

WASHINGTON STATE BAR ASSOCIATION

Board of Governors September 2022 Meeting Update

A summary prepared by the WSBA of the Board of Governors (Board) meeting held Sept. 22-23 in Bellevue. The agenda, materials, and video recording from this Board meeting are [online](#). The next regular meeting is Nov. 4-5 in Bellingham. The Board of Governors is WSBA's governing body charged with determining general policies of the WSBA and approving its annual budget. To subscribe to the Board Meeting Notification list, email barleaders@wsba.org.

NEED TO KNOW

- 1. Bar Structure.** The Board [approved the final report](#) to conclude its seven-month study of the WSBA's structure, assessing whether the structure *must* change due to pending case law or *should* change to best meet the bar's mission. The report reflects the Board's recommendation to keep the structure status quo as an integrated bar; it will go to the Washington Supreme Court next month. Read the full report—which includes a minority report as an addendum—and learn more about the study process.
- 2. Bar Leaders and Superstars.** The WSBA transitioned bar leadership to enter the new fiscal year in October: Welcome President Daniel D. Clark, President-Elect Hunter Abell, Immediate-Past President Brian Tollefson, and Treasurer Francis Adewale. The entire legal community also honored WSBA's 2022 APEX Winners (*wow!*); if you missed the awards show, [watch it now in to be inspired!](#) See below for the full roster of incoming and outgoing WSBA Governors, and look for their more complete bios in the October issue of *Bar News*.
- 3. WSBA Finances.** The Board approved the Fiscal Year 2023 budget and Keller deduction and recommended the 2024 license fee to remain steady for all members, with a \$5 reduction for the Client Protection Fund assessment. The license fee recommendations will now go to the Supreme Court for consideration and potential adoption. See below for more information.

OTHER BUSINESS

In Honor of Two Past WSBA Presidents. The Board held a moment of silence to remember and honor two WSBA past presidents—and remarkable practitioners and friends—who recently passed.

- **William D. Hyslop** served as WSBA President from 2015-16; of his many distinctions, here are two: he is the only person to serve two separate terms as the United States Attorney for the Eastern District of Washington, both in 1991 and in 2019; and he holds the title as the WSBA's longest-serving Immediate-Past President, from 2016-18. [Here is more information about Mr. Hyslop's legacy and memorial, scheduled for Oct. 8 in Spokane.](#)

- **Jan Eric Peterson** served as WSBA President from 2000-01, using the mantra “Proud to Be a Lawyer” to unite colleagues and call on them to champion justice. He was a skilled trial lawyer and celebrated leader in his practice area. [Here is more information about Mr. Peterson’s legacy.](#)

Much Thanks to Outgoing WSBA Officers and Governors! To mark the transition to the new fiscal year in October, the Board honored and thanked outgoing WSBA Officers and Governors for their dedicated service: Immediate-Past President Kyle D. Sciuchetti (FY21 President), District 2 Governor Carla J. Higginson, District 4 Governor Dan Clark (incoming President), District 8 Governor Brent Williams-Ruth (incoming At-Large Governor), District 9 Governor and outgoing Treasurer Bryn Peterson, District 10 Governor Thomas A. McBride, and At-Large Governor Hunter Abell (now President-Elect).

Welcome to Incoming WSBA Governors! To mark the transition to the new fiscal year in October, Chief Justice Steven González swore in the incoming WSBA Governors: District 2 Governor Kari Petrasek, District 4 Governor Mary Rathbone, District 8 Governor Erik Kaeding, District 9 Governor Kevin Fay, District 10 Governor Nam Nguyen, and At-Large Governor Brent Williams-Ruth (outgoing District 8 Governor). Please congratulate each of these new Governors for their service to our state bar!

WSBA Finances. In preparation for the coming fiscal year, the Board approved:

- The recommended license fees for 2024, which will now go to the Washington Supreme Court for review; the recommended fees are steady for all license types, with a recommended \$5 reduction in the Client Protection Fund assessment. ([See page 14.](#))
- The fiscal year 2023 budget. The forecast for revenue is almost static, as license fees will remain steady for the coming year; that, in combination with the rising market costs of labor, benefits, and other supplies/utilities, means the FY23 budget has a planned spenddown of available unrestricted reserves of about \$500,000. Note: current reserves total more than \$7 million, with \$3 million designated by fiscal policy for operating and facilities reserves. ([See page 115.](#))
- The 2023 Keller deduction, set at \$6.90. This is the amount members can choose to deduct from their annual license fee; the deduction reflects activities that members could perceive as political or ideological. ([See page 103.](#))
- Revisions to the WSBA Fiscal Policies, which include modifying the authority of the executive director and Budget and Audit Committee for unbudgeted expenditures; clarification about salary-setting authority; increasing the minimum balance of the operating reserve fund; and incorporating a new standard into volunteer reimbursement requests. ([See page 205.](#))

Proposed Change to the Review Process for Rule Changes. The Board agreed to co-sponsor—along with the District and Municipal Court Judges’ Association (DMCJA) and Superior Court Judges’ Association (SCJA)—suggested changes to [General Rule 9\(f\)\(2\)](#) that seek to ensure stakeholders have an opportunity to review and suggest edits before rules are published for comment, as well as to make the process more transparent. Among other innovations, the suggested amendment would modify the composition of the Supreme Court Rules Committee, codified in GR 9, with representation from DMCJA, SCJA, the Washington State Court of Appeals, and the WSBA, alongside four Washington Supreme Court Justices. The suggested amendment will go to the Court for consideration and possible publication for comment. ([See page 382.](#))

WSBA Volunteer Vaccination Policy. The Board heard from an expert from Seattle/King County Public Health about the current state of the pandemic, efficacy of COVID-19 vaccines, and best

practices for preventing transmission. The Board will consider whether to make changes to its [current vaccination policy for volunteers](#) at its November meeting.

Amendments to Rules to Reflect Current Technology and Legal Licenses. The Board approved suggested rule amendments, proposed by the WSBA Regulatory Services Department, to go to the Washington Supreme Court for approval. The changes would be to certain Admission and Practice Rules (APR), General Rules (GR), and Limited Practice Officer Rules of Professional Conduct (LPORPC); they would bring these rules up to date with recent technology implementations and legal education degrees and fix simple oversights in previous amendments. The changes include allowing judicial members on the Board of Bar Examiners and Law Clerk Board; clarifying that a law degree is required for Common Law lawyer qualification to the bar exam; and permitting LLM graduates who qualify for the bar exam and APR 6 law clerk at the conclusion of their education to be Licensed Legal Interns. ([See page 418.](#))

The Board also:

- Held a CLE about steps the WSBA and bar leaders can take to overcome the roots of systemic racism, with the intent of becoming a more welcoming profession; the presenters were Judge David Keenan and Commissioner Jonathan Lack. ([See the presentation.](#))
- Held its annual conversation with the deans of Washington's three law schools about the state of legal education, trends in bar licensure and admissions, and the future of the profession. This year, the Board was happy to reconnect with Dean Jacob H. Rooksby of Gonzaga Law School and to welcome Tamara F. Lawson as new dean of the University of Washington School of Law and Anthony E. Varona as new dean of Seattle University School of Law.
- Approved the Washington State Bar Foundation's 2022-23 Board of Trustees roster. ([See page 416.](#))
- Heard an update about the rental market in downtown Seattle from the brokers helping the [WSBA sublease some of its current office space.](#)
- Discussed the performance-review process for the WSBA Executive Director.
- Heard an annual report from the WSBA Continuing Legal Education Committee. ([See page 399.](#))
- Heard from the WSBA ABA Delegates about the ABA Annual Meeting held in August in Chicago.
- Declined to support amendments to APR 28, proposed by the Limited License Legal Technician (LLLT) Board, that would update the rules to reflect the Washington Supreme Court's decision to sunset the LLLT license and to reflect changes in Washington laws. The LLLT Board will now decide whether and in what form to send the proposed amendments to the Court for consideration. ([See page 406.](#))