

WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, December 3: please submit by emailing to Sections Program Specialist Carolyn MacGregor carolynm@wsba.org.

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| Name of Entity: | Administrative Law Section |
| Chair or Co-Chairs: | Eileen Keiffer |
| Staff Liaison: <i>(include name, job title, and department if known)</i> | Eleen Trang, Sections Program Specialist & Carolyn MacGregor, Sections Program Specialist |
| Board of Governors Liaison: | Brett Purtzer |
| Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i> | |
| The purpose of the Administrative Law Section is to seek participation of all interested members of the Bar to benefit section members, their clients, and the general public by: Exchanging ideas and sharing knowledge in administrative law, including the Washington Administrative Procedure Act, Public Records Act, and Open Public Meetings Act, through CLEs, publications, meetings, and other means of communication; Initiating and implementing common projects; Improving and facilitating the administration of justice in administrative law through the review of pending legislation and regulations, the development of proposed statutes, and the promotion of uniformity in legislation and administration; and providing other services that may benefit section members, the legal profession, and the public. | |
| Strategy to Fulfill Purpose: | |
| The Section's Diversity Outreach Committee actively solicits and recruits individuals to join the Administrative Law Section through recruiting events; The Section's Nominating Committee actively | |

October 1, 2020 – September 30, 2021 (FY21)

solicits and recruits individuals to join the Section's Executive Committee when openings arise; the Section's CLE Committee routinely hosts and puts on Mini-CLEs concerning various topics in administrative law; the Section's Legislation Legislative Committee tracks pending legislation, writes articles on legislative activity and agency actions, and where appropriate gives feedback back to the WSBA Legislative Liaison on pending legislation of concern to the section; the Section's Newsletter Committee publishes a Newsletter that includes articles on administrative law, advertises events like the Section's Homan Award presentation and upcoming CLEs, and case updates; the Homan Award solicits and reviews nominations for the Homan Award and awards it to individuals who have shown a strong dedication and commitment to administrative law through their actions and accomplishments; and the Section's Publications and Practice Manual Committee ensures that the Section's Public Records Act Deskbook and Administrative Law Practice Manual are updated regularly and published.

How does the entity's purpose help further the mission of the WSBA "to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice"?

The exchange of ideas and sharing of knowledge via publications the Section produces (The Public Records Act (PRA) Deskbook & Administrative Law Practice Manual), the CLEs it sponsors and puts on, and the Newsletter it publishes with articles and case law summaries, and proposed legislation and agency actions and best practices it tracks, provide current knowledge on administrative law to the public and members of the Bar. In totality, this serves to better the practice of administrative law in this state through both knowledge and awareness, which aids members of the Bar in championing justice on behalf of their clients and general public.

2020-2021 Entity Accomplishments:

Held Regular Executive Committee Meetings on October 19, 2020; November 16, 2020; December 14, 2020; January 25, 2021; February 22, 2021; March 22, 2021; April 19, 2021; May 17, 2021; June 14, 2021; July 12, 2021; August 16, 2021; and September 13, 2021. And held a Special Executive Committee Meeting on August 27, 2021, to consider whether to authorize Section's Legislative Committee members to make comments on behalf of the Section with regards to the Board of Registration for Professional Engineers and Land Surveyors and other agency rulemakings involving public records indexing, and to obtain required permissions from WSBA (which they did). The Section awarded the Frank Homan award for 2020 and 2021 to two recipients, Richard Potter and John Gray respectively. The Section held a Zoom reception on December 14, 2021, for the 2020 recipient. The Section is planning an in-person reception at Mercato's in December 2021 for the 2021 Award recipient. During the 2021 legislative session, Richard Potter, the Section's Legislative Committee Chair, provided ongoing input on bills and legislation related to Public Records Act, Administrative Procedure Act, Open Public Meetings Act, the Office of Administrative Hearings, and other codes affecting administrative agency procedures, hearings, rulemakings, appeals, and judicial review. In total, he reviewed sixty (60) bills (not including companion bills) during the 2021 legislative session. He also attended WSBA legislative training, in conjunction with John Gray commented on the Board of Registration for Professional Engineers and Land Surveyors rulemaking on public records indexing and attended an online hearing regarding the same on September 16, 2021 (following running this by Sanjay Walvekar, WSBA's Legislative Affairs Manager, and getting his approval), and wrote an article entitled "Recap of 2021 Legislative Session," for the Section's Summer/Fall 2021 Newsletter (Volume 37, No. 2). The Section's Newsletter Committee published this newsletter, which included the aforementioned article, an article addressing the 2021 Homan Award recipient, advertisements for upcoming mini-CLEs, and case law summaries regarding administrative law. The Section hosted 7 Mini-CLEs, including 12/14/20 ("Retaining, Disclosing, Redacting & Requesting HIPAA Protected Healthcare Information under the Public Records Act (PRA)"; 2/25/21 "Paid Family Medical Leave"; 4/22/21 "Typography/Readability in Administrative Orders"; 6/21/21 "Open Public Meetings Act

(OPMA) Update and Effect of Pandemic on OPMA Issues”; 7/29/21 “Standard of Proof in Licensing Cases,” 8/26/21 “101 Cell Site Leasing for Municipal Attorneys & Small Cell Deployment in the 5G Area.” The Section also co-hosted 2/18/21 CLE put on by Office of Administrative Hearings (OAH) “Due Process & Administrative Hearings in a time of COVID.” In its June 14, 2021, executive committee meeting, the committee considered and approved the FY 2022 Budget for the Section. After the Section’s Treasurer Katy Hatfield responded to suggested edits to the Budget from the WSBA, the Board of Governors approved the budget in November 2021. The Section also convened a Nominations Committee which recruited and considered applications from applicants to join the Section’s Executive Committee for the upcoming fiscal and fill at-large and officer positions for FY 22, and successful elections for such positions were held and concluded on June 20, 2021.

Looking Ahead: 2021-2022 Top Goals & Priorities:

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| 1 | Produce mini-CLEs monthly or every other month (while in COVID restrictions, shifting back to in-person CLEs once we can gather again) |
| 2 | Update 2-4 chapters of the Administrative Law Practice Manual |
| 3 | Launch the mentoring program |
| 4 | Select Homan Award Recipient |
| 5 | Publish 3 Newsletters |

Please report how this entity is addressing diversity, equity, and inclusion:

How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?

The Administrative Law Section is involved in all areas of administrative law of interest to Washington lawyers, including Washington State administrative law, federal administrative law, tribal administrative law, and interstate compact administrative law. We recognize that most attorneys in Washington practice some type of administrative law, even if they never directly apply the Washington Administrative Procedure Act. The Section welcomes anyone as a member who has an interest in administrative law. Our members include: Assistant attorneys general; Public agency in-house attorneys; City attorneys (on private contract as well as municipal employees); County prosecutors; Private practitioners who represent clients subject to government regulation; Judicial officials; and Administrative Law Judges. The Section’s Executive Committee strives to recruit members and board members from historically underrepresented backgrounds, LGBT attorneys, young/new attorneys, and attorneys from all over the state. The Section’s Diversity and Outreach co-chairs have focused primarily on both creating awareness within the Section leadership about bias, equality and equity while developing a mentorship program that is designed to provide guidance and support to new and underrepresented attorneys as they begin their practice in administrative law. Instead of working directly with minority bar associations, we are focused on developing a Section that is inclusive and supportive of minorities in the practice area which we hope will foster a diverse population for the practice in the future. In addition, the Section tries to recruit attorneys for the Section Executive Committee and sub-committees who have been practicing for a broad range of years, including attorneys who are planning for retirement and attorneys who have just begun their careers. We encourage all board and committee members—including new attorneys—to serve in all

leadership positions, including as Section officers and Committee chairs. The Section's Young Lawyer Liaison is a voting member of the Section's Executive Committee, and past Young Lawyer Liaisons have gone on to other leadership roles, including President.

Please describe the relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support your entity.*

We regularly communicated with our Section liaisons, Eleen Trang and Carolyn MacGregor, who respond quickly and either have the information we need or can direct us to the person who can help. The WSBA staff liaisons routinely attended monthly Section meetings when invited. The liaisons are especially good with coordinating with the Section's graphic designer for its Newsletter and ensuring that WSBA legal counsel review content in draft Newsletters and ensure it is good to publish. The quality of service has been great. We also interacted with WSBA staff regarding legislation that pertains to administrative law.

SECTIONS ONLY: Please quantify your section's 2020-2021 member benefits:

For example:

- *\$3000 Scholarships, donations, grants awarded;*
- *4 mini-CLEs produced*

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| 1 | Newsletters/publications produced |
| 7 | Mini-CLEs produced |
| 0, due to COVID pandemic | Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA |
| 0, due to COVID pandemic | Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity |
| 1 Homan Award Reception via Zoom for recipient Richard Potter | Receptions/forums hosted or co-hosted |
| 1 Homan Award to 2020 recipient Richard Potter & 1 Homan Award Nomination and Vote for 2021 recipient John Gray | Recognitions/Awards given |
| 1 participated with Gonzaga University and other WSBA Sections by hosting a remote | New Lawyer Outreach events/benefits |

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| | networking event for current law students and alumni | |
| | 60 | Bills Tracked During the 2021 Legislative Session |

**Entity Detail & Demographics Report:
To Be Completed by WSBA Staff**

Size of Entity: Click or tap here to enter text.

**Membership Size:
(for Sections Only)**
(As of September 30, 2021) Click or tap here to enter text.

Number of Applicants for FY22
(October 1, 2021 – September 30, 2022) Click or tap here to enter text.

How many current volunteer position vacancies for this entity? Click or tap here to enter text.

**FY21 Revenue (\$):
For Sections Only:**
As of September 30, 2021 Click or tap here to enter text.

Direct Expenses:
As of September 30, 2021. For Sections, this does not include the Per-Member-Charge. Click or tap here to enter text.

Indirect Expenses: Click or tap here to enter text.

FY21 Demographics:
The WSBA promotes diversity, equality, and cultural competence in the courts, legal profession, and the bar, and is committed to ensuring that its committees, boards, and panels reflect the diversity of its membership.

Aside from the factors marked (*), demographic information was provided voluntarily and individuals had the option to not respond to any or all of the factors below.

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| Disability: | Yes: | No: | No Response: | |
| Ethnicity: | American Indian/Native American/Alaskan Native: | Asian: | Black/African-American/African Descent: | Hispanic/Latinx: |
| | Middle-Eastern Descent: | Multi-Racial/Biracial: | Pacific Islander/Native Hawaiian: | White/European Descent: |

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|----------------------------|-------------|--|---------------|--------------|
| | Not Listed: | No response: | | |
| Gender: | Female: | Male: | Non-Binary: | Transgender: |
| | Two-spirit: | Not Listed: | No Response: | |
| Geographic*: | District 1: | District 2: | District 3: | District 4: |
| | District 5: | District 6: | District 7S: | District 7N: |
| | District 8: | District 9: | District 10: | Other: |
| New/Young Lawyer*: | Yes: | No: | | |
| Sexual Orientation: | Asexual: | Gay, Lesbian, Bisexual, Pansexual, or Queer: | Heterosexual: | Two-spirit: |
| | Not Listed: | No Response: | | |

ⁱ The Access to Justice Board (not regulatory, but applicable to the distinction herein) and Regulatory Boards (Disciplinary Board, LLLT Board, Limited Practice Board, MCLE Board and Practice of Law Board) are not required by Bylaws or Court Rule submit an annual report to WSBA. However, as part of the administration of monitoring of Regulatory Boards, the Boards listed herein typically provide an annual report to the Court and WSBA should be provided this same report an annual basis.