

Administrative Law Section

of the Washington State Bar Association



Administrative Law Section Executive Committee Telephonic Meeting July 20, 2020

Executive Committee Members Present: Robert Krabill (Chair), Eileen Keiffer (Chair-Elect), Richelle Little (Secretary), Katy Hatfield (Treasurer), Scott Boyce (2018-2021), Lea Anne Dickerson (2018-2021), Alexis Hartwell-Gobeske (2019-2022), Bill Pardee (2019-2022).

Also Present: Spencer Bishin, Sophie Geguchadze, Bryn Peterson, Eleen Trang.

Absent Executive Committee Members: Jonathon Bashford (Immediate Past Chair), Michael Addams (Young Lawyer Liaison), Marjorie Gray (2019-2022), Bob Murphy (2017-2020), Susan Pierini (2018-2021), Robert Rhodes (2019-2020, 2020-2023), Chad Standifer (2017-2020).

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

1. Approval of Minutes (all)

A motion was made (Eileen) and seconded (Katy) to approve the minutes from the June 15, 2020, meeting; the motion passed unanimously.

2. Approval of Agenda (all)

The agenda was proposed, as distributed by Robert Krabill prior to the meeting. The agenda was amended to add an item to discuss a bylaw amendment. A motion was made and seconded to approve the agenda; the motion passed unanimously.

3. Financial update (Katy Hatfield)

Katy reported that we have submitted our proposed budget to WSBA for fiscal year 2021-2022 and we are waiting for WSBA approval.

4. Retreat Update (Marjorie Gray)

There were no updates today.

5. Committee updates

5.1 Legislative (Richard Potter)

There were no updates today.

5.2 Publications and Practice Manual (Robert Krabill)

Robert reported that we need to review the agreement with WSBA regarding the PRA Deskbook revenue sharing, and take action at the August meeting. (See attached) Robert also announced the need for a new permanent chair for this committee and encouraged our prospective new committee members to consider that role. Eileen noted that the PRA Deskbook was recently updated and will not need much, if any, work this year. The Administrative Law Deskbook has two chapters updated each year, and the primary role of the committee chair is to contact the authors and ask for their updates.

5.3 CLE (Eileen Keiffer, Robert Krabill, Susan Pierini, Lea Dickerson)

The Cougar Den CLE is scheduled for next week and will cover the intersection of Indian Law and Administrative Law, next week. The CLE will feature four speakers.

OAH/DFI mini-CLE is in development for a possible date in September. The topic will cover the types of DFI cases OAH adjudicates, how they go, what the process is like, and hopefully summaries of a few recent cases.

We will not have a CLE in August, due to scheduling difficulties. The PRA update CLE will be offered as a series of virtual mini-CLEs.

The committee will also continue to look at the pricing model and whether the member discount is encouraging sufficient member attendance. Based on the most recent virtual CLE with 45 participants, the pricing structure seems to be working for now.

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

Alexis provided an update. Several sections have committed to participating in the section recruitment event at Gonzaga Law School. Gonzaga is handling all of the logistics of planning the in-person event, and will be providing potential dates in the near future. Some sections will participate virtually. The mentorship program is on hold until next year.

5.5 Homan Award (Lea Anne Dickerson)

Richard Potter will be this year's recipient. We don't yet know when or how the award will be presented, but we would like to do it in conjunction with a CLE, so the two committees will work together on a proposal.

5.6 Newsletter (Bill Pardee)

Section member Ed Pesik is interested in possibly editing the newsletter for our next election year starting in October. Bill will prepare one more, and then work together with the next editor on one issue to help with continuity. Newsletter volunteers do not need to be a member of the section's Executive Committee.

5.7 Elections (Robert Krabill, Lea Dickerson)

We are not in an election season, but we have two open positions and we are interested in appointing section members to fill those positions. In attendance today are two potentially interested members, Spencer Bishin and Sophie Geguchadze. Sophie is particularly interested in helping with the section newsletter. They will confirm their interest after this

meeting, and we will discuss and vote on appointments at a future meeting when they are not present.

6. Bylaw Amendment

The proposed amendment to bylaw section 7.7 was tabled until the next meeting. The proposal is attached to these minutes.

7. Next Meeting

Next meeting is August 17, 2020 at 12:00 p.m.

The meeting adjourned at 1:02 p.m.

[Type text]



DRAFT

To: ~~Katy Hatfield~~Robert Krabill, Chair, WSBA Administrative Law Section

From: Margaret Morgan, Senior Legal Editor, WSBA Communications Department

Re: Revenue-sharing from sales of ~~2014~~ second edition of *Public Records Act Deskbook* and ~~2020 Supplement~~

Date: ~~Feb. 19, 2015~~May 29, 2020

Formatted: Centered

Formatted: Font: Not Italic

This memorandum summarizes the terms under which the Washington State Bar Association (WSBA) published the ~~supplement to the 2014~~ second edition of the *Public Records Act: Washington's Public Disclosure and Open Public Meetings Laws (PRA)* in ~~Nov. 2014~~March 2020 [~~second edition plus 2020 supplement hereinafter referred to as PRA~~] and will share revenues generated from sales of the PRA, in print format and via annual subscription to the online version, with the Administrative Law Section of the WSBA (ALS).

1. The copyright to the PRA ~~will be~~is registered in the name of the WSBA, which ~~will have~~has the exclusive right to publish, ~~translate, adapt,~~ and sell the PRA, in whole or in part, in all print and electronic forms (now or hereafter known).
2. Decisions made by the WSBA relating to publication of the PRA, such as editing, typesetting, printing, the number printed, binding and production, distribution in print or various electronic forms, as a whole or by the chapter, pricing, and advertising or other promotional activities shall be within the sole discretion of the WSBA. The WSBA shall use reasonable efforts to promote sales of the PRA.
3. The ALS shall be identified as a co-developer of the PRA with the WSBA. "WSBA Administrative Law Section" shall appear, together with "Washington State Bar Association," on the binder and the title page of the PRA as well as on print and online promotional materials prepared by the WSBA relative to the PRA. ~~The only exception will be the re-use of approximately 40 binders from the first edition of the PRA that do not have "WSBA Administrative Law Section" printed on them.~~

4. Commencing with sales of the print version of the PRA, the WSBA will transfer to the ALS, on a quarterly basis, an amount equal to 35 percent of net sales for the print version of the PRA, as shown on the accounts of the WSBA. ~~With the exception of discounted sales addressed in ¶¶ 6 and 8, at any point prior to the publication of a supplement to or new edition of the PRA that 35 percent of the net sale for a print copy of the PRA equals an amount less than \$25.00, the WSBA shall transfer to the ALS \$25.00 per sale of the print version of the PRA.~~

5. The PRA will also be available via annual subscription to an online version through Casemaker and Fastcase. ~~Annual subscriptions will be sold to (1) the PRA as an individual publication; (2) a “business law library” and a “litigation library” that include the PRA along with WSBA publications in those practice areas; and (3) an “all publications library” that includes the PRA along with all other WSBA publications available online.~~ Commencing with the release of the PRA online through Casemaker and Fastcase, the WSBA will transfer to the ALS, on a quarterly basis, \$~~18.28~~17.50 per new or renewal subscription to the PRA as an individual publication. ~~The WSBA shall collect sales data for two years from the release of the PRA online showing how many subscriptions to categories (2) and (3) above, which include the PRA, were sold. The WSBA and the ALS will review this collected data 21 months after the PRA is released online and revisit the feasibility of revenue sharing between the WSBA and the ALS in connection with sales of subscriptions to categories (2) and (3).~~

6. “Net sales” means actual revenue collected for sales of the print version of the PRA and for subscriptions to the online version of the PRA as an individual publication, as reported on the accounts of the WSBA, less returns, allowances, applicable discounts, and non-payments. “Net sales” does not include copies of the PRA given away for complimentary, promotional, or review purposes, or copies purchased at authors’ discount, ~~or subscriptions to the PRA included in the category (2) and (3) libraries of WSBA publications identified in ¶5.~~

7. ~~A complimentary print copy of the PRA shall be provided to each contributing author and editor. The cost of providing these complimentary print copies, which is the unit price to create each volume times the number of author and editor complimentary copies, shall be shared between the WSBA and the ALS on a 50/50 basis.~~ The WSBA will also offer each author and editor of the PRA the option of receiving a complimentary subscription to the online version of the PRA, available through Casemaker, in lieu of a print copy. There will be no cost-sharing between the WSBA and the ALS in connection with complimentary online subscriptions to PRA authors or editors.

8. From time to time the WSBA or the ALS may wish to offer the PRA for sale at a discounted price in order to promote the PRA at ALS-sponsored seminars or otherwise. In these situations, any amount discounted from the regular price of the PRA will come out of the Section’s

percentage share of net revenues. The WSBA will continue to receive from each discounted sale an amount equal to 65 percent of the net revenue from a sale at the regular price.

9. The WSBA will provide to the ALS Chair or other member of the ALS Executive Committee designated by the Chair quarterly statements of account stating net revenue derived from the sale of the print and online versions of the PRA for the previous quarter and the portion of those net revenues that has been transferred to the ALS account. If at any time the WSBA makes an overpayment to the ALS, the WSBA may deduct the amount of the overpayment from any payment that becomes due to the ALS thereafter.

10. The terms set out in this memorandum shall run from the date of publication of the ~~second edition of the 2020 supplement to the~~ PRA (~~Nov. 12~~ March 31, 2024) through the publication of the ~~first~~ next supplement to or new edition of the ~~second edition of the~~ PRA, ~~or two years from the release of the PRA online, whichever occurs sooner~~, at which point the terms under which the supplement or new edition is to be published will be summarized in a new memorandum.

7.7 If there is a vacancy on the executive committee between elections, the voting members of the executive committee, by majority vote, shall appoint ~~a successor to serve for the remainder of the unexpired term. When a~~ section member ~~is appointed~~ to fill ~~the a~~ vacancy ~~in an unexpired term, the member will do so~~ until the next annual election, when an individual will be elected to serve the remainder of the vacated term.