



WSBA

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Meeting

Public Session Supplemental Materials

November 18, 2016

WSBA Conference Center

Seattle, Washington



**BOARD OF GOVERNORS' MEETING
Public Session Supplemental Materials
November 18, 2016
Seattle, WA**

Item Number	Description	Page Number
3c	Suggested Amendments to Bylaws Article XI	S-3
5f	Recommendation from Amicus Brief Committee	S-39
6d	WSBA Practice Sections Annual Report	S-88

From: Michael Rossotto
To: Paris Eriksen; WSBA Section Leaders; Sections
Subject: RE: [section-leaders] Your Attention Please: Article XI.SECTIONS – WSBA Bylaws
Sent: Sat 10/22/2016 6:47 AM

Paris and colleagues –

I now realize that the proposed bylaws also require all elections to be conducted electronically regardless of whether an alternative nominating process is adopted, so except for a very tech savvy section that can update an electronic ballot during the course of a meeting, elections at meetings will no longer be possible. Thus, my point number 2 below about nominations from the floor is probably a policy/process issue rather than a drafting problem, and I should have raised it with my own section leadership rather than posting to this group at this stage. My apology for any confusion or distraction.

I do continue to believe that the term *ex officio* is not correctly used and that it should be deleted and the bylaws should simply say “nonvoting member” if that is what is intended.

Michael Rossotto
Attorney at Law
Founder, Spectrum Consulting & Advocacy
206-886-7862

Confidentiality Notice:

This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 U.S.C. Section 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. This transmission, and any attachments, may contain confidential attorney-client privileged information and attorney work product. If you are not the intended recipient, any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. Please contact me immediately by return e-mail or at 206-886-7862, and destroy the original transmission and its attachments without reading or saving in any manner.

From: Mike Rossotto [<mailto:m.rossotto@comcast.net>]
Sent: Friday, October 21, 2016 9:00 PM
To: WSBA Section Leaders <section-leaders@list.wsba.org>
Subject: RE: [section-leaders] Your Attention Please: Article XI.SECTIONS - WSBA Bylaws

Dear Paris and section leader colleagues –

I will discuss whatever policy concerns I may have with my own sections’ leadership, but I would like to draw your attention to two drafting issues that jump out at me that seem to need to be addressed regardless of policy concerns.

First, the term *ex officio* appears to be used incorrectly throughout the proposed bylaws. *Ex officio* does not mean “nonvoting.” The incorrect usage is bound to cause confusion.

Second, in regards to nominations, Section G.1.b states “all applicants will apply through an electronic application process administered by the Bar” (emphasis added), but then G.1.c allows for an “alternate” process. This raises the question of whether persons nominated through an alternate process need to apply through the electronic application process administered by the Bar. A very likely scenario where

this could become a problem is the well-respected and commonly used (now alternate ?) process of taking nominations from the floor at an annual section membership meeting where the election is scheduled to occur. The "all" applicants language would appear to functionally disallow nominations from the floor. Is that the intent? Would G.1.b be applicable to other "alternate" processes, even if that meant created a functional conflict or impossibility of utilizing the alternate process?

Michael Rossotto
Attorney at Law
Founder, Spectrum Consulting & Advocacy
206-886-7862

Confidentiality Notice:

This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 U.S.C. Section 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. This transmission, and any attachments, may contain confidential attorney-client privileged information and attorney work product. If you are not the intended recipient, any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. Please contact me immediately by return e-mail or at 206-886-7862, and destroy the original transmission and its attachments without reading or saving in any manner.

From: Paris Eriksen [<mailto:parise@wsba.orgsection-leaders@list.wsba.org>]
Sent: Friday, October 21, 2016 3:33 PM
To: WSBA Section Leaders <section-leaders@list.wsba.org>
Subject: [section-leaders] Your Attention Please: Article XI.SECTIONS - WSBA Bylaws
Importance: High

Section Leaders,

Your Attention is Requested

WSBA is seeking input on Article XI of the WSBA Bylaws in advance of the upcoming BOG meeting scheduled for Friday, November 18 at the WSBA offices in Seattle. Please take a moment to review the proposed amendments to Article XI (just 5 pages!) and provide any formal written feedback to sections@wsba.org by **November 2**.

Background

The proposed amendments to Article XI of the WSBA Bylaws were recommended by the Sections Policy Workgroup. Beginning in April 2016, the Workgroup was reconstituted to include five section leader representatives. Since that time, the Workgroup has carefully reviewed and crafted the amendments to address areas where governance and section administration could be standardized and efficiencies created. The Workgroup sought to strike a balance between consistency and flexibility in support of the unique aspects of WSBA's 28 sections.

The proposed amendments were provided to the BOG for first reading at the August 23, 2016 BOG meeting. The proposed amendments were discussed again at the following BOG meeting on September 29-30; where the BOG voted to delay action on Article XI until its November 18 meeting.

It is important to recognize that each section's composition and governance practices will be impacted by the proposed amendments. These changes, if approved, will likely require amendments to all

sections' bylaws. Additionally, it is important to remember that any such changes are an opportunity to refine (or perhaps even re-envision) the governance structures and section administration to codify what current members and section leaders believe is best for the health, sustainability and success of their section.

Attached is the complete proposed Article XI of the WSBA Bylaws.

Top 5 Things to Know: Proposed Changes to Article XI. SECTIONS

In order of appearance in Article XI.

1. Membership

The term Active Member is defined in Article III found [here](#), starting on p. 4 (clean version). At the September meeting, the BOG voted to amend Article III to include Limited Licensed Legal Technicians (LLTs) and Limited Practice Officers (LPOs) as Active Members of the WSBA. This change does not appear in Article XI but will impact certain provisions of Article XI that refer to "Active Members".

2. Dues

The language regarding dues is a change that reflects current practice. It is proposed to codify dues in the WSBA Bylaws rather than individual section bylaws.

3. Section Executive Committee

This provision sets minimum standards for section executive committee composition (minimum of Chair, Secretary, and Treasurer or Secretary/Treasurer), standard terminology (chair, chair-elect, etc.), roles and responsibilities, and term 'start date' (October 1) for all section executive committee positions. Flexibility is provided for section executive committees to adopt additional officer and at-large executive committee positions. There is no limit on the size of executive committees and no term limits.

4. Nominations and Elections

This provision creates a standard framework and consistent schedule for sections to solicit nominations and conduct elections for executive committee positions. This includes the establishment of a nominating committee, an alternate nomination process, and conducting an electronic voting process during the timeframe of March - May each year.

5. Vacancies and Removal

This provision sets a standard process for section executive committees to handle vacancies (open positions to be filled by appointment on an interim basis until the next election), and removals (two-thirds majority vote of the section executive committee).

Again, please take a moment to review the proposed amendments to Article XI and provide any formal written feedback to by **November 2**. We encourage you to share this information with your section membership.

As a reminder, we hope you can attend ([click here to RSVP](#)) the **upcoming Annual Fall Section Leaders Meeting** on November 7 at the WSBA Offices (conference call and webcast options available). We will continue to discuss the proposed amendments (and their impact) to Article XI, but please note that this meeting is not intended as a venue for providing formal feedback for BOG consideration of this matter.

If you have any questions about the content of the Article XI, please feel free to contact myself or your Sections Program Lead.

Thank you,

Paris

Paris A. Eriksen | Sections Program Manager

Washington State Bar Association | 📞 206.239.2116 | parise@wsba.org | sections@wsba.org

1325 Fourth Avenue #600 | Seattle, WA 98101-2539 | www.wsba.org



WASHINGTON STATE BAR ASSOCIATION

Real Property, Probate and Trust Section

October 31, 2016

Via Email – sections@wsba.org

Board of Governors
Washington State Bar Association
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Amendments to Article XI of the WSBA Bylaws (the "Amendments")

Dear Governors:

I write on behalf of the Real Property, Probate and Trust ("RPPT") Section. RPPT has only one comment on the Amendments. Section F.3. of the Amendments mandates that at-large members of the section executive committees be elected to three-year terms. This is problematic for RPPT because it is a dual discipline section. Our at-large executive committee member terms are currently two years. RPPT has two at-large members in each discipline with one member in each discipline being elected each year. This allows us to maintain institutional memory in the more senior member and to be consistently bringing on a new person in each discipline. If we move to a three-year term, there will be years where a discipline does not receive a new executive committee member. RPPT's request is that this Section F.3. of the Amendments be revised to permit at-large executive committee members to have two- or three-year terms or alternatively up to three-year terms.

RPPT believes this change will benefit sections for the following reasons:

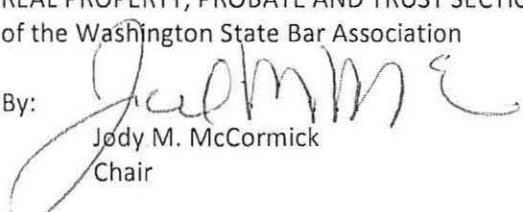
- encourages turn over on the executive committees which brings more members into leadership opportunities;
- creates historical memory and efficient transfers between incoming and outgoing members;
- syncs up with dual discipline sections like RPPT and criminal law; and
- allows sections to not overburden their volunteers if three years is too much to ask.

RPPT respectfully requests that the governors revise Section F.3. of the Amendments accordingly.

Sincerely yours,

REAL PROPERTY, PROBATE AND TRUST SECTION
of the Washington State Bar Association

By:


Jody M. McCormick
Chair

cc: RPPT Executive Committee (via email)

Cotton Law Offices



Jean A. Cotton
Attorney & Counselor At Law

507 W. Waldrip St.
P. O. Box 1311
Elma, Washington 98541

Office 360-482-6100
Fax 360-482-6002

November 1, 2016

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Re: Proposed Amendments to WSBA By-Laws and Other Court Rules

Dear Governors:

I write these comments solely in my capacity as a private individual who is an attorney licensed to practice law in the State of Washington and who is a current member in good standing of the Washington State Bar Association. This letter is not intended to be nor should it be construed to be presented in my capacity as a long-time WSBA Section Leader, member of any particular WSBA Section or other entity. It should further be acknowledged that the comments presented herein are not intended as a personal criticism of any particular individual or individuals but rather as constructive feedback to facilitate an open dialog of controversial issues and a better work product reflecting the best practices of an organization I have long held in high esteem.

The current version of proposed amendments to Article XI, Sections, appears to carry the date 9/16/2016 in the redline version. It is this version that I believe will be before the Board of Governors at their November 18, 2016, meeting for consideration and, therefore, is the version being addressed herein.

A. Designation and Continuation.

I applaud the author(s) of Paragraph A, Designation and Continuation, for recognizing that Sections have the authority to define their purposes in their individual bylaws. Having acknowledged that, however, I am concerned with the use of the term "entities of the Bar" in the first sentence because of the inherent confusion that may be caused when reading Article XI in conjunction with Paragraph A.1. of the recently approved version of Article IX, Committees, Councils, and Other Bar Entities which includes the term "sections" when describing Bar entities.

Sections are not equivalent to Committees, Councils, and Other Bar Entities discussed in Article IX. Sections are comprised of individual members who joined together to form a representative group and who voluntarily pay dues to join the group for a variety of reasons. The leadership of Sections are elected by the members who have paid those dues. Committees, Councils, and Other Bar Entities are created by the Board of Governors and members of such entities, along with their Chairs or other officials, are appointed by either the BOG or the WSBA President rather than being a group brought together of their own accord or paying dues to sustain the body.

Inclusion of the word "sections" in Article IX may simply have been one of those unintended consequences resulting from the tremendous difficulty of cross-checking the effects of the various Articles on one another. In this case, however, it is a serious unintended consequence that the BOG should correct by amending Article IX to remove the word "sections" from Paragraph A.1

before addressing Article XI, Sections. Without this correction, the entire set of comments from me and from others to the currently proposed Article XI will necessarily change drastically.

Operating under the premise that the BOG will correct the problem with Article IX as indicated above, following are my comments regarding proposed Article XI concerning Sections.

B. Establishing Sections.

Paragraph 1. I understand that there are some who have concern about raising the minimum number of signators to a petition to form a new Section from 100 to 150. Because the creation of additional sections of insufficient membership size can create a greater burden on staff time to support Sections and thus divide the pie of resources into even smaller pieces for those who truly need those resources, I do not generally share that concern. That being said, however, I do offer an alternative to consider. The alternative would be for inclusion of a variance procedure that would allow the BOG to consider a petition consisting of less than the minimum number of signatures based on unique, exceptional circumstances.

Paragraph 1.c. Why do the formation documents for a section need to name proposed committees of the section? Moreover, using the term “committees” here again breeds only unnecessary confusion by potentially leading the reader to believe that such “committees” would then be governed by Article IX rather than Article XI. I suggest eliminating this sentence in its entirety or at the very least changing the term to “subcommittees” as a means of distinguishing it from other committees.

Paragraph 2. The only other portion of the bylaws that addresses combining sections is under Paragraph L.4 which allows a section subject to potential termination the opportunity to petition the BOG for permission to combine with another section. That provision, however, does not appear to envision such a process as creating a new section. Therefore, it would appear prudent to eliminate this Paragraph 2 in its entirety and expand paragraph L.4 to include the option for the combined sections to either maintain the name of the section being joined or renaming the section to reflect the combined nature of it.

C. Membership.

Introductory comment: Because of the widely varied areas of practice or interest, it should be understandable that Sections are not one-size-fits-all creatures. A few examples of why this is true include:

- Some Sections are defined by an area of law practiced such as Elder Law or Juvenile Law or Criminal Law or Administrative Law.
- Some Sections have members who only represent one type of client; i.e. a plaintiff or defendant whereas other Sections have members who routinely represent all types of clients within their area of practice; i.e. petitioners and respondents.
- Some Sections, rather than being defined by area of law practiced, are defined by a particular function; i.e. Pro Bono whereas other Sections are defined by a unique age group; i.e. Senior Lawyers.

Because of this diversity, there are often reasons why membership should only be open to active lawyer-members; i.e. Criminal Law Section where only lawyers are allowed to represent criminal

plaintiffs and defendants. On the other hand, there are often reasons why membership might be appropriate for members other than only active lawyer-members such as inactive or emeritus pro bono members; i.e. Alternative Dispute Resolution Section.

While different in many aspects, lawyer-members also have unique things in common – a common education and post graduate doctoral degree earned through great diligence, effort, and often significant financial investment.

Paragraph 1. It is recognized throughout Article XI that Sections may adopt bylaws reflecting their unique characteristics and desired membership limitations or expansion. That same recognition should exist in this paragraph.

Every Section should have the right to define and determine who may and who may not be a voting member of the Section or eligible to run for the Section's Executive Committee (EC) positions (including Officers thereof).

Just as the BOG chose at its September 29-30, 2016, meeting to limit eligibility for Congressional District Governor seats and Officer positions to Active lawyer-members, so too should Sections have the right to self-determine through the Section Bylaws the type of licensure and status classifications eligible for membership, voting type, EC positions, and so forth.

D. Dues.

No comments.

E. Bylaws and Policies.

No comments.

F. Section Executive Committee.

Paragraph 2.a. To dictate that the Chair must preside over all meetings of the Section is inappropriate and does not allow for times when either the Chair is ill, unavailable, or the Section designates a particular meeting to be presided over by the Chair-Elect. For example, in the Family Law Section, the EC meeting that occurs immediately adjacent to the annual midyear CLE program is presided over by the Chair-Elect in order to prepare for that person's term of office commencing at the next regular meeting thereafter in the Fall. The proposed bylaw amendment would prohibit this longstanding tradition and practice.

To correct this unintended consequence, it is recommended that the first sentence of the paragraph be prefaced with "Unless otherwise permitted by a section's bylaws,....."

Paragraph 2.c. While the functions of the Treasurer presented in this sentence are definitely a part of that individual's duties, there is one significant piece missing in the list. There is no accountability on the Bar to correct posting errors or processes that result in posting errors that are reported to the Bar by the Treasurer. Likewise, I do not find this accountability on the Bar set forth elsewhere in the WSBA Bylaws. Should it not be stated?

I raise this from a position of experience in having to routinely request explanations of odd or nonconforming postings by Bar staff to our Section's financial reports and requesting corrections to resolve such matters. While the Section's Team is almost always extremely helpful, this appears to be more of a problem caused and continued by other departments.

G. Nominations and Elections.

Paragraph 1 and all of its subparts a through d. First, see comment above as to committees. It is recommended that all references to a nominating committee be changed to nominating subcommittee.

Next, this entire section is nothing more than micromanagement that should not be occurring.

As to *Paragraph 1.a.*, the Chair and/or EC are fully capable of determining who should be on their nominating subcommittee and whether or not any or all of the members of that subcommittee should or should not be current members of the EC. There is no need for the BOG to dictate this level of organizational structure.

As to *Paragraphs 1.b. and 1.c.*, the process set forth in subpart b. is insulting to those hard working folks who reach out year in and year out to encourage *all* members of the Sections to run for the open positions on the EC and who do not seek to discriminate against any member. Moreover, some sections such as Family Law, have a long and proud history of diversity reflected in not only the ethnicity of its EC members but also diverse EC membership when it comes to gender, sexual orientation, politics, disability, experience, employment variety, skills, geography, age, knowledge and so forth. The process we have established is far less onerous on an interested person than the process set forth in this paragraph.

It is recommended that subpart b. and subpart c. be combined into one subpart and amended to read as follows:

"A nomination process will be set forth in the Section bylaws or policies that takes factors of diversity into account when making nominations. The Section may elect to utilize an electronic application process administered by the Bar or an alternate nomination process as set forth in the Section's bylaws. "

As to *Paragraph 1.d.*, it is suggested that the subtitle "Executive Committee Approval" be deleted and that the subpart be amended to read, in its entirety, as follows:

"Unless otherwise permitted by a Section's bylaws or policies, the executive committee will approve a list of nominees for each open position."

Paragraph 2.b. Why is the proposal to limit the section, if it wishes to run its own elections, to only developing an equivalent electronic election process versus having the option of conducting a different form of election process; i.e. either in person or paper ballot voting?

Paragraph 2.d. What is the Bar record retention period for election processes and where is that published or posted?

Paragraph 3. Setting the nominations and elections to this specific time frame will have a significant impact on some sections such as Family Law that run their nominations to coincide with the annual midyear program at which the section annual meeting is held. The elections follow immediately thereafter. It is my understanding that this provision was proposed to reduce some hardship associated with differing nomination/election periods of the various sections that purportedly exists for the Bar Staff who comprise the Sections Team. However, this hardship has not been fully explained or discussed outside of the Sections Policy Workgroup (if even there) which leaves only the option of guessing available to Sections leaders.

If the concern is that running 28 sections' elections at various times throughout the year rather than having all 28 elections occurring at one time is hard to manage by the staff assigned to the sections, it would appear to be more of a time management or organization skills deficit rather than a problem with the elections. Attempting to manage or facilitate 28 separate sections' processes all at once rather than breaking that number down into more manageable groupings spread over time would seem to be asking for problems.

While it may be no major undertaking for small sections to change election period strategies, this is a huge problem for at least some of the much larger sections such as Family Law.

It is recommended that this subpart either be eliminated in its entirety or rewritten to allow for a greater nomination timeframe but only rewritten *AFTER* obtaining input from each of the 28 sections as to their preferences and supporting rationale.

II. Vacancies and Removal.

Paragraph 1. It is recommended that the prefacing clause used elsewhere be included at the beginning of this paragraph ; i.e. "Unless otherwise provided for in Section bylaws, ..."

I. Other Committees.

It is recommended, for the reasons set forth above, that the word "committee" used in this paragraph (other than when referring to an Executive Committee) be changed to "subcommittee" to avoid confusion and misinterpretation.

J. Budget.

I have no real concern with the language of this paragraph. I would, however, like to confirm, that this does not alter the existing policy that allows budget amendments upon request (and when justified) that can be approved, based on the amount in question, by various levels of staff up to the BOG for the large amounts. Please advise.

K. Section Reports.

No comment.

L. Terminating Sections.

Paragraph 3. I am concerned that the notice portion of this paragraph leaves the door open for expedited decisions by the BOG with insufficient time for the affected Section(s) to respond or

November 1, 2016

Re: Proposed Amendments to WSBA ByLaws Article XI Sections

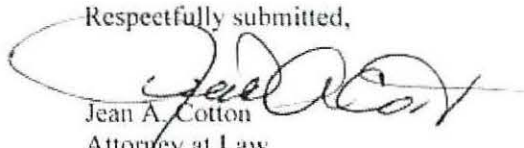
otherwise present their case. Rather than setting the notice timeline to "at least one" BOG meeting, I would request that the notice be provided "at least sixty days prior to the BOG meeting" at which the BOG plans to vote on the proposal. In addition, the word "Board" that remains in the last sentence should be changed to "BOG" for purposes of consistency.

Paragraph 4. See comments provided above under Paragraph B.2.

Paragraph 7. The wording of this paragraph is inconsistent. To some extent, this is due to the order in which the two sentences of the paragraph are presented. The order of the two sentences should be reversed with the second sentence coming first. It is recommended that the then remaining sentence should read: "If the terminated section has not combined with another section or otherwise appropriately disposed of its funds prior to termination, any funds remaining in the treasury of a section at the time of termination will be transferred to the Bar's general operating fund unless otherwise designated by the BOG." The rationale behind this suggestion is that it might be appropriate for a section to designate its remaining funds be disbursed to a like-minded entity such as LawFund or an organization with similar interest. For example, the Civil Rights Section might find it beneficial to donate some or all of its treasury to various minority bars.

Finally, the changes to this Article could create substantial work for the various sections in amending section bylaws, addressing scheduling of nominations and elections, and the like. Because of this, it is respectfully requested that the effective date of the Article be delayed until October 1, 2017, to allow for this process to be addressed in a businesslike, professional manner by each of the Sections.

Respectfully submitted,



Jean A. Cotton
Attorney at Law

cc: WSBA President Robin Haynes
WSBA Section Leaders

Board of Governors and Members of the Workgroup:
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539
via email: Paris Ericksen: parise@wsba.org

RE :Criminal Law Section Input

We proffer this with the support and on behalf of the Criminal Law Section with regards to the Workgroup meetings and the action of the BOG. It was written with the assistance of section members of the Workgroup, it was discussed and then memorialized by Jean Cotton and Ruth Edlund.

Please be advised that the Criminal Law adapts these comments, concerns, objections and corrections as their own and in its entirety..

Our comments address the version of Article XWE bearing the header "REDLINE – ALL CHANGES (9/16/2016) and will focus on their interaction with the amendments to WSBA's bylaws recently enacted and other policy changes recently announced, to avoid duplicating comments made by other Sections and individual attorneys regarding already-identified issues. The comments of Jean Cotton and Ruth Edlund are largely in this response and the criminal law section fully supports the comments and opinions below.

1. "Section Year" Synchronization Issues

"Section membership" is now being aligned with the lawyer's license fee year. One of the organizational changes that has been made is to align the "section membership" year with the lawyers' "license fee" year (as well as changing the method of accounting, but that change is not pertinent to this discussion). In the past, lawyer license fees have been collected from members of the Bar by the calendar year, with a grace period in the month of January. Section dues, in contrast, have been collected from members of the sections by the fiscal year, with a grace period extending through the last quarter of the calendar year.

nm

Section dues and lawyer license fees will now both align with the calendar year (it is unknown whether section dues will now be subject to the same one-month grace period to which license fees are subject, or whether the historical grace period of one quarter will be preserved). Revised Article XWE does not take this into account. See XI.F.6. Because Article XWE still provides that executive committee positions begin October 1 of each year, the officers assume their position nine months after the section year has begun, rather than at the outset of the section year. This is likely to cause confusion.

Historically, LLLT license fees and LPO license fees have aligned neither with the fiscal year nor with the calendar year. When LLLTs and LPOs become eligible to join sections, any nonalignment of their licensing years (if that nonalignment has not been reconciled) will create additional confusion until addressed.

If the date that executive committee positions take effect is adjusted to take into account the adjustment in section membership year, the schedule on which elections must take place will have to be changed as well.

We are somewhat concerned about the unintended consequences of providing for a uniform election date for all sections. It appears to have been envisioned as a means of reducing the administrative burden on staff. WE am concerned that it will have the effect of taking elections that are currently somewhat staggered throughout the year, which allowed for a more evenly distributed workflow, and requiring that they all occur at the same time, which is likely to be more burdensome to a staff that is already overburdened with the tasks of volunteer management.

In addition, the retention of the word “sections” in Article IX after the scope of Article IX was expanded to include all “Bar entities” (unless, apparently, those bar entities were created by the BOG), has numerous unintended consequences as set forth in We attached analysis, in particular election of the chair and removal of an individual from a section. As We have noted, if the intent of retaining the word “sections” in Article IX was to underscore the application of the legislative comment policy, that policy could more effectively been included in XI.E rather than trying to engraft all of Article IX’s catchall provisions onto the sections. Attached is our previous letter which WE incorporate by reference herein on this potentially technical point. The Sections Policy Workgroup was never given an opportunity to discuss this issue. The problem was not the insertion of the word “sections” into Article IX, because it was there before. The problem is the effect of leaving the word in there after the other changes were made to broaden its application, which may well have additional consequences other than those WE have identified as the ones affecting the sections.

2. Eligibility to be Officers in Sections

One of the more passionately argued issues raised by the proposed WSBA Bylaws that BOG addressed at the September 2016 meeting was whether LLLTs and LPOs, now full members of the Bar, could become officers of the BOG, if Active members of the Bar, by virtue of their standing. The Bylaws as finally enacted restrict eligibility for the officer positions of BOG to Active lawyer members. The proposed Article XI, however, requires of the sections what BOG was not willing to require of itself. This is inequitable.

Section C.1 says that *any* Active member of the Bar may be a voting member of a section and eligible for election to office. Some confusion arose at the last BOG of meeting because of Section C.2. That section only gives sections by means of their bylaws to expand the categories (all lawyers, notably) who may become voting members and eligible to become officers of sections (so long as they are not inactive members). *Nothing* in Article XWE permits a section to restrict eligibility for its officer positions to Active lawyer members. Since the BOG felt that this restriction was prudent for itself, there is no justification to deprive the sections of the same, if BOG truly acknowledges that the sections are carrying on the work of the Bar.

If the BOG’s desire as a policy matter is to treat limited licensees *in par with material* with general licensees (lawyers), then in the interest of providing *equity*, rather than mere *equality*, the BOG should

consider whether new sections meeting the interests and serving the needs of these new full members should be created.

There have long been far more than the required 150 minimum LPOs needed to start an LPO Section, and eligibility to be an officer of an LPO Section could be limited to LPOs with only a little editing to Article XI. Of course, if there is not yet sufficient interest among LPOs a section of their own (they appear to have shown little interest to date in joining RPPT in significant numbers), that should be taken into consideration in the BOG's plans for outreach to these licensees.

There appears to be no way to create a LLLT Section under the current language of proposed Article XWE at all, because there are fewer than the required 100/150, and there is no mechanism for BOG to create a new section from scratch (so to speak), as some of the oldest Sections were (WE believe) established back in the 1970s. For the LLLT program to be self-sustaining on the timetable endorsed by the BOG at the September 2016 meeting, there will certainly have to be sufficient LLLTs to make a section exclusively for them worthwhile in the fairly near future. Because the nature of a LLLT's/LPO's practice is different from a lawyer's, and further because the practice areas of LLLTs are slated to expand, it makes more sense to have a LLLT Section and an LPO Section than it does to jam either of those members into the existing sections where they will be few in number and hard for the sections to serve. Prudent drafting would suggest that a mechanism be created *now* in the Bylaws for BOG to establish an LLLT Section in the future, should LLLT numbers fall short of projections, but the BOG nonetheless wish to provide equity for that group (by analogy to the BOG's authority in Article XI.L to retain small sections subject to viability review when that section is carrying on the work of the Bar).

3. Terminating Sections

WE believe that Article XI.L should contain a requirement that any proposal by BOG to terminate a section by any of the mechanisms listed in Article XI.L should have a first reading at a BOG meeting before the meeting at which the final action of terminating a section is proposed to occur.

Article XI.L does not provide sufficient detail on who may make a "motion" or "petition" to terminate a section. Article XI.L.4 refers to the right of a section *subject* to termination to petition to be *combined*, but that does not answer the question as to who is authorized to move or petition to terminate a section in the first place. May a single Governor do so?

Article XI.L.5 refers to payment of additional "fees" for the remainder of the "section dues year." From context, it should refer to additional "dues" for the remainder of the years because "fees" always refers to licensing fees in these discussions. Also, the "section dues year" will now be the calendar year, so the reference to "section dues year" can be changed to "calendar year" for clarity.

4. Executive Committee Recruitment/Nominations

The Bylaws are attempting to micromanage how the sections implement WSBA's commitment to diversity by again imposing requirements on sections beyond those that it imposes on itself. XI.G.1.b. mandates the use of an "electronic application process administered by the Bar" designed to *elicit* (not

“solicit,” that is, draw out information, rather than obtain or acquire) information such as ethnicity, and the like. Because the process is being administered, that is, controlled by the Bar, it is not clear how sections might be able to provide input on additional factors it deems to be relevant, such as geographic diversity. In addition, use of an online form to elicit such information is problematic for those with visual impairments, economic disadvantage (limited internet access or older computer equipment, e.g.) or dexterity impairments, to list only a few examples. As such, it is exclusionary, not inclusive.

Because members of an executive committee are elected by the section membership as a whole, the executive committee should *reflect the perspectives of that section’s membership*, which perspectives are, by the very definition of practice, diverse, although some more than others. Incorporation of a provision this specific in a general governing document such as bylaws suggests a fundamental mistrust of the sections, who are, after all, adults presumed to be capable of managing their own affairs.

To the extent that the BOG wishes to incorporate a statement within the Bylaws about the Bar’s commitment to diversity and the ways in which expresses that commitment, then such commitment should be: (1) included in *all* discussions of the composition of Bar entities’ governing boards, not just the sections’, up to and including the BOG; (2) included either as a general statement in a preamble to the Bylaws; or (3) at the very least moved to Article XI.E. “BYLAWS [of Sections] AND POLICIES,” as a new subsection 2 (or 3, if you take our advice about including the legislative comment policy here), for example: “The section’s executive committee should reflect the diverse perspectives of its members in its composition and decision-making.” Information provided on an application form does little but facilitate organizational box-checking (and the provision of information is voluntary in any event, and therefore not methodologically reliable). It gives short shrift to the acts of recruitment and development engaged in regularly by ECs throughout the sections which actually advance the values stated.

Sincerely,

KIM E. HUNTER

SIGNED ELECTRONICALLY 11/2/2016 7:59:20 AM

KIM HUNTER,
CRIMINAL LAW SECTION

RUTH EDLUND, PAUL SWEGLE, JEAN COTTONWOOD

Family Law Section

Family Law Section of the Washington State Bar Association



FLEC Members

Ruth Edlund
Chair - Seattle

SENT VIA EMAIL ONLY UNLESS REQUESTED

Dayann Liebman
Past Chair -
Vancouver

November 2, 2016

Jean Cotton
Chair-Elect - Elma

Members of the Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2359

Elizabeth Christy
Secretary -
Vancouver

Re: Proposed Amendments to Article XI of Bylaws of the Washington State Bar Association

Lisa Brewer
Treasurer - Spokane

Dear Governors:

Mark Alexander
Seattle

I write this letter in my capacity as current chair of the WSBA Family Law Section's Executive Committee ("FLEC") to provide comments on the current proposed draft of Article XI of WSBA's bylaws.

Douglas Becker
Webmaster-Seattle

Shelley Brandt
Olympia

My comments refer to the version of Article XI bearing the header "REDLINE - ALL CHANGES (9/16/2016) and will focus on their interaction with the amendments to WSBA's bylaws recently enacted, and with other Bar policies, to avoid duplicating comments made by other Sections and individual members of the Bar about already-identified issues. For example, although the comments of Jean Cotton were made as a private citizen, I can state that FLEC agrees with her analyses.

Lea Conner
Spokane

Larry Couture
Tacoma

Cameron Fleury
Tacoma

1. "Section Year" Synchronization Issues

Geoffrey Gibbs
Everett

As you recall, one of the organizational changes that has been made is to align the "section membership" year with the lawyers' "license fee" year (as well as changing the method of accounting, but that change is not pertinent to this discussion). In the past, lawyer license fees have been collected from members of the Bar by the calendar year, with a grace period in the month of January. Section dues, in contrast, have been collected from members of the sections by the *fiscal* year, with a grace period extending through the last quarter of the calendar year.

Nancy Hawkins
Seattle

Nancy Koptur
Olympia

Section dues and lawyer license fees will now both align with the calendar year (it is unknown whether section dues will now be subject to the same one-month grace period to which license fees are subject, or whether the historical grace period of one quarter will be preserved). Revised Article XI does not take this into account. *See XI.F.6.* Because Article XI still provides that executive committee positions begin October 1 of each year, that implies that the "section year" is still aligned with the fiscal year, rather than the membership year. This may cause confusion.

Jonathan Lee
Spokane

Patrick Rawnsley
Olympia

Rhea Rolfe
Bellevue

Kevin Rundle
Tacoma

Elizabeth Turner
Everett

Historically, LLLT license fees and LPO license fees have aligned neither with the fiscal year nor with the calendar year. When LLLTs and LPOs become eligible to join sections, any

nonalignment of their licensing years (if that nonalignment has not been reconciled) will create additional confusion if it has not already been addressed.

If the date that executive committee ("EC") positions take effect is adjusted to take into account the adjustment in section membership year, the schedule on which elections must take place, if it is to be mandated, would logically have to be changed as well. However, mandating this uniform date for the closure of officer nominations will affect sections such as Family Law whose recruitment/nomination cycles are tied to their midyear programs. FLEC is concerned that the lack of flexibility to solicit nominations at our midyear will interfere with our ongoing commitment to recruit a diverse EC (as discussed further below).

FLEC is concerned about the unintended consequences of providing for a uniform election date for all sections. We understand that it was envisioned as a means of reducing the administrative burden on staff (as was the combining of administering the various license classes, now acknowledged not to have yielded expected efficiencies). A mandated uniform election schedule will take elections that have been staggered throughout the year, allowing for a more evenly distributed workflow, and requiring that they all occur at the same time. Will this not be *more* burdensome to a staff that is already overburdened with the tasks of volunteer management? The sections have historically conducted their elections without significant problems without marching in lockstep. Requiring increased oversight and involvement of Bar staff just adds to the justification for increased Bar licensing fees and section dues, which is the opposite of what the membership wants.

In addition, the retention of the word "sections" in Article IX, after the scope of Article IX was expanded to include all "Bar entities" has unintended consequences, as set forth in my attached analysis incorporated by reference herein. The Sections Policy Workgroup was *never* given an opportunity to examine this issue. In particular, take note of the method of selection (rather than election) of the chair of a Bar entity, and removal of an individual from a Bar entity (contra to Article XI which permits section members to remain as long as they pay their dues). As has been noted, if the intent of retaining the word "sections" in Article IX was to underscore the *unquestioned* application of the legislative comment policy to the sections, such an emphasis could have been provided in Article XI.E, the title of which includes "POLICIES." Engrafting all of Article IX's residual provisions onto the sections simply will not work.

I understand that this point may seem arcane and boring. It may well be both, but it is also *important*. Please note that the problem was not created by an insertion of the word "sections" into Article IX, because the reference to "sections" existed previously in the introductory paragraph. The problem was created by *retaining* the reference to sections *after* changes were made to broaden the application of the residual clauses of Article IX to *all* Bar entities. This may well have additional consequences other than those I have identified as the ones affecting the sections.

2. Limited Licensee Eligibility As Section Officers

One of the more passionately argued issues raised by the proposed Bylaws discussed at the September 2016 meeting was whether LLLTs and LPOs, now full members of the Bar, could become *officers* of the BOG, if Active members. The Bylaws, as eventually approved, restrict eligibility for the officer positions of BOG to Active lawyer members. The proposed Article XI, however, requires of the sections what BOG was not willing to require of itself. This is inequitable.

Section C.1 says that *any* Active member of the Bar may be a voting member of a section and may be eligible for election to office. Some confusion arose at the September 2016 BOG meeting because of Section C.2. That subsection only gives sections the ability, by means of their bylaws, to *expand* the categories (all lawyer classes, notably) of Bar members who may become voting members and thereby eligible to become officers of sections. *Nothing* in proposed Article XI permits a section to enact bylaws restricting eligibility for its officer positions to *lawyer* members. Since the BOG felt that this restriction was prudent for itself, it is hard to understand its justification to deprive the sections of the same, *if* BOG truly acknowledges that the sections are carrying on the work of the Bar.

If the BOG's desire, as a policy matter, is to treat limited licensees *in pari materia* with general licensees (lawyers), then in the interest of providing *equity*, rather than mere *equality*, the BOG should be exploring whether its LLLT/LPO members are interested in establishing new sections meeting their interests and serving their needs. This seems preferable to the current plan of slotting them into existing sections where their interests and needs, which are different from those of lawyers, cannot readily be met. If upon investigation there proves to be little genuine interest among these license classes in section membership, it makes less sense to extend this potentially expensive benefit to them in the first place.

There have long been far more than the required 150 minimum LPOs needed to start an LPO Section. Eligibility to be an *officer* of such a hypothetical LPO Section could be limited to LPOs with only a little editing of the current language of Article XI. LPOs may not perceive a need for a section of their own. They appear to have shown little interest to date in joining RPPT, their most logical affinity group, in significant numbers. Current interest levels should be taken into account as the BOG plans for outreach to these licensees to engage them more fully in the work of the Bar. Any exploration with the LPOs should include a frank and realistic discussion of the cost, in both money and effort, associated with the creation and maintenance of a section. Similarly, there is no obstacle to the creation of a LLLT Section, if 150 Active members of the Bar are willing to petition to do so (the petitioners would of course not need to be LLLTs). Similarly, Article XI could provide that officers of such a section could be limited to LLLTs. Again, the cost and effort associated with establishing and maintaining a LLLT Section should be realistically evaluated in advance and presented for discussion with the interested parties.

A caution: a large segment of the lawyer membership is already painfully aware of the substantial deficit at which the LLLT program is already operating, and of the existing disparity in licensing fees between lawyers, on the one hand, and LPOs and LLLTs on the

other. If the BOG were to budget heavy subsidies for any projected LPO/LLLT Sections, after the presumptive members of those sections were unwilling to shoulder those costs, such subsidies would be extremely unpopular among rank-and-file members of the Bar.

3. Terminating Sections

FLEC believes that Article XI.L should contain a requirement that any proposal by BOG to terminate a section by any of the mechanisms listed in Article XI.L should have a first reading at a BOG meeting at least one meeting before the meeting at which the final action of terminating a section is proposed, in light of the due process rights granted sections in XI.L.3.

In Article XI.L.2, “less” should be “fewer” (less *money* [unquantified] but fewer *dollars* [quantified]).

Article XI.L does not provide sufficient detail on who may make a “motion” or “petition” to terminate a section and what the distinctions between the two mechanisms might be. Article XI.L.4 refers to the right of a section *subject* to termination to petition to be *combined* with another section, but that does not answer the question as to who is authorized to move or petition to terminate a section in the first place. May a single Governor do so? May only Governors do so? Clearly the BOG is the entity that has the *power* to terminate once the question is brought before it, but who can raise it?

Article XI.L.3 does not provide sufficient detail regarding the viability review. Of what does the section’s “opportunity to be heard” consist? Does it only occur immediately before the vote to terminate?

Article XI.L.5 refers to payment of additional “fees” for the remainder of the “section dues year.” From context, it should refer to payment of additional “dues,” because “fees” always refers to licensing fees in the context of the Bylaws. Also, the “section dues year” will now be the calendar year, so the reference to “section dues year” can be changed to “calendar year” for clarity. In addition, it would make more sense, if section members transfer from a terminated section to an existing section, the pro rata portion of the transferring member’s section dues (net of the per-member section charge) should be transferred from the treasury of the terminated section to the treasury of the existing section, because that section will then be required to provide benefits to the transferring member without the ability to charge section dues. The provision of Article XI.L.7 that all of a terminated section’s funds are to be subsumed into the Bar’s general operating fund is unfair to sections who are obligated to accept such new members. Also, the rule does not address whether termination of a section is effective immediately upon vote of the BOG, and, if not, what power the EC of the terminated section has to incur expenses consistent with section aims and the section’s budget before the date of termination.

It should also be made clear that, if a member transfers from a terminated section to an existing section, the existing section should not be charged a second per-member charge for the section member transferring into the existing section if the terminated section has already paid that charge to the Bar for that section member.

What happens to the ECs when two sections are combined into a new section?

4. Executive Committee Recruitment/Nominations

(A minor editing point: the heading of Section G.1.c should say “Alternative” and not “Alternate.”)

Section G.1.b. of the Bylaws is attempting to micromanage how the sections implement WSBA’s commitment to diversity by imposing, once again, a requirement on the sections beyond that which it imposes on itself. XI.G.1.b. mandates the use of an “electronic application process administered by the Bar” designed to *elicit* (not “solicit,” that is, draw out information, rather than obtain or acquire) information such as ethnicity/gender/disability and the like from EC candidates. Because the process is being administered, that is, controlled by the Bar, it is not clear how sections might be able to provide input on how to elicit, by means of the required form, *additional* factors it deems to be relevant, such as geographic diversity, in its EC members. Use of an online form to elicit such information is problematic for those with visual impairments, dexterity impairments, or at an economic disadvantage (e.g. limited internet access or older computer equipment), to list only a few examples. To this extent, this format is exclusionary, not inclusive.

Because members of an EC are elected by the section membership as a whole, the EC should above all reflect *the diverse perspectives of that section’s membership*. Each section’s leadership is in the best position to understand its own membership. Incorporation of a provision this specific in a document of general governance suggests either: a fundamental mistrust of the sections’ basic competence to foster a culture of diversity and inclusion; a concern that the sections are not diverse, or are at least less diverse than the Bar as a whole (leaving aside the issue of diversity of licensees in general versus the population at large); or a concern that the ECs are less diverse than the sections they support.

A review of the Bar’s own most recent report on Sections Diversity Demographics (copy attached) as of June 2016 reflects that the sections’ memberships are by-and-large as diverse as the Bar as a whole and becoming more so over time. It is noteworthy to FLEC, and we hope it should be significant to the BOG as well, that the Diversity Demographics report contains *no* reported data on the racial/ethnic/gender/young lawyer/LGBT/disability status of any section EC. In the absence of any data available to us regarding the diversity of ECs in general, we must ask whether this oddly specific provision is targeting a problem actually known to exist. The Diversity Demographics Report states suggests only that we sections should “ensur[e] that your leadership matches your membership.”

To the extent that the BOG wishes to make a statement within its Bylaws about the Bar’s laudable commitment to diversity, and suggest some ways in which that commitment might be made manifest, then such a statement should be: (1) applicable to *all* discussions of the composition of Bar entities’ governing boards, up to and including the BOG, not just section ECs; (2) included either as a general statement in a preamble to the Bylaws; or (3) at the very least, moved to Article XI.E. “BYLAWS [of Sections] AND POLICIES,” as a new subsection 2 (or subsection 3, if you accept FLEC’s point about including the legislative comment policy


November 2, 2016

Re: Proposed Amendments to Article XI of Bylaws of the Washington State Bar Association

here). For example: "The section's executive committee should reflect the diverse perspectives of its members in its composition and decision-making."

Creating forms does little but increase the ease of organizational box-checking. The provision of such information is voluntary in any event, and the results are therefore not methodologically reliable—the current Diversity Demographics Report figures for the Family Section as a whole indicate that 71-72% of our members responded to questions regarding race, ethnicity, and gender. The remaining quarter and more of our members who decline to supply data could tip our percentages either way.

Finally, relying as heavily on this sort of data gathering to "assist" in obtaining "diverse perspectives" by the inclusion of this level of detail in the Bylaws gives short shrift to the acts of recruitment and development engaged in regularly by ECs that actually advance the values stated. For example, face-to-face interactions at a section's Midyear with a personal touch allow ECs to recruit candidates who actually hold diverse perspectives. Some of our most desirable candidates choose, as is their right, to refrain from disclosing highly personal information to the Bar because they are not interested in facilitating the Bar's checking categorical boxes. That does not detract from the diversity of their perspectives.

DN: cn=Ruth Laura Edlund, o=Wechsler
Becker, LLP, ou,
email=rl@wechslerbecker.com, c=US
Reason: GR 30 digital signature
Location: Seattle, WA
Date: 2016.11.02 14:40:36 -0700
Adobe Acrobat version: 11.0.18
Sincerely, 

Ruth Laura Edlund
Chair, Family Law Executive Committee

Encl.

From: Elizabeth Reilly
To: Paris Eriksen; Sections
CC: Kevin Zeck, Tom Satagaj, Reena Ghosh, Stuart Dunwoody, John Nelson, Reid Johnson, Patchen Haggerty, Makalika Naholowa'a, Elizabeth Reilly
Subject: Article XI Comments
Sent: Wed 11/2/2016 4:19 PM

Dear Paris,

Thank you for the opportunity for the Sections to submit input regarding Article XI of the WSBA Bylaws by November 2, 2016, in advance of the upcoming BOG meeting scheduled for Friday, November 18, 2016.

On behalf of the Intellectual Property Executive Committee, I submit the following **COMMENTS** for consideration:

COMMENTS:

B. ESTABLISHING SECTIONS.

1. The ~~Board of Governors~~BOG ~~shall~~will consider the establishment of a new section on a petition and report endorsed by at least 150 ~~100~~ Active members of the Bar. Any such petition ~~shall~~must be filed with the Executive Director at least one BOG meeting prior to the BOG meeting at which action ~~upon~~on the proposal is contemplated and ~~shall~~must substantially set forth:
 - a. The contemplated ~~jurisdiction~~purpose of the new section, which ~~shall~~will be within the purposes of the Bar and not in substantial conflict with the ~~jurisdiction~~purpose of any existing section or committee, the continuance of which is contemplated after the new section is established;
 - b. Proposed bylaws of the new section, which ~~shall~~must contain a definition of its ~~jurisdiction~~purpose;
 - c. The names of ~~the~~any and all proposed committees of the new section;
 - d. A proposed budget for the new section for the first two years of its operation;
 - e. A list of Active members of the Bar who have signed statements that they intend to apply for membership in the new section;
 - f. A statement of the need for the proposed new section.

C. MEMBERSHIP

3. Law students of an accredited law school of WA State ~~shall~~will be allowed to be nonvoting members of any Section at a standard annual dues amount set by the ~~Board of Governors~~BOG.

- D. Dues will be paid annually in the amount determined by the section executive committee and approved by the BOG. Any person who fails to pay the annual dues will cease to be a member of the section. The payment for and the yearly covered by the annual section dues will be aligned with the payment for and the yearly term covered by Bar dues.

G. NOMINATIONS AND ELECTIONS

1. The executive committee should reflect diverse perspectives. To assist this, all applicants will apply through an electronic application process administered by the Bar. The application form will, on voluntary basis, solicit information including, but not limited to, the person's ethnicity, gender, sexual orientation, disability status, area of practice, years of practice, employer, number of lawyers in law firm, previous involvement in section activities, and skills or knowledge relevant to the position. The nominating committee should actively take factors of diversity into account when making recommendations. In the nomination process, the executive committee is encouraged to consider the "Diversity and Inclusion Plan" adopted by the Bar in May 2013.

Note: In the above suggested amendment, the hyperlink to the "Diversity and Inclusion Plan" points here: <http://www.wsba.org/~media/Files/WSBA-wide%20Documents/DiversityInclusionPlan.ashx>

Thank you,

Elizabeth Reilly
Chair - IPEC

Elizabeth Reilly Esq.

Patentpending, PLLC
Patent Attorney

ereilly@patentpendingpllc.com
patent-pending@hotmail.com

O: (253) 330 – 6420
C: (619) 218 – 8382

Patentpending, PLLC
3801 North 27th Street No. 6888
Tacoma, WA 98407

Patentpending, PLLC
301 Union Street No. 509
Seattle, WA 98101

CONFIDENTIALITY: This e-mail and its attachments are confidential and may be protected by attorney/client privilege, work product doctrine, or other nondisclosure protection. If you are not the intended recipient of this e-mail, please contact the sender immediately; you may not read, disclose, print, copy, store or disseminate the e-mail or any attachments or any information contained therein.



SOLO &
SMALL
PRACTICE
SECTION

Washington State
Bar Association
1325 Fourth Ave.,
Ste. 600, Seattle,
WA 98101-2539
www.wsba.org

We help solo and
small practice
attorneys to
ethically conduct
a profitable,
satisfying business
by acting as a
clearinghouse
for qualified
law practice
management
and technology
information.

November 2, 2016

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

Dear Governors:

I write on behalf of the Executive Committee of the Solo & Small Practice Section (the "Section") of the Washington State Bar Association ("WSBA") to provide comments on the amendments to Article XI of WSBA's Bylaws proposed by the Bylaws Work Group. The views expressed herein represent the consensus of the Executive Committee of our Section. We support and provide services to over 1000 WSBA members who join the Solo & Small Practice Section each year.

Our comments relate solely to the Work Group's proposals regarding the sections' executive committees. By way of background, in our Section, all voting members of the Executive Committee are elected by the section membership to at-large positions for terms of two years. The Executive Committee then selects which of its voting members shall serve as Officers each year. We write to preserve two aspects of this system that have worked so well for us that will be prohibited if you adopt the Work Group's proposal as is.

**Sections Should Have the Option to Specify Two-Year Terms
for Executive Committee Members as Opposed to Three.**

The Work Group's proposal appears to mandate the terms for executive committee members in all sections be three years as opposed to two. Three-year terms are too long and will discourage section members from running for open positions on our executive committee. We have had a hard time finding people to serve with only a two-year commitment required. Many of our "elections" have had only one candidate for each open position. In addition, our hope is that executive committee members will be willing to serve two terms. But six years of service is a lot to ask. Three-year terms may discourage executive committee members from running for a second term.

Giving sections the option of specifying two-year, instead of three-year, terms for executive committee members will not increase the workload of WSBA staff. Our Executive Committee, like most, staggers the terms of its members, electing some new members each year. Thus, we will have an election each year, whether the term is two or three years. Because elections are held each year regardless, there is no reason to require the length of term be uniform for all sections. If the BOG wants uniformity, it should opt for a shorter term length to encourage volunteers to run.

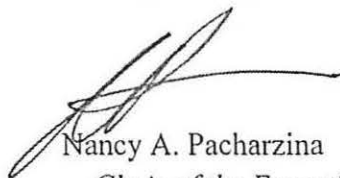
Sections Should Have Flexibility to Specify How Their Officers Are Selected.

The Work Group's proposal appears to require that Officers be elected by the section membership and to prohibit our established practice of having the elected, Executive Committee select which members shall serve as Officers each year. Executive committee members are better situated than the general membership to know who is best suited to fulfill the duties of various officer positions. In addition, our Section's practice is consistent with how the BOG selects its President. Preserving this option will not create any additional work load for WSBA staff.

In sum, based on many collective years of experience, the Executive Committee of the Solo & Small Practice Section objects to the Work Group's proposed amendment in Article XI. Section F. 2, to the extent it mandates Officers be elected by the entire membership and does not allow Officers to be elected by the Executive Committee. We also object to the proposed amendment of Article XI. Section F. 3 to the extent it mandates terms for executive committee members be three years and does not allow individual sections to opt for two-year terms instead.

I have attached hereto a revised Section F (and a redline of the Work Group's current proposal), which reflects these comments. I welcome the opportunity to discuss these revisions with BOG members.

Respectfully,



Nancy A. Pacharzina

Chair of the Executive Committee

WSBA Solo and Small Practice Section

Revised Article XI, Section F
Proposed by the Solo & Small Practice Section

F. SECTION EXECUTIVE COMMITTEE.

1. Each section shall have an executive committee consisting of, at a minimum, three voting members. The section's executive committee is empowered to act on behalf of the section unless it chooses to take a vote of the section membership.
2. Voting Members. Unless otherwise permitted by a section's bylaws, voting members of a section's executive committee must be Active members of the Bar and must be members of the section for their entire term of office on the executive committee. Voting members of a section's executive committee shall be elected by the section membership to terms of two or three-years as specified in each section's bylaws. A section's executive committee may appoint its Young Lawyer Liaison (if any) as a voting member of the section's executive committee. Voting members are not subject to a limit on the number of consecutive terms they may serve unless stated in a section's bylaws.
3. Officers. Each section's executive committee shall have at least three Officers: a Chair, Secretary and Treasurer. Officers must be voting members of the executive committee and shall be elected by either the section's membership or by the section's executive-committee, as provided in each section's bylaws. Officers shall serve one-year terms. There is no limit on the number of consecutive terms a voting member may serve as an officer.
 - a. Chair. The Chair of the section presides at all meetings of the section and section executive committee, and will have such other executive powers and perform such other duties as are consistent with the Bar and section bylaws.
 - b. Secretary. The Secretary will take minutes at each meeting of the section and section executive committee, and provide approved minutes to the Bar for publication and record retention.
 - c. Treasurer. The Treasurer will work with the Bar to ensure that the section complies with Bar fiscal policies and procedures, work with the Bar to prepare the section's annual budget, and review the section's monthly financial statements for accuracy and comparison to budget.

d. A section may have additional officer positions as defined in its section bylaws.

4. *Ex-Officio* Members. Voting members of a section's executive committee may appoint *ex-officio* members from among the current members of the section to further the work of the Bar and section. *Ex-officio* members do not vote on executive committee matters and serve at the discretion of the section's executive committee.
5. All section executive committee positions will begin October 1 each year.

Redline of Bylaws Work-Group's Proposed Article XI, Section F
Submitted by the Solo & Small Practice Section

F. SECTION EXECUTIVE COMMITTEE.

1. Each section will have ~~an section-executive committee consisting of, at a minimum, the following Officer~~three voting members. positions: Chair, Secretary and Treasurer (or Secretary/Treasurer); and may have At Large members. Unless otherwise permitted by a section's bylaws, voting members of a section executive committee must be Active members of the Bar and members of the section for their entire term of office on the executive committee. Additionally, a section executive committee may have *ex-officio* (non-voting) members. ~~The section's executive committee is empowered to act on behalf of the section unless it chooses to take a vote of the section membership.~~

2. ~~At Large Voting Members.~~ Unless otherwise permitted by a section's bylaws, voting members of a section's executive committee must be Active members of the Bar and must be members of the section for their entire term of office on the executive committee. ~~Voting At large members of thea section's executive committee will~~shall be voting members. At large members will be elected by the section membership to terms of two or three-years termsas specified in each section's bylaws. A section's executive committee may appoint its Young Lawyer Liaison (if any) as a voting member of the section's executive committee. Voting members are not subject to a limit on the number of consecutive terms they may serve unless stated in a section's bylaws.

- 2.3. ~~Officers. Unless otherwise permitted by a section's bylaws, o~~Each section's executive committee shall have at least three Officers: a Chair, Secretary and Treasurer. Officers must be voting members of the executive committee and shall of a section executive committee must be Active members of the Bar and be elected by either the section's -membership or by the section's executive- committee, as provided in each section's bylaws. Officers shall serve one-year terms. There is no limit on the number of consecutive terms a voting member may serve as an officer.~~to complete the one-year term of office.~~

- a. Chair. The Chair of the section presides at all meetings of the section and section executive committee, and will have such other executive powers and perform such other duties as are consistent with the Bar and section bylaws.

- b. Secretary. The Secretary will take minutes at each meeting of the section and section executive committee, and provide approved minutes to the Bar for publication and record retention.

- c. Treasurer. The Treasurer will work with the Bar to ensure that the section complies with Bar fiscal policies and procedures, work with the Bar to prepare the section's annual budget, and review the section's monthly financial statements for accuracy and comparison to budget.

d. A section may have additional officer positions as defined in its section bylaws.

~~3.1. At-Large Members. At large members of the section executive committee will be voting members. At large members will be elected by the section membership to three-year terms. A section executive committee may appoint its Young Lawyer Liaison (if any) as a voting member of the section's executive committee.~~

4. *Ex-Officio* Members. Voting members of the a section's executive committee may appoint *ex-officio* members from among the current members of the section to further the work of the Bar and section. *Ex-officio* members do not vote on section executive committee matters and serve at the discretion of the section's executive committee.

5. ~~Executive committee members are not subject to a limit on the number of the consecutive terms they may serve unless stated in a section's bylaws.~~

~~6.5.~~ All section executive committee positions will begin October 1 each year.

From: Bernard Shen
To: Sections
CC: Bernard Shen
Subject: FW: Reminder: Article XI.SECTIONS – WSBA Bylaws
Sent: Wed 11/2/2016 4:29 PM

Dear Sir or Madam,

In response to the email and the attached PDF document from Paris Eriksen, the following are responses and comments from the International Practice Section (IPS). Each comment first cites portion(s) of the PDF document, and then provides the comments from IPS.

IPS Comments on Selected Proposed Revisions to the WSBA Bylaws

1. Section G.1.a: “At least one member of the nominating committee should not be a current member of the section executive committee.”

IPS Response: We oppose this requirement. Leadership of a section (including ensuring the continuity of section leadership) is the responsibility of the section executive committee. The members of the section executive committee make the commitments to invest the time to fulfill that responsibility, and are elected by the section members to fulfill that responsibility. Someone who is not a member of the section executive committee does not have the commitment to fulfill that responsibility and is not elected to fulfill that responsibility. If the underlying intent is to solicit ideas for potential section executive committee members, the section executive committee and its nominating committee already do that. We reach out to colleagues in the community to solicit ideas, and we ask more than just one person for input and ideas. This proposed requirement imposes an unnecessary burden and adds no value.

2. Section G.1.b: “To assist this, all applicants will apply through an electronic application process administered by the Bar.” Plus the reference to an WSBA application form in this electronic process.

IPS Response: We oppose this requirement. Section executive committee must retain the responsibility and ability to identify those whom the section executive committee believes will volunteer their time to fulfill their responsibility to advance the goals of the section and its members. The section executive committee already takes into consideration all relevant factors in determining whom to ask to join the section executive committee. This requirement is an unnecessary burden, and adds no value.

3. Section G.1.c: “Alternate Nomination Process. The executive committee will also have an alternative process to allow for nominations to occur outside of the nominating committee process.”

IPS Response:

It is unclear what this means. If it means the section executive committee needs not use the WSBA electronic application process described in Section G.1.b, we are fine with that.

However, if it means a section needs to allow a parallel process (in addition to the nominating committee process of the section executive committee) to nominate people to join the section executive committee, we oppose, for the reasons noted above.

4. Section G.2.b: "The Bar will administer the elections by electronic means and certify results, unless the section develops its own equivalent electronic election process. For sections that administer elections through an alternate equivalent electronic election process, the section must provide the Bar with the total number of votes cast and the number of votes received for each candidate immediately following the close of the election."

Section G.3: "Timing. Nominations and elections for open section executive committee persons will be held between March and May each year."

IPS Response: We oppose the Bar administering the elections by electronic means, or requiring the section to develop its own equivalent electronic election process. We also oppose the requirement that the nominations and elections be held between March and May of each year. Each section will of course provide the Bar with the elections results, including total number of votes cast and the number of votes received for each candidate, after the elections. But each section must retain its ability to determine how to conduct its own elections. As for timing, it would be reasonable for the Bar to require that the section executive committee members for each annual period (i.e., October 1 through September 30) be elected before Oct. 1. However, the Bar should not dictate when exactly during the year the nominations and elections must be held.

Best regards,
Bernard Shen
Chair, International Practice Section Executive Committee

Bernard Shen, Assistant General Counsel -- Corporate, External & Legal Affairs
Microsoft Corporation, One Microsoft Way, Redmond, WA 98052. Tel: 425-703-7250. Email: bernshen@microsoft.com

From: Paris Eriksen [<mailto:parise@wsba.org>]
Sent: Monday, October 31, 2016 1:52 PM
To: WSBA Section Leaders <section-leaders@list.wsba.org>
Subject: [section-leaders] Reminder: Article XI.SECTIONS - WSBA Bylaws
Importance: High

Section Leaders,

Reminder: Your Attention is Requested

WSBA is seeking input on Article XI of the WSBA Bylaws in advance of the upcoming BOG meeting scheduled for Friday, November 18 at the WSBA offices in Seattle. Please take a moment to review the proposed amendments to Article XI (just 5 pages!) and provide any formal written feedback to sections@wsba.org by **November 2**.

Background

The proposed amendments to Article XI of the WSBA Bylaws were recommended by the Sections Policy Workgroup. Beginning in April 2016, the Workgroup was reconstituted to include five section leader representatives. Since that time, the Workgroup has carefully reviewed and crafted the amendments to address areas where governance and section administration could be standardized and efficiencies created. The Workgroup sought to strike a balance between consistency and flexibility in support of the unique aspects of WSBA's 28 sections.

The proposed amendments were provided to the BOG for first reading at the August 23, 2016 BOG meeting. The proposed amendments were discussed again at the following BOG meeting on September 29-30; where the BOG voted to delay action on Article XI until its November 18 meeting.

It is important to recognize that each section's composition and governance practices will be impacted by the proposed amendments. These changes, if approved, will likely require amendments to all sections' bylaws.

Additionally, it is important to remember that any such changes are an opportunity to refine (or perhaps even re-envision) the governance structures and section administration to codify what current members and section leaders believe is best for the health, sustainability and success of their section.

Attached is the complete proposed Article XI of the WSBA Bylaws.

Top 5 Things to Know: Proposed Changes to Article XI. SECTIONS

In order of appearance in Article XI.

1. Membership

The term Active Member is defined in Article III found [here](#), starting on p. 4 (clean version). At the September meeting, the BOG voted to amend Article III to include Limited Licensed Legal Technicians (LLLTs) and Limited Practice Officers (LPOs) as Active Members of the WSBA. This change does not appear in Article XI but will impact certain provisions of Article XI that refer to "Active Members".

2. Dues

The language regarding dues is a change that reflects current practice. It is proposed to codify dues in the WSBA Bylaws rather than individual section bylaws.

3. Section Executive Committee

This provision sets minimum standards for section executive committee composition (minimum of Chair, Secretary, and Treasurer or Secretary/Treasurer), standard terminology (chair, chair-elect, etc.), roles and responsibilities, and term 'start date' (October 1) for all section executive committee positions. Flexibility is provided for section executive committees to adopt additional officer and at-large executive committee positions. There is no limit on the size of executive committees and no term limits.

4. Nominations and Elections

This provision creates a standard framework and consistent schedule for sections to solicit nominations and conduct elections for executive committee positions. This includes the establishment of a nominating committee, an alternate nomination process, and conducting an electronic voting process during the timeframe of March - May each year.

5. Vacancies and Removal

This provision sets a standard process for section executive committees to handle vacancies (open positions to be filled by appointment on an interim basis until the next election), and removals (two-thirds majority vote of the section executive committee).

Again, please take a moment to review the proposed amendments to Article XI and provide any formal written feedback to sections@wsba.org by **November 2**. We encourage you to share this information with your section membership.

As a reminder, we hope you can attend ([click here to RSVP](#)) the **upcoming Annual Fall Section Leaders Meeting** on November 7 at the WSBA Offices (conference call and webcast options available). We will continue to discuss the proposed amendments (and their impact) to Article XI, but please note that this meeting is not intended as a venue for providing formal feedback for BOG consideration of this matter. If you have any questions about the content of the Article XI, please feel free to contact myself or your Sections Program Lead.

Thank you,

Paris

Paris A. Eriksen | Sections Program Manager

Washington State Bar Association | ☎ 206.239.2116 | parise@wsba.org | sections@wsba.org
1325 Fourth Avenue #600 | Seattle, WA 98101-2539 | www.wsba.org

TO: The WSBA Board of Governors
FROM: The Executive Committee of the Corporate Counsel Section
DATE: November 2, 2016
RE: Proposed Amendments to Article XI of the WSBA Bylaws

Dear Board of Governors,

These comments on the proposed amendments to Article XI of the WSBA Bylaws (the "Proposed Amendments") are provided by the Executive Committee ("EC") of the Corporate Counsel section ("CCS").

The CCS Supports Efficiency, Transparency and Accessibility

The CCS EC supports standardizing and harmonizing certain Section governance practices to increase transparency and accessibility regarding Section leadership. Transparency and accessibility encourage involvement and strengthen Section leadership.

The EC also supports reducing unnecessary administrative burdens on the Staff caused by unnecessary variations in Section election processes.

Support for Concerns Expressed by Other Section Leaders

Notwithstanding the foregoing, to the extent leaders of other Sections express concerns that the Proposed Amendments would harm the governance or administration of their Sections, the CCS EC is sympathetic to such concerns. We do not believe that section governance practices are materially "broken" and we appreciate and support any concerns by other section leaders that the Proposed Amendments may have adverse, unintended consequences.

Specific Comments of the CCS EC

1. Section G.1.a: "At least one member of the nominating committee should not be a current member of the section executive committee."

The EC of the CCS sees no value in this requirement and does not support it. The individuals currently serving on a section's executive committee are the persons best suited to determine the section's leadership needs,

so requiring the participation of persons outside the executive committee makes no sense.

2. Section G.1.b begins: "To assist this, all applicants will apply through an electronic application process administered by the Bar." This proposed new requirement goes on to dictate certain formalities for applying to become an executive committee member. The process outlined in Section G.1.b is wholly unnecessary, bureaucratic and likely to substantially deter individuals from joining the CCS EC. This provision should be struck in its entirety.
3. Section G.1.c: "Alternate Nomination Process. The executive committee will also have an alternative process to allow for nominations to occur outside of the nominating committee process." This language is unclear and the CCS recommends that it be redrafted to indicate that executive committees will *permit* nominations from alternative processes, versus requiring that executive committees "have" an alternative process to allow for nominations.
4. The CCS objects to the proposed requirement that executive committee members be elected to three-year terms and suggests that this language be modified to permit two-year or three-year terms, as codified in a section's bylaws. The CCS notes the substantial problems the BOG experiences in generating sufficient numbers of qualified candidates for open BOG positions, which require a three-year commitment. For years, many BOG positions have involved uncontested elections – clearly an unsatisfactory outcome of the three-year service requirement.

Thank you for allowing us to comment on the Proposed Amendments.

The Corporate Counsel Section Executive Committee

Supreme Court No.
Court of Appeals No. 46991-0-II

**Supreme Court
of the State of Washington**

Roff Arden and Bobbi Arden,

Petitioners,

v.

Forsberg Umlauf, P.S., et al.,

Respondents.

Petition for Review

Kevin Hochhalter
Attorney for Appellants

Cushman Law Offices, P.S.
924 Capitol Way South
Olympia, WA 98501
360-534-9183
WSBA # 43124

Table of Contents

1. Identity of Petitioners	1
2. Court of Appeals Decision.....	1
3. Issues Presented for Review	1
4. Statement of the Case	2
4.1 Forsberg was appointed by Hartford to defend Ardens in <i>Duffy v. Arden</i>	3
4.2 Forsberg followed Hartford's settlement instructions despite opposition from Ardens.....	5
4.3 The trial court dismissed Ardens' claims on summary judgment.	7
4.4 The Court of Appeals Affirmed Dismissal.....	9
5. Argument	11
5.1 The decision of the Court of Appeals conflicts with this Court's decision in <i>Tank</i>	12
5.1.1 <i>Tank</i> protected the right of the insured client to be represented by a loyal advocate.	12
5.1.2 The decision of the Court of Appeals gives license to defense counsel to favor the interests of the insurance company.	14
5.2 The defense bar's failure to understand and live up to its duties to insured clients is an issue of substantial public interest.....	17
6. Conclusion	20
7. Appendix	21

Table of Authorities

Table of Cases

<i>Clark County Fire Dist. No. 5 v. Bullivant Houser Bailey, P.C.</i> , 180 Wn.App. 689, 324 P.2d 743 (2014)	2, 11
<i>Nat'l Sur. Corp. v. Immunex Corp.</i> , 176 Wn.2d 872, 297 P.3d 688 (2013)	13
<i>Tank v. State Farm Fire & Cas. Co.</i> , 105 Wn.2d 381, 715 P.2d 1133 (1986)	1, 3, 9, 10-14, 15-18, 20

Statutes/Rules

RAP 13.4	11
RCW 48.01.030	17
RPC 1.0A	13
RPC 1.7	12, 13
RPC 5.4	12

Secondary Sources

Barker, William T., <i>Insurer Litigation Guidelines: Ethical Issues for Insurer- Selected And Independent Defense Counsel</i> , ABA Section of Litigation 2012 Insurance Coverage Litigation Committee CLE Seminar (March 1-3, 2012)	13, 14, 19
Barker, William T. and Silver, Charles, <i>Professional Responsibilities of Insurance Defense Counsel</i> (2014)	16
Harris, Thomas V., <i>Washington Insurance Law</i> (3d ed 2010)	14

1. Identity of Petitioners

Roff and Bobbi Arden, Plaintiffs in the trial court and Appellants in the Court of Appeals, ask this Court to accept review of the Court of Appeals decision terminating review, specified below.

2. Court of Appeals Decision

Arden v. Forsberg & Umlauf, P.S., No. 46991-0-II (May 3, 2016).

A copy of the decision is included in the Appendix at pages 1-27.

3. Issues Presented for Review

1. Under *Tank v. State Farm Fire & Cas. Co.*, 105 Wn.2d 381, 715 P.2d 1133 (1986), insurance-appointed defense counsel must fully disclose potential conflicts of interest and resolve them in favor of the insured client. Forsberg had a potential “materially limited” conflict due to its long-standing relationships as coverage counsel and panel counsel for Hartford, but never disclosed these relationships to Ardens. Did Forsberg breach its fiduciary duties to Ardens by failing to disclose or resolve this conflict of interest?

2. Under *Tank*, defense counsel must keep the insured client fully apprised of all activity involving settlement, to enable the client to make informed decisions regarding settlement. Forsberg failed to consult with Ardens regarding their options in response to Hartford’s settlement decisions. Forsberg carried out Hartford’s instructions without giving Ardens an opportunity to react. Did Forsberg breach its fiduciary duties to Ardens?

3. Disgorgement of fees is a common remedy for breach of an attorney's duty of loyalty. Forsberg breached its duty of loyalty to Ardens. Are Ardens entitled to disgorgement of all fees received by Forsberg for the representation?

4. When a trustee breaches its duty of loyalty, the court has broad equitable powers to craft a deterrent remedy. The relationship between insurer, insured, and defense counsel bears all of the characteristics of a trust, with defense counsel as trustee over the insurance defense asset. Does Forsberg's breach amount to a breach of trust?

5. Under the "attorney judgment rule" adopted by the Court of Appeals in *Clark County Fire Dist. No. 5 v. Bullivant Houser Bailey PC*, 180 Wn. App. 689, 324 P.3d 743 (2014), a legal negligence claim must be supported by expert testimony that the defendant's actions were outside the range of reasonable alternatives from the perspective of a reasonable, careful, and prudent attorney in Washington. Ardens' expert witness provided such testimony. Is the "attorney judgment rule" the law in Washington and did the expert testimony raise a genuine issue of material fact?

4. Statement of the Case

Forsberg & Umlauf and attorneys John Hayes and William "Chris" Gibson ("Forsberg") were appointed by Hartford, Ardens' insurer, to defend Ardens under a reservation of rights. Throughout the representation, Forsberg failed to advise Ardens of potential and actual conflicts of interest and failed to consult with Ardens regarding their options in response to

Hartford's settlement decisions. Instead, Forsberg carried out Hartford's instructions without giving Ardens any opportunity to react.

Ardens sued Forsberg for legal malpractice and breach of fiduciary duties. The undisputed facts show that Forsberg breached its fiduciary duties under the RPCs and under *Tank v. State Farm Fire & Cas. Co.*, 105 Wn.2d 381, 715 P.2d 1133 (1986). Ardens' expert testified that Forsberg's actions also breached the standard of care. The trial court dismissed Ardens' claims on summary judgment. The Court of Appeals affirmed.

4.1 Forsberg was appointed by Hartford to defend Ardens in *Duffy v. Arden*.

Roff and Bobbi Arden were sued by Anne and Wade Duffy. CP 855, 904. Ardens tendered defense of the case to their insurer, Property and Casualty Insurance Company of Hartford. CP 856, 904. Hartford initially refused to defend, but accepted after being threatened with coverage litigation. CP 315-21, 856. Hartford appointed attorneys John P. Hayes and William C. "Chris" Gibson of the firm Forsberg & Umlauf, P.S. to defend Ardens. CP 130; 445-46. Hartford informed Forsberg that the defense would be under a reservation of rights. *See* CP 208, 318, 320.

Hartford was a long-standing client of Forsberg. Four partners, including Hayes, regularly represented Hartford as coverage counsel. CP 203-04. Forsberg was also Hartford's "go-to" defense firm in the Seattle area. *See* CP 120, 165. Neither Hayes nor Gibson ever informed Ardens of this pre-existing relationship or any potential conflict of interest that may have arisen from it. CP 227, 229, 430. Had Ardens known of the

relationship, they would not have accepted Forsberg as defense counsel. CP 227, 229.

Gibson met with Ardens and their coverage counsel, Jon Cushman, within a few weeks of being appointed. CP 483-84; 546. During that meeting, Ardens explained to Gibson the circumstances surrounding Duffys' claims. Duffys alleged that Roff Arden negligently or maliciously shot and killed two of Duffys' dogs. CP 445. Duffys had habitually allowed their dogs to roam free. CP 536. On multiple occasions, Duffys' dogs had come onto the Arden property and threatened and chased Ardens. CP 536-37.

Roff Arden suffers from post-traumatic stress disorder (PTSD) as a result of physical and mental abuse as a child and was re-traumatized in 2010. CP 572-73. His PTSD manifests as acute anxiety attacks or bouts of depression, difficulty trusting others, and an intense fight-or-flight response. CP 574, 586. Arden also suffers from a fear of dogs as the result of a previous dog attack. CP 589-90. Arden admitted to Gibson that he shot Duffys' yellow lab in the midst of a PTSD-induced fight-or-flight response when two of Duffys' dogs chased Ardens halfway down their driveway. CP 585-86. Gibson was aware that the sheriff's office had requested the prosecutor consider charging Roff Arden with felony animal cruelty. CP 484, 491.

Coming out of the meeting with Gibson, Ardens were unaware of any particular defense or settlement plan. CP 546. Gibson only told Ardens he would be evaluating Hartford's exposure. *Id.* Neither Gibson nor Hayes ever contacted Ardens to discuss strategy. CP 574, 582.

4.2 Forsberg followed Hartford's settlement instructions despite opposition from Ardens.

Duffys demanded \$55,000 to settle the case. CP 255. After consulting with Ardens, Cushman informed Gibson that Ardens wanted to accept the offer and demanded that Hartford fund the settlement. CP 256, 617. Hartford refused, wanting more information to evaluate the case. CP 333. Forsberg sought an extension in time on the settlement offer, and during that extension, Hartford drafted and sent Arden a reservation of rights letter, which it had failed to do three months earlier. CP 135-36, 330.

After receiving discovery responses from Duffys, Hayes and Gibson prepared a case analysis for Hartford. CP 253. They recommended attempting to settle the case at up to \$35,000. CP 468-69. After close of business on the day Duffys' offer expired, Hartford notified Cushman that it was letting the offer expire. CP 262. The next morning, Hayes notified Cushman that Hartford had given him settlement authority up to \$35,000 and that he was going to start with a counteroffer of \$18,000. CP 263. Within eight minutes, Gibson had already attempted to communicate the counteroffer to Duffys. CP 878. Neither Hayes nor Gibson had consulted with Ardens regarding letting the Duffys' offer expire or making the counteroffer. CP 183, 210.

Duffys promptly rejected the counteroffer. CP 719. Within days, Duffys extended a new offer at \$40,000. CP 882. Cushman, on behalf of Ardens, again demanded that Hartford fund the settlement. CP 883.

The day the offer was to expire, Hartford notified Cushman and Hayes that it would not fund the settlement at \$40,000 and that it intended to make a counteroffer at \$25,000. CP 767. Cushman objected, warning Hartford and Hayes that their proposed course was bad faith. CP 770. About 45 minutes after receiving Hartford's instruction, Hayes made the counteroffer. CP 267. Neither Hayes nor Gibson had consulted with Ardens or sought their approval before making the counteroffer. CP 198, 219.

Duffys rejected the \$25,000 counteroffer and refused to negotiate further. CP 890. On March 19, Roff Arden learned that felony charges had been filed against him. *See* CP 798-99, 892. Despite Forsberg's knowledge that such charges were possible, Gibson testified he had no duty to consider Arden's exposure to criminal jeopardy:

Q. Do you think that you as their lawyer have any duty to craft your defense strategy toward minimizing their criminal exposure?

[Objection]

A. [by Chris Gibson] I don't think I have that duty, to be honest with you.

Q. Okay. All right. So, if one strategy might increase their exposure to criminal jeopardy and another strategy might reduce their exposure to criminal jeopardy, you do not believe you have a duty to craft the strategy that reduces their exposure to criminal jeopardy?

[Objection]

A. I think my clients have a responsibility to themselves to get a criminal defense attorney involved...

CP 170.

Despite Ardens' desire for a quick settlement in hopes of avoiding criminal charges and minimizing the mental health impacts of the litigation,

see CP 857, Hayes and Gibson followed Hartford's deliberate, low-ball strategy for settlement, see CP 111, 143, 152, 219. Despite Gibson's stated understanding that the insured client has the right to participate in settlement negotiations in a reservation-of-rights defense, CP 171-72, Gibson never involved Ardens in any settlement-related decisions, CP 865. Despite Hayes' stated understanding that he owed a duty of undivided loyalty to Ardens, CP 208, Hayes obediently carried out Hartford's instructions over Ardens' objections, CP 219.

4.3 The trial court dismissed Ardens' claims on summary judgment.

Ardens sued Hartford for bad faith, later adding claims against Forsberg & Umlauf, Hayes, and Gibson for legal malpractice and breach of fiduciary duties. RP 19; Supp. RP 2. Hartford and Duffys settled, leaving only Ardens' claims against Forsberg & Umlauf, Hayes, and Gibson. RP 19.

After a contentious discovery process, the parties made cross-motions for summary judgment on the legal malpractice claims. The trial court granted Forsberg's motion, dismissing Ardens' legal malpractice claim but leaving Ardens' breach of fiduciary duty claim for later determination. CP 249-50; Supp. RP 2-3, 6.¹ The court held that, despite disputes of fact regarding breach of duty, Ardens failed to prove causation and that attorney

¹ The verbatim report of proceedings was supplemented by order of the commissioner on motion of the parties to include the October 1, 2014, oral ruling of the trial court. The supplemental transcript is referred to herein as "Supp. RP," while the originally filed report of proceedings is referred to as "RP."

fees and emotional distress damages were not recoverable in a legal malpractice claim. Supp. RP 4-6.

The parties made a second set of cross-motions for summary judgment to address the breach of fiduciary duty claim. Ardens argued that Forsberg had breached its duty of loyalty to Ardens “by taking on a representation from which they were disqualified by conflicts of interest; failing to communicate with Ardens; failing to keep Ardens apprised of all activity involving settlement; failing to consider Ardens’ mental health condition and criminal jeopardy; and placing the interests of the insurer above the interests of Ardens, their clients.” CP 236-37. Ardens argued that the relationship between insurance defense counsel and the insured client is impressed with a trust, entitling Ardens to equitable remedies for breach of trust. CP 241-43. Forsberg argued that there was no conflict of interest and therefore no breach of fiduciary duty. CP 89.

The trial court denied Ardens’ motion and dismissed the remainder of Ardens’ claims. RP 94. The court ruled that there was no disqualifying conflict of interest and therefore no breach of fiduciary duty. RP 84-85. The court commented that Ardens’ trust theory was “interesting and somewhat compelling,” but the court did not find it supported by precedent. RP 94. The decision disposed of all of Ardens’ claims. CP 24. Ardens appealed. CP 5.

4.4 The Court of Appeals Affirmed Dismissal

On appeal, Ardens described in detail the duties owed by Forsberg under the RPCs, under *Tank*, and as trustees over the insurance defense asset. Br. of App. at 14-23. Ardens emphasized the in-depth consultation required to satisfy defense counsel's duty of "full and ongoing disclosure" of actual and potential conflicts of interest, including disagreements between the insurer and the insured client regarding settlement decisions. Br. of App. at 19-20. Ardens argued that Forsberg breached its fiduciary duties by 1) failing to advise Ardens or seek Ardens' informed consent for conflicts of interest arising from Forsberg's long-standing attorney-client and business relationships with Hartford (Br. of App. at 24-27); 2) failing to consult with Ardens regarding the actual conflict between Hartford's instructions and Ardens' expressed interests (Br. of App. at 27-32); and 3) following Hartford's instructions without giving Ardens an opportunity to act before Duffys' demands were rejected (Br. of App. at 32-33).

Ardens argued that they were entitled to broad equitable remedies for Forsberg's breach, including disgorgement of fees (Br. of App. at 35-37), emotional distress damages (Br. of App. at 37-39), and other remedies to make Ardens whole and prevent Forsberg from benefitting from its breach of trust (Br. of App. at 39-41). Ardens argued that material issues of fact precluded summary judgment dismissal of their legal malpractice claim. Br. of App. at 41-43.

The Court of Appeals affirmed dismissal of Ardens' claims. App. 2. The court briefly outlined defense counsel's duties under the RPCs and

under *Tank*, but declined to address Ardens' trust argument. App. 9-11. Addressing the issue of conflicts arising from Forsberg's relationship with Hartford as a question of first impression, the court dismissed the opinions of the parties' experts and of esteemed commentators. App. 11-12. The court reasoned, "as long as the defense attorney follows the criteria outlined in *Tank*, ... a conflict of interest does not **automatically** arise." App. 13 (emphasis added). The court ignored the existence of potential conflicts, reasoning that such would only arise in cases of multiple representation. App. 16. The court also reasoned that because Forsberg had explained to Ardens "the parameters and scope of Forsberg's defense of them under a reservation of rights," it had satisfied its duty of full and ongoing disclosure of actual and potential conflicts of interest under *Tank* without disclosing the relationship between Forsberg and Hartford. App. 17-18.

The court noted that in a reservation of rights case, the insured client has the right to settle a case without the insurer's consent, either by putting up the client's own money or by entering into a stipulated judgment with a covenant not to execute against the insured. App. 18-19. The court acknowledged that "This means that when the claimant makes a settlement demand, defense counsel must consult with the insured before that demand is rejected or allowed to expire. Otherwise, it may be difficult for the insured to exercise its settlement rights." App. 22. Nevertheless, the court held that Forsberg could not be liable for failing to consult with Ardens regarding settlement, reasoning that Ardens had not shown that "they would have been willing to fund the settlement themselves or otherwise negotiate a separate

settlement with the Duffys.” App. 22; *but see* CP 574-75 (Arden would have been willing to contribute his own money at the time of the \$40,000 offer).

On the Ardens’ legal negligence claim, the court relied on the “attorney judgment rule” it had created in *Clark County Fire Dist. No. 5 v. Bullivant Houser Bailey PC*, 180 Wn. App. 689, 324 P.3d 743 (2014). Misreading the record, the court held that Ardens had failed to present evidence that Forsbergs’ actions were “outside the range of reasonable alternatives from the perspective of a reasonable, careful, and prudent attorney in Washington.” *Compare* App. 27 *with* CP 421-22 (Prof. Strait provided the required testimony).

Ardens seek review.

5. Argument

A petition for review should be accepted when the decision of the Court of Appeals is in conflict with a decision of this Court or when the case involves an issue of substantial public interest that should be determined by this Court. RAP 13.4(b)(1) and (4).

The decision of the Court of Appeals conflicts with, and entirely undermines, this Court’s decision in *Tank v. State Farm Fire & Cas. Co.*, 105 Wn.2d 381, 715 P.2d 1133 (1986). Where *Tank* protected the insured client’s right to be represented by a loyal and persuasive advocate, the decision of the Court of Appeals allows defense counsel to act as little more than a claims adjuster, blithely following the direction of the insurer, without a thought for the interests of the client, so long as the matter eventually

settles on the insurer's dime. It leaves insureds, like Ardens, effectively unrepresented, without an advocate for their interests in the defense. While purporting to rely on *Tank*, the decision of the Court of Appeals turns *Tank* on its head. The disastrous effect of the decision is an issue of substantial public interest that should be addressed and corrected by this Court. This Court should accept review and reverse the decisions of the trial court and the Court of Appeals, clarifying the duties of insurance defense counsel and the remedies available when those duties are breached.

5.1 The decision of the Court of Appeals conflicts with this Court's decision in *Tank*.

5.1.1 *Tank* protected the right of the insured client to be represented by a loyal advocate.

In *Tank v. State Farm Fire & Cas. Co.*, 105 Wn.2d 381, 715 P.2d 1133 (1986), this Court made it clear that insurance-appointed defense counsel has only one client—the insured defendant—to whom counsel owes undeviating loyalty. *Id.* at 388. Defense counsel also owes enhanced duties of “full and ongoing disclosure to the insured [client],” including full disclosure of 1) potential conflicts of interest, 2) all information relevant to the defense, and 3) all activity involving settlement. *Id.* at 388-89. In addition to disclosing, defense counsel must resolve all conflicts in favor of the insured client. *Id.* The dictates of RPC 1.7 must be strictly followed, including the requirement of informed consent. *Id.* at 388. Defense counsel cannot allow the insurer to influence counsel's professional judgment. *Id.*; RPC 5.4(c).

The policy established in *Tank* was intended to ensure that insurance-appointed defense counsel under a reservation of rights would represent their insured clients in the same manner, to the same standards of care and loyalty, as would an attorney hired directly by the insured client. *See Tank*, 105 Wn.2d at 387 (“A reservation of rights agreement is not a license for an insurer to conduct the defense of an action in a manner other than [the manner in which] it would normally be required to defend.”). Anything less would be bad faith or breach of duty, for which the insurer or defense counsel could be liable. *Id.* at 387-88.

Because a reservation of rights defense is “fraught with potential conflicts,” *Nat’l Sur. Corp. v. Immunex Corp.*, 176 Wn.2d 872, 879, 297 P.3d 688 (2013) (citing *Tank*), this Court required “full and ongoing disclosure” of all actual or potential conflicts, in order to give the insured client the opportunity to understand the conflicts and decide whether to give informed consent to waive the conflicts. *See Tank*, 105 Wn.2d at 387-88. In disclosing and resolving conflicts, defense counsel must explain to the client the material and reasonably foreseeable ways that the conflict could have adverse effects on the interests of the client and discuss the client’s options and alternatives. RPC 1.0A(e) and Comment [6]; RPC 1.7 Comment [18].

Under *Tank*, the insured client has the right to be represented by a loyal advocate for the client’s interests. Like any other attorney, insurance-appointed defense counsel must consider **all** interests of the insured client, including interests that are secondary to the goal of defending the claim. William T. Barker, et al., *Insurer Litigation Guidelines: Ethical Issues for Insurer-*

Selected and Independent Defense Counsel, ABA Section of Litigation 2012 Insurance Coverage Litigation Committee CLE Seminar, March 1-3, 2012, at p. 5.² The insured client should never have cause to question who defense counsel actually represents. Thomas V. Harris, *Washington Insurance Law*, § 17.05 (3d ed. 2010).

5.1.2 The decision of the Court of Appeals gives license to defense counsel to favor the interests of the insurance company.

The decision of the Court of Appeals in this case, in direct conflict with this Court's decision in *Tank*, gives defense counsel license to conceal conflicts of interest and to ignore the desires, rights, and interests of the insured client, in favor of doing the bidding of the insurance company. Although the Court of Appeals purports to rely on *Tank*, the result it reaches is in direct conflict with this Court's decision.

The Court of Appeals held that Forsberg had no duty to disclose its long-standing attorney-client and business relationships with Hartford, the insurer. Yet, it is precisely this relationship that gives rise to some of the potential conflicts of interest inherent in a reservation of rights defense. When an ongoing relationship exists between defense counsel and the insurer, "the lawyer's personal interest in pleasing the insurer could create a conflict in the same way that a legal duty of loyalty would." Barker, et al.,

² available at http://www.americanbar.org/content/dam/aba/administrative/litigation/materials/2012_inscle_materials/23_1_guidelines.authcheckdam.pdf (accessed May 31, 2016).

Ethical Issues, at 3-4. There is significant risk that any time the interests of the insured client and the insurance company diverge, representation of the insured client will be materially limited by defense counsel's interest in maintaining its business relationship with the insurance company. The risk was even greater in this case, where Hartford was also a **client** of Forsberg in coverage matters and coverage of the Ardens' case was contested. Under *Tank*, defense counsel is obligated to fully disclose this potential conflict and explain to the client the reasonably foreseeable ways that the conflict could have an adverse impact.

Nevertheless, the Court of Appeals reasoned, "as long as the defense attorney follows the criteria outlined in *Tank*, ... a conflict of interest does not automatically arise." App. 13. But this reasoning assumes its own conclusion: assuming defense counsel follows *Tank*, there is no conflict of interest to disclose, therefore Forsberg followed *Tank* when it did not disclose conflicts. This reasoning betrays a misunderstanding of *Tank*. Defense counsel cannot follow the criteria outlined in *Tank* unless defense counsel fully discloses actual and potential conflicts and resolves them in favor of the insured client.

Tank does not make conflicts go away; *Tank* requires disclosure of conflicts so they can be appropriately resolved in favor of the insured client through informed consent. The decision of the Court of Appeals instead allows defense counsel to say to themselves, "I know who my client is, therefore there is no risk of a conflict and nothing to disclose." *Tank* does not allow such thinking; *Tank* recognizes that potential conflicts exist even

when defense counsel knows who the client is. *Tank* requires full and ongoing disclosure.

The decision of the Court of Appeals entirely ignored the existence of **potential** conflicts, reasoning that such would only arise in cases of multiple representation. App. 16. But potential conflicts exist whenever it is foreseeable that a lawyer might be tempted, at some future point, to favor an interest of the lawyer or of a non-client at the expense of an interest of the client; an actual conflict ripens at the point of decision: when a lawyer must choose a course of action and the question is whose interest will be sacrificed. *See* William T. Barker & Charles Silver, *Professional Responsibilities of Insurance Defense Counsel*, § 12.02 (2014). *Tank* does not allow defense counsel to ignore potential conflicts; *Tank* expressly requires full disclosure and resolution in favor of the insured client. *Tank*, 105 Wn.2d at 388 (“potential conflicts of interest between insurer and insured must be fully disclosed and resolved in favor of the insured.”).

The Court of Appeals also reasoned that because Forsberg had explained to Ardens “the parameters and scope of Forsberg’s defense of them under a reservation of rights,” it had satisfied its duty of full and ongoing disclosure of actual and potential conflicts of interest under *Tank* without disclosing the relationship between Forsberg and Hartford. App. 17-18. The Court of Appeals interpreted defense counsel’s duty as simply “explain[ing] the reservation of rights process; i.e., that the insurer could refuse to indemnify the insured even though it was providing a defense

and that the attorney represents only the insured and not the insurer.”

App. 17. This interpretation is in conflict with this Court’s decision in *Tank*.

In *Tank*, this Court recognized that there are potential conflicts of interest inherent in a reservation of rights defense. This Court required that those conflicts be fully disclosed and resolved through informed consent. While the basic explanation described by the Court of Appeals is surely required, it is not sufficient to satisfy defense counsel’s duties under *Tank*. Telling the client that the insurer could refuse to indemnify and that the attorney represents only the client does nothing to explain the foreseeable ways in which the attorney might be tempted to favor the insurer’s interests. The decision of the Court of Appeals would allow defense counsel to explain the “process” and be done; *Tank* requires full disclosure.

The decision of the Court of Appeals in this case conflicts with this Court’s decision in *Tank*. This Court should accept review and clarify the duties of insurance defense counsel and the remedies available when those duties are breached.

5.2 The defense bar’s failure to understand and live up to its duties to insured clients is an issue of substantial public interest.

“The business of insurance is one affected by the public interest, requiring that all persons ... preserv[e] inviolate the integrity of insurance.” RCW 48.01.030. Countless defendants are represented in Washington’s courts by insurance-appointed defense counsel under reservations of rights. It is of paramount importance that the insurance defense bar understands

and lives up to its duties to insured clients. *See Tank*, 105 Wn.2d at 388 (“No exceptions can be tolerated.”).

Sadly, this case illustrates that the defense bar does not understand or live up to its duties. For example, in deposition, Hayes was unable to recognize his duty to consult with Ardens regarding settlement activity or his duty to obtain Ardens’ consent when Hartford’s instructions conflicted with Ardens’:

Q. The Ardens never told you to engage in that strategy, did they?

[Objection]

A. [by John Hayes] They don’t have to tell me.

Q. They don’t have to tell you?

A. No.

Q. Okay.

A. What they told me was to get it settled at fifty-five and Hartford pay it. That was rejected.

Q. But –

A. Now we’re back to a clean slate and Hartford says, “By the way, we don’t agree with the fifty, fifty-five, make this offer.” So, we made the offer.

CP 214.

When Hartford refused to fund the settlement at \$55,000, Forsberg was duty-bound to inform Ardens of Hartford’s decision, advise Ardens of their options, and seek their consent to go forward with Hartford’s plan or some other plan. Instead, Forsberg simply followed Hartford’s instructions, without even allowing Ardens time to react to the developing situation. Forsberg’s failure to make any meaningful attempt to consult with Ardens regarding Hartford’s settlement position or the counteroffers they made

demonstrates a callous disregard for Forsberg's duties to its insured client.

See CP 183, 198, 210, 219.

Commentators and practitioners have recognized this problem in the defense bar. Barker, ordinarily friendly to the defense bar, has observed that the duty to fully inform the insured client is not well understood by all defense counsel even though it is one of counsel's most important duties. Barker, et al., *Ethical Issues*, at 12. Forsberg's expert witness, Jeffrey Tilden, demonstrating this misunderstanding, testified to his belief that defense counsel satisfies their duty to consult with the client about settlement activity by merely "generally informing the client of the goal of settlement," noting, **"Many assigned defense counsel do less."** CP 516. He also testified, "Hundreds of attorneys across the state do both coverage work and appointed defense work for the same insurers." CP 365. The problem is widespread, and now the Court of Appeals has published its approval.

The decision of the Court of Appeals allows defense counsel to play to the power, please the insurance companies that hire them, and leave their insured clients effectively unrepresented. That decision, coupled with the defense bar's failure to recognize and live up to its professional duties to insured clients, creates an issue of substantial public interest that should be addressed and corrected by this Court. This Court should accept review to clarify the duties of appointed insurance defense counsel.

6. Conclusion

The decision of the Court of Appeals conflicts with this Court's decision in *Tank*. The result of the decision is to leave defense counsel free to ignore conflicts of interest and serve the interests of insurance companies at the expense of their insured clients. The defense bar needs a reminder of its duties to insured clients. This Court should accept review and reverse the decisions of the trial court and the Court of Appeals, clarifying the duties of insurance defense counsel and the remedies available when those duties are breached.

Respectfully submitted this 2nd day of October, 2016.

/s/ Kevin Hochhalter
Kevin Hochhalter, WSBA #43124
Attorney for Appellants

7. Appendix

Arden v. Forsberg & Umlauf, P.S., No. 46991-0-II (May 3, 2016).....App 1-27

CERTIFICATE OF SERVICE

I certify, under penalty of perjury under the laws of the State of Washington, that on June 2, 2016 I caused the original of the foregoing document, and a copy thereof, to be served by the method indicated below, and addressed to each of the following:

Court of Appeals Division II 950 Broadway, #300 Tacoma, WA 998402	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Legal Messenger <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Electronic Mail
Supreme Court Temple of Justice 415 – 12 th Avenue SW Olympia, WA 98501-2314	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input checked="" type="checkbox"/> Legal Messenger <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Electronic Mail
Sam B. Franklin Pamela J. DeVet Lee Smart P.S., Inc. 1800 One Convention Place 701 Pike Street Seattle, WA 98101-3929 sbf@leesmart.com pdj@leesmart.com jai@leesmart.com mvs@leesmart.com	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Legal Messenger <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Electronic Mail

DATED this 2nd day of June, 2016.

/s/ Rhonda Davidson
Rhonda Davidson, Legal Assistant

No. 93207-7

SUPREME COURT OF THE
STATE OF WASHINGTON

ROFF ARDEN and BOBBI ARDEN, husband and wife,

Petitioners,

vs.

FORSBERG & UMLAUF, P.S., a Washington State professional services corporation; JOHN HAYES and "JANE DOE" HAYES, adult Washington State residents including any marital community; WILLIAM "CHRIS" GIBSON and "JANE DOE" GIBSON, adult Washington State residents including any marital community; and DOE DEFENDANTS I through V,

Respondents.

ANSWER TO PETITION FOR REVIEW

Sam B. Franklin, WSBA #1903
Pamela J. DeVet, WSBA #32882
Lee Smart, P.S., Inc.
701 Pike Street, Suite 1800
Seattle, WA 98101-3929
(206) 624-7990

Philip A. Talmadge, WSBA #6973
Talmadge/Fitzpatrick/Tribe
2775 Harbor Avenue SW
3rd Floor, Suite C
Seattle, WA 98126
(206) 574-6661

Attorneys for Respondents

TABLE OF CONTENTS

	<u>Page</u>
Table of Authorities	ii-iii
A. INTRODUCTION	1
B. STATEMENT OF THE CASE.....	2
C. ARGUMENT WHY REVIEW SHOULD BE DENIED.....	5
(1) <u>The Court of Appeals Correctly Discerned that Attorneys Adhered to This Court’s Decision in <i>Tank</i></u>	6
(2) <u>The Court of Appeals Correctly Concluded that Attorneys Had No RPC 1.7 Conflict of Interest</u>	10
(3) <u>Contingent Issues As to Why the Court of Appeals Decision Is Correct</u>	17
D. CONCLUSION.....	19
Appendix	

TABLE OF AUTHORITIES

	<u>Page</u>
 <u>Table of Cases</u>	
 <u>Washington Cases</u>	
<i>Ang v. Martin</i> , 154 Wn.2d 477, 114 P.3d 637 (2005).....	18
<i>Benke v. Ahrens</i> , 172 Wn. App. 281, 294 P.3d 729 (2012), <i>review denied</i> , 177 Wn.2d 1003 (2013).....	18
<i>Blueberry Place Homeowners Ass’n v. Northward Homes, Inc.</i> , 126 Wn. App. 352, 110 P.3d 1145 (2005).....	18
<i>In re Detention of A.S.</i> , 138 Wn.2d 898, 982 P.2d 1156 (1999).....	5-6
<i>Johnson v. Continental Cas. Co.</i> , 57 Wn. App. 359, 788 P.2d 598 (1990).....	12
<i>Kelly v. Foster</i> , 62 Wn. App. 150, 813 P.2d 598, <i>review denied</i> , 118 Wn.2d 1001 (1991).....	17
<i>Lewis River Golf, Inc. v. O.M. Scott & Sons</i> , 120 Wn.2d 712, 845 P.2d 987 (1993).....	2, 17, 18
<i>LK Operating, LLC v. Collection Group, LLC</i> , 181 Wn.2d 48, 331 P.3d 1147 (2014).....	13
<i>Piris v. Kitching</i> , ___ Wn.2d ___, ___ P.3d ___, 2016 WL 3748969 (2016).....	18
<i>Schmidt v. Coogan</i> , 181 Wn.2d 661, 335 P.3d 424 (2014).....	18
<i>Shoemaker v. Ferrer</i> , 143 Wn. App. 819, 182 P.3d 992 (2008)	18
<i>State v. Korum</i> , 157 Wn.2d 614, 141 P.3d 13 (2006).....	5
<i>Stewart Title Guaranty Co. v. Sterling Savings Bank</i> , 178 Wn.2d 561, 311 P.3d 1 (2013).....	15
<i>Tank v. State Farm Fire & Cas. Co.</i> , 105 Wn.2d 381, 715 P.2d 1133 (1986).....	<i>passim</i>
<i>Trask v. Butler</i> , 123 Wn.2d 835, 872 P.2d 1080 (1994).....	15
<i>Van Dyke v. White</i> , 55 Wash.2d 601, 349 P.2d 430 (1960).....	7
 <u>Other Cases</u>	
<i>Dynamic Concepts, Inc. v. Truck Ins. Exchange</i> , 71 Cal. Rptr. 2d 882 (Cal. App. 1998).....	14
<i>San Diego Federal Credit Union v. Cumis Ins. Society, Inc.</i> , 208 Cal. Rptr. 494 (Cal. App. 1984).....	14

Codes, Rules and Regulations

CJC 2.11(A)(6)	13
RAP 13.4(b)	<i>passim</i>
RAP 13.4(b)(1-2)	6
RAP 13.4(b)(4)	6, 16
RAP 13.4(c)(5)	5
RAP 13.4(c)(7)	5
RAP 13.7(b)	5
RPC 1.7	7, 10, 12, 19
RPC 1.7(a)	13, 16
RPC 1.7(a)(1)	13
RPC 1.7(a)(2)	13
RPC 1.8(f)(2)	10
RPC 5.4(c)	7, 9, 15

Other Authorities

Cal. Civil Code § 2860	14
Douglas R. Richmond, <i>Independent Counsel in Insurance</i> , 48 San Diego L. Rev. 857 (2011)	15
Thomas V. Harris, <i>Wash. Insurance Law</i> (3d ed.)	8, 12

A. INTRODUCTION

This case arises out of Roff Arden's shooting and killing of a puppy owned by his neighbors, the Duffys. The Ardens sought liability insurance coverage for this intentional act from their homeowners insurer, Hartford, that defended them under a reservation of rights. The Ardens retained separate counsel who represented them in connection with coverage. Hartford appointed the well-respected law firm of Forsberg & Umlauf, P.S., and attorneys John Hayes and Chris Gibson ("Attorneys"), to defend the Ardens in the Duffys' civil suit arising from the puppy's death, and paid Attorneys' fees. The Ardens' coverage counsel acquiesced in this appointment. Attorneys developed a settlement plan approved by the Ardens and their coverage counsel, and accepted by Hartford as well. Attorneys engaged in settlement negotiations with the Duffys. When the Mason County Prosecutor charged Arden with criminal animal cruelty, a choice beyond the ability of Attorneys to control in the civil case, and Hartford failed to fund settlement at the amounts the Duffys demanded, the Ardens blamed Attorneys and sued them for breach of fiduciary duty and for professional negligence.

The trial court ruled as a matter of law that (1) Attorneys breached no duty, including alleged duties to force Hartford to fund a settlement or to prevent the Mason County Prosecutor from charging Arden, (2) the

Ardens could not demonstrate proximate cause, and (3) the Ardens could not recover emotional distress damages or attorney fees, and dismissed the Ardens' complaint.¹ In a thoughtful, well-reasoned opinion, the Court of Appeals affirmed the trial court's decision.²

The Ardens now seek review of that decision by this Court. Their petition is defective in that it fails to substantively address the issues it putatively raises, thereby waiving them. On the single issue it does address, the petition is long on anti-defense bar rhetoric and short on any legal analysis under RAP 13.4(b) as to why this Court should grant review. This Court should deny review.

B. STATEMENT OF THE CASE

The Court of Appeals opinion sets out the facts in a fair, detailed fashion. Op. at 3-8. Attorneys concur in that statement of facts, but believe that the Ardens' petition misstates key, often undisputed, facts requiring attention to those facts in this answer.

First, it is undisputed that Arden shot the Duffys' 13-week-old lab puppy in December 2011. CP 499-500, 585. Roff Arden also allegedly

¹ In resisting Attorneys' motion for summary judgment, the Ardens *egregiously* misrepresented the record to the trial court, forcing Attorneys to file a motion to strike such false evidence and to seek sanctions. CP 941-59. Attorneys reserve the right to raise this issue, not addressed by the Court of Appeals in its opinion, should this Court grant review. *Lewis River Golf, Inc. v. O.M. Scott & Sons*, 120 Wn.2d 712, 725, 845 P.2d 987 (1993).

² Commissioner Pierce denied a motion to transfer this case from Division II to this Court in Cause No. 92116-4.

reported to a Mason County deputy sheriff in the course of the Sheriff's Office's investigation that he shot another of his neighbors' dogs 15 months before. CP 490. Arden subsequently stipulated that the facts in the Mason County Sheriff's investigation report were sufficient for a trier of fact to find him guilty of animal cruelty. CP 591. Those facts included the prior shooting of the Duffys' dog. *Id.*

Second, the Ardens retained attorney Jon Cushman to represent them. Hartford initially denied coverage. CP 539, 587-88.³ Cushman re-tendered the case to Hartford and it agreed to defend the Ardens under a reservation of rights. CP 119, 601. Cushman accepted Attorneys' appointment to represent his clients in the Duffys' lawsuit. CP 320, 601. Thereafter, Cushman remained actively involved in representing the Ardens on coverage, he was also involved in their defense and the settlement negotiations between the Duffys and Attorneys. He had authority to speak for them. CP 134, 166. He agreed to the settlement plan developed by Attorneys and the Ardens, including their case evaluation and objective to have Hartford pay for any settlement. CP 173, 183, 693. In fact, he insisted that Hartford, not the Ardens, would pay any settlement in full. CP 447, 526.

³ Hartford failed to note initially that the Duffys' civil complaint against the Ardens pleaded negligence counts, claims clearly covered by the Hartford policy. CP 147-48, 315, 317.

On settlement, Cushman was aware of the Duffys' initial demand of \$55,000, CP 255, 329, 548, 611, and insisted that Hartford pay it in full. CP 329. He knew Attorneys sought an extension to respond to the demand until the Duffys answered pending discovery. CP 144, 189-90, 330-32, 346, 518, 551-52, 624, 634. Cushman knew and told the Ardens a civil settlement could not affect the Prosecutor's criminal charging decision. CP 554, 638, 651. In fact, Cushman insisted Hartford settle the case when the Duffys clearly stated settlement would not impact the criminal matter. CP 673-74.

Attorneys made clear to the Ardens that they represented them, not Hartford. CP 365, 506. They gave no advice to Hartford about coverage, CP 157, nor did they give the Ardens coverage advice, as Cushman did. CP 544. While Attorneys had represented Hartford on coverage issues in the past, CP 204, nothing in the record indicates that Attorneys represented Hartford on any coverage matter at the same time they represented the Ardens, CP 165, 203-04, nor did the Ardens document the claim in their petition at 3 that Attorneys "regularly" represented Hartford on coverage matters. *See* CP 203-04. Attorneys had served as defense counsel appointed by Hartford in other matters, CP 165, 204.

C. ARGUMENT WHY REVIEW SHOULD BE DENIED

The Ardens' procedurally defective petition for review makes it very difficult for Attorneys to adequately respond to the "issues" the Ardens are actually raising in this Court, or for this Court to properly process their petition.

The Ardens suggest that they intend to address five issues in their petition for review, pet. at 1-2, but then they actually only argue one of those issues pertaining to the alleged conflict of interest of Attorneys. They fail to articulate precisely why review of the Court of Appeals' careful opinion on that issue is merited under the specific criteria of RAP 13.4(b).

Not only did the Ardens have an obligation to articulate the issues they believe this Court should address under RAP 13.4(c)(5), they then had an obligation to provide a "direct and concise statement of the reason why review should be accepted under one or more of the tests established in section (b), with argument." RAP 13.4(c)(7).⁴ This they failed to do as

⁴ By failing to comply with RAP 13.4(c)(7), the Ardens have waived those issues because they have not legitimately "raised" them within the meaning of RAP 13.7(b) on this Court's scope of review. Clearly, the failure to set out an issue in the statement of issues, required under RAP 13.4(c)(5), means a party has not "raised" an issue, and the issue may not be raised for the first time in subsequent supplemental briefing. *State v. Korum*, 157 Wn.2d 614, 623-25, 141 P.3d 13 (2006) (The petitioner there also failed to present argument on the issue in its petition as required by RAP 13.4(c)(7). 157 Wn.2d at 624.). It is no different if a party mentions an issue but then fails to address as is required by RAP 13.4(c)(7); it must be disregarded. *In re Detention*

to their issues involving (1) the attorney judgment rule, (2) the notion that defense counsel is the trustee of “the insurance defense asset,” or (3) fee disgorgement.

The Court of Appeals opinion does not merit review by this Court. RAP 13.4(b). It is fully consistent with precedents of the Court of Appeals and this Court. RAP 13.4(b)(1-2).⁵ Nor is it a case of substantial public importance as the Attorneys adhered faithfully this Court’s teachings in *Tank v. State Farm Fire & Cas. Co.*, 105 Wn.2d 381, 715 P.2d 1133 (1986), and the rule the Ardens seemingly propose to supplant *Tank* for insurance defense counsel is ill-conceived and unworkable. RAP 13.4(b)(4). Simply put, Attorneys did not breach any fiduciary duty to the Ardens or commit professional negligence, and the trial court and Court of Appeals appropriately agreed.

(1) The Court of Appeals Correctly Discerned that Attorneys Adhered to This Court’s Decision in *Tank*

The central focus of the Ardens’ petition is upon their unfounded allegation that Attorneys somehow violated the *Tank* court’s directions. Pet. at 11-17. In *Tank*, this Court was very specific as to the obligations of defense counsel appointed by an insurer to represent an insured where the

of A.S., 138 Wn.2d 898, 922 n.10, 982 P.2d 1156 (1999) (in the absence of argument on an issue in a petition for review, Court will not consider the argument).

⁵ Indeed, the Ardens discuss only three cases in their petition.

insurer is defending under a reservation of rights (as well as the obligations of the insurer to the insureds). The *Tank* court made it crystal clear that an insurer must retain “competent defense counsel” for the insured. *Id.* at 388. That counsel must clearly understand that the insured is the client. *Id.* The *Tank* court then articulated the specific obligations of defense counsel:

... defense counsel retained by insurers to defend insureds under a reservation of rights must meet distinct criteria as well. First, it is evident that such attorneys owe a duty of loyalty to their clients. Rules of Professional Conduct 5.4(c) prohibits a lawyer, employed by a party to represent a third party, from allowing the employer to influence his or her professional judgment. In a reservation-of-rights defense, RPC 5.4(c) demands that counsel understand that he or she represents only the *insured*, not the company. As stated by the court in *Van Dyke v. White*, 55 Wash.2d 601, 613, 349 P.2d 430 (1960), “[t]he standards of the legal profession require undeviating fidelity of the lawyer to his client. No exceptions can be tolerated.”

Second, defense counsel owes a duty of full and ongoing disclosure to the insured. This duty of disclosure has three aspects. First, potential conflicts of interest between insurer and insured must be fully disclosed and resolved in favor of the insured. The dictates of RPC 1.7, which address conflicts of interest such as this, must be strictly followed. Second, all information relevant to the insured’s defense, including a realistic and periodic assessment of the insured’s chances to win or lose the pending lawsuit, must be communicated to the insured. Finally, *all* offers of settlement must be disclosed to the insured as those offers are presented. In a reservation-of-rights defense, it is the insured who may pay any judgment or settlement. Therefore, it is the insured who must make the ultimate choice regarding settlement. In order to make an informed

decision in this regard, the insured must be fully apprised of all activity involving settlement, whether the settlement offers or rejections come from the injured party or the insurance company.

Id. at 388-89. *See generally*, Thomas V. Harris, *Wash. Insurance Law* (3d ed.) § 17.05.

The record here clearly discloses Attorneys told the Ardens both by letter and in a face-to-face meeting that their duty was to defend the Ardens. *Op.* at 4-5.⁶ Attorneys were not involved in any coverage controversy between Hartford and the Ardens. *Id.*

Having followed *Tank*'s admonition that defense counsel should avoid any possibility of having the insurer influence defense counsel conduct of the insured's defense, the Court of Appeals properly concluded Attorneys had no duty to persuade Hartford to settle the case, particularly where the Ardens had their own coverage counsel, Jon Cushman, whose job it was to try to persuade Hartford. *Op.* at 19-20.

The Ardens allege Attorneys violated a duty by failing to disclose potential conflicts between Hartford and the Ardens, as *Tank* requires. However, the undisputed evidence is that Gibson discussed this very issue at his first meeting with them. CP 169. Moreover, in Jon Cushman, the Ardens had a personal attorney handling an existing coverage dispute

⁶ The court indicated that a combination of the statements in the initial letter and Gibson's communications during a subsequent meeting with the Ardens satisfied Attorneys' disclosure obligations under *Tank*. *Op.* at 17-18.

before — and after — Attorneys were retained. Cushman knew, CP 320, and the Ardens are charged with knowing, CP 601, that Hartford appointed Attorneys to represent them in accordance with their policy and paid Attorneys for their services.

Moreover, Attorneys apprised the Ardens, directly or through Cushman, of the settlement negotiations with the Duffys. Op. at 5-6, 21. Cushman was fully aware of counteroffers to the Duffys' demands. Op. at 23-24. Thus, the Ardens' assertions that they were unaware of a defense plan, pet. at 4, and that they never had involvement in settlement decisions, pet. at 6, are simply false.

The only aspect of Attorneys' involvement in settlement in which the Court of Appeals questioned Attorneys' conduct was with regard to consulting with the Ardens before rejecting the Duffys' settlement demand. Op. at 22. But the court also concluded that the Ardens were not harmed by this conduct because the Ardens were only interested in settlement if Hartford paid the settlement *in its entirety*. *Id.*

The Court of Appeals provided a clear, careful articulation of the principles this Court established in *Tank*. Op. at 9-11. It noted the added ethical dimension to defense counsel's obligation to insureds like the Ardens when it discussed the implications of RPC 5.4(c) and RPC

1.8(f)(2) that apply when a third party is paying for the services of counsel in representing clients. Op. at 10. Review is not merited. RAP 13.4(b).

(2) The Court of Appeals Correctly Concluded that Attorneys Had No RPC 1.7 Conflict of Interest

Tank requires not only that appointed defense counsel meet this Court's specific protocol for the appropriate representation of an insured in a reservation of rights situation, the appointed counsel must also avoid specific conflicts of interest under RPC 1.7. 105 Wn.2d at 388. Here, Attorneys had no conflict of interest under that rule.

Just as the Ardens' petition does not actually provide argument to this Court on their putative issues involving defense counsel as a "trustee," fee disgorgement, or the attorney judgment rule in professional negligence cases, it appears that the Ardens believe there is a conflict of interest issue in this case, because they employ the language of RPC 1.7, pet. at 1 (issue 1), but they then offer *no argument* in the petition on how the Court of Appeals decision *in any way* contradicted the teachings of this Court on RPC 1.7 or contradicted precedential decisions of the Court of Appeals.

The Ardens seemingly contend for a position on defense counsel's relationship with an insured that *far exceeds* the express parameters of *Tank*. They imply that insurer-appointed defense counsel *automatically* have a conflict of interest with insureds if they have ever represented an

insurer in a coverage dispute or have been appointed by an insurer. Pet. at 12-17.⁷ Such a position undermines *Tank* and other Washington authority.

The Court of Appeals addressed the issue of conflict of interest with care in its opinion at 13-14, rejecting an apparent argument offered by the Ardens that an insurer in a reservation of rights case is automatically “conflicted” and must invariably appoint as the insured’s defense counsel an attorney who has never previously represented the insurer in coverage matters or has never been appointed by an insurer to represent other insureds. Op. at 14-15. As the Court of Appeals noted, the Ardens’ initial premise is wrong. *Tank* specifically stands for the proposition that while defense under a reservation of rights creates only a “potential” for a conflict of interest, an actual conflict of interest can be

⁷ The Ardens supported this extreme position with the declaration of Professor John Strait who concluded that any representation by Attorneys of Hartford on coverage matters, regardless of how different the time or subject of such coverage matters might be, constituted so great a conflict that the Ardens could not have waived it. CP 422. Jeffrey Tilden, an expert with considerable experience as defense counsel and personal counsel for policyholders, stated:

In essence, Professor Strait’s opinion is that an attorney cannot both represent an insurer as to coverage in some matters and simultaneously defend that insurer’s policyholders in other matters. This is plainly not the standard of care in this state. The practice of reasonable, careful, and prudent attorneys across Washington is to do just this. Hundreds of attorneys across the state do both coverage work and appointed defense work for the same insurers on a daily basis and have for the entire 33 years of my career. I have never heard anyone suggest this was improper until the declaration filed here.

CP 365.

avoided if this Court's directions set forth to defense counsel are met. 105 Wn.2d at 387. Op. at 14-15.⁸

Like the Supreme Court, the Court of Appeals has long rejected the proposition that there is an "automatic" conflict of interest when an insurer defends an insured under a reservation of rights. *Johnson v. Continental Cas. Co.*, 57 Wn. App. 359, 361, 788 P.2d 598 (1990) ("In Washington, there is simply no presumption that a reservation of rights situation creates an automatic conflict of interest."). An insurer has no obligation to pay for its insured's retention of separate, personal counsel so long as the insurer and its appointed defense counsel adhere to the *Tank* protocol. *Id.* at 362-63. As noted in Thomas V. Harris, *Wash. Insurance Law* (3d ed.) at 17-18, "The decision in *Johnson* is entirely appropriate."

An automatic conflict rule is obviously *highly impractical*, and will deprive insurers of the ability to appoint the most qualified, experienced defense counsel to represent insureds, something highly desirable from the *insureds' standpoint*.⁹

⁸ The Court of Appeals specifically noted, however, that defense counsel are not insulated from liability for breach of their fiduciary duty to a client if they failed to adhere to the *Tank* protocol. Op. at 15 n.6.

⁹ The Ardens neglect to discuss just how far they propose their interpretation of RPC 1.7 should go. Will a single representation of an insurer in a coverage dispute 10 years ago, invariably disqualify that firm from appointment to represent an insured? Will 5% of a firm's work that involves defense appointment to represent insureds mandate disqualification? Will appointment by State Farm to defend its insureds at some point disqualify a firm from representing Hartford insureds? Such a broad sweep to RPC

The record shows as a matter of law that Attorneys did not violate the conflict rules because a “concurrent conflict of interest” never arose. RPC 1.7(a)(2).¹⁰ As a matter of law, no concurrent conflict of interest existed, because the Ardens presented no evidence of a “significant risk” that representation of the Ardens would be “materially limited” by Attorneys’ responsibilities to Hartford or a personal interest of any of the Attorneys, a showing required under RPC 1.7(a)(2). The Ardens presented no evidence that Hartford was a current client when Attorneys began representing the Ardens. The Ardens also do not contend that Attorneys represented Hartford as to the Ardens’ coverage or on a similar coverage issue in any other case.

Instead, there was significant proof that Attorneys’ conduct – far from being “materially limited” – in fact met the standard of care in every way. CP 362-69, 508-26.

Finally, with regard to the one instance in which a specific conflict of interest was alleged by the Ardens – an alleged failure on Attorneys’

1.7(a) certainly has implications for the construction of CJC 2.11(A)(6) as well. An absolute rule, if that is what the Ardens are contending should apply in the RPC 1.7(a) context, must be rejected.

¹⁰ “A concurrent conflict of interest exists if ... there is significant risk that the representation of [a] client will be materially limited by the lawyer’s responsibilities to another client, a former client, or a third person, or by a personal interest of the lawyer.” RPC 1.7(a)(2). *See generally, LK Operating, LLC v. Collection Group, LLC*, 181 Wn.2d 48, 84, 331 P.3d 1147 (2014) where this Court held that an attorney’s representation of a trust set up for his children and the principal of a debt collection firm was directly adverse under RPC 1.7(a)(1).

part to “quickly” settle the Duffys’ lawsuit, the Court of Appeals patiently explained that there was no breach of duty by Attorneys because the Ardens failed to document any alleged conflict. Op. at 20-21.¹¹

If it is the Ardens’ position that they are entitled to an “independent counsel” in which they select counsel to represent them in defense of a tort claim like that of the Duffys, and insurers like Hartford must simply pay for such representation, that position is unsupported in Washington. (Again, left undiscussed is the question of whether such counsel would be invariably barred from representing them if concurrently, or in the past, such counsel had represented Hartford on a coverage matter or had been appointed to defend a Hartford insured). This Court implicitly rejected such a notion in *Tank*, as the Court of Appeals observed. Op. at 14. This approach to representation of insureds has been modified by statute in the state in which it originated. *Dynamic Concepts, Inc. v. Truck Ins. Exchange*, 71 Cal. Rptr. 2d 882 (Cal. App. 1998).¹²

¹¹ Indeed, the Ardens do not argue this issue in their petition, and mention an alleged desire for such a quick settlement only in passing. The facts also belie the argument in any event. Attorneys were appointed to represent the Ardens by Hartford on November 19. Gibson met with them 5 weeks later. Attorneys served discovery on the Duffys shortly after that. CP 621. The full duration of Attorneys’ representation of the Ardens was about 5 months.

¹² The idea of independent counsel originated in California in *San Diego Federal Credit Union v. Cumis Ins. Society, Inc.*, 208 Cal. Rptr. 494 (Cal. App. 1984). The California Legislature substantially modified the principle in Cal. Civil Code § 2860. In *Dynamic Concepts*, applying that code section, the court held that an insurer’s defense under a reservation of rights did not create a per se conflict of interest requiring

Moreover, Washington law is unambiguous after *Tank* that defense counsel owe a duty to the insureds they represent, not to the insurer that pays them. In the malpractice context, this Court has specifically held that insurance defense counsel have *no duty* to the carrier that selects them and pays for the representation of the insured. In *Stewart Title Guaranty Co. v. Sterling Savings Bank*, 178 Wn.2d 561, 567-68, 311 P.3d 1 (2013), this Court specifically held there is no duty (directly or indirectly under *Trask v. Butler*, 123 Wn.2d 835, 872 P.2d 1080 (1994)), allowing an insurance carrier to sue insurance defense counsel for professional negligence. In so holding, this Court found to do so would conflict with *Tank* and violate RPC 5.4(c). The Ardens' position is implicitly based upon a proposition that insurance defense counsel have independent duties to the carrier, a proposition rejected in *Stewart Title*. The role and

appointment of independent counsel. As noted in Douglas R. Richmond, *Independent Counsel in Insurance*, 48 San Diego L. Rev. 857, 859 (2011), the "majority, and clearly better position" is that not every reservation of rights creates an automatic entitlement to independent counsel in states that allow for such a role. Moreover, that role itself is fraught with practical problems:

For example, what qualifies a lawyer or law firm to serve as independent counsel? Who selects independent counsel? How or on what basis should independent counsel be compensated? Must independent counsel accept the same financial and administrative constraints that insurers impose on their regular counsel? What is the relationship between the insurer and independent counsel? What duties do independent counsel owe and to whom do they owe them? There is little authority to guide courts and lawyers analyzing these issues, and only a few states regulate independent counsel in any fashion.

Id. at 860.

obligations of insurance defense counsel are those enunciated in *Tank*, which were met in this case. This Court should reject the Ardens' attempt to undercut established precedent with no articulated reason to do so.

Finally, the Ardens' attempt to smear all defense counsel as invariably failing to live up to their ethical and *Tank*-related obligations merits a response. Pet. at 17-19. The Ardens offer no real evidence or authority that this is a pressing problem in Washington. Without any basis, the Ardens cast aspersions on the men and women appointed to represent insureds who generally perform excellent, highly professional, and ethical services on behalf of insureds they are appointed to represent. This Court should not simply accept such an unsupported, broad brush assertion by the Ardens. RAP 13.4(b)(4).

Simply put, the Ardens offer no real argument as to how Attorneys violated RPC 1.7(a). This Court should not be required to construct an argument when the party has failed to make such an argument on its own behalf. Review of this putative issue is not merited under RAP 13.4(b).

(3) Contingent Issues As to Why the Court of Appeals Decision Is Correct

As noted *supra*, the Ardens have waived the other issues mentioned in passing in their petition¹³ such as the attorney judgment rule,¹⁴ the establishment of a trust,¹⁵ and disgorgement.¹⁶

Moreover, there are additional reasons why the Ardens failed to establish claims for professional negligence or breach of fiduciary duty against Attorneys. To the extent that the Ardens contend Attorneys bore some duty to them with regard to Rolf Arden's criminal prosecution, a point disputed below by Jeffrey Tilden, CP 523,¹⁷ the Ardens are

¹³ Attorneys reserve the right to raise these issues in any supplemental brief should the Court deem them appropriately preserved for review. *Lewis River Golf, supra*.

¹⁴ The Ardens contend that the attorney judgment rule should never apply in Washington in connection with the breach of duty elements of a professional negligence or fiduciary duty claim. Pet. at 2, 11. However, they offer no argument in their petition on that theory, *waiving* it for the reasons cited *supra*. The Court of Appeals' analysis of the issue, however, is entirely supported on the facts and the law in any event. Op. at 22-27. *See generally*, br. of resp'ts at 28.

¹⁵ The Ardens endorse a novel theory that appointed defense counsel is the trustee of the "defense asset." Pet. at 2. Ultimately, the Ardens have *no authority* for their novel proposition; trust law certainly does not fit in this context. *See* br. of resp'ts at 26-27.

¹⁶ The Ardens also contend they are entitled to "disgorgement" of fees paid to Attorneys, *even though they never paid them*. Pet. at 2. While a client whose attorney has breached a fiduciary duty to the client may be entitled to disgorgement of attorney fees in certain egregious situations, this relief is not available in every case. *Kelly v. Foster*, 62 Wn. App. 150, 156, 813 P.2d 598, *review denied*, 118 Wn.2d 1001 (1991). Instead, it should only be applied where the claimed attorney misconduct is so egregious as to constitute a complete defense to a claim for fees. *Id.* at 157. *See generally*, br. of resp'ts at 49-50.

¹⁷ Tilden opined that Attorneys met the standard of care as to their treatment of Rolf Arden's criminal case situation in any event. CP 369.

effectively requesting that Attorneys take on the responsibilities of criminal defense lawyers. As such, they are immune from professional negligence liability unless Arden was actually innocent. *Ang v. Martin*, 154 Wn.2d 477, 114 P.3d 637 (2005); *Piris v. Kitching*, ___ Wn.2d ___, ___ P.3d ___, 2016 WL 3748969 (2016). Because Arden was admittedly guilty of killing the Duffy's puppy, as noted *supra*, Attorneys are immune from liability. They reserve the right to raise this issue. *Lewis River Golf, supra*.

The Ardens cannot establish either harm¹⁸ or proximate cause¹⁹ or in connection with their claims, and Attorneys reserve the right to raise these issues should the Court grant review. *Lewis River Golf, supra*.

¹⁸ The Court of Appeals did not address the Ardens' alleged harm, but the Ardens failed to establish the requisite harm element of their claims. *See generally*, br. of resp'ts at 43-50. The Ardens argued below that as a result of Attorneys' conduct, they were forced to incur fees in *Duffy v. Arden*, in *State v. Arden*, and in this case. Br. of Appellants at 39-41. In doing so, they disregard settled Washington law that a plaintiff may not recover attorney fees in an action for legal malpractice or for breach of fiduciary duty, absent a contract, statute, or recognized equitable ground. *Schmidt v. Coogan*, 181 Wn.2d 661, 679, 335 P.3d 424 (2014); *Benke v. Ahrens*, 172 Wn. App. 281, 296, 294 P.3d 729 (2012), *review denied*, 177 Wn.2d 1003 (2013); *Shoemaker v. Ferrer*, 143 Wn. App. 819, 831, 182 P.3d 992 (2008). The Ardens also could not recover fees under equitable indemnity for recovery of attorney fees. *Blueberry Place Homeowners Ass'n v. Northward Homes, Inc.*, 126 Wn. App. 352, 358, 110 P.3d 1145 (2005).

Finally, the Ardens could not recover damages for their alleged emotional distress. *Schmidt*, 181 Wn.2d at 679.

¹⁹ The Ardens failed to establish the requisite proximate cause for either their professional negligence or breach of fiduciary duty theory as to Attorneys' alleged failure to timely settle. *See generally*, br. of resp'ts at 38-43. Clearly, the Ardens wanted Hartford to pay and gave it and Attorneys latitude to negotiate a settlement; the Ardens always conditioned settlement on Hartford's funding it, as they admitted. Br. of Appellants at 28. The Court of Appeals correctly concluded any issues regarding the

D. CONCLUSION

The Ardens' petition for review is procedurally defective, making the response to that petition and its processing a matter of needless guesswork for Attorneys and this Court. The Ardens mention issues, but do not argue them, thereby waiving them. On the issue they do argue, they fail to address the criteria in RAP 13.4(b) governing review.

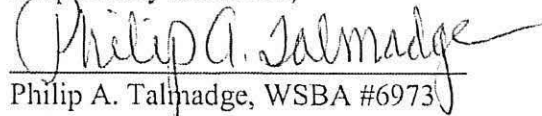
The trial court's summary judgment decisions were correct, and the Court of Appeals correctly affirmed those decisions based on *Tank* and RPC 1.7 in its thoughtful opinion. Because the Ardens fail to demonstrate how the Court of Appeals opinion falls within any of the criteria in RAP 13.4(b), this Court should deny review.

settlement process did not harm the Ardens, given that desire to have Hartford pay any settlement. Op. at 21-24.

Similarly, nothing Attorneys did in settlement had anything to do with criminal charges against Roff Arden. Simply put, Roff Arden admitted to shooting his neighbor's pet. He admitted the evidence was sufficient to convict him. CP 591. His conduct was the cause of being charged with animal cruelty and being sued by the Duffys. When the Prosecutor decided to charge Arden, he undisputedly did not know the Duffys were suing the Ardens. CP 441. His decision, therefore, was not (and could not have been) influenced by the status of the civil action. Moreover, the Duffys undisputedly planned to pursue the criminal charges even if their civil case settled. The Ardens and their counsel asked Hartford to fund the settlement even knowing the Duffys wanted to try and influence the prosecutor to file charges. CP 673-74. The Court of Appeals correctly discerned that the Ardens again failed to establish causation. Op. at 24-27.

DATED this 15th day of July, 2016.

Respectfully submitted,



Philip A. Talmadge, WSBA #6973
Talmadge/Fitzpatrick/Tribe
2775 Harbor Avenue SW
3rd Floor, Suite C
Seattle, WA 98126
(206) 574-6661

Sam B. Franklin, WSBA #1903
Pamela J. DeVet, WSBA #32882
Lee Smart P.S., Inc.
701 Pike Street, Suite 1800
Seattle, WA 98101-3929
(206) 624-7990
Attorneys for Respondents
Forsberg & Umlauf, P.S.,
Hayes and Gibson



WSBASections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Administrative Law</i>	
Chair:	<i>Gabe Verdugo</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size:	246 (as of 9/30/2016)
	Staff Lead:	Julianne Unite
	BOG Liaison:	Phil Brady
	FY16 revenue: \$	\$14,784.33 (as of 8/31/2016)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$18,030.01 (as of 8/31/2016)
	FY16 Per-Member-Charge expenses: \$	\$4,368.75 (as of 8/31/2016)
Purpose:	<p>The purpose of the Administrative Law Section is to seek participation of all interested members of the Bar to benefit section members, their clients, and the general public by:</p> <ul style="list-style-type: none"> • Exchanging ideas and sharing knowledge in administrative law, including the Washington Administrative Procedure Act, Public Records Act, and Open Public Meetings Act, through CLEs, publications, meetings, and other means of communication; • Initiating and implementing common projects; • Improving and facilitating the administration of justice in administrative law through the review of pending legislation and regulations, the development of proposed statutes, and the promotion of uniformity in legislation and administration; and 	

	<ul style="list-style-type: none"> • Providing other services that may benefit section members, the legal profession, and the public.
2015-2016 Accomplishments and Work in Progress:	<p>The section hosted three mini-CLEs in 2015-2016 on the topics: civility among lawyers in administrative proceedings, the intersection of administrative and criminal law, and the Open Public Meetings Act. We have been experimenting this year with combining mini-CLEs with informal receptions and meals, giving members the chance to meet, network, and learn more about the section. Based on feedback from attendees, both the mini-CLEs and social functions have been very successful. We had 8 board meetings, including a retreat and the annual meeting, both in conjunction with mini-CLEs and social events. The section participated in the Open Sections night sponsored by the WSBA.</p> <p>We published two newsletters this year, including summaries of important cases in administrative law and updates on pending legislation. The section also updated the Administrative Law Practice Manual, revising chapters on interstate compact law and on open public meetings.</p> <p>The section board actively participated in reviewing proposed legislation. Working with the WSBA's legislative liaison, the board reviewed bills that pertained to the Washington Administrative Procedure Act and the Public Records Act. The section also reviewed the recent report from the State Auditor's Office on administrative appeals, providing an overview in the section newsletter. Upon request of the WSBA's legislative liaison, a section board member attended a recent PRA stakeholder meeting on behalf of the section.</p> <p>The section awarded its annual grants and the Homan Award. The law student grant was awarded to Derek Peterson, who completed an internship with the Licensing and Administrative Law Division of the Washington State Attorney General's Office. The section selected LAW Advocates, a legal assistance organization in Whatcom County, for the annual public service grant. LAW Advocates will use the funds to support programs through which the organization helps underprivileged individuals obtain identification and reinstate driver's licenses from the Department of Licensing. The Homan Award was granted to John F. Kuntz, for the commitment to excellence and active mentorship that he has demonstrated throughout his career in administrative law. The Homan Award was presented in conjunction with the section's annual meeting.</p>

Please quantify your section's current member benefits: <i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$8,400	Scholarships, donations, grants awarded
	0	Law school outreach events/benefits hosted
	many	Legislative bills reviewed/drafted
	2	Newsletters produced
	3	Mini-CLEs produced
	0	Co-sponsored half/day to multi-day CLEs with WSBA
	3	Receptions/forums hosted
	3	Awards given
	1	New Lawyer Outreach events/benefits
		Other (please describe):
2016-2017 Goals & Priorities (Top 5)	1	Host three mini-CLEs
	2	Host one all-day CLE
	3	Publish three newsletters
	4	Select Homan Award recipient
	5	Select recipients for public service and law student grants
Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?) The Administrative Law Section board strives to recruit members to the board from historically underrepresented backgrounds, LGBT attorneys, and attorneys from all over the state. We also added diversity as a consideration for our law student grant, encouraging law students from disproportionately underrepresented backgrounds to consider practicing administrative law and to become active in the section.		
Please report how this section is addressing professionalism: (Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)		

This year, the section hosted a mini-CLE specifically addressing issues of civility in administrative hearings, highlighting the importance of civility in the context of administrative law. The CLE received excellent reviews, and we have discussed hosting the same or similar events around the state. Less formally, the section has begun hosting social receptions in coordination with mini-CLEs, so that members have the opportunity to meet while learning about the section. The section leaders have noticed that some of the most engaging and useful conversations about the section and the profession happen during these informal gatherings, likely improving civil and professional relationships among practitioners.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

We try to recruit attorneys for the section board and committees who have been practicing for a broad range of years, including attorneys who are planning for retirement and attorneys who have just begun their careers. We encourage all board and committee members—including new attorneys—to serve in all leadership positions, including as section officers and committee chairs. We also encourage our law student grantees to meet the board members by attending our annual retreat, where they can learn more about leading a section and take on any level of responsibility that is appropriate, including joining a committee or contributing to the section newsletter.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We regularly communicate with our section liaison, Julianne Unite, who responds quickly and either has the information we need or can direct us to the person who can help. The quality of service has been great. We also interact with Alison Grazzini regarding legislation that pertains to administrative law; Alison has done a great job keeping us informed of legislative developments that are of interest to section members.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Alternative Dispute Resolution (ADR)</i>	
Chair:	<i>Craig C. Beles</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size:	422 (as of 9/30/2016)
	Staff Lead:	Julianne Unite
	BOG Liaison:	Ann Danieli
	FY16 revenue: \$	\$23,253.31 (as of 8/31/2016)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$26,188.86 (as of 8/31/2016)
	FY Per-Member-Charge expenses: \$	\$7,668.75 (as of 8/31/2016)
Purpose:	Promoting Informed use and best practices of alternative dispute resolution processes by: providing resources; educating members of the bar and the public, and addressing issues relating to the growth and development of alternative dispute resolution services in the State of Washington.	
2015-2016 Accomplishments and Work in Progress:	<u>The ADR Executive Committee.</u> The Executive Committee's annual retreat was held November 6 - 7, 2015. Our theme was "Engagement," i.e., how best to engage with our current members statewide as well as with new and young lawyers, transitioning lawyers, and lawyers from other sections and groups. As a result, we created a spreadsheet that identified and prioritized our actions for the 2015 – 2016 fiscal year. Our plans for this year's retreat include focusing on how best to maintain momentum in	

	<p>implementing these proposed actions.</p> <p>Members of the Executive Committee met with representatives of all three Washington law schools and ADR leaders in both Eastern & Western Washington on several occasions in efforts to aid them in their initiatives to foster a culture of ADR throughout all of Washington.</p> <p><u>NW DR Conference Planning Committee.</u> Each year the ADR Section co-sponsors the Northwest Dispute Resolution Conference with the University of Washington School of Law. This year the 22nd annual conference was held on March 24-25, 2016. Members of the Section provided leadership in planning and organizing this nationally recognized conference on ADR, e.g., ADR Executive Committee member Sasha Philip is Co-Chair of the planning committee. Several members of the ADR Executive Committee participated as presenters in this year conference, e.g.,</p> <ul style="list-style-type: none"> • Lish Whitson, Paris Kallas, Melvyn Simburg and Craig Beles in conjunction with Terry Carroll & Phil Cutler presented a two-part session entitled "Examining Consumer Arbitration Clauses" • Sasha Philip, Adrienne Keith Wills & Melvyn Simburg presented a session entitled "ADR Tips and Tricks for New Lawyers" • Sasha Philip presented a session entitled "Judging Mediators by Their Cover" • Paul McVicker presented a session entitled "Advising Clients on the Tactical Use of Mediation in Family Law and Lo-Bono Litigation" • Craig Beles presented a session in conjunction with Chris Gray and Kurt Bulmer entitled "Settlement Conferences with the State Bar; Ethical Questions in Ethics Cases" <p>Every year, the Section sponsors scholarships for students and/or poverty law advocates to attend the Conference for free.</p> <p><u>The Membership Committee.</u> The ADR Membership Section sponsored four membership events this year. Each event was a one-hour panel or speaker presentation on current ADR issues, followed by a social/networking event. These events were webcast so our members outside of the Seattle metro area could participate live via web streaming. The presentations were:</p> <ol style="list-style-type: none"> 1. March 15, 2016 – Preview of the Northwest Dispute Resolution Conference <ul style="list-style-type: none"> • ADR Practice Tips and Tricks for New Lawyers • Examining Consumer Arbitration Clauses – Latest Legal Developments and Practical Remedies
--	--

	<ul style="list-style-type: none"> • Advising Clients on the Tactical Use of Mediation in Family Law and Low-Bono Litigation • Judging Mediators by Their Cover • Settlement Conferences with the State Bar <ol style="list-style-type: none"> 2. April 27, 2016 – Forum on WSBA Advisory Opinion 2223 3. May 25, 2016 – Collaborative Law 4. September 19, 2016 – Annual Meeting <ul style="list-style-type: none"> • Progress in Implementing Early Mediation • Cutting Edge Topics in Arbitration <p><u>The Land Use & Environmental Mediation Committee.</u></p> <ol style="list-style-type: none"> 1. In the 2015-2016 bar year, the Land Use and Environmental Mediation (LUEM) Committee completed its multi-year pilot project in which land use and environmental mediations were conducted in five pilot project cases in exchange for the parties agreeing to the utilization of certain information for educational purposes. The Committee completed and issued a report on the project, which can be found here: http://www.wsba.org/Legal-Community/Sections/Alternative-Dispute-Resolution-Section/Land-Use-and-Environmental-Mediation-Committee/Pilot-Project. 2. The Committee held a very well attended webinar at which guest lecturers described the land use mediation programs of Berkeley, CA and Albuquerque, NM. 3. In addition, members of the Committee spoke on land use and environmental mediation, and distributed the pilot project report, at the ELUL Section's annual midyear meeting. 4. Finally, the Committee worked with the WSBA to create a Committee web page on the WSBA site, here: http://www.wsba.org/Legal-Community/Sections/Alternative-Dispute-Resolution-Section/Land-Use-and-Environmental-Mediation-Committee. This will enable to the Committee to further pursue its mission of providing educational materials to the public relating to land use and environmental mediation. <p><u>The Legislative Committee.</u></p> <ol style="list-style-type: none"> 1. Throughout the past fiscal year, the Legislative Committee has worked with the King County Early ADR Exploratory Committee, a bench-bar committee chaired by Judge Parisien, on an early mediation proposal for family law cases in King County. The Committee has worked on proposed
--	---

	<p>rules for an order for injunctive relief upon filing, mandatory disclosure of information, and an early deadline for ADR in the various case schedules. Initial drafts of proposed rules have been submitted to the Unified Family Law Court Committee and additional work expected to be completed. (The formation of the committee was inspired by the ADR's CLE Seminar in February 2014 on Early Mediation Models in Family Law Cases, in which Judges Judith Ramseyer and Lori Smith participated on a panel and which led to the exploratory committee suggested by Chief ULC Judge Palmer Robinson and continued by Judge Smith.) The committee has also worked with a working group of interested parties, in cooperation with representative Jake Fey (Tacoma), on potential draft legislation for early ADR in parenting cases.</p> <ol style="list-style-type: none"> 2. The only legislation endorsed this past legislative session was a bill to increase the funding for local Dispute Resolution Centers in Washington, put forward by the efforts of Resolution Washington and supported by our Committee and the ADR Section. (The bill failed in committee.) 3. To date no proposed legislation has been considered for the upcoming legislative session. We expect few, if any, policy bills in this next fiscal session. We have been following the work of a working legislative committee considering the process of the state in responding to requests under the Freedom of Information Act, which includes proposed provisions for mediation. 4. The Committee also finished work on a research project on mediation models in family law cases in various jurisdictions throughout the US where the Uniform Mediation Act has been adopted. 5. The Committee has continued work on and discussion with interested parties on early ADR rules and legislation, mediation standards and qualifications, and mediation guidelines and protocols under the Foreclosure Fairness Act administered by the WA Department of Commerce. 6. At the beginning of this past-fiscal year, in late October, the ADR Section's Education Committee co-sponsored with Seattle University, a two-day CLE course on the Child Centered Continuum Model of Family Law Mediation presented by Dr. Lorri Yassenik, of Calgary Canada, and Joh Graham, of Sydney, Australia. <p><u>The Media and Communications Committee.</u> In 2015 - 2016, the Media & Communications Committee's primary work for the year was to finalize the website update. Committee meetings have</p>
--	---

	<p>primarily focused on possible ways to increase Section member involvement thorough web/media channels.</p> <p><u>The Education Committee.</u> The Education Committee plans to put on CLEs in the coming year, but the schedule has not yet been set.</p> <p><u>Law School Partnerships Committee.</u> Our primary activity during the past year (2015 - 2016) has been to support the WSBA ECCL Task Force (whose mission is to examine ways for controlling the escalating costs of civil litigation) by providing input to the Task Force ADR Subcommittee. The Task Force adopted recommendations as a result of a WSBA ADR sponsored research project for utilizing mediation earlier in civil cases and for expanding the ways mediations are conducted.</p>	
<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$3,200	Scholarships, donations, grants awarded
	4	Law school outreach events/benefits hosted
	2	Legislative bills reviewed/drafted
	0	Newsletters produced
	0	Mini-CLEs produced
	1	Co-sponsored half/day to multi-day CLEs with WSBA
	5	Receptions/forums hosted
	1	Awards given
	4	New Lawyer Outreach events/benefits
	6	Other (please describe): 4 membership educational/training panels recorded and available to the public on YouTube; Co-sponsor of the Northwest Dispute Resolution Conference with the University of Washington; Co-sponsor of Child-Centered Mediation Presentation with Seattle University.
2016-2017 Goals & Priorities (Top 5)	1	Foster a culture of ADR in Washington State that provides counsel and their clients with multiple techniques for dispute avoidance, management and resolution in addition to traditional negotiation and

		litigation.
	2	Reach out to law students, newer lawyers, and transitioning lawyers to provide information, mentoring, training on how mediation and arbitration practices can be utilized to enhance their professional practices. This includes supporting the highest aspirations of lawyers representing people in conflict by introducing a “toolbox” consisting of a broad range of dispute resolution techniques including client counseling, coaching, negotiating, creating opportunities to break into the fields, and enabling younger and newer lawyers to gain experience serving as ADR providers
	3	Expand our section’s geographical outreach to cover the entire state, not just King County
	4	Support and promote the findings and recommendations emerging from the WSBA ECCL Task Force particularly with regard to accessing mediation earlier in the civil litigation process
	5	Develop relationships with other WSBA and local county Bar Sections and create joint initiatives for expanding awareness and use of effective ADR practices in their respective fields of law

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

Our section leadership has a history of gender and racial diversity, as well as a sensitivity regarding the need to include new and younger lawyers. Presently the majority of our leadership consists of women.

Our Executive Committee has spent a considerable amount of time discussing the diversity and inclusion statistics that were circulated this past year. The most striking number was our low percentage of new and young lawyers. We were second only to the Senior Lawyers Section. To that end, we spent much of our last retreat focused on methods for engaging underrepresented groups. We will take implementation of engagement up again at our November retreat.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

Clients turn to lawyers for help in avoiding, managing and resolving disputes. The ADR Section

is dedicated to furthering the knowledge and skills of ADR professionals, advocates and clients in the use of all dispute resolution techniques.

At our last Executive Committee retreat, we discussed the notion of how lawyers working in the world of ADR can help people work through legal conflicts — and that parties often find litigation to be the greatest disruption going on in their lives.

We implement the goal of enhancing professionalism through participation and sponsorship of numerous CLEs, conferences and law school presentations.

As a WSBA Disciplinary Settlement and Hearing Officer, the Chair of the ADR Section has trained advocates and the panel of Settlement Officers in mediation and settlement techniques.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

Many of our programs were targeted towards new and young lawyers this year. 3 of our 4 membership events (educational panels plus a networking reception) focused on new and young lawyer issues. We attended both Open Sections Nights and talked with many new and young lawyers and law students. We intend to continue this focus in the next bar year. We took advantage of the fact that our Secretary and chair of our Membership Committee was also chair of the WSBA Young Lawyers Committee.

Next year's leadership is committed to extending our outreach to young and newer lawyers, throughout the entire state; and continuing an ongoing discussion as to whether there is a perceived need for diversity training. Our incoming ADR Section Chair is a young female attorney who is a former Chair of the King County ADR Committee and thus an excellent role model for new and young lawyers.

Our past chair, Alan Alhadeff, continued his monthly two-hour discussion/training event/focus group/conversation that we call the Colloquium on Mediation. The Colloquium is an ongoing monthly series of small group discussions (8 to 15 participants) around the big topic of mediation. Sub-topics include how to use mediation in a wide variety of settings; creating opportunities/how to break in as a mediator; learning circles and dialogue to enhance and reinforce lessons from training; current trends including the upcoming WSBA recommendation for using mediation early in litigation. As a special feature, we plan to have each meeting discussion also revolve around what the participants bring to the table via their questions, comments, and even requests they may make in advance. In this way our meetings will combine planning with a degree of spontaneity.

Executive Committee member Lish Whitson and Craig Beles explored the possibility of creating an ADR Inn of Court where experienced ADR practitioners could better mentor new and transitioning lawyers in the skills of ADR. To that end, we attended the local Dwyer Inn of Court

meeting and successfully obtained its support for a new ADR Inn of Court. We also communicated with the American Inns of Court, <http://home.innsofcourt.org>, to learn more about the process and advantages of creating a local Inn.

We are enthusiastic participants in the WSBA Young Lawyers Committee Liaison Program. Our new liaison and full Executive Committee member is John Butler. As a former employee of the American Arbitration Association, John will be able to contribute the perspective of a young lawyer versed in the practical administration of ADR.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We have had wonderful interaction with Bar staff, initially with Paris Eriksen and then with Julianne Unite. They have worked tirelessly on our behalf and for that we are very grateful.

Unfortunately, the recommendations of the Section Policy Workgroup, which were made at the conclusion of 2015 without significant section leader representation, sucked much of the oxygen out of our relationship with the WSBA. Members of our Executive Committee spent many hours communicating with leaders of other sections, attending workgroup meetings and responding to the workgroup's initial ill-conceived recommendations. This siphoned off valuable time and effort that could have been devoted to furthering the mission and goals of the ADR Section.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBASections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016
Email Annual Report to: sections@wsba.org

Name of the Section:	Animal Law Section	
Chair:	Gemma Zanowski	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size:	124 (as of 10/3/16)
	Staff Lead:	Joe Terrenzio
	BOG Liaison:	James Doane
	FY16 revenue: \$	\$2,862.5 (as of 8-31-16)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$925.72 (as of 8-31-16)
	FY16 Per Member Charge	\$2,137.5 (as of 8-31-16)
Purpose:	<p>In addition to providing a forum for members to exchange ideas, study, and understand laws, regulations, and case law pertaining to all areas of animal law, initial goals of the Animal Law Section include:</p> <p>Establish an annual seminar and eventually a multi-state MCLE animal law institute.</p> <p>Publish an Animal Law Reporter for the Pacific Northwest or nationwide.</p> <p>Print and distribute quarterly email or paper newsletters to section members, soliciting articles from practitioners, academics, and others.</p> <p>Produce animal law-related pamphlets for the public.</p> <p>Provide information to and facilitate cooperation with government agencies and nongovernmental humane societies, rescue organizations, and animal sanctuaries.</p> <p>Organize brown-bag lunches and round tables to address animal</p>	

	law matters in a short time frame.	
2015-2016 Accomplishments and Work in Progress:	<p>This year, our section was crippled by a very late election due to an insufficient number of applicants for election. Thus, we were not able to accomplish as much as we hoped. We were, however, able to do the following in the few short months we had a quorum:</p> <ul style="list-style-type: none"> - Tabled and participated in Sections Night at WSBA - Planned and hosted the 2nd Annual Animal Law Summit, August 12, 2016 - Established the Lorrie Elliott Scholarship in special recognition of her 10 years of service on the Executive Committee and determined recipients for the year - Attended WSBA Board of Governors Meetings and participated in discussions of rules changes - Vigorously recruited individuals for service on the 2016/2017 board and held election 	
Please quantify your section's current member benefits: <i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$250	Scholarships, donations, grants awarded
	1	Law school outreach events/benefits hosted
		Legislative bills reviewed/drafted
		Newsletters produced
		Mini-CLEs produced
	1	Co-sponsored half/day to multi-day CLEs with WSBA
		Receptions/forums hosted
		Awards given
	1	New Lawyer Outreach events/benefits
		Other (please describe):
2016-2017 Goals & Priorities (Top 5)	1	Third Annual Animal Law Summit
	2	Member appreciation free mini CLE
	3	Continuation of encouraging attendance at ALS CLEs by law enforcement and non-profit leaders

	4	Foster deepened relationships with animal law sections and attorneys across the country.
	5	Encourage student involvement through scholarships and low cost and free events

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

Special accommodations are provided at all CLEs for a disabled member. Also, ALS will examine how nonhuman animals issues impact certain groups differently, eg., animal rights vs. tribal sovereignty, cultural differences with respect to animal fighting. WSBA diversity specialist may contact Wynnia Kerr or the past Chair, Gemma Zanowski.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The Professionalism Plan was not a focus this year.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

We consistently invite new attorneys to attend our events and CLEs at reduced or scholarship rates.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*
- **Positive approach and willingness to assist from the BOG liaisons.**
- **We communicate meeting dates and times to our BOG liaison.**
- **As far as support services to sections, it would be helpful to receive a breakdown or description of what the BOG liaison's job is and how they can assist our section from a practical perspective.**

Q6. Please provide specific examples of how your section's activities aligned with the following WSBA strategic goals this past year:

Prepare and equip members with problem-solving skills for the changing	Animal Law Summit CLE, listserv, open-door policy for members to contact board
--	---

profession.	
Foster community with and among members and the public.	Member appreciation free mini-CLE, listserv, open-door policy for members to contact board
Promote equitable conditions for members from historically underrepresented backgrounds to enter, stay and thrive in the profession.	Established and award Lori Elliot scholarship to students who wish to attend our events but may not be able to afford it
Support member transitions across the life of their practice.	ALS members represent all stages of a legal career, from new graduates trying to make a living in animal law to senior lawyers doing pro bono animal law cases. ALS benefits are designed to provide assistance to members at all levels.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBASections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Antitrust, Consumer Protection & Unfair Business Practices</i>	
Chair:	<i>Danica Noble</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size:	221 (as of 9/30/2016)
	Staff Lead:	Julianne Unite
	BOG Liaison:	Phil Brady
	FY16 revenue: \$	\$9,730.75 (as of 8/31/2016)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$970.31 (as of 8/31/2016)
	FY16 Per-Member-Charge expenses: \$	\$3,881.25 (as of 8/31/2016)
Purpose:		
2015-2016 Accomplishments and Work in Progress:	Programing: expanded program topics, for mini-CLEs Deskbook update: outlines have been prepared Introduction of Consumer Protection Day at Seattle U 20th-something year of Antitrust Day at UW Another great Annual Antitrust Symposium	
Please quantify your	Quantity	Member Benefit

section's current member benefits: <i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	\$	Scholarships, donations, grants awarded
	2	Law school outreach events/benefits hosted
	2	Legislative bills reviewed/drafted
	0	Newsletters produced
	5	Mini-CLEs produced
	2	Co-sponsored half/day to multi-day CLEs with WSBA
	1	Receptions/forums hosted
	0	Awards given
	2	New Lawyer Outreach events/benefits
		Other (please describe):
2016-2017 Goals & Priorities (Top 5)	1	Expand our offering of CLEs in terms of subject matter
	2	Build a great annual antitrust symposium program
	3	Establish leadership pipeline and attract new executive members
	4	Update the deskbook
	5	Provide value to members new and old
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p>Members of the executive team have attended numerous diversity and inclusion trainings in the last 12 months. In addition, we encourage a diverse range of law students to consider WSBA membership while they are in school through our outreach.</p>		
<p>Please report how this section is addressing professionalism: (Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)</p> <p>Hosting high quality programing and maintaining long-term relationships with judges,</p>		

enforces, academics, attorneys who practice in this area from inside and out of Washington.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

We reviewed all the applicants for our young lawyer liaison. We requested, and received, Ruth Johnson as our liaison. We encourage her participation and seek her input on our work and strategy.

There are two events we put on at the law schools. First, Antitrust Day, co-sponsored by the ABA, has been recognized as the largest event of its kind in the country. It is widely attended and held at the University of Washington. Second, in its first year, is Consumer Protection Day, a similar law school hosted event, this one held at Seattle University School of Law. Both events bring practitioners from private, in-house, and government to speak with students about careers in these areas. These are wonderful events that will continue.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

Our BOG liaison has been invited, but never attended a meeting.

WSBA staff has been helpful and responsive in planning our mini-CLEs.

Our new liaison for assisting our section's Annual Antitrust Symposium has been helpful and responsive.

There has been some concern expressed within the membership and executive team on the potential sweeping changes affecting the Sections and CLEs.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBA Sections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016

Email Annual Report to: sections@wsba.org

Name of the Section:	Creditor Debtor Rights Section	
Chair:	James Hurley	
Section Information: *To be completed by WSBA*	Membership Size:	601 (as of 10-3-16)
	Staff Lead:	Joe Terrenzio
	BOG Liaison:	James Doane
	FY16 revenue: \$	\$31,011.72 (as of 8-31-16)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$22,437.89 (as of 8-31-16)
	FY16 Per Member Charge	\$10,950 (as of 8-31-16)
Purpose:	Promote communication in the Creditor-Debtor Bar. Provide relevant CLE opportunities; provide legal assistance to low income groups; promote legislation that improves the laws of our state.	
2015-2016 Accomplishments and Work in Progress:	1) Grant funding of \$18,000 for various low income legal clinics in Washington; 2) Provided quality CLE programs, including co-sponsorship of the Northwest Bankruptcy Institute; 3) Reviewed proposed legislation at the request of the WSBA Lobbyist; 4) Publication of our newsletter; 5) Maintained active discussions between members on the WSBA Section List Serve.	

Please quantify your section's current member benefits: For example: <ul style="list-style-type: none"> \$3000 Scholarships, donations, grants awarded; 4 mini-CLEs produced 	Quantity	Member Benefit
	\$18,000	Scholarships, donations, grants awarded
	0.00	Law school outreach events/benefits hosted
	4-6	Legislative bills reviewed/drafted
	2	Newsletters produced
	0	Mini-CLEs produced
	1	Co-sponsored half/day to multi-day CLEs with WSBA
	0	Receptions/forums hosted
	0	Awards given
	0	New Lawyer Outreach events/benefits
	1	Other (please describe): Co-sponsorship of the NW Bankruptcy Institute with the Oregon State Bar Creditor-Debtor Section.
2016-2017 Goals & Priorities (Top 5)	1	Continue high quality legal education seminar presentations.
	2	Continue grant programs that provide low income persons access to legal advice.
	3	Review and comment when appropriate on proposed legislation.
	4	Publication of newsletter.
	5	Improvement of website and continuation of the List Serve discussions.
Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?) The Executive Committee is aware of the need to be inclusive in all our activities. We are inherently diverse in that some of us represent creditors, some of us represent debtors, and others represent both. As lawyers, our primary objective is to address the substantive areas of the law and substantive legal problems facing our clients. As lawyers, it is our nature to judge		

others on the basis of their behavior and not on their race, color, creed or other inappropriate criteria. What is more difficult to discern and avoid are the more subtle forms of discriminatory habits we have developed over our lives. We strive to take positive steps to deal with those issues and the Section welcomes any member of the Bar that is interested in a substantive area of practice that we are involved with. We also strive to embrace the cultural differences that make interaction amongst us more interesting. The Section has not utilized the services of the WSBA Diversity Specialist and have not had any contact with or from that person. The Executive Committee continues to keep its focus on the issues of diversity and inclusion, together with the issue of avoiding inappropriate discrimination in our activities.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

Professionalism is an issue that is addressed regularly in the Continuing Legal Education seminars we sponsor and co-sponsor. Our efforts in this area are ongoing and will continue. It is apparent to most lawyers practicing in the creditor-debtor area that a high degree of professionalism is in their economic best interest.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

In preparing this report it is apparent that most, if not all, current members of the Executive Committee and most, if not all, past members of the Executive Committee, have worked to include new and young lawyers in this substantive area of practice. Many of the members of the Executive Committee were mentored as younger lawyers by Section members in the past and have continued that tradition as we have gotten older and more experienced.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- Quality of WSBA staff support/services provided to Section Executive Committee
- Involvement with Board of Governors, including assigned BOG liaison
- Ideas you have on ways WSBA can continue to strengthen/support services to sections.

- 1) The Section receives excellent support from the Bar staff.
- 2) Board of Governors: The Section has not been directly involved with the Board of Governors, except for our relationship with our BOG liaison. That was a positive step forward which we hope continues.
- 3) Ideas: In light of the issues raised in connection with Sections workgroup during the past year, it is our hope that the Board will include Section members in their efforts to reorganize the Sections. The Section members and their Executive Committees are some of the best supporters that the Bar Association has. The Sections should not be excluded as we go forward. The Sections should be viewed as a resource and not treated as an adversary.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBASections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016
Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Civil Rights Law</i>	
Chair:	<i>Alec Stephens</i>	
Section Information: <i>*To be completed by WSBA *</i>	Membership Size:	153 (as of 9/30/2016)
	Staff Lead:	Julianne Unite
	BOG Liaison:	Bill Pickett
	FY16 revenue: \$	\$3,991.25 (as of 8/31/2016)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$225.36 (as of 8/31/2016)
	FY16 Per-Member-Charge expenses: \$	\$2,531.25 (as of 8/31/2016)
Purpose:	<p>The mission of the Civil Rights Law Section (CRLS) is to educate and advocate for civil liberties and equal rights in the context of the legal issues of Washington State residents. The Section focuses on civil rights issues including forms of racial, ethnic, religious, gender, national origin and sexual-orientation discrimination, and persons with mental or physical disabilities, the socio-economically marginalized, and those experiencing homelessness. The section also focuses on issues involving civil liberties including freedom of speech, freedom from state-promulgated religion, and privacy rights. Lawyers who practice in any of these areas of law, or who are interested in public policy or these topics, are encouraged to join the Civil Rights Law Section.</p>	
2015-2016 Accomplishments and Work in Progress:	<ol style="list-style-type: none"> 1. Section Newsletter published in 2015; Another Section Newsletter in progress; 2. Worked with Legislative Affairs Manager to review and give feedback on various civil rights related bills during the 2016 	

	<p>Legislative Session. Made Comment in support of Senate Bill 5668 and House Bill 1745 that are known as the Washington Voting Rights Act.</p> <ol style="list-style-type: none"> 3. Participation and Co-sponsor of Seattle Open Sections Night (January 21); 4. Issued MLK Holiday Statement to WSBA; 5. Held Annual CRLS Executive Committee Work Planning Retreat (January 23) 6. Hosted/Co-Sponsored Young/New Lawyer Mentorlink Networking Event on June 23. 7. Co-sponsored LGBT Rights CLE on June 29. 8. Issued Statement to Section members and Section Leaders on the tragic shooting in Orlando (June 14). 9. Announced Distinguished Service Awards for 2015 & 2016 to Professor Michele Storms and Adam Moore, respectively. 10. Announced 2015 Joint Civic Leader Awards to Larry Gossett and Bob Santos, and 2016 Civic Leader Award to State Rep. Luis Moscoso. 11. Held Mini-CLE as a part of its Annual Meeting, providing a Status Update on Enforcement of the Voting Rights Act of 1965 in the State of Washington and around the Nation. (September 23) 12. Held Annual Meeting of the Civil Rights Law Section and presented Awards to Professor Michele Storms and Adam Moore for 2015 & 2016, respectively, and 2016 Civic Leader Award to Rep. Luis Moscoso. (See #9 & 10) [Note: Joint Civic Leader Award to Larry Gossett & Bob Santos will be presented at a later date due to the death of Bob Santos shortly before the September 23 Annual Meeting.] <p>❖ In addition to these activities, CRLS Chair Alec Stephens represented small sections on the WSBA's Sections Policy Work Group.</p>	
<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$	Scholarships, donations, grants awarded
	1	Law school outreach events/benefits hosted
	Various, with 1 bill for comment (Support of the WA Voting Rights Act)	Legislative bills reviewed/drafted
	1	Newsletters produced
	1	Mini-CLEs produced

	1	Co-sponsored half/day to multi-day CLEs with WSBA
	1	Receptions/forums hosted
	3	Awards given
	2	New Lawyer Outreach events/benefits
		Other (please describe):
2016-2017 Goals & Priorities (Top 5) *Note: These Goals and Priorities May Change as the Section Work Plan Retreat will be held after submitting this report.	1	1 full-day or 2 half-day CLE Seminars
	2	MLK Statement
	3	CRLS Newsletter (1-2)
	4	Open Sections Night
	5	Mini-CLE for Law Students
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p><i>The CRLS reviews the data on the diversity of our section on a regular basis. At our Annual Retreat, we invited WSBA Diversity Manager Joy Williams to talk to us in-depth about the WSBA Diversity Initiatives. The very nature of the Section's focus is its own recruiting tool attracting lawyers interested in advancing the civil and human rights of diverse populations. People of Color and women are well represented in the Section's membership and on the Executive Committee. According to the WSBA Memo on Membership and Diversity, which considered a membership count of 143 members and a response rate of 60%, our Section membership identified itself as 27% people of color, 53% female, 28% new/young lawyers, 5% LGBT, and 3% persons with disabilities. Our membership either stayed the same (LGBT membership) or had an increase in each of these areas over 2015.</i></p> <p><i>We have diverse faculty as a part of our CLE presentations.</i></p> <p><i>We regularly seek assistance of the Diversity Staff to reach out to Minority Legal Organizations for participation in nominations of our Award Recipients, and we are intentional in inviting people of color to participate as faculty on our CLE programs, and when we are looking for candidates for Section Officers and Trustees.</i></p>		
<p>Please report how this section is addressing professionalism: (Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)</p>		

This was not a focus for our Section's leadership in the past year, and it would be helpful for the Executive Committee to hear from a WSBA Staff representative tasked with this effort to help us identify ways in which we might tangibly address this topic. It would be helpful to have the Sections Team help us connect with WSBA Staff on this topic. It would also be helpful for this to be a part of the upcoming Section Leaders Workshop on October 20.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The CRLS has supported new and young lawyers to be in the active leadership of the section. In the past 2 years alone, we have elected our previous Young Lawyer Liaison to a Trustee on our Executive Committee, we already had a Young/New Lawyer on our Executive Committee who is now the Chair-Elect, and have just made a By-Law Change to make our Young Lawyer Liaison a voting member on our Executive Committee. We consistently participate in and co-sponsor the Open Section Night. This past year we also held a Young-New Lawyer Mentorlink Event, which we have learned was the most successful event to date with 22 mentees and 10 mentors.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*
- *Quality of WSBA staff support/services provided to Section Executive Committee*

Response: CRLS is appreciative of the support provided by WSBA Staff, especially Sections Staff and CLE Staff. We would not be able to move forward very well without their support and backup. We particularly want to acknowledge Julianne Unite' of the Sections Lead, and Kathy Burrows & Shanthi Raghu in the CLE Department, Lynda Foster of Mentorlink and Alison Grazzini, Legislative Affairs Manager for their contributions and support of the CRLS and its activities this year.

- *Involvement with Board of Governors, including assigned BOG liaison*

Response: CRLS has been fortunate to have had BOG Liaisons who either were a part of the Section's formation and founding leadership (Gov. Tracy Flood) or have had an affinity to our area of the law and have been very active and conscientious in contributing to and providing support and valuable advice to the Section (Gov. Paul Bastine). Our current BOG Liaison (Gov. Bill Pickett) has also provided full participation to the Section and we greatly appreciate his involvement. He nominated one of our award recipients, and the great benefit of his nomination is putting forward a person from Eastern Washington.

This past year, Section Chair Alec Stephens represented the Small Sections on the Sections Policy Workgroup and so we had a closer working relationship with BOG activities.

- *Ideas you have on ways WSBA can continue to strengthen/support services to Sections*

Response: Re-constitute the Sections Policy Workgroup or a similarly charged group to take up issues regarding CLE programming and the Sections, and how WSBA can Strengthen and better support the sections. Ensure that sections are represented. It was a major problem that Sections were not originally a part of the Sections Policy Workgroup, which damaged the relationship between Sections and the BOG & upper WSBA Management.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBASections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016
Email Annual Report to: sections@wsba.org

Name of the Section:	Construction Law Section	
Chair:	Marisa Bavand	
Section Information: *To be completed by WSBA*	Membership Size:	531 (as of 10-3-16)
	Staff Lead:	Joe Terrenzio
	BOG Liaison:	Keith Black
	FY16 revenue: \$	\$22,930.57 (as of 8-31-16)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$11,869.68 (as of 8-31-16)
	FY16 Per Member Charge	\$9,581.25 (as of 8-31-16)
Purpose:	Provide outreach and education to attorneys practicing Construction Law in Washington State.	
2015-2016 Accomplishments and Work in Progress:	<ul style="list-style-type: none"> • Granted law student scholarship based upon presented construction law article. • Held one mini-CLE (1 hour) and dinner • Held fall forum • Held annual mid-year meeting and full day seminar • Held law student outreach event after annual mid-year CLE • Published 3 newsletters • Submitted and obtained BOG approval on Design Agreement • Started process for development of Construction Law Desk 	

	Book	
Please quantify your section's current member benefits: For example: <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	1 per yr - \$2500	Scholarships, donations, grants awarded
	1 per yr to 3 schools in connection with competition	Law school outreach events/benefits hosted
	1	Legislative bills reviewed/drafted (done at annual mid-year meeting in June)
	3	Newsletters produced
	2	Mini-CLEs produced
	2	Co-sponsored half/day to multi-day CLEs with WSBA
	1	Receptions/forums hosted
	1	Awards given (law student scholarship)
	1	New Lawyer Outreach events/benefits
		Other (please describe):
2016-2017 Goals & Priorities (Top 5)	1	Desk Book – prepare and obtain BOG approval on Construction Law Desk Book and offer for sale
	2	Quality CLEs and Forums- interesting topics and expand on diversity of speakers
	3	Member outreach- develop ways to obtain more diverse membership participation in Section activities
	4	Student and new member outreach

	5	Continue Student Scholarship Program
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p>In this and in prior years, the executive committee has successfully focused on geographic diversity and increased gender diversity on the council/executive committee. The primary geographic challenge has been the difficulty in active participation by council members practicing outside the Seattle area. With respect to gender diversity, there appear to be a lower percentage of women construction attorneys than in other areas of practice. Despite this, the council has a number of active women members, a woman Chair, a woman Treasurer and other active female council member. We are also intent on including more gender diversity in CLE speakers and in outreach. We did not utilize a WSBA diversity specialist because we did not deem it necessary, but we welcome any input.</p>		
<p>Please report how this section is addressing professionalism: (Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)</p> <p>The section prides itself on respect, civility and professionalism. We attempt to foster this by the numerous professional and social events that we host throughout the year, and through coordinating with judges to participate in panel discussions.</p>		
<p>Please report how this section is integrating new and young lawyers into its work: (How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)</p> <p>We have extensive outreach to law students through our scholarship program, outreach programs at the schools including pizza party sponsorships and inclusion of students in CLEs and social events. We have a Young Lawyer Liaison (which we have had in past years), that we include in all council meetings, seek assistance from in CLEs and in newsletter articles and in decision making processes.</p>		

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- Quality of WSBA staff support/services provided to Section Executive Committee
- Involvement with Board of Governors, including assigned BOG liaison
- Ideas you have on ways WSBA can continue to strengthen/support services to sections.

Our WSBA liaison is quick to respond to questions and we believe a good relationship exists. We have little BOG contact and have some concerns regarding the direction the BOG is going related to section issues.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBASections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016

Email Annual Report to: sections@wsba.org

Name of the Section:	Corporate Counsel	
Chair:	Paul Swegle	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size:	1,086 (as of 9/30/2016)
	Staff Lead:	Julianne Unite
	BOG Liaison:	Angela Hayes
	FY16 revenue: \$	\$34,228.22 (as of 8/31/2016)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$17,787.98 (as of 8/31/2016)
	FY16 Per-Member-Charge expenses: \$	\$19,856.25 (as of 8/31/2016)
Purpose:	<p>The Purpose of the Corporate Counsel Section is to provide educational, professional development, career enhancement and networking opportunities for all members of the WSBA who work in in-house legal environments, who aspire to work in-house, or who wish to better understand the issues, challenges and opportunities faced by in-house legal professionals.</p> <p>The Corporate Counsel Section prides itself in being highly inclusive and enthusiastically welcomes individuals from all backgrounds and perspectives.</p>	
2015-2016 Accomplishments and Work in Progress:	<ul style="list-style-type: none"> In each even numbered year the Section designs, produces and presents a half-day ethics focused CLE generally called "Ethics for In-House Counsel." This year's program is on Oct 	

	<p>28, 2016.</p> <ul style="list-style-type: none"> • In each odd numbered year, the Section designs, produces and presents a full-day CLE called the "Corporate Counsel Institute," held most recently in November, 2015. • Three or four times per year the Section holds mini-CLEs that date back more than 20 years called "Corporate Counsel Section Quarterly Dinners." Each of these networking and educational events includes one or more speakers on a topic of interest to in-house counsel. The next Quarterly Dinner is scheduled for Nov 12, 2016. • In 2016 the Section launched an all new "Non Profit Law Committee" and a new half-day CLE called the Non-Profit Law Institute, directed to Non Profit Law professionals. The first of these new CLEs is scheduled for Oct 28, 2016. • The Section has engaged in an Eastern Washington Outreach initiative for approximately 5 years and has successfully held several mini CLE and/or networking events in Spokane each year. • The Section began a South Sound Outreach initiative this year, with the initial and very well attended event occurring in Tacoma in August. 	
<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$1,500	The section approved donations to pro bono oriented charities receiving the ability for a table-full of section members to attend charitable events (e.g. ELAP breakfast).
	Several	Law school outreach events/benefits hosted: Section EC members regularly invite the Deans of the local law schools to Quarterly Dinners and the Sections CLEs. Executive Committee members also periodically invite law students to events.
	None	Legislative bills reviewed/drafted
	None	Newsletters produced
	3	Mini-CLEs produced – see above.
	2	Co-sponsored half/day to multi-day CLEs with WSBA – see above.
	4	Receptions/forums hosted: In addition to the Quarterly Dinners, the Section hosted multiple Eastern WA Outreach and South Sound Outreach events.

	None	Awards
	Constant	New Lawyer Outreach events/benefits: The Section is constantly reaching out to new lawyers by attending Open Sections Nights, including in Spokane, through its Eastern Washington and South Sound Outreach events and by the efforts of the individual members of the Executive Committee, all of whom are expected to reach out the new lawyers.
		Other (please describe):
2016-2017 Goals & Priorities (Top 5)	1	If new WSBA Bylaws are adopted changing the way Section Leaders are elected, these changes will require the Corporate Counsel Section to adopt substantially different procedures for electing its Executive Committee and Officers. Meeting these new changes without interruptions in the functioning of the Section are a high priority.
	2	2016 was a year of substantial distractions from the mission of the Section, relating primarily to the Sections Policy Workgroup and the WSBA's processes related to proposing and adopting significant WSBA Bylaw amendments. In 2017 the Section EC hopes to focus more on the educational, professional development and networking missions of the Section, especially its Eastern WA and South Sound Outreach initiatives.
	3	The Section EC is exploring new approaches to independently sponsoring, promoting and hosting CLEs that increase the Section's operating flexibility, increase attendance and increase profitability.
	4	The Section EC intends to be more consistently involved in monitoring and influencing WSBA Board of Governors initiatives and activities.
	5	As noted above, the Section is expanding its outreach to in-house attorneys working in the Non-Profit sector by creating a new Non-Profit Law Committee and launching a new annual CLE – the Non-Profit Law Institute.
Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)		

The Corporate Counsel Section has always prided itself on being inclusive and welcoming to persons of all backgrounds and is more mindful than ever of the importance and value of inclusiveness. Our EC composition reflects this commitment, as do our outreach efforts to potential new members and our faculty selection efforts when designing CLEs and other events. Additionally, we have a scholarship/grant system in place that is focused on providing grants and scholarships to persons and organizations focused on diversity and access to justice concerns.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

Due to its inherent lack of focus on court room processes, the Corporate Counsel Section is not well positioned to impact relationships between and among lawyers, judges, staff and clients, nor to raise awareness around these issues.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The Corporate Counsel Section enthusiastically embraces all efforts to attract, engage with and incorporate young lawyers into the Section and into Section leadership. The Section strives to co-sponsor all Open Section Night events and sends several EC members to each such event to encourage new attorneys to join the Section or at least participate in its highly rated CLE and networking activities. Similarly, the Section is always very enthusiastic about having a New and Young Lawyer Liaison and in making sure that that is a mutually meaningful and beneficial experience.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

The Section has long had a mutually productive and cordial relationship with all support staff members who provide assistance to the Section. The Section greatly values the time, expertise and assistance of these staff members. Similarly, the Section does its best to engage meaningfully and productively with its BOG Liaisons and appreciates and values those relationships.

The Chair of the Section felt that 2016 was a challenging year for Section relations with the BOG and other WSBA policy makers. The Sections Policy Workgroup process was an all-time low. The Corporate Counsel Section Executive Committee will be more focused on BOG and other WSBA policy decision making processes going forward to ensure that the interests of Sections are timely heard and represented.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBASections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Criminal Law</i>	
Chair:	<i>Blythe Phillips</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size:	517 (as of 9/30/2016)
	Staff Lead:	Julianne Unite
	BOG Liaison:	Ann Danieli
	FY16 revenue: \$	\$21,702.59 (as of 8/31/2016)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$12,880.80 (as of 8/31/2016)
	FY16 Per-Member-Charge expenses: \$	\$8,981.25 (as of 8/31/2016)
Purpose:	<p>The purpose of the Section shall be to seek the participation of interested members of the Bar including prosecutors, defense counsel, and law professors, and of state and local associations, in order to benefit such members, their clients and the general public:</p> <ul style="list-style-type: none"> a. By providing the opportunity and forum for the interchange of ideas in the areas of criminal law and procedure, including corrections, penology and juvenile offenses. b. By initiating and implementing common projects. c. By review of pending legislation and development of proposed statutory enactments to improve and to facilitate the administration of justice within the Section's area of interest. d. By undertaking such other service as may be of benefit to the members, the legal profession and the public. <p>In order to facilitate the purpose of this Section, participation in the Section by members of the Bar who are engaged in prosecution and defense shall be encouraged.</p>	
2015-2016	The section hosted two mini CLEs, including a CLE in Spokane for the	

Accomplishments and Work in Progress:	<p>second year in a row. The 2015-16 year also saw two Criminal Justice Institutes. CJI is an annual event, but because it was held in October 2015 and September 2016 (due to venue availability), it occurred twice in the 2016 Fiscal Year.</p> <p>In addition, the section provided, as a service to its membership, the Criminal Caselaw Notebook in electronic form and as an app. The notebook, created by Judge Ronald Kessler, is a resource whose value is recognized statewide.</p> <p>Finally, the section sought the input of its membership through a survey. The survey was designed to learn what areas of legal education were of value to the members as well as what locations for legal education were most accessible. Five lucky members were randomly awarded free section memberships in return for taking the time to complete the survey.</p> <p>The section continues to provide a periodic newsletter to its membership.</p>	
Please quantify your section's current member benefits: <i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$	Scholarships, donations, grants awarded
		Law school outreach events/benefits hosted
		Legislative bills reviewed/drafted
	2	Newsletters produced
	2	Mini-CLEs produced
	2	Co-sponsored half/day to multi-day CLEs with WSBA
		Receptions/forums hosted
		Awards given
	1	New Lawyer Outreach events/benefits
		Other (please describe):
2016-2017 Goals & Priorities (Top 5)	1	To continue to provide benefits to our members including high quality legal education
	2	To increase membership outreach
	3	To increase executive committee diversity

	4	To increase the engagement of young attorneys and the role of the young lawyer liaison
	5	To improve our involvement in the legislative process

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

Diversity within the executive committee is an ongoing goal and is discussed every year during the nominations process. The criminal law section works to bring substantive legal education to its membership. Identifying opportunities to promote equitable conditions for our members should be integral to the benefits.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

Civility and Professionalism in the criminal bar is integral to the Criminal Law Section's mission. The section unites prosecutors and defense counsel for the purpose of exchanging ideas and providing educational opportunities to all criminal law attorneys in Washington. The Section consistently provides ethics-based CLEs. This year we offered multiple ethics CLEs by Professor John Strait and Pierce County Prosecutor Hugh Birgenheier. The section will continue to encourage membership from both sides of the courtroom, and will seek to provide a forum for discussion among its members.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The integration of young lawyers is an ongoing goal for the Criminal Law Section. Our outreach to new and young lawyers includes Open Section Nights, which draws many new lawyers. We look forward to working with our new Young Lawyer Liaison beginning in October 2016 and establishing that role within our committee.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

2015-16 was our second year working with Julianne Unite. She has provided stellar support to our committee and section throughout the year, including assistance with a membership survey, notifying us of opportunities to publish articles in NW Lawyer, financial management support, and attendance at most of our meetings. Kathy Burrows again provided support for our CJI chairs in implementing our largest annual event. Kathy is wonderful to work with and very helpful. Overall, the WSBA staff was generally prompt and responsive to all our inquiries.

BOG Liaison Ann Danieli also attended several meetings this year and provided updates from the BOG.

Our section is grateful for the support of the WSBA staff and for our BOG liaison's attention to section questions and concerns.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBASections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016
Email Annual Report to: sections@wsba.org

Name of the Section:	Elder Law Section	
Chair:	Carla Calogero	
Section Information: *To be completed by WSBA*	Membership Size:	705 (as of 10-3-16)
	Staff Lead:	Joe Terrenzio
	BOG Liaison:	Jill Karmy
	FY16 revenue: \$	\$35,477.59 (as of 8-31-16)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$23,310.37 (as of 8-31-16)
	FY16 Per Member Charge	\$12,937.5 (as of 8-31-16)
Purpose:	<p>The practice of elder law focuses on an array of legal issues particularly important to older people but important to many others as well. They include issues relating to retirement and estate planning, to powers of attorney, guardianship and other forms of substitute decision making, to private and public long-term care and other healthcare financing and to abuse of vulnerable individuals, among other issues.</p> <p>The Elder Law Section offers opportunities for education and consultation on issues relevant to elder law practice. Occasional seminars are complemented by the Section's active list serve — an ongoing conversation among members, responding to questions and sharing insights. The Section also offers opportunities for serious exploration of systemic problems identified by members and for policy advocacy on issues relating to the administration of justice.</p>	

<p>2015-2016 Accomplishments and Work in Progress:</p>	<p>The Elder Law Section is proud to support the Peter Greenfield Senior Advocacy Summer Internship at Columbia Legal Services. The Peter Greenfield Senior Advocacy Summer Internship supports a summer internship each year, rotating students from each of Washington's three law schools. Interns provide advocacy and research that supports the systems reform that was the hallmark of Peter Greenfield's work, while learning the broader themes of elder law.</p> <p>In addition, the Section provides an annual donation (\$15,000 in FY 2016) to the WSBA Legal Foundation of Washington to be used solely for the benefit of Columbia Legal Services (CLS) in the area of elder law services and advocacy for low-income seniors.</p> <p>Executive Committee of the Elder Law Section continue to be highly engaged in the legislative process concerning elder law issues. In the 2016 Legislative Session, the Elder Law Section supported the passage of the Uniform Power of Attorney Act, ESSB 5635, which was passed and will be effective January 1, 2017. ESSB 5635 increases the usefulness of a durable power of attorney, includes provisions to prevent elder abuse, clarifies the role of an agent, and protects third parties who deal with an agent.</p> <p>The Elder Law Section worked to further refine the Uniform Fiduciary Access to Digital Assets Act, ESSB 5029, which passed and became effective June 9, 2016. ESSB 5029 sets standards for the custodians of digital assets to follow when a fiduciary (agent/attorney-in-fact, trustee, guardian, personal representative) acting on behalf of the owner of the digital assets, or on behalf of his or her estate, requires access to those assets.</p> <p>The issue of isolation in guardianships has gained momentum in Olympia. Several bills were introduced in 2016, and none of them passed. On behalf of the Elder Law Section Executive Committee, one of the Legislative Co-Chairs is currently participating in stakeholder meetings led by House Judiciary Chair Rep. Lauri Jenkins on a bill she may introduce in 2017 that would address isolation in guardianship.</p> <p>Members of the Executive Committee of the Section, as well as Section members were involved in the Section's response to the work of the Sections Policy Workgroup. Members of the Executive Committee attend Workgroup meetings and prepared a formal</p>

	<p>Response to the proposals set forth by the Workgroup.</p> <p>The Executive Committee of the Section prepared a letter to the LLLT Board discussing at great length its consideration of the expansion of LLLTs into elder law.</p> <p>Again this year, members of the Section's Executive Committee were invited to attend the annual meeting of the Superior Court Judges Guardianship and Probate Committee. That meeting took place on October 17, 2015.</p> <p>The Elder Law Section Executive Committee passed a unanimous motion that a multidisciplinary Task Force be formed to examine and make recommendations regarding public guardianship in Washington. Executive Committee member Ann LoGerfo and Section member Sean Bleck are the Co-Chairs of the Washington Public Guardianship Task Force.</p>	
<p>Please quantify your section's current member benefits:</p> <p>For example:</p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$30,000	Scholarships, donations, grants awarded
		Law school outreach events/benefits hosted
		Legislative bills reviewed/drafted
		Newsletters produced
		Mini-CLEs produced
	2	Co-sponsored half/day to multi-day CLEs with WSBA
	2	Receptions/forums hosted
		Awards given
	1	New Lawyer Outreach events/benefits
		Other (please describe):
2016-2017 Goals & Priorities (Top 5)	1	Continue to monitor and take positions (as necessary) on legislation affecting elder law.
	2	Provide two CLE Programs

	3	Continue to support members through list serve and website updates
	4	Continue to promote and support the Peter Greenfield Internship program with Columbia Legal Services and the state's three law schools
	5	Provide social, mentoring and networking opportunities for members through events and gatherings.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The Section plans to establish a diversity committee for the upcoming year to address what may be done to increase diversity in the section and in the section executive committee.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The Elder Law Section encourages civility, collegiality, and professionalism in its membership and actively promotes these principles in Section sponsored educational and networking opportunities, as well as on our listserve.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The Section Mentorship and Outreach committee is tasked with developing new ways to reach

out to young lawyers. The Section hosts two outreach events each year, most recently this past August, in which young lawyers have an opportunity to discuss the practice area of Elder Law with other section members. The Executive Committee involves the Young Lawyer Liaison in all Committee communications and meetings. Every Young Lawyer Liaison has graduated to an appointed or elected position on the Committee.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- Quality of WSBA staff support/services provided to Section Executive Committee
- Involvement with Board of Governors, including assigned BOG liaison
- Ideas you have on ways WSBA can continue to strengthen/support services to sections.

We have enjoyed very good working relationships with many WSBA staff, including Julianne Unite, Joe Terrenzio, and others, and enjoyed developing a relationship with our BOG liaison. We have had an exceptional relationship with Alison Grazzini in our joint legislative efforts.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBASections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016

Email Annual Report to: sections@wsba.org

Name of the Section:	Environmental and Land Use Law Section	
Chair:	Darren Carnell	
Section Information: *To be completed by WSBA*	Membership Size:	875 (as of 10-3-16)
	Staff Lead:	Joe Terrenzio
	BOG Liaison:	Sean Davis
	FY16 revenue: \$	\$31,197 (as of 8-31-16)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$14,128.96 (as of 8-31-16)
	FY16 Per Member Charge	\$15,693.75 (as of 8-31-16)
Purpose:	The Environmental and Land Use Law ["ELUL"] Section helps members keep up with this rapidly developing area of law. The section provides a variety of forums through which members can meet, exchange ideas, and learn from others who practice in the field. The section also sponsors law student internships and pursues a number of other community service projects.	
2015-2016 Accomplishments and Work in Progress:	<p>ELUL's most significant annual event is our three-day midyear conference. We also provided a mini CLE on ethics and regularly produce a newsletter</p> <p>ELUL has a close relationship with the environmental law organizations at the three law schools. We provide grants, scholarships and networking opportunities.</p> <p>ELUL has worked with the ADR section to develop a model mediation program for land use and environmental dispute</p>	

	resolution	
Please quantify your section's current member benefits: For example: <ul style="list-style-type: none"> \$3000 Scholarships, donations, grants awarded; 4 mini-CLEs produced 	Quantity	Member Benefit
	\$3000	Scholarships, donations, grants awarded [this does not include midyear scholarships, which was \$2229 for four recipients]
	\$1500	2 Law school outreach events/benefits hosted
		Legislative bills reviewed/drafted
	3	Newsletters produced
	1	Mini-CLEs produced
	1	Co-sponsored half/day to multi-day CLEs with WSBA
	3	Receptions/forums hosted [if we include the mini-cle reception]
	1	Awards given
	\$100	New Lawyer Outreach events/benefits
	\$1000	Other (please describe): We jointly support (with the ADR Section) the continued development of alternative ways to resolve land use and environmental law disputes.
2016-2017 Goals & Priorities (Top 5)	1	Maintain fiscal and financial responsibility, which will allow continued development of programming as well as additional outreach and grants.
	2	Promote networking of ELUL attorneys and further engagement of attorneys entering our area of practice.
	3	Enhanced internet presence to support modern resource availability and communication with section members, other attorneys, non-attorney professionals, law students and other members of the public. Among other things we are looking for a way to make the substantive articles of our newsletter available in a broader and more timely manner. We would also like to serve as a resource for members regarding on-going legislative activity.
	4	Continue and expand our educational program by producing high quality CLEs and our section newsletter with relevant, timely and diverse topics.

	5	Explore greater interactions and cooperative efforts with other sections, other aspects of the WSBA, and other bar associations (primarily the KCBA ELUL).
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p>The ELUL Board is including a session with the Diversity Specialist in our annual planning retreat. We recruit broadly for Board candidates and appointed leadership positions. We actively seek CLE faculty who fully represent the diversity in our area of practice. Additionally, ELUL has provided scholarships to its Mid-Year Conference, hosted open receptions for attorneys and students, provided grants to law schools, and coordinated development of mediation programs that provide for inclusion of community groups and organizations in land use matters.</p>		
<p>Please report how this section is addressing professionalism: (Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)</p> <p>ELUL has sought to incorporate professionalism into its programs such as our Mid-Year Conference and ethics CLE. The ethics CLE has sought to include speakers and topics on a broad range of issues relevant to the broader role of lawyers in society. We also promote our own and support other networking events to maintain information relationships among attorneys in the profession and to help develop relationships between experienced attorneys and those entering the profession.</p>		
<p>Please report how this section is integrating new and young lawyers into its work: (How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)</p> <p>ELUL engages in various formal and informal efforts to integrate new lawyers. The ELUL Executive Board encourages the active participation of its WYLC liaison in all Board business. The section operates a scholarship program to make our Mid-Year Conference accessible to attorneys and law students who would not otherwise be able to afford to attend. ELUL representatives participate in open sections nights and hosts our own attorney-student mixers. In selecting programming for our Mid-Year Conference, mini CLEs, and newsletter, we include content appropriate for people entering the profession. More informally, the section receives regular contacts for new attorneys and helps make networking connections</p>		
<p>Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors. For example:</p> <ul style="list-style-type: none"> • Quality of WSBA staff support/services provided to Section Executive Committee • Involvement with Board of Governors, including assigned BOG liaison • Ideas you have on ways WSBA can continue to strengthen/support services to sections. 		

We currently have a positive relationship with WSBA staff. Joe Terrenzio is engaged and very responsive. Kevin Plachy seems to be bringing much needed improvements to the cle program. We have also been very impressed with our legislative contact Alison Grazzini.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBASections

WSBA SECTION ANNUAL REPORT – FY16

October 1, 2015 – September 30, 2016

Deadline: Friday, October 14, 2016

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Family Law</i>	
Chair:	<i>Dayann Liebman. Report respectfully submitted by Ruth Laura Edlund, Chair-Elect for FY 2017</i>	
Section Information: <i>As of September 30, 2016</i> <i>*To be completed by WSBA*</i> <i>*Updates provided by FLEC*</i>	Membership Size:	1,306 fully dues-paying Section members (as of 9/1/2016) 1,348 (includes 47 comped/law school memberships)
	Staff Lead:	Julianne Unite
	BOG Liaison:	Andrea Jarmon (2015-2016) William Pickett (2016-2017)
	Young Lawyers Committee Liaison	James Lutes (2015-2017)
	FY16 revenue:	\$55,416.59 (as of 7/31/2016) (Does not include Midyear revenue , estimated to be \$8,759.26]
	FY16 direct expenses: (does not include the Per-Member-Charge)	\$38,208.08 (as of 7/31/2016) (Does include most Midyear expenses)
	FY16 Per-Member-Charge:	\$24,487.50 (as of 8/31/2016)= 1,306 x \$ 35.00
Executive Committee Information	FY16 EC Hours Donated:	>1,000

<p>Purpose:</p>	<p>As set forth in our Bylaws, the purpose of the Section shall be:</p> <p>“to seek the participation of all interested members of the WSBA and of state and local bar associations in order to benefit such members, their clients and the general public:</p> <ul style="list-style-type: none"> a. By providing the opportunity and forum for the interchange of ideas in all areas of law affecting families and juveniles; b. By initiating and implementing common projects, including but not limited to a regular section newsletter and an annual meeting; c. By review of pending legislation providing input and timely responses to pending and proposed legislation and development of proposed statutory enactments to improve and to facilitate the administration of justice within the Section’s area of interest; and d. By undertaking such other service as may be of benefit to the members, the legal profession and the public.”
<p>2015-2016 Accomplishments and Work in Progress:</p>	<p>Thank you for giving the Family Law Section (the “Section”) the opportunity to report to the Board of Governors (“BOG”) on its work for the past year. In addition to its usual CLE and listserv activity identified in other portions of this report, the Section engaged in the following:</p> <p>Non-Member Outreach. The Section engaged in outreach to county bar associations across the state throughout the year on issues of interest to the Family Law Bar. We canvassed county bar family law section members who were not also (state) Section members to gather information about perceived or actual barriers to Section access in order to identify opportunities for service improvement, as well as to recruit Section members.</p> <p>Legislation. The Section reviewed proposed legislation as per prior years (see attached summary of bills referred) and provided input on proposed legislation as requested, working closely with Alison Grazzini. One member testified on February 2, 2016, on behalf of the Section in opposition to pending “paternity fraud” bills.</p> <p>Workgroups:</p> <p>(a) Sections Policy/Bylaws. Through its Chair and other EC members, the Section provided initial input to the Sections Policy Workgroup as requested in its preliminary information-gathering phase in the fall of 2015.</p> <p>The Section remained actively engaged in the review of sections policies after the Workgroup released its preliminary report on December 31, 2015. The Section provided a written response to the</p>

preliminary report, and representatives of the Section spoke at the February 4, 2016, Sections feedback forum.

The Section's FY 2017 Chair, Ruth Edlund, was elected in April 2016 by WSBA's Section Leaders as a whole to serve as the Large Section Representative to the Sections Policy Workgroup for the remainder of its charter. She took a leadership role in providing extensive input to the Workgroup, the BOG, and Bar staff on governance issues, including Sections policy and other proposed Bylaw and rule changes which might impact Sections and governance of WSBA as a whole. She updated Section members regularly via the Section's listserv about the proposals regarding policy and governance issues examined by the Workgroup.

(b) Child Support Schedule. As with prior Child Support Schedule Workgroups mandated by the Legislature, a Section EC member was appointed to the Child Support Schedule Workgroup and served on that Workgroup until its final report was issued in September 2015.

(c) Family Law Examination (LLLT). A member of the EC served on the LLLT Board's Family Law Examination Workgroup as the Section's representative, preparing and grading the LLLT exams.

Plain Language Forms. The Section continued to provide input into the plain language forms as they were finalized for mandatory usage July 1, 2016. Several members of the EC serve on the various committees/workgroups tasked with bringing these forms into their final format as has been the case for many years. There are 182 plain language forms at present.

Liaisons. As has been the case for many years, the Section's Liaison to the BOG attended its meetings throughout the year to provide input from the Section and obtain information on behalf of the Section. Several other members of the EC also attended BOG meetings to obtain information and provide input following receipt of the Sections Policy Workgroup's December 31 report.

EC members regularly attend meetings of the King County, Pierce County, and Thurston County Bar Associations' Family Law Sections to provide members updates on matters of statewide concern.

Civility Survey. The Section provided input into the draft Civility Survey, in order to raise the civility concerns of greatest importance to the family law bench and bar for potential inclusion in the survey.

<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$340	Scholarships, donations, grants awarded (Young Lawyers Committee Liaison tuition to Family Law Midyear
		Law school outreach events/benefits hosted
	34	Legislative bills reviewed. See attached. No bills drafted.
		Newsletters produced
		Mini-CLEs produced
	2	Co-sponsored half/day to multi-day CLEs with WSBA
	2	Receptions/forums (co) hosted: at Midyear and with Tacoma/Pierce County Bar Association
	4	Awards given at Family Law Midyear 6/25/2016: <u>Attorney of the Year</u> : Nancy Hawkins, Seattle <u>Professional of the Year</u> : Scott Horenstein, Vancouver <u>Jurist of the Year</u> : Commissioner Diana Kiesel, Pierce County Superior Court <u>Special Lifetime Achievement Award</u> : Steve South, Spokane County Superior Court Ex Parte Clerk
	2	New Lawyer Outreach events/benefits: EC members participated in the Fall Open Sections Night in Spokane on October 22, 2105, and Winter Open Sections Night in Seattle on January 21, 2016, to provide information about Section membership benefits.
<p>2016-2017 Goals & Priorities (Top 5)</p>	4	Other (please describe): Two active member-only listservs: one for legal discussions regarding substance and procedure, one for practice and office management. Member-only website offering Section EC activity/information, meeting schedules, and legal materials, including briefs, non-mandatory form pleadings, research and reference materials. "QuickCites," used by permission of Douglas P. Becker.
	1	Obtain re-authorization from WSBA CLE for Family Law Skills Training Institute and conduct Skills Training in FY 2017

	2	Monitor status of proposed amendments to WSBA bylaws; plan for any necessary changes in Section bylaws and elections required by changes to WSBA organizational structure
	3	Maintain strong lines of communication between Section and BOG, and among all sections via inter-section gathering
	4	Increase Section outreach to law students/law clerks/Rule 9s and broaden scope of WSBA dialogue re culture of inclusion
	5	Understand, evaluate, and provide feedback on WSBA licensee forecasting and membership changes

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The officers of the Section's EC appreciate having the Diversity and Inclusion tools included in the Section Leaders Toolbox, and have considered them in depth. Those tools have informed, in part, the report below.

Membership of the Section meets or exceeds WSBA-wide percentages for all WSBA-identified diversity categories: persons of color; women; [known] persons with disabilities; [known] LGBT persons; and new/young lawyers, according to the June 2016 Sections Diversity Demographics Report (the "Diversity Demographics Report").

The Section has one of the highest percentages of women members among all sections (56.9%). The Diversity Demographics Report suggests that the sections with the very highest female membership are clustered around certain subjects, compared to those with the very highest male membership (e.g. family and juvenile law versus construction law and LAMP). It would be interesting to begin a dialogue about the relative influence of high-female membership sections compared to high male membership sections of equivalent size. Perceived disparities suggest lingering systemic inequalities (i.e., perhaps a social network analysis could be of some utility).

Beginning with the Chicago Lawyers Surveys of 1975 and 1995, there have been a variety of sociological studies finding that family law lawyers (and judicial officers handling family law matters), in which women are overrepresented relative to their percentage in the profession as a whole, experience lower prestige among their peers than lawyers in other practice areas. Heinz, Laumann, Nelson, Sandefur, and Schnorr, *Chicago Lawyers Survey*, 1994-1995. ICPSR04100-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2006-01-06. Heinz and Laumann, *Chicago Lawyers Survey*, 1975. ICPSR08218-v2. Chicago, IL: John P. Heinz and Edward O. Laumann [producer], 1975. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2006-01-06 For followup, see, e.g., Sandefur, "Work and Honor in the Law: Prestige and the Division of Lawyers' Labor," 66 *American Sociological Review* 382-403 (June 2001); Hull and Nelson, "Assimilation, Choice or

Constraint? Testing Theories of Gender Differences in the Careers of Lawyers,” 79 *Social Forces* 229-264 (2000); Abbott, “Status and Status Strain in the Professions,” 86 *Am. J. Sociology* 819, 823 (1981).

Because the Section’s treatment of young/new lawyers is called out later on this form, this diversity category will be discussed further in that later section. A careful review of WSBA’s 2015 Report on Diversity, Intersectionality & WSBA Membership (also found in the Toolbox) reveals an interesting further point to juxtapose against WSBA’s designation of new/young lawyers versus gender as a diversity category. That report presents data suggesting that a severely underrepresented category among WSBA membership is that of *older* (defined as over 61) women:

“As women age, there is a continuing drop in WSBA membership — so much so that among women over 61, less than half are active WSBA members. This was the steepest downward trend in WSBA membership among all of the groups of people we studied and women over 60 had the lowest active membership rate of any sub-group we identified in our research.”

The experience of many Section members has been that the power of older men increases, but the power of older women decreases. *E.g.*, Kite ME, Wagner LS, “Attitudes toward older adults,” in: Nelson TD, editor, *Ageism: Stereotyping and prejudice against older persons*, pp. 129–161 (Cambridge, MA: MIT Press; 2002)(older men perceived more positively than older women). The Section has a number of highly active members in this underrepresented category, including leadership roles. As such it might be considered an unheralded success in creating equitable conditions for this neglected subclass to thrive in the profession.

The Section has a number of members with a variety of known disabilities, including hearing, visual, and mobility impairments. The EC has routinely advocated for accommodations at WSBA events on behalf of Section members with known accommodation needs. EC members have repeatedly raised concerns on behalf of the general public about potential problems the plain language mandatory forms may present to the visually impaired. It should be noted that the practical experience of Section and EC members supports the conclusion that lawyers, like most other workers, are prone to underreport disabilities out of employability concerns which are often realistic. Unlike sex and race, which are frequently (although not always) discernable at a glance, disability frequently can be, and is, concealed.

The 2015 Intersectionality Report noted,

“Interestingly, the largest sub-group of attorneys with disabilities were over 61 years old and are much less likely to be active bar members. This older sub-group comprised nearly half of all those with disabilities. The meaning of this finding is unclear, but it could suggest that the majority of disabilities experienced by attorneys in the WSBA are age-related.”

The 2012 Membership Survey made the following disability-related recommendations: “Support efforts to better understand and address the particularly high frequency and intensity of this group’s experience of professional and other experienced barriers. Develop a broad

definition of this group to incorporate age-and health-related impairments for policy and programmatic purposes.”

The Section hopes to broaden the scope of WSBA’s conversation about its culture of inclusion to address the uncomfortable issues of status and social class, inspired by the topics addressed in the “Women, Race and Age: Mitigating Bias and Misogyny in the Legal Profession” presentation at WSBA of September 2016.

In addition to the “official” diversity categories identified and discussed above, the EC actively recruits Section leadership that is *geographically* diverse, not Seattle-centric; draws on practitioners from rural as well as urban areas, and taps all *experience* levels and *practice types* (government attorneys, mediators, guardians ad litem, *pro tem* and regular commissioners; collaborative attorneys and “gladiators”).

A high percentage of family law attorneys are employed in a solo/small firm setting in comparison to larger firms with greater pressure to conform, and most spend at least some time in a courtroom. The Section’s EC are on the whole a feisty bunch comfortable with interpersonal conflict (see WSBA Culture of Inclusion Philosophy, “A culture of inclusion will not prevent discomfort or conflict * * * .”). Although “true consensus” is not always obtainable when formal votes are taken, the EC works collectively to make decisions in all cases.

Finally, Section EC members routinely poll our broader membership in a variety of ways (listserv, attending local bar and other meetings, e.g.) to obtain a sense of the entire membership base before conveying member concerns to BOG, in order to confirm that concerns of Section members as a whole, not merely the concerns of the EC, are conveyed.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

One of the most cherished honors that the Section’s EC receives annually is an invitation to participate in a **joint session with the Family and Juvenile Law Subcommittee of the Superior Court Judges’ Association**. This meeting is always an opportunity for the family law bench and Bar to engage in candid informal discussions about the challenges faced by the justice system, including professionalism and access to justice. The November 2015 joint session addressed topics including civility, professionalism, plain language mandatory forms, and LLLTs.

WSBA CLE content written by Section members routinely incorporates discussions of professionalism, regardless of whether ethics credits are formally provided to attendees.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

Section members are valued “subject matter experts” providing content to WSBA’s **New Lawyer Education** programs and other CLE programs providing fundamental training to new lawyers.

The Section's **Young Lawyers Committee Liaison** this year was actively involved with and committed to Section and EC participation. He provided valuable input to assist with outreach to younger lawyers and ran for a position on the Executive Committee. The Section is fortunate to have this liaison continuing on a two-year appointment, and will encourage him to run for election on the EC again at the conclusion of his liaison term.

The **Section's listserv**, combined with **QuickCites**, represents a valuable mentoring resource for young lawyers, particularly solo practitioners and those in isolated rural areas, and assists in building the virtual community. The Section remains in strict compliance with WSBA's social media policy (last revised in 2009), but respectfully requests that this policy be revisited in the coming year to allow for wider use of social media by the Sections as a tool for providing a meaningful sense of community with our younger membership.

The **Midyear** addresses a range of topics targeted at a variety of experience levels, including those of new and young lawyers. Owing to difficulties with changes in WSBA policy relating to CLE programming and pricing, this fiscal year the Section was unable to offer its unique and historically successful Family Law Skills Training Institute that is designed specifically for young lawyers and lawyers new to the practice of family law.

A wide cross-section of our membership believes that **WSBA directives** in some areas may have the unintended effect of *undermining* young lawyers and we submit this as the sense of the Section. WSBA is currently engaged in multiple generative discussions that raise important issues which could be beneficially considered together, but appear to be placed, at the moment, in separate silos. The separate discussions that the BOG specifically and WSBA in general have been having regarding: the high cost of lawyer legal education; the often-overlooked Law Clerk program; the Moderate Means Program and "low-bono" activity; the "cost" to WSBA of the sections generally (with little attempt to quantify the value of their labor to WSBA); the LLLT program; the decrease in law school enrollment; and qualifications for "membership" in WSBA should all be considered together. Further, the subtext of anti-lawyer bias present in accusations of elitism present in discussions on a number of subjects should be surfaced and directly discussed. This is likely to be a difficult discussion because, as noted above, issues of social class are not commonly addressed at WSBA (at least in public discussions) and viewpoints are substantially polarized at present. Difficult discussions can be important to have.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors. *For example:*

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

The EC appreciates the hard work of the staff and the service of the Board.

The EC works closely with WSBA staff to put on CLEs regarding family law topics, including our flagship Midyear, which includes our Annual Meeting. We greatly appreciate the work of the entire CLE department, and look forward to a productive relationship with new CLE staffer Kevin Plachy.

The EC continues to work with WSBA's lobbyist Alison Grazzini, providing input as requested during the legislative session, in adherence to the comment policy as revised in November 2015. The Section understands that WSBA participates in the legislative process in a wide variety of ways of which we are but one small part. We look forward to making our own contributions to the work of the Bar.

The Section's liaison to the BOG remains a tireless advocate to the BOG on behalf of the interests of the family law bar in the state of Washington, attending all BOG meetings and providing detailed reports. Other EC members attended multiple BOG meetings during the year to observe and to provide extensive input on topics of interest and concern to the Family Law Section. We appreciate the opportunity to speak candidly to leadership about our concerns and thank BOG for its responsiveness.

The Section worked in FY 2016 to include its assigned BOG liaison, Governor Andrea Jarmon, in activities, by inviting her participation and providing her with information about the Section's activities. We respect her perspective based on her life experiences and thank her for her service to the Section. We look forward to establishing a good working relationship with our new liaison, Bill Pickett, in the coming year.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org

Family Law

Bill #	Abbrev. Title	Short Description	Status	Sponsor	Priority	Position
<u>SHB 2300</u> (Dead)	Guardian ad litem privacy	Protecting the personal information of a person acting as a guardian ad litem.	H Rules 3C	Moeller	High	Support
<u>HB 2394</u> (SSB 6329)	Parent to parent program	Creating the parent to parent program for individuals with developmental disabilities.	C 92 L 16	Walsh	Monitoring	Neutral
<u>HB 2401</u> (Dead)	Visitation with adults	Providing procedures to allow court orders for visitation with adults.	H Judiciary	Kochmar	High	Oppose
<u>HB 2402</u> (Dead)	Relatives of incapacitated	Requiring a guardian or limited guardian to provide certain communications with relatives of incapacitated persons.	H Judiciary	Kochmar	High	Oppose
<u>HB 2411</u> (Dead)	Rape of a child/marriage	Removing the marriage element from the crime of rape of a child in the first	H Public Safety	Hayes	Monitoring	Neutral

		degree.				
<u>SHB 2440</u>	Youth host home programs	Concerning host home programs for youth.	C 166 L 16	Kagi	Monitoring	Neutral
<u>2SHB 2449</u>	Truancy reduction	Providing court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy.	C 205 L 16	Orwall		
<u>HB 2461</u> (Dead) (SB 6352)	Extreme risk protect. orders	Concerning extreme risk protection orders.	H Judiciary	Jinkins	High	Oppose
<u>HB 2463</u> (Dead) (SB 6402)	Court consultation of JIS	Concerning the courts' consultation of the judicial information system before granting orders.	H Judiciary	Rodne	Monitoring	Neutral
<u>SHB 2483</u> (Dead)	Child sex exploit./subpoenas	Protecting minors from sexual exploitation.	H Rules 3C	Sawyer	Monitoring	Neutral
<u>ESHB 2591</u>	Dependency hearing notices	Notifying foster parents of dependency hearings and their opportunity to be heard in those hearings.	C 180 L 16	Hargrove	Medium	Concerns
<u>HB 2612</u> (Dead)	Nonparent responsibilities	Authorizing the termination of	H Judiciary	Shea	High	Oppose

(SB 6452)		all legal responsibilities of a nonparent if genetic testing shows by clear and convincing evidence that a man is not the genetic father of a child.				
<u>HB 2631</u> (Dead)	Same sex marriage beliefs	Preventing discriminatory treatment by government of a person or entity based on beliefs and practices held with regard to marriage as the union between one man and one woman.	H Judiciary	Klippert	High	Oppose
<u>HB 2668</u> (Dead)	Trafficking victims/vacating	Vacating convictions arising from offenses committed as a result of being a victim of trafficking, promoting prostitution, or promoting commercial sexual abuse of a minor.	H Rules R	Orwall		
<u>SHB 2674</u> (Dead)	Dispute resolution fees	Concerning filing fee surcharges for	H Rules 3C	Jenkins	Monitoring	Neutral

(SB 6448)		funding dispute resolution centers.				
<u>SHB 2705</u> (Dead)	First degree rape	Concerning first degree rape.	H Rules 3C	Klippert	Monitoring	Neutral
<u>SHB 2711</u>	Sexual assault nurses	Increasing the availability of sexual assault nurse examiners.	C 50 L 16	McCabe	Monitoring	Neutral
<u>HB 2712</u> (Dead) (SB 6487)	Use of force in self-defense	Addressing the use of force in self-defense.	H Judiciary	Wilson	Monitoring	Neutral
<u>HB 2776</u> (Dead)	Officers/child restraint	Clarifying the authority of officers to restrain children when necessary.	H Erly Lrn/H Svc	Klippert	Monitoring	Neutral
<u>HB 2789</u> (Dead) (SSB 6498)	Recovery sponsor privilege	Creating a testamentary privilege for alcohol or drug addiction recovery sponsors.	H Judiciary	Hurst	Monitoring	Neutral
<u>HB 2797</u> (Dead)	Incap. person communication	Concerning communication, visitation, and interaction involving incapacitated persons.	H Judiciary	Santos	High	Oppose
<u>HB 2808</u>	Invol. treat. petitions	Amending the process for a person's	C 107 L 16	Jenkins	High	Support

		immediate family member, guardian, or conservator to petition the court for the person's initial detention under the involuntary treatment act.				
<u>ESHB 2834</u> (Dead)	Homeless youth	Concerning implementation of the homeless youth prevention and protection act of 2015.	H Rules 3C	Senn		
<u>HB 2858</u> (Dead)	Dev. disability ombuds	Creating an office of the developmental disabilities ombuds.	H Approps	Hunt	Monitoring	Neutral
<u>HB 2869</u> (Dead) (SB 6619)	Isolating incapacit. person	Preventing guardians from isolating incapacitated persons.	H Judiciary	Jenkins	High	Oppose
<u>HB 2878</u> (Dead)	Child abuse penalty assessm.	Creating a penalty assessment for crimes involving the abuse of children used to support child advocacy centers.	H Rules R	Kilduff		
<u>HB 2912</u> (Dead)	Crime victim participation	Enhancing crime victim participation in the criminal	H Public Safety	Pettigrew	Monitoring	Neutral

		justice system process.				
<u>HB 2913</u> (Dead)	Child support noncompliance	Creating efficiencies regarding requirements for license withholding and suspension for noncompliance with a child support order.	H Rules R	Gregerson	High	Support
<u>HB 2915</u> (Dead) (SB 6495)	DSHS notification reqs.	Concerning notification requirements for the department of social and health services.	H 2nd Reading	Kilduff	Monitoring	Neutral
<u>HB 2939</u> (Dead) (SB 6586)	Newborn safe surrender info.	Requiring the department of social and health services to collect and publicly report information on the safe surrender of newborn children.	H Erly Lrn/H Svc	Stokesbary	Monitoring	Neutral
<u>HB 2957</u> (Dead)	Juvenile custody & placement	Concerning the custody and placement of juveniles.	H Erly Lrn/H Svc	Shea	Monitoring	Neutral
<u>HB 2958</u> (Dead)	Minor chem. dep. treatment	Ensuring a parent or guardian has the authority to admit and keep a minor child	H Judiciary	Shea	Monitoring	Neutral

		into a treatment facility for chemical dependency treatment for fourteen days.				
<u>ESSB 5635</u>	Power of attorney	Enacting the uniform power of attorney act.	C 209 L 16	Pedersen	High	Support
<u>SB 6151</u> (Dead)	Sexual assault protect order	Concerning sexual assault protection orders.	S Rules 3	Litzow		
<u>SSB 6329</u> (HB 2394)	Parent to parent program	Creating the parent to parent program for individuals with developmental disabilities.	Gov vetoed	O'Ban	Monitoring	Neutral
<u>SB 6352</u> (Dead) (HB 2461)	Extreme risk protect. orders	Concerning extreme risk protection orders.	S Law & Justice	Frockt		
<u>SB 6382</u> (Dead) (EHB 2749)	Child welfare system perf.	Extending dates concerning measuring performance and performance-based contracting of the child welfare system.	S Rules X	O'Ban		
<u>SB 6383</u> (Dead)	Dependency petition reqs.	Concerning the requirements for filing a petition for a superior court to deal with a	S Rules X	O'Ban	Monitoring	Neutral

		dependent child.				
<u>SB 6396</u> (Dead)	Rule review and expiration	Changing rule-making requirements to require preadoption review by the attorney general and a yearly expiration.	S Rules 3	Braun		
<u>SB 6402</u> (Dead) (HB 2463)	Court consultation of JIS	Concerning the courts' consultation of the judicial information system before granting orders.	S Law & Justice	Pedersen	Monitoring	Neutral
<u>SB 6448</u> (Dead) (SHB 2674)	Dispute resolution fees	Concerning filing fee surcharges for funding dispute resolution centers.	S Law & Justice	Rolfes	Monitoring	Neutral
<u>SB 6452</u> (Dead) (HB 2612)	Nonparent responsibilities	Authorizing the termination of all legal responsibilities of a nonparent if genetic testing shows by clear and convincing evidence that a man is not the genetic father of a child.	S Law & Justice	Roach	High	Oppose
<u>SB 6460</u>	Statewide	Giving parents and guardians	S EL/K-12	Chase		

(Dead)	assessments	an unrestricted right to excuse their children from taking statewide assessments.				
<u>SB 6484</u> (Dead) (2SHB 2530)	Victims of sex crimes	Protecting victims of sex crimes.	S Law & Justice	Rivers		
<u>SB 6487</u> (Dead) (HB 2712)	Use of force in self-defense	Addressing the use of force in self-defense.	S Law & Justice	Becker	Monitoring	Neutral
<u>SB 6495</u> (Dead) (HB 2915)	DSHS notification reqs.	Concerning notification requirements for the department of social and health services.	S Rules X	Conway	High	Support
<u>2SSB 6497</u> (Dead)	Truancy reduction	Providing court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy.	S Rules 3	Hargrove	Monitoring	Neutral
<u>SSB 6498</u> (HB 2789)	Recovery sponsor privilege	Concerning testimonial privileges for alcohol and drug addiction recovery sponsors.	C 24 L 16 E1	Fain	Monitoring	Neutral

<u>SB 6499</u> (Dead)	Child support/electronic	Concerning electronic payments to the division of child support when remitting funds in response to an order to withhold income.	S Law & Justice	Pedersen	Monitoring	Neutral
<u>SB 6524</u> (Dead)	Youth sentencing/adult court	Addressing factors to be considered when sentencing youth in adult criminal court for crimes committed as minors.	S Rules X	Darneille	Monitoring	Neutral
<u>SB 6561</u> (Dead)	Sex crimes statute of limit.	Concerning the statute of limitations for certain crimes.	S Law & Justice	Jayapal	Monitoring	Neutral
<u>SB 6586</u> (Dead) (HB 2939)	Newborn safe surrender info.	Requiring the department of social and health services to collect and publicly report information on the safe surrender of newborn children.	S HumSer/MenHlth	Fain	Monitoring	Neutral



WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016
Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Health Law</i>	
Chair:	<i>John R. Christiansen</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size:	398 (as of 9/30/2016)
	Staff Lead:	Julianne Unite
	BOG Liaison:	Brad Furlong
	FY16 revenue: \$	\$11,905.67 (as of 8/31/2016)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$2,407.99 (as of 8/31/2016)
	FY16 Per-Member-Charge expenses: \$	\$7,143.75 (as of 8/31/2016)
Purpose:	<p>No official statement of purpose has been adopted. Generally, the purpose of the Health Law Section is to provide education on health law issues, provide information on new and emerging health law issues and pending legislation and regulations, provide opportunities for Section members to network with other health lawyers, and connect with other organizations involved in health law matters.</p>	
2015-2016 Accomplishments and Work in Progress:	<p>The previous year was a rebuilding year, and this year continued that process. The principal accomplishments and works in progress are:</p> <ul style="list-style-type: none"> • Full-day annual meeting/CLE co-sponsored with WSBA • Two hour mini-CLE co-sponsored with Washington State Health Information Management Association 	

	<ul style="list-style-type: none"> Establishment of new Education, Membership, Legislative and Website Committees, and recruitment of new members to such committees 	
Please quantify your section's current member benefits: <i>For example:</i> <ul style="list-style-type: none"> \$3000 Scholarships, donations, grants awarded; 4 mini-CLEs produced 	Quantity	Member Benefit
	\$0	Scholarships, donations, grants awarded
	0	Law school outreach events/benefits hosted
	0	Legislative bills reviewed/drafted
	0	Newsletters produced
	1	Mini-CLEs produced
	1	Co-sponsored half/day to multi-day CLEs with WSBA
	0	Receptions/forums hosted
	0	Awards given
	0	New Lawyer Outreach events/benefits
	0	Other (please describe):
	2016-2017 Goals & Priorities (Top 5)	1
2		2 – 3 mini-CLEs
3		One or more mini-CLEs/social events in Eastern Washington
4		One or more social events for law school(s)
5		Improved use of listserv and social media to reach members
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p>Our priority this past year has been reorganizing and recruiting members with time and willingness to develop and implement CLEs, blog posts and other activities. Diversity was not a stated priority in this process, but was a consideration in identifying prospects for the Executive and other committees. Now that we seem to have a stable team this will be incorporated in our planning.</p>		

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

As with diversity, this has not been something we have specifically addressed due to the need to recruit and reorganize. However, due to the highly regulated nature of healthcare, we have taken into account the need to support and assist in maintaining good relationships with relevant regulatory agencies in particular. Now that we seem to have a stable team this will be incorporated in our planning.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

As with diversity, this has not been something we have specifically addressed due to the need to recruit and reorganize. We have had an excellent Young Lawyer liaison, Morgan Gabse. Now that we seem to have a stable team this will be incorporated in our planning.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

Staff support has been generally very good. We have not had any involvement from the Board of Governors this past year, but have been contacted by our BOG liaison and expect to have useful involvement this coming year.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBASections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016

Email Annual Report to: sections@wsba.org

Name of the Section:	Indian Law Section	
Chair:	Lauren J. King	
Section Information: *To be completed by WSBA*	Membership Size:	343 (as of 10-3-16)
	Staff Lead:	Joe Terrenzio
	BOG Liaison:	Kim Risenmay
	FY16 revenue: \$	\$12,515.31 (as of 8-31-16)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$762.5 (as of 8-31-16)
	FY16 Per Member Charge	\$6,131.25 (as of 8-31-16)
Purpose:	The Indian Law Section provides a forum for practitioners representing clients affected by Indian law. Federal, tribal and state laws, executive and administrative actions, and court decisions produce a complex and rapidly evolving array of law that affects legal services. The Section schedules CLE programs on subjects that provide information to practitioners representing clients affected by Indian law. Section members also receive a newsletter highlighting recent developments in Indian law.	
2015-2016 Accomplishments and Work in Progress:	The executive committee dedicated substantial time this year to working on numerous WSBA proposals that would significantly affect the operation of Sections. The ILS executive committee is continuing to work with the BOG on a religious policy proposal that would affect ILS CLEs.	

	<p>Aside from its work on WSBA policies, ILS has continued its work on outreach and education in Indian law. Starting last fall, the Section began developing a mentorship and scholarship program for law students and young lawyers involved in Indian law. Claire Newman (Chair Elect) and Rachel Saimons (Trustee) spent countless hours preparing for and organizing a productive meeting among Indian law practitioners, law schools from around the state, and law students to discuss goals of a potential mentorship and scholarship program. Our progress on these programs was put on hold last winter due to a Sections Policy Workgroup proposal that would have taken ILS funds out of the our control, making it difficult to budget funds to support the programs. However, ILS looks forward to continuing to work on these programs next year in cooperation with the Northwest Indian Bar Association. The executive committee has budgeted \$5,000 for scholarships in the coming year.</p> <p>Finally, ILS held a successful annual CLE on May 12, 2016.</p>	
<p>Please quantify your section's current member benefits:</p> <p>For example:</p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$5000	Scholarships, donations, grants awarded
	1	Law school outreach events/benefits hosted
	0	Legislative bills reviewed/drafted
	2	Newsletters produced
	0	Mini-CLEs produced
	1	Co-sponsored half/day to multi-day CLEs with WSBA
	1	Receptions/forums hosted
	0	Awards given
	1	New Lawyer Outreach events/benefits
<p>2016-2017 Goals & Priorities (Top 5)</p>	1	Implement mentorship program for law students and law students interested in Indian law.
	2	Continue to offer practice-relevant CLE and networking opportunities for Section membership.

	3	Fund scholarship efforts by the Northwest Indian Bar Association to increase the pipeline for Section membership.
	4	
	5	

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The WSBA's own data shows that the ILS is the WSBA's most diverse section. We continue to have open dialogue with WSBA leadership regarding the importance of diversity and inclusiveness, including, for example, not establishing a religious policy that would prevent traditional Native American blessings at Indian Law CLEs.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

ILS holds a CLE each year where it typically holds at least one ethics session. As mentioned above, we maintain communication with WSBA leadership about proposals that may actually hinder professionalism in the Indian Law profession, such as disrespecting traditional Native American practices by prohibiting them.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The new mentorship program targets new members of the profession (not just young) and is focused on establishing relationships within the Section membership. Several members of the Section board qualify as "young lawyers" based on the WSBA definition and the Section fully supports and appreciates their service.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- Quality of WSBA staff support/services provided to Section Executive Committee
- Involvement with Board of Governors, including assigned BOG liaison
- Ideas you have on ways WSBA can continue to strengthen/support services to sections.

We have had good experiences with WSBA staff in planning our CLE. We would appreciate clearer communication and reminders regarding due dates for speaker materials at the annual CLE.

The ILS continues to view WSBA policy changes aimed at banning diverse practices at our events with suspicion and hopes to have more direct communication of both need and

function of future policies that appear to have a targeted application. The efforts extended by WSBA to minimize the chilling effect of the latest round of proposed policy changes has been fully appreciated by ILS leadership who have devoted considerable time to this activity.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org




WSBASections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016

Email Annual Report to: sections@wsba.org

Name of the Section:	 International Practice Section <i>International Practice</i>	
Chair:	Fraser Mendel	
Section Information:	Membership Size:	315 (as of 9/30/2016)
<i>*To be completed by WSBA*</i>	Staff Lead:	Julianne Unite
	BOG Liaison:	Mario Cava
	FY16 revenue: \$	\$19,508.75 (as of 8/31/2016)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$10,958.05(as of 8/31/2016)
	FY16 Per-Member-Charge expenses: \$	\$5,512.50 (as of 8/31/2016)
Purpose:	The International Practice Section has a broad focus that includes not only the study of current developments in the field of international law but also immigration law, international transactional work, and international dispute resolution. Members represent a wide variety of backgrounds and practices, including full-time and part-time practitioners, government, business, foreign lawyers, academia, internationally-focused law students, and those simply intellectually interested.	
2015-2016 Accomplishments and	1. The IPS held three major events in the 2015-2016 year: a New Year Kickoff Event, a Spring CLE and networking event, and a	

Work in Progress:	<p>combined Foreign Lawyer's Reception / Annual General Meeting.</p> <p>2. The IPS provided 10.5 credits worth of brown-bag mini CLEs at no cost to Section members, in addition to another 4.0 credits worth of CLEs in conjunction with the 3 major events</p> <p>3. The IPS administered a foreign lawyer / law student mentoring program</p> <p>4. The IPS was a cooperating entity sponsor for several ABA events, including the ABA Section of International Law's Spring and Fall meetings</p> <p>5. The IPS cooperated with the University of Washington School of Law's student mentoring program</p>	
Please quantify your section's current member benefits: <i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$1,000	Hunneke Fellowship awarded to law student
	1	Law school outreach events/benefits hosted
		Content and communications through the Section listserv, <i>The Global Gavel</i> (www.globalgavelnews.org), and <i>IPS Linked-In Group</i>. We are focusing the Section's communications with our members on these content streams, and are working on developing a regular stream of content, including articles, news, and events related to the international practice of law. (Global Gavel webmasters: Elly Baxter).
	7	Mini-CLEs produced at no cost to Section members
	2	Mini-CLE CLEs hosted in conjunction with IPS Spring Event and IPS AGM
	2	Member happy hours
2016-2017 Goals & Priorities (Top 5)	1	Maintain the quality of the existing programs.
	2	Continue expanding the reach of our CLE programs, not only to in-person locations outside of Seattle, but also via web-streaming.
	3	Expand Section membership among in-house and government practitioners.
	4	Emphasize member interaction and networking, initiated by moving the date of annual general meeting and combining it with our annual foreign lawyers' reception kickoff event.
	5	Partner with law schools to increase the effectiveness of our law student and foreign lawyer mentorship program.

Please report how this section is addressing diversity:

- **Membership Demographics** – the IPS by its nature attracts a diverse array of foreign-born practitioners, as well as foreign lawyers, international law students and members whose clients operate in countries and cultures around the world.
- **Education and Training** – the IPS's annual programming leads with a Foreign Lawyers and International Law Students Reception, which celebrates the diversity of our legal community – locally and globally. Our CLE programming often includes a cultural education component, i.e., understanding the technical area of law as well as the cultural context as it applies to a particular country or region, which often includes a discussion of the prevailing values in that country or region and how they may differ from those in the U.S. on subjects of fairness, due process, equality, diversity and custom.
- **Collaboration and Partnership** – the IPS partners with law schools, other international bar organizations and business groups in leveraging its programming to increase participation and interaction among practitioners from diverse backgrounds and cultures.

Please report how this section is addressing professionalism:

The International Practice Section draws members from many backgrounds, jurisdiction origins, and has a multi-disciplinary scope to its activities. Because of the wide diversity of membership, we continually strive to bring professionalism to all aspects of our activities, and to have service at the core of the activities we undertake over the course of the year. We administer an extensive foreign lawyer/foreign law student mentorship program. We cooperate with the UW Law mentoring program. And we strive to add ethics into our ongoing CLE series.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The International Practice Section Executive Committee has a Young Lawyer Liaison that attends and actively participates in Section leadership. The Section awards the Hunneke Fellowship to a law student, and that Fellow attends EC meetings and is actively integrated into law student outreach efforts.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

- WSBA staff support this year has been excellent.
- We have been extremely pleased with our BOG liaison, Mario Cava, attending our EC meetings and almost all of our events through the year, which has tremendously enhanced our EC's understanding of BOG activities.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBA Sections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016
Email Annual Report to: sections@wsba.org

Name of the Section:	Intellectual Property Section	
Chair:	Reena Malabika Ghosh	
Section Information: *To be completed by WSBA*	Membership Size:	980 (as of 10-3-16)
	Staff Lead:	Joe Terrenzio
	BOG Liaison:	Phil Brady
	FY16 revenue: \$	\$26,158.81 (as of 8-31-16)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$13,519.4 (as of 8-31-16)
	FY16 Per Member Charge	\$17,737.50 (as of 8-31-16)
Purpose:	<p>Pursuant to Section 1.01 of the IP Section's bylaws:</p> <p>"In general, the IP Section strives to promote the participation of all interested members of the Bar, and of state and local bar associations, in order to benefit the members, their clients and the general public. In pursuit of these purposes, the Section may:</p> <p>(1) Provide the opportunity and forum for the interchange of ideas and education in areas of law relating to intellectual property rights, including patents, trademarks, copyrights, trade secrets and unfair competition, to include, but not be limited to:</p> <p>a. Sponsoring and provision of continuing legal education events, the preparation and publication of a Section newsletter and website, and the provision of assistance and financial support of activities of other organizations which promote the purposes, goals, or</p>	

	<p>activities of the Section;</p> <p>b. Promoting new members and understanding of intellectual property laws through outreach activities and financial support of law students attending law schools in Washington State;</p> <p>c. Promoting Section members through intellectual property related networking, referrals, speakers' panels and press contacts.</p> <p>(2) Promote cooperation between sections within the Bar and between the Bar and other groups with common interests in the proper development and administration of the law relating to intellectual property rights;</p> <p>(3) Review, comment on, and make recommendations related to pending legislation and propose statutory enactments to improve and to facilitate the administration of justice within the Section's area of interest;</p> <p>(4) Promote the development of industry and the useful arts by encouraging the establishment, maintenance, respect for and utilization of intellectual property rights that fairly balance the limited monopoly enjoyed by the owner of intellectual property rights with the benefit to society derived from the creation of useful subject matter protectable by those rights;</p> <p>(5) Assist in familiarizing other members of the Bar with intellectual property law; and</p> <p>(6) Undertake such other service as may be of benefit to the members, the profession and the general public."</p>
<p>2015-2016 Accomplishments and Work in Progress:</p>	<ol style="list-style-type: none"> 1. Provided WSBA IP 21st Annual IP Institute CLE (which included a keynote speaker from national and international IP monetization firm); 2. Provided IP Licensing CLE (which included a presentation from current President of the Licensing Executives Society (USA & Canada)); 3. Provided IP Essentials CLE (involving regionally prominent attorneys); 4. Provided Inland Empire Intellectual Property Institute CLE; 5. Participated in open section night to provide insights about the IP section and a career in IP law to new and young lawyers; 6. Provided scholarships to UW, SU and Gonzaga law students based on demonstrated interest in Intellectual Property law as assessed by their respective law schools; 7. Sponsored (Funded) Washington Lawyers for the Arts's (WLA) "distance-delivery program," a program which seeks to provide general legal education on intellectual property

	<p>laws to artists located in Washington, but outside the Seattle area;</p> <ol style="list-style-type: none"> 8. Reviewed and explored USPTO Pro-Bono Patent Prosecution Referral Program; 9. Hosted World Affairs Council of Seattle delegation from China participating in the State Department's premier professional exchange program, the International Visitors Leadership Program (IVLP) and discussed US and Chinese IP law in various technologies from the perspective of attorneys, businesses, patent examiners and judges; 10. Represented IP Section membership during review of WSBA BOG Sections Policy Workgroup, including by monitoring ongoing developments, cooperating with other Section leaders, informing Section members of key developments, and providing written comments to the Workgroup on proposed changes to Sections policies; 11. Hosted networking events for IP section members and law students; 12. Opened a Data Archive Project Proposal review; 13. Opened consideration of Privacy & Data Security subgroup; 14. Opened consideration of co-sponsored CLE events; 15. Opened consideration of member-wide survey.
--	--

<p>Please quantify your section's current member benefits:</p> <p>For example:</p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$9,340	Scholarships, donations, grants awarded.
	0	Law school outreach events/benefits hosted.
	0	Legislative bills reviewed/drafted.
	0	Newsletters produced.
	1	Mini-CLEs produced.
	3	Co-sponsored half/day to multi-day CLEs with WSBA.
	2	Receptions/forums hosted.
	0	Awards given.
	2	<p>New Lawyer Outreach events/benefits</p> <ol style="list-style-type: none"> 1. Reached out Lynda Foster & Sondra Livingston-Carr to promote IP Essentials CLE; 2. Attended Open Sections night.
	1	<p>Other (please describe):</p> <ol style="list-style-type: none"> 1. Board Members attended several BOG Sections Policy Workgroup meetings to assess/support/oppose reforms to the Sections as a whole and to the IP Section in particular.

2016-2017 Goals & Priorities (Top 5)	1	Provide high quality but affordable CLEs to attorneys interested in IP-focused issues;
	2	Continue to grow Section membership;
	3	Provide outreach to law students and new lawyers with respect to education and IP Section activities/benefits;
	4	Provide scholarships to law students;
	5	Provide networking opportunities for Section members.

Please report how this section is addressing diversity:
 (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

1. The WSBA IP Section does not discriminate in its membership. People of all backgrounds, geographic locations, and business structures (e.g., in-house, solo, general practice, boutique law firms, non IP law-practicing attorneys, and law students) are treated equitably and afforded the same opportunities to participate in all section activities.

Please report how this section is addressing professionalism:
 (Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

1. The WSBA IP Section encourages ethics, civility, professionalism and competence in its membership and provides CLEs with ethics presentations to promote the same.

Please report how this section is integrating new and young lawyers into its work:
 (How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

1. The IP Section has the 2016 goal of a law school outreach to provide information regarding the employment prospects & operations of the business of IP law;
2. The IP Section is in active communication with New Lawyers Connections' Team and its representatives, Lynda Foster & Sondra Livingston-Carr, to promote IP Essentials CLE to new and young lawyers; both Lynda and Sondra came to networking lunch;
3. The IP Section sent Executive Committee members to attend Open Sections night to encourage new and young lawyers to become IP Section members and address their questions regarding a career in IP law;
4. The IP Section has a Young Lawyers Liaison.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- Quality of WSBA staff support/services provided to Section Executive Committee
 - Involvement with Board of Governors, including assigned BOG liaison
 - Ideas you have on ways WSBA can continue to strengthen/support services to sections.
1. The IP Section Executive Committee has a cordial and productive working relationship with WSBA staff and Board of Governors.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBA Sections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016
Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Juvenile Law</i>	
Chair:	<i>Daewoo Kim and Jana Heyd</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size:	213 (as of 9/30/2016)
	Staff Lead:	Julianne Unite
	BOG Liaison:	Elijah Forde
	FY16 revenue: \$	\$5,940 (as of 8/31/2016)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$4,478.75 (as of 8/31/2016)
	FY16 Per-Member-Charge expenses: \$	\$3,712.50 (as of 8/31/2016)
Purpose:	The Juvenile Law Section provides an opportunity for legal professionals who work with juveniles and their families in child welfare and juvenile justice to meet together and work collaboratively on issues facing their clients.	
2015-2016 Accomplishments and Work in Progress:	The Juvenile Law Section's 2015 annual meeting and CLE was held on November 14, 2015 at the University of Washington School of Law, co-sponsored by the U of W Law School. Featured speakers included Dr. Robert Deutsch, who presented on the use of psychological evaluations and their use at trial and Dr. Fran Lexcen, who presented a session entitled "Competency, Evaluations and Restoration for Juveniles." A judicial panel that included Judge Wesley St. Clair, Commissioner Jennie Laird, and Judge George Bowden presented on "views from the Judiciary on Emerging	

	<p>Juvenile Law Issues.” During the annual meeting, the slate of incoming executive committee members was elected. A second legislative liaison position was also added to the executive committee. A social hour was held after the CLE and meeting that was well attended.</p> <p>The Executive Committee held a retreat on January 8, 2016 at the Team Child office in Seattle. A review of the prior year’s activities occurred. The 2015-2016 budget was reviewed, and focused on the funding priorities of an all- day CLE and mini CLE’s to be scheduled by each of the subcommittees. There was interest raised in developing a section newsletter, which 1 of the EC members offered to facilitate. There was also a discussion on having a LinkedIn page for the section. The section was provided a legislative update. There was a discussion on the EC’s role in supporting or opposing legislation, changes to the review process and the need for the EC to promptly review and vote on proposed legislation.</p> <p>On May 20, 2016, the Dependency and Child Welfare Committee, in partnership with the Court Improvement Training Academy (CITA) held a mini CLE at the University of Washington Law School entitled “Medicaid Insured Youth Access to Mental Health Services.” In August, 2016, the section collaborated with Team Child, the Western Juvenile Defender Center and the University of Washington School of Law by providing support and some financial assistance to a CLE that was held at the University of Washington Law School on “Youth as a Mitigating Factor” The Reasonable Juvenile Standard.” Marsha Levick from the Juvenile Defender Center was the featured speaker.</p> <p>In September, 2016, the Civil Legal Needs Subcommittee held a mini-CLE on the right to counsel. This CLE was held at King County Juvenile Court.</p>	
<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none">• \$3000 Scholarships, donations, grants awarded;• 4 mini-CLEs produced	Quantity	Member Benefit
	\$350	Scholarships, donations, grants awarded
	2	Law school outreach events/benefits hosted
	30	Legislative bills reviewed/drafted
	0	Newsletters produced
	2	Mini-CLEs produced
	1	Co-sponsored half/day to multi-day CLEs with WSBA

	1	Receptions/forums hosted
	0	Awards given
		New Lawyer Outreach events/benefits
		Other (please describe):
2016-2017 Goals & Priorities (Top 5)	1	Schedule an all- day or half day CLE for the section at large
	2	Schedule a mini-CLE for each of the 3 subcommittees
	3	Develop a section newsletter
	4	Improve the section's participation with the legislative process
	5	Follow up on commitment to add a member from the Young Lawyer's Division to the section

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The section has worked to maintain and increase its geographic representation in the section. The section is committed to seek out training and consultation during 2016-2017 from the Diversity Specialist to ensure that the section is broadly represented.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The section strives to promote civility in the practice, and its executive committee members are from practice areas that may often be adversarial. The section strives to improve the collaboration between all of its members. Historically, the section has invited judges and justices to attend the annual meeting, in part to address the collaboration amongst the attorneys in the juvenile justice and child welfare system. The annual meeting that is scheduled for November 9, 2016, will include a judicial panel (including Justice Stephen Gonzales from the Washington State Supreme Court) entitled "Best Practices in Juvenile Law" that will include issues of civility and professionalism.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The section actively recruits law school members of the section and does not require payment of dues by law student members. The section attempts to maintain a law school representative from each of Washington's three law schools on the executive committee, in order to support and encourage the law student members to fully participate in the section and to encourage them to remain in the juvenile justice/child welfare practice areas.

The section has requested to keep membership dues affordable in order to encourage new and/or public interest/government attorneys to join the section. Additionally, the content of our CLE's and trainings are planned so the content is relevant and useful to both newer and more experienced attorneys.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

The section's WSBA liaison, Julianne Unite, has been a great support to the section. She attends monthly executive committee meetings and is very responsive to section and executive committee questions and requests.

The section's Secretary/Treasurer has been attending the WSBA sections policy workgroup and provides a monthly update to the Executive Committee on that subject.

The section has not worked with the BOG liaison.

The section is currently reviewing a request to hold a WSBA Legal Lunchbox CLE on Working With Juvenile Clients in early 2017.

--

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBASections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016
Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Labor & Employment Law</i>	
Chair:	<i>Leslie Hagin</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size:	1,042 (as of 9/30/2016)
	Staff Lead:	Julianne Unite
	BOG Liaison:	Angela Hayes
	FY16 revenue: \$	\$49,638.13 (as of 8/31/2016)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$15,305.81 (as of 8/31/2016)
	FY16 Per-Member-Charge expenses: \$	\$18,787.50 (as of 8/31/2016)
Purpose:	<p>“To foster and promote integrity, expertise, and greater understanding within the labor and employment law community throughout Washington.”</p> <p>Our Section brings together attorneys from all across the State, from “both sides of the docket,” and various areas of labor and employment practice and in public and private sectors, which advances civility and professionalism in the Bar.</p> <p>The Section is comprised of lawyers in the private sector and public sector, and those representing plaintiffs or unions as well as those representing employers or management. We have those who primarily practice traditional labor law, as well as those who practice in other areas of employment law. Our Section also has law professors, judges and arbitrators/mediators. Our Executive Committee reflects this breadth and depth of experience and</p>	

	<p>perspectives of the Section in general.</p> <p>The Section and its Executive Committee enjoy diversity in terms of gender, race, disability, religion, and geographic representation. There are now three members of the Executive Committee from Eastern Washington (as well as our BOG liaison). We have also focused on increasing our outreach and services to lawyers in Central and Eastern Washington. We would like to improve our Section's representation from Central Washington if possible, as well as diversity based on race, disability, religion, and national origin. The Section does not have data with respect to the sexual orientation of members.</p> <p>The Section coordinates events that keep practitioners informed on the latest developments in employment law, which promotes competency and ethical practice in the bar.</p>
<p>2015-2016 Accomplishments and Work in Progress:</p>	<p>See above. Also, our annual CLE hit another record in terms of attendance last year (and has, for several years in a row). We are working toward similar success this year (with our CLE on 11/18/16 in Seattle, and by webcast). We typically always have a judges' panel, focused on issues of professionalism as well as effective advocacy. We also strive for <u>interactive panel discussions on all issues</u> – so the breadth and depth of all the various perspectives we have in our Section are featured. In addition, this is more interesting for the attendees who are also encouraged to join in the dialogue with the panels.</p> <p>The Section sponsored an ethics event and social networking opportunity this past year with the regional division of the national association of labor arbitrators (NAA). It was also well-attended and well-received.</p> <p>The Section has also strived, and will continue to strive, to increase access to justice for lawyers of moderate means and in the central and eastern parts of the State. For example, because our Section has been successful and conservative in terms of managing our revenues, our “East of the Mountains” Mini-CLE and networking events in Spokane and Yakima over the last few years have been offered at no charge. These are also very valuable and accessible opportunities for law students and young lawyers across the state to network and get involved in the Section and find mentoring and work opportunities.</p> <p>Our most recent Mini-CLE event, in Yakima on 9/28/16, was the first time our Section had held any such event in the central valley. We had 70 registrants and several more walk-in attendees. The event featured a panel discussion with federal</p>

	<p>judges in the Eastern District (Chief Judge Rice and Judge Bastian), as well as a vibrant panel discussion about labor and employment issues in the agricultural sector. Many attendees expressed appreciation for the Section coming to Yakima and holding such an event – especially those working in public interest jobs or in solo practices, with limited means and limited opportunities for such events.</p> <p>Our most recent Mini-CLE in Spokane had over 120 people register in advance, and several other “walk-in” registrants on the day of the event.</p>	
<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • mini-CLEs produced 	Quantity	Member Benefit
	\$9,000 (recently raised for 2017 to 15,000)	Law Student Summer Grants awarded: 1 summer grant award winner per law school in the 3 law schools in the state. This was \$3,000 per student/summer grantee in 2015-2016, and will be increased to \$5,000 per student/grantee starting in 2017.
		Law school outreach events/benefits hosted – see above
		Legislative bills reviewed/drafted – we do not take positions on bills because our Section is so diverse and represents so many we are unlikely to ever be able to form a consensus
		Newsletters produced – None. We educate/share through Seminars, Mini-CLEs, and the list-serve and website
		Mini-CLEs produced – Several. See above.
		Co-sponsored half/day to multi-day CLEs with WSBA. Several. See above.
		Receptions/forums hosted. Several. See above.
		Awards given. See above.
		New Lawyer Outreach events/benefits. Many. See above.
		Other (please describe): We are also regular participants in Open Section WSBA events. And we work directly and closely with our BOG liaison Angela Hayes.

2016-2017 Goals & Priorities (Top 5)	1	Increase diversity of membership, and CLE speakers. We strive to focus providing speaking and other leadership and development opportunities to those from historically underrepresented backgrounds. This is an emphasis in all our planning and outreach activities.
	2	Increase membership and offerings to members, throughout the state and especially increase membership outside Puget Sound, and in smaller legal markets and among small firm and solo practitioners.
	3	Continue to foster and increase as possible, co-sponsorships or events and other outreach to younger lawyers, and other sectors of the bar.
	4	Continue to focus on ways to foster community and the sense of professionalism with and among members from and among all areas of labor and employment practice, as well as the judiciary, neutrals, and the community in general.
	5	Continue to explore ways to foster outreach and mentor opportunities to law school students, to encourage interest and opportunities in labor and employment law.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

See above.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

See above.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

Our young lawyer liaison is very much an integral, co-equal part of our Executive Committee and its work. We also strive in other ways to make our outreach events accessible to new and young lawyers. See also above.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

We have a positive and productive working relationship with our Section Lead, Julianne Unite, and BOG liaison Angela Hayes, and work closely with both. See above.

More specifically, Ms. Unite has been a pleasure to work with, is highly diligent and competent, and assists us greatly. This has not always been the case with our prior Section staff leads.

We have also worked well with the Bar's CLE and Mini-CLE staff, to accomplish unprecedented educational and networking opportunities in the central and eastern areas of the state, and set records in terms of our annual CLE attendance as well.

It would be helpful if the WSBA staff could actually post pictures of our events on our WSBA website. We have been told this is not possible?

With all respect, our Section has been very concerned about certain actions taken by the BOG – especially regarding the “Sections Workgroup.” We think almost all of the recommendations from that “workgroup” were ill-conceived, and not only unnecessary but extremely counterproductive and debilitating to the interests of Bar members. They have been completely out of step with the positive work and need for flexibility of our Section – which has been very successful, and growing in numbers because of our Section leaders' work and this flexibility and responsible management of our Section funds/revenues. Many of our members were vocally prepared to resign from the Section altogether and no longer pay any Section dues, and no longer be involved in any Section leadership, if these proposals were implemented. The “process” of the Section Workgroup also excluded and blind-sided Section leadership.

It does appear few members of the BOG have actually ever been involved in Section leadership and do not appreciate that Sections and their work really are the lifeblood of the Bar, what our members enjoy and most benefit from in terms of their Bar dues, and really is where and how the Bar most directly and impactfully fosters and promotes the integrity, expertise and greater understanding, diversity, and professionalism of the practice of law in the State.

Our new and current liaison Angela Hayes, however, has been far more involved with our Section Executive Committee and interested in our work and concerns than any other BOG liaison we can recall. She is dedicated and engaged, and been a delight to work with. And we think this has made a difference in her ability to share the actual work and concerns of our Section with her fellow BOG members.

There is a great deal of energy, work and enthusiasm in our Section and about what we are doing and hope to do. We hope the BOG members will better learn about and appreciate what our Section and many others are doing, and let the Sections be the Sections -- so we can continue to grow in numbers and expand our outreach to all members of the Bar and all parts of the State. Our Section has been and is working to continue to do. There is a good deal of excitement in and about our Section – which we hope to build on. We request that the BOG appreciate and encourage our work, rather than discourage and thwart it, as the BOG's Sections Workgroup has threatened to do.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016

Email Annual Report to: sections@wsba.org

Name of the Section:	Legal Assistance to Military Personnel Section	
Chair:	Sharon Powell	
Section Information: *To be completed by WSBA*	Membership Size:	115 (as of 10-3-16)
	Staff Lead:	Joe Terrenzio
	BOG Liaison:	Keith Black
	FY16 revenue: \$	\$3,502.50 (as of 8-31-16)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$2,325 (as of 8-31-16)
	FY16 Per Member Charge	\$1,893.75 (as of 8-31-16)
Purpose:	<p>The purpose of this section is to benefit the members of the Washington State Bar Association and the general public by:</p> <ul style="list-style-type: none"> • Promoting the objectives of the Washington State Bar Association with respect to Military Affairs. • Establishing and maintaining liaison between the Washington State Bar Association and the Armed Forces of the United States in order to better serve the legal needs of the members of the Armed Forces of the United States and their dependents. • Providing information on matters affecting military lawyers, both active duty and reserve. • Encouraging continuing legal education to foster the ability to provide adequate legal representation to military personnel, veterans, and their families within the state of Washington. 	
2015-2016 Accomplishments and	<ul style="list-style-type: none"> • Hosted/participated in CLE training events for military and civilian attorneys. 	

Work in Progress:	<ul style="list-style-type: none"> Recruited for and filled LAMP executive committee positions: Adam Torem becomes chair-elect, Stephen Carpenter, Jr. becomes vice chair, Eric McDonald becomes secretary/treasurer, Daniel Russ becomes historian, and Amina Abdul-Fields becomes young lawyer liaison. Contributed to and endorsed the NW Justice Project's Equal Justice Works-AmeriCorps Veterans Fellowship. Continued working with and promoting the WSBA 'Call to Duty' pro bono legal aid events. 	
Please quantify your section's current member benefits: For example: <ul style="list-style-type: none"> \$3000 Scholarships, donations, grants awarded; 4 mini-CLEs produced 	Quantity	Member Benefit
	\$2,000	Scholarships, donations, grants awarded
		Law school outreach events/benefits hosted
	8	Legislative bills reviewed/drafted
		Newsletters produced
	2	Mini-CLEs produced
		Co-sponsored half/day to multi-day CLEs with WSBA
		Receptions/forums hosted
	2	Awards given
	2	New Lawyer Outreach events/benefits
		Other (please describe):
2016-2017 Goals & Priorities (Top 5)	1	Review LAMP purpose/bylaws and modify them as necessary to bring them into alignment with the new WSBA bylaw requirements and LAMP's purpose.
	2	Host quarterly mini-CLEs that have value to our members and, in general, help military and civilian attorneys provide legal services to military personnel, veterans, and their families.
	3	Closely monitor proposed legislation, and draft propose legislation, which could impact military personnel, veterans, and their families and provide comments/testimony as appropriate.
	4	Review the needs of the military legal assistance offices to determine if/how to continue providing APR 8(g) training.

	5	Continue efforts to increase section diversity, outreach, and membership.
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p>Our section strives to increase women and minority participation in our section and particularly in leadership positions. The veteran and military population we advocate for is very diverse and includes people from all walks of life coming from all parts of the 54 states and territories. Current and past executive board comprises members of historically disadvantaged groups, such veterans, women, non-Christian religious denominations, and non-white ethnicities.</p>		
<p>Please report how this section is addressing professionalism: (Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)</p> <p>The LAMP section hosts CLE presentation for its members and guests. In every presentation there is a portion that talks about the proper way to address legal issues in court, with the government, and/or with other attorneys. In general, attorneys who represent military personnel in military or civilian courts are held to a high-ethical standard and we strive to give them the information and tools to maintain that high-standard. For example, on September 8, 2016 the LAMP section hosted a CLE presentation given by the Honorable LTC Sean Mangan entitled <i>US Army JAG Corps and Military Justice in 2016: A View from the Bench</i> which included expectations regarding professionalism within the military justice system.</p>		
<p>Please report how this section is integrating new and young lawyers into its work: (How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)</p> <p>Participation in outreach event to new lawyers and law students by attending and contributing to WYLD open night section nights in Spokane and Seattle. We are one of the few sections which allow law students to join our section as non-voting members (at a reduced cost). New lawyers and law students have numerous opportunities to network with military and civilian lawyers at LAMP events and in some cases are mentored by LAMP members. All law school in Washington State have military/veteran law school associations which are supported by the LAMP section and which provide leadership opportunities for law students.</p>		
<p>Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors. For example:</p> <ul style="list-style-type: none"> • Quality of WSBA staff support/services provided to Section Executive Committee • Involvement with Board of Governors, including assigned BOG liaison • Ideas you have on ways WSBA can continue to strengthen/support services to sections. <ul style="list-style-type: none"> • The WSBA Leadership has actively supported the WSBA LAMP. This is perhaps best 		

exemplified by the continued decision to allow the LAMP Section to have non-lawyers as non-voting members of the LAMP Section. This is significant: current U.S. Laws limit the ability of Veterans to access lawyers for assistance. Other organization such as the Disabled American Veterans (DAV), the Veterans of Foreign Wars (VFW), and the American Legion provide assistance at hearings (at no cost) to Veterans. Having these representatives as non-voting members of our Section allows them access to current legal issues (and improves communications and identification of legal issues/concerns for our veterans).

- The WSBA leadership and administrative staff has actively supported LAMP efforts to provide legal assistance to our returning military personnel, veterans, and families impacted by the long war overseas.
- Our BOG Liaison has been engaged with all key issues addressed by the LAMP.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBASections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016
Email Annual Report to: sections@wsba.org

Name of the Section:	Lesbian, Gay, Bisexual, Transgender Law Section	
Chair:	Scott Douglas	
Section Information: *To be completed by WSBA*	Membership Size:	121 (as of 10-3-16)
	Staff Lead:	Joe Terrenzio
	BOG Liaison:	Mario Cava
	FY16 revenue: \$	\$3,772.50 (as of 8-31-16)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$1,816.27 (as of 8-31-16)
	FY16 Per Member Charge	\$2,043.75 (as of 8-31-16)
Purpose:	The Lesbian Gay Bisexual Transgender Law Section seeks to: <ul style="list-style-type: none"> •Support understanding among WSBA members of the legal needs of lesbian, gay, bisexual, and transgendered residents of Washington •Assist LGBT residents and those who represent them •Better understand how their legal needs can be met •Support research, education, and collaboration by section members on issues of sexual orientation and gender identification •Promote the study of LGBT law and report on changing law and regulations as they affect LGBT people and communities •Assist in legislative work undertaken within the scope of GR 12 •Act as a liaison between the WSBA, its Board of Governors, LGBT organizations, and the public. 	
2015-2016 Accomplishments and Work in Progress:	The LGBT Law Section co-sponsored a day-long CLE with WSBA and the Civil Rights Section addressing a wide range of legal issues facing the LGBT community. The CLE was recorded for future	

	<p>viewing as well.</p> <p>The Section produced a Mini-CLE on LGBT immigration issues in September.</p> <p>The Section actively supported the establishment of LGBT Section of the Spokane County Bar Association, sending a letter of recommendation to the SCBA governing board which explained the importance of creating an LGBT Section to address the legal needs of the community.</p> <p>The Section held its Annual Meeting in November 2015 with guest speakers and a CLE focused on the Arlene's Flowers discrimination case brought by the Attorney General of Washington, and on "religious exemption" laws and lawsuits across the state and nation.</p> <p>A well-attended social networking event was held in Seattle, co-hosted by QLaw.</p> <p>The Section leadership articulated in the broad conversation with the BOG, Bar leaders, and the membership of the Bar about the direction of WSBA governance and the role of Sections.</p> <p>The Section Chair issued broadly-published statement about the mass-killings in Orlando, Florida. The statement was published on the WSBA web site and FaceBook page, as well as shared state-wide through many WSBA Sections, the Attorney General's Office, and numerous state-wide listserves and on social media.</p> <p>Section members participated in Pride celebrations in Spokane, Olympia, and Seattle.</p>	
<p>Please quantify your section's current member benefits:</p> <p>For example:</p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants 	<p>Quantity</p>	<p>Member Benefit</p>
	\$	Scholarships, donations, grants awarded
		Law school outreach events/benefits hosted
	5	Legislative bills reviewed/drafted
	1	Newsletters produced

awarded; • 4 mini-CLEs produced	2	Mini-CLEs produced
	1	Co-sponsored half/day to multi-day CLEs with WSBA
	2	Receptions/forums hosted
		Awards given
		New Lawyer Outreach events/benefits
		Other (please describe):
2016-2017 Goals & Priorities (Top 5) *Proposed – goals will be determined at Section Annual Meeting on 11/10/16.	1	Engage Section membership to foster more active participation in Section events and CLEs, and to shape the Section to meet the evolving needs of the membership and broader legal community serving LGBT clients.
	2	Produce regular newsletter and better utilize social media to promote the Section and its work and events.
	3	Continue to produce quality CLEs that benefit the membership and broader community representing LGBT clients.
	4	Build on recent success in expanding outreach in Eastern Washington to achieve greater geographic diversity in Section membership and activities.
	5	Hold Section events outside of the Seattle metro region to provide better service to Section membership outside of King County.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

As a Section specifically devoted to addressing the legal issues faced by specific minority communities spanning the spectrum of sexual orientation and gender identification and expression, we take our commitment to diversity very seriously. Our Executive Committee comprises members from across the community we strive to represent in terms of gender diversity across the spectrum. As a result of the Section's focus, a large number of our Section Members and leadership are from diverse backgrounds, and the Section has focused on diversity and inclusion through our networking and communication efforts with the QLaw Bar Association and Foundation.

We have also made significant strides in expanding the geographic diversity of our Executive Committee representation, and Section membership. The Section actively supported the formation of an LGBT Section of the Spokane County Bar Association, which was approved by

the SCBA governing board in Spring of 2016.

The CLEs sponsored by the Section have also reflected diverse interests and concerns. Our mini CLE on LGBT immigration issues addressed concerns of immigrants and immigrant families, and the extra hurdles faced by LGBT immigrants and asylum seekers. The Section co-sponsored a day-long CLE with the WSBA and the Civil Rights Section in an effort to reach out to attorneys outside of our Section and promote inclusion.

In the coming year, the Section will continue its outreach and networking efforts with QLaw and other minority bar associations and will continue to pursue geographic diversity and inclusion efforts. The Section will continue to produce educational programming that focuses on providing legal services to and better serving LGBT Washingtonians.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The LGBT Law Section has always strived to make professionalism a focus of its interactions both within the Section and with the public. Each of our mini-CLEs and other programs strive to represent a multitude of viewpoints and perspectives in order to encourage and foster professionalism among attorneys. Many of our CLE and presentation topics focus on best practices and professionalism among attorneys.

The day-long CLE presented with the WSBA and Civil Rights Section had a panel devoted to professionalism and ethical concerns in representing LGBT clients. The discussion and materials are equally applicable to promoting collegiality among attorneys and legal professionals, especially in interactions with LGBT members of the legal community.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The Section has recently secured a Young Lawyers Liaison to work with the Section, represent the perspective of lawyers new to practice, and serve as a connection and conduit for information between our Section and the Young Lawyers Division. The Section also sponsors social and networking opportunities for Section members, including events co-sponsored with QLaw, which provides Section members with broad community exposure within the legal community.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- Quality of WSBA staff support/services provided to Section Executive Committee
- Involvement with Board of Governors, including assigned BOG liaison
- Ideas you have on ways WSBA can continue to strengthen/support services to sections.

The Section has had a strong and effective working relationship with WSBA staff. Our current

WSBA Staff Liaison is Joe Terrenzio who is attentive and responsive to our needs and requests. Joe generally participates in our monthly Executive Committee phone meetings and provides helpful information about WSBA policies and procedures, as well as making sure the Section is aware of and has access to the facilities and support provided by the WSBA.

Section Chair Scott Douglas worked closely with Joe and especially with Julianne Unite to produce a day-long CLE focused on LGBT legal issues. Julianne was wonderful to work with, patient, dedicated, and unflappable, even when one of our faculty members cancelled the day of the CLE. Julianne deftly worked with another presenter on the schedule to ensure that the topics advertised were covered, and that all CLE requirements were met.

WSBA's Legislative Affairs Manager, Alison Grazzini, worked with the Section leadership to determine legislative issues of import to our Section, and was very helpful and responsive in tracking bills of concern to the Section's membership. We appreciate the time she took to meet with our Executive Committee and the attention she gave to the issues we brought to her attention.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBASections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Litigation</i>	
Chair:	<i>Stephanie Bloomfield</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size:	1,249 (as of 9/30/2016)
	Staff Lead:	Julianne Unite
	BOG Liaison:	Sean Davis
	FY16 revenue: \$	\$35,437.50 (as of 8/31/2016)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$11,711.86 (as of 8/31/2016)
	FY16 Per-Member-Charge expenses: \$	\$22,162.50 (as of 8/31/2016)
Purpose:	The Litigation Section strives to be the voice of civil litigators practicing in Washington state. The Section is involved in a wide range of activities that interest those who handle civil matters in superior or federal courts. Activities include review and formal input concerning legislation and rule making, annual midyear trial skills seminar and support for litigation skills training.	
2015-2016 Accomplishments and Work in Progress:	<ul style="list-style-type: none"> • <i>Participation at All Open Section Night in both E and W WA</i> • <i>Educational events annual Trial Skill CLE seminar</i> • <i>Support of WSBA's Trial Advocacy Program</i> • <i>Review and comment on legislative bills relevant to the section and its members (this did not occur because the legislature was not in session, but instead provided feedback to the BOG and Supreme Court both on WSBA changes and proposed Rule Changes.</i> • <i>Scholarship and/or grant programs at all three WA Law Schools</i> • <i>Intensive review and analysis of ECCL Task Force Proposals to share with the BOG/Supreme Court</i> 	

Please quantify your section's current member benefits:	Quantity	Member Benefit
<p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	\$2,500	Scholarships, donations, grants awarded
	3	Law school outreach events/benefits hosted
	0*	Legislative bills reviewed/drafted (*no session this year)
	0	Newsletters produced
	0	Mini-CLEs produced
	0	Co-sponsored half/day to multi-day CLEs with WSBA
	1	Receptions/forums hosted
	0	Awards given
	2	New Lawyer Outreach events/benefits
	1	Other (please describe): Hosted Annual Reception/Dinner for Supreme Court
2016-2017 Goals & Priorities (Top 5)	1	Continue Annual CLE and consider Mini CLE's to supplement.
	2	Law Student Outreach and Scholarship/Grants at all Three Washington Law Schools
	3	Trial Advocacy Program (continue support)
	4	Provide timely input on bills in what is expected to be a busy legislative section
	5	Newsletter – either resurrect or develop another format for member outreach
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p>We actively ensure that our CLE programs include diverse speakers/presenters</p> <p>We try and ensure both practice, geographic and ethnic diversity on our Executive Committee</p> <p>We have not used the WSBA Diversity Specialist.</p> <p>The point of contact on our Committee for this should be Stephanie Bloomfield (Chair).</p> <p>We will continue to promote diversity within our section leadership and in the presenters and speakers at section programs and identify outreach opportunities to increase diversity in our membership and leadership.</p>		

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The Litigation Section hopes to foster and promote professionalism by providing a means of networking and interaction for litigators representing both plaintiff and defendants. The Section CLE always includes an ethics component and believes that continued outreach and communication by section members in part through CLE's, Open Sections Events and its Listserve build collegiality and professionalism.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

We have engaged with our YLD Liaison to get input on issues of importance to younger lawyers, continue participation at Law School outreach events at all three law schools as well as Open Sections Nights. Our Annual CLE focuses on both more basic and higher level skills in a demonstration and discussion format that allows both new and more experienced lawyers to share and learn.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

WSBA Staff has been great to work with and responsive when we have questions. Staff has also been helpful in assisting our section in complying with WSBA requirements.

BOG Liaison, Sean Davis was engaged, participated and was most helpful in providing insight and outreach for the BOG to our section

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016

Email Annual Report to: sections@wsba.org

Name of the Section:	Low Bono Section	
Chair:	Stacie L. Naczelnik	
Section Information: *To be completed by WSBA*	Membership Size:	135 (as of 10-3-16)
	Staff Lead:	Joe Terrenzio
	BOG Liaison:	Andrea Jarmon
	FY16 revenue: \$	\$4,263.38 (as of 8-31-16)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$365.4 (as of 8-31-16)
	FY16 Per Member Charge	\$2,268.75 (as of 8-31-16)
Purpose:	The Low Bono Section is a community for lawyers, law students, and other professionals who are committed to providing, promoting, and learning about low bono services. In a broad sense, low bono is the principle of increasing access to law-related services for people of moderate means who do not qualify for pro bono assistance, but cannot afford the fees private attorneys typically charge under traditional law firm models. There are opportunities to provide low bono services in the legal profession, and in every other profession that intersects with the delivery of legal services.	
2015-2016 Accomplishments and Work in Progress:	<ol style="list-style-type: none"> 1. "Hanging Your Own Shingle" full-day CLE – January 2016. 2. Continue outreach and recruitment of members. 3. Foster existing partnerships with ATJI, Moderate Means, Seattle University and Gonzaga Law Schools, and ATJ Board. 4. Continue developing several member benefits: blog on NWSidebar, a robust listerv, free mini-CLEs, CHAMPS (Coffee 	

	House Attorney Mentor Program), active committees. 5. Develop a full-day CLE on the topic of “low bono” (scheduled for February 2017).	
Please quantify your section’s current member benefits: For example: <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	0	Scholarships, donations, grants awarded
	0	Law school outreach events/benefits hosted
	0	Legislative bills reviewed/drafted
	0	Newsletters produced
	0	Mini-CLEs produced
	0	Co-sponsored half/day to multi-day CLEs with WSBA
	0	Receptions/forums hosted
	0	Awards given
	0	New Lawyer Outreach events/benefits
		Other (please describe): <ul style="list-style-type: none"> • Hang Your Own Shingle – full-day CLE, co-sponsored with Seattle University School of Law <ul style="list-style-type: none"> ○ Discounted rate for members. ○ Provided scholarships. • Co-sponsored monthly “Low Bono CLE Connections Series” with the Access to Justice Institute’s Low Bono and Solo Initiative, WSBA Moderate Means Program, and the WSBA Law Office Management Assistance Program. • Co-hosted/sent representatives to Open Sections Night in Spokane and Seattle. • Sent representatives to law school events. <ul style="list-style-type: none"> ○ SU Law Low Bono Incubator Reception ○ UW Law School Public Service Law Dinner ○ UW Law Legal Connection Reception ○ Moderate Means Celebration • Co-hosted CHAMPS sessions with experienced attorneys. • Sponsored 4 social events (some were co-sponsored with local law firms).
2016-2017 Goals & Priorities (Top 5)	1	Plan and execute a Low Bono-themed, full day CLE program in partnership with Seattle University School of

		Law.
	2	Expand the efforts of our Communications Committee to continue developing the section's sub-blog of NWSidebar with regularly published content.
	3	Expand leadership opportunities for our membership and provide the resources to our membership that they find the most useful and practical.
	4	Foster relationships with like-minded vendors and other businesses for the development of member benefits, such as discounts for members on software tools and merchant card processing.
	5	Foster relationships with like-minded organizations, in particular within the access to justice community, to explore possibilities of developing programs in partnership.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The Executive Committee has discussed the importance of diversity and inclusion within the Low Bono Section, but has not adopted an official strategy for incorporating the main tenets of the Diversity and Inclusion Plan into our section's activities. Nonetheless, our Executive Committee has taken several steps to encourage participation by a more diverse group of people. All of the meetings of our Executive Committee have encouraged attendance by providing a telephone call-in number for those who live too distant to attend the meetings in person. We intentionally use a Seattle location for our Executive Committee meetings that offers free parking and hold our Executive Committee meetings at a later hour of the day to encourage more people to participate, including members with small children who may have trouble meeting during workday hours. Our Executive Committee also provided funds to send delegates to the Open Sections Night event in Spokane to encourage members to join from the east side of the state.

We are fortunate to be a section whose organizing principles appeal to a diverse group of attorneys, even without having focused our leadership activities on improving diversity and inclusion. Our mission is promotion of access to justice, which appeals to a diverse population of lawyers. This has resulted in a relatively diverse membership. Notably, the section is 69% female and a majority of our Executive Committee (including the Chair) is female. We focus heavily on alternatives to traditional law firm practice and work/life balance, something that appeals specifically to women in the profession. Our section is also 6% LGBT – a larger proportion than any other section other than the LGBT Law Section – and 17% identify as people of color. The 2015 Yearly Section Diversity Counts and the WSBA Membership Study of 2012 indicate that, even without a specific focus of our leadership this year on the topic of diversity, the Low Bono Section's membership is among the most diverse of all of the sections and has strong diversity relative to the WSBA membership as a whole. According to those data, respondents in our section report that 17% identify as being of color (compared to 12% of WSBA members), 69% identify as female (compared to 45% of WSBA members), 6% identify as LGBT (a higher percentage than all other sections but the LGBT Law Section), and 44% identify as being a new or young lawyer (this final figure being higher than that of any other section). We see the natural allure of our section to a very diverse group of people as a strength. Our challenge will be to maintain the draw our

section has for all members of the bar and non-attorneys who are eligible to join while encouraging people to participate who are currently underrepresented in our suction, such as persons with disabilities.

Our section did not utilize the services of the WSBA Diversity Specialist this year. The WSBA Diversity Specialist should feel free to contact any member of our Executive Committee regarding diversity and inclusion unless and until such time as the Executive Committee designates a point person for such contact.

In the past year, our Executive Committee's primary focus was keeping the members it has (as distinct from merely maintaining our membership numbers by having growth that exceeds attrition). This has meant focusing on providing high quality programs and other valuable benefits for all of our members, as well as promoting opportunities for our members to communicate with each other and build meaningful professional relationships. Our Executive Committee's secondary focus in the last year was encouraging new members to join the section. This has meant actively recruiting new members from among attorneys and other professionals in the community, usually through in-person conversations in a variety of contexts. As a small section, our focus must continue to be growing our numbers and maintaining our existing members. We believe that continuing our efforts to keep our existing members while we continue to grow will result in the Low Bono Section continuing to be one of the most diverse and inclusive sections of the WSBA. Nevertheless, our Executive Committee will include developing a strategy for incorporating the tenets of the Diversity and Inclusion Plan into our section activities during the next fiscal year.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

During the last year, our Executive Committee discussed the need for a Professionalism Plan and encouraged the chairs of our Education Committee, Communications Committee, and Media Committee to explore opportunities to include the topic of professionalism in CLE and webinar programs our section offers, in articles for the section's planned blog, and in community conversations on our listserv.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

We reach out specifically to new and young lawyers, with most of our outreach focusing on new/young lawyers and those transitioning from big firms to solo/small firms. Our bylaws allow us to have three law students hold non-lawyer board positions, and we have successfully filled one of those positions. A future goal is to reach out to lawyers reaching retirement, especially those seeking to semi-retire, and to lawyers practicing in big firms, which we imagine will lead to creating connections for new and young lawyers to find mentorship and professional opportunities. We have also continued the Coffee House Attorney Mentor Program (CHAMPS), in which experienced attorneys meet in an informal setting with small groups of newer attorneys. Topics have ranged from basic practice management to substantive areas of law.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- Quality of WSBA staff support/services provided to Section Executive Committee
- Involvement with Board of Governors, including assigned BOG liaison
- Ideas you have on ways WSBA can continue to strengthen/support services to sections.

We have enjoyed excellent support from Julianne, Andrea, and now Joe. The sections team should be commended – despite a lot of turnover, there was never a break in competent support. We

have also worked with the legislative liaison and with Debra Carnes. We have not yet connected with our BOG liaison, but this is a priority for the future.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBASections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Real Property, Probate & Trust</i>	
Chair:	<i>Jody McCormick (2016-2017)</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size:	2,378 (as of 9/30/2016)
	Staff Lead:	Julianne Unite
	BOG Liaison:	Brad Furlong
	FY16 revenue: \$	\$97,598.08 (as of 8/31/2016)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$49,490.54 (as of 8/31/2016)
	FY16 Per-Member-Charge expenses: \$	\$44,025 (as of 8/31/2016)
Purpose:	<p>The purpose of the Section is to:</p> <ul style="list-style-type: none"> a. assist our members in achieving the highest standards of competence, professionalism, and ethics in their practices, b. assist the Legislature in the enactment and improvement of the laws affecting real property, probate, trusts, and estates and to assist the Judiciary in the just administration of those laws, c. support the WSBA with regard to those matters which concern the practice of law in the areas of real property, probate, trusts and estates, and d. otherwise serve our members by helping them realize their professional goals. 	
2015-2016	2015-2016 was a successful year for RPPT. We developed and	

Accomplishments and Work in Progress:	<p>launched a fellows program designed to recruit and train the next generation of RPPT leadership. We selected the first two fellows, Danielle Flatt and Paul Firuz. We co-sponsored four (4) full day CLEs and the Midyear Conference at Suncadia Resort. At the Midyear Conference, our co-website editors reintroduced the section members to our website and listservs. We published four (4) high-quality newsletters. We touched at least 50 pieces of legislation. We worked with WSBA in the Section Workgroup.</p>	
Please quantify your section's current member benefits: <i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$2850	Scholarships, donations, grants awarded
	0	Law school outreach events/benefits hosted
	50	Legislative bills reviewed/drafted (34 RP bills & 12 PT reviewed/1 bills drafted/1 legislative workgroup/offered testimony on 2 bills enacted into law
	4	Newsletters produced
	0	Mini-CLEs produced
	5	Co-sponsored half/day to multi-day CLEs with WSBA
	2	Receptions/forums hosted
	1	Awards given
	4	New Lawyer Outreach events/benefits
	3	Other (please describe): Website and two Listservs
2016-2017 Goals & Priorities (Top 5)	High Level Goals	<ol style="list-style-type: none"> 1) Maintain the financial strength of RPPT; 2) Maintain and promote strong working relationships between the Section's executive committee and its members and the Section and the WSBA; 3) Continue to help our members be better lawyers through member benefits, thus, improving legal services received by clients
	Specific Annual Tasks	<ol style="list-style-type: none"> 1) Upgrade newsletter functionality to include electronic citation hyperlinks; 2) Develop guidance for two scholarship programs - \$10,000 budgeted for the general program/\$2,000 is budgeted for young lawyer section membership scholarship; 3) Convert prior newsletters on our website to .html 4) Work with WSBA to improve Section/WSBA

		relationship
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p>RPPT continues to make efforts to focus on age and gender representation in section leadership. We have worked closely with our Young Lawyer's Section liaison, Ali Higgs, to learn of issues important to young lawyers. We are looking forward to working with a new liaison as Ms. Higgs' tenure comes to an end September 30, 2016. We have adopted a Fellows Program that will bring young lawyers into the section and encourage their membership, participation, and future leadership. We have selected our first two fellows, Danielle Flatt and Paul Firuz. On the other end of the age spectrum, we have an emeritus member who we invite back from former leadership to ensure continuity of the Section and to be mindful of the needs of older lawyers as they progress throughout their careers. Our committee is approximately 50% female with a female chair and women in line to chair the section over the next three years. We have also made a special effort to maintain geographic diversity in section leadership and among speakers at our CLEs. The past year, we invited WSBA's diversity specialist to two of our EC meetings. The training was well received. We continue to brainstorm ways to increase racial and ethnic diversity.</p>		
<p>Please report how this section is addressing professionalism: (Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)</p> <p>RPPT has worked to raise awareness and promote professionalism among WSBA members by having speakers at RPPT-sponsored CLEs who speak on various topics related to professionalism. We are working to integrate professionalism into our ongoing programs and activities by introducing a Fellows Program for young lawyers and promoting issues related to professionalism in CLEs and our newsletter. We also adopted a Tolerance Policy to give to speakers to help remind speakers that audience members reflect a broad and diverse range of viewpoints, experiences, and sensitivities.</p>		
<p>Please report how this section is integrating new and young lawyers into its work: (How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)</p> <p>As mentioned above, we have worked closely with our Young Lawyer's Section liaison, Ali Higgs, to learn of issues important to young lawyers. We are looking forward to working with a new liaison as Ms. Higgs' tenure comes to an end September 30, 2016. We have adopted a Fellows Program that will bring young lawyers into the section and encourage their membership, participation, and future leadership. We have selected our first two fellows, Danielle Flatt and Paul Firuz. We have authorized a \$2,000 scholarship to assist young lawyers with section annual dues. Additionally, we provided two scholarships for the Midyear Conference to young</p>		

lawyers at the Young Lawyer's Section Nights (one in Seattle and one in Spokane).

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We work closely with and receive excellent service from WSBA staff. There continues to be staffing changes at WSBA that can be disruptive. We work well with Julianne Unite. She is responsive and helpful. Ms. Unite attends our executive committee meeting when time permits. We have appointed a small subcommittee whose responsibility is to attend BOG meetings. Previously, we had a different person attend meetings periodically. We found that it was a challenge keeping abreast of BOG issues. Having a smaller group of people attend allows for continuity without placing too much burden on any one individual.

We have recently enjoyed the privilege of working with Kevin Plachy for CLE planning and delivery. Kevin is abundantly competent and extraordinarily responsive to our requests for assistance in planning CLE locations, content, pricing, coordination of staff and on-site delivery.

RoseMary Reed was an active member of the Sections Workgroup. She was the large sections liaison.

Our BOG liaison has been available by email, but does not otherwise actively participate or communicate with RPPT.

We attend the sections leaders' meetings as well that are held throughout the year.

We are working hard to "reset" the relationship between WSBA and RPPT. It was damaged with the poor launch of the Section Workgroup initial findings. However, we are committed to a relationship of mutual respect with WSBA. We will strive to assist WSBA in meeting its objectives provided that WSBA allows us the flexibility to continue to provide the high quality member services our members have come to expect.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBASections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016
Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Senior Lawyers</i>	
Chair:	<i>Carole Grayson (since 2014)</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size:	304 (as of 9/30/2016)
	Staff Lead:	Julianne Unite
	BOG Liaison:	Brad Furlong of Mt. Vernon
	FY16 revenue: \$	\$7,687.27 (as of 8/31/2016)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$2,664.87 (as of 8/31/2016)
	FY16 Per-Member-Charge expenses: \$	\$5,531.25 (as of 8/31/2016)
Purpose:	<p>Despite its name, the Senior Lawyers Section is open to lawyers of any age or practice experience. The Section values input from all Washington lawyers. However, only lawyers aged 55 years and counting or who have been in practice in any jurisdiction for 25 years may serve on our Executive Committee.</p> <p>Considering our history and our present and contemplating our future are questions that guide our EC in leading the section.</p> <p>As one of the few WSBA sections that does not focus on a particular area of the law, the Senior Lawyers Section engages in robust discussions about our identity: What is it to be a senior lawyer in this day and age, when the Traditionalists are mostly retired or practicing limited hours and a vast bubble of Baby Boomers are near retirement or have embraced it (with no intention to just sit around). How can the Section interest those among the Baby Boomers who do not want the word “senior” as part of their identity? What will be the evolving professional</p>	

	<p>interests of the next demographic groups, Gen X and Millennials? What can our section do to enhance our communication across the generations, as a presenter at our 2015 CLE discussed.</p> <p>Section members offer a wide range of responses to the question of what is a senior lawyer. Responses fall primarily into three categories: Should we focus on social opportunities; or how to anticipate or navigate practice and life transitions, whether they involve retirement or not; or keeping up to date on developments in the law relevant to our widely-based membership.</p> <p>The section hosts an annual meeting and CLE program, social activities, a newsletter. CLE programs focus on practical issues such as ethics, computer use, practice transitions, retirement strategies, trial practice, updates in business law, estate law and guardianships, and appellate procedures.</p> <p>The Section co-hosted a webinar in the prior FY with the Solo and Small Practice Section and hopes to expand such collaboration in the future.</p> <p>Inactive members of the WSBA and other lay persons may join the section as subscribers for the purpose of participating in the activities of the section but may not be involved in the governance of the section.</p> <p>in accordance with the bylaws of the WSBA, law students may join the section as non-voting subscriber members.</p>
<p>2015-2016 Accomplishments and Work in Progress:</p>	<p>As is our custom, the EC met nine times during the year. We spend considerable time discussing the present and future of the section, in light of the changing demographics of the profession, and how to make our section attract more lawyers of all ages and practice experience.</p> <p>The Section held another successful Annual Meeting and CLE on May 6 at the Sea-Tac Marriott, with over 100 lawyers in attendance. MCLE approved the seminar for 7.0 CLE credits, including 1.0 ethics credit. The conference theme, "The Changing Landscape", featured relevant presentations by notable speakers that appealed to the broad base that distinguishes our section membership:</p> <p>Past WSBA president Salvador Mungia of Tacoma spoke on "Justice is Blind and Other Great Myths: Bias in the Justice System.</p> <p>Patricia Bostom of Seattle discussed "Title IX: The Past, Present, and Societal Impact.</p> <p>Pete Roberts, formerly practice management advisor at WSBA's LOMAP, gave an update on technology resources and how to find answers and stay current in this rapidly expanding area.</p> <p>Jeanne Marie Clavere, WSBA Professional Responsibility Counsel, examined the ethics of attorney communication and social media.</p> <p>As keynote speaker, Chief Justice Barbara Madsen of the Washington State Supreme Court related updates at the Supreme Court.</p> <p>Professor Karen Boxx, of the University of Washington School of Law,</p>

	<p>addressed the American College of Trust and Estate Counsel (ACTEC) Ethics Rules as applied to estate planning, probates, and guardianships.</p> <p>Chris Brown of Seattle and David Tungstad of Edmonds discussed updates on the Washington Limited Liability Company Act which took effect January 1, 2016, and how to advise clients and anyone doing business with Washington LLCs.</p> <p>Lisa Voso of Federal Way provided insights on communicating between generations.</p> <p>Michael Wampold of Seattle posited that the role of trials lawyers in the modern trial is to play the mentor to the hero -- the jury, for only the jury can right the wrong.</p>	
<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$	Scholarships, donations, grants awarded
		Law school outreach events/benefits hosted
		Legislative bills reviewed/drafted
	2	Newsletters produced
		Mini-CLEs produced
	1	Co-sponsored half/day to multi-day CLEs with WSBA
		Receptions/forums hosted
		Awards given
		New Lawyer Outreach events/benefits
		Other (please describe):
<p>2016-2017 Goals & Priorities (Top 5)</p>	1	Develop a theme for our May 5, 2017 CLE that attracts baby boomers on presentations, some of which will address practice transitions and changing demographics contemplated by the WSBA 2012 Membership Study. That study's executive summary predicted that within five years (i.e., 2017), 56% of Washington lawyers would have either retired, would have substantially reduced their practice, or would have left the legal profession.
	2	Increase the annual number of issues of our newsletter, "Life Begins".
	3	Increase outreach and/or collaboration with other sections on matters of shared interest, including

		perhaps the Solo and Small Practice Section, Elder Law Section, and Real Property, Probate, and Trust Section.
	4	Develop effective marketing and outreach to lawyers in their 50s and 40s and below to encourage their membership in the section, in light of declining section membership among Washington's 30,000 active lawyers due to age and attrition and also perhaps due to the opportunities for professional camaraderie offered by other affinity groups of lawyers, e.g., specialty bar associations, minority bar associations, and local bar associations.
	5	Develop effective marketing that makes lawyers of any age and stage in their career aware of opportunities for service, pro bono or not, whether with active status or emeritus status, e.g., through mentoring, working with Qualified Legal Services Providers, etc.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The Senior Lawyers Section leadership makes it a point to be aware of WSBA's diversity goals and to be inclusive in every way that we can, including diversity on our Executive Committee. Our section has the age criterion well covered. Our EC members range from their mid-50's to their mid-80's. The gender criteria are coming along as more women, since the 1970's, began entering the legal profession. EC members in their mid-80's recall when Seattle had only three female lawyers. One EC member, a retired judge, is a person of color. The EC has never inquired whether section members comes from underrepresented backgrounds.

The WSBA Diversity Specialist would be a welcome addition on our agenda at a forthcoming meeting. The WSBA Diversity Specialist is welcome to contact the chair of the section.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

As senior members of the Bar, we believe that we incorporate the tenets of professionalism in our activities. Our longevity as practitioners provides resonance to our perspective on the intrinsic importance of "ethics, civility, professionalism, and competence" as defining aspects of the legal profession, as per the Professionalism Plan.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

Our first and only liaison from the Young Lawyer Committee has been Eleanor Doermann of Tukwila. As a newer practitioner who is also 55+, her regular attendance at our meetings and useful participation has provided an invaluable perspective. During this year, our EC invited her to join our EC. We are delighted that she agreed to do so. She continues to serve as the YLC liaison as well.

Our EC looks forward to Eleanor's input on what steps a section that has the word "senior" in its name can take to engage younger lawyers, or newer lawyers, who distinctly do not see themselves as seniors.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

Our EC has been very pleased with the responsiveness and knowledge of WSBA employees Julianne Unite (section liaison) and Kevin Plachy (CLE). Their participation, whether at meetings, on conference calls, or email has helped the EC address evolving situations.

The section chair believes that BOG liaison assignments first came about sometime within the last decade. BOGs in recent years are younger and more diverse BOG than even a decade ago. Of current BOG members, around a half dozen members would fit within the age or practice criteria of our section's EC: 55 years of age OR 25+ years of practice.

Our EC was pleased with our outgoing BOG liaison, Brad Furlong of Mt. Vernon. He finished his three-year BOG commitment and is now president-elect of WSBA. His participation at EC meetings by telephone was helpful. Brad fit solidly within our EC's age and years of practice criteria. Our EC appreciated his understanding of issues that can arise personally and professionally for lawyers later in their careers. We hope he will consider joining our section but understand that he will have lots on his plate.

Whether by coincidence or BOG design, Brad and his predecessor BOG liaisons -- Brian Comstock and Bill Viall -- happened to fit within our EC's age or practice criteria. Our newly appointed BOG liaison, Jill Karmy of Ridgefield, sees her role as one of support and as a communication conduit. The section chair is hopeful that Jill will be as helpful as her predecessors in their BOG liaison role even though she is not among the BOG members who meet our EC criteria. Information she has shared about her practice experience bode well in that regard.

Ken Yu, the long-time publisher of our section's newsletter, "Life Begins", is always prompt, responsive, and helpful.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016
Email Annual Report to: sections@wsba.org

Name of the Section:	Solo and Small Practice Section	
Chair:	Nancy A. Pacharzina	
Section Information: *To be completed by WSBA*	Membership Size:	1,040 (as of 10-03-16)
	Staff Lead:	Joe Terrenzio
	BOG Liaison:	Kim Risenmay
	FY16 revenue:	\$42,560.8 (as of 8-31-16)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$16,001.51 (as of 8-31-16)
	FY16 Per Member Charge	\$19,125.00 (as of 8-1-16)
Purpose:	<i>To help solo and small practice attorneys ethically conduct a profitable, satisfying business by acting as a clearing house for qualified law practice management and technology information.</i>	
2015-2016 Accomplishments and Work in Progress:	<p><i>Major accomplishments include:</i></p> <ul style="list-style-type: none"> <i>-Increasing and maintaining our membership of over 1000 members, which in turn enhances the value of our list serve;</i> <i>-Producing 8 mini CLE's which are free to our members – we exceeded our goal of 6 and doubled last year's number of 4;</i> <i>-Producing on our annual one-day CLE;</i> <i>-Sponsoring and participating in the Solo & Small Firm Conference, including hosting the opening day reception;</i> <i>-Initiating the use of "Slack" to make EC communications more efficient.</i> 	

	<p>Works in Progress:</p> <ul style="list-style-type: none"> - Continuing to work with WSBA to find a way to have a membership directory which will facilitate solo and small practice attorneys reaching out to each other. This project has been stymied by WSBA policies and bureaucracy regarding privacy of WSBA members' membership in the Section. - Exploring ways to use member-volunteers or contracted services to enhance and update the content on our web site and assist with mini-CLE production. - Streamline mini-CLE production. - Put on at least one additional solo and small firm networking event and explore co-sponsoring events with other sections (corporate counsel section, administrative law, minority bar associations); - Enhance and Update materials on our web site. 	
<p>Please quantify your section's current member benefits:</p> <p>For example:</p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$ 1,875	Scholarships, donations, grants awarded -Five scholarships to attend the Solo & Small Firm Conference @ \$365 ea. - Donation to support WSBA Open Sections Night event in Spokane (\$50)
	2	Law school outreach events/benefits hosted -Career days at SU and UW
	0	Legislative bills reviewed/drafted
	0	Newsletters produced
	8	Mini-CLEs produced
	2	Co-sponsored half/day to multi-day CLEs with WSBA
	2	Receptions/forums hosted Opening Night reception at Solo & Small Firm Conference; Reception after our 1-day CLE.
	0	Awards given
	2	New Lawyer Outreach events/benefits Open Sections Night in Seattle and Spokane (in addition to the two law school events noted above).
	1	Other (please describe): Participated in initial section response to Section's Policy Work Group.

2016-2017 Goals & Priorities (Top 5)	1	<i>Publish a Solo Section Member Directory</i>
	2	<i>Increase diversity on the EC.</i>
	3	<i>Co-sponsor a networking event with another section and with a minority bar association.</i>
	4	<i>Help restore the annual WSBA Solo & Small Firm Conference into the premier solo and small firm networking event it once was.</i>
	5	<i>Develop a sustainable system to improve and update content on our web site.</i>

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

According to WSBA data, our section's membership is as diverse as the bar membership.

Our EC is not as diverse. To rectify that, when the opportunity arose to appoint an EC member to fill a vacancy, we appointed a member of color. We also plan to invite some minority bar associations to provide liaisons to our EC. Note: At least one of our existing EC members is also a member of several minority bar associations.

To foster a culture of inclusion among our members, one of our goals this year is to co-sponsor networking events with various minority bar associations.

Diversity is always one of our goals when selecting speakers for our CLE and webinars.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

Our CLE's help lawyers run the business end of their practices ethically and efficiently which in turn fosters better relations with other counsel and the courts. In particular effective use of technology helps lawyers meet their obligations, manage trust accounts and manage communications with clients and opposing counsel.

On our list-serve, members frequently solicit advise and share experiences regarding how to deal with opposing counsel, courts and staff.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

We have a liaison from the Young Lawyers Committee on our EC.

We attend two law school events each year encouraging students to join the section.

We send letters to new admittees encouraging them to join the section.

We participate in Open Sections Night in Seattle and Spokane.

We participated in the recent mentor-link project.

We are proposing to co-sponsor a speed networking event with YLD.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- Quality of WSBA staff support/services provided to Section Executive Committee
- Involvement with Board of Governors, including assigned BOG liaison
- Ideas you have on ways WSBA can continue to strengthen/support services to sections.

Our section lead, Joe Terrenzio, is very enthusiastic and willing to help. He just started five months ago right in the middle the controversy regarding the sections' relationship with WSBA so it's a bit early to say anything other than Joe has been great so far.

The BOG was responsive to the sections' concerns regarding the initial recommendations of the Sections Work Group and we appreciate that. Our goal is to foster a productive, collaborative relationship with WSBA staff. We will continue to push where we believe bureaucracy is unnecessarily hampering the work of the sections, see e.g., note above regarding creation of a directory of solo & small firm section members.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBASections

WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016

Email Annual Report to: sections@wsba.org

Name of the Section:	Taxation Section	
Chair:	Tiffany Gorton	
Section Information: *To be completed by WSBA*	Membership Size:	660 (as of 10-3-16)
	Staff Lead:	Joe Terrenzio
	BOG Liaison:	Kim Risenmay
	FY16 revenue: \$	\$30,511.58 (as of 8-31-16)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$13,592.84 (as of 8-31-16)
	FY16 Per Member Charge	\$11,981.25 (as of 8-31-16)
Purpose:	The purpose of the Taxation Section is to further the knowledge of the members and the WSBA in areas of the law involving federal, state and local taxation, to form a working unit to assist in the activities of the WSBA and otherwise further the interests of the WSBA and the legal profession as a whole.	
2015-2016 Accomplishments and Work in Progress:	The Tax Section has had success with program and social event sponsorship, fostering new and young lawyer membership and promoting diversity among its members and leadership. The Section will endeavor to increase success in these areas as well as provide easier access to Section information for members, increase an emphasis on professionalism and be a better resource in bridging the gap between the Section and the WSBA as an organization.	

Please quantify your section's current member benefits: For example: <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$7,000	Scholarships, donations, grants awarded
	1	Law school outreach events/benefits hosted
	50-80	Legislative bills reviewed/drafted
	1	Newsletters produced
	0	Mini-CLEs produced
	2	Co-sponsored half/day to multi-day CLEs with WSBA
	2	Receptions/forums hosted
	1	Awards given
	1	New Lawyer Outreach events/benefits
	1	Other (please describe): IRS Liaison Brown Bag CLE
2016-2017 Goals & Priorities (Top 5)	1	To effectively disseminate information to Section members
	2	To continue to foster diversity among the Section members and Section leadership
	3	To continue to grow Section membership and participation
	4	To continue to be a resource for new and young lawyers and to foster their involvement in the Section
	5	To better use the WSBA as a resource to the Section
Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?) By the nature of tax law, the Tax Section membership is comprised many different practice areas. The Tax Section has multiple committees, which represent more specialized practice areas within the broader tax practice. The		

Tax Section Committees continue to provide remote access to meetings to foster participation of members from all parts of the state. The Executive Committee endeavors to include members from a broad range of geographic areas, age demographics and practice areas. The Tax Section also hosts a broad range of CLE seminars each year, including the December 2015 CLE on Tribal Tax Law. The Tax Section focuses on outreach to new and young lawyers and law students through its Young Lawyer Committee, which hosts multiple CLE seminars and social events to connect new and young lawyers with the Section and its members. The Tax Section has also has the involvement of a WSBA Young Lawyer Liaison to further this goal. The Tax Section is also able to foster outreach to new and young lawyers by providing a scholarship to a lawyer pursuing an LL.M in Taxation. The Tax Section Executive Committee will reach out to the WSBA Diversity Specialist this year for consultation on further improvement in this area.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The Tax Section continues to strive to include an ethics component into the CLEs it co-sponsors. The Tax Section Executive Committee will review the Professionalism Plan and work to implement more tenets of the plan in the upcoming year.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The Tax Section focuses on outreach to new and young lawyers and law students through its Young Lawyer Committee, which hosts multiple CLEs and social events to connect new and young lawyers with the Section and its members. The Tax Section hosted a Young Lawyers Outreach Breakfast on February 26, 2016, which was attended by both experienced practitioners as well as new and young lawyers with the purpose of connecting new and experienced attorneys. The Tax Section's Young Lawyer Committee chair helped host a panel event at Seattle University on March 23, 2016 to discuss careers in tax law with Seattle University J.D. students. The Tax Section has also has the involvement of a WSBA Young Lawyer Liaison to further the goal of getting new and young lawyers involved with the section. The Tax Section is also able to foster outreach to new and young lawyers by providing a scholarship to a lawyer pursuing an LL.M in Taxation.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- Quality of WSBA staff support/services provided to Section Executive Committee
- Involvement with Board of Governors, including assigned BOG liaison
- Ideas you have on ways WSBA can continue to strengthen/support services to sections.

Kim Risenmay has been a great resource to the Tax Section as the past nine months have been a particularly active time with the Sections Policy Workgroup and other changes to WSBA policies. Kim attends the Tax Section Executive Committee meetings and provides information and answers questions to the extent he is able.

Joe Terrenzio has been our Sections Program Lead Since June 2016. He regularly attends the Tax Section Executive Committee meetings and has been helpful and responsive to any questions from the Section.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org



WSBA SECTION ANNUAL REPORT – FY16

Deadline: Friday, October 14, 2016

Email Annual Report to: sections@wsba.org

Name of the Section:	World Peace Through Law Section	
Chair:	Randy Winn	
Section Information: *To be completed by WSBA*	Membership Size:	114 (as of 10-3-16)
	Staff Lead:	Joe Terrenzio
	BOG Liaison:	Keith Black
	FY16 revenue: \$	\$3,078.75 (as of 8-31-16)
	FY16 direct expenses: \$ (does not include the Per-Member-Charge)	\$431.74 (as of 8-31-16)
	FY16 Per Member Charge	\$1,931.25 (as of 8-31-16)
Purpose:	<p>The World Peace Through Law Section focuses on legal aspects of international affairs and legal issues of war and peace, generally known as "public international law." A major benefit for members is the Section's stimulating forum series featuring experts addressing the diversity of public international topics arising in current world affairs.</p>	
2015-2016 Accomplishments and		

Work in Progress:		
Please quantify your section's current member benefits: For example: <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$	Scholarships, donations, grants awarded
		Law school outreach events/benefits hosted
		Legislative bills reviewed/drafted
		Newsletters produced
	2	Mini-CLEs produced
		Co-sponsored half/day to multi-day CLEs with WSBA
		Receptions/forums hosted
		Awards given
		New Lawyer Outreach events/benefits
		Other (please describe):
2016-2017 Goals & Priorities (Top 5)	1	Stabilize management team with full slate of officers and planning activities per bylaws and best practices
	2	Educational program: Quarterly mini-CLEs, plus experimenting with broadcast mini-CLEs
	3	Monthly email news briefs (similar in purpose and design to WSBA Diversity email newsletter)
	4	Develop scholarship/fellowship/sponsored study program on relevant subject matter with defined work product
	5	Outreach to New, Diverse, and Underserved WSBA members
Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training		

or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

Our management team and CLE speakers tend to include exceptionally high levels of diversity in gender, ethnicity and the like. Our leadership team and our speaker list over the past five years have been “majority minority”, possibly due to the Section’s subject matter. We have benefitted greatly from recruiting speakers from rarely heard backgrounds and plan to continue the practice.)

Less well known is the diversity makeup of our Section membership. We plan to proactively seek networking opportunities with minority bar groups to discover how they may believe our section can address their needs. We may increase member diversity by providing relevant services to populations of diversity, but we have to first ask them what those would be. (True story: when I first chaired this section, I approached several minority bars with Section recruiting materials and was uniformly rebuffed; they didn’t appreciate a sales job any more than I would have. Listening, then asking, seems to be a more promising approach.) The Diversity Specialist’s news bulletins are a valuable source of connections for this effort.

We are thinking about developing a scholarship or fellowship concerning our Section’s subject matter, and outreach to candidates of diversity would be an important part of that. It may be helpful if there were a template for such a program or, perhaps even better, a joint effort among various Bar elements for developing and supporting such fellowships.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

We tentatively plan to have at least one of our CLE programs address ethical duties of attorneys in issues of law and peace. Our program a few years back on the subject (featuring the attorneys for Lt. Ehrin Watada) was one of our most popular and educational. Our revived newsletter may include publicity for professionalism training by other Bar Sections or entities. It may be worth exploring the development of some “common core” content.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

Often new/young lawyers (such as we meet at Open Sections Night) express concern about

finding opportunities for meaningful work while they necessarily pursue employment that pays their student loans. Thus our Section appears to appear like a luxury, and few new/young lawyers are active.

We have to consider what we have to offer that they want. We plan to ask the Young Lawyer's Committee about that. For example, relevant to community-building and networking, several of our speakers or members of the management team have made careers or found satisfying side-work in public international law, land reform, fighting human trafficking, and the like. If Young Lawyers find useful a network of such contacts, we would experiment with creating one. The mechanics of doing so may require advice as to Sections Best Practices.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- Quality of WSBA staff support/services provided to Section Executive Committee
- Involvement with Board of Governors, including assigned BOG liaison
- Ideas you have on ways WSBA can continue to strengthen/support services to sections.

The Executive Committee gets quick and effective responses from WSBA staff. We may not have always asked for the assistance we needed as soon as might have been (e.g. the newsletter issue above.)

We have had very little involvement with the Board of Governors, including the liaison. The relationship seems a bit unclear, to be frank. There has been discussion of overall Section issues generally of course.

The primary weakness of the section as a community is that our community support technology is vastly inferior to that of competing social groups. In a facebook/linkedin/wikilaw world, it just does not build community anymore to have quarterly meetings, a newsletter and a listserve with no archive. We lose mindshare to organizations with the superior leveraging technology which is the standard for the digitally native new lawyers.

This is a solvable problem, but it's not one the Section can solve alone as it impacts WSBA policies. If WSBA were interested in experimenting with a small Section, we would probably volunteer.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the November 2016 BOG Meeting Materials.

Return by October 14, 2016 to sections@wsba.org