

**WASHINGTON STATE
BAR ASSOCIATION**



**Examining the Historical Organization
and Structure of the WSBA
(ETHOS of the WSBA)**

Saturday, March 5, 2022, 9:00 a.m. – 4:00 p.m.
1325 Fourth Avenue, Suite 600
Seattle, Washington 98101-2539

Zoom:<https://wsba.zoom.us/j/86341154271?pwd=cEJMc2RNVmdpL1kwZzN6N2VNUE1vQT09>

Reading Materials:

- ETHOS Charter (attached, p. 3)
- February 5, 2022 ETHOS Meeting Minutes (attached, p. 4)
- Bibliography of Cases, Revised (attached, p. 11)
- WSBA Sections & CLE Funds Overview, Slides (revised in late materials, p. 3)
- WSBA Sections History & Activities, Slides (revised in late materials, p. 17)
- **NEW** Administration of Supreme Court Boards Memo, February 26, 2021 (late materials, p. 22)
- [GR 12.3](#)
- [WSBA Entities Chart](#)

AGENDA

9:00 AM	Welcome and Approval of Feb. 5, 2022 ETHOS Meeting Minutes	Pres. Brian Tollefson
9:10AM	How is the WSBA Funded?	Chief Regulatory Counsel Renata Garcia Director Advancement Kevin Plachy
10:00AM	BREAK	
10:15AM	Understanding WSBA's Regulatory Functions	Chief Regulatory Counsel Renata Garcia
11:00AM	History and Activities of WSBA Sections	Director of Advancement Kevin Plachy

Examining the Historical Organization and Structure of the WSBA (ETHOS of the WSBA) – Agenda for March 5, 2022

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11:20AM	Relationship Between WSBA and Sections	Nancy Hawkins, Family Law Section Kari Petrasek, Solo and Small Practice Section Kevin Fay, Corporate Counsel Section Randall Winn, World Peace Through Law Section
12:00PM	LUNCH	
1:00PM	Understanding Supreme Court Boards Administered by WSBA	Executive Director Terra Nevitt
1:20PM	Relationship Between WSBA and Supreme Court Boards	Todd Alberstone, MCLE Board Michael Cherry, Practice of Law Board Emily Rose Mowrey, Law Clerk Program Board Jennifer Taylor, Character and Fitness Board
2:00PM	Keller Deduction/What is Germane?	General Counsel Julie Shankland
2:00PM	Comments from the Membership and Public	
2:45PM	BREAK	
3:00PM	Board of Governors Questions, Comments and Discussion	
3:45PM	Future Agenda Items and Action Item Review	President Brian Tollefson
4:00PM	Adjourn	President Brian Tollefson

Next scheduled meeting: March 25, 2022, 9:00 a.m. – 4:00 p.m.

WSBA SECTIONS AND CLE FUNDS OVERVIEW

Kevin Plachy

WSBA Advancement Department
Director

March 5, 2022

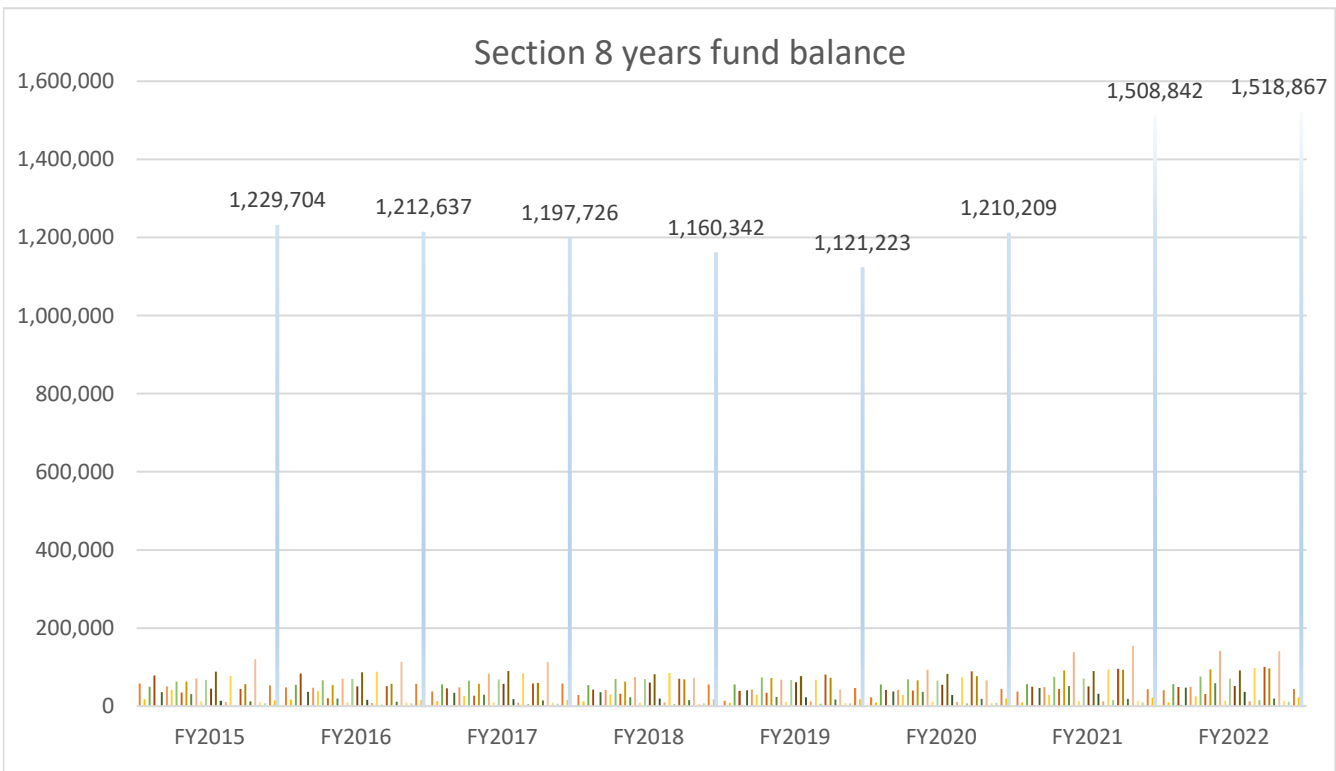


WSBA SECTION FUND OVERVIEW

- The Sections Fund Comprises the Reserve Balances of all 29 WSBA Sections
- The First WSBA Section was formed in 1973
- The Last WSBA Section to be formed was in 2017
- The Sections Pay a Per Member Charge (PMC) to WSBA which covers most of the Direct and Indirect Costs for WSBA Support
- At the End of FY21 there were 16,019 Section Members
- At the End of FY21 there were 369 Section Leaders Serving on Section Executive Committees
- The Section Fund Will Cover \$70,821.00 of WSBA Overhead in FY22

Accounts	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022
Fund Balance History								Thru 12/21
Admin Law	58,298	48,045	37,321	28,471	13,396	22,577	37,858	40,597
Animal Law	18,185	17,063	12,809	12,070	9,120	9,341	9,897	10,046
Antitr, CP, UBP	49,917	55,026	55,150	54,315	55,517	55,191	56,100	56,440
Business Law	78,558	83,675	45,802	42,483	39,256	41,875	49,752	48,749
Cannabis Law	-	-	-	296	1,994	2,647	3,114	3,244
Construction	35,920	37,061	33,849	36,237	40,655	37,157	46,408	47,360
Corporate Law	50,373	47,231	48,424	41,778	42,316	41,854	49,061	49,580
Creditor/Debtor	41,935	38,598	26,247	29,003	29,140	28,776	28,847	25,011
Criminal Law	63,270	66,341	65,126	69,846	73,709	68,890	74,884	76,076
Dispute Resol	34,888	20,475	27,105	31,546	34,065	39,998	43,834	30,761
Elder Law	63,209	53,566	57,505	62,623	71,813	66,537	91,310	93,788
Envir Land Use	30,907	19,164	29,296	23,050	23,220	36,914	51,702	58,879
Family Law	70,818	70,160	83,363	74,450	68,238	93,033	138,085	141,637
Civil Right Sect	12,049	10,071	9,334	9,129	11,239	11,093	12,989	13,529
Health Law	67,227	69,255	69,016	69,756	66,910	65,365	70,738	70,533
Indian Law	44,867	50,698	57,240	60,834	61,365	54,472	50,295	51,306
Intellect Propery	88,483	86,818	89,593	82,060	76,470	82,450	89,974	91,466
Int'l Practice	13,697	16,252	17,474	19,723	22,784	28,199	31,421	36,475
Juvenile Law SE	10,571	8,362	8,471	9,331	11,804	10,306	12,024	12,152
Labor & Employ	76,694	88,149	83,857	85,042	68,183	74,054	94,331	97,300
Low Bono	2,462	4,052	5,268	5,943	6,515	7,097	15,522	15,312
Solo Small Prac	44,073	51,094	57,985	70,575	81,152	89,027	95,353	100,693
Litigation	56,037	56,859	59,704	68,349	72,454	77,214	93,297	96,506

Legal Services AF	12,207	11,579	14,777	15,400	17,057	18,274	18,806	19,343
Real Prop, Prob, Tst	120,154	113,962	113,971	72,826	42,573	66,301	154,641	141,069
Senior Lawyers	9,907	9,357	8,598	5,962	8,348	9,195	13,475	13,940
LGBTQ	7,336	6,936	6,593	6,882	7,581	8,784	9,893	11,114
Taxation Law	52,816	57,160	57,795	55,299	46,590	44,052	43,616	43,916
World Peace Through La	14,845	15,627	16,053	17,065	17,761	19,535	21,618	22,043
Total	1,229,704	1,212,637	1,197,726	1,160,342	1,121,223	1,210,209	1,508,842	1,518,867



Accounts	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022
SECTION REVENUE - FIVE YEAR HISTORY						(Budgeted)
40500 Interest - Investments	10,722	19,838	26,693	11,142	422	910
40800 Publications Revenue	5,390	5,316	3,832	6,380	5,375	4,000
41200 Scholarship Revenue	825	-	-	-		
41450 Sponsorships	-	1,000	-	-		
41500 Annual or Other Meeting Rev	3,540	5,340	1,515	-		2,000
41700 Conferences & Institutes	6,438	3,460	6,297	-		8,000
41800 Seminar Registrations	-	-	-	1,410		
41805 Mini-CLE Revenue	22,283	38,996	33,779	24,618	41,607	36,070
41825 Seminar Revenue-Other	10,057	1,376	-	-		
41850 Seminar Splits w/CLE	89,581	59,597	5,284	71,693	114,811	101,660
41855 CLE Section Splits Projections						
41875 Seminar Splits w/Others	17,160	18,193	23,693	6,627	10,276	8,000
Total Section other revenue	165,996	153,116	101,093	121,870	172,492	160,640
Section Dues revenue	494,682	465,049	447,289	440,688	333,786	439,178
Total	660,677	618,165	548,382	562,558	506,277	599,818
Per Member Charge Total	325,538	305,719	294,638	290,119	213,088	287,423
Actual Per Member Charge (per member)	20.58	20.92	22.44	23.48	18.18	18.92
Applied Per Member Charge (per member)	18.75	18.75	18.75	18.75	18.18	18.75
Difference Between Actual and Applied	1.83	2.17	3.69	4.73	0.00	0.17
Total Difference	31,320	35,382	58,036	71,305	0	2,601
Membership Number	17115	16305	15728	15075	14957	15300

WASHINGTON STATE BAR ASSOCIATION

To: Section Chairs, Chair-Elects, and Treasurers

From: Kevin Plachy, Director of Advancement, Julianne Unite, Member Services and Engagement Manager,
Carolyn MacGregor, Sections Program Coordinator

Re: FY 2022 Section Per-Member Charge

Date: May 5, 2021

The Section Per-Member Charge is calculated as part of the WSBA annual budget process. It is based on the first draft of the budget for costs of the administrative support to WSBA Section leaders and executive committees for the upcoming fiscal year as reflected in the Sections Administration cost center. These costs include: (1) salaries and benefits, (2) overhead, and (3) direct expenses.

The Budget and Audit Committee of the Board of Governors reviewed the PMC charge calculation on May 5, 2021. The committee unanimously agreed not to increase the Per-Member Charge above the historical maximum of \$18.75. The FY2022 PMC will be \$18.75.

FY2022 PER-MEMBER CHARGE CALCULATION

1. SALARIES AND BENEFITS

The PMC includes the salaries and benefits of employees that directly support WSBA Sections: two-and-a-half full-time equivalent (FTE) Sections Team staff and a portion of an FTE in Finance and Administration for processing section financial transactions such as expense reports, invoice payments, and donations. *The PMC does not include any staff salaries or benefits for Mini-CLEs, sections' half-day, full-day, and multi-day CLEs, section membership dues processing, or any other work performed by WSBA employees in support of Sections.* Benefits are calculated as a percentage of total salaries. The percentage is derived from the WSBA's total salaries and benefits budget for the fiscal year. Items included in employee benefits are employer state and federal taxes and insurance, medical coverage, retirement plan contributions, employee bus passes, and employee service awards and assistance plan.

Direct Employee Support	Full Time Equivalent (FTE)
• Sections Administration Employees	2.5
• Administrative Employee Time ¹	0.08
Total FTE	2.58
• Salaries for 2.58 FTEs	\$161,848
• Benefits (29% of estimated salaries)	\$46,936

Total FY22 Salaries and Benefits Budgeted for Sections	\$208,784
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¹ Includes cost of employee time for processing accounts payable arising from section activities.

2. OVERHEAD

This charge includes expenses related to general operations attributable to all WSBA employees. Overhead cost is calculated based on a per-FTE dollar amount, which is derived by taking the total cost of overhead divided by the total number of WSBA FTEs. This generates a per-FTE cost, which is multiplied by the total number of FTEs allocated to the Sections Administration cost center. Overhead costs in the FY2021 Reforecasted Budget consist of:

Overhead Category	Cost
• Rent	\$1,975,334
• Furniture, Maintenance & Leasehold Improvements	\$30,000
• Office Supplies & Equipment	\$44,000
• Computer Software Depreciation	\$131,925
• Telephone & Internet	\$63,000
• Production Services	\$18,056
• Workplace Benefits	\$27,748
• HR Expenses	\$211,299
• Personal Property Taxes	\$9,121
• Furniture & Equipment Depreciation	\$52,285
• Computer Hardware Depreciation	\$46,773
• Insurance	\$225,718
• Professional Fees-Audit	\$32,000
• Bank Fees	\$62,251
• Information Technology Department Expenses	\$899,711
Total Overhead Budgeted for FY21	\$3,829,221
• Budgeted WSBA FTEs for FY2021	139.5
• Overhead per FTE = \$3,829,221/139.5	\$27,450

Total Estimated FY22 overhead² to be charged to Sections (\$27,450 x 2.58 FTEs) = \$70,821
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3. DIRECT EXPENSES

These are out-of-pocket costs for administering WSBA Sections, and include:

- Dues Statements (paper, postage, and printing of annual section membership dues statements)
- Sections Program Events/Meetings Expenses (e.g., fall & spring section leaders meeting costs for food, supplies, and conference calls)
- Employee Travel (costs for staff to attend executive committee meetings and other section events)
- Subscriptions (for the Survey Monkey account used to administer section elections)
- Other (e.g., staff membership dues, unanticipated expenses, etc.)

Direct expenses budgeted for all Sections = \$9,875
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² Historically, there are small overhead differences between the estimated expenses and the final draft WSBA budget.

<u>FY2022 PER-MEMBER CHARGE CALCULATION BASED ON FY2021 BUDGET</u>	
1. Total Salaries and Benefits	\$208,784
2. Total Overhead	\$70,821
3. Direct Expenses	\$9,875
Total expenses for Sections Administration cost center	\$289,479
Estimated total # of section memberships for FY2022	15,300 members
Total 2022 Cost Per-Member: \$18.92/member	
<u>The FY2022 Per-Member Charge will be capped at \$18.75.</u>	

FY2022 SECTION BUDGETS

As a reminder, Section Budget Requests and Request to Change Dues are due on July 1st. You may make additional changes after the budget has been submitted until August 23rd. Please email all budget documents to your Sections Program Team at: sectionbudgets@wsba.org

If you have any questions about any of the information contained in this memo or need additional information, please feel free to contact your Sections Program Team for assistance.

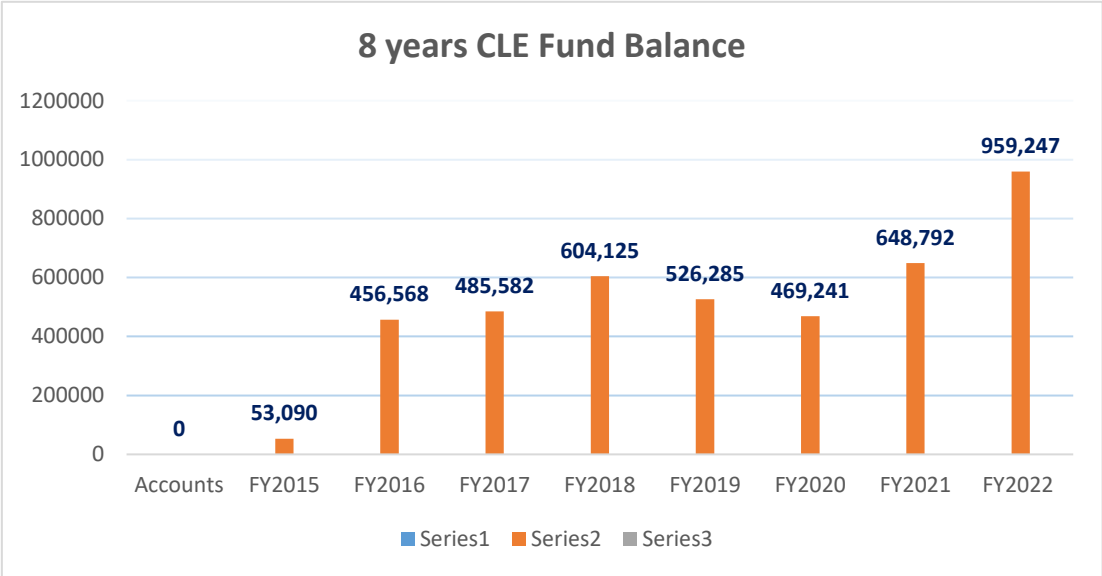
Julianne Unite: julianneu@wsba.org

Carolyn MacGregor: carolynm@wsba.org

WSBA CLE FUND OVERVIEW

- The CLE Operation is self-sustaining
- WSBA Presents & Section CLEs equivalent to ~ 400 CLE credits or 65-75 programs, live
- Most live WSBA CLEs are also available for up to three years, accessible on demand via Mp3 and/or Video
- The WSBA CLE store is home to ~ 652 on demand CLE products
- WSBA Deskbooks are also part of the CLE Fund
- 9.92 WSBA Staff are Allocated into the CLE Fund
- The CLE Fund Will Cover \$282,923.00 of WSBA Overhead in FY22

Accounts	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022	As of
								(Budgeted)	January, 2022
CLE Fund Balance History	53,090	456,568	485,582	604,125	526,285	469,241	648,792	959,247	1,356,954



SECTION CLE PROGRAM REVENUE AS A PERCENTAGE OF TOTAL CLE REVENUE

CLE Revenue	FY17	FY18	FY19	FY20	FY21	FY22
						(Budgeted)
Section Live Seminars	588,573	596,904	519,755	431,141	306,573	400,000
Total CLE Live Revenue	881,400	960,235	878,683	668,208	819,545	850,000
Section % of Total	0.67	0.62	0.59	0.65	0.37	0.47
Section On-Demand	508,649	454,352	490,302	463,187	351,630	500,000
Total CLE On-Demand Re	961,800	949,389	910,436	774,887	625,320	1,024,985
Section % of Total	53%	48%	54%	60%	56%	49%

Washington State Bar Association

Statement of Activities

For the Period from December 1, 2021 to December 31, 2021

	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2022 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2022 ANNUAL BUDGET	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
CONTINUING LEGAL EDUCATION (CLE)									
REVENUE:									
SEMINAR REGISTRATIONS	70,833	119,434	48,601	212,500	215,204	2,704	850,000	634,797	25.32%
SEMINAR-EXHIB/SPNSR/ETC	1,667	-	(1,667)	5,000	-	(5,000)	20,000	20,000	0.00%
SHIPPING & HANDLING	-	36	36	-	72	72	-	(72)	
COURSEBOOK SALES	833	210	(623)	2,500	490	(2,010)	10,000	9,510	4.90%
MP3 AND VIDEO SALES	85,415	499,794	414,378	256,246	810,606	554,359	1,024,985	214,380	79.08%
TOTAL REVENUE:	158,749	619,474	460,725	476,246	1,026,371	550,125	1,904,985	878,614	53.88%
DIRECT EXPENSES:									
POSTAGE - FLIERS/CATALOGS	667	-	667	2,000	-	2,000	8,000	8,000	0.00%
DISABILITY ACCOMMODATIONS	167	-	167	500	-	500	2,000	2,000	0.00%
SURVEYS	-	-	-	300	-	300	300	300	0.00%
DEPRECIATION	109	109	-	327	331	(4)	1,308	977	25.31%
ONLINE EXPENSES	4,167	4,446	(279)	12,500	12,547	(47)	50,000	37,453	25.09%
ACCREDITATION FEES	3,000	2,166	834	3,000	2,082	918	3,000	918	69.40%
SEMINAR BROCHURES	1,667	-	1,667	5,000	-	5,000	20,000	20,000	0.00%
FACILITIES	15,092	3,200	11,892	49,050	8,400	40,650	196,200	187,800	4.28%
SPEAKERS & PROGRAM DEVELOP	3,846	727	3,119	12,500	777	11,723	50,000	49,223	1.55%
SPLITS TO SECTIONS	-	-	-	-	-	-	110,000	110,000	0.00%
HONORARIA	125	-	125	375	2,700	(2,325)	1,500	(1,200)	180.00%
CLE SEMINAR COMMITTEE	21	-	21	62	-	62	250	250	0.00%
STAFF TRAVEL/PARKING	1,154	-	1,154	3,750	-	3,750	15,000	15,000	0.00%
STAFF TRAINING	58	-	58	175	-	175	700	700	0.00%
STAFF MEMBERSHIP DUES	-	-	-	867	-	867	1,338	1,338	0.00%
COST OF SALES - COURSEBOOKS	125	13	112	375	44	331	1,500	1,456	2.96%
A/V DEVELOP COSTS (RECORDING)	167	-	167	500	-	500	2,000	2,000	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	-	16	(16)	-	50	(50)	-	(50)	
STAFF TRAVEL/PARKING	25	-	25	75	-	75	300	300	0.00%
TOTAL DIRECT EXPENSES:	30,389	10,678	19,711	91,356	26,931	64,426	463,396	436,465	5.81%
INDIRECT EXPENSES:									
SALARY EXPENSE (8.42 FTE)	46,980	46,367	612	140,940	134,084	6,856	563,758	429,673	23.78%
BENEFITS EXPENSE	17,775	17,669	106	53,719	51,944	1,775	213,333	161,389	24.35%
OTHER INDIRECT EXPENSE	19,415	17,023	2,393	60,349	52,084	8,265	239,002	186,918	21.79%
TOTAL INDIRECT EXPENSES:	84,170	81,059	3,111	255,008	238,112	16,896	1,016,093	777,981	23.43%
TOTAL ALL EXPENSES:	114,559	91,737	22,822	346,364	265,043	81,322	1,479,489	1,214,446	17.91%
NET INCOME (LOSS):	44,190	527,737	483,547	129,882	761,328	631,446	425,496	(335,832)	178.93%

Washington State Bar Association

Statement of Activities

For the Period from December 1, 2021 to December 31, 2021

	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2022 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2022 ANNUAL BUDGET	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
DESKBOOKS									
REVENUE:									
LEXIS/NEXIS ROYALTIES	2,633	-	(2,633)	7,900	-	(7,900)	31,600	31,600	0.00%
DESKBOOK SALES	6,833	-	(6,833)	20,500	-	(20,500)	82,000	82,000	0.00%
SECTION PUBLICATION SALES	750	-	(750)	2,250	-	(2,250)	9,000	9,000	0.00%
CASEMAKER ROYALTIES	3,750	-	(3,750)	11,250	3,701	(7,549)	45,000	41,299	8.23%
TOTAL REVENUE:	13,967	-	(13,967)	41,900	3,701	(38,199)	167,600	163,899	2.21%
DIRECT EXPENSES:									
COST OF SALES - DESKBOOKS	5,333	-	5,333	16,000	-	16,000	64,000	64,000	0.00%
COST OF SALES - SECTION PUBLICATION	167	-	167	500	-	500	2,000	2,000	0.00%
SPLITS TO SECTIONS	263	-	263	788	-	788	3,150	3,150	0.00%
STAFF CONFERENCE & TRAINING	29	-	29	88	-	88	350	350	0.00%
DESKBOOK ROYALTIES	17	-	17	50	45	5	200	155	22.67%
ONLINE LEGAL RESEARCH	158	158	(0)	474	312	162	1,895	1,583	16.46%
STAFF MEMBERSHIP DUES	18	-	18	55	-	55	220	220	0.00%
TOTAL DIRECT EXPENSES:	5,985	158	5,826	17,954	357	17,596	71,815	71,458	0.50%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.50 FTE)	10,663	10,309	354	31,989	30,927	1,062	127,954	97,027	24.17%
BENEFITS EXPENSE	3,189	3,205	(17)	9,762	9,556	206	38,951	29,395	24.53%
OTHER INDIRECT EXPENSE	3,567	3,146	422	11,091	9,625	1,466	43,921	34,296	21.91%
TOTAL INDIRECT EXPENSES:	17,419	16,660	759	52,842	50,108	2,734	210,826	160,718	23.77%
TOTAL ALL EXPENSES:	23,403	16,818	6,585	70,796	50,465	20,330	282,641	232,176	17.85%
NET INCOME (LOSS):	(9,437)	(16,818)	(7,382)	(28,896)	(46,764)	(17,869)	(115,041)	(68,277)	40.65%

QUESTIONS?

WSBA SECTIONS HISTORY AND ACTIVITIES

Kevin Plachy, WSBA Advancement
Director and WSBA Section Leaders
Nancy Hawkins, Kari Petrasek, Kevin
Fay and Randall Winn

March 5, 2022



WSBA SECTIONS OVERVIEW

- The Sections Fund Comprises the Reserve Balances of all 29 WSBA Sections
- The First WSBA Section was formed in 1973
- The Last WSBA Section to be formed was in 2017
- At the End of FY21 there were 16,019 Section Members
- At the End of FY21 there were 369 Section Leaders Serving on Section Executive Committees
- The WSBA Sections Provide a Wide Range of Member Benefits

Section	Membership Count (FY21 year-end)	Fund Balance (Sept. 30, 2021)	Section Formed	Annual Member Dues	# of EC Members FY21 ¹	# of EC Members FY22 ¹	Active Web Content ²	CLEs w/W SBA	CLE w/other Entities ³	Deskbook / Manuals /	Law School Outreach	Legislation	Listserve ⁴	Mini-CLE	Newsletter	Reception / Forums	Recognition Awards	Scholarships & Grants	Social Media ⁵
Administrative Law	242	\$ 37,858	1973	\$ 30	15*	16*	X			X	X	X	X	X	X	X	X		
Health Law	404	\$ 70,738	1973	\$ 20	9	9	X				X		X	X		X			
Intellectual Property	881	\$ 89,974	1973	\$ 25	10*	10*		X					X	X				X	
Antitrust, Consumer Prot	202	\$ 56,100	1974	\$ 25	13*	13*							X				X	X	
Business Law	1,270	\$ 49,752	1974	\$ 25	22*	22*			X	X		X	X	X	X	X			
Creditor Debtor Rights	471	\$ 28,847	1974	\$ 30	13	16		X	X			X	X				X	X	
Environmental Land Use	811	\$ 51,702	1974	\$ 40	10*	13*		X			X	X	X	X		X	X	X	X
Real Property Probate	2,330	\$ 154,641	1974	\$ 25	14*	20*	X	X		X		X	X		X				
Litigation	1,074	\$ 93,297	1975	\$ 30	9*	10*		X			X	X	X					X	
Taxation	634	\$ 43,616	1975	\$ 20	23	25*					X		X	X		X	X	X	
Criminal Law	393	\$ 68,890	1979	\$ 30	13	14		X		X			X						
World Peace Through Law	146	\$ 21,618	1981	\$ 30	8*	6	X	X					X	X		X	X	X	
International Practice	246	\$ 31,421	1984	\$ 40	17*	17*							X	X		X	X	X	
Construction Law	528	\$ 46,408	1986	\$ 25	17*	17*	X	X					X	X	X	X	X	X	
Corporate Counsel	1132	\$ 49,061	1986	\$ 20	19*	19*		X					X	X			X	X	
Indian Law	336	\$ 50,295	1988	\$ 30	14	14		X					X					X	
Solo & Small Practice	914	\$ 95,353	1989	\$ 35	9	15*	X	X					X	X		X	X	X	
Family Law	1,009	\$ 138,085	1990	\$ 35	19	17							X						
Alternative Dispute	327	\$ 43,834	1991	\$ 35	14	16*	X	X	X		X		X	X		X			X
Elder Law	632	\$ 91,310	1994	\$ 35	16*	16*		X				X	X						
Senior Lawyers	240	\$ 13,475	1998	\$ 25	11	12							X	X	X				
Labor and Employment	1002	\$ 94,331	2000	\$ 30	13*	12*		X					X	X		X	X	X	
Animal Law	83	\$ 9,897	2002	\$ 25	7	5			X				X						
LAMP	82	\$ 18,806	2004	\$ 35	9*	11*	X						X	X			X		X
Juvenile Law	148	\$ 12,024	2006	\$ 35	12*	9							X						
LGBTQ	112	\$ 9,893	2006	\$ 30	11*	11*		X					X						
Civil Rights Law	188	\$ 12,989	2008	\$ 30	10*	10	X	X	X		X	X	X	X		X	X		
Low Bono	87	\$ 15,522	2014	\$ 25	5	7						X	X	X	X	X			X
Cannabis Law	95	\$ 3,114	2017	\$ 25	7	8*	X						X	X	X	X			
	16,019	\$ 1,502,849			369	390	10	16	5	4	7	9	29	18	7	14	13	13	4

SECTION LEADERS PRESENTATIONS

Nancy Hawkins – Executive Committee Member/Family Law Section

Kari Petrasek – Executive Committee Member/Solo Small Practice Section

Kevin Fay – Executive Committee Member/Corporate Counsel Section

Randall Winn – Chair-Elect/World Peace Through Law Section

QUESTIONS?

WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director
Terra Nevitt, Executive Director

TO: Task Force Team Administering Xenial Involvement with Court Appointed Boards
FROM: Terra Nevitt, WSBA Executive Director
DATE: February 26, 2021
RE: **WSBA's Administration of Supreme Court Entities Background and Authority**

Through Washington State [General Rule 12.3](#), the Supreme Court delegates to WSBA “the authority and responsibility to administer certain boards and committees established by court rule or order. This delegation of authority includes providing and managing staff, overseeing the boards and committees to monitor their compliance with the rule and orders that authorize and regulate them, paying expenses reasonable and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions.”

The WSBA currently administers 6 such entities, described below. Over the years, challenges have arisen in terms of the application of GR 12.2 and other WSBA policies, budget and staff allocations, the ability to hire and direct staff, the scope and meaning of “administration”, conflicting policy objectives, and decision making authority. One highly publicized example of some of these challenges was documented by the [ABA Journal](#) in 2015.

The ***Access to Justice Board*** was established by court order April 13, 1994, and was most recently [reauthorized on March 4, 2016](#). That order charges WSBA with the Board’s administration, including funding and staffing. It provides the Board of Governors with the responsibility of nominating members of the ATJ Board, which are appointed by the Supreme Court. The Order provides that the ATJ Board shall designate its chair and authorizes the ATJ Board to adopt its own operational rules pursuant to the enumerated powers and duties. The order requires the ATJ Board to file an annual report to the Supreme Court and the Board of Governors.

The ***Disciplinary Board*** first appears in the court rules in 1968 when the board is created and direct responsibility for disciplinary adjudication is transferred away from the Board of Governors. Currently, it is governed by rule 2.3 of the Rules for [Enforcement of Lawyer Conduct \(ELC\)](#), which outlines the Board’s composition, qualifications and some operations. Members are appointed by the Court “upon the recommendation of the Board of Governors in consultation with the Disciplinary Selection Panel.” The Court also designates the Chair and Vice Chair, upon recommendation of the Board of Governors in consultation with the Disciplinary Selection Panel. Other ELC indicate the functions of the Board. [ELC 2.2\(a\)\(1\)](#) directs the Board of Governors, through the Executive Director, to provide “administrative and managerial support” to the Disciplinary Board to perform its functions as specified by the rules. ELC 2.2(b) prohibits the Board of Governors and the Executive Director from reviewing Disciplinary Board decisions or recommendations in specific cases (among other limitations).

The ***Limited License Legal Technician Board*** was established through the adoption of rule 28 of the [Admission and Practice Rules \(APR\)](#) by court order on June 15, 2012. A second order was issued by the Court on July 11, 2012 ordering that the WSBA administer the operations of the LLLT Board, including providing “staff necessary to implement and support the operation of the APR 28 and the Limited License Legal Technician Board.” APR 28

provides that members of the LLLT Board are appointed by the Supreme Court. It charges the LLLT Board with recommending new practice areas for LLLTs, working with the Bar and other entities on LLLT examinations, approving education and experience requirements, establishing committees, establishing educational criteria, and “such other activities and functions as are expressly provided for in [the] rule.” APR 28 also charges the LLLT Board with proposing additional rules, regulations and amendments to the rule to the Court. WSBA is charged with providing “reasonably necessary administrative support for the LLLT Board.”

The **Limited Practice Board** was established by [APR 12](#). The rule outlines the duties and powers of the Limited Practice Board, including creating and grading Limited Practice Officer (LPO) examinations, approving forms for use by LPOs, as well as the board’s involvement in the investigation, hearing, and appeal procedures for handling grievances against LPOs. Members are appointed by the Supreme Court, as is the Board’s Chairperson. APR 12 provides that “The administrative support to the LP Board shall be provided by the Bar.”

The **Mandatory Continuing Legal Education Board** was established by [APR 11](#). Its members and chair are appointed by the Supreme Court. Among other things, APR 11 tasks the MCLE Board with reviewing and suggesting amendments to APR 11, adopting policies, approving MCLE activities, reviewing determinations or decisions made by WSBA regarding approval of activities, determining MCLE fees to defray the reasonably necessary costs of administering the MCLE rules, and waiving or modifying members’ compliance requirements. The MCLE Board also conducts hearings on member hardship petitions. The rule also provides that WSBA “shall provide administrative support to the MCLE Board.” Suggested amendments to APR 11 as well as policies to provide guidance in its administration are subject to review by the Board of Governors and approval by the Supreme Court.

The **Practice of Law Board** was established by the Washington Supreme Court with the adoption of General Rule 25, effective September 1, 2002. Under the current version of the [rule](#), the Supreme Court appoints its members “after considering nominations from the Practice of Law Board and the Board of Governors.” The rule outlines the responsibilities of the Board, which include recommending to the Court “new avenues for persons not currently authorized to practice law to provide legal and law-related services that might otherwise constitute the practice of law as defined in GR 24.” Such recommendations must be forwarded to the Board of Governors for consideration and comment at least 90 days before transmission to the Court. The rule also charges WSBA with funding, administering and staffing the Practice of Law Board consistent with GR 12.