SENIOR LAWYERS SECTION
MINUTES OF THE EXECUTIVE COMMITTEE MEETING

May 17, 2023

This meeting was conducted via Zoom. The following Executive Committee members and WSBA personnel were present at this meeting: Interim Chair Jeanine Lutzenhiser, Eleanor Doermann, Carole Grayson, Al Armstrong, BOG Co-Liaisons Jordan Couch and Kevin Fay, Jenny Rydberg, Jim Riehl, Steve DeForest, Bill Cameron, Brian Comstock, Joe Gordon, WSBA Sections Program Specialist Carolyn MacGregor, and Rachel Matz, WSBA Education Programs Lead. Not able to be present were Young Lawyer Liaison Sabiha Ahmad, David Sprinkle and Morrie Shore.

CHAIR’S WELCOME

Interim Chair Jeanine put the attendees at ease by informing us that Steve did not get COVID, that having been the concern at the last meeting.

Also on a high note, we were again treated to views of now 3-week-old Ms. Ambrose in addition to 2-year-old Mr. Auden, Jeanine’s grandchildren. Ambrose has aged very well.

SECRETARY’S REPORT

Al’s April Meeting Minutes were approved by Motion. Al said he would insert the correct figure for the Section fund balance as it stood at the end of February. Also, the amount of unbudgeted funds to be requested for our newsletter expenses would be changed from the $1,000 set forth in the April Minutes to $2,000.

TREASURER’S REPORT AND OTHER BUDGET MATTERS

Joe indicated that our budget proposal for fiscal year 2023-2024 is due on July 3. He will be putting together a rough draft, which we can discuss at our June meeting as an agenda item. Joe related that our fund balance at the end of March was $15,237, and at the end of April totaled $14,301. “Our fund balance has decreased about $3,000 since the beginning of our current fiscal year, due mainly to our publication costs.”

If we are to increase our Section dues, any formal proposal to this effect would also be due on July 3. This is also something that can be discussed as an agenda item at our June meeting.

Jeanine thanked Joe for his help in drafting the memorandum to the WSBA Director of Finance regarding the use of unbudgeted funds for our publication costs.
OUR JULY CLE

Rachel affirmed that we are in “very good shape” with respect to our upcoming CLE event. With respect to food, she affirmed that the in-person attendees would not be charged for lunch; their fare would be included in the tuition. She reasoned that the remote attendees would not have to pay for the pricey downtown parking fees as would the in-person crowd, so this price structure would be fair. Richard Tizzano would be speaking on estate planning matters, Tony Hinson would be addressing tax planning issues, Dan Chrystal will talk about mental health /retirement, and Jean Marie Clavere will speak about the ethics of closing a law practice. Ethical challenges and other issues relating to retired attorneys serving on home owners association boards of directors and the like will be addressed by Seattle attorney Andrew Ackley.

Carole asked the E.C. members to forward to her (and Rachel) some suggested hypothetical ethical situations for Jean Marie Clavere to address, as well as what specific things the attendees may wish to learn from Mr. Ackley’s presentation. Jim opined that we should just have an informal 15-minute introduction, instead of an address by a Supreme Court justice, and the E.C. agreed.

Rachel wishes to open the registration early, even before the usual 6-week lead time as at most CLEs. Carole noted that our CLE has “grown to 4.0 credits.”

What shall we name our event, what’s to be our programs’ title? Several suggestions were put forth; Steve thought “Together Again!” would be appropriate. Jenny suggested “Senior Lawyers are Back: Transitions and More.” Other suggestions included Spice for the Seasoned Lawyer” or “Senior Lawyers’ Conference.” Carole asked that E.C. members send more ideas to her. Rachel said that we would need a title before registration opens. Brian remarked that our title should take note of the fact that during the course of the pandemic (since our last in-person CLE) many more attorneys have reached “senior lawyer status; our title should be aimed at drawing these new senior lawyers into our group and to our CLE.

BOG LIAISON REPORTS

Prior to our meeting, Jeanine circulated a memorandum from the BOG which set forth a proposal to supply all WSBA members with access to practice desk books as part of member benefits. Jordan stated that the next BOG meeting will formally hear this proposal as a first reading. He mentioned that he has received some feedback from a couple of sections; “people are really interested in this.” Kevin stated that this idea came from the BOG’s Long Range Strategic Planning Committee. He indicated that this benefit would come at a cost for our Bar: a $1 million up front payment, followed by $600,000 per year. This expense would most likely be passed on to the Bar membership, at the rate of $10-$15 per member. Kevin cautioned that initiating this desk book service, which would be provided by Fast Case (the successor to Case Maker), may in fact interfere with the
WSBA’s ability to continue providing the membership with free access to Fast Case’s legal research program. This would be because Fast Case may realize less income from this arrangement than they currently do selling access to individual desk books to attorneys, and the Bar is currently, or soon will be, negotiating with Fast Case relative to renewal of its standard case research service. It is generally felt that the free case research access would be more valuable to the membership than cost-free desk books. Jeanine asked what could the Bar furnish its members should we lose Fast Case legal research, and Jordan replied “nothing!” Jenny felt that many would object to having to pay additional bar dues for the full array of desk books, when in fact most practitioners would only use a relative few of them. Carole agreed. Kevin emphasized that this proposal is only before the BOG on a first reading, that plenty of additional discussion on this matter was a certainty. Jeanine said we could email Jordan or Kevin our thoughts on this proposal. Brian said we need to get all the information we can about this. Jeanine said we should know more about this matter by the time of our June meeting.

YOUNG LAWYER COMMITTEE LIAISON REPORT

Jeanine sent us a pre-meeting memorandum regarding a structured mentoring program. She asked three questions: Do you think such a program would be feasible for our section? Would you have any interest in being a mentor? And, What ideas do you have about this proposal? Steve was skeptical about what we may be able to do for any given “mentee.” Steve noted that we are senior lawyers, usually not, by this time, actively practicing law, so we may not be of much help to a young attorney with a specific practice question. He was also unsure of just how many pairings would be made. Jenny recalled that she participated in a lawyer/law student program, and that after the pairings were made, the students tended to “drop out of sight.” She opined that today, most young attorneys seek advice from personnel in their own firms. Kevin had another view—that young lawyers should be wary of asking advice from their bosses—that might show these supervisors that their young associates “don’t know what they are doing.” Jim felt that the place to start in all this is to somehow divine what young attorneys feel about a program like this. Carole said she has mentored in the past and would still be interested in doing so. Jeanine said she would attend the next Young Lawyers Committee meeting with Sabiha to see what interest there would be from their end. E.C. members who are interested in mentoring should email Jeanine.

PROPOSED MCLE FOR MENTAL HEALTH AND TECH SECURITY ETHICS REQUIREMENT

On May 15, the WSBA emailed the membership about a proposal by the Mandatory Continuing Legal Educational Board to amend APR 11 to require ethics CLE credits to be earned from four separate categories: general ethics, equity (defined as “subjects relating to equity, inclusion and the mitigation of both implicit and explicit bias in the legal profession and the practice of law”), technology security ethics, which would deal with the practitioner’s obligation to protect client confidentiality in this age of electronic data
storage and transmission, and mental health ethics, which would address topics such as substance abuse, depression, addictive behaviors, presumably on the part of the practitioner. By prior action of the MCLE Board and the BOG, one hour of equity credit within the three-year reporting period is already required.

Several E.C. members expressed irritation with these proposals. One E.C. member indicated that he had already objected to proposals such as this and had gotten nowhere. Another said “I don’t need Big Brother lording over me!” Another E.C. member complained that even though some points raised by the MCLE board may have some validity, the courses contemplated will teach as absolute truth many points of view that are in fact highly debatable. Someone else remarked that these efforts on the part of the MCLE Board may strike some Bar members as paternalistic, and then the question becomes “where will all this end?”

Kevin indicated that the WSBA has invited comments from the membership about these proposals, and he encouraged members to make their views known. The notice sent to all WSBA members provides a means for the individual practitioner to express opinions on these matters. These opinions can also be sent to Jordan or Kevin directly. Kevin also said that these proposals come not from the BOG but from the MCLE Board, which is not part of the WSBA, but is in fact created by Order of the Washington State Supreme Court as a separate entity.

UPCOMING ELECTIONS

Jeanine remarked that she has submitted our ballot to the WSBA. The voting begins on June 5, and closes on June 19. We still do not have a candidate for the Chair position for the coming fiscal year. Brian will be on the ballot for Chair position, term ending on September 30, 2023. Jeanine mentioned that Sabiha will be our Young Lawyer Committee Liaison at least through fiscal year 2024.

LIFE BEGINS

Jim stated that the deadline for submission for publication in our Fall issue is September 1. He remarked that he has already gotten commitments from several volunteer contributors to this edition.

ADJOURNMENT

Jeanine adjourned the meeting.

NEXT MEETING

Our next meeting will take place on a remote-attendance basis on June 21, 2023 at 10:30 am.