

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

## Board of Governors April Meeting Update

A summary prepared by WSBA of the Board of Governors (Board) meeting held April 16-17 in Spokane and virtually. The agenda, materials, and video recording from this Board of Governors meeting are [online](#). The next regular meeting is May 20-21, 2021. The Board of Governors is WSBA's governing body charged with determining general policies of the bar and approving its annual budget. To subscribe to the Board Meeting Notification list, email [barleaders@wsba.org](mailto:barleaders@wsba.org).

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### **NEED TO KNOW**

1. **Proposed Rules for Discipline and Incapacity.** Board members held a robust conversation about proposed amendments to the Rules for Discipline and Incapacity currently published for public comment by the Supreme Court; they ultimately voted to recommend an extension of the comment period and to allow sections to directly submit comments. See below for more information.
2. **Bar exam resolution.** After gathering member feedback subsequent to the March meeting, the Board of Governors passed a resolution in support of a bar exam to ensure a competent, ethical, and diverse legal profession. See below for more information.
3. **Budget reforecast.** The board approved WSBA's reforecast budget for fiscal year 2021. The reforecast is WSBA's annual process to reconcile actual revenues and expenses mid-fiscal year with the original budget. In FY21's reforecast, we anticipate the general fund will end up with a net \$89,000 ahead of the original budget estimate—and that is the result of careful attention to and reductions to offset many of the unknown variables that continue as a result of the pandemic. One budget that has been significantly impacted is the Continuing Legal Education (CLE) fund, which is separate from the general fund and typically revenue generating; through careful planning, we have built the CLE Fund reserves to compensate for this type of anomalous year. ([See page 430.](#))

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### **MEETING RECAP**

**Local Hero and Presidential Commendations.** WSBA President Kyle Sciuchetti honored former U.S. attorney and Spokane city attorney Mike Ormsby as a Local Hero. He also presented a special Presidential Commendation to members of the Spokane County Bar who have taken action during the past year to condemn systemic racism and educate and support other legal professionals to take action toward a fairer and more equitable justice system. The task force for this effort includes: **Francis Adewale, Emily Arneson, Jenaé M. Ball, D.C. Cronin, Theresa Cronin, Michele Fukawa, Julie Griffith, Margo Hill, Natasha Hill, Inga Laurent, Hon. Maryann Moreno, Morgan Maxey, Robert Murphy, Gloria Ochoa-Bruck, Briana Ortega, Kristina Ralls, Juliana Matthews Repp, Hon. Jeffrey Smith, and Rosey Thurman.** [Read more.](#)

**Proposed Rules for Discipline and Incapacity.** The Board of Governors heard from several stakeholder groups about proposed amendments to the Rules for Discipline and Incapacity that the Court has [published for public comment through April 30](#). Concerns were raised entities, including by member Anne Seidel ([see page 103](#)) and representatives of the Solo and Small Practice Section ([see page 267](#)) and Criminal Law Section ([see page 271](#)), who asked to submit comments to the Court. WSBA’s Chief Disciplinary Counsel spoke about the six-year history behind the proposed rule amendments, noting that the Court’s process is designed to be shaped by such comments and that WSBA and the Court are listening ([see page 16](#).) The board ultimately passed a resolution to urge the Court to extend the comment period by 90 days ([see page 9](#)); agreed to authorize sections to send comments directly to the Court, bypassing the WSBA comment policy ([see page 274](#)); and committed WSBA to forward comments from all members to the Court.

**Bar exam resolution.** The Court has convened a year-long [Washington Bar Licensure Task Force](#) to evaluate current lawyer licensing requirements and recommend whether the Court should consider alternatives. In parallel, the WSBA Board of Governors at its March meeting considered a resolution “in support of a bar exam to ensure a competent, ethical, and diverse legal profession.” The board delayed a vote to gather and consider member feedback (see [page 307](#) and [page 138](#); some feedback from minority bar associations was considered at the meeting but not included in the materials due to timing). After a robust discussion about that feedback, the board passed the resolution ([read it here](#)), that reads:

- In order to ensure a competent, ethical and diverse legal profession, the WSBA supports the continued requirement of passing a bar exam before admission to the WSBA.
- The WSBA discourages diploma privilege as an alternative to a bar exam.
- The WSBA encourages a review of, and possible change to, the format and content of the bar exam to both strengthen and improve the bar exam as a tool to ensure the competent and ethical practice of law and to ensure there is no discriminatory effect on examinees of color and first generation examinees. The WSBA commits to working with testing and academic professionals to accomplish this review.
- The WSBA authorizes sections and committees to comment to the [Court task force] on this issue without prior authorization or review by the Board of Governors or its Legislative Committee.

**Legislative update.** The 2021 session is scheduled to adjourn April 25. All major cutoff deadlines have passed for bills, and the remaining legislative business will focus on resolving the budget and bill concurrence between the two chambers. WSBA’s two bar-request bills—[Senate Bill 5005](#), a Corporations Act revision bill; and [Senate Bill 5034](#), a comprehensive update of the Nonprofit Corporations Act—are both awaiting the Governor’s signature to become law. Overall this session, the WSBA has referred more than 700 bills of potential interest to sections. Of those, sections have requested that we track 489 for them. Working with the Board Legislative Committee (BLC), sections have taken a position on and provided testimony on 11 bills so far. Additionally, the BLC supported funding for Resolution Washington, the statewide association of dispute resolution centers.

**Long range planning.** What are the Washington State Bar Association’s top priorities in the coming years? That is the area of focus for the WSBA Long Range Strategic Planning Council. The Board of Governors approved the charter for this group as well as draft strategic goals; the council will now begin engaging with members as a whole as well as specific stakeholder groups to gather feedback about the draft strategic goals and tactics to accomplish those goals. ([See page 565](#).)

**Other business.** The Board:

- Established a WSBA Small Town and Rural Committee to continue the bar’s work to study and advance solutions to the access-to-justice gaps in Washington’s rural communities. ([See page 482.](#))
- Conducted a first reading of proposed amendments to Admission and Practice Rule 6 and the Law Clerk Program Regulations, as put forth by the Law Clerk Board. ([See page 385.](#)) The amendments are meant to expand and clarify definitions and program processes.
- Agreed to become a formal partner with of the Washington Joint Minority Mentorship Program, which pairs law students and new lawyers (who self-identify as being from any and all historically marginalized or underrepresented groups) with mentor attorneys and judges. As a partner, WSBA will assist in recruiting mentors and in publicizing and planning events. ([See page 137.](#))
- Approved the request from the WSBA Diversity Committee to submit to the Court a comment in support of the [MCLE Board’s proposed amendments to Admission to Practice Rule 11.](#) ([See page 141.](#))

Discussed ongoing federal litigation regarding integrated bars.

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