

WASHINGTON STATE BAR ASSOCIATION  
SENIOR LAWYERS SECTION  
MINUTES OF THE EXECUTIVE COMMITTEE MEETING  
**February 21, 2017**

The meeting was called to order by Chair Carole Grayson. Present were Executive Committee members Al Armstrong, Don Haley, Brian Comstock, Dudley Panchot, Scott Osbourne, Eleanor Doermann, Ron Mattson, Ron Thompson, and Kevin Plachy of the WSBA. Not able to be present were Steve DeForest, Morrie Shore, BOG Liaison Jill Karmy, Julianne Unite, Steve Crossland, John Bergmann, Karen Klein, Tom Wampold, Jerry Jager and Jerome Scowcroft.

Scott provided fresh donuts for all present.

**APPROVAL OF MINUTES OF THE JANUARY 17, 2017 EXECUTIVE COMMITTEE MEETING.**

The Minutes of the January 17, 2017 Executive Committee meeting were approved by Motion.

**TREASURER'S REPORT**

Ron T. prepared and circulated the Treasurer's Report, with figures as of December 31, 2016. Ron reported 125 Section-member sign-ups as of the December 31 date, 79 of which occurred in the month of December. The 79 December sign-ups resulted in a net gain of \$400 (income of \$1,975 less the \$18.75 per-new-member charge totaling \$1,575). There were no expenses to report for December. Ron also indicated he received notice over the weekend of 112 new-member sign-ups for the month of January 2017, which would result in a net Section gain of \$700. Given that our Section's funds showed a loss of \$544.70 as of December 31, this \$700 net gain puts us \$155.30 in the black as of January 31, assuming no expenses for January.

Ron also mentioned that the discrepancy he noted at our last meeting, a 4-member difference between the WSBA's Section-member total and his own, to wit: Ron's count of 129 members as of December 31 and the Bar's total of 125 as of the same date. Ron brought the Bar-compiled sign up records to the meeting as back-up. The Bar's total for our membership stands at 237 by the Bar's count and 241 by Ron's count. Ron noted that this discrepancy needs to be addressed.

Ron's Report was approved by Motion.

**SENIOR LAWYERS SECTION'S YEAR-IN-REVIEW INFORMATION SHEET**

Carole distributed a Bar-prepared fact-sheet setting forth financial and demographic statistics about our Section. Entitled "Year in Review," it dealt with last fiscal year (October 1, 2015 to September 30, 2016). Carole wishes to have this sheet posted on

our Section website. Kevin noted that the sheet will be updated at the end of the year. Brian noted that the sheet did not set forth the percentage of seniors in the WSBA. Kevin indicated that 40% of the Bar is 55 years of age or older.

### **BRIAN COMSTOCK DESIGNATED AS SUCCEEDING CHAIR OF THE SENIOR LAWYERS SECTION**

Carole proposed that her successor as Chair of our Section be Executive Committee member Brian Comstock. Following Carole's reiteration of Brian's record of service to the Bar and to our Section, Brian was unanimously chosen as Carole's successor. Carole noted that Brian has previously acted as the BOG's Senior Lawyer Liaison prior to becoming a regular E.C. member several years ago. Brian noted that he was the eldest BOG member in BOG history, at least as of the time of his service. Brian agreed to serve under the strict condition that he would only serve in that capacity for one year.

Carole noted that she will not be able to attend the next E.C. meeting, and Brian was designated as the Chair Pro-Tem for the March meeting.

### **FURTHER DISCUSSION OF CLE-RELATED MATTERS**

Scott indicated that he would be glad to speak on a variety of subjects, suggesting such areas as: selling one's home, purchasing a condo and dealing HOA matters, in addition to issues relating to moving to a retirement home.

Carole's suggestion of our official CLE title was adopted: "Practice Transitions (Not just for Boomers!) or some variation of the same.

Kevin suggested that our CLE speaker Jean McElroy (the Bar's General Counsel) address issues of Bar demographics and Bar-status options for retiring lawyers. Kevin also indicated that Mark Bassingthwaite of ALPS, previously mentioned as a co-presenter with Ms. McElroy, would not be available as a speaker.

It was mentioned that CLE presenter Justice Wiggins should speak later in the day.

The question of whether or not to provide remote viewing of the CLE was discussed. Another option would be to just record the CLE for later viewing but without real-time viewing. Kevin noted that if we just want to record the CLE, the cost of recording would not be considered as a cost when the administrative fee is calculated.

There was some discussion about whether to have webcam accessibility at our CLE so attorneys could attend remotely. It was mentioned that if we only record the CLE for future use, (not providing remote viewing) we could save Marriott's \$600 fee that the hotel would charge for facilitating remote CLE attendance.

Regarding CLE tuition, Ron T. wanted to make sure that we have the non-members' tuition high enough so that they would be more inclined to take advantage of our policy of allowing people to join our Section at time of registration and pay the lower member's rate.

### **DISCUSSION OF THE JANUARY 26-27 BOG MEETING IN SPOKANE**

Dudley mentioned that he has sensed a "lot of fuss" within the Bar membership over the respective roles of the BOG, State Supreme Court and the Bar administration. This led into a discussion about the recent BOG conference in Spokane at the end of January. Executive Committee members Al and Carole attended the conference in person, and Eleanor attended by phone. Al gave his opinion about the BOG's decision not to allow a vote on the latest petition to limit annual Bar dues. Carole spoke about the BOG's discussions about LLLT issues and "aging of the Bar" concerns. Carole reported that the general theme of the observers' opinions during the Spokane conference was that LLLT's are not really needed.

Carole noted that, among the BOG Conference observers, there was much concern about the apparent widening of the LLLT concept to include such areas as guardianships and estates, and later to possibly include other areas as well on a gradual basis. Some of the comments offered to the BOG included concerns about the need for LLLTs at all, and about the inevitability of non-adversarial matters handled by LLLTs turning otherwise. Carole reported that there was some understanding on the part of some BOG members of the potential hazards of LLLT practice. Ron M. said he was curious about the planned expansion of the LLLT program.

At our meeting, there was general agreement with the opinions of Eleanor, Scott, Carole and others that the LLLT concept could present hazards for the public because, contrary to the assumptions of some, the duties of an LLLT call for more than just filling out forms. Scott noted that, as in the case of LPOs, there are crucial choices the practicing LLLT in a given matter would have to make. Scott wondered, with respect to the LLLT program, whether there was some agenda the Bar was pursuing. "Where are they going with this?" Ron T. voiced a concern that an LLLT is not required to have a supervising attorney. Eleanor said that in her elder law practice she does not hesitate to refer clients elsewhere in cases dealing with matters outside her field, and an LLLT might not have the competence to recognize the wisdom in this. Kevin stated that in a previous job he managed LPOs, who were not allowed to give legal advice, but LLLTs, he noted, are allowed to do just that. Carole recalled the time her late husband, previously a practicing attorney, had to argue a basic tenet of real estate law with an LPO. On the positive side, Scott recalled that it initially cost the Bar a quarter-million dollars to administer the LPO program, but, he noted, this project now makes money.

Discussion turned to the BOG meeting's addressing the issues relating to the older attorney. One of the matters dealt with was the choice of Bar status offered the retiring practitioner.—emeritus, inactive, resignation or continued active

membership in the WSBA. Carole noted that there are, at present, only about 100 attorneys who have elected emeritus status; Carole opined that if emeritus status is supposed to address the need to make legal services more affordable, the program couldn't be working with so few lawyers involved. It was noted at the BOG meeting that many lawyers, having chosen inactive status, come to regret it later. Ron M. related a story of an attorney who wanted his active status back, and had to take the bar again, passing it on the fourth attempt. Dudley suggested that perhaps we could ask General Counsel Jean McElroy give us an overview, at our CLE, of the choices of Bar membership that the older attorney faces. Carole recalled that retired Spokane County Superior Court Judge Paul Bastine opined at the BOG meeting that the Bar should have a program allowing an inactive attorney an amount of time to regain his active status without penalty should the attorney come to regret leaving the practice.

### **CLE SPONSOR REPORT**

Kevin confirmed that we have two CLE sponsors lined up, Emerald City Network and FindLaw. Several other sponsor possibilities were mentioned.

### **LIFE BEGINS**

Ron M. reported that the next issue of Life Begins will come out in April.

### **ADJOURNMENT**

The Chair adjourned the meeting at 12:15 pm.

The next meeting of the Executive Committee will be at 10:30am on March 21 at the Broadmoor Golf Club.