

MANDATORY MALPRACTICE INSURANCE TASK FORCE

MEETING MINUTES

August 22, 2018

Members present, all by telephone, were Chair Hugh Spitzer, John Bachofner, Stan Bastian, Dan Bridges, Christy Carpenter, Gretchen Gale, Rob Karl, Evan McCauley, Brad Ogura, Suzanne Pierce, Brooke Pinkham, Todd Startzel, Stephanie Wilson, and Annie Yu. P.J. Grabicki, Lucy Isaki, Mark Johnson, and Kara Masters were not in attendance.

Also present by telephone were Doug Ende (WSBA Staff Liaison and Chief Disciplinary Counsel), Thea Jennings (Office of Disciplinary Counsel Disciplinary Program Administrator), Rachel Konkler (Office of Disciplinary Counsel Legal Administrative Assistant), Jean McElroy (WSBA Chief Regulatory Counsel), Chris Newbold (Executive Vice President of ALPS), and Sara Niegowski (WSBA Chief Communications and Outreach Officer).

The meeting was called to order at 1:00 p.m.

A. MINUTES

The minutes of the July 18, 2018 meeting were approved.

B. UPDATE ON INTERIM REPORT TO THE BOARD OF GOVERNORS

Chair Hugh Spitzer and Staff Liaison Doug Ende presented the Task Force's interim report to the Board of Governors at the Board's July meeting. Mr. Spitzer and Mr. Ende reported that the Board is focused on the issue and is aware of the Task Force's strong efforts to solicit member feedback.

C. DISCUSSION OF WORK PLAN FOR COMPLETION OF TASK FORCE REPORT

The Task Force has four more scheduled meetings before its final report to the Board of Governors is due in January 2019. The Task Force's current work plan is to decide the required malpractice insurance coverage levels to recommend, and to agree on a final list of recommended exemptions.

At its next meeting in September, the Task Force will split up into two committees for the first half of the meeting. One group will work on identifying the recommended levels of coverage, including potential issues surrounding gap coverage and tail coverage. The second group will work on finalizing the recommended exemptions to the proposed mandatory malpractice insurance rule, in addition to defining compliance procedures and any potential consequences of noncompliance. The two groups will then reconvene for the second half of the meeting to report out and discuss each group's recommendations.



With respect to the Task Force's timeline, a draft final report will be circulated for the Task Force's consideration by its November meeting. On or around that time, staff will prepare a draft rule for the Task Force's consideration.

D. COMMENTS SUBMITTED TO THE TASK FORCE

The Task Force continues to receive and review feedback from the WSBA membership. The majority of feedback relates to possible exemptions, including an exemption related to pro bono service. In an effort to better understand the concerns the Task Force has heard about pro bono work and how it may be impacted by mandatory malpractice insurance, staff will reach out to Washington pro bono organizations to explore if, and how, they provide insurance for attorneys who volunteer for them.

E. UPDATE ON NWLAWYER ARTICLES

Two articles based on the work of the Mandatory Malpractice Insurance Task Force are forthcoming in the August issue of *NWLawyer*. WSBA communications staff have also developed an informational brochure for distribution to bar leaders and at WSBA events, with the goals of keeping members up to date on the Task Force's work and to invite feedback. The window for members to submit their comments about mandatory malpractice insurance remains open.

F. ADJOURNMENT

The meeting adjourned at 1:45 p.m.