

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

## Board of Governors April Meeting Update

*A summary of the Board of Governors meeting April 17, 2020, prepared by WSBA*

The agenda, materials, and video recording from this Board of Governors meeting, as well as past meetings, are [online](#). The next regular meeting is June 11-12. The Board of Governors is WSBA's governing body charged with determining general policies of the bar and approving its annual budget.

### ***Special Message from WSBA President Rajeev Majumdar***

Dear Colleagues,

We are entering week five of the Governor's "[Stay Home, Stay Safe](#)" emergency order, which has been extended through at least May 4. The good news is the social distancing [seems to be working](#); the flipside, for many of us, is the heavy burden on our legal practice as courts and businesses remain shut. I want to reiterate: You are not alone. In times like this, our statewide association has a unique ability to gather legal professionals, resources, and strength of voice to navigate the current crisis and beyond.

Led by that objective, here are a few updates about how the Washington State Bar Association has been responding to the coronavirus emergency:

- The [Coronavirus Response Task Force](#): This WSBA-convened group is composed of members with wide-ranging experiences formed to support, advise, and triage WSBA's response to support the legal community during the COVID-19 crisis. The task force has met four times and has responded to members' feedback/questions to help WSBA create a slate of resources and CLEs (see the following bullet points). The task force has spent considerable time discussing how to best advise members regarding the Governor's "Stay Home, Stay Safe" directive and witnessing of wills during the pandemic. Another major focus of the task force is determining how WSBA can advocate to address inconsistencies in statewide court emergency procedures and resources. [More information](#). At our April meeting, we also started a discussion about how WSBA might assist in the effort to bring together stakeholders to support consistent technology and civil litigation rule modernizations across the superior court system.
- Information hub: WSBA is frequently updating its [COVID-19 web page](#) with information, news, and resources in the categories such as law firm management, free CLEs and webinars, court orders, opportunities to help, and more. Legal experts have also contributed a wealth of tips and guidelines on WSBA's [NWSidebar blog forum](#), including "[How to Make Working from Home Work For You](#)" and "[The Ethics of Working Remotely: 4 Relevant RPCs for Washington Legal Professionals](#)."
- Webinars, live and on-demand: WSBA has pulled together a collection of [free on-demand CLEs to help you navigate the legal landscape during the pandemic](#). Also, this month's [Legal Lunchbox seminar](#) is available on-demand throughout April so you can earn 1.5 worth of free

CLE credits at home. If you prefer real-time legal experts talking about COVID-19 related topics, register for these **free** CLEs:

- April 21: [Unemployment and COVID-19 – What You Need to Know](#)
  - April 22: [Executing Estate Planning Documents during COVID-19: Best Practices](#)
  - [May 5: Session 1—Working Remotely & Securely: What Lawyers Need to Know](#) and [Session 2—COVID-19 and a Troubled Economy: How to Maintain Lawyer Wellness](#)
  - May 7: [Professional Responsibility in the time of COVID-19](#)
- Remote governance: The Board of Governors held its April meeting in a virtual-only format, as allowed by [emergency modifications to the Open Public Meetings Act](#). While we are committed to maintaining (and even expanding) operations and services during the coronavirus crisis, we are constrained in our virtual-only public meetings to topics that are “necessary and routine” or “necessary to respond to the COVID-19 outbreak and the current public health emergency.” That is why our agenda was abbreviated for the April meeting (recap below). We have moved our previously planned May Board of Governors meeting to [June](#) in hopes that we will be able to hold an in-person event in Bellingham with a full agenda. Stay tuned.

Throughout all this pandemic planning and discussion, one thing remains abundantly clear: Legal services and expertise are more important than ever as our society tries to balance safety and personal rights, emergency directives and longstanding lawful procedures, and competing federal, state, county, and local mandates. Thank you for continuing to serve your communities despite very real personal anxieties. Thank you for representing the best of our profession. We are much stronger together than apart. I hope you are relatively healthy and productive during this stressful time. Please do not hesitate to reach out to me at [rajeev@northwhatcomlaw.com](mailto:rajeev@northwhatcomlaw.com) with any questions or concerns.

In service,

Rajeev Majumdar, WSBA President

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### **TOP MEETING TAKEAWAYS**

1. To be or not to be? With input from law school students, law school deans, and the WSBA Board of Governors, the Washington Supreme Court during its April 29 *en banc* session will consider whether the Bar exam will be offered in July and contingency plans if the summer bar exams cannot be held safely. (More information below.)
2. Good financial news: WSBA’s budget reforecast—a process to update actual revenues and expenditures in light of original budgetary assumptions and in light of ongoing efficiency measures—has calculated a net savings of about \$800,000 compared to what was budgeted this fiscal year. Also, the independent “deep dive” audit is complete, and it certifies that WSBA is accountably following its own fiscal policies and best industry practices and safeguarding the resources of the organization. [More information](#). The Budget and Audit Committee received a [full report](#) today.
3. The results are in! Please congratulate the winners of this year’s four district races for the WSBA Board of Governors: [Brent Williams-Ruth](#) (District 8), [Brett Purtzer](#) (District 6), [Lauren Boyd](#) (District 4), and [Drew H. ...](#) (District 2).

and [Matthew Dresden](#) (District 7-North). There is still time (barely—today’s the deadline) to apply the open At-Large seat and President-Elect office. [Send in your application materials by 5 p.m.](#)

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## **MEETING RECAP**

**July bar exams.** Because the COVID-19 emergency and related social distancing directives may make safe administration of the July bar exams impossible, the WSBA Board of Governors, Justices of the Washington Supreme Court, and law school students discussed possible alternatives. The Board of Governors declined to support a request made by graduating law school students for diploma privilege if the July exam is cancelled. Some Governors told students they would be more amenable to a request that was not so “wide open” in scope. After much discussion, the board voted to make plans to conduct the July bar exams in the safest reasonable manner, which could include multiple exam sites. If it becomes clear the July exams cannot be administered safely, or must be administered to a reduced number of applicants, WSBA will also plan for contingencies like possibly holding a fall exam, as recently authorized by the National Conference of Bar Examiners. WSBA representatives mentioned that the [APR 9 Legal Intern pathway](#), which permits graduate practice before full admission to the bar, may be a good option for law school graduates in the meantime. Ultimately, everyone agreed this crisis situation calls for flexibility to mitigate any potential hardships to graduating law school students, their employers, and the communities they serve. The Washington Supreme Court will discuss how to best proceed at its *en banc* session on April 29. (See [page 49](#); [page 33 in late materials](#); and [page 11 in late-late materials](#).)

**Helping sections connect with legislators.** The Board Legislative Committee reported progress on its draft policy to clarify how sections introduce and respond to legislation in a manner that encourages member share their subject-matter expertise with lawmakers in an official WSBA capacity while adhering to [Gen Rule 12.2](#). The board expects to take action on the policy in June. (See [page 26 in late materials](#).) The Board Legislative Committee also recently considered whether to support an ABA resolution to criminalize the possession, sale, and trade of shark fins as well as a proposal to have WSBA sections produce advocacy papers to quickly address/advise on emerging legislation and issues. Both issues will be explored further upcoming Board Legislative Committee meetings. (See [page 6 of late materials](#).)

**Ethics recommendations.** The Board of Governors approved two recommendations from the Committee on Professional Ethics: To support the Pro Bono Council’s request to withdraw a proposal regarding Comm [8] to RPC 6.5 (nonprofit and court-annexed limited legal service programs); and to submit a comment asking the Court to *not* adopt the revised proposed amendment to Rule 7.3 (solicitation of clients). (See [page 182 and 183](#)).

**Public defense recommendation.** The Board of Governors tabled a recommendation from the Council on Public Defense to submit a comment to the Court in support of proposed amendments to CrR 3.1(f), CrF 3.1(f) and JuCrR 9.3(a) that require that judges consider defense requests for expert funds *ex parte*. The Council on Public Defense will return in June after seeking input from the Criminal Law Section. (See [page 188](#))

**WSBA’s role and responsibilities administering Court-appointed boards.** The board approved a charter roster for a new task force that will work with the Washington Supreme Court to better understand the WSBA Board of Governor’s role and responsibilities—substantive, fiscal, and administrative—in administering Court-appointed boards. These boards include the Access to Justice Board, Disciplinary Board

Limited License Legal Technician Board, Limited Practice Board, Mandatory Continuing Legal Education Board, and the Practice of Law Board. ([See page 111 in late materials](#))

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