

# BOARD MEETING DIGEST

MARCH 2020



## March Board Digest and Message from WSBA President

A summary of the Board of Governors meeting March 19 in Seattle 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 April 17-18 in Seattle. 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 Majumdar

Dear colleagues,

As I was chairing the WSBA's first near-virtual board meeting, I was also dwelling on the situation so many of our members find themselves in today. As a rural practitioner in a small firm, I am overwhelmed with empathy for my colleagues across the state whose livelihoods depend on both appearing in court and on the public walking in the door. Additionally, as the professionals responsible for resolving conflict in our society, it is likely that many of our members will fall ill as they carry out their professional duties.

Know that you are not alone in thinking about these issues, as I have heard from many of you reflecting my own thoughts. Here is a piece of insight that has helped reframe my own outlook: It is not "social" distance we need right now, it is physical distance; and as we physically distance, we must, in fact, become more and more socially connected.

We are all under considerably more stress than normal. **So this is my ask of the legal community:** Let's aspire to the highest levels of integrity and collegiality as we navigate this unprecedented time. Let us find ways to help each other without taking advantage of the hardships that might affect our opposing colleagues. Let us tenaciously uphold the rule of law, which is always among the most critical human safeguards in times of turmoil. Let us be our best, together.

WSBA is here to help. As you can read below, we are striving to not only maintain but expand certain essential services to support you and your practice during the coronavirus emergency. We

are brainstorming ways to facilitate and help members come together. Let us know if you have ideas we should consider. You can reach me at [rajeev@northwhatcomlaw.com](mailto:rajeev@northwhatcomlaw.com) and Interim Executive Director Terra Nevitt at [terran@wsba.org](mailto:terran@wsba.org).

We also want to recognize and highlight acts of collegiality, professionalism, and just plain human goodness by WSBA members during this pandemic. Please, perform such feats. And send kudos to colleagues via [barleaders@wsba.org](mailto:barleaders@wsba.org). We recognized two local heroes from Olympia, even though we were unable to join them in person this week – read about them below and be inspired.

In service,  
Rajeev

## CORONAVIRUS SPECIFIC UPDATES

- **Board meeting logistics:** To comply with health-department directives regarding public gatherings, we moved the meeting from Olympia to a virtual format hosted in Seattle. Thank you to everyone who participated via the webcast and conference line.
- **WSBA operations:** We are closely tracking and responding to the rapidly changing public directives to curb the spread of the coronavirus. To date, we have limited public access to our Seattle office and many employees are working remotely. However, we know your work does not halt due to crises, and we are committed to continuing WSBA services to the extent possible to support you in your practice. We are available via phone, email, and [online resources](#). If you need assistance, please refer to our [service directory](#) and/or use [questions@wsba.org](mailto:questions@wsba.org) for general inquiries.
- **Request made to Supreme Court for the license suspension recommendation deadline to be moved to June 30:** Due to the coronavirus emergency, the board approved President Majumdar making a request to extend the deadline for sending recommendations for licensing suspensions to the Washington Supreme Court (the deadline is currently May 5) for members who are currently late complying with payment and/or MCLE requirements.
- **Information resources:** To help you stay updated on the changing situation, we have compiled a [coronavirus resource webpage](#) with information from WSBA, the Supreme Court, public officials, and health officials. Some links to track closely: The Supreme Court's [clearinghouse for statewide court emergency modifications](#) (please note: The Court has [suspended most civil and criminal cases through at least April 24](#)); [practice-specific pandemic tips for legal practitioners](#); and [Washington State's coronavirus response webpage](#).

- **Practice support:** Governors expressed a high degree of concern—especially for solo and small-firm practitioners—about the coronavirus’s economic impact on members. WSBA has committed to making April’s Legal Lunchbox **free** on-demand throughout the entire month of April so members can earn CLE credits remotely. Our [free legal-research tools](#), Fastcase and Casemaker, also have specific resources to help you with best practices in teleworking and accessing information when law libraries are closed.

## TOP MEETING TAKEAWAYS

1. The Washington Supreme Court has ordered a proposed amendment to APR 26 published for public comment, with a comment deadline of April 30, 2020. The amendment would require lawyers in private practice to carry **mandatory malpractice insurance**, with defined exceptions; in response, WSBA President Majumdar communicated to the Court why it declined to endorse the same rule last year (originally brought forward by WSBA’s [Mandatory Malpractice Insurance Task Force](#)). President Majumdar has created an *ad hoc* committee to generate public-protection alternatives to mandatory malpractice insurance. Stay tuned for more information in coming months.
2. WSBA annually presents **Local Hero Awards** during its March meeting in Olympia. Because this year’s meeting was moved to a virtual format, we are sending electronic confetti and clappers and kudos, in lieu of the real deal, to these two Local heroes: **Mary Barrett** and **Megan Winder**. See below for their heroic feats.
3. WSBA needs YOU! Apply: The nomination period is open for [WSBA’s President-Elect](#), an [At-Large seat on the Board of Governors](#), and [section executive committees](#). Vote: If you are a member of District 3, 6, or 7-N, please vote for your next WSBA governor! Ballots are due by April 1, and only about 5% of ballots in each district have been returned so far (email [barleaders@wsba.org](mailto:barleaders@wsba.org) if you have questions or need a paper ballot).

## MEETING RECAP

**Local Heroes.** Kudos to our two Local Heroes, nominated by the Thurston County Bar and Government Lawyers Bar:

- **Mary Barrett**, Assistant Director of the Administrative Review of Hearings Division for the Washington State Department of Revenue. Ms. Barrett’s involvement in the local and statewide community is longstanding and multifaceted. For more than 25 years, she has volunteered one Saturday a month at The Community Kitchen at the Salvation Army. Additionally, she has served as President of the Board of Directors of the Dispute Resolution Center of Thurston County, Chair

of the Network of Adjudicatory Agencies, Chair of the WSBA Dispute Resolution Section, Board of the Directors of the Washington Women Lawyers, and much more. [Read more.](#)

• **Megan Winder**, Deputy Prosecuting Attorney at the Thurston County Prosecutor’s Office. In addition to being a team leader for the Special Victim’s Team as a deputy prosecutor, Ms. Winder devotes herself to sharing her knowledge throughout the legal community. She sits on the board of the Washington State Children’s Justice Task Force and teaches at the Washington State Criminal Justice Training Commission. She has volunteered with NW Children’s Justice Conference, South Sound Reading Foundation, and Public Interest Law Association, among other organizations. [Read more.](#)

**Expanding the license-fee exemption.** Governors considered on First Reading a bylaw amendment that would allow WSBA to waive active members’ annual license fee twice per lifetime—as opposed to once—due to economic hardship (defined as “current annual household income equal to or less than 200% of the federal poverty level as determined based on the member’s household income”). This bylaw amendment will come back for possible action at the April meeting. ([See page 200](#))

**Maintaining two free legal-research tools.** The board voted to renew 3-year contracts with Casemaker and Fastcase, the two platforms currently offered as free legal research tools to WSBA members. ([See page 205](#))

**Keeping the Awards but Sunsetting the APEX Banquet.** Governors voted to sunset the annual [APEX \(Acknowledging Professional Excellence\) Awards](#) dinner in September and transition to a new format to meaningfully recognize the award recipients. Concerns about the traditional dinner event include: It is expensive for both WSBA and attendees, it is Seattle-centric, and it does not allow for widespread participation of members and the public. Possible alternatives might include: Local award presentations in honorees’ communities, partnerships with media outlets to share the videos widely, and a smaller-scale central presentation of awards with honorees and the Washington Supreme Court. Stay tuned for more details and the announcement of our 2020 APEX winners!

**Evaluating the Interim Executive Director.** The board had previously extended Interim Executive Director Terra Nevitt’s contract through November 2020. The Personnel Committee proposed a performance assessment process and presented the assessment documents to be used in the ensuing months to provide direction and feedback to Interim Executive Director Nevitt. The board approved the proposed performance Interim Executive Director Assessment document with edits (removal of questions 1, 2, 6, and 8). ([See page 209](#))

**Helping sections connect with legislators.** After seeking feedback from sections, the Board Legislative Committee presented a draft policy to clarify how sections introduce and respond to legislation in a manner that encourages members to share their subject-matter expertise with

lawmakers in an official WSBA capacity while adhering to [General Rule 12.2](#). The board expects to take action on the policy in April. ([See page 6](#); and [read WSBA's legislative-session wrap up here](#))

**Eliminating barriers for judicial members.** Governors gave final approval for a bylaw change to make it easier for members who are entering or leaving a judicial office to change status classification, reducing barriers for judges to take Active or *Pro Bono* Emeritus status. ([see page 216](#)). As with other approved WSBA bylaw amendments, this is now subject to approval by the Washington Supreme Court.

**Removing qualifications for the death penalty in Indigent Defense Standards.** Governors approved a request from the Council on Public Defense to submit a comment on behalf of WSBA on proposed amendments to remove references to capital punishment in the Indigent Defense Standards. Although the Washington Supreme Court ruled in 2019 that the death penalty, as applied, was unconstitutional, the Council on Public Defense believes references to indigent defense standards associated with capital punishment in CrR 3.1, JuCrR 3.1, and JurCr 9.2 should only be removed if the Legislature acts to abolish the death penalty and not before then. ([See page 223](#))

**Engaging Members.** Governors approved a charter revision for the Member Services and Engagement Workgroup to modify the composition of the workgroup to include seven members, at least three of which must be Governors or Officers of the Board of Governors, and to designate two Co-Chairs, one from the eastern side of the state and one from the western side of the state. The Co-Chairs can appoint Ex-Officio members as needed. It also deleted the timeline verbiage. ([See page 233](#))

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