

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

**Board of Governors Meeting**  
**Meeting Materials**

**November 5, 2022**  
**Hotel Bellwether**  
**Bellingham, WA**  
**Zoom and Teleconference**



**Board of Governors Meeting  
Hotel Bellwether, Bellingham, WA  
November 5, 2022**

***WSBA Mission: To serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.***

**ALL ITEMS ON THIS AGENDA ARE POTENTIAL ACTION ITEMS**

**To participate: Join via Zoom or Call 1.888.788.0099**

<https://wsba.zoom.us/j/84133916903?pwd=NnBCZkw0b2FFczRNdzZDTjFZbytoQT09>

**Meeting ID: 841 3391 6903 Passcode: 580161**

**8:30 AM – CALL TO ORDER & WELCOME**

**CONSENT CALENDAR**

A governor may request that an item be removed from the consent calendar without providing a reason and it will be discussed immediately after the consent calendar. The remaining items will be voted on *en bloc*.

- Approve September 22-23, 2022, Board of Governors meeting minutes ..... 6
- Approve Judicial Recommendations Committee Recommendations ..... 13

**PUBLIC COMMENT**

**MEMBER AND PUBLIC COMMENTS**

Overall public comment is limited to 30 minutes and each speaker is limited to 3 minutes. The President will provide an opportunity for public comment for those in the room and participating remotely. Public comment will also be permitted at the beginning of each agenda item, at the President’s discretion.

**STANDING REPORTS**

**PRESIDENT’S REPORT**

**EXECUTIVE DIRECTOR’S REPORT** ..... 14

**REPORTS OF STANDING OR ONGOING BOG COMMITTEES**

Committees may “pass” if they have nothing to report. Related agenda items will be taken up later on the agenda. Each committee is allocated, on average, 3-4 minutes.

- Awards Committee, Pres. Elect Hunter Abell, Chair
- Budget & Audit Committee, Treas. Francis Adewale, Chair
- Equity & Disparity Workgroup, Gov. Alec Stephens, Chair
- Executive Committee, Pres. Dan Clark, Chair
- Legislative Committee, Gov. Lauren Boyd, Chair
- Nominations Committee, Gov. Lauren Boyd, Chair
- Personnel Committee, Gov. Alec Stephens, Chair
- Long-Range Strategic Planning Council, Pres. Dan Clark, Chair
- Member Engagement Council, Treas. Francis Adewale and Gov. Matthew Dresden, Co-Chairs
- Diversity, Equity and Inclusion Council, Gov. Sunitha Anjilvel, Co-Chair
- Supreme Court Bar Licensure Task Force, Gov. Williams-Ruth, BOG Rep.

<b>AGENDA ITEMS &amp; UNFINISHED BUSINESS</b>
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- APPROVE COURT RULES COMMITTEE PROPOSED AMENDMENT TO CrRLJ 4.7** Court Rules  
Committee Chair Paul Crisalli ..... 24
- APPROVE REVISIONS TO VOLUNTEER VACCINATION POLICY**..... 31
  
- COUNCIL ON PUBLIC DEFENSE MATTERS**
- APPROVE CPD ADVISORY ON THE MINIMUM EXPERIENCE LEVELS REQUIRED FOR CERTIFICATION**  
Travis Stearns ..... 39
- APPROVE CPD LETTER FOR SUPPORT OF OFFICE OF PUBLIC DEFENSE BUDGET REQUEST** Chair Jason  
Schwarz ..... 45
- APPROVE CREATION OF MEMBER WELL-BEING COUNCIL** Past President Kyle Sciuchetti, Director  
of Advancement Kevin Plachy, Member Wellness Program Manager Dr. Dan Crystal..... 50

**12:00 PM – RECESS FOR LUNCH**

- APPROVE LEGISLATIVE REVIEW COMMITTEE RECOMMENDATIONS** Chair Brian Considine,  
Business Law Section CARC Co-Chair Eri DeJong ..... 58
- APPROVAL OF EXECUTIVE DIRECTOR EVALUATION PROCESS AND ELEMENTS FOR FY 22 AND  
BEYOND** Gov. Alec Stephens ..... 85
- DISCUSS BOG RECRUITMENT POLICY**, Volunteer Engagement Advisor Paris Eriksen ..... 99

<b>SPECIAL REPORTS</b>
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- OVERVIEW OF WSBA’S APR 6 LAW CLERK PROGRAM** Washington State Bar Foundation President  
Tracy S. Flood, Esq. .... 103
- WASHINGTON STATE BAR FOUNDATION ANNUAL REPORT**, President Tracy Flood ..... 124

**TRAINING**

- ANNUAL ANTI-HARASSMENT TRAINING** Fischer Phillips Regional Managing Partner Clarence Belnavis ..... LM

**NEW BUSINESS**

- GOVERNOR ROUNDTABLE** (Governors’ issues of interest)

**5:00 PM – ADJOURN**

**INFORMATION**

- General Information ..... 126
- Monthly Financial Reports, Unaudited..... 146



## 2022-2023 Board of Governors Meeting Issues

### **JANUARY** (Seattle)

#### Standing Agenda Items:

- ABA Midyear Meeting Sneak Preview
- Client Protection Fund (CPF) Annual Report
- Access to Justice Board Annual Report
- Legislative Session Report
- FY2021 Audited Financial Statements
- Financials (Information)

### **MARCH** (Tumwater)

#### Standing Agenda Items:

- ABA Mid-Year Meeting Report
- Legislative Report
- Supreme Court Meeting
- Office of Disciplinary Counsel Report (ED Report)
- Financials (Information)

### **MAY** (Yakima)

#### Standing Agenda Items:

- Legislative Report/Wrap-up
- Interview/Selection of WSBA At-Large Governor
- Interview/Selection of the WSBA President-elect
- WSBA APEX Awards Committee Recommendations
- Financials (Information)
- Office of Disciplinary Counsel Report (ED Report)

### **JUNE** (Vancouver)

#### Standing Agenda Items:

- Draft WSBA FY2023 Budget
- WSBA Treasurer Election
- Court Rules and Procedures Committee Report and Recommendations
- WSBA Committee and Board Chair Appointments
- BOG Retreat
- Financials (Information)
- Office of Disciplinary Counsel Report (ED Report)

### **SEPTEMBER** (Spokane)

#### Standing Agenda Items:

- Final FY2022 Budget
- 2021 Keller Deduction Schedule
- WSBF Annual Meeting and Trustee Election
- ABA Annual Meeting Report
- Legal Foundation of Washington Annual Report
- Washington Law School Deans
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation
- Office of Disciplinary Counsel Report (ED Report)
- Financials (Information)

# WASHINGTON STATE BAR ASSOCIATION

## BOARD OF GOVERNORS MEETING MINUTES

Bellevue, WA

September 22-23, 2022

Call to Order and Welcome ([link](#))

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Brian Tollefson on Thursday, September 22 at 9:02 AM. Governors in attendance were:

Hunter Abell  
Francis Adewale  
Sunitha Anjilvel  
Lauren Boyd  
Pres. Elect Daniel D. Clark  
Jordan Couch  
Matthew Dresden  
Carla Higginson  
Tom McBride  
Treas. Bryn Peterson  
Serena Sayani  
Alec Stephens  
Brent Williams-Ruth

Also in attendance were Michael Addams (Juvenile Law Section), Mallory Avila, Cathy Biestek, Executive Administrator Shelly Bynum, Adam Chapman, Meng Li Che (WA BIIA), Michael Cherry (Practice of Law Board), IT Director Jon Dawson, Chief Disciplinary Counsel Doug Ende, Volunteer Engagement Advisor Paris Eriksen, ABA Delegate John Felleisen, WSBF President Tracy Flood, Gov. Elect Kevin Fay, Sharon Glenn, Judge Jeffrey Goodwin, Meyha Goyal, Assistant General Counsel Nicole Gustine, Nancy Hawkins (Family Law Section Executive Committee), Associate Director for Regulatory Services Bobby Henry, Gov. Elect Erik Kaeding, Outreach Specialist Michael Kroner, Finance Director Tiffany Lynch, Sections Programs Specialist Carolyn MacGregor, Sara Matheny, Rajeev Majumdar, Christine Moore, Betsylew Miale-Gix, Jerry Moburg, Clay Neilson, Executive Director Terra Nevitt, Chief Communications Officer Sara Niegowski, Gov. Elect Nam Nguyen, Broadcast Services Manager Rex Nolte, Communication Strategies Manager Jennifer Olegario, Facilities & Operations Manager Michael Paugh, RSD Admissions Specialist Ramana Pendyala, Gov. Elect Kari Petrasek, Cinthia Piedra, Advancement Director Kevin Plachy, Educations Program Manager Shanthi Raghu, Gov. Elect Mary Rathbone, Isham Reavis (Court Rules Committee), Parliamentarian G. Kim Risenmay, Equity and Justice Specialist Saleena Salango, Immediate Past President Kyle Sciuchetti, General Counsel Julie Shankland, Chief Equity & Justice Officer Diana Singleton, Chief Culture Officer and Human

Resources Director Glynnis Klinefelter Sio, Mel Simburg (ADR Section), Linda Tollefson, Member Services and Engagement Manager Julianne Unite, and Bailey Zydek (Juvenile Law Section).

Consent Calendar ([link](#))

Pres. Tollefson asked if anyone wished to remove an item from the consent calendar. Gov. Peterson moved for approval. There was no discussion. Motion passed unanimously. Gov. Higginson abstained.

Member & Public Comments ([link](#))

There was no public comment.

President's Report ([link](#))

Pres. Tollefson referred to his written report and acknowledged the passing of former WSBA presidents Jan Erik Peterson and Bill Hyslop. The Board observed a moment of silence.

Executive Director's Report ([link](#))

Executive Director Nevitt provided information about upcoming events and meetings. She encouraged Board members to review themes from this year's outreach in advance of the Board's planning retreat in October. Director Nevitt also welcomed the new governors elect Mary Rathbone of District 4 and Erik Kaeding of District 8 and expressed appreciation for outgoing President Brian Tollefson.

Reports of Standing or Ongoing BOG Committees ([link](#))

*Executive Committee.* Pres. Tollefson briefly reported on the most recent meeting.

*APEX Awards Committee.* Gov. Abell encouraged folks to watch the APEX awards and thanked the staff for putting together the President's reception.

*Personnel Committee.* No report.

*Legislative Committee.* No report.

*Nominations Committee.* Gov. Boyd reported that the last meeting needed to be rescheduled due to a lack of quorum.

*Equity and Diversity Council.* Gov. Anjilvel also noted quorum issues and highlighted the ongoing work of the Council's subcommittees. She also reported on the most recent Legal Lunchbox and an upcoming film screening.

*Long-Range Strategic Planning Council.* Pres. Tollefson reported that at the most recent meeting the Council discussed the idea of buying a building and other proposals related to the WSBA office space but does not yet have a recommendation for the Board.

*Member Engagement Council.* No report.

*Budget and Audit Committee.* No report.

*Equity and Disparity Workgroup.* Exec. Dir. Nevitt reported that the workgroup charter was just extended with approval of the consent calendar and that the group is gathering feedback on a proposed amendment

of GR 12.2 to bring to the Board in November. She noted that, if approved, the proposed change would go to the Court.

*Supreme Court Bar Licensure Task Force.* Gov. Williams-Ruth reported that the Task Force will meet on Monday and will hear recommendations regarding the Character and Fitness process.

*TAXICAB.* Past Pres. Sciuchetti explained the purpose of the Task Force, which is to clarify roles regarding WSBA's administration of Supreme Court boards. He reported that a drafting group is revising a draft policy for review by the full task force and plans to present a proposal to the Board in November. Past Pres. Sciuchetti answered a question from Nancy Hawkins regarding when the draft policy will be available for review.

#### Approve 2023 Keller Deduction ([link](#))

Gen. Counsel Shankland provided an overview of the rules that govern the calculation of the Keller deduction. She walked through the calculation. She clarified that in identifying activities that are included in the calculation, WSBA is not determining that those activities are non-germane, but rather are acknowledging that the definition is subject to interpretation. She noted that the deduction was presented to the Budget and Audit Committee, which recommends the proposal to the Board. Gov. Clark moved for approval. Motion passed unanimously. Govs. Adewale and Sayani were not present for the vote.

#### COVID-19 Report by King County Public Health ([link](#))

Becky Reitzes presented information about COVID-19 vaccine efficacy, how they work and current public health recommendations. There was discussion about death rates and how they compare to those for influenza; that status of the pandemic; and the risks of COVID and the risks of vaccination. Ms. Reitzes further presented on preventing the spread of COVID-19, noting the downsides of mandates. Discussion continued about the role of vaccination is prevention of spreading the disease and the availability of the original vaccines. There was discussion about the existing policy and continued discussion about the best way to prevent transmission.

#### Budget and Audit Committee Items ([link](#))

##### *Approve 2024 License Fee and Client Protection Fund Fee*

Treas. Peterson stated that the Budget and Audit Committee's recommendations with respect to the 2024 License Fee and Client Protection Fund Fee. Pres. Clark moved to adopt the recommendation of the Budget and Audit Committee on the 2024 license fee. There was a discussion about whether to take the items piecemeal or go through all the items at once; comments for and against the motion; perspectives about WSBA's historical performance against the budget; and perspectives about the Board's past statements regarding license fees. Director of Finance Tiffany Lynch shared information about current year projections and projections through FY2026. Discussion continued about WSBA's historical performance compared to budget; the impact of the decision on license fees; comments for and against the motion.

Gov. Williams-Ruth moved to temporarily table the discussion pending discussion on the FY23 Budget. Motion failed 6-5. Discussion continued for and against the motion and on whether the agenda topic could be deferred to a later meeting.

Gov. Stephens called the question. Motion to call the question passed by a two-thirds majority at 8-3. Underlying motion passed 10-2. Gov. Sayani was not present for either vote.

##### *Approve Fiscal Year 2023 Budget*

Director Lynch presented an overview of the proposed budget and identified changes from what was presented in July as a first draft of the budget, including an increase to the request for compensation. Director Lynch also provided projections for FY24, FY25 and FY26 based on assumptions that the license fee remains flat and there are no staff adds or increases to the compensation framework. She noted that the worst-case scenario presented in the materials is unlikely to occur in light of what we already know about this year's actuals. Discussion followed about the impact of attrition, and comments on specific items in the budget.

Gov. Williams Ruth moved to adopt the proposed budget. Discussion followed for and against the budget; whether we could expect to beat the budget and the philosophy that went into building the budget; clarification that any revenue from subletting is not included in the budget. Information was shared about WSBA's turnover rate. Motion passed 9-2. Gov. Clark abstained. Gov. Sayani was not present for the vote.

#### Request to Cosponsor Amendment to GR 9 ([link](#))

Judge Jeffrey Goodwin presented a request from SCJA and DMCA to co-sponsor an amendment to General Rule 9. He presented the reasons for proposed change, including COVID, the breadth of proposals, and the lack of required involvement of SCJA, DMCA, and WSBA. Judge Goodwin described the amendment, which would add representatives from those three groups to the Court's Rules Committee. He noted and addressed potential criticisms to the proposal. Discussion followed as to how the proposal might impact the rulemaking process and transparency. Gov. Brent Williams-Ruth moved for adoption of the proposal that WSBA be a co-sponsor of the proposed rule change. Discussion followed in support of and in opposition to the motion, including questions of cost, notice, and whether the proposal could be improved. Gov. Adewale offered a friendly amendment that the matter be referred to the WSBA Rule Committee, which was not accepted. Motion passed 10-2. Govs. Sayani was not present for the vote.

#### Update on Efforts to Sublet WSBA Space ([link](#))

Adam Chapman and Clay Nielson presented on the status of subletting efforts for the WSBA space and the state of the market. They noted that the barrier is not price, but demand. They also reported that the time to seek to renegotiate the lease is two years from its expiration. They reported that the same timeline applies to look to purchasing a building. Discussion followed about any steps that could or could've been taken to lease the space. Mr. Nielson commented that the economics of renegotiating a lease for a smaller space in 2024 are likely to be make more sense than subletting at a reduced price. Discussion followed exploring ideas for addressing the challenge.

#### Continuing Legal Education Committee Report ([link](#))

CLE Committee Chair Sharon Glenn presented the purpose of the committee. She noted that biggest challenge with the committee is having sufficient volunteers. Discussion followed as to potential reasons for the lack of volunteers and potential incentives.

#### ABA Annual Meeting Report ([link](#))

Delegates John Felleisen and Kari Petrasek presented on their roles as ABA delegates, highlighted some of the policy issues addressed by the ABA, provided an overview of the new officers. Kari Petrasek was recognized for being elected as a delegate at-large at the ABA. Discussion followed regarding the relationship in other states between bar associations and ABA delegates and about how decisions are arrived at.

#### Swearing in of Board Officers and Governors ([link](#))

The fiscal year 2024 officers and governors were sworn in by Chief Justice Steven González.

### Approve ETHOS Report ([link](#))

Executive Director Nevitt explained the process for developing and the goal of the ETHOS Report. Gov. Abell explained the process for developing and the goal of the minority report attached to the report. Gov. Abell moved for adoption of the ETHOS Report. Discussion followed for and against the motion, focusing primarily on whether a minority report should be included and whether the tone of the primary report should be less neutral. Motion passed 7-5. Gov. Sayani was not present for the vote.

### LLLT Board Proposed Amendment to APR 28 ([link](#))

Chair Nancy Ivarinen presented on the work of the Board since the program was sunset by the Washington Supreme Court, including administering the final admissions exam. She presented the proposed changes to APR 28, including reducing the size of the Board, eliminating responsibilities that are no longer relevant, and amendments to align the rule with legislative changes to non-parental custody laws. The Board took comment from Nancy Hawkins on behalf of the Family Law Section that they believe any proposed rule changes should be delayed pending the completing of the work of TAXICAB. She further commented in opposition to proposed new powers for the Board.

Gov. Clark moved that the Board recommend that the Court deny this proposed amendment. It was clarified that the intent of the motion is that WSBA send a letter to the Court actively opposing the changing. Discussion followed for and against the motion, including the intent and impact of the amendments, the process for influencing the proposed changes, and decision of the Court to sunset the program. Motion passed 5-4. Govs. Adewale, Anjilvel, McBride, and Sayani.

### Annual Discussion with Deans ([link](#))

Executive Director Nevitt introduced Deans Tamara Lawson, the Toni Rembe Dean and Professor of Law at the University of Washington School of Law; Jacob Rooksby, the Smithmoore Myers Dean of Gonzaga University School of Law; and Anthony Varona the Dean of the Seattle University School of Law. The Board engaged in discussions with deans about matters facing law schools and law school graduates, including applicants to the Washington State Bar Association.

### Review Volunteer Vaccination Policy

Gov. Stephens moved to postpone the topic of revising the vaccination policy until the November meeting and at that time we have a full proposal change. Motion was approved by acclamation with Gov. Clark abstaining.

### Annual Meeting of the Foundation Members ([link](#))

The annual meeting of the Washington State Bar Foundation was called to order by Pres. Tracy Flood at 2:10 PM. She reported on the Foundation's financials and the funding that would be granted to WSBA and for the Powerful Community grants in FY23. She sought approval of the FY23 officers and trustees. Gov. Stephens moved to approve treasurer Richard Bird to continue for another year as a trustee in the additional year officer position. Motion carried unanimously. Govs. Anjilvel, Higginson, McBride, Sayani and Williams-Ruth were not present.

Motion to approve the slate as presented. Motion carried unanimously. Govs. Anjilvel, Higginson, McBride, Sayani and Williams-Ruth were not present.

Pres. Flood adjourned the meeting of the Foundation at 2:25 PM.

### Approve Revisions to the Fiscal Policies and Procedures ([link](#))

Treas. Elect Adewale presented the proposed revisions noting that implementation would be delayed to allow for WSBA staff to align its systems and internal procedures with the policy changes. There was a discussion about the delayed implementation. Gov. Clark moved for adoption. Motion carried 8-1.

Suggested Amendments to APR, GR, and LPO RPCs ([link](#))

Associate Director of RSD Bobby Henry requested approval of the proposed changes for submission to the Washington Supreme Court. He reviewed the substantive changes. Discussion followed about specific provisions of the proposed rule, including the requirement of a legal education. Gov. Couch moved for approval of the proposal. Motion passed unanimously. Goves Anjilvel, McBride, Sayani, and Williams-Ruth were not present for the vote.

Update on the Executive Director Evaluation ([link](#))

Discussion followed, during which it was clarified that the current Board and the next Board would both contribute to the evaluation and that there would not be a second evaluation in FY23.

Gov. Clark that there be an 18-month evaluation as well as a FY23 evaluation. Discussion followed regarding the motion, including the process moving forward. It was clarified that the 18 months referenced in proposal included FY22 and 6 months of FY23, to get the process back on track for FY24. Gov. Clark sought to withdraw his motion and the second agreed. Gov. Higginson moved that there be one evaluation done of the ED for FY22 that will be composed of the governors seated through today and there will be another evaluation for FY23 composed of the governors seated at the end of the day today onward. Motion failed for lack of a second.

**ADJOURNMENT** ([link](#))

There being no further business, Pres. Clark adjourned the meeting at 3:43PM on Friday, September 23, 2022.

Respectfully submitted,

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Terra Nevitt  
WSBA Executive Director & Secretary





**Board of Governors Special Meeting – Motions List  
Bellevue, WA  
September 22-23, 2022**

1. Motion to approve the Consent Calendar. Motion passed unanimously. Gov. Higginson abstained.
2. Motion to approve 2023 Keller Deduction. Motion passed unanimously. Govs. Adewale and Sayani were not present for the vote.
3. Motion to approve 2024 License Fee and Client protection Fees. Motion called to question passed by a two-thirds majority at 8-3. Original motion passed 10-2. Gov. Sayani was not present for either vote.
4. Motion to approve Fiscal Year 2023 budget. Motion passed 9-2. Gov. Clark abstained. Gov. Sayani was not present for the vote.
5. Motion for approve that the Board co-sponsor with the SCJA and SMCJA and amendment to General Rule 9. Motion passed 10-2. Gov. Sayani was not present for the vote.
6. Motion to approve the ETHOS report. Motion passed 7-5. Gov. Sayani was not present for the vote.
7. Motion to recommend to the Court to deny the LLLT proposed amendment to APR 28. Motion passed 5-4. Govs. Adewale, Anjilvel, McBride, and Sayani were not present for the vote.
8. Motion to postpone the topic of revising the WSBA Covid-19 Vaccination Policy to the November Board of Governors meeting. Motion was approved by acclamation with Gov. Clark abstaining.
9. Motion to approve Richard Bird as Washington State Bar Foundation trustee for an additional year. Motion carried unanimously. Govs. Anjilvel, Higginson, McBride, Sayani and Williams-Ruth were not present for the vote.
10. Motion to approve the Washington State Bar Foundation slate of trustees as presented. Motion carried unanimously. Govs. Anjilvel, Higginson, McBride, Sayani and Williams-Ruth were not present for the vote.
11. Motion to adopt proposed revisions to the Fiscal Policies and procedures. Motion carried 8-1. Govs. Anjilvel, McBride, Sayani and Williams-Ruth were not present for the vote.
12. Motion to approve suggested amendments to APR, GR and LPO RPC's for submission to the Supreme Court. Motion passed unanimously. Govs Anjilvel, McBride, Sayani, and Williams-Ruth were not present for the vote.



**WASHINGTON STATE**  
**BAR ASSOCIATION**

**TO:** WSBA Board of Governors  
**FROM:** Michiko Fjeld, Chair, WSBA Judicial Recommendation Committee (FY22); Sanjay Walvekar, Staff Liaison to the Judicial Recommendation Committee  
**CC:** Terra Nevitt, Executive Director  
**DATE:** October 7, 2022  
**RE:** WSBA Judicial Recommendation Committee September 15, 2022 Interviews and Recommendations

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**ACTION: Approve the recommendations of the WSBA Judicial Recommendation Committee.**

The WSBA Judicial Recommendation Committee met via Zoom on September 15, 2022 for the purpose of conducting interviews with two individuals interested in being considered for future openings on the Washington State Court of Appeals and the Washington Supreme Court. Per committee guidelines approved by the Board of Governors, the proceedings and records of the committee, including applicant names, committee discussions, and committee votes, are kept strictly confidential. The committee's recommendations are available in the Governor's materials via the WSBA BOX cloud-sharing service.

**TO:** WSBA Board of Governors  
**FROM:** Executive Director Terra Nevitt  
**DATE:** October 25, 2022  
**RE:** Executive Director's Report

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### 2023 Licensing Goes Paperless

Licensing for 2023 will open up to members on November 1, 2022, and must be complete by February 1, 2023. All members should have received an email last week reminding them of the process and steps they can take now to make sure they are ready. For the first time, licensing this year is fully paperless. We have been moving toward this goal for many years. Recent upgrades to WSBA online payment processing, the shift to remote work, and fewer and fewer members renewing by paper, have finally made this shift possible. Going paperless will save money, use less staff time, reduce our environmental footprint, and make payment processing more secure for our members. As part of the move to paperless licensing, we've been out reaching to firms and members who have renewed their licenses with paper forms in the past and will work directly with anyone who is struggling with the new process.

### Safety Protocols for Winter Bar Exam

Since the start of the COVID-19 pandemic, the WSBA has implemented an Exam Health Safety Plan for all licensing exams. For the winter 2023 Bar Exam and LPO Exam we have been reexamining our approach in light of Governor Inslee's lifting of all remaining emergency orders related to COVID-19 by November 1, 2022. As a result of these discussions and WSBA's commitment to holding a safe exam we will continue to require face masks for the winter exams and will prohibit anyone that has tested positive for COVID-19 within five days of the exam or who has symptoms of COVID-19 that are not caused by another known condition to sit for the exam. We will no longer, however require proof of vaccination or proof of a negative COVID-19 test for most examinees. We will require proof of a negative COVID-19 test for any examinees who will not be wearing a face mask as part of a testing-accommodation. These recommendations, which emphasize masking, are based on the guidance we received from the King County Health Department at the September Board meeting, that masking at an indoor event is one of the best ways to prevent the transmission of COVID-19 and other viruses, as well as current CDC guidance recommending masks in public places where there are a lot of people around. We have notified the Court of our proposed approach and are awaiting any feedback they may have.

### Welcoming Deputy Executive Director Dua Abudiab

We are incredibly excited to welcome Dua Abudiab to the leadership team at WSBA on November 7. Dua will serve as Deputy Executive Director, chiefly responsible for operations, and providing direct oversight to IT, human resources, and finance. By dividing the work in this way, I hope to provide additional leadership capacity for operations, while strengthening my capacity to support the Board's policy work, to support ongoing program evaluation and development, and to build and strengthen relationships with external stakeholders.

Dua most recently served as the Executive Director for the King County Bar Association after beginning her career as a public defender. Dua is a decisive leader who brings her values of transparency and inclusivity to every project she takes on. I am confident that we are all going to enjoy working with her and benefit from her organization and attention to detail, creativity, work ethic, and calm presence.

### October Goal-Setting Retreat

The Board met virtually last Saturday, October 22 for a special meeting and goal-setting retreat. Organized by President Daniel D. Clark and Executive Director Nevitt, the intention of the retreat was to begin developing shared goals for the work of the Board in Fiscal Year 2023 to promote teamwork, efficiency, transparency and accountability. The Board met in small groups to brainstorm potential criteria for identifying goals and discussed and prioritized a number of potential goals for the year, with the majority of interest coalescing around the areas of (1) volunteer engagement, (2) WSBA program review, (3) exploring bringing back the APEX dinner, (4) supporting rural practice, (5) developing a strategic plan for the future of WSBA's space, and (6) increasing WSBA's commitment to diversity, equity, and inclusion. Over the next two months, I will be reaching out to interested Board members and entities like the Small Town and Rural Committee, the Diversity, Equity and Inclusion Council, the Awards Committee, and the Long Range Strategic Planning Council to help develop specific, measurable goals, including proposed deliverables and timelines for the Board to consider adopting in January.

### Update on Membership Demographic Study

This year, the WSBA is conducting its second decennial membership demographic study. The study will be used to inform how WSBA can better support underrepresented and historically marginalized legal professionals, promote diversity, equity, and inclusion, and inform a new Diversity and Inclusion Plan. We are working with KGR+C / Kno-why, a research consultancy based in Oregon, to both develop the research and to help ensure and maintain the confidentiality and anonymity of those who take part in it. You can find more information about the project [here](#).

We are currently in phase one of the project, which focuses on survey design. As part of this phase our consultants at Kno-why have been collecting feedback regarding the survey. The initial feedback has identified four key questions or themes that should drive the research:

Theme 1: Who are we today? What are the current demographics of membership? Where do we work? In what sectors/specialties, firm-types and sizes? What do our members do?

Theme 2: How do Bar members feel about work and the workplace? How do they evaluate+ experience the workplace and workplace culture? How does that compare to other relevant workplace assessments (e.g., Oregon State Bar members, WSBA previous assessments, etc)

Theme 3: What are Member workplaces like? What do they think about them? What kinds of things do they tend to experience? What are some common lived experiences? What experiences are common for some groups and not for others? How do these experiences and perceptions affect their feelings about work/the workplace?

Theme 4: What are some of the programs that have helped/would help make things better for Bar members, and how can we help make them more available/accessible to membership? What are their experiences + perceptions of mentoring programs, networking groups, diversity initiatives/focus, affinity bars, affinity groups and DEI programs? Who offered those programs? What role can/has the Bar played?

As a reminder, the Steering Committee for this project is comprised of Gov. Alec Stephens, Gov. Nam Nguyen, Chief Equity & Justice Officer Diana Singleton, and me.

#### Washington Bar Licensure Task Force Charter Extended

On November 20, 2020, the Washington Supreme Court issued an order to create the Washington Bar Licensure Task Force. The Task Force was charged with assessing the bar exam and other licensing requirements, including disproportionate impacts on examinees of color and first-generation examinees. The Task Force was asked to consider the need for alternatives to the current bar exam and analyze those potential alternatives. Gov. Brent Williams-Ruth and Gov. Jordan Couch are both members of the Task Force. The Task Force was originally scheduled to complete its work by December 31, 2022. The Court has extended the Charter to December 31, 2023.

#### Increasing 2023 Ad Rates for Bar News

Beginning with the December 2022/January 2023 issue, ad rates for *Washington State Bar News* will be increasing. Over the last few years, at the urging of members of the Board, we have made tremendous strides towards making *Bar News* a self-sustaining activity of the Bar, and this continual reevaluation of advertising rates keeps moving us toward that goal by ensuring we remain competitive in the market. On the recommendation of our advertising partner, LLM Publications, we are increasing the price for display advertisements by 10%. This will help to keep up with our direct costs, including paper, which has risen by more than 10%. The price for announcements is increasing by 33%. We were advised that these ads were significantly underpriced compared to display advertisements. We will not be increasing the price for professional marketplace listings. The new ad rates are attached for your reference. Note that WSBA's Fiscal Policies and Procedures assigns the Executive Director the responsibility for setting advertising rates.

#### Attachments

Bar News Ad Rates

Litigation Report

Media Report

Member Demographics Report

**2023 Bar News rates for display ads and announcements**

		CURRENT RATES		
		Member		
<b>WSBA Bar News</b>		1x	5x	9x
Back Cover	color	\$2,727	\$2,590	\$2,509
Inside Cover	color	\$2,643	\$2,510	\$2,431
Full Page	color	\$2,389	\$2,272	\$2,193
2/3 Page	color	\$2,114	\$1,998	\$1,884
1/2 Page	color	\$1,838	\$1,725	\$1,574
1/3 Page	color	\$1,462	\$1,405	\$1,293
1/6 Page	color	\$1,040	\$983	\$927
Announcements		\$595		
		Non-Member		
Back Cover	color	\$3,002	\$2,851	\$2,762
Inside Cover	color	\$2,909	\$2,764	\$2,676
Full Page	color	\$2,631	\$2,502	\$2,413
2/3 Page	color	\$2,328	\$2,182	\$2,074
1/2 Page	color	\$2,024	\$1,863	\$1,773
1/3 Page	color	\$1,609	\$1,516	\$1,424
1/6 Page	color	\$1,145	\$1,083	\$1,021

		10% INCREASE		
		Member		
		1x	5x	9x
10%		\$3,000	\$2,850	\$2,760
		\$2,910	\$2,770	\$2,680
		\$2,630	\$2,500	\$2,420
		\$2,330	\$2,200	\$2,080
		\$2,030	\$1,900	\$1,740
		\$1,610	\$1,550	\$1,430
		\$1,150	\$1,090	\$1,020
		<b>\$795*</b>		
		Non-Member		
10%		\$3,310	\$3,140	\$3,040
		\$3,200	\$3,050	\$2,950
		\$2,900	\$2,760	\$2,660
		\$2,570	\$2,410	\$2,290
		\$2,230	\$2,050	\$1,960
		\$1,770	\$1,670	\$1,570
		\$1,260	\$1,200	\$1,130

\*More than 10% increase to Announcements, which we have been advised were priced far too low.

# WASHINGTON STATE BAR ASSOCIATION

Office of General Counsel

To: The President, President-elect, Immediate Past-President, and Board of Governors  
 From: Julie Shankland, General Counsel  
 Lisa Amatangel, Associate Director, OGC  
 Date: October 17, 2022  
 Re: Litigation Update

No.	Name	Brief Description	Status
1.	<i>Sangha v. Knapp et al</i> , No. 21-2-00-769-37 (Whatcom Sup. Ct.); No. 833791 (Court of Appeals Division 1)	Addresses handling of letters of complaint.	Complaint filed 08/02/21; WSBA filed motion to dismiss on 08/24/21. WSBA's motion to dismiss granted 09/24/21. Notice of appeal received 11/22/21. Scheduling order issued by the Court of Appeals on 8/16/2022.
2.	<i>Block v. WSBA et al.</i> , No. 18-cv-00907 (W.D. Wash.) (" <i>Block II</i> ")	See <i>Block I</i> (below).	<p>On 03/21/19, the Ninth Circuit stayed <i>Block II</i> pending further action by the district court in <i>Block I</i>. On 12/17/19, Block filed a status report with the Ninth Circuit informing the Court of the <i>Block I</i> Court's reimposition of the vexatious litigant pre-filing order against Block. On 06/18/20, the Ninth Circuit lifted the stay order and ordered the appellees who have not yet filed their answering briefs to do so by 08/17/20 (WSBA filed its answer brief before the stay order was entered). Block's reply was due 10/09/20, then extended to 12/28/20.</p> <p>Block filed a reply brief four months late along with a motion for extension of time. The Ninth Circuit denied Block's motion for an extension and declined to accept the reply brief. Block has filed a Motion for Reconsideration of the Order denying her motion for an extension. The Ninth Circuit set this matter for consideration without oral argument on 06/08/21. On 07/02/21, the Ninth Circuit affirmed the dismissal of <i>Block II</i> pursuant to the original vexatious litigant order.</p>



			<p>Block filed in District Court a Motion to Issue Indicative ruling and an amended version of the same motion, which was denied.</p> <p>Block filed a second notice of appeal in this matter, 9<sup>th</sup> Cir., No. 21-35261), “Block II – Appeal II”. Block’s opening brief and excerpts of record were due 06/07/21. On 08/27/21, the Ninth Circuit denied the appellees’ requests for dismissal of the appeal for failure to prosecute and set a new briefing schedule; Block’s opening brief was due 09/22/21. On 09/29/21 Block filed a motion to stay the appeal or extend the deadline for her to file the opening brief by 90 days.</p> <p>On 09/09/21, Block filed a motion to vacate all decisions in this matter; WSBA opposed and the motion was denied on 09/28/21. Block appealed the Ninth Circuit Court’s 9/28/21 order, and the amended notice of appeal was added to Block II -Appeal II.</p> <p>The Ninth Circuit Court then issued an order to Block to show cause why it should not summarily dispose of this appeal; Block failed to respond and the Ninth Circuit dismissed Block II – Appeal II.</p>
3.	<i>Block v. WSBA, et al.</i> , No. 15-cv-02018-RSM (W.D. Wash.) (“ <i>Block I</i> ”)	Alleges conspiracy among WSBA and others to deprive plaintiff of law license and retaliate for exercising 1st Amendment rights.	<p>On 02/11/19, the Ninth Circuit affirmed dismissal of claims against WSBA and individual WSBA defendants; the Court also vacated the pre-filing order and remanded this issue to the District Court. On 12/09/19, the United States Supreme Court denied plaintiff’s Petition of Writ of Certiorari.</p> <p>On 12/13/19, the District Court reimposed the vexatious litigant pre-filing order against Block; Block filed a notice of appeal regarding this order on 01/14/20 (“Block I – Appeal II”). Block filed an opening brief in Block I – Appeal II on 11/06/20; WSBA filed its answering brief on 01/07/21. Block’s optional Reply Brief was due on 01/28/21.</p>

		<p>Block filed a reply brief on 04/26/21 along with a motion for extension. The Ninth Circuit set this matter for consideration without oral argument on 06/08/21. On 07/02/21 the Ninth Circuit affirmed the dismissal of Block II pursuant to the original vexatious litigant order.</p> <p>On 09/10/20, Block moved to vacate the vexatious litigant order; WSBA opposed the motion and it was denied. In response to the district court’s denial of Block’s motion to vacate, on 10/01/20, Block filed a motion for an indicative ruling on whether the district court would vacate the vexatious litigant order if the appellate court remanded the case for that purpose. WSBA opposed the motion. Block filed a reply on 10/16/20. This motion was denied.</p> <p>On 09/09/21, Block filed a motion to vacate all decisions in this matter; WSBA filed an opposition on 09/20/21. This motion was denied on 09/28/21.</p> <p>Block appealed the order issued on 09/28/21. The Ninth Circuit opened a new appeal (9<sup>th</sup> Cir. No. 21-35922), “Block I – Appeal III”, in which Block’s opening brief was due 01/05/22. Block filed an untimely motion to extend the time to file her opening brief; WSBA opposed the motion on 02/07/22. Block filed an opening brief in Block I – Appeal III on 3/3/22. WSBA’s answering brief was due 5/4/22. After two extensions, Block filed a reply brief on 6/27/22.</p>
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# WASHINGTON STATE BAR ASSOCIATION

## MEMO

**To:** Board of Governors

**From:** Jennifer Olegario, Communications and Outreach Manager

**Date:** Oct. 18, 2022

**Re:** **Summary of Media Contacts, Sept. 15-Oct. 14, 2022**

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Date	Journalist and Media Outlet	Inquiry
Oct. 4	Matt Hamilton, <i>Los Angeles Times</i>	Working on story re: mandatory reporting of misconduct by attorneys; sought source familiar with RPC 8.3 and its impact. Referred him to Mark Fucile.

### Media Releases and Public Statements:

- [Washington State Bar Association Honors Legal Luminaries at 2022 APEX Awards \(Sept. 23\)](#)
- [Yakima Attorney Daniel D. Clark Sworn-in as President of the Washington State Bar Association \(Sept. 23\)](#)
- [Remembering Two WSBA Presidents \(Sept.-Oct.\)](#)

### Media Coverage:

- [“Yakima County deputy prosecutor to head state bar association,” \*Yakima Herald-Republic\* \(Oct. 4\)](#)

# WSBA Member\* Licensing Counts 10/3/22 9:02:03 AM GMT-07:00

Member Type	In WA State	All
Attorney - Active	26,469	33,828
Attorney - Emeritus	112	120
Attorney - Honorary	361	412
Attorney - Inactive	2,677	5,844
Judicial	631	660
LLLT - Active	75	75
LLLT - Inactive	8	9
LPO - Active	793	803
LPO - Inactive	147	163
	31,273	41,914

By District		
	All	Active
0	4,610	3,507
1	2,990	2,501
2	2,180	1,767
3	2,118	1,773
4	1,389	1,174
5	3,317	2,724
6	3,520	2,930
7N	5,079	4,336
7S	6,420	5,305
8	2,332	1,988
9	5,044	4,293
10	2,915	2,408
	41,914	34,706

By State and Province	
Alabama	22
Alaska	199
Alberta	9
Arizona	372
Arkansas	20
Armed Forces Americas	3
Armed Forces Europe, Middle East	24
Armed Forces Pacific	9
British Columbia	96
California	2,006
Colorado	294
Connecticut	48
Delaware	7
District of Columbia	363
Florida	276
Georgia	91
Guam	14
Hawaii	143
Idaho	516
Illinois	167
Indiana	48
Iowa	30
Kansas	31
Kentucky	41
Louisiana	47
Maine	16
Maryland	120
Massachusetts	88
Michigan	78
Minnesota	113
Mississippi	5
Missouri	77
Montana	181
Nebraska	17
Nevada	165
New Hampshire	14
New Jersey	59
New Mexico	76
New York	271
North Carolina	89
North Dakota	9
Northern Mariana Islands	6
Nova Scotia	1
Ohio	94
Oklahoma	47
Ontario	17
Oregon	2,783
Pennsylvania	71
Puerto Rico	6
Quebec	2
Rhode Island	17
South Carolina	35
South Dakota	7
Tennessee	63
Texas	432
Utah	189
Vermont	13
Virginia	273
Virgin Islands	2
Washington	31,273
Washington Limited License	1
West Virginia	5
Wisconsin	51
Wyoming	20

By WA County		By Admit Yr	
Adams	17	1946	1
Asotin	25	1947	2
Benton	406	1948	2
Chelan	262	1949	1
Cllallam	160	1950	4
Clark	994	1951	12
Columbia	8	1952	17
Cowlitz	144	1953	15
Douglas	40	1954	20
Ferry	8	1955	9
Franklin	59	1956	29
Garfield	3	1957	20
Grant	124	1958	25
Grays Harbor	111	1959	28
Island	149	1960	25
Jefferson	122	1961	21
King	17,380	1962	25
Kitsap	849	1963	29
Kittitas	94	1964	30
Klickitat	27	1965	44
Lewis	116	1966	55
Lincoln	13	1967	53
Mason	99	1968	70
Okanogan	86	1969	83
Pacific	29	1970	85
Pend Oreille	14	1971	91
Pierce	2,461	1972	140
San Juan	96	1973	221
Skagit	300	1974	210
Skamania	18	1975	259
snohomish	1	1976	312
Snohomish	1,701	1977	324
Spokane	2,053	1978	346
SPOKANE	1	1979	380
Stevens	52	1980	399
Thurston	1,720	1981	442
Wahkiakum	11	1982	422
Walla Walla	122	1983	459
Whatcom	601	1984	1,056
Whitman	72	1985	533
Yakima	443	1986	721
		1987	687
		1988	606
		1989	669
		1990	840
		1991	814
		1992	798
		1993	893
		1994	852
		1995	799
		1996	779
		1997	891
		1998	875
		1999	893
		2000	894
		2001	892
		2002	973
		2003	1,033
		2004	1,068
		2005	1,102
		2006	1,169
		2007	1,244
		2008	1,085
		2009	965
		2010	1,059
		2011	1,043
		2012	1,065
		2013	1,208
		2014	1,332
		2015	1,575
		2016	1,295
		2017	1,369
		2018	1,291
		2019	1,350
		2020	1,543
		2021	1,409
		2022	955

Misc Counts	
All License Types **	42,322
All WSBA Members	41,914
Members in Washington	31,273
Members in western Washington	27,062
Members in King County	17,380
Members in eastern Washington	3,929
Active Attorneys in western Washington	22,958
Active Attorneys in King County	15,193
Active Attorneys in eastern Washington	3,260
New/Young Lawyers	6,935
MCLE Reporting Group 1	11,512
MCLE Reporting Group 2	11,071
MCLE Reporting Group 3	11,757
Foreign Law Consultant	21
House Counsel	377
Indigent Representative	10

By Section ***	All	Previous Year
Administrative Law Section	255	234
Animal Law Section	90	82
Antitrust, Consumer Protection and Unfair Business Practice	195	198
Business Law Section	1,240	1,247
Cannabis Law Section	72	94
Civil Rights Law Section	176	178
Construction Law Section	502	519
Corporate Counsel Section	1,085	1,097
Creditor Debtor Rights Section	456	464
Criminal Law Section	381	380
Dispute Resolution Section	323	311
Elder Law Section	609	619
Environmental and Land Use Law Section	770	799
Family Law Section	1,013	988
Health Law Section	394	391
Indian Law Section	329	331
Intellectual Property Section	860	867
International Practice Section	246	224
Juvenile Law Section	141	146
Labor and Employment Law Section	973	972
Legal Assistance to Military Personnel Section	81	78
Lesbian, Gay, Bisexual, Transgender (LGBT) Law Section	120	107
Litigation Section	1,026	1,042
Low Bono Section	77	84
Real Property Probate and Trust Section	2,279	2,303
Senior Lawyers Section	222	232
Solo and Small Practice Section	881	906
Taxation Section	626	624
World Peace Through Law Section	132	143

\* Per WSBA Bylaws 'Members' include active attorney, emeritus pro-bono, honorary, inactive attorney, judicial, limited license legal technician (LLLT), and limited practice officer (LPO) license types.

\*\* All license types include active attorney, emeritus pro-bono, foreign law consultant, honorary, house counsel, inactive attorney, indigent representative, judicial, LPO, and LLLT.

\*\*\* The values in the All column are reset to zero at the beginning of the year (Jan 1). The Previous Year column is the total from the last day of the prior year (Dec 31). WSBA staff with complimentary membership are not included in the counts.

By Years Licensed	
Under 6	8,388
6 to 10	6,450
11 to 15	5,443
16 to 20	4,965
21 to 25	4,163
26 to 30	3,644
31 to 35	2,912
36 to 40	2,399
41 and Over	3,550
<b>Total:</b>	<b>41,914</b>

By Age	All	Active
21 to 30	1,676	1,616
31 to 40	9,103	8,223
41 to 50	10,387	8,758
51 to 60	9,209	7,293
61 to 70	7,424	5,482
71 to 80	3,468	2,283
Over 80	647	173
<b>Total:</b>	<b>41,914</b>	<b>33,828</b>

By Gender	
Female	12,139
Male	15,966
Non-Binary	26
Not Listed	26
Selected Mult Gender	32
Transgender	1
Two-spirit	4
<b>Respondents</b>	<b>28,194</b>
<b>No Response</b>	<b>13,720</b>
<b>All Member Types</b>	<b>41,914</b>

By Disability	
Yes	1,271
No	19,681
<b>Respondents</b>	<b>20,952</b>
<b>No Response</b>	<b>20,962</b>
<b>All Member Types</b>	<b>41,914</b>

By Sexual Orientation	
Asexual	25
Gay, Lesbian, Bisexual, Pansexual, or Queer	626
Heterosexual	5,384
Not Listed	119
Selected multiple orientations	29
Two-spirit	4
<b>Respondents</b>	<b>6,187</b>
<b>No Response</b>	<b>35,727</b>
<b>All Member Types</b>	<b>41,914</b>

By Ethnicity	
American Indian / Native American / Alaskan Native	223
Asian-Central Asian	27
Asian-East Asian	291
Asian-South Asian	86
Asian-Southeast Asian	88
Asian—unspecified	1,010
Black / African American / African Descent	662
Hispanic / Latinx	709
Middle Eastern Descent	30
Multi Racial / Bi Racial	1,082
Not Listed	213
Pacific Islander / Native Hawaiian	63
White / European Descent	22,502
<b>Respondents</b>	<b>26,986</b>
<b>No Response</b>	<b>14,928</b>
<b>All Member Types</b>	<b>41,914</b>

Members in Firm Type	
Bank	45
Escrow Company	62
Government/ Public Sector	5,177
House Counsel	3,255
Non-profit	526
Title Company	125
Solo	5,009
Solo In Shared Office Or	1,194
2-5 Members in Firm	4,153
6-10 Members in Firm	1,670
11-20 Members in Firm	1,256
21-35 Members in Firm	771
36-50 Members In Firm	558
51-100 Members in Firm	605
100+ Members in Firm	1,850
Not Actively Practicing	2,153
<b>Respondents</b>	<b>28,409</b>
<b>No Response</b>	<b>13,505</b>
<b>All Member Types</b>	<b>41,914</b>

By Practice Area	
Administrative-regulator	2,295
Agricultural	236
Animal Law	107
Antitrust	318
Appellate	1,649
Aviation	186
Banking	435
Bankruptcy	827
Business-commercial	5,237
Cannabis	158
Civil Litigation	372
Civil Rights	1,096
Collections	479
Communications	216
Constitutional	656
Construction	1,342
Consumer	762
Contracts	4,298
Corporate	3,618
Criminal	3,610
Debtor-creditor	876
Disability	571
Dispute Resolution	1,222
Education	478
Elder	818
Employment	2,779
Entertainment	316
Environmental	1,268
Estate Planning-probate	3,207
Family	2,542
Foreclosure	442
Forfeiture	94
General	2,475
Government	2,864
Guardianships	767
Health	961
Housing	334
Human Rights	315
Immigration-naturaliza	1,009
Indian	573
Insurance	1,603
Intellectual Property	2,285
International	898
Judicial Officer	448
Juvenile	787
Labor	1,111
Landlord-tenant	1,198
Land Use	864
Legal Ethics	292
Legal Research-writing	852
Legislation	447
Lgbtq	97
Litigation	4,767
Lobbying	167
Malpractice	727
Maritime	303
Military	381
Municipal	905
Non-profit-tax Exempt	637
Not Actively Practicing	2,029
Oil-gas-energy	265
Patent-trademark-copyr	1,336
Personal Injury	3,135
Privacy And Data Securit	435
Real Property	2,665
Real Property-land Use	2,089
Securities	784
Sports	181
Subrogation	127
Tax	1,296
Torts	2,034
Traffic Offenses	569
Workers Compensation	681

By Languages Spoken	
Afrikaans	5
Akan /twi	6
Albanian	2
American Sign Language	20
Amharic	22
Arabic	49
Armenian	8
Bengali	13
Bosnian	15
Bulgarian	13
Burmese	3
Cambodian	6
Cantonese	107
Cebuano	7
Chamorro	5
Chaozhou/chiu Chow	1
Chin	1
Croatian	20
Czech	7
Danish	19
Dari	5
Dutch	22
Egyptian	2
Estonian	1
Farsi/persian	70
Finnish	8
French	689
French Creole	2
Fukienese	3
Ga/kwa	2
German	404
Gikuyu/kikuyu	1
Greek	33
Gujarati	16
Haitian Creole	3
Hebrew	39
Hindi	108
Hmong	1
Hungarian	17
Ibo	4
Icelandic	2
Ilocano	9
Indonesian	12
Italian	167
Japanese	213
Javanese	1
Kannada/canases	4
Kapampangan	2
Khmer	3
Korean	242
Kurdish/kurmanji	1
Lao	5
Latvian	6
Lithuanian	5
Malay	4
Malayalam	8
Mandarin	411
Marathi	6
Mien	1
Mongolian	1
Navajo	1
Nepali	5
Norwegian	36
Not_listed	49
Oromo	3
Pashto	1
Persian	23
Polish	34
Portuguese	132
Portuguese Creole	1
Punjabi	71
Romanian	23
Russian	237
Samoan	7
Serbian	17
Serbo-croatian	12
Sign Language	19
Singhalese	2
Slovak	3
Spanish	1,852
Spanish Creole	3
Swahili	8
Swedish	53
Tagalog	70
Taishanese	5
Taiwanese	24
Tamil	10
Telugu	4
Thai	12
Tigrinya	5
Tongan	1
Turkish	16
Ukrainian	45
Urdu	47
Vietnamese	89
Yoruba	10
Yugoslavian	3

\* Includes active attorneys, emeritus pro-bono, honorary, inactive attorneys, judicial, limited license legal technician (LLLT), and limited practice officer (LPO).

**TO:** WSBA Board of Governors  
**CC:** Terra Nevitt, Executive Director  
**FROM:** Nicole Gustine, Assistant General Counsel, Staff Liaison  
Kyla Jones, Paralegal II, Staff Liaison  
**DATE:** October 17, 2022  
**RE:** Proposed Amendment to CrRLJ 4.7 from the Court Rules and Procedures Committee

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**ACTION:** Approve suggested amendment to CrRLJ 4.7 for submission to the Washington Supreme Court.

Background

As part of the Supreme Court’s rules review cycle, the WSBA Court Rules and Procedures Committee (Committee) reviewed the Criminal Rules for Superior Courts and the Criminal Rules for Courts of Limited Jurisdiction for the 2021-2022 year. The subcommittee reviewing the Criminal Rules for Courts of Limited Jurisdiction proposed the following amendment, which was approved by the Committee on September 26, 2022.

Community Input

The Committee reached out to a list of stakeholders with a proposed change to CrRLJ 4.7 in an attempt to address two issues: (1) discovery delays; and (2) making the rule gender neutral. The list of stakeholders includes (among others) specialty bar associations, minority bar associations, and county bar associations. The Committee has decided not to pursue the changes intended to address delayed discovery due to both the Supreme Court of Washington’s adoption of GR 42 and stakeholder feedback. At this time, the Committee recommends adoption of the parts of the proposal that would make CrRLJ 4.7 gender neutral.

Summary of Proposed Amendment

The amendments remove gendered language from the rule. The amendments do not change the substance of the rule.

We anticipate submitting this amendment to the Washington Supreme Court after the BOG has completed its consideration.

Attachments

Proposed CrRLJ 4.7  
Draft GR 9 cover sheet

**WSBA RISK ANALYSIS:** *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

**Requested Action:** The BOG is asked to approve sending this proposed court rule change to the court. The proposed change replaces gendered language in the rule and does not otherwise modify the rule.

**GR 12 and germaneness analysis:** GR 12.2(b)(3) specifically authorizes the WSBA to provide periodic reviews and recommendations concerning court rules and procedures. Reviewing and submitting court rules changes is germane to regulating the practice of law and improving the quality of legal services provided to the people of the state of Washington. The requested action is within GR 12 and the *Keller* germaneness analysis.

**Legal Risk Considerations:** This action appears to be low risk. No specific risks were identified.

**WSBA FISCAL ANALYSIS:** *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

This action does not appear to have a fiscal impact outside of time and effort needed to make administrative updates as a result of the amended language.

**WSBA EQUITY ANALYSIS:** *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

This action appears to promote inclusion and equity by removing language that is limited to “his” and “her” and uses inclusive language that identifies a person’s role (e.g., defendant, staff) instead of assuming a person’s gender identity or expression. Taking out binary gendered language creates more inclusion for people who are non-binary or do not identify as a man or a woman who have been historically and continue to be marginalized and ultimately fairer outcomes.

## CrRLJ 4.7 DISCOVERY

### **(a) Prosecuting Authority's Obligations.**

(1) Except as otherwise provided by protective orders or as to matters not subject to disclosure, the prosecuting authority shall, upon written demand, disclose to the defendant or the defendant's counsel the following material and information within ~~his or her~~ the prosecuting authority's possession or control concerning:

(i) the names and addresses of persons whom the prosecuting authority intends to call as witnesses at the hearing or trial, together with any written or recorded statements and the substance of any oral statements of such witnesses;

(ii) any written or recorded statements and the substance of any oral statements made by the defendant, or made by a codefendant if the trial is to be a joint one;

(iii) any reports or statements of experts made in connection with the particular case, including results of physical or mental examinations and scientific tests, experiments, or comparisons;

(iv) any books, papers, documents, photographs, or tangible objects which the prosecuting authority intends to use in the hearing or trial or which were obtained from or belonged to the defendant;

(v) any record of prior criminal convictions known to the prosecuting authority of the defendant and of persons whom the prosecuting authority intends to call as witnesses at the hearing or trial;

(vi) any electronic surveillance, including wiretapping, of the defendant's premises or conversations to which the defendant was a party and any record thereof;

(vii) any expert witnesses whom the prosecuting authority will call at the hearing or trial, the subject of their testimony, and any reports relating to the subject of their testimony that they have submitted to the prosecuting authority;

(viii) any information indicating entrapment of the defendant;

(ix) specified searches and seizures;

(x) the acquisition of specified statements from the defendant; and

(xi) the relationship, if any, of specified persons to the prosecuting authority.

(2) Unless the court orders otherwise, discoverable materials shall be made available for inspection and copying within 21 days of arraignment or within 21 days of receipt of the demand by the prosecuting authority, whichever is later.

(3) Except as otherwise provided by protective orders, the prosecuting authority shall disclose to defendant's lawyer any material or information within ~~his or her~~ the prosecuting authority's knowledge which tends to negate defendant's guilt as to the offense charged.

(4) The prosecuting authority's obligation under this section is limited to material and information within the actual knowledge, possession, or control of members of ~~his or her~~ the prosecuting authority's staff.

**(b) Defendant's Obligations.**

(1) Except as otherwise provided by protective orders or as to matters not subject to disclosure, the defendant shall disclose to the prosecuting authority the following material and information within ~~his or her~~ defendant's possession or control concerning:

(i) the names and addresses of persons whom the defendant intends to call as witnesses at the hearing or trial, together with any written or recorded statements and the substance of any oral statements of such witnesses;

(ii) any books, papers, documents, photographs, or tangible objects which the defendant intends to use in the hearing or

(iii) any expert witnesses whom the defendant will call at the hearing or trial, the subject of their testimony, and any reports relating to the subject of their testimony that they have submitted to the defendant;

(iv) any claim of incompetency to stand trial;

(v) whether ~~his or her~~ the defendant's prior convictions will be stipulated or need to be proved;

(vi) whether or not ~~he or she~~ the defendant will rely on a defense of insanity at the time of the offense; and

(vii) the general nature of ~~his or her~~ the defendant's defense.

(2) Unless the court orders otherwise, discoverable materials shall be made available for inspection and copying not later than 14 days prior to the date set for trial.

(3) References in this section to defendant shall be deemed to include the defendant's lawyer, where appropriate.

**(c) Physical and Demonstrative Evidence.**

(1) Notwithstanding the initiation of judicial proceedings, and subject to constitutional limitations, the court on motion of the prosecuting authority or the defendant may require or allow the defendant to:

(i) appear in a lineup;

(ii) speak for identification by a witness to an offense;

(iii) be fingerprinted;

(iv) pose for photographs not involving reenactment of the crime charged; (v) try on articles of clothing;

(vi) permit the taking of samples of or from ~~his or her~~ the defendant's blood, hair, and other materials of ~~his or her~~ the defendant's body including materials under ~~his or her~~ the defendant's fingernails which involve no unreasonable intrusion thereof;

(vii) provide specimens of ~~his or her~~ the defendant's handwriting; and

(viii) submit to a reasonable physical, medical, or psychiatric inspection or examination.

(2) Provisions may be made for appearance for the purposes stated in this section in an order for pretrial release.

**(d) Material Held by Others.** Upon defendant's request and designation of material or information in the knowledge, possession or control of other persons which would be discoverable if in the knowledge, possession or control of the prosecuting authority, the prosecuting authority shall attempt to cause such material or information to be made available to the defendant. If the prosecuting authority's efforts are unsuccessful and if such material or persons are subject to the jurisdiction of the court, the court shall issue suitable subpoenas or orders to cause such material to be made available to the defendant.

**(e) Discretionary Disclosures.**

(1) Upon a showing of materiality and if the request is reasonable, the court in its discretion may require disclosure of the relevant material and information not covered by sections (a) and (d).

(2) The court may condition or deny disclosure authorized by this rule if it finds that there is a substantial risk to any person of physical harm, intimidation, bribery, economic reprisals or unnecessary annoyance or embarrassment resulting from such disclosure, which outweigh any usefulness of the disclosure to the defendant.

**(f) Matters Not Subject to Disclosure.**

(1) *Work Product.* Disclosure shall not be required of legal research or of records, correspondence, reports or memoranda to the extent that they contain the opinions, theories or conclusions of investigating or prosecuting agencies except as to material discoverable under subsection (a)(1)(iii).

(2) *Informants.* Disclosure of an informant's identity shall not be required when ~~his or her~~ the informant's identity is a prosecution secret and a failure to disclose will not infringe upon the constitutional rights of the defendant. Disclosure of the identity of witnesses to be produced at a hearing or trial shall not be denied.

**(g) Regulation of Discovery.**

(1) *Investigations Not To Be Impeded.* Except as otherwise provided by protective orders or as to matters not subject to disclosure, neither the lawyers for the parties nor other prosecution or defense personnel shall advise persons, other than the defendant, who have relevant material or information to refrain from discussing the case with the opposing lawyer or showing the opposing lawyer any relevant material, nor shall they otherwise impede the opposing lawyer's investigation of the case.

(2) *Continuing Duty To Disclose.* If, after compliance with this rule or orders pursuant to it, a party discovers additional material or information which is subject to disclosure, ~~he or she~~ that party shall promptly notify the other party or ~~his or her lawyer~~ counsel of the existence of such additional material. If the additional material or information is discovered during trial, the court shall also be notified.

(3) *Custody of Materials.* Any materials furnished to a lawyer pursuant to these rules shall remain in the exclusive custody of the lawyer and be used only for the purposes of conducting the party's side of the case, unless otherwise agreed by the parties or ordered by the court, and shall be subject to such other terms and conditions as the parties may agree or the court may provide. Further, a defense lawyer shall



be permitted to provide a copy of the materials to the defendant after making appropriate redactions which are approved by the prosecuting authority or order of the court.

(4) *Protective Orders.* Upon a showing of cause, the court may at any time order that specified disclosure be restricted or deferred or make such other order as is appropriate, provided that all material and information to which a party is entitled must be disclosed in time to permit ~~his or her~~ the party's lawyer to make beneficial use of it.

(5) *Excision.* When some parts of certain material are discoverable under this rule and other parts are not discoverable, as much of the material shall be disclosed as is consistent with this rule. Material excised pursuant to judicial order shall be sealed and preserved in the records of the court, to be made available to the appellate court in the event of an appeal.

(6) *In Camera Proceedings.* Upon request of any person, the court may permit any showing of cause for denial or regulation of disclosure, or portion of such showing, to be made in camera. A record shall be made of such proceedings. If the court enters an order granting relief following a showing in camera, the entire record of such showing shall be sealed and preserved in the records of the court, to be made available to the appellate court in the event of an appeal.

(7) *Sanctions.*

(i) If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with an applicable discovery rule or an order issued pursuant thereto, the court may order such party to permit the discovery of material and information not previously disclosed, grant a continuance, or enter such other order as it deems just under the circumstances.

(ii) The court may at any time dismiss the action if the court determines that failure to comply with an applicable discovery rule or an order issued pursuant thereto is the result of a willful violation or of gross negligence and that the defendant was prejudiced by such failure.

(iii) A lawyer's willful violation of an applicable discovery rule or an order issued pursuant thereto may subject the lawyer to appropriate sanctions by the court.

1 **GR 9 Cover Sheet**

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3 **Suggested Changes to CrRLJ 4.7**

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5 **(A) Name of Proponent:** Washington State Bar Association

6 **(B) Spokesperson:** Paul Crisalli, Chair Court Rules and Procedures Committee  
7 [paul.crisalli@atg.wa.gov](mailto:paul.crisalli@atg.wa.gov)

8  
9 **(C) Purpose:** The proposed amendments make the rule gender neutral.

10 **(D) Hearing:** None recommended.

11 **(E) Expedited Consideration:** Expedited consideration is not requested.

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**TO:** WSBA Board of Governors

**CC:** Terra Nevitt, Executive Director

**FROM:** Paris Eriksen, Volunteer Engagement Advisor  
Kevin Fay, Governor District 9  
Glynnis Klinefelter-Sio, Human Resources Director and Chief Culture Officer  
Kari Petrasek, Governor District 2  
Kevin Plachy, Director of Advancement  
Brian Tollefson, Immediate Past President

**DATE:** October 17, 2022

**RE:** **DRAFT** COVID-19 Policies

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**ACTION:** Rescind Volunteer Vaccination Policy and approve the proposed framework to support the Executive Director's role and authority regarding health and safety policies and procedures.

At the request of President Daniel Clark, a small informal group of Board members and staff met to discuss how best to approach WSBA's COVID-19 response, at a policy level, going forward. This enclosed recommendation is the result of such discussion and has also been informed by feedback from additional governors and staff.

#### Recommendation

We recommend that the Volunteer Vaccination Policy be rescinded. We recommend that the Executive Director rescind the attendee policy, and as it is within the Executive Director's authority (see *enclosed Board of Governors and Board Officers Roles and Responsibilities*), encourage the development of a new policy for in-person meetings and events with the following considerations:

- national, state and local health and safety guidelines,
- equity and inclusion of members (regardless of volunteer involvement) and members of the public,
- encourages continued virtual/remote options for meetings and events wherever possible, and
- respects everyone's personal health decisions.

#### Considerations

The existence of two policies for volunteers and guests have, in the view of this group, created interrelated problems around equity, inclusion, and implementation. We have put forward the above recommendation for the various reasons described below.

The existing policies treat members and members of the public differently based upon their affiliation with our organization. Additionally, access to an in-person meeting or event is different depending upon this affiliation. For

example, a non-volunteer may not submit, in advance, proof of vaccination to ensure access to an event and a volunteer may not submit a negative PCR test in lieu of proof of vaccination. Further, such policies may deter in-person attendance (even when it can be safely done) and pose too many disparate and conflicting barriers to attend an in-person event; particularly for someone who is a WSBA volunteer but attending an event (such as a BOG meeting) in a non-volunteer capacity.

In light of the information provided by King County Public Health, we learned that the existence of a vaccination mandate policy does not eliminate the possibility of spreading COVID-19 virus. Rather it is important to support certain practices such as masking and social distancing.

### Background

Currently, the WSBA has two COVID-19 related policies that impact WSBA members and volunteers; the Volunteer Vaccination Policy approved and amended by the Board of Governors on March 2022 and the WSBA In-Person Event and Meeting Attendee Policy authorized by the Executive Director. In summary, the Volunteer policy requires proof of vaccination (including one booster) be submitted in advance of attending an in-person meeting or event. The attendee policy requires proof of vaccination (including one booster) or proof of a negative PCR test be provided at the meeting/event before entry.

### Attachments

WSBA Volunteer COVID-19 Vaccination Mandate for WSBA In-Person Meetings and Events, March 2022  
WSBA COVID-19 Vaccination Requirements for Guests/Attendees at Indoor Events  
Board of Governors and Board Officer Roles and Responsibilities, March 2022.

*WSBA EQUITY ANALYSIS: This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

The proposal action will increase fairer outcomes by rescinding the current policies which are inconsistent and create disparities between different groups of people, and by including equity and inclusion as a primary consideration in developing a new policy. Further, given that COVID has had disproportionate impacts on marginalized communities, developing a new policy which centers those closest to the harm will also increase more equitable outcomes.

*WSBA RISK ANALYSIS: This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

The request is to rescind the Volunteer Vaccination Policy that applies to volunteers attending WSBA events and to approve a framework for the Executive Director to develop a new procedure for in-person meetings and events. By rescinding the policy, the risk to the WSBA is low, especially considering that the proposal recommends putting in place a mechanism for the Executive Director to implement future procedures to protect the health and safety of in-person participants at WSBA events. Issues to consider:

- Making sure there is an appropriate transition period.

*WSBA FISCAL ANALYSIS: This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The proposed action may increase the amount of in-person attendance by volunteers at events (such as committee meetings) and could lead to an increase in expenses for volunteer participation. WSBA provides expense reimbursement for volunteers who are performing WSBA work. Examples of the most common reimbursable expenses are transportation, meals, and accommodations. Therefore, any increase in attendance in-person by volunteers will likely result in an increase in expenses however, this would be consistent with pre-COVID levels of funding for volunteers and not considered a “new” expense. The dollar amount of impact is variable, depending on the amount of increased attendance as well as the activities themselves. For example, there would be no fiscal impact for committees that no longer meet in-person, but there can be costs for committees that provide for a hybrid option.

# WASHINGTON STATE BAR ASSOCIATION

## POLICY

### **WSBA VOLUNTEER COVID-19 VACCINATION MANDATE FOR WSBA IN-PERSON MEETINGS AND EVENTS**

**Approved August 21, 2021**

**Amended March 11, 2022**

WHEREAS, on February 29, 2020, Governor Inslee proclaimed a state of emergency due to the novel coronavirus disease (COVID-19) outbreak in Washington; and on March 13, 2020, President Trump declared a national emergency due to the COVID-19 outbreak across the United States; and on February 24, 2021, President Biden continued the national emergency; and

WHEREAS, the Supreme Court of Washington has strongly encouraged the Washington State Bar Association to adopt and implement similar vaccination requirements for their Workers as set forth in their order No. 25700-B-669 of August 18, 2021, mandating vaccines for all Supreme Court workers, which includes any “employee, independent contractor, service provider, volunteer, or through any other formal or informal agreement to provide goods or services, whether compensated or uncompensated”; and

WHEREAS, it is the duty of every employer to protect the health and safety of employees by establishing and maintaining a healthy and safe work environment and by requiring all volunteers who appear in-person at our events or on-site at our facilities, to comply with health and safety measures; and

WHEREAS, the WSBA has regulatory functions and provides services, to the members and the public in every county in our state with the use of volunteers, and many of our volunteers have the potential to interact with the members, the staff, or the public on a regular basis, and they all interact with some portion of the community at large to varying degrees before and/or after volunteer hours;

and

WHEREAS this board has the authority to set policies that are reasonably necessary for carrying out and fulfilling its duties under GR 12, RCW 2.48, and our Bylaws.

NOW, THEREFORE, the following policy applicable to volunteers is hereby ADOPTED:

1. **Prohibitions.** This policy prohibits any volunteer, including the Board of Governors, from engaging in in-person volunteer work for the WSBA, or as a representative of WSBA, if the volunteer has not been fully vaccinated, which includes a booster dose, against COVID-19. A volunteer must either be vaccinated or qualify for an exemption to be eligible to volunteer in-person or on-site.
2. **Exemptions from Vaccine Requirement.**
  - a) Volunteers are not required to get vaccinated against COVID-19 if they are entitled under the Americans with Disabilities Act (ADA), Title VII of the Civil Rights Act of 1964 (Title VII), the Washington Law Against Discrimination (WLAD), or any other applicable law to a disability-related reasonable accommodation or a sincerely held religious belief accommodation to the requirements of this order.
  - b) To the extent permitted by law, before providing a disability-related reasonable accommodation to the requirements of this order, the WSBA must obtain from the individual requesting the accommodation documentation from an appropriate healthcare or rehabilitation professional authorized to practice in the State of Washington stating that the individual has a disability that necessitates the accommodation and the probable duration of the need for the accommodation.
  - c) To the extent permitted by law, before providing a sincerely held religious belief accommodation to the requirements of this policy, the WSBA must document that the request for an accommodation has been made and the document must include a statement regarding the way in which vaccinations conflict with the religious observance, practice, or belief of the volunteer.

- d) Reasonable accommodations will be determined by the Executive Director on an individualized basis and, where a volunteer is exempt from this mandate, accommodations may include but are not limited to requirements to wear a mask, obtain viral testing regularly, socially distance, appear virtually, or work remotely.
- e) Like the Independent Contractors mentioned in §4(c) of the Supreme Court's Order this policy applies to volunteers only when their services are performed in person or on site, regardless of frequency, and regardless of whether other staff or volunteers are present.

3. Acceptable Proof of Full Vaccination Against COVID-19: Where required above, volunteers

for the WSBA must provide proof of full vaccination against COVID-19. Acceptable proof may include:

- a) CDC COVID-19 Vaccination Record Card or photo of the card;
- b) Documentation of vaccination from a health care provider or electronic health record;
- c) State immunization information system record;
- d) Other forms approved by Human Resources.

Personal attestation is not an acceptable form of verification of COVID-19 vaccination.

This policy will take effect on 8/22/21 and shall remain in effect until further policy change.

Approved by the WSBA Board of Governors on August 21, 2021.



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Kyle D. Sciuchetti, WSBA# 26264  
WSBA President, 2020-2021



## WSBA COVID-19 Vaccination Requirements for Guests/Attendees at Indoor Events

On August 18, 2021 the WA Supreme Court issued an [order](#) requiring that employees who don't qualify for an exemption provide proof of vaccination against COVID-19 as a condition of employment. The Court strongly encouraged the Washington State Bar Association (WSBA) to do the same.

Subsequent to that order, the WSBA Board of Governors adopted a requirement that WSBA volunteers engaging in WSBA in-person events/business must show proof of COVID-19 vaccination. At its March, 2022 meeting the Board of Governors voted to increase the requirements for proof of vaccination of volunteers engaging in WSBA in-person events/business to include a booster shot.

As WSBA continues to open up to in-person events and gatherings, and in order to ensure consistent levels of safety for WSBA employees, volunteers and guests at our in-person events we are adopting vaccination/testing procedures for all attendees at WSBA in-person, indoor events that bring together individuals who are not subject to the WSBA employee and volunteer vaccination policies. These procedures do not apply to regulatory events and hearings.

### Application:

These procedures will apply to WSBA in-person, indoor events (i.e. CLE seminars, receptions, retreats, committee and supreme court board meetings). These procedures do not apply to regulatory events (i.e. bar exam) and hearings.

### Requirements:

Attendees at applicable events must:

1. Provide proof of full vaccination from COVID-19 plus a booster shot; or
2. Provide proof of a negative PCR COVID test within the past 72 hours.

### Process:

Verification of the above requirements will occur at the event. If WSBA staff are present at the event then a staff designee (or designees) will be appointed to verify the requirements for all attendees.

If WSBA staff will not be present at the event then a volunteer will be appointed to verify the requirements for all attendees.

If an attendee cannot meet the above requirements they will be unable to attend the event in person.

To provide proper notice to attendees, all advertising or notices of events should include prominent language of the vaccination/testing requirements with specific instructions to bring either a vaccination card or proof of a negative PCR COVID test within the past 72 hours to event in order to gain entry.



### Waiting Period for Booster

If an attendee provides proof that they are within the waiting periods to receive a booster shot the attendee will be considered up to date under this procedure and will be able to attend the meeting or event.

- Moderna or Pfizer five months or less after the individual's primary series
- Johnson and Johnson two months or less after the individual's primary series

If an attendee is beyond the waiting periods for a booster shot and has not been boosted the attendee will not be considered up to date under this procedure and will not be able to attend the meeting or event without a negative PCR test taken within the past 72 hours of the event.

**TO:** WSBA Board of Governors  
**CC:** Terra Nevitt, Executive Director  
**FROM:** Jason Schwarz, Chair, Council on Public Defense  
**DATE:** October 13, 2022  
**RE:** Statement on Minimum Qualification for Representation of Persons Accused of Class B and C Felonies

**ACTION:** Approve Publication of CPD Statement on Minimum Qualification for Representation of Persons Accused of Class B and C Felonies. The Statement would be published on the WSBA website and distributed to public defenders through list serve hosted by the Office of Public Defense and the Washington Defender Association.

### Summary

*What is the problem we are trying to solve?*

The CPD has received a request to provide an advisory opinion on Indigent Defense Standard 14.2(E), which concerns certification standards for representing persons on Class B and C felonies.

*How is the solution expected to solve the problem?*

An advisory would provide statewide clarity on certification standards.

*What does success look like and how will we measure it?*

Publication of the standard would avoid confusion about what certification requires. There is confusion with regard to whether lawyers who have worked in public defender offices also have to have trial experience to be certified to handle Class B and C felonies.

*What are the suggested next steps?*

Publication of the advisory is the only step required.

### Background

*Has the request come to the Board before? If so, what has been done since then? How has the proposal changed?*

No.

*Has WSBA ever taken a position on this issue/had a program to address this? What was it? Has anything changed since then?*

This advisory would be consistent with existing rules on representing persons accused of Class B and C felonies on appointed cases. The BOG has consistently approved advisories regarding the Indigent Defense Standards from the CPD.

*How did you learn about the problem? What data or information supports the existence of a problem?*

The CPD has received several requests for an advisory opinion on this issue, as there appears to be inconsistent application of the rule in public defense offices.

*What steps have been taken to arrive at the proposed solution? Were any alternative solutions considered and why were they rejected?*

Providing an advisory opinion is consistent with our past practice of publishing the answers to significant questions regarding the Indigent Defense Standards.

*Have you considered the issue through an equity lens? How has that informed your understanding of the problem and/or the proposed solution?*

Because indigent defendants are disproportionately persons of color, ensuring that the persons who represent them are qualified promotes a more equitable system.

*Any barriers to the proposed solution? How will they be addressed?*

There are no barriers to this proposed solution.

The Council has published similar statements in recent years, including:

- [Council on Public Defense Advisory Notice: Response to the Emergency Caused by Pandemic-Driven Increase in Public Defender Caseloads](#). (Adopted May 2021)
- [Council on Public Defense Statement on Workloads](#). (Adopted January 2022)
- [Council on Public Defense Statement: Public Defense Lawyers Should Seek Relief from Excessive Workloads](#). (Adopted July 2022)

#### Attachments

*CPD Statement on Minimum Qualification for Representation of Persons Accused of Class B and C Felonies*

**WSBA RISK ANALYSIS:** *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

**Summary of Requested BOG Action:** The Standards for Indigent Defense are published at [CrR 3.1 Stds](#). The Court adopted the Standards in 2012 and last amended them effective February 2021. As author of the Standards, the CPD has received questions about the certification requirements for lawyers representing persons accused of Class B or C Felonies. CPD asks that the Board approve this statement clarifying that lawyers seeking to certify to represent people accused of Class B and C Felonies must comply with all three sections of Standard 14.2(E). Additionally, there is a clarification of a temporary COVID emergency modification of the requirement for two trials. The advice also reminds defense office supervisors to make certain attorneys meet the standards before certifying. If approved, the CPD will publish this statement on its webpage and provide this clarifying information to public defender agencies.

**GR 12 and Germaneness Analysis:** This activity supports promoting an effective legal system, accessible to all (GR 12.2(a)(2)); and fostering and maintaining high standards of competence, professionalism, and ethics among its members (GR 12.2(a)(4)) and is not prohibited by GR 12.2(c). Compelled license fees may be used to fund activities

that are germane to regulating the legal profession and improving the quality of legal services offered to the people of the state of Washington. Providing clear standards and certification requirements for lawyers providing public defense services is germane to improving the quality of legal services offered to the people of the state of Washington.

Legal Risks to Consider: This action appears to be low risk. The clarification explains to public defender agencies which sections of the Certification Standards are required for Class B and C Felony cases. This is not a request to modify or lower the certification standards. The BOG may want to ask the presenters how this clarification will be communicated to all public defender agencies to make sure they are aware and to assist them in creating procedures necessary to institutionalize this new information.

**WSBA EQUITY ANALYSIS:** *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

Community Input: Those most affected by this advisory will be persons in need of indigent counsel who are charged with Class B and C offenses.

Additional Information for Equity Analysis

*What factors (institutions, existing policies, social conditions, etc.) associated with this issue might be affecting underrepresented or marginalized individuals or communities differently?*

Those charged with crimes are disproportionately persons of color. The Standards are designed to ensure better representation, thus promoting a more fair system. This advisory makes clear the minimum standards for representation.

*What are some of the root causes of these inequities?*

The Indigent Defense Standards were created to address multiple incidents of failure to provide competent representation. This advisory would help those attempting to certify to minimum standards for representation.

*Are there any compounding or intersecting dynamics of multiple social identities that are relevant (e.g., inequities for communities who are from LGBTQ communities of color)?*

None, other than those explained in the above paragraphs.

*Based on the data presented, how might the proposed action benefit or harm individuals or communities who are underrepresented or have been historically marginalized?*

Clarification of the minimum experience requirements to represent a person accused of a Class B or C felony benefits those who are underrepresented or historically marginalized as it makes competent representation more likely.

*What information is missing that needs to be gathered?*

None.

*How will the proposed action increase or decrease equity? Are there any potential unintended consequences?*

It will promote equity, as it will make competent representation more likely.

*What strategies or ideas might make the proposed process and outcome more equitable and minimize harm to underrepresented or historically marginalized individuals and communities?*

Explaining minimum requirements to represent a person accused of a Class B or C felony will help ensure underrepresented or historically marginalized individuals are fairly represented.

*How will the proposed action or process be implemented in a way that has ongoing accountability to communities most impacted? How will you know if you have been successful?*

We will publish this advisory on the CPD website, circulate it to public defense leaders, and promote it through WDA and WACDL. We can make queries with those affected to determine whether we have been successful.

Analysis: The proposed action to publish the Advisory Opinion appears to promote equity as it will clarify the minimum standards for representation of people accused of Class B or C felonies – who are disproportionately people of color – are fairly represented. By providing clarification, the standards and the practice of implementing the standards will more likely produce fair outcomes and eliminate disparities.

**WSBA FISCAL ANALYSIS:** *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

There is no fiscal impact regarding this advisory.

Comment on Minimum Experience Levels Required for Certification for Class B and C Felonies (Standard 14.2(E)).

The Council on Public Defense has been asked to clarify the minimum standards required for certification for non-violent Class B and C felonies, especially regarding courtroom experience.

**All attorneys seeking to represent indigent persons charged with Class non-violent B and C felonies must have been counsel alone on two jury trials or handled a significant portion of the trial of two cases submitted to a jury. Currently, an attorney may also certify if they meet the experience requirements of the Supreme Court’s emergency order No. 25700-B-656.**

Attorneys representing indigent persons in Washington must comply with the Standards for Indigent Defense, CrR 3.1, CrRLJ 3.1, JuCR 9.2, and MPR 2.1.

Section 14.2(E) details the additional requirements attorneys must meet to handle non-violent Class B and C felonies.

Section (i) requires the attorney to meet the general requirements of Standard 14.1.

Section (ii) states attorneys must have the following experience:

1. Served a year in a prosecutor’s office; or
2. Served a year in a public defender’s office; or
3. Spent a year in private criminal law practice.

Section (iii) states the attorney certifying their experience has been trial counsel alone in two jury trials or with other trial counsel or handled a significant portion of the trial in two criminal cases that have been submitted to a jury.

**To certify that they can handle non-violent Class B and C felonies, an attorney must meet all three requirements of Section 14.2(E).**

Due to the disruptions of the Covid-19 pandemic, emergency order No. 25700-B-656 temporarily amended the minimum experience requirements. This modification still requires all attorneys to have had at least one jury trial. Instead of a second jury trial, the attorney can certify that they have briefed and argued two separate evidentiary motions that included witness testimony; were trial counsel alone for a bench trial; or had attended a multi-day trial skills training program, such as the Washington State Office of Public Defense's Criminal Defense Training Academy.

Attorneys not meeting these minimum requirements may not certify that they meet the requirements to represent persons charged with non-violent Class B and Class C felonies.

Supervisors should not encourage attorneys working in public defense offices to certify if they do not meet these minimum qualifications.



**TO:** WSBA Board of Governors  
**CC:** Terra Nevitt, Executive Director  
**FROM:** Jason Schwarz, Chair, Council on Public Defense  
**DATE:** October 6, 2022  
**RE:** Council on Public Defense Support of the Washington State Office of Public Defense FY23 Budget Request

**ACTION:** Approve the Council on Public Defense to submit a letter in support of the Washington State Office of Public Defense budget request.

The Council on Public Defense (Council) regularly receives updates from the Washington State Office of Public Defense (OPD), including updates on the OPD’s budget requests. When the Washington State Bar Association created the Council on Public Defense it made the Washington State Office of Public Defense Director a Core Member of the Council. The Bar Association also directed the Council to, among other tasks, “...address current issues relating to the provision of constitutional public defense services in Washington, including efforts to ensure adequate support.”

The Council followed the WSBA Legislative and Court Rule Comment Policy guidelines prior to requesting this approval. On September 16, 2022, the Council voted, with a supermajority, to affirm that the matter under consideration meets the GR12 guidelines and voted, with a supermajority, to support the Washington State Office of Public Defense budget request for FY23. The Council has submitted similar letters of support during previous legislative sessions. A draft letter for the 2023 session is attached for your consideration.

*WSBA RISK ANALYSIS: This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

Summary of Requested BOG Action: BOG is asked to approve the CPD to send a letter to legislators and others expressing support for the requested OPD budget. The letter is drafted for WSBA Executive Director Terra Nevitt’s signature.

GR 12 and Germaneness Analysis: The requested action supports promoting an effective legal system, accessible to all 9GR 12.2(a)(2), serve as a statewide voice to the public and to the branches of government on matters relating to these purposes and the activities of the association and the legal profession (GR 12.2(a)(11)), support the judiciary in maintaining the integrity and fiscal stability of an independent and effective judicial system (GR 12.2(b)(2), maintain a legislative presence to inform members of new and proposed laws and to inform public officials about the organization’s positions and concerns (GR 12.2(b)(17)). This action is a request to support a legislative action, so

it could be analyzed as political. To the extent that this is a political action, it relates to the administration of justice (justice system funding.) So, this action is not prohibited by GR 12.2. This action is germane to regulating the legal profession and improving the quality of legal services offered to the people of the state of Washington. Funding the Office of Public Defense is germane to improving the quality of legal services offered to the state of Washington.

Legal Risks to Consider: The legal risks in taking this action appear to be low. The action requested is to approve a letter sent to legislators supporting the OPD budget request. The Board has approved the CPD to send a support letter for the OPD budget for several years. The CPD is a WSBA entity, so CPD speech is WSBA speech.

**WSBA EQUITY ANALYSIS:** *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

Community Input: Those most affected by this comment will be the Office of Public Defense, its contractors, and the clients they serve. Portions of this budget increases spending for appellate criminal defense. Another budget package provides legal services for soon-to-be-mothers at-risk of entering the child dependency system.

#### Additional Information for Equity Analysis

*What factors (institutions, existing policies, social conditions, etc.) associated with this issue might be affecting underrepresented or marginalized individuals or communities differently?*

The Office of Public Defense exclusively provides legal services for indigent communities. In the child dependency context, the clients are disproportionately BIPOC. Some of the packages in OPD’s budget would provide funding for innovative services in delivering public defense.

*What are some of the root causes of these inequities?*

Routine underfunding and a lack of awareness of the historic impact of underfunding legal services for indigent and other marginalized populations.

*Are there any compounding or intersecting dynamics of multiple social identities that are relevant (e.g., inequities for communities who are from LGBTQ communities of color)?*

None, other than those explained in the above paragraphs.

*Based on the data presented, how might the proposed action benefit or harm individuals or communities who are underrepresented or have been historically marginalized?*

Should OPD’s budget get passed, it would not harm any individuals. It would assist those indigent persons who will have increased access to counsel in non-criminal cases.

*What information is missing that needs to be gathered?*

None

*How will the proposed action increase or decrease equity? Are there any potential unintended consequences?*

It will promote equity by providing more funding for areas of public defense serving indigent communities. The work funded will help poor families, youth under arrest, innovative public defense, and indigent appellants in the Court of Appeals and Supreme Court.

*What strategies or ideas might make the proposed process and outcome more equitable and minimize harm to underrepresented or historically marginalized individuals and communities?*

None.

*How will the proposed action or process be implemented in a way that has ongoing accountability to communities most impacted? How will you know if you have been successful?*

OPD monitors its contracts for quality assurance and compliance with relevant federal, state, and bar standards. Client impact is assessed through feedback and outcomes.

Analysis: The proposed action appears to promote equity because support of the proposed funding would go toward maintaining and strengthening practices and programs that produce fair outcomes and eliminate disparities in the criminal legal system and child welfare system. The funding could also address compensation inequities for public defenders and add diversity through funded recruitment.

**WSBA FISCAL ANALYSIS:** *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The WSBA staff liaison time needed to coordinate this action is already accounted for under typical job duties. There are no other anticipated costs.

January X, 2023

Senator Christine Rolfes, Chair  
Senate Ways and Means Committee  
303 J.A. Cherberg Bldg.  
P.O. Box 40423  
Olympia, WA 98504

Representative Timm Ormsby, Chair  
House Appropriations Committee  
315 John L. O'Brien Bldg.  
P.O. Box 40600  
Olympia, WA 98504

Dear Chair Rolfes and Chair Ormsby:

The Washington State Bar Association's Council on Public Defense strongly supports the Washington State Office of Public Defense (OPD) 2023-2025 biennial budget request, which will help ensure the constitutional right to counsel in state and local public defense programs.

OPD's proposals will efficiently implement mandatory client services, maintain effective agency operations, and encourage innovative and promising practices to serve our state's most vulnerable people and marginalized communities.

In particular, the Council on Public Defense urges you to fully fund OPD's requests for the following:

- **Provide vendor rate adjustments for OPD-contracted attorneys** who represent indigent clients in dependencies, appeals, and sex offender civil commitment cases. American Bar Association principles and WSBA standards require parity of resources for public defense and prosecution, but Washington currently provides substantially fewer resources for OPD-contracted defense attorneys than for state-employed assistant attorneys general.
- **Sustain and expand prefiling representation** of parents at risk of child welfare involvement. As currently funded by the Legislature in three counties, prefiling parent representation provided by the [FIRST Legal Clinic](#) is keeping infants out of foster care, preventing unnecessary family separation, avoiding lengthy court involvement, and quickly connecting parents with treatment and other critical support services. Current funding expires June 30, 2023. OPD's request would expand capacity in the existing service area and would phase in additional counties over the 2023-2025 biennium.
- **Provide Innovation Grants for counties and cities** to implement creative approaches to improve local public defense services. OPD would award Innovation Grants to local governments based on competitive applications. These would be in addition to current state formula-based grants provided pursuant to Chapter 10.101 RCW.
- **Continue corrective action in response to the *State v. Blake* decision** to address thousands of unconstitutional drug convictions. Up to 250,000 individuals are eligible to vacate convictions and several thousand incarcerated people still must be resentenced in light of *Blake's* impact on criminal history scoring.
- **Add 6 OPD-contracted defense social workers** to assist attorneys representing indigent parents in dependency and termination cases. Defense social workers are a critical component of OPD's multidisciplinary approach to help parents reach their legal goals in dependency and termination cases. OPD estimates that six more contractors would add defense social work services for up to 168 additional parents, including many parents of color, who are disproportionately impacted by child removal, dependency filings, and termination of parental rights.

- **Add a public defense recruitment specialist** to help address worsening recruitment challenges in the public defense profession, provide technical assistance to counties and cities struggling with public defense recruitment/retention, and connect interested candidates to public defense opportunities statewide. Cities and counties are struggling to recruit and retain sufficient public defense attorneys to represent the number of indigent defendants who have a constitutional right to counsel. Attorney shortages have become routine and widespread in other states, including Oregon, where many clients are waiting months to receive appointment of counsel.
- **Maintain funding to cover fees for electronic access to Superior Court records** in the Odyssey system and other online document management systems. OPD-contracted attorneys and agency managers who monitor contract compliance must be able to electronically access court records in order for OPD to ensure the right to counsel in indigent programs funded by the state.
- **Support the Washington Defender Association’s Incarcerated Parents Project** to add a paralegal to respond to pro se inquiries, edit and finalize sample pleadings and resources, and contribute research assistance. The Incarcerated Parents Project currently provides more than 300 case consultations each year. A paralegal is needed to avoid excessive response times and unnecessary delays in court proceedings for the impacted families.
- **Sustain the Washington Defender Association’s Redemption Project**, which provides training and resources for public defense attorneys in the emerging practice area of second look resentencing. The Redemption Project launched in 2021 with funding from a federal grant, which expires at the end of Fiscal Year 2023. Ongoing state funding would help implement key reforms created by the Legislature and the Courts to correct excessive criminal sentences and remedy unconstitutional convictions.

In addition, OPD seeks funding for adequate agency staffing, worksite security, and updated IT systems. These requests are critical to maintain basic state agency functions.

The WSBA Council on Public Defense unites members of the bar, the bench, and the public to address new and recurring issues that impact public defense services throughout Washington State. The Council believes quality public defense is essential to a fair legal system and is critical in the fight to reduce racial disparity. This position has been approved through the WSBA’s legislative and court rule comment policy and the position is solely that of the Council on Public Defense.

Please fully fund the Office of Public Defense’s budget request in the Legislature’s upcoming 2023-2025 biennial operating budget.

Sincerely,

Terra Nevitt  
Executive Director

Cc: Daniel Clark, President, Washington State Bar Association  
Senator June Robinson, Vice Chair, Senate Ways and Means Committee  
Senator Lynda Wilson, Ranking Minority Member, Senate Ways and Means Committee  
Representative Steve Bergquist, Vice Chair, House Appropriations Committee  
Representative Drew Stokesbary, Ranking Member, House Appropriations Committee  
Larry Jefferson, Director, Washington State Office of Public Defense

# WASHINGTON STATE BAR ASSOCIATION

**TO:** WSBA Board of Governors

**FROM:** Kyle Sciuchetti, Past President WSBA Board of Governors  
Dan Crystal, Program Manager Member Wellness Program  
Kevin Plachy, Advancement Department Director

**DATE:** October 19, 2022

**RE:** Request to Establish a WSBA Well-Being Council

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**ACTION: Approve the Formation of a WSBA Well-Being Council**

## Recommendation

We are asking the Board of Governors to establish a standing Washington State Bar Association (WSBA) council to institutionalize the importance of well-being for WSBA members and the broader legal profession in Washington.

## Background

In fall of 2020, then WSBA President Kyle Sciuchetti began his term by writing in the *Bar News* about the importance of member wellness. This led to formation of an internal workgroup to identify organizational priorities in the area of member well-being. Among the workgroup's conclusions was the recommendation that the WSBA should create a council<sup>1</sup> to focus and center the importance of member wellness within the organization.

Before a council could be formed and appropriately staffed, however, staffing levels for the Member Wellness Program needed to be adjusted. For the last seven years, the Member Wellness Program has been staffed by Program Manager Dan Crystal, who is a part-time employee. The *WSBA Connects* contract with Employee Assistance Program (EAP) was used to supplement WSBA's own clinical resources. Utilization of *WSBA Connects* was consistently low in spite of ongoing communications efforts. The workgroup recommended canceling this contract to help fund an additional Member Wellness Program staff-member. The *WSBA Connects* contract was terminated on November 20, 2021.

With this additional staffing, formation of a Well-Being Council is feasible and appropriate.

## Other Well-Being Committees

In 2017, the National Task Force on Lawyer Well-Being<sup>2</sup> published *The Path to Lawyer Wellbeing: Practical Recommendations for Positive Change*, which included 44 well-being priorities to address in the legal profession. Since then 26 states have formed committees, and eight states have convened well-being summits or workgroups.

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<sup>1</sup> According to the WSBA Bylaws (Article IX.C), "Councils are created and authorized by the BOG to serve as advisory committees to the BOG on matters and issues of particular import to the Bar."

<sup>2</sup> The National Task Force evolved into the [Institute for Well-Being in Law](#) in 2020.

The focus of the WSBA Well-Being Council would be consideration of these priorities for the legal profession in Washington, as well as our own priorities.

Well-being committees review the role of wellness in myriad venues of the legal profession. Some examples of possible committee initiatives proposed in *The Path to Lawyer Wellbeing* include:

- How law firms prioritize the well-being of their employees: clear communication of leave policies, provision of mental health referrals, and in-house wellness offerings.
- Exploring the well-being of the judiciary: making recommendations in terms of social connections among members of the bench, provision of mental health and burnout trainings, and consideration of staffing levels.
- Understanding the primary stressors faced by law students: reviewing the relative availability of mental health care, assessing the culture of drinking and drug use, and recommending trainings on mental health and suicide assessment for future attorneys.
- Understanding the criteria that Professional Liability Insurance Carriers use to evaluate coverage: making recommendations about how mental health disorders are assessed by these institutions.
- Some states have evaluated whether courts' approaches to admissions have negatively evaluated the viability of applicant attorneys with a history of mental health problems. Such evaluations could lead to recommendations for admissions practice and/or rule revisions.
- Reviewing the methods and manner in which Lawyer Assistance Programs conduct mental health care for attorneys seeking their services. Recommendations have included: provision of group services. Training of peer advisors and provision of continuing education on mental health and wellness.
- Examination of regulatory practices to encourage compassionate treatment of participants.

#### Alignment with WSBA Strategic Goals

The objectives of the Well-Being Council live at the center of WSBA's strategic goals, most notably goals 1-4.

*Goal 1: To provide relevant and valuable resources to help all of its members achieve professional excellence and success, in service to their clients and public, and to champion justice.*

The Well-being Council fulfills this objective by surveying the membership about their experience of well-being and providing direct feedback with ideas to improve member fulfillment and engagement with WSBA. Recommendations seek to "evaluate, improve and expand member services programs."

*Goal 2: To uphold and elevate the standard of honor, respect and integrity among WSBA members in order to improve public confidence in the legal profession.*

A core concept in the promotion of well-being among WSBA members is that without well-being they will struggle to be diligent, competent, and professional.

*Goal 3: To promote access to justice and improve public confidence, trust and respect of members of the public in our legal system and bar association.*

The healthy, engaged legal professional will improve public confidence in the legal profession.

*Goal 4: To promote diversity, equity and inclusion in the legal system and profession*

We are seeking council members from diverse backgrounds, including ethnicity, gender, and geographic location. Furthermore, council members will be recruited from small, medium, and large firms; from the judiciary; from law students; from young lawyers; and from the Board of Governors. In addition, two mental health experts will be included to provide a useful alternate lens to evaluate the council's objectives.

Objectives for this Council

The recommended council structure will allow two mental health experts to actively participate. Three objectives are identified in the charter:

- The first priority will be to do a thoughtful review of the various domains listed in the *The Path to Lawyer Wellbeing*. This will allow the group to set objectives for which areas will warrant a deeper dive in subsequent Council initiatives.
- A membership survey focused upon member well-being will be a priority. Results will be thoughtfully disseminated to the Board of Governors and membership as the Council summarizes its work. This will help guide the Council's subsequent objectives.
- Members will be invited to share their lived experiences involving well-being challenges they have faced. Council members will be asked to demonstrate their respect and empathy for the struggles legal practitioners face. These listening sessions are not designed to provide remedy, but they may influence the objectives the Council chooses to focus upon.

WSBA Risk Analysis

*GR 12*

Creating a Well-being Council is authorized by GR 12.2(a)(4)-foster and maintain high standards of competence, professionalism, and ethics among its members and is not prohibited by GR 12.2(c). The proposed charter does not authorize the Council to take positions on political or social issues and the work of the council is closely related to the practice of law and the administration of justice.

*Potential Issues for Discussion*

1. Respect Regulatory Boundaries. This is a Council created by the Board of Governors (Board). The Admission and Practice Rules, Rules for Enforcement of Lawyer Conduct, Rules for Enforcement of Limited License Legal Technician Conduct, and Rules for Enforcement of Limited Practice Officer Conduct prohibit the Board from reviewing individual recommendations and decisions in regulatory matters. The Board should carefully review the proposal to make certain this boundary is respected. In some other states, these Councils are co-chaired by a Justice of the state supreme court. This proposal has a non-voting seat for a Washington Supreme Court Justice. The Board may wish to discuss the optimal role of court in this Council or seek input from the Court prior to acting on this proposal.



2. Member Input on Challenges Experienced. Council meetings will be public, including statements made by individuals describing their experiences and struggles. It is possible that these statements could be used by others in the grievance process. The Board may wish to discuss whether a process approved by the Board that creates statements used in the grievance process creates an issue and ways that this can be mitigated. These statements may also be used by others in civil litigation.

#### Equity Analysis

Creating a Well-Being Council focused on member wellness will likely promote inclusion and equity in the legal profession particularly given disparities in mental health and other issues that impede wellness for people of color, people from the LGBTQ2S+ community, people with disabilities, and others with intersecting social identities.

#### Fiscal Analysis

The fiscal impact for the formation of this council will be relatively minimal. Our current staff will liaison to the council, so no staff additions will be necessary. Direct costs to support the work of the council are not expected to exceed \$2,000.00 annually and would largely include costs to meet in person occasionally.

#### Action Requested

We have enclosed the proposed charter for the WSBA Well-being Council in the materials. We thank the Board of Governors for its consideration of our recommendation and ask that the Board approve the formation of a WSBA Well-Being Council and the proposed charter.

Respectfully submitted,

Kyle Sciuchetti, Past President, WSBA Board of Governors  
Dan Crystal, Member Wellness Program Manager  
Kevin Plachy, WSBA Advancement Department Director

# WASHINGTON STATE BAR ASSOCIATION

## Well-being Council DRAFT CHARTER

### Background

In light of increasing levels of addiction, depression, suicide, and other mental health problems in Washington’s legal community, the Well-being Council seeks to understand the sources of these challenges, listen to WSBA members describe their struggles, and ultimately recommend healthy remedies for the legal profession.

The foundational document for this Council is the [The Path to Lawyer Well-Being: Practical Recommendations for Positive Change](#), authored by the National Task Force on Lawyer Well-Being, a coalition of organizations including the National Organization of Bar Counsel (NOBC), the Association of Professional Responsibility Lawyers (APRL) and the [American Bar Association’s Commission on Lawyer Assistance Programs](#) (COLAP). Following publication of the report in 2017, both the ABA and the Conference of Chief Justices passed Resolutions urging all states to review and consider the Report’s 44 recommendations. As a result, a national movement began, with Well-being Committees formed in 26 states and Well-being conventions or “summits” held in another eight states.

The National Task Force evolved into the [Institute for Well-Being in Law](#), a non-profit organization, in December 2020. The Institute is dedicated to the betterment of the legal profession by focusing on a holistic approach to well-being. Through advocacy, research, education, technical and resource support, and stakeholders’ partnerships, the Institute is leading a culture shift in law to establish health and well-being as core centerpieces of professional success.

The WSBA Well-being Council will follow the Institute’s lead, with the goal of making recommendations that enhance the well-being of the legal profession in Washington as well as the effectiveness of the WSBA Member Wellness Program.

### Council Objectives

#### 1. Best Practices for Well-being in the Legal Profession

The group will adopt a best practices approach in analyzing the 44 points raised in the *Path to Lawyer Well-Being*. Some examples of the points raised in that report include an analysis and understanding of how well-being can be prioritized at law firms, law schools, member wellness programs, judicial assistance programs; addiction communities; professional liability insurance carriers; and professional regulatory systems,<sup>1</sup> among myriad other realms.

In their assessment of best practices, teams of council members will work with various legal-profession stakeholders within Washington State. Input will also be sought from Well-being

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<sup>1</sup> In adopting this Charter, the Board of Governors recognizes that Washington State’s professional regulatory systems for legal practitioners are created by and answerable to the Washington Supreme Court exclusively. To the extent the Council has ideas or recommendations that would implicate regulatory processes, procedures, policies, or rules, the Council should work collaboratively with the pertinent stakeholder(s) and direct any recommendations to the appropriate regulatory staff or Board, the Disciplinary Advisory Round Table, and/or the Supreme Court.

Committees in other states. The Council will work with stakeholders to evaluate, recommend, (as appropriate) implement, and evaluate well-being best practices throughout the legal profession in Washington.

## **2. Assessment of Member Well-being**

Within the Council's first year, a survey will be designed to solicit feedback from the membership to help guide the Council's priorities. Areas of inquiry will include: the relative well-being of members; identification of challenges in legal practice; the incidence of mental health problems; as well as suggestions for the Council. Ongoing feedback will be solicited at periodic intervals through various channels, including surveys, focus groups, and other forms of interactions with members. Analysis of this information will be shared with the WSBA Board of Governors, the membership, and the Washington legal community.

## **3. Membership Input**

Taking a concerned and empathetic stance, the Council will host listening sessions for legal professionals. The purpose of these sessions is to inform the Council about well-being challenges legal professionals have faced in the practice of law, at law firms, at law schools, and in interactions with the Washington State Bar Association, including but not limited to diversity and equity stressors, student loan challenges, balancing work and family life, and other concerns. Membership input, along with the other forms of feedback referenced in paragraph 2, will inform the Council's recommendations to address well-being challenges facing WSBA members and the broader legal profession.

In furtherance of these objectives, the Council seeks to gather and synthesize information from three key sources to inform policy and operational decision-making: feedback from the WSBA membership; approaches taken by well-being committees in other jurisdictions; and the lived experience of WSBA members who have faced well-being challenges in their careers.

## **Timeline**

Virtual meetings will be held monthly (with some in-person opportunities for relationship-building), or at intervals as determined to be appropriate by the Chair. The Council will provide a written report to the Board on an annual basis. If urgent issues arise, the Council may report to the Board on an interlocutory basis.

## **Composition**

The Council shall consist of nine voting members and two non-voting judicial members. Council membership criteria is explained in the appendix below. Unless otherwise stated, members of the Council shall be nominated per WSBA policy and procedures, and shall consist of the following:

- Chair (voting)
- 1 Current or Former BOG Member (determined through Presidential appointment, voting)
- 4 Active WSBA Members (voting)
- 1 Member of the State Supreme Court (determined by the WA Supreme Court, non-voting)
- 1 Adjudicative Officer in Washington State (non-voting)
- 1 Law School Representative (student or employee; voting)
- 2 Public Members (voting).

## **Nominations and Appointment**

The Executive Director will designate WSBA staff liaison(s). Council nominations will be confirmed by the Board of Governors in accordance with WSBA Bylaws Art. IX(C)(1-6).

## **Terms**

The Chair will serve a two-year term. In order to create staggered terms among council members, members will be appointed for one, two and three year terms. Thereafter, all terms will be two years. Members can serve two consecutive terms. At that point they would be required to spend a year away from the council before resuming participation.

## **Council Evaluation**

The Well-being Council should conduct an assessment within five years from the date of approval of this Charter and report the results of that assessment to the Board of Governors. The assessment will (1) evaluate the scope and efficacy of the Council's achievements, and (2) examine whether the Council should continue as an ongoing WSBA entity.

## APPENDIX

Membership on the Council will be determined through multiple criteria. In choosing the members the chair and liaisons will prioritize each of the following criteria.

### *Representation from Law Firms of Varying Sizes and Settings*

We are seeking participation from lawyers from various venues of the legal profession. Solo attorney participation will be important to prioritize the pressure they face in running their business, marketing, and having support staff to help manage their client base. Private lawyers in mid-size or large firm settings face very different wellness challenges in keeping up their billable hour requirements and responding to management pressures upon their performance. Civil legal aid and public defenders face challenges of secondary trauma from working with clients who experience poverty and other forms of oppression. Additionally, government attorneys face challenges with unique bureaucratic responsibilities and in house counsels face the demands of the companies they support.

### *Years of Bar Licensure*

Early career attorneys face major pressures as they adapt to a profession that they were typically not trained for in law school. Mid-career attorneys often struggle with transitioning to a more hospitable work environment or to use a skill set more to their liking. Late career attorneys handle the question of when to retire and to manage, in some cases, changes in mental capacity.

### *Experience or Interest in Well-Being*

The council is seeking attorneys with an interest in enhancing the wellbeing of the legal profession. Those who have original insights into what they think lawyers are needing to feel more engaged and at ease will be prioritized. Those with volunteer experiences or connection to mental health venues will also be an asset.

### *Non-Legal Professional Members Working in Mental Health*

We are seeking experienced mental health professionals who also have familiarity with the legal profession. It will be helpful to utilize their expertise to inform the council's decision making.

### *Diversity, Equity, and Inclusion*

Including voices of people from communities who are marginalized (e.g., people of color, people from the LGBTQ2S+ community, people with disabilities) is vital to advancing diversity, equity and inclusion particularly given that these communities disproportionately experience mental health challenges and other wellness-related issues due to historical and ongoing marginalization, discrimination, access to healthcare, and other reasons. Thus, it is imperative that this council includes their voices in directing its work. Staffing a diverse, inclusive, and equitable council is a top priority.

### *Geographic Diversity*

Including voices from throughout Washington is important to be sure that wellness issues found in other regions of Washington are sought and prioritized. We seek to address the issues found in rural population centers or the differing issues found in other urbanities throughout the state. Including members throughout the state is made easier today through more remote participation options.

**TO:** WSBA Board of Governors  
**CC:** Terra Nevitt, Executive Director  
**FROM:** Brian Considine, WSBA Legislative Review Committee Chair; Sanjay Walvekar, WSBA Legislative Affairs Manager  
**DATE:** October 20, 2022  
**RE:** 2023 WSBA Legislative Review Committee Recommendations

**ACTION:** Sponsor a proposal for 2023 Bar-request legislation as recommended by the WSBA Legislative Review Committee.

### Background

The WSBA Legislative Review Committee serves as the vetting ground for legislative proposals that are presented to the Board of Governors each November. The Committee is composed of up to 35 members of the WSBA and includes representation of members' practice areas, and diversity in, among other things, age, gender, race, and geography. The Committee represents the interests of the broader bar membership, not any one perspective or practice area within the bar. The WSBA Legislative Review Committee does not propose legislation of its own; rather, these proposals typically come from a WSBA entity, mainly Sections. The Committee's primary task is to determine that a proposal (1) meets the requirements of GR 12.2 and (2) has been appropriately vetted both internally and externally of the WSBA.

The Committee met on October 20, 2022 to discuss a legislative proposal for the 2023 legislative session. First, the Committee voted unanimously that proposed amendments regarding record dates, merger and share exchanges, and other miscellaneous provisions in Washington's Business Corporation Act (WBCA) presented by the Business Law Section's Corporate Act Revision Committee (CARC) met the requirements of GR 12.2. Then, the Committee voted unanimously to recommend sponsorship of this proposal to the Board of Governors.

### **Overview:**

The WSBA Legislative Review Committee (Committee) recommends the Board of Governors (BOG) sponsor the following proposal for Bar-request legislation during the 2023 legislative session.

### **Returning and new legislation - Action Requested**

- Proposed amendments regarding holding company reorganization transactions, stock splits, and miscellaneous provisions in the WBCA. (Committee approved unanimously)

### **Proposed amendments to Washington's Business Corporation Act.**

#### **Section draft development:**

The proposed amendments to the WBCA were drafted by CARC. CARC is a committee of the WSBA's Business Law Section with approximately 15 members consisting of corporate attorneys practicing at large and smaller local law firms in the state, in-house counsel at Washington corporations, professors of law at both local law schools, and representatives of the Washington Secretary of State's office. CARC was instrumental in the development of the WBCA adopted in 1989. CARC is primarily responsible for ensuring that the WBCA remains up to date, and

continuously considers the need for changes to the WBCA in light of developments in corporate and securities laws and practices, judicial decisions, and regulatory actions.

The changes were originally drafted by CARC members and presented to the committee for its consideration beginning in late 2021. After deliberations and multiple revisions over the course of several meetings, CARC approved the proposed changes in the first half of 2022. The Executive Committee of the Business Law Section approved the proposed changes in its meeting held on September 21, 2022.

**Background and Summary:**

CARC’s proposed changes to the Washington Business Corporation Act, Title 23B of the Revised Code of Washington (WBCA), relate to two general topics: holding company reorganization transactions and stock splits.

The proposed amendments would:

- Amend the WBCA (RCW 23B) to add a provision enabling Washington corporations to effect holding company reorganization transactions without obtaining shareholder approval or triggering dissenters’ rights;
- Amend Chapter 6 of the WBCA to clarify the mechanics for effecting forward and reverse stock splits and make correlative changes in other sections; and
- Amend Chapter 11 of the WBCA to clarify when shareholder approval of a plan of merger or share exchange is not required.

Stakeholder Input

**Stakeholder response to CARC Proposal**

Senator Jamie Pedersen, Senate Majority Floor Leader (Sponsor) – Support  
Association of Washington Business – No response  
WA Secretary of State’s office – No concerns  
WA Department of Financial Institutions – No concerns  
WSBA Sections – No response

*WSBA RISK ANALYSIS: Risk analysis available in WSBA cloud-sharing service.*

Attachments

CARC Cover Sheet and Proposal  
Code Reviser’s Draft of Proposed Bill (for introduction in the 2023 legislative session)

**PURPOSE:** Completion of the information in this cover sheet will help expedite the WSBA Legislative Review Committee’s review and approval process of potential Bar-request legislation. Of particular importance is information related to draft development and stakeholder work.

<b>Short title of proposal:</b> Proposed Amendments to Washington Business Corporation Act (“WBCA”) regarding holding company reorganization transactions and stock splits
<b>Submitted by (Section<sup>1</sup>):</b> Corporate Act Revision Committee of Business Law Section (“CARC”)
<b>Designated Section representative and contact information</b> (phone and email): Michael Hutchings (Co-Chair) - phone: 206-839-4824; email: <a href="mailto:michael.hutchings@us.dlapiper.com">michael.hutchings@us.dlapiper.com</a> Eric DeJong (Co-Chair) - phone: 206-359-3793; email: <a href="mailto:edejong@perkinscoie.com">edejong@perkinscoie.com</a>
<b>Brief summary of bill and anticipated fiscal impact:</b> The proposed amendments would: <ul style="list-style-type: none"><li>• Amend the WBCA (RCW 23B) to add a provision enabling Washington corporations to effect holding company reorganization transactions without obtaining shareholder approval or triggering dissenters’ rights; and</li><li>• Amend Chapter 6 of the WBCA to clarify the mechanics for effecting forward and reverse stock splits and make correlative changes in other sections</li></ul> More detail on the proposed changes is included in CARC’s memo to the Committee. CARC believes there will be no fiscal impact will result from the proposed changes.
<b>Brief statement of need:</b> CARC continues to review the WBCA and propose changes designed to both modernize the WBCA where appropriate and to align the WBCA with the Model Business Corporation Act (2016 Revision) and desirable changes to the Delaware General Corporation Law. CARC believes the proposed changes would (1) help achieve this objective, (2) clarify ambiguous or eliminate unnecessary provisions, and (3) help Washington business law practitioners in advising Washington corporations.
<b>Description of draft development:</b> (please provide detail) The changes were originally drafted by CARC members and presented to the committee for its consideration beginning in late 2021. After deliberations and multiple revisions over the course of several meetings, CARC approved the proposed changes in the first half of 2022. The Executive Committee of the Business Law Section approved the proposed changes in its meeting held on [_____].
<b>How does the proposal meet requirements under GR 12.2?</b> (please explain) CARC believes the proposal contributes to the WSBA’s objective of promoting an effective legal system and allows the bar to maintain a legislative presence to ensure that the Washington Business Corporation Act continues to effectively serve the needs of the state’s business community.

<sup>1</sup> For purposes of this document, “Section” means any WSBA Section, Committee, Division, or Council.



**Submittal Status:**

1. Has this proposal been submitted to the Committee before? Yes  No

*(If no, skip the remainder of this section, and move to the Stakeholder Work on the next page.)*

2. If yes, when was this proposal initially submitted to the Committee?

3. Briefly, please provide the following:

(a) What concerns or questions were raised (including requests for additional information) by the Committee previously?

(b) How this proposal addresses those concerns, questions, or additional information requests made by the Committee?

(d) Is there additional information relevant to the status of the proposal?

**Summary of Stakeholder Work**

\*Please describe completed and ongoing activity with internal and external partners

<b>Referred to:</b>	<b>Feedback:</b> Please include stakeholder positions on the proposal (e.g. support; oppose; concerns; neutral; or no response) and explain.
WA Department of Financial Institutions	Ongoing
Association of Washington Businesses	Ongoing
WA Department of Commerce	Ongoing
WA Secretary of State's Office (Corporations and Charities Division)	Ongoing
WSBA Sections	Ongoing
Sen. Jamie Pedersen (potential sponsor)	Ongoing
Sen. Manka Dhingra, Chair, Senate Law & Justice Committee	Ongoing
Rep. Drew Hansen, Chair, House Civil Rights & Judiciary Committee	Ongoing

### **Summary of Additional Stakeholder Input**

\*Please describe other anticipated stakeholder feedback regarding the proposal.

**TO:** WSBA Business Law Section Executive Committee

**FROM:** Corporate Act Revision Committee

**DATE:** September 15, 2022

**RE:** Proposed Changes to Washington Business Corporation Act for 2023 Legislative Session (Holding Company Reorganizations; Stock Splits)

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This memorandum summarizes proposed changes to the Washington Business Corporation Act, Title 23B of the Revised Code of Washington (WBCA), relating to two general topics:

- Holding company reorganization transactions (summarized in Section A of this memorandum); and
- Stock splits (summarized in Section B of this memorandum).

CARC is also proposing some minor technical clarifications that are unrelated to these topics, and which are summarized in Section C of this memorandum.

**A. Enabling Holding Company Reorganization Transactions**

A holding company reorganization is a transaction in which a new parent corporation becomes the sole shareholder of an existing corporation (typically an operating company), through a merger process involving a third affiliated corporation formed solely to effect the reorganization. The end result is that the shareholders of the original operating company become shareholders of the new holding company, and the operating company becomes a wholly-owned subsidiary of the new holding company.

This transaction is a useful mechanism by which corporations facilitate the future disposition of corporate assets, better match asset ownership with asset management, or provide greater protection against liability exposure between operating subsidiaries.

The current merger provisions of the WBCA require shareholder approval and provide for dissenters' rights for these transactions. This makes it more difficult and costly for Washington corporations to enter into holding company reorganization transactions, placing Washington corporations at a relative disadvantage to those in Delaware, where corporations have been empowered to create new holding companies without shareholder approval and without triggering dissenters' rights.

Like the current WBCA, the Model Business Corporation Act, on which the WBCA is based, requires shareholder approval and provides for dissenters' rights for holding company reorganization mergers. However, several states (including some Model Act states) have adopted holding company reorganization provisions substantially similar to Delaware's holding company statute, including Florida, Minnesota, Missouri, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, and Texas.

CARC recommends Washington follow Delaware's lead and is proposing to add a holding company reorganization merger provision modeled after Delaware's provision, which would enable Washington

corporations to enter into these transactions without obtaining shareholder approval or triggering dissenters' rights.

To accomplish a holding company reorganization under the proposed new provision, an *existing* corporation (referred to as the "parent constituent corporation") forms a direct wholly-owned subsidiary (referred to as the "holding company") and a second corporation that is a direct wholly-owned subsidiary of the newly formed holding company (referred to as the "subsidiary constituent corporation"). The reorganization transaction is effected when the parent constituent corporation merges with or into the subsidiary constituent corporation, and as a result of the transaction the holding company ends up as the parent of the surviving corporation. As long as the requirements of the new provision are met, the transaction is not subject to approval by the parent constituent corporation's shareholders, nor does it give rise to dissenters' rights under Chapter 13 of the WBCA.

The proposed provision includes important protections (consistent with Delaware's statute), such as the following:

- The parent constituent corporation and the other constituent corporation must all be Washington corporations;
- The parent constituent corporation and the subsidiary constituent corporation are the only parties to the transaction;
- Each share of the parent constituent corporation is converted into a share of the holding company having the same designations and relative preferences, rights and limitations;
- The organizational documents of the surviving corporation must contain provisions that would preserve the rights of the parent constituent corporation's shareholders to approve transactions that would have required shareholder approval had the holding company reorganization not taken place;
- The directors of the parent constituent corporation remain the directors of the holding company immediately after the transaction; and
- The shareholders of the of the parent constituent corporation will not recognize gain or loss for United States federal income tax purposes as a result of the transaction.

These protections are designed to ensure that the shareholders of a corporation undergoing a holding company reorganization retain the same shareholder rights and the same percentage ownership of the holding company as they did prior to the reorganization transaction.

The proposed new holding company reorganization provision is shown in [Appendix A](#).

## **B. Clarification of Stock Splits**

A forward stock split occurs when a company issues additional shares of stock to its current shareholders, increasing the total number of outstanding shares by a specified ratio based on the shares they held previously, and as a result, proportionally decreasing the per share price or value of the stock. Companies often undergo forward stock splits when the per share price of its stock is quite high, making it less expensive for investors to acquire new shares, or to result in greater liquidity for the stock.

A reverse stock split is the opposite of a forward stock split. A company carrying out a reverse stock split decreases the number of its outstanding shares, and as a result the share price or value per share increases proportionately. As with a forward stock split, the overall market value of the company after a reverse stock split remains the same.

Washington corporations historically have engaged in both forward stock splits and reverse stock splits. However, the WBCA generally does not explicitly address stock splits (either in regard to mechanics, record dates or related matters). Subsection (4) of Section 23B.10.020, a provision that authorizes an amendment to the articles that effects a forward or reverse stock split that is approved by the board alone (assuming the corporation has only one class of stock outstanding), is the only place in the WBCA that touches on the mechanics of a stock split. Although that section implies that stock splits require an amendment to a corporation's articles of incorporation, CARC believes that some practitioners are not necessarily aware that a forward stock split (*in contrast to a stock dividend, which involves the distribution of authorized but unissued shares as a dividend on outstanding shares*) and a reverse stock split can *only* be effectuated through an amendment to the articles or incorporation. Moreover, nothing in the WBCA addresses record dates for stock splits.

Neither Delaware corporate law nor the MBCA substantively address the mechanics of forward and reverse stock splits or other important ancillary issues like record dates. However, CARC believes it would be helpful to Washington corporations, boards of directors, shareholders and legal practitioners to address forward and reverse stock splits more comprehensively in the WBCA. For example, CARC believes the WBCA should be clearer that a forward or reverse stock split is effectuated by means of an amendment to the articles of incorporation, as well as how the record date for a stock split is determined.

Accordingly, CARC is proposing a number of changes to the WBCA regarding stock splits, including (1) adding definitions of "forward stock split" and "reverse stock split"; (2) adding a new section governing stock splits that clarifies the mechanics for implementing a stock split; and (3) make certain non-substantive corresponding changes to Sections 23B.10.020(4) and 23B.06.210.

The proposed changes to the WBCA to clarify stock splits is shown in [Appendix B](#) and are marked against the current version of the relevant sections of the WBCA.

### **C. Technical Clarifications**

CARC is proposing some minor technical changes to Section 23B.11.030 that would clarify when shareholder approval of a plan of merger or share exchange is not required. These proposed changes, shown in Appendix C, are consistent with other provisions of the WBCA regarding shareholder approval.

\* \* \* \*

## APPENDIX A

### Proposed new section of the WBCA to enable holding company reorganization transactions.

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#### **23B.11.[090]. MERGER TO EFFECT A HOLDING COMPANY REORGANIZATION**

(1) As used in this section:

(a) "Holding company" means the corporation that is or becomes the direct parent of the surviving corporation of a merger accomplished under this section and whose capital stock is issued in that merger;

(b) "Parent constituent corporation" means the parent corporation that merges with or into the subsidiary constituent corporation in the merger; and

(c) "Subsidiary constituent corporation" means the subsidiary corporation that the parent constituent corporation merges with or into in the merger.

(2) Unless the articles of incorporation provide otherwise, a parent constituent corporation may merge with or into a single indirect wholly owned subsidiary of the parent constituent corporation without the approval of the plan of merger by the shareholders of the parent constituent corporation if:

(a) The plan expressly permits or requires the merger to be effected under this subsection;

(b) The holding company and the constituent corporations to the merger are each organized under this title;

(c) At all times from its incorporation until consummation of a merger under this section, the holding company was a direct wholly owned subsidiary of the parent constituent corporation;

(d) Immediately before consummation of a merger under this section, the subsidiary constituent corporation is a direct wholly owned subsidiary of the holding company and an indirect wholly owned subsidiary of the parent constituent corporation;

(e) The parent constituent corporation and the subsidiary constituent corporation are the only constituent entities to the merger;

(f) Immediately after the merger becomes effective, the survivor of the merger becomes or remains a direct wholly owned subsidiary of the holding company;

(g) Each share or fraction of a share of the parent constituent corporation outstanding immediately before the merger becomes effective is converted in the merger into a share or equal fraction of a share of the holding company having the same designations and relative preferences, rights and limitations as the share or fraction of a share of the parent constituent corporation being converted in the merger;

(h) The articles of incorporation and bylaws of the holding company immediately after the merger becomes effective contain provisions identical to the articles of incorporation and bylaws of the parent constituent corporation immediately before the merger becomes effective, other than any provisions regarding the incorporator or incorporators, the corporate name, the registered office and agent, the initial board of directors and the initial subscribers for shares, and the provisions contained in any amendment to the articles of incorporation of the parent constituent corporation that were

necessary to effect an exchange, reclassification, or cancellation of shares if the exchange, reclassification, or cancellation has become effective;

(i) The articles of incorporation and bylaws of the survivor immediately after the merger becomes effective contain provisions by specific reference to this subsection requiring that any corporate action by or involving the survivor, other than the election or removal of directors of the survivor, must be approved by the shareholders of the holding company (or any successor by merger) by the same vote as is required by this title or under the articles of incorporation or bylaws of the parent constituent corporation immediately before the merger becomes effective, if that corporate action would have required the approval of the of the shareholders of the parent constituent corporation under this title or under the articles of incorporation or bylaws of the parent constituent corporation immediately before the merger becomes effective;

(j) The directors of the parent constituent corporation immediately before the merger becomes effective become or remain the directors of the holding company immediately after the merger becomes effective; and

(k) The shareholders of the of the parent constituent corporation will not recognize gain or loss for United States federal income tax purposes as a result of the merger, as determined by the board of directors of the parent constituent corporation.

(3) The holding company must, promptly after the effective date of a merger effected under subsection (2) of this section, notify each person who was a shareholder of the parent constituent corporation as of the date the board of directors approves the merger that the merger has become effective. The notice must contain or be accompanied by a copy of the plan of merger or a summary of the material terms and conditions of the merger and the consideration to be received by those shareholders.

(4) To the extent restrictions under chapter 23B.19 RCW applied to the parent constituent corporation or any of its shareholders at the effective time of the merger, those restrictions apply to the holding company and its shareholders immediately after the merger becomes effective as though the holding company were the parent constituent corporation, and all shares of stock of the holding company acquired in the merger will, for purposes of chapter 23B.19 RCW, be deemed to have been acquired at the time that the corresponding shares of stock of the parent constituent corporation were acquired. No shareholder who, immediately before the merger becomes effective, was not an acquiring person of the parent constituent corporation will, solely by reason of the merger, become an acquiring person of the holding company.

(5) To the extent a shareholder of the parent constituent corporation immediately before the merger was eligible to commence a proceeding in the right of the parent constituent corporation in accordance with RCW 23B.07.400, nothing in this section is to be deemed to limit or extinguish that eligibility.

(6) Except as provided in subsections (2), (3), (4) and (5) of this section, a merger between a parent constituent corporation and a subsidiary constituent corporation will be governed by the provisions of this chapter applicable to mergers generally.

\*\*\*

## APPENDIX B

### Proposed changes to the WBCA related to stock splits and related provisions.

The specific amendments proposed by CARC are shown below, marked to show changes compared to the WBCA provisions as currently in effect.

[Proposed new language is indicated by underscoring and proposed deletions are shown by ~~strikeout~~]

---

#### **RCW 23B.01.400 Definitions.**

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

\*\*\*

(XX) "Forward stock split" means the pro rata division of all the outstanding shares of a class of stock into a greater number of shares of the same class, whether or not the authorized shares of such class are increased in the same proportion, but does not include a share dividend under RCW 23B.06.230.

(XX) "Reverse stock split" means the pro rata combination of all the outstanding shares of a class of stock into a smaller number of shares of the same class, whether or not the authorized shares of such class are reduced in the same proportion.

(XX) "Stock split" means a forward stock split or a reverse stock split.

\*\*\*

#### **RCW 23B.06.[235] Stock splits.**

(1) A corporation may effect a stock split by means of an amendment to the articles of incorporation stating the effect of the stock split on the outstanding shares of the affected class.

(2) An amendment to the articles of incorporation to effect a stock split may, but is not required to, include a change in the authorized shares of the affected class.

(3) Except for a forward stock split that complies with RCW 23B.10.020(4)(a) or a reverse stock split that complies with RCW23B.10.020(b), an amendment to the articles of incorporation to effect a stock split must be approved in accordance with RCW 23B.10.030 and, if applicable, RCW 23B.10.040.

(4) The board of directors may fix the record date for determining shareholders affected by a stock split, which date may not precede the date on which the amendment to the articles of incorporation effecting the stock split becomes effective in accordance with RCW 23.95.210. If the board of directors does not fix the record date for determining shareholders affected by a stock split, the record date is the date on which the amendment to the articles of incorporation effecting the stock split becomes effective in accordance with RCW 23.95.210.



**RCW 23B.06.210 Issuance of shares.**

\*\*\*

(2) Any issuance of shares must be approved by the board of directors. Shares may be issued [\(a\) for consideration determined by the board of directors from time to time](#) consisting of any tangible or intangible property or benefit to the corporation, including cash, promissory notes, services performed, contracts for services to be performed, or other securities of the corporation, [or \(b\) as a share dividend or upon a stock split, reclassification of outstanding shares into shares of another class or series, or conversion of outstanding shares into shares of another class or series.](#)

(3) A good faith determination by the board of directors that the consideration received or to be received for the shares to be issued is adequate is conclusive insofar as the adequacy of consideration relates to whether the shares are validly issued, fully paid and nonassessable. When the board of directors has made such a determination and the corporation has received the consideration, the shares issued therefor are fully paid and nonassessable. [Shares issued as a share dividend or upon a stock split, reclassification of outstanding shares into shares of another class or series, or conversion of outstanding shares into shares of another class or series are fully paid and nonassessable.](#)

\*\*\*

**RCW 23B.10.020 Amendment of articles of incorporation by board of directors.**

\*\*\*

(4) If the corporation has only one class of shares outstanding, solely to:

(a) Effect a forward [stock](#) split of, or change the number of authorized shares of that class in proportion to a forward [stock](#) split of, or ~~stock~~ [share](#) dividend in, the corporation's outstanding shares; or

(b) Effect a reverse [stock](#) split of the corporation's outstanding shares ~~and if~~ [if](#) the number of authorized shares of that class ~~in the same proportions~~ [is proportionately reduced by the amendment;](#)

\*\*\*

## APPENDIX C

### Proposed technical changes to RCW 23B.11.030 to clarify then shareholder approval of a plan of merger or share exchange is not required.

The specific amendments proposed by CARC are shown below, marked to show changes compared to the WBCA provisions as currently in effect.

[Proposed new language is indicated by underscoring and proposed deletions are shown by ~~strikeout~~]

---

#### RCW 23B.11.030 Approval of plan or merger or share exchange.

(1) After ~~adopting~~ a plan of merger or share exchange has been adopted in accordance with RCW 23B.11.040 or RCW 23B.11.020, the board of directors of each corporation party to the merger, ~~and or~~ the board of directors of the corporation whose shares will be acquired in the share exchange, shall submit the plan of merger, except as provided in subsection (7) or subsection (9) of this section or as provided in RCW 23B.11.040, or plan of share exchange for approval by its shareholders.

(2) For a plan of merger or share exchange to be approved by shareholders:

(a) The board of directors must recommend that the shareholders approve the plan of merger or share exchange, ~~to the shareholders~~ unless (i) the board of directors determines that because of conflict of interest or other special circumstances it should not make ~~no~~ such a recommendation or (ii) RCW 23B.08.245 applies, and in either case the board of directors communicates the basis for so proceeding to the shareholders; and

(b) The shareholders entitled to vote must approve the plan, ~~except as provided in subsection (7) of this section.~~

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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: Z-0118.1/23

ATTY/TYPIST: CC:eab

BRIEF DESCRIPTION: Making updates to the Washington business corporation act.

1 AN ACT Relating to making updates to the Washington business  
2 corporation act; amending RCW 23B.01.400, 23B.06.210, and 23B.10.020;  
3 adding a new section to chapter 23B.06 RCW; and adding a new section  
4 to chapter 23B.11 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 23B.01.400 and 2022 c 42 s 101 are each amended to  
7 read as follows:

8 (~~Unless the context clearly requires otherwise, the~~) The  
9 definitions in this section apply throughout this title unless the  
10 context clearly requires otherwise.

11 (1) "Articles of incorporation" include amended and restated  
12 articles of incorporation and articles of merger.

13 (2) "Authorized shares" means the shares of all classes a  
14 domestic or foreign corporation is authorized to issue.

15 (3) "Conspicuous" means so prepared that a reasonable person  
16 against whom the writing is to operate should have noticed it. For  
17 example, text in italics, boldface, contrasting color, capitals, or  
18 underlined is conspicuous.

19 (4) "Controlling interest" means ownership of an entity's  
20 outstanding shares or interests in such number as to entitle the  
21 holder at the time to elect a majority of the entity's directors or

1 other governors without regard to voting power which may thereafter  
2 exist upon a default, failure, or other contingency.

3 (5) "Corporate action" means any resolution, act, policy,  
4 contract, transaction, plan, adoption or amendment of articles of  
5 incorporation or bylaws, or other matter approved by or submitted for  
6 approval to a corporation's incorporators, board of directors or a  
7 committee thereof, or shareholders.

8 (6) "Corporation" or "domestic corporation" means a corporation  
9 for profit, including a social purpose corporation, which is not a  
10 foreign corporation, incorporated under or subject to the provisions  
11 of this title.

12 (7) "Deliver" or "delivery" means any method of delivery used in  
13 conventional commercial practice, including delivery by hand, mail,  
14 commercial delivery, and, if authorized in accordance with RCW  
15 23B.01.410, by electronic transmission.

16 (8) "Distribution" means a direct or indirect transfer of money  
17 or other property, except its own shares, or incurrence of  
18 indebtedness by a corporation to or for the benefit of its  
19 shareholders in respect to any of its shares. A distribution may be  
20 in the form of a declaration or payment of a dividend; a distribution  
21 in partial or complete liquidation, or upon voluntary or involuntary  
22 dissolution; a purchase, redemption, or other acquisition of shares;  
23 a distribution of indebtedness; or otherwise.

24 (9) "Document" means:

25 (a) Any tangible medium on which information is inscribed, and  
26 includes handwritten, typed, printed, or similar instruments or  
27 copies of such instruments; and

28 (b) An electronic record.

29 (10) "Electronic" means relating to technology having electrical,  
30 digital, magnetic, wireless, optical, electromagnetic, or similar  
31 capabilities.

32 (11) "Electronic mail" means an electronic transmission directed  
33 to a unique electronic mail address, which electronic mail will be  
34 deemed to include any files attached thereto and any information  
35 hyperlinked to a website if the electronic mail includes the contact  
36 information of an officer or agent of the corporation who is  
37 available to assist with accessing such files and information.

38 (12) "Electronic mail address" means a destination, commonly  
39 expressed as a string of characters, consisting of a unique user name  
40 or mailbox, commonly referred to as the "local part" of the address,<sup>73</sup>

1 and a reference to an internet domain, commonly referred to as the  
2 "domain part" of the address, whether or not displayed, to which  
3 electronic mail can be sent or delivered.

4 (13) "Electronic record" means information that is stored in an  
5 electronic or other nontangible medium and: (a) Is retrievable in  
6 paper form by the recipient through an automated process used in  
7 conventional commercial practice; or (b) if not retrievable in paper  
8 form by the recipient through an automated process used in  
9 conventional commercial practice, is otherwise authorized in  
10 accordance with RCW 23B.01.410(10).

11 (14) "Electronic transmission" or "electronically transmitted"  
12 means internet transmission, telephonic transmission, electronic mail  
13 transmission, transmission of a telegram, cablegram, or datagram, the  
14 use of, or participation in, one or more electronic networks or  
15 databases including one or more distributed electronic networks or  
16 databases, or any other form or process of communication, not  
17 directly involving the physical transfer of paper or another tangible  
18 medium, which:

19 (a) Is suitable for the retention, retrieval, and reproduction of  
20 information by the recipient; and

21 (b) Is retrievable in paper form by the recipient through an  
22 automated process used in conventional commercial practice, or, if  
23 not retrievable in paper form by the recipient through an automated  
24 process used in conventional commercial practice, is otherwise  
25 authorized in accordance with RCW 23B.01.410(10).

26 (15) "Employee" includes an officer but not a director. A  
27 director may accept duties that make the director also an employee.

28 (16) "Entity" includes a corporation and foreign corporation,  
29 not-for-profit corporation, business trust, estate, trust,  
30 partnership, limited liability company, association, joint venture,  
31 two or more persons having a joint or common economic interest, the  
32 state, United States, and a foreign governmental subdivision, agency,  
33 or instrumentality, or any other legal or commercial entity.

34 (17) "Execute," "executes," or "executed" means, with present  
35 intent to authenticate or adopt a document:

36 (a) To sign or adopt a tangible symbol to the document, and  
37 includes any manual, facsimile, or conformed signature;

38 (b) To attach or logically associate with an electronic  
39 transmission an electronic sound, symbol, or process, and includes an  
40 electronic signature; or

1 (c) With respect to a document to be filed with the secretary of  
2 state, in compliance with the standards for filing with the office of  
3 the secretary of state as prescribed by the secretary of state.

4 (18) "Foreign corporation" means a corporation for profit  
5 incorporated under a law other than the law of this state.

6 (19) "Foreign limited partnership" means a partnership formed  
7 under laws other than of this state and having as partners one or  
8 more general partners and one or more limited partners.

9 (20) "General social purpose" means the general social purpose  
10 for which a social purpose corporation is organized as set forth in  
11 the articles of incorporation of the corporation in accordance with  
12 RCW 23B.25.040(1)(c).

13 (21) "Governmental subdivision" includes authority, county,  
14 district, and municipality.

15 (22) "Governor" has the meaning given that term in RCW 23.95.105.

16 (23) "Includes" denotes a partial definition.

17 (24) "Individual" includes the estate of an incompetent or  
18 deceased individual.

19 (25) "Limited partnership" or "domestic limited partnership"  
20 means a partnership formed by two or more persons under the laws of  
21 this state and having one or more general partners and one or more  
22 limited partners.

23 (26) "Means" denotes an exhaustive definition.

24 (27) "Notice" has the meaning provided in RCW 23B.01.410.

25 (28) "Person" means an individual, corporation, business trust,  
26 estate, trust, partnership, limited liability company, association,  
27 joint venture, government, governmental subdivision, agency, or  
28 instrumentality, or any other legal or commercial entity.

29 (29) "Principal office" means the office, in or out of this  
30 state, so designated in the annual report where the principal  
31 executive offices of a domestic or foreign corporation are located.

32 (30) "Proceeding" includes civil suit and criminal,  
33 administrative, and investigatory action.

34 (31) "Public company" means a corporation that has a class of  
35 shares registered with the federal securities and exchange commission  
36 pursuant to section 12 or 15 of the securities exchange act of 1934,  
37 or section 8 of the investment company act of 1940, or any successor  
38 statute.

39 (32) "Qualified director" means (a) with respect to a director's  
40 conflicting interest transaction as defined in RCW 23B.08.700, any<sup>75</sup>

1 director who does not have either (i) a conflicting interest  
2 respecting the transaction, or (ii) a familial, financial,  
3 professional, or employment relationship with a second director who  
4 does have a conflicting interest respecting the transaction, which  
5 relationship would, in the circumstances, reasonably be expected to  
6 exert an influence on the first director's judgment when voting on  
7 the transaction; (b) with respect to RCW 23B.08.735, a qualified  
8 director under (a) of this subsection if the business opportunity  
9 were a director's conflicting interest transaction; and (c) with  
10 respect to RCW 23B.02.020(2)(g), a director who is not a director (i)  
11 to whom the limitation or elimination of the duty of an officer to  
12 offer potential business opportunities to the corporation would  
13 apply, or (ii) who has a familial, financial, professional, or  
14 employment relationship with another officer to whom the limitation  
15 or elimination would apply, which relationship would, in the  
16 circumstances, reasonably be expected to exert an influence on the  
17 director's judgment when voting on the limitation or elimination.

18 (33) "Record date" means the date fixed for determining the  
19 identity of a corporation's shareholders and their shareholdings for  
20 purposes of this title. The determinations shall be made as of the  
21 close of business on the record date unless another time for doing so  
22 is specified when the record date is fixed.

23 (34) "Registered office" means the address of the corporation's  
24 registered agent.

25 (35) "Secretary" means the corporate officer to whom the board of  
26 directors has delegated responsibility under RCW 23B.08.400(3) for  
27 custody of the minutes of the meetings of the board of directors and  
28 of the shareholders and for authenticating records of the  
29 corporation.

30 (36) "Shareholder" means the person in whose name shares are  
31 registered in the records of a corporation or the beneficial owner of  
32 shares to the extent of the rights granted by a nominee certificate  
33 on file with a corporation.

34 (37) "Shares" means the units into which the proprietary  
35 interests in a corporation are divided.

36 (38) "Social purpose" includes any general social purpose and any  
37 specific social purpose.

38 (39) "Social purpose corporation" means a corporation that has  
39 elected to be governed as a social purpose corporation under chapter  
40 23B.25 RCW.



1 (40) "Specific social purpose" means the specific social purpose  
2 or purposes for which a social purpose corporation is organized as  
3 set forth in the articles of incorporation of the corporation in  
4 accordance with RCW 23B.25.040(2)(a).

5 (41) "State," when referring to a part of the United States,  
6 includes a state and commonwealth, and their agencies and  
7 governmental subdivisions, and a territory and insular possession,  
8 and their agencies and governmental subdivisions, of the United  
9 States.

10 (42) "Subscriber" means a person who subscribes for shares in a  
11 corporation, whether before or after incorporation.

12 (43) "Subsidiary" means an entity in which the corporation has,  
13 directly or indirectly, a controlling interest.

14 (44) "United States" includes a district, authority, bureau,  
15 commission, department, and any other agency of the United States.

16 (45) "Voting group" means all shares of one or more classes or  
17 series that under the articles of incorporation or this title are  
18 entitled to vote and be counted together collectively on a matter at  
19 a meeting of shareholders. All shares entitled by the articles of  
20 incorporation or this title to vote generally on the matter are for  
21 that purpose a single voting group.

22 (46) "Writing" or "written" means any information in the form of  
23 a document.

24 (47) "Forward stock split" means the pro rata division of all the  
25 outstanding shares of a class of stock into a greater number of  
26 shares of the same class, whether or not the authorized shares of  
27 such a class are increased in the same proportion, but does not  
28 include a share dividend under RCW 23B.06.230.

29 (48) "Reverse stock split" means the pro rata combination of all  
30 the outstanding shares of a class of stock into a smaller number of  
31 shares of the same class, whether or not the authorized shares of  
32 such a class are reduced in the same proportion.

33 (49) "Stock split" means a forward stock split or a reverse stock  
34 split.

35 **Sec. 2.** RCW 23B.06.210 and 2009 c 189 s 8 are each amended to  
36 read as follows:

37 (1) The powers granted in this section to the board of directors  
38 may be reserved to the shareholders by the articles of incorporation.

1 (2) Any issuance of shares must be approved by the board of  
2 directors. Shares may be issued (~~(for)~~):

3 (a) For consideration determined by the board of directors from  
4 time to time consisting of any tangible or intangible property or  
5 benefit to the corporation, including cash, promissory notes,  
6 services performed, contracts for services to be performed, or other  
7 securities of the corporation; or

8 (b) As a share dividend or upon a stock split, reclassification  
9 of outstanding shares into shares of another class or series, or  
10 conversion of outstanding shares into shares of another class or  
11 series.

12 (3) A good faith determination by the board of directors that the  
13 consideration received or to be received for the shares to be issued  
14 is adequate is conclusive insofar as the adequacy of consideration  
15 relates to whether the shares are validly issued, fully paid and  
16 nonassessable. When the board of directors has made such a  
17 determination and the corporation has received the consideration, the  
18 shares issued therefor are fully paid and nonassessable. Shares  
19 issued as a share dividend or upon a stock split, reclassification of  
20 outstanding shares into shares of another class or series, or  
21 conversion of outstanding shares into shares of another class or  
22 series are fully paid and nonassessable.

23 (4) The corporation may place in escrow shares issued for a  
24 contract for future services or benefits or a promissory note, or  
25 make other arrangements to restrict the transfer of the shares, and  
26 may credit distributions in respect to the shares against their  
27 purchase price, until the services are performed, the benefits are  
28 received, or the note is paid. If the services are not performed, the  
29 benefits are not received, or the note is not paid, the shares  
30 escrowed or restricted and the distributions credited may be canceled  
31 in whole or part.

32 (5) Where it cannot be determined that outstanding shares are  
33 fully paid and nonassessable, there shall be a conclusive presumption  
34 that such shares are fully paid and nonassessable if the board of  
35 directors makes a good faith determination that there is no  
36 substantial evidence that the full consideration for such shares has  
37 not been paid.

38 NEW SECTION. Sec. 3. A new section is added to chapter 23B.06  
39 RCW to read as follows:

1 (1) A corporation may effect a stock split by means of an  
2 amendment to the articles of incorporation stating the effect of the  
3 stock split on the outstanding shares of the affected class.

4 (2) An amendment to the articles of incorporation to effect a  
5 stock split may, but is not required to, include a change in the  
6 authorized shares of the affected class.

7 (3) Except for a forward stock split that complies with RCW  
8 23B.10.020(4)(a) or a reverse stock split that complies with RCW  
9 23B.10.020(4)(b), an amendment to the articles of incorporation to  
10 effect a stock split must be approved in accordance with RCW  
11 23B.10.030 and, if applicable, RCW 23B.10.040.

12 (4) The board of directors may fix the record date for  
13 determining shareholders affected by a stock split, which date may  
14 not precede the date on which the amendment to the articles of  
15 incorporation effecting the stock split becomes effective in  
16 accordance with RCW 23.95.210. If the board of directors does not fix  
17 the record date for determining shareholders affected by a stock  
18 split, the record date is the date on which the amendment to the  
19 articles of incorporation effecting the stock split becomes effective  
20 in accordance with RCW 23.95.210.

21 **Sec. 4.** RCW 23B.10.020 and 2009 c 189 s 31 are each amended to  
22 read as follows:

23 Unless the articles of incorporation provide otherwise, a  
24 corporation's board of directors may adopt one or more amendments to  
25 the corporation's articles of incorporation without shareholder  
26 approval:

27 (1) If the corporation has only one class of shares outstanding,  
28 to provide, change, or eliminate any provision with respect to the  
29 par value of any class of shares;

30 (2) To delete the names and addresses of the initial directors;

31 (3) To delete the name and address of the initial registered  
32 agent or registered office, if a statement of change is on file with  
33 the secretary of state;

34 (4) If the corporation has only one class of shares outstanding,  
35 solely to:

36 (a) Effect a forward stock split of, or change the number of  
37 authorized shares of that class in proportion to a forward stock  
38 split of, or (~~stock~~) share dividend in, the corporation's  
39 outstanding shares; or

1 (b) Effect a reverse stock split of the corporation's outstanding  
2 shares (~~and~~) if the number of authorized shares of that class (~~in~~  
3 ~~the same proportions~~) is proportionately reduced by the amendment;  
4 (5) To change the corporate name; or  
5 (6) To make any other change expressly permitted by this title to  
6 be made without shareholder approval.

7 NEW SECTION. **Sec. 5.** A new section is added to chapter 23B.11  
8 RCW to read as follows:

9 (1) The definitions in this subsection apply throughout this  
10 section unless the context clearly requires otherwise.

11 (a) "Holding company" means the corporation that is or becomes  
12 the direct parent of the surviving corporation of a merger  
13 accomplished under this section and whose capital stock is issued in  
14 that merger.

15 (b) "Parent constituent corporation" means the parent corporation  
16 that merges with or into the subsidiary constituent corporation in  
17 the merger.

18 (c) "Subsidiary constituent corporation" means the subsidiary  
19 corporation that the parent constituent corporation merges with or  
20 into in the merger.

21 (2) Unless the articles of incorporation provide otherwise, a  
22 parent constituent corporation may merge with or into a single  
23 indirect wholly owned subsidiary of the parent constituent  
24 corporation without the approval of the plan of merger by the  
25 shareholders of the parent constituent corporation if:

26 (a) The plan expressly permits or requires the merger to be  
27 effected under this subsection;

28 (b) The holding company and the constituent corporations to the  
29 merger are each organized under this title;

30 (c) At all times from its incorporation until consummation of a  
31 merger under this section, the holding company was a direct wholly  
32 owned subsidiary of the parent constituent corporation;

33 (d) Immediately before consummation of a merger under this  
34 section, the subsidiary constituent corporation is a direct wholly  
35 owned subsidiary of the holding company and an indirect wholly owned  
36 subsidiary of the parent constituent corporation;

37 (e) The parent constituent corporation and the subsidiary  
38 constituent corporation are the only constituent entities to the  
39 merger;

1 (f) Immediately after the merger becomes effective, the survivor  
2 of the merger becomes or remains a direct wholly owned subsidiary of  
3 the holding company;

4 (g) Each share or fraction of a share of the parent constituent  
5 corporation outstanding immediately before the merger becomes  
6 effective is converted in the merger into a share or equal fraction  
7 of a share of the holding company having the same designations and  
8 relative preferences, rights, and limitations as the share or  
9 fraction of a share of the parent constituent corporation being  
10 converted in the merger;

11 (h) The articles of incorporation and bylaws of the holding  
12 company immediately after the merger becomes effective contain  
13 provisions identical to the articles of incorporation and bylaws of  
14 the parent constituent corporation immediately before the merger  
15 becomes effective, other than any provisions regarding the  
16 incorporator or incorporators, the corporate name, the registered  
17 office and agent, the initial board of directors and the initial  
18 subscribers for shares, and the provisions contained in any amendment  
19 to the articles of incorporation of the parent constituent  
20 corporation that were necessary to effect an exchange,  
21 reclassification, or cancellation of shares if the exchange,  
22 reclassification, or cancellation has become effective;

23 (i) The articles of incorporation and bylaws of the survivor  
24 immediately after the merger becomes effective contain provisions by  
25 specific reference to this subsection requiring that any corporate  
26 action by or involving the survivor, other than the election or  
27 removal of directors of the survivor, must be approved by the  
28 shareholders of the holding company, or any successor by merger, by  
29 the same vote as is required by this title or under the articles of  
30 incorporation or bylaws of the parent constituent corporation  
31 immediately before the merger becomes effective, if that corporate  
32 action would have required the approval of the shareholders of the  
33 parent constituent corporation under this title or under the articles  
34 of incorporation or bylaws of the parent constituent corporation  
35 immediately before the merger becomes effective;

36 (j) The directors of the parent constituent corporation  
37 immediately before the merger becomes effective become or remain the  
38 directors of the holding company immediately after the merger becomes  
39 effective; and

1 (k) The shareholders of the parent constituent corporation will  
2 not recognize gain or loss for United States federal income tax  
3 purposes as a result of the merger, as determined by the board of  
4 directors of the parent constituent corporation.

5 (3) The holding company must, promptly after the effective date  
6 of a merger effected under subsection (2) of this section, notify  
7 each person who was a shareholder of the parent constituent  
8 corporation as of the date the board of directors approves the merger  
9 that the merger has become effective. The notice must contain or be  
10 accompanied by a copy of the plan of merger or a summary of the  
11 material terms and conditions of the merger and the consideration to  
12 be received by those shareholders.

13 (4) To the extent restrictions under chapter 23B.19 RCW applied  
14 to the parent constituent corporation or any of its shareholders at  
15 the effective time of the merger, those restrictions apply to the  
16 holding company and its shareholders immediately after the merger  
17 becomes effective as though the holding company were the parent  
18 constituent corporation, and all shares of stock of the holding  
19 company acquired in the merger will, for the purposes of chapter  
20 23B.19 RCW, be deemed to have been acquired at the time that the  
21 corresponding shares of stock of the parent constituent corporation  
22 were acquired. No shareholder who, immediately before the merger  
23 becomes effective, was not an acquiring person of the parent  
24 constituent corporation will, solely by reason of the merger, become  
25 an acquiring person of the holding company.

26 (5) To the extent a shareholder of the parent constituent  
27 corporation immediately before the merger was eligible to commence a  
28 proceeding in the right of the parent constituent corporation in  
29 accordance with RCW 23B.07.400, nothing in this section is deemed to  
30 limit or extinguish that eligibility.

31 (6) Except as provided in subsections (2), (3), (4), and (5) of  
32 this section, a merger between a parent constituent corporation and a  
33 subsidiary constituent corporation is governed by the provisions of  
34 this chapter applicable to mergers generally.

--- END ---

**TO:** WSBA Board of Governors  
**CC:** Terra Nevitt, Executive Director  
**FROM:** Lauren Boyd, BOG Legislative Committee Chair; Sanjay Walvekar, WSBA Legislative Affairs Manager  
**DATE:** November 4, 2022  
**RE:** 2023 WSBA Legislative Priorities

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**ACTION:** Approve the 2023 Legislative Priorities for the upcoming legislative session.

Background

Each year, the BOG Legislative Committee Chair and the WSBA Legislative Affairs team propose legislative priorities for consideration and approval by the BOG. These priorities are longstanding, and the priorities document is primarily used to inform legislators of the WSBA's focus areas during the legislative session. The WSBA and its entities are allowed to engage in the legislative process if issues are related to the practice of law and/or the administration of justice (GR 12.2). The 2023 WSBA Legislative Priorities seek to make improvements to the practice of law and administration of justice that ultimately benefit both members of the public as well as legal professionals across the state. The genesis of these priorities is tied directly to the WSBA Guiding Principles and GR 12.2. These include supporting access to justice, increasing public understanding of Washington's justice system, and supporting a fair and impartial judiciary.

Attachments

*Attorney Client Privileged and Confidential Memo from General Counsel Julie Shankland (available in WSBA cloud-sharing service)*

## 2023 WSBA Legislative Priorities

- Support Bar-request legislative proposals initiated by WSBA Sections that are approved by the Board.
- Support non-Bar request legislative proposals approved by the Board under GR 12, that seek to:
  - Create and promote access to justice for all Washington residents;
  - Enhance statewide civics education;
  - Provide funding for the state’s court system; and
  - Provide funding for civil legal aid services through general-fund state dollars.
- Monitor and take appropriate action on legislative proposals that would:
  - Increase existing court user fees;
  - Alter court rules and/or the structure of the state’s judicial branch; and
  - Other items of significance to the practice of law and administration of justice.



**TO:** WSBA Board of Governors  
**CC:** Terra Nevitt, Executive Director  
**FROM:** Governor Alec Stephens, on behalf of the Personnel Committee  
**DATE:** October 28, 2022  
**RE:** Executive Director’s Annual Evaluation – Update and Recommendation

**DISCUSSION & ACTION:** To get approval from the Board of Governors (BOG) on the Personnel’s Committee’s plan for the Executive Director’s evaluation

In July 2022, a small working group comprised of Gov. Boyd, Gov. Stephens, and HR Director Klinefelter Sio worked with FIT HR Consultants to begin planning the Executive Director evaluation. In September 2022, the BOG received an update on this work and agreed the Personnel Committee will present a recommendation for the evaluation’s implementation and execution.

The Personnel Committee met on October 17, 2022 and recommends the following for BOG consideration and approval:

Evaluation period:

- January 2021 – September 2022
- This time period covers the start of Terra Nevitt’s permanent position as the Executive Director, through the end of the last fiscal year. After this evaluation, we will be on track for a fiscal year evaluation cycle.

The evaluators will consist of:

- The Executive Director (self-review)
- The current Executive Leadership Team
- The current Board of Governors
- Any BOG members that were active during the evaluation period

Proposed tool:

- The evaluation will be delivered in an electronic survey form
- The committee tested the functionality of the tool by way of an avatar [Executive Director Performance Review \(Alec Stephens is the avatar\)– Pilot Version](#) and found there to be no concerns or issues

Evaluation Content:

- See attachment for content – these categories are meant to evaluate how well the ED met her goals, responsibilities, and job duties and evaluate the knowledge, skills, and abilities critical to the job.

Proposed Next steps and Timeline following BOG approval:

- November 2022: The Personnel Committee will finalize the evaluation content and questions
- December 2022: The Personnel Committee will work with HR Director and FIT HR Consultants to implement the review and prepare to launch
- January 2023: The Personnel Committee will launch the ED evaluation
- March 2023: The HR Director will work with Consultants (as needed) to compile the survey results
- May 2023: Present the evaluation at the May BOG Meeting

Attachments

- Attachment 1: Proposed ED Performance Review Content
- Attachment 2: List of evaluators
- Attachment 3: Pilot survey - screenshots

## Proposed ED Performance Review Content

## Section 1 – The “What”

- This section contains the job’s Goals, Responsibilities and Duties
- Source – job description, contract, WSBA Website, strategy document
- The ED and BOG Members only will respond

<b>Program Design and Management</b>	Defines and delivers valuable programs that clearly address current and/or future member needs, legal trends, and organizational strategy. Prepares key internal and external constituents for the offering including adjusting internal capabilities and processes.
<b>Budget Design and Management</b>	Proposes funding based on a clear assessment of existing/future programs, legal trends, member needs, and organizational strategy. Makes the right calls in terms of tradeoffs between cost and benefits and makes them transparent. Scrutinizes budget performance at the appropriate level.
<b>Board Support and Relations</b>	Brings a unique and valuable perspective to the board regarding the organization, its members' needs, and its employees. Uses appropriate influencing tactics to advance board dialogue/decisions in both formal and informal settings. Balances the diverse opinions of the Board with the needs of the organization very well.
<b>Supporting/Representing Membership</b>	Establishes strong relationships with members resulting in a deep understanding of their needs. Establishes formal and informal mechanisms to solicit and understand feedback from members in the context of the organization's charter. Is a strong advocate for member needs.
<b>Marketing/Representing WSBA "Brand"</b>	Has a valuable perspective regarding WSBA's unique contribution to the profession. Is a visible and effective advocate for the WSBA across a variety of constituents. Establishes programs that effectively promote the organization's desired position in legal and political environments.
<b>Project or Goal # 1*</b> [May be added at the BOG’s discretion starting with the FY 23 Evaluation]	Example: Rural Practice Program – Design and delivery a high-quality, impactful, and cost-effective Rural Practice Program
<b>Project or Goal # 2*</b> [May be added at the BOG’s discretion starting with the FY 23 Evaluation]	Example: Increase Pro and Low Bono Opportunities – Increase member participation in pro and low bono work by identifying and promoting more opportunities

**Proposed ED Performance Review Content**

**Section 2 – The “How”**

- This section consists of knowledge, skills and abilities critical to the job.
- Source – job description, contract, WSBA Website, strategy document
- The ED, BOG Members, and ELT will respond

<b>Strategic Thinking</b>	Has a clear vision regarding the future of the organization. Regularly questions the status quo. Effectively debates and defends her strategic vision and plans. Considers both internal and external factors in the context of the organization's desired future. Makes difficult but necessary decisions in the context of the future.
<b>Leadership</b>	Engages key constituents in formulating her vision and associated changes. Vision and associated changes are well-understood by key constituents (BOG, employees, members, partners, etc.). Easily garners support for changes that support of the vision. Takes and defends unpopular positions without losing credibility. Is respected as a fair but firm professional. Actively seeks and integrates alternative ideas where appropriate - even those that oppose her own
<b>Problem Solving</b>	Regularly takes time to clearly identify the issue before finalizing a decision. Easily discerns "facts" and "opinions" via practical well-understood standards. Quickly identifies logical flaws and/or gaps in arguments. Asks powerful questions when attempting to resolve a problem. Avoids making important decisions without critical facts. Clearly articulates risk v. reward where data is not available.
<b>Communication</b>	Seeks to understand other perspectives through careful listening and probing questions. Effectively tailors her messages to her audience in verbal and written forms. Is approachable and open-minded across a variety of audiences. Augments her messages with appropriate non-verbal queues. Simplifies complex issues without sacrificing accuracy. Prepares compelling and clear supporting documents (memos, emails, presentations, etc.).
<b>Political / Organizational Savvy</b>	Approaches problems with a clear understanding of organizational and political realities. Establishes alliances to leverage organizational dynamics and/or create support for ideas. Understands the formal and informal mechanisms necessary to make progress. Consistently involves the right people/departments based on political realities. Accurately interprets others' behaviors in the context of organizational realities. Has established a network of advisors with whom to consult on organizational/political issues.

**Proposed ED Performance Review Content**

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<b>Promoting DEI</b>	Embraces the value of diversity in people including their culture, race, gender or age. Effectively motivates people from different backgrounds or cultures. Actively leverages the value of diverse perspectives and opinions. Effectively coaches others to appreciate the value of diversity. Actively expands her knowledge of other cultures or groups. Establishes an environment where all opinions are welcomed.
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**Evaluators - ED Evaluation  
(Jan 2021 - Sep 2022)**

	<b>FY23</b>	<b>FY22</b>	<b>FY21</b>	<b>ELT</b>
<b>President</b>	Dan Clark	Brian Tollefson	Kyle Sciuchetti	Terra Nevitt
<b>President-Elect</b>	Hunter Abell	Dan Clark	Brian Tollefson	Renata de Carvalho Garcia
<b>Immediate Past President</b>	Brian Tollefson	Kyle Sciuchetti	Rajeev Majumdar	Kevin Plachy
<b>Treasurer</b>	Francis Adewale	Bryn Peterson	Dan Clark	Julie Shankland
<b>District 1</b>	Sunitha Anjilvel	Sunitha Anjilvel	Sunitha Anjilvel	Doug Ende
<b>District 2</b>	Kari Petrasek	Carla Higginson	Carla Higginson	Glynnis Klinefelter Sio
<b>District 3</b>	Lauren Boyd	Lauren Boyd	Lauren Boyd	Tiffany Lynch
<b>District 4</b>	Mary Rathbone	Dan Clark	Dan Clark	Jon Dawson
<b>District 5</b>	Francis Adewale	Francis Adewale	PJ Grabicki	Sara Niegowski
<b>District 6</b>	Brett Purtzer	Brett Purtzer	Brett Purtzer	Diana Singleton
<b>District 7 North</b>	Matthew Dresden	Matthew Dresden	Matthew Dresden	Dua Abudiab
<b>District 7 South</b>	Serena Sayani	Serena Sayani	Jean Kang	
<b>District 8</b>	Erik Kaeding	Brent Williams-Ruth	Brent Williams-Ruth	
<b>District 9</b>	Kevin Fay	Bryn Peterson	Bryn Peterson	
<b>District 10</b>	Nam Nguyen	Tom McBride	Tom McBride	
<b>At Large</b>	Brent Williams-Ruth	Hunter Abell	Hunter Abell	
<b>At Large</b>	Jordan Couch	Jordan Couch	Russell Knight	
<b>At Large</b>	Alec Stephens	Alec Stephens	Alec Stephens	

Total BOG	26
Total ELT	10
ED	1

Time period: January 2021 - September 2022



## *Executive Director Performance Review - Pilot Version*

### *Background Information*

\* 1. **REQUIRED** - Please identify your status related to the Washington State Bar Association. Doing so will allow us to properly aggregate results at the end of the review period.

I am the Executive Director

I am a BOG Member

Next/Save

## *Executive Director Performance Review - Pilot Version*

### *Overview*

The **Executive Director Performance Review** has two sections:

1. **Goals, Responsibilities, and Projects** - This section captures what the ED is/was expected to accomplish during the review period
2. **Knowledge, Skills, and Abilities** - This section captures critical capabilities associated with the role.

Both of these sections have several important areas to help guide your input and facilitate meaningful feedback to the Executive Director:

- specific area definitions or behaviors to help you focus on a critical component of the ED role,
- a rating scale to capture your overall assessment of the area - including a "Cannot Rate" option for use when you have no exposure to the ED's performance in the area, and
- a text box where you can augment your rating in narrative form.

Once you and your colleagues complete the performance review, your responses will be combined with those of your peers and shared with the BOG to review with the Executive Director.

Thanks in advance for your thoughtful responses!



## Section 1 - Goals, Responsibilities, and Projects

**2. Program Design and Management** - Defines and delivers valuable programs that clearly address current and/or future member needs, legal trends, and organizational strategy. Prepares key internal and external constituents for the offering including adjusting internal capabilities and processes.

- Did Not Meet Expectations     Partially Met Expectations     Met Expectations     Exceeded Expectations     Greatly Exceeded Expectations
- Cannot Rate**

Observations

**3. Budget Design and Management** - Proposes funding based on a clear assessment of existing/future programs, legal trends, member needs, and organizational strategy. Makes the right calls in terms of tradeoffs between cost and benefits and makes them transparent. Scrutinizes budget performance at the appropriate level.

- Did Not Meet Expectations     Partially Met Expectations     Met Expectations     Exceeded Expectations     Greatly Exceeded Expectations
- Cannot Rate**

Observations

**4. Board Support and Relations** - Brings a unique and valuable perspective to the board regarding the organization, its members' needs, and its employees. Uses appropriate influencing tactics to advance board dialogue/decisions in both formal and informal settings. Balances the diverse opinions of the Board with the needs of the organization very well.

- Did Not Meet Expectations     Partially Met Expectations     Met Expectations     Exceeded Expectations     Greatly Exceeded Expectations
- Cannot Rate**

Observations



**5. Supporting/Representing Membership** - Establishes strong relationships with members resulting in a deep understanding of their needs. Establishes formal and informal mechanisms to solicit and understand feedback from members in the context of the organization's charter. Is a strong advocate for member needs.

- Did Not Meet Expectations
- Partially Met Expectations
- Met Expectations
- Exceeded Expectations
- Greatly Exceeded Expectations
- Cannot Rate**

Observations

**6. Promoting/Representing the WSBA "Brand"** - Has a valuable perspective regarding WSBA's unique contribution to the profession. Is a visible and effective advocate for the WSBA across a variety of constituents. Establishes programs that effectively promote the organization's desired position in legal and political environments.

- Did Not Meet Expectations
- Partially Met Expectations
- Met Expectations
- Exceeded Expectations
- Greatly Exceeded Expectations
- Cannot Rate**

Observations

**7. Future Project 1**

*Place-holder used to demonstrate the capability of this review method to add a review of projects in future evaluations.*

- Did Not Meet Expectations
- Partially Met Expectations
- Met Expectations
- Exceeded Expectations
- Greatly Exceeded Expectations
- Cannot Rate**

Observations

### 8. Future Project 2

Place-holder used to demonstrate the capability of this review method to add a review of projects in future evaluations.

- Did Not Meet Expectations     Partially Met Expectations     Met Expectations     Exceeded Expectations     Greatly Exceeded Expectations
- Cannot Rate

Observations

9. Do you have additional observations regarding Alec's progress/performance in the context of these or other **Goals, Responsibilities and Projects**?

[Prev](#)    [Next/Save](#)

## Executive Director Performance Review - Pilot Version

### Section 2 - Knowledge, Skills, and Abilities

#### 10. Strategic Thinking

*Alec exemplifies these characteristics/behaviors:*

Has a clear vision regarding the future of the organization. Regularly questions the status quo. Effectively debates and defends her strategic vision and plans. Considers both internal and external factors in the context of the organization's desired future. Makes difficult but necessary decisions in the context of the future

- Strongly disagree     Disagree     Neither agree nor disagree     Agree     Strongly agree
- Cannot Rate

Observations



**11. Leadership**

***Alec exemplifies these characteristics/behaviors:***

Engages key constituents in formulating her vision and associated changes. Vision and associated changes are well-understood by key constituents (BOG, employees, members, partners, etc.). Easily garners support for changes that support of the vision. Takes and defends unpopular positions without losing credibility. Is respected as a fair but firm professional. Actively seeks and integrates alternative ideas where appropriate - even those that oppose her own

- Strongly disagree       Disagree       Neither agree nor disagree       Agree       Strongly agree
- Cannot Rate**

Observations

**12. Problem Solving**

***Alec exemplifies these characteristics/behaviors:***

Regularly takes time to clearly identify the issue before finalizing a decision. Easily discerns "facts" and "opinions" via practical well-understood standards. Quickly identifies logical flaws and/or gaps in arguments. Asks powerful questions when attempting to resolve a problem. Avoids making important decisions without critical facts. Clearly articulates risk v. reward where data is not available.

- Strongly disagree       Disagree       Neither agree nor disagree       Agree       Strongly agree
- Cannot Rate**

Observations

**13. Communication**

***Alec exemplifies these characteristics/behaviors:***

Seeks to understand other perspectives through careful listening and probing questions. Effectively tailors her messages to her audience in verbal and written forms. Is approachable and open-minded across a variety of audiences. Augments her messages with appropriate non-verbal queues. Simplifies complex issues without sacrificing accuracy. Prepares compelling and clear supporting documents (memos, emails, presentations, etc.).

- Strongly disagree       Disagree       Neither agree nor disagree       Agree       Strongly agree
- Cannot Rate**

Observations

**14. Political/Organizational Savvy**

***Alec exemplifies these characteristics/behaviors:***

Approaches problems with a clear understanding of organizational and political realities. Establishes alliances to leverage organizational dynamics and/or create support for ideas. Understands the formal and informal mechanisms necessary to make progress. Consistently involves the right people/departments based on political realities. Accurately interprets others' behaviors in the context of organizational realities. Has established a network of advisors with whom to consult on organizational/political issues.

- Strongly disagree       Disagree       Neither agree nor disagree       Agree       Strongly agree
- Cannot Rate**

Observations

**15. Promoting Diversity, Equity, and Inclusion**

**Alec exemplifies these characteristics/behaviors:**

Embraces the value of diversity in people including their culture, race, gender or age. Effectively motivates people from different backgrounds or cultures. Actively leverages the value of diverse perspectives and opinions. Effectively coaches others to appreciate the value of diversity. Actively expands her knowledge of other cultures or groups. Establishes an environment where all opinions are welcomed.

- Strongly disagree       Disagree       Neither agree nor disagree       Agree       Strongly agree
- Cannot Rate**

Observations

**16.** Do you have additional observations regarding Alec's progress/performance in the context of the **Knowledge, Skills and Abilities** in this section?

**17.** Any final thoughts for Alec?

Prev

Next/Save



## *Executive Director Performance Review - Pilot Version*

**Thank You!**

*Thank you for taking the time to share your observations! Your responses and comments are saved, **so simply close your browser.***

**Do NOT use the "LOCK MY ANSWERS" button below** until you have submitted your final observations for the 2021/22 review period. Using it will prevent you from adding more responses/content.

Prev

LOCK MY ANSWERS - 9/30/2022

**TO:** WSBA Board of Governors  
**CC:** Terra Nevitt, Executive Director  
**FROM:** Paris Eriksen, Volunteer Engagement Advisor  
**DATE:** October 17, 2022  
**RE:** Outgoing Governor Responsibility regarding recruitment

**DISCUSSION:** What role should current members of the Board of Governors play in recruitment for Board positions as outlined in the *Roles and Responsibilities* policy?

In accordance with the *Addendum to Governor Responsibilities* document (amended January 2022), each Board member with terms expiring have the responsibility to chair a small committee of members to recruit for individuals to apply to serve on the Board of Governors. Board members who plan to seek reelection may recuse themselves from such responsibility.

Over the past few years, there has been discussion about the process for recruitment new Board members and the role that current Board members should play in that process. At its October 7 meeting, the BOG Executive Committee recommended this policy be brought to the Board for discussion.

### Background

#### *Definition of Recruitment*

In *From the Top Down: The Executive Role in Successful Volunteer Involvement* author Susan J. Ellis defines recruitment as, ‘(...) the process of inviting people to give their time and energy to your organization. The best recruitment is targeted to the audiences most likely to have the skills and interests to match available volunteer position descriptions.’

#### *Purpose of Recruitment*

According to BoardSource, ‘nothing is more important to the health and sustainability of your organization than getting highly qualified and enthusiastic people to serve on your board (...) because the job of building a board is about more than just filling slots. It is about finding leaders who have skill sets and perspectives that align with your organization’s strategies, goals, and needs.’ When done well, recruitment efforts help ensure that potential board members are informed about the organization and its mission, the role of the Board, the responsibilities of each governor, and the time commitment required. Recruitment can also help applicants understand the board culture, skill sets and experiences that might be useful, and how they can contribute to the current and ongoing needs and priorities of the organization. Without this groundwork and background, board members can feel frustrated or disappointed with their experience, which can in turn lead to disengagement.

### *Role of Board Members*

Board members are among the best positioned to educate potential board members about what to expect when serving on the Board and as ambassadors of the Bar, some role in recruitment (informal or formal) appears to be embedded within the responsibilities of the Board. On the other hand, without a thoughtful approach, informal recruitment might negatively impact the diversity of the Board and give the appearance of a predetermined outcome.

### *Practice of Other Bar Associations*

Many unified bars address governance and volunteer recruitment in their bylaws, articles of incorporation or other governing documents. The Hawaii, Louisiana, Maine, Mississippi, Nebraska, Oregon and Rhode Island bars all use a nomination (or equivalently named) committee for governance purposes. The Alabama State Bar's *2021-2022 Governance and Internal Operations Task Force* published their annual report recommending the Board of Bar Commissioners should 'consider creating a board development committee designed to encourage a more diverse and competent board in elected as well as appointed positions.'

Several unified state bar do not establish nominations/governance entities in their governing documents including Alaska, Arizona, Florida, Georgia, Idaho, Kentucky, Michigan, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, Utah, Virginia, West Virginia, Wyoming and Wisconsin.

All of the above require a certain number of petition signatures as part of the eligibility criteria for candidates. Some of the above have Nominating Committee for Officer positions only.

### Attachments

Governor Responsibilities and Addendum, January 2022.



## Governor Responsibilities

**Governors are the fiduciary of WSBA assets. These assets include cash and investments, the organization's good name and the organization's goodwill with members. Assets must be managed under a "good faith/prudent care/best interests" standard. Meeting this standard includes the exercise of sound business principles, attendance at meetings and the exercise of due diligence in making decisions affecting the organization's assets.**

**The office of governor is a three-year commitment from October through the end of September three years later. Governors may only serve one term unless the initial term is 18 months or less.**

***A director acts as part of a board. Anyone serving as a director of a corporation must be aware of what a director is – and isn't. As a body, a board of directors has considerable powers. In most corporations the board plays a substantial part in the beginning or end of any corporate activity, and the board appoints or removes corporate agents, executives, and officers. In contrast, an individual director, acting alone, has almost no power: rather each director exerts her or his power as one participating in the board of directors. (Guidebook for Directors of Nonprofit Corporations)***

It is expected that a governor will:

- Participate in the New Governor Orientation Program.
- Attend seven BOG meetings per year – generally all day Thursday through Friday morning.
- Be a member of two to three BOG committees and some special committees (serve as chair on some generally in the third year).
- On a rotating basis with other governors, attend various law-related events such as annual dinners, award events, special events, etc.
- Be a liaison and attend key meetings for three to five WSBA sections, standing committees and other boards or commissions as assigned by the president.
- Occasionally represent the WSBA for public speaking and appearances.
- Using WSBA electronic distribution groups, communicate periodically with constituents.
- Establish contact and maintain relationships with local bar associations in their congressional district.
- Be a WSBA-BOG liaison to minority or specialty bar association(s).
- Attend section and committee orientation meetings at the WSBA.
- Approve the hiring of the executive director.
- Assist with the recruitment and orientation for a replacement governor and president when in their district.
- Conduct leadership recruitment and recommend constituents for appointments.
- Appoint standing committee members annually.
- Maintain the confidentiality of information discussed in executive sessions.
- Refrain, as required by the WSBA bylaws, from endorsement of political candidates for offices reserved for lawyers.

Most governors find that they can meet these commitments in about 40 hours a month.
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## **ADDENDUM to GOVERNOR RESPONSIBILITIES**

### **Excerpt of the WSBA President and Governor Selection Task Force Report**

**(Adopted by the Board of Governors in April 2006)  
(Amended by the Board of Governors in January 2022)**

- Assign to each Governor whose term is expiring and whose position will be filled by the election of a successor, the responsibility to chair a committee of not more than 5 persons to recruit 2 or more candidates to file for the position.
  - Diversity among committee members is desired, and might include, inter alia, former Governors from that district, local bar presidents or officers, and representatives of minority and specialty bars.
  - The outgoing Governor should be reminded by the Executive Director, or her delegate, of this responsibility not later than November 1 of the Governor's third year.
  - The outgoing Governor should report on the work of his or her recruiting committee at the January BOG meeting.
  - Any outgoing Governor intending to run for a second term, shall recuse themselves from the position of Chair.
- Immediately upon receipt of the application, post on the WSBA website the name and district of each individual who files for election to the BOG.
- Make available to each candidate for the BOG, without charge and for a one-time use only, the ability to contact all members residing in the candidate's district by e-mail and by direct mail. For example, direct mail contact could be accomplished through providing address labels, or by including candidate flyers in the balloting material, while e-mail contact could be accomplished by WSBA forwarding candidate messages to all district members.
- Develop a description of the duties and responsibilities of a member of the BOG, the time commitment, representative issues that come before the Board for decision, and the rewards and satisfaction of service on the Board of Governors, and publicize the information to the WSBA membership prior to the deadline for each BOG election.
- Set up a direct outreach system to local and specialty bars to assist in recruiting candidates for the BOG.

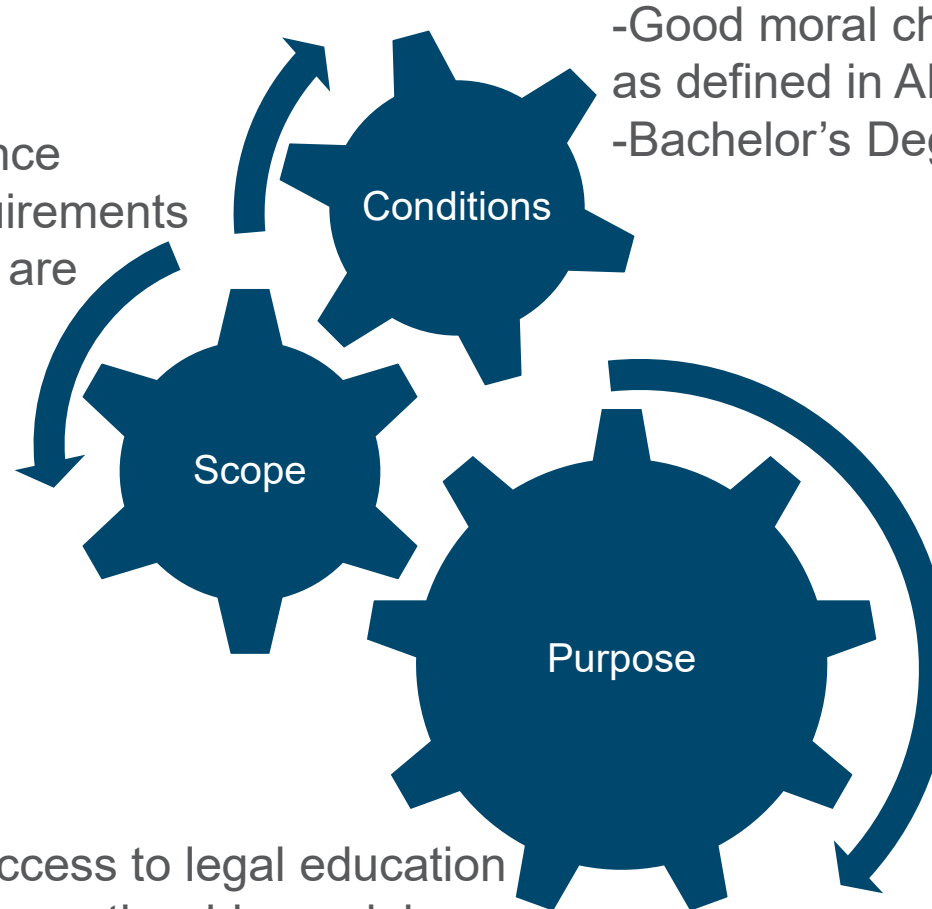


# APR 6 LAW CLERK PROGRAM

Emily Mowrey, Law Clerk Board Chair  
Katherine Skinner, Law Clerk Program Lead

# OVERVIEW

APR 6(e)  
The subjects and sequence of studies and other requirements to complete the program are prescribed in the APR 6 Regulations



-Good moral character and fitness as defined in APR 20  
-Bachelor's Degree

- Provides access to legal education
- Uses an apprenticeship model
- Qualify for WA bar exam

# BRIEF HISTORY

1933

- Washington State Bar Association Established
- 4-Year Law Clerk Program
- Under Board of Law Examiners

1984

- Major Overhaul Establishing Modern Law Clerk Program
- Separate Law Clerk Committee

2009

- Law Clerk Board (a WSBA Regulatory Board)

# ABOUT THE APR 6 LAW CLERK PROGRAM

Affordable alternative  
to law school

Apprenticeship Model

Theoretical,  
experiential, and  
clinical components

Legal education  
guided by a  
qualified tutor

Practical on-the-job  
experience

Increases access to legal  
education and the legal  
profession

Qualify for the WA bar  
examination

# QUALIFICATIONS & APPLICATION

## Application

Good Moral  
Character

Bachelors  
Degree

\$100 application  
fee

## Employment

Paid full-time  
employment in WA  
unless under an  
employment location  
waiver

Law office, legal  
department or court

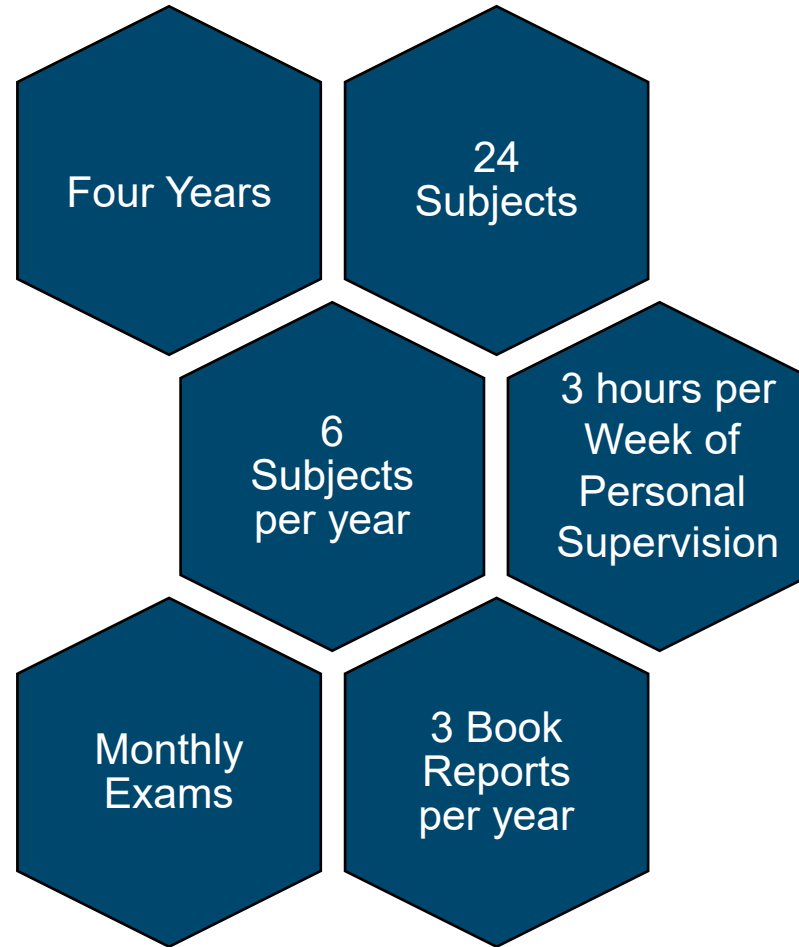
Employment location  
waiver must include  
>50% practice in WA

## Interview

Meet with tutor and  
assigned Board liaison

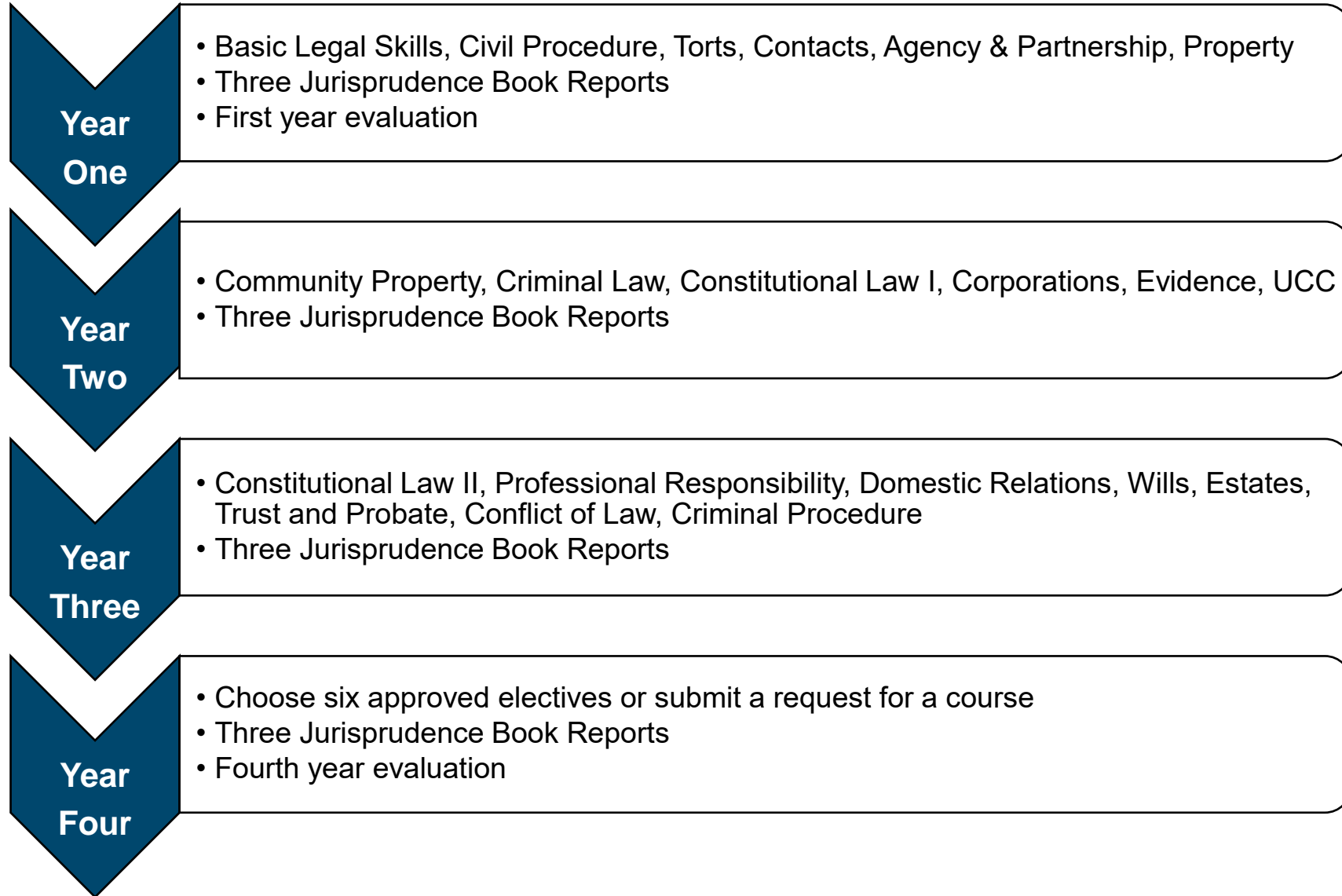
Interview at office or  
virtually where the law  
clerk is employed

# LAW CLERK PROGRAM CURRICULUM





# CURRICULUM CONT.



# LAW CLERK PROGRAM TUTORS

## Who

- Active Lawyer
- Judicial Member

## How

- Good standing
- Legal experience in the practice of law for 10 of last 12 years

## Where

- Law office
- Legal department
- Court of general, limited, or appellate jurisdiction
- In WA unless under employment location waiver

# TUTOR RESPONSIBILITIES

Exams

Prepare, administer and grade monthly exams

Personal  
Supervision

Meet with the law clerk a minimum of 3 hours per week for personal supervision

Course  
Materials

Choosing textbooks, casebooks and other materials in use at law schools in the state

## MCLE CREDIT FOR LAW CLERK TUTORS

- October 14, 2022 - Suggested amendment sent to Supreme Court to allow law clerk program tutors to earn MCLE credit.
- A tutor's time should be eligible for credit just as part-time law school teaching is eligible for credit.
- Increase incentives for tutors to serve which increases access to the legal profession which increases access to justice.

# THE ROLE OF THE COURT, LAW CLERK BOARD AND WSBA

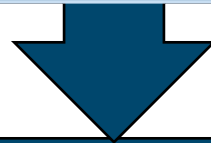
## Washington Supreme Court

Maintains authority by court rule – APR 6



## Washington State Bar Association

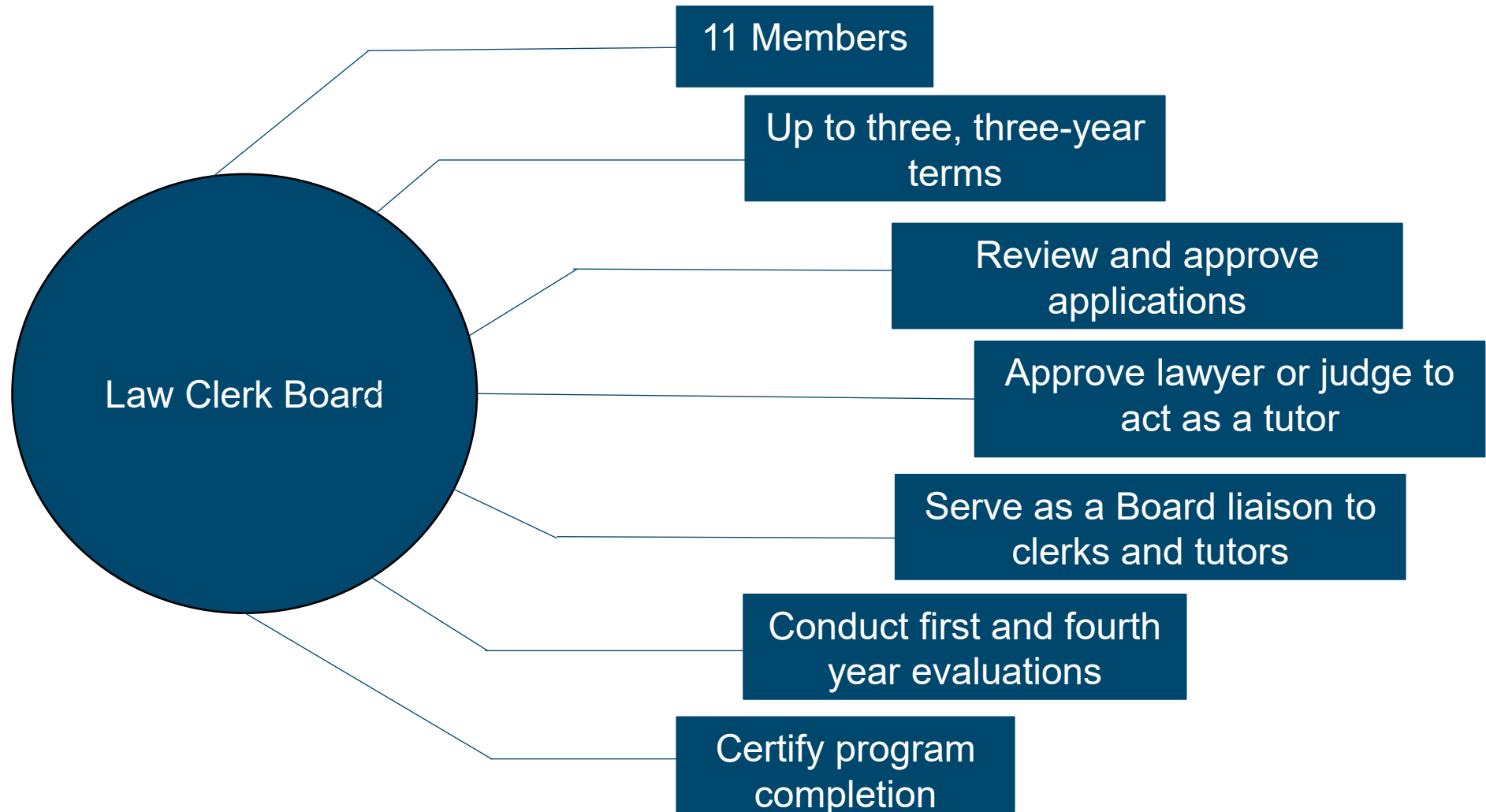
WSBA Board of Governors delegates supervision of the program to the Law Clerk Board  
WSBA staff administer the Law Clerk Program



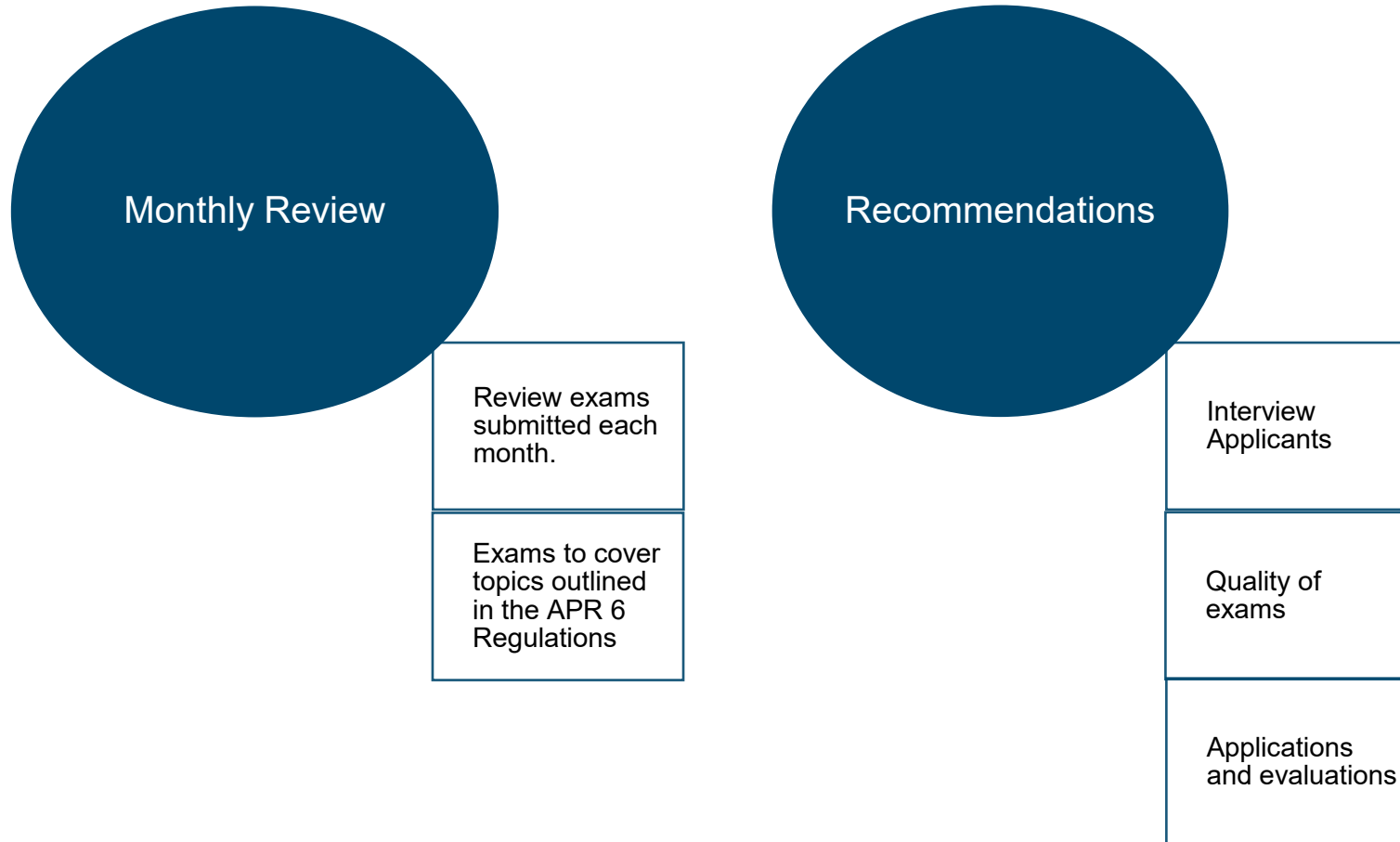
## Law Clerk Board

Regulatory board responsible for oversight of the Law Clerk Program  
Delegates duties to WSBA staff

# LAW CLERK BOARD RESPONSIBILITIES



# LAW CLERK BOARD LIAISON DUTIES



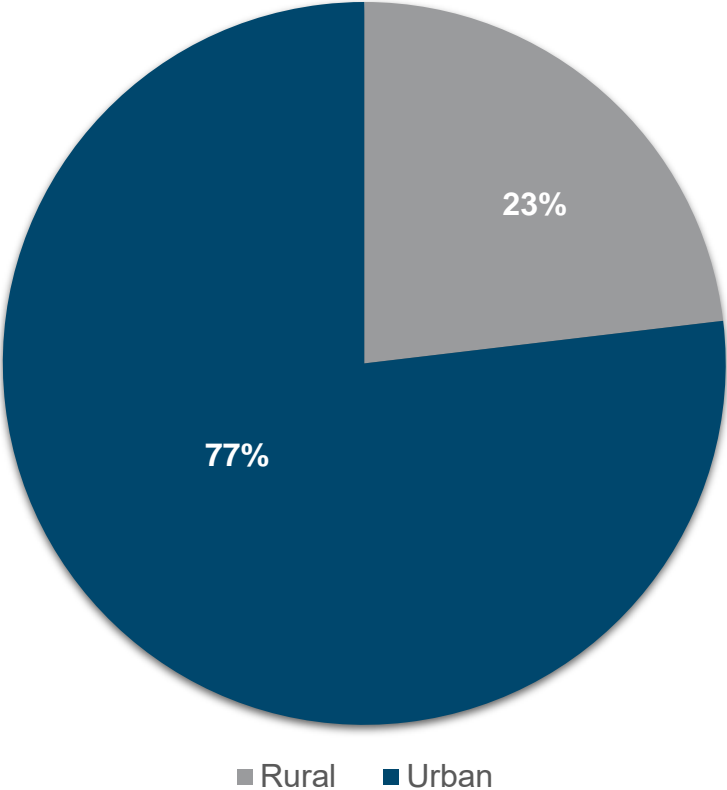
## LIMITATIONS & ADDITIONAL INFORMATION

- Law clerks do NOT earn a J.D. degree
- Successful completion qualifies for WA bar exam
  - May or may not satisfy admission requirements in other jurisdictions.
- Must complete program in six years or less
  - Law clerks may take vacation or leave in month-long increments.

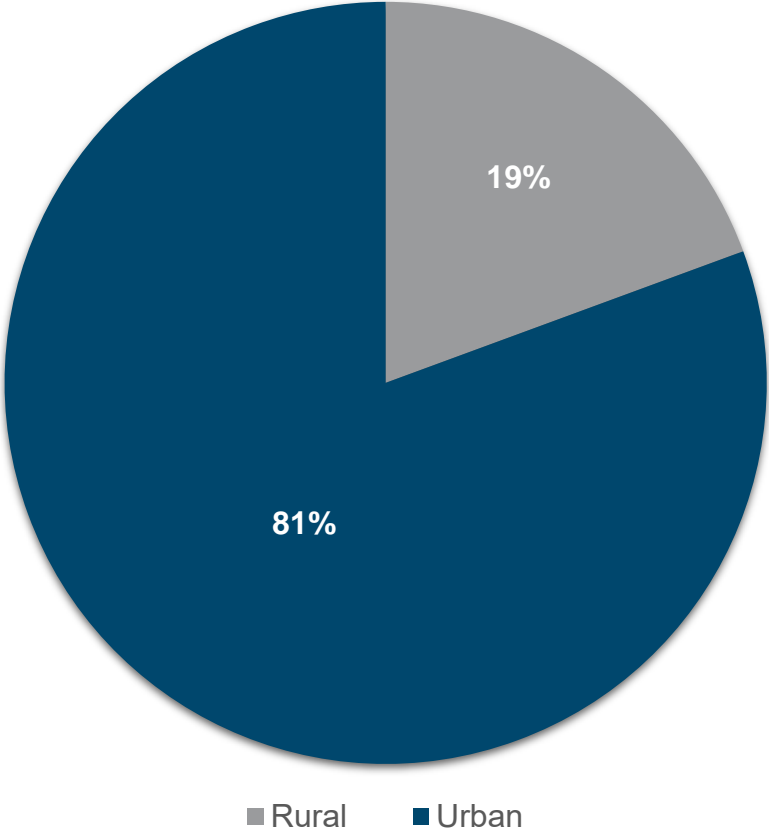


# RURAL AND URBAN COUNTIES

## Former Law Clerks Actively Practicing in WA



## Current Law Clerks



# LAW CLERK PROGRAM STATISTICS

Since 1985:

- 302 have completed the Law Clerk Program
- 285 have completed and sat for the bar exam
- 241 have completed and passed the bar
- 85% overall bar exam pass rate
- 186 former law clerks actively practicing in WA

**THANK YOU!**

Questions?

# LAW CLERK PROGRAM OF WASHINGTON STATE

**Are you interested in  
becoming a lawyer but  
can't afford law school?**



**Would you like to study and  
gain hands-on experience  
within your own community?**

The **Law Clerk Program** is our state's affordable alternative to law school. Authorized by the Washington Supreme Court, this program is similar to an apprenticeship: Law Clerks gain on-the-job education and training working with an experienced lawyer or judge for four years. Upon successful completion, Law Clerks qualify to take the lawyer bar exam to practice law as a lawyer in Washington.

Visit [wsba.org/law-clerk](https://wsba.org/law-clerk) or contact [lawclerks@wsba.org](mailto:lawclerks@wsba.org)

# LAW CLERK PROGRAM



## **BENEFITS**

Immediate hands-on experience putting legal studies into practice; the program is more affordable than law school; and you can be a Law Clerk from anywhere in the state.

## **QUALIFICATIONS**

Applicants must have good moral character, a bachelor's degree, and paid full-time employment in Washington state with a lawyer or judge willing to serve as the applicant's primary tutor. Applicants find their own employment, and the tutor must be a Washington lawyer or judge with at least 10 years active experience.

## **COST**

\$100 to apply, \$2,000 for each year of the program (for as little as \$8,100 total).

## **CURRICULUM**

With the help of their tutor, Law Clerks study independently following a course of study in combination with employment. Each year, Law Clerks are required to study six subjects, pass 12 exams, and submit three book reports. The tutor develops, administers, and grades the exams; provides at least three hours each week of personal supervision, which includes discussion of the law and cases and critical analysis of the Law Clerk's written assignments; and evaluates the Law Clerk's progress.

## **LIMITATIONS**

Law Clerks do not earn a J.D. degree by completing this program. They are qualified to sit for the lawyer bar exam in Washington state only and may not satisfy requirements for admission in other states.

## **WANT MORE INFORMATION?**

Visit [wsba.org/law-clerk](http://wsba.org/law-clerk) or contact [lawclerks@wsba.org](mailto:lawclerks@wsba.org).

# LAW CLERK TUTORS FROM MASTERY TO LEGACY



## Pass on your legal knowledge and practical experience to an aspiring lawyer

Law school is simply too high a financial or geographic barrier for many aspiring lawyers, so **Washington's Law Clerk Program** creates an alternative pathway to the practice of law. The program relies on experienced lawyers and judges to tutor Law Clerks through specified coursework for four years, at which point the Law Clerk is qualified to apply to sit for the lawyer bar exam.

Law Clerk tutors often say they get as much benefit as they give. They open career paths for diverse, deserving future colleagues. They provide legal opportunity and expanded service in their own communities. And they move from mastery of the subject they love—law—to building a legacy by passing on their practice expertise.

*Are you ready to become a tutor?*

Visit [wsba.org/law-clerk](http://wsba.org/law-clerk) or contact [lawclerks@wsba.org](mailto:lawclerks@wsba.org)

**WASHINGTON STATE**  
BAR ASSOCIATION

# LAW CLERK TUTORS



## BENEFITS

- Supporting diversity of experience in the legal profession
- Gaining mentorship and teaching practice
- Opening a career pathway to a deserving future colleague
- Training and employing a future law firm successor

## QUALIFICATIONS

- 10 years active legal experience, at least 2 of which are in Washington state
- Physical employment for the Law Clerk in Washington state
- No disciplinary sanction in the last 5 years

## CURRICULUM

- Teach: 4 years total, covering 6 subjects a year and 12 tutor-developed exams
- Discuss: At least 3 hours weekly of personal supervision
- Connect: Tutors access a statewide list-serve to share tips and support

## WHAT FORMER TUTORS SAY:

*"I love the law and enjoy teaching."*

*"This is a win-win; I get an attorney for my firm, and she got to become an attorney without the hardship and expense of law school."*

*"We have exceptional young people in our community who want to join the legal profession—they are hardworking and self-motivated. I wanted to provide a path for them without the need to leave for law school. I also felt the real world experience of learning while doing was invaluable."*

- **95%** of former Law Clerk tutors recommend it
- **70%** of former Law Clerk tutors consider the program a good succession-planning tool, especially in rural areas

## WANT MORE INFORMATION?

Visit [wsba.org/law-clerk](https://wsba.org/law-clerk) or contact [lawclerks@wsba.org](mailto:lawclerks@wsba.org).



**To:** WSBA Board of Governors  
**From:** Tracy Flood, President  
**Date:** October 6, 2022  
**Re:** Foundation Annual Report of Activities for FY22

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The Washington State Bar Foundation's mission is to provide financial support for the programs of the Washington State Bar Association that promote diversity within the legal profession and enhance the public's access to, and understanding of, the justice system. The Foundation is separately incorporated as a Washington state nonprofit, and is recognized as a public charity under section 501(c)(3) of the Internal Revenue Service Code.

The Foundation is a membership organization comprised solely of the sitting members of the Board of Governors. The Foundation Bylaws require that the Foundation President present an annual report to the Members within ninety days after the close of each fiscal year, which ends September 30. This report is an opportunity for the members to learn about the Foundation's activities, priorities and direction.

### Highlights

- The Foundation hosted **Powerful Communities Project** grant recipients at Foundation Board meetings, where they shared details of their experiences with these programs.
- In a return to live events, the Foundation hosted a **reception** in Spokane in May with members of the legal community, including several members of the Board of Governors.
- Via the **WSBA Justice & Diversity Opportunities Fund**, which is intended to enhance WSBA's credibility and visibility in access to justice and diversity communities, the Foundation supported the **Washington Attorneys with Disabilities Association** scholarship, and provided support for **The Judicial Institute's** annual event at Seattle University, the **YMCA Youth & Government** mock trial program, and **OneAmerica's** annual celebration.

### Fundraising Highlights

- **5,919** Washington legal professionals (14%) made a voluntary contribution to the Foundation on their license forms, indicating their support for WSBA's equity and justice efforts. This was the seventh consecutive year of fundraising growth in this campaign.
- The Foundation served as fiscal sponsor for the **Access to Justice Board** for a \$40,000 Race Equity Grant from the Legal Foundation of Washington, in support of its Community Advisory Panel.

### Program Highlights

The following program achievements were made possible in part with support from the Foundation. The Foundation has so far designated \$305,000 to WSBA equity and justice programs and Powerful Communities Project grants for FY23, with additional funds possible once the fiscal year closes.



- The **Powerful Communities Project** completed its fourth year, bringing the total amount awarded to \$133,897 and the number of grantees to 49. This critical program helps ensure people from underserved and underrepresented communities across Washington are able to get legal assistance. These grants are paid directly by the Foundation.
- The WSBF, the Council on Public Defense, Diversity Committee and Civil Rights Section partnered with WSBA to present a film screening of **“Crime on the Bayou”** followed by a panel discussion.
- The **Moderate Means Program** continued to refer family, housing, consumer law, and unemployment benefit cases to help moderate income families, many of which have been deeply affected by the COVID crisis.

### **Conclusion and Look Ahead**

The Foundation enters FY23 with a dedicated Board of Trustees representing a diverse cross-section of the profession and the community. We are always exploring ways to connect with current and potential donors. WSBA members and private donors continue to be generous to the Foundation, for which we are grateful. Connecting the impacts of WSBA programs with gifts to the Foundation will continue to help us grow support for WSBA’s equity and justice goals.

# WASHINGTON STATE BAR ASSOCIATION

## WSBA MISSION

The Washington State Bar Association’s mission is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.

## WSBA GUIDING PRINCIPLES

The WSBA will operate a well-managed association that supports its members and advances and promotes:

- **Access to the justice system.**  
*Focus: Provide training and leverage community partnerships in order to enhance a culture of service for legal professionals to give back to their communities, with a particular focus on services to underserved low and moderate income people.*
- **Diversity, equality, and cultural understanding throughout the legal community.**  
*Focus: Work to understand the lay of the land of our legal community and provide tools to members and employers in order to enhance the retention of minority legal professionals in our community.*
- **The public’s understanding of the rule of law and its confidence in the legal system.**  
*Focus: Educate youth and adult audiences about the importance of the three branches of government and how they work together.*
- **A fair and impartial judiciary.**
- **The ethics, civility, professionalism, and competence of the Bar.**

## MISSION FOCUS AREAS

### Ensuring Competent and Qualified Legal Professionals

- Cradle to Grave
- Regulation and Assistance

### Promoting the Role of Legal Professionals in Society

- Service
- Professionalism

## PROGRAM CRITERIA

- Does the Program further either or both of WSBA’s mission-focus areas?
- Does WSBA have the competency to operate the Program?
- As the mandatory bar, how is WSBA uniquely positioned to successfully operate the Program?
- Is statewide leadership required in order to achieve the mission of the Program?
- Does the Program’s design optimize the expenditure of WSBA resources devoted to the Program, including the balance between volunteer and staff involvement, the number of people served, the cost per person, etc?

## 2016 – 2018 STRATEGIC GOALS

- **Equip members with skills for the changing profession**
- **Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession**
- **Explore and pursue regulatory innovation and advocate to enhance the public’s access to legal services**

**GR 12**  
**REGULATION OF THE PRACTICE OF LAW**

The Washington Supreme Court has inherent and plenary authority to regulate the practice of law in Washington. The legal profession serves clients, courts, and the public, and has special responsibilities for the quality of justice administered in our legal system. The Court ensures the integrity of the legal profession and protects the public by adopting rules for the regulation of the practice of law and actively supervising persons and entities acting under the Supreme Court's authority.

*[Adopted effective September 1, 2017.]*

**GR 12.1**  
**REGULATORY OBJECTIVES**

Legal services providers must be regulated in the public interest. In regulating the practice of law in Washington, the Washington Supreme Court's objectives include: protection of the public; advancement of the administration of justice and the rule of law; meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems;

- (a) transparency regarding the nature and scope of legal services To be provided, the credentials of those who provide them, and the availability of regulatory protections;
- (b) delivery of affordable and accessible legal services;
- (c) efficient, competent, and ethical delivery of legal services;
- (d) protection of privileged and confidential information;
- (e) independence of professional judgment;
- (f) Accessible civil remedies for negligence and breach of other duties owed, disciplinary sanctions for misconduct, and advancement of appropriate preventive or wellness programs;
- (g) Diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system.

*[Adopted effective September 1, 2017.]*

**GR 12.2**  
**WASHINGTON STATE BAR ASSOCIATION: PURPOSES, AUTHORIZED  
ACTIVITIES, AND PROHIBITED ACTIVITIES**

In the exercise of its inherent and plenary authority to regulate the practice of law in Washington, the Supreme Court authorizes and supervises the Washington State Bar Association's activities. The Washington State Bar Association carries out the administrative responsibilities and functions expressly delegated to it by this rule and other Supreme Court rules and orders enacted or adopted to regulate the practice of law, including the purposes and authorized activities set forth below.

- (a) Purposes: In General. In general, the Washington State Bar Association strives to:

- (1) Promote independence of the judiciary and the legal profession.
- (2) Promote an effective legal system, accessible to all.
- (3) Provide services to its members and the public.
- (4) Foster and maintain high standards of competence, professionalism, and ethics among its members.
- (5) Foster collegiality among its members and goodwill between the legal profession and the public.
- (6) Promote diversity and equality in the courts and the legal profession.
- (7) Administer admission, regulation, and discipline of its members in a manner that protects the public and respects the rights of the applicant or member.
- (8) Administer programs of legal education.
- (9) Promote understanding of and respect for our legal system and the law.
- (10) Operate a well-managed and financially sound association, with a positive work environment for its employees.
- (11) Serve as a statewide voice to the public and to the branches of government on matters relating to these purposes and the activities of the association and the legal profession.

(b) Specific Activities Authorized. In pursuit of these purposes, the Washington State Bar Association may:

- (1) Sponsor and maintain committees and sections, whose activities further these purposes;
- (2) Support the judiciary in maintaining the integrity and fiscal stability of an independent and effective judicial system;
- (3) Provide periodic reviews and recommendations concerning court rules and procedures;
- (4) Administer examinations and review applicants' character and fitness to practice law;
- (5) Inform and advise its members regarding their ethical obligations;
- (6) Administer an effective system of discipline of its members, including receiving and investigating complaints of misconduct by legal professionals, taking and recommending appropriate punitive and remedial measures, and diverting less serious misconduct to alternatives outside the formal discipline system;
- (7) Maintain a program, pursuant to court rule, requiring members to submit fee disputes to arbitration;
- (8) Maintain a program for mediation of disputes between members and others;
- (9) Maintain a program for legal professional practice assistance;
- (10) Sponsor, conduct, and assist in producing programs and products of continuing legal education;

- (11) Maintain a system for accrediting programs of continuing legal education;
- (12) Conduct examinations of legal professionals' trust accounts;
- (13) Maintain a fund for client protection in accordance with the Admission and Practice Rules;
- (14) Maintain a program for the aid and rehabilitation of impaired members;
- (15) Disseminate information about the organization's activities, interests, and positions;
- (16) Monitor, report on, and advise public officials about matters of interest to the organization and the legal profession;
- (17) Maintain a legislative presence to inform members of new and proposed laws and to inform public officials about the organization's positions and concerns;
- (18) Encourage public service by members and support programs providing legal services to those in need;
- (19) Maintain and foster programs of public information and education about the law and the legal system;
- (20) Provide, sponsor, and participate in services to its members;
- (21) Hire and retain employees to facilitate and support its mission, purposes, and activities, including in the organization's discretion, authorizing collective bargaining;
- (22) Establish the amount of all license, application, investigation, and other related fees, as well as charges for services provided by the Washington State Bar Association, and collect, allocate, invest, and disburse funds so that its mission, purposes, and activities may be effectively and efficiently discharged. The amount of any license fee is subject to review by the Supreme Court for reasonableness and may be modified by order of the Court if the Court determines that it is not reasonable;

(23) Administer Supreme-Court-created boards in accordance with General Rule 12.3.

(c) Activities Not Authorized. The Washington State Bar Association will not:

- (1) Take positions on issues concerning the politics or social positions of foreign nations;
- (2) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice; or
- (3) Support or oppose, in an election, candidates for public office.

*[Adopted effective July 17, 1987; amended effective December 10, 1993; September 1, 1997; September 1, 2007; September 1, 2013; September 1, 2017.]*

**GR 12.3**  
**WASHINGTON STATE BAR ASSOCIATION ADMINISTRATION**  
**OF SUPREME COURT-CREATED BOARDS AND COMMITTEES**

The Supreme Court has delegated to the Washington State Bar Association 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 rules and orders that authorize and regulate them, paying expenses reasonably 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.

*[Adopted effective September 1, 2007; amended effective September 1, 2017.]*

**GR 12.4**  
**WASHINGTON STATE BAR ASSOCIATION ACCESS TO**  
**RECORDS**

(a) Policy and Purpose. It is the policy of the Washington State Bar Association to facilitate access to Bar records. A presumption of public access exists for Bar records, but public access to Bar records is not absolute and shall be consistent with reasonable expectations of personal privacy, restrictions in statutes, restrictions in court rules, or as provided in court orders or protective orders issued under court rules. Access shall not unduly burden the business of the Bar.

(b) Scope. This rule governs the right of public access to Bar records. This rule applies to the Washington State Bar Association and its subgroups operated by the Bar including the Board of Governors, committees, task forces, commissions, boards, offices, councils, divisions, sections, and departments. This rule also applies to boards and committees under GR 12.3 administered by the Bar. A person or entity entrusted by the Bar with the storage and maintenance of Bar records is not subject to this rule and may not respond to a request for access to Bar records, absent express written authority from the Bar or separate authority in rule or statute to grant access to the documents.

(c) Definitions.

(1) "Access" means the ability to view or obtain a copy of a Bar record.

(2) "Bar record" means any writing containing information relating to the conduct of any Bar function prepared, owned, used, or retained by the Bar regardless of physical form or characteristics. Bar records include only those records in the possession of the Bar and its staff or stored under Bar ownership and control in facilities or servers. Records solely in the possession of hearing officers, non-Bar staff members of boards, committees, task forces, commissions, sections, councils, or divisions that were prepared by the hearing officers or the members and in their sole possession, including private notes and working papers, are not Bar records and are not subject to public access under this rule. Nothing in this rule requires the Bar to create a record that is not currently in possession of the Bar at the time of the request.

(3) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation in paper, digital, or other format.

(d) Bar Records--Right of Access.

(1) The Bar shall make available for inspection and copying all Bar records, unless the record falls within the specific exemptions of this rule, or any other state statute (including the Public Records Act, chapter 42.56 RCW) or federal statute or rule as they would be applied to a public agency, or is made confidential by the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, the Admission to Practice Rules and associated regulations, the Rules for Enforcement of Limited Practice Officer Conduct, General Rule 25, court orders or protective orders issued under those rules, or any other state or federal statute or rule. To the extent required to prevent an unreasonable invasion of personal privacy interests or threat to safety or by the above-referenced rules, statutes, or orders, the Bar shall delete identifying details in a manner consistent with those rules, statutes, or orders when it makes available or publishes any Bar record; however, in each case, the justification for the deletion shall be explained in writing.

(2) In addition to exemptions referenced above, the following categories of Bar records are exempt from public access except as may expressly be made public by court rule:

(A) Records of the personnel committee, and personal information in Bar records for employees, appointees, members, or volunteers of the Bar to the extent that disclosure would violate their right to privacy, including home contact information (unless such information is their address of record), Social Security numbers, driver's license numbers, identification or security photographs held in Bar records, and personal data including ethnicity, race, disability status, gender, and sexual orientation. Membership class and status, bar number, dates of admission or licensing, addresses of record, and business telephone numbers, facsimile numbers, and electronic mail addresses (unless there has been a request that electronic mail addresses not be made public) shall not be exempt, provided that any such information shall be exempt if the Executive Director approves the confidentiality of that information for reasons of personal security or other compelling reason, which approval must be reviewed annually.

(B) Specific information and records regarding

(i) internal policies, guidelines, procedures, or techniques, the disclosure of which would reasonably be expected to compromise the conduct of disciplinary or regulatory functions, investigations, or examinations;

(ii) application, investigation, and hearing or proceeding records relating to lawyer, Limited Practice Officer, or Limited License Legal Technician admissions, licensing, or discipline, or that relate to the work of ELC 2.5 hearing officers, the Board of Bar Examiners, the Character and Fitness Board, the Law Clerk Board, the Limited Practice Board, the MCLE Board, the Limited License Legal Technician Board, the Practice of Law Board, or the Disciplinary Board in conducting investigations, hearings or proceedings; and

(iii) the work of the Judicial Recommendation Committee and the Hearing Officer selection panel, unless such records are expressly categorized as public information by court rule.

(C) Valuable formulae, designs, drawings, computer source code or object code, and research data created or obtained by the Bar.

(D) Information regarding the infrastructure, integrity, and security of computer and telecommunication networks, databases, and systems.

(E) Applications for licensure by the Bar and annual licensing forms and related records, including applications for license fee hardship waivers and any decision or determinations on the hardship waiver applications.

(F) Requests by members for ethics opinions to the extent that they contain information identifying the member or a party to the inquiry.

Information covered by exemptions will be redacted from the specific records sought. Statistical information not descriptive of any readily identifiable person or persons may be disclosed.

### (3) Persons Who Are Subjects of Records.

(A) Unless otherwise required or prohibited by law, the Bar has the option to give notice of any records request to any member or third party whose records would be included in the Bar's response.

(B) Any person who is named in a record, or to whom a record specifically pertains, may present information opposing the disclosure to the applicable decision maker.

(C) If the Bar decides to allow access to a requested record, a person who is named in that record, or to whom the records specifically pertains, has a right to initiate review or to participate as a party to any review initiated by a requester. The deadlines that apply to a requester apply as well to a person who is a subject of a record.

### (e) Bar Records--Procedures for Access.

(1) General Procedures. The Bar Executive Director shall appoint a Bar staff member to serve as the public records officer to whom all records requests shall be submitted. Records requests must be in writing and delivered to the Bar public records officer, who shall respond to such requests within 30 days of receipt. The Washington State Bar Association must implement this rule and adopt and publish on its website the public records officer's work mailing address, telephone number, fax number, and e-mail address, and the procedures and fee schedules for accepting and responding to records requests by the effective date of this rule. The Bar shall acknowledge receipt of the request within 14 days of receipt, and shall communicate with the requester as necessary to clarify any ambiguities as to the records being requested. Records requests shall not be directed to other Bar staff or to volunteers serving on boards, committees, task forces, commissions, sections, councils, or divisions.

### (2) Charging of Fees.

(A) A fee may not be charged to view Bar records.

(B) A fee may be charged for the photocopying or scanning of Bar records according to the fee schedule established by the Bar and published on its web site.

(C) A fee not to exceed \$30 per hour may be charged for research services required to fulfill a request taking longer than one hour. The fee shall be assessed from the second hour onward.

(f) Extraordinary Requests Limited by Resource Constraints. If a particular request is of a magnitude or burden on resources that the Bar cannot fully comply within 30 days due to constraints on time, resources, and personnel, the Bar shall communicate this information to the requester along with a good faith estimate of the time needed to complete the Bar's response. The Bar must attempt to reach



agreement with the requester as to narrowing the request to a more manageable scope and as to a timeframe for the Bar's response, which may include a schedule of installment responses. If the Bar and requester are unable to reach agreement, the Bar shall respond to the extent practicable, clarify how and why the response differs from the request, and inform the requester that it has completed its response.

(g) Denials. Denials must be in writing and shall identify the applicable exemptions or other bases for denial as well as a written summary of the procedures under which the requesting party may seek further review.

(h) Review of Records Decisions.

(1) Internal Review. A person who objects to a record decision or other action by the Bar's public records officer may request review by the Bar's Executive Director.

(A) A record requester's petition for internal review must be submitted within 90 days of the Bar's public records officer's decision, on such form as the Bar shall designate and make available.

(B) The review proceeding is informal, summary, and on the record.

(C) The review proceeding shall be held within five working days. If that is not reasonably possible, then within five working days the review shall be scheduled for the earliest practical date.

(2) External Review. A person who objects to a records review decision by the Bar's Executive Director may request review by the Records Request Appeals Officer (RRAO) for the Bar.

(A) The requesting party's request for review of the Executive Director's decision must be deposited in the mail and postmarked or delivered to the Bar not later than 30 days after the issuance of the decision, and must be on such form as the Bar shall designate and make available.

(B) The review will be informal and summary, but in the sole discretion of the RRAO may include the submission of briefs no more than 20 pages long and of oral arguments no more than 15 minutes long.

(C) Decisions of the RRAO are final unless, within 30 days of the issuance of the decision, a request for discretionary review of the decision is filed with the Supreme Court. If review is granted, review is conducted by the Chief Justice of the Washington Supreme Court or his or her designee in accordance with procedures established by the Supreme Court. A designee of the Chief Justice shall be a current or former elected judge. The review proceeding shall be on the record, without additional briefing or argument unless such is ordered by the Chief Justice or his or her designee.

(D) The RRAO shall be appointed by the Board of Governors. The Bar may reimburse the RRAO for all necessary and reasonable expenses incurred in the completion of these duties, and may provide compensation for the time necessary for these reviews at a level established by the Board of Governors.

(i) Monetary Awards Not Allowed. Attorney fees, costs, civil penalties, or fines may not be awarded under this rule.

(j) Effective Date of Rule.

(1) This rule goes into effect on July 1, 2014, and applies to records that are created on or after that date.

(2) Public access to records that are created before that date are to be analyzed according to other court rules, applicable statutes, and the common law balancing test; the Public Records Act, chapter 42.56 RCW, does not apply to such Bar records, but it may be used for nonbinding guidance.

*[Adopted effective July 1, 2014; amended effective September 1, 2017.]*

**GR 12.5  
IMMUNITY**

All boards, committees, or other entities, and their members and personnel, and all personnel and employees of the Washington State Bar Association, acting on behalf of the Supreme Court under the Admission and Practice Rules, the Rules for Enforcement of Lawyer Conduct, or the disciplinary rules for limited practice officers and limited license legal technicians, shall enjoy quasi-judicial immunity if the Supreme Court would have immunity in performing the same functions.

*[Adopted effective January 2, 2008; amended effective September 1, 2017.]*

**2022-2023**  
**WSBA BOARD OF GOVERNORS MEETING SCHEDULE**

MEETING DATE	LOCATION	POTENTIAL ISSUES / SOCIAL FUNCTION	AGENDA ITEMS DUE FOR EXEC COMMITTEE MTG	EXECUTIVE COMMITTEE MTG 8:00 am - 9:30 am	BOARD BOOK MATERIALS DEADLINE
November 4-5, 2022	Hotel Bellwether Bellingham, WA	BOG Meeting	September 30, 2022	October 7, 2022	October 17, 2022
January 13-14, 2023	Seattle, WA	BOG Meeting MLK Luncheon Jan. 13	December 5, 2022	December 12, 2022	December 27, 2022
March 3-4, 2023	Olympia, WA	BOG Meeting BOG Meeting with Supreme Court	January 20, 2023	January 27, 2023	February 13, 2023
May 5-6, 2023	Yakima, WA	BOG Meeting	March 31, 2023	April 7, 2023	April 17, 2023
June 23-24, 2023	Vancouver, WA	BOG Meeting	May 19, 2023	May 24, 2023	June 5, 2023
August 11-12, 2023	Richland, WA	BOG Meeting	July 7, 2023	July 14, 2023	July 24, 2023
September 22-23, 2023	Spokane, WA	BOG Meeting	August 18, 2023	August 25, 2023	September 5, 2023

The Board Book Material Deadline is the final due date for submission of materials for the respective Board meeting. Please notify the Executive Director's office in advance of possible late materials. Refer to 1305 BOG Action Procedure on how to bring agenda items to the Board.

This information can be found online at: <https://www.wsba.org/about-wsba/who-we-are/board-of-governors>





# WSBA Board of Governors CONGRESSIONAL DISTRICT MAP



**Dan Clark**  
President



**Hunter Abell**  
President-Elect



**Brian Tollefson**  
Immediate Past  
President



**Francis Adewale**  
Treasurer



**Terra Nevitt**  
Executive Director  
& Secretary

2022-2023



**Sunitha Anjilvel**  
Governor District 1



**Kari Petrusek**  
Governor District 2



**Brett Purtzer**  
Governor District 6



**Matthew Dresden**  
Governor District 7-North



**Serena Sayani**  
Governor District 7-South



**Erik Kaeding**  
Governor District 8



**Kevin Fay**  
Governor District 9



**Nam Nguyen**  
Governor District 10



**Lauren Boyd**  
Governor District 3



**Francis Adewale**  
Governor District 5



**Mary Rathbone**  
Governor District 4



**Jordan Couch**  
Governor At-Large



**Alec Stephens**  
Governor At-Large



**Brent Williams-Ruth**  
Governor At-Large



## **BASIC CHARACTERISTICS OF MOTIONS**

*From: The Complete Idiot's Guide to Robert's Rules  
The Guerilla Guide to Robert's Rules*

MOTION	PURPOSE	INTERRUPT SPEAKER?	SECOND NEEDED?	DEBATABLE?	AMENDABLE?	VOTE NEEDED
1. Fix the time to which to adjourn	Sets the time for a continued meeting	No	Yes	No <sup>1</sup>	Yes	Majority
2. Adjourn	Closes the meeting	No	Yes	No	No	Majority
3. Recess	Establishes a brief break	No	Yes	No <sup>2</sup>	Yes	Majority
4. Raise a Question of Privilege	Asks urgent question regarding to rights	Yes	No	No	No	Rules by Chair
5. Call for orders of the day	Requires that the meeting follow the agenda	Yes	No	No	No	One member
6. Lay on the table	Puts the motion aside for later consideration	No	Yes	No	No	Majority
7. Previous question	Ends debate and moves directly to the vote	No	Yes	No	No	Two-thirds
8. Limit or extend limits of debate	Changes the debate limits	No	Yes	No	Yes	Two-thirds
9. Postpone to a certain time	Puts off the motion to a specific time	No	Yes	Yes	Yes	Majority <sup>3</sup>
10. Commit or refer	Refers the motion to a committee	No	Yes	Yes	Yes	Majority
11. Amend an amendment (secondary amendment)	Proposes a change to an amendments	No	Yes	Yes <sup>4</sup>	No	Majority
12. Amend a motion or resolution (primary amendment)	Proposes a change to a main motion	No	Yes	Yes <sup>4</sup>	Yes	Majority
13. Postpone indefinitely	Kills the motion	No	Yes	Yes	No	Majority
14. Main motion	Brings business before the assembly	No	Yes	Yes	Yes	Majority

*1 Is debatable when another meeting is scheduled for the same or next day, or if the motion is made while no question is pending*

*2 Unless no question is pending*

*3 Majority, unless it makes question a special order*

*4 If the motion it is being applied to is debatable*



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## Discussion Protocols Board of Governors Meetings

### Philosophical Statement:

“We take serious our representational responsibilities and will try to inform ourselves on the subject matter before us by contact with constituents, stakeholders, WSBA staff and committees when possible and appropriate. In all deliberations and actions we will be courageous and keep in mind the need to represent and lead our membership and safeguard the public. In our actions, we will be mindful of both the call to action and the constraints placed upon the WSBA by GR 12 and other standards.”

### Governor’s Commitments:

1. Tackle the problems presented; don’t make up new ones.
2. Keep perspective on long-term goals.
3. Actively listen to understand the issues and perspective of others before making the final decision or lobbying for an absolute.
4. Respect the speaker, the input and the Board’s decision.
5. Collect your thoughts and speak to the point – sparingly!
6. Foster interpersonal relationships between Board members outside Board events.
7. Listen and be courteous to speakers.
8. Speak only if you can shed light on the subject, don’t be repetitive.
9. Consider, respect and trust committee work but exercise the Board’s obligation to establish policy and insure that the committee work is consistent with that policy and the Board’s responsibility to the WSBA’s mission.
10. Seek the best decision through quality discussion and ample time (listen, don’t make assumptions, avoid sidebars, speak frankly, allow time before and during meetings to discuss important matters).
11. Don’t repeat points already made.
12. Everyone should have a chance to weigh in on discussion topics before persons are given a second opportunity.
13. No governor should commit the board to actions, opinions, or projects without consultation with the whole Board.
14. Use caution with e-mail: it can be a useful tool for debating, but e-mail is not confidential and does not easily involve all interests.
15. Maintain the strict confidentiality of executive session discussions and matters.



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## **BOARD OF GOVERNORS**

### **WSBA VALUES**

Through a collaborative process, the WSBA Board of Governors and Staff have identified these core values that shall be considered by the Board, Staff, and WSBA volunteers (collectively, the “WSBA Community”) in all that we do.

To serve the public and our members and to promote justice, the WSBA Community values the following:

- Trust and respect between and among Board, Staff, Volunteers, Members, and the public
- Open and effective communication
- Individual responsibility, initiative, and creativity
- Teamwork and cooperation
- Ethical and moral principles
- Quality customer-service, with member and public focus
- Confidentiality, where required
- Diversity and inclusion
- Organizational history, knowledge, and context
- Open exchanges of information





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## BOARD OF GOVERNORS

### GUIDING COMMUNICATION PRINCIPLES

In each communication, I will assume the good intent of my fellow colleagues; earnestly and actively listen; encourage the expression of and seek to affirm the value of their differing perspectives, even where I may disagree; share my ideas and thoughts with compassion, clarity, and where appropriate confidentiality; and commit myself to the unwavering recognition, appreciation, and celebration of the humanity, skills, and talents that each of my fellow colleagues bring in the spirit and effort to work for the mission of the WSBA. Therefore, I commit myself to operating with the following norms:

- ◆ I will treat each person with courtesy and respect, valuing each individual.
- ◆ I will strive to be nonjudgmental, open-minded, and receptive to the ideas of others.
- ◆ I will assume the good intent of others.
- ◆ I will speak in ways that encourage others to speak.
- ◆ I will respect others' time, workload, and priorities.
- ◆ I will aspire to be honest and open in all communications.
- ◆ I will aim for clarity; be complete, yet concise.
- ◆ I will practice "active" listening and ask questions if I don't understand.
- ◆ I will use the appropriate communication method (face-to-face, email, phone, voicemail) for the message and situation.
- ◆ When dealing with material of a sensitive or confidential nature, I will seek and confirm that there is mutual agreement to the ground rules of confidentiality at the outset of the communication.
- ◆ I will avoid triangulation and go directly to the person with whom I need to communicate. (If there is a problem, I will go to the source for resolution rather than discussing it with or complaining to others.)
- ◆ I will focus on reaching understanding and finding solutions to problems.
- ◆ I will be mindful of information that affects, or might be of interest or value to, others, and pass it along; err on the side of over-communication.
- ◆ I will maintain a sense of perspective and respectful humor.



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## BOARD OF GOVERNORS

Anthony David Gipe  
President

phone: 206.386.4721  
e-mail: [adgipeWSBA@gmail.com](mailto:adgipeWSBA@gmail.com)

November 2014

## BEST PRACTICES AND EXPECTATIONS

### ❖ Attributes of the Board

- Competence
- Respect
- Trust
- Commitment
- Humor

### ❖ Accountability by Individual Governors

- Assume Good Intent
- Participation/Preparation
- Communication
- Relevancy and Reporting

### ❖ Team of Professionals

- Foster an atmosphere of teamwork
  - Between Board Members
  - The Board with the Officers
  - The Board and Officers with the Staff
  - The Board, Officers, and Staff with the Volunteers
  
- We all have common loyalty to the success of WSBA

### ❖ Work Hard and Have Fun Doing It

*Working Together to Champion Justice*



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

# **Financial Reports**

**(Unaudited)**

**Year to Date August 31, 2022**

**Prepared by**

**Maggie Yu, Controller & Darshita Patel, Accountant**

**Submitted by**

**Tiffany Lynch, Director of Finance**

**September 20, 2022**

**Washington State Bar Association Financial Summary  
Compared to Fiscal Year 2022 Reforecast  
For the Period from August 1, 2022 to August 31, 2022**

Category	Actual Revenues	Reforecasted Revenues	Actual Indirect Expenses	Reforecasted Indirect Expenses	Actual Direct Expenses	Reforecasted Direct Expenses	Actual Total Expenses	Reforecasted Total Expenses	Actual Net Result	Reforecasted Net Result
Access to Justice	-	-	145,933	152,194	12,284	49,175	158,217	201,369	(158,217)	(201,369)
Administration	78,687	7,520	947,501	1,022,741	391	13,150	947,892	1,035,891	(869,205)	(1,028,371)
Admissions/Bar Exam	1,205,740	1,269,353	812,431	861,929	313,323	388,157	1,125,754	1,250,086	79,986	19,267
Advancement FTE	-	-	310,842	342,229	2,924	4,267	313,766	346,495	(313,766)	(346,495)
Bar News	573,664	621,700	305,802	327,222	280,114	378,800	585,916	706,022	(12,252)	(84,322)
Board of Governors	-	-	158,850	180,684	242,623	329,380	401,473	510,064	(401,473)	(510,064)
Character & Fitness Board	-	-	15,110	43,720	3,379	25,000	18,489	68,720	(18,489)	(68,720)
Communications Strategies	4,122	1,113	564,801	625,393	43,316	98,408	608,117	723,801	(603,995)	(722,688)
Communications Strategies FTE	-	-	202,897	225,526	-	-	202,897	225,526	(202,897)	(225,526)
Discipline	103,899	122,036	5,090,367	5,665,662	137,615	213,924	5,227,982	5,879,586	(5,124,083)	(5,575,549)
Diversity	135,000	135,000	254,056	277,700	30,241	154,720	284,297	432,420	(149,297)	(297,420)
EJD FTE	-	-	191,774	191,583	-	-	191,774	191,583	(191,774)	(191,583)
Foundation	-	-	112,909	126,340	1,002	6,090	113,910	132,430	(113,910)	(132,430)
Human Resources	-	-	430,745	459,945	-	-	430,745	459,945	(430,745)	(459,945)
Law Clerk Program	195,837	222,500	108,136	125,989	-	5,683	108,136	131,672	87,701	90,828
Legislative	-	-	199,681	228,227	12,311	24,883	211,993	(211,993)	(253,110)	(253,110)
Legal Lunchbox	45,015	42,000	40,469	48,136	-	100	40,469	48,236	4,546	(6,236)
Licensing and Membership Records	420,867	411,503	534,695	599,433	25,267	24,619	559,961	624,052	(139,095)	(212,549)
Licensing Fees	15,452,486	16,512,089	-	-	-	-	-	15,452,486	16,512,089	-
Limited License Legal Technician	18,045	17,484	64,857	63,587	13,952	19,949	78,808	83,536	(60,763)	(66,052)
Limited Practice Officers	198,759	213,795	90,358	84,798	8,326	29,690	98,684	114,489	100,075	99,307
Mandatory CLE	1,388,175	1,382,807	604,960	654,787	25,084	33,442	630,044	688,230	758,131	694,577
Member Wellness Program	8,250	7,292	158,835	194,191	10,326	14,542	169,161	208,733	(160,911)	(201,441)
Member Services & Engagement	73,871	20,000	367,020	416,320	4,372	23,250	371,392	439,570	(297,521)	(419,870)
Mini CLE	-	-	89,749	106,712	-	-	89,749	106,712	(89,749)	(106,712)
New Member Education	39,370	91,500	77,637	90,056	-	2,000	77,637	92,056	(38,267)	(556)
Office of General Counsel	1,126	3	875,013	951,241	13,731	28,071	888,743	979,313	(887,618)	(979,310)
Office of the Executive Director	-	-	425,199	519,115	52,735	76,932	477,934	596,047	(477,934)	(596,047)
GCC-Disciplinary Board	-	-	160,024	179,945	74,042	128,591	234,066	308,536	(234,066)	(308,536)
Practice of Law Board	-	-	64,471	67,261	-	12,000	64,471	79,261	(64,471)	(79,261)
Practice Management Assistance	226	40,226	-	-	72,488	80,400	72,488	80,400	(72,262)	(40,174)
Professional Responsibility Program	-	-	237,657	273,637	724	6,827	238,381	280,465	(238,381)	(280,465)
Public Service Programs	130,000	130,000	134,031	138,075	155,696	258,280	289,727	396,355	(159,727)	(266,355)
Publication and Design Services	-	-	96,863	109,040	4,200	4,300	101,063	113,340	(101,063)	(113,340)
Regulatory Services FTE	-	-	450,196	508,467	-	7,500	450,196	515,967	(450,196)	(515,967)
Sections Administration	363,575	284,000	243,849	281,393	5,133	6,893	248,982	288,886	114,592	(4,886)
Service Center	95,069	164,600	589,315	661,923	64,119	10,600	595,734	672,523	(595,734)	(672,523)
Volunteer Engagement	-	-	83,846	93,798	7,655	51,150	91,502	144,948.38	(91,502)	(144,948)
Technology	-	-	1,601,736	1,886,393	-	-	1,601,736	1,886,393	(1,601,736)	(1,886,393)
<b>Subtotal General Fund</b>	<b>20,436,712</b>	<b>21,531,920</b>	<b>16,842,613</b>	<b>18,785,994</b>	<b>1,559,673</b>	<b>2,510,772</b>	<b>18,402,286</b>	<b>21,296,766</b>	<b>2,034,426</b>	<b>235,154</b>
Expenses using reserve funds	-	-	-	-	-	-	-	-	-	-
<b>Total General Fund - Net Result from Operations</b>									<b>2,034,426</b>	<b>235,154</b>
<b>Percentage of Budget</b>	<b>95%</b>		<b>90%</b>		<b>62%</b>		<b>86%</b>			
CLE-Seminars and Products	1,797,020	2,055,081	921,248	994,140	114,671	288,841	1,035,919	1,282,981	761,101	772,100
CLE-Desktops	95,069	164,600	190,304	211,400	28,359	68,725	218,663	280,125	(123,594)	(115,525)
Total CLE	1,892,089	2,219,681	1,111,552	1,205,540	143,030	357,566	1,254,582	1,563,106	637,508	656,575
<b>Percentage of Budget</b>	<b>85%</b>		<b>92%</b>		<b>40%</b>		<b>80%</b>			
Total All Sections	648,864	637,652	-	-	505,865	899,652	505,865	899,652	142,999	(262,000)
Client Protection Fund-Restricted	730,423	828,319	147,318	167,313	66,204	503,767	213,522	671,081	516,901	157,238
<b>Totals</b>	<b>23,708,088</b>	<b>25,217,572</b>	<b>18,101,483</b>	<b>20,158,848</b>	<b>2,274,772</b>	<b>4,271,757</b>	<b>20,376,255</b>	<b>24,430,604</b>	<b>3,331,834</b>	<b>786,968</b>
<b>Percentage of Budget</b>	<b>94%</b>		<b>90%</b>		<b>53%</b>		<b>83%</b>			

Summary of Fund Balances:	Fund Balances Sept. 30, 2021	2022 Reforecasted Fund Balances	Fund Balances Year to date
<b>Restricted Funds:</b>			
Client Protection Fund	4,046,246	4,203,484	4,563,147
<b>Board-Designated Funds (Non-General Fund):</b>			
CLE Fund Balance	648,792	1,305,367	1,286,299
Section Funds	1,508,843	1,246,843	1,651,842
<b>Board-Designated Funds (General Fund):</b>			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	1,050,000	1,050,000	1,050,000
<b>Unrestricted Funds (General Fund):</b>			
Unrestricted General Fund	4,522,174	4,757,328	6,556,600
<b>Total General Fund Balance</b>	<b>7,072,174</b>	<b>7,307,328</b>	<b>9,106,600</b>
<b>Net Change in Total General Fund Balance</b>		<b>235,154</b>	<b>2,034,426</b>
<b>Total Fund Balance</b>	<b>13,276,054</b>	<b>14,063,022</b>	<b>16,607,888</b>
<b>Net Change in Fund Balance</b>		<b>786,968</b>	<b>3,331,834</b>

**Washington State Bar Association**  
 Statement of Activities  
 For the Period from August 1, 2022 to August 31, 2022  
**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LICENSE FEES</b>						
<b>REVENUE:</b>						
LICENSE FEES	16,512,089	1,386,497	15,452,486	1,059,603	94%	316,404
<b>TOTAL REVENUE:</b>	<b><u>16,512,089</u></b>	<b><u>1,386,497</u></b>	<b><u>15,452,486</u></b>	<b><u>1,059,603</u></b>	<b><u>94%</u></b>	<b><u>316,404</u></b>



**Washington State Bar Association**

Statement of Activities

For the Period from August 1, 2022 to August 31, 2022

**92% OF YEAR COMPLETE**

	<b>FISCAL 2022 REFORECAST</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF REFORECAST</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>ACCESS TO JUSTICE</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>		<u>-</u>
<b>DIRECT EXPENSES:</b>						
SURVEYS	100	-	-	100	0%	92
ATJ BOARD RETREAT	2,000	-	396	1,604	20%	1,437
LEADERSHIP TRAINING	2,000	-	2,000	0	100%	(167)
ATJ BOARD EXPENSE	24,000	1,500	9,104	14,896	38%	12,896
STAFF TRAVEL/PARKING	2,700	-	209	2,491	8%	2,266
STAFF CONFERENCE & TRAINING	2,875	-	350	2,525	12%	2,285
PUBLIC DEFENSE	6,000	-	225	5,775	4%	5,275
RECEPTION/FORUM EXPENSE	9,500	-	-	9,500	0%	8,708
<b>TOTAL DIRECT EXPENSES:</b>	<u>49,175</u>	<u>1,500</u>	<u>12,284</u>	<u>36,891</u>	<u>25%</u>	<u>32,793</u>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.30 FTE)	83,512	7,148	83,957	(445)	101%	(7,404)
BENEFITS EXPENSE	32,843	2,611	29,637	3,206	90%	469
OTHER INDIRECT EXPENSE	35,839	2,665	32,339	3,500	90%	513
<b>TOTAL INDIRECT EXPENSES:</b>	<u>152,194</u>	<u>12,425</u>	<u>145,933</u>	<u>6,261</u>	<u>96%</u>	<u>(6,422)</u>
<b>TOTAL ALL EXPENSES:</b>	<u>201,369</u>	<u>13,925</u>	<u>158,217</u>	<u>43,152</u>	<u>79%</u>	<u>26,372</u>
<b>NET INCOME (LOSS):</b>	<u>(201,369)</u>	<u>(13,925)</u>	<u>(158,217)</u>	<u>(43,152)</u>	<u>79%</u>	<u>26,372</u>

**Washington State Bar Association**  
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**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>ADMINISTRATION</b>						
<b>REVENUE:</b>						
INTEREST INCOME	5,160	31,531	78,687	(73,527)	1525%	73,957
MISCELLANEOUS	2,360	-	-	2,360	0%	(2,163)
<b>TOTAL REVENUE:</b>	<b>7,520</b>	<b>31,531</b>	<b>78,687</b>	<b>(71,167)</b>	<b>1046%</b>	<b>71,794</b>
<b>DIRECT EXPENSES:</b>						
CONSULTING SERVICES	10,000	-	-	10,000	0%	9,167
STAFF TRAVEL/PARKING	2,800	-	326	2,474	12%	2,241
STAFF CONFERENCE & TRAINING	350	-	-	350	0%	321
MISCELLANEOUS	-	(927)	66	(66)		(66)
<b>TOTAL DIRECT EXPENSES:</b>	<b>13,150</b>	<b>(927)</b>	<b>391</b>	<b>12,759</b>	<b>3%</b>	<b>11,663</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (6.92 FTE)	644,230	57,651	603,365	40,865	94%	(12,821)
BENEFITS EXPENSE	185,078	15,411	172,662	12,416	93%	(3,007)
OTHER INDIRECT EXPENSE	193,433	14,135	171,474	21,959	89%	5,840
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,022,741</b>	<b>87,198</b>	<b>947,501</b>	<b>75,240</b>	<b>93%</b>	<b>(9,988)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,035,891</b>	<b>86,271</b>	<b>947,892</b>	<b>87,998</b>	<b>92%</b>	<b>1,674</b>
<b>NET INCOME (LOSS):</b>	<b>(1,028,371)</b>	<b>(54,740)</b>	<b>(869,205)</b>	<b>(159,165)</b>	<b>85%</b>	<b>73,468</b>

## Washington State Bar Association

Statement of Activities

For the Period from August 1, 2022 to August 31, 2022

**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>ADMISSIONS</b>						
<b>REVENUE:</b>						
EXAM SOFT REVENUE	-	-	6,995	(6,995)		6,995
BAR EXAM FEES	1,212,376	35,990	1,137,525	74,851	94%	26,180
RULE 9/LEGAL INTERN FEES	11,242	600	11,550	(308)	103%	1,245
SPECIAL ADMISSIONS	45,734	3,100	49,670	(3,936)	109%	7,747
<b>TOTAL REVENUE:</b>	<b>1,269,353</b>	<b>39,690</b>	<b>1,205,740</b>	<b>63,613</b>	<b>95%</b>	<b>42,167</b>
<b>DIRECT EXPENSES:</b>						
POSTAGE	1,200	-	-	1,200	0%	1,100
STAFF TRAVEL/PARKING	12,136	3,891	12,363	(227)	102%	(1,238)
STAFF MEMBERSHIP DUES	800	-	250	550	31%	483
SUPPLIES	2,500	-	2,710	(210)	108%	(418)
FACILITY, PARKING, FOOD	93,038	8,967	80,298	12,740	86%	4,986
EXAMINER FEES	36,000	-	27,500	8,500	76%	5,500
UBE EXMINATIONS	126,900	78,690	110,110	16,790	87%	6,215
BOARD OF BAR EXAMINERS	23,000	-	4,251	18,749	18%	16,832
BAR EXAM PROCTORS	31,000	17,478	30,946	54	100%	(2,529)
DISABILITY ACCOMMODATIONS	20,500	80	11,166	9,334	54%	7,625
CHARACTER & FITNESS INVESTIGATIONS	2,000	-	108	1,892	5%	1,725
LAW SCHOOL VISITS	850	354	354	496	42%	425
DEPRECIATION-SOFTWARE	21,235	2,038	22,483	(1,248)	106%	(3,018)
STAFF CONFERENCE & TRAINING	13,380	847	7,492	5,888	56%	4,773
ONLINE LEGAL RESEARCH	3,467	326	3,165	302	91%	13
LAW LIBRARY	151	12	127	24	84%	11
<b>TOTAL DIRECT EXPENSES:</b>	<b>388,157</b>	<b>112,683</b>	<b>313,323</b>	<b>74,833</b>	<b>81%</b>	<b>42,487</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (6.75 FTE)	497,669	42,295	486,771	10,898	98%	(30,575)
BENEFITS EXPENSE	165,832	13,673	154,543	11,289	93%	(2,530)
OTHER INDIRECT EXPENSE	198,428	14,105	171,116	27,311	86%	10,776
<b>TOTAL INDIRECT EXPENSES:</b>	<b>861,929</b>	<b>70,072</b>	<b>812,431</b>	<b>49,498</b>	<b>94%</b>	<b>(22,329)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,250,086</b>	<b>182,755</b>	<b>1,125,754</b>	<b>124,331</b>	<b>90%</b>	<b>20,158</b>
<b>NET INCOME (LOSS):</b>	<b>19,267</b>	<b>(143,065)</b>	<b>79,986</b>	<b>(60,719)</b>	<b>415%</b>	<b>62,324</b>

## Washington State Bar Association

Statement of Activities

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**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>ADVANCEMENT FTE</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF CONFERENCE & TRAINING	4,267	745	2,924	1,342	69%	987
<b>TOTAL DIRECT EXPENSES:</b>	<b>4,267</b>	<b>745</b>	<b>2,924</b>	<b>1,342</b>	<b>69%</b>	<b>987</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.90 FTE)	224,156	19,068	204,825	19,331	91%	651
BENEFITS EXPENSE	61,974	5,355	59,020	2,955	95%	(2,210)
OTHER INDIRECT EXPENSE	56,099	3,879	46,997	9,101	84%	4,427
<b>TOTAL INDIRECT EXPENSES:</b>	<b>342,229</b>	<b>28,302</b>	<b>310,842</b>	<b>31,387</b>	<b>91%</b>	<b>2,868</b>
<b>TOTAL ALL EXPENSES:</b>	<b>346,495</b>	<b>29,047</b>	<b>313,766</b>	<b>32,729</b>	<b>91%</b>	<b>3,855</b>
<b>NET INCOME (LOSS):</b>	<b>(346,495)</b>	<b>(29,047)</b>	<b>(313,766)</b>	<b>(32,729)</b>	<b>91%</b>	<b>3,855</b>

## Washington State Bar Association

Statement of Activities

For the Period from August 1, 2022 to August 31, 2022

**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>BAR NEWS</b>						
<b>REVENUE:</b>						
ROYALTIES	2,500	-	3,867	(1,367)	155%	1,576
DISPLAY ADVERTISING	400,000	-	295,187	104,813	74%	(71,479)
SUBSCRIPT/SINGLE ISSUES	200	-	72	128	36%	(111)
CLASSIFIED ADVERTISING	2,500	5,033	7,478	(4,978)	299%	5,187
GEN ANNOUNCEMENTS	14,000	-	14,215	(215)	102%	1,382
PROF ANNOUNCEMENTS	22,500	-	21,360	1,140	95%	735
JOB TARGET ADVERTISING	180,000	13,005	231,484	(51,484)	129%	66,484
<b>TOTAL REVENUE:</b>	<b>621,700</b>	<b>18,038</b>	<b>573,664</b>	<b>48,036</b>	<b>92%</b>	<b>3,773</b>
<b>DIRECT EXPENSES:</b>						
POSTAGE	100,000	-	90,779	9,221	91%	888
PRINTING, COPYING & MAILING	260,000	-	186,358	73,643	72%	51,976
DIGITAL/ONLINE DEVELOPMENT	16,200	-	160	16,040	1%	14,690
GRAPHICS/ARTWORK	200	-	-	200	0%	183
OUTSIDE SALES EXPENSE	1,730	-	1,730	-	100%	(144)
STAFF CONFERENCE & TRAINING	350	(135)	997	(647)	285%	(676)
STAFF MEMBERSHIP DUES	135	-	-	135	0%	124
SUBSCRIPTIONS	185	-	90	95	49%	80
<b>TOTAL DIRECT EXPENSES:</b>	<b>378,800</b>	<b>(135)</b>	<b>280,114</b>	<b>98,686</b>	<b>74%</b>	<b>67,119</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (2.26 FTE)	202,410	16,960	186,675	15,735	92%	(1,132)
BENEFITS EXPENSE	53,718	4,467	50,603	3,116	94%	(1,361)
OTHER INDIRECT EXPENSE	71,093	5,649	68,524	2,570	96%	(3,355)
<b>TOTAL INDIRECT EXPENSES:</b>	<b>327,222</b>	<b>27,076</b>	<b>305,802</b>	<b>21,420</b>	<b>93%</b>	<b>(5,848)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>706,022</b>	<b>26,941</b>	<b>585,916</b>	<b>120,106</b>	<b>83%</b>	<b>61,271</b>
<b>NET INCOME (LOSS):</b>	<b>(84,322)</b>	<b>(8,902)</b>	<b>(12,252)</b>	<b>(72,071)</b>	<b>15%</b>	<b>65,044</b>

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**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>BOARD OF GOVERNOR</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
BOG MEETINGS	146,665	1,503	114,449	32,217	78%	19,994
BOG COMMITTEES' EXPENSES	501	-	226	275	45%	233
BOG RETREAT	15,042	-	66	14,976	0%	13,723
BOG CONFERENCE ATTENDANCE	57,400	2,087	47,687	9,713	83%	4,930
BOG TRAVEL & OUTREACH	30,000	5,286	18,359	11,641	61%	9,141
LEADERSHIP TRAINING	26,000	1,500	22,572	3,428	87%	1,261
BOG ELECTIONS	26,000	-	15,900	10,100	61%	7,933
MEMBER OUTREACH/ETHOS MEETINGS	17,772	97	18,344	(572)	103%	(2,053)
PRESIDENT'S DINNER	10,000	-	-	10,000	0%	9,167
CONSULTING SERVICES	-	1,999	5,021	(5,021)		(5,021)
<b>TOTAL DIRECT EXPENSES:</b>	<b>329,380</b>	<b>12,472</b>	<b>242,623</b>	<b>86,757</b>	<b>74%</b>	<b>59,309</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.40 FTE)	104,745	9,948	94,214	10,531	90%	1,803
BENEFITS EXPENSE	34,464	2,618	29,853	4,611	87%	1,739
OTHER INDIRECT EXPENSE	41,476	2,868	34,784	6,692	84%	3,235
<b>TOTAL INDIRECT EXPENSES:</b>	<b>180,684</b>	<b>15,434</b>	<b>158,850</b>	<b>21,834</b>	<b>88%</b>	<b>6,777</b>
<b>TOTAL ALL EXPENSES:</b>	<b>510,064</b>	<b>27,906</b>	<b>401,473</b>	<b>108,591</b>	<b>79%</b>	<b>66,086</b>
<b>NET INCOME (LOSS):</b>	<b>(510,064)</b>	<b>(27,906)</b>	<b>(401,473)</b>	<b>(108,591)</b>	<b>79%</b>	<b>66,086</b>

**Washington State Bar Association**

Statement of Activities

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**92% OF YEAR COMPLETE**

	<b>FISCAL 2022 REFORECAST</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF REFORECAST</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>CHARACTER &amp; FITNESS BOARD</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
CHARACTER & FITNESS BOARD EXP	10,000	-	123	9,877	1%	9,043
COURT REPORTERS	15,000	-	3,256	11,744	22%	10,494
<b>TOTAL DIRECT EXPENSES:</b>	<b>25,000</b>	<b>-</b>	<b>3,379.42</b>	<b>21,621</b>	<b>14%</b>	<b>19,537</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.40 FTE)	26,274	3,130	11,194	15,081	43%	12,891
BENEFITS EXPENSE	8,456	182	2,525	5,931	30%	5,226
OTHER INDIRECT EXPENSE	8,990	115	1,391	7,599	15%	6,850
<b>TOTAL INDIRECT EXPENSES:</b>	<b>43,720</b>	<b>3,426</b>	<b>15,110</b>	<b>28,611</b>	<b>35%</b>	<b>24,967</b>
<b>TOTAL ALL EXPENSES:</b>	<b>68,720</b>	<b>3,426</b>	<b>18,489</b>	<b>50,231</b>	<b>27%</b>	<b>44,504</b>
<b>NET INCOME (LOSS):</b>	<b>(68,720)</b>	<b>(3,426)</b>	<b>(18,489)</b>	<b>(50,231)</b>	<b>27%</b>	<b>44,504</b>

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	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LAW CLERK PROGRAM</b>						
<b>REVENUE:</b>						
LAW CLERK FEES	220,000	1,661	192,937	27,063	88%	(8,730)
LAW CLERK APPLICATION FEES	2,500	400	2,900	(400)	116%	608
<b>TOTAL REVENUE:</b>	<b>222,500</b>	<b>2,061</b>	<b>195,837</b>	<b>26,663</b>	<b>88%</b>	<b>(8,121)</b>
<b>DIRECT EXPENSES:</b>						
SUBSCRIPTIONS	250	-	-	250	0%	229
CHARACTER & FITNESS INVESTIGATIONS	100	-	-	100	0%	92
LAW CLERK BOARD EXPENSE	4,667	-	-	4,667	0%	4,278
LAW CLERK OUTREACH	667	-	-	667	0%	611
<b>TOTAL DIRECT EXPENSES:</b>	<b>5,683</b>	<b>-</b>	<b>-</b>	<b>5,683</b>	<b>0%</b>	<b>5,210</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.98 FTE)	74,451	6,443	66,014	8,437	89%	2,233
BENEFITS EXPENSE	23,077	1,674	19,165	3,912	83%	1,989
OTHER INDIRECT EXPENSE	28,461	1,893	22,957	5,503	81%	3,132
<b>TOTAL INDIRECT EXPENSES:</b>	<b>125,989</b>	<b>10,010</b>	<b>108,136</b>	<b>17,852</b>	<b>86%</b>	<b>7,353</b>
<b>TOTAL ALL EXPENSES:</b>	<b>131,672</b>	<b>10,010</b>	<b>108,136</b>	<b>23,536</b>	<b>82%</b>	<b>12,563</b>
<b>NET INCOME (LOSS):</b>	<b>90,828</b>	<b>(7,949)</b>	<b>87,701</b>	<b>3,127</b>	<b>97%</b>	<b>4,442</b>



**Washington State Bar Association**  
Statement of Activities  
For the Period from August 1, 2022 to August 31, 2022  
**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>CONTINUING LEGAL EDUCATION (CLE)</b>						
<b>REVENUE:</b>						
SEMINAR REGISTRATIONS	790,000	12,766	550,365	239,635	70%	(173,802)
SEMINAR-EXHIB/SPNSR/ETC	5,000	-	(21,224)	26,224	-424%	(25,808)
SHIPPING & HANDLING	81	36	207	(126)	256%	133
COURSEBOOK SALES	5,717	350	1,650	4,067	29%	(3,590)
MP3 AND VIDEO SALES	1,254,283	90,197	1,266,022	(11,739)	101%	116,263
<b>TOTAL REVENUE:</b>	<b>2,055,081</b>	<b>103,349</b>	<b>1,797,020</b>	<b>258,061</b>	<b>87%</b>	<b>(199,609)</b>
<b>DIRECT EXPENSES:</b>						
DEPRECIATION	1,312	109	1,203	109	92%	(0)
ONLINE EXPENSES	54,000	3,852	45,682	8,318	85%	3,818
ACCREDITATION FEES	3,000	(24)	1,896	1,104	63%	854
FACILITIES	83,200	1,200	44,992	38,208	54%	31,275
DISABILITY ACCOMMODATIONS	1,333	-	-	1,333	0%	1,222
SPEAKERS & PROGRAM DEVELOP	15,000	-	13,197	1,803	88%	553
SPLITS TO SECTIONS	115,000	-	-	115,000	0%	105,417
HONORARIA	1,500	-	3,000	(1,500)	200%	(1,625)
CLE SEMINAR COMMITTEE	150	-	-	150	0%	138
STAFF TRAVEL/PARKING	10,096	594	3,259	6,837	32%	5,996
STAFF CONFERENCE & TRAINING	467	-	-	467	0%	428
STAFF MEMBERSHIP DUES	471	-	1,145	(674)	243%	(713)
COST OF SALES - COURSEBOOKS	1,054	23	132	922	13%	834
A/V DEVELOP COSTS (RECORDING)	2,000	-	-	2,000	0%	1,833
POSTAGE & DELIVERY-COURSEBOOKS	58	32	165	(107)	283%	(112)
STAFF TRAVEL/PARKING	200	-	-	200	0%	183
<b>TOTAL DIRECT EXPENSES:</b>	<b>288,841</b>	<b>5,786</b>	<b>114,671</b>	<b>174,170</b>	<b>40%</b>	<b>150,100</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (8.12 FTE)	555,791	48,863	527,049	28,742	95%	(17,574)
BENEFITS EXPENSE	203,474	17,084	192,801	10,673	95%	(6,283)
OTHER INDIRECT EXPENSE	234,875	16,604	201,398	33,478	86%	13,905
<b>TOTAL INDIRECT EXPENSES:</b>	<b>994,140</b>	<b>82,551</b>	<b>921,248</b>	<b>72,893</b>	<b>93%</b>	<b>(9,952)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,282,981</b>	<b>88,337</b>	<b>1,035,919</b>	<b>247,063</b>	<b>81%</b>	<b>140,147</b>
<b>NET INCOME (LOSS):</b>	<b>772,100</b>	<b>15,012</b>	<b>761,101</b>	<b>10,998</b>	<b>99%</b>	<b>53,343</b>

**Washington State Bar Association**

Statement of Activities

For the Period from August 1, 2022 to August 31, 2022

**92% OF YEAR COMPLETE**

	<b>FISCAL 2022 REFORECAST</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF REFORECAST</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>COMMUNICATION STRATEGIES FTE</b>						
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.00 FTE)	155,294	13,160	141,719	13,575	91%	634
BENEFITS EXPENSE	40,656	3,359	36,482	4,175	90%	787
OTHER INDIRECT EXPENSE	29,575	2,036	24,697	4,879	84%	2414
TOTAL INDIRECT EXPENSES:	<u>225,526</u>	<u>18,555</u>	<u>202,897</u>	<u>22,629</u>	<u>90%</u>	<u>3,835</u>
NET INCOME (LOSS):	<u>(225,526)</u>	<u>(18,555)</u>	<u>(202,897)</u>	<u>(22,629)</u>	<u>90%</u>	<u>3,835</u>

## Washington State Bar Association

Statement of Activities

For the Period from August 1, 2022 to August 31, 2022

**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>COMMUNICATION STRATEGIES</b>						
<b>REVENUE:</b>						
SPONSORSHIPS	1,000	-	1,000	-	100%	83
50 YEAR MEMBER TRIBUTE LUNCH	-	480	480	(480)		480
WSBA LOGO MERCHANDISE SALES	113	572	2,642	(2,528)	2333%	2,538
<b>TOTAL REVENUE:</b>	<b>1,113</b>	<b>1,052</b>	<b>4,122</b>	<b>(3,008)</b>	<b>370%</b>	<b>3,101</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	3,395	771	3,805	(410)	112%	(693)
STAFF MEMBERSHIP DUES	1,028	135	740	288	72%	202
SUBSCRIPTIONS	3,635	139	3,194	441	88%	138
DIGITAL/ONLINE DEVELOPMENT	409	-	331	79	81%	44
APEX DINNER	43,416	-	7,068	36,348	16%	32,730
50 YEAR MEMBER TRIBUTE LUNCH	23,007	14,509	25,016	(2,009)	109%	(3,926)
BAR OUTREACH	11,681	-	1,353	10,329	12%	9,355
COMMUNICATIONS OUTREACH	10,680	25	970	9,709	9%	8,819
STAFF CONFERENCE & TRAINING	-	-	131	(131)		(131)
TELEPHONE	1,056	47	708	348	67%	260
CONFERENCE CALLS	101	-	-	101	0%	92
<b>TOTAL DIRECT EXPENSES:</b>	<b>98,408</b>	<b>15,626</b>	<b>43,316</b>	<b>55,092</b>	<b>44%</b>	<b>46,892</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (5.17 FTE)	356,472	30,797	323,472	33,000	91%	3,294
BENEFITS EXPENSE	115,908	10,060	113,324	2,583	98%	(7,076)
OTHER INDIRECT EXPENSE	153,013	10,553	128,004	25,009	84%	12,258
<b>TOTAL INDIRECT EXPENSES:</b>	<b>625,393</b>	<b>51,409</b>	<b>564,801</b>	<b>60,592</b>	<b>90%</b>	<b>8,476</b>
<b>TOTAL ALL EXPENSES:</b>	<b>723,801</b>	<b>67,036</b>	<b>608,117</b>	<b>115,685</b>	<b>84%</b>	<b>55,368</b>
<b>NET INCOME (LOSS):</b>	<b>(722,688)</b>	<b>(65,983)</b>	<b>(603,995)</b>	<b>(118,693)</b>	<b>84%</b>	<b>58,469</b>

## Washington State Bar Association

Statement of Activities

For the Period from August 1, 2022 to August 31, 2022

**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>CLIENT PROTECTION FUND</b>						
<b>REVENUE:</b>						
CPF RESTITUTION	30,000	940	8,659	21,341	29%	(18,841)
CPF MEMBER ASSESSMENTS	792,503	3,560	697,466	95,037	88%	(28,995)
INTEREST INCOME	5,816	8,757	24,298	(18,482)	418%	18,967
<b>TOTAL REVENUE:</b>	<b>828,319</b>	<b>13,256</b>	<b>730,423</b>	<b>97,896</b>	<b>88%</b>	<b>(28,869)</b>
<b>DIRECT EXPENSES:</b>						
BANK FEES - WELLS FARGO	2,067	189	1,956	111	95%	(61)
GIFTS TO INJURED CLIENTS	500,000	-	63,979	436,021	13%	394,354
CPF BOARD EXPENSES	1,500	172	269	1,231	18%	1,106
STAFF MEMBERSHIP DUES	200	-	-	200	0%	183
<b>TOTAL DIRECT EXPENSES:</b>	<b>503,767</b>	<b>361</b>	<b>66,204</b>	<b>437,563</b>	<b>13%</b>	<b>395,583</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.23 FTE)	95,800	8,416	86,773	9,027	91%	1,044
BENEFITS EXPENSE	35,058	2,636	29,936	5,122	85%	2,200
OTHER INDIRECT EXPENSE	36,456	2,523	30,610	5,846	84%	2,808
<b>TOTAL INDIRECT EXPENSES:</b>	<b>167,313</b>	<b>13,575</b>	<b>147,318</b>	<b>19,995</b>	<b>88%</b>	<b>6,052</b>
<b>TOTAL ALL EXPENSES:</b>	<b>671,081</b>	<b>13,936</b>	<b>213,522</b>	<b>457,558</b>	<b>32%</b>	<b>401,635</b>
<b>NET INCOME (LOSS):</b>	<b>157,238</b>	<b>(680)</b>	<b>516,901</b>	<b>(359,663)</b>	<b>329%</b>	<b>372,766</b>

## Washington State Bar Association

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**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>DESKBOOKS</b>						
<b>REVENUE:</b>						
DESKBOOK SALES	82,000	7,770	20,218	61,782	25%	(54,949)
LEXIS/NEXIS ROYALTIES	31,600	18,493	49,244	(17,644)	156%	20,278
SECTION PUBLICATION SALES	6,000	-	1,863	4,137	31%	(3,637)
CASEMAKER ROYALTIES	45,000	-	23,744	21,256	53%	(17,506)
<b>TOTAL REVENUE:</b>	<b>164,600</b>	<b>26,263</b>	<b>95,069</b>	<b>69,531</b>	<b>58%</b>	<b>(55,814)</b>
<b>DIRECT EXPENSES:</b>						
COST OF SALES - DESKBOOKS	64,000	17,350	23,764	40,236	37%	34,902
COST OF SALES - SECTION PUBLICATION	1,560	2,045	2,124	(564)	136%	(694)
SPLITS TO SECTIONS	500	135	356	144	71%	102
DESKBOOK ROYALTIES	200	27	310	(110)	155%	(127)
STAFF CONFRENCES & TRAINING	350	-	-	350	0%	321
ONLINE LEGAL RESEARCH	1,895	163	1,583	312	84%	155
STAFF MEMBERSHIP DUES	220	-	221	(1)	100%	(19)
<b>TOTAL DIRECT EXPENSES:</b>	<b>68,725</b>	<b>19,720</b>	<b>28,359</b>	<b>40,366</b>	<b>41%</b>	<b>34,639</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.50 FTE)	126,964	11,633	117,180	9,784	92%	(796)
BENEFITS EXPENSE	40,014	3,179	35,905	4,109	90%	774
OTHER INDIRECT EXPENSE	44,421	3,068	37,219	7,203	84%	3,501
<b>TOTAL INDIRECT EXPENSES:</b>	<b>211,400</b>	<b>17,880</b>	<b>190,304</b>	<b>21,096</b>	<b>90%</b>	<b>3,479</b>
<b>TOTAL ALL EXPENSES:</b>	<b>280,125</b>	<b>37,600</b>	<b>218,663</b>	<b>61,462</b>	<b>78%</b>	<b>38,118</b>
<b>NET INCOME (LOSS):</b>	<b>(115,525)</b>	<b>(11,336)</b>	<b>(123,594)</b>	<b>8,069</b>	<b>107%</b>	<b>(17,696)</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from August 1, 2022 to August 31, 2022  
**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>DISCIPLINE</b>						
<b>REVENUE:</b>						
COPY FEES	36	-	36	-	100%	3
AUDIT REVENUE	1,000	43	893	108	89%	(24)
RECOVERY OF DISCIPLINE COSTS	100,000	9,232	85,275	14,725	85%	(6,392)
DISCIPLINE HISTORY SUMMARY	17,000	1,770	17,695	(695)	104%	2,112
PRACTICE MONITOR FEES	4,000	-	-	4,000	0%	(3,667)
<b>TOTAL REVENUE:</b>	<b>122,036</b>	<b>11,044</b>	<b>103,899</b>	<b>18,138</b>	<b>85%</b>	<b>(7,968)</b>
<b>DIRECT EXPENSES:</b>						
PUBLICATIONS PRODUCTION	181	-	-	181	0%	166
STAFF TRAVEL/PARKING	20,000	792	12,628	7,372	63%	5,706
STAFF MEMBERSHIP DUES	8,205	2,400	6,100	2,105	74%	1,421
TELEPHONE	2,359	316	2,405	(46)	102%	(243)
COURT REPORTERS	45,000	2,936	36,186	8,814	80%	5,064
OUTSIDE COUNSEL/AIC	1,500	-	-	1,500	0%	1,375
LITIGATION EXPENSES	25,000	259	11,215	13,785	45%	11,702
DISABILITY EXPENSES	9,000	-	3,500	5,500	39%	4,750
ONLINE LEGAL RESEARCH	55,201	4,723	46,023	9,178	83%	4,578
LAW LIBRARY	3,606	47	5,406	(1,800)	150%	(2,101)
TRANSLATION SERVICES	900	-	512	388	57%	313
STAFF CONFERENCE & TRAINING	38,972	3,229	13,641	25,331	35%	22,084
PRACTICE MONITOR EXPENSE	4,000	-	-	4,000	0%	3,667
<b>TOTAL DIRECT EXPENSES:</b>	<b>213,924</b>	<b>14,701</b>	<b>137,615</b>	<b>76,309</b>	<b>64%</b>	<b>58,482</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (37.00 FTE)	3,565,319	280,625	3,213,575	351,743	90%	54,634
BENEFITS EXPENSE	1,078,046	86,935	965,816	112,230	90%	22,393
OTHER INDIRECT EXPENSE	1,022,297	75,101	910,976	111,321	89%	26,130
<b>TOTAL INDIRECT EXPENSES:</b>	<b>5,665,662</b>	<b>442,662</b>	<b>5,090,367</b>	<b>575,295</b>	<b>90%</b>	<b>103,156</b>
<b>TOTAL ALL EXPENSES:</b>	<b>5,879,586</b>	<b>457,363</b>	<b>5,227,982</b>	<b>651,604</b>	<b>89%</b>	<b>161,638</b>
<b>NET INCOME (LOSS):</b>	<b>(5,757,549)</b>	<b>(446,319)</b>	<b>(5,124,083)</b>	<b>(633,466)</b>	<b>89%</b>	<b>153,670</b>

## Washington State Bar Association

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**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>DIVERSITY</b>						
<b>REVENUE:</b>						
DONATIONS	135,000	-	135,000	-	100%	11,250
<b>TOTAL REVENUE:</b>	<b>135,000</b>	<b>-</b>	<b>135,000</b>	<b>-</b>	<b>100%</b>	<b>11,250</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	4,000	-	541	3,459	14%	3,126
STAFF MEMBERSHIP DUES	45	-	45	-	100%	(4)
COMMITTEE FOR DIVERSITY	6,000	-	518	5,482	9%	4,982
DIVERSITY EVENTS & PROJECTS	18,000	-	7,778	10,222	43%	8,722
SURVEYS	50,100	-	5,000	45,100	10%	40,925
STAFF CONFERENCE & TRAINING	5,400	-	1,663	3,737	31%	3,287
CONSULTING SERVICES	71,175	2,574	14,697	56,478	21%	50,547
<b>TOTAL DIRECT EXPENSE:</b>	<b>154,720</b>	<b>2,574</b>	<b>30,241</b>	<b>124,478</b>	<b>20%</b>	<b>111,585</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (2.40 FTE)	158,781	7,880	147,893	10,889	93%	(2,343)
BENEFITS EXPENSE	51,456	4,105	46,683	4,772	91%	484
OTHER INDIRECT EXPENSE	67,463	4,904	59,480	7,983	88%	2,361
<b>TOTAL INDIRECT EXPENSES:</b>	<b>277,700</b>	<b>16,889</b>	<b>254,056</b>	<b>23,644</b>	<b>91%</b>	<b>503</b>
<b>TOTAL ALL EXPENSES:</b>	<b>432,420</b>	<b>19,463</b>	<b>284,297</b>	<b>148,123</b>	<b>66%</b>	<b>112,088</b>
<b>NET INCOME (LOSS):</b>	<b>(297,420)</b>	<b>(19,463)</b>	<b>(149,297)</b>	<b>(148,123)</b>	<b>50%</b>	<b>123,338</b>

## Washington State Bar Association

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**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>EJD FTE</b>						
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.01 FTE)	142,862	11,870	130,858	12,004	92%	99
BENEFITS EXPENSE	38,733	3,198	35,872	2,862	93%	(366)
OTHER INDIRECT EXPENSE	9,988	2,065	25,044	(15,056)	251%	(15,889)
<b>TOTAL INDIRECT EXPENSES:</b>	<b>191,583</b>	<b>17,132</b>	<b>191,774</b>	<b>(191)</b>	<b>100%</b>	<b>(16,156)</b>
<b>NET INCOME (LOSS):</b>	<b>(191,583)</b>	<b>(17,132)</b>	<b>(191,774)</b>	<b>191</b>	<b>100%</b>	<b>(16,156)</b>



## Washington State Bar Association

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**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>FOUNDATION</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
CONSULTING SERVICES	3,000	-	-	3,000	0%	2,750
PRINTING & COPYING	450	-	-	450	0%	413
STAFF TRAVEL/PARKING	600	-	337	263	56%	213
SUPPLIES	150	-	75	75	50%	63
BOARD OF TRUSTEES	1,590	-	590	1,000	37%	868
POSTAGE	300	-	-	300	0%	275
<b>TOTAL DIRECT EXPENSES:</b>	<b>6,090</b>	<b>-</b>	<b>1,002</b>	<b>5,088</b>	<b>16%</b>	<b>4,580</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.00 FTE)	81,654	7,115	74,099	7,555	91%	750
BENEFITS EXPENSE	15,111	1,238	14,113	998	93%	(261)
OTHER INDIRECT EXPENSE	29,576	2,036	24,696	4,879	84%	2,414
<b>TOTAL INDIRECT EXPENSES:</b>	<b>126,340</b>	<b>10,389</b>	<b>112,909</b>	<b>13,432</b>	<b>89%</b>	<b>2,904</b>
<b>TOTAL ALL EXPENSES:</b>	<b>132,430</b>	<b>10,389</b>	<b>113,910</b>	<b>18,520</b>	<b>86%</b>	<b>7,484</b>
<b>NET INCOME (LOSS):</b>	<b>(132,430)</b>	<b>(10,389)</b>	<b>(113,910)</b>	<b>(18,520)</b>	<b>86%</b>	<b>7,484</b>

## Washington State Bar Association

Statement of Activities

For the Period from August 1, 2022 to August 31, 2022

**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>HUMAN RESOURCES</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	1,000	(198)	419	581	42%	498
STAFF MEMBERSHIP DUES	1,000	-	219	781	22%	698
SUBSCRIPTIONS	2,500	423	423.36	2,077	17%	1,868
STAFF TRAINING- GENERAL	20,000	299	3,826	16,175	19%	14,508
RECRUITING AND ADVERTISING	5,000	180	5,749	(749)	115%	(1,165)
PAYROLL PROCESSING	52,538	3,569	44,638	7,900	85%	3,522
SALARY SURVEYS	2,000	-	-	2,000	0%	1,833
CONSULTING SERVICES	15,000	-	14,285	715	95%	(535)
CONFERENCE CALLS	20	-	-	20	0%	18
TRANSFER TO INDIRECT EXPENSE	(99,058)	(4,273)	(69,558)	(29,499)	70%	(21,245)
<b>TOTAL DIRECT EXPENSES:</b>	-	-	-	-		-
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (3.00 FTE)	276,969	34,678	264,533	12,436	96%	(10,645)
BENEFITS EXPENSE	98,910	8,154	91,775	7,135	93%	(1,108)
OTHER INDIRECT EXPENSE	84,067	6,137	74,437	9,629	89%	2,624
<b>TOTAL INDIRECT EXPENSES:</b>	<b>459,945</b>	<b>48,969</b>	<b>430,745</b>	<b>29,200</b>	<b>94%</b>	<b>(9,128)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>459,945</b>	<b>48,969</b>	<b>430,745</b>	<b>29,200</b>	<b>94%</b>	<b>(9,128)</b>
<b>NET INCOME (LOSS):</b>	<b>(459,945)</b>	<b>(48,969)</b>	<b>(430,745)</b>	<b>(29,200)</b>	<b>94%</b>	<b>(9,128)</b>

## Washington State Bar Association

Statement of Activities

For the Period from August 1, 2022 to August 31, 2022

**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LEGISLATIVE</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	3,133	-	188	2,946	6%	2,685
STAFF MEMBERSHIP DUES	450	130	130	320	29%	283
JUD RECOMMEND COMMITTEE	4,500	-	-	4,500	0%	4,125
SUBSCRIPTIONS	2,000	-	1,985	16	99%	(151)
CONTRACT LOBBYIST	10,000	-	10,000	-	100%	(833)
LEGISLATIVE COMMITTEE	2,500	-	9	2,491	0%	2,282
BOG LEGISLATIVE COMMITTEE	300	-	-	300	0%	275
STAFF CONFERENCE & TRAINING	2,000	-	-	2,000	0%	1,833
<b>TOTAL DIRECT EXPENSES:</b>	<b>24,883</b>	<b>130</b>	<b>12,311</b>	<b>12,572</b>	<b>49%</b>	<b>10,498</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.70 FTE)	133,430	11,672	111,207	22,223	83%	11,104
BENEFITS EXPENSE	44,484	4,157	46,386	(1,902)	104%	(5,609)
OTHER INDIRECT EXPENSE	50,313	3,470	42,088	8,225	84%	4,032
<b>TOTAL INDIRECT EXPENSES:</b>	<b>228,227</b>	<b>19,299</b>	<b>199,681</b>	<b>28,546</b>	<b>87%</b>	<b>9,527</b>
<b>TOTAL ALL EXPENSES:</b>	<b>253,110</b>	<b>19,429</b>	<b>211,993</b>	<b>41,118</b>	<b>84%</b>	<b>20,025</b>
<b>NET INCOME (LOSS):</b>	<b>(253,110)</b>	<b>(19,429)</b>	<b>(211,993)</b>	<b>(41,118)</b>	<b>84%</b>	<b>20,025</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from August 1, 2022 to August 31, 2022  
**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LICENSING &amp; MEMBERSHIP RECORDS</b>						
<b>REVENUE:</b>						
STATUS CERTIFICATE FEES	24,061	2,550	27,198	(3,137)	113%	5,142
INVESTIGATION FEES	21,759	1,400	20,500	1,259	94%	554
PRO HAC VICE	362,311	35,724	370,054	(7,743)	102%	37,936
MEMBER CONTACT INFORMATION	3,125	-	2,934	191	94%	70
PHOTO BAR CARD SALES	247	36	180	67	73%	(46)
<b>TOTAL REVENUE:</b>	<b>411,503</b>	<b>39,710</b>	<b>420,867</b>	<b>(9,364)</b>	<b>102%</b>	<b>43,656</b>
<b>DIRECT EXPENSES:</b>						
DEPRECIATION	0	-	-	0	0%	0
POSTAGE	22,641	-	24,352	(1,711)	108%	(3,597)
LICENSING FORMS	1,977	-	915	1,062	46%	898
<b>TOTAL DIRECT EXPENSES:</b>	<b>24,619</b>	<b>-</b>	<b>25,267</b>	<b>(648)</b>	<b>103%</b>	<b>(2,700)</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (3.83 FTE)	367,234	30,112	334,862	32,372	91%	1,769
BENEFITS EXPENSE	118,907	9,262	104,873	14,034	88%	4,125
OTHER INDIRECT EXPENSE	113,292	7,829	94,960	18,332	84%	8,891
<b>TOTAL INDIRECT EXPENSES:</b>	<b>599,433</b>	<b>47,203</b>	<b>534,695</b>	<b>64,739</b>	<b>89%</b>	<b>14,786</b>
<b>TOTAL ALL EXPENSES:</b>	<b>624,052</b>	<b>47,203</b>	<b>559,961</b>	<b>64,091</b>	<b>90%</b>	<b>12,086</b>
<b>NET INCOME (LOSS):</b>	<b>(212,549)</b>	<b>(7,493)</b>	<b>(139,095)</b>	<b>(73,454)</b>	<b>65%</b>	<b>55,742</b>

## Washington State Bar Association

Statement of Activities

For the Period from August 1, 2022 to August 31, 2022

**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LEGAL LUNCHBOX</b>						
<b>REVENUE:</b>						
SPONSORSHIPS	9,000	-	9,000	-	100%	750
MP3 SALES	8,000	-	7,056	944	88%	(277)
DIGITAL VIDEO SALES	25,000	980	28,959	(3,959)	116%	6,042
<b>TOTAL REVENUE:</b>	<b>42,000</b>	<b>980</b>	<b>45,015</b>	<b>(3,015)</b>	<b>107%</b>	<b>6,515</b>
<b>DIRECT EXPENSES:</b>						
SPEAKERS & DEVELOPMENT	100	-	-	100	0%	92
<b>TOTAL DIRECT EXPENSES:</b>	<b>100</b>	<b>-</b>	<b>-</b>	<b>100</b>	<b>0%</b>	<b>92</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.43 FTE)	26,359	2,315	20,992	5,367	80%	3,170
BENEFITS EXPENSE	9,207	801	9,032	174	98%	(593)
OTHER INDIRECT EXPENSE	12,571	862	10,445	2,126	83%	1,078
<b>TOTAL INDIRECT EXPENSES:</b>	<b>48,136</b>	<b>3,979</b>	<b>40,469</b>	<b>7,667</b>	<b>84%</b>	<b>3,656</b>
<b>TOTAL ALL EXPENSES:</b>	<b>48,236</b>	<b>3,979</b>	<b>40,469</b>	<b>7,767</b>	<b>84%</b>	<b>3,747</b>
<b>NET INCOME (LOSS):</b>	<b>(6,236)</b>	<b>(2,999)</b>	<b>4,546</b>	<b>(10,782)</b>	<b>-73%</b>	<b>10,262</b>

**Washington State Bar Association**  
Statement of Activities  
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**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LIMITED LICENSE LEGAL TECHNICIAN PROGRAM</b>						
<b>REVENUE:</b>						
LLLT LICENSE FEES	12,634	1,031	12,546	88	99%	965
LLLT LATE LICENSE FEES	1,000	-	99	901	10%	(818)
LLLT EXAM FEES	3,850	-	5,400	(1,550)	140%	1,871
<b>TOTAL REVENUE:</b>	<b>17,484</b>	<b>1,031</b>	<b>18,045</b>	<b>(561)</b>	<b>103%</b>	<b>2,018</b>
<b>DIRECT EXPENSES:</b>						
LLLT BOARD	15,449	213	4,952	10,498	32%	9,210
LLLT EXAM WRITING	4,500	-	9,000	(4,500)	200%	(4,875)
<b>TOTAL DIRECT EXPENSES:</b>	<b>19,949</b>	<b>213</b>	<b>13,952</b>	<b>5,998</b>	<b>70%</b>	<b>4,335</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.48 FTE)	38,082	3,570	40,487	(2,405)	106%	(5,579)
BENEFITS EXPENSE	13,219	1,116	12,543	676	95%	(426)
OTHER INDIRECT EXPENSE	12,286	975	11,826	460	96%	(564)
<b>TOTAL INDIRECT EXPENSES:</b>	<b>63,587</b>	<b>5,660</b>	<b>64,857</b>	<b>(1,270)</b>	<b>102%</b>	<b>(6,569)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>83,536</b>	<b>5,873</b>	<b>78,808</b>	<b>4,728</b>	<b>94%</b>	<b>(2,233)</b>
<b>NET INCOME (LOSS):</b>	<b>(66,052)</b>	<b>(4,842)</b>	<b>(60,763)</b>	<b>4,728</b>	<b>92%</b>	<b>(216)</b>

## Washington State Bar Association

Statement of Activities

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**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>LIMITED PRACTICE OFFICERS</b>						
<b>REVENUE:</b>						
INVESTIGATION FEES	400	-	300	100	75%	(67)
MEMBER LATE FEES	1,200	-	8,700	(7,500)	725%	7,600
LPO EXAMINATION FEES	33,850	(200)	30,950	2,900	91%	(79)
LPO LICENSE FEES	172,579	13,997	155,759	16,820	90%	(2,438)
LPO LATE LICENSE FEES	5,100	-	2,820	2,280	55%	(1,855)
LPO LICENSE FEES - REINSTATES	667	-	230	437	34%	(381)
<b>TOTAL REVENUE:</b>	<b>213,795</b>	<b>13,797</b>	<b>198,759</b>	<b>15,036</b>	<b>93%</b>	<b>2,780</b>
<b>DIRECT EXPENSES:</b>						
FACILITY, PARKING, FOOD	9,000	-	-	9,000	0%	8,250
EXAM WRITING	8,400	-	3,463	4,938	41%	4,238
ONLINE LEGAL RESEARCH	2,156	163	1,583	573	73%	394
LAW LIBRARY	4,701	282	3,086	1,615	66%	1,223
LPO BOARD	2,000	-	-	2,000	0%	1,833
LPO OUTREACH	3,333	-	-	3,333	0%	3,056
PRINTING & COPYING	100	-	123	(23)	123%	(32)
SUPPLIES	-	-	72	(72)		(72)
<b>TOTAL DIRECT EXPENSES:</b>	<b>29,690</b>	<b>445</b>	<b>8,326</b>	<b>21,364</b>	<b>28%</b>	<b>18,890</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.68 FTE)	49,492	4,555	54,878	(5,385)	111%	(9,510)
BENEFITS EXPENSE	17,559	1,549	17,392	167	99%	(1,296)
OTHER INDIRECT EXPENSE	17,747	1,491	18,088	(341)	102%	(1,819)
<b>TOTAL INDIRECT EXPENSES:</b>	<b>84,798</b>	<b>7,595</b>	<b>90,358</b>	<b>(5,559)</b>	<b>107%</b>	<b>(12,626)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>114,489</b>	<b>8,040</b>	<b>98,684</b>	<b>15,805</b>	<b>86%</b>	<b>6,264</b>
<b>NET INCOME (LOSS):</b>	<b>99,307</b>	<b>5,757</b>	<b>100,075</b>	<b>(769)</b>	<b>101%</b>	<b>9,044</b>

## Washington State Bar Association

Statement of Activities

For the Period from August 1, 2022 to August 31, 2022

**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>MANDATORY CONTINUING LEGAL EDUCATION</b>						
<b>REVENUE:</b>						
ACCREDITED PROGRAM FEES	566,556	52,000	565,100	1,456	100%	45,757
FORM 1 LATE FEES	220,000	14,050	209,100	10,900	95%	7,433
MEMBER LATE FEES	400,000	750	422,500	(22,500)	106%	55,833
ANNUAL ACCREDITED SPONSOR FEES	39,250	-	34,500	4,750	88%	(1,479)
ATTENDANCE LATE FEES	115,000	9,800	111,100	3,900	97%	5,683
COMITY CERTIFICATES	42,000	175	45,875	(3,875)	109%	7,375
<b>TOTAL REVENUE:</b>	<b>1,382,807</b>	<b>76,775</b>	<b>1,388,175</b>	<b>(5,369)</b>	<b>100%</b>	<b>120,602</b>
<b>DIRECT EXPENSES:</b>						
DEPRECIATION	22,747	1,679	22,774	(28)	100%	(1,923)
STAFF MEMBERSHIP DUES	500	-	500	-	100%	(42)
ONLINE LEGAL RESEARCH	2,114	163	1,583	531	75%	355
LAW LIBRARY	182	12	127	55	70%	40
MCLE BOARD	1,300	-	-	1,300	0%	1,192
STAFF TRAVEL/PARKING	50	-	-	50	0%	46
STAFF CONFERENCE & TRAINING	6,550	-	100	6,450	2%	5,904
<b>TOTAL DIRECT EXPENSES:</b>	<b>33,442</b>	<b>1,853</b>	<b>25,084</b>	<b>8,359</b>	<b>75%</b>	<b>5,572</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (4.88 FTE)	391,608	28,234	380,380	11,229	97%	(21,405)
BENEFITS EXPENSE	118,897	9,112	103,871	15,026	87%	5,117
OTHER INDIRECT EXPENSE	144,282	9,953	120,709	23,573	84%	11,550
<b>TOTAL INDIRECT EXPENSES:</b>	<b>654,787</b>	<b>47,299</b>	<b>604,960</b>	<b>49,827</b>	<b>92%</b>	<b>(4,738)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>688,230</b>	<b>49,152</b>	<b>630,044</b>	<b>58,186</b>	<b>92%</b>	<b>834</b>
<b>NET INCOME (LOSS):</b>	<b>694,577</b>	<b>27,623</b>	<b>758,131</b>	<b>(63,555)</b>	<b>109%</b>	<b>121,436</b>



## Washington State Bar Association

Statement of Activities

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**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>MINI CLE</b>						
INDIRECT EXPENSES:	59,743	5,235	47,463	12,280	79%	54,745
SALARY EXPENSE (0.91 FTE)	20,010	1,747	19,677	333	98%	(1,335)
BENEFITS EXPENSE	26,959	1,864	22,609	4,350	84%	2,103
OTHER INDIRECT EXPENSE						
<b>TOTAL INDIRECT EXPENSES:</b>	<b>106,712</b>	<b>8,846</b>	<b>89,749</b>	<b>16,963</b>	<b>84%</b>	<b>55,513</b>
<b>NET INCOME (LOSS):</b>	<b>(106,712)</b>	<b>(8,846)</b>	<b>(89,749)</b>	<b>(16,963)</b>	<b>84%</b>	<b>8,070</b>

**Washington State Bar Association**  
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**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>MEMBER SERVICES &amp; ENGAGEMENT</b>						
<b>REVENUE:</b>						
ROYALTIES	20,000	16,895	73,871	(53,871)	369%	55,538
<b>TOTAL REVENUE:</b>	<b>20,000</b>	<b>16,895</b>	<b>73,871</b>	<b>(53,871)</b>	<b>369%</b>	<b>55,538</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	1,000	-	206	794	21%	711
STAFF CONFERENCE & TRAINING	400	-	-	400	0%	367
SMALL TOWN AND RURAL COMMITTEE	2,000	-	-	2,000	0%	1,833
YLL SECTION PROGRAM	1,500	-	-	1,500	0%	1,375
WYLC CLE COMPS	-	-	159	(159)		(159)
WYLC OUTREACH EVENTS	1,500	-	891	609	59%	484
WYL COMMITTEE	7,500	709	748	6,752	10%	6,127
RECEPTION/FORUM EXPENSE	1,500	-	18	1,482	1%	1,357
WYLC SCHOLARSHIPS/DONATIONS/GRANT	5,000	-	-	5,000	0%	4,583
STAFF MEMBERSHIP DUES	850	-	649	201	76%	130
LENDING LIBRARY	2,000	363	1,702	298	85%	131
<b>TOTAL DIRECT EXPENSES:</b>	<b>23,250</b>	<b>1,072</b>	<b>4,372</b>	<b>18,878</b>	<b>19%</b>	<b>16,940</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (3.46 FTE)	235,010	19,583	213,977	21,033	91%	1,449
BENEFITS EXPENSE	79,024	5,899	67,475	11,549	85%	4,964
OTHER INDIRECT EXPENSE	102,285	7,054	85,568	16,718	84%	8,194
<b>TOTAL INDIRECT EXPENSES:</b>	<b>416,320</b>	<b>32,536</b>	<b>367,020</b>	<b>49,300</b>	<b>88%</b>	<b>14,606</b>
<b>TOTAL ALL EXPENSES:</b>	<b>439,570</b>	<b>33,608</b>	<b>371,392</b>	<b>68,177</b>	<b>84%</b>	<b>31,546</b>
<b>NET INCOME (LOSS):</b>	<b>(419,570)</b>	<b>(16,713)</b>	<b>(297,521)</b>	<b>(122,049)</b>	<b>71%</b>	<b>87,084</b>

## Washington State Bar Association

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**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>MEMBER SERVICES &amp; ENGAGEMENT (COMBINED)</b>						
<b>REVENUE:</b>						
ROYALTIES	20,000	16,895	73,871	(53,871)	369%	55,538
NMP PRODUCT SALES	60,000	1,074	39,370	20,630	66%	(15,630)
MP3 SALES	8,000	-	7,056	944	88%	(277)
DIGITAL VIDEO SALES	25,000	980	28,959	(3,959)	116%	6,042
SPONSORSHIPS	9,000	-	9,000	-	100%	750
SEMINAR REGISTRATIONS	16,500	-	-	16,500	0%	(15,125)
TRIAL ADVOCACY PROGRAM	15,000	-	-	15,000	0%	(13,750)
<b>TOTAL REVENUE:</b>	<b>153,500</b>	<b>18,949</b>	<b>158,256</b>	<b>(4,756)</b>	<b>103%</b>	<b>17,548</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	1,000	-	206	794	21%	711
STAFF CONFERENCE & TRAINING	400	-	-	400	0%	367
SMALL TOWN AND RURAL COMMITTEE	2,000	-	-	2,000	0%	1,833
YLL SECTION PROGRAM	1,500	-	-	1,500	0%	1,375
WYLC CLE COMPS	-	-	159	(159)		(159)
WYLC OUTREACH EVENTS	1,500	-	891	609	59%	484
SPEAKERS & PROGRAM DEVELOP	100	-	-	100	0%	92
WYL COMMITTEE	7,500	709	748	6,752	10%	6,127
TRIAL ADVOCACY EXPENSES	1,500	-	-	1,500	0%	1,375
RECEPTION/FORUM EXPENSE	1,500	-	18	1,482	1%	1,357
WYLC SCHOLARSHIPS/DONATIONS/GRANT	5,000	-	-	5,000	0%	4,583
STAFF MEMBERSHIP DUES	850	-	649	201	76%	130
LENDING LIBRARY	2,000	363	1,702	298	85%	131
NMP SPEAKERS & PROGRAM DEVELOPMENT	500	-	-	500	0%	458
<b>TOTAL DIRECT EXPENSES:</b>	<b>25,350</b>	<b>1,072</b>	<b>4,372</b>	<b>20,978</b>	<b>17%</b>	<b>18,865</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (5.57 FTE)	371,951	31,603	324,408	47,543	87%	16,547
BENEFITS EXPENSE	124,317	9,885	112,367	11,950	90%	1,590
OTHER INDIRECT EXPENSE	164,956	11,387	138,101	26,855	84%	13,109
<b>TOTAL INDIRECT EXPENSES:</b>	<b>661,224</b>	<b>52,875</b>	<b>574,876</b>	<b>86,348</b>	<b>87%</b>	<b>31,246</b>
<b>TOTAL ALL EXPENSES:</b>	<b>686,574</b>	<b>53,947</b>	<b>579,248</b>	<b>107,326</b>	<b>84%</b>	<b>50,111</b>
<b>NET INCOME (LOSS):</b>	<b>(533,074)</b>	<b>(34,998)</b>	<b>(420,992)</b>	<b>(112,082)</b>	<b>79%</b>	<b>67,659</b>

## Washington State Bar Association

Statement of Activities

For the Period from August 1, 2022 to August 31, 2022

**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>MEMBER WELLNESS PROGRAM</b>						
<b>REVENUE:</b>						
DIVERSIONS	7,292	750	8,250	(958)	113%	1,566
<b>TOTAL REVENUE:</b>	<b>7,292</b>	<b>750</b>	<b>8,250</b>	<b>(958)</b>	<b>113%</b>	<b>1,566</b>
<b>DIRECT EXPENSES:</b>						
STAFF MEMBERSHIP DUES	333	-	226	107	68%	80
PROF LIAB INSURANCE	4,467	-	825	3,642	18%	3,269
WSBA CONNECTS	8,777	-	8,110	667	92%	(65)
MEMBER WELLNESS COUNCIL	500	-	-	500	0%	458
STAFF CONFERENCE & TRAINING	165	-	165	-	100%	(14)
SUBSCRIPTIONS	300	100	1,000	(700)	333%	(725)
<b>TOTAL DIRECT EXPENSES:</b>	<b>14,542</b>	<b>100</b>	<b>10,326</b>	<b>4,216</b>	<b>71%</b>	<b>3,004</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.48 FTE)	109,506	6,707	79,027	30,479	72%	21,353
BENEFITS EXPENSE	47,287	4,040	45,364	1,922	96%	(2,018)
OTHER INDIRECT EXPENSE	37,399	3,011	36,523	876	98%	(2,241)
<b>TOTAL INDIRECT EXPENSES:</b>	<b>194,191</b>	<b>13,758</b>	<b>160,915</b>	<b>33,277</b>	<b>83%</b>	<b>17,094</b>
<b>TOTAL ALL EXPENSES:</b>	<b>208,733</b>	<b>13,858</b>	<b>171,241</b>	<b>37,492</b>	<b>82%</b>	<b>20,098</b>
<b>NET INCOME (LOSS):</b>	<b>(201,441)</b>	<b>(13,108)</b>	<b>(162,991)</b>	<b>(38,451)</b>	<b>81%</b>	<b>21,664</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from August 1, 2022 to August 31, 2022  
**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>NEW MEMBER EDUCATION</b>						
<b>REVENUE:</b>						
NMP PRODUCT SALES	60,000	1,074	39,370	20,630	66%	(15,630)
SEMINAR REGISTRATIONS	16,500	-	-	16,500	0%	(15,125)
TRIAL ADVOCACY PROGRAM	15,000	-	-	15,000	0%	(13,750)
<b>TOTAL REVENUE:</b>	<b>91,500</b>	<b>1,074</b>	<b>39,370</b>	<b>52,130</b>	<b>43%</b>	<b>(44,505)</b>
<b>DIRECT EXPENSES:</b>						
TRIAL ADVOCACY EXPENSES	1,500	-	-	1,500	0%	1,375
SPEAKERS & PROGRAM DEVELOPMENT	500	-	-	500	0%	458
<b>TOTAL DIRECT EXPENSES:</b>	<b>2,000</b>	<b>-</b>	<b>-</b>	<b>2,000</b>	<b>0%</b>	<b>1,833</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.78 FTE)	50,838	4,470	41,976	8,863	83%	4,626
BENEFITS EXPENSE	16,076	1,438	16,183	(106)	101%	(1,446)
OTHER INDIRECT EXPENSE	23,141	1,606	19,479	3,662	84%	1,734
<b>TOTAL INDIRECT EXPENSES:</b>	<b>90,056</b>	<b>7,514</b>	<b>77,637</b>	<b>12,419</b>	<b>86%</b>	<b>4,914</b>
<b>TOTAL ALL EXPENSES:</b>	<b>92,056</b>	<b>7,514</b>	<b>77,637</b>	<b>14,419</b>	<b>84%</b>	<b>6,747</b>
<b>NET INCOME (LOSS):</b>	<b>(556)</b>	<b>(6,440)</b>	<b>(38,267)</b>	<b>37,711</b>	<b>6883%</b>	<b>(37,758)</b>

## Washington State Bar Association

Statement of Activities

For the Period from August 1, 2022 to August 31, 2022

**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>OFFICE OF THE EXECUTIVE DIRECTOR</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
LEADERSHIP TRAINING	20,000	-	-	20,000	0%	18,333
WASHINGTON LEADERSHIP INSTITUTE	44,764	-	44,764	-	100%	(3,730)
ED TRAVEL & OUTREACH	5,601	273	1,271	4,330	23%	3,863
LAW LIBRARY	46	12	127	(81)	277%	(85)
STAFF TRAVEL/PARKING	1,351	50	586	766	43%	653
STAFF CONFERENCE & TRAINING	4,383	3,264	4,310	73	98%	(292)
STAFF MEMBERSHIP DUES	786	-	1,346	(560)	171%	(626)
SURVEY	-	-	331	(331)		(331)
<b>TOTAL DIRECT EXPENSES:</b>	<b>76,932</b>	<b>3,597</b>	<b>52,735</b>	<b>24,197</b>	<b>69%</b>	<b>17,786</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (2.00 FTE)	366,662	19,553	294,926	71,735	80%	41,180
BENEFITS EXPENSE	93,186	6,951	80,542	12,644	86%	4,879
OTHER INDIRECT EXPENSE	59,267	4,099	49,731	9,536	84%	4,597
<b>TOTAL INDIRECT EXPENSES:</b>	<b>519,115</b>	<b>30,603</b>	<b>425,199</b>	<b>93,916</b>	<b>82%</b>	<b>50,656</b>
<b>TOTAL ALL EXPENSES:</b>	<b>596,047</b>	<b>34,201</b>	<b>477,934</b>	<b>118,113</b>	<b>80%</b>	<b>68,442</b>
<b>NET INCOME (LOSS):</b>	<b>(596,047)</b>	<b>(34,201)</b>	<b>(477,934)</b>	<b>118,113</b>	<b>80%</b>	<b>68,442</b>

## Washington State Bar Association

Statement of Activities

For the Period from August 1, 2022 to August 31, 2022

**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>OFFICE OF GENERAL COUNSEL</b>						
<b>REVENUE:</b>						
RECORDS REQUEST FEES	3	-	1,126	(1,123)	35738%	1,123
<b>TOTAL REVENUE:</b>	<b>3</b>	<b>-</b>	<b>1,126</b>	<b>(1,123)</b>	<b>35738%</b>	<b>1,123</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	741	-	262	479	35%	417
STAFF MEMBERSHIP DUES	254	-	254	-	100%	(21)
ONLINE LEGAL RESEARCH	10,400	977	9,496	905	91%	38
LAW LIBRARY	2,731	23	1,855	876	68%	648
COURT RULES COMMITTEE	100	-	0	100	0%	92
CUSTODIANSHIPS	8,150	-	156	7,994	2%	7,315
LITIGATION EXPENSES	200	19	21	179	11%	162
STAFF CONFERENCE & TRAINING	5,495	1,592	1,687	3,808	31%	3,350
<b>TOTAL DIRECT EXPENSES:</b>	<b>28,071</b>	<b>2,611</b>	<b>13,731</b>	<b>14,341</b>	<b>49%</b>	<b>12,001</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (5.77 FTE)	601,897	50,175	560,841	41,056	93%	(9,102)
BENEFITS EXPENSE	175,968	14,717	163,210	12,758	93%	(1,906)
OTHER INDIRECT EXPENSE	173,376	12,446	150,961	22,414	87%	7,966
<b>TOTAL INDIRECT EXPENSES:</b>	<b>951,241</b>	<b>77,338</b>	<b>875,013</b>	<b>76,229</b>	<b>92%</b>	<b>(3,042)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>979,313</b>	<b>79,949</b>	<b>888,743</b>	<b>90,569</b>	<b>91%</b>	<b>8,960</b>
<b>NET INCOME (LOSS):</b>	<b>(979,310)</b>	<b>(79,949)</b>	<b>(887,618)</b>	<b>(91,692)</b>	<b>91%</b>	<b>10,083</b>

## Washington State Bar Association

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**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>PRACTICE OF LAW BOARD</b>						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
PRACTICE OF LAW BOARD	12,000	-	-	12,000	0%	11,000
<b>TOTAL DIRECT EXPENSES:</b>	<b>12,000</b>	<b>-</b>	<b>-</b>	<b>12,000</b>	<b>0%</b>	<b>11,000</b>
INDIRECT EXPENSES:						
SALARY EXPENSE (0.40 FTE)	43,409	3,557	41,778	1,631	96%	(1,986)
BENEFITS EXPENSE	11,371	1,012	10,867	504	96%	(443)
OTHER INDIRECT EXPENSE	12,482	975	11,826	656	95%	(385)
<b>TOTAL INDIRECT EXPENSES:</b>	<b>67,261</b>	<b>5,543</b>	<b>64,471</b>	<b>2,791</b>	<b>96%</b>	<b>(2,815)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>79,261</b>	<b>5,543</b>	<b>64,471</b>	<b>14,791</b>	<b>81%</b>	<b>8,185</b>
<b>NET INCOME (LOSS):</b>	<b>(79,261)</b>	<b>(5,543)</b>	<b>(64,471)</b>	<b>(14,791)</b>	<b>81%</b>	<b>8,185</b>



## Washington State Bar Association

Statement of Activities

For the Period from August 1, 2022 to August 31, 2022

**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSE:</b>						
STAFF MEMBERSHIP DUES	100	-	-	100	0%	92
LAW LIBRARY	912	70	766	146	84%	70
DISCIPLINARY BOARD EXPENSES	4,118	-	1	4,117	0%	3,774
CHIEF HEARING OFFICER	33,000	2,500	27,500	5,500	83%	2,750
COURT REPORTERS	-	-	572	(572)		(572)
HEARING OFFICER EXPENSES	33,814	-	1,203	32,611	4%	29,793
HEARING OFFICER TRAINING	647	-	-	647	0%	593
OUTSIDE COUNSEL	55,000	4,000	44,000	11,000	80%	6,417
STAFF CONFERENCE & TRAINING	1,000	-	-	1,000	0%	917
<b>TOTAL DIRECT EXPENSES:</b>	<b>128,591</b>	<b>6,570</b>	<b>74,042</b>	<b>54,549</b>	<b>58%</b>	<b>43,833</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.30 FTE)	108,311	10,139	99,675	8,635	92%	(391)
BENEFITS EXPENSE	33,105	2,466	28,000	5,105	85%	2,346
OTHER INDIRECT EXPENSE	38,530	2,667	32,349	6,181	84%	2,970
<b>TOTAL INDIRECT EXPENSES:</b>	<b>179,945</b>	<b>15,271</b>	<b>160,024</b>	<b>19,921</b>	<b>89%</b>	<b>4,925</b>
<b>TOTAL ALL EXPENSES:</b>	<b>308,536</b>	<b>21,841</b>	<b>234,066</b>	<b>74,470</b>	<b>76%</b>	<b>48,759</b>
<b>NET INCOME (LOSS):</b>	<b>(308,536)</b>	<b>(21,841)</b>	<b>(234,066)</b>	<b>(74,470)</b>	<b>76%</b>	<b>48,759</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from August 1, 2022 to August 31, 2022  
**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>PRACTICE MANAGEMENT ASSISTANCE</b>						
<b>REVENUE:</b>						
ROYALTIES	40,226	-	226	40,000	1%	(36,648)
<b>TOTAL REVENUE:</b>	<b>40,226</b>	<b>-</b>	<b>226</b>	<b>40,000</b>	<b>1%</b>	<b>(36,648)</b>
<b>DIRECT EXPENSE:</b>						
STAFF MEMBERSHIP DUES	167	-	-	167	0%	153
SUBSCRIPTIONS	233	-	132	101	57%	81
CASEMAKER/FASTCASE	80,000	-	72,356	7,645	90%	978
<b>TOTAL DIRECT EXPENSES:</b>	<b>80,400</b>	<b>-</b>	<b>72,488</b>	<b>7,912</b>	<b>90%</b>	<b>1,212</b>
<b>INDIRECT EXPENSES:</b>						
<b>TOTAL INDIRECT EXPENSES:</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>
<b>TOTAL ALL EXPENSES:</b>	<b>80,400</b>	<b>-</b>	<b>72,488</b>	<b>7,912</b>	<b>90%</b>	<b>1,212</b>
<b>NET INCOME (LOSS):</b>	<b>(40,174)</b>	<b>-</b>	<b>(72,262)</b>	<b>32,088</b>	<b>180%</b>	<b>(35,436)</b>

## Washington State Bar Association

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**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>PROFESSIONAL RESPONSIBILITY PROGRAM</b>						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	2,333	24	211	2,122	9%	1,928
STAFF MEMBERSHIP DUES	161	-	-	161	0%	147
LAW LIBRARY	610	47	512	97	84%	47
CPE COMMITTEE	3,723	-	-	3,723	0%	3,413
<b>TOTAL DIRECT EXPENSES:</b>	<b>6,827</b>	<b>70</b>	<b>724</b>	<b>6,104</b>	<b>11%</b>	<b>5,535</b>
INDIRECT EXPENSES:						
SALARY EXPENSE (1.41 FTE)	171,604	10,299	145,522	26,082	85%	11,782
BENEFITS EXPENSE	58,822	4,662	52,491	6,331	89%	1,429
OTHER INDIRECT EXPENSE	43,211	3,267	39,644	3,568	92%	(33)
<b>TOTAL INDIRECT EXPENSES:</b>	<b>273,637</b>	<b>18,228</b>	<b>237,657</b>	<b>35,980</b>	<b>87%</b>	<b>13,177</b>
<b>TOTAL ALL EXPENSES:</b>	<b>280,465</b>	<b>18,298</b>	<b>238,381</b>	<b>42,084</b>	<b>85%</b>	<b>18,712</b>
<b>NET INCOME (LOSS):</b>	<b>(280,465)</b>	<b>(18,298)</b>	<b>(238,381)</b>	<b>(42,084)</b>	<b>85%</b>	<b>18,712</b>

## Washington State Bar Association

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**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>PUBLIC SERVICE PROGRAMS</b>						
<b>REVENUE:</b>						
DONATIONS & GRANTS	130,000	-	130,000	-	100%	10,833
<b>TOTAL REVENUE:</b>	<b>130,000</b>	<b>-</b>	<b>130,000</b>	<b>-</b>	<b>100%</b>	<b>10,833</b>
<b>DIRECT EXPENSES:</b>						
DONATIONS/SPONSORSHIPS/GRANTS	250,280	-	153,727	96,553	61%	75,696
STAFF TRAVEL/PARKING	2,700	-	188	2,512	7%	2,287
SURVEYS	100	-	-	100	0%	92
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000	126	126	1,874	6%	1,707
STAFF CONFERENCE & TRAINING	1,200	-	-	1,200	0%	1,100
PRO BONO CERTIFICATES	2,000	-	1,655	345	83%	178
<b>TOTAL DIRECT EXPENSES:</b>	<b>258,280</b>	<b>126</b>	<b>155,696</b>	<b>102,584</b>	<b>60%</b>	<b>81,060</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (1.30 FTE)	73,591	6,637	73,012	579	99%	(5,554)
BENEFITS EXPENSE	28,645	2,546	28,670	(25)	100%	(2,412)
OTHER INDIRECT EXPENSE	35,839	2,667	32,349	3,490	90%	503
<b>TOTAL INDIRECT EXPENSES:</b>	<b>138,075</b>	<b>11,850</b>	<b>134,031</b>	<b>4,044</b>	<b>97%</b>	<b>(7,463)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>396,355</b>	<b>11,976</b>	<b>289,727</b>	<b>106,627</b>	<b>73%</b>	<b>73,598</b>
<b>NET INCOME (LOSS):</b>	<b>(266,355)</b>	<b>(11,976)</b>	<b>(159,727)</b>	<b>(106,627)</b>	<b>60%</b>	<b>84,431</b>

**Washington State Bar Association**

Statement of Activities

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**92% OF YEAR COMPLETE**

	<b>FISCAL 2022 REFORECAST</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF REFORECAST</b>	<b>YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)</b>
<b>PUBLICATION &amp; DESIGN SERVICES</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>		<u>-</u>
<b>DIRECT EXPENSES:</b>						
SUBSCRIPTIONS	200	-	100	100	50%	84
IMAGE LIBRARY	4,100	-	4,100	-	100%	(342)
<b>TOTAL DIRECT EXPENSES:</b>	<u>4,300</u>	<u>-</u>	<u>4,200</u>	<u>100</u>	<u>98%</u>	<u>(258)</u>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (0.89 FTE)	64,048	5,684	58,256	5,792	91%	455
BENEFITS EXPENSE	18,693	1,464	16,694	1,999	89%	441
OTHER INDIRECT EXPENSE	26,300	1,807	21,914	4,386	83%	2,195
<b>TOTAL INDIRECT EXPENSES:</b>	<u>109,040</u>	<u>8,955</u>	<u>96,863</u>	<u>12,177</u>	<u>89%</u>	<u>3,091</u>
<b>TOTAL ALL EXPENSES:</b>	<u>113,340</u>	<u>8,955</u>	<u>101,063</u>	<u>12,278</u>	<u>89%</u>	<u>2,833</u>
<b>NET INCOME (LOSS):</b>	<u>(113,340)</u>	<u>(8,955)</u>	<u>(101,063)</u>	<u>(12,278)</u>	<u>89%</u>	<u>2,833</u>

## Washington State Bar Association

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**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>REGULATORY SERVICES FTE</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
STAFF CONFERENCE & TRAINING	7,500	-	-	7,500	0%	6,875
<b>TOTAL DIRECT EXPENSES:</b>	<b>7,500</b>	<b>-</b>	<b>-</b>	<b>7,500</b>	<b>0%</b>	<b>6,875</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (2.78 FTE)	327,849	26,451	292,623	35,226	89%	7,905
BENEFITS EXPENSE	100,227	7,920	88,701	11,525	89%	3,173
OTHER INDIRECT EXPENSE	80,392	5,678	68,872	11,520	86%	4,821
<b>TOTAL INDIRECT EXPENSES:</b>	<b>508,467</b>	<b>40,050</b>	<b>450,196</b>	<b>58,271</b>	<b>89%</b>	<b>15,899</b>
<b>TOTAL ALL EXPENSES:</b>	<b>515,967</b>	<b>40,050</b>	<b>450,196</b>	<b>65,771</b>	<b>87%</b>	<b>22,774</b>
<b>NET INCOME (LOSS):</b>	<b>(515,967)</b>	<b>(40,050)</b>	<b>(450,196)</b>	<b>(65,771)</b>	<b>87%</b>	<b>22,774</b>

## Washington State Bar Association

Statement of Activities

For the Period from August 1, 2022 to August 31, 2022

**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>SERVICE CENTER</b>						
<b>REVENUE:</b>						
	_____	_____	_____	_____	_____	_____
<b>TOTAL REVENUE:</b>	-	-	-	-	-	-
<b>DIRECT EXPENSES:</b>						
	_____	_____	_____	_____	_____	_____
TRANSLATION SERVICES	8,500	367	6,383	2,117	75%	1,408
STAFF CONFERENCE & TRAINING	2,100	-	36	2,064	2%	1,889
<b>TOTAL DIRECT EXPENSES:</b>	<b>10,600</b>	<b>367</b>	<b>6,419</b>	<b>4,181</b>	<b>61%</b>	<b>3,298</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (5.71 FTE)	357,171	31,073	329,014	28,157	92%	(1,607)
BENEFITS EXPENSE	135,691	10,408	118,732	16,960	88%	5,652
OTHER INDIRECT EXPENSE	169,061	11,671	141,570	27,491	84%	13,403
<b>TOTAL INDIRECT EXPENSES:</b>	<b>661,923</b>	<b>53,152</b>	<b>589,315</b>	<b>72,608</b>	<b>89%</b>	<b>17,448</b>
<b>TOTAL ALL EXPENSES:</b>	<b>672,523</b>	<b>53,520</b>	<b>595,734</b>	<b>76,789</b>	<b>89%</b>	<b>20,745</b>
<b>NET INCOME (LOSS):</b>	<b>(672,523)</b>	<b>(53,520)</b>	<b>(595,734)</b>	<b>(76,789)</b>	<b>89%</b>	<b>20,745</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from August 1, 2022 to August 31, 2022  
**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>SECTIONS ADMINISTRATION</b>						
<b>REVENUE:</b>						
REIMBURSEMENTS FROM SECTIONS	284,000	750	363,575	(79,575)	128%	103,241
<b>TOTAL REVENUE:</b>	<b>284,000</b>	<b>750</b>	<b>363,575</b>	<b>(79,575)</b>	<b>128%</b>	<b>103,241</b>
<b>DIRECT EXPENSES:</b>						
STAFF TRAVEL/PARKING	1,000	-	209	791	21%	707
SUBSCRIPTIONS	350	-	331	19	95%	(10)
SECTION/COMMITTEE CHAIR MTGS	500	-	-	500	0%	458
DUES STATEMENTS	4,593	-	4,593	-	100%	(383)
STAFF CONFERENCE & TRAINING	200	-	-	200	0%	183
STAFF MEMBERSHIP DUES	250	-	-	250	0%	229
<b>TOTAL DIRECT EXPENSES:</b>	<b>6,893</b>	<b>-</b>	<b>5,133</b>	<b>1,760</b>	<b>74%</b>	<b>1,186</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (2.58 FTE)	145,181	10,087	128,163	17,018	88%	4,920
BENEFITS EXPENSE	60,412	4,516	51,685	8,727	86%	3,693
OTHER INDIRECT EXPENSE	76,400	5,276	64,002	12,398	84%	6,032
<b>TOTAL INDIRECT EXPENSES:</b>	<b>281,993</b>	<b>19,880</b>	<b>243,849</b>	<b>38,144</b>	<b>86%</b>	<b>14,644</b>
<b>TOTAL ALL EXPENSES:</b>	<b>288,886</b>	<b>19,880</b>	<b>248,982</b>	<b>39,904</b>	<b>86%</b>	<b>15,830</b>
<b>NET INCOME (LOSS):</b>	<b>(4,886)</b>	<b>(19,130)</b>	<b>114,592</b>	<b>(119,478)</b>	<b>-2345%</b>	<b>119,071</b>



**Washington State Bar Association**  
Statement of Activities  
For the Period from August 1, 2022 to August 31, 2022  
**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>SECTIONS OPERATIONS</b>						
<b>REVENUE:</b>						
SECTION DUES	439,178	1,210	552,556	(113,378)	126%	149,976
SEMINAR PROFIT SHARE	147,494	-	162,000	(14,506)	110%	26,797
INTEREST INCOME	910	-	-	910	0%	(834)
PUBLICATIONS REVENUE	4,000	1,067	1,923	2,077	48%	(1,744)
OTHER	46,070	3,230	34,046	12,024	74%	(8,185)
CLE SECTION SPLITS PROJECTIONS	-	-	(101,660)	101,660		(101,660)
<b>TOTAL REVENUE:</b>	<b>637,652</b>	<b>5,507</b>	<b>648,864</b>	<b>(11,212)</b>	<b>102%</b>	<b>64,349</b>
<b>DIRECT EXPENSES:</b>						
DIRECT EXPENSES OF SECTION ACTIVITIES	612,229	9,429	142,290	469,939	23%	418,920
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	287,423	750	363,575	(76,152)	126%	(100,104)
<b>TOTAL DIRECT EXPENSES:</b>	<b>899,652</b>	<b>10,179</b>	<b>505,865</b>	<b>393,787</b>	<b>56%</b>	<b>318,816</b>
<b>NET INCOME (LOSS):</b>	<b>(262,000)</b>	<b>(4,672)</b>	<b>142,999</b>	<b>(404,999)</b>	<b>-55%</b>	<b>383,165</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from August 1, 2022 to August 31, 2022  
**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>TECHNOLOGY</b>						
<b>REVENUE:</b>						
<b>TOTAL REVENUE:</b>	-	-	-	-		-
<b>DIRECT EXPENSES:</b>						
CONSULTING SERVICES	110,000	7,738	53,413	56,587	49%	47,420
STAFF TRAVEL/PARKING	2,000	-	2,021	(21)	101%	(188)
STAFF MEMBERSHIP DUES	450	-	-	450	0%	413
TELEPHONE	85,000	11,070	74,458	10,542	88%	3,459
COMPUTER HARDWARE	65,000	3,029	51,290	13,710	79%	8,294
COMPUTER SOFTWARE	200,000	5,193	178,788	21,212	89%	4,545
HARDWARE SERVICE & WARRANTIES	55,000	-	45,352	9,648	82%	5,065
SOFTWARE MAINTENANCE & LICENSING	380,000	8,773	371,425	8,575	98%	(23,092)
COMPUTER SUPPLIES	5,000	-	3,103	1,897	62%	1,481
THIRD PARTY SERVICES	30,000	1,586	18,984	11,016	63%	8,516
STAFF CONFERENCE & TRAINING	10,000	-	-	10,000	0%	9,167
TRANSFER TO INDIRECT EXPENSES	(942,450)	(37,388)	(798,833)	(143,617)	85%	(65,079)
<b>TOTAL DIRECT EXPENSES:</b>	-	-	-	-		-
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (13.00 FTE)	1,428,681	119,325	1,160,359	268,323	81%	149,266
BENEFITS EXPENSE	386,935	30,706	347,141	39,794	90%	7,549
CAPITAL LABOR & OVERHEAD	(285,000)	(46,105)	(227,861)	(57,139)	80%	33,389
OTHER INDIRECT EXPENSE	355,776	26,554	322,097	33,679	91%	4,031
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,886,393</b>	<b>130,481</b>	<b>1,601,736</b>	<b>284,657</b>	<b>85%</b>	<b>194,235</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,886,393</b>	<b>130,481</b>	<b>1,601,736</b>	<b>284,657</b>	<b>85%</b>	<b>194,235</b>
<b>NET INCOME (LOSS):</b>	<b>(1,886,393)</b>	<b>(130,481)</b>	<b>(1,601,736)</b>	<b>(284,657)</b>	<b>85%</b>	<b>127,457</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from August 1, 2022 to August 31, 2022  
**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>VOLUNTEER ENGAGEMENT</b>						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
VOLUNTEER SUPPORT	43,500	-	-	43,500	0%	39,875
STAFF MEMBERSHIP DUES	350	-	856	(506)	244%	(535)
STAFF CONFERENCE & TRAINING	2,500	-	1,090	1,410	44%	1,202
ABA DELEGATES	4,800	5,710	5,710	(910)	119%	(1,310)
<b>TOTAL DIRECT EXPENSES:</b>	<b>51,150</b>	<b>5,710</b>	<b>7,655</b>	<b>43,495</b>	<b>15%</b>	<b>39,232</b>
INDIRECT EXPENSES:						
SALARY EXPENSE (0.60 FTE)	57,186	4,733	52,188	4,998	91%	232
BENEFITS EXPENSE	18,937	1,509	17,039	1,898	90%	320
OTHER INDIRECT EXPENSE	17,675	1,206	14,619	3,057	83%	1,584
<b>TOTAL INDIRECT EXPENSES:</b>	<b>93,798</b>	<b>7,448</b>	<b>83,846</b>	<b>9,952</b>	<b>89%</b>	<b>2,135</b>
<b>TOTAL ALL EXPENSES:</b>	<b>144,948</b>	<b>13,158</b>	<b>91,502</b>	<b>53,447</b>	<b>63%</b>	<b>2,135</b>
<b>NET INCOME (LOSS):</b>	<b>(144,948)</b>	<b>(13,158)</b>	<b>(91,502)</b>	<b>(53,447)</b>	<b>63%</b>	<b>41,368</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from August 1, 2022 to August 31, 2022  
**92% OF YEAR COMPLETE**

	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>INDIRECT EXPENSES:</b>						
SALARIES	12,186,114	998,545	10,981,480	1,204,634	90%	189,124
TEMPORARY SALARIES	387,465	31,223	342,211	45,254	88%	12,965
CAPITAL LABOR & OVERHEAD	(285,000)	(46,105)	(227,861)	(57,139)	80%	33,389
EMPLOYEE ASSISTANCE PLAN	4,800	800	4,800	-	100%	(400)
EMPLOYEE SERVICE AWARDS	1,840	140	1,085	755	59%	602
FICA (EMPLOYER PORTION)	805,818	76,709	840,447	(34,630)	104%	(101,781)
L&I INSURANCE	49,414	-	52,101	(2,686)	105%	(6,804)
WA STATE FAMILY MEDICAL LEAVE (EMPLOYER PORTION)	17,337	1,626	17,139	199	99%	(1,246)
MEDICAL (EMPLOYER PORTION)	1,603,294	124,860	1,397,301	205,993	87%	72,385
RETIREMENT (EMPLOYER PORTION)	1,233,481	101,318	1,099,824	133,657	89%	30,867
TRANSPORTATION ALLOWANCE	47,733	3,129	44,093	3,640	92%	(337)
UNEMPLOYMENT INSURANCE	70,000	5,356	70,491	(491)	101%	(6,325)
<b>TOTAL SALARY &amp; BENEFITS EXPENSE:</b>	<b>16,122,296</b>	<b>1,297,601</b>	<b>14,623,111</b>	<b>1,499,185</b>	<b>91%</b>	<b>222,438</b>
WORKPLACE BENEFITS	45,000	14,593	29,457	15,543	65%	11,793
HUMAN RESOURCES POOLED EXP	99,058	4,273	69,558	29,499	70%	21,245
MEETING SUPPORT EXPENSES	5,000	729	4,840	160	97%	(257)
RENT	2,029,301	158,055	1,847,905	181,396	91%	12,288
PERSONAL PROP TAXES-WSBA	6,466	472	5,359	1,107	83%	568
FURNITURE, MAINT, LH IMP	16,719	862	18,902	(2,184)	113%	(3,577)
OFFICE SUPPLIES & EQUIPMENT	12,741	964	15,539	(2,799)	122%	(3,860)
FURN & OFFICE EQUIP DEPRECIATION	43,009	5,137	48,623	(5,614)	113%	(9,198)
COMPUTER HARDWARE DEPRECIATION	24,114	3,936	32,318	(8,204)	134%	(10,213)
COMPUTER SOFTWARE DEPRECIATION	80,904	8,304	91,632	(10,728)	113%	(17,470)
INSURANCE	238,839	22,025	232,688	6,151	97%	(13,752)
WORK HOME FURNITURE & EQUIP	62,658	2,967	27,338	35,320	44%	30,098
PROFESSIONAL FEES-AUDIT	40,000	-	33,000	7,000	83%	3,667
PROFESSIONAL FEES-LEGAL	250,000	19,726	120,830	129,170	48%	108,337
TELEPHONE & INTERNET	21,600	2,020	11,317	10,283	52%	8,483
POSTAGE - GENERAL	24,000	594	15,230	8,770	63%	6,770
RECORDS STORAGE	30,000	1,957	23,966	6,033	80%	3,533
BANK FEES	48,000	2,783	43,550	4,450	91%	450
PRODUCTION MAINTENANCE & SUPPLIES	16,692	(23)	7,484	9,208	45%	7,817
COMPUTER POOLED EXPENSES	942,450	37,388	798,833	143,617	85%	65,080
<b>TOTAL OTHER INDIRECT EXPENSES:</b>	<b>4,036,551</b>	<b>286,763</b>	<b>3,478,372</b>	<b>558,179</b>	<b>86%</b>	<b>221,800</b>
<b>TOTAL INDIRECT EXPENSES:</b>	<b>20,158,848</b>	<b>1,584,364</b>	<b>18,101,483</b>	<b>2,057,365</b>	<b>90%</b>	<b>377,461</b>

## Washington State Bar Association

Statement of Activities

For the Period from August 1, 2022 to August 31, 2022

**92% OF YEAR COMPLETE**

SUMMARY PAGE	FISCAL 2022 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
ACCESS TO JUSTICE	(201,369)	(13,925)	(158,217)	(43,152)
ADMINISTRATION	(1,028,371)	(54,740)	(869,205)	(159,165)
ADMISSIONS/BAR EXAM	19,267	(143,065)	79,986	(60,719)
ADVANCEMENT FTE	(346,495)	(29,047)	(313,766)	(32,729)
BAR NEWS	(84,322)	(8,902)	(12,252)	(72,071)
BOARD OF GOVERNORS	(510,064)	(27,906)	(401,473)	(108,591)
CLE - PRODUCTS	1,041,058	73,559	1,077,713	(36,655)
CLE - SEMINARS	(268,958)	(58,547)	(316,612)	47,654
CLIENT PROTECTION FUND	157,238	(680)	516,901	(359,663)
CHARACTER & FITNESS BOARD	(68,720)	(3,426)	(18,489)	(50,231)
COMMUNICATIONS	(722,688)	(65,983)	(603,995)	(118,693)
COMMUNICATIONS FTE	(225,526)	(18,555)	(202,897)	(22,629)
DESKBOOKS	(115,525)	(11,336)	(123,594)	8,069
DISCIPLINE	(5,757,549)	(446,319)	(5,124,083)	(633,466)
DIVERSITY	(297,420)	(19,463)	(149,297)	(148,123)
EJD FTE	(191,583)	(17,132)	(191,774)	191
FOUNDATION	(132,430)	(10,389)	(113,910)	(18,520)
HUMAN RESOURCES	(459,945)	(48,969)	(430,745)	(29,200)
LAW CLERK PROGRAM	90,828	(7,949)	87,701	3,127
LEGISLATIVE	(253,110)	(19,429)	(211,993)	(41,118)
LEGAL LUNCHBOX	(6,236)	(2,999)	4,546	(10,782)
LICENSE FEES	16,512,089	1,386,497	15,452,486	1,059,603
LICENSING AND MEMBERSHIP	(212,549)	(7,493)	(139,095)	(73,454)
LIMITED LICENSE LEGAL TECHNICIAN	(66,052)	(4,842)	(60,763)	(5,289)
LIMITED PRACTICE OFFICERS	99,307	5,757	100,075	(769)
MANDATORY CLE ADMINISTRATION	694,577	27,623	758,131	(63,555)
MEMBER WELLNESS PROGRAM	(201,441)	(11,028)	(160,911)	(40,531)
MINI CLE	(106,712)	(8,846)	(89,749)	(16,963)
MEMBER SERVICES & ENGAGEMENT	(419,570)	(16,713)	(297,521)	(122,049)
NEW MEMBER EDUCATION	(556)	(6,440)	(38,267)	37,711
OFFICE OF GENERAL COUNSEL	(979,310)	(79,949)	(887,618)	(91,692)
OFFICE OF THE EXECUTIVE DIRECTOR	(596,047)	(34,201)	(477,934)	(118,113)
OGC-DISCIPLINARY BOARD	(308,536)	(21,841)	(234,066)	(74,470)
PRACTICE OF LAW BOARD	(79,261)	(5,543)	(64,471)	(14,791)
PRACTICE MANAGEMENT ASSISTANCE	(40,174)	-	(72,262)	32,088
PROFESSIONAL RESPONSIBILITY PROGRAM	(280,465)	(18,298)	(238,381)	(42,084)
PUBLIC SERVICE PROGRAMS	(266,355)	(11,976)	(159,727)	(106,627)
PUBLICATION & DESIGN SERVICES	(113,340)	(8,955)	(101,063)	(12,278)
REGULATORY SERVICES FTE	(515,967)	(40,050)	(450,196)	(65,771)
SECTIONS ADMINISTRATION	(4,886)	(19,130)	114,592	(119,478)
SECTIONS OPERATIONS	(262,000)	(4,672)	142,999	(404,999)
SERVICE CENTER	(672,523)	(53,520)	(595,734)	(76,789)
TECHNOLOGY	(1,886,393)	(130,481)	(1,601,736)	(284,657)
VOLUNTEER EDUCATION	(144,948)	(13,158)	(91,502)	(53,447)
INDIRECT EXPENSES	20,158,848	1,584,364	18,101,483	2,057,365
<b>TOTAL OF ALL</b>	<b>(20,945,815)</b>	<b>(1,571,901)</b>	<b>(21,433,316)</b>	<b>487,501</b>
<b>NET INCOME (LOSS)</b>	<b>786,968</b>	<b>(12,463)</b>	<b>3,331,834</b>	<b>(2,544,866)</b>

**Washington State Bar Association  
Analysis of Cash Investments  
As of August 31, 2022**

**Checking & Savings Accounts**

**General Fund**

**Checking**

<b><u>Bank</u></b>	<b><u>Account</u></b>	<b><u>Amount</u></b>
Wells Fargo	General	\$ 928,422

Total

<b><u>Investments</u></b>	<b><u>Rate</u></b>	<b><u>Amount</u></b>
Wells Fargo Money Market	0.19%	\$ 9,734,044
UBS Financial Money Market	0.12%	\$ 1,083,854
Morgan Stanley Money Market	0.18%	\$ 3,370,869
Merrill Lynch Money Market	0.16%	\$ 1,989,879
CDs/Treasuries	see list	\$ 995,099

**General Fund Total \$ 18,102,167**

**Client Protection Fund**

**Checking**

<b><u>Bank</u></b>	<b><u>Amount</u></b>
Wells Fargo	\$ 375,350

<b><u>Investments</u></b>	<b><u>Rate</u></b>	<b><u>Amount</u></b>
Wells Fargo Money Market	0.15%	\$ 4,423,856
Morgan Stanley Money Market	0.16%	\$ 107,299

**Client Protection Fund Total \$ 4,906,505**

**Grand Total Cash & Investments \$ 23,008,672**

**Washington State Bar Association  
Analysis of Cash Investments  
As of August 31, 2022**

**Investments as of 8/31/2022**

**General Fund**

<u>Bank</u>	<u>Yield</u>	<u>Term</u>	<u>Trade Date</u>	<u>Settle Date</u>	<u>Maturity Date</u>	<u>Amount</u>
US Treasury Bill	2.30%	3m	7/28/2022	7/29/2022	11/3/2022	248,481.01
US Treasury Bill	2.75%	6m	7/28/2022	7/28/2022	2/3/2023	246,617.83
Beal Bank USA CD	2.80%	9m	7/28/2022	8/10/2022	5/10/2023	250,000.00
State Bank of India NY CD	3.10%	1y	7/28/2022	8/8/2022	8/8/2023	250,000.00

**Total                    995,098.84**