

**BOG LEGISLATIVE COMMITTEE**

**Meeting Minutes**

*March 15, 2019*

**Governors present by phone:** Gov. Jean Kang, Gov. Dan Clark, President Bill Pickett, Gov. Kyle Sciuchetti, President-Elect Rajeev Majumdar, Gov. Dan Bridges, Gov. Brian Tollefson, Gov. Kim Hunter

**Staff present by phone:** Sanjay Walvekar, Russell Johnson, Julie Shankland

**Guests present by phone:** Tom Satagaj, WSBA IP Law Section

---

**WSBA Board of Governors Legislative Committee (BLC) Chair Kyle Sciuchetti began the meeting at 4:06pm.**

Tom Satagaj shared the Intellectual Property (IP) Section's concerns regarding ESHB 1788 with the BLC and the letter that the section composed in opposition to the bill.

- Ambiguity in the structure or existence of a Washington state bar may allow the United States Patent and Trademark Office (USPTO) to not recognize Washington state attorneys and issue letters telling them to inform their clients that they are no longer licensed/able to practice.
  - Concerns that this could apply in other areas of federal practice.
- Sanjay Walvekar shared his view that the striking amendment would address some of the concerns of the IP section.
- Tom Satagaj believes that the legislature weighing in will impede the Structures Work Group and that the House could make additional changes or propose new legislation.
- President Pickett questioned whether or not the existence of the WSBA makes a difference to the license that he has to practice law, given that the WA State Supreme Court grants the license.
  - According to Tom, the USPTO uses the specific language "state bar" in CFR 7.1 regarding the definition of attorney.
- Discussion on whether or not the bylaws require a GR 12 vote on the IP section's proposition.

**Motion by Gov. Clark, seconded by Gov. Hunter, that the IP Section's letter passes GR 12.2 analysis. 7 ayes with President Pickett abstaining. Motion passes.**

**Chair Sciuchetti authorizes the Intellectual Property section to send their letter of opposition to ESHB 1788.**

**Motion to approve Feb. 22 meeting minutes moved by Gov. Clark, seconded by Gov. Kang. 7 ayes with President Pickett abstaining. Motion passes.**

Sanjay Walvekar led the committee in a legislative update regarding the bar request bill, SB 5003. He expects a floor vote in the next three weeks and sees no likely hurdles.

Regarding ESHB 1788, Sanjay Walvekar reminded the committee that the Supreme Court asked Sen. Pedersen not to advance the bill he received from the House. This was clarified by the Chief Justice by email. The striking amendment in the Senate is the legislation to be considered moving forward.

Conversation regarding when/where Chief Justice Fairhurst made it clear that the House bill would not move forward in the Senate. Sanjay Walvekar read the email from Mar. 12 where Chief Justice Fairhurst indicated the Court's position.

Gov. Tollefson shared an email from Mar. 14 which clarified the Court's vote on current legislation (striking amendment) in front of the Senate Law and Justice Committee.

Sanjay Walvekar went over the substantive differences between the previous ESHB 1788 and the proposed striking amendment. The committee discussed the changes in the striking amendment.

The committee raised several questions that they feel are unresolved by the striking amendment. Chair Sciuchetti feels that the bill is premature given that the work of the Structures Workgroup has not yet started.

President-Elect Majumdar agrees that this bill would potentially put the entity of the state bar at greater risk.

President Bill Pickett stated his view that the bill would recodify the WSBA, not do away with it. He cautioned against conversation about bifurcation before the Senate Law & Justice Committee.

Julie Shankland clarified an earlier question that the oath of the attorney is codified in court rules, and would not be repealed by the bill.

Sanjay Walvekar plans to work with Chair Sciuchetti, President-Elect Majumdar, Gov. Stephens, and Gov. Swegle to cover talking points and submit written testimony ahead of the March 19 public hearing in the Senate Law & Justice Committee.

**Meeting adjourned by Chair Kyle Sciuchetti at 5pm.**