

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Terra Nevitt, Executive Director
Paris Eriksen, Volunteer Engagement Advisor
DATE: September 4, 2020
RE: WSBA Committee and Board Reports for 2019-2020 (FY20)

As required by the WSBA Bylaws Article IX.3(b), 'Each Bar entity must submit an annual report to the Executive Director and submit such other reports as requested by the BOG or Executive Director.' The information contained in the reports was submitted by the respective staff liaison for each entity. Financial information as provided by the Finance and Administration Department. Demographic information was compiled using the optional information self-reported by members.

The annual reports included following this cover memo are:

- Access to Justice Board
- Board of Bar Examiners
- Character and Fitness Board
- Chief Hearing Officer Report
- Client Protection Board
- Committee on Professional Ethics
- Continuing Legal Education Committee
- Council on Public Defense
- Court Rules and Procedures Committee
- Disciplinary Board
- Diversity Committee
- Editorial Advisory Committee
- Judicial Recommendation Committee
- Law Clerk Board
- Legislative Review Committee
- Limited License Legal Technician Board
- Limited Practice Board
- MCLE Board
- Practice of Law Board
- Pro bono and Public Service Committee
- Washington Young Lawyers Committee



WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Access to Justice Board (ATJ)
Chair:	Sal Mungia
Staff Liaison:	Diana Singleton, Bonnie Sterken
Board of Governors Liaison:	Carla Higginson
Size of Committee:	10
Direct Expenses:	\$24,000
Indirect Expenses:	\$104,142
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	13
Purpose:	
	The Access to Justice (ATJ) Board derives its authority from a 1994 Washington Supreme Court Order and 2016 reauthorization (NO. 25700-B-567) at the request of the Washington State Bar Association Board of Governors in response to a growing need to coordinate access to justice efforts in Washington. The ATJ Board works closely with its justice system partners to achieve equal access to the civil justice system for those facing economic and other significant barriers.
Strategy to Fulfill Purpose:	
	The ATJ Board's <i>2018-2020 State Plan for the Coordinated Delivery of Civil Legal Aid to Low Income People</i> (State Plan) is the current guide for its work. The ATJ Board also adopted updated two-year priorities in March 2020 to structure its work. The ATJ Board accomplishes its priorities through the work of a number of standing committees and special initiatives to address current and ongoing access issues.
2019-2020 Accomplishments and Work in Progress:	
	1) Promote Racial Equity. The Board continues to promote racial equity systemically in the justice system, organizationally amongst Alliance organizations and internally within the Board's own practices and organizational culture. In June 2020 the Board released a

statement acknowledging that it has “not done enough in the battle against racism against Black communities and other communities of color.” The Board adopted collective and individual commitments to actively resist racism. Currently, the Board is in the process of convening Alliance members, racial justice movement leaders, and representatives of communities most harmed by racism within the justice system to develop an Alliance-wide Action Plan combatting racism. The Board has engaged JustLead WA to guide the Board through this and its internal race equity process. The Board has also provided other financial and in-kind support to JustLead, which provides Alliance members with race equity trainings, facilitated board and staff meetings, and discrimination of a Race Equity Toolkit.

- 2) **Responding to COVID-19 Impact on Civil Legal Aid.** In June 2020, the ATJ Board began implementing a series of projects in response to the growing civil legal needs as a result of the pandemic. The current projects include 1) partnering with the Legal Foundation of Washington’s Communication Director to support Alliance members in with the public about the availability of legal aid and how to access services, 2) creating a tool to help the public and social service providers identify legal needs as a result of the pandemic, and 3) collecting and sharing information on how courts are addressing the pandemic in a way that is accessible to the public. A workgroup of the Board is implementing these projects and identifying other needs that might arise in the coming year.
- 3) **Implement 2018-2020 State Plan.** The ATJ Board is overseeing the implementation of the three-year State Plan. The plan is in its third and final year. A workgroup of the Board’s Delivery System Committee will be assessing the implementation over the past three years and making recommendations on how to move forward with the plan.
- 4) **Updated the ATJ Technology Principles.** In June 2020 the Court released an Order adopted the updated ATJ Technology Principles. The ATJ Board’s Technology Committee oversaw a rigorous process to update the Access to Justice Technology Principles, which were originally developed in 2004, to ensure technology enhances, not hinders, access to justice. The Board’s Technology Committee is in the process of disseminating the updated Principles through the Alliance and justice system and developing a process to monitor its implementation.
- 5) **Build Stronger Bridges with Other Justice Partners.** The ATJ Board aims to build stronger bridges with partners in the criminal and juvenile justice systems, child welfare systems, non-legal community organizations, and the LLLT and low bono communities serving clients of moderate means. In early 2020 the Board contracted with JustLead WA to conduct research to understand the potential harms experienced by communities of color, low-income communities, and other communities experiencing structural bias due to the compartmentalized, or “siloe,” nature of our civil, criminal, juvenile, and child welfare systems. With that research completed, the Board is now launching a process with JustLead WA to convene a task force to identify steps to “desilo” our civil, criminal, juvenile, and child welfare systems.
- 6) **Launch Planning for the 2021 Access to Justice Conference.** Continuing the momentum of the successful 2019 Access to Justice Conference, the Board has launched planning for the 2021 conference in the coming fiscal year.
- 7) **Alliance Communications.** The Board continues to send out regular newsletters and manage the Alliance website as a means to facilitate intra-Alliance communications, share about resources and opportunities, and promote Alliance related events, jobs, internships, etc.

2020-2021 Goals:

- 1) **Promote Racial Equity.** The Board will continue to promote racial equity systemically in the justice system, organizationally amongst Alliance organizations and internally within the Board’s own practices and organizational culture. Much of the work is guided by the commitments outlined in the Board’s recent racial justice statement in support of Black Lives.

- 2) **Respond to the Growing Civil Legal Needs because of Covid-19.** The ATJ Board’s Covid-19 Response Workgroup will continue to monitor the impact that the pandemic has on the Alliance and our client populations. The Board will continue to development projects to address the needs.
- 3) **Build Stronger Bridges with Other Justice Partners.** As noted above, the Board is working with JustLead WA to convene a task force to identifying steps to “desilo” our civil, criminal, juvenile, and child welfare systems. The task force will meet over the coming year and the Board will develop an action plan in response to their recommendations.
- 4) **Moving Forward with the 2018-2020 State Plan.** As noted, the ATJ Board is overseeing the implementation of the three-year State Plan. This is an ongoing and critical element of the ATJ Board’s work. The Board will work with the Alliance to determine appropriate next steps, which might include extending the implementation period of the State Plan or modifying the Plan in response to the current environment.
- 5) **2021 Access to Justice Conference.** The Board will host its biennial Access to Justice Conference. The goals of the conference are to provide inspiration, to create and deepen partnerships, and to jumpstart innovative strategies that advance equity and justice.
- 6) **Communicate about the Updated ATJ Technology Principles.** As noted, the Court recently adopted the updated ATJ Technology Principles. The next year will involve an extensive effort to share the Principles broadly with the justice system community.

Please report how this committee/board is addressing diversity, equity and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

Over the years, the ATJ Board has utilized the expertise of the WSBA’s diversity experts through trainings and consultation. The Board routinely collaborates closely with the WSBA Public Service and Diversity team, such as partnering on networking events around the state.

The ATJ Board meetings are well-attended by a variety of stakeholders. We seek and obtain input at these meetings as well as solicit input from various list serves and other outreach efforts. For example, the ATJ Technology Principles update process, for example, involved extensive outreach, focus groups and a joint drafting process involving a wide array of stakeholders. Also, the Board’s efforts to identify action steps to “desilo” our civil, criminal, juvenile, and child welfare system has been very intentional in listening to individuals and communities most harmed by structural bias and disparities.

The ATJ Board has engaged in its own equity and inclusion work every year since 2018 during retreats and public meetings. With guidance from JustLead, the Board has used an organizational race equity assessment and identified what internal work it needs to engage in to ensure a culture of inclusion.

The ATJ Board recently updated its Operational Rules, which sets out a commitment to diversity in the Board and Committees and creates a process for new leaders to get involved.

Addressing racial inequities is spotlighted in the State Plan and the Board’s two-year priorities and has been a focus of the Board’s most recent Access to Justice Conferences. Also, the Board is a leader in encouraging race equity work among its counterparts in other states.

Please report how this committee/board is addressing professionalism:

Does the committee/board's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?

The ATJ Board supports the Equal Justice Community Leadership Academy and other trainings that promote leadership competencies like self-awareness and achieving workable unity in the legal profession and beyond. As a convener of civil legal aid organizations, the Board facilitates how they and the larger legal community can coordinate and collaborate to create more equitable access to justice.

To the extent that professionalism includes having self-awareness about one's own biases, the Board supports JustLead WA, which offers many trainings involving working against implicit bias.

Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work:

How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?

The ATJ Board Manager has given presentations to the New and Young Lawyer Committee and Leadership Academy cohorts to encourage their participation on the Board and its committees and to engage in statewide activities like the biennial Access to Justice Conferences. The Board recruited new and young lawyers to co-chair the 2019 and 2021 Access to Justice Conference Planning Committee. This is an opportunity to take on a large, visible leadership role and demonstrated the Board's commitment to including new and young lawyers in decision making.

Examples of how the Board supports new and young lawyers and law student include the following:
a) the ATJ Board has supported summer orientations, trainings and networking events for public interest minded-law students; b) the Board supports a discount rate for students to attend the Access to Justice Conference and works with the law schools to encourage students to attend; and c) the ATJ Board fully welcomes and encourages the involvement and leadership of new and young lawyers and law students on its various committees.

Please report how this committee/board is addressing the needs of the public:

How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?

The ATJ Board benefits tremendously from having two community representatives on the Board, currently Esperanza Borboa and Mirya Munoz-Roach. Their voices on the Board have helped in keeping our work community and public focused.

At the heart of everything the Board does is service to the public and those who face marginalization and inequities. Through the Board's support of the Alliance and its advocacy work, the Board is working to dismantle systems of oppression that lead to inequity and poverty.

Recently, the Board has dedicated time and resources to engage with social service and community partners who work directly with members of the public who qualify to receive legal aid services as a means to learn from them and make connections. Time was devoted to listening sessions at the Access to Justice Conference where attendees had a chance to hear directly from formerly incarcerated individuals, members of tribal communities and members of immigrant communities to

learn about their unique experiences with the justice system. Every year the Board holds at least two meetings around the state where they make an effort to meet with community based programs to learn about their work and the people they serve.

While the Board does not routinely communicate directly with the public, the Board has facilitated trainings and resource opportunities so that Alliance providers can better communicate about how to access and support legal aid services.

FY20 Demographics: *To Be Completed by WSBA Staff*

Gender:

Female (4)

Transgender
Non-Binary

Male (4)

Two-spirit
Not Listed

No Response (2)

Multi

Ethnicity:

American Indian/Native American/Alaskan
Native

Black/African-American/African Descent (2)

Asian (2)

Middle-Eastern Descent

Hispanic/Latinx (3)

Pacific Islander/Native Hawaiian

White/European Descent (4)

Not Listed

Multi-Racial/Biracial

No Response

Sexual Orientation:

Asexual
Two-Spirit
Multiple Orientations

Gay, Lesbian, Bisexual, Pansexual or Queer (2)

Heterosexual (3)

Not Listed

No Response (5)

Disability:

Yes

No (10)

WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Board of Bar Examiners (BBE)
Chair:	Monica Wasson
Staff Liaison:	Gus Quiniones
Board of Governors Liaison:	Kim Hunter
Size of Committee:	34
Direct Expenses:	\$28,500
Indirect Expenses:	\$10,189
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	n/a
Purpose:	
<p>The Board of Bar Examiners (BBE) derives its authority from the Admission and Practice Rules (APR), which provide for appointment of BBE members by the Board of Governors.</p> <p>The BBE grades the Multistate Essay Examination (MEE) and Multistate Performance Test (MPT) answers for the Uniform Bar Examination (UBE), and produces the content for the Washington Law Component (WLC) test, in accordance with the APR as approved by the Washington Supreme Court.</p>	
Strategy to Fulfill Purpose:	
<p>The Multistate Bar Examination (MBE) is scored by the National Conference of Bar Examiners (NCBE) and the MEE and MPT are graded by the BBE. The grading is typically completed over the course of one long weekend in March and one in August, both in Seattle.</p> <p>The winter exam requires a total of 10 examiners to grade the MEE and MPT and the summer exam requires a total of 18 examiners. Each examiner must attend the mandatory scheduled NCBE grading workshop in person, by teleconference, or by review of the conference video prior to grading the exams.</p> <p>The WLC is reviewed and updated by members of the BBE every other year.</p>	

<p>2019-2020 Accomplishments and Work in Progress:</p>
<p>This fiscal year: Conducted a successful grading conference for the grading of February 2020 MEE and MPT exams. This was the first time grading was done remotely due to COVID-19.</p>
<p>2020-2021 Goals:</p>
<ol style="list-style-type: none"> 1) Continue to encourage BBE members to attend NCBE annual education conference and NCBE grading workshops. 2) Due to COVID-19 pandemic, the summer 2020 bar exam will be administered in July and September 2020. Graders will conduct two exam grading conferences in order to grade both exams. Examiner grading will be done remotely. 3) Beginning with the September 2020 bar exam, graders will be using a new digital grading software which allows graders to view and score essay answers digitally instead of hard copy paper answers. 4) Next Fiscal year: Conduct successful grading conferences for the grading of the February 2021 and July 2021 MEE and MPT exams and begin the process of reviewing the questions, answers, and outlines for the Washington Law Component Test.
<p>Please report how this committee/board is addressing diversity, equity and inclusion: <i>How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?</i></p>
<p>The BBE actively seeks to increase diversity among its members with the assistance of the Bar staff to promote outreach, and to notify minority and specialty bar associations of vacancies on the BBE.</p> <p>The Board’s goal is to provide Diversity and Inclusion training annually as part of onboarding.</p> <p>Current members of the BBE include a range of geographic and other facets of diversity; however, the Board will always look to improve in this area.</p> <p>BBE leadership places greater consideration on diversity when screening applications to the Board. In addition, the Board and staff work to ensure that all members are welcomed into the Board and provided with the training and materials needed to help them be successful in performing this work.</p>
<p>Please report how this committee/board is addressing professionalism: <i>Does the committee/board’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?</i></p>
<p>The exam process for admission to the practice of law covers ethical and legal judgment issues that lawyers may face when engaging in their chosen profession. Demonstrating knowledge in these areas should increase the professionalism of applicants who are admitted to practice.</p> <p>The function of the BBE is to determine which applicants are capable of meeting the high competency standards of this profession, and this helps to ensure their professionalism.</p>

Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work:

How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?

The BBE continues to make efforts to recruit lawyers who are newer to the profession, although most current members have been in practice for a number of years.

The BBE recently appointed one member who meets the description of a new and young lawyer.

Please report how this committee/board is addressing the needs of the public:

How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?

The Board of Bar Examiners conducts closed session meetings when grading the MEE and MPT exams. The work of the BBE in helping to ensure the competency and professionalism of people licensed to practice law in Washington works to the benefit of the public who may need legal services.

FY20 Demographics: *To Be Completed by WSBA Staff*

Gender:

Female (13)

Transgender

Non-Binary

Male (17)

Two-spirit

Not Listed

No Response (3)

Multi

Ethnicity:

American Indian/Native American/Alaskan

Native

Asian

Middle-Eastern Descent

White/European Descent (27)

Not Listed

Black/African-American/African Descent

Hispanic/Latinx (1)

Pacific Islander/Native Hawaiian

Multi-Racial/Biracial (2)

No Response

Sexual Orientation:

Asexual

Two-Spirit

Multiple Orientations

No Response (17)

Gay, Lesbian, Bisexual, Pansexual or Queer (3)

Heterosexual (7)

Not Listed

Disability:

Yes (2)

No (27)

WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Character and Fitness Board (CFB)
Chair:	Jeremy Rogers
Staff Liaison:	Jean McElroy
Board of Governors Liaison:	Bryn Peterson
Size of Committee:	15 currently (can vary)
Direct Expenses:	\$15,000
Indirect Expenses:	\$111,650
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	16
Purpose:	
	<p>The Character and Fitness Board (CFB) derives its authority from the Washington Supreme Court under APR 20 - 25.6, most recently amended in 2016.</p> <p>The CFB conducts hearings upon referral from Regulatory Services Counsel to determine: (1) if applicants to take the Bar Examination have demonstrated current good moral character and fitness to be admitted or re-admitted to the practice of law, or (2) have met the requirements to be reinstated after disbarment.</p>
Strategy to Fulfill Purpose:	
	<p>Upon referral from Bar counsel after review of application materials and supplemental information, the CFB conducts hearings, prepares written findings, and makes recommendations to the Washington Supreme Court (which makes the final decision on all admission/licensing recommendations). The CFB meets as frequently as necessary, generally meeting one day a month for hearings. Hearings are generally scheduled to last one-half to one day, and the CFB may complete up to two hearings in one meeting.</p>
2019-2020 Accomplishments and Work in Progress:	

Goal: Continue to conduct hearings as necessary, completing all written findings and recommendations in a timely fashion.

Accomplishments: So far this fiscal year, the Board has met three times – once for an implicit bias training, and twice to conduct hearings. Board findings and a recommendation have been filed with and approved by the Supreme Court in one of the two hearings, and are being reviewed by the Supreme Court in the second hearing. Three other hearings were continued upon request from the applicants, due to COVID19 restrictions on in-person gatherings, because the applicants preferred to wait for a hearing date where they could meet in person with the Board rather than have their hearing by Zoom. The Board is expected to complete two or three more hearings this year.

Goal: Provide additional diversity training at the start of FY'20.

Accomplishment: This was successfully completed during the first CFB meeting.

Goal: Continue to use electronic tools (Box, templates, etc.) and provide Board members with staff assistance in order to produce written opinions in a timely fashion while ensuring the confidentiality of the underlying proceedings.

Accomplishments: The CFB is continuing to use the electronic tools for both receiving and reviewing hearing materials and for producing written opinions in a timely fashion while ensuring confidentiality. The Board will also be using the electronic tools to provide additional legal and other research materials to CFB to CFB members.

2020-2021 Goals:

1. Continue to conduct hearings as necessary, completing all written findings and recommendations in a timely fashion.
2. Learn and recognize the additional functions provided by the new online application system when that system is functional, in order to understand how that affects applicants' ability to provide accurate and up-to-date information in their applications.
3. Provide diversity training at the first CFB meeting, for consideration and reference when conducting all hearings during the year.

Please report how this committee/board is addressing diversity, equity and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

The CFB is not currently using specific tools provided by WSBA, other than WSBA diversity training. The CFB discusses diversity issues as they arise in cases.

Yes, the CFB received diversity training from the WSBA diversity specialist.

The CFB's makeup is governed by Court rule (APR 23(a)). The members of the CFB come from each congressional district, a wide variety of practice areas and settings, and a variety of ethnic, racial, gender, sexual orientation, disability, and other diversity factors, and therefore represent broad geographic, practice, and experiential diversity. The Board also includes community representatives and it can include additional members from each Congressional district (which occurs sometimes in order to include additional members from historically underrepresented backgrounds). The Chair encourages discussion and invites input from all members, and the CFB works cooperatively, even when there are significant disagreements in particular cases; diversity of viewpoints is paramount to the deliberative process.

The Chair always ensures that each member in attendance at a particular hearing has an opportunity to speak during both questioning and deliberations, and encourages thorough discussion of all viewpoints.

The hearings involve applicants who come from a wide range of backgrounds and experiences, many of whom have overcome very difficult personal, societal, and institutional obstacles in order to reach the point of applying for admission. The Board recommends the admission of many of these applicants after consideration of their individual circumstances, thereby helping applicants from historically underrepresented groups enter the profession (if the Court approves the Board's recommendation for admission). C&F hearings, by design, require a holistic view of the individual applicant; such a view necessarily requires the Board to take account of each applicant's individual circumstance.

Please report how this committee/board is addressing professionalism:

Does the committee/board's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?

Among other considerations, the CFB may consider factors that affect and relate to respect and civility within the legal community. (APR 21(a)(5), (6), (8) and (9).) The CFB also demonstrates respect and civility within the legal community by how it conducts its hearings and treats applicants appearing before it.

Among other considerations, the CFB may consider factors that affect and relate to relationships between and among lawyers, judges, staff and clients. (APR 21(a)(5), (6), (8) and (9)).

Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work:

How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?

In order to reduce the need for recusals by CFB members, and to ensure that Board members have an adequate understanding of the stresses associated with practicing law once removed from any supports that might be provided by law schools for new grads, the rules governing the Board require lawyer members to have been admitted for at least 5 years. Nevertheless, the CFB continues to make efforts to recruit lawyers who are newer to the profession.

The CFB directly or indirectly helps some young lawyers, because going through the C&F hearing process may encourage or require applicants to have, and provide evidence to the CFB about, among other things, debt management or the supports applicants have in place to assist them in maintaining the fitness to practice law despite obstacles and stressors in an actual practice setting.

Please report how this committee/board is addressing the needs of the public:
How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?

The public is directly impacted by the character and fitness of persons admitted to the practice of law in this state; therefore, attempting to ensure that applicants are of current good moral character and have the fitness to practice law serves a direct public protection function.

By Court rule, the Board has three public members that serve on it. These public members play an active role in the hearings and deliberations, and assist with writing findings and recommendations. The CFB very highly values the input it receives from the public members.

FY20 Demographics: To Be Completed by WSBA Staff

Gender:

Female (6)	Male (6)	No Response(3)
Transgender	Two-spirit	Multi
Non-Binary	Not Listed	

Ethnicity:

American Indian/Native American/Alaskan Native	Black/African-American/African Descent (1)
Asian (1)	Hispanic/Latinx
Middle-Eastern Descent	Pacific Islander/Native Hawaiian
White/European Descent (9)	Multi-Racial/Biracial (1)
Not Listed	No Response (3)

Sexual Orientation:

Asexual (1)	Gay, Lesbian, Bisexual, Pansexual or Queer (1)
Two-Spirit	Heterosexual (3)
Multiple Orientations	Not Listed
No Response (10)	

Disability:

Yes	No (12)
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2020 ANNUAL CHIEF HEARING OFFICER REPORT
TO THE BOARD OF GOVERNORS

I. INTRODUCTION

The Washington Supreme Court appointed¹ me to serve as chief hearing officer for a two year term beginning October 1, 2019. WSBA compensates the chief hearing officer \$30,000.00 per year through an independent contractor contract. This report, required by the contract, covers the time period October 1, 2019 through August 20, 2020.

II. DUTIES OF THE CHIEF HEARING OFFICER

Rules for Enforcement of Lawyer Conduct Rule 2.5(e)(2) sets out the chief hearing officer's duties and authority. The chief hearing officer also attends the Discipline Advisory Round Table Meetings and participates as an ex-officio member of the Disciplinary Selection Panel. This report summarizes the chief hearing officer's ELC 2.5 duties.

A. HEAR MATTERS

The chief hearing officer can hear matters. I conducted four hearings during this fiscal year.

B. ASSIGN CASES

The chief hearing officer assigns hearing officers and settlement hearing officers to individual proceedings from those the Washington Supreme Court appoints to the list. I have appointed 28 hearing officers and 21 settlement hearing officers between October 1, 2019 and August 20, 2020. There are no proceedings currently waiting for hearing officer appointments.

I receive a weekly report listing the cases needing hearing officer and settlement hearing officer assignments. The Formal Complaints are placed in a Box folder so I can access them as needed. I review the information and contact hearing officers who do not have current assignments. I have not had any difficulty finding hearing officers willing to accept new assignments. In fact, several consistently volunteer for more work. I have attempted to broaden the experience of all hearing officers by assigning them equally to settlement conferences, as well as to disciplinary and disability proceedings. To this extent I feel I have been successful. Fortunately, most disciplinary hearings only require 2-3 days, which is easier for hearing officers to accommodate. I will be challenged finding and assigning hearing officers to longer proceedings (in excess of one week), and may need to explore bifurcating proceedings, so as to not create an undue hardship on

¹ The Supreme Court, upon recommendation of the Board of Governors in consultation with the Disciplinary Selection Panel, appoints a chief hearing officer to an initial two year term, followed by renewable five year terms. ELC 2.5(e)(1).

the hearing officer. (This is something commonly done in workers' compensation cases at the administrative level with the Board of Industrial Insurance Appeals).

- C. **MONITOR AND EVALUATE HEARING OFFICER PERFORMANCE**
I monitor and evaluate hearing officer performance through frequent contact with the hearing officers and through review of written orders and decisions. Hearing officers frequently contact me with questions about hearing procedures.
- D. **HEAR MOTIONS FOR HEARING OFFICER DISQUALIFICATION**
The parties can request hearing officer removal without cause once in each proceeding.² In addition, the parties may move to disqualify a hearing officer for cause.³ I have appointed a new hearing officer two times when a party requested removal without cause. I decided one motion requesting for cause removal.
- E. **HEAR PRE-HEARING MOTIONS WHEN NO HEARING OFFICER ASSIGNED**
I have decided motions for orders of default, motions deferring discipline proceedings, motions objecting to investigative inquiries and investigative subpoenas, and approved stipulations. I have entered approximately two of these orders.
- F. **HEAR MOTIONS FOR PROTECTIVE ORDERS UNDER RULE 3.2(e)**
I have decided no motions for protective order this year.
- G. **HEAR MOTIONS PRIOR TO MATTER BEING ORDERED TO HEARING, INCLUDING WHILE A GRIEVANCE IS BEING INVESTIGATED**
I did not receive any of these motions this fiscal year.
- H. **HEAR REQUESTS FOR AMENDMENT OF FORMAL COMPLAINT UNDER RULE 10.7(b)**
I have not decided any motions under this rule.
- I. **APPROVE STIPULATIONS TO DISCIPLINE NOT INVOLVING SUSPENSION OR DISBARMENT AS PROVIDED BY RULE 9.1(d)(2)**
The chief hearing officer approves stipulations when a hearing officer has not been appointed. I approved approximately four stipulations during this fiscal year.
- J. **RESPOND TO HEARING OFFICER REQUESTS FOR INFORMATION OR ADVICE RELATED TO THEIR DUTIES.**
I responded to frequent requests for hearing officer information or advice relating to their duties. Many of the questions lead to topics for next year's training.

² ELC 10.2(b)(1).

³ ELC 10.2(b)(2).

K. SUPERVISE HEARING OFFICER TRAINING IN ACCORDANCE WITH ESTABLISHED POLICIES

Hearing officer training is provided annually in the fall and includes CLE credit. We usually provide a five or six hour program in Seattle and provide Zoom to facilitate attendance by those outside of Seattle. Topics vary, but include changes to rules or procedures, Supreme Court cases decided over the last year, settlement skills, writing skills, diversity training and accessibility training. The most recent training was in November 2019. Our next training is targeted for November 2020.

III. HEARING OFFICERS

We have 33 hearing officers. Hearing officers are appointed by the Supreme Court of Washington for initial two year terms, followed by five year terms. There is no limit on the number of 5 year terms. Hearing officer initial and re-appointment applications are reviewed by the Discipline Selection Panel (DSP), including receiving input from the chief hearing officer, Office of Disciplinary Counsel and a representative from the respondent's counsel community. The DSP makes a recommendation to the WSBA Board of Governors. The Board forwards a recommendation to the Court.

IV. STAFF

Allison Sato and Lisa Amatangel assist the chief hearing officer with his duties when needed.

V. CONCLUSION

I thank you all for the support I have received during my term as chief hearing officer. Please let me know if you have any specific questions.

Respectfully submitted this 21st day of August, 2020.



Randolph O. Petgrave III
Chief Hearing Officer

WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Client Protection Board
Chair:	Carrie Umland
Staff Liaison:	Nicole Gustine and Brenda Jackson
Board of Governors Liaison:	Carla Higginson
Size of Committee:	13
Direct Expenses:	\$1,200
Indirect Expenses:	\$130,396
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	7
Purpose:	
<p>The Client Protection Board derives its authority from Admission and Practice Rules (APR) 15. The WSBA Board of Governors (BOG) serve as trustees of the Fund, while the CP Board, working with WSBA staff, administers it. The Washington Supreme Court has ordered an annual assessment on all active lawyer and LLLT members, to be held in trust for the purposes of the fund.</p> <p>The CP Board helps relieve or mitigate pecuniary losses sustained by clients by reason of the dishonesty of, or failure to account for money or property entrusted to, their lawyers. The CP Board reviews fund applications investigated by WSBA staff. Under APR 15, a decision by the CP Board to make a payment on an application for \$25,000 or less is final; a decision on an application for above \$25,000 is a recommendation and must be approved by the BOG.</p>	
Strategy to Fulfill Purpose:	
<p>The CP Board has a staff analyst and counsel/liaison in the WSBA Office of General Counsel. The CP Board meets four times per year to review applications. In accordance with APR 15, the CP Board provides a detailed report to the BOG and the Washington Supreme Court annually.</p>	
2019-2020 Accomplishments and Work in Progress:	

- 1) Continue to educate WSBA members about the CP Board.
- 2) Increase the public awareness of the CP Board.
- 3) Continue to operate a fiscally responsible fund.
- 4) Continue to work to decide difficult claims.

2020-2021 Goals:

- 1) Continue to educate WSBA members about the CP Board.
- 2) Increase the public awareness of the CP Board.
- 3) Continue to operate a fiscally responsible fund.
- 4) Continue to work to decide difficult claims.

Please report how this committee/board is addressing diversity, equity and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

- 1) The CP Board is not using specific tools; however it is cognizant of diversity and prioritizes it.
- 2) The CP Board has been trained by the Diversity Specialist.
- 3) The CP Board actively recruits members from different backgrounds and areas of the state. It includes members who work in government, solo practice and in larger firms, as well as two community members.
- 4) The CP Board respects the voice and vote of each member. Each application is discussed extensively before a vote is taken.

The CP Board consists of eleven lawyers and two community members. It currently has a diverse membership.

Please report how this committee/board is addressing professionalism:

Does the committee/board's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?

- 1) The CP Board promotes respect for the legal profession by relieving or mitigating losses caused by those few lawyers who betray the trust of their clients. Applicants (and lawyers who assist them in filing applications) frequently express appreciation for the CP Board's role in restoring some degree of trust in the legal profession by those injured.
- 2) See (1) above.

The CP Board promotes professionalism by righting wrongs of members of the legal profession who dishonestly deprive clients of their funds. The Board issues an annual report which details the amounts paid out to applicants, and the lawyers involved.

Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work:

How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?

1) The CP Board encourages the application and appointment of newer lawyers. APR 15 does not have a minimum number of years of admission requirement for lawyer members. The Board is well suited to integrating young lawyers, and continues to do so. Younger lawyers can apply to be Chair or Vice-Chair.

Please report how this committee/board is addressing the needs of the public:

How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?

1) The CP Board promotes public confidence in the administration of justice and the integrity of the legal profession. Relieving or mitigating the pecuniary loss of injured members of the public often has a deep impact on their lives, and their view of the legal profession.

2) The CP Board actively recruits community or public members from different backgrounds and areas of the state. One of the CP Board’s goals is to increase public awareness of its work.

FY20 Demographics: To Be Completed by WSBA Staff

Gender:

Female (7)

Transgender

Non-Binary

Male (4)

Two-spirit

Not Listed

No Response (2)

Multi

Ethnicity:

American Indian/Native American/Alaskan

Native

Asian

Middle-Eastern Descent

White/European Descent (6)

Not Listed

Black/African-American/African Descent (1)

Hispanic/Latinx (2)

Pacific Islander/Native Hawaiian

Multi-Racial/Biracial (2)

No Response (2)

Sexual Orientation:

Asexual

Two-Spirit

Multiple Orientations

No Response (4)

Gay, Lesbian, Bisexual, Pansexual or Queer (3)

Heterosexual (6)

Not Listed

Disability:

Yes

No (10)

WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Committee on Professional Ethics (CPE)
Chair:	Don Curran
Staff Liaison:	Jeanne Marie Clavere and Darlene Neumann
Board of Governors Liaison:	Kyle Sciuchetti
Size of Committee:	9
Direct Expenses:	\$5,000
Indirect Expenses:	\$44,120
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	15
Purpose:	
<p>The Committee on Professional Ethics (CPE) prepares advisory opinions addressing recurring or emerging ethics issues facing WSBA members. The advisory opinions cover a broad context and provide in-depth guidance on the Rules of Professional Conduct (RPCs) as applied to a wide variety of practice areas. The CPE also prepares recommendations for amendments to the RPCs and reports to the WSBA Board of Governors when requested regarding stakeholder proposed RPC and GR amendments submitted to the Supreme Court.</p>	
Strategy to Fulfill Purpose:	
<p>The CPE meets six times a year to review and edit draft advisory opinions and potential RPC amendments. In addition, subcommittees tasked with researching and developing drafts in particular areas spend significant time between meetings on their assignments. Committee work on proposed advisory opinions includes a review of considerations related to the North Carolina Dental Board case to be mindful of maintaining and promoting freedom of competition in the ethical practice of law. Moreover, advisory opinions are now provided to the Board of Governors (BOG) for information purposes before posting on the WSBA website.</p>	
2019-2020 Accomplishments and Work in Progress:	

RPC Amendments Proposed by the CPE

- An amendment to **RPC 1.15A(h)(9)** to allow LLLTs who work in a firm with lawyers to sign trust account checks without requiring a second signature by a lawyer. In November 2019, the Court published the suggested amendment for comment. The comment period expired September 30, 2020.
- A typographical correction to **RPC 6.1(a)(2)** was adopted by the Court in November 2019.

Supreme Court Requests to the CPE

- The committee reviewed the proposed amendments to the lawyer advertising rules (**RPC 7.1 to 7.5 and RPC 5.5**) to ensure integration with the ABA Model Rules. The amendments were proposed by the committee, approved by the BOG, and published for comment by the Court in November 2018. The comment period expired April 30, 2019.
- The committee reviewed and responded to a public comment the Court received on suggested new **comment [13] to RPC 4.2**, which had been published for comment on the court's website.

Board of Governors Requests to the CPE

- The committee reviewed an amendment to **comment [4] to RPC 4.4** and new **GR 38** regarding immigration status reporting as proposed by several stakeholder groups. The BOG adopted the CPE recommendation, which the WSBA president submitted as public comment in January 2020. The Court adopted the CPE recommended amendments to the rule on April 1, 2020.
- The committee reviewed an amendment to **RPC 6.5** pending at the Supreme Court concerning conflict of interest notice requirements proposed by several stakeholder groups. Members of a CPE subcommittee provided guidance to the stakeholders to help refine the proposal and planned to present its recommendation to the BOG on April 17, 2020. However, the stakeholders decided to withdraw their proposal, citing the COVID-19 public health emergency and other pressing issues. The CPE supported the action and will remain available for technical assistance to the stakeholders when the proposal is resubmitted in the future.
- The committee analyzed a revised draft amendment to **RPC 7.3** proposed by the Supreme Court that would exempt certain practice areas. The CPE presented its recommendation to the BOG on April 17, 2020, which it adopted and forwarded to the Court as comment.

Completed Work of the CPE

- **Review of Advisory Opinion 2223 (2012)**. The opinion concerns the ability of lawyer-mediators to draft and file legal documents for unrepresented parties in mediation. In August 2019, the CPE issued **Advisory Opinion 201901** that provided greater clarity on the issue. Advisory Opinion 2223 was withdrawn.
- **Lawyer Referral Services and Fee Sharing**. Washington's RPC contains a unique provision in **RPC 1.5(e)(2)** which allows lawyer referral services authorized by WSBA and county bar associations. The CPE analyzed the issue and proposed amendments to **RPC 7.2(b)**, **comment [6] to RPC 7.2**, new Additional Washington **Comment [5] to RPC 5.4**, and the deletion of RPC 1.5(e)(2). All proposed amendments were adopted by the BOG in May 2020 and submitted to the Court.
- **Special Assistant Attorney General Conflicts of Interest**. The committee reviewed conflict of interest issues regarding the duty of a contract SAAG attorney to a worker in an third party worker's compensation claim. The CPE issued **Advisory Opinion 201902** in Oct. 2019.
- **Trust Account Following Retirement**. The committee reviewed whether a retired lawyer may keep the trust account open to disburse client funds that are received over a period of time from settled cases. The CPE issued **Advisory Opinion 201903** in October 2019.

- **In-house Counsel Claims.** The CPE proposed amendments to **comment [4] to RPC 1.16** and new Additional Washington **comment [16] to RPC 1.13**, to cite to Karstetter v. King County Corrections Guild, 193 Wn.2d 672, 444 P.2d 1185 (2019), regarding in-house counsel and similarly situated lawyers with regard to wrongful termination claims. The BOG approved the proposed amendments in May 2020, and the submitted the proposed amendments to the Court.

Work in Progress

- **Ghostwriting.** The committee is working on a draft advisory opinion to provide member guidance on the issue of ghostwriting and limited scope representation.
- **Lawyer Mediator Practices.** The committee is drafting a comment to RPC 2.4 regarding lawyer mediators in family law who prepare legal documents for unrepresented parties.
- **Multiple Client Representation in Wrongful Death Cases.** The committee has completed its drafting of a proposed advisory opinion and is submitting it to the Board of Governors for approval.
- **Disclosure of Client Civil Commitment.** The committee is drafting an advisory opinion on the issue of disclosure of a client's civil commitment in court proceedings.
- **Proposed amendment to comment [2] to RPC 1.11** to cite State v. Nickels, 195 Wn.2d 132, 456 P.3d 795 (2020), regarding disqualification of an entire elected county prosecutor's office when the prosecutor had previous involvement representing the defendant.
- **Potential amendments to RPC 1.8(e)** concerning limited exceptions to the prohibition against providing financial assistance to the client due to the extraordinary circumstances caused by the COVID-19 pandemic.

Other Issues Reviewed by the CPE

- Compensation of attorney administrator of decedent's estate by hired by same firm with a creditor's action against the estate.
- Notification of material errors: current and former clients
- Lawyer well-being amendments to RPC
- RPC 4.2: communication with government employee represented by counsel for the government entity.
- Currency of Advisory Opinion 201501 (lawyer representing marijuana enterprise clients under state law legalizing marijuana) following the Court's amendment to comment [18] to RPC 1.2.

2020-2021 Goals:

1. Continue with its objective to address recurring or emerging ethics issues to provide in-depth guidance on the Rules of Professional Conduct in the form of advisory opinions;
2. continue to review and evaluate amendments to the RPC;
3. continue to respond to member inquiries regarding broader ethical issues;
4. to implement compliance with the letter and spirit of the Open Public Meeting Act; and
5. to continue its tradition of collegiality and collaborativeness among committee members and with staff.

Please report how this committee/board is addressing diversity, equity and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your

committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?

- 1) *How have you elicited input from a variety of perspectives in your decision-making?* The committee actively seeks input from interested stakeholders and bar members on proposed rule changes or draft opinions.
- 2) *What have you done to promote a culture of inclusion within the board or committee?* At nine members, the committee is fairly small, includes one third women, and members of varying backgrounds. Each member brings a unique and valuable perspective to the discussions and work of the committee.
- 3) *What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?* Through its advisory opinions and analysis of the Rules of Professional Conduct, the CPE assists members of all backgrounds in clarifying their ethical duties under the rules thereby helping them to maintain their practices and thrive in the profession.

Please report how this committee/board is addressing professionalism:

Does the committee/board's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?

- 1) *Does the committee/board's work promote respect and civility within the legal community?* The CPE promotes and supports professionalism in the legal profession through advisory opinions and analysis of legal ethical practice for members.
- 2) *Does it seek to improve relationships between and among lawyers, judges, staff and clients?* N/A
- 3) *Does it raise awareness about the causes and/or consequences of unprofessional behavior?* Through its advisory opinions, the CPE helps to educate members about ethical conduct and provides guidance on ethical dilemmas to encourage professional behavior.

Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work:

How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?

- 1) *How have you brought new and young lawyers into your decision making process?* The CPE includes younger members within its ranks and takes into account the practices of all members when formulating advisory opinions.
- 2) *Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?* N/A
- 3) *Other?* Ethics Advisory Opinions promulgated by the CPE are specifically helpful to new and young lawyers as they transition from academic classroom discussions of the RPC to the real time application of the RPC to their practices.

Please report how this committee/board is addressing the needs of the public:

How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?

- 1) *How is the public impacted by your work?* Lawyers practicing ethically enhance the public image of our noble profession resulting in increased public trust. Understanding clearly articulated advisory opinions and rules of professional conduct empower the lawyer to deal competently, confidently, and honestly with peers and the public.
- 2) *Has the committee/board sought input from the public, and/or communicated its work to the public?* During its review of AO 2223, the committee sought input from the public on lawyer mediator issues and distributed a proposed draft opinion to county bars, mediators, and numerous sections. It sought input from the parties in mediation and nonprofit mediation organizations. The lawyer mediator practices subcommittee has met with an expert on domestic violence issues to learn more about the impact on family law mediations.

FY20 Demographics: *To Be Completed by WSBA Staff*

Gender:

Female (3)

Transgender

Non-Binary

Male (5)

Two-spirit

Not Listed

No Response (1)

Multi

Ethnicity:

American Indian/Native American/Alaskan
Native

Black/African-American/African Descent

Asian (1)

Middle-Eastern Descent

Hispanic/Latinx

Pacific Islander/Native Hawaiian

White/European Descent (7)

Not Listed

Multi-Racial/Biracial

No Response (1)

Sexual Orientation:

Asexual

Gay, Lesbian, Bisexual, Pansexual or Queer

Two-Spirit

Heterosexual (5)

Multiple Orientations

Not Listed

No Response (4)

Disability:

Yes

No (8)

WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Continuing Legal Education (CLE) Committee
Chair:	Wil Miller
Staff Liaison:	Shanthi Raghu
Board of Governors Liaison:	Kim Hunter
Size of Committee:	18
Direct Expenses:	\$250
Indirect Expenses:	\$12,266
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	2
Purpose:	
	The purpose of the Continuing Legal Education (CLE) Committee is to support the Washington State Bar Association's (WSBA) development of continuing legal educational programming that ensures competent and qualified legal professionals, supports member transitions throughout the life of their practice, and helps to prepare members for the future with skills required for the 21 st century practice of law.
Strategy to Fulfill Purpose:	
	The CLE Committee provides input to the WSBA CLE Team in fulfilling its mission of serving the ongoing education needs of Washington legal professionals. The CLE Committee maintained two subcommittees in FY19: Marketing Intelligence and Programming.
2019-2020 Accomplishments and Work in Progress:	
	This year the committee convened three times, and focused on generating ideas for future CLE programming. The committee also developed two questions to include in Member Perception Survey calls in Q3 and Q4.
2020-2021 Goals:	

Identify new areas of programming for WSBA presents CLE programs
Identify potential speakers and chairs
Review member perception responses to help inform future delivery of CLE program
Help inform marketing strategies for WSBA CLE

Please report how this committee/board is addressing diversity, equity and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

The CLE committee encourages WSBA CLE staff to engage with a wide range of stakeholders in program development. In an effort to develop relevant and timely content, the WSBA CLE engages with a wide range of stakeholders including the WSBA Practice Sections, the DMCJA, the WSBA Diversity Committee and Public Service Committees, the WYLC and a variety of outside nonprofit organizations and local and minority bar associations.

The CLE Committee works affirmatively to identify and recruit a diverse group of committee members.

Additionally, this year, the CLE Committee provided comment on the MCLE Board's recent preliminary suggested amendment to APR 11.

Please report how this committee/board is addressing professionalism:

Does the committee/board's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?

The CLE Committee continues to address professionalism throughout all of its work by ensuring the most timely and relevant legal education is delivered to Washington legal professionals.

Content developed by WSBA CLE promotes professional and personal development which in turn aids in civility and professionalism. WSBA CLE offers an annual Ethics, Professionalism and Civility program that directly deals with the topics of civility and professionalism along with ethics issues associated with those topics.

WSBA CLE delivers many programs that deal directly with the consequences of unprofessional or unethical behavior within the profession. In FY20 WSBA CLE delivered many seminars related to this specific topic including Ethical Dilemmas, Ethics for Non-Attorneys, ALPS Ethics, Ethics Booster, and ethics related to practicing during a pandemic.

Many of the CLE programs that the CLE Committee supports specifically address relationships between lawyers and judges and professionalism in the legal profession. Law of Lawyering is an annual program that addresses these specific topics. This program was delivered in December, 2020 and is also available on-demand.

This year, the BOG elected for the WSBA to provide three free ethics credits (live and on-demand) for the members. The free ethics credits were developed in the following categories:

- 1) equity, inclusion and the mitigation of bias, 2) mental health, addiction, and stress, and 3) technology education focusing on digital security.

Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work:

How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?

In conjunction with the WSBA New Lawyer Program, WSBA CLE develops a Trial Advocacy Program that specifically assists new lawyers in learning and developing trial skills. This program is scheduled to deliver in August and September 2020.

In association with the WSBA New Member Education, the CLE team develops a Practice Primer Series which take a substantive area of law and build out a full curriculum from introductory to more advanced topics over the course of three learning tracks and approximately 21 hours of education. The goal of this programming is to provide new members (or transitioning members) a foundational education to jump start their entry into the substantive area of practice. New Member programming is deeply discounted for members who have been licensed for less than five years. In FY20 the Practice Primer Series focused on the area of Criminal Law. Attendees may join the Practice Primer Series live. The content is also made available as an on-demand seminar for purchase on the WSBA CLE Store. The Criminal Law Practice Primer Series was delivered in the months of February, March, April and September of 2020.

Please report how this committee/board is addressing the needs of the public:

How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?

The mission of WSBA CLE is to ensure the competency of the profession through education. By providing education that is relevant, timely and in demand by the membership, WSBA CLE helps to protect the public by ensuring competent legal professionals. That said, the committee has not done any specific outreach to the public. WSBA CLE does engage with various sectors of the public when developing various CLE programs because many of our faculty are non-WSBA members and members of the public.

Additionally, this year, in light of the COVID-19, WSBA CLE developed a webinar series covering issues specific to navigating legal practice during the pandemic. Free CLEs (live and on-demand) were made available from April through the end of June. The content was vital to providing members with CLE content to better serve clients – the public - during a time of uncertainty, stress and challenge.

Since March, WSBA CLE has moved to mostly remote operations, leveraging technology to continue to deliver programs virtually. The CLE Committee continued to help inform the CLE content to be developed.

FY20 Demographics: To Be Completed by WSBA Staff

Gender:

Female (1)

Transgender

Male (5)

Two-spirit

No Response (1)

Multi

2019-2020

Non-Binary	Not Listed
Ethnicity:	
American Indian/Native American/Alaskan Native	Black/African-American/African Descent
Asian	Hispanic/Latinx
Middle-Eastern Descent	Pacific Islander/Native Hawaiian
White/European Descent (4)	Multi-Racial/Biracial (1)
Not Listed	No Response (2)
Sexual Orientation:	
Asexual	Gay, Lesbian, Bisexual, Pansexual or Queer (3)
Two-Spirit	Heterosexual
Multiple Orientations	Not Listed
No Response (4)	
Disability:	
Yes	No (6)

WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Council on Public Defense (CPD)
Chair:	Daryl Rodrigues
Staff Liaison:	Diana Singleton and Bonnie Sterken
Board of Governors Liaison:	Vacant
Size of Committee:	23
Direct Expenses:	\$7,000
Indirect Expenses:	\$38,035
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	16
Purpose:	
<p>The Council on Public Defense (CPD) was established in 2004 to implement recommendations of the Washington State Bar Association (WSBA) Blue Ribbon Panel on Criminal Defense for maintaining and improving constitutionally effective public defense services in Washington. The WSBA Board of Governors (BOG), finding that the CPD provided a unique and valuable forum for bringing together representatives across the criminal justice system, subsequently established the CPD.</p>	
Strategy to Fulfill Purpose:	
<p>The CPD unites members of the public and private defense bar, the bench, elected officials, prosecutors, and the public to address new and recurring issues impacting public defenders, the public defense system and the public that depends upon it. The CPD, after review of its Charter obligations, has recently worked on six issues in which it has the expertise to provide assistance to public defenders and formed the Pre-Trial Reform Committee, Legal Financial Obligations (LFO) Committee, Standards Committee, Mental Health/Involuntary Treatment Act Committee, Public Defense and Independence Committee, and Public Defense Structure Committee.</p>	
2019-2020 Accomplishments and Work in Progress:	
<ol style="list-style-type: none"> 1. The Pre-Trial Reform Committee distributed and promoted the Defender Resource Packet. 	

2. Guidelines for Criminal Appellate Performance were advanced to the WSBA BOG for approval for submission to the WA Supreme Court.
3. The Council's Standards Committee completed revisions to the Performance Guidelines for Criminal Defense Representation to include persistent offender cases.
4. The Council released a racial justice statement in response to the Court's Call to Action after the death of George Floyd. The statement emphasized public defense's role in embracing anti-racism, eliminating explicit and implicit biases, and dismantling white supremacy in the justice system.
5. The Council submitted comments in support of proposed amendments to CrR 3.1, CrRLJ 3.1 and JuCR 9.3.
6. The Council's Independence Committee continued work on proposed revisions to Standards 18 and 19.
7. The Council provided guidance to the Office of Public Defense and the State Supreme Court on revisions needed to the Indigent Defense Standards.

2020-2021 Goals:

1. Update persistent offender guidelines and review standards for public defenders assigned a persistent offender caseload.
2. Draft proposed revision to Standards 18 and 19 of the Indigent Defense Standards to include language on the need for independence in the selection and continuance of public defenders and other assigned council.
3. Provide guidelines and examine the impact of Covid-19 on the Indigent Defense Standards.
4. Address how to reduce the role of bias in the delivery of indigent defense services and work to improve diversity in the public defense offices and other indigent defense delivery systems.
5. Research improvements to delivery of public defense services in rural and small communities.
6. Support improvement of public defender services and accountability.

Please report how this committee/board is addressing diversity, equity and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

Robin Nussbaum, Inclusion and Equity Specialist, conducted a Diversity in Decision Making training in February 2019. As a product of this training the Chair and Vice Chair resolved as follows:

- a. To Seek input from all CPD members not just those who volunteer input.
- b. To be mindful of geographic, age, race and other factors in making recommendations for appointments to the CPD.
- c. To begin meetings with short centering exercises to enable participants to be more fully present for meetings.
- d. To continue to stream meetings to provide broader access to those who cannot attend in person

The Chair and Vice Chair have emphasized that during discussions all CPD members will be asked for their input, not only those who volunteer input.

The CPD pays attention to issues of diversity and inclusion as it relates to recruiting and filling positions. The CPD takes diversity, including geographic diversity, into account when making its recommendations about appointments. The CPD has continued to focus on bringing together a broad group of criminal justice system stakeholders.

The Chair and VC have discussed the lack of generational diversity in the Council. In part it is logical that experienced policy makers/practitioners are older, however, on numerous occasions we experienced a differing perspective when we seek and take input from more diverse participants. We will continue to seek participation from younger members.

Please report how this committee/board is addressing professionalism:

Does the committee/board's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?

1. The CPD unites diverse members of the legal community and public in a shared project of the WSBA to support work of public defenders to provide their clients with strong and accessible public defense services. The CPD has worked to include prosecutors and city attorneys as members in order to assure all voices and perspectives are at the table and engaged in the Council's discussions.
2. The CPD actively promotes professionalism so all members can express, debate, and consider competing views respectfully and productively to fulfill this shared WSBA mission.
3. The CPD makes an effort to have discussions about ethical practices, which includes professionalism.

Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work:

How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?

1. The CPD reaches out to younger members of the bar and law school students to participate in its work, both as active members and as interested parties. Some members, particularly those who teach at the Washington law schools, invite students and new and young lawyers to attend meetings. To the extent possible we encourage these individuals to attend meetings and always invite them to contribute to the conversation.
2. New and young lawyers are invited to attend meetings and find ways to get involved. New and Young Lawyers are encouraged to voice their opinions in meetings and actively participate in the work of the committees. Staff has presented to the New and Young Lawyers Committee about the work of the Council.
3. A major factor in non-participation from younger people is the fact that most younger lawyers are caseload carrying – and most Chief Defenders have little ability to provide caseload credit for participation and attendance. We are working with the larger PD offices to find ways to provide caseload relief so younger lawyers can participate actively.

Please report how this committee/board is addressing the needs of the public:

How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?

1. Members of the public are all subject to being criminally charged. Our efforts raise the standards for public defense Statewide.
2. We have one membership position for the general public.
3. We release our work through public comment (court rules) proposed guidelines (standards) and materials (e.g., pretrial checklists)

FY20 Demographics: *To Be Completed by WSBA Staff*

Gender:

Female (3)

Transgender
Non-Binary

Male (6)

Two-spirit
Not Listed

No Response (9)

Multi

Ethnicity:

American Indian/Native American/Alaskan
Native

Asian

Middle-Eastern Descent

White/European Descent (8)

Not Listed

Black/African-American/African Descent (1)

Hispanic/Latinx

Pacific Islander/Native Hawaiian

Multi-Racial/Biracial

No Response (9)

Sexual Orientation:

Asexual

Two-Spirit

Multiple Orientations

No Response (10)

Gay, Lesbian, Bisexual, Pansexual or Queer (2)

Heterosexual (6)

Not Listed

Disability:

Yes

No (9)

WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Court Rules and Procedures Committee
Chair:	Isham Reavis
Staff Liaison:	Nicole Gustine and Kyla Jones
Board of Governors Liaison:	Brian Tollefson
Size of Committee:	28
Direct Expenses:	\$3,000
Indirect Expenses:	\$40,948
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	22
Purpose:	
	The Court Rules and Procedure Committee (Committee) studies and develops suggested amendments to designated sets of Washington court rules on a regular cycle of review established by the Washington State Supreme Court. It occasionally responds to requests for comment from the Supreme Court on proposals developed by others. The Committee performs the rules-study function outlined in General Rule 9 and reports its recommendations to the BOG.
Strategy to Fulfill Purpose:	
	The Committee consists of several subcommittees that review the court rules and obtain input from stakeholders as to possible amendments. Evolution in case law, changes in statutes, or other new developments since last amendment drive amendments to rules. The subcommittees vet, draft, and discuss proposed amendments and submit them to the full Committee for discussion and approval. Proposed amendments approved by the Committee are forwarded to the BOG for approval. If the BOG approves, the proposed amendments are forwarded to the Supreme Court in accordance with General Rule 9.
2019-2020 Accomplishments and Work in Progress:	

To continue to carefully vet new proposals. In 2019-2020 the Committee reviewed the Civil Rules for Superior Courts and Civil Rules for Courts of Limited Jurisdiction.

2020-2021 Goals:

According to the schedule for review, the Rules of Appellate Procedure and the Rules for Appeal from Decisions of Courts of Limited Jurisdiction will be reviewed in 2020-2021.

Please report how this committee/board is addressing diversity, equity and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

- 1) The Committee is cognizant of diversity in selecting its members. It is an important factor in recruitment and consideration of applicants.
- 2) The Committee has received training from the Diversity Specialist.
- 3) The Committee seeks input from a wide variety of stakeholders before finalizing proposals, including reaching out to several minority bar associations. The Committee also reaches out to organizations that represent minority viewpoints that might not normally be aware of the Committee's work.
- 4) During the application period, the current Chair reached out to the leadership of several specialty and minority bar associations to encourage their membership to apply to be on the Committee.
- 5) The Committee is composed of members with a wide range of backgrounds, experiences, and identities.
- 6) The current chair has attempted to spread subcommittee chair assignments across the state to ensure broad, geographic representation.

Please report how this committee/board is addressing professionalism:

Does the committee/board's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?

- 1) The Committee seeks to engage members and the wider legal community in the process of studying and reviewing court rules. It promotes respect and civility by encouraging vigorous but civil debate even when members and/or stakeholders have strongly held but opposing views.
- 2) By engaging WSBA members and stakeholders outside of the Committee in the rule review process, the Committee's work seeks to improve relationships among lawyers and judges. The Committee includes three judges who serve as liaisons (non-voting), one each from the Superior Court, Court of Appeals, and District/Municipal Court. In addition, the Supreme Court Rules Committee seeks input from the WSBA Court Rules Committee, which furthers dialogue between WSBA lawyers and Justices of the state's highest court.

Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work:

How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?

- 1) The Committee does not have a minimum number of years of admission requirement to serve. Its lawyer members have a wide range of years of experience, including members who have only a few years of practice experience. The Committee often attracts applicants who are newer to the profession, some of whom are selected to serve.
- 2) The Committee provides opportunities for all members, including young lawyers, to chair subcommittees and the larger Committee. It provides opportunities for younger members to meet and be mentored by experienced members, as well as judges.

Please report how this committee/board is addressing the needs of the public:

How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?

- 1) The committee vets and crafts rule language that impacts the justice system and the public accessing that system.
- 2) Pursuant to court order, the committee publicizes suggested rule changes for public comment before finalizing its recommendations. Members of the bar, bench, and public are encouraged to review these proposals and send comments to the committee.

FY20 Demographics: To Be Completed by WSBA Staff

Gender:

Female (11)

Transgender
Non-Binary

Male (12)

Two-spirit
Not Listed

No Response (4)

Multi

Ethnicity:

American Indian/Native American/Alaskan
Native

Asian

Middle-Eastern Descent (2)

White/European Descent (18)

Not Listed

Black/African-American/African Descent

Hispanic/Latinx

Pacific Islander/Native Hawaiian

Multi-Racial/Biracial (1)

No Response (6)

Sexual Orientation:

Asexual

Two-Spirit

Multiple Orientations

No Response (9)

Gay, Lesbian, Bisexual, Pansexual or Queer (4)

Heterosexual (14)

Not Listed

Disability:

Yes

No (9)

WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Disciplinary Board
Chair:	Jeffrey Gates
Vice-Chair	Elizabeth Rene
Staff Liaison:	Nicole Gustine and Allison Sato
Board of Governors Liaison:	none
Size of Committee:	14
Direct Expenses:	\$4,000
Indirect Expenses:	\$99,311
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	8
Purpose:	
	The Disciplinary Board (D-Board) derives its authority from the Supreme Court (see ELC 2.3). The D-Board performs an important role in the disciplinary/regulation process by: (1) serving as an intermediate appellate body for contested disciplinary and disability matters; (2) approving, conditionally approving or rejecting certain stipulations negotiated by the Office of Disciplinary Counsel (ODC) and respondents; and (3) through its review committees, acting on requests from the ODC to order matters to hearing, and on requests from grievants for review of matters that have been dismissed by ODC.
Strategy to Fulfill Purpose:	
	The D-Board is made up of the board chair and vice-chair, plus 12 members composing four review committees, one of which meets every three weeks. The D-Board meets six times each year as a full board. At these meetings, the D-Board reviews hearing officer recommendations for suspension and disbarment when a timely request for review/appeal is filed (or sua sponte review is ordered by the Board), and automatically reviews stipulations for suspension or disbarment. The D-Board issues a written recommendation to the Supreme Court in contested matters. The D-Board holds oral

arguments in some cases, which are open to the public. The four review committees meet in person or by telephone to review requests for hearings and grievant appeals from dismissals. The review committees' work is confidential and not open to the public.

2019-2020 Accomplishments and Work in Progress:

In 2019, the review committees of the Disciplinary Board met 16 times to consider 449 matters. They issued 357 dismissals, ordered 52 matters to hearing, ordered investigation in 13 matters, issued two advisory letters and three admonitions, and decided 22 other non-routine matters, such as orders on deferrals, costs, etc. In 2019, the full Disciplinary Board considered 25 disciplinary and disability matters and ordered the transfer of five lawyers to disability inactive status. The full board reviewed and issued orders on one case on appeal, and on 23 stipulations, and heard one oral argument. Per court rule, they considered whether to order or deny sua sponte review in eight cases involving a recommendation of suspension or disbarment.

The chair and vice-chair participated in feedback to the WSBA drafting work group on the new draft Rules for Discipline and Incapacity.

As of August 2020, the COVID-19 public health emergency has not adversely impacted the D-Board's functions. WSBA staff continues to upload case files and coordinate meetings. The D-Board is conducting its full board meetings and review committee meetings by telephone and video-conference. Pursuant to temporary authority granted by the Chief Justice of the Supreme Court, the chair was involved in the issuance of emergency orders for the administration of the discipline and disability system.

2020-2021 Goals:

The Disciplinary-Board's work is determined by Court Rule (Rules for Enforcement of Lawyer Conduct). The goal is to continue to perform high quality work in a timely manner in accordance with Court Rules.

Please report how this committee/board is addressing diversity, equity and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

- 1) The Disciplinary Selection Panel (DSP), which is a separate entity from the D-Board, makes nominations to the BOG for members to serve on the Board. Under ELC 2.2(f), the DSP considers diversity in gender, ethnicity, disability status, sexual orientation, geography, area of practice and practice experience.
- 2) The D-Board has been trained by the Diversity Specialist.
- 3) The D-Board seeks input from all of its members, who must vote on each order/decision in matters involving the full Board. The D-Board has four public members, who each provide different perspectives. One public member serves on each review committee.
- 4) By court rule, the D-Board has ten lawyer members and four community representative members. The current D-Board includes members self-identified as from several different races/ethnicities. The DSP interviews prospective members and makes nominations to the BOG. As noted above, ELC 2.2(f) states that in making selections, the DSP and the BOG consider diversity.

5) The D-Board provides many leadership opportunities for interested Board members to serve, as Chair or Vice-Chair of the full Board, or as Chairs of each of the four review committees.

Please report how this committee/board is addressing professionalism:

Does the committee/board’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?

- 1) The D-Board adjudicates cases in which lawyers have behaved both unprofessionally and unethically. These issues are often raised in oral arguments and briefs, which are part of the public record.
- 2) Although not directly part of its mission, the D-Board is mindful of the need to conduct itself in a manner that models cooperative and respectful relationships, even if people disagree.
- 3) The D-Board serves important functions in the disciplinary process. In performing its court mandated functions, the D-Board raises awareness of ethical rules and of the consequences of unprofessional behavior. Most oral arguments in discipline cases before the D-Board are open to the public. In addition, the D-Board issues public orders and decisions in most of the matters that come before it (certain matters are nonpublic by court rule).

Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work:

How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?

- 1) Per court rule, the D-Board’s lawyer members must have been WSBA members for at least five years.

Please report how this committee/board is addressing the needs of the public:

How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?

- 1) The D-Board serves important functions in the disciplinary process, and protects the public by upholding professionalism and ethical conduct among legal practitioners.
- 2) Four public members each serve three year terms on the D-Board, bringing their valuable experience and perspective to the decisions that the Board makes in discipline review cases. Most oral arguments in discipline cases before the D-Board are open to the public. In addition, the D-Board issues public orders and decisions in most of the matters that come before it (certain matters are nonpublic by court rule).

FY20 Demographics: To Be Completed by WSBA Staff

Gender:

Female (9)

Transgender

Non-Binary

Male (6)

Two-spirit

Not Listed

No Response (1)

Multi

Ethnicity:

American Indian/Native American/Alaskan

Native

Black/African-American/African Descent

2019-2020

Asian	Hispanic/Latinx (1)
Middle-Eastern Descent	Pacific Islander/Native Hawaiian
White/European Descent (14)	Multi-Racial/Biracial
Not Listed	No Response (1)
Sexual Orientation:	
Asexual	Gay, Lesbian, Bisexual, Pansexual or Queer (1)
Two-Spirit	Heterosexual (12)
Multiple Orientations	Not Listed
No Response (3)	
Disability:	
Yes (3)	No (13)

WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Diversity Committee
Chair:	Laura Wulf and Governor Jean Kang
Staff Liaison:	Dana Barnett
Board of Governors Liaison:	n/a
Size of Committee:	14 (+4 BOG Members)
Direct Expenses:	\$21,250
Indirect Expenses:	\$52,047
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	15
Purpose:	
The Washington State Bar Association’s Diversity Committee (Committee) is dedicated to implementing WSBA’s Diversity and Inclusion Plan. The work of the Committee promotes historically underrepresented groups to enter and stay in the profession of law.	
Strategy to Fulfill Purpose:	
The Diversity Committee fulfills its purpose through collaborative relationships and community building activities, which highlight the numerous societal benefits of a diverse law profession.	
2019-2020 Accomplishments and Work in Progress:	
<ol style="list-style-type: none"> 1. Hosted programs with students at UW Law School to assist them with their Diversity Fellowship applications, and to provide mentorship for students from underrepresented groups about entering the practice of law. 2. Advocated to ensure that Diversity, Equity and Inclusion and Access to Justice programming are part of the mandatory Bar to the Bar Structure Workgroup. 3. Increased the opportunities for interaction and collaboration between the WSBA Diversity Committee and MBAs by attending MBA annual events. 	

4. Continued to follow and support the passing of MCLE rule change proposal in collaboration with the MBAs and the MCLE Board.
5. Published pieces in NWLawyer that relate to Diversity, Equity, and Inclusion.
6. Continued to work with school programs and community partners to explore new avenues to support students and new and young lawyers from underrepresented groups.
7. Worked with the Board of Governors to amend the bylaw related to the election process for At-Large Governors.
8. Submitted a letter to the Board of Governors to provide recommendations in support of the WSBA taking an “inside out” approach to equity and inclusion.
9. Approved a proposal to redistribute funds unused by the Diversity budget, due to COVID-19, to create a grant for MBA scholarships.
10. Developed topics and presented CLEs in three diversity, equity and inclusion areas.

Please note: The Diversity Committee had several in-person programs scheduled with law schools, undergraduate programs and community organizations for the year, most of which were canceled due to COVID-19.

2020-2021 Goals:

1. Work with Law Schools and other educational partners to re-imagine partnerships and support for underrepresented students within the virtual sphere.
2. Review and make decisions on scholarships for the Judge Pro Tem CLE.
3. Work collaboratively with the WYLC and the Board of Governors to develop a process for At-Large Governors elections.
4. Revisit the bylaw definition of “diversity” and the roles and responsibilities of the At-Large diversity positions.
5. Support the MCLE rule change proposal regarding one mandatory ethics credit in elimination of bias.
6. Continue to support the WSBA in reaching its stated goals and commitments around diversity, equity and inclusion.
7. Work to increase participation and leadership of historically marginalized groups in WSBA volunteers, committees, and boards.

Please report how this committee/board is addressing diversity, equity and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

- 1) The committee is staffed by the Equity and Justice Program Manager, and the Equity and Justice Lead, both of whom have educational experience and expertise in diversity topics, both lead regular workshops and training with committee members throughout the year. This year we also conducted an equity assessment of our committee dynamics.

- 2) We have integrated more group discussion and collaboration in decision making, as well as supported committee members with resources, tools and training to be confident ambassadors about the work of diversity and inclusion at WSBA.
- 3) Training, education and awareness building activities on diversity and inclusion are all consistent elements integrated in and throughout our meetings, events and programming.
- 4) All our programming and work is focused on these goals, the committee has also acted to support the Board of Governors in pursuing equity and inclusion goals.

Please report how this committee/board is addressing professionalism:

Does the committee/board’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?

- 1) The Committee integrates and connects a focus on professionalism throughout its programming. The substantive content of workshops, seminars, etc. provide interpersonal and organizational skills necessary to support the professional development of attorneys.
- 2) The Committee seeks to educate the legal community on diversity issues through legal lunchboxes and town halls.
- 3) The Committee raises awareness of the consequences of unprofessional behavior that are rooted in personal bias and systemic inequity.
- 4) Committee members mentor new attorneys and students, advising on issues of professionalism.

Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work:

How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?

- 1) We have new and young lawyers on our committee.
- 2) We offer WYLC members the opportunity to partner on our community networking events and to speak publicly to represent the committee.
- 3) This year we had members attend WYLC meetings and invited representatives to our meeting to discuss court dress code policy.

Please report how this committee/board is addressing the needs of the public:

How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?

The Diversity Committee invites community organizations and members of the public to attend our Community Networking Events. The committee sees acknowledges that the public are stakeholders in the work of equity in the legal profession and creates this opportunity for partnership, education, and dialogue with the public and the committee. This year we were unable to hold these events due to COVID-19.

FY20 Demographics: To Be Completed by WSBA Staff

Gender:

Female (11)

Transgender

Male (3)

Two-spirit

No Response (1)

Multi

2019-2020

Non-Binary	Not Listed
Ethnicity:	
American Indian/Native American/Alaskan Native (1)	Black/African-American/African Descent (3)
Asian (3)	Hispanic/Latinx (3)
Middle-Eastern Descent	Pacific Islander/Native Hawaiian
White/European Descent (4)	Multi-Racial/Biracial (1)
Not Listed (1)	No Response
Sexual Orientation:	
Asexual	Gay, Lesbian, Bisexual, Pansexual or Queer (3)
Two-Spirit	Heterosexual (9)
Multiple Orientations	Not Listed
No Response (4)	
Disability:	
Yes (1)	No (10)

WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Editorial Advisory Committee
Chair:	Ralph Flick
Staff Liaison:	Kirsten Abel
Board of Governors Liaison:	Sunitha Anjilvel
Size of Committee:	12
Direct Expenses:	\$800
Indirect Expenses:	\$4,764
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	6 (1 returning, 3 new)
Purpose:	<p>The Editorial Advisory Committee (EAC) derives its authority from the WSBA Bylaws.</p> <p>Members of the Editorial Advisory Committee work with the editor and WSBA staff overseeing publication of the WSBA's official magazine, <i>Washington State Bar News</i>. This may include establishing guidelines and editorial policy, maintaining an editorial calendar, writing articles, securing content, identifying topics and issues relevant to members, identifying authors for content, reviewing articles, and advising on issues related to content. The magazine's mission statement is: <i>Washington State Bar News will inform, educate, engage, and inspire by offering a forum for members of the legal community to connect and to enrich their careers.</i></p>
Strategy to Fulfill Purpose:	EAC members consult with WSBA staff regarding content selection, recruiting of authors or writing articles themselves, and providing suggestions for feature stories and columns that will provide readers with information about other Bar members and their practices, current events and trends of interest to the legal community, career advice and other practice-oriented topics, programs and services provided to members by the WSBA, and the work of the Board of Governors.
2019-2020 Accomplishments and Work in Progress:	

1. Continue to increase reader interest and engagement/response with timely, relevant, and provocative articles.
 - **Progress:** We have published a number of timely, relevant, and provocative articles in our 2019-2020 issues, including articles on:
 - (1) Cybersecurity considerations for lawyers working from home during the COVID-19 pandemic (July/August 2020);
 - (2) Washington’s recently passed first-in-the-nation state law regulating governmental use of facial recognition technology (July/August 2020);
 - (3) What businesses and the lawyers who represent them should know about business interruption insurance coverage during the COVID-19 pandemic (June 2020);
 - (4) The first WSBA member to win a MacArthur Genius Grant—Seattle lawyer Lisa Dugaard, in 2019 (November 2019); and
 - (5) What employers, employees, and lawyers need to know about Paid Family Medical Leave that went into effect in Washington on Jan. 1, 2020 (February 2020).

In the September 2020 issue, we will be publishing an article that explores the recent Washington Supreme Court decision in *Yim v. Seattle*, and we will be launching a new semi-regular column called “From the Spindle” that will highlight significant recent Washington Supreme Court opinions.

In addition, in response to a suggestion from the Board of Governors, we are revamping our “Section Spotlight” series with a questionnaire that focuses on section accomplishments, member benefits of joining a section, opportunities for mentorship, and career advice for building a successful practice in the area of law related to each section. The EAC is taking the lead on sending the questionnaire out to the chairs of each of the WSBA’s 29 sections. The responses to the questionnaire will be published in upcoming issues as “Section Spotlights.”

2. Continue to work to include voices from divergent backgrounds and areas of practice, with a variety of views and perspectives.
 - **Progress:** One way in which we are fulfilling this goal is through the “Guest Column,” a new feature implemented in the magazine at WSBA President Rajeev Majumdar’s suggestion. This column allows us to publish a wide variety of voices including those of leadership from the Loren Miller Bar Association, Washington Women Lawyers, the Indian Law Section, Northwest Indian Bar Association, the South Asian Bar Association of Washington; QLaw Foundation, Latina/o Bar Association of Washington, Sexual Violence Law Center, and LAW Advocates. In addition, we have also made progress on this goal by creating themed issues such as the February 2020 Black History Month issue, the April/May 2020 issue focusing on the 100th anniversary of the 19th Amendment, and the June 2020 issue focusing on LGBTQ rights.
3. Work to establish relationships with new authors.
 - **Progress:** The 2020 issues of *Bar News* have featured more than 20 first-time authors. In addition, we created an “Author Recruitment” Google form (located [here](#)) that we share with the WSBA membership via social media, Take Note (the WSBA’s twice-a-month electronic newsletter), the magazine, and the WSBA website. The form allows people to provide their name, contact information, practice area, and other information to help us build up a database of potential authors from all over the state. More than a dozen members have responded via the Google form so far.

4. Work to include member-authors from all parts of the state, as well as topics important to areas other than the Seattle metropolitan corridor.
 - **Progress:** In the last several issues, we have featured articles like “Creative Counsel” (July/August 2020), which features six lawyer-artists from around the state; “Words of Wisdom From 3 Law School Deans” (March 2020), which includes short interviews with the deans from all three of Washington’s law schools; “Around the World” (Nov. 2019), which includes nine WSBA members who live and practice law overseas; as well as other content from authors outside of the Seattle area. Our new “Author Recruitment” Google form is also helping us to find new authors in other parts of the state. In addition, many of our EAC members live and work outside of the Seattle area, and therefore have close contacts in other parts of the state.
5. Continue to increase ad sales revenue and bring the magazine closer to revenue-neutral status.
 - **Progress:** We are working with our ad sales partner, SagaCity Media, to continue to develop relationships with additional advertisers and increase revenue. Our goal for the 2020 fiscal year was to cover all direct costs of the magazine through ad sales. We made significant headway toward that goal—with upward trends in ad sales compared to previous years—through March 2020 when the global pandemic disrupted many businesses, including SagaCity and our current and potential advertisers. The COVID-19 crisis has affected advertising revenue, and the impact over the next year is uncertain. Our work toward a new online platform for *Bar News*, which we hope to launch in the coming year, will create an additional revenue stream from online advertising.
6. Smoothly transition the magazine name from *NWLawyer* to *Washington State Bar News*.
 - **Progress:** We successfully implemented and executed a plan for the name change. The plan included communicating the name change to members and advertisers, working with the company that hosts the online version of the magazine to create and move all content to a new URL, updating our email inbox and signatures, and more. The *Washington State Bar News* name launched with the April/May issue of the magazine.

2020-2021 Goals:

1. Continue to increase reader interest and engagement/response with timely, relevant, practical, and provocative articles.
2. Increase opportunities for the magazine (within the parameters of GR 12.2) to be a civil, thought-provoking forum for dialogue among members about current issues relating to the legal system and access to and administration of justice.
3. Continue to work to include voices from divergent backgrounds and areas of practice, with a variety of views and perspectives.
4. Continue to establish relationships with new authors.
5. Continue to include member-authors from all parts of the state, as well as topics important to areas other than the Seattle metropolitan corridor.
6. Continue to increase ad sales revenue and bring the magazine closer to revenue-neutral status.
7. Build a new, modern, more accessible website for *Bar News* online content. This site will allow for more visibility for authors, better content-sharing capabilities, an overall more modern look and feel, online advertising capabilities, and eventual substantial reduction in online web hosting fees.

Please report how this committee/board is addressing diversity, equity and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your

committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

Please report how this committee/board is addressing diversity:

- 1) Robin Nussbaum, former WSBA Senior Inclusion and Equity Specialist, attended our annual planning meeting on May 7, 2019, and gave committee members and *Bar News* staff a 75-minute diversity training. We plan to continue to work with the WSBA Equity and Justice Team to implement additional tools and trainings related to implicit bias and diversity in 2020 and 2021.
- 2) There is diversity in background, years in practice, areas of practice, and perspectives among the EAC members who weigh in on story ideas and unsolicited submissions. We are in regular dialogue with the WSBA Equity and Justice Team regarding language and images used in the magazine. The WSBA Equity and Justice Team also reviews the *Bar News* six-month editorial calendar every month and provides feedback and suggestions.
- 3) We encourage EAC members to help us, by reaching out through their networks and soliciting authors, to include within the magazine voices that are not as frequently heard from, so that many different points of view are expressed.
- 4) We have worked to ensure that members with diverse backgrounds and perspectives are well represented in the magazine, via solicitation of “Beyond the Bar Number” members to feature, as well as through WSBA President Rajeev Majumdar’s “Guest Column,” a new feature implemented in the magazine at President Majumdar’s suggestion. This column has allowed us to publish a wide variety of voices including those of leadership from the Loren Miller Bar Association, Washington Women Lawyers, the Indian Law Section, Northwest Indian Bar Association, the South Asian Bar Association of Washington; QLaw Foundation, Latina/o Bar Association of Washington, Sexual Violence Law Center, and LAW Advocates.
- 5) In addition, we have created themed issues such as the February 2020 Black History Month issue, the April/May 2020 issue focusing on the 100th anniversary of the 19th Amendment, and the June 2020 issue focusing on LGBTQ rights.

Please report how this committee/board is addressing professionalism:

Does the committee/board’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?

The following are relevant to all the questions above:

- 1) Mark Fucile, former chair of the Committee on Professional Ethics, writes a column called “Ethics and the Law” for every issue that addresses not just avoiding violations of the RPCs but issues of professionalism and civility.
- 2) Additional articles promoting civility and professionalism: “Possible Risk with Online Advertising,” (June 2020); “Systemic Advocacy: Principles and examples from Columbia Legal Services,” and “The Power of Pro Bono,” (October 2019) (promoting pro bono volunteering); “Leave a Legacy as a Steward of Justice,” (December/January 2020)(a column by former Chief Justice Mary Fairhurst); and “2019 WSBA Apex Awards,” December/January 2020 (highlighting the 2019 winners and acknowledging professional excellence).
- 3) Every issue includes current disciplinary notices. Starting with the April/May 2020 issue, the published disciplinary notices were expanded somewhat to include more detail. This is something members have been requesting for years. In addition, every year we publish the “WSBA Discipline System Annual Report Snapshot.” This year’s snapshot ran in the June 2020 issue and includes information about how the lawyer discipline system works, the number and nature of grievances filed, and the number of disciplinary actions taken.

Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work:

How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?

- 1) Four 2019-2020 members of the EAC are new/young lawyers (admitted fewer than five years ago). In addition, two new members nominated to the committee for the 2020-2021 year are new/young lawyers.
- 2) The committee is intentional about developing article ideas for the magazine that will be of interest and useful to new and young lawyers. We publish regular and semi-regular columns that address topics of relevance to new and young lawyers including our “Innovation in the Law” column on technology and innovation in the legal field written by WSBA member Jordan Couch, a legal writing column authored by University of Washington School of Law professors entitled “Write to Counsel,” and our “Ask a Law Librarian” column written by Gonzaga Law Librarian Ashley Sundin. Other individual articles of relevance to new and young lawyers include “Technically Speaking: A WSBA practice management advisor shares considerations and tips for choosing your law firm technology” (December/January 2020) and “Law School Deans Offer Words of Wisdom” (March 2020).

Please report how this committee/board is addressing the needs of the public:

How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?

- By educating legal professionals about important topics such as ethics, practice management, pro bono opportunities, and other significant news, we are helping to ensure the competency and integrity of the legal profession on behalf of the public.
- We occasionally include articles by non-members, such as Lucien Dhooge, George Institute of Technology professor of law and Washington resident, who wrote about the Washington Supreme Court’s decision in *State v. Arlene’s Flowers* (June 2020); Mar Brettman, Ph.D., executive director of Businesses Ending Slavery and Trafficking, who wrote on how lawyers can help businesses develop policies and practices to eliminate the risk of sex trafficking occurring on business premises (May 2019); and Gonzaga University School of Law student Sara Wilmot, who wrote about the Myra Bradwell Award (April 2019).
- In addition, our March 2020 issue focused on legal education, including an article about the Legal Pathways program at the University of Washington Tacoma; an article featuring advice from all three of Washington’s law school deans; and an article about Washington’s alternative pathways into the legal profession, including the Law Clerk program and the Rule 9 Licensed Legal Internship.

FY20 Demographics: To Be Completed by WSBA Staff

Gender:

Female (6)

Transgender

Non-Binary

Male (4)

Two-spirit

Not Listed

No Response (2)

Multi

Ethnicity:

American Indian/Native American/Alaskan

Native (1)

Black/African-American/African Descent

2019-2020

Asian	Hispanic/Latinx
Middle-Eastern Descent	Pacific Islander/Native Hawaiian
White/European Descent (7)	Multi-Racial/Biracial
Not Listed (1)	No Response
Sexual Orientation:	
Asexual	Gay, Lesbian, Bisexual, Pansexual or Queer
Two-Spirit	Heterosexual (8)
Multiple Orientations	Not Listed
No Response (4)	
Disability:	
Yes	No (9)

WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Judicial Recommendation Committee (JRC)
Chair:	Michiko Fjeld
Staff Liaison:	Sanjay Walvekar
Board of Governors Liaison:	Alec Stephens, Jean Kang
Size of Committee:	22
Direct Expenses:	\$2,000
Indirect Expenses:	\$2,436
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	12
Purpose:	<p>The Judicial Recommendation Committee (JRC) derives its authority from the Bylaws of the WSBA. The JRC screens and interviews candidates for state Court of Appeals and Supreme Court positions. Recommendations are reviewed by the WSBA Board of Governors (BOG) and referred to the Governor for consideration when making judicial appointments.</p> <p>Per the JRC Guidelines, “[t]he proceedings and records of the committee, including the comments of applicants, committee discussions, and committee votes, shall be kept strictly confidential.”</p>
Strategy to Fulfill Purpose:	<p>The JRC screens and interviews candidates for the state’s appellate courts, the Washington Supreme Court and the Washington State Court of Appeals. Thereafter, it makes recommendations to the BOG. Following Board approval, the recommendations are sent to the Washington State Governor’s Office as part of the committee’s role of preparing and maintaining a list of individuals who are well-qualified for and interested in appointment to the appellate bench.</p>
2019-2020 Accomplishments and Work in Progress:	

<p>The Committee has been on hiatus since May 2019, pending the Supreme Court’s decision regarding OPMA applicability to the WSBA.</p>
<p>2020-2021 Goals:</p>
<p>The main goal of the Committee is to begin meeting and working again as soon as possible.</p>
<p>Please report how this committee/board is addressing diversity, equity and inclusion: <i>How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?</i></p>
<p>Please report how this committee/board is addressing diversity:</p> <ol style="list-style-type: none"> 1) A diversity of perspectives is embedded in the JRC Guidelines under “Composition,” for selection of committee members. 2) The committee received a training from the Senior Inclusion & Equity Specialist at the JRC’s first meeting. 3) Without going into too much detail due to confidentiality of the process, some of the criteria the committee considers when recommending a candidate are related to a commitment to diversity.
<p>Please report how this committee/board is addressing professionalism: <i>Does the committee/board’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?</i></p>
<p>Without going into too much detail due to the confidential nature of this committee, some of the criteria the committee considers when recommending a candidate are related to aspects of professionalism.</p>
<p>Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work: <i>How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?</i></p>
<p>While there are several new and young lawyers on the committee who have an equal say in the vetting process (e.g., voting), the nature and work of this committee is most suited to those who have familiarity and experience with the appellate bench.</p>
<p>Please report how this committee/board is addressing the needs of the public: <i>How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?</i></p>
<ul style="list-style-type: none"> • The JRC’s work directly benefits the public by providing the Governor’s office with recommendations that help it make informed and quality judicial appointments. • Columbia Legal Services and Disability Rights Washington recommended that the WSBA reach out to the Bazelon Center for Mental Health in New York for confidential feedback on the JRC’s

guidelines and processes. The feedback received from the Bazelon Center led to changes to the committee guidelines approved by the Board of Governors in September 2018.

FY20 Demographics: *To Be Completed by WSBA Staff*

Gender:

Female (5)

Transgender
Non-Binary

Male (14)

Two-spirit
Not Listed

No Response (3)

Multi

Ethnicity:

American Indian/Native American/Alaskan
Native

Asian

Middle-Eastern Descent

White/European Descent (18)

Not Listed

Black/African-American/African Descent (1)

Hispanic/Latinx

Pacific Islander/Native Hawaiian

Multi-Racial/Biracial

No Response (3)

Sexual Orientation:

Asexual

Two-Spirit

Multiple Orientations

No Response (12)

Gay, Lesbian, Bisexual, Pansexual or Queer (1)

Heterosexual (7)

Not Listed

Disability:

Yes (2)

No (17)

WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Law Clerk Board
Chair:	Benjamin Phillabaum
Staff Liaison:	Katherine Skinner
Board of Governors Liaison:	Dan Clark Hunter Abell
Size of Committee:	9
Direct Expenses:	\$6,000
Indirect Expenses:	\$34,945
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	7
Purpose:	
<p>The Law Clerk Board (LCB) derives its authority from Rule 6 of the Admission and Practice Rules (APR). The Board of Governors (BOG) appoints the members of the LCB.</p> <p>The purpose of the LCB is to assist the WSBA in supervising the APR 6 Law Clerk Program (Program).</p>	
Strategy to Fulfill Purpose:	
<p>The LCB considers applications for enrollment in the Program, interviews and evaluates law clerks and tutors before and during the course of study to ensure they are meeting the requirements of the Program.</p>	
2019-2020 Accomplishments and Work in Progress:	
<p>Process Improvement: The LCB continues to streamline processes and delegate tasks to staff as appropriate.</p>	

Outreach: The LCB, in collaboration with staff, is promoting the Program to primary, secondary and college students. Information about the Program has been included in presentation materials regarding innovative pathways to the practice of law.

Events and Meetings: In January 2020, WSBA staff attended the Access to Justice Board’s Delivery System Committee meeting to provide information about the Program and discuss how the Program can assist legal aid providers in rural areas with recruitment and retention. In February 2020, staff presented to Legal Pathways students at UW Tacoma. (Legal Pathways is a new initiative funded by the legislature to support law-related opportunities and promote the success of students interested in pursuing law school, professional studies related to law, and law-related careers.) In an effort to strengthen outreach to underrepresented groups, staff also gave a presentation to the WSBA Diversity Committee to share information about the Program and seek input.

Materials: Developed two law clerk promotional videos. The videos capture unique stories of two law clerks and their time in the law clerk program. Developed rack cards and flyers that provided all information a perspective clerk or tutor would need to get started in applying for the law clerk program.

Law Clerk Certificate: The Board redesigned the law clerk certificate. The new certificate can be printed in-house which eliminates the need for certificates to be sent out to a calligrapher simplifying the process while reducing costs.

2020-2021 Goals:

- 1) Continue to find ways to improve efficiency of the LCB to accommodate potential increase in the number of law clerks.
- 2) Increase the public’s knowledge of the program through outreach events and communications.
- 3) Review Law Clerk Board Policies as needed.
- 4) Propose amendments to APR 6 to improve program efficiency and clarify certain processes including advanced standing and re-enrollment requests.
- 5) Continue conversations in strategizing reaching out to rural counties in the state to increase access to justice.

Please report how this committee/board is addressing diversity, equity and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

- 1) The LCB continues to seek board members who represent diversity in geography as well as members who self-identify as individuals that are underrepresented in the legal profession.
- 2) Yes. The LCB received training from WSBA’s Inclusion and Equity Specialist in FY 2019. The goal is offer this training on an annual basis as part of the New Board Member Orientation.
- 3) The LCB seeks to have a diverse group of board members in order to bring a variety of perspectives to the table.
- 4) The equity and inclusion training provided board members with tools to promote a culture of inclusion within the board.
- 5) The Program itself provides an alternative to law school for legal education for those who may have barriers to attending law school. Through continuous outreach, the LCB hopes to increase the diversity of the law clerks enrolled in the Program.

Please report how this committee/board is addressing professionalism:

Does the committee/board's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?

- 1) Clerks participating in the Program learn about professionalism during the course of their education. The LCB raises issues of professionalism during interviews and evaluations when necessary.
- 2) No
- 3) Clerks are required to take a Professional Responsibility course in order to complete the program.

Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work:

How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?

- 1) Lawyers who have recently completed the Law Clerk Program serve on the LCB. While there are limited positions available, clerks who are about to complete the Program and take the bar exam are encouraged to participate with other WSBA Boards and Committees to share the Program perspective with the broader WSBA community.
- 2) The Law Clerk Program is an affordable alternative to law school. It allows new and young lawyers to start their careers without having to worry about student loan debt. In addition, clerks are required to work during the Program which means that they have already begun making connections within the legal community.

Please report how this committee/board is addressing the needs of the public:

How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?

- 1) The Program seeks to increase access to legal education for those who may not be able to afford law school.
- 2) The LCB is collaborating with WSBA staff on outreach efforts to increase knowledge of the Program.

FY20 Demographics: To Be Completed by WSBA Staff

Gender:

Female x Male x Multi x Non-Binary x Transgender x Two-spirit x Not Listed x No response x

Ethnicity:

American Indian/Native American/Alaskan Native x	Asian x
Black/African-American/African Descent x	Hispanic/Latinx x
Middle-Eastern Descent x	Pacific Islander/Native Hawaiian x
White/European Descent 10	Multi-Racial/Biracial x
Not Listed x	
No response 1	

Sexual Orientation:

Asexual x Gay, Lesbian, Bisexual, Pansexual or Queer 2 Heterosexual 4

2019-2020

Two-spirit x

Multiple orientations x

Not Listed x

No response 3

Disability:

Yes x No 11 No response x

New/young lawyer:

Yes x No x

WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Legislative Review Committee
Chair:	Kyle Sciuchetti
Staff Liaison:	Sanjay Walvekar
Board of Governors Liaison:	Kyle Sciuchetti
Size of Committee:	26
Direct Expenses:	\$3,000
Indirect Expenses:	\$24,363
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	26
Purpose:	
<p>The WSBA Legislative Review Committee (Committee) reviews internal legislative proposals before making a recommendation for sponsorship or support to the Board of Governors (BOG). The Committee's primary purpose is to ensure that WSBA-request legislation fulfills GR12 and is vetted both internally and externally. The Committee may also consider non-WSBA proposals submitted to the Committee for the purpose of seeking WSBA input and support. WSBA-request bills approved by the BOG are introduced in the upcoming legislative session.</p>	
Strategy to Fulfill Purpose:	
<p>The Committee determines if a legislative proposal fulfills GR 12.2. If the Committee determines a legislative proposal fulfills GR 12.2, the Committee conducts a thorough analysis of the issue, discusses details with the WSBA entity offering the proposal, and ensures input is included from a broad stakeholder network.</p>	
2019-2020 Accomplishments and Work in Progress:	
<p>The Committee met three times and reviewed three legislative proposals for the 2020 legislative session. One of these proposals became SB 6037 which passed both houses and was signed into law on 3/27/2020. This law went into effect on 6/11/2020. The two other proposals that the Committee</p>	

received were carefully reviewed but were ultimately withdrawn from consideration by their entity sponsors. To ensure proper vetting of proposed legislation by a wide variety of practitioners and stakeholders around the state, the Committee's policies and procedures were modified by the Board of Governors in January 2020 to expand the Committee's membership from nine members to up to thirty five members.

2020-2021 Goals:

The Committee will continue to work collaboratively with WSBA entities to thoroughly vet and analyze legislative proposals impacting the practice of law and our justice system.

Please report how this committee/board is addressing diversity, equity and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

The Senior Inclusion & Equity Specialist led the Committee members in a discussion and training regarding WSBA inclusion and equity policies and procedures during the Committee's first meeting.

Committee appointments follow WSBA's diversity guidelines and the Committee includes representatives from multiple districts, a variety of practice areas, new/young lawyers, gender, race/ethnicity and other factors.

Please report how this committee/board is addressing professionalism:

Does the committee/board's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?

- 1) The Committee practices a team-based approach in executing its charge: proposals are created in collaboration with various WSBA entities and external stakeholders throughout the broader legal community. In addition to the Committee playing a critical role within the organization, individual members also play a critical role in reviewing legislative proposals from their own unique perspective, area of practice, professional experience, and knowledge of the legislative process (including key legislative stakeholders). Professionalism is a cornerstone of relationship building and, ultimately, legislative success.
- 2) The work of the Committee is grounded in relationship building; similar to Washington's Legislature. The Committee continues to promote professionalism through various communication mechanisms including its annual fall meetings and member training opportunities.

Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work:

How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?

With a changing profession and evolving legislative dynamics, the Committee recognizes the critical role new/young lawyers play in the long-term success of the Bar and WSBA’s legislative agenda. The Committee strives for institutional knowledge to be passed from longer-serving committee members to new members such as new/young lawyers. The knowledge shared is not only related to legislative and public policy issues, but also information related to the profession itself.

Please report how this committee/board is addressing the needs of the public:

How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?

- 1) Legislation recommended by the Committee and supported by the BOG that passes through the legislature, such as the many Corporate Act Revisions Committee recommendations, directly impact the public as they become state laws. These legislative proposals are carefully vetted to best ensure that they will positively impact both the legal community and the public.
- 2) The Committee works to ensure that any legislative proposal it receives has been properly vetted by stakeholders, often in the public, that will be affected by, or be able to offer feedback and suggestions to, the proposed legislation.

FY20 Demographics: To Be Completed by WSBA Staff

Gender:

Female (11)

Transgender
Non-Binary

Male (13)

Two-spirit
Not Listed

No Response (2)

Multi

Ethnicity:

American Indian/Native American/Alaskan Native (1)

Asian (3)

Middle-Eastern Descent (1)

White/European Descent (18)

Not Listed

Black/African-American/African Descent

Hispanic/Latinx

Pacific Islander/Native Hawaiian

Multi-Racial/Biracial

No Response (3)

Sexual Orientation:

Asexual

Two-Spirit

Multiple Orientations

No Response (7)

Gay, Lesbian, Bisexual, Pansexual or Queer (1)

Heterosexual (18)

Not Listed

Disability:

Yes (2)

No (21)

WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Limited License Legal Technician (LLLT) Board
Chair:	Steve Crossland
Staff Liaison:	Renata Garcia
Board of Governors Liaison:	Peter J. Grabicki
Size of Committee:	15
Direct Expenses:	\$14,000
Indirect Expenses:	\$88,057
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	7
Purpose:	<p>The Limited License Legal Technician (LLLT) Board derives its authority from the Washington Supreme Court under Rule 28 of the Admission and Practice Rules (APR), adopted effective September 1, 2012. By order of the Court, the WSBA is to administer and fund the LLLT Board and the program.</p> <p>APR 28 authorizes persons who meet certain educational and licensing requirements to advise clients on specific areas of law. The only currently approved practice area is domestic relations (family law). The Supreme Court established the LLLT Board to oversee the LLLT license.</p>
Strategy to Fulfill Purpose:	<p>From 2013-2016, the LLLT Board concentrated on creating the operational details for the LLLT license; the LLLT Board is now focusing on the promotion, expansion, and development of the license.</p>
2019-2020 Accomplishments and Work in Progress:	<p>New Practice Areas</p> <p>Two new practice areas were recommended to the Supreme Court for approval: (1) Administrative Law and (2) Eviction and Debt Assistance.</p>

Licensing Barriers

In an effort to address many of the licensure barriers identified by LLLTs and LLLT candidates, the LLLT Board recommended several amendments for the Court's consideration, including reduction of the years of substantive legal experience required for licensure.

Working Toward Self-Sufficiency/Business Plan

The LLLT Board developed a 10-year business plan that aligns its goal to achieve self-sufficiency with its original Court mandate to recommend new practice areas to address unmet civil legal needs in the state.

Mandatory Supplemental Education

The LLLT Board successfully developed the required training for currently licensed LLLTs and prospective LLLTs who wish to get a head start on this supplemental requirement. The required training was offered in July 2019 (online sessions) and August 2019 (in-person sessions). LLLTs and candidates may complete the online sessions on demand, as needed. Another opportunity to obtain the required in-person sessions was scheduled to take place in June 2020. Due to COVID-19, the in-person requirement was lifted and the sessions were offered synchronously online.

Core Education Accessibility

The LLLT Board has worked with representatives from community colleges that offer the LLLT core curriculum in hopes of developing a standard curriculum for the LLLT courses that can be shared between colleges including Wenatchee Valley College and Yakima Valley College. South Puget Sound Community College also expressed interest in applying to teach the LLLT core education and was provided with an application in spring 2020.

Outreach

The LLLT Board worked with staff to create additional outreach materials about the license including rack cards to be distributed to the general public.

- The LLLT license has been included in presentation materials regarding innovative pathways to the practice of law. In February 2020, staff and a volunteer LLLT presented to Legal Pathways students at UW Tacoma. (Legal Pathways is a new initiative funded by the legislature to support law-related opportunities and promote the success of students interested in pursuing law school, professional studies related to law, and law-related careers.) In an effort to strengthen outreach to underrepresented groups, staff also gave a presentation to the WSBA Diversity Committee to share information about the license and seek input.
- In June 2020 the LLLT Board started hosting virtual roundtables as a way to connect with LLLT candidates and educators, answer questions, and engage in thoughtful discussions regarding the license.
- Bench Card: The LLLT Board in collaboration with staff and judicial officers developed a LLLT bench card for distribution to judicial officers across the state. The bench card's content was reviewed by multiple stakeholders and approved by AOC legal services in June 2020.

Outreach efforts to increase the LLLT pipeline will not resume unless the Court decides not to sunset the program or extends the timeline for licensure. Instead, the LLLT Board will continue to reach out to those already in the pipeline and, to the extent possible, support their efforts to achieve licensure before the deadline established by the Court.

Addressing the Court’s decision to sunset the LLLT Program

The LLLT Board recently asked the Court to reconsider its decision to sunset the LLLT program or, at a minimum, extend the deadline to provide those in the pipeline sufficient opportunity to complete all licensing requirements. The Court then ordered the following changes.

- The substantive law-related work experience requirement for licensing has been reduced from 3,000 to 1,500 hours.
- Candidates who have met all other requirements by July 31, 2021 now have until July 31, 2022 to complete their substantive law-related work experience under the supervision of a lawyer.

The LLLT Board submitted an additional request to the Supreme Court which asked that candidates be allowed to take the LLLT core education courses out of sequence, so that they have the opportunity to enroll in the last cohort of Family Law courses offered in fall 2020 at Whatcom Community College.

On August 6, 2020, the Washington Supreme Court entered an Order suspending [APR 28 Regulation 3\(B\)\(1\)\(a\)](#) which requires that the prerequisite core education courses be completed prior to enrolling in the Family Law practice area courses.

2020-2021 Goals:

Reduce barriers to LLLT licensure

In light of the Court’s decision to sunset the LLLT program, the Board will continue to assess barriers to LLLT licensure so that more candidates might have the opportunity to obtain their license by July 31, 2022.

In August, the LLLT Board submitted a request that the Court eliminate the requirement that candidates pass the PCC exam in order to obtain their LLLT license. The LLLT Board recommended that the Court either 1) waive the PCCE requirement entirely or 2) allow an LLLT candidate to present proof of passing the PCCE as a requirement of licensing rather than a qualification to sit for the LLLT examination. If the Court chooses the second option, the LLLT Board recommends giving LLLT candidates until July 2022 to complete this requirement as they may need to obtain up to one year of legal experience prior to sitting for the PCCE under the FastTrack program.

The LLLT Board also requested that the Court consider removing the PCCE requirement for those who have passed the Paralegal Advanced Competency Exam (PACE). The PACE is a higher-level, duplicative exam.

Please report how this committee/board is addressing diversity, equity and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

- 1) The LLLT Board seeks members from different backgrounds and experiences and work together to foster a positive work environment in concert with WSBA’s commitment to diversity and inclusion.

- 2) Yes, the LLLT Board received training from WSBA's Diversity Specialist. The goal is to offer the training on an annual basis.
- 3) The LLLT Board seeks input from all WSBA members as well as the legal community in general when making important decisions such as developing a new practice area.
- 4) APR 28 has been amended at the request of the LLLT Board to allow LLLTs and LPOs as well as attorneys with judicial and emeritus pro bono status to serve as Board members, to apply for Board positions.
- 5) The core curriculum educational approval process reflects the LLLT Board's commitment to diversity in that it requires any institution offering the core curriculum to have diversity, inclusion, and equal access policies and practices in place. The LLLT Board also sought to increase diversity within the LLLT profession by extending the limited time waiver (see APR 28 Regulation 4) to December 31, 2023 in order to allow a group of candidates qualified by work experience rather than by education to enroll in the practice area classes. This increases access to justice by removing some of the barriers that may prevent qualified potential LLLTs from entering into the profession. The ongoing effort to provide a pathway to financial aid for the practice area classes also aims to provide more opportunities to join the LLLT profession to prospective applicants from diverse socio-economic backgrounds.

Please report how this committee/board is addressing professionalism:

Does the committee/board's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?

- 1) The LLLT Board has set up rules of professional conduct and a disciplinary system for LLLTs. The Board also requires LLLTs to carry malpractice insurance and conform to the same rules as lawyers regarding IOLTA accounts.
- 2) The LLLT Board has worked to promote LLLTs in the legal community and educate all legal professionals about the permitted scope and models for LLLT practice, as well as highlighting the ways in which collaboration with LLLTs can contribute to the efficiency and accessibility of any legal practice.
- 3) See answer 1 above. LLLTs must abide by the LLLT rules of professional conduct and are subject to professional discipline.

Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work:

How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?

- 1) All WSBA members are invited to provide comments on rules and new practice area suggestions and development, including new and young lawyers.
- 2) N/A

Please report how this committee/board is addressing the needs of the public:

How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?

- 1) The creation of LLLTs increases access to justice by providing affordable legal services at significantly lower rates than attorneys. Those in need of legal help, who may not be able to afford an attorney, now have the option of hiring a LLLT at a reduced cost. The LLLT pathway also

increases access to justice for those interested in joining the legal profession without the high cost of law school.

- 2) The Board invited public comment regarding the Consumer, Money, and Debt practice area that is under consideration. It has also spread awareness about the LLLT license and services through an informational video and outreach events throughout the state.

FY20 Demographics: *To Be Completed by WSBA Staff*

Gender:

Female (10)

Transgender
Non-Binary

Male (1)

Two-spirit
Not Listed

No Response (2)

Multi

Ethnicity:

American Indian/Native American/Alaskan
Native

Asian

Middle-Eastern Descent

White/European Descent (10)

Not Listed

Black/African-American/African Descent

Hispanic/Latinx

Pacific Islander/Native Hawaiian

Multi-Racial/Biracial

No Response (3)

Sexual Orientation:

Asexual

Two-Spirit

Multiple Orientations

No Response (9)

Gay, Lesbian, Bisexual, Pansexual or Queer

Heterosexual (4)

Not Listed

Disability:

Yes (1)

No (9)

WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Limited Practice Board
Chair:	David Bastian
Staff Liaison:	Renata Garcia
Board of Governors Liaison:	Carla Higginson
Size of Committee:	9
Direct Expenses:	\$3,00.00
Indirect Expenses:	\$31,833
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	6
Purpose:	
The Limited Practice Board (LPB) derives its authority from the Washington Supreme Court under rule 12 of the Admission and Practice Rules (APR). The purpose of the LPB is to oversee the Limited Practice Officer (LPO) license program.	
Strategy to Fulfill Purpose:	
The LPB will meet four to six times a year to develop and grade the LPO exam and discuss issues and items of concern or that are relevant to the LPO license.	
2019-2020 Accomplishments and Work in Progress:	
<ol style="list-style-type: none"> 1) Outreach: The LPB is working with staff to create outreach materials for the program including rack cards and a promotional video. The LPO license has been included in presentation materials regarding innovative pathways to the practice of law. In February 2020, staff and a volunteer LPO presented to Legal Pathways students at UW Tacoma. (Legal Pathways is a new initiative funded by the legislature to support law-related opportunities and promote the success of students interested in pursuing law school, professional studies related to law, and law-related careers.) In an effort to 	

strengthen outreach to underrepresented groups, staff also gave a presentation to the WSBA Diversity Committee to share information about the license and seek input.

- 2) **Practice Questions:** The LPB received an inquiry as to whether LPOs are permitted to select and prepare IRS tax forms necessary for compliance with the Foreign Investment in Real Property Tax Act of 1980 (FIRPTA). The Board discussed the question at its October 2019 meeting and determined that LPOs are **not** authorized to select and prepare IRS tax forms - including 8288, 8288A, and 8288B - required for compliance with FIRPTA. A reminder that LPOs are only authorized to select and prepare forms approved by the LPB was sent to all LPOs. Forms approved by the LPB are identified on the WSBA website. The Board has received subsequent inquiries regarding FIRPTA from attorneys and LPOs since then and is welcoming requests for discussion at future meetings.

- 3) **Request for Support re Legislation Impacting LPO Employment:** The Board received requests from LPOs to support their petition to reconsider House Bill 1450 regarding non-compete clauses or agreements. It was brought to the Board’s attention that LPOs making over \$100,000 are bound by non-compete clauses making it very difficult for LPOs in remote locations to find employment or start their own business after leaving “big title companies.” The issue appears to be worsened by the economic impact of COVID-19. The Board will discuss the request at its next meeting and would welcome the BOG’s input on this matter.

2020-2021 Goals:

- 1) Continue to work with Ergometrics to develop the LPO examination.
- 2) Review and make changes to LPO forms, as needed.
- 3) Review bank of LPO multiple choice and essay questions to ensure content and format appropriately assess the required knowledge and skills to practice law as an LPO.
- 4) Review APR 12 requirement that all active LPOs, including those who are on Active status but currently unemployed, demonstrate financial responsibility.

Please report how this committee/board is addressing diversity, equity and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

- 1) The LPB is dedicated to furthering WSBA’s commitment to diversity and inclusion through Board recruitment and ongoing interactions with each other, members, and the general public.
- 2) Yes, the LPB received training from WSBA’s Inclusion and Equity Specialist. The goal is to have this training on an annual basis as part of new board member orientation.
- 3) N/A
- 4) The equity and inclusion training provided board members with tools to promote a culture of inclusion within the board.
- 5) The LPO license provides an opportunity to enter the legal profession, albeit in limited practice, for those who have had barriers to completing higher education.

Please report how this committee/board is addressing professionalism:

Does the committee/board’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?

- 1) LPB members are invited to speak at LPO Continuing Education seminars; examples of situations regarding the LPO Rules of Professional Conduct are a popular topic.
- 2) N/A
- 3) LPOs must abide by the LPO rules of professional conduct and are subject to professional discipline.

Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work:

How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?

- 1) There is no “years-of-practice” requirement for the LPB so all are welcome to apply. However, members of the LPB tend to be more experienced.
- 2) As members of the bar, new and young LPOs, are now able to take advantage of many WSBA services including debt management, free and low cost CLEs and leadership opportunities.

Please report how this committee/board is addressing the needs of the public:

How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?

- 1) LPOs work directly with members of the public as they are licensed to select, prepare, and complete approved documents for use in closing a loan, extension of credit, sale, or other transfer of real or personal property.
- 2) No, The Board works to ensure that any legislative proposal it receives has been properly vetted by stakeholders, often in the public, that will be affected by, or be able to offer feedback and suggestions to, the proposed legislation.

FY20 Demographics: To Be Completed by WSBA Staff

Gender:

Female 3 Male 6 Multi x Non-Binary x Transgender x Two-spirit x Not Listed x No response 1

Ethnicity:

American Indian/Native American/Alaskan Native x	Asian x
Black/African-American/African Descent x	Hispanic/Latinx 1
Middle-Eastern Descent x	Pacific Islander/Native Hawaiian x
White/European Descent 7	Multi-Racial/Biracial x
Not Listed x	

No response 1

Sexual Orientation:

Asexual x	Gay, Lesbian, Bisexual, Pansexual or Queer x	Heterosexual 6
Two-spirit x	Multiple orientations x	Not Listed x
		No response 3

Disability:

2019-2020

Yes x	No 8	No response 1
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WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Mandatory Continuing Legal Education (MCLE) Board
Chair:	Asia Wright
Staff Liaison:	Adelaine Shay
Board of Governors Liaison:	Russell Knight
Size of Committee:	7
Direct Expenses:	\$2,500
Indirect Expenses:	\$66,684
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	2
Purpose:	
<p>The Mandatory Continuing Legal Education Board (MCLE Board) derives its authority from the Washington Supreme Court under Admission and Practice Rule (APR) 11. The purpose of the MCLE Board is to oversee the administration of the MCLE program and requirements and ensure compliance by WSBA members.</p>	
Strategy to Fulfill Purpose:	
<p>The Supreme Court-appointed MCLE Board typically meets five times each year to fulfill its duties as listed in APR 11. The MCLE Board considers MCLE policy issues, determines and adjusts fees, reviews and suggests amendments or regulations to APR 11, audits approved courses to ensure compliance with the standards set forth in APR 11, and approves mentoring programs that meet requirements and standards established by the MCLE Board for MCLE credit under APR 11.</p> <p>The MCLE Board considers petitions of undue hardship and determines when to waive or modify a lawyer's, LLLT's, or LPO's compliance with the requirements of APR 11. The MCLE Board accredits courses and educational programs that satisfy the educational requirements</p>	

of APR 11. The MCLE Board delegates the initial review of educational activities and undue hardship petitions to the Bar staff subject to MCLE Board review and approval. The MCLE Board reviews any determinations or decisions regarding approval of activities made by the Bar staff that adversely affect any lawyer, LLLT, or LPO or sponsor upon request of the lawyer, LLLT, LPO, sponsor, or Bar staff.

2019-2020 Accomplishments and Work in Progress:

- 1) Completed and resolved by motion 67 petitions from members (through August 7, 2020) for modifications and waivers of one or more MCLE requirements.
- 2) Audited 14 courses, provided an audit report to the MCLE Board, and provided detailed reports to each sponsor regarding the strengths and weaknesses of the course as well as recommendations for improvement.
- 3) The MCLE Board has started to work on a suggested amendment to the Admission and Practice Rule (APR) 11 ethics requirement.

2020-2021 Goals:

- 1) MCLE Board members have a goal of auditing two or more accredited sponsor courses each.
- 2) Taking into consideration feedback from the public, licensed legal professionals, and the WSBA Board of Governors, the MCLE Board will determine whether to recommend to the WA Supreme Court an amendment to the Admission and Practice Rule (APR) 11 ethics requirement.
- 3) Continue to work to increase the diversity of the MCLE Board.

Please report how this committee/board is addressing diversity, equity and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

- 1) The Board has not attempted to use tools provided by WSBA.
- 2) Participated in a diversity training presented by the WSBA Inclusion and Equity Specialist in October 2019.
- 3) The MCLE Board continues to seek members who represent diversity in geography, and all other diversity criteria used by the WSBA. In addition, the MCLE Board has done targeted outreach to members and/or sponsors regarding topics that the Board has considered during the year. Also, the Board routinely receives and considers input from members affected by the MCLE rules when considering petitions filed by the members.
- 4) The MCLE Board fosters an atmosphere of civility and collegiality insofar as how it receives comments from Bar members, staff, fellow board members and others. This is accomplished by actively listening to all and engaging in discussions focused on fairness and similar treatment of issues. Consistency in the application of the rules is maintained by active discussion on the merits with the goal being consensus.
- 5) Although this may or may not apply directly or only to members from historically underrepresented groups, the MCLE rules and the Board's considerations include requests

for accommodation of various disabilities as well as consideration of issues causing “undue hardship” and financial issues.

- 6) The MCLE Board previously sent a suggested amendment of the ethics requirement to the Washington Supreme Court in 2019, which the Supreme Court rejected. Now, the MCLE Board is interested in recommending a related but much narrower amendment to the rule, to focus on a one-credit equity, inclusion, and mitigation of bias requirement. The MCLE Board is currently soliciting feedback. The MCLE Board plans to ask the Board of Governors for support at the September Board of Governors meeting. Taking into consideration feedback from the public, licensed legal professionals, and the WSBA Board of Governors, the MCLE Board will determine whether to recommend to the WA Supreme Court an amendment to the Admission and Practice Rule (APR) 11 ethics requirement in October of 2020.

Please report how this committee/board is addressing professionalism:

Does the committee/board’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?

- 1) The MCLE Board is primarily regulatory. However, through auditing courses, the Board is able to gauge and monitor the level of professionalism presented during seminars. In addition, the Board treats members with respect and courtesy while enforcing the Supreme Court’s MCLE requirements and ensuring protection of the public.
- 2) The Board seeks to improve relationships between and among lawyers, judges, and clients by reviewing and approving quality continuing legal education courses that provide the skills necessary for making and maintaining successful relationships.
- 3) Although the Board itself is not involved in raising such awareness, the Supreme Court’s MCLE rules that are applied by the Board do allow for accreditation of MCLE activities that raise awareness about the causes and/or consequences of unprofessional behavior.
- 4) The MCLE Board is considering an amendment to require that, of the six required ethics credits for legal professionals, one credit be required in equity, inclusion, and the mitigation of bias.

Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work:

How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?

- 1) The MCLE Board continues to seek members who represent new and young lawyers.
- 2) The Board supports new and young lawyers by encouraging mentorship as a tool for professional and personal development.

Please report how this committee/board is addressing the needs of the public:

How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?

- 1) As stated in APR 11 the purpose of “Mandatory continuing legal education (MCLE) is intended to enhance lawyers’, LLLTs’, and LPOs’ legal services to their clients and protect the public by assisting lawyers, LLLTs, and LPOs in maintaining and developing their competence as defined in RPC 1.1 or equivalent rule for LLLTs and LPOs, fitness to practice as defined in APR 20, and

character as defined in APR 20. These rules set forth the minimum continuing legal education requirements for lawyers, LLLTs, and LPOs to accomplish this purpose.”

- 2) The WA Supreme Court appoints one public member to serve on the MCLE Board. MCLE Board meetings are open to the public, except for when the MCLE Board is discussing confidential information as defined in APR 11(k). Additionally all MCLE Board minutes are posted on the WSBA website.

FY20 Demographics: *To Be Completed by WSBA Staff*

Gender:

Female (4)

Transgender

Non-Binary

Male (3)

Two-spirit

Not Listed

No Response

Multi

Ethnicity:

American Indian/Native American/Alaskan
Native

Asian

Middle-Eastern Descent

White/European Descent (4)

Not Listed

Black/African-American/African Descent (1)

Hispanic/Latinx

Pacific Islander/Native Hawaiian (1)

Multi-Racial/Biracial (1)

No Response

Sexual Orientation:

Asexual

Two-Spirit

Multiple Orientations

No Response (2)

Gay, Lesbian, Bisexual, Pansexual or Queer (1)

Heterosexual (4)

Not Listed

Disability:

Yes

No (6)

WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Practice of Law Board
Chair:	Douglas Walsh, Interim Chair.
Staff Liaison:	Julie Shankland
Board of Governors Liaison:	Sunitha Anjilvel
Size of Committee:	13; minimum of five required to be persons not currently licensed to practice law.
Direct Expenses:	\$12,000
Indirect Expenses:	\$33,386
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	8
Purpose:	
<p>The Practice of Law Board (POLB) was established by the Washington Supreme Court in 2002 and derives its authority from GR 25 as amended in December 2018, to follow the Court's 2015 Order reconstituting the Board and refocusing its mission. In 2015, the Court directed the Board to add a new focus on educating the public about how to receive competent legal assistance and increase its focus on considering new avenues for other legal professionals to provide legal and law-related services.</p>	
Strategy to Fulfill Purpose:	
<p>In pursuit of the above directive, the POLB seeks to reach beyond the mainstream to identify cutting edge strategies that track and anticipate developments in the profession, in technology, the market for legal services, and in consumer needs generally.</p> <p>The POLB works with strategic affiliates to develop new ideas on delivering safe, effective and efficient legal services to everyone in the State of Washington, while assisting with public protection from unauthorized delivery of legal services, in support of this State's reputation as a national leader in innovative legal practice. The POLB works with stakeholders to think strategically, creatively and</p>	

beyond existing models of dispute resolution and legal service delivery, including assisting licensed legal professionals in integrating new ideas while maintaining effective and successful legal practices.

The POLB appointed a liaison to the Access to Justice Board to ensure that the two boards have frequent communication and to prevent duplication of effort. The POLB is working closely with the ATJ Board Technology Committee on a current project and will likely partner on additional projects.

2019-2020 Accomplishments and Work in Progress:

1. Developed suggested changes to both GR 25 and GR 24. The changes were withdrawn for further work and data collection after a stakeholder meeting. The Board made a records request to the Washington Attorney General’s Office for complaints relating to public harm caused by legal services provided by people not licensed to practice law. The Board has received four installments of records and continues to process the information. Board member Michael Cherry is leading the Board in considering ways to develop data driven models of legal services delivery that will provide an analytical structure to determine how to move forward with this concept (regulating online legal services). Several Board members are working with members of the Access to Justice Board’s Technology Committee on this concept.
2. Continued to work, slowly, with a third-party contractor on development of the Legal Health Check Up App. Discussions with the contractor are ongoing and the Board plans to either complete the project in the next six months, or reimagine the original ideas based on COVID-19 related changes in legal needs.
3. Met with representatives from LegalShield regarding proposed legislation.
4. Invited Courthouse Facilitators to attend a future meeting to provide input on the need for assistance with education resources. The Board will consider this input early in the next fiscal year.
5. Reviewed and provided input on an Amicus Request related to unauthorized practice of law.
6. Received 28 complaints alleging unauthorized practice of law. Five of the complaints were closed without referral; 6 were referred to appropriate investigative agencies; and 17 remain pending. The Board has received 10 complaints in the last month—explaining the relatively high number of pending complaints.

2020-2021 Goals:

1. **Complete and launch the Legal Health Check Up Application. (Either using the original plan or a revised plan based on changes in need related to COVID-19). The Board may work with stakeholders, including the ATJ Technology and Delivery of Legal Services Committees, and WSBA staff to complete this project.**
2. **Continue to analyze and collect information to determine the recommended approach to encouraging innovation in the delivery of legal services while protecting the public. Working to use a data driven approach to understanding whether additional regulations are needed.**
3. **Determine what role the POLB should play in assisting Courthouse Facilitator Programs with access to high quality, affordable educational programming.**
4. **Continue to address and refer unauthorized practice of law complaints.**
5. **Continue to determine the future of the Practice of Law Board.**

Please report how this committee/board is addressing diversity, equity and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

- 1) The Board and staff consult the Diversity Dictionary and the Accessible Event Planning Guide to assist the Board.
- 2) The Board will seek training from the WSBA Equity and Justice Team.
- 3) Diversity is considered when the POLB members are appointed and is considered in every appointment request sent to the Court. This POLB's success in its "blue sky" mission will depend heavily on diversity.
- 4) The Board actively seeks diverse perspectives from Board members and from stakeholders.

Please report how this committee/board is addressing professionalism:

Does the committee/board's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?

- 1) The POLB is dedicated to promoting professionalism through its purpose of promoting appropriate and competent legal services and ensuring that the public receives legal services from those dedicated to being ethical, professional, competent and appropriate to the needs of the public.

Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work:

How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?

- 1) The POLB has new and young lawyer members and will continue to actively seek new and young lawyer participation.
- 2) The POLB has heard presentations from new and young lawyers.

Please report how this committee/board is addressing the needs of the public:

How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?

- 1) The public will be directly affected when the Legal Health Check Up is launched. The public will also be directly affected if the Court adopts regulations around online delivery of legal services.
- 2) Yes. The Board, with the ATJ Technology Committee and WSBA has held events to gather stakeholder and public input.

FY20 Demographics: To Be Completed by WSBA Staff

Gender:

Female 4 Male 6 Multi x Non-Binary x Transgender x Two-spirit x Not Listed x No response 3

Ethnicity:

2019-2020

American Indian/Native American/Alaskan Native x
Black/African-American/African Descent 1
Middle-Eastern Descent x
White/European Descent 8
Not Listed x
No response 3

Asian 1
Hispanic/Latinx x
Pacific Islander/Native Hawaiian x
Multi-Racial/Biracial x

Sexual Orientation:

Asexual x	Gay, Lesbian, Bisexual, Pansexual or Queer x	Heterosexual 7
Two-spirit x	Multiple orientations x	Not Listed x
		No response 4

Disability:

Yes 1 No 9 No response 3

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 20: October 2019 – September 2020

<p>Pro Bono and Public Service Committee</p> <p>Chairs: Nicholas Larson, Nancy Chupp</p> <p>Staff Liaison: Paige Hardy, Diana Singleton</p> <p>BOG Liaison: Kim Hunter</p>	<p>Size of Committee: 14</p> <p>Direct expenses: \$2,000</p> <p>Indirect expenses: \$18,119</p> <p>Number of FY20 Applicants: 10</p>
<p>Background & Purpose:</p> <p>The Pro Bono and Public Service Committee’s (Committee) purpose is to enhance a culture of service.</p>	
<p>Strategy to Fulfill Purpose:</p> <p>The Committee fulfills its purpose by promoting opportunities and best practices that encourage WSBA members to engage in pro bono and public service, with a particular emphasis on services to low and moderate income individuals.</p>	
<p>2019-2020 Accomplishments and Work in Progress:</p> <p>The Committee established workgroups to accomplish the following tasks, and to carry out the following future goals:</p> <ol style="list-style-type: none"> 1) <u>Pro Bono Policy/Rules Workgroup:</u> <ol style="list-style-type: none"> a) Received BOG approval of draft model pro bono policies that law firms, government agencies, and in-house legal departments can adopt, adapt, and implement internally to enhance the culture of pro bono within their company or organization. <ol style="list-style-type: none"> i) Promulgating and publicizing the model policies using WSBA communication channels, the soon to be updated Pro Bono WA website, and the committee’s networks with the pro bono and legal aid community. b) Drafted statement of support to proposed Comment to RPC 6.5 c) Drafted statement of support for MCLE Board’s proposal to make mandatory that one of the six ethics credits address implicit and explicit bias. d) Analyzed WSBA emeritus pro bono status and analogues from other states related to impact on the number of pro bono attorneys in the state, identified potential barriers for converting to emeritus status, and developed possible solutions to those barriers—such as reducing the number of years of practice required. <ol style="list-style-type: none"> i) Drafted proposed amendments and potential improvements to the emeritus pro bono status guidelines, and soliciting feedback from stakeholders within WSBA as well as across the state, ii) Submitted proposed amendments to BOG for review and approval. iii) Received BOG approval in July 2020 for proposed bylaw amendment. Workgroup will work with the Office of General Counsel to move forward with the Supreme Court’s rule change process via GR 9. 2) <u>Strategic Planning Workgroup:</u> <ol style="list-style-type: none"> a) Created a strategic planning workgroup to continually assess the ongoing mission, values, goals, structure, and work of the Committee. This includes contemplating recruitment techniques that center diversifying the committee, as well as making it more inclusive and equitable. 3) <u>CLE Workgroup:</u> 	

- a) Developed and promoted CLE programs focused on topics relevant to pro bono work, including the October 2019 Legal Lunchbox focused on pro bono representation in administrative law hearings and the October 2020 Legal Lunchbox focusing on Family Law issues.
- b) Actively working with the law schools in the state to create further CLEs.
- 4) Publications Workgroup:
 - a) Produced, in collaboration with partners, several articles in the October/November 2019 NW Lawyer Magazine highlighting pro bono achievements throughout Washington.
 - b) Working to produce articles for the October 2020 NW Lawyer Magazine.
 - c) Engaging in discussions with pro bono providers throughout the state to offer promotional opportunities for such programs via WSBA communication channels, such as articles in the NWLawyer or blog posts on the NWSidebar.
- 5) Technology:
 - a) Reviewed the pro bono portal (www.probonowa.net), the existing online clearinghouse for pro bono opportunities in Washington and began to identify areas for improvement, such as user experience, information accessibility, and website navigation.
 - b) Identified stakeholders, such as the Seattle Pro Bono Coordinators and the Access to Justice Board Technology Committee and Communications Committee for a larger workgroup to address and improve the portal.
 - c) Started holding regular meetings with Stakeholders in an effort to improve www.probonowa.net with the goal to finalize the website before the end of FY20 or early in FY21.

Additionally, the Committee continues to develop and implement a liaison program by which it assigns one or more committee members to most of the organizations active in the pro bono space throughout the state, including the Access to Justice Board, the Volunteer Legal Programs, Qualified Legal Service Providers, Minority Bar Associations, county bar associations, and the three law schools. This outreach is ongoing and multi-directional, and has resulted in the conceptualization of new CLE opportunities and articles for publication, as well as increased collaboration and communication between the Committee and these organizations across the state.

2019-2020 Goals:

- Continue conducting the liaison program to foster communication and collaboration with pro bono providers and organizations statewide.
- Develop outreach to the public to ensure that the Committee's work is responsive to the needs of low-to-moderate income Washington residents.
- Continue the workgroup projects set forth above, including the following:
 - Create multiple CLEs on topics relevant to pro bono work and promote them to WSBA members as a benefit for volunteering with a QLSP;
 - Draft and submit proposed Emeritus Pro Bono-related rule changes to the Supreme Court; Create and publish articles publicizing issues surrounding pro bono;
 - Promulgate and promote model pro bono policies and look for ways to encourage adoption statewide;
 - Improve probonowa.net and ensure its ongoing viability and relevance; and
 - Continue to identify rules and policies that might inhibit participation in pro bono work and seek ways to remove such barriers

Please report how this committee/board is addressing diversity:

1) *Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?*

- 1) The Committee is planning to devote scheduled meeting time to diversity and inclusion training by WSBA staff.
- 2) The Committee is planning to hold part 2 of the training when in-person meetings can resume.
- 3) The co-chairs worked to solicit input from every Committee member regarding next steps in the Committee's future. Similarly, the Committee's workgroups operate democratically with significant opportunity for participation by all members.
- 4) The co-chairs sought out as much participation as possible from the entire group.
- 5) The Committee has carefully considered equity and inclusion as we have sought to fill out our Committee for the coming year, and have actively reached out to members of minority bar associations and groups with historically underrepresented backgrounds for potential members. Although we seek to encourage the promotion of equity with all members of the committee, we can absolutely work toward incorporating more inclusive and equitable practices. This could be in consultation with the Inclusion and Equity Specialist or through an outside facilitator.
- 6) N/A

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The Committee's primary objective is to promote the culture of service, specifically pro bono work, in the legal profession. Not only does this work align with GR 12.2, the preamble to the Rules of Professional Conduct, or RPC 6.1, the committee seeks ways to make volunteering easier for lawyers through its work on changes the rules for emeritus pro bono, model pro bono policies, and outreach to entities statewide.
- 2) Yes. The Committee is actively working to increase collaboration and communication among organizations that provide pro bono services, and is actively working to encourage greater participation by lawyers in pro bono work. For example, the committee worked with the Office of Administrative Hearings (OAH) and several Administrative Law Judges to put on a Legal Lunchbox in October 2019. We also made sure that several Committee members were in attendance at the recent Goldmark Luncheon benefitting LFW. The Committee Co-Chairs are also liaisons to the King County Bar Association and the Access to Justice Board to stay apprised of the needs of the legal aid communities.
- 3) Yes, we promote the idea that it is ethically required for attorneys to do pro bono work and we seek to promote as many pro bono opportunities as possible to encourage WSBA attorneys to meet the requirements of RPC 6.1, which states that attorneys "should aspire to render at least thirty (30) hours of pro bono publico service each year."
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) Several of our Committee members are new lawyers and we make sure that they are involved in the broader Committee work, but are also contributing in meaningful ways to the workgroups. Encouraging attorneys to commit to pro bono service is particularly valuable at the early stages of an attorney’s legal career. Our Committee seeksto encourage new and young lawyers to engage in those efforts.
- 2) The Committee encourages a variety of pro bono work, which is often engages with new lawyers. Often Qualified Legal Service Providers have pro bono opportunities and CLEs that are catered to attorneys new to the practice of law by training them in both substantive and procedural areas of law.
- 3) The staff liaison has presented to the Young Lawyers Committee about the opportunities to cross-collaborate with the Committee and members have been doing outgoing outreach with all three law schools to connect law students to the work of the Committee.

Please report how this committee/board is addressing the needs of the public:

1) How is the public impacted by your work? 2) Has the committee/board sought input from the public, and/or communicated its work to the public? 3) Other?

- 1) Our Committee works to increase pro bono publico work, which directly affects and increases access to justice for the vast majority of the public that does not ordinarily enjoy legal counsel due to the exorbitant costs of hiring private attorneys.
- 2) In this fiscal year, we have yet to prioritize communicating with or seeking additional input from the public. All our meetings are public, however, and this priority will be emphasized as we develop our strategic plan for the upcoming fiscal year to work with the communities that we seek to serve.
- 3) N/A

FY20 Demographics: To Be Completed by WSBA Staff

Gender:

Female (10)

Transgender

Non-Binary

Male (4)

Two-spirit

Not Listed

No Response

Multi

Ethnicity:

American Indian/Native American/Alaskan Native

Black/African-American/African Descent

Asian (1)

Middle-Eastern Descent

Hispanic/Latinx (2)

Pacific Islander/Native Hawaiian

White/European Descent (11)

Multi-Racial/Biracial

Not Listed

No Response

Sexual Orientation:

Asexual

Gay, Lesbian, Bisexual, Pansexual or Queer

Two-Spirit

Heterosexual (13)

Multiple Orientations

Not Listed

No Response (1)

Disability:

Yes (2)

No (12)

WASHINGTON STATE BAR ASSOCIATION

WSBA COMMITTEE/BOARD ANNUAL REPORT FY 2020: October 1, 2019 – September 30, 2020

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Name of Committee or Board:	Washington Young Lawyers Committee
Chair:	Jordan Couch
Staff Liaison:	Julianne Unite
Board of Governors Liaison:	Russell Knight
Size of Committee:	18
Direct Expenses:	\$15,000
Indirect Expenses:	\$63,620
Number of Applicants for FY21 <i>(October 1, 2020 – September 30, 2021)</i>	6
Purpose:	
<p>The Washington Young Lawyers Committee (WYLC) derives its authority from the WSBA Bylaws, WSBA Board of Governors (BOG) Committees and Boards Policy, and WYLC Appointment Policy.</p> <p>Per Section XII.A of the WSBA Bylaws, the WYLC's purpose is to encourage the interest and participation of:</p> <ol style="list-style-type: none"> 1) new and young lawyers and law students in the activities of the WSBA; 2) developing and conducting programs of interest and value to new and young lawyers consistent with the focus areas of public service and pro bono programs, transition to practice, and member outreach and leadership; and upholding and supporting the Guiding Principles of the WSBA. 	
Strategy to Fulfill Purpose:	
<p>This year's focus on fulfilling the WYLC's purpose involves seven key areas:</p> <ol style="list-style-type: none"> 1. Outreach and communication; 2. Debt; 3. Public Service and Leadership; 4. Rural Practice Project; 	

5. Northwest Regional Summit;
6. ABA YLD Representation; and
7. PREP

The accomplishments and FY20 goals outlined in this document reflect how the work of the WYLC addresses these priorities and fulfills the purpose of the WYLC. These priorities are focused on the four key areas identified in the November 2014 new lawyer survey and July 25, 2015 Generative Discussion of the BOG with the WYLC for key issues facing new and young lawyers: Employment, Debt, Community, and Leadership.

This year, the WYLC replaced subcommittees with project teams to address discrete issues. Project team members may involve constituents who are not members of the WYLC to help accomplish the project team goals.

2019-2020 Accomplishments and Work in Progress:

2019-2020 Goals:

Outreach and Communication

1. The WYLC tasked a specific member, Past Chair Kim Sandher, with keeping social media accounts updated with content to inform the public of the WYLC's activities.
2. Unfortunately, COVID-19 impacted the WYLC's ability to host socials/events/mixers as originally planned. Planned socials in Pierce County and Skamania were cancelled and no further socials are being planned until Washington's phased approach progresses. Meetings have taken place virtually via Zoom.

Debt

1. The debt project team presented a Loan Repayment Assistance Program (LRAP) bill to the WYLC. The WYLC voted to forward the bill to the WSBA's legislative affairs team. WYLC Chair-elect Brian Neuharth is currently identifying and reaching out to stakeholders for additional input.
2. The debt project team is researching alternative approaches to addressing debt, including income share agreements. The project team generally has met in alternating months to discuss findings.

Public Service and Leadership

1. The Public Service and Leadership Award (PSLA) exists to connect and recognize new and young lawyers that demonstrate values of public service and leadership. The WYLC received several applications and voted to honor four new or young lawyers this year with the PSLA. Current WYLC At-large member, and incoming Chair-elect Emily Ann Albrecht will write an article about the PSLA recipients for and upcoming Washington State Bar News issue.
2. WYLC Chair Jordan Couch was recognized as the WSBA Outstanding Young Lawyer APEX Award recipient this year.

Rural Practice Project

1. WYLC Access to Justice (ATJ) and Rural Recruitment and Retention (RRR) project team, led by WYLC member Alixanne Pinkerton, met with the BOG's rural practice project stakeholders and staff regarding the results of their contacts with rural practitioners in Washington State.
2. The WSBA requested the WYLC to assist with research gathering for the rural practice project. WYLC will assist with a specific focus on what will help new and young lawyers in underserved rural areas. WYLC can connect with other groups who are already researching or involved with rural community outreach, to gain information helpful to the issue of legal access in rural communities in Washington State. WYLC could help identify who those entities are that WSBA should be connecting with who have information helpful to the rural practice project.

Northwest Regional Summit

1. After researching possibilities and value, the WYLC chose not to co-host the Northwest Regional Summit in partnership with the Oregon New Lawyers Division in 2020.
2. Instead of a summit, the WYLC is working on establishing ongoing relationships with new and young lawyers in Oregon, Idaho, Montana, and South Dakota to collaborate on addressing the legal needs of rural areas.

ABA YLD Representation

1. The WYLC continued to provide the ABA YLD Meeting Scholarships for new and young lawyers attending ABA meetings as delegates. No delegate spots went unfilled, maximizing Washington's voting power. Scholarship recipients reported to the WYLC regarding their experiences and identified additional ABA opportunities of value to new and young lawyers.
2. Current WYLC At-large member and incoming Chair-elect Emily Albrecht served as the ABA YLD District Representative for Washington and Oregon.
3. Due to the WYLC's work this past year, the WYLC was acknowledged as an ABA YLD "Star Affiliate" at the ABA Annual Meeting this summer, which recognizes young lawyers who go above and beyond the YLD, the legal profession, and/or the community on a national scale.

Preadmission Education Program (PREP)

1. The WYLC successfully worked with the WSBA in developing PREP materials.

2020-2021 Goals:

1. Debt – The WYLC will continue to coordinate with the WSBA's legislative affairs team in the hopes of having the LRAP bill considered in Olympia. Should there be delays in either presenting the bill or the bill actually being passed, the debt project team hopes present recommendations to the WYLC regarding Income Share Agreements. The project team also seeks to identify at least one new mechanism to address debt issues for research. The project team will review the need for a 2021 Financial Focus Series to help educate young lawyers. The need for a new installment will depend on identifying a new topic that has not been previously addressed.
2. PSLA — The WYLC will award four PSLAs to new or young lawyers and write an article for the *Washington State Bar News* magazine highlighting the impact of the new lawyer's work in the community.
3. ATJ/RRR— The WYLC will work on establishing ongoing relationships with new and young lawyers in Oregon, Idaho, Montana, and South Dakota to collaborate on addressing the legal needs of rural areas. The WYLC hopes to become involved in the Western States Bar Conference next year to better connect with rural states and collaborate on solutions. The WYLC will also continue contributing to the WSBA's rural practice project with research.
4. Outreach and Communication—It is vital to connect new and young lawyers with WSBA programs, services, and activities. To accomplish this, the WYLC plans to:
 - a. Work on a stronger social media presence by liking, posting, and sharing relevant content and WSBA posts with their new and young lawyer social networks. The WYLC is exploring if new social media platforms are needed to better reach its intended audience as user preferences change over time.
 - b. When Covid-19 phase guidance permits, the WYLC will resume focusing on developing in-person outreach/communications/events/mixers in partnership with WYLC regional representatives and local bar association young lawyer divisions.
 - c. Determine the best way of distributing a calendar of new lawyer regional events for the year to new admittees.
5. ABA YLD representation – The WYLC's budget for the next fiscal year provided more funding for ABA YLD scholarships to defray the costs of attending and ensure a full delegation is sent to every meeting. As long as Covid-19 restrictions remain in place, meetings are taking place virtually and scholarships may not be necessary.

Please report how this committee/board is addressing diversity, equity and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

- 1) A WSBA new member survey included demographic information to help the WYLC understand its constituency.
- 2) The WYLC is currently working on a proposed amendment regarding dress codes for in court appearances. WYLC members reached out to the WSBA Diversity Committee and they are supportive. The proposal has been submitted the WSBA for formal approval and submission to the Court.
- 3) WYLC members brought up the ABA's Embracing Diversity Challenge Award. Sponsored by the ABA YLD, the Challenge recognizes and awards top young lawyer organization programs that increase diversity in the legal profession.

Please report how this committee/board is addressing professionalism:

Does the committee/board's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior? Other?

- 1) The WYLC regularly invites speakers to educate WYLC members and guests on various topics so that members have the information they need.
- 2) The WYLC is on-boarded to understand WSBA communication norms, values, and conflict resolution expectations. Over the course of the year, the WYLC has continued to discuss the value of following the communication norms and consequences of failing to do so. We've focused on social media and closer interaction with the BOG. Unfortunately, WYLC was unable to meet with the BOG at Skamania due to Covid-19.
- 3) As above, the WYLC is currently working on a proposed amendment regarding dress codes for in court appearances.

Please report how this committee/board is incorporating new and young lawyers and/or their perspectives into its work:

How have you brought new and young lawyers into your decision making process? Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? Other?

- 1) The WYLC is entirely made up of new and young lawyers.
- 2) Yes, the WYLC focuses entirely on these topic areas.

Please report how this committee/board is addressing the needs of the public:

How is the public impacted by your work? Has the committee/board sought input from the public, and/or communicated its work to the public? Other?

- 1) The public has interest in having competent representation. As new and young lawyers come in, the WYLC helps those lawyers navigate through difficult issues.
- 2) We have a project team dedicated to access to justice.
- 3) We have been using our Facebook page to interact with the public and make young lawyers more accessible to young lawyers.

- 4) The WYLC continues to explore ways to include community involvement either by attending meetings or inviting them to come to events.
- 5) The WYLC encourages all new and young lawyers to participate in public service.

FY20 Demographics: To Be Completed by WSBA Staff

Gender:

Female (9)

Transgender

Non-Binary

Male (5)

Two-spirit

Not Listed

No Response (4)

Multi

Ethnicity:

American Indian/Native American/Alaskan
Native

Asian (1)

Middle-Eastern Descent

White/European Descent (11)

Not Listed (1)

Black/African-American/African Descent (1)

Hispanic/Latinx (1)

Pacific Islander/Native Hawaiian

Multi-Racial/Biracial (2)

No Response (2)

Sexual Orientation:

Asexual

Two-Spirit

Multiple Orientations

No Response (11)

Gay, Lesbian, Bisexual, Pansexual or Queer (2)

Heterosexual (5)

Not Listed

Disability:

Yes

No (14)