

**Court Rules and Procedures Committee**

Meeting  
AGENDA

October 19, 2018  
9:30 a.m. – 11:30 a.m.

Conference Call: 1-866-577-9294, Code: 55419#

---

**Welcome and Introductions**

- Subcommittee Assignments **(Page 1)**
  - Evidence Rules (ER)
  - Infractions Rules for Court of Limited Jurisdiction (IRLJ)
  - Subcommittee X
- MAR Subcommittee Report **(Page 2-29)**
  - Report by Subcommittee Chair Stephanie Dikeakos
- GR 12.4 – Public Records Request to Bar Records **(Page 30-32)**
- WSBA Expense Report Policy **(Page 33-34)**

**Adjourn**

*Next meeting is scheduled for November 19, 2018 (Telephonic Only).*



**2018-2019 Subcommittee Roster**

**Evidence Rules (ER)**

1. Isham Reavis
2. Dalynne Singleton
3. Alison Markette
4. Bertha Fitzer
5. Ashton Rezayat
6. Stephanie Dikeakos
7. James Smith
8. Geoff Grindeland
9. Kirk Miller
10. Brian Zuanich
11. Rachel Rogers
12. Rike Connelly
13. Mimy Bailey
14. Sarah Lee
15. Jeremy Wood

**Infractions Rules for Courts of Limited Jurisdiction (IRLJ)**

1. Jon Zimmerman
2. Rooein Roshandel
3. Joyce Heritage
4. Tim Moran
5. Karen Horowitz
6. Olga Blotnis
7. Ann Summers
8. Claire Carden

**Subcommittee X**

1. Tony DiTommaso
2. Jack Guthrie
3. Jody Cloutier
4. Judge Kevin Korsmo
5. Judge Blaine Gibson
6. John Ledford
7. Kathleen Goodman

## GR 9 COVER SHEET

### Suggested Amendments

#### SUPERIOR COURT MANDATORY ARBITRATION RULES (MAR)

**Title, Rules 1.1, 1.2, 3.1, 3.2, 4.1, 4.2, 5.1, 5.3, 6.2, 6.3, 6.4, 7.1 and 8.4.**

---

**A. Proponent:** Washington State Bar Association Rules Committee, MAR Subcommittee

**B. Spokespersons:** Stephanie P. Dikeakos, Subcommittee Chair

**C. Purpose:** The legislature enacted EHB 1128-Civil Arbitration which was effective September 1, 2018. These proposed changes would make the MARs consistent with that bill and the corresponding amendments to RCW Chapter 7.06, Mandatory Arbitration of Civil Actions.

Title: References to the word “mandatory” are removed throughout the arbitration laws. “Mandatory arbitration” is replaced with “civil arbitration.” The title is change accordingly to Superior Court Civil Arbitration Rules or SCCAR.

Rule 1.1 Amendment:

Striking the word “mandatory.”

Rule 1.2 Amendment:

Striking the word “mandatory” in two places.

Rule 3.1 Amendment:

Striking MAR from the title of the rule and adding the word RULE before 3.1.

The suggested amendments reflect the amendments in Sec. 5 of EHB 1128 and the corresponding amendments to RCW 7.06.040 about the necessary qualifications for an arbitrator.

Rule 3.2 Amendment:

Striking MAR from the title of the rule.

Rule 4.1 Amendment:

Striking MAR from the title of the rule.

Rule 4.2 Amendment:

Striking MAR from the title of the rule.

These suggested amendments are consistent with the new section added by EHB 1128 to RCW Chapter 7.06. The section addresses the allowed discovery after the case has been assigned to an arbitrator.

Rule 5.1 Amendment:

Amending “63” to “75” to reflect the new limit on the how soon the case must be set for a hearing after it is assigned to an arbitrator. This is consistent with the new section under EHB 1128, Sec. 3.

Rule 5.3 Amendment:

Changing “MAR” to “SCCAR” to reflect the new abbreviation for the civil arbitration rules.

Rule 6.2 Amendment:

Striking MAR from the title of the rule.

Rule 6.3 Amendment:

Striking MAR from the title of the rule.

Rule 6.4 Amendment:

Striking MAR from the title of the rule.

Rule 7.1 Amendment:

Striking MAR from the title and adding the word RULE before 7.1.

Also, this rule is amended to reflect the changes in EHB 1128, Sec. 6 and reflected in RCW 7.06.050. This requires that the aggrieved party sign the request for the trial de novo. The Subcommittee also proposes changes to the signature line to reflect this amendment and to provide for information about the signatory when a party is an organization/corporation.

Rule 8.4 Amendments:

Inserting the word “Civil” and striking the word “Mandatory” before Arbitration. Also changing the abbreviation from MAR to SCCAR.

**D. Hearing:** A hearing is not recommended.

**E. Expedited Consideration:** Expedited consideration is requested.

**F. Supporting Material:** Suggested rule amendments.

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CIVIL~~MANDATORY~~ ARBITRATION RULES**  
**(SCCARMAR)**

**RULE 1.1**  
**APPLICATION OF RULES**

1 These arbitration rules apply to ~~mandatory~~ arbitration of civil actions under RCW 7.06. These  
2 rules do not apply to arbitration by private agreement or to arbitration under other statutes,  
3 except by stipulation under rule 8.1.  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**

**RULE 1.1**  
**APPLICATION OF RULES**

1 These arbitration rules apply to arbitration of civil actions under RCW 7.06. These rules do not  
2 apply to arbitration by private agreement or to arbitration under other statutes, except by  
3 stipulation under rule 8.1.  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT ~~CIVIL MANDATORY~~ ARBITRATION RULES**  
**(SCCARMAR)**

**RULE 1.2**  
**MATTERS SUBJECT TO ARBITRATION**

A civil action, other than an appeal from a court of limited jurisdiction, is subject to arbitration under these rules if the action is at issue in a superior court in a county which has authorized ~~mandatory~~ arbitration under RCW 7.06, if (1) the action is subject to ~~mandatory~~ arbitration as provided in RCW 7.06, (2) all parties, for purposes of arbitration only, waive claims in excess of the amount authorized by RCW 7.06, exclusive of attorney fees, interest and costs, or (3) the parties have stipulated to arbitration pursuant to rule 8.1.

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**  
**RULE 1.2**  
**MATTERS SUBJECT TO ARBITRATION**

A civil action, other than an appeal from a court of limited jurisdiction, is subject to arbitration under these rules if the action is at issue in a superior court in a county which has authorized arbitration under RCW 7.06, if (1) the action is subject to arbitration as provided in RCW 7.06, (2) all parties, for purposes of arbitration only, waive claims in excess of the amount authorized by RCW 7.06, exclusive of attorney fees, interest and costs, or (3) the parties have stipulated to arbitration pursuant to rule 8.1.



**SUGGESTED AMENDMENT**  
**SUPERIOR COURT ~~CIVIL MANDATORY~~ ARBITRATION RULES**  
**(~~SCC~~CARM)**  
**RULE MAR 3.1**  
**QUALIFICATION**

Unless otherwise ordered or stipulated, an arbitrator must be a member in good standing of the Washington State Bar Association who has been admitted to the Bar for a minimum of 5 years, or who is a retired judge. The parties may stipulate to a nonlawyer arbitrator.

~~Unless waived pursuant to RCW 7.06.040(2)b), a person may not serve~~To qualify as an arbitrator ~~unless the,~~ a person ~~has~~must completed a minimum of three credits of Washington State Bar Association approved continuing legal education credits on the professional and ethical consideration for serving as an arbitrator. A person serving as an arbitrator must file a declaration or affidavit stating or certifying to the appointing court that the person is in compliance with the qualifications described in RCW 7.06.040~~sign and file an oath of office, either to serve in a particular case, or as a member of a panel of arbitrators.~~ The court is authorized to remove an individual from a list of qualified arbitrators for good cause.

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**  
**RULE 3.1**  
**QUALIFICATION**

Unless otherwise ordered or stipulated, an arbitrator must be a member in good standing of the Washington State Bar Association who has been admitted to the Bar for a minimum of 5 years, or who is a retired judge. The parties may stipulate to a nonlawyer arbitrator.

Unless waived pursuant to RCW 7.06.040(2)b), a person may not serve as an arbitrator unless the person has completed a minimum of three credits of Washington State Bar Association approved continuing legal education credits on the professional and ethical consideration for serving as an arbitrator. A person serving as an arbitrator must file a declaration or affidavit stating or certifying to the appointing court that the person is in compliance with the qualifications described in RCW 7.06.040. The court is authorized to remove an individual from a list of qualified arbitrators for good cause.

**SUGGESTED AMENDMENT**  
**SUPERIOUR COURT CIVIL MANDATORY ARBITRATION RULES**  
**(SCCAR MAR)**  
**RULE ~~MAR~~ 3.2**  
**AUTHORITY OF ARBITRATORS**

[Unchanged]

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**  
**RULE 3.2**  
**AUTHORITY OF ARBITRATORS**

[Unchanged]

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES**  
**(SCCAR MAR)**

**RULE ~~MAR~~ 4.1**  
**RESTRICTIONS ON COMMUNICATION BETWEEN ARBITRATOR AND PARTIES**

[Unchanged]

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**

**RULE 4.1**  
**RESTRICTIONS ON COMMUNICATION BETWEEN ARBITRATOR AND PARTIES**

[Unchanged]

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT ~~CIVIL MANDATORY~~ ARBITRATION RULES**  
**(~~SCCARMAR~~)**  
**RULE ~~MAR~~ 4.2**  
**DISCOVERY**

After the assignment of a case to the arbitrator, a party may ~~demand a specification of damages~~  
~~under RCW 4.28.360, may conduct discovery as follows: (1)~~ request from the arbitrator an  
examination under CR 35; ~~(2), may~~ request admissions from a party under CR 36; and ~~(3) may~~  
take the deposition of another party; ~~unless the arbitrator orders otherwise. No A party may~~  
~~request~~ additional discovery ~~from the arbitrator, including interrogatories, and the arbitrator will~~  
~~allow additional discovery shall be allowed, except as the parties may~~  
~~stipulate or as the arbitrator may order. The arbitrator will allow discovery~~ only when reasonably  
necessary. ~~The conference requirements of CR 26(i) shall not apply to motions to the arbitrator~~  
~~to allow additional discovery under this rule.~~

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**  
**RULE 4.2**  
**DISCOVERY**

After the assignment of a case to the arbitrator, a party may conduct discovery as follows: (1) request from the arbitrator an examination under CR 35; (2) request admissions from a party under CR 36; and (3) take the deposition of another party. A party may request additional discovery from the arbitrator, including interrogatories, and the arbitrator will allow additional discovery only when reasonably necessary.



**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CIVIL~~MANDATORY~~ ARBITRATION RULES**  
**(SCCARMAR)**

**RULE 5.1**  
**NOTICE OF HEARING**

1 The arbitrator shall set the time, date, and place of the hearing and shall give reasonable notice of  
2 the hearing date to the parties. Except by stipulation or for good cause shown, the hearing shall  
3 be scheduled to take place not sooner than 21 days, nor later than ~~75~~<sup>63</sup> days, from the date of the  
4 assignment of the case to the arbitrator. The hearing shall take place in appropriate facilities  
5 provided or authorized by the court.  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**  
**RULE 5.1**  
**NOTICE OF HEARING**

1 The arbitrator shall set the time, date, and place of the hearing and shall give reasonable notice of  
2 the hearing date to the parties. Except by stipulation or for good cause shown, the hearing shall  
3 be scheduled to take place not sooner than 21 days, nor later than 75 days, from the date of the  
4 assignment of the case to the arbitrator. The hearing shall take place in appropriate facilities  
5 provided or authorized by the court.  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT ~~CIVIL MANDATORY~~ ARBITRATION RULES**  
**(~~SCCARMAR~~)**

**RULE 5.3**  
**CONDUCT OF HEARING –WITNESSES—RULES OF EVIDENCE**

1       **(a) – (c)** [Unchanged]

2       **(d)** Certain Documents Presumed Admissible. The documents listed below, if relevant, are  
3 presumed admissible at an arbitration hearing, but only if (1) the party offering the document  
4 serves on all parties a notice, accompanied by a copy of the document and the name, address and  
5 telephone number of its author or maker, at least 14 days prior to the hearing in accordance with  
6 ~~SCCARMAR~~ 5.2; and (2) the party offering the document similarly furnishes all other related  
7 documents from the same author or maker. This rule does not restrict argument or proof relating  
8 to the weight of the evidence admitted, nor does it restrict the arbitrator's authority to determine  
9 the weight of the evidence after hearing all of the evidence and the arguments of opposing  
10 parties. The documents presumed admissible under this rule are:

11       **(d)(1) – (d)(7)** [Unchanged]

12       **(e)** [Unchanged]

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**  
**RULE 5.3**  
**CONDUCT OF HEARING –WITNESSES—RULES OF EVIDENCE**

1       **(a) – (c)** [Unchanged]

2       **(d)** Certain Documents Presumed Admissible. The documents listed below, if relevant, are  
3 presumed admissible at an arbitration hearing, but only if (1) the party offering the document  
4 serves on all parties a notice, accompanied by a copy of the document and the name, address and  
5 telephone number of its author or maker, at least 14 days prior to the hearing in accordance with  
6 SCCAR 5.2; and (2) the party offering the document similarly furnishes all other related  
7 documents from the same author or maker. This rule does not restrict argument or proof relating  
8 to the weight of the evidence admitted, nor does it restrict the arbitrator's authority to determine  
9 the weight of the evidence after hearing all of the evidence and the arguments of opposing  
10 parties. The documents presumed admissible under this rule are:

11       **(d)(1) – (d)(7)** [Unchanged]

12       **(e)** [Unchanged]

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES**  
**(SCCAR MAR)**  
**RULE MAR 6.2**  
**FILING OF AWARD**

[Unchanged]

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**  
**RULE 6.2**  
**FILING OF AWARD**

[Unchanged]

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES**  
**(SCCAR MAR)**  
**RULE MAR 6.3**  
**JUDGEMENT ON AWARD**

[Unchanged]

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**  
**RULE 6.3**  
**JUDGMENT ON AWARD**

[Unchanged]



**SUGGESTED AMENDMENT**  
**SUPERIOUR COURT CIVIL ~~MANDATORY~~ ARBITRATION RULES**  
**(SCCAR MAR)**  
**RULE ~~MAR~~ 6.4**  
**COSTS AND ATTORNEY FEES**

[Unchanged]

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**  
**RULE 6.4**  
**COSTS AND ATTORNEY FEES**

[Unchanged]

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT ~~CIVIL MANDATORY~~ ARBITRATION RULES**  
**(~~SCC~~MAR)**

**RULEMAR 7.1**  
**REQUEST FOR TRIAL DE NOVO**

(a) [Unchanged]

(b) Form. The request for a trial de novo shall not refer to the amount of the award,  
including any award of costs

or attorney fees, and shall be substantially in the form set forth below, and must be signed by the party:

SUPERIOR COURT OF WASHINGTON  
FOR (\_\_\_\_\_) COUNTY

	)	
	)	No. _____
Plaintiff,	)	
	)	REQUEST FOR
v.	)	TRIAL DE NOVO
	)	
	)	
Defendant.	)	

TO: The clerk of the court and all parties:

Please take notice that (name of aggrieved party) requests a trial de novo from the award filed  
\_\_\_\_\_(date)\_\_\_\_\_.

Dated: \_\_\_\_\_

	<u>(Signature) Name of attorney for aggrieved party)</u>
	<u>(Printed Name):</u>
	<u>(Title, if applicable)</u>

\_\_\_\_\_  
(Name of attorney for aggrieved party)

(c) – (d) [Unchanged]

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**  
**RULE 7.1**  
**REQUEST FOR TRIAL DE NOVO**

1     **(a)** [Unchanged]

2     **(b)** Form. The request for a trial de novo shall not refer to the amount of the award,  
3         including any award of costs

4     or attorney fees, and shall be substantially in the form set forth below, and must be signed by the  
5     party:

6                             SUPERIOR COURT OF WASHINGTON  
7                             FOR (\_\_\_\_\_) COUNTY

	)	
	)	No. _____
Plaintiff,	)	
	)	REQUEST FOR
v.	)	TRIAL DE NOVO
	)	
	)	
Defendant.	)	

12  
13     TO: The clerk of the court and all parties:

14     Please take notice that (name of aggrieved party) requests a trial de novo from the award filed  
15     \_\_\_\_(date)\_\_\_\_\_.

16     Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature of aggrieved party)  
(Printed Name):\_\_\_\_\_  
(Title, if applicable)\_\_\_\_\_

\_\_\_\_\_  
(Name of attorney for aggrieved party)

21     **(c) – (d)** [Unchanged]  
22  
23  
24  
25  
26

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT ~~CIVIL MANDATORY~~ ARBITRATION RULES**  
**(~~SCCARMAR~~)**

**RULE 8.4**  
**TITLE AND CITATION**

These rules shall be known and cited as the Superior Court ~~Civil Mandatory~~ Arbitration Rules.

~~SCCARMAR~~ is the official abbreviation.

**SUGGESTED AMENDMENT**  
**SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**

**RULE 8.4**  
**TITLE AND CITATION**

These rules shall be known and cited as the Superior Court Civil Arbitration Rules. SCCAR is the official abbreviation.

---

## General Rules

---

### GR 12.4 WASHINGTON STATE BAR ASSOCIATION ACCESS TO RECORDS

(a) Policy and Purpose. It is the policy of the Washington State Bar Association to facilitate access to Bar records. A presumption of public access exists for Bar records, but public access to Bar records is not absolute and shall be consistent with reasonable expectations of personal privacy, restrictions in statutes, restrictions in court rules, or as provided in court orders or protective orders issued under court rules. Access shall not unduly burden the business of the Bar.

(b) Scope. This rule governs the right of public access to Bar records. This rule applies to the Washington State Bar Association and its subgroups operated by the Bar including the Board of Governors, committees, task forces, commissions, boards, offices, councils, divisions, sections, and departments. This rule also applies to boards and committees under GR 12.3 administered by the Bar. A person or entity entrusted by the Bar with the storage and maintenance of Bar records is not subject to this rule and may not respond to a request for access to Bar records, absent express written authority from the Bar or separate authority in rule or statute to grant access to the documents.

(c) Definitions.

(1) "Access" means the ability to view or obtain a copy of a Bar record.

(2) "Bar record" means any writing containing information relating to the conduct of any Bar function prepared, owned, used, or retained by the Bar regardless of physical form or characteristics. Bar records include only those records in the possession of the Bar and its staff or stored under Bar ownership and control in facilities or servers. Records solely in the possession of hearing officers, non-Bar staff members of boards, committees, task forces, commissions, sections, councils, or divisions that were prepared by the hearing officers or the members and in their sole possession, including private notes and working papers, are not Bar records and are not subject to public access under this rule. Nothing in this rule requires the Bar to create a record that is not currently in possession of the Bar at the time of the request.

(3) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation in paper, digital, or other format.

(d) Bar Records--Right of Access.

(1) The Bar shall make available for inspection and copying all Bar records, unless the record falls within the specific exemptions of this rule, or any other state statute (including the Public Records Act, chapter 42.56 RCW) or federal statute or rule as they would be applied to a public agency, or is made confidential by the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, the Admission to Practice Rules and associated regulations, the Rules for Enforcement of Limited Practice Officer Conduct, General Rule 25, court orders or protective orders issued under those rules, or any other state or federal statute or rule. To the extent required to prevent an unreasonable invasion of personal privacy interests or threat to safety or by the above-referenced rules, statutes, or orders, the Bar shall delete identifying details in a manner consistent with those rules, statutes, or orders when it makes available or publishes any Bar record; however, in each case, the justification for the deletion shall be explained in writing.

(2) In addition to exemptions referenced above, the following categories of Bar records are exempt from public access except as may expressly be made public by court rule:

(A) Records of the personnel committee, and personal information in Bar records for employees, appointees, members, or volunteers of the Bar to the extent that disclosure would violate their right to privacy, including home contact information (unless such information is their address of record), Social Security numbers, driver's license numbers, identification or security photographs held in Bar records, and personal data including ethnicity, race, disability status, gender, and sexual orientation. Membership class and status, bar number, dates of admission or licensing, addresses of record, and business telephone numbers, facsimile numbers, and electronic mail addresses (unless there has been a request that electronic mail addresses not be made public) shall not be exempt, provided that any such information shall be exempt if the Executive Director approves the confidentiality of that information for reasons of personal security or other compelling reason, which approval must be reviewed annually.

(B) Specific information and records regarding

(i) internal policies, guidelines, procedures, or techniques, the disclosure of which would reasonably be expected to compromise the conduct of disciplinary or regulatory functions, investigations, or examinations;

(ii) application, investigation, and hearing or proceeding records relating to lawyer, Limited Practice Officer, or Limited License Legal Technician admissions, licensing, or discipline, or that relate to the work of ELC 2.5 hearing officers, the Board of Bar Examiners, the Character and Fitness Board, the Law Clerk

Board, the Limited Practice Board, the MCLE Board, the Limited License Legal Technician Board, the Practice of Law Board, or the Disciplinary Board in conducting investigations, hearings or proceedings; and

(iii) the work of the Judicial Recommendation Committee and the Hearing Officer selection panel, unless such records are expressly categorized as public information by court rule.

(C) Valuable formulae, designs, drawings, computer source code or object code, and research data created or obtained by the Bar.

(D) Information regarding the infrastructure, integrity, and security of computer and telecommunication networks, databases, and systems.

(E) Applications for licensure by the Bar and annual licensing forms and related records, including applications for license fee hardship waivers and any decision or determinations on the hardship waiver applications.

(F) Requests by members for ethics opinions to the extent that they contain information identifying the member or a party to the inquiry.

Information covered by exemptions will be redacted from the specific records sought. Statistical information not descriptive of any readily identifiable person or persons may be disclosed.

### (3) Persons Who Are Subjects of Records.

(A) Unless otherwise required or prohibited by law, the Bar has the option to give notice of any records request to any member or third party whose records would be included in the Bar's response.

(B) Any person who is named in a record, or to whom a record specifically pertains, may present information opposing the disclosure to the applicable decision maker.

(C) If the Bar decides to allow access to a requested record, a person who is named in that record, or to whom the records specifically pertains, has a right to initiate review or to participate as a party to any review initiated by a requester. The deadlines that apply to a requester apply as well to a person who is a subject of a record.

#### (e) Bar Records--Procedures for Access.

(1) General Procedures. The Bar Executive Director shall appoint a Bar staff member to serve as the public records officer to whom all records requests shall be submitted. Records requests must be in writing and delivered to the Bar public records officer, who shall respond to such requests within 30 days of receipt. The Washington State Bar Association must implement this rule and adopt and publish on its website the public records officer's work mailing address, telephone number, fax number, and e-mail address, and the procedures and fee schedules for accepting and responding to records requests by the effective date of this rule. The Bar shall acknowledge receipt of the request within 14 days of receipt, and shall communicate with the requester as necessary to clarify any ambiguities as to the records being requested. Records requests shall not be directed to other Bar staff or to volunteers serving on boards, committees, task forces, commissions, sections, councils, or divisions.

#### (2) Charging of Fees.

(A) A fee may not be charged to view Bar records.

(B) A fee may be charged for the photocopying or scanning of Bar records according to the fee schedule established by the Bar and published on its web site.

(C) A fee not to exceed \$30 per hour may be charged for research services required to fulfill a request taking longer than one hour. The fee shall be assessed from the second hour onward.

(f) Extraordinary Requests Limited by Resource Constraints. If a particular request is of a magnitude or burden on resources that the Bar cannot fully comply within 30 days due to constraints on time, resources, and personnel, the Bar shall communicate this information to the requester along with a good faith estimate of the time needed to complete the Bar's response. The Bar must attempt to reach agreement with the requester as to narrowing the request to a more manageable scope and as to a timeframe for the Bar's response, which may include a schedule of installment responses. If the Bar and requester are unable to reach agreement, the Bar shall respond to the extent practicable, clarify how and why the response differs from the request, and inform the requester that it has completed its response.

(g) Denials. Denials must be in writing and shall identify the applicable exemptions or other bases for denial as well as a written summary of the procedures under which the requesting party may seek further review.

#### (h) Review of Records Decisions.

(1) Internal Review. A person who objects to a record decision or other action by the Bar's public records officer may request review by the Bar's Executive Director.

(A) A record requester's petition for internal review must be submitted within 90 days of the Bar's public records officer's decision, on such form as the Bar shall designate and make available.



(B) The review proceeding is informal, summary, and on the record.

(C) The review proceeding shall be held within five working days. If that is not reasonably possible, then within five working days the review shall be scheduled for the earliest practical date.

(2) External Review. A person who objects to a records review decision by the Bar's Executive Director may request review by the Records Request Appeals Officer (RRAO) for the Bar.

(A) The requesting party's request for review of the Executive Director's decision must be deposited in the mail and postmarked or delivered to the Bar not later than 30 days after the issuance of the decision, and must be on such form as the Bar shall designate and make available.

(B) The review will be informal and summary, but in the sole discretion of the RRAO may include the submission of briefs no more than 20 pages long and of oral arguments no more than 15 minutes long.

(C) Decisions of the RRAO are final unless, within 30 days of the issuance of the decision, a request for discretionary review of the decision is filed with the Supreme Court. If review is granted, review is conducted by the Chief Justice of the Washington Supreme Court or his or her designee in accordance with procedures established by the Supreme Court. A designee of the Chief Justice shall be a current or former elected judge. The review proceeding shall be on the record, without additional briefing or argument unless such is ordered by the Chief Justice or his or her designee.

(D) The RRAO shall be appointed by the Board of Governors. The Bar may reimburse the RRAO for all necessary and reasonable expenses incurred in the completion of these duties, and may provide compensation for the time necessary for these reviews at a level established by the Board of Governors.

(i) Monetary Awards Not Allowed. Attorney fees, costs, civil penalties, or fines may not be awarded under this rule.

(j) Effective Date of Rule.

(1) This rule goes into effect on July 1, 2014, and applies to records that are created on or after that date.

(2) Public access to records that are created before that date are to be analyzed according to other court rules, applicable statutes, and the common law balancing test; the Public Records Act, chapter 42.56 RCW, does not apply to such Bar records, but it may be used for nonbinding guidance.

[Adopted effective July 1, 2014; amended effective September 1, 2017.]

---

See reverse side for WSBA Expense Policy summary. Please fill out completely and legibly. Reimbursement checks will be payable only to the person/entity incurring the expense, as documented by itemized receipts. **Signed expense reports must be submitted within 60 days of incurring the expense; for expenses incurred in August and September, all forms must be submitted within 30 days of the WSBA fiscal year end (September 30).**

**To expedite reimbursement, email one PDF of this form and itemized receipts to your staff liaison at wsba.org.**

**Otherwise, mail to: Washington State Bar Association, 1325 4th Avenue, Suite 600, Seattle, WA 98101-2539**

<input type="checkbox"/> <b>Employee</b>  <input type="checkbox"/> <b>Board</b> <input type="checkbox"/> <b>Committee</b> <input type="checkbox"/> <b>Council</b> <input type="checkbox"/> <b>Taskforce</b> <input type="checkbox"/> <b>Other:</b>	<input type="checkbox"/> <b>CLE</b> <input type="checkbox"/> <b>Section</b> <input type="checkbox"/> <b>Witness</b> <input type="checkbox"/> <b>Panel</b>	<p><b>Make check payable to (print):</b></p> <hr/> <p><b>Street Address, including City, State, Zip:</b> <input type="checkbox"/> Check if new address</p> <hr/> <table style="width: 100%;"> <tr> <td style="width: 60%;"><b>E-mail:</b></td> <td style="width: 20%;"><b>Bar #:</b></td> <td style="width: 20%;"><b>Phone:</b></td> </tr> </table> <hr/> <p>By my handwritten or typed signature below, I certify that: (1) these expenses comply with the WSBA Expense Policy; (2) I am the person or entity entitled to receive reimbursement for these expenses; and (3) these expenses have not been reimbursed by any other source.</p> <p><b>X:</b> _____ <b>Date:</b> _____</p>	<b>E-mail:</b>	<b>Bar #:</b>	<b>Phone:</b>
<b>E-mail:</b>	<b>Bar #:</b>	<b>Phone:</b>			

**Staff Liaison:**

**EXPENSE REIMBURSEMENT REQUEST *(Itemized receipts required. For handwritten forms use INK only.)***

<b>Expense Date:</b>							<b>Category Totals</b>
<b>Event Date:</b>							
<b>Event Name:</b>							
<b>Event Location:</b>							
<b>Transportation</b>	Auto Mileage Total (\$ 0.545/mi )	miles	miles	miles	miles	miles	
	Ground Transportation, Parking, Tolls						
	Airfare (coach/economy only)						
<b>Meals</b>	Breakfast (up to \$12)						
	Lunch (up to \$18)						
	Dinner (up to \$36)						
<b>Lodging</b> (up to \$175/night; \$200/night in Seattle; + tax)							
<b>Other Expenses</b> (itemize):							
<b>Totals</b>							

**EXPENSE AFFIDAVIT REQUIRED IF DETAILED RECEIPT IS MISSING**  
***(No more than \$75 may be reimbursed without itemized receipt)***

By my handwritten or typed signature below, I certify that I incurred the following cost(s) and that I am not seeking reimbursement for alcohol:

Name of Vendor:

Date of Purchase:

Item(s) Description:

Amount Paid: \$

Brief Description of why there is no itemized receipt:

Signature of Purchaser:

Date:

## SUMMARY OF WSBA EXPENSE POLICY

### **GENERAL PRINCIPLE**

WSBA depends upon and values the time and talent of its employees and volunteers. As a steward of member funds, WSBA asks for employees and volunteers to help save costs. ***WSBA will reimburse out-of-pocket expenses incurred in connection with WSBA business or meetings that are: (1) reasonable, (2) necessary, and (3) appropriately documented, as set forth in the WSBA Expense Policy. WSBA will not reimburse expenses that are reimbursed from another source; and will not reimburse expenses incurred by spouses, domestic partners or guests, except as otherwise provided by the WSBA Expense Policy.***

### **REIMBURSABLE EXPENSES**

In accordance with IRS requirements, any person seeking reimbursement from WSBA must submit a signed, dated WSBA Expense Report, supported by detailed receipts. In the absence of a detailed receipt, up to \$75 may be reimbursed by completing the Expense Affidavit Form located on the front page of this Expense Report.

**Meetings:** WSBA encourages virtual meetings whenever feasible to accomplish committee, task force, panel, council and section work. Reimbursement of travel expenses to board, committee, task force, council, panel, and section members residing out of state to attend their meetings is limited to the approximate cost of in-state travel.

**Transportation:** *If travel is necessary*, WSBA will reimburse the lesser of coach-economy air fare or auto mileage. If you drive, WSBA will not reimburse for lodging *en route*, and will only reimburse the lesser cost of coach-economy airfare. Reimbursement for out-of-state meeting travel is limited to the approximate cost of in-state travel (the cost of traveling from the nearest Washington border).

- 1. Auto Mileage** will be reimbursed at the IRS Standard Mileage Rate. *Carpooling is encouraged.*
- 2. Rental Cars/Other** may be used only when economical compared to other modes of local transportation or if local transportation is nonexistent. Rental charges should be net of any discounts and will be limited to the rental cost of compact or standard-size cars. Reimbursement for any other method of travel (e.g., train) will be reimbursed for the cost of the most economical method of travel.
- 3. Ground transportation, parking, tolls:** If travel is by air, please park and shuttle economically. WSBA will reimburse longer term airport parking at the lower of actual parking costs or an airport shuttle to/from your home.
- 4. Airfare:** WSBA will only reimburse coach/economy-class air fares. Please book well in advance to obtain lowest possible fares. WSBA reserves the right not to fully reimburse for fares booked less than two weeks in advance of travel. WSBA will not reimburse for use of frequent flyer coupons or air miles. *(Receipt must include name of passenger, credit card used for payment, confirmation that flight was paid in full, date of flight, and departure and destination locations. Credit card statements are not sufficient.)*

**Lodging:** *If an overnight stay is necessary* (contact your Staff Liaison in advance with any questions), WSBA will reimburse up to the amounts noted on the front page of this Expense Report. Ask your Staff Liaison about WSBA negotiated rates at area hotels. WSBA will not reimburse incidental charges such as entertainment, personal phone calls, etc. *(Reimbursement receipts must include name/location of hotel, guest name(s), date(s) of stay, and breakdown of charges for lodging, meals, telephones, and incidentals).*

**Meals:** WSBA will reimburse meal expenses (including gratuity), up to the amounts noted on the front page of this Expense Report. In the event of lost receipts, WSBA will reimburse the lower of these rates or the federal per diem rate for the location in which the meal expense was incurred (see [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem)). All-day travelers may reallocate per-meal allowances (e.g., spend more on lunch; less on dinner). Identify all individuals included in a meal reimbursement request.

**Note: Alcohol will not be reimbursed and must be segregated from meal expenses.**

**Other expenses:** WSBA will reimburse necessary out-of-pocket office expenses with receipts (actual copying charges up to 15 cents a page; faxes up to 25 cents a page, with a \$5 maximum). WSBA will not reimburse standard office services (e.g., voice mail, telephone connections), personnel costs or professional services.

FOR WSBA USE ONLY – DO NOT WRITE BELOW THIS LINE					
Submitted by:			Date:		
Approved by:		Date:	Rush approval:		Date:
ACCOUNT NAME	ACCOUNT #	DEPT.	JOB CODE	BAR #	AMOUNT
Date Rec'd in AP		Vendor #			Total: