

**PRACTICE OF LAW BOARD  
STATE OF WASHINGTON**

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**MEETING MINUTES  
January 19, 2017**

The Practice of Law Board (PLB) met on January 19, 2017 at the Offices of the Washington State Bar Association. PLB members attending were: Hon. Paul Bastine, ret., Chair; Michele Carney; Professor Emeritus George Critchlow, Brooks Goode, Professor Robin Jacobson, Administrative Law Judge Dominique Jinhong, Amber Marie Rush; Gary Swearingen, Jennifer Unger and Doug Walsh. Sherry Mehr, Office of General Counsel Paralegal and Julie Shankland, WSBA Senior Assistant General Counsel also attended.

**MINUTES**

The Board approved the December 2016 minutes by consensus with one correction.

**PLB WORK GROUPS**

The Board re-organized the four work groups into two work groups: public education and new legal professional/modern practice. The Board decided that for future meetings, the work groups will meet from 9:30-12 noon and the full board will meet together for lunch and the afternoon session. The work groups met and reported their work plans to the full board.

Public Education Work Group Report

(Gary Swearingen, Chair, Michele Carney, Judge Dominique Jinhong, Sarah Sumadi, Jennifer Unger, and Doug Walsh)

The Public Education Work Group reported on its goals and action plan.

**GOALS**

1. Help people identify if they have a legal problem through a legal checkup, and
2. Direct them to the appropriate resources for their problem (pyramid)

**ACTION PLAN**

1. Develop content (broadly)
  - a. Research what others do
  - b. Inquire of stakeholder groups

2. Identify target groups by need
  - a Refine content by target
3. Identify fulfillment vehicles
4. Identify distribution channels

The work group clarified that if the final product is automated, the work group would look for a partner to do the technology pieces.

### New Legal Professional/Modern Practice Work Group Report

(Professor Robin Jacobson, Professor George Critchlow, Chair, Brooks Goode, Andre Lang, and Amber Rush)

New Legal Professional/Modern Practice Work Group reported on its goals and action plan.

#### GOALS

To explore the role the Board and the Bar may have in developing technology that provides needy people relevant legal information, interactive dispute resolution options, and automated document assembly. The idea is based on a concept paper developed by Professor George Critchlow. The paper is attached to the minutes.

#### ACTION PLAN

- 1) Continue the concept development in light of work group discussion. Consider defining fields of law, security concerns, exits, end points, or even some front end mock ups for examples.
- 2) Refine mission statement and connecting it to the public good. Define the problem or problems that this will address. Explain the relationship between this and other ongoing programs such as kiosks, court house facilitators, or mandated mediation.
- 3) Lay out possible models for development, funding and provision of such a service and what the board and the bar's role could or should be in that process..
- 4) Identify stakeholders and potential concerns. These should include lawyers, technological innovators, the bar, the courts, etc.
- 5) Research current efforts both in the state, at the bar or at other places that might have significance for or resonate with this project. Tech subcommittee of ATJ; Citizenship Works; Turbo Tax; Wills on Line etc.

## **LEGISLATIVE AND ENFORCEMENT UPDATE**

Doug Walsh began a discussion with the Board about whether the current statutes, court rules and case law limit the state's ability to protect the public from harm caused by the unauthorized practice of law. There are few criminal prosecutions for UPL under RCW 2.48 and the case of State v. Pacific Health Center has chilled UPL/CP actions except where the legislature has designated it a per se violation in the areas of immigration services and estate distribution documents. Since the Board refers non-frivolous complaints primarily to the AGO C.P. Division and prosecutors, a question arises as to whether the law is adequate to facilitate appropriate prosecution and deterrence of UPL. The Board will continue to consider whether additional legislative or court rule options are needed to adequately protect the public from harm caused by unauthorized practice of law.

## **ACCESS TO JUSTICE BOARD UPDATE**

Amber Rush and Frances Adewale provided an update on the ATJ Board's activities. Amber Rush encouraged all PLB members to learn about and participate in Legal Aid Lobby Day on February 16, 2017. The organizers can match people with legislators and available time slots. Ms. Rush also encouraged PLB members to learn about and attend the ATJ Board's presentation on February 17 following the Goldmark Award Luncheon. The presentation, The Road Ahead: Strategizing for Justice in a New Political Landscape, is a three-hour policy presentation and discussion focusing on immigration and healthcare and how to align strategies on these issues to best help our communities.

## **GR 25 CHANGES**

The Board continued to discuss proposed changes to GR 25. The Board will seek stakeholder input and present a rule proposal to the Board of Governors and to the Court.

## **ANNUAL REPORT**

The Board reviewed the report it will submit to the Court in March. Chair Bastine stated that he planned to discuss the report with the WSBA Board of Governors during his presentation later in January.

## **EXECUTIVE SESSION**

The Board entered Executive Session to consider two unauthorized practice of law complaints. The board voted to refer both complaints to enforcement agencies.

The Board ended Executive Session

The Meeting was adjourned.