

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

Board of Governors November Meeting Update

A summary of the Board of Governors meeting Nov. 22 and 23, 2019, in Seattle, 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 Jan. 16-17 at the WSBA offices in Seattle. The Board of Governors is WSBA's governing body charged with determining general policies of the bar and approving its annual budget.

Your At-Large Governors are [Hunter Abell](#), [Russell Knight](#), and [Alec Stephens](#).

TOP TAKEAWAYS

- For the license fee collected in 2021, the WSBA Board of Governors recommended a **no-increase license fee for lawyers and LPOs**. The board is recommending the modest increase to the LLLT fee of \$29 with the goal of moving the license toward cost neutrality for WSBA. They also recommended a \$5 decrease in the Client Protection Fund (CPF) assessment, effectively lowering the overall cost of annual license renewal (if the Supreme Court approves) for the first time since 2012. This marks the second year the Board of Governors has proposed a no-increase fee for lawyers. The philosophy behind the vote—for the Board of Governors to hold itself rigorously accountable for financial asks—[aligns with a WSBA-wide email sent earlier in November](#).
- The board considered several bills for WSBA support and laid the groundwork for the **2020 session of the Washington State Legislature**. *More information below.*
- The board **extended Interim Executive Director's Terra Nevitt contract** for another year, through November 2020, while the WSBA works through reviewing the [structural recommendations](#) with the Court. (See page 79.)
- **Bylaw changes** were considered for a range of topics, including the term limit for Executive Director, the process for sections to comment to the Legislature, composition and election of at-large governor representation, and the definition of quorum. *More information below.*
- **Washington State Bar News** coming soon to your mailbox by popular demand. WSBA's member magazine is returning to its former title, which is inclusive of all license types and clearly identifies the publication's provenance. The official name switch will occur in several

months, once advertisers have been notified and the magazine's ISSN has been correctly re-registered.

MEETING RECAP

Bylaw changes. In an [Oct. 21 letter](#), Chief Justice Fairhurst notified the WSBA Board of Governors that the Washington Supreme Court had lifted its [deferral on amendments to WSBA bylaws](#), and all bylaw amendments are now subject to the Court's approval. With that bylaw freeze removed, the Board of Governors considered for first read (coming back for action in January):

- Limiting any individual's term as Executive Director to 10 years. ([See page 76.](#))
- Changing the definition of quorum to a simple majority. ([See page 209.](#))
- Changing the composition and election process for at-large governor positions, allowing all qualified license types to run for open district and at-large seats (with the exception of the new/young representative); and electing all at-large positions via membership-wide votes. ([See page 210.](#))
- Allowing governors to serve two terms (of three years) over a lifetime instead of just one. ([See page 210.](#))
- Allowing governor class representatives to designate alternates from their class on the Executive Committee. ([See page 213.](#))
- Allowing sections greater flexibility to comment on legislative matters. ([See page 214.](#))

Legislative preparation. For the state Legislature's 2020 session, WSBA will support a bill—drafted by the Business Law Section's Corporation Act Revision Committee (CARC)—to amend the Washington Business Corporation Act to align with the Revised Model Business Corporate Act. The WSBA Legislative Review Committee also recommended support for CARC's proposed amendment to add a board gender-diversity provision to the Washington Business Corporation Act, but the Board of Governors requested more feedback from other sections, such as Corporate Counsel, before taking action to support that bill. It will potentially come back for action at a later meeting. WSBA is also taking a proactive approach to tracking and responding to upcoming legislation. Separately, representatives from the Court's Bar Structure Work Group and WSBA were invited to provide an overview of the work-group process and outcomes to the Senate Law & Justice Committee and House Civil Rights & Judiciary Committee last week. We have no indication that either chamber plans to revive legislation from last year but we are watching and actively participating; toward that end, the Board of Governors approved an additional \$50,000 for legislative outreach and lobbying efforts *if necessary* to ensure WSBA and its members are well represented in Olympia. ([See page 85](#) and [late materials page 4.](#))

Washington State Bar Foundation annual report. Foundation President Kristina Larry provided highlights from fiscal year 2019, which include four law-school scholarships for students from diverse

backgrounds, more than \$28,000 in sponsorships for the Access to Justice Conference, a third consecutive year of increased contributions from WSBA members, and \$29,400 in grants to organizations statewide to help ensure members of underserved and underrepresented communities are able to get legal assistance. The Foundation's mission is to provide financial support for the programs of the Washington State Bar Association that promote diversity within the legal profession and enhance the public's access to, and understanding of, the justice system. ([See page 57.](#))

Judicial Information Systems (JIS) Committee. WSBA liaison Robert Taylor talked about the current JIS landscape. The [JIS Committee](#) is responsible for determining all matters pertaining to the delivery of services available from the judicial information system. It is administered by the Administrative Office of the Courts. ([See page 54.](#))

Defender resource packet. The Board of Governors approved for broad distribution to public defenders the Council on Public Defense's *Defender Resource Packet: Defender Advocacy for Pretrial Release*. This is a tool sharing best practices for public defenders to use when representing a client during an initial appearance and detention hearings. ([See page 100.](#))

Appointed Counsel on indigent appeals. The Board of Governors recommended that the Court add the *Washington State Guidelines for Appointed Counsel in Indigent Appeals* to all appropriate state codes, rules, and standards; however, the board voted to modify the wording "courage and devotion" and to delete the word "zealous" to be more in line with language in the Rules of Professional Conduct. ([See page 92.](#))

Miscellaneous. The Board of Governors approved:

- A policy change to avoid conflicts in WSBA governor/officer roles ([see page 141](#)),
- Changes regarding term limits and officer positions to the Alternative Dispute Resolution Section Bylaws ([see page 144](#)),
- A policy outlining WSBA governor/officer travel guidelines for national conferences,
- Amendments to the WSBA Executive Committee charter to clarify scope of responsibilities and notification duties ([see page 3 in late, late materials](#)),
- A schedule of public meetings for calendar year 2020 to file with the Code Reviser in compliance with the Open Public Meetings Act ([see page 134](#), and note: the board approved adding several other meetings to this roster before it is sent), and
- Endorsement of the *Amended and Restated Report on Third-Party Legal Opinion Practice in the State of Washington* from the Legal Opinions Committee of the Business Law Section ([see page 155](#)).

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