

WASHINGTON STATE B A R A S S O C I A T I O N

Board of Governors September Meeting Update

A summary of the Board of Governors meeting Sept. 26 and 27, 2019, in Seattle, Washington

The agenda, materials, and video recording from this Board of Governors meeting, as well as past meetings, are [online](#). The next regular meeting is Nov. 22-23 at WSBA in Seattle. The Board of Governors is WSBA's governing body charged with determining general policies of the bar and approving its annual budget.

Top Takeaways

1. **We remain better together and united.** The Washington Supreme Court acted on the work group's final report with a majority vote to: retain an integrated bar structure, make no fundamental changes to the six Court-appointed boards administered and funded by WSBA; request WSBA do a thorough *Keller* calculation for the Court's review; review and reexamine the recommendations from WSBA's 2014 Governance Task Force; and review and reexamine the composition of the WSBA Board of Governors, including the possibility of adding public members. [More information](#).
2. **WSBA FY20 budget and deep-dive audit.** The board approved next fiscal year's (October 1, 2019 to September 30, 2020) budget, which essentially maintains status-quo support for programs and services. (More information below.) Further, the board approved a more intensive outside audit for FY20 to create better transparency and understanding by the members, staff, and board.
3. **Free on-demand CLEs for members.** Rather than endorse a proposal for additional mandatory ethics CLE requirements recommended by the MCLE Board, the Board of Governors committed to annually producing and providing free CLEs to all of its members (online, offline, and on demand) in the three areas addressed by the MCLE's proposal: 1) inclusion and anti-bias, 2) mental health, addiction, and stress, and 3) technology education focusing on digital security.
4. Oh, what a night! If you weren't able to attend the **annual APEX Awards**, watch the [videos of our winners](#) to see excellence in the legal profession in action. We also honored WSBA's new, continuing, and outgoing officers and governors.

Meeting Recap

WSBA FY20 budget: The board approved WSBA's fiscal year 2020 budget. In light of potential structural change, Budget and Audit Committee members determined the FY20 budget would essentially maintain the status quo of programs, services, and operations, with a few planned areas of budget increases (for the executive director search, enhanced support for a lawyer training

program, and the rising cost of insurance, for example). License fees for active members licensed before 2018 are set at \$458 for lawyers and \$200 for Limited Practice Officers and Limited License Legal Technicians. The final budget and related materials are [posted online](#). As part of the budget process, the board:

- Approved the 2020 *Keller* deduction (\$1.55 for lawyers admitted to the bar before 2018).
- Approved a more detailed outside audit for FY20. Budget and Audit Committee members have expressed a [high degree of confidence in WSBA's financial integrity](#) following decades of clean audits; by initiating a more intensive audit in the next fiscal year, they also hope to establish a baseline of data to support the organization's financial planning going forward.
- Discussed the budget process for next year, which will include a thorough look at each cost center and consideration of appropriate use of reserve spending.

Proposed change in MCLE ethics requirements. The MCLE Board brought before the Board of Governors for discussion an amendment to Admission and Practice Rule (APR) 11; the amendment would require specific topics for three of the six mandated ethics credits per reporting cycle for legal professionals (legal professionals can earn more than the six mandated credits, which can apply to their MCLE requirements). Those topics are inclusion and anti-bias, mental health and addiction, and technology security. The WSBA Board of Governors had a robust conversation, and ultimately decided that, in lieu of endorsing the MCLE Board's proposal of additional required topics, WSBA will commit to provide members three credit hours of free CLE offerings covering each of the ethics topics in question annually (in both live and on-demand formats). The MCLE Board will now consider whether to move ahead in recommending the amendment to the Court. [More information](#).

Improved governor communications. To better enable the Board of Governors to communicate directly with the members and give their perspectives on matters before the board, they approved using list serves (which members can opt in and out of) to communicate directly with members in their district or their associated stakeholders. The Communications Department will now work with governors to sort out the specific details in the months ahead.

Washington State Bar Foundation annual meeting. Foundation President Kristina Larry reported that trustees have been hard at work to increase fundraising efforts, and the result is a \$260,000 gift to WSBA for FY2020 (with the likelihood to increase that gift during the fiscal year). This will support WSBA's public service and diversity/inclusion programs. In addition to the continuing roster, the Board of Governors appointed several new Foundation Board of Trustees: Gloria Ochoa-Bruck, Brent Williams-Ruth, and Maya Manus.

Recommendations from the Court Rules and Procedures Committee. The board approved recommended amendments for submission to the Washington Supreme Court: to Superior Court Mandatory Arbitration Rules (MAR) 7.2; to Superior Court Criminal Rules (CrR) 8.2; and to Criminal

Rules for Courts of Limited Jurisdiction (CrRLJ) 8.2. ([The full amendments are in the board materials starting on page 170](#)). This committee follows the Court's GR 9(i) review cycle to bring rules up to date with current law.

Attorney access to detained clients. The Pro Bono and Public Service Committee asked the Board of Governors to support their efforts to advocate for changes to some administrative procedures at the Northwest Detention Center in Tacoma to allow lawyers to better access detained clients. As approved by the board, the WSBA President will now sign and send a letter outlining legal concerns to elected officials and enforcement officers involved with the detention center. ([Read the full letter on starting on page 210.](#))

Civil Litigation Rules Revision Work Group. The Board of Governors approved the charter for a new work group that will use stakeholder feedback to evaluate and revise (as necessary) the draft rules proposed by the Civil Litigation Drafting Task Force last year. Those revised rules will come back to the board at a future meeting for a potential recommendation to send to the Court for consideration. ([See page 495 for the full charter.](#))

Defender Resource Packet. The Council on Public Defense's Pretrial Reform Committee asked the board to approve its *Defender Resource Packet: Defender Advocacy for Pretrial Release* for broad distribution to public defenders. This is a tool sharing best practices for public defenders to use when representing a client during an initial appearance and detention hearings. The packet will be on the agenda for action in November. ([More information starting on page 448.](#))

Annual conversation with the deans of Washington state law schools. Dean Mario Barnes from University of Washington School of Law, Dean Annette Clark from Seattle University School of Law, and Dean Jacob Rooksby from Gonzaga University School of Law talked about how the bar can best engage aspiring lawyers, their efforts around expanding students from diverse backgrounds, and enrollment trends.

Update from the Washington Young Lawyers Committee (WYLC). WYLC representatives spoke about areas of focus for the coming year, including steps to reduce law-school student debt, ways to attract new lawyers to rural communities, expansion of diversity among WYLC members, and support for new lawyers interested in innovation, technology, and alternative approaches to the practice of law. President Majumdar requested that WYLC use their dynamic talents to generate innovative ideas to present to the Board of Governors, including any ideas on how to tackle the law student debt crisis.

Character and Fitness process. Tarra Simmons, Civil Survival Project Director at the Public Defender Association, spoke about [her experience going through the Character and Fitness process](#) to sit for the lawyer bar exam.

A magazine by any other name? Governors are considering changing *NWLawyer's* name back to Washington State Bar News. Please [tell us your thoughts](#), if you haven't already.

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