7. Covered Persons may not receive, accept, take, seek, or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the Covered Person, or be considered as part of a reward for action or inaction.
8. Covered Persons may not knowingly advise or represent persons in pending or likely proceedings adverse to WSBA, including but not limited to, lawsuits, administrative proceedings, or proceedings relating to lawyer, LPO, or LLLT discipline, disability, admissions, or reinstatement. Covered Persons may refer a person to the procedures governing these proceedings.

6. Review of this Policy:

To ensure WSBA operates in a manner consistent with its mission and responsibilities to members and the public, ~~t~~The Board of Governors shall will authorize and oversee an annual review of the administration of this policy. The review will consider the level of compliance with the policy, the continuing suitability of the policy, and whether the policy needs to be modified. at least annually for the information and guidance

~~of members of the Board. Each new Officer and Governor shall be advised of the policy and asked to complete the disclosure statement.~~

Remedies

Failure to comply with this Conflict of Interest Policy may be grounds for removal or other corrective action as permitted by the WSBA Bylaws.

WSBA BOARD OF GOVERNORS
ANNUAL CONFLICT OF INTEREST AFFIRMATION AND DISCLOSURE
Approved by the Board of Governors July 27, 2007

Name: _____

1. ~~I certify that I have read the WSBA Board of Governors Conflict of Interest Policy and agree to abide by it.~~

2. ~~During the past 12 months, have you or any member or your immediate family as defined in the Board of Governors Conflict of Interest Policy had any ownership or financial interest in any entity with which the WSBA has a transaction, arrangement or other action? If yes, please explain:~~

3. ~~During the past 12 months, have you or any member or your immediate family as defined in the Board of Governors Conflict of Interest Policy had any compensation arrangement with the WSBA or with any entity or individual with which the WSBA has a transaction, arrangement or other action? If yes, please explain:~~

4. ~~During the past 12 months, have you or any member or your immediate family as defined in the Board of Governors Conflict of Interest Policy had any potential ownership or financial interest in, or compensation arrangement with, any entity or individual with which the WSBA is negotiating a transaction, arrangement or other action? If yes, please explain:~~

By signing below, I affirm that I have received a copy of the WSBA Board of Governors Conflict of Interest Policy (the "Policy"). I understand the Policy and agree to abide by it.

To the best of my knowledge, I have no conflicts as defined in the Policy except as disclosed below. If I become aware of a conflict during my term on the Board of Governors, I will disclose it according to the procedures in the Policy.

I have listed below the following:

1. Any entity with which WSBA has a financial relationship and in which I or an Immediate Family Member participate (e.g., as a director, officer, employee, owner, or member);
2. Any transaction in which WSBA is a participant with which I might have a conflicting interest; and
3. Any other situation involving WSBA which may pose a conflict of interest for me.

I understand that the information disclosed on this form will be retained by WSBA and may be available for review pursuant to Washington Supreme Court General Rule 12.4.

DATED _____

Signature

Print name

Date

302 Board of Governors Conflict of Interest Policy

Adopted: July 27, 2007. Amended Month D, YYYY.

Purpose

The Washington State Bar Association (“WSBA”) and the WSBA Board of Governors (“BOG”) are accountable to both WSBA members and the public for the responsible and proper use of WSBA’s resources and the pursuit of its mission. WSBA Governors and Officers have fiduciary duties to act in WSBA’s best interests and may not improperly use their position for their own personal benefit.

This Conflict of Interest Policy is intended to ensure compliance with these fiduciary duties when WSBA is contemplating an action that might benefit a Covered Person (as defined below).

Definitions

BOG Delegated Entity: An entity to which the BOG has delegated final decision-making powers.

Conflict of Interest: A situation in which a Covered Person or Immediate Family Member (as defined below) has a financial or other material interest that impairs, or would be reasonably considered to impair, the Covered Person’s independence or objectivity in the discharge of their duties to WSBA.

Covered Person: A WSBA Governor, Officer, or member of a BOG Delegated Entity.

Immediate Family Member: A sibling, parent, spouse, domestic partner, or child (including adopted children) of either (1) a Covered Person or (2) the spouse or domestic partner of a Covered Person.

Interested Covered Person: A Covered Person with a Conflict of Interest regarding a matter before the BOG.

Policy:

1. It is the duty of each Covered Person to be conscious of any actual or potential conflicts of interest and to act with candor and care in such a situation.
2. Within 30 days of initial election or appointment, and annually thereafter, each Covered Person must complete, sign, and submit to the WSBA Executive Director a Conflict of Interest Affirmation and Disclosure Form in which they (a) agree to abide by the policy and (b) disclose any conflicts of interest of which they are aware.
3. Covered Persons shall have a continuing obligation to disclose in good faith any actual or potential Conflicts of Interest that arise after submission of the annual form. An Interested Covered Person shall make such disclosures before discussion and vote on any relevant matter before the BOG or a BOG Delegated Entity. The BOG or BOG Delegated Entity may seek information from the Interested Covered Person before discussing the matter, but the Interested Covered Person may not be present during the discussion and vote, nor shall the Interested Covered Person count toward quorum. If a Covered Person is uncertain whether a Conflict of Interest exists, they must seek guidance from the WSBA President and Executive Director.

4. If a Covered Person becomes aware that the BOG or a BOG Delegated Entity has taken an action without knowledge of a relevant, undisclosed Conflict of Interest, the Covered Person must promptly inform the BOG and the BOG will determine as soon as practicable whether reexamination of the matter is necessary.
5. Disclosure of a Conflict of Interest and recusal must be noted in the minutes of the meeting.
6. Covered Persons will not use their position to direct WSBA staff, resources, or property for their personal use.
7. Covered Persons may not receive, accept, take, seek, or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the Covered Person, or be considered as part of a reward for action or inaction.
8. Covered Persons may not knowingly advise or represent persons in pending or likely proceedings adverse to WSBA, including but not limited to, lawsuits, administrative proceedings, or proceedings relating to lawyer, LPO, or LLLT discipline, disability, admissions, or reinstatement. Covered Persons may refer a person to the procedures governing these proceedings.

Remedies

Failure to comply with this Conflict of Interest Policy may be grounds for removal or other corrective action as permitted by the WSBA Bylaws.

**WSBA BOARD OF GOVERNORS
ANNUAL CONFLICT OF INTEREST AFFIRMATION AND DISCLOSURE**

By signing below, I affirm that I have received a copy of the WSBA Board of Governors Conflict of Interest Policy (the "Policy"). I understand the Policy and agree to abide by it.

To the best of my knowledge, I have no conflicts as defined in the Policy except as disclosed below. If I become aware of a conflict during my term on the Board of Governors, I will disclose it according to the procedures in the Policy.

I have listed below the following:

1. Any entity with which WSBA has a financial relationship and in which I or an Immediate Family Member participate (e.g., as a director, officer, employee, owner, or member);
2. Any transaction in which WSBA is a participant with which I might have a conflicting interest; and
3. Any other situation involving WSBA which may pose a conflict of interest for me.

I understand that the information disclosed on this form will be retained by WSBA and may be available for review pursuant to Washington Supreme Court General Rule 12.4.

Signature

Print name

Date

TO: WSBA Board of Governors

CC: Terra Nevitt, Executive Director

FROM: Kevin Fay, Chair of the Governance Committee
Kevin Plachy, Advancement Department Director
Shanthi Raghu, WSBA Education Programs Manager

DATE: October 8, 2025

RE: Recommendation that the WSBA Board of Governors Sunset the CLE Committee

ACTION: Sunset WSBA CLE Committee

Background

The Governance Committee recommends that the WSBA Board of Governors sunset the CLE Committee because, while volunteer engagement still holds an important place in WSBA's continuing legal education, the specific purposes for which the CLE Committee was created are no longer relevant. At its meeting on October 8, 2025, the Governance Committee received a presentation from Kevin Plachy, WSBA Advancement Department Director, Shanthi Raghu, WSBA Education Programs Manager, and Paris Eriksen, WSBA Volunteer Engagement Manager, with a request to sunset the WSBA CLE Committee. Stephen Weisbrod, the Interim Chair of the CLE Committee, was not present for the presentation but did sign onto the memo requesting sunsetting of the committee that was delivered to Governance Committee.

The background and rationale for sunsetting the committee was contained in the memo submitted to the Governance Committee and is summarized below.

Rationale for Sunsetting the CLE Committee

The CLE Committee allows for a total of 18 members. Over its history, the committee has played various roles in supporting CLEs at the WSBA with varying degrees of effectiveness. In more recent years, the committee's purpose has become less relevant and there is a general lack of engagement overall. Many of the 18 volunteer positions remain vacant and have been so for several years. Although we did have an application this year, historically it has been difficult to find a volunteer to serve as Chair to lead the committee.

WSBA CLE programming has evolved over many years, and offerings now include new member education and the Legal Lunchbox™ series. In addition, sections play an important role in partnering to deliver relevant and emerging topics to the membership. These established portfolios support a delivery framework that did not exist in the same manner when the committee was first convened.

Considering this, and after conferring with interim chair Stephen Weisbrod, a committee meeting was called in July to discuss the future of the committee and introduce the option to sunset the committee. Ultimately, the Committee was unable to meet quorum and was unable to take a formal vote on this matter (such vote is not required in the WSBA Bylaws or policy). While the committee did not hold an official meeting, those in attendance (four members)

held a brief discussion with staff present and were generally in favor of sunseting. Members and staff informally talked about future alternative means of engaging with members and volunteers to develop and deliver new CLEs. Given that WSBA CLE delivers programs that may reach members near and far via webcast and on demand and that many are developed in partnership with Sections (covering substantive areas of content), there is no longer the same need for a standing committee as in years past. The WSBA Sections tend to serve many of the purposes of a CLE Committee because they actively partner with WSBA CLE in program development and delivery.

The staff liaison to the committee reached out to recent CLE Committee Chairs and received feedback from one person. The response was generally in support of sunseting.

Sections play a key role in the development of CLE programming and there is an opportunity to engage with volunteers to help shape content in that context. In addition, WSBA CLE staff play an important part in facilitating the development of content and supporting the overall production and delivery of CLE programs. While there may be a benefit to engaging with the broader membership to support more general programming, a standing committee is no longer necessary.

Action Requested

After reviewing this information, the Governance Committee voted unanimously to recommend that the Board of Governors vote to sunset the CLE Committee. Accordingly, we respectfully ask that the Board of Governors take action to sunset the CLE Committee and to give permission for staff to remove references to the CLE Committee from any existing committee and board policies.

Sincerely,

Kevin Fay, Chair of the Governance Committee and District 9 BOG Member
Kevin Plachy, WSBA Advancement Department Director
Shanthi Raghu, WSBA Education Programs Manager

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

Included in Confidential Materials in the BOG Box.

WSBA FISCAL ANALYSIS: This section is to be completed by the Finance Department, with input from the proposing entity or individual.

The fiscal impact to WSBA resulting from the recommendation includes the amount of staff time used to draft the recommendation, incorporate any approved changes to relevant records, and communication of changes to stakeholders. The staff time that would be allocated to this work is included in the overall duties of existing WSBA staff and would not require additional staff or allocation of resources from other internal sources. Additionally, the WSBA CLE Seminars budget has historically included a nominal amount of funds for the CLE Committee which will no longer be used if the recommendation is approved. The FY 2026 budget includes \$200, however the last time the CLE Committee incurred expenses was in FY 2020 for a total of \$55.66 for conference call meetings.

WSBA EQUITY ANALYSIS: *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

The purpose of the equity analyses is to understand how entities incorporated an equity lens into proposed action items presented to the Board of Governors. Applying an equity lens includes 1) identifying and centering people and communities most impacted decisions and/or 2) meeting people and communities according to their specific needs to produce fair and equal outcomes for all. It appears that the proposal was informed by some current and former members of the committee that's proposed to be sunset and the staff liaisons, and the input from the committee has been replaced in large part by the sections. To ensure fair and equal outcomes, we encourage the CLE staff to continue to systematically reach out to all sections and entities staffed by WSBA to invite ideas and partnership for CLE programs as well as underrepresented communities like affinity bar associations and qualified legal service providers.

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Jeanne Marie Clavere, Senior Professional Responsibility Counsel
Mark Fucile, Chair, Committee on Professional Ethics
DATE: October 1, 2025
RE: Committee on Professional Ethics New Advisory Opinion – For Information Only

Committee on Professional Ethics New Advisory Opinion – For Information Only

INFORMATION ONLY: This New Advisory Opinion addresses an issue involving the potential application of the Rules of Professional Conduct to agreements between a law firm and a lawyer that require payments to the law firm by a departing lawyer if the departing lawyer takes along one or more client matters on which the departing lawyer had begun to work while at the firm.

The RPC that concerned in this opinion is RPC 5.6.

Background

In May 2024, the Committee on Professional Ethics (CPE) received an inquiry concerning the validity and enforceability of a written agreement between a lawyer and a law firm. The lawyer and the firm either have signed or propose to sign an agreement which provides that if the lawyer leaves the firm and continues to work on one or more client matters on which the lawyer had begun work while at the firm, the lawyer must compensate the firm by paying the firm a stated amount or percentage of fees received by lawyer for work on that client matter in subsequent years.

The inquiry was assigned to a subcommittee of the CPE. Prior to the August 22, 2025, meeting at which the new Advisory Opinion was approved, the subcommittee had reached out for comment on a draft opinion from the Washington Defense Trial Lawyers, the Washington State Association for Justice, and the Employment Lawyers Association. No comments were received.

Advisory Opinion Question

This AO addresses the question of whether an agreement requiring a lawyer departing a firm to later share a portion of the fees received from firm clients leaving with the lawyer, restricts the rights of the lawyer to practice after termination of the relationship.

Advisory Opinion Conclusion and Analysis

The AO concludes that presently there is no definitive Washington authority on the issues pertaining to the question, and the decisions reached in other jurisdictions are inconsistent. The answer depends primarily on how the Washington courts might interpret RPC 5.6(a) in the future. It also depends not only on the amounts or percentages of any payments the departing lawyer may be called upon to make, but also upon the circumstances in which the agreement between the firm and the departing lawyer were made and the actual or theoretical effects of imposing the terms in the agreement on the departing lawyer and the relevant clients.

While Washington RPC 5.6(a) may not prevent all such agreements, the required division of fees between the firm and the departing lawyer should bear a reasonable relationship to the law firm's financial investment in the departing client matters and the amount of work that has been or remains to be done on those client matters.

Comment [1] to RPC 1.17 states: "Clients are not commodities that can be purchased and sold at will." In other words, a firm cannot prohibit a lawyer who chooses to leave a firm from continuing to represent a client on any matters—even those on which the lawyer began work before departing from the firm. RPC 5.6 states, in part, that a lawyer shall not participate in offering or making an agreement that restricts the rights of the lawyer to practice after termination of the relationship, except an agreement concerning benefits upon retirement.

Comment [1] to RPC 5.6 states, in part: "An agreement restricting the right of lawyers to practice after leaving a firm not only limits their professional autonomy but also limits the freedom of clients to choose a lawyer."

Nationally, courts have taken two distinct approaches on when and to what extent firms may impose economic consequences or financial disincentives on departing lawyers who take one or more client matters with them. One approach has its origins in *Cohen v. Lord, Day & Lord*, 75 N.Y.2d 95, 550 N.E. 2d 410 (1989). Under *Cohen* and its progeny, all adverse economic consequences or financial disincentives against lawyers who leave firms with client matters are prohibited. The other approach has its origins in *Howard v. Babcock*, 18 Cal. App. 4th 107, 7 Cal. Rptr. 2d 687 (1992), which held that the court would enforce what it described as a reasonable economic toll on competition when a lawyer changes firms. The court analogized such provisions to permissible liquidated damage provisions and noted that both can be upheld if reasonable under the circumstances.

The only appellate decision in Washington that addresses this subject is *Seattle Truck Law, PLLC v. Banks*, 28 Wn.App.2d 1044 (Div. 1, 2023) (rev. den., 2 Wn.3d 1035 (2024)) (unpublished). In that case, Division 1 of the Washington Court of Appeals held that on the record before it, the relevant agreement did not place a restraint on the departing lawyer's ability to practice law under RPC 5.6. However, the unpublished Court of Appeals decision in *Seattle Truck Law*, and the subsequent denial of review by the Washington Supreme Court, do not commit Washington to either the *Cohen* (New York) camp or the *Howard v. Babcock* (California) camp. If presented with these facts, other Washington courts might choose a different approach.

The Advisory Opinion concludes that the application of RPC 5.6(a) depends not only on the amounts or percentages of any payments the departing lawyer may be called upon to make, but also upon the particular circumstances in which the agreement between the firm and the departing lawyer were made and the actual or

theoretical effects of imposing the terms in the agreement on the departing lawyer and the relevant clients. By way of example, a court might consider questions such as:

- Whether the agreement made by the firm was with an experienced lawyer or a relatively new lawyer who signed something akin to a contract of adhesion imposed by the firm.
- Whether the firm can document that the amount it seeks reflects its actual investment in cases or its likely actual loss from the departure of those cases.
- Whether enforcement of the agreement as written would be likely to place the departing lawyer at a disadvantage in serving client needs.
- Whether the client matters that the lawyer is taking are contingent fee matters rather than hourly matters, since such agreements are far less likely, if ever, to be upheld in hourly fee situations.

In other words, the specific percentage amounts upheld in *Seattle Truck Law* might or might not be upheld in other situations or based on a different record.

The inquirer also asked whether, assuming that a particular agreement violates RPC 5.6(a), it might be enforceable between the departing lawyer and the firm as a matter of contract law. The *Seattle Truck Law* court did not rule on this issue in that case, but observed that under *LK Operating, LLC v. Collection Grp., LLC*, 181 Wn.2d 48, 85 (2014), the answer to this question would depend on whether the agreement in question is injurious to the public. The AO concludes that while likely that the Washington Supreme Court would decline to enforce an agreement it found violative of RPC 5.6(a), that is a question which could also turn on the specific facts and circumstances before the Court.

Attachment

WSBA Ethics Advisory Opinion

WASHINGTON STATE BAR ASSOCIATION

Advisory Opinion: _____

Year Issued: 2025

RPC: 5.6

Subject: Fee Division Contracts with Departing Lawyers

Summary: *This opinion discusses the potential application of Washington RPC 5.6(a) to agreements between a law firm and a lawyer that require payments by a departing lawyer to the firm when the departing lawyer takes along one or more client matters on which the departing lawyer had begun to work while at the firm. As explained below, the answer is difficult because of by the significant differences among other jurisdictions regarding how to approach such issues and because of the lack of definitive Washington State authority. At present, the only pertinent Washington authority is an unpublished Washington Court of Appeals opinion which does not address all the relevant questions. Nevertheless, one can reasonably conclude that while Washington RPC 5.6(a) may not prevent all such agreements, the required division of fees between the firm and the departing lawyer should bear a reasonable relationship to the law firm's financial investment in the departing client matters and the amount of work that has been or remains to be done on those client matters.*

QUESTIONS:

Lawyer L works at a law firm (the “Firm”). Both L and the Firm have read *Seattle Truck Law, PLLC v. Banks*, 28 Wn.App.2d 1044 (Div. 1, 2023) (unpublished), rev. den., 2 Wn.3d 1035 (2024). L and the Firm either have signed or propose to sign an agreement which provides that if L leaves the Firm and continues to work on one or more client matters on which L had begun at the Firm, L must compensate the Firm by paying the Firm a stated amount or percentage of fees received by L for work on that client matter in subsequent years.

1. Is such an agreement consistent with RPC 5.6(a)?
2. If such an agreement is not consistent with RPC 5.6(a), is it nonetheless enforceable as a matter of contract law?

BRIEF ANSWERS:

1. There is presently no definitive Washington authority on the relevant issues pertaining to RPC 5.6(a), and the decisions reached in other jurisdictions are inconsistent. The answer thus depends primarily on how the Washington courts might interpret RPC 5.6(a) in the future. The answer may also depend on the facts and circumstances giving rise to the

agreement between a lawyer and the lawyer's firm, and the potential effects of that agreement. In our opinion, and absent definitive Washington State authority, an agreement which appears to be punitive towards the departing lawyer and does more than provide reasonable compensation to the Firm for its past efforts, is unlikely to be consistent with RPC 5.6(a).

2. If the agreement does violate RPC 5.6(a), the question of its enforceability as a matter of contract law will depend, among other things, on whether, considering the RPC violation, the resulting contract violates the underlying public policy of the rule. See, e.g., *LK Operating, LLC v. Collection Grp., LLC*, 181 Wn.2d 48, 85 (2014) (business transaction entered into with client in violation of RPC 1.8(a) rendered contract unenforceable because contrary to public policy). The Committee focuses solely on interpretations of the RPCs and does not issue opinions on other questions of law.

DISCUSSION:

Comment [1] to RPC 1.17 states: "Clients are not commodities that can be purchased and sold at will." In other words, a firm cannot prohibit a lawyer who chooses to leave a firm from continuing to represent a client on any matters—even those on which the lawyer began work before departing from the firm. [n.1] The question here is whether or to what extent the firm can require payment to the firm by a departing lawyer who takes client matters with them. [n.2]

RPC 5.6 states in pertinent part:

A lawyer shall not participate in offering or making:

(a) a partnership, shareholders, operating, employment, or other similar type of agreement that restricts the rights of a lawyer or an LLLT to practice after termination of the relationship, except an agreement concerning benefits upon retirement

Comment [1] to RPC 5.6 states:

An agreement restricting the right of lawyers to practice after leaving a firm not only limits their professional autonomy but also limits the freedom of clients to choose a lawyer. Paragraph (a) prohibits such agreements except for restrictions incident to provisions concerning retirement benefits for service with the firm. [n.3]

Washington RPC 5.6(a) is identical to ABA Model Rule 5.6(a). All courts that have interpreted Model Rule 5.6(a) have held that it prohibits every type of noncompete agreements apart from retirement and sale-of-practice agreements. However, courts have taken two distinct approaches on when and to what extent firms may impose economic consequences or financial disincentives on departing lawyers who take one or more client matters with them.

One approach has its origins in *Cohen v. Lord, Day & Lord*, 75 N.Y.2d 95, 550 N.E. 2d 410 (1989). See also ABA Formal Op. 489 (2019), 06-444 (2006), 94-381 (1994). Under *Cohen* and

its progeny, all adverse economic consequences or financial disincentives against lawyers who leave firms with client matters are prohibited. [n.4]

The other approach has its origins in *Howard v. Babcock*, 18 Cal. App. 4th 107, 7 Cal. Rptr. 2d 687 (1992). That court held that it would enforce what it described as a reasonable economic toll on competition when a lawyer changes firms. The court analogized such provisions to permissible liquidated damage provisions and noted that both can be upheld if reasonable under the circumstances. [n.5]

The only appellate decision in Washington that addresses this subject is *Seattle Truck Law, PLLC v. Banks*, 28 Wn.App.2d 1044 (Div. 1, 2023) (rev. den., 2 Wn.3d 1035 (2024)) (unpublished). In *Seattle Truck Law*, a lawyer signed an employment agreement with a law firm, providing that if lawyer separated from firm taking contingent fee matters: (1) the lawyer would repay the firm for all costs and expenses owed to the firm within three months of the lawyer's departure; (2) the lawyer would remit 50% of attorney fees received on those files for the first year after the lawyer left; and (3) the lawyer would remit 40% of attorney fees received the second year and thereafter.

In *Seattle Truck Law*, Division One of the Court of Appeals cited several cases, including *Cohen*; but it rejected the *Cohen* approach and relied instead on cases including *Groen*, *Barna*, and *Warner*, 827 A.2d 1163 (2003), a case that falls in the *Howard v. Babcock* line of analysis. The *Seattle Truck Law* court held that on the record before it, the agreement did not place a restraint on the departing lawyer's ability to practice law under RPC 5.6. The court reasoned that the law firm had economic rights in the files which the firm was entitled to enforce, and that the claim for fees did not place a geographic restraint on the departing lawyer's ability to practice law. The court also found that the agreement did not restrain the departing lawyer's ability to compete with the prior law firm because it allowed the lawyer to keep a higher percentage of fees earned on a case than the lawyer would have received if the lawyer had stayed at the firm.

The unpublished Washington Court of Appeals decision in *Seattle Truck Law*, and the subsequent denial of review by the Washington Supreme Court, do not commit Washington to either the *Cohen* (New York) camp or the *Howard v. Babcock* (California) camp. If presented with these facts, other Washington courts might choose a different approach. If the Supreme Court chooses in the future to adopt the full *Cohen* approach, then the *Seattle Truck Law* decision could not stand. If other Washington courts were to reject that approach and instead adopts one more like *Howard v. Babcock* in following *Groen*, a further analysis would be required before any statements of a general nature about the application of RPC 5.6(a) to such agreements in Washington can be made.

As *Seattle Truck Law*, *Groen*, and many other cases adopting the *Howard v. Babcock* approach make clear, the application of RPC 5.6(a) depends not only on the amounts or percentages of any payments the departing lawyer may be called upon to make, but also upon the particular circumstances in which the agreement between the firm and the departing lawyer were made and the actual or theoretical effects of imposing the terms in the agreement on the departing lawyer and the relevant clients. Solely by way of example, a court might consider questions including but not limited to:

- Whether the agreement made by the firm was with an experienced lawyer or a relatively new lawyer who signed something akin to a contract of adhesion imposed by the firm.
- Whether the firm can document that the amount it seeks reflects its actual investment in cases or its likely actual loss from the departure of those cases.
- Whether enforcement of the agreement as written would be likely to place the departing lawyer at a disadvantage in serving client needs.
- Whether the client matters that the lawyer is taking are contingent fee matters rather than hourly matters, since such agreements are far less likely, if ever, to be upheld in hourly fee situations.

In other words, the specific percentage amounts upheld in *Seattle Truck Law* might or might not be upheld in other situations or based on a different record.

The second question asked at the outset is whether, assuming that a particular agreement violates RPC 5.6(a), it might be enforceable between the departing lawyer and the firm as a matter of contract law. The *Seattle Truck Law* court did not rule on this issue in that case, but observed that under *LK Operating, LLC v. Collection Grp., LLC*, 181 Wn.2d 48, 85 (2014), the answer to this question would depend on whether the agreement in question is injurious to the public. Although we believe it likely that the Washington Supreme Court would decline to enforce an agreement it found violative of RPC 5.6(a), that is a question which could also turn on the specific facts and circumstances before the court.

Endnotes

1. On contingent fee matters, the firm may have a post-departure *quantum meruit* claim against departing clients. See *Ross v. Scannell*, 97 Wash.2d 598, 647 P.2d 1004 (1982); *Belli v. Shaw*, 98 Wn.2d 569, 657 P.2d 315 (1983). This Advisory Opinion does not address such claims and is limited to agreements that a firm may reach with a departing lawyer about claims between them.
2. RPC 1.5(e), which generally addresses fee divisions between lawyers who are not in the same firm, states in pertinent part:

A division of a fee between lawyers who are not in the same firm may be made only if:

- (i) the division is in proportion to the services provided by each lawyer, or each lawyer assumes joint responsibility for the representation;
- (ii) the client agrees to the arrangement, including the share each lawyer will receive, and the agreement is confirmed in writing; and
- (iii) the total fee is reasonable

Comment [8] to RPC 1.5 states: “Paragraph (e) does not prohibit or regulate division of fees to be received in the future for work done when lawyers were previously associated in a law firm.” Consequently, RPC 1.5(e) does not apply to the division of fees between a departing lawyer and the former law firm, and any such division of fees need not be

disclosed to relevant clients unless the division would prohibit the lawyer continuing with the matter to provide competent and diligent representation to a client.

3. Comment [1] to RPC 5.6, with respect to the freedom of clients to choose a lawyer, is also applicable to the sale of a law practice under RPC 1.17.
4. As stated in note 1, a firm is not prohibited from pursuing a quantum meruit claim for pre-departure work performed on a contingent fee matter. The question here is whether or to what extent a firm can demand more than that from a departing lawyer.
5. A detailed discussion of both approaches is contained in Geoffrey C. Hazard, Jr., W. William Hodes, Peter R. Jarvis & Trisha T. Hedges, *The Law of Lawyering* §§50.03-.04 (Fourth Ed. 2024 Supp).

TO: WSBA Board of Governors

CC: Terra Nevitt, Executive Director

FROM: Jeanne Marie Clavere, Senior Professional Responsibility Counsel
Mark Fucile, Chair, Committee on Professional Ethics

DATE: October 1, 2025

RE: Committee on Professional Ethics—New Advisory Opinion on whether a criminal defense attorney needs to have a lawyer-client relationship and informed consent when vacating a drug conviction—For Information Only

Committee on Professional Ethics New Advisory Opinion on whether a criminal defense attorney needs to have a lawyer-client relationship and informed consent when vacating a drug conviction—For Information Only

INFORMATION ONLY: This is a new Advisory Opinion 2025-XX that addresses whether a criminal defense attorney needs to have a lawyer-client relationship and informed consent to vacate a drug conviction.

The RPCs that are contained in this advisory opinion are 1.0A, 1.1, 1.2, 1.3, 1.4

The Committee on Professional Ethics (CPE) drafted this opinion in response to a request for guidance on whether an attorney could move to vacate a drug conviction pursuant to the Washington Supreme Court case of *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), which held that the strict liability drug possession statute violated the due process clauses of the state and federal constitutions. The Court held that its decision would apply retroactively thus making many historic drug convictions voidable. But voiding those convictions is not automatic or self-executing. Thus, any individual defendant seeking relief had to file a motion to dismiss unless the State moved to dismiss on its own accord.

Stakeholders

A subcommittee formed by the Committee on Professional Ethics reached out to several stakeholders including Office of Public Defense (one of the original requestors), Washington Defenders Association (one of the original requestors), Washington Association of Prosecuting Attorneys, WSBA Council on Public Defense, WSBA Criminal Law Section, Washington Association of Criminal Defense Lawyers, Sanjay Walvekar, J.D. | Legislative Affairs Manager at the WSBA , and Washington state representatives Tara Simmons and Roger Goodman.

The subcommittee received comments back from Judge Sorenson, Pierce County Superior Court Judge, Pierce County Department of Assigned Counsel, Snohomish County Public Defender Association, the Washington Association of Prosecuting Attorneys.

While some of the stakeholders were of the opinion that either this is (a) an administrative fix that does not require informed consent and a lawyer-client relationship, or (b) the unique nature of the *Blake* decision requires allowing lawyers to act so long as reasonable attempts were made to contact the affected party, in interpreting the current RPCs, our subcommittee came to the conclusion that there does need to be both informed consent and a lawyer-client relationship as outlined in the advisory opinion.

However, as outlined in Endnote 6 – this opinion does not prevent private lawyers or public defense agencies from contacting individuals impacted by the *Blake* decision to establish a lawyer-client relationship and obtain informed consent to move to vacate a judgment nor prohibit prosecutors from moving to vacate these judgments.

Pending legislation

There is currently pending legislation [HB 1125](#) and [SB 5269](#) regarding providing judicial discretion to modify sentences in the interest of justice.

The importance and value of this opinion will be to guide criminal defense attorneys in their ethical duties when moving to vacate a conviction for a client who cannot be located.

The Committee on Professional Ethics (CPE) approved this advisory opinion at the August 22, 2025, meeting.

Attachment

WSBA Advisory Opinion

WASHINGTON STATE BAR ASSOCIATION

Title: Informed Consent Required To Vacate Criminal Convictions

Year Issued: 2025-XX

RPC(s): 1.0A, 1.1, 1.2, 1.3, 1.4

Summary:

This advisory opinion discusses whether a criminal defense attorney needs to have a lawyer-client relationship and informed consent to vacate a drug conviction.

Facts:

Under former RCW 69.50.4013, possession of a controlled substance – even if unintentional and unknowing – was a felony. The Washington Supreme Court in State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021), held that this strict liability drug possession statute violated the due process clauses of the state and federal constitutions. As a result, such convictions are void or voidable, but orders of vacation are not automatic or self-executing. The defendant can file a motion to vacate a drug possession conviction that fell under the former drug possession law.

This advisory opinion discusses whether a criminal defense lawyer may file a motion to vacate on behalf of an individual with such drug convictions, without the defendant's specific knowledge and consent and in the absence of a current lawyer-client relationship if the defendant cannot be located. [n.1]

Short Answer:

A lawyer must have a current lawyer-client relationship in order to act on behalf of a criminal defendant. Without a client's informed consent, a lawyer lacks authority to seek to vacate a conviction.

Authority:

(1) A lawyer may not act on behalf of a client in the absence of a current attorney/client relationship.

The question presented acknowledges the lack of an existing lawyer-client relationship. [n.2] A lawyer cannot act where there is not a client relationship. *See In re Disciplinary Proceedings Against Stansfield*, 164 Wn.2d 108, 187 P.3d 254 (2008) (lawyer who requested permission to represent widow who lived in Guatemala but filed a claim before receiving authorization and widow's authorized representative hired other counsel, negligently violated former RPC 1.2(f)). Thus, a lawyer may not move to vacate a defendant's conviction without a lawyer-client relationship. [n.3]

(2) Even if a lawyer has a lawyer-client relationship, the lawyer cannot act on a client's behalf without authorization from the client.

The Washington Supreme Court has held that under RPC 1.2(f), [n.4] a lawyer must obtain client authority in order to act on the client's behalf. *In re Disciplinary Proceeding Against Marshall*, 160 Wn.2d 317, 157 P.3d 859 (2007) (finding a lawyer willfully violated former RPC 1.2(f) by filing an appeal without two clients' authorization). Accordingly, a lawyer must have the client's informed consent to seek vacatur. [n.5]

To be clear, regardless of how well-intentioned, a lawyer may not represent a client without authorization simply because the lawyer believes it is in the client's "best interest" to do so. *See Stansfield, supra*, 164 Wash. 2d at 115 (fact that attorney was "motivated by a desire to protect [widow and estate] from others who might take advantage of them" did not justify acting without specific authority).

Further, seeking to vacate a conviction is not without risk. For example, moving to vacate a conviction could undermine a plea agreement that allows the prosecutor to pursue other dismissed charges. Thus, representing a client

without direct communication and/or authorization also risks a violation of RPC 1.1 (competence), RPC 1.2(a) (client objectives), RPC 1.4(a) (client communication), and RPC 1.4(b) (duty to explain to allow client to make informed decisions). Without discussing the issue with the client in advance, the lawyer may be proceeding without complete information that may undermine their representation and lead to the lawyer failing to provide competent representation.

Analyzing these rules, a lawyer should not seek to vacate a conviction without a current lawyer-client relationship. Further, the lawyer should only seek a vacatur of a void or voidable conviction with the client's knowledge and consent. The lawyer who acts without client authority risks a violation of RPC 1.2(f). [n. 6]

Endnotes:

1. There may be judicial or legislative solutions available which are outside the scope of this advisory opinion.
2. In a criminal defense representation where the lawyer-client relationship may cease to exist where the lawyer represented the client at one point is a fact-specific determination beyond the scope of this opinion.
3. In rare circumstances, a lawyer may represent a client who cannot be located, consistent with the known objectives of the client, pursuant to the "law or a court order" exception in RPC 1.2(f). *See* WSBA AO 2225 (2012) (lawyer must continue to represent absent immigration client, consistent with the known objectives of the client, if a judge denies withdrawal motion); *see also* Comment [17] to RPC 1.2 (RPC 1.2(f) does not prohibit a lawyer from acting when ordered to continue representation by a tribunal). It is beyond the scope of this Advisory Opinion to comment on the extent to which a lawyer may act to vacate a criminal conviction on behalf of an absent former client under the "by law" or "court order" exceptions of RPC 1.2(f), where the client has not had an opportunity to communicate and give informed consent to the representation.
4. RPC 1.2(f) provides: A lawyer shall not purport to act as a lawyer for any person or organization if the lawyer knows or reasonably should know that the lawyer is acting without the authority of that person or organization, unless the lawyer is authorized or required to so act by law or a court order. Comment [15] to RPC 1.2(f) notes:

Acting as a Lawyer Without Authority

[15] Paragraph (f) was taken from former Washington RPC 1.2(f), which was deleted from the RPC by amendment effective September 1, 2006. The mental state has been changed from

“willfully” to one of knowledge or constructive knowledge. See Rule 1.0A(f) & (j). Although the language and structure of paragraph (f) differ from the former version in a number of other respects, paragraph (f) does not otherwise represent a change in Washington law interpreting former RPC 1.2(f).

5. The ethics rules do not prohibit the State from moving to vacate a judgment affected by *Blake*. “[T]he State generally has the authority to move to vacate a judgment under CrR 7.8 (b).” *State v. Hall*, 162 Wash. 2d 901, 905, 177 P.3d 680, 682 (2008).
6. This opinion does not prevent lawyers or public defense agencies from contacting individuals impacted by the Blake decision to establish a lawyer-client relationship and obtain informed consent to move to vacate a judgment.

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Jeanne Marie Clavere, Senior Professional Responsibility Counsel
Mark Fucile, Chair, Committee on Professional Ethics
DATE: October 1, 2025
RE: Committee on Professional Ethics—New Advisory Opinion on AI in Law Practice—For Information Only

Committee on Professional Ethics New Advisory Opinion on AI in Law Practice—For Information Only

INFORMATION ONLY: This new Advisory Opinion surveys key emerging ethical issues with the use of artificial intelligence-enabled tools in law practice. The opinion focuses on the competent use of AI tools in law practice, including related topics addressing diligence, confidentiality, communication with clients, candor toward tribunals, supervision, and billing. The opinion blends analysis of emerging ethical issues with practical illustrations. The CPE coordinated its work on this opinion with the WSBA Legal Technology Task Force.

The RPCs addressed in this opinion are: 1.1, 1.3, 1.4, 1.5, 1.6, 3.3, 5.1, and 5.3.

Background

In October 2023, the CPE formed a subcommittee to assess emerging ethical issues with the use of AI tools in law practice. The subcommittee surveyed developing legal and technical resources nationally from the ABA, state bars around the country, and legal and technical media generally. Based on this survey, the subcommittee developed a draft opinion that with feedback from the full committee and staff eventually came to address the RPCs noted above. The CPE coordinated its work on the opinion with the WSBA Legal Technology Task Force, including sharing a preliminary working draft with the Task Force in 2024 and then sharing a comprehensive discussion draft with the Task Force and other interested persons in the spring of 2025. The final version of the opinion reflects input from both the Task Force and individual interested persons. The final version of the opinion was approved by the CPE at its August 2025 meeting. For each of the rules noted, the opinion blends analysis of the RPC with practical illustrations. The opinion is intentionally framed as a general survey and anticipates that with continuing rapid technical developments in this area, further opinions may follow discussing discrete topics as warranted.

Advisory Opinion Question, Analysis, and Conclusion

As noted, this opinion was intentionally framed as a general survey of emerging ethical issues associated with the use of AI tools in law practice. Therefore, it neither addresses a specific question nor particular technologies. Rather, it provides readers with a framework for understanding their ethical obligations when assessing and using

AI tools. Further, although the opinion discusses several RPCs, it focuses on the most common practical issues that have surfaced to date rather than attempting to survey every conceivable RPC that may eventually be touched by this rapidly evolving technology.

The opinion begins with a discussion of the duty of competence under RPC 1.1 and the need for lawyers to assess and use AI tools consistent with that duty. The opinion then transitions to associated issues of diligence under RPC 1.3 (noting that AI tools that promise more efficiency must still be used competently) and confidentiality under RPC 1.6 (underscoring that sharing information with an AI tool must be done consistent with the duty of confidentiality). The opinion then discusses the extent to which the use of AI tools must be discussed with clients under RPC 1.4 and supervision of both lawyers and staff using AI tools on client work under, respectively, RPC 5.1 and 5.3. The opinion also outlines the duty of candor toward tribunals under RPC 3.3 in the context of reported cases nationally involving AI tools that generated false legal citations. The opinion concludes with a general discussion of billing for AI tools under RPC 1.5.

With each RPC section addressed, the opinion includes illustrations intended to make the analytical issues addressed more concrete in their practical application.

Finally, as noted above, given the potential future impacts of AI on law practice in ways that are difficult—if not impossible—to predict, the opinion was intended as a general framework that will hopefully provide a durable set of considerations when evaluating and using AI tools in law practice both today and in the future.

Community Input

As discussed above, the CPE worked closely with the Legal Technology Task Force in developing this opinion—including sharing a comprehensive discussion draft this spring and receiving valuable input from the Task Force.

Further, the CPE also provided its discussion draft to 20 interested persons and organizations that included those examining AI issues for the court system, government agencies, law firms, law schools, and law clinics that address access to justice issues.

<u>Attachment</u>

WSBA Advisory Opinion

WASHINGTON STATE BAR ASSOCIATION

Advisory Opinion: 2025-XX

Year Issued: 2025

RPCs: 1.1, 1.3, 1.4, 1.5, 1.6, 3.3, 5.1, and 5.3

Subject: Artificial Intelligence-Enabled Tools in Law Practice

I. Introduction

Artificial intelligence has long been predicted to fundamentally reshape the legal profession. [n.1] This advisory opinion takes on a narrower topic: the ethical implications of using emerging artificial intelligence-enabled tools in law practice. [n. 2]

This advisory opinion uses the term “artificial intelligence”—AI—broadly to include “machine-based” AI that has existed for several years and focuses on making predictions or recommendations [n. 3], more recent “generative” AI that is trained to create new data and make related decisions [n. 4], rising forms of such as agentic AI that function as an agent for the user, and future forms such as autonomous AI that may function with a substantial degree of independence. [n. 5] “Artificial intelligence-enabled tools”—AI tools—in turn, refers broadly to software/hardware products and services. [n. 6, 7] Some are new standalone products, such as web or device-based “apps,” while others are products familiar to lawyers in daily practice that incorporate AI, such as legal research services. We have intentionally not attempted to focus on either specific products or narrow definitions in recognition that the technology is evolving rapidly. Rather, as noted, we have opted for broad considerations and general definitions in an effort to provide useful guidance over time going forward in a landscape likely poised for continual evolution.

AI tools presently used in or entering law practice [n. 8] encompass three diverse categories. First, some are open-source consumer products available to a wide spectrum of users that may be used in law practice. [n. 9] Second, others are products specifically tailored to law practice or other business users that include contractual assurances of confidentiality, similar to those commonly offered by commercial electronic communication and data storage providers. [n. 10] Third, emerging AI developments, while difficult to predict precisely, offer services that augment or possibly replace operating procedures and functions that law firms currently employ. [n. 11] Although the underlying duties are the same with all these categories, the practical analysis can differ.

This Advisory Opinion addresses seven duties under the Washington RPCs when using AI tools in law practice: (1) competence under RPC 1.1; (2) diligence under RPC 1.3; (3)

confidentiality under RPC 1.6; (4) communication under RPC 1.4; (5) candor toward tribunals under RPC 3.3; (6) supervision of other lawyers and nonlawyers under, respectively, RPCs 5.1 and 5.3; and (7) billing for their use consistent with RPC 1.5.

By discussing these areas, we do not suggest that these are the only topics that are or may become relevant to lawyers' use of AI tools. Rather, these are simply some of the more commonly encountered sets of issues to date. [n. 12] Similarly, for each area addressed, we have included illustrations. By offering these examples, we do not suggest that they are the only ways that such issues can arise. Further, by focusing on the topics selected, we also do not suggest that other law-related areas will not be impacted by AI. Finally, we have not evaluated substantive law beyond the RPCs—such as copyright and general data security law—that intersect with AI but are beyond the charge of our Committee.

Finally, our intent with the present advisory opinion is to provide broad guidance about general issues. We readily acknowledge and anticipate that specific practice areas and issues may warrant future advisory opinions tailored to those areas or issues as circumstances warrant.

II. Analysis

A. **Duty of Competence**

Lawyers must understand the technology they use in law practice.

RPC 1.1 states the duty of competence:

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Comment 8 to RPC 1.1 explains that the duty of competence includes understanding technology used in law practice sufficiently to use it consistent with a lawyer's duties under the RPCs:

To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, **including the benefits and risks associated with relevant technology**[.] [n. 13] (Emphasis added.)

In some instances, the use of technology in law practice is required—such as electronic filing mandated by court rules. [n. 14] In others, the use of technology may be a matter of personal choice or practical imperative—such as electronic documents with embedded metadata. [n. 15] Regardless of whether the use of a particular technology is required or is by choice, a lawyer using technology in law practice is obliged to do so competently. [n. 16] An author speaking of law practice technology generally neatly captured the practical import of the duty of competence in this regard:

Competence does not mean perfection, expertise, or paranoia. It does not mean that lawyers must now become early adopters, anxious to discover, purchase, and learn every possible new piece of legal tech. But it does require a baseline understanding of, and reasonable proficiency in, the technology at hand. [n. 17]

With AI-enabled general consumer products used in law practice, a lawyer must understand them sufficiently to use them consistent with the lawyer's duties under the RPCs. In a widely reported decision from New York, for example, a lawyer used a consumer-oriented AI-enabled web application to produce a brief that included citations to non-existent cases that the lawyer then filed in federal court without first checking them. [n. 18] When the court discovered the non-existent citations, the lawyer claimed a lack of understanding of how the application worked. [n. 19] The court sanctioned the lawyer nonetheless. [n. 20] Similarly, the ABA in Formal Opinion 498 (2021) noted that some "smart speakers" used as "virtual assistants" have default settings in which they "listen" for commands and may, therefore, allow their vendors to overhear confidential communications. [n. 21] ABA Formal Opinion 498 recommended that lawyers disable this feature if they use them in law practice. [n. 22] Although the RPCs do not prohibit the use of consumer-oriented AI-enabled products in law practice, lawyers must be sensitive to the fact that they may include features that must be understood and, if necessary, modified to make them compatible with law practice. In other instances where protection of client confidential information cannot be reasonably assured, lawyers should not use consumer-oriented AI tools.

With AI tools that are tailored to law practice and similar settings, a lawyer must understand them sufficiently to use them consistent with the lawyer's duties under the RPCs. With AI tools tailored to law practice, appropriate use of these products often (but not exclusively) turns on their contractual assurances of confidentiality consistent with lawyers' duties under RPC 1.6. Lawyers should understand the contractual terms of use and keep abreast of updated terms or privacy notifications from the vendor. In other words, it is not sufficient to simply note that an AI vendor offers a contractual assurance of confidentiality; rather, the terms must meet a lawyer's duty of confidentiality under RPC 1.6. WSBA Advisory Opinion 2215 (2012) discussed contractual terms of use in the analogous setting of cloud-based electronic file storage as part of a lawyer's duty of competence under RPC 1.1. [n. 23] While not an exclusive list, Advisory Opinion 2215 suggested that lawyers evaluate a vendor's contractual assurances in the context of overall industry practice, the vendor's record of meeting those obligations, and how information is handled by the vendor. Advisory Opinion 2215 also stressed that because technology changes over time, a lawyer's review cannot be static and must be revisited at appropriate intervals to give continued reasonable assurance that the product or service involved is still meeting standards compatible with those applicable to law practice. [n. 24] Advisory Opinion 2215 further notes that if particular nuances are beyond the lawyer's training and experience to evaluate, the lawyer should seek appropriate technical assistance in evaluating the vendor. We think that the general guidelines outlined in Advisory Opinion 2215 apply with equal measure to lawyers evaluating and using AI tools—whether standalone or incorporated into products commonly used in law practice.

At the same time, given the breadth of potential uses of AI tools in law practice, lawyers will also need to assess whether a particular tool is suitable for a given task and to evaluate its technical attributes in that regard. Depending on the circumstances, that may include an assessment of how the tool was trained and whether the training data may influence its results. In short, lawyers are responsible for the selection of particular tools used to carry out a representation and the lawyer—not the tool—is ultimately responsible for the work concerned. [n. 25.]

Whether considering products familiar to law practice that incorporate AI or new tools that promise to augment or replace existing operating procedures and functions, [n. 26] lawyers using them need to understand how they work so that they will be used consistent with the lawyer's duty of competence. [n. 27] Although the New York case noted earlier was an extreme example, it also underscored that lawyers remain ultimately responsible for their work under RPC 1.1—whether aided by AI tools or not.

Illustration

Amanda, a junior associate at a mid-sized law firm, is assigned a complex litigation case. Feeling overwhelmed by the volume of documents and tight deadlines, she decides to use a newly released AI legal research tool to assist with her work.

The AI tool that Amanda relied on is marketed as a cutting-edge AI product that can analyze vast amounts of legal documents, extract key information, and even draft legal memos. The product's website claims it can revolutionize legal research and writing.

Amanda's Actions

1. Without reasonably investigating the AI tool's capabilities and limitations, Amanda inputs sensitive client information and case details into the system.
2. She relies heavily on the AI tool to conduct legal research, accepting its findings without independently verifying the accuracy or relevance of the cited cases.
3. Amanda uses the AI tool to draft a crucial motion, making only minor edits to the AI-generated text before submitting it to the partner for review.
4. When the partner asks about her research methodology, Amanda simply states that she used advanced AI technology without explaining the specific process or her level of oversight.

Competence (RPC 1.1):

Amanda's actions implicate the duty of competence by:

- Failing to understand the limitations and potential risks of the AI tool
- Not critically analyzing the AI-generated output for accuracy and relevance.
- Relying on AI without exercising independent professional judgment.

B. Duty of Diligence

An AI tool that promises more efficiency must still be used competently.

RPC 1.3, in turn, outlines the duty of diligence:

A lawyer shall act with reasonable diligence and promptness in representing a client.

Although diligence focuses largely on handling a client's work with the attentiveness reasonably appropriate to the task involved, Comment 2 to RPC 1.3 notes that diligence is closely tethered to competence. In other words, to the extent an AI tool promises to make handling a task more efficient, a lawyer must still use it with the requisite technical competence. In *People v. Crabill*, 2023 WL 8111898 (Colo. Nov. 22, 2023) (unpublished), for example, a Colorado lawyer failed to act with reasonable diligence by using an AI tool to write a motion without verifying the accuracy of the citations the AI tool generated. The lawyer then filed a brief containing fictitious citations that were later discovered by the trial judge. The lawyer was disciplined under Colorado's analogous version of RPC 1.3 (and its similar version of RPC 1.1).

Illustration

See previous hypothetical.

Diligence (RPC 1.3):

Amanda's actions implicate the duty of diligence by:

- Not thoroughly reviewing and scrutinizing the AI-generated motion for legal and factual soundness.
- Failing to independently verify the cases and legal arguments presented by the AI tool.

The consequences of Amanda's actions can have a devastating impact on the case as follows:

1. The motion may contain inaccuracies, irrelevant citations, or even non-existent cases, potentially harming the client's case.
2. Amanda's lack of understanding of the AI tool's functionality could lead to inadvertent disclosure of confidential client information
3. If the court or opposing counsel discovers the heavy reliance on AI without proper oversight, it could damage the firm's reputation and potentially lead to sanctions.
4. Amanda's supervising attorney might also face ethical violations for inadequate supervision under RPC 5.1.

This example underscores the importance of lawyers maintaining their professional responsibilities even when using advanced AI tools. While AI can enhance efficiency, it cannot replace the critical thinking, judgment, and ethical obligations of a competent and diligent attorney. In short, lawyers cannot cede either their professional judgment or their responsibility for work to AI tools.

C. Duty of Confidentiality

Confidentiality embraces both information shared with an AI tool and how it is used.

Subject to specific exceptions, Washington RPC 1.6(a) states the duty of confidentiality:

A lawyer shall not reveal information relating to the representation of a client[.]

Washington RPC 1.6(c), in turn, outlines a lawyer's duty to take reasonable steps to protect client confidentiality:

A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client. [n. 28]

Comments 18 and 19 to RPC 1.6 weave together the duties of competence and confidentiality under the subtitle "Acting Competently to Preserve Confidentiality" and speak to these duties when using technology:

[18] Paragraph (c) requires a lawyer to act competently to safeguard information relating to the representation of a client against unauthorized access by third parties and against inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer's supervision. See RPC 1.1, 5.1 and 5.3. The unauthorized access to, or the inadvertent or unauthorized disclosure of, information relating to the representation of a client does not constitute a violation of paragraph (c) if the lawyer has made reasonable efforts to prevent the access or disclosure. Factors to be considered in determining the reasonableness of the lawyer's efforts include, but are not limited to, the sensitivity of the information, the likelihood of disclosure if additional safeguards are not employed, the cost of employing additional safeguards, the difficulty of implementing the safeguards, and the extent to which the safeguards adversely affect the lawyer's ability to represent clients (e.g., by

making a device or important piece of software excessively difficult to use). A client may require the lawyer to implement special security measures not required by this rule or may give informed consent to forgo security measures that would otherwise be required by this rule. Whether a lawyer may be required to take additional steps to safeguard a client's information in order to comply with other law, such as state and federal laws that govern data privacy or that impose notification requirements upon the loss of, or unauthorized access to, electronic information, is beyond the scope of these rules. For a lawyer's duties when sharing information with nonlawyers outside the lawyer's own firm, see RPC 5.3, Comments [3]-[4].

[19] When transmitting a communication that includes information relating to the representation of a client, the lawyer must take reasonable precautions to prevent the information from coming into the hands of unintended recipients. This duty, however, does not require that the lawyer use special security measures if the method of communication affords a reasonable expectation of privacy. Special circumstances, however, may warrant special precautions. Factors to be considered in determining the reasonableness of the lawyer's expectation of confidentiality include the sensitivity of the information and the extent to which the privacy of the communication is protected by law or by a confidentiality agreement. A client may require the lawyer to implement special security measures not required by this Rule or may give informed consent to the use of a means of communication that would otherwise be prohibited by this Rule. Whether a lawyer may be required to take additional steps in order to comply with other law, such as state and federal laws that govern data privacy, is beyond the scope of these rules.

Although the duty of confidentiality remains the same, its practical import can vary depending on whether an AI-enabled product is developed primarily for consumers or is tailored to business and professional settings that include contractual assurances of confidentiality.

Some AI-enabled consumer products don't include contractual assurances of confidentiality thereby posing an unreasonable risk to confidential client information. In the New York sanctions decision discussed earlier, for example, the lawyer using the AI-enabled web application entered an increasingly specific series of prompts that revealed detailed client information—notwithstanding a disclaimer on the product concerned that data entered would not be kept confidential. [n. 29] The sanction was entered based on the non-existent cases the application generated and the lawyer used without checking their accuracy. Entering identifiable client confidential information into a non-confidential product, however, raises serious concerns under RPC 1.6. For example, lawyers may believe that entering a search in a public system using the “incognito” setting will be safe for their search—but it may not completely preserve confidentiality.

The duty of confidentiality under RPC 1.6 is broad—defined as “information related to the representation of a client” and extending beyond privilege and work product standing alone. [n. ³⁰] Moreover, a lawyer need not specifically intend to reveal confidential information to find a violation of RPC 1.6 if the lawyer intended the act that did, in fact, reveal the information. [n. ³¹] For example, as discussed earlier, ABA Formal Opinion 498 noted that using “smart speakers” with their “listening” function enabled may violate a lawyer's duty to protect confidential information. Similarly, lawyers should not share client confidential information with an AI-enabled product without verifying that the product will protect their client's confidentiality consistent with RPC 1.6.

Commercial AI tools that include contractual assurances of confidentiality should be evaluated using the general factors outlined earlier from Advisory Opinion 2215. [n. 32] In particular, the contractual terms should be examined to determine if the vendor uses the data involved for any other purpose (such as training the AI tool involved) and, if so, whether those purposes are compatible with the duty of confidentiality. [n. 33] Further, as reflected in Comments 18 and 19 to RPC 1.6 quoted above, and as discussed in Section D below, the sensitivity of the information involved in a particular representation may necessitate consultation with the client and, in some instances, obtaining the client's informed consent under RPC 1.6(a) before using an AI tool. [n. 34] Again as reflected in Comments 18 and 19 to RPC 1.6, clients may direct lawyers to refrain from using particular AI tools in some circumstances or may place other limits on such use.

Reflecting the intersecting duties of competence and confidentiality discussed in Comments 18 and 19 to RPC 1.6, lawyers are responsible for understanding AI tools sufficiently to protect client confidentiality in their actual use. [n. 35] For example, lawyers must understand end-user agreements and privacy policies that impact confidentiality. Similarly, lawyers using "chat bots" to assist with client intake by gathering preliminary information, should consider the use of appropriate disclaimers of an attorney-client relationship until expressly formed with the lawyer or law firm and related explanations on whether prospective clients may—or may not—supply preliminary information with an assurance of confidentiality. [n. 36] By using this example, we do not foreclose others. Rather, regardless of the product or service—whether existing or future—the duties of competence and confidentiality ultimately remain the lawyer's—not the product manufacturer or the service provider.

Illustration

Frank, a criminal defense attorney is hired on a complex case for a high-profile client. Feeling overwhelmed by the volume of discovery and tight deadlines, Frank decides to use a popular public-facing generative AI tool, such as ChatGPT, to help him draft a legal memo to the court. Frank inputs specific details about the case [n. 37] into the AI tool, including:

1. The client's name and identifying information
2. Confidential case strategies discussed with the client
3. Details of plea negotiations
4. Privileged communications between the client and the lawyer and paralegals

By entering this confidential information into a public AI platform, Frank's actions implicate the duty of confidentiality in several ways:

Unauthorized disclosure: The AI tool's employees may have access to the chat history, potentially exposing privileged information to unauthorized third parties

Data retention and usage: The AI platform may store and use the inputted information to train its model, making the confidential data potentially accessible to future users

Security risks: Public-facing AI tools may not have adequate security measures to protect sensitive legal information from cyber threats or data breaches.

Waiver of attorney-client privilege: By sharing privileged communications with the AI tool, Frank may inadvertently waive the attorney-client privilege, making those communications potentially discoverable by opposing counsel

Frank's actions implicate RPC 1.6, which requires lawyers to maintain client confidentiality.

Lawyers should thoroughly vet AI platforms for security and privacy measures and avoid inputting any sensitive or privileged information into public-facing AI tools. The next section addresses the issue of client consent.

D. Duty of Communication

Communication about AI tools will vary with the tool and the client.

RPC 1.4 outlines a lawyer's duty of communication. Although the rule is multi-faceted, two elements in particular potentially bear on a lawyer's use of AI tools.

First, RPC 1.4(a)(2) requires a lawyer to "reasonably consult with the client about the means by which the client's objectives are to be accomplished[.]"

Second, RPC 1.4(b) requires "[a] lawyer . . . [to] . . . explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the matter."

Echoing the analysis in the preceding section on confidentiality, in some instances, no specific discussion of AI tools may be required when, for example, they are tailored to law practice and offer contractual assurances of confidentiality consistent with RPC 1.6. In others, however, even if they do not require the client's informed consent under RPC 1.6, a lawyer's use of AI tools may nonetheless be required to conform to specific client objectives, requests, or preferences. ABA Formal Opinion 512 (2024), which surveys AI issues from a national perspective, concluded (and we agree) that circumstances will dictate the extent and nature of the communication reasonably required:

It is not possible to catalogue every situation in which lawyers must inform clients about their use of . . . [AI tools]. Again, lawyers should consider whether the specific circumstances warrant client consultation about the use of a . . . [AI] tool, including the client's needs and expectations, the scope of the representation, and the sensitivity of the information involved. [n. 38]

ABA Formal Opinion 512 notes (at 9)—and again, we concur—that if circumstances warrant discussion with the client about the use of AI tools (whether they rise to the level of informed consent under RPC 1.6 or not), an engagement agreement is a logical place to memorialize those discussions, any related instructions from the client, and, if applicable, the client's informed consent.

Illustration

Here's an example of how a lawyer can violate the duty of communication when using an AI product without obtaining informed consent:

Lola, a personal injury attorney, decides to exclusively use a new AI-powered legal research and drafting tool that her firm purchased to assist with her cases. She uses this tool from the inception of the case – which included drafting the initial demand letter to later developing legal memos and briefs in preparation for trial. The AI tool has been trained and tested by the law firm and most of the time produces consistent results.

Lola is able to complete her cases in a fraction of the time and has become complacent checking the results of the AI tool given the success in past cases.

Lola is hired by Jeremy in a medical malpractice case. Lola uses the same contract for legal services in Jeremy's case as she has used for years. This contract does not have a separate provision for the client to give informed consent for use of an AI product.

Lola also fails to orally communicate her use of the AI tool to her client. Lola then uses the AI product on the case, inserting confidential information into the system and extracting legal documents for use in the case.

While there may be multiple ethical issues, Lola's actions implicate the duty of communication in the following ways:

1. **Failure to disclose AI usage:** Lola does not inform Jeremy that she is using an AI products to conduct legal research and draft documents for his case.
2. **Lack of informed consent:** Lola fails to obtain Jeremy's approval before inputting his confidential information into the AI system.
3. **Inadequate explanation of risks:** Lola does not discuss the potential risks and limitations of using an AI product with Jeremy, such as data privacy concerns or the possibility of AI-generated errors.
4. **Omission of available alternatives:** Lola neglects to explain the reasonably available alternatives to using AI in Jeremy's case, preventing him from making an informed decision.
5. **Non-disclosure of AI's role:** When presenting legal strategies or documents to Jeremy, Lola does not mention that they were partially generated or influenced by an AI product.

This example underscores the importance of communication. RPC 1.4 require lawyers to reasonably consult with clients about the means used to accomplish their objectives. By failing to communicate her use of AI and obtain informed consent, Lola deprives Jeremy of the opportunity to make an informed decision about his representation and potentially exposes his confidential information to unauthorized disclosure.

E. Candor Toward the Tribunal

Lawyers are responsible for the accuracy of their court filings.

RPC 3.3 outlines a lawyer's duty of candor toward a tribunal. The term "tribunal," in turn, is defined broadly by RPC 1.0A(m) to include both courts and other "adjudicative" forums such as arbitrations and administrative agency proceedings.

Of particular relevance to the present topic, RPC 3.3(a)(1) prohibits a lawyer from making "a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer[.]" In *People v. Crabill*, *supra*, 2023 WL 8111898 (Colo. Nov. 22, 2023) (unpublished), for example, the Colorado lawyer who used an AI tool in preparing a motion failed to inform the court concerned when the lawyer discovered that the AI tool had generated fictitious citations that the lawyer had not verified before filing the motion. The lawyer was also disciplined under Colorado's analogous version of RPC 3.3(a)(1). [n. 39]

Similarly, a lawyer is also obliged generally under RPC 3.3(c) to alert the court to material evidence that the lawyer has discovered is false. In *Kohls v. Ellison*, 2025 WL 66514 (D. Minn. Jan. 10, 2025) (unpublished), for example, the Minnesota Attorney General informed the court when he learned that an expert declaration his office had submitted included citations to non-existent academic articles generated by an AI tool. The court struck the declaration involved. [n. 40]

Illustration

Attorney Adam represents a client on an appeal in federal court. Pressed for time and overwhelmed by the volume of research required, Adam decides to use a generative AI tool to help draft a key motion. The AI generates several persuasive arguments, complete with case citations.

Adam incorporates the AI-generated content into his motion without thoroughly verifying the citations or arguments. He submits the motion to the court without further review.

During oral arguments, the opposing counsel points out that two of the key cases cited in Adam's motion do not exist. The judge, unable to locate these cases, asks Adam to explain. Adam admits to using an AI tool but insists he believed the cases were real.

In this scenario, Adam's actions implicate the ethical rule of candor to the tribunal in several ways:

1. He submits false information to the court by including non-existent cases and fabricated arguments.
2. He fails to verify the accuracy of the AI-generated content before submitting it to the court.
3. When confronted, he does not immediately correct the false information, instead attempting to defend its validity.

This example shows the importance of lawyers understanding AI limitations, critically reviewing AI-generated content, and maintaining their ethical obligations when using such technology in legal practice. Adam's actions could result in sanctions and damage to his reputation.

F. Duty of Supervision

Those using AI tools must receive adequate training and supervision.

RPCs 5.1 and 5.3 [n. 41] address, respectively, a lawyer's duty to supervise other lawyers and nonlawyers. These duties extend to both lawyers and nonlawyers directly employed by a law firm or legal department, [n. 42] and independent contractors and vendors assisting a lawyer with a client's work. [n. 43]

In the context of AI tools, the duty of supervision has two primary aspects.

First, lawyers who supervise others—whether as a part of firm management or through direct supervision—have a responsibility to train lawyers and nonlawyers in the appropriate use of AI tools so they will be used in a manner consistent with the duties of competence and confidentiality discussed above.

Second, lawyers working with vendors supplying AI tools have a duty to evaluate the contractual assurances and other technical safeguards included in a particular product to ensure that its use is also consistent with the duties of competence and confidentiality as noted earlier.

Illustration

Anne, a senior partner at a large law firm, decides to implement a new AI-powered legal research tool across the firm. The firm's IT department researched an AI tool that would provide

protections of client confidentiality and utilize a system where it did not train on outside data.

Anne, excited about potential efficiency on cases, quickly rolled out the software to all associates and paralegals, providing only a brief email introduction on its basic functions. Anne left a more thorough training on the product up to the individual users.

Anne assigns a complex divorce case to Gabe. There are strict time limitations in place. Anne encourages Gabe to use the new AI tool. Gabe inputs some case details and asks the AI to generate arguments and find supporting case law. Without thoroughly reviewing the AI-generated content, Gabe incorporates it into the motion and submits it to Anne for final approval.

Anne, busy with a time-consuming trial – put trust into both the AI tool and Gabe's work. She gives the motion a cursory glance before filing it with the court. During the hearing, the judge points out that several key cases cited in the motion that are misquoted. Upon investigation, it's revealed that the AI tool had "hallucinated" these cases and citations.

In this example, Anne's actions implicate the duty of supervision in several ways:

1. **Inadequate training:** Anne failed to provide proper training on the ethical use and limitations of the AI tool.
2. **Clear AI use policies:** Anne did not establish clear guidelines for the use of AI in legal work, including the need for human verification. It is best practice for the firm to have an AI use policy handbook as well as regular training for employees who utilize the product.
3. **Lack of proper review of the motion:** Anne did not adequately review Gabe's work or ensure that he had properly vetted the AI-generated content.
4. **Too much reliance on technology:** By trusting the AI tool without question, Anne delegated her professional judgment to the AI, which is a violation of ethical standards.

This hypothetical highlights the need for comprehensive training, clear policies, and maintaining human oversight and professional judgment when using AI in legal work.

G. Duties under RPC 1.5

Billing for the use of AI tools must be reasonable.

RPC 1.5(a) prohibits a lawyer from making an agreement for, charging, or collecting an unreasonable fee or an unreasonable amount for expenses. RPC 1.5(b), in turn, requires that a lawyer explain the basis of fees and expenses at the outset of a representation and later if there is a modification to either. Comment 1 to RPC 1.5 explains further for expenses that "[a] lawyer may seek reimbursement for the cost of services performed in-house, such as copying, or for other expenses incurred in-house, such as telephone charges, either by charging a reasonable amount to which the client has agreed in advance or by charging an amount that reflects the cost incurred by the lawyer." [n. 44] Whether and how a lawyer or law firm may charge for the use of AI tools will vary with the circumstances and the lawyer or law firm's agreement with the clients concerned. Some, for example, may simply absorb those costs as overhead that is reflected in the firm's fee structure. Others, by contrast, may bill them separately as an expense. Regardless, any method of recouping the cost of AI tools must comply with RPC 1.5.

Further, AI tools may make some billable tasks more efficient. While lawyers may charge for time spent using AI tools—for example, creating appropriate prompts analogous to creating search terms for more traditional legal research programs—they may not charge for the "time saved" under RPC 1.5(a). In the analogous context of legal research, courts have noted that time

spent using computer-aided legal research is potentially recoverable (depending on the fee recovery statute or rule involved) because “[p]roperly utilized, it saves the client attorney fees which would otherwise be incurred for more time-consuming methods of legal research.” [n. 45]

Illustration

Maria, a lawyer at a small busy law firm purchased a sophisticated AI-powered legal research and document drafting tool for her practice. The AI tool was expensive, and Maria wants to pass along some of this expense to her clients for use in their cases.

Maria decides to use the AI tool on a simple case whereby she is reviewing and analyzing the contract. Maria then uses the AI tool which analyzes the contract and generates a comprehensive report with suggested revisions. The entire process, including Maria's review of the AI-generated content, takes only 2 hours.

However, Maria decides to bill her client for 10 hours of work at her usual hourly rate, reasoning that the AI tool's efficiency shouldn't reduce her billable hours. She justifies this by thinking about the time it would have taken her to do the work manually and the value provided to the client.

Maria's actions implicate RPC1.5 in several ways:

1. **Unreasonable fee:** By billing for 10 hours when the work only took 2 hours, Maria is charging an unreasonable fee that doesn't reflect the actual time spent on the task.
2. **Overhead cost:** Maria cannot pass on the cost of her overhead expenses to the client, without their informed consent in the use of the product. If the product costs to use it each time, then Maria should inform the client and get their consent to use this product in their case.
3. **Misrepresentation:** Maria is essentially misrepresenting the amount of time spent on the work, which violates the ethical obligation of honesty and transparency in billing practices.

To comply with Rule 1.5, Maria should instead:

1. Bill only for the actual time spent (2 hours) on the task, including the time used to review and refine the AI-generated content.
2. Consider adjusting her fee structure to reflect the value provided rather than time spent, such as implementing alternative fee arrangements.
3. Disclose the use of AI tools to the client and explain how it affects billing, ensuring transparency in the fee agreement.
4. Potentially bill separately for the cost of using the AI tool as a reasonable expense, if agreed upon with the client in advance.

By following these guidelines, Maria would maintain ethical billing practices while leveraging AI technology to benefit both her practice and her clients.

III. Conclusion

AI tools will undoubtedly continue to evolve and become more commonplace in daily law practice. Although they can assist lawyers in delivering legal services, they do not relieve lawyers of the core duties discussed in this advisory opinion.

1. See generally Anthony E. Davis, *The Future of Law Firms (and Lawyers) in the Age of Artificial Intelligence*, 27 No. 1 Prof. Lawyer 3 (2020).

2. This opinion does not address ethical questions encountered by lawyers who may be embedded with software development teams or otherwise advising corporations, vendors, or venture capital funds who seek to develop or promote commercial AI-enabled products or features.

3. 15 U.S.C. § 9401(3) (codifying National Artificial Intelligence Act of 2020 and defining AI as “a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments.”).

4. “Generative AI can be thought of as a machine-learning model that is trained to create new data, rather than making a prediction about a specific dataset. A generative AI system is one that learns to generate more objects that look like the data it was trained on.” <https://news.mit.edu/2023/explained-generative-ai-1109>. By using the term “generative AI,” we do not mean to limit the guidance offered in this opinion solely to that technology. Rather, we anticipate that AI will continue to evolve.

5. See generally Chanley T. Howell and Alexander J. Liederman, “The Intersection of Agentic AI and Emerging Legal Frameworks,” National Law Review, Dec. 19, 2024 (available at www.natlawreview.com); Catherine Sanders Reach, “The Emergence of Agentic AI,” ABA Law Practice Magazine, July 3, 2025 (available at www.americanbar.org).

6. For simplicity, this advisory opinion uses the term “products” broadly to reflect hardware, software, and associated services.

7. See generally Daniel W. Linna Jr. and Wendy J. Muchman, *Ethical Obligations to Protect Client Data When Building Artificial Intelligence Tools: Wigmore Meets AI*, 27 No. 1 Prof. Lawyer 27 (2020).

8. We acknowledge that the observations in this advisory opinion are inherently limited to present use of AI tools in a rapidly developing area. ABA Formal Opinion 512 (2024), which surveys AI issues in law practice from a national perspective, put it this way (at 2): “AI tools are a moving target—indeed a *rapidly* moving target—in the sense that their precise features and utility to law practice area quickly changing and will continue to change in ways that may be difficult or impossible to anticipate.” We have intentionally sought to focus our analysis, therefore, on core duties rather than specific products.

9. See, e.g., *Mata v. Avianca, Inc.*, 678 F. Supp.3d 443 (S.D.N.Y. 2023) (web-based consumer application); ABA Formal Op. 498 at 6 (2021) (smart speakers).

10. See, e.g., ABA Formal Op. 477R (electronic communication, data transmission and storage); WSBA Advisory Op. 2215 (2012) (cloud storage of electronic files). As

discussed further, because vendor terms and the technological environment change, lawyers must periodically reassess the contractual assurances provided by vendors to evaluate whether they remain consistent with lawyers' duties.

11. See, e.g., ABA Formal Op. 506 (2023) at 2 (noting that law firms increasingly use technology to augment human interactions in preliminary client intake tasks).

12. Other recent studies, for example, have also touched on potential unauthorized practice of law and lawyer marketing issues. See New York State Bar Association Task Force on Artificial Intelligence, Report and Recommendations at 31 (Apr. 6, 2024) (surveying potential unauthorized practice issues); Florida Bar Ethics. Op. 24-1 at 7 (Jan. 19, 2024) (surveying potential lawyer marketing issues).

13. Comment 8 was amended to include the reference to technological competence in 2016. See Washington Supreme Court Order 25700-A-1146 (June 2, 2016). The Washington amendment followed a similar amendment to the corresponding ABA Model Rule comment in 2012. See ABA, *A Legislative History: The Development of the ABA Model Rules of Professional Conduct, 1982-2013* (ABA Legislative History) at 42-43 (2013). The ABA amendment was developed by the ABA's Ethics 20/20 Commission and reflected the Commission's focus on, in relevant part, technology in law practice. *Id.*

14. See, e.g., U.S. District Court for the Western District of Washington LCR 5(d).

15. See, e.g., WSBA Advisory Op. 2216 (2012) (using electronic documents with embedded metadata); ABA Formal Op. 06-442 (2006) (same).

16. See, e.g., *In re Hilborn*, 22 D.B. Rptr. 102 (Or. 2008) (lawyer disciplined under Oregon RPC 1.1 for failure to understand mandatory federal court electronic filing technology); *Hur v. Lloyd & Williams, LLC*, 25 Wn. App.2d 644, 654 n.6, 523 P.3d 851 (2023) (noting the requirement of technological competence under RPC 1.1 when using electronic documents with embedded metadata).

17. Ivy B. Grey, *Exploring the Ethical Duties of Technology Competence, Part I*, ABA Law Technology Today, Mar. 8, 2017 (available on the ABA's web site).

18. *Mata v. Avianca, Inc.*, *supra*, 678 F. Supp.3d 443.

19. *Id.*

20. *Id.* Referring to this case in his 2023 Year-End Report on the Federal Judiciary (2023 Year-End Report), Chief Justice Roberts pithily described (at 6) not cite-checking cases to ensure their accuracy as "[a]lways a bad idea."

21. ABA Formal Op. 498 at 6. See also Jan L. Jacobowitz, *Happy Birthday Siri! Dialing in Legal Ethics for Artificial Intelligence, Smartphones, and Real Time Lawyers*, 4 Tex. A&M J. Prop. L. 407, 420-24 (2018) (discussing "smart speakers" used by lawyers as "virtual assistants"). These confidentiality issues have been accentuated with the

increasing norm of “remote work” where lawyers and staff are working from home and such consumer products may play both work and personal roles distinct from their use in a traditional “brick and mortar” law office. See ABA Formal Op. 498, *supra*, at 3 (discussing supervision in the virtual practice context); see *also* ABA Formal Op. 495 (2020) (remote work).

22. ABA Formal Op. 498 at 6.

23. By citing WSBA Advisory Opinion 2215, we do not imply that cloud computing and AI are equivalent technologies. For present purposes, however, they share the common trait of potentially holding client confidential information.

24. ABA Formal Opinion 477R includes a similar set of factors to evaluate vendors handling client confidential material at 9. An “appropriate interval” will necessarily vary with both the vendor (for example, a vendor affirmatively amends its terms of use) and technology (what is “state of the art” today may no longer be so in the future).

25. See, e.g., ABA Formal Op. 517 at 5-6 (2025) (discussing the use of AI tools in jury selection and making the point that the lawyer-user—not the AI tool—remains ultimately response for the work involved).

26. In his 2023 Year-End Report, Chief Justice Roberts noted (at 4) that before the U.S. Supreme Court bought its first photocopier in 1969, most internal memoranda were typed on carbon paper and duplicated on a hot-lead printing press.

27. Competent use also includes understanding and complying with any applicable court rules on AI.

28. RPC 1.6(c) was added in 2016. See Washington Supreme Court Order 25700-A-1146, *supra*. The Washington amendment followed a similar amendment to the ABA Model Rules in 2012 as a part of the ABA Ethics 20/20 Commission’s suggested amendments. See ABA Legislative History, *supra*, at 143-46.

29. See *Mata v. Avianca, Inc.*, *supra*, 678 F. Supp.3d at 457.

30. See Washington RPC 1.6, cmt. 3 (discussing the relationship between the confidentiality rule, attorney-client privilege and work product).

31. See *In re Cross*, 198 Wn.2d 806, 820, 500 P.3d 958 (2021).

32. See *also* ABA Formal Op. 477R, *supra*, at 9 (listing criteria similar to Washington Advisory Op. 2215).

33. See Texas State Bar Ethics Op. 705 at 4 (2025) (addressing the issue of potential vendor use of information).

34. See *also* RPCs 1.2(a) (lawyer consultation with clients on the means used to carry out a client's work), RPC 1.4 (communication with client). See *generally* ABA Formal Op. 08-451 (2008) (discussing outsourced legal and support services).

35. As discussed earlier, this includes both understanding them when acquired and monitoring changes in, for example, end-user agreements and privacy policies that impact confidentiality.

36. See ABA Formal Op. 506, *supra*, at 2 (use of technology to assist client intake); RPC 1.18 (duties to prospective clients); see *also* WSBA Advisory Op. 20280 (2006) (client intake through law firm web sites); *Barton v. U.S. District Court*, 410 F.3d 1104 (2005) (same).

37. Depending on the circumstances, court orders, discovery agreements between the parties, or other substantive legal restrictions may limit the information that can be shared with an AI tool.

38. ABA Formal Op. 512, *supra*, at 9.

39. If the procedural rules in a particular court require disclosure of a lawyer's use of AI tools in preparing submissions, then RPC 3.4(c) generally requires a lawyer to follow the rule.

40. Potential court sanctions for inaccurate citations and related issues are beyond the scope of this opinion. Courts have made plain, however, that a lawyer's risk in this regard is not limited to possible regulatory discipline. See *generally Park v. Kim*, 91 F.4th 610 (2d Cir. 2024) (discussing duties Fed. R. Civ. P. 11 in context of lawyer who used AI tool in preparing brief that generated fictitious citation).

41. RPC 5.3 is entitled "Responsibilities Regarding Nonlawyer Assistants." ABA Model Rule 5.3, by contrast, uses the word "Assistance" rather than "Assistants." The ABA version was changed from "assistants" to "assistance" in 2012 to reinforce that the rule applies to both nonlawyer employees of a law firm and nonlawyer independent contractors who are working with the firm. See ABA Legislative History at 604. Washington did not adopt this semantic change. Read in context, both rules refer to human nonlawyers—including vendors supplying services. See *generally LK Operating, LLC v. Collection Group, LLC*, 181 Wn.2d 48, 75-76, 331 P.3d 1147 (2014) (RPCs interpreted using principles of statutory construction). Purely technological "virtual assistants"—at least pending clarifying amendments to either the text or the comments of the rules concerned—are governed by a lawyer's duties of competence and confidentiality discussed earlier.

42. RPC 1.0A(c) defines "firm" broadly to include law firms, corporate and governmental law departments, and similar organizations. We use the term "firm" here in that broad sense.

43. See ABA Formal Ops. 08-451, *supra* (addressing outsourced legal and support services) and 477R, *supra* (discussing the use of outside vendors for electronic communication, data transmission and file storage). See *also* ABA Formal Op. 512, *supra*, at 11 (suggesting application of approaches used to vet other law practice technology for compliance with the duty of confidentiality to AI tools).

44. See *also* WSBA Advisory Op. 2120 (2006) (billing for expenses); ABA Formal Op. 93-379 (1993) (same).

45. *Absher Const. Co. v. Kent School Dist. No. 415*, 79 Wn. App. 841, 848, 917 P.2d 1086 (1995); *In re Guardianship of Hays*, 2013 WL 4607075 at *6 (Wn. App. Aug. 26, 2013) (unpublished) (citing *Absher* on this point); *Amkal v. Cingular Wireless, Inc.*, 2007 WL 9775545 at *3 (W.D. Wash. Sept. 7, 2007) (unpublished) (same).

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

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

Financial Reports

(Unaudited)

Year to Date August 31, 2025

Prepared by
Maggie Yu, Controller

Submitted by
Tiffany Lynch, Director of Finance
September 19, 2025

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 August 31, 2025,
As % of Completion to Annual Budget

	% of Year	Current Year % YTD	Current Year \$ Difference Favorable/(Unfavorable)	Prior Year YTD	Comments
Total Salaries & Benefits	92%	91%	\$147,477	91%	Favorable to budget due to higher capital labor and lower than budgeted FICA, L&I, and retirement. Expected to end the year favorable.
Other Indirect Expenses*	92%	80%	\$427,884	81%	Favorable to budget mainly due to timing of workplace benefits and IT expenses, and lower than budgeted depreciation expense, bank fees, HR, legal, and insurance expenses.
Total Indirect Expenses	92%	89%	\$575,361	89%	Favorable to budget resulting from other indirect expenses described above.

General Fund Revenues	92%	95%	\$813,232	95%	Favorable to budget due higher revenue than budget for MCLE fees, Pro Hac Vice, law clerk and interest income.
General Fund Indirect Expenses	92%	89%	\$509,682	90%	Favorable to budget as described for indirect expenses above.
General Fund Direct Expenses	92%	79%	\$417,438	77%	Favorable to budget due to planned areas of underspending for the Moderate Means Program, Bar News printing & copying, Board of Governors conferences and elections, and Diversity Events & Projects.
General Fund Net	92%	121%	\$1,740,352	184%	Favorable to budget for the reasons described above.

CLE Revenue	92%	89%	(\$27,636)	98%	Unfavorable to budget mainly due to lower seminar revenue than budgeted.
CLE Direct Expenses	92%	81%	\$39,406	77%	Favorable to budget due to timing of expenses for seminar activities and product sales.
CLE Indirect Expenses	92%	87%	\$61,360	88%	Favorable to budget mainly due to other indirect savings as described above.
CLE Net	92%	36%	\$73,130	260%	Favorable to budget primarily due to timing of direct expenses.

*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 2025 Budget
For the Period from August 1, 2025 to August 31, 2025

Category	Actual Revenues	Reforecasted Revenues	Actual Indirect Expenses	Reforecasted Indirect Expenses	Actual Direct Expenses	Reforecasted Direct Expenses	Actual Total Expenses	Reforecasted Total Expenses	Actual Net Result	Reforecasted Net Result
Access to Justice	39,476	-	224,093	249,489	131,324	139,795	355,417	389,284	(315,942)	(389,284)
Admissions/Bar Exam	1,678,365	1,480,180	812,672	882,840	515,712	482,204	1,328,385	1,365,044	349,980	115,136
Advancement FTE	-	-	347,245	389,192	3,496	3,300	350,742	392,492	(350,742)	(392,492)
Bar News	506,398	589,600	284,832	329,017	316,177	400,175	601,009	730,092	(94,611)	(140,492)
Board of Governors	-	-	197,150	224,497	277,597	360,300	474,746	584,797	(474,746)	(584,797)
Character & Fitness Board	-	-	128,247	142,016	16,265	33,000	144,512	175,016	(144,512)	(175,016)
Communications Strategies	2,912	600	597,504	719,328	157,654	180,295	755,158	899,623	(752,246)	(899,023)
Communications Strategies FTE	-	-	232,558	250,494	-	-	232,558	250,494	(232,558)	(250,494)
Discipline	69,149	90,000	5,547,931	6,319,195	115,614	201,785	5,663,545	6,520,980	(5,594,395)	(6,430,980)
Diversity	135,000	135,000	309,032	375,891	15,027	70,900	324,059	446,791	(189,059)	(311,791)
Finance	785,806	600,000	1,058,586	1,160,064	3,484	4,920	1,062,069	1,164,984	(276,263)	(564,984)
Foundation	-	-	149,540	167,282	7,984	17,800	157,524	185,082	(157,524)	(185,082)
Human Resources	-	-	687,977	613,706	-	-	687,977	613,706	(687,977)	(613,706)
Law Clerk Program	255,793	237,200	164,204	182,789	17,911	51,031	182,116	233,820	73,677	3,380
Legislative	-	-	230,569	256,817	21,984	26,275	252,553	283,092	(252,553)	(283,092)
Legal Lunchbox	34,676	34,000	47,815	34,829	4,414	4,725	52,229	39,554	(17,553)	(5,554)
Licensing and Membership Records	488,422	482,200	705,896	797,383	26,686	28,380	732,582	825,763	(244,159)	(343,563)
Licensing Fees	15,893,610	17,492,616	-	-	-	-	0	-	15,893,610	17,492,616
Limited License Legal Technician	21,414	25,031	78,703	87,751	2,737	12,500	81,441	100,251	(60,027)	(75,220)
Limited Practice Officers	163,623	189,300	92,277	105,161	19,898	37,304	113,175	142,465	(30,448)	46,835
Mandatory CLE	1,315,750	1,233,800	583,850	658,390	134,438	151,333	718,289	809,723	597,461	424,077
Member Wellness Program	1,500	10,000	206,184	229,939	4,419	11,905	210,603	241,844	(209,103)	(231,844)
Member Services & Engagement	17,830	16,300	242,950	295,449	86,584	118,900	329,534	414,349	(311,704)	(398,049)
Mini CLE	-	-	108,378	120,867	-	-	108,378	120,867	(108,378)	(120,867)
New Member Education	160,781	178,000	96,416	108,113	2,538	2,600	98,954	110,713	61,827	67,287
Office of General Counsel	270	-	929,921	1,050,467	7,049	26,805	936,971	1,077,272	(936,701)	(1,077,272)
Office of the Executive Director	-	-	798,226	890,399	131,744	138,975	929,970	1,029,374	(929,970)	(1,029,374)
OGC-Disciplinary Board	-	-	181,463	199,971	104,730	128,500	286,193	328,471	(286,193)	(328,471)
Practice of Law Board	-	-	61,899	70,566	740	16,000	62,639	86,566	(62,639)	(86,566)
Practice Management Assistance	68,268	62,000	128,021	143,410	90,586	93,650	217,607	237,060	(150,338)	(175,060)
Professional Responsibility Program	-	-	189,211	210,019	4,001	7,700	193,211	217,719	(193,211)	(217,719)
Public Service Programs	134,832	135,280	200,783	226,074	253,403	310,700	454,186	536,774	(319,354)	(401,494)
Publication and Design Services	-	-	117,511	125,539	4,844	5,000	122,356	130,539	(122,356)	(130,539)
Regulatory Services FTE	-	-	397,625	440,534	2,287	9,490	399,911	450,024	(399,911)	(450,024)
Regulatory Reform	-	-	201,066	236,405	12,409	82,500	213,476	318,905	(213,476)	(318,905)
Sections Administration	366,624	275,000	262,560	300,658	209	2,400	262,769	303,058	103,855	(28,058)
Service Center	-	-	642,746	734,738	2,301	3,053	645,047	737,791	(645,047)	(737,791)
Volunteer Engagement	-	-	175,479	208,173	20,805	37,066	196,284	245,239	(196,284)	(245,239)
Technology	-	-	1,879,628	2,074,118	-	-	1,879,628	2,074,118	(1,879,628)	(2,074,118)
Subtotal General Fund	22,140,497	23,266,107	19,301,748	21,612,469	2,517,056	3,201,266	21,818,803	24,813,735	321,694	(1,547,628)
Expenses using Facilities Reserve funds	-	-	(164,222)	-	-	-	(164,222)	(169,206)	164,222	169,206
Expenses using Special Project Reserve funds	-	-	(201,066)	-	(12,409)	-	(213,476)	(318,905)	213,476	318,905
Total General Fund - Net Result from Operations	22,140,497	23,266,107	18,936,459	21,612,469	2,504,646	3,201,266	21,441,105	24,325,624	699,392	(1,059,517)
Percentage of Budget	85%		89%		79%		88%			
CLE-Seminars and Products	1,338,540	1,443,710	916,175	1,063,549	242,786	307,112	1,158,961	1,370,661	179,579	73,049
CLE - Deskbooks	77,308	131,000	253,635	279,545	49,698	54,950	303,333	334,495	(226,025)	(203,495)
Total CLE	1,415,848	1,574,710	1,169,810	1,343,094	292,484	362,062	1,462,294	1,705,156	(46,446)	(130,446)
Percentage of Budget	90%		87%		81%		86%		9.502	11.269
Expenses using Facilities Reserve funds	-	-	(9,502)	-	-	-	(9,502)	1,693,887	(36,945)	(119,177)
Total CLE Fund - Net Result from Operations			1,160,309				1,452,793			
Total All Sections	631,548	645,483	-	-	672,936	1,040,206	672,936	1,040,206	(41,388)	(394,722)
Client Protection Fund-Restricted	948,828	930,540	165,069	184,787	(47,190)	506,400	117,879	691,187	830,949	239,353
Expenses using Facilities Reserve funds	-	-	(1,461)	-	-	-	(1,461)	(1,518)	1,461	1,518
Total CPF Fund - Net Result from Operations			163,608				116,419	689,669	832,410	240,871
Totals	25,136,722	26,416,840	20,636,627	23,140,350	3,435,286	5,109,934	24,071,913	28,250,284	1,064,809	(1,833,444)
Totals Net of Use of Facilities Reserve Funds			(175,185)				(175,185)	27,749,386	175,185	(1,332,546)
Totals Net of Use of Special Project Reserve Funds			(201,066)		(12,409)		(213,476)		213,476	
Percentage of Budget	95%		89%		67%		85%		1,453,469	

Summary of Fund Balances:	Fund Balances Sept. 30, 2024	2025 Reforecasted Fund Balances	Fund Balances Year to date
Restricted Funds:			
Client Protection Fund	4,759,353	4,998,705	5,591,762
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	1,344,457	1,214,012	1,307,513
Section Funds	2,123,665	1,728,943	2,082,276
Board-Designated Funds (General Fund):			
Operating Reserve Fund	2,500,000	2,500,000	2,500,000
Facilities Reserve Fund	207,286	-	157,847
Special Projects and Innovation Fund	400,000	81,095	186,524
Unrestricted Funds (General Fund):			
Unrestricted General Fund	7,019,063	5,997,626	7,592,710
Total General Fund Balance	10,126,350	8,578,721	10,437,082
Net Change in Total General Fund Balance		(1,547,628)	321,694
Total Fund Balance	18,353,825	16,520,381	19,418,633
Net Change In Fund Balance		(1,833,444)	1,064,809

Washington State Bar Association
Analysis of Cash Investments
As of August 31, 2025

Checking & Savings Accounts

General Fund

Checking

Bank

Wells Fargo

Account

General

Amount

1,671,721

Total

Investments

Rate (yield)

Amount

Wells Fargo Money Market

4.23%

8,507,921

UBS Financial Money Market

4.19%

1,174,150

CDs/Treasuries

see list

8,254,783

General Fund Total

19,608,576

Client Protection Fund

Checking

Bank

Wells Fargo

Amount

389,197

Investments

Rate (yield)

Amount

Wells Fargo Money Market

4.23%

3,214,445

CDs/Treasuries

see list

2,224,540

Client Protection Fund Total

5,828,181

Grand Total Cash & Investments

25,436,757

**Washington State Bar Association
Analysis of Cash Investments
As of August 31, 2025**

General Fund

<u>Bank</u>	<u>Yield</u>	<u>Term Months</u>	<u>Trade Date</u>	<u>Settle Date</u>	<u>Maturity Date</u>	<u>Amount</u>
HomeTrust Bank CD	4.15%	9	12/31/2024	1/9/2025	10/9/2025	250,000
Tompkins Community Bank CD	4.10%	9	1/7/2025	1/17/2025	10/17/2025	250,000
Needham Bank CD	4.10%	9	1/16/2025	1/24/2025	10/24/2025	250,000
Dogwood St Bank CD	4.20%	9	1/16/2025	1/28/2025	10/28/2025	250,000
First Bank Chicago CD	4.20%	12	11/26/2024	11/27/2024	11/26/2025	250,000
Bank of India NY CD	4.10%	11	12/17/2024	12/27/2024	12/3/2025	250,000
State Bank India CD	4.25%	9	3/17/2025	3/24/2025	12/19/2025	250,000
Federal Farm Credit Bank CD	4.25%	12	12/17/2024	12/20/2024	12/19/2025	250,243
Stearns Bank CD	4.15%	12	12/12/2024	12/23/2024	12/23/2025	250,000
Zions Bancorp NA CD	4.15%	9	3/28/2025	4/2/2025	1/2/2026	250,000
Regions Bank CD	4.10%	12	12/31/2024	1/8/2025	1/8/2026	250,000
TowneBank Portsmouth CD	4.10%	12	12/31/2024	1/10/2025	1/9/2026	250,000
First Reliance Bank CD	4.25%	12	2/21/2025	2/26/2025	2/25/2026	250,000
Bank of NY Mellon CD	4.20%	12	2/21/2025	2/26/2025	2/26/2026	250,000
Preferred Bank LA Calif CD	4.30%	9	5/28/2025	5/30/2025	2/27/2026	250,000
Southeast Bank CD	4.25%	9	5/28/2025	5/30/2025	2/27/2026	250,000
Norway Savings Bank CD	4.25%	9	5/28/2025	6/2/2025	3/2/2026	250,000
Old National Bank CD	4.25%	9	5/28/2025	5/29/2025	3/2/2026	250,000
Wells Fargo CD	4.25%	12	2/24/2025	3/5/2025	3/5/2026	250,000
Southstate Bank NA CD	4.40%	10	6/12/2025	6/18/2025	4/20/2026	250,000
Israel Discount k of NY CD	4.00%	12	4/22/2025	4/28/2025	4/28/2026	250,000
Northern Bank & Trust MA CD	4.20%	9	7/28/2025	7/30/2025	4/30/2026	250,000
Citizens N/B Bluffton CD	4.10%	10	7/28/2025	7/31/2025	5/29/2026	250,000
Bank of Baroda CD	4.35%	12	6/12/2025	6/17/2025	6/17/2026	250,000
Merrick Bank CD	4.30%	12	6/12/2025	6/20/2025	6/18/2026	250,000
Simmons Bank/Pine Bluff CD	4.20%	12	6/12/2025	6/20/2025	6/18/2026	250,000
BCB Community Bank NY CD	4.05%	12	7/7/2025	7/18/2025	7/17/2026	250,000
Bank Hapoalim BM CD	4.15%	12	7/28/2025	7/31/2025	7/29/2026	250,000
Citibank NA CD	4.15%	12	7/28/2025	7/31/2025	7/31/2026	250,000
Morgan Stanley PVT Bank CD	4.05%	12	8/6/2025	8/13/2025	8/13/2026	250,000

US T- Bill's

US Treasury Bill	4.22%	6	2/21/2025	2/24/2025	8/31/2025	514,177
US Treasury Bill	4.30%	11	11/26/2024	11/27/2024	10/30/2025	240,364

Total 8,254,783

**Washington State Bar Association
Analysis of Cash Investments
As of August 31, 2025**

Client Fund Protection Fund

<u>Bank</u>	<u>Yield</u>	<u>Term Months</u>	<u>Trade Date</u>	<u>Settle Date</u>	<u>Maturity Date</u>	<u>Amount</u>
Dollar Bank CD	4.15%	12	12/12/2024	12/20/2024	12/19/2025	250,000
Mizuho Bank USA CD	4.20%	9	3/17/2025	3/26/2025	12/26/2025	250,000
Bank of China/NY CD	4.25%	9	5/28/2025	5/30/2025	2/27/2026	250,000
Commerce Bank Geneva MN CD	4.30%	9	6/12/2025	6/18/2025	3/18/2026	250,000
<u>US T- Bill's</u>						
US Treasury Bill	4.20%	4	7/28/2025	7/29/2025	11/25/2025	493,248.41
US Treasury Bill	4.30%	10	11/26/2024	11/27/2024	10/2/2025	241,143.07
US Treasury Bill	4.12%	6	7/7/2025	7/8/2025	1/2/2026	490,148.20
Total						<u>2,224,540</u>

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
LICENSE FEES						
REVENUE:						
LICENSE FEES	17,492,616	1,407,042	15,893,610	1,599,007	91%	(141,289)
TOTAL REVENUE:	17,492,616	1,407,042	15,893,610	1,599,007	91%	(141,289)

Washington State Bar Association

Statement of Activities

For the Period from August 1, 2025 to August 31, 2025

92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
ADMISSIONS						
REVENUE:						
EXAM SOFTWARE REVENUE	27,500	-	8,150	19,350	30%	(17,058)
BAR EXAM FEES	1,378,980	55,125	1,595,175	(216,195)	116%	331,110
RULE 9/LEGAL INTERN FEES	12,500	1,200	15,750	(3,250)	126%	4,292
SPECIAL ADMISSIONS	61,200	7,605	59,290	1,910	97%	3,190
TOTAL REVENUE:	1,480,180	63,930	1,678,365	(198,185)	113%	321,533
DIRECT EXPENSES:						
POSTAGE	2,000	181	2,708	(708)	135%	(875)
STAFF TRAVEL/PARKING	24,000	11,017	23,540	460	98%	(1,540)
STAFF MEMBERSHIP DUES	495	-	495	-	100%	(41)
SUPPLIES	4,000	-	4,340	(340)	108%	(673)
FACILITY, PARKING, FOOD	100,000	898	142,826	(42,826)	143%	(51,159)
EXAMINER FEES	44,500	-	42,750	1,750	96%	(1,958)
UBE EXMINATIONS	118,000	102,960	144,408	(26,408)	122%	(36,241)
BOARD OF BAR EXAMINERS	42,500	2,051	9,562	32,938	22%	29,396
BAR EXAM PROCTORS	23,000	9,178	19,674	3,326	86%	1,410
DISABILITY ACCOMMODATIONS	65,000	43,183	75,023	(10,023)	115%	(15,440)
CHARACTER & FITNESS INVESTIGATIONS	1,000	525	1,225	(225)	123%	(308)
LAW SCHOOL VISITS	2,000	-	21	1,979	1%	1,813
SOFTWARE HOSTING	45,609	3,951	42,101	3,508	92%	(292)
STAFF CONFERENCE & TRAINING	10,100	-	7,040	3,060	70%	2,218
TOTAL DIRECT EXPENSES:	482,204	173,943	515,712	(33,508)	107%	(73,692)
INDIRECT EXPENSES:						
SALARY EXPENSE (6.17 FTE)	531,757	47,340	509,760	21,997	96%	(22,316)
BENEFITS EXPENSE	187,665	14,157	169,805	17,860	90%	2,221
OTHER INDIRECT EXPENSE	163,419	8,600	133,108	30,311	81%	16,693
TOTAL INDIRECT EXPENSES:	882,840	70,097	812,672	70,168	92%	(3,402)
TOTAL ALL EXPENSES:	1,365,044	244,039	1,328,385	36,660	97%	(77,094)
NET INCOME (LOSS):	115,136	(180,109)	349,980	(234,845)	304%	244,440

Washington State Bar Association

Statement of Activities

For the Period from August 1, 2025 to August 31, 2025

92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
ADVANCEMENT FTE						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF CONFERENCE & TRAINING	3,300	-	3,496	(196)	106%	(471)
TOTAL DIRECT EXPENSES:	3,300	-	3,496	(196)	106%	(471)
INDIRECT EXPENSES:						
SALARY EXPENSE (1.96 FTE)	264,525	22,092	241,260	23,265	91%	1,221
BENEFITS EXPENSE	74,703	5,485	65,834	8,869	88%	2,643
OTHER INDIRECT EXPENSE	49,964	2,736	40,150	9,814	80%	5,650
TOTAL INDIRECT EXPENSES:	389,192	30,314	347,245	41,947	89%	9,514
TOTAL ALL EXPENSES:	392,492	30,314	350,742	41,750	89%	9,043
NET INCOME (LOSS):	(392,492)	(30,314)	(350,742)	(41,750)	89%	9,043

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
ACCESS TO JUSTICE						
REVENUE:						
CONFERENCES & INSTITUTES	-	39,476	39,476	(39,476)		39,476
TOTAL REVENUE:	<u>-</u>	<u>39,476</u>	<u>39,476</u>	<u>(39,476)</u>		<u>39,476</u>
DIRECT EXPENSES:						
ATJ BOARD RETREAT	6,000	-	5,181	820	86%	320
LEADERSHIP TRAINING	6,000	-	5,529	471	92%	(29)
ATJ BOARD EXPENSE	58,500	-	47,318	11,182	81%	6,307
STAFF TRAVEL/PARKING	2,800	-	1,644	1,156	59%	922
STAFF CONFERENCE & TRAINING	2,495	-	1,570	925	63%	717
PUBLIC DEFENSE	4,000	-	2,279	1,721	57%	1,387
CONFERENCE/INSTITUTE EXPENSE	30,000	41,040	50,916	(20,916)	170%	(23,416)
RECEPTION/FORUM EXPENSE	30,000	-	16,887	13,113	56%	10,613
TOTAL DIRECT EXPENSES:	<u>139,795</u>	<u>41,040</u>	<u>131,324</u>	<u>8,471</u>	<u>94%</u>	<u>(3,179)</u>
INDIRECT EXPENSES:						
SALARY EXPENSE (1.63 FTE)	155,733	12,884	144,090	11,643	93%	(1,334)
BENEFITS EXPENSE	51,565	3,800	45,969	5,596	89%	1,299
OTHER INDIRECT EXPENSE	42,191	2,284	34,034	8,156	81%	4,640
TOTAL INDIRECT EXPENSES:	<u>249,489</u>	<u>18,967</u>	<u>224,093</u>	<u>25,396</u>	<u>90%</u>	<u>4,605</u>
TOTAL ALL EXPENSES:	<u>389,284</u>	<u>60,007</u>	<u>355,417</u>	<u>33,866</u>	<u>91%</u>	<u>1,426</u>
NET INCOME (LOSS):	<u>(389,284)</u>	<u>(20,532)</u>	<u>(315,942)</u>	<u>(73,342)</u>	<u>81%</u>	<u>40,902</u>

Washington State Bar Association

Statement of Activities

For the Period from August 1, 2025 to August 31, 2025

92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
BAR NEWS						
REVENUE:						
ROYALTIES	2,000	-	-	2,000	0%	(1,833)
DISPLAY ADVERTISING	405,000	-	409,235	(4,235)	101%	37,985
SUBSCRIPT/SINGLE ISSUES	100	-	108	(8)	108%	16
CLASSIFIED ADVERTISING	2,500	720	4,579	(2,079)	183%	2,287
JOB TARGET ADVERTISING	180,000	6,207	92,476	87,524	51%	(72,524)
TOTAL REVENUE:	589,600	6,927	506,398	83,202	86%	(34,069)
DIRECT EXPENSES:						
POSTAGE	135,000	-	122,730	12,270	91%	1,020
PRINTING, COPYING & MAILING **	261,500	-	192,045	69,455	73%	47,664
DIGITAL/ONLINE DEVELOPMENT	2,000	-	903	1,097	45%	931
GRAPHICS/ARTWORK	1,000	-	75	925	8%	842
EDITORIAL ADVISORY COMMITTEE	300	-	-	300	0%	275
STAFF MEMBERSHIP DUES	150	-	220	(70)	147%	(83)
SUBSCRIPTIONS	225	-	204	21	91%	2
TOTAL DIRECT EXPENSES:	400,175	-	316,177	83,998	79%	50,650
INDIRECT EXPENSES:						
SALARY EXPENSE (2.13 FTE)	207,867	15,527	183,736	24,131	88%	6,809
BENEFITS EXPENSE	67,753	4,769	57,626	10,127	85%	4,481
OTHER INDIRECT EXPENSE	54,297	2,963	43,471	10,827	80%	6,302
TOTAL INDIRECT EXPENSES:	329,917	23,258	284,832	45,085	86%	17,592
TOTAL ALL EXPENSES:	730,092	23,258	601,009	129,083	82%	68,242
NET INCOME (LOSS):	(140,492)	(16,331)	(94,611)	(45,881)	67%	34,173

**Budget reallocations apply to this line item. For details, see FY25 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

Washington State Bar Association

Statement of Activities

For the Period from August 1, 2025 to August 31, 2025

92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
BOARD OF GOVERNORS						
REVENUE:						
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>		<u>-</u>
DIRECT EXPENSES:						
BOG MEETINGS	148,000	42,382	152,772	(4,772)	103%	(17,105)
BOG COMMITTEES' EXPENSES **	8,500	-	4,750	3,750	56%	3,042
BOG RETREAT **	43,000	4,872	43,647	(647)	102%	(4,230)
BOG CONFERENCE ATTENDANCE **	36,500	604	31,766	4,734	87%	1,693
BOG TRAVEL & OUTREACH	50,000	531	24,785	25,215	50%	21,048
LEADERSHIP TRAINING	15,000	336	336	14,664	2%	13,414
BOG ELECTIONS	42,000	-	16,298	25,703	39%	22,203
PRESIDENT'S DINNER	10,000	821	821	9,179	8%	8,346
NEW GOVERNOR ORIENTATION **	3,500	72	249	3,251	7%	2,959
PRESIDENT'S PHOTO	3,300	-	1,966	1,334	60%	1,059
SUPPLIES	500	94	207	293	41%	252
TOTAL DIRECT EXPENSES:	<u>360,300</u>	<u>49,711</u>	<u>277,597</u>	<u>82,704</u>	<u>77%</u>	<u>52,679</u>
INDIRECT EXPENSES:						
SALARY EXPENSE (1.73 FTE) **	132,168	11,076	119,222	12,947	90%	1,933
BENEFITS EXPENSE **	48,740	3,665	42,593	6,146	87%	2,085
OTHER INDIRECT EXPENSE **	43,589	2,407	35,335	8,254	81%	4,622
TOTAL INDIRECT EXPENSES:	<u>224,497</u>	<u>17,148</u>	<u>197,150</u>	<u>27,347</u>	<u>88%</u>	<u>8,639</u>
TOTAL ALL EXPENSES:	<u>584,797</u>	<u>66,859</u>	<u>474,746</u>	<u>110,051</u>	<u>81%</u>	<u>61,317</u>
NET INCOME (LOSS):	<u>(584,797)</u>	<u>(66,859)</u>	<u>(474,746)</u>	<u>(110,051)</u>	<u>81%</u>	<u>61,317</u>

**Budget reallocations apply to this line item. For details, see FY25 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

Washington State Bar Association

Statement of Activities

For the Period from August 1, 2025 to August 31, 2025

92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
CHARACTER & FITNESS BOARD						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
CHARACTER & FITNESS BOARD EXP	18,000	426	8,306	9,694	46%	8,194
COURT REPORTERS	15,000	-	7,959	7,041	53%	5,791
TOTAL DIRECT EXPENSES:	33,000	425.66	16,265	16,735	49%	13,985
INDIRECT EXPENSES:						
SALARY EXPENSE (0.75 FTE)	95,315	8,088	88,230	7,085	93%	(857)
BENEFITS EXPENSE	27,582	2,047	24,621	2,961	89%	662
OTHER INDIRECT EXPENSE	19,119	1,049	15,396	3,723	81%	2,130
TOTAL INDIRECT EXPENSES:	142,016	11,184	128,247	13,769	90%	1,934
TOTAL ALL EXPENSES:	175,016	11,610	144,512	30,504	83%	15,919
NET INCOME (LOSS):	(175,016)	(11,610)	(144,512)	(30,504)	83%	15,919

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
CONTINUING LEGAL EDUCATION (CLE)						
(CLES - CLEP)						
REVENUE:						
SEMINAR REGISTRATIONS	725,000	23,112	478,949	246,051	66%	(185,635)
SEMINAR REVENUE-OTHER	20,000	-	27,350	(7,350)	137%	9,017
SEMINAR SPLITS W/ CLE	(150,000)	-	-	(150,000)	0%	137,500
SHIPPING & HANDLING	210	18	117	93	56%	(76)
COURSEBOOK SALES	3,500	235	980	2,520	28%	(2,228)
MP3 AND VIDEO SALES	845,000	22,240	831,144	13,856	98%	56,561
TOTAL REVENUE:	1,443,710	45,605	1,338,540	105,170	93%	(39,118)
DIRECT EXPENSES:						
COURSEBOOK PRODUCTION	500	-	-	500	0%	458
DEPRECIATION	2,012	169	1,869	143	93%	(25)
ONLINE EXPENSES	54,000	1,840	45,641	8,359	85%	3,859
ACCREDITATION FEES	3,000	(36)	1,800	1,200	60%	950
FACILITIES	165,000	12,541	158,408	6,592	96%	(7,158)
DISABILITY ACCOMMODATIONS	7,000	-	-	7,000	0%	6,417
SPEAKERS & PROGRAM DEVELOP	48,000	7,247	23,689	24,311	49%	20,311
HONORARIA	3,000	-	-	3,000	0%	2,750
CLE SEMINAR COMMITTEE	200	-	-	200	0%	183
STAFF TRAVEL/PARKING	15,000	2,958	10,336	4,664	69%	3,414
STAFF CONFERENCE & TRAINING	6,900	-	678	6,222	10%	5,647
STAFF MEMBERSHIP DUES	1,500	-	-	1,500	0%	1,375
SUPPLIES	500	-	236	264	47%	223
COST OF SALES - COURSEBOOKS	300	12	69	231	23%	206
POSTAGE & DELIVERY-COURSEBOOKS	200	-	59	141	30%	124
TOTAL DIRECT EXPENSES:	307,112	24,731	242,786	64,326	79%	38,733
INDIRECT EXPENSES:						
SALARY EXPENSE (8.00 FTE)	630,924	53,447	554,848	76,075	88%	23,498
BENEFITS EXPENSE	228,691	17,264	197,707	30,984	86%	11,926
OTHER INDIRECT EXPENSE	203,934	11,151	163,620	40,315	80%	23,320
TOTAL INDIRECT EXPENSES:	1,063,549	81,862	916,175	147,374	86%	58,745
TOTAL ALL EXPENSES:	1,370,661	106,593	1,158,961	211,700	85%	97,478
NET INCOME (LOSS):	73,049	(60,988)	179,579	(106,529)	246%	112,617

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
CLIENT PROTECTION FUND						
REVENUE:						
DONATIONS	-	2,000	2,000	(2,000)		2,000
CPF RESTITUTION	10,000	371	20,207	(10,207)	202%	11,041
CPF MEMBER ASSESSMENTS	720,540	3,650	723,050	(2,510)	100%	62,555
INTEREST INCOME	200,000	18,669	203,571	(3,571)	102%	20,238
TOTAL REVENUE:	930,540	24,690	948,828	(18,288)	102%	95,833
DIRECT EXPENSES:						
BANK FEES	2,500	(192)	(3,294)	5,794	-132%	5,585
GIFTS TO INJURED CLIENTS	500,000	36,050	(44,430)	544,430	-9%	502,763
CPF BOARD EXPENSES	2,000	181	534	1,466	27%	1,300
STAFF CONFERENCE & TRAINING	1,700	-	-	1,700	0%	1,558
STAFF MEMBERSHIP DUES	200	-	-	200	0%	183
TOTAL DIRECT EXPENSES:	506,400	36,039	(47,190)	553,590	-9%	511,390
INDIRECT EXPENSES:						
SALARY EXPENSE (1.23 FTE)	115,160	9,664	106,128	9,032	92%	(565)
BENEFITS EXPENSE	38,272	2,849	33,885	4,387	89%	1,198
OTHER INDIRECT EXPENSE	31,355	1,708	25,056	6,299	80%	3,686
TOTAL INDIRECT EXPENSES:	184,787	14,221	165,069	19,718	89%	4,319
TOTAL ALL EXPENSES:	691,187	50,260	117,879	573,308	17%	515,709
NET INCOME (LOSS):	239,353	(25,570)	830,949	(591,596)	347%	611,542

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
COMMUNICATION STRATEGIES						
REVENUE:						
50 YEAR MEMBER TRIBUTE LUNCH	100	-	873	(773)	873%	781
WSBA LOGO MERCHANDISE SALES	500	-	2,039	(1,539)	408%	1,581
TOTAL REVENUE:	600	-	2,912	(2,312)	485%	2,362
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	5,895	198	2,282	3,613	39%	3,122
STAFF MEMBERSHIP DUES	1,800	-	987	813	55%	663
SUBSCRIPTIONS	4,000	64	1,675	2,325	42%	1,992
APEX	52,500	23,611	53,355	(855)	102%	(5,230)
BAR LEADERS SUMMIT	35,000	-	33,963	1,037	97%	(1,879)
50 YEAR MEMBER TRIBUTE LUNCH	35,000	337	29,061	5,939	83%	3,022
BAR OUTREACH	20,000	5,477	12,100	7,900	60%	6,234
COMMUNICATIONS OUTREACH	15,000	8,854	12,049	2,951	80%	1,701
STAFF CONFERENCE & TRAINING	11,100	3,421	12,182	(1,082)	110%	(2,007)
TOTAL DIRECT EXPENSES:	180,295	41,963	157,654	22,641	87%	7,616
INDIRECT EXPENSES:						
SALARY EXPENSE (5.39 FTE) **	426,569	34,627	356,753	69,816	84%	34,268
BENEFITS EXPENSE **	154,335	11,427	130,469	23,866	85%	11,005
OTHER INDIRECT EXPENSE **	138,424	7,509	110,283	28,141	80%	16,606
TOTAL INDIRECT EXPENSES:	719,328	53,564	597,504	121,823	83%	61,879
TOTAL ALL EXPENSES:	899,623	95,526	755,158	144,464	84%	69,496
NET INCOME (LOSS):	(899,023)	(95,526)	(752,246)	(146,776)	84%	71,858

**Budget reallocations apply to this line item. For details, see FY25 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
COMMUNICATION STRATEGIES FTE						
INDIRECT EXPENSES:						
SALARY EXPENSE (1.00 FTE)	179,737	14,978	170,296	9,441	95%	(5,537)
BENEFITS EXPENSE	45,265	3,316	41,735	3,531	92%	(241)
OTHER INDIRECT EXPENSE	25,492	1,399	20,528	4,964	81%	2,840
TOTAL INDIRECT EXPENSES:	<u>250,494</u>	<u>19,693</u>	<u>232,558</u>	<u>17,935</u>	<u>93%</u>	<u>(2,939)</u>
NET INCOME (LOSS):	<u>(250,494)</u>	<u>(19,693)</u>	<u>(232,558)</u>	<u>(17,935)</u>	<u>93%</u>	<u>(2,939)</u>

Washington State Bar Association

Statement of Activities

For the Period from August 1, 2025 to August 31, 2025

92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
DESKBOOKS						
REVENUE:						
DESKBOOK SALES	30,000	-	8,124	21,876	27%	(19,376)
LEXIS/NEXIS ROYALTIES	75,000	8,380	40,837	34,163	54%	(27,913)
SECTION PUBLICATION SALES	1,000	-	90	910	9%	(827)
FASTCASE ROYALTIES	25,000	10,907	28,257	(3,257)	113%	5,340
TOTAL REVENUE:	131,000	19,288	77,308	53,692	59%	(42,775)
DIRECT EXPENSES:						
COST OF SALES - DESKBOOKS	5,000	-	1,161	3,839	23%	3,423
COST OF SALES - SECTION PUBLICATION	500	-	74	426	15%	385
SPLITS TO SECTIONS	300	-	-	300	0%	275
DESKBOOK ROYALTIES	300	-	-	300	0%	275
POSTAGE & DELIVER-DESKBOOKS	300	-	-	300	0%	275
OBSOLETE INVENTORY	48,250	-	48,179	71	100%	(3,950)
STAFF MEMBERSHIP DUES	250	-	285	(35)	114%	(56)
SUBSCRIPTIONS	50	-	-	50	0%	46
TOTAL DIRECT EXPENSES:	54,950	-	49,698	5,252	90%	673
INDIRECT EXPENSES:						
SALARY EXPENSE (1.75 FTE)	178,087	11,744	169,207	8,881	95%	(5,960)
BENEFITS EXPENSE	56,847	3,790	48,505	8,343	85%	3,605
OTHER INDIRECT EXPENSE	44,611	2,448	35,924	8,687	81%	4,969
TOTAL INDIRECT EXPENSES:	279,545	17,982	253,635	25,910	91%	2,614
TOTAL ALL EXPENSES:	334,495	17,982	303,333	31,162	91%	3,287
NET INCOME (LOSS):	(203,495)	1,305	(226,025)	22,530	111%	(39,488)

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
DISCIPLINE						
REVENUE:						
AUDIT REVENUE	1,000	64	680	320	68%	(237)
RECOVERY OF DISCIPLINE COSTS	70,000	4,025	49,133	20,867	70%	(15,034)
DISCIPLINE HISTORY SUMMARY	19,000	1,668	19,336	(336)	102%	1,920
TOTAL REVENUE:	90,000	5,757	69,149	20,851	77%	(13,351)
DIRECT EXPENSES:						
PUBLICATIONS PRODUCTION	350	-	-	350	0%	321
STAFF TRAVEL/PARKING	25,000	920	9,646	15,354	39%	13,270
STAFF MEMBERSHIP DUES	7,090	155	6,995	95	99%	(495)
TELEPHONE	4,000	196	2,096	1,904	52%	1,571
COURT REPORTERS	60,000	4,425	44,741	15,259	75%	10,259
OUTSIDE COUNSEL/AIC	1,000	-	-	1,000	0%	917
LITIGATION EXPENSES	40,000	964	10,761	29,239	27%	25,906
DISABILITY EXPENSES	15,000	-	7,763	7,237	52%	5,987
TRANSLATION SERVICES	12,000	-	3,795	8,205	32%	7,205
STAFF CONFERENCE & TRAINING	37,345	5,881	29,817	7,528	80%	4,416
TOTAL DIRECT EXPENSES:	201,785	12,540	115,614	86,171	57%	69,356
INDIRECT EXPENSES:						
SALARY EXPENSE (38.90 FTE)	4,053,832	342,807	3,635,831	418,001	90%	80,182
BENEFITS EXPENSE	1,272,455	94,994	1,114,812	157,643	88%	51,605
OTHER INDIRECT EXPENSE	992,908	54,251	797,287	195,620	80%	112,878
TOTAL INDIRECT EXPENSES:	6,319,195	492,053	5,547,931	771,264	88%	244,665
TOTAL ALL EXPENSES:	6,520,980	504,593	5,663,545	857,435	87%	314,020
NET INCOME (LOSS):	(6,430,980)	(498,836)	(5,594,395)	(836,585)	87%	300,670

Washington State Bar Association

Statement of Activities

For the Period from August 1, 2025 to August 31, 2025

92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
DIVERSITY						
REVENUE:						
DONATIONS	135,000	-	135,000	0	100%	11,250
TOTAL REVENUE:	135,000	-	135,000	0	100%	11,250
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	3,700	45	823	2,877	22%	2,569
STAFF MEMBERSHIP DUES	700	-	655	45	94%	(13)
DEI COUNCIL	5,900	-	2,129	3,771	36%	3,279
DIVERSITY EVENTS & PROJECTS	43,100	5	8,713	34,387	20%	30,796
INTERNAL DIVERSITY OUTREACH	7,500	-	-	7,500	0%	6,875
STAFF CONFERENCE & TRAINING	3,000	2,500	2,662	338	89%	88
CONSULTING SERVICES	7,000	-	45	6,955	1%	6,372
TOTAL DIRECT EXPENSE:	70,900	2,550	15,027	55,873	21%	49,965
INDIRECT EXPENSES:						
SALARY EXPENSE (2.69 FTE)	227,749	12,948	187,084	40,665	82%	21,686
BENEFITS EXPENSE	79,569	5,100	67,006	12,563	84%	5,932
OTHER INDIRECT EXPENSE	68,573	3,744	54,942	13,631	80%	7,916
TOTAL INDIRECT EXPENSES:	375,891	21,791	309,032	66,858	82%	35,534
TOTAL ALL EXPENSES:	446,791	24,341	324,059	122,732	73%	85,499
NET INCOME (LOSS):	(311,791)	(24,341)	(189,059)	(122,731)	61%	96,749

Washington State Bar Association

Statement of Activities

For the Period from August 1, 2025 to August 31, 2025

92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
ETHICS, WELLNESS, & PRACTICE (MWP-PMA-PRP) REVENUE:						
DIVERSIONS	10,000	-	1,500	8,500	15%	(7,667)
ROYALTIES	62,000	12,614	68,268	(6,268)	110%	11,435
TOTAL REVENUE:	72,000	12,614	69,768	2,232	97%	3,768
DIRECT EXPENSES:						
STAFF MEMBERSHIP DUES	1,450	-	1,053	397	73%	276
MEMBER WELLNESS COUNCIL	4,250	1,500	2,542	1,708	60%	1,354
LEGAL TECH TASK FORCE	5,000	-	2,750	2,250	55%	1,833
STAFF TRAVEL/PARKING	6,000	-	1,168	4,832	19%	4,332
STAFF CONFERENCE & TRAINING	9,100	895	5,424	3,676	60%	2,917
SUBSCRIPTIONS	1,455	110	1,214	241	83%	120
CPE COMMITTEE	1,000	-	286	714	29%	630
FASTCASE	85,000	-	84,568	432	99%	(6,652)
TOTAL DIRECT EXPENSES:	113,255	2,505	99,006	14,249	87%	4,811
INDIRECT EXPENSES:						
SALARY EXPENSE (3.51 FTE)	376,056	31,721	347,821	28,235	92%	(3,103)
BENEFITS EXPENSE	117,836	8,716	104,048	13,788	88%	3,969
OTHER INDIRECT EXPENSE	89,476	4,876	71,546	17,930	80%	10,474
TOTAL INDIRECT EXPENSES:	583,369	45,313	523,415	59,954	90%	11,340
TOTAL ALL EXPENSES:	696,624	47,818	622,421	74,202	89%	16,150
NET INCOME (LOSS):	(624,624)	(35,204)	(552,653)	(71,971)	88%	19,919

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
FINANCE						
REVENUE:						
INTEREST INCOME	600,000	63,375	785,806	(185,806)	131%	235,806
TOTAL REVENUE:	600,000	63,375	785,806	(185,806)	131%	235,806
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	3,750	36	2,830	920	75%	607
STAFF CONFERENCE & TRAINING	500	-	303	197	61%	155
STAFF MEMBERSHIP DUES	670	-	350	320	52%	264
TOTAL DIRECT EXPENSES:	4,920	36	3,484	1,436	71%	1,026
INDIRECT EXPENSES:						
SALARY EXPENSE (6.92 FTE)	751,265	60,993	708,521	42,743	94%	(19,862)
BENEFITS EXPENSE	232,396	16,976	208,482	23,914	90%	4,548
OTHER INDIRECT EXPENSE	176,403	9,649	141,583	34,820	80%	20,120
TOTAL INDIRECT EXPENSES:	1,160,064	87,617	1,058,586	101,478	91%	4,806
TOTAL ALL EXPENSES:	1,164,984	87,653	1,062,069	102,915	91%	5,833
NET INCOME (LOSS):	(564,984)	(24,278)	(276,263)	(288,721)	49%	241,639

Washington State Bar Association

Statement of Activities

For the Period from August 1, 2025 to August 31, 2025

92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
FOUNDATION						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
CONSULTING SERVICES	3,200	-	3,200	-	100%	(267)
PRINTING & COPYING	1,000	-	7	993	1%	910
STAFF TRAVEL/PARKING	3,000	-	54	2,946	2%	2,696
SUPPLIES	2,000	-	103	1,897	5%	1,730
BOARD OF TRUSTEES	3,600	-	517	3,083	14%	2,783
EQUIPMENT/HARDWARE/SOFTWARE	2,400	220	2,416	(16)	101%	(216)
POSTAGE	400	-	-	400	0%	367
STAFF CONFERENCE & TRAINING	2,200	1,687	1,687	513	77%	330
TOTAL DIRECT EXPENSES:	17,800	1,906	7,984	9,816	45%	8,333
INDIRECT EXPENSES:						
SALARY EXPENSE (1.05 FTE)	106,460	8,978	97,911	8,548	92%	(323)
BENEFITS EXPENSE	34,056	2,532	30,195	3,861	89%	1,023
OTHER INDIRECT EXPENSE	26,766	1,461	21,434	5,333	80%	3,102
TOTAL INDIRECT EXPENSES:	167,282	12,972	149,540	17,742	89%	3,801
TOTAL ALL EXPENSES:	185,082	14,878	157,524	27,558	85%	12,134
NET INCOME (LOSS):	(185,082)	(14,878)	(157,524)	(27,558)	85%	12,134

Washington State Bar Association

Statement of Activities

For the Period from August 1, 2025 to August 31, 2025

92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
HUMAN RESOURCES						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	300	-	97	203	32%	178
STAFF MEMBERSHIP DUES	1,000	-	528	472	53%	389
SUBSCRIPTIONS	2,000	-	993	1,007	50%	840
STAFF TRAINING- GENERAL	36,800	-	1,721	35,079	5%	32,012
RECRUITING AND ADVERTISING	8,000	-	4,743	3,257	59%	2,590
PAYROLL PROCESSING	50,000	3,441	45,964	4,036	92%	(131)
SALARY SURVEYS	1,000	-	-	1,000	0%	917
CONSULTING SERVICES	10,000	-	-	10,000	0%	9,167
STAFF CONFERENCE & TRAINING	2,200	940	1,147	1,053	52%	869
TRANSFER TO INDIRECT EXPENSE	(111,300)	(4,381)	(55,194)	(56,106)	50%	(46,831)
TOTAL DIRECT EXPENSES:	-	-	-	-		-
INDIRECT EXPENSES:						
SALARY EXPENSE (4.00 FTE) **	595,894	35,586	480,778	115,116	81%	65,458
ALLOWANCE FOR OPEN POSITIONS	(200,000)	-	-	(200,000)	0%	(183,333)
BENEFITS EXPENSE	115,845	9,858	125,389	(9,545)	108%	(19,198)
OTHER INDIRECT EXPENSE	101,967	5,575	81,810	20,157	80%	11,660
TOTAL INDIRECT EXPENSES:	613,706	51,019	687,977	(74,271)	112%	(125,414)
TOTAL ALL EXPENSES:	613,706	51,019	687,977	(74,271)	112%	(125,414)
NET INCOME (LOSS):	(613,706)	(51,019)	(687,977)	74,271	112%	(125,414)

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
LAW CLERK PROGRAM						
REVENUE:						
LAW CLERK FEES	234,000	7,500	250,993	(16,993)	107%	36,493
LAW CLERK APPLICATION FEES	3,200	600	4,800	(1,600)	150%	1,867
TOTAL REVENUE:	237,200	8,100	255,793	(18,593)	108%	38,359
DIRECT EXPENSES:						
SUBSCRIPTIONS	250	-	-	250	0%	229
DEPRECIATION	12,000	2,908	7,884	4,116	66%	3,116
CHARACTER & FITNESS INVESTIGATIONS	100	-	-	100	0%	92
LAW CLERK BOARD EXPENSE	8,000	300	5,117	2,883	64%	2,216
SOFTWARE HOSTING	681	59	630	51	93%	(6)
LAW CLERK OUTREACH	30,000	3,531	4,280	25,720	14%	23,220
TOTAL DIRECT EXPENSES:	51,031	6,798	17,911	33,120	35%	28,867
INDIRECT EXPENSES:						
SALARY EXPENSE (1.23 FTE)	113,225	9,970	105,784	7,441	93%	(1,994)
BENEFITS EXPENSE	38,208	2,893	33,364	4,845	87%	1,660
OTHER INDIRECT EXPENSE	31,355	1,708	25,056	6,299	80%	3,686
TOTAL INDIRECT EXPENSES:	182,789	14,570	164,204	18,584	90%	3,352
TOTAL ALL EXPENSES:	233,820	21,368	182,116	51,704	78%	32,219
NET INCOME (LOSS):	3,380	(13,268)	73,677	(70,297)	2179%	70,578

Washington State Bar Association

Statement of Activities

For the Period from August 1, 2025 to August 31, 2025

92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
LICENSING & MEMBERSHIP RECORDS						
REVENUE:						
STATUS CERTIFICATE FEES	27,000	2,150	28,400	(1,400)	105%	3,650
INVESTIGATION FEES	25,000	2,100	23,600	1,400	94%	683
PRO HAC VICE **	425,000	40,762	431,362	(6,362)	101%	41,779
MEMBER CONTACT INFORMATION	5,000	-	4,448	552	89%	(135)
PHOTO BAR CARD SALES	200	72	612	(412)	306%	429
TOTAL REVENUE:	482,200	45,084	488,422	(6,222)	101%	46,406
DIRECT EXPENSES:						
POSTAGE	4,000	-	3,725	275	93%	(58)
CONSULTING SERVICES	6,000	-	6,000	-	100%	(500)
SOFTWARE HOSTING	18,380	1,592	16,961	1,419	92%	(113)
TOTAL DIRECT EXPENSES:	28,380	1,592	26,686	1,694	94%	(671)
INDIRECT EXPENSES:						
SALARY EXPENSE (4.83 FTE)	515,705	40,445	467,536	48,169	91%	5,194
BENEFITS EXPENSE	158,553	11,548	139,645	18,909	88%	5,696
OTHER INDIRECT EXPENSE	123,125	6,727	98,715	24,410	80%	14,149
TOTAL INDIRECT EXPENSES:	797,383	58,720	705,896	91,487	89%	25,039
TOTAL ALL EXPENSES:	825,763	60,312	732,582	93,182	89%	24,368
NET INCOME (LOSS):	(343,563)	(15,228)	(244,159)	(99,404)	71%	70,774

**Budget reallocations apply to this line item. For details, see FY25 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
LIMITED LICENSE LEGAL TECHNICIAN PROGRAM						
REVENUE:						
SEMINAR REGISTRATIONS	7,000	640	6,240	760	89%	(177)
LLLT LICENSE FEES	17,731	1,370	14,809	2,922	84%	(1,444)
LLLT LATE LICENSE FEES	-	-	365	(365)		365
MCLE LATE FEES	300	-	-	300	0%	(275)
TOTAL REVENUE:	25,031	2,010	21,414	3,617	86%	(1,531)
DIRECT EXPENSES:						
LLLT BOARD	11,500	-	2,702	8,798	23%	7,839
LLLT EDUCATION	1,000	-	35	965	4%	882
TOTAL DIRECT EXPENSES:	12,500	-	2,737	9,763	22%	8,721
INDIRECT EXPENSES:						
SALARY EXPENSE (0.48 FTE)	55,689	3,868	50,856	4,834	91%	193
BENEFITS EXPENSE	17,525	1,140	15,784	1,741	90%	281
OTHER INDIRECT EXPENSE	14,536	679	12,064	2,473	83%	1,262
TOTAL INDIRECT EXPENSES:	87,751	5,687	78,703	9,048	90%	1,736
TOTAL ALL EXPENSES:	100,251	5,687	81,441	18,811	81%	10,457
NET INCOME (LOSS):	(75,220)	(3,677)	(60,027)	(15,194)	80%	8,925

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
LIMITED PRACTICE OFFICERS						
REVENUE:						
INVESTIGATION FEES	300	-	800	(500)	267%	525
MCLE LATE FEES	4,000	150	1,950	2,050	49%	(1,717)
LPO EXAMINATION FEES	23,000	-	14,700	8,300	64%	(6,383)
LPO LICENSE FEES	160,000	12,605	142,423	17,577	89%	(4,244)
LPO LATE LICENSE FEES	2,000	-	3,750	(1,750)	188%	1,917
TOTAL REVENUE:	189,300	12,755	163,623	25,677	86%	(9,902)
DIRECT EXPENSES:						
FACILITY, PARKING, FOOD	9,500	162	6,997	2,503	74%	1,712
EXAM WRITING	19,000	-	8,400	10,600	44%	9,017
LPO BOARD	4,000	691	1,277	2,723	32%	2,390
LPO OUTREACH	1,000	-	-	1,000	0%	917
PRINTING & COPYING	200	-	83	117	42%	100
SUPPLIES	200	-	-	200	0%	183
SOFTWARE HOSTING	3,404	295	3,142	262	92%	(21)
TOTAL DIRECT EXPENSES:	37,304	1,148	19,898	17,406	53%	14,297
INDIRECT EXPENSES:						
SALARY EXPENSE (0.68 FTE)	66,043	5,506	60,613	5,430	92%	(74)
BENEFITS EXPENSE	21,528	1,597	18,602	2,926	86%	1,132
OTHER INDIRECT EXPENSE	17,590	946	14,062	3,528	80%	2,063
TOTAL INDIRECT EXPENSES:	105,161	8,049	93,277	11,884	89%	3,121
TOTAL ALL EXPENSES:	142,465	9,197	113,175	29,289	79%	17,417
NET INCOME (LOSS):	46,835	3,559	50,448	(3,612)	108%	7,515

Washington State Bar Association

Statement of Activities

For the Period from August 1, 2025 to August 31, 2025

92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
LEGISLATIVE						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	2,500	-	565	1,935	23%	1,727
STAFF MEMBERSHIP DUES	200	-	-	200	0%	183
JUD RECOMMEND COMMITTEE	2,250	-	1,675	575	74%	388
SUBSCRIPTIONS	2,000	-	1,986	14	99%	(153)
TELEPHONE	575	48	529	46	92%	(2)
CONTRACT LOBBYIST	15,000	-	15,000	-	100%	(1,250)
LEGISLATIVE REVIEW COMMITTEE	1,250	-	130	1,120	10%	1,016
BOG LEGISLATIVE COMMITTEE	300	-	-	300	0%	275
STAFF CONFERENCE & TRAINING	2,200	-	2,101	99	95%	(84)
TOTAL DIRECT EXPENSES:	26,275	48	21,984	4,291	84%	2,101
INDIRECT EXPENSES:						
SALARY EXPENSE (1.70 FTE)	160,438	13,473	148,806	11,632	93%	(1,738)
BENEFITS EXPENSE	53,043	3,955	47,047	5,996	89%	1,576
OTHER INDIRECT EXPENSE	43,336	2,366	34,716	8,620	80%	5,008
TOTAL INDIRECT EXPENSES:	256,817	19,794	230,569	26,248	90%	4,846
TOTAL ALL EXPENSES:	283,092	19,842	252,553	30,538	89%	6,947
NET INCOME (LOSS):	(283,092)	(19,842)	(252,553)	(30,538)	89%	6,947

Washington State Bar Association

Statement of Activities

For the Period from August 1, 2025 to August 31, 2025

92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
MANDATORY CONTINUING LEGAL EDUCATION						
REVENUE:						
ACTIVITY APPLICATION FEE	600,000	46,900	643,500	(43,500)	107%	93,500
ACTIVITY APPLICATION LATE FEE	220,000	14,300	247,700	(27,700)	113%	46,033
MCLE LATE FEES	225,000	750	255,500	(30,500)	114%	49,250
ANNUAL ACCREDITED SPONSOR FEES	39,000	-	39,750	(750)	102%	4,000
ATTENDANCE LATE FEES	120,000	8,250	95,900	24,100	80%	(14,100)
COMITY CERTIFICATES	29,800	625	33,400	(3,600)	112%	6,083
TOTAL REVENUE:	1,233,800	70,825	1,315,750	(81,950)	107%	184,767
DIRECT EXPENSES:						
DEPRECIATION	142,183	12,012	132,132	10,051	93%	(1,798)
STAFF MEMBERSHIP DUES	500	-	500	-	100%	(42)
MCLE BOARD	4,000	-	1,806	2,194	45%	1,860
STAFF TRAVEL/PARKING	50	-	-	50	0%	46
STAFF CONFERENCE & TRAINING	4,600	-	-	4,600	0%	4,217
TOTAL DIRECT EXPENSES:	151,333	12,012	134,438	16,895	89%	4,283
INDIRECT EXPENSES:						
SALARY EXPENSE (4.76 FTE)	400,391	29,097	365,663	34,728	91%	1,362
BENEFITS EXPENSE	136,403	9,903	120,504	15,898	88%	4,531
OTHER INDIRECT EXPENSE	121,596	6,645	97,683	23,913	80%	13,780
TOTAL INDIRECT EXPENSES:	658,390	45,645	583,850	74,540	89%	19,674
TOTAL ALL EXPENSES:	809,723	57,657	718,289	91,434	89%	23,957
NET INCOME (LOSS):	424,077	13,169	597,461	(173,384)	141%	208,724

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
MEMBER SERVICES & ENGAGEMENT						
TEAM						
(LLB-MINI-MSE-NME)						
REVENUE:						
ROYALTIES	10,800	2,400	14,750	(3,950)	137%	4,850
NMP PRODUCT SALES	150,000	4,439	128,360	21,640	86%	(9,140)
DIGITAL VIDEO SALES	25,000	784	25,676	(676)	103%	2,759
SPONSORSHIPS	11,500	-	11,000	500	96%	458
SEMINAR REGISTRATIONS	16,000	-	20,142	(4,142)	126%	5,475
TRIAL ADVOCACY PROGRAM	15,000	-	13,344	1,657	89%	(407)
TOTAL REVENUE:	228,300	7,623	213,271	15,029	93%	3,996
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	3,500	-	1,810	1,690	52%	1,398
STAFF CONFERENCE & TRAINING	2,200	-	1,825	375	83%	192
SMALL TOWN AND RURAL COMMITTEE	7,500	220	1,586	5,914	21%	5,289
PRINTING & COPYING	1,600	-	1,442	158	90%	25
DISABILITY ACCOMMODATIONS	2,000	-	-	2,000	0%	1,833
HONORARIUM	1,500	-	-	1,500	0%	1,375
SUBSCRIPTIONS	350	-	350	-	100%	(29)
YLL SECTION PROGRAM	1,300	-	585	715	45%	607
SMALL TOWN AND RURAL COMMITTEE OUTREACH AND ACTIVITIES	65,000	-	60,044	4,956	92%	(461)
ON24 OVERAGE CHARGE	4,500	-	4,414	86	98%	(289)
MEMBER ENGAGEMENT COUNCIL	500	-	-	500	0%	458
WYLC CLE COMPS	1,000	-	-	1,000	0%	917
WYLC OUTREACH EVENTS	5,000	-	4,807	193	96%	(224)
SPEAKERS & PROGRAM DEVELOP	100	-	-	100	0%	92
WYL COMMITTEE	15,000	3,171	3,950	11,050	26%	9,800
TRIAL ADVOCACY EXPENSES	2,025	-	2,432	(407)	120%	(576)
LAW LIBRARY DESKBOOK ACCESS	10,000	-	9,311	689	93%	(144)
LAW SCHOOL OUTREACH	500	-	-	500	0%	458
RECEPTION/FORUM EXPENSE	1,000	-	200	800	20%	717
INSURANCE REBATE	(3,375)	-	-	(3,375)	0%	(3,094)
STAFF MEMBERSHIP DUES	450	-	390	60	87%	23
LENDING LIBRARY	4,000	11	284	3,716	7%	3,383
NMP SPEAKERS & PROGRAM DEVELOPMENT	575	-	106	469	18%	421
TOTAL DIRECT EXPENSES:	126,225	3,402	93,536	32,689	74%	22,170
INDIRECT EXPENSES:						
SALARY EXPENSE (4.64 FTE)	333,094	27,675	291,126	41,968	87%	14,210
BENEFITS EXPENSE	126,899	9,545	109,642	17,257	86%	6,682
OTHER INDIRECT EXPENSE	118,282	6,460	94,791	23,491	80%	13,634
INSURANCE REBATE	(19,016)	-	-	(19,016)	0%	(17,431)
TOTAL INDIRECT EXPENSES:	559,258	43,680	495,559	63,699	89%	17,094
TOTAL ALL EXPENSES:	685,483	47,082	589,095	96,388	86%	39,264
NET INCOME (LOSS):	(457,183)	(39,459)	(375,824)	(81,359)	82%	43,261

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
OFFICE OF THE EXECUTIVE DIRECTOR						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
LEADERSHIP TRAINING **	14,600	419	11,951	2,649	82%	1,432
WASHINGTON LEADERSHIP INSTITUTE	100,000	-	100,000	-	100%	(8,333)
ED TRAVEL & OUTREACH	6,000	195	3,068	2,932	51%	2,432
STAFF TRAVEL/PARKING	2,000	198	2,101	(101)	105%	(268)
STAFF CONFERENCE & TRAINING **	14,200	2,458	13,503	697	95%	(487)
STAFF MEMBERSHIP DUES	2,175	-	1,120	1,055	51%	874
TOTAL DIRECT EXPENSES:	138,975	3,270	131,744	7,231	95%	(4,350)
INDIRECT EXPENSES:						
SALARY EXPENSE (4.23 FTE) **	621,554	51,598	562,512	59,042	91%	7,246
BENEFITS EXPENSE **	161,527	12,367	149,185	12,342	92%	(1,119)
OTHER INDIRECT EXPENSE **	107,319	5,905	86,529	20,789	81%	11,846
TOTAL INDIRECT EXPENSES:	890,399	69,870	798,226	92,173	90%	17,973
TOTAL ALL EXPENSES:	1,029,374	73,139	929,970	99,404	90%	13,623
NET INCOME (LOSS):	(1,029,374)	(73,139)	(929,970)	(99,404)	90%	13,623

**Budget reallocations apply to this line item. For details, see FY25 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
OFFICE OF GENERAL COUNSEL						
REVENUE:						
RECORDS REQUEST FEES	-	-	270	(270)		270
TOTAL REVENUE:	-	-	270	(270)		270
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	3,500	318	3,481	19	99%	(273)
STAFF MEMBERSHIP DUES	2,090	-	1,825	265	87%	91
COURT RULES COMMITTEE	1,000	-	-	1,000	0%	917
COURT REPORTERS	-	-	(179)	179		179
CUSTODIANSHIPS	5,000	-	201	4,799	4%	4,382
WILLS	2,000	-	-	2,000	0%	1,833
LITIGATION EXPENSES	1,000	-	287	713	29%	629
DISABILITY ACCOMMODATIONS	6,000	299	966	5,034	16%	4,534
STAFF CONFERENCE & TRAINING	6,215	-	363	5,852	6%	5,334
SUPPLIES	-	-	104	(104)		(104)
TOTAL DIRECT EXPENSES:	26,805	617	7,049	19,756	26%	17,522
INDIRECT EXPENSES:						
SALARY EXPENSE (6.47 FTE) **	682,130	58,091	619,152	62,978	91%	6,134
BENEFITS EXPENSE	210,435	16,078	184,899	25,536	88%	8,000
OTHER INDIRECT EXPENSE	157,903	9,032	125,871	32,031	80%	18,873
TOTAL INDIRECT EXPENSES:	1,050,467	83,200	929,921	120,546	89%	33,007
TOTAL ALL EXPENSES:	1,077,272	83,818	936,971	140,302	87%	50,529
NET INCOME (LOSS):	(1,077,272)	(83,818)	(936,701)	(140,572)	87%	50,799

**Budget reallocations apply to this line item. For details, see FY25 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSE:						
STAFF MEMBERSHIP DUES	100	-	-	100	0%	92
DISCIPLINARY BOARD EXPENSES	5,000	200	1,548	3,452	31%	3,035
CHIEF HEARING OFFICER	40,000	3,333	36,663	3,337	92%	4
COURT REPORTERS	25,000	1,165	20,169	4,831	81%	2,748
HEARING OFFICER EXPENSES	4,000	18	150	3,850	4%	3,517
HEARING OFFICER TRAINING	1,000	-	-	1,000	0%	917
APPOINTED COUNSEL	50,400	4,200	46,200	4,200	92%	-
DISCIPLINARY SELECTION PANEL	1,000	-	-	1,000	0%	917
STAFF CONFERENCE & TRAINING	2,000	-	-	2,000	0%	1,833
TOTAL DIRECT EXPENSES:	128,500	8,916	104,730	23,770	82%	13,061
INDIRECT EXPENSES:						
SALARY EXPENSE (1.30 FTE)	125,704	10,537	118,170	7,535	94%	(2,941)
BENEFITS EXPENSE	41,128	3,056	36,728	4,400	89%	973
OTHER INDIRECT EXPENSE	33,139	1,810	26,565	6,574	80%	3,812
TOTAL INDIRECT EXPENSES:	199,971	15,403	181,463	18,508	91%	1,844
TOTAL ALL EXPENSES:	328,471	24,319	286,193	42,278	87%	14,905
NET INCOME (LOSS):	(328,471)	(24,319)	(286,193)	(42,278)	87%	14,905

Washington State Bar Association

Statement of Activities

For the Period from August 1, 2025 to August 31, 2025

92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
PRACTICE OF LAW BOARD						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
PRACTICE OF LAW BOARD	16,000	-	740	15,260	5%	13,927
TOTAL DIRECT EXPENSES:	16,000	-	740	15,260	5%	13,927
INDIRECT EXPENSES:						
SALARY EXPENSE (0.35 FTE)	44,050	3,439	39,649	4,401	90%	731
BENEFITS EXPENSE	15,037	911	12,728	2,309	85%	1,056
OTHER INDIRECT EXPENSE	11,478	494	9,522	1,956	83%	1,000
TOTAL INDIRECT EXPENSES:	70,566	4,844	61,899	8,667	88%	2,786
TOTAL ALL EXPENSES:	86,566	4,844	62,639	23,927	72%	16,713
NET INCOME (LOSS):	(86,566)	(4,844)	(62,639)	(23,927)	72%	16,713

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
PUBLIC SERVICE PROGRAMS						
REVENUE:						
DONATIONS & GRANTS	135,280	-	134,832	448	100%	10,825
TOTAL REVENUE:	135,280	-	134,832	448	100%	10,825
DIRECT EXPENSES:						
DONATIONS/SPONSORSHIPS/GRANTS	300,000	-	250,011	49,989	83%	24,989
STAFF TRAVEL/PARKING	2,000	36	190	1,810	10%	1,643
PRO BONO & PUBLIC SERVICE COMMITTEE	2,500	-	361	2,139	14%	1,931
STAFF CONFERENCE & TRAINING	2,200	879	1,654	546	75%	362
PRO BONO OUTREACH	4,000	-	1,187	2,813	30%	2,480
TOTAL DIRECT EXPENSES:	310,700	915	253,403	57,297	82%	31,405
INDIRECT EXPENSES:						
SALARY EXPENSE (1.62 FTE)	136,915	11,641	125,258	11,657	91%	247
BENEFITS EXPENSE	47,862	3,610	42,317	5,545	88%	1,556
OTHER INDIRECT EXPENSE	41,297	2,263	33,207	8,090	80%	4,648
TOTAL INDIRECT EXPENSES:	226,074	17,514	200,783	25,291	89%	6,452
TOTAL ALL EXPENSES:	536,774	18,429	454,186	82,588	85%	37,857
NET INCOME (LOSS):	(401,494)	(18,429)	(319,354)	(82,140)	80%	48,682

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
PUBLICATION & DESIGN SERVICES						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
SUBSCRIPTIONS	200	-	88	112	44%	95
IMAGE LIBRARY	4,800	-	4,756	44	99%	(356)
TOTAL DIRECT EXPENSES:	5,000	-	4,844	156	97%	(261)
INDIRECT EXPENSES:						
SALARY EXPENSE (0.89 FTE)	76,345	6,729	75,279	1,066	99%	(5,296)
BENEFITS EXPENSE	26,506	2,023	24,120	2,386	91%	177
OTHER INDIRECT EXPENSE	22,688	1,234	18,113	4,575	80%	2,684
TOTAL INDIRECT EXPENSES:	125,539	9,986	117,511	8,027	94%	(2,434)
TOTAL ALL EXPENSES:	130,539	9,986	122,356	8,183	94%	(2,695)
NET INCOME (LOSS):	(130,539)	(9,986)	(122,356)	(8,183)	94%	(2,695)

Washington State Bar Association

Statement of Activities

For the Period from August 1, 2025 to August 31, 2025

92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REGULATORY SERVICES FTE						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF MEMBERSHIP DUES	490	-	490	-	100%	(41)
STAFF CONFERENCE & TRAINING	8,400	-	932	7,468	11%	6,768
STAFF TRAVEL/PARKING	600	-	864	(264)	144%	(314)
TOTAL DIRECT EXPENSES:	9,490	-	2,287	7,203	24%	6,453
INDIRECT EXPENSES:						
SALARY EXPENSE (2.20 FTE)	299,450	24,970	276,831	22,619	92%	(2,335)
BENEFITS EXPENSE	84,363	6,168	75,113	9,250	89%	2,220
OTHER INDIRECT EXPENSE	56,721	3,065	45,681	11,040	81%	6,313
TOTAL INDIRECT EXPENSES:	440,534	34,203	397,625	42,909	90%	6,198
TOTAL ALL EXPENSES:	450,024	34,203	399,911	50,112	89%	12,651
NET INCOME (LOSS):	(450,024)	(34,203)	(399,911)	(50,112)	89%	12,610

Washington State Bar Association

Statement of Activities

For the Period from August 1, 2025 to August 31, 2025

92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REGULATORY REFORM						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
CONSULTING SERVICES	72,500	-	10,311	62,189	14%	56,147
OUTREACH EXPENSES	10,000	-	-	10,000	0%	9,167
MEETING EXPENSE	-	-	2,098	(2,098)		(2,098)
TOTAL DIRECT EXPENSES:	82,500	-	12,409	70,091	15%	-
INDIRECT EXPENSES:						
SALARY EXPENSE (1.80 FTE)	157,764	17,173	139,219	18,545	88%	5,398
BENEFITS EXPENSE	46,175	4,600	38,557	7,618	84%	3,770
OTHER INDIRECT EXPENSE	32,466	2,510	23,290	9,176	72%	6,470
TOTAL INDIRECT EXPENSES:	236,405	24,283	201,066	35,339	85%	15,638
TOTAL ALL EXPENSES:	318,905	24,283	213,476	105,429	67%	15,638
NET INCOME (LOSS):	(318,905)	(24,283)	(213,476)	(105,429)	67%	78,854

Washington State Bar Association

Statement of Activities

For the Period from August 1, 2025 to August 31, 2025

92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
SERVICE CENTER						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	2,376	198	2,101	275	88%	77
STAFF CONFERENCE & TRAINING	677	-	-	677	0%	621
STAFF MEMBERSHIP DUES	-	200	200	(200)		(200)
TOTAL DIRECT EXPENSES:	3,053	398	2,301	752	75%	498
INDIRECT EXPENSES:						
SALARY EXPENSE (5.78 FTE)	427,125	34,715	384,154	42,971	90%	7,377
BENEFITS EXPENSE	160,271	11,934	140,079	20,192	87%	6,836
OTHER INDIRECT EXPENSE	147,342	8,065	118,513	28,830	80%	16,551
TOTAL INDIRECT EXPENSES:	734,738	54,714	642,746	91,993	87%	30,764
TOTAL ALL EXPENSES:	737,791	55,112	645,047	92,745	87%	31,262
NET INCOME (LOSS):	(737,791)	(55,112)	(645,047)	(92,745)	87%	31,262

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
SECTIONS ADMINISTRATION						
REVENUE:						
REIMBURSEMENTS FROM SECTIONS	275,000	978	366,624	(91,624)	133%	114,540
TOTAL REVENUE:	275,000	978	366,624	(91,624)	133%	114,540
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	1,500	-	60	1,440	4%	1,315
SECTION/COMMITTEE CHAIR MTGS	700	-	89	611	13%	552
STAFF MEMBERSHIP DUES	200	-	60	140	30%	123
TOTAL DIRECT EXPENSES:	2,400	-	209	2,191	9%	1,991
INDIRECT EXPENSES:						
SALARY EXPENSE (2.53 FTE)	169,092	14,178	151,509	17,582	90%	3,491
BENEFITS EXPENSE	67,073	5,108	58,861	8,211	88%	2,622
OTHER INDIRECT EXPENSE	64,494	3,559	52,189	12,305	81%	6,931
TOTAL INDIRECT EXPENSES:	300,658	22,844	262,560	38,099	87%	13,044
TOTAL ALL EXPENSES:	303,058	22,844	262,769	40,289	87%	15,035
NET INCOME (LOSS):	(28,058)	(21,867)	103,855	(131,913)	-370%	129,575

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
SECTIONS OPERATIONS						
REVENUE:						
SECTION DUES	438,280	1,525	574,701	(136,421)	131%	172,944
SEMINAR PROFIT SHARE	159,700	11,612	11,612	148,088	7%	(134,779)
INTEREST INCOME	2,050	-	-	2,050	0%	(1,879)
PUBLICATIONS REVENUE	1,250	407	2,686	(1,436)	215%	1,540
OTHER	44,203	8,184	42,549	1,654	96%	2,029
TOTAL REVENUE:	645,483	21,727	631,548	13,935	98%	39,855
DIRECT EXPENSES:						
DIRECT EXPENSES OF SECTION ACTIVITIES	759,773	17,874	306,313	453,460	40%	390,146
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	280,433	978	366,624	(86,191)	131%	(109,560)
TOTAL DIRECT EXPENSES:	1,040,206	18,852	672,936	367,269	65%	280,585
NET INCOME (LOSS):	(394,722)	2,875	(41,388)	(353,334)	10%	320,440

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
TECHNOLOGY						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
CONSULTING SERVICES	140,000	5,460	142,590	(2,590)	102%	(14,256)
STAFF TRAVEL/PARKING	1,000	42	1,287	(287)	129%	(370)
STAFF MEMBERSHIP DUES	300	-	-	300	0%	275
TELEPHONE	90,000	6,838	85,041	4,959	94%	(2,541)
COMPUTER HARDWARE	66,200	1,608	64,697	1,503	98%	(4,014)
COMPUTER SOFTWARE	530,000	98	298,492	231,508	56%	187,341
HARDWARE SERVICE & WARRANTIES	50,000	1,963	41,548	8,452	83%	4,286
SOFTWARE MAINTENANCE & LICENSING	400,000	5,259	361,824	38,176	90%	4,843
THIRD PARTY SERVICES	65,000	11,553	79,932	(14,932)	123%	(20,349)
CLOUD INFRASTRUCTURE	130,000	5,064	52,605	77,395	40%	66,561
STAFF CONFERENCE & TRAINING	6,000	-	1,091	4,909	18%	4,409
TRANSFER TO INDIRECT EXPENSES	(1,478,500)	(37,885)	(1,129,107)	(349,393)	76%	(226,185)
TOTAL DIRECT EXPENSES:	-	-	-	-		-
INDIRECT EXPENSES:						
SALARY EXPENSE (12.00 FTE) **	1,422,045	125,946	1,386,268	35,778	97%	(82,726)
BENEFITS EXPENSE **	421,171	26,775	352,012	69,159	84%	34,062
CAPITAL LABOR & OVERHEAD	(75,000)	-	(104,685)	29,685	140%	(35,935)
OTHER INDIRECT EXPENSE	305,901	16,767	246,033	59,868	80%	34,376
TOTAL INDIRECT EXPENSES:	2,074,118	169,488	1,879,628	194,490	91%	(50,223)
TOTAL ALL EXPENSES:	2,074,118	169,488	1,879,628	194,490	91%	(50,223)
NET INCOME (LOSS):	(2,074,118)	(169,488)	(1,879,628)	(194,490)	91%	21,646

**Budget reallocations apply to this line item. For details, see FY25 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
VOLUNTEER ENGAGEMENT						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
POSTAGE	600	-	468	132	78%	82
STAFF MEMBERSHIP DUES	450	-	300	150	67%	113
STAFF CONFERENCE & TRAINING	5,200	-	3,554	1,646	68%	1,213
SUBSCRIPTIONS	816	149	865	(49)	106%	(117)
VOLUNTEER RECOGNITION	2,000	-	39	1,961	2%	1,794
REGULATORY SCHOOL	12,000	-	7,767	4,233	65%	3,233
ABA DELEGATES	16,000	2,452	7,812	8,188	49%	6,855
TOTAL DIRECT EXPENSES:	37,066	2,601	20,805	16,261	56%	13,172
INDIRECT EXPENSES:						
SALARY EXPENSE (1.20 FTE)	127,293	8,909	107,227	20,066	84%	9,458
BENEFITS EXPENSE	43,900	2,742	37,543	6,358	86%	2,699
OTHER INDIRECT EXPENSE	36,980	1,687	30,709	6,272	83%	3,190
TOTAL INDIRECT EXPENSES:	208,173	13,338	175,479	32,695	84%	15,347
TOTAL ALL EXPENSES:	245,239	15,939	196,284	48,955	80%	15,347
NET INCOME (LOSS):	(245,239)	(15,939)	(196,284)	(48,955)	80%	28,519

Washington State Bar Association
Statement of Activities
For the Period from August 1, 2025 to August 31, 2025
92% OF YEAR COMPLETE

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
INDIRECT EXPENSES:						
SALARIES	14,691,362	1,143,930	13,077,364	1,613,997	89%	389,717
TEMPORARY SALARIES	271,788	24,323	398,010	(126,222)	146%	(148,871)
CAPITAL LABOR & OVERHEAD	(75,000)	-	(104,685)	29,685	140%	35,935
ALLOWANCE FOR OPEN POSITIONS	(200,000)	-	-	(200,000)	0%	(183,333)
INSURANCE REBATE	(19,016)	-	-	(19,016)	0%	(17,431)
SEVERANCE PAY	-	64,207	101,712	(101,712)		(101,712)
EMPLOYEE ASSISTANCE PLAN	4,800	1,200	4,800	-	100%	(400)
EMPLOYEE SERVICE AWARDS	2,610	420	2,370	240	91%	23
FICA (EMPLOYER PORTION)	1,112,598	93,516	987,959	124,639	89%	31,923
L&I INSURANCE	72,487	-	44,295	28,192	61%	22,151
WA STATE FAMILY MEDICAL LEAVE (EMPLOYE	33,236	3,197	32,636	599	98%	(2,170)
MEDICAL (EMPLOYER PORTION)	2,057,482	179,758	1,903,175	154,308	93%	(17,149)
RETIREMENT (EMPLOYER PORTION)	1,322,122	63,014	1,078,884	243,238	82%	133,061
TRANSPORTATION ALLOWANCE	34,000	280	25,184	8,816	74%	5,983
UNEMPLOYMENT INSURANCE	71,847	5,310	66,107	5,739	92%	(248)
TOTAL SALARY & BENEFITS EXPENSE:	19,380,315	1,579,155	17,617,812	1,762,503	91%	147,477
WORKPLACE BENEFITS	56,400	5,478	45,319	11,081	80%	6,381
HUMAN RESOURCES POOLED EXP	111,300	4,381	55,194	56,106	50%	46,831
MEETING SUPPORT EXPENSES	9,950	1,189	8,527	1,423	86%	594
RENT	960,000	72,951	887,838	72,162	92%	(7,838)
MOVE / DOWNSIZE EXPENSES	28,208	-	24,906	3,302	88%	951
PERSONAL PROP TAXES-WSBA	8,400	619	6,571	1,829	78%	1,129
FURNITURE, MAINT, LH IMP **	65,497	2,213	46,051	19,446	70%	13,987
OFFICE SUPPLIES & EQUIPMENT	22,164	1,096	14,270	7,894	64%	6,047
FURN & OFFICE EQUIP DEPRECIATION	159,628	18,710	123,188	36,440	77%	23,138
COMPUTER HARDWARE DEPRECIATION **	42,000	4,333	41,223	777	98%	(2,723)
COMPUTER SOFTWARE DEPRECIATION	49,339	3,716	43,673	5,666	89%	1,555
INSURANCE	288,200	22,171	239,482	48,718	83%	24,702
WORK HOME FURNITURE & EQUIP	14,000	2,203	4,045	9,955	29%	8,789
PROFESSIONAL FEES-AUDIT	41,000	-	36,577	4,423	89%	1,007
PROFESSIONAL FEES-LEGAL	200,000	17,524	147,284	52,716	74%	36,050
ONLINE LEGAL RESEARCH	86,000	6,305	77,422	8,578	90%	1,411
ACCOMODATIONS FUND	6,500	-	-	6,500	0%	5,958
TRANSLATION SERVICES	12,000	415	5,601	6,399	47%	5,399
TELEPHONE & INTERNET	33,600	2,650	30,030	3,570	89%	770
POSTAGE - GENERAL	15,500	379	6,857	8,643	44%	7,352
RECORDS STORAGE	28,849	811	28,584	265	99%	(2,139)
BANK FEES	30,000	778	4,718	25,282	16%	22,782
PRODUCTION MAINTENANCE & SUPPLIES	13,000	(75)	10,952	2,048	84%	965
COMPUTER POOLED EXPENSES	1,478,500	37,885	1,129,107	349,393	76%	226,185
GAIN (LOSS) ASSETS	-	-	1,396	(1,396)		(1,396)
TOTAL OTHER INDIRECT EXPENSES:	3,760,035	205,731	3,018,815	741,220	80%	427,884
TOTAL INDIRECT EXPENSES:	23,140,350	1,784,887	20,636,627	2,503,723	89%	575,361

**Budget reallocations apply to this line item. For details, see FY25 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

Washington State Bar Association

Statement of Activities

For the Period from August 1, 2025 to August 31, 2025

92% OF YEAR COMPLETE

SUMMARY PAGE	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
ACCESS TO JUSTICE	(389,284)	(20,532)	(315,942)	(73,342)
ADMISSIONS/BAR EXAM	115,136	(180,109)	349,980	(234,845)
ADVANCEMENT FTE	(392,492)	(30,314)	(350,742)	(41,750)
BAR NEWS	(140,492)	(16,331)	(94,611)	(45,881)
BOARD OF GOVERNORS	(584,797)	(66,859)	(474,746)	(110,051)
CLE - PRODUCTS	616,909	7,109	631,958	(15,049)
CLE - SEMINARS	(543,860)	(68,097)	(452,380)	(91,480)
CLIENT PROTECTION FUND	239,353	(25,570)	830,949	(591,596)
CHARACTER & FITNESS BOARD	(175,016)	(11,610)	(144,512)	(30,504)
COMMUNICATIONS	(899,023)	(95,526)	(752,246)	(146,776)
COMMUNICATIONS FTE	(250,494)	(19,693)	(232,558)	(17,935)
DESKBOOKS	(203,495)	1,305	(226,025)	22,530
DISCIPLINE	(6,430,980)	(498,836)	(5,594,395)	(836,585)
DIVERSITY	(311,791)	(24,341)	(189,059)	(122,731)
FINANCE	(564,984)	(24,278)	(276,263)	(288,721)
FOUNDATION	(185,082)	(14,878)	(157,524)	(27,558)
HUMAN RESOURCES	(613,706)	(51,019)	(687,977)	74,271
LAW CLERK PROGRAM	3,380	(13,268)	73,677	(70,297)
LEGISLATIVE	(283,092)	(19,842)	(252,553)	(30,538)
LEGAL LUNCHBOX	(5,554)	(3,354)	(17,553)	11,999
LICENSE FEES	17,492,616	1,407,042	15,893,610	1,599,007
LICENSING AND MEMBERSHIP	(343,563)	(15,228)	(244,159)	(99,404)
LIMITED LICENSE LEGAL TECHNICIAN	(75,220)	(3,677)	(60,027)	(15,194)
LIMITED PRACTICE OFFICERS	46,835	3,559	50,448	(3,612)
MANDATORY CLE ADMINISTRATION	424,077	13,169	597,461	(173,384)
MEMBER WELLNESS PROGRAM	(231,844)	(19,339)	(209,103)	(22,741)
MINI CLE	(120,867)	(9,321)	(108,378)	(12,488)
MEMBER SERVICES & ENGAGEMENT	(398,049)	(22,911)	(311,704)	(86,345)
NEW MEMBER EDUCATION	67,287	(3,874)	61,827	5,460
OFFICE OF GENERAL COUNSEL	(1,077,272)	(83,818)	(936,701)	(140,572)
OFFICE OF THE EXECUTIVE DIRECTOR	(1,029,374)	(73,139)	(929,970)	(99,404)
OGC-DISCIPLINARY BOARD	(328,471)	(24,319)	(286,193)	(42,278)
PRACTICE OF LAW BOARD	(86,566)	(4,844)	(62,639)	(23,927)
PRACTICE MANAGEMENT ASSISTANCE	(175,060)	1,345	(150,338)	(24,722)
PROFESSIONAL RESPONSIBILITY PROGRAM	(217,719)	(17,211)	(193,211)	(24,508)
PUBLIC SERVICE PROGRAMS	(401,494)	(18,429)	(319,354)	(82,140)
PUBLICATION & DESIGN SERVICES	(130,539)	(9,986)	(122,356)	(8,183)
REGULATORY SERVICES FTE	(450,024)	(34,203)	(399,911)	(50,112)
REGULATORY REFORM	(318,905)	(24,283)	(213,476)	(105,429)
SECTIONS ADMINISTRATION	(28,058)	(21,867)	103,855	(131,913)
SECTIONS OPERATIONS	(394,722)	2,875	(41,388)	(353,334)
SERVICE CENTER	(737,791)	(55,112)	(645,047)	(92,745)
TECHNOLOGY	(2,074,118)	(169,488)	(1,879,628)	(194,490)
VOLUNTEER EDUCATION	(245,239)	(15,939)	(196,284)	(48,955)
INDIRECT EXPENSES	23,140,350	1,784,887	20,636,627	2,503,723
TOTAL OF ALL	(21,306,907)	(1,409,847)	(21,701,435)	394,529
NET INCOME (LOSS)	(1,833,444)	(375,040)	1,064,809	(2,898,252)

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.]

2024-2025 WSBA BOARD OF GOVERNORS MEETING SCHEDULE

MEETING DATE	LOCATION	DESCRIPTION	EXECUTIVE COMMITTEE MEETING	MATERIALS DEADLINE
October 18-19, 2024	Semiahmoo Resort Blaine, WA	Team Building Retreat		n/a
November 7-8, 2024	WSBA Conference Center Seattle, WA	BOG Meeting	October 16, 2024	October 8, 2024
January 17-18, 2025	WSBA Conference Center Seattle, WA	BOG Meeting KCBA MLK Luncheon Jan. 17	December 18, 2024	December 10, 2024
March 21-22, 2025	Great Wolf Lodge Conference Center Grand Mound, WA	BOG Meeting	February 26, 2025	February 18, 2025
May 2-3, 2025	Red Lion Hotel Port Angeles Harbor Port Angeles, WA	BOG Meeting	April 16, 2025	April 8, 2025
July 17 - 18, 2025 July 19, 2025	The Marcus Whitman Hotel and Conference Center Walla Walla, WA	BOG Meeting BOG Planning Retreat	June 25, 2025	June 17, 2025
September 26-27, 2025	WSBA Offices Seattle, WA	BOG Meeting	September 3, 2025	August 26, 2025

All proposed agenda items and materials must be submitted by the deadline stated above. Materials can be submitted through 1) a staff liaison, 2) staff supervisor or department director, 3) staff member identified by the Office of the Executive Director or, if none of those are applicable, 4) directly to the Executive Director (terran@wsba.org). Submitters will be notified of the status of their request after the materials deadline. All meeting materials will be published appx. two weeks prior to the meeting.

Materials should include: 1) a cover memo, 2) additional/supplemental materials, 3) be inclusive of all WSBA analyses, if relevant and, 4) be in final form suitable for publication. Click [here](#) for more information.

BASIC CHARACTERISTICS OF MOTIONS

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

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

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

2 Unless no question is pending

3 Majority, unless it makes question a special order

4 If the motion it is being applied to is debatable



Discussion Protocols Board of Governors Meetings

Philosophical Statement:

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

Governor's Commitments:

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



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

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

GUIDING COMMUNICATION PRINCIPLES

In each communication, I will assume the good intent of my fellow colleagues; earnestly and actively listen; encourage the expression of and seek to affirm the value of their differing perspectives, even where I may disagree; share my ideas and thoughts with compassion, clarity, and where appropriate confidentiality; and commit myself to the unwavering recognition, appreciation, and celebration of the humanity, skills, and talents that each of my fellow colleagues bring in the spirit and effort to work for the mission of the WSBA. Therefore, I commit myself to operating with the following norms:

- ◆ I will treat each person with courtesy and respect, valuing each individual.
- ◆ I will strive to be nonjudgmental, open-minded, and receptive to the ideas of others.
- ◆ I will assume the good intent of others.
- ◆ I will speak in ways that encourage others to speak.
- ◆ I will respect others' time, workload, and priorities.
- ◆ I will aspire to be honest and open in all communications.
- ◆ I will aim for clarity; be complete, yet concise.
- ◆ I will practice "active" listening and ask questions if I don't understand.
- ◆ I will use the appropriate communication method (face-to-face, email, phone, voicemail) for the message and situation.
- ◆ When dealing with material of a sensitive or confidential nature, I will seek and confirm that there is mutual agreement to the ground rules of confidentiality at the outset of the communication.
- ◆ I will avoid triangulation and go directly to the person with whom I need to communicate. (If there is a problem, I will go to the source for resolution rather than discussing it with or complaining to others.)
- ◆ I will focus on reaching understanding and finding solutions to problems.
- ◆ I will be mindful of information that affects, or might be of interest or value to, others, and pass it along; err on the side of over-communication.
- ◆ I will maintain a sense of perspective and respectful humor.



BOARD OF GOVERNORS

Anthony David Gipe
President

phone: 206.386.4721
e-mail: adgipeWSBA@gmail.com

November 2014

BEST PRACTICES AND EXPECTATIONS

❖ Attributes of the Board

- Competence
- Respect
- Trust
- Commitment
- Humor

❖ Accountability by Individual Governors

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

❖ Team of Professionals

- Foster an atmosphere of teamwork
 - Between Board Members
 - The Board with the Officers
 - The Board and Officers with the Staff
 - The Board, Officers, and Staff with the Volunteers
- We all have common loyalty to the success of WSBA

❖ Work Hard and Have Fun Doing It



BOARD OF GOVERNORS

Anthony David Gipe
President

phone: 206.386.4721
e-mail: adgipeWSBA@gmail.com

November 2014

BEST PRACTICES AND EXPECTATIONS

❖ Attributes of the Board

- Competence
- Respect
- Trust
- Commitment
- Humor

❖ Accountability by Individual Governors

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

❖ Team of Professionals

- Foster an atmosphere of teamwork
 - Between Board Members
 - The Board with the Officers
 - The Board and Officers with the Staff
 - The Board, Officers, and Staff with the Volunteers
- We all have common loyalty to the success of WSBA

❖ Work Hard and Have Fun Doing It

TO: WSBA Board of Governors
FROM: Executive Director Terra Nevitt
DATE: November 3, 2025
RE: Executive Director's Report - Supplemental

WALSER 2025: A Day of Mentoring and Meaning

On October 25, 2025, the Washington Law Student Employment Retreat (WALSER) welcomed law students, LLM students and APR 6 law clerks from across the state for a day of connection, empowerment, and career-building. With a strong turnout of almost 50 students and 30 volunteers, the event featured inspiring panel discussions, breakout sessions tailored to non-traditional law students, resume review and mock interviewing, and a job fair. Here's a sample of what we heard from our students:

- *Thank you SO much for getting a Black photographer. It really helps me trust I'm getting a photo by someone who can work with darker skin.*
- *Hearing the panelists' stories made me feel seen. It reminded me that there's no one right way to become a lawyer.*

WALSER 2025 was made possible through the collaboration of Washington's affinity bar associations and the Joint Minority Mentorship Program, reaffirming our shared commitment to equity and inclusion in the legal profession.

Pro Bono (Pub)lico: Building Community Through Service

On October 23, 2025, the Pro Bono (Pub)lico event brought together approximately 40 attendees—including pro bono leaders from the Eastside Legal Assistance Program (ELAP) Northwest Immigrant Rights Project, the UW Tax Clinic, and the Asian Bar Association of WA's legal clinics—for an evening of connection, learning, and inspiration in Bellevue. Attendees included newly retired professionals, recent Washington returnees, and long-time volunteers - all looking for a way to give back. The event offered a welcoming space to explore immediate volunteer opportunities, share experiences, and build community. A highlight of the evening was a powerful keynote by Judge Ian Birk, who delivered a heartfelt call to action. Chief Equity and Justice Officer Diana Singleton shared about Governor Ferguson's Declaration of Pro Bono Week and pro bono benefits—such as CLE credits and access to free public service CLEs—which was new information for many. Ending the night Vivian Lee, Legal Director of ELAP, shared her journey of pro bono volunteering and ending up as an ELAP staff member. The event's success was made possible by the thoughtful planning and leadership of the Pro Bono and Public Service Committee and our own Equity & Justice Specialist, Joyce Diaz. Building off of the success of this event and the pro bono event in Yakima preceding the Access to Justice Conference, the Committee plans to host more events in the coming year.

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Christopher Swaby, Chair, Council on Public Defense
DATE: November 3, 2025
RE: Letter of Support for Office of Public Defense 2026 Supplemental Budget Request

ACTION: Approve and submit the attached letter to the WA State Legislature supporting the Office of Public Defense's 2026 supplemental budget request. Additionally, authorize staff to update the actual dollar amounts in bullet two of the letter if the Court issues an Order updating attorney caseload standards for indigent appeals.

The Office of Public Defense (OPD) is the largest funder of public defense services in the state and is seeking new funding in the 2026 supplemental budget. The Council on Public Defense (CPD) supports this request and asks the Board of Governors to join them in advocating for increased state funding to address the growing public defense crisis in Washington's counties and cities.

A note on the action: We are asking the BOG to authorize us to revise the letter under bullet two to include specific dollar amounts related to the proposed appellate caseload standards, provided these standards are adopted by the Court by the end of the year. This support will enable OPD to effectively implement these standards.

Background

The CPD has been a long-term advocate for the Office of Public Defense, consistently supporting their efforts to secure adequate funding for public defense services. Over the years, the CPD has submitted multiple letters to the Board of Governors, urging support for OPD's funding requests during various legislative sessions. The Board of Governors has been a steadfast partner in these endeavors, continually endorsing these requests. This ongoing collaboration underscores the pattern of the BOG's commitment to public defense, and this current request is a continuation of that supportive relationship.

Information for Fiscal Analysis

This action item does not have a fiscal impact on the Washington State Bar Association budget beyond routine staff support.

Information for Equity Analysis

This action item has a significant equity impact on the indigent public in need of public defense services. Adequate funding ensures that these communities receive constitutionally effective representation, particularly benefiting communities in poverty and communities of color, who are disproportionately affected by the criminal legal system. Additionally, the funding supports members of the bar working in public defense, addressing burnout and overwork. The Council on Public Defense collaborates with the Office of Public Defense and other experts to understand and address funding needs, informed by the CPD's evaluation and outreach while updating the Standards for Indigent Defense. Proper funding is essential for implementing the updated standards and demonstrating their long-term benefits. The Council prioritizes centering on the needs and voices of those most impacted, acknowledging the ongoing need for growth in this area.

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

The risk analysis is included in the Confidential Materials in the BOG Box.

WSBA FISCAL ANALYSIS: *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The fiscal impact on WSBA resulting from the requested action is limited to the staff time required to support the CPD in presenting the item and, if approved, the administrative execution of the requested action. The staff time that would be allocated to this work is included in the overall duties of existing WSBA staff and would not require additional staff or allocation of resources from other internal sources.

WSBA EQUITY ANALYSIS: *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

The proposed action appears to promote equity because supporting the proposed funding for the Office of Public Defense would advance maintaining and strengthening practices and programs that produce fair outcomes and eliminate disparities in the criminal legal system and child welfare system.

Attachments

Support Letter for the Office of Public Defense 2026 Supplemental Budget

AI Disclosure Statement: This memo was created using artificial intelligence (AI) technology to ensure clarity and grammatical correctness. Staff members and council representatives reviewed and approved the AI-generated text for accuracy and relevance.

WSBA LETTERHEAD

January X, 2026

Senator June Robinson, Chair
Senate Ways and Means Committee
303 J.A. Cherberg Bldg.
P.O. Box 40423
Olympia, WA 98504

Representative Timm Ormsby, Chair
House Appropriations Committee
315 John L. O'Brien Bldg.
P.O. Box 40600
Olympia, WA 98504

Dear Chair Robinson and Chair Ormsby:

The Washington State Bar Association's Council on Public Defense writes in support of the Washington State Office of Public Defense's (OPD) 2026 supplemental budget requests.

In addition, the CPD remains deeply concerned about insufficient state funding to address a growing criminal public defense crisis in Washington counties and cities. While we appreciate that the Legislature provided \$26 million in this biennium for RCW 10.101 grants to counties and cities, the need is substantially greater. Notably, the 2025 appropriation was signed *prior* to the Washington State Supreme Court's June interim order reducing public defense caseload limits. The Court's order will put an additional fiscal burden on local government, particularly rural jurisdictions, unless the Legislature acts to provide assistance. The Washington State Association of Counties (WSAC) has previously noted that the State of Washington is in the bottom 10% of States when it comes to indigent defense funding. WSAC estimates that counties require, at a minimum, an additional \$25 million to implement the first phase of Supreme Court-ordered criminal caseload standards that become effective January 1, 2026. The cities also need additional funding.

The Council urges the Legislature to appropriate additional funding for the RCW 10.101 grants in the 2026 supplemental budget consistent with the requests of city and county governments.

The Court recognized in its order that "the crisis in the provision of indigent criminal defense services throughout our state requires action now to address the crisis and to support quality defense representation at every level." Quality public defense is essential to a fair legal system and is critical in the fight to reduce racial disparity.

The WSBA Council on Public Defense unites members of the bar, the bench, and the public to address new and recurring issues that affect public defense services throughout Washington. This statement of support for OPD has been approved through the WSBA's legislative and court rule comment policy and the position is solely that of the CPD.

In particular, the Council encourages you to fund OPD's requests for the following:

- **\$6.16 Million to comply with court-ordered caseloads for dependency and termination cases.** As directed by [Chapter 2.70 RCW](#), OPD administers the right to counsel for all indigent parents facing state removal of their children or termination of parental rights. OPD contracts with qualified attorneys throughout the state to ensure representation in every county. Following a

workload study that found increased complexity in child welfare cases, the Washington Supreme Court issued Order 25700-A-1656 limiting each full-time parent representation attorney to 45 clients with 60 open and active cases starting July 1, 2026, and 35 clients with 40 open and active cases, starting July 1, 2028. To comply with the court order, OPD must add 26.5 contracted attorneys and 10 contracted social service professionals by July 1, 2026, and an additional 51 contracted attorneys and 17 contracted social service professionals by July 2028. To maximize efficiency, OPD's budget request increases opportunities for pre-filing legal consultation, which has been shown to reduce the number of dependency filings as well as the duration of cases that are filed.

- **Placeholder to comply with anticipated caseload standards for indigent appeals.**
As directed by [Chapter 2.70 RCW](#), OPD administers the right to counsel statewide for all indigent appeals where there is a right to counsel. Pending completion of an appellate workload study, the Supreme Court is expected to issue an Order updating attorney caseload standards for indigent appeals. The Council supports funding for OPD to implement the Court's Order.
- **\$496,000 to purchase transcripts of court records.**
OPD provides the right to counsel for indigent appeals and must obtain transcripts of trial proceedings to prepare appellate cases. Under the Rules of Appellate Procedure (RAP), the Washington Supreme Court establishes the maximum fee that transcriptionists may charge OPD in indigent cases. [RAP 15 04 00\(d\)\(1\)](#). The current rate of \$3.65 per page dates to 2018 and is lower than indigent transcript rates in other states and the federal courts. Court [Order 25700-B-732](#) increases the indigent rate to \$4.80 per page, contingent on legislative appropriation of adequate funds to the OPD budget. As a matter of comparison, transcriptionists typically charge \$6 to \$6.50 per page for transcripts ordered by privately retained counsel, plus higher rates for expedited services. If the Legislature does not fund the authorized fee increase, transcriptionists are expected to decline or significantly delay preparation of transcripts for indigent cases.
- **\$1.9 Million for *Blake* response and Simple Possession Advocacy Representation (SPAR).**
The requested funding will allow OPD to continue coordinating the statewide response to historical *State v. Blake* cases, including resentencing, commuting, and vacating unconstitutional drug convictions. The funding also will help OPD support counties and cities to ensure effective public defense for recently authorized misdemeanor drug possession charges, as provided in RCW 2.70.200 and OPD's Simple Possession and Advocacy Representation (SPAR) Program. Cuts made in the biennial budget are not sustainable.
- **\$100,000 to provide resentencing counsel in response to *State v. Lewis*.**
The Washington Supreme Court's July 2025 decision in *State v. Lewis* qualified certain incarcerated people for resentencing if their current sentence was based on prior criminal history in a foreign country. RCW 2.70.020(3) authorizes OPD to provide counsel when the Legislature or appellate case law creates new bases to challenge a conviction or sentence, and this budget request would fund OPD to provide representation in up to 25 resentencing proceedings. OPD is well-positioned to leverage professional networks, statewide coordination, and legal expertise in resentencing that it has developed through its response to *State v. Blake*.

The Council also supports OPD's technical requests to correct a 2025 drafting error and to streamline the agency's authority to accept a recurring private grant. Both items have a net zero appropriation impact.

Increased state funding will allow defenders across the state to spend the time they need to help clients. Often defenders are able to develop release and sentencing alternatives that not only help their clients but also help client families, address victim concerns, and reduce recidivism.

Please fully fund the Office of Public Defense's supplemental budget request in the upcoming 2026 legislative session and respond positively to the requests of the counties and cities for additional funding.

Sincerely,

Terra Nevitt
Executive Director

Cc:

Francis Adewale, President, Washington State Bar Association
Senator Derek Stanford, Vice Chair, Senate Ways and Means Committee
Senator Chris Gildon, Ranking Minority Member, Senate Ways and Means Committee
Representatives Nicole Macri and Mia Gregerson, Vice Chairs, House Appropriations Committee
Representative Travis Couture, Ranking Minority Member, House Appropriations Committee
Larry Jefferson, Director, Washington State Office of Public Defense

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Renata Garcia, Chief Regulatory Counsel
DATE: October 31, 2025
RE: License Fee Relief for Members Impacted by Shutdown of Federal Government

ACTION: Approve a request to the Washington Supreme Court that would extend the license fee deadline and waive late fees for impacted members should the federal government shutdown extend into January 2026.

Background

Several members employed by the federal government are not receiving a salary during the government shutdown. Should the shutdown continue into January 2026, some members may have difficulty paying the annual license fee by the February 2, 2026 deadline.

The last time the federal government shutdown in December 2018 and January 2019, the Washington Supreme Court granted an extension of the deadline and waived late fees for members who were unable to timely pay their license fees.

Although January is about two months away, license renewal begins on November 3. This proposal is intended to proactively support members who are financially impacted by the shutdown and to help ease any stress or uncertainty they may feel about meeting the WSBA license deadline should the shutdown continue. Because this is a sudden and unexpected loss of income, many affected members may not meet the current criteria for a license fee exemption based on financial need. Offering targeted relief in this context would help bridge that gap and demonstrate our commitment to supporting members during periods of abrupt financial disruption.

Therefore, we propose asking the Washington Supreme Court to grant relief to WSBA members employed by the federal government who are not receiving salaries due to the government shutdown. Specifically, if the government shutdown extends beyond January 4, 2026, then the license renewal deadline for eligible members would be 30 days from the date the federal government reopens and late fees would be waived if the license fee is paid by the extended deadline.

Information for Fiscal Analysis

Following the 2018-2019 government shutdown, 20 members took advantage of the relief. The relief at that time was offered after the government reopened. By seeking anticipatory relief at this time, more members may take advantage of the relief, if necessary.

Information for Equity Analysis

The proposed relief would apply to all WSBA members and licensees regardless of license type and status.

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

In progress.

WSBA FISCAL ANALYSIS: *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

In progress.

WSBA EQUITY ANALYSIS: *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

In progress.

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Renata Garcia, Chief Regulatory Counsel
DATE: October 31, 2025
RE: Pass Score for NextGen UBE and Suggested Amendments to APR 4(d)(1)

ACTION: Approve a request to the Washington Supreme Court to amend APR 4(d)(1) and set the pass score for the NextGen UBE at 616.

Background

The Washington Supreme Court adopted the NextGen Uniform Bar Exam (UBE) beginning with the July 2026 administration of the bar exam. At the time the Court adopted the NextGen UBE, the scoring scale was unknown. Since that time, the National Conference of Bar Examiners (NCBE) has conducted an extensive score setting study. Using data from the legacy UBE and prototype testing of the NextGen UBE, the NCBE was able to develop a passing score mapping. The mapping recommends a NextGen UBE passing score equivalent to a legacy UBE passing score. For additional details and to see the range of passing scores, please see Attachment 1.

Based on the extensive score setting study by the NCBE, we see no reason to deviate from the recommended NextGen passing score. Currently, the Washington pass score is 266 for the legacy UBE. Therefore, we recommend a passing score of 616 for the NextGen UBE. The Regulatory Services Department will monitor results from the first few administrations of the NextGen UBE and, based on that analysis, determine whether a reassessment of the minimum passing score is warranted.

The bar exam passing score is codified in APR 4(d)(1). Accordingly, we ask the Board of Governors to suggest an amendment to APR 4(d)(1) as follows:

(d) Lawyer Bar Examination. Unless otherwise provided by these rules, applicants for admission to practice as a lawyer must take and pass the National Conference of Bar Examiners' (NCBE) Uniform Bar Examination (UBE) and Multistate Professional Responsibility Examination (MPRE).

(1) Washington's minimum passing score for the original UBE is 266; the minimum passing score for the NextGen UBE is ~~to be established by court order~~ 616.

(2) - (3) [No changes.]

Information for Fiscal Analysis

Software modifications by our third-party vendor are already accounted for in the FY 2026 budget.

Information for Equity Analysis

The NCBE study took into account factors that would have affected prototype examinees' performance such as less preparation, no bar review course available for NextGen UBE, and less motivation to perform well as it was not a real exam.

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

In progress.

WSBA FISCAL ANALYSIS: This section is to be completed by the Finance Department, with input from the proposing entity or individual.

In progress.

WSBA EQUITY ANALYSIS: This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.

In progress.

Attachments

Guidance Brief on the Recommended NextGen UBE Passing Score Range, NCBE, October 2025

Guidance Brief on the Recommended NextGen UBE Passing Score Range

Introduction

As part of its commitment to supporting jurisdictions through the transition to the NextGen Uniform Bar Examination, NCBE has established a recommended passing score range for the new exam. In addition, NCBE has developed a recommended mapping between the legacy UBE passing score range and the corresponding passing score range for NextGen. Jurisdictions will continue to establish their own passing scores.

Consistent with best practices in assessment, the recommended range is based on multiple sources of evidence: data from the 2024 prototype exam, psychometric scaling, a statistical concordance study, standard-setting outcomes, and passing rate outcome analyses.

Evidence Gathering

1. Base Scale: 500–750

Results from the multiple-choice, counseling-set, drafting-set, and performance-task items were combined—using appropriate weighting—to create overall composite scores on the NextGen UBE scale. The scale ranges from 500 to 750. The minimum and maximum points of the scale were established to accommodate future administrations without compromising the integrity of the score distribution. As with the legacy exam scale, the new base scale will ensure consistency across administrations.

2. Concordance Study

As jurisdictions prepare to transition from the current bar exam to the NextGen UBE, NCBE conducted research on examinee performance on the July 2024 bar exam and NextGen prototype exam to inform the development of a concordance between the two. This tool used data from examinees who took both exams and helped NCBE understand how performance on one exam compares to the other.

National Conference of Bar Examiners Recommended Passing Score Mapping from Legacy UBE to NextGen UBE

This recommended passing score mapping was developed by NCBE's psychometric experts through a process that combined multiple pieces of evidence including results from statistical setting of the base scale; a concordance study; a large-scale, national, standard-setting study; and passage-rate outcome analyses.

Legacy UBE Passing Score Range	NextGen UBE Passing Score Range (Recommended)
260	610
261	611
262	612
263	613
264	614
265	615
266	616
267	617
268	618
269	619
270	620

The information in this table is for use by jurisdictions that currently participate in the legacy UBE program; other jurisdictions should reach out to NCBE with any questions about the relevance of this table to their own passing score decisions.

3. Standard-Setting Study

To support a valid and defensible standard setting process, NCBE convened a diverse panel of over 80 participants from 43 jurisdictions. Panelists received two days of training to understand the characteristics of a “minimally qualified candidate” and were given early access to the digital delivery platform to familiarize themselves with the test experience. Their judgments helped identify a passing-score range for the NextGen UBE.

4. Outcome Analysis

As jurisdictions make passing score decisions for the NextGen UBE, they may wish to understand how different passing score options could affect bar passage outcomes. NCBE conducted an outcome analysis using data from the prototype exam to model how various passing standards might influence pass rates. While prototype data will not perfectly reflect operational performance, the analysis gives jurisdictions insight into how higher or lower passing score decisions could impact candidate performance. This analysis helps support informed, evidence-based policymaking.

Passing Score Recommendation Development

To support jurisdictions in setting policy, NCBE convened a national panel of experts from across the legal and bar administration community to review the full body of evidence. This included psychometric research, prototype data, and policy considerations. The Passing Score Advisory Panel helped synthesize these inputs into a recommended passing score range that reflects professional expectations and supports a fair and defensible transition to the NextGen UBE. The recommended passing score range and mapping to the legacy UBE were also reviewed and approved by the NCBE Board of Trustees.



Building a competent, ethical, and diverse legal profession.

ncbex.org/exams/nextgen
nextgenbarexam.ncbex.org