

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

## Board of Governors July Meeting Update

A summary of the Board of Governors meeting July 26 and 27, 2019, in Richland, Washington

The agenda, materials, and video recording from this Board of Governors meeting, as well as past meetings, are [online](#). The next regular meeting is Sept. 26-27 at WSBA in Seattle. The Board of Governors is WSBA's governing body charged with determining general policies of the bar and approving its annual budget.

### *Top Takeaways*

- 1. Bar Structure Work Group Wrap Up:** After five months and eight meetings, the Bar Structure Work Group concluded its work in mid-July and will now focus on completing a final report before the Washington Supreme Court's September en banc meeting. (More information below.)
- 2. New Treasurer:** Governor Dan Clark from District 4 (Yakima) was elected as 2019-20 WSBA Treasurer.
- 3. WSBA FY 2020 Budget:** The board received a draft budget for the next fiscal year, which essentially maintains status-quo support for programs and services. (More information below.)
- 4. Legal Luminaries:** Congratulations to the all-star lineup of 2019 APEX (Acknowledging Professional Excellence) Award honorees, who epitomize outstanding legal service. [Get your tickets now](#) for the awards dinner on Thursday, Sept. 26, to celebrate these incredible colleagues: Roger Sherrard, Susan Carlson, Hon. G. Helen Whitener, Ann Guinn, Erin Lovell, Hon. M. Brett Buckley, Shaun Greer, The Groves Law Office (Laura and Travis Groves), William Braun, Michael Pettit, and Fred Rivera.

### *Meeting Recap*

- Local Heroes:** WSBA President Bill Pickett recognized [three Local Heroes](#) from the Tri-Cities area: Patricia Chvatal, Leland B. Kerr, and Asa LaMusga. Local Hero Award winners are selected in recognition of their leadership and positive impacts on their community.

- WSBA FY 2020 Draft Budget:** The board considered the WSBA's draft budget for fiscal year 2020 and gave direction to the [Budget and Audit Committee](#) for completing the final budget, which will be on the agenda for action in September. In light of potential structural change, Budget and Audit Committee members determined the FY20 budget would essentially maintain the status quo of programs, services, and operations. License fees are set at \$458 for lawyers and \$200 for Limited Practice Officers and Limited License Legal Technicians (as previously deemed reasonable by the Washington Supreme Court). The board is also considering an expanded scope for its annual independent audit in FY20. Budget and Audit Committee members have expressed [a high degree of confidence](#) in WSBA's financial integrity following decades of clean audits; they also hope to establish a baseline of data and discovery with a more thorough scope of audit this cycle, which will support the board and new permanent executive director going forward. The Budget and Audit Committee will consider the budget further at its meetings in August and September, which are open to the public. The proposed final budget will be posted online prior to the Sept. 26-27 Board of Governors meeting. ([More information.](#))
- Insurance Update:** In May, WSBA's insurance broker advised the board that its Management Liability (Directors & Officers/Employment Practices Liability) coverage was in jeopardy due to frequency of claims. In July, Interim Executive Director Terra Nevitt reported that WSBA would be able to secure coverage. She reported that we expect and have budgeted for a premium increase.
- Supreme Court Bar Structure Work Group:** The Board of Governors' representatives to the Bar Structure Work Group provided a status report. The Court chartered this work group last November to review and assess the bar's structure in light of recent case law with First Amendment and antitrust implications. By their last meeting in mid-July, the members had approved several recommendations to be made to the Court: To not significantly change the structure of the bar through bifurcation, to have the Court review and reconsider the [2014 Governance Task Force report](#), to have the Court review and reconsider the bar's Keller-deduction process for defensibility and transparency purposes, and to include public members on the Board of Governors. The final report will be posted online at the [Bar Structure Work Group page](#), where more information, including videos of the meetings and member comments, are also available.
- Legal-Apprenticeship Path to the Bar Exam and Practice of Law:** Law Clerk Board Chair Benjamin Phillabaum presented information about WSBA's Law Clerk Program, an alternative to law school authorized by APR 6. This program is especially important for aspiring lawyers who face geographic, financial, or other obstacles to law school. Governors discussed how to support the effort to have lawyers licensed in Washington through the Law Clerk Program recognized by other jurisdictions.
- Amendments to RPC Regarding Safeguarding Property:** The board approved a recommendation to the Court to amend [RPC 1.15A\(h\)\(9\)](#) to permit Limited License Legal

Technicians (LLLTs) who work in a firm with lawyers to sign trust-account checks without a second signature from a lawyer. LLLTs who practice independently (without lawyers) are already permitted to sign trust-account checks. Submission of the amendment to the Court will be coordinated with a counterpart amendment to the LLLT RPC approved by the LLLT Board. (More information on page 100.)

- **Model Pro Bono Policies:** The board approved Model Pro Bono Policies for Corporate In-House Legal Departments, Law Firms, and Government Agencies. Brought forth by WSBA's Pro Bono and Public Service Committee, the model policies serve as a template for entities to develop an internal culture of and commitment to pro bono and public service. A work group drafted the policies after several years of national research and input from stakeholders. WSBA will make the policies available statewide. ([More information on page 103.](#))
- **New Civil Litigation Rules Revision Work Group:** The Board of Governors chartered a new work group to continue the work of the Civil Litigation Rules Drafting Task Force (CLRDTF). For several years, the board has been studying how to reduce the escalating cost of civil litigation through an initial task force that made recommendations, which the board approved in part, and a subsequent task force—the CLRDTF—that drafted rules to implement those recommendations. After receiving the draft-rule recommendations last year, the board has been seeking further input from stakeholders. At the May meeting, the board reviewed some of that feedback, including concerns from the WSBA Litigation Section, Washington Defense Trial Lawyers, King County Litigation and Judicial Committee, Washington State Association for Justice, and Domestic Relations Attorneys of Washington. The board's new work group will use that additional feedback to evaluate and potentially revise the CLRDTF draft rules. Those revised rules will come back to the board in September for a potential recommendation to send to the Court for consideration. ([More information on page 210.](#))
- **Appellate Guidelines:** The board heard a proposal from WSBA's Counsel on Public Defense to recommend to the Court to add The Washington State Guidelines for Appointed Counsel in Indigent Appeals to the RCWs, RPCs, Rules, and Standards. Like other guidelines the Court has adopted for criminal-defense attorneys, these guidelines establish practice standards for attorneys working on any appeal that is constitutionally required. ([More information on page L-3.](#))
- **Board of Governors' No-Retaliation Policy:** The WSBA Personnel Committee presented recommended amendments to the Board of Governors' no-retaliation policy, including having the board recuse itself and send the complaint to the Court whenever the complaint is against or initiated by a governor. Governors will continue the discussion at their next meeting. ([More information on page 84.](#))

- **ABA Resolution:** James Williams, Washington state delegate to the American Bar Association (ABA), provided the board a preview of the [agenda for the ABA's annual meeting](#), to be held in August. The board voted to support a resolution to urge federal, state, and local jurisdictions to enact legislation and funding to ensure equal broadband Internet access for U.S. residents living in rural communities.
- **What's in a Name?** Several governors asked for an agenda item for the September meeting to consider changing the name of *NWLawyer* back to Bar News. Prior to then, WSBA will outreach to members to gather feedback about what matters to them regarding the name of the bar's magazine.
- **Outreach:** As is traditional in July, the board broke bread with leaders and members of the [Washington Leadership Institute](#) and [Washington Young Lawyers Committee](#) to connect and learn. (Note: [The deadline for applications for the Washington Leadership Institute's Class of 2020 is September 20.](#))

###