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To: Nicpon, Dory <Dory.Nicpon@courts.wa.gov>

Cc: Executive Management Team <ExecutiveManagementTeam@wsba.org>; Margaret Shane <Margarets@wsba.org>

Subject: Response to Structures Work Group Questions

Importance: High

Dory, below are answers to the additional questions you sent on 6/13 and 6/17. I've copied our Margaret and the Executive Management Team in case I've missed anything or misstated anything.

Kevin Plachy, Director of Advancement and Julie Shankland, General Counsel will present to the Work Group this afternoon about WSBA activities that implicate speech. Julie will provide a very high-level overview, including how we currently evaluate the speech implications of our activities. Kevin will do a deeper dive on our Access to Justice and Diversity, Equity and Inclusion portfolios. I'm out of the office today for a family medical issue so I will not be there.

What is the resource allocation information (money, FTEs, time?) related to the following WSBA Activities:

Character & Fitness / Admissions Testing

- Revenue, expenses and costs associated with admissions, including the character and fitness process and admissions testing are captured in the **Admissions** cost center (see attachment 5). This includes all of the expenses incurred in connection with character and fitness background reviews (review of applications, conducting investigations, and obtaining records when necessary) up through and including Character and Fitness Board hearings and appeals. In addition, the expenses include the costs of 1) developing (with Ergometrics for LPO and LLLT exams, and with Board of Bar Examiners for the online Washington Law Component educational materials and open book exam), 2) purchasing (through the National Conference of Bar Examiners), 3) administering (including facilities, etc., and working with ExamSoft for testing software), and 4) grading (using the Board of Bar Examiners for lawyers) exams. Costs and expenses associated with preparing and grading the LLLT and LPO exams are captured in the **Limited License Legal Technician** and **Limited Practice Officers** cost centers. The **Admissions** cost center also includes a small budget (\$1,600) for outreach visits to the three WA law schools (two people for two visits/school/year), to explain to the students how the application and character and fitness process work, and explain what to expect from the exam administration. This outreach is designed to ease the admission and testing process for the applicants and the staff administering the processes.
- Costs and expenses for accounting and processing admission fees are included in the **Administration** cost center. Costs and expenses associated with managing the volunteer appointment process, meeting support, etc. for the Character and Fitness Board, LLLT Board, and LPO Board is captured in other cost centers such as **Conference & Broadcast Services**.

Annual Licensure

- The costs and expenses related to annual licensure are shown in the **Licensing and Membership Records** (LICMR) cost center (see attachment 5). Revenue from licensing is shown in a separate cost center – **Licensing Fees** – rather than in LICMR. Revenue shown in the **LICMR** cost center is related to maintenance and use of licensing/membership records.

Other costs related to the annual licensing process (for processing payments, customer service to members, IT development, etc.) are captured in other cost centers such as **Administration**.

Costs and expenses in **LICMR** also cover 1) the annual Sections membership renewal process, section membership records, and section dues, 2) collecting confidential demographic data regarding members for diversity and inclusion purposes, and 3) analyzing the totality of membership data at various times for various functions within WSBA or in response to specific requests.

Discipline

- Revenue, costs and expenses associated with the *investigation and prosecution* of Discipline are wholly captured in the **Discipline** cost center (see attachment 5).

Costs and expenses associated with the *adjudicative* process are captured in two cost centers: **Office of General Counsel** and **Office of General Counsel Disciplinary Board** (see attachment 5). The former includes costs and expenses associated with administering, training, and providing ongoing support for Hearing Officers, Conflicts Review Counsel, and for outside counsel appointed to represent incapacitated respondents in the discipline system. It also includes costs and expenses related to the Discipline Advisory Round Table. The latter captures costs and expenses related to the Disciplinary Board.

A small fraction of FTE time for discipline activities is allocated to the **Limited License Legal Technician** and **Limited Practice Officers** cost centers (see attachment 5). The Regulatory Services staff, LLLT Board and LPO incur a small fraction of cost and expense engaging in discipline-related activities, including investigation, analysis, review, referral to and cooperation with the Office of Disciplinary Counsel.

Note that other costs and expenses associated with the discipline system (managing the volunteer appointment process, meeting support, etc.) is captured in other cost centers such as **Conference & Broadcast Services**.

CLE regulation

- Revenue, costs and expenses for CLE Regulation, including supporting the MCLE Board, are included in the **Mandatory Continuing Legal Education** cost center (see attachment 5) with the exception of costs and expenses associated with suspensions solely due to MCLE non-compliance (these are captured in the **LICMR** cost center) and costs and expenses incurred in processing the fees related to MCLE accreditation (these are captured in the **Administration** cost center). Costs and expenses associated with managing the volunteer appointment process, meeting support, etc. is captured in other cost centers such as **Conference & Broadcast Services**.

Ethics regulation/rulemaking

- WSBA's professional responsibility program is captured in the **Professional Responsibility Program** cost center.
- WSBA engages in rulemaking in a variety of ways, the most obvious of which is the Court Rules Committee, which is captured in the **Office of General Counsel** Cost Center. We will need additional guidance on what activities the Work Group is interested in.

ATJ / Public Defense

- Costs and expenses associated with the activities of the Access to Justice Board are captured in the **Access to Justice** cost center (see attachment 5). This cost center also includes costs and expenses associated with the activities of the Council on Public Defense. See the attached grids for allocated costs and FTE.

Other activities relating to access to justice (but not the Access to Justice Board) are captured in the **Public Service Programs** cost center (see attachment 5). This cost center includes revenue from the Washington State Bar Foundation. Costs and expenses associated with fundraising and support for the WSBF Board of Trustees in captured in the **Foundation** cost center.

Note that costs and expenses associated with managing the volunteer appointment process, meeting support, etc. is captured in other cost centers such as **Conference & Broadcast Services**.

Diversity, Equity & Inclusion

- Costs and expenses associated with WSBA's externally and internally facing diversity, equity and inclusion activities, including the Diversity Committee, are captured in the **Diversity** cost center (see attachment 5). This cost center includes revenue from the Washington State Bar Foundation. Costs and expenses associated with fundraising and support for the WSBF Board of Trustees in captured in the **Foundation** cost center.

Note that costs and expenses associated with managing the volunteer appointment process, meeting and event support, etc. is captured in other cost centers such as **Conference & Broadcast Services**.

Lawyer Assistance Program administration

- Costs and expenses associated for this activity are captured in the **Member Assistance Program** cost center (see attachment 5).

Court Rules Drafting/Administration

- WSBA engages in rulemaking in a variety of ways such as through the Court Rules Committee, which is captured in the **Office of General Counsel** Cost Center. For those rules that relate to Admissions, Licensing, MCLE, and some other matters (ethics regulation, handling of WSBA records, etc.), Regulatory Services Department (RSD) staff from related RSD work groups from time-to-time provide significant amounts of time in drafting, reviewing, and implementing these rules. These costs and expenses fluctuate drastically, generally involve the Chief Regulatory Counsel/RSD Director or the RSD Associate Director, and/or are simply absorbed into those RSD cost centers as reflected by FTE time allocated to those cost centers. Similar work is engaged in by the Office of Disciplinary Counsel, the

MCLE Board, the LLLT Board, the LPO Board, and – from time to time – other teams in the organization. We will need additional guidance on what activities the Work Group is interested in.

What is the annual cost of rental for WSBA space, both total and price per square foot?

There is a confidentiality clause with respect to our lease. We have requested permission to share that information and that request is pending.

What is the projected increase in rental cost per year for total and square foot by year over the life of the lease?

Pending permission from our landlord.

What was the 2019 YTD cost of rental for off-site CLEs?

The WSBA CLE operation overall is a self-sustaining operation that breaks even or nets a profit each fiscal year. Profits earned by WSBA CLE are added to the CLE Fund, which is a reserve fund established to cover WSBA CLE operational losses, should they occur. The current CLE Fund balance is approximately \$604,000.00.

Most WSBA CLEs are delivered onsite. The CLE Fund is charged \$1,500.00 per day to use the onsite conference center (credited to the WSBA General Fund). In FY19 to date, WSBA CLE has paid approximately \$33,000.00 in charges to WSBA General Fund for facilities rental.

Offsite Midyear/CLEs and respective charges are as follows:

- IP Institute at WSCC: \$1,655.00
- Corporate Counsel at WSCC: \$1,050.00
- Labor and Employment at WSCC: \$1,100.00
- Art Law at Seattle Art Museum: \$750.00 (contracted and scheduled to deliver in August, 2019)
- Elder Law Fall at Seatac Conference Center: \$2,160.00
- RPPT Midyear at The Davenport in Spokane: Rental costs waived in lieu of \$13,000 food and beverage minimum
- Senior Lawyers Conference at Seatac Marriott: Rental costs waived in lieu of \$7,000 food and beverage minimum
- Family Law Midyear at the Davenport in Spokane: Rental costs waived in lieu of \$12,000 food and beverage minimum
- ATJ Conference at Spokane Convention Center: Rental costs were \$6,600.00 with \$16,000 food and beverage minimum
- ELUL Section Midyear at Alderbrook: Room rental waived in lieu of \$8,000 food and beverage minimum
- Solo Small Firm Conference at Clearwater Casino: Rental charges waived in lieu of \$8,250.00 food and beverage minimum

Total offsite venue charges for CLE = \$13,315.00

All rental charges referenced above were paid by the CLE Fund, not license fees. Additionally, with the exception of the Senior Lawyers Conference, revenues from offsite programs typically covering all costs and net some profit.

What is the 2019 YTD salaries for WSBA staff?

Budgeted salaries is \$11,868,980. As of May 31, 2019, total salaries is \$7,899,142.20. This figure does not include temporary staff, capital labor, or allowance for open positions.

What is the 2019 YTD cost of benefits for WSBA staff?

Budgeted benefits is \$4,230,930. As of May 31, 2019, total benefits is \$2,705,956.

Where can I find a blank copy of the membership renewal form? The pleadings in Fleck spend a lot of time talking about how the "opt out" part of the North Dakota bar form was obscure. My recollection is that the WSBA form is pretty clear, but I would like to confirm. Licensing renewal forms for lawyers, LPOs and LLLTs are attached.