

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING MINUTES

Olympia, WA

March 10-11, 2022

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

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Brian Tollefson on Thursday, March 10, 2022 at 9:35 AM. Governors in attendance were:

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

Also in attendance were Douglas Becker, Executive Administrator Shelly Bynum, Michael Cherry (Practice of Law Board), Chief Disciplinary Counsel Doug Ende, Volunteer Engagement Advisor Paris Eriksen, Gov. Elect Kevin Fay, Chief Regulatory Counsel Renata Garcia, Tamara Garrison, Nancy Hawkins (Family Law Section), Director of Human Resources & Chief Culture Officer Glynnis Klinefelter Sio, Community Outreach Specialist Mike Kroner, Chief of Staff Ana LaNasa Selvidge, James E Macpherson (Washington Defense Trial Lawyers), Rajeev Majumdar, Executive Director Terra Nevitt, Chief Communications & Outreach Officer Sara Niegowski, Broadcast Services Manager Rex Nolte, Kari Petrasek (Solo and Small Practice Section), Immediate Past President Kyle Sciuchetti, General Counsel Julie Shankland, Chief Equity & Justice Officer Diana Singleton, Equity & Justice Specialist Bonnie Sterken, and Member Services & Engagement Manager Julianne Unite.

A moment of silence was held for the brave Ukrainians that have lost their lives defending their country.

Consent Calendar ([link](#))

Pres. Tollefson noted the revisions sent out the night before and inquired as to whether any governor wished to remove any item from the Consent Calendar. Gov. Peterson moved for approval. Motion passed unanimously. Govs Couch and Higginson were not present for the vote.

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

There was no public comment.

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

Pres. Tollefson reported on the first two ETHOS Meetings, previously held on February 5 and March 5, and reviewed the agenda topics presented thus far. He also reported on a two-day retreat held on March 8 for members of the Board and the Executive Leadership Team. The retreat focused on identifying challenges to the success of the organization and expectations for board service. President Tollefson also noted the annual meeting with the Washington State Supreme Court scheduled for the following day.

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

Executive Director Terra Nevitt noted that members of the board met with local district Court Judges Brett Buckley and Sam Meier the previous day. She also provided an update on the first in-person bar exam since the Covid-19 pandemic began and noted that exam results will be released in early April. Chief Communications & Outreach Officer Sara Niegowski provided an overview of the ETHOS communications plan. A suggestion was made to produce a list of motions and action items as part of the meeting minutes which Executive Director Nevitt indicated will be done going forward.

Discussion followed regarding the election bylaw change and the potential impact it would have on the election timeline. Director Nevitt confirmed that WSBA could not execute the election based on current districting because of constraints set by the Washington State Bar Act, the Washington Constitution and the WSBA Bylaws.

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

APEX Awards Committee. Gov. Abell reported that the committee met and is unanimously recommending renaming the award of merit after former Chief Justice Mary Fairhurst.

Personnel Committee. Deferred

Legislative Committee. Gov. Williams-Ruth reported that March 10 is the last day of the legislative session. He stated that the committee has met weekly throughout the session, and that they are considering a Bylaw change to allow the Committee to approve comments on court rule, rather than just legislative comments.

Nominations Review Committee. Gov. Boyd noted that the committee had met and taken action on several nominations. At the next meeting, the committee is discussing whether to provide more guidance to entities as to the information the committee would like to receive.

Diversity Committee. Gov. Anjilvel reported that the committee plans to bring a proposal to the board in May to address a deficit in the bylaws, and that they are working on the next iteration of the diversity and inclusion plan.

Long Range Strategic Planning Council. Pres. Tollefson reported that the Council has not met since the last BOG meeting. Chief of Staff Ana LaNasa-Selvidge reported on planning for when the WSBA's office space lease expires at the end of 2026. Discussion followed regarding timelines and the need to coordinate with the Budget & Audit Committee.

Member Engagement Workgroup. Gov. Peterson and Gov. Adewale reported on the workgroup's focus on outreach related to ETHOS, and their goal to increase outreach to local bar associations as it becomes more possible.

Budget & Audit Committee. Treas. Peterson thanked Director Kevin Plachy and Manager Liz Wick for their recent work and noted that the WSBA currently has a positive variance to the budget of about \$1M.

Supreme Court Bar Licensure Task Force. Gov. Williams-Ruth reported that the task force met in February, and that they are working towards a recommendation to the Court by December. He also noted that they are watching what other states are doing to offer alternate paths to licensure.

Equity & Disparity Workgroup. Gov. Stephens reported that the group will meet in April to take up proposals from its two subcommittees.

Task Force Examining Xenial Involvement with Court Appointed Boards (TAXICAB). Past Pres. Sciuchetti reported on the work of the task force, and expressed his appreciation to Michael Cherry, Sal Mungia and Steve Crossland for their work on potential polices to be brought to the Board.

ABA Mid-Year Meeting Report ([link](#))

Delegate Rajeev Majumdar presented on the ABA Mid-Year Meeting, the theme of which was the power of lawyers to uplift the country and the profession. He noted that the meeting began with an acknowledgement of Washington tribes and that the ABA just elected its first Native American president. He highlighted a study on membership engagement that had two findings 1) involvement with sections drives volunteer engagement and 2) CLE usage is the number two driver of engagement. He also highlighted a number of actions taken by the ABA including an action to urge bar associations to adopt clear policies to support the needs of lactating individuals; a fourth revision to the model rules for guardianship; and action relating to military discharges where mental health issues are a factor.

Delegate Kyle Berti presented on the ABA YLD Mid-Year Meeting, which focused on diversity, equity, and inclusion. He noted that in addition to the stolen land acknowledgement there was also a stolen labor acknowledgement and recommended that organizations like WSBA consider taking up those practices. He highlighted several initiatives and asked the Board to look at promoting DEI, and focus on the importance of promoting oral arguments among newer attorneys and the need for more favorable terms for student loan borrowers.

Governor Roundtable ([link](#))

Gov. Williams-Ruth brought forward a request to add gender pronouns to the legal directory

Gov. Abell reported on the work to date of the Small Town and Rural Committee (STAR), which is considering a number of proposals to address challenges, and to be brought to the Board later this year.

Gov. Sayani noted that within her work with FLOW, there seems to be insufficient structure to support MBAs.

Gov. Stephens shared that during lent his intent is to tell the truth while being kind to his colleagues and himself.

President Elect Clark suggested that WSBA reinstate the APEX Award Dinner. President Tollefson suggested a committee take up this request, and Gov. Abell proposed that the Awards Committee take up the issue.

Diversity Committee Request to Submit Comments in Support of Proposed Amendments to RPC 8.4 and other Court Rules ([link](#))

Gov. Anjilvel presented the proposed changes to address gendered language. She noted that the proposed changes further the goals set forth in GR 12 and respect and acknowledge gender diversity in the profession. Gov. Stephens moved for authorization and approval of the comments. In response to a question, it was noted that the CPE has no comment on the proposed changes. Motion passed unanimously. Gov. Higginson was not present for the vote.

Family Law Section Proposed Comments to Suggested Changes to the Code of Judicial Conduct ([link](#))

Executive Committee Member Nancy Hawkins expressed appreciation to Past Chair Patrick Rawnsley and current Chair Jacqueline Jeske for drafting the proposed comments. Ms. Hawkins began with a request that the Board find an alternative method for authorizing comments on proposed rule changes.

Ms. Hawkins explained that the judges association has proposed changes to the provisions 2.2, 2.3, and 2.6 of the Code of Judicial Conduct and the Family Law Section wishes to comment in support of the proposed changes to 2.3 addressing gender-identity in the list of non-discrimination. In terms of 2.2 the section suggests that the Edwards Case be referenced in the rules. Ms. Hawkins explained this was a case where a judge took many additional steps to help an unrepresented party and the case was remanded for a new trial due to overreach. While the section does not object to providing some assistance and accommodation to pro se litigants, it is not appropriate to act as the lawyer for the litigant. The section also suggests that the list of examples proposed for what judges can do should be referenced as not being exclusive and that some examples might be helpful. The section also suggests that the Supreme Court take into account proposed GR 40 regarding informal family law trials and to ensure there is not a presumption that all family law proceedings are informal.

Discussion followed regarding concerns about the proposed activities, 11 and 12, and whether they match with the rules of evidence and the need to balance the risks of informal trials and the real needs of pro se litigants. Gov. Clark moved for approval of the proposed comments as set forth in the materials. It was clarified that if the motion passed, the Section would also be authorized to provide follow-up technical assistance and comment. Motion passed unanimously. Gov. Higginson was not present for the vote.

APEX Award Committee Proposal to Rename the Award of Merit to the Chief Justice Mary E. Fairhurst Award of Merit ([link](#))

Gov. Abell presented on the committee's proposal noting the criteria the Board has adopted for renaming awards. Of note, the committee discussed naming a different award for Chief Justice Fairhurst but is recommending that the Award of Merit, which is WSBA's highest award, is particularly appropriate given her service as both a WSBA President and as Chief Justice of the Washington Supreme Court. Gov. Stephens

shared his rationale for making this change, some additional history, and his hope that this change can be made before the Chief's memorial service April 9. Gov. Couch moved for approval. Motion passed unanimously. Gov. Higginson was not present for the vote.

Review and Revise WSBA Roles and Responsibilities Document ([link](#))

Gov. Williams-Ruth noted that the proposal arises out of confusions in the delineation of duties that arose since the last meeting. As a result, he is proposing changes to the document approved by the Board in November 2021 to address some of the confusion. Gov. Couch suggested a correction to the language on page 447 as it refers to the Executive Director's responsibilities. He suggested the wording be changed from "the executive director avoid to direct the speech or actions of another Governor or Officer" to "the executive director to avoid to direct the speech or actions of a Governor or Officer" Gov. Williams-Ruth moved to change the language on page 447 to change the word "another" from "a" Gov. Williams-Ruth clarified that his intent was to move the entire package with the amendment.

Discussion followed, including a perspective that changes in the detailed delineated list need to be made throughout the package for consistency; the derivation of the proposed changes; the Board and committees' roles in approving minutes and how minutes have customarily been developed; a perspective that the focus of the discussion should be on the proposal; a suggestion that committee meetings be recorded and the concerns arising; comment in support of adoption and a note that the document arose out of a recommendation to clarify roles and responsibilities; a concern that the language will prevent governors and officers from policing themselves and a concern that staff will adopt minutes without Board, committee, or chair approval; clarification that the proposal does not indicate that staff "adopt" minutes, but "prepare" the minutes; a concern that clarification moves us further away from the Bylaws; a perspective that the proper avenue for amending minutes is at a meeting and not behind the scenes; a perspective about how the change might clarify collaboration between the chair and the staff liaison, including how to resolve conflict.

The Board took public comment from Nancy Hawkins expressing concern that the language might prevent individuals from intervening when problematic behavior or speech is taking place. Discussion followed, including clarification that the limitation would only seek to limit individuals that have no authority and act independently to direct the actions of other Board members or staff; whether the proposed changes square with the Bylaws and Roberts Rules of Order; the events leading up to the proposed changes; a perspective that the language will not actualize itself and the need to have a common understanding of the principles that are sought to be advanced – that no governor/officer can direct staff prior to a matter coming to the Board and that no committee can direct a policy or action without coming to the Board; a suggestion that the Board review the Conflict Resolution Policy prior to taking action on these proposed changes; a concern that the action should not hamstring committees from being productive; and whether specific prior committee actions would be consistent with the proposal being put forth.

Gov. Clark moved to amend and trifurcate the motion into three parts. Part 1: Adoption of the portion of the proposed amendments that reflect that staff will be primary person drafting minutes that presented to committees. Part 2: Adoption of the portions of the proposed amendments relating to governors not being able to do direct governors to do things and/or not do things. Part 3: Removing the portions prohibiting the WSBA president and officers from being able to direct governors.

Discussion followed in support of trifurcation; disagreement regarding allowing officers and the president to direct other elected governors; and a suggestion that the BOG engage in Bylaw review.

The Board took public comment from former President Rajeev Majumdar that the Bylaws are clear that the President and the Officers are servants to the Board.

Discussion followed regarding how action will be taken, including clarification from the movant President Elect Clark that there be three separate votes, each to be a stand-alone vote for adoption; and clarification by the parliamentarian that initially there be a vote on trifurcation.

Pres. Tollefson shared his perspective on the events that led up to the proposal.

Gov. Williams Ruth moved to call the question. Motion carried unanimously with Govs. Abell, Clark, Higginson and Purtzer not present for the vote.

Motion to trifurcate passed unanimously. Govs. Abell, Clark and Higginson were not present for the vote.

Gov. Williams Ruth noted that the first portions to vote on is the language relating to staff taking minutes. Motion passed unanimously. Govs. Abell and Higginson we not present for the vote.

Gov. Williams-Ruth noted that the second portion is to take up the language relating to governors not be able to direct governors to do and not do things. Discussion followed, including clarification that the Executive Director is not included in part two, but is intended to be included in part three; and clarification that the it would not prohibit a chair of a meeting from determining the order of speakers. Motion passed 12-1. Gov. Abell was not present for the vote.

Gov. Williams-Ruth explained that the vote on part three related to the prohibition of the President and officers to direct governors. Discussion followed including support for the prohibition based on recent events; opposition to the prohibition given that there may be appropriate for the President, Executive Director and officers to act without needing to bring together the Board of Governors; reiteration that this will include the ability of the Executive Director to direct the speech or actions of governors; a perspective that governors should not be able to act outside of their authority.

The Executive Director clarified that the motion is on the language prohibiting directing the speech or action of governors and officers as it pertains to the President, Officers, and the Executive Director. She clarified that a "yes" vote will maintain the prohibition and a "no" vote will eliminate the prohibition with respect to the President, Officers and Executive Director.

Discussion followed in support of in opposition to the motion, including a perspective that there should be consistency in the way that everyone treats each other and that the rule seems like an overreach to the challenges identified. Motion failed 11-2. Gov. Peterson was not present for the vote.

Discussion Re USPS Delays and the Impact on the Legal Process ([link](#))

Pres. Tollefson welcomed the chair of the Court Rules Committee Isham Reavis who noted some of the rules that might require amending in order to address the delays in the post office. He noted that the committee does have capacity to take up the issue and propose a rule change on an expedited basis. Gov. William-Ruth presented the concerns he has raised with regard to this issue, including his own specific experiences with delayed delivery as well as the communications he has received from large corporations about the delays. He expressed his own interested in the committee looking into the scope of the challenge and make sure that our rules reflect the reality of the post office. Discussion followed including a suggestion that the committee consider whether any change out rules would fall out of step of the federal rules and whether that would present any challenges; a perspective that there are already differences from the

federal rules; and a perspective that the committee should take up the issue. There was a brief discussion as to whether a motion would be required. There appeared to be consensus that a motion was not needed and that the committee had sufficient input to take the issue up.

Personnel Committee's Proposed Process for Executive Director Evaluation ([link](#))

Gov. Higginson reported that the Personnel Committee is required to conduct an annual evaluation of the Executive Director as part of the contract with the Executive Director and is set forth as a responsibility of the Personnel Committee in the charter. She noted that an evaluation did not occur last year and in the year before was conducted by the Committee. She walked through the decisions made by the Personnel Committee with respect to this year's evaluation, including the existence of and the tool for a self-evaluation and the tool for evaluation by the Board and executive staff. The intent of the process is to provide constructive feedback to the Executive Director rather than to make a recommendation as to whether to retain or not retain the Executive Director. Discussion followed including the Human Resources Director's role in developing the materials; the rationale for using former Chief Justice Alexander as the recipient of the feedback; and a perspective that comments should not be confidential. Gov. Higginson continued her presentation with a description of the development of the evaluation tool. She closed with her perspective that the Personnel Committee acted appropriately, that the Board could have addressed the process when it received the results, and expressed concern that the actions taken here to take this task away from the Personnel Committee were extraordinary. Gov. Higginson requested approval of the process set forth. Discussion continued about whether or not the Board should be entitled to full and un-redacted information and the concerns about the process for engaging outside assistance with the project. The Board deferred further discussion of the topic for later in the meeting.

Comment Period of Practice of Law Board Proposed Legal Regulatory Lab ([link](#))

Gov. Couch presented a statement on behalf of the Chair of the Practice of Law Board Michael Cherry. He reported that the Board has presented a blueprint for the creation of a legal regulatory laboratory to the Supreme Court. The Supreme Court is then required to provide the Board of Governors with 90 days to comment. He also sought to clarify several common misperceptions, noting that the legal regulatory lab will not promote the unauthorized practice of law and instead will regulate innovations. As the lab runs it will learn and adapt with monitoring and feedback that will allow new information to be incorporated and changes made to the lab.

Discussion followed including how the proposal fits into the discussion regarding the bar structure; a concern about the cost to WSBA, as well as a perspective that the costs will be minimal; whether the LLLT program is a useful example when considering this proposal; a concern about WSBA endorsing products and services that are unauthorized; a perspective that the laboratory could help lawyers to innovate in manner that will mitigate risk and produce data; the types of services that could be regulated by the laboratory; the differences between Utah and Washington; a request to have a fiscal analysis completed by WSBA staff before further discussion in May; and additional discussion about the staffing and funding model.

It was clarified that the POLB intends to report again in May and the Executive Director will work to complete a financial analysis before then.

Character & Fitness Board Report ([link](#))

Chair Michael Morguess presented on the structure and work of the Board, including the Board's authority to conduct hearings on matters of character and fitness, noting that the Board's recommendations are reviewed *de novo* by the Washington Supreme Court; its makeup and terms of service; and its mission and activities, including the applicable rules. Chair Morguess noted a recent argument in front of the

Washington Supreme Court and a pending decision that will hopefully provide additional guidance on how to apply the rules. In terms of support, he identified recruiting for open positions on the Board would be helpful. Discussion followed about the important qualities sought in a Board member and any takeaways or changes following the decision *In Re Simmons*, including an annual training that has been instituted to address the issue of bias.

Training: 100 Years of Votes for Some Women – And How the Courts are Doing on the Women Left Out ([link](#))

Justice Gordon McCloud and Elizabeth Hendren presented an MCLE accredited training for the Board of Governors on the history of women's suffrage and women's issues in Washington courts today. Both presenters highlighted some of the recommendations from the study.

Emergency Amendment to WSBA Bylaws Art. VI.C.2 RE Eligibility to Vote ([link](#))

Volunteer Engagement Advisor Paris Eriksen presented the request for an emergency Bylaw change to allow the voting eligibility list to be determined on March 11 rather than March 1. Discussion followed regarding the impact on campaigning; the scope of members impacted; that staff has determined that it would be in violation of the State Constitution, State Bar Act, and the WSBA Bylaws to proceed without updating the districts; and clarification of whether the requirement for the amendment to be approved by a two-thirds majority applies to those present or to the entire Board. Gov. Peterson motioned to approve to change the date in which WSBA determines voter eligibility to March 11, 2022. Motion passed by a two-third majority of the BOG 10-2, Govs. McBride and Stephens were not present for the vote.

Personnel Committee's Proposed Process for Executive Director Evaluation (continued) ([link](#))

Discussion resumed on this topic, including a perspective that the Governor feedback should not be anonymous and that the Executive Management Team evaluations should be anonymous; a concern that the self-evaluation will not be helpful as written and a suggestion that it instead focus on open-ended questions; and a perspective that the purpose of the evaluation is to provide feedback and not to extend or terminate the contract. Chief Culture Officer & Human Resources Director Glynnis Klinefelter Sio reported that the cost to engage an HR firm would depend on the scope of engagement but would likely start around \$5,000. She also suggested that a software solution could be used. Discussion continued, including a perspective that the feedback should be anonymous; a perspective that there is insufficient information to vote on who should be engaged to conduct the process and an interest in considering multiple options; a perspective that Board members are not in the same position as employees in terms of being at risk of retaliation; a suggestion to have an outside agency prepare the evaluation and a perspective that having a consistent tool would be valuable; and comments in support of an open evaluation.

Gov. Couch moved to direct WSBA staff to reach out to a professional HR Company to design an evaluation for our use. Discussion continued, including a concern about the potential fiscal impact. Following discussion, Gov. Couch restated his motion to direct the staff to conduct an RFP and bring back a proposal to the Board in May that includes a proposed scope of work, proposed budget and recommended vendor.

Discussion continued, including comments for and against addressing anonymity in the motion and a suggestion to request a recommendation on this topic from the vendor; support for the motion and for having a consistent system that can be implemented year after year as a matter of efficiency; a request to be able to see more than one proposal; a concern that if the Board delegates too much work to the Executive Director it doesn't look like a fair evaluation process to the members; support for the motion; a suggestion to look at the prior process; and a perspective that the parties could agree to extend the time for an evaluation. Executive Director Nevitt clarified her hire date, provided some information about the prior process, and noted that the self-evaluation tool being proposed is brand new.

Motion passed 11-1. Gov. Stephens abstained and Gov. McBride was not present for the vote.

Annual Meeting with the Supreme Court ([link](#))

Update RE Structure. Pres. Tollefson provided an update on how WSBA is responding to the Court's request that the Board of Governors take up a study of the Bar's structure, including an overview of the content of the first two meeting and previewed the upcoming meeting on March 25. There was a question as to whether WSBA had incorporated a look at WSBA's past work on governance yet.

Update on Task Force Team Administering Xenial Involvement with Court Appointed Boards. Past Pres. Sciuchetti provided an update on the work of the Task Force noting that having identified some of the challenges, the group is currently focused on policy development, which will likely come to the Court for review and approval. Executive Director Nevitt noted the variety among Supreme Court Boards in terms of scope of responsibilities and make-up and that one of the key questions is the extent to which the groups are independent from WSBA. POLB chair Michael Cherry commented that the discussions have been respectful and productive.

Report on February 2022 Bar Exam. Chief Regulatory Counsel Reata Garcia reported on the licensure exams, which were uneventful. She provided an overview of the health and safety protocols, which were approved by the Court. She also provided information about the summer exam and noted that the final LLLT exam will take place in May. Discussion followed regarding the extent to which the modified exam schedule sufficiently addressed the concern of LLLT candidates still in the pipeline.

Member Engagement Survey. Gov. Peterson expressed appreciation to Chief Communications Officer Sara Niegowski for her work on the Member Engagement Survey and Chief Niegowski presented some background on WSBA's prior member engagement survey, an overview of the purpose of surveying members, and the first quarter results. Gov. Peterson noted the importance of looking at the positive and our tendency to sometimes dwell on the negative and gave an example of how the data can drive decision-making. He also noted how critical it is to go beyond communicating to the members and demonstrating that WSBA is listening. Discussion followed about the information presented and additional data that people would find interesting.

Board and Executive Leadership Team Building Retreat. Pres. Tollefson presented an overview of the recent two-day team building retreat among the Board of Governors and the Executive Leadership Team. Discussion continued about participant experiences and impressions of the impact. Glynnis provided a report on the Board-Staff forums. Discussion followed regarding remote work and the future of WSBA's physical workspace.

Discussion followed about the structure of WSBA; engaging with members that feel that diversity work is political; WSBA's legislative work; the impact of litigation against integrated bar associations; and the limitations under GR 12.2.

Following the Science: Revision of Volunteer Vaccination Rules at WSBA ([link](#))

Executive Director Nevitt referred to the written materials providing an overview of current guidance from the Centers for Disease Control and Prevention, the Governor, King County, and the Washington Supreme Court. She noted that WSBA has not moved to modify the vaccination requirement for employees, but is lifting the mask requirement for the WSBA office and events in King County consistent with public health

guidance. She noted that she will continue to monitor local guidance and act in accordance as in-person events are being planned around the state. Discussion followed including a that the Court is not revisiting its policies until summer, that Oregon has passed a policy requiring booster shots, and a perspective that WSBA should not change its policy early; a perspective that having various policies for different groups may impact access to justice; a preference for following the guidance of the Washington Supreme Court; and information about section events that are being planned, including a request to strengthen the policy. The Board took public comment from Michael Cherry asking the Board to be mindful of the need for accommodations, such as hybrid meetings, for those who cannot be vaccinated.

Gov. Higginson moved that we lift the vaccine mandate for all volunteers of the WSBA effective immediately. Motion failed for lack of a second. Discussion followed, including clarity about what is being asked of the Board and that WSBA always provides accommodations to make events accessible. The Board took public comment from Nancy Hawkins who acknowledged that the issue is complex; commented that the policy is not likely to encourage those not yet vaccinated to do so, though it would be positive if it did; and that following the Washington Supreme Court's guidance is probably a safe approach. Discussion continued, including that there is a new variant growing in Canada and the United States and a perspective that we should not be dropping the mask mandate or changing our vaccination mandate; a perspective that we should not drop the vaccine mandate at least until the Court makes an adjustment to their mandate and perhaps longer.

Gov. Boyd moved that we not make any changes to our vaccination policy at this time and that we not raise the issue again until the Court lifts its vaccination mandate. Discussion followed regarding the definition of "fully vaccinated"

Gov. Stephens moved to amend the motion to require a booster shot. Gov. Boyd accepted it as friendly amendment. Discussion continued including support for requiring a booster; a desire to maintain the mask requirement; and a perspective that the vaccine mandate should be ended based on actions taken by the Western District of Washington and several health authorities. Motion as amended passed 11-2. Gov. Abell was not present for the vote.

Volunteer Engagement Report ([link](#))

Volunteer Engagement Advisor Paris Eriksen provided a report detailing the core elements of volunteer engagement, a snapshot of the FY21 volunteer community, trends and highlights as well as upcoming projects including the opportunity to update the Committees and Boards Policy, the implementation of a volunteer engagement tool, and creating a volunteer philosophy statement.

Discussion followed, including a suggestion to see if other bar associations are having similar challenges collecting demographic data; a concern about recruiting for entities that do not appear to reflect the mission and values of WSBA's DEI efforts; a perspective that recruiting efforts address not only how and why the work is done, but also how the volunteer will benefit.

The Board took public comment from Michael Cherry that the Practice of Law Board uses the WSBA job description for promoting their volunteer positions and is looking to create a presence on LinkedIn. He also commented that the volunteer application process is long and awkward.

ADJOURNMENT

There being no further business, Pres. Tollefson adjourned the meeting at 12:35PM on Friday, October 11, 2022.

Respectfully submitted,

Terra Nevitt

Terra Nevitt

WSBA Executive Director & Secretary