

WASHINGTON STATE BAR ASSOCIATION

Board of Governors January 2022 Meeting Update

A summary prepared by WSBA of the Board of Governors (Board) meeting held Jan.13-14, 2022. The agenda, materials, and video recording from this Board of Governors meeting are [online](#). The next regular meeting is March 10-11 in Lacey, WA. 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.

NEED TO KNOW

1. **Bar Structure.** Upon the request of the Washington Supreme Court, the board has developed a plan to study WSBA's integrated-bar structure. Between now and the end of August, the board plans to hold eight meetings to evaluate pending federal litigation regarding integrated bars, consider what an ideal bar structure looks like, and, perhaps most importantly, to hear from stakeholders. We will send all members notification of meeting dates and opportunities for input. (See below for more information.) **UPDATE: The first meeting is scheduled for Saturday, Feb. 5; it will be recorded if you cannot attend (in person or via Zoom); the full calendar will be posted online soon at wsba.org.**
2. **Remembering a Legal Luminary:** Following a moment of silence to honor the passing of [Justice Mary Fairhurst](#), several governors offered support for the idea of naming an [APEX Award](#) in her honor. The Awards Committee will explore the recommendation. The [entire 2021 APEX Award Show](#) is available online, and [nominations](#) are now open for 2022.
3. **LGBTQ+ Experiences in the Legal System.** The Board held a training ("the ethics of inclusion") and conversation with leaders from the QLaw Foundation and QLaw Association about the experiences, perspectives, challenges, and opportunities of being an [LGBTQ+](#) legal practitioner. ([See page 74.](#))
4. It is licensing season! [Please complete all licensing requirements by Feb. 1.](#)

OTHER BUSINESS

Bar Structure. In December, the Chief Justice of the Washington Supreme Court set forth three questions for the WSBA Board of Governors to answer in the coming months:

- 1 Are there changes in federal law that require the WSBA to change its structure as an integrated bar?
- 2 Even if a structural change is not legally required now, do we have a contingency plan to respond if we are forced to change in the near future?
- 3 Regardless of federal law, what is the ideal structure for the state bar?
- 4 In response, the board is firming up details about the process: There will be eight full-day meetings focused on gathering information, hearing from experts, and listening to members and other stakeholders. The meeting framework was approved, but dates are yet to be set; when they are, the WSBA will post them online and send notification to all members. ([See page 3.](#))

RPC Amendment to Create a Financial Assistance Exception. The board approved a request from the Committee on Professional Ethics to submit an amendment to Rule of Professional Conduct (RPC) 1.8(e) to the Washington Supreme Court for consideration. Based on the ABA Model Rules of Professional Conduct, the amendment would permit lawyers to pay court costs and expenses of litigation on behalf of indigent clients, and to provide modest gifts for living expenses to indigent clients in limited circumstances. ([See page 94.](#))

Statement on Public Defense Workloads. The board supported the Council on Public Defense's statement, to be used as a tool to assist public defenders and administrators in bringing concerns to their funders about workloads exceeding capacity due to the pandemic. The statement is based on a [recent survey of private and public defense counsel](#) and states: "Public defenders struggle to represent their clients because of a combination of a surge of newly filed cases, unresolved cases open for longer than average, backlogs of trials, and a push to re-open jury trials has resulted in overwhelming public defenders. Many lawyers have felony caseloads of over 100 open felonies." ([See page 82.](#))

2022 Legislative Priorities and WSBA-sponsored Bills. The 2022 session of the Washington State Legislature convened January 10 and runs through March 10. The Board Legislative Committee will meet at least weekly throughout the session; its priorities are supporting two bar-request bills (two bills put forth by the Business Law Section); monitoring and taking appropriate action on legislative proposals related to the practice of law and administration of justice; and supporting legislative proposals approved by the Board under [GR 12](#) constraints.

The Board also:

- Approved changes to WSBA admissions policies to change the deadline for applicants to request an accommodation prior to the bar exam; to clarify how the admissions policies

apply to reinstatement petitions; and to allow bar staff to delete unsubmitted and incomplete (“abandoned”) applications in the online application portal after six months. ([See page 134.](#))

- Heard the Access to Justice Board’s annual report, including how the COVID-19 pandemic has highlighted and prioritized the urgency of dismantling unjust systems. ([See page 154.](#))
- Heard the Practice of Law Board’s annual report, including an update on a request to the Washington Supreme Court to authorize a Legal Regulatory Lab (Sandbox) to determine how to best regulate online legal service providers and alternative legal business models. ([See page 169.](#))
- Heard first-quarter results from a new, ongoing member perception survey. [The results and more information about the survey are posted online.](#) For members who are selected each quarter to take the survey, please take the opportunity to share feedback: Your input matters!
- Heard about safety and contingency plans for the February bar licensing exams, currently scheduled to be held in person.
- Reorganized its [Member Engagement Work Group](#) into a council, which will include members as official voting members.
- Approved amendments to the WSBA’s fiscal policies and procedures regarding officer ([see page 130](#)) and governor travel ([see page 132](#)).