

Administrative Law Section

of the Washington State Bar Association



Administrative Law Section Executive Committee Telephonic Meeting October 19, 2020

Executive Committee Members Present: Robert Krabill (Immediate Past Chair), Eileen Keiffer (Chair), Bill Pardee (Chair-Elect), Richelle Little (Secretary), Katy Hatfield (Treasurer), Marjorie Gray (2019-2022), Alexis Hartwell-Gobeske (2019-2022), Ed Pesik (2020-2021), Selina Kang (2020-2021), Sophie Geguchadze (2020-2021).

Also Present: Richard Potter.

Absent Executive Committee Members: Scott Boyce (2018-2021), Lea Anne Dickerson (2018-2021), Susan Pierini (2018-2021), Robert Rhodes (2020-2023).

Meeting called to order at 12:04 p.m.

1. Approval of Minutes (all)

A motion was made (Margie) and seconded (Bill) to approve the minutes from the September 21, 2020, meeting; the motion passed unanimously.

2. Approval of Agenda (all)

The agenda was proposed, as distributed by Eileen prior to the meeting. A motion was made and seconded to approve the agenda but to move committee reports to later in the meeting; the motion passed unanimously.

3. Financial update (Katy Hatfield)

Katy provided an update. We have received the most recent accounting (August) from WSBA. Because we cancelled the Alderbrook retreat, we only spent 43% of our budget last fiscal year. We have approximately \$22,000 available in our account going into the new fiscal year.

4. Vote on Potential New Executive Committee Members

4.1 A motion was made (Eileen) and seconded (Margie) to appoint Ed Pesik to the remaining At-Large Member vacancy on the Executive Committee. The motion passed unanimously.

4.2 A motion was made (Margie) and seconded (Katy) to approve Cameron Z as the Young Lawyer Liaison position. The motion passed unanimously. Eileen will contact WSBA to let them know that we would like to appoint Cameron.

5. Status Update on Sec. 5.4 Bylaw amendment (Richelle Little)

After discussion with WSBA and further evaluation of the need, a proposal to change bylaw Sec. 5.4 is not being brought at this time. Sec. 5.4 as currently written is consistent with WSBA bylaws, which define quorum as a majority of voting members.

6. Superior Court Recovery Task Force - Appellate Committee (Eileen)

There are two draft bills that the Task Force developed, which hopefully will be proposed during the next legislative session. The purpose of the changes is to relieve the backlog of administrative appeals in superior court. The APA amendment would allow certification to the appellate court if all parties agree, or if certain criteria are met. LUPA appeals would require all parties to consent.

7. Potential Support for EHULO's budget request re SB 5151 Compliance (Richard Potter)

Richard sent out information prior to the meeting regarding Environmental and Land Use Hearing Office (ELUHO) request for our support of its budget request write-up (attached to these minutes). Fulfillment of the request would allow ELUHO to comply with statutory requirements for public access and search capabilities.

Prior to commenting on any legislative matter, WSBA Legislative Policy requires that 75% of a section's Executive Committee determine that the matter meets GR 12, and that the comments are the opinion of at least 75% of the total membership of the Executive Committee. Seventy-five percent of the total membership of the Executive Committee was not present for the entire discussion of this topic today.

In discussion amongst those present, it was informally agreed that the members who were present supported a budget allocation sufficient for ELUHO to comply with statutory requirements, but that the section would not have an opinion about the specifics of the request. In addition, the Environmental and Land Use Section is also being asked to comment, and members wanted to coordinate with that section.

Richard will draft a statement for Executive Committee members to review. Richard will also contact the appropriate individuals to determine the timeline in which comments are needed, and to find out whether the Environmental and Land Use Section is taking a position. Richard will contact Eileen to request a special meeting if action by us is needed prior to the next meeting.

Note: Selina Kang had to leave at 12:30 and was not present for the remainder of the meeting.

8. Committee updates

8.1 Retreat Update (Marjorie Gray)

There was no update today. Contracts for in-person events are still on hold and we are unsure whether we will be able to hold a June event.

8.2 Legislative (Richard Potter)

Richard has been monitoring the committee hearings. He does not have anything to report at this time. Richard would welcome assistance with the Legislative Committee, so please contact him if you are interested in joining the committee.

8.3 Publications and Practice Manual (Selina Kang, Richelle Little, Robert Krabill)

Robert Krabill and Richelle Little provided an update. Lexis Nexis requested updates to chapters 8 and 10 of the Administrative Law Practice Manual. The committee was unable to reach the author of chapter 10 and learned that the author of chapter 8 is deceased. Due to the tight timeline to return an update to Lexis Nexis, Richelle and Selina reviewed Chapter 8 and provided limited updates to Lexis Nexis. A more wholistic update of chapter 8, as well as updates to chapter 10 and two additional chapters, is planned for this fiscal year in order to get us back on schedule with updates. The committee's next steps will be to find new authors for chapters 8 and 10, and to identify two additional chapters to update.

8.4 CLE (Bill Pardee, Eileen Keiffer, Robert Krabill, Susan Pierini, Lea Dickerson)

Bill provided an update. December's CLE speaker is confirmed. We have mini-CLE dates reserved in February and March and the committee is looking for speakers.

8.5 Diversity and Outreach (Alexis Hartwell-Gobeske / Robert Rhodes)

Alexis provided an update. Gonzaga and WSBA sections are hosting a remote networking event for current law students and alumni to meet with WSBA Section leaders this Thursday, October 22.

8.6 Homan Award (Lea Anne Dickerson)

Eileen will host Zoom happy hour after the December CLE in lieu of our usual award presentation, to celebrate Richard Potter receiving the award.

8.7 Newsletter (Ed Pesik)

Ed Pesik will be working on the next newsletter and welcomes submissions and input from everyone.

8.8 Elections (Robert Krabill, Lea Dickerson)

There were no updates today.

9. Good of the Order

9.1 Eileen asked whether the current standing meeting time (Monday at noon) was a good time for everyone. A few members commented that the time works well; no members in attendance objected to the time. She will reach out to the members who could not attend

to find out whether the time is a barrier, to ensure that we don't have ongoing issues establishing quorum.

10. Next Meeting

Next meeting is November 16, 2020 at 12:00 p.m.

The meeting adjourned at 12:54 p.m.

Attachments:

- Letter from Nina Carter regarding 2021 funding request for ELUHO Case Management System; C1 funding request form