

MINUTES

Public Session Washington State Bar Association BOARD OF GOVERNORS

**Olympia, WA
March 9, 2017**

The Public Session of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Robin Haynes on Thursday, March 9, 2017, at 1:30 p.m., at the Red Lion, Olympia, Washington. Governors in attendance were:

Keith M. Black
Dan W. Bridges
Mario M. Cava
Ann Danieli
Sean M. Davis
James K. Doane
Angela M. Hayes
Andrea S. Jarmon
Jill A. Karmy
Rajeev D. Majumdar
Christina A. Meserve
Athan P. Papailiou
William D. Pickett
G. Kim Risenmay

Also in attendance were President-elect Brad Furlong, Immediate Past-President Bill Hyslop, Executive Director Paula Littlewood, General Counsel/Chief Regulatory Counsel Jean McElroy, Chief Disciplinary Counsel Doug Ende, Director of Human Resources Frances Dujon-Reynolds, Chief Operations Officer Ann Holmes, Director of Advancement/Chief Development Officer Terra Nevitt, and Executive Assistant Margaret Shane.

REPORT ON EXECUTIVE SESSION

President Haynes reported that the Board received the President's and the Executive Director's updates and the Litigation Report, and acted on the Executive Director's 2016-2017 evaluation goals.

CONSENT CALENDAR

- a. January 26-27, 2017, Public Session Minutes
- ~~b. Suggested Amendments to Infraction Rules for Courts of Limited Jurisdiction (IRLJ) 3.3 – pulled from consent and acted upon later in Public Session~~
- c. Suggested Amendments to Rules of Professional Conduct (RPC) 1.6 and 7.3
- d. Suggested Amendments to Rules of Professional Conduct (RPC) 8.4
- e. Request for Committee on Professional Ethics (CPE) to Draft title 7 Rules of Professional Conduct (RPC) Amendments
- f. Comment on Access to Justice (ATJ) Board’s Draft State Plan for the Coordinated Delivery of Legal Services to Low Income People

LEGISLATIVE REPORT – Governor Mario Cava, BOG Legislative Committee Chair, and Alison Phelan, Legislative Affairs Manager

Legislative Affairs Manager Phelan reported on the Bar request legislation proposals being considered in the Legislature and where the requests are in the process, as well as the various session deadlines. Governor Cava reported that Senate Bill 5721 that would require an affirmative vote from the WSBA membership for WSBA license fee increases did not make it out of the Senate before first house cut-off. He noted that the BOG Legislative Committee did not take a position on this proposal, rather, answered questions from legislators when it was heard in committee last month.

SUGGESTED AMENDMENTS TO INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION (IRLJ) 3.3

Governor Majumdar pulled this item from the Consent Calendar and explained that infractions are highly modified by local court rules and suggested wording that would accommodate any exceptions local court rules might contain. He moved to strike the third word from the end, “these,” and replace it with “the.” He clarified that he is amenable to having the Court Rules Committee review this proposed edit. Governor Risenmay moved to amend the motion to include: and remand proposed IRLJ 3.3 back to the Court Rules Committee with the recommendation that they remove the word “these” and replace it with “the.” Governor Karmy suggested rewording the motion to ask the Court Rules Committee to consider whether removing the word “these” and replacing it with “the” would be advisable and to send proposed IRLJ 3.3 back to the Board for a final vote. She clarified that the concern regards local

court rules. Governor Majumdar and Governor Risenmay accepted this rewording of the motion. Motion passed by a voice vote.

GENERATIVE DISCUSSION

President Haynes explained that the Board would be focusing on the purpose of generative discussions as well as future topics for generative discussions and “Decoding the Law” fora. Governor Cava stated that generative discussions are a means of providing a time of forward-looking for the organization and to be proactive about addressing the future in the present time, a way to think and process big things coming down the road that the organization needs to be prepared for, and he stated that it is important for Governors to suspend their roles as every day, concrete problem solvers in order to think from a high level regarding policy issues. Discussion ensued regarding the difficulty of having constructive discussions with the current Board meeting setup; having substantive conversations about specific issues; receiving feedback/followup after generative discussions; the tremendous resources available in WSBA staff; discovering and engaging tools in the Board’s tool chest when considering various legal problems; inviting more key stakeholders to generative discussions; creating infrastructure for discussion prior to the generative discussion; breaking into smaller groups during a generative discussion; and engaging with members during generative discussions.

Topics suggested for future generative discussions included: how to better connect with members; where the Board sees Limited License Legal Technicians (LLTs) in the future; exploring entity regulation; and exploring how to help legal professionals, the system, and the public.

Topics suggested for future “Decoding the Law” fora included: issues raised by the initiative circulating regarding restrooms; immigration-related issues; voting rights/gerrymandering; civil rights and the blue line; and discrimination.

ADJOURNMENT

There being no further business, the Public Session portion of the meeting was adjourned at 3:25 p.m. on Thursday, March 9, 2017.

Respectfully submitted,

Paula C. Littlewood

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WSBA Executive Director & Secretary